

VILLAGE OF LIBERTYVILLE  
BOARD OF TRUSTEES  
September 13, 2016

President Weppler 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 Weppler, Trustees Donna Johnson, Richard Moras, Todd Gaines, Jay Justice, Scott Adams, and Peter Garrity.

**PROCLAMATION – Constitution Week**

President Weppler announced that September 17, 2016 marks the 229th anniversary of the Constitution of the United States of America. He then proclaimed the week of September 17 through September 23, 2016 as Constitution Week and asked citizens to reaffirm the ideals of the Framers of the Constitution by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties.

Members of the Ansel B. Cook Chapter of the DAR were on hand to receive the proclamation and presented the Mayor with a bell to ring at 3:00 p.m. on September 17, 2016 in honor of the anniversary.

**ITEMS NOT ON THE AGENDA**

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

Pam Hume, Executive Director of MainStreet, thanked the Village and Village Staff for assistance with the 9<sup>th</sup> annual Twilight Shuffle, which included 700 participants. She specifically named Mayor Terry Weppler, Marty Wittrock, Bob Peters, Mike O'Connor, and Police Chief Clint Herdegen for their help. The Mayor thanked MainStreet for all that they do for the Village of Libertyville.

**OMNIBUS VOTE AGENDA**

President Weppler introduced the Omnibus Vote Agenda and asked if any member wanted an item removed for separate discussion. Trustee Garrity asked why the surplus electronics were being handled differently than the recycling program run by SWALCO. Assistant Village Administrator Kelly Amidei noted that the Village would receive payment from the company receiving the surplus equipment.

**OMNIBUS VOTE AGENDA**

- A. Minutes of the August 23, 2016 Meeting
- B. Bills for Approval
- C. **ORDINANCE 16-O-84: Amend Special Use Permits in O-1 District**
- D. **ORDINANCE 16-O-85: Approve Parking Space Variation – 1214 W. Park**
- E. **ORDINANCE 16-O-86: Approve Perimeter Landscaping Variation – 1214 W. Park**
- F. **ORDINANCE 16-O-87: Approve Parking Setback Variation – 1214 W. Park**
- G. **ORDINANCE 16-O-88: Approve Special Use Permit – 1214 W. Park**
- H. **ORDINANCE 16-O-89: Approve Site Plan Permit – 1214 W. Park**
- I. **ORDINANCE 16-O-90: Approve Vacation of Unimproved Alley**
- J. **ORDINANCE 16-O-91: Declare Surplus Property**

**K. ORDINANCE 16-O-92: Declare Surplus Property**

L. Approve Use of Village Property – 12 Oaks Foundation

M. Approve Temporary Easement Agreement – Route 45 Lift Station

N. Approve Raffle License Request – Advocate Charitable Foundation

O. Waive False Alarm Fees – Gold Eagle Liquors

P. Award Contract for 2016-2017 Parkway Tree Pruning Program

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

**PLAN COMMISSION REPORT: Special Use Permit, 520 E. Church Street**

President Wepler introduced a Plan Commission report for a requested Special Use Permit to allow General Warehousing and Storage in the corner warehouse building at 520 E. Church Street. Members of the Plan Commission noted that if manufacturing was being done on site that the warehousing of the same product would be allowed as an accessory use. The Plan Commission recommended approval with the following conditions:

1. That there be no truck deliveries or truck idling taking place after 9:00 p.m. or prior to 7:00 a.m.
2. That with each new ease agreement between the property owner and any future tenant occupant there shall be an Occupancy Permit application submitted to the Village for review and approval prior to such tenant obtaining occupancy of the subject building.
3. The current occupant at 520 E. Church Street, Harbortown Industries, shall secure an Occupancy Permit prior to any further occupancy of this building.
4. That all applicable regulations as governed by the Occupational Safety & Health Administration as it relates to requirements for warehousing and storage such as the handling, storage, use, and disposal of warehouse items shall be complied with.
5. That all other building violations as identified by the Fire Department and Building Division are rectified prior to Village Board approval for the Special Use Permit.

In line Administrative Staff will not schedule Village Board of Trustees review of the proposed ordinance until all items have been addressed. The Mayor then asked for comments and questions.

Robert Bleck of Bleck & Bleck Architects, 200 E. Church, had questions regarding fire alarm upgrades. Director of Community Development John Spoden stated that once inspections are completed, water would be turned on. Property Owner Chris Bradley also posed questions about the fire alarms and audiovisual requirements. Mr. Bleck stated that they were asking for Board clarification. The Mayor explained that all requirements

of the Village Fire Code would have to be met and suggested that petitioners meet with the Fire Chief to clarify all issues.

Trustee Johnson, noting conditions, asked the petitioners to meet with the Fire Chief and return to the Board with any challenges. Mr. Bradley stated that he was happy with the conditions.

Trustee Moras moved to approve the Special Use Permit subject to the conditions stated in the Plan Commission report. Trustee Adams seconded. The Mayor asked for further Board and public comment. The motion carried on roll call vote as follows:

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

NAYS: None

### **ACCEPT 2016 AUDIT**

President Wepler stated that a representative of the accounting firm Lauterbach and Amen, LLP was in attendance to present the April 30, 2016 Village's Comprehensive Annual Financial Report to the Village. He noted that the Audit is submitted to the Government Finance Officers Association for consideration of their Certificate of Achievement for Excellence in Financial Reporting Award. The Village's 2015 Audit received the award. Administrative Staff recommended acceptance of the Annual Audit for the fiscal year ended April 30, 2016.

The Mayor introduced Mr. Ron Amen of Lauterbach and Amen to present information regarding the audit. Mr. Amen thanked Finance Director Patrice Sutton for her assistance and professionalism. He noted that the report covered three sections and that it was his opinion that the financial report was clean and materially correct. He referred to the audit letter and recommendations.

The Mayor thanked Mr. Amen for his assistance and attendance.

### **RESOLUTION 16-R-32: Change Order No. 1 for the Church Street Parking Garage Project**

President Wepler asked Trustee Johnson to act as President Pro Tem for discussion of the issue dealing with the TIF District.

President Pro Tem Johnson explained that on April 12, 2016, the Village Board awarded the contract for the Church Street Parking Garage Construction Project to the lowest responsive bidder Walsh Construction Co. II, LLC in the amount of \$8,740,000.00, funded through the Tax Increment Financing (TIF) District Fund.

Due to unforeseen field conditions; 1) a segment of storm sewer needed to be replaced with water main quality pipe material to comply with IEPA separation guidelines; 2) the storm sump pump discharge line from the Civic Center needed to be extended and connected to the relocated storm sewer system; and 3) foundation undercutting was required to provide a suitable base. Walsh had already completed the work in order not to delay the overall completion schedule and has provided the cost documentation. This will necessitate a Change Order to the Church Street Parking Garage Construction Project contract in the amount of \$7,114.75. TIF Funds are available for the Change Order.

Administrative Staff recommended adoption of the resolution for approval of Change Order No. 1. President Pro Tem Johnson asked for questions and comments. She asked if this was an adequate recommendation for the unforeseen issues. Director of Public Works Paul Kendzior stated that it was. Trustee Justice noted that there is usually 10-15% increase with change orders and that this was very minor. Director Kendzior stated that there would be another change forthcoming for consideration. Administrator Bowens explained that there are weekly construction meetings with Walsh, the architects, and the parking consultant.

Trustee Justice moved to adopt the resolution for Change Order No. 1 for the parking garage project. Trustee Moras seconded. President Pro Tem Johnson asked for further 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 WITH HEZNER CORPORATION – Parking Garage Gateway Arch**

President Wepler noted that during development of the Church Street Parking garage, the Village Board, Parking Commission, and Village Staff expressed an interest in some type of gateway arch or architectural feature on Church Street to better identify the main access to the parking garage. Although the gateway arch was not included in the construction project, Village Staff obtained a proposal from the project architect The Hezner Corporation to develop and design a gateway arch for the project in the amount of \$7,000.00. Funding is available in the TIF Fund, and Village Staff recommended approval of the Professional Services Agreement with The Hezner Corporation and to authorize the Village Administrator to sign the document. The Mayor asked for comments and questions.

Trustee Garrity, noting that this was just the cost for design, asked about parameters for the project and unknown costs. Administrator Bowens explained that the Hezners would provide multiple designs, which would then require Village Board approval. Ana Draa, 1020 Ashley Lane, suggested a design to mimic the walkway on Milwaukee Avenue.

Trustee Garrity moved to approve the Professional Services Agreement with The Hezner Corporation, and 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, Gaines, Justice, Adams, and Garrity

NAYS: None

#### **REQUEST USE OF VILLAGE PROPERTY – MSL Light Up MainStreet**

President Wepler presented a letter from MainStreet Libertyville, Inc. (MSL) requesting Village Board approval to use Village property to expand the “Light Up MainStreet” Roof Line Lighting Program. The Village Board previously approved a limited holiday lighting program in November 2014, and an expansion of the program to include buildings on Church Street and Cook Street and operating the light year round in October 2015. This third and final phase will include St. Lawrence Episcopal Church, Cook

Memorial Library, the Cook Mansion, the Libertyville Civic Center, and the stair towers on the Lake Street and Church Street parking garages.

The request includes the continued use of electrical power provided by the Village along existing light poles and within the parking garages so that lights can be uniformly operated. MainStreet will pay for the installation of the lights and has increased the ongoing maintenance of the lights from two times to four times per year at a cost of \$4,800. The Village electrical costs are currently approximately \$324 per month/\$3,888 per year. This expansion will add approximately 4,500 lights and approximately \$162 per month/\$1,944 per year for a total cost of \$5,832. The MSL Board has approved up to \$2,500 per year to help cover the electricity costs associated with having the lights on year-round.

The Mayor noted that many of the rooftop lights are connected to Village light poles by extension cords, and the Village Board previously asked for MainStreet to try to eliminate or reduce the number of extension cords associated with the program.

Although some extension cords have been eliminated, others need to remain due to the expense of either running conduit under Village sidewalks and up into buildings, or if the lights are connected to each building's power source, losing the benefit of having all lights operated at the same time. In those cases where extension cords are continued, Village Staff recommended that in-line GFCI cords be utilized for safety purposes.

Administrative Staff recommended approval of the expansion of the light program. The Mayor asked for comments and questions.

Trustee Garrity, noting his approval of the program, was opposed to the use of the extensions cords. He asked that Staff find a more creative way to design and connect the lights. He added that these connections are not a long-term solution and suggested hard wiring. Trustee Moras asked if there was a cost estimate for hardwiring, and Director Spoden said that amount was unknown. Administrator Bowens reported that there had been 22 cords, and there are now 13, and he thanked MainStreet for the improvement. Trustee Garrity moved to approve MainStreet's request, and Trustee Adams seconded. The Mayor asked for further 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 WWTP PROJECT**

President Weppler noted that the isolation valves for the upflow clarifiers at the Wastewater Treatment Plant (WWTP) are no longer operational and are in need of replacement. This project was initially advertised for competitive bids in July 2015. The lowest responsible bid from AMS Mechanical was \$77,931.00, exceeding the budget amount of \$67,500.00. Bids were rejected, and a second bid opening was conducted on February 12, 2016 with one bid from Gaskill & Walton Construction, Inc. in the amount of \$184,800.00. This bid was also rejected.

In lieu of formal bidding, Staff modified the project scope and solicited proposals from local contractors working within the Village on projects in an attempt to get pricing

closer to the budget amount due to lower mobilization costs. The initial low bidder was also contacted but could not submit a proposal at this time.

Three proposals were provided, and Staff did not see further advantage in re-bidding, noting that sufficient monies are available in the WSCI Fund. In addition to the \$67,500.00 in budgeted funds, there is also a \$77,500.00 savings from previous Clarifier #5 rehabilitation and the Digester cleaning projects coming in under budget.

Administrative Staff recommended waiving formal bids and accepting the proposal from Pirtano Construction Co., Inc. in a not-to-exceed amount of \$79,000.00 and authorizing the Village Administrator's execution for the WWTP Upflow Clarifier Buried Valve Replacement project. The Mayor asked for comments and questions.

Trustee Adams moved to waive formal bidding and award the contract to Pirtano Construction Co. and authorize execution. 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, Gaines, Justice, Adams, and Garrity

NAYS: None

#### **APPROVE PURCHASES OF LSC FITNESS CENTER EQUIPMENT**

President Wepler noted that the 2016-2017 Fiscal Year Budget includes \$32,000 in LSC Fitness Center Capital Expenditures for the purchase of new fitness equipment. This purchase would replace five of the current 11 treadmill machines and add another Adaptive Motion Trainer (AMT) machine. The current machines are a combination of Direct Fitness Solutions Precor and Life Fitness equipment, which gives customers good options. Recently, on a trial basis, a demo treadmill machine received good response from Staff and customers.

Quotes were received from three companies, and Staff recommended purchasing machines from each of these three companies to stay consistent with the two current machine styles and add a new line of treadmills to give greater diversity to fitness customers.

This expenditure enables the purchase of additional machines increasing the overall treadmill inventory from 11 to 12 (Direct Fitness Solutions Precor-4, LifeFitness-5, Matrix-3), and the Adaptive Motion Trainer machine inventory from 2 to 3. Staff recommended the purchase of two fitness machines from Direct Fitness Solutions for \$11,490.00, three machines from Matrix for \$10,684.00, and two machines from LifeFitness for \$9,114.60. The combined total expense of \$31,289.00 is less than the \$32,000.00 budgeted. The Mayor then asked for comments and questions.

Trustee Justice asked if the current equipment is old, and Director of Recreation and the Libertyville Sports Complex, Connie Kowal, explained that the equipment is old and difficult to repair. Salvaged parts added to savings. Trustee Garrity asked if a single supplier were possible, and Director Kowal stated that the diverse styles create a good blend for customers.

Trustee Johnson moved to waive formal bidding and award the purchases as recommended. 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, Gaines, Justice, Adams, and Garrity

NAYS: None

### **PETITIONS AND COMMUNICATIONS**

-Report of the Parks and Recreation Committee

Parks and Recreation Chairman Todd Gaines presented information on "Charters of Freedom," consisting of three enclosed cases containing replicas of The Declaration of Independence, The United States Constitution, and The Bill of Rights. Bill Kaiser and Roch Tranel of the Founders 55 Organization submitted the project and suggested the Sunrise Rotary Park for a location. The Mayor noted that there are other location options. Trustees Johnson favored the project and suggested a location near the library where learning takes place and as a reminder of our wonderful freedoms. The board concurred with the project. The Mayor thanked everyone for the time and effort it took to bring the idea to the Village Board. Mr. Kaiser thanked the Village and noted that the cost associated with the project would be \$75,000.00.

President Weppler announced the following:

- The Appearance Review Commission will meet at 7:00 p.m. on Monday, September 19, 2016
- The Parking Commission will meet at 10:00 on Tuesday, September 20, 2016
- The Economic Development Commission will meet at 7:30 a.m. on Wednesday, September 21, 2016
- The Sustain Libertyville Commission will meet at 2:00 p.m. on Wednesday, September 21, 2016 at the Waste Water Treatment Plant
- The Emergency Telephone System Board will meet at 9:00 a.m. on Thursday, September 22, 2016 at the Schertz Building
- The Plan Commission/Zoning Board of Appeals will meet at 7:00 p.m. on Monday, September 26, 2016
- The Bicycle Advisory Commission will meet at 6:00 p.m. on Tuesday, September 27, 2016
- The Streets Committee will meet at 7:00 p.m. on Tuesday, September 27, 2016
- The Village Board will meet at 8:00 p.m. on Tuesday, September 27, 2016

President Weppler read a letter from Trustee Todd Gaines who resigned from the Village Board due to his new enterprise in Libertyville, Indian Motorcycles and the necessity for him to put his time and energy into the new business. The Mayor explained that Todd had served as trustee for 7 1/2 years. He added that a suitable replacement had been found, and that he would be recommending Pat Carey to fill the vacancy. Todd thanked the Mayor and noted his respect for Pat Carey as an asset to the Village Board. Board Members thanked Todd for his commitment, leadership, common sense, and insight.

### **EXECUTIVE SESSION – Litigation and Pending Litigation**

President Weppler noted the need for the Board to meet in Executive Session for discussion of litigation and pending litigation. Trustee Garrity moved to go into

Executive Session, and Trustee Adams seconded. The motion carried on a unanimous voice vote at 9:18 p.m.

**ADJOURNMENT**

The Board returned to the regular meeting at 9:50 p.m., and with no further business, Trustee Moras moved to adjourn, Trustee Adams seconded, and the motion carried on a unanimous voice vote.

Respectfully submitted,

Sally A. Kowal  
Village Clerk

DRAFT