

VILLAGE OF LIBERTYVILLE  
BOARD OF TRUSTEES  
June 28, 2011

President Weppler called to order a meeting of the Board of Trustees at 8:10 p.m. in the Village Hall, 118 West Cook. Those present were: President Terry Weppler, Trustees Drew Cullum, Richard Moras, Todd Gaines, Jay Justice, and Jim Moran. Trustee Donna Johnson was absent.

**Certificate of Achievement for Excellence in Financial Reporting**

President Weppler announced that the Village had received the Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association for its Comprehensive Annual Financial Report. The Village has received this award for 18 years, and the award was presented to Director of Finance Patricia Wesolowski.

**ITEMS NOT ON THE AGENDA**

The Mayor asked if anyone had an item to bring before the Board that was not listed on the agenda. There were no items.

**OMNIBUS VOTE AGENDA**

President Weppler introduced the Omnibus Vote Agenda and asked if any member wanted an item removed for separate discussion.

OMNIBUS VOTE AGENDA

- A. Minutes of the June 14, 2011 Meeting
- B. Minutes of the June 14, 2011 Executive Session
- C. Bills for Approval
- D. **ORDINANCE 11-O-42: Approve Adjustment to PUD, 1950-2000 USG Drive**
- E. **ORDINANCE 11-O-43: Amend PUD, MJK Holdings, 119-163 N. Milwaukee Avenue**
- F. **RESOLUTION 11-R-15: Approve Change Order, West Parking Lot Project**
- G. Amend Cleaning Contract for LSC
- H. **RESOLUTION 11-R-16: Lake County All Natural Hazards Mitigation Plan**
- I. **RESOLUTION 11-R-17: MFT Allocation for Opticom Maintenance**
- J. Agreement with School District 70, Bus Turnaround Easement
- K. Request Waiver of Fees, School District 70
- L. Agreement with Cmac Golf
- M. Engineering Agreement for Quiet Zone Recertification
- N. Request Use Village Property, ACS Relay for Life
- O. ARC Reports

Trustee Cullum 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. The Mayor asked for Board and public comment. The motion carried on roll call vote as follows:

AYES: Trustees Cullum, Moras, Gaines, Justice, and Moran

NAYS: None

ABSENT: Trustee Johnson

**PLAN COMMISSION REPORT – Text Amendment, Parking Requirements**

President Weppler introduced a Plan Commission report for a request from Mike Marijanovic, President of Werk Shop Automotive, to amend the Zoning Code as it relates to the parking requirements for a Vehicle Repair, Minor Use. The current ordinance requires one space for each 250 sq. ft. of floor area, and the proposal was to lower the requirement to one space for each 350 sq. ft. of floor area when all vehicles awaiting repairs will be housed indoors.

The Plan Commission inquired if vehicles already serviced would also be stored indoors, and the petitioner agreed with the change to include vehicles waiting to be picked up by owners. The Commission recommended Village Board approval. The Mayor asked for comments.

Mr. Marijanovic and his attorney, Mark Eiden, were available for questions. Trustee Justice stated that the request was well documented. Trustee Justice then moved to approve the Text Amendment, and Trustee Moras seconded. The Mayor asked for further Board and public comment. The motion carried on roll call vote as follows:

AYES: Trustees Cullum, Moras, Gaines, Justice, and Moran

NAYS: None

ABSENT: Trustee Johnson

**ZBA REPORT – Rear Yard Setback Variation, 411 Sandy Lane**

President Weppler introduced a ZBA report for a request for a rear yard setback variation to allow construction of a three-season room at 411 Sandy Lane. The petitioners are also proposing a wooden deck adjacent to the proposed addition. Members of the Zoning Board of Appeals noted that the lot is located in the Green Tree Subdivision, which has a rear yard setback of 25 ft. rather than the Zoning Code setback of 35 ft. This house was constructed with a conforming 27 ft. setback, and concern was raised with further reduction of the setback and the failure to meet the standards for a variation. The Commission recommended consideration of alternative designs. The motion failed, and the petitioners withdrew an additional request for a lot coverage variation. The Mayor asked for Board and public comments.

Petitioners Marie Barsamian and Jeffrey Hamlin noted supplemental materials had been provided. David Smith of the Planning Department provided a list of variations approved in the subdivision over the past ten years. Although not a complete list, Mr. Smith stated that the list was representative of the variation history for rear yard setback encroachments. Trustee Cullum noted that a precedent had already been set. Mr. Hamlin stated that a list of neighbors' approvals was also provided. Trustee Moras stated the

problems with unintended consequences, but he found the proposal well suited for the neighborhood. Trustee Justice concurred.

Trustee Moras moved to approve the variation, and Trustee Gaines seconded. The Mayor asked for further Board and public comment. The motion carried on roll call vote as follows:

AYES: Trustees Cullum, Moras, Gaines, Justice, and Moran

NAYS: None

ABSENT: Trustee Johnson

**ORDINANCE 11-O-44: Permit Renewal Extension, First Presbyterian Church**

President Weppler introduced an ordinance regarding permit renewal for the First Presbyterian Church. In 2009, the Village Board approved a Planned Development Concept and Final Plan for the Church located at 219 W. Maple. The planned development included, among other things, the construction of a New Christian Life Center (NCLC) and the completion of the planned development by April 28, 2019. The Church has now submitted building permit plans for the NCLC, and the plans include installation of an automatic fire sprinkler system throughout the Church building, including the NCLC, the existing sanctuary areas, and the existing chapel areas. The Church has indicated that in conjunction with the construction of the NCLC, it will install automatic sprinklers throughout the building but has requested that it be allowed a five-year period to install sprinklers in the sanctuary and a ten-year period from the date of approval of the planned development to install sprinklers in the chapel area.

The ordinance presented would allow the building permit for the NCLC to remain open to allow for the installation of the fire sprinklers in the sanctuary and chapel areas in accordance with this timetable. The Mayor asked for comments.

Village Attorney David Pardys reviewed language in the ordinance, noting changes agreed upon in Section Two, Item 3. Reverend Brian Paulson, 975 Burrige, thanked the Board and Staff for their hard work and patience in regard to the ordinance.

Trustee Cullum moved to approve the ordinance, and Trustee Moras seconded. The Mayor asked for Board and public comment. The motion carried on roll call vote as follows:

AYES: Trustees Cullum, Moras, Gaines, Justice, and Moran

NAYS: None

ABSENT: Trustee Johnson

**AGREEMENT WITH COOK LIBRARY - Driveway Modifications**

President Weppler introduced an agreement between the Village and Cook Memorial Library District regarding modification of the Brainerd access drive. The entrance-only access drive would not be compatible with the closure of Cook Avenue during special events such as Libertyville Days. Village Staff proposed widening the Brainerd Avenue access to accommodate two-way traffic and correct an excessive sidewalk slope on the north side of the driveway. The Village Board approved an agreement with the Library at its May 24, 2011 to allow for reconfiguration at the Village's cost. Following Village

Board approval, the Library requested additional modifications. The agreement presented included the changes to the agreement, which were approved by the Library Board at its June 21, 2011 meeting. Staff recommended that the Village Board rescind the agreement previously approved on May 24, 2011 and approve the agreement presented at the June 28, 2011 meeting. The Mayor asked for comments and expressed concerns regarding Article One, item 3 as it pertained to an unspecified time period and item 7 regarding construction timetable. Other concerns involved noticing and having time for approval of additional events. The Village Attorney stated that a letter could cover concerns with item 7 rather than require additional meetings. Trustee Gaines moved to approve the agreement subject to modifications of Article One, item 7. Trustee Justice seconded. The Mayor asked for Board and public comment. The motion carried on roll call vote as follows:

AYES: Trustees Cullum, Moras, Gaines, Justice, and Moran

NAYS: None

ABSENT: Trustee Johnson

**ORDINANCE 11-O-45: Amend 2011-2011 Village Budget**

President Weppler introduced an ordinance to amend the 2011-2011 Village Budget. He explained that unanticipated expenses have exceeded department budgets. Overages have been previously approved by the Village Board with the understanding that the Budget would be amended at the end of the fiscal year. The majority of the budget amendments were due to the following:

- Unbudgeted items purchased and reimbursed with grant proceeds (\$21,455)
- An additional transfer from the General Fund to the Sports Complex (\$106,000)
- The refunding of a bond issue ((\$657,075))
- Additional litigation costs (\$121,000)
- Sick Leave Buy-back expenses for retired employees (\$73,200)
- Blizzard related costs (\$114,225) which will be partially reimbursed by FEMA
- Staffing shortages-fire, police, and dispatch (\$69,400)
- Independent Contractor Costs for Recreation programs (\$100,000) due to increased enrollment and offset by increased revenue
- Additional sewer costs due to the Lake County Public Works increase (\$224,000) offset by Sewer fee revenue from the County

As a result of these changes, authorized budgeted expenditures increased \$1,655,170 from \$41,916,475 to \$43,571,645 for the 2011-2011 fiscal year. Additional revenues above budget or prior year fund balances will be utilized to cover the amended budget amounts. The expenditure budget for the General Fund is increased from \$21,977,965 to \$22,454,390. Actual expenditures were below the revised budget, and total revenue for 2011-2011 exceeded actual expenditures.

The ordinance presented is in compliance with the requirements set forth in the Budget Officer Act. Staff recommended approval. The Mayor asked for comments.

Trustee Justice asked about the FEMA reimbursement, and Public Works Director Heinz explained that the Village chose a 48-hour window for reimbursement, which amounted

to approximately \$75,000. Trustee Moran asked for clarification of additional litigation. Director Wesolowski explained the costs were involved with various litigations, and the Village Attorney listed litigation involving Fresh Foods, Concept Team, and Manchester Square.

Trustee Moras moved to approve the ordinance amending the 2010-2011 Village Budget, and Trustee Cullum seconded. The Mayor asked for Board and public comment. The motion carried on roll call vote as follows:

AYES: Trustees Cullum, Moras, Gaines, Justice, and Moran

NAYS: None

ABSENT: Trustee Johnson

### **AUTHROIZE PURCHASE OF FINANCIAL SOFTWARE**

President Weppler explained that the Village's Financial System Software was purchased in 1992, and the Village's needs have outgrown the capabilities of the software. Due to financial constraints, Village Staff has been reluctant to pursue a new system. Staff had the opportunity to view the B S & A Financial Software at a conference last fall, and B S & A discussed plans to begin marketing their financial software within the State of Illinois and was looking for an Illinois Municipality to partner with them to develop the necessary reports and functionality required within the State. B S & A Permitting Software is currently being used by the Community Development Department, and they are very pleased with the software support provided by B S & A.

After a demonstration, Staff agreed that B S & A Software could provide the Village with software that greatly enhanced the current functionality of the existing software. B S & A provided the Village with a proposal that provides an "Illinois Beta 50% discount" of software costs and the option to pay over a three-year period with no interest. Total costs are estimated to be \$93,525 and includes all software, training, and data conversion of existing data. Other municipalities have purchased software ranging from \$150,000 to \$1.1 million. The 2011-2012 budget includes sufficient funding to pay for 1/3 of the total costs. The Finance Committee recommended moving forward with the proposal, and Administrative Staff recommended waiving formal bidding and authorizing the Administrator to purchase Financial System Software from B S & A in the amount of \$93,525 to be paid over a three-year period with no interest.

Mr. Bill Gardner of B S & A was in attendance to provide information and answer questions. Trustee Justice asked if the new program would cause reduced staff. Director Wesolowski stated that the only reduction would come through retirees. Trustee Moran asked if reports would be easy to access. Mr. Gardner listed the positive attributes of the program.

Trustee Moras then moved to waive formal bidding and authorize the Village Administrator to execute a contract with B S & A Software. Trustee Cullum seconded. The Mayor asked for further Board and public comment. The motion carried on roll call vote as follows:

AYES: Trustees Cullum, Moras, Gaines, Justice, and Moran

NAYS: None

ABSENT: Trustee Johnson

**RECEIVE BIDS AND AUTHORIZE STREET SWEEPING CONTRACT**

President Wepler introduced a report on bids for a street sweeping program. The Village sweeper has nearly reached the end of its lifespan, and the decision was made to contract this service out for one year to compare cost and level of service before purchasing a new sweeper. Two bids were received from 11 solicited from local sweeping companies. The Refuse and Recycling budget amount for contractual street sweeping is \$50,000, and the final cost of this project will be based on actual work quantities, not to exceed the budget amount. Additional sweeping may be required if the Village has an emergency.

Staff recommended that TKG Sweeping & Services, LLC be awarded the contract based on their lowest, responsive bid and positive recommendation from references. The Mayor then asked Director Heinz why only two bids were received. Director Heinz stated that he did not know. He added that the sweeper is in very bad shape and its use could result in costly repairs. He stated that sweeping usually occurs on Fridays, and the Village streets are cleaned twice annually. Trustee Justice asked if the contract would free up Public Works employees for other duties. Director Heinz explained that the department is already down three employees, and the additional help would be appreciated with plenty of work to be completed. Responding to Trustee Gaines, Director Heinz stated that a new sweeper would cost approximately \$230,000. He added that the Village could save the cost of extensive maintenance and would evaluate the level of service.

Trustee Gaines moved to award the contract to TKG Sweeping & Services LLC in an amount not to exceed \$50,000. Trustee Justice seconded. The Mayor asked for Board and public comment. The motion carried on roll call vote as follows:

AYES: Trustees Cullum, Moras, Gaines, Justice, and Moran

NAYS: None

ABSENT: Trustee Johnson

**PETITIONS AND COMMUNICATIONS**

President Wepler invited everyone to attend the Village Band concerts on Thursday evenings.

He asked to refer updating business licenses to the License and Permits Committee to study a better way to centralize the information. Trustee Justice moved to refer the matter to License and Permits, and Trustee Moran seconded. The motion carried on roll call vote as follows:

AYES: Trustees Cullum, Moras, Gaines, Justice, and Moran

NAYS: None

President Wepler announced the following:

- All non-emergency Village offices will be closed on Monday, July 4 in recognition of the Independence Day holiday
- Fourth of July festivities will start with the Village Band Concert at 7:30 p.m. and fireworks at 9:30 p.m. at Butler Lake Park
- Parks and Recreation Advisory Commission will meet at 6:00 p.m. on Tuesday, July 5
- Parks and Recreation Committee will meet at 7:00 p.m. on Tuesday, July 5
- Keep Libertyville Beautiful Commission will meet on Friday, July 8 at 7:30 a.m. at the Liberty Restaurant
- Zoning Board of Appeals will meet Monday, July 11 at 7:00 p.m.
- Police Pension Board will meet on Tuesday, July 12 at 3:00 p.m. at the Schertz Building
- Water and Sewer Committee will meet on Tuesday, July 12 at 7:00 p.m.
- Village Board will meet on Tuesday, July 12 at 8:00 p.m.

Trustee Moran thanked the Civic Center organization for a great job during Libertyville Days. He reminded everyone to visit the Cook House opened by the Historical Society on Sunday afternoons from 2:00-4:00 through August. He added that he had taken golf lessons at the Golf Learning Center, and he was awarded the highest score at the MainStreet golf outing.

**EXECUTIVE SESSION: Collective Bargaining and Sale of Real Estate**

The Mayor noted the need to meet in Executive Session for discussion of collecting bargaining and real estate sales. Trustee Cullum moved to go into Executive Session, and Trustee Moras seconded. The motion carried on roll call vote as follows:

AYES: Trustees Cullum, Moras, Gaines, Justice, and Moran

NAYS: None

ABSENT: Trustee Johnson

**ADJOURNMENT**

The Board returned to the regular meeting at 9:27 p.m. With no further business, Trustee Cullum moved to adjourn, and Trustee Moran seconded. The motion carried on a unanimous voice vote.

Respectfully submitted,

Sally A. Kowal  
Village Clerk