

**VILLAGE OF BANNOCKBURN
BOARD OF TRUSTEES
SEPTEMBER 23, 2013**

Call to Order. President Barkemeyer called the meeting to order at 7:04PM.

President: James Barkemeyer

Trustees Present: James Boyle, Timothy Fisher (arrived at 7:06), David Koror, Daniel Orth III, Frank Rothing

Trustees Absent: David Ansani

Also Present: Village Clerk Estelle Raimondi, Finance Director Linda McCulloch, Village Engineer David Gewalt, Village Counsel Vic Filippini, Assistant to Village Manager Ryan Mentkowski

Visitors: Mark Nelson (1400 North Avenue), Eric Friedman (Walgreens)

1. 01-09/23: **Pledge of Allegiance.** Former Village Trustee Mark Nelson led everyone in reciting the Pledge of Allegiance.

Visitors' Business. None

2. 02-09/23: **Report of the Architectural Review Commission Meeting on Tuesday, September 17, 2013:**
 - Consider Approval of An Illuminated Identification Wall Sign at the Address Commonly Known as 1000 Lakeside Drive, Submitted by Bannockburn Associates, LLC; and
 - Consider Approval of a Modified Pool, Spa and Deck Plan at the Property Located at 1665 Duffy Lane, Submitted by Dr. Frank and Mrs. Lisa Karkazis.

Assistant to the Village Manager Mentkowski advised that the two items were approved with minimum discussion; the entire meeting lasted approximately 6 minutes. 1000 Lakeside was for approval of a wall sign in the same location as a previous sign for Caremark. 1665 Duffy was for minor modifications consisting of raising the spa area approximately 18 inches and changing the material colors. Additionally there will be 4 jets instead of the previously approved 2 jets for the pool.

3. 03-09/23: **Consider Approval of a Variation from Ordinance No. 2003-8, The Bannockburn Water Systems and Facilities Regulations, Submitted by Resident Mark Nelson (1400 North Avenue).**

Former Trustee Mark Nelson stated that he bought the house in 1993. At the time the house was purchased the septic system was in poor condition. As Deerfield utilities run right in front of the house, they requested permission and were approved to hook up into Deerfield water and sewer. They abandoned the septic field but requested to keep the

water for irrigation purposes. Approval was received and upgrades were made to the well including a new pump and charging cylinder. Village Inspections were performed of the plumbing at that time, and it may have been included on the permit for the house addition that was built around the same time.

Mr. Nelson stated that he is selling the house and the buyers are requesting written confirmation from the Village that using the well is a lawfully permitted use. The well is used for irrigation use and is hooked up to outside water spigots and an in ground sprinkler system and is also used in the spring to fill up the swimming pool. The pool water is pumped into the storm sewer system at the end of the season, and all other water is used solely for irrigation. There is no potable or drinking water from the system. They will be testing water for bacteria and nitrates and also will be evaluating the flow. The well seems to be in good condition at this time, but Mr. Nelson stated that he does not know the functional future of the well.

Village Attorney Filippini stated that the Board can grant a variation to the Ordinance if someone is connected to a public water system to continue to use a well for limited purposes. There is nothing formal approving the well, so Village Manager Lasday and Village Attorney Filippini decided to bring the matter to the Board to decide if they wanted to grant the approval for the irrigation and pool use, subject to confirmation that there are no cross connections.

Village Engineer Gewalt advised that he had already checked as part of the compliance inspection and there were no cross connections.

Trustee Orth moved, seconded by Trustee Boyle, to approve the Variance from Ordinance 2003-8, The Bannockburn Water Systems and Facilities Regulations, to allow use of the existing well, subject to verification by the Village Engineer of no cross-connections and no use other than irrigation and swimming pool purposes. On a voice vote, the motion was unanimously approved. Ayes: Five (Boyle, Fisher, Korner, Orth, Rothing); Nays: None; Absent: One (Ansani).

A letter will be written for Mr. Nelson by the Village Manager confirming the continued use of the private well was approved by the Board.

4. **04-09/23: Consider Acceptance of a Grant for Tree Replacement Due to Emerald Ash Borer.**

A \$10,000 grant has been approved for the Village, contingent on several conditions. The Board discussed concerns about the conditions required for the grant, particularly the drug free awareness program requirements and if that would require periodic drug testing of employees. Village Attorney Filippini advised that the general statement already in the personnel policy regarding the non-use of illicit drugs should be consistent with the overall standards of the grant agreement, although there may be slight differences. The other concern stated by the Board is the requirement for certified nurseries, as only two of the three nurseries the Village plans to acquire trees from are certified. The \$10,000 needs to be spent on trees from a certified nursery, and it was noted that given the large

number of trees that will need to be replaced a certain number of them will be from the certified nurseries and \$10,000 is a fraction of the money to be spent.

President Barkemeyer stated that if we buy \$40,000 of trees, that certainly \$10,000 will be from certified nurseries, but asked for confirmation that we will be able to prove that in a way that will fulfill the requirements of the grant.

Assistant to Village Manager Mentkowski recommended that some trees be bought from a different contractor than Buffalo Grove to make sure we have documentation of certified nursery. He also stated the money does not have to be spent until the end of July 2014.

The Board directed staff to determine requirements for drug awareness program, and also how we will be required to prove that the trees are from a certified nursery and then report at the next meeting.

5. **05-09/23: Consider Approval of a Resolution Acknowledging Procedures for Reimbursement of Village-Related Expenses Incurred by Village Officials.**

Village Attorney Filippini advised that the draft elected officials policy submitted to the Board defined terms different from the policies in the employee personnel handbook. The Trustee reimbursement policy is more specific in terms of what is required for documentation, and incorporates a process for review by Board members. He advised that it is a pretty standard policy but that it does differ from the policies in the employee's personnel handbook.

Trustee Korner asked if there would be a form to use for expenses.

Village Attorney Filippini stated that the same form used by staff would be the one elected officials would also be expected to use.

Trustee Korner inquired about the 60 day requirement for submission of reimbursement.

Village Attorney Filippini stated that there is a requirement for accountable plans that invoices and receipts be submitted in a relatively prompt fashion, so 60 days was chosen as a time period because it generally works pretty well. However, he has seen time periods of as much as 120 days, but would not advise going past 120 days because it gets kind of stale and there is more opportunity to forget about it.

Trustee Korner stated that 60 days is good because it is within a 30 day billing cycle for credit cards and would allow Board members time to receive their credit card statements and use that as documentation for reimbursement.

President Barkemeyer asked if the Board would just want to do 90 days and then everyone could just do it on quarterly basis.

Trustee Rothing, Orth and Korner agreed that the 90 day requirement for submission of reimbursement should be utilized.

Trustee Rothing stated that the other thing that they had talked about were the short trips from Bannockburn to Highland Park or Bannockburn to Deerfield or within the Village itself. He thought that we should come up with some sort of minimum before you qualify for mileage.

Village President Barkemeyer stated that he did not think so and that it should be everything just like the staff policy. He noted that if the staff drives to Deerfield in their car, they can charge it.

Trustee Fisher stated that the reimbursement for short trips was Jim's opinion; he was going to express his opinion. He didn't think that we should have it within the Village. He stated that if you go into Deerfield, that is fine or if you go into Highland Park that is fine. But he didn't agree with reimbursement for travel from his house to Village Hall.

Trustee Korner suggested that it be left to the discretion of the elected official if they want to be reimbursed. He stated that he personally agreed with Trustee Fisher. He stated that if he is driving around to take a picture of a road and he is going somewhere when he is doing it as part of his daily routine. He noted this is different than getting up in the middle of the night to take a picture of something.

Trustee Fisher asked Village Attorney Filippini if he had checked the IRS requirements on this.

Village Attorney Filippini stated that there is nothing within the IRS requirements to preclude someone from seeking reimbursement for a meeting that occurred inside the Village and that in larger communities, travel may be almost exclusively within the limits of that community. He noted that this is a policy question for the Board. He noted that the standard is whether or not it is for a business purpose and if so then it is usually something that is eligible from a tax perspective for reimbursement. Whether the local policy recognizes it as a standard of reimbursement is a matter of policy.

Trustee Rothing stated that he believes that travel within Bannockburn and adjoining communities should be excluded. He noted that they are short trips that are done as part of your job as a Trustee and it is part of the program.

Trustee Orth stated that he did not agree because if you can demonstrate that you spent money or incurred expenses then you should be reimbursed for them.

Village President Barkemeyer stated whether or not you choose to submit for reimbursement that is your own decision as a Trustee.

Trustee Fisher stated that it becomes onerous if it is within the Village because the Village is only 2- 1/2 square miles.

Trustee Boyle stated that each person has the choice of whether or not to submit expenses to be reimbursed.

Trustee Boyle moved, seconded by Trustee Orth, to approve Resolution 2013-R-29, a Resolution Acknowledging Procedures for Reimbursement of Village-related Expenses Incurred by Village Officials, to include the change of reimbursement term to 90 days.

Upon discussion of the motion, Village Attorney Filippini advised that in Section 3 there was a need to establish a replacement Trustee for reviewing the pending request. He noted that the policy states that requests are to be reviewed by the Village President and the Finance Commissioner, but that if one of them was submitting expenses that a replacement trustee needed to be named to review the request.

President Barkemeyer suggested the Village Clerk be named.

Village Attorney Filippini noted that the policy was not written that way but could be amended to include the Village Clerk.

Trustee Rothing noted that it probably should not be his position.

Trustee Orth stated that he liked the idea of the Village Clerk.

Village Clerk Raimondi noted that she was okay with whatever the Board wanted to do.

Village Attorney Filippini suggested that the following changes be made to the motion, in addition to the 90 day reimbursement term, that on page 4, paragraph D, after the 1 and 2, add the language, "appoint another Village Trustee or the Village Clerk".

President Barkemeyer stated that was good because that way if the Village Clerk and I both submit someone else could review it.

Village Attorney Filippini also suggested that wherever it states "replacement Trustee" in the Resolution, add "or Village Clerk". He also noted that in regards to the existing request by the Village President, it was his understanding that Village Clerk would be inserted.

Trustee Korner asked if all requests would come to the Board for a vote, as with the Bill Submit list.

Village Attorney Filippini advised that only the request from Village President Barkemeyer would appear because it had already been pending. He noted that with the new policy expenses it would be reviewed by the Village President and Finance Commissioner or Village Clerk and as long as they were in unanimous agreement that it should be paid, it would not come before the Board. He noted that if it is not unanimously approved, it will come before the Board.

Trustee Boyle moved, seconded by Trustee Orth, to approve Resolution 2013-R-29, a Resolution Acknowledging Procedures for Reimbursement of Village-related Expenses Incurred by Village Officials, as amended by the Village Attorney. On a roll call vote, the motion was approved. Ayes: Four (Barkemeyer, Boyle, Korner, Orth); Nays: Two (Fisher, Rothing); Absent: One (Ansani).

6. **06-09/23: Consider Approval of a 2014 Calendar Year Schedule for the Village Board of Trustees Regular Meetings.**

Trustee Korner advised that the April 14th meeting falls on the first night of Passover. He requested the meeting be moved to Wednesday April 16th to avoid both nights of Passover.

Trustee Korner moved, seconded by Trustee Rothing, to approve the 2014 Calendar Year Schedule for the Village Board of Trustees Regular Meeting, as amended. On a roll call vote, the motion was unanimously approved. Ayes: Five (Boyle, Fisher, Korner, Orth, Rothing); Nays: None; Absent: One (Ansani).

7. **07-09/23: Consider Approval of Change Order #2 of the R.A Mancini Inc. Contract to Extend the Completion Date from May 15, 2013 to November 1, 2013 for Public Water Supply Project # L174693- Waukegan Road, Half Day Road, and Cedarcrest Lane Water Main Replacement to be Submitted to the Illinois Environmental Protection Agency.**

Village Engineer Gewalt advised that the change order extends the completion date from May 15, 2013 to November 1 2013 so that all of the costs that are incurred for the project can be eligible for the IEPA reimbursement. The Board had previously agreed to extend the completion date to September 1st but there are a few items that are not yet complete. He also noted that planting was being done today on Cedarcrest and some seeding needed to be finished on Telegraph.

Trustee Fisher moved, seconded by Trustee Korner, to approve the Change Order as submitted. On a roll call vote, the motion was unanimously approved. Ayes: Five (Boyle, Fisher, Korner, Orth, Rothing); Nays: None; Absent: One (Ansani).

8. **8-09/23: Consider Approval of a Resolution Approving the Annual Treasurer's Report for the Fiscal Year Ending April 30, 2013.**

Finance Director McCulloch stated that approval of the Resolution is needed in order to be published in the newspaper and to be filed with the Lake County Collector. It itemizes any payments that are in excess of \$2,500, provides audited fund balances, summarizes categories for receipts, and provides compensation information based on \$25,000 increments. She noted that the Resolution and subsequent filing are required per statute.

Trustee Orth moved, seconded by Trustee Fisher, to approve Resolution 2013-R-27, Approving the Annual Treasurer's Report for the Fiscal Year Ending April 30, 2013, as submitted. On a roll call vote, the motion was unanimously approved. Ayes: Five (Boyle, Fisher, Korner, Orth, Rothing); Nays: None; Absent: One (Ansani).

9. **9-09/23: Consider Approval of a Resolution Determining Amounts of Money to be Raised through Ad Valorem Property Taxes.**

Finance Director McCulloch reviewed that this is based on new growth numbers and the Consumer Price Index. She advised that based on our home rule status we abide by the limits of the tax cap, and as a result there is very little increase. This information will be in the upcoming newsletter if approved as it shows residents where their tax dollars go. She stated that the dollar amount in the draft Resolution is incorrect and needs to be amended to \$826,850.

Trustee Orth moved, seconded by Trustee Korner, to approve the Resolution 2013-R-28, Approval of a Resolution Determining Amounts of Money to be Raised through Ad Valorem Property Taxes, as amended. On a roll call vote, the motion was unanimously approved. Ayes: Five (Boyle, Fisher, Korner, Orth, Rothing); Nays: None; Absent: One (Ansani).

10. **10-09/23: Discuss Location of the 2013 Appreciation Dinner.**

Trustee Rothing stated that he and Assistant to the Village Manager Mentkowski had visited Lovell's to evaluate the potential set up for the dinner. The menu choices were discussed, and a served meal with appetizers was preferred, with chicken, salmon, and steak as entrée choices. The cost for the steak is more than the other entrees, and a weighted average was used to estimate entrée cost per person. Although Lovell's is more expensive, the Board discussed that the setup is preferable to Froggy's as there is a larger room that includes the cash bar. The choice of valet parking or lot parking at Lovell's is also preferable to the on street parking at Froggy's. Trustee Rothing advised that the room charge has been cut in half, but that he is negotiating to have it removed entirely. Board directed further negotiation with Lovell's, but overall Board sentiment was to have it at Lovell's if room charge is removed.

11. **11-09/23: Village Engineer Report.**

Village Engineer Gewalt advised that the High Terrace and Sunset Lane project is nearly complete. He noted that a pay request will be submitted next month.

12. **12-09/23: Village Counsel Report.** No report.

13. **13-09/23: Village Manager Report.**

Assistant to the Village Manager Mentkowski updated the Board on the complaint from Mr. Gross regarding ponding on his property after the road improvement work was done. A meeting is set for September 30th.

Trustee Korner stated he went to Mr. Gross' property after a recent storm to evaluate the condition of the property after a storm. He took pictures and there is some water ponding on the south side of the driveway, but there was also ponding on the driveway itself and that was just repaired by the homeowner in the last year. Mr. Gross has stated that the construction on Sunset caused the ponding, but Trustee Korner spoke with a neighbor, Jim

Kozonis, who stated that he also has ponding and that it had been there since before the road work was done. Trustee Koror stated that based on his visit there is undoubtedly ponding, but the question is whether the ponding was caused by the road work. Trustee Koror also took pictures of his driveway to document the water. Trustee Orth inquired if there was value in talking to the other neighbors, but Trustee Koror advised that we have not heard from anyone else in the last 5 years, so it does not seem to be a concern for most residents. Trustee Fisher stated that based on pictures he had seen the ponding was not adjacent to the road but was in several feet onto the property. More information will be available after the September 30th meeting.

Assistant to Village Manager Mentkowski stated that Metro Storage entered into a contract to purchase the Sears property on Waukegan Road and a request for zoning relief is forthcoming. He also reported that the Unitarian Church is planning to put up a fence around the dumpsters in response to resident's complaints. Additionally they have plans to construct an outdoor sanctuary so Village Manager Lasday and Village Police Chief Price will be visiting the site in the next week. Village Attorney Filippini advised that the property is not within the Village limits. He advised that we do have the power to annex it as the property is completely surrounded by the Village and is under 60 acres. Another limitation on the property is that when Route 22 was done their septic field was impacted and it is unlikely that the county would authorize any changes to the building without the church connecting to the public sewer. It was noted that the sanctuary appears to be planned in an area that will not impact the septic field. If they plan anything that seems to be troublesome the Village does have the power to annex them, and then they would have to comply with Village requirements however, the Village in the past has chosen not to do that.

14. 14-09/23: **Village Clerk Report.**

Village Clerk Raimondi reported on the seminar she and Village Manager Lasday attended regarding the Local Records Act, electronic communication, and electronic records.

15. 15-09/23: **Village Commissioner Reports.**

**Economic Development Commissioner's Report.* Trustee Rothing reported that the golf outing scheduled for September 15th was rained out and rescheduled for October 6th. Deerfield Golf Course was very cooperative, and the start time has been moved up. Participation seems to still be roughly equivalent.

Trustee Rothing then noted that Trinity International University has extended to Village residents a complimentary library card for use at Trinity. Residents will need to sign up for the card at Trinity, and information will be provided in the upcoming newsletter. The card does not have reciprocal rights with Deerfield, but it does work with e-books.

**Roads and Rights of Way Commissioner Report.* Trustee Koror asked Village Engineer Gewalt if any follow up had been done yet regarding Stirling Circle. Village Engineer Gewalt advised that follow up was being done that week.

16. **16-09/23: Village President Report.**

Village President Barkemeyer stated that a date needs to be picked for a Village tour, and as the sun is setting earlier on weeknights, a weekend might be preferable. Trustee Orth advised that the tour is needed so that newer Board and staff members can see various locations around the Village, including the water treatment plant. Trustee Rothing advised that there were several ongoing items, such as the ponding issues near Broadley's court, and that being able to actually see the site might be helpful. A bus or van would be needed for the tour.

President Barkemeyer advised he had spoken to Village Manager Lasday as she is attending the IMCA conference in Boston, and she has several ideas to bring back upon her return.

Discussion also included recognition of Chief Price's 35th anniversary in law enforcement and also that the LaQuinta supplemental water tank is leaking more profusely. Finance Director McCulloch advised that they are aware of the situation, but they have not yet found a plumber to fix it.

Trustee Rothing also advised that there was an after-hours event hosted by the Chamber of Commerce at Bannockburn Green Retail Center. It was well attended, with appetizers and a live band and provided exposure to the stores in the center.

17. **17-09/23: Consideration of Approval of the September 9, 2013 Board Meeting Minutes.**

Trustee Fisher moved, seconded by Trustee Korner, to approve the September 9th, 2013 Board Meeting Minutes. On a voice vote, the motion was unanimously approved. Ayes: Five (Boyle, Fisher, Korner, Orth, Rothing); Nays: None; Absent: One (Ansani).

18. **18-09/23: Consideration of Approval of the September 9, 2013 Executive Board Meeting Minutes.**

Trustee Boyle moved, seconded by Trustee Korner, to approve the September 9th, 2013 Executive Board Meeting Minutes. On a voice vote the motion was unanimously approved. Ayes: Five (Boyle, Fisher, Korner, Orth, Rothing); Nays: None; Absent: One (Ansani).

19. **19-09/23: Adjournment.**

Trustee Orth moved, seconded by Trustee Fisher, to adjourn the meeting. On a voice vote the motion was unanimously approved. Ayes: Five (Boyle, Fisher, Korner, Orth, Rothing); Nays: None; Absent: One (Ansani). The meeting was adjourned at 8:14 PM.