



NOTICE AND AGENDA

**NOTICE IS HEREBY GIVEN
THAT A REGULAR VILLAGE BOARD MEETING**

WILL BE HELD ON

October 15, 2019

7:00 PM

Location: Oswego Village Hall

- A. CALL TO ORDER AND PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA**

- B. ROLL CALL**

- C. CONSIDERATION OF AND POSSIBLE ACTIONS ON ANY REQUESTS FOR ELECTRONIC PARTICIPATION IN MEETING**

- D. RECOGNITIONS/APPOINTMENTS**

- E. PUBLIC FORUM**

- F. STAFF REPORTS**

- G. CONSENT AGENDA**

G.1. October 1, 2019 Committee of the Whole Minutes

Posted: _____
Date: _____
Time: _____
Place: _____
Initials: _____

Tina Touchette
Village Clerk

[10-1-19 COTW.docx](#)

G.2. October 1, 2019 Regular Village Board Minutes

[10-1-19 RegVB.docx](#)

G.3. October 1, 2019 Closed Session Minutes #1 (Approve, but Not Release)

G.4. October 1, 2019 Closed Session Minutes #2 (Approve and Release)

G.5. Resolution Authorizing the Final Acceptance of Certain Public Improvements For Ashcroft Place Unit 3 – Woolley Road Improvements and Release of Project Surety Effective October 16, 2019

[jh101519.pbot Ashcroft Place Woolley Road Improvement Final Acceptance.docx](#)
[19-R- Final Acceptance of Public Improvements Woolley Road.docx](#)

H. BILL LIST

H.1. Approve Bill List Dated October 15, 2019 in the Amount of \$380,316.21.

[10-15-19 Bill List.pdf](#)

I. OLD BUSINESS

J. NEW BUSINESS

- J.1. Ordinance Granting a Variance to Zoning Ordinance Section 8.02 to Reduce the Rear Yard Setback in the B-2 Community Shopping District from Thirty (30) Feet to Twelve (12) Feet to Allow for a Canopy at 19 W. Washington Street.

[1044.19 American Legion Variance - 19 W. Washington St_VB Memo 10.15.19.docx](#)
[Ord # 1044.19 American Legion Variance - 19 W. Washington Street.docx](#)
[Exhibit B - Location Map.pdf](#)
[Exhibit C - Building Plans.pdf](#)
[1044.19 19 W. Washington Street American Legion.VAR.PC.10-10-19 \(NZ 9.17.19\).docx](#)

- J.2. Resolution Authorizing Reserve at Hudson Crossing, L.L.C. to Execute Change Order #1 to the Construction Contract with H. Linden & Sons in the Amount of \$151,598.06 for the Construction of the Reserve at Hudson Crossing Public Improvements

[JH101519.pbot Reserve at Hudson Crossing Change OrderDDSRev.docx](#)
[19-R- Reserve at Hudson Crossing Change Order 1.docx](#)
[Exhibit A Change Order 01.pdf](#)

K. PRESIDENT'S REPORT

L. TRUSTEE REPORTS

M. CLOSED SESSION

- M.1. a. Pending and Probable Litigation [5 ILCS 120/2(c)(11)]
b. Appointment, Employment, Compensation, Discipline, Performance, or Dismissal of Personnel [5 ILCS 120/2(c)(1)]
c. Collective Bargaining, Collective Negotiating Matters, Deliberations Concerning Salary Schedules [5 ILCS 120/2(c)(2)]
d. Sale, Lease, and/or Acquisition of Property [5 ILCS 120/2(c)(5) & (6)]
e. Security Procedures and the Use of Personnel and Equipment to Respond to an Actual, Threatened, or a Reasonably Potential Danger to the Safety of Employees, Staff, the Public, or Public Property [5 ILCS 120/2(c)(8)]

N. POSSIBLE ACTION OF CLOSED SESSION ITEMS INCLUDING:

O. ADJOURNMENT

**MINUTES OF A COMMITTEE OF THE WHOLE MEETING
OSWEGO VILLAGE PRESIDENT AND BOARD OF TRUSTEES
OSWEGO VILLAGE HALL
100 PARKERS MILL, OSWEGO, ILLINOIS
October 1, 2019**

CALL TO ORDER

President Troy Parlier called the meeting to order at 6:02 p.m.

ROLL CALL

Physically Present: President Troy Parlier and Trustees James Marter, Terry Olson, Luis Perez (attended at 6:38 p.m.), Judy Sollinger and Brian Thomas.

Absent: Trustee Pam Parr

Staff Present: Dan Di Santo, Village Administrator; Christina Burns, AVA/HR Director; Tina Touchette, Village Clerk; Jeff Burgner, Police Chief; Jennifer Hughes, Public Works Director; Rod Zenner, Community Development Director; Jenette Sturges, Community Engagement Coordinator, Marketing; Jay Hoover, B&Z Manager; Joe Renzetti, IT Manager; Carri Parker, Purchasing Manager; Corinna Cole, Economic Development Director; Susan Quasney, Project Engineer; and Ryan Morton, Village Attorney.

PUBLIC FORUM

Public Forum was opened at 6:02 p.m.

Gerald Sternberg addressed the Board regarding the HOA at Steeplechase subdivision. HOA will not allow duplex homeowners to repair the roof or siding unless both sides of the duplex do the repairs; aesthetics take priority over maintenance; whether the State or local authorities have anything in place about common roofs; HOA's exist as marketing tools for builders; wants the Village or State to put a rule in place for common roofs; mandatory dues paid monthly; payment based on formula.

There was no one else who requested to speak; the Public Forum was closed at 6:09 p.m.

OLD BUSINESS

E.1. Fall 2019 Village Board Priorities Setting Workshop

Asst. Administrator Burns addressed the Board regarding priorities. The Village Board's 2017 Strategic Plan identifies five strategic priorities. Each year, the Village Board conducts a separate priority setting workshop to ensure the projects align with the Board's priorities. Board members will be able to identify between one and three priority items in each category; as well as five additional votes to pick additional priorities across any category. The initial priority list is as follows:

Financial Sustainability:

- Insurance review (liability/workers compensation)- Issue RFP to evaluate market and cost impact of liability and workers comp insurance
- Program analysis- Review of cost and impact of all Village programs as part of the annual budget
- Bringing Metra to Oswego- Working with BNSF, RTA and Metra to fund a public transit extension to Oswego
- Alternative water source analysis- Evaluate financing and develop plan for community's future water source
- Wolf's Crossing construction plan- Identify and secure funding for the long-term expansion of Wolf's Crossing
- Sale of old Police Station- Sell or otherwise activate unused Village facility

Infrastructure Maintenance and Expansion

- Bike path/sidewalk inventory/planning- Analysis of bike path and sidewalk needs and developing a comprehensive system
- Railroad Quiet Zone- Implementation of a train horn quiet zone in downtown Oswego

- US 34/Main St/Harrison St. Pedestrian protection/signal- Identification and installation of pedestrian safety improvements downtown in coordination with IDOT
- Water Meter Replacement Program- Completion of water meter replacement program
- Development of building maintenance plans- Develop a comprehensive maintenance plan for all Village buildings
- Orchard Road/Tuscany Trail sidewalk- Completion of sidewalks at Orchard Road/Tuscany Trail
- Downtown alley repairs- Investment in infrastructure to improve downtown alleys
- Vehicle Replacement Policy Review- Review of Village vehicle replacement program to meet future Village needs
- Leaf/Brush Program Evaluation- Evaluate cost effectiveness and alternatives to program
- Public Works Space Needs- Evaluate feasibility of moving outdoors equipment stored outdoors to increase readiness & extend service life
- Main Street infrastructure revitalization- Investment in downtown infrastructure to facilitate future developments
- Downtown parking- Evaluation and expansion of downtown parking spaces in preparation for future developments
- Bike lanes- Resident request to add painted bike lanes on Plainfield Road

Community Engagement:

- Website update- Implementation of new website for Village
- Special Events- Evaluation of various events and maintaining a sustainable cost model.
- Go Oswego regional marketing- Continued use and expansion of Go Oswego brand for regional marketing
- Planning for and installing public art- Developing a program to encourage public art, especially in downtown
- Long-term plan for Senior Center- Working with Senior Center to identify a long-term plan and location
- Real-time Village communications platform- Identify and implement programs and technology to improve real-time communication, for example text notification
- Reoccurring publications- Ongoing evaluation and production of Newsletter, PAFR, Recycling Guide, event rack card, etc.
- Sponsorship program- Bolstering our sponsorship program in support of events
- Senior outreach and age-friendly community designations- Working with senior citizen population to identify and help meet needs
- New business and new resident marketing materials- Developing welcome and information materials to those new to Oswego

Effective Growth and Development:

- Entertainment venue project- Develop community entertainment venue off Orchard Road
- Cannabis legalization impact- Responding to impact of cannabis legalization, including police and retail establishments
- Greenfield residential development- Attracting and working with developers for new developments
- Adopt Unified Development Ordinance- Drafting and implementation of comprehensive zoning and subdivision ordinance.
- TIF: In-process downtown developments- Stewarding and completion of current TIF development proposals
- TIF: Seeking new downtown development- Attraction of developers to other available downtown redevelopment opportunities.
- Old Traughber redevelopment- Attraction of developers to Old Traughber site.
- Downtown West of River redevelopment- Attraction of developers to TIF areas west of the Fox River
- Orchard Road Business attraction- Attraction of businesses and developers to Orchard Road corridor
- Dominick's vacancy- Attraction of businesses and developers to Dominick's vacancy
- Caterpillar vacancy- Attraction of developers to Caterpillar vacancy in coordination with regional partners
- Business retention and expansion strategy- Building out of BRE program, which focuses on needs of existing businesses
- Route 34 Commercial Development- Attraction of businesses and developers to Route 34

- Route 71 Commercial Development- Attraction of businesses and developers to Route 71
- Auto Dealership attraction- Attraction of a new auto dealership to Oswego
- Route 30 Commercial development- Attraction of business and developers to Route 30
- Industrial development- Attraction of industrial businesses
- ReCon and marketing events- Preparation and attendance at regional/national business attraction events

Productive and Engaged Workforce:

- Crisis Intervention Team- Police training to facilitate contact with those in mental health crisis
- Opioid Intervention & Treatment- Police training related to impact of opioid use in community
- Local shared services- Building shared services relationships with overlapping taxing districts
- Regional shared services- Building shared services relationships with neighboring municipalities
- Staffing analysis implementation- Ongoing evaluation of staff growth based on workload and service level demands
- GIS Expansion- Expanding GIS capabilities to improve internal and external services
- ERP Implementation- Continued implementation of ERP software
- KenCom Radio Frequency Upgrade- Implementation of new radios and program related to KenCom upgrade
- Recruitment & Retention Efforts- Focus on improvement recruitment and retention of officers

Board and staff discussion focused on many items in progress; some haven't started; Wolf's Crossing Phase 2 starting any day now; total project= \$60 million; only have \$2 million; earliest can start is 2 years from now because of land acquisition; whether there will be residential acquisition issues; long term impact of construction; Phase 1 engineering involved the whole project; Wolf's Crossing Committee of the Whole discussion planned for later this year; starting the project on the Aurora end; bike path projects and trying to identify all; have limited resources; both the Village and the Park District would have jurisdiction over the bike paths; BRE program; building relationships and advocating for businesses; 80% of new jobs are from existing business in town; categories for the Board to prioritize in addition to all other projects currently in progress.

The Board members placed their stickers next to the projects they wanted to prioritize. Asst. Administrator Burns was provided the priority information from Trustees Parr and Perez and she placed the stickers on their behalf. Staff will analyze the information and provide a summary at a later date. There was no further discussion

NEW BUSINESS

There was no New Business.

CONSIDERATION OF AND POSSIBLE ACTIONS ON-ANY REQUESTS FOR ELECTRONIC PARTICIPATION IN MEETING

President Parlier stated Trustee Luis Perez requested the consideration of electronically attending tonight's meeting. Clerk Touchette confirmed the receipt of an electronic attendance request form from Trustee Luis Perez who was out due to employment purposes. President Parlier requested the following motion after it was determined there was a quorum:

A motion was made by Trustee Sollinger and seconded by Trustee Thomas to approve Trustee Luis Perez to electronically attend the October 1, 2019 Committee of the Whole Meeting and Closed Session.

Aye: James Marter II Terry Olson
 Judy Sollinger Brian Thomas

Absent: Pam Parr, Luis Perez

Nay: None

The motion was declared carried by a roll call vote with four (4) aye votes and zero (0) nay votes.

CLOSED SESSION

A motion was made by Trustee Sollinger and seconded by Trustee Olson to enter into Closed Session for the purposes of discussing the following:

- a. Pending and Probable Litigation [5 ILCS 120/2(c)(11)]
- b. Appointment, Employment, Compensation, Discipline, Performance, or Dismissal of Personnel [5 ILCS 120/2(c)(1)]
- c. Collective Bargaining, Collective Negotiating Matters, Deliberations Concerning Salary Schedules [5 ILCS 120/2(c)(2)]
- d. Sale, Lease, and/or Acquisition of Property [5 ILCS 120/2(c)(5) & (6)]

Aye: James Marter II
Judy Sollinger

Terry Olson
Brian Thomas

Absent: Pam Parr, Luis Perez

Nay: None

The motion was declared carried by a roll call vote with four (4) aye votes and zero (0) nay votes.

The Board adjourned to Closed Session at 6:39 p.m.

The Board returned to open session at 7:21 p.m.; all remaining members still present.

ADJOURNMENT

The meeting adjourned at 7:21 p.m.

Tina Touchette
Village Clerk

DRAFT

**MINUTES OF A REGULAR MEETING
OSWEGO VILLAGE PRESIDENT AND BOARD OF TRUSTEES
OSWEGO VILLAGE HALL
100 PARKERS MILL, OSWEGO, ILLINOIS
October 1, 2019**

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

President Troy Parlier called the meeting to order at 7:22 p.m. and led the Pledge of Allegiance to the Flag of the United States of America.

ROLL CALL

Physically Present: President Troy Parlier and Trustees James Marter, Terry Olson, Judy Sollinger and Brian Thomas.

Absent: Trustee Pam Parr and Luis Perez

Staff Present: Dan Di Santo, Village Administrator; Christina Burns, AVA/HR Director; Tina Touchette, Village Clerk; Jeff Burgner, Police Chief; Jennifer Hughes, Public Works Director; Rod Zenner, Community Development Director; Jenette Sturges, Community Engagement Coordinator, Marketing; Jay Hoover; B&Z Manager; Joe Renzetti, IT Manager; Carri Parker, Purchasing Manager; and Ryan Morton, Village Attorney.

CONSIDERATION OF AND POSSIBLE ACTIONS ON ANY REQUESTS FOR ELECTRONIC PARTICIPATION IN MEETING

There was no one who attended electronically.

RECOGNITIONS/APPOINTMENTS

D.1. Character Counts Awards

Alexa Backus read the letter of nomination and, along with Village President Parlier, presented the nominees with an award and had their picture taken.

D.2. Recognitions- Explorers Post #3525

Chief Burgner recognized Officer Novy and several Explorers who won awards as part of a State competition. They received seven awards.

D.3. Employee Service Awards

a. Jesus Navarro- 5 Years of Service (Public Works Department) Did not attend

b. Erin Schiber- 15 Years of Service (Human Resources Department) Did not attend

President Parlier extended his congratulations to Jesus Navarro and Erin Schiber for their years of service.

PUBLIC FORUM

Public Forum was opened at 7:29 p.m.

Darryl Herr addressed the Board regarding the donated land by the Park & Ride. There are concerns over the venue; criminal activity; noise; how disturbances are handled; whether home values will be maintained. Staff noted that the land donation is being voted on at tonight's meeting.

Nathan Cristanujaya addressed the Board concerning what is being done to prevent pedestrian collisions in the downtown and how people can help. Staff noted that traffic studies are being held and a meeting was also held to discuss how to protect pedestrians. The Village will be holding a second meeting to discuss further.

There was no one else who requested to speak; the Public Forum was closed at 7:33 p.m.

STAFF REPORTS

Community Engagement Coordinator, Jenette Sturges provided information regarding the school district's food drive. Each year students compete to see which school can bring in the most donations. This year, the food drive expanded to the Village, Park District and other local government agencies. Consider donating non-perishable food, baby and personal care items through Wednesday, Oct. 9th. Collection boxes are at Village Hall, the Police Department and Public Works.

Director Hughes- Block 11 construction is starting Thursday.

CONSENT AGENDA

- G.1. September 17, 2019 Committee of the Whole Minutes
- G.2. September 17, 2019 Regular Village Board Minutes
- G.3. September 17, 2019 Closed Session Minutes (Approve, But Not Release)

A motion was made by Trustee Olson and seconded by Trustee Sollinger to approve the Consent Agenda; Approving the September 17, 2019 Committee of the Whole Minutes; Approving the September 17, 2019 Regular Village Board Minutes; and Approving, But Not Releasing the September 17, 2019 Closed Session Minutes.

Aye: James Marter II
Judy Sollinger

Terry Olson
Brian Thomas

Absent: Pam Parr, Luis Perez

Nay: None

The motion was declared carried by an omnibus roll call vote with four (4) aye votes and zero (0) nay votes.

BILL LIST

- H.1. Approve Bill List Dated October 1, 2019 in the Amount of \$688,957.65.

The following motion was made and approved in error:

A motion was made by Trustee Sollinger and seconded by Trustee Olson to approve the Bill List Dated September 17, 2019 in the Amount of \$1,194,301.15.

Aye: James Marter II
Judy Sollinger

Terry Olson
Brian Thomas

Absent: Pam Parr, Luis Perez

Nay: None

The motion was declared carried by a roll call vote with four (4) aye votes and zero (0) nay votes.

The following motion was made and approved:

A motion was made by Trustee Sollinger and seconded by Trustee Thomas to approve the Bill List Dated October 1, 2019 in the Amount of \$688,957.65.

Aye: James Marter II
Judy Sollinger

Terry Olson
Brian Thomas

Absent: Pam Parr, Luis Perez

Nay: None

The motion was declared carried by a roll call vote with four (4) aye votes and zero (0) nay votes.

OLD BUSINESS

There was no Old Business.

NEW BUSINESS

J.1. Ordinance to Amend the Village Code Title 1 Chapter 19; Purchasing and implementation of the Procurement Policies and Procedures Manual.

Manager Parker addressed the Board regarding an amendment to the purchasing code. This item was discussed at the September 17, 2019 Committee of the Whole meeting and included discussion on the proposed changes. Following that meeting, the Village Attorney recommended some technical changes and Trustee Perez recommended retaining section 1-19-1(B). Staff found value in retaining the following language and including veterans in the language:

The village encourages local businesses, veteran-owned, minority-owned, and women-owned businesses to bid on village purchases and projects.

There was no further discussion.

A motion was made by Trustee Thomas and seconded by Trustee Olson to approve the Ordinance to Amend the Village Code Title 1 Chapter 19; Purchasing and implementation of the Procurement Policies and Procedures Manual.

Aye: James Marter II
Judy Sollinger

Terry Olson
Brian Thomas

Absent: Pam Parr, Luis Perez

Nay: None

The motion was declared carried by a roll call vote with four (4) aye votes and zero (0) nay votes.

J.2. Resolution Authorizing the Execution of a Donation Agreement between Oswego Lot 7, LLC and the Village of Oswego For Lot 7 of Oswego Junction Phase 2.

Administrator Di Santo addressed the Board regarding a land donation agreement. Local business owner, Kevin Fialko, recently purchased Lot 7 in Oswego Junction Phase 2. The property is immediately west of the Park N Ride lot on Station Drive. Mr. Fialko also owns the Oswego Junction development, including the restaurant Prohibition Junction and hosts the VET FEST 141 event. When the Village heard that Mr. Fialko purchased the property, a meeting was arranged to understand his development intentions. When discussing the best use of the subject property, the Village and Mr. Fialko agreed that a community entertainment venue would be an ideal use for the property. Mr. Fialko agreed to donate the property to the Village. As part of the donation agreement, it requires the Village to develop “a venue for outdoor live performance and music entertainment and events to be enjoyed by the general public” within 3 years. If the Village does not develop the property within 3 years, the property ownership shall revert back to Oswego Lot 7, LLC; which is Mr. Fialko’s corporation. If the Board accepts the donation, Village staff will begin engaging the community to generate a design and specific plans for the site.

Board and staff discussion focused on the property is not just a venue for events; area for adults and children; not intended to be used 365 days per year; pumpkin patch; community space; school involvement; veteran memorial; a little bit of everything; Mr. Fialko is the best partner to help redevelop the area. There was no further discussion.

A motion was made by Trustee Marter II and seconded by Trustee Thomas to approve a Resolution Authorizing the Execution of a Donation Agreement between Oswego Lot 7, LLC and the Village of

Oswego For Lot 7 of Oswego Junction Phase 2.

Aye: James Marter II Terry Olson
 Judy Sollinger Brian Thomas

Absent: Pam Parr, Luis Perez

Nay: None

The motion was declared carried by a roll call vote with four (4) aye votes and zero (0) nay votes.

PRESIDENT'S REPORT

Police and Fire Department Open House is this Saturday; Fox Fall Fest is this Sunday; several new restaurant openings.

TRUSTEE REPORTS

Trustee Thomas- thank you for the shared services agreement with the school district; this is saving them \$200,000; thank you to President Parlier for the proactive approach with Mr. Fialko for the property off of the Park & Ride.

Trustee Marter II- nice Character Counts award/recognition for Nick Garcia; known him for 7 years; congratulations to him.

Trustee Olson- attended the IML conference; learned a lot; looking forward to attending next year.

CLOSED SESSION

A motion was made by Trustee Sollinger and seconded by Trustee Olson to enter into Closed Session for the purposes of discussing the following:

- a. Pending and Probable Litigation [5 ILCS 120/2(c)(11)]
- b. Appointment, Employment, Compensation, Discipline, Performance, or Dismissal of Personnel [5 ILCS 120/2(c)(1)]
- c. Collective Bargaining, Collective Negotiating Matters, Deliberations Concerning Salary Schedules [5 ILCS 120/2(c)(2)]
- d. Sale, Lease, and/or Acquisition of Property [5 ILCS 120/2(c)(5) & (6)]

Aye: James Marter II Terry Olson
 Judy Sollinger Brian Thomas

Absent: Pam Parr, Luis Perez

Nay: None

The motion was declared carried by a roll call vote with four (4) aye votes and zero (0) nay votes.

The Board adjourned to Closed Session at 7:47 p.m.

The Board returned to open session at 7:56 p.m.; all remaining members still present.

ADJOURNMENT

A motion was made by Trustee Marter II and seconded by Trustee Olson to adjourn the meeting; upon a voice vote with all remaining members present voting aye, the meeting was adjourned at 7:56 p.m.

Tina Touchette
Village Clerk

AGENDA ITEM

MEETING TYPE: Village Board

MEETING DATE: October 15, 2019

SUBJECT: Woolley Road Improvements – Final Acceptance

ACTION REQUESTED:

Approve a Resolution Authorizing the Final Acceptance of Certain Public Improvements For Ashcroft Place Unit 3 – Woolley Road Improvements and Release of Project Surety Effective October 16, 2019

BOARD/COMMISSION REVIEW:

N/A

ACTION PREVIOUSLY TAKEN:

Date of Action	Meeting Type	Action Taken
4/11/17	Village Board	Approved Resolution 17-R-38 Authorizing the Execution of a Development Agreement with Development Solutions AP, LLC, for Ashcroft Place Unit 3 Improvements to Woolley Road Improvements.
5/15/18	Village Board	Approved Resolution 18-R-35 Authorizing the Initial Acceptance of Certain Public Improvements For Ashcroft Place Unit 3 – Woolley Road Improvements, Effective May 16, 2018

DEPARTMENT: Public Works

SUBMITTED BY: Public Works Director/Village Engineer Jennifer M. Hughes, P.E., CFM

FISCAL IMPACT:

None.

BACKGROUND:

In 2005, the Village entered into an annexation agreement with Wiseman Hughes Enterprises for Ashcroft Place Units 2 and 3. Although Wiseman started Unit 2, they did not start work on Unit 3. In early 2014, Development Solutions AP, LLC (the “Developer”) approached the Village about restarting the Unit 3. The Village subsequently approved the Final Plat for Unit 3 in

October 2014. The later unit is located directly south of the new police station on Woolley Road. The annexation agreement required, among other things, for the Developer to reconstruct Woolley Road to a three lane cross section, bury the overhead utility lines, and construct a bike path along the south side of Woolley Road. The agreement further allowed for the Developer to enter into recapture agreements for the pro rata share of the improvements. When the Village purchased the new police station site, it became subject to the potential recapture. Rather than establishing a recapture agreement, the Developer and Village entered into a Development Agreement for Woolley Road. The agreement required both the Village and Developer share the cost of the improvements.

The Village is currently holding surety of \$828,044.40 in security through Fidelity and Deposit Company of Maryland in the form of maintenance bond #922803201M for this project.

DISCUSSION:

On May 15, 2018, the Village granted initial acceptance for the following improvements within public right-of-way:

Watermain
Storm Sewers
Pavement and pavement markings
Curb and Gutter
Sidewalks
Signs

The road has remained in satisfactory condition throughout the maintenance period.

RECOMMENDATION:

Staff recommends approving the granting “Final Acceptance” and release of project surety for the road improvements.

ATTACHMENTS:

- Resolution No. 19-R-___ Final Acceptance of Public Improvements Woolley Road

RESOLUTION NO. 19 - R - __

RESOLUTION AUTHORIZING THE FINAL ACCEPTANCE OF CERTAIN PUBLIC IMPROVEMENTS FOR ASHCROFT PLACE UNIT 3 – WOOLLEY ROAD IMPROVEMENTS AND RELEASE OF PROJECT SURETY EFFECTIVE OCTOBER 16, 2019

WHEREAS, the Village of Oswego (“Village”) has a population of more than 25,000 and is therefore a “Home Rule Unit” under the 1970 Illinois Constitution; and

WHEREAS, the Illinois Constitution of 1970 provides that a Home Rule Unit may exercise any power and perform any function pertaining to its government and affairs, including but not limited to the power to regulate for the protection of the public health, safety, morals and welfare; to license, to tax; and to incur debt; and

WHEREAS, the Village has in full force and effect a codified set of those ordinances of the Village which are of a general and permanent nature, which said codified set is known and designated as the Village Code of the Village of Oswego, as amended; and

WHEREAS, the approved Ordinance No. 05-57 authorized execution of an Annexation Agreement for Wiseman Hughes Enterprises – Ashcroft Place Units 2 and 3; and,

WHEREAS, the Annexation Agreement requires the developer to improve Woolley Road; and

WHEREAS, Development Solutions AP, LLC, a Delaware limited liability company is the Successor Developer to Wiseman Hughes Enterprises, and,

WHEREAS, the Village approved Resolution no. 17-R-38 authorizing the execution of a Development Agreement with Development Solutions AP, LLC, for Ashcroft Place Unit 3 Improvements to Woolley Road Improvements; and,

WHEREAS, the Village approved Resolution no. 18-R-35 authorizing the initial acceptance of certain public improvements for Ashcroft Place Unit 3 Improvements to Woolley Road Improvements, effective May 16, 2018; and,

WHEREAS, the Village is currently holding surety of \$828,044.40 in security through Fidelity and Deposit Company of Maryland in the form of maintenance bond #922803201M for Woolley Road Improvements: and,

WHEREAS, the Village Engineer has reviewed the project documents and recommends “Final Acceptance” in accordance with Section 8.16 Final Processing and Initial/Final Acceptance of the Subdivision and Development Control Regulations of the Village of Oswego; and

WHEREAS, it is in the best interest of the Village of Oswego to complete the following tasks for this project:

- 1) Grant “Final Acceptance” of certain public improvements for Ashcroft Place Unit 3 Woolley Road Improvements; and,
- 2) Release maintenance bond #922803201M from Fidelity and Deposit Company of Maryland in its entirety.

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF OSWEGO, KENDALL AND WILL COUNTIES, ILLINOIS, as follows:

SECTION 1. INCORPORATION OF RECITAL

That the recitals set forth above are incorporated here by reference.

SECTION 2. FINAL ACCEPTANCE OF PUBLIC IMPROVEMENTS

The Village grants “Final Acceptance” for the following public improvements within right-of-way of Woolley Road in accordance with Section 8.16 Final Processing and Initial/Final Acceptance of the Subdivision and Development Control Regulations of the Village of Oswego:

Watermain
Storm Sewers
Pavements and pavement markings
Curb and Gutter
Sidewalks
Signs

SECTION 3. RELEASE OF PROJECT SURETY

The Village Administrator is hereby authorized to take all actions necessary to release maintenance bond #922803201M from Fidelity and Deposit Company of Maryland in its entirety.

SECTION 4. REPEALER

All Resolutions or parts of Resolutions in conflict with any of the provisions of this Resolution shall be, and the same hereby repealed.

SECTION 5. SEVERABILITY

This Resolution and every provision thereof shall be considered severable. In the event that any court of competent jurisdiction may find and declare any word, phrase, clause, sentence, paragraph, provision or section or part of a phrase, clause, sentence, paragraph, clauses, sentences, paragraphs and provisions and parts of phrases, clauses, sentences, paragraphs, provisions and sections not ruled void or unconstitutional shall continue in full force and effect.

SECTION 5. EFFECTIVE DATE

This Resolution shall be in full force and effect on October 16, 2019.

PASSED by the Board of Trustees of the Village of Oswego, Kendall and Will Counties, Illinois this 15th day of October 2019.

JAMES MARTER	_____	LUIS PEREZ	_____
TERRY OLSON	_____	JUDY SOLLINGER	_____
PAM PARR	_____	BRIAN THOMAS	_____

APPROVED by me, Troy Parlier, as President of the Village of Oswego, Kendall and Will Counties, Illinois this 15th day of October 2019.

TROY PARLIER, VILLAGE PRESIDENT

Tina Touchette, Village Clerk

STATE OF ILLINOIS)
)
COUNTIES OF KENDALL) SS
AND WILL

CLERK'S CERTIFICATE

I, Tina Touchette, the duly qualified and acting Village Clerk of the Village of Oswego, Kendall and Will Counties, Illinois, do hereby certify that I am the keeper of its books and records and that the attached hereto is a true and correct copy of a Resolution entitled:

RESOLUTION AUTHORIZING THE FINAL ACCEPTANCE OF CERTAIN PUBLIC IMPROVEMENTS FOR ASHCROFT PLACE UNIT 3 – WOOLLEY ROAD IMPROVEMENTS AND RELEASE OF PROJECT SURETY EFFECTIVE OCTOBER 16, 2019

which Resolution was duly adopted by said Board of Trustees at a meeting held on the 15th day of October, 2019, and thereafter approved by the Village President on the 15th day of October, 2019.

I do further certify, in my official capacity, that a quorum of said Board of Trustees was present at said meeting and that the Board complied with all requirements of the Illinois Open Meetings Act.

IN WITNESS WHEREOF, I have hereunto set my hand this ___ day of _____, 2019.

Tina Touchette, Village Clerk
Village of Oswego

(Seal)

**Village of Oswego
Bill List
October 15, 2019**

<u>Fund/Department:</u>	<u>Vendor Name:</u>	<u>Description:</u>	<u>Amount:</u>	<u>Department Totals:</u>
General Fund:				
Corporate:				
1001100	Discovery Benefits	FSA Monthly Payments	98.00	
1001100	IPRF	Workers Compensation Insurance	835.14	
1001100	Parker, Carri	Travel-IAPPO Training Course	289.98	
1001100	Parker, Carri	Travel-NIGP Conference	80.42	
			Corporate Total:	1,303.54
Community Relations:				
1002000	IPRF	Workers Compensation Insurance	250.54	
1002000	Widely Interactive	GoOswego Website Maintenance	125.00	
			Community Relations Total:	375.54
Building & Zoning:				
1009999	Bradley Enterprises	Refund Permit, Unincorporated Area	362.46	
1009999	Bradley Enterprises	Refund Permit, Unincorporated Area	50.00	
1002500	IPRF	Workers Compensation Insurance	835.14	
1009999	Window Works	Refund Permit #3824-2019	46.00	
1009999	Window Works	Refund Permit #3824-2019	50.00	
			Building & Zoning Total:	1,343.60
Community Development:				
1003000	IPRF	Workers Compensation Insurance	445.41	
			Community Development	445.41
Economic Development:				
1003500	IPRF	Workers Compensation Insurance	111.35	
			Economic Development:	111.35
Finance:				
1004000	Sikich LLP	Audit Services	13,099.00	
1004000	IPRF	Workers Compensation Insurance	668.11	
			Finance Total:	13,767.11
Information Technologies:				
1004500	Granicus, INC.	Govt Transparency Suite	4,862.02	
1004500	IPRF	Workers Compensation Insurance	111.35	
			Information Technologies Total:	4,973.37
Police:				
1005030	Elvin, Ron	Police Commission Meetings	25.00	
1005030	Hahn, Jeff	Police Commission Meetings	25.00	
1005030	ID Networks	Annual Service Maintenance Fee	4,114.00	
1005030	IPRF	Workers Compensation Insurance	7,239.85	
1005030	Kendall County Assoc of Chiefs of Police	September 2019 Meeting Fee	48.00	
1005040	Kendall County Assoc of Chiefs of Police	September 2019 Meeting Fee	48.00	
1005030	Niesman, Carrie	Police Commission Meetings	25.00	
1005030	Trotsky Investigative Services	Polygraph Testing for New CSO	140.00	
1005030	Uniform Den East	Body Armor Replacement	1,992.50	
1005030	University of IL	Police Tactical Firearms Training	809.00	
			Police Total:	14,466.35
Public Works:				
1006050	Al Warren Oil Co, INC	Diesel Fuel for Fleet	473.50	
1006050	Al Warren Oil Co, INC	Gasoline for Fleet	836.04	
1006060	Andersen Plumbing/Heating	PW - Trench Drain Cleaning	2,560.00	
1006030	Comed	1000 Station Dr, Park & Ride	277.46	
1006030	Comed	104 E. Jackson St Lights	137.56	
1006030	Comed	1945 Wiesbrook Controller	51.70	
1006030	Comed	Master Account Traffic Signals	193.27	
1006030	Constellation Newenergy	692 Canton Ct. Lights	6,404.53	
1006060	Doors By Russ	PW- Salt Dome Overhead Door Repair	970.00	
1006030	Frost Electric Company	Street Light Repair	1,690.00	
1006030	Frost Electric Company	Street Light Repair	1,935.00	
1006030	IPRF	Workers Compensation Insurance	2,061.00	
1006060	Leonardi Appliance Parts & Service	PW Dryer Repair	154.00	
1006030	Meade Electric Company	Traffic Signal Locate	77.95	
1006030	Meade Electric Company	Traffic Signal Maintenance	305.02	
1006030	Meade Electric Company	Traffic Signal Repair	1,081.31	
1006060	Orkin Pest Control	VH Quarterly Pest Control	361.40	
1006010	Physicians Immediate Care	Random Drug Screening	181.00	

**Village of Oswego
Bill List
October 15, 2019**

<u>Fund/Department:</u>	<u>Vendor Name:</u>	<u>Description:</u>	<u>Amount:</u>	<u>Department Totals:</u>
1006060	Warehouse Direct	New PD - 2 Cases Trash Can Liners	34.48	
1006060	Warehouse Direct	New PD - 3 Cartons Hand Soap	179.97	
1006060	Warehouse Direct	PD - 6 Carts Roll Paper Towels	136.50	
			Public Works Total:	<u>20,101.69</u>
			General Fund Total:	<u>56,887.96</u>
 Water & Sewer Fund:				
5006070	Al Warren Oil Co, INC	Diesel Fuel for Fleet	578.72	
5006070	Al Warren Oil Co, INC	Gasoline for Fleet	1,021.83	
5006070	Black Diamond Paving	Asphalt Patch Repair	997.00	
5006070	Comed	107A Rt 25 PRV Well 1	74.93	
5006070	Comed	3523 Rt 34 Booster 1	28.95	
5006070	Comed	405A Chicago Rd Pump Valve at Well	21.58	
5006070	Concentric Integration	Concentric Support Agreement	11,250.00	
5006070	Concentric Integration	Orchard Water Tower Meter Replacement	2,687.50	
5006070	Concentric Integration	Replacement PLC, Franklin Street	1,815.54	
5006070	Concentric Integration	Washington St PRV Programming	165.00	
5006070	Concentric Integration	Water Site UPS Installations	13,524.80	
5006070	Concentric Integration	Water System Surge Suppressor	11,743.20	
5006070	Concentric Integration	Well 6 and Fox Chase Tower Replacement	3,629.74	
5006070	Ferguson Waterworks	Neptune Software Maintenance	9,000.00	
5006070	Fox Metro Water Reclamation Dist	Cleaning and Televising	3,000.00	
5006070	Hawkins Water Treatment	Well 10 Chlorine Water Treatment	249.00	
5006070	Hawkins Water Treatment	Well 10 Polyphosphate Water Treatment	520.98	
5006070	Hawkins Water Treatment	Well 7 Chlorine Water Treatment	249.00	
5006070	Hawkins Water Treatment	Well 7 Polyphosphate Water Treatment	776.55	
5006070	Hawkins Water Treatment	Well 8 Chlorine Water Treatment	249.00	
5006070	Hawkins Water Treatment	Well 8 Polyphosphate Water Treatment	855.19	
5006070	Illinois Collection Services	Collection Services	62.86	
5006070	IPRF	Workers Compensation Insurance	668.11	
5006070	Rubino Engineering, INC	Soil Borings for Woolley Rd	3,210.00	
5006070	Suburban Laboratories	Bacteriological Samples	654.00	
5006070	Third Millennium	Green Pay July-Sept 2019	10,388.25	
			Water & Sewer Fund:	<u>77,421.73</u>
 Water & Sewer Capital Fund:				
5106070	Baxter & Woodman Co	Well 6 & 8 Electrical Upgrades	1,336.48	
5106070	RJN Group, INC	Sanitary Sewer Inspection	3,870.00	
			Water & Sewer Capital Fund:	<u>5,206.48</u>
 Capital Fund:				
3003000	C Acitelli Heating & Cooling	New PD - Sheet Metal Material	1,040.00	
3003000	ClientFirst Consulting	Project Oversight: Implementation	2,385.00	
3003000	Tyler Technologies, INC	ERP Implementation Phase 2	637.50	
			Capital Fund:	<u>4,062.50</u>
 Garbage Fund:				
5606010	Groot Industries, INC	Garbage Service	214,774.60	
			Garbage Fund:	<u>214,774.60</u>
 Special Events Fund:				
2302000	Clowning Around Entertainment	Certificate of Insurance, Xmas Walk	175.00	
2302000	Popcorn Store	Dine N Drive Refundable Deposit	100.00	
2302000	Quick Signs	2 Banners for Literary Festival	162.00	
2302000	Quick Signs	2 Corrugated Signs for Literary Festival	72.00	
2302000	Zoos Are Us, INC	Rental of 2-3 Reindeer, Xmas Walk	1,695.00	
			Special Events Fund:	<u>2,204.00</u>
 Subdivision Escrow Fund:				
9000000	Calatlantic/Lennar	Bond Refund 828 Shadowbrook	250.00	
9000000	Calatlantic/Lennar	Bond Refund 828 Shadowbrook	1,000.00	
9000000	Calatlantic/Lennar	Bond Refund 828 Shadowbrook	3,080.00	
9000000	Calatlantic/Lennar	Bond Refund 828 Shadowbrook	2,000.00	
9000000	Robinson Engineering	18-R1027 90 Plank Rd	1,934.00	
9000000	Robinson Engineering	19-R0454 Ogden & Heritage Cell	498.00	
9000000	Robinson Engineering	19-R396 Burger King	1,535.50	
			Sub Escrow Fund:	<u>10,297.50</u>
 TIF Fund:				
2503500	Robinson Engineering	17-R0416 Potters Place	700.00	
2503500	Robinson Engineering	17-R0416 Potters Place	350.00	

**Village of Oswego
Bill List
October 15, 2019**

<u>Fund/Department:</u>	<u>Vendor Name:</u>	<u>Description:</u>	<u>Amount:</u>	<u>Department Totals:</u>
2503500	Robinson Engineering	19-R0801 113 Main Street	695.00	
2503500	Village of Oswego	59 S Adams Closing Costs	5,500.00	
				TIF Fund: <u>7,245.00</u>
 Other General Fund:				
1000000	Trustmark	Additional Insurance	135.42	
1000000	Trustmark	Additional Insurance	456.66	
1000000	Trustmark	Additional Insurance	1,624.36	
				Other General Fund: <u>2,216.44</u>
				Grand Total: <u><u>380,316.21</u></u>



AGENDA ITEM

MEETING TYPE: Village Board

MEETING DATE: October 15, 2019

SUBJECT: American Legion Variance Project #1044.19

ACTION REQUESTED:

Approval of an Ordinance Granting a Variance to Zoning Ordinance Section 8.02 to reduce the rear yard setback in the B-2 Community Shopping District under Section 8.02 of the Village’s Zoning Ordinance from thirty (30) feet to twelve (12) feet to allow for the construction of a two-hundred (200) square foot canopy attached to the rear of the building at 19 W. Washington Street.

BOARD/COMMISSION REVIEW:

The Planning and Zoning Commission is scheduled to review the request at a Public Hearing on October 10, 2019 (staff report attached). Staff will provide an update regarding that discussion and the Planning and Zoning Commission’s recommendation at the Village Board meeting on October 15th, 2019.

ACTION PREVIOUSLY TAKEN:

Date of Action	Meeting Type	Action Taken
N/A		

DEPARTMENT: Community Development

SUBMITTED BY: Planner Natalie Zine

FISCAL IMPACT:

Not Applicable.

BACKGROUND:

The property is located at 19 W. Washington Street. The site is approximately 0.20 acres in size. The property is zoned B-2 Community Shopping District and is improved with a two-story building, The American Legion Post 675.

DISCUSSION:

The applicant is requesting approval of a variance to allow for a reduction in the required rear yard setback in a B-2 Community Shopping Zoning District from thirty feet (30') to twelve feet (12') to allow for the construction of a two-hundred (200) square foot canopy attached to the rear of the building.

Sections 8.02(C) and 8.01(C) of the Village Zoning Ordinance provide that the required rear yard setback for a property located in the B-2 Community Shopping District shall be not less than thirty feet (30'). The petitioner is requesting a variance to reduce the required rear yard setback from thirty feet (30') to twelve feet (12').

This would allow for the construction of a two-hundred (200) square foot canopy that would extend out from the rear of the building. The canopy is intended to be used as a patio cover for customers in the beer garden. It is not intended for storage use or vehicles. The small existing canopy is not large enough for any tables or chairs.

Staff does not believe this request for variation meets the strictest interpretation of the Standards for Variations. The property in question could continue to yield a reasonable return without the proposed canopy and the strict enforcement of the variance standards would not result in exceptional hardship due to special or unusual conditions not typically found on other properties.

However, staff understands that the alleged hardship was not directly created by the petitioner and does not believe the proposed variation would be detrimental to the public welfare or surrounding properties as it is buffered by parking lots and alleys.

Moreover, the construction of the new two-hundred (200) square foot canopy would include the removal of the smaller existing canopy and be an attractive addition to the property and improvement for the American Legion organization.

The Planning and Zoning Commission is scheduled to review the request at a Public Hearing on October 10, 2019 (staff report attached). Staff will provide an update regarding that discussion and the Planning and Zoning Commission's recommendation at the Village Board meeting on October 15th, 2019.

RECOMMENDATION:

Staff is recommending approval of an ordinance granting a variance to reduce the required rear yard setback in a B-2 Community Shopping Zoning District from thirty feet (30') to twelve feet (12') to allow for the construction of a two-hundred (200) square foot canopy attached to the rear of the building.

ATTACHMENTS:

Ordinance

Exhibit A – Legal Description

Exhibit B – Location Map

Exhibit C – Building Plans

Planning & Zoning Commission Staff Report

**VILLAGE OF OSWEGO
KENDALL AND WILL COUNTIES, ILLINOIS**

ORDINANCE NO. 19 -- ____

AN ORDINANCE GRANTING A VARIANCE TO REDUCE THE REAR YARD SETBACK IN THE B-2 COMMUNITY SHOPPING DISTRICT FROM THIRTY (30) FEET TO TWELVE (12) FEET TO ALLOW FOR THE CONSTRUCTION OF A TWO-HUNDRED (200) SQUARE FOOT CANOPY ATTACHED TO THE REAR OF THE BUILDING LOCATED AT 19 W. WASHINGTON STREET, IN THE VILLAGE OF OSWEGO, KENDALL COUNTY, ILLINOIS.

(Rear Yard Setback Variance – 19 W. Washington Street)

**ADOPTED BY
THE PRESIDENT AND BOARD OF TRUSTEES
OF THE
VILLAGE OF OSWEGO**

This _____ day of _____, 2019

Prepared by and Return to:
Village of Oswego
100 Parkers Mill
Oswego, IL 60543

Published in pamphlet form by authority of the President
and Board of Trustees of the Village of Oswego on _____, 2019.

ORDINANCE NO. 19 -- __

AN ORDINANCE GRANTING A VARIANCE TO REDUCE THE REAR YARD SETBACK IN THE B-2 COMMUNITY SHOPPING DISTRICT FROM THIRTY (30) FEET TO TWELVE (12) FEET TO ALLOW FOR THE CONSTRUCTION OF A TWO-HUNDRED (200) SQUARE FOOT CANOPY ATTACHED TO THE REAR OF THE BUILDING LOCATED AT 19 W. WASHINGTON STREET, IN THE VILLAGE OF OSWEGO, KENDALL COUNTY, ILLINOIS.

(Rear Yard Setback Variance – 19 W. Washington Street)

WHEREAS, the Village of Oswego (“Village”) has a population of more than 25,000 and is therefore a “Home Rule Unit” under the 1970 Illinois Constitution; and

WHEREAS, the Illinois Constitution of 1970 provides that a Home Rule Unit may exercise any power and perform any function pertaining to its government and affairs, including but not limited to the power to regulate for the protection of the public health, safety, morals and welfare; to license, to tax; and to incur debt; and

WHEREAS, the Village has in full force and effect a codified set of those ordinances of the Village which are of a general and permanent nature, which said codified set is known and designated as the Village Code of the Village of Oswego, as amended; and

WHEREAS, the petitioner, American Legion Post 675, has filed an application for a variance to reduce the rear yard setback in the B-2 Community Shopping District under Section 8.02 of the Village’s Zoning Ordinance from thirty (30) feet to twelve (12) feet to allow for the construction of a two-hundred (200) square foot canopy attached to the rear of the building; and

WHEREAS, the subject property is commonly known as 19 W. Washington Street, zoned B-2 Community Shopping District, and is improved with a two-story commercial building; and

WHEREAS, the Planning and Zoning Commission is scheduled to review the request at a Public Hearing on October 10, 2019; and

WHEREAS, the Village Board shall not vary the regulations of the Village Zoning Ordinance unless the Planning and Zoning Commission accepts findings of fact based upon the evidence as presented that:

- 1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations of the district in which it is located.**

Applicant response: The canopy is needed so that our customers can be protected from the elements when outside in the beer garden.

- 2. The alleged hardship has not been directly created by any person presently having a proprietary interest in the premises.**

Applicant response: The building was built with a rear yard setback of approximately 22 feet not including the existing canopy.

- 3. Strict enforcement of this title would result in practical difficulties or impose exceptional hardships due to special and unusual conditions which are not generally found on other properties in the same zoning district.**

Applicant response: Our customers wouldn't be able to enjoy our beer garden without the canopy to protect them.

- 4. The proposed variation will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood and will not alter the essential character.**

Applicant response: The proposed canopy will not be detrimental to the public welfare or injurious to other properties around us. Our property backs up to an alley way and behind that is a parking lot.

- 5. The proposed variation is in harmony with the spirit and intent of this ordinance.**

Applicant response: The proposed variation is in harmony with the spirit and intent of this ordinance; and

WHEREAS, this ordinance shall be recorded at Kendall County, Illinois.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF OSWEGO, KENDALL AND WILL COUNTIES, ILLINOIS, as follows:

Section 1: That the recitals set forth above are incorporated here by reference, and the application for a Variance by The American Legion Post 675 to reduce the rear yard setback in the B-2 Community Shopping District from thirty (30) feet to twelve (12) feet to allow for the construction of a two-hundred (200) square foot canopy attached to the rear of the building is approved and that the Village Clerk is hereby directed to record with the Kendall County Clerk a certified copy of this Ordinance, together with an accurate map of the property hereby made a part hereof, identified and enumerated on the following exhibits:

Exhibit "A" – Legal description

Exhibit "B" – Location Map

Exhibit "C" – Building Plans

Section 2: SEVERABILITY

This ordinance and every provision thereof shall be considered severable. If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

Section 3: REPEALER

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4: EFFECTIVE DATE

This Ordinance shall be in full force and effect immediately upon its passage and approval. Publication in pamphlet form is hereby authorized, as provided by law.

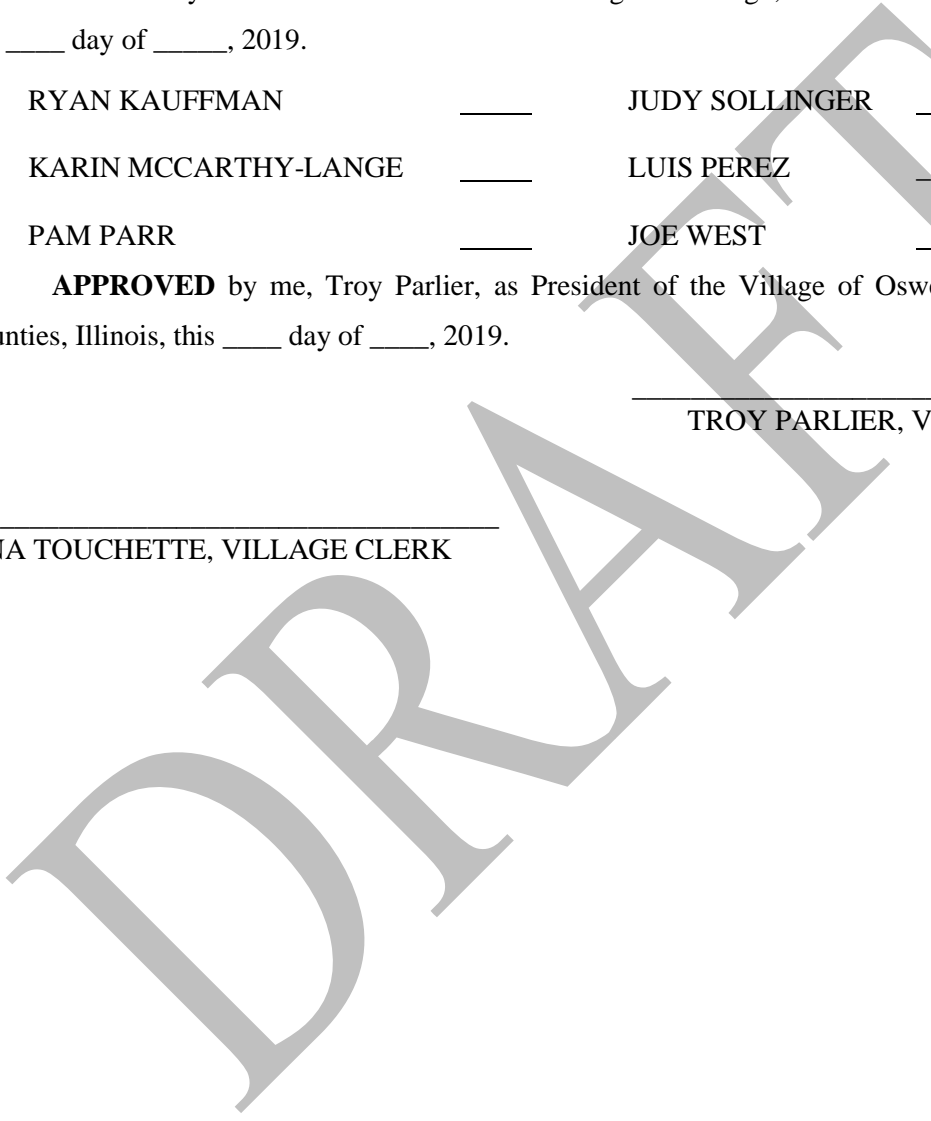
PASSED by the Board of Trustees of the Village of Oswego, Kendall and Will Counties, Illinois this ____ day of ____, 2019.

RYAN KAUFFMAN	_____	JUDY SOLLINGER	_____
KARIN MCCARTHY-LANGE	_____	LUIS PEREZ	_____
PAM PARR	_____	JOE WEST	_____

APPROVED by me, Troy Parlier, as President of the Village of Oswego, Kendall and Will Counties, Illinois, this ____ day of ____, 2019.

TROY PARLIER, VILLAGE PRESIDENT

TINA TOUCHETTE, VILLAGE CLERK



STATE OF ILLINOIS)
) SS
COUNTY OF KENDALL)
AND WILL

CLERK'S CERTIFICATE

I, Tina Touchette, the duly qualified and acting Village Clerk of the Village of Oswego, Kendall and Will Counties, Illinois, do hereby certify that I am the keeper of its books and records and that the attached hereto is a true and correct copy of an Ordinance entitled:

AN ORDINANCE GRANTING A VARIANCE TO REDUCE THE REAR YARD SETBACK IN THE B-2 COMMUNITY SHOPPING DISTRICT FROM THIRTY (30) FEET TO TWELVE (12) FEET TO ALLOW FOR THE CONSTRUCTION OF A TWO-HUNDRED (200) SQUARE FOOT CANOPY ATTACHED TO THE REAR OF THE BUILDING LOCATED AT 19 W. WASHINGTON STREET, IN THE VILLAGE OF OSWEGO, KENDALL COUNTY, ILLINOIS.

(Rear Yard Setback Variance – 19 W. Washington Street)

which Ordinance was duly adopted by said Board of Trustees at a regular meeting held on the _____ day of _____, 2019, approved by the Village President on the ___ day of ___ 2019 and thereafter published in pamphlet form.

I do further certify in my official capacity, that a quorum of said Board of Trustees was present at said meeting and that the Board complied with all requirements of the Illinois Open Meetings Act.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 2019.

Tina Touchette, Village Clerk
Village of Oswego

(Seal)

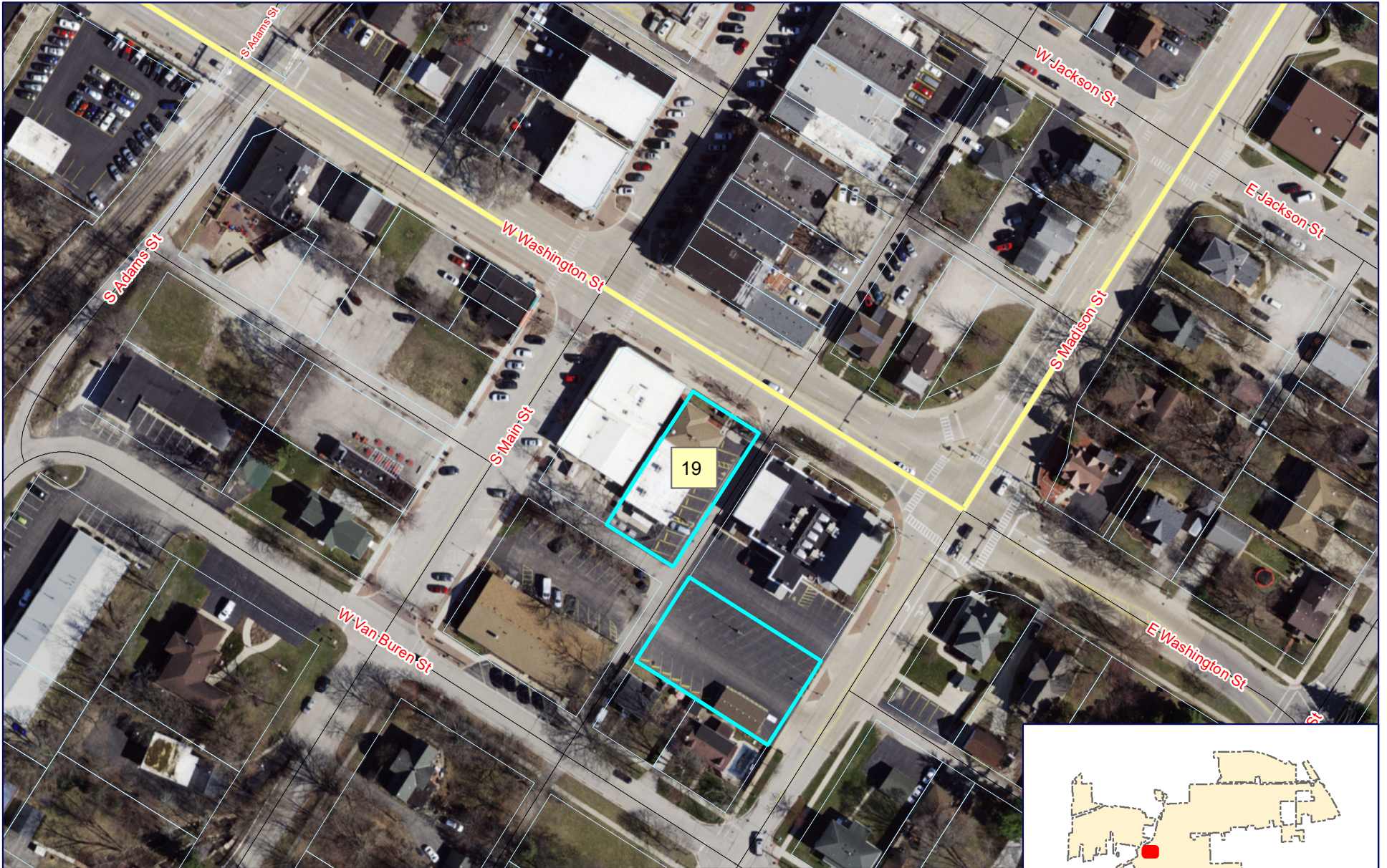
Exhibit "A"
Legal Description

THE SOUTHEASTERLY HALF OF LOTS 2 AND 3 IN BLOCK 10 OF THE ORIGINAL VILLAGE OF OSWEGO, IN THE VILLAGE OF OSWEGO, KENDALL COUNTY, ILLINOIS.

Commonly known as: 19 W. Washington Street

DRAFT

19 W. Washington Street



Date Printed: 10/4/2019



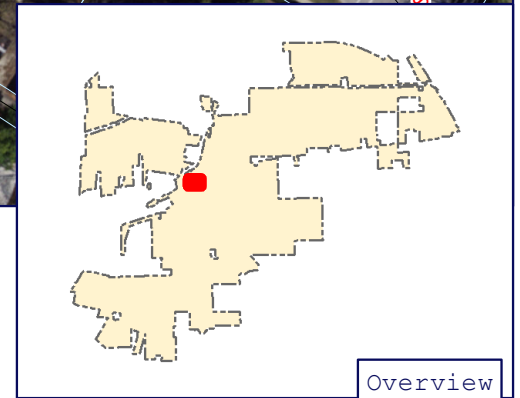
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Feet



The requested map will be created for study purposes only. Please refer to the official recorded plats or deeds for the actual legal descriptions and property dimensions. No liability is assumed for the accuracy of the data delineated herein, either expressed or implied by the Village of Oswego or its employees. This work is protected by the United States Copyright Act of 1976 (17 U.S.C. Sec 101 et seq). You are not permitted to use and/or reproduce any part of a copyrighted work of the Village of Oswego in violation of Federal Copyright Law. Doing so may result in prosecution under such law. If you wish to use property in which the Village of Oswego owns a copyright, you must obtain written permission through the Community Development Department in the Village of Oswego, located at 100 Parkers Mill, Oswego, Illinois 60543.



Overview

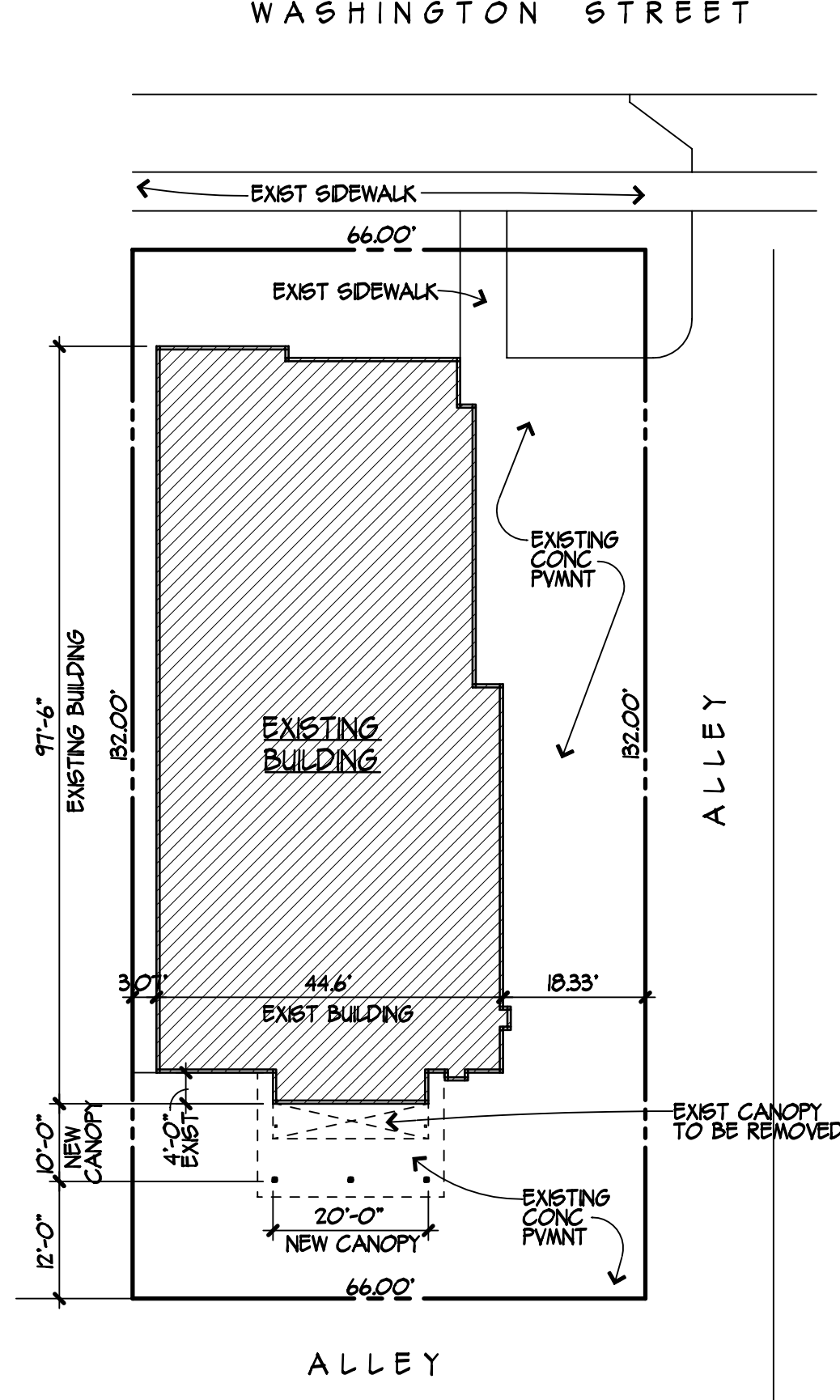
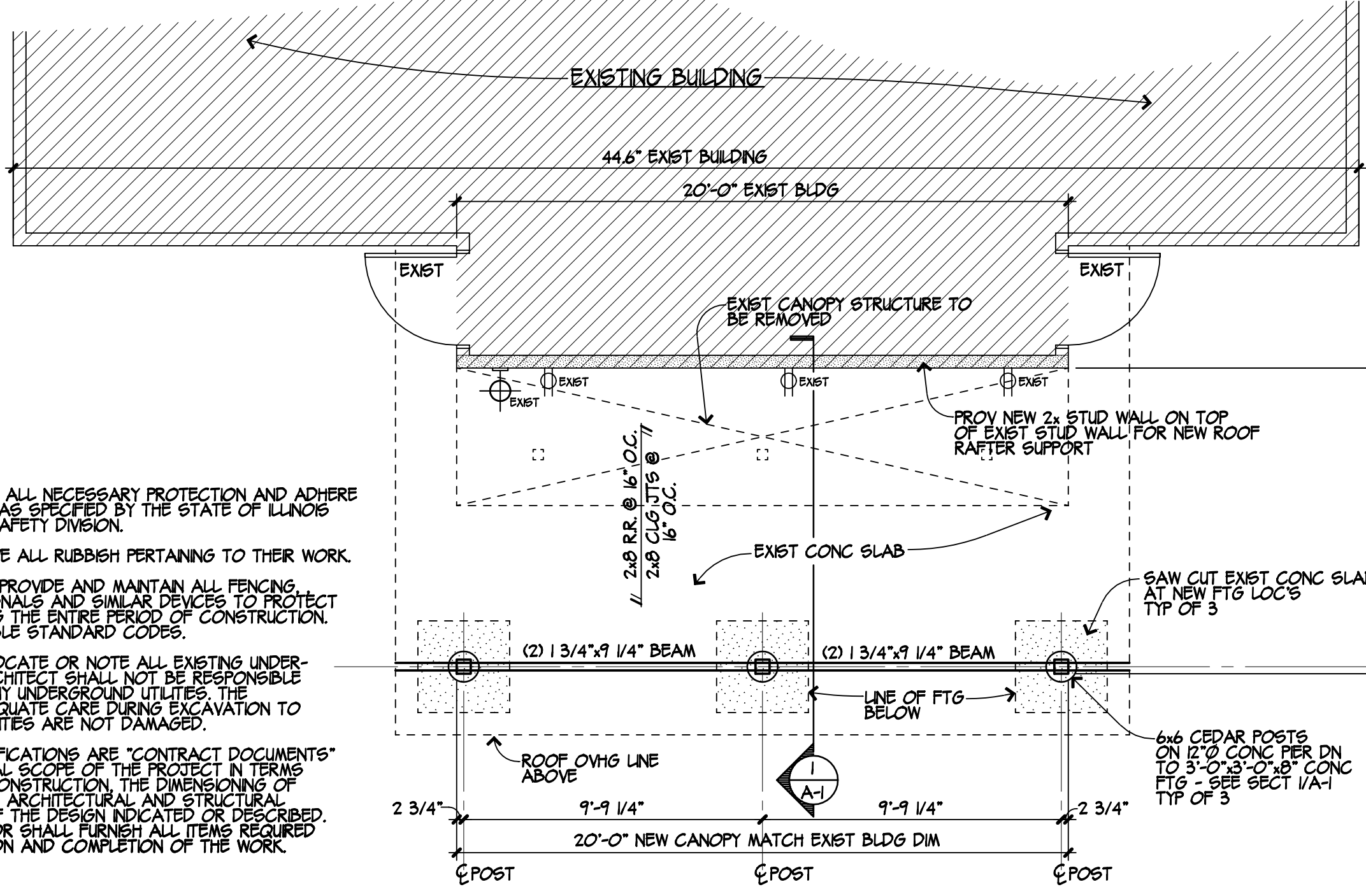
CONSTRUCTION NOTES

- ALL CONTRACTORS TO VERIFY ALL CONDITIONS, DIMENSIONS, AND MATERIALS BEFORE PROCEEDING WITH WORK AND SHALL REPORT ANY DISCREPANCIES TO THE OWNER, ARCHITECT, GENERAL CONTR. AND SHALL BE RESPONSIBLE FOR THE SAME.
- ALL WORK SHALL BE EXECUTED IN A WORKMAN LIKE MANNER IN STRICT ACCORDANCE WITH ALL LOCAL BUILDING CODES AND ORDINANCES OF THE VILLAGE OF OSWEGO.
- SCALE FOR THE DRAWINGS IS FOR GENERAL INFORMATION ONLY. LOCATION AND DIMENSIONS SHALL BE TAKEN AS SHOWN AND IS NOT TO BE SCALED.
- STRESS GRADE LUMBER SHALL CONFORM TO THE NATIONAL DESIGN SPECIFICATIONS FOR STRESS GRADE LUMBER AND ITS FASTENINGS IN A LATEST EDITION WITH A FIBER STRESS BENDING (F_b) OF 875 PSI, E=1,200,000, S₁F=1/2.
- ENGINEERED BEAMS TO HAVE FIBER STRESS BENDING (F_b) OF 2,100 PSF AND E=1,300,000 PSF (MINIMUM BOTH).
- CONTRACTOR SHALL BE RESPONSIBLE FOR THE DRAINAGE OR THE CONSTRUCTION AREA AND DEWATERING OF THE CONSTRUCTION EXCAVATION.
- ALL REQUIRED FILL TO BE INORGANIC GRANULAR COMPACTED MATERIAL BELOW FOOTINGS AND FOUNDATIONS SHALL BE A MINIMUM OF 95% FROOTING.
- ALL FOOTINGS TO BE DOWN TO UNDISTURBED SOIL A MINIMUM 4'-0" BELOW FINISHED GRADE UNLESS NOTED OTHERWISE.
- ALL FOOTINGS SHALL BEAR ON UNDISTURBED SOIL WITH A MINIMUM BEARING CAPACITY OF 3000 PSF. ALL CONCRETE SHALL REACH A STRENGTH OF 3000 PSF AT 28 DAYS. CONCRETE FOR FOOTINGS WALLS AND FLOOR SLABS ON GRADE TO BE DESIGNED ACCORDING TO AND SHALL BE INSTALLED ACCORDING TO THE AMERICAN CONCRETE INSTITUTE CRITERIA FOR DESIGNING CONCRETE AND REINFORCING STEEL.
- DO NOT POUR CONCRETE ON FROZEN GROUND. PROTECT NEW CONCRETE FROM FREEZING WHEN THE TEMPERATURE IS EXPECTED TO GO BELOW 35 DEGREES F.
- HAND CLEAN BOTTOM OF FOOTING TRENCHES PRIOR TO CONCRETE POUR.
- THE CONTRACTOR ALONG WITH ANY NECESSARY SUBCONTRACTORS SHALL VISIT THE SITE AND BECOME FAMILIAR WITH THE SITE AND LOCAL CONDITIONS AND VERIFY ALL DATA PERTAINING TO THE EXISTING CONDITIONS AND THEIR RELATION TO THE NEW WORK.
- IF ANY CONFLICTS EXIST BETWEEN THE DRAWINGS AND SPECIFICATIONS THE ARCHITECT SHALL BE CONTACTED IN ORDER TO CLARIFY THE CONFLICT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY FALSE ASSUMPTIONS MADE BY HIMSELF OR ANY SUBCONTRACTORS.
- ALL CONTRACTORS TO SUBMIT TO THE GENERAL CONTRACTOR A CERTIFICATE OF INSURANCE LISTING THE OWNER AND THE ARCHITECT AS ADDITIONAL INSURED.
- GENERAL CONTRACTOR TO SUPPLY ALL NECESSARY LABOR, MATERIALS, PERMITS, TOOLS, FEES, UTILITIES, EQUIPMENT, TRANSPORTATION, INSURANCE, SUPERVISION, TEMPORARY CONSTRUCTION PROTECTION, AND ANY OTHER SERVICES AND FACILITIES NEEDED TO PROPERLY PERFORM THE WORK AND COMPLETE THIS PROJECT.
- GENERAL CONTRACTOR SHALL EXERCISE REASONABLE CARE TO AVOID DAMAGE TO EXISTING CONSTRUCTION OUTSIDE THE LIMITS OF THE WORK. WHENEVER EXISTING CONSTRUCTION OUTSIDE THE LIMITS OF WORK IS DISTURBED, THE GENERAL CONTRACTOR SHALL FULLY RESTORE THE DAMAGED PORTION TO ITS ORIGINAL CONDITION.

- CONTRACTOR TO PROVIDE ALL NECESSARY PROTECTION AND ADHERE TO SAFETY PRECAUTIONS AS SPECIFIED BY THE STATE OF ILLINOIS DEPARTMENT OF LABOR SAFETY DIVISION.
- CONTRACTORS TO REMOVE ALL RUBBISH PERTAINING TO THEIR WORK.
- THE CONTRACTOR SHALL PROVIDE AND MAINTAIN ALL FENCING, BARRICADES, WARNING SIGNALS AND SIMILAR DEVICES TO PROTECT LIFE AND PROPERTY DURING THE ENTIRE PERIOD OF CONSTRUCTION. COMPLY WITH ALL APPLICABLE STANDARD CODES.
- THE DRAWINGS DO NOT LOCATE OR NOTE ALL EXISTING UNDERGROUND UTILITIES. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR THE LOCATION OF ANY UNDERGROUND UTILITIES. THE CONTRACTOR SHALL ADEQUATE CARE DURING EXCAVATION TO INSURE THAT EXISTING UTILITIES ARE NOT DAMAGED.
- THE DRAWINGS AND SPECIFICATIONS ARE "CONTRACT DOCUMENTS" AND INDICATE THE GENERAL SCOPE OF THE PROJECT IN TERMS OF THE ARCHITECTURAL CONSTRUCTION, THE DIMENSIONS OF THE PROJECT, THE MAJOR ARCHITECTURAL AND STRUCTURAL DETAILS ON THE BASIS OF THE DESIGN INDICATED OR DESCRIBED. THE GENERAL CONTRACTOR SHALL FURNISH ALL ITEMS REQUIRED FOR THE PROPER EXECUTION AND COMPLETION OF THE WORK.

TYP. ROOF CONSTRUCTION

- 250# ASPHALT SHINGLES (COLOR AS SELECTED BY OWNER)
- 30# ASPHALT FELT W/ SINGLE PLY SELF ADHERING ICE/WATER SHIELD ON ENTIRE ROOF
- 1/2" EXTERIOR GRADE PLYWOOD SHEATHING
- 2x8 ROOF RAFTERS @ 16" O.C. AND 2x8 CEILING JOISTS @ 16" O.C.



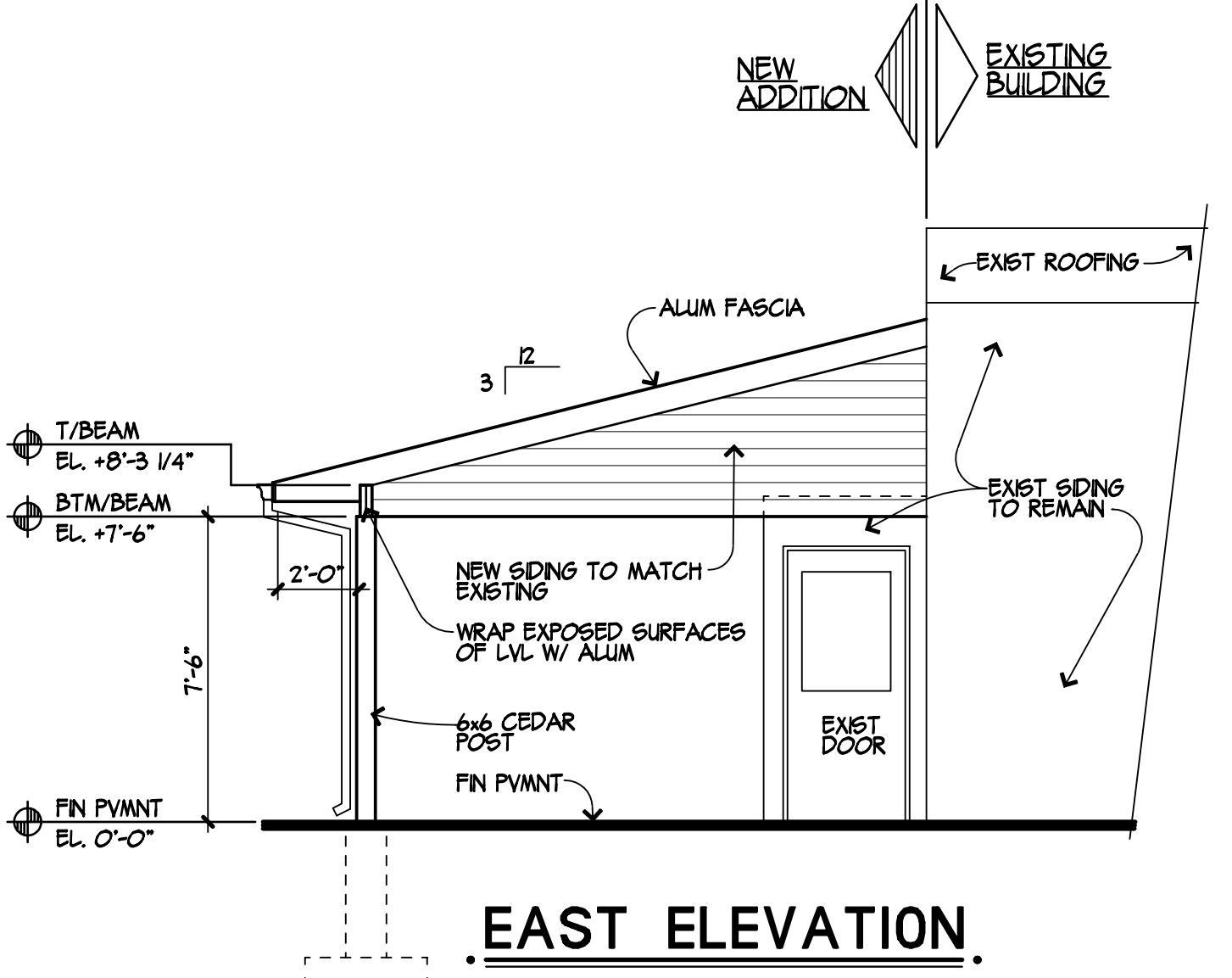
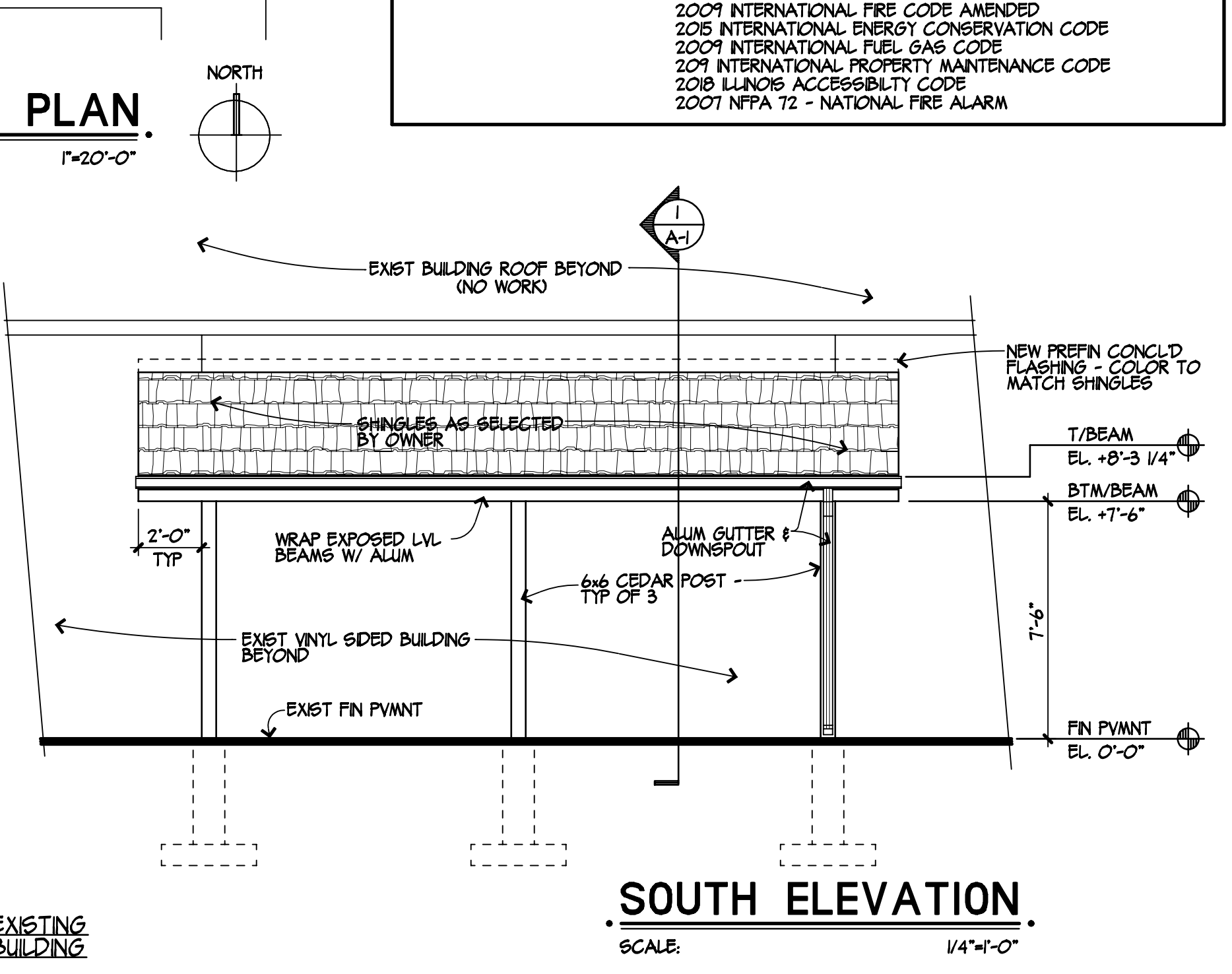
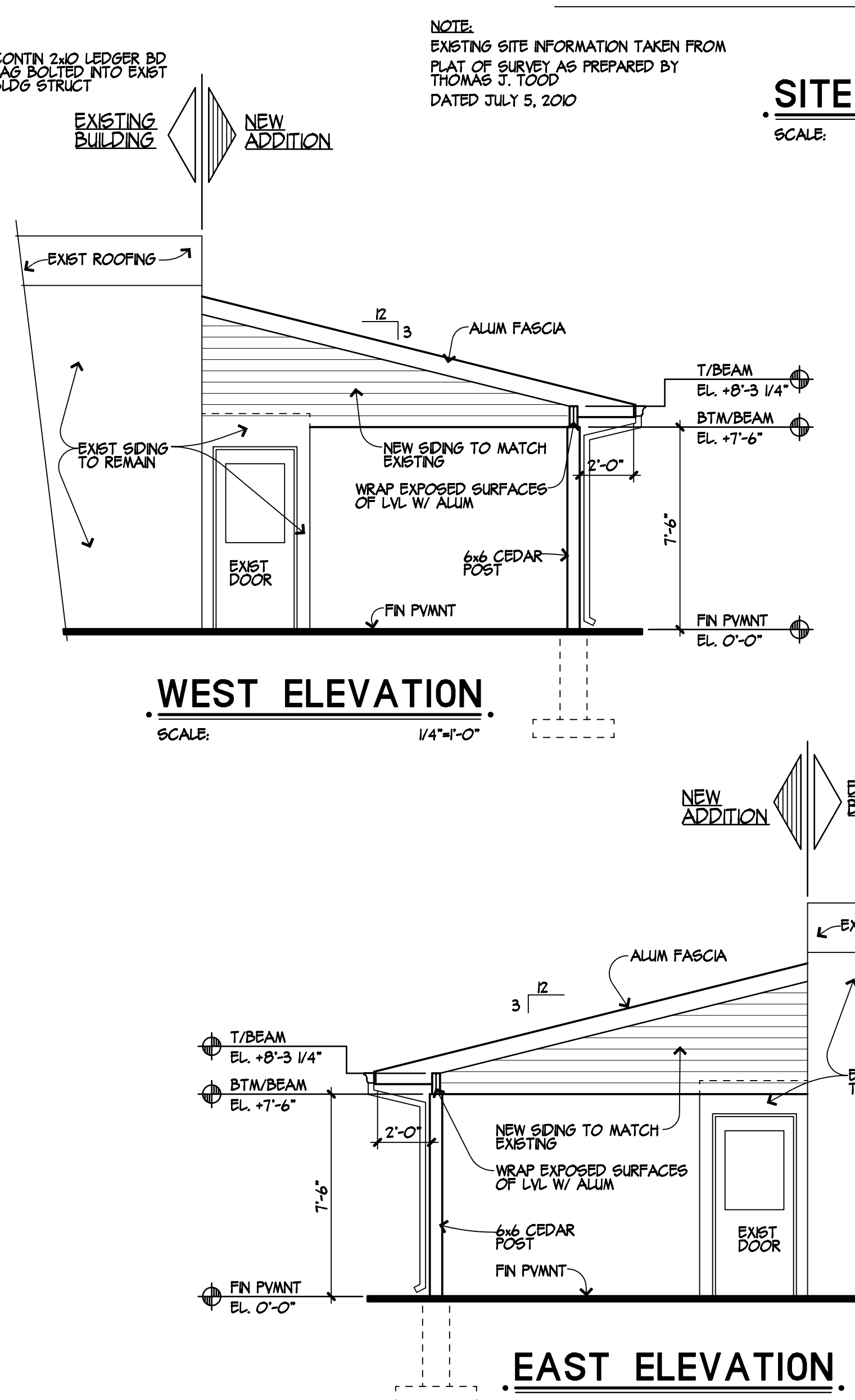
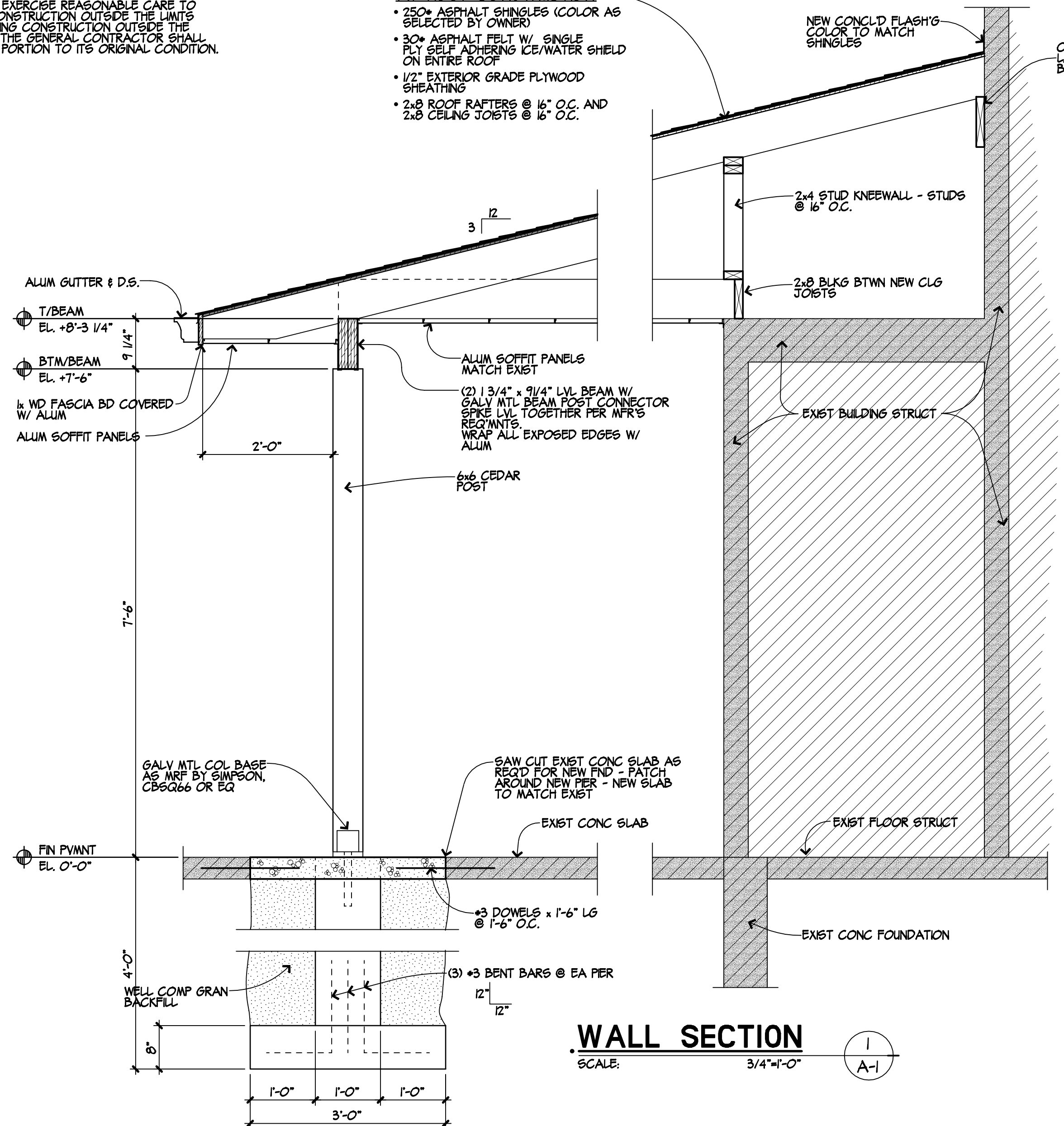
LIST OF ABBREVIATIONS

AB - Anchor Bolt	FIN - Finish	PROV - Provide
ACOUS - Acoustical	FLR - Floor	PGF - Pounds Per
ADJ - Adjacent	FDN - Foundation	PSI - Square Foot
AFF - Above Finish Floor	FFFB - Frost Proof Hose-Bib	PSI - Square Inch
ANOD - Anodized	FRT - Fire Retardant Treated	PT - Paint
AP - Acoustical Panel	FTG - Footing	PWT - Pavment
AT - Acoustical Tie	GA - Gauge	QT - Quarry Tile
B/ - Bottom of	GALV - Galvanized	RENF - Rainscreening
BD - Board	GB - Gypsum Board	REQD - Required
BIT - Bituminous	GC - General Contractor	RM - Room
BLKG - Blocking	GL - Glass	SAN - Sanitary
BLDG - Building	GRAN - Granular	SCHED - Schedule
BM - Beam	GYP BD - Gypsum Board	SECT - Section
BOT - Bottom	HP - High Point	SF - Square Foot
BRDG - Bridging	H - High	SHT - Sheet
BRG - Bearing	HC - Handicapped	SLV - Short Leg Vertical
CONC BLK - Concrete Block	HM - Hollow Metal	STD - Standard
CLG - Ceiling	HORIZ - Horizontal	STL - Steel
CLR - Clear	HP - High Point	SS - Service Sink
CFT - Carpet	HVAC - Heating, Ventilating	STM - Storm
COL - Column	HW - Hot Water	STL - Stainless Steel
COP - Compact	INSUL - Insulation	SUSP - Suspended
CONC - Concrete	INT - Interfer	T - Temp
CONSTR - Construction	JST - Joint	TOP/ - Top of
CONT - Continuous	JT - Joint	TJ - Top Joint
CONT JT - Control Joint	LAV - Lavatory	TYP - Typical
CONTR - Contractor	LG - Long Leg Vertical	UNO - Unlabeled
CORR - Corrugated	LP - Low Point	VCT - Vinyl Composition
CT - Control Joint	MAX - Maximum	VERT - Vertical
CT - Ceramic Tile	MFR - Manufacturer	VIC - Vinyl Wall Covering
CW - Cold Water	MN - Minimum	WC - Water Closet
DBL - Double	MO - Masonry Opening	WD - Wood
DET - Detail	MTL - Masonry	WH - Water Heater
DIA - Diameter	NC - Not in Contract	WWF - Welded Wire Fabric
DIA - Dia	OVHD - Overhead	WPDW - Window
DR - Door	PART - Partition	
DWG - Drawing	PC - Precast	
EA - Each	PERM - Perimeter	
ET - Expansion Joint	PL - Flute	
ELEC - Electrical	PLUMB - Plumbing	
ELEV - Elevation	PPT - Pressure preserv-	
EQ - Equal	PREFN - Prefinished	
EWC - Electric Water Cooler		
EXIST - Existing		
EXP - Expansion		
EXP JT - Expansion Joint		
EXT - Exterior		

CONSTRUCTION DATA

BUILDING CODE:

- 2009 INTERNATIONAL BUILDING CODE AMENDED
- 2008 NATIONAL ELECTRICAL CODE AMENDED
- 2014 ILLINOIS PLUMBING CODE AMENDED
- 2009 INTERNATIONAL MECHANICAL CODE AMENDED
- 2009 INTERNATIONAL FIRE CODE AMENDED
- 2015 INTERNATIONAL ENERGY CONSERVATION CODE
- 2009 INTERNATIONAL FUEL GAS CODE
- 2017 INTERNATIONAL PROPERTY MAINTENANCE CODE
- 2018 ILLINOIS ACCESSIBILITY CODE
- 2007 NFPA 72 - NATIONAL FIRE ALARM



INDEX TO DRAWINGS

SHT. NO.	DESCRIPTION	PREPARED BY
A-1	SITE PLAN, CONSTRUCTION DATA AND BUILDING ELEVATIONS, FLOOR PLAN AND WALL SECTION	DM+S ARCHITECTS, P.C. FIRM REGISTRATION NO. 184-004004 I bear by certifying that these plans were prepared by me or under my supervision and to the best of my knowledge complies with all applicable codes and with all provisions of the Illinois Accessibility Code and Environmental Barriers Act. The seal affixed below pertains to Construction Documents A-1 Date: 9-4-19 Date Sealed: 9-4-19

Illinois Licensed Architect
Licensed Expires: 11-30-20
(NOT VALID UNLESS SIGNED & SEALED IN RED)

NEW COVERED PATIO FOR:
AMERICAN LEGION POST 675
117 HEALTH PLACE
WESTMONT, ILLINOIS 60558
930-883-8408
930-883-8418 FAX
OSWEGO, ILLINOIS

DM+S ARCHITECTS, P.C.

DRAWING HISTORY:
ISSUED FOR BUILDING PERMIT 9-4-19

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PROJECT NO.: 1912
DATE: SEPT. 4, 2019
DRAWN BY: RS
SHEET NO: A-1
1 OF 1
DO NOT SCALE DRAWINGS



COMMUNITY DEVELOPMENT DEPARTMENT

100 Parkers Mill
Oswego, IL 60543

Phone: (630) 554-3622 | Website: www.oswegoil.org

STAFF REPORT

DATE: October 10, 2019
TO: Chairman and Planning & Zoning Commission
FROM: Natalie Zine, Planner
SUBJECT: Staff Report for the October 10, 2019 Planning & Zoning Commission Meeting
19 W. Washington Street; Variance
Project #1044.19

Applicant

American Legion Post 675

Requested Action

The applicant is requesting approval of a variance to allow for a reduction in the required rear yard setback in a B-2 Community Shopping Zoning District from thirty feet (30') to twelve feet (12') to allow for the construction of a two-hundred (200) square foot canopy attached to the rear of the building.

Location, Existing Zoning and Land Use

The property is located at 19 W Washington Street. The property is zoned B-2 Community Shopping District and is improved with a two-story building.

Surrounding Zoning and Land Uses

North: B-2 Community Shopping District; Hudson Design House
South: B-1 Neighborhood Commercial; Fox River Academy of Music and Art
East: R-1 Single Family Residential; Church of the Good Shepard
West: B-2 Community Shopping District; Vacant and Bentley's Pet Stuff

Relationship to Village Comprehensive Plan

The proposed use is consistent with the Comprehensive Plan's designation of the area as "Downtown District".

Donation Requirements

None.

Staff Analysis

Sections 8.02(C) and 8.01(C) of the Village Zoning Ordinance provide that the required rear yard setback for a property located in the B-2 Community Shopping District shall be not less than thirty feet (30'). The petitioner is requesting a variance to reduce the required rear yard setback from thirty feet (30') to twelve feet (12').

This would allow for the construction of a two-hundred (200) square foot canopy that would extend out from the rear of the building. The canopy is intended to be used as a patio cover for customers in the beer garden. It is not intended for storage use or vehicles. The small existing canopy is not large enough for any tables or chairs.

Staff does not believe this request for variation meets the strictest interpretation of the Standards for Variations. The property in question could continue to yield a reasonable return without the proposed

canopy and the strict enforcement of the variance standards would not result in exceptional hardship due to special or unusual conditions not typically found on other properties.

However, staff understands that the alleged hardship was not directly created by the petitioner and does not believe the proposed variation would be detrimental to the public welfare or surrounding properties as it is buffered by parking lots and alleys.

Moreover, the construction of the new two-hundred (200) square foot canopy would include the removal of the smaller existing canopy and be an attractive addition to the property and improvement for the American Legion organization.

Figure 1: Site Plan

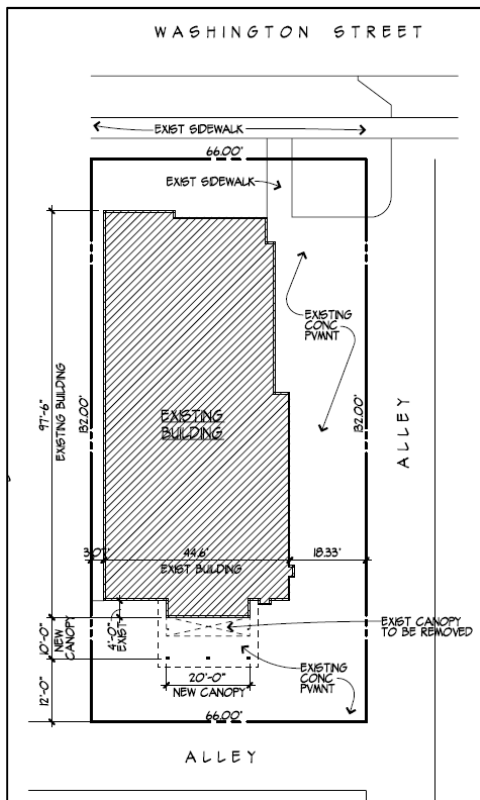


Figure 2: Aerial Map

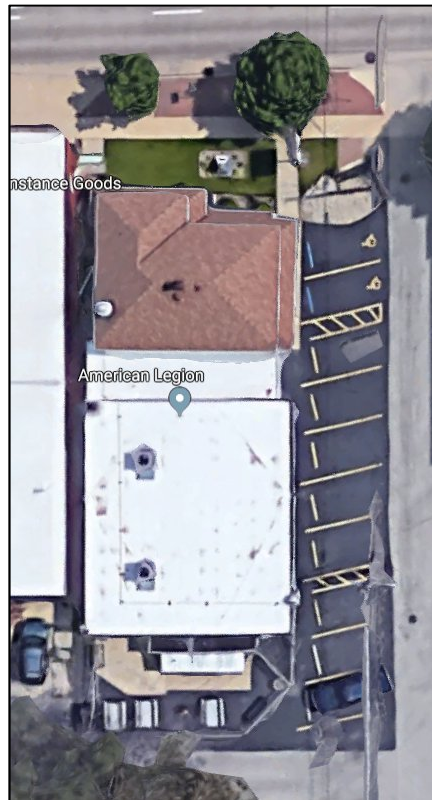
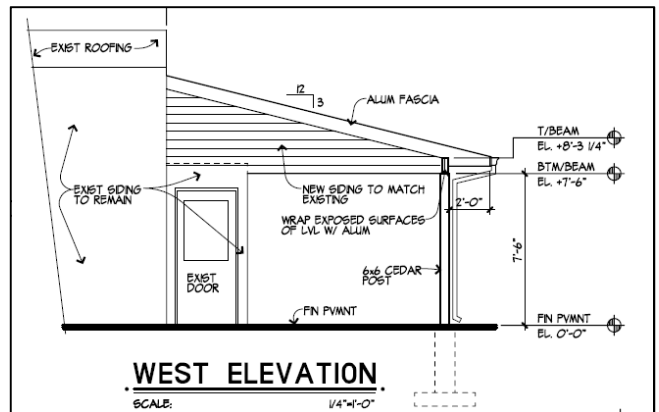


Figure 3: Street View



Figure 4: West Elevation



Standards for Variations

The Village Board shall not vary the regulations of the Village Zoning Ordinance unless the Planning and Zoning Commission makes findings of fact based upon the evidence as presented that:

- 1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations of the district in which it is located.**

Applicant response: The canopy is needed so that our customers can be protected from the elements when outside in the beer garden.

- 2. The alleged hardship has not been directly created by any person presently having a proprietary interest in the premises.**

Applicant response: The building was built with a rear yard setback of approximately 22 feet not including the existing canopy.

- 3. Strict enforcement of this title would result in practical difficulties or impose exceptional hardships due to special and unusual conditions which are not generally found on other properties in the same zoning district.**

Applicant response: Our customers wouldn't be able to enjoy our beer garden without the canopy to protect them.

- 4. The proposed variation will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood and will not alter the essential character.**

Applicant response: The proposed canopy will not be detrimental to the public welfare or injurious to other properties around us. Our property backs up to an alley way and behind that is a parking lot.

- 5. The proposed variation is in harmony with the spirit and intent of this ordinance.**

Applicant response: The proposed variation is in harmony with the spirit and intent of this ordinance.

Recommendation

Though staff does not believe this request for variation meets the strictest interpretation of the Standards for Variations, the proposed canopy would create a more attractive condition than the current canopy on the structure.

If the Commission wishes to recommend approval of the variance, a motion would need to accept the findings of fact and recommend approval of a variance for a reduction in the required rear yard setback in a B-2 Community Shopping Zoning District from thirty feet (30') to twelve feet (12') to allow for the construction of a two-hundred (200) square foot canopy attached to the rear of the building at 19 W. Washington Street in Oswego, IL.

AGENDA ITEM

MEETING TYPE: Village Board
MEETING DATE: October 15, 2019
SUBJECT: Reserve at Hudson Crossing Public Improvements – Change Order #1

ACTION REQUESTED:

Approval of a Resolution Authorizing Reserve at Hudson Crossing, L.L.C. to Execute Change Order #1 to the Construction Contract with H. Linden & Sons, Plano, IL, in the Amount of \$151,598.06 for the Construction of the Reserve at Hudson Crossing Public Improvements

BOARD/COMMISSION REVIEW:

N/A

ACTION PREVIOUSLY TAKEN:

Date of Action	Meeting Type	Action Taken
12/11/2017	Village Board	Approved Ordinance 17-85 approving a redevelopment agreement (“Redevelopment Agreement”) with the Reserve at Hudson Crossing LLC
6/5/2018	Village Board	Approved Ordinance No. 18-34 approving the First Amendment to the Redevelopment Agreement to provide additional time for development financing, property acquisition, and project coordination
7/17/2018	Village Board	Approved Ordinance 18-54 approving the Second Amendment to the Redevelopment Agreement to provide for phased construction, accommodate design changes, and adjust certain construction milestones
11/13/18	Village Board	Approved Ordinance 18-95 approving the Third Amendment to the Redevelopment Agreement to address development financing
4/9/2019	Village Board	Approved Resolution 19-R-24 authorizing execution of a construction contract with H. Linden & Sons, Plano, IL, in the amount of \$4,007,178.00 for the construction of the Reserve at Hudson Crossing Public Improvements and Assignment of Contract to Reserve at Hudson Crossing, L.L.C., in accordance with the accompanying resolution

DEPARTMENT: Public Works
SUBMITTED BY: Public Works Director/Village Engineer Jennifer M. Hughes, P.E., CFM

FISCAL IMPACT:

\$151,598.06 total change order (3.8% increase) – Funding to come from the TIF Fund – Public Improvements – Acct. # 2503500 – 572000

BACKGROUND:

The Village entered into a Redevelopment Agreement (“RDA”) with Reserve at Hudson Crossing, L.L.C. (commonly known as “Shodeen”) for the properties commonly known as 13, 15, 19, 27 and 59 S. Adams Street. The RDA calls for Shodeen to construct all "Public Improvements" which are defined as:

“All of the public improvements, infrastructure, and facilities necessary to serve the Property including, without limitation, all of the right-of-way improvements on Washington Street, Adams Street, Harrison Street, and Jackson Street, and all of the water, sanitary and storm sewer extensions depicted on the Final Development Plans, and the Parking Garage, but specifically excluding the Residential Units, Commercial Units, and all improvements thereto. The Public Improvements, are more specifically set forth on the list attached to this Agreement as Exhibit G.”

The RDA contemplates that Shodeen will construct the improvements and will be reimbursed by the Village. This arrangement ensures that a single party is responsible for all facets of construction of both the Public Improvements and adjacent buildings. Disputes should be minimized with respect to coordination and potential damages to public improvements or buildings caused by the other. State law requires that since public funds will be spent, the project must follow a public bidding process and workers must be paid prevailing wages. To facilitate public bidding, the Village followed the competitive bidding process as if the Village were constructing the improvements.

DISCUSSION:

On March 5, 2019, the Village opened three bids for the Public Improvements exclusive of the parking decks. The Village authorized execution of a construction contract with the lowest responsible bidder, H. Linden & Sons (Plano), to construct the project for \$4,007,178.00 on April 9, 2019.

Staff met with H. Linden & Sons to discuss the upcoming project timeline. H. Linden & Sons provided staff with a change order request in the amount of \$151,598.06, or 3.8% of the original bid of \$4,007,178.00. The basis for the change order were increases by some of their

subcontractors and suppliers, direct labor costs from their self-performing union employees, and increased mobilization costs due to the extended project schedule.

The total contract amount including the change order (\$4,158,776.06) is still 10.5% less than the next lowest bid (\$4,594,748.06).

RECOMMENDATION:

Staff recommends approving the resolution authorizing the Reserve at Hudson Crossing L.L.C. to execute Change Order #1 to the construction contract with H. Linden & Sons, Plano, IL, in the amount of \$151,598.06.

ATTACHMENTS:

- 19-R-_ Reserve at Hudson Crossing Change Order 1.doc
- Exhibit A – Change Order #1

w:\alexander lumber\construction\change orders\jh101519.pbot reserve at hudson crossing change order #1.docx

RESOLUTION NO. 19 - R - ____

RESOLUTION AUTHORIZING RESERVE AT HUDSON CROSSING, L.L.C. TO EXECUTE CHANGE ORDER #1 TO THE CONSTRUCTION CONTRACT WITH H. LINDEN & SONS, PLANO, IL, IN THE AMOUNT OF \$151,598.06 FOR THE CONSTRUCTION OF THE RESERVE AT HUDSON CROSSING PUBLIC IMPROVEMENTS

WHEREAS, the Village of Oswego (“Village”) has a population of more than 25,000 and is therefore a “Home Rule Unit” under the 1970 Illinois Constitution; and

WHEREAS, the Illinois Constitution of 1970 provides that a Home Rule Unit may exercise any power and perform any function pertaining to its government and affairs, including but not limited to the power to regulate for the protection of the public health, safety, morals and welfare; to license, to tax; and to incur debt; and

WHEREAS, the Village Board approved on December 11, 2017 Ordinance 17-85 (Doc. #201800000195) approving a redevelopment agreement (“*Redevelopment Agreement*”) with the Reserve at Hudson Crossing LLC (“*Developer*”) concerning the properties commonly known as 13, 15, 19, 27, and 59 S. Adams Street (collectively, the “*Subject Property*”); and

WHEREAS, the Village Board approved on June 5, 2018 Ordinance 18-34 (Doc. #201800008401) approving the First Amendment to the Redevelopment Agreement to provide additional time for development financing, property acquisition, and project coordination; and

WHEREAS, the Village Board approved on July 17, 2018 Ordinance 18-54 (Doc. #201800013281) approving the Second Amendment to the Redevelopment Agreement to provide for phased construction, accommodate design changes, and adjust certain construction milestones; and

WHEREAS, the Village Board approved on November 13, 2018 Ordinance 18-95 Doc. #201800016805) approving the Third Amendment to the Redevelopment Agreement to address development financing; and

WHEREAS, the Redevelopment Agreement obligates the Developer to construct certain Public Improvements (“*Public Improvements*”), as defined and described in the Redevelopment Agreement; and

WHEREAS, the Village Board approved on April 9, 2019 Ordinance 19-R-24 authorizing execution of a construction contract with H. Linden & Sons, Plano, IL (“*Contractor*”), in the amount of \$4,007,178.00 for the construction of the Public Improvements and assignment of the contract to the Developer: and

WHEREAS, the Developer has requested a change order to address increases incurred by the Contractor, some of its subcontractors and suppliers, direct labor costs from the Contractor's self-performing union employees, and increased mobilization costs due to the extended project schedule; and

WHEREAS, the Village has determined that this additional work is germane to the original contract; and

WHEREAS, the Contractor. has provided a proposal for additional work, identified as Change Order #1, substantially in the form attached hereto marked "Exhibit A"; and

WHEREAS, it is in the best interest of the Village of Oswego to authorize Reserve at Hudson Crossing L.L.C. to execute Change Order #1 to H. Linden & Sons.

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF OSWEGO, KENDALL AND WILL COUNTIES, ILLINOIS, in exercise of its home rule powers, as follows:

SECTION 1. INCORPORATION OF RECITALS

That the recitals set forth above are incorporated here by reference.

SECTION 2. CHANGE ORDER APPROVED

The Village President and Village Board of Trustees hereby authorize and direct Reserve of Hudson Crossing L.L.C. to execute Change Order #1 to H. Linden & Sons substantially in the form attached as "Exhibit A". The Village Administrator is authorized and directed to take all steps and sign all document necessary to implement this Ordinance's terms.

SECTION 3. REPEALER

All resolutions and ordinances, or any parts thereof, in conflict with any of the provisions of this Resolution are hereby repealed.

SECTION 4. SEVERABILITY

If any part, subsection, or clause of this Resolution shall be deemed to be unconstitutional or otherwise invalid, the remaining parts, subsections, and clauses shall not be affected thereby.

SECTION 5. EFFECTIVE DATE

This Resolution shall be in full force and effect from and after its passage and approval in the manner provided by law.

PASSED by the Board of Trustees of the Village of Oswego, Kendall and Will Counties, Illinois this 15th day of October 2019.

JAMES MARTER _____

LUIS PEREZ _____

TERRY OLSON _____

JUDY SOLLINGER _____

PAM PARR _____

BRIAN THOMAS _____

APPROVED by me, Troy Parlier, as President of the Village of Oswego, Kendall and Will Counties, Illinois this 15th day of October 2019.

TROY PARLIER, VILLAGE PRESIDENT

TINA TOUCHETTE, VILLAGE CLERK

STATE OF ILLINOIS)
)
COUNTY OF KENDALL) SS

CLERK'S CERTIFICATE
(RESOLUTION)

I, Tina Touchette, the duly qualified and acting Village Clerk of the Village of Oswego, Kendall and Will Counties, Illinois, do hereby certify that I am the keeper of its books and records and that the attached hereto is a true and correct copy of a Resolution entitled:

RESOLUTION AUTHORIZING RESERVE AT HUDSON CROSSING, L.L.C. TO EXECUTE CHANGER ORDER #1 TO THE CONSTRUCTION CONTRACT WITH H. LINDEN & SONS, PLANO, IL, IN THE AMOUNT OF \$151,598.06 FOR THE CONSTRUCTION OF THE RESERVE AT HUDSON CROSSING PUBLIC IMPROVEMENTS

which Resolution was duly adopted by said Board of Trustees at a meeting held on the 15th day of October 2019, and thereafter approved by the Village President on the 15th day of October 2019.

I do further certify, in my official capacity, that a quorum of said Board of Trustees was present at said meeting and that the Board complied with all requirements of the Illinois Open Meetings Act.

IN WITNESS WHEREOF, I have hereunto set my hand this 15th day of October 2019.

Tina Touchette, Village Clerk
Village of Oswego

(Seal)

CHANGE ORDER NO. 1

Date: October 9, 2019 Date of Agreement: October 8, 2019

Project: Village of Oswego
2019 Reserve at Hudson Crossing – Roadway Improvements

Job Number: SHO002

Owner: Shodeen Construction L.L.C. Contractor: H. Linden & Sons Sewer & Water Inc.
77 North First Street 722 E. South Street, Unit D
Geneva, Illinois 60134 Plano, Illinois 60545

The following changes are hereby made to the CONTRACT DOCUMENTS: Work associated with Contract Modification Request (CMR) #1.

Justification: See attached CMR.

Original Contract Price	\$4,007,178.00
Amount of Previous Change Order(s)	\$0.00
Current Contract Price adjusted by Previous Change Order(s)	\$4,007,178.00
Change in Contract Price Due to this Change Order	\$151,598.06
Contract Price Including this Change Order	\$4,158,776.06

Original Contract Substantial Completion Date	Novemeber, 15, 2019
Previous Changes to Contract Time	0 Calendar Days
Current Contract Sub. Completion Date adjusted by Previous CO(s)	Novemeber, 15, 2019
Change to Contract Time Due to this Change Order	336 Calendar Days
Contract Substantial Completion Date Including this Change Order	October 15, 2020
Contract Final Completion Date Including this Change Order	May 15, 2021

Approvals:

Requested by: 
Terry Heitkamp, P.E.
Project Engineer
Trotter and Associates, Inc.

Recommended by: _____
Dave Patzelt
President
Shodeen Construction L.L.C.

Accepted by: _____
Steve Linden
Secretary/Treasurer
H. Linden & Sons Sewer & Water
Inc.




40W201 Wasco Road, Suite D – St. Charles, Illinois, 60175
Phone: 630/587-0470 – Fax: 630/587-0475

Contract Modification Request No. 001 **Date:** October 9, 2019
To: Steve Linden **From:** Terry Heitkamp
Secretary/Treasurer Project Engineer
Project: Village of Oswego – 2019 Reserve at Hudson Crossing – Roadway Improvements
SHO002
Owner: Shodeen Construction L.L.C. **Contractor:** H. Linden & Sons Sewer & Water Inc.
77 North First Street 722 E. South Street, Unit D
Geneva, Illinois 60134 Plano, Illinois 60545

It has been requested that a Contract Modification be initiated to the above referenced contract. The following information is provided as backup data:

- 1. Scope of Work (Provide Attachments if Needed):** Contract Unit Price adjustment to line item: Miscellaneous: Mobilization. The basis of payment for mobilization line item shall be paid out as a percentage based on completion of project dollar amount.
- 2. Reason for Modification:** Delay of issuing Notice to Proceed and extension of construction schedule.
- 3. Approximate Cost Change to Contract Price:** **\$151,598.06**
- 4. Additional Contract Time to Complete Modification:** **336 days (~11 months)**
- 5. Attachments:**

Prepared by: 
Terry Heitkamp
Project Engineer

Approved by: _____
Dave Patzelt
President,
Shodeen Construction L.L.C.

Date: October 9, 2019

Date: _____

Cc: File (SHO002-7.28)