

President Minogue thanked both speakers for their comments.

Unfinished Business

Minutes October 27, 2009, November 17, 2009, December 1, 2009, December 15, 2009

Attorney Adams stated one motion may be made to approve all minutes.

President Minogue stated that she would like one motion to approve these minutes since they date back to October.

Commissioner Creech asked if they were going to discuss the changes in format to these minutes and said that Commissioner Hess spoke about this issue at the last meeting.

Attorney Adams suggested that a motion be made before discussion.

Commissioner Hess moved, seconded by Commissioner Dallman, to combine the approval of minutes for October 27, 2009, November 17, 2009, December 1, 2009, and December 15, 2009 into one motion.

*Roll Call: Aye: Commissioners Hess, Dallman, Aubrey, Kinzler and President Minogue
Nay: Commissioners Creech and Nephew Motion carried*

Discussion ensued regarding the appropriate level of detail in the minutes. Commissioners Dallman and Hess and President Minogue indicated consent for the minutes as presented. President Hess would prefer further streamlining.

Commissioners Creech and Kinzler expressed a desire for more detail in the minutes, including opinions and commentary.

A lengthy discussion ensued over what each Board Member was hopeful to see in the minutes. Some Members felt their issues should be stated for equal statements. Transparency was debated in relation to the length of the minutes.

Attorney Adams recommended that Staff prepare minutes that include a summary of issues raised but not a detailed discussion. He stated that applicable law requires the minutes to record the date, time and place of meeting, members of the public body recorded as present or absent, whether they are physically present or present by means of video or audio conference, the summary of discussion and record of all votes taken. He went on to say that the purpose of the minutes is not to understand the motives and the whys, it is to inform the public about the general nature of the debate, a summary of the matters discussed and proposed and a record of the vote and who was present.

Commissioner Kinzler stated that he agreed with letting Staff help work out the detail but expressed that the Board needs to give Staff direction. He indicated that when there is a debate on a particular issue he would like to see in the minutes a two or three sentence description of the two opposing arguments.

Commissioner Creech moved, seconded by Commissioner Kinzler, that Glen Ellyn Park District minutes should include a summary of public discussion and a thorough summary of all discussions including opposing viewpoints, motions and vote.

Attorney Adams stated that the motion should include the words “in addition to those items required by statute”.

Commissioner Aubrey commented that he would rather have the motion read a summary of matters and deliberation and discussion because it is consistent with the statute and did not think the Board should waiver from that. He stated that wording such as including dissenting opinions or opposing opinions or approving opinions should not be used because he believes they are all classified as summary of matters of deliberations and discussions consistent with the statute.

Attorney Adams stated that the statute reads “summary of discussion on all matters proposed, deliberated or decided and a record of any votes taken”.

Commissioner Nephew commented that the statute does not say that the Board cannot put more detail in the minutes. She stated that the point of the minutes is to go back and see why decisions were made about things.

A discussion ensued regarding PDRMA and its role in the minutes.

President Minogue asked if Commissioner Aubrey wanted to amend the motion.

Commissioner Aubrey stated that he did not ask for an amendment.

Attorney Adams stated that if motion does not pass we are still obligated to follow the statute in preparing and adopting the minutes and the only the thing he would say that Item 3, the motions and votes, on your motion is already required by the statute.

Commissioner Creech stated that the amended motion should read in addition to statutory requirements the Glen Ellyn Park District minutes should include a summary of public participation, comments, thorough summary of all discussions including opposing viewpoints, motions and votes.

Roll call: Aye: Commissioners Creech, Kinzler and Nephew

Nay: Commissioners Hess and President Minogue

Abstain: Commissioners Aubrey and Dallman Motion failed.

Commissioner Aubrey commented that he thought they made a lot of progress but that the Board is not yet there on the consensus but that he thought they were really close.

Executive Director Atwell commented that just this discussion alone will test the debate obligation and statute regulation.

Commissioner Hess commented that the only objection he had was to the word thorough.

New Business

Amend 2009 Budget & Appropriation Ordinance

Superintendent Woods explained that the 2009 Budget & Appropriation Ordinance, for fiscal year January 1, 2009 to December 31, 2009, should be amended to comply with actual expenditures and what is filed with the County. The document will then be on public display for 30 days.

A discussion ensued regarding the use of the last audited amount shown for funds on hand at the beginning of the fiscal year,

President Minogue directed Staff to place the amended 2009 Budget on display for 30 days. There were no objections.

2010 Budget & Appropriation Ordinance

Superintendent Woods presented the 2010 Budget & Appropriation Ordinance and explained that the Ordinance is a recap of the operating budget. The Board was advised that the 30-day public inspection period has been met and a legal notice had been published in the Daily Herald.

Commissioner Dallman moved, seconded by Commission Hess, to approve Ordinance 09-09 A Combined Annual Budget and Appropriation Ordinance for Purposes of the Glen Ellyn Park District for the Year Beginning January 1, 2010 and Ending December 31, 2010.

Roll call: *Aye:* Commissioners Aubrey, Dallman, Hess and President Minogue.
 Nay: Commissioners Creech, Kinzler and Nephew *Motion carried*

Commissioner Dallman verified that the date in the Ordinance should be changed to January 19, 2010.

Commission Creech commented that since items on the Budget were changed she was not comfortable with approving something that she had not seen and stated that she requested from Staff copies of the Budget items but did not receive them. She expressed that she is uncomfortable about approving this Ordinance because she did not have the details.

Superintendent Woods advised that the most current detailed Budget was posted on line approximately two weeks ago.

Pay Requests for Ackerman Sports Complex Project

Superintendent Scarmardo presented the Ackerman Sports Complex Project Pay Request #14 in the amount of \$790,298.72.

He advised that Staff had done a walk-thru looking for defects in workmanship and minor things were discovered and most subcontractors have already been back to follow-up on these items.

Superintendent Scarmardo informed the Board that a roof leak occurred last weekend. Staff worked feverishly to try and impede the flow of the water once it discovered the leak. PBS, the architect and engineer have identified the problem source and have proposed a solution. Minor damage was done to the floor and the flooring contractor has examined the damage. Staff has conveyed to subcontractors that they are very unhappy with this solution and have had conversations with the roofer who agreed to pay for the replacement of 10 to 12 feet of new flooring. Superintendent Scarmardo advised that the flooring will not be replaced until after the basketball season is over.

Staff recommended approval of Pay Request #14 in the amount of \$453,151.60 and rejection payment of \$337,147.12 to Manuso General Contracting, Entre Prises, USA, T.A. Bowman, Sportscon, Korellis Roofing and Professional Building Services until these entities resolve the outstanding issues to the Park District's satisfaction.

Discussion ensued regarding the roof warranty. Attorney Adams stated that the problem should be documented and communicated to the contractor and the roofing materials manufacturer that provides the warranty and have them sign off on the solution so that there will be no exception or exclusion to the warranty for that condition.

Commissioner Aubrey asked if this is the only place where there is a problem or are there other potential problem areas. Superintendent Scarmardo responded that other potential areas will have the same work performed.

Commissioner Creech thanked Superintendent Scarmardo for answering her questions earlier. She commented that it appears right now all parties are being cooperative but if that changes Superintendent Scarmardo mentioned that it might be necessary to bring in an outside consultant to evaluate this condition.

Superintendent Scarmardo confirmed that if the problem continued Staff would get a consultant to review the problem. He reminded the Board that this why they hold retainage from the subcontractors.

Commissioner Hess moved, seconded by Commissioner Creech, to approve Pay Request #14 in the amount of \$453,151.60 with the exception of the following trade contractors Entre Prises USA \$12,383.70, Manuso \$31,314.33, Sportscon \$173,220.30, Korellis Roofing \$11058.66, T.A. Bowman \$79,924.85 and PBS \$29,245.28 for a total of \$337,147.12

Roll Call: Aye: Commissioners Aubrey, Creech, Dallman, Hess, Kinzler Nephew and President Minogue.
Nay: None *Motion Carried*

Approve ERF Purchase

Superintendent Scarmardo stated that the ERF was established to accumulate reserves to have funds available to purchase vehicles and equipment as their useful life expires. Staff is looking to replace an aerator and chipper and to purchase a Toro Track and a tailgate salt spreader. Staff is asking the Board to approve the purchase of the equipment in the amount of \$81,636, which was placed in the 2010 budget. Staff also requests the Board to approve the disposal of the 1996 Vermeer Chipper and the 1985 Ford tractor.

Superintendent Scarmardo explained that the purchase is through the State's purchasing program and that when the order is placed they should receive the equipment in thirty days. Staff will order the Toro Track and salt spreader right away and will wait to spring to order the aerator and chipper.

Commissioner Dallman moved, seconded by Commissioner Hess, to approve the purchase of four pieces of equipment for 2010 fiscal year totaling \$81,636, additionally for the disposal of the 1996 Vermeer Chipper Unit 908 and the 1985 Ford tractor Unit 404.

Roll call: Aye: Commissioners Creech, Nephew, Hess, Dallman, Aubrey, Kinzler and President Minogue.
Nay: None *Motion carried.*

Election / Appointment of Officers

Office of President:

President Minogue nominated Commissioner Hess for the office of President.

President Minogue moved, seconded by Commissioner Dallman, to close the nominations. *Motion Carried.*

Vote to Elect Commissioner Hess as President of the Board

Roll call: Aye: Commissioners Aubrey, Creech, Dallman, Hess and President Minogue
Nay: Commissioner Nephew
Abstain: Commissioner Kinzler

Office of Vice President:

President Hess nominated Commissioner Aubrey for the office of Vice President.

Commissioner Minogue moved, seconded by Commissioner Dallman, to close the nominations. *Motion Carried.*

Vote to Elect Commissioner Aubrey as Vice President of the Board

Roll call: Aye: President Hess and Commissioners Aubrey, Creech, Dallman, Kinzler Minogue, and Nephew
Nay: None

Office of Treasurer:

Commissioner Kinzler nominated Commissioner Creech for the office of Treasurer. Commissioner Minogue nominated Commissioner Dallman for the office of Treasurer.

Commissioner Minogue moved, seconded by Commissioner Dallman, to close the nominations. *Motion Carried.*

Vote to Elect Commissioner Creech as Treasurer of the Park District

Roll call: Aye: Commissioners Creech, Nephew and Kinzler
Nay: Commissioners Aubrey, Dallman, Minogue and President Hess

Vote to Elect Commissioner Dallman as Treasurer of the Park District

Roll call: Aye: Commissioners Aubrey, Dallman, Minogue and President Hess
Nay: Commissioners Creech, Nephew and Kinzler

WDSRA Representative:

Commissioner Dallman moved, seconded by Commissioner Creech, to appoint Cory Atwell as the Park District's representative to Western DuPage Special Recreation Association.

Roll call: Aye: Commissioners Aubrey, Creech, Dallman, Kinzler, Minogue, Nephew and President Hess
Nay: None *Motion carried*

Legal Counsel:

Commissioner Dallman moved, seconded by Commissioner Minogue, to appoint Steve Adams of Brooks, Adams & Tarulis as the Park District's legal counsel.

Roll call: Aye: Commissioners Aubrey, Creech, Dallman, Minogue, and President Hess
Nay: None
Abstain: Commissioners Kinzler and Nephew *Motion Carried*

Resolution 10-01 Designating Bank Depositories & Resolution 10-02 Authorizing Signatures on Checks
Superintendent Woods explained each year staff has to present a Resolution to the Board listing financial institutions where the Park District invests money and also a Resolution to authorize signatures on checks.

Commissioner Dallman moved, seconded by Commissioner Minogue, to approve Resolution 10-01 Designating Bank Depositories and Resolution 10-02 Authorizing Signatures on Checks.

Roll Call: Aye: Commissioners Aubrey, Creech, Dallman, Kinzler, Minogue, Nephew and President Hess
Nay: None *Motion Carried*

GFOA Certificate

Superintendent Woods explained that the Certificate is awarded for achieving the highest standards in governmental accounting and financial reporting. The Glen Ellyn Park District is one of 35 park districts in the state that earned this award. It is the second year that the Park District has received it.

President Hess recommended that Staff display the Certificate on the website.

Western DuPage Special Recreation Association - January Executive Summary

The executive summary is provided to WDSRA member park district boards to keep them up to date on association business.

President Hess commented that the WDSRA has already held basketball games at Ackerman and thought it was great that the facility can be used in the manner.

Matters from Staff

Superintendent Esposito reminded the Board Members about the Open House and Dedication at Ackerman. She commented that the ribbon cutting ceremony would be at 10:30 a.m.

Executive Director Atwell introduced new employee Laura Nejedly to the Board.

Matters from Commissioners

Commissioner Kinzler commented that the Ackerman Sports & Fitness center is a new experience for everyone. He requested that the monthly expenses and revenues from Ackerman be included in Board packets.

Commissioner Dallman commented that he had already played soccer at Ackerman and said the surface was great. He wondered about the safety of spectators and was glad to hear that nets were ordered. He also inquired about the status of the climbing wall. Director Atwell informed him that there are two experienced people doing the training and have already trained eight staff members.

Commissioner Aubrey gave an update regarding Memorial Field and reported that they had raised \$200,000 by October. He also commented that the Staff made a commitment to open the basketball courts at Ackerman on time and they did it.

Commissioner Creech commented that she was looking forward to the Open House on Saturday and thanked the Staff for all the hard work.

Commissioner Minogue commented that she had been to Ackerman and loved the facility and that it more than met her expectations. She is also looking forward to the Open House.

Adjourn to Executive Session

At 8:57 p.m. Commissioner Dallman moved, seconded by Commissioner Minogue, to convene into Executive Session under Section 2(c) 6 of the Open Meetings Act for the purpose of "discussion of the of sale of real property for the purpose of a right-of-way" and Section 2(c) (21) of the Open Meetings Act, for the purpose of "discussion of the minutes of prior executive sessions meetings, for the purpose of review, approval or release of such minutes".

*Roll Call: Aye: Commissioners Aubrey, Creech, Dallman, Kinzler, Minogue, Nephew and
President Hess
Nay: None Motion Carried*

Reconvene the Regular Meeting

The Regular Meeting reconvened at 9:45 p.m.

Adjourn

There being no further business Commissioner Dallman moved, seconded by Commissioner Creech, to adjourn the Regular Meeting at 9:47 p.m. *Motion Carried*

Respectfully submitted,

Laurelyn Woods
Board Secretary