

April 5, 2010

The regular meeting of the Board of Trustees of the Village of Deerfield was called to order by Mayor Harriet Rosenthal in the Council Chambers of the Village Hall on Monday, April 5, 2010 at 7:30 p.m. The Clerk called the roll and announced that the following were:

Present: Harriet Rosenthal, Mayor
Robert Benton
Alan Farkas
Thomas Jester
Mary Oppenheim
William Seiden
Barbara Struthers

and that a quorum was present and in attendance. Also present were Village Attorney Peter Coblentz and Kent Street, Village Manager.

PLEDGE OF ALLEGIANCE

Carolyn Bunnell and Desirae Kuceba of the Deerfield Police Department Communications Department led those in attendance in reciting the Pledge of Allegiance.

PROCLAMATION

Mayor Rosenthal proclaimed the week of April 11 - 17 as National Telecommunications Week in Deerfield in honor of the men and women who help to keep the Village safe.

Trustee Benton made a motion to accept the Proclamation. Trustee Struthers seconded the motion. The motion passed unanimously.

PROCLAMATION

Mayor Rosenthal proclaimed the month of April as Fair Housing Month in the Village of Deerfield.

Trustee Oppenheim made a motion to accept the Proclamation. Trustee Struthers seconded the motion. The motion passed unanimously.

DOCUMENT APPROVAL

Trustee Benton made a motion to approve the minutes of the March 15, 2010 Board of Trustees meeting.

Trustee Struthers seconded the motion. Trustee Farkas made a correction to the summary of agenda item 10-21 re Waukegan Road. The motion passed unanimously, as corrected.

BILLS AND PAYROLL

Trustee Struthers made a motion to accept the Bills and Payroll dated April 5, 2010. Trustee Farkas seconded the motion. The motion passed by the following vote:

AYES: Benton, Farkas, Jester, Oppenheim, Seiden, Struthers (6)

NAYS: None (0)

DEPARTMENTAL OBJECTIVES
REPORT – FINANCE DEPARTMENT

Bob Fialkowski presented highlights from the Finance Department over the past six months.

Negotiations with Public Works Local 150 were completed, and there is a four-year contract. Negotiations for a new police patrol contract are about to begin. The Finance Department completed closing out the second and final TIF District in the Village and distributed the surplus funds for that district. Mr. Fialkowski stated they worked on a proposed budget, along with alternative revenue ideas for Board consideration, and they also hired a new IT staff person. The Department worked on the reconciliation and upgrades to the interface for the new Comcast digital studio, which is now located in Highland Park.

Mr. Fialkowski stated the Department met extensively to discuss the Wastewater Treatment Facility redesign so that the IT functionality within the plant will interface with the Village. A Nextel service review and subsequent new program will save the Village about \$12,000 per year. Mr. Fialkowski noted the Department assisted with GIS technical assistance. They also worked on the new Village server and storage systems in the new, supported system.

Mayor Rosenthal expressed appreciation to the Finance staff for their efforts on behalf of the Village.

PUBLIC COMMENT

Oscar Adler, 59 Eastwood Drive, was happy to report that the new studio is fully operational. The topic on Adler's Alley this month will be "Healthy Eyes". The program will air on Tuesday evenings at 8:00 on channel 10 and Thursday evenings at 6:30 on channel 18. He invited any resident interested in learning about television to send him an email at oscar.adler@comcast.net. Mr. Adler noted the television station would also be available to residents in cases of emergency.

Mr. Adler invited residents to attend a Job Seeker's Workshop on April 10th from 10:00 a.m. until noon at the Deerfield Library.

PUBLIC HEARING ON THE 2010-2011 ANNUAL BUDGET

Trustee Oppenheim made a motion to open the Public Hearing on the 2010 – 2011 Annual Budget. Trustee Benton seconded the motion. The motion passed unanimously.

Mr. Fialkowski presented a PowerPoint which highlighted the proposed 2010-2011 budget. He explained that the budget maintains the current level of services while expanding the capital project program. There are recommended tax increases, including an approximate 1.4% increase in property taxes and a 2.5% increase in water and sewer rates. The telecommunications tax would increase to 6%, and a new electric utility tax of \$0.0061 per kwh would be added.

Mr. Fialkowski explained that the Village would issue new debt of \$5 million for general capital and \$7.5 million for the treatment plant. Grants would be used for Wilmot Road, Deerfield Road sidewalk, the Central and Juniper bridges, and the Deerfield Road pedestrian underpass. The remaining capital projects are to be funded by the IRF fund balance, the share of home rule sales tax, the anticipated rental income from 29A billboards and new debt proceeds.

Trustee Struthers asked if some of the information from the presentation could be added to the Village website. Mr. Fialkowski could put the entire PowerPoint presentation on the website. Trustee Struthers suggested adding the fees from other municipalities as well.

Trustee Oppenheim asked whether the electric and telecommunications taxes apply to businesses and corporations as well as homeowners. Mr. Fialkowski explained that those taxes are for every electric user within the Village. The taxes are billed on a sliding scale, and every land line or cell phone billed to an address within the Village will be affected.

Mayor Rosenthal received an email from a resident that asked if the real estate taxes could be increased instead of adding a new utility tax. Mr. Fialkowski noted that utility taxes come from businesses as well as residences, and users can control these costs more than their property taxes. He added that retaining the property tax capacity for funding the Wastewater Treatment Plant was also an important consideration.

Larry Dondanville, 717 Westgate Road, questioned the need for the pedestrian underpass. He does not agree that federal and state funds should be used in this manner either.

Alexander Basok, 909 Knollwood Road, believes the problem is the diminished income from the lack of construction, business travel, hotel use, etc., which is apparent in the current economic state. He believes the Village is trying to compensate for a shortage of income by further taxing residents. In addition, the Village is planning to take out \$12.5 million in loans. Mr. Basok stated that if the Village does not have the money, they should not build it. They should slow down or postpone some of the improvements. He questioned whether residents have been taken into consideration. Mr. Basok stated the new downtown, Village Hall and Township building are beautiful, but the improvements have been very expensive.

Mayor Rosenthal responded that many of the projects on the Capital Improvements list have received outside funding. Should the Village decide not to move forward with those projects, the outside funding would be lost. The Carlisle and Carriageway projects have already been postponed and must be done, as they are well below Village standards. Mayor Rosenthal assured residents that the Board looks very carefully and thoroughly at all of the projects. Trustee Benton added that the Village Hall project was the result of a 20year old TIF District project, and no debt payments are due.

Mr. Basok stated that there are explanations for most of the items, and some were very good. He was trying to convey, however, that a layman sees an increase in his cost of living at the same time that his business is suffering due to the current economic conditions. Mr. Basok believes most residents will be angry about the increases, especially in areas that do not affect everyone.

Mayor Rosenthal closed the Public Hearing.

ORDINANCE ADOPTING THE BUDGET An Ordinance adopting the budget of the Village
OF THE VILLAGE OF DEERFIELD FOR of Deerfield for the fiscal year beginning May 1,
THE FISCAL YEAR BEGINNING MAY 2010 and ending April 30, 2011. First Reading.
1, 2010 AND ENDING APRIL 30, 2011

Trustee Seiden was troubled by the increase in the total costs residents will be paying. The net effect is to substantially raise taxes rather than to transfer taxes to future years. He expressed that the proposed budget does not recognize the current economy, and he would like to hold back on unnecessary projects and ensure a balanced budget without borrowing. Trustee Seiden cited an example of a taxpayer paying \$300 in Village taxes. With the proposed increases, including surcharges, taxes, etc, the total would increase to \$420. The additional debt, amortized, would add an additional \$37. Trustee Seiden stated the debt would have to be repaid. He is not opposed to borrowing for large, capital expenditures such as the treatment plant, but he is against borrowing to balance a budget for routine yearly maintenance expenses. He is not opposed to the improvements but believes the costs should come from existing funds. The bottom line is that he would prefer putting off some of the improvements, including the pedestrian underpass.

Trustee Seiden made a motion to not issue \$5 million in bonds and make room in the budget. Trustee Struthers seconded the motion.

Trustee Struthers stated the Village does not do all streets at once, and she does not view the street and water improvements as yearly maintenance projects. Director of Public Works and Engineering, Barbara Little, reported that the proposed underground improvements will last 50 – 100 years, the roadway resurfacing will last 12 – 15 years and the roadway reconstruction would last 30 years.

Trustee Oppenheim stated the proposed capital improvements have been put off for years. The Deerfield Road railroad underpass is just a small portion of the proposed improvements, and the Trustees have discussed it in several meetings. They determined it needs to be done now. The Village needs to rebuild the sewage treatment plant, even in this time of economic challenge. The two bridges are deteriorating to a point where they may need to be closed if they are not rehabilitated. Staff has been aggressively pursuing outside funding sources for these projects. Trustee Benton explained that if the projects are postponed, the Village will need to come up with additional revenue for the projects because they will become more costly to repair.

Trustee Seiden would like to determine what can be postponed. He believes that the items that need to be completed should be paid for, and a bond should not be issued for those projects. Trustee Farkas questioned what specific items could be postponed, aside from the pedestrian underpass. He believes the proposed projects could not be put off any longer, and the Village needs to soundly maintain its investments in infrastructure.

The motion to not issue \$5 million in bonds did not pass by the following vote:

AYES: Seiden (1)

NAYS: Benton, Farkas, Jester, Oppenheim, Struthers (5)

ORDINANCE AMENDING THE WAGE AND SALARY PLAN – 1R An Ordinance amending the wage and salary plan. First Reading.

ORDINANCE AMENDING THE MUNICIPAL CODE OF THE VILLAGE OF DEERFIELD TO PROVIDE FOR An Ordinance amending the Municipal Code of the Village of Deerfield to provide for certain water and sewer rate increases. First Reading.

CERTAIN WATER AND SEWER RATE INCREASES – 1R

ORDINANCE ADOPTING ARTICLE 10 ENTITLED “MUNICIPAL ELECTRIC UTILITY TAX” AS AN AMENDMENT TO CHAPTER 9 “FINANCE AND TAXATION” OF THE MUNICIPAL CODE OF THE VILLAGE OF DEERFIELD – 1R

An Ordinance adopting Article 10 entitled “Municipal Electric Utility Tax” as an amendment to Chapter 9 “Finance and Taxation” of the Municipal Code of the Village of Deerfield. First Reading.

ORDINANCE AMENDING THE MUNICIPAL CODE OF THE VILLAGE OF DEERFIELD BY REPEALING THE MUNICIPAL INFRASTRUCTURE MAINTENANCE FEE AND IMPOSING THE SIMPLIFIED MUNICIPAL TELECOMMUNICATIONS TAX – 1R

An Ordinance amending the Municipal Code of the Village of Deerfield by repealing the Municipal Infrastructure Maintenance Fee and imposing the Simplified Municipal Telecommunications Tax. First Reading.

REPORTS

There were no Reports.

CONSENT AGENDA

ORDINANCE O-10-06 APPROVING A SPECIAL USE TO PERMIT THE ESTABLISHMENT OF A RETAIL STORE OVER 10,000 SQUARE FEET IN AREA AND AN AMENDMENT TO THE DEERBROOK MALL SPECIAL PLANNED UNIT DEVELOPMENT - 2R

An Ordinance approving a Special Use to permit the establishment of a retail store over 10,000 square feet in area and an Amendment to the Deerbrook Mall Special Planned Unit Development for Wonder. Second Reading.

RESOLUTION R-10-06 AUTHORIZING AN ECONOMIC INCENTIVE AGREEMENT WITH WONDER LLC

A Resolution authorizing an economic incentive agreement with Wonder LLC.

ORDINANCE APPROVING A SPECIAL USE AND A MINOR AMENDMENT TO THE TAKEDA MASTER PLAN TO PERMIT THE ESTABLISHMENT OF AN EMPLOYEE SPORTS FIELD AT TAKEDA PARK – 1R

An Ordinance approving a Special Use and a minor amendment to the Takeda Master Plan to permit the establishment of an employee sports field at Takeda Park. First Reading.

Trustee Struthers made a motion to approve the Consent Agenda. Trustee Benton seconded the motion.

Trustee Struthers believes Wonder is a wonderful project; however, every Commission has expressed concern about painting the brick white. She would like to see Wonder give the Village Manager some specifications on the preparation of the bricks prior to painting, including the primer and maintenance regime. Trustee Farkas does not understand the objection to painting the brick. He has confidence that Wonder will take care of the building. If something happens to Wonder, the property owner will have an incentive to keep the building well maintained. Trustee Farkas believes the Trustees should allow the project to move forward.

Trustee Benton asked if the property owners have been involved in the discussions. Mr. Street reported the store owner (Sears) and the center's management company are aware of the concerns. A copy of the specifications could be forwarded, once received.

Bill Colaianni, President and CEO of Wonder LLC, confirmed it is in their interest to maintain the space in a pristine condition. If they do not, there are two fallbacks in place. One is the store's landlord and the other is the mall owner. Mr. Colaianni stated he would be happy to submit a schedule of their specifications.

The motion to approve the Consent Agenda passed by the following vote:

AYES: Benton, Farkas, Jester, Oppenheim, Seiden, Struthers (6)

NAYS: None (0)

NEW BUSINESS

APPEAL OF ARC SIGN APPROVAL CONDITION (JACOBS COMPANIES)

Keith Jacobs, President of Jacobs Companies, 700 Osterman, explained the original ordinance stated that the back sign panel must be replaced instead of repairing the panel. This would come at significant cost. Mr. Jacobs stated that the repaired sign is 18 feet in the air, and it would look nice.

Mayor Rosenthal asked if the sign did not look right, if Mr. Jacobs would replace it. Trustee Oppenheim suggested allowing someone from the Village to inspect the sign. Trustee Benton asked Village Planner Jean Spagnoli to present the view of the Appearance Review Commission.

Mrs. Spagnoli reported that Mr. Jacobs was not present at the ARC meeting, and his idea to repair the sign was not presented to or discussed by the ARC. Mrs. Spagnoli explained that the owner of Deerfield Square always makes new tenants put up new panels. This is different, however, because it is the restructuring of a sign. Trustee Oppenheim explained this would be the only instance where an existing business changed their name and needed a sign change. Trustee Struthers believes this seems like a more economical solution. Trustee Jester asked about the difference in cost. Mr. Jacobs explained the difference is about \$5,000.

Trustee Seiden made a motion to approve the appeal request and allow the repaired sign for Jacobs Companies, with the repaired sign to be inspected by staff. Trustee Oppenheim seconded the motion. Trustee Farkas added that they need to ensure there is a mechanism for enforcement of this

agreement, if necessary. He requested the motion be modified to be subject to a Village attorney approved letter committing to sound repairs, or replacement if determined by staff to be needed. The amended motion passed by the following vote:

AYES: Benton, Farkas, Jester, Oppenheim, Seiden, Struthers (6)

NAYS: None (0)

**RESOLUTION R-10-7 FOR THE 2010
MFT STREET REHABILITATION
PROGRAM**

Asst. Village Engineer Bob Phillips explained that each year IDOT requires the Village to pass a resolution for use of Motor Fuel Tax funds. In the past, the Village has used MFT funds for street rehabilitation. This year, the Village intends to use the funds for street rehabilitation on four streets. There is also an alternate of adding Hackberry Road, depending on the pricing. The scope of the work includes removing and replacing the pavement, patching, sidewalk, and drainage work. There will be no major water mains or major reconstruction.

Trustee Oppenheim made a motion to approve a resolution for the 2010 MFT street rehabilitation program in an amount not to exceed \$494,000. Trustee Benton seconded the motion. The motion passed by the following vote:

AYES: Benton, Farkas, Jester, Oppenheim, Seiden, Struthers (6)

NAYS: None (0)

**AUTHORIZATION TO AWARD
CONTRACT TO PURCHASE
ROADWAY SALT FROM NORTH
AMERICAN SALT THROUGH THE
CONSORTIUM**

Assistant Director of Public Works Brad Fink reported that the Village formed a salt procurement consortium as an alternative to the State joint purchasing process for next year. Five companies submitted bids. The lowest qualified bid was from North American Salt Company at the rate of \$63.63 per ton. Staff is recommending the Board award the contract for 4,000 tons of roadway salt to North American Salt Company at the bid price of \$63.63 per ton and a modest purchase of roadway salt from the State of Illinois CMS bid in an aggregate amount not to exceed the \$300,000 budget.

Trustee Farkas questioned why buy from the State of Illinois CMS bid. Mr. Fink explained the Village should maintain the relationship to keep the door open with the supplier and State system procurement.

Trustee Seiden made a motion to award the contract for 4,000 tons of roadway salt to North American Salt Company at the bid price of \$63.63 per ton and a modest purchase of roadway salt from the State of Illinois CMS bid in an aggregate amount not to exceed \$300,000. Trustee Struthers seconded the motion. The motion passed by the following vote:

AYES: Benton, Farkas, Jester, Oppenheim, Seiden, Struthers (6)

NAYS: None (0)

Mr. Street thanked the City of Highland Park for their efforts coordinating the consortium bid.

AUTHORIZATION FOR ADDITIONAL
WORK UNDER THE WILMOT ROAD
CONSTRUCTION CONTRACT

Mr. Phillips explained that as a result of the June 12, 2009 bid opening, the Illinois Department of Transportation awarded the construction contract for the Wilmot Road Infrastructure Rehabilitation

Project to A-Lamp Concrete Contractors, Inc. for \$2.3 million. The contractor expected to complete the project by mid-April. Due to the level of work required to document the federally funded project, the Village hired Gewalt Hamilton. Due to the expedited schedule and design work done in the field, the consultant expects overruns in engineering to be approximately \$15,500, and 80% of that cost will be funded by the federal government. The Village is responsible for 20% of the cost which is \$3,100.

Trustee Struthers asked whether the extra hours were required. Mr. Phillips explained the original letting schedule was supposed to be in April but was pushed back until June to be eligible for AARA funds. The cost increased because of the extra hours required on Saturdays. Trustee Struthers explained she did not see people working at 2:30 or 3:00 on weekdays. Trustee Oppenheim explained they did not put in additional overtime until the end of the project.

Trustee Jester noted that there was considerable concern that the project would not be substantially complete before winter. The contractor and oversight engineers and the Village worked hard and were successful in this regard.

Trustee Farkas asked about Mr. Phillip's confidence in receiving the federal share. Mr. Phillips explained that IDOT pays the contractor first, then invoices the Village. The Village will only be responsible for paying 20%.

Trustee Jester made a motion to authorize the additional work under the Wilmot Road construction contract in an amount not to exceed \$15,500. Trustee Seiden seconded the motion. The motion passed by the following vote:

AYES: Benton, Farkas, Jester, Oppenheim, Seiden, Struthers (6)

NAYS: None (0)

AUTHORIZATION FOR POLICE
DEPARTMENT TO PURCHASE TWO
ADMINISTRATIVE VEHICLES

Chief Sliozis explained the Police Department is scheduled to replace two administrative vehicles. One is a carry over from last year. Staff is recommending purchasing one Ford Fusion and one

Ford Explorer to best suit the needs of the department. Chief Sliozis explained the Ford Crown Victoria is going to disappear in 2011 and they are looking at the Ford Explorer to possibly replace the Crown Victoria. The two vehicles being replaced are Chevrolet Impalas. Chief Sliozis explained the replaced vehicles would be reassigned to other departments within the Village for continued use.

Trustee Jester asked what administrative vehicles are used for. Chief Sliozis reported they are used by detectives, for officer court appearances, for meetings outside of town, and any time that a non-

marked vehicle is required. Trustee Farkas asked why the vehicles need to be replaced if they are still usable. Chief Sliozis responded that the Police Department needs more reliable vehicles due to out of town travel requirements.

Trustee Oppenheim asked if the Department had considered hybrid vehicles. Chief Sliozis explained that hybrids cost approximately \$10,000 more than standard vehicles. They were also concerned about how the batteries would react because of the extra equipment. There was some concern about power and response as well.

Chief Sliozis commented that they are looking at the next budget year and did not want to replace too many vehicles at the same time.

Trustee Farkas made a motion to authorize the purchase of one 2010 Ford Fusion in an amount not to exceed \$16,438, purchased under the State of Illinois contract, and a waiver of the competitive bidding process and authorization to purchase one 2010 Ford Explorer in an amount no to exceed \$23,537 from Highland Park Ford, which beat the State bid. Trustee Struthers seconded the motion. The motion passed by the following vote:

AYES: Benton, Farkas, Jester, Oppenheim, Seiden, Struthers (6)

NAYS: None (0)

DISCUSSION

GREEN TOWN

Trustee Oppenheim provided information to the Trustees about a seminar she attended known as Green Town. She also sent information to Matt Wylie, Chairman of the Energy and Recycling Commission. The information included some new green and sustainable projects and permeable pavers.

ADJOURNMENT

There being no further business to discuss, the meeting was adjourned at 9:03 p.m.

APPROVED:

Mayor

ATTEST:

Village Clerk