

VILLAGE OF LIBERTYVILLE
BOARD OF TRUSTEES
September 8, 2020

Meeting conducted virtually due to Governor's Executive Orders #2020-10, 18, 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, Scott Adams, Peter Garrity, and Patrick Carey.

Proclamation: Ethel Trenner

President Weppler read a proclamation acknowledging and wishing Ethel Trenner a Happy 100th Birthday.

ITEMS NOT ON THE AGENDA

President Weppler asked if anyone had anything to bring before the 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.

Omnibus Vote Agenda

- A. Minutes of the August 25, 2020 Village Board Meeting
- B. Bills for Approval
- C. **ORDINANCE NO. 20-O-75:** An Ordinance Declaring Surplus Property
- D. **ORDINANCE NO. 20-O-76:** An Ordinance Amending the Number of Class C Liquor Licenses
- E. **RESOLUTION NO. 20-R-115:** A Resolution to Approve a Joint Purchase and Installation Contract for a Replacement Generator at the Schertz Building
- F. **ORDINANCE NO. 20-O-77:** An Ordinance to Approve a Second Amendment to an Antenna Site Lease Agreement for 1551 North Milwaukee Avenue
- G. **RESOLUTION NO. 20-R-116:** A Resolution to Approve a Contract to Furnish & Install On-Site Emergency Generator for the US Route 45 Sanitary Lift Station
- H. **ORDINANCE NO. 20-O-78:** An Ordinance Granting Variations of Front Yard, Corner Side Yard, and Read Yard Setbacks (ZBA 20-20) at 240 N. Third Street
- I. **ORDINANCE NO. 20-O-79:** An Ordinance Granting Variations for a Fence (ZBA 20-11) at 234 McKinley Avenue
- J. **ORDINANCE NO. 20-O-80:** An Ordinance Amending the Planned Development Final Plan at 1801 N. Butterfield Road
- K. ARC Report

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. Trustee Garrity expressed his displeasure with the decision to allow for a 200 Square foot sign allowed at 1801 N. Butterfield Road. He asked that Staff review the Village's sign ordinance to prevent a similar issue in the future. 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 20-23, Text Amendment to Article 6 and PC 20-24, Special Use Permit – 151 W. Golf Road

President Weppler noted that at the August 24, 2020 meeting, the Plan Commission heard a request from Integrated Home Healthcare for a Text Amendment and Special Use Permit to allow a hospice facility at 151 W. Golf Road. The amendment would allow Hospices, with In-Patient Care, in the O-1, Professional Services Office District as a Special Use Permit.

At the conclusion of the hearing, the consensus of the Plan Commission was to agree with the petitioner that the land use is appropriate in the O-1 District as a Special Use. In addition, they agreed that a Special Use Permit for In-Patient Hospice was appropriate for the O-1 District in the vicinity of Advocate Condell. Motions to recommend Village Board of Trustees approval passed with votes of 5 - 1, with the dissenter noting a preference to re-zone the property to IB, Institutional Buildings District. Accordingly, the recommendation of the Plan Commission was for approval of the proposal. President Weppler asked for questions and comments. Petitioners Allan and Rowena Oliva were available to answer questions. There were no questions or comments

Trustee Johnson moved to approve a Text Amendment to Article 6 (PC 20-23), and Trustee Garrity seconded. President Weppler asked for further questions or comments and there were none. The motion carried on roll call vote as follows:

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

NAYS: None

Trustee Garrity moved to approve the Special Use Permit (PC 20-24), and Trustee Johnson seconded. President Weppler asked for further questions or comments. The motion carried on roll call vote as follows:

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

NAYS: None

ARC REPORT – Request for a Major Adjustment to the Planned Development Final Plan – 1201 American Way

President Wepler explained that at the May 26, 2020 Village Board meeting, the Planned Development Final Plan was approved. Encompass Health Rehabilitation Hospital of Libertyville, LLC requested a Major Adjustment to the Planned Development Final Plan for their site at 1201 American Way for the following items:

- Expansion of the building wing area by ten (10) feet to the west;
- Narrowing the width of the landscape buffer along Route 45 and installation of a three (3) foot retaining wall;
- Installation of a 42 inch safety fence around the detention basins; and
- Enlarging the monument signs from the previously approved 36 square feet to approximately 49.5 square feet.

The Appearance Review Commission reviewed and approved the plans at their meeting of August 17, 2020.

The Board of Trustees may grant approval for a Major Adjustment to the Final Plan upon finding that any changes in the Final Plan as approved will be in substantial conformity with the previously approved Planned Development Final Plan. If the Board of Trustees determines that a Major Adjustment to the Final Plan is not in substantial conformity with the Final Plan as approved, then the Board of Trustees will refer the request to the Plan Commission for further consideration and review.

The Appearance Review Commission recommended the Village Board approve the request for the Major Adjustment to the Planned Development Final Plan and schedule the adoption of the associated ordinance at their next regularly scheduled meeting. President Wepler asked for questions or comments. Representatives Ms. Lesley Netzer and Mr. Eddy Alonso were available to answer questions. There were no questions or comments

Trustee Carey moved to approve a Major Adjustment to the Planned Development Final Plan, and Trustee Adams seconded. President Wepler asked for further questions or comments and there were none. The motion carried on roll call vote as follows:

AYES: Trustees Johnson, Moras, Justice, Adams, Garrity, and Carey
NAYS: None

ORDINANCE NO. 20-O-81: An Ordinance Approving a Third Amendment to the Agreement for the Purchase and Sale of Real Property between the Village of Libertyville, 45 Peterson, LLC, and Midwest Industrial Funds, Inc. for the Property Located at 1800 and 1850 N. US Highway 45

President Wepler noted that the Village Board previously adopted ordinance 18-O-29 approving an agreement with 45Peterson, LLC to purchase the golf course and driving range properties. On January 11, 2020, the Agreement was amended (the “First Amendment”) to allow 45Peterson, to partner with Midwest Industrial Funds, Inc. to complete the overall site preparation and the development of the industrial portion of the project as a speculative endeavor.

Due to disruptions caused by COVID-19, the public hearings in connection with approvals for the proposed development were delayed. In order to accommodate the possibility of additional public hearings and consideration by the Village Board of the recommendations of the Plan Commission, the Village Board approved a Second Amendment to the Agreement extending the Preliminary Governmental Approvals expiration date. Such approvals were received on August 11, 2020. Now that the parties are ready to prepare materials for consideration of Final Governmental Approvals, a request was made to extend the application deadline to October 1, 2020 and the Closing Date to March 31, 2021. Additionally, through review of the survey and subdivision documents provided for consideration of Preliminary Governmental Approvals, a discrepancy of 0.44 acres was identified in the Additional Parcel 1 and Parcel 2 Acreage established in the First Amendment. The ordinance approving the Third Amendment to the Real Estate Agreement provided for these extensions and acreage clarification.

Staff recommended that the Village Board approve the Ordinance authorizing the execution of the Third Amendment to the Real Estate Agreement. President Wepler then asked for questions or comments and there were none.

Trustee Johnson moved to approve the ordinance, and Trustee Justice seconded. President Wepler asked for further questions or comments and there were none. The motion carried on roll call vote as follows:

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

NAYS: None

ORDINANCE NO. 20-O-82: An Ordinance to Waive Competitive Bidding and Award a Contract to TGF Enterprises, Inc. for the 2020 Storm Sewer Improvements Program

President Wepler explained that on July 31, 2020, the Village issued a Request for Proposals (RFP) to select contractors for the 2020 Storm Sewer Improvements Program. The scope of this year’s Program is predominantly focused on the installation of new access structures along the shared public sump pump collection lines that run behind or within the

rear yards of many of the homes in the Greentree area. It was staff's opinion that this scope of work required the services of a specialty contractor capable of performing underground installations while also having the ability to address proper landscape remediation. The project also included the installation of a new public storm sewer within the right-of-way at the far north end of Woodland Road.

Four (4) competitive contractor quotes were received on Friday, August 14, 2020 as follows:

TGF Enterprises	\$60,176
Biagi Plumbing	\$77,970
Mark Meade Excavators	\$92,899
Canyon Contracting	\$136,700

The qualified low bidder is TGF Enterprises in the amount of \$60,176.00. Funding is available in the Fiscal Year 2020/21 Budget in the Stormwater Sewer Fund in the amount of \$50,000. As such, the scope of the project would be reduced accordingly to limit the improvements within this allocated budget for a not-to-exceed cost of \$50,000. This would require that a few of the identified locations be removed from the project. This reduced scope and price has been discussed and agreed upon with TGF Enterprises.

Staff recommended approval of the Ordinance to waive the competitive bidding process and award a contract to TGF Enterprises, Inc. in the not to exceed amount of \$50,000 for the 2020 Storm Sewer Improvements Program and authorized execution by the Village Administrator. President Wepler asked for questions and comments.

Trustee Johnson asked if Public Works Director Paul Kendzior had first-hand knowledge of this company. Director Kendzior stated that TGF Enterprises has done previous work for the Village, and he expressed his confidence in them to perform the project. He also noted that part of the project would be left for next year's budget due to pressure on this year's funds. Finance Director Nick Mostardo stated that current resources are finite.

Trustee Johnson moved to approve the ordinance to waive competitive bidding and award a contract to TGF Enterprises, Inc. Trustee Moras seconded. President Wepler asked for further questions or comments 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. 20-R-117: A Resolution to Approve a Professional Services Agreement for Water Distribution System and Wastewater Treatment Plant/Life Stations SCADA Improvements

President Wepler explained that the Village monitors certain functions of the potable water distribution, wastewater treatment plant and sanitary lift station operations through Supervisory Control and Data Acquisition (a.k.a. SCADA), which allows for centralized monitoring by staff and the ability to make adjustments remotely. The use of SCADA saves time, money and enhances the performance of these critical two utilities. It is extremely important that the SCADA systems function properly and are up to date with the latest technology. Over the past few years, the water distribution SCADA system had been malfunctioning and repairs have become more and more costly and difficult because replacement parts are out of date and difficult to find. In addition, the SCADA system for the wastewater treatment plant currently only serves a few critical operations, has been “piecemealed” over the years, is out of date and will require a lot of electrical work to provide the necessary infrastructure (interior and exterior conduit installations, wiring and panels). The SCADA system for the sanitary lift stations are currently programmed to call the Streets & Utilities facility because the wastewater treatment plant lacks the necessary technology. This is a planned improvement because the maintenance of the lift stations is the responsibility of the treatment plant staff.

The Utility Capital Improvement Fund in the FY 2020/21 Annual Budget includes \$150,000 for the water distribution system SCADA improvements and \$547,200 for the wastewater treatment plant/lift stations - phase 1 SCADA improvements. \$364,800 is allotted for the wastewater treatment plant/lift stations - phase 2 SCADA improvements in the Five-Year Capital Improvement Plan for FY 2021/22. **The total allocated funding for the proposed SCADA improvements is \$1,062,000** (\$150,000 for the water distribution and \$912,000 for the wastewater treatment plant/lift stations over two fiscal years subject to budgeted funds in 2020/21).

Staff requested a proposal from the firm of Concentric Integration, who currently maintains the Village’s SCADA systems, to design and install the necessary upgrades to the water distribution SCADA system and the necessary additions and upgrades to the wastewater treatment plant/lift stations SCADA system. The proposal (scope of services) received from Concentric Integration is in the amount of \$148,200 for the water distribution system and \$862,850 (which includes a \$250,000 allowance for the electrical subcontractor) for the wastewater treatment plant/lift stations. **The total amount of the Proposal is \$1,011,050. Only \$697,200 (\$150,000 + \$547,200) of work will be authorized for this fiscal year in order to not exceed the allocated funds.** The proposal would be included as Exhibit A in the Village’s standard professional services agreement.

The SCADA improvements for the water distribution system include new Programmable Logic Controllers (PLC) and Operator Interface Terminals (OIT) installations at the Streets & Utilities facility and new PLCs for the Winchester Road water tower, Garfield Ave. CLCJAWA connection and the Centrum reservoir/pump station. The proposed SCADA additions and upgrades for the wastewater treatment plant/lift stations are far

more extensive and include a centralized monitoring system, new PLCs and OITs, detailed alarm notification and logging, data collection, remote access and the need of an electrical subcontractor to install the necessary control panels, junction boxes, conduits and wiring. The Proposal's scope of work had also been reviewed in detail by the Village's Infrastructure Technology support staff, who will be providing a majority of the equipment (servers, firewalls, anti-virus protection, network rack, etc.). Concentric Integration will be supplying the software and configurations.

The proposed agreement with Concentric Integration is in compliance with the provisions of the *Local Government Professional Services Selection Act* as the Village has a satisfactory relationship for services established with Concentric Integration based upon their previous related work on the Village's existing water storage/distribution and wastewater treatment plant/lift stations SCADA systems. The proposed SCADA improvements are not included on the current list of deferred capital items due to the COVID-19 pandemic.

Staff recommended adoption of the resolution to approve the professional services agreement with the firm of Concentric Integration in the amount of \$1,011,050 for the design and installation of the SCADA improvements for the Village's water distribution system and waste water treatment plant/lift stations and authorize execution by the Village Administrator. The proposed expenditures following April 30, 2021 (\$364,800) would be subject to appropriation in the FY 2021/22 Annual Budget. President Wepler asked for questions and comments.

Trustee Moras stated that he was happy to see this project moving forward, and Trustee Justice concurred. Trustee Garrity asked why there were not additional bids. Director Kendzior explained that this involves highly specialized work, and only two companies perform this work. He added that he did not have confidence in the second specialty company to perform the work.

Trustee Moras moved to approve the resolution to approve a Professional Services Agreement for Water Distribution System and Wastewater Treatment Plant/Lift Stations SCADA Improvements. Trustee Adams seconded. President Wepler asked for further questions or comments 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. 20-R-118: A Resolution to Approve a Memorandum of Understanding with Lake County for the Winchester House Property (*deferred from August 25, 2020*)

President Wepler reported that the Winchester House, located at 1125 North Milwaukee, owned by Lake County is now vacant due to a new building being utilized in Mundelein. Staff met with Lake County representatives to discuss securing the building and the plans for demolition of the Winchester House which will occur in Spring of 2021. Due to the expense and inefficiency of heating the building through the winter, Lake County requested the Village allow the building to be vacant and secured without utilities. This would also involve disconnection of all utilities and the shutdown of the fire alarm and fire sprinkler systems. The Village Fire Code allows for this request with the requirement that the buildings on the first floor be boarded up. Staff recommended that this requirement be waived.

Staff has discussed the safety and security concerns of the building with the County. Lake County has presented staff with an alternative plan to help avoid potential unwanted access into the building. Additionally, Lake County has offered the building for Public Safety training to the Lake County Sheriff, Libertyville Police, Libertyville Fire and Lake County Emergency Management.

Staff prepared the Resolution approving a Memorandum of Understanding (MOU) which would allow the County to secure the building prior to demolition. Staff recommended approval of the MOU for Winchester House and authorization by the Village Administrator to execute the agreement. President Wepler asked for questions and comments and there were none.

Trustee Carey moved to approve the resolution for Memorandum of Understanding with Lake County for the Winchester House Property. Trustee Johnson seconded. President Wepler asked for further questions or comments and there were none. The motion carried on roll call vote as follows:

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

NAYS: None

PETITIONS AND COMMUNICATIONS

- The Human Relations Commission will meet virtually at 5:00 p.m. on Monday, September 14, 2020
- The Zoning Board of Appeals will meet virtually at 7:00 p.m. on Monday, September 14, 2020
- The Economic Development Commission will meet virtually at 7:30 a.m. on Wednesday, September 16, 2020
- The Sustain Libertyville Commission will meet virtually 4:00 p.m. on Wednesday, September 16, 2020
- The Parks and Recreation Advisory Commission will NOT meet on Thursday, September 17, 2020

- The Libertyville Arts Commission will meet at 2:00 p.m. on Monday, September 21, 2020
- The Historic Preservation Commission will meet virtually at 5:00 p.m. on Monday, September 21, 2020
- The Appearance Review Commission will meet virtually at 7:00 p.m. on Monday, September 21, 2020
- The Bicycle Advisory Commission will meet virtually at 6:00 p.m. on Tuesday, September 22, 2020
- The Streets Committee will NOT meet on Tuesday, September 22, 2020
- The Committee of the Whole/Finance Committee will meet virtually at 7:00 p.m. on Tuesday, September 22, 2020
- The Village Board of Trustees will meet virtually at 8:00 p.m. on Tuesday, September 22, 2020

EXECUTIVE SESSION

President Weppler noted the need to meet in Executive Session for discussion of the following:

- Closed Session Minutes, Review [5[ILCS 120/2(c)(21)]
- Personnel [5 ILCS 120/2(c)(3)]

Trustee Carey moved to go into Executive Session at 8:48 p.m., and Trustee Moras seconded. The motion carried on roll call vote as follows:

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

NAYS: None

ADJOURNMENT

The Village Board returned to the regular meeting at 9:07 p.m., and with no further business to come before Village Board, Trustee Garrity moved to adjourn, and Trustee Johnson seconded. The motion carried on roll call vote as follows:

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

NAYS: None

Respectfully submitted,


Sally A. Kowal
Village Clerk