

VILLAGE OF LIBERTYVILLE  
BOARD OF TRUSTEES  
April 12, 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, Richard Moras, Todd Gaines, Jay Justice, Scott Adams, and Peter Garrity.

**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. There were no items.

President Wepler announced that Item 10 would be deferred for further research and discussion.

**OMNIBUS VOTE AGENDA**

President Wepler introduced the Omnibus Vote Agenda and asked if any member wanted an item removed for separate discussion. Trustee Garrity questioned the removal of trees from the Center Club property as part of the Advocate Condell Hospital plan. He noted that the trees had not been replaced. Director of Community Development John Spoden stated that Advocate owns the Center Club property, and the item could be deferred for clarification.

Mr. Mike Graham of Landscape Concepts explained that 46 trees were being removed from the main campus and out lot areas. Trustee Garrity asked why no replacement trees had been planned for the Center Club property. Mr. Graham stated that a different company completes the maintenance of the Center Club property. Trustee Garrity asked that the information regarding ownership be clarified before tree removal continues. Mr. Graham explained that many of the trees are dead and present a hazard, notably nine cottonwoods near the parking lot and beltway. Trustee Moras noted that 46 trees are being replaced, and he requested that more trees be proposed. The Mayor suggested that the removal of the hazardous trees be allowed but item Q be clarified regarding ownership and replanting.

**OMNIBUS VOTE AGENDA**

- A. Minutes of the March 22, 2016 Meeting
- B. Bills for Approval
- C. **ORDINANCE 16-O-21: Amend chapter 6 – Building Codes** (deferred from March 22, 2016)
- D. **ORDINANCE 16-O-22: Amend Sunset Clause for Electric Utility Tax**
- E. **RESOLUTION 16-R-14: Appoint Authorized IMRF Agent**
- F. **RESOLUTION 16-R-15: Approve Change in Authorized Signatures – Multi-Bank Securities, Inc.**
- G. **ORDINANCE 16-O-23: Reduce Number of Class C Liquor Licenses**
- H. **ORDINANCE 16-O-24: Amend Code re: Number of Class A, B, and F-1 Liquor Licenses**
- I. Use of Village Property: DAMAC

- J. Use of Village Property: Lake County Fair Association
- K. Approve Raffle License Request: Libertyville Junior Woman's Club
- L. Approve Raffle License Request: Northpointe Resources, Inc.
- M. Approve Plat of Consolidation: 2400 Commerce Drive
- N. Award Contract for Traffic Signal Pole Painting
- O. Approve Membership – HGAC Joint Purchasing Cooperative
- P. Approve Request to Waive False Alarm Fees – LCFPD
- Q. ARC Reports
- R. Approve Professional Services Agreement for DAMAC – Wexler/Kollman

Trustee Johnson moved to adopt the items listed on the Omnibus Vote Agenda, with the amendment to Item 3Q-2, 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. The motion carried on roll call vote as follows:

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

NAYS: None

### **ZBA REPORT: Signage Variation, Libertyville Manor**

President Wepler explained that Libertyville Manor Extended Care Facility is requesting approval for a series of sign variations to allow installation of new campus signage. The proposal includes three (3) business signs and eight (8) private directional signs. Motions to recommend approval for height and number of signs passed unanimously. Motions to recommend approval of sign size passed but not unanimously, with dissenters noting concerns with proposed sign size. The overall recommendation of the ZBA was for Village Board approval.

The Mayor then asked for questions and comments. Mr. James Babowice and Mr. Milan Stokovich were present to answer questions.

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

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

NAYS: None

### **CORNER SIDE YARD SETBACK VARIATION – 545 Carter Street**

#### **A. ZBA Report**

President Wepler introduced a ZBA report regarding a request from owners of 545 Carter Street for a corner side yard setback to allow for renovation of a front porch. The proposed construction would require a reduction in the corner side yard setback from 30 feet to approximately 18'4". The ZBA concurred with the request. The Mayor asked for questions and comments. Mr. Zach Howell, the applicant, was available to answer questions. Director Spoden clarified the variation.

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

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

NAYS: None

**B. ORDINANCE 16-O-25: Approve Corner Side Yard Variation**

President Wepler introduced the ordinance granting the variation of corner side yard setback. Trustee Adams moved to approve the ordinance, and Trustee Justice seconded. The Mayor asked for Board and public comment. The motion carried on roll call vote as follows:

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

NAYS: None

**AWARD CONTRACT FOR CHURCH STREET PARKING GARAGE** (deferred from March 22, 2016)

President Wepler asked Trustee Johnson to act as President Pro Tem for the item due to his ownership of property in the TIF District.

President Pro Tem Johnson explained that competitive bids were initially opened on January 12, 2016 for the proposed Church Street Parking Structure. The three bids were formally rejected at the January 26, 2016 meeting. The design of the structure was modified in order to reduce costs to stay within the available budget funds. The proposed parking structure was then formally re-advertised for competitive bids on February 17, 2016. Four bids were received and opened on March 11, 2016.

At the Village Board meeting on March 22, 2016, the Board considered a staff recommendation that the contract be awarded to Walsh Construction Company II, LLC, based upon Staff recommendation that the two lowest bidders, Accel Pacific Joint Venture and McShane Construction, be disqualified for failure to comply with the General Instructions to Bidders.

The Accel bid failed to provide evidence that Accel had completed any precast parking structures or any other precast structures that could be considered similar. At the Village Board meeting only March 22, 2016, Accel made a presentation indicating that its personnel possessed the required experience. The agenda item was postponed to give Staff the opportunity to obtain further information from Accel. Staff then met with Accel representatives and determined that while certain members of its staff had experience in connection with the construction of precast parking structures, neither Accel Pacific Joint Venture nor its constituent entities, Accel Construction Services Group, LLC (formed in 2009) and Pacific Construction Services, Inc. (formed in 1993) had ever completed a precast parking structure that could be considered similar. Staff believes that Accel Pacific Joint Venture did not satisfy the criteria set forth in the Requirements for Qualifications and recommended that the bid submitted by Accel Joint Venture be disqualified pursuant to Section 15 of the General Instructions to Bidders.

President Pro Tem Johnson explained that with respect to the McShane bid, the Schedule of Prices form provided that the Bidder complete the work within 234 days of the commencement date and that the work be substantially complete within 220 days of the commencement date. This section was not subject to modifications by bidders. The McShane bid modified to provide that the work would be completed 268 days from the commencement date and substantially completed within 254 days following the commencement date. This modification to the bidding form, if accepted, would have decreased the amount of liquidated damages that McShane would be required to pay in the event that the project was not completed within the time allowed by the bid packet in its original form.

Staff believes that the lowest responsible and responsive bidder is Walsh Construction Company II, LLC, and that Walsh has extensive experience in completing similar parking structures and an excellent reputation in the industry. Included in the base bid were five alternates. Alternates #1 - #4 are deducts, and Alternate #5 is an addition. Staff recommended only proceeding with Alternate #1, which reduces Walsh Construction's price by \$28,000.00 to \$8,740,000.00. A video security system will be contracted separately with a previous quote of \$80,000 on the original larger parking structure design.

President Pro Tem Johnson noted that the Village's desired construction schedule was to have the parking structure substantially completed by the end of November. No bidders met that schedule, but Walsh Construction indicated substantial completion by the early part of January 2017. The major factor impacting a longer schedule is the availability of fabrication and delivery of pre-cast concrete panels. According to Walsh's schedule, construction will not start until mid May. Walsh Construction can be subject to liquidated damages in the amount of \$1,000/day for every day beyond the contract completion date.

Administrative Staff recommended that the contract for the Church Street Parking Structure be awarded to the lowest responsive and responsible bidder, Walsh Construction Company II, LLC in the not-to-exceed amount of \$8,740,000.00. Sufficient funding is available in the Tax Increment Financing District and other various funds for this work. President Pro Tem Johnson then asked for questions and comments.

Trustee Justice moved to reject the two lowest bids, and Trustee Moras seconded. The motion carried on roll call vote as follows:

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

NAYS: None

Trustee Moras moved to approve the contract with Walsh Construction Company, II, LLC. Trustee Gaines seconded. President Pro Tem Johnson explained that after debate,

rebidding, and delayed recommendation and approval, she was concerned about the date for construction commencement.

The motion carried on roll call vote as follows:

AYES: Moras, Gaines, Justice, Adams, and Garrity

NAYS: Trustee Johnson

### **APPROVE TRANSFER OF GENERAL FUND RESERVES**

President Wepler reported that at a March 29, 2016 Committee of the Whole meeting, the Village Board reviewed a memo regarding the General Fund's reserve balance along with options for the fund balance that is above what is required in the Fund Balance Policy. For the year ending April 30, 2016, the General Fund is projected to have an unreserved balance of \$14,524,673, which is approximately \$5.9 million above what is required in the policy. Various options were discussed, and the Village Board requested that Staff prepare an agenda supplement authorizing the following transfers from the General Fund:

- \$1.5 million to the Capital Projects Fund
- \$825,000 to the Police Pension Fund
- \$465,000 to the Fire Pension Fund
- \$210,000 to the IMRF Pension

An additional \$2.5 million will be retained in the General Fund to offset any impact due to the State's budget situation or to be used at a later date to call a portion of the Sports Complex bonds. Staff requested approval to transfer \$3 million from the General Fund. The Mayor then asked for questions and comments.

Trustee Moras moved to approve the transfer of funds, and Trustee Johnson seconded.

The motion carried on roll call vote as follows:

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

NAYS: None

### **PUBLIC HEARING: 2016-17 Village Budget**

President Wepler explained that a public hearing on the proposed 2016-2017 Village Budget had been scheduled for 8:00 p.m. on Tuesday, April 12, 2016. A copy of the revised budget has been available for public inspection at the Village Hall since March 29, 2016.

A spreadsheet with all itemized individual line item changes was available along with the revised proposed budget summary sheets. Major change included:

- The reduction in the health insurance increase from 5% to 1.6%
- The addition of \$25,000 for the strategic plan
- \$3,000 for an audit of telecom tax
- \$15,000 for possible additional staffing in the senior center
- \$30,000 to replace a failed heater for the Schertz Building
- \$67,500 for Wastewater Improvements that are being moved to the 2015-2016 budget

- \$193,000 to purchase the ambulance from the Vehicle Replacement Fund in lieu of a lease purchase

As a result, the proposed 2016-2017 Budget includes revenues of \$58,846,465 and expenditures of \$67,935,765. While all operating funds are balanced, some of the Capital Projects funds have expenditures exceeding current year revenue, which will be funded with prior year fund balances. The General Fund remains balanced with a budgeted surplus of \$34,120. Following a Public Hearing, Staff will prepare an ordinance adopting the 2016-2017 Village Budget for consideration at the April 26, 2016 Village board meeting.

President Wepler opened the Public Hearing at 8:32 p.m. and asked for any public discussion. There being none, he closed the Public Hearing.

#### **ORDINANCE 16-O-26: Approve Updates to Fee Schedule**

President Wepler presented an ordinance to amend the Municipal Code and update the fee schedule. The majority of the changes either reflect minor adjustments or clarifications in fees based on the current cost of providing services, which were reviewed during the recent budget workshops. Highlights of the more noteworthy changes include:

1. Increase in employee and downtown resident parking annual permit fees from \$25-\$30 annually
2. Increase in water and sewer fees to reflect CLCJAWA and annual Village adjustments
3. Restructure and increase in Fire Department ambulance transportation fees
4. Clarification and adjustment to Engineering required cash deposits
5. Increase in Commuter Permit and Daily Fee Parking Fees
6. Increase payment in lieu of required parking from \$15,000 to \$20,000 per space

The updated fee schedule will become effective May 1, 2016. Staff recommended approval of the ordinance and update to the fee schedule. The Mayor asked for questions and comments.

Trustee Moras moved to approve the ordinance, and Trustee Garrity seconded. The motion carried on roll call vote as follows:

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

NAYS: None

#### **ORDINANCE: Places for Eating Tax - *deferred***

#### **AWARD CONTRACT FOR ANNUAL STREET SWEEPING SERVICES**

President Wepler stated that on March 28, 2016, competitive bids were opened for the annual Street Sweeping Services Contract. Two bids were received, and TKG Environmental Services Group LLC submitted the lowest competitive bid in the amount of \$51,584.00.

The Refuse and Recycling Budget for street sweeping includes \$60,000, and the final cost is based on actual work quantities. Staff will use "in house" sweeper for the municipal parking lots. Staff has worked successfully with TKG, and recommended that the contract for annual Street Sweeping Services be awarded to TKG Environmental Services Group LLC in an amount not-to-exceed \$60,000. The Mayor asked for questions and comments.

Trustee Johnson moved to award the contract as recommended, and Trustee Adams seconded. The motion carried on roll call vote as follows:

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

NAYS: None

#### **AWARD CONTRACT FOR SIDEWALK REPLACEMENT PROGRAM**

President Wepler reported that seven bids were received and opened on March 8, 2016 for the 2016 Sidewalk Replacement Program. The municipalities of Libertyville, Cary, Grayslake, Fox River Grove, Lake Zurich, Lindenhurst, Mundelein, and Round Lake jointly solicited sealed bids for sidewalk and curb replacement work. The bids ranged from \$371,740.50 to \$935,968.00, and the lowest responsible bid was from Globe Construction of Addison, IL in the amount of \$371,740.50 (all communities' quantities combined). The Village has \$65,000.00 allocated in the Capital Improvement Fund for sidewalk replacement work. Staff recommended awarding the contract to Globe Construction. The Mayor asked for questions and comments.

Trustee Johnson moved to award the contract to Globe Construction and authorize execution. Trustee Justice seconded. The motion carried on roll call vote as follows:

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

NAYS: None

#### **PETITIONS AND COMMUNICATIONS**

President Wepler announced the following:

- The Committee of the Whole will meet on Wednesday, April 13, 2016 at 5:00 p.m. on Seventh Street in Libertyville to review a noise demonstration for potential tenants of Bridgepoint 94
- The Firefighters Pension Fund Board will meet on Monday, April 18, 2016 at 8:30 a.m. at the North Fire Station
- The Appearance Review Commission will meet on Monday, April 18, 2016 at 7:00 p.m.
- The Parking Commission will meet on Tuesday, April 19, 2016 at 10:00 a.m.
- The Finance Committee will meet on Tuesday, July 19, 2016 at 6:00 p.m.
- The License and Permits Committee will meet on Tuesday, April 19, 2016 at 6:30 p.m.
- The Fire and Police Committee will meet on Tuesday, April 19, 2016 at 7:00 p.m.
- The Economic Development Commission will meet on Wednesday, April 20, 2016 at 7:30 a.m.

- The Plan Commission/Zoning Board of Appeals will meet on Monday, April 25, 2016 at 7:00 p.m.
- The Streets Committee will meet on Tuesday, April 26, 2016 at 7:00 p.m.
- The Village Board will meet on Tuesday, April 26, 2016 at 8:00 p.m.

The Mayor and Village Board thanked Finance Director Pat Wesolowski for her service to the Village and wished her well on her retirement.

The Mayor thanked Boy Scout Troop 60 for attending the meeting.

**ADJOURNMENT**

With no further business, Trustee Johnson moved to adjourn, Trustee Moras seconded, and the motion carried on a unanimous voice vote at 8:40 p.m.

Respectfully submitted,

*Kevin J. Bowers, Deputy*

Sally A. Kowal  
Village Clerk