

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

Monday, March 16, 2009

1. CALL TO ORDER AND ROLL CALL

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

Present were Village President Tolomei (7:10 pm), Trustees Branding, Callahan, Johnson, Poynton, and Taylor. Trustee McAvoy was excused. Also present were Village Administrator Vitas, Village Attorney Kirlin, Police Chief Finlon, Public Works Director/Engineer Heyden, Police Chief Mastandrea, Park Director Perkins, Building/Zoning Director Peterson, and Finance Director Zochowski.

MOTION was made by Trustee Callahan, seconded by Trustee Poynton, to appoint Trustee Taylor as President Pro Tempore until the arrival of President Tolomei.

Voice vote, all in favor.

MOTION CARRIED

2. PLEDGE OF ALLEGIANCE

5. APPROVAL OF MINUTES

A. Regular Village Board meeting February 17, 2009

Trustee Branding requested her reasons for requesting the Village table the approval of a proposed redevelopment contract with ESG be added to Item 9B and corrected to a failed motion.

MOTION was made by Trustee Callahan, seconded by Trustee Johnson, to approve the Regular Village Board meeting minutes of February 17, 2009 as corrected.

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

NAYES: 0

ABSENT: 1 Trustee McAvoy

MOTION CARRIED

B. Special Village Board meeting February 23, 2009

MOTION was made by Trustee Callahan, seconded by Trustee Poynton, to approve the Special Village Board meeting minutes of February 23, 2009 as presented.

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

NAYES: 0

ABSENT: 1 Trustee McAvoy

MOTION CARRIED

6. CONSENT AGENDA

Trustee Johnson requested items F and H be removed from the Consent Agenda for further discussion under other business.

- A. Warrant dated March 2, 2009. The Finance Committee recommends approval and the Board of Trustees approves the semi-monthly warrant register dated March 2, 2009 totaling \$314,822.00.
- B. Hahn, 283 Denberry Court. The Planning and Development Committee recommends approval and the Board of Trustees approves AN ORDINANCE GRANTING A VARIATION FOR 283 DENBERRY COURT. (Assign ORD. #2009-03-618)
- C. Beach passes. The Public Works Committee recommends approval and the Board of Trustees approves AN ORDINANCE AMENDING SECTION 7-3-5 OF THE LAKE ZURICH MUNICIPAL CODE RELATED TO THE PAULUS PARK AND BREEZEWALD PARK BEACHES (Assign ORD. #2009-03-619)
- D. Municipal Code update, Park and Recreation Advisory Board. The Public Works Committee recommends approval and the Board of Trustees approves AN ORDINANCE AMENDING SECTIONS 2-7-1 AND 2-7-3 OF THE LAKE ZURICH MUNICIPAL CODE RELATED TO THE PARK AND RECREATION ADVISORY BOARD. (Assign ORD. #2009-03-620).
- E. IDOT Agreement For Upgrading Traffic Signals Along Route 12 corridor. The Public Works Committee recommends approval and the Board of Trustees approves an Agreement with the Illinois Department of Transportation for upgrading traffic signals along the Route 12 corridor.
- G. Recreation Summer Brochure. The Public Works Committee recommends approval and the Board of Trustees approves the Recreation Summer Brochure as presented.
- I. Ordinance regulating social hosting (alcohol to minors). The Public Safety Committee recommends approval and the Board of Trustees approves AN ORDINANCE AMENDING TITLE 3, CHAPTER 3 OF THE LAKE ZURICH MUNICIPAL CODE TO REGULATE SOCIAL HOSTING AND UNDERAGE DRINKING. (Assign ORD. #2009-03-622)
- J. Agreement for regulation of parking area between the Village of Lake Zurich and Lake Zurich, IL 1106 LLC, 197 S. Rand Road. The Public Safety Committee recommends approval and the Board of Trustees approves an Agreement for Regulation of Parking Area Traffic and Parking between the Village of Lake Zurich and Lake Zurich, IL 1106 LLC.
- K. Clair View Estates, site plan adjustment. The Committee of the Whole recommends approval and the Board of Trustees approves AN ORDINANCE APPROVING AN ADJUSTMENT TO THE SITE PLAN FOR CLAIR VIEW ESTATES (Assign ORD. #2009-03-623)

MOTION was made by Trustee Johnson, seconded by Trustee Branding, to approve the Consent Agenda as read.

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

NAYES: 0

ABSENT: 1 Trustee McAvoy

MOTION CARRIED

7. ADMINISTRATOR'S REPORT

Administrator Vitas reported on recent activity taking place on East Main Street. Two new businesses will be moving in down the street: 1) My Flavor It Place will be occupying 10 East Main Street, formerly occupied by CB Flooring and 2) Delicious Redds, owned by Bob Narcisi, will move into 2 and 6 East Main Street formerly occupied by Century Press and Main Dog. Five year leases are being drafted, renovations are taking place, and both businesses are hoping to open by June 1st.

President Tolomei joined the Board meeting at 7:10 pm.

Trustee Johnson questioned whether these two items could be approved tonight under New Business. Village Attorney Kirlin reminded the Board 48 hours notice has not been provided and will be on the Special Board meeting agenda for March 30th.

3. PRESIDENT'S REPORT

- A. Bullard Save-A-Life Club – Recognition of Lt. Phil Cappitelli, Firefighter Scott Nemeth and Firefighter Greg Brendle for saving a life by using thermal imaging camera

Tom Granding, Regional Sales Manager for Bullard, described the “Save a Life Club” and introduced the three Lake Zurich firefighters who described the rescue mission of a female resident. Plaques were presented to each firefighter and the Village of Lake Zurich Fire Department.

- B. Certificate of Appreciation to Eagle Scout Anthony Colangelo from Troop 93

Anthony Colangelo received his Eagle Scout status by building four wood benches, one for each fire station, as his service project. A Certificate of Appreciation was presented to Mr. Colangelo on behalf of the Lake Zurich Fire Department.

- C. Proclamation, Telecommunicators Week, April 12 – 18, 2009

A Proclamation recognizing April 12th thru the 18th, 2009 as Telecommunicator's Week was read by Village Clerk Palmblad.

- D. Proclamation, Special Needs Athletes Day, April 24, 2009

Spring Green, S.N.A.P. Coordinator, mentioned the program has grown to over 30 athletes and 106 volunteers during the past eleven years. They are totally self-funded and raise money by selling t-shirts. Order forms were distributed. A proclamation recognizing April 24, 2009 as Special Needs Athletes Day was read by Village Clerk Palmblad.

4. PUBLIC COMMENT

Eric Dubiel, 947 Evanston Terrace, spoke regarding three previously approved ordinances; generated revenue from stop light cameras, ticketing of cars with for sale signs, and contractor permit fees.

Bill Vanni, Structural Design Corporation in Libertyville, performed a sewer backup investigation at 634 N. Old Rand Road, owned by Mrs. Joyce Klug, to determine the nature of a backup in the sewer line. Neither Public Works nor Structural Design Corporation can agree on the cause of the blockage. Structural Design Corporation will provide copies of their engineer report and requested this item be referred to the Public Works Committee for further discussion.

Brian Burch, Architect, 768 Interlaken Drive, offered suggestions to improve the recently approved ordinance requiring contractors to be licensed in the Village of Lake Zurich.

Rich Sustich, 217 Sandy Point Lane, agrees with refinancing the bonds but is concerned about the wording in the preamble as it refers to the tax increment allocation financing for the TIF Act, the validity of which Mr. Sustich continues to question. Mr. Sustich also requested a full explanation for the expenditure of the 2009A bonds, as stated in the resolution, be included in the ordinance. Several questions were also raised surrounding the authority to mortgage Village property and litigation discussions with LaSalle Bank.

Shirley Broeski, 933 Wilmette Terrace, referenced a letter written by Trustee McAvoy and questioned the due diligence that took place regarding Mr. Smith.

Jim Tarbet, 1195 Cedar Creek Drive, had several questions on the bonds and wondered why the TIF extension was cancelled.

Jeff Halen, 154 South Pleasant, requested an explanation to Trustee McAvoy's comments printed in the Daily Herald regarding President Tolomei's vision of downtown and is seeking documentation of due diligence performed on Mr. David Smith.

Dennis Abbott, 216 W. Main Street, accused members of the LZPOA of poisoning the lake. Mr. Abbott thanked the Board for approving the ESG agreement.

Responses to Public Comment:

Police Chief Finlon explained the main reasons behind the red light cameras and the parking regulations prohibiting "for sale" signs in vehicles.

Building/Zoning Director Peterson will review the contractor ordinance and report back to the Board.

Trustee Johnson provided a brief history of the sewer problem at the Klug household. Public Works Director/Engineer Heyden provided comments as to what has taken place over the years and cannot find any evidence the Village has been negligent. President Tolomei suggested a committee be formed to review this problem.

President Tolomei reiterated there has been many discussions on the validity of the TIF. Everyone was reminded the statute of limitations on the TIF has been exhausted and can no longer be challenged.

Questions about the Village's financial stability, bond ratings, and debt were answered by Finance Director Zochowski. The Government Finance Officers Association will once again present the Village of Lake Zurich with their Excellence in Financial Accounting Award for 2008.

Trustee Poyton suggested the Village obtain another opinion on the interpretation of the Comet Welding case. Attorney Kirlin will discuss with Attorney Burkland and report back to the Board. Trustee Callahan questioned the need to spend additional funds for another viewpoint. President Tolomei concurred since the statute of limitation has expired.

A short recess was called at 9:00 pm to change the videotape.

The meeting reconvened at 9:07 pm with a quorum present.

President Tolomei addressed the issue surrounding the authority to mortgage Village property as best he could since litigation is still pending.

Due diligence on Mr. Smith has been questioned many times over the last few months and Trustee Taylor provided an updated on what has transpired since meeting Mr. Smith. Anyone with information that may be detrimental to this project was encouraged to come forward. Trustee Branding had hoped the Village would hire an independent party to do an analysis and individual assessment.

Finance Director Zochowski explained why the TIF extension is no longer needed and responded to all the bond questions raised during public comments.

Additional comments regarding the poison in the lake were made by Trustee Branding, Mr. Sustich and Mr. Abbott.

8. ATTORNEY'S REPORT

No report

9. OTHER BUSINESS

Consent Agenda Items:

F. Resolution and Memorandum of Understanding for Lake Michigan water. The Public Works Committee recommends approval and the Board of Trustees approves a Resolution Approving the Northern Lake County Lake Michigan Water Planning Group Memorandum of Understanding. (Assign RES. #2009-03-16A)

Trustee Johnson spoke about his concerns and expense related to bringing Lake Michigan water to Lake Zurich. Public Works Director/Engineer Heyden is also concerned about the final costs, but did recommend we continue with the study and hope for some allocation.

MOTION was made by Trustee Taylor, seconded by Trustee Branding to approve a Resolution approving the Northern Lake County Lake Michigan Water Planning Group Memorandum of Understanding, assigned resolution #2009-03-16A.

AYES: 3 Trustees Branding, Callahan, and Taylor
NAYES: 2 Trustees Johnson and Poynton
ABSENT: 1 Trustee McAvoy
MOTION CARRIED

- H. Municipal Code change, animal control ordinance. 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 REGULATING ANIMALS WITHIN THE VILLAGE (Assign ORD #2009-03-621).

Trustee Johnson requested this ordinance be tabled for further review so it complies with Lake Zurich ordinances already in place; such as the required height of fence.

MOTION was made by Trustee Poynton, seconded by Trustee Johnson, to table this item until the next Board meeting in May.

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

- A. Contract for water conditioning rock salt. Consideration of a contract with Morton Salt in the amount of \$86.51 per ton for controlled and \$88.46 per ton for pneumatic delivered industrial grade bulk white crystal coarse southern rock salt.

Three area vendors were contacted and supplied bid unit prices. Public Works Director/Engineer Heyden requested we waive the formal bid process since three local suppliers were contacted and the current State of Illinois Department of Central Management Services cost was extremely high due to shipping.

MOTION was made by Trustee Callahan, seconded by Trustee Poynton, the Board waive the bid process and approve a contract to purchase salt from Morton in the amount of \$86.51 per ton for controlled and \$88.46 per ton for pneumatic delivered salt.

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

10. NEW BUSINESS

- A. Warrant dated March 16, 2009. Consideration of semi-monthly warrant register dated March 16, 2009 totaling \$363,199.70

MOTION was made by Trustee Poynton, seconded by Trustee Taylor, to approve a semi-monthly warrant dated March 16, 2009, totaling \$363,199.70.

AYES: 5 Trustees Branding (abstain from items referring to the TIF District), Callahan, Johnson, Poynton, and Taylor
NAYES: 0
ABSENT: 1 Trustee McAvoy
MOTION CARRIED

- B. Route 53 Extension. Consideration of a Resolution of Support for the Extension of Illinois Route 53 between Lake Cook Road and State Route 120. (Assign RES. #2009-03-16B)

In the past, the Village of Lake Zurich has always supported the extension of Route 53. Trustee Branding suggested the resolution be tabled until after the election to allow time to hear from the residents.

MOTION was made by Trustee Callahan, seconded by Trustee Poynton, to approve a Resolution of Support for the Extension of Illinois Route 53.

AYES: 4 Trustees Branding, Callahan, Poynton, and Taylor

NAYES: 1 Trustee Johnson

ABSENT: 1 Trustee McAvoy

MOTION CARRIED

Park Director Perkins announced the Easter Bunny is coming to town with the Easter Egg Hunt taking place on April 4th at Paulus Park.

Waste Management will have another leaf pick up the week of April 6th.

11. TRUSTEE REPORTS

No report.

- 12. EXECUTIVE SESSION** for the purpose of discussing matters relating to pending, probable, or imminent litigation and matters related to specific personnel.

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

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

NAYES: 0

ABSENT: 1 Trustee McAvoy

MOTION CARRIED

13. ADJOURNMENT

The meeting adjourned at 10:12 pm.

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

Approved: _____
President John G. Tolomei