

VILLAGE OF LIBERTYVILLE  
BOARD OF TRUSTEES  
April 24, 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. Those present were: President Terry Wepler, Trustees Donna Johnson, Richard Moras, Jay Justice, Scott Adams, Peter Garrity, and Patrick Carey.

**Arbor Day Proclamation**

President Wepler read a proclamation declaring April 27, 2018 as Arbor Day in the Village of Libertyville, urging all citizens to support efforts to protect trees and woodlands.

**Bicycle Safety Month Proclamation**

President Wepler read a proclamation declaring the month of May 2018 as Bicycle Safety Month in the Village of Libertyville

**ITEMS NOT ON THE AGENDA** President Wepler asked if anyone had anything to bring before the Village Board that was not listed on the agenda. There were no items.

**OMNIBUS VOTE AGENDA**

President Wepler introduced the Omnibus Vote Agenda and asked for items 3F and 3N be removed for separate discussion. He asked if Board Members wanted any items removed for separate discussion. Trustee Garrity asked for clarification of 3D – Special Event Application. Interim Administrator Amidei explained the request was made for a planned wedding, and the approval was a one-time event. She further explained the increase in Class BYO licenses from one to two was requested by Board and Brush, and the license is a corporate requirement.

Omnibus Vote Agenda

- A. Minutes of the April 10, 2018 Village Board Meeting
- B. Bills for Approval
- C. **RESOLUTION NO. 18-R-67:** A Resolution to Approve a Special Event Application – Des Plaines River Canoe & Kayak Marathon
- D. **RESOLUTION NO. 18-R-68:** A Resolution to Approve a Special Event Application – 333 Forest Lane
- E. **ORDINANCE NO. 18-O-16:** An Ordinance Amending the Number of BYO-2 Liquor Licenses
- F. **RESOLUTION NO. 18-R-69:** A Resolution to Award a Contract to Americana Landscape Group, Inc. for the Annual Tree Planting Replacement Program
- G. **ORDINANCE NO. 18-O-17:** An Ordinance Creating a Comprehensive Plan Review Committee
- H. **RESOLUTION NO. 18-R-70:** A Resolution Appointing Members to the Comprehensive Plan Review Committee
- I. **ORDINANCE NO. 18-O-18:** An Ordinance to Amend the Annual Fee Schedule of the Libertyville Municipal Code

- J. **ORDINANCE NO. 18-O-19:** An Ordinance Establishing an Administrative Procedure for Assessing and Determining Claims Under PSEBA
- K. **RESOLUTION NO. 18-R-71:** A Resolution to Approve a Contract Renewal with Clarke Aquatic Services, Inc. for Pond and Lake Maintenance Services
- L. **RESOLUTION NO. 18-R-72:** A Resolution to Approve Participation in the 911 Consolidation Governance Committee – Vernon Hills Joint Emergency Telephone System Board
- M. **RESOLUTION NO. 18-R-73:** A Resolution to Approve Participation in the 911 Consolidation Governance Committee – Village of Libertyville
- N. ARC Report
- O. **RESOLUTION NO. 18-R-74:** A Resolution to Award the Elevator Maintenance Contract to American Hoist & Manlift, Inc.

Trustee Johnson moved to adopt the items A-E and G-M and O 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

President Wepler asked that the total amount of \$90,000 budgeted for the Tree Planting Replacement Program be used rather than the \$80,200 requested. Trustee Johnson moved to approve item 3F with the increase of up to \$90,000. Trustee Moras seconded. The motion carried on roll call vote as follows:

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

President Wepler expressed concern regarding the number of trees requested to be removed in Riva Ridge. He stated that for every three trees removed, only one is replanted; the request is to remove 40 trees and replace only nine. He asked for a specific overall tree plan to be submitted. Trustee Garrity suggested including the Village's 50-50 plan. Director of Community Development John Spoden will ask for a tree plan and report to the Village Board.

Trustee Johnson moved to approve Items 3N2 and 3N3, and Trustee Garrity seconded. The motion carried on roll call vote as follows:

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

**RESOLUTION NO. 18-R-75: A Resolution to Approve Municipal Aggregation Rates for Electricity**

President Weppler reported the bid results for the Village’s municipal aggregation rates were opened by NIMEC (Northern Illinois Municipal Electric Collaborative). The bid summary was presented and this afternoon, Staff reviewed the results with Sharon Durling of NIMEC.

Based on the review of the bid results, staff recommends continuing with the municipal aggregation program with Dynegy Energy for a 25-month rate in the amount of 7.178 cents/kWh. This is less than the ComEd rate of 7.7 cents/kWh. In the event residents want to take advantage of a “green” supplier rate, Dynegy Energy will also offer a resident choice option at 7.399/kWh.

Following acceptance of the award of bid, information will be provided to residents from the supplier, and residents will have the option to stay in the recommended Dynegy Energy aggregation program, return to ComEd, or chose an alternate supplier. The rates will be effective as of July 1, 2017.

The historical rates for Libertyville’s municipal aggregation program are as follows:

2012 & 2013	FirstEnergy	4.75/kWh
2014 & 2015	FirstEnergy	6.54/kWh
2016	FirstEnergy	6.20/kWh (match ComEd rate)
2017	Dynegy Energy	6.658/kWh
2018/2019 proposed	Dynegy Energy	7.178/kWh

Staff recommended approval of the resolution to award the contract for the municipal aggregation program to Dynegy Energy for the rate of 7.178/kWh, and authorize execution of the contract by the Interim Village Administrator. President Weppler asked for questions and comments.

Sharon Durling addressed the Board and explained the process of opting out of the program and automatic renewal. She also noted that a permanent opt out is available. She added that information is available on the NIMEC website. President Weppler asked that the information be included in the Village newsletter, and NIMEC will assist with the information. Trustee Johnson asked that the information be clearly stated, Trustee Moras asked that Com Ed’s role be clarified, and Trustee Justice asked that resident savings be included.

Trustee Carey moved to approve the resolution approving the Municipal Aggregation Rates for Electricity. Trustee Justice seconded. The motion carried on roll call vote as follows:

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

NAYS: None

**REPORT OF THE ZONING BOARD OF APPEALS (ZBA 18-02) Variation of Front Yard Setback – 535 Carter Street**

President Wepler reported at the April 9, 2018 meeting, the Zoning Board of Appeals heard a request from the property owners of 535 Carter Street for a front yard setback variation. The applicants propose to renovate existing garage space into living area and construct an attached garage.

Members of the Zoning Board of Appeals noted the lot is irregularly shaped and the hardship is not self-created. The proposed variation reduces the setback from 30 feet to approximately 27.5 feet. A motion to recommend Village Board of Trustees approval passed with a vote of 6 - 0. President Wepler asked for questions and comments and there was none.

Trustee Garrity moved to approve the variation of front yard setback at 535 Carter Street. Trustee Adams seconded. The motion carried on roll call vote as follows:

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

NAYS: None

**ORDINANCE NO. 18-O-20: An Ordinance Granting a Variation of a Front Yard Setback (ZBA 18-02) – 535 Carter Street**

President Wepler introduced the ordinance to grant a variation of front yard setback in order to construct an addition at 535 Carter Street. In order to expedite the review process, it was requested if the Village Board approved this request, the ordinance be adopted at their April 24, 2018 meeting. Staff recommended the Village Board approve the ordinance. President Wepler asked for further questions or comments and there were none.

Trustee Johnson moved to approve the ordinance, and Trustee Garrity seconded. 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 18-02) Final Plat of Subdivision – 213, 317, 403 and 417 S. Butterfield Road**

President Wepler noted on February 26, 2018, and April 9, 2018, the Plan Commission held public meetings on the Final Plat of Subdivision for North Pointe Estates. The Plat includes 15 single-family lots, detention lots, and an outlot dedicated for open space. This

outlot will retain all trees with the exception of dead trees to be removed for a wood chip walking park path and a swale to be designed to hold overland flow.

The Plan Commission noted the proposal did not include any requests for zoning variations, but a request for a 590-foot cul-de-sac requires the approval of the Village Board of Trustees. At the conclusion of the meetings, the Plan Commission recommended approval of the Final Plat of Subdivision with a vote of 5 – 1, subject to the following development conditions:

1. No construction traffic shall be permitted on Victory Drive.
2. Revise the note shown below the Public Utility Easement provisions at the bottom-right corner on Sheet 2 of the Final Plat of Subdivision as follows: “No fences, pedestals, junction boxes, or other appurtenances related to electrical or communication utilities can be located within the ‘Stormwater Management Area Easements’ on Lots 4 through 8 and Lot 10”.
3. All trees surveyed and identified with tag numbers in Outlot A located west of the proposed Storm Water Management Area Easement shall be preserved except for a six (6) foot wide corridor shall be cleared of all dead trees, underbrush and hazards in order to install the wood chip walking path as shown per the approved plans.
4. The following trees, but not limited to, with tag numbers #413, #414, #415, #417, #418, #419, #564, #565, #566, #567 and #568 shall be protected and preserved, in addition to those trees designated by the Village Board of Trustees at the time of adoption of the Final Plat.
5. Root pruning of trees on the property line will be completed.

President Weppler then asked for questions and comments.

Mr. Russ Whitaker, attorney for the applicant, addressed the Board regarding the final plat. He stated his client had met all requirements, stormwater had been discussed, and the plan has complied with all Village requirements. Responding to the Mayor, Director Spoden stated three trees had been added along Butterfield Road. Trustee Justice asked if there is certainty that the water management plan will work. Director of Public Works Paul Kendzior stated that Lake County Stormwater Management and all Village regulations had been met. Mr. Whitaker stated they were confident with their sophisticated engineering and two storm basins. Director Kendzior added this is a formal stormwater management system with an overland flow swale, and he was confident with this more efficient system. He added the ponds would be in place and grading would be done first to address draining during construction.

Debbie Wilson, 1512 Victory Drive, expressed concern with loss of or damage to her trees and requested root pruning be done. She also stated that Mr. Swanson had offered to remove trees for one of her neighbors, and she asked that other neighbors receive the same offer. Further, she asked for a water clause as protection if the stormwater system fails.

President Wepler stated that no additional water could result from the development. The Village Attorney stated there would be a bond posted as part of the development agreement, and the guarantee would be for two years. The Village will inspect the construction as it proceeds.

President Wepler added that Mr. Swanson has the right to develop the property, and the Village has to be reasonable. Ms. Wilson said that she was not confident the stormwater system would work, and President Wepler stated the Village engineers would oversee the construction. He added that with the underground and overflow plans, things should improve for the Victory Drive properties.

Mr. Whitaker stated that tree root pruning is included in the plan. This was added as condition 5 to the Final Plat of Subdivision. He added that drainage was moved north to preserve trees. Their stormwater plan meets the LCWS 2015 plans, and two years should be long enough to evaluate the system. He thanked the Village Board.

Trustee Johnson moved to approve the Final Plat of Subdivision, and Trustee Adams 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

**CONSIDERATION OF A VARIATION from the Subdivision Code for the Length of a Cul-De-Sac for North Pointe Estates**

President Wepler explained that in conjunction with the request for approval of the Final Plat of Subdivision for North Pointe Estes, the applicant requested a variation from the Subdivision Code, Section 22-109 Streets (h) Measurement of Cul-De-Sacs. The Subdivision Code states the maximum length shall not exceed 500 feet. The applicant requested a Cul-De-Sac length of approximately 590 feet. As all of the houses will be fully sprinklered, and there are three (3) hydrants on the street spaced less than 300 feet apart, Staff recommended approval of the variations. President Wepler asked for questions and comments.

Trustee Carey reported that 500 feet allows for Fire Department operations, but he found that other towns or villages in the area have 500 feet, 600 feet, and 900 feet in the codes. Some towns have no limit requirement. He stated he supported the request.

Mr. Whitaker stated that without the 590 foot length, the lot number could increase to 17 instead of 15. Trustee Johnson stated this is aesthetically better, and she thanked the Plan Commission for its due diligence. Responding to Trustee Garrity, Fire Chief Rich Carani stated the plan would allow for Fire Department access.

Trustee Carey moved to approve the variation for the length of cul-de-sac, and Trustee Justice seconded. President Wepler asked for further Board or public comment. The motion carried on roll call vote as follows:

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

### **CONSIDERATION OF AN ORDINANCE CREATING A HISTORIC PRESERVATION DISTRICT**

President Wepler explained at the April 10, 2018 Village Board of Trustees meeting, the Historic Preservation Commission presented a report on the creation of a Downtown Historic District. The Commission recommended creation of a District encompassing the commercial buildings along Milwaukee Avenue from Maple Avenue north to Newberry Avenue. At the conclusion of the presentation, the Village Board directed Staff to prepare ordinances for adoption.

This action requires three (3) ordinances:

- A. Ordinance finalizing the duties of the Historic Preservation Commission;
- B. Ordinance adopting Article IV of Chapter 7 of the Municipal Code relating to Historic Preservation; and
- C. Ordinance establishing a Downtown Historic District.

The establishment of a Downtown Historic District removes the extension of the moratorium on the demolition of commercial and industrial buildings in the TIF District. Staff recommended approval of the ordinances for Historic Preservation and a Downtown Historic District. President Wepler introduced the ordinances.

#### **A. ORDINANCE NO. 18-O-21: An Ordinance Amending Section 2-522 of the Municipal Code Pertaining to the Powers and Duties of the Historic Preservation Commission**

Trustee Moras moved to approve the ordinance pertaining to the powers and duties of the Historic Preservation Commission. Trustee Johnson 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

**B. ORDINANCE NO. 18-O-22: An Ordinance Amending Ordinance No. 12-O-15 and Adopting Article IV of Chapter 7 of the Municipal Code Relating to Historic Preservation**

Trustee Adams moved to approve the ordinance amending Ordinance 12-O-15 and adopting Article IV of Chapter 7 of the Municipal Code, and Trustee Johnson 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

**C. ORDINANCE NO. 18-O-23: An Ordinance Creating the Downtown Libertyville Historic District**

Trustee Johnson moved to approve the ordinance creating the Downtown Libertyville Historic district. 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

**RESOLUTION NO. 18-R-76: A Resolution to Approve a Collective Bargaining Agreement with the Fraternal Order of Police (FOP), Lodge #33-Sergeants**

President Wepler explained the Village of Libertyville has existing Collective Bargaining Agreements (CBA) with the Fraternal Order of Police (FOP), Lodge #33, which represents the four (4) police sergeants within the Police Department.

The most recent CBA expired on April 30, 2017. Village Staff and the FOP negotiating committee have been engaged in productive and professional dialogue on a successor agreement. On April 13, 2018, members of FOP Lodge #33 (sergeants) voted to ratify the new agreement. The draft agreement is now before the Village Board for final approval. Key highlights of the agreement are as follows:

1. The term of agreement is four (4) years, covering May 1, 2017 through April 30, 2021.
2. Wage increases are 2.75% in year one, 2.75% in year two, 2.5% in year three, and 2.5% in year four.
3. Employee contribution to PPO health insurance premiums is 12% in year one, 13% in year two, 14% in year three, and 15% in year four. Employee contribution to HMO health insurance premiums is 12% in year one and 10% in years two – four.



4. There are also provisions for PPO insurance plan design changes for prescription drug co-pay, emergency room co-pay, and out-of-pocket expense limits as long as other employees covered by a Village provided health insurance program move to the new limits as well.
5. Other items include minor modifications of language that helps clarify various provisions of the agreement.

Village Labor Attorney Robert McCabe has reviewed and approved all agreement language. Staff recommended the approval of a Resolution to Authorize the Interim Village Administrator to sign the four-year Collective Bargaining Agreement as approval on behalf of the Village. President Wepler asked for questions and comments.

Trustee Justice thanked Village Staff and attorneys for work on the agreement. Trustee Carey moved to approve the resolution to approve a Collective Bargaining Agreement with FOP, Lodge #33, and Trustee Johnson 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-77: A Resolution to Award the Annual Streetlight Maintenance Contract to Geary Electric, Inc.**

President Wepler explained that sealed bids were solicited for the Annual Streetlight Maintenance Contract. The proposed work includes lamp replacements, cable repairs and pole replacements. Four bids were received and publicly opened on April 3, 2018 for the project. The bids received include:

<b>Company</b>	<b>Bid Amount</b>
Geary Electric, Inc.	\$116,985.00
H & H Electric Company	\$119,451.50
Meade Electric, Inc.	\$163,921.45
Rag's Electric, Inc.	\$235,745.00

The lowest responsive bidder is Geary Electric, Inc. The Village's Fiscal Year 2018/19 Annual Budget provides \$96,600 in Account# 01-0203-7-708 for Streetlight Maintenance. The amount of the contract award will be capped at the amount of available budgeted funds. Geary Electric, Inc. has been the low bid contractor on previous annual streetlight maintenance contracts and has performed well and been very responsive.

Staff recommended approval of the Resolution to award the contract for the annual streetlight maintenance work to Geary Electric, Inc. in the amount of \$96,600 and authorize

execution by the Interim Village Administrator. President Weppler asked for questions and comments.

Responding to President Weppler, Director Kendzior explained the current request was for \$96,600, and any further required work would come before the Board as a change order. Responding to Trustee Garrity, Finance Director Patrice Sutton explained that any insurance payments received for repairs or replacements goes into a revenue account.

Trustee Justice moved to approve the resolution awarding the Annual Contractual Streetlight Maintenance Contract to Geary Electric, Inc., and Trustee Adams 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, Adams, Garrity, and Carey

NAYS: None

**RESOLUTION NO. 18-R-78: A Resolution to Waive Competitive Bidding and Approve a Professional Services Contract with Ampol Group, Inc. for On-Site Contractual Maintenance Services at the Libertyville Sports Complex**

President Weppler explained the Fiscal Year 2018-2019 Annual Budget provides \$145,000 in the Sports Complex Fund (Account# 60-6001-3-707) for contractual on-site facility maintenance services at the Libertyville Sports Complex (LSC). Contracted on-site facility maintenance has been beneficial for the LSC as an alternative to in-house personnel because of the need for specialized resources for the electrical, mechanical and plumbing systems that professional facility maintenance firms can provide.

The current firm, Cahill Heating, has a one year extension built into their contract with approval from the Village Administrator at a cost of \$110.00/hour, which would provide up to four days a week of service. Before entering into another year of service with the current firm, Staff requested proposals from additional experienced facility maintenance firms for the LSC. Ampol Group, Inc. and Emeric Facility Services provided proposals based upon the scope of services anticipated. The hourly rates of these two firms were much lower than the current service provider. Staff gave the opportunity to the current firm to match the low offer for the upcoming year, but they declined. A table of each firm's hourly rates is below:

<b>Firm</b>	<b>Hourly Rate</b>
Cahill Heating (current service provider)	\$110.00
Ampol Group, Inc.	\$70.00
Emeric Facility Services	\$75.83

The LSC requires a wide range of maintenance due to the age of the facility which includes HVAC, electrical and mechanical components. Staff has reviewed the credentials and qualifications of Ampol Group, Inc. and determined that they are qualified to perform the work due to their expertise and wide range of available services. Ampol Group, Inc. has also provided previous work to the Village in a flooring replacement project at the Sports Complex. The lower hourly rate also allows the Village to have five days a week coverage at the LSC for a lower annualized cost.

Staff recommended approval of the resolution to waive competitive bidding, approve the professional services agreement with Ampol Group, Inc. for on-site facility maintenance services at the Sports Complex and authorize execution by the Interim Village Administrator. President Wepler asked for questions and comments.

Trustee Garrity stated that Cahill could provide rapid, local service. He asked if there was confidence in the low bidder. Director Kendzior stated he had confidence that Ampol would be equally responsive. Trustee Garrity asked for concerns regarding the level of service. Director Kendzior explained this contract would allow for five days of service, 7:00 a.m. – 4:00 p.m. Connie Kowal, Director of Recreation and the Sports Complex, stated that maintenance after 4:00 p.m. is difficult because of the facility use. He added this would also provide for preventative maintenance work.

Trustee Garrity moved to approve the resolution to waive competitive bidding and approve a professional services agreement with Ampol Group, Inc. for on-site contractual maintenance services. Trustee Carey 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**

President Wepler announced the following:

- The Police Pension Fund Board will meet at 1:00 p.m. on Monday, April 30, 2018 at the Schertz Building
- The Parks and Recreation Committee will meet at 6:00 p.m. on Tuesday, May 1, 2018
- The Bicycle Advisory Committee will meet at 7:00 p.m. on Tuesday, May 8, 2018
- The Village Board will meet on Tuesday, May 8, 2018
- A Tree Planting will take place to celebrate Arbor Day in Duane Laska Park on Friday, April 27, 2018 at 1:00 p.m.

**EXECUTIVE SESSION**

President Wepler expressed the need for the Village Board to meet in Executive Session for discussion of the following:

- A. Closed Meeting Minutes: Review [5 ILCS 120/2(c)(21)]
- B. Litigation: Pending or Imminent [5 ILCS 120/2(c)(12)]
- C. Personnel: Appointment, employment, compensation, discipline, performance or dismissal of specific employees [5 ILCS 120/2(c)(1)]

Trustee Johnson moved to go into Executive Session at 9:42 p.m. Trustee Justice seconded, and the motion carried on unanimous voice vote.

**ADJOURNMENT**

The Village Board returned to the regular meeting at 10:25 p.m., and with no further business, Trustee Carey moved to adjourn. Trustee Adams seconded, and the motion carried on a unanimous voice vote.

Respectfully submitted,

by: *Keelya Amidui, Deputy Clerk*  
Sally A. Kowal  
Village Clerk