

VILLAGE OF LIBERTYVILLE
BOARD OF TRUSTEES
February 23, 2016

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, Jay Justice, Scott Adams, and Peter Garrity. Trustees Richard Moras and Todd Gaines were absent.

GFOA Certificate of Achievement for Excellence in Financial Reporting

President Wepler presented the GFOA Certificate of Excellence in Financial Reporting to Finance Director Pat Wesolowski.

Proclamation: Libertyville Youth/Fine Arts Month

President Wepler read a proclamation naming March Libertyville Youth Arts Month and presented it to Amy Williams, Executive Director of the David Adler Music and Arts Center.

Appointment of Finance Director

President Wepler introduced the Village's new Finance Director, Patrice Sutton. Patrice will replace retiring Finance Director Pat Wesolowski. Patrice will begin her new position on April 4, 2016.

ITEMS NOT ON THE AGENDA

President Wepler asked if anyone had anything to bring before the Board that was not already listed on the agenda.

-Two young ladies addressed the Village Board concerning a request to have the Village assist in promoting a substance-free lifestyle. They would like to require that all electronic cigarettes and smoking devices be subject to the same rules that govern regular smoking. The Mayor requested that the issue be referred to the License and Permits Committee.

-Ms. Amy Loizzo, 581 Greenacre Drive, addressed the Board regarding excessive sound generated by Austin's Fuel Room. Ms. Loizzo stated that there is noise most every weekend when bands begin playing at 10:30 p.m. There is no buffer between the venue and the surrounding neighborhood. Police Chief Herdegen agreed to research the matter and report to the Board regarding complaints and police responses.

OMNIBUS VOTE AGENDA

President Wepler introduced the Omnibus Vote Agenda and asked if any member wanted an item removed for separate discussion. He then removed Item 3M for separate discussion.

OMNIBUS VOTE AGENDA

- A. Minutes of the February 9, 2016 Meeting
- B. Bills for Approval

- C. **RESOLUTION 16-R-07: Change Order No. 1 to LSC Driving Range Netting Replacement**
- D. Approve Reduction in Letter of Credit – Bridge Development
- E. Reject Bid for WWTP Valve Replacement
- F. Approve Request to Waive Permit Fees – Rondout School district
- G. **RESOLUTION 16-R-08: Authorize Allocation of MFT Funds**
- H. Award Contract for Pond and Lake Maintenance Services
- I. **ORDINANCE 16-O-12: Declare Surplus Property**
- J. **ORDINANCE 16-O-13: Amend Municipal Code re: EMA**
- K. **ORDINANCE 16-O-14: Amend Municipal Code re: Alarm Systems**
- L. Approve PACE Dial-A-Ride Agreement
- M. ARC Reports

Trustee Johnson moved to adopt the items A-L listed on the Omnibus Vote Agenda in a single group pursuant to the omnibus vote procedures of the Libertyville Municipal Code. Trustee Justice seconded. The Mayor asked for Board and public comment. The motion carried on roll call vote as follows:

AYES: Trustees Johnson, Justice, Adams, and Garrity

NAYS: None

ABSENT: Trustees Moras and Gaines

3M – 3 Riva Ridge

President Wepler expressed concern that Riva Ridge was asking for a seventh landscape change. He explained that Riva Ridge had removed 179 trees and only replaced 56. He asked that the issue be deferred until the issue could be clarified.

Trustee Johnson moved to defer Item 3M - 3, and Trustee Adams seconded. The Mayor asked for Board and public comment. The motion carried on roll call vote as follows:

AYES: Trustees Johnson, Justice, Adams, and Garrity

NAYS: None

ABSENT: Trustees Moras and Gaines

3M – 1 and 2

Trustee Johnson moved to approve items 1 and 2 of 3M, and Trustee Adams seconded. The Mayor asked for Board and public comment. The motion carried on roll call vote as follows:

AYES: Trustees Johnson, Justice, Adams, and Garrity

NAYS: None

ABSENT: Trustee Moras and Gaines

ORDINANCE 16-O-15: Authorize Perimeter Landscape Open Space Variation – School District 70

President Wepler introduced an ordinance granting a variation of Perimeter Landscaped Open Space in order to expand parking lot areas at Copeland School, 801 S. 7th Avenue. The request was approved the February 9, 2016 Village Board meeting with the

understanding that the ordinance would be drafted for approval at the February 23, 2016 meeting. The Mayor asked for questions and comments.

Trustee Garrity moved to approve the ordinance, and Trustee Adams seconded. The Mayor asked for Board and public comment. The motion carried on roll call vote as follows:

AYES: Trustees Johnson, Justice, Adams, and Garrity

NAYS: None

ABSENT: Trustee Moras and Gaines

FENCE VARIATION – 1332 Forever Avenue

A. ZBA Report

President Wepler introduced a report of the Zoning Board of Appeals for a request from the owners of 1332 Forever Avenue to construct a four-foot high aluminum fence in the corner side yard. A variation was necessary as the corner side yard abuts a front yard for the adjoining property. The ZBA concurred with the request and recommended approval. The Mayor asked for questions and comments.

Mr. Sylvain Nadeau, the owner, explained that several trees would have to be removed to allow for the fence, and he had received a separate permit for the removal.

Trustee Johnson moved to approve the variation, and Trustee Justice seconded. The Mayor asked for Board and public comment. The motion carried on roll call vote as follows:

AYES: Trustees Johnson, Justice, Adams, and Garrity

NAYS: None

ABSENT: Trustee Moras and Gaines

B. ORDINANCE 16-O-16

President Wepler presented the ordinance granting a variation for the installation of a fence at 1332 Forever Avenue.

Trustee Garrity moved to approve the ordinance, and Trustee Adams seconded. The Mayor asked for Board and public comment. The motion carried on roll call vote as follows:

AYES: Trustees Johnson, Justice, Adams, and Garrity

NAYS: None

ABSENT: Trustees Moras and Gaines

AWARD CONTRACT – 2016 Underground Utility Project

President Wepler noted that ten bids were received and opened on Friday, February 12, 2016 for the 2016 Underground Utility Improvements project. The bids ranged from \$1,485,689.70 to \$1,944,755.40 with the Engineer's Estimate being \$1,797,017.50. Trine Construction Corporation submitted the lowest bid. The proposed work will include water main and sanitary replacements on various streets within the village. Because the Village's Budget only includes \$1,200,000 for the project, a portion of the work will need to be deleted in order to stay within the budgeted funds.

The Mayor explained that funds are available in the Water and Sewer Capital Improvement Fund to complete the slightly reduced project scope, and the final cost would be based on actual completed contract quantities. Administrative Staff and the consultant recommended the contract be awarded to Trine Construction Corporation in the not-to-exceed amount of \$1,200,000.00. The Mayor then asked for questions and comments.

Trustee Justice asked if the delay would result in increased costs when the rest of the project is completed. Public Works Director Paul Kendzior stated that costs have remained consistent and there would be minimal increase in another year, especially with aggressive bidding. He added that this was a favorable bid.

Trustee Justice moved to award the contract to Trine Construction Corporation in a not-to-exceed amount of \$1,200,000.00. Trustee Adams seconded. The Mayor asked for Board and public comment. The motion carried on roll call vote as follows:

AYES: Trustees Johnson, Justice, Adams, and Garrity

NAYS: None

ABSENT: Trustees Moras and Gaines

AWARD CONTRACT – 2016 Road Rehabilitation Program

President Wepler explained that the Village is in the fourth year of a \$20 million bond referendum to improve and rehabilitate roadway pavements throughout the Village. Public Works Staff has been working with consulting engineer (Christopher B. Burke Engineering, Ltd.) to prepare bid plans and specifications for this year's project. The list of streets scheduled for rehabilitation was approved by the Streets Committee.

Competitive bids were opened on February 4, 2016, and four bids were received. The Engineer's estimate was \$4,254,410.75, and bids ranged from \$3,585,771.11 to \$4,706,618.97. Approximately \$3,600,000 is available in the budget for the project. A-Lamp Concrete Contractors, the low bidder, is a large and experienced contractor, and they have previously completed other pavement rehabilitation projects for the Village. Village Staff and the consulting engineer are confident that A-Lamp will complete the job as specified and within the time frame required. Therefore, Administrative Staff recommended that contract for the 2016 Road Rehabilitation Program be awarded to A-Lamp Concrete Contractors in the amount of \$3,585,771.11, which would be based on actual quantities constructed and would not exceed the approved amount. The work will be paid for with the Road Bond proceeds and a portion of Motor Fuel Tax. The Mayor asked for questions and comments.

Trustee Justice asked how the amount approved would be monitored. Director Kendzior stated that there would be daily tracking, and amounts would be carefully monitored.

Trustee Garrity moved to award the contract to A-Lamp Concrete Contractors for an amount not to exceed \$3,585,771.11. Trustee Johnson seconded. The Mayor asked for Board and public comment. The motion carried on roll call vote as follows:

AYES: Trustees Johnson, Justice, Adams, and Garrity

NAYS: None

ABSENT: Trustee Moras and Gaines

**APPROVE PROFESSIONAL SERVICES AGREEMENT – Construction
Coordinator**

President Weppler explained that the last four seasons have included extremely high amounts of both public and private construction activity throughout the Village. The increase is the direct result of the Road and Infrastructure Bond issues. He added that the Village has limited in-house Engineering Staff, and as a result, during last year's construction season, the Village entered into an agreement with Gewalt-Hamilton Associates, Inc. (GHA) for a Construction Coordinator to provide assistance.

The Mayor added that the Construction Coordinator is extremely helpful in observing and inspecting the numerous construction projects, most notably the underground utility improvements as well as providing assistance with the closed circuit televising of our underground infrastructure on streets scheduled for rehabilitation. Staff expects similar levels of construction activity this year and has presented a proposal from GHA to once again provide a Construction Coordinator.

Administrative Staff recommended that the Village Board accept the proposal and authorize the Village Administrator to sign a Professional Services Agreement with Gewalt-Hamilton Associates, Inc. in an amount not to exceed \$87,300.00 for construction Coordinator services. Sufficient funding is provided in the Water and Sewer Capital and Road Improvement Funds. The Mayor then asked for questions and comments.

Trustee Justice asked for clarification of reimbursables, and Director Kendzior explained that mileage was reimbursable. Trustee Garrity asked for clarification of using an in-house versus an outside coordinator. Administrator Bowens explained that due to 2009-2010 Village layoffs, there is no longer enough staff to oversee the required construction activity.

Trustee Justice moved to approve the Professional Services Agreement with Gewalt-Hamilton Associates, Inc. and authorize execution. Trustee Adams seconded. The Mayor asked for further questions or comments. The motion carried on roll call vote as follows:

AYES: Trustees Johnson, Justice, Adams, and Garrity

NAYS: None

ABSENT: Trustees Moras and Gaines

APPROVE PROFESSIONAL SERVICES AGREEMENT – Sanitary Lift Station

President Weppler explained that the Route 45 sanitary sewer lift station was constructed in 1966, and the prefabricated steel dry pit portion of the station is in a badly deteriorated and corroded state. The overall station, including the current pumps, is at the end of its useful service life and requires replacement.

The Village received a Professional Services Agreement from RHMG Engineers, Inc. in a not-to-exceed amount of \$45,230.00 to perform final engineering design, bidding, and construction engineering services to replace the station with a more conventional and efficient submersible lift station. Sufficient funding for the proposed engineering is provided in the Water and Sewer Capital Improvement Fund. The proposed work will

occur over two fiscal year budgets, and construction is anticipated to occur in the latter portion of FY 2016-2017.

Administrative Staff recommended approval and execution of the Professional Services Agreement with RHMG Engineers, Inc. in the not-to-exceed amount of \$45,230.00 for replacement of the Route 45 sanitary lift station. The Mayor then asked for questions and comments.

Trustee Johnson moved to approve the agreement and authorize execution. Trustee Garrity seconded. The Mayor asked for Board and public comment. The motion carried on roll call vote as follows:

AYES: Trustees Johnson, Justice, Adams, and Garrity

NAYS: None

ABSENT: Trustee Moras and Gaines

APPROVE PROFESSIONAL SERVICES AGREEMENT – 2017 Road Rehabilitation Program

President Wepler explained that Public Works Staff would like to begin the engineering design work for the 2017 Road Rehabilitation Program (shave & pave). The Streets Committee approved the list of streets to be included for this program at their January 26, 2016 meeting. The Village previously contracted with Christopher B. Burke Engineering, Ltd. (CBBEL) for the past three years for the design and construction services for the annual Road Rehabilitation Program. CBBEL has done an excellent job, performing work on time and under the contract amount.

The Mayor stated that approximately \$3,500,000 of actual construction work is anticipated for the 2017 Road Rehabilitation Program. Administrative Staff recommended the approval of the engineering services agreement with CBBEL in an amount not to exceed \$407,399.74 for design and construction engineering services related to the 2017 Road Rehabilitation Program. The necessary funds are budgeted in the Road Improvement Fund. The Mayor then asked for question and comments.

Trustee Justice asked how resident would be informed of construction. Director Kendzior explained that an initial letter would be send and follow-up letter with start dates would follow. There will be regular communication, and Police Chief Herdegan said that the reverse 911 program could also be used.

Trustee Garrity moved to approve the agreement and authorize execution of the contract with Christopher B. Burke Engineering, Ltd. Trustee Adams seconded. The Mayor asked for Board and public comment. The motion carried on roll call vote as follows:

AYES: Trustees Johnson, Justice, Adams, and Garrity

NAYS: None

ABSENT: Trustee Moras and Gaines

APPROVE AGREEMENT – 2017 Road Rehabilitation Soils Testing

President Wepler explained that the Village is preparing for the fifth year of the \$20 million Bond referendum approved in March 2012 to improve and rehabilitate roadway

pavements throughout the Village. Public Works Staff has been working with consulting engineers to prepare plans and specifications for the last year of the program. One important design component is identifying the composition of the existing street pavement sections. This is completed by obtaining and analyzing representative pavement cores for the streets to be rehabilitated.

Rubino Engineering, Inc., and experienced material testing company, has previously done other testing services for the Village. Rubino has been both efficient and cost effective. Administrative Staff recommended approval and authorization for the Village Administrator to execute an agreement with Rubino Engineering, Inc. in an amount not to exceed \$23,748.00 for materials testing services related to the 2017 Road Rehabilitation Program. The work is budgeted in the Road Improvement Fund. The Mayor then asked for questions and comments.

Trustee Johnson moved to approve the agreement and authorize execution. Trustee Justice seconded. The Mayor asked for Board and public comment. The motion carried on roll call vote as follows:

AYES: Trustees Johnson, Justice, Adams, and Garrity

NAYS: None

ABSENT: Trustee Moras and Gaines

RESOLUTION 16-R-09: Support of Remote Transactions Parity Act

President Wepler stated that the Village has previously supported passage of remote sales tax collection legislation such as the Marketplace Fairness Act. Local brick-and-mortar retailers have been hurt in recent years by online and catalog purchase by customers who believe they get a discount by not paying sales tax, putting local retailers at a competitive price disadvantage to remote sellers. Customers who purchase online are generally required to pay sales tax when filing their annual State Income Tax, and many of not aware of this responsibility. The tax loophole results in both loss of tax revenue for state and local government and market conditions that are unfavorable for local brick-and-mortar small businesses.

The Mayor reported that recent legislation has been introduced in Congress entitled the "Remote Transactions Parity Act" (RTPA) of 2015, which improves upon the previous Marketplace Fairness Act and provides uniform collection of state sales tax by online retailers. The Illinois Municipal League, Lake County Municipal League and Libertyville MainStreet organizations have requested Village support of remote state sales tax collection, and legislation such as the Marketplace Equity Act and the Remote Transaction Parity Act. Administrative Staff recommended Village Board approval of the resolution and distribution to congressional representatives. The Mayor asked for questions and comments.

Trustee Garrity thanked MainStreet's Pam Hume for bringing the information to his attentions. He also thanked Administrator Bowens for his time in researching the issue. He favored support and follow-up with legislators.

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

AYES: Trustees Johnson, Justice, Adams, and Garrity

NAYS: None

ABSENT: Trustee Moras and Gaines

PETITIONS AND COMMUNICATIONS

President Wepler announced the following:

- The Village Board will meet as a Committee of the Whole to hold a Budget Workshop at 8:00 a.m. on Saturday, February 27, 2016
- The Historic Preservation Commission will meet at 4:00 p.m. on Tuesday, March 1, 2016
- The Parks and Recreation Committee and Parks Advisory Commission will not meet on Tuesday, March 1, 2016
- The Village Board will meet as a Committee of the Whole to continue the Budget Workshop at 6:00 p.m. on Tuesday, March 1, 2016
- The Water and Sewer Committee will meet at 7:00 p.m. on Tuesday, March 8, 2016
- The Village Board will meet at 8:00 p.m. on Tuesday, March 8, 2016

EXECUTIVE SESSION – Litigation and Land Acquisition

The Mayor noted the need to meet in Executive Session for discussion of litigation and land acquisition. Trustee Johnson moved to go into Executive Session at 8:48 p.m.

Trustee Garrity seconded, and the motion carried on a unanimous voice vote.

ADJOURNMENT

The Board returned to the regular meeting at 9:20 p.m., and with no further business, Trustee Garrity moved to adjourn, Trustee Adams seconded, and the motion carried on a unanimous voice vote.

Respectfully submitted,

Hevin J. Bowers, Deputy

Sally A. Kowal
Village Clerk