

APPROVED
**LAKE ZURICH BOARD OF TRUSTEES
REGULAR MEETING
70 East Main Street**

Monday, January 21, 2008, 7:30 p.m.

1. CALL TO ORDER AND ROLL CALL

Meeting was called to order at 7:33 pm.

Present were Village President Tolomei, Trustees Branding, Callahan, Johnson, McAvoy, Poynton, and Taylor. Also present were Village Administrator Vitas, Village Attorney Burkland, Public Works Director/Engineer Heyden, Fire Chief Mastandrea, Park Director Perkins, and Building/Zoning Director Peterson.

2. PLEDGE OF ALLEGIANCE

3. PRESIDENT'S REPORT

A. Oath of Office, Village Administrator Bogdan "Bob" Vitas

President Tolomei introduced the Village's new Administrator Bogdan "Bob" Vitas before being sworn in by Village Clerk Palmblad. Administrator Vitas took this opportunity to summarize his background as well as introduce his family. Cake was served after the Board meeting.

B. Certificates of Recognition, Lake Zurich Flames

Head Coach Tom McTernan briefly mentioned the highlights of the team's season and noted they were the first team in the Flames lightweight division to win the Super Bowl. All of the coaches and players were introduced as they came forward to receive their certificates from President Tolomei.

C. President Tolomei visited Lake Zurich Middle School South on Wednesday. The seventh graders recently "went green" and began their own company of selling recyclable bags. Anyone interested in purchasing these bags should visit www.go/againbags.com.

4. PUBLIC COMMENT

No comments.

5. APPROVAL OF MINUTES

A. Regular Village Board meeting, January 7, 2008

MOTION was made by Trustee McAvoy, seconded by Trustee Callahan, to approve the Regular Village Board meeting minutes of January 7, 2008.

Voice vote, all in favor.

MOTION CARRIED.

6. CONSENT AGENDA

Trustee Poynton requested Item B be removed from the Consent Agenda for more discussion.

A. Warrant dated January 21, 2008. The Finance Committee recommends approval and the Board of Trustees approves the Warrant dated January 21, 2008 in the amount of \$334,650.91 which includes the following items over 5% of the total:

1. Lake County Public Works	\$63,730.92	19.04%
2. North American Salt	\$56,273.30	16.81%
3. Holland & Knight	\$48,291.08	14.43%
4. Atlas Bobcat, Inc.	\$45,960.00	13.73%
5. Bell Fuels	\$23,962.79	7.16%
6. LZ Fire Pension Fund	\$17,569.94	5.25%
7. Conserv. Farm Supply	\$17,289.82	5.17%

C. Orchard Pond/Sonoma subdivision request for letter of credit reduction. The Public Works Committee recommends approval and the Board of Trustees approves a reduction in LOC FGAC-02166 to the amount of \$134,842.68 with an additional LOC to be submitted for the wetland/natural resource area maintenance in the amount of \$75,000.00.

D. Concord Village subdivision request for letter of credit reduction. The Public Works Committee recommends approval and the Board of Trustees approves a reduction in LOC FGAC-03277 to the amount of \$305,227.00 with an additional LOC to be submitted for the wetland/natural resource areas maintenance in the amount of \$75,000.00.

E. Brookwood Estates subdivision request for letter of credit reduction. The Public Works Committee recommends approval and the Board of Trustees approves a reduction in LOC #318180411 to the amount of \$120,608.00.

F. Resolution for IMRF military service credit. The Committee of the Whole recommends approval and the Board of Trustees approves A Resolution to allow IMRF service credit for military service credit. (Assign RES. #2008-01-21A)

G. Newsline, February edition. The Committee of the Whole recommends approval and the Board of Trustees approves this edition of the *Newsline* as presented. (Document included in packet.)

H. Bond restructuring and refinancing. The Finance Committee recommends authorization and the Board of Trustees authorizes staff to further examine the feasibility of refinancing the General Obligation Bond Series 2000 (public safety building); restructuring and advance refunding of three TIF related bond series 2002A Bonds, 2003A Bonds and 2005A Bonds; and refinancing the TIF line of credit.

MOTION was made by Trustee Taylor, seconded by Trustee Poynton, to approve the Consent Agenda as read.

AYES: 6 Trustees Branding, Callahan, Johnson, McAvoy, Poynton, and Taylor

NAYES: 0

ABSENT: 0

MOTION CARRIED

7. ADMINISTRATOR'S REPORT

A. Canadian National acquisition of the EJ & E railway

Administrator Vitas noted a letter, drafted and distributed to the Board, opposing the Canadian National's acquisition of the Elgin, Joliet and Eastern Railway Company (EJ & E), included weeks of research with staff, Board members, and other interested parties. This document is required for the Environmental Impact Statement and will be mailed to the Surface Transportation Board (STB) by February 1st. Items of importance to the Village were included in this document under the subjects of Public, Vehicular and Pedestrian Safety, Environmental Impacts to the Community, Transportation Systems, and Land Use and Socio-Economics. The document also included Specific Mitigation Measures which should be considered if the purchase were to take place. Most of the Village's issues are of concern to our surrounding communities too. Administrator Vitas feels this acquisition, should it be approved, would be the single biggest issue with the greatest single impact to our residents and those communities that surround this railway. President Tolomei responded by stating infrastructure and other improvement costs should require reimbursement from the Canadian National Railway to lessen the impact of this purchase to the Village and its residents.

Trustee Callahan questioned how the quiet zone would be impacted if the EJ & E was purchased. Public Works Director/Engineer Heyden advised the zone is not impacted at this time but could be in jeopardy when additional trains are added. An additional analysis would need to be completed if and when this occurs. Trustee Callahan also questioned when the STB study might be completed. Building/Zoning Director Peterson heard a preliminary date was set for April.

Trustee Poynton thanked staff for strengthening the letter and requested it be posted on the website. Any residents interested in including their comments on this subject can send them electronically to the STB from a link on the Village's website.

Trustee Taylor suggested an ordinance be written that deals with the transportation of hazardous material through town particularly due to the proximity of these tracks to our schools, libraries, and housing. Village Administrator Vitas concurred.

8. ATTORNEY'S REPORT

No report.

9. COMMITTEE AND TRUSTEE REPORTS

Trustee Johnson thanked staff for their informative monthly reports.

10. OTHER BUSINESS

- A. Ordinance to allow Class C liquor license for Wal-Mart and Class H-2 liquor license for Jewel-Osco. Consideration of AN ORDINANCE AMENDING SECTION 3-3B-14 OF THE LAKE ZURICH MUNICIPAL CODE RELATED TO THE NUMBER OF AUTHORIZED LIQUOR LICENSES. (Assign ORD. #2008-01-548)

At last week's Committee of the Whole meeting it was recommended the Board approve an ordinance to allow a Class C liquor license for Walmart to sell packaged liquor. Since that time, Jewel-Osco has now paid the required fee for a Class H-2 license, which allows unlimited tasting events. Approval of both these licenses requires the Municipal Code be amended and adjust the number of Class C licenses to 10 and the number of Class H-2 licenses to 3.

MOTION was made by Trustee Poynton, seconded by Trustee McAvoy, to approve the Ordinance amending Section 3-3B-14 of the Lake Zurich Municipal Code related to the number of authorized liquor licenses, Ordinance #2008-01-548.

AYES: 6 Trustees Branding, Callahan, Johnson, McAvoy, Poynton, and Taylor

NAYES: 0

ABSENT: 0

MOTION CARRIED

Consent Agenda Item B.

- B. Klein Development, 525 & 405 N. Rand Road (Cozzi's). The Planning and Development Committee recommends approval and the Board of Trustees approves AN ORDINANCE APPROVING ZONING MAP AMENDMENTS, SPECIAL USE PERMITS, A PLANNED UNIT DEVELOPMENT, A PLAT OF SUBDIVISION, SITE PLANS AND EXTERIOR APPEARANCE PLANS FOR 405 AND 525 N. RAND ROAD. (COZZI'S ADVENTURE GOLF REDEVELOPMENT) (Assign ORD. #2008-01-547)

At last week's Planning & Development Committee meeting, Trustee Poynton requested Mr. Klein visit neighboring residents to confirm they were aware of what was being proposed. Mr. Klein stated the neighbor to the rear of the project was aware of this proposed change and had no problems with this going forward.

Trustee Poynton also questioned whether the compensating amenities had been decided. Staff suggested the \$8000 be spent on landscaping along the new fence line at Paulus Park on Rand Road. The Board concurred.

Trustee Poynton also voiced the concerns he had regarding density, traffic issues, and the decision to override the Plan Commission.

Trustee Branding concurred and suggested the project be built within the Village's zoning and ordinances. Project Attorney Dan Shapiro stated this project is being built by PUD's standards with a special use permit. Setbacks and signage were also discussed as they apply to the PUD.

MOTION was made by Trustee McAvoy, seconded by Trustee Callahan, to approve an ordinance approving Zoning Map Amendments, Special Use Permits, a Planned Unit Development, a Plat of Subdivision, Site Plans and Exterior Appearance Plans for 405 and 525 N. Rand Road (Cozzi's Adventure Golf Redevelopment), Ordinance #2008-01-547.

AYES: 4 Trustees Callahan, Johnson, McAvoy, and Taylor

NAYES: 2 Trustees Branding and Poynton

ABSENT: 0

MOTION CARRIED

11. EXECUTIVE SESSION called for the purpose of discussing probable, pending or imminent litigation.

MOTION was made by Trustee Taylor, seconded by Trustee Poynton, to adjourn to Executive Session and not reconvene to open session.

AYES: 6 Trustees Branding, Callahan, Johnson, McAvoy, Poynton, and Taylor

NAYES: 0

ABSENT: 0

MOTION CARRIED

12. ADJOURNMENT

Meeting adjourned at 8:15 pm.

Respectfully submitted: *Gloria M. Palmblad, Village Clerk*

Approved by: _____
President John G. Tolomei