

VILLAGE OF LIBERTYVILLE
BOARD OF TRUSTEES
April 26, 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.

PROCLAMATION

President Wepler proclaimed April 29, 2016 as Arbor Day in the Village of 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.

Ms. Anna Draa, 1020 Ashley Lane, expressed her opposition to the relocation of the hockey rink, especially to Adler Park. She also read a letter from another resident, residing at 1728 Eric Lane who was also opposed to the relocation.

The Mayor explained that one of the considerations for the location in Adler Park was because of the proximity to the warming house. Trustee Moras stated that nothing had been decided and that the Parks and Recreation Committee is in the investigation stage. He also asked that Ms. Draa attend the upcoming committee meeting on May 3, 2016.

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 April 12, 2016 Meeting
- B. Bills for Approval
- C. **ORDINANCE 16-O-27: Sign Variations for Libertyville Manor Care – 610 Peterson Road**
- D. **ORDINANCE 16-O-28: Extend Moratorium on Demolition Permits in C-1 Zoning District**
- E. **RESOLUTION 16-R-16: Change Order 1 to Underground Improvements Contract**
- F. **ORDINANCE 16-O-29: Declare Surplus Property**
- G. Approve Agreement for Mosquito Management Program
- H. Approve Agreement for Geotechnical Services – Adler Park Hockey Rink
- I. Approve Agreement for Surveying Services – Adler Park Hockey Rink
- J. Approve Use of Village Property: Memorial Day
- K. Approve Use of Village Property: Adler School Family Association
- L. Request to Install Seasonal Fence Padding – Libertyville High School
- M. Approve Request for 1 Hour Noise Ordinance Waiver – MBX Systems
- N. Approve Request to Waive Permit Fee – CLCJAWA

- O. Approve Request to Close Oak Spring Road – Des Plaines River Canoe Marathon
- P. Approve Use of Village Property: Libertyville Sunrise Rotary Club
- Q. Approve Contract Extension: Eco-Clean Maintenance, Inc.
- R. 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 Board and public comment. The motion carried on roll call vote as follows:

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

NAYS: None

ARC REPORT – Advocate Condell Tree Removals (*Deferred from April 12, 2016*)

President Weppler explained that at the meeting of April 12, 2016, the Village Board reviewed a request from Advocate Condell Center for removal and replacement of trees on the campus. The Village Board deferred the request and directed Staff to investigate if the Centre Club could be included in the tree replacement proposal. Administrative Staff determined that the landscaping at the Centre Club is controlled by Advocate Condell Medical Center, and as such, Staff recommended that this item be deferred to allow Condell to modify its tree replacement plan to incorporate the Centre Club with the condition that any hazardous trees can be removed subject to future replanting.

Trustee Garrity moved to defer the item, 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

REQUEST FOR EXEMPTION FROM COMMERCIAL WASTE FRANCHISE – Advocate Condell (*Deferred from March 26, 2016*) - **Withdrawn**

President Weppler explained that at the March 26, 2016 meeting, the Village Board deferred the waiver request for 30 days in order for Condell and Groot representatives to review the service needs. The parties met and Condell requested that the item be withdrawn. Assistant Administrator Amidei stated that the contract would be for trash and recycling, not medical waste.

ZBA REPORT: Front Yard Variation – 232 Sunset Drive

President Weppler introduced a ZBA report regarding a request from the owner of 232 Sunset Drive for a variation of front yard setback to allow construction of a new front porch. The Zoning Board of Appeals heard the request at their April 11, 2016 meeting and noted that the existing house encroaches into the setback and that the existing steps were not original to the house. They recommended approval. The Mayor asked for questions or comments. Applicant Nick Lazzaretto was available for questions.

Trustee Adams moved to approve the variation, and 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: Fence Variation – 204 Broadway

President Wepler introduced a ZBA report for a requested variation to allow a fence in the corner side yard at 204 Broadway. The four-foot high bronze aluminum fence would be located adjacent to the North First Street right-of-way. The ZBA recommended approval. The resident, Thomas Wilkinson, was available to answer questions.

Trustee Johnson moved to approve the variation. 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

PLAN COMMISSION REPORT: Text Amendment re: Fencing in Commercial Zoning Districts

President Wepler explained that the Plan Commission and Staff had studied requirements regarding fencing between lots in the downtown area. Increased pedestrian and vehicular traffic have raised concerns that installation of fences could impede flow. At their March 28, 2016 meeting, the Plan Commission voted unanimously to recommend that the Village Board adopt the following amendment to the Zoning Code: "Within the C-1 District, no fence may be installed upon or maintained within any portion of any lot which is intended for use by pedestrians or vehicles if such fence will impede or otherwise restrict pedestrian or vehicular access from such lot to abutting lots." Trustee Moras moved to approve the Text Amendment, 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

PLAN COMMISSION REPORT: Amend SUP – Ice Mobility, 851-937 E. Park Avenue (Defer to May 24, 2016 meeting)

Trustee Johnson moved to defer the item until the May 24, 2016 meeting. 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

ORDINANCE 16-O-30: Approve 2016-2017 Village Budget

President Wepler reported that the Village operates under a Budget Officer system and is required to adopt a budget ordinance prior to the start of the May 1, 2016 fiscal year. The proposed 2016-2017 Village Budget represents the input of the Village Board, the public, and the Administrative Staff during the budget preparation process, which included budget workshops and a public hearing.

The ordinance and the 2016-2017 Village Budget satisfy the requirements set forth in the Budget Officer Act. The Village Budget includes revenues of \$58,846,465 and expenditures of \$67,935,765. While all of the 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. Administrative Staff recommended approval.

Trustee Johnson moved to adopt the ordinance, and Trustee Moras seconded. Trustee Moras moved to approve the Text Amendment, 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

ORDINANCE 16-O-31: Approve Water and Sewer Rate Structure

President Wepler reported that the Village contracted with Municipal & Financial Services Group in September 2015 to perform a water and sanitary sewer rate study in order to ensure that sufficient revenues are being collected for the necessary operating and capital expenditures of these two utilities. One of the more significant capital expenditures includes the mandated, but unfunded, Illinois Environmental Protection Agency (IEPA) requirement that the phosphorus limit in the effluent from the Waste Water Treatment Plant be reduced to 1 milligram/liter (mg/l) by 2019. The anticipated capital costs to achieve this are approximately \$7,250,000. If sanitary sewer rates are not increased above the built-in annual 3% escalator, the Village will start running at a deficit beginning in FY 2019-2020. The projected future operating and capital costs for each utility along with suggested rate increases and billing structures were discussed in detail with the Water & Sewer Committee at the January, February, March, and April meeting of this year. Following these discussions, the following proposed rate increases and tiered billing structure have been recommended by the Committee:

Proposed Water Rate Increase

- Current water rate structure:
 - Bi-monthly minimum charge = \$31.69
 - Unit rate for usage above 4,000 gal. = \$6.65 per 1,000 gal.
 - Senior/handicapped discount = \$2.70 per billing period

- Proposed water rate structure:
 - Fixed Bi-monthly charge (no usage included) = \$22.83
 - Tiered rate structure per 1,000 gal:

- Tier 1 – up to 4,000 gal. = \$2.40 per 1,000 gal.
- Tier 2 – from 4,000 – 8,000 gal. = \$4.81 per 1,000 gal.
- Tier 3 – over 8,000 gal. = \$7.21 per 1,000 gal.
- Senior/handicapped discount = \$2.70 per billing period

Proposed Sewer Rate Increase

- Current sewer rate structure:
 - Sewer usage capped at 110% of winter water usage
 - Bi-monthly minimum charge = \$21.90
 - Unit rate for usage above 4,000 gal. = \$3.88 per 1,000 gal.
 - Senior/handicapped discount = \$6.25 per billing period
- Proposed sewer rate structure:
 - Sewer usage capped at 125% of winter water usage
 - Fixed Bi-monthly fee (no usage included) = \$7.66
 - Unit rate for all usage = \$4.31 per 1,000 gal.
 - Senior/handicapped discount = \$6.25 per billing period

The Committee also recommended that the current policy for multiple addresses using the same water meter be billed as one account instead of as separate accounts should continue. The rate study recommends that water rates be increased by 5% for FY 2017-2018 and 2018-2019, then 3% thereafter. Sewer rates should be increased by 12% for FY 2017-2018 and 2018-2019, then 3% thereafter. Administrative Staff recommended approval of the ordinance for rate increases and tiered billing structure. The ordinance would also temporarily rescind the current automatic 3% rate increases that have been added every May 1 since 2009.

Trustee Johnson 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, Moras, Gaines, Justice, Adams, and Garrity

NAYS: None

APPROVE CONTRACT: Libertyville Fire Protection District

President Wepler explained that the Libertyville Fire Protection District has been contracting for services from the Village of Libertyville for over 70 years in order to provide fire, EMS, and special rescue services to the resident of the Libertyville Fire Protection District. In 2006, the Village of Libertyville and the Libertyville Fire Protection District negotiated the first long term contract for services, this contract included a new fee for service formula and a 10-year term. Over the last several months, the Fire Department has been working with the Fire Protection District to draft a renewal contract for service to be effective June 1, 2016 for another 10-year term.

The proposed contract for service was updated and approved by the Fire Protection District at their April 12, 2016 Board meeting. The contract terms are the same as the previous contract with the exception of changing the term date and the correction of grammatical errors. The fee structure was found equitable and needed no adjustment. The Village will continue to retain all ambulance and fire prevention bureau fees generated in the Fire District. Staff recommended approval of the contract for another 10-year term.

Trustee Garrity moved to approve the contract, and Trustee Johnson 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

APPROVE PURCHASE OF REPLACEMENT AMBULANCE

The Mayor stated that the Fire Department budgeted \$235,000 for the replacement of one ambulance and equipment. The Fire Department is seeking to purchase a Horton ambulance distributed by Foster Coach; the last five ambulances purchased have been through Foster Coach using the Suburban Purchasing Cooperative bid. Foster Coach currently has the 2016 Suburban Purchasing Cooperative (SPC) low bid for a Type I Ford F550 ambulance, which is \$233,991.

The Fire Department received a quote from Foster Coach for a Type I ambulance and equipment in the amount of \$232,259.00, and with a prepayment discount of \$6,299.00, the total cost of the ambulance and equipment would be \$225,960.00. The quote also includes the cost of a Stryker cot, which is a sole source purchase. Since the Fire Department fleet now includes five Foster Coach ambulances, this purchase would provide consistent operational and safety advantages, such as the same parts, the same configuration, and the same service personnel to assist Fleet Services.

Staff recommended authorization of the purchase of a new Horton ambulance in the amount of \$225,960 with funding available in the Vehicle Equipment and Maintenance Fund.

Trustee Garrity moved to authorize the purchase, 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

APPROVE PROFESSIONAL SERVICES AGREEMENT: Commuter Train Station Renovations

President Weppler explained that the Village Board had established a goal of renovating the downtown Metra commuter station. The Mayor and Staff have reviewed the project with Metra and have interviewed and obtained proposals from several firms to provide architectural services for the renovation projects. The proposal presented from RM Swanson Architects of Lake Forest, Illinois would provide architectural services

including development of concept drawings, exterior and interior renovation plans (including possible addition of restrooms), review of Metra building code requirements, attendance at required review and approval meetings, preparation of architectural drawings, construction budget and bid documents, and contract preparation.

The Mayor and Administrative Staff recommended approval of the Professional Services Proposal and authorization for the Village Administrator to enter into a contract with RM Swanson Architects for the renovation of the Commuter Train Station in an amount not to exceed \$49,500. Funding is included in the Commuter Parking Fund of the 201602017 Village Budget.

Trustee Johnson moved to approve the Professional Services Agreement, 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

CONSIDERATION OF ESTABLISHING SATELLITE ELECTRONICS COLLECTION SITE

President Wepler explained that in order to comply with a mandated State Law for electronics recycling, the Solid Waste Agency of Lake County (SWALCO) currently picks up and processes applicable items from five collection sites in Lake County. The nearest site is in Grayslake adjacent to their Public Works facility. SWALCO's electronics recycling program is currently facing funding challenges.

The Mayor stated that SWALCO member communities have contributed funding to continue SWALCO's pick-up service until the end of 2016, and Trustee Garrity had asked if the Village should consider creating and staffing a satellite collection site. A predetermined volume of materials collected would be transported to the larger site in Grayslake. The Village did previously administer an electronics recycling site at the Public Works Streets & Utilities facility, which was coordinated by SWALCO, and did generate some revenue. The site was open from 7:00 a.m. to 3:30 p.m. and only during the months of April through October. The same location and time limitations would be recommended.

The Mayor noted that the Village does not have the resources included in the FY 2016-2017 budget to operate a satellite site, which would involve staff, equipment, and time to collect, store, and transport the materials to Grayslake. There would be an approximate 30 hours commitment plus travel time and unloading. The hours are not currently allocated in Village programmed responsibilities, and no resources are being provided. Administering the proposed satellite collection site would have to come as the expense of or delay other current responsibilities. Staff therefore recommended that Libertyville residents be educated and encouraged to use the Grayslake collection site while this issue is resolved.

Trustee Garrity stated that SWALCO appreciated the \$5,000 from the Village, and along with contributions from 18 communities, \$62,000 was raised to continue the electronic waste collections. Trustee Garrity stated that the communities should contribute their fair

share to the recycling program, and Libertyville should offer a Village site where we would consolidate electronics and transfer to Grayslake. He asserted that it was imperative and appropriate for the Village to set up a collection site. Trustee Garrity moved to approve a Saturday collection at the Public Works site for residential/local electronics collection to be coordinated with Grayslake.

Trustee Johnson asked for clarification of dates and times. Trustee Moras expressed concern with toxic waste issues and times of operation. Director of Public Works Paul Kendzior expressed concern with how items would be collected, stacked, stored, and how much time would be required.

The Mayor stated that there is no current funding and the smarter route is to share services with other communities. Trustee Garrity stated that other communities are discussing taking on part of the burden. The Mayor preferred referring the issue to a committee for recommendation. Trustee Garrity suggested seeing what amount of waste is generated, and if the costs become too significant, then the Village could close down the site. Trustee Moras supported stricter parameters and preferred more discussion. Trustee Garrity stated that it was appropriate for the Village to step up. Trustee Johnson suggested strict limitations to allow for controls from the beginning. Trustee Moras agreed with committee discussion.

Village Attorney Pardys suggested that the item be deferred and made an agenda item for the next meeting. The Mayor suggested referral to a committee. Trustee Garrity stated that a committee referral would take another month. If the Board is in support, he asked if Staff could organize and make recommendations.

Trustee Garrity amended his motion to refer the issue to Special Projects for recommendations to be made at the next Board meeting. 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

PETITIONS AND COMMUNICATIONS

President Weppler announced the following:

- The Historic Preservation Commission will meet at 4:00 p.m. on Tuesday, May 3, 2016
- The Parks and Recreation Committee and Parks and Recreation Advisory Commission will meet at 6:00 p.m. on Tuesday, May 3, 2016
- The Zoning Board of Appeals will meet at 7:00 p.m. on Monday, May 9, 2016
- The Bicycle Advisory Committee will meet at 6:00 p.m. on Tuesday, May 10, 2016
- The Water and Sewer Committee will meet at 7:00 p.m. on Tuesday, May 10, 2016
- The Village Board will meet at 8:00 p.m. on Tuesday, May 10, 2016
- Tree Planting to celebrate Arbor Day in Butler Lake Park on Friday, April 29, 2016 at 12:30 p.m.

ADJOURNMENT

With no further business, Trustee Johnson moved to adjourn at 9:08 p.m., Trustee Moras seconded, and the motion carried on a unanimous voice vote.

Respectfully submitted,

Kevin J. Bowers, Deputy

Sally A. Kowal
Village Clerk