

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

Monday, January 19, 2009

1. CALL TO ORDER AND ROLL CALL

The meeting was called to order at 7:03 pm.

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

2. PLEDGE OF ALLEGIANCE

3. PRESIDENT'S REPORT

A. Appointment of Administrative Hearing Officer David Eterno

The Village recently approved the installation of red light traffic cameras at three intersections along Rand Road. Part of the enforcement program provides the opportunity for appeals and; therefore, the need for an Administrative Hearing Officer. The selection process was described by Administrator Vitas. Mr. David Eterno was available to answer questions from the Board.

MOTION was made by Trustee Johnson, seconded by Trustee Branding, to approve the appointment of Administrative Hearing Officer David Eterno, subject to a change in the agreement to indicate the opportunity for the hearing officer to call in a substitute in times of conflict.

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

NAYES: 0

ABSENT: 1 Trustee Callahan

MOTION CARRIED

B. Proclamation honoring the Lake Zurich High School Theatre Program

Kathy Koll, Parent Volunteer, introduced the students present to come forward to receive their copy of the Proclamation Honoring the Lake Zurich High School Theatre Program read by Clerk Palmblad.

4. PUBLIC COMMENT

Jim Tarbett, 1195 Cedar Creek Drive, spoke regarding the agreement with Ehlers & Associates, listed as item B under the Consent Agenda. He requested the agreement include specific modifications to the TIF, along with meeting compliance issues on affordable housing.

Rich Sustich, 217 Sandy Point Lane, requested all material on the agenda be included for review at the front desk of Village Hall and at the library.

5. APPROVAL OF MINUTES

A. Regular Village Board meeting December 15, 2008

MOTION was made by Trustee McAvoy, seconded by Trustee Taylor, to approve the Regular Village Board meeting minutes of December 15, 2008.

Voice vote, all in favor.

MOTION CARRIED

6. CONSENT AGENDA

Trustee Branding requested Items A and B be removed for further discussion under Other Business.

C. Wicklow Villas PUD amendment for decks and patios. The Planning and Development Committee recommends approval and the Board of Trustees approves AN ORDINANCE AMENDING THE WICKLOW VILLAGE PLANNED UNIT DEVELOPMENT TO AUTHORIZE EXPANSION OF CERTAIN EXISTING DECKS AND PATIOS. (Assign ORD. #2009-01-604)

D. Landstar Realty Group, Inc., 320 E. Route 22. The Planning and Development Committee recommends approval and the Board of Trustees approves AN ORDINANCE APPROVING AN ADJUSTMENT TO THE SITE PLAN FOR 320 EAST ROUTE 22. (Assign ORD. #2009-01-605)

E. Change order for Mionske Pond project. The Public Works Committee recommends approval and the Board of Trustees approves a change order for the Mionske Pond project in the amount of \$17,000.90 to Mauro Sewer Construction Co.

F. Award of bid for printing of Recreation Brochure. The Public Works Committee recommends approval and the Board of Trustees approves the award of printing of the Recreation Brochure to Hagg Press in the amount of \$10,741.00.

G. 2009 Playground Proposals. The Public Works Committee recommends approval and the Board of Trustees approves the proposals as outlined in Director Perkins memorandum dated December 29, 2008 regarding playgrounds for 2009.

H. Public Works mutual aid agreement with IPWMAN. The Public Works Committee recommends approval and the Board of Trustees approves AN ORDINANCE AUTHORIZING EXECUTION OF THE ILLINOIS PUBLIC WORKS MUTUAL AID NETWORK AGREEMENT (IPWMAN). (Assign ORD. #2009-01-606)

I. Grant of non-exclusive permanent easement from EJ&E for sidewalk along South Old Rand Road. The Public Works Committee recommends approval and the Board of Trustees approves A Resolution Accepting a Non-Exclusive Permanent Easement from the Elgin, Joliet & Eastern Railway Company. (Assign RES. #2009-01-19A)

J. Newsline, February edition. The Committee of the Whole recommends approval and the Board of Trustees approves this edition of the *Newsline* subject to inclusion of the Mayor's column.

- K. Ordinance adjusting number of liquor licenses. The Committee of the Whole recommends approval and the Board of Trustees approves AN ORDINANCE AMENDING SECTION 3-3B-14 OF THE LAKE ZURICH MUNICIPAL CODE RELATED TO THE NUMBER OF AUTHORIZED LIQUOR LICENSES. (Assign ORD. #2009-01-607)

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

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

NAYES: 0

ABSENT: 1 Trustee Callahan

MOTION CARRIED

7. ADMINISTRATOR'S REPORT

No report.

8. ATTORNEY'S REPORT

No report.

9. OTHER BUSINESS

Consent Agenda Items:

- A. Approval of semi-monthly warrant register dated January 5, 2009 totaling \$396,288. The Finance Committee recommends approval and the Board of Trustees approves the warrant register dated January 5, 2009.

MOTION was made by Trustee McAvoy, second by Trustee Johnson, to approve the semi-monthly warrant register dated January 5, 2009 totaling \$396,288.

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

NAYES: 0

ABSENT: 1 Trustee Callahan

ABSTAIN: 1 Trustee Branding

MOTION CARRIED

- B. Professional Services Agreement for TIF District Amendment and Extension Services. The Finance Committee recommends approval and the Board of Trustees approves an agreement with Ehlers & Associates, Inc. to provide TIF District Amendment and Extension Services in the amount of \$13,000.

MOTION was made by Trustee Taylor, seconded by Trustee Poynton, to approve an agreement with Ehlers & Associates, Inc. to provide TIF District Amendment and Extension Services in the amount of \$13,000.

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

NAYES: 0

ABSENT: 1 Trustee Callahan

ABSTAIN: 1 Trustee Branding

MOTION CARRIED

Other Business:

- A. Ordinance regarding registration of construction contractors. The Committee of the Whole recommends approval and the Board of Trustees approves AN ORDINANCE AMENDING THE LAKE ZURICH MUNICIPAL CODE REGARDING CONTRACTOR REGISTRATION. (Assign ORD. #2009-01-608)

Trustee Poynton questioned the need for this ordinance and the ordinance under Other Business, item B. Building/Zoning Director Peterson is looking to protect the residents by requiring contractors to register annually with the Village and provide surety bonds. The current permit process does not duplicate this information. Trustee Poynton does not want the Village to provide referrals. Questions from the Trustees were answered by Building/Zoning Director Peterson. Discussion followed.

MOTION was made by Trustee Taylor, seconded by Trustee McAvoy, to approve an ordinance amending the Lake Zurich Municipal Code regarding Contractor Registration, Ordinance #2009-01-608.

AYES: 4 President Tolomei, Trustees Johnson, McAvoy, and Taylor

NAYES: 2 Trustees Branding and Poynton

ABSENT: 1 Trustee Callahan

MOTION CARRIED

- B. Ordinances regarding registration of Fire Safety System Installers. The Committee of the Whole recommends approval and the Board of Trustees approves AN ORDINANCE AMENDING THE LAKE ZURICH MUNICIPAL CODE REGARDING FIRE SYSTEMS CONTRACTOR REGISTRATION. (Assign ORD. #2009-01-609)

Discussion under item A also pertained to Item B.

MOTION was made by Trustee Taylor, seconded by Trustee McAvoy, to approve an ordinance amending the Lake Zurich Municipal Code regarding Fire Systems Contractor Registration, Ordinance #2009-01-609.

AYES: 4 President Tolomei, Trustees Johnson, McAvoy, and Taylor

NAYES: 2 Trustees Branding and Poynton

ABSENT: 1 Trustee Callahan

MOTION CARRIED

- C. Discussion of Proposed Development Agreement. Continued discussion of proposed development agreement with ESG.

The proposed agreement was distributed to the Board members and Department Heads (staff) for their review two weeks ago. Staff was asked to submit their concerns to Village Administrator Vitas and Attorney Burkland but these issues are not yet addressed in the current draft dated January 16, 2009. The Board asked for clarification from Village Attorney Burkland on the opportunity periods. Administrator Vitas stated a meeting will be scheduled with staff and the Village Attorney to review in depth Staff's comments. These policy issues will then be submitted to the Board for their review and possible incorporation into the agreement.

President Tolomei requested the results of that meeting be brought forward for discussion as soon as possible to be certain the Board approves of the overall policy issues in the agreement before more time is spent by staff and the attorney.

Attorney Burkland suggested a separate Board meeting be scheduled, in the near future, to discuss the issues and negotiate this agreement. Attorney Burkland reviewed the major policy issues listed in all five staff member's memos.

David Smith, Barrington, Jeff Smith, Palatine, both from Equity Services Group (ESG) and Steve Thayer, Attorney for ESG, were available for questions and look forward to reviewing staff's comments.

D. Determination to file CN petition for stay of Village of Lake Zurich, STB Finance Docket 35087. TRAC update on petition of stay and funding request.

An update on the TRAC meeting from Friday, January 9th, was provided by President Tolomei. The TRAC organization has decided to request a stay of court in proceeding with the acquisition. Additional funding from the members would be needed to proceed. President Tolomei polled the Board for their opinion. The Lake Zurich Fire Protection District was asked to help share the cost. The CN sent a letter to President Tolomei requesting discussions resume to explore a voluntary mitigation agreement to address environmental issues. Administrator Vitas was given direction to submit these additional funds to TRAC.

10. NEW BUSINESS

A. Foglia YMCA, 1025 Old McHenry Road. Plan Commission recommendation and consideration of AN ORDINANCE APPROVING AN AMENDMENT TO SECTION 7-203 OF THE LAKE ZURICH ZONING CODE AND A SPECIAL USE PERMIT FOR 1025 OLD MCHENRY ROAD. (Assign ORD. #2009-01-610)

The Foglia YMCA requested a text amendment and special use permit to allow massage therapy services. The Plan Commission unanimously approved this request.

MOTION was made by Trustee Johnson, seconded by Trustee Branding, to approve an ordinance approving an amendment to Section 7-203 of the Lake Zurich Zoning Code and a Special Use Permit for 1025 Old McHenry Road, Ordinance #2009-01-610.

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

NAYES: 0

ABSENT: 1 Trustee Callahan

MOTION CARRIED

B. Courtesy review referral to appropriate hearing boards. Consideration of a request from Anand Bhatt, Coliseum, 763 Rand Road for a Zoning Code text amendment and special use permit for alcohol-free dance club at former Bennigan's restaurant.

Mr. Prasad Bhatt, owner of the property formerly known as Bennigan's, spoke regarding his idea to offer an alcohol free dance club and entertainment venue for young adults in the area.

A recess was called to allow a change in the videotape at 9:01 pm.

The meeting reconvened at 9:06 pm.

Mr. Bhatt currently has such an operation in Rockford and was available to answer questions from the Board regarding security, entrance fees and the possibility of selling alcohol in the future. Questions regarding curfew were raised which Chief Finlon will investigate and report back. Concerns were also expressed regarding whether local ordinances would allow such activity.

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

- E. Electricity supply three-year agreement with Exelon Energy. Consideration of authorization to enter into three-year electricity supply agreement with Exelon Energy with waiver of the bid process.

Public Works Director/Engineer Heyden investigated the possibility of securing new energy rates now that prices for oil and natural gas are at their lowest prices in two years.

David Hoover, of NIMEC, explained that energy costs are going down; however, tariff rates are increasing, offsetting some anticipating savings. Public Works Director/Engineer Heyden recommended the Village enter into a three year contract with Exelon Energy.

MOTION was made by Trustee McAvoy, seconded by Trustee Taylor, to authorize the Village President to enter into a three year electricity supply agreement with Exelon Energy with waiver of the bid process.

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

NAYES: 0

ABSENT: 1 Trustee Callahan

MOTION CARRIED

- C. Municipal Code amendment for emergency vehicle lock-out services. Consideration of AN ORDINANCE AMENDING CHAPTER 8 OF TITLE 6 OF THE LAKE ZURICH MUNICIPAL CODE RELATING TO EMERGENCY VEHICLE LOCK-OUT SERVICES. (Assign ORD. #2009-01-611)

The emergency vehicle lock-out service was inadvertently left out of the municipal code during a comprehensive amendment and; therefore, is being reintroduced.

MOTION was made by Trustee Johnson, seconded by Trustee McAvoy, to approve an ordinance amending Chapter 8 of Title 6 of the Lake Zurich Municipal code relating to Emergency Vehicle Lock-out Services, Ordinance #2009-01-611.

AYES: 5 Trustees Branding, Johnson, McAvoy, Poynton, and Taylor
NAYES: 0
ABSENT: 1 Trustee Callahan
MOTION CARRIED

- D. Presentation of semi-monthly warrant register dated January 19, 2009 totaling \$649,374. Consideration of the warrant register dated January 19, 2009 totaling \$649,374.

Due to scheduling changes for meetings of the Board of Trustees, a semi-monthly warrant will now appear under new business.

MOTION was made by Trustee McAvoy, seconded by Trustee Taylor, to approve the semi-monthly warrant register dated January 19, 2009 totaling \$649,374.

AYES: 4 Trustees Johnson, McAvoy, Poynton, and Taylor
NAYES: 0
ABSTAIN: 1 Trustee Branding
ABSENT: 1 Trustee Callahan
MOTION CARRIED

11. TRUSTEE REPORTS

No report.

12. **EXECUTIVE SESSION** for the purpose of discussing pending, probable, or imminent litigation and personnel matters.

MOTION was made by Trustee Johnson, seconded by Trustee Taylor, to adjourn to Executive Session for the purpose of discussing pending, probable, or imminent litigation and personnel matters, and not reconvene to open session.

AYES: 5 Trustees Branding, Johnson, McAvoy, Poynton, and Taylor
NAYES: 0
ABSENT: 1 Trustee Callahan
MOTION CARRIED

13. ADJOURNMENT

Meeting adjourned at 9:34 pm.

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

Approved by: _____
President John G. Tolomei