

**VILLAGE OF ANTIOCH
BOARD OF TRUSTEES, REGULAR MEETING
Municipal Building: 874 Main Street, Antioch, IL
May 16, 2005**

CALL TO ORDER

Mayor Larson 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

Following the Pledge of Allegiance, roll call indicated the following Trustees were present: Hanson, McCarty, Caulfield, Pierce, Porch and Turner. Also present were Mayor Larson, Attorney Magna and Clerk Rowe.

APPROVE BALANCE OF AGENDA

Trustee Pierce moved, seconded by Trustee Porch to approve the balance of the May 16, 2005 agenda as presented. Upon roll call, the vote was:

YES: 6: Hanson, McCarty, Caulfield, Pierce, Porch and Turner.

NO: 0.

THE MOTION CARRIED.

MAY 2, 2005 MINUTES

Trustee Porch moved, seconded by Trustee Turner to approve the minutes from the May 2, 2005 regular meeting as presented. Upon roll call, the vote was:

YES: 6: Hanson, McCarty, Caulfield, Pierce, Porch and Turner.

NO: 0.

THE MOTION CARRIED.

Clerk Rowe said that draft minutes would be placed in the Board's mail slots by Wednesday following the meeting. She asked the board review the minutes and let her know if there are any changes to be made. If the change is something more than a typographical error, she will re-listen to the recording and will follow up with the board member who would like the change made.

PETITIONS/BIDS

There were no petitions or bids on the agenda for consideration.

MAYOR

2004 Antioch Queen Photo Presentation – Parks and Recreation Director Laurie Stahl, along with Miss Antioch Holly Feric and Little Miss Antioch Amanda England presented Mayor Larson with the Antioch Queen Portrait to be displayed in Village Hall. Laurie Stahl said Warren Michael Photography donated the photo and Suzanne's Picture Framing donated the frame.

Appointments – Mayor Larson distributed copies of the standing committee appointments along with a description regarding the two newly formed committees, Legislative and Human Resources Committee and Delinquent Accounts committee.

Clerk Rowe read aloud the following outlines concerning the new committees:

Legislative and Human Resources Committee:

This committee will work with staff to craft appropriate legislative input into new or revised ordinances for submittal to the Village Attorney for drafting. This committee will also assist the Village Administrator with various draft legislation to revise and maintain all policies and ordinances as they relate to Human Resources.

Delinquent Accounts Committee:

This committee will work with the Village Administrator to assure that the required development escrow accounts are established and maintained at the appropriate level of resources to secure the uninterrupted village staff, consultant, inspection and engineering support. Also the committee will investigate delinquencies in the Enterprise Billing account, Development Escrow account and any other delinquent revenues due the Village and advise the Corporate Authority as the appropriate actions.

Standing Committee Appointments – Trustee Turner moved, seconded by Trustee Porch to direct the village attorney to prepare the draft ordinance amending Title 1, Chapter 4, Section 1-4-5 of the Village Code to add a Legislative and Human Resources Committee and a Delinquent Account Committee to the Standing Committee of the Village.

Comments – Trustee Hanson

Trustee Hanson asked why one member sitting on the Board is not chairing any committee.

Mayor Larson

Mayor Larson replied that she spoke with Trustee Caulfield and he is willing to be a village representative on the FOP negotiating contract. She also said she would like to try the standing committees for at least 6 months and will re-evaluate it at that time. She would like to have the trustees know what the different committees are and to be involved in them at some point. She went on to say that she doesn't know that we will have Trustees sitting on a committee for two years or four years. She would like to move the Trustees around so they are familiar with everything.

Upon roll call, the vote was:

YES: 6: Hanson, McCarty, Caulfield, Pierce, Porch and Turner.

NO: 0.

THE MOTION CARRIED.

Mayor Larson – Mayor Larson read aloud the following standing committees:

PLANNING, ZONING AND BUILDING, SENIOR SERVICES

Chairman: Trustee Mary Turner

Members: Trustee Barbara Porch
Trustee Bob McCarty

ENGINEERING, PUBLIC WORKS AND UTILITIES

Chairman: Trustee Scott Pierce

Members: Trustee Barbara Porch
Trustee Bob McCarty

FINANCE, ECONOMIC AND REDEVELOPMENT

Chairman: Trustee Barbara Porch

Members: Trustee Mary Turner
Trustee Larry Hanson

PUBLIC SAFETY, PARKS AND LICENSE

Chairman: Trustee Bob McCarty

Members: Trustee Scott Pierce
Trustee Bob Caulfield

LEGISLATIVE AND HUMAN RESOURCES

Chairman: Trustee Scott Pierce

Members: Trustee Barbara Porch
Trustee Mary Turner

DELINQUENT ESCROW ACCOUNTS

Chairman: Trustee Larry Hanson

Members: Trustee Bob Caulfield
Trustee Bob McCarty

Village Representatives on FOP Negotiating Contract – Trustee Pierce moved, seconded by Trustee McCarty to confirm the mayors appointment of Michael Haley, Village Administrator, Rudy Magna, Village Attorney, Police Chief Chuck Fagan and Village Trustee Bob Caulfield to be village representatives regarding the FOP Negotiating Contract. Upon roll call, the vote was:

YES: 5: Hanson, McCarty, Pierce, Porch and Turner.

NO: 0.

ABSTAIN: 1: Caulfield.

THE MOTION CARRIED.

Village / Township Combined Park Committee – Trustee Turner moved, seconded by Trustee Pierce to confirm the mayors appointment of Trustee Bob McCarty and Trustee Scott Pierce as regular members with Trustee Barbara Porch being appointed the alternate member on the Village/Township Combined Park Committee. Upon roll call, the vote was:

YES: 6: Hanson, McCarty, Caulfield, Pierce, Porch and Turner.

NO: 0.

THE MOTION CARRIED.

CLERK

Household Chemical Waste Collection dates - Clerk Rowe announced the SWALCO Household Chemical Waste collection dates for the month of June. On June 4 the collection will be held at the CLC parking lot #6 and on June 25 at the Deerfield High School. Collection times for both events are 8:00 AM to 2:30 PM.

July 4, 2005 Parade Resolution – Trustee Porch moved, seconded by Trustee Hanson to approve **Resolution 05-10**, concerning the 2005 July 4th Parade as presented. The parade will be held on July 4, 2005 at 10:00 AM. Upon roll call, the vote was:

YES: 6: Hanson, McCarty, Caulfield, Pierce, Porch and Turner.

NO: 0.

THE MOTION CARRIED.

ADMINISTRATOR

Administrator Haley discussed the corporate authority resolutions that are in the agenda packets that are from both the State Bank of the Lakes and First National Bank of Antioch Employee Owned regarding accounts that we have at those institutions. He said that Attorney Magna advised him that we would need one motion for each financial institution. Administrator Haley asked for two motions approving the resolutions and authorizing the Mayor to sign each.

Corporate Authority Resolution – Trustee Pierce moved, seconded by Trustee McCarty to approve **Resolution 05-11**, entitled Corporate Authority Resolution regarding the authorized signers on the bank accounts held at the State Bank of the Lakes.

Comment – Trustee Caulfield

Trustee Caulfield asked Attorney Magna if there was language in the resolutions to have board approval before transferring funds.

Attorney Magna

Attorney Magna discussed where in the resolution it addresses two signatures required for checks, drafts or other withdrawal orders issued against the funds. He also discussed the paragraph where it states that two of the signatories are authorized to borrow money for and on behalf of the name of the corporation. He said the board may wish to put a limitation on that section of the resolution.

Administrator Haley

Administrator Haley said the banks drafted the resolutions and it is not the intention to have signatories borrow money on behalf of the corporation.

Comment – Trustee Caulfield

Trustee Caulfield asked that in the case of authorizing borrowing money for and on behalf of the board that verbiage is added to the resolution to have village board approval prior to any borrowing of money.

Attorney Magna

Attorney Magna suggested striking the second 'resolved further' that authorizes two signatories to borrow money for and on behalf the corporation at the bottom of page one and continued at the top of page two and adopt the resolution that authorizes the signing the checks. Attorney Magna said that in the future if we were to do a bond issue there would be a series of special ordinances, resolutions and other documentation with specific individual authorizations.

Amended motion – Trustee Pierce amended his motion, seconded by Trustee McCarty to amend the motion to include striking the second 'resolved further' regarding authorization to borrow money for and on behalf of the corporation and authorizes the approval of the amended **Resolution 05-11**, entitled **Corporate Authority Resolution** regarding the authorized signers on the bank accounts held at the **State Bank of the Lakes**. Upon roll call, the vote was:

YES: 6: Hanson, McCarty, Caulfield, Pierce, Porch and Turner.

NO: 0.

THE MOTION CARRIED.

Corporate Authority Resolution – Trustee Pierce moved, seconded by Trustee McCarty to approve **Resolution 05-12**, entitled **Corporate Authority Resolution** regarding the authorized signers on the bank accounts held at the **First National Bank of Antioch – Employee Owned** striking the second 'resolved further' from the bottom of the page. Upon roll call, the vote was:

YES: 6: Hanson, McCarty, Caulfield, Pierce, Porch and Turner.

NO: 0.

THE MOTION CARRIED.

IDOT Intergovernmental Agreement for Route 83 Corridor Study – Administrator Haley reviewed the agreement and discussed the last page regarding compensation for services that it is 80% funded by the State Planning and Research (SPR) Funds, 10% Federal funding through IDOT and 10% funding through the village. Administrator Haley said that we have our portion budgeted in the FY05-06 budget and he asked for a motion authorizing him to sign as authorized representative of the village.

Trustee Hanson moved, seconded by Trustee Porch to authorize the village administrator to execute the IDOT Intergovernmental Agreement of the Route 83 Corridor Study as presented. Upon roll call, the vote was:

YES: 6: Hanson, McCarty, Caulfield, Pierce, Porch and Turner.

NO: 0.

THE MOTION CARRIED.

2005 MFT Road Program – Administrator Haley briefly discussed the 2005 MFT Road Resurfacing Program as distributed by village engineer Keith Fujihara. Administrator Haley said that he met with engineering staff and consulting engineer who advises on motor fuel tax (MFT) issues. Mr. Haley will have this item placed on the next village board agenda for consideration and asked board members to contact him should they have any questions.

Senior Center – Administrator Haley discussed the landscaping and the completion of the senior center. He said the landscaping should be started within two weeks, weather permitting. Administrator Haley said there is still an outstanding punch list and we intend to tell the contractor if he's not able to take care of the punch list post haste, we're going to get another contractor to finish the job.

Preliminary Waste Water Treatment Plant Timeline – Administrator Haley distributed a preliminary timeline regarding the rehabilitation of the treatment plant. The

timeline identifies the tasks that we need to complete along with a start and completion time for the rehabilitation of the sewer treatment plant. He said this will be a working document and he will be using it to keep the board informed of the process and the progress wastewater treatment plant rehabilitation. Mr. Haley said that he plans on having Applied Technologies, the firm hired by the board to do the facility plan, make a presentation to the board at a committee of the whole meeting on Monday, June 6 at 6:30 pm. He went on to say there are decisions the board would need to make such as whether or not we're going to rehabilitate what we have or start from scratch. Also, would either one of these options be on the same footprint we are on now, or should we look for another piece of property to do this on. The presentation in two weeks will look at all these options and depending on what the board decides, we will then be able to start our review. The sooner we make our decisions, the sooner we can get this long needed program going.

CITIZENS WISHING TO ADDRESS THE BOARD

Marian Brandt – Marian Brandt, Miller Road resident, read her letter regarding the Neumann Homes development. Mrs. Brandt said that she spoke out against the Neumann Homes development density a few years ago. She wanted to let the village board know, that Neumann Homes has been very cooperative over the past several months when issues have arose. Mrs. Brandt cited a few issues of concern that she called Neumann Homes to address and all the problems were resolved quickly, to her satisfaction and in a timely manner.

Paul Green – Paul Green, Trevor Road resident, addressed the board and commended Mayor Larson and Trustee Turner for attending the “You Make A Difference” award recognition breakfast at the Antioch Community High School on May 12. Mr. Green said also present were the Mayors from Lake Villa and Lindenhurst. He went on to say that the “You Make a Difference” award and breakfast is for students chosen displaying exceptional motivation, dedication, talent and leadership in the classroom or as part of their school activity. Mayor Larson and Trustee Turner’s presence acknowledges and honors those students and shows the Village of Antioch cares about its young citizens. Mayor Larson said that she asked the coordinator from the high school to email all of the trustees when the breakfasts are scheduled so they may attend if they choose.

Mr. Green also read a statement regarding May 31 and those serving in the military. He asked those present for a moment of prayer for families who have members serving in the military and to also pray for a safe return for those serving in the military and who are in harms way.

James Freedman – James Freedman, Rembrandt Drive resident, read his letter regarding his questions concerning the utility tax and its special debt service fund. He recounted recent board meetings and questions asked regarding the excess money collected due to the telecommunications industry continuing to collect the tax after other companies discontinued the collection in May 2004 when the loan was paid. Mr. Freedman would like an explanation as to where the \$600,000 excess money collected is and what is the money going to be used for. Mayor Larson said that Administrator Haley will research this and will report back to the board in two weeks on the status on the amount of money, what our legal obligations are so that the board and the people of the community have a clear understanding.

Jack Fields – Jack Fields, Asbury Court resident, said that he was here to ask for the board’s consideration of the agenda item regarding the development Moratorium for the Route 83 Corridor. Mr. Fields said the he is here on behalf of his clients, Donald and Kevin Boylan. He said the Boylan’s own 48.5 acres north of Grimm Road, between Route 83 and the railroad track on the north and south. Since some of the 48.5 acres is included in the moratorium area, he is asking for the board to exempt this property from the moratorium. He went on to say that they have currently accepted a letter of intent regarding the property, and they’ve also accepted a contract and will have everything signed by Friday. Mr. Fields said that he would like the board to consider excluding the 48.5acre parcel and said that when the village did the Route 173 Corridor east of town, there were at least three pieces that were excluded in that moratorium. He said the people who put the offer on the property, met with Mr. Silhan, Director of Planning, Zoning and Building, to discuss the property and their proposal. The property is currently not annexed to the village.

Mike O'Mara – Mike O'Mara, Oakwood Drive resident, said he is before the village board on behalf of the residents along the channel and members of Oakwood Knolls Property Owners Association. Mr. O'Mara said that he knows the board is aware of their concern regarding storm water runoff and erosion going into the channel and he asked if there is a plan to rectify and correct the problem and if so, what is the time table for that plan. Trustee Pierce said that shortly after the election he had the village engineer draft a letter to our county board representative requesting the county board, SMC, Wisconsin DNR and Village of Antioch meet concerning the half of the channel and half of the pond and the storm water issues related to that. He said that we are still waiting for Lake County Health Department Lakes Department to schedule the meeting date with all these entities. Trustee Pierce will contact Mr. O'Mara with information as soon as he receives it.

Dennis Crosby – Dennis Crosby, Waterview Circle resident, thanked the board for the opportunity to address them, publicly congratulated newly elected officials, thanked the voters who voted for him and the reporters for their balanced coverage of the election. He went on to say that learned much about municipal elections and agreed with Trustee Pierce's statement at the last board meeting that it's time to "bury the hatchet" both publicly and privately. He said the past Mayor, along with the village board did much for the community and he should be acknowledged. Mr. Crosby said that an organized group of citizens is being formed, which would be directly dependent on this boards ability to listen thoroughly to constituents concerns with an open mind. He also reviewed his concerns on how the village board interacts with each other during board meetings, establishing employee policies and practices, hiring policies, purchasing procedures, finishing the storm water problems in Oakwood Knolls, developer negotiations meetings and commercial development. Mr. Crosby said that he, along with an expanded number of constituents, plan on attending meetings regularly and they would have more recommendations at future meetings. Some of the constituents, as he understands it, will be videotaping and audio recording the meetings for those who cannot attend.

LEGISLATIVE AND HUMAN RESOURCES

Hiring Freeze – Trustee Pierce said the hiring freeze was enacted approximately two – three months ago and during the last two weeks a lot of work has been done to identify our financial status and there is a lot more work still to be done. He said that he's been told in addition to the senior planner position, there are other positions that would need to be filled and the hiring freeze is hurting the business of the village.

Trustee Pierce moved, seconded by Trustee Turner to remove the hiring freeze.

Comment – Trustee Caulfield

Trustee Caulfield asked if the draft budget is ready. Administrator Haley responded that the budget is 99% complete and will be submitted to the finance chair for a finance committee meeting. He also said the board should have a copy of the budget within the next two days for their review and he expects the budget to be on the next village board agenda.

Trustee Caulfield asked if it's the village's intention to hire new employees outside of the public meetings or approved at board level. Mayor Larson said that she believes the hiring freeze was supposed to be related to newly created positions. She said in the case of the senior planner position, director Silhan asked if he had the authority to advertise for that position. Since the senior planner vacancy replaces an existing position it was appropriate. She said she believes the freeze was put in place so that a new position was not created without the board's approval. She also said it's not her or the administrations intention to create positions without each and every board member knowing about them and hopefully approving of them.

Comment – Trustee Porch

Trustee Porch reiterated that it is her understanding that department heads have the right to hire and fill current positions. Newly created positions would come before the village board.

Lift Hiring Freeze – Trustee Pierce moved, seconded by Trustee Turner to lift the hiring freeze. Upon roll call, the vote was:

YES: 6: Hanson, McCarty, Caulfield, Pierce, Porch and Turner.

NO: 0.

THE MOTION CARRIED.

PLANNING, ZONING AND BUILDING, SENIOR SERVICES

PZB05 - The following Planning and Zoning Board letter of recommendation dated May 10, 2005 regarding **PZB05-05, Deercree/Neu-Haven Phases 1, 2 and 3 townhouse lot line revisions** was reviewed:

The Combined Planning Commission and Zoning Board reviewed the proposals at the special meeting called for April 28, 2005 following posting of the meeting notice and agenda as required.

The Plats of Correction were submitted with a cover letter dated March 31, 2005 signed by Rick Dalton, Chicago North Division Manager, Neumann Homes, Inc. Also submitted on April 27, 2005, were one certificate for each phase from Howard Surveying Company, Inc. documenting that the proposed revisions meet or exceed the minimum area requirements as set forth in the Deercree PUD Ordinance #99-04-07.

The proposal was presented by Anne Arnos from Neumann Homes, Inc.

Bob Silhan, Director of Planning, Zoning & Building verbally recommended approval of the changes.

Following a brief discussion, Carol Keller moved, Margaret Cole seconded to approve the requested plat revisions for the townhouse areas within Deercree Phases 1, 2, and 3. Upon roll call vote: AYES: 4: Ipsen, McCarty, Cole and Keller. NAYS: 0. ABSENT: 2: LaReese and Baba. Motion Carried.

PZB05-05 – Motion to accept – Trustee Turner moved, seconded by Trustee Pierce to accept the Planning and Zoning Board's positive recommendation regarding **PZB05-05, Deercree/Neu-Haven Phases 1, 2 and 3 townhouse lot line revisions** and authorizes the village attorney to draft the appropriate ordinances. Upon roll call, the vote was:

YES: 6: Hanson, *McCarty, Caulfield, Pierce, Porch and Turner.

NO: 0.

THE MOTION CARRIED.

*Trustee McCarty asked if it's appropriate for him to vote on planning and zoning board recommendations since he was a member of the planning and zoning board. Attorney Magna said there is no ethical conflict and therefore he can vote.

PZB05-04 – Trustee Turner moved, seconded by Trustee McCarty to table and place **PZB05-04 Clock Tower Variation, Main and Orchard Street, NE** in the planning and zoning committee for their meeting being held at 4:30 PM on Thursday, May 19, 2005.

Comment – Trustee Caulfield

Trustee Caulfield asked what the reason was for tabling this item to committee, so he would know whether or not he should attend the meeting. Trustee Turner said there are a few things that they would like to talk about regarding finance since we have fiduciary responsibility to the voters. She said that she understands that we're in a little bit of a 'Catch 22' as far as them collecting the financing without the variance and they would like to go forward with engineering. Trustee Turner said she would like to make sure the village isn't liable and she wants to make sure there are safeguards in place.

PZB05-04 Motion to table – Trustee Turner moved, seconded by Trustee McCarty to table **PZB05-04 Clock Tower Variation, Main and Orchard Street, NE** and place in the planning and zoning committee for their meeting being held at 4:30 PM on Thursday, May 19, 2005. Upon roll call, the vote was:

YES: 6: Hanson, McCarty, Caulfield, Pierce, Porch and Turner.

NO: 0.

THE MOTION CARRIED.

Proposal to re-instate the Downtown and Route 83 Development Moratorium – Trustee Turner moved, seconded by Trustee Porch to re-instate the development moratorium for Downtown and Route 83 Corridor.

Comment – Trustee Turner

Trustee Turner addressed Jack Fields, present in the audience and his earlier statements regarding excluding the Boylan parcel from the moratorium. She asked if he was talking about the Wal-Mart. Mr. Fields responded no and that the village left out the property on the southeast corner of Route 45 and Route 173.

Robert Silhan, Director of Planning, Zoning and Building

Robert Silhan said the only site that he recalls that was excluded within the corridor study, and that was after it was already underway, was the northeast corner of Route 173 and Deep Lake Road because it was in litigation with IDNR for acquisition of the site. Mr. Fields said the reason he said the southwest corner Route 45 and Route 173 was excluded because the village was afraid that Lindenhurst wanted to annex that piece. Robert Silhan said that he believed they were talking about different properties and different situations. He pointed to the reduced copy of the corridor plan posted behind the board of trustees. He said the only property within that corridor that was excluded is marked “in litigation” is the property that was known as the Hortis property located at the Northeast corner of Deep Lake Road and Route 173.

Comment – Trustee Pierce

Trustee Pierce said that we can discuss this all night long about what was or was not excluded, and everyone is correct that something was excluded, but we’re not exactly sure. He said the heart and soul of this development moratorium is to get the downtown plan so that it’s done right the first time. He said the properties previously excluded were already in process except the Abbott piece. He thinks we should go ahead with the moratorium and treat everyone fairly.

Director Silhan

Robert Silhan said with all due respect to Mr. Fields and his clients, the property is not annexed within the village limits and given our treatment plant capacity questions that we’ve had and that we’re probably looking at a built in moratorium because of that. He recommends the corridor be defined the same way it was a couple of years ago and move forward with it. He said that he is suggesting in his memo that it get approved in principle this evening and direct the village attorney to draft up the ordinance for the next village board agenda.

Mayor Larson

Mayor Larson said that she tends to agree with Mr. Silhan as it relates to parcels that are not annexed into the village given our current capacity or non-capacity to service them, it is a built in a moratorium for them until we have some remedies to our sewage treatment plant.

Comment – Trustee Porch

Trustee Porch asked Robert Silhan if we have a moratorium in place, would that prevent a developer from coming in and talking with staff cause a conflict, or is the door still open? Robert Silhan stated the door is still open.

Motion regarding proposal to re-instate the Downtown and Route 83 Development Moratorium – Trustee Turner moved, seconded by Trustee Porch to re-instate the development moratorium for Downtown and Route 83 Corridor and authorizes the village attorney to draft the appropriate ordinance. Upon roll call, the vote was:

YES: 6: Hanson, McCarty, Caulfield, Pierce, Porch and Turner.

NO: 0.

THE MOTION CARRIED.

Senior Planner vacancy – Robert Silhan, Director of Planning, Zoning and Building updated the board regarding the senior planner vacancy. Mr. Silhan said he advertised for the vacant position at governmentjobs.com, APA website and on the Village of Antioch’s web site. He said he has received 7 applicants for that position, all look qualified and he’s very encouraged that he will find someone to fill the position. The advertisement indicates the closing period is 5:00 PM on May 19, 2005.

ENGINEERING, PUBLIC WORKS AND UTILITIES

Resolution accepting the East Facilities Planning Area (EFPA) Water Main Extension by Neumann Homes, Inc. – Trustee Pierce moved, seconded by Trustee Turner to approve **Resolution 05-13** entitled, **Final Approval – East Facility Planning Area (EFPA) Water Main Extension – Public Improvements** as presented. Upon roll call, the vote was:

YES: 6: Hanson, McCarty, Caulfield, Pierce, Porch and Turner.

NO: 0.

THE MOTION CARRIED.

Resolution accepting the East Facilities Planning Area (EFPA) Sanitary Sewer Extension by Neumann Homes, Inc. – Trustee Pierce moved, seconded by Trustee Porch to approve **Resolution 05-14** entitled, **Final Approval – East Facility Planning Area (EFPA) – Sanitary Sewer Extension – Public Improvements** as presented. Upon roll call, the vote was:

YES: 6: Hanson, McCarty, Caulfield, Pierce, Porch and Turner.

NO: 0.

THE MOTION CARRIED.

Resolution accepting the Sanitary Sewer Lift Station in Deercrest/Neu-Haven by Neumann Homes, Inc. – Trustee Pierce moved, seconded by Trustee Porch to approve **Resolution 05-15** entitled, **Final Approval – Lift Station at NeuHaven – Deercrest/NeuHaven PUD** as presented. Upon roll call, the vote was:

YES: 6: Hanson, McCarty, Caulfield, Pierce, Porch and Turner.

NO: 0.

THE MOTION CARRIED.

Parking Lot – Trustee Pierce reported the parking lot immediately behind village hall has been re-striped with a designated handicapped parking space.

FINANCE, ECONOMIC AND REDEVELOPMENT

Authorize payment of invoices over \$10,000 – Trustee Porch said the first invoice listed is to Neumann Homes for their first reimbursement for the water system improvements. Administrator Haley said that we just passed resolutions accepting utilities that are the water main and the sanitary sewer for Neumann Homes. The \$426,100 is for the water system improvements. He said in the settlement agreement approved by the board on October 28, 2002, it stated that in the event that Neumann Homes is required to construct any improvement in connection with water infrastructure including ground or elevated storage (and that's what we're talking about), the village agrees to credit such expenses borne by Neumann Homes against the water connection tap on fee. He also said in an agreement approved by the board on October 4, 2004, "the additional installation costs initially be borne by the developer" so the developer was required to put it in and we are going to pay for that based on the tap on fees from the people out at Neumann Homes. Administrator Haley said there is also a Neumann Homes water recapture agreement approved on September 7, 2004 which said the additional water facilities will include water storage tank, two deep wells, pump for such wells, water treatment facilities and other facilities as may be required. The developer will be responsible for the cost of installation and the village agrees to reimburse the developer with the water connection tap on fee. In the event that tap on credits are not sufficient to fully reimburse the developer, additional costs, the village agrees to cause the water connection tap on fees paid by the owners and developers of beneficial property, such as Pulte Homes and/or GLP. Administrator Haley went on to say that the beneficial property is to be paid until the developer is reimbursed in full for the additional costs of the water storage there. Mr. Haley stated we have received the bill for \$426,100, which is not the entire bill, which has been approved by our consulting engineer for the water system improvements. According to our information, those monies that we have collected from both Clublands and Deercrest along with additional monies from users that are tributary to that system will cost \$850,000. Administrator Haley said that we do have the money to pay this and that's what the bill is all about.

Invoices over \$10,000 Continued - Trustee Porch moved, seconded by Trustee Turner to authorize payment of invoices over \$10,000 as prepared by the finance director in the amount of \$716,630.10 and dated 5/16/05. These invoices include payments to Neumann Homes Inc. in the amount of \$426,100 for reimbursement #1 – water systems improvements; JP Morgan Chase Bank in the amount of \$23,456.25 for GO 2004 W&S Rev Int; JP Morgan Chase Bank in the amount of \$10,320 for GO 2003 Pub Fac Int; JP Morgan Chase Bank in the amount of \$43,500 for GO 1998A Pub Safety Int; JP Morgan Chase Bank in the amount of \$33,725 for GO 200A-MFT Int; JP Morgan Chase Bank in the amount of \$46,218.75 for GO 1998B W&S Int; Lake County MEG in the amount \$12,600 for Police Dept FY05/06 Assessment; Sungard Pentamation, Inc. in the amount \$16,200 for Utility Billing Conversion; **Smith Engineering in the amount of \$18,372.72 for Clublands Phase 3 East; **Smith Engineering in the amount of \$13,396.15 for Redwing View Observation; **Smith Engineering in the amount of \$12,100.90 for Antioch Crossing Sewer; State Bank of the Lakes in the amount of \$10,117 for the 1st payment for the Backhoe; and State Bank of the Lakes in the amount of \$50,523.33 for the final payment for the Backhoe. **Also on Escrow report. Upon roll call, the vote was:

YES: 6: Hanson, McCarty, Caulfield, Pierce, Porch and Turner.

NO: 0.

THE MOTION CARRIED.

Comment – Trustee Caulfield

Trustee Caulfield asked Administrator Haley if the Board could get an explanation of invoices of that size included in the agenda packet. Administrator Haley said the document package pertaining to that particular invoice is significant in size. Trustee Caulfield asked if a cover sheet with an explanation could be included. Administrator Haley indicated he would include an explanation in the future.

Comment – Trustee Porch

Trustee Porch said that she questioned the amount after she picked up her agenda packet and she met with the Administrator for clarification.

Remaining accounts payable – Trustee Porch moved, seconded by Trustee Turner to approve the remaining accounts payable dated 5/12/05 totaling \$793,740.01 as prepared by village staff. Upon roll call, the vote was:

YES: 6: Hanson, McCarty, Caulfield, Pierce, Porch and Turner.

NO: 0.

THE MOTION CARRIED.

Manual checks written to date – Trustee Porch moved, seconded by Trustee Turner to approve the manual checks written to date, 5/16/05 in the amount of \$15,576.93 of which the \$10,117 payment for the public works 1st payment for the Backhoe was already acknowledged in the invoices over \$10,000.

Comment – Trustee Pierce

Trustee Pierce questioned the payment to Karnes Music in the amount of \$3855 for the Senior Center piano balance due and he asked if the village would be reimbursed from the Dolly Spiering fund. Trustee Porch said that is correct.

Upon roll call, the vote was:

YES: 6: Hanson, McCarty, Caulfield, Pierce, Porch and Turner.

NO: 0.

THE MOTION CARRIED.

Payroll – Trustee Porch moved, seconded by Trustee Turner to approve the payroll expenses for 5/6/02 in the amount of \$254,629.30 as prepared by village staff. Upon roll call, the vote was:

YES: 6: Hanson, McCarty, Caulfield, Pierce, Porch and Turner.

NO: 0.

THE MOTION CARRIED.

Escrow payments – Trustee Porch said that all escrow payments are paid to Smith Engineering and is not paid with village money but rather with developer escrow money. Trustee Porch moved, seconded by Trustee Pierce to approve the escrow payments in the amount of \$53,250.27 as presented.

Comment – Trustee Hanson

Trustee Hanson asked if there were any delinquent escrow accounts. Administrator Haley said we do not have any delinquent escrow accounts.

Upon roll call, the vote was:

YES: 6: Hanson, McCarty, Caulfield, Pierce, Porch and Turner.

NO: 0.

THE MOTION CARRIED.

Parade Policy – Trustee Porch discussed our parade policy regarding distribution of items during a parade. She said we have had a concern for a number of years regarding people throwing candy from moving vehicles, we've tried to disallow it but we have nothing in writing in our ordinances.

Billie Horton – Special Events Coordinator

Special events coordinator Billie Horton said that on behalf of the 4th of July Committee and the department of special events she would like to ask the board to make an ordinance prohibiting candy throwing from any vehicle in any of our parades. Candy could only be distributed by walking along side of the vehicles. She also requested that the ordinance include that no political, religious or business literature be passed out during the parade. If anyone would like to distribute literature, they could do so at the pavilion after the parade.

Comment – Trustee Turner

Trustee Turner expressed her concern about infringing on freedom of speech and literature should be allowed as long as it's not of a vulgar nature.

Attorney Magna

Attorney Magna said there are some limitations on what you can restrict. The parade route is all along the street and if you prohibit all dissemination of information, then it's content neutral. But as soon as you start saying things like political and religious and business, but yet someone who might be part of a neighborhood organization who wants to solicit could do that. You can run afoul of the first amendment, freedom of speech that Trustee Turner is talking about. Attorney Magna said he would caution against prohibiting the hand billing. He said that what he thought Ms. Horton was alluding to as far as the parade route is that she didn't want anything given out other than candy or toys or something of that nature. Billie Horton indicated that was correct. Attorney Magna said that would be a policy decision by the board and is content neutral. If your policy is that you want the first amendment to shine and the person handing out the literature is part of the authorized parade route and as long as it was respectful it could be allowed. His opinion is that we shouldn't have any restriction on what is handed out, so long as it doesn't run afoul with any law.

Comment – Trustee Turner

Trustee Turner said that she thinks that our parades have always allowed people handing things out and she doesn't believe anyone is offended by it. She expressed her concern for freedom of speech.

Comment – Trustee Pierce

Trustee Pierce said that he agrees with Trustee Turner regarding that people should be allowed to pass things out. He said that he thinks that Billie Horton has valid point about items being thrown from the cars because he has seen kids running out in front of the cars and he thinks we could enforce some sort of rule.

Attorney Magna

Attorney Magna said that "launching" information is much different than handing it out and yes, you could regulate that for safety reasons.

Administrator Haley

Administrator Haley asked the board to understand that if we were going to regulate a parade policy, how would our police department enforce it. He asked the board what the police department should do with a car full of girl scouts who are throwing candy out. Are we writing tickets? He suggested the board think about it before we make a motion.

Mayor Larson

Mayor Larson said a penalty could be that the violators would not be allowed to participate in a parade for a certain period of time. She said this is a perfect example of what could go to the legislative committee. Mayor Larson said the committee could draft the language and bring it back to this board.

Parade Policy placed in Legislative Committee. Following discussion, the parade policy will be placed in the Legislative Committee for review.

PUBLIC SAFETY, PARKS AND LICENSE

Recreation/Program Supervisor - Trustee McCarty reviewed the memo dated May 3, 2005 from Parks Director Laurie Stahl regarding the position of program supervisor. Laurie Stahl recommends filling this position with Debbie Foerster, promoting her to full time as the Recreation/Program supervisor. She will oversee the Camp Crayon program at both buildings, since the program has now expanded to two locations, as well as other programs. Laurie Stahl recommends that Debbie Foerster be given the standard hourly raise but changed to full time.

Comment – Trustee Hanson

Trustee Hanson expressed concern with so many new positions and extra position and adding executive positions and department heads, he's concerned there is a 'salary dysfunction' and employee moral. Trustee Hanson suggests the Human Resources committee look at this.

Mayor Larson

Mayor Larson said that we had asked the administrator about two years ago to put together an employee handbook with job descriptions. She said that this particular position, and one of the reasons they're asking for it to be created is because the parks programs have increased dramatically with no additional help. She said that Debbie Foerster has been acting in this capacity for a year or more.

Comment – Trustee Hanson

Trustee Hanson said his concern was employee moral.

Mayor Larson

Mayor Larson said this is a time issue because of the summer programs they are getting ready to move into the other building.

Comment – Trustee Pierce

Trustee Pierce appreciated Trustee Hanson's input and believes he has a valid point. He asked that if everyone on the board would think about the human resources area so we could address these concerns.

Recreation/Program Supervisor – Trustee McCarty moved, seconded by Trustee Turner to authorize the position of program supervisor, which is an hourly position with three weeks vacation and other benefits as other employees. Upon roll call, the vote was:

YES: 6: Hanson, McCarty, Caulfield, Pierce, Porch and Turner.

NO: 0.

THE MOTION CARRIED.

Mower for Parks Department – Trustee McCarty moved, seconded by Trustee Turner to approve the purchase of a new mower for the parks department from Grower Equipment & Supply Company in the amount of \$6,136.00. Upon roll call, the vote was:

YES: 6: Hanson, McCarty, Caulfield, Pierce, Porch and Turner.

NO: 0.

THE MOTION CARRIED.

Comment – Trustee Pierce

Trustee Pierce asked Ron Horton, public works employee who works on parks maintenance about the quote from last year that included a trade-in. Ron Horton said that we are not going to trade in the old mower since they were only offering \$375. The old mower is now at Fire Station #2.

Antioch Loyal Order of the Moose Lodge #525 Club – Special Event Liquor License – Trustee McCarty moved seconded by Trustee Hanson to issue a special event liquor license to the Antioch Loyal Order of the Moose Lodge #525 for the Friday Fest concerts held in June, July and August 2005, waiving fee. Upon roll call, the vote was:

YES: 6: Hanson, McCarty, Caulfield, Pierce, Porch and Turner.

NO: 0.

THE MOTION CARRIED.

Antioch Lions Club – Special Event Liquor License – Trustee McCarty moved, seconded by Trustee Porch to issue a special event liquor license to the Antioch Lions Club on July 4, 2005, waiving fee. Upon roll call, the vote was:

YES: 5: Hanson, McCarty, Caulfield, Porch and Turner.

NO: 0.

ABSTAIN: 1: Pierce.

THE MOTION CARRIED.

Trustee Pierce abstained because he is a member of the Lions Club.

St. Ignatius of Antioch Episcopal Church – Raffle License – Trustee McCarty moved, seconded by Trustee Hanson to issue a raffle license to St. Ignatius of Antioch Episcopal Church, drawing to be held on June 12, 2005, waiving fee. Upon roll call, the vote was:

YES: 6: Hanson, McCarty, Caulfield, Pierce, Porch and Turner.

NO: 0.

THE MOTION CARRIED.

Block Party Request – Pine Hill Lakes Subdivision – Trustee McCarty moved, seconded by Trustee Hanson to approve the block party request from Evie Amelio, Pine Hill Lakes Subdivision for June 16, 2005. The block party will be held on Deer Path Drive. Upon roll call, the vote was:

YES: 6: Hanson, McCarty, Caulfield, Pierce, Porch and Turner.

NO: 0.

THE MOTION CARRIED.

Block Party Request – Woodland Ridge Subdivision – There was consensus of the board to approve the block party request however, since the item was not on the agenda it will be formally ratified at the next meeting. This item will be placed on the next village board agenda.

DELIQUENT ESCROW ACCOUNTS

Trustee Hanson had no written report.

ATTORNEY

Attorney Magna said we are going to need an executive session to discuss personnel, the employment or compensation for disciplining of specific employees of a municipality; pending or probable litigation and also for the purpose of discussing the purchase of real property.

Executive Session - Trustee McCarty moved, seconded by Trustee Hanson for the Mayor and Board of Trustees to go into executive session to discuss personnel, pending or probable litigation and purchase of real property at 9:12 PM with no action to be taken by the board anticipated. Upon roll call, the vote was:

YES: 6: Hanson, McCarty, Caulfield, Pierce, Porch and Turner.

NO: 0.

THE MOTION CARRIED.

Executive Session Return – Trustee Caulfield moved, seconded by Trustee McCarty for the Mayor and Board of Trustees to return from executive session to the open meeting at 10:26 PM with **no action taken**. Upon roll call, the vote was:

YES: 6: Hanson, McCarty, Caulfield, Pierce, Porch and Turner.

NO: 0.

THE MOTION CARRIED.

ADJOURNMENT

There being no further discussion, it was moved by Trustee McCarty, seconded by Trustee Turner to adjourn the regular meeting of the Board of Trustees at 10:27 PM.

Respectfully submitted,

Candi L. Rowe RMC, CMC
Village Clerk