

APPROVED MINUTES  
VILLAGE OF ANTIOCH  
BOARD OF TRUSTEES, REGULAR MEETING  
Municipal Building: 874 Main Street, Antioch, IL  
July 15, 2013

**I. CALL TO ORDER**

Mayor Hanson called the July 15, 2013 regular meeting of the Board of Trustees to order at 7:31 PM in the Municipal Building: 874 Main Street, Antioch, IL.

**II. PLEDGE OF ALLEGIANCE**

The Mayor and Board of Trustees led the Pledge of Allegiance.

**III. ROLL CALL**

Roll call indicated the following Trustees were present: Pierce, Sakas, Poulos, Dominiak, Crosby and Johnson. Also present were Mayor Hanson, Attorney Long, Administrator Keim and Clerk Folbrick.

**IV. Absent Trustees Wishing to Attend Remotely**

There were no trustees wishing to attend remotely.

**V. MAYORAL REPORT**

No report.

**Citizens Wishing to Address the Board**

There were no citizens wishing to address the board at this time.

**VI. CONSENT AGENDA**

Trustee Pierce moved, seconded by Trustee Crosby to approve the following consent agenda items as presented:

1. Approval of the June 17, 2013 public hearing and regular meeting minutes as presented.
2. Approval of a Resolution Authorizing the Antioch Community High School to conduct a parade during Homecoming Week – *Resolution No. 13-50*
3. Approval of a Resolution authorizing a Raffle License for the Antioch Community High School – *Resolution No. 13-51*
4. Approval of a Resolution authorizing a Raffle License for St. Raphael the Archangel Catholic Church – *Resolution No. 13-52*
5. Approval of a Resolution authorizing a Special Event Liquor License to the Antioch Rotary Scholarship, Inc for their annual Pork Chop BBQ – *Resolution No. 13-53*
6. Approval of a Resolution for a Special Event Liquor License for the Village of Antioch Fall Fest – *Resolution No. 13-54*

Upon roll call, the vote was:

**YES: 6:** Pierce, Sakas, Poulos, Dominiak, Crosby and Johnson.

**NO: 0.**

**ABSENT: 0.**

**THE MOTION CARRIED.**

**REGULAR BUSINESS**

**7. Consideration of payment of accounts payable as prepared by staff** – Trustee Poulos moved, seconded by Trustee Dominiak to approve payment of accounts payable as prepared by staff in the amount of \$450,999.42.

Trustee Sakas asked why two payments were made for Cencom. Administrator Keim replied that there are two check runs included with the payables report because there was no first meeting in July. Trustee Crosby asked about billing for ARS calls. Director McCarthy replied that we are still being billed, but a majority are Antioch Township calls and are billed to the District. Trustee Pierce expressed concern with the billing associated with ARS through the Fire Department. Trustee Crosby asked to be notified if they become past due more than 30 days.

Upon roll call, the vote was:

**YES: 6:** Pierce, Sakas, Poulos, Dominiak, Crosby and Johnson.

**NO: 0.**

**ABSENT: 0.**

**THE MOTION CARRIED.**

**8. Consideration of a Resolution authorizing the Village Administrator to acquire for the public works department, (1) Kubota KX057 Excavator from Burris Equipment in the amount of \$63,309.00** – Trustee Crosby moved, seconded by Trustee Sakas, to approve **Resolution No. 13-55** Authorizing the Village Administrator to acquire for the public works

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department, (1) Kubota KX057 Excavator from Burris Equipment in the amount of \$63,309.00. Director Heimbrodt reviewed the bidding process. Upon roll call, the vote was:

**YES: 6:** Pierce, Sakas, Poulos, Dominiak, Crosby and Johnson.

**NO: 0.**

**ABSENT: 0.**

**THE MOTION CARRIED.**

**9. Consideration of a Resolution authorizing the Village Administrator to acquire for the public works department, (1) Vermeer BC1200XL Chipper from Vermeer Midwest in the amount of \$34,875.00** – Trustee Sakas moved, seconded by Trustee Johnson, to approve **Resolution No. 13-56** Authorizing the Village Administrator to acquire for the public works department, (1) Vermeer BC1200XL Chipper from Vermeer Midwest in the amount of \$34,875.00. Trustee Poulos asked if this item can be accommodated in the budget. Administrator Keim replied that the bid exceeds the budgeted amount by a minimal amount and can be accommodated.

Upon roll call, the vote was:

**YES:**

**NO: 0.**

**ABSENT:**

**THE MOTION CARRIED.**

**10. Consideration of a Resolution Selecting Current Technologies as the Vendor for the Network Upgrade and Computer Support Services** – Trustee Dominiak moved, seconded by Trustee Pierce, to approve **Resolution No. 13-57** Selecting Current Technologies as the Vendor for the Network Upgrade and Computer Support Services.

Administrator Keim reviewed the discussion held at the Committee Of Whole meeting, stating that the computer and networking system has not had a major investment in over 10 years. This system will centralize the network services and serve all departments. He reviewed the RFP process that began in April, and how the decision was made to select Current Technologies. He indicated that the first step is an assessment, and a recommendation will be made once the assessment is complete.

Mr. Frank Schumacher and Mr. Mark Rhodes of Current Technologies provided a brief overview of their company, and a description of the process they will engage in with the Village of Antioch. He indicated that they will work as an architect for the infrastructure, and keep an ongoing relationship with the Village for support. He discussed their staff, and the services both groups of their company could provide to the Village of Antioch. Mr. Rhodes explained the process which includes an assessment, working with staff on available options based on the assessment, installing infrastructure, setting up networking, and updating server infrastructure.

Trustee Pierce said that staff identified the lack of infrastructure and need for a solution, with the help of former Trustee Jozwiak and Ross Kaminsky, and found a company that will work best with the Village of Antioch. He thanked Trustee Jozwiak and Ross for their hard work in selecting a vendor.

Trustee Poulos asked what happens if the assessment is greater than the estimate. Administrator Keim replied that he does not have a plan "B" in place for that scenario, but is confident in the selection based on staff projections and research. Maintenance and support will be a separate contract to be considered at a future board meeting. Trustee Poulos asked if the current wiring will be sufficient and compatible with projections. Administrator Keim replied that it will be included in part of the initial assessment.

Trustee Dominiak asked if the technology will grow to the east side of town in the future. Administrator Keim replied that it would. Trustee Dominiak asked if support could be provided by an outside company if the contract or company does not work out. Administrator Keim stated that option is possible.

Trustee Crosby expressed concern with negotiating leverage when the company doing the work is acting as a consultant. Administrator Keim said that preliminary numbers were close to projections, and staff has the ability to provide checks and balances. He said the proposed resolution does not obligate the board to continue services with this company. Trustee Pierce explained that the companies all identified similar equipment and costs in their proposals, and this company offered an assembly package over what the other companies could provide. Administrator Keim added that references were checked, and the process will be done in phases.

Trustee Sakas asked about operating systems and software compatibility with a new network system. Administrator Keim said all of the vendors were provided with a list of major programs, and the initial assessment will identify any incompatibilities.

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Trustee Poulos said that he has been through many computer upgrades, and is not at all uncomfortable with the process staff has used.

Upon roll call, the vote was:

**YES: 6:** Pierce, Sakas, Poulos, Dominiak, Crosby and Johnson.

**NO: 0.**

**ABSENT: 0.**

**THE MOTION CARRIED.**

### **11. Consideration of a Resolution Extending the Time Allotted for a Temporary Use Beyond 30 days for a Haunted House located at 882 Anita Avenue –**

Trustee Pierce moved, seconded by Trustee Johnson, to approve **Resolution No. 13-58** Extending the Time Allotted for a Temporary Use Beyond 30 days for a Haunted House located at 882 Anita Avenue.

Trustee Crosby asked if staff has checked with other communities that host haunted houses, and is concerned with police presence and drawing police away from other activities. Chief Somerville is aware of the plan, and is familiar with the security group being utilized. He added that the property is easily contained, and he has no reservations. Staff will contact Zion to see if they have had any issues with their haunted house. Trustee Johnson expressed concern with the effect on neighboring residents. Mr. Haley replied that they are approximately 1200 feet from any residence.

Upon roll call, the vote was:

**YES: 6:** Pierce, Sakas, Poulos, Dominiak, Crosby and Johnson.

**NO: 0.**

**ABSENT: 0.**

**THE MOTION CARRIED.**

### **14. Consideration of a Resolution Authorizing the Administrator to Interview and Recommend Retaining of an Appraiser and Condemnation Counsel Relative to Potential Exercise of Eminent Domain Powers to Establish a Public Park on Lake Marie –** Trustee Sakas moved, seconded by Trustee Dominiak, to approve **Resolution No. 13-60** Authorizing the Village Administrator to Interview and Recommend Retaining of an Appraiser and Condemnation Counsel Relative to Potential Exercise of Eminent Domain Powers to Establish a Public Park on Lake Marie.

Ms. Mary Stuermer, Meadow Lake Court resident, believed that KLM was leaving the property open for the entire community. She said she has met conflict with condo owners who have tried to remove them from the property, and would like the community to work together instead of the homeowners and condo owners being polarized. She asked that the neighborhood community is allowed to use the property, and that it is a peaceful situation. She does not want a large parking lot and public beach, and asked if it will be a community park, or a village park.

Trustee Pierce asked the attorney to explain what would happen if the Village takes over the property. Attorney Long responded that the park will be public, and open to people within and outside the community for all purposes.

Mr. Ray Spike, Meadow Lake Court resident, asked who would have access to the park. Attorney Long said that eminent domain could allow for the village to own the property and allow access to the general public, should the homeowners not come to a conclusion. He explained that the proposed resolution allows staff to begin the process of interviewing appraisers and condemnation counsel for a consult.

Mr. Dale Wiegand, Inverness Drive resident and condo association member, said that historically errors may have been made with deeds and the Planned Unit Development, and believes eminent domain will violate the provisions of the PUD. He indicated that the association must maintain the property for their own protections since the deed is defined as property of the Woodland Ridge Homeowners Association. The association feels the need to protect against incidents and/or trespassing. He added that Lake County acquired property totaling approximately 270 acres for a forest preserve within .10 mile from the subject property.

Attorney Long explained the pending lawsuit and claims made against him and Police Chief Somerville. Within the lawsuit, an additional claim is made against the other 5 units in Heron Harbor Subdivision to claim title for the property. He discussed the deed rights and responsibilities, stating that they are all part of the same PUD.

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Trustees discussed property access, and their intent with eminent domain. They further discussed the concerns of property owners such as property values, access rights, liability and cooperation among all parties involved.

Mr. Ed Macek, Heron Drive resident, said their homeowners association could not get cooperation to cut the grass on Bowles road, and does not see how further cooperation could be successful. He added that all homeowners bought their properties with the assumption of lake access.

Mr. Ed Ruder, Meadow Lake Court resident, was told by KLM that they would have access to the beach. He said continuous blame should stop, and they were all promised the same thing by the builder.

Ms. Rita Kopjo, Woodland Ridge HOA President, commented on the pending lawsuit. She indicated that they have recorded deeds to the property, and filed a lawsuit to help protect property rights. She said they have never asked for arrests, but have asked for removal of people from the property. She said they are concerned about property value, and encouraged Trustees to read the court documents. She added that it is not a swimming beach per the Illinois Department of Public Health.

Trustee Poulos asked Chief Somerville if he's been asked to make arrests at the property. Chief Somerville replied that they will not arrest Heron Harbor residents for being on the beach, but yes, they have been asked to do so. Chief Somerville added that Attorney Long does not have the power to direct the police chief, and if he did, it would not happen. He said he will consult with the attorney on a legal basis, but will not evade the law at his direction.

Mr. Tom Poulos asked if there were any stipulations on what could or could not be done with the property in question. Attorney Long replied that it is a complicated issue. The development began in the late 1980's and several developers tried to build the different units. Each developer has a different plan, and documents may have ended up contradictory or confusing.

Mr. Tom Schmitt, Heron Drive resident, has lived there for 20 years. He discussed harassment by property owners, stating that he and his daughter have had their picture taken twice by townhome residents. He said the property was supposed to be placed under the master association, and only phases 1-3, and most recently unit 7, have been included in the master association. Trustee Sakas agreed that the real problem is that there is no master association in place.

Upon the motion to approve **Resolution No. 13-60** Authorizing the Village Administrator to Interview and Recommend Retaining of an Appraiser and Condemnation Counsel Relative to Potential Exercise of Eminent Domain Powers to Establish a Public Park on Lake Marie, the vote was:

**YES: 6:** Pierce, Sakas, Poulos, Dominiak, Crosby and Johnson.

**NO: 0.**

**ABSENT: 0.**

**THE MOTION CARRIED.**

***The Board took a brief recess at 9:01 pm and returned at 9:09 pm***

**12. Consideration of an Ordinance Establishing Charges and Fees for Ambulance and Life Safety Services and Ancillary Fire Fees** – Chief Nixon reviewed the necessity for the ordinance, stating that Medicare requires an enabling ordinance to set rates and determine how Medicare and Medicaid patients are billed in order to bill for emergency services. The Ordinance was changed to include a panel consisting of the village administrator, fire chief, and finance director to review hardship waivers. It was also determined to have an application process that includes a brochure explaining how a hardship can be applied for and what the hardship standards may be.

Trustee Dominiak moved, seconded by Trustee Crosby, to approve **Ordinance No. 13-07-15** Establishing Charges and Fees for Ambulance and Life Safety Services and Ancillary Fire Fees, waiving the second reading.

Trustee Dominiak asked if other communities follow the same guidelines. Chief Nixon indicated that others do not have such guidelines, but the leaders would be fair minded, compassionate and understanding in their review of hardship claims. Trustee Poulos suggested a subcommittee be formed to create guidelines in order to create a baseline before applications are reviewed. Trustee Dominiak suggested to change the ordinance language from 'may establish' to 'shall establish'. Trustee Johnson agrees that guidelines will help with the

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explanation of a denial in those instances. Mayor Hanson will work with staff to form a committee to help establish those guidelines.

Trustee Dominiak amended her motion to change 'may' to 'shall' in the ordinance, seconded by Trustee Crosby.

Upon roll call, the vote was:

**YES: 6:** Pierce, Sakas, Poulos, Dominiak, Crosby and Johnson.

**NO: 0.**

**ABSENT: 0.**

**THE MOTION CARRIED.**

**13. Consideration of a Resolution Authorizing the Village Administrator to Prepare a Local Incentive Package and Amended Redevelopment Agreement Related to TIF Eligible Expenses for Project Lumen** – Director Nilsen explained that this is a resolution memorializing the incentive discussed at the Committee of the Whole Meeting.

Trustee Crosby moved, seconded by Trustee Dominiak, to approve **Resolution No. 13-59** Authorizing the Village Administrator to Prepare a Local Incentive Package and Amended Redevelopment Agreement Related to TIF Eligible Expenses for Project Lumen. Upon roll call, the vote was:

**YES: 6:** Pierce, Sakas, Poulos, Dominiak, Crosby and Johnson.

**NO: 0.**

**ABSENT: 0.**

**THE MOTION CARRIED.**

**15. Consideration of a Resolution for Maintenance of Streets and Highways by Municipality Under the Illinois Highway Code** – Trustee Pierce moved, seconded by Trustee Crosby, to approve **Resolution No. 13-61** for Maintenance of Streets and Highways by Municipality Under the Illinois Highway Code.

Trustee Pierce asked about Highview, and when it is scheduled for repair. Administrator Keim replied that the current listing is determined to be the worst according to the rating map, and could not say for sure where Highview ranks. He indicated that it was on a previous list because of a grant application, and suggested patching the curve that has water issues as a temporary solution.

Upon roll call, the vote was:

**YES: 6:** Pierce, Sakas, Poulos, Dominiak, Crosby and Johnson.

**NO: 0.**

**ABSENT: 0.**

**THE MOTION CARRIED.**

### **VII. ADMINISTRATOR'S REPORT**

No report.

### **VIII. VILLAGE CLERK'S REPORT**

No report.

### **IX. TRUSTEE REPORTS**

Trustee Sakas announced that the lifestyle corridor will have a booth at Antioch's Taste of Summer on Thursday from 12-7.

### **X. EXECUTIVE SESSION – Personnel, Pending/Probable Litigation, Sale or Lease of Village Property, Executive Session Minutes, Collective Bargaining - Personnel**

Trustee Sakas moved, seconded by Trustee Poulos for the Mayor and Board of Trustees to go into executive session at 9:24 p.m. to discuss personnel and minutes. Upon roll call, the vote was:

**YES: 6:** Pierce, Sakas, Poulos, Dominiak, Crosby and Johnson.

**NO: 0.**

**ABSENT: 0.**

**THE MOTION CARRIED.**

Trustee Pierce moved, seconded by Trustee Sakas, for the Mayor and Board of Trustees to return from executive session to the open meeting at 10:00 p.m. with **no action taken**. Upon roll call, the vote was:

**YES: 6:** Pierce, Sakas, Poulos, Dominiak, Crosby and Johnson.

**NO: 0.**

**ABSENT: 0.**

**THE MOTION CARRIED.**

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**14. Consideration of a Resolution Authorizing the Mayor to Execute Employment Contracts with the Village Administrator and Chief of Police** – There was no action taken on this item.

### **XI. ACTION ON EXECUTIVE SESSION ITEMS**

No action taken.

### **XII. ADJOURNMENT**

There being no further discussion, Trustee Dominiak moved, seconded by Trustee Pierce to adjourn the regular meeting of the Board of Trustees at 11:32 p.m.

Respectfully submitted,

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Lori K. Folbrick  
Village Clerk