

APPROVED MINUTES
VILLAGE OF ANTIOCH
BOARD OF TRUSTEES, REGULAR MEETING
Municipal Building: 874 Main Street, Antioch, IL
June 4, 2007

CALL TO ORDER

Mayor Larson called the June 4, 2007 regular meeting of the Board of Trustees to order at 7:30 p.m. 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, Crosby, Wolczyk and Pierce. Also present were Mayor Larson, Administrator Haley, Assistant Administrator Keim, Attorney Magna and Clerk Rowe.

APPROVE BALANCE OF AGENDA FORM

Trustee Crosby moved seconded by Trustee Wolczyk to remove the May 21, 2007 meeting minutes from the agenda and approve the balance of the agenda as amended. Upon roll call, the vote was:

YES: 6: Hanson, McCarty, Caulfield, Crosby, Wolczyk and Pierce.

NO: 0.

THE MOTION CARRIED.

PETITIONS/BIDS

Clerk Rowe read the following bids received for the Main Street Deck Project into the record. Bids were opened on May 23, 2007 at 11:00 a.m.

Name and Address	Amount
Lonergan Builders, Inc. 1001 East Road Antioch, IL 60002	Bond \$42,735.00
B.R.B. Group North 10 Hennings Court Antioch, IL 60002	Bond \$45,320.00
Mystic Development 77 McMillen Road Antioch, IL 60002	Bond \$45,570.00

Trustee McCarty moved, seconded by Trustee Pierce to accept the bids received for the Main Street Deck Project, opened on May 23, 2007 into the record. Upon roll call, the vote was:

YES: 6: Hanson, McCarty, Caulfield, Crosby, Wolczyk and Pierce.

NO: 0.

THE MOTION CARRIED.

MAYOR

No report.

CLERK

No report.

ADMINISTRATOR

No report.

COMMUNICATIONS

No report.

CITIZENS WISHING TO ADDRESS THE BOARD

Margaret Cole, Chestnut Drive resident, as President of the Antioch American Legion Auxiliary, thanked the community for donating \$1,950 toward their annual Poppy Days held on May 25 and 26. She said that following the event that over 300 American Flags were placed on graves of veterans in the Antioch and nearby cemeteries. She said the reason for addressing the board tonight is concerning the Memorial Day service at the Antioch VFW post last Monday. She said that Mayor Larson was the only member of the Board who attended and very few members of the community attended. Mrs. Cole said that she is the daughter, wife, sister-in-law, cousin, niece and aunt of veterans. She talked about those who spoke at the Memorial Day service and read a few passages from Mr. Schreiner's speech given that day. Mayor Larson thanked Mrs. Cole for her comments and said that it was a very moving speech and it was an honor for her to be attendance at the service.

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James Cole, Chestnut Drive resident, spoke of certain areas in the Village where he had safety concerns. He discussed the “No Parking from here to corner” on St. Peter’s Drive off of Lake Street. He said that it is difficult to make a right turn there on Sunday mornings, especially near the elevator. He said another area is in front of the Antioch Theater on Lake Street where cars park in the right turn lane. He suggested the curbing should be painted yellow or marked in another way to indicate “No Parking.” Mr. Cole also asked about the standing water in the sewer on Main Street (Route 83) by the entrance to McDonald’s, Walgreen’s and the Squire Restaurant. Mayor Larson said that staff will look into Mr. Cole’s concerns.

James Freedman, Rembrandt Drive resident, said that he has asked the question for several years and he was just handed a document by Village Clerk Candi Rowe that explains the utility fund collection and disbursement of utility taxes received by the Village. Mr. Freedman read his letter that said the subject to his inquiry is in regard to the excess, post debt communications money collected and received by the Village during the seven month period after the utilities tax collection ceased. He said that it was many hundreds of dollars and we are all aware now that it was spent. Aside from the amount and the excess received and where it went, he would simplify his question so that all will understand. Please tell the public where does the public record appear that you and the responsible Village Trustees voted on and approved the transfer of this excess non-debt collection; and who authorized the Village Administrator to spend it as he has stated. Administrator Haley will again research Mr. Freedman’s questions and will provide a written response.

Bruce Gebert, Route 173, said that he was saddened last week when he read the news that Mr. Haley would be retiring. He said that Mr. Haley must have decided to enjoy life and there isn’t much enjoyment in the halls of Antioch anymore. He said that he would miss Mr. Haley’s professionalism and the ability to get things done. Mr. Gebert said that Mr. Haley’s retirement comes at a unique time for the new Board as the village explodes in population and major development. He said this might be a time to impose a moratorium on the big box stores on Route 173, while searching for a manager and while we have many other critical issues facing the Village of Antioch, including the treatment plant expansion and the dire need to repair the roads, sewers, public works machinery and pool. Mr. Gebert also discussed the need to have a new village hall with possible land acquisition for the facility. He also discussed the need to go to a nationwide search for a schooled and degreed city manager. He said that Mr. James Keim could better serve as an assistant manager. He also said the Board must decide if they want a strong city manager with them leading and suggesting policy, or does the Village Board want more control, causing a lot of infighting in the years to come, meaning, we may have more chiefs than needed. Mr. Gebert asked that we all grow from Mr. Haley’s announcement and said that actions do speak louder than words. He thanked Mr. Haley for serving the Antioch residents and he wished him much success in the future.

Karl Kurth, Netherlands Drive resident, said that he has heard Mr. Freedman’s repeated questions asked about the amount collected from the Utility Tax and how the money was spent. He asked the following questions: 1. The Utility Tax money collected, how was it used? 2. Who authorized the expenditure of the Utility Tax money to be used for that purpose? 3. Did the Village Board approve the expenditure of the Utility Tax money? 4. If the Village Board did approve the expenditure of the Utility Tax money, on what date did they approve it and who voted for the expenditure? 5. Is the approval for the expenditure of the Utility Tax money recorded in the minutes of the Village Board meeting for the date specified? Clerk Rowe will research Mr. Kurth’s questions and will respond to him in writing.

Comment – Trustee Crosby

Trustee Crosby said that there has been good progress made in developing a log to keep track of citizens’ comments and concerns. He said there would be an ongoing effort to make sure as we work through the answers and that we get closer on them one way or the other. He said the answers may not always be what the citizens may want to hear, but they are entitled to an understandable and complete answer. He said that he appreciated Mr. Gebert’s comments and that the Board is going to take the time to make sure that we do a good job in hiring the right person to fill the administrator’s position. Trustee Crosby said that Mr. Haley would be missed and we have to make sure that we have the very best that we can get.

LEGISLATIVE AND HUMAN RESOURCES

Create a search team for a new administrator – Mayor Larson said that Trustee Hanson asked that this item be placed on the agenda and she discussed the Village’s Human Resources Department and the village administrator job description. She said that the Village has a hired professional and we should use her in some capacity here.

Comment – Trustee Hanson

Trustee Hanson said for the village administrator position, we should utilize the human resources, but we also need to do what we did in the past when this happened a few years ago and we did a national search. He said we need to possibly have two trustees and two qualified

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residents to create a team to conduct the interviews for the position. Mayor Larson asked who would determine who the qualified residents are. She said that we have staff, including an assistant administrator, who is currently not interested in the village administrator position. Mayor Larson suggested that we utilize Jim Keim, assistant administrator and human resources director Jennifer Winegarner as well as two trustees. Trustee Hanson said that he didn't think that would work, because we would be making people interview their own boss and in his opinion, that would not work. Mayor Larson asked how we would choose the qualifications from community residents. Trustee Hanson said that he is sure there are pretty smart people in the community. Mayor Larson said that she is not saying that there are not smart people in the community, and she said that she knows in fact, when the County does a search, they don't call in the residents to do the interviews, the staff and board members are the ones who make the decisions.

Comment – Trustee Crosby

Trustee Crosby said that he understands what Trustee Hanson is saying and thinks that it's a little tough to ask village employees to select their boss because there are some immediate conflicts of interest involved in that. Trustee Crosby said that we should welcome input from staff and that we should have the human resources director have a role in the process. Trustee Crosby discussed Antioch's growth and said that we may need to look at hiring firms that could help us get a thorough search done and the best possible candidate. Mayor Larson agreed with Trustee Crosby and said that if we are going to outsource this, she would prefer that it go to a professional firm that has the expertise as opposed to an ad-hoc group from within the community.

Comment – Trustee Pierce

Trustee Pierce said that a couple of years ago, Dennis Crosby came before the Board asking that the Village write a human resources manual with policies and procedures. Trustee Pierce said following his advice, we did that and it has been completed within the last two years. He said the manual includes hiring procedures and he believed we should look at that and follow our policies and procedures; however, in this case it is an extraordinary instance. Trustee Pierce also discussed how School District #34 hired their superintendent and suggested talking to them to follow their formula so that we do get the best. Trustee Pierce said that we are losing the best and we need to get the best.

Comment – Trustee McCarty

Trustee McCarty said that he doesn't have a problem with outsourcing to a professional firm to interview for the administrator position. He said that he believed it's important that we don't have only staff who would be working with them only involved in the interview process. Mayor Larson said that she agreed and that we need Trustees involved in the process and that it's important enough to outsource it to a professional firm. Trustee McCarty said that he hopes that a human resources and legislative committee comprised of three Trustees to take part in the interview process.

Comment – Trustee Hanson

Trustee Hanson said to make things move a little further, he moved that we check into an outsourcing company at this time to see what is out there and get the ball rolling. The motion was seconded by Trustee Crosby.

Comment – Trustee Pierce

Trustee Pierce said that he disagreed because he doesn't believe there is an overall consensus from the Board on what we are going to do. He said there's been discussion to hire an outside firm to advertise nationally to recruit candidates, and he asked how it would be handled once the candidates have been recruited. He said we need to determine how it's going to be handled and asked if we are going to do what Trustee Hanson suggests and have two Trustees and two community members interview them or are we going to have the human resources department handle the interview, or use his suggestion by following District #34's example. He said that we need to determine how we are going to do this before authorizing the expenditure of money.

Comment – Trustee Hanson

Trustee Hanson said that maybe he could possibly reword his motion if Trustee Crosby would be willing to amend his second. Trustee Crosby asked Trustee Hanson how he wanted to amend his motion. Trustee Hanson said that based on what Trustee Pierce said, maybe the more appropriate approach would be move to at least research the firms that are out there to see what is available. Mayor Larson said that she didn't know if we needed a motion for that.

Attorney Magna

Attorney Magna said that when looking for an executive level person, you want to obtain the services of what are commonly referred to as "head-hunters" that show some proficiency and have a great deal of experience, preferably in the governmental area. He said that what is

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sometimes done, along with what was suggested, is to obtain proposals from these firms because the process is such that they have to know what the employer is expecting. He said that a proposal would outline their process and explained that these firms will sort out the candidates by quality, traits and abilities established by the Village.

Comment – Trustee Crosby

Trustee Crosby said that we need to understand what it is that we're looking for and look at the job description and have human resources personnel contact hiring firms. Following further discussion, the second and the motion was withdrawn. This item will be reviewed further in committee once information is received from professional hiring firms.

Create a transition team to serve until new administrator is found – Following a brief discussion Trustee Crosby suggested that we get a transition "Plan B" in place by August 1, 2007. Mayor Larson discussed assistant village administrator Jim Keim's qualifications who could serve as interim administrator. She said that she is not asking the Board to make this decision tonight but she knows that we have a qualified person to be the interim administrator if needed. Staff will contact hiring firms and this item will be discussed further in committee.

PLANNING, ZONING AND BUILDING, SENIOR SERVICES

PZB06-14; Combined Planning and Zoning Commission letter of recommendation regarding PZB06-14; a request for Rezoning from RE-3 to M-1, Planned Unit Development Special Use, and Preliminary PUD plat approval pursuant to Section 11-2-3 and 10-7A-2 of the Village Code for a Master Planned Industrial Park. The parcel is generally located on the east side of Mill Creek and North of Illinois Route 173, PIN #s 03-18-100-002; 03-18-100-001; 02-13-200-003; 02-13-000-006 – Assistant administrator Keim said there was presentation in committee last week and that staff is recommending approval of the proposal. Mr. Tom George and Mr. John Benson from IDI thanked the Board for their time and Trustee McCarty and Trustee Crosby for coming on a tour to see the setback and landscape program. Mr. George said that he believed that a lot of progress has been made and that Trustee Hanson has been working with the State and getting assistance with getting a traffic signal. Mr. Benson distributed a six page document that represents the changes made in the agreement and also photographs showing the landscape plan once the trees mature over time. Mr. George reviewed the changes as outlined.

There was a brief discussion regarding a possible combined municipal venture such as a recreation center, the traffic signal and a single lane going East on Route 173. Mr. George said that they have had some help from Trustee Hanson, the land seller and fully intend that signal in and bagged, however the State won't let them turn it on. They are doing everything that they can do to turn the signal on as soon as possible.

Following further discussion, Trustee McCarty moved, seconded by Trustee Wolczyk to accept the recommendation from the Planning and Zoning Board and to direct the Village Attorney to draft the appropriate ordinance with conditions as listed in the Planning and Zoning Board letter of recommendation dated February 5, 2007, agreement changes and upon staff approval. Upon roll call, the vote was:

YES: 6: Hanson, McCarty, Caulfield, Crosby, Wolczyk and Pierce.

NO: 0.

THE MOTION CARRIED.

ENGINEERING, PUBLIC WORKS AND UTILITIES

Authorize the advertisement for bid to purchase a 5-yard dump truck – Assistant village administrator Keim discussed the need to purchase a 5-yard dump truck with an approximate cost of \$75-\$80,000; if approved, would take approximately six months to build. He also discussed the need to purchase two 1-ton pick-up trucks for basic transportation and said they would require less lead time for these purchases.

Comment – Trustee Crosby

Trustee Crosby discussed the importance of having a master equipment replacement plan and said that he knows a capitol improvement plan is being worked on. Assistant administrator Keim said that plans are being developed.

Trustee McCarty moved, seconded by Trustee Hanson to authorize the advertisement for bid to purchase a 5-yard dump truck. Upon roll call, the vote was:

YES: 6: Hanson, McCarty, Caulfield, Crosby, Wolczyk and Pierce.

NO: 0.

THE MOTION CARRIED.

Other Business – Main Street – Trustee Pierce asked assistant administrator Keim about the condition of Main Street north of the Library and the water that collects near the

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Walgreen's store just north of Route 173. Assistant administrator Jim Keim said that the Village repeatedly goes to the State with safety concerns due to the condition of the road.

FINANCE, ECONOMIC AND REDEVELOPMENT

Payment of invoices over \$10,000 Informational Report – Finance director Joy McCarthy reviewed the informational report of payment of invoices of \$10,000 and over dated June 4, 2007 and prepared by village staff. Invoices included were: Blue Cross Blue Shield in the amount of \$86,453.05 for employee health insurance; Lake County Public Works in the amount of \$21,913.71 for sewer user fees; Smith Engineering Consultants, Inc. in the amount of \$31,478.75 for parking lot resurface and V-Land Corp.

Summary of Escrow payment report – Finance director Joy McCarthy reviewed the informational report dated June 4, 2007 as prepared by village staff and totaling \$22,850.67.

Accounts Payable – Trustee McCarty moved, seconded by Trustee Caulfield to approve as presented payment of accounts payable as prepared by village staff, dated June 4, 2007 and in the amount of \$251,102.50.

Comment – Trustee Hanson

Trustee Hanson and Trustee Crosby wanted the record to show that they are rejecting the escrow payments made to the Law Offices of Rudolph Magna, approving the remaining accounts payable as listed in the report. Mayor Larson reminded the Board there is an ordinance that was unanimously approved by the Board establishing how the escrow payments would be paid to the Attorney. Trustee Hanson asked if the contract is still in effect. Mayor Larson explained the ordinance is in effect until amended.

Mayor Larson

Mayor Larson reminded Trustee Hanson that he approved the ordinance authorizing the way the escrow payments are made to the Village Attorney. She also said that she asked Clerk Rowe to survey surrounding municipalities regarding how their attorneys are paid regarding developer escrow. She said that every municipality contacted bills the developer escrow fund in addition to their general counsel fees. Mayor Larson said that copies of the survey are in the Trustee's mail slots.

Attorney Magna

Attorney Magna explained the importance of the business of the village that they move forward in getting the bills they wish to pay paid and he suggested that this portion of the accounts payable be removed from the accounts payables and is voted on separately.

Comment – Trustee Crosby

Trustee Crosby said that this is not intended to be mean spirited toward Attorney Magna, but the bottom line is that two years ago another law firm represented the village and never drew down the escrow account and he understands the different process then. He agreed that the Board needs to have serious discussion to get closer on this matter. He said if the money is coming out of the developer's escrow fund that eventually trickles back to the taxpayer through the cost of their home purchase. Trustee Crosby said if there is a legitimate case for doing it the way we are doing now, and is substantially better then we can look at that whole process.

Attorney Magna

Attorney Magna said what is submitted for payables are consistent with the financial arrangement that was entered into when he was appointed as Village Attorney and consistent with the ordinance. He said this matter needs to be discussed and there is a business relationship side to this and time is valuable. Attorney Magna said that what has been submitted is consistent with the arrangements he's had with the Village since his appointment which carries over and is consistent with ordinances under which it is charged.

Mayor Larson

Mayor Larson said that she didn't like the implication that something has changed, the amount has remained the same and is in compliance with the ordinance.

Comment – Trustee Caulfield

Trustee Caulfield said that at Mayor Larson's installation meeting, she selected Rudy Magna as the Village Attorney and everything would be the same as done before at the same cost. He said that in reality, the escrow is being handled differently. Mayor Larson said that the amount that the Village pays the law firm has not changed and in fact is what has happened. She explained that when the Attorney is doing escrow work, his firm is being paid from the developer's escrow account. She further explained the escrow account is money that the developer puts into an account with the Village and if it is not used, is given back to the developer. She said if the Attorney does work on the project, he bills the developer. She said that he is working on the Village's behalf and is not being paid from taxpayer dollars; it is coming

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from the developer. Mayor Larson said this is the way all of the other municipalities who responded to our survey do business and there wasn't a bait and switch involved and she said that she resents the implication.

Comment – Trustee Hanson

Trustee Hanson said that this is still taxpayer money and developer money. Mayor Larson tried explaining again that it is developer funds that if not used would be returned to the developer, not the taxpayer. Trustee Hanson said the other law firm, to his knowledge, would charge the escrow and reduce their fee by that amount and still took the same amount of money. Trustee Pierce said that is incorrect and said how it was done in the past; the taxpayer paid for the developers work and said this way, the developer is paying for the attorney review, not the village taxpayer. Trustee Hanson asked Trustee Pierce how he could say that. He said the attorney is getting the same amount of base fee. Trustee Pierce said the developer is paying for it out of his escrow amount. If the village pays the set fee every month and nobody else gets charged and the attorney is still supposedly working on escrow work, then the taxpayer is paying for it because it's coming out of taxpayer dollars.

Comment – Trustee McCarty

Trustee McCarty said if the escrow accounts are being paid for by the developer and the attorney time is being spent specifically for the developer project it is justified by their hours spent on it. He said that if he's just getting taxpayer money and doing developer work, he's doing us an injustice by not taking care of our work in proper time frames. Trustee McCarty said that he's not on board with a spread out law firm and to make sure that he's getting paid properly by the developer.

Mayor Larson

Mayor Larson said the only one that benefits by paying the attorney the way Trustee Hanson is suggesting is the developer.

Comment – Trustee Hanson

Trustee Hanson asked how Mayor Larson could say that when the attorney is getting the same amount of money as what the other firm was being paid.

Comment – Trustee Crosby

Trustee Crosby said that he understood that the old law firm did not charge the escrow accounts. He said that he had recent conversations about this and they did not charge the developer escrow account and the notion would be that they would charge it and decrement the monthly general counsel fee. He said that he doesn't agree with that this does not impact the taxpayers if you take it out of the escrow fund, it's certainly going to impact the home purchasers by the developer raising their home prices to make up for the cost of the developer escrow fund. Mayor Larson said that is a consumer issue not a taxpayer issue. Trustee Crosby said that it is a taxpayer issue for the people who want to live in this town. He said that this issue needs to be discussed further and applauded the fact that Mayor Larson looked at other municipalities and said that we should continue that effort to see if we can find other differences.

Comment – Trustee McCarty

Trustee McCarty said that it's not a taxpayer issue; it's a purchaser's issue. He said they choose whether to purchase that home at the set price. He said that a taxpaying issue would be an issue of taxes being spent and said there is a huge difference there.

Call the Question – Trustee Caulfield moved, seconded by Trustee Hanson to call the question. Upon roll call, the vote was:

YES: 5: Hanson, McCarty, Caulfield, Crosby, and Wolczyk.

NO: 1: Pierce.

THE MOTION CARRIED.

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

YES: 2: McCarty and Caulfield.

NO: 4: Hanson, Crosby, Wolczyk and Pierce.

THE MOTION FAILED.

Trustee Hanson moved, seconded by Trustee Crosby to remove from the accounts payable the escrow payments to the Law Offices of Rudolph Magna.

YES: 4: Hanson, Caulfield, Crosby, and Wolczyk.

NO: 2: McCarty and Pierce.

THE MOTION CARRIED.

Trustee Hanson moved, seconded Trustee Caulfield to approve the remaining accounts payable as presented.

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Comment – Trustee Pierce

Trustee Pierce questioned how Smith Engineering Consultants are being paid out of escrow. He said that we are paying them \$44,861.85 and asked if we have a contract with them. He said that if we are going to review how items are paid for from the developer escrow account and that we should make sure that all are being properly done. Mayor Larson said that they have the same type of contract as the Village Attorney and we are selectively choosing not to pay the attorney, but we are paying our engineering firm from escrow.

Comment – Trustee Crosby

Trustee Crosby said the difference is that he doesn't know what kind of contract we have with Smith Engineering. Mayor Larson said it's the same type of contract. Trustee Crosby said that he didn't think that issue is in play in terms of what used to happen at the Village. He said that all he wants to do is to get down to the bottom of how the process worked before and how it works now. Mayor Larson said that it is the negotiated contract and complies with the ordinance that was approved by the entire Village Board. Trustee Crosby said that he was one of the citizens that came before the Board several years ago and asked the question and he never got an answer. Trustee Pierce said that he did get an answered several times; he just didn't like the answer. Trustee Crosby said that he doesn't have the answer because he doesn't understand it. He said that he knew what legally we have decided to do with an ordinance that can be changed tomorrow. Mayor Larson said that he is absolutely right, but it is not changed. Trustee Crosby said that he is not suggesting to change the ordinance, he is trying to understand why it is done now when it wasn't done that way in the past. Trustee Crosby said that he was offended when he was told that he didn't like the answer. Mayor Larson said that the ordinance and contract are in effect the same way that we have a contract with the engineering firm and we have chosen to single out the attorney when he has a legal document that we agreed to. Trustee Crosby said that if it turns out because we have a contractual agreement then we have to pay it, but what he wants to know is what are we going to do moving forward.

Call the Question – Trustee Caulfield moved to call the question with no one seconding his motion.

Roll Call Vote – There being no further discussion and upon roll call the vote was:
YES: 5: Hanson, McCarty, Caulfield, Crosby and Wolczyk.
NO: 1: Pierce.
THE MOTION CARRIED.

Authorize payment of manual checks written to date as prepared by the village staff - Trustee Wolczyk moved, seconded by Trustee Pierce to approve the manual checks written to date report dated June 1, 2007 and in the amount \$15,100.00. Upon roll call, the vote was:
YES: 6: Hanson, McCarty, Caulfield, Crosby, Wolczyk and Pierce.
NO: 0.
THE MOTION CARRIED.

Payroll Expense Report dated May 18, 2007 - Trustee Wolczyk moved, seconded by Trustee McCarty to approve as presented the Payroll Expense Report dated May 18, 2007 in the amount of \$260,459.44. Upon roll call, the vote was:
YES: 6: Hanson, McCarty, Caulfield, Crosby, Wolczyk and Pierce.
NO: 0.
THE MOTION CARRIED.

Other Business – Utility Tax – Trustee Caulfield asked finance director McCarthy to do a thorough report of all Board action related to utility tax money from its onset and where it was approved at the Board level and including the Clerks office research of minutes if necessary. Trustee Pierce asked that the information be distributed to the State's Attorney for final review so the period of innuendo can be resolved.

Authorize extending for one month the DeKind Computer Consultants contract – Trustee McCarty moved, seconded by Trustee Caulfield to extend the DeKind Computer Consultants contract for one month ending in July 2007. This item will be further reviewed in committee. Upon roll call, the vote was:
YES: 4: Hanson, McCarty, Caulfield and Crosby.
NO: 2: Wolczyk and Pierce.
THE MOTION CARRIED.

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Trustee McCarty moved, seconded by Trustee Wolczyk to authorize staff to draft specifications and request proposals for the village's computer and website maintenance. Upon roll call, the vote was:

YES: 6: Hanson, McCarty, Caulfield, Crosby, Wolczyk and Pierce.

NO: 0.

THE MOTION CARRIED.

Award Main Street Deck project to lowest responsible bidder – Assistant administrator Jim Keim reviewed his letter of recommendation dated June 1, 2007 regarding the Main Street Deck project and recommends awarding the bid to Lonergan Builders Inc. for their low bid amount \$42,735.00. Assistant administrator Jim Keim said that he believed the Main Street Deck project was a recommendation from the Redevelopment Commission and paid for by TIF funds to build a three tier deck which will be located on the east side of Main Street just north of Something Sweet in the alleyway leading down to the entertainment center. Mayor Larson said this is the project that was bid out last year and we received no responses, and that is why it was re-bid this year.

Comment – Trustee Pierce

Trustee Pierce asked if we looked at the impact of the repaving project on the east side. He asked whether or not we pave or repave, would it have any impact on this project. Assistant administrator Keim said the paving would have no impact on this project.

Trustee McCarty moved, seconded by Trustee Wolczyk to award the bid for the Main Street Deck project as presented to Lonergan Builders in the amount \$42,735.00.

Comment – Trustee Caulfield

Trustee Caulfield said that he knows this was on about a year ago and he asked if we advertised for bid again in the paper. Assistant administrator Keim said that we did advertise for bid again and followed the same process as last year and said the bids were opened on May 23, 2007.

Comment – Trustee Crosby

Trustee Crosby asked if this was the complete project or if there would something else that has to be tacked onto it. He said that he has heard somewhere that the way the bid is written the deck is not going to be at ground level and more things have to be put on it to make it work. Assistant administrator Keim said that is not correct, this is the total deck project which includes the boring of all the tubes that will act as a foundation for the deck and the total construction of the deck. He said that he is not aware of any extras. Trustee Crosby asked if there was something that would require an additional stairway. Assistant administrator Keim said that some of the bidders mentioned that there were things in the bid documents that they thought would be advantageous for the Village to look into such as changing a staircase or possibly adding a lattice screen at the bottom of it. He explained the last deck to the east may be off the ground, but the specifications do not call for that to be enclosed, and that may be something that we may want to enclose. Mayor Larson said that wasn't part of the specification. Assistant administrator Keim said that if the contractor would like to talk about some of the things that we may want to amend the contract, we could do that.

Comment – Trustee Pierce

Trustee Pierce asked if the other bidders, B.R.B Group North and Mystic Development incorporate those additional changes. Assistant administrator Jim Keim said that they do not and all the bidders were instructed to bid the document as it was presented.

Comment – Trustee Caulfield

Trustee Caulfield asked if the deck would be a grade level at toward the back if a wheelchair could get from the sidewalk on Main Street to the rear parking lot. Assistant administrator Keim said that a staircase is on the rear side of the deck. Trustee Caulfield said that it is now a pathway and the current plans call for it to be wheelchair accessible from one side, but not from both.

Comment – Trustee McCarty

Trustee McCarty said that there is full accessibility from street side and because of the elevation change you do not have full accessibility from the back side. He said the only way to have accessibility would be to possibly add a lift station at the east side of the deck at some time in the future. Trustee Caulfield asked how much of a separation it is. Trustee McCarty, looking at the plan, said that it does not have the elevation from the street side to the back.

Comment – Trustee Pierce

Trustee Pierce asked fellow Board members that in light of the handicapped issues that we reject the bids and go out for bid for a finished project including the screening and addressing the ADA issues. Mayor Larson said that not too long ago, we were criticized

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because we had not begun this process. She said that we have three bidders. Trustee Pierce said that obviously someone is giving some of the Board members additional information and that he appreciates that additional information so that we can get the project done properly whether it takes longer or not. Assistant administrator Keim said that these items could be addressed with a change order. Mayor Larson said that it sounded like what Jim Keim was talking about earlier were minor changes and simply a screening at the bottom.

Comment – Trustee Crosby

Trustee Crosby asked that if we handle this with a change order and it changes the fundamental scope of the project, is that the correct way to do this or would it be fairer to re-bid the project. He said that his concern is that if we let this bid to Lonergan and then they turn around and do a change order and we spend another \$6-\$7,000, how we would know if we could have gotten the total project done less expensively. Assistant administrator Keim said that it was a good question, but what we are talking about is not a substantial change to the scope of the project and he believed that we were talking about hanging a section of wood lathe or enclosing it by some other method. Mayor Larson said that the public works department could do that. Jim Keim said that if it were deemed a substantial change in the scope of the work, then of course it would be re-bid. Trustee Crosby asked if putting in a wheelchair ramp would be a substantial change. Jim Keim said that would be hard for him to answer at this time without seeing how much space we have to work with.

Comment – Trustee Caulfield

Trustee Caulfield asked how we could do a public project and not accommodate a wheelchair. Assistant administrator Keim said the project is ADA compliant. Trustee Caulfield said that he sees people at concerts and we are putting in a nice new deck and doesn't accommodate these folks and it seems like we should give it some thought.

Comment – Trustee McCarty

Trustee McCarty said that we would have to extend a ramp some distance and that we have looked at this before and one of the only ways to get the best accessibility is by installing a lift. He said that he saw the lift as an addition to the project at some time in the future. He said that someone can effectively use the deck space and in the future we can add a lift at the rear side. Trustee Crosby asked if it's ramped all the way down or if there are stairs. Trustee McCarty said that its ramps all the way down and stairs at the end.

Comment – Trustee Crosby

Trustee Crosby said that he is concerned with wheelchair accessibility and at a minimum if approved in its current format, we need to install a sign at the top of the grade stating that wheelchair access to the east parking lot. Trustee Pierce said that we should just re-bid the project and do it right the first time.

Attorney Magna

Attorney Magna discussed the possible problems with change orders and the rule of thumb is \$10,000. He explained that if you have change orders, whether singly or in combination that total \$10,000 or greater, you have to have a very specific reason justifying why something wasn't included in the original bid process. He explained that if you go to \$50,000 or more with a single change order on any public contract, Statute requires that aspect of the work be re-bid.

Comment – Trustee McCarty

Trustee McCarty said with the scope of this project the placement of the ramp and the stairs at the end; to be able to make it accessible at the back portion of the deck would be to do an add on and put that portion out for bid for a lift station. He said that we should accept the bid the way it is and add the lift station at a future date.

Comment – Trustee Hanson

Trustee Hanson said that he heard that Dustin Nilsen mentioned it to some of the bidders that the plans called for using a certain type of decking material, but it was going to be changed to wolmanized. He said that if the bidders knew that going in that there were going to be changes, how do we know that one of the bidders didn't low-ball it knowing it going in to get that bid. Trustee Hanson said that could happen because each bidder knew going in they weren't going to use that decking material. Mayor Larson asked if something was changed on the bid. Attorney Magna again explained the Statute regarding change orders.

Comment – Trustee McCarty

Trustee McCarty said that if you go from a composite type of material to a wolmanized material the price would go down, so he doesn't see this being a major issue with this particular project, if that has happened. Mayor Larson said the scope of the project is not going to change.

APPROVED MINUTES

Comment – Trustee Hanson

Trustee Hanson said if the material changes, the bid should be voided. He said that he would vote if the materials are exactly as specified. Mayor Larson said that is what the project is and no one is talking about changing it. Trustee Hanson said that the person who said it is not here. Trustee Pierce asked Trustee Hanson who he heard it from that the project was changing. Trustee Hanson said that he heard it from one of the bidders and he referred to Jim Park, Mystic Development who was present in the audience. Trustee Pierce asked if Trustee Hanson was referring to his campaign manager Jim Parks. Trustee Hanson said that it doesn't matter who it was and that he would abstain from voting. Mr. Parks, present in the audience asked if he could address the Board and Mayor Larson said that he could if he could bring some closure to this matter. Mr. Parks said that he was the high bidder, so he doesn't have anything to gain one way or the other. He said that this is a very important project for the village and it needs to move forward. He said that if they were going to put a grade level ramp at the bottom of the deck, the entire deck would have to be redesigned and would probably increase the cost of the deck by 15-20 percent. Mr. Parks thought that Trustee McCarty's suggestion of a lift would be the best way to do it. He said that if there was a material change, that the contractor would be expected to reduce his cost. He said that he would not want to see the Board reject the bid and re-bid the project. Trustee Hanson said that he looked like a fool because Mr. Parks is the one that shared with him that Dustin Nilsen said the material would change and now he felt stupid. Mr. Parks said that the issue is that there is a possibility that this particular contractor may have taken advantage of the situation, but he may not have. Trustee Hanson said that was not the question, he asked Mr. Parks that when it was originally bid, before bid opening, he mentioned to him that Dustin Nilsen said to bid it as is, but the material may change. Trustee Hanson said that this has nothing to do with being his campaign manager, it has to do with dollars and cents and that's all he wants to clarify and the fact that it was mentioned. Trustee Pierce said that he was concerned that Trustee Hanson made an insinuation about a staff member directing somebody to low-ball the bid based upon a possible change. Mr. Parks said that Dustin Nilsen informed all the bidders that the material may change but in the sense of fairness to bid it the way it was listed. He said that he understood that to be that if there were changes after the bid was awarded, that any changes that reduced the cost of the project, that bidder would reduce his cost. Trustee Pierce asked Mr. Parks if all the bidders were fairly informed. Mr. Parks said that they were all informed the same.

Comment – Trustee Caulfield

Trustee Caulfield said that he agreed with Trustee Pierce when he said that if we are going to do this project, we should do it right. Trustee McCarty said that in order to include a ramp in that location, there would not be any room for the deck and that is why he believed the addition of a lift at a future date would be the best solution. Assistant administrator Keim said the deck is ADA compliant for the use of the deck and is not throughway.

Comment – Trustee Hanson

Trustee Hanson said that his only concern is that if the material changed, he wants to make sure the cost goes down. Mayor Larson agreed and said that we are approving the project base on the specifications.

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

YES: 5: Hanson, McCarty, Crosby, Wolczyk and Pierce.

NO: 1: Caulfield.

THE MOTION CARRIED.

PUBLIC SAFETY, PARKS AND LICENSE

Special Event Application – Mark Scarpelli, Raymond Chevrolet Car Sales Event -

Trustee McCarty moved, seconded by Trustee Pierce to approve the Special Event Application for Mark Scarpelli, Raymond Chevrolet Car Sales event at the Menards Parking lot on June 20-25, 2007. Upon roll call, the vote was:

YES: 6: Hanson, McCarty, Caulfield, Crosby, Wolczyk and Pierce.

NO: 0.

THE MOTION CARRIED.

Raffle License: Antioch Township Republican Club; drawing held on June 23, 2007 - Trustee McCarty moved, seconded by Trustee Wolczyk to issue a raffle license to the Antioch Township Republican Club with the drawing being held on June 23, 2007. Upon roll call, the vote was:

YES: 6: Hanson, McCarty, Caulfield, Crosby, Wolczyk and Pierce.

NO: 0.

THE MOTION CARRIED.

APPROVED MINUTES

Ratify \$15,000 expenditure and reimburse the Antioch Firefighters Association for the purchase of the 1923 Stoughton - Trustee Hanson moved, seconded by Trustee Pierce to ratify the \$15,000 expenditure and reimburse the Antioch Firefighters Association for the purchase of the 1923 Stoughton Fire Truck. Upon roll call, the vote was:

YES: 6: Hanson, McCarty, Caulfield, Crosby, Wolczyk and Pierce.

NO: 0.

THE MOTION CARRIED.

ATTORNEY

Second reading and approval of AN ORDINANCE ESTABLISHING A BUSINESS ENHANCEMENT AND DEVELOPMENT ADVISORY COMMITTEE - Attorney Magna reviewed the ordinance and adding "as it presently is geographically comprised" to section B on page three of the ordinance.

Trustee McCarty moved, seconded by Trustee Pierce to accept the second reading the ordinance. Upon roll call, the vote was:

YES: 6: Hanson, McCarty, Caulfield, Crosby, Wolczyk and Pierce.

NO: 0.

THE MOTION CARRIED.

Trustee McCarty moved, seconded by Trustee Pierce to approve and publish in pamphlet form **Ordinance No. 07-06-10**, entitled, **AN ORDINANCE ESTABLISHING A BUSINESS ENHANCEMENT AND DEVELOPMENT ADVISORY COMMITTEE** as amended by adding "as it presently is geographically comprised" to Section B on page three of the ordinance. Upon roll call, the vote was:

YES: 6: Hanson, McCarty, Caulfield, Crosby, Wolczyk and Pierce.

NO: 0.

THE MOTION CARRIED.

Comment – Trustee Pierce

Trustee Pierce thanked Mayor Larson for initiating the creation of this ordinance.

First reading of AN ORDINANCE ASCERTAINING THE PREVAILING RATE OF WAGES FOR LABORERS, WORKMEN AND MECHANICS EMPLOYED IN PUBLIC WORKS OF THIS PUBLIC BODY - Attorney Magna reviewed the ordinance and explained this is an annual ordinance that is required by Statute and if not adopted the municipality could be included in a labor claim. Trustee Pierce asked Attorney Magna if the State requires verification of citizenship to receive the prevailing wage. Attorney Magna said that there is not and advised the Board, if this is a concern to them, to do a separate study and experiences from other communities who are attempting to address that issue. He said that he would not tie that to this particular ordinance.

Trustee McCarty moved, seconded by Trustee Crosby to waive the second reading of the ordinance. Upon roll call, the vote was:

YES: 6: Hanson, McCarty, Caulfield, Crosby, Wolczyk and Pierce.

NO: 0.

THE MOTION CARRIED.

Trustee McCarty moved, seconded by Trustee Wolczyk to approve and publish in pamphlet form **Ordinance No. 07-06-11**, entitled, **AN ORDINANCE ASCERTAINING THE PREVAILING RATE OF WAGES FOR LABORERS, WORKMENT AND MECHANICS EMPLOYED IN PUBLIC WORKS OF THIS PUBLIC BODY**. Upon roll call, the vote was:

YES: 6: Hanson, McCarty, Caulfield, Crosby, Wolczyk and Pierce.

NO: 0.

THE MOTION CARRIED.

Executive Session – Pending litigation, Personnel and Possible Purchase of Real Property – Trustee McCarty moved, seconded by Trustee Wolczyk for the Mayor and Board of Trustees to go into executive session at 10:20 p.m. to discuss the possible purchase of real property, pending litigation and personnel. Upon roll call, the vote was:

YES: 6: Hanson, McCarty, Caulfield, Crosby, Wolczyk and Pierce.

NO: 0.

THE MOTION CARRIED.

APPROVED MINUTES

Return from Executive Session – Trustee McCarty moved, seconded by Trustee Wolczyk for the Mayor and Board of Trustees to return from executive session to the open meeting at 11:16 p.m. **with no action taken.** Upon roll call, the vote was:

YES: 6: Hanson, McCarty, Caulfield, Crosby, Wolczyk and Pierce.

NO: 0.

THE MOTION CARRIED.

ADJOURNMENT

There being no further discussion, Trustee Caulfield moved seconded by Trustee McCarty to adjourn the regular meeting of the Board of Trustees at 11:17 p.m.

Respectfully submitted,

Candi L. Rowe RMC/CMC
Village Clerk