

VILLAGE OF LIBERTYVILLE
BOARD OF TRUSTEES
January 24, 2012

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, Todd Gaines, Jay Justice, and James Moran.

MOMENT OF SILENCE

President Wepler asked for all present to offer a moment of silence in honor and memory of longtime resident and Village leader Jack Forney.

DISTINGUISHED BUDGET PRESENTATION AWARD

President Wepler announced that the Village of Libertyville received the Distinguished Budget Presentation Award from the Government Finance Officers Association. The Certificate of Recognition was presented to Patricia Wesolowski, Village Finance Director.

ITEMS NOT ON THE AGENDA

President Wepler asked if anyone had anything to bring before the Board that was not already listed on the agenda. No items were presented.

OMNIBUS VOTE AGENDA

President Wepler introduced the Omnibus Vote Agenda and asked if any member wanted an item removed for separate discussion. Trustee Moran asked that Item C be removed for separate discussion.

OMNIBUS VOTE AGENDA

- A. Minutes of the January 10, 2012 Meeting
- B. Bills for Approval
- C. Amend Brainerd Property Lease
- D. License Agreement Renewal: 433 E. Sunnyside
- E. License Agreement Renewal: 644 Meadow Lane
- F. **ORDINANCE 12-O-05: Grant Front and Side Yard Variations – 129 N. First Street**
- G. Use of Village Property – Green Living Fair
- H. Use of Village Property – Cook Library ArtEffect Event
- I. ARC Reports

Trustee Johnson moved to adopt the items A, B and D-I 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 Johnson, Moras, Gaines, Justice, and Moran

NAYS: None

ITEM 3C

Trustee Moran asked to recuse himself from discussion and voting due to his association with the Brainerd property. Trustee Justice moved to approve Item 3C, and Trustee Johnson seconded. The Mayor asked for Board and public comment. The motion carried on roll call vote as follows:

AYES: Trustees Johnson, Moras, Gaines, and Justice

NAYS: None

ABSTAIN: Trustee Moran

REQUEST USE OF VILLAGE PROPERTY – MSL

President Wepler introduced a letter from MainStreet Libertyville (MSL) requesting use of various Village properties in the downtown area for community events during calendar year 2012, along with approval to install entryway signage and hang banners in Cook Park for various events. The requests were similar to those approved in previous years. Staff had reviewed the MSL requests and recommended Village Board approval subject to the following conditions:

- MSL will provide Village Staff with layout drawings, when requested, of the various events for final approval;
- MSL will contact the Lake County Health Department to obtain necessary permits for food vendors at any event;
- MSL will provide the Village with a certificate of insurance to cover all events;
- MSL will obtain a liquor license for the Annual Street Dance event;
- MSL will notify and work with all affected property owners for these activities

The Mayor asked for Board or public comments. Pam Hume, MainStreet Executive Director, addressed the Board. She explained that the Street Dance date had yet to be determined. She also requested that entryway signs once again be allowed on Farmers' Market days. She thanked the Village and stated that she looked forward to another successful year.

Trustee Moras moved to approve MainStreet's request, including the use of signage, and Trustee Johnson seconded. The Mayor asked for Board and public comment. The motion carried on roll call vote as follows:

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

NAYS: None

AUTHORIZATION TO PURCHASE ELECTRICITY

President Wepler explained that in November 2006, the Village joined the Northeastern Illinois Municipal Electric Cooperative (NIMEC) along with over 100 other municipal entities. Joining NIMEC provided the Village with an opportunity to purchase electric power from other suppliers (other than Commonwealth Edison). The Village received favorable results from this action in 2006 with the purchase of electricity from Constellation New Energy, has remained as a member of NIMEC since then, and has been purchasing electricity as part of a three-year contract.

The Village purchases the electricity for the large electrical users, the Sports Complex, the Water and Wastewater Plants, and has received favorable results.

Dave Hoover, President of NIMEC has indicated that there is a trend developing for rates to go upward in the future and is recommending that the Village consider a three-year contract that would further lower our electrical rates. He plans to bid for new rates in February 2012. When the bids are opened, the Village will have to determine if we want to accept them at that time, and Staff is seeking authorization to make that decision and execute a contract.

Administrative Staff recommended that the Village Board authorize the Village Administrator to execute an agreement for the purchase of electricity from May 2012 to May 2015 if the results of the bids are favorable. Bid rates were discussed, and Public Works Director John Heinz explained that the rates locked in are relatively high, and the new bids may be more favorable.

Trustee Johnson moved to authorize execution of a three-year agreement, and Trustee Gaines seconded. The Mayor asked for Board and public comment. The motion carried on roll call vote as follows:

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

NAYS: None

RESOLUTION: 12-R-02: SWALCO Task Force Report

President Wepler explained that at the January 17, 2012 License and Permits Committee, Walter Willis, Executive Director of SWALCO (Solid Waste Agency of Lake County), reviewed SWALCO's approved report outlining a 60% recycling rate goal for 2020. The report includes multiple choices of "tools" that can be used to help Libertyville increase its recycling rate from its current level of 39%, some of which are already being done, and some that would create mandatory restrictions. Due to the fact that the report is for an eight-year timeframe, the License and Permits Committee agreed to accept the report rather than approve it in order to allow the most flexibility in the future. The Committee did express its enthusiasm for working to obtain the goal set. The Committee and Administrative Staff recommended that the Village Board accept the resolution presented. The Mayor asked for questions or comments.

Trustee Justice stated that the goal is lofty but attainable. Trustee Johnson stated that residents would need to adjust and make concessions. The Mayor asked if downtown recycling was possible, and Assistant Administrator Amidei stated that the Village own collapsible recycling bins. Trustee Justice moved to accept the resolution, and Trustee Gaines seconded. The Mayor asked for Board and public comment. The motion carried on roll call vote as follows:

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

NAYS: None

AGREEMENT TO CANCEL LETTER OF CREDIT: Seventh Street

President Wepler explained that in connection with the completion of the Sunnyside Park Phase II Subdivision, the developer, Sherborne Court, L.L.C., was required to

reconfigure a portion of Seventh Avenue. As required by the development agreement for the subdivision, the developer was required to post a letter of credit to guarantee the proper completion of Seventh Avenue. The developer arranged for the issuance of the letter of credit through Libertyville Bank & Trust. Following completion of the Seventh Avenue improvements, the letter of credit was reduced to \$26,650 to provide for the guarantee of those improvements for a period of two years following acceptance of the roadway.

During this guarantee period, Village Staff determined that the roadway, as constructed, did not meet certain compaction specifications. An issue arose as to whether the guarantee letter of credit could be used to resurface Seventh Avenue, given the fact that the roadway did not fail during the two-year period following the Village's acceptance of the road.

In order to resolve this issue, Libertyville Bank & Trust Company has agreed to pay the Village \$16,500 in exchange for the cancellation of the guarantee letter of credit. The Bank has agreed that the funds paid pursuant to this agreement can be applied to any Village purpose, including the restoration or repair of Village roads. Without such an agreement, the Village would only be able to apply funds received from a letter of credit to the project that the letter of credit secured. The Mayor then asked for questions. Village Attorney David Pardys explained that there had been difficulty reaching the developer, Mr. Michael Werchek regarding the issue. He added that there was no concern since the application for the letter of credit came from Sherborne Court, L.L.C. Trustee Gaines moved to approve the agreement, and Trustee Moran seconded. The Mayor asked for Board and public comment. The motion carried on roll call vote as follows:

AYES: Trustees Moras, Gaines, Justice, and Moran

NAYS: Trustee Johnson

PETITIONS AND COMMUNICATIONS

President Wepler announced the following:

- Committee of the Whole will meet on Tuesday, January 31, 2012 at 7:00 p.m. at the Village Hall
- The Parks and Recreation Committee and the Parks and Recreation Commission will hold a joint meeting on Tuesday, February 7, 2012 at 7:00 p.m.
- The Zoning Board of Appeals will meet Monday, February 13, 2012 at 7:00 p.m.
- The Water and Sewer Committee will meet on Tuesday, February 14, 2012 at 7:00 p.m.
- The Village Board will meet on Tuesday, February 14, 2012 at 8:00 p.m.

EXECUTIVE SESSION – Collective Bargaining

The Mayor noted the need to meet in Executive Session to discuss collective bargaining. At 8:25 p.m., Trustee Johnson moved to go into Executive Session, and Trustee Justice seconded. The motion carried on roll call vote as follows:

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

NAYS: None

ADJOURNMENT

The Board returned to the regular meeting at 9:21 p.m., and with no further business, Trustee Moran moved to adjourn, Trustee Johnson seconded, and the motion carried on a unanimous voice vote.

Respectfully submitted,

Kevin J. Bowers, Deputy

Sally A. Kowal
Village Clerk