

VILLAGE OF LIBERTYVILLE
BOARD OF TRUSTEES
July 13, 2021

President Johnson called to order a meeting of the Board of Trustees at 7:58 p.m. Those present were: President Donna Johnson, Trustees Scott Adams, Peter Garrity, Matthew Hickey, Matthew Krummick, Dan Love, and James Connell.

President Johnson read a proclamation celebrating the Libertyville Girls Soccer Team on their third place finish in the state finals. President Johnson offered congratulatory remarks to the players, coach, and parents on the historic accomplishment.

President Johnson announced Laura Zeng, a 2018 Libertyville High School graduate, was headed back to the Tokyo Olympics to represent the United States' Rhythmic Gymnastics team.

President Johnson honored retiring Libertyville Police Chief Clint Herdegen and his family. Chief Herdegen has served the Village with distinction since 2010. Numerous police officers and staff members were present to wish Chief Herdegen and his family well.

President Johnson administered the oath of office to Kristine Herdegen as a new firefighter/paramedic.

ITEMS NOT ON THE AGENDA

President Johnson asked if there were any public comments for items not on the agenda, and there was one speaker. Libertyville resident Julie Meadows spoke in favor of the Village adding pickleball courts.

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 and staff spoke to the Nicholas-Dowden Park master plan and survey.

A. Summary of Omnibus Vote Agenda Items

B. Approval of Minutes of the June 22, 2021 Village Board Meeting

C. Bills for Approval

D. **ORDINANCE NO. 21-O-55:** An Ordinance Amending the Number of Class C Liquor Licenses - Egg Harbor

E. **ORDINANCE NO. 21-O-56:** An Ordinance Amending the Number of Class C Liquor Licenses - Chipotle Mexican Grill

F. **RESOLUTION NO. 21-R-98:** A Resolution Re-Appointing Members to the Libertyville Arts Commission

G. **RESOLUTION NO. 21-R-99:** A Resolution to Approve a Special Event – Prayer and Liturgy in Cook Park

H. **RESOLUTION NO. 21-R-100:** A Resolution Ratifying a Change Order to the Contract with BCI Burke Company, LLC for the Charles Brown Park Playground Renovation Project

I. **RESOLUTION NO. 21-R-101:** A Resolution to Award a Contract to BOS Furniture for the Purchase of New Furniture at the Public Works Streets & Utilities Facility

J. **RESOLUTION NO. 21-R-102:** A Resolution to Award a Contract for the 2021 Pavement Rejuvenation Program to Corrective Asphalt Materials, LLC

K. **RESOLUTION NO. 21-R-103:** A Resolution to Approve a Special Event – MainStreet Libertyville – Let’s Vino in the Ville

L. ARC Report

M. HPC Report

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, Hickey, Krummick, Love, and Connell

NAYS: None

4 - REPORT OF THE PLAN COMMISSION, PC 21-13, A Text Amendment to Section 26-16-8.5, 1940 USG Drive

President Johnson noted at the June 26, 2021 meeting, the Plan Commission heard a request from Novartis, a global healthcare company occupying 1940 USG Drive, for a text amendment to the Libertyville Zoning Code. The site has frontage on both USG Drive and Winchester Road and is defined as a reverse frontage lot. Zoning regulations require dumpsters to not be located beyond

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the front building line. As the lot has two (2) frontages, it is difficult for the property owner to legally locate their enclosure as the previous site in the truck docks is now occupied by equipment. The proposed text amendment would give the Village Board the authority to issue variations for dumpster enclosures on through lots in the O-2 Office, Manufacturing and Distribution Park District.

The consensus of the Plan Commission was to support the text amendment as it is limited in scope and specifically addresses this issue. A motion to recommend Village Board of Trustees approval passed with a vote of 6-0. If approved, an ordinance will be drafted for adoption at the next Village Board meeting.

President Johnson asked if there were any public comments or board comments, and there were none. Trustee Hickey moved to approve item 4, and Trustee Love seconded. The motion carried on roll call vote as follows:

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

NAYS: None

5 - REPORT OF THE ZONING BOARD OF APPEALS ZBA 21-12, Variation for Location of Refuse Containers Novartis, Applicant 1940 USG Drive

President Johnson noted that Novartis is requesting a variation for location of refuse containers for their site at 1940 USG Drive. The lot is a reverse frontage lot as it abuts both USG Drive and Winchester Road. The request is to allow the construction of a dumpster enclosure in front of the building line. The Zoning Board of Appeals heard the request at the June 28, 2021 meeting and recommended Village Board of Trustees approval with a vote of 6-0. If approved, an ordinance will be drafted for adoption at the next Village Board meeting.

President Johnson asked if there were any public comments or board comments, and there were none.

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

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

NAYS: None

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6 - REPORT OF THE ZONING BOARD OF APPEALS ZBA 21-13, Variations for Signage NLA/GCH Libertyville, LLC, Applicant 1121 S. Milwaukee Avenue

President Johnson noted that Tesla Motors is requesting sign variations to allow installation of an additional wall sign at their location on South Milwaukee Avenue. The applicant appeared at the June 28, 2021 Zoning Board of Appeals meeting and requested a variation for an additional sign and for that sign to extend six (6) inches above the eastern wall. Members of the Zoning Board of Appeals noted that if the Tesla logo had been placed next to the other wall sign it would be considered one sign and have eliminated a variation. As this was a design issue to separate the signs, the consensus of the Zoning Board of Appeals was to support the requests.

A motion to recommend Village Board of Trustees approval to increase the maximum permitted number of business signs from one (1) to two (2) passed with a vote of 5-1. A motion to recommend Village Board of Trustees approval to allow a wall sign to project above the top of the front façade by not more than six (6) inches passed with a vote of 6-0.

A representative from Tesla Motors was present to answer any questions. President Johnson asked if there were any public comments, and there were none. Trustees Adams, Love and Garrity asked questions and offered comments in support of the item.

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

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

NAYS: None

7 - REPORT OF THE PLAN COMMISSION PC 21-17, Planned Development Final Plan 4th Street Broadway LLC, Applicant 232 Fourth Street

7a. President Johnson noted at the meeting of June 14, 2021, the Plan Commission heard a request from 4th Street Broadway LLC for approval of a Planned Development Final Plan. The Plan will allow for the construction of seven (7) townhomes at the site. Members of the Plan Commission found the Final Plan to be in substantial compliance with the Development Concept Plan. A motion to recommend Village Board of Trustees approval passed with a vote of 5 - 0, subject to the following conditions:

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1. That proper easement rights and documents be established for the installation of public utilities in accordance with Engineering Division review comments #1 and #2 included in the Development Review Committee staff report dated 06/10/2021.

2. A final version of the Affordable Covenant shall be in a form approved by the Village Attorney prior to recordation of ordinances.

7b. **ORDINANCE NO. 21-O-57:** The ordinance would approve a Planned Development Final Plan at 232 Fourth Street. In order to expedite the review process, it is requested that if the Village Board approves this request, that the ordinance be adopted at their July 13, 2021 meeting.

A representative for 4th Street Broadway LLC was present to answer any questions. President Johnson asked if there were any public comments, and there were none. Trustees Garrity, Krummick, and Love offered comments in support of the item.

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

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

NAYS: None

8 – RESOLUTION NO. 21-R-104: A Resolution Directing Village Staff to Implement a Business Stabilization Grant Program

President Johnson noted in April 2021 the Village Board set aside an allocation for a portion of the funds from the American Rescue Plan Act (ARP) 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.

The funds are not expected to be received until later this summer, but the Village wishes to begin marketing the program and receiving applications to allow quick distribution of funds. The prior recommendation included \$100,000 for use of funds in the form of up to \$500 in grants benefitting up to 200 local businesses. Priority will be given to businesses in the Village’s commercial districts that have walk-in customer traffic. In the event the grants meet the \$100,000 limit, additional funding will be considered to expand the program. Staff’s memorandum incorporates the recommended program format.

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Staff recommends approval of the resolution to support a business stabilization grant program.

President Johnson asked if there were any public comments, and there were none. President Johnson asked if there were any Board comments. Trustees Adams, Garrity, Love, and Connell, offered comments in support of the item. Trustee Krummick asked questions of staff and Heather Rowe, Economic Development Manager answered the question. President Johnson offered comments on the item.

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

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

NAYS: None

9 – RESOLUTION NO. 21-R-105: A Resolution to Award a Contract for the 2021 Watermain Replacement Program to Mauro Sewer Construction, Inc.

The 2021 Watermain Replacement Program involves the replacement of deteriorating and chronic breaking watermain segments along Mullady Parkway, Winners Circle, Walnut Street and Oak Street (Alternate #1). Eight (8) competitive contractor bids were received and opened on Thursday, July 1, 2021 for the project. The lowest three (3) bids received for the overall work (base bid and alternate) were as follows:

Mauro Sewer Construction, Inc. - \$1,015,602.50

Joel Kennedy Construction - \$1,072,335.00

Berger Excavating Contractors - \$1,140,414.35

The lowest responsive bidder was Mauro Sewer Construction, Inc. in the amount of \$1,015,602.50. The Engineer's Estimate prepared by the project's designer Gewalt Hamilton Assoc, Inc. (GHA) was \$1,201,686.00. Mauro Sewer Construction, Inc. has not worked for the Village before, but has sound references for previous similar work in other communities.

There is \$1,105,000 available in the Fiscal Year 2021/22 Annual Budget in the Utility Capital Improvement Fund/Annual Watermain Replacement Program (Account# 20-2024-6-795) to complete the project. The remaining funding will be used for the construction engineering agreement with GHA. Construction is anticipated to commence in late July or early August and be completed by the fall of this year.

Staff recommends approval of the attached Resolution to award the contract to Mauro Sewer

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Construction, Inc. for the 2021 Watermain Replacement Program in the amount of \$1,015,602.50 and authorize execution by the Village Administrator.

President Johnson asked if there were any public comments, and there were none. President Johnson asked if there were any Board comments. President Johnson and Trustees Adams, Garrity, and Hickey spoke in favor of the item and asked staff questions.

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

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

NAYS: None

10 – RESOLUTION NO. 21-R-106: A Resolution to Approve Amendment No. 1 to the Professional Services Agreement with Strand Associates, Inc. for Ventilation Improvements for the Replacement of the Wastewater Treatment Plant Aeration Blowers

President Johnson noted that the Village’s wastewater treatment plant has three existing 125 horsepower (hp) centrifugal aeration blowers that were installed in 1975 and are now well beyond their useful service life and necessitate replacement. The aeration blowers are a critical component of the biological treatment process by interjecting air in the sewage influent. The replacement of the aeration diffusers and segments of corroded aeration piping will also be included in the project. The proposal will provide three (3) highspeed, high-efficiency air foil 150 hp turbo blowers manufactured by Aerzen.

The room in which the existing centrifugal blowers are located, which is the basement of the control/laboratory building, does not have any ventilation. When the blowers are in operation the heat that is generated makes the room very hot and treatment plant staff need to use portable fans to cool the room. The proposed air foil turbo blowers will produce more heat than the existing centrifugal blowers. This provides a very good opportunity to incorporate ventilation improvements into the blower replacement project and ensure that the new turbo blowers operate to full capacity.

The current professional services agreement with the project design consultant Strand Associates, Inc. is in the amount of \$68,800. The cost of the additional design services for the necessary ventilation improvements is \$7,800, which will increase the total cost of the agreement to \$76,600. This additional cost can be accommodated within existing budgeted funds in the Utility Capital Improvement Fund (Act.# 20-2024-6-750) because the engineering services for the Screen & Grit Building improvements came in \$52,700 under the budget amount. The ventilation improvements are not anticipated to significantly add to the estimated construction cost of \$2,500,000. The

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additional design work will include preparing a construction cost estimate to verify this. The ventilation improvements can be bid as an alternate in case costs do come in higher than expected.

This matter was discussed at the June 22, 2021 Public Works Committee. The Committee and Staff recommend proceeding with the proposed \$7,800 amendment to the professional services agreement with Strand Associates, Inc. for the design of the ventilation improvements.

President Johnson asked if there were any public comments, and there were none. President Johnson asked if there were any Board comments. Trustees Adams, Garrity, and Hickey spoke in favor of the item.

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

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

NAYS: None

11 – RESOLUTION NO. 21-R-107: A Resolution to Award a Contract and Approve Change Order No. 1 for the 2021 Joint Pavement Patching & Alleys Resurfacing Project with Peter Baker & Son, Co.

The Village of Libertyville (“Village”) and the Libertyville Township Road District (“Township”) both desired to solicit joint contractor bids for their respective “skip patching” programs in 2021. In an effort to maximize contract quantities and the likelihood of desirable contractor bids, the Village also included the resurfacing of numerous public alleys into the project.

This year’s Village pavement patching (“skip-patching”) program proposes to address select locations on the following streets: Tyler Ct., E. Lincoln Ave., Valley Park Dr., Ridgeway Ln., Ashbury Ln., Avalon Ln., Hyatt Dr., Carter St., Woodland Rd., Kenloch Ave., Finstad Dr., N. Fourth St., Oak Spring Rd., the access drive at the wastewater treatment plant and the entrance to Butler Lake Park. The public alleys to be resurfaced include the area between Broadway Ave. to IL Route 176 and Milwaukee Ave. to Fifth St.

The project was advertised for competitive bids on May 28, 2021. Three (3) bids were received and opened on June 11, 2021, which are summarized below:

Peter Baker & Son Co. - \$343,125.00
Maneval Construction, Co. - \$359,193.75
Johnson Paving - \$424,656.25

The lowest responsive bidder was Peter Baker & Son Co. in the amount of \$343,125.00. The

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Village and Township previously entered into an Intergovernmental Agreement (“IGA”) for the purposes of these joint programs (Resolution 20-R-120). In accordance with the terms of the IGA, both parties shall be responsible for the direct invoicing and payments for work within their respective limits. The Village’s share of the proposed work is \$307,591.00. Since the Village is identified as the Lead Agency in the IGA, the contract needs to be approved and executed by the Village for the full contract amount of \$343,125.00. The FY 2021/22 Annual Budget has \$450,000 available for the proposed work in the Project Fund (Act.# 40-0000-0-773).

Upon receipt of the favorable bids, staff identified the need for additional pavement patching at the Adler Cultural Center parking lot. Peter Baker & Son Co. is agreeable to extending the patching unit price to complete this additional work, which amounts to \$6,031.00. Therefore, 247 staff is also proposing Change Order No. 1 at this time in the amount of \$6,031.00 for the additional work at Adler Cultural Center. This will bring the total contract amount to \$349,156.00. The Village’s revised share of the project’s costs will be \$313,622.00.

Staff recommends adoption of the attached Resolution to Award a Contract and approve Change Order No. 1 with Peter Baker & Son, Co. for the 2021 Joint Pavement Patching & Alleys Resurfacing Project and authorize execution by the Village Administrator.

President Johnson asked if there were any public comments, and resident Amy Williams spoke in favor of work planned for Adler Arts Center. President Johnson asked if there were any Board comments. Trustees Adams, Garrity, and Hickey spoke in favor of the item. Trustee Krummick asked staff questions and staff and President Johnson spoke to the question.

Trustee Adams moved to approve item 11, 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:

- A Nicholas-Dowden Park Master Plan Community Feedback meeting will meet from 5:00 p.m. to 6:00 p.m. on Thursday, July 15, 2021 at Nicholas Dowden Park.
- The Historic Preservation Commission/Appearance Review Commission will meet at 5:00 p.m. on Monday, July 19, 2021.
- The Finance Committee will meet at 6:00 p.m. on Tuesday, July 20, 2021.
- The Fire and Police Committee will meet at 7:00 p.m. on Tuesday, July 20, 2021.

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- The Economic Development Commission will meet at 7:30 a.m. on Wednesday, July 21, 2021.
- The Sustain Libertyville Commission will meet at 4:00 p.m. on Wednesday, July 21, 2021.
- The Parks and Recreation Advisory Commission will NOT meet at 3:00 p.m. on Thursday, July 22, 2021.
- The Police Pension Fund Board will meet at 1:00 p.m. on Monday, July 26, 2021 at the Schertz Building, 200 E. Cook Street.
- The Libertyville Arts Commission will NOT meet at 2:00 p.m. on Monday, July 26, 2021.
- The Plan Commission/ZBA will meet at 7:00 p.m. on Monday, July 26, 2021.
- The Village Board will meet at 8:00 p.m. on Tuesday, July 27, 2021.

Village Administrator Amidei stated she had no report for this board meeting.

Trustee Krummick moved for the board to go into executive session and was seconded by Trustee Love. The motion carried on roll call vote as follows:

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

NAYS: None

The Village Board entered executive session at 9:09pm to discuss personnel matters.

The Village Board returned from executive session at 9:44pm.

ADJOURNMENT

With no further business to come before Village Board, Trustee Garrity moved to adjourn at 9:45 p.m., and Trustee Adams 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

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