

BOARD OF TRUSTEES

October 11, 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, Jay Justice, Scott Adams, Peter Garrity, and Patrick Carey.

CONFIRM APPOINTMENT AND OATH OF OFFICE

President Weppler asked for a motion to approve the appointment of Patrick Carey to fill the Village Board vacancy left by Todd Gaines' resignation. Trustee Johnson moved to approve the appointment, and Trustee Moras seconded. The Mayor asked for Board and public comments. The motion carried on roll call vote as follows:

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

NAYS: None

PROCLAMATION – Lions Club

Postponed since no Lions member was present.

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.

Ms. Jami Schaer, 622 Dawes, and Ms. Laura Wood, 1058 Gracewood, addressed the Board concerning a proposed program to spread kindness and bravery through Libertyville's children. They are proposing the following: a kindness corner at Cook Memorial Library, school assemblies, summer camps, community events, posting positive messages signs, developing a kindness curriculum, making Libertyville a city of kindness. They were seeking support from the Village and hoped to include information in *The Village Views* to keep momentum going.

President Weppler asked to have the matter referred to the Special Projects Committee. Trustee Johnson asked if there were a global mission statement or if this is just an individual Village mission. Ms. Schaer explained that the City of Kindness is an umbrella under which the activities would fall. Trustee Johnson suggested including the various sports organizations as well.

Trustee Johnson moved to refer the item to Special Projects Committee, and Trustee Justice seconded. The Mayor asked for Board and public comments. The motion carried on roll call vote as follows:

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

NAYS: None

OMNIBUS VOTE AGENDA

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

OMNIBUS VOTE AGENDA

- A. Minutes of the September 27, 2016 Meeting

- B. Bills for Approval
- C. Confirm ZBA Report for Lot Coverage Variation – 326 Grant Court
- D. Confirm Ordinance 16-O-95
- E. **RESOLUTION 16-R-36: Change Order No. 1 to the WWTP Digester Project**
- F. Fee Waiver Request – Libertyville School District 70
- G. Approve Use of Village Property – LHS Caring for Cambodia Club

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 comments. The motion carried on roll call vote as follows:

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

NAYS: None

AUTO EXPO DEVELOPMENT – Park Avenue Corporate Center, 760 E. Park Avenue

A. ORDINANCE 16-O-97: Amend Ordinance 16-O-44

President Wepler explained that on June 14, 2016, the Village Board adopted Ordinance 16-O-44 approving a Planned Development Final Plan for the property located at 760 E. Park Avenue. The final plan was approved in order to allow the resubdivision of Lots 6 and 7 of the Park Avenue Corporate Center to create reconfigured Lots 6 and 7 and to create a new Lot 11. The plan was submitted by Robert Colosi of Colosi Management, LLC, the contract purchaser of the proposed newly created Lot 6 and was authorized by the owner of the property, LSC Development of Libertyville, LLC. Mr. Colosi intends to develop Lot 6 in order to relocate his car wash and detail business to the Park Avenue Corporate Center.

The ordinance approving the Planned Development Final Plan included a condition that a completion certificate shall be issued for the Park Avenue Corporate Center parking lot prior to an occupancy permit of any kind being issued for the car wash proposed by Mr. Colosi. The parking lot will be located to the north of the proposed Lot 6 and will remain under the ownership and control of the current owner, LSC Development, who is responsible for construction of the planned development.

Since the approval of Ordinance 16-O-44, Colosi Management has been advised by its lender that it will not finance the acquisition of the proposed Lot 6 if the issuance of an occupancy permit is dependent upon the construction of the parking lot by LSC Development as this is a condition, which is outside of Mr. Colosi's control.

Therefore, Colosi and LSC Development have requested that Ordinance 16-O-44 be amended to strike the condition relating to the completion of the parking lot. Staff recommended approval of this request upon the condition that Colosi closes on the purchase of Lot 6 and that Colosi and LSC enter into a Development Agreement with the Village, which requires that LSC deposit a letter of credit with the Village in order to ensure the completion of the parking lot.

Staff recommended that the Village Board approve the proposed amendment to Ordinance 16-O-44 subject to the conditions. The Mayor asked for questions and comments.

Mr. James Ferolo of Klein, Thorpe & Jenkins, Ltd. and representing Colosi, addressed the Board and asked for support of the amendment to the ordinance.

Trustee Johnson moved to approve the ordinance amending Ordinance 16-O-44. Trustee Moras seconded. The Mayor asked for Board and public comments. The motion carried on roll call vote as follows:

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

NAYS: None

B. RESOLUTION 16-R-37: Approve Development Agreement

President Weppler introduced a resolution approving a Development Agreement to be entered into between Colosi, the Village, and LSC, which will require the owner and contract purchaser to develop the property in accordance with the approved plans and to construct certain public improvements which will be dedicated to the Village. The agreement also requires that LSC complete Life Storage parking lot and posts a Letter of Credit with the Village to ensure that the parking lot is completed. Staff recommended approve of the agreement. The Mayor then asked for questions and comment.

Trustee Johnson moved to approve the resolution approving a development agreement relating to the development of Lots 6, 7, and 11 of the proposed resubdivision of the Park Avenue Corporate Center. Trustee Adams seconded. The Mayor asked for Board and public comments. The motion carried on roll call vote as follows:

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

NAYS: None

C. RESOLUTION 16-R-38: Approve Final Plat of Subdivision

President Weppler introduced a resolution approving a Final Plat of Resubdivision of Lots 6 and 7 of the Park Avenue Corporate Center. Staff recommended approval of the resolution.

Trustee Justice moved to approve the resolution approving the Final Plat of Resubdivision of Lots 6 and 7. Trustee Garrity seconded. The Mayor asked for Board and public comments. The motion carried on roll call vote as follows:

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

NAYS: None

RESOLUTION 16-R-39: Approve Change Order No. 1 for the Riverside Pool Project

President Weppler explained that at the June 28, 2016 Board meeting, a contract was awarded to Chicagoland Construction, Inc. in the amount of \$79,618.00 to replace the perimeter gutters and repaint the Riverside Pool. The work is expected to be completed in time for the spring pool opening.

While the contractor was working on the sandblasting of the pool in preparation for painting, it was discovered that the existing pool shell is in need of aesthetic repairs. It

was also discovered that the caulking around the pool inlets is failing. In order to properly prepare the pool for painting, it is recommended that these areas be repaired in advance. This will help insure that the pool condition is properly prepared in order for the paint to be applied. The additional work will result in a longer lasting and prepared base for the paint and will cover up the many surface cracks and deteriorating surface blemishes. This will necessitate a Change Order to the contract in the amount of \$15,913.00.

The proposed contract adjusted price with Change Order No. 1 will be \$95,931.00, and \$145,000.00 has been budgeted for the project in the Park Improvement Fund.

Administrative Staff recommended adoption of the Resolution for Change Order No. 1 in the net amount of \$15,913.00. The Mayor then asked for questions and comments.

Trustee Johnson asked if the contractor is skilled enough to complete the repairs, and Director of Public Works Paul Kendzior said that they were. Trustee Justice asked if the pool makes money, and Director of Recreation Connie Kowal stated that it makes a bit each year, enough to cover improvements. Trustee Justice asked if the pool is used regularly, and Director Kowal said that there is a good deal of competition, but the pool is used regularly by residents.

Trustee Justice moved to adopt the resolution for Change Order No. 1 for Riverside Pool Perimeter Gutter and Painting Project. Trustee Garrity seconded. The Mayor asked for Board and public comments. The motion carried on roll call vote as follows:

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

NAYS: None

RESOLUTION: Approve Change Order No. 2 for the Church Street Parking Garage – *deferred*

President Wepler recused himself from discussion of the item due to his ownership of property within the TIF District. He appointed Trustee Johnson as President Pro Tem for the discussion.

President Pro Tem Johnson explained that the item concerning Change Order No. 2 for the Church Street Parking Garage Construction Project would be deferred to a future meeting.

RESOLUTION 16-R-40: Approve Change Order No. 2 for the WWTP Tuck-pointing and Masonry Repair

President Wepler introduced a change order for the Waste Water Treatment Plant (WWTP) tuck-pointing and masonry repairs project. The contract was awarded to Action 1 Construction in the amount of \$47,925.00 at the August 23, 2016 Board meeting. An initial change order in the amount of \$3,360.00 was approved at the September 27, 2016 meeting to remove the horizontal concrete beam flush to the wall and add concrete block to the remaining height of the tank in order to provide a flush surface for the skim coat. Upon removal of the brick façade from the West Secondary Digester wall, it was discovered that the digester tank cover overhang was not rigidly secured to the tank wall. RHMG Engineering and Staff recommended installation of angle brackets between the

tank cover overhang and the wall in order to prevent movement of the cover and allow a proper seal between the tank wall and the cover.

This additional work will necessitate a Change Order in the amount of \$2,048.00. The adjusted contract price will be \$53,333.00, which includes both this and Change Order No. 1. No additional working days have been requested.

Sufficient funds are available for the proposed change order in the Water and Sewer Capital Improvements Fund/WWTP Improvements. Administrative Staff recommended approval of Change Order No. 2. The Mayor asked for questions and comments.

Trustee Justice asked if the work would be completed in four days, and Director Kendzior stated that the contractor is ready to proceed. Trustee Moras asked if there were other underlying issues, and Director Kendzior said that with the older buildings, this was an unforeseen issue.

Trustee Adams moved to adopt the resolution approving Change Order No. 2, and Trustee Moras seconded. The Mayor asked for Board and public comments. The motion carried on roll call vote as follows:

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

NAYS: None

RESOLUTION 16-R-41: Amend Professional Services Agreement – Basin 9 Sanitary I & I Project

President Wepler introduced a resolution for an amendment to a professional engineering services agreement. On June 14, 2016, the Village Board approved the Professional Engineering Services Agreement with Engineering Enterprises, Inc. (EEI) in the amount of \$55,642.00. The Agreement was to complete Phase 1 of the Basin Sanitary Sewer Inflow and Infiltration (I & I) Study to identify sources of I & I and recommend corrective action measures. Basin 9 is roughly bordered by Illinois Route 176, Seventh Ave., Rockland, Rd. and Garfield Ave.

The study is underway and includes three locations where flow meters have been installed to measure flows in various segments of the sanitary sewer system. Following completion of the initial flow monitoring and analysis of the obtained data, EEI is not proposing to install an additional four flow meters at other strategic locations due to inaccurate atlas information and to obtain a better understanding of the system and to further ensure accurate evaluation of existing flows.

The proposed additional work will result in a net increase of \$25,200.00 and will necessitate an amendment to the agreement. The adjusted Agreement price, including Amendment No. 1, will be \$80,842.00, and \$330,000.00 has been allocated in the Water & Sewer Capital Improvement Fund for Sanitary Inflow & Infiltration Engineering and Rehabilitation work.

Administrative Staff recommended adoption of the resolution and approval of Amendment No. 1. The Mayor then asked for questions and comments.

Trustee Johnson moved to adopt the resolution for Amendment No. 1, and Trustee Garrity seconded. The Mayor asked for Board and public comments. The motion carried on roll call vote as follows:

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

NAYS: None

AUTHROIZE PURCHASE OF FIRE PUMPER/TENDER VEHICLE

President Weppler explained that the Fire Department included the replacement of one fire engine in the 2016-2017 Village budget. The amount budgeted is \$725,000.00. The new apparatus, a pumper/tender would replace both a reserve engine and the current water tender. This two-for-one purchase saves the Village money by combining the functions of these two vehicles, reduces vehicle maintenance, eliminates a future replacement vehicle, improves operational functions, and opens up space on the apparatus floor. Staff believes that this vehicle is the best option for the Village and Fire District and offers significant savings over other options.

In preparing for the purchase, it was discovered that the Northwest Municipal Conference (NWMC) Suburban Purchasing Cooperative did not have a fire apparatus bid on contract for 2016. The Village joined the Houston-Galveston Council (HGAC) Cooperative Purchasing Group for Government Purchasing in April in an effort to have a cooperative purchasing source.

The Fire Department received a quote from Global Emergency Products, the local authorized dealer for Pierce, using the HGAC base price bid for a custom build Pierce Enforcer Pumper/Tender with a 1500 GPM pump and 2,500 gallon water tank in the amount of \$693,482.00, which is \$31,518.00 under the budgeted amount. There are three prepayment options available including:

1. 100% prepayment discount of \$21,876.00 with payment due November 1, 2016.
2. Chassis payment of \$354,883.00 due 90 days before delivery for a discount of \$10,646.00.
3. Full payment of \$693,482.00 due upon acceptance of the pumper/tender – no discount.

The Libertyville Fire Protection District has agreed to participate in the purchase of the pumper/tender due to the special water need in the Fire District areas. The cost to add the additional water hauling capacity to this vehicle is \$124,181.00, and when the District contribution is factored in, the total Village cost for the vehicle is \$569,301.00 or \$155,699.00 under the budgeted amount. The Mayor noted that the Fire District has participated in vehicle purchases in the past, and their support is appreciated.

Fire and Public Works Staff recommended this apparatus be purchased from Pierce in order to keep consistency in parts, electronics, service, training, and vehicle familiarity. Staff recommended authorization the purchase of a new Pierce Pumper/Tender is the amount of \$693,482.00 along with prepayment option Number two. Village funds in the vehicle replacement fund combined with the Fire District payment would allow for the needed funds to make the Chassis payment on or about May 1, 2017. The balance of the vehicle would be financed, reducing originally anticipated payment amounts. The Mayor asked for questions and comments.

Noting the use of the Houston-Galveston purchasing group, Trustee Justice noted how Village Directors go above and beyond to save the Village money. Responding to

questions from Trustee Garrity, Fire Chief Carani explained that the current engine will be sold and the current pumper will be donated to another Lake County fire department. Trustee Johnson asked for cost clarification. Trustee Carey congratulated Fire Chief Carani and Director of Public Works Kendzior for working on long-term savings for the Village.

Trustee Johnson moved to authorize purchase of the pumper/tender from Pierce Manufacturing in the amount of \$693,482.00. Trustee Garrity seconded. The Mayor asked for Board and public comments. The motion carried on roll call vote as follows:

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

NAYS: None

REQUEST FOR TREE REMOVAL PERMIT – Archdiocese of Chicago, 901 N. Butterfield Road

President Weppler reported that the Catholic Bishop of Chicago (CBC d/b/a Archdiocese of Chicago) is proposing to remove over 2,500 trees on their property at 901 N. Butterfield Road. During the preparation of an application for development review, a complete analysis of every tree on the site was completed by their arborist. It was noted that this is an abandoned tree nursery and that the trees, by virtue of the planting style and growth pattern, function as a significant safety hazard at the site.

The Village hired Urban Forest Management, Inc. (UFM) to review the report. UFM agreed with the conclusion of the arborist's study with the exception of 38 trees that were not a part of the nursery. Through the development review process, the ARC has reviewed the issue and concurs with the tree removal with the retention of the 38 trees specified. As the CBC has contended that the trees to be removed are hazardous, no replacement of the trees is required. Staff noted that this portion of the application for development of the site is being forwarded to the Village Board by the property owner in order to remove the trees this fall and comments.

Responding to Trustee Justice, Director of Community Development John Spoden stated that Urban Forest Management had been paid by the developer and that the 38 trees retained were not part of the nursery. Trustee Garrity asked if there could be some requirement for tree replacement. The Village attorney stated that there was not requirement for replacement. Trustee Moras noted that a landscape plan would be part of the development agreement.

Trustee Justice moved to approve the removal of trees as recommended. Trustee Johnson seconded. The Mayor asked for Board and public comments. The motion carried on roll call vote as follows:

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

NAYS: None

PETITIONS AND COMMUNICATIONS

President Weppler announced the following:

- The Fire Department will hold a Fire Prevention Open House on Saturday, October 15, 2016 from 1:00 to 4:00 p.m. at Fire Station One
 - The Appearance Review Commission will meet at 7:00 p.m. on Monday, October 17, 2016
 - The Parking Commission will meet at 10:00 a.m. on Tuesday, October 18, 2016
 - The Finance Committee and Fire and Police Committee will not meet on Tuesday, October 18, 2016
 - The Village Board will hold a Committee of the Whole/Goal Setting meeting at 6:00 p.m. on Tuesday, October 18, 2016
 - The Economic Development Commission will meet at 7:30 a.m. on Wednesday, October 19, 2016
 - The Plan Commission/Zoning Board of Appeals will meet at 7:00 p.m. on Monday, October 24, 2016
 - The Streets Committee will meet at 7:00 p.m. on Tuesday, October 25, 2016
 - The Village Board will meet at 8:00 p.m. on Tuesday, October 25, 2016
- President Wepler read a proclamation naming Friday, October 14, 2016 and Saturday, October 15, 2016 be designated as Candy Days for Lions and encouraged citizens to support this worthwhile service organization.

ADJOURNMENT

The Board returned to the regular meeting at, and with no further business, Trustee Johnson moved to adjourn, Trustee Garrity seconded, and the motion carried on a unanimous voice vote at 8:46 p.m..

Respectfully submitted,

Kevin J. Bowens, Deputy

Sally A. Kowal
Village Clerk