

VILLAGE OF LIBERTYVILLE
BOARD OF TRUSTEES
June 8, 2021

Please note that the meeting was conducted virtually due to Governor's Executive Orders #2020-10, 18, 32, 44, and 48.

President Johnson noted that the Disaster Declaration is still in effect and will be until the next Village Board Meeting.

President Johnson called to order a virtual meeting of the Board of Trustees at 8:03 p.m. Those present were: President Donna Johnson, Trustees Scott Adams, Peter Garrity, Matthew Hickey, Matthew Krummick, Dan Love, and James Connell.

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. President Johnson stated that item 3J would be deferred to a future Board meeting. President Johnson asked if the Board had questions on any of the Omnibus Vote Agenda items, and there were none.

Omnibus Vote Agenda

- A. Summary of Omnibus Vote Agenda Items
- B. Approval of Minutes of the May 11, 2021 Village Board Meeting
- C. Bills for Approval
- D. **ORDINANCE NO. 21-O-43:** An Ordinance to Reduce the Number of Class C Liquor Licenses
- E. **ORDINANCE NO. 21-O-44:** An Ordinance to Reduce the Number of Class D Liquor Licenses
- F. **ORDINANCE NO. 21-O-45:** An Ordinance Amending the Number of Class BYO-2 Liquor Licenses
- G. **RESOLUTION NO. 21-R-84:** A Resolution to Approve a Professional Services Agreement with Dixon Engineering, Inc. for the Centrum Reservoir Rehabilitation Project
- H. **ORDINANCE NO. 21-O-46:** An Ordinance Granting a Variation from Section 26-4-8.5(d)(3) – Charles and Judith Zemeske, Applicant 234 Florence Ct.
- I. **RESOLUTION NO. 21-O-85:** A Resolution to Approve a Special Event – Cook Memorial Library Outdoor Concert
- J. Consideration of a Resolution Concerning Changes to Downtown Parking Restrictions

Trustee Adams moved to adopt the items listed on the Omnibus Vote Agenda, with item 3J removed, in a single group pursuant to the omnibus vote procedures of the Libertyville Municipal Code, and Trustee Garrity seconded. President Johnson asked for further Board or public comment, and there was none. The motion carried on roll call vote as follows:

AYES: Trustees Adams, Garrity, Hickey, Krummick, Love, and Connell

NAYS: None

Report of the Plan Commission-PC 21-12, Amendment to the Site Plan Permit Community High School District 128, Applicant, 708 W. Park Avenue

President Johnson noted that Community High School District 128 is requesting approval of an amendment to the Site Plan Permit for Libertyville High School to allow for the installation of gates at the southwest entrance to the site. Representatives of the District reviewed the request with the Plan Commission at the May 24, 2021 meeting. The reason stated for the gates is to allow staff to safely control the traffic flow on campus during school hours and restrict access when necessary during non-school hours. Members of the Plan Commission concurred with the request.

A motion to recommend Village Board of Trustees approval passed with a vote of 6 - 0, subject to the following conditions:

1. That the location of the security gates are located north of and abutting to the existing channelized curbed island as depicted on the Civiltech Engineering, Inc. Technical Memorandum, dated May 18, 2021, Exhibit 1.
2. That the security gates are made to swing inward so as not to encroach onto IL Route 176, an IDOT right-of-way.
3. That two unlockable, fold-down 'DO NOT ENTER' signs are posted just south of the parking areas along the southwest entrance drive to prevent vehicles from becoming trapped trying to exit the Libertyville High School campus when the gate is closed as depicted on the Civiltech Engineering, Inc. Technical Memorandum, dated May 18, 2021, Exhibit 1.

President Johnson asked if there were any public comments and there were none. President Johnson asked if there were any Board comments. Several Trustees spoke in favor of the item and Trustees Hickey and Krummick had questions for staff.

Trustee Adams moved to approve PC 21-12, and Trustee Connell seconded. The motion carried on roll call vote as follows:

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| | | BOARD OF TRUSTEES June 8, 2021 2 |
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AYES: Trustees Adams, Garrity, Hickey, Krummick, Love, and Connell
NAYS: None

Report of the Plan Commission-PC 21-11, Special Use Permit, KI Tae Kwon Do, Applicant, 1354 S. Milwaukee Avenue

At the May 24, 2021 meeting, the Plan Commission heard a request from KI Tae Kwon Do for a Special Use Permit to locate in Red Top Plaza. The tenant would teach martial arts to children, teens, and adults with hourly classes of 10 to 12 students. The Plan Commission found the shopping center to have ample parking and the tenant would be complementary to existing uses.

A motion to recommend Village Board of Trustees approval passed with a vote of 6 - 0.

President Johnson asked if the applicant was present, and Melissa Jeong was present to represent KI Tae Kwon Do. President Johnson asked if there were any public comments and there were none. Several Trustees spoke in favor of the item and thanked the applicant for locating the business in Libertyville. Trustee Krummick asked the applicant a question.

Trustee Krummick moved to approve PC 21-11, and Trustee Adams seconded. The motion carried on roll call vote as follows:

AYES: Trustees Adams, Garrity, Hickey, Krummick, Love, and Connell
NAYS: None

ORDINANCE NO. 21-O-47: An Ordinance Providing for the Issuance of \$11,095,000 Taxable General Obligation Refunding Bonds (Alternate Revenue Source), Series 2021, of the Village of Libertyville, Lake County, Illinois, for the Purpose of Refunding Certain Outstanding Alternate Bonds of the Village, the Pledge of Certain Revenues to the Payment of Principal and Interest on Said Bonds and the Levy and Collection of a Direct Annual Tax Sufficient to Pay Such Principal and Interest if the Pledged Revenues Are Insufficient to Make Such Payment and Authorizing the Sale of Said Bonds to the Purchaser Thereof

President Johnson noted on April 27, 2021, the Village Board approved a lease with Libertyville Sportsplex, LLC/Canlan Sports to operate the Indoor Sports Complex. The approval of the operating lease for the Sports Complex requires the Village to redeem outstanding tax-exempt bonds associated with the Indoor Sports Complex facility. This is due to IRS regulations that prohibit a private operator from leasing a facility funded with tax exempt debt. In acknowledgment of these requirements, the Village Board adopted Ordinance 21-0-28 on April 27, 2021 authorizing Village staff to take action to provide for a timely redemption of outstanding Sports Complex tax exempt bonds and issuance of taxable obligations. As noted in prior public meeting materials, this refunding will not extend the maturity date of the outstanding

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| | | BOARD OF TRUSTEES June 8, 2021 3 |
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Sports Complex debt.

On June 8, 2021, a competitive bond sale was facilitated by the Village's financial advisor, Speer Financial. Mark Jeretina, Vice President with Speer Financial, will be in attendance at the Village Board meeting to discuss the results of the sale.

Staff recommends approval of the attached ordinance providing for the issuance of taxable general obligation refunding bonds (alternate revenue source), Series 2021.

President Johnson asked Finance Director Nick Mostardo to speak on the item and introduce Mark Jeretina from Speer Financial. Mr. Mostardo offered that there would be about 1.5 million dollars in savings for the Village. President Johnson thanked Mr. Mostardo and Mr. Jeretina for their efforts on this item.

President Johnson asked if there were any public comments and there were none. President Johnson asked if there were any Board comments. Several Trustees spoke in favor of the item and complimented the staff.

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

AYES: Trustees Adams, Garrity, Hickey, Krummick, Love, and Connell

NAYS: None

ORDINANCE NO. 21-O-48: An Ordinance Approving a Fourth Amendment to a Purchase and Sale Agreement Regarding 1800 and 1950 N. U.S. Highway 45

President Johnson noted the attached ordinance would approve a fourth amendment to the purchase-and-sale agreement for the sale of a portion of the Sports Complex property at Peterson Road and Highway 45.

In June 2018, the Village entered into an agreement with Paragon Real Estate, LLC, for the sale of a portion of the Sports Complex property at Peterson Road and Highway 45. In February 2020, the agreement was amended to bring Midwest Industrial Funds into the transaction: Paragon (through its assignee, 45Peterson LLC) would acquire and develop the parcel at the corner of the intersection with a gas station, and Midwest Industrial would acquire and develop the remainder of the property, other than the Sports Complex itself, with industrial warehouse uses. However, due to difficulty in obtaining the necessary approvals from IDOT for vehicular access to and from the corner parcel, 45Peterson is no longer able to develop the gas station as intended.

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| | | BOARD OF TRUSTEES June 8, 2021 4 |
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In order to allow the Midwest Industrial project to proceed, Village Staff has negotiated a fourth amendment to the purchase-and-sale agreement with 45Peterson and Midwest Industrial. The fourth amendment would remove the corner parcel from the proposed transaction, and update deadlines and requirements for the sale of the remaining property to Midwest Industrial. The amendment contemplates a closing by the end of 2021.

Staff recommends the Village Board approve the attached ordinance.

President Johnson asked if there were any public comments, and there were none. President Johnson asked if there were any Board comments. Trustee Garrity spoke in favor of the item. President Johnson asked counsel Hart Passman to clarify details on this item.

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

AYES: Trustees Adams, Garrity, Hickey, Krummick, Love, and Connell

NAYS: None

RESOLUTION NO. 21-R-86: A Resolution to Award a Contract for the Butler Lake Parking Lot Resurfacing Project to Chicagoland Paving Contractors, Inc.

President Johnson noted the Butler Lake parking lot located along the south side of Lake Street is in need of resurfacing due to its poor condition. The lot is also directly adjacent to an existing gravel boat ramp which provides limited access for maintenance and monitoring of Butler Lake, which has significantly eroded over time. Engineering plans and construction documents were prepared to solicit competitive contractor bids for resurfacing of the existing asphalt parking lot and replacement of the existing gravel boat ramp with a new concrete boat ramp. The project will also include replacement of existing curbs and sidewalks around the lot at select locations.

Three (3) competitive contractor bids were received and opened on Friday, May 28, 2021 for the project. The bids received for the work were as follows:

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| Chicagoland Paving Contractors, Inc. | \$ 93,250.00 |
| Maneval Construction Co. | \$ 117,799.08 |
| Schroeder Asphalt Services, Inc. | \$ 174,855.00 |

The Engineer's Estimate was \$99,727.00. The qualified low bid contractor is Chicagoland Paving Contractors, Inc. in the amount of \$93,250.00.

\$100,000 is available in the Fiscal Year 2021/22 Annual Budget in the Park Improvement Fund (Account #45-0000-0-782). Construction will not begin until after the July 4th holiday to allow for the lot to be used for fireworks festivities. It is anticipated that construction will commence

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| | | BOARD OF TRUSTEES June 8, 2021 5 |
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shortly after the holiday and take approximately 3-4 four weeks to complete. The Village's engineering consultant, Doland Engineering, LLC., has worked with Chicagoland Paving Contractor's, Inc. on numerous projects and they have performed successfully on every project.

Staff recommended adoption of the Resolution to Award the contract for the Butler Lake Resurfacing Project to Chicagoland Paving Contractors, Inc. and authorize execution by the Village Administrator.

President Johnson asked if there were any Board comments. Several Trustees asked staff about plans for other Village parking lots and assets. President Johnson offered comments in response to the Trustees' inquiries.

Trustee Garrity moved to approve the Resolution, and Trustee Connell seconded. The motion carried on roll call vote as follows:

AYES: Trustees Adams, Garrity, Hickey, Krummick, Love, and Connell

NAYS: None

ORDINANCE NO. 21-O-49: Consideration of an Ordinance to Waive Competitive Bidding and Accept the Quote from Hach Company for a Support Services Contract for Phosphorus Removal at the Wastewater Treatment Plant

President Johnson noted the new phosphorus removal facility at the Village's wastewater treatment plant has been in operation for over a year to meet Illinois Environmental Protection Agency's mandate to reduce the phosphorus level in the effluent to 1.0 mg/L or less. Hach Company designed and installed the chemical feed system to run the phosphorus removal equipment and the pumps in the phosphorus removal facility. Hach Company provides 24-hour remote support for the chemical feed system and other critical components at the facility. The support service also includes quarterly equipment servicing and replacement of all necessary filters, reagents, and equipment calibration by a certified Hach Company technician. This will be the second year the Village contracts with Hach Company to provide 24-hour support to the phosphorus removal chemical feed system and servicing the equipment and pumps. It is recommended to waive competitive bidding for the support services contract because Hach Company is the exclusive provider of the equipment to be serviced and the original manufacturer and installer. Hach Company submitted a quote in the amount of \$25,140 for Fiscal Year 2021/22. There are sufficient funds in the Fiscal Year 2021/22 Annual Budget/Wastewater Treatment Plant Division (Account #20-2022-3-728) for this expenditure.

Staff recommends approval of the attached Ordinance to waive the formal competitive bidding process and accept the quote from Hach Company in the amount of \$25,140 for the support services contract for phosphorus removal at the wastewater treatment plant. A super-majority vote is required to waive formal competitive bidding, and therefore five positive votes are

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| | | BOARD OF TRUSTEES June 8, 2021 6 |
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required for approval.

President Johnson asked if there were any public comments and there were none. President Johnson asked if there were any board comments. Trustee Hickey asked staff about the Hach Company.

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

AYES: Trustees Adams, Garrity, Hickey, Krummick, Love, and Connell

NAYS: None

RESOLUTION NO. 21-R-87: A Resolution to Award a Professional Services Agreement to Gewalt Hamilton Associates, Inc. for a Street & Parking Lot Light Replacement Assessment

President Johnson noted on March 18, 2021, Village staff solicited proposals from three (3) engineering consultants to perform a Streetlight Replacement Assessment to determine the schedule and order of the Village streetlights to be replaced. The Village used a Qualification Based Selection (QBS) process to evaluate the knowledge, skill, experience and project-specific factors of the engineering consultants. The selected consultant will be required to perform the following tasks: a field inspection to determine the condition and age of each streetlight, complete an inventory of streetlights within the Village and provide a recommendation for a 15-year streetlight replacement program.

Using the QBS process, Gewalt Hamilton Associates, Inc. (GHA) is the recommended engineering consultant to perform the Streetlight Replacement Assessment. Gewalt Hamilton Associates, Inc. has satisfactorily completed numerous consulting engineering services for the Village over the past years. The Fiscal Year Annual 2021/22 Budget (Account 40-0000-0-775) provides \$200,000 to complete this project along with annual streetlight replacements.

The scope of the project initially included all Village owned streetlights. As requested at the May 25, 2021 Village Board meeting, Staff has contacted GHA to adjust the scope of the Assessment to also include the approximate 150 Village-owned parking lot lights. This increased the Agreement price from \$49,412 to \$52,052.

Staff recommended adoption of the resolution to approve the Professional Services Agreement with Gewalt Hamilton Associates, Inc. for the Street & Parking Lot Light Replacement Assessment in the amount of \$52,052 and authorize the execution of the agreement by the Village Administrator.

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| | | BOARD OF TRUSTEES June 8, 2021 7 |
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President Johnson asked if there were any public comments and there were none. President Johnson asked if there were any board comments. Several Trustees offered support for the item.

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

AYES: Trustees Adams, Garrity, Hickey, Krummick, Love, and Connell

NAYS: None

PETITIONS AND COMMUNICATIONS

President Johnson announced the following:

- The Zoning Board of Appeals will meet virtually at 7:00 p.m. on Monday, June 14, 2021.
- The Parking Commission will meet virtually at 10:00 a.m. on Tuesday, June 15, 2021.
- The Economic Development Commission will meet virtually at 7:30 a.m. on Wednesday, June 16, 2021.
- The Sustain Libertyville Commission will meet virtually at 4:00 p.m. on Wednesday, June 16, 2021.
- The Historic Preservation Commission will meet virtually at 5:00 p.m. on Monday, June 21, 2021.
- The Appearance Review Commission will meet virtually at 7:00 p.m. on Monday, June 21, 2021.
- The Public Works Committee will meet virtually at 7:00 p.m. on Tuesday, June 22, 2021.
- The Village Board will meet virtually at 8:00 p.m. on Tuesday, June 22, 2021.

EXTERNAL MEETINGS: (Board & Staff Reminders)

- The CLCJAWA Board will meet virtually at 6:00 p.m. on Wednesday, June 23, 2021.

Village Administrator Amidei stated the Charles Brown playground construction project would start earlier than originally scheduled. Trustee Garrity inquired about future board meetings related to in-person versus virtual. President Johnson stated Board meetings would likely return to in-person in July 2021.

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| | | BOARD OF TRUSTEES June 8, 2021 8 |
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President Johnson thanked staff for their ongoing efforts on behalf of the Village. President Johnson thanked Trustees Hickey and Krummick for their comments earlier in the meeting.

ADJOURNMENT

With no further business to come before Village Board, Trustee Adams moved to adjourn at 9:00 p.m., and Trustee Krummick seconded. The motion carried on roll call vote as follows:

AYES: Trustees Adams, Garrity, Hickey, Krummick, Love, and Connell

NAYS: None

Respectfully submitted,



Luke Stowe
Village Clerk