

VILLAGE OF LIBERTYVILLE
BOARD OF TRUSTEES
October 27, 2020

Meeting conducted virtually due to Governor's Executive Orders #2020-10, 18, 32, 44,
and 48

President Weppler called to order a virtual meeting of the Board of Trustees at 8:00 p.m. Those present were: President Terry Weppler, Trustees Donna Johnson, Richard Moras, Jay Justice, Peter Garrity, and Patrick Carey. Trustee Scott Adams was absent.

Employee Recognitions:

President Weppler recognized the following Village employees for their service to the Village of Libertyville:

Paul Kendzior, Director of Public Works – Five Years
Clint Herdegen, Police Chief – 10 Years
Julie Ludwig, Recreation Manager – 15 Years

Proclamation: Red Ribbon Week

President Weppler proclaimed the week of October 23-31, 2020 as Red Ribbon Week in the Village of Libertyville and urged citizens to show their support for a drug-free environment.

ITEMS NOT 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. There were no items.

Omnibus Vote Agenda

- A. Minutes of the October 13, 2020 Village Board Meeting
- B. Bills for Approval
- C. **RESOLUTION NO. 20-R-131:** A Resolution to Approve a Professional Services Agreement with Strand Associates, Inc., for Final Engineering for the Replacement of the Wastewater Treatment Plant Aeration Blowers and Diffusers
- D. **RESOLUTION NO. 20-R-132:** A Resolution for Use of Village Property – Red Rose Children's Choir and Lake County Boy's Choir
- E. **RESOLUTION NO. 20-R-133:** A Resolution to Allow the Use of Village Property – Knights of Columbus
- F. **RESOLUTION NO. 20-R-134:** A Resolution Approving a Supplemental Statement of Work with Municipal GIS Partners, Inc.
- G. ARC Report

H. RESOLUTION NO. 20-R-135: A Resolution for Use of Village Property –
Heritage Church Libertyville

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. 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, Garrity, and Carey

NAYS: None

ABSENT: Trustee Adams

ORDINANCE NO. 20-O-93: An Ordinance Amending Chapter 13 of the Municipal Code to Extend the Electric Utility Tax through December 31, 2021

President Weppler explained that in September 2009, the Village Board approved an ordinance establishing an Electric Utility Tax because of a reduction in sales tax and other revenues due to 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 would expire on December 31, 2020.

The electric utility tax was reduced from 5% to 4% for Fiscal Year 2014-15 and has been maintained at that level since May 1, 2014.

As part of the FY 2020-2021 budget approval process, the Village Board determined it would be in the best interest of prudent fiscal planning to reauthorize the electric utility tax at the beginning of the annual budget cycle (October-December) rather than at the end of the budget cycle (March-April).

Due to the economic effects of the COVID-19 pandemic, the Village would need to continue to rely on this revenue source to offset expenditures for traditional municipal services such as police, fire, public works. Staff recommended approval of the ordinance extending the electric utility tax with a new sunset date of December 31, 2021. President Weppler then asked for questions and comments.

Trustee Moras stated that the issue of utility tax had been discussed in the Finance Committee, and although the gas tax had been eliminated, the Village is not in a position to eliminate the electric utility tax.

Trustee Johnson moved to approve the ordinance to extend the Electric Utility Tax through December 31, 2021. Trustee Moras 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, Garrity, and Carey
NAYS: None
ABSENT: Trustee Adams

RESOLUTION NO. 20-R-136: A Resolution to Approve a Letter of Credit Reduction and to Accept Certain Public Improvements for the Pharmalogistics Facility at 1801 N. Butterfield Road

President Weppler noted that Forever Land Company, LLC owns and operates the new Pharmalogistics facility located at 1801 N. Butterfield Road. They submitted a written request for a Letter of Credit reduction in the amount of \$785,229.28 (from \$1,098,993.70 to \$313,764.42) and for Village acceptance of the water main that was installed as part of the development and was identified in the Development Agreement as a Public Improvement to be Dedicated to the Village.

Staff reviewed as-built drawings and performed field inspections on the items being requested for reduction and acceptance. The installed water main system was found to have been constructed in substantial conformance with the approved subdivision plans and Village requirements.

Upon Village approval of the water main system, a two-year guaranty period will commence in accordance with the Development Agreement. Should any defect or deficiency be identified during this two-year period, the developer would be required to perform the necessary repair work.

Staff recommended adoption of the Resolution to approve a Letter of Credit reduction and to accept the water main system for the Pharmalogistics facility. President Weppler noted that the new sign at Pharmalogistics looks good. He then asked for questions and comments and there were none.

Trustee Carey moved to approve the resolution approving a Letter of Credit Reduction and to Accept Certain Public Improvements for the Pharmalogistics Facility. Trustee Johnson 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, Garrity, and Carey
NAYS: None
ABSENT: Trustee Adams

RESOLUTION NO. 20-R-137: A Confirming Resolution to Approve a Change Order No. 1 with Brothers Asphalt Paving Inc. for the 2020 Joint Road Rehabilitation Program

President Weppler explained that on April 14, 2020, the Village Board approved a contract with Brothers Asphalt Paving, Inc. in the amount of \$745,493.89 for the 2020

Joint Bid Road Rehabilitation Program (Resolution #20-R-50). After the work commenced and the top layer of asphalt had been removed, Public Works Staff identified additional concrete pavement patching locations along Juniper Parkway that were in need of remediation beyond those that were originally contemplated within the scope of the

project. This necessary unanticipated work resulted in \$36,888.90 of additional costs beyond the originally approved contract amount.

Sufficient funds are available in the FY 2019/20 Annual Budget in the Motor Fuel Tax Fund to accommodate this additional work. This proposed Change Order increases the total price of the contract to \$782,382.79.

Staff recommended adoption of the Confirming Resolution for approval of Change Order No. 1 in the amount of \$36,888.90 to the contract with Brothers Asphalt Paving, Inc. for the 2020 Joint Bid Road Rehabilitation Program and authorized execution by the Village Administrator. President Wepler asked for questions and comments.

Trustee Justice moved to approve the resolution approving Change Order No. 1 with Brothers Asphalt Paving, Inc. for the 2020 Joint Road Rehabilitation Program. 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, Garrity, and Carey

NAYS: None

ABSENT: Trustee Adams

PETITIONS AND COMMUNICATIONS

President Wepler announced the following:

- The Police Pension Fund Board will meet virtually at 1:00 p.m. on Wednesday, October 28, 2020
- MainStreet Business Trick-or-Treat Hours are 11:00 a.m. to 2:00 p.m. on Friday, October 30, 2020
- Neighborhood Halloween Trick-or-Treat hours are 4:00 p.m. to 8:00 p.m. on Saturday, October 31, 2020. Please check the Village web page for additional information and precautions.
- The Parks & Recreation Committee will meet virtually at 6:00 p.m. on Tuesday, November 3, 2020
- The Human Relations Commission will meet virtually at 5:00 p.m. on Wednesday, November 4, 2020
- The Zoning Board of Appeals will NOT meet on Monday, November 9, 2020
- The Plan Commission will meet virtually at 7:00 p.m. on Monday, November 9, 2020

- The TIF Joint Review Board will meet virtually at 4:00 p.m. on Wednesday, November 11, 2020
- The Water & Sewer Committee will NOT meet Tuesday, November 11, 2020
- The Finance Committee will meet virtually as a Committee of the Whole at 7:00 p.m. on Tuesday, November 11, 2020
- The Village Board will meet virtually at 8:00 p.m. on Tuesday, November 11, 2020

ADJOURNMENT

With no further business to come before Village Board, Trustee Johnson moved to adjourn at 8:25 p.m., and Trustee Carey seconded. The motion carried on roll call vote as follows:

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

NAYS: None

ABSENT: Trustee Adams

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Sally A. Kowal, Deputy Clerk".

Sally A. Kowal
Village Clerk