

VILLAGE OF LIBERTYVILLE
BOARD OF TRUSTEES

May 8, 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.

Proclamation: Celebrating High School Innovators

President Wepler read a proclamation commending Maggie Shutts and Melissa Manetsch for their outstanding service in the field of innovation, creativity, and inspiration. Both students were recognized by Millikin University, Illinois State University, and Pontiac Township High School for the “Celebrating High School Innovators” Awards Program.

Proclamation: Police Week

President Wepler read a proclamation observing Tuesday, May 15, 2018 as Peace Officers Memorial Day in honor of those police officers who, through their courageous deeds, have lost their lives or have become disabled in the performance of duty.

ITEMS NOT ON THE AGENDA

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

-Kelly Richter, 249 E. Ellis, thanked Ken Strathmann and Jeff Cooper, two members of the Public Works Department, who responded to her about a serious condition with construction in her neighborhood. She noted that both men were respectful and thorough. Public Works Director Paul Kendzior stated he appreciated her comments and would let them know about her comments.

-Barbara Shafer, 315 Minear, stated she was grateful for the open communication regarding a proposed home in her neighborhood. She added she is confident that a solution and compromise will be worked out.

President Wepler explained the Village would do its best to act as an intermediary to reach an accord for the neighborhood. He added he and Director Spoden had already met with the petitioners. He also stated they would talk with the petitioners about the rain garden design.

OMNIBUS VOTE AGENDA

President Wepler introduced the Omnibus Vote Agenda and asked if there were any items to be removed for separate discussion. Item 3J was removed for separate discussion.

Omnibus Vote Agenda

- A. Minutes of the April 24, 2018 Village Board Meeting
- B. Bills for Approval
- C. **RESOLUTION NO. 18-R-79:** A Resolution for Use of Village Property – Prairie Crossing Metra Station Parking Lots
- D. **RESOLUTION NO. 18-R-80:** A Resolution to Purchase a Fleet Services Replacement Vehicle (Unit # 901)
- E. **RESOLUTION NO. 18-R-81:** A Resolution to Purchase a Wastewater Treatment Plant Replacement Vehicle (Unit # 602)
- F. **RESOLUTION NO. 18-R-82:** A Resolution to Purchase a Parks Replacement Vehicle (Unit # P-1)
- G. **RESOLUTION NO. 18-R-83:** A Resolution to Purchase a Public Works Replacement Vehicle (Unit # 305)
- H. **RESOLUTION NO. 18-R-84:** A Resolution for Change Order No. 4 for the 2017 Wastewater Treatment Plant Improvements Project
- I. **RESOLUTION NO. 18-R-85:** A Resolution to Approve a Contract Extension with Clarke Environmental
- J. **RESOLUTION NO. 18-R-88:** A Resolution to Approve a Special Event – IFN Youth Council
- K. **RESOLUTION NO. 18-R-86:** A Resolution to Approve a Special Event – Cook Library
- L. Consideration of a License Agreement to Allow Construction of a Trash Enclosure – 412 N. Milwaukee Avenue
- M. **RESOLUTION NO. 18-R-87:** A Resolution to Purchase Four Replacement Police Department Vehicles
- N. **ORDINANCE NO. 18-O-24:** An Ordinance Declaring Surplus Property

Trustee Johnson moved to adopt the items A-I and K-N 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 and there was none. The motion carried on roll call vote as follows:

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

Lisa Roti, 1212 Victory Drive, asked for clarification of item 3J. President Weppler explained the group requesting the event promotes awareness of Islam.

Trustee Moras moved to approve the item, and Trustee Carey seconded. The motion carried on roll call vote as follows:

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

CONSIDERATION OF A RESOLUTION Approving a Final Plat of Subdivision (PC 18-02) – 213, 217, 403, and 417 S. Butterfield Road

President Wepler introduced a resolution that would approve a Final Plat of Subdivision for 213, 217, 403, and 417 S. Butterfield Road. The Village Board approved this request at their April 24, 2018, meeting with the understanding that a resolution would be drafted for the Village Board to approve at their May 8, 2018, meeting. Staff recommended the Village Board approve the resolution. The resolution provides it shall not be effective until such time as the developer of the property, K. Hovnanian at North Pointe Estates, LLC has acquired title to the property and the Development Agreement between the Developer, K. Hovnanian at North Pointe Estates, LLC, has been executed and recorded. President Wepler then opened discussion of the item.

President Wepler stated he was concerned about the change made regarding removal of trees on the Roti property at 1212 Victory Drive. At the April 18, 2018 meeting, the attorney for the developer had agreed to remove the trees along the property line, and Ms. Roti informed President Wepler that she was told by the developer that the trees would not be removed.

Matt Goodman, an attorney representing K. Hovnanian, stated the intent was not to remove the trees, and he added he was not privy to Ms. Roti's conversation.

President Wepler stated the issue would be deferred to the next meeting if this could not be resolved. He stated that renegeing on the tree removal put the entire development in jeopardy.

Trustee Moras moved to defer the item, and Trustee Carey seconded.

The attorney for K. Hovnanian, stated this was the first time he had heard about tree removal, and he asked for the designated trees to be identified.

President Wepler stated the tree removal would need to be written into the agreement and resolution. With multiple meetings about this development, he noted there had been ample time to meet with Staff and neighbors.

Trustee Garrity stated the tree removal as well as root pruning of trees on the property line had been promised.

President Weppler stated an agreement had been reached, and it was now unraveled. He questioned what else would change in the agreement. He added that a promise to Ms. Roti had to be honored.

Director of Community Development John Spoden stated that root pruning was already part of the agreement.

President Weppler then added he was concerned with promises made and not kept. He asked for assurance the trees would be removed.

The attorneys and Ms. Roti stepped out to discuss the issue, and the item was deferred until later in the meeting.

REPORT OF THE PLAN COMMISSION (PC 18-01, Text Amendments Relating to Impervious Surfaces) Village of Libertyville, Applicant

President Weppler explained as a result of the Village Board's request, the Plan Commission held a series of public hearings on possible changes to the Zoning Code in relation to impervious surfaces. The Report of the Plan Commission details the studies completed. At the conclusion of the hearings, the Commission voted unanimously to recommend the Village Board of Trustees eliminate the use of ribbon driveways as the pervious areas of such driveways tend to become impervious over time. In addition, the Commission recommended the cap on maximum lot coverage variation requests be further limited from 20% to 15%.

Staff recommended approval of the recommendation, and if approved, an ordinance will be drafted for Village Board Action. President Weppler then asked for questions and comments.

Brenda O'Connell, 408 Drake Street, stated the new rules make maintenance difficult and questioned the elimination of ribbon driveways. She asked why her current driveway could not be replaced, noting the variance process is expensive.

Director of Community Development John Spoden said if the base of the driveway is kept, that would be considered maintenance.

Ms. O'Connell asked about replacing her stoop. She questioned if it would be replaced versus repaired. Director Spoden agreed to look into the matter, and President Weppler asked if the item should be deferred.

Trustee Johnson moved to defer the item until further information could be gained. Trustee Carey 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-89: A Resolution to Approve the Purchase of a Horton Ambulance from Foster Coach

President Wepler reported the Fire Department has included the replacement of one ambulance in the 2018-2019 Village Budget. The amount budgeted for the replacement of one ambulance and equipment is \$315,000. The Fire Department is seeking to purchase a Horton ambulance distributed by Foster Coach. The last six ambulances purchased have been through Foster Coach using the Suburban Purchasing Cooperative bid. Foster Coach currently has the 2018 Suburban Purchasing Cooperative (SPC) low bid for a Type I Ford F550 ambulance.

The Fire Department has received a quote from Foster Coach for a Type I ambulance and equipment in the amount of \$302,244.86. This quote includes the cost of a Stryker cot and Stryker power loading system, which are a sole source purchase. The Department purchased a Stryker cot and power loading system with the last ambulance in order to keep this equipment current with the new ambulance. The quote also includes the cost of a Zoll Cardiac monitor, which was also purchased as part of the new ambulance and is also a sole source purchase.

Horton ambulances distributed by Foster Coach are the Department's first choice for an ambulance. The Village's experience with Foster Coach had demonstrated their product has superior quality, reliability, and an excellent warranty service.

Staff recommended the Village Board authorize the purchase of a new Horton Ambulance in the amount of \$302,244.86. The Vehicle Equipment and Maintenance Fund has \$315,000.00 available. Staff recommended the approval of the Resolution to purchase a new Horton Ambulance and Equipment from Foster Coach in the amount of \$302,244.86 and to authorize the execution of the purchase by the Interim Village Administrator. Fire Chief Carani explained the current ambulance would be designated surplus and sold.

Trustee Carey moved to approve the resolution to purchase a Horton Ambulance from Foster Coach. 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-90: A Resolution to Approve an Intergovernmental Agreement with the Village of Mundelein for Shared Wastewater Treatment Plant Lab Technician Services

President Wepler explained that following the retirement of the Village's laboratory technician at the wastewater treatment plant, staff met with the Village of Mundelein to discuss shared staffing options. Both Villages have determined it is mutually beneficial to enter into an agreement to share a laboratory technician. The anticipated annual savings for the Village is \$62,500 for salary and benefits and limited annual increase for the service.

The proposed shared laboratory technician position will be a designated employee of the Village of Mundelein who will be billed to the Village at an initial rate of \$5,200/month plus laboratory supplies. This monthly rate is based upon an average of 20 hours/week at an hourly rate of \$60, which includes benefits. The types of influent and effluent testing and monitoring required at each treatment plant are very similar and in most instances can be standardized and duplicated and can be efficiently completed by one technician. An Intergovernmental Agreement clearly stipulates the roles and responsibilities of each Village and the testing services to be completed with a June 1, 2018 start date.

Staff recommended approval of the resolution to approve the Intergovernmental Agreement with the Village of Mundelein for shared lab technician services at the wastewater treatment plant and authorize execution by the Mayor and Village Clerk. President Wepler then asked for questions and comments.

Trustee Justice thanked Director Kendzior and Village Staff for working on this agreement. He asked for clarification of the end of the contract. Director Kendzior explained there is no end date, but either Village can cancel or reopen with a 30-day notice.

Trustee Johnson asked if there would be any union or extraneous impact with the agreement. Director Kendzior said there was no issue. Trustee Adams stated this agreement would set a good precedent.

Trustee Johnson moved to approve the Intergovernmental Agreement with the Village of Mundelein for Shared Wastewater Treatment Lab Technician Services. Trustee Garrity seconded. President Wepler 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

RESOLUTION NO. 18-R-91: A Resolution to Waive Competitive Bidding and Award a Construction Contract for Grading Repairs – Wilshire Court Detention Basin

President Wepler explained 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 12th and August 28th of 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 also 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 retained a civil engineering consultant, Doland Engineering, LLC 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.

While Staff did not bid the project due to timing related to the seasonal nature of the repair, Request for Proposals (RFP) were sent to three local landscape contractors who specialize in this type of grading and restoration work. Only one Proposal was received and is included below:

Contractor Name	Total Cost
TGF Enterprises	\$35,289.06
Buhrman Landscaping	DNR
Landscape Concepts	DNR

DNR = Did Not Respond due to inability to meet June 30th completion date and project was too small.

The Fiscal Year 2018/19 Annual Budget contains \$35,000 in the Project Fund in Account #40-0000-0-774 that has been allocated for the proposed work. The remaining necessary funding amount of \$289.06 will be off-set from anticipated savings from the other storm sewer improvement projects in the same Budget Account that total \$800,000. Staff recommended award of the contract to TGF Enterprises, Inc. due to their ability to meet the desired completion date and past experience with Village projects.

Staff recommended approval of the resolution to waive competitive bidding and award the contract to TGF Enterprises for grading repairs at the Wilshire Court detention basin in the amount of \$35,289.06 and authorized execution by the Interim Village

Administrator. President Wepler asked for questions and comments. Trustee Moras asked if the proposal was a reasonable price, and Director Kendzior said that it was.

Trustee Johnson moved to approve the resolution to waive formal competitive bidding and award a construction contract for grading repairs at the Wilshire Court detention basin. Trustee Adams seconded. President Wepler asked for further questions or 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-92: A Resolution Approving a Final Plat of Subdivision (PC 18-02) – 213, 217, 403, and 417 S. Butterfield Road

The attorneys for K. Hovnanian and Ms. Roti returned to the meeting, having determined which trees would be removed. The location of one tree was still in question since it could not be determined if the tree was on the Roti property or the neighbor's. The Village Attorney added language and condition 8 to Section Three of the final plat of subdivision which states:

- (8) Three trees located on the property commonly known as 1212 Victory Lane which are adjacent to rear lot line of lots 1 and 2 of the subdivision shall be removed by the developer of the subdivision at the developer's sole cost at time of demolition and grading with the three trees identified as Sunrise tree tags 9 & 10 and the untagged tree located on the northwest corner of the property at 1212 Victory Lane which is approximately 5 feet south of the shared lot line with lots 2 & 3 of the subdivision.

Trustee Justice moved to approve the resolution approving the Final Plat of Subdivision as amended, and Trustee Johnson seconded. President Wepler asked Ms. Roti if she agreed with the conditions, and she stated she was and thanked President Wepler. President Wepler asked for further questions or 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-93: A Resolution Approving an Agreement for the Development of North Pointe Estates.

Trustee Garrity moved to approve the resolution, and Trustee Johnson seconded. President Wepler asked for further questions or 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

PETITIONS AND COMMUNICATIONS

President Weppler requested the Special Projects Committee review a meeting room use policy for Village Hall rooms. Trustee Johnson expressed concern with security and privacy.

President Weppler announced the following:

- The Zoning Board of Appeals will meet at 7:00 p.m. on Monday, May 14, 2018
- The Parking Commission will meet at 10:00 a.m. on Tuesday, May 15, 2018
- The Economic Development Commission will meet at 7:30 a.m. on Wednesday, May 16, 2018
- The Sustain Libertyville Commission will meet at 4:00 p.m. on Wednesday, May 16, 2018
- The Firefighter Pension Board will meet at 8:30 a.m. on Monday, May 21, 2018 at the North Fire Station
- The Fine Arts Commission will meet at 2:00 p.m. on Monday, May 21, 2018
- The Historic Preservation Commission will meet at 5:00 p.m. on Monday, May 21, 2018
- The Appearance Review Commission will meet at 7:00 p.m. on Monday, May 21, 2018 at the North Fire Station
- The Plan Commission/Zoning Board of Appeals will meet at 7:00 p.m. on Monday, May 21, 2018
- The Bicycle Advisory Commission will meet at 6:00 p.m. on Tuesday, May 22, 2018
- The Streets Committee will meet at 7:00 p.m. on Tuesday, May 22, 2018
- The Village Board will meet at 8:00 p.m. on Tuesday, May 22, 2018
- Interim Village Administrator Amidei reported that a Kindness March would take place in Cook Park on Saturday, May 12, 2018, from 4:00-4:30 p.m. (Rain date June 21, 2018).

EXECUTIVE SESSION

Closed Meeting Minutes: Review [5 ILCS 120/2(c)(21)]

Personnel: Appointment, Employment, Compensation, Discipline, Performance or Dismissal of Specific Employees [5 ILCS 120/2(c)(1)]

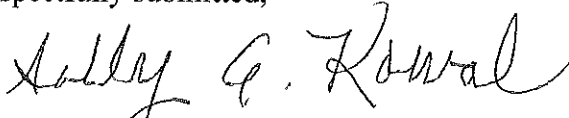
Real Estate: Setting Price for Sale/Lease [5 ILCS 120/2(c)(6)]

Trustee Johnson moved to go into Executive Session at 9:25 p.m. Trustee Adams seconded, and the motion carried on unanimous voice vote.

ADJOURNMENT

With no further business to come before Village Board, Trustee Carey moved to adjourn at 9:56 p.m., and Trustee Moras seconded. The motion carried on a unanimous voice vote.

Respectfully submitted,

A handwritten signature in cursive script that reads "Sally A. Kowal". The signature is written in black ink and is positioned above the printed name.

Sally A. Kowal
Village Clerk