

**VILLAGE OF LAKE BLUFF
BOARD OF TRUSTEES
SPECIAL VIRTUAL MEETING
OCTOBER 7, 2020**

APPROVED MINUTES

1. CALL TO ORDER AND ROLL CALL

Village President O’Hara called the meeting to order at 8:00 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)
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 or Dial-in: (312) 626-6799. (Enter meeting ID **884 1619 0394**) Press # when prompted for a Participant ID. Also, the meeting will be live-streamed at lakebluff.org/Channel19, broadcast live on Comcast Channel 19 and, 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. ITEM #3 – NON-AGENDA ITEMS AND VISITORS

The Village President and Board of Trustees allocate fifteen (15) minutes during this item for those individuals who would like the opportunity to address the Village Board of Trustees on any matter not listed on the agenda. Each person addressing the Village Board of Trustees is asked to limit their comments to a maximum of five (5) minutes.

There were no request to address the Board.

4. **MOTION TO EXTEND THE VILLAGE PRESIDENT’S DECLARATION OF CIVIL EMERGENCY**

In response to a comment from Trustee Dewart, Village Attorney said the provision in the declaration of civil emergency states meetings and commented there should be a motion to extend until the next meeting of the Village Board.

Trustee Dewart made a motion to extend the Declaration until the adjournment of the next regular (October 12) or emergency Village Board meeting. Trustee Meyer 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)

5. **ITEM #5 – A RESOLUTION APPROVING A LICENSE AGREEMENT FOR THE USE OF VILLAGE PROPERTY FOR THE CONSTRUCTION OF BLUFF STABILIZATION IMPROVEMENTS**

Village Attorney Friedman said a motion is not needed for this agenda item because no action will be taken this evening.

President O’Hara reported over the past several weeks, the Village has been in discussions with Jason and Kimberly Beans (owners of the property located directly to the south of the Lillian Dells Property [718 Mountain Road] regarding their (i) proposed bluff stabilization plans and (ii) possible use of Lillian Dells for temporary construction access. It is recommended that the Village Board review the following:

1. **Alternative Bluff Restoration Design** – Understand that, once the Beans’ plan is constructed as currently drawn, Lillian Dell will no longer provide direct access Lake Michigan. Village Engineer Jeff Hansen has been in communication with the Beans’ engineer, Bill Weaver, about possible plan modifications to maintain lake access. The attached alternative plan achieves lake access in a resilient manner; and
2. **Final Improved Condition of Lillian Dell Concept** – Village Engineer Jeff Hansen will walk the Board through the attached concept that maintains the pleasure drive, achieves ravine slope stabilization and is designed to be stable through a 100-year storm events.

President O’Hara reported it is anticipated that the Board of Trustees will continue discussion on these matters, but not take any final action and requested an updated from Staff.

Village Administrator Drew Irvin said there have been continued conversation between Village Staff, Bill Weaver and the Beans which had led to revised plans. He showed the exhibit of the conceptual plan illustrating property lines and noted the Village owned Lillian Dell site (purple area), 665 Maple Avenue

(orange area), balance of the property is 718 Mountain ownership by the Beans (white area), newly created land (green area); and Parcel "A" (pink area) which is owned by the Beans identifies the property the Beans would dedicate to the Village. The area labeled "Parcel B" is a cross hatched area that the Village has been in discussions with the owners of 665 Maple as a potential easement area but that is not critical to this concept. He said this concept would allow users of Lillian Dell to walk west to east from the intersection of Maple and North Avenue down Lillian Dell toward Lake Michigan onto a flat stone crest area and all the way across Village owned property. Village Administrator Irvin commented on the proposed stone steps leading to the water and showed the area where an additional set of stairs might be added. He said people stepping out into the mean ordinary high water mark area will be within their rights as a user to access Lake Michigan. The proposed concept plan achieves the Village obligation to maintain the pleasure drive and provide access to Lake Michigan, but the plan does not include an easement across the entire length of the Beans property which was previously discussed. He said the concept plan is different but it achieves the same access and provides a level of improvement to Lillian Dell in terms of the flat stone area; Village Administrator Irvin then showed an example of the flat stone crest, stone steps and noted the area is not intended to be inviting but the Village is trying to ensure it fulfill the obligation of maintaining access to the lake. Village Administrator Irvin said the Beans engineer, Bill Weaver, designed the new alterative concept plan which does not include an easement along the coast down to Lake Bluff Park District property; however, it does include the previously discussed improvements to Lillian Dell.

Following a request from Village Administrator Irvin, VE Hansen said the proposed plan could place 18 to 24 inches of crushed concrete down Lillian Dell for trucks to drive down to the lake and explained how the natural stone grade and large supplemental wooded debris would be used to dissipate water energy and slow the flow of water. He reviewed the alternative ways to provide walking access around this area using the stone and wooded materials. VE Hansen commented on the existing storm sewer and noted depending on the cost there would be an optional storm sewer installed. He showed a picture of the stone materials and noted the broken concrete will be used to fill the access road which appears bright white when initially installed but the dirt overtime will soften the look, or natural colored stone could be placed on top of the broken concrete to give it a different look but would cost more. The series of grade control structures will help, not erode, and not wash out like previous improvements. VE Hansen said Staff and Hey and Associates, Village Consultant, have been working with John Keno Company to develop the concept of materials that are readily available, inexpensive, and will achieve the goals as best as possible.

Village Administrator Irvin said the information presented was intended to communicate how the improvement level to Lillian Dell would preserve the pleasure drive, potentially improve to a great degree of slope stabilization for the properties in that area, and how the pathway could be designed to look more natural and easily traversed. The proposed improvement would be designed at a level to withstand the new 100-year storm event. Since the last meeting Village Staff have continued discussion with the Beans and hosted a virtual neighborhood meeting at which there were some concerns expressed regarding noise, vegetation removal, and impact on the roadways but also expressed sympathy regarding the Beans situation. Village Administrator Irvin said the proposed license agreement would require the Beans to follow Village regulations regarding tree removal, protect and restore the ravine and any damaged infrastructure due to their improvements, and post a \$50,000 security deposit.

Following a request from Village Administrator Irvin, VE Hansen commented on why \$50,000 was the amount required and noted the proposed amount is a calculation that would protect the Village from a wide range of things that could occur. The existing Village storm sewer should be protected by the stone layer and will be televised before and after construction to determine if any repairs are needed. In response

to questions regarding impact to Village roadways, VE Hansen said he expected the most road damage will occur at Maple and East North Avenue and Mountain Road and Sunrise Avenue as there are the locations that the trucks will use for loading/unloading and he explained how weather conditions could contribute to road damage. The plan is to inspect the roadways (walk the street, take pictures and video) before the construction begins which will be used to determine if any repairs are needed after the construction is complete. VE Hansen said that if the repairs exceeds the \$50,000 deposit he thinks the contractor's insurance policy should cover the additional cost.

In response to a question from Trustee Meyer, VA Peter Friedman said the Village would access the contractor who in turn would access his insurance policy and we would have to look at the availability of those funds. Trustee Meyer said it would be easier for the Village to be reimbursed from the security deposit because insurance claims are filed against individuals and collected by an agreement or a lawsuit.

In response to a question from Trustee Meyer, Village Administrator Irvin explained how the Village fees structures are designed in regard to construction. The Village purposely increased its building construction fees to 3% from 1% and 2% go towards the impact fees for road construction and noted the Village general funds also supports the road resurfacing program. A discussion regarding the surface patching program followed.

In response to a comment from Village Administrator Irvin, VE Hansen said the existing storm sewer pipe is installed deep enough below the surface that if crushed at the end it would not impact the flow of stormwater down Lillian Dell to the lake but could cause erosion to Lillian Dell. He also noted the pipe is not actually located in Lillian Dell but in an easement north of that area so he do not believe there should be any damage to the pipe.

Trustee Dewart expressed his concern regarding the impact of a 100-year storm lake action on the structure and outflow from Lillian Dell into the lake. He said he would prefer to have some assurance that the design will cover both stormwater flow down the ravine as well as wave activity colliding with the shore. Mr. Beans said he has heard that because of the lake levels 200-year storms are pretty expected during the winter months and he assumes that the work being done on the shore is to handle the wave. He said it is his belief the 100-year design is what the Village consultant and Village Engineer were pursuing.

VE Hansen said the engineering design has not been finalized but the plan is to install 3.5 foot cubic rocks down by the pipe which the Beans plans to use to block the lake so there may be some vulnerability at the end of Lillian Dell. A discussion followed.

In response to a question from Trustee Dewart regarding maintenance, VE Hansen said if the wooden trees are deeply anchored with metal posts it should be maintenance free for approximately 20 years.

Trustee Dewart asked would there be road damage at Mountain Road and Sunrise Avenue. VE Hansen said according to John Keno Company the project will be done in phases; phase one is to use Lillian Dell to build the crest of stone to the lake; and phase two is to fill behind the stone crest up to the top of the bluff into the Beans yard.

In response to questions from Trustee Markee, VE Hansen said the proposed stone steps will be located approximately 10 feet to the south of the Village storm sewer pipe. He said the stairs have to be relatively steep because you will be 8 to 10 feet above the water on top of the crest. Currently that area is all water but when the steps are installed it should create some land to stand on.

Village Administrator Irvin said the intent is to match the existing conditions as much as possible, improve the area to a level consistent with historical conditions, and manage expectations of the neighborhood as well as the Village. The location is not a safe place to enter into the water and the proposed stairs are a mixed message because the Village only has an obligation under the conveyance of the property to maintain please drive and access to the water and public safety.

President O'Hara asked about a fence or some type of railing on one side to provide support. VE Hansen said he thinks it is possible to have railing but damage created by high water levels would become a maintenance issue.

In response to a concern from Trustee Ankenman, VE Hansen confirmed that the outfall terminated is near the flat stone crest and said the plan is to allow people to enter the lake in the shallow water further east of the pipe.

Trustee Towle said for him the updates to the plans has removed a lot of hesitation, but it is important to him to have a pedestrian access trail to the lake.

In response to a question from Trustee Ankenman regarding signage, Village Administrator Irvin said signs posted in that area are regularly removed.

In response to a comment from Mr. Beans, VE Hansen said the plan is to install the steps right at the elevation where the lake becomes public access, where we have perpetual access to more shallow water into the Lake Michigan.

Following a request from Village Administrator Irvin, VE Hansen said the grade shown rises up approximately 3 to 5 feet to get up to the plateau so that has to be stone. The metal pole is the edge of Lillian Dell and is probably around where the top of the crest would be with a little bit of rock to the north. Village Administrator Irvin showed a video and explained how certain natural features of the Dell are currently functioning as a check dam.

In response to question from Trustee Charlot, VE Hansen explained how the project would impact the beach property located at 665 Maple Avenue. He said filling in Lake Michigan does not constitute an exchange of property and it is his understand it becomes part of the parcel adjacent to the lakefront parcel.

In response to question from the Board, Bill Weaver said he designed for a 200-year storm event and built in safety factors. The stone structures are designed to move and shift a little bit without failing; he said, essentially, the stones will act like an interlocked blanket of stone. The top of the structures are designed to keep the over topping to a manageable level so it will absorb a pretty heavy storm hit. In response to the question regarding "the combined probability of a flood coming through the pipe and wave action;" Mr. Weaver said typically those two things do not happen at the same time, they might even happen in the same day, but the peak of the wave event usually it is limited to 4 to 5 hour window, so the odds on that happening are really pretty slim. The waves come in pulses so it is not like it is a constant. There will be an elevated lake level the wind tends to elevate the lake 2 or 3 feet, during a wind event, but that pipe has so much head on it because of the slope, that is not going to stop the water from coming out of the pipe. The velocities coming out of the pipe will be somewhat muted because of the higher lake level. He said there is really no downside from a wave attack perspective. Mr. Weaver said, as far as the walking stones, where the stones are going in the lake is fairly shallow there so big waves break before they get to

that point. The intent is to put the flat stones in bigger than the rounded stones that buttress them and the flat stones are pretty heavy, tucked close into the land, and so they do not move much.

Village Administrator Irvin said the proposed plan is different than the original plan and the proposed flat stone crest stairs provides the Village the ability to fulfill its obligations to maintain pleasure drive and access to the lake.

In response to a comment from Village Administrator Irvin, Mr. Weaver said normally the bottom of the steps would be above the water level so you would be stepping down onto sand and the Federal Government regulates up to the mean and ordinary high water mark and the normal water is about 2.5 feet below that vertically.

Village Administrator Irvin said the purpose of the Special Meeting is because the original plan as shown did not maintain the lake access which is an obligation of the Village and the new alternative plan does. That was important and the reason why the Board was pursuing an easement. The Village has achieved that goal and this alternative plan forces the Beans to modify their design in order to meet that obligation and to grant property to the Village. The improvements will also improve Lillian Dell to a new level, sustainable resilient to survive a 100-year storm event, provide slope stabilization to the neighboring property owners, and improve the pleasure drive access.

In response to a question from Trustee Markee, Village Administrator Irvin said there will be no difference in the liability because the Village is currently obligated to maintain Lillian Dell access from upon the public way down to the lake and the proposed improvements may make the area safer. He said he thinks the Village law enforcement will be able to patrol the access area better because one of the neighbors did state "you have improved this area, now my area is the sandy beach which is now more enticing to people to visit, and people are already trespassing on their property."

In response to a question from Trustee Towle, Mr. Weaver said the depth where you are pointing is probably about 5 feet with the high water levels and the normal level would be approximately 2 feet. Trustee Towle said his preference would be to keep the single stairway that provides access, and asked if there was any limitation to keeping it with one stairway. A discussion regarding water levels followed.

In response to a question from Trustee Towle, VE Hansen said the second set of stairs is future planning to make sure there is no way that rights could be taken away from us in a courtroom or engineering reimagining where the water levels are supposed to be.

In response to a question from Mr. Weaver, VE Hansen said it is hard to determine where the rocks will land so it is a difference to leave some leeway for construction the project would have to be reassessed after the construction begins.

Following a comment from Village Administrator Irvin, Mr. Weaver said the stones for the steps are picked kind of like a puzzle, more uniform in shape, at the quarry.

Trustee Ankenman said she thinks this is a clever solution and she applauds the stair solution. She was fearful that we were going a long way to still have a problem that could not be solved so she thinks this is a unique solution.

President O'Hara said she would prefer to see it restored to its original 100 years ago condition but the beach and lake levels have changed dramatically and prevents that from happening. She said the proposed plans does meet the Village obligations maintain Lillian Dell and provide access to the lake.

The general consensus of the Village Board was to continue pursuing the Alternative Bluff Restoration Design and the New Lillian Dell Concept.

6. **ITEM #6 – ADJOURNMENT**

As there were no further questions from the Board or Public, Trustee Markee moved to adjourn the regular meeting. Trustee Charlot seconded the motion and the motion passed on a unanimous roll call vote at 8:18 p.m.

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

Respectfully Submitted,

R. Drew Irvin
Village Administrator

Megan Michael
Village Clerk