

APPROVED MINUTES

**VILLAGE OF ANTIOCH
BOARD OF TRUSTEES, REGULAR MEETING
Municipal Building: 874 Main Street, Antioch, IL
April 17, 2006**

CALL TO ORDER

Mayor Larson called the April 17, 2006 the 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, Pierce, Porch and Turner. Also present were Mayor Larson, Administrator Haley, Attorney Magna and Clerk Rowe. Absent: Trustee Caulfield.

APPROVE BALANCE OF AGENDA FORM

Trustee Porch moved, seconded by Trustee Turner to approve the balance of the April 17, 2006 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.

APRIL 3, 2006 COMMITTEE OF THE WHOLE AND REGULAR MEETING MINUTES

Trustee Pierce moved, seconded by Trustee McCarty to approve the April 3, 2006 committee of the whole and regular meeting minutes 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

No report.

MAYOR

Proclamation – Municipal Clerks Week; April 30 through May 6 – Mayor Larson read aloud the proclamation designating April 30, 2006 through May 6, 2006 as Municipal Clerks Week in the Village of Antioch.

CLERK

No report.

ADMINISTRATOR

Update regarding issues from last Board meeting – Administrator Haley said that he is responding to Jeff LeVernier, Wood of Antioch Homeowner Association member, concerns brought up at the last village board meeting. Mr. Haley reported that since the winter of 2002 the public works department has documented that there were only three mailboxes that were hit due to snow plowing. He said that there were some reports of damage due to snowplows; however upon investigation it was determined they were hit by vehicles. He said that three instances in four years is a non-issue as far as snowplowing is concerned. He said the issue still remains that mailboxes in this particular subdivision cost \$300.00 and the Association may want to look at another type of decorative mailboxes that are less costly. Administrator Haley said the issues regarding the mailboxes in the Woods of Antioch are not due to snow plowing problems. He said if the Board chooses to do so, they may wish to look at what type of mailboxes they would like throughout the entire community and work with the postal service to address this.

Administrator Haley discussed the condition of the concrete road in the Woods of Antioch subdivision. He said we have learned the streets were installed on compacted clay with the approval of the village engineer at the time. He said that he and staff will meet with the former consulting engineer to review the as-built drawings.

Administrator Haley reported that he contacted the telephone company regarding the telephone lines that are down at the end of the Wood Creek Drive and Tiffany Road. He said that he was told by the telephone company that they were not live wires and due to the many storms throughout central Illinois they did not have the staff to address the situation. Mr. Haley said that village staff cleaned up what was on the ground.

APPROVED MINUTES

WRT Agreement- Administrator Haley said that a redlined copy of the WRT Agreement has been distributed to the Board and this item will be further reviewed under the Village Attorney portion of the agenda. Administrator Haley asked for a first reading of the agreement tonight because there is one more item that needs to be worked out between the Village and the representatives of the water treatment company. Representatives from the engineering firm were present to answer any questions.

Other Business – Waterworks and Sewerage Revenue Bonds Ordinance – Administrator Haley said that also in the packet for consideration is an ordinance authorizing the issuance of waterworks and sewerage revenue bonds. He said this is in response to a meeting that he had earlier in the week in Springfield, IL with the IEPA in preparation of the financing for the Treatment Plant. Administrator Haley said that he anticipates there would be no increase in user fees because we would be able to use revenues from the system and other additional revenues including sales tax revenue. He asked the Board to consider adopting the ordinance so we could proceed with the publication requirements. He said the authorizing ordinance is the first step in the process and allows us to make the proper application and we are not expecting to sell bonds until February 2007.

COMMUNICATIONS

No report.

CITIZENS WISHING TO ADDRESS THE BOARD

There were no citizens wishing to address the Board.

LEGISLATIVE AND HUMAN RESOURCES

No report.

PLANNING, ZONING AND BUILDING, SENIOR SERVICES

P&Z Board recommendation from April 13th hearing; request for rear yard variation, 1702 Centennial Drive, Lot 249 in Clublands Phase 3; File No. PZB06-02 – Robert Silhan, Director of Planning, Zoning and Building reviewed the petition, staff report and the following Planning and Zoning Board letter of recommendation dated April 13, 2006:

The Combined Planning Commission and Zoning Board conducted a public hearing April 13, 2006, following notification as required by State Law and Village Ordinance to consider a variation request made on behalf of Marylaine Carlson.

The Village Code Title 10-5G-3, states that “Every lot or parcel of land on which a building is constructed shall have a rear yard of not less than twenty five feet (25’); The applicant requests that the rear lot setback be reduced down to 10 feet to accommodate a 16 foot deck.

The hearing began with a petition presentation by Scott Gardner, Esq of the Law Offices of Gantar and DeMartini. Mr. Gardner presented the facts of the case from his petition and requested approval.

Dustin Nilsen, Senior Planner presented his report. In summary, staff recommended that the Board consider the number of related inquires received from other Clublands residents, who have found themselves in a similar rear yard setback variation situation.

Following a brief deliberation, the Board moved to deny PZB06-02. The motion carried. Therefore, the Planning and Zoning Board recommends denial of PZB06-02 and the roll call vote showed 5 members voting Aye; None voting Nays and 1 member Absent.

Robert Silhan, Director of Planning, Zoning and Building, said there is likely to be other requests of a similar nature from Clublands residents and that needed to taken into consideration. He discussed design alternatives to having a deck that is two to three feet above grade and as a result he recommended denial of the petition on that basis and the Planning and Zoning Board voted to recommend the petition be denied.

There was a brief discussion regarding setback requirements, deck height requirements and design alternatives. Trustee Turner moved, seconded by Trustee McCarty to uphold the Planning and Zoning Board’s decision to deny as stated in their letter dated April 13, 2006 regarding the requested rear yard variation for Lot 249, Clublands of Antioch Phase 3 West, 1702 Centennial Drive, PIN 02-22-207-021; PZB 06-02.

Scott Gardner, Representative for the Petitioner

Mr. Scott Gardner, representative for the petitioner from the Law Offices of Gantar and DeMartini, said that there are houses in the Neumann Homes Clublands that have decks. He said in this particular situation the house is a ranch style home with a couple things that make it unique. He said that most people that have ranch style house purchased them because they didn’t want to navigate the stairs. He said that all of the 2-story homes are able to build decks. The ranch homes were built up to all of the lot lines, additionally, he said that each one of the homeowners was told by the Neumann Homes sales center that they could purchase a deck kit from Neumann Homes. Mr. Gardner requested the Village discuss with Neumann Homes the

APPROVED MINUTES

smaller lots with ranch homes. He also stated the stairs were a hardship for the elderly residents and this restricts the homeowner's use of their backyard.

Mayor Larson

Mayor Larson said that regardless of the outcome of this vote, she asked Mr. Silhan to make sure the Neumann Homes sales office is notified that they are not to represent to potential homebuyers of the ranch style homes that a deck can be built. Mr. Silhan will make sure the comment is forwarded to Neumann Homes representatives.

Attorney Magna

Attorney Magna discussed homebuyers having representation at closing and that every lot owner has a right to expect the setbacks are followed. He said that it needs to be explained that setback lines mean no permanent structures beyond the line.

Comment – Trustee Turner

Trustee Turner said that she feels terrible for the homeowners and she asked Attorney Magna if there was anything that we could do legally. Attorney Magna explained that as a non-home rule community we follow the statutes in common law, giving no extra ordinary authority in this regard. He discussed that communities are beginning to include additional language regarding disclosure requirements as part of the CCR's. He said in terms of Neumann Homes, we could direct Robert Silhan, Director of Planning, Zoning or Building, or staff to contact them and their sales staff saying that we have seen a incident where representation has been alleged to have been made regarding deck kits and ranch homes and configuration of the lots would not permit those decks to be installed due to the setback.

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

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

NO: 1: Pierce.

ABSENT: 1: Caulfield.

THE MOTION CARRIED.

P&Z Board recommendation from April 13th hearing; proposed zoning text amendments to Sections 10-14-4, 10-14-5 and 10-14-6; File No. PZB 06-03 - Robert Silhan, Director of Planning, Zoning and Building reviewed the staff report and the following Planning and Zoning Board letter of recommendation dated April 13, 2006 and requested the Village Board approve the recommendation in principle and authorize the Village Attorney to draft the appropriate ordinance:

The Combined Planning Commission and Zoning Board conducted a public hearing on Thursday, April 13, 2006, following publication as required by law.

The P&Z Board reviewed the memorandum and proposal dated March 16, 2006 prepared by the Director of Planning, Zoning and Building. The proposed zoning text language is consistent with that of the P&Z Board's Rules of Procedure approved at our February 9, 2006 regular meeting.

Therefore, following brief deliberation, the P&Z Board by majority vote, (as noted below), recommends approval of the proposal as presented. Roll call vote showed 5 members voting Aye, 0 voting Nay and 1 absent.

Trustee Turner moved, seconded by Trustee Pierce to approved the Planning and Zoning Board's recommendation in their letter dated April 13, 2006 regarding the proposed zoning text amendments to Section 10-14-4, 10-14-5 and 10-14-6; File No. PZB 06-03 and authorized the Village Attorney to draft the appropriate ordinance. Upon roll call, the vote was:

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

NO: 0.

ABSENT: 1: Caulfield.

THE MOTION CARRIED.

Other Business – Sign at Culvers – Robert Silhan reported that we contacted Culver's regarding the message board sign glare and he understands that the sign company lowered the intensity of the sign. He said Culver's was quick in responding to our request.

ENGINEERING, PUBLIC WORKS AND UTILITIES

Resolution regarding Final Approval – Subdivision Improvements; Pine Hill Lakes Unit 4 (final phase) – Trustee Pierce moved, seconded by Trustee Porch to approve **Resolution 06-04, Final Approval – Subdivision Improvements for Pine Hill Lakes Unit 4 (Final Phase).**

APPROVED MINUTES

Comment – Trustee McCarty

Trustee McCarty asked if an onsite inspection was completed. Administrator Haley responded that was correct.

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

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

NO: 0.

ABSENT: 1: Caulfield.

THE MOTION CARRIED.

Resolution regarding Final Approval – Subdivision Improvements; Tiffany Farms Phase 3 and 4 – Trustee Pierce moved, seconded by Trustee Porch to approve **Resolution 06-05, Final Approval – Subdivision Improvements for Tiffany Farms Phase 3 and 4.**

Comment – Trustee McCarty

Trustee McCarty asked if an onsite inspection was completed and he asked about the tilted light posts. Engineer Fujihara said that would be covered under the maintenance bond. Engineer Fujihara also discussed a culvert that is not part of the subdivision and the Township has been contacted.

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

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

NO: 0.

ABSENT: 1: Caulfield.

THE MOTION CARRIED.

Resolution regarding Final Approval – Subdivision Improvements; Heron Harbor Phase 6 – Trustee Pierce moved, seconded by Trustee Porch to approve **Resolution 06-06, Final Approval – Subdivision Improvements; Heron Harbor Phase 6.** Upon roll call, the vote was:

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

NO: 0.

ABSENT: 1: Caulfield.

THE MOTION CARRIED.

FINANCE, ECONOMIC, REDEVELOPMENT AND BUSINESS DISTRICT FUND

Invoices over \$10,000 – Trustee Porch reviewed the informational report dated April 13, 2006 prepared by village staff showing invoices over \$10,000 and totaling \$189,406.08. Invoices listed were: Applied Technologies in the amount of \$118,800.00 for WW Treatment Facility; ComEd in the amount of \$14,486.58 for street lights; First Fire Protection District in the amount of \$20,711.50 for ½ Brush Truck purchase; Great West Casualty Co. in the amount of \$21,875.00 for 5th JVH Release Agreement and Lake County Public Works in the amount of \$13,533.00 for Jan-Mar sewer fees.

Summary of Escrow Report – Trustee Porch reviewed the informational report dated April 13, 2006 prepared by village staff showing escrow payments in the amount of \$9,424.65.

SSA Accounts Payable – Trustee Porch moved, seconded by Trustee Pierce to approve as presented payment of SSA accounts payable report dated April 13, 2006 in the amount of \$5,000 as prepared by village staff. Upon roll call, the vote was:

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

NO: 0.

ABSENT: 1: Caulfield.

THE MOTION CARRIED.

Accounts Payable – Trustee Porch moved, seconded by Trustee McCarty to approve as presented the accounts payable report dated April 17, 2006 in the amount of \$285,694.10 as prepared by village staff. Upon roll call, the vote was:

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

NO: 1: Hanson.

ABSENT: 1: Caulfield.

THE MOTION CARRIED.

Approve Manual Checks Written to Date – Trustee Porch moved, seconded by Trustee Turner to approve as presented the manual checks written to date in the amount of \$644.00 Upon roll call, the vote was:

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

NO: 0.

ABSENT: 1: Caulfield.

THE MOTION CARRIED.

APPROVED MINUTES

Financial Report for the month ending March 31, 2006 – Trustee Porch reviewed the Financial Report as presented by the Village Treasurer showing the ending balance of \$11,627,173.40 and the Investment Report for the month ending March 31, 2006.

Payroll Expense Report dated April 7, 2006 – Trustee Porch moved, seconded by Trustee Turner to approve the payroll expense report dated April 7, 2006 as presented in the amount of \$233,033.98 and as prepared by village staff. Upon roll call, the vote was:

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

NO: 0.

ABSENT: 1: Caulfield.

THE MOTION CARRIED.

Redevelopment Commission letter of recommendation regarding the tiered 'green' walkway on village driveway located North of 891 Main Street – Trustee Porch reviewed the letter of recommendation from the Redevelopment Commission regarding the decking process for the "Gelden" Walkway on the property located North of 891 Main Street. She discussed this was defined in the preliminary Route 83 Corridor Study connecting walkways from the wetland area to Main Street. Trustee Porch moved, seconded by Trustee Pierce to authorize staff to get cost estimates for the tiered walkway for the property located North of 891 Main Street. Upon roll call, the vote was:

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

NO: 0.

ABSENT: 1: Caulfield.

THE MOTION CARRIED.

Other Business – Village Staff – Trustee Porch reported that Redevelopment Commission member Roger Sorensen noticed that village staff Paul Green went out of his way after hours to clean up a potential hazard where lumber was dropped in the municipal lot by the mailboxes on Toft Street. Mr. Sorensen also mentioned that he was impressed with the Community Development staff giving weekly status reports regarding the Lake Street project and that he appreciated communication efforts by the Village.

Other Business – It's Thursday – Trustee Porch distributed the "It's Thursday" Concert series brochures that will be mailed to residents.

Other Business – Billie Horton's Retirement – Trustee Pierce said that Billie Horton, Community Development staff retired on Friday and he would like it noted that we appreciated her many years of service. Trustee Porch reported the Village gave her a nice going away luncheon that was well attended by staff and that Billie Horton would continue working for the village on a part time basis.

Other Business – Lake Street – Trustee Pierce discussed his recent visit to Two Rivers and suggested that Claude LeMere, Director of Community Services contact their community development director. Two Rivers recently completed a project similar to Antioch's Lake Street project. Trustee Turner complimented staff regarding the great job and coordination with the Lake Street project.

PUBLIC SAFETY, PARKS AND LICENSE

Tag Day Request: Knights of Columbus Tootsie Roll Candy Days; September 15, 16 & 17, 2006 – Trustee McCarty moved, seconded by Trustee Turner approved the Knights of Columbus Tootsie Roll Candy Days; September 15, 16 & 17, 2006, waiving fee. Upon roll call, the vote was:

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

NO: 0.

ABSENT: 1: Caulfield.

THE MOTION CARRIED.

Other Business – Arbor Day on April 29, 2006 – Trustee McCarty said that Arbor Day is on April 29, 2006 at the Antioch Senior Center from 9:00 AM to Noon. Mayor Larson said this is wonderful event for those wishing to come out and help.

DELINQUENT ESCROW ACCOUNTS

No report.

APPROVED MINUTES

ATTORNEY

Attorney Magna reviewed the following ordinance:

An Ordinance Authorizing the Issuance of Waterworks and Sewerage Revenue Bonds of the Village of Antioch, Lake County, Illinois, in an Aggregate Principal Amount not to Exceed \$15,000,000 or in Lieu Thereof, General Obligation Bonds (Alternate Revenue Source), in an Aggregate Principal Amount not to Exceed \$15,000,000 – Attorney Magna said this bond ordinance is prepared by Chapman & Cutler and is the initiating ordinance from which the Village can authorize the sale of up to \$15,000,000 Revenue Bonds. He explained the principal security for the repayment of the amount borrowed on the Bond is from the pledged sources of combined sewer and water revenue. He said to add security to the bond holders there is a backup source of revenue of general obligation bonds that does not kick in unless the primary revenue source (sewer and water revenue) are insufficient to meet debt service on the bond. Attorney Magna also discussed the back door referenda provision in this ordinance which by law the ordinance states that it has to be published in the News Sun within 10 days after it's passage; a notice that states that if a petition is signed by a 721 electors of the village and filed with the Village Clerk a referenda must be held regarding the building of the treatment plant. If 540 electors sign a petition and is appropriately filed with the Village Clerk the issuance of alternate revenue bonds would be submitted to referendum. The petitions must be filed with the Village Clerk within 30 days after the date of publication. Attorney Magna further explained that this is an authorizing ordinance and is not the issuance or the sale of the bonds, but is the very first step in the process. He said that further ordinances and resolutions would be brought before the Board to issue the bonds.

Trustee Porch moved, seconded by Trustee Pierce to waive the first and second reading of **An Ordinance Authorizing the Issuance of Waterworks and Sewerage Revenue Bonds of the Village of Antioch, Lake County, Illinois, in an Aggregate Principal Amount not to Exceed \$15,000,000 or in Lieu Thereof, General Obligation Bonds (Alternate Revenue Source), in an Aggregate Principal Amount not to Exceed \$15,000,000**. Upon roll call, the vote was:

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

NO: 0.

ABSENT: 1: Caulfield.

THE MOTION CARRIED.

Trustee Porch moved, seconded by Trustee Turner to approve **Ordinance No. 06-04-14**, entitled, **AN ORDINANCE AUTHORIZING THE ISSUANCE OF WATERWORKS AND SEWERAGE REVENUE BONDS OF THE VILLAGE OF ANTIOCH, LAKE COUNTY, ILLINOIS, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$15,000,000 OR IN LIEU THEREOF, GENERAL OBLIGATION BONDS (ALTERNATE REVENUE SOURCE), IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$15,000,000**. Upon roll call, the vote was:

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

NO: 0.

ABSENT: 1: Caulfield.

THE MOTION CARRIED.

WRT Agreement – Attorney Magna reviewed the redline copy of the WRT Radium Removal System Agreement which is a twenty year agreement and he explained this is a proprietary product Z88 which is mined in Montana. He said this is a unique agreement because not everyone utilizes this type of system. Attorney Magna discussed his concerns and village liability and reviewed the highlighted changes to the agreement. He said that WRT and RMD have agreed to purchase ownership of the spent media for \$1.00 so when it leaves the treatment site it would be WRT or RMD's product. Attorney Magna reviewed added language regarding the Village being indemnified and held harmless and also being added to their general liability insurance. Other language was also added regarding if WRT were unable to continue to supply media and/or disposal of the media the Village could purchase the equipment at book value. Following further review and discussion, the WRT Agreement will be placed on the May 1, 2006 Village Board agenda for consideration.

APPROVED MINUTES

Executive Session – Trustee Porch moved, seconded by Trustee Turner for the Mayor and Board of Trustees to go into Executive Session at 8:55 p.m. to discuss possible purchase of property. Upon roll call, the vote was:

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

NO: 0.

ABSENT: 1: Caulfield.

THE MOTION CARRIED.

Return from Executive Session – Trustee Porch moved, seconded by Trustee McCarty for the Mayor and Board of Trustees to return from executive session to the open meeting at 9:10 p.m. with **no action to be taken.** Upon roll call, the vote was:

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

NO: 0.

ABSENT: 1: Caulfield.

THE MOTION CARRIED.

ADJOURNMENT

There being no further discussion, Trustee Porch moved, seconded by Trustee McCarty to adjourn the regular meeting of the Board of Trustees at 9:11 p.m.

Respectfully submitted,

Candi L. Rowe RMC, CMC
Village Clerk