

**VILLAGE OF BANNOCKBURN
BOARD OF TRUSTEES
NOVEMBER 25, 2013
MEETING MINUTES**

1. **Call to Order.** President Barkemeyer called the meeting to order at 7:02PM.

President: James Barkemeyer

Trustees Present: David Ansani, James Boyle, David Korner, Daniel Orth III

Trustees Absent: Timothy Fisher, Frank Rothing

Also Present: Village Clerk Estelle Raimondi, Village Manager Maria Lasday, Finance Director Linda McCulloch, Village Engineer David Gewalt, Village Counsel Filippini, Assistant to Village Manager Ryan Mentkowski, Administrative Intern Cory Poris.

Visitors: Mike Cunningham (AT&T); Ron Kinder (1899 Hilltop Lane); Well Wheeler (Architect – 1899 Hilltop Lane); John Lenehman (AT&T); Suzy Link (AT&T).

2. 01-11/25: **Pledge of Allegiance.** President Barkemeyer led everyone in reciting the Pledge of Allegiance.

3. **Visitors' Business.** None.

4. 02-11/25: **Discuss Regulations Regarding Antenna Installations in Right of Ways.**

Village Manager Lasday stated that there were several members of AT&T who were present to discuss the proposed antenna installation at the corner of Routes 22 and 43. John Lenehman, attorney for AT&T, explained to the Board that the proposed installation is not a substitute for the macro towers, but are supplements to the towers for areas that have significantly larger capacity needs. This is a way to address that narrow area that has increased demand. The technology attaches to an existing utility pole in the right of way. This is the only site being planned for 2013, and may request 1-3 additional sites in 2014. Village Manager Lasday clarified that there is only the proposed commercial site being discussed at this time and requested that the discussion be limited to that one site. John Lenehman agreed and stated that the proposed installation is in the IDOT right of way. An IDOT permit has been obtained. AT&T plans to resume work at that site because the IDOT permit has been issued and that permit requires that work be completed within 180 days.

Trustee Orth asked what the relationship was between this installation and the Village of Bannockburn. Lenehman stated that it is in an IDOT right of way and that as he reads the Bannockburn zoning code and ordinances it only applies to property within Bannockburn jurisdiction and this is not within that jurisdiction. Village Manager Lasday advised that

position was an opinion that was not shared by the municipalities within the Northwest Municipal Conference. She stated that the reason for AT&T being at the meeting was to discuss the one commercial site and if an ordinance should be drafted allowing AT&T to continue with the installation at that site. Lenehman said that he had talked to IDOT and IDOT told him that he had the authority to proceed as he had an IDOT permit and it is on an IDOT right of way. He further stated that the Village could adopt an ordinance but that it would not impact the current installation. Trustee Orth asked if the installation could be stopped if the Board did not consent. Lenehman stated that the Village cannot stop it because it is within the IDOT right of way and AT&T has IDOT permission to proceed with the installation.

Trustee Korner stated the question is, what the impact of this installation would have upon the Village? One issue is the aesthetics and the second concern is the proliferation of these antennae within Bannockburn. Lenehman stated that the impact on the Village is negligible as it is a permitted use and it is on existing structure. Trustee Korner noted that the additional sites being considered are within residential areas and clearly within Bannockburn jurisdiction. Village Attorney Filippini stated that it is possible for multiple bodies to have jurisdiction over certain areas, and that is the case here. While this may be within an IDOT right of way, it is still within the Village of Bannockburn and therefore the Village still has zoning authority. He explained that the Illinois Zoning Enabling Act states that any personal wireless facility within a municipality is subject to municipal zoning regulations. There is no exception if it is in an IDOT right of way. Authority is universal throughout the Village. Village Attorney Filippini suggested in order to legitimize what AT&T wants to do, and also to make clear that we expect our regulations to be followed, is to prepare an amendment to our personal wireless facility regulations that acknowledges that within this area they are allowed to have an installation as a permitted use. This could be prepared for the next meeting which would give them time to install the equipment within the time allowed by the IDOT permit. An “at risk” permit could be issued in expectation of the proposed amendment to the code. PCZBA did not give a full review of the issue since it is being reviewed by the Northwest Municipal Conference. Trying to work this out in a uniform fashion through the Northwest Municipal Conference would benefit the municipalities involved and AT&T.

Trustee Boyle asked if revisions could be made so that it is not installed on a pole but is installed in the ground. Mike Cunningham from AT&T advised that although it had been considered it was an issue with electronics in the ground. He will confirm that the current technology will still not accommodate an installation underground. However the disruption to the lot is significantly increased because the vault needs to be vented and cooled and would require a much larger installation.

Trustee Orth asked if AT&T would accept the “at risk” permit process as explained by the Village Attorney. Lenehman advised that would be an acceptable option based on the current conversation. Village Manager Lasday advised that the draft regulations contemplated by the Northwest Municipal Conference would have installations at least 100 feet from a residence and at least 500 feet from other installation. This installation would meet those requirements. Village Attorney Filippini was directed to draft the

proposed ordinance and also an at risk agreement.

5. **03-11/25: Discuss Liability Insurance and Workman's Compensation Insurance Quotes.**

Trustee Korer stated that the recommendation of Mesirov was that the quotes were in line and the liability quote was reflective of some loss potential risk loss. If that is resolved in our favor the cost will be substantially less next year. It is only a minor increase. The agency sends it out for bid every 3 years as the agency feels that continuity is important. Trustee Korer also noted that Village Manager Lasday questioned the agency about the service fee, and they explained that since it takes as much effort to service the Village of Bannockburn as it is to service a much larger municipality and because there is a lower commission, they charge a service fee. Other smaller municipalities also pay the service fee. One clarification for the proposed policy is that all business in Bannockburn Green will also be named in the policy so there is coverage in case of loss of sales tax revenue from these businesses to the Village, where only LaQuinta had been covered previously. Village Attorney Filippini stated that as the Village becomes aware of a change of business that the insurance company should also be notified. Village Manager Lasday advised that it is listed in the policy as LaQuinta, LTD, and Bannockburn Green stores, but that individual stores are not listed.

6. **04-11/25: Report from the Architectural Review Commission's Meeting on November 19, 2013:**

- **Consider a Request for Approval of (1) a Modified South and East Elevation for a Proposed Addition (2) a New Exposed Aggregate Patio, (3) the Removal, Replacement, and Expansion of a Masonry Garden Wall with an Iron Railing in the Rear Yard, and (4) the Installation of Additional Exterior Lighting for the Existing Residence at 1899 Hilltop Lane, Submitted by Ron and Karen Kinder.**

Village Manager Lasday gave an overview of the request by Ron and Karen Kinder for modifications to their home. The ARC approved all requests contingent upon all lighting being zoning compliant and other conditions being met. The Kinders and their architect have agreed to make all lighting zoning compliant. It was noted that several of the lights don't even work, but the overall lumen count needs to be reduced. Flood lights need to be removed or shielded, and all modifications to lighting will need to be completed before the certificate of occupancy is issued. Opacity has been met and there are no bufferyard or engineering issues. The ARC approved it contingent upon several conditions: the Tree Preservation Ordinance needs to be complied with as a class 2 tree must be added; the revised landscape plan has been submitted, and erosion control has been added to the final grading permit; and the lighting needs to become zoning compliant. All contingencies were agreed to by Mr. Kinder.

7. **05-11/25: Consider Approval of Change Order #3 for Public Water Supply Project #L174693- Waukegan Road, Half Day Road, and Cedarcrest Lane Water Main Replacement Project for Additional Design and Construction Engineering Observation Costs to be Submitted to the Illinois Environmental Protection Agency.**

Trustee Boyle moved, seconded by Trustee Ansani, to approve Change Order #3 for Public Water Supply Project #L174693- Waukegan Road, Half Day Road, and

Cedarcrest Lane Water Main Replacement Project for Additional Design and Construction Engineering Observation Costs to be Submitted to the Illinois Environmental Protection Agency. Motion approved. Ayes: Four (Ansani, Boyle, Korner, Orth); Nays: none; Absent: Two (Fisher, Rothing).

8. **06-11/25: Ratification of Approval of Change Order #4 of the R.A. Mancini Inc.'s Contract to Include Additional Contract Work (Exploratory Excavation, Sidewalk Removal and Replacement and Extraordinary Restoration) 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.**

Trustee Boyle moved, seconded by Trustee Korner, to approve the Ratification of Approval of Change Order #4 of the R.A. Mancini Inc.'s Contract to Include Additional Contract Work (Exploratory Excavation, Sidewalk Removal and Replacement and Extraordinary Restoration) 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. Motion approved. Ayes: Four (Ansani, Boyle, Korner, Orth); Nays: none; Absent: Two (Fisher, Rothing).

9. **07-11/25: Consider Approval of a Change Order #1 of the Maneval Construction Company's Contract to Determine a Final Contract Amount of \$143,042.45 for a Motor Fuel Tax Road Improvement Project (High Terrace & Sunset Lane Pavement Improvements) to be Submitted to the Illinois Department of Transportation.**

Trustee Korner moved, seconded by Trustee Boyle, to approve Change Order #1 of the Maneval Construction Company's Contract to Determine a Final Contract Amount of \$143,042.45 for a Motor Fuel Tax Road Improvement Project (High Terrace & Sunset Lane Pavement Improvements) to be Submitted to the Illinois Department of Transportation. Motion approved. Ayes: Four (Ansani, Boyle, Korner, Orth); Nays: none; Absent: Two (Fisher, Rothing).

10. **08-11/25: Consider Approval of Change Order #1 for the Wilmot Road STP Project for Additional Engineering Costs Related to Construction Observation to be Submitted to the Illinois Department of Transportation.**

Trustee Korner moved, seconded by Trustee Boyle, to approve Change Order #1 for the Wilmot Road STP Project for Additional Engineering Costs Related to Construction Observation to be Submitted to the Illinois Department of Transportation. Motion approved. Ayes: Four (Ansani, Boyle, Korner, Orth); Nays: none; Absent: Two (Fisher, Rothing).

11. **09-11/25: Consider Approval of Change Order #1 for the Duffy Lane STP for Additional Engineering Costs Related to Construction Observation to be Submitted to the Illinois Department of Transportation.**

Trustee Boyle moved, seconded by Trustee Korner, to approve Change Order #1 for the Duffy Lane STP for Additional Engineering Costs Related to Construction Observation

to be Submitted to the Illinois Department of Transportation. Motion approved. Ayes: Four (Ansani, Boyle, Korner, Orth); Nays: none; Absent: Two (Fisher, Rothling).

12. **10-11/25: Consider Approval of a Resolution Approving a Proposal from a Company to be Determined to Remove Hazardous Trees on Public Property.**

Village Manager Lasday advised that 62 trees would be removed by Superior and smaller trees would be removed by Keven Tracz. She also advised that the proposal would need to include stump grinding if approved.

Trustee Boyle moved, seconded by Trustee Ansani, to approve Resolution 2013-R-34, a Resolution Approving a Proposal from a Company to be Determined to Remove Hazardous Trees on Public Property, conditioned on stump grinding being added to the Superior Tree contract for Telegraph Road. Motion approved. Ayes: Four (Ansani, Boyle, Korner, Orth); Nays: none; Absent: Two (Fisher, Rothling).

13. **11-11/25: Consider Approval of a Resolution Authorizing for Calendar Year 2014 the following:**

- **Acceptance of Illinois Public Risk Fund as the Village of Bannockburn's Workman's Compensation Insurance Carrier;**
- **Acceptance of Hanover- American Alternative Public Entity as the Village of Bannockburn's General Liability Insurance Carrier;**
- **Acceptance of the Terms in a Service Fee Letter from Mesirow Financial Agency for the Procurement of General Liability and Workman's Compensation Insurance for the Village of Bannockburn; and**
- **The Village Manager to Execute all Necessary Insurance Related Documents from Illinois Public Risk Fund, Hanover- American Alternative Public Entity, and Mesirow Financial Agency.**

Trustee Boyle moved, seconded by Trustee Korner, to approve Resolution 2013-R-35, a Resolution Authorizing for Calendar Year 2014 the following: (1) Acceptance of Illinois Public Risk Fund as the Village of Bannockburn's Workman's Compensation Insurance Carrier; (2) Acceptance of Hanover- American Alternative Public Entity as the Village of Bannockburn's General Liability Insurance Carrier; (3) Acceptance of the Terms in a Service Fee Letter from Mesirow Financial Agency for the Procurement of General Liability and Workman's Compensation Insurance for the Village of Bannockburn; and (4) The Village Manager to Execute all Necessary Insurance Related Documents from Illinois Public Risk Fund, Hanover- American Alternative Public Entity, and Mesirow Financial Agency. Motion approved. Ayes: Four (Ansani, Boyle, Korner, Orth); Nays: none; Absent: Two (Fisher, Rothling).

14. **12-11/25: Village Engineer.**

Village Engineer Gewalt stated that the IEPA 319 Grant project has been approved and the Waukegan Road Project should be approved next. Village President Barkemeyer asked about the source of the water leak and Village Engineer Gewalt advised that the source was still unknown but that it did not appear to be a water line but may be a sump pump or ground water line.

Trustee Korner asked about plans for Stirling Circle. Village Engineer Gewalt stated that a plan was available that included several views that residents can evaluate. Trustee Korner requested a meeting with the residents after January 1st so they can start looking at the template and give input. Village Engineer Gewalt suggested that a narrative be included regarding what the project will include. Trustee Korner suggested the plans be enlarged and include a progression over time so residents can see how the plantings will look both initially and at full height, and then the residents can give input on the plans.

15. 13-11/25: **Village Counsel.**

Village Attorney Filippini reported he had done additional research regarding reimbursement for Village Officials. Although there is no definitive action, he found a case that described governmental service as the function of a public office and in that instance reimbursement was allowed as a business expense. In light of this case he advised that the Board could in good faith apply the business rate for mileage deductions if they chose to do so. Additionally the forms for the Village Officials have been modified as there may also occasionally be a need for a petty cash reimbursement and the forms now reflect that possibility. The business purpose still needs to be documented clearly for any reimbursement. The Resolution passed simply said the applicable rate, so Village Attorney Filippini recommended that the rate be clarified as the business rate. Trustee Orth moved, seconded by Trustee Korner, to clarify the applicable rate for reimbursement to Village Officials to be the rate as determined by the IRS for business purposes. Motion approved. Ayes: Four (Ansani, Boyle, Korner, Orth); Nays: none; Absent: Two (Fisher, Rothing).

16. 14-11/25: **Village Manager.**

Village Manager Lasday advised she has an important meeting for a zoning analysis and that will be included in the Manager's report. There is also a legislative meeting, and there are several proposals that would impact Bannockburn, including a new proposal to keep an individual receiving one pension from working a job with another pension. There was another proposal last year that exempted Bannockburn and other small municipalities but this new proposal would again threaten the Village's use of retired officers. Village officials may need to travel to Springfield again to testify on this issue. Some of the issues being considered don't impact the Village, but others impact us substantially and as a result Village Manager Lasday is attending these meetings.

Deerfield and other communities are using calendar year budget and they love it. They will be preparing a paper detailing the advantages they have found in using this format for their municipalities. Personnel handbooks are also being changed by many municipalities to preclude concealed carry in village hall. Village Attorney Filippini clarified that there are regulations built in to the law regarding concealed carry in a municipal building, but issues regarding people who may work for a municipality but generally work outside of the Village hall may need to be clarified, and therefore these policy issues may need to be reviewed.

A waste hauling meeting has also been scheduled as we need to go through terms with one carrier. Overall it appears that all issues are in agreement but there are a couple of

nuances that need to be tightened, and that will be brought to board in January with a public hearing to also be held in January. The 15 month implementation period would start that night. That time period will allow the Village to educate everyone impacted and start the transition.

Stirling Circle landscaping plans have been included in the iPad. The plans show several views of the property from different perspectives.

Village Manager Lasday stated she had recently attended the Southeast Lake County Sewer meeting. It showed that Bannockburn is doing well with infiltration issues, except for one property that is connected to Lake County sewer. We no longer have ownership of that property, and so it is no longer a concern for the Village.

Mc2 sent savings report which has been included for review. Assistant to the Village Manager Ryan Mentkowski attended the IT meeting last week, and the Village is getting closer to having a new provider on a consortium basis. Village Manager Lasday attended an ICMA planning conference and they will be including sessions for municipalities for 15,000 and below in future conferences.

17. 15-11/25: **Village Clerk.** Village Clerk Raimondi reviewed the summary of the meeting she attended with the Municipal Clerks.

18. 16-11/25: **Village Commissioners.**

- Road and Rights of Way: Trustee Korner reviewed the lights and suggested that the blue lights be evenly disbursed. Trustee Boyle suggested Italian blue lights be used instead of LED lights. Kevin Tracz and Village Police Chief Price will be directed to evenly distribute Italian blue lights on the tree.
- Village Vehicle: Trustee Orth asked about the use of the vehicle for staff and official use. Village Attorney Filippini advised that the vehicle is available for use and a reservation system has been set up by Village Police Chief Price, who is also scheduling maintenance for the vehicle. Village Manager Lasday advised that advance notice is helpful as there is a potential for scheduling conflicts.
- Police Commissioner- Trustee Boyle reported on the recent death of K-9 Dex. At this point, it is unknown if Office Lemmer would like to have another dog and the options are being discussed. Facebook was used to communicate the information regarding the death of Dex. Trustee Boyle also reported on recent police activity.

19. 17-11/25: **Village President.** No report.

20. 18-11/25: **Consideration of Approval of the November 12, 2013 Board Meeting Minutes (Subject to Minor Corrections).**

Trustee Korner moved, seconded by Trustee Boyle, to approve the meeting minutes as amended to include President Barkemeyer's votes on all of the formal votes. Motion approved. Ayes: Four (Barkemeyer, Ansani, Boyle, Korner); Nays: none; Abstain: One (Orth); Absent: Two (Fisher, Rothing).

21. Adjournment.

Trustee Korner moved, seconded by Trustee Boyle, to adjourn the meeting at 8:26 PM. Motion approved. Ayes: Four (Ansani, Boyle, Korner, Orth); Nays: none; Absent: Two (Fisher, Rothing).