

**MINUTES OF THE WARREN – WAUKEGAN FIRE PROTECTION DISTRICT  
GURNEE STATION #2  
SPECIAL MEETING**

Wednesday, October 3, 2007

President Martin Klauber called the meeting of the Board of Trustees of the Warren-Waukegan Fire Protection District to order at 7:30 p.m.

Trustees Present:                    John Badtke, Phillip DeRuntz, Martin Klauber

Other Officials Present:        Linda E. Spring, Attorney

Others Present:                    Angela Moreno, Recording Secretary  
Fred Friedl, Chief, Gurnee Fire Department  
Tom Keefe, Fire Marshal, Gurnee Fire Department  
John Kavanagh, Gurnee Fire Department  
Russell Buvala, Resident  
Jack Flory, Resident  
Diane Rudd, Resident  
John M. Diaz\*, Resident  
Pearl Dilg, Resident  
Edwin Golien, Resident  
Joseph A. Falotico, Resident  
Christy Berkquist, Resident  
Bob Meyer, Resident  
Bill Smith, Resident  
Jerry Rudd, Warren Township Highway Commissioner  
Barry Smith, Resident  
Terese Douglass, County Board Member  
Kyra Adrian, Resident  
Robert Ells, Grandwood Park District  
Chris Gano, Grandwood Park Civic Association  
Darleen Gano, Grandwood Park Civic Association  
Steve Carlson, County Board  
Diane LeClair, Grandwood Park District  
Bill LeClair, Grandwood Park Civic Association  
Bill Reil, Resident  
Tom Seveska, Resident  
Judith Crockett, Resident  
Sue O'Brien, Resident

*\*Indicates difficulty reading the name on the sign in sheet.*

**THESE MINUTES ARE NOT A VERBATIM ACCOUNT, EXCEPT WHERE OTHERWISE NOTED.**

**Consideration of action regarding burn ordinance**

President Klauber thanked all of the residents and Fire Department staff for attending the meeting, and stated that the Board heard the concerns voiced by the residents at the September 19<sup>th</sup>, 2007 meeting and further stated that he hoped that they could address those concerns this evening.

President Klauber opened the floor for public comment before the Board considered action.

**Public Comment:**

Pearl Dilg: Asked what has been decided by the Board to address the resident's concerns (regarding burning yard waste)?

Klauber: There will be an amended ordinance proposed this evening.

Jack Flory: Asked whether the Fire Department ever received complaints regarding unattended fires?

Klauber: (Conferring with Chief Friedl) Stated that yes there have been complaints regarding unattended fires, and one unattended fire spread to a home and burned down the house.

Al Oller: Stated that he feels the burn ordinance was tacked onto another ordinance with no chance to debate it publicly from the beginning. He has lived in Grandwood Park for years, he believes that neighbors self-police each other, and show courtesy when burning. He stated that he feels the ordinance should be repealed and reconsidered.

Badtke: Stated that the goal for the evening is to modify the ordinance (yard waste burning) that he believes was never discussed or considered.

Jane Day: Stated that she has lived on Cemetery Road for 40 years, and when the residents moved there they were encouraged to plant trees because there were only fields. Now 40 years later, there are problems with the trees and they need to take care of the trees.

Joe Falotico: If the Board approves a change tonight, when would it take effect?

Klauber: Immediately.

Trustee DeRuntz made a motion to adopt Ordinance 07-0-4, "An Ordinance Amending the Fire Prevention Code to Allow a Variance for Landscape Waste Burning and Recreational Fires". Trustee Klauber seconded the motion.

Discussion on the motion:

Trustee Badtke referenced page two, Section II B (2), which states “only individual property owners on parcels larger than two (2) acres in size may be permitted to burn waste on their property”, and asked why the ordinance restricts burning to only parcels larger than two acres. President Klauber stated that parcels that are smaller than two acres are located too close to neighbors. It was noted that the Fire Department recommended that the requirement be five acres, however, it was lowered to two acres to accommodate the many residents along Cemetery Road. Trustee Badtke stated that he is unaware of any history of problems with either yard waste fires or recreational fires in Grandwood Park (where the lot sizes are smaller), and that he believes the acreage doesn't matter if the size of the fire is proportionate to the size of the lot.

County Board Member Steve Carlson expressed concern regarding Section II E, which states that the Fire Marshal must inspect and approve containers (such as fire pits) used for recreational fires if they are not commercially designed and marketed for that use. Tom Keefe, Gurnee Fire Department Fire Marshal, stated that the International Fire Code does not require such inspections, and that section was not included at the Fire Department's request. Ms. Spring stated that the concern was that something that was not commercially made for recreational fire use may not be safe.

Trustee DeRuntz made a motion to amend Ordinance 07-0-04 to strike Section II E “Recreational Fires”. Trustee Klauber seconded the motion.

Voice vote on the proposed amendment:

AYES: DeRuntz, Klauber

NAYS: Badtke

Motion carried.

Further discussion on the original motion:

Trustee Badtke stated that he received the proposed Ordinance 07-0-04 after 5:00 p.m. last night, and that he does not feel prepared to pass it at this time without further examination. He stated that he would like to rescind the original ordinance that the Fire District adopted which bans the burning of yard waste.

Mr. Al Oller inquired as to how the ban on yard waste burning affects the Grandwood Park Park District. Ms. Spring stated that it doesn't because one municipal entity does not have control over another. Mr. Oller went on to state that he recalled Ms. Spring telling him one year ago that the Grandwood Park Park District could not burn yard waste per the International Fire Code which the Fire District adopted. Ms. Spring stated that it is her opinion that the Fire District does not have power over the park district; however she advised that the park district attorney call her directly to discuss this issue. Mr. Oller stated that the Grandwood Park Park District has applied for burn permits for the past 20 years and that they have had fires put out because they were in violation of the Fire District ordinance.

Trustee Badtke referred to Section II B (4), “Landscape Waste Burning Permits”, and stated that if a resident hires a commercial company to remove brush, they are no longer able to put it on the curb for the township to pick up, per Highway Commissioner Jerry Rudd.

Trustee Badtke inquired about burning (yard waste or recreational) at night, as it is not addressed in the ordinance. Mr. Keefe stated that the International Fire Code does not restrict yard waste or recreational burning after dark.

Trustee Badtke inquired about burning restrictions with respect to distance from the property line. The Ordinance does not address that issue.

Trustee Badtke referred to section II C (10), which states that the date a burn is planned must be included on the burning permit information form. He stated that he feels that would be difficult for the residents to know ahead of time and recommended striking that language.

Trustee DeRuntz made a motion to strike “including the date the burn is planned” from Section II C (10). Trustee Klauber seconded the motion.

Voice vote on proposed revision:

AYES: Badtke, DeRuntz & Klauber                      NAYS: None.                      Motion carried.

Mr. Keefe noted that under Section II C (13), the language should read that residents need to notify the Fire Marshal or shift commander on the day of the burn, prior to kindling the fire, as the Fire Marshal does not work 7 days per week.

Trustee DeRuntz made a motion to amend the following, Section II C (13): “Persons who have obtained a landscape waste burning permit must notify the Fire Marshal or Shift Commander on the day of the burn prior to kindling a fire. The Fire Marshal or Shift Commander shall advise the person planning to burn landscape waste whether burning is permitted on the planned day”. Trustee Badtke seconded the motion.

Voice vote on the proposed revision:

AYES: Badtke, DeRuntz, Klauber                      NAYS: None.                      Motion carried.

Trustee Badtke noted for the record that “the Fire Department had not reviewed the proposed ordinance for changes that are, in my opinion, glaring”.

Mr. Oller referred to Section II C (5), and inquired as to what/who is a “qualified person”? Trustee Badtke suggested that an age limit be added. Trustee DeRuntz stated that he trusts the judgment and discretion of the Fire Marshal to interpret that.

Trustee Klauber noted that the District is considering this proposed ordinance in an effort to accommodate the residents while still maintaining safety. Trustee Badtke asked for clarification as to why the District is continuing to restrict yard waste burning with there only being a history of one fire. Trustee Klauber stated that one fire is enough for him to feel it is the right thing to do to protect the residents, and Trustee DeRuntz stated that he knows of problems regarding burning within the District.

Kyra Adrian, a resident of the District, asked who residents can call if they are asthmatic and/or upset by a fire, and she was instructed to call 911.

Trustee Badtke stated for the record that the proposed ordinance should not be approved because it was not reviewed, and he would like to consider a new ordinance in November. He recommended tabling the proposed ordinance this evening.

Voice vote on the original motion to adopt Ordinance 07-0-4, "An Ordinance Amending the Fire Prevention Code to Allow a Variance for Landscape Waste Burning and Recreational Fires":

AYES: Klauber, DeRuntz

NAYS: Badtke.

Motion carried.

### **Confirmation of contract for audit services**

Trustee DeRuntz made a motion to appoint Dam, Snell & Taveirne, Ltd. as the District's auditor. Trustee Badtke seconded the motion.

AYES: Badtke, DeRuntz, Klauber

NAYS: None.

Motion carried.

### **Contract with Village of Gurnee**

President Badtke reported that the Village of Gurnee has proposed a 4% increase as well as an \$110,000 increase with an annual increase of 5% thereafter. He stated that the Village has indicated that if the District does not make a reasonable proposal they will cancel the contract, which will then require renegotiation for next year, or possibly contracting for fire services elsewhere. He said that he feels the Village is willing to negotiate fairly, and that their costs have gone up. President Klauber suggested proposing a 4% increase with an additional \$55,000 and a 4.5% annual increase thereafter. He stated that the Village's costs are going up faster than CPI and he feels this is a fair counter-proposal. He does not want to cancel the contract; he wants to continue to provide the residents of the district with the services of the Gurnee Fire Department.

Trustee DeRuntz stated that the District has been very responsible in building a reserve fund, bringing the District from a \$300,000 deficit to now having a \$1.5 million reserve. He stated that the new negotiated contract is what has allowed the District to build this reserve, and that President Klauber's proposal will continue to allow this fund to grow. Additionally, it will not cause a tax increase. He stated that he feels the proposal is very reasonable.

Trustee DeRuntz made a motion to authorize President Klauber to make a counter-proposal to the Village of Gurnee for the 2008-2009 contract of a 4% increase plus an additional \$55,000 increase, and then an annual increase of 4.5% for the 2009-2010 and 2010-2011 contract years. President Klauber seconded the motion.

Trustee Badtke explained the history of the current contract to the District residents that were in attendance. He stated that he does not believe the District has accurately and thoroughly reviewed the Fire Department and Village budget and audit documents, and recommended that a consultant should dissect the numbers and make a recommendation to the Board. President Klauber stated that the Village of Gurnee is audited by one of the largest auditing firms in the Country, and that he is very comfortable. He said he would be uncomfortable spending money to hire an auditor to audit an audit.

Trustee DeRuntz noted that the current contract requires a 4% increase, and that the new proposal is only a 2% increase the first year and then .5% each year thereafter. He stated that many costs are going up for the Village, i.e. personnel, insurance, benefits, utilities, and he is very comfortable with this offer.

Voice vote on the motion to authorize the counter proposal:

AYES: DeRuntz, Klauber

NAYS: Badtke

Motion carried.

**Impact Fee Ordinance**

The Impact Fee Ordinance 07-0-5 was discussed at a previous meeting.

Trustee Badtke made a motion to adopt Ordinance 07-0-5 “Ordinance regarding Impact Fees”. Trustee DeRuntz seconded the motion.

AYES: Badtke, DeRuntz, Klauber

NAYS: None.

Motion carried

**Adjournment:** Having no further business to come before the Board, Trustee Badtke made a motion to adjourn at 9:00 p.m. Trustee DeRuntz seconded the motion.

AYES: Badtke, DeRuntz, Klauber

NAYS: None.

Motion carried.

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Secretary of WWFPD

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Date minutes approved