



**THE VILLAGE OF HAWTHORN WOODS
VILLAGE BOARD MEETING MINUTES
JUNE 19, 2006
7:30 P.M.**

I. CALL TO ORDER AND ROLL CALL

The regular meeting was called to order by Mayor Hunt at 7:40 p.m. in the Village Hall, 2 Lagoon Drive, Hawthorn Woods, IL 60047.

Roll Call indicated the following members were present: Mayor Hunt; Trustees Riess, Silvers, Lynch and Gehrke. Trustees Wright and Weick were absent.

Also attending were Village Administrator Jim Krischke, Engineer Christopher Burke, Police Chief Jennifer Paulus, Finance Director Nancy Caine, Village Planner Chris Miller and Clerk Scheu.

II. PLEDGE OF ALLEGIANCE

III. OATH OF OFFICE

A. Oath of Office – Colin D. Gaffney

Mayor Hunt administered the Oath of office to Colin D. Gaffney and welcomed him to the Village.

IV. PUBLIC HEARING

Mayor Hunt called the public hearing to order and explained the rules and procedures for holding a public hearing.

A. Hearing For An Annexation And Development Agreement – Winchester Builders

Mr. Kevin Wolfberg, attorney representing Winchester Builders requested a continuation to the July 24, 2006 meeting.

Motion by Riess, seconded by Lynch to continue the public hearing until the July 24, 2006 meeting.

Voice Vote:

AYES: 4

NAYS: 0

Absent: 2

Present: 0

Motion Carried.

Mayor Hunt closed the public hearing.

IV. CONSENT AGENDA

- A. Minutes of the Regular Meeting – May 15, 2006
- B. Changes to checks written in May 2006 changing the total May 2006 expenditures as follows: New General Fund totals \$390,452.72; New Park Fund totals \$3739.45; New Audit Find totals \$250.00; New SSA #1 Fund totals \$112,653.36; New SSA #2 Fund totals \$250,769.47; New SSA #3 Fund totals \$84,002.29; New Police Pension totals \$2,744.00 and All Funds equal \$844,611.29.
- C. Bills Payable Dated: 06/14/2006
- D. A Resolution Waiving The Competitive Bidding Process And Authorizing The Execution Of A Certain Agreement – Municipal Software, Inc.
- E. A Resolution Authorizing The Execution Of A Certain Agreement – J & M Displays, Inc.
- F. A Resolution Authorizing The Mayor And Village Clerk Of The Village Of Hawthorn Woods To Enter Into Articles Of Agreement – Special Recreation Association Of Central Lake County (SRACLC)
- G. A Resolution Waiving The Competitive Bidding Process And Authorizing Additional Landscaping Work At Heritage Oaks Park By Landscape Concepts, Inc., As Directed By The Village, In An Amount Not To Exceed \$80,000.00
- H. A Resolution Authorizing The Execution Of A Certain Agreement – Peter Baker & Sons, Inc.
- I. A Resolution Authorizing The Execution Of A Certain Agreement – Behm Pavement Maintenance, Inc.
- J. Approval of Lake County's Subdivision Plans – Deer Valley Estates
- K. A Resolution Authorizing The Execution Of An Agreement – Ryland Group, Inc. And Aqua Illinois, Inc.

- L. An Ordinance Annexing Property To The Village Of Hawthorn Woods –
Approximately 8.285 Acres, Located Generally North Of Old McHenry Road On The West Side Of Hillcrest Drive And Prairie Lane

- M. An Ordinance Annexing Property To The Village Of Hawthorn Woods –
Approximately 4.649 Acres, Located Generally On The North Side Of Kruckenberg Road, Adjacent To The Hawthorn Woods Country Club Development

- N. An Ordinance Annexing Property To The Village Of Hawthorn Woods –
Approximately 6.084 Acres, Located Generally On The East Side Of Kruckenberg Road On The North Side Of Pheasant Ridge Estates

- O. An Ordinance Annexing Property To The Village Of Hawthorn Woods –
Approximately 2.199 Acres, Located Generally On The North Side Of Old McHenry Road, Approximately 220 Feet West Of Mulberry Drive

- P. An Ordinance Annexing Property To The Village Of Hawthorn Woods –
Approximately 3.5 Acres, Located Generally On The West Side Of Gilmer Road, Approximately 315 Feet Southeast Of The Intersection Of Cambridge Drive And Gilmer Road

- Q. An Ordinance Annexing Property To The Village Of Hawthorn Woods –
Approximately 4.48 Acres, Located Generally On The East Side Of Fairfield Road, Approximately 700 Feet North Of Open Parkway

Motion by Riess, seconded by Lynch to approve the Consent Agenda with the exception of Items “D”, “G”, “H”, “K”, “L”, “M”, “N”, “O” and “P”.

Voice Vote:

AYES: 4

NAYS: 0

Absent: 2

Present: 0

Motion Carried.

Item “D”, A Resolution Waiving The Competitive Bidding Process And Authorizing The Execution Of A Certain Agreement – Municipal Software, Inc.

Motion by Lynch, seconded by Riess to approve A Resolution Waiving The Competitive Bidding process And Authorizing The Execution Of A Certain Agreement – Municipal Software, Inc.

Trustee Silvers questioned the waiving of the competitive bid process, when the village did interview other companies and then suggested going with Municipal Software, Inc. (MSI) which had the lowest bid.

Administrator Krischke reported that the Village did not go out for competitive bids. He explained that the Village did seek out different companies, did surveys, interviewed companies and priced them out.

Trustee Silvers had the following questions:

- Is there a data conversion cost?
- How is the billing done as it relates to training?
- Is the company an L.L.C., Corporation or what?
- When was Release No. 3.0 superseded by 4.0?
- If there is a new version during the warranty period, is that included?
- What was last year's service charge?
- Does the software program have "Report Writer"?

Finance Director Nancy Caine introduced Mr. Jim Darukhanavala, Account Representative from Municipal Software, Inc. who answered Trustee Silvers' questions.

Mr. Darukhanavala reported that there are no conversion data costs. As regards to billing, the Village would be billed upon the actual services and the only upfront costs would be for the actual third party products.

It was noted that Municipal Software, Inc. is incorporated and all functions of the company are being run out of the Libertyville office. Mr. Darukhanavala explained that the annual service agreement is usually at 4% or 5%; the first year of service is free and they will be here the same day they are called. The service charge has risen from \$115.00/hour (2005) to \$125/hour this year (2006) with a four hour minimum.

Mr. Darukhanavala stated that Release No. 3.0 was released the beginning of year. He explained that if there is a new release during the warranty period, that would be included. If Release No. 5 comes out, the Village's cost would be \$6,995.00. The Village would automatically receive the revision at the cost of the agreement fees. He committed to the fact that when Release No. 5.0 is available, it will not cost any more than \$6,995.00.

Mr. Darukhanavala reported that the software is designed with a broad base in mind. It is designed so that any municipality can open up the software and it will do whatever is needed. He noted that it does have a "report writer".

Trustee Riess questioned why the Village needed 20 user licenses.

Mr. Darukhanavala stated that it should be looked at as sessions rather than licenses. The term "user" is not tied to any member of staff.

Trustee Riess asked if there was a Btrieve used of any kind and how much physical data Libertyville occupies.

Mr. Darukhanavala replied that there is no relational data base using Windows ODBC, and what the Village currently has on its network, is more than enough.

Roll Call Vote:

AYES: Riess, Silvers, Lynch, Gehrke

NAYS: 0

Absent: Wright, Weick
Present: 0
Motion Carried.

Item “G”, A Resolution Waiving The Competitive Bidding Process And Authorizing Additional Landscaping Work At Heritage Oaks Park By Landscape Concepts, Inc. As Directed By The Village, In An Amount Not To Exceed \$80,000.00

Motion by Silvers, seconded by Gehrke to approve A Resolution Waiving The Competitive Bidding Process And Authorizing Additional Landscaping Work At Heritage Oaks Park By Landscape Concepts, Inc. As Directed By The Village, In An Amount Not To Exceed \$80,000.00.

Mayor Hunt gave background information on this project, as it relates to safety and aesthetics, as well as grading issues. He explained that some things need to be changed because of errors on some drawings.

Trustee Lynch questioned when the entrance signs and playground equipment might go in.

Administrator Krischke explained that there will be different configurations on the playground equipment. The Village is looking into different suppliers, while still staying within the original budget.

Roll Call Vote:
AYES: Riess, Silvers, Lynch, Gehrke
NAYS: 0
Absent: Wright, Weick
Present: 0
Motion Carried.

Item “H”, A Resolution Authorizing The Execution Of A Certain Agreement – Peter Baker & Sons, Inc.

Motion by Gehrke, seconded by Silvers to authorize the Village Administrator to enter into an agreement with Peter Baker & Sons, Inc. for an amount not to exceed \$29,810.25.

Roll Call Vote:
AYES: Riess, Silvers, Lynch, Gehrke
NAYS: 0
Absent: Wright, Weick
Present: 0
Motion Carried.

Item “K”, A Resolution Authorizing The Execution Of An Agreement – Ryland Group, Inc. And Aqua Illinois, Inc.

Motion by Lynch, seconded by Gehrke to approve A Resolution Authorizing The Execution Of An Agreement – Ryland Group, Inc. and Aqua Illinois, Inc.

Trustee Silvers expressed his frustration with so many changes.

Mayor Hunt explained that the tap fees are in lieu of the 10% administrative fees. They have agreed to increase that by \$700/unit which represents \$140,000 in additional revenue to the Village just for parcels 6 and 7 only. This is in exchange to agreement to oversee the water line from Old McHenry and Quentin Road to parcel 7 and they will take it from there. He stated that Ryland will cover all of the costs of the water line. He noted that the original agreement which was going to be an agreement between the owners of parcel 7 and Jacobs and Ryland. Jacobs and Ryland will split the costs. Then Jacobs will do work with us so that the water line will be finished in a speedier fashion. Those are the terms.

Attorney Tom Good stated that this is not Village funds being spent; the developers are paying all of the costs and the Village will be the construction manager and provide ample insurance to protect the Village.

Trustee Silvers stated that somewhere, he has missed something.

Mayor Hunt stated that they were going to pay the tap on fees and modify the general donation. He explained that the cover memo says that they are indemnifying us and paying all the costs.

Trustees Riess, Silvers and Lynch replied that they never received that memo and questions were raised why they did not receive the original draft of the agreement.

Mayor Hunt stated that the latest version of the agreement did not arrive until late Friday.

Attorney Tom Good stated that as to this specific document, he would take the blame, because he did not send it out.

Trustee Riess stated that it would have been prudent to have received the earlier documents; it would have made it easier to understand the changes that were taking place.

Trustee Gehrke questioned what the timeline on this was.

Mayor Hunt responded that the line has to be constructed by January.

Trustee Riess questioned how this agreement affects the existing capacity of the well and our right to use that capacity, who would pay the cost and how much capacity is anticipated to be used from the Village's facility.

Mayor Hunt explained that with our agreement with Aqua, they have an obligation to serve the area and make what improvements are necessary. In addition, the IEPA has certain standards that they require in order to serve parcels 6 or 7 or the other Kemper

parcel that Steve Jouzapatiss owns. The IEPA will not allow other substantial users to connect to that system.

Mayor Hunt stated that the cost has not been determined yet, but it would not be the Village who pays. Mayor Hunt stated that approximately 208 units would be used with the Jouzapatiss property and 198 units with parcels 6 & 7.

Trustee Riess stated that several years ago the Village made an agreement with Kemper to give them water. He questioned why we would be working now with Ryland rather than Kemper. He noted that he has an ethical issue with the Village now going forward with Ryland when we had an agreement with Kemper two years ago. He questioned whether the Village was being appropriate and fair.

Mayor Hunt commented that Kemper should have had this project finished 1-1/2 years ago. He explained that any additional capacity is now burdened on Aqua.

Trustee Riess expressed his frustrations with providing the rights to Ryland while we have a contract with Kemper. He questioned if the Village had a recapture agreement with Ryland and does the Village have a submission of costs from Ryland. He stated that he would not agree with this Ryland agreement until there has been some settlement made with the Kemper situation.

Mayor Hunt responded that the Village does not have a recapture agreement with Ryland, but we have an estimate of cost from our engineer, Christopher Burke's office.

Trustee Gehrke questioned what would happen if Kemper doesn't build the line.

Mayor Hunt stated that they would be notified that they need to comply according to our earlier agreement. He explained that the Village has no control over the Village of Kildeer's process or the decisions they make.

Discussions were held regarding the process the Village goes through for recapture agreements; the asset built and the Village is told how much it cost and then it is reviewed.

Roll Call Vote:

AYES: Silvers, Lynch, Gehrke, Mayor Hunt

NAYS: Riess

Absent: Wright, Weick

Present: 0

Motion Carried.

Item "L", An Ordinance Annexing Property To The Village Of Hawthorn Woods – Approximately 8.285 Acres, Located Generally North Of Old McHenry Road On The West Side Of Hillcrest Drive And Prairie Lane

Administrator Krischke requested a continuation to the July 24, 2006 meeting.

Item “M”, An Ordinance Annexing Property To The Village Of Hawthorn Woods – Approximately 4.649 Acres, Located Generally On The North Side Of Kruckenberg Road, Adjacent To The Hawthorn Woods Country Club Development

Administrator Krischke requested a continuation to the July 24, 2006 meeting.

Item “N”, An Ordinance Annexing Property To The Village Of Hawthorn Woods – Approximately 6.084 Acres, Located Generally On The East Side Of Kruckenberg Road On The North Side Of Pheasant Ridge Estates

Administrator Krischke requested a continuation to the July 24, 2006 meeting.

Item “O”, An Ordinance Annexing Property To The Village Of Hawthorn Woods – Approximately 2.199 Acres, Located Generally On The North Side Of Old McHenry Road, Approximately 220 Feet West Of Mulberry Drive

Administrator Krischke requested a continuation to the July 24, 2006 meeting.

Item “P”, An Ordinance Annexing Property To The Village Of Hawthorn Woods – Approximately 3.5 Acres, Located Generally On The West Side Of Gilmer Road, Approximately 315 Feet Southeast Of The Intersection Of Cambridge Drive And Gilmer Road

Administrator Krischke requested a continuation to the July 24, 2006 meeting.

Item “Q”, An Ordinance Annexing Property To The Village Of Hawthorn Woods – Approximately 4.48 Acres, Located Generally On The East Side Of Fairfield Road, Approximately 700 Feet North Of Open Parkway

Administrator Krischke requested a continuation to the July 24, 2006 meeting.

Administrator Krischke reported that he would also like to put on the July 24, 2006 agenda information regarding the annexation of Marilyn Lane and Kathy Lane in unincorporated Lake County. He stated that the Village will send all residents a courtesy letter informing them of what the Village’s intentions are.

V. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

A. None this month.

VI. REPORTS BY VILLAGE OFFICIALS

A. Comments by Village Board Members

1. Approval of a contract for additional landscaping Phase II Burnett Park – The Barn Nursery

Administrator Krischke recommended that Phase II of the landscaping in Burnett Park be approved and use the \$7,500.00 donation towards the installation of the irrigation system.

Motion by Lynch, seconded by Silvers to approve Phase II of the landscaping in Burnett Park and to incorporate water and tree conservation at a cost not to exceed \$9,618.00.

Roll Call Vote:

AYES: Riess, Silvers, Lynch, Gehrke, Mayor Hunt

NAYS: 0

Absent: Wright, Weick

Present: 0

Motion Carried.

2. Approval of a contract for an irrigation system Phase II Burnett Park – The Barn Nursery

Motion by Gehrke, seconded by Lynch to Approve A Contract For An Irrigation System, Phase II Burnet Park – The Barn Nursery, at a cost not to exceed \$17,650.

Roll Call Vote:

AYES: Riess, Silvers, Lynch, Gehrke, Mayor Hunt

NAYS: 0

Absent: Wright, Weick

Present: 0

Motion Carried.

3. A Resolution Authorizing The Execution Of An Agreement For Construction Management Services – Pathmann Construction Management Corporation

Administrator Krischke gave background information on the agreements and contracts for the construction of the Village's aquatic facility. He noted that the Village has received funding from Toll Brothers in the amount of \$3.5 million. Based upon the preliminary budget numbers submitted by Mr. Pathmann, the construction management fee is \$248,000 which is based on 8% of the estimated cost of \$3,100,000.00. Mr. Krischke reported that the Village would still be on budget.

Administrator Krischke stated that to the best of the Village's knowledge, the cost of construction of the building is between \$600,000 and \$800,000. Currently, Mr. Pathmann is trying to determine how best to design the building.

Motion by Silvers, seconded by Lynch to authorize the administrator to enter into an agreement with Jeffery Pathmann and Associates Architects and Planners for an amount not to exceed \$248,000.00

Roll Call Vote:

AYES: Silvers, Lynch, Gehrke, Mayor Hunt
NAYS: Riess
Absent: Wright, Weick
Present: 0
Motion Carried.

4. A Resolution Authorizing The Execution Of An Agreement For Architectural Services – Pathmann Architects, Inc.

Administrator Krischke reported that based upon the preliminary budget numbers submitted by Mr. Pathmann, the building design, site planning, coordination with C. Burke Engineering for all Civil Engineering, coordination with the Village landscape Architect for all landscape design, site lighting and fence design the fee for architectural services would be \$48,500.00. This fee is for construction administration, and does not include costs for general requirements such as temporary utilities, temporary fencing, dumpsters, portable toilets or permit fees and Jeffery Pathmann and Associates will report directly to Village Staff.

Motion by Silvers, seconded by Lynch to Authorize The Administrator To Enter Into An Agreement For Architectural Services – Pathmann Architects, Inc.

Roll Call Vote:

AYES: Riess, Silvers, Lynch, Gehrke
NAYS: 0
Absent: Wright, Weick
Present: 0
Motion Carried.

5. A Resolution Waiving The Competitive Bidding Process And Authorizing The Execution Of A Certain Agreement - Schaeffges Brothers

Administrator Krischke reported that it is critical that the Village opens the aquatic facility no later than June 1, 2007, otherwise, the residents will not want to pay for a season's pass and will go elsewhere for their passes.

He explained that the Village needs to get the contract signed with the pool contractor in order to get the design work finished from the architect. It was also noted by Mayor Hunt that there is an approximate 90-day permitting process with the Illinois Department of Health, possibly longer. In order to open the facility on schedule, Schaeffges Brothers need to get started on the construction by Fall.

Trustee Gehrke expressed his frustrations about not having any solid answers regarding the total costs of this aquatic center.

Trustee Riess expressed his concerns regarding the amount of money being spent on this project. He stated that he would like to call a special meeting for one week from tonight for the sole purpose of discussing all of the components to bring it all together. He noted that if he were to agree not knowing all of the final

numbers, he would feel as though he violated the trust that the Village has given him.

Motion by Lynch, seconded by Gehrke to authorize The Administrator To Waive The Competitive Bidding Process And Authorize The Execution Of A Certain Agreement - Schaeffges Brothers

Roll Call Vote:

AYES: Silvers, Lynch, Gehrke

NAYS: Riess

Absent: Wright, Weick

Present: 0

Motion Failed.

Attorney Tom Good explained that the vote requires a 2/3 vote of all of the Trustees in order to pass.

Attorney Good suggested that if the Board would like to discuss this further, there would need to be a motion to reconsider the motion that just failed.

Mayor Hunt stated that a "yes" vote means the above discussion can continue.

Motion by Lynch, seconded by Gehrke to reconsider Item VI.A.5, A Resolution Waiving The Competitive Bidding Process And Authorizing The Execution Of A Certain Agreement - Schaeffges Brothers

Roll Call Vote:

AYES: Silvers, Lynch, Gehrke

NAYS: Riess

Absent: Wright, Weick

Present: 0

Motion Failed.

Trustee Riess left the meeting at 10:00 p.m. and refused to continue to participate in the discussion of this issue.

B. Comments by Village Administrator

1. None this month.

VII. REPORTS BY VILLAGE COMMITTEES

A. Parks and Recreation

1. None this month.

B. Environmental Committee

1. None this month.

- C. Zoning Board of Appeals
 - 1. None this month.
- D. Plan Commission
 - 1. None this month.
- E. Architectural Review Commission
 - 1. None this month.
- F. Finance Committee
 - 1. None this month.
- G. Police and Public Safety
 - 1. None this month.
- H. Technology Committee
 - 1. None this month.
- I. Water & Infrastructure Committee
 - 1. None this month.

VIII. UNFINISHED BUSINESS

- A. None this month.

IX. NEW BUSINESS

- A. None this month.

X. EXECUTIVE SESSION

Motion by Gehrke, seconded by Lynch to close the regular open session of the regular meeting and enter into Executive Session to discuss personnel matters and probable and imminent litigation at 10:20 p.m.

Voice Vote:

AYES:	3
NAYS:	0
Absent:	3
Present:	0

Motion Failed.

Motion by Gehrke, seconded by Lynch to close the executive session and return to the regular scheduled meeting.

Voice Vote:

AYES: 3

NAYS: 0

Absent: 3

Present: 0

Motion Failed.

XI. ADJOURNMENT

Motion by Lynch, seconded by Silvers to adjourn the meeting at 11:55 p.m.

Reported By: _____

Approved at the Regular Meeting on: _____