

**VILLAGE OF ANTIOCH  
BOARD OF TRUSTEES, REGULAR MEETING  
Municipal Building: 874 Main Street, Antioch, IL  
March 7, 2005**

**CALL TO ORDER**

Mayor Maravelas called the regular meeting of the Board of Trustees to order at 7:30 pm in the Municipal Building: 874 Main Street, Antioch, IL.

**ROLL CALL**

Roll call indicated the following Trustees were present: Pierce, Larson, Caulfield, Porch, Hanson and Turner. Also present were Mayor Maravelas, Attorney Long and Clerk Monroe.

**APPROVE BALANCE OF AGENDA**

Trustee Pierce made a motion, seconded by Trustee Larson, to approve the balance of the agenda for the March 7, 2005 Board of Trustees Meeting.

On roll call, the vote was:

**YES: 6:** Pierce, Larson, Caulfield, Porch, Hanson and Turner

**NO: 0**

**THE MOTION CARRIED**

**MINUTES**

**February 22, 2005** – Trustee Larson made a motion, seconded by Trustee Hanson, to approve the minutes from the *February 22, 2005* meeting with the following corrections:

- On page 6: Add “additional” after of
- On page 7: Add “down” before town
- On page 7: Change “...a penny of it hasn’t been...” to “...not a penny of it has been...”
- On page 8: Change “...she made sure...” to “...she had the Village Attorney make sure...”
- On page 10: Add “which is fairly applied to all” after policy
- On Page 11: Change “\$445,000” to “\$45,000”
- On Page 11: Add, “Engineer Fujihara stated that it always makes sense to create those partnerships.” after the last sentence under Engineering and Senior Services, Other Business

On roll call the vote was:

**YES: 5:** Pierce, Larson, Porch, Hanson and Turner

**NO: 0**

**ABSTAIN: 1:** Caulfield

**THE MOTION CARRIED**

**MAYOR**

**Resolution 05-06** – Clerk Monroe read the resolution.

Trustee Caulfield made a motion, seconded by Trustee Pierce, to approve resolution 05-06, entitled Women’s History Month Resolution. On roll call, the vote was:

**YES: 6:** Pierce, Larson, Caulfield, Porch, Hanson and Turner

**NO: 0**

**THE MOTION CARRIED**

**CITIZENS**

**Jim Keim** – Jim Keim, of 7120 Joy Marie Waterford, WI, made a statement regarding the article in the NewsSun quoting Mayor Maravelas questioning the competence of former Village staff, including Mr. Keim himself, relating to the chemical spill of 2003. He stated that the most frustrating thing for him was Mayor Maravelas’ assertion that he placed his personal life and personal pleasures ahead of his professional duties. He stated that they are frustrating because they are untrue and because the Mayor used this forum to veto a proposal at the expense of former employees. He also stated that Mayor

Maravelas' comments are nothing short of slanderous, as he was in no way responsible for the spill or accused of any wrongdoing. In fact, contrary to Mayor Maravelas' statement, his employment record is unblemished and a source of great pride for him as he continues to represent residents, before the Village Board, on a wide array of development issues.

Mr. Keim stated that it was a difficult decision to come before the Board but that he felt that he had no choice but to defend himself and his business reputation by responding to Mayor Maravelas' improper comments.

**Terry Kloster** – Terry Kloster, of 40 Vandyke, stated that he is addressing the Village Board about safety and the Depot Street Railroad Crossing. He stated that he documented some concerns that he has related to the dangers of constantly malfunctioning railroad crossing such as the Depot Street demon:

- o Since the tracks were doubled on Depot Street false activation has occurred numerous times
- o I have witnessed Antioch police officers holding the gates up and waving drivers through
- o Rail workers have been on location working on the signals countless times
- o Police have been on location with flares
- o I personally called the non-emergency line this past weekend to report this

Mr. Kloster stated that METRA is planning to increase its service to Antioch, which in turn will create increased risk of accidents. He also stated that if the board members were to talk to Police Chief Chuck Fagan, he's sure the police department reports will back up his experiences with this crossing. He asked if it is possible from our village attorney to contact the responsible railroad authorities to address the concerns? He also stated that he doesn't want to see anyone injured and he knows the village board doesn't either.

**Road Improvement Referendum** – Barry Burton, Lake County Administrator, and Marty Buehler, Division of Transportation Director and County Engineer, provided information related to Lake County's Road Improvement Referendum.

After their presentations, Mayor Maravelas stated that Antioch's road problems are at North Avenue and at Deep Lake Road. Mr. Buehler stated that this program is for capacity, widening, intersection and traffic signals; he stated that the sales tax money will not be used for normal road maintenance. Mayor Maravelas asked if he could provide a specific timeframe. Mr. Buehler stated that it will be next year or the year after.

Trustee Pierce stated that he was told it would be 2007. Mr. Buehler explained the computer program and process for determining how and when roads are resurfaced and maintained. He also stated that the computer program might want to move North Avenue back, but that they have locked in the work to ensure it is done by that date.

Trustee Pierce asked if the State is going to take money designated for Lake County and move it to another county, if the referendum is passed, since Lake County will have more money for road improvements. Mr. Buehler stated that it is a commonly asked question and Lake County worked off of the 5-year published program that the State has. He stated that this will be over and above what the state is planning to do.

Trustee Porch stated that the intersection of Route 173 and Route 83 and the intersection of Route 59 and Route 173 were mentioned, but that it is not on the list that was passed out. Mr. Buehler stated that the list doesn't list all of the improvements, since it's too small.

Trustee Pierce asked if the improvements on Route 173 are going to be delayed because of environmental concerns with Lake Antioch. Mr. Buehler stated that the normal highway development process is utilized and that studies are done to determine environmental impacts.

**James Freedman** – James Freedman, of 695 Rembrandt, thanked the Mayor and the Trustees for their time and efforts. He stated that he is one of the concerned citizens and that Antioch's growth has doubled in the time he has been in Antioch and that open communication is essential. He stated that everyone is aware of the unfair extension of the telecommunications tax due to a little known Illinois statute and that it generated a sizable collection of money. He stated that everyone paid the extended tax and the fees imposed by the telecommunications companies. He also stated that he was present at the first reading and he never heard anything about the extension of the telecommunications tax. He stated that the Village Clerk advised him that the refund was given to the Village and placed in the general fund. He stated he has not seen any communication regarding the collection or distribution of the money. He stated that he would like to know how much was collected, why it was placed in the general fund and if the residents are going to have any say in what is done with the money. He stated that he is under the impression that all citizens deserve an answer that would clear this answer for everyone. He also stated that he asked that the information regarding the tax, which was on the Internet, also be in the Newsletter and that it didn't occur until September.

Mr. Freedman stated that he is present tonight because he feels communications have been lacking in letting citizens know what is going on. He stated that things appear in the paper that sometimes even the Board members are not aware of.

**Bruce Gebert** – Bruce Gebert stated that leadership and tough decisions are hard to come by, especially close to an election. He stated that it is when leadership shines through; Mary Turner, Barbara Porch, Dorothy Larson and Scott Pierce are the leaders doing the right thing. He stated that he understands the displeasure for the Silver Lake residents but what is best for all Antioch residents must be done. He stated that much research and many meetings have been held to deliver the best project to the residents, to protect the lake and to hold Menards to a higher standard. He stated that the four Trustees have done that and that most, if not all, of the concerns that were asked for have been met. He stated that these are the types of leaders that he wants to look over his interests.

Mr. Gebert stated that he was very disappointed to read the statements from Trustee Hanson. He asked how low Trustee Hanson would stoop to bad mouth a company to defeat a project. He stated that the Mayor's veto confuses him since the project won't begin until the improvements are completed. He also stated that 4 of the 6 Trustees voted and want the Menards project. He stated that it makes him wonder if the members of his slate didn't agree with him if he would shun them and take his ball and go home. He stated that in government you can't always have your own way and that the majority rules. He stated that he is proud of the four Trustees making a tough decision at a tough time. He stated that he looks to the Mayor to bring Antioch residents together and that his recent statements concerning credit for the Route 83 grant puzzle him. He stated that he should accept the help and appreciate it. He also stated that a simple thank you to all involved was all that was needed to be said.

Mr. Gebert stated that he was told that two things always get a politician, ego or greed. He stated that after reading the statement about the Mayor winning election by a wide margin, he is still trying to determine which applies to the Mayor.

**Scott Frillman** – Scott Frillman, of 588 Meridian, provided information to Engineer Fujihara that he researched. He stated that concerning development that the community needs to think out of the box and long term. He stated that rather than fighting battles on an individual basis, strategies, philosophies and frame works should be in development that can be applied to all development. He stated that with the proper framework, the Village can be both pro-development and pro-environment. He stated that he has spent much time researching environmental controls and has looked at developments in the Village and has seen multiple violations. He made recommendations for improvements that could be made at the developments and stated that the methods being used are outdated. He suggested looking online for new products that can help both the municipality and the developer work together to face the challenges. He stated that the Village can and must do better.

Mr. Frillman stated that Trustee Pierce knocked on his door, asking for his support and stated that his party is in favor of lively debate. Mr. Frillman challenged Trustee Pierce to make a motion that any further

motion related to Menards be null and void unless approved by a unanimous vote, to prove that the slate is unifiers not dividers. He stated that way everyone will be able to celebrate the credit and take any blame.

**Liz Schmehl** – Liz Schmehl, of 2 E. Vandermeer Drive, stated that she is basing her comments on the veto that Mayor Maravelas sent out. She stated that she wants to ask the Trustees why the rush? She asked the Trustees if there is a chance that they will change their vote.

**Alan Evans** – Alan Evans, of 955 Heather Glen, provided information about his experience with Menards when he lived in Mr. Prospect. He introduced Richard Benson, a neighbor in Mt. Prospect.

**Richard Benson** – Richard Benson, of 220 Autumn Mt. Prospect, IL, stated that he lives directly behind the Menards in Mt. Prospect and gave a history of the issues that occurred with Menards. He left a copy of a log of the issues, newspaper articles and correspondence from the Village, the Homeowners Association and lawyers.

Mr. Evans stated that he thanked his neighbor from Mt. Prospect for providing the information and asked that the Trustees wait on this until they have time to review the information.

### **PLANNING, ZONING AND BUILDING**

**Reconsideration of Ordinance 05-02-01** – Trustee Turner made a motion to reconsider An Ordinance Approving B-2 and OS Zoning and a Preliminary Plan for a Special Use for Phase Two of a Planned Unit Development for Retail Shopping on the North Side of Illinois Route 173, One-Quarter Mile West of Deep Lake Road (PIN 02-16-200-006, -007, & -009) FILE NO. PZB 04-18 passed on Monday, February 7, 2005. Trustee Pierce seconded the motion. On roll call, the vote was:

**YES: 6:** Pierce, Larson, Caulfield, Porch, Hanson and Turner

**NO: 0**

### **THE MOTION CARRIED**

**Override Veto of Ordinance 05-02-01** – Trustee Turner read the following statement:

*Sometimes circumstances arise that require an action which some may view as controversial and others may view as the proper thing to. This override motion is one that I believe is the right thing to do for the Village of Antioch. Sometimes you stand alone with an opinion, and sometimes there are many that support your opinion. But my guidance here is based upon FACTS which require me to do what I truly believe is right for the Citizens of Antioch.*

*The Mayor's veto message was so filled with inaccuracies, so laden with personal disparagement, so over-embellished, so deceptive in its intent and effect that I feel obligated to respond with some explanation so that, at a minimum, the permanent record of our proceedings on this matter will contain relevant FACTS which require the Trustees of this Board to give serious consideration to once again pass the ordinance.*

*First and foremost, the Menards' petition went through every step of every process of review that this Village has followed for decades. At the combined Planning and Zoning Board hearings on this petition, all public comments were received, all professional consultants' reports pertaining to traffic, engineering, Stormwater management, environmental protection, sewer and water access and other planning issues were received, considered and incorporated into the ordinance which we reconsider tonight. The Planning and Zoning Board, MOST of whom were appointed by THIS MAYOR, overwhelmingly approved and favorably recommended this Menard's plan to the Village Board.*

*I remind you that the ordinance being reconsidered is only an ordinance granting "PRELIMINARY PLAN APPROVAL". The actual construction of the Menards can not, and will not take place until FINAL plans, including final engineering is approved by our engineers and building permit applications are approved by our building officials. SECTION 5 of the ordinance we reconsider tonight states that no final plat, and therefore no permits to build, will be issued until and unless the "final sanitary sewer and final roadway*

improvements are installed and approved.” Therefore, NO CONSTRUCTION PERMIT CAN OR WILL BE ISSUED until the sewer that has been planned for that site is installed and operational. Not a spade of dirt can be turned unless the sewer is in.

I remind you that THIS MAYOR personally approved and VOTED FOR a series of ordinances in 2003 which contemplated and authorized this very sewer extension for this site and the Wal-Mart site and HE also personally approved and VOTED FOR a recapture ordinance which requires the developer to install the entire sewer and then recapture only a portion of the money properly due from future users which may connect to it. (See ordinance 03-01-06). THIS MAYOR states in his veto message that the recapture agreement should be in place before this action. If the developer never comes forth with an agreement which is both lawful under the State Statutes AND which the Village agrees to, the developer will never see a nickel of recapture.

There is nothing, I repeat, nothing unusual or improper in following through on an approved sewer plan which has been on the books for almost two years. Now THIS MAYOR makes it controversial?

I also remind you that THIS MAYOR approved and VOTED FOR an annexation agreement and an amendment of the Village’s Comprehensive Plan which specially stated that the Menard’s site would be the subject of a commercial use rezoning petition when the owner chose to file such a petition (See Ordinances 03-01-01-Comp Plan and Ordinance 03-01-02-Annex Agreement).

Also planned and required is the widening of Route 173 to HAVE MORE TRAFFIC AND TURNING LANES along this commercial property location – lanes which WILL bring relief and safety to the congestion issues at this location. I, like everyone else, would like to have seen these road improvements yesterday, but the developer is going to pay for these improvements and until he is sure that the project is approved, he is not going to spend the money. THIS MAYOR plays on the fears of the public when he knows full well that these needed highway improvements will be completed before Menards is permitted to make its first sale.

THIS MAYOR deceitfully writes of “piles of mud” along the Wal-Mart site “with no end in sight” when he knows full well that these “piles”, as HE chooses to call them, are actually the required berming, landscaping and screening plan for this site – a plan to be completed this year when the weather permits.

NOW, MOST IMPORTANTLY, I ADDRESS THE ENVIRONMENTAL ISSUES WHICH THIS MAYOR RAISES WITHOUT FOUNDATION AND BY TORTURING THE TRUTH.

All soil and erosion control measures will meet or exceed those required by Lake County’s stormwater management ordinance. All construction of the Stormwater Pollution Control Facilities will be regularly and frequently inspected for compliance, both during construction and during operation. The ordinance we reconsider tonight provides for ADDITIONAL controls to prevent stormwater pollution. The Stormwater Pollution Prevention Plan submitted by the developer as reviewed, modified and approved by our professional consultants require additional controls which never before have been required of development in Antioch, Lake County or the State of Illinois.

THIS MAYOR intends to create only heat and give no light to the efforts of this Board by his statement that the Illinois Department of Natural Resources has not expressed “complete” confidence in the management plan required by this ordinance. I believe that even THIS MAYOR has to acknowledge that IDNR has expressed confidence in this plan. No State Agency has or ever will guarantee perfection in any plan. They can’t and they won’t. We should also be mindful that the continuing scrutiny of BOTH the construction and the operations of the Stormwater Pollution Prevention Facilities by the Illinois Environmental Protection Agency, the Village’s engineers and code enforcement officials plus our area’s environmental activists will add further assurance toward the prevention of adverse impact to Little Silver Lake.

I would also like to comment that this completed project will add millions of badly needed dollars to our schools without adding one child to educate. I believe that this is an important consideration in struggling

*with the question of what is good for Antioch. The Menards, when completed will add approximately \$343,000 every year in school tax revenue alone. When combined with the full taxable value of the Wal-Mart the total school tax revenue will be almost \$750,000 every year to our schools.*

*Furthermore, it is anticipated that Menards will add \$500,000 per year in Sales Tax Revenue to the Village. When combined with the anticipated sales tax of Wal-Mart, over \$1,000,000 per year of additional revenue will come to Antioch. Revenue which will add to our Downtown Enhancement, add to our parks and recreational facilities, add to our public services, add to our police and fire protection, add to our street and sidewalk maintenance programs, add to our ability to meet other increasing demands on local government. I feel duty-bound to look beyond the Mayor's self-serving statements and transparent efforts to politicize something which requires more serious consideration than THIS MAYOR is willing to give it.*

*Finally, I struggled with whether or not to dignify the bald-faced political accusations and bordering-on-slandering statements that THIS MAYOR chose to put into his veto message. I concluded that I cannot ignore these falsities and deceptions which are grounded in his political campaigning. He does not care whose reputation he hurts, whose dignity he impugns and whom he deceives, so long as he can gain political advantage by these methods.*

*I have never, never, acted in any manner to "lock in" a development because of an approaching election. There is absolutely nothing different or unusual about the process or the timing of the Menards request. As a matter of fact it was THIS MAYOR'S refusal to place this matter on the Board agenda weeks earlier which forced this action much closer to the election. Coincidence or design? I know how I feel about it. I believe both the Antioch community as well as the petitioner have a right to know the final decision – NOW – without being arbitrarily delayed and played by pure political gamesmanship. This Menards has been through our lengthy processes, it has been held to a higher standard than any previous development, it will not build or open for business until all required improvements are installed and operational and it will be monitored like no other development before it.*

*At some point in this process there comes the time to put finality to it, one way or the other. The public has a right to know the outcome and so does Menards. This is that time. For the reasons I stated I ask that the Trustees override THIS MAYOR'S veto by once again passing the ordinance.*

*Thank you*

Trustee Turner made a motion to pass An Ordinance Approving B-2 and OS Zoning and a Preliminary Plan for a Special Use for Phase Two of a Planned Unit Development for Retail Shopping on the North Side of Illinois Route 173, One-Quarter Mile West of Deep Lake Road (PIN 02-16-200-006, -007, & -009) FILE NO. PZB 04-18, as originally passed on February 7, 2005 notwithstanding the Mayor's refusal to approve it and hereby overriding his veto. Trustee Porch seconded the motion.

Trustee Hanson stated that Mayor Marvelas, in his veto, was talking about creating an agreement that is different than the agreement that Trustee Turner was referring to. He stated that the Mayor's agreement would recapture a portion of the money spent obtaining the easements. He asked if the Mayor's agreement, which Mr. Barrett verbally agreed to, could be a part of the reconsideration.

Trustee Turner stated that the annexation agreement for Phase 1 and Phase 2 states that the Village will acquire all of the easements and the developer will put in the sewer line. She stated that it also states that the easements will be acquired or filed for condemnation by February 14, 2004; she stated that the Village is not in compliance. She stated that the easements were just obtained two weeks ago so the Village didn't hold up our end of the bargain.

Trustee Turner also stated that Administrator Probst went to the developer and informed him that the easements were costing the Village more than expected and asked if the developer would help the village out with some of the recapture. The developer said he would give the Village 25% but by law he didn't have to do that. Trustee Turner stated that she asked the developer why he did it and he said because

he has a reputation as a good developer and he wants to keep that reputation. She also stated that the Village asked the developer to help pay for a portion of the Sequoit Creek Study, which he agreed to. She stated that the developer has said yes to everything the Village asked for and there isn't another development like this one and that engineers all over Lake County are talking about it. She stated that this is a wonderful thing and that anything can be improved upon, but that Antioch is moving forward and being proactive. She stated that if the Village drags their feet, then the Village will end up in court. She reminded everyone that a little over a million dollars was spent in litigation for Neumann Homes. She stated that the Village has been diligent in trying to come up with the best plan and she feels that has been accomplished, as does the Board.

Mayor Maravelas thanked Trustee Turner and thanked her for reminding the Board and the residents that she wasn't on the Board when the dealings with GLP started. He stated that if you go back in the minutes, you will see that he did not make any deals with GLP, Wal-Mart or Menards. He stated that he made a statement that they were welcome but that they would pay their own way and that they shouldn't cost the Village anything. He stated that the Administrator, Engineer and Attorney that were on staff at the time, as well as the Board, missed all of that and they got away with it. He stated that when the new attorney started that he was advised by the attorney to recapture the easement money, which were purchased with taxpayer money.

Trustee Turner asked why the Village opted to get the easements rather than putting in the sewer line. She stated that if the Village put the sewer line in then they would have been entitled to all of the recapture. Mayor Maravelas stated that it was because the Board was in a hurry to put them in. Trustee Turner stated that Mayor Maravelas voted for this.

Trustee Hanson stated that the Board members were under the impression that the easements were already in place and wasn't until further research was done that it was discovered that the original easements were only for water. He stated that if the foresight would have been there to call it a utility easement the first time around none of this would be happening.

Trustee Hanson also stated that IDNR wanted the parcel as one unit. Attorney Long stated that it was the Army Corp of Engineers that wanted the parcel as one unit; otherwise they would have lost jurisdiction over the whole parcel. Trustee Hanson stated that based on the Neumann piece and the way the Comprehensive Plan read that it was a maximum of 30 acres. He stated that they were not forced to come in with two phases; GLP opted to come in with two phases. Director of Planning, Zoning and Building Silhan stated that his understanding was that GLP did it because of acquisition of property.

Trustee Porch asked Mr. Barrett, of GLP, if he will honor the verbal recapture agreement that he discussed with Administrator Probst. Mr. Barrett stated that he had discussions with Administrator Probst but has not had any follow-up through written correspondence. Trustee Porch asked if the follow-up is provided if he will honor it. Mr. Barrett stated absolutely.

Trustee Pierce asked what law firm was representing the Village when the agreements, which are being argued over, were put in place. Trustee Turner responded Long, Pinsel and Daniels. Trustee Pierce asked who is representing the Village now. Trustee Turner responded Long, Pinsel and Daniels.

Trustee Pierce stated that there was a line in the veto that if something had been written a little bit different to provide permanency to the recapture and the annexation that there wouldn't be a problem with this. He stated that no one advised the Board of this, except in the veto message. He asked the two members of the Board to join with the others and vote positively for this, since Mr. Barrett stated for the record that GLP will follow the recapture agreement.

Trustee Caulfield stated that he will vote against this because of the timing issues. He stated that it is a very simple issue and that the decision doesn't have to be made now, there is plenty of time to address the questions and concerns. Trustee Caulfield stated that he just heard Trustee Pierce question some of the advice he has received to make his decisions. He also stated that if you give someone the okay to

move ahead before satisfactorily completing what is already in the works, it sends a bad message and puts the Village on the wrong side of the table for negotiating.

On roll call, the vote was:

**YES: 4:** Pierce, Larson, Porch and Turner

**NO: 2:** Caulfield and Hanson

**THE MOTION CARRIED**

**Purchase of Building Department Permit Management Software** – Trustee Turner stated that this item will be tabled until the next Board Meeting.

**Other Business** – Trustee Turner stated that the Zoning Map is now available on the Village web site.

### **INDUSTRIAL, RETAIL, REDEVELOPMENT, CIVIC AND COMMUNICATIONS**

**Sales Tax Revenue for Downtown Redevelopment Resolution** – Trustee Porch made a motion, seconded by Trustee Pierce, to table this item until the next Board Meeting. On roll call, the vote was:

**YES: 6:** Pierce, Larson, Caulfield, Porch, Hanson and Turner

**NO: 0**

**THE MOTION CARRIED**

**TIF Audit Conclusion** – Trustee Porch asked if the requested 10-year audit has been completed. Trustee Caulfield referred to the memo in the agenda packet from Administrator Probst regarding the TIF Audit. Trustee Porch stated that it doesn't answer her question. Trustee Caulfield stated that this issue relates to a records issue and has caused some complications. He stated that in 2001 a motion was made related to the audit and it was completed. He stated that actually the report was completed and filed but the issue with the audit is poor records from TIF, so there is no conclusive definition of where the TIF is. Trustee Porch asked if an auditor did the audit. Trustee Caulfield said no.

### **FINANCE AND ADMINISTRATOR**

**Fiscal Year 02/03 Audit** – Trustee Caulfield made a motion to accept into record the FY 02/03 audit. Trustee Hanson seconded the motion.

Trustee Porch stated that she would rather acknowledge that the audit was received. She asked if anyone from the auditing firm is present to ask questions of.

Trustee Caulfield stated that the motion was to accept it into the record. Trustee Porch stated that is accepting it as an audit. Trustee Caulfield stated that it is being accepted into the record. Trustee Porch stated that she is going to vote no because she would rather acknowledge it and review it at a later meeting. Trustee Caulfield stated that the review of the audit was on the agenda for the last finance committee meeting and since relatively few attended that he would be open to having another meeting to review it.

Trustee Pierce asked if that meant that this would be tabled until the next meeting.

Trustee Caulfield stated that he doesn't see the reason to not accept it into the record; it is part of agenda packet.

Trustee Pierce stated that he feels it is incomplete since there is no management statement. He stated that every other audit has had a management statement. Trustee Pierce stated that all this says is that they audited the Village, that it fairly represents the Village's position and that the financial statements are the responsibility of the Village's management.

Finance Director Steele stated that this is the standard format, created by national standards, for an audit, which has to be followed when doing a report. She stated that Trustee Pierce is referring to the auditor's comment, where the auditor discusses the management of the management. She stated that these



issues were written up for 02/03 as well as a 72 discrepancies from another firm. She stated that those discussion points are not officially included in an audit.

Trustee Pierce stated that he is not a CPA and didn't go to school to learn finances but there is nothing denoting the deficiencies, which makes it an incomplete audit. Director Steele stated that it may be his opinion that it doesn't meet everything that he is looking for but that if it was submitted to the Illinois CPA Society or the American Society of Certified Public Accountants they would consider it a complete audit. She stated that she understands he is looking for more information and she would be happy to provide copies of the comments prepared for the audit as well as the report with the 72 discrepancies. Trustee Pierce stated that he is not sure why Director Steele keeps bringing up the report with the 72 discrepancies since it was not a part of the audit process. He stated that he would prefer that the comments be added and then accept it into the record as a complete item. She stated that as it stands it is a complete audit but that they can add it for the Village's records.

Trustee Caulfield stated that he is running for reelection and that most of the items under his committee are subject to question until after April 5, 2005. He stated that the majority of the Board has shown that the finance associations that Director Steele refers to do not influence them.

On roll call, the vote was:

**YES: 2:** Caulfield and Hanson

**NO: 4:** Pierce, Larson, Porch and Turner

**THE MOTION FAILED**

**Senior Center Automatic Doors** – Trustee Caulfield verified that the seniors have authorized this. Administrator Probst stated that is correct. Trustee Caulfield made a motion to authorize the expenditure of \$5700.00 for automatic doors for the Senior Center. Trustee Hanson seconded the motion.

Trustee Porch stated that she spoke with Senior Center Coordinator Howard and that the amount is not \$5700.00, it is actually \$2700.00.

Trustee Hanson amended his second and Trustee Caulfield amended his motion for the \$2700.00. On roll call, the vote was:

**YES: 6:** Pierce, Larson, Caulfield, Porch, Hanson and Turner

**NO: 0**

**THE MOTION CARRIED**

**Invoices Over \$10,000** – Trustee Caulfield made a motion, seconded by Trustee Hanson, to authorize a payment to Blue Cross Blue Shield, in the amount of \$64,101.79, for March Health Insurance. On roll call, the vote was:

**YES: 6:** Pierce, Larson, Caulfield, Porch, Hanson and Turner

**NO: 0**

**THE MOTION CARRIED**

**Accounts Payable** – Trustee Caulfield made a motion to approve the accounts payable, dated March 3, 2005, in the amount of \$141,444.23, as prepared by Village staff. Trustee Hanson seconded the motion.

Trustee Caulfield stated that the new format allows for the report to be printed without having to print the checks.

On roll call, the vote was:

**YES: 6:** Pierce, Larson, Caulfield, Porch, Hanson and Turner

**NO: 0**

**THE MOTION CARRIED**

**Manual Checks** – Trustee Caulfield made a motion to approve manual checks written to date in the amount of \$36,944.91. Trustee Hanson seconded the motion.

Trustee Pierce asked about the payment to Mahr Management. Director Steele explained that an owner of a property along Route 83 was required to pay for recapture when in fact the previous owner had paid the recapture. She stated that as a result this property owner is being reimbursed.

Trustee Larson asked if the two checks for David Taussig & Associates are for the SSA. Administrator Probst stated that they are. Trustee Larson asked if they are paid from the SSA. Attorney Long stated that they are.

On roll call, the vote was:

**YES: 6:** Pierce, Larson, Caulfield, Porch, Hanson and Turner

**NO: 0**

**THE MOTION CARRIED**

**Payroll** – Trustee Caulfield made a motion to approve payroll in the amount of \$206,973.32 for February 25, 2005. Trustee Turner seconded the motion.

Trustee Pierce asked for the annualized amount for payroll. Director Steele stated that it is approximately \$200,000.00 multiplied by 26 times a year.

On roll call, the vote was:

**YES: 6:** Pierce, Larson, Caulfield, Porch, Hanson and Turner

**NO: 0**

**THE MOTION CARRIED**

**Escrow Invoices** – Trustee Caulfield made a motion, seconded by Trustee Hanson, to accept the escrow, in amount of \$575.75, into record. On roll call, the vote was:

**YES: 6:** Pierce, Larson, Caulfield, Porch, Hanson and Turner

**NO: 0**

**THE MOTION CARRIED**

**Background Check Policy** – Administrator Probst stated that at the last meeting he was asked to write a policy. He stated that he wrote the policy provided in the agenda, with minor revisions from the Village Attorney.

Trustee Caulfield made a motion, seconded by Trustee Hanson, to accept the policy. On roll call, the vote was:

**YES: 6:** Pierce, Larson, Caulfield, Porch, Hanson and Turner

**NO: 0**

**THE MOTION CARRIED**

**Local Telephone Service** – Trustee Caulfield made a motion, seconded by Trustee Pierce, to accept the recommendation of SBC as the local telephone service provider.

Administrator Probst added that SBC might be able to provide better prices on long distance as well and that they will be providing numbers. He also stated that after the Board directed staff to look into other providers, Sprint wasn't able to provide service in this area and MCI never provided any bid and that AT&T's prices were almost triple the SBC price.

Administrator Probst stated that the SBC contract was reduced to a three-year term and with lower rates.

On roll call, the vote was:

**YES: 6:** Pierce, Larson, Caulfield, Porch, Hanson and Turner

**NO: 0**

## **THE MOTION CARRIED**

**Other Business** – Trustee Caulfield stated that at the last committee meeting the audits were discussed and that he anticipates bringing the FY 03/04 audit at the next meeting.

**Other Business** – Trustee Caulfield stated that budget workshop meetings will be scheduled.

**Other Business** – Trustee Larson asked why Manning Silverman has not been paid for their work. Director Steele stated that they did a lot of good work and they were paid a lot of money for the work. Director Steele stated that there is some work that is being disputed and should be resolved once the audit is done.

Trustee Larson asked that Director Steele keep the Trustees updated on this issue.

**Other Business** – Trustee Porch stated that the utility tax was on the last agenda and stated that she has three outstanding questions.

1. How much money was collected?
2. How much was obligated for the loan and the interest of the loan?
3. What is the difference between what was collected and what was paid for the loan?

Director Steele stated that 2.363 million dollars was collected and that 1.767 million was paid out. She stated that approximately \$600,000.00 remaining. She stated that she checked with the auditor and a debt service fund was created for the collected utility tax and that is where the money currently is. She stated that she also checked with the auditor and since the money was collected for a debt service it must be used for a debt service.

Trustee Porch stated that they were provided with a memo dated February 17, 2005, which stated that "...Note payable and to balance the general and special revenue program expenditures." She stated that it made it sound as though there were more expenditures, rather than simply repaying the note. Director Steele stated that she was trying to interpret what the Village had adopted in the budget; the budget document has a note, which says that quite a bit will be used for a transfer. She stated that she verified with the auditor and the remaining amount can be used for future debt service.

Trustee Porch verified that the money has not been used for anything other than repaying the Dolly Spiering Loan. Director Steele stated that is correct.

Trustee Pierce asked if the debt service fund is in a separate bank account or if it is in the general fund but accounted for. Director Steele stated that it is a part of the general cash, so some is specified and some is co-mingled.

Trustee Porch asked to get the numbers that were mentioned previously in writing.

## **PUBLIC SAFETY, PUBLIC WORKS AND UTILITIES**

**Dump Truck Recommendation** – Trustee Hanson stated at the last meeting he asked if there was a consensus from the Board to extend the bid price and there was, so he had Public Works Superintendent Smith get an extension on the bid price. He then made a motion to approve the purchase of the Dump Truck for 78,499.00. Trustee Pierce seconded the motion.

Trustee Porch asked if the motion was to purchase with no cash payment until the truck is ready for delivery.

Trustee Hanson stated that the motion is to approve the purchase and that the truck won't be ready for about 6 months. He also stated that there will be a need to purchase additional trucks in the future as replacements.

Trustee Larson stated that according to Director Steele's letter the Village won't have the money to purchase this until June. Director Steele stated that her recommendation is to smooth the expense out and that the Village does have the cash but it would be safer to wait until June when there would be more cash on hand.

Trustee Caulfield stated that for the record, he wanted to indicate that he didn't read in the letter that the Village doesn't have the money, just that it would be better to wait.

Trustee Pierce read from the memo "...the Village will have an adequate cash flow to cover the purchase of the vehicle in June."

On roll call, the vote was:

**YES: 6:** Pierce, Larson, Caulfield, Porch, Hanson and Turner

**NO: 0**

**THE MOTION CARRIED**

**Other Business** – Trustee Porch asked if Trustee Hanson wants to address the train safety questions brought up.

Trustee Hanson stated that he thought it automatic that it be dealt with but that he would turn it over to Administrator Probst to discuss it.

Administrator Probst stated that he has been working with Canadian National and that any time there is a police report that he faxes it to Canadian National. He stated truth be known that Canadian National isn't exactly sure what is occurring. He stated that he will provide the information received tonight to Canadian National and will set up a meeting with them.

Trustee Porch asked that Attorney Long be present at that meeting.

Trustee Caulfield suggested working with the appropriate state and federal agencies since the contacts and Canadian National don't seem to be able to fix the problem. Attorney Long suggested getting METRA representatives involved as well.

Trustee Caulfield asked that something be done to warn citizens.

#### **PARKS AND LICENSE**

**Raffle License** – Trustee Larson made a motion to issue a raffle license to Antioch Youth Little League, with clarification for the dates of the raffle. Trustee Pierce seconded the motion. On roll call, the vote was:

**YES: 6:** Pierce, Larson, Caulfield, Porch, Hanson and Turner

**NO: 0**

**THE MOTION CARRIED**

#### **ENGINEERING AND SENIOR SERVICES**

**Sequoit Creek Clean-up Update** – Trustee Pierce stated that this item would be tabled to another meeting.

**Other Business** – Trustee Pierce stated that the Senior Center is having a St. Patrick's Day party on March 15, 2005 and everyone is welcome to attend.

**Other Business** – Trustee Pierce asked Clerk Monroe to call, the next morning, about the agenda being in PDF format on the Village web site.

**Other Business** – Trustee Pierce stated that there was a transportation meeting last week and there was a desire to include a community needs assessment in the next newsletter. He stated that there were

township representatives present and they will be taking it back to their Board to get approval for half of the postage cost for the next newsletter so that it can be sent to Village and Township residents.

**ATTORNEY**

**Building Code Ordinance** – Attorney Long stated that the ordinance is long and technical and simply meant to modernize the codes and bring them up to the minimum standards required by the State. He asked Director Silhan if the ordinance is ready for the final passage. Director Silhan stated that they are not and asked that they be on the agenda for the next meeting.

Attorney Long suggested making a motion to waive the first reading. Trustee Pierce made a motion to waive the first reading of the ordinance. Trustee Porch seconded the motion. On roll call, the vote was:

**YES: 6:** Pierce, Larson, Caulfield, Porch, Hanson and Turner

**NO: 0**

**THE MOTION CARRIED**

**Executive Session Minutes Resolution** – Attorney Long stated that the resolution was intended to release the minutes but it was put together backwards, so it says that they were not being released.

Trustee Porch stated that it can be reworded but that she would like to discuss the minutes in executive session first.

Trustee Caulfield asked for clarification of the minutes. Attorney Long stated that there are minutes from an executive session back in July of 2004 and at the last meeting Trustee Porch asked that they be on the agenda for release. He stated that before they can be release they have to be approved in executive session.

**Executive Session** – A motion was made by Trustee Pierce for the Mayor and the Board of Trustees to move into executive session, at 9:50 pm. Trustee Hanson seconded the motion. On roll call, the vote was:

**YES: 6:** Pierce, Larson, Caulfield, Porch, Hanson and Turner

**NO: 0**

**THE MOTION CARRIED**

**Return** – Trustee Porch made a motion for the Mayor and the Board of Trustees to return from Executive Session to the open meeting at 10:59 pm, with no action having been taken. Trustee Hanson seconded the motion. On roll call, the vote was:

**YES: 6:** Pierce, Larson, Caulfield, Porch, Hanson and Turner

**NO: 0**

**THE MOTION CARRIED**

**ADJOURNMENT**

A motion was made by Trustee Hanson and seconded by Trustee Porch to adjourn the regular meeting of the Board of Trustees at 11:00 pm.

Respectfully submitted,

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Amy S. Monroe, Village Clerk

03/07/05