

VILLAGE OF LIBERTYVILLE  
BOARD OF TRUSTEES  
January 9, 2018

President Wepler 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 Wepler, Trustees Donna Johnson, Richard Moras, Jay Justice, Scott Adams, Peter Garrity, and Patrick Carey.

**ITEMS NOT ON THE AGENDA**

President Wepler asked if anyone had an item to bring before the Village Board that was not listed on the agenda.

John Cihak, a resident on Dymond Road, expressed concern regarding the sale of vaping products to minors at the BP Amoco gas station on the corner of Milwaukee and Park Avenues. He stated he was bringing the issue to the attention of the Village and he added that he would be of any assistance needed. He stated he was in favor of raising the age for buying tobacco and related products to 21.

President Wepler stated that as a non-home rule community, Libertyville was not able to raise the age for buying tobacco products to age 21. Police Chief Herdegen stated the School Resource Officer assigned to the High School has issued a number of citations for underage smoking. The Police Department will continue to monitor the issue.

John O'Malley, 1125 Jessica Lane, asked President Wepler for an update on the Roanoke Development after the community meeting with the Chicago Archdiocese. President Wepler provided a brief update. He added that he was hopeful to keep St. Joseph's Church separate from any archdiocese matters. The Village's Attorney reported the matter is currently in discovery proceedings. Mr. O'Malley stated if there was anything he or members of St. Josephs could do to expedite matters, he was willing to help.

Tom Reilly, 649 Innsbruck Court, explained his home was broken into on November 30, 2017, and although the detectives did a good job, he has not received the police report after requesting it. Police Chief Herdegen stated he would look into the matter and make sure that a proper response is provided.

**OMNIBUS VOTE AGENDA**

President Wepler introduced the Omnibus Vote Agenda and asked if there were any items to be removed for separate discussion. No items were removed.

Omnibus Vote Agenda

- A. Minutes of the December 12, 2017 Village Board Meeting
- B. Bills for Approval
- C. **ORDINANCE NO. 18-O-01:** An Ordinance Declaring Surplus Property
- D. **RESOLUTION NO. 18-O-01:** A Resolution Appointing Members to Various Village Commissions

- E. **RESOLUTION NO. 18-R-02:** A Resolution to Approve Revisions to the Harassment and Discrimination Policy
- F. **RESOLUTION NO. 18-R-03:** A Resolution to Approve Revisions to the Employee Handbook
- G. **RESOLUTION NO. 18-R-04:** A Resolution to Approve an Intergovernmental Agreement for Automatic Mutual Aid with the Village of Mundelein
- H. **RESOLUTION NO. 18-R-05:** A Resolution to Approve Change Order No. 2 to the 2017 WWTP Improvements Project
- I. **RESOLUTION NO. 18-R-06:** A Resolution to Approve Change Order #1 for the Riverside Park Emergency Storm Sewer Repair Project
- J. **RESOLUTION NO. 18-R-07:** A Resolution to Authorize a Contract Renewal with Landscape Concepts Management for the Annual Parkway Tree Trimming Program
- 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 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

**ORDINANCE NO. 18-O-02: An Ordinance granting a Variation of Lot Width (ZBA 17-01) – 330 & 332 Brainerd Avenue**

President Wepler reviewed the summary of an ordinance which granted a variation of a lot width in order to construct four townhomes at 330 and 332 Brainerd Avenue. The Village Board approved this request by a 4-1 vote at the December 12, 2017 meeting with the understanding that an ordinance would be drafted for the Village Board to consider for approval at the January 9, 2018 meeting. Staff recommended the Village Board approve the ordinance. President Wepler asked for questions or comments and there was none.

Trustee Johnson moved approve the ordinance granting a variation of lot width (ZBA 17-01) at 330 and 33 Brainerd Avenue. Trustee Moras seconded. President Wepler asked for further Board or public comments and there was none. The motion carried on roll call vote as follows:

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

NAYS: None

**ORDINANCE NO. 18-O-03: An Ordinance granting a Variation for a Garage Door Orientation (ZBA 17-03) – 330 & 332 Brainerd Avenue**

President Wepler reviewed the summary of an ordinance granting a variation for a garage door orientation in order to construct four townhomes at 330 and 332 Brainerd Avenue.

The Village Board approved this request by a 4 – 1 vote at the December 12, 2017 meeting with the understanding that an ordinance would be drafted for the Village Board to consider for approval at the January 9, 2018 meeting. Staff recommended the Village Board approve the ordinance. President Wepler asked for Village Board and public questions or comments and there was none.

Trustee Carey moved to approve the ordinance granting a variation for garage door orientation (ZBA 17-03) at 330 and 332 Brainerd Avenue. Trustee Adams seconded. President Wepler asked for further Board or public comments 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. 18-R-08: A Resolution to Approve a Professional Services Agreement to Prepare Engineering Plans at the Wilshire Court Detention Basin**

President Wepler explained that the existing residence located at 955 W. Winchester Road, which is adjacent to the Wilshire Court detention basin, reported yard and detached garage flooding as a result of the overflow from the basin during the recent heavy rainfall events on July 12 and August 28, 2017. Review of the situation indicated there has been settlement along the basin perimeter, and the overflow point is occurring at a different location than designed and at a lower elevation, which is causing water to be inadvertently directed towards 955 W. Winchester Road.

A review of records confirmed the Village is the owner in addition to currently being responsible for maintenance of the detention basin. Annual maintenance activities (general cleanup and mowing) are performed by contract. As a result of the changed elevations, the Village desires to retain a civil engineering consultant to re-survey the basin and prepare a small engineering plan set and specific project specifications to re-establish the intended overflow point for the basin and ensure a safe off-site overland flow path.

Request for Proposals (RFP) were sent to six area civil engineering firms who specialize in stormwater management and drainage issues. Proposals were received from four firms, in which a summary is included below:

<b>Firm Name</b>	<b>Survey Hours/Cost</b>	<b>Plan Preparation Hours/Cost</b>	<b>Total Hours</b>	<b>Total Cost</b>
Doland Engineering	29/\$3,345	14/\$1,570	43	\$4,915
HLR, Inc.	22/\$2,344	86/\$8,422	108	\$10,766
Gewalt-Hamilton	44/\$5,840	48/\$7,340	92	\$13,180
Engineering Solutions	60/\$6,340	78/\$8,800	138	\$16,490*

\* = Includes an additional \$1,350 for direct costs and a contingency.

After reviewing the proposals, staff recommended the selection of Doland Engineering based on project understanding, experience and overall lowest cost. The Fiscal Year 2017/18 Budget contains sufficient funds in the amount of \$25,000 in the Capital Improvement Fund-Storm Sewer Improvements (Account #40-0000-0-774) for the proposed work.

Staff recommended approval of the resolution to award a Professional Services Agreement with Doland Engineering, LLC for the preparation of plans for grading repairs at the Wilshire Court detention basin to the firm of Doland Engineering, LLC for the amount of \$4,915 and authorize execution by the Village Administrator. President Wepler asked for questions or comments and there were none.

Trustee Justice moved to approve the resolution approving a Professional Services Agreement with Doland Engineering, LLC for preparation of engineering plans for grading repairs at the Wilshire Court Detention Basis in the amount of \$4,915. Trustee Adams seconded. President Wepler asked for further Board or public comments 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. 18-O-09: A Resolution to Approve a Professional Services Agreement with RJN Group for Sanitary Sewer Flow Monitoring and Smoke Testing in Basin #11**

President Wepler explained that the Fiscal Year 2017/18 budget provides funding in the Water & Sewer Capital Improvements Fund (Account #20-2024-6-772) for inflow and infiltration (I & I) elimination in the sanitary sewer system. Elimination of I & I in the sanitary sewer system is important because the system is not sized to handle excess increases in flow. This can happen during moderate to significant rainfall events, resulting in basement backups. Excess flow from I & I also results in additional treatment costs at the wastewater plant. The area known as Basin 11, which is bordered by Butler Lake to the north, Dymond Avenue to the west, Condell Hospital to the south and Milwaukee Avenue to the east, was one of the Village's hardest hit areas with sanitary sewer back-ups during the July 12, 2017 rainfall event. This area includes the streets of Ames, Burdick, Carter and Drake.

Staff has received a proposal from the firm of RJN Group for \$96,940 to install nine (9) flow meters for twelve weeks to monitor just over 19 miles of the sanitary sewer system. Also included in the proposal price is follow-up dual blower smoke testing at locations to be determined by the results of the flow monitoring. As proposed, the flow-monitoring portion of the study, which amounts to \$66,940, will be completed this fiscal year as part of the 2017-2018 budget. The smoke testing work will be completed next fiscal year in

the months of July and August, depending upon dry weather conditions. This additional \$30,000 will be budgeted in the 2018-2019 budget. Staff received a second proposal from the firm of Engineering Enterprises, Inc. for \$90,702, which only included the flow monitoring services.

Staff recommended the approval of the resolution to award the Professional Services Agreement for the Basin #11 sanitary sewer flow monitoring and smoke testing work to RJN Group for \$96,940 and authorize execution by the Village Administrator.

President Wepler expressed concern with improper connections being found as a result of smoke testing and the impact that could have on homes already impacted by flooding. President Wepler then asked for Village Board and public questions and comments. Public Works Director Paul Kendzior stated that there might be simple fixes to any problem found, but the investigation and flow monitoring must be completed first. He clarified the testing procedure.

Trustee Moras asked that the information be made available through the *Village Views* and by other means. Director Kendzior noted there is a PR program in place to notify residents, including two mailings, a door hanger, and a number for residents to call if they have questions.

Trustee Garrity noted the overhead sewer program is a part of this process, and he favored a 50-50 matching program to mitigate resident costs. President Wepler noted that if the smoke testing determines an issue, the violation should be corrected.

Trustee Johnson moved to approve a Professional Services Agreement with RJN Group for sanitary sewer flow monitoring and smoke texting in Basin #11. 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. 18-R-10: A Resolution to Approve a Professional Services Agreement with Hitchcock Design Group for a Parks Master Plan**

President Wepler explained that in order to prioritize future capital improvements related to Village parks, Staff issued a Request for Proposals (RFP) for a Parks Master Plan. The most recent community-wide plan was completed in 1999. The plan will study Village parks and amenities, through assessments, input from the community, and identified stakeholders. The completed plan will provide strategies, priorities, and suggest an action plan to guide the Village with future park improvements.

Currently, the Village is conducting a Storm Water Master Plan with a proposed completion date of May 2018. The identification of potential open park space may be necessary for future storm water improvements. A park plan will be a helpful tool for community decision making.

Ten (10) proposals were received, and Staff interviewed the following two (2) firms:

<u>Company</u>	<u>Proposal Cost</u>
Rettler Corporation, Stevens Point, WI	\$33,585
Hitchcock Design Group, Naperville	\$40,900

Staff conducted interviews with both companies and completed a thorough review of both related to the Parks Master Plan experience. Following the review, Hitchcock Design Group was determined to have the most qualified experience, specifically in the north suburban area, for a Parks Master Plan. Hitchcock proposes a January 2018 start date and project completion in the second quarter of 2018.

At the December 21, 2017 Parks and Recreation Committee meeting, Hitchcock Design Group presented details of the proposal and outlined experience. The proposal includes a cost of \$39,900 with reimbursable expenses in the amount of \$1,000, for a total cost of \$40,900. Staff recommended reserving the right to schedule additional meetings, if needed, at a rate of \$900 per meeting with pre-approval and as requested by the Village. The Parks & Recreation Committee recommended that a Professional Services Agreement with Hitchcock Design Group be awarded. Staff recommended approval of a resolution to authorize an agreement with Hitchcock Design Group for a Parks Master Plan for the amount of \$40,900, and authorize execution of the agreement by the Village Administrator. President Wepler asked for questions and comments and there were none.

Trustee Carey moved to approve a Professional Services Agreement with Hitchcock Design Group for a Parks Master Plan in the amount of \$40,900. Trustee Moras seconded. President Wepler asked for Village 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. 18-R-11: A Resolution to Approve a Professional Services Agreement with Jeff Ellis Management LLC for Swimming Pool Management Services**

President Wepler reported that in preparation for the May through September 2018 pool season, Staff has reviewed the overall management and operation of the Adler and Riverside pools owned by the Village of Libertyville. As a result of a staffing vacancy, it has been determined the oversight of the pools can be effectively enhanced by a swimming

pool management services company resulting in improved customer service, programming, hiring and training. The expertise of a management company provides a review of safety protocols, which are intended to further minimize risk and exposure to the Village and enhance the existing risk management.

At the November 3, 2017 Committee of the Whole meeting, the Village Board approved a staff recommendation to issue a Request for Proposals (RFP) for a swimming pool management company. As a result, two (2) proposals were received:

<u>Company</u>	<u>Management Services Fee</u>
Jeff Ellis Management LLC (JEM)	\$258,125
USA Pools	\$135,998

Staff conducted interviews with both companies and completed a thorough review of both related to municipal pool experience. Following the review, JEM was determined to have the most qualified experience for the Village pool operations. JEM has offices in the Chicagoland area and currently operate pools for Round Lake, Rolling Meadows and Waukegan. A summary of the JEM proposal terms was available.

At the December 21, 2017 Parks and Recreation Committee meeting, representatives of JEM presented the proposal and detailed the firm's management experience. The JEM contract will provide staffing and oversight for a total cost of \$258,125. The Village conservatively estimates approximately \$65,000 in additional overall expenses for pool operations in year one of the agreement with a significant reduction in operational liability. The Agreement reduces Village part-time employee count by approximately 90 positions. In future years, it is expected that Village costs will be further reduced from estimate as staff gains more confidence and experience with this private operations model.

The Parks & Recreation Committee recommended that a service agreement with JEM be approved. Staff recommended approval of a resolution to authorize an agreement with JEM for swimming pool management services for the 2018 swimming pool season for the amount of \$258,125, and authorize execution of the agreement by the Village Administrator. President Weppler then asked for questions and comments.

Trustee Justice asked for clarification of the current liability insurance. President Weppler stated that IRMA covers the Village, but Jeff Ellis Management would provide an additional 10 million. Trustee Justice asked if employees would be the responsibility of the contractor and what the benefits would be. Director of Recreation and the Sports Complex Connie Kowal stated the benefit is the management of employees and the day-to-day management of lifeguards and swim lessons. He added that JEM has the depth of staff to handle the Village's requirements.

Trustee Moras noted that JEM runs Disney pools and is a step ahead in industry practices. He added he was impressed by their professionalism. Trustee Garrity stated that USA Pools was not at the level to warrant confidence.

Ana Draa, 1020 Ashley Lane, asked if local young adults could work for JEM. She noted that working at the Village pools was popular for students. President Wepler responded that employing local students was part of the discussion.

Sara Augustinas, asked for clarification of staffing levels, and President Wepler noted that the Village follows certain staffing standards related to pool operation.

Trustee Johnson moved to approve the resolution approving a Professional Services Agreement with Jeff Ellis Management LLC for swimming pool management services. 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**

- Village Administrator Update

Administrator Clark updated the Village Board on information regarding the Prairie Crossing Metra station. Additionally, Metra had suggestions and ideas for the downtown Station project, but did not recommend the pre-fab option for the station. Administrator Clark noted that Metra is respectful of the Village's budget for the project.

- The Appearance Review Commission will meet at 7:00 p.m. on Monday, January 15, 2018.
- The Finance Committee will meet at 6:00 p.m. on Tuesday, January 16, 2018.
- The Economic Development Commission will meet at 7:30 a.m. on Wednesday, January 17, 2018.
- The Sustain Libertyville Commission will meet at 4:00 p.m. on Wednesday, January 17, 2018.
- The Libertyville Arts Commission will meet at 2:00 p.m. on Monday, January 22, 2018.
- The Plan Commission/Zoning Board of Appeals will meet at 7:00 p.m. on Monday, January 22, 2018.



- The Bicycle Advisory Commission will meet at 6:00 p.m. on Tuesday, January 23, 2018.
- The Streets Committee will meet at 7:00 p.m. on Tuesday, January 23, 2018.
- The Village Board will meet at 8:00 p.m. on Tuesday, January 23, 2018.

**EXECUTIVE SESSION**

- A. Closed Meeting Minutes: Review [5 ILCS 120/2(c)(21)]
- B. Real Estate: Setting Price for Sale/Lease [5 ILCS 120/2(c)(6)]
- C. Litigation: Pending or Imminent [5 ILCS 120/2(c)(11)]

President Wepler noted the need for the Village Board to meet in Executive Session for discussion of closed session minutes, real estate, and litigation. Trustee Moras moved to go into Executive Session, Trustee Johnson seconded, and the motion carried on a unanimous voice vote.

**ADJOURNMENT**

The Village Board returned to the regular meeting at 9:45 p.m., and with no further business to come before Village Board, Trustee Johnson moved to adjourn, and Trustee Adams seconded. The motion carried on a unanimous voice vote.

Respectfully submitted,

*Christopher D. Clark, Deputy Village Clerk*

*For*

Sally A. Kowal  
Village Clerk