

VILLAGE OF LIBERTYVILLE
BOARD OF TRUSTEES
August 10, 2021

President Johnson called to order a meeting of the Board of Trustees at 8:00 p.m. Those present were: President Donna Johnson, Trustees Scott Adams, Peter Garrity, Dan Love, and James Connell. Trustees Matthew Hickey and Matthew Krummick were absent.

President Johnson made a statement about mask requirements and guidance that the Board, staff and public were following due to COVID-19 protocols.

ITEMS NOT ON THE AGENDA

President Johnson asked if there were any public comments for items not on the agenda, and there were none.

OMNIBUS VOTE AGENDA

President Johnson introduced the Omnibus Vote Agenda and asked if there were any items to be removed for a separate discussion. No items were requested to be removed.

A. Summary of Omnibus Vote Agenda Items

B. Bills for Approval

C. **RESOLUTION NO. 21-R-110:** Consideration of a Resolution to Approve a Banner and Raffle License – Libertyville Civic Center – Libertyville Days

D. **RESOLUTION NO. 21-R-111:** Consideration of a Resolution to Approve the Use of Village Property – First Presbyterian Church

Trustee Adams 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, and Trustee Garrity seconded. The motion carried on roll call vote as follows:

AYES: Trustees Adams, Garrity, Love, and Connell

NAYS: None

4 – RESOLUTION NO. 21-R-112: A Resolution Authorizing the Acceptance of the April 30, 2021 Comprehensive Annual Financial Report

President Johnson noted that annually, as prescribed by State statute, the Village hires an

independent licensed firm of certified public accountants to review its year-end financial statements. The process is now complete, and the auditor has rendered an “unmodified opinion”, meaning that the Village’s year-end financial statements present fairly, in all material respects, the Village’s year-end financial position. Jamie Wilkey of the accounting firm Lauterbach and Amen, LLP was in attendance at the Village Board meeting to present the Village’s April 30, 2021 Comprehensive Annual Financial Report.

For the fiscal year ended April 30, 2020, the Village earned the Government Finance Officers Association Certificate of Achievement for Excellence in Financial Reporting Award. The achievement of this award ensures that the Comprehensive Annual Finance Report goes beyond the minimum requirements of generally accepted accounting principles to include comprehensive annual financial reports that evidence the spirit of transparency and full disclosure. The Village intends to submit the April 30, 2021 Comprehensive Annual Finance Report for consideration as part of the Certificate of Achievement for Excellence in Financial Reporting Award.

Staff recommended that the Village Board formally accept the Comprehensive Annual Financial Report for the fiscal year ended April 30, 2021.

Jamie Wilkey from Lauterbach and Amen, LLP presented an overview of the Comprehensive Annual Financial Report to the Board. It was an unmodified or “clean” opinion with no findings.

There were no questions or comments from the Board.

Trustee Adams moved to approve item 4, and Trustee Connell seconded. The motion carried on roll call vote as follows:

AYES: Trustees Adams, Garrity, Love, and Connell

NAYS: None

5 -RESOLUTION NO. 21-R-113: A Resolution Approving a Banking Services Agreement with Libertyville Bank and Trust Company, N.A.

President Johnson noted that during the March 30, 2021 Finance Committee meeting, staff recommended that the Village issue an RFP for retail banking services. The last time the Village went out to the market for banking services was 2012 and its contract with the incumbent, JP Morgan Chase, expired in 2018. The Government Finance Officers Association (GFOA) recommends that banking service relationships are reviewed every five years.

The RFP was released on March 31, 2021. The document was posted on the Village’s website and also sent directly to a number of banks that have branches within the Village of Libertyville.

Responses to the RFP were received through April 30. Staff diligently conducted a multi-phase evaluation process throughout the last several months.

Based on this extensive evaluation process, staff recommended that the Village enter into a contract with Libertyville Bank & Trust for retail banking services, as they have provided the most responsive proposal based on evaluations of service levels and economics. The transition from the current provider to Libertyville Bank and Trust will begin immediately, if approved.

This matter was reviewed by the Finance Committee on July 20, 2021 and was unanimously referred with a positive recommendation to the Village Board for final approval. Staff recommended approval of the resolution approving a banking services agreement with Libertyville Bank and Trust Company, N.A.

President Johnson asked if there were any public comments, and there were none. Trustees Adams, Garrity, Love and Connell offered comments in support of the item.

Trustee Love moved to approve item 5, and Trustee Adams seconded. The motion carried on roll call vote as follows:

AYES: Trustees Adams, Garrity, Love, and Connell

NAYS: None

6 – ORDINANCE NO. 21-O-67: An Ordinance Amending Article II of Chapter 13 of the Libertyville, Illinois Municipal Code to Impose a Municipal Cannabis Retailers' Occupation Tax

President Johnson noted that the Cannabis Regulation and Tax Act (410 ILCS 705/1-1 et seq.), signed by Governor Pritzker on June 25, 2019, legalized the possession and private use of cannabis for Illinois residents 21 years of age or older, effective January 1, 2020. Subsequent to the passage of this legislation, the Village Board, upon recommendation of the Plan Commission, voted to prohibit recreational cannabis sales in Libertyville.

While there are no planned or current cannabis dispensaries in operation within the Village, the landscape of cannabis sales continues to evolve, as evidenced by legislation passed during the most recent Illinois General Assembly session. Given the State's proclivity to regularly preempt local authority for non-home rule units of government, there may become a time where the Village will be required by State law to allow sales of recreational cannabis, either directly or via the establishment of a medical cannabis dispensary.

As a result, the Village should consider establishing a local Municipal Cannabis Retailers'

BOARD OF TRUSTEES
August 10, 2021

Occupation Tax in order to collect tax revenue if recreational cannabis is ever sold in the Village. It is recommended that this tax be adopted and established on record, as there is a delay of up to six months between filing the ordinance with the Illinois Department of Revenue and tax collections going into effect. If the Village were to wait to adopt this tax until such time when it was actually needed, there is a risk that early tax revenue from recreational cannabis sales would be forfeited.

The ordinance establishes a local Municipal Cannabis Retailers' Occupation Tax at 3% of gross receipts of recreational cannabis within the Village's corporate limits; this is the maximum local tax rate per statute.

On July 20, 2021, the Village's Finance Committee unanimously referred this matter to final approval from the Village Board with a positive recommendation. Staff recommended approval of the ordinance amending Article II of Chapter 13 of the Libertyville, Illinois Municipal Code to impose a Municipal Cannabis Retailers' Occupation Tax. Any potential future dispensary application would still be subject to the Village's review process and subject to approval by the Village Board.

President Johnson asked if there were any public comments, and there were none. Trustees Adams, Love and Connell offered comments in support of the item. President Johnson thanked staff for their work on this item.

Trustee Love moved to approve item 6, and Trustee Adams seconded. The motion carried on roll call vote as follows:

AYES: Trustees Adams, Garrity, Love, and Connell

NAYS: None

7 – RESOLUTION NO. 21-R-114: A Resolution Approving a Pep Rally in Cook Park

President Johnson introduced a Special Event Application from Libertyville High School (LHS) requesting the use of Cook Park for a School Pep Rally on Thursday, August 26, 2021 from 7:00 pm to 7:45 pm. Staff reviewed the request and recommended approval of Libertyville High School's request to use Cook Park for a school Pep Rally on August 26, 2021 with the following conditions:

- LHS will reimburse the Village for the Police operation related expenses associated with the rally.

BOARD OF TRUSTEES
August 10, 2021

Staff recommended approval of the event.

Trustee Connell moved to approve item 7, and Trustee Love seconded. The motion carried on roll call vote as follows:

AYES: Trustees Adams, Garrity, Love, and Connell

NAYS: None

8 – RESOLUTION NO. 21-R-115: A Resolution Modifying the Business Stabilization Grant Program

In April 2021 the Village Board set aside an allocation for a portion of the funds from the American Rescue Plan Act (ARPA) to be utilized towards a business support program. In April the Village's Economic Development Commission discussed potential uses for such funds and identified an immediate need to support businesses with extraordinary costs due to the COVID pandemic through a stabilization grant program. In July the Village Board passed resolution 21- R-104 directing staff to implement such a program. Since that time additional ARPA funds have become available, allowing the amount of individual grants to be increased from \$500 to \$1000 for up to 200 local businesses, with a total potential program cost of \$200,000. Priority will continue to be given to businesses in the Village's commercial districts that have walk-in customer traffic, as well as women and minority owned businesses. Additional program modification is proposed to prioritize businesses which received limited or no support through state and federal grant or loan forgiveness programs.

Staff recommended approval of the resolution to modify the business stabilization grant program.

Trustee Adams moved to approve item 8, and Trustee Garrity seconded. The motion carried on roll call vote as follows:

AYES: Trustees Adams, Garrity, Love, and Connell

NAYS: None

9 – RESOLUTION NO. 21-R-116: A Resolution Approving Change Order No. 2 with Peter Baker & Son, Co. for the Joint Pavement Patching and Alley Resurfacing Project

President Johnson noted that on July 13, 2021 with the passage of resolution 21-R-107, the Village Board approved a contract with Peter Baker & Son, Co. for the Joint Pavement Patching & Alley Resurfacing Project, which included Change Order No. 1 for a parking lot patch at the Adler Cultural Center in the total amount of \$349,156. The Village is partnering with the Libertyville Township Road District in the joint bid venture. The Village's current share of the contract costs,

BOARD OF TRUSTEES
August 10, 2021

including Change No. 1, is \$313,622. The Fiscal Year Annual Budget has \$450,000 available for this work in the Project Fund. Approximately \$110,000 is still available, which also accounts for the \$25,600 being allocated to the upcoming and already awarded pavement rejuvenation program.

In order to take advantage of extremely favorable unit price bids and the available budgeted funds, Public Works staff recommended two additional alleys to be milled and resurfaced that were not in the original scope of the project. The two locations include the alley bounded by N. Second Street on the east, First Street on the west, Grant Court on the north, and Broadway Street on the south; and the alley bounded by First Street on the east, Wright Court on the west, E. Church Street on the north, and Broadway Street on the south. A location map is attached.

Based on the unit prices in the contract with Peter Baker & Son, Co., the cost to mill and resurface both alleys is \$47,010. The proposed Change Order No. 2 increases the Village's portion of the contract to \$360,632. The new total price of the joint bid contract, which includes both change orders, is \$396,166.

Staff recommended adoption of the resolution for approval of Change Order No. 2 in the amount of \$47,010 to the contract with Peter Baker & Son, Co. for the Joint Pavement Patching and Alley Resurfacing Project.

President Johnson and Trustees Garrity and Love offered support of the item.

Trustee Love moved to approve item 9, and Trustee Connell seconded. The motion carried on roll call vote as follows:

AYES: Trustees Adams, Garrity, Love, and Connell

NAYS: None

10 – RESOLUTION NO. 21-R-117: A Resolution to Approve a Professional Services Agreement with Gewalt Hamilton Associates, Inc. for Engineering Design Services for the Winchester Road Sanitary Sewer Improvements Project

President Johnson noted that the Village of Libertyville issued a Request for Qualifications (RFQ) that was sent to four local experienced professional municipal engineering firms on May 28, 2021 for design services for proposed sanitary sewer improvements along Winchester Road. The improvements include the installation of larger diameter sewer main within the Winchester Road right-of-way in order to eliminate an existing restriction within the system between Loyola Drive and 1205 W. Winchester Road.

Two (2) firms submitted Statements of Qualifications for the project (Civiltech and Gewalt Hamilton Associates, Inc.). The other two firms chose not to submit due to current workloads. The

BOARD OF TRUSTEES
August 10, 2021

Statements of Qualifications included each firm's relative experience, their understanding and approach to the project and their proposed project team. The submittals were reviewed solely on a qualifications' basis while project costs and fees were provided in separate sealed envelopes. Upon assessment of each submittal, staff determined that Gewalt Hamilton Associates, Inc. ("GHA") was best suited to provide design services for this project based upon their sound project understanding, detailed project approach and very experienced project team.

GHA's sealed cost breakdown was subsequently opened, and their overall proposal was for the not-to-exceed amount of \$99,340. The sealed costs for firms not selected during the RFQ process are not opened. The Fiscal Year 2021/22 Annual Budget has allocated \$150,000 for the design of this project within the Utility Fund. GHA's project approach (i.e. scope of services) will be included as an exhibit in the Village's standard professional services agreement.

Staff recommended adoption of the resolution to approve a professional services agreement for the Winchester Road Sanitary Sewer Improvements with the firm of Gewalt Hamilton Associates, Inc. in the not-to-exceed amount of \$99,340 and authorize execution by the Village Administrator.

President Johnson and Trustees Garrity and Love offered support of the item.

Trustee Garrity moved to approve item 10, and Trustee Adams seconded. The motion carried on roll call vote as follows:

AYES: Trustees Adams, Garrity, Love, and Connell

NAYS: None

11 – RESOLUTION NO. 21-R-118: A Resolution to Approve a Contract with Nix Coatings for the Centrum Reservoir Rehabilitation Project

President Johnson noted that the Centrum Reservoir is a 1.5-million-gallon concrete water tank that was built in 1992 when the Village was connected to the Central Lake County Joint Action Water Agency (CLCJAWA) Lake Michigan water supply. The reservoir is located in the Village's high-pressure zone and is used to supply water for emergency fire suppression and as a backup supply in the event of high usage demand or an interruption of service from CLCJAWA. A maintenance inspection is performed every five years on this structure. The most recent inspection that was completed last year identified several major items of concern that needed to be addressed. These items included applying an exterior overcoat to the structure, wet interior piping repainting, wet interior rebar coating, exterior spalling repair and exterior roof crack repairs. The Village retained the firm of Dixon Engineering, Inc. to provide project specifications and bidding documents along with construction oversight and warranty inspection for this project.

BOARD OF TRUSTEES
August 10, 2021

The Village solicited competitive contractor bids on July 6, 2021. The bid opening was held on July 29, 2021 and three bids were received. A summary of the bids is listed below:

Contractor	Bid Amount
Nix Coatings	\$ 63,200.00
Seven Brothers Painting, Inc.	\$133,957.00
Tecorp, Inc.	\$255,660.00

The lowest responsive bidder was Nix Coatings. A check of work references for previously completed similar projects resulted in positive feedback and indicated that Nix Coatings is very experienced with this type of rehabilitation work. Staff recommended to award the contract to this firm. The Fiscal Year Annual 2020/21 Budget provides \$150,000 to complete this project, in which \$115,000 remains available.

Staff recommended adoption of the resolution to approve the contract with Nix Coatings for the Centrum Reservoir Rehabilitation Project in the amount of \$63,200.00 and authorize the execution by the Village Administrator.

President Johnson asked staff questions and Trustees Adams and Garrity offered support of the item. There were no public comments.

Trustee Love moved to approve item 11, and Trustee Garrity seconded. The motion carried on roll call vote as follows:

AYES: Trustees Adams, Garrity, Love, and Connell

NAYS: None

PETITIONS AND COMMUNICATIONS

President Johnson announced the following:

- The Firefighters Pension Fund Board will meet virtually at 8:30 a.m. on Monday, August 16, 2021.
- The Appearance Review Commission/Historic Preservation Commission will meet at 5:00 p.m. on Monday, August 16, 2021.
- The Parking Commission will meet at 10:00 a.m. on Tuesday, August 17, 2021. The Committee of the Whole/Human Relations Commission will meet at 6:30 p.m. on Tuesday, August 17, 2021.

BOARD OF TRUSTEES
August 10, 2021

- The Economic Development Commission will NOT meet at 7:30 a.m. on Wednesday, August 18, 2021. The Sustain Libertyville Commission will meet at 4:00 p.m. on Wednesday, August 18, 2021.
- The Plan Commission/Zoning Board of Appeals will meet at 7:00 p.m. on Monday, August 23, 2021.
- The Parks and Recreation Committee/Parks and Recreation Advisory Commission joint meeting will meet at 7:00 p.m. on Tuesday, August 24, 2021.
- The Village Board will meet at 8:00 p.m. on Tuesday, August 24, 2021.

EXTERNAL MEETINGS: The CLCJAWA will meet virtually at 6:00 p.m. on Wednesday, August 25, 2021. All meetings will take place at the Village Hall unless otherwise noted.

President Johnson asked the Board if they wanted to share any announcements. Trustee Adams thanked staff for work on the Festival of the Arts. Trustee Garrity thanked staff for work on the Comprehensive Annual Financial Report. Trustee Love thanked staff for their ongoing work. President Johnson also thanked staff for their ongoing work and efforts.

ADJOURNMENT

With no further business to come before the Village Board, Trustee Garrity moved to recess to executive session to discuss a personnel matter at 8:58 p.m., and Trustee Adams seconded. The motion carried on roll call vote as follows:

AYES: Trustees Adams, Garrity, Love, and Connell

NAYS: None

Trustee Connell moved to return from executive session at 9:13 p.m., and Trustee Garrity seconded. The motion carried on roll call vote as follows:

AYES: Trustees Adams, Garrity, Love, and Connell

NAYS: None

Trustee Adams moved to adjourn the meeting at 9:15p.m., and Trustee Garrity seconded. The motion carried on roll call vote as follows:

AYES: Trustees Adams, Garrity, Love, and Connell

NAYS: None

BOARD OF TRUSTEES

August 10, 2021

9

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Luke Stowe". The signature is written in a cursive style with a large initial "L".

Luke Stowe
Village Clerk