

VILLAGE OF LIBERTYVILLE  
BOARD OF TRUSTEES  
March 28, 2017

President Wepler called to order a meeting of the Board of Trustees at 8:00 p.m. in the Village Hall, 118 West Cook Ave., Libertyville, Illinois. Those present were: President Terry Wepler, Trustees Donna Johnson, Richard Moras, Jay Justice, Scott Adams, Peter Garrity, and Patrick Carey.

**OATH OF OFFICE – POLICE OFFICER**

President Wepler administered the Oath of Office to Kyle Manninen.

**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.

**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 14, 2017 Village Board Meeting
- B. Bills for Approval
- C. Consideration of an Ordinance Declaring Surplus Property
- D. Consideration of a Resolution to Approve a Raffle License – Friends of Boy Scout Troop 71
- E. Consideration of a Resolution to Authorize the Execution of an Agreement to Purchase Electricity – NIMEC
- F. Consideration of an Ordinance Granting Approval of a Special Use Permit (PC 16-35) – 175 W. Peterson Road
- G. Consideration of an Ordinance Granting Approval of a Site Plan Permit (PC 16-39) – 175 W. Peterson Road
- H. Consideration of an Ordinance Granting a Variation of Perimeter Landscaped Open Space (ZBA 16-22) – 175 W. Peterson Road
- I. Consideration of an Ordinance Granting a Sign Variation (ZBA 16-23) – 175 W. Peterson Road
- J. Consideration of an Ordinance Approving an Amendment to a Special Use Permit for Personal Wireless Service Antennas (17-01) – 1600 W. Park Avenue
- K. Consideration of an Ordinance Approving an Amendment to the Site Plan Permit (PC 17-02) – 1600 W. Park Avenue
- L. Consideration of an Ordinance Granting Approval of a Special Use Permit (PC 17-04) – 1899 W. Winchester Road
- M. Consideration of an Ordinance Granting Approval of a Site Plan Permit (PC 17-05) – 1899 W. Winchester Road
- N. Consideration of an Ordinance Granting a Sign Variation (ZBA 17-06) – 1120 S. Milwaukee Avenue

- O. Consideration of an Ordinance Granting a Variation of Front Yard Setback (ZBA 17-07) – 1620 S. Milwaukee Avenue
- P. Consideration of an Ordinance Granting Sign Variations (ZBA 17-08) – 1620 S. Milwaukee Avenue
- Q. Consideration of an Ordinance Granting Approval of a Special Use Permit (PC 16-37) – 160 W. Rockland Road
- R. Consideration of an Ordinance Approving a Planned Development Concept Plan (PC 16-38) – 160 W. Rockland Road
- S. Consideration of a Resolution to Approve a Raffle License - GLASA
- T. 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 and there was none. The motion carried on roll call vote as follows:

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

NAYS: None

ABSENT: None

**ZONING BOARD OF APPEALS REPORT (ZBA 17-09), Variations of Corner Side Yard Setback for House and Detached Garage-515 Kenwood Avenue**

At their meeting of March 13, 2017, the Zoning Board of Appeals heard a request from the owners of 515 Kenwood Avenue for a corner side yard setback to allow construction of a new house and a detached garage. The proposal would reduce the setback for the house from 30 feet to 10.25 feet and from 30 feet to 16.5 feet for the garage.

Members of the Zoning Board of Appeals reviewed the request with the petitioner at the hearing. The consensus of the Board was to support the requests and a motion to recommend Village Board of Trustees approval of the variation for the house passed with a vote of 4 - 0. The motion to recommend approval of the variation for the garage also passed with a vote of 4 - 0. Accordingly, the recommendation of the Zoning Board of Appeals was for approval of the variations.

Trustee Moras asked Community Development Director Spoden for clarification on the plans. President Weppler asked if there was any Board or public comment and there was none. Trustee Johnson moved to accept the report of the Zoning Board of Appeals and Trustee Justice seconded the motion. The motion carried on roll call vote as follows:

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

NAYS: None

ABSENT: None

**Consideration of an Ordinance Granting Variations of Corner Side Yard Setback (ZBA 17-09) at 515 Kenwood Avenue**

At the request of the petitioner, the ordinance for variations at 515 Kenwood Avenue were presented. Trustee Moras made a motion to approve the ordinance and Trustee Adams seconded the motion. The motion carried on roll call vote as follows:

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

NAYS: None

ABSENT: None

**PLAN COMMISSION REPORT (PC 17-08) – Special Use Permit-1920 Enterprise Court**

President Weppeler explained that at their meeting of March 13, 2017, the Plan Commission heard a request from Gloria Enterprises, LLC for a Special Use Permit to allow a Fitness Center at 1920 Enterprise Court. Plan Commission members noted that the athletic and soccer training facility is in a tenant space that previously housed such a use. A motion to recommend Village Board of Trustees approval passed with a vote of 4-0. The Mayor then asked for public comment and questions. Trustee Moras asked a question regarding emergency response in this area. Both Chiefs indicated no concerns with adding this use.

Trustee Justice moved to approve the Special Use Permit for a Special Use Permit (PC 17-08) and Trustee Moras seconded. The Mayor asked for Board and public comment and there was none. The motion carried on roll call vote as follows:

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

NAYS: None

ABSENT: None

**Consideration of an Ordinance to Extend the Electric Utility Tax through April 30, 2018**

In September 2009, the Village Board approved an ordinance establishing an Electric Utility Tax because of a reduction in sales tax and other revenues as a result of the economic recession. When this ordinance was approved, the Village Board included a sunset clause to require an annual review to determine if these taxes could be reduced or eliminated. Due to this sunset clause, the current ordinance expires on April 30, 2017.

Since this tax and other utility taxes were enacted, several revenue sources have rebounded to prior levels and expenditures have been reduced, which enabled the Village to rebuild the General Fund Reserve to 43.6% of annual expenses projected for April 30, 2018. As a result, the Village Board had previously reduced the natural gas tax percentage, and in May, 2013 recommended the gross receipts tax on natural gas be eliminated. The electric utility tax was also reduced from 5% to 4% on May 1, 2014.

While the Village Board has supported reducing the utility tax when possible, there remains uncertainty with potential State of Illinois legislative action regarding a potential property tax freeze and a possible reduction in the Local Government Distributive Fund (LGDF) income tax funds that are shared with municipalities. The Village is also in the process of reducing its bonded debt portfolio by sale of land to lessen spread on bond payments. The Village Board held two meetings on February 25, 2017 and March 7, 2017, to discuss the proposed FY2017-2018 budget and the estimated \$1,285,000 that is currently budgeted in the General Fund for this particular revenue stream. Due to continued State uncertainty and current and future General Fund needs, Staff's recommendation is to maintain this tax at its existing level and to extend the sunset clause. The Village Board will continue to review this tax annually to determine if the tax is able to be reduced. President Wepler asked if there was any Board or public comment and there was none.

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

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

NAYS: None

ABSENT: None

**Consideration of a Resolution to Approve a Professional Services Agreement for the Wastewater Consolidation Feasibility Study**

The Villages of Libertyville and Mundelein recommend evaluating opportunities to share wastewater treatment plant costs and/or services. The two communities have agreed to complete a joint study on assessment of options with the long-term goal of reducing cost, fully utilizing excess treatment capacity, and avoidance of unnecessary long-term capital investments. This is a time sensitive study for Libertyville as the Village proceeds with the final engineering design of the necessary plant improvements to achieve the Illinois Environmental Protection Agency (IEPA) phosphorus effluent reduction to 1.0 mg/l standard.

Two proposals were received from qualified civil engineering firms with expertise in wastewater plant operations. A service proposal from Strand Associates, Inc. in response to the Village's service specification document was \$68,700.00 and the proposal from Baxter & Woodman, Inc. was in the amount of \$94,000.00

After carefully reviewing each proposal received, both Libertyville and Mundelein staff concur that the proposal from Strand Associates, Inc., was the most economical and advantageous. The cost of the study will be equally split between both Villages. Staff presented the Strand Associates Inc. proposal to the Water & Sewer Committee on March 14, 2017 and the Committee concurred with the staff recommendation to proceed with Strand Associates Inc. to perform the study. The Village has worked with Strand Associates Inc. on previous projects and has been satisfied with the quality of work performed. The Draft FY 2017/18 Budget contains sufficient funds in the Wastewater Division Budget for this work. A billing arrangement will be coordinated with

Mundelein and an intergovernmental agreement may be brought back to the Libertyville Village Board if necessary. Trustee Justice commented that it is important to collaborate with surrounding communities. Trustee Moras indicated that this item had been discussed in the past and he was glad that the study was brought forward for approval.

Trustee Johnson moved to approve the resolution to award the Professional Services Agreement for the Wastewater Consolidation Feasibility Study to Strand Associates and authorize execution of the professional services agreement by the Village Administrator for the amount of \$68,700.00 and Trustee Carey seconded. The Mayor asked for Board and public comment and there was none. The motion carried on roll call vote as follows:

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

NAYS: None

ABSENT: None

**Consideration of a Resolution to Approve a Professional Services Agreement with GOVTEMPSUSA**

Trustee Carey indicated he would like to recuse himself from this item as he performed occasional contract work with the firm associated with GovTemps.

During the 2017-2018 budget preparation, the need for additional supervisory oversight for the Golf Driving Range at the Libertyville Sports Complex was discussed. The Parks and Recreation Committee recommended approval of a contractual position and the Village Board has allocated funding in the Fiscal Year 2017-2018 budget for this expenditure as part of the Budget Workshop process.

The Village is in the process of selling approximately 30 acres of Village real estate at the northeast corner of Peterson Road and Route 45 which includes the Libertyville Driving Range. As the sale timeline for the property is unknown, it is recommended that the Golf Supervisor be a twelve (12) month contract employee.

GovTemps is a governmental staffing company that specializes in local government staffing arrangements. Attached is a contract with GovTemps to provide a Golf Supervisor on a contractual basis. The Village will pay an hourly rate directly to GovTemps and the firm will handle payroll and benefits for the position. This contract will allow GovTemps to begin recruiting an individual to fill the position for the May 1st fiscal year start. The draft 2017-18 budget includes \$75,000 for this contractual service. Staff and the Village Attorney have reviewed the agreement and recommend approval.

Trustee Johnson moved to approve Resolution and Trustee Garrity seconded. The Mayor asked for Board and public comment and there was none. The motion carried on roll call vote as follows:

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

NAYS: None

ABSENT: None

**PETITIONS AND COMMUNICATIONS**

President Wepler announced the following:

- The Historic Preservation Commission will meet at 4:00 p.m. on Tuesday, April 4, 2017.
- The Parks and Recreation Committee and Parks and Recreation Advisory Commission will not meet at 6:00 p.m. on Tuesday, April 4, 2017.
- The Zoning Board of Appeals will meet at 7:00 p.m. on Monday, April 10, 2017.
- The Police Pension Fund Board will meet at 3:00 p.m. on Tuesday, April 11, 2017 at the Schertz Building.
- The Water and Sewer Committee will meet at 7:00 p.m. on Tuesday, April 11, 2017.
- The Village Board will meet at 8:00 p.m. on Tuesday, April 11, 2017.

**EXECUTIVE SESSION-Personnel: Collective Bargaining [5 ILCS 120/2(c)(2)]**

With no further business, Trustee Adams moved to go into Executive Session to discuss Personnel at 8:26 p.m., Trustee Justice seconded, and the motion carried on a unanimous voice vote.

**ADJOURNMENT**

With no further business, Trustee Moras moved to adjourn at 8:57 p.m., Trustee Justice seconded, and the motion carried on a unanimous voice vote.

Respectfully submitted,



Christopher D. Clark  
Deputy Village Clerk