

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

Monday, December 1, 2008

1. CALL TO ORDER AND ROLL CALL

The meeting was called to order at 7:45 pm.

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

2. PLEDGE OF ALLEGIANCE

3. PRESIDENT'S REPORT

A. Proclamation Honoring Senator William Peterson upon his retirement

A proclamation recognizing Senator Peterson's 25 years of service and accomplishments was read by Clerk Palmblad. Senator Peterson thanked the residents for their support over the years.

B. Proclamation, National Drunk and Drugged Driving (3D) Prevention Month, December 2008

A proclamation recognizing December as National Drunk and Drugged Driving Month was read by Clerk Palmblad.

C. Presentation of Save by Belt award to Police Department

Applications were submitted by the Police Department of two individuals who survived traffic crashes in Lake Zurich, mainly because they were properly seat belted during altercations in 2008. Ninfa Lara was present to receive her "Save by the belt" award.

4. PUBLIC COMMENT

Joseph Morissey, 32 S. Chestnut Ct., Hawthorn Woods, advised the Board a complaint has been filed with the Pollution Control Board against Alpine Automotive. According to Mr. Morissey, Alpine Automotive is not adhering to what was agreed upon when the special use ordinance was approved.

Jeff Halen, 154 S. Pleasant Road, requested the Board not approve item D, supplemental landscaping plan at the Holiday Inn Express, under Other Business. Mr. Halen's prepared statements listed the history of the landscaping discussions and the reason behind his objection. Several key descriptions of the residents' options were not included in the ordinance and therefore, not included in the supplemental landscaping plan before the Board for approval this evening.

Aaron Karstens, 162 S. Pleasant Road, Ilya Dubovis, 178 S. Pleasant Road, and Larry Wang, 166 S. Pleasant Road, also spoke against the supplemental landscaping plan before the Board for approval this evening. They all firmly believe this plan does not reflect what was agreed to at the time the Holiday Inn Express was before the Board for approval. They respectfully requested a revised plan that includes all the items they agreed to at approval time.

Adam Fink, Joseph Freed & Associates, has attempted to work out an agreement with the residents directly behind the Holiday Inn Express. Mr. Fink explained this plan was submitted prematurely due to the fact that the ordinance requires the landscape plan be approved prior to the opening of the hotel and receiving a certificate of occupancy. Starbucks is scheduled to open on December 13th and did not want to jeopardize their occupancy permit from being issued. As long as they have the Board's assurance these permits will be issued without delay, Mr. Fink will work out the details with the neighbors in finding an agreeable plan before planting begins in the spring.

Village Attorney Burkland reminded everyone the landscaping plan does not relate to the occupancy permit for the Starbucks, only the Holiday Inn Express. It was suggested the landscaping plan be withdrawn at this time.

Building/Zoning Director Peterson stated the ordinance requires the landscape plan be submitted for approval within 30 days of completion of the hotel roof. Village Attorney Burkland disagreed with this interpretation.

Mr. Fink agreed to withdraw the current supplemental landscape plan. The Board concurred. The agenda was amended.

Mr. Halen is requesting assistance from the Village staff to help in this process.

5. APPROVAL OF MINUTES

A. Regular Village Board meeting November 17, 2008

MOTION was made by Trustee Callahan, seconded by Trustee Poynton, to approve the Regular Village Board meeting minutes of November 17, 2008 as presented.

Voice vote, all in favor.

MOTION CARRIED

- B. Special Village Board meeting November 24, 2008
MOTION was made by Trustee Johnson, seconded by Trustee Branding, to approve the Special Village Board meeting minutes of November 24, 2008 as presented.
Voice vote, all in favor.
MOTION CARRIED.

6. CONSENT AGENDA

Board members requested items A and D be removed from Consent for further discussion under other business.

- B. Cricket Communications, Crown Castle, 511 Capital Drive. The Planning and Development Committee recommends approval and the Board of Trustees approves AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR 511 CAPITAL DRIVE (CROWN CASTLE TOWER) (Assign ORD. #2008-12-591)
- C. Ordinance regarding safety at Village-owned properties. The Public Safety Committee recommends approval and the Board of Trustees approves AN ORDINANCE AMENDING TITLE 5, CHAPTER 3 OF THE LAKE ZURICH MUNICIPAL CODE TO PROHIBIT THE POSSESSION OF DANGEROUS WEAPONS ON OR WITHIN ANY VILLAGE-OWNED PROPERTY OR FACILITY. (Assign ORD. #2008-12-592)
- E. MFT Resolution for anti-ice materials and storage facility. The Public Works Committee recommends approval and the Board of Trustees approves a Resolution for anti-ice materials and storage facility in the amount of \$66,990.00 MFT funds. (Assign RES. #2008-12-01A)
- F. MFT Resolution for bulk rock road salt. The Public Works Committee recommends approval and the Board of Trustees approves a Resolution for bulk rock road salt in the amount of \$255,420.00 MFT funds. (Assign RES. #2008-12-01B)
- G. An agreement with IDOT to obtain reimbursement for Sonoma sewer project. The Public Works Committee recommends approval and the Board of Trustees approves an agreement with IDOT to obtain \$17,000 for reimbursement for the Sonoma sewer project.

MOTION was made by Trustee McAvoy, seconded by Trustee Branding, 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

Village Administrator Vitas reminded everyone the bond ordinance will be published on December 3rd. Petitions can be circulated as of then and will need to be returned by January 2nd.

8. ATTORNEY'S REPORT

No report.

9. COMMITTEE AND TRUSTEE REPORTS

No report.

10. OTHER BUSINESS

- A. Annual boards and commissions meeting schedule for 2009. Consideration of the annual boards and commissions meeting schedule for 2009.

Village President Tolomei reviewed the changes to the schedule. In particular, the Board of Trustees will now meet only on the third Monday of each month and the Committees of the Whole will now meet only the first Monday of each month, both at 7 pm, except for holidays.

MOTION was made by Trustee Callahan, seconded by Trustee McAvoy, to approve the Annual boards and commissions meeting schedule for 2009.

AYES: 5 Trustees Branding, Callahan, Johnson, McAvoy, and Poynton,

NAYES: 1 Trustee Taylor

ABSENT: 0

MOTION CARRIED

- B. Consideration of the following ordinances:

- 1) ANNUAL TAX LEVY ORDINANCE. (Assign ORD. #2008-12-593)
- 2) ORDINANCE ABATING CERTAIN TAXES LEVIED FOR \$1,830,000 GENERAL OBLIGATION, SERIES 2002A AND \$3,970,000 GENERAL OBLIGATION SERIES 2002. (Assign ORD. #2008-12-594)
- 3) ORDINANCE ABATING CERTAIN TAXES LEVIED FOR \$2,000,000 GENERAL OBLIGATION, SERIES 2002. (Assign ORD. #2008-12-595)
- 4) ORDINANCE ABATING CERTAIN TAXES LEVIED FOR \$4,200,000 GENERAL OBLIGATION, SERIES 2003A. (Assign ORD. #2008-12-596)
- 5) ORDINANCE ABATING CERTAIN TAXES LEVIED FOR \$1,960,000 GENERAL OBLIGATION, SERIES 2003B. (Assign ORD. #2008-12-597)
- 6) ORDINANCE ABATING CERTAIN TAXES LEVIED FOR \$700,000 TAXABLE GENERAL OBLIGATION, SERIES 2003D. (Assign ORD. #2008-12-598)
- 7) ORDINANCE ABATING CERTAIN TAXES LEVIED FOR \$2,050,000 GENERAL OBLIGATION, SERIES 2006. (Assign ORD. #2008-12-599)

MOTION was made by Trustee Callahan, seconded by Trustee McAvoy, to approve the Annual Tax Levy Ordinance #2008-12-593.

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

NAYES: 0

ABSENT: 0

MOTION CARRIED

MOTION was made by Trustee Callahan, seconded by Trustee Johnson, to approve an Ordinance Abating Certain Taxes Levied for \$1,830,000 General Obligation, Series 2002A and \$3,970,000 General Obligation Series 2002, ordinance #2008-12-594.

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

NAYES: 0

ABSENT: 0

MOTION CARRIED

MOTION was made by Trustee Callahan, seconded by Trustee McAvoy, to approve an Ordinance Abating Certain Taxes Levied for \$2,000,000 General Obligation, Series 2002, ordinance #2008-12-595.

AYES: 5 Trustees Callahan, Johnson, McAvoy, Poynton, and Taylor

NAYES: 0

ABSENT: 0

ABSTAIN: 1 Trustee Branding

MOTION CARRIED

MOTION was made by Trustee Callahan, seconded by Trustee Taylor, to approve an Ordinance Abating Certain Taxes Levied for \$4,200,000 General Obligation, Series 2003A, ordinance #2008-12-596.

AYES: 5 Trustees Callahan, Johnson, McAvoy, Poynton, and Taylor

NAYES: 0

ABSENT: 0

ABSTAIN: 1 Trustee Branding

MOTION CARRIED

MOTION was made by Trustee McAvoy, seconded by Trustee Taylor, to approve an Ordinance Abating Certain Taxes Levied for \$1,960,000 General Obligation, Series 2003B, ordinance #2008-12-597.

AYES: 5 Trustees Callahan, Johnson, McAvoy, Poynton, and Taylor

NAYES: 0

ABSENT: 0

ABSTAIN: 1 Trustee Branding

MOTION CARRIED

MOTION was made by Trustee Callahan, seconded by Trustee Johnson, to approve an Ordinance Abating Certain Taxes Levied for \$700,000 Taxable General Obligation, Series 2003D, ordinance #2008-12-598.

AYES: 5 Trustees Callahan, Johnson, McAvoy, Poynton, and Taylor

NAYES: 0

ABSENT: 0

ABSTAIN: 1 Trustee Branding

MOTION CARRIED

MOTION was made by Trustee Taylor, seconded by Trustee Poynton, to approve an Ordinance Abating Certain Taxes Levied for \$2,050,000 General Obligation, Series 2006, ordinance #2008-12-599.

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

NAYES: 0

ABSENT: 0

MOTION CARRIED

- C. All Creatures Animal Hospital, 22080 W. Route 22. The Planning and Development Committee recommends approval and the Board of Trustees approves:

- 1) AN ORDINANCE ANNEXING PROPERTY AT 22080 W. ILLINOIS ROUTE 22 TO THE VILLAGE OF LAKE ZURICH (ALL CREATURES ANIMAL HOSPITAL) (Assign ORD. #2008-12-600)
- 2) AN ORDINANCE GRANTING A ZONING MAP AMENDMENT AND SITE PLAN APPROVAL FOR 1210 E. ILLINOIS ROUTE 22 AND 22080 W. ILLINOIS ROUTE 22 (ALL CREATURES ANIMAL HOSPITAL) (Assign ORD. #2008-12-601)

MOTION was made by Trustee Callahan, seconded by Trustee McAvoy, to approve an Ordinance Annexing Property At 22080 W. Illinois Route 22 to the Village of Lake Zurich, ordinance #2008-12-600.

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

NAYES: 0

ABSENT: 0

MOTION CARRIED

MOTION was made by Trustee Poynton, seconded by Trustee Taylor, to approve an Ordinance Granting a Zoning Map Amendment and Site Plan Approval for 1210 E. Illinois Route 22 and 22080 W. Illinois Route 22, ordinance #2008-12-601.

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

NAYES: 0

ABSENT: 0

MOTION CARRIED

- D. Consideration of Holiday Inn Express, 195 S. Rand Road supplemental landscaping plan.

Building/Zoning Director Peterson advised President Tolomei that staff is helping the residents with their selection process. This item has been withdrawn by the petitioner.

E. Consideration of a Resolution detailing the uses of the planned \$16,000,000 General Obligation Bonds (Alternate Revenue Source) of the Village of Lake Zurich (Assign RES. #2008-12-01C)

Finance Director Zochowski pointed out the resolution clearly states the bond uses of these funds. This mechanism allows the Village to abate the taxes levied in the general obligation bonds mentioned above.

Trustee Taylor requested clarification on what the consequences will be for the Village should a petition be filed. Finance Director Zochowski supplied the Village Board with three alternatives, all with negative outcomes to the Village's finances.

MOTION was made by Trustee Taylor, seconded by Trustee McAvoy, to approve the Resolution detailing the uses of the planned \$16,000,000 General Obligation Bonds of the Village of Lake Zurich, resolution #2008-12-01C.

AYES: 5 Trustees Callahan, Johnson, McAvoy, Poynton, and Taylor

NAYES: 0

ABSENT: 0

ABSTAIN: 1 Trustee Branding

MOTION CARRIED

Consent Agenda Items:

A. Warrant dated December 1, 2008. The Finance Committee recommends approval and the Board of Trustees approves the Warrant dated December 1, 2008 in the amount of \$3,031,312.06 which includes the following items over 5% of the total:

1. Bank of New York	\$1,648,175.65	54.37%
2. Wells Fargo Bank	\$948,087.50	31.28%
3. Mauro Sewer Construction	\$166,734.00	5.50%

MOTION was made by Trustee Callahan, seconded by Trustee McAvoy, to approve the Warrant dated December 1, 2008, in the amount of \$3,031,312.06.

AYES: 5 Trustees Callahan, Johnson, McAvoy, Poynton, and Taylor

NAYES: 0

ABSENT: 0

ABSTAIN: 1 Trustee Branding

MOTION CARRIED

H. Courtesy Review of 143 E. Main Paintball Arena Application. The Planning and Development Committee recommends referral and the Board of Trustees refers this matter to the appropriate hearing boards.

Trustee McAvoy provided his negative opinion of this business moving into the Village.

This item will now move forward to the appropriate Boards and Commissions without recommendation from the Board.

Other Comments:

President Tolomei advised the annual TIF Review Board will be meeting on December 17th. The current Village representative and Chairman, Joe Miller, resigned last year. A new representative needs to be appointed. President Tolomei recommended Denise Schirmann.

11. EXECUTIVE SESSION called to discuss pending, probable, or imminent litigation.

MOTION was made by Trustee McAvoy, seconded by Trustee Johnson, to adjourn to Executive Session for the purpose of discussing pending, probable, or imminent litigation, 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 9:00 pm.

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

Approved by: _____
President John G. Tolomei