

Village of Lemont

Mayor

John Egofske

Village Clerk

Charlene Smollen

Administrator

George J. Schafer



Trustees

Janelle Kittridge

Ryan Kwasneski

Ken McClafferty

Dave Maher

Rick Sniegowski

Ronald Stapleton

VILLAGE BOARD MEETING

October 28, 2019 – 6:30 PM

Village Hall – Village Board Room

418 Main Street, Lemont, IL 60439

AGENDA

- I. Pledge of Allegiance
- II. Roll Call
- III. Consent Agenda
 - A. Approval of Minutes
 1. September 23, 2019 Village Board Meeting Minutes
 2. October 08, 2019 Village Board Special Public Information Meeting Minutes
 3. October 14, 2019 Special Village Board Workshop Minutes
 - B. Approval of Disbursements
 - C. An Ordinance Amending Lemont Municipal Code Chapter 5.04, Section 5.04.080: Alcoholic Beverages (Increasing Number of Class A-2 Liquor Licenses)
 - D. An Ordinance Amending Lemont Municipal Code Chapter 5.04, Section 5.04.080: Alcoholic Beverages (Increasing Number of Class C-1 and C-5 Liquor Licenses)
 - E. An Ordinance Amending Ordinance 725 Establishing a Pay Plan and Schedule of Authorized Positions
 - F. A Resolution Approving Proposal from Artistic Holiday Designs
 - G. A Resolution Approving the Adoption of the 2019 update of the Cook County Multi-Jurisdictional Hazard Mitigation Plan

IV. Mayor's Report

A. Promotion of Sergeant David Gentile

B. Audience Participation

V. Clerk's Report

A. Ordinance

1. An Ordinance Authorizing the Issuance of not to Exceed \$5,250,000 General Obligation Refunding Bonds (Waterworks and Sewerage Alternate Revenue Source), Series 2019A, not to Exceed \$3,600,000 Taxable General Obligation Refunding Bonds (Alternate Revenue Source), Series 2019B, and not to Exceed \$5,200,000 General Obligation Bonds (Waterworks and Sewerage Alternate Revenue Source), Series 2019C, of The Village of Lemont, Cook, DuPage and Will Counties, Illinois, Providing the Details of such Bonds and for Applicable Alternate Revenue Sources and the Levy of Direct Annual Taxes, as Applicable, Sufficient to Pay the Principal of and Interest on such Bonds, and Related Matters
2. An Ordinance Granting a Special use for an Outdoor Dining Area in the D-D Zoning District at 106 Stephen Street in Lemont, IL (Hughie's Irish Pub)
3. An Ordinance Granting certain variations to §17.07.010 and §17.26.110 of the Lemont Unified Development Ordinance to allow the Construction of Four Single Family Detached Homes on Four Separate Lots at 459 4th Street in Lemont, IL (Hoffman Subdivision)

B. Resolution

1. A Resolution Approving a Final Plat of Subdivision for Property at 459 4th Street, Lemont, IL (Hoffman Subdivision)
2. A Resolution Authorizing Award of Contract for "The Forge" Access Road Rehabilitation Project

VI. Village Attorney Report

VII. Village Administrator Report

VIII. Board Reports

IX. Staff Reports

X. Unfinished Business

XI. New Business

XII. Executive Session

XIII. Action on Closed Session Item(s)

XIV. Motion to Adjourn

Minutes
VILLAGE BOARD MEETING
Village Hall – 418 Main Street
September 23, 2019
6:30 p.m.

The regular meeting of the Lemont Village Board was held on Monday, September 23, 2019 at 6:30 p.m., with Mayor John Egofske presiding.

- I. PLEDGE OF ALLEGIANCE**
- II. ROLL CALL:** McClafferty, Sniegowski, Stapleton, Kittridge, Kwasneski, Maher; present.
- III. CONSENT AGENDA**
 - A. Approval of Minutes
 - 1. September 09, 2019 Village Board Meeting Minutes
 - 2. September 16, 2019 Village Board COW Meeting Minutes
 - B. Approval of Disbursements
 - C. Ordinance O-74-19 Amending Section 9.20.060 (Video Gaming Permitted) of Chapter 9.20 (Gambling) of Title 9 (Public Peace, Morals and Welfare) of the Village Code
 - D. Resolution R-83-19 Approving An Amendment to the master Services Agreement between Quicket Solutions, Inc. and the Village of Lemont
 - E. Resolution R-84-19 Authorizing Approval of a Memorandum of Understanding with IMP LLC

Motion to approve the consent agenda by Stapleton, seconded by McClafferty, to approve the above items on the consent agenda by omnibus vote.

Roll call: McClafferty, Sniegowski, Stapleton, Kittridge, Kwasneski, Maher; 6 ayes.
Motion passed.
- IV. MAYOR'S REPORT**
 - A. Public Hearing pursuant to the requirements of Sections 10 and 20 of the Bond Issuance Notification Act of the State of Illinois, as amended on the plans to issue Taxable General Obligation Refunding Bonds (Alternate Revenue Source), Series 2019 in the amount not to exceed \$3,600,000 and the General Obligation Bonds

(Waterworks and Sewerage Alternate Revenue Source), Series 2019 in the amount not to exceed \$6,000,000

Motion to open Public Hearing made by Stapleton, seconded by Sniegowski at 7:23 pm. VV 6 ayes. Motion passed.

Public Comment: Trustee Sniegowski simplified the process. Chris Smith added that \$713,000 will be saved with this reissuance.

Motion to close Public Hearing made by Sniegowski, seconded by Kittridge, at 7:30 p.m. VV 6 ayes. Motion passed.

B. Mayor's Mention

1. Our Farmers Market, "Tuesday's on Talcott," is tomorrow and every Tuesday through October from 8 a.m. – 1 p.m. in the Talcott parking lot. Visit our website at, lemont.il.us/FarmersMarket , for more information.
2. Lemontster Days kicks off this week with activities throughout the month of October. There is so much going on and you can find the events posted throughout Lemont-ster Days on our Facebook page, website and Community Calendar. Visit, www.lemont.il.us/LemontsterDays. From Fall Fest at the Park District, the Chamber's Witches Walk, Haunted History Bus Tour, Haunted Canal Hay Rides, the Trail of Scarecrows Competition and our Halloween Hoedown, there is fun for all ages.
3. The first Lemontster Days event is this Thursday, September 26, with the 8th Annual Autumn Craft Beer Tasting sponsored by the Rotary Club of Lemont-Homer Glen. Proceeds will benefit the Lemont community. Call 815-370-4942 for information.
4. In addition, start getting your Halloween decorations out and join in the Lemont Park District's "Lemontster Manor" Home Decorating Contest. Registration is free and the registration form is on our website or visit the Park District website at, www.lemontparkdistrict.org.
5. The Park District Drive in Movie night is this Saturday, September 28, at 7 p.m. at Centennial Park in the south parking lot with Ferris Bueller's Day Off. The cost is \$5 per car. Call the Park District at 630-257-6787 with questions.
6. We will hold a Recreational Marijuana Legislation Public Information Meeting on October 8 at 6:30 p.m. to relay information to our residents on the subject. More information will be provided closer to the date.

7. To address the IDOT construction project at Rt. 83 and Main Street, we are very frustrated with the lack of progress at this very congested intersection. Locally we have shared this frustration with IDOT, as well as having special meetings with our local state leaders. We will continue to address this issue with IDOT to provide commuters with the status of this project. We were initially told that this project was to be completed in November of this year, but with the lack of work and significant over-run in timing that is still occurring on their 159th Street project just south of us, it does not appear to be possible. Again, we are working with state leaders and we hope to be able to provide an update soon. We will share any updates on our website under Village Spotlight, on Facebook and we will send an electronic message to *Stay Informed* subscribers.
8. Redevelopment of the former Peterson's Hardware property has been a pillar of Village planning efforts for over a decade. Its purchase in April was the first of many steps. This month, demolition of the north side of Canal Street was approved at a public meeting by the Historic Preservation Commission (HPC). While no plans have yet been submitted to the Village, we've met with the owners, as have many others in their newly opened Lemont headquarters. They launched a website to share their vision for the site, which includes new downtown housing and storefront commercial space. When ready and required, any redevelopment will be reviewed by the HPC, the Planning & Zoning Commission (PZC), and the Village Board. In addition, the Village Board recently created a new public downtown commission to address all future planning of downtown Lemont. All of these meetings are posted on the Village website and are open for the community to attend and participate. In our commitment to transparency, the Village launched an online list of development projects to provide shared, free access to every document that is part of our public hearing process at, www.lemont.il.us/development-hyphen-projects (<http://www.lemont.il.us/Development-Projects>) The HPC meets on the 2nd Thursday of every month. The PZC meets on the 1st Wednesday of every month. The Village Board holds a meeting on the 2nd and 4th Monday of every month and a Committee of the Whole on the 3rd Monday of every month. The newly created downtown commission will be communicating their meeting dates in the near future. All agendas and packets are posted on the Village website. Please check our Village calendar for meeting information.

C. Audience Participation-

1. Kathy Henrikson made a couple comments. She felt propaganda when the Marabella project was put on the Patch, should not be considered as such. She is against a 5 story building. She does not feel we need that much revenue to have such a building. She is disappointed with the new commission appointments leaving out a very qualified and experienced engineer.
2. Rick Ligthart does not want a 5 story building which he sees as blocking our history.
3. Another Lemont resident agreed with the previous 2 speakers. He feels our communication is lacking.

V. CLERK'S REPORT

A. Ordinance

1. Ordinance O-75-19 Amending Title 9, Chapter 9.08 – False Alarms of the Lemont Illinois Municipal Code

Motion by Stapleton, seconded by Kwasneski, to adopt said ordinance. Roll call: McClafferty, Sniegowski, Stapleton, Kittridge, Kwasneski, Maher; 6 ayes. Motion passed.

2. Ordinance O-76-19 Amending Title 3 (Revenue and Finance) of the Municipal Code of the Village of Lemont to Impose a Municipal Cannabis Retailers' Occupation Tax

Motion by Sniegowski, seconded by Kittridge, to adopt said ordinance. Roll call: McClafferty, Sniegowski, Stapleton, Kittridge, Kwasneski, Maher; 6 ayes. Motion passed.

B. Resolution

1. Resolution R-85-19 Approving a Class 6B Real Estate Tax Assessment Classification for the Property Located at 13511 Main Street, Lemont, Illinois (IMP LLC)

Motion by Stapleton, seconded by Sniegowski, to adopt said resolution. Roll call: McClafferty, Sniegowski, Stapleton, Kittridge, Kwasneski, Maher; 6 ayes. Motion passed.

2. Resolution R-86-19 Approving Lucky Trip Plat of Subdivision (13604 and 13624 S. Archer Avenue Lot Consolidation)
Motion by McClafferty, seconded by Kwasneski, to adopt said resolution. Roll call: McClafferty, Sniegowski, Stapleton, Kittridge, Kwasneski, Maher; 6 ayes. Motion passed.
3. Resolution R-87-19 Approving Business District Improvement Grants for the August 31, 2019 Cycle in Lemont, IL
Motion by McClafferty, seconded by Maher, to adopt said resolution. Roll call: McClafferty, Sniegowski, Stapleton, Kittridge, Kwasneski, Maher; 6 ayes. Motion passed.
4. Resolution R-88-19 Approving the Construction and Installation of Gateway Signage
Motion by Stapleton, seconded by Kwasneski, to adopt said resolution. Roll call: McClafferty, Sniegowski, Stapleton, Kittridge, Kwasneski; 5 ayes. Maher; nay Motion passed.
5. Resolution R-89-19 Authorizing Award of Contract for Fremont Alley Sanitary Sewer Project
Motion by McClafferty, seconded by Sniegowski, to adopt said resolution. Roll call: McClafferty, Sniegowski, Stapleton, Kittridge, Kwasneski, Maher; 6 ayes. Motion passed.

VI. VILLAGE ATTORNEY REPORT- NONE

VII. VILLAGE ADMINISTRATOR REPORT-

1. The 2 projects on Main St. should be completed by November, 2019. On October 8 at 6:30 pm we will have a Cannabis discussion. On October 14 at 6:00 pm there will be a Committee of the Whole meeting. On October 21 another COW meeting.
2. We are working along with the Forge as they progress their project.
3. The false alarm ordinance will begin October 31st for those with an extraordinary number of False alarm.

VIII. BOARD REPORTS-

Trustee Maher-

1. South side trails at the Quarry are closed due to the Phase I Forge project.

2. Thanked Public Works workers who asphalted the trail at the quarry.

IX. STAFF REPORTS-

Public Works-

1. IDOT is still saying they will be done with the Main Street project before Thanksgiving
2. Resurfacing project starts October 1st.

Police-

1. Starting October 1st hunting is not permitted in the Village, but it is other areas outside.

X. UNFINISHED BUSINESS- NONE

XI. NEW BUSINESS-

1. Trustee Sniegowski requested the website board meeting time be corrected and suggested Mr. Brown come up with a plan to get more people to attend meetings.
2. Village administrator suggested a committee to share Village information with residents.

XII. EXECUTIVE SESSION-

Motion by Sniegowski, seconded by McClafferty, to close regular session and to move into Executive Session Discussion under Chapter 5 ILCS 120 of the Open Meetings Act to discuss:

A. Personnel- Appointment 2(c)1

Roll Call: McClafferty, Sniegowski, Stapleton, Kittridge, Kwasneski, Maher; 6 ayes. Motion passed.

XIII. ACTION ON CLOSED ITEM(S)

Motion by McClafferty, seconded by Sniegowski, to appoint or reappoint commission members.

Commissioners to be Appointed or Reappointed at 9/23/2019 Village Board Meeting:

Term Expires	First Name	Last Name	Commission Name
2021	Susan	Bruce	Art & Culture
2021	Mona	Parry	Art & Culture
2021	Milton	Nichols	Environmental Advisory
2021	Brian	Reinke	Environmental Advisory

2021	Glenn	Bergmark	Environmental Advisory
2021	Ann	Wesolowski	Historic Preservation
2022	Simon	Batistich	Historic Preservation
2022	Chris	Cummins	Historic Preservation
2022	Barbara	Buschman	Historic Preservation
2020	Shawn	Carmody	Planning & Zoning Commission
2021	Sean	Cunningham	Planning & Zoning Commission
2021	Mark	Pawlak	Planning & Zoning Commission
2021	Matt	Zolecki	Planning & Zoning Commission
2022	Jerry	McGleam	Planning & Zoning Commission
2022	Scott	Studebaker	Planning & Zoning Commission
2022	Brian	Cunningham	Police Commission
2021	Ryan	Shaughnessy	HCOR Commission
2022	Terry	Lemming	Liquor Commission

Roll call: McClafferty, Sniegowski, Stapleton, Kittridge, Kwasneski; 5 ayes. Maher; nay
Motion passed.

XIV. MOTION TO ADJOURN

There being no further business, a motion was made by McClafferty, seconded by Sniegowski, to adjourn the meeting at 8:37 p.m. VV 6 ayes. Motion passed.

Minutes
SPECIAL PUBLIC INFORMATION MEETING
Village Hall – 418 Main Street, Lemont, IL 60439
October 8, 2019
6:30 p.m.

A special meeting of the Lemont Village Board was held on Tuesday, October 8, 2019, at 6:30 p.m., with Mayor John Egofske presiding.

ROLL CALL: Kittridge, Kwasneski, Maher, McClafferty, Sniegowski and Stapleton; present.

III. DISCUSSION ITEM

A. Adult Use Cannabis Legislation Workshop- Village Administrator George Schafer presented, HB 1438 (Cannabis Regulation and Tax Act) legalizes the cultivation and sale of marijuana for recreational use by people 21 and older. The bill passed both chambers and was signed by the Governor on June 25, 2019 as Public Act 101-0027. The bill went into effect immediately, but many provisions don't take effect until January 1, 2020. Memos from staff and the Village attorney, along with information were presented from the Illinois Municipal League (IML) and state of Illinois have been attached to this memo for reference. Another key component to the discussion involved regulation. While the Village may not prohibit responsible use of cannabis within the community, the bill does not prevent units of local government from enacting reasonable zoning ordinances regulating and/or taxing of cannabis business establishments that may locate within Lemont, or prohibiting establishments entirely. For the discussion at the workshop, Police Chief Maton, lead a presentation on the general provisions of the act, discussed public safety, employment and other impacts of the act to the community, as well as regulation opportunities and revenue share analysis.

Public Act 101-0027 establishes license classes for cannabis cultivation, cannabis dispensaries (retail sales location), infusers (processors) and craft growers. (A fifth category of license established in the Act is for a Transporter license.) The Act permits retail license locations. The law allows municipalities through zoning authority to regulate the location of dispensaries within the village. Board discussed on potential zoning districts that would allow certain license classes of cannabis establishment. Direction was given from Board to regulate adult-use cannabis in the same manner as liquor establishments. The following regulations are proposed:

- Cannabis dispensary as a permitted use in the B-3 Arterial Commercial zoning district and a special use in the B-1 Office/Retail Transitional zoning district
- Craft Grower as a special use in the B-3 district and in the M-1, M-2, and M-3 Manufacturing districts as a special use
- Cannabis infusers and transporting organizations as a special use in the M-1, M-2, and M-3 Manufacturing districts

Zoning regulations are proposed to additionally restrict the location of cannabis dispensaries:

A dispensary shall not be located within 1,500 feet of the property line of a pre-existing dispensary, within 500 feet of the property line of private or public school grounds, or within 100 feet of a child care center not in a

residence, a public park, a library, or a games arcade establishment to which admission is not restricted to persons 21 years or older

IV. OLD BUSINESS- None

V. NEW BUSINESS- None

VI. EXECUTIVE SESSION- None

VI. MOTION TO ADJOURN

There being no further business, a motion was made by McClafferty, seconded by Stapleton, to adjourn the meeting at 9:00 p.m. VV 6 ayes. Motion passed.

VILLAGE BOARD
Special Village Board Workshop
October 14, 2019
Lemont Village Hall – Village Board Room
418 Main St., Lemont, IL 60439

I. Call to Order

Mayor Egofske called the COW Meeting to order at 6:00 p.m.

II. Roll Call

Present were Trustees, Kittridge, Kwasneski, Maher, McClafferty, Sniegowski and Stapleton. Also present were George Schafer, Chris Smith, Darshana Prakash, Linda Molitor and Kay Argo.

III. Discussion Items

A. Governance and Committee Discussion

Village Administrator, George Schafer presented this item. From August 2017 through April 2018, the Lemont Village Board and senior leadership team engaged in a strategic planning process. The process resulted in a strategic plan covering FY 2018-19. The plan consists of six strategic priorities – the issues of greatest importance to the Village over the three-year period. Associated with each priority is a set of desired outcomes, key outcome indicators, and performance targets, describing expected results and how the results will be measured. The plan also includes strategic initiatives that will be undertaken to achieve the desired outcomes. A summary grid has been included as an attachment to this memo. Annually, the board gets together during the budget process to allocate funding towards their priorities for that particular year as they put together their spending plan. Further, during a budget year, the board approves contracts, purchases, ordinances, and adopts land use actions that are hopefully consistent with the strategic plan and longer-range comprehensive plans.

B. 2018-19 Comprehensive Annual Financial Report Discussion

Finance Director, Chris Smith stated, as mandated by local ordinances and statutes, the Village is required to annually report on its financial position and do so in conformance with generally accepted accounting principles (GAAP) and audited in accordance with generally accepted auditing standards (GAAS).

Several highlights from this year's audit:

- In Fiscal Year 2019 the village welcomed 35 new businesses including several restaurants
- General Fund increased in fund balance by \$531,881 to \$3,502,426
- Water/Sewer fund increased cash position by \$301,652

As in years past the audit process went smooth for FY19. The auditors were able to review the Village's internal controls and financial work papers with zero negative findings.

Attached please find the Comprehensive Annual Financials Report (Audit) CAFR for the fiscal year ending April 30, 2019 as well as four TIF reports and communication report.

Mike Malatt, partner for the Village's auditor (Baker Tilly) gave a brief presentation of the audit and answered questions for the Board.

C. Net Debt Position & FY20 Bonds Discussion

Finance Director, Chris Smith presented in September the Village began the process to refund two taxable bonds and issue one new bond for Water/Sewer projects. During the discussion the Board inquired about the amount of debt issuance required for projects.

Staff and the Mayor worked together to present a clear overall picture to the Board on the Net Debt position of the Village.

Staff presented the bonded debt (principal only) from General Obligation bonds to purchased property notes. Additionally, staff added the net pension liability from the Village's Comprehensive Annual Financial Report, summarizing it to Total Debt.

The reductions of the total debt is the fund balances and unrestricted net position of the Village funds. The fund balance and unrestricted net position includes interfund loans as well as unused bond funds.

Once all the data was compiled, graphs were created to depict Net Debt Outstanding and Total Pension debt historically as well as future projections.

From this analysis one can see that pension debt is increasing dramatically every year due to various factors including but not limited to new staff, changes in actuarial assumptions, returns and funding. Historically the Village Board has funded the police pension actuarial determined amount and in many cases has exceed it. In FY19, the Board authorized an additional \$450,000 to reduce the pension liability. Despite the \$450,000, the liability increased to \$7.649M. Several new initiatives have been completed and discussed in attempt to further reduce the liability. In FY18 a reorganization of the Police Department reduced staff, which will reduce future required pensioners. Additionally, the Board has dedicated funding in the amount of \$450,000 in FY19 and will review options for additionally funding in future years.

D. 2019 Property Tax Levy Estimates Discussion

Per State Statute, 35 ILCS 200/18-55, the Village is required to discuss a property tax levy 20 days prior to the adoption of the tax levy ordinance. The discussion needs to include the amount of the aggregate levy, which includes corporate and special purposes (ie pension, social security, IMRF). The Village is subject to the Property Tax Extension Limitation Law (PTELL), otherwise known as "tax cap." The increase factor that must be used is the lessor of the current Consumer Price Index (CPI) or five percent, for 2019 it is 1.9%. The Village can capture new growth into the equation. The chart below illustrates historical new growth per year as well as estimated 2019.

The exact equalized assessed valuation for the Village will not be known until summer of 2019, when the property taxes are collected. The state will supply a multiplier (a factor in the equation that produces the EAV), then the County Clerk will use a formula to compute a limiting rate that sets the upper limit of the Village's total tax rate. The Village can levy any amount of property tax which would produce such a rate. If the levy exceeds the limiting rate, the county will reduce the Village's levy. Per the graph below the Village's EAV continues to grow since the 2014 dip. In 2018 the reason for the reduction in EAV is due to Cook County's reduction of the equalization factor by 1.75%. If Cook County would not have an equalization factor EAV would have increased.

There will be a public hearing in November followed by the ordinances in December.

E. FY2019-20 Year to Date & Budget Preview Discussion

In conjunction with the FY19 audit and FY21 tax levy, staff compiled the attached general fund financial report. The report summarizes the final FY19 numbers, reviews the FY20 budget/year to date numbers, and forecasts FY21.

In summary, FY19 was a successful year with enhanced revenues due to economic development initiatives and expenditure control. Staff reviewed various contracts including but not limited to health care, copy machines, and banking services. The cost savings are reflected in the FY20 and FY21 numbers. In the attached report, staff outlined new revenue and expenditure changes for FY20 as well as assumptions used in FY21.

In addition to local changes, various positive changes were made at the state level. These changes are reflected in the income tax and personal property replacement tax revenues.

F. Department Functions, Staff Levels, Authorized Positions & Salary Discussion

During the strategic planning process, the board designated operational effectiveness as one of its strategic priorities. Key outcomes established by the board include 1) cost efficient operations; 2) an enhanced customer service experience; and 3) A well-trained, capable and engaged workforce. Several initiatives are currently underway related to these outcomes. At the workshop had discussions on Functional Organizational Chart, Performance Evaluation Plan, Pay Plan, Schedule of Authorized Positions and Staff Levels.

G. Strategic Plan Update & Additional Projects Discussion

The workshop is intended to be a pre-budget working session to talk about governance, Village financial condition, staff/organizational topics, etc. However, we will also discuss at a high-level initiatives and actions in which we are seeing some disruption and/or more complicated topics that will be of particular interest in the near future. Also, the board went through the various tracking mechanisms in place to monitor development, infrastructure projects, and other initiatives. They also reviewed topics and action items as they round out the year.

Topics discussed:

1. Federal Army Corp Grant Opportunities
2. Road Project Update and IDOT Coordination
3. New Marketing / Communication Initiatives for the New Year
4. Boundary Discussions – Lemont West Industrial Development Opportunities
5. Village 83 and Main Project - Zoning / Land Use for Route 83 and Main
6. Annexation Initiatives
7. Board meeting calendar and potential items.

IV. Unfinished Business- None

V. New Business – None

VI. Audience Participation – Lemont resident, Rick Lighthart mentioned he does not agree with a five story building being built in Peterson hardware property. He mentions it block will the view of the Village from the bridge. Mayor Egofske replied, that the developer have not presented any plan to the Board yet. Every development has to present it to the board and get approvals first before developing.

VII. The Committee of the Whole Meeting adjourned at 10:40 p.m.

Payment Register

From Payment Date: 10/15/2019 - To Payment Date: 10/28/2019

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
FM-Clearing - Accounts Payable									
Check									
20106	10/28/2019	Open			Accounts Payable	5th Avenue Construction	\$1,500.00		
	Invoice		Date	Description		Amount			
	2018-00000416		10/13/2019	refund clean up deposit - 12915 Dunmoor Dr		\$1,000.00			
	2018-00000416(T)		10/13/2019	refund temp occ bond - 12915 Dunmoor Dr		\$500.00			
20107	10/28/2019	Open			Accounts Payable	Adobe Systems Inc	\$3,839.52		
	Invoice		Date	Description		Amount			
	1092706411		10/07/2019	9/7/19-9/6/20 Annual License Renewal		\$3,839.52			
20108	10/28/2019	Open			Accounts Payable	ADS LLC	\$1,580.00		
	Invoice		Date	Description		Amount			
	35342-0919		09/30/2019	CSO flow monitoring		\$1,580.00			
20109	10/28/2019	Open			Accounts Payable	Ahead of Our Time Publishing, Inc.	\$500.00		
	Invoice		Date	Description		Amount			
	11611		09/26/2019	Capitol Fax subscription Nov 19- Oct 20		\$500.00			
20110	10/28/2019	Open			Accounts Payable	American Environmental Corporation	\$1,926.35		
	Invoice		Date	Description		Amount			
	367016-0029		09/30/2019	Sep 2019 OAN Services		\$1,926.35			
20111	10/28/2019	Open			Accounts Payable	Artistic Holiday Designs, LLC	\$19,993.34		
	Invoice		Date	Description		Amount			
	10568		09/05/2019	Holiday Lighting for Downtown		\$19,993.34			
20112	10/28/2019	Open			Accounts Payable	AT&T	\$166.26		
	Invoice		Date	Description		Amount			
	19-10-9005		10/02/2019	126379005 - metra station internet		\$92.97			
	19-09-1261		09/30/2019	142021261 - Village Hall internet		\$73.29			
20113	10/28/2019	Open			Accounts Payable	Automated Forms & Graphics Inc	\$61.45		
	Invoice		Date	Description		Amount			
	29344		09/13/2019	name badge - JK		\$61.45			
20114	10/28/2019	Open			Accounts Payable	Beechen & Dill Homes Inc	\$12,000.00		
	Invoice		Date	Description		Amount			
	2018-00000672		10/13/2019	refund clean up deposit - 13426 Adeline Ct		\$1,000.00			
	2018-00000672(L)		10/13/2019	refund Landscape Bond - 13426 Adeline Ct		\$5,000.00			
	2018-00000575		10/13/2019	refund clean up deposit - 13443 Adeline Ct		\$1,000.00			
	2018-00000575(L)		10/13/2019	refund Landscape Bond - 13443 Adeline Ct		\$5,000.00			
20115	10/28/2019	Open			Accounts Payable	Bruce, Susan, M.	\$53.82		
	Invoice		Date	Description		Amount			
	19-10-08 SB		10/08/2019	reimbursement - Oriental Trading purchase		\$53.82			
20116	10/28/2019	Open			Accounts Payable	Burns Plumbing	\$660.00		
	Invoice		Date	Description		Amount			
	13603		10/14/2019	pd plumbing repair		\$660.00			
20117	10/28/2019	Open			Accounts Payable	C.O.P.S. Testing Service, Inc.	\$735.59		
	Invoice		Date	Description		Amount			
	105580		10/03/2019	9/24/19 written entrance exams (minus PayPal credit)		\$735.59			

Payment Register

From Payment Date: 10/15/2019 - To Payment Date: 10/28/2019

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
20118	10/28/2019	Open			Accounts Payable	Chicago Tribune Media Group	\$248.43		
	Invoice		Date	Description		Amount			
	010806662000		09/30/2019	public hearing notices		\$248.43			
20119	10/28/2019	Open			Accounts Payable	Cintas Corporation	\$194.90		
	Invoice		Date	Description		Amount			
	4031663480		10/03/2019	# 14949901 - Village Hall carpet mats		\$97.45			
	4032752858		10/17/2019	# 14949901 - Village Hall carpet mats		\$97.45			
20120	10/28/2019	Open			Accounts Payable	ClearGov Inc	\$5,500.00		
	Invoice		Date	Description		Amount			
	INV-0643		09/03/2019	9/1/19-8/31/20 renewal		\$5,500.00			
20121	10/28/2019	Open			Accounts Payable	ComEd	\$120.74		
	Invoice		Date	Description		Amount			
	19-10-3016		10/02/2019	9338003016 - street lights - houston 1N schultz		\$23.25			
	19-10-0155		10/02/2019	1515080155 - street lights - 451 Talcott		\$8.40			
	19-10-4009		10/02/2019	0348764009 - street lights - 47 Stevens St		\$62.91			
	19-10-4054		10/11/2019	4161134054 - street lights - 0 12701 TRE, 171 LEMONT		\$26.18			
20122	10/28/2019	Open			Accounts Payable	Cook County Treasurer	\$708.00		
	Invoice		Date	Description		Amount			
	2019-3		10/03/2019	19GM traffic signal maintenance		\$708.00			
20123	10/28/2019	Open			Accounts Payable	Crawford, Murphy, Tilly, Inc.	\$185.00		
	Invoice		Date	Description		Amount			
	0206144		10/16/2019	MWRD I&I reporting and plan		\$185.00			
20124	10/28/2019	Open			Accounts Payable	ecology + vision, llc	\$150.00		
	Invoice		Date	Description		Amount			
	1063		09/30/2019	plan review #1		\$150.00			
20125	10/28/2019	Open			Accounts Payable	EJ USA, Inc.	\$1,310.00		
	Invoice		Date	Description		Amount			
	110190085363		10/04/2019	repair parts		\$1,310.00			
20126	10/28/2019	Open			Accounts Payable	EVT Tech	\$180.00		
	Invoice		Date	Description		Amount			
	4701		10/10/2019	equipment removal		\$180.00			
20127	10/28/2019	Open			Accounts Payable	Galzin, Jeanne, Foody	\$2,300.00		
	Invoice		Date	Description		Amount			
	1		10/16/2019	23 health inspections		\$2,300.00			
20128	10/28/2019	Open			Accounts Payable	Grainger	\$298.78		
	Invoice		Date	Description		Amount			
	9311091368		10/02/2019	well 5 repair		\$298.78			
20129	10/28/2019	Open			Accounts Payable	GT Mechanical, Inc.	\$10,670.00		
	Invoice		Date	Description		Amount			
	1900014182		10/01/2019	HVAC maintenance pw		\$3,110.00			
	1900014204		10/01/2019	HVAC maintenance pd		\$3,835.00			
	1900014199		10/01/2019	HVAC maintenance VH		\$3,725.00			

Payment Register

From Payment Date: 10/15/2019 - To Payment Date: 10/28/2019

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
20130	10/28/2019	Open			Accounts Payable	Guaranteed Technical Services And Consulting, Inc.	\$600.00		
	<u>Invoice</u>		<u>Date</u>	<u>Description</u>		<u>Amount</u>			
	2018902		10/11/2019	I.T. Support		\$600.00			
20131	10/28/2019	Open			Accounts Payable	Halper, Peggy	\$310.00		
	<u>Invoice</u>		<u>Date</u>	<u>Description</u>		<u>Amount</u>			
	0113		10/03/2019	10/2/19 PZC meeting minutes		\$310.00			
20132	10/28/2019	Open			Accounts Payable	Illinois Secretary Of State	\$10.00		
	<u>Invoice</u>		<u>Date</u>	<u>Description</u>		<u>Amount</u>			
	19-10-01 DSD		10/01/2019	suspension processing		\$10.00			
20133	10/28/2019	Open			Accounts Payable	Illinois State Toll Highway Authority	\$92.40		
	<u>Invoice</u>		<u>Date</u>	<u>Description</u>		<u>Amount</u>			
	G127000002285		10/01/2019	tolls #183045332 7/1-9/30		\$55.10			
	G1290000001693		01/09/2019	2001007433 - transponder fee		\$24.00			
	G125000004914		07/02/2019	2001007433 - 04/01/19-06/30/19 tolls		\$11.40			
	G121000003869		10/01/2019	2001007433 - 07/01/19-09/30/19 tolls		\$1.90			
20134	10/28/2019	Open			Accounts Payable	IRMA	\$62.00		
	<u>Invoice</u>		<u>Date</u>	<u>Description</u>		<u>Amount</u>			
	IVC0011380		09/30/2019	PW Training		\$27.00			
	IVC0011397		09/30/2019	PW Training		\$35.00			
20135	10/28/2019	Open			Accounts Payable	Johnson Controls Security Solutions	\$1,128.75		
	<u>Invoice</u>		<u>Date</u>	<u>Description</u>		<u>Amount</u>			
	33289941		10/12/2019	pw alarm maintenance		\$161.25			
	33289939		10/12/2019	Main St l/s alarm maintenance		\$161.25			
	33289935		10/12/2019	pd alarm maintenance		\$161.25			
	33289937		10/12/2019	pk garage alarm maintenance		\$161.25			
	33289938		10/12/2019	old pd alarm maintenance		\$161.25			
	33289940		10/12/2019	well 6 alarm maintenance		\$161.25			
	33289936		10/12/2019	vh alarm maintenance		\$161.25			
20136	10/28/2019	Open			Accounts Payable	Lemont Area Historical Society	\$3.50		
	<u>Invoice</u>		<u>Date</u>	<u>Description</u>		<u>Amount</u>			
	201913		10/13/2019	commissions for art work sold		\$3.50			
20137	10/28/2019	Open			Accounts Payable	Lundquist, Linda, J.	\$17.50		
	<u>Invoice</u>		<u>Date</u>	<u>Description</u>		<u>Amount</u>			
	201911		10/13/2019	commissions for art work sold		\$17.50			
20138	10/28/2019	Open			Accounts Payable	M/I Homes of Chicago	\$3,000.00		
	<u>Invoice</u>		<u>Date</u>	<u>Description</u>		<u>Amount</u>			
	2019-00000033		10/14/2019	refund Clean Up Deposit - 13918 Anne Dr		\$1,000.00			
	2019-00000136		10/14/2019	refund clean up deposit - 13761 Kettering Pkwy		\$1,000.00			
	2019-00000139		10/14/2019	refund clean up deposit - 13751 Buchanan Dr		\$1,000.00			
20139	10/28/2019	Open			Accounts Payable	Mailhot, Tom	\$1,500.00		
	<u>Invoice</u>		<u>Date</u>	<u>Description</u>		<u>Amount</u>			
	1		09/25/2019	15 health inspections		\$1,500.00			
20140	10/28/2019	Open			Accounts Payable	Marth Construction	\$1,000.00		
	<u>Invoice</u>		<u>Date</u>	<u>Description</u>		<u>Amount</u>			
	2019-00000050		10/14/2019	refund clean up deposit - 12945 Belmont Pkwy		\$1,000.00			

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Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
20141	10/28/2019	Open			Accounts Payable	Metropolitan Industries Inc	\$45.00		
	<u>Invoice</u>		<u>Date</u>	<u>Description</u>		<u>Amount</u>			
	INV010622		10/15/2019	data connection fee		\$45.00			
20142	10/28/2019	Open			Accounts Payable	NiCor Gas	\$559.86		
	<u>Invoice</u>		<u>Date</u>	<u>Description</u>		<u>Amount</u>			
	19/10-0043 0		10/08/2019	69-22-85-0043 0 ruffled fthrs l/s		\$113.60			
	19/10-1000 5		10/10/2019	84-38-99-1000 5 chestnut crossing l/s		\$36.67			
	19/10-20008		10/10/2019	85-71-20-20008 keepataw trails l/s		\$81.75			
	19/10-8700 1		10/03/2019	93-56-54-8700 1 smith farms l/s		\$35.84			
	19/10-9378 5		10/02/2019	25-59-90-9378 5 well #6		\$35.38			
	19/10-2000 4		10/02/2019	04-46-52-2000 4 well #4		\$35.38			
	19/10-2382 4		10/04/2019	88-84-93-2382 4 glens of connemara l/s		\$39.48			
	19/10-2000 8		10/07/2019	37-54-52-2000 8 well #3		\$36.27			
	19/10-2000 6		10/02/2019	69-98-10-2000 6 oak tree ln l/s		\$37.83			
	19/10-2000 8 (2)		10/03/2019	74-12-00-2000 8 harpers grove l/s		\$36.28			
	19/10-4722 3		10/07/2019	91-25-56-4722 3 eagle ridge l/s		\$35.68			
	19/10-9589 2		10/07/2019	37-62-87-9589 2 target-kohls l/s		\$35.70			
20143	10/28/2019	Open			Accounts Payable	Occupational Health Centers of Illinois. P.C.	\$249.00		
	<u>Invoice</u>		<u>Date</u>	<u>Description</u>		<u>Amount</u>			
	1011865132		09/24/2019	pre-employment physical & drug screen		\$124.50			
	1011901728		10/08/2019	pre-employment physical & drug screen		\$124.50			
20144	10/28/2019	Open			Accounts Payable	Office Depot	\$259.15		
	<u>Invoice</u>		<u>Date</u>	<u>Description</u>		<u>Amount</u>			
	380188067001		09/19/2019	coffee		\$44.54			
	380191687001		09/19/2019	coffee creamer		\$29.56			
	386236819001		10/04/2019	supplies		\$72.32			
	386239184001		10/04/2019	voicemail book, backrest		\$58.16			
	387402638001		10/08/2019	supplies		\$54.57			
20145	10/28/2019	Open			Accounts Payable	P. T. Ferro Construction Co.	\$180,114.99		
	<u>Invoice</u>		<u>Date</u>	<u>Description</u>		<u>Amount</u>			
	19002-1		10/21/2019	19GM road resurfacing		\$180,114.99			
20146	10/28/2019	Open			Accounts Payable	Parvin_Clauss Sign Company Inc.	\$35,632.50		
	<u>Invoice</u>		<u>Date</u>	<u>Description</u>		<u>Amount</u>			
	82898W		10/21/2019	Gateway entry signs		\$35,632.50			
20147	10/28/2019	Open			Accounts Payable	Patriot Pavement Maintenance	\$25,751.43		
	<u>Invoice</u>		<u>Date</u>	<u>Description</u>		<u>Amount</u>			
	18446-1F		08/14/2019	parking lot sealcoating various locations		\$25,751.43			
20148	10/28/2019	Open			Accounts Payable	PDC Laboratories	\$236.50		
	<u>Invoice</u>		<u>Date</u>	<u>Description</u>		<u>Amount</u>			
	I9389986		10/15/2019	sample testing		\$36.50			
	I9389071		10/08/2019	sample testing		\$200.00			
20149	10/28/2019	Open			Accounts Payable	Proven Business Systems, LLC	\$657.75		
	<u>Invoice</u>		<u>Date</u>	<u>Description</u>		<u>Amount</u>			
	642810		10/03/2019	3250-06 - Copier Maintenance - 7/8/19-10/7/19		\$657.75			

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From Payment Date: 10/15/2019 - To Payment Date: 10/28/2019

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
20150	10/28/2019	Open			Accounts Payable	Rag's Electric	\$4,396.00		
	Invoice		Date	Description		Amount			
	4827-1908		08/31/2019	19GM street light maintenance		\$1,000.00			
	4827-1907		07/31/2019	19GM street light maintenance		\$1,000.00			
	4827-1906		06/29/2019	19GM street light maintenance		\$1,000.00			
	4827-1909		09/30/2019	19GM street light maintenance		\$1,000.00			
	22300		09/30/2019	VH repair		\$396.00			
20151	10/28/2019	Open			Accounts Payable	Rainbow Printing	\$280.95		
	Invoice		Date	Description		Amount			
	413888		10/07/2019	meter replacement forms		\$280.95			
20152	10/28/2019	Open			Accounts Payable	Reliable Equipment & Service Co., Inc.	\$810.18		
	Invoice		Date	Description		Amount			
	0633296-IN		10/11/2019	impeller motor		\$810.18			
20153	10/28/2019	Open			Accounts Payable	Rex Radiator & Welding Co., Inc.	\$343.00		
	Invoice		Date	Description		Amount			
	B133188		09/18/2019	parts/repair		\$343.00			
20154	10/28/2019	Open			Accounts Payable	Ristow, Leona	\$7.00		
	Invoice		Date	Description		Amount			
	201914		10/13/2019	commissions for art work sold		\$7.00			
20155	10/28/2019	Open			Accounts Payable	Robbins Schwartz	\$100.00		
	Invoice		Date	Description		Amount			
	855375		09/30/2019	8/9/19 services - letter		\$100.00			
20156	10/28/2019	Open			Accounts Payable	Rozycki, Lynn	\$11.20		
	Invoice		Date	Description		Amount			
	201912		10/13/2019	commissions for art work sold		\$11.20			
20157	10/28/2019	Open			Accounts Payable	RR Donnelley	\$81.80		
	Invoice		Date	Description		Amount			
	729891462		10/09/2019	2019 Tax Forms		\$81.80			
20158	10/28/2019	Open			Accounts Payable	Rydin Decal	\$574.32		
	Invoice		Date	Description		Amount			
	363476		10/07/2019	2020 Metra Parking Tags		\$574.32			
20159	10/28/2019	Open			Accounts Payable	Sosin, Arnold & Schoenbeck, Ltd.	\$1,000.00		
	Invoice		Date	Description		Amount			
	109897		09/30/2019	Sep 2019 adjudication		\$1,000.00			
20160	10/28/2019	Open			Accounts Payable	Southwest Central Dispatch	\$23,330.07		
	Invoice		Date	Description		Amount			
	19-10-17 SCD		10/17/2019	Nov 2019 assessment		\$23,330.07			
20161	10/28/2019	Open			Accounts Payable	Steiner Electric Company	\$1,164.34		
	Invoice		Date	Description		Amount			
	S006469314.001		10/01/2019	PD generator service		\$1,164.34			
20162	10/28/2019	Open			Accounts Payable	Third Millennium Associates Inc	\$6,406.07		
	Invoice		Date	Description		Amount			
	24014		10/21/2019	Post Online transactions & postage for mailing from fulfillment		\$4,011.07			

Payment Register

From Payment Date: 10/15/2019 - To Payment Date: 10/28/2019

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
	24001		10/11/2019		3rd Mailing		\$2,395.00		
20163	10/28/2019	Open			Accounts Payable	Urban Forest Management, Inc.	\$145.00		
	Invoice		Date		Description	Amount			
	190914		10/08/2019		plan review and report	\$145.00			
20164	10/28/2019	Open			Accounts Payable	Vulcan Materials	\$159.23		
	Invoice		Date		Description	Amount			
	32126298		10/15/2019		path screenings	\$159.23			
20165	10/28/2019	Open			Accounts Payable	Willowbrook Ford Inc.	\$78.23		
	Invoice		Date		Description	Amount			
	5141730		10/01/2019		parts	\$78.23			
20166	10/28/2019	Open			Accounts Payable	Petty Cash-Police Department	\$421.97		
	Invoice		Date		Description	Amount			
	19-10-04 PD		10/04/2019		replenishment	\$421.97			
20167	10/28/2019	Open			Accounts Payable	Smollen, Charlene	\$704.61		
	Invoice		Date		Description	Amount			
	19-10-19 CS		10/19/2019		reimbursement - 10/15-10/18 MCI conference	\$704.61			
20168	10/28/2019	Open			Accounts Payable	Rose Development	\$1,000.00		
	Invoice		Date		Description	Amount			
	2018-00000312		10/14/2019		refund clean up deposit - 329 Front St	\$1,000.00			
20169	10/28/2019	Open			Accounts Payable	Trifecta Home Design	\$1,000.00		
	Invoice		Date		Description	Amount			
	2018-00000093		10/14/2019		refund clean up deposit - 115 Cass St	\$1,000.00			
20170	10/28/2019	Open			Accounts Payable	Kittredge, Janelle	\$724.42		
	Invoice		Date		Description	Amount			
	19-10-21 JK		10/21/2019		reimbursement - 9/10-9/21 lodging and transp-IML Conf	\$724.42			
20171	10/28/2019	Open			Accounts Payable	Prakash, Darshana	\$811.07		
	Invoice		Date		Description	Amount			
	19-10-22 DP		10/15/2019		reimbursement - 10/7-10/9 lodging & transp-Tyler AGM	\$811.07			
20172	10/28/2019	Open			Accounts Payable	Sniegowski, Rick	\$435.34		
	Invoice		Date		Description	Amount			
	19-10-21 RS		10/21/2019		reimbursement - 9/10-9/21 lodging and transp-IML Conf	\$435.34			
Type Check Totals:						67 Transactions	\$360,097.31		
<u>EFT</u>									
547	10/28/2019	Open			Accounts Payable	Andrysiak, Edward or Patricia	\$1,147.49		
	Invoice		Date		Description	Amount			
	19-10-15		10/15/2019		Nov 2019 payment	\$1,147.49			
548	10/28/2019	Open			Accounts Payable	CareerBuilder Employment Screening, LLC	\$436.20		
	Invoice		Date		Description	Amount			
	AUR1145250		09/30/2019		background checks	\$436.20			

Payment Register

From Payment Date: 10/15/2019 - To Payment Date: 10/28/2019

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
549	10/28/2019	Open			Accounts Payable	Tate, Jamie, M	\$999.40		
	Invoice		Date	Description			Amount		
	19-20		10/22/2019	09/30/19-10/13/19 planning services			\$999.40		
Type EFT Totals:					3 Transactions			\$2,583.09	
FM-Clearing - Accounts Payable Totals									

Checks	Status	Count	Transaction Amount	Reconciled Amount
	Open	67	\$360,097.31	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	67	\$360,097.31	\$0.00

EFTs	Status	Count	Transaction Amount	Reconciled Amount
	Open	3	\$2,583.09	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Total	3	\$2,583.09	\$0.00

All	Status	Count	Transaction Amount	Reconciled Amount
	Open	70	\$362,680.40	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	70	\$362,680.40	\$0.00

Grand Totals:

Checks	Status	Count	Transaction Amount	Reconciled Amount
	Open	67	\$360,097.31	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	67	\$360,097.31	\$0.00

EFTs	Status	Count	Transaction Amount	Reconciled Amount
	Open	3	\$2,583.09	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Total	3	\$2,583.09	\$0.00

All	Status	Count	Transaction Amount	Reconciled Amount
	Open	70	\$362,680.40	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	70	\$362,680.40	\$0.00

TO: Mayor John Egofske
Village Board of Trustees

FROM: Linda Molitor, Executive Assistant/CRM

SUBJECT: Amending Chapter 5.04, Liquor License of the Lemont Municipal Code

DATE: October 28, 2019

SUMMARY/ BACKGROUND

The Liquor License applicant of One Eleven Wine and Martini Bar at 111 Stephen Street, Lemont, IL, is seeking an A-2 Liquor License from the Village of Lemont.

The number of Class A-2 Liquor Licenses will be increased from 0 to 1 in the Lemont Municipal Code, Chapter 5, Section 5.04, Subsection 5.04.060, Class of Licenses, Number of Licenses and License Fees.

LIQUOR CONTROL REVIEW BOARD RECOMMENDATION

The Liquor Control Review Board met on Monday, October 28, at 5:45 p.m. for review of the application for One Eleven Wine and Martini Bar. The Liquor Control Review recommends Liquor License approval.

BOARD ACTION REQUESTED

Motion and adoption of the attached Ordinance.

ATTACHMENTS

An Ordinance Amending Lemont Municipal Code Chapter 5.04, Section 5.04.080: Alcoholic Beverages (Increasing Number of Class A-2 Liquor Licenses).

**VILLAGE OF LEMONT
ORDINANCE NO. _____**

**AN ORDINANCE
AMENDING LEMONT MUNICIPAL CODE
CHAPTER 5.04, SECTION 5.04.080: ALCOHOLIC BEVERAGES
(Increasing Number of Class A-2 Liquor Licenses)**

**ADOPTED BY THE
PRESIDENT AND THE BOARD OF TRUSTEES
OF THE VILLAGE OF LEMONT
THIS 28th DAY OF OCTOBER 2019**

**Published in pamphlet form by
Authority of the President and
Board of Trustees of the Village of
Lemont, Counties of Cook, Will and
DuPage, Illinois, this 28th day of October 2019**

ORDINANCE NO. _____

**AN ORDINANCE
AMENDING LEMONT MUNICIPAL CODE
CHAPTER 5.04, SECTION 5.04.080: ALCOHOLIC BEVERAGES
(Increasing Number of Class A-2 Liquor Licenses)**

WHEREAS, the Village of Lemont (“Village”) is an Illinois Municipal Corporation pursuant to the Illinois Constitution of 1970 and the Statutes of the State of Illinois; and,

WHEREAS, One Eleven Wine and Martini Bar at 111 Stephen Street, has applied for a Class A-2 Liquor License and has further requested the Village adopt an ordinance amending the Lemont Municipal Code, as amended, so as to permit such a license to be issued; and

WHEREAS, the President and Board of Trustees of the Village of Lemont desire to increase the number of Class A-2 liquor licenses granted.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES of the Village of Lemont, Illinois:

SECTION 1: The above recitals are incorporated in this ordinance as is fully set forth.

SECTION 2: The number of Class A-2 liquor licenses, as set forth in the Lemont Municipal Code, Chapter 5, Section 5.04, Subsection 5.04.060, Class of Licenses, Number of Licenses and License Fees, to be issued at any one time shall not exceed the number of 1.

SECTION 3: This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

SECTION 4: All Ordinances or parts of Ordinances in conflict herewith shall be and the same are hereby repealed.

SECTION 5: The Village Clerk of the Village of Lemont shall certify to the adoption of this Ordinance and cause the same to be published in pamphlet form.

**PASSED AND APPROVED BY THE PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF LEMONT, COUNTIES OF COOK, WILL, AND DUPAGE,
ILLINOIS, ON THIS 28th DAY OF OCTOBER 2019.**

PRESIDENT AND VILLAGE BOARD MEMBERS:

	AYES:	NAYS:	ABSENT:	ABSTAIN
Janelle Kittridge	_____	_____	_____	_____
Dave Maher	_____	_____	_____	_____
Ryan Kwasneski	_____	_____	_____	_____
Ken McClafferty	_____	_____	_____	_____
Rick Sniegowski	_____	_____	_____	_____
Ron Stapleton	_____	_____	_____	_____

JOHN EGOFSKE
President

ATTEST:

CHARLENE M. SMOLLEN
Village Clerk

TO: Mayor John Egofske
Village Board of Trustees

FROM: Linda Molitor, Executive Assistant/CRM

SUBJECT: Amending Chapter 5.04, Liquor License of the Lemont Municipal Code

DATE: October 28, 2019

SUMMARY/ BACKGROUND

The Liquor License applicant of Royale Liquors LLC, dba Royale Liquors #16 (Pete's Fresh Market) at 1100 State Street, Lemont, IL, is seeking a C-1 & C-5 Liquor License from the Village of Lemont. Royale Liquors is the name of Pete's Fresh liquor department operating within their grocery stores.

The C-1 classification permits the sale of alcoholic liquor for consumption off the premises only. The C-5 classification authorizes alcohol beverage tastings to be permitted at a grocery store.

The number of Class C-1 Liquor Licenses will be increased from 9 to 10 and the number of C-5 Liquor Licenses will be increased from 1 to 2 in the Lemont Municipal Code, Chapter 5, Section 5.04, Subsection 5.04.060, Class of Licenses, Number of Licenses and License Fees.

LIQUOR CONTROL REVIEW BOARD RECOMMENDATION

The Liquor Control Review Board will meet on Monday, October 28, at 5:45 p.m. for review of the application for Royale Liquors for Pete's Fresh Market.

BOARD ACTION REQUESTED

Motion and adoption of the attached Ordinance.

ATTACHMENTS

An Ordinance Amending Lemont Municipal Code Chapter 5.04, Section 5.04.080: Alcoholic Beverages (Increasing Number of Class C-1 & C-5 Liquor Licenses).

**VILLAGE OF LEMONT
ORDINANCE NO. _____**

**AN ORDINANCE
AMENDING LEMONT MUNICIPAL CODE
CHAPTER 5.04, SECTION 5.04.080: ALCOHOLIC BEVERAGES
(Increasing Number of Class C-1 and C-5 Liquor Licenses)**

**ADOPTED BY THE
PRESIDENT AND THE BOARD OF TRUSTEES
OF THE VILLAGE OF LEMONT
THIS 28 DAY OF OCTOBER 2019**

**Published in pamphlet form by
Authority of the President and
Board of Trustees of the Village of
Lemont, Counties of Cook, Will and
DuPage, Illinois, this 28 day of October 2019**

ORDINANCE NO. _____

**AN ORDINANCE
AMENDING LEMONT MUNICIPAL CODE
CHAPTER 5.04, SECTION 5.04.080: ALCOHOLIC BEVERAGES
(Increasing Number of Class C-1 and C-5 Liquor Licenses)**

WHEREAS, the Village of Lemont (“Village”) is an Illinois Municipal Corporation pursuant to the Illinois Constitution of 1970 and the Statutes of the State of Illinois; and,

WHEREAS, Royale Liquors LLC, dba Royale Liquors #16 (Pete’s Fresh Market) at 1100 State Street, has applied for a Class C-1 and C-5 Liquor License and has further requested the Village adopt an ordinance amending the Lemont Municipal Code, as amended, so as to permit such a license to be issued; and

WHEREAS, the President and Board of Trustees of the Village of Lemont desire to increase the number of Class C-1 and C-5 liquor licenses granted.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES of the Village of Lemont, Illinois:

SECTION 1: The above recitals are incorporated in this ordinance as is fully set forth.

SECTION 2: The number of Class C-1 and C-5 liquor licenses, as set forth in the Lemont Municipal Code, Chapter 5, Section 5.04, Subsection 5.04.060, Class of Licenses, Number of Licenses and License Fees, to be issued at any one time shall not exceed the number of 10 for C-1 and not exceed the number 2 for C-5.

SECTION 3: This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

SECTION 4: All Ordinances or parts of Ordinances in conflict herewith shall be and the same are hereby repealed.

SECTION 5: The Village Clerk of the Village of Lemont shall certify to the adoption of this Ordinance and cause the same to be published in pamphlet form.

PASSED AND APPROVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LEMONT, COUNTIES OF COOK, WILL, AND DUPAGE, ILLINOIS, ON THIS 28 DAY OF OCTOBER 2019.

PRESIDENT AND VILLAGE BOARD MEMBERS:

	AYES:	NAYS:	ABSENT:	ABSTAIN
Janelle Kittridge	_____	_____	_____	_____
Dave Maher	_____	_____	_____	_____
Ryan Kwasneski	_____	_____	_____	_____
Ken McClafferty	_____	_____	_____	_____
Rick Sniegowski	_____	_____	_____	_____
Ron Stapleton	_____	_____	_____	_____

JOHN EGOFSKE
President

ATTEST:

CHARLENE M. SMOLLEN
Village Clerk

TO: Village Board

FROM: George Schafer, Village Administrator
Christina Smith, Finance Director
Kay Argo, Human Resources Manager

SUBJECT: An Ordinance Amending Ordinance 725 Establish a Pay Plan and
Scheduled of Authorized Positions

DATE: October 28, 2019

SUMMARY/ BACKGROUND

The Village Board of Trustees adopted Ordinance 11-19 on April 15, 2019 which amended the Schedule of Authorized positions and salary ranges to reflect the changes authorized in the FY2019-2020 Budget. Subsequently, in fulfillment of the Village's strategic plan, staff presented the Village Board with the results obtained from conducting a non-represented employee pay study of fourteen (14) communities. Previously, the most recent pay study was completed in 2013 and pay ranges were adjusted in 2014.

The Village Board reviewed and discussed the results of the non-represented pay study at their meetings on September 9, 2019 and October 14, 2019. Bearing in mind the discussion at those two meetings, respectfully staff requests that the Village Board amend the Schedule of Authorized positions and salary ranges as shown in the attachments to this memorandum. Such documents are consistent with the direction staff received from the Village Board at the aforementioned two Board meetings.

STAFF RECOMMENDATION

Amend Ordinance 725 Establishing a Pay Plan and Schedule of Authorized Positions.

ATTACHMENTS: Non-Union Pay Plan, Schedule of Authorized Positions, Ordinance Amending Ordinance Establishing Pay Plan and Schedule of Authorized Positions



VILLAGE OF LEMONT

ORDINANCE NO. _____

**AN ORDINANCE AMENDING ORDINANCE 725
ESTABLISHING A PAY PLAN
AND SCHEDULE OF AUTHORIZED POSITIONS**

**ADOPTED BY THE PRESIDENT AND
BOARD OF TRUSTEES OF THE
VILLAGE OF LEMONT
THIS 28TH DAY OF OCTOBER, 2019**

**Published in pamphlet form by
authority of the President and
Board of Trustees of the Village
of Lemont, Cook, Will and
DuPage Counties, Illinois on
this 28th day of October, 2019**

ORDINANCE _____

**AN ORDINANCE AMENDING ORDINANCE 725
ESTABLISHING A PAY PLAN
AND SCHEDULE OF AUTHORIZED POSITIONS**

WHEREAS, the Village of Lemont adopted Ordinance 725 as amended, which established a pay plan and provided a schedule of authorized employment positions; and

WHEREAS, it is necessary to amend the Ordinance to reflect the proposed organizational changes; and

WHEREAS, this amendment shall be made part of the employee Personnel Manual adopted by Resolution 210.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Lemont, Cook, Will, and DuPage Counties, Illinois, that the Schedule of Authorized Positions and Pay Ranges is hereby amended as shown in Exhibit A.

PASSED AND APPROVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LEMONT, COUNTIES OF COOK, WILL AND DUPAGE, ILLINOIS ON THIS _____ day of _____, 2019.

PASSED AND APPROVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LEMONT, COUNTIES OF COOK, WILL AND DUPAGE, ILLINOIS on this 28th day of October 2019.

PRESIDENT AND VILLAGE BOARD MEMBERS:

	AYES:	NAYS:	ABSENT:	ABSTAIN
Janelle Kittridge	_____	_____	_____	_____
Ryan Kwasneski	_____	_____	_____	_____
Dave Maher	_____	_____	_____	_____
Ken McClafferty	_____	_____	_____	_____
Rick Sniegowski	_____	_____	_____	_____
Ron Stapleton	_____	_____	_____	_____

JOHN EGOFSKE
President

ATTEST:

CHARLENE M. SMOLLEN
Village Clerk

2019-2020 Pay Plan

Village of Lemont			
Full Time Positions	Annual Pay Ranges		Pay
Job Title	Minimum	Maximum	Grades
EXECUTIVE MANAGEMENT - GRADE 13-15			
Village Administrator	\$125,000	\$175,000	
Chief of Police	\$105,000	\$147,000	15
Finance Director	\$105,000	\$147,000	15
Public Works Director	\$100,000	\$140,000	14
Community Development Director	\$100,000	\$140,000	14
Police Commander	\$95,000	\$133,000	13
MANAGEMENT - GRADES 8-12			
No one in range	\$90,000	\$126,000	12
Public Works Operations - Superintendent	\$80,000	\$112,000	11
Water Operations - Superintendent	\$80,000	\$112,000	11
Human Resources Manager	\$75,000	\$105,000	10
Assistant Finance Director	\$75,000	\$105,000	10
Community Relations Manager/Executive Assistant	\$70,000	\$98,000	9
Community Development Manager	\$70,000	\$98,000	9
Chief Building Official	\$70,000	\$98,000	9
Fleet Manager	\$65,000	\$91,000	8
TECHNICAL/SUPERVISORY - GRADES 6-7			
Public Works Crew Leader	\$60,000	\$84,000	7
Police Office Manager	\$55,000	\$77,000	6
Public Works Procurement/Budget Coordinator	\$55,000	\$77,000	6
Water Operator/Inspector	\$55,000	\$77,000	6
Police Records Supervisor	\$55,000	\$77,000	6
Mechanic	\$55,000	\$77,000	6
Building Code Compliance Inspector	\$55,000	\$77,000	6
ADMIN. SUPPORT/FRONT LINE STAFF - GRADES 1-5			
Public Safety Enforcement Specialist	\$50,000	\$70,000	5
Special Events & Digital Media Coordinator	\$50,000	\$70,000	5
Maintenance Worker II (Public Works)	\$50,000	\$70,000	5
Water Billing Supervisor	\$50,000	\$70,000	5
Police Records Specialist	\$45,000	\$63,000	4
Community Development Specialist	\$45,000	\$63,000	4
Administrative Assistant - Public Works	\$45,000	\$63,000	4
Maintenance Worker I (Public Works)	\$45,000	\$63,000	3
Building Permit Technician (Community Dev.)	\$40,289	\$56,404	3
Police Community Service Officer	\$40,000	\$56,000	3
No one in range	\$35,000	\$49,000	2
No one in range	\$30,000	\$42,000	1

2019-2020 Pay Plan

Part Time Positions Job Title	Hourly Pay Ranges		Pay
	Minimum	Maximum	Grade
Plumbing Inspectors (** Per Inspection)	\$32.50	\$37.00	9
Electrical Inspectors (** Per Inspection)	\$32.50	\$37.00	9
Accounting Assistant (Payroll, Acct P/R)	\$22.50	\$31.50	8
Part-Time Police Officer	\$22.50	\$31.50	8
Admin. Assistant/Analyst	\$20.00	\$28.00	7
Finance Front Desk Clerk	\$18.00	\$25.20	5
Records Clerk	\$18.00	\$25.20	5
Records Assistant	\$15.00	\$21.00	4
Water Meter Reader	\$15.00	\$21.00	4
Planning Intern	\$12.00	\$15.00	3
Administrative Intern	\$12.00	\$15.00	3
Crossing Guard	\$12.00	\$15.00	3
Summer Laborer/Seasonal Worker	\$11.50	\$14.50	2
Finance/Community Development Intern	\$11.50	\$14.50	2
No one in range	\$10.00	\$14.00	1

** Plumbing and Electrical Inspectors are paid per Inspection not per hour.

**Village of Lemont
Position Listing**

Full Time

	Authorized FY2014-15	Authorized FY2015-16	Authorized FY2016-17	Authorized FY2017-18	Amended FY2018-19	Authorized FY2019-20	Amended 10/28/2019
Administration							
Village Administrator	1	1	1	1	1	1	1
Deputy Village Administrator/Corporation Counsel	0	0	1	0	0	0	0
Human Resources Manager	1	1	1	1	1	1	1
Executive Assistant	1	1	0	0	0	0	0
Community Relations Manager/Executive Asst	0	0	1	1	1	1	1
Special Events and Digital Media Coordinator	0	0	1	1	1	1	1
	3	3	5	4	4	4	4
Community Development							
Economic & Community Development Director				1	1	1	1
Community Development Director	1	1	0	0	0	0	0
Planner	1	1	1	0	0	0	0
Community Development Manager	0	0	0	1	1	1	1
Marketing Coordinator	1	1	0	0	0	0	0
Building Commissioner	1	1	1	1	0	0	0
Chief Building Inspector	1	1	1	0	0	0	0
Code Enforcement Officer	1	1	1	1	1	1	0
Building & Code Compliance Inspector	0	0	0	0	0	0	1
Administratve Assistant	2	2	2	0	0	0	0
Permit Tech	0	0	0	3	3	3	1
Chief Building Official	0	0	0	0	1	1	1
Community Development Specialist	0	0	0	0	0	0	2
	8	8	6	7	7	7	7
Finance Department							
Finance Director/Treasurer	1	1	1	1	1	1	1
Accounting Manager			1	1	1	1	0
Assistant Finance Director							1
Financial Analyst	1	1	0	0	0	0	0
Finance/Building Clerk	0	0	1	0	0	0	0
	2	2	3	2	2	2	2
Police							
Chief of Police	1	1	1	1	1	1	1
Commander	2	2	2	1	2	2	2
Sergeants	6	5	4	4	3	3	4
Police Officers	18	18	20	20	18	17	15
Community Service Officer	2	2	2	1	1	1	1
Nuisance Abatement Officer						1	0
Public Safety Enforcement Specialist							1
Police Office Manager	1	1	1	1	1	1	1
Police Records Supervisor	1	1	1	1	1	1	1
Police Records Specialist	1	1	1	1	1	1	1
	32	31	32	30	28	28	27
Public Works							
Public Works Director	1	1	1	1	1	1	1
Water/Sewer Operations Superintendent	1	1	1	1	1	1	1
Water Operator/Inspector	1	1	1	1	1	1	1
Public Works Operations Superintendent	1	1	1	1	1	1	1
Procurement and Budget Coordinator	0	0	1	1	1	1	1
Fleet Manager	1	1	1	1	1	1	1
Mechanic	1	1	1	1	1	1	1
Water Supervisor	1	1	0	0	0	0	0
Crew Leaders	2	2	3	3	3	3	3
Maint Workers I & II	9	8	8	8	8	8	9
Water Billing Supervisor	1	1	1	1	1	1	1
Administrative Assistant	1	1	1	1	1	1	1
	20	19	20	20	20	20	21
Total Full Time	65	63	66	63	61	61	61

**Village of Lemont
Position Listing**

Part Time

	Authorized FY2014-15	Authorized FY2015-16	Authorized FY2016-17	Authorized FY2017-18	Amended FY2018-19	Authorized FY2019-20	Amended 10/28/2019
Administration							
Admin. Asst./Analyst	0	0	0	1	1	1	1
Community Development							
Planning Intern	0	0	1	1	1	0	0
Plumbing Inspectors	3	3	2	2	2	2	2
Electrical Inspectors	2	2	1	1	1	1	1
Summer Worker	1	1	1	1	1	1	1
Finance Department							
Front Desk Clerk	2	2	1	1	2	2	2
Accounting Assistant	1	1	1	1	1	1	1
Accountant	1	1	0	0	0	0	0
Police							
Police Officers	6	6	6	6	6	8	11
Accreditation Manager	1	1	1	1	0	0	0
Crime Prevention Officer	1	1	1	1	0	0	0
Crossing Guards	6	6	3	3	3	2	2
Traffic Safety Officers*	19	19	0	0	0	0	0
Records Clerk	1	1	1	1	1	1	2
Records Asisstant	0	0	3	3	2	2	1
Police Evidence Custodian	1	1	1	1	0	0	0
LEMA Director	1	1	1	1	1	1	1
LEMA Deputy Director	1	1	1	1	1	1	1
Public Works							
Meter Reader	1	1	1	1	1	1	1
Summer Worker	7	8	9	10	10	10	10
Total Part Time Positions	55	56	35	37	34	34	37
Police (volunteer positions)							
LEMA	11	11	11	11	11	11	11

*Program disbanded

TO: Village Board
FROM: Christina Smith, Finance Director
THROUGH: George Schafer, Village Administrator
SUBJECT: A Resolution Approving Proposal
from Artistic Holiday Designs

DATE: October 28, 2019

BACKGROUND

Last year during the holiday season, Artistic Holiday Designs had several light up displays in the downtown area. Staff reached out to the company to continue the light up displays this holiday season. Artistic Holiday Designs setforth a proposal with a one year lease amount of \$19,993.34 with the option of two additional years for a total cost of \$64,186.82.

The first year cost of \$19,993.34 is a budgeted item and if approved staff will add the future cost to FY21 and FY22 budget.

RECOMMENDATION

Pass the attached resolution approving the proposal from Artistic Holiday Design.

Resolution No. _____

**A Resolution Approving Proposal
from Artistic Holiday Designs**

WHEREAS, the Village of Lemont (“Village”) intends to have holiday design decoration in the downtown area;

WHEREAS, the Village has had the decorations from Artistic Holiday Designs in the past;

WHEREAS, Section 5/8-9-1 of the Illinois Municipal Code (65 ILCS 5/8-9-1) allows the Board of Trustees of the Village (“Village Board”), upon a vote of two-thirds of the trustees then holding office, to waive the requirements for competitive bidding; and

WHEREAS, the Village Board has determined that it is advisable, necessary and in the best interests of the Village to waive competitive bidding and authorize a one year lease of \$19,993.34 with the option of two additional years not to exceed \$64,186.82.

NOW THEREFORE, BE IT RESOLVED BY THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF LEMONT, COOK, WILL & DU PAGE COUNTIES, ILLINOIS that:

SECTION ONE: Incorporation of Recitals. The foregoing findings and recitals are hereby adopted as Section One of this Resolution and are incorporated by reference as if set forth verbatim herein.

SECTION TWO: Waiver of Public Bid Requirements and Authorize a one year lease with the option to renew for two additional years. The Village Board hereby waives the competitive bidding requirements and authorize a one year lease of \$19,993.34 with the option of two additional years not to exceed \$64,186.82.

SECTION THREE: The Village Administrator or his designee is hereby authorized to execute any documents and take any other steps necessary to sign the agreement with Artistic Holiday Designs.

SECTION FOUR: This Resolution shall be in full force and effect from and after its passage and approval as provided by law.

PASSED AND APPROVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LEMONT, COUNTIES OF COOK, WILL AND DUPAGE, ILLINOIS on this 28th day of October 2019

PRESIDENT AND VILLAGE BOARD MEMBERS:

	AYES:	NAYS:	ABSENT:	ABSTAIN
Janelle Kittridge	_____	_____	_____	_____
Ryan Kwasneski	_____	_____	_____	_____
Dave Maher	_____	_____	_____	_____
Ken McClafferty	_____	_____	_____	_____
Rick Sniegowski	_____	_____	_____	_____
Ronald Stapleton	_____	_____	_____	_____

John Egofske
President

ATTEST:

CHARLENE M. SMOLLEN
Village Clerk

TO: Village Board
FROM: Chief Marc Maton
THROUGH: Village Administrator George Shafer
SUBJECT: Approval of the Update of the Cook County Multi-Jurisdictional Hazard Mitigation Plan
DATE: October 28th, 2019

SUMMARY/ BACKGROUND

Approval of the 2019 Update to the Cook County Multi-Jurisdictional Hazard Mitigation Plan is a necessity in order for the Village to receive grant funds for various mitigation activities from Federal and State entities in order to help protect our community from natural disasters, or assist our community after one occurs. Once this plan update is adopted, the Village will again be eligible to apply for hazard mitigation grant opportunities.

The Cook County Board of Commissioners adopted the Multi-Jurisdictional Hazard Mitigation Plan in September 2014. The plan includes preventative and reactive steps to address earthquakes, tornados, flooding and severe weather.

ANALYSIS

Consistency with Village Policy

State statute requires all villages to periodically update their Hazard Mitigation Plan. Cook County is asking all villages within the county to adopt the attached 2019 update to the Cook County Multi-Jurisdictional Hazard Mitigation plan. All villages must be compliant in order to be eligible for grants. This plan is reviewed and updated every five years per statute.

Budget (if applicable).

Procurement Policy (if applicable).

Other Subheadings, as applicable. Please Specify.

STAFF RECOMMENDATION

Staff recommends the approval to adopt the 2019 Update of the Cook County Multi-Jurisdictional Hazard Mitigation Plan.

BOARD ACTION REQUESTED

Approval of the resolution to adopt the 2019 Update of the Cook County Multi-Jurisdictional Hazard Mitigation Plan.

ATTACHMENTS

Resolution and 2019 Cook County Multi-Jurisdictional Hazard Mitigation Plan Update with addendums (Executive Summary – July 2019 and Executive Overview 2019)



VILLAGE OF LEMONT

RESOLUTION NO. _____

**A RESOLUTION APPROVING THE ADOPTION OF THE 2019 UPDATE OF THE
COOK COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN**

**ADOPTED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF LEMONT
THIS 28TH DAY OF OCTOBER 2019**

**Published in pamphlet form by
authority of the President and Board of
Trustees of the Village of
Lemont, Counties of Cook, Will and DuPage,
Illinois on this 28TH day of October 2019**

RESOLUTION NO. _____

**A RESOLUTION APPROVING THE ADOPTION OF THE 2019 UPDATE OF THE
COOK COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN**

WHEREAS, the Village of Lemont (“Village”) is an Illinois Municipal Corporation pursuant to the Illinois Constitution of 1970 and the Statutes of the State of Illinois; and

WHEREAS, the Village is desirous to adopt the 2019 update of the Cook County Multi-Jurisdictional Hazard Mitigation Plan as further outlined on the plan attached as Exhibit A (“plan”); and;

WHEREAS, the Mayor and Board of Trustees find that it is in the best interests of the Village to authorize the Adoption of the 2019 update of the Cook County Multi-Jurisdictional Hazard Mitigation Plan;

BE IT RESOLVED by the Village President and Board of Trustees of the Village of Lemont, Counties of Cook, Will and DuPage, Illinois, as follows:

SECTION ONE: The Mayor and Board of Trustees of the Village of Lemont hereby accepts, approves and adopts in its entirety, Volume 1, the Countywide Mitigation Actions in Volume 2; and the Village of Lemont Jurisdictional Annex of Volume 2 of the 2019 Cook County Multi-Jurisdictional Hazard Mitigation Plan.

SECTION TWO: The Mayor and Board of Trustees of the Village of Lemont will continue to participate in the updating and revision of the 2019 Plan with another plan review and revision to occur within a five-year cycle, and designated staff will provide annual progress reports on the status of implementation of the 2019 Plan to the president of the City council.

SECTION THREE: This Resolution shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

APPROVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LEMONT, COUNTIES OF COOK, WILL AND DUPAGE, ILLINOIS on this 28th DAY OF OCTOBER 2019.

PRESIDENT AND VILLAGE BOARD MEMBERS:

	AYES:	NAYS:	ABSENT:	ABSTAIN
Janelle Kittridge	_____	_____	_____	_____
Ryan Kwasneski	_____	_____	_____	_____
Dave Maher	_____	_____	_____	_____
Ken McClafferty	_____	_____	_____	_____
Rick Sniegowski	_____	_____	_____	_____
Ron Stapleton	_____	_____	_____	_____

JOHN EGOFKSKE, Village President

ATTEST:

CHARLENE M. SMOLLEN, Village Clerk

EXHIBIT A

**2019 UPDATE OF THE COOK COUNTY MULTI-JURISDICTIONAL HAZARD
MITIGATION PLAN AND ADDENDUMS (EXECUTIVE SUMMARY – JULY 2019
AND EXECUTIVE OVERVIEW 2019)**



Planning Partner Adoption

2019 Cook County

Multi-Jurisdictional Hazard Mitigation Plan

Update

October 2019



COOK COUNTY DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT
Multi-Jurisdictional Hazard Mitigation Plan Update Planning Partner Adoption

Agenda

- 1. The What and Why of Mitigation**
- 2. Mitigation Pays**
- 3. 2014 Hazard Mitigation Plan**
- 4. Grant Success Stories**
- 5. 2019 HMP Update**
- 6. What Needs to Be Done**



What is Mitigation and Why Do It?

Definition: Any sustained action taken to reduce or eliminate long-term risk to life and property from a hazard event.

WHY?

- Protect human life, and prevent damage or loss of property
- Promote inter-agency coordination and response
- Increase public awareness about hazards
- Increase preparedness within the community
- **Be eligible for grant funds**





COOK COUNTY DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT
Multi-Jurisdictional Hazard Mitigation Plan Update Planning Partner Adoption

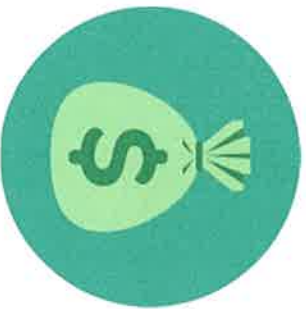
Mitigation Pays!

National Institute of Building Sciences

(2017 Interim Report):

- Federal mitigation grants save \$6 per \$1 spent
- These funds are only available if our jurisdiction is part of a

FEMA-approved mitigation plan that has been formally adopted by our jurisdiction



“No Plan, No Money”



COOK COUNTY DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT
Multi-Jurisdictional Hazard Mitigation Plan Update Planning Partner Adoption

2014 Hazard Mitigation Plan

COOK COUNTY
MULTI-JURISDICTIONAL
HAZARD MITIGATION PLAN
VOLUME 1—PLANNING-AREA-WIDE ELEMENTS

FINAL
SEPTEMBER 10, 2014

Prepared for:



Cook County
Department of Homeland Security and Emergency Management
89 W. Washington St., Suite 2600
Chicago, Illinois 60602

Toni Preckwinkle
President
Cook County Board of Commissioners

Michael G. Mastura
Executive Director
Cook County Department of Homeland Security &
Emergency Management

Revised November 6, 2014

Prepared by:


TETRA TECH
enables world | GLOBAL SOLUTIONS®
1 S. Wacker Drive, 37th Floor, Chicago, IL 60606
Tel: 312.201.0700 Fax: 312.201.0031 www.tetrattech.com

- First-ever Multi-Jurisdictional Hazard Mitigation Plan in Cook County in 2014
- Largest Hazard Mitigation Plan in the U.S
- Approved by FEMA in 2014
- Adopted by all 117 participating jurisdictions
- **Expired: 2019 HMP Update needs to be adopted by local jurisdictions**



Grant Success Stories I:

North Region: 11,200 Feet of New Storm Sewer

- Construction of two water retention basins

North Region: GIS Tree Inventory System

- Inputs data on every tree owned by the village
- Includes the age, photo, species, height, condition and location
- Documented date allows the village to identify those trees in need of removal or trimming



Central Region: Green Alley Pavement System

- 10,600 square yards of impermeable pavement
- Capable of detaining 254,000 gallons of storm-water



COOK COUNTY DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT
Multi-Jurisdictional Hazard Mitigation Plan Update Planning Partner Adoption

Grant Success Stories II:

South Region: Village Successful in Obtaining Flood Property

Acquisition Grants From:

- Metropolitan Water Reclamation District of Greater Chicago
- Cook County Bureau of Economic Development

Six Central Region Municipalities Combined with MWRD –

The Addison Creek Reservoir Project, a 600-Acre Foot Reservoir:

- Reduces flooding for approximately 2,200 structures
- Removes about 1,700 structures from the floodplain
- Provides \$116 million in flood benefits
- Adds more than 195 million gallons of reservoir storage





COOK COUNTY DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT
Multi-Jurisdictional Hazard Mitigation Plan Update Planning Partner Adoption

What Have We Been Doing for the 2019 Update?

- Working with the Cook County Department of Homeland Security and Emergency Management
- Documenting hazard incidents from 2014-2019 into the plan
- Updating our jurisdiction profile with demographic and contact information
- Creating New Mitigation Actions for our community





Examples of New Mitigation Actions:



- Re-line existing sewer lines to allow for reduction in localized flooding
- Upgrade emergency power capabilities and critical facilities
- Create and launch a public information campaign via social media and create community events on mitigation



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The 2019 Cook County Multi-Jurisdictional Hazard Mitigation Plan Update:

COOK COUNTY
MULTI-JURISDICTIONAL
HAZARD MITIGATION PLAN
VOLUME 1 – PLANNING-AREA-WIDE ELEMENTS

FINAL
July 2019

Prepared for:



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Security & Emergency Management

Ton Prackwinka
President
Cook County Board of Commissioners

- The plan update has been approved by IEMA and FEMA
- 121 total jurisdictions (including us) are participating in the 2019 Update
- A total of 367 new mitigation projects in the 2019 Update were identified by Cook County and participating jurisdictions



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Now What?

The Adoption Process

- IEMA and FEMA Approval Pending Adoption: September 23, 2019
- Cook County Plan Adoption and FEMA Approval: September 26, 2019
- Our Jurisdiction needs to adopt both of the following volumes of the plan:
 - **Volume 1:** The base plan
 - **Volume 2:** Both our jurisdiction's Annex and the Cook County Countywide Mitigation Actions
- After we adopt the 2019 Plan, we will have opportunities to pursue grant funding



What Needs to Be Done

- **Adopt the plan as soon as possible**
- **Send a copy of the approved resolution to DHSEM**
- Make sure to complete the Annual Report yearly through 2024
- Continue our partnership with Cook County by participating in the Hazard Mitigation *Program*
- Participate again in 2024
- **WE ARE NOT OFFICIALLY A PART OF THE PLAN UNTIL**

WE ADOPT IT!





Thank You!

Cook County Multi-Jurisdictional Hazard Mitigation Plan Update

Executive Summary - July 2019

Hazard mitigation is the use of long-term and short-term policies, programs, projects, and other activities to alleviate the death, injury, and property damage that can result from a disaster. Cook County and a coalition of 121 municipal planning partners prepared and updated the **2019 Cook County Multi-Jurisdictional Hazard Mitigation Plan** in order to identify the risks posed by hazards and find ways to reduce their impacts. The plan reduces risks for those who live in, work in, and visit the County.

1. Cook County Profile

Cook County is located in northeast Illinois on the western shore of Lake Michigan. It is the most populous of the 102 counties in Illinois, with a 2018 estimated population of 5.18 million. In terms of area, it is the sixth largest county, covering approximately 945 square miles. Cook County makes up roughly 41 percent of the population of Illinois. The surrounding counties are Lake and McHenry to the north, Kane, and DuPage to the west, and Will to the southwest. Lake Michigan is the county's eastern border along with the State of Indiana.

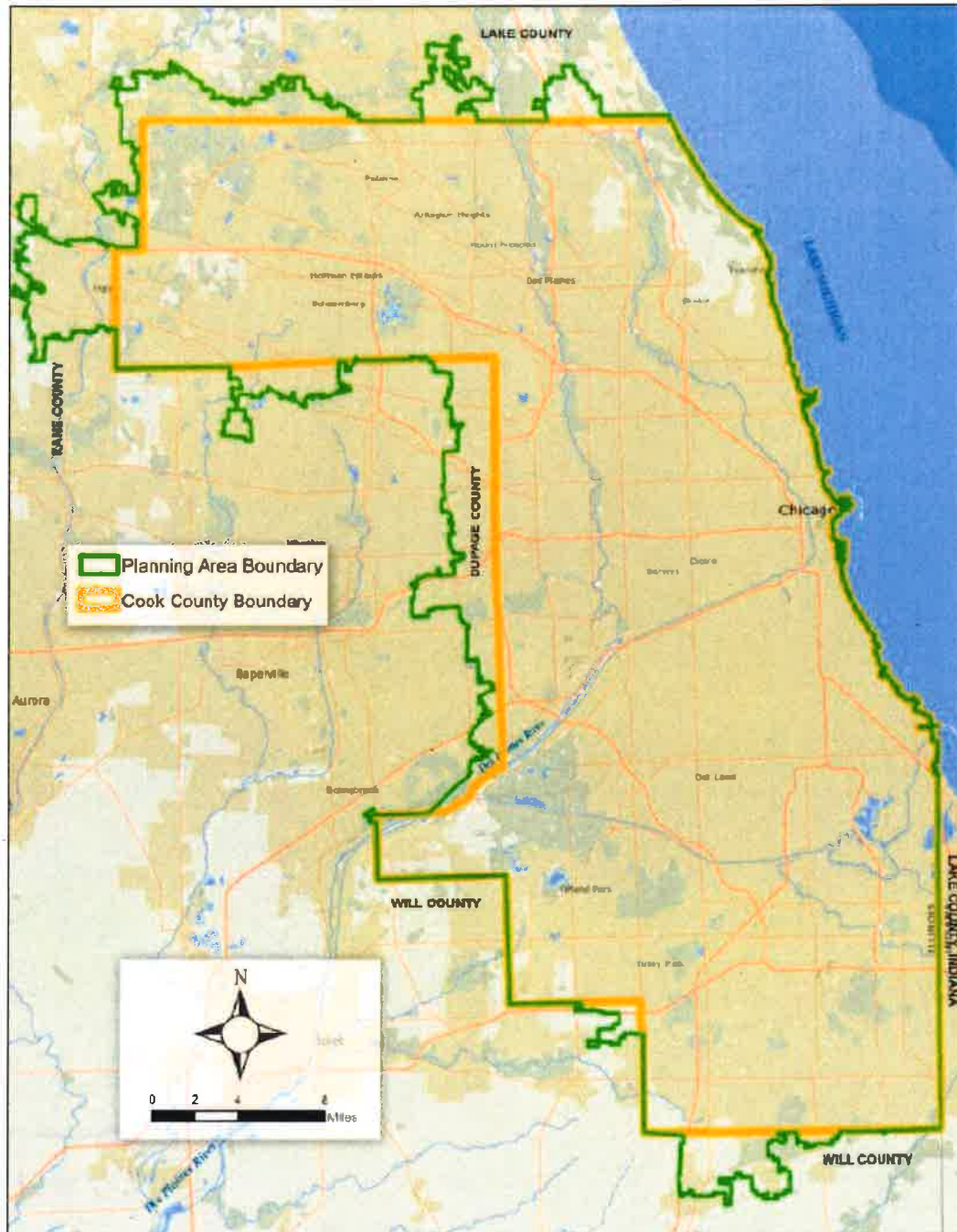
Cook County is the second most populous county in the United States, after Los Angeles County. The county contains 135 municipalities, covering about 85 percent of the area of the county. The remaining unincorporated areas are under the jurisdiction of the Cook County Board of Commissioners, a 17-member board elected by district.

The planning area's economy is strongly based in the educational services, health care, and social assistance industry, followed by the professional, scientific, management, administrative, and waste management industries. Major businesses include, but are not limited to, the U.S. Government, Advocate Health System, JPMorgan Chase, Jewel-Osco, United Airlines, Abbott Laboratories, American Airlines, and Walgreens. Major educational and research institutions in the county include Northwestern University, Loyola University, DePaul University, the University of Chicago, and the University of Illinois at Chicago.

Cook County has experienced 19 hazard events since 1967 for which federal disaster declarations were issued. The Spatial Hazard Events and Losses Database for the United States (SHELDUS), maintained by the University of South Carolina, includes many more hazard events. For Cook County, SHELDUS lists 851 instances of direct property, crop, monetary, or human loss due to a hazard event from 1960 through 2017 - an average of approximately 15 various direct loss events per year.

2. Participating Partners and the Planning Area

The responsibility for hazard mitigation lies with many, including private property owners; business and industry; and local, state, and the federal government. Through multi-jurisdictional partnerships, local jurisdictions within an area that has uniform risk exposure can pool resources and eliminate redundant planning activities. Cook County opened this planning effort to all municipalities within the County. The table, *Planning Partners*, lists the planning partners that participated in the planning process and are covered under this plan. The planning area was defined as all incorporated and unincorporated areas of Cook County as well as the incorporated areas of cities that cross county boundaries. The planning area boundary is shown in the figure below (*Figure: Planning Area*).



Municipalities that are partially in Cook County and are participating in the mitigation planning efforts of adjacent counties are also included in the table below. Future efforts are already underway to include these jurisdictions in future updates of the plan. Six jurisdictions that had not previously participated in the 2014 Cook County MJ-HMP are now part of the 2019 Cook County MJ-HMP.

TABLE: PLANNING PARTNERS		
PLANNING PARTNERS COVERED BY THIS HAZARD MITIGATION PLAN		
North	Central	South
Arlington Heights	Bellwood	Alsip
Barrington	Berkeley	Bedford Park
Bartlett	Berwyn	Blue Island
Des Plaines	Broadview	Bridgeview
Elk Grove Village	Brookfield	Burbank
Evanston	City of Chicago	Burnham
Glencoe	Cicero	Calumet City
Glenview	Countryside	Calumet Park
Golf	Elmwood Park	Chicago Heights
Hanover Park	Forest Park	Chicago Ridge
Hoffman Estates	Forest View	Country Club Hills
Inverness	Franklin Park	Crestwood
Kenilworth	Harwood Heights	Dixmoor
Lincolnwood	Hillside	Dolton
Morton Grove	Hodgkins	East Hazel Crest
Mount Prospect	Indian Head Park	Evergreen Park
Niles	LaGrange	Flossmoor
Northbrook	LaGrange Park	Ford Heights
Northfield	Lyons	Glenwood
Palatine	Maywood	Harvey
Park Ridge	McCook	Hazel Crest
Prospect Heights	Melrose Park	Hickory Hills
Rolling Meadows	Norridge	Hometown
Schaumburg	Northlake	Homewood
Skokie	North Riverside	Justice
South Barrington	Oak Park	Lansing
Streamwood	River Forest	Lemont
Wheeling	River Grove	Lynwood
Wilmette	Riverside	Markham
Winnetka	Rosemont	Matteson
	Schiller Park	Merrionette Park

	Stickney	Midlothian
	Stone Park	Oak Forest
	Summit	Oak Lawn
	Westchester	Olympia Fields
	Western Springs	Orland Hills
		Orland Park
		Palos Heights
		Palos Hills
		Palos Park
		Park Forest
		Phoenix
		Posen
		Richton Park
		Riverdale
		Robbins
		Sauk Village
		South Chicago Heights
		South Holland
		Steger
		Thornton
		Tinley Park
		University Park
		Willow Springs
		Worth
<i>Not Participating in 2019 Cook County MJ-HMP</i>	<i>Not Participating in 2019 Cook County MJ-HMP</i>	<i>Not Participating in 2019 Cook County MJ-HMP</i>
Barrington Hills	Bensenville	Frankfort
Buffalo Grove	Burr Ridge	Woodridge
Deerfield	Elmhurst	
Deer Park	Hinsdale	
East Dundee	Oak Brook	
Elgin		
Roselle		

3. Plan Development and Organization

The 2019 Cook County MJ-HMP was updated by a planning team of Cook County Department of Homeland Security and Emergency Management staff and expert consultants, with guidance from a steering committee representing the planning partners and other local stakeholders. The key steps in updating the plan were as follows:

1. Determine the Planning Area and Resources
2. Build and Reconvene the Planning Team
3. Outreach Strategy
4. Review and Update Community Capabilities
5. Update and Conduct the Risk Assessment
6. Update the Mitigation Strategy
7. Keep the Plan Current
8. Review and Adopt the Plan
9. Create a Safe and Resilient Community

4. Mission Goals and Objectives

The defined mission for the 2019 Cook County MJ-HMP is to “Identify risks and sustainable, cost-effective actions to mitigate the impact of natural hazards to protect the life, health, safety, welfare, and economy of the communities of Cook County.” Mitigation **goals** were established as follows:

1. Develop and implement sustainable, cost-effective, and environmentally sound risk-reduction (mitigation) projects.
2. Protect the lives, health, safety, and property of the citizens of Cook County from the impacts of natural hazards.
3. Protect public services and critical facilities, including infrastructure, from loss of use during natural hazard events and potential damage from such activities.
4. Involve stakeholders to enhance the local capacity to mitigate, prepare for, and respond to the impacts of natural hazards.
5. Develop, promote, and integrate mitigation action plans.
6. Promote public understanding of and support for hazard mitigation.

Thirteen **objectives** were established for the plan that meets multiple goals, serving as stand-alone measurements of the effectiveness of the mitigation action. Proposed mitigation actions were evaluated in part based on how many goals and objectives they would help to fulfill.

1. Eliminate or minimize disruption of local government operations caused by natural hazards through all phases of emergency management.
2. Increase the resilience of (or protect and maintain) infrastructure and critical facilities.
3. Consider the impacts of natural hazards on future land uses in the planning area, including possible impacts from climate change.
4. Integrate hazard mitigation policies into land use plans in the planning area.
5. Develop, improve, and protect systems that provide early warnings, emergency response communications, and evacuation procedures.
6. Use the best available data, science and technologies to educate the public and to improve understanding of the location and potential impacts of natural hazards, the vulnerability of building types and community development patterns, and the measures needed to protect life safety.
7. Retrofit, purchase, or relocate structures in high hazard areas, including those known to be repetitively damaged.
8. Establish partnerships among all levels of local government, the private sector, and/or nongovernmental organizations to improve and implement methods to protect people and property.
9. Provide or improve flood protection on a watershed basis with flood control structures and drainage maintenance plans.
10. Strengthen codes and land use planning and their enforcement, so that new construction or redevelopment can avoid or withstand the impacts of natural hazards.
11. Encourage mitigation through incentive-based programs, such as the Community Rating System, Firewise, and StormReady programs.
12. Reduce natural hazard-related risks and vulnerability to potentially isolated populations within the planning area.
13. Encourage hazard mitigation measures that result in the least adverse effect on the natural environment and that use natural processes.

5. Hazards Addressed

The steering committee considered the full range of natural hazards that could impact the planning area and identified the following hazards as presenting the most significant concern:

- Dam or levee failure
- Drought
- Earthquake
- Flood
- Severe weather
- Severe winter weather

- Tornado

Detailed risk assessments were performed for each of these hazards of concern. Also, a brief qualitative review was conducted of technological and human-caused hazards of interest, which included the following: epidemic or pandemic, nuclear power plant incident, secondary impacts from incoming evacuees, widespread power outage, hazardous material incident, and coastal erosion. Climate Change was addressed for each hazard, as applicable.

6. Risk Assessment Methodology

The risk assessments of the identified hazards of concern describe the risks associated with each hazard. The following steps were used to define the risk of each hazard:

- Profile and update each hazard, describing the geographic area it affects, its frequency and severity, and the warning time provided before a hazard event occurs.
- Use maps of hazard impact areas, as appropriate, to determine and update how many structures, facilities, and systems are exposed to each hazard.
- Assess the vulnerability of exposed structures and infrastructure based on exposure and the probability of occurrence of a hazard event. Tools such as the Federal Emergency Management Agency's (FEMA's) hazard modeling program called Hazus-MH were used to perform this assessment for flood, dam failure, earthquake hazards, and tornado. Outputs similar to those from Hazus-MH were generated for other hazards, using maps generated by the Hazus-MH program.

A detailed inventory of critical facilities and infrastructure were reevaluated for this plan using GIS applications. Over 6,000 facilities were inventoried and uploaded into the Hazus-MH model to support the risk assessment.

7. Profiles of Cook County Hazards of Concern

The following hazards are addressed in the 2019 Cook County MJ-HMP. A brief description of each hazard is included in this section of the Executive Summary.

7.1 Dam and Levee Failure

There are 40 dams in Cook County, all regulated by the Water Resources Division of the Illinois Department of Natural Resources (IDNR). Importantly, 24 of these dams are classified as "high" (10) or "significant" (14) hazard, which means they have significant downstream populations at risk if the dam should fail. Flooding as a result of a dam and levee failure would significantly impact properties and communities in the inundation zones. No records of dam failures in the planning area are available, however.

There are also nine levee systems in Cook County. Although there is no history of levee failures in the planning area, it should be noted that the State of Illinois experienced levee failures in 1993 and 2008. In 1993, 17 levee systems breached along the Mississippi River and the Illinois River just north of where it meets the Mississippi River. Over 237,000 acres along the rivers were flooded.

Warning time for dam or levee failure varies depending on the cause of the failure. In events of extreme precipitation or massive snowmelt, evacuations can be planned with sufficient time. In the event of a

structural failure due to an earthquake, there may be no warning time. Cook County and its planning partners have established protocols for flood warning and response for dam failure in the flood warning portion of its adopted emergency operations plan. These protocols are tied to the emergency action plans created by the dam owners.

Important issues associated with dam and levee failure include the following:

- Federally regulated dams have an adequate level of oversight and sophistication in their emergency action plans. However, the protocol for notifying downstream citizens of imminent failure needs to be tied to local emergency response planning.
- Mapping that estimates inundation depths is needed for non-federal-regulated dams to better assess the risk associated with dam failure from these facilities.
- Most dam failure mapping required at federal levels requires determination of the probable maximum flood, which is a worst-case scenario and generally the event with the lowest probability of occurrence. For non-federal-regulated dams, mapping of dam failure scenarios that are less extreme than the probable maximum flood but have a higher probability of occurrence could better illustrate areas potentially impacted by more frequent events to support emergency response and preparedness.
- The concept of residual risk associated with structural flood control projects should be considered in the design of capital projects and the application of land use regulations.
- Addressing security concerns and the need to inform the public of the risk associated with dam failure is a challenge for public officials. Not all levees are reflected in the current flood mapping, which makes complete delineation of the hazard area difficult.

7.2 Drought

Droughts originate from a deficiency of precipitation resulting from an unusual weather pattern. If the weather pattern lasts a short time (a few weeks or a couple of months), the drought is considered short-term. If the weather pattern becomes entrenched and the precipitation deficits last for several months or years, the drought is considered to be long-term. Drought generally affects large geographic areas, so drought descriptions in the hazard mitigation plan are usually for the entire State of Illinois rather than the immediate planning area of Cook County.

The most severe droughts in Illinois occurred in the summer of 1934, the summer of 1931 and 1954. All three of these events were categorized as extreme droughts. More recently, in September 1983, all 102 counties were declared state disaster areas because of high temperatures and insufficient precipitation. In 1988, 54 percent of the state was impacted by drought-like conditions, resulting in disaster relief payments to landowners and farmers exceeding \$382 million. Historical drought data for the planning area indicate there have been at least seven (7) significant droughts in the last 115 years, which equates to a drought every 16 years on average, or a minimum of a 6.25-percent chance of a drought in any given year.

Drought can have a widespread impact on the environment and the economy, although it typically does not result in loss of life or damage to property, as do other natural disasters. The National Drought Mitigation Center describes likely drought impacts as those affecting agriculture, water supplies, and the risk of fire.

Scientists at this time do not know how to predict drought more than a month in advance for most locations. How long a drought lasts depends on interactions between the atmosphere and the oceans, soil moisture and land surface processes, topography, internal dynamics, and the accumulated influence of weather systems on the global scale.

Crucial issues associated with drought include the following:

- Identification and development of alternative water supplies
- Use of groundwater recharge techniques to stabilize the groundwater supply
- The probability of increased drought frequencies and durations due to climate change
- The promotion of active water conservation even during non-drought periods.

7.3. Earthquake

An earthquake is the vibration of the earth's surface following a release of energy in the earth's crust. Earthquakes tend to occur along faults, which are zones of weakness in the crust. Earthquakes occur throughout Illinois, with most in the southern third of the state. Over 360 earthquakes have occurred in Illinois during the past 20 years, with 32 resulting in damage. Fifteen events have been recorded in Cook, DuPage, Kane, Kendall, and Will Counties since 1704. Cook County has experienced three earthquakes ranging from a magnitude of 3 (categorized as "minor") to 4.9 (categorized as "light").

The actual movement of the ground in an earthquake is seldom the direct cause of injury or death. Casualties generally result from falling objects and debris, because the shocks shake, damage or demolish buildings and other structures. Disruption of communications, electrical power supplies and gas, sewer and water lines should be expected. Earthquakes may trigger fires, dam failures, or releases of hazardous material, compounding their effects. Any seismic activity of 6.0 or greater on faults within the planning area would have significant impacts throughout the county. Earthquakes of this magnitude or higher would lead to a massive failure of structures built on loose soils. Levees and revetments constructed on such soils would likely fail, representing a loss of critical infrastructure. These events could cause secondary hazards, including mudslides, that would further damage structures.

There is currently no reliable way to predict an earthquake at any given location with any significant warning time. Research is being done with warning systems that use the low energy waves that precede major earthquakes to give approximately 40 seconds notice that a major earthquake is about to occur. The warning time is very short but it could allow for someone to get under a desk, step away from a hazardous material they are working with or shut down a computer system.

Important issues associated with earthquakes include the following:

- The public perception of the earthquake risk within the planning area is low. It can be difficult to get the public to think about earthquake mitigation with little or no perceived risk.
- Most of the planning area's building stock was built prior to 1975 when seismic provisions became uniformly applied through building code applications. A building stock analysis that looks at the potential fragility of the older building stock constructed without building code influence would be beneficial in the identification of seismic mitigation projects.
- More earthquake mapping is needed for the planning area.

- Critical facility owners/operators should be encouraged to create or enhance continuity of operations plans using the information on risk and vulnerability contained in the Cook County hazard mitigation plan.
- Geotechnical standards should be established that take into account the probable impacts of earthquakes in the design and construction of new or enhanced facilities.
- The County has over 6 miles of earthen levees and revetments on soft, unstable soil. These soils are prone to liquefaction, which would severely undermine the integrity of these facilities.
- There are a large number of earthen dams within the planning area. Dam failure warning and evacuation plans and procedures should be reviewed and updated to reflect the dams' risk potential associated with earthquake activity in the region.

7.4 Flood

Flood Types and History

Two types of flooding are typical in Cook County: riverine flooding when water overflows the banks of a stream; and stormwater/urban drainage flooding, when storm runoff exceeds the capacity of local drainage systems in place to convey stormwater to a receiving body. 231 flooding events (including flood, flash flood, coastal flood, and heavy rains) have occurred in Cook County from 1996 to 2019. Flood events of historical significance occurred in the Cook County region in 1849, 1855, 1885, 1938, 1952, 1954, 1957, 1961, 1973, 1979, 1986, 1987, 1996, 2001, 2004, 2010, 2011, and 2013. Since 1972, 13 presidential-declared flood events in the County have caused over \$628.5 million in property damage.

In the past 20 years, stormwater/urban drainage flooding has become the principal cause of flood losses in the Cook County planning area. Urban portions of the county annually experience nuisance flooding related to drainage issues. After flooding in August 2010, FEMA provided more than

\$435 million in disaster recovery, response, and mitigation in Cook and DuPage Counties, and more than 75 percent of this went to individual homeowners, most of whom suffered sewer back-ups and basement flooding caused by stormwater/urban drainage flooding. The frequency and the magnitude of stormwater/urban drainage flooding in Cook County dictated the assignment of stormwater management within the County to a single entity—the Metropolitan Water Reclamation District of Greater Chicago (MWRD).

Cook County experiences numerous episodes of the river and urban flooding every year; massive floods that can cause significant property damage typically occur every three to seven years.

Flood Mapping

Flood studies use historical records to determine the probability of occurrence for different river discharge (flow) levels. The flood frequency equals 100 divided by the discharge probability. For example, the 100-year discharge has a 1-percent chance of being equaled or exceeded in any given year. The extent of flooding associated with a 1-percent annual probability of occurrence (the base flood or 100-year flood) is used as a regulatory boundary by many agencies. This boundary is a convenient tool for assessing risk in flood-prone communities. For most communities participating in the National Flood Insurance Program (NFIP), FEMA has prepared a detailed Flood Insurance Study that presents water surface elevations for the 1-percent annual chance flood and the 0.2-percent annual chance flood (the 500-year flood). The boundaries of the 100- and 500-year floodplains are shown on Flood Insurance Rate Maps.

FEMA has mapped over 78 square miles of the 100-year floodplain and 99 square miles of 500-year floodplain along 172 watercourses in the Cook County planning area. Approximately 8 percent of the County is located within mapped 100-year floodplains. As is the case for many communities, there is a need for updated maps that better reflect the actual flood risk. MWRD has created inundation maps, which may be a good resource for some communities.

It should be noted that mapping showing areas of urban flooding is limited in the County.

Flood Severity

The principal factors affecting flood damage are flood depth and velocity. The deeper and faster flood flows become, the more damage they can cause. Shallow flooding with high velocities can cause as much damage as deep flooding with slow velocity, is especially true when a channel migrates over a broad floodplain, redirecting high-velocity flows and transporting debris and sediment.

The worst-case scenario for flooding in the Cook County planning area has happened numerous times in the past. It involves intense rainstorms that stall over the planning area, dropping rainfall totals in excess 6 inches over 48 hours (this scenario is significantly exacerbated by the presence of snowpack on the ground), which leads to both riverine and stormwater/urban drainage flooding that can overwhelm flood response capabilities in the planning area. Significant roads can be blocked, preventing critical access for many residents and critical functions. High in-channel flows can cause water courses to scour, possibly washing out roads and creating more isolation problems.

Flood Warning

The Cook County flood threat system consists of a network of precipitation gages throughout the watershed and stream gages at strategic locations that continuously monitor and report stream levels. All of this information is analyzed by agencies such as the Cook County Department of Homeland Security and Emergency Management (DHSEM) and Metropolitan Water Reclamation District to evaluate the flood threat and possible evacuation needs.

Floods are generally classed as either slow-rise or flash floods. Due to the sequential pattern of meteorological conditions needed to cause serious slow-rise flooding, it is unusual for a slow-rise flood to occur without warning. Slow-rise floods may be preceded by a warning time from several hours, to days, to possibly weeks. Evacuation and sandbagging for a slow-rise flood may lessen flood damage. Flash floods are more difficult to prepare for, due to the extremely short warning time given, if any. Flash flood warnings usually require evacuation within an hour. However, potential hazard areas can be warned in advance of potential flash flooding danger.

Participation in Federal Flood Programs

The NFIP makes federally backed flood insurance available to homeowners, renters, and business owners in participating communities. Cook County entered the NFIP on April 15, 1981. The effective date for the current countywide Flood Insurance Rate Map is August 19, 2008. In addition to the County, most Cook County municipalities participate in the NFIP. As of October 2018, Cook County had 14,790 flood insurance policies providing \$3.092 billion in insurance coverage. According to FEMA statistics, in the State of Illinois, there were 51,246 total losses (claims) between January 1, 1978, and January 31, 2019, for a total of approximately \$545.36 million, an average of roughly \$10,642 per claim.

Twenty-four communities in the planning area also participate in the Community Rating System (CRS) a voluntary program that encourages floodplain management activities that exceed the NFIP requirements. The CRS requires participating communities to identify repetitive loss areas, where flood insurance claims have been paid multiple times for individual properties. There are 1,775 such properties in Cook County as of October 2018.

Issues

Important issues associated with flooding include the following:

- The 2-D, unsteady-state modeling performed by the Metropolitan Water Reclamation District is considered to be the best available flood risk data for the planning area, but it is not the basis of FEMA's current effective Flood Insurance Rate Map. The District's flood hazard data should be formatted so that can be used to support risk assessment and thus validate best available data.
- The planning area has a large percentage of policies and losses outside a mapped hazard area. Basement flooding is a common problem.
- The stormwater/urban drainage flooding risk is not mapped, which makes it difficult to assess this hazard, other than looking at historical loss data.
- The risk associated with the flood hazard overlaps the risk associated with other hazards such as an earthquake. This provides an opportunity to seek mitigation alternatives with multiple objectives that can reduce the risk for multiple hazards.
- There is no consistency of land-use practices and regulatory floodplain management within the planning area. It is unclear how potential climate change may impact flood conditions in the planning area.
- The concept of residual risk should be considered in the design of future capital flood control projects and should be communicated with residents living in the floodplain.
- More information is needed on flood risk to support the concept of risk-based analysis of capital projects.
- There needs to be a sustained effort to gather historical damage data, such as high water marks on structures and damage reports, to measure the cost-effectiveness of future mitigation projects.
- Ongoing flood hazard mitigation will require funding from multiple sources.
- There needs to be a coordinated hazard mitigation effort between jurisdictions affected by flood hazards in the county.
- Floodplain residents need to continue to be educated about flood preparedness and the resources available during and after floods.
- The promotion of flood insurance as a means of protecting private property owners from the economic impacts of frequent flood events should continue.
- The economy affects a jurisdiction's ability to manage its floodplains. Budget cuts and personnel losses can strain the resources needed to support floodplain management.

7.5 Severe Weather

Severe weather refers to any dangerous meteorological phenomena with the potential to cause damage, serious social disruption, or loss of human life. It includes hail, heat, excessive heat, lightning, hail, fog, and high, strong, and thunderstorm winds. Severe-weather events can happen anywhere in the planning area. Severe local storms are probably the most common widespread hazard. They affect large numbers of people throughout Cook County and the surrounding region when they occur. The heat

wave of July 1995 was one of the worst disasters in Illinois history, with over 700 deaths statewide over five-days.

Records from the National Climatic Data Center indicate approximately 1,386 severe weather events (not including heat and excessive heat events) in the planning area between 1950 and 2018 occurring between 503 separate days. NCDC data from 1996 to 2018 also records 57 heat or excessive heat events. This means that Cook County can expect approximately 9 days every year where at least one severe weather event is occurring. More specifically, this represents an average of approximately 11 thunderstorm wind, 7 hail, 3 heat or excessive heat, 1 lightning, and 1 high or strong wind event every year. According to the 2018 Illinois Natural Hazard Mitigation Plan, the planning area is designated as severely vulnerable to severe storms, with a high vulnerability to extreme heat as well. There were no significant fog events recorded for Cook County in the NCDC - NOAA data.

The most common problems associated with severe storms are immobility and loss of utilities. Roads may become impassable due to flooding, downed trees, or a landslide. Power lines may be downed due to high winds, and services such as water or phone may not be able to operate without power. Lightning can cause severe damage and injury. A worst-case severe-weather event would involve prolonged high winds during a thunderstorm. Such an event would have both short-term and longer-term effects. Initially, schools and roads would be closed due to power outages caused by high winds and downed tree obstructions. In more rural areas, some subdivisions could experience limited ingress and egress. Prolonged rain could produce flooding and overtopped culverts with ponded water on roads. Flooding could further obstruct roads and bridges, further isolating residents.

Meteorologists can often predict the likelihood of a severe storm or other severe weather events, which can give several days of warning time. The Chicago Office of the National Weather Service issues severe storm watches and warnings when appropriate to alert government agencies and the public of possible or impending weather events. The watches and warnings are broadcast over NOAA weather radio and are forwarded to the local media for re-transmission using the Emergency Alert System.

Important issues associated with severe weather include the following:

- Redundancy of power supply throughout the planning area must be evaluated. The capacity for backup power generation is limited.
- Public education on dealing with the impacts of severe weather needs to be provided and debris management (downed trees, etc.) must be addressed.
- The effects of climate change may result in an increase in the frequency of extreme heat events.

7.6 Severe Winter Weather

The severe winter weather hazard encompasses heavy snow, lake-effect snow, blizzards, ice storms, sleet, cold/windchill, extreme cold temperatures and wind chill, frost/freeze, general winter weather, and winter storms. Severe winter weather events can happen anywhere in the planning area. NOAA identifies 178 of these severe winter weather events in the planning area from 1950 - 2018, excluding snowstorms classified as less than major snowstorms. The planning area typically receives 34 inches of snow each year and can expect to experience exposure to a severe winter weather event at least annually.

178 severe winter weather events were reported between 01/01/1950 and 06/01/2019, although Cold/Windchill and Extreme Cold/Windchill were not recorded in available data sets until 1997 and

2006, respectively. There have likely been many more of these events before those dates that were not recorded by the NCDC data. All events totaled \$700,000 in property damage, 156 direct deaths and 8 indirect deaths, and 5 direct injuries and 3 indirect injuries.

Severe winter weather impacts can be significant. Roads may become impassable due to ice or snow. Power lines may be downed due to high winds or ice accumulation, and services such as water or phone may not be able to operate without power. Physical damage to homes and facilities can occur from wind damage or accumulation of snow or ice. Freezing rain can cause the most dangerous conditions. Ice buildup can bring down trees, communication towers, and wires, creating hazards for property owners, motorists, and pedestrians alike. Many severe winter weather events in the planning area have resulted in the loss of life.

Meteorologists can often predict likely severe winter weather, giving several days of warning time. The National Weather Service provides public warnings on storm, snow and ice events as appropriate to alert government agencies and the public of possible or impending weather events. Watches and warnings are broadcast over NOAA weather radio and are forwarded to local media for re-transmission using the Emergency Alert System.

Important issues associated with severe winter weather in the planning area include the following:

- The older building stock in the planning area is built to low code standards or none at all. These structures could be highly vulnerable to severe winter weather events such as windstorms.
- Redundancy of power supply must be evaluated.
- The capacity for backup power generation is limited.
- Isolated population centers are at significant risk.

7.7 Tornado

Tornadoes are the most violent of all atmospheric storms, and all of Illinois is susceptible to them, including Cook County. The tornado season runs March through August, although a tornado can occur in the state at any time. Many tornadoes have struck Cook County, including several within the Chicago city limits. According to NCDC data, there were 54 tornado and three funnel cloud events from 1954 to 2018, which totaled \$118,337,750 in property damage, 39 deaths, and 770 injuries. The F4-rated Oak Lawn tornado in April 1967 was the deadliest tornado in the planning area, with 33 fatalities. The only F5 tornado to ever strike the Chicago area was on August 28, 1990, which additionally impacted Will and Kendall Counties. In total, 29 direct deaths, 350 injuries, and 250 million in property damage was recorded.

Tornadoes can cause fatalities and devastate a neighborhood in seconds. Winds can reach 300 mph, and damage paths can be more than a mile wide and 50 miles long. If a major tornado were to strike within the populated areas of Cook County, the damage could be widespread. Businesses could be forced to close for an extended period or permanently, fatalities could be high, many people could be homeless for an extended period, and routine services such as telephone or power could be disrupted. Buildings can be damaged or destroyed.

The local NWS office issues a tornado watch when tornadoes are possible in an area and a tornado warning when a tornado has been sighted or indicated by weather radar. The current average lead time for tornado warnings is 13 minutes. The National Weather Service has established a goal of 15 minutes

in its strategic plan. Occasionally, tornadoes develop so rapidly that little, if any, advance warning is possible.

Important issues associated with tornadoes in the planning area include the following:

- The older building stock in the planning area is built to low code standards or none at all. These structures could be highly vulnerable to tornadoes.
- Redundancy of power supply must be evaluated. The capacity for backup power generation is limited.
- The amount of the tornado zone that contains vacant, developable land is not known and would be valuable information for gauging the future development potential of the tornado zone.
- Declining growth rate makes it difficult for code standards to have impacts on new development. The planning area has insufficient suitable tornado shelters.
- Public awareness of tornado response protocols is a concern, given the area’s many visitors.

8. Planning Area Risk Ranking

Risk rankings were performed by each planning partner to compare the probable impacts of the hazards of concern. For each community, the rankings assessed the probability of each hazard’s occurrence as well as its likely impact on people, property, and the economy. The results of the countywide ranking, which were used in establishing mitigation action and priorities, are summarized below.

Hazard Ranking	Hazard Event	Category
1	Severe Winter Weather	High
2	Severe Weather	High
3	Flood (including urban flooding)	High
4	Earthquake	Medium
5	Tornado	Medium
6	Drought	Low
7	Dam Failure	Low

9. Mitigation Strategies

The heart of the mitigation plan is the mitigation strategy, which serves as the long-term blueprint for reducing the potential losses identified in the risk assessment. The mitigation strategy describes how Cook County and the participating jurisdictions will accomplish the overall purpose, or mission, of the planning process. As part of the update process, mitigation goals and objectives were reevaluated; and mitigation actions/projects were updated/amended, identified, evaluated, and prioritized. A total of 367 new mitigation projects were identified by the County and participating jurisdictions.

Cook County Multi-Jurisdictional Hazard Mitigation Plan Update Executive Overview 2019

The Cook County Multi-Jurisdictional Hazard Mitigation Plan (CCMJHMP) was submitted to the Illinois Emergency Management Agency (IEMA) for review and approval pending adoption on July 16, 2019. FEMA guidance (Disaster Mitigation Act of 2000) requires that the CCMJHMP be updated every 5 years. Cook County DHSEM has been able to update the 2014 CCMJHMP, which now includes 121 participating jurisdictions, making Cook County's plan the largest in the nation. The planning area for the hazard mitigation plan encompasses Cook County and includes the incorporated and unincorporated jurisdictional areas of the County and the Metropolitan Water Reclamation District of Greater Chicago (MWRD) service area. The result of these combined efforts has been to produce a Illinois Emergency Management Agency (IEMA) and Federal Emergency Management Agency (FEMA) approved Hazard Mitigation Plan (HMP).

Adoption of the CCMJHMP makes participants eligible to apply for grants funds through the Pre-Disaster Mitigation Program and Hazard Mitigation Grant Program. FEMA requires that each participating partner must adopt the plan by resolution.

The following represent key elements from the 2019 CCMJHMP update:

- 121 total jurisdictions participated in the 2019 Cook County Multi-Jurisdictional Hazard Mitigation Plan (CCMJHMP).
- The hazard identification and profiling in the hazard mitigation plan addresses the following hazards considered to be of paramount importance within Cook County and listed in descending order of general risk to the County. It is important to note that the Disaster Mitigation Act of 2000 requires that all "natural hazards" be addressed in this plan.
 - Severe winter weather
 - Severe weather
 - Flood
 - Earthquake
 - Tornado

WHAT IS THIS PLAN?

Mitigation is defined in this context as any sustained action taken to reduce or eliminate long-term risk to life and property from a hazard event. Mitigation planning is the systematic process of learning about the hazards that can affect the community, setting clear goals, identifying appropriate actions and following through with an effective mitigation strategy. Mitigation encourages long-term reduction of hazard vulnerability and can reduce the enormous cost of disasters to property owners and all levels of government. Mitigation can also protect critical community facilities, reduce exposure to liability and minimize post-disaster community disruption.

WHY IS THIS PLAN SO IMPORTANT?

Adoption of the CCMJHMP makes participants eligible to apply for grants funds through the Pre-Disaster Mitigation Program and Hazard Mitigation Grant Program.

- Drought
- Dam/levee failure
- A total of 367 new mitigation projects were identified Cook County and participating jurisdictions.
- 6 jurisdictions that had not previously participated in the 2014 CCMJHMP are now part of the 2019 MJ-HMP.
- 14 of the jurisdictions that opted not to participate in this year's plan represent jurisdictions that reside geographically in multiple counties and are participating in neighboring county plans. The goal of DHSEM is to have all 135 jurisdictions in Cook County participate in the Cook County CCMJHMP going forward.

The CCMJHMP consists of 2 Volumes:

- Volume 1 is the base plan that applies to all participants, providing context about Cook County and the natural hazards that exist here.
- Volume 2 consists of Action Items from each participating municipality and Cook County itself that describe in more detail mitigation actions that will reduce impacts of natural hazards particular to the community and in an overarching sense, the county.

We understand that plan adoption may require some language adjustment to the resolution to meet the needs of your community. Each participating Cook County municipality needs to adopt the HMP Update in order to be eligible for federal grant funds. This adoption needs to be done as soon as possible.

If you have any questions, please don't hesitate to contact Kim Nowicki at Kimberly.Nowicki@cookcountyil.gov.

10. Plan Maintenance Strategy

The hazard mitigation plan includes a formal process to ensure that the 2019 Cook County MJ-HMP remains an active and relevant document and that the planning partners maintain their eligibility for relevant funding sources. The plan's format allows sections to be reviewed and updated when new data become available, resulting in a plan that will remain current and relevant. The strategy for ongoing maintenance of the plan includes the following components:

Plan Implementation—Plan implementation and evaluation will be a shared responsibility among all planning partners and agencies identified as lead agencies in the mitigation action plans. Cook County DHSEM will assume lead responsibility for implementing the plan maintenance strategy.

Steering Committee—It is recommended that a steering committee remain a viable body involved in key elements of the plan maintenance strategy. The steering committee will strive to include representation from the planning partners, as well as other stakeholders in the planning area.

Annual Progress Report—The steering committee will convene to perform annual reviews. DHSEM will then prepare a formal annual report on the progress of the plan.

Plan Update—The planning partnership intends to update the hazard mitigation plan on a five-year cycle from the date of initial plan adoption.

Continuing Public Involvement—The public will continue to be apprised of the plan's progress through the Cook County hazard mitigation website and by copies of annual progress reports provided to the media. DHSEM has agreed to maintain the hazard mitigation plan website, and each planning partner has agreed to provide links to the website on their jurisdictional websites.

Incorporation into Other Planning Mechanisms—All municipal planning partners are committed to creating a linkage between the hazard mitigation plan and their comprehensive plans by identifying a mitigation action as such and giving that action a high priority. As information becomes available from other planning mechanisms that can enhance this plan, that information will be incorporated via the update process.

11. Plan Adoption

The 2019 Cook County MJ-HMP will be submitted for a pre-adoption review to the Illinois Emergency Management Agency and FEMA before adoption by Cook County. Once pre-adoption approval has been provided, all planning partners will formally adopt the plan.

TO: Village Board

FROM: Chris Smith, Finance Director

THROUGH: George Schafer, Village Administrator

SUBJECT: AN ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$5,250,000 GENERAL OBLIGATION REFUNDING BONDS (WATERWORKS AND SEWERAGE ALTERNATE REVENUE SOURCE), SERIES 2019A, NOT TO EXCEED \$3,600,000 TAXABLE GENERAL OBLIGATION REFUNDING BONDS (ALTERNATE REVENUE SOURCE), SERIES 2019B, AND NOT TO EXCEED \$5,200,000 GENERAL OBLIGATION BONDS (WATERWORKS AND SEWERAGE ALTERNATE REVENUE SOURCE), SERIES 2019C, OF THE VILLAGE OF LEMONT, COOK, DUPAGE AND WILL COUNTIES, ILLINOIS, PROVIDING THE DETAILS OF SUCH BONDS AND FOR APPLICABLE ALTERNATE REVENUE SOURCES AND THE LEVY OF DIRECT ANNUAL TAXES, AS APPLICABLE, SUFFICIENT TO PAY THE PRINCIPAL OF AND INTEREST ON SUCH BONDS, AND RELATED MATTERS

DATE: October 28, 2019

SUMMARY/ BACKGROUND

On August 19, 2019 Bob Vail of Bernardi Securities presented to the Village Board bond refunding opportunities as well as an issuance of a \$5m dollar bond for Water/Sewer projects. As presented at the Committee of the Whole, staff recommending that the Village refund two taxable bonds. The first bond is 2010A that have a net interest rate of 4.85% and can be refunded to reduce the net interest rate to approximately 2.25%. The second bond is 2012B – Gateway TIF, the Village would like to refund for reduction in interest rate and include the Main/Archer TIF revenue to the bonds. The total estimated on both bonds would be approximately \$610K.

In addition to the refunding, the Village will issue approximately \$5 million for Water/Sewer projects. The main project will be for water storage and the balance for infrastructure.

Since the August 19, 2019 meeting the Board has held a public hearing refunding of the 2012B bonds and the new issuance. Additionally, staff has been working with Bernardi and Ice Miller with the Official Statement, Rating presentation materials, and the rating call. This is the final Board approval step in the refunding process.

We anticipate the sale of the bonds to occur the last week of October.

STAFF RECOMMENDATION

Staff is recommending the passage of this ordinance.

VILLAGE BOARD ACTION

PASS AN ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$5,250,000 GENERAL OBLIGATION REFUNDING BONDS (WATERWORKS AND SEWERAGE ALTERNATE REVENUE SOURCE), SERIES 2019A, NOT TO EXCEED \$3,600,000 TAXABLE GENERAL OBLIGATION REFUNDING BONDS (ALTERNATE REVENUE SOURCE), SERIES 2019B, AND NOT TO EXCEED \$5,200,000 GENERAL OBLIGATION BONDS (WATERWORKS AND SEWERAGE ALTERNATE REVENUE SOURCE), SERIES 2019C, OF THE VILLAGE OF LEMONT, COOK, DUPAGE AND WILL COUNTIES, ILLINOIS, PROVIDING THE DETAILS OF SUCH BONDS AND FOR APPLICABLE ALTERNATE REVENUE SOURCES AND THE LEVY OF DIRECT ANNUAL TAXES, AS APPLICABLE, SUFFICIENT TO PAY THE PRINCIPAL OF AND INTEREST ON SUCH BONDS, AND RELATED MATTERS



STATE OF ILLINOIS)
) SS
COUNTIES OF COOK,)
DUPAGE AND WILL

CERTIFICATION OF ORDINANCE

I, the undersigned, do hereby certify that I am the duly selected, qualified and acting Village Clerk of the Village of Lemont, Cook, DuPage and Will Counties, Illinois (the “**Issuer**”), and as such official I am the keeper of the records and files of the Issuer and of its President and Board of Trustees (the “**Corporate Authorities**”).

I do further certify that the attached constitutes a full, true and complete excerpt from the proceedings of the regular meeting of the Corporate Authorities held on the 28th day of October, 2019, insofar as the same relates to the adoption of Ordinance No. _____, entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$5,250,000 GENERAL OBLIGATION REFUNDING BONDS (WATERWORKS AND SEWERAGE ALTERNATE REVENUE SOURCE), SERIES 2019A, NOT TO EXCEED \$3,600,000 TAXABLE GENERAL OBLIGATION REFUNDING BONDS (ALTERNATE REVENUE SOURCE), SERIES 2019B, AND NOT TO EXCEED \$5,200,000 GENERAL OBLIGATION BONDS (WATERWORKS AND SEWERAGE ALTERNATE REVENUE SOURCE), SERIES 2019C, OF THE VILLAGE OF LEMONT, COOK, DUPAGE AND WILL COUNTIES, ILLINOIS, PROVIDING THE DETAILS OF SUCH BONDS AND FOR APPLICABLE ALTERNATE REVENUE SOURCES AND THE LEVY OF DIRECT ANNUAL TAXES, AS APPLICABLE, SUFFICIENT TO PAY THE PRINCIPAL OF AND INTEREST ON SUCH BONDS, AND RELATED MATTERS

a true, correct and complete copy of which ordinance (the “**Ordinance**”) as adopted at such meeting appears in the transcript of the minutes of such meeting and is hereto attached. The Ordinance was adopted and approved by the vote and on the date therein set forth.

I do further certify that the deliberations of the Corporate Authorities on the adoption of such Ordinance were taken openly, that the adoption of such Ordinance was duly moved and seconded, that the vote on the adoption of such Ordinance was taken openly and was preceded by a public recital of the nature of the matter being considered and such other information as would inform the public of the business being conducted, that such meeting was held at a specified time and place convenient to the public, that the agenda for the meeting was duly posted at the Village Hall taped to a glass window or door with all pages visible and readable to the outside (at street level) 24/7 and on the Issuer’s website at least 48 hours prior to the meeting, that notice of such meeting was duly given to all of the news media requesting such notice, that such meeting was called and held in strict compliance with the provisions of the Open Meetings Act of the State of Illinois, as amended, and the Illinois Municipal Code, as amended, and that the Corporate Authorities have complied with all of the applicable provisions of such Act and such Code and their procedural rules in the adoption of such Ordinance.

IN WITNESS WHEREOF, I hereunto affix my official signature and the seal of the Village of Lemont, Cook, DuPage and Will Counties, Illinois, this 28th day of October, 2019.

Village Clerk

(SEAL)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$5,250,000 GENERAL OBLIGATION REFUNDING BONDS (WATERWORKS AND SEWERAGE ALTERNATE REVENUE SOURCE), SERIES 2019A, NOT TO EXCEED \$3,600,000 TAXABLE GENERAL OBLIGATION REFUNDING BONDS (ALTERNATE REVENUE SOURCE), SERIES 2019B, AND NOT TO EXCEED \$5,200,000 GENERAL OBLIGATION BONDS (WATERWORKS AND SEWERAGE ALTERNATE REVENUE SOURCE), SERIES 2019C, OF THE VILLAGE OF LEMONT, COOK, DUPAGE AND WILL COUNTIES, ILLINOIS, PROVIDING THE DETAILS OF SUCH BONDS AND FOR APPLICABLE ALTERNATE REVENUE SOURCES AND THE LEVY OF DIRECT ANNUAL TAXES, AS APPLICABLE, SUFFICIENT TO PAY THE PRINCIPAL OF AND INTEREST ON SUCH BONDS, AND RELATED MATTERS

WHEREAS, the Village of Lemont, Cook, DuPage and Will Counties, Illinois (the “**Village**” or “**Issuer**”), is a non-home rule municipality duly established and operating under the Illinois Municipal Code (Section 5/1-1 *et seq.* of Chapter 65 of the Illinois Compiled Statutes), and all laws amendatory thereof and supplementary thereto (the “**Municipal Code**”)), and specifically as supplemented by the Local Government Debt Reform Act of the State of Illinois, as amended (the “**Debt Reform Act**”); and

WHEREAS, the Issuer owns and operates its municipally-owned combined waterworks and sewerage system (the “**Waterworks and Sewerage System**” or “**System**”) in accordance with the provisions of Divisions 139 of Article 11 of the Municipal Code, and receives revenues thereof (the “**Net Revenues**”); and

WHEREAS, the Issuer is entitled to receive (i) certain proceeds of the Retailer’s Occupation Taxes, Service Occupation Taxes, Use Taxes and Service Use Taxes (collectively, as applicable, and subject to any prior lien or pledge, the “**Sales Taxes**”) imposed and distributed pursuant to applicable law, or replacement, substitute or similar taxes therefor as provided by applicable law in the future; (ii) a distributive share of State of Illinois (the “**State**”) income taxes (such distributive share referred to herein as the “**Revenue Sharing Receipts**”) imposed by the State pursuant to the Illinois Income Tax Act and distributed pursuant to the State Revenue Sharing Act; (iii) incremental taxes derived from the Village’s Gateway TIF Redevelopment Project Area (subject to any prior lien or pledge, the “**Gateway TIF Incremental Taxes**”); and (iv) certain incremental taxes derived from the Village’s Main/Archer TIF District (subject to any prior lien or pledge, the “**Main/Archer TIF Incremental Taxes**”); and

WHEREAS, the Net Revenues, Sales Taxes, Revenue Sharing Receipts, Gateway TIF Incremental Taxes and Main/Archer TIF Incremental Taxes, as applicable are, collectively, the “**Pledged Revenues**”; and

WHEREAS, if the applicable Pledged Revenues are insufficient to pay the alternate bonds, ad valorem taxes of the Issuer for which its full faith and credit have been irrevocably pledged,

unlimited as to rate or amount (the “**Pledged Taxes**”) are authorized to be extended to pay the principal of and interest on the alternate bonds; and

WHEREAS, the President and Board of Trustees of the Village (the “**Corporate Authorities**”) have determined that it is advisable, necessary and in the best interests of the Issuer’s public health, safety and welfare to issue the Series 2019A Bonds (as hereinafter defined) to (i) advance refund certain of the Village’s outstanding Taxable General Obligation Bonds (Alternate Revenue Source), Series 2010A (Build America Bonds-Direct Payment to Issuer) (the “**2010A Bonds**”) maturing on and after December 1, 2020 (the “**2010A Refunded Bonds**”), and (ii) pay for costs of issuance associated with the Series 2019A Bonds. The 2010A Bonds were initially issued to (a) finance certain replacement softeners, water tower repairs and maintenance, general storm sewer separation, general sanitary sewer repairs, water main replacements and general water system improvements, (b) fund capitalized interest, and (c) pay costs of issuance of the 2010A Bonds (the “**2010A Prior Project**”); and

WHEREAS, the term of the Series 2019A Bonds shall not be longer than the term of the Series 2010A Bonds and the debt service payable in any year on the Series 2019A Bonds shall not exceed the aggregate debt service payable in such year on the Series 2010A Bonds; and

WHEREAS, the Corporate Authorities have further determined that it is advisable, necessary and in the best interests of the Issuer’s public health, safety and welfare to issue the Series 2019B Bonds (as hereinafter defined) to (i) advance refund all of the Village’s outstanding Taxable General Obligation Bonds (Alternate Revenue Source), Series 2012B (the “**2012B Bonds**”) maturing on and after January 1, 2020 (the “**2012B Refunded Bonds**”), and (ii) pay for costs of issuance associated with Series 2019B Bonds. The 2012B Bonds were initially issued to (a) finance remediation, demolition, environmental studies and related work, professional and other redevelopment project costs, within or serving the TIF Gateway Redevelopment Project Area, (b) fund capitalized interest, and (c) pay costs of issuance of the 2012B Bonds (the “**2010A Prior Project**,” and, together with the 2010A Prior Project, the “**Prior Projects**”); and

WHEREAS, ORDINANCE NO. 0-72-19, AN ORDINANCE authorizing the issuance of Taxable General Obligation Refunding Bonds (Alternate Revenue Source), in one or more series, of the Village of Lemont, Cook, DuPage and Will Counties, Illinois, in an aggregate principal amount not to exceed \$3,600,000 for the purpose of refunding certain outstanding obligations of the Village and paying for costs related thereto (the “**2019B Authorizing Ordinance**”), adopted September 9, 2019, together with a notice of intent to issue alternate bonds was published on September 13, 2019, in the *My Suburban Life-Lemont*, being a newspaper of general circulation within the Village (the “**Village Newspaper**”); and

WHEREAS, more than thirty (30) days have elapsed since the September 13, 2019 publication of the 2019B Authorizing Ordinance and the related notice in the Village Newspaper, and the Issuer has received no petition in connection with the Series 2019B Bonds, a form of petition therefor being at all relevant times available in the office of the Village Clerk on and since September 13, 2019; and

WHEREAS, after a notice having been duly published on September 13, 2019 in the Village Newspaper, the Corporate Authorities on September 23, 2019 held and conducted the public hearing required by the Bond Issue Notification Act (30 ILCS 352/1 *et seq.*) (“**BINA**”) concerning the Series 2019B Bonds; and

WHEREAS, in connection with this financing: the 2010A Bonds and the 2012B Bonds (collectively, the “**Prior Bonds**”) are to be refinanced in whole or in part (as applicable, the “**Refunded Bonds**”), by direct payment or funding with an applicable escrow, deposit or other refunding agent (as applicable, the “**Refunding Agent**”) through an escrow, deposit or other refunding account (as applicable, the “**Refunding Account**”) with cash and/or certain investment securities the “**Investment Securities**”) under an escrow, deposit or refunding agreement (as applicable, the “**Refunding Agreement**”) for such purpose; and

WHEREAS, of the estimated cost to provide for the refunding of the Prior Bonds (each a “**Refunding**” or collectively, the “**Refundings**”) and refinancing the Prior Projects, and related legal, financial, bond discount, printing and publication costs, and other expenses in connection therewith, a sufficient amount is presently anticipated and planned to be paid from proceeds of the hereinafter described Bonds, and the Issuer presently has no funds available from existing or anticipated sources for such purposes; and

WHEREAS, the Corporate Authorities have determined that it is advisable, necessary and in the best interests of the Village to (i) finance the acquisition, construction and installation of various improvements, extensions and facilities of the System of the Village, and related facilities, improvements and costs, including the construction of a new water tower and a new well (collectively, the “**Project**”), and (ii) pay certain costs of issuance of the Series 2019C Bonds (as such term is hereinafter defined), all for the benefit of the inhabitants of the Village; and

WHEREAS, the Corporate Authorities have determined and do hereby determine that the Project is a lawful corporate purpose; and

WHEREAS, the estimated cost of the Project, including legal, financial, bond discount, if any, printing and publication costs, capitalized interest, if any, and other expenses will not exceed \$5,200,000, and there are insufficient funds on hand and lawfully available to pay such costs; and

WHEREAS, ORDINANCE NO. 0-73-19, AN ORDINANCE authorizing the issuance of Waterworks and Sewerage Revenue Bonds of the Village of Lemont, Cook, DuPage and Will Counties, Illinois, in an aggregate principal amount not to exceed \$6,000,000 or, in lieu thereof, General Obligation Bonds (Waterworks and Sewerage Alternate Revenue Source) (said bonds being general obligation bonds to be issued in one or more series, on a taxable or tax-exempt basis, for which property taxes, unlimited as to rate or amount, may be levied, but which are expected to be paid from the net revenues of the waterworks and sewerage system of said Village) in an aggregate principal amount not to exceed \$6,000,000, for the purpose of paying the costs of improving the waterworks and sewerage system of the Village (the “**2019C Authorizing Ordinance**”), adopted September 9, 2019, together with a notice of intent to issue alternate bonds was published on September 13, 2019, in the Village Newspaper; and

WHEREAS, more than thirty (30) days have elapsed since the September 13, 2019 publication of the 2019C Authorizing Ordinance and the related notice in the Village Newspaper, and the Issuer has received no petition in connection with the Series 2019C Bonds, a form of petition therefor being at all relevant times available in the office of the Village Clerk on and since September 13, 2019; and

WHEREAS, after a notice having been duly published on September 13, 2019 in the Village Newspaper, the Corporate Authorities on September 23, 2019 held and conducted the public hearing required by BINA concerning the Series 2019C Bonds; and

WHEREAS, the Corporate Authorities have been authorized to issue the Series 2019C Bonds to an amount not to exceed \$6,000,000 in accordance with the provisions of the Debt Reform Act and the 2019C Authorizing Ordinance and none of such Series 2019C Bonds have heretofore been issued; and

WHEREAS, the Issuer has insufficient funds to pay the costs of the Project and the Refundings and, therefore, must borrow money and issue general obligation bonds (alternate revenue source) under this Ordinance, in evidence thereof up to the aggregate principal amount of not to exceed \$14,050,000 for such purposes (collectively, the “**Bonds**”): (A) not to exceed \$5,250,000 General Obligation Refunding Bonds (Alternate Revenue Source), Series 2019A (the “**Series 2019A Bonds**” or “**Series 2019A**”); (B) not to exceed \$3,600,000 Taxable General Obligation Refunding Bonds (Alternate Revenue Source), Series 2019B (the “**Series 2019B Bonds**” or “**Series 2019B**”); and (C) not to exceed \$5,200,000 General Obligation Bonds (Waterworks and Sewerage Alternate Revenue Source), Series 2019C (the “**Series 2019C Bonds**” or “**Series 2019C**”); and

WHEREAS, the Corporate Authorities hereby determine that the Pledged Revenues will provide in each year to final maturity of the proposed Bonds an amount not less than 1.25 times debt service of the proposed Bonds; and

WHEREAS, such determination of the sufficiency of the Pledged Revenues is supported by reference to the most recent audit of the Village for the fiscal year ended April 30, 2018 (the “**Audit**”); and

WHEREAS, one or more proposed bond purchase agreements (which when fully executed or closed upon each is to constitute the “**Purchase Agreement**”) by and between the Issuer and Bernardi Securities, Inc., Chicago, Illinois (the “**Underwriter**”), pursuant to which the Underwriter offers to purchase the Bonds (at a purchase price of not less than 97% of the par amount of the Bonds plus accrued interest, if any, to date of delivery, as further detailed in a Bond Order) at the applicable prices and interest rates, to be as described in the Issuer’s Official Statement (in preliminary form, and when completed to constitute the final “**Official Statement**”) related to the Bonds, with a related continuing disclosure undertaking (the “**Disclosure Agreement**”) under Rule 15c2-12 of the Securities and Exchange Commission (“**Rule 15c2-12**”); and

WHEREAS, for convenience of reference only this Ordinance is divided into numbered sections with heading, which shall not define or limit the provisions hereof, as follows:

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

Section 1. Definitions. Certain words and terms used in this Ordinance shall have the meanings given them herein, including above in the preambles hereto, and the meanings given them in this Section 1, unless the context or use clearly indicates another or different meaning is intended. Certain definitions are as follows:

“**Act**” means, collectively and as applicable, the Local Government Debt Reform Act (Section 350/1 *et seq.* of Chapter 30 (and particularly Section 350/15 thereof concerning alternate bonds) of the Illinois Compiled Statutes, as supplemented and amended, and Division 139 of Article 11 of the Illinois Municipal Code (Sections 5/11-139-1 *et seq.* of Chapter 65 of the Illinois Compiled Statutes), the Illinois Municipal Code (65 ILCS 5/1-1-1 *et seq.*), and applicable law in

connection with applicable revenue sources, as supplemented and amended, the Registered Bond Act, the Illinois Bond Replacement Act and the Bond Authorization Act.

“**Alternate Bonds**” or “**alternate bonds**” means as described in Section 15 of the Local Government Debt Reform Act (Section 350/15 of Chapter 30 of the Illinois Compiled Statutes), and includes expressly the Bonds.

“**Applicable Denomination**” means the denomination for an applicable series of Bonds as specified in an applicable Bond Order, expected to be \$5,000 or otherwise as provided in a Bond Order, as the case may be.

“**BDSF**” or “**bona fide debt service fund**” means a fund, which may include proceeds of an issue, that (1) is used primarily to achieve a proper matching of revenues with principal and interest payments, within each bond year (i.e. each December 2 to December 1 annual period); and (2) is depleted at least once each bond year, except for a reasonable carryover amount not to exceed the greater of: (i) the earnings on the fund for the immediately preceding bond year; or (ii) one-twelfth of the principal and interest payments on the issue for the immediately preceding bond year.

“**Bond**” or “**Bonds**” means, collectively, the Issuer’s Series 2019A Bonds, Series 2019B Bonds, and Series 2019C Bonds, in each case as authorized to be issued by this Ordinance, as supplemented and amended.

“**Bond Order**” means one or more orders signed by the Village President, and attested by the Village Clerk and under the seal of the Issuer, setting forth and specifying details for each series of the Bonds, including, as the case may be, but without limitation, identification or specification of a Policy and an Insurer, book-entry only registration, payment dates, final interest rates, final maturity schedules, Applicable Denomination, Pledged Taxes, Levied Taxes, optional and mandatory redemption provisions, status as “**qualified tax-exempt obligations**,” original issue discount (“**OID**”) and/or reoffering premium, designation of the Bond Registrar, Paying Agent and, as applicable, a Refunding Agent under a Refunding Agreement, particular Prior Bonds to be refunded, the specified aggregate principal amount for each series of the Bonds, or the aggregate taxes levied or authorized in each year in Section 10 as Pledged Taxes and/or Levied Taxes.

“**Bond Year**” means each annual period of December 2 to the next December 1, with respect to the Series 2019A Bonds and Series 2019C Bonds, with the first Bond Year ending December 1, 2020 subject to such lawful elections as the Issuer may make; and each annual period of January 2 to the next January 1, with respect to the Series 2019B Bonds, with the first Bond Year ending January 1, 2021, or as otherwise set forth in an applicable Bond Order, subject to such lawful elections as the Issuer may make.

“**Code**” means the Internal Revenue Code of 1986, as amended, and includes related and applicable Income Tax Regulations promulgated by the Treasury Department.

“**Corporate Authorities**” means the President and Board of Trustees of the Issuer.

“**Debt Reform Act**” shall have the meaning above in the recitals to this Ordinance.

“Depository” means a securities depository with respect to Bonds subject to global book entry registration, initially The Depository Trust Company (**“DTC”**), New York, New York.

“Disclosure Agreement” means each of the Issuer’s Continuing Disclosure Undertakings under Rule 15c2-12 related to the Bonds.

“Fiscal Year” means the twelve-month period constituting the Issuer’s fiscal year, not inconsistent with applicable law.

“Gross Revenues” means all income from whatever source derived from the Waterworks and Sewerage System, including: (i) user charges, fees, rates and other receipts (including revenues for use of the Waterworks and Sewerage System facilities to be received by the Issuer); (ii) investment income; (iii) connection, permit and inspection fees and the like; and (iv) penalties and delinquency charges, but excluding expressly (a) nonrecurring income from the sale of real estate; (b) governmental or other grants; (c) advances or grants made to or from the Issuer; (d) capital development, reimbursement, or recovery charges and the like; (e) annexation or preannexation charges; and (f) as otherwise determined in accordance with generally accepted accounting principles for local government funds.

“Insurer” means, if any, the issuer of a Policy securing payment of one or more series of Bonds.

“Issuer” means the Village of Lemont, Cook, DuPage and Will Counties, Illinois.

“Junior Bond” means any Outstanding bond or Outstanding bonds payable from an applicable Junior Debt Service Account, in this case the **“Junior Debt Service Account,”** and includes expressly each series of the Bonds.

“Levied Taxes” means the taxes levied in Section 10 to pay the Bonds, as applicable.

“Net Revenues” means, with respect to the Waterworks and Sewerage System, Gross Revenues minus Operation and Maintenance Expenses.

“Operation and Maintenance Expenses” means all expenses of operating, maintaining and routine repair of the Waterworks and Sewerage System, including wages, salaries, costs of materials and supplies, power, fuel, insurance and related services; but excluding debt service, depreciation, or any reserve requirements, and otherwise as determined in accordance with generally accepted accounting principles for local government enterprise funds.

“Outstanding,” when used with reference to any referenced obligation, means any referenced obligation which is outstanding and unpaid; provided, however, such term shall not include obligations: (i) which have matured and for which moneys are on deposit with proper paying agents, or are otherwise properly available, sufficient to pay all principal and interest thereof, or (ii) the provision for payment of which has been made by the Issuer by the deposit in an irrevocable trust or escrow of funds of direct, full faith and credit non-callable obligations of the United States of America, the principal and interest of which will be sufficient to pay at maturity or as called for redemption all the principal of and applicable premium on such

obligations, and will not result in the loss of the exclusion from gross income of the interest thereon under Section 103 of the Code.

“Parity Bonds” means bonds or any other obligations which share ratably and equally in the applicable Pledged Revenues with either the Senior Bonds or the Junior Bonds, as set forth and provided for in any such ordinance authorizing the issuance of any such Parity Bonds.

“Pledged Revenues” means, collectively: (i) with respect to the Series 2019A Bonds — Net Revenues, Sales Taxes, and Revenue Sharing Receipts (the **“2019A Pledged Revenues”**); (ii) with respect to the Series 2019B Bonds — Sales Taxes, Revenue Sharing Receipts, Gateway TIF Incremental Taxes, and Main/Archer TIF Incremental Taxes (the **“2019B Pledged Revenues”**); and (iii) with respect to the Series 2019C Bonds — Net Revenues and Sales Taxes (the **“2019C Pledged Revenues”**).

“Pledged Taxes” means the taxes levied in Section 10 to secure and pay the Bonds, as applicable.

“Policy” means, if any, an Insurer’s bond insurance policy or other credit facility securing payment of one or more series of Bonds.

“Prior Bonds” shall have the meaning above in the recitals to this Ordinance.

“Prior Ordinances” means, collectively, the authorizing ordinances for the Prior Bonds.

“Prior Projects” shall have the meaning above in the recitals to this Ordinance.

“Purchase Agreement” means each Bond Purchase Agreement with the Underwriter for the purchase of each series of the Bonds, which upon acceptance and execution by the Issuer and the Underwriter constitutes the Purchase Agreement for each series of the Bonds.

“Qualified Investments” means legal investments of the Issuer under applicable law, limited and restricted with respect to any applicable Insurers Policy.

“Refunding,” “Refunding Account,” “Refunding Agent,” “Refunding Agreement,” “Refunding Deposit,” and “Refundings”, each shall have the meaning above in the recitals to this Ordinance.

“Revenue Fund” means the Revenue Fund created and established under Section 12 of this Ordinance.

“Revenue Sources” means, collectively, the 2019A, 2019B and 2019C Revenue Sources.

“Rule 15c2-12” means Rule 15c2-12 of the Securities and Exchange Commission.

“Sales Taxes” shall have the meaning above in the recitals to this Ordinance.

“**Senior Bond**” means any Outstanding bond or Outstanding bonds payable from the applicable Senior Debt Service Account of the Bond and Interest Account of the applicable Fund under this Ordinance.

“**2019B Authorizing Ordinance**” shall have the meaning above in the recitals to this Ordinance.

“**2019C Authorizing Ordinance**” shall have the meaning above in the recitals to this Ordinance.

“**2010A Bonds**” shall have the meaning above in the recitals to this Ordinance.

“**Series 2019A Bonds**” or “**2019A Bonds**” each means the Issuer’s General Obligation Refunding Bonds (Waterworks and Sewerage Alternate Revenue Source), Series 2019A, issued under this Ordinance.

“**Series 2019B Bonds**” or “**2019B Bonds**” each means the Issuer’s Taxable General Obligation Refunding Bonds (Alternate Revenue Source), Series 2019B, issued under this Ordinance.

“**Series 2019C Bonds**” or “**2019C Bonds**” each means the Issuer’s General Obligation Bonds (Waterworks and Sewerage Alternate Revenue Source), Series 2019C, issued under this Ordinance.

“**2019A Revenue Source**” means Net Revenues, Sales Taxes, and Revenue Sharing Receipts.

“**2019B Revenue Source**” means Sales Taxes, Revenue Sharing Receipts, Gateway TIF Incremental Taxes, and Main/Archer TIF Incremental Taxes.

“**2019C Revenue Source**” means Sales Taxes and Net Revenues.

“**Underwriter**” means Bernardi Securities, Inc., Chicago, Illinois, the underwriter in connection with the Bonds, identified above in the recitals to this Ordinance.

“**Waterworks and Sewerage Fund**” means the Issuer’s Waterworks and Sewerage Fund, as continued or created and established, as the case may be, with respect to the Series 2019A Bonds and the Series 2019C Bonds.

Section 2. Preambles, Authority and Purpose. The Corporate Authorities hereby find that all the recitals contained in the preambles and recitals to this Ordinance are true, complete and correct, and hereby incorporate them into this Ordinance by this reference thereto. This Ordinance is adopted pursuant to the Constitution and applicable laws of the State, including the Act, for the purpose of paying all or a portion of the costs of the Project, the Refunding, and costs of issuance of the Bonds. The Corporate Authorities hereby determine the period of usefulness of each Prior Project to be not less than twenty (20) years from the expected date of delivery of the Bonds. With notices published on September 13, 2019 in the Village Newspaper, the Corporate

Authorities on September 13, 2019 held and conducted a public hearing on the Series 2019B Bonds and the Series 2019C Bonds under BINA.

Section 3. Authorization and Terms of Bonds. To meet all or a part of the estimated costs of financing the Project and the Refunding, there is hereby appropriated each applicable sum to be derived from the proceeds of each series of the Bonds. For the purpose of financing such appropriations, the Bonds of the Issuer shall be issued and sold from time to time in the aggregate principal amount set forth herein, shall be in three (3) series designated: (i) General Obligation Refunding Bonds (Waterworks and Sewerage Alternate Revenue Source), Series 2019A (\$5,250,000 maximum aggregate principal amount); (ii) Taxable General Obligation Refunding Bonds (Alternate Revenue Source), Series 2019B (\$3,600,000 maximum aggregate principal amount); and (iii) General Obligation Bonds (Waterworks and Sewerage Alternate Revenue Source), Series 2019C (\$5,200,000 maximum aggregate principal amount), and shall be issuable in the denominations of \$5,000 each or any authorized integral multiple thereof.

(a) **General Terms.** The Bonds of each series shall be numbered consecutively from 1 upwards in order of their issuance and may bear such identifying numbers or letters as shall be useful to facilitate the registration, transfer and exchange of the Bonds. Unless otherwise determined in an order to authenticate the Bonds, the Bonds shall be dated as of or before the date or dates of the issuance and sale thereof and acceptable to the Underwriter. Subject to a Bond Order, the Bonds of each series are hereby authorized to bear interest at the rate or rates percent per annum not exceeding 5.00% and shall mature on (1) December 1 of the years (subject to redemption, as the case may be), and in the principal amount in each year: commencing not before the year 2019 and ending not later than the year 2030/Series 2019A Bonds; and commencing not before the year 2019 and ending not later than the year 2039/Series 2019C Bonds; as shall be specified in a Bond Order, and (2) January 1 of the years (subject to redemption, as the case may be), and in the principal amount in each year: commencing not before the year 2020 and ending not later than the year 2027/Series 2019B Bonds; as shall be specified in a Bond Order.

Each Bond shall bear interest from its date, or from the most recent interest payment date to which interest has been paid, computed on the basis of a 360-day year consisting of twelve 30-day months, and payable in lawful money of the United States of America semiannually on commencing on the dates and at the rates percent per annum set forth in the applicable Bond Order. The principal of and premium, if any, on the Bonds shall be payable in lawful money of the United States of America upon presentation and surrender thereof at the corporate trust office of the financial institution designated in the applicable Bond Order to act as the Paying Agent for the Bonds (including its successors, the “**Paying Agent**”). Interest on the Bonds shall be payable on each interest payment date to the registered owners of record appearing on the registration books maintained by the financial institution designated in the applicable Bond Order to act as the Bond Registrar on behalf of the Issuer for such purpose (including its successors, the “**Bond Registrar**”), at the designated corporate trust office of the Bond Registrar as of the close of business on the fifteenth (15th) day (whether or not a business day) of the calendar month next preceding the applicable interest payment date. Interest on the Bonds shall be paid by check or draft mailed by the Paying Agent to such registered owners at their addresses appearing on the registration books.

(b) **Redemption.** The Bonds are subject to redemption as follows:

(i) **Optional Redemption.** Bonds of a particular series maturing on the dates specified in an applicable Bond Order shall be subject to redemption prior to maturity on any date of the year or years specified and thereafter in whole or in part on any date, in any order of maturity specified (but in inverse order if none is specified), at a redemption price of par, plus accrued interest to the date fixed for redemption, and otherwise are not subject to optional redemption.

(ii) **Sinking Fund Redemption.** This subsection (ii) shall apply only to the extent an applicable Bond Order shall specify any Term Bonds (as applicable to a particular series, the “**Term Bonds**”), and otherwise shall not apply. Bonds so specified as Term Bonds, if any, are subject to mandatory sinking fund redemption in the principal amount on the date of the years so specified, but corresponding to the amounts specified above in Section 3(a), or otherwise as duly set forth in a Bond Order.

At its option before the 45th day (or such lesser time acceptable to the Bond Registrar) next preceding any mandatory sinking fund redemption date in connection with Term Bonds the Issuer by furnishing the Bond Registrar and the Paying Agent an appropriate certificate of direction and authorization executed by the Village President may: (i) deliver to the Bond Registrar for cancellation Term Bonds in any authorized aggregate principal amount desired; or (ii) furnish the Paying Agent funds for the purpose of purchasing any of such Term Bonds as arranged by the Issuer; or (iii) receive a credit (not previously given) with respect to the mandatory sinking fund redemption obligation for such Term Bonds which prior to such date have been redeemed and cancelled. Each such Bond so delivered, previously purchased or redeemed shall be credited at 100% of the principal amount thereof, and any excess shall be credited with regard to future mandatory sinking fund redemption obligations for such Bonds in chronological order, and the principal amount of Bonds to be so redeemed as provided shall be accordingly reduced. In the event Bonds being so redeemed are in a denomination greater than \$5,000, a portion of such Bonds may be so redeemed, but such portion shall be in the principal amount of \$5,000 or any authorized integral multiple thereof.

(iii) **Procedure.** The Issuer covenants that it will redeem Bonds pursuant to the redemption provisions applicable to such Bonds. Proper provision for redemption having been made, the Issuer covenants that the Bonds so selected for redemption shall be payable as at maturity.

The Issuer shall, at least 45 days prior to an optional redemption date (unless a shorter time shall be satisfactory to the Bond Registrar), notify the Bond Registrar of any optional redemption date and of the principal amount of Bonds to be redeemed (no such notice shall be required in the case of any mandatory sinking fund redemption of Term Bonds). In the event that less than all of the Bonds of a particular series or maturity are called for redemption as aforesaid, as necessary, the particular Bonds or portions of Bonds to be redeemed shall be selected not more than sixty (60) days or less than thirty (30) days prior to the redemption date by the Bond Registrar by such method as the Bond Registrar shall deem fair and appropriate; provided, that, if by lot, such lottery shall provide for the selection for redemption of Bonds or portions thereof so that any \$5,000 Bond or \$5,000 portion of a Bond shall be as likely to be called for redemption as any other such \$5,000 Bond or \$5,000 portion. The Bond Registrar shall promptly notify the Issuer in writing of the

Bonds or portions of Bonds selected for redemption and, in the case of any Bond selected for partial redemption, the principal amount thereof to be redeemed.

Unless waived by the registered owner of Bonds to be redeemed, presentment for payment being conclusively such a waiver, notice of any such redemption shall be given by the Bond Registrar on behalf of the Issuer by mailing the redemption notice by first class mail not less than thirty (30) days and not more than sixty (60) days prior to the date fixed for redemption to each registered owner of the Bond or Bonds to be redeemed at the address shown on the Bond Register (as hereinafter defined) or at such other address as is furnished in writing by each such registered owner to the Bond Registrar.

All notices of redemption shall include at least the information as follows: (1) the identification of the particular Bonds to be redeemed; (2) the redemption date; (3) the redemption price; (4) if less than all of the Bonds of a particular maturity are to be redeemed, the identification numbers and maturities (and, in the case of partial redemption of any Bond, the respective principal amounts) of the Bonds to be redeemed; (5) a statement that on the redemption date the redemption price will become due and payable upon each such Bond or portion thereof called for redemption and that interest thereon shall cease to accrue from and after such date; and (6) the place where such Bonds are to be surrendered for payment of the redemption price, which place of payment shall be the principal payment office of the Paying Agent.

On or prior to any redemption date, the Issuer shall deposit with the Paying Agent an amount of money sufficient to pay the redemption price of all the Bonds or portions of Bonds which are to be redeemed on that date.

Notice of redemption having been given as aforesaid, the Bonds or portions of Bonds so to be redeemed shall, on the redemption date, become due and payable at the redemption price therein specified, together with accrued interest, and from and after such date (unless the Issuer shall default in the payment of the redemption price) such Bonds or portions of Bonds shall cease to bear interest. Neither the failure to mail such redemption notice nor any defect in any notice so mailed to any particular registered owner of a Bond shall affect the sufficiency of such notice with respect to any other registered owner. Notice having been properly given, failure of a registered owner of a Bond to receive such notice shall not be deemed to invalidate, limit or delay the effect of the notice or the redemption action described in the notice. Such notice may be waived in writing by a registered owner of a Bond, either before or after the event, and such waiver shall be the equivalent of such notice. Waivers of notice shall be filed with the Bond Registrar, but such filing shall not be a condition precedent to the validity of any action taken in reliance upon such waiver.

Upon surrender of such Bonds for redemption in accordance with such notice, such Bonds shall be paid from available funds therefor by the Paying Agent at the redemption price. Interest due on or prior to the redemption date shall be payable as herein provided for payment of interest. Upon surrender for the partial redemption of any Bond, there shall be prepared for the registered owner a new Bond or Bonds of the same maturity in the amount of the unpaid principal.

If any Bond or portion of Bond called for redemption shall not be so paid upon surrender thereof for redemption, the principal, and premium, if any, shall, until paid, bear interest from the

redemption date at the rate borne by the Bond or portion of Bond so called for redemption. All Bonds which have been redeemed shall be marked cancelled by the Bond Registrar and shall not be reissued.

In addition to the foregoing notice set forth above, further notice shall be given by the Bond Registrar on behalf of the Issuer as set out below, but no defect in such further notice nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if notice thereof is given as above prescribed. Each further notice of redemption given hereunder shall contain the information required above for an official notice of redemption plus (a) the CUSIP numbers of all Bonds being redeemed; (b) the date of issue of the Bonds as originally issued; (c) the rate of interest borne by each Bond being redeemed; (d) the maturity date of each Bond being redeemed; and (e) any series or other descriptive information needed to identify accurately the Bonds being redeemed.

Each further notice of redemption shall be sent at least thirty (30) days before the redemption date to all registered securities depositories then holding any of the Bonds.

Upon the payment of the redemption price of Bonds being redeemed, each check or other transfer of funds issued for such purpose shall identify the series and the Bond or Bonds, or portion thereof, being redeemed with the proceeds of such check or other transfer.

Section 4. Registration of Bonds and Book-Entry. The Bonds shall be negotiable, subject to the provisions for registration of transfer contained herein and related to book-entry only registration.

(a) **General.** This subsection (a) is subject to the provisions of subsection (b) concerning book-entry only provisions. The Issuer shall cause books (the “**Bond Register**”) for the registration and for the transfer of the Bonds as provided in this Ordinance to be kept at the principal payment office of the Bond Registrar, which is hereby constituted and appointed the Bond Registrar of the Issuer. The Issuer is authorized to prepare, and the Bond Registrar shall keep custody of, multiple Bond blanks executed by the Issuer for use in the issuance from time to time of the Bonds and in the transfer and exchange of Bonds.

Upon surrender for transfer of any Bond at the designated corporate trust office of the Bond Registrar, duly endorsed by, or accompanied by a written instrument or instruments of transfer in form satisfactory to the Bond Registrar and duly executed by the registered owner or such owners attorney duly authorized in writing, the Issuer shall execute and the Bond Registrar shall authenticate, date and deliver in the name of the transferee or transferees a new fully registered Bond or Bonds of the same series and maturity of authorized denominations, for a like aggregate principal amount. Any fully registered Bond or Bonds may be exchanged at the office of the Bond Registrar for a like aggregate principal amount of Bond or Bonds of the same series and maturity of other authorized denominations. The execution by the Issuer of any fully registered Bond shall constitute full and due authorization of such Bond, and the Bond Registrar shall thereby be authorized to authenticate, date and deliver such Bond.

The Bond Registrar shall not be required to transfer or exchange any Bond during the period from the fifteenth (15th) day of the calendar month next preceding any interest payment date on such Bond and ending on such interest payment date, nor, as applicable, to transfer or exchange any Bond after notice calling such Bond for prepayment has been mailed, nor during a period of fifteen (15) days next preceding mailing of a notice of prepayment and redemption of any Bond.

The person in whose name any Bond shall be registered on the Bond Register shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of the principal of, premium, if any, or interest on any Bond shall be made only to or upon the order of the registered owner thereof or such registered owner's legal representative. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

No service charge shall be made for any transfer or exchange of Bonds, but the Issuer or the Bond Registrar may require payment of a sum sufficient to cover any tax or other governmental charge that may be imposed in connection with any transfer or exchange of Bonds exchanged in the case of the issuance of a Bond or Bonds for the outstanding portion of a Bond surrendered for redemption. In the event any registered owner fails to provide a correct taxpayer identification number to the Paying Agent, the Paying Agent may make a charge against such registered owner sufficient to pay any governmental charge required to be paid as a result of such failure. In compliance with Section 3406 of the Code, such amount may be deducted by the Paying Agent from amounts otherwise payable to such registered owner hereunder or under the Bonds.

The Village President or Village Treasurer may, in his or her discretion at any time, designate a bank with trust powers or trust company, duly authorized to do business as a bond registrar, paying agent, or both, to act in one or both such capacities hereunder, in the event the Village President or Village Treasurer shall determine it to be advisable. Notice shall be given to the registered owners of any such designation in the same manner, as near as may be practicable, as for a notice of redemption of Bonds, and as if the date of such successor taking up its duties were the redemption date.

(b) Book-Entry-Only Provisions. Unless otherwise provided in a Bond Order, as the case may be, the Bonds shall be issued in the form of a separate single fully registered Bond of each series for each of the maturities of the Bonds. Upon initial issuance, the ownership of each such Bond shall be registered in the Bond Register therefor in a street name (initially "**Cede & Co.**" for DTC) of the Depository, or any successor thereto, as nominee of the Depository.

The outstanding Bonds from time to time may be registered by the Bond Registrar in a street name, as nominee of the Depository. The Issuer's Village President or Village Treasurer is authorized to execute and deliver on behalf of the Issuer such letters to or agreements with the Depository as shall be necessary to effectuate such book-entry system (any such letter or agreement being referred to herein as the "**Representation Letter**"). Without limiting the generality of the authority given to the Village President or Village Treasurer with respect to entering into such Representation Letter, it may contain provisions relating to, among other things, (a) payment procedures, (b) transfers of the Bonds or of beneficial interest therein, (c) redemption notices and

procedures unique to the Depository, (d) additional notices or communications, and (e) amendment from time to time to conform with changing customs and practices with respect to securities industry transfer and payment practices.

With respect to Bonds registered in the Bond Register in the name of a nominee of the Depository, the Issuer and the Bond Registrar shall have no responsibility or obligation to any broker-dealer, bank or other financial institution for which the Depository holds Bonds from time to time as securities depository (each such broker-dealer, bank or other financial institution being referred to herein as a “**Depository Participant**”) or to any person on behalf of whom such a Depository Participant or an Indirect Participant holds an interest in the Bonds (an “**indirect participant**” or a “**beneficial owner**”). Without limiting the meaning of the foregoing, the Issuer and the Bond Registrar or Paying Agent shall have no responsibility or obligation with respect to (a) the accuracy of the records of the Depository, the nominee, or any Depository Participant, Indirect Participant or Beneficial Owner, with respect to any ownership interest in the Bonds, (b) the delivery to any Depository Participant or any other person, other than a registered owner of a Bond as shown in the Bond Register, of any notice with respect to the Bonds, including any notice of redemption, or (c) the payment to any Depository Participant or any other person, other than a registered owner of a Bond as shown in the Bond Register, of any amount with respect to principal of or interest on the Bonds.

As long as the Bonds are held in a book-entry-only system, no person other than the nominee of the Depository, or any successor thereto, as nominee for the Depository, shall receive a Bond certificate with respect to any Bonds. Upon delivery by the Depository to the Bond Registrar of written notice to the effect that the Depository has determined to substitute a new nominee in place of the prior nominee, and subject to the provisions hereof with respect to the payment of interest to the registered owners of Bonds as of the close of business on the fifteenth (15th) day (whether or not a business day) of the month next preceding the applicable interest payment date, the reference herein to nominee in this Ordinance shall refer to such new nominee of the Depository.

In the event that (a) the Issuer determines that the Depository is incapable of discharging its responsibilities described herein and in the Representation Letter, (b) the agreement among the Issuer, the Bond Registrar, the Paying Agent and the Depository evidenced by the Representation Letter shall be terminated for any reason or (c) the Issuer determines that it is in the best interests of the beneficial owners of the Bonds that they be able to obtain certificated Bonds, the Issuer shall notify the Depository and the Depository Participants of the availability of Bond certificates, and the Bonds shall no longer be restricted to being registered in the Bond Register in the name of a nominee of the Depository. At that time, the Issuer may determine that the Bonds shall be registered in the name of and deposited with a successor depository operating a book-entry system, as may be acceptable to the Issuer, or such depository’s agent or designee, and if the Issuer does not select such alternate book-entry system, then the Bonds may be registered in whatever name or names registered owners of Bonds transferring or exchanging Bonds shall designate, in accordance with the provisions hereof. Notwithstanding any other provision of this Ordinance to the contrary, so long as any Bond is registered in the name of a nominee of the Depository, all payments with respect to principal of and interest on such Bond and all notices with respect to such Bond shall be made and given, respectively, in the manner provided in the Representation Letter.

Section 5. Execution and Authentication. Each Bond shall be executed in the name of the Issuer by the manual or facsimile signature of its Village President and the corporate seal of the Issuer, or a facsimile thereof, shall be thereunto affixed, impressed or otherwise reproduced or placed thereon and attested by the manual or facsimile signature of its Village Clerk. Temporary Bonds, in lieu of or preliminary to the availability of Bonds in definitive form, shall be and are hereby authorized and approved. Typewritten Bonds are authorized in the event Section 4(b) applies.

In case any officer whose signature, or a facsimile of whose signature, shall appear on any Bond shall cease to hold such office before the issuance of such Bond, such Bond shall nevertheless be valid and sufficient for all purposes, the same as if the person whose signature, or a facsimile thereof, appears on such Bond had not ceased to hold such office. Any Bond may be signed, sealed or attested on behalf of the Issuer by any person who, on the date of such act, shall hold the proper office, notwithstanding that at the date of such Bond such person may not hold such office. No recourse shall be had for the payment of any Bonds against any member of the Corporate Authorities or any officer or employee of the Issuer (past, present or future) who executes the Bonds, or on any other basis.

Each Bond shall bear thereon a certificate of authentication executed manually by the Bond Registrar. No Bond shall be entitled to any right or benefit under this Ordinance or shall be valid or obligatory for any purpose until such certificate of authentication shall have been duly executed by the Bond Registrar. Such certificate of authentication shall have been duly executed by the Bond Registrar by manual signature, and such certificate of authentication upon any such Bond shall be conclusive evidence that such Bond has been authenticated and delivered under this Ordinance. The certificate of authentication on any Bond shall be deemed to have been executed by the Bond Registrar if signed by an authorized officer of or signer for the Bond Registrar, but it shall not be necessary that the same signer or officer sign the certificate of authentication on all of the Bonds issued hereunder.

Section 6. Transfer, Exchange and Registration. Each Bond shall be transferable only upon the registration books maintained by the Bond Registrar on behalf of the Issuer for that purpose at the principal office of the Bond Registrar, by the registered owner thereof in person or by such registered owner's attorney duly authorized in writing upon surrender thereof together with a written instrument of transfer satisfactory to the Bond Registrar and duly executed by the registered owner or such registered owners duly authorized attorney. Upon the surrender for transfer of any such Bond, the Issuer shall execute and the Bond Registrar shall authenticate and deliver a new Bond or Bonds registered in the name of the transferee of the same aggregate principal amount, maturity and interest rate as the surrendered Bond. Bonds, upon surrender thereof at the principal office of the Bond Registrar, with a written instrument satisfactory to the Bond Registrar, duly executed by the registered owner or such registered owner's attorney duly authorized in writing, may be exchanged for an equal aggregate principal amount of Bonds of the same maturity and interest rate and of the denomination of \$5,000 or any authorized integral multiple thereof, less previous retirements.

For every such exchange or registration of transfer of Bonds, the Issuer or the Bond Registrar may make a charge sufficient to reimburse it for any tax, fee or other governmental charge required to be paid with respect to such exchange or transfer, which sum or sums shall be

paid by the person requesting such exchange or transfer as a condition precedent to the exercise of the privilege of making such exchange or transfer. No other charge shall be made for the privilege of making such transfer or exchange. The provisions of the Illinois Bond Replacement Act shall govern the replacement of lost, destroyed or defaced Bonds.

The Issuer, the Paying Agent and the Bond Registrar may deem and treat the person in whose name any Bond shall be registered upon the registration books as the absolute owner of such Bond, whether such Bond shall be overdue or not, for the purpose of receiving payment of, or on account of, the principal of, premium, if any, or interest thereon and for all other purposes whatsoever, and all such payments so made to any such registered owner or upon such registered owner's order shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid, and neither the Issuer nor the Paying Agent or the Bond Registrar shall be affected by any notice to the contrary.

Section 7. Bond Registrar and Paying Agent. The Bond Registrar and Paying Agent with respect to this Ordinance and each series of the Bonds shall be as specified in a Bond Order. The Issuer covenants that it shall at all times retain a Bond Registrar and Paying Agent with respect to the Bonds and shall cause to be maintained at the office of such Bond Registrar a place where Bonds may be presented for registration of transfer or exchange, that it will maintain at the designated office of the Paying Agent a place where Bonds may be presented for payment, that it shall require that the Bond Registrar maintain proper registration books and that it shall require the Bond Registrar and Paying Agent to perform the other duties and obligations imposed upon each of them by this Ordinance in a manner consistent with the standards, customs and practices concerning municipal securities. The Issuer may enter into appropriate agreements with any Bond Registrar and any Paying Agent in connection with the foregoing, including as follows:

- (a) to act as Bond Registrar, authenticating agent, Paying Agent and transfer agent as provided herein;
- (b) to maintain a list in the Bond Register of the registered owners of the Bonds as set forth herein and to furnish such list to the Issuer upon request, but otherwise to keep such list confidential;
- (c) to cancel and/or destroy Bonds which have been paid at maturity or submitted for exchange or transfer;
- (d) to give notices of redemption of Bonds to be redeemed;
- (e) to furnish the Issuer at least annually a certificate with respect to Bonds cancelled and/or destroyed; and
- (f) to furnish the Issuer at least annually an audit confirmation of Bonds paid, Bonds outstanding and payments made with respect to interest on the Bonds.

In any event, the Bond Registrar and Paying Agent shall comply with (a) - (f) above.

The Bond Registrar and Paying Agent shall signify their acceptances of the duties and obligations imposed upon them by this Ordinance. The Bond Registrar by executing the certificate

of authentication on any Bond shall be deemed to have certified to the Issuer that it has all requisite power to accept, and has accepted, such duties and obligations, including in the case of the Paying Agent, not only with respect to the Bond so authenticated but with respect to all of the Bonds. The Bond Registrar and Paying Agent are the agents of the Issuer for such purposes and shall not be liable in connection with the performance of their respective duties except for their own negligence or default. The Bond Registrar shall, however, be responsible for any representation in its certificate of authentication on the Bonds.

The Issuer may remove the Bond Registrar or Paying Agent at any time. In case at any time the Bond Registrar or Paying Agent shall resign (such resignation to not be effective until a successor has accepted such role) or shall be removed or shall become incapable of acting, or shall be adjudged a bankrupt or insolvent, or if a receiver, liquidator or conservator of the Bond Registrar or Paying Agent, or of its property, shall be appointed, or if any public officer shall take charge or control of the Bond Registrar or Paying Agent or of their respective properties or affairs, the Issuer covenants and agrees that it will thereupon appoint a successor Bond Registrar or Paying Agent, as the case may be. The Issuer shall mail or cause to be mailed notice of any such appointment made by it to each registered owner of Bonds within twenty (20) days after such appointment. Any Bond Registrar or any Paying Agent appointed under the provisions of this [Section 7](#) shall be a bank, trust company or other qualified professional with respect to such matters, authorized to exercise such functions in the State.

The Issuer shall provide to the Bond Registrar and Paying Agent a copy of any amendment to this Ordinance or to the Bonds.

Section 8. Alternate Bonds; General Obligations. The Bonds are and constitute Alternate Bonds under the Debt Reform Act, anticipated to be payable from applicable Pledged Revenues. The Bonds of each such series, regardless of the date or dates of their issuance, are on parity with each other within such series and shall share equally and ratably as to payment in the Pledged Revenues applicable to each series of Bonds. Under and pursuant to Section 15 of the Debt Reform Act, the full faith and credit of the Issuer are hereby irrevocably pledged to the punctual payment of the principal of, premium, if any, and interest on such Bonds; such Bonds shall be direct and general obligations of the Issuer; and the Issuer shall be obligated to levy ad valorem taxes upon all the taxable property within the Issuer's corporate limits, for the payment of each of the Bonds and the interest thereon, without limitation as to rate or amount (such ad valorem taxes being the applicable "**Pledged Taxes**"), as provided herein.

The applicable Pledged Revenues for each of the Bonds are hereby determined by the Corporate Authorities to be sufficient to provide for or pay in each year to final maturity of the Bonds, as applicable, the following: (1) Operation and Maintenance Expenses of the enterprise (i.e., but only for the Waterworks and Sewerage System for the Series 2019A Bonds and the Series 2019C Bonds), but not including depreciation, (2) the debt service on all Outstanding revenue bonds payable from applicable Pledged Revenues, (3) all amounts required to meet any fund or account requirements with respect to such Outstanding revenue bonds, (4) other contractual or tort liability obligations, if any, payable from applicable Pledged Revenues, and (5) in each year, an amount not less than 1.25 times debt service of all (i) Alternate Bonds payable from such applicable Pledged Revenues previously issued and outstanding, and (ii) Alternate Bonds payable from such applicable Pledged Revenues proposed to be issued, including the

Series 2019A, Series 2019B and Series 2019C Bonds. To the extent payable from one or more revenue sources, the applicable Pledged Revenues shall be and are hereby determined by the Corporate Authorities to provide in each year an amount not less than 1.25 times debt service (as defined in Section 2 of the Debt Reform Act) of Alternate Bonds payable from such revenue sources previously issued and outstanding and the Alternate Bonds proposed to be issued. Such conditions enumerated need not be met for that amount of debt service (as defined in Section 2 of the Debt Reform Act) provided for by the setting aside of proceeds of bonds or other moneys at the time of the delivery of such bonds. The Pledged Revenues (but only Gross Revenues for Operation and Maintenance Expenses related to the Series 2019A Bonds and the Series 2019C Bonds) are hereby determined by the Corporate Authorities to provide in each year Operation and Maintenance Expenses, all amounts required to meet any fund or account requirements with respect to this Ordinance, any other contractual or tort liability obligations, if any, payable from applicable Pledged Revenues, and an amount not less than 1.25 times debt service (as defined in Section 2 of the Debt Reform Act) of all of the Outstanding Bonds, payable from such Pledged Revenues.

The determination of the sufficiency of applicable Pledged Revenues is expected to be supported by reference to the most recent audit of the Issuer, which is for a Fiscal Year ending not earlier than 18 months previous to the time of issuance of the Alternate Bonds. If such Pledged Revenues are otherwise shown to be insufficient, the determination of sufficiency, if applicable law so requires, and not otherwise, shall be supported by the “**report**” of an independent accountant or feasibility analyst, the latter having a national reputation for expertise in such matters, demonstrating the sufficiency of such revenues and explaining, if appropriate, by what means the Pledged Revenues will be greater than as shown in the audit. Whenever the sufficiency of Pledged Revenues is demonstrated by reference to higher rates or charges and fees for enterprise revenues (with respect to the use of the Waterworks and Sewerage System constituting applicable Pledged Revenues for the Series 2019A Bonds and the Series 2019C Bonds), such higher rates or charges and fees with respect to the use of the services of the Waterworks and Sewerage System shall have been properly imposed by an ordinance adopted prior to the time of delivery of the Bonds. Although such technical compliance for refunding bonds is not required, the Issuer anticipates such compliance.

Section 9. Forms of Bonds. Unless Bonds in typewritten form are accepted or in any contract for the sale of the Bonds, the purchaser or purchasers of the Bonds shall agree to accept typewritten or other temporary Bonds preliminary to the availability of, or in lieu of, Bonds in printed form prepared in compliance with the National Standard Specifications for Fully Registered Municipal Securities prepared by the American National Standards Institute. Bonds shall comply therewith, and in any event shall be in substantially the following forms (provided, however, that appropriate insertions, deletions and modifications in the form of the Bonds may be made, including as to the custom of printing Bonds in part on the front and back of certificates, a payment schedule and the issuance of a single Bond for each maturity, as the Underwriter thereof agrees or accepts, in an appropriate form approved by Bond counsel, not inconsistent herewith):

- (A) [Form/Series 2019A Bonds]
- (B) [Form/Series 2019B Bonds]

(C) [Form/Series 2019C Bonds]

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(A) [FORM/SERIES 2019A BONDS]

**UNITED STATES OF AMERICA
STATE OF ILLINOIS
THE COUNTIES OF COOK, DUPAGE AND WILL
VILLAGE OF LEMONT
GENERAL OBLIGATION REFUNDING BOND
(WATERWORKS AND SEWERAGE ALTERNATE REVENUE SOURCE)
SERIES 2019A**

REGISTERED NO. _____ **REGISTERED \$** _____

INTEREST RATE: _____ **MATURITY DATE:** _____ **DATED DATE:** _____ **CUSIP:** _____
December 1, 20__

Registered Owner:

Principal Amount:

[1] **KNOW ALL BY THESE PRESENTS** that the Village of Lemont (the “**Village**” or “**Issuer**”), a non-home rule municipality situated in the Counties of Cook, DuPage and Will, in the State of Illinois, acknowledges itself indebted and for value received hereby promises to pay to the Registered Owner identified above, or registered assigns, the Principal Amount set forth above on the Maturity Date specified above, and to pay interest on such Principal Amount from the later of the Dated Date hereof or the most recent interest payment date to which interest has been paid, at the Interest Rate per annum set forth above, computed on the basis of a 360-day year consisting of twelve 30-day months and payable in lawful money of the United States of America semiannually on the first (1st) days of June and December in each year, commencing _____, 20__, until the Principal Amount hereof shall have been paid, by check or draft mailed to the Registered Owner of record hereof as of the close of business on the fifteenth (15th) day (whether or not a business day) of the calendar month next preceding such interest payment date, at the address of such Registered Owner appearing on the registration books maintained for such purpose at the designated corporate trust office of _____, in _____, _____, as Bond Registrar (including its successors, the “**Bond Registrar**”). This Bond, as to principal and premium, if any, when due, will be payable in lawful money of the United States of America upon presentation and surrender of this Bond at the corporate trust office of _____, in _____, _____, as Paying Agent (including its successors, the “**Paying Agent**”). Payment of interest shall be made to the Registered Owner hereof as shown on the registration books of the District maintained by the Bond Registrar at the close of business on the 15th day of the month next preceding the interest payment date and shall be paid by check or draft of the Bond Registrar, payable upon presentation in lawful money of the United States of America, mailed to the address of such Registered Owner as it appears on such registration books or at such other address furnished in writing by such Registered Owner to the Bond Registrar . The Bonds are payable from (i) net revenues of the Village’s Waterworks and Sewerage System (the “**Net Revenues**”), (ii) certain proceeds of the Retailer’s Occupation Taxes, Service Occupation Taxes, Use Taxes and Service Use Taxes (collectively, as applicable, and subject to any prior lien or

pledge, the “**Sales Taxes**”) imposed and distributed pursuant to applicable law, or replacement, substitute or similar taxes therefor as provided by applicable law in the future, and (iii) a distributive share of State of Illinois (the “**State**”) income taxes (such distributive share referred to herein as the “**Revenue Sharing Receipts**”) imposed by the State pursuant to the Illinois Income Tax Act and distributed pursuant to the State Revenue Sharing Act, and although it is expected, and has been certified, that the Bonds are to be paid from such Net Revenues, Sales Taxes, and Revenue Sharing Receipts, which Pledged Revenues are pledged to the payment thereof, second, junior and subordinate to any bonds or other obligations thereon having or to have a prior claim, the full faith and credit of the Issuer, including the power to levy taxes without limit as to rate or amount (that is, Pledged Taxes) are irrevocably pledged for the punctual payment of the principal of and interest on this Bond and each Bond of the series of which it is a part, according to the terms thereof.

[2] This Bond is one of a series of Bonds issued in the aggregate principal amount of _____, which are all of like tenor, except as to maturity, interest rate and right of and redemption, and which are authorized and issued under and pursuant to and in accordance with Ordinance No. _____, adopted by the President and Board of Trustees of the Issuer on October 28, 2019, and entitled: “AN ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$5,250,000 GENERAL OBLIGATION REFUNDING BONDS (WATERWORKS AND SEWERAGE ALTERNATE REVENUE SOURCE), SERIES 2019A, NOT TO EXCEED \$3,600,000 TAXABLE GENERAL OBLIGATION REFUNDING BONDS (ALTERNATE REVENUE SOURCE), SERIES 2019B, AND NOT TO EXCEED \$5,200,000 GENERAL OBLIGATION BONDS (WATERWORKS AND SEWERAGE ALTERNATE REVENUE SOURCE), SERIES 2019C, OF THE VILLAGE OF LEMONT, COOK, DUPAGE AND WILL COUNTIES, ILLINOIS, PROVIDING THE DETAILS OF SUCH BONDS AND FOR APPLICABLE ALTERNATE REVENUE SOURCES AND THE LEVY OF DIRECT ANNUAL TAXES, AS APPLICABLE, SUFFICIENT TO PAY THE PRINCIPAL OF AND INTEREST ON SUCH BONDS, AND RELATED MATTERS” (with respect to which undefined terms herein shall have the meanings therein, the “**Bond Ordinance**”, as supplemented and amended), pursuant to the Constitution and laws of the State of Illinois, including Section 15 of the Local Government Debt Reform Act (Section 350/15 of Chapter 30 of the Illinois Compiled Statutes, in connection with “**alternate bonds**”, as supplemented and amended), Division 139 of Article 11 of the Illinois Municipal Code (Section 5/11-139-1 *et seq.* of Chapter 65 of the Illinois Compiled Statutes), as supplemented and amended, and applicable law in connection with the imposition, distribution, receipt and application of Net Revenues, Sales Taxes, and Revenue Sharing Receipts, including by the Intergovernmental Cooperation Act [5 ILCS 220/1 *et seq.*], Section 10 (Intergovernmental Cooperation) of Article VII (Local Government) of the Constitution of the State of Illinois, the Registered Bond Act, the Illinois Bond Replacement Act and the Bond Authorization Act. The Bonds are issued to pay costs of refunding the Village’s outstanding Taxable General Obligation Bonds (Alternate Revenue Source), Series 2010A (Build America Bonds-Direct Payment to Issuer) (the “**2010A Bonds**”), which were initially issued to (a) finance certain replacement softeners, water tower repairs and maintenance, general storm sewer separation, general sanitary sewer repairs, water main replacements and general water system improvements, (b) fund capitalized interest, and (c) pay costs of issuance of the 2010A Bonds.

[3] [Insert, as applicable: Bonds of this series maturing December 1, 20__, are Term Bonds (the “**Term Bonds**”), subject to mandatory sinking fund redemption in the principal amount on December 1 of each of the years, as follows:

December 1, 20 Term Bonds

<u>Year</u>	<u>Principal Amount (\$)</u>
20__	,000
20__	,000
20__	,000
20__	,000*

*To be paid at maturity unless previously retired.]

[Insert, as applicable: Bonds of this series maturing on and after December 1, 20__, shall be subject to optional redemption prior to maturity on and after December 1, 20__, in whole on any date or in part on any interest payment date, in any order specified (but in inverse order if none is specified) of maturity, at a redemption price of par, plus accrued interest to the date fixed for redemption. OR: The Bonds of this series are not subject to call for optional redemption.]

[4] In the event of the redemption of less than all the Bonds of like maturity, the aggregate principal amount thereof to be redeemed shall be \$5,000 or an authorized integral multiple thereof, and the Bond Registrar shall assign to each Bond of such maturity a distinctive number for each \$5,000 principal amount of such Bond and shall select by lot from the numbers so assigned as many numbers as, at \$5,000 for each number, shall equal the principal amount of such Bonds to be redeemed. The Bonds to be redeemed shall be the Bonds to which were assigned numbers so selected; provided that only so much of the principal amount of each Bond shall be redeemed as shall equal \$5,000 for each number assigned to it and so selected.

[5] The Issuer shall deposit with the Paying Agent an amount of money sufficient to pay the redemption price of all the Bonds or portions of Bonds which are to be redeemed on the redemption date, together with interest to such redemption date, prior to the redemption date. Notice of the redemption of Bonds shall be given by first class mail not less than thirty (30) days nor more than sixty (60) days prior to the date fixed for such redemption to the registered owners of Bonds to be redeemed at their last addresses appearing on the registration books therefor. The Bonds or portions thereof specified in such notice shall become due and payable at the redemption price on the redemption date therein designated, and if, on the redemption date, moneys for payment of the redemption price of all the Bonds or portions thereof to be redeemed, together with interest to the redemption date, remain on deposit with the Paying Agent, and if notice of redemption shall have been mailed as aforesaid (and notwithstanding any defect therein or the lack of actual receipt thereof by any registered owner), then from and after the redemption date interest on such Bonds or portions thereof shall cease to accrue and become payable. If there shall be drawn for redemption less than all of a Bond, the Issuer shall execute and the Bond Registrar shall authenticate and deliver, upon the surrender of such Bond, without charge to the registered owner thereof, for the unredeemed balance of the Bond so surrendered, Bonds of like maturity and of the denomination of \$5,000 or any authorized integral multiple thereof.

[6] All notices of redemption shall include at least the information as follows: (1) the redemption date; (2) the redemption price; (3) if less than all of the Bonds of a given maturity are to be redeemed, the identification and, in the case of partial redemption of the Bonds, the respective principal amounts of the Bonds to be redeemed; (4) a statement that on the redemption date the redemption price will become due and payable upon each such Bond or portion thereof called for redemption and that interest thereon shall cease to accrue from such date; and (5) the place where such Bonds are to be surrendered for payment of the redemption price, which place of payment shall be the principal corporate trust office of the Paying Agent.

[7] This Bond is transferable only upon the registration books therefor by the Registered Owner hereof in person, or by such Registered Owner's attorney duly authorized in writing, upon surrender hereof at the principal corporate trust office of the Bond Registrar together with a written instrument of transfer satisfactory to the Bond Registrar duly executed by the Registered Owner or by such Registered Owner's duly authorized attorney, and thereupon a new registered Bond or Bonds, in the denominations of \$5,000 or any authorized integral multiple thereof and of the same aggregate principal amount as this Bond shall be issued to the transferee in exchange therefor. In like manner, this Bond may be exchanged for an equal aggregate principal amount of Bonds of any authorized denomination.

[8] The Bond Registrar shall not be required to exchange or transfer any Bond during the period from the fifteenth (15th) day of the month next preceding any interest payment date and ending on such interest payment date[or during a period of fifteen (15) days next preceding the mailing of a notice of redemption which could designate all or a part of such Bond for redemption, nor to transfer or exchange any Bond after notice calling such Bond for prepayment has been mailed, nor during a period of fifteen (15) days next preceding mailing of a notice of prepayment and redemption of any Bonds]. The Issuer or the Bond Registrar may make a charge sufficient to reimburse it for any tax, fee or other governmental charge required to be paid with respect to the transfer or exchange of this Bond. No other charge shall be made for the privilege of making such transfer or exchange. The Issuer, the Paying Agent and the Bond Registrar may treat and consider the person in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal, premium, if any, and interest due hereon and for all other purposes whatsoever, and all such payments so made to such Registered Owner or upon such Registered Owner's order shall be valid and effectual to satisfy and discharge the liability upon this Bond to the extent of the sum or sums so paid, and neither the Issuer nor the Paying Agent or the Bond Registrar shall be affected by any notice to the contrary.

[9] No recourse shall be had for the payment of any Bonds against the Village President or any member of the President and Board of Trustees or any other officer or employee of the Issuer (past, present or future) who executes any Bonds, or on any other basis. The Issuer may remove the Bond Registrar or Paying Agent at any time and for any reason and appoint a successor.

[10] This Bond shall not be valid or become obligatory for any purpose until the certificate of authentication hereon shall have been duly executed by the Bond Registrar.

[11] The Issuer has designated the Bonds of this series as "**qualified tax-exempt obligations**" under Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

[12] It is hereby certified, recited and declared that all acts, conditions and things required to be done, exist and be performed precedent to and in the issuance of this Bond in order to make it a legal, valid and binding general obligation of the Issuer have been done, exist and have been performed in regular and due time, form and manner as required by law, and that the series of Bonds of which this Bond is one, together with all other indebtedness of the Issuer is within every debt or other limit prescribed by law.

[13] **IN WITNESS WHEREOF**, the Village of Lemont, Cook, DuPage and Will Counties, Illinois, has caused this Bond to be executed in its name and on its behalf by the manual or duly authorized facsimile signature of its Village President, and its corporate seal, or a facsimile thereof, to be hereunto affixed or otherwise reproduced hereon and attested by the manual or duly authorized facsimile signature of its Village Clerk, all as of the Dated Date set forth above.

(SEAL)

VILLAGE OF LEMONT, Cook,
DuPage and Will Counties, Illinois

Attest:

Village Clerk

Village President

[14] **CERTIFICATE OF AUTHENTICATION**

Dated: _____

This is one of the General Obligation Refunding Bonds (Alternate Revenue Source), Series 2019A, described in the within mentioned Bond Ordinance.

_____, _____ as Bond Registrar

By: _____

Authorized Signer

Bond Registrar and _____

Paying Agent: _____, _____

[15] ASSIGNMENT

For value received the undersigned sells, assigns and transfers unto _____

[Name, Address and Tax Identification Number of Assignee]
the within Bond and hereby irrevocably constitutes and appoints _____
attorney to transfer the within Bond on the books kept for registration thereof, with full power of
substitution in the premises.

Dated _____

Signed

Signature Guarantee By:

(Name of Eligible Guarantor Institution as defined by
SEC Rule 17 Ad-15 (17 CFR 240.1 AD-15))

NOTICE: The signature on this assignment must correspond with the name of the Registered
Owner as it appears upon the face of the within Bond in every particular, without
alteration or enlargement or any change whatever.

(B) [FORM/SERIES 2019B BONDS]

**UNITED STATES OF AMERICA
STATE OF ILLINOIS
THE COUNTIES OF COOK, DUPAGE AND WILL
VILLAGE OF LEMONT
TAXABLE GENERAL OBLIGATION REFUNDING BOND
(ALTERNATE REVENUE SOURCE)
SERIES 2019B**

REGISTERED NO. _____ **REGISTERED \$** _____

INTEREST RATE: _____ **MATURITY DATE:** _____ **DATED DATE:** _____ **CUSIP:** _____
January 1, 20__

Registered Owner:

Principal Amount:

[1] **KNOW ALL BY THESE PRESENTS** that the Village of Lemont (the “**Village**” or “**Issuer**”), a non-home rule municipality situated in the Counties of Cook, DuPage and Will, in the State of Illinois, acknowledges itself indebted and for value received hereby promises to pay to the Registered Owner identified above, or registered assigns, the Principal Amount set forth above on the Maturity Date specified above, and to pay interest on such Principal Amount from the later of the Dated Date hereof or the most recent interest payment date to which interest has been paid, at the Interest Rate per annum set forth above, computed on the basis of a 360-day year consisting of twelve 30-day months and payable in lawful money of the United States of America semiannually on the first (1st) days of January and July in each year, commencing _____, 20__, until the Principal Amount hereof shall have been paid, by check or draft mailed to the Registered Owner of record hereof as of the close of business on the fifteenth (15th) day (whether or not a business day) of the calendar month next preceding such interest payment date, at the address of such Registered Owner appearing on the registration books maintained for such purpose at the designated corporate trust office of _____, in _____, _____, as Bond Registrar (including its successors, the “**Bond Registrar**”). This Bond, as to principal and premium, if any, when due, will be payable in lawful money of the United States of America upon presentation and surrender of this Bond at the corporate trust office of _____, in _____, _____, as Paying Agent (including its successors, the “**Paying Agent**”). Payment of interest shall be made to the Registered Owner hereof as shown on the registration books of the District maintained by the Bond Registrar at the close of business on the 15th day of the month next preceding the interest payment date and shall be paid by check or draft of the Bond Registrar, payable upon presentation in lawful money of the United States of America, mailed to the address of such Registered Owner as it appears on such registration books or at such other address furnished in writing by such Registered Owner to the Bond Registrar. The Bonds are payable from (i) incremental taxes derived from the Village’s Gateway TIF Redevelopment Project Area (the “**Gateway TIF Incremental Taxes**”), (ii) incremental taxes derived from the Village’s Main/Archer TIF District (the “**Main/Archer TIF Incremental Taxes**”) (iii) the

Village's receipts of the Retailer's Occupation Taxes, Service Occupation Taxes, Use Taxes and Service Use Taxes (collectively, and subject to any prior lien or pledge, "**Sales Taxes**"), and (iv) the Village's distributive share of State of Illinois income taxes (such receipts referred to herein as the "**Revenue Sharing Receipts**"), and although it is expected, and has been certified, that the Bonds are to be paid from such Sales Taxes, Revenue Sharing Receipts, Gateway TIF Incremental Taxes, and Main/Archer TIF Incremental Taxes, which Pledged Revenues are pledged to the payment thereof, second, junior and subordinate to any bonds or other obligations thereon having or to have a prior claim, the full faith and credit of the Issuer, including the power to levy taxes without limit as to rate or amount (that is, Pledged Taxes) are irrevocably pledged for the punctual payment of the principal of and interest on this Bond and each Bond of the series of which it is a part, according to the terms thereof.

[2] This Bond is one of a series of Bonds issued in the aggregate principal amount of _____, which are all of like tenor, except as to maturity, interest rate and right of and redemption, and which are authorized and issued under and pursuant to and in accordance with Ordinance No. _____, adopted by the President and Board of Trustees of the Issuer on October 28, 2019, and entitled: "AN ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$5,250,000 GENERAL OBLIGATION REFUNDING BONDS (WATERWORKS AND SEWERAGE ALTERNATE REVENUE SOURCE), SERIES 2019A, NOT TO EXCEED \$3,600,000 TAXABLE GENERAL OBLIGATION REFUNDING BONDS (ALTERNATE REVENUE SOURCE), SERIES 2019B, AND NOT TO EXCEED \$5,200,000 GENERAL OBLIGATION BONDS (WATERWORKS AND SEWERAGE ALTERNATE REVENUE SOURCE), SERIES 2019C, OF THE VILLAGE OF LEMONT, COOK, DUPAGE AND WILL COUNTIES, ILLINOIS, PROVIDING THE DETAILS OF SUCH BONDS AND FOR APPLICABLE ALTERNATE REVENUE SOURCES AND THE LEVY OF DIRECT ANNUAL TAXES, AS APPLICABLE, SUFFICIENT TO PAY THE PRINCIPAL OF AND INTEREST ON SUCH BONDS, AND RELATED MATTERS" (with respect to which undefined terms herein shall have the meanings therein, the "**Bond Ordinance**", as supplemented and amended), pursuant to the Constitution and laws of the State of Illinois, including Section 15 of the Local Government Debt Reform Act (Section 350/15 of Chapter 30 of the Illinois Compiled Statutes, in connection with "**alternate bonds**", as supplemented and amended), and applicable law in connection with the imposition, distribution, receipt and application of Sales Taxes, Revenue Sharing Receipts, Gateway TIF Incremental Taxes, and Main/Archer TIF Incremental Taxes, including by the Intergovernmental Cooperation Act [5 ILCS 220/1 *et seq.*], Section 10 (Intergovernmental Cooperation) of Article VII (Local Government) of the Constitution of the State of Illinois, the Registered Bond Act, the Illinois Bond Replacement Act and the Bond Authorization Act. The Bonds are issued to pay costs of refunding certain of the Village's outstanding Taxable General Obligation Bonds (Alternate Revenue Source), Series 2012B (the "**2012B Bonds**"), which were initially issued to (a) finance land assembly, site preparation, including remediation, demolition, environmental studies and related work, professional and other redevelopment project costs, within or serving the Gateway Redevelopment Project Area, capitalized interest and related facilities, improvements and costs, and (b) pay for costs of issuance of the 2012B Bonds.

[3] [Insert, as applicable: Bonds of this series maturing January 1, 20___, are Term Bonds (the "**Term Bonds**"), subject to mandatory sinking fund redemption in the principal amount on January 1 of each of the years, as follows:

January 1, 20 Term Bonds

<u>Year</u>	<u>Principal Amount (\$)</u>
20__	,000
20__	,000
20__	,000
20__	,000*

*To be paid at maturity unless previously retired.]

[Insert, as applicable: Bonds of this series maturing on and after January 1, 20__, shall be subject to optional redemption prior to maturity on and after January 1, 20__, in whole on any date or in part on any interest payment date, in any order specified (but in inverse order if none is specified) of maturity, at a redemption price of par, plus accrued interest to the date fixed for redemption. OR: The Bonds of this series are not subject to call for optional redemption.]

[4] In the event of the redemption of less than all the Bonds of like maturity, the aggregate principal amount thereof to be redeemed shall be \$5,000 or an authorized integral multiple thereof, and the Bond Registrar shall assign to each Bond of such maturity a distinctive number for each \$5,000 principal amount of such Bond and shall select by lot from the numbers so assigned as many numbers as, at \$5,000 for each number, shall equal the principal amount of such Bonds to be redeemed. The Bonds to be redeemed shall be the Bonds to which were assigned numbers so selected; provided that only so much of the principal amount of each Bond shall be redeemed as shall equal \$5,000 for each number assigned to it and so selected.

[5] The Issuer shall deposit with the Paying Agent an amount of money sufficient to pay the redemption price of all the Bonds or portions of Bonds which are to be redeemed on the redemption date, together with interest to such redemption date, prior to the redemption date. Notice of the redemption of Bonds shall be given by first class mail not less than thirty (30) days nor more than sixty (60) days prior to the date fixed for such redemption to the registered owners of Bonds to be redeemed at their last addresses appearing on the registration books therefor. The Bonds or portions thereof specified in such notice shall become due and payable at the redemption price on the redemption date therein designated, and if, on the redemption date, moneys for payment of the redemption price of all the Bonds or portions thereof to be redeemed, together with interest to the redemption date, remain on deposit with the Paying Agent, and if notice of redemption shall have been mailed as aforesaid (and notwithstanding any defect therein or the lack of actual receipt thereof by any registered owner), then from and after the redemption date interest on such Bonds or portions thereof shall cease to accrue and become payable. If there shall be drawn for redemption less than all of a Bond, the Issuer shall execute and the Bond Registrar shall authenticate and deliver, upon the surrender of such Bond, without charge to the registered owner thereof, for the unredeemed balance of the Bond so surrendered, Bonds of like maturity and of the denomination of \$5,000 or any authorized integral multiple thereof.

[6] All notices of redemption shall include at least the information as follows: (1) the redemption date; (2) the redemption price; (3) if less than all of the Bonds of a given maturity are to be redeemed, the identification and, in the case of partial redemption of the Bonds, the respective principal amounts of the Bonds to be redeemed; (4) a statement that on the redemption date the

redemption price will become due and payable upon each such Bond or portion thereof called for redemption and that interest thereon shall cease to accrue from such date; and (5) the place where such Bonds are to be surrendered for payment of the redemption price, which place of payment shall be the principal corporate trust office of the Paying Agent.

[7] This Bond is transferable only upon the registration books therefor by the Registered Owner hereof in person, or by such Registered Owner's attorney duly authorized in writing, upon surrender hereof at the principal corporate trust office of the Bond Registrar together with a written instrument of transfer satisfactory to the Bond Registrar duly executed by the Registered Owner or by such Registered Owner's duly authorized attorney, and thereupon a new registered Bond or Bonds, in the denominations of \$5,000 or any authorized integral multiple thereof and of the same aggregate principal amount as this Bond shall be issued to the transferee in exchange therefor. In like manner, this Bond may be exchanged for an equal aggregate principal amount of Bonds of any authorized denomination.

[8] The Bond Registrar shall not be required to exchange or transfer any Bond during the period from the fifteenth (15th) day of the month next preceding any interest payment date and ending on such interest payment date[or during a period of fifteen (15) days next preceding the mailing of a notice of redemption which could designate all or a part of such Bond for redemption, nor to transfer or exchange any Bond after notice calling such Bond for prepayment has been mailed, nor during a period of fifteen (15) days next preceding mailing of a notice of prepayment and redemption of any Bonds]. The Issuer or the Bond Registrar may make a charge sufficient to reimburse it for any tax, fee or other governmental charge required to be paid with respect to the transfer or exchange of this Bond. No other charge shall be made for the privilege of making such transfer or exchange. The Issuer, the Paying Agent and the Bond Registrar may treat and consider the person in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal, premium, if any, and interest due hereon and for all other purposes whatsoever, and all such payments so made to such Registered Owner or upon such Registered Owner's order shall be valid and effectual to satisfy and discharge the liability upon this Bond to the extent of the sum or sums so paid, and neither the Issuer nor the Paying Agent or the Bond Registrar shall be affected by any notice to the contrary.

[9] No recourse shall be had for the payment of any Bonds against the Village President or any member of the President and Board of Trustees or any other officer or employee of the Issuer (past, present or future) who executes any Bonds, or on any other basis. The Issuer may remove the Bond Registrar or Paying Agent at any time and for any reason and appoint a successor.

[10] This Bond shall not be valid or become obligatory for any purpose until the certificate of authentication hereon shall have been duly executed by the Bond Registrar.

[11] It is hereby certified, recited and declared that all acts, conditions and things required to be done, exist and be performed precedent to and in the issuance of this Bond in order to make it a legal, valid and binding general obligation of the Issuer have been done, exist and have been performed in regular and due time, form and manner as required by law, and that the series of Bonds of which this Bond is one, together with all other indebtedness of the Issuer is within every debt or other limit prescribed by law.

[12] **IN WITNESS WHEREOF**, the Village of Lemont, Cook, DuPage and Will Counties, Illinois, has caused this Bond to be executed in its name and on its behalf by the manual or duly authorized facsimile signature of its Village President, and its corporate seal, or a facsimile thereof, to be hereunto affixed or otherwise reproduced hereon and attested by the manual or duly authorized facsimile signature of its Village Clerk, all as of the Dated Date set forth above.

(SEAL)

VILLAGE OF LEMONT, Cook,
DuPage and Will Counties, Illinois

Attest:

Village Clerk

Village President

[13] **CERTIFICATE OF AUTHENTICATION**

Dated: _____

This is one of the Taxable General Obligation Refunding Bonds (Alternate Revenue Source), Series 2019B, described in the within mentioned Bond Ordinance.

_____, _____ as Bond Registrar

By: _____

Authorized Signer

Bond Registrar and _____

Paying Agent: _____, _____

[14] ASSIGNMENT

For value received the undersigned sells, assigns and transfers unto _____

[Name, Address and Tax Identification Number of Assignee]
the within Bond and hereby irrevocably constitutes and appoints _____
attorney to transfer the within Bond on the books kept for registration thereof, with full power of
substitution in the premises.

Dated _____

Signed

Signature Guarantee By:

(Name of Eligible Guarantor Institution as defined by
SEC Rule 17 Ad-15 (17 CFR 240.1 AD-15))

NOTICE: The signature on this assignment must correspond with the name of the Registered
Owner as it appears upon the face of the within Bond in every particular, without
alteration or enlargement or any change whatever.

(C) [FORM/SERIES 2019C BONDS]

**UNITED STATES OF AMERICA
STATE OF ILLINOIS
THE COUNTIES OF COOK, DUPAGE AND WILL
VILLAGE OF LEMONT
GENERAL OBLIGATION BOND
(WATERWORKS AND SEWERAGE ALTERNATE REVENUE SOURCE)
SERIES 2019C**

REGISTERED NO. _____ **REGISTERED \$** _____

INTEREST RATE: _____ **MATURITY DATE:** _____ **DATED DATE:** _____ **CUSIP:** _____
December 1, 20__

Registered Owner:

Principal Amount:

[1] **KNOW ALL BY THESE PRESENTS** that the Village of Lemont (the “**Village**” or “**Issuer**”), a non-home rule municipality situated in the Counties of Cook, DuPage and Will, in the State of Illinois, acknowledges itself indebted and for value received hereby promises to pay to the Registered Owner identified above, or registered assigns, the Principal Amount set forth above on the Maturity Date specified above, and to pay interest on such Principal Amount from the later of the Dated Date hereof or the most recent interest payment date to which interest has been paid, at the Interest Rate per annum set forth above, computed on the basis of a 360-day year consisting of twelve 30-day months and payable in lawful money of the United States of America semiannually on the first (1st) days of June and December in each year, commencing _____, 20__, until the Principal Amount hereof shall have been paid, by check or draft mailed to the Registered Owner of record hereof as of the close of business on the fifteenth (15th) day (whether or not a business day) of the calendar month next preceding such interest payment date, at the address of such Registered Owner appearing on the registration books maintained for such purpose at the designated corporate trust office of _____, in _____, _____, as Bond Registrar (including its successors, the “**Bond Registrar**”). This Bond, as to principal and premium, if any, when due, will be payable in lawful money of the United States of America upon presentation and surrender of this Bond at the corporate trust office of _____, in _____, _____, as Paying Agent (including its successors, the “**Paying Agent**”). Payment of interest shall be made to the Registered Owner hereof as shown on the registration books of the District maintained by the Bond Registrar at the close of business on the 15th day of the month next preceding the interest payment date and shall be paid by check or draft of the Bond Registrar, payable upon presentation in lawful money of the United States of America, mailed to the address of such Registered Owner as it appears on such registration books or at such other address furnished in writing by such Registered Owner to the Bond Registrar. The Bonds are payable from (i) net revenues of the Village’s Waterworks and Sewerage System (the “**Net Revenues**”) and (ii) certain proceeds of the Retailer’s Occupation Taxes, Service Occupation Taxes, Use Taxes and Service Use Taxes (collectively, as applicable, and subject to any prior lien

or pledge, the “**Sales Taxes**”) imposed and distributed pursuant to applicable law, or replacement, substitute or similar taxes therefor as provided by applicable law in the future, and although it is expected, and has been certified, that the Bonds are to be paid from such Net Revenues and Sales Taxes, which Pledged Revenues are pledged to the payment thereof, second, junior and subordinate to any bonds or other obligations thereon having or to have a prior claim, the full faith and credit of the Issuer, including the power to levy taxes without limit as to rate or amount (that is, Pledged Taxes) are irrevocably pledged for the punctual payment of the principal of and interest on this Bond and each Bond of the series of which it is a part, according to the terms thereof.

[2] This Bond is one of a series of Bonds issued in the aggregate principal amount of _____, which are all of like tenor, except as to maturity, interest rate and right of and redemption, and which are authorized and issued under and pursuant to and in accordance with Ordinance No. ____, adopted by the President and Board of Trustees of the Issuer on October 28, 2019, and entitled: “AN ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$5,250,000 GENERAL OBLIGATION REFUNDING BONDS (WATERWORKS AND SEWERAGE ALTERNATE REVENUE SOURCE), SERIES 2019A, NOT TO EXCEED \$3,600,000 TAXABLE GENERAL OBLIGATION REFUNDING BONDS (ALTERNATE REVENUE SOURCE), SERIES 2019B, AND NOT TO EXCEED \$5,200,000 GENERAL OBLIGATION BONDS (WATERWORKS AND SEWERAGE ALTERNATE REVENUE SOURCE), SERIES 2019C, OF THE VILLAGE OF LEMONT, COOK, DUPAGE AND WILL COUNTIES, ILLINOIS, PROVIDING THE DETAILS OF SUCH BONDS AND FOR APPLICABLE ALTERNATE REVENUE SOURCES AND THE LEVY OF DIRECT ANNUAL TAXES, AS APPLICABLE, SUFFICIENT TO PAY THE PRINCIPAL OF AND INTEREST ON SUCH BONDS, AND RELATED MATTERS” (with respect to which undefined terms herein shall have the meanings therein, the “Bond Ordinance”, as supplemented and amended), pursuant to the Constitution and laws of the State of Illinois, including Section 15 of the Local Government Debt Reform Act (Section 350/15 of Chapter 30 of the Illinois Compiled Statutes, in connection with “alternate bonds”, as supplemented and amended), Division 139 of Article 11 of the Illinois Municipal Code (Section 5/11-139-1 *et seq.* of Chapter 65 of the Illinois Compiled Statutes), as supplemented and amended, and applicable law in connection with the imposition, distribution, receipt and application of Sales Taxes and Net Revenues of the Issuer’s Waterworks and Sewerage System, including by the Intergovernmental Cooperation Act [5 ILCS 220/1 *et seq.*], Section 10 (Intergovernmental Cooperation) of Article VII (Local Government) of the Constitution of the State of Illinois, the Registered Bond Act, the Illinois Bond Replacement Act and the Bond Authorization Act. The Bonds are issued to pay costs to finance the acquisition, construction and installation of various improvements, extensions and facilities of the System of the Village, and related facilities, improvements and costs, including the construction of a new water tower and a new well and to pay costs of issuance of the Bonds.

[3] [Insert, as applicable: Bonds of this series maturing December 1, 20__, are Term Bonds (the “**Term Bonds**”), subject to mandatory sinking fund redemption in the principal amount on December 1 of each of the years, as follows:

December 1, 20 Term Bonds

<u>Year</u>	<u>Principal Amount (\$)</u>
20__	,000
20__	,000
20__	,000
20__	,000*

*To be paid at maturity unless previously retired.]

[Insert, as applicable: Bonds of this series maturing on and after December 1, 20__, shall be subject to optional redemption prior to maturity on and after December 1, 20__, in whole on any date or in part on any interest payment date, in any order specified (but in inverse order if none is specified) of maturity, at a redemption price of par, plus accrued interest to the date fixed for redemption. OR: The Bonds of this series are not subject to call for optional redemption.]

[4] In the event of the redemption of less than all the Bonds of like maturity, the aggregate principal amount thereof to be redeemed shall be \$5,000 or an authorized integral multiple thereof, and the Bond Registrar shall assign to each Bond of such maturity a distinctive number for each \$5,000 principal amount of such Bond and shall select by lot from the numbers so assigned as many numbers as, at \$5,000 for each number, shall equal the principal amount of such Bonds to be redeemed. The Bonds to be redeemed shall be the Bonds to which were assigned numbers so selected; provided that only so much of the principal amount of each Bond shall be redeemed as shall equal \$5,000 for each number assigned to it and so selected.

[5] The Issuer shall deposit with the Paying Agent an amount of money sufficient to pay the redemption price of all the Bonds or portions of Bonds which are to be redeemed on the redemption date, together with interest to such redemption date, prior to the redemption date. Notice of the redemption of Bonds shall be given by first class mail not less than thirty (30) days nor more than sixty (60) days prior to the date fixed for such redemption to the registered owners of Bonds to be redeemed at their last addresses appearing on the registration books therefor. The Bonds or portions thereof specified in such notice shall become due and payable at the redemption price on the redemption date therein designated, and if, on the redemption date, moneys for payment of the redemption price of all the Bonds or portions thereof to be redeemed, together with interest to the redemption date, remain on deposit with the Paying Agent, and if notice of redemption shall have been mailed as aforesaid (and notwithstanding any defect therein or the lack of actual receipt thereof by any registered owner), then from and after the redemption date interest on such Bonds or portions thereof shall cease to accrue and become payable. If there shall be drawn for redemption less than all of a Bond, the Issuer shall execute and the Bond Registrar shall authenticate and deliver, upon the surrender of such Bond, without charge to the registered owner thereof, for the unredeemed balance of the Bond so surrendered, Bonds of like maturity and of the denomination of \$5,000 or any authorized integral multiple thereof.

[6] All notices of redemption shall include at least the information as follows: (1) the redemption date; (2) the redemption price; (3) if less than all of the Bonds of a given maturity are to be redeemed, the identification and, in the case of partial redemption of the Bonds, the respective principal amounts of the Bonds to be redeemed; (4) a statement that on the redemption date the

redemption price will become due and payable upon each such Bond or portion thereof called for redemption and that interest thereon shall cease to accrue from such date; and (5) the place where such Bonds are to be surrendered for payment of the redemption price, which place of payment shall be the principal corporate trust office of the Paying Agent.

[7] This Bond is transferable only upon the registration books therefor by the Registered Owner hereof in person, or by such Registered Owner's attorney duly authorized in writing, upon surrender hereof at the principal corporate trust office of the Bond Registrar together with a written instrument of transfer satisfactory to the Bond Registrar duly executed by the Registered Owner or by such Registered Owner's duly authorized attorney, and thereupon a new registered Bond or Bonds, in the denominations of \$5,000 or any authorized integral multiple thereof and of the same aggregate principal amount as this Bond shall be issued to the transferee in exchange therefor. In like manner, this Bond may be exchanged for an equal aggregate principal amount of Bonds of any authorized denomination.

[8] The Bond Registrar shall not be required to exchange or transfer any Bond during the period from the fifteenth (15th) day of the month next preceding any interest payment date and ending on such interest payment date[or during a period of fifteen (15) days next preceding the mailing of a notice of redemption which could designate all or a part of such Bond for redemption, nor to transfer or exchange any Bond after notice calling such Bond for prepayment has been mailed, nor during a period of fifteen (15) days next preceding mailing of a notice of prepayment and redemption of any Bonds]. The Issuer or the Bond Registrar may make a charge sufficient to reimburse it for any tax, fee or other governmental charge required to be paid with respect to the transfer or exchange of this Bond. No other charge shall be made for the privilege of making such transfer or exchange. The Issuer, the Paying Agent and the Bond Registrar may treat and consider the person in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal, premium, if any, and interest due hereon and for all other purposes whatsoever, and all such payments so made to such Registered Owner or upon such Registered Owner's order shall be valid and effectual to satisfy and discharge the liability upon this Bond to the extent of the sum or sums so paid, and neither the Issuer nor the Paying Agent or the Bond Registrar shall be affected by any notice to the contrary.

[9] No recourse shall be had for the payment of any Bonds against the Village President or any member of the President and Board of Trustees or any other officer or employee of the Issuer (past, present or future) who executes any Bonds, or on any other basis. The Issuer may remove the Bond Registrar or Paying Agent at any time and for any reason and appoint a successor.

[10] This Bond shall not be valid or become obligatory for any purpose until the certificate of authentication hereon shall have been duly executed by the Bond Registrar.

[11] The Issuer has designated the Bonds of this series as "**qualified tax-exempt obligations**" under Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

[12] It is hereby certified, recited and declared that all acts, conditions and things required to be done, exist and be performed precedent to and in the issuance of this Bond in order to make it a legal, valid and binding general obligation of the Issuer have been done, exist and have been performed in regular and due time, form and manner as required by law, and that the series of

Bonds of which this Bond is one, together with all other indebtedness of the Issuer is within every debt or other limit prescribed by law.

[13] **IN WITNESS WHEREOF**, the Village of Lemont, Cook, DuPage and Will Counties, Illinois, has caused this Bond to be executed in its name and on its behalf by the manual or duly authorized facsimile signature of its Village President, and its corporate seal, or a facsimile thereof, to be hereunto affixed or otherwise reproduced hereon and attested by the manual or duly authorized facsimile signature of its Village Clerk, all as of the Dated Date set forth above.

(SEAL)

VILLAGE OF LEMONT, Cook,
DuPage and Will Counties, Illinois

Attest:

Village Clerk

Village President

[14] **CERTIFICATE OF AUTHENTICATION**

Dated: _____

This is one of the General Obligation Bonds (Waterworks and Sewerage Alternate Revenue Source), Series 2019C, described in the within mentioned Bond Ordinance.

_____, _____ as Bond Registrar

By: _____
Authorized Signer

Bond Registrar and _____
Paying Agent: _____, _____

[15] ASSIGNMENT

For value received the undersigned sells, assigns and transfers unto _____

[Name, Address and Tax Identification Number of Assignee]
the within Bond and hereby irrevocably constitutes and appoints _____
attorney to transfer the within Bond on the books kept for registration thereof, with full power of
substitution in the premises.

Dated _____

Signed

Signature Guarantee By:

(Name of Eligible Guarantor Institution as defined by
SEC Rule 17 Ad-15 (17 CFR 240.1 AD-15))

NOTICE: The signature on this assignment must correspond with the name of the Registered
Owner as it appears upon the face of the within Bond in every particular, without
alteration or enlargement or any change whatever.

Section 10. Levy and Extension of Taxes. For the purpose of providing the money required to pay the interest on each series of the Bonds when and as the same falls due and to pay and discharge the principal thereof as the same shall mature, there shall be levied upon all the taxable property within the Issuer's corporate limits in each year while any of the Bonds shall be Outstanding, direct annual taxes sufficient for that purpose (the "**Levied Taxes**" or "**Pledged Taxes**") and there is hereby levied upon all of the taxable property within the Issuer's corporate limits, in addition to all other taxes, the direct annual taxes, in the amounts for each year, commencing not before levy year 2019 and ending not later than 2029/Series 2019A Bonds (in an amount not to exceed \$950,000 per levy year), commencing not before levy year 2019 and ending not later than 2025/Series 2019B Bonds (in an amount not to exceed \$550,000 per levy year), and commencing not before levy year 2019 and ending not later than 2038/Series 2019C Bonds (in an amount not to exceed \$550,000 per levy year), as applicable and as shall be specified in one or more Bond Orders.

To the extent lawful, interest or principal coming due at any time when there shall be insufficient funds on hand to pay the same shall be paid promptly when due from current funds on hand in advance of the collection of the taxes herein levied; and when such taxes shall have been collected, reimbursement shall be made to such fund or funds from which such advance was made in the amounts thus advanced.

As soon as this Ordinance becomes effective, a copy thereof, certified by the Village Clerk of the Village, which certificate shall recite that this Ordinance has been duly adopted, shall be filed with the County Clerks of Cook, DuPage and Will Counties, Illinois (the "**County Clerks**"), who are hereby directed to ascertain the rate percent required to produce the aggregate tax provided to be levied in the years, as set forth above and to extend the same for collection on the tax books in connection with other taxes levied in each of such years, in and by the Issuer for general corporate purposes of the Issuer, and in each of such years such annual tax shall be levied and collected in like manner as taxes for general corporate purposes for each of such years are levied and collected and, when collected, such taxes shall be used solely for the purpose of paying the principal of and interest on the Bonds herein authorized as the same become due and payable.

The Issuer covenants and agrees with the registered owners of the Bonds that so long as any of the Bonds remain Outstanding, and except as to conform the tax levies to actual interest rates in a Bond Order different than as set forth in Section 3a above, the Issuer will not cause the abatement of the foregoing taxes and otherwise will take no action or fail to take any action which in any way would adversely affect the ability of the Issuer to levy and collect the foregoing taxes, unless and to the extent there then shall be moneys irrevocably on deposit therefor in the applicable debt service account or accounts established under Section 12 and Section 13 below. The Issuer and its officers will comply with all present and future applicable laws in order to assure that the foregoing taxes will be levied, extended and collected as provided herein and deposited in the applicable debt service accounts established in Section 12 and Section 13 below to pay the principal of and interest on the Bonds; and whenever the debt service deposit requirements in this paragraph have been satisfied, the Corporate Authorities shall duly direct the abatement of the Pledged Taxes for the year with respect to which such taxes have been levied, to the extent so satisfied, and appropriate certification of such abatement shall be timely filed with the County Clerks in connection with such abatement. If for any reason there is abatement of such levy of taxes and the failure thereafter to pay debt service in respect of such abatement, the additional

amount, together with additional interest accruing, shall be added to the tax levy in the year of, or the next year following, such failure.

Section 11. Related Agreements. Each applicable Purchase Agreement, Refunding Agreement and Disclosure Agreement, in substantially the forms thereof presented before the meeting of the Corporate Authorities at which this Ordinance is adopted, shall be and are hereby approved and authorized to be executed, delivered and performed.

The Official Statement in connection with each series of the Bonds, as presented before the Corporate Authorities in preliminary form, shall be and is hereby approved, deemed final under Rule 15c2-12 and is authorized to be used by the Underwriter in the offering and sale of the Bonds. The Preliminary Official Statement is hereby authorized to be completed to constitute a final Official Statement under such Rule 15c2-12. The Issuer is authorized to cooperate with the Underwriter in connection with compliance by the Underwriter with Rule 15c2-12 and applicable rules of the Municipal Securities Rulemaking Board related to the Bonds.

All things done with respect to each applicable Purchase Agreement, Bond Order, Refunding Agreement, Disclosure Agreement and the Official Statement by the Village President, Village Administrator, Finance Director, or Village Clerk, (the “**Designated Representatives**”), or Village Attorney, in connection with the issuance and sale of the Bonds, shall be and are hereby in all respects ratified, confirmed and approved. The Designated Representatives, the Village Attorney and other officials of the Issuer are hereby authorized and directed to do and perform, or cause to be done or performed for or on behalf of the Issuer, each and every thing necessary for the issuance of the Bonds, including the proper execution, delivery and performance by the Issuer of the Official Statement and each Purchase Agreement, Bond Order, Refunding Agreement, Disclosure Agreement, and related instruments and certificates, such documents to be in substantially the form presented at the meeting of the Corporate Authorities at which this Ordinance is adopted, with such changes therein as the officers executing them shall approve, and the purchase by and delivery of the Bonds to or at the direction of the Underwriter.

No elected or appointed officer of the Issuer is in any manner interested, directly or indirectly, in his or her own name or in the name of any other person, association, trust or corporation in the applicable Purchase Agreement.

Section 12. Special Funds and Accounts. Upon the issuance of any of the Bonds, the Issuer shall continue to be operated on a Fiscal Year basis (May 1 to April 30). All of the Pledged Revenues when received by the Village Treasurer or other financial officer of the Issuer receiving Pledged Revenues, subject to any prior lien or pledge, shall be set aside as and when received and shall be deposited in a separate fund and in an account in a bank to be designated or continued, as the case may be, by the Issuer, which fund is created and established or, as applicable, continued, as the Issuer’s “**Revenue Fund**” (the “**Fund**”), which shall constitute a trust fund for the sole purpose of carrying out the covenants, terms, and conditions of this Ordinance, including, without limitation, the establishment therein of the “**Bond and Interest Account**” (within which shall be a Junior Debt Service Account, and therein a separate subaccount identified for each series of Bonds) with respect to Junior Bonds (i.e., the Bonds) and may be a Senior Debt Service Account with respect to Senior Bonds), the “**Depreciation Account**” and the “**Surplus Account.**”

There shall be credited and paid into the Revenue Fund, on or before the business day next preceding the first day of each month, by the Village Treasurer or other appropriate financial officer of the Issuer, without any further official action or direction other than this Ordinance, in the order in which such Accounts are hereinafter mentioned, subject to the requirements of any account having a prior claim, all moneys in the Fund in accordance with the following provisions (provided that receipts of Pledged Taxes for debt service shall be credited or deposited directly into a separate subaccount under (a) or (b) below, as applicable):

(a) **Senior Debt Service Account:** After any initial deposit required by this Ordinance, there shall be deposited and credited to the Senior Debt Service Account and held, in cash and investments, a fractional amount (not less than $1/6$) of the interest becoming due on the next succeeding interest payment date on all outstanding senior bonds and also a fractional amount (not less than $1/12$) of the principal becoming due (or subject to mandatory redemption) on the next succeeding principal maturity date of all of the Outstanding Senior Bonds until there shall have been accumulated and held in cash and investments in such Account on or before the month preceding such interest payment date or principal maturity date, or both, an amount sufficient to pay such principal or interest, or both.

In computing the fractional amount to be set aside each month in such Senior Debt Service Account, the fraction shall be so computed that a sufficient amount will be set aside in such Senior Debt Service Account and will be available for the prompt payment of such principal of and interest on all Outstanding Senior Bonds and shall be not less than one-sixth ($1/6$) of the interest becoming due on the next succeeding interest payment date and not less than one-twelfth ($1/12$) of the principal becoming due (or subject to mandatory redemption) on the next succeeding principal payment date on all Outstanding Senior Bonds until there is sufficient money in such Senior Debt Service Account to pay such principal or interest, or both.

Credits into such Senior Debt Service Account may be suspended in any bond year at such time as there shall be a sufficient sum held in cash and investments in such Account to meet principal and interest requirements in such Account for the balance of such bond year, but such credits shall again be resumed at the beginning of the next bond year. All moneys in such Senior Debt Service Account shall be used only for the purpose of paying interest and principal and applicable premium on Outstanding Senior Bonds.

(b) **Junior Debt Service Account:** After any initial deposit required by subsection (a) above, there shall be deposited and credited to the Junior Debt Service Account and held, in cash and investments, a fractional amount (not less than $1/6$) of the interest becoming due on the next succeeding interest payment date on all outstanding Junior Bonds and also a fractional amount (not less than $1/12$) of the principal becoming due (or subject to mandatory redemption) on the next succeeding principal maturity date of all of the Outstanding Junior Bonds until there shall have been accumulated and held in cash and investments in such Account on or before the month preceding such interest payment date or principal maturity date, or both, an amount sufficient to pay such principal or interest, or both.

In computing the fractional amount to be set aside each month in such Junior Debt Service Account, the fraction shall be so computed that a sufficient amount will be set aside in such Junior Debt Service Account and will be available for the prompt payment of such principal of and interest on all Outstanding Junior Bonds and shall be not less than one-sixth (1/6) of the interest becoming due on the next succeeding interest payment date and not less than one-twelfth (1/12) of the principal becoming due (or subject to mandatory redemption) on the next succeeding principal payment date on all Outstanding Junior Bonds until there is sufficient money in such Junior Debt Service Account to pay such principal or interest, or both.

Credits into such Junior Debt Service Account may be suspended in any bond year at such time as there shall be a sufficient sum held in cash and investments in such Account to meet principal and interest requirements in such Account for the balance of such bond year, but such credits shall again be resumed at the beginning of the next bond year. All moneys in such Junior Debt Service Account shall be used only for the purpose of paying interest and principal and applicable premium on Outstanding Junior Bonds.

(c) **Depreciation Account:** There shall next be paid into the Depreciation Account, after the required payments have been made into the accounts above referred to, the sums from time to time as the Issuer directs, and thereafter no additional payments shall be made into such Account except that when any money is paid out of such Account, monthly payments into such Account shall be made in the amounts from time to time as the Issuer directs.

The moneys in the Depreciation Account shall be used to pay the cost of such replacements and repairs to the Prior Projects as may be necessary from time to time for the continued effective and efficient operation of the Prior Projects. Each expenditure to be made from such Account to pay the cost of necessary replacement and repairs to the Prior Projects, as above provided for, shall be made only after the Issuer has certified that such expenditure is necessary to the continued effective and efficient operation of the Prior Projects. If necessary, the moneys in such Account may be applied to prevent or remedy a default in the payment of the principal of or interest on the Bonds. When any amount is withdrawn from such Account and applied, the amount so applied shall be added to the amount to be thereafter paid into such Account until full reimbursement to such Account has been made.

(d) **Surplus Account:** All moneys remaining in the Fund, after crediting the required amounts to the respective Accounts above, and after making up any deficiency in the Accounts above, shall be credited to the Surplus Account and then, such surplus shall be used, if at all, for one or more of the following purposes, without any priority among them:

- (1) For any authorized general or specific corporate purpose for which, as applicable, Net Revenues and/or Sales Taxes and/or Revenue Sharing Receipts and/or Gateway TIF Incremental Taxes and/or Main/Archer TIF Incremental Taxes may be lawfully expended; or
- (2) For the purpose of calling and redeeming Outstanding Bonds payable from applicable Pledged Revenues; or

- (3) For the purpose of paying principal and interest and applicable premium on any subordinate bonds or obligations for which, as applicable, Net Revenues and/or Sales Taxes and/or Revenue Sharing Receipts and/or Gateway TIF Incremental Taxes and/or Main/Archer TIF Incremental Taxes may be lawfully expended; or
- (4) For any other lawful purpose for which Net Revenues and/or Sales Taxes and/or Revenue Sharing Receipts and/or Gateway TIF Incremental Taxes and/or Main/Archer TIF Incremental Taxes may be lawfully expended, including the purchase of Outstanding Bonds at a price of not to exceed par plus any premium and accrued interest.

(e) **Investments:** Money to the credit of any Debt Service Account may be invested from time to time by the Village's Treasurer in (i) interest-bearing bonds, notes, or other direct full faith and credit obligations of the United States of America, (ii) obligations unconditionally guaranteed as to both principal and interest by the United States of America, or (iii) certificates of deposit or time deposits of any bank or savings and loan association, as defined by Illinois laws, provided such bank or savings and loan association is insured by the Federal Deposit Insurance Corporation or a successor corporation to the Federal Deposit Insurance Corporation and provided further that the principal of such deposits are secured by a pledge of obligations as described in this Ordinance in the full principal amount of such deposits, or otherwise collateralized in such amount and in such manner as may be required by law. Such investments may be sold from time to time by the Village Treasurer as funds may be needed for the purpose for which such Accounts have been created. Other investments shall be in Qualified Investments in accordance with applicable law.

All interest on any funds so invested shall be credited to the applicable Account of the Fund and is deemed and allocated as expended with the next expenditure or expenditures of money from the applicable Account of the Fund.

Moneys in any of such accounts shall be invested by the Village Treasurer, if necessary, in investments restricted as to yield, which investments may be in U.S. Treasury Securities - State and Local Government Series, if available, and to such end the Village Treasurer shall refer to any investment restrictions covenanted by the Village or any officer as part of the transcript of proceedings for the issuance of the Bonds, and to appropriate opinions of counsel.

Section 13. Bond Proceeds Account. Except for accrued interest, if any, received on the sale of any series of Bonds (and an amount of applicable principal proceeds of the Bonds (the "**Bond Proceeds**") or other available funds to pay interest to and including the first interest payment date as specified in a Bond Order), which shall be deposited upon issuance of the Bonds into the applicable Junior Debt Service Account and Debt Service Fund, all remaining proceeds derived from the sale of each series of the Bonds, and net of applicable issuance costs directly to be paid by the Underwriter, shall be deposited in the "**Bond Proceeds Account**" identified to each series of Bonds as "**Series 2019[A, B, C]**", within each of which there further shall be, as applicable, a "**Proceeds Subaccount**" with respect to applicable Project costs (excess proceeds in

connection with the Prior Bonds) and issuance costs, and a “**Refunding Subaccount**” with respect to applicable refunding costs not paid by a deposit into a Refunding Account or a Refunding Deposit, which are hereby established as special accounts and subaccounts of the Issuer. Moneys in the applicable subaccount or subaccounts of the applicable Bond Proceeds Account shall be used for the purposes specified in Section 3 of this Ordinance (that is, the costs of a Refunding with respect to which that series of Bonds was issued) and for the payment of costs of issuance of such Bonds, but may hereafter be reappropriated and used for other lawful purposes in accordance with applicable law. Before any such reappropriation shall be made, there shall be requested and filed with the Village Clerk of the Issuer an opinion of Ice Miller LLP, Chicago, Illinois, or other nationally recognized Bond counsel (“**Bond Counsel**”) to the effect that such reappropriation is authorized and will not adversely affect the tax-exempt status of the Bonds under Section 103 of the Code. Moneys in each subaccount of the Bond Proceeds Account be withdrawn from time to time as needed for the payment of costs and expenses incurred by the Issuer in connection with each applicable Refunding and for paying the fees and expenses incidental thereto. Moneys shall be withdrawn from the depository in connection with such funds from time to time by the Village Treasurer or other appropriate financial officer of the Issuer only upon submission to such officer of the following (provided that funds to refund Prior Bonds shall be directly applied without this process either from an applicable Refunding Account or Refunding Subaccount under a Refunding Agreement):

A duplicate copy of the order signed by the Village President, or such other officer(s) as may from time to time be by law authorized to sign and countersign orders of the Issuer, the Bond Proceeds Account and the purpose for which the order is issued and indicating that the payment for which the order is issued has been approved by the Corporate Authorities.

Section 14. Expense Fund. The sum necessary, as determined by the Designated Representatives, of the Bond Proceeds shall be disbursed by the Underwriter to pay costs of issuance upon the delivery of the Bonds or, to the extent not so disbursed by the Underwriter, shall be deposited into a separate and segregated fund, hereby created, to be known as the “**Expense Fund**” and shall be used by the Village Clerk or Village Treasurer, as applicable, to pay costs of issuance of the Bonds in accordance with normal Village disbursement procedures. Any funds remaining to the credit of the Expense Fund on the date which is six months following the date of delivery of the Bonds shall be transferred by the Village Clerk or Village Treasurer, as applicable, to the Bond Proceeds Account.

Section 15. Project Fund. From the Bond Proceeds, the sum necessary, as determined by the Designated Representatives, shall be used to pay costs of the Project and to that end shall be deposited into a separate and segregated account of the Village, hereby created, and to be known as the “**Capital Projects Fund**” (the “**Project Fund**”). Monies on deposit in and to the credit of the Project Fund shall be disbursed by the Village Treasurer from time to time as needed, without further official action or direction of the Corporate Authorities, in accordance with normal Village procedures for disbursements of corporate funds for capital projects. Upon the completion of the Project, as certified to the Village Treasurer by the architect or engineer in responsible charge of the Project, remaining funds, if any, on deposit in and to the credit of the Project Fund shall be transferred by the Village Treasurer, without further official action of or direction by the Corporate Authorities, to the Bond Proceeds Account. Monies on deposit in and to the credit of the Project

Fund may be invested by the Village Treasurer in any investments lawful under Illinois law for Village funds, without further official action of or direction by the Corporate Authorities.

Without further official action of or direction by the Corporate Authorities, if necessary to ensure the timely payment of principal of and interest on the Bonds, monies on deposit in the Project Fund may be transferred by the Village Treasurer at any time to the Bond Proceeds Account in anticipation of the collection of Pledged Taxes. Any amount so transferred shall be promptly repaid upon the collection of Pledged Taxes.

Section 16. Issuance of Additional Bonds. The Issuer reserves the right to issue:

(a) Parity Bonds payable from applicable Pledged Revenues without limit provided that the applicable Pledged Revenues, as determined or as adjusted as hereinbelow set out shall be sufficient to provide for or pay all of the following (as applicable): (i) Operation and Maintenance Expenses of the Waterworks and Sewerage System (with respect to Waterworks and Sewerage System Net Revenues and the Series 2019A Bonds and the Series 2019C Bonds), as the case may be, (but not including depreciation), (ii) debt service on all Outstanding bonds payable from such Pledged Revenues computed immediately after the issuance of any proposed Parity Bonds, (iii) all amounts required to meet any fund or account requirements with respect to such Outstanding bonds, (iv) other contractual or tort liability obligations then due and payable, if any, and (e) an additional amount not less than 0.25 times debt service (as provided in Section 15 of the Debt Reform Act) on such of the Alternate Bonds as shall remain Outstanding bonds after the issuance of the proposed Parity Bonds. Such sufficiency shall be calculated for each year to the final maturity of such Alternate Bonds which shall remain Outstanding after the issuance of the proposed Parity Bonds. The determination of the sufficiency of the applicable Pledged Revenues shall be supported by reference to the most recent audit of the Issuer, which audit shall be for a Fiscal Year ending not earlier than eighteen (18) months previous to the time of issuance of the proposed Parity Bonds. If such audit shows the applicable Pledged Revenues to be insufficient, then the determination of sufficiency, supported by a “**report**” under the Debt Reform Act, may be made in either of the following two ways:

(1) The applicable source of Pledged Revenues in connection with the Series 2019A Bonds and the Series 2019C Bonds may be adjusted in the event there has been an increase in the rates or revenues of the Waterworks and Sewerage System, as the case may be, from the revenues or the rates in effect for the Fiscal Year of such audit (if such rate increase is still in effect at the time of the issuance of such proposed Parity Bonds) or other applicable Pledged Revenues to show such Pledged Revenues as they would have been if such increased rates had been in effect during all of said Fiscal Year. Any such adjusted statement of Pledged Revenues shall be evidenced by the certificate of an independent consulting engineer, an independent certified public accountant or an independent financial consultant employed for such purpose, in accordance with applicable law.

(2) The determination of sufficiency of such Pledged Revenues may be supported by the report of an independent accountant or feasibility analyst, the latter

having a national reputation for expertise in such matters, demonstrating the sufficiency of the applicable Pledged Revenues and explaining by what means they will be greater than as shown in the audit and sufficient under the Debt Reform Act.

The reference to and acceptance of an audit, an adjusted statement of the Pledged Revenues, or a report, as the case may be, and the determination of the Corporate Authorities of the sufficiency of the applicable Pledged Revenues shall be conclusive evidence that the conditions of this Section 16(a) have been met and that the Parity Bonds are properly issued hereunder; and no right to challenge such determination is granted to the registered owners of the Bonds.

(b) Bonds or other obligations payable from applicable Pledged Revenues subordinate to the lien of any prior or superior bonds which remain Outstanding after the issuance of such bonds or other obligations.

Section 17. Arbitrage Rebate. This Section 17 applies only to the Series 2019A Bonds and the Series 2019C Bonds. The Issuer shall comply with the provisions of Section 148(f) of the Code, relating to the rebate of certain investment earnings at periodic intervals to the United States of America to the extent that there shall have been filed with the Village Clerk of the Issuer an opinion of Bond Counsel to the effect that such compliance is necessary to preserve the exclusion from gross income for federal income tax purposes of interest on any series of the Bonds under Section 103 of the Code. There is hereby authorized to be created a separate and special accounts identified to each issue of the Bonds, each to be known as the “**Rebate Account**”, identified to each series of Bonds as “**Series 2019[A, C]**”, or into which there shall be deposited as necessary investment earnings to the extent required so as to maintain the tax-exempt status of the interest on the applicable series of Bonds under Section 148(f) of the Code. All rebates, special impositions or taxes for such purpose payable to the United States of America (Internal Revenue Service) shall be payable from applicable excess earnings or other sources which are to be deposited into the appropriate Rebate Account.

Section 18. Investment Regulations. All investments shall be in Qualified Investments, unless otherwise expressly herein provided. No investment shall be made of any moneys in the Junior Debt Service Account, related to each series of the Bonds, or the Bond Proceeds Account related to each series of the Bonds, except in accordance with the tax covenants and other covenants set forth in Section 19 of this Ordinance. All income derived from such investments in respect of moneys or securities in any fund or account shall be credited in each case to the fund or account in which such moneys or securities are held.

Any moneys in any fund or account that are subject to investment yield restrictions may be invested in United States Treasury Securities, State and Local Government Series, pursuant to the regulations of the United States Treasury Department, Bureau of Fiscal Service. The Village Treasurer or other appropriate financial officer of the Issuer and agents designated by such officer are hereby authorized to submit on behalf of the Issuer subscriptions for such United States Treasury Securities and to request redemption of such United States Treasury Securities.

Section 19. Non-Arbitrage and Tax-Exemption. This Section 19 applies only to the Series 2019A Bonds and the Series 2019C Bonds. One purpose of this Section is to set forth

various facts regarding the Bonds and to establish the expectations of the Corporate Authorities and the Issuer as to future events regarding the Bonds and the use of Bond Proceeds. The certifications and representations made herein and at the time of the issuance of the Bonds are intended, and may be relied upon, as certifications and expectations described in Section 1.148-1 *et seq.* of the Income Tax Regulations dealing with arbitrage and rebate (the “**Regulations**”). The covenants and agreements contained herein and at the time of the issuance of the Bonds are made for the benefit of the registered owners from time to time of the Bonds. The Corporate Authorities and the Issuer agree, certify, covenant and represent as follows:

(a) The Bonds are being issued to finance the Project and the Refunding and related costs and expenses, and all of the Bond Proceeds, plus all investment earnings thereon, are needed for the purposes for which the Bonds are being issued. The Prior Bonds will be retired as provided in a Refunding Agreement or as provided with respect to one or more Refunding Deposits.

(b) The Issuer has entered into, or did within six months from the date of issue of the Prior Bonds enter into, binding contracts or commitments obligating it to spend at least 5% of the proceeds of the applicable Prior Bonds for constructing, acquiring and installing a particular Prior Project. The work of acquiring, constructing and installing the Prior Projects continued to proceed with due diligence to completion within three (3) years of issuance, at which time all of the Prior Bond Proceeds were spent. There are no unspent Prior Bond proceeds.

(c) The Issuer has on hand no funds which could legally and practically be used for refunding the Prior Bonds which are not pledged, budgeted, earmarked or otherwise necessary to be used for other purposes. Accordingly, no portion of the Bond Proceeds will be used (i) directly or indirectly to replace funds of the Issuer or any agency, department or division thereof that could be used for refunding the Prior Bonds, or (ii) to replace any proceeds of the Bonds or any prior issuance of obligations by the Issuer. No portion of any issue of the Bonds is being issued solely for the purpose of investing Proceeds at a Yield higher than the Yield on any issue of Bonds. For purposes of this Section, “**Yield**” means that yield (that is, the discount rate) which when used in computing the present worth of all payments of principal and interest to be paid on an obligation (using semiannual compounding on the basis of a 360-day year) produces an amount equal to the purchase price of the applicable series of the Bonds, including accrued interest, and the purchase price of the Bonds is equal to the first offering price at which more than 10% of the principal amount of each maturity of a particular series of the Bonds is sold to the public (excluding bond houses, brokers or similar persons or organizations acting in the capacity of underwriters or wholesalers).

(d) All Bond Proceeds, net of accrued interest and issuance costs directly paid by the Underwriter, will be deposited in the applicable Bond Proceeds Account (or deposited as Refunding Deposits with the paying agents for the applicable Prior Bonds or funding a Refunding Account under a Refunding Agreement) and used to pay costs of refunding the Prior Bonds and costs of issuance of the Bonds, and any accrued interest and premium received on the delivery of the Bonds will be deposited in the applicable subaccounts of the Junior Debt Service Accounts and/or the Debt Service Fund and used

to pay the first interest due on Bonds. Earnings on the investment of moneys in any fund or account or subaccount will be credited to that fund or account. Other refunding costs, including issuance costs of the Bonds, will be paid directly from other proceeds or from the applicable Bond Proceeds Account, and no other moneys are expected to be deposited therein. This Ordinance provides that moneys in a Depreciation Account may be applied to pay debt service on the Series 2019A Bonds and the Series 2019C Bonds in the event there shall be an insufficiency therefor. However, due to the expected application of such moneys to pay costs of replacement, repair and extraordinary maintenance of the Waterworks and Sewerage System, it is unlikely such moneys will be available for such purpose. Interest on and principal of Bonds will be paid from the applicable Junior Debt Service Account and the Debt Service Fund. Except as provided in a Refunding Agreement, no Bond Proceeds will be used more than ninety (90) days after the date of issue of the Bonds for the purpose of paying any principal of or interest on any other issue of bonds, notes, certificates or warrants or on any installment contract or other obligation of the Issuer or for the purpose of replacing any funds of the Issuer used for such purpose.

(e) Each Junior Debt Service Account (except the related Pledged Subaccount) and the Debt Service Fund (except the related Pledged Subaccount) is established to achieve a proper matching of revenues and earnings with debt service in each year for the related series of Bonds. Other than any amounts held to pay principal of matured Bonds that have not been presented for payment, it is expected that any moneys deposited in the applicable Junior Debt Service Account (except the related Pledged Subaccount) and Debt Service Fund (except the related Pledged Subaccount) will be spent within the 12-month period beginning on the date of deposit therein. Any earnings from the investment of amounts in the applicable Junior Debt Service Account (except the related Pledged Subaccount) and Debt Service Fund (except the related Pledged Subaccount) will be spent within a one-year period beginning on the date of receipt of such investment earnings. Other than any amounts held to pay principal of matured Bonds that have not been presented for payment, it is expected that each Junior Debt Service Account (except the related Pledged Subaccount) and the Debt Service Fund (except the related Pledged Subaccount) will be depleted at least once a year, except for a reasonable carryover amount not to exceed the greater of (i) one-year's earnings on the investment of moneys in each Junior Debt Service Account (except the related Pledged Subaccount) and the Debt Service Fund (except the related Pledged Subaccount), or (ii) in the aggregate, one-twelfth (1/12th) of the annual debt service on the applicable series of related Bonds.

(f) Other than the applicable Junior Debt Service Account and the Debt Service Fund, no funds or accounts, including any Depreciation Account, have been or are expected to be established, and no moneys or property have been or are expected to be pledged (no matter where held or the source thereof) which will be available to pay, directly or indirectly, the Bonds or restricted so as to give reasonable assurance of their availability for such purposes. No property of any kind is pledged to secure, or is available to pay, obligations of the Issuer to any credit enhancer or liquidity provider.

(g) (i) All amounts on deposit in the applicable Bond Proceeds Account or in the applicable Junior Debt Service Account and Debt Service Fund and all Bond Proceeds, no matter in what funds or accounts deposited ("**Gross Proceeds**"), to the extent not

exempted in (ii) below, and all amounts in any fund or account or subaccount pledged directly or indirectly to the payment of the related series of Bonds which will be available to pay, directly or indirectly, the related series of Bonds or restricted so as to give reasonable assurance of their availability for such purpose contrary to the expectations set forth above, shall be invested at market prices and at a Yield not in excess of the Yield on such Bonds plus, for amounts in the applicable Bond Proceeds Account to be applied to finance the applicable projects with excess proceeds, 1/8 of 1%.

(ii) The following may be invested without Yield restriction:

(A) amounts invested in obligations described in Section 103(a) of the Code (but not specified private activity bonds as defined in Section 57(a)(5)(C) of the Code), the interest on which is not includable in the gross income of any registered owner thereof for federal income tax purposes (“**Tax-Exempt Obligations**”);

(B) amounts deposited in the applicable Junior Debt Service Account that are reasonably expected to be expended within thirteen (13) months from the deposit date and have not been on deposit therein for more than thirteen (13) months;

(C) amounts, if any, in the Bond Proceeds Account constituting excess proceeds to be applied to a project to the earlier of completion (or abandonment) of such improvements or three (3) years from the date of issue of the particular series of related Bonds for each such project;

(D) an amount not to exceed the lesser of \$100,000 or 5% of a particular series of Bond proceeds;

(E) all amounts for the first thirty (30) days after they become Gross Proceeds (e.g., date of deposit in any fund or account securing a particular series of Bonds); and

(F) all amounts (other than with respect to refundings) derived from the investment of the Proceeds for a period of one (1) year from the date received.

(h) Subject to (q) below, once moneys are subject to the Yield limits of (g)(i) above, such moneys remain Yield restricted until they cease to be Gross Proceeds.

(i) Pursuant to Section 148(f)(4)(D) of the Code, the Issuer is not excepted from the required rebate of arbitrage profits on the Bonds. The Issuer is a governmental unit with general taxing powers, none of the Bonds is a “**private activity bond**” as defined in Section 141(a) of the Code, and all the net proceeds of the Bonds are to be used for the local government activities of the Issuer (i.e., the Project and Refunding Prior Bonds), the aggregate face amount of all tax-exempt obligations (and excluding “**private activity bonds**” as defined in the Code) to be issued by the Issuer and all subordinate entities thereof (of which there are none) during the calendar year of issuance of the Bonds, including the

Bonds, is reasonably expected to exceed \$5,000,000 to be taken into account under such Section 148(f)(4)(D).

(j) None of the Proceeds will be used, directly or indirectly, to replace funds which were used in any business carried on by any person other than a state or local governmental unit.

(k) The payment of the principal of or the interest on any series of the Bonds will not be, directly or indirectly: (A) secured by any interest in (i) property used or to be used for a private business use by any person other than a state or local governmental unit, or (ii) payments in respect of such property, or (B) derived from payments (whether or not by or to the Issuer), in respect of property, or borrowed money, used or to be used for a private business use by any person other than a state or local governmental unit.

(l) None of the Proceeds will be used, directly or indirectly, to make or finance loans to persons other than a state or local governmental unit.

(m) No user of any Prior Project, other than a state or local government unit, will use such Prior Project on any basis other than the same basis as the general public, and no person other than a state or local governmental unit will be a user of such Prior Project as a result of (i) ownership, or (ii) actual or beneficial use pursuant to a lease or a management or incentive payment contract, or (iii) any other similar arrangement.

(n) Beginning on the 15th day prior to the sale date of each series of Bonds, the Issuer has not sold or delivered, and will not sell or deliver (nor will it deliver within 15 days after the date of issuance of such Bonds) any other obligations pursuant to a common plan of financing, which will be paid out of substantially the same source of funds (or which will have substantially the same claim to be paid out of substantially the same source of funds) as the particular series of Bonds or will be paid directly or indirectly from Proceeds.

(o) No portion of any of any Prior Project is expected to be sold or otherwise disposed of prior to the last maturity of the particular Bonds to which it relates.

(p) The Issuer has not been notified of any disqualification or proposed disqualification of it by the Internal Revenue Service as a bond issuer which may certify bond issues under Section 1.148-0 *et seq.* of the Regulations.

(q) The Yield restrictions contained in (g) above or any other restriction or covenant contained herein need not be observed and may be changed if the Issuer receives an opinion of Bond Counsel to the effect that such non-observance or change will not adversely affect the tax-exempt status of interest on any series of Bonds to which such Bonds otherwise are entitled.

(r) The Issuer acknowledges that any changes in facts or expectations from those set forth herein may result in different Yield restrictions or rebate requirements from those set forth herein and that Bond Counsel should be contacted if such changes do occur.

(s) The Corporate Authorities have no reason to believe the facts, estimates, circumstances and expectations set forth herein are untrue or incomplete in any material respect. On the basis of such facts, estimates, circumstances and expectations, it is not expected that the Proceeds or any other moneys or property will be used in a manner that will cause the Bonds to be private activity bonds, arbitrage bonds or hedge bonds within the meaning of Sections 141, 148 or 149(g) of the Code, and of applicable regulations. To the best of the knowledge and belief of the Corporate Authorities, such expectations are reasonable, and there are no other facts, estimates and circumstances that would materially change such expectations.

The Issuer also agrees and covenants with the owners of each series of Bonds from time to time outstanding that, to the extent possible under Illinois law, it will comply with all present federal tax law and related regulations and with whatever federal tax law is adopted and regulations promulgated in the future which apply to such Bonds and affect the tax-exempt status of such Bonds.

Section 20. Further Assurances and Actions. The Corporate Authorities hereby authorize the Designated Representatives, to make such further filings, covenants, certifications and supplemental agreements (including but not limited to Purchase Agreements, Bond Orders, Disclosure Agreements, Refunding Agreements and arbitrage regulation agreements) as may be necessary to assure that the Prior Projects, each series of the Bonds, and related proceeds, will not cause any of the Bonds to be private activity bonds, arbitrage bonds or hedge bonds and to assure that the interest on each series of the Bonds will be excluded from gross income for federal income tax purposes and that there will be compliance by the Underwriter with Rule 15c2-12. In connection therewith, the Issuer and the Corporate Authorities further agree: (a) through the officers of the Issuer, to make such further specific covenants, representations as shall be true, correct and complete, and assurances as may be necessary or advisable; (b) to consult with Bond Counsel approving the Bonds and to comply with such advice as may be given; (c) to pay to the United States, as necessary, such sums of money representing required rebates of excess arbitrage profits relating to the Bonds; (d) to file such forms, statements, and supporting documents as may be required and in a timely manner; and (e) if deemed necessary or advisable, to employ and pay fiscal agents, financial advisors, attorneys, and other persons to assist the Issuer in such compliance. The call to retire the Prior Bonds is hereby authorized and approved or ratified if already given and abatement of related prior Pledged Taxes and/or Levied Taxes is authorized upon the Refundings.

Section 21. General Covenants. The Issuer covenants and agrees with the registered owners of the Outstanding Bonds, so long as there are any Outstanding Bonds (as defined herein) of the applicable series, as follows:

(a) The Issuer will take all action necessary to impose, levy and collect the Pledged Revenues, Levied Taxes and Pledged Taxes in the manner contemplated by this Ordinance and such Pledged Revenues shall not be less than as shall be required under Section 15 of the Debt Reform Act to maintain the Bonds as Alternate Bonds according to their respective terms.

(b) In connection with Alternate Bonds, the Issuer covenants that it will, while any of the Bonds shall remain outstanding, charge rates and fees (including for usage of the Waterworks and Sewerage System for the Series 2019A Bonds and the Series 2019C Bonds) which, together with any other Pledged Revenues applicable to a related series of Bonds, are sufficient to provide for or pay each of the following in any given year: (1) Operation and Maintenance Expenses of the Waterworks and Sewerage System (but not including depreciation for the Series 2019A Bonds and the Series 2019C Bonds); (2) debt service on all Outstanding revenue bonds payable from the applicable Pledged Revenues; (3) all amounts required to meet any fund or account requirements with respect to the Bonds, remaining Prior Bonds, as applicable, or any other obligations payable from applicable Pledged Revenues; (4) any other contractual or tort liability obligations, if any, payable from applicable Pledged Revenues; and (5) in each year, an amount not less than 1.25 times the debt service for all (i) Alternate Bonds payable from applicable Pledged Revenues, and the Bonds Outstanding; and (ii) Alternate Bonds proposed to be issued and payable from the applicable Pledged Revenues.

(c) Whenever the 125% coverage in subsection (b) above is not effected or any Alternate Bonds under this Ordinance at any time fail to qualify as Alternate Bonds not subject to any applicable debt limit under Section 15 of the Debt Reform Act applicable Pledged Taxes are extended and collected as in Section 10 hereof, the Issuer covenants to promptly have prepared a financial analysis of, as applicable, Net Revenues of the Waterworks and Sewerage System or other Pledged Revenues by an independent consulting accountant or other qualified professional employed for that purpose, and further, to send a copy of such analysis, when completed, to the Underwriter of each series of the Bonds along with a letter indicating what action the Issuer has taken responsive to such study and to comply with Section 15 of the Debt Reform Act.

(d) The Issuer will make and keep proper books and accounts (separate and apart from all other records and accounts of the Issuer), in which complete entries shall be made of all transactions relating to the Pledged Taxes, the Levied Taxes, the Pledged Revenues and the operation of the Waterworks and Sewerage System, and hereby covenants that within 120 days following the close of each Fiscal Year, it will cause the books and accounts related to the Pledged Revenues and the Waterworks and Sewerage System and the Pledged Taxes and Levied Taxes, to be audited by independent certified public accountants. Such audit will be available for inspection by owners of any of the Bonds. Supplemental to the Disclosure Agreement, upon availability, the Issuer upon request will send to the Underwriter a copy of such audit and of its general audit in each year. Each such audit, in addition to whatever matters may be thought proper by the accountants to be included therein, shall, without limiting the generality of the foregoing, include the following:

(i) A balance sheet as of the end of such Fiscal Year, including a statement of the amount held in each of the funds and accounts under this Ordinance.

(ii) A list of all insurance policies in force at the end of the Fiscal Year, setting out as to each policy the amount of the policy, the risks covered, the name of the insurer, and the expiration date of the policy.

(iii) The amount and details of all Outstanding bonds.

(iv) The accountants comments regarding the manner in which the Issuer has carried out the accounting requirements of this Ordinance (including as to the Alternate Bond status of applicable Bonds) and has complied with Section 15 of the Debt Reform Act, and the accountants recommendations for any changes.

It is further covenanted and agreed that a copy of each such audit upon request shall be furnished upon completion to the Underwriter.

(e) The Issuer will keep its books and accounts in accordance with generally accepted fund reporting practices for local government entities and enterprise funds; provided, however, that the monthly credits to each Junior Debt Service Account and the Debt Service Fund shall be in cash, and such funds shall be held separate and apart in cash and investments. For the purpose of determining whether sufficient cash and investments are on deposit in such accounts under the terms and requirements of this Ordinance, investments shall be valued at the lower of the cost or market price on the valuation date thereof, which valuation date shall be not less frequently than annually.

(f) The Issuer will take no action in relation to the Pledged Revenues or the Levied Taxes or the Pledged Taxes which would unfavorably affect the security of any of the Outstanding Bonds or the prompt payment of the principal and interest thereon or qualification of any Bonds as Alternate Bonds.

(g) The owner of any Bond may proceed by civil action to compel performance of all duties required by law and this Ordinance.

(h) The Issuer will adopt a budget and/or approve appropriations for the Waterworks and Sewerage System and its general fund prior to the beginning of each Fiscal Year (or in the next quarter if applicable law permits), subject to all applicable state laws, providing for payment of all sums to be due in the Fiscal Year or Bond Year so as to comply with the terms of this Ordinance. The budget may include in its estimate of income the use of available surplus moneys or other funds of the Issuer appropriated for such purposes. If during the Fiscal Year there are extraordinary receipts or payments of unusual cost, the Issuer will adopt an amended budget for the remainder of the Fiscal Year, providing for receipts or payments pursuant to this Ordinance.

(i) The Issuer will comply with the special covenants concerning Alternate Bonds as required by Section 15 of the Debt Reform Act and this Ordinance.

(j) The Issuer will not sell, lease, loan, mortgage or in any manner dispose of or encumber the Waterworks and Sewerage System or the Prior Projects (subject to the right of the Issuer to issue additional bonds (i.e. including Parity Bonds) as provided in this Ordinance, to issue obligations subordinate to the applicable Outstanding Bonds, and

to dispose of real or personal property which is no longer useful or necessary to the operation of the Waterworks and Sewerage System or to the function of the Prior Projects), and the Issuer will take no action in relation to the Waterworks and Sewerage System or the Prior Projects which would unfavorably affect the security of any of applicable Outstanding Bonds or the prompt payment of the principal and interest thereon.

(k) The Issuer will pay, or cause to be paid, as the same become due, all taxes and governmental charges of any kind whatsoever that may at any time be lawfully assessed, imposed or levied against the Waterworks and Sewerage System or the Issuer or to the Prior Projects.

(l) The Issuer will carry insurance on the Waterworks and Sewerage System and on the Prior Projects of the kinds and in the amounts which are usually carried by private parties operating similar properties, covering such risks as shall be recommended by a competent consulting engineer or insurance consultant employed by the Issuer for the purpose of making such recommendations. All moneys received for loss under such insurance policies shall be deposited in a segregated insurance account and used in making good the loss or damage in respect of which they were paid, either by repairing the property damaged or making replacement of the property destroyed, and provision for making good such loss or damage shall be made within ninety (90) days from the date of the loss. The payment of premiums for all insurance policies required under the provisions of this covenant in connection with the facilities related to the Series 2019A Bonds and the Series 2019C Bonds shall be considered an Operation and Maintenance Expense for the Waterworks and Sewerage System. The proceeds derived from any and all policies for workers compensation or public liability shall be paid into a segregated account and used in paying the claims on account of which they were received.

(m) After their issuance, to the extent lawful each issue of the Bonds shall be incontestable by the Issuer.

Section 22. Ordinance to Constitute a Contract. The provisions of this Ordinance shall constitute a contract between the Issuer and the registered owners of the Bonds. Any pledge made in this Ordinance and the provisions, covenants and agreements herein set forth to be performed by or on behalf of the Issuer shall be for the equal benefit, protection and security of the registered owners of any and all of the Bonds. All of the Alternate Bonds issued under this Ordinance, regardless of the time or times of their issuance, shall be of equal rank in the related or shared Pledged Revenues without preference, priority or distinction of any of such Bonds over any other thereof (or of each series, as applicable), except as expressly provided in or pursuant to this Ordinance. This Ordinance, as supplemented and amended, shall constitute full authority for the issuance of the Bonds, and to the extent that the provisions thereof conflict with the provisions of any other ordinance or resolution of the Issuer, the provisions of this Ordinance shall control.

Section 23. Severability and No Contest. If any section, paragraph, clause or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance or any ordinance supplemental hereto. Upon the

issuance of the Bonds, neither the Bonds nor this Ordinance shall be subject to contest by or in respect of the Issuer, to the extent lawful.

Section 24. Bank Qualified Bonds. This Section 24 applies only to the Series 2019A Bonds and the Series 2019C Bonds. Pursuant to Section 265(b)(3) of the Code, the Issuer as applicable at the time of sale and delivery of the Bonds shall designate in an applicable Bond Order such Bonds as “**qualified tax-exempt obligations**” as defined in Section 265(b)(3) of the Code. The Issuer by any such designation represents that the reasonably anticipated amount of tax-exempt obligations that will be issued by the Issuer and all subordinate entities (of which there are none) of the Issuer during the calendar year in which the Bonds are issued will not exceed \$10,000,000 within the meaning of or to be taken into account under Section 265(b)(3) of the Code. The Issuer by any such designation covenants that in that connection it will not so designate and issue more than \$10,000,000 aggregate principal amount of tax-exempt obligations in such calendar year. For purposes of this Section, the term “**tax-exempt obligations**” includes “**qualified 501(c)(3) bonds**” (as defined in the Section 145 of the Code) but does not include other “**private activity bonds**” (as defined in Section 141 of the Code). The Issuer anticipates designating the Bonds as “**qualified tax-exempt obligations,**” but reserves the right in a Bond Order to redesignate such Bonds.

Section 25. Conflict. All ordinances, resolutions or parts thereof in conflict herewith be and the same are hereby superseded to the extent of such conflict and this Ordinance shall be in full force and effect forthwith upon its adoption.

Section 26. Effective Date. This Ordinance shall become effective immediately upon its passage and approval in the manner provided by law, and upon its becoming effective and upon or prior to the issuance of any Bonds a certified copy of this Ordinance shall be filed with the County Clerks.

Upon motion by Trustee _____, seconded by Trustee _____, adopted this 28th day of October, 2019, by roll call vote as follows:

Ayes (Names): _____

Nays (Names): _____

Absent (Names): _____

APPROVED: October 28, 2019

(SEAL)

ATTEST:

Village President

Village Clerk

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

FILING CERTIFICATE

I, the undersigned, do hereby certify that I am the duly qualified and acting County Clerk of Cook County, Illinois, and as such official I do further certify that on the ____ day of _____, 2019, there was filed in my office a duly certified copy of Ordinance No. _____ entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$5,250,000 GENERAL OBLIGATION REFUNDING BONDS (WATERWORKS AND SEWERAGE ALTERNATE REVENUE SOURCE), SERIES 2019A, NOT TO EXCEED \$3,600,000 TAXABLE GENERAL OBLIGATION REFUNDING BONDS (ALTERNATE REVENUE SOURCE), SERIES 2019B, AND NOT TO EXCEED \$5,200,000 GENERAL OBLIGATION BONDS (WATERWORKS AND SEWERAGE ALTERNATE REVENUE SOURCE), SERIES 2019C, OF THE VILLAGE OF LEMONT, COOK, DUPAGE AND WILL COUNTIES, ILLINOIS, PROVIDING THE DETAILS OF SUCH BONDS AND FOR APPLICABLE ALTERNATE REVENUE SOURCES AND THE LEVY OF DIRECT ANNUAL TAXES, AS APPLICABLE, SUFFICIENT TO PAY THE PRINCIPAL OF AND INTEREST ON SUCH BONDS, AND RELATED MATTERS

duly adopted by the Board of Trustees of the Village of Lemont, Cook, DuPage and Will Counties, Illinois, on the 28th day of October, 2019, and that the same has been deposited in the official files and records of my office.

IN WITNESS WHEREOF, I hereunto affix my official signature and the seal of said County, this ____ day of _____, 2019.

County Clerk of Cook County, Illinois

(SEAL)

STATE OF ILLINOIS)
) SS
COUNTY OF DUPAGE)

FILING CERTIFICATE

I, the undersigned, do hereby certify that I am the duly qualified and acting County Clerk of DuPage County, Illinois, and as such official I do further certify that on the _____ day of _____, 2019, there was filed in my office a duly certified copy of Ordinance No. _____ entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$5,250,000 GENERAL OBLIGATION REFUNDING BONDS (WATERWORKS AND SEWERAGE ALTERNATE REVENUE SOURCE), SERIES 2019A, NOT TO EXCEED \$3,600,000 TAXABLE GENERAL OBLIGATION REFUNDING BONDS (ALTERNATE REVENUE SOURCE), SERIES 2019B, AND NOT TO EXCEED \$5,200,000 GENERAL OBLIGATION BONDS (WATERWORKS AND SEWERAGE ALTERNATE REVENUE SOURCE), SERIES 2019C, OF THE VILLAGE OF LEMONT, COOK, DUPAGE AND WILL COUNTIES, ILLINOIS, PROVIDING THE DETAILS OF SUCH BONDS AND FOR APPLICABLE ALTERNATE REVENUE SOURCES AND THE LEVY OF DIRECT ANNUAL TAXES, AS APPLICABLE, SUFFICIENT TO PAY THE PRINCIPAL OF AND INTEREST ON SUCH BONDS, AND RELATED MATTERS

duly adopted by the Board of Trustees of the Village of Lemont, Cook, DuPage and Will Counties, Illinois, on the 28th day of October, 2019, and that the same has been deposited in the official files and records of my office.

IN WITNESS WHEREOF, I hereunto affix my official signature and the seal of said County, this _____ day of _____, 2019.

County Clerk of DuPage County, Illinois

(SEAL)

STATE OF ILLINOIS)
) SS
COUNTY OF WILL)

FILING CERTIFICATE

I, the undersigned, do hereby certify that I am the duly qualified and acting County Clerk of Will County, Illinois, and as such official I do further certify that on the ____ day of _____, 2019, there was filed in my office a duly certified copy of Ordinance No. _____ entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$5,250,000 GENERAL OBLIGATION REFUNDING BONDS (WATERWORKS AND SEWERAGE ALTERNATE REVENUE SOURCE), SERIES 2019A, NOT TO EXCEED \$3,600,000 TAXABLE GENERAL OBLIGATION REFUNDING BONDS (ALTERNATE REVENUE SOURCE), SERIES 2019B, AND NOT TO EXCEED \$5,200,000 GENERAL OBLIGATION BONDS (WATERWORKS AND SEWERAGE ALTERNATE REVENUE SOURCE), SERIES 2019C, OF THE VILLAGE OF LEMONT, COOK, DUPAGE AND WILL COUNTIES, ILLINOIS, PROVIDING THE DETAILS OF SUCH BONDS AND FOR APPLICABLE ALTERNATE REVENUE SOURCES AND THE LEVY OF DIRECT ANNUAL TAXES, AS APPLICABLE, SUFFICIENT TO PAY THE PRINCIPAL OF AND INTEREST ON SUCH BONDS, AND RELATED MATTERS

duly adopted by the Board of Trustees of the Village of Lemont, Cook, DuPage and Will Counties, Illinois, on the 28th day of October, 2019, and that the same has been deposited in the official files and records of my office.

IN WITNESS WHEREOF, I hereunto affix my official signature and the seal of said County, this ____ day of _____, 2019.

County Clerk of Will County, Illinois

(SEAL)

TO: Village Board
FROM: Jamie Tate, AICP, Consulting Planner
THROUGH: Jason Berry, AICP, Economic & Community Development Director
SUBJECT: Case 19-15 Hughie's Irish Pub Outdoor Dining Special Use Permit
DATE: October 28, 2019

SUMMARY/ BACKGROUND

Manus McClafferty, of The Lemont Group, is requesting a special use to allow an outdoor dining and drinking area at Hughie's Irish Pub located at 106 Stephen Street. Outdoor dining is a special use in the D-D Zoning District when there is capacity for 10 or more patrons.

The outdoor dining area is proposed in the rear yard of the existing 0.07-acre subject property surrounded entirely by the D-D zoning district and a mix of uses. The 1,200 sf paved area is enclosed by a 6' solid wood fence with a decorative green metal gate. There will be tables for seating, a small raised stage located farthest from Canal Street and the pub will offer live traditional Irish music on the weekends, while during the week there will be music played from speakers. The maximum occupancy is set at 112 people but with seating for less, and all patio access will be through the front door of the existing pub.

ANALYSIS

Consistency with Village Policy

Planning and Zoning Commission (PZC) & Committee of the Whole

A public hearing was held at the October 2, 2019 PZC meeting. The PZC voted in favor 7-0 to approve the special use for an outdoor dining and drinking area with conditions. The Committee of the Whole (COW) discussed the proposal at the October 21, 2019 meeting. The conditions were discussed and have been incorporated into the ordinance.

Lemont 2030 Comprehensive Plan.

The Lemont 2030 Plan designates this area as Mixed Use (MU). The proposal and existing use fits within the intentions and goals of the Mixed Use land use in the comprehensive plan.

STAFF RECOMMENDATION

Staff recommends approval of the attached ordinance.

BOARD ACTION REQUESTED

Motion and approval of the attached ordinance.

ATTACHMENTS

1. AN ORDINANCE GRANTING A SPECIAL USE FOR AN OUTDOOR DINING AREA IN THE D-D ZONING DISTRICT AT 106 STEPHEN STREET IN LEMONT, IL



VILLAGE OF LEMONT

ORDINANCE NO. _____

**AN ORDINANCE GRANTING A SPECIAL USE FOR AN OUTDOOR DINING AREA
IN THE D-D ZONING DISTRICT AT 106 STEPHEN STREET IN LEMONT, IL**

(Hughie's Irish Pub)

**ADOPTED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF LEMONT
THIS 28th DAY OF OCTOBER, 2019**

**Published in pamphlet form by
Authority of the President and
Board of Trustees of the Village of
Lemont, Counties of Cook, Will and
DuPage, Illinois, this 28th day of October, 2019.**

ORDINANCE NO. _____

**AN ORDINANCE GRANTING A SPECIAL USE FOR AN OUTDOOR DINING AREA
IN THE D-D ZONING DISTRICT AT 106 STEPHEN STREET IN LEMONT, IL**

(Hughie's Irish Pub)

WHEREAS, Manus McClafferty of the Lemont Group (hereinafter referred to as “the Petitioner”) is the owner of certain property at 106 Stephen Street in Lemont (PIN# 22-20-404-016-0000) (hereinafter referred to as the “Subject Property”) and depicted on the ALTA Plan dated 1/11/2018 by KDC Consultants, attached hereto as Exhibit A; and

WHEREAS, the Petitioner applied pursuant to the provisions of the Lemont, Illinois Municipal Code, Title 17 Unified Development Ordinance (“UDO”) seeking a special use for an outdoor dining area in the D-D zoning district pursuant to 17.06.120 of the UDO; and

WHEREAS, the Planning and Zoning Commission of the Village of Lemont, Illinois conducted a public hearing on October 2, 2019 for the special use request and voted 7-0 to recommend approval of the requested special use with conditions; and

WHEREAS, a notice of the aforesaid public hearing was made in the manner provided by law and was published in the *Daily Southtown*, a newspaper of general circulation within the Village; and

WHEREAS, the President and Board of Trustees of the Village have reviewed the matter herein and have determined that the requested special use is in the best interest of public health, safety, and welfare of the residents of the Village of Lemont, and hereby adopts the finding of facts as set forth in Exhibit B.

NOW, THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LEMONT, COUNTIES OF COOK, DUPAGE, AND WILL, ILLINOIS AS FOLLOWS:

SECTION ONE: Incorporation of Recitals. The foregoing findings and recitals are hereby adopted as Section One of this Ordinance and are incorporated by reference as if set forth verbatim herein.

SECTION TWO: Special Use. A special use is granted for an outdoor dining area in the D-D Zoning District at 106 Stephen Street, as provided and conditioned in this ordinance.

SECTION THREE: Conditions. The special use is contingent upon the following conditions:

1. The outdoor dining area shall close no later than 10pm on Sunday through Thursday and 11pm on Friday and Saturday; and

2. The patio shall not allow patrons to enter at the gates without a staffed attendant working the gate. The existing gate or another gate should be provided as an emergency exit; and
3. Any use of the outdoor dining and drinking area shall comply with the noise and illumination standards set in Chapter 17.14 of the UDO; and
4. Provide planters for landscaping at or near the gate entrances; and
5. Provide signage identifying smoking restrictions to be posted at the egress on Canal Street; and
6. The outdoor patio plans are reviewed and approved for proper occupancy permitted by the Village of Lemont and/or authority having jurisdiction over any/all code requirements for egress, including but not limited to quantity of egress, direction of travel and proper hardware.

SECTION FOUR: That the Village Clerk of the Village of Lemont be and is directed hereby to publish this Ordinance in pamphlet form, pursuant to the Statutes of the State of Illinois, made and provided.

SECTION FIVE: That this Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

PASSED AND APPROVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LEMONT, COUNTIES OF COOK, WILL, AND DuPAGE, ILLINOIS, on this 28th day of October, 2019.

PRESIDENT AND VILLAGE BOARD MEMBERS:

	AYES:	NAYS:	ABSENT:	ABSTAIN
Janelle Kittridge	_____	_____	_____	_____
Ryan Kwasneski	_____	_____	_____	_____
Dave Maher	_____	_____	_____	_____
Ken McClafferty	_____	_____	_____	_____
Rick Sniegowski	_____	_____	_____	_____
Ron Stapleton	_____	_____	_____	_____

JOHN EGOSKE, Village President

Attest:

CHARLENE M. SMOLLEN, Village Clerk

EXHIBIT A

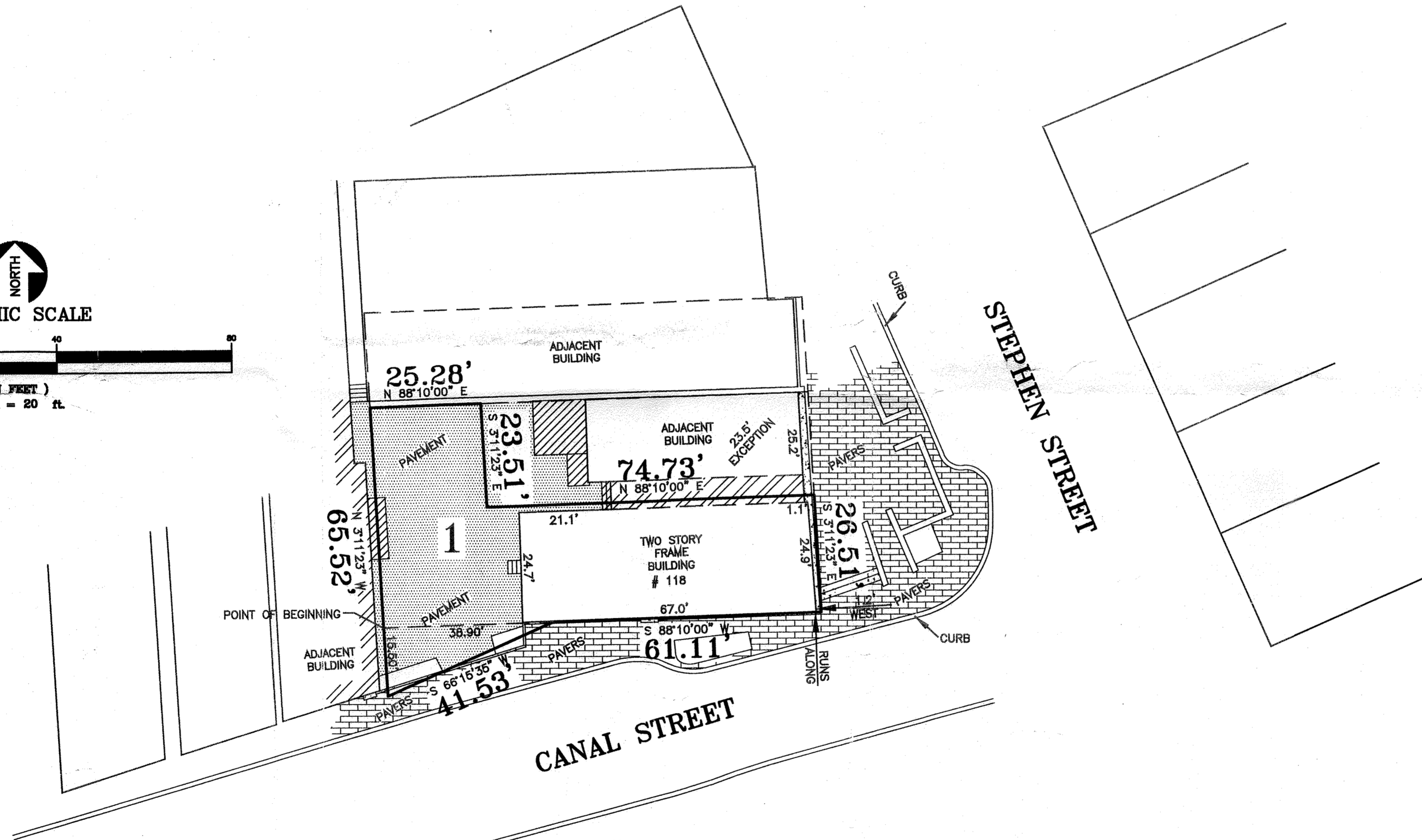
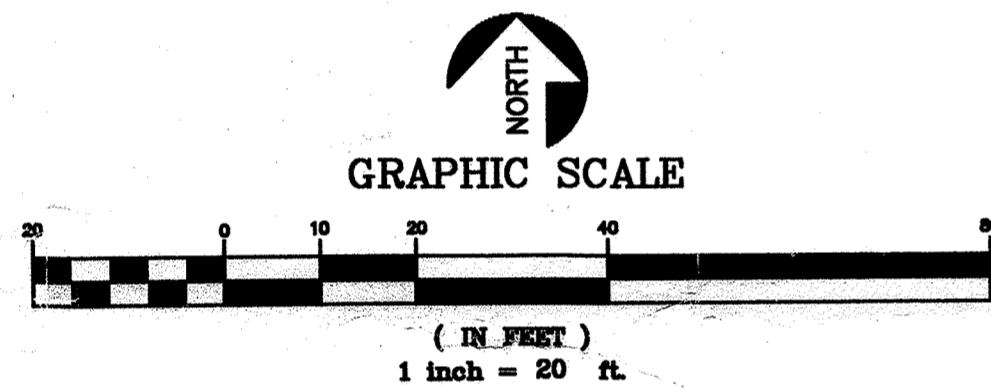
ALTA Plan by KDC Consultants dated 1/11/2018

ALTA/NSPS LAND TITLE SURVEY

LEGAL DESCRIPTION

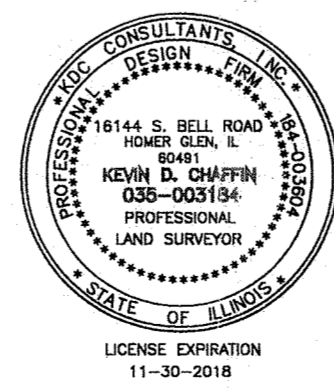
LOT 1, EXCEPT THE NORTH 23.50 OF THE EAST 74.68 FEET THEREOF, IN THE RESUBDIVISION OF LOTS 9 AND 10 IN BLOCK 28 IN THE VILLAGE OF KEEPATOW, IN THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 20, TOWNSHIP 37 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS; ALSO THAT PART OF LAWRENCE STREET AS SHOWN ON THE SUBDIVISION OF THE VILLAGE OF LEMONT BY PLAT RECORDED IN THE RECORDER'S OFFICE OF COOK COUNTY, ILLINOIS AS DOCUMENT NUMBER 310400 DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE AFORESAID LOT 9; THENCE RUNNING SOUTH 15.5 FEET TO THE NORTHWESTERLY LINE OF CANAL STREET; THENCE NORTHEASTERLY ALONG THE NORTHWESTERLY LINE OF CANAL STREET TO A POINT ON THE SOUTH LINE OF SAID LOT 9, 38.9 FEET EAST OF THE SOUTHWEST CORNER OF SAID LOT 9, THENCE WEST ALONG THE SOUTH LINE OF SAID LOT 9, 38.9 FEET TO THE PLACE OF BEGINNING.

COMMON ADDRESS: 118 STEPHEN STREET
LEMONT, IL
PIN: 22-20-404-016
LOT AREA=3,547 SF



NOTES:

1) THIS SURVEY WAS PREPARED WITH THE BENEFIT OF TITLE BY STEWART TITLE GUARANTY COMPANY STC FILE NO. 173111491T E EFFECTIVE DATE NOVEMBER 29, 2017.



TO: ** 1418 W BELMONT, LLC
** STEWART TITLE GUARANTY COMPANY

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES NO TABLE A ITEMS THEREOF. THE FIELDWORK WAS COMPLETED ON NOVEMBER 22, 2017.

DATED AT HOMER GLEN, ILLINOIS, THIS 11TH DAY OF JANUARY, 2018.

Kevin D. Chaffin
KEVIN D. CHAFFIN
IPLS NO. 3184

PREPARED BY: KDC CONSULTANTS INC. WWW.KDCCONSULTANTSINC.COM 18144 S. BELL ROAD HOMER GLEN, ILLINOIS 60491 (708) 645-0545 FAX: 645-0546	
PREPARED FOR: 1418 W. BELMONT, LLC	
PROJECT 17-11-012 ALTA	1 PAGE OF 1

DO NOT SCALE DIMENSIONS FROM THIS PLAT. NO EXTRAPOLATIONS SHOULD BE MADE FROM THE INFORMATION SHOWN WITHOUT THE PERMISSION OF KDC CONSULTANTS, INC.. THIS PLAT IS NOT TRANSFERABLE. ONLY PRINTS WITH AN EMBOSSED SEAL ARE OFFICIAL COPIES. © COPYRIGHT, ALL RIGHTS RESERVED.

EXHIBIT B

FINDINGS. Based upon the evidence and testimony presented during the public hearing, the Lemont Village Board of Trustees finds the following:

1. The Lemont 2030 Comprehensive Plan's future land use map designates the subject site as Mixed Use (MU); the proposed special use is consistent with the 2030 plan.
2. The special use is appropriate in its rear yard location for the restaurant use in the D-D downtown zoning district with associated conditions.
3. The special use meets the applicable standards for a special use found in §17.04.140.

EXHIBIT C

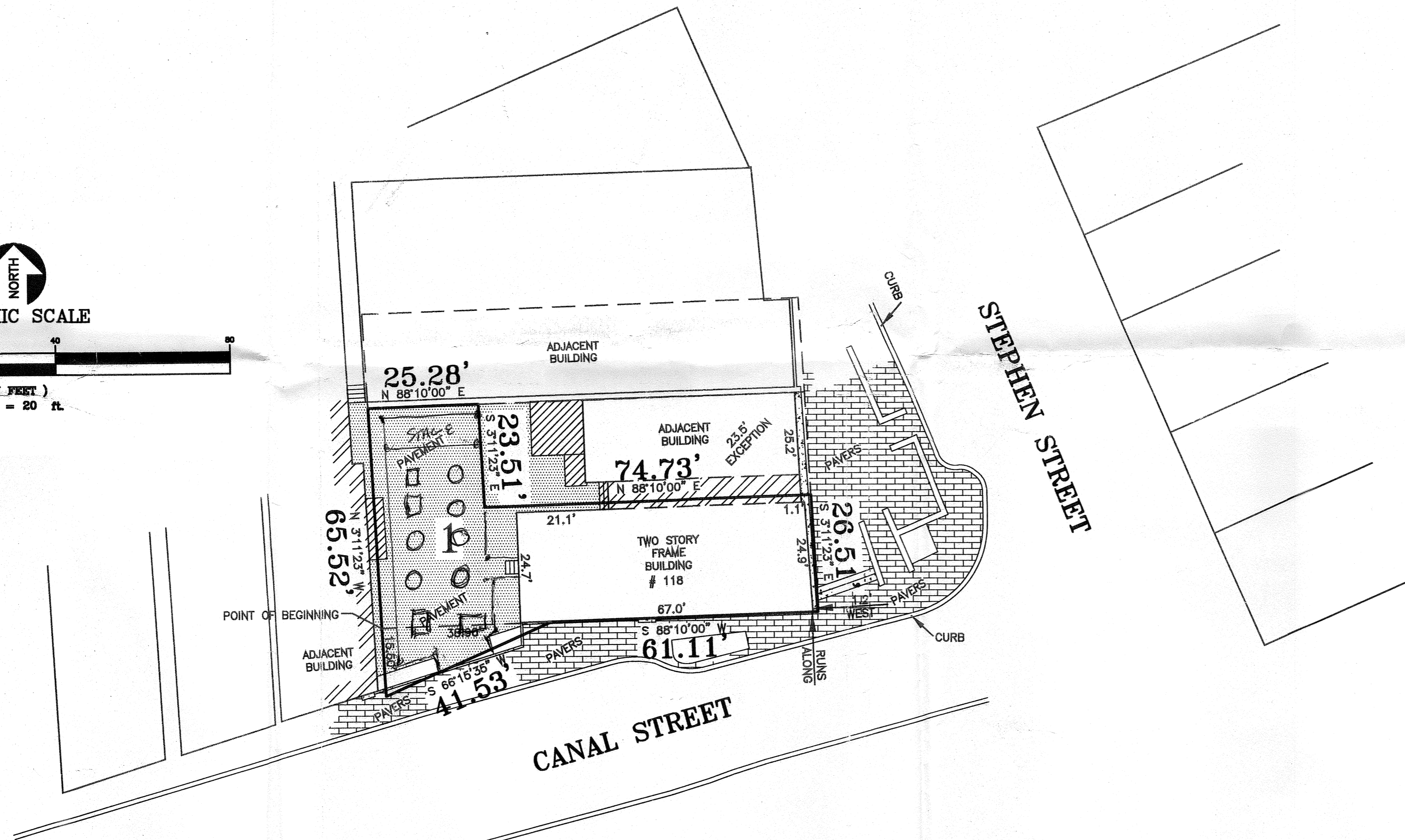
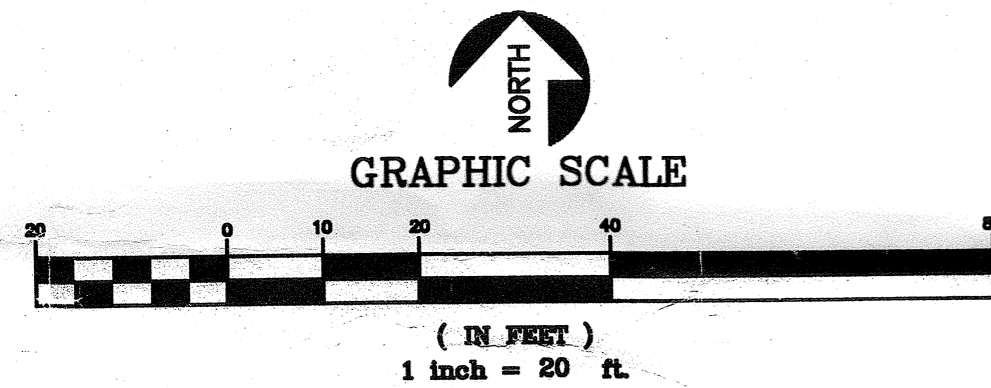
ALTA plan with outdoor patio sketched seating design

ALTA/NSPS LAND TITLE SURVEY

LEGAL DESCRIPTION

LOT 1, EXCEPT THE NORTH 23.50 OF THE EAST 74.68 FEET THEREOF, IN THE RESUBDIVISION OF LOTS 9 AND 10 IN BLOCK 28 IN THE VILLAGE OF KEEPATOW, IN THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 20, TOWNSHIP 37 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS; ALSO THAT PART OF LAWRENCE STREET AS SHOWN ON THE SUBDIVISION OF THE VILLAGE OF LEMONT BY PLAT RECORDED IN THE RECORDER'S OFFICE OF COOK COUNTY, ILLINOIS AS DOCUMENT NUMBER 310400 DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE AFORESAID LOT 9; THENCE RUNNING SOUTH 15.5 FEET TO THE NORTHWESTERLY LINE OF CANAL STREET; THENCE NORTHEASTERLY ALONG THE NORTHWESTERLY LINE OF CANAL STREET TO A POINT ON THE SOUTH LINE OF SAID LOT 9, 38.9 FEET EAST OF THE SOUTHWEST CORNER OF SAID LOT 9, THENCE WEST ALONG THE SOUTH LINE OF SAID LOT 9, 38.9 FEET TO THE PLACE OF BEGINNING.

COMMON ADDRESS: 118 STEPHEN STREET
LEMONT, IL
PIN: 22-20-404-016
LOT AREA=3,547 SF



NOTES:

1) THIS SURVEY WAS PREPARED WITH THE BENEFIT OF TITLE BY STEWART TITLE GUARANTY COMPANY STC FILE NO. 17311491T E EFFECTIVE DATE NOVEMBER 29, 2017.



TO: ** 1418 W BELMONT, LLC
** STEWART TITLE GUARANTY COMPANY

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2018 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES NO TABLE A ITEMS THEREOF. THE FIELDWORK WAS COMPLETED ON NOVEMBER 22, 2017.

DATED AT HOMER GLEN, ILLINOIS, THIS 11TH DAY OF JANUARY, 2018.

KEVIN D. CHAFFIN
IPLS NO. 3184

PREPARED BY: KDC CONSULTANTS INC. WWW.KDCCONSULTANTSINC.COM 16144 S. BELL ROAD HOMER GLEN, ILLINOIS 60491 (708) 645-0545 FAX: 645-0546	
PREPARED FOR: 1418 W. BELMONT, LLC	
PROJECT 17-11-012 ALTA	1 PAGE OF 1

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TO: Village Board
FROM: Jason Berry, AICP, Economic & Community Development Director
THROUGH: Jamie Tate, AICP, Consulting Planner
SUBJECT: Case 19-13 Hoffman Subdivision & Variations
DATE: October 28, 2019

SUMMARY/ BACKGROUND

Richard J Hoffman and Lauren Hoffman, owners of the property located at 459 4th Street, are requesting approval of variations from the Lemont Unified Development Ordinance (UDO) for the purpose to allow a subdivision of an existing property into 4 single-family home lots. The parcel is zoned R-4, Single-Family Detached Residential District and the four proposed single-family lots do not meet all the required lot and dimensional standards of the zoning district. Two of the proposed home lots will be accessed off of 4th Street and the remaining two lots will be accessed off of 5th Street.

The applicant is requesting the following variations in order to construct a detached single-family home in R-4 on each of the proposed 4 lots on the subject property:

- To allow lot sizes of 9,835 sf when R-4 requires a minimum of 12,500 sf; and
- To allow lot widths of 65.95 feet when R-4 requires a minimum of 90 feet; and
- To allow a waiver to not construct a sidewalk along 5th Street; and
- To allow no curb and gutter along 5th Street.

ANALYSIS

Consistency with Village Policy

Planning and Zoning Commission (PZC)

A public hearing was held on October 2, 2019 to discuss the matter. The PZC voted in favor 7-0 for Case 19-13 Hoffman Subdivision with Variations – 459 4th Street with the following conditions:

1. Provide an escrow for the public sidewalk in front of both proposed lots on 5th Street.
2. Provide onsite parking for workers during construction of all lots.
3. Village Engineer must approve a videotape from the riser all the way back to the main.

Committee of the Whole (COW)

The proposal was presented at the October 21, 2019 Committee of the Whole meeting. The subdivision, variations and conditions were discussed and incorporated into the attached ordinances.

Lemont 2030 Comprehensive Plan.

The Lemont 2030 Plan designates this area as Infill Residential and the four-lot subdivision furthers the goals of the plan.

STAFF RECOMMENDATION

Staff recommends approval of the subdivision and variations with conditions:

1. Provide an escrow for a public sidewalk in the future on both residential lots.
2. Provide off-street parking for workers during construction so they are not to park on 5th Street at any time.
3. Village Engineer must approve a videotape from the riser all the way back to the main.

BOARD ACTION REQUESTED

Motion and approval of the attached ordinance and resolution.

ATTACHMENTS

1. AN ORDINANCE GRANTING CERTAIN VARIATIONS TO §17.07.010 AND §17.26.110 OF THE LEMONT UNIFIED DEVELOPMENT ORDINANCE TO ALLOW THE CONSTRUCTION OF FOUR SINGLE-FAMILY DETACHED HOMES ON FOUR SEPARATE LOTS AT 459 4TH STREET IN LEMONT, IL (HOFFMAN SUBDIVISION)
2. A RESOLUTION APPROVING A FINAL PLAT OF SUBDIVISION FOR PROPERTY AT 459 4TH STREET, LEMONT, IL (HOFFMAN SUBDIVISION)



VILLAGE OF LEMONT

ORDINANCE NO. _____

**AN ORDINANCE GRANTING CERTAIN VARIATIONS TO §17.07.010 and
§17.26.110 OF THE LEMONT UNIFIED DEVELOPMENT ORDINANCE TO ALLOW
THE CONSTRUCTION OF FOUR SINGLE FAMILY DETACHED HOMES ON
FOUR SEPARATE LOTS AT 459 4th STREET IN LEMONT, IL**

(Hoffman Subdivision)

**ADOPTED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF LEMONT
THIS 28th DAY OF OCTOBER, 2019**

**Published in pamphlet form by
Authority of the President and
Board of Trustees of the Village of
Lemont, Counties of Cook, Will and
DuPage, Illinois, this 28th day of October, 2019.**

ORDINANCE NO. _____

**AN ORDINANCE GRANTING CERTAIN VARIATIONS TO §17.07.010 and §17.26.110
OF THE LEMONT UNIFIED DEVELOPMENT ORDINANCE TO ALLOW THE
CONSTRUCTION OF FOUR SINGLE FAMILY DETACHED HOMES ON FOUR
SEPARATE LOTS AT 459 4th STREET IN LEMONT, IL**

(Hoffman Subdivision)

WHEREAS, Richard J Hoffman and Lauren Hoffman (hereinafter referred to as “the Petitioners”) are the owner of the property at 459 4th Street in Lemont (PIN# 22-28-102-001-0000) (hereinafter referred to as the “Subject Property”) also described as Richard J. and Lauren B. Hoffman Subdivision “Hoffman Subdivision”, legally described and depicted in Exhibit A; and

WHEREAS, the Petitioner applied pursuant to the provisions of the Lemont, Illinois Municipal Code, Title 17 Unified Development Ordinance (“UDO”) seeking variations to §17.07.010 and §17.26.110 of the UDO to allow for the construction of four (4) detached single-family homes on four (4) separate 9,835 square-foot lots with 65.95 foot lot widths, and no public sidewalk, curbs and gutter for only the two (2) lots fronting 5th Street at the time of construction on the Subject Property in the R-4 Zoning District; and

WHEREAS, the Planning and Zoning Commission of the Village of Lemont, Illinois conducted a public hearing on October 2, 2019 for the variations request and voted 7-0 to recommend approval of the requested variations with conditions; and

WHEREAS, a notice of the aforesaid public hearing was made in the manner provided by law and was published in the *Daily Southtown*, a newspaper of general circulation within the Village; and

WHEREAS, the President and Board of Trustees of the Village have reviewed the matter herein and have determined that the requested variations are in the best interest of public health, safety, and welfare of the residents of the Village of Lemont, and hereby adopts the finding of facts as set forth in Exhibit B.

NOW, THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LEMONT, COUNTIES OF COOK, DUPAGE, AND WILL, ILLINOIS AS FOLLOWS:

SECTION 1: Incorporation of Recitals. The foregoing findings and recitals are hereby adopted as Section 1 of this Ordinance and are incorporated by reference as if set forth verbatim herein.

SECTION 2: Variations. The following variations from the UDO are hereby granted:

1. A variation is granted from §17.07.010 Table 17-07-01 of the UDO to allow a lot size reduction in the R-4 Zoning District to 9,835 square-feet for each of the four (4) lots and to allow a lot width reduction in the R-4 Zoning District to 65.95 feet for each of the four (4) lots, as provided and conditioned in this ordinance; and

2. A variation is granted from §17.26.110 of the UDO to eliminate the requirement to construct a public sidewalk along the front of the subject property for the two (2) lots adjacent to 5th Street at the time of construction but rather provide an escrow for a future sidewalk on each of the two (2) lots, and eliminate the requirement to construct any portion of the proposal that would entail curb and gutter for the two (2) home sites adjacent to 5th Street in the R-4 Zoning District, as provided and conditioned in this ordinance.

SECTION 3: Conditions. The variation shall have the following conditions:

1. General Conditions. Unless otherwise approved by the Village Board, the Subject Property shall be developed and maintained in accordance with the Lemont, Illinois Municipal Code and this Ordinance.

2. Specific Conditions.

- a. The Petitioner shall provide off-street parking for workers or alike during the construction of the homes so as not to park on the street for the purpose of constructing a home on the subject property.
- b. The Petitioner, developer, home builder, property owner or a representative shall provide an escrow for the public sidewalk along 5th Street on the subject property in front of the two (2) separate home sites at the time of building permit.
- c. Village Engineer must approve a videotape from the riser all the way back to the main.

SECTION 3: That the Village Clerk of the Village of Lemont be and is directed hereby to publish this Ordinance in pamphlet form, pursuant to the Statutes of the State of Illinois, made and provided.

SECTION 4: That this Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

PASSED AND APPROVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LEMONT, COUNTIES OF COOK, WILL, AND DuPAGE, ILLINOIS, ON THIS 28TH DAY OF OCTOBER, 2019.

PRESIDENT AND VILLAGE BOARD MEMBERS:

	AYES:	NAYS:	ABSENT:	ABSTAIN:
Janelle Kittridge	_____	_____	_____	_____
Ryan Kwasneski	_____	_____	_____	_____
Dave Maher	_____	_____	_____	_____
Ken McClafferty	_____	_____	_____	_____
Rick Sniegowski	_____	_____	_____	_____
Ron Stapleton	_____	_____	_____	_____

JOHN EGOFSKE
President

ATTEST:

CHARLENE M. SMOLLEN
Village Clerk

EXHIBIT A

Legal Description of Subject Property and Plat

EXHIBIT B

FINDINGS. Based upon the evidence and testimony presented during the public hearing, the Lemont Village Board of Trustees finds the following:

1. The Lemont 2030 Comprehensive Plan's future land use map designates the subject site Infill Residential (INF) and the subject property does achieve the goals of the Lemont 2030 Comprehensive Plan to promote infill development.
2. The request is consistent with the surrounding land uses.
3. The requested variation generally meets the standards for granting variations.

VILLAGE OF LEMONT

RESOLUTION NO. _____

**A RESOLUTION APPROVING A FINAL PLAT OF SUBDIVISION FOR PROPERTY
AT 459 4th STREET, LEMONT, IL**

(Hoffman Subdivision)

**ADOPTED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF LEMONT
THIS 28th DAY OF OCTOBER, 2019**

**Published in pamphlet form by
Authority of the President and
Board of Trustees of the Village of
Lemont, Counties of Cook, Will and
DuPage, Illinois, this 28th day of October, 2019.**

RESOLUTION NO. _____

**A RESOLUTION APPROVING A FINAL PLAT OF SUBDIVISION FOR PROPERTY
AT 459 4th STREET, LEMONT, IL**

(Hoffman Subdivision)

WHEREAS, Richard J Hoffman and Lauren Hoffman (hereinafter referred to as “the Petitioners”), are the owners of the property at 459 4th Street (PIN#22-28-102-001-0000) in Lemont, Illinois, legally described and depicted in the Final Plat of Subdivision titled “Richard J. and Lauren B. Hoffman Subdivision” attached hereto and incorporated herein as Exhibit “A”; and

WHEREAS, the Petitioner submitted the Hoffman Subdivision Final Plat dated 6/12/19 (hereinafter referred to as “Final Plat of Subdivision”) for final plat approval in accordance with the requirements of the Lemont Unified Development Ordinance; and

WHEREAS, on October 2, 2019, the Lemont Planning & Zoning Commission, in accordance with the requirements of the Illinois Municipal Code and Title 17 of the Lemont, Illinois Municipal Code, conducted a public hearing and meeting on the application for the Final Plat of Subdivision; and

WHEREAS, the Lemont Planning & Zoning Commission has found the petition meets the standards for a Subdivision and recommends approval; and

WHEREAS, the President and Board of Trustees have determined that the proposed subdivision is in the best interest of the Village of Lemont.

BE IT RESOLVED by the President and Board of Trustees of the Village of Lemont, Counties of Cook, DuPage, and Will, Illinois, as follows:

SECTION ONE: The President and Board of Trustees hereby finds and determines that the facts set forth in the preamble hereto are true and correct and hereby adopts same as part of this Resolution.

SECTION TWO: The Final Plat of Subdivision be and is hereby approved in substantially the form attached hereto as Exhibit A.

SECTION THREE: That this Resolution shall be in full force and effect from and after its passage and approval as provided by law.

APPROVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LEMONT, COUNTIES OF COOK, WILL, AND DUPAGE, ILLINOIS, on this 28th DAY OF OCTOBER, 2019.

PRESIDENT AND VILLAGE BOARD MEMBERS:

	AYES:	NAYS:	ABSENT:	ABSTAIN:
Janelle Kittridge	_____	_____	_____	_____
Ryan Kwasneski	_____	_____	_____	_____
Dave Maher	_____	_____	_____	_____
Ken McClafferty	_____	_____	_____	_____
Rick Sniegowski	_____	_____	_____	_____
Ron Stapleton	_____	_____	_____	_____

JOHN EGOFSKE
President

ATTEST:

CHARLENE M. SMOLLEN
Village Clerk

EXHIBIT A

Final Plat of Subdivision titled 'Richard J. and Lauren B. Hoffman Subdivision'
Dated 6/12/2019 by DesignTek Engineering

TO: Village Board
FROM: Ralph Pukula, Public Works Director
THROUGH:
SUBJECT: "The Forge" Access Road Rehabilitation
DATE: October 28, 2019

SUMMARY/ BACKGROUND

Six (6) bids were received on October 22, 2019 at 11:00 a.m., for "The Forge" Access Road Rehabilitation project, which work includes earth excavation, aggregate base course widening, tree removal, safety improvements and appurtenant construction. The low bid amount was submitted by Hoppy's Landscaping, Inc., in the amount of \$97,727.50, which is \$1,222.50 below the Engineer's estimate of \$98,500.00.

ANALYSIS

Consistency with Village Policy

The proposed project consists of improving the North I&M Canal access road to the existing parking area and to the proposed Forge parking lot area in order to make it safe for two-way traffic. The project is consistent with the Village's goal of providing safe access to Village and Township land areas for use by The Forge recreation participants.

Lemont 2030 Comprehensive Plan.

5-Year Capital Improvement Plan (if applicable).

Budget (if applicable). Although these costs were not budgeted, they will be 100% reimbursable by The Forge per agreement. There will be a future budget amendment updating the expense for the project and a corresponding revenue from the reimbursement.

Procurement Policy (if applicable).

STAFF RECOMMENDATION

Acceptance of the low bid for "The Forge" Access Road Rehabilitation project.

BOARD ACTION REQUESTED

Approval of Resolution accepting the bid, and award of the contract

ATTACHMENTS

- Resolution Authorizing Award of Contract;
- Letter of Award Recommendation;
- Bid Tabulation listing the bid received, including company name, address and amount of bid.



VILLAGE OF LEMONT

RESOLUTION NO. _____

**AUTHORIZING AWARD OF CONTRACT
FOR “THE FORGE” ACCESS ROAD REHABILITATION PROJECT**

**ADOPTED BY THE PRESIDENT
AND BOARD OF TRUSTEES OF THE
VILLAGE OF LEMONT
THIS 28th DAY OF OCTOBER 2019**

**Published in pamphlet form
by authority of the
President and Board of
Trustees of the Village of
Lemont, Cook, Will and DuPage
Counties, Illinois on this 28th day of
October 2019**

RESOLUTION NO. _____

AUTHORIZING AWARD OF CONTRACT FOR “THE FORGE” ACCESS ROAD REHABILITATION PROJECT

WHEREAS, The Village of Lemont requires that “The Forge” Access Road Rehabilitation project be completed; and

WHEREAS, the Village seeks to utilize the services of Hoppy’s Landscaping, Inc. for such work; and

WHEREAS, Hoppy’s Landscaping, Inc. submitted a low bid for such work in the amount of \$97,727.50; and

BE IT RESOLVED by the Village President and Board of Trustees of the Village of Lemont, Counties of Cook, Will, and DuPage, Illinois, as follows:

SECTION ONE: The agreement attached hereto as Exhibit A is hereby approved.

SECTION TWO: The Village Administrator is authorized to execute the Agreement and to make minor changes to the document prior to execution that do not materially alter the Village’s obligations, to execute any other agreements and documentation as well as to take any other steps necessary to carry out this resolution.

SECTION THREE: This Resolution shall be in full force and effect from and after its passage and approval as provided by law.

APPROVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LEMONT, COUNTIES OF COOK, WILL AND DUPAGE, ILLINOIS on this 28TH DAY OF OCTOBER 2019.

PRESIDENT AND VILLAGE BOARD MEMBERS:

	AYES:	NAYS:	ABSENT:	ABSTAIN
Janelle Kittridge	_____	_____	_____	_____
Ryan Kwasneski	_____	_____	_____	_____
Dave Maher	_____	_____	_____	_____
Ken McClafferty	_____	_____	_____	_____
Rick Sniegowski	_____	_____	_____	_____
Ron Stapleton	_____	_____	_____	_____

JOHN EGOFSKE
President

ATTEST:

CHARLENE M. SMOLLEN
Village Clerk

Exhibit A
The Forge Access Road Rehabilitation Project Contract

Contract for "The Forge" Access Road Rehabilitation Project

1. **THIS AGREEMENT**, made and concluded the ____ day of __ between the **Village of Lemont**, acting by and through the **Village Administrator** as the party of the first part, and Hoppy's Landscaping, Inc., 15041 New Avenue, Lockport, IL 60441, his/their executors, administrators, successors or assigns, known as the party of the second part.

2. **WITNESSETH:** That for and in consideration of the payments and agreements mentioned in the Proposal hereto attached, to be made and performed by the party of the first part and according to the terms expressed in the Bond referring to these presents, the party of the second part agrees with said party of the first part at his/their own proper cost and expense to do all the work, furnish all the materials and all labor necessary to complete the work in accordance with the Plans and Specifications hereinafter described, and in full compliance with all of the terms of this agreement and the requirements of the Engineer under it.

3. **AND**, it is also understood and agreed that the Notice to Contractors, Special Provisions, Proposal and Contract Bond hereto attached, and the Plans as prepared by Novotny Engineering, and designated as "The Forge" Access Road Rehabilitation project all essential documents of this Contract, and are a part hereto.

4. **IN WITNESS WHEREOF**, the said parties have executed these presents on the date above mentioned.

Party of the First Part

ATTEST: The VILLAGE OF LEMONT

Charlene M. Smollen, Clerk By _____ George Schafer, Village Administrator

Party of the Second Part

(S E A L) _____ (If a Corporation)
Corporate Name Hoppy's Landscaping, Inc.
By _____ President
Secretary (If a Co-Partnership)
(Corporate Seal)

(SEAL)

(SEAL)

Partners doing Business under the name
of _____
(If an Individual)

(SEAL)

Exhibit B
The Forge Access Road Rehabilitation Project Letter of Award Recommendation, and Bid
Tabulation

October 22, 2019

Mr. George Schafer
Administrator
Village of Lemont
418 Main Street
Lemont, Illinois 60439

Re: **“The Forge” Access Road Rehabilitation**

Dear George:

Listed below and on the attached *Tabulation of Bids* are the results of the October 22, 2019, bid opening for the above-captioned project. Six (6) bids were received and checked for accuracy, with computational errors found that affected the resultant low bidder. A summary is as follows:

Hoppy's Landscaping	\$ 97,727.50
Bisping Construction.....	107,997.00
MYS, Inc.....	136,750.00
Swallow Construction	151,100.00
Atrium, Inc.....	169,522.50
M & J Asphalt Paving Co., Inc.....	190,550.00
Engineer's Estimate	\$ 98,950.00

The low bid submitted by Hoppy's Landscaping, Inc., in the amount of \$97,727.50, is \$1,222.50 (1.24%) below the Engineer's Estimate of \$98,950.00.

Hoppy's Landscaping, Inc. is qualified to perform this work. We therefore recommend that the Contract be awarded to **Hoppy's Landscaping, Inc., 15041 New Avenue, Lockport, IL 60441**, in the amount of **\$97,727.50**.

Should you have any questions concerning this matter, please do not hesitate to contact me.

Sincerely,

NOVOTNY ENGINEERING



James L. Cankar, P.E., P.L.S.

JLC/ce
Enclosure

cc: Mr. Ralph Pukula, Director of Public Works, w/Enc.
Ms. Linda Molitor, Executive Assistant, w/Enc.
Ms. Christina Smith, Finance Director, w/Enc.
Ms. Jeanette Virgilio, Project Manager, The Forge
File No. 19305

OWNER: VILLAGE OF LEMONT
 PROJECT DESCRIPTION: "THE FORGE" ACCESS ROAD REHABILITATION

PROJECT NO : 19305

BID OPENING: OCTOBER 22, 2019 11:00 A.M.

				Engineers Estimate		Hoppy's Landscaping 15041 New Avenue Lockport, IL 60441 10% Bid Bond		Bisping Construction P.O. Box 654 New Lenox, IL 60451 5% Bid Bond		MYS, Inc. 12416 S. Harlem Avenue Palos Heights, IL 60463 5% Bid Bond		Swallow Construction 4250 Lacey Road Downers Grove, IL 60515 5% Bid Bond		Atrium, Inc. 17113 Davey Road Lemont, IL 60439 5% Bid Bond		M & J Asphalt Paving 3124 S. 60th Court Cicero, IL 60804 5% Bid Bond	
Item No	Description	Unit	Quantity	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount
1	Earth Excavation (for Widening), to 12" Depth	S.Y.	850	12.00	10,200.00	15.25	12,962.50	18.59	15,801.50	36.00	30,600.00	42.00	35,700.00	15.52	13,192.00	28.00	23,800.00
2	Aggregate Base Course (for Widening), Type B, 12"	S.Y.	850	15.00	12,750.00	24.50	20,825.00	19.83	16,855.50	28.00	23,800.00	42.00	35,700.00	38.25	30,812.50	34.00	28,900.00
3	Earth Excavation (for 5-Foot Canal Clear Zone), to 4" Depth	S.Y.	400	10.00	4,000.00	18.50	7,400.00	10.97	4,388.00	17.00	6,800.00	42.00	16,800.00	11.19	4,476.00	13.50	5,400.00
4	Topsoil Furnish and Place, 4"	S.Y.	2500	5.00	12,500.00	4.75	11,875.00	8.14	6,512.00	9.75	24,375.00	6.00	15,000.00	10.02	25,050.00	12.50	31,250.00
5	Seeding, Class I	S.Y.	2500	1.00	2,500.00	2.20	5,500.00	2.39	1,912.00	2.65	6,625.00	1.00	2,500.00	0.58	1,450.00	4.00	10,000.00
6	Erosion Control Blanket for Slope Stabilization	S.Y.	400	5.00	2,000.00	5.50	2,200.00	2.69	1,076.00	3.00	1,200.00	1.50	600.00	4.21	1,684.00	4.00	1,600.00
7	Earth Excavation for Slope Stabilization -Offsite Disposal	C.Y.	300	40.00	12,000.00	31.75	9,525.00	34.15	10,245.00	33.00	9,900.00	33.00	9,900.00	80.86	24,258.00	120.00	36,000.00
8	Earth Excavation for Slope Stabilization -Onsite Disposal	C.Y.	400	25.00	10,000.00	24.45	9,780.00	34.15	13,660.00	43.00	17,200.00	33.00	13,200.00	72.30	28,920.00	85.00	34,000.00
9	Brush and Small Tree Removal (6" Diameter or Less), for Roadway 2-Foot Shoulder Grass Clear Zone	S.Y.	1800	10.00	18,000.00	1.85	3,330.00	1.80	3,240.00	1.75	3,150.00	3.00	5,400.00	3.82	6,876.00	2.00	3,600.00
10	Tree Removal (Over 6" Diameter)	IN-DIA	800	15.00	12,000.00	13.85	11,080.00	13.77	11,016.00	13.25	10,600.00	16.00	12,800.00	38.98	31,184.00	15.00	12,000.00
11	Perimeter Erosion Barrier	FOOT	1000	3.00	3,000.00	3.25	3,250.00	5.39	5,390.00	2.50	2,500.00	3.50	3,500.00	1.62	1,620.00	4.00	4,000.00
Totals :					98,950.00		97,727.50		90,096.00		136,750.00		151,100.00		169,522.50		190,550.00
Bid Error Corrections:																	
4	Topsoil Furnish and Place, 4"								20,350.00								
5	Seeding, Class I								5,975.00								
Total									107,997.00								
Corrected Totals ---							97,727.50		107,997.00		136,750.00		151,100.00		169,522.50		190,550.00
Over / Under ----							-1,222.50		9,047.00		37,800.00		52,150.00		70,572.50		91,600.00
Percent ----							-1.24%		9.14%		38.20%		52.70%		71.32%		92.57%