

MINUTES OF THE MEETING OF
THE VILLAGE OF PORT BARRINGTON BOARD OF TRUSTEES
LAKE AND MCHENRY COUNTIES, ILLINOIS

August 15, 2018

President Yeaton called to order the regularly scheduled Meeting of the Board of Trustees at 7:03 pm. The following Trustees were present: Thomasson, Grothendick, Herstedt, Cillo, Corrigan and Vogeler. Village Attorney Jim Bateman and Village Engineer Mark Rooney were also present.

President Yeaton asked the Board to set the consent agenda affirming no conflicts of interest and Trustee Grothendick motioned to set the agenda. Trustee Cillo seconded and the motion was approved unanimously.

Trustee Vogeler motioned to approve the consent agenda including the minutes of the July 18, 2018 Board Meeting, Special Meeting from July 25, 2018 and the Treasurer's Report for July 2018. Trustee Cillo seconded. Roll call was taken; 6 Ayes, 0 Absent, 0 Nays, Motion approved.

The Bills Payable through August 15, 2018 were before the Board. Trustee Vogeler motioned to approve and Trustee Grothendick seconded. Roll call was taken; 6 Ayes, 0 Absent, 0 Nays, Motion approved.

VILLAGE ATTORNEY

Village Attorney Jim Bateman stated there was a bid protest by Arrow Construction, relative to the Village's 2018 MFT project. Nick Eichenhold from Arrow Construction and a Court Reporter were present for a presentation. Mr. Eichenhold stated that as Arrow's chief estimator they felt they presented a good bid. The bid documents did require an affidavit of availability stating work history and ratings. Mr. Eichenhold stated that Arrow has unlimited availability and has received a waiver of the BC57 document from IDOT. Mr. Eichenhold also stated that Mr. Michael Salmon, a Vice President of their company who signed their waiver request form, is semi-retired and was not in his office to receive questions about their bid. Jim Bateman asked if the summary of facts was received by Mr. Eichenhold and he did confirm that he had received it. The Board's position is that there is no mechanism in IDOT Regulations for a municipality to grant such a waiver and it is not routine to do so. Mark Rooney, Village Engineer, was present and read the bidding document with notice to bidders aloud; "two low bidders must file an affidavit of availability". All other bidders submitted that form. Mark Rooney stated he called IDOT who told him that Arrow's failure to submit the BC57 Affidavit of Availability with their bid disqualified their bid. Mark Rooney stated that he also called Mr. Salmon and left a message regarding the absence of that BC57 Affidavit. The bid protest was received the day after the August Committee meeting. When the bid protest was filed a Notice of Award had already been sent to Geske. Signed contracts have now been received from Geske. Mr. Bateman outlined three alternative actions the Board could consider. He stated that the Village would have liked to save \$3,500 by choosing Arrow as the low bidder, but the lack of any return phone call from Arrow has now resulted in considerable legal expense.

The Board's alternatives are as follows:

1. Award the bid to Geske.
2. Award the bid to Arrow and rescind the award to Geske.
3. Reject all bids and re-bid.

Village Engineer Mark Rooney was asked to comment. He stated that advertising for bids again and Board Meetings and time for bonds and insurance would put completion of the project close to the end of the season.

Jim Bateman stated that the current bids have been disclosed publicly and the odds of receiving attractive bids may now be diminished. Mark Rooney stated his concern regarding liability by awarding a contract to a non-conforming bidder. Jim Bateman stated that the greater exposure is to Geske, since they received the award. President Yeaton stated that the Arrow bid required a written waiver and Mark Rooney called Arrow about this but received no return call. Therefore, Arrow's bid was rejected at an open Board Meeting and the project was awarded to Geske. Trustee Thomassen motioned to reject and deny the bid protest by Arrow Construction and remain with Geske as the awarded contractor. Trustee Thomassen motioned to approve Resolution 2018-226 to authorize the Village President and the Village Clerk to execute the contracts with Geske. Trustee Grothendick seconded. Roll call was taken; Trustees Thomassen, Grothendick, Herstedt, Cillo, Corrigan and Vogeler voting Aye. 0 Nays, 0 Absent. Motion approved.

STREETS AND ROADS

Trustee Thomassen stated that Rusty is working on sidewalk repairs near 105 Riverwalk Lane. He will look into costs to rent or buy a grinder.

HEALTH AND SAFETY

Trustee Grothendick stated the weed cutters were scheduled for a return visit to the channels. A 3rd cut should commence tomorrow. There is a tree down in one of the back channels.

A resident from Eastwood Court wanted to install dock mounted aerators because of stagnant water. The recommendation was to have several homes involved with an average cost of \$700-\$1,500 per aerator. They requested the Village to contribute financially. Trustee Grothendick will review and consider the request.

Trustee Grothendick and Donna Erfort attended the FREP shore stabilization demo.

Trustee Grothendick, Rusty Issleb and Donna Erfort met with Joe Keller from FWWA to discuss river flood control. They discussed how levels are controlled using past history and future rainfall predictions. They viewed the 44-acre property that is available for sale.

President Yeaton stated that she contacted Brian Vallesky from Manhard Engineering to discuss update of the Stormwater Management and Protection Plan. Their quote was \$6,500.00 with \$1,500 for an MS4 report. It has not been updated in several years. The Board will review and consider.

Donna Erfort stated that the Fox River Corridor Plan is having a meeting.

Milkweed is listed as a noxious weed in the Village Ordinance. She would like to take the current list to McHenry Conservation for recommendations.

POLICE

Trustee Herstedt stated that school is back in session as of today. Signs were posted to remind residents to slow down driving.

A few traffic citations were written and there were a couple of accidents in the Village.

Trustee Herstedt stated there were concerns expressed regarding the response time to 911 calls. He followed up with the Undersheriff of Lake County regarding the incident called in when a car struck the guard rail on Center Street. The response time was 10 minutes to apprehend the individual. The wait time at the site on Center Street was longer because they went to the individual first. A 10 minute response time at 2am is considered reasonable. There was damage to the median coming into Riverwalk also caused by the same individual. Trustee Herstedt is seeking a copy of the accident report to apply for insurance to repair the guard rail.

There was also a motorcycle accident that weekend on Center Street.

McHenry County scheduling is on track.

There was a meeting where Trustee Herstedt and President Yeaton met with the Administrator and CSO officer for Wauconda Police. Tickets are still being written on their ticket forms.

Trustee Herstedt is creating new forms to show the Village and Port Barrington fines.

Jim Bateman, President Yeaton and Trustee Herstedt attended the Adjudication Hearing at the Wauconda Village Hall.

PARKS AND BEACHES

Trustee Cillo took pictures of the equipment at Fox Trail Park to send to the manufacturer and get a part to repair.

The REC Committee is still seeking volunteers and donations for a raffle at the Garden Party.

There is a piece of property adjacent to Fox Trail Park available for purchase at only \$600. The Board agreed to proceed with purchase.

FORESTRY

A quote was received in the amount of \$9,200.00 for tree trimming in the Village. It does not include trees in medians owned by HOAs. Trustee Corrigan motioned to accept the quote and approve the expense. Trustee Vogeler seconded. Roll call was taken: Trustees Thomasson, Grothendick, Herstedt, Cillo, Corrigan and Vogeler voting Aye. 0 Nays, 0 Absent. Motion approved.

Trustee Corrigan stated that ash trees are being treated with injections to preempt ash borers.

FINANCE

Trustee Corrigan stated there was progress in setting up E-Pay. There is a limit to the number of fields but it should be sufficient. The site is being built.

Trustee Corrigan met with the BS&A software representatives for a demonstration of their software for Municipal Building and Zoning. It is very different from Windoware but much less expensive. He suggested Frank DeSort view the demo. The Board will seek Frank's recommendation.

BUILDING AND ZONING

Trustee Vogeler stated that the bid opening for Village Hall renovation was on August 10, 2018.

There were 3 bids as follows:

Select Construction	\$70,329
Orbis Construction	\$113,500
Great Lakes Construction	\$137,344

Select Construction's bid was considerably lower than the other two. Jim Bateman reviewed and responded that the Select bid is conforming. Trustee Vogeler stated that Select submitted references and pictures. New Prevailing wage rates become effective on August 15, 2018 and Trustee Vogeler stated his assumption that the cost of the bid would increase. Jim Bateman did not agree, but suggested a percentage as contingency. Trustee Vogeler agreed that contingency could come into play for unforeseen possibilities.

Trustee Vogeler motioned to award the bid to Select Construction. Trustee Grothendick seconded. Roll call was taken: Trustees Thomasson, Grothendick, Herstedt, Cillo, Corrigan and Vogeler voting Aye. 0 Nays, 0 Absent. Motion approved.

Trustee Vogeler motioned to approve Ordinance 2018-08-01 amending Building Regulations regarding Housing Inspections. Trustee Cillo seconded. Roll call was taken: Trustees Thomasson, Grothendick, Herstedt, Cillo, Corrigan and Vogeler voting Aye. 0 Nays, 0 Absent. Motion approved.

The Board is considering an Ordinance amendment regarding parking recreational vehicles to restrict parking on dirt or grass. There was discussion regarding parking multiple recreational vehicles in driveways. The Board will pursue the subject further at Committee.

VILLAGE ENGINEER

Mark Rooney stated that Geske signed the contract. There is no insurance certificate or bond yet. Mr. Geske thought paving would commence in late October.

Stormwater Management called regarding a complaint about the Serio property on Darrell Road and blocking drainage. Mark viewed the property and discussed building swales for flood control. Mr. Serio did it and work is complete.

There are concerns about residents being told they are in the flood plain when they are not. Those are being responded to on a case by case basis.

ADMINISTRATION

Donna Erfort stated that the audit was complete. The Risk Management renewal has been turned in.

HOA REPORT

Deer Grove HOA called with concerns. The liaison will address.

PBWWC

President Yeaton stated there was a potential candidate.

VILLAGE PRESIDENT

President Yeaton and Donna Erfort will attend the IML Conference.
FRED Fest applied for a 1-day liquor license. The Village will waive fees.

OLD/NEW

The meeting was open to the floor at 9:20pm.

A resident suggested water gauges to measure water levels during weather events.
Rusty stated that ComEd changed lightbulbs and trimmed trees that were obstructing lights.

Trustee Vogeler motioned to adjourn. Trustee Cillo seconded. Roll Call was taken: Trustees Thomasson, Grothendick, Herstedt, Cillo, Corrigan and Vogeler voting Aye. 0 Nays, 0 Absent. Motion approved.

The meeting was adjourned at 9:23 pm.

Respectfully Submitted,

Nancy Bachal, Village Clerk

AYES 5
NAYS 0
ABSENT 1 (Herstedt)
ABSTAIN 0
APPROVED September 19, 2019