

**VILLAGE OF LAKE BLUFF  
BOARD OF TRUSTEES  
VIRTUAL MEETING  
SEPTEMBER 14, 2020**

**APPROVED MINUTES**

**1. CALL TO ORDER AND ROLL CALL**

Village President O’Hara called the meeting to order at 7:00 p.m. and Village Clerk Megan Michael called the roll.

The following were present:

Village President: Kathleen O’Hara

Trustees: Barbara Ankenman  
Regis Charlot  
Mark Dewart  
Joy Markee  
William Meyer  
Aaron Towle, Village Trustee

Also Present: Megan Michael, Village Clerk  
Peter Friedman, Village Attorney (VA)  
Drew Irvin, Village Administrator  
Bettina O’Connell, Finance Director  
Jeff Hansen, Village Engineer (VE)  
Mike Hosking, Police Chief  
Mike Croak, Building Codes Supervisor (BCS)  
Glen Cole, Assistant to the Village Administrator (ATVA)

President O’Hara said due to the COVID-19 emergency, this meeting will be held primarily virtually. As required by law, at least one representative from the Village will be present at Village Hall and the virtual meeting will be simulcast for members of the public who do not wish to view the virtual meeting from another location. The Board Room can accommodate 13 people, including members of the public body and Village Staff, while maintaining the six feet of social distance between individuals required by Executive Order 2020-43. Accordingly, the opportunity to view the virtual meeting at Village Hall is available on a “first come, first-served” basis. She further stated Members of the public may view and participate in the meeting via online [lakebluff.org/VirtualMeeting](https://lakebluff.org/VirtualMeeting) or Dial-in: (312) 626-6799. (Enter meeting ID **884 1619 0394**) Press # when prompted for a Participant ID. Additional instructions are available in the agenda packet immediately following the agenda. Also, the meeting will be live-streamed at [lakebluff.org/Channel19](https://lakebluff.org/Channel19), broadcast live on Comcast Channel 19 and once available, a recording of the meeting will be posted on the Village website and periodically rebroadcast on Channel 19.

**2. PLEDGE OF ALLEGIANCE**

President O’Hara led the Pledge of Allegiance.

3. **CONSIDERATION OF THE MINUTES OF THE AUGUST 24, 2020 VILLAGE BOARD MEETING**

Following a comment from Village Administrator Drew Irvin regarding the circulation of amended minutes earlier in the day, Trustee Towle moved to approve the August 24, 2020 Board of Trustees Regular Meeting Minutes as amended. Trustee Markee seconded the motion. The motion passed on the following roll call vote:

Ayes: (6) Ankenman, Charlot, Dewart, Markee, Meyer and Towle  
Nays: (0)  
Absent: (0)

4. **ITEM #5 – VILLAGE BOARD SETS THE ORDER OF THE MEETING**

President O’Hara recommended taking Agenda Item #11 then return to the regular order of the meeting. There were no objections from the Board.

5. **ITEM #11 – A RESOLUTION HONORING THE PUBLIC SERVICE OF FIRE DEPARTMENT MEMBER BILL GOODMAN**

President O’Hara reported Bill Goodman has served the community as a Volunteer Fire Fighter for almost 30 years. Because his service and devotion to the Village and its fire operations have proven to be an enormous benefit to the Village and its residents in numerous ways, it is recommended that Mr. Goodman’s service is memorialized via a Resolution of the Village of Lake Bluff Board of Trustees. President O’Hara then read the resolution and thanked him for his service to the community.

President O’Hara said she has known Mr. Goodman as a student, parent, volunteer firefighter, Assistant Fire Chief, and ultimate volunteer who represents the very best of our community, and she hopes future volunteers will emulate his example. President O’Hara said the Lake Bluff Department is an outstanding volunteer fire department and she is sorry to lose Mr. Goodman then wished him and his family the very best in Michigan.

Bill Goodman said the hard working and dedicated volunteers are what makes Lake Bluff a great community. He said it has been an honor and privilege to be part of the volunteer Fire Department which has taught him many things, and allowed him an opportunity to give back to the community. Mr. Goodman said he considers himself lucky to have lived and raised his family in Lake Bluff and thanked his family for supporting him as he has served the community. He said it has been amazing to work with the diverse members of the volunteer fire department, especially Gregg Marsh his recruiter, and his mentor Fire Chief David Graf. Finally, he thanked the Village and fire department for their support.

As there were no comments from the Board, Trustee Dewart moved to adopt the resolution. Trustee Towle seconded the motion. The motion passed on the following roll call vote:

Ayes: (6) Charlot, Dewart, Markee, Meyer, Towle and Ankenman  
Nays: (0)  
Absent: (0)

6. **ITEM #6A – WARRANT REPORT FOR AUGUST 25 – SEPTEMBER 14, 2020**

President O’Hara reported expenditure of Village funds for payment of invoices in the amount of \$283,029.33 for August 25 – September 14, 2020 for a total amount of \$283,029.33.

As there were no questions from the Board, Trustee Charlot moved to approve the Warrant Report. Trustee Ankenman seconded the motion. The motion passed on the following roll call vote:

Ayes: (6) Dewart, Markee, Meyer, Towle, Ankenman and Charlot  
Nays: (0)  
Absent: (0)

7. **ITEM #7 – VILLAGE ADMINISTRATOR’S REPORT**

Village Administrator Irvin thanked Mr. Goodman for his service to the volunteer Fire Department and he recognized all of the Lake Bluff volunteering that have made a difference in the community during the COVID-19 pandemic.

8. **ITEM #8 – VILLAGE ATTORNEY’S REPORT**

Village Attorney Peter Friedman reported on the outcome of the Stonebridge litigation. He said the pending cases regarding the Village Code/ordinance violations associated with the fence on the northwest portion of the property, and the case brought against the Village regarding development agreement and zoning approvals that applies to the planned development were consolidated. The Stonebridge developer/owners filed a motion to dismiss the ordinance violation, and the Village filed a motion to dismiss the owners complaints against the Village which sought to have the zoning approvals and development agreement rescinded. VA Friedman said the motions were heard on September 8 and elaborated on the judge’s decision regarding the motions which were favorable towards the Village. He said the Judge denied the Village motion to dismiss the count as to whether the Village could use the Stonebridge Letter-of-Credit (\$2.7 million) to paid the fees regarding the fence, but the Village had already indicated to the owners that it had no intentions to use the LOC for those purposes. VA Friedman said Staff is currently waiting for the owner to file an amended complaint and will continue to update the Board regarding the ongoing litigation.

9. **ITEM #9A – VILLAGE PRESIDENT’S REPORT: MOTION TO EXTEND THE VILLAGE PRESIDENT’S DECLARATION OF CIVIL EMERGENCY**

President O’Hara reported on March 18, 2020 President O’Hara issued a Declaration of Emergency for the Village of Lake Bluff (Declaration) related to the COVID-19 emergency. The Declaration, among other things, provided that: (1) physical fitness facilities and membership sports and recreational clubs must close; (ii) the Village may enter into contracts for the emergency purchase of goods and services; (3) the Village Administrator may implement emergency staffing protocols pursuant to the Village’s respective collective bargaining agreements; and (4) directed Village officials and employees to cooperate with other government agencies. Subsequently, the Village President issued an April 23 supplemental order requiring the use of face coverings in the Village; a similar requirement was imposed statewide on May 1 by order of the Governor. The Village President has the authority to issue the Declaration and any supplemental orders pursuant to the enabling provision set forth in the Lake Bluff Municipal Code. President O’Hara reported in accordance with Illinois statutes, the Village President’s Declaration lasted only for a period of seven days, unless it was extended by action of the Village Board. At its March 18,

April 13, April 27, May 11, May 27, June 8, June 22, July 13, July 27 and August 10 and 24, 2020 meetings, the Village Board extended the Declaration until the next subsequent Village Board meeting. Because the Village Board will meet on Monday, the Declaration will expire at the end of that Board meeting unless the Board extends the duration of the Declaration.

Trustee Meyer made a motion to extend the Declaration until the adjournment of the next regular (September 28) or emergency Village Board meeting. Trustee Markee seconded the motion. The motion passed on the following roll call vote:

Ayes: (6) Markee, Meyer, Towle, Ankenman, Charlot and Dewart  
Nays: (0)  
Absent: (0)

10. **ITEM #10 – ACCEPTANCE OF THE CORRESPONDENCE**

President O’Hara introduced the correspondence from the Informational Reports on August 21, 28 and September 4, 2020.

Trustee Ankenman made a motion to accept the correspondence as submitted. Trustee Dewart seconded the motion. The motion passed on the following roll call vote:

Ayes: (6) Meyer, Towle, Ankenman, Charlot, Dewart and Markee  
Nays: (0)  
Absent: (0)

11. **ITEM #12 – A RESOLUTION APPROVING A FENCE IN A CONSERVATION AREA AT 301 BELLE FORET**

President O’Hara reported the owners of 301 Belle Foret Drive, Stefan & Jolanda Florentinus, have applied for a permit to install a 6’ fence along the east side of their property, bordering the Green Bay Road right-of-way and the public path. There is a 50’ conservation area on the south end of their lot, as recorded on the subdivision plat. Installing a fence in this conservation area requires the approval of the Village Board, according to paragraph K on page 13 of Ordinance 89-21, which is the ordinance approving the Belle Foret planned residential development. Only the south 50’ of the proposed fence will be in the conservation easement. The fence is shown as a light pencil line on the attached survey. President O’Hara further reported the owners have submitted a tree permit application to remove buckthorn, a dead pine tree, and a dead ash tree in the location where the fence will go. The fence will be setback at least 1’ from the edge of the path in the area where the path comes close to the property line, in order to comply with Section 10-9-5A of the Village Code. The 6’ height complies with the maximum allowed in the E-1 zoning district. The Belle Foret Homeowners Association has approved the fence.

As there were no questions from the Board or Applicant, Trustee Towle moved to adopt the resolution. Trustee Charlot seconded the motion. The motion passed on the following roll call vote:

Ayes: (6) Towle, Ankenman, Charlot, Dewart, Markee and Meyer  
Nays: (0)  
Absent: (0)

**12. ITEM #13 – A RESOLUTION APPROVING A SITE PLAN TO REPLACE LIGHTING AT THE TARGET DEVELOPMENT (945-975 Rockland Road)**

President O’Hara reported Target is proposing to replace the existing pole-mounted metal halide lights throughout the Target Development parking lot with LED lights to achieve better energy efficiency. Target is proposing to use fixtures that are brushed aluminum in color and to paint the existing poles to match. They are proposing to do the same for the outlots pole lights as well. The light color of the proposed LED fixtures is 4000K, which is similar to the existing lights. President O’Hara further reported the proposed lights were reviewed by the Architectural Board of Review (ABR) at their meeting on September 1, and the ABR voted 5-0 to recommend that the Village Board approve the site plan as presented.

In response to a question from Trustee Towle, BCS Mike Croak said the ABR discussed three manufacturer specification options (3000, 4000 and 5000k) for the light and determined that the 4000k was acceptable as it is typically used for commercial parking lot design throughout the Village.

In response to a question from Trustee Charlot, BCS Croak said he does not think the existing lights exceed 4000k, and the metal halide lights are not as consistent and will not maintain the same temperature throughout their life span as LED lights.

Bernard Hodge, Target Lighting Project Manager, said from a design standpoint 3000K temperature is typically used for nature preserves or animal habitats. He added that 3000k lights lose efficiency and additional power is required to maintain the appropriate light levels.

Trustee Towle expressed his appreciation to Target for converting to more environmentally friendly LED lighting.

As there were no further questions from the Board or Applicant, Trustee Markee moved to adopt the resolution. Trustee Dewart seconded the motion. The motion passed on the following roll call vote:

Ayes: (6) Ankenman, Charlot, Dewart, Markee, Meyer and Towle  
Nays: (0)  
Absent: (0)

**13. ITEM #14 – A RESOLUTION APPROVING A SITE PLAN FOR BUILDING ALTERATIONS FOR JC LICHT AT 413 WEST WASHINGTON AVENUE**

President O’Hara reported Thybony has merged with JC Licht and the new company is proposing to remodel their tenant space at 413 West Washington Avenue. The exterior changes include replacing an overhead door on the east elevation with an aluminum and glass storefront and infilling the man door with brick. On the south elevation they are proposing to replace a door with a dark bronze aluminum and glass door. She further reported the proposed lights were reviewed by the ABR at their meeting on September 1, and the ABR voted 5-0 to recommend that the Village Board approve the site plan as presented.

As there were no comments from the Board, Trustee Markee moved to adopt the resolution. Trustee Towle seconded the motion. The motion passed on the following roll call vote:

Ayes: (6) Charlot, Dewart, Markee, Meyer, Towle and Ankenman  
Nays: (0)  
Absent: (0)

14. **ITEM #15 – A RESOLUTION APPROVING A LICENSE AGREEMENT FOR THE USE OF VILLAGE PROPERTY FOR THE CONSTRUCTION OF BLUFF STABILIZATION IMPROVEMENTS**

President O’Hara reported Jason and Kimberly Beans own the property located directly to the south of the Lillian Dells Property (718 Mountain Road). During the heavy rains of May, the eastern 50 feet of their property collapsed and deposited fill material (construction debris) into the lake. Fortunately, no one was injured but the slope needs immediate attention and debris continues to drift towards and into the Lake Bluff Park district swimming beach areas. The Beans have applied for emergency permits from the US Army Corps of Engineers, the Illinois Department of Natural Resources and the Village to complete the necessary erosion control and slope stabilization activities. Additionally, the Beans have requested to be allowed to utilize Village-owned Lillian Dells property to facilitate the completion of the improvements. President O’Hara further reported we anticipate that there will be large construction vehicles transporting stone and fill to the lakefront in two phases (stabilize/clean-up followed by establishing the new slope) which should take about 9 months to complete. To that end, the Village Attorney has prepared a license agreement to allow the Beans temporary use Lillian Dells provided they satisfy the following:

1. Provide for safe egress/ingress along North Avenue and Maple Avenue during construction.
2. Protect and restore the ravine and any damaged infrastructure due to their improvement activities (post \$50,000 security).
3. Improve the Lillian Dell Drive to help ensure its intended use as a scenic lake access.
4. Keep the Village whole by providing the right to a pedestrian easement from the Dell south towards the Park District beach.

President O’Hara reported in order to not be an impediment to the Beans’ slope stabilization and clean-up efforts, both the Village Administrator and Village Engineer recommend that the agreement be approved by the Board subject to final modifications by the Village Attorney. Should there be any substantive modification in terms, then staff would report that back at the next regular meeting of the Board of Trustees.

Following a request from President O’Hara, Village Administrator Irvin said Staff has spoken with the Bill Weaver of AECOM (Beans Consultant) regarding the business terms of the draft license agreement and timing aspects of the project, and recently with the Beans regarding the proposed license agreement. He recommended that the Board actions this evening include discussion of the license agreement and determine if there are any conceptual business terms that cause concern, as well as hear from the Beans and their contractor.

In response to a comment from President O’Hara, Village Administrator Irvin said it is possible to confirm the motion this evening, after going through the comments, but he does not want to misrepresent that the conversations with the Beans have been anything more than preliminary. He noted that the intent is to work as quickly as possible and be responsible given the Beans are attempting to address their issues and prevent further debris from drifting or falling into the lake.

President O’Hara opened the floor to comments from the Board. It was the consensus of the Board to review the video, and get additional data from Staff prior to making any comments.

Village Administrator Irvin introduced the queued callers Jason and Kimberly Beans, Bill Weaver of AECOM and John Keno of Keno Construction then requested ATVA Glen Cole to show the video

beginning at the intersection of Mountain Road and Sunrise Avenue proceeding down the driveway of the subject property. Village Administrator Irvin provided a brief overview of the project.

In response to a comment from Village Administrator Irvin, Mr. Keno said the plan would actually proceed diagonally from the previous access point then underneath the area denuded from the collapse.

Following a request from Village Administrator Irvin, VE Jeff Hansen said the stormwater pipe shown in the video is the Village's main storm sewer outfall for the entire northeast side, and noted the pipe use to be on dry land when lake levels were lower. He explained the route associated with the stormwater pipe including how it connected with Lillian Dell ravine to drain into Lake Michigan. He said the proposed solutions regarding the viaduct storm sewer would use the Lillian Dell route then drain out the main Village pipe shown in the video.

In response to questions from Trustee Dewart, VE Hansen said the pipes comes in from Washington Avenue and Maple Avenue, proceeds east through private property, south through an easement on private property, then connects with the bottom half of the pipe located on Lillian Dells. He said the storm sewer pipe also consolidates other pipes, as well as the pipe underneath the Lillian Dells further up the grade.

Following a request from Village Administrator Irvin, Mr. Weaver said the collapse was caused by a combination of things, including the erosion at the bottom of the slope from the high lake level and wave activity as well as the slope itself could not handle the saturation of the soil so a landslide occurred in May.

Village Administrator Irvin continued his review of the video following the route of the 48' inch pipe which proceeds east to west through Lillian Dells and he noted the small metal pole shown in the video identifies the limits of the Village property. He said the Village owned property is approximately 16 ft. wide through the bottom of Lillian Dell.

President O'Hara provided a brief history of the area and she noted in 1925 the property was deeded to the Village with a caveat that the area be maintained as "pleasure drive" in perpetuity.

In response to a question from Trustee Markee, Village Administrator Irvin said the existing stairs leads to 665 Maple Avenue.

Following a request from Village Administrator Irvin, VE Hansen explained how overcapacity storm sewers have impacts on the Lillian Dell ravine and path area and how the area, once restored, could better handle stormwater drainage.

Village Administrator Irvin continued his review of the video following the route from the west, and noted the Village has a small split-rail fence structure at the entrance of the path on the intersection of Maple and East North Avenue. The plan is to direct construction traffic to exist the Village using North Avenue but keep in mind that street is really narrow with no curbs. Village Administrator Irvin said the Village had allowed other entities to use Village property for temporary construction purposes, the most recent being CLCJAWA, but this request is slightly different because the homeowners are dealing with making repairs stemming from natural events in a residential area. He said the proposed license agreement includes language that will protect the Village such as providing safe construction control throughout the site, protecting and restoring the ravine, posting security to make sure that Village roadways or any infrastructure is restored should it be damaged as part of the project, and televise the Village and private

storm sewer pipes and ravine before and after the project. Currently the level of improvement for Lillian Dells drive has not been finalized, and there are plans to install stones on the drive for construction traffic to access the area and, if properly designed, could remain to improve the Dell.

Village Administrator Irvin said Staff has spoken with the Village Consultant, Hey and Associates, regarding the preparation of a design that would withstand significant rain events and overland flooding. He commented on the Beans' plans which includes the installation of a stone bed that will enable them to remove debris and the construction of new bluff along a 2:1 slope which is not functional for the Village owned property which will be located midway down the slope post-construction. Village Administrator Irvin said for the Village to be "made whole," the Beans are being asked to grant the Village the right to a pedestrian easement located along the top of constructed platform along the "new" lake front. If so desired, the easement would allow the Village and Park District to connect those two points in the future.

Jason Beans said he just recently spoke with Staff, and now that he understands a few of the items, the plan is to quickly obtain the legal documents needed for the project. He said one issue with the easement is that the pathway does not go to the gutter, from what he understand it goes about half way, and there was no connection between the two sites. He said the drawing does not show the part of the pipe coming out the water halfway up the hill which he wants to move down by the rocks.

Following a question from Mr. Beans, Village Administrator Irvin said the Village is not looking to change the location of its property but rather for a practical solution that would provide functional non-submerged access to move along the lakefront. He noted that at certain times in Village history that area has been accessible and useable and the idea is to capture that same utility in an appropriate location was the goal.

Mr. Beans said he remembers when they moved in the house there was a proposal to possibly connect the property or something along those lines. Now that he understands what the Village is looking for. He stated that the plan is to build the steps and wall to extend to the water because there is a strip on the other side in the water that was Lillian Dells land and possible even in front of Maple Avenue.

In response to a question from Trustee Dewart, Mr. Beans confirmed that the project will include cleaning up the steel structure with the debris sliding down as shown in the video.

In response to a question Trustee Dewart, Village Administrator Irvin said the area to the north of the pipe that is not within the project limits. He said the license agreement is also looking to hiring another engineering firm to review the proposed plans to ensure the functionality of the pipe is not disturbed by sand deposits which could obstruct the outflow.

Mr. Weaver said there will be a tendency offshore for the water to be a little more shallow then it is today which will help some of the larger waves to break before getting to that pipe. As of today the pipe is above the water line which is at an extreme level so there will be some potential sand nourishment required. Mr. Weaver stated that the Illinois Department of Natural Resources requires sand computation for the area with pre-nourishment of sand. The small amount of sand accumulated for that area will be trucked and placed in a designated area in advance because they project is not allowed to use any sand from the natural drift.

In response to a question from Trustee Markee, Mr. Weaver said we are all concerned about the current condition of the slope for those exact reasons. We are currently pursuing emergency permits from all the other agencies who have indicated their willingness to help, and we are working with them on a daily

based to complete their process. He said it is really important to get something in the water to keep the waves away from the slope. He added that we want to remove some of the junky fill from the base of the failed slope and put in some crush material as a counter balance to get us through the winter. Mr. Weaver said they are working on the permits needed to get an emergency structure in place and the slope restoration would likely happen next year.

In response to a question from Village Administrator Irvin, Mr. Weaver said the stones have to go in first to stop the waves and protect the platform before they can remove any debris from the area.

Trustee Dewart inquired of the plan to stabilize the bluff. Mr. Weaver said a certain slope angle is needed for the type of material needed to build out the slope, which is usually a crush stone or concrete, that would be fill and covered with topsoil and seed. The crushed stones are needed in order to stand up a 2 to 1 slope and create the factors of safety needed for the geo-tech engineer's license. The plan is to start at the top of the slope, where the tableland ends, and create the slope at a 2 horizontal to 1 vertical fall. At the base where the fall hits the bottom, there will be a small splash zone with stone revetment at the toe of the slope.

In response to a question from Trustee Dewart, Mr. Weaver said the crushed stones are very small material but also very angular, so it holds up steeply and compacted very tightly. He said we cannot build the slope at 2:1 using a clay fill and achieve the properly factor of safety, so we have to use the crushed stone material which holds up very well overtime.

In response to a question from Trustee Charlot, Mr. Keno said for the final analysis we would like to get a design that will stabilize the ravine, create a road leading down, and it should take approximately 35 to 50 days to perform the work at the bottom. Mr. Keno said we would work through the winter because it is important to get the large stones down in front to stop the lake from attacking the base of the slope, and if we can get the plateau build then set up compacted in the back to protect the slope. Then as the weather gets better we can bring in the nice stones and completed the elevation, black dirt the slope, and seat it with a native mixture with long roots which will embedded themselves in the stone and stabilize the slope as well as add beauty.

In response to a question from Trustee Ankenman, Mr. Keno said the stones will be bought in to reinforce ravine road which will be build out wide enough for vehicles to access and they would eventually use Mountain Road initial access once the stones are higher enough to complete the projects.

In response to questions from Trustee Ankenman, VE Hansen said the pipe would be submerged approximately a quarter to one third full but because the pipe starts approximately 60 ft. below the top of the bluff so it will still function properly. He said the concern is when the pipe sits full of water because the settlement will fill up the bottom of the pipe, but it has been three years since that pipe has submerged and he does not thinks it will impact its performance at this time. He said the pipe is actually located slightly north of Lillian Dells property in a different easement so the construction traffic will be traveling south of and not directly on top of the pipe. VE Hansen said the license agreement requires them to videotape the pipe to ensure it remain functional during and after the construction and the goal is to place a row of stakes in the area to prevent any damage to the pipe. In addition, he noted the worked could probably be done by barge but the high lake levels would be a problematic and there may be no barges currently available.

In response to a question from Village Administrator Irvin, VE Hansen said the Central Lake County Joint Action Water Agency intake is a few hundred feet at the end of Blodgett Avenue so the entire Bluff Road drainage would flow north to connect to the 8' inch pipe. Mr. Weaver said the lake levels are higher than normal because the water level would normally be further out.

Village Administrator Irvin show a satellite image of 500 Arden Shore, the former Boy Home site, and asked if the proposed project would resemble the one at this location. Mr. Keno said the completed project, while possibly stronger in design, is the same concept.

In response to a comment from Village Administrator Irvin, Mr. Keno confirmed that grasslands would not add as much weight to the slope as large trees and noted deep rooted grasses are better for slope stabilization because shading from the trees prevents ground covering. A discussion followed.

In response to questions from Trustee Markee, Mr. Weaver said the construction vehicles would resemble a dump truck and, if allowed, will follow a circular route existing on East North Avenue. The materials will be discarded, after the road leading down has been reinforced, then transported with an off road truck down the slope to the project site. There will be an excavator with a rotating hydraulic grapple at the bottom of the slope to place the stones accordingly. Mr. Weaver said a table would be built initially to protect the property from wave action and the use of stones as opposed to clay material allows them to work in colder temperatures. Also, working from land is more advantageous because barges would have to reload in Waukegan, Illinois and weather conditions could prevent them from returning to the site.

Trustee Towle could the project be done using on the original access road, and if so, what would be the burden of solely using that access point. Mr. Weaver said from a contracting standpoint everything is doable but it would be more difficult to come off of Mountain Road and proceed down. It would be much easier logically to bring the truck in and turn on Maple Avenue to a reloading place on the ravine but they are looking to use both accesses because improvement are also needed at the top of the slope. He said the proposed ravine improvements would be an asset to the Village and allows them to protect the subject property.

In response to questions from Trustee Towle, Mr. Weaver said the permit process is included in the 9 month timeframe and the area would be designated a construction zone and will be closed to pedestrian traffic for approximately 60 days once all the permits have been obtained.

In response to a question from Trustee Charlot, Mr. Weaver said once the project is complete the area will be cleaned up and the old wall and all the deleterious materials will be removed.

In response to questions from Trustee Towle, Village Administrator Irvin said he not sure if the Beans have discussed the license agreement with their attorney. One of the substantive issue to address is the commitment to provide an easement along the lake front for a potential pedestrian access from north to south. Also, the Beans expressed they concern regarding the open ended, no cap, financial requirement set forth in the license agreement. Village Administrator Irvin stated that the final Lillian Dells improvement design has not been shared with the Beans because it is not created yet. The Village Consultant estimated it could be \$15,000 to \$20,000 to provide a design that will have all the property analysis to satisfy a 100year storm event. He commented on what actions has been discussed and said the Village is trying to be fair and responsible given this is a situation everyone wants to remedy quickly. The license agreement had not been reviewed with the Beans and Staff desires to be totally transparent to ensure the Beans understands the details and expectations contained in the agreement. Village

Administrator Irvin said the action this evening depends on if the Board thinks the easement is an important element which should be included as a business point in the agreement.

Trustee Dewart said he would be reluctant to take any formal action this evening without a final plan. However, if a question was asked would he support this based on the information that has been provided, then he thinks he would be inclined to say let us continue the conversation.

In response to a question from Trustee Dewart, Mr. Weaver said he is not in a place to comment on if the scope of work would include debris removal. He said that decision is up to the Beans.

President O'Hara said the easement is an important long term goal for the Village and she would prefer it be included in the license agreement.

Trustee Meyer agreed and said from what he understand the existing easement will be make infeasible by the changes happening on the site which will benefit the private homeowners. The easement is set now in a way that the Village can restore that connect with historically exists and he thinks this is an absolute essential element for the Village. He said the easement would be a better public good and should be part in the license agreement. Trustee Meyer said his major concern is to ensure no damage is done to the Village's infrastructure and storm sewer system.

Trustee Markee agreed that the easement is important but she feels that timing is also important, and she would like to ensure the project keep moving forward. Village Administrator Irvin said the main issue is what degree would Lillian Dell be improve to and the Beans financially exposure which cannot be determined at this time. Staff will attempt to define the license agreement with the Bean to ensure they understand their obligations.

Trustee Towle said he would love for non-taxpayers funds to pay for Village improvements but at the same time he thinks the Beans should only be financially responsible for restoring the bluff back to its previous condition. The Village needs to be made whole and if the Beans as willing to, because they are potentially getting the benefit of using the Lillian Dell access to make improvements to Village property, he thinks that is great. Trustee Towle said he likes the idea of a cap but he is unsure if that is for the current conditions. If the Village thinks improving the Lillian Dell trail is an important element than maybe it should consider a cost sharing program, but he agrees this is a time sensitive matter and cost should not delay the project.

In response to a question from Trustee Dewart, Mr. Weaver said from the time he improve the ravine it would allow the Village consultant applicable time to come up with a final solution without having to redo any of his work.

Following a comment from Village Administrator Irvin, Mrs. Beans said the easement and removal of the debris is not something they would have a hang up about, but she would prefer to have their attorney review the license agreement. She said the easement does not give the Village access to Lillian Dells because there is another private property that runs between Lillian Dells. Mrs. Beans said her biggest hang up is that they did not build the house; they purchased the house in 2013, and the Village approved all the permits to build the home and retaining wall. She said we hired two local engineers to survey the retaining wall prior to the purchase and everyone said this was a 100 year bluff, but it turned out to be the wrong retaining wall for that property. Mrs. Beans said we are working with this situation and while we have every intent and desire to restored Lillian Dells to its original state, she does not thinks it is their job

to spent \$20,000 for the Village to be able to design what they believe is their roadway, and to incur that cost does not sit well with her.

Mr. Beans said he has been told the proposed improvements will improve the ravine and reduce the erosion and they are completed aligned with those objectives. He said now that he understands stormwater washing out road materials, he will speak with his contractor and work with the Village to ensure the improvement will equally or better restored the area.

Mrs. Beans asked what the Board thinks are the biggest sticking points. Village Administrator Irvin said the language regarding clean-up needs to be clarified and incorporated in the license agreement as well as reasonable expectations for the improvements to Lillian Dell.

Following an extensive discussion, it was the consensus of the Board to defer this matter until the next regular Board meeting. There were no objections.

**15. ITEM #16 – A RESOLUTION WAIVING COMPETITIVE BIDDING AND AUTHORIZING THE EXECUTION OF A CONTRACT WITH TGF ENTERPRISES, INC FOR SNOW PLOWING SERVICES**

President O’Hara reported since 2016, the Village has contracted with TGF Enterprises, Inc. (“TGF”) of Libertyville for snow removal services of certain roads and parking lots to supplement removal by the Village’s public works staff. The Village’s most recent agreement with TGF expired March 31, 2020. She further reported as required by the Village’s Purchasing Policies and Procedures Manual, Staff conducted a competitive Request for Proposals process for snow removal from the same streets and parking lots as in previous contracts. The solicitation process included invitations sent to 20 local firms as well as published notice in the Lake County News-Sun. The Village received four proposals in response:

- Ampol Group - Des Plaines, IL
- DGO Premium Services Co. – Des Plaines, IL
- TGF Enterprises - Libertyville, IL
- The Service Innovators - Wheeling, IL

President O’Hara reported based on a review of the proposals, Staff recommends the Village Board enter into an agreement with the incumbent, TGF Enterprises, Inc.; they submitted a proposal with pricing similar to their most recent contract year and have continually proven to be both reliable and highly capable. The proposed contract includes a three year initial term and an additional two one-year options to extend at the Village’s discretion. President O’Hara further reported for comparison, two firms proposed annual rates exceeding \$100,000, which is far in excess of what the Village typically pays for these services. The last remaining firm had hourly rates that were slightly higher than those proposed by TGF, but additionally required an hourly rate for a job supervisor as well as a four hour minimum charge per call.

In addition President O’Hara reported finally, because TGF did not provide a list of references with their bid as required by the Instructors to Proposers, the Village Attorney has recommended that the Village Board waive competitive bidding in conjunction with award of the contract. This action requires a two-thirds majority of the Board.

Trustee Markee said she had asked Staff if the Village contractor could plow certain State roadways such as IL176 and the Village seeks reimbursed from the State. A discussion followed.

As there were no comments from the Board, Trustee Ankenman moved to adopt the resolution. Trustee Towle seconded the motion. The motion passed on the following roll call vote:

Ayes: (6) Dewart, Markee, Meyer, Towle, Ankenman and Charlot  
Nays: (0)  
Absent: (0)

16. **ITEM #17 – A RESOLUTION SUPPORTING RESIDENT ACCESS TO THE METROPOLITAN MAYORS CAUCUS COMMUNITY SOLAR CLEARINGHOUSE PROGRAM**

President O’Hara reported in July 2019, the Village Board approved an agreement to purchase community solar credits from a 900 kilowatt hour solar array in Elgin (Res. 2019-53) as part of an agreement reached by members of the North Shore Electricity Aggregation Consortium. In summary, the Village’s agreement:

- Results in a 10% discount on electricity over a 20-year term for Village-owned and operated facilities.
- Has no exposure to market risk as the rate is a percentage discount from ComEd’s rate each month.
- Is transferable among accounts, has a 30-day option to exit, and no termination fee.
- Supports renewable energy development in the state of Illinois.

President O’Hara reported since that time, the Metropolitan Mayors Caucus has concluded a cooperative procurement process (the Community Solar Clearinghouse, or CS2) to access additional community solar capacity under similar terms. The Caucus believes that they may be able to offer community solar subscriptions to residents and small commercial customers in addition to municipalities. The offer available for residents would be essentially the same and credits would be administered by the same billing agent, except that (i) the discount would be 20% and (ii) the termination period would be 90 days. The program is opt-in and completely optional for residents. An advertisement similar to the attached draft would be sent to residents by the billing agent displaying the Village’s name and logo among other Consortium municipalities. President O’Hara further reported other Consortium municipalities have adopted or are considering resolutions similar to the attached, including the cities of Highland Park and Lake Forest and the villages of Deerfield and Northbrook. Following discussions in the City of Highland Park, the Consortium has worked with the Caucus to include additional solar providers who meet or exceed the offer terms of the CS2 program. Because this process may yield more advantageous contract terms for residential and small business customers, the Resolution acknowledges that these terms may be modified by the Metropolitan Mayors Caucus without further Village Board action.

As there were no comments from the Board, Trustee Towle moved to adopt the resolution. Trustee Dewart seconded the motion. The motion passed on the following roll call vote:

Ayes: (6) Markee, Meyer, Towle, Ankenman, Charlot and Dewart  
Nays: (0)  
Absent: (0)

17. **ITEM #18 – TRUSTEE’S REPORT**

Trustee Charlot said Lake Bluff is a special community and a great place to raise a family. Recently it was brought to his attention that yard signs were being stolen, defaced and destroyed and he believes this type of behavior goes against Village tradition regarding respect for other people’s property.

18. **ITEM #19 – EXECUTIVE SESSION**

At 9:03 p.m. Trustee Meyer moved to enter into Executive Session for the purpose of discussing Ongoing Litigation (5 ILCS 120/2(c)(11)) and Meeting Minutes (5 ILCS 120/2(c)(21)). Trustee Charlot seconded the motion. The motion passed on the following roll call vote:

Ayes: (6) Meyer, Towle, Ankenman, Charlot, Dewart and Markee  
Nays: (0)  
Absent: (0)

There being no further business to discuss, Trustee Meyer moved to adjourn out of executive session. Trustee Ankenman seconded the motion and the motion passed on a unanimous voice vote at 9:21 p.m.

19. **ITEM #20 – CONSIDERATION OF THE AUGUST 24, 2020 EXECUTIVE SESSION MEETING MINUTES**

Trustee Markee moved to approve the August 24, 2020 Board of Trustees Executive Session Meeting Minutes as presented. Trustee Charlot seconded the motion. The motion passed on the following roll call vote:

Ayes: (6) Meyer, Ankenman, Charlot, Dewart, Markee and Towle  
Nays: (0)  
Absent: (0)

20. **ITEM #21 – ADJOURNMENT**

Trustee Dewart moved to adjourn the regular meeting. Trustee Towle seconded the motion and the motion passed on a unanimous roll call vote at 9:24 p.m.

Ayes: (6) Meyer, Ankenman, Charlot, Dewart, Markee and Towle  
Nays: (0)  
Absent: (0)

Respectfully Submitted,

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R. Drew Irvin  
Village Administrator

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Megan Michael  
Village Clerk