

VILLAGE OF LIBERTYVILLE  
BOARD OF TRUSTEES  
January 14, 2020

President Weppler 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 Weppler, Trustees Donna Johnson, Jay Justice, Scott Adams, Peter Garrity, and Patrick Carey. Trustee Richard Moras was absent.

**Promotions – Police Sergeant and Police Lieutenant**

President Weppler read the oath of office to Scott Peeler who was promoted to Police Sergeant of the Libertyville Police Department. He also read the oath of office to Ed Swider who was promoted to Police Lieutenant of the Libertyville Police Department.

**RECOGNITION OF YEARS OF SERVICE**

President Weppler introduced Deputy Chief Ed Roncone and thanked him for his 30 years of service to the Libertyville Police Department. Police Chief Clint Herdegen presented Roncone with a plaque commemorating Roncone's 30-year anniversary.

**ITEMS NOT ON THE AGENDA**

President Weppler asked if anyone had any item to bring before the Board that was not already listed on the agenda. There were no items.

**OMNIBUS VOTE AGENDA**

President Weppler introduced the Omnibus Vote Agenda and asked if there were any items to be removed for separate discussion. He removed item C for further study. He also removed part of item L pertaining to 800 N. Milwaukee. The item was deferred at the request of the applicant.

**Omnibus Vote Agenda**

- A. Minutes of the December 10, 2019 Village Board Meeting
- B. Bills for Approval
- C. **DEFERRED:** Consideration of an Ordinance Releasing Maintenance Obligations Pertaining to the Public Sidewalk Adjacent to the Townhomes of Red Top Subdivision
- D. **ORDINANCE NO. 20-O-01:** An Ordinance Granting a Variation of Setback for Parking (ZBA 19-28) – 1200 Technology Way
- E. **ORDINANCE NO. 20-O-02:** An Ordinance Declaring Surplus Property
- F. **ORDINANCE NO. 20-O-03:** An Ordinance Amending the Number of Class B Liquor Licenses
- G. **RESOLUTION NO. 20-R-01:** A Resolution for a Raffle License – Preservation Foundation of the Lake County Forest Preserve

- H. **ORDINANCE NO. 20-O-04:** An Amendment to Ordinance 16-O-47, Vacating a Portion of a Public Alleyway
- I. **RESOLUTION NO. 20-R-02:** A Resolution to Amend an Agreement for Maintenance of the North Shore Bike Path with Lake County
- J. **RESOLUTION NO. 20-R-03:** A Confirming Resolution for Change Order No. 1 to the Contract with Troch-McNeil Paving Co. for the East Side Community Parking Lot
- K. Historic Preservation Commission (HPC) Report
- L. Appearance Review Commission (ARC) Report

Trustee Johnson moved to adopt the items listed on the Omnibus Vote Agenda with the exception of item C and item L-1 in a single group pursuant to the omnibus vote procedures of the Libertyville Municipal Code. Trustee Justice 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, Justice, Adams, Garrity, and Carey

NAYS: None

ABSENT: Trustee Moras

**REPORT OF THE ZONING BOARD OF APPEALS (ZBA 19-29), Variation of a Front Yard Setback – 2500 Commerce Drive**

President Wepler explained that at the December 9, 2019 meeting, the Zoning Board of Appeals heard a request from Steris Ast for a front yard setback variation at 2500 Commerce Drive. A Code-compliant addition is planned on the west side of the structure. However, as a portion of the new construction would exceed 40 feet, the entire building is required to have increased setbacks. The addition would meet the required setback, but would cause the east side of the building to be non-compliant due to its existing setback. Members of the Zoning Board of Appeals concurred with the request as the existing structure was built in 1995 and designed to allow for the addition. A motion to recommend Village Board of Trustees approval passed with a vote of 7 - 0. President Wepler then asked for questions and comments.

Mr. Scott Kozak and Mr. Michael Moulton, representatives of TMA Affinity, were available to answer any questions.

Trustee Johnson moved to approve the variation of front yard setback (ZBA 19-29) at 2500 Commerce Drive, 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, Justice, Adams, Garrity, and Carey

NAYS: None

ABSENT: Trustee Moras

**ORDINANCE NO. 20-O-05: An Ordinance Granting a Variation of Front Yard Setback (ZBA 19-29) – 2500 Commerce Drive**

The ordinance presented would grant a variation to reduce the required front yard setback for an addition at 2500 Commerce Drive. In order to expedite the review process, it was requested that if the Village Board approved this request, the ordinance be adopted at their January 14, 2020 meeting. Staff recommended the Village Board approve the ordinance.

Trustee Garrity moved to approve the ordinance (ZBA 19-29) granting a variation of front yard setback at 2500 Commerce Drive. Trustee Carey 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, Justice, Adams, Garrity, and Carey

NAYS: None

ABSENT: Trustee Moras

**REPORT OF THE PLAN COMMISSION (PC 19-21), Special Use Permit for a Planned Development and (PC 19-22), Planned Development Concept Plan – 1201 American Way**

President Weppler explained that Encompass Health Corporation is proposing to construct a Physical Rehabilitation Hospital at the northeast corner of Rte. 45 and Winchester Road. The proposal is to develop a 60-bed, 61,490 square foot facility at the site. The facility could be expanded in the future up to a total of 80 beds. The site is currently zoned C-3, General Commercial District which does not list the proposed use as permitted or specially permitted.

At the meeting of December 10, 2019, the Plan Commission heard the request for a Special Use Permit and a Planned Unit Development Concept Plan to allow the use at the site. Members of the Commission debated the merits of the project including any possible traffic and engineering issues. The consensus of the Commission was to support the project, subject to addressing engineering and traffic issues, and including additional landscaping and screening along the western property line. Motions to recommend Village Board of Trustees approval of the Special Use Permit and Planned Unit Development Concept Plan passed with votes of 6 – 1, subject to the development conditions listed in the Report of the Plan Commission, with the dissenter noting a preference for more developed plans at this time. President Weppler then asked for questions and comments. Representatives for the project were present.

A representative, responding to a question from Trustee Justice, stated that all forms of payment would be accepted at the facility. Trustee Garrity asked if there would be any stormwater issues, and Director of Public Works Paul Kendzior stated that the engineering department would conduct a complete review. A representative stated that the plan met all standards for detention and treatment per Village and County requirements. Director of Community Development John Spoden stated that the property is zoned C3 Commercial, but the institutional use was appropriate. Trustee Carey stated that he saw no negative economic issues.

President Wepler stated that he was thrilled to have the corporation and asked that they consider local businesses for their construction needs. Trustee Johnson suggested that they get involved in the community and develop future relationships.

Trustee Justice moved to approve the Special Use Permit for a Planned Unit Development (PC 19-21), 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, Justice, Adams, Garrity, and Carey

NAYS: None

ABSENT: Trustee Moras

Trustee Johnson moved to approve a Planned Unit Development Concept Plan (PC 19-22), and 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, Justice, Adams, Garrity, and Carey

NAYS: None

ABSENT: Trustee Moras

**RESOLUTION NO. 20-R-04: A Resolution to Approve a Request for a Special Event and Display of Banner in Cook Park – MSL Wine About Winter**

President Wepler stated that MainStreet Libertyville Inc., (MSL) submitted a letter requesting Village Board approval for the annual “Let’s Wine About Winter” wine tasting event, which will be held on Saturday, February 22, 2020 between the hours of 1 to 4 p.m. MSL also requested approval to install a banner in Cook Park one week before the event. MSL will once again use two Police personnel to cross patrons at School Street and reimburse the Village for this cost. Village Staff will do a “walking” check the week of the event to identify any trip hazards for repair prior to the event.

MainStreet obtains State of Illinois Special Event Retailer’s Liquor Licenses for the participating businesses that do not have an existing Liquor License. The annual MSL event has been successful. Village staff recommended Village Board approval of the event

and banner request, subject to obtaining the appropriate liquor licenses. President Weppler asked for questions and comments and there was none.

Trustee Garrity moved to approve the resolution approving a request for a special event and display of a banner in Cook Park. 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, Justice, Adams, Garrity, and Carey

NAYS: None

ABSENT: Trustee Moras

**ORDINANCE NO. 20-O-06: An Ordinance Amending the Number of Class G1 Liquor Licenses**

President Weppler explained that the Village received an application for a Class G1 Liquor License from Lago Enoteca located at 110 Lake Street, Libertyville. A Class G-1 license authorizes the retail sale of beer, wine and/or distilled spirits in its original package, not for consumption on the premises where sold, and also authorizes the retail sale on the specified premises of beer, wine, and/or distilled spirits for consumption on the premises. The application has been reviewed by President Weppler/Liquor Commissioner and Village Staff. An Ordinance which would amend the Municipal Code to increase the number of Class G1 Liquor Licenses from three (3) to four (4) and allow the issuance of the liquor license to Lago Enoteca was presented.

Trustee Johnson moved to approve the ordinance amending the number of Class G1 liquor licenses, 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, Justice, Adams, Garrity, and Carey

NAYS: None

ABSENT: Trustee Moras

**RESOLUTION NO. 20-R-05: A Confirming Resolution to Approve a Retroactive Contract Renewal with Advanced Cleaning Systems, Inc.**

President Weppler reported that on May 23, 2017, the Village Board of Trustees passed Resolution 17-R-103 to approve a janitorial services (cleaning) contract for all Village buildings, including the Sports Complex, with Advanced Cleaning Systems, Inc. The contract had a mutually agreeable renewal option for two additional years and will renew each July 1, 2020. On July 24, 2018, the Village Board passed Resolution 18-R-152 to approve a contract extension and amendment to include a 5% contingency that increased the contract amount to \$295,328.25. An additional fourth year contract extension was also included because Advanced Cleaning purchased a new scrubber machine for the Sports Complex.

Advanced Cleaning has agreed to renew the cleaning contract for a third year with an increase of 1.9% based upon the All Urban Consumers Chicago Consumers Price Index (CPI), which would result in an annual contract amount of \$300,939.49. This amount includes the 5% budgeted contingency and CPI Index. It was a Staff oversight that the cleaning contract was not renewed on, or before July 1, 2019 for the third of four possible renewal years. Therefore a confirming Resolution is required to retroactively approve the contract renewal. The FY 2019/20 Budget contains sufficient funding in numerous accounts for the desired cleaning work.

Village Staff recommended approval of the confirming resolution to approve the retroactive contract renewal to Advanced Cleaning Systems, Inc. for the amount of \$300,939.49, which includes the 5% contingency and 1.9% CPI adjustment. President Weppler asked for questions and comments. Connie Kowal, Director of Recreation and the Sports Complex stated that the current company had been very responsive and has performed well.

Trustee Johnson moved to approve the confirming resolution to approve a retroactive contract with Advanced Cleaning Systems, Inc. Trustee Carey 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, Justice, Adams, Garrity, and Carey

NAYS: None

ABSENT: Trustee Moras

**RESOLUTION NO. 20-R-06: A Resolution to Reject the Low Bid and Approve a Contract with Fleck's Landscaping for Part A of the Annual Contractual Landscaping & Mowing Program**

President Weppler explained that each year the Village contracts landscaping maintenance and mowing services for multiple locations within the community. This contracted work includes weekly site visits encompassing mowing, weed control, turf fertilizer, flower planting, bed maintenance, mulching and fall leaf cleanup.

Staff solicited competitive contractor bids and received six responses at the bid opening held on November 27, 2019. The contract was broken into two parts (A & B) based on size and need. The Part A sites are smaller sized locations: pumping stations, well sites, smaller Village parks and building grounds and cul-de-sac islands. The lowest bid for Part A was received from Beary Landscape Management in the amount of \$43,393.74; however, this bid has been deemed non-responsive due to an unsigned bid bond as well as failure of the bidder to provide a list of references, as required per the bid documents. The bid summary is below. Pricing was received for five years and Fleck's Landscaping was the lowest responsive bidder for each year.

<b>Contractor</b>	<b>Part A - Bid Amount</b>
Beary Landscape Management - *Non-Responsive	\$43,393.74
<b>Fleck's Landscaping</b>	<b>\$51,389.00</b>
Apex Landscaping, Inc.	\$54,817.48
TGF Enterprises, Inc.	\$56,663.60
Buhrman Design Group, Inc.	\$58,298.00
Landscape Concepts Management	\$73,436.00

A check of the provided references and contacts for previously completed similar work indicates that Fleck's Landscaping is a very competent landscape contractor. There are sufficient funds being provided in multiple accounts in the FY 2020/21 Draft Annual Budget for the proposed contracted landscape maintenance and mowing work.

Staff recommended approval of the resolution to reject the bid from Beary Landscape Management for Part A of the Annual Contractual Landscape & Mowing Program, award of the contract to Fleck's Landscaping in the total amount of \$51,389 and to authorize execution of the contract by the Village Administrator, subject to the appropriation of funds in the FY 2020/21 Draft Annual Budget. President Wepler asked for questions and comments.

Director Kendzior stated that the company is committed to do the work and provided reliable references. Trustee Garrity asked why parts A and B were not bid together, and Director Kendzior explained that there would be a substantial savings in dividing the large and smaller contracts.

Trustee Johnson moved to approve the resolution to reject the low bid and approve a contract with Fleck's Landscaping for Part A of the annual contractual landscaping and mowing program. 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, Justice, Adams, Garrity, and Carey

NAYS: None

ABSENT: Trustee Moras

**RESOLUTION NO. 20-R-07: A Resolution to Approve a Contract with Buhrman Design Group, Inc. for Part B of the Annual Contractual Landscaping & Mowing Program**

President Wepler explained that each year the Village contracts landscaping maintenance and mowing services at multiple locations within the community. The contracted work includes weekly site visits encompassing mowing, weed control, turf fertilizer, flower planting, bed maintenance, mulching and fall leaf cleanup.

Staff solicited competitive contractor bids and received six responses at the bid opening held on November 27, 2019. The contract was broken into two parts (A & B) based on size and need. The Part B sites are larger sized locations: detention areas, larger Village parks and building grounds, commuter lots and streetscapes. The lowest responsive bid for the Part B work was received from Buhrman Design Group, Inc. in the amount of \$359,337. The bid summary is below. Pricing was received for five years and Buhrman Design Group, Inc. was the lowest responsive bidder for each year.

<b>Contractor</b>	<b>Part B - Bid Amount</b>
Buhrman Design Group, Inc.	\$359,337.00
Landscape Concepts Management	\$448,513.00
TGF Enterprises, Inc.	\$486,573.00
Apex Landscaping, Inc.	\$490,206.68
Beary Landscape Management - *Non-Responsive	\$516,606.26
Fleck's Landscaping	\$631,326.00

Buhrman Design Group, Inc. has successfully performed landscape maintenance and mowing services for the Village in the past. Sufficient funds are being provided in multiple accounts in the FY 2020/21 Draft Annual Budget for the proposed contracted landscape maintenance and mowing work.

After the bid opening discussions with staff revealed the need for additional debris pickup on the former Golf Learning Center grounds, which would result in a change in the total award. Buhrman Design Group, Inc. provided a quote for a portion of this additional work (perimeter grounds pick-up) in the amount of \$2,100. Sufficient funds are being provided in the FY 2020/21 Draft Annual Budget to cover these additional costs. This additional work increases the total price of the contract to \$361,437.

Staff recommended approval of the resolution to award the contract for Part B of the Annual Contractual Landscape & Mowing Program to Buhrman Design Group, Inc., and authorized execution of the contract by the Village Administrator, subject to the appropriation of funds in the FY 2020/21 Draft Annual Budget. President Wepler asked for questions and comments and there were none.

Trustee Johnson moved to approve the resolution to approve a contract with Buhrman Design Group, Inc. for Part B of the annual contractual landscaping and mowing program. Trustee Adams seconded. President Wepler asked for further Board or public comment and there were none. The motion carried on roll call vote as follows:

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

NAYS: None

ABSENT: Trustee Moras

### **PETITIONS AND COMMUNICATIONS**

President Wepler announced the following:

- The Economic Development Commission will meet at 7:30 a.m. on Wednesday, January 15, 2020
- The Sustain Libertyville Commission will meet at 4:00 p.m. on Wednesday, January 15, 2020
- The Parks and Advisory Commission will meet at 3:00 p.m. on Thursday, January 16, 2020
- The Libertyville Arts Commission will meet at 2:00 p.m. on Monday, January 20, 2020
- The Appearance Review Commission will meet at 7:00 p.m. on Monday, January 20, 2020
- The Historic Preservation Commission will meet at 5:00 p.m. on Monday, January 20, 2020
- The Finance Committee will meet at 6:00 p.m. on Tuesday, January 21, 2020
- The Fire and Police Committee will meet at 7:00 p.m. on Tuesday, January 21, 2020
- The Plan Commission/ZBA will meet at 7:00 p.m. on Monday, January 27, 2020
- The Bicycle Advisory Commission will meet at 6:00 p.m. on Tuesday, January 28, 2020
- The Streets Committee will not meet at 7:00 p.m. on Tuesday, January 28, 2020
- The Committee of the Whole will meet at 7:00 p.m. on Tuesday, January 28, 2020
- The Village Board will meet at 8:00 p.m. on Tuesday, January 28, 2020

### **ADMINISTRATIVE UPDATE**

- Administrator Amidei noted that a Town Hall meeting will be held on January 30, 2020 at the Libertyville Civic Center.
- Fireworks will take place on July 3, 2020 this year.
- President Wepler thanked Staff for the information about the referendum that was prepared for the Village Newsletter.

### **EXECUTIVE SESSION**

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

- Collective Bargaining [5 ILCS 120/2(c)(2)]
- Real Estate: Setting Price for Sale/Lease [5 ILCS 120/2(c)(6)]
- Real Estate: Purchase or Lease (Buy) [5 ILCS 120/2(c)(5)]

Trustee Johnson moved to go into Executive Session at 8:44 p.m. Trustee Carey seconded, and the motion carried on a unanimous voice vote.

**ADJOURNMENT**

The Board returned to the regular meeting at 9:00 p.m., and with no further business to come before Village Board, Trustee Garrity moved to adjourn, and Trustee Carey seconded. The motion carried on a unanimous voice vote.

Respectfully submitted,

  
Sally A. Kowal  
Village Clerk