

**VILLAGE OF BANNOCKBURN
BOARD OF TRUSTEES
JUNE 23, 2014
MEETING MINUTES**

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

President: James Barkemeyer

Trustees Present: David Ansani, Timothy Fisher, David Korner, Daniel Orth III, Frank Rothing

Trustees Absent: James Boyle

Also Present: Village Clerk Estelle Raimondi, Village Manager Maria Lasday, Finance Director Linda McCulloch, Village Attorney Vic Filippini, Assistant to Village Manager Ryan Mentkowski, Village Intern Cory Poris, Village Engineer Dave Gewalt

Visitors: Gary Wagner (1900 Telegraph Road), Tod Brown (Barrington Pools, Inc.), Diana Lackner (2475 Telegraph Road), Yianni Kostantinou (1250 Cedarcrest Drive)

2. 01-06/23: **Pledge of Allegiance.** Trustee Rothing led everyone in reciting the Pledge of Allegiance.

3. 02-06/23: **Visitors' Business:** None.

4. 03-06/23: **Public Hearing Regarding the Fiscal Year 2014-15 Appropriation Ordinances.**

President Barkemeyer opened the Public Hearing at 7:03 PM. President Barkemeyer asked if there were any comments from the Public. No one spoke and the Public Hearing was closed at 7:03 PM.

5. 04-06/23: **Consider Approval of an Annual Appropriation Ordinance of the Village of Bannockburn, Lake County, Illinois for the Fiscal Year Beginning May 1, 2014 and Ending April 30, 2015.**

Trustee Orth moved, seconded by Trustee Fisher, to approve Ordinance 2014-16, an Annual Appropriation Ordinance of the Village of Bannockburn, Lake County, Illinois for the Fiscal Year Beginning May 1, 2014 and Ending April 30, 2015. On a roll call vote, the motion was unanimously approved. Ayes: Five (Ansani, Fisher, Korner, Orth, Rothing); Nays: None; Absent: Boyle.

6. 05-06/23: **Consider Approval of an Annual Appropriation Ordinance of the Village of Bannockburn Special Service Area Number One, Lake County, Illinois for the Fiscal Year Beginning May 1, 2014 and Ending April 30, 2015.**

Trustee Ansani moved, seconded by Trustee Orth, to approve Ordinance 2014-17, an Annual Appropriation Ordinance of the Village of Bannockburn Special Service Area Number One, Lake County, Illinois for the Fiscal Year Beginning May 1, 2014 and Ending April 30, 2015. On a roll call vote, the motion was unanimously approved. Ayes: Five (Ansani, Fisher, Korner, Orth, Rothing); Nays: None; Absent: Boyle.

7. **06-06/23: Consider Approval of an Annual Appropriation Ordinance of the Village of Bannockburn Special Service Area Number Two, Lake County, Illinois for the Fiscal Year Beginning May 1, 2014 and Ending April 30, 2015.**

Trustee Orth moved, seconded by Trustee Ansani, to approve Ordinance 2014-18, an Annual Appropriation Ordinance of the Village of Bannockburn Special Service Area Number Two, Lake County, Illinois for the Fiscal Year Beginning May 1, 2014 and Ending April 30, 2015. On a roll call vote, the motion was unanimously approved. Ayes: Five (Ansani, Fisher, Korner, Orth, Rothing); Nays: None; Absent: Boyle.

8. **07-06/23: Consider Approval of an Annual Appropriation Ordinance of the Village of Bannockburn Special Service Area Number Seventeen, Lake County, Illinois for the Fiscal Year Beginning May 1, 2014 and Ending April 30, 2015.**

Trustee Rothing moved, seconded by Trustee Korner, to approve Ordinance 2014-19, an Annual Appropriation Ordinance of the Village of Bannockburn Special Service Area Number Seventeen, Lake County, Illinois for the Fiscal Year Beginning May 1, 2014 and Ending April 30, 2015. On a roll call vote, the motion was unanimously approved. Ayes: Five (Ansani, Fisher, Korner, Orth, Rothing); Nays: None; Absent: Boyle.

9. **08-06/23: Consider Approval of a Resolution Authorizing the Statement and Sources of Estimated Revenues for Fiscal Year May 1, 2014 and Ending April 30, 2015.**

Trustee Orth moved, seconded by Trustee Rothing, to approve Resolution 2014-R-21, a Resolution Authorizing the Statement and Sources of Estimated Revenues for Fiscal Year May 1, 2014 and Ending April 30, 2015. On a roll call vote, the motion was unanimously approved. Ayes: Five (Ansani, Fisher, Korner, Orth, Rothing); Nays: None; Absent: Boyle.

10. **09-06/23: Report from the Architectural Review Commission (ARC) Meeting on June 17, 2014 of the Following Applications:**

- **Consider of Approval of the Installation of (1) an In-Ground Pool and Spa, (2) Pool and Spa Lighting, (3) Deck, (4) Walkway, and a (5) Fence at the Existing Residence, Located at 1900 Telegraph Road, Submitted by Theresa Zagnoli and Gary Wagner.**

Village Manager Lasday summarized the application, including that the lumen count was low and the plans are zoning compliant. The ARC approved the request, subject to building code compliance regarding fencing and the pool cover, in addition to Village Engineer and Forester approval. Among the requirements are 10 additional shrubs. Trustee Orth stated he was concerned about drainage, noting that there were issues with that in the past. Village Attorney Filippini stated that they will have to comply with code, and that the code addresses drainage requirements.

Trustee Fisher noted a concern regarding the lighting, and Village Attorney Filippini said that there are minimum codes that must be met, but that the overall lighting needs to comply with standards. Village Manager Lasday noted that one of the roles of the Building Commissioner is to approve the overall lighting plan, and that he had reviewed and approved the plans.

Village Manager Lasday also stated that there were issues with fencing, as the homeowners are not fencing the pool itself, but fencing around the property and using a pool cover that locks. Additionally, there are to be no new plantings without Village Engineer approval because of the drainage issues. The ARC approved the request with these conditions.

- **Consider Approval to Remove and Replace an Existing Deck and Walkway with a New Concrete Deck and Walkway at the Existing Residence Located at 1250 Cedarcrest Drive, Submitted by Ioannis (Yianni) Konstantinou.**

Village Manager Lasday noted that the request is to modify the existing deck and walkway. The fence needs to be removed, but additional fencing must be added to be building code compliant because of the pool. The ARC wanted additional fencing, a pool cover, and additional landscaping. They also noted the flooding issues on the property, so rain gardens will be considered in the future. Silt fencing will be required on the south and west sides of construction.

There were no objections by the Board to the ARC approvals.

11. **10-06/23: Consider Approval of a Resolution Authorizing an Agreement with Woodland Commercial Landscape for the Installation of Trees in Various Public Parkways in the Village in the amount of \$9,875.00.**

Assistant to Village Manager Mentkowski detailed the procedures for seeking bids for replacement trees per the Delta Institute grant for Village open spaces. There were two respondents, and Woodland Commercial Landscape provided 13 different species, while Scapoletti only had 5 species. Trustee Ansani asked how the location for the new trees was determined, as it seemed some of the trees had been placed in awkward locations. He asked if it was possible to get homeowner input about the location of trees if it would be at the front of their house.

Assistant to the Village Manager Mentkowski stated that the 25 trees covered by this agreement would be planted in the open space. Village Manager Lasday noted that there had been 100 trees lost already in the open space, and that there would be more to remove in the near future. There was consensus among the Board that in the future if there were trees to be planted, that there would be discussion of location with the affected homeowner. Trustee Ansani moved, seconded by Trustee Rothing, to approve Resolution 2014-R-22, a Resolution Authorizing Author an Agreement with Woodland Commercial Landscape for the Installation of Trees in Various Public Parkways in the Village in the amount of \$9,875.00. On a roll call vote, the motion was unanimously approved. Ayes: Five (Ansani, Fisher, Korner, Orth, Rothing); Nays: None; Absent: Boyle.

12. 11-06/23: **Discuss Maintenance of Fire Hydrants.**

Village Engineer Dave Gewalt stated that the Village has about 250 fire hydrants that need to be sandblasted and painted. He noted that several communities had banded together to bid for the work, and the lower bid came in at \$54 per hydrant. Each community then had the flexibility to choose which contractor they preferred and contract with that vendor. Approximately 2000 fire hydrants will be painted, and Bannockburn can still join in if desired since it was a joint bid situation. Additionally the Village needs to decide what color they want the fire hydrants to be painted, as we have been using yellow but Deerfield is using red and the Board should consider standardizing the fire district by using red also.

Trustee Fisher stated that he talked to the fire department, and if he does the work they will use either red paint or the color that coordinates with the ICC color codes for flow. He noted that the bid received by the other communities used sand blasting to remove the old pain, while water blasting has become more commonly accepted. Additionally the price quoted does not include flushing the hydrants and testing the water flow, which would be an additional fee of \$25 to \$30 per hydrant.

Village Attorney Filippini stated concern with potential legal issues if a trustee provides goods or services to the Village. Trustee Fisher stated that there would be no cost to the Village except the cost of the paint, and that the water will be used directly from the hydrants. He noted that he will not be paid for providing this service, and is only expecting reimbursement for direct costs, not wear and tear on equipment. Trustee Korner stated that the price for having 250 hydrants flushed, flow tested, and painted could approach \$20,000 if the Village chooses to use the vendors who responded to the joint bid.

Trustee Fisher stated that the cost for the Village would be dependent on the type of paint used for the hydrants. The Village could choose to go with reflective or luminescent paint that is more expensive. Reflective paint is approximately \$92 a gallon. Additionally we can choose to bolt flags onto the hydrants so they can easily be found if they are buried in snow, or put on chains.

Trustee Rothing asked if there was potential liability to the Village if Trustee Fisher performed the work. Village Attorney Filippini advised that there are two issues with liability to the Village. The first is that if the cost exceeds \$1500 then it must go to bid. The second question is regarding insurance; normally the contractor provides it, and so there is a policy question in how to approach potential liability in this situation. Village Engineer Gewalt noted that the vendors through the joint bid guaranteed their work for one year. Trustee Fisher said he would also guarantee his work for one year.

Trustee Rothing asked when the fire hydrants were last painted. Village Engineer Gewalt stated that some are new and have been painted recently, but it is unknown how long it has been all of them were painted. Trustee Fisher said that nationally the average is to have them painted every five years.

Trustee Fisher stated that the friend who would help with the project is also not being paid. Trustee Ansani asked if Trustee Fisher and his friend would be opening themselves up to personal liability if they performed the work. Village Attorney Filippini advised that this is a policy question of indemnity and hold harmless, and that these questions will dictate if the best way to handle this is with a contract for \$0, or another option. Village Manager Lasday asked if this is consistent with the requirements of the Prevailing Wage bill, especially given that Trustee Fisher would do this in conjunction with a friend. Village Attorney advised that in his opinion that if there is a contract for \$0 there is no issue with Prevailing Wage, although he stated that the Department of Labor may not look at it in exactly the same way.

Trustee Ansani stated he is concerned that if there was an issue with the flushing portion of the work and if water flow to a fire was impacted as a result. Trustee Fisher stated that the friend offering to help with the project is a fire marshal. He said that hydrant flushing should be done every six months. Trustee Korner asked if staff had been paid previously to flush, and Village Manager Lasday stated that they had been paid.

Village Manager Lasday stated that she is worried about the new bills that are being considered by the Illinois legislature, especially the Responsible Bidder bill, as this can really impact smaller communities in situations like this. Village Attorney Filippini stated that the Department of Labor includes maintenance as part of public works. So regardless of whether we characterize this as maintenance or not does not matter as far as the Department of Labor is concerned. He advised that with the way he is interpreting the Prevailing Wage Act this should not be an issue as no one would be "paid" or "under contract" where this was paid "out of public funds".

Trustee Korner stated that since this is essentially doing pro bono work, his concern is about the liability insurance. When paying a contractor it is in part because we expect them to have liability insurance through their own insurance carrier. Village Manager Lasday asked if there needed to be a contract. Village Attorney Filippini stated that if the Village wanted the protections of a contract, they could execute one, but they did not need one as long as the Board was in agreement. Trustee Korner stated that he would like to see Trustee Fisher get an insurance policy. Village Manager Lasday stated that volunteers were covered under the Village's policy. Trustee Korner asked that be confirmed with the insurance company. Village Attorney Filippini stated that if the Village has paint available and a volunteer that wants to use the paint for the benefit of the Village that the Village can accept the volunteer's actions. Issues of warranty, insurance, and indemnification do not apply if the Village carries insurance that covers volunteers.

Village Attorney Filippini stated that if purchasing paint is within the purchasing power of the Village Manager, there is no reason to approve a volunteer action. Trustee Fisher stated that in addition to the paint a couple of pieces of equipment would need to be rented to check water flow. Village Attorney Filippini advised that it would be best to have the Village rent it directly. Village Manager Lasday stated she would purchase paint, confirm coverage for volunteers with the insurance company, and rent any needed equipment.

13. 12-06/23: **Village Engineer Report.**

Village Engineer Gewalt advised that the Stirling Circle project was almost complete, and that 50 parkway trees had been planted. The contract amount was \$66,000, but the total cost will be approximately \$54,000 when complete. He also noted the extensive damage to the medians during the winter. He asked if the Board would like to use the additional money already approved in the contract to replace some of the plantings in the median.

Village Manager Lasday stated that although the Village is under budget for the contract, the Village is over budget by \$15,000. By not using the money on the median plantings, we would be over budget by only \$3,000. Village Engineer Gewalt noted that the time to plant is running out, so he wanted to discuss it with the Board. Village Manager Lasday noted that the contractor would give us good pricing as they are also doing the Emerald Ash Borer Grant tree planting project too. Trustee Fisher asked why there was so much damage, and Village Engineer Gewalt noted that the damage was caused by the large quantities of salt used over the winter. While there will always be some die-off, this year was over expected levels.

Village Manager Lasday stated that the Village can apply for free plants and trees again next spring. Trustee Korner suggested that the Village realize the savings, let the plants on Route 22 mature and then evaluate further plantings at a later time. Trustee Fisher noted that the Village does have the 12 acre site that could be used to allow small trees to mature and then be transplanted to a permanent site. Village Engineer Gewalt stated that there are options available to try and protect shrubs and trees from the winter damage, but that there will still be some loss.

Trustee Korner noted the impact of the heavy weekend rain, with water running over Telegraph and Meadow. But he also stated that the water drained within approximately 25 minutes. Village Manager Lasday stated that some trails were damaged, and Village Engineer Gewalt noted that some shoulders were also eroded in places. Village Manager Lasday stated that she is particularly concerned about the pathways because of the potential for injury.

Trustee Rothing asked about a recent compliance inspection, and if a cross connection violation had been found. Village Engineer Gewalt said that there had been an issue with an outside drain, but that it had been rectified. Village Manager Lasday stated there had been an issue with a plumber disagreeing with the Village Engineer, but that the Village Engineer went to the site to work out the issue and the closing proceeded as scheduled.

14. 13-06/23: **Village Counsel.**

No report.

15. 14-06/23: **Village Manager Report.**

Village Manager Lasday stated the topic she has been learning about as part of her ICMA accreditation is budgeting, and as a result she has a better understanding of budget,

strategic planning, financial goals, and other budget related issues. This education has also helped her to understand why Finance Director McCulloch has many of her procedures in place and why the timing of certain items is so important. She noted that it is rare for someone without an MPA to attain credentialed manager status, and she has submitted her final report to ICMA to become a credentialed manager.

Bannockburn Green Retail Center has had a lot of activity and leases are about to be executed. Additionally, there are a couple of national companies competing for space within the center. Heinen's appears to be ahead of schedule, and they will need 2 weeks to stock shelves, so they want a Temporary Certificate of Occupancy to allow them to maintain their timeline for the Grand Opening. They will be supplying food for both the 700th Anniversary of the Battle of Bannockburn and also the BBQ Challenge.

Village Manager Lasday noted that Heinen's has requested permission to do a chili cook out at the front of their store. She noted that the fire department had approved the request. The Board discussed the request and agreed that permission should be granted.

She stated that a review of the Bannockburn Lakes Office Plaza is being completed because there are a lot of easements on the property and it appears that there may be activity on the property soon. Additionally, in general building permits are up, and another round of applications will be coming in soon.

Village Manager Lasday stated that the Board generally begins planning the annual Holiday party at this time of year and that they may want to consider locations. President Barkemeyer stated that he had been disappointed last year and felt the food was not as good. He suggested that Heinen's may be able to do it as they have wine tasting dinners. Village Manager Lasday stated that San Gabriel's might also be an option. The Board decided to postpone the discussion of location for two months until after the opening of Heinen's.

16. 15-06/23: **Village Clerk Report.**

No Report.

17. 16-06/23: **Village Commissioner Reports.**

Economic Development

- Trustee Rothing distributed t-shirt order forms for the 700th Anniversary Celebration and noted that orders will be open for the next 6 weeks or so. Extra shirts will be ordered.
- Trustee Rothing noted that there were several events coming up in August and September, including the opening of Heinen's, a car show at Bannockburn Green Retail Center, the BBQ Challenge, and the 700th Anniversary Celebration. He requested that the newsletter be finished early so it can be distributed before these events. All newsletter items need to be submitted by July 14th.

18. 17-06/23: **Village President Report.** President Barkemeyer noted that the early bird rate for ICMA was in effect and that Village Manager Lasday was planning to attend.

19. EXECUTIVE SESSION.

Trustee Rothing moved, seconded by Trustee Fisher, to enter executive session for the Discussion of (1) Probable or Imminent Litigation Pursuant to 5 ILCS 120/2(c)(11), and (2) Executive Session Meeting Minutes. On a roll call vote, the motion was unanimously approved. Ayes: Five (Ansani, Fisher, Korner, Orth, Rothing); Nays: None; Absent: Boyle. Executive Session was entered into at 8:26 PM.

There being no further discussion in Executive Session, Trustee Ansani moved, seconded by Trustee Fisher, to exit out of Executive Session. On a roll call vote, the motion was unanimously approved. Ayes: Five (Ansani, Fisher, Korner, Orth, Rothing); Nays: None; Absent: Boyle. Executive Session was adjourned at 8:47 PM.

20. 18-06/23: Consideration of Approval of the June 9, 2014 Board Meeting Minutes.

Trustee Rothing moved, seconded by Trustee Fisher, to approve the June 9, 2014 Board Meeting Minutes. On a voice vote, the motion was unanimously approved. Ayes: Five (Ansani, Fisher, Korner, Orth, Rothing); Nays: None; Absent: Boyle.

21. 19-06/23: Consideration of Approval of the June 9, 2014 Executive Session Meeting Minutes.

Trustee Ansani moved, seconded by Trustee Fisher, to approve the June 9, 2014 Executive Session Meeting Minutes. On a voice vote, the motion was unanimously approved. Ayes: Five (Ansani, Fisher, Korner, Orth, Rothing); Nays: None; Absent: Boyle.

22. Adjournment.

Trustee Fisher moved, seconded by Trustee Korner, to adjourn the meeting at 8:50 PM. On a voice vote, the motion was unanimously approved. Ayes: Five (Ansani, Fisher, Korner, Orth, Rothing); Nays: None; Absent: Boyle.