

# APPROVED MINUTES

## VILLAGE OF ANTIOCH BOARD OF TRUSTEES, REGULAR MEETING Municipal Building: 874 Main Street, Antioch, IL September 6, 2005

### CALL TO ORDER

Mayor Larson called the September 6, 2005 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, Pierce, Porch and Turner. Also present were Mayor Larson, Attorney DiMartini, and Clerk Rowe. Absent: Trustee Caulfield and Attorney Magna.

### APPROVE BALANCE OF AGENDA FORM

Trustee Pierce moved seconded by Trustee Porch to approve the balance of the September 6, 2005 meeting agenda as presented. Upon roll call, the vote was:

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

**NO: 0.**

**ABSENT: 1:** Caulfield.

**THE MOTION CARRIED.**

### AUGUST 15, 2005 REGULAR MEETING MINUTES

Trustee McCarty moved, seconded by Trustee Pierce to approve the minutes from the August 15, 2005 regular meeting as presented. Upon roll call, the vote was:

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

**NO: 0.**

**ABSENT: 1:** Caulfield.

**THE MOTION CARRIED.**

### PETITIONS/BIDS

**Purchase/Lease of two police cars** – Trustee Hanson moved, seconded by Trustee McCarty to accept into the record the following bids received at 2:00 p.m. on August 22, 2005:

COMPANY NAME	ADDRESS	AMOUNT
Fred Ryan Acme Auto Leasing, LLC	440 Washington Avenue North Haven, CT 06473 *Lease of 2 vehicles \$49,514.14 (24 months) \$50,679.36 (36 months) \$51,863.04 (48 months) \$53,065.20 (60 months)	Purchase: \$ - - Lease \$ *See Detail
Scott Yassinger Raymond Chevrolet	120 Route 173 Antioch, IL 60002  2 - \$33,647.58	Purchase: \$16,823.79 /ea. Lease \$ - -
Currie Motors Frankfort	41 K431 9423 W. Lincoln Hwy Frankfort, IL 60423  2 - \$41,396.00	Purchase: \$20,698.00/ea. Lease \$ - -
Oakfield Ford	443 E. St. Charles Road Villa Park, IL 60181  2 - \$42,980.00	Purchase: \$21,490.00/ea. Lease \$ - -
Lyons-Ryan Ford	104 Route 173 Antioch, IL 60002  2 - \$43,612.00	Purchase: \$21,806.00/ea. Lease \$ - -

Upon roll call, the vote was:

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

**NO: 0.**

**ABSENT: 1:** Caulfield.

**THE MOTION CARRIED.**

**Trustee Caulfield arrived at 7:38 p.m.**

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## **MAYOR**

**Resolution supporting the construction of a new Route 120 Highway between McHenry and the City of Waukegan** – Mayor Larson reviewed the letter from Tim Perry, Mayor of Grayslake and Bill Gentes, Mayor of Round Lake regarding the resolution supporting the construction of a new Route 120 Highway.

Trustee Pierce moved, seconded by Trustee Porch to approve **Resolution 05-21**, entitled, **Resolution supporting the construction of a new Route 120 Highway between McHenry and the City of Waukegan**. 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 said that he would like the Village of Antioch to have similar resolutions supporting the improvements to our roads forwarded to nearby communities for their consideration.

**Senator Adeline Geo-Karis letter sent to Governor Blagojevich** – Mayor Larson discussed the letter from Senator Adeline Geo-Karis sent to Governor Rod Blagojevich requesting a temporary motor fuel sales gas tax relief. Mayor Larson said that since the gasoline prices have recently gone so high, she would like to see some relief offered to residents, even if it's done only on a temporary basis.

Trustee Porch moved, seconded by Trustee Pierce to support Senator Adeline Geo-Karis' letter requesting for temporary relief of the motor fuel sales tax.

## **Comment – Trustee Caulfield**

Trustee Caulfield wanted to make sure that everyone realized that the sale of gasoline provides money for highways and we just approved a resolution supporting the construction of a new highway.

## **Comment – Trustee Hanson**

Trustee Hanson said that he agrees that we do need relief because the gasoline prices are outrageous, but he is concerned that if they offer a temporary motor fuel tax relief, where are they going to add another tax to make up for this tax cut. He said that he believes this would create another problem when somewhere down the line the taxpayer would have to pay for it in a different form of tax.

## **Comment – Trustee Turner**

Trustee Turner said that she believes that Senator Adeline Geo-Karis is attempting to offer the constituents some relief and this would be a short term solution.

## **Comment – Trustee Pierce**

Trustee Pierce said that it was his understanding that even though the state is collecting millions more in MFT funds than what they have planned on collecting, they distribute the money as what was budgeted and the state keeps any extra funds.

**Motion to Approve support for temporary relief of motor fuel tax** - Trustee Porch moved, seconded by Trustee Pierce to support Senator Adeline Geo-Karis' letter requesting for temporary relief of the motor fuel sales tax. Upon roll call, the vote was:

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

**NO: 0.**

**THE MOTION CARRIED.**

**Authorize the Antioch Business District Fund to be added to the Finance, Economic and Redevelopment Committee of the Village Board** – Trustee Turner moved, seconded by Trustee Pierce to authorize the Antioch Business District Fund to be added to the Finance, Economic and Redevelopment Committee of the Village Board.

## **Comment – Trustee Caulfield**

Trustee Caulfield questioned the load of Committee Chair Porch regarding the Finance, Economic and Redevelopment Committee and he wondered what the thought process was when making the decision to place this item within that committee.

## **Mayor Larson**

Mayor Larson said that she believed this fund fits into the finance committee of the Board. She said that she spoke with Chairman Porch regarding this matter and Chairman

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Porch indicated that she didn't feel this would cause any hardship. Mayor Larson also said Trustee Hanson approached her and suggested that we put the Antioch Business District Fund into a committee. She said that Trustee Hanson is on the Finance Committee along with Trustee Turner and she felt they would have say in making recommendations to the committee.

**Motion to Approve - Authorize the Antioch Business District Fund to be added to the Finance, Economic and Redevelopment Committee of the Village Board** – Trustee Turner moved, seconded by Trustee Pierce to authorize the Antioch Business District Fund to be added to the Finance, Economic and Redevelopment Committee of the Village Board. Upon roll call, the vote was:

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

**NO: 0.**

**THE MOTION CARRIED.**

**Park Board Member Julie Murphy's letter of resignation** – Mayor Larson reviewed the letter of resignation dated August 5, 2005 from Park Board member Julie Murphy.

**Appoint Jeff Benes as Member to the Antioch Park Board** – Trustee Hanson moved, seconded by Trustee McCarty to appoint Jeff Benes as Member to the Antioch Park Board, replacing Julie Murphy with a term that expires 2010. Upon roll call, the vote was:

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

**NO: 0.**

**THE MOTION CARRIED.**

**Oath of Office - Jeff Benes** – Clerk Rowe administered the Oath of Office to Park Board member Jeff Benes.

### CLERK

**2005 Halloween Trick or Treat Hours** – Trustee Porch moved, seconded by Trustee Pierce to approve the Trick or Treat hours in the Village of Antioch to be from 4:00 p.m. to 6:00 p.m. on October 31, 2005. 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 that the police department be notified of the Oakwood Knolls Halloween parade being held on October 31, 2005. He asked there be a police escort for the parade.

### ADMINISTRATOR

**Applied Technologies Agreement for Waste Water Treatment Plant** – Administrator Haley discussed the recent committee meetings regarding the Waste Water Treatment Plant and the various funding options that were discussed. He said the finance committee met and it was the consensus of finance staff and finance committee to apply for a \$10,000,000 IEPA loan to be paid by an increase in user fees and the additional \$5,000,000 would be raised by the more traditional alternate revenue bond. Administrator Haley said the thought process behind this method was to reduce the amount money of the residents would have to pay in increased water and sewer fees. He said the average user would see a rate increase of about \$10.00 per month and the minimum user (the senior citizen) would see a rate increase of about \$3.00 a month. The remaining \$5,000,000 in alternate revenue bonds that would be more conventional funding would be paid for with revenue of the system and any alternate revenues available to the village, mainly, sales tax revenue. He said this is what the finance committee recommends and we would start the process of funding mechanisms which would happen over a period of few months, well into the construction phase of the project. Mr. Haley explained that at this time, the Board would be authorizing signing the agreement with Applied Technologies for the design services and to submit the facility plan to NIPC and IEPA. Administrator Haley also said the design portion of this project has been budgeted for this year. He asked that the Board authorize the Mayor to execute the agreement for professional services with Applied Technologies for the Waste Water Treatment Plant.

**Authorize Mayor to execute Applied Technologies Agreement for Waste Water Treatment Plant** - Trustee Pierce moved, seconded by Trustee McCarty to authorize the Mayor to execute the agreement for professional services with Applied Technologies for the Waste Water Treatment Plant.

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## **Comment – Trustee Caulfield**

Trustee Caulfield asked when we would anticipate the water rates being raised. Administrator Haley said that would be a future Board decision, it could be a year or a year and half, but sometime prior to the completion of the treatment plant. Trustee Caulfield said that he recalled discussions in a committee meeting where it was proposed to raise the rates sooner, rather than later. Administrator Haley said that he would recommend to the committee to not increase the rates for a while, we don't have the actual user rate ordinance from the bonding counsel, and so far everything has been in draft form. Once he gets the ordinance in final form, it would be brought to the finance committee with some projections of when we would need the money. He said that we certainly don't intend to raise the rates until it's needed. Trustee Caulfield asked how far away the draft alternate revenue ordinance is – do we know if this would be doable? Administrator Haley said that it is doable.

## **Comment – Trustee Hanson**

Trustee Hanson said that we could possibly increase the rates sooner and gradually since we have a 1 to 1 ½ years for completion. Trustee Hanson also asked if the fee stated in the contract is the total compensation. Jim Smith, Applied Technologies reviewed the fee structure which is for the design of the plant and does not include the construction phase.

## **Comment – Trustee McCarty**

Trustee McCarty asked Mr. Jim Smith, Applied Technologies, about the project management fee. Mr. Smith said that it is for managing the entire design phase.

## **Comment – Trustee Pierce**

Trustee Pierce said that we are discussing the agreement and that he expects the Board to be discussing the financing further down the road. He said the fees are well under 10% of the final project. Jim Smith said the fees are 5.28% of the project.

## **Comment – Trustee Caulfield**

Trustee Caulfield said that we are spending \$800,000 for the initial design of the project. He asked if the construction phase would be bid out. Jim Smith, Applied Technologies, explained the project management is for the design phase only. Trustee Caulfield asked when the design phase ends. Jim Smith said the design phase ends before we start construction. Trustee Caulfield asked what we would anticipate the construction management costs to be. Jim Smith said that typically construction management based on village inspections.

## **Comment – Trustee Pierce**

Trustee Pierce said we could use Smith Engineering to manage the construction phase, if we choose to do that. But before we can go anywhere, we have to get the plant designed. Trustee Pierce asked Jim Smith how long they have been working on this plan. Jim Smith said they have been working with the village for a little over a year on this project.

## **Comment – Trustee Hanson**

Trustee Hanson asked Village Engineer Keith Fujihara if this proposal looks reasonable. Engineer Fujihara responded that this is well within the EPA standards range and is not a high price.

## **Comment – Trustee Porch**

Trustee Porch reassured the Board that the finance committee will be holding additional meetings to discuss Trustee Hanson's recommendation to increase sooner rather than later, although personally she would rather wait until we do need the money before we put the burden on the residents.

**Motion to Approve - Authorize execution of the Agreement for professional services with Applied Technologies for the Waste Water Treatment Plant** - Trustee Pierce moved, seconded by Trustee McCarty to authorize the Mayor to execute the agreement for professional services with Applied Technologies for the Waste Water Treatment Plant. Upon roll call, the vote was:

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

**NO: 0.**

**THE MOTION CARRIED.**

**Authorize to formally submit the WWTP Plan to NIPC and IEPA** – Administrator Haley said he would like authorization from the Board to formally submit the facility plan to NIPC and the IEPA.

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**Submit WWTP Facility Plan to NIPC and IEPA** - Trustee McCarty moved, seconded by Trustee Pierce to authorize the Administrator to formally submit the facility plan to NIPC and the IEPA. Upon roll call, the vote was:

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

**NO: 0.**

**THE MOTION CARRIED.**

## COMMUNICATIONS

No report.

## CITIZENS WISHING TO ADDRESS THE BOARD

Barbara Reulbach, Linden Lane resident, asked when the streets would be done in Oakwood Knolls. Engineer Fujihara said the construction should start within the next two weeks. He said that everyone would be getting notices before the construction starts. Mrs. Reulbach also discussed the Katrina hurricane, and she asked if there could be fundraisers for Katrina victims at the upcoming events, the Arts and Crafts Fair or at Octoberfest. She said another alternative may be to use the utility tax money collected. Mayor Larson said the utility tax has specific uses that it could only be used for. Ms. Reulbach said that she believes the utility tax could be used to pay a debt and she believes that we owe a debt to help the Katrina victims. Mayor Larson discussed the efforts that are underway, such as the Lions Club who collected three semi-trucks full of non-perishable items that left on Monday. Mayor Larson said the Lion and the Moose Clubs will be holding a fundraiser on September 17 at the band shell. She said the village and the chamber will be working together to raise funds for the hurricane relief at the Octoberfest event.

Diana Kuyper, Silver Lake Road resident, said that the Camp Wonderland in Camp Lake is getting ready to accept approximately 600 hurricane refugees on Wednesday. She said that at this point, they don't know what to expect but they would need volunteers and a volunteer tent would be set up tomorrow. Trustee McCarty said the Lions Club had conversations with members from the high school that is making arrangements for items to be delivered to Camp Lake. Trustee Porch discussed the Octoberfest being held on October 8 and said the village funds raised from the event will be donated to the hurricane relief. She said the Chamber of Commerce is coordinating a fundraiser among its 300 members, they have collection boxes at four locations currently and the response has been phenomenal.

## LEGISLATIVE AND HUMAN RESOURCES

No Report.

## PLANNING, ZONING AND BUILDING, SENIOR SERVICES

**Edwards Road Plan; PZB04-16; request to withdraw petition** – Robert Silhan, Director of Planning, Zoning and Building, reviewed the following memo regarding the proposed amendment to the Comprehensive Plan; proposed Edwards Road Plan:

**SITUATION:** *Following the public hearing on the proposed plan prepared by the Lake County Planners on behalf of the Route 173 Corridor Council, the Antioch Planning and Zoning Board was unable to arrive at a definitive recommendation. Following a motion to approve, the members voted 3 yes and 2 no; but it takes 4 affirmative votes to make a positive recommendation. The Chairman voted no, resulting in a 3 to 3 deadlock.*

**PROBLEM:** *A general consensus of the P&Z Board revealed positive comments about the physical plan itself, but serious concerns revolved around the nature, extend and potential details of a follow-up intergovernmental land use agreement. At the July 26<sup>th</sup> meeting of the Planning, Zoning and Building Committee, similar concerns were also expressed.*

*During the P&Z Board's deliberation on the Edwards Road Plan and the subsequent discussion by the PZ&B Committee, a few issues became clear:*

- 1. The plan and proposed residential density of the study area is not substantially different from that in the current Comprehensive Plan for the Village of Antioch.*
- 2. The State Statute, Local Land Resource Management Planning Act, 50 ILCS 805/1, et.seq., upon which the proposed plan is based has not been challenged and subsequently upheld in courts.*
- 3. There has not yet been a **successful** example of such a plan and related intergovernmental land use agreement.*
- 4. The agreement examples provided and explained to us outline a scenario whereby amendments and appeals are virtually impossible. One negative vote would control; as indicated in the July 7, 2005 memorandum from the Lake County Planning Department on behalf of the Route 173 Corridor Council: "The Plan can be modified in the future if **all** the municipalities **and** the County agree." Such inflexibility involves **substantial** risk of future litigation.*

**CONCLUSION:** *Therefore, as petitioner in this matter of case file PZB04-16, I request that the petition be withdrawn from consideration.*

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**Edwards Road Plan; PZB04-16; request to withdraw** - Trustee Turner moved, seconded by Trustee McCarty to accept Robert Silhan, Director of Planning, Zoning and Building request to withdraw PZB04-16 petition regarding the Edwards Road Plan to becoming an amendment to the Village of Antioch's comprehensive plan.

### **Comment – Trustee Pierce**

Trustee Pierce discussed denying the plan versus withdrawing the plan and he felt that it may be more advantageous to deny this plan. Robert Silhan said he is not recommending denying the request primarily because there are a lot of positive aspects of plan itself as presented. The biggest objection the Planning and Zoning Board had was tying the plan to the State Statute that he discussed. Trustee Pierce said that we should incorporate those parts of the plan into our zoning code.

### **Comment – Trustee McCarty**

Trustee McCarty said the positive aspects are that we won't get into an annexation war with neighboring communities. The problem with a plan like this in existence is that we won't have the opportunity to work with individual landowners when one negative vote could change the entire option of landowner. We are looking to do something in the future, yet keep something in place that we could grow and work with.

### **Mayor Larson**

Mayor Larson said she is not against the plan itself as it relates to density; it's the other issues that Robert Silhan stated such as that it hasn't been challenged. She also expressed concern with the plan being in effect for 10 years and how County Board members from the south end of the county can vote on what happens here in the north end of county. Mayor Larson said the system that we have set up is working and she doesn't believe we need to rewrite it. Robert Silhan, Director of Planning, Zoning and Building, said that he would like the opportunity at some point in time to discuss some of the elements of the Edwards Road Plan with the planner from the Village of Old Mill Creek. He said that it's important that we open up that kind of dialogue. Mayor Larson said that she thinks that could happen and that she has a very good working relationship with Mayor Smith of Old Mill Creek. She said they have both looked at the plan and agree that it's an excellent plan; the plan itself is not objectionable, it's the other anchors that are tied to it that we feel hold us in a position where we're not able to do village business in a way that democracy has been set-up to do it.

### **Comment – Trustee Turner**

Trustee Turner discussed the plan would be taking the landowners rights by removing the process and she believes it would be difficult to defend in court.

### **Comment – Trustee Hanson**

Trustee Hanson said that he believed that this was a good effort on everyone's part and they found out that trying something new has some negatives. Mayor Larson discussed the possible litigation because this has not gone through any court system and she doesn't want us test this, should there be any developer who believes this would be an obstacle to them.

### **Attorney DiMartini**

Attorney Matt DiMartini discussed the potential litigation risk, which at some point and time, may be difficult to defend and could be a long and expensive process if challenged.

**Motion to Approve Edwards Road Plan; PZB04-16; request to withdraw petition** - Trustee Turner moved, seconded by Trustee McCarty to accept Robert Silhan, Director of Planning, Zoning and Building request to withdraw PZB04-16 petition regarding the Edwards Road Plan to becoming an amendment to the Village of Antioch's comprehensive plan. Upon roll call, the vote was:

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

**NO: 0.**

**THE MOTION CARRIED.**

**Route 173 Corridor Council; consideration to discontinue Antioch's involvement, rescinding the January '04 MOU** – Robert Silhan, Director of Planning, Zoning and Building, reiterated that as a professional planner he believes in intergovernmental cooperation and encourages the village to continue in such efforts with neighboring communities. He said a good cooperative plan may encourage a level of design and land use control that might not be possible if the villages try to go it alone. He said to continue dialogue with neighboring communities is very critical; however, the Memorandum of Understanding approved by the Village Board on January 20, 2004, establishing the Route 173 Corridor Council is rather broad in its scope. Director Silhan said that for example, one might question what the interest the City of Zion would have in the Edwards Road plan, or for that matter for the Village of Antioch having

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interest in something happening on Sheridan Road. Robert Silhan said that Antioch has some priority projects that include upgrading the Waste Water Treatment Plant, the Downtown Route 83 Corridor Study and the Special Census all in addition to the normal course of business, and this all requires a rather significant commitment from both the staff and the Village Board. He said that in his opinion, extending staff and financial resources in reviewing plans and studies for territories well beyond Antioch is not being prudent to the Village use of limited resources. He said for these reasons and for the same reasons he recommended to withdraw from the Edwards Road plan, he recommends this Board rescind the January 20, 2004 Village Board approval of the Memorandum of Understanding and opt out current involvement with the Route 173 Corridor Council.

**Discontinue Antioch's involvement in the Route 173 Corridor Council** - Trustee Turner moved, seconded by Trustee McCarty that the Village of Antioch rescind the January 20, 2004 Village Board approval of the Memorandum of Understanding and authorizes the Mayor to write a letter to the Council notifying them of our actions.

### **Comment – Trustee Caulfield**

Trustee Caulfield asked if there was a copy of the 2004 Memorandum of Understanding in anyone's packet. Trustee Turner responded that all the Board members had a copy when they approved the MOU. Trustee Caulfield asked what the specific language was as it related to providing funding for engineering studies for projects that aren't in our communities.

### **Mayor Larson**

Mayor Larson said that Old Mill Creek and Wadsworth act and approve it on an 'as-needed' basis.

### **Comment – Trustee Caulfield**

Trustee Caulfield said that it seems premature to have a vote on such an issue that we don't seem to fully understand and he asked Mr. Silhan to explain the part of the agreement that is causing us financial harm. Trustee Caulfield said that he wasn't aware that we are committed by that agreement to pay for those.

### **Mayor Larson**

Mayor Larson said that if a developer comes before us and decides to sue the village because of our participation in it is certainly a potential involvement that would be incurred by us. She said that according to our own Attorney we're not certain on how defensible it would be, it could put us in a position to have expend taxpayer dollars to defend when there could possible action that we are not necessarily in favor of, but we could do nothing since there are five other members voting and our vote wouldn't count unless we have everyone in agreement.

### **Attorney DiMartini**

Attorney DiMartini said that he was not here in 2004, but it would his advice to get out of this agreement for that reason and the fact that Antioch would have to be looking at plans that don't happen to be in Antioch and it would only be prudent for staff to research plans that the Village Board would be voting on.

### **Comment – Trustee Caulfield**

Trustee Caulfield asked if the Route 173 Corridor Council has been notified of our intentions. Mayor Larson said that if Antioch rescinds our participation it doesn't prevent the other communities involved from continuing Route 173 as it relates to Wadsworth, Zion or Old Mill Creek.

### **Comment – Trustee Turner**

Trustee Turner said that Lake County Planner Phil Rovin was present at our committee meeting where we discussed the Edwards Road Plan and the MOU. She said she believes that they are very aware that the committee would be recommending to the Village Board to opt out of the Route 173 Corridor Council.

### **Comment – Trustee Caulfield**

Trustee Caulfield said this action doesn't seem like we're being a good neighbor. He said that if it's such a bad deal for our community, wouldn't it be appropriate to inform the Council before we make that decision. Administrator Haley questioned how we would do that without direction from the Board. Trustee Caulfield said that we should discuss it with the Council.

### **Mayor Larson**

Mayor Larson said that she agreed with Administrator Haley and asked how we would inform the Council without hearing direction from our Board first. She said that if the Board

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chooses to stay in the Council, then we would certainly do that. She said that staff has given us four very good reasons why it would be to our advantage not participate in the Council. She said that she has no intentions of *not* working with our closest neighbors of Old Mill Creek and the Village of Lindenhurst as it relates to development. Mayor Larson said that she has a good working relationship with both of those Mayors and they would be meeting on a monthly basis to discuss development. She doesn't believe we need to duplicate efforts, and it would help us if we have that information.

### **Comment – Trustee Turner**

Trustee Turner discussed our responsibility to our taxpayers. She said that staff has recommended this; we had a committee meeting and the committee recommends that we discontinue our participation in the Route 173 Corridor Council.

**Call the Question** – Trustee Porch moved, seconded by Trustee Pierce to call the question regarding Antioch's involvement in the Route 173 Corridor Council. Upon roll call, the vote was:

**YES: 4:** McCarty, Pierce, Porch and Turner.

**NO: 1:** Caulfield.

**PASS: 1:** Hanson.

**THE MOTION CARRIED.**

**Discontinue Antioch's involvement in the Route 173 Corridor Council** - Trustee Turner moved, seconded by Trustee McCarty that the Village of Antioch rescind the January 20, 2004 Village Board approval of the Memorandum of Understanding and authorizes the Mayor to write a letter to the Council notifying them of our actions. Upon roll call, the vote was:

**YES: 4:** McCarty, Pierce, Porch and Turner.

**NO: 2:** Hanson and Caulfield.

**THE MOTION CARRIED.**

### **ENGINEERING, PUBLIC WORKS AND UTILITIES**

**Other Business** – Trustee Pierce said that he and other members of the Board received information from Smith Engineering concerning Oakwood Knolls sewer work and that he would be calling a committee meeting next month.

### **FINANCE, ECONOMIC AND REDEVELOPMENT**

**Invoices over \$10,000** – Trustee Porch reviewed the informational report dated September 2, 2005 showing invoices over \$10,000 and totaling \$638,266.52. Invoices listed were: Antioch Police Pension Fund in the amount of \$16,758.69 for 8/25 RE Tax Distribution; Blue Cross/Blue Shield in the amount of \$65,737.44 for medical insurance; ComEd in the amount of \$12,339.45 for street lights; ComEd in the amount of \$14,868.14 for electric pumping stations; Lake County Public Works in the amount of \$48,638.20 for sewer user fees; National Waterworks, Inc. in the amount of \$11,902.00 for meters and Neumann Homes, Inc. in amount of \$366,522.60 for NHI taps collected and in the amount of \$101,500.00 for NHI taps collected.

**Accounts Payable** – Trustee Porch moved seconded by Trustee Turner to authorize payment of accounts payable as prepared by village staff and dated September 2, 2005 in the amount of \$744,549.29.

### **Comment – Trustee Porch**

Trustee Porch explained the summary of escrow which shows an additional payment of \$3,515.00 to the Law Offices of Rudolph Magna. She said the Village Attorney does work which is beyond the scope of normal Village business and this is paid from developer's escrow. Trustee Porch said that Attorney Magna provided an itemized statement and he has been attending meetings with developers and their attorneys on behalf of the Village.

### **Comment – Trustee Hanson**

Trustee Hanson discussed the flat fee rate structure that was agreed to in May. He said the previous Attorney had a flat fee rate and he was assured in May that the fee would remain the same.

### **Comment – Trustee Porch**

Trustee Porch said that she appreciates Trustee Hanson's question and this was discussed at the committee meeting where that Trustee Hanson had to leave early. Trustee Porch said the current Village Attorney is under a flat rate as it pertains to normal village business and he is providing an itemized bill which we did not receive from the last attorney. She went onto say that she has no information that the past Village Attorney attended meetings with developers since we never received an itemized bill, although it was requested. Trustee



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Hanson said that he thought that any extra escrow money was supposed to go back to the taxpayers.

### **Comment – Trustee Pierce**

Trustee Pierce said that it's his understanding that if we don't spend the escrow money; we have to return it to the developer.

### **Comment – Trustee Hanson**

Trustee Hanson questioned the 2% - 2% fee structure that we have in place. Administrator Haley said the 2% non-refundable fee is not escrow, but a fee we charge developers. He said that one of the 2% is escrow and as the developer spends from that escrow account by paying for engineering, legal or any other consultant fee, we give them an accounting of the fees spent and they are notified if they have to send us more escrow money to keep the escrow account to an accurate level. After the projects are over, occasionally we reimburse the developer their unused escrow funds, because it's not our money. Trustee Hanson said that we agreed to a flat fee with this administration and maybe we should renegotiate and readdress the flat fee. He said that we owe this to the taxpayers to do it right.

### **Comment – Trustee Porch**

Trustee Porch said that Trustee Hanson was exactly right and that we did it wrong in the past and we didn't have any itemization from the previous attorney. However, we are doing itemization now and we have discussed in the finance committee that for next year's fiscal budget we readdress it and possibly implement an hourly rate for the attorney. Trustee Porch went onto to say that we paid over \$900,000 for attorneys in 2002.

### **Comment – Trustee McCarty**

Trustee McCarty said that we have exactly what we've asked for. We have a flat fee and any professional services fees pertaining to developers are paid through the escrow. He said that every project and the scope of work are different and the amount of time that the Village Attorney spends on these projects would be different and based on each project. This is not costing the taxpayers one dime to have developer pay for those costs.

### **Comment – Trustee Turner**

Trustee Turner said that in the past, we have spent a lot of money because we had to hire other attorneys to represent us with developers. She said that it wasn't just Neumann Homes that we hired separate attorneys; every project we were involved in we hired specialized attorneys and we have paid a lot.

**Motion to Approve Accounts Payable** – Trustee Porch moved seconded by Trustee Turner to authorize payment of accounts payable as prepared by village staff and dated September 2, 2005 in the amount of \$744,549.29. Upon roll call, the vote was:

**YES: 4:** McCarty, Pierce, Porch and Turner.

**NO: 2:** Hanson and Caulfield.

**THE MOTION CARRIED.**

**Manual Checks** – Trustee Porch moved seconded by Trustee Turner to approve the manual checks report dated September 1, 2005 as prepared by village staff in the amount of \$322,064.77.

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

**NO: 0.**

**THE MOTION CARRIED.**

**Payroll Expense** – Trustee Porch moved seconded by Trustee Turner to approve the payroll expense report dated August 26, 2005 in the amount of \$233,356.45 as presented. Upon roll call, the vote was:

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

**NO: 0.**

**THE MOTION CARRIED.**

**Letter of Appreciation to the Special Events Department** – Trustee Porch read aloud the letter of appreciation written to Billie Horton and the Special Events department staff regarding their assistance in making arrangements for seniors from the Tiffany Apartments to attend the August 5 Friday Fest concert.

**Other Business** – Trustee Pierce asked if we have collected the 2% fee 2% escrow fee since it has been implemented. Administrator Haley the 2% - 2% fee applies to new developments and it doesn't apply to existing developments.

## APPROVED MINUTES

Trustee Hanson asked if we had any projections for the sales tax increase, now that we have the Wal-Mart store in place. Trustee Porch said that was distributed at the last meeting.

### **PUBLIC SAFETY, PARKS AND LICENSE**

**Authorize purchase of 2 squad cars as recommended by Police Chief Charles Fagan** – Trustee McCarty reviewed the letter dated August 23, 2005 from Police Chief Charles Fagan requesting authorization to purchase two police cars from Lyons and Ryan Ford for their bid of \$21,806.00 each.

Trustee Pierce moved, seconded by Trustee Turner to approve the purchase of two police cars in the amount of \$21,806.00 each from Lyons and Ryan Ford. Upon roll call, the vote was:

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

**NO: 0.**

**THE MOTION CARRIED.**

**Block Party Request** – Trustee McCarty moved, seconded by Trustee Porch to approve the block party request from **Donna Arnston – Ridgewood Street in Woods of Antioch Subdivision on September 10, 2005.** Upon roll call, the vote was:

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

**NO: 0.**

**THE MOTION CARRIED.**

**Special Events Liquor License** – Trustee McCarty moved, seconded by Trustee Porch to issue a special event liquor license to the Antioch Firefighter's Association for Oktoberfest being held on October 8, 2005, waiving fees. Upon roll call, the vote was:

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

**NO: 0.**

**THE MOTION CARRIED.**

**Other Business** – Trustee McCarty discussed the Katrina disaster relief project that the Antioch Lions Club and Antioch Moose Lodge organized and their efforts resulted in getting three semi-trucks and raised \$3010.00 for the disaster relief. He said both organizations, with the help of Trustee Porch and Mayor Larson, are planning an event on September 17 with concerts scheduled at the band shell. Admission is \$5.00 per adult with kids under 12 free.

**Special Events Liquor License and Raffle License** – Trustee McCarty moved, seconded by Trustee Hanson to issue a special events liquor license and raffle license to the Antioch Lions Club and the Antioch Moose Lodge for the disaster relief fundraiser being held on September 17, 2005. Upon roll call, the vote was:

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

**NO: 0.**

**THE MOTION CARRIED.**

### **DELINQUENT ESCROW ACCOUNTS**

No report.

### **ATTORNEY**

Attorney DiMartini reviewed the following ordinances:

**Ordinance Approving A Real Estate Sales Contract Between the Village of Antioch and Julia Bitner** – Trustee Pierce moved, seconded by Trustee Turner to waive the first and second reading, approve and publish in pamphlet form **Ordinance No. 05-09-19**, entitled, **AN ORDINANCE APPROVING A REAL ESTATE SALES CONTRACT BETWEEN THE VILLAGE OF ANTIOCH AND JULIA BITNER.** Upon roll call, the vote was:

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

**NO: 0.**

**THE MOTION CARRIED.**

The purchase price is \$425,000.00 and Attorney DiMartini read the commonly known address. Mayor Larson said the 12 acres of property is located on North Avenue and is for the new aquatic center.

## APPROVED MINUTES

**Ordinance amending the Antioch Municipal Code to Adjust the Speed Limits Governing Speed on Depot Street** – Trustee Pierce moved, seconded by Trustee Porch, to waive the first and second reading, approve and publish in pamphlet form **Ordinance No. 05-08-20**, entitled, **AN ORDINANCE AMENDING THE ANTIOCH MUNICIPAL CODE TO ADJUST THE SPEED LIMITS GOVERNING SPEED ON DEPOT STREET**. Upon roll call, the vote was:  
**YES: 6:** Hanson, McCarty, Caulfield, Pierce, Porch and Turner.  
**NO: 0.**  
**THE MOTION CARRIED.**

**Ordinance approving an agreement between the Village of Antioch and the Illinois Fraternal Order of Police Labor Council** – Trustee McCarty moved, seconded by Trustee Porch to waive the first and second reading, approve and publish in pamphlet form **Ordinance No. 05-08-21**, entitled, **AN ORDINANCE APPROVING AN AGREEMENT BETWEEN THE VILLAGE OF ANTIOCH AND THE ILLINOIS FRATERNAL ORDER OF POLICE LABOR COUNCIL**, authorizing the appropriate Village representatives to sign the Agreement. 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 Trustee Caulfield if he thought this was a good agreement. Trustee Caulfield said that he thinks this is a great agreement and it addresses the issues we had and kept the interest of the Village as a whole.

**Library Impact Fees** – Attorney DiMartini discussed the letter from the Antioch Public Library District requesting to increase the library impact fees from \$210.00 to \$233.00. Attorney DiMartini said that he is looking for direction since this letter is requesting for a non-resident fee. Following a brief discussion, Administrator Haley will contact the Library for clarification.

### **ADJOURNMENT**

There being no further discussion, Trustee Hanson moved, seconded by Trustee McCarty to adjourn the regular meeting of the Board of Trustees at 9:15 p.m.

Respectfully submitted,

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Candi L. Rowe RMC, CMC  
Village Clerk