

The City of Lake Forest
CITY COUNCIL
Proceedings of the Monday, April 17, 2017
City Council Meeting - City Council Chambers, immediately following Finance Committee meeting

CALL TO ORDER AND ROLL CALL: Honorable Mayor Schoenheider called the meeting to order at 7:27pm, and City Clerk Margaret Boyer called the roll of Council members.

Present: Honorable Mayor Schoenheider, Alderman Waldeck, Alderman Beidler, Alderman Pandaleon, Alderman Newman, Alderman Tack, Alderman Reisenberg, Alderman Moreno and Alderman Buschmann.

Absent: None.

Also present were: Robert Kiely Jr., City Manager; Catherine Czerniak, Director of Community Development, Elizabeth Holleb, Director of Finance; Victor Filippini, City Attorney; Susan Banks, Communications Manager; Michael Thomas, Director of Public Works; Karl Walldorf, Chief of Police; Pete Siebert, Fire Chief; Mike Strong, Assistant to the City Manager along with other members of City Staff.

There were approximately 30 persons present in the Council Chamber.

CALL TO ORDER AND ROLL CALL 7:37 pm

PLEDGE OF ALLEGIANCE was recited by all those present in the Chamber.

REPORTS OF CITY OFFICERS

COMMENTS BY MAYOR

A. Swear in Fire Chief Pete Siebert

Mayor Schoenheider gave an overview of Fire Chief Siebert's career and recent actions supporting his promotion. He then swore him in.

B. Presentation of the Preliminary Report on the Assessment of City's Plan Review, Permitting and Inspection Processes

Mayor Schoenheider reported that over the City is continually evaluating its commitment to delivering high quality, customer friendly services in a cost efficient manner. Starting with the Community Development Department (based on the number of residents that are served through the department), the City hired an independent consultant to conduct an assessment of the City's building plan review, permitting and inspection services. Mayor Schoenheider then introduced Lee Brown, President, Teska Associates and Michael Blue, Principal, Teska Associates.

Mr. Brown gave a summary of their processes that included a focus on how the City can continue to deliver the highest possible level of service. He reported that The City's processes are not broken, and that the Community Development Department provides skilled professional services. He stated that in all studies there are always opportunities for improvement and suggested that technology would be an asset to the community and Staff. Additionally, Lake Forest's thorough review of new residential development and additions is uncommon among its peers and comparable communities. The process sets a very high expectations for the community character and development quality, reflected in its standards and procedures.

Mr. Brown stated the Building Review Board process supports high standards for community character, but may be a source of frustration for applicants and for neighbors in the review process. Possibly changing BRB and HPC into workshop formats is recommended. Mr. Brown noted that less than 2% of all the permits come from the Building Review Board and Historic Preservation Commission. Mr. Brown noted that while contrary to fact, the perception of the City's processes is influenced by what is heard from others. He also recommended an update to software and the City's website pages.

The City Council had discussion that included: having information available in multiple formats, confirmed the community's need for both BRB and HPC, the resident's role and their appreciation of the Staff in Community Development for providing high quality service to the community.

Mayor Schoenheider thanked Mr. Brown and all the Staff involved and reported that the final report, will be presented to the Council for acceptance at its May 1, 2017 meeting.

COMMENTS BY CITY MANAGER

City Manager Robert Kiely reported that the City and the Preservation Foundation will be sponsoring a talk on "the Power of Uniqueness" at the Lake Forest College Lily Reid Chapel on Wednesday, April 19 at 7pm.

Mr. Kiely then introduced Vince Pellegrino, Senior Vice President with the Western Golf Association. Mr. Pellegrino thanked the City for hosting the BMW Championship again this year. He showed a video clip and highlighted what is new to the tournament and what residents can expect during the BMW week.

A. Community Spot Light

**Presentation on 2017 BMW Golf Championship, September 12-17, 2017
-Vince Pellegrino, Senior Vice President, Tournaments, Western Golf
Association**

The City Council had discussion on the Evans Scholarship fund raising, philanthropy and the positive impact that the tournament has on the City.

1. Approval of a Resolution of Support regarding Conway Farms Golf Club Hosting the 2017 BMW Championship Golf Tournament

COUNCIL ACTION: Approve the Resolution

Alderman Reisenberg made a motion to approve the Resolution, seconded by Alderman Newman. Motion carried unanimously by voice vote.

Mayor Schoenheider echoed the comments of the Council and presented Mr. Pellegrino with the Resolution, photos were taken.

COMMENTS BY COUNCIL MEMBERS

FINANCE COMMITTEE

1. Presentation regarding Moody's Issuer Comment dated March 17, 2017

Alderman George Pandaleon, Finance Committee Chairman, introduced Elizabeth Holleb, Finance Director. Ms. Holleb gave a summary of the Moody's Issuer Comment that the City of Lake Forest received on March 17, 2017. Annual comment on Lake Forest included its Aaa Rating – with a No Outlook issued, Moody's Credit Overview: Very healthy financial position, Superior socioeconomic profile, Ample tax base, Somewhat elevated pension liability and extremely small debt burden.

The City Council had discussion on the Analytics and the opportunity to benchmark the City against other communities, and how the rating is a positive factor in the Marketing campaign.

2. Distinguished Budget Presentation Award

Alderman George Pandaleon, Finance Committee Chairman, reported that for the first time, The City of Lake Forest has been awarded the Government Finance Officers Association **Distinguished Budget Presentation Award** for the fiscal year beginning May 1, 2016. The Distinguished Budget Presentation Award is the highest form of recognition in governmental budgeting, and its attainment is a significant accomplishment by a government and its management.

In a GFOA news release, Stephen Gauthier states that “In order to receive the budget award, the entity had to satisfy nationally recognized guidelines for effective budget presentation. These guidelines are designed to assess how well an entity’s budget serves as a policy document, a financial plan, an operations guide and a communications device.”

For budgets beginning in 2015, only 1,565 units of government received the award nationally.

The GFOA is a nonprofit professional association serving nearly 19,000 elected and appointed government finance professionals in the United States and Canada.

Chairman Pandaleon also stated that in addition to the Budget Award, a **Certificate of Recognition for Budget Presentation** is presented by the GFOA to the individual designated as instrumental in their government unit’s achievement of the award. Chairman Pandaleon present the award to Elizabeth Holleb, Director of Finance and IT, for her efforts in coordinating the preparation of the annual budget and for leading the efforts in making the required changes to the City’s budget document to meet the stringent requirements of the GFOA budget awards program.

Ms. Holleb stated that this was three years in the making and she was thankful to the City Council, City Manager, Executive Staff and the Finance Department Staff for their unending support. Mayor Schoenheider stated that it has been a joy to work with Ms. Holleb, that her skills, leadership and team spirit are highly recognized by the City Council.

3. Consideration of an Ordinance making a Supplemental Appropriation for the Fiscal Year Beginning May 1, 2016 and Ending April 30, 2017 (First Reading, and if Desired by the City Council, Final Approval)

Elizabeth Holleb, Finance Director reported that in November 2016, the City Council approved a recommendation to use proceeds from the sale of the Laurel Avenue property to redeem outstanding 2008 General Obligation Bonds. The advance redemption of the bonds saved \$1.357 million in future interest costs and allowed the City to replace the existing debt service levy with a capital improvements levy to supplement annual funding for the five year Capital Improvements Program.

As this transaction was not anticipated in the budget, a supplemental appropriation is required in both the Capital Improvements Fund, for the transfer of the land sale proceeds to the 2008 GO Bonds Debt Service Fund, and in the 2008 GO Bonds Debt Service Fund, for the advance redemption of the principal maturities dated December 2017 and later. The supplemental appropriation required to meet legal compliance.

Mayor Schoenheider asked if there was anyone from the public who wanted to comment. Seeing none, he asked for a motion.

COUNCIL ACTION: If determined to be appropriate by the City Council, waive first reading and grant final approval of the Ordinance (page 55) making a supplemental appropriation for the fiscal year beginning May 1, 2016 and ending April 30, 2017 for the advance redemption of the 2008 GO Bonds approved in November 2016.

Alderman Pandaleon made a motion to waive first reading and grant final approval of the Ordinance (page 55) making a supplemental appropriation for the fiscal year beginning May 1, 2016 and ending April 30, 2017 for the advance redemption of the 2008 GO Bonds approved in November 2016, seconded by Alderman Beidler. The following voted "Aye": Aldermen Waldeck, Beidler, Pandaleon, Newman, Tack, Reisenberg, Moreno and Buschmann. The following voted "Nay": None. 8- Ayes, 0 Nays, motion carried.

PUBLIC WORKS COMMITTEE

1. Award of Bid for the Water Treatment Plant Construction Project and Approval of a Construction Engineering Services Agreement

Public Works Committee Chairman Catherine Waldeck reported that the Public Works Committee is recommending that the City Council award a bid for the Water Treatment Plant's construction project to JJ Henderson & Son, Inc. Chairman Waldeck stated that at the April 3, 2017 Public Works Committee Meeting, the Committee reviewed, approved, and recommended award of bid to install a new membrane filtration system and other treatment improvements to meet the operational needs of the Water Treatment Plant. In addition, the Public Works Committee also recommended City Council approve the agreement for construction engineering services to Strand Associates, Inc.

Chairman Waldeck reported that after many meetings and special workshops, the City Council decided to proceed with the design and installation of a new membrane filtration system with a 14 million-gallon-per-day capacity. And that the Water Treatment Plant project will be accomplished over a two year period with the majority of the work being completed in the first year. Year one construction begins this summer and will end in late April of 2018.

The City Council had discussion on sole vendors. Mayor Schoenheider asked if there was anyone from the public who would like to comment. Seeing none he asked for a motion.

COUNCIL ACTION: The Public Works Committee recommends approval of the following project items:

- **Award a bid for the Water Treatment Plant Construction Project to JJ Henderson & Son, Inc. in the amount of \$8,818,000; and**
- **Based upon the exception noted in Section 8.5 D1of the City's Purchasing Directive, approve an agreement with Strand Associates for construction engineering services in the amount of \$570,000; and**
- **Approve a 5% project contingency for any unforeseen construction or construction engineering issues with either JJ Henderson & Son, Inc. and/or Strand Associates in the amount of \$441,000.**

Alderman Waldeck made a motion to award a bid for the Water Treatment Plant Construction Project to JJ Henderson & Son, Inc. in the amount of \$8,818,000; and based upon the exception noted in Section 8.5 D1of the City's Purchasing Directive, approve an agreement with Strand Associates for construction engineering services in the amount of \$570,000; and approve a 5% project contingency for any unforeseen construction or construction engineering issues with either JJ Henderson & Son, Inc. and/or Strand Associates in the amount of \$441,000, seconded by Alderman Reisenberg. The following voted "Aye":

Aldermen Waldeck, Beidler, Pandaleon, Newman, Tack, Reisenberg, Moreno and Buschmann. The following voted "Nay": None. 8- Ayes, 0 Nays, motion carried.

2. Action Relating to a Special Service Area Proposed for the Installation of Sanitary Sewer in the Winwood Drive Neighborhood.

Catherine Waldeck, Public Works Committee Chairman introduced the item with a brief summary of actions taken so far by the City and the Neighbors regarding the proposed Special Service Area No. 41 for the installation of sanitary sewer in the Winwood Drive neighborhood. Alderman Waldeck stated that City Council Action is requested on a preferred option, which includes 1) Approval of a Resolution establishing a public hearing date and directing staff to notice the hearing accordingly **or** 2) If determined appropriate by City Council, waiving first reading, and approval of an Ordinance rescinding Ordinance 2016-77 ("SSA Proposing Ordinance") thereby terminating the Proposed SSA.

The City Council had discussion that included an additional option to continue talks with the neighbors, the caution in setting precedents, initiation of this and future projects requiring an SSA, financing, litigation, the petition process and if this is the right time for action. After a lengthy discussion, the City Attorney summarized both options.

City Attorney Victor Filippini reported under Option A the City Council would have to allow appropriate time for noticing and scheduling of the Public Hearing in accordance with the Special Service Area Tax Law, 35 ILCS 200/27-5 et seq. ("SSA Tax Law"). Therefore, a timeline of required events would need to be scheduled. While this option extends deliberation and ultimate consideration by City Council, it would allow for the formal SSA process to be completed, including the requirement of an objection to be filed with the City Clerk. If a legally sufficient objection is filed, the City Council will have no authority to consider an establishing ordinance. Additionally, under the Special Service Area Tax Law, if a valid objection is filed. "The subject matter of the petition shall not be proposed relative to any signatories of the petition within the 2 years."

Although the effect of this language has not been specifically addressed in any Illinois appellate decision, it would not be inconceivable that another special service area for sanitary sewer service would have to be deferred at least two years with respect to any properties whose owner had signed a valid objection petition to the establishment of SSA No. 41. If no legally sufficient objection is filed, the City would have the right to establish the proposed SSA, but only in accordance with the parameters set forth in the SSA Proposing Ordinance. However, the City Council would have the right not to establish a special service area if it did not desire to proceed based on the parameters set forth in the SSA Proposing Ordinance 2016-77.

Mr. Filippini additionally reported that Option B would preserve the right for the City Council to pursue a future SSA that is in substantial form as the SSA Proposing Ordinance without the restriction of a two-year mandatory waiting period as defined in the SSA Tax Law. However, it would terminate the Proposed SSA from continuing on at this point, and would not require any follow up action, including scheduling of public hearing, or requirement to submit any formal objection by property owners and electors within the proposed SSA area.

COUNCIL ACTION: If determined appropriate by the City Council, consideration of one of the following:

Mayor Schoenheider asked for a motion on option A.

A. Approval of a Resolution Scheduling a Public Hearing to Consider the Proposed Special Service Area No. 41 for the Installation of Sanitary Sewer in the Winwood Drive Neighborhood.

Alderman Pandaleon made a motion for Approval of a Resolution Scheduling a Public Hearing to Consider the Proposed Special Service Area No. 41 for the Installation of Sanitary Sewer in the Winwood Drive Neighborhood, seconded by Alderman Newman. The following voted "Aye": Aldermen Waldeck and Tack. The following voted "Nay": Alderman Beidler Pandaleon, Newman, Reisenberg, Moreno and Buschmann. 2-Ayes, 6 Nays, motion failed.

OR

Mayor Schoenheider asked for a motion on option B.

B. Consideration of an Ordinance Rescinding Ordinance No. 2016-77 and Terminating Further Consideration of Establishing a Special Service Area Number 41 for the Winwood Drive Area Sanitary Improvement Project (First reading and if Desired by the City Council, Final Approval).

Alderman Newman made a motion for Consideration of an Ordinance Rescinding Ordinance No. 2016-77 and Terminating Further Consideration of Establishing a Special Service Area Number 41 for the Winwood Drive Area Sanitary Improvement Project (First reading and if Desired by the City Council, Final Approval), seconded by Alderman Moreno. The following voted "Aye": Aldermen Beidler, Pandaleon, Newman, Reisenberg, Moreno and Buschmann. The following voted "Nay": Alderman Waldeck. The following Abstained: Alderman Tack. 6- Ayes, 1 Nay, 1 Abstention. Motion carried.

OPPORTUNITY FOR CITIZENS TO ADDRESS THE CITY COUNCIL ON NON-AGENDA ITEMS

ITEMS FOR OMNIBUS VOTE CONSIDERATION

- 1. Approval of the April 3, 2017 City Council Meeting Minutes**
- 2. Approval of a Resolution of Sympathy for Eugene Lonergan**
- 3. Approval to Renew Agreement for Financial and Land Parcel Management System Software Maintenance and Licensing for FY2018**
- 4. Approval of a Resolution Reallocating 2017 Volume Cap to the Village of Buffalo Grove, Illinois**
- 5. Award of a Contract for Professional Services Consultation on the Purchase of a New Enterprise Resource Planning System**
- 6. Authorization to Issue Reimbursement for City Work Costs Related to Clean-up of the City's Former Municipal Services Site.**
- 7. Consideration of an Ordinance Approving a Recommendation from the Building Review Board. (First Reading and if Desired by the City Council, Final Approval)**
- 8. Consideration of an Ordinance Approving a Recommendation from the Zoning Board of Appeals. (First Reading, and if Desired by the City Council, Final Approval)**
- 9. Award of the Everett Park Path Replacement portion of the Everett Park Path Replacement & District 67 Cherokee School Driveways Resurfacing**

10. **Approval of Contract for Installation of Brick Patio and Purchase of Required Material for the Deerpath Golf Course Patio Installation Project**
11. **Award of Bid for the North Western Avenue Streetscape Project**
12. **Consideration of a Shared Services Agreement with Lake County as a Pilot Program. (Approval by Motion)**
13. **Award of Contract for the Lake Forest share of the 2017 Joint Sewer Lining Project Contract.**
14. **Request for City Council Approval of a Landfill Disposal Fee Agreement**
15. **Award of Bid for the Ponds Subdivision Outlet Repair Project**
16. **Consideration to enter into a professional services contract with FGM Architects to produce plans and construction documents for the Public Safety Building (PSB) Renovation Project included in the City's FY2018 Capital Improvement Budget.**
17. **Award of Bid for a Police Department Police Vehicle.**
18. **Award of the Lake Forest share of the joint 2017 Annual Street Resurfacing & Asphalt Patching Program contract.**

COUNCIL ACTION: Approval of the eighteen (18) Omnibus items as presented

Mayor Schoenheider asked members of the Council if they would like to remove any item or take it separately. Alderman Buschmann recused himself from the vote on item # 3, noting a son-in-law works for Sun Guard in software support, item #12 was also discussed. Mayor Schoenheider asked for a motion to approve the eighteen Omnibus items as presented, noting Alderman Buschmann's recusal.

Alderman Beidler made a motion to approve the Eighteen Omnibus items as presented, seconded by Alderman Reisenberg. The following voted "Aye": Aldermen Waldeck, Beidler, Pandaleon, Newman, Tack, Reisenberg, Moreno and Buschmann. The following voted "Nay": None. 8- Ayes, 0 Nays, motion carried.

Information such as Purpose and Action Requested, Background/ Discussion, Budget/ Fiscal Impact, Recommended Action and a Staff Contact as it relates to the Omnibus items can be found on the agenda.

ORDINANCES AFFECTING CODE AMENDMENTS

1. **Approval of an Ordinance amending City Code Section 39.166 allowing for consideration of hardships related to Real Estate Transfer Tax Refunds (Waive First Reading and Grant Final Approval) and Motion Granting Approval of Appeal for Irene Potts in the Amount of \$1,600**

Elizabeth Holleb, Finance Director reported that this item is a follow-up from the Monday, April 3 City Council meeting. Which will allow for consideration of hardships related to the requirements established in City Code Section 39.164 for refunds of the Real Estate Transfer Tax.

City Attorney, Victor Filippini stated that the Council considered a request from Ms. Laura Sorenson, on behalf of her parents, to waive the one-year requirement of City Code section 39.164 between a purchase and sale of properties within Lake Forest to qualify for a refund of real estate transfer tax. After discussion,

the City Council requested that an amendment to the City Code allowing for consideration of hardships related to the refund of real estate transfer taxes under City Code section 39.164.

Mr. Filippini reported it was noted that City Code section 39.166 entitled "Appeals" provides that any person subject to the real estate transfer tax, or any application for exemption or refund of the tax, may first appeal to the City Manager and then to the Personnel, Compensation and Administration (PCA) Committee of the City Council. Determinations of the PCA Committee are final. The Proposed Ordinance offers an amendment to Section 39.166 that allows for the PCA Committee to consider appeals for refunds upon showing a hardship such as an act of god or medical necessity.

The City Council had additional discussion about the previous amendment to this section of the code, which allowed for the one year requirement to be changed to a two year requirement.

Mayor Schoenheider asked if there was anyone from the public who wanted to comment. Seeing none, he asked for a motion.

COUNCIL ACTION: If determined to be appropriate by the City Council, waive first reading of an Ordinance amending City Code Section 39.166 allowing for consideration of hardships related to Real Estate Transfer Tax Refunds and grant final approval; approve motion granting approval of appeal for Irene Potts in the Amount of \$1,600.

Alderman Beidler made a motion to a waive first reading of an Ordinance amending City Code Section 39.166 allowing for consideration of hardships related to Real Estate Transfer Tax Refunds and grant final approval; approve motion granting approval of appeal for Irene Potts in the Amount of \$1,600, seconded by Alderman Reisenberg. The following voted "Aye": Aldermen Waldeck, Beidler, Pandaleon, Newman, Tack, Reisenberg, Moreno and Buschmann. The following voted "Nay": None. 8- Ayes, 0 Nays, motion carried.

NEW BUSINESS

ADDITIONAL ITEMS FOR COUNCIL DISCUSSION
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ADJOURNMENT

There being no further business. Alderman Tack made a motion to adjourn, seconded by Alderman Newman. Motion carried unanimously by voice vote at 9:35 p.m.

Respectfully Submitted
Margaret Boyer

A video of the City Council meeting is available for viewing at the Lake Forest Library and on file in the Clerk's office at City Hall. You can also view it on the website by visiting www.cityoflakeforest.com. Click on I Want To, then click on View, then choose Archived Meetings Videos.