

Approved March 14, 2017

VILLAGE OF LIBERTYVILLE
BOARD OF TRUSTEES
February 28, 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.

PROCLAMATION

President Wepler read a proclamation declaring the week of February 27, 2017 as Childhood Cancer Awareness week in the Village of Libertyville. Two childhood cancer survivors, Ashley and Kyle Junkunc, accepted the proclamation.

PROCLAMATION

President Wepler read a proclamation designating March 2017 as Youth/Fine Arts Month in the Village of Libertyville in promotion of Fine Arts Awareness. Ms. Amy Williams, Executive Director of David Adler Music and Arts Center, accepted the proclamation.

ITEMS NOT ON THE AGENDA

President Wepler asked if anyone present had any matter to present to the Village Board that was not already listed on the agenda. No items were presented.

OMNIBUS VOTE AGENDA

President Wepler introduced the Omnibus Vote Agenda and asked if any Village Board member requested any of the Omnibus items be removed for separate consideration. No items, were requested for separate consideration.

OMNIBUS VOTE AGENDA

- A. Minutes of the February 14, 2017 Meeting
- B. Bills for Approval
- C. **RESOLUTION 17-R-30: Approve the David Adler Music and Arts Center Festival of the Arts**
- D. **ORDINANCE 17-O-11: Restrict Parking on Harding Avenue**
- E. **ORDINANCE 17-O-12: Amend Chapter 23 of the Libertyville Municipal Code Regulating Parking**
- F. **RESOLUTION 17-R-31: Approve Amendments No. 1 for 2016 Road Rehabilitation Program Design & Construction Engineering Services – Christopher B. Burke Engineering, Ltd.**
- G. ARC Report

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 any further Village Board or public comment. No comments were made.

The motion carried on roll call vote as follows:

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

NAYS: None

ORDINANCE 17-O-13: Amending the Number of Class C Liquor Licenses – Hanakawa Steakhouse & Sushi Bar, 411 S. Milwaukee Ave.

President Weppler noted that as a result of the pending sale of the Hanakawa Restaurant at 411 S. Milwaukee Avenue, the Village received a new Class C Liquor License application from Jun Young Lee of JH Haru, Inc. The proposed ordinance would amend the Municipal Code to decrease the number of Class C Liquor Licenses from six to five due to the surrender of the license from Nippon Kai Enterprises, Inc., and then allow an increase of the number of Class C Liquor Licenses from five to six due to the applications by JH Haru, Inc. The Mayor then asked for Board and public comments.

Mr. Jun Young Lee briefly addressed the Village Board, and the Mayor wished him good luck with the business. Trustee Justice moved to approve the ordinance, and Trustee Johnson seconded. The Mayor asked for further Board and public comment. The motion carried on roll call vote as follows:

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

NAYS: None

RESOLUTION 17-R-32: Approve Listing Agreement with CBRE, Inc. for the Sale of the Golf Learning Center and Family Entertainment Center (deferred from January 24, 2017)

President Weppler introduced a resolution approving a listing agreement with CBRE, Inc. to allow CBRE to list, market, and assist in the negotiations of the sale of the Golf Learning Center (GLC) and the Family Entertainment Center (FEC). The agreement provides for a commission to be paid to CBRE at the time of sale in the amount of 4.5% of the sale price of the property if by direct sale and 5% in the event that a cooperating broker is involved in the transaction. The agreement further provides for a reduced commission in the event that the property is sold within the first 180 days if the purchaser is one of the parties identified by the Village as having previously expressed an interest in the property.

A Village team had interviewed a number of potential brokerage firms and determined that CBRE has extensive experience with local retail, office, and industrial markets, and therefore meets the qualifications necessary for the listing services. Staff recommended approval. The Mayor then asked for questions and comments.

The Mayor introduced Mr. Brian Buckingham of CBRE. Trustee Adams moved to approve the resolution, and Trustee Garrity seconded. The Mayor asked for further Board and public comment. The motion carried on roll call vote as follows:

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

NAYS: None

ZONING BOARD OF APPEALS REPORT (ZBA 17-04)

A. Variation of Corner Side Yard Setback – 629 Kenwood Avenue

President Weppler introduced a ZBA report for a request from the owners of 629 Kenwood Avenue for a corner side yard setback variation to allow construction of a new single family home. The ZBA noted that the existing house is located in the corner side yard setback, has presently a setback of 19 feet, and the proposal is for a 16-foot setback as measured to the chimney. Members of the ZBA recommended approval. The Mayor then asked for Village Board or any public comments and there were none.

Trustee Moras moved to approve the variation of corner side yard setback at 629 Kenwood Avenue, and Trustee Johnson seconded. The Mayor asked for further Board and public comment. The motion carried on roll call vote as follows:

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

NAYS: None

B. ORDINANCE 17-O-14: Granting a Variation of Corner Side Yard Setback – 629 Kenwood Avenue

President Weppler introduced the ordinance granting the variation of corner side yard setback at 629 Kenwood Avenue. Trustee Justice moved to approve the ordinance, and Trustee Carey seconded. The Mayor asked for any further Village Board or 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

ZONING BOARD OF APPEALS (ZBA 17-05) – Variation of Rear Yard Setback – 267 Cypress Lane

President Weppler introduced a ZBA report for a request from the owners of 267 Cypress Lane for a rear yard setback to allow construction of a rear addition. The property is located in the Green Tree Subdivision, which reduced the required rear yard setback for all properties to 25 feet due to common open space in the rear of properties. The current proposal is to reduce the rear yard setback to 19'9", and the consensus of the ZBA was not to support the request due to the degree of the variation and the size of the house. The Mayor asked for any questions or comments from the Village Board or the public. The applicants were not in attendance, and Village Trustees had questions regarding the request and report.

Trustee Johnson moved to defer the item until the applicants could attend a Village Board meeting, and Trustee Carey seconded. The Mayor asked for any 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-33: Approve MainStreet 2017 Special Events

President Weppler introduced a letter from MainStreet Libertyville requesting Village Board approval of their 2017 Calendar of annual events.

- Car Fun on 21
- Historic Home Tour
- Farmer's Market
- Out to Lunch
- MainStreet Dessert Walk
- Dickens of a Holiday
- Twilight Shuffle 5K Run
- Small Business Saturday
- Red Hat Day
- Trick or Treat on MainStreet
- Wine About Winter (previously approved)
- First Fridays (previously approved)

As a result of the construction of the Church Street Parking Garage, Car Fun on 21 and the Farmer's Market have had layout changes the past two seasons. In 2016, the changes worked well, and Staff and MainStreet agreed that the 2016 layout would be used in 2017. This includes closing and utilizing Cook Street for the Car Fun on 21 event and the use of Cook Park (and a portion of Church Street) for the Farmer's Market. MSL also requested the expansion of dates for the Farmer's Market by two additional weeks in June (with no operation during Libertyville Days).

The Mayor noted that the MSL events are well attended and bring residents and visitors to the downtown to shop, dine, and stay, consistent with the goal to promote Libertyville. Approval of the events by the Village Board is subject to the following conditions:

- MSL will provide Staff with layout drawings, if requested, of the various events for final approval
- MSL will contact the Lake County Health Department to obtain necessary permits for food vendors
- MSL will provide the Village with a certificate of insurance in the amounts specified, and name the Village as additional insured
- MSL will sign the Special Events Agreement
- MSL will post "Concealed Carry Prohibited" signs, to be provided by the Village, for the appropriate events and locations as determined by the Police Chief

MainStreet representative were present for any comments or questions.

Trustee Adams moved to approve the resolution approving the MainStreet 2017 Calendar of Events. Trustee Garrity seconded. The Mayor asked any for further Village Board or 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-34: Approve Libertyville Days 2017

President Wepler introduced a letter from the Libertyville Civic Center Foundation (LCCF) requesting the use of various Village properties for the 2017 Libertyville Days Festival from June 15-18, 2017. The request is similar to previous events, but the layout of the rides has changed with the construction of the Church Street Parking Garage. The Parks and Recreation Committee reviewed the request, and the Committee recommended approval of the LCCF's request to use Village property for the 2017 Libertyville Days Festival from June 15-18, 2017, subject to the following conditions:

- There will be no operation of carnival rides on Saturday until the parade has passed the ride area.
- The Village cannot post Milwaukee Avenue as "no parking" in the downtown for the parade as requested, however parade fencing will be placed in the downtown prior to the parade
- LCCF agrees to restore Sunrise Rotary Park in a timely manner and Cook Park (if necessary)
- LCCF will make every attempt to use Libertyville businesses and limit competitors for the arts and crafts fair
- In the event of an emergency, the extended beer garden fencing will need to be dismantled in order to provide access
- LCCF will provide a certificate of insurance and complete the special events agreement
- LCCF will apply for the appropriate Village and State Liquor License
- LCCF will coordinate placement of tents in Cook Park with the Village to avoid sprinkler system damage, and no spray paint may be used on Village property
- LCCF will meet with Fire and Police to coordinate weather emergency plans
- LCCF will coordinate with the Chief of Police the posting of signs indicating no concealed weapons allowed
- LCCF will reimburse the Village for a minimum of one-half of the Village related expenses associated with the festival

The Mayor asked for questions and comments. The Mayor asked that carnival rides remain closed only until the parade passes the area. LCCF representatives were available to answer questions.

Trustee Carey moved to approve the resolution approving Libertyville Days 2017. Trustee Garrity seconded. The Mayor asked for any further Village Board and public comment and there was not. The motion carried on roll call vote as follows:

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

NAYS: None

RESOLUTION 17-R-35: Purchase a Stryker Power Loading System for Ambulance

President Wepler stated that the Fire Department will be receiving a new ambulance in March, which was budgeted and approved by the Village Board at the April 26, 2016 meeting, and is part of the regular replacement schedule for ambulances. This purchase

included a Stryker power cot as part of the total purchase, which allows the ambulance to have current equipment for safety and functionality. The new ambulance will be completed in a few weeks, and the vendor stated that there is still time to install the unit, and it would not delay the completion date. The cost of the power loading system is \$27,957.27 and is considered a sole source purchase.

Because the power loading system was not budgeted, a cooperative effort has been utilized to fund the safety equipment in the following manner:

Village of Libertyville	\$ 8,190.00
Foreign Fire Fund	\$13,267.27
Firefighter's Association Local 3892	\$ 5,000.00
Fire Fund	\$ 1,500.00

The Fire Department intends to submit for a reimbursement grant application with IRMA for a possible grant in 2018. Per the terms of the grant, which is not guaranteed, the funds would be reimbursed to the Village in the amount of approximately \$9,900. Staff requested approval to authorize the purchase. The Mayor asked for questions or comments and there was none.

Trustee Moras moved to approve the resolution to purchase the Stryker Power Loading System, and Trustee Johnson seconded. The Mayor asked for further Board and public comment. The motion carried on roll call vote as follows:

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

NAYS: None

RESOLUTION 17-R-36: Approve Change Order #1 for the Wastewater Treatment Plant Upflow Clarifier Isolation Valves Replacement Project

The Mayor explained that at the September 13, 2016 meeting, the Village Board awarded the construction for the Upflow Clarifier Isolation Valve Replacement project at the WWTP to PirTano Construction Co., Inc. in the amount of \$79,000.00. Construction began in early February, and the "as-built" drawings on file indicated that the valves had flanged joints. After construction started and the isolation valves were excavated, it was discovered that the valves actually had mechanical joints. The joints had to be matched because the existing pipe is encased in concrete, making removal difficult.

The contractor submitted a change order to purchase the necessary fittings along with associated labor in the amount of \$4,866.00. With Village Attorney approval, the Village Administrator authorized the change order work to keep the project moving forward and to assist in getting the operation of the WWTP back in full service and to avoid additional costs.

Sufficient funds are available in the Waster and Sewer Capital Improvements Fund/WWTP Improvements to cover the additional costs. Staff recommended adoption of the resolution for approval of Change Order #1 to the contract with PirTano Construction Co. The Mayor asked for questions and comments. Trustee Moras thanked Staff for proceeding to avoid delays.

Trustee Moras moved to approve the resolution authorizing Change Order #1 to the contract with PirTano Construction Company in the amount of \$4,866.00. Trustee Justice seconded. The Mayor asked for further Board and public comment. The motion carried on roll call vote as follows:

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

NAYS: None

RESOLUTION 17-R-37: Change Order No. 4 for Church Street Parking Garage Construction Project

President Wepler recused himself from the item due to his ownership of property in the TIF District. Trustee Garrity made a motion to appoint Trustee Johnson as President Pro Tem and Trustee Adams seconded the motion. President Pro Tem Johnson explained that the Village Board awarded the contract for the Church Street Parking Garage Construction Project to Walsh Construction Co. II, LLC in the amount of \$8,740,000.00. Funding was provided in the Tax Increment Financing (TIF) District Fund. She then reviewed three previous change orders to the contract. A fourth Change Order was presented that would include additional costs for thicker insulation for the exposed portion of the water service, directional drilling of the electrical power supply to one of the exterior lights, additional prefabricated ADA sidewalk panels, and a credit for deducting the sealant to the permeable brick pavers. These items resulted in a net increase of \$3,548.60.

Staff and Walker Parking Consultants agreed that the fourth Change Order was warranted. The adjusted contract amount, including change Order #4, will be \$8,823,272.46, which is a 1% increase over the original contract amount. Funds are available in the TIF District Fund. President Pro Tem Johnson asked for questions or comments.

Public Works Director Kendzior explained that with little storm water retention available, the permeable pavers needed to remain unsealed. Trustee Justice stated that this had been an excellent job due to the slight percentage over the original contract.

Trustee Moras moved to approve the resolution for Change Order #4 for the Church Street Parking Garage Construction Project. Trustee Adams seconded. The President Pro Tem Johnson asked for further Village Board and public comment and there were none. The motion carried on roll call vote as follows:

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

NAYS: None

RESOLUTION 17-R-38: Waive Competitive Bidding and Approve a Contract for the Wastewater Treatment Plant Lagoon Aerators Electrical Service

President Weppler explained that the excess flow lagoon at the wastewater treatment plant has eight separate aerators. The voltage feedback, which should be zero, is ranging from as low as 42 volts to as high as 110 volts between the aerators. This drastic fluctuation in voltage is thought to be caused by faulty insulation within the electrical conduit runs. The conduits are buried and troubleshooting and investigation need to be performed before an exact cause can be determined. To minimize potential damage to aerator motors, four of the eight aerators are currently in operation.

Three electrical contractors were contacted to provide proposals for the repairs. Proposals were based on time and material basis and covered three repair steps: 1) troubleshooting and investigation; 2) replacement of wire only; 3) replacement of conduit and wire. Until the work is performed, the exact costs cannot be determined. A summary of proposals was presented.

Staff recommended selecting Pieper Electrics, Inc. to perform the necessary aerator electrical repairs on a time and material cost in the not to exceed amount of \$24,836.00. Staff also requested waiving competitive bidding due to the time sensitive urgency of this unforeseen breakdown and to avoid the potential of causing more damage to the motors of the remaining running aerators.

The Mayor asked for any questions and comments and there were none. Trustee Johnson moved to approve the resolution to Waive Competitive Bidding and approve a Contract with Pieper Electric, Inc. for Lagoon Aerators Electrical Service Repairs. Trustee Moras seconded.

The Mayor asked for further Board and public comment. The motion carried on roll call vote as follows:

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

NAYS: None

RESOLUTION 17-R-39: Waive Competitive Bidding and Approve the Purchase of Laptop Computers and Accessories

President Weppler explained that through the Village's ETSB, the Police and Fire Departments have budgeted for the replacement of in-vehicle laptop and tablet computers. Both Departments have worked with the Finance Department to develop scheduled replacement plans for this equipment in future years to ensure proper budgeting.

The Police Department requested approval to purchase:

- Ten (10) mobile data computers, docking stations, etc. in an amount not to exceed \$58,000. Two of the devices will not require new docking stations due to the Department having spares from previous systems.

The Fire Department requested approval to purchase:

- Five (5) mobile data computers in an amount not to exceed \$18,000

The total expenditure request between the two Departments is not to exceed \$76,000, and all equipment to be purchased is listed on State of Illinois Master Contract #CMS5848520. Staff recommended waiving competitive bids and awarding the purchase to CDS Technologies, Inc. based on the State Contract. The Mayor asked for any further questions and comments and there were none.

Trustee Johnson moved to approve the resolution to Waive Competitive Bidding and approve the Purchase of Laptop Computers and Accessories from CDS Technologies, Inc. Trustee Carey seconded. The Mayor asked for further Board and public comment. The motion carried on roll call vote as follows:

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

NAYS: None

Ordinance 17-O-15: Amend the 2016-2017 Village Budget to Allow ETSB Proceeds to Fund Communications Equipment Expenses

President Wepler explained that as of May 1, 2017, the Emergency Telephone System Board (ETSB) will be dissolved in order to comply with State Statute. A component of this legislation states that any remaining 9-1-1 surcharge funds are to be transferred to the new Joint ETSB that the Village will become a member of with Vernon Hills and Lincolnshire.

Staff and the ETSB have developed a plan to utilize a portion of the remaining reserve funds for capital needs of the Police and Fire Departments prior to the May 1 deadline. This will result in a lesser capital request in future budget years. The balance of the Libertyville ETSB proceeds will likely be used as a bill credit for future dispatch services.

Proposed purchases include:

- Seven (7) mobile data computers, docking stations, mounts, etc. for the Police Department in a amount not to exceed \$41,000
- Two (2) mobile and one (1) portable radio for the Fire Department in an amount not to exceed \$7,750
- Ten (10) portable radio batteries for the Fire Department in an amount not to exceed \$1,000

- Radio programming computer and related cables for the Fire Department in an amount not to exceed \$2,000
- Cradle Point hardware to replace in-vehicle wireless signal boosters for the Fire Department in an amount not to exceed \$11,000
- Ten (10) replacement pagers for the Fire Department in an amount not to exceed \$4,500
- Two (2) mobile data computers for the Fire Department in an amount not to exceed \$7,000
- A headset communications system for the new fire engine for the Fire Department in an amount not to exceed \$5,000

As a result of these changes, the authorized budgeted expenditures for ETSB will increase \$79,250 from \$403,460 to \$482,710 for the 2016-2017 fiscal year. Sufficient funds remain in the ETSB fund balance to cover the increase. Staff recommended adoption of the ordinance. The Mayor asked for questions and comments.

Trustee Garrity moved to adopt the ordinance to allow ETSB Proceeds to Fund Communications Equipment Expenses. Trustee Adams seconded. The Mayor 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-40: Approve a National IPA Purchasing Bid with Brown & Root, Inc. – Fitness Center

President Wepler noted that the 2016-2017 Village Budget included \$30,000 in the Libertyville Sports Complex Improvement Fund for repairs to showers in the men's and women's locker rooms.

The National Intergovernmental Purchase Alliance (National IPA) operates a joint cooperative purchasing service, which allow state and local governments to jointly purchase from federal contractors. The Village has used the National IPA in the past for sourcing and purchasing quality products at favorable prices from pre-approved companies and allows for the waiver of bids.

Bid quotes were requested from Brown & Root Industrial Services (formerly KBR Industrial Services), an IPA National Bid Program contractor. Brown & Root has worked with the Village on other similar flooring projects, most recently the flooring at the Adler Swimming Pool. Brown & Root has been professional, cooperative to work with, produced good results, stayed within budget, and completed projects on time.

Staff received a total cost quote of \$33,653, and Brown & Root is willing to work with the Village to have the least amount of impact to Fitness Center operations. Although the bid price is over budget, there is still sufficient funding of \$16,346.30 for the remaining Fitness Center budgeted capital improvements in the 2016-2017 fiscal year.

Staff recommended waiving formal bidding, utilizing the National IPA pricing, and awarding the \$33,653.70 contract to Brown & Root Industrial Services, Inc. for the shower room repair project. The Mayor asked for any questions and comments.

Responding to questions, Recreation and LSC Director Connie Kowal explained that all showers would be renovated from floor to ceiling. Brown & Root successfully completed a similar project at Adler Swimming Pool.

Trustee Johnson moved to approve the resolution approving a National IPA Purchasing Bid with Brown & Root Industrial Services. Trustee Carey seconded. The Mayor asked for further Board and public comment. The motion carried on roll call vote as follows:

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

NAYS: None

PETITIONS AND COMMUNICATIONS

Recommendation to refer item to Special Projects Committee

President Wepler presented two items to the April 17, 2017 Special Projects Committee meeting: 1) Creation of a Fine Arts Commission and 2) Review requests from the Public for Sanctuary City Declaration.

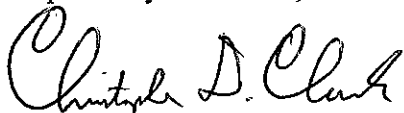
President Wepler announced the following:

- The Historic Preservation Commission will meet at 4:00 p.m. on Tuesday, March 7, 2017
- The Parks and Recreation Committee will meet at 5:30 p.m. on Tuesday, March 7, 2017
- The Village Board Budget Workshop #2 will be held at 7:00 p.m. on Tuesday, March 7, 2017
- The Plan Commission/Zoning Board of Appeals will meet at 7:00 p.m. on Monday, March 13, 2017 at the Libertyville Civic Center
- The Water and Sewer Committee will meet at 7:00 p.m. on Tuesday, March 14, 2017
- The Village Board will meet at 8:00 p.m. on Tuesday, March 14, 2017

ADJOURNMENT

With no further business, Trustee Johnson moved to adjourn at 9:25 p.m., Trustee Moras seconded, and the motion carried on a unanimous voice vote.

Respectfully submitted,



Christopher D. Clark
Deputy Village Clerk