

VILLAGE OF LIBERTYVILLE
BOARD OF TRUSTEES
August 27, 2019

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

Employee Recognition

President Weppler thanked David Fischer for his excellent service to the Village of Libertyville on his 20th anniversary with the Village.

Proclamation

President Weppler proclaimed the week of September 15-21, 2019 as Libertyville Medicare Education Week.

ITEMS NOT ON THE AGENDA

President Weppler asked if anyone had an item to bring before the Village Board that was not already listed on the agenda. There were no items.

OMNIBUS VOTE AGENDA

President Weppler introduced the Omnibus Vote Agenda and asked if there were any items to be removed for separate discussion. He asked for a correction to the minutes (Item 3A) regarding resident Lisa Roti who was not in attendance at the meeting. President Weppler presented information on behalf of Ms. Roti rather than as it was recorded in the August 13, 2019 minutes.

Omnibus Vote Agenda

- A. Minutes of the August 13, 2019 Village Board Meeting
- B. Bills for Approval
- C. **RESOLUTION NO. 19-R-144:** A Resolution for Use of Village Property – Drum Circle
- D. **RESOLUTION NO. 19-R-145:** A Resolution to Approve a Raffle License – St. Vincent De Paul Archdiocese of Chicago
- E. **RESOLUTION NO. 19-R-146:** A Resolution to Approve a Raffle License – Save-A-Pet
- F. **ORDINANCE NO. 19-O-67:** An Ordinance Amending the Planned Development Final Plan – 1500 Franklin Boulevard
- G. **ORDINANCE NO. 19-O-68:** An Ordinance Granting a Variation for a Fence (ZBA 19-21) – 648 E. Rockland Road
- H. **ORDINANCE NO. 19-O-69:** An Ordinance Amending Chapter 6 of the Municipal Code Regarding Saturday Construction Hours
- I. ARC Report

- J. **RESOLUTION NO. 19-R-147:** A Resolution for Closure of Streets for the Libertyville High School Annual Homecoming Parade and Use of Village Property
- K. **RESOLUTION NO. 19-R-148:** A Resolution to Purchase a Replacement Squad Car
- L. **ORDINANCE NO. 19-O-70:** An Ordinance Amending the Number of Class B Liquor Licenses

Trustee Johnson moved to adopt the items, including the amendment, listed on the Omnibus Vote Agenda in a single group pursuant to the omnibus vote procedures of the Libertyville Municipal Code. Trustee Moras seconded. President Wepler asked for further Board or 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

RESOLUTION NO. 19-R-149: A Resolution Authorizing the Acceptance of the April 30, 2019 Comprehensive Annual Financial Report (CAFR)

President Wepler reported 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 “unqualified 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, 2019 Comprehensive Annual Financial Report (CAFR).

For the fiscal year ended April 30, 2018, 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 CAFR 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 will submit the April 30, 2019 CAFR 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, 2019. President Wepler introduced Ms. Jamie Wilkey of Lauterbach and Amen, LLP.

Ms. Wilkey explained that the Comprehensive Annual Financial Report was audited and found unmodified and rated in the highest level. She thanked Finance Director Nicholas Mostardo and Assistant Finance Director Ariel Tax for their outstanding efforts.

Trustee Moras asked for clarification of the Management Letter, and Ms. Wilkey explained that the cost reimbursement from Metra in early 2020 would replenish the fund and bring it into compliance.

President Weppler noted that there have been three Finance Directors during his tenure as Mayor, and all have proven to be excellent. He further thanked Assistant Finance Director Ariel Tax for her performance during transition times. Trustee Johnson stated that she appreciated how the Village Staff handles finances, and she has heard positive comments regarding the same from residents. Trustee Moras added that Staff had done an excellent job throughout recent staff transitions.

Trustee Moras moved to approve the resolution accepting the Comprehensive Annual Financial Report for the fiscal year ending April 30, 2019. Trustee Justice seconded. President Weppler asked for further Board or 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

REPORT OF THE ZONING BOARD OF APPEALS (ZBA 19-23), Variation for Lot Coverage – 433 E. Sunnyside Avenue - *deferred from July 23, 2019*

President Weppler reported that at the July 23, 2019 meeting, the Village Board of Trustees reviewed a recommendation from the Zoning Board of Appeals to allow lot coverage in place since 2005 at 433 E. Sunnyside Avenue to remain. At that meeting, the petitioner requested the ability to alter locations for lot coverage, subject to not increasing the overall percentage. The Village Board requested that a new Site Plan be submitted that reflects the proposal from the petitioner. The owner of the property has subsequently submitted the Site Plan with changes outlined.

As the overall lot coverage will remain the same (4,565 square feet/52.46% lot coverage), Staff recommended approval of the request. If the Village Board of Trustees concurs with the request, an ordinance will be drafted for adoption at the next meeting.

A motion to recommend Village Board of Trustees approval to increase the maximum permitted lot coverage from 45% to 52.46% passed with a vote of 6 - 0, subject to the condition that the existing patio installed without a permit be removed prior to issuing a Certificate of Compliance. President Weppler asked for questions and comments.

Trustee Johnson asked the applicant if he agreed to the condition, and Mr. Ramaker stated that he was in agreement.

Trustee Johnson moved to approve the variation for Lot Coverage (ZBA 19-23), and Trustee Adams seconded. President Wepler asked for further Board or 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

REPORT OF THE PLAN COMMISSION (PC 19-13), Text Amendment to Section 16-835 – 433 E. Sunnyside Avenue – deferred from July 23, 2019

President Wepler explained that Mr. Torrance Ramaker was proposing a text amendment to the Zoning Code to allow for a variation as it relates to lot coverage. The current Code caps lot coverage variations at 15%, while the proposal would allow variations up to 20% for coverage that existed on July 25, 2018 (the date of Village adoption of the 15% cap).

Members of the Plan Commission reviewed the proposal and discussed it in detail with the petitioner. The consensus of the Commission was to support the proposal as it would allow the Village Board to more fairly address properties with lot coverage issues prior to the change in Code. A motion to recommend Village Board of Trustees approval passed with a vote of 6 - 0. President Wepler asked for questions and comments and there was none.

Trustee Johnson moved to approve the Text Amendment to Section 16-8.5 (PC 19-13), and Trustee Garrity seconded. President Wepler asked for further Board or 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

RESOLUTION NO. 19-R-150: A Resolution to Adopt the Village of Libertyville Capital Improvement Plan for Fiscal Year 2021-2030

President Wepler explained that the Village Board had directed staff to compile a comprehensive Capital Improvement Plan (CIP) for the next ten fiscal years. This is a strategic document that will assist the Village in planning for the future, as well as serving as part of any justification for grants or referenda.

The draft CIP, which was presented to the Village Board on August 13, 2019, identified the following capital requirements for the next five fiscal years:

- \$81,815,785 in aggregate
- \$24,250,000 in stormwater
- \$24,367,500 in utility capital
- \$33,198,285 in general capital needs
 - Roads
 - Parks
 - General infrastructure
 - Technology
 - Facilities

The remaining five years of the CIP identify an aggregate investment requirement of \$79,609,135. The CIP also identified a funding shortfall for general capital needs averaging approximately \$2.4 million a year. Specific project detail is included in the CIP document for these general capital needs over the first five years of the Plan. The adoption of the Plan is critical in determining the needs of the Village in preparation for the Village Board's intention to place a non-home rule sales tax referendum question on the ballot for the March 17, 2020 presidential primary election. Such new sales tax revenue, if approved, will be dedicated to supporting the Village's capital needs.

The Stormwater Sewer content in the CIP document is subject to change pending the results of a stormwater utility feasibility analysis and rate study, as well as planned fall town hall meetings regarding stormwater financing. The Board will be asked to consider an amendment to the CIP pertaining to stormwater projects later in the year, if appropriate.

Staff recommended approval of the Resolution to adopt the Village of Libertyville Capital Improvement Plan for FY 2021-2030 and noted that the Village Board is not appropriating funds as a result of passing this resolution. The CIP is being adopted as a financial plan and appropriations will be made on an annual basis in conjunction with the annual budget process based on available resources. President Wepler asked for comments and questions.

Trustee Moras noted that the CIP would help to maintain levels of service and standards that residents expect. He thanked Village Staff for the document to help with future planning to meet Village needs.

Trustee Johnson noted that 60% of Village roads still need rehabilitation since only 40% of the roads were covered by the referendum. She added that the CIP would help forecast needs and would be accessible to the public.

Trustee Moras moved to approve the resolution adopting the Village of Libertyville Capital Improvement Plan for FY 2021-2030. Trustee Carey seconded. President Weppler asked for further Board or 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

RESOLUTION NO. 19-R-151: A Resolution to Approve a Professional Services Agreement with NewGen Strategies & Solutions, LLC to Conduct a Stormwater Utility Feasibility Analysis and Rate Study

President Weppler stated that on May 28, 2019, the Village Board adopted the Master Stormwater Management Plan. Subsequently, the Board directed staff to investigate the feasibility of a stormwater utility fee to offset the costs of capital improvements associated with the Plan. On June 6, 2019, an RFP document was released soliciting professional services related to a stormwater utility feasibility analysis and rate study. The Village received four (4) responses and elected to interview two of the responding firms: NewGen Strategies and Solutions, LLC (formerly Municipal and Financial Services Group) and Huff & Huff, Incorporated.

After evaluation, staff recommended a professional services contract award to NewGen Strategies and Solutions. The firm has extensive experience in conducting stormwater utility feasibility and rate studies, particularly with Illinois clients, including Winnetka, Downers Grove, and Batavia. NewGen Strategies and Solutions is the successor firm to a merger between NewGen and Municipal and Financial Services Group (MSFG). MSFG previously conducted the Village's water and sewer rate study; the stormwater feasibility analysis and rate study will be facilitated by the same group of professionals out of the firm's Annapolis, Maryland office. Eric Callocchia, the principal who previously led the water and sewer rate study, will lead the stormwater feasibility analysis and rate study.

As part of their proposal, NewGen has committed to completing its initial rate and utility structure estimates in time for town hall meetings this fall (Phase I). Phase II of the project, utility implementation, would take place at the beginning of 2020. The total not-to-exceed project budget for Phase I is \$66,140 and for Phase II is \$33,360, resulting in a total not-to-exceed project budget of \$99,500. Sufficient funds are available in the Stormwater Sewer Fund to offset this expense.

The proposed agreement with NewGen complies with the provisions of the *Local Government Professional Services Selection Act* as the Village has a satisfactory relationship for services established with NewGen, by virtue of its merger with MSFG, based upon their previous utility financing work.

Staff recommended adoption of the resolution to approve a professional services agreement for a stormwater utility feasibility analysis and rate study with NewGen Strategies and Solutions, LLC and authorized execution by the Village Administrator. President Wepler asked for questions and comments and there were none.

Trustee Johnson moved to approve the resolution approving a Professional Services Agreement with NewGen Strategies & Solutions, LLC to conduct a Stormwater Utility Feasibility Analysis and Rate Study. Trustee Garrity seconded. President Wepler asked for further Board or public comment and there were none. The motion carried on roll call vote as follows:

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

NAYS: None

RESOLUTION NO. 19-R-152: A Resolution to Approve an Agreement for Maintenance of the North Shore Bike Path

President Wepler noted that the Village entered into an initial agreement for the maintenance of the North Shore Bike Path with the County of Lake that was approved by Resolution 91-R-32 on June 17, 1991. The current limits of the agreement extend between 4th Street to 1,000-

feet west of Butterfield Road. Since the time of when this initial agreement was drafted, the bike path has been paved and it has become evident that the Village's maintenance responsibilities and the County's capital obligations need to be better defined. In addition, the Village has also constructed a storm sewer extension and overflow swale within the path's right-of-way between 4th Street to 7th Avenue.

Village and County staff have worked together over the past year to draft a new Agreement for maintenance. The new Agreement extends the eastern limits to 7th Avenue to now include the storm sewer extension and overflow swale. The Village currently contracts out the maintenance for the path. The new Agreement will not impact our contractual maintenance costs because we have previously extended the limits to include the storm sewer extension and swale. The new Agreement, if approved by both parties, will become effective on December 1, 2019. The Agreement is anticipated to be approved by the County of Lake well before the effective date of December 1, 2019.

Staff recommended adoption of the resolution to approve the Agreement with the County of Lake for maintenance of the North Shore Bike Path and authorized execution by the Village President. President Wepler asked for questions and comments and there were none.

Trustee Carey moved to approve the resolution approving an agreement for maintenance of the North Shore Bike Path. Trustee Garrity seconded. President Wepler asked for further Board or public comment and there were none. The motion carried on roll call vote as follows:

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

NAYS: None

RESOLUTION NO. 19-R-153: A Resolution to Award a Contract for the Wastewater Treatment Plant Lagoon Dredging Project

President Wepler explained that the Wastewater Treatment Plant lagoon is utilized to treat excess sanitary sewage influent flows over 8.0 million gallons/day (mgd) during rain events and to equalized and polish the sanitary effluent during times of normal flow. Over time bio-solids accumulate as sediment in the bottom of the lagoon. This sediment builds-up over time and hinders operations and decreases efficiency and periodically needs to be removed. The lagoon was last dredged in 2008 (eleven years ago).

Public Works Staff and our consultant, Strand Associates, Inc., prepared plans and specifications to dredge the lagoon and replace the chlorine contact zone baffles. Eight firms purchased bid packages. Two bids were received at the bid opening held on August 6, 2019 and are summarized below:

Company Name	Bid-Price
Stewart Spreading, Inc.	\$287,175
Magellan Dredging, Inc.	\$403,805

Both bids received are well below the available budgeted funds for construction in the amount of \$550,000 in the Water & Sewer Capital Improvements Fund. The desired timeframe to complete the dredging work is early fall when the agricultural feed fields are available for land application of the bio-solids.

Staff and Strand Associates, Inc. recommended approval of the resolution to award the contract for the Wastewater Treatment Plant Lagoon Dredging project to Stewart Spreading, Inc. in the amount of \$287,175 and authorized execution by the Village Administrator. President Wepler asked for questions and comments.

Trustee Johnson asked for clarification of bids, and Public Works Director stated that Stewart Spreading, Inc. came with very high recommendations.

Trustee Justice moved to approve the resolution to award a contract for the Wastewater Treatment Plant Lagoon Dredging Project. Trustee Moras seconded. President Wepler asked for further Board or 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

PETITIONS AND COMMUNICATIONS

President Wepler announced the following:

- The Village Hall and all non-emergency Village offices will be closed on Monday, September 2, 2019 for the Labor Day Holiday
- The Parks and Recreation Committee will not meet at 6:00 p.m. on Tuesday, September 3, 2019
- The Zoning Board of Appeals will meet at 7:00 p.m. on Monday, September 9, 2019
- The Board of Fire and Police Commissioners will meet at 5:00 p.m. on Tuesday, September 10, 2019 at the North Fire Station
- The Water and Sewer Committee will not meet at 7:00 p.m. on Tuesday, September 10, 2019
- The Village Board will meet at 8:00 p.m. on Tuesday, September 10, 2019

President Wepler reported that Niche.com, which provides rankings for schools and places to live found District 128 to be ranked second best in the United States, with a number 1 safety rating, and a number 4 for best teachers. Libertyville rated an A+ in places to live.

President Wepler thanked all who attended the Plan Commission on Monday, August 26, 2019.

Administrator Kelly Amidei introduced Village intern Lacey Benedeck who attends Northern Illinois University studying for a Master's Degree in Public Administration.

EXECUTIVE SESSION

President Wepler noted the need for the Village Board to meet in Executive Session for the following:

Closed Session Minutes [5 ILCS 120/2(c)(21)]

Litigation: Pending or Imminent [5 ILCS 120/2(c)(11)]

Trustee Johnson moved to go into Executive Session at 8:42 p.m. Trustee Garrity seconded, and the motion carried on a unanimous voice vote.

ADJOURNMENT

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

Respectfully submitted,

by: *Kelly A. Amidei, Deputy Clerk*

Sally A. Kowal
Village Clerk