

DRAFT MINUTES

VILLAGE OF ANTIOCH BOARD OF TRUSTEES, REGULAR MEETING Municipal Building: 874 Main Street, Antioch, IL March 20, 2006

CALL TO ORDER

Mayor Larson called the March 20, 2006 regular meeting of the Board of Trustees to order at 7:35 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, Administrator Haley, Attorney Magna and Clerk Rowe.

APPROVE BALANCE OF AGENDA FORM

Trustee Porch moved, seconded by Trustee Pierce to approve the balance of the March 20, 2006 meeting agenda as presented. Upon roll call, the vote was:

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

NO: 0.

THE MOTION CARRIED.

MARCH 6, 2006 REGULAR MEETING MINUTES

Trustee Porch moved, seconded by Trustee McCarty to approve the revised March 6, 2006 meeting minutes as presented.

Comment – Trustee Pierce

Trustee Pierce said he noticed that the revised draft minutes included Trustee Hanson's statement from the last board meeting. Mayor Larson explained that Trustee Hanson requested the entire statement be included in the minutes. Trustee Pierce asked if the memo from Administrator Haley should also be recognized in the minutes. Attorney Magna said the memo is now a public document since the Mayor has mentioned it. Attorney Magna said the memo could be included in the minutes if the Board wishes, but it is now a public document.

Roll Call Vote – There being no further discussion and upon roll call, the vote was:

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

NO: 1: Pierce.

THE MOTION CARRIED.

PETITIONS / BIDS

Lake Street Streetscape Project Phase 1 and 2 - Clerk Rowe read aloud the following bids received on March 6, 2006 at 10:00 a.m. regarding the Lake Street Streetscape Project Phase 1 and 2:

Name and Address	Amount
Landmark Contractors, Inc. 11916 W. Main Street Huntley, IL 60142 P: 847-669-5474 Bid Bond	Phase 1 - \$386,443.70 Phase 2 - \$744,261.40 Total 1&2 - \$1,130,705.10 Alternate: \$121,860.00
Alliance Contractors, Inc. 1166 Lake Avenue Woodstock, IL 60098 Bid Bond	Phase 1 - \$379,389.65 Phase 2 - \$747,612.25 Total 1&2 - \$1,127,001.90 Alternate: \$135,790.00
<i>Engineer's Estimate for Total Phase 1&2</i>	<i>\$1,047,851.09</i>

Trustee McCarty moved, seconded by Trustee Turner to accept the bids received into the record.

Comment – Trustee Pierce

Trustee Pierce referred to the letter of recommendation from Smith Engineering Consultants, Inc. Administrator Haley said that he would explain the differences in the bids received once the bids were accepted into the record.

Roll Call Vote – There being no further discussion and upon roll call the vote was:

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

NO: 0.

THE MOTION CARRIED.

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MAYOR

Other Business - Lake County Health Department Comprehensive Smoke Free Ordinances – Mayor Larson said that she previously distributed to the Board information from the Lake County Health Department regarding comprehensive smoke free ordinances. She said that a representative from the Lake County Health Department has been asked to make a presentation to the Board at a Special Committee of the Whole Meeting on April 3, 2006 at 6:30 p.m. Clerk Rowe will contact the Trustees when the date and time has been confirmed by the County and license holders would be notified of the meeting so they could attend if interested. Mayor Larson said if any Trustees contact her with any questions they may have. She also said that she is not recommending action one way or the other; she believes we should get the information so we are informed if and when we have to make a decision. Mayor Larson discussed that the Village of Lindenhurst having the presentation at their next meeting, and although we are different communities, she thought that we would have to address this one way or the other if we do not take action. She further discussed the Cook County and the City of Chicago recently passed a smoking free ordinances.

CLERK

No report.

ADMINISTRATOR

Proposed temporary employee parking locations during Lake Street project – Administrator Haley said that later on the agenda we have the consulting engineers letter of recommendation regarding the Lake Street project and if that is approved we will need an area to replace some the temporary parking places on Toft Avenue and also an area in close proximity of the construction area to store equipment and supplies needed for the project. He said that we intend to close the East half of the North side of the Toft Avenue parking lot for the purpose of temporary village employee parking, temporary business employee parking and for the location of some equipment and/or sand or gravel that needs to be stored there. The driveway cut at Toft Avenue will not be blocked and the access to the mail boxes will remain.

Verbal Update regarding Channel in Oakwood Knolls – Administrator Haley discussed Mrs. Romic, President of the Oakwood Knolls Homeowner's Association, who addressed the Board at their last meeting regarding the Channel that needs to be dredged. He said that she also stated there was an existing manhole that had a cover missing. Administrator Haley reported that staff has made a thorough search of the area and could not find a manhole cover or a manhole that was missing a cover. He said that we have tried to contact Mrs. Romic to see if she could be more specific, however, we were not able to contact her. Administrator Haley further reported that staff found some deep depressions, described by Mrs. Romic as sink holes, that we are in the process of filling. Mr. Haley said that with respect to the Channel, there is a County PIN number that indicates the property is owned by the Oakwood Knolls Civic Association at a particular post office box and the taxes are paid. Mr. Haley said this indicates that this is not public property and the use of public funds probably would not be warranted to do anything in that Channel. He said that we had further discussions with another member of the Association and he indicated that the Association may be able to dredge the Channel themselves and asked if the village could supply an area to deposit some of the spoils. Administrator Haley said that staff is currently looking at the situation, but does not have a recommendation at this time.

Other Business – Watershed Development Ordinance – Administrator Haley discussed the Watershed Development Ordinance. He said the Village is a certified WDO Community and as such enforces the Watershed Development Ordinance of the County. We adopt the Lake County WDO by reference. Administrator Haley reviewed some of the major changes made by the County to their Watershed Development Ordinance. Administrator Haley said that if we want to remain a certified community we need to pass an ordinance identifying the changes. The ordinance will be on the next meeting agenda and must be adopted by April 12, 2006 if we wish to remain as a certified community.

COMMUNICATIONS

No report.

CITIZENS WISHING TO ADDRESS THE BOARD

There were no citizens present in the audience who addressed the Board.

LEGISLATIVE AND HUMAN RESOURCES

Approve Sections 1 & 2 of the policy manual as reviewed at the March 9, 2006 committee meeting – Trustee Pierce briefly discussed Sections 1 & 2 of the policy manual and recognized the hard work done by Administrator Haley and staff regarding these policies. Trustee Pierce said these sections were reviewed at the March 9, 2006 committee meeting and we would be looking to approve these sections of the manual. He asked Administrator Haley to give a brief report. Administrator Haley said that for a long time we have all recognized the

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need to upgrade our policies and procedures and with the advent of the new human resources coordinator, we finally been able to start to complete this task. Administrator Haley said there would be approximately 12 sections in the policy and procedure manual and rather than have them all go to the Board at once, he and Committee Chairman Pierce agreed they would go before the Board a few sections at a time. Administrator Haley said that he believes it's important to have the policy addressed and passed by the Village Board.

Trustee Pierce moved, seconded by Trustee Turner to approve Sections 1 & 2 of the Policy and Procedure Manual as presented.

Comment – Trustee Hanson

Trustee Hanson questioned the procedures as listed in Section 1.2. He suggested changing the following sentence since it implied that we would have to take disciplinary action:

Any deliberate attempt by any employee of the Village to bypass this policy ~~will~~ may be subject to disciplinary action, not to exclude termination.

Mayor Larson

Mayor Larson said that if someone is discriminating, we would want stronger language included.

Attorney Magna

Attorney Magna said the discussion comes in the level of discipline and he thinks it's a strong affirmative statement that discrimination will not be tolerated and that an employee or department that does discriminate would be subject to disciplinary action. He said that action could be anything from a verbal reprimand, written reprimand, and suspension to termination. He said the judiciousness of the disciplinary action would be based upon egregiousness of the offense, which is a system of fairness. Attorney Magna said the language could be changed as Trustee Hanson suggested and that it's the Board's decision, however this is in the strongest possible terms that discrimination would not be tolerated and would subject the discriminator to disciplinary action.

Comment – Trustee Hanson

Trustee Hanson questioned the procedures as listed in Section 1.6 where it refers to "Appendix A, form 1" and reviewed the following sentence and said we should define what Village is; would it be a person, the Mayor or is it the Board or if it was the village, he asked how could a whole village define performance.

If the employee's job performance meets the expectations of the Village at the end of the introductory period, the employee will continue as an at-will employee of the Village.

Attorney Magna

Attorney Magna explained that by context, when you see capital "V" on village, you're talking about the Village of Antioch. The Village of Antioch can only act as the corporate authority which is the Mayor and Board of Trustees. Anytime that you see the word village with a capital "V" it means the corporate authority of the Village of Antioch and the policies and expectations that they have for employees. He suggested that if the Board chooses, there could be a general policy section of the manual where it defines that Village with a capital "V" means the President and Board of Trustees acting as the corporate authority.

Comment – Trustee Hanson

Trustee Hanson also discussed the eligibility portion of Section 1.6 and the following sentence under procedures. He asked how this relates to the bargaining unit and he asked if they would be liable for the same procedures as the non-union employees.

The introductory period for eligible Village employees who are newly hired, promoted, demoted, and/or transferred to a different classification is six (6) months.

Attorney Magna

Attorney Magna said that when the Village approved the collective bargaining agreement, as with the police department, the Village already determined policy in terms of probationary periods, levels of discipline, and grievance steps. He explained that by approving the agreement, the Village already made the determination regarding those policies and it's appropriate as long as these general policies are not inconsistent with the collective bargaining agreement because the law is the collective bargaining agreement would always trump a general policy. Attorney Magna said there could be different policies for union and non-union employees. He said that in most village's they attempt to keep them as uniformed as possible.

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Comment – Trustee Hanson

Trustee Hanson said asked what the protection factor for a good employee when somebody gets moved involuntarily for example. He said that for example, “say that someone didn’t like someone and they get moved somewhere and they have to go through a six month probation and the employee has been here for 20 years” he said the Board should be in control of that.

Attorney Magna

Attorney Magna said that in involuntary transfers, does a new probationary period arise. He explained that an involuntary transfer suggests that someone was ordered from one department or another, or from one job function to a different job function by order of the employer. He said the Board may want to provide some additional protection, in other words if they have been a good employee, he supposed the reason for the transfer may have something to do with that too. He said in general the Board may choose to implement something if someone voluntarily transfers and discussed a situation where an employee applied for a job opening with a higher technological or educational requirement and that person has been going to school and studying. He said the Board may want to have a probationary period and full disclosure stating that a new probationary period begins when an employee applies for and transfers to another position, especially when the prior position is filled. He said that generally speaking, when someone is volunteering for advancement and if the position they left is either eliminated or filled, the former position isn’t available. Attorney Magna said that as management you don’t want to say that a job is there for life as long as you draw a breath; you want to have standards that an employee is expected to meet and hopefully, they’re not permitted into that next job without some prospect or probability they would do fine. Attorney Magna said the introductory period provides for an evaluation period for a position and that it would be hard to custom craft a policy for every individual circumstance that may arise and there has to be some consequence if an employee doesn’t work out. He said a policy once established should apply to everyone. He said that it’s very important that the Village is setting standards with these policies because there are job descriptions coming in and more to come in the future which helps build those expectations, duties and responsibilities.

Comment – Trustee Hanson

Trustee Hanson said that he sees the point with a new employee, but again he would like to protect long term employees. He didn’t mean to say that we would guarantee an employee a job for life but why couldn’t there be something in the policy to protect an employee who has some loyalty to the Village and maybe not the new employee who was just hired.

Mayor Larson

Mayor Larson said these policies are not written specific to any employee; they are guidelines for the Village so we can get employees to be good employees and continue to be. She said this is pretty standard language used across the country as a way of protecting the business, government entity and employee. She further discussed that we have to have some recourse in place for employees that are not working out in a position whether they are 30-year employee or a new hire. Mayor Larson also discussed the evaluation process where employees would be encouraged to improve their employment as they went along. She said these are excellent drafts and we have been talking for several years that we need a handbook that protects the employees and the Village and she thought it was a wonderful document.

Comment – Trustee Caulfield

Trustee Caulfield said he had a couple concerns regarding the introductory period under procedures in Section 1.7. He said it seems there are a few people in this room who can appreciate the fact you may take on a new job, at a new company or village, or take on a promotion or laterally moved within an organization. He said this policy seems to set up a tool for management that he believes is unfair for someone who has been at an establishment, we’re talking about the Village here, for some period of time and we all know that a lot of things happen in the village every couple of years when there is an election. Trustee Caulfield said that sometimes management changes are made at that time following an election and he thinks this policy has a tendency to favor or to help give a tool to elected officials to help move employees out of the Village. Trustee Caulfield said that he has grave concerns over the fact that someone could be working for this establishment for a year or 10 years and they are coached, coerced, promoted or enticed to take a new position that would automatically start the clock rolling on a new probationary period. He said that someone with a family or financial need, or just regular working people who need a job, it sets them up for another probationary clock. He said that if you’re not performing on your job regularly when you are promoted, there’s going to be discussion, there’s a performance appraisal process that would naturally lead to ‘it’s not working out’. Trustee Caulfield said he thinks that could occur absent this procedure and he asked for anything that related to existing employees in Section 1.6 is removed.

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Comment – Trustee Pierce

Trustee Pierce said that he disagreed with Trustee Caulfield's comments regarding Section 1.6 and he discussed his employment experience where if he doesn't do his job as a manager, he knows that he would no longer be employed and that's a fact of life. He said the Village needs to be in charge of its employees.

Comment – Trustee Caulfield

Trustee Caulfield said that Section 1.8 under procedures follows on with his thoughts regarding the introductory period. He said under procedures it says:

The Village will post all full-time, part-time and temporary vacancies on Village bulletin boards and in the Employee Newsletter. Other external advertising of vacancies may also take place and will be handled on a case-by-case basis at the discretion of the Human Resources Administrator in order to recruit applicants for position vacancies from outside of the organization.

Trustee Caulfield said that it seems to him that we are a government entity and that all our jobs should be posted on a regular basis and not ones that we feel like posting. He said that it gives the impression that we may or may not post on any outside source other than the village newsletter.

Mayor Larson

Mayor Larson said that she believes this is specific to professional organizations and she discussed as an example an engineer position where we may advertise in a specific trade or professional publication.

Comment – Trustee Caulfield

Trustee Caulfield said that he would like to continue because he has a story to tell. He said that this gives the impression that if you combine the introductory period, we may or may not post jobs, there seems to be too much stacked against open and fair hiring and employment practices when it comes to who fills these government positions.

Mayor Larson

Mayor Larson said that is not the intent of this document and she said it states position will be posted.

Comment – Trustee Caulfield

Trustee Caulfield said that whether or not that is the intent of the policies, that is the way he is reading and understanding them. He said if all village vacancies were to be posted, it would give employees an opportunity to apply for a new job or to apply for a promotion and it would take some of the discussion of management out of it and he thinks it has to be considered if you look at Sections 1.6, 1.7 and 1.8.

Comment – Trustee Pierce

Trustee Pierce said that he disagreed with Trustee Caulfield comments regarding posting the open positions and discussed by posting the job opportunities to employees first, gives them an opportunity for advancement and is common business practice.

Attorney Magna

Attorney Magna asked if posting available positions on the website would address Trustee Caulfield's concern. Trustee Caulfield said that wherever the Board decides to post the job opportunities is fine with him and he said that he doesn't like the reference to posting openings a case by case basis.

Mayor Larson

Mayor Larson explained that the policy states that all positions will be posted on village bulletin boards and in the employee newsletter and she discussed also posting the position the village website.

Attorney Magna

Following further discussion Attorney Magna explained that the purpose of these policies is not to try to lure someone into making an application to only put them on six months probation to get rid of them. Attorney Magna also discussed that the Board could choose to post open positions on village bulletin boards for a certain period of time before a releasing a notice to the general public. He said that whatever the Board feels is the best solution would be appropriate and there is a benefit to try to give employees additional opportunities first.

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Comment – Trustee Hanson

Trustee Hanson said that Sections 1.6, 1.7 and 1.8 seemed vague and if a department head is setting goals for six months, they should be measurable or obtainable goals. He said the parameters should let the employee know what challenges to expect.

Attorney Magna

Attorney Magna said that job descriptions, which are the measuring sticks, itemizes the employee duties and responsibilities that the employee performances are measured to. He said that an employee has a right to expect that they would be measured against the job descriptions. Attorney Magna said that policies are procedural and he discussed common practices.

Comment – Trustee Porch

Trustee Porch asked if Trustee Pierce would consider amending his motion to exclude Section 1.3 because this section is reserved for future date.

Motion Amended – Trustee Pierce moved, seconded by Trustee Turner to approve Policy Manual Sections 1 and 2, excluding Sections 1.3 and 1.8.

Comment – Trustee Caulfield

Trustee Caulfield would also like to exclude Section 1.7 or remove the introductory period for promotion for current employees.

Roll Call Vote – There being no further discussion and upon roll call, the vote was:

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

NO: 1: Hanson.

THE MOTION CARRIED.

Investment Policy as reviewed at the March 9, 2006 committee meeting – Trustee Pierce moved, seconded by Trustee Turner to approve the Investment Policy as presented. 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

Requested Annexation and Zoning: Tony LaVelle, Antioch Tire; PIN 02-16-400-013; P&Z Board recommendation regarding zoning request for B-3 P.U.D. – Trustee Turner asked Robert Silhan, Director of Planning, Zoning and Building to restate his recommendation made during the public hearing portion of the meeting. Mr. Silhan said that although the letter from the Planning and Zoning Board indicated a recommendation to deny, that prompted the applicant to revise the plan in response to the concerns that were expressed. As a result he is recommending to the Village Board that they approve the revised plan in principle and direct Village Staff and Attorney to meet with the petitioner to discuss various details of the draft annexation agreement and Watershed Development Ordinance requirements and report back to the Planning, Zoning and Building Committee prior to full Village Board action on the ordinances.

Trustee Caulfield moved, seconded by Trustee McCarty to approve the revised plan in principle PZB 05-14, on the petition of Tony LaVelle, Antioch Tire and direct Village Staff and Attorney to meet with the petitioner to discuss various details of the draft annexation agreement and Watershed Development Ordinance requirements and report back to the Planning, Zoning and Building Committee prior to full Village Board action on the ordinances.

Comment – Trustee Caulfield

Trustee Caulfield said that he heard Mr. Silhan state in his report given to Planning and Zoning Committee and if he didn't just say that, he wanted clarification from Mr. Silhan. Mr. Silhan said that he is recommending this go to Village Board Planning and Zoning committee before going before the Village Board. Trustee Caulfield said that his concern is that he doesn't want this to be lost, it seems pretty clear, it seems like we all know what we need to talk about; and he doesn't want to unduly delay what he thinks would ultimately happen with this issue. He asked if timing has been set up and if this has to go the Planning and Zoning Committee in terms of a report at a formal Board Meeting; is this a report to members of the Planning and Zoning Board Committee.

Mayor Larson

Mayor Larson said that Staff and the Attorney would meet with the Petitioner regarding the draft annexation agreement and work out the details, a committee meeting would be scheduled in a timely manner.

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Comment – Trustee Caulfield

Trustee Caulfield asked if this would be on the next Planning and Zoning Board agenda. Trustee Porch said that we would have to schedule a Planning and Zoning Committee meeting as soon as possible.

Attorney Magna

Attorney Magna asked if the goal was to hold the committee meeting before the next Village Board meeting. Trustee Caulfield responded that was correct. Attorney Magna also discussed the need for an extraordinary majority because of the annexation and the negative Planning and Zoning Board recommendation.

Roll Call Vote – There being no further discussion and upon roll call the vote was:

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

NO: 0.

THE MOTION CARRIED.

ENGINEERING, PUBLIC WORKS AND UTILITIES

Lake County Watershed Development Ordinance Amendments – Trustee Pierce said that Administrator Haley reported on the Watershed Development Ordinance earlier.

Smith Engineering letter of recommendation regarding the Bid Award for the Lake Street Streetscape project – Village Administrator Haley reviewed the letter of recommendation from Smith Engineering regarding the Lake Street Project Bid Award dated March 20, 2006. Mr. Haley explained that when the bids were reviewed by the engineers after the bid opening, they found both bidders had errors in their addition. He said Smith Engineering and Staff are recommending to award the bid received to Alliance Contractors in the amount of \$1,217,588.15. The two parts to the alternate bids were for trees and for rehabilitation of the Main Street concrete stamping. It was decided between Staff and Smith Engineers that we didn't need the trees on Lake Street because the trees there are in the right position. Administrator Haley said the project would be paid from TIF Funds for Phase 1 and the General Fund for Phase 2 and will be out of next year's budget. He said that it's important to award the bid tonight because of timing issues so that we can have minimal disruption to the business community downtown.

Trustee Caulfield moved, seconded by Trustee Turner to award the Lake Street Streetscape Project Bid Phase 1 and Phase 2 and alternate 2 to Alliance Contractor's for their low bid of \$1,217,588.15.

Comment – Trustee Porch

Trustee Porch asked if any funds would be paid from this year's budget. Administrator Haley said that engineering costs would come from this year's budget.

Comment – Trustee Caulfield

Trustee Caulfield asked about performance guarantees. Administrator Haley said that we have a performance bond of 5% and there are no completion incentives.

Comment – Trustee Pierce

Trustee Pierce discussed the difference between the two bidders being about \$4,000. Administrator Haley said that when you consider the alternate bids, the difference really is about \$8,000. He also discussed that they did look at the bids for local contractors and as much as possible, they have used local contractors. Mr. Haley said that both electrical contractors are from the Antioch area. Trustee Pierce expressed concern with taking the lowest bidder and he related circumstances that arose during the Senior Center addition project. Administrator Haley said that Alliance Contractors is reputable company and he doesn't anticipate any problems. Trustee Pierce asked if we have to award the lowest bidder. Attorney Magna said that we must award to the lowest responsible bidder.

There was a brief discussion, as an example, if past service from a company was not satisfactory, would the Village still have to award the bid to that company. Attorney Magna indicated that *possibly* we may not have to award the bid to the lowest bidder under those circumstances.

Comment – Trustee McCarty

Trustee McCarty discussed completion dates that could be included in the contract. Attorney Magna discussed that there are benchmarks in every contract and those benchmarks are being monitored. Attorney Magna explained the Notice to Proceed process.

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Roll Call Vote – There being no further discussion and upon roll call, the vote was:
YES: 6: Hanson, McCarty, Caulfield, Pierce, Porch and Turner.
NO: 0.
THE MOTION CARRIED.

FINANCE, ECONOMIC, REDEVELOPMENT AND BUSINESS DISTRICT FUND

Invoices over \$10,000 – Trustee Porch reviewed the informational report dated March 20, 2006 prepared by village staff showing invoices over \$10,000 and totaling \$175,178.29. Invoices listed were: Applied Technologies in the amount of \$150,480.00 for the WWTP and Smith Engineering Consultants in the amount of \$24,698.29 for consulting fees.

Summary of Escrow Report – Trustee Porch reviewed the informational report dated March 20, 2006 prepared by village staff showing escrow payments in the amount of \$667.95.

Accounts Payable – Trustee Porch moved, seconded by Trustee Turner to approve the accounts payable report dated March 20, 2006 in the amount of \$260,910.72 as prepared by village staff. Upon roll call, the vote was:

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

NO: 1: *Hanson.

THE MOTION CARRIED.

**Trustee Hanson wanted to go on record that he is voting No because he objects to the payment of \$609.20 paid to the Law Offices of Rudolph Magna from the White Tower Farm Developer's Escrow Account.*

Payroll Expense Report dated March 10, 2006 – Trustee Porch moved, seconded by Trustee Turner to approve the payroll expense report dated March 10, 2006 in the amount of \$238,105.18 and 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.

Financial Report for the Month Ending February 28, 2006 - Trustee Porch reviewed the Financial Report as presented by the Treasurer showing an ending balance of \$11,719,547.01 and the Investment Report for the month ending February 28, 2006.

Promotional expenditures for the Lake Street Project – Trustee Porch moved, seconded by Trustee Pierce to authorize the \$1,500 expenditure from the Antioch Business District Fund to be used for promotional items for the Lake Street Improvement Project and as discussed at the Finance and Redevelopment Committee earlier. Upon roll call, the vote was:

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

NO: 0.

THE MOTION CARRIED.

Scoop-Da-Loop and Custom Car Show – Trustee Porch reviewed the letter from Claude LeMere, Director of Community Services, requesting to close the Orchard Street extension on August 10, 2006 for the Scoop-Da-Loop and Custom Car Show.

Trustee Porch moved, seconded by Trustee Turner to approve the request to close the Orchard Street extension on August 10, 2006 for the Scoop-Da-Loop and Custom Car Show.

Comment – Trustee Pierce

Trustee Pierce said that he wants to make sure that village staff coordinate this event with public works and police department.

Comment – Trustee Caulfield

Trustee Caulfield asked if there would be any thing set up on Orchard Street or was the closing for traffic purposes. Claude LeMere, Director of Community Services explained that Orchard Street would be used to display custom cars and there would be an emergency access lane.

Roll Call Vote – There being no further discussion and upon roll call, the vote was:

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

NO: 0.

THE MOTION CARRIED.

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Antioch Logo and Tagline – Trustee Porch distributed a draft copy of the Antioch Logo and tagline. Based on the discussion at the 6:30 p.m. committee meeting, Trustee Porch moved, seconded by Trustee McCarty to approve the logo and tagline as presented. Upon roll call, the vote was:

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

NO: 0.

THE MOTION CARRIED.

Other Business – Grand Openings – Trustee Porch reminded Trustees of the Grand Opening celebrations that will be held on March 24, 2006.

PUBLIC SAFETY, PARKS AND LICENSE

Raffle License – Antioch Garden Club – Trustee McCarty moved, seconded by Trustee Turner to issue a raffle license to the Antioch Garden Club with the drawing to be held on June 24, 2006, waiving fee. Upon roll call, the vote was:

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

NO: 0.

THE MOTION CARRIED.

Memo dated March 10, 2006 from Village Engineer Keith Fujihara regarding the Trevor Creek Park Improvements – Village Engineer Keith Fujihara said that he has met with the Park Board a few times on this issue and in August of 2001 a representative from Kennedy Homes presented a proposal to the Park Board for the 3.16 acre park parcel stating the parcel would be graded flat and seeded. He said that after going out and inspecting the site, it is not flat and he had meetings with Kennedy Homes who are agreeing to level the site at a cost to them in the amount of \$39,950.00. Engineer Fujihara said the Kennedy Homes plan would raise the park 9 feet above the street to the west and would meet Kennedy Home's responsibilities. Mr. Fujihara asked Kennedy Homes to get a second quote to lower the area to 3 feet high making for better visibility from the adjacent homes. This would require dirt to be removed from the site at an additional cost in the amount of \$23,295 to haul the dirt.

Comment – Trustee Pierce

Trustee Pierce said he would like this to go into committee so the Village Board could take a look at the site.

Trustee Turner left the Board Room at 8:55 p.m. and returned at 8:57 p.m.

Comment – Trustee Caulfield

Trustee Caulfield said if anyone should bear the cost of this it should be from the people who are going to enjoy that particular park and his gut feeling is to pay \$25, 000 from this Board to pay for that doesn't make sense.

Mayor Larson

Mayor Larson said that it's a village park that is open to all of the public the same as other parks in our community.

Comment – Trustee McCarty

Trustee McCarty explained this has been discussed for quite a few months and Kennedy Homes could put it to a flat surface but the life safety issues and the placement of the flat surface would effect the site view level from the west side. He said that it would help the village to have it built in that manner. He said that hopefully baseball diamonds could be installed on this piece of property.

Comment – Trustee Caulfield

Trustee Caulfield asked if Kennedy Homes had been asked to pay the extra amount. Engineer Fujihara said Kennedy Homes is willing to flatten the site as we requested but to lower it requires many truckloads of dirt be taken off the site and they are asking the Village to pay for the trucking. Trustee Caulfield asked if the drawings showed elevations and were they inconsistent with discussions that occurred. Engineer Fujihara said the drawings show what is there.

Comment – Trustee McCarty

Trustee McCarty said the drawings were approved by the Village in the construction document. The level of checks and balances to make sure the parks are installed correctly has been addressed with the Planning and Zoning committee. Engineer Fujihara said that he is now going to all of the Park Board meetings and going through all the development drawings with them so there is a better understanding.

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Comment – Trustee Pierce

Trustee Pierce asked when the drawings were approved by engineers and he expressed concern that the Village is on the hook for \$25,000 when we've paid someone to review plans and he wanted to know why the engineering firm is not being held responsible. Engineer Fujihara said that he believed the approval process goes back one or two engineers during the change in engineering firm. He discussed the drainage problems that were being reviewed at that time. He said at that time, the drainage problem was critical and it was probably the focus of the engineering firm. Trustee Pierce asked Engineer Fujihara to confirm when the park was approved and the engineer that reviewed the plans.

Comment – Trustee Turner

Trustee Turner said that she recalled that we were without a Village Engineer at the time and we asked Smith Engineering to look at the annexation of a very small piece of property and at that time, we didn't specifically ask them to review the park.

Comment – Trustee Pierce

Trustee Pierce asked Trustee Turner if we hired Smith Engineering to look at the drainage problem and not on the park. Trustee Turner said the Village Engineer resigned at that time and she didn't believe they were asked to review the park.

Following further discussion and Administrator Haley stating that we could use funds from the Park budget, Trustee McCarty moved, seconded by Trustee Caulfield to approve the \$23,295 expenditure to lower the site at the Trevor Creek Park. 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 Magna reviewed the following ordinances:

An Ordinance Approving Architectural Services Agreement between the Village of Antioch and PHN Architects - Attorney Magna reviewed the ordinance and the attached agreement. Attorney Magna said the agreement is the American Institute of Architect document B151 – 1997 version, abbreviated form. He said that when the initial draft was provided to him, he expressed his concerns to Administrator Haley that this document, especially in this form, drafted by architects for architects contained approximately five phases of design services and construction related architectural services. The first phase is called the Design Programming Phase which is the part the Park Board and Staff have been focusing on because this is a very sizable project in excess of \$6M dollars of which we admittedly don't have that money. Attorney Magna said that this is not a construction contract, this is a design contract of services with the architect. He explained that the Board is not being asked to consider spending \$6M dollars. However, like most architect contracts, we do have a proposal for a fee which is based on the architect's current estimate of the cost of the pool, buildings and improvements; \$480,000 estimate payable in percentages as defined in the agreement over time, corresponding to the phases listed on pages 2 and 3 in the document. Attorney Magna said the reality is that we are at the very infant stages of this project, determining what the project would look like, what particular facilities are needed, how are they going to be intergraded with one another in light of the particular piece of property and how this would function as a public aquatic facility. He said this begins with what is called programming where the architects need to meet with people to determine what the goals, priorities and vision are for this particular aquatic facility. Attorney Magna said that he expressed some concerns regarding some aspects of the agreement and in contacting PHN, they were very accommodating. PHN indicated to Attorney Magna they didn't want the Board to consider an agreement they would not be comfortable with and gave Attorney Magna the authorization needed to make the changes to contract.

Attorney Magna reviewed Section 12.4.1.4 on page 15 of the agreement. He explained this was the paragraph that he drafted with the goal in mind that if the Village after going through the design programming phase decided not to move forward, they could suspend it up to 48 months. If after 48 months, the Village doesn't ratify the agreement going on its present terms, the agreement ends. He said the phase the Village is committing to, should the Board approve the Ordinance tonight, is only the design/programming phase in the amount \$18,000. Once the Village moves forward to the next phase, they would be committed to the other phases, however, he explained again that the Village has 48 months to choose to move forward or to do nothing and terminate the agreement.

DRAFT MINUTES

Comment – Trustee McCarty

Trustee McCarty asked about the phase cost percentages. Attorney Magna explained that in 12.4.1.1 it states the architect pre-design/programming phase shall be a fixed fee of \$18,000 plus reimbursable expenses. He said this is a customization of the agreement by adding the preliminary design phase that would not be found in a traditional agreement.

Comment – Trustee Pierce

Trustee Pierce asked about 11.3.2 that states as part of the pre-design/programming phase the architects shall develop a conceptual site plan for a 12-acre recreation campus, including an approximate 60,000-80,000 sf recreation center, 1500-2000 bather aquatic center and parking and associated site improvements. He said 12.1.1 reads the project scope shall include an outdoor aquatic center for approximately 1500-2000 bathers and he thinks if we're spending \$6M dollars we need to be looking at not only an outdoor aquatic center, but an indoor aquatic center. He said there are a lot of people that want to use a pool year round and if we approve this with an outdoor aquatic center we are short-changing the village.

Attorney Magna

Attorney Magna said for discussion purposes, if the outdoor aquatic center was the first priority and as you move through the conceptual design for the outdoor aquatic center, if along the way you want to add to the scope of services, in other words, add an element that would include an indoor portion to the aquatic center you could add to the scope of services. He said there would be another quote obtained and there would have to be an amendment to this contract. He asked Trustee Pierce if his concern is that it focuses on an outdoor aquatic center. Trustee Pierce said that was correct.

Comment – Trustee Porch

Trustee Porch said that she would like to see this go into committee because she thought phasing should be part of the initial design and not after the fact because it would be a cost savings to do the design including phasing.

Attorney Magna

Attorney Magna said that when you get to the programming phase this is where decisions regarding the different amenities are discussed so the architect has a clearer direction on the specific vision. He said that when you add an indoor component, that's an additional step to programming tasks because now it's year round facility with year round staffing and programs. He said you may want to have a mechanism to add to this moving forward.

Mayor Larson

Mayor Larson said the Park Board would like to see the Village move forward with the focus groups with the community and the Park Board.

Comment – Trustee Caulfield

Trustee Caulfield indicated that during the election he recalled seeing pictures in a campaign brochure of a recreation center with an indoor pool and feels the community already spoke out.

Attorney Magna

Attorney Magna said there is a great deal of flexibility at this time and the Board needs to determine the priorities of the project. He reiterated Section 12.4.1.4 where it states "*Anything to the contrary in the Agreement notwithstanding, Architect understands and agrees that the Owner is now authorizing to proceed only with the PRE-DESIGN/PROGRAMMING9 PHASE of it's services (as described in Section 12.2.2).*"

Comment – Trustee Turner

Trustee Turner suggested redefining the scope of work and possibly scheduling a working committee meeting with the Park Board.

Comment – Trustee Pierce

Trustee Pierce said he's that not ready to approve this agreement tonight and would like to table it.

Comment – Trustee Porch

Trustee Porch asked if we could schedule a public safety, parks and license committee meeting before the next Village Board meeting.

Comment – Trustee Caulfield

Trustee Caulfield agreed this should go back to committee because it's a serious amount of money.

DRAFT MINUTES

Mayor Larson

Mayor Larson asked how we would decide the needs without bringing in the experts to identify and clarify the process.

Comment – Trustee McCarty

Trustee McCarty said that this has been through the Park Board and we can make changes as the process develops. He said we need to move forward since there are a lot of variables that we're waiting to set in place. He also discussed that Section 12.4.1.1 authorizes pre-design/programming phase; there is the built in stop gap of 48 months and that we don't have approve all five phases at this point.

Comment – Trustee Hanson

Trustee Hanson said we could do our own survey to determine the concept plan.

Comment – Trustee McCarty

Trustee McCarty said the lowest cost of the project is asking the community what they want. He discussed the Park Board's efforts on the selection of a firm who is an expert in their field and the need to get started on the design to fit the location.

Following further discussion, Trustee Pierce moved, seconded by Trustee Caulfield to table the ordinance approving architectural services agreement between the Village of Antioch and PHN Architects to be reviewed in committee before the next village board meeting. Upon roll call, the vote was:

YES: 4: Hanson, Caulfield, Pierce and Porch.

NO: 2: McCarty and Turner.

THE MOTION CARRIED.

An Ordinance Rezoning Property Located at 24816 W. Route 59, Antioch, Illinois to the "B-3" Service and Wholesale Business District with a Special Use Approved for a Planned Development on the Application of Crichton Rentals – Following Attorney Magna's review of the ordinance, Trustee Pierce moved, seconded by Trustee McCarty to waive the first reading of the ordinance. Upon roll call, the vote was:

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

NO: 0.

THE MOTION CARRIED.

Trustee Pierce moved, seconded by Trustee McCarty to waive the second reading, approve and publish in pamphlet form **Ordinance No. 06-03-08**, entitled, **AN ORDINANCE REZONING PROPERTY LOCATED AT 24816 W. ROUTE 59, ANTIOCH, ILLINOIS TO THE "B-3" SERVICE AND WHOLESALE BUSINESS DISTRICT WITH A SPECIAL USE APPROVED FOR A PLANNED DEVELOPMENT ON THE APPLICATION OF CRICHTON RENTALS**. Upon roll call, the vote was:

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

NO: 0.

THE MOTION CARRIED.

An Ordinance Establishing a Façade Improvement Program for Qualifying Business Properties and Qualifying Improvements – Trustee Porch moved, seconded by Trustee McCarty to place this item back into committee. Upon roll call, the vote was:

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

NO: 0.

THE MOTION CARRIED.

Other Business – WDO Ordinance – Attorney Magna suggested Board members contact him or go to the website to review the changes made to the Lake County Watershed Development Ordinance should they have any questions before the next meeting.

ADJOURNMENT

There being no further discussion, Trustee McCarty moved, seconded by Trustee Porch to adjourn the regular meeting of the Board of Trustees at 9:45 p.m.

Respectfully submitted,

Candi L. Rowe RMC, CMC
Village Clerk