

VILLAGE OF LIBERTYVILLE
BOARD OF TRUSTEES
April 12, 2022

President Johnson called to order a meeting of the Board of Trustees at 8:00 p.m. Those present were: President Donna Johnson, Trustees Scott Adams, Peter Garrity, Matthew Hickey, Matthew Krummick, Dan Love, and James Connell.

President Johnson honored Libertyville High School athletes Anna Becker and Josh Knudten for their outstanding achievements in state competitions. President Johnson also honored Head Wrestling Coach Dale Eggert for his outstanding contributions to Libertyville High School. President Johnson also honored additional Libertyville High school athletes for their accomplishments.

ITEMS NOT ON THE AGENDA

Jonathan Rosales of Mundelein promoted the Mundelein Tool Library, which allows residents to borrow tools for a small donation.

OMNIBUS VOTE AGENDA

President Johnson introduced the Omnibus Vote Agenda and asked if there were any items to be removed for a separate discussion. Trustee Connell requested item H be removed.

- A. Summary of Omnibus Vote Agenda Items
- B. Approval of Minutes of the March 8, 2022 Village Board Meeting
- C. Bills for Approval
- D. **RESOLUTION NO. 22-R-46:** A Resolution to Approve a Special Event
- E. **ORDINANCE NO. 22-O-14:** An Ordinance Amending the Number of Class A-1 Liquor Licenses- Canlan Sports
- F. **ORDINANCE NO. 22-O-15:** An Ordinance Amending the Number of Class A-1 Liquor Licenses Lumberjaxe Axe Lounge
- G. **ORDINANCE NO. 22-O-16:** An Ordinance Amending the Number of Class B Liquor Licenses- The Parched Pug
- H. **RESOLUTION NO. 22-R-47:** A Resolution to Approve a Request for the Display of Banners for Libertyville High School Seniors

I. **ORDINANCE NO. 22-O-17:** An Ordinance Amending Section 1-23 of the Municipal Code Regarding Enforcement of Judgements Issued by Hearing Officers

J. **RESOLUTION NO. 22-R-48:** A Resolution to Award a Contract to Superior Road Striping, Inc. for the Annual Thermoplastic Pavement Marking Program

K. **RESOLUTION NO. 22-R-49:** A Resolution to Approve a Contract Renewal for the Annual Pavement Rejuvenation Program with Corrective Asphalt Materials, LLC

L. **RESOLUTION NO. 22-R-50:** A Resolution to Approve Change Order No. 1 for the Wastewater Treatment Plant Aeration Blowers & Diffusers Replacement Project

M. **ORDINANCE NO. 22-O-18:** An Ordinance Granting a Variation from Section 26-13-8.2 of the Libertyville Zoning Code Regarding the Maximum Permitted Height of Mechanical Screening-2001 Kelley Court - Marcin Chrapek

N. **ORDINANCE NO. 22-O-19:** An Ordinance Approving a Special Use Permit for a Drive-Through Facility and a Variation From Section 26-11-12(c)(2) of the Libertyville Zoning Code Regarding the Maximum Permitted Number of Business Signs-1509 North Milwaukee Avenue - Great Lakes Credit Union

O. **ORDINANCE NO. 22-O-20:** An Ordinance to Amend the Annual Fee Schedule of the Libertyville Municipal Code

P. Report of the Appearance Review Commission

Q. Report of the Historic Preservation Commission

Trustee Adams moved to adopt the items listed on the Omnibus Vote Agenda in a single group, with item H removed, pursuant to the omnibus vote procedures of the Libertyville Municipal Code, and Trustee Garrity seconded. The motion carried on roll call vote as follows:

AYES: Trustees Adams, Garrity, Hickey, Krummick, Love, and Connell

NAYS: None

3H – Consideration of a Resolution to Approve a Request for the Display of Banners for Libertyville High School Seniors

President Johnson asked if there were any public comments, and there were none. There were no comments from the board.

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Trustee Adams moved to approve item 3H, and Trustee Garrity seconded. The motion carried on roll call vote as follows:

AYES: Trustees Adams, Garrity, Hickey, Krummick, and Love

NAYS: None

ABSTAIN: Connell

4 - REPORT OF THE ZONING BOARD OF APPEALS ZBA 22-01, Variation for Location of Specified Uses ZBA 22-02, Variation for Location of Specified Uses

President Johnson noted in 2005, the Village Board of Trustees passed Ordinance No. 05-O-77 (attached) that placed limits on occupancy of offices and financial institutions in the C-1 Downtown Core Commercial District. New offices and financial institutions are not allowed in the front 35 feet of buildings fronting on Milwaukee Avenue or occupy more than 25% of the footprint of the building. Variations can be applied for to the Zoning Board of Appeals.

At their February 28, 2022 meeting, the Zoning Board of Appeals heard requests for both variations for 416 N. Milwaukee Avenue. The applicants proposed a shared office space for the location.

At the conclusion of the hearing, the Zoning Board of Appeals did not find the petition consistent with the Standards for Variations. Motions to recommend Village Board of Trustees approval of the requested variations failed with votes of 0 - 5. Accordingly, the recommendation of the Zoning Board of Appeals is for denial of the requested variations.

Representatives from the petitioner made a presentation to the board and answered questions. Michelle Connors of Libertyville offered comments in support of the item. MJ Seiler of Libertyville offered comments in opposition to the item. President Johnson asked the petitioner a question about usage.

President Johnson spoke about the history of main street and looked to the future of main street. Trustees Adams, Garrity, and Hickey spoke in opposition to the item despite supporting the overall concept. Trustee Krummick asked the petitioner about their other locations and retail aspects of their proposal. Trustees Love stated they support the concept but could not vote in favor of it at this time. President Johnson stated that the definition and future of retail are changing.

Trustee Adams moved to deny item 4 (ZBA 22-01 and 22-02), and Trustee Krummick seconded.

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The motion failed on roll call vote as follows:

AYES: Trustees Adams, Garrity, Hickey, Krummick, Love, and Connell

NAYS: None

5 - Request is for an Amendment to the Planned Development Final Plan for the Carriage Hill Park Subdivision

President Johnson noted the property owners at 1509 Parkview Drive are proposing to construct a covered porch and patio at their site. The property is located in the Carriage Hill Park Subdivision which is a Planned Development. Any proposed development that is inconsistent with the Planned Development requires an amendment to the Plan. The Village Board of Trustees has the authority to find such proposals as consistent with the Plan, or as inconsistent and refer the matter to the Plan Commission.

The proposed covered porch meets the requirements of the Planned Development. However, the proposed patio will encroach approximately 8 feet into the rear yard setback and increases the lot coverage by less than 1%. Staff finds the proposal to be in substantial conformity with the Plan and recommends Village Board of Trustees approval.

If approved by the Village Board of Trustees, an ordinance will be prepared for the next meeting.

The applicants were present and provided an overview of their proposal. President Johnson and staff offered comments and questions for the applicants. President Johnson asked if there were any public comments, and there were none. Trustees Adams and Garrity offered support for the item. Trustee Hickey asked the applicant some questions about their proposal. Trustees Krummick, Love, and Connell offered support for the item.

Trustee Garrity moved to approve item 5, and Trustee Hickey seconded. The motion carried on roll call vote as follows:

AYES: Trustees Adams, Garrity, Hickey, Krummick, Love, and Connell

NAYS: None

6 - Request for a Major Adjustment to the Planned Development Final Plan

President Johnson noted AGSCO Corporation is requesting approval of wall signage, directional signs, and one freestanding sign at 1755 N. Butterfield Road. The property is located in the Pharma Logistics Corporate Center Planned Development. As the Planned Development is still

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under development, any proposal that is inconsistent with the Planned Development requires a Major Adjustment to the Plan. The Village Board of Trustees has the authority to find such proposals as consistent with its Plan, or as inconsistent and refer the matter to the Plan Commission.

The proposed wall sign for AGSCO is proposed to be increased from 32 square feet to 77.7 square feet. Staff notes that the Village Board approved a wall sign for Pharma Logistics to not exceed 200 square feet due to the setback of the building approximately 425 feet from Peterson Road. The wall sign approved is 169 square feet. The current proposal is to place a 77.7 square foot wall sign approximately 120 feet from Butterfield Road.

In the report, Staff recommends that the Village Board refer the matter to the Plan Commission for review and recommendation.

President Johnson asked if there were any public comments, and there were none. Trustees Adams, Garrity, Love, and Connell offered comments and support for the item.

Trustee Hickey moved to refer the item back to the Planning Commission, and Trustee Love seconded. The motion carried on roll call vote as follows:

AYES: Trustees Adams, Garrity, Hickey, Krummick, Love, and Connell

NAYS: None

7A & 7B – ORDINANCE NO. 22-O-21: An Ordinance Approving a Final Plat of Subdivision and Amendments to the Planned Development Final Plan, Special Use Permit for Planned Development, Special Use Permit for a Sports and Entertainment Complex, and Site Plan Permit (1800, 1850, and 1950 US Highway 45)

President Johnson noted the attached ordinance would approve a Final Plat of Subdivision and Amendments to the Planned Development Final Plan, Special Use Permit for Planned Development, Special Use Permit for a Sports and Entertainment Complex, and Site Plan Permit at 1800, 1850, and 1950 US Highway 45. The Village Board approved this request at their March 22, 2022 meeting with the understanding that an ordinance would be drafted for the Village Board to approve at their April 12, 2022 meeting.

Staff recommends the Village Board approve the ordinance.

President Johnson asked if there were any public comments, and there were none.

Trustee Adams moved to approve item 7A, and Trustee Hickey seconded. The motion carried

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on roll call vote as follows:

AYES: Trustees Adams, Garrity, Hickey, Krummick, Love, and Connell

NAYS: None

Trustee Garrity moved to approve item 7B, **RESOLUTION NO. 22-R-51**, and Trustee Love seconded. The motion carried on roll call vote as follows:

AYES: Trustees Adams, Garrity, Hickey, Krummick, Love, and Connell

NAYS: None

8 – ORDINANCE NO. 22-O-22: An Ordinance Adopting the 2022-2023 Village Budget

President Johnson noted the Village operates under the Budget Officer system and is required to adopt a budget ordinance prior to the start of the May 1, 2022 fiscal year. The proposed 2022-2023 Village Budget represents the input of the Village Board, the public, and Village staff during the budget preparation process which included budget workshops on March 5 and March 15, 2022, as well as a public hearing on March 22, 2022.

The ordinance and the 2022-2023 Village Budget document satisfy the requirements set forth in the Budget Officer Act. The proposed budget includes total revenues of \$80,538,768 and total expenses (operating, capital, and transfers) of \$80,777,827. The Village’s aggregate operating budget is fully balanced.

The proposed budget document was previously distributed to Village Board members and has been available for public inspection at the Village Hall and on the Village website since February 14, 2022. Staff would like to express their gratitude to the Village Board and the community for their support during the budget process.

Staff recommends the Village Board adopt the ordinance.

Trustees Adams, Garrity, Hickey, Krummick, Love and Connell thanked staff for their efforts on the budget. President Johnson also thanked staff and offered comments.

Trustee Hickey moved to approve item 8 with the additional condition, and Trustee Love seconded. The motion carried on roll call vote as follows:

AYES: Trustees Adams, Garrity, Hickey, Krummick, Love, and Connell

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NAYS:

None

9 – RESOLUTION NO. 22-R-52: A Resolution to Award a Construction Contract with Marc Kresmery Construction, LLC for the Replacement of the High School Sanitary Lift Station

President Johnson noted the Village operates an existing sanitary lift station that is located on Village property and abuts the west side of the rear parking lot at Libertyville High School. The station was constructed in 1973 and is approaching the end of its useful service life. In addition, the station contains pneumatic ejector pumps in a “dry-tube” that is 19-feet below grade. This presents confined entry and space concerns for staff during routine inspections and maintenance work. There is also an emergency natural gas generator on-site to operate the station in times of electrical outages. Staff desires to convert the existing 8-foot concrete diameter wetwell to a dry well and house the proposed submersible pumps that can be lifted to surface on rails for servicing, thus eliminating confined entry and space concerns. This design is similar to the recently completed US Route 45 and Dawes Street lift stations. Modern pump/electrical and SCADA controls will also be included in the project.

Staff retained RHMG Engineers, Inc. to complete the final engineering, coordinate the competitive contractor bidding and provide construction management services for the replacement of the High School lift station. The project was advertised for competitive contractor bids on February 25, 2022. Four responses were received at the Bid Opening held on March 22, 2022, which are summarized in the table below:

Contractor Name	Bid	Amount
Marc Kresmery Construction, LLC	\$469,600.00	
Campanella & Sons, Inc.	\$539,812.00	
Sheridan Plumbing & Sewer, Inc.	\$545,000.00	
John Neri Construction Co., Inc.	\$572,150.00	

The lowest responsive bidder was Marc Kresmery Construction, LLC with a bid in the amount of \$469,600.00. The Fiscal Year 2022/23 Annual Budget provides \$700,000 in the Utility Capital Improvement Fund (Acct. #20-2024-6-777) to complete the construction for the replacement of the lift station. A bid recommendation letter from RHMG Engineers, Inc. is attached.

Staff recommends approval of the attached resolution to award the construction contract to Marc Kresmery Construction, LLC in the amount of \$469,600.00 to complete the replacement of High School lift station project and authorize execution by the Village Administrator.

President Johnson asked if there were any public comments, and there were none. Trustees

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Garrity and Krummick offered support for the item.

Trustee Adams moved to approve item 9, and Trustee Love seconded. The motion carried on roll call vote as follows:

AYES: Trustees Adams, Garrity, Hickey, Krummick, Love, and Connell

NAYS: None

10 – ORDINANCE NO. 22-O-23: An Ordinance to Waive Competitive Bidding and Approve a Contract with Peter Baker & Son Co. for Additional Roadway Resurfacing Work Utilizing Previous Low Bid Unit Prices

President Johnson noted the Village once again participated in a Joint Bid Road Rehabilitation Program with Mundelein, Vernon Hills and the Libertyville Township Road District in an effort to continue to receive advantageous competitive unit price bids based upon an “economies of scale” from larger contract quantities. The Board of Trustees awarded the contract for the 2022 Joint Bid Road Rehabilitation Program to the low bidder, Peter Baker & Son Co. on March 22, 2022 in the total amount of \$3,647,000 (Village share is \$859,414.70).

The language in the Joint Bid Road contract does not allow the Village to add additional streets for resurfacing to take advantage of favorable unit prices. The contractor, Peter Baker & Son Co., has agreed to hold the favorable unit prices under a separate contract with the same terms and conditions of the joint bid contract in order to resurface Innsbruck Court. Innsbruck Court, which was initially scheduled for rehabilitation in 2026 in accordance with the Pavement Assessment Report, has deteriorated faster than anticipated and is in very poor condition. It has the second lowest condition rating of all the streets to be rehabilitated between next year thru 2026. Please refer to the attached Pavement Condition Rating information. The total cost to mill and resurface Innsbruck Court based upon the competitively bid and favorable unit prices from the Joint Bid Road Program is \$84,661 (rounded). \$450,000 is available in the upcoming Fiscal Year 2022/23 Annual Budget in the Project Fund (Act.# 40-0000-0-773) to fund the project. The remaining funds will be utilized for the annual “Skip-Patching” and Alley Resurfacing programs.

Staff recommends approval of the Ordinance to waive the competitive bidding process and enter into a contract with Peter Baker & Son Co. in the amount of \$84,661 for additional roadway resurfacing work on Innsbruck Court. A super-majority vote is required to waive competitive bidding and therefore, five positive votes are required for approval.

President Johnson asked if there were any public comments, and there were none. Trustees Garrity and Hickey offered support for the item.

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Trustee Connell moved to approve item 10, and Trustee Love seconded. The motion carried on roll call vote as follows:

AYES: Trustees Adams, Garrity, Hickey, Krummick, Love, and Connell

NAYS: None

11 – RESOLUTION NO. 22-R-53: A Resolution to Approve a Contract Renewal with Best Quality Cleaning, LLC

President Johnson noted that competitive bids were received and publicly opened on March 25, 2021 with the Village of Mundelein in a joint bid for custodial services. Best Cleaning Quality, LLC was determined to be the lowest responsive bidder. The Village Board of Trustees awarded the contract to Best Quality Cleaning, LLC on May 25, 2021 with the passage of Resolution 21-R-81. The contract was bid with pricing for an additional two years (Year 2 and Year 3) that results in no cost increase.

Best Quality Cleaning, LLC has provided satisfactory cleaning services for all Village-owned buildings and staff recommends an initial contract renewal. The Fiscal Year 2022/23 Annual Budget provides sufficient funds in various accounts for the desired custodial services. The contract will start on May 1, 2022 and end on April 30, 2023. The proposed contract amount will be for \$106,155, which does not include the Sports Complex due to the continued lease with Canlan Sports. A five-percent contingency is included in the contract amount for extra cleanings for windows, carpets, floors and day porter services outside of the contract scope that are deemed necessary by staff throughout the year.

Staff recommends adoption of the attached resolution to approve the contract renewal with Best Quality Cleaning, LLC in the not-to-exceed amount of \$106,155 for custodial services and authorize execution of the contract renewal by the Village Administrator.

President Johnson asked if there were any public comments, and there were none. Trustee Garrity offered support for the item.

Trustee Connell moved to approve item 11, and Trustee Love seconded. The motion carried on roll call vote as follows:

AYES: Trustees Adams, Garrity, Hickey, Krummick, Love, and Connell

NAYS: None

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PETITIONS

AND

COMMUNICATIONS

President Johnson announced the following:

- The Human Relations Commission will meet at 5:00 p.m. on Wednesday, April 13, 2022.
- The Appearance Review Commission/Historic Preservation Commission will meet at 5:00 p.m. on Monday, April 18, 2022.
- A Special Plan Commission meeting will be held at 7:00 p.m. on Monday, April 18, 2022.
- The Parking Commission will meet at 10:00 a.m. on Tuesday, April 19, 2022.
- The Finance Committee will NOT meet at 6:00 p.m. on Tuesday, April 19, 2022.
- The Fire and Police Committee will meet at 7:00 p.m. on Tuesday, April 19, 2022.
- The Economic Development Commission will meet at 7:30 a.m. on Wednesday, April 20, 2022.
- The Sustain Libertyville Commission will meet at 4:00 p.m. on Wednesday, April 20, 2022.
- The Police Pension Fund Board will meet at 1:00 p.m. at the Schertz Building, 200 E. Cook, on Monday, April 25, 2022.
- The Plan Commission/ZBA will meet at 7:00 p.m. on Monday, April 25, 2022.
- The Bicycle Advisory Committee will meet at 5:00 p.m. on Tuesday, April 26, 2022.
- The Public Works Committee will NOT meet at 7:00 p.m. on Tuesday, April 26, 2022.
- The Village Board Committee of the Whole will meet at 7:00 p.m. on Tuesday, April 26, 2022.
- The Village Board will meet at 8:00 p.m. on Tuesday, April 26, 2022.

President Johnson mentioned that former Libertyville High School star basketball player, Drew Peterson, announced for the upcoming NBA draft.

Trustee Garrity commented on a vote earlier in the night. Trustee Hickey shared positive thoughts about the Libertyville community. Trustee Krummick offered comments on a vote earlier and the future of retail, housing, and development in Libertyville. Trustee Love reflected on a vote earlier in the night and called for innovative thinking. Trustee Connell called for creativity and new approaches in the future.

ADJOURNMENT

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With no further business to come before Village Board, Trustee Adams moved to adjourn the meeting at 10:25 p.m., and Trustee Garrity seconded. The motion carried on roll call vote as follows:

AYES: Trustees Adams, Garrity, Hickey, Krummick, Love, and Connell

NAYS: None

Respectfully submitted,

Luke Stowe
Village Clerk