

VILLAGE OF LIBERTYVILLE
BOARD OF TRUSTEES
January 24, 2017

President Wepler called to order a meeting of the Board of Trustees at 8:00 p.m. in the Village Hall, 118 West Cook. Those present were: President Terry Wepler, Trustees Donna Johnson, Richard Moras, Jay Justice, Scott Adams, Peter Garrity, and Patrick Carey.

ITEMS NOT ON THE AGENDA

President Wepler asked if anyone had any public comment regarding any item not listed on the agenda. The following items were addressed at this time:

-Mr. Jack Lantz, 205 Florence Court, expressed concern regarding the condition of vacant houses on S. Stewart Avenue. Director of Community Development John Spoden stated that he would again review the site for compliance with Village codes.

-Mr. Clay Ervine, 1100 Wellington, stated his concern regarding high-density developments, noting the Bolander property and the proposed development on Butterfield Road. He stated that he did not want a zoning change to be made for the property on Butterfield Road and that any zoning change should involve a public referendum. He raised concern regarding negative impact on schools, excessive traffic, and quality of life in Libertyville. He also asked the Village Board to continue to be proactive in communications when major development projects are being reviewed by the Village.

-Ms. Ana Draa, 1020 Ashley Lane, agreed with Mr. Ervine and asked that taxing body impact fees be reviewed. She also asked the Village Board to look into coordinating the timing of the meetings of the various taxing bodies to attempt to avoid conflicts.

-Lisa Roti, 1212 Victory, provided a statement regarding a cul-de-sac length requirement relating to fire service access. Ms. Roti asked that development proposals not meeting the standard be denied approval.

OMNIBUS VOTE AGENDA

President Wepler introduced the Omnibus Vote Agenda and asked if any Village Board member wanted an item removed for separate discussion. No items were requested for removal.

OMNIBUS VOTE AGENDA

- A. Minutes of the January 10, 2017 Village Board Meeting
- B. Minutes of the January 10, 2017 Executive Session
- C. Bills for Approval
- D. **RESOLUTION 17-R-06: Approve a Raffle License for Lake County Haven**
- E. **RESOLUTION 17-R-07: Approve a Request for a Waiver of Permit Fee for District 72 Rondout School**

- F. **RESOLUTION 17-R-08: Approve Traffic Enforcement Agreement – VK USG, LLC**
- G. **RESOLUTION 17-R-09: Approve a PACE Dial-A-Ride Agreement**
- H. **ORDINANCE 17-O-07: Grant Variations of Corner Side Yard Setback (ZBA 16-25) at 817 E. Rockland Road**
- I. **ORDINANCE 17-O-08: Grant Sign Variations (ZBA 16-26) at 1000 E. Park Avenue**
- J. **RESOLUTION 17-R-10: Approve a Request for an Event and Display Banner in Cook Park – Wine About Winter**
- K. **ORDINANCE 17-O-09: Declaring Surplus Property**
- L. **RESOLUTION 17-R-11: Authorize the Execution of an Agreement to Purchase Electricity – NIMEC**
- M. Report of the Appearance Review Commission

Trustee Johnson moved to adopt the items listed on the Omnibus Vote Agenda in a single group pursuant to the omnibus vote procedures of the Libertyville Municipal Code. Trustee Moras seconded. The Mayor asked for Board and public comment and none was made. The motion carried on roll call vote as follows:

AYES: Trustees Johnson, Moras, Justice, Adams, Garrity, and Carey

NAYS: None

RESOLUTION 17-R-12: Authorize the Sale of the Golf Learning Center and Family Entertainment Center as Surplus Property – 1800 and 1850 N. U.S. Hwy 45

President Wepler explained that due to lower than anticipated revenues generated by the Village-owned Family Entertainment Center (FEC), located at the intersection of Peterson Road and U.S. Highway 45, the Village initially attempted to sell the property in 2006. At that time, the Board adopted Resolution 06-R-62, declaring the FEC to be surplus property and authorized the retention of a real estate agent to market the property. The property was taken off the market with the downturn in the economy, and in 2012, the Village Board entered into an agreement with Aloha Falls, LLC to lease the FEC. The lease term was extended to October 31, 2017, and included a provision that the Village could terminate the lease agreement upon 90 days notice if there was a contract for the sale of the property.

President Wepler noted that the Golf Learning Center (GLC)/Driving Range has also seen lower than expected revenues and public utilization, in part due to a national trend of decreased golf activity. The Village has thus been deferring investment in the capital assets at the GLC due to the inconsistent revenues received from its operation.

The resolution presented designates the approximately 31 acres containing both the FEC and GLC as surplus property. President Wepler then asked for questions and comments and there were none made.

Mr. Clay Ervine, 1100 Wellington, asked if there would be a zoning change with the sale of the property. President Wepler stated that the allowed zoning use is presently office/commercial. Trustee Moras provided background on the financial status of the

Sports Complex site. He stated that the Village subsidizes \$800,000 of annual expense to operate the current uses of the properties and that this is not sustainable.

Ms. Ana Draa, 1020 Ashley Lane, stated that she is concerned about the Village subsidy of the Sports Complex operation. She suggested a different approach for concession operations. Trustee Johnson invited Ms. Draa and others to come to the budget meetings to see that the Village Board works diligently to offset costs. The Village focuses oversight on improving revenue generation to offset expenses including debt payment requirements.

Ms. Lisa Roti, 1212 Victory, asked if concessions could be outsourced. President Weppler stated that concessions had been previously contracted out unsuccessfully. Trustee Moras noted that the Parks and Recreation Committee meets the first Tuesday of every month. President Weppler repeated that the Village Board is aware of the debt, and the sale of the property is expected to reduce the debt obligations of this asset for the Village.

Trustee Johnson moved to approve the resolution authorizing the sale of the GLC and FEC as Surplus Property. Trustee Adams seconded. President Weppler asked if there was any further public comment and none was requested. The motion carried on roll call vote as follows:

AYES: Trustees Johnson, Moras, Justice, Adams, Garrity, and Carey

NAYS: None

RESOLUTION Approving a Listing Agreement with CBRE, Inc. for the sale of the Golf Learning Center and Family Entertainment Center – 1800 and 1850 N. U.S. Hwy 45 – President Weppler requested this item be deferred to a later date for consideration.

RESOLUTION 17-R-13: Approve Amendment No. 1 for 2016 Construction Materials Testing Services

President Weppler reported that on May 26, 2015, the Village Board awarded the contract for the 2016 Construction Materials Testing Services, which also included pavement cores, to Rubino Engineering, Inc. in the amount of \$23,553.00 for the 2016 Road Rehabilitation Program. Funding has been provided in the Road Improvement Fund. In order to take advantage of competitive contractor bids, three change orders to the construction contract were approved, which also resulted in additional streets for material testing. The additional streets included Pond Ridge Road, North Dymond Road, the east half of Oaks Subdivision, and the Fire Station No. 2 parking lot. The addition of these streets required additional pavement cores and material testing from the approved contractor Rubino Engineering, Inc. in the amount of \$14,282.25. Funds are available in the Road Improvement Fund for this additional work.

Staff recommended the adoption of the resolution to approve Amendment No.1 for the construction materials testing services contract. President Wepler asked for questions and comments and there were none.

Trustee Carey moved to approve the resolution for Amendment No. 1 for the 2016 Construction Materials Testing Services. Trustee Johnson seconded. President Wepler asked for further Board and public comment and none was made. The motion carried on roll call vote as follows:

AYES: Trustees Johnson, Moras, Justice, Adams, Garrity, and Carey

NAYS: None

RESOLUTION 17-R-14: Approve a Professional Services Agreement for Design Engineering – Wastewater Treatment Plant Improvements

President Wepler explained that the Wastewater Treatment Plant Master Facilities Plan being completed by RHMGE Engineers, Inc. outlines recommended capital improvements determined by an assessment/evaluation process. Fiscal year 2017-2018 marks the first year of designing and completing the capital improvement plan as detailed in the Master Facilities Plan. Many of the necessary proposed improvements are to replace failing infrastructure and equipment at the end of its useful life and to enhance safety and efficiency.

RHMGE Engineers, Inc. has provided a proposal in the amount of \$127,795.00 for final design engineering of a series of projects that will be grouped in four different bid packages based upon their location at the wastewater treatment plant. Bid Package No. 1 focuses on the headworks improvements, which include replacement of Screw Pump #3, a 36-inch sewer repair and replacement of the wet well sluice gate. Bid Package No. 2 pertains to brickwork and tuck pointing of Buildings #1, 6, and 7. Bid Package No. 3 is the rehabilitation of sludge storage tanks and decant lines. Bid Package No. 4 is to install digester level monitoring equipment. The proposal will be included in the Village's standard Professional Services Agreement as the defined scope of services for the project. Sufficient funds are provided in the Water & Sewer Capital Improvement Fund/WWTP Improvements of the fiscal year 2016-2017 budget. The goal is to have design work completed this budget year so the projects can be advertised for competitive bids shortly after May 1, 2017.

Staff recommended approval of the resolution to approve the Professional Services Agreement with RHMGE Engineers, Inc. and to authorize the work. President Wepler asked for questions and comments and none were received.

Trustee Johnson stated that she was impressed with the engineers' presentation and fully supported the agreement. Trustee Moras concurred. Trustee Johnson moved to approve the resolution for a Professional Services Agreement for Design Engineering Wastewater Treatment Plant Improvements. Trustee Adams seconded. President Wepler asked for further Board and public comment and none was made. The motion carried on roll call vote as follows:

AYES: Trustees Johnson, Moras, Justice, Adams, Garrity, and Carey

NAYS: None

RESOLUTION 17-R-15: Approve a Professional Services Agreement for Final Design Engineering for a Chemical Phosphorous Removal Project for the Wastewater Treatment Plant

President Wepler introduced a resolution regarding a Professional Services Agreement and relating to the Wastewater Treatment Plant. He explained that phosphorous reduction from the wastewater discharge of the Village's treatment plant is mandated by the Illinois Environmental Protection Agency (IEPA). Effective April 1, 2019, a 1.0 mg/l monthly average phosphorous effluent limit is imposed through a compliance schedule written into the IEPA National Pollutant Discharge Elimination System (NPDES) discharge permit. Currently, phosphorous levels discharged to the Des Plaines River average approximately 4.0 mg/l. A comprehensive phosphorous removal feasibility study was included as part of the ongoing Wastewater Treatment Plant Master Facility Plan that is being completed by RHMG Engineers, Inc. The feasibility study analyzed various biological and chemical phosphorous removal options, and based on the lowest present worth cost analysis, chemical phosphorous removal is the recommended alternative.

RHMG Engineers, Inc. has provided a proposal for final design engineering in the amount of \$156,400.00 for the recommended chemical phosphorous removal facilities. Key components of the design include instrumentation controls and equipment selection, building design, driveway addition for chemical deliveries and storage, side stream treatment of return and recycled flows, chemical metering pumps, piping and the preparation of an IEPA low interest revolving fund loan application. The proposal will be included in the Village's standard Professional Services Agreement as the defined scope of services for the project.

President Wepler noted that sufficient funds are provided in the Water & Sewer Capital Improvement Fund/WWTP Improvements in the fiscal year 2016-2017 budget. All design work is expected to be completed by April 30, 2017. The goal is to have the chemical phosphorous system constructed and available for optimization by October 2018. Staff recommended approval of the resolution. President Wepler asked for questions and comments from the public and none were received.

Trustee Moras stated his frustration with unfunded mandates from the State of Illinois, which result in significant new costs to municipalities.

Alison Duffy, 201 N. Stewart, asked what would happen if the Village chose not to complete the project as mandated. President Wepler noted that fines would likely be imposed. He added that in 1978, the State could not pass laws without providing the means to pay for them. Local governments now have 287 unfunded mandates. Trustee Moras added that large water users would see the most significant cost increases over time as a result of costs to address these state-required improvements and lower use residential user may see more minor increases to rates.

Trustee Johnson moved to approve the resolution to approve the Professional Services Agreement, and Trustee Justice seconded. President Wepler asked for further Board and public comment and there was none. The motion carried on roll call vote as follows:

AYES: Trustees Johnson, Moras, Justice, Adams, Garrity, and Carey

NAYS: None

RESOLUTION 17-R-16: Waive the Competitive bidding Process and Award a Contract to Arthur Weiler, Inc. for the 2017-2018 Tree Planting Program

President Wepler explained that the contractor Arthur Weiler, Inc. offered to extend the current tree quantities and unit prices for the 2015-2016 Tree Planting Contract. The contractor has offered the same species, similar quantities, and the same quality of trees to be planted this fall as part of a new contract with no increase in the previously competitively bid unit prices for these items.

Staff considered this to be an opportunity for the Village's annual tree planting program; there is a shortage in tree species availability, quantity, quality in the marketplace, and there has also been some significant price increases due to supply and demand. The Village has worked with Arthur Weiler, Inc. on several projects and has been satisfied with the quality, selection, and prices of the trees furnished and planted. The Village Attorney had reviewed the proposed one-year contract extension and that consideration of a contract agreed extension was allowable.

The draft fiscal year 2017-2018 budget provides \$71,965.00 in the Parks Division Budget (Account #01-07-01-5-729) for this work. Staff recommended approval of the resolution to waive the competitive bidding process, awarding the contract for the 2017-2018 Tree Planting Program to Arthur Weiler, Inc. and authorize execution of the content by the Village Administrator. The contract amount will not exceed the available proposed budget amount of \$71,965.00. President Wepler then asked for questions and comments and none were made.

The Board discussed the proposal, and Director Kendzior stated that the trees would be 2" in diameter. Administrator Clark noted that funding would come after May 1, 2017. Andy McDonough, 1189 Oak Trail, asked what species would be purchased. Director Kendzior explained that the trees would be native to North America and salt/climate tolerant. Trustee Garrity noted that the Village arborist would make sure that the species would be appropriate for each public property location.

Trustee Moras moved to approve the resolution to award the contract to Arthur Weiler, Inc. for the 2017-2018 Tree Planting Program. Trustee Garrity seconded. President Wepler asked for further Board and public comment and there was none. The motion carried on roll call vote as follows:

AYES: Trustees Johnson, Moras, Justice, Adams, Garrity, and Carey

NAYS: None

RESOLUTION 17-R-17: Approve a change Order for the Interior Painting of the Libertyville Sports Complex (LSC)

President Weppler reported that the 2016-2017 Village Budget included \$100,000.00 in LSC Capital Improvements for the interior painting of the main building of the Libertyville Sports Complex. At the October 25, 2016 Village Board meeting, the Board awarded the contract to KB Construction Services in the amount of \$90,863.81 for the painting of the first floor and second floor portions of the LSC.

This interior painting project is scheduled to conclude at the end of January. During the project, Staff determined that it would be in the best interest of the Village and the LSC to add a second coat of paint on the first floor portion of the project up to eight feet. KB Construction Services submitted a Change Order request in the amount of \$4,729.68 for this work. This additional work will result in a total cost for the project of \$93,593.49, which will be \$4,406.51 under the budgeted amount of \$100,000.00. Staff recommended the adoption of the resolution and approval of the change order. President Weppler then asked for questions and comments and no comments from the public were received.

Responding to Trustee Justice, Director Kowal noted that the lower eight feet of the wall gets inordinate wear, and the second coat would preserve appearance and allow for proper cleaning.

Trustee Carey moved to approve the resolution and approval of the change order. Trustee Moras seconded. President Weppler asked for further Board and public comment and none was made. The motion carried on roll call vote as follows:

AYES: Trustees Johnson, Moras, Justice, Adams, Garrity, and Carey

NAYS: None

PETITIONS AND COMMUNICATIONS

President Weppler announced the following:

- The Libertyville Fire Pension Fund Board will meet at 8:30 a.m. on Thursday, January 26, 2017 at the North Fire Station
- The Plan Commission/ZBA will meet at 7:00 p.m. on Monday, January 30, 2017
- The Historic Preservation Commission will meet at 4:00 p.m. on Tuesday, February 7, 2017
- The Parks and Recreation Committee will meet at 6:00 p.m. on Monday, February 7, 2017
- The Zoning Board of Appeals will meet at 7:00 p.m. on Monday, February 13, 2017
- The Water and Sewer Committee will meet at 7:00 p.m. on Tuesday, February 14, 2017
- The Village Board will meet at 8:00 p.m. on Tuesday, February 14, 2017

The Board discussed the importance of coordinating governmental meetings dates and times so that people could attend meetings more easily.

Trustee Johnson thanked residents for attending the meeting and encouraged others to attend as well. Trustee Moras reminded residents that Trustee emails and phone numbers are available on the Village website.

EXECUTIVE SESSION – Personnel: Collective Bargaining [5 ILCS 120/2 (c)(2)]

At 9:27 p.m., Trustee Justice moved to go into Executive Session for discussion of collective bargaining, and Trustee Johnson seconded. The motion carried on a roll call vote as follows:

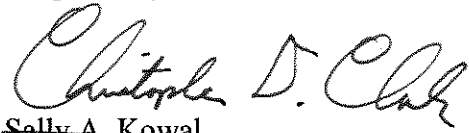
AYES: Trustees Johnson, Moras, Justice, Adams, Garrity, and Carey

NAYS: None

ADJOURNMENT

The Board returned to the regular meeting at 9:47 p.m., and with no further business, Trustee Adams moved to adjourn, Trustee Carey seconded, and the motion carried on a unanimous voice vote.

Respectfully submitted,



Sally A. Kowal
Village Clerk

Deputy