

APPROVED MINUTES

**VILLAGE OF ANTIOCH
BOARD OF TRUSTEES, REGULAR MEETING
Municipal Building: 874 Main Street, Antioch, IL
September 19, 2005**

CALL TO ORDER

Mayor Larson called the September 19, 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, Porch and Turner. Also present were Mayor Larson, Attorney Magna and Clerk Rowe. Absent: Trustee Caulfield and Trustee Pierce.

APPROVE BALANCE OF AGENDA FORM

Trustee Porch moved seconded by Trustee McCarty to approve the balance of the September 19, 2005 meeting agenda as presented. Upon roll call, the vote was:

YES: 4: Hanson, McCarty, Porch and Turner.

NO: 0.

ABSENT: 2: Caulfield and Pierce.

THE MOTION CARRIED.

SEPTEMBER 6, 2005 REGULAR MEETING MINUTES

Trustee Turner moved seconded by Trustee Porch to approve the minutes from the September 6, 2005 regular meeting as presented. Upon roll call, the vote was:

YES: 4: Hanson, McCarty, Porch and Turner.

NO: 0.

ABSENT: 2: Caulfield and Pierce.

THE MOTION CARRIED.

PETITIONS/BIDS

No Report.

MAYOR

Resolution Honoring Benjamin Jansky – Mayor Larson read aloud and presented **Resolution No. 05-22 Honoring Benjamin Jansky** to Benjamin Jansky's father, Don Jansky. Benjamin Jansky, an Antioch area resident, was killed while serving our country while stationed in Iraq. On behalf of the people of Antioch, Illinois, the Mayor and Village Board of Trustees sincerely offered their deepest and heartfelt sympathy to entire Jansky family. Mr. Jansky expressed his appreciation said the resolution was a very nice honor to Ben.

2005 Proclamation Recognizing October as Domestic Violence Awareness Month – Trustee McCarty moved seconded by Trustee Porch to approve the Proclamation recognizing October as Domestic Violence Awareness Month in the Village of Antioch. Upon roll call, the vote was:

YES: 4: Hanson, McCarty, Porch and Turner.

NO: 0.

ABSENT: 2: Caulfield and Pierce.

CLERK

No Report.

Trustee Caulfield arrived at 7:35 p.m.

ADMINISTRATOR

SWALCO Recycle America Intergovernmental Agreement – Following Administrator Haley's review of the SWALCO Recycle America agreement, Trustee Turner moved, seconded by Trustee McCarty to approve the Intergovernmental Agreement between the Village of Antioch and the Solid Waste Agency of Lake County, Illinois and authorizes the Mayor to execute and the Clerk attest the agreement. Upon roll call, the vote was:

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

NO: 0.

ABSENT: 1: Pierce.

THE MOTION CARRIED.

COMMUNICATIONS

Clerk Rowe read aloud a copy of the posted notice lifting the temporary ban on sod installation.

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CITIZENS WISHING TO ADDRESS THE BOARD

Tim Barrett and Gene Porto, Great Lakes Principles representatives, updated the board regarding the Wal-Mart improvements. Mr. Barrett said the roadway and sanitary sewer improvements are complete. He said that all of the improvements north on Deep Lake Road and east and west on Route 173 are completely done with the lack of the mast arms for the signals which would come at a later date. Mr. Barrett said that all the striping and final lift form is there. Mr. Barrett said that Trustee Hanson's concerns brought up at a previous meeting concerning the signaling lanes are also coordinated. He said the one challenge left is the final completion of the small area south on Deep Lake Road which was an issue of getting permit through the IEPA. Mr. Barrett said that through the efforts primarily through Claude LeMere, Director of Community Services and the village, after several weeks of working the IEPA, they have received a week ago today a notice from the IEPA requesting payment of the required fee for their review of the plans and work done. Mr. Barrett explained that this notice and fee is a new part of the permit process and he said that it was his understanding that once the request for fee payment is issued, that means in effect, that the IEPA approved their request. Mr. Barrett said that expects to pay the fee on September 20, 2005 and will wait for the letter of approval from the IEPA which should be forthcoming.

Mr. Gene Porto, Great Lakes Principles representative reported that the sewer extension from the western top edge of the Wal-Mart property along Route 173 to the village connection point is complete and the lift station is in and operational. Mr. Porto said they have not removed the temporary storage tank which is permitted by the state to keep until the end of this month. He said the temporary storage tank could be used as a back up system if needed and the village's existing lift station is functioning properly. He said, once they get notification from the village, they will decommission the existing storage tank.

Comment – Trustee Hanson

Trustee Hanson asked about the drainage problem near Grimm Road and the standing water that occurs near the Kennel. Mr. Porto said they have re-graded that area twice. He also said that we haven't had enough rain until today to check that, however he talked to Dennis Heimbrodt, village engineering department about that today. Mr. Porto said they are not satisfied that it's working properly and the contractor is still under warranty and it would be on the contractors punch list. Mr. Porto said that he believed that a culvert which is placed a little too high may be the cause.

Dennis Crosby, Waterview Circle resident, complimented Trustee Bob McCarty for the tremendous job he did over the past weekend for the Katrina Hurricane Relief fundraiser. Mr. Crosby said this was a positive experience for him to see and that Trustee McCarty deserves recognition for a job well done. Trustee McCarty also thanked Mr. Crosby who helped get a half-load of goods to the drop-off point in Lisle, Illinois.

Mr. Crosby also expressed his concerns regarding the attorney escrow fees that are in addition to the flat monthly rate. Mr. Crosby questioned the \$3500.00 fee paid to Attorney Magna from developer escrow accounts and proposed that Attorney Magna use the escrow fees as an offset to his monthly fee. He also questioned what the normal scope of work and what activity is outside the normal scope of work for the village and how does this differ from the last law firm.

Mayor Larson

Mayor Larson said that we are not spending more money than the last law firm and she explained that the previous village attorney failed to bill for escrow and didn't provide an itemized list when requested. Mayor Larson said that we needed an itemized bill so we could properly bill the developer. If we didn't bill the developer for these services, the only person benefiting from this practice would be the developer and not the taxpayer.

Attorney Magna

Attorney Magna explained the usual practice of billing the developer's escrow account when, at the request of the village, he meets with developers and reviews the appropriate documents that typically accompany development projects which are most likely annexations. He explained that annexations usually have a lot of issues and when he does this work at the request of the village, it's on the developer's dime. He said that what he's discovered in over thirty years of experience, as well as other communities who have the same practice, is that they have found that usually the municipal attorney rate is much less than what a developer would have to pay for their own law firm. If they can get annexation and development legal work done cheaper by going through the village they would, and it usually consumes the time of the municipal attorney. Mr. Magna said that charging the escrow accounts puts the onus on the developer to have their documents in order and to comply with village requirements that would not be at the expense of the village. Attorney Magna also said that it was his understanding that Robert Silhan, Director of Planning, Zoning and Building would draft all the ordinances with the past administration. Attorney Magna drafts all ordinances and most resolutions depending on the level of complexity. Attorney Magna further discussed reasons for charging to the developer escrow account, and that he itemizes his time and charges the appropriate escrow accounts.

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Mr. Crosby asked Attorney Magna if there was any reason legally for him to apply the escrow fee and debit that from the balance of his monthly fee. Attorney Magna said there is no legal restriction on that and he reiterated the importance that he accounts to village business and not developer business. Mr. Crosby said that he believes there are many interested citizens who would like to see what the specific scope of work is for the current law firm and how that differs from the previous attorney's scope of work.

Comment – Trustee Turner

Trustee Turner discussed the previous attorney's performance and fees and she discussed the need at that time for the village to hire additional law firms to handle projects outside the scope of normal village business. She said that she would like to see all the legal fees that we paid for all the firms who represented the village over the past four years. She also asked Mr. Silhan to draft an outline of the scope of work that he was doing during the past four years.

Comment – Trustee Porch

Trustee Porch said that she appreciated the interest Mr. Crosby's interest in the village finances. She said that for the last four years, she repeatedly asked for itemization from the village attorney and she was told that he would not do that because it was billed on a flat rate. She also recalled a situation in the past when reviewing a document it was stated by someone that it appeared the developer drafted the document and she said that the village attorney told her the developer did in fact draft the document. She said that our current village attorney is doing extra ordinary work that was not done by the previous village attorney. Trustee Porch also discussed the recent committee meeting where these fees were discussed and it was explained what the fees were for and she got clarification from staff. She said that Attorney Magna is doing additional work that was not done in the past.

Comment – Trustee Hanson

Trustee Hanson discussed his recent conversations with the former village law firm and of his conversations with the Village of Gurnee when he called and asked them about their attorney billing practices. Trustee Hanson said that he understood that this law firm was hired to work under a flat rate and he would like the attorney fees re-evaluated. Trustee Hanson also said that it's not a question of comparing the law firms and he believed both law offices are good firms.

Comment – Trustee McCarty

Trustee McCarty said that he believed we are paying the current attorney as what was represented when they were hired. He said the village attorney has a flat fee for the normal scope of village business that is paid for by the village. Work done involving development is charged to the developer escrow account as is the case for any other professional services such as engineering. Professional services are paid by the developer through their escrow account and are not paid from the village funds.

Scott Frillman, Meridian Way resident, said that he missed a few meetings due to other obligations; however, he wanted to congratulate the newly elected officials. He said that he is really excited about the new board and sees a new spirit of cooperation and he feels we're going to see good things down the road. Mr. Frillman said that he was happy to hear about the new recycle bins with the new Waste Management contract and felt this would greatly help debris in the streets. He suggested the Village host a village wide clean up, possibly during the spring season. He also asked that the village communicate more about what is going to happen at Tiffany Road and North Avenue. Mr. Frillman also discussed the condition of the Ace Hardware store and parking lot and suggested someone contact Ace Hardware store headquarters. He also discussed his previous suggestion to use salt brine to help control snow and ice. He hopes the village is looking into this as an alternative to our current snow and ice removal practices. Mr. Frillman also suggested the village check out EBay from time to time for village needs. He believes the village should look at new, fresh and different ways to do things. Mayor Larson thanked Mr. Frillman for his comments.

LEGISLATIVE AND HUMAN RESOURCES

No Report.

PLANNING, ZONING AND BUILDING, SENIOR SERVICES

P&Z Board negative recommendation; PZB 05-07; Fence variation for 555 Needlegrass Parkway – Trustee Turner reviewed the following letter of recommendation from the Combined Planning Commission and Zoning Board:

The Combined Planning Commission and Zoning Board of Appeals conducted a public hearing on August 18, 2005, following publication as required by State Law and Village Ordinance.

The variation requested by Alf and Marilyn Skulstad is to Section 10-2-2, which restricts fences in a required corner side yard to a maximum of 48 inches in height, and 50 percent opaque. The proposal is to allow for the recently constructed fence, a 6 foot high fence, which is 5 feet solid plus the top 1 foot lattice.

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Mrs. Marilyn Skulstad of 555 Needlegrass Parkway stated that other neighbors have the same fence as her and she should be able to keep her fence.

Mrs. Donovan of 589 Summerlyn Drive stated that her fence is fine and not blocking anyone's view. Mrs. Elizabeth Skonieczny of 561 Needlegrass Parkway also stated that she is fine with fence and doesn't see anything wrong with it.

Mr. John Ploss of 825 Heather Court, President of the Tiffany Farms Homeowners Association, stated that the Association suggests that the homeowners follow village code. He recommended that we deny the approval for a variance to keep consistency throughout the neighborhood.

The Chair asked how the fence was approved it is nonconforming. John Ploss and Bob Silhan both commented that the fence had been misrepresented on the plat of survey submitted by the Skulstads. Mr. Silhan further stated that the fence would not have been approved for permit if the plat had been marked where the fence is now sited. The Chair further inquired why the builder was not stopped from building the fence if it was not built in the location that was requested and shown when applying for the permit. Mrs. Skulstad stated that she was not there when the fence was being constructed therefore couldn't stop the builder. She reiterated that there is precedence because there are other corner lots with the same type of fence.

Member LaReese explained that the fact there are other fences in violation of the village code does not create a legal precedence which would overturn the village code even though it might the restricted covenants in the neighborhood. He further mentioned that just because other fences are there it has no bearing on the village ordinance itself. Member Ipsen stated that there is not a demonstrated hardship. In summary, the fence was not constructed in the located according to the plans approve for permit; the applicant failed to prove that the Village's ordinance created a hardship.

In conclusion, Member Baba moved to recommended denial of PZB 05-07, proposed corner side yard fence variation, at 555 Needlegrass Parkway; Member Keller seconded. Roll call: YES: 5: Ipsen, Cole, LaReese, Keller, Baba. NO: 0. ABSENT: 1: Kaiser. Motion carried; the Combined Planning Commission and Zoning Board of Appeals recommends that this petition be denied.

Motion regarding P&Z Board negative recommendation; PZB 05-07; Fence variation for 555 Needlegrass Parkway - Trustee Turner moved seconded by Trustee McCarty to deny PZB 05-07 fence variation request for 555 Needlegrass Parkway. Upon roll call, the vote was:

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

NO: 0.

ABSENT: 1: Pierce.

THE MOTION CARRIED.

Enforcement Plan – Non-conforming corner side yard fence in Tiffany Farms – Trustee Turner moved seconded by Trustee Porch to place the Enforcement Plan regarding the non-conforming side yard fence in Tiffany Farms into committee. Upon roll call, the vote was:

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

NO: 0.

ABSENT: 1: Pierce.

THE MOTION CARRIED.

ENGINEERING, PUBLIC WORKS AND UTILITIES

No report.

FINANCE, ECONOMIC AND REDEVELOPMENT

Other Business – Village Administrator Michael Haley reviewed his memorandum dated September 19, 2005 regarding the resignation of the Finance Director Trisha Steele. Administrator Haley said the position was advertised in the IGOFA, the WGFOA as well as the Illinois Municipal League and on the village web site. He said that after he advertised the position he became aware of the fact that Chief Accountant Joy McCarthy, who already submitted her resignation to take a job in private industry, might be interested in the Finance Director position. Mr. Haley said that after consulting with the Mayor and the Chair of the Finance Committee, a decision was made to offer the vacant position to Joy McCarthy. Administrator Haley said that Joy McCarthy's is competent in the village's financial software and she has worked for the village about a year; her work ethic is highly rated and her knowledge of our internal operating procedures made her a viable candidate for the position. Administrator Haley said that after discussion, Joy McCarthy agreed to accept the position of Finance Director at a salary of \$81,900.00. Administrator Haley also distributed to the Board Joy McCarthy's resume, he believes that she is the best applicant at this time and it's a benefit to the village. Since Joy McCarthy's acceptance of this offer was after the agenda was completed, it was the consensus of the Board to approve the Mayoral appointment in principle and to place the appointment on the next village board agenda.

Comment – Trustee Porch

Trustee Porch said that Joy McCarthy has a MBA in accounting and BS in business administration/management, she has over seven years in municipal experience and that she is more than competent to take on the Finance Director responsibilities. Trustee Porch also applauded Administrator Haley's efforts in the exit interview that he implemented. She said during that interview Mr. Haley made sure that Joy McCarthy understood that she was a valued employee and we were sorry to see her go. She said that Mr. Haley made Ms. McCarthy feel comfortable enough that she was able call him and express her reconsideration of the finance director position.

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Invoices over \$10,000 – Trustee Porch reviewed the informational report dated September 19, 2005 showing invoices over \$10,000 and totaling \$123,089.31. Invoices listed were: Antioch Police Pension Fund in the amounts of \$38,101.51 and \$58,730.50 for September RE distribution; and Smith Engineering Consultants in the amounts of \$11,240.00 and \$15,017.30 for Clublands 3.

Summary of Escrow – Trustee Porch reviewed the informational report dated September 19, 2005 showing the summary of escrow and totaling \$37,776.36.

Accounts Payable – Trustee Porch moved seconded by Trustee Turner to authorize payment of accounts payable as prepared by village staff and dated September 19, 2005 in the amount of \$230,924.33. Upon roll call, the vote was:

YES: 4: McCarty, Caulfield, Porch and Turner.

NO: 0.

ABSTAIN: 1: Hanson.

ABSENT: 1: Pierce.

THE MOTION CARRIED.

Manual Checks – Trustee Porch moved seconded by Trustee Turner to approve the manual checks report dated September 15, 2005 as prepared by village staff in the amount of \$7,278.86. Upon roll call, the vote was:

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

NO: 0.

ABSENT: 1: Pierce.

THE MOTION CARRIED.

Payroll Expense – Trustee Porch moved seconded by Trustee Turner to approve the payroll expense report dated September 9, 2005 in the amount of \$233,306.87 as presented. Upon roll call, the vote was:

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

NO: 0.

ABSENT: 1: Pierce.

THE MOTION CARRIED.

Authorize the increase of non-bargaining employees salary 3%, effective May 1, 2005 – Trustee Porch moved seconded by Trustee Turner to approve the increase of non-bargaining employees salaries 3%, effective May 1, 2005. Upon roll call, the vote was:

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

NO: 0.

ABSENT: 1: Pierce.

THE MOTION CARRIED.

Administrator Haley

Administrator Haley explained the 3% figure is the negotiated amount with the union contract for the Fraternal Order of Police.

Reaffirmation of Clock Tower project. – Administrator Haley said that he and Mayor Larson had a very nice meeting with Rollie Schluesner, who headed the Clock Tower committee since its formation. He said that a few months ago, the Clock Tower committee reported there were problems with soils on the property and the Tower couldn't be located where they initially planned. Administrator Haley said the Clock Tower committee has collected funds for this project and Mr. Schluesner wanted reaffirmation from the Board that the Clock Tower project will continue. Administrator Haley said the Clock Tower committee is aware of the Downtown study and they are willing to wait for the results to determine a new place for the Clock Tower. He said that the original location would cost too much because of the engineering needed.

Mayor Larson

Mayor Larson said that she assured Mr. Schluesner that she believed the Clock Tower was a good project and if in fact we can't put it at the original proposed location; we would look long a hard for an agreeable site. Mayor Larson said she believed some of the clock mechanisms have already been purchased.

Comment – Trustee Porch

Trustee Porch said that she believed this is a viable project.

Other Business – Route 83 Corridor Study Open House – Trustee Porch reported that we'll be hosting an Open House and Planning Board session regarding the Route 83 Corridor Study on Thursday, September 29, 2005 in the Maplethorpe Room. She asked the public feel free to attend and share comments with our consultants and village staff.

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Other Business – Smith Engineering – Lake Street Project – Trustee Porch said that the Trustees received information last week regarding the Lake Street project and we will be scheduling a committee meeting in the near future.

Other Business – Antioch Lions Club and Antioch Moose Club – Trustee Porch applauded the Antioch Lions Club and Antioch Moose Lodge for their fundraising efforts for the victims of the Katrina hurricane.

PUBLIC SAFETY, PARKS AND LICENSE

Resolution approving intergovernmental agreement with North East Multi-Regional Training, Inc. – Trustee McCarty moved seconded by Trustee Hanson to approve and authorize the Mayor to execute **Resolution 05-23** entitled, **A RESOLUTION AUTHORIZING THE VILLAGE OF ANTIOCH TO ADOPT AN INTERGOVERNMENTAL AGREEMENT ESTABLISHING A MOBILE TEAM IN-SERVICE TRAINING UNIT.** Upon roll call, the vote was:

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

NO: 0.

ABSENT: 1: Pierce.

THE MOTION CARRIED.

Administrator Haley

Administrator Haley reported that we have been involved with NEMRT for quite a while; however, in reviewing their files, NEMRT realized they do not have a current resolution from the Village of Antioch.

Keller Williams Cares – Trustee McCarty said Keller Williams Real Estate Company would be holding a “Keller Williams Cares” walk to raise money for the Katrina relief fund. There would be approximately 12 Keller Williams’s employees participating in the walk which would take place at 1:00 p.m. on September 25, 2005. The employees would walk on various sidewalks and the walking/bike path in the village.

Memo from Park Commission Chairman Chris Leinhardt – Trustee McCarty read the following letter dated September 14, 2005 from the Antioch Park Commission Chairman Chris Lienhardt.

On behalf of the Park Commission I was pleased to hear that the contract has been signed to purchase the land for the new Aquatic Center at the September 6th board meeting.

As you may recall the Park Board did extensive research into several different firms back in early 2003 to at least ten different park districts that had recently opened or renovated their aquatic facilities to gather information on lessons learned and to inquire specifically about the architectural firm they chose. The results of those surveys and visits were compiled and a power point presentation was made to the Village Board on May 19, 2003 with a recommendation to hire PHN; however this action was delayed due to lack of funds; and no real clear decision on where the facility would be constructed. Now that we have secured a piece of property we need to begin drawing up a schematic design; which is the first of seven phases of a project of this size.

The need for a new facility is well known and if this project were started this month we will still have to stretch one more year out of our current facility to make it to a Memorial Day 2007 opening. Additionally the Park Board wants to begin the design phase so as funds are available we have the plan in place therefore avoiding any further delay on an approximately overall cost of \$6,000,000 facility, with \$150,000 for design development.

Therefore we are formally requesting the Village of Antioch hire the Wheaton Illinois based firm of PHN to assist us in our goal of providing quality recreation for the residents of our community.

Should the Village Board wish to review the original power point presentation or have any additional questions we would be more than happy to answer them.

In closing, I want to personally thank everyone who worked on securing this property so we can begin the next exciting steps in this process.

Trustee Turner left the Board Room at 8:40 p.m. and returned at 8:43 p.m.

Comments – Chris Leinhardt, present in the audience said the Park Board spent a lot of time researching the aquatic center and now that we have the land they would like to move forward with the schematic design process.

Mayor Larson

Mayor Larson said that she believed preliminary discussion regarding this is on Wednesday’s Park Board meeting agenda. She said that in her conversations with Laurie Stahl, Parks and Recreation Director, they want to include not only members from the Park Board and the Village Board in the planning stages of the Aquatic Center, but create an Ad-Hoc Committee from the village at large, specifically from the adjoining subdivision, Arbor’s of Windmill Creek subdivision. Mayor Larson said that once the criteria are set for this committee, we could move forward with that. She also said she spoke with Administrator Haley regarding the budget for the first phase of the center.

Administrator Haley

Administrator Haley said we did budget money for the design phase and he believes we would be in a position to authorize that once the Park Board comes forward with a final

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recommendation and we have a contract. Administrator Haley cautioned both the Board and the community regarding the opening date of Memorial Day 2007 being very optimistic. Mayor Larson said that the timeline presented by the Park Board is very ambitious and is probably not the time line that we are going to see, but we are going to move forward and try to begin moving forward quickly, and we hope to close on the property by the end of the year. Administrator Haley said that he has presented financing options for the sewer treatment plant; that we're not going to be able to do everything at one time and the proposed \$6,000,000 cost for the Aquatic Center is going to require some type of bonding. He said that he understands the need for the facility, but we just don't have those funds at this time. He said that this probably won't happen as quickly as some of those who worked so hard on this project would like it to happen.

Comments - Chris Leinhardt said that he believed the Park Board is presenting the Village Board with the plan and that we have to do the schematic design. Mayor Larson said that we do want to get to the design phase, which is budgeted for. Chris Leinhardt asked if the Board would authorize the village manager to draw up the necessary contract with PHN. Mayor Larson said that we would need to see a current contract from PHN before the Board could agree to it.

Attorney Magna

Attorney Magna explained that the architectural firm would need to provide a standard form of proposal for the design phase for the Village Board consideration. He said that the process has to start somewhere and it would have to start somewhere concrete. He suggested that Mr. Leinhardt contact the firm to get a formal proposal from them. Attorney Magna said that Mr. Leinhardt could call him, if he would like, and he would be happy to answer any questions he may have.

Comment – Trustee McCarty

Trustee McCarty said that he would like to wait until the village closed on the property which should be mid-November.

Comment – Trustee Porch

Trustee Porch said that she thought the Ad-Hoc Committee would meet with the Park Board and the Village Board to discuss the wish list before we hire a firm to do the schematic design.

Comment – Mr. Dan Nickels from PHN, present in the audience, said that they do have a standard proposal forms and organizing focus groups are part of the process.

Authorize the advertisement for bids for an unmarked police car – Administrator Haley reported that on September 14th, the 1997 unmarked car blew the transmission, and the car is presently at the shop to determine if it's worth fixing. He said the initial evaluation is that it would not be economically prudent to repair this vehicle. Administrator Haley also reported that this car was slated to be replaced in this fiscal year and is included in the budget. Mr. Haley said that he would like the Board to authorize the advertisement for bids for an unmarked car, and if in fact the 1997 car could be repaired, we would not purchase the vehicle.

Trustee McCarty moved seconded by Trustee Porch to authorize the advertisement for bids for an unmarked car for the police department. Upon roll call, the vote was:

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

NO: 0.

ABSENT: 1: Pierce.

THE MOTION CARRIED.

Other Business – Trustee McCarty read aloud an award that was given to Antioch Public Works Department employee Ron Horton in appreciation of service from Allendale Association for the child mentoring program and thanked him for all the work he has done with this program.

DELINQUENT ESCROW ACCOUNTS

No report.

ATTORNEY

Attorney Magna reviewed the request from the Antioch Library District to increase the Library Impact fee from \$210.00 to \$233.00. He also discussed past actions by the Board to amend the impact fees which were done by amending resolutions and/or by amending ordinances. Attorney Magna suggested the Board authorize him to draft the appropriate ordinance amending the fee by ordinance and to codify the ordinance in the appropriate section of the village code.

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Library Impact Fees – Trustee Porch moved seconded by Trustee Turner to authorize the village attorney to draft the appropriate ordinance regarding the Library impact fee being amended to \$233.00. Upon roll call, the vote was:

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

NO: 0.

ABSENT: 1: Pierce.

THE MOTION CARRIED.

Ratification and authorization to sign the settlement agreement in the case of Beelow & Hertel v. Village of Antioch – Attorney Magna reviewed the settlement and mutual release agreement between the Village of Antioch and Daniel Beelow and Donald Hertel. Attorney Magna said the settlement agreement would be in the sum of \$210,000 which is \$175,000 reimbursement of Mr. Beelow's improvement fee paid to the village, including \$35,000 for loss of use for approximately five years. Attorney Magna said that if this matter went to court, the court could impose an interest factor by statute and that this settlement amount is less than what could occur through the courts. Attorney Magna said these funds have been set aside and are in the budget.

Beelow & Hertel Settlement and Mutual Release Agreement – Trustee McCarty moved seconded by Trustee Turner to ratify and authorize the Mayor to sign the settlement agreement and mutual release in the case of Daniel Beelow & Donald Hertel vs. the Village of Antioch and also authorizes the Village Administrator to issue the payment in the amount of \$210,000.00. Upon roll call, the vote was:

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

NO: 0.

ABSENT: 1: Pierce.

THE MOTION CARRIED.

Executive Session – Trustee McCarty moved seconded by Trustee Hanson for the Mayor and Board of Trustees to go into executive session to discuss pending litigation at 9:00 p.m. Upon roll call, the vote was:

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

NO: 0.

ABSENT: 1: Pierce.

THE MOTION CARRIED.

Executive Session Return – Trustee McCarty moved seconded by Trustee Turner for the Mayor and Board of Trustees to return from executive session at 9:20 p.m. with **no action taken**. Upon roll call, the vote was:

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

NO: 0.

ABSENT: 1: Pierce.

THE MOTION CARRIED.

ADJOURNMENT

There being no further discussion, Trustee McCarty moved seconded by Trustee Porch to adjourn the regular meeting of the Board of Trustees at 9:21 p.m.

Respectfully submitted,

Candi L. Rowe RMC, CMC
Village Clerk