

**Minutes of the Waukegan Park District
Meeting of the Board of Commissioners
May 12, 2009**

The Board of Commissioners of the Waukegan Park District met in a regular meeting on May 12, 2009 in the Rose Administrative Center, 2000 Belvidere Street, Waukegan, Illinois.

I. Call to Order

The meeting was called to order at 3:00 p.m. by President Wayne Motley who directed a call of the roll.

II. Roll Call

Present: Commissioners Durkin, Duffy, Foley, Sarocka, and Motley. Also present was Executive Director Greg Petry, Board Attorney Charles Smith, Tom Enno of Alpha Environmental, Tom Daggett, environmental counsel, Julie Schneider on behalf of Alicia Mentel.

III. Consent Items

- A. Minutes
April 14, 2009 (Board of Commissioners)
April 24, 2009 (Special Meeting)
April 30, 2009 (Special Meeting)
- B. Bills
- C. Payroll
- D. Financial Statements

Motion by Commissioner Duffy, seconded by Commissioner Durkin, to approve the Consent Items and to pay the bills as presented. Roll call to the motion: Ayes: Durkin, Duffy, Foley, Sarocka, Motley. Nays: None. Motion carried unanimously.

IV. Public Portion

Jerry Sullivan of the Dandelion Wine Festival addressed the Board seeking support to grow the festival. The issue of serving wine at the festival was discussed as a possible way to attract more interest and attendance. Because the festival is set for June 6, it was determined that there was not sufficient time to apply for a one day liquor license and to secure the insurance necessary for the event. Mr. Sullivan discussed that they might have a demonstration as to how wine is made. It was suggested that perhaps vendors could offer their product for sale by delivery and not sale at the festival.

Commissioner Sarocka complimented Mr. Sullivan on his efforts and urged the commissioners to do whatever is possible to help the growth of the festival.

Commissioner Foley made suggestions regarding expanding the festival and the commissioners were urged to attend the June 6 event.

Board attorney, Chuck Smith, said that he would work with Claudia Freeman and Mr. Sullivan on the issues regarding sale of alcohol at future Dandelion Wine festivals.

President Motley urged Mr. Sullivan to work through his committee and have Ms. Freeman bring any proposals such as sale of alcoholic beverages to the Board.

V. Progress Reports

A. Executive Director

Mr. Petry presented a written progress report and orally reported that there is still little in the way of development occurring in Waukegan and there was nothing new to report on land/cash donations.

Land Acquisition - Mr. Petry advised that the Park District will purchase a vacant lot (almost a lot and a half) on Jensen Court for the amount of \$9,000. Mr. Smith is working with the seller's attorney, Richard Biondi, to close this transaction.

Sports Complex – The Park District's environmental attorney, Tom Daggett of the Daggett Law Firm, Chicago, made a presentation to the Board of Commissioners on the status of environmental testing and soil removal on the new Sports Complex at Orchard Hills.

Mr. Daggett summarized the environmental laws and regulations that the District is required to follow as an owner of land which has various levels of arsenic in its dirt above background levels for this naturally occurring element. Illinois environmental laws incorporate federal environmental requirements that strictly regulate dirt as hazardous waste if it fails a "Toxicity Characteristic Leachate Procedure" (TCLP) test. The highest TCLP result in the District's tests was less than 4% of the arsenic level that requires regulation as hazardous waste, so these hazardous waste regulations don't apply. He noted, however, that Illinois also has adopted Soil Remediation Objectives (SROs). These Objectives are not legal obligations on all land owners. They are applied if the land owner petitions IEPA for a No Further Remediation (NFR) letter from its voluntary Site Remediation Program (SRP), and in certain other circumstances.

The District is not seeking an NFR letter for this property; it would not provide the District the usual liability protection because it already owns the property. The District is nonetheless using the Illinois' SROs as goals in evaluating the arsenic levels in soil at the site. Specifically, the District is working to meet the IEPA's most protective "Tier 1 Residential" SROs. Illinois has different SROs for different routes of exposure. The most imminent potential route of exposure here would be through inhalation of dirt during construction. Illinois's most protective arsenic SRO based on inhalation is set at 750 ppm total arsenic. Fortunately, the very highest sample result on this site (tested before the scraping described below) was less than 1/2 that level.

Illinois also has a Tier 1 Residential SRO based upon the ingestion of soil, set to protect small children that exhibit "pica" behavior, i.e., eating the dirt. Illinois set the Tier 1 Residential SRO based on ingestion at 13 ppm total arsenic, which IEPA determined to be the background level of arsenic in soils in this area. The potential for exposure through ingestion is mainly from soil that will make up the top few inches on the surface *after* the Sports Complex is finished. Because huge amounts of soil will be moved and re-graded during construction, that soil, and its final arsenic level, cannot be identified now. That is one of the reasons that the District's 2008 environmental testing

took composite samples, because they would be more like the mixed surface soil that will remain on the completed Sports Complex after the re-grading.

Mr. Daggett then summarized testing done on April 4, 2009, when the surface soil on every tee, green and fairway was sampled for total arsenic. The vast majority of samples averaged from 9 to 10 ppm arsenic. Greens 1 to 17, however, averaged about 105 ppm. Simplified calculations indicate that the average arsenic in the final surface soil would likely meet the Illinois soil ingestion objectives even if the relatively small volume of soil on greens 1-17 were left in place for the re-grading, but the extent that mixing will actually occur is hard to predict. As a precautionary measure, the District decided to remove the surface soils on greens 1 to 17 now, before it gets mixed. The removal and landfilling of surface soils on the 13 greens west of the creek was completed by May 15, 2009. Follow up testing showed that soils at these 13 greens are now below 13 ppm total arsenic. Scraping the other 4 greens is next.

B. Attorney

Mr. Smith reported that he is working with Mr. Biondi concerning the acquisition of the Jensen Court property. He also advised that the Vakili pretrial has been continued to June 4, 2009 before Judge Hoffman.

C. IAPD/Legislation Update

Mr. Petry reported that the bill to restore the off track betting money to the park districts is still alive in the legislature. He also reported that House Bill 242 adds a Consumer Price Index factor to debt extensions and that the bill has passed the House and is being taken up by the Senate. This would allow park districts across the state and other governmental bodies to increase tax levels with the CPI. The tax levels have been frozen for a number of years by the tax cap. This bill provides some relief to agencies trying to operate with rising costs.

D. Division Reports.

D1. Superintendent of Finance & Administration. Steve Warneke submitted a written report and orally reported that he has received the first corporate tax replacement check, which is down approximately 10% from the previous year. Since he had budgeted for an 18% decrease, it is within budget but it still reflecting the downturn in the economy and he expected this trend to continue for some time.

Mr. Warneke also advised that 2009/2010 budget ordinance is out and available for public inspection. It will be voted upon by the Board at the June 9, 2009 meeting.

D2. Cultural Arts. Claudia Freeman presented a written report and advised that the members of the Historical Society are writing to the legislators to support the restoration of the OTB funding to the park districts since that funds a portion of the Historical Society.

D3. Parks. Michael Trigg submitted a written report and advised that the Bedrosian Park project had made the OSLAD Grant list for this year in the amount of \$292,000.

D4. Recreation. Julie Schneider presented a written report on behalf of Alicia Mentell and orally reported that the Navy Band has been confirmed for the

American Independence festivities and that vendors are sending in their notices to participate. The event is progressing well.

VI. Review, Discuss, Decide

A. Authorization to Accept Bids/Quotes

Parks Division

River Road Bike Trail (Phase I) – Mike Trigg made a presentation to the Board. **Motion by Commissioner Sarocka, seconded by Commissioner Durkin, to approve the low bid of Grasswick Enterprises in the amount of \$39,924 for the River Road Bike Trail (Phase I). Roll call to the motion: Ayes: Durkin, Duffy, Foley, Sarocka, and Motley. Nays: None. Motion carried unanimously.**

Outdoor Sports Complex

Bid Package #3 (Spray Pads, concrete, restroom buildings, synthetic turf)

Motion by Commissioner Sarocka, seconded by Commissioner Foley, to approve the low bid of JEM Morris Construction Inc. in the amount of \$651,740 for the Synthetic Turf Field surfaces for the football and soccer fields; to approve the low bid of Car-Min Construction Co., Inc. in the amount of \$271,800 for the spray pad and playground; and to approve the low bid of Car-Min Construction Co., Inc. in the amount of \$854,000 for the site concrete and precast. Roll call to the motion: Ayes: Durkin, Duffy, Foley, Sarocka, and Motley. Nays: None. Motion carried unanimously.

B. Refinancing of Bonds: \$4,565,000 General Obligation Park Bonds (Alternate Revenue Source), Series 2009 - **Motion by Commissioner Duffy, seconded by Commissioner Durkin, to approve the refinancing of the 1998 and 1999 bonds that will result in a savings of over \$20,000 in interest costs. Roll call to the motion: Durkin, Duffy, Foley, Sarocka, and Motley. Nays: None. Motion carried unanimously.**

C. Election of Officers – **Motion by Commissioner Duffy, seconded by Commissioner Sarocka, to nominate Bill Durkin to the office of President of the Board of Commissioners for fiscal year 2009/2010. Motion carried unanimously. Mr. Durkin was seated as President and presided over the rest of the meeting.**

Motion by Commissioner Motley, seconded by Commissioner Duffy, to nominate Patricia Foley to the office of Vice President of the Board of Commissioners for fiscal year 2009/2010. Motion carried unanimously.

Motion by Commissioner Durkin, seconded by Commissioner Sarocka, to nominate Wayne Motley to the office of Treasurer for fiscal year 2009/2010. Motion carried unanimously.

D. Recognition of Past President Wayne Motley (Resolution 2009-09) – A resolution was adopted by the Board honoring Wayne Motley for his service during 2008/2009 as President of the Board of Commissioners.

E. Appointment of Officials:

Motion by Commissioner Sarocka, seconded by Commissioner Motley, to approve the following officials for fiscal year 2009/2010:

Attorney: Charles W. Smith

Secretary: Charles W. Smith

Deputy Secretary: Greg Petry
Deputy Treasurer: Steve Warneke
IMRF Officer: Steve Warneke
PDRMA Representative: Steve Warneke
PDRMA Alternate Representative: Tanya Brady

Motion carried unanimously.

F. Resolutions

Selection of Depositories (2009-03) – Motion by Commissioner Motley, seconded by Commissioner Foley, to adopt Resolution 2009-03 designating NorStates Bank (Waukegan), First Midwest Bank (Waukegan), State Financial Bank, N.A. (Waukegan), North Shore Trust and Savings (Waukegan), Waukegan Savings and Loan (Waukegan) and Illinois Park District Liquid Asset Fund Plus as designated depositories for the Park District for fiscal year 2009/2010. Roll call to the motion: Durkin, Duffy, Foley, Sarocka, and Motley. Nays: None. Motion carried unanimously.

Bank Signature Authorizations – Motion by Commissioner Motley, seconded by Commissioner Foley, to adopt Resolution 2009-04 designating authorized signatures on the Park District’s account with First Midwest Bank, Account Number 800160700. Roll call to the motion: Durkin, Duffy, Foley, Sarocka, and Motley. Nays: None. Motion carried unanimously.

Motion by Commissioner Motley, seconded by Commissioner Foley, to adopt Resolution 2009-05 designating authorized signatures on the Park District’s account with NorStates Bank, Account Number 17-0221-6. Roll call to the motion: Durkin, Duffy, Foley, Sarocka, and Motley. Nays: None. Motion carried unanimously.

Bank Authorization - Motion by Commissioner Motley, seconded by Commissioner Foley, to adopt Resolution 2009-06, Corporate Authorization, for NorStates Bank as a depository. Roll call to the motion: Durkin, Duffy, Foley, Sarocka, and Motley. Nays: None. Motion carried unanimously.

Motion by Commissioner Motley, seconded by Commissioner Foley, to adopt Resolution 2009-07, Bank Resolutions for First Midwest Bank as a depository. Roll call to the motion: Durkin, Duffy, Foley, Sarocka, and Motley. Nays: None. Motion carried unanimously.

G. Holy Family Request for Use of Belvidere Park – The Board received a letter from Robert Wilkins, President of the Tri-Parish Council, requesting the use of Belvidere Park for a bilingual Mass for approximately 3,500 to 4,500 people on June 28, 2009. Staff expressed apprehension about the size of the group and the Board in reviewing the matter considered the number of people attending the Mass would be far in excess of what Belvidere Park could accommodate. Motion by Commissioner Motley, seconded by Commissioner Duffy, to direct the staff to decline Mr. Wilkins’ request for the use of Belvidere Park for 3,500 to 4,500 people on June 28, 2009. Motion carried unanimously.

VII. Closed Session

No executive session was conducted.

VIII. Questions from Commissioners

Commissioner Motley expressed his appreciation for the support he received over the past year as president, particularly the commissioners' work to start the outdoor sports complex after 14 years of efforts.

Commissioners Sarocka and Foley had no comments.

Commissioner Duffy pointed out that the new Yellow Pages features Park District grounds on its cover and thought that this was very appropriate exposure for the Park District.

Commissioner Duffy requested the staff to provide on a monthly basis, not only expenditures for the sports complex, but also a separate column showing whether the expenditures were in excess or below the budgeted amount.

President Durkin stated that the Committee of the Whole meeting on May 18, 2009 would be at 2:00 p.m. Topics to be discussed will be Bonnie Brook renovations, the Strategic Plan, and appropriate recognition of Joan Pfau-Callahan for her many years of service to the Park District.

Mr. Petry advised that June 22, 2009 is the date set for Commissioner Boot Camp. The event will be held in Schaumburg and hosted by the Illinois Park District Association.

Mr. Petry advised that Gewalt Hamilton is hosting a golf outing on June 17, 2009 at Bonnie Brook and staff and the Board have been invited to participate.

VIII Adjournment

Motion by Commissioner Duffy, seconded by Commissioner Sarocka, to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 4:20 p.m.

Respectfully submitted,

Charles W. Smith
Secretary