

VILLAGE OF LIBERTYVILLE  
BOARD OF TRUSTEES  
March 22, 2016

President Wepler called to order a meeting of the Board of Trustees at 8:00 p.m. in the Village Hall, 118 W. Cook St., Libertyville, Illinois. Those present were: President Terry Wepler, Trustees Donna Johnson, Todd Gaines, Jay Justice, Scott Adams, and Pete Garrity. Trustee Richard Moras was absent.

**Oath of Office: Deputy Fire Chief**

President Wepler gave the Oath of Office to Fire Lieutenant Michael Pakosta for his promotion to Deputy Fire Chief.

**Oath of Office: Fire Lieutenant**

President Wepler gave the Oath of Office to Firefighter/Paramedic Mike Hall for his promotion to Fire Lieutenant.

**Fire Department Unit Citations**

President Wepler presented a number of Fire Department Unit Citations to Department members Mike Grempla, Justin Haedt, Andy Yarc, Mike Stanek, Tom Pitel, and Jared Woodward for recognition of recent life-saving work.

**Proclamation: Vietnam Veterans Day**

President Wepler presented a proclamation to Willard Helander for the National Vietnam War commemoration, and proclaiming Tuesday, March 29, 2016 as Vietnam Veterans Day and Libertyville.

**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.

Mr. Jack Lantz of Florence Court was present requesting an update on the repair of a portion of his lawn due to the recent installation of a sanitary sewer service. Administrator Bowens indicated that the Staff has been in contact with the adjoining homeowner and contractor, and the restoration work will be completed as soon as the weather allows.

**OMNIBUS VOTE AGENDA**

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

OMNIBUS VOTE AGENDA

- A. Minutes of the March 8, 2016 Meeting
- B. Minutes of the March 8, 2016 Executive Session
- C. Bills for Approval
- D. **ORDINANCE 16-O-20**: Sign Variations – BECO Inc., 600 N. U.S. Highway 45
- E. Ordinance: Amend Municipal Code re: Building Codes – Defer

- F. **RESOLUTION 16-R-11:** Approve Change Order to Contract with Landscape Concepts
- G. **RESOLUTION 16-R-12:** Approve Change Order to Contract with Buhrman Design Group
- H. **RESOLUTION 16-R-13:** Urge State of Illinois to Pass Budget
- I. Approve Request for Use of Village Property – LHS Student Council
- J. Approve Raffle License Request – Boy Scout Troop 71

Trustee Johnson moved and Trustee Gaines seconded to adopt items A through D and items F through J on the Omnibus Vote Agenda in a single group pursuant to the omnibus vote procedure of the Libertyville Municipal Code. President Wepler asked for Village Board and Public comment. The motion carried on a roll call vote as follows:

AYES: Trustees Johnson, Gaines, Justice, Adams and Garrity  
 NAYES: None  
 ABSENT: Trustee Moras

**ARC REPORT: River Ridge Landscaping** (deferred from the March 8, 2016 Village Board meeting)

President Wepler introduced a deferred item from the Appearance Review Commission report of February 15, 2016, which had been deferred pending clarification of the landscaping plan. President Wepler indicated that the Village Staff met with the Homeowners Association and their arborist, and are in agreement with all items other than the removal of two crabapple trees and the location of a another replacement tree to a higher location on an existing berm. Trustee Adams and Trustee Johnson discussed the removal of the two crabapple trees and indicated their desire to see some additional bushes planted as replacements. The Mayor and Village Board agreed to move forward with approval of the landscaping plan and authorize the Administrative Staff to finalize the type of replacement bushes to be planted in the location where the crabapple trees will be removed. Trustee Adams moved and Trustee Johnson seconded to approve the landscaping and tree replacement plan for the River Ridge Umbrella Association, subject to Staff determination on replacement bushes for two crabapple trees. Motion carried on roll call vote as follows:

AYES: Trustees Johnson, Gaines, Justice, Adams and Garrity  
 NAYES: None  
 ABSENT: Trustee Moras

**EXTEND CONTRACT FOR EAB REMOVAL**

President Wepler indicated that the Village has contracted for assistance with the removal of parkway trees infected with the Emerald Ash Borer (EAB), and currently has a renewable contract for up to three years with Trees “R” Us, Inc. The Administrative Staff is recommending the renewal of the contract for the third year, in the amount not to exceed \$263,750 for the 2016-17 Fiscal Year. Trustee Johnson moved and Trustee Gaines seconded to authorize approval for a one year extension of the contract with Trees “R” Us, Inc. in the amount of \$263,750. The motion carried on a roll call vote as follows:

AYES: Trustees Johnson, Gaines, Justice, Adams and Garrity  
 NAYES: None

ABSENT: Trustee Moras

**AWARD CONTRACT FOR DEMOLITION OF INCINERATOR STACKS AT THE COOK HOUSE**

President Wepler indicated that there are two obsolete and unused concrete vent stacks located immediately behind the Cook House Museum at 413 North Milwaukee Ave., and Village Staff had obtained three bids for removal of the stacks and sealing of the underground area. President Wepler indicated that the lowest qualified bid was submitted by Hezcorp Construction Services Inc. in the amount of \$48,968. Trustee Justice questioned the timeframe for the project, and Building Commissioner David Fischer indicated that the work is scheduled to be completed by April 30, 2016. Trustee Johnson moved and Trustee Garrity seconded to approve a contract with Hezcorp Construction Services Inc. in the amount of \$48,968 for the removal of two incinerator stacks located immediately behind the Cook House Museum. The motion carried on a roll call vote as follows:

AYES: Trustees Johnson, Gaines, Justice, Adams, Garrity

NAYES: None

ABSENT: Trustee Moras

**REQUEST FOR EXEMPTION FROM COMMERCIAL WASTE FRANCHISE**

President Wepler indicated that Advocate Condell Medical Center, located at 801 South Milwaukee Ave., has submitted a second request for an exemption from the Village Commercial Waste Franchise Program, and noted that the original request was denied on June 9, 2015. President Wepler indicated that Condell has yet to comply with Village regulations, and has not provided the Village Staff with any requested information regarding a basis for approval of the exemption, notably a national contract that cannot be terminated, or unique service requirements that the Village franchisee Groot cannot provide. Several representatives of Advocate Condell Medical Center were present and apologized for noncompliance, indicating that they experienced an internal communications failure between the Libertyville facility and corporate headquarters. Mr. David Cartwright of Advocate Condell Medical Center indicated that they have a national contract with Waste Management, they believe that Groot is unable to meet their unique service requirements, and the contract will cost approximately \$6300 more per year. President Wepler and Village Trustees express their disappointment with regard to Condell's lack of responsiveness, and indicated that Condell has again failed to provide any information supporting their request for an exemption. Following a lengthy discussion, President Wepler recommended that the request for exemption be deferred until the April 26, 2016 Village Board meeting, in order to allow Condell to meet with Groot and attempt to reach an agreement. Trustee Johnson moved and Trustee Adams seconded to defer the item until the April 26, 2016 Village Board meeting. The motion carried on a roll call vote as follows:

AYES: Trustees Johnson, Gaines, Justice, Adams and Garrity

NAYES: None

ABSENT: Trustee Moras

### **AWARD BID FOR CHURCH STREET PARKING STRUCTURE**

President Weppler indicated that he owns property in the Libertyville Tax Increment Financing (TIF) District, and therefore would recuse himself from further discussions and requested that Trustee Johnson serve as Mayor pro tem. Trustee Johnson then reviewed the bids for the Church Street parking garage which were opened on March 11, 2016, and noted that the Staff and Parking Consultant's recommendation is to award a contract to the lowest responsible bidder, Walsh Construction Company in the amount of \$8,768,000. Trustee Johnson noted that the lowest read bid was submitted by Accel Pacific Joint-Venture, and Village Staff, Attorney, and Parking Consultant had concerns with the company not meeting the bid requirements with regard to similar experience. The second lowest red bid was submitted by McShane Construction Company, however the Village Staff, Village Attorney and Parking Consultant determined that McShane made a material change to the bid document with regard to the project schedule and potential avoidance of liquidated damages, and therefore should not be considered. Representatives of Accel Pacific Joint-Venture were present and challenged the recommendation, indicating that while their firm has not completed the required number of parking garage projects, their assembled team of staff have completed a number of parking garage projects and believe that the Mayor and Village Board have the authority to accept their bid. A representative of McShane Construction Company also spoke and indicated that his Company was willing to follow the Village construction schedule; however the Village Attorney indicated that the bid document was changed and would give McShane an advantage over other bidders. The Village Attorney indicated that he and the Staff asked McShane to address the legal issue regarding how their bid could be considered, and they did not respond. Village Board members asked a number of questions of the companies, and expressed their concerns with the approximate \$400,000 difference between the Accel Pacific Joint-Venture bid and the Walsh Construction Company bid, versus concerns with the companies not meeting the bid requirements. Trustee Garrity moved and Trustee Justice seconded to defer the bid award until the April 12, 2016 Village Board meeting, in order to provide additional time for the Village Board, Village Attorney and Staff to review the issues presented. The motion carried on roll call vote as follows:

AYES: Trustees Johnson, Gaines, Justice, Adams and Garrity  
NAYES: None  
ABSENT: Trustee Moras

### **APPROVE PROFESSIONAL SERVICES AGREEMENT FOR MATERIAL TESTING SERVICES**

Trustee Johnson indicated that the firm of Rubino Engineering Inc. has submitted a proposal to provide material testing services for the Church Street parking garage project. Trustee Johnson indicated that the proposal is in the amount of \$20,369.50, and will ensure that the materials used during construction conform to the contract specifications. Trustee Johnson noted that Rubino Engineering has successfully completed the geotechnical analysis and clean construction demolition debris testing and certification for the Church Street parking garage project. Trustee Adams moved and Trustee Garrity seconded to approve a Professional Services Agreement for material testing services with

Rubino Engineering Inc. in the amount of \$20,369.50. The motion carried on a roll call vote as follows:

AYES: Trustees Johnson, Gaines, Justice, Adams and Garrity  
NAYES: None  
ABSENT: Trustee Moras

### **PETITIONS AND COMMUNICATIONS**

President Wepler announced the following:

- The Libertyville Sports Complex will host the Sixth Annual Blackhawks TV Road Watch party on Friday, April 1, 2016, and Blackhawk legend Bobby Hull will be present.
- President Wepler received an email about former Public Works Director John Heinz induction into the APWA Hall of Fame.
- The Plan Commission/Zoning Board of Appeals will meet at 7:00 p.m. on Monday, March 28, 2016 at the Village Hall.
- The Village Board will meet as a Committee of the Whole at 6:00 p.m. on Tuesday, March 29, 2016 at the Village Hall to discuss the Budget Fund Balance.
- The Emergency Telephone System Board will meet at 2:00 p.m. on Thursday, March 31, 2016 at the Schertz Building.
- The Historic Preservation Commission will meet at 4:00 p.m. on Tuesday, April 5, 2016 at the Village Hall.
- The Parks and Recreation Committee and Parks and Recreation Advisory Commission will meet at 6:00 p.m. on Tuesday, April 5, 2016 at the Village Hall.
- The Zoning Board of Appeals will meet at 7:00 p.m. on Monday, April 11, 2016 at the Village Hall.
- The Police Pension Fund Board will meet at 3:00 p.m. on Tuesday, April 12, 2016 at the Schertz Building.
- The Water and Sewer Committee will meet at 7:00 p.m. on Tuesday, April 12, 2016 at the Village Hall.
- The Village Board will meet at 8:00 p.m. on Tuesday, April 12, 2016 at the Village Hall.

### **ADJOURNMENT**

Trustee Johnson moved and Trustee Adams seconded to adjourn the regular meeting of the Board of Trustees at 10:25 p.m. The motion carried on a unanimous voice vote.

Respectfully submitted,



Kevin J. Bowens  
Deputy Village Clerk