



*The mission of the Hoffman Estates Park District is to offer healthy and enjoyable experiences to our residents and guests by providing first class parks, facilities, programs and services in an environmentally and fiscally responsible manner.*

**MINUTES  
BUILDING AND GROUNDS COMMITTEE  
May 5, 2015**

**1. Roll Call:**

A regular meeting of the Hoffman Estates Park District Building and Grounds Committee was held on May 5, 2015 at 7:00 p.m. at the Triphahn Center in Hoffman Estates, IL.

Present: Commissioner Mohan, Comm Rep Dekirmenjian, Friedman, Kinnane, Snyder, S. Triphahn, Chairman K. Evans

Absent: None

Also Present: Executive Director Bostrom, P&D Director Buczkowski, Rec/Facilities Director Kies

Audience: Commissioner McGinn, R. Evans, Kilbridge, President Bickham, Comm Rep Kaplan, Andrej Steskal

**2. Agenda:**

Commissioner Mohan made a motion, seconded by Comm Rep Snyder to approve the agenda as presented. The motion carried by voice vote.

**3. Minutes:**

Commissioner Mohan made a motion, seconded by Comm Rep S. Triphahn to approve the minutes of the April 7, 2015 meeting as presented. The motion carried by voice vote.

**4. Comments from the Audience:**

None

**5. Old Business:**

None

**6. New Business:**

A. Encroachment Issue TC/M15-054

Executive Director Bostrom reviewed the item and indicated he had met Mr. Andrej Steskal at his property at 1272 Caribou Lane on April 30<sup>th</sup> to discuss the treehouse encroachment. Executive Director Bostrom contacted PDRMA the following morning and PDRMA requested that the park district enter into a license/waiver agreement with Mr. Steskal that would include maintenance and inspection obligations and very specific insurance and indemnification/waiver language and to post signage on the property clarifying that the treehouse is on private property. Executive Director Bostrom stated that Mr. Steskal would also be required to pay up front per the district's Reimbursement of Fees policy. The Board will need to determine the final amount, but Executive Director Bostrom thought that the legal fees would be approx. \$200.

Executive Director Bostrom explained that the treehouse was constructed with scrap lumber on a dead but stable tree located in Essex Park. Essex Park was originally acquired in 2007 and is located northwest of Mr. Steskal's property and does not abut to the backyard of his property. The tree house was constructed in 2013, prior to the park district's acquisition of the wooded lot known as 31 Summit in 2014. This property was combined with Essex Park and the two properties combined are now identified as Essex Park.

Community Rep Snyder asked what the deck size was and if the ladder was attached. Mr. Steskal indicated the deck size was 4'x4' and that the ladder was screwed in. Community Rep Snyder indicated that the ladder should extend 1 or 2 feet above the height of the deck. He explained that his 11 year old son and 8 year old neighbor were the only ones who ever used the treehouse.

Community Rep Dekirmenjjan asked if we post the no trespassing sign and if someone other than Mr. Steskal's son gets injured, will the insurance cover any claims. Executive Director Bostrom indicated that it would be covered under insurance and that the purpose of posting the sign does not change liability or waivers. The park district would be named.

Community Rep Triphahn asked if a child falls, would the park district be named in the suit. Executive Director Bostrom explained that we would be named, but we would be covered by the waiver and indemnification.

Commissioner Mohan asked how often the children use the treehouse. Mr. Steskal's response was it was used once a week in the summer.

Community Rep Triphahn pointed out that the treehouse was never on Mr. Steskal's property and is not now.

Commissioner K. Evans explained that with the park district being named as additional insured, if someone gets hurt and sues, they can sue the homeowner and the park district. The homeowner would be the first respondent.

Community Rep Kinnane asked if we had any long range plans for the site. Executive Director Bostrom indicated there were no plans to renovate within the 5 year CMP.

Commissioner K. Evans asked if P&D Director Buczkowski or Parks Director Giacalone inspected the site. Director Buczkowski stated that he was not aware that the tree was on the property line.

Commissioner K. Evans asked what the highest fall surface was. P&D Director Buczkowski indicated it was 96", but it does have railings and canopies.

Commissioner K. Evans asked if there are other problem trees that staff will be removing. Director Buczkowski stated that Director Giacalone and his staff are removing buck thorn and invasive species and are evaluating trees based on hazardous conditions; not every tree that is dead is a hazard. Many trees can provide habitat.

Commissioner K. Evans asked about security issues as none of our patrols will be able to see the area. Executive Director Bostrom stated that you can see the area from the street.

Commissioner Kilbridge added that in the past there have been encroachments which enhanced properties and this is an encroachment which does not and was concerned why this encroachment would be granted.

Commissioner Bickham expressed concern about the signs and the 5 to 6 homes on the east side. Executive Director Bostrom indicated we could notify those residents of the boundaries.

Commissioner Bickham expressed concern over the large spacing between the vertical beams and children falling through them.

Mr. Steskal then addressed the board stating that his step-father and son wanted a treehouse and they built it there at the edge of the property line. They planned on working on it every summery as long as his son wanted to do it. Mr. Steskal indicated that he and his wife would be happy to sign waivers. He talked to his insurance company and increased policy from \$300,000 to \$500,000 and notified USAA

about the potential of the park district being named as additional interest party.

Commissioner K. Evans stated that there's a big difference in additional interest and additional insured party.

Community Rep Friedman suggested he get a \$1 million umbrella.

Mr. Steskal expressed his appreciation to the park district for buying the property. He requested that if the board does not allow the encroachment, that he have until the end of the summer to remove the treehouse as his step-father comes in July and August and he would like to have him and his son take it down.

Commissioner K. Evans explained that this is a committee that makes recommendations to the board and that the board will meet in 3 weeks to make the final decision.

Commissioner K. Evans further indicated that it seems like a risk that we would be taking; if someone was hurt the park district would still be involved.

Commissioner K. Evans made a motion, seconded by Commissioner Mohan to allow the treehouse to remain on the property at 1272 Caribou Lane with the following conditions:

- We require a license/waiver agreement that would include: maintenance and inspection obligations and very specific insurance and indemnification/waiver language for the benefit of the Park District.
- The property owner would need written clarification from the homeowner's insurer clarifying that they have homeowner's liability coverage which includes liability arising out of the tree house, contractual liability, and that the District will be named as an additional insured on a primary and non-contributory basis. This may require the homeowner to purchase a rider on their homeowner's policy. The license agreement would provide the District with the right to revoke privileges at any time.
- In addition, consistent with the board's recent policy on Reimbursement of Fees policy, the district will require a Reimbursement of Fees Agreement as condition to proceed with the homeowners request to cover all district expenses. The upfront deposit will be \$500.
- On the District's side of the property, we will require approved signage (at the homeowner's expense) clarifying that the tree house is private property and patrons are strictly prohibited from access to the tree house.

- The homeowner agrees to remove the treehouse at his sole expense at any time that the PDRMA requirements are no longer maintained or prior to his property being sold or transferred.

On a Roll Call: Carried  
Ayes: 4 Commissioner K. Mohan, Com Reps R. Dekirmenjian,  
M. Friedman, P. Kinnane  
Nays: 3 Com Reps P. Snyder, S. Triphahn, Commissioner K.  
Evans  
Absent: 0

B. Balanced Scorecard 1<sup>st</sup> Qtr / M5-055

Executive Director Bostrom reviewed the Balanced Scorecard explaining it was part of the CMP and tied in with the mission and goals. A baseline was created in 2014. The scorecard will be presented quarterly. He indicated this was a requirement of CAPRA and Distinguished Agency.

Community Rep Kaplan stated that the 1<sup>st</sup> quarter class registration numbers don't match. Director Kies pointed out that more classes were offered in the summer and the fall, so the numbers each quarter would vary tremendously depending on the season.

Community Rep Triphahn made a motion, seconded by Comm Rep Snyder to recommend the board approve the Balanced Scorecard 1Q2015. The motion carried voice vote.

C. Parks Board Report/M15-053:

Executive Director Bostrom reviewed the Parks report in John Giacalone's absence.

Community Rep Dekirmenjian inquired about in-house burns vs. contracted burns.

Executive Director Bostrom explained that staff conducts small burns (less than an acre) and the major burns (Victoria, Black Bear Parks) are contracted out, and the contractor is liable.

Director Kies indicated that our Parks Division trained the Mundelein Park District on performing controlled burns.

Community Rep Triphahn made a motion, seconded by Commissioner Mohan to send the Park Board Report to the board as presented. The motion carried voice vote.

D. P&D Board Report/M15-052:

Commissioner Mohan asked about paving the golf course would take place. Director Buczkowski indicated that if we stay on track, the work should take place the week of May 11<sup>th</sup>.

Commissioner Mohan made a motion, seconded by Comm Rep Snyder to send the P&D report to the board. The motion carried by voice vote.

7. **Committee Member Comments:**

Comm Rep Kinnane stated that he saw at PSSWC a sign regarding the Starfish 2014 award and thanked staff for their hard work. He also thanked staff for the great job during the Cannon Crossing dedication. He praised Chad Lindstrom, Fitness Supervisor at PSSWC, for being very helpful.

Comm Rep Friedman thanked the maintenance staff for getting the fields ready.

Commissioner K. Evans indicated this was his last B&G meeting and thanked everyone. He stated that with the encroachment issue on the agenda, we need everyone's vote and everyone attended the meeting...that's how this is supposed to work.

8. **Adjournment:**

Comm Rep Dekirmenjian made a motion, seconded by Comm Rep Triphahn to adjourn the meeting at 8:00 p.m. The motion carried by voice vote.

Respectfully submitted,

Dean R. Bostrom  
Secretary

Jane Kaczmarek  
Recording Secretary