

VILLAGE OF ORLAND PARK

14700 Ravinia Avenue
Orland Park, IL 60462
www.orlandpark.org



Meeting Minutes

Tuesday, September 7, 2021

7:00 PM

Village Hall

Board of Trustees

*Village President Keith Pekau
Village Clerk Patrick R. O'Sullivan
Trustees, William R. Healy, Cynthia Nelson Katsenes, Michael R. Milani,
Sean Kampas, Brian Riordan and Joni Radaszewski*

CALL TO ORDER/ROLL CALL

The meeting was called to order at 7:24 P.M.

Present: 7 - Trustee Healy, Trustee Nelson Katsenes, Trustee Milani, Trustee Kampas, Trustee Riordan, Trustee Radaszewski and Village President Pekau

VILLAGE CLERK'S OFFICE**2021-0621 Approval of the August 16, 2021, Regular Meeting Minutes**

The Minutes of the Regular Meeting of August 16, 2021, were previously distributed to the members of the Board of Trustees. President Pekau asked if there were any corrections or additions to be made to said Minutes. There being no corrections or additions,

I move to approve the minutes of the Board of Trustees Meeting of August 16, 2021.

A motion was made by Trustee Nelson Katsenes, seconded by Trustee Milani, that this matter be APPROVED. The motion carried by the following vote:

Aye: 7 - Trustee Healy, Trustee Nelson Katsenes, Trustee Milani, Trustee Kampas, Trustee Riordan, Trustee Radaszewski, and Village President Pekau

Nay: 0

PROCLAMATIONS/APPOINTMENTS/PRESENTATIONS**2021-0626 Recreation Advisory Board - Appointment**

President Pekau appointed Jamie Makuch to the Recreation Advisory Board (RAB). Ms. Makuch will fill a vacant spot on the RAB.

I move to advice and consent to the appointment of Jamie Makuch to the Recreation Advisory Board.

A motion was made by Trustee Milani, seconded by Trustee Riordan, that this matter be APPROVED. The motion carried by the following vote:

Aye: 7 - Trustee Healy, Trustee Nelson Katsenes, Trustee Milani, Trustee Kampas, Trustee Riordan, Trustee Radaszewski, and Village President Pekau

Nay: 0

ACCOUNTS PAYABLE**2021-0648 Accounts Payable - Approval**

The lists of Accounts Payable having been submitted to the Board of Trustees for approval and the lists having been determined by the Board of Trustees to be in

order and having been approved by the various Department Heads,

I move to approve the Accounts Payable from August 17, 2021 through September 6, 2021 in the amount of \$2,643,463.87.

A motion was made by Trustee Healy, seconded by Trustee Riordan, that this matter be APPROVED. The motion carried by the following vote:

Aye: 7 - Trustee Healy, Trustee Nelson Katsenes, Trustee Milani, Trustee Kampas, Trustee Riordan, Trustee Radaszewski, and Village President Pekau

Nay: 0

CONSENT AGENDA

President Pekau requested that Item G. 167th Street Multi-Use Path from Steeplechase Parkway to 104th Avenue, Phase II Engineering Services Resolution and Item H. Tinley Creek Stabilization - Consultant Recommendation for Design Engineering Services be removed from the Consent Agenda for a separate vote. (refer to audio)

Passed the Consent Agenda

A motion was made by Trustee Kampas, seconded by Trustee Milani, to PASS THE CONSENT AGENDA, including all the following items marked as having been adopted on the Consent Agenda. The motion carried by the following vote:

Aye: 7 - Trustee Healy, Trustee Nelson Katsenes, Trustee Milani, Trustee Kampas, Trustee Riordan, Trustee Radaszewski, and Village President Pekau

Nay: 0

2021-0647 Payroll - Approval

The lists of Payroll having been submitted to the Board of Trustees for approval and the lists having been determined by the Board of Trustees to be in order and having been approved by the various Department Heads,

I move to approve the Bi-Weekly Payroll for August 20, 2021 in the amount of \$1,409,538.72.

This matter was APPROVED on the Consent Agenda.

2021-0639 Elevated Tank #6 & Tank #4 Rehabilitation Engineering - Proposal

The Village of Orland Park requested proposals from Village pre-qualified engineering firms to perform an evaluation of Elevated Tank #6 and Tank #4 to provide recommendations for upgrades and paint restoration.

Elevated Tank #6 is a spheroid style tank with a 750,000-gallon total capacity, located at 9701 W. 131st Street. It was built in 1995 by Chicago Bridge and Iron

Works (CBI). The tank has not been painted since it was put in service. Elevated Tank #4 is a spheroid style tank with a 300,000-gallon capacity, located at 14605 S. 88th Avenue. It was built in 1971 by CBI.

Both tanks will be rehabilitated in 2022. The proposals were required to include the following services in their price:

- a thorough evaluation of the tank noting deficiencies;
- recommendations for improvements;
- costs for improvements;
- construction and rehabilitation schedule;
- evaluation, recommendation, and provision of a cost estimate for a combination railing and antenna mounting system;
- separation of electrical services; and
- coordination and status meetings with Village staff.

The selected engineering firm will also be required to work with Village staff to coordinate the removal of all cellular, phone, and radio equipment during the restoration process, and the reinstallation of the communication equipment after all modifications and paint restorations are completed.

Within the bell of Tank #4 (bottom portion of the tank) there is a very small room which is only able to house a portion of the electronic equipment for the Village-owned antennas and controls. The remaining equipment is in an unheated space, subject to temperature extremes. Current Village initiatives are exploring opportunities to incorporate new technologies inside the tank, utilizing a combination of wireless and fiber optic technologies. The introduction of this technology would improve emergency communications, decrease dependency of outside carriers, and provide network connectivity for electronic devices that will be utilized by staff on a daily basis, as paperless efforts are implemented. The rehabilitation will include converting the tank's bell into a favorable environment for supporting all electronic equipment.

The bell of Tank #6 was built with above ground piping, and is heated and insulated. Rehabilitation of all water towers are being modeled after Tank #6. The engineering firm would develop a plan to maximize the available space and utilize cost effective and energy efficient solutions to control temperatures in the space under varying winter and summer conditions.

In 2016, the Village adopted a new logo developed through a branding process that can be seen throughout the community. The tank rehabilitation program provides for tanks to be painted white, with the new logo. The paint color for Elevated Tank #6 will be the same, with the exception of the Sandburg High School logo facing the football field to the south, rather than the Village logo.

A request for proposals was sent to eight (8) consultants from the "Recommended Prequalified Consultants" list developed by our Engineering Department through

its RFP process. Proposals were received from Baxter & Woodman of Crystal Lake, Illinois, for \$144,705.00; Strand and Associates of Joliet, Illinois, for \$108,500.00; and Christopher B. Burke Engineering of Rosemont, Illinois, for \$99,652.00. Staff recommends the proposal from Christopher B. Burke Engineering of Rosemont, Illinois, be accepted for a price not to exceed \$99,652.00.

I move to accept the proposal from Christopher B. Burke Engineering of Rosemont, Illinois, for Elevated Tank #6 and Tank #4 Rehabilitation Engineering for an amount not to exceed \$99,652.00;

And,

Authorize the Village Manager to execute all related contracts, subject to Village Attorney review.

This matter was APPROVED on the Consent Agenda.

2021-0645 Elevated Tank No. 7 Rehabilitation Engineering Oversight

On June 7, 2021, the Village Board approved the rehabilitation of Elevated Tank No. 7, with work anticipated to begin in the second week of September, 2021. Contracted for Phase 1 and 2 engineering services, Strand Associates of Joliet, Illinois provided a thorough evaluation of the tank, noting deficiencies and recommendations for improving the rehabilitation of the elevated tank.

Staff requested proposals for engineering design and oversight services from the "Recommended Prequalified Consultants" list developed by the Village's Engineering Department through its RFP process. Two (2) proposals were received. Strand Associates of Joliet, Illinois submitted a proposal to provide limited construction oversight, administrative services (to ensure contractor conformance to the contract documents), and to communicate with third-party cellular providers at a cost of \$60,500.00. Christopher B. Burke Engineering of Rosemont, Illinois submitted a more robust proposal, including a permanent onsite engineer throughout the entire project, at a cost of \$44,200.00.

Staff recommends the proposal from Christopher B. Burke Engineering of Rosemont, Illinois, be accepted for a price not to exceed \$44,200.00.

I move to accept the proposal from Christopher B. Burke Engineering of Rosemont, Illinois for Elevated Tank No. 7 construction oversight for an amount not to exceed \$44,200.00;

And,

Authorize the Village Manager to execute all related contracts, subject to Village Attorney review.

This matter was APPROVED on the Consent Agenda.

2021-0605 Lauterbach & Amen LLP Contract Amendment - Payroll Accountant and Accounts Payable Coordinator

In 2020, the Village requested proposals for payroll preparation services, which were intended to be a support for UltiPro payroll software. Lauterbach & Amen LLP (L&A) was selected, and the Village has utilized its services to not only prepare bi-weekly payroll (Village staff also assists, but the Village has no dedicated employee for this role), but also to run the payroll process that was originally intended to be done by UltiPro. The contract with L&A is billed based on time worked. Because it is doing more work than originally anticipated (payroll preparation assistance and payroll processing), the monthly costs are now higher than previously anticipated.

Recently, the Village's Accounts Payable Coordinator retired. This left Village staff to scramble to find a replacement, and the Village currently has a temporary employee from Accountemps filling in this role until the Village finds a permanent solution. The transition has been difficult with little time for overlap and training, highlighting the need to have a bench ready to process payroll and accounts payable in the event of vacation, illness, or change in employment status.

I move to approve an amendment to the Village's agreement with Lauterbach & Amen LLP, dated March 27, 2020, to provide full time one (1) full time payroll accountant and one (1) full time account payable coordinator for \$10,200 per month per position, increasing by 3.0% annually;

And,

Authorize the Village manager to execute said amendment, subject to Village attorney review.

This matter was APPROVED on the Consent Agenda.

2021-0527 Axon Body and Fleet Camera - Purchase

On Wednesday, January 13, 2021, the Illinois Senate voted to approve House Bill 3653, a 764-page document which mandates that effective January 1, 2024, municipalities with a population of 50,000 or more, but under 100,000, are required to implement the use of officer-worn body cameras. In November of 2020, the Orland Park Police Department began to field test body worn cameras manufactured from three (3) separate vendors. Those vendors were Watch Guard (Motorola), Panasonic and Axon. The purpose of the pilot program was to determine the capabilities and limitations of each system to include, but not limited to resolution abilities, storage requirements, redaction capabilities, durability of the equipment, training demands, and the overall quality of each camera unit. At the completion of the field testing, a unanimous decision amongst all officers involved determined that the Axon product was the leader and best suited the needs of the Orland Park Police Department. Axon's Body and Fleet

Camera program bundles hardware, software, accessories, training programs, 24/7 customer support, equipment refreshes, and warranties together, to help equip the officers with the solutions they need.

The Axon body and fleet camera hardware components include, 116 Axon body-worn cameras with two (2) upgrades, eleven (11) Axon body-worn cameras docks and wall mounts, one (1) body worn camera mount per camera, forty-four (44) Fleet three (3) camera packages, and Axon signal sidearm activation (a smart sensor that attaches to an officer's holster) which uses Axon signal technology to trigger Axon body-worn cameras within range to start recording automatically when an officer's weapon is drawn) and Axon Signal Performance Power Magazine (SPPM) Taser Activation. This proprietary piece of equipment captures critical footage when using the TASER X2 Smart Weapon. The SPPM reports to the officers body camera when the weapon is armed and logs the moment that the trigger is pulled and arc is engaged.

Axon is the only vendor with a proven holster activation for the firearm and taser which is currently carried in the field by officers. The need to activate the camera upon removal of the duty weapon is paramount to the success of a body worn camera program.

The Axon agreement was thoroughly vetted by Klein, Thorpe and Jenkins and deemed satisfactory.

I move to approve the purchase of the Axon Body and Fleet Cameras in the amount not to exceed \$974,999.99;

And,

To authorize the Village Manager to execute the agreement upon approval of the Board, subject to Village attorney review.

This matter was APPROVED on the Consent Agenda.

2021-0651 Public Works HVAC Improvement Project - ITB #21-049

On August 16, 2021, the Village Board approved the purchase of new HVAC equipment for the Public Works Building in order to get the equipment ordered due to material availability. The Board report (2021-0264) for this approval is attached to the Board Packet for reference.

Subsequently, on August 18, 2021, the Village issued Invitation to Bid (ITB) #21-049 "Public Works HVAC Improvement Project" requesting bids from contractors interesting in installing the aforementioned HVAC equipment and associated electrical work.

During the two (2) weeks that the bid was open for review, twenty-three (23) firms

downloaded either partial or complete bid packages. On August 23, 2021, a mandatory pre-bid meeting was held at the Public Works Building, which representatives from eleven (11) firms attended.

ITB 21-049 was opened on September 1, 2021, at which point four (4) firms submitted bids. One (1) of the submitted bids (Broesch Mechanical) did not submit any of the required forms, and was determined to be incomplete. As such, that bid was disqualified. All three (3) qualifying bid packages, as well as an audit of the bid submittals, are attached to the Board Packet for reference. A summary of the bid prices is provided below:

Broesch Mechanical: \$94,500.00 (Incomplete Bid Submittal);
Dahlman Sheet Metal Co: \$95,168.00;
Mechanical Inc. DBA Helm Mechanical: \$164,000.00; and
Amalgamated Services \$247,437.00.

Based on pricing and firm qualifications, staff recommends approving the bid from Dahlman Sheet Metal Co for \$95,168.00, plus a 10% (\$9,516.80) contingency, for a total project cost of \$104,684.80.

I move to approve awarding ITB 21-049 to Dahlman Sheet Metal Co. for \$95,168.00, plus a 10% (\$9,516.80) contingency, for a total project cost of \$104,684.80;

And,

To authorize the Village Manager to execute agreements with Dahlman Sheet Metal Co. for the installation of HVAC and associated electrical equipment;

And,

Authorize the Village Manager to approve change orders not to exceed the contingency amount.

This matter was APPROVED on the Consent Agenda.

2021-0656 Tinley Creek Stabilization - Intergovernmental Agreement (IGA) between Village of Orland Park and MWRDGC

An Intergovernmental Agreement was negotiated between the Village of Orland Park and Metropolitan Water Reclamation District of Greater Chicago (MWRDGC) for Design Engineering Services and a Construction Contract for the Tinley Creek Stabilization Project. This proposed agreement was reviewed by the following staff and their comments have been incorporated in the Agreement:

- MWRDGC's engineering staff;
- Village's engineering staff;
- Village Manager's office;

- MWRDGC's attorneys; and
- Village's attorneys.

The agreement is attached to the Board Packet for Board of Trustees review. The following are major items that are included in the Agreement:

-MWRDGC retains the discretion to adjust the amount of its reimbursement commitment if, based on MWRDGC's review of the final construction documents, including any addenda, change orders, shop drawings, or field changes, it determines that the project will not provide the intended public benefit.

-Although MWRDGC will reimburse the Village for a portion of the project, the Village bears sole responsibility for the overall cost, expense, and payment for the project, which the Village will construct in accordance with the final construction documents.

-The Village must meet the following MWRDGC participation goals applicable to the Project before construction is completed:

- twenty percent (20%) of the total amount of reimbursement provided by MWRDGC for the project must be applied to work performed by Minority-Owned Business Enterprises ("MBE"); and
- ten percent (10%) of the total amount of reimbursement provided by MWRDGC for the project must be applied to work performed by Women-Owned Business Enterprises ("WBE"); and
- ten percent (10%) of the total amount of reimbursement to be provided by MWRDGC for the project must be applied to work performed by Small Business Enterprises ("SBE").

The Village should meet the following participation goal applicable to the project before construction is completed: three percent (3%) of the total amount of reimbursement to be provided by MWRDGC for the project should be applied to work performed by Veteran-owned Small Business Enterprise ("VBE").

The Village, at its sole cost and expense, will provide land acquisition and remediation, if any; and construction oversight and administrative support for the project.

The Village will submit an Operation and Maintenance Plan (hereinafter the "O&M Plan") for MWRDGC's review and approval. The O&M Plan will be included as part of the Agreement as Exhibit 9. At its sole cost and expense, the Village will operate and maintain the project in accordance with the O&M Plan.

MWRDGC will reimburse the Village for fifty percent (50%) of the cost of final design of the Project, but in no event will that amount exceed One Hundred Thousand and 00/100 Dollars (\$100,000.00) ("Maximum Final Design Reimbursement Amount"). The Village will be responsible for securing funding or

contributing its own funds for all costs necessary to complete final design of the Project. The Village will be solely responsible for change orders, overruns, or any other increases in the final design cost of the Project. All funding provided by MWRDGC pursuant to this paragraph will be exclusively to reimburse the Village for final design cost of the Project.

MWRDGC will reimburse the Village for seventy and 20/100 percent (70.2%) of the total construction cost of the project, but in no event will that amount exceed Three Million Seven Hundred Thousand and 00/100 Dollars (\$3,700,000.00) (the "Maximum Construction Reimbursement Amount"). For purposes of this Agreement, "construction" will mean all work necessary to build the Project as depicted in the construction documents. The Village will be responsible for securing funding or contributing its own funds for all costs necessary to construct the project in accordance with the construction documents. The Village will be solely responsible for change orders, overruns, or any other increases in the cost of the project. All funding provided by MWRDGC pursuant to this paragraph will be exclusively to reimburse the Village for construction of the project.

The Village is responsible for all other project costs including engineering, property acquisition, other design-related costs, construction inspection, and the remainder of the construction cost that is not reimbursed by MWRDGC.

Federal, State, and County Requirements. The Village will obtain all federal, state, county, and local permits required by law for the construction of the Project and will assume any costs in procuring said permits. Additionally, the Village will obtain all consents and approvals required by federal, state, and/or county regulations for the construction of the project and will assume any costs incurred in procuring all such consents and approvals.

If the Project Site is located entirely within a right-of-way or perpetual easement or on other property represented to be owned solely by and within the Village, prior to execution of this Agreement, the Village must have an enforceable property interest in the project site and provide proof of that interest to MWRDGC. If the project site is situated entirely in a right-of-way or perpetual easement or on other property owned solely by and within the Village, and if no proof of dedication, perpetual easement, or ownership is available, the Village may request and submit the form affidavit that MWRDGC will provide which must be executed by an authorized officer of the Village. Acceptance of the affidavit is at MWRDGC's discretion.

For all surrounding property impacting or being impacted by the project, prior to starting construction of the project, the Village will acquire any temporary or permanent easements, license agreements, or fee simple title necessary for access to the project site as well as construction and maintenance of the project.

The Village, at its sole cost and expense through the creation of a SSA, will

perpetually maintain the streambank stabilization along Tinley Creek and any other associated appurtenances in accordance with the O&M plan approved by MWRDGC.

I move to approve the Intergovernmental Agreement by and between the Village of Orland Park and the Metropolitan Water Reclamation District of Greater Chicago (MWRDGC) for the Design, Construction, Operation and Maintenance of the Streambank Stabilization Project along Tinley Creek in Orland Park, Illinois.

This matter was APPROVED on the Consent Agenda.

2021-0658 FY2021 Budget Amendment #5 - Approval

A detailed spreadsheet (by fund) reflecting budget adjustments is attached to the Board Packet. This is the fourth budget amendment for FY2021.

General Fund

Staffing changes

Development Services

At the May 3, 2021 Village Board meeting, following an RFP process the Village awarded a contract to Safebuilt for Professional Plan Review. Inspection and Support services on an as-needed basis. At the Village's request, Safebuilt submitted a proposal to provide a 40-hour per week on-site employee to undertake the responsibilities of the Development Services Office Support Supervisor. The total estimated increase for the balance of 2021 is \$3,705.

Development Services

The Village is planning to implement a Zoning Coordinator responsible for review of all zoning requirements related to permit application submittals for both residential and commercial permit applications, including but not limited to, setbacks, allowable height, lot coverage, any other aspects of the Land Development Code. This cost will be offset by the elimination of the Building and Information Coordinator position. The estimated decrease for the balance of 2021 will be (\$5,394).

Finance

Lauterbach & Amen, LLP submitted a proposal to provide a 40-hour per week, on-site employee to undertake the responsibilities of the Accounts Payable Coordinator position that is vacant due to retirement. The estimated increase for the balance of 2021 is \$1,560.

Public Works

The Village is planning to reestablish the Fleet Manager position to oversee the fleet functions. This cost will be offset by the elimination of the vacant part-time Public Works Management Analyst position. The estimated increase for the

balance of 2021 is \$26,565.

Plan Reviews

With the additional need for outsourced plan reviews and the contract approved with Safebuilt, it is necessary to include a budget amendment to cover the anticipated costs for their services for the remainder of 2021. Total estimated cost for 2021 is \$142,000, based on early utilization, and is offset by the document scanning project (\$300,000) that was deferred in budget amendment #4. Additionally, development fees are collected to pay for these costs.

Capital Projects Fund

New cabling for digital camera upgrades at the Police Department are needed. To complete the work, a contract amendment will be required and will be considered at an upcoming board meeting.

G.O. Bonds

Budget amendments are required as a result of Bond Refundings that occurred earlier this year. The 2012A Bonds (Fund 423) were replaced by 2021A, which are being paid from the Water & Sewer Fund as well as the newly created Debt Service Fund, which will eventually account for all governmental debt service payments. The 2021B bonds include property tax revenue and an interest payment in 2021. In addition, the Village needs to amend the budget to reflect the early redemption payment for the 2022 TIF Bond.

I move to approve an increase in the General Fund expenditure budget in the amount of \$168,437, an increase in the revenue and expense budgets for the Water and Sewer Fund in the amount of \$211,565, an increase in the expenditures budget of the Capital Projects Fund in the amount of \$35,000, a decrease in the revenue and expenditure budgets for the Bonds & Interest 2012A GO Bonds Fund in the amount of \$894,300, an increase in the revenue and expenditure budget for the new Debt Service Fund in the amount of \$667,625, and an increase in the expenditure budget of the Bonds & Interest 2012B&C GO Bonds Fund in the amount of \$8,025,000, as detailed on the FY2021 Amendment #5

This matter was APPROVED on the Consent Agenda.

2021-0653 An Ordinance Amending Appendices A and B to Ordinance No. 5637 - Ordinance

The ordinance attached to the Board Packet formally approves amendments to Appendix A and Appendix B that were approved by the Board on December 21, 2020 and amended on April 19, 2021, June 7, 2021, and August 2, 2021. These appendices reflect changes to positions as summarized below.

The changes to the Salary Ordinance are:

- Add the Full-Time position of Fleet Manager (Grade 10)

-Add the Full-Time position of Zoning Coordinator (Grade 5)

I move to approve Ordinance 5640, entitled: An Ordinance Amending Appendices A and B to Ordinance No. 5637.

This matter was PASSED on the Consent Agenda.

2021-0642 Amend Title 7 Chapter 4 - Number of Class A Liquor License - Ordinance

Decrease the number of Class A liquor licenses from sixty-six (66) to sixty-five (65) for the closing of 94 West located at 15410 94th Avenue.

I move to adopt Ordinance 5641, entitled: AN ORDINANCE AMENDING TITLE 7, CHAPTER 4 OF THE ORLAND PARK MUNICIPAL CODE, REGARDING THE AVAILABLE NUMBER OF CLASS A LIQUOR LICENSES ISSUED BY THE VILLAGE OF ORLAND PARK, COOK AND WILL COUNTIES, ILLINOIS.

This matter was PASSED on the Consent Agenda.

2021-0643 Amend Title 7 Chapter 18 - Decrease Number of Video Gaming Licenses - Ordinance

Decrease the number of Video Game licenses from twenty-five (25) to twenty-four (24) due to 94 West closing its business location.

I move to pass Ordinance Number 5642, entitled: AN ORDINANCE AMENDING TITLE 7 CHAPTER 18 OF THE ORLAND PARK MUNICIPAL CODE, REGARDING THE AVAILABLE NUMBER OF VIDEO GAMING LICENSES ISSUED BY THE VILLAGE OF ORLAND PARK, COOK AND WILL COUNTIES, ILLINOIS.

This matter was PASSED on the Consent Agenda.

2021-0627 Amend Title 7 Chapter 4 - Number of Class A-5 Liquor License - Ordinance

Increase number of Class A-5 liquor licenses from zero (0) to one (01) for Chipotle. For the year of 2020, and going forward, Chipotle will obtain a Class A-5 Liquor License for counter service restaurants instead of a Class A liquor license as it has held in the past.

I move to pass Ordinance 5643, entitled: AN ORDINANCE AMENDING TITLE 7, CHAPTER 4 OF THE ORLAND PARK MUNICIPAL CODE, REGARDING THE AVAILABLE NUMBER OF CLASS A-5 LIQUOR LICENSES ISSUED BY THE VILLAGE OF ORLAND PARK, COOK AND WILL COUNTIES, ILLINOIS.

This matter was PASSED on the Consent Agenda.

2021-0641 University of Chicago Medicine / 9650 Parking Deck Agreement

The Village and the University of Chicago Medicine Center ("UCMC") entered into a ground lease in 2015 for the parcel located at 14290 S. LaGrange Road, pursuant to which UCMC constructed a multi-story Center for Advanced Care at

that location. The ground lease agreement required the Village to construct a multi-level parking deck, two (2) public streets, sidewalks, and landscaping to serve the UCMC facility with funds from the Village's Triangle Tax Increment Financing District. It also required the parties to enter into a maintenance agreement for the parking structure, adjoining roadways, landscaping etc.

To date, the predominate user of the structured parking has been UCMC. UCMC maintains a higher level standard for its facilities (designated Premium Health Care Service Level 1), and it was always anticipated that UCMC would therefore manage the day to day operation of the 9650 Parking Deck and that the costs associated therewith would be apportioned in accordance to the use of the facility and surrounding environs. These tasks include plowing, deicing, snow removal, power washing, sweeping, landscape, litter control, and routine inspection of the facility. The Village maintains the responsibility for the capital repairs and replacement costs of the facility. Each respective task identified herein has been assigned an equitable percentage cost share based upon allocation of facilities and resources, as outlined in the agreement.

The multi-year agreement attached to the Board Packet details the specific task lists and cost split for the aforementioned items. In short, the Village is now responsible for a \$171,049.90 true-up, which costs cover the documented expenses for the period from 2016 to current. Following the true-up payment, starting on the fourth quarter 2021, the Village would be responsible for expenses at a flat rate of \$21,709.75 per quarter (\$89,839.00 per year), with the amount being adjusted each year of the five (5) year term, by the then current CPI-U figure, beginning in the first quarter of 2022.

To protect both parties from outlier snow years, the agreement calls out the average annual snowfall, as measured at the closest NOAA weather station, and applies a second quarter adjustment (up or down) for any season where snow totals are ten (10) inches greater, or less than, the annual snowfall average at a rate of \$1,521.44 per inch outside of that ten (10) inch buffer margin.

The agreement would automatically renew every five (5) years, unless there is a mutual agreement to terminate, subject to the parties gathering prior to each renewal to reset the quarterly payments based upon then current rates for the described services.

I move to approve a parking facilities maintenance agreement with the University of Chicago Medical Center for the parking garage located at 9650 W. 143rd Street;

And,

To authorize the Village Manager to execute the agreement, subject to Village Attorney review.

This matter was APPROVED on the Consent Agenda.

2021-0624 167th Street Multi-Use Path from Steeplechase Parkway to 104th Avenue, Phase II Engineering Services - Resolution

The Southwest Conference of Mayors (SCM) awarded Local Surface Transportation Program (STP-L) funds for Phase II of the 167th Street multi-use path project. SCM approved a maximum amount of \$199,991.20 for Phase II Design Engineering Services. The total cost for the Phase II Design Engineering contract is \$249,989.00, which was awarded to Civiltech Engineering, Inc. The attached agreements (BLR 5330 and BLR 5310) and resolution attached to the Board Packet secure STP funding for the project.

Trustee Katsenes had comments. (refer to audio)

President Pekau had comments. (refer to audio)

I move to adopt Resolution 2123, entitled: A RESOLUTION APPROVING THE LOCAL PUBLIC AGENCY AGREEMENT FOR FEDERAL PARTICIPATION TO BE ENTERED INTO BY THE VILLAGE OF ORLAND PARK AND THE ILLINOIS DEPARTMENT OF TRANSPORTATION (IDOT) AND FOR THE APPROPRIATION OF VILLAGE FUNDS FOR THE PURPOSE OF PAYING FOR THE LOCAL AGENCY SHARE RELATED TO THE INSTALLATION OF A CONTINUOUS OFF-STREET SHARED USE ASPHALT PATH ALONG THE SOUTH SIDE OF 167TH STREET FROM STEEPLCHASE PARKWAY TO THE ORLAND GRASSLANDS TRAIL AT 104TH AVENUE UNDER IDOT PROJECT NUMBER UNRO (581) STATE JOB NO. D-91-075-21, STPU SECTION NO. 19-00084-00-BT;

And,

I move to authorize the Village Manager to execute the attached BLR 5330 and BLR 5310 forms.

A motion was made by Trustee Kampas, seconded by Trustee Milani, that this matter be APPROVED. The motion carried by the following vote:

Aye: 7 - Trustee Healy, Trustee Nelson Katsenes, Trustee Milani, Trustee Kampas, Trustee Riordan, Trustee Radaszewski, and Village President Pekau

Nay: 0

2021-0652 Tinley Creek Stabilization - Consultant Recommendation for Design Engineering Services

A request for proposals (RFP) for Design Engineering Services for the Tinley Creek Streambank Stabilization (RFP #21-015) was issued on February 22, 2021. Proposals were opened on March 29, 2021. The RFP was posted on BidNet. A total of eight (8) responses were received by the Village.

Staff evaluated all responses against the required scope of services and the following evaluation criteria established in the RFP:

-Total Professional Fee	40%
-Firm's and PM's experience and example projects	20%
-Overall proposal completeness and project understanding	20%
-Design schedule	10%
-Selection team's discretion	10%

Proposal Evaluation Scores

The following are the evaluation scores for all responses received by the Village:

Consultant Name Comments	Proposed Fee	Total Score	
-V3 Companies Specifications	\$366,955	95	Met RFP
-HR Green Specifications	\$383,490	92	Met RFP
-Engineering Resource Associates, Inc. Specifications	\$419,652	81	Met RFP
-Farnworth Group, Inc. Specifications	\$464,100	76	Met RFP
-Michael Baker, International, Inc. Specifications	\$649,460	60	Met RFP
-Cardno, Inc. Specifications	\$785,000	58	Met RFP
-BLA, Inc. Meet Specifications	\$176,662	53	Did Not
-Living Water Consultants, Inc. Meet Specifications	\$276,550	43	Did Not

Based on the information submitted by BLA, Inc. and Living Waters Consultants, Inc., the staff concluded that these two (2) responses do not meet the minimum project requirements and they will not be able to deliver the required deliverables for the project.

Reasons for Rejecting BLA, Inc. Response:

-The consultant's proposed scope of services does not include obtaining required permits, which would be a significant and time consuming effort for this project. The Village's RFP required that the consultants will be responsible for acquiring all applicable permits.

-Wetland delineations are not included. The U.S. Army Corps of Engineers require that any wetland delineation older than five (5) years must be redone. The U.S. Army Corps of Engineers permit for this project expired about two (2) years ago.

-The consultant has allocated only twenty (20) hours to review the previous design work completed by MWRDGC. Staff's project understanding and experience demonstrate that this effort is significantly underestimated to complete a proper review of the documents. The RFP requires that the "selected consultant performs a detail review" of MWRDGC original design. This is a necessary step in revising and updating the existing design and cost estimates.

Reasons for Rejecting Living Water Consultants, Inc. Response:

The response includes several exclusions and staff is most concerned about the following items:

- A detail project schedule is not provided in the response, which was a required item in the RFP.

- A maintenance and Management (M&M) plan is not included, which is required to determine ongoing maintenance costs. The M&M plan and costs are required to establish the SSA for long-term creek maintenance.

- Additional soil borings are not included in the project scope. This is required, especially in the added section of the Creek.

- The proposal offers a maximum of "15-percent survey redo" of the survey completed by MWRDGC design, almost ten (10) years ago. This survey limit is very concerning to the staff as staff know the Creek has continued to erode since the original design was completed. Additional surveys are required to complete the design and prepare accurate construction plans and costs for the project.

- The consultant has assumed "all completed engineering plans are available in digital CAD compatible format." The Village has and will provide electronic files received from MWRD, but there is no guarantee that "all" documents are available in "CAD compatible format." The consultants are required to develop their own drawings as needed.

- The consultant has offered to reduce its proposed fee by \$45,000 if a "Professional Land Survey is not Necessary to Survey Property Boundary Lines for Individual Parcels (properties in Preparation of the Temporary and Permanent Easements for Individual Parcels." Staff believes that this statement shows that the consultant does not fully comprehend the project requirements and deliverables. Without a "Professional Land Survey" this project cannot be completed.

Staff has concluded that V3 Companies, Ltd. (V3) has provided the most responsive, responsible proposal. Staff's engineering estimate for the total professional fee was approximately \$400,000 and V3's fee is approximately 10% below the estimate. Therefore, staff is recommending to award this project to V3. V3 included the necessary scope of services to complete the project and deliver required documents to meet the requirements of the project.

I move to approve awarding RFP 21-015 for Tinley Creek Stabilization - Design Engineering Services to V3 Companies, Ltd. in an amount not to exceed \$366,955;

And,

Authorize the Village Manager to execute all related contracts and additional services subject to Village attorney review.

A motion was made by Trustee Kampas, seconded by Trustee Radaszewski, that this matter be APPROVED. The motion carried by the following vote:

Aye: 7 - Trustee Healy, Trustee Nelson Katsenes, Trustee Milani, Trustee Kampas, Trustee Riordan, Trustee Radaszewski, and Village President Pekau

Nay: 0

PUBLIC WORKS

2021-0637 Sensus Water Meter Replacements - Purchase

The Village of Orland Park Public Works Department routinely tests the accuracy of large water meters. The program identifies deficiencies in 1 ½" and larger water meters. Large meters are typically installed in commercial buildings and apartment complexes. Meters are selected for testing based on age and volume of water used.

M.E. Simpson currently is the Village's meter testing consultant. Frequent communication with staff is critical when a meter is either reading very poorly or not functioning at all. In some cases, the field technician can make repairs while on-site; otherwise, the technician reports nonfunctioning meters for immediate replacement to reduce financial losses.

On June 7, 2021, the Board approved the purchase of large meters, based off 2020 testing.

To date, as part of the 2021 testing program, 45% of the Village's large meters have been tested. This leaves approximately 140-200 large meters left to test based on the remaining funds in the 2021 budget. As a result of the 2021 testing program to date, M.E. Simpson and Public Works staff have identified twelve (12)

1 ½" Omni meters, fifty-seven (57) 2" Omni meters, thirteen (13) 3" Omni meters, three (3) 4" Omni meters, one (1) 3" Omni Turbo meter, and five (5) 2" Omni Turbo meters, along with all installation parts, that need to be replaced in 2021.

The Village currently uses Sensus water meters. The local authorized vendor for Sensus products in the region is Core & Main of Mokena, Illinois. The cost to purchase all ninety-one (91) water meters from Core and Main is \$125,491.00, with an additional \$14,514.20 to purchase installation hardware, for a total cost of \$140,005.20.

The Village is reevaluating the current meter replacement program, but in the interim needs to maintain and replace meters as necessary, to reduce revenue loss due to the meters not functioning properly or under registering.

Director of Public Work Joel Van Essen had comments. (refer to audio)

President Pekau had comments and questions. (refer to audio)

Director Van Essen responded to President Pekau. (refer to audio)

I move to approve authorizing the purchase of large Sensus water meters and related installation hardware from Core & Main of Mokena, Illinois in an amount not to exceed the Board approved budgeted amount of \$140,005.20;

And,

Authorize the Village Manager to execute all related contracts, subject to Village Attorney review.

A motion was made by Trustee Milani, seconded by Trustee Kampas, that this matter be APPROVED. The motion carried by the following vote:

Aye: 7 - Trustee Healy, Trustee Nelson Katsenes, Trustee Milani, Trustee Kampas, Trustee Riordan, Trustee Radaszewski, and Village President Pekau

Nay: 0

DEVELOPMENT SERVICES AND PLANNING

2021-0388 BMW Parking Lot Expansion - Development Petition for Rezoning of Parcel 1 from E-1 Estate Residential to BIZ General Business, Amendment to a Special Use Permit for a Planned Development, Site Plan, Landscape Plan, Plat of Subdivision (Consolidation)

The petitioner seeks approval of a Rezoning of Parcel 1 from E-1 Estate Residential to BIZ General Business, an Amendment to a Special Use for a Planned Development with Modifications to the Land Development Code to expand the footprint of Zeigler BMW of Orland Park to include a new 320-car parking lot for storing inventory. The proposal requests consolidation of the parcel

for the new inventory parking with the existing parcel, Lot 3 of the Wolf Point Plaza Planned Development.

Requested Actions: Rezoning of Parcel 1 from E-1 Estate Residential to BIZ General Business, an Amendment to a Special Use for a Planned Development with Modifications to the Land Development Code and approval of Site Plan, Landscape Plan, and Plat of Subdivision (Consolidation)

Address: 10290 & 11030 W 159th Street
P.I.N.: 27-17-301-013 & 27-17-315-003
Parcel Size: 4.43 acres & 8.57 acres

Comprehensive Plan Planning District: Centennial Planning District
Comprehensive Plan Land Use Designation: Neighborhood Mixed Use

Existing Zoning: E-1 Estate Residential (Parcel 1); BIZ General Business (Lot 3)
Proposed Zoning: BIZ General Business

Existing Land Use: Vacant, agricultural
Proposed Land Use: Planned Development for Commercial Uses, including Motor Vehicle Sales and Services

Surrounding Zoning:

North: R-3 Residential District (Somerglen South Subdivision); Open Lands (Equestrian Park)

South: LSPD Large Scale Planned Development

East: E-1 Estate Residential

West: BIZ General Business (Wolf Point Plaza PD)

Surrounding Land Uses:

North: Single Family Detached Dwellings

South: Meadow Ridge School (School District 135)

East: Undeveloped

West: Planned Development, including Motor Vehicle Sales and Services (Zeigler BMW of Orland Park)

BACKGROUND

On April 5, 2010 the Village Board passed an ordinance (No. 4558) granting a special use permit for planned development and rezoning of the property (Wolf Point Plaza), providing for the operation of a motor vehicle sales and service facility for BMW of Orland Park.

On November 7, 2011, the Village Board passed an ordinance (No. 4681) to amend the special use permit and modifications to allow for additional parking, a 50' flag pole, and increased lighting intensity during business hours.

On May 16, 2016, the Village Board passed an ordinance (no. 5096) to construct a 2,588 sf, one-story addition for a Mini dealership show room.

On September 8, 2020 the Village Board approved a sales-tax-sharing Inducement Agreement with Zeigler Auto Group to assist in the proposed development of the inventory parking lot.

CONTEXT AND PROJECT DESCRIPTION

The subject property is a 4.43-acre parcel located at 11290 W 159th Street. The proposed development is to consolidate this lot with the existing 8.57-lot Zeigler BMW of Orland Park at 11030 W 159th Street.

In the Village's 2013 Comprehensive Plan, this parcel is identified as a Development Opportunity with the planning land use designation of Neighborhood Mixed Use. The adjacent properties to the east (undeveloped), west (Zeigler BMW), and south (Meadow Ridge School, School District 135) are all designated the same planning land use. The property adjacent to the north is a long narrow 5-acre parcel designated by the Comp Plan for Mixed Residential to transition from the neighborhood center to the existing single family residential subdivisions. The existing BMW property to the west, the subject property, and the narrow 5-acre parcel to the north are all significantly impacted by a jurisdictional wetland. The wetland limits the developable area on the subject property and will inhibit any development between the proposed BMW inventory storage lot and the residences of Somerglen to the north.

Directly to the west of the subject property is the Wolf Point Plaza Commercial Planned Development, consisting of five (5) lots. At the center, on Lot 3, is the existing Zeigler BMW of Orland Park. BMW's current property, Lot 3, is shaped similar to the Tetris Z-shape. The eastern end of the z-leg is contiguous to the subject property and Lot 5 nests between the body of the Z and the subject property. Lot 5 of Wolf Point Plaza contains a stormwater detention pond, serving the entire planned development, and a conservation easement over the wetlands. The parcels to the east and north of the subject property are both zoned E-1 Estate Residential and have not been developed. To the south, across 159th Street, both the school district properties and the large undeveloped property are zoned LSPD Large Scale Planned Development.

The proposed rezoning and lot consolidation will effectively expand the existing Motor Vehicles Sales and Services, permitted through the special use permit for a planned development, operated by Zeigler BMW. The proposed parking lot will provide storage for inventory, exclusively. The lot is not proposed to be an expansion of the sales lot. The proposed lot will park 320 cars.

SITE PLAN

Overall

Approximately 30% of the site is covered in a wetland area, located in the northwest corner of the parcel. The Land Development Code requires a 50' minimum buffer around a wetland of low quality. This buffer consumes an additional 10% of the site. Furthermore, the wetland was found to be of a high quality, requiring an additional buffer up to 100' from the delineated wetland. In total, this covers about 55% of the total site, greatly limiting the area of potential development.

In response to the existing wetlands on the site the petitioner proposes an L-shaped parking lot, wrapping the south and east edges of the parcel with parking, while maintaining the wetlands, wetland buffer and a stormwater detention basin on the remainder of the site. The parking along the southern edge of the site is arranged as 3-deep tandem parking; the parking along the eastern edge of the site is arranged as 2-deep tandem parking. The tandem parking allows the petitioner to achieve a higher count of cars stored on the site. The Code requires that all parking spaces have direct and unrestricted access to an aisle; the petitioner requests a modification to this on account of all the parking being used exclusively for inventory storage.

In total, the additional 320 parking spaces on Parcel 1 increase the parking count for the combined property to 956 parking spaces. The Code prescribes a parking space ratio, and does not provide consideration for motor vehicle sales that may distinguish between parking and storage stalls. Previously, the site was approved for 641 parking spaces. The Code requires a ratio of one (1) parking space per 300 sf of floor area for a commercial use for automobile sales. For Zeigler BMW this is a required 163 parking spaces. The requested total of 956 parking spaces brings the parking ratio to 4.81 parking spaces per 300 sf of floor area. The petitioner requests this modification to accommodate on-site inventory storage in support of their motor vehicle sales business.

Lot Coverage and Land Use Intensity

The proposed development of Parcel 1 totals 35% impervious lot coverage. In BIZ Zoning District, up to 75% of the total site may be impervious. The large extent of the wetlands and the stormwater detention area required by the development contribute to maintaining a low lot coverage with the proposed use. When evaluated in the combination of both lots, the proposed total lot coverage is 62%, remaining below the Code maximum. The new development of Parcel 1 does not propose any built area, thereby reducing the overall land use intensity of the combined site from an existing 0.16 FAR on Lot 3 alone to a proposed 0.11 FAR for the combined parcels. The maximum allowed FAR is 1.0.

Circulation

The proposed inventory parking lot will be accessed from the existing ingress/egress drive serving Zeigler BMW of Orland Park. The lot is intended to be accessed by BMW employees only.

Buffers and Setbacks

Along the eastern side of the property, the petitioner will provide a Type 3 bufferyard (10'-wide landscaping + 6'-tall fence). Due to natural slopes of the site and proposed grading, the petitioner will provide an 8'-tall fence in lieu of the 6'-tall fence typically required for a Type 3 bufferyard. This Type 3 bufferyard will wrap around the northern end of the parking lot where the development will be visible from the adjacent property. Beyond that, the wetlands create a natural buffer. A bufferyard and development setback is not required at the western side of the property where the two parcels are to be combined.

Mobility

Vehicular

The primary vehicular mobility on the site for the proposed development will be between the main inventory sales area existing on Lot 3 and the inventory parking lot proposed for Parcel 1. The lot is intended to be accessed by BMW employees only. Customers will proceed, as they currently do, to the main entrance of the building for sales or service.

Walking and Biking

Recent IDOT improvements along 159th Street included an asphalt shared path parallel to 159th on the subject property. The proposed improvements will not impact that. The existing sidewalk connections from 159th to an internal sidewalk providing access to Equestrian Estates to the north will remain in place.

Public Transit

The 832 Pace bus stops at Wolf Road and 159th Street, on the far side of Wolf Point Plaza. From the subject property to the 153rd Street Metra it is a 1.5-mile walk (30 minutes). The proposed development does not have an impact on the existing access to transit, nor as an inventory lot for an existing building does it create new demand.

LANDSCAPE PLAN

The preliminary landscape plan meets the requirements of the Land Development Code for preliminary approval.

The Code provides specific requirements for parking lots, including landscape islands and screening. One (1) detached parking lot island is required for every ten (10) parking spaces provided. Required parking islands may be consolidated to allow for better soil volume and drainage. For a parking lot of 320 cars, thirty-two (32) parking lot islands are required. The petitioner is requesting a modification from this requirement and proposing the equivalent of twenty-six (26) parking lot islands. The parking lot islands have been grouped together along the 159th Street frontage to alleviate the visual impact of the inventory lot and the 3-deep tandem. Additionally, the petitioner is providing all thirty-two (32) canopy trees required.

Along 159th Street the petitioner will provide ten (10) parkway trees and enhanced corridor plantings to screen the vehicle inventory lot. Shade trees required for tree mitigation will be planted along the corridor as well as the required ornamental or evergreen trees. Instead of the typical auto-row landscape corridor, the petition will meet parking lot screening requirements by providing shrubs and perennials to 36" tall instead of low-growing.

DETAILED PLANNING DISCUSSION

Preliminary Engineering

Stormwater Management and Wetland Buffering

The Code requires a 25'-wide naturalized buffer around any stormwater detention basin, measured from the high water line. The petitioner requests a modification to provide a 20'-wide buffer around the developed edges of the detention basin. The large extents of wetlands existing on the site limit the total developable area and as a result the petitioner requests this modification to maximize his development.

The wetlands on site are determined to be high quality wetlands, and as such, require a 100' buffer. The first 50' of the buffer must be undisturbed while the outer 50' can be averaged. This means that the outer buffer area can grow larger in some areas and more narrow in others so long as the area in total provides the requisite buffer protection. Additionally, the stormwater detention basin may be included as wetland buffer since the naturalization required meets the same intent as the buffer. Through this buffer averaging, the petitioner is able to maximize his proposed parking lot layout while complying with MWRD and Village code requirements.

The existing natural buffer around the wetland is a very densely overgrown state. Preemptive site clearing was performed on the site and removed the existing growth outside of the 50' buffer from the wetland. To remediate the removal, the petitioner will provide new native landscaping in the wetland buffer, providing a higher quality buffer than was existing.

In addition to the detention pond, the petitioner proposes permeable pavers for volume control on the site. The petitioner will be responsible for the continued maintenance and monitoring of the proposed detention basin and permeable pavers, as is the practice in the Village for all commercial properties.

Off-site Grading

The preliminary engineering plans approved by staff indicate some off-site grading between the property line and the existing asphalt path along 159th Street. The developer will be required to pay for any damages or needed restoration in this area, and any other that may arise in final engineering.

Tree Mitigation

The petitioner is required to pay all tree mitigation fees and unpermitted tree removal fines, as agreed upon at the time of the Development Agreement, and prior to receiving construction permits.

Planning

Special Use Permit

The petitioner requests an Amendment to the Special Use Permit for a Planned Development to include the new parcel (Parcel 1), to be consolidated with the existing (Lot 3). Under the existing Special Use Permit for a Planned Development, the property is afforded a Special Use Permit for Motor Vehicle Sales and Services in BIZ General Business District.

Rezoning

The petitioner requests rezoning the lot from the existing E-1 Estate Residential District to BIZ General Business. The responses to the LaSalle Standards for Rezoning from the petitioner are included with this packet. The rezoning will bring the subject property into the same zoning district as the property with which it is to be combined.

Plat of Consolidation

The petitioner proposes consolidating the subject property, Parcel 1, into Lot 3 of Wolf Point Plaza to form a new lot, known as Lot 3A of Wolf Point Plaza. All provisions existing on Lot 3 will remain in place.

PLAN COMMISSION DISCUSSION

A public hearing for the petition was held on August 31, 2021, at the Plan Commission. Six of the seven (7) members of the Commission were present and one (1) members of the public attended. The petitioner and his engineer were present.

One member of the public, Mr. Andy Avalos, spoke. He raised concerns about light pollution visible from his property at 10901 Glenlake Drive. The rear of Mr. Avalos' house is approximately 400 feet from the proposed parking lot, as the crow flies. Mr. Avalos expressed that, currently, in the fall and winter when the deciduous trees drop their leaves, the lights at the existing BMW are highly visible, even from across the densely overgrown wetlands. He asked about the proposed lighting for the parking lot addition. The petitioner and staff responded to the concerns, stating the lighting will comply with the Village's Land Development Code for intensity and cut-offs, including a limitation of 0 footcandles at the lot line. No variance for higher lighting levels- as are often granted for dealerships- is requested for the inventory lot.

The Plan Commissioners generally recognized the proposed development as a good fit for the property, otherwise challenged by the wetlands and required buffering.

The Plan Commissioners questioned the need to require a fence along the eastern property line, as prescribed by bufferyard Type 3. The subject property, requesting to be rezoned to a commercial use, will be adjacent to the existing E-1 Estate Residential property, necessitating a Type 2 buffer (15' of landscaping bed) or a Type 3 buffer (10' of landscaping bed and a 6'-high fence) per the Land Development Code Section 6-305.D.4.b. As the adjacent property has no active development petitions and remains vacant, Commissioner Nugent suggested that the Code-required fence may be an undue burden on the petitioner. The petitioner agreed, that even as a company making \$2 million in sales annually, he would rather not pay a one-time cost of about \$25,000 to install a fence. It is unknown if the adjacent property will develop as commercial property- whereby a bufferyard fence is not required by Code or if it will develop as residential. Nevertheless, the Commissioners agreed that the fence, though required by the Code, does not seem to serve a functional purpose today. The Plan Commission recommended granting this unrequested modification to the petitioner.

Commissioner Sanchez suggested planting more trees along the north side of the proposed development to provide better screening from the homes in Somerglen South. Staff can work with the petitioner, in final engineering and landscape plan review, to potentially provide more evergreen trees in lieu of deciduous trees within the Code-required landscaping for the bufferyard to the north.

Regarding Case Number 2021-0388, also known as BMW Parking Lot Expansion, I move to approve the Rezoning of the subject property, Parcel 1 located at 11290 W 159th Street, from E-1 Estate Residential to BIZ General Business;

And,

I move to approve an Amendment to the Special Use Permit for a Planned Development for the BMW Parking Lot Expansion;

And,

I move to approve waiving the requirement for a fence along the east property boundary line;

And,

I move approve the Preliminary Site Plan titled "Expansion Site Plan", prepared by Joseph A. Schudt and Associates, dated October 27, 2020 and last revised August 18, 2021; and "Overall Site Plan", prepared by Joseph A. Schudt and Associates, dated May 6, 2021 and last revised July 7, 2021, subject to the following conditions:

1. Meet all final engineering requirements, including required permits from outside agencies.

2. The detention pond and associated stormwater facilities shall be privately owned and maintained by the property owner;

And,

I move to approve the Preliminary Landscape Plan, titled "Landscape Plan for BMW of Orland Park Parking Lot Expansion", prepared by Metz & Company, dated November 3, 2020 and last revised August 16, 2021, subject to the following conditions:

1. Submit a final landscape plan and supporting documentation to meeting all Village Codes requirements in conjunction with final engineering.
2. Meet all tree mitigation and tree preservation requirements per Section 6-305.F of the Land Development Code, including payment of fines and fees;

And,

I move to approve the Plat of Subdivision titled "Preliminary Plat of Zeigler BMW Orland Park Consolidation", prepared by Joseph A. Schudt and Associates, dated April 27, 2021 and last revised August 25, 2021, subject to the following conditions:

1. Submit a Record Plat of Subdivision to the Village for approval, execution, and recording.

A motion was made by Trustee Healy, seconded by Trustee Riordan, that this matter be APPROVED. The motion carried by the following vote:

Aye: 7 - Trustee Healy, Trustee Nelson Katsenes, Trustee Milani, Trustee Kampas, Trustee Riordan, Trustee Radaszewski, and Village President Pekau

Nay: 0

FINANCE

2021-0659 2021 Water and Sewer Rate Study Consultant - Approval

At the July 6, 2021, Committee of the Whole meeting, staff presented a draft request For proposals (RFP) that included three (3) work efforts: Evaluation of the Village's meter replacement program, leak detection system, and a rate study. Village Board feedback was incorporated into the RFP.

On July 30, the Village issued the request for proposals. Three firms provided proposals. One firm (SL-Serco) provided a proposal for work efforts 1 and 3 (meter replacement program evaluation and rate study). Two firms (Baxter & Woodman and NewGen Strategies and Solutions, LLC) provided proposals for work effort 3 (rate study) only. No firms provided proposals for the leak detection system.

Work Effort 1: Meter Replacement Program Evaluation

Because the Village received only one (1) proposal, staff are contacting other qualified firms to determine why they did not submit a proposal. Once that has been investigated, staff will recommend a path forward for work effort 1.

Work Effort 2: Leak Detection System

Because there were no proposals for this work effort, staff recommends that this project be deferred to a later date.

Work Effort 3: Rate Study

The Village received three (3) proposals to conduct the rate study: Baxter & Woodman, Inc. (\$70,000), NewGen Strategies and Solutions, LLC (\$48,890, and SL-Serco, Inc. (\$70,000). Village staff reviewed the proposals, and focused their time and attention on NewGen Strategies and Solutions (NewGen), which was the lowest cost proposal (\$48,890) compared to \$70,000.

In 2015, the Village hired Municipal & Financial Services Group (MFSG) to conduct the Village's rates study. In 2019, MFSG merged with NewGen, and the same individuals who worked on the Village's engagement in 2015 would again be heading up the current rate study - they are familiar with the Village's rate model.

Several references were checked based on recent work conducted by the firm, and all responses were very positive. Staff recommends that NewGen be awarded the contract for work effort #3, rate study, for a not to exceed fee of \$48,890, subject to Village Attorney review, plus a 10% contingency, which would be utilized for work outside the stated scope of work.

Trustee Healy had questions. (refer to audio)

Village Manager Koczwara responded to Trustee Healy. (refer to audio)

I move to approve the proposal by NewGen Strategies & Solutions, LLC, for the preparation of a water, sewer and storm water sewer rate study at a cost not to exceed \$48,890;

And,

Move to approve 10% contingency for work outside the stated scope of work;

And,

To authorize the Village Manager to execute all related contracts subject to Village Attorney review.

A motion was made by Trustee Radaszewski, seconded by Trustee Kampas, that this matter be APPROVED. The motion carried by the following vote:

Aye: 7 - Trustee Healy, Trustee Nelson Katsenes, Trustee Milani, Trustee Kampas, Trustee Riordan, Trustee Radaszewski, and Village President Pekau

Nay: 0

MAYOR'S REPORT

2021-0650 Resolution Opposing the Governor's Mandates Regarding Vaccinations and Masking

The Village President and Board of Trustees of the Village of Orland Park again call for the General Assembly to reconvene to address the health, safety, and welfare of Illinois residents in light of COVID-19, reexamine the Governor's recent mask and vaccine mandates, reexamine the Governor's mandate to require universal masking regardless of vaccination status, reexamine the Governor's Order for mandated vaccination and additional requirements for those who are eligible for accommodation, and to afford adequate due process for any municipal corporation or any individual resident of the State of Illinois or any business in the State of Illinois to appeal any masking and vaccination requirements.

The Governor's statewide orders have caused severe hardship to the Village and the residents of the Village. The Board of Trustees of the Village of Orland Park cares deeply for the health and well-being of the residents of the Village and visitors to the Village. Since the beginning of this pandemic, the Village of Orland Park has been proactive in providing assistance to its residents, businesses and visitors.

The Village desires to act for the benefit of the health, safety and welfare of the residents of the Village, by providing public access in a safe and measured way, balancing the public health situation of the Village with the other needs of Village residents. As such, the Village President and Board of Trustees of the Village re-state that it is the policy of the Village not to take enforcement action in furtherance of the mitigations set forth in the Governor's Executive Orders, because the Illinois Emergency Management Agency Act provides for enforcement of Orders promulgated under that Act by Emergency Management and/or disaster agencies organized under that Act, and because the provisions of the Orders violate the rights of Village residents without being fact-based, necessary mitigations.

President Pekau had comments and presented information regarding this matter. (refer to audio)

Trustees Kampas, Milani, and Healy had comments. (refer to audio)

President Pekau had additional comments. (refer to audio)

I move to adopt Resolution 2124, entitled: RESOLUTION OPPOSING THE GOVERNOR'S MANDATES REGARDING VACCINATIONS AND MASKING.

A motion was made by Trustee Kampas, seconded by Trustee Milani, that this matter be PASSED. The motion carried by the following vote:

Aye: 7 - Trustee Healy, Trustee Nelson Katsenes, Trustee Milani, Trustee Kampas, Trustee Riordan, Trustee Radaszewski, and Village President Pekau

Nay: 0

NON-SCHEDULED CITIZENS & VISITORS

Residents Maryann Mahlen and Brett Mahlen addressed the Board. (refer to audio)

BOARD COMMENTS

Trustees Radaszewski, Riordan, Kampas, Milani, Katsenes, Healy and President Pekau had Board comments. (refer to audio)

EXECUTIVE SESSION

I move to recess to a Closed Executive Session for the purpose of discussion of a) approval of minutes; b) the appointment, employment, compensation, discipline, performances or dismissal of specific village employees.

A motion was made by Trustee Kampas, seconded by Trustee Milani, that this matter be APPROVED. The motion carried by the following vote:

Aye: 7 - Trustee Healy, Trustee Nelson Katsenes, Trustee Milani, Trustee Kampas, Trustee Riordan, Trustee Radaszewski, and Village President Pekau

Nay: 0

RECONVENE BOARD MEETING

The roll was called to reconvene the Regular Meeting and Trustees Healy, Katsenes, Milani, Kampas, Riordan, Radaszewski and President Pekau were present.

Purpose of the Executive Session was for the discussion of a) approval of minutes; b) the appointment, employment, compensation, discipline, performances or dismissal of specific village employees.

Present: 7 - Trustee Healy, Trustee Nelson Katsenes, Trustee Milani, Trustee Kampas, Trustee Riordan, Trustee Radaszewski and Village President Pekau

ADJOURNMENT: 9:08 PM

A motion was made by Trustee Kampas, seconded by Trustee Nelson Katsenes, that this matter be ADJOURNED. The motion carried by the following vote:

Aye: 7 - Trustee Healy, Trustee Nelson Katsenes, Trustee Milani, Trustee Kampas, Trustee Riordan, Trustee Radaszewski, and Village President Pekau

Nay: 0

2021-0664 Audio Recording for September 7, 2021, Board of Trustees Meeting

NO ACTION

/AS

Respectfully Submitted,

Patrick R. O'Sullivan, Village Clerk