

The 2955<sup>th</sup> Regular Meeting of the Board of Trustees of the Village of Mundelein was held Monday, February 9, 2009 at 1000 North Midlothian Road, Mundelein. Mayor Kessler called the meeting to order at 7:04 pm.

2955<sup>th</sup> Regular Meeting

---

Clerk Dahlstrom took the roll. It indicated these members present: Trustees Cancelli, Meier, Nutschig, Semple, Sullivan, and Voss; absent: none. Village attendance: Village Administrator Lobaito, Assistant Village Administrator Flynn, Chief Rose, MPD; Chief Sashko, MFD; Finance Director Hatton, Engineer Emmerich, Director of Public Works Miller, Director of Building Schubkegel Sr., and Attorney Marino.

Attendance

---

Mayor Kessler the Pledge of Allegiance.

Pledge of Allegiance

---

Motion by Voss, seconded by Nutschig to approve the Minutes of the Regular Village Board Meeting of January 26, 2009.

Motion to Approve the Minutes of Regular Board Meeting of 01.26 09

---

Trustee Voss stated Director of Building Schubkegel, Sr. did attend the last Board meeting. Clerk Dahlstrom apologized to Director Schubkegel and stated would correct the attendance.

Upon roll call vote, the vote was as follows: Ayes: Voss, Nutschig, Cancelli, Meier, Semple, and Sullivan; nays: none; absent and not voting: none. Motion carried.

Mayor Kessler awarded a 30-Year Service Award to Ken Miller, Director of Public Works. Director Miller thanked the Board and recognized Vehicle Maintenance Superintendent Bill May, Street Division Superintendent Craig Schaul, Facility Maintenance Superintendent Schafernak, Wastewater Superintendent Paul Cacioppo, Water Superintendent Rob Haley, Assistant Director Mark Thompson, and Deputy Director Joe DeVito, who added to his 30-year success. Director Miller stated his son and his wife were unavailable, and his younger son was at college. Director Miller noted a major contributor to his success was his wife, the love of his life, Chris, who has understood each time he was called away and unable to be with the family. Director Miller thanked the Board for the recognition.

30-Year Service Award to Ken Miller, Director of Public Works

---

Mayor Kessler opened the meeting to the floor for public commentary.

Floor Opened to Public

Mr. Mike Morley, Waste Management, 2100 Moen Avenue, Rockdale, IL stated the Village Board would benefit from opening up the bid for a single waste hauler. Mr. Morley has worked with Assistant Administrator Flynn and has the February 2, 2009 memo with a thorough history of the Village's process. The Village does not have a contract and there is no need to hurry through the process. Mr. Morley asked for an opportunity to provide a proposal for the Village.

Mr. David Wall, Veolia Environmental Services, 2230 Ernie Krueger Circle, Waukegan, stated to would like the opportunity to bid for the single-waste hauler program. Mr. Wall stated he is General Manager of

Veolia ES, the contract negotiator, oversee the jobs, and runs the facility. Mr. Wall stated he feels Veolia could save the residents at least 8% - 10% based on the prices outlined and asked for an opportunity to provide a proposal.

Mr. Jack Forshaw, 167 Prospect Avenue, Mundelein stated he is not on anyone's side regarding a single waste hauler. Mundelein Disposal was the waste hauler that was selected and as soon as that was done, Mundelein Disposal sold out to Groot. Groot has increased their rates and how are rates kept competitively if only one waste hauler. Mr. Forshaw asked to publish the contract so residents can see what we are in for. Mayor Kessler stated during the Public Works Committee section, hopefully these questions would be answered. Also, Mundelein Disposal was being considered as the single waste hauler, however when they announced Groot was buying them, the Village stopped all negotiations, since Groot was an unknown.

Floor Closed to Public

---

No other comments were made. The public commentary was closed.

Mayor's Report

2009 the 100<sup>th</sup> Anniversary of the Village of Mundelein

Mayor Kessler proclaimed 2009 the 100<sup>th</sup> Anniversary of the Village of Mundelein. Mayor Kessler stated it was incorporated as Rockefeller February 1, 1909. Mayor Kessler stated Saturday February 7, 2009 was the opening ceremony was well attended at Lincoln School and various Open Houses throughout the Village. Mayor Kessler introduced Ms. Wendy Frazer Centennial Chair-person, Mr. Vern Lappe, Mr. John Beeson, Ms. Dottie Watson, Mr. Bob Stadlman, and Ms. Mary Yoho.

Economic Development Commission Appointments

**Motion** by Meier, seconded by Cancelli to appoint Mr. Lawrence E. Gallas and Mr. John Mesenbrink to the Economic Development Commission. Upon roll call vote, the vote was as follows: Ayes: Meier, Cancelli, Nutschnig, Semple, Sullivan, and Voss; nays: none; absent and not voting: none. Motion carried.

Oath of Office Administered

Clerk Dahlstrom administered the oath of office to Mr. Gallas and Mr. Mesenbrink.

Mr. Gallas introduced his wife of 42 years, Harriet. Mayor Kessler thanked Ms. Gallas in advance for giving up his time to attend the Economic Development Commission meetings.

Appearance Review Commission Appointment

**Motion** by Sullivan, seconded by Voss to appoint Mr. John B. Salse to the Appearance Review Commission. Upon roll call vote, the vote was as follows: Ayes: Sullivan, Voss, Cancelli, Meier, Nutschnig, and Semple; nays: none; absent and not voting: none. Motion carried.

Oath of Office Administered

Clerk Dahlstrom administered the oath of office to Mr. Salse.

Mr. Salse stated his wife had to leave with his son for a Boy Scout's meeting, however his daughter was there to represent the family. Mayor Kessler thanked Mr. Salse's daughter for giving up his time to

attend the Appearance Review Commission meetings.

Mayor's Report (Continued)

**Motion** by Cancelli, seconded by Voss to Accept the Plan Commission's recommendation as stated in the Staff Report dated February 9, 2009. Upon roll call vote, the vote was as follows: Ayes: Cancelli, Voss, Meier, Nutschnig, Semple, and Sullivan; nays: none; absent and not voting: none. Motion carried.

CVS Pharmacy – 2075 S.  
Lake Street

**Motion** by Voss, seconded by Nutschnig to Accept the Plan Commission's Findings of Fact. Upon roll call vote, the vote was as follows: Ayes: Voss, Nutschnig, Cancelli, Meier, Semple, and Sullivan; nays: none; absent and not voting: none. Motion carried.

**Motion** by Cancelli, seconded by Nutschnig to Authorize staff to prepare an Ordinance Granting Variations to the Mundelein Municipal Code for the CVS Pharmacy Subdivision. Upon roll call vote, the vote was as follows: Ayes: Cancelli, Nutschnig, Meier, Semple, Sullivan, and Voss; nays: none; absent and not voting: none. Motion carried.

**Motion** by Meier, seconded by Nutschnig to authorize staff to prepare a Resolution Approving the Preliminary and Final Plat of Subdivision for the CVS Pharmacy Subdivision.

Trustee Semple asked the petitioner to summarize the project. Mr. Michael Haaning, Gershman Brown & Crowley summarized the CVS Pharmacy proposal.

Upon roll call vote, the vote was as follows: Ayes: Meier, Nutschnig, Cancelli, Semple, Sullivan, and Voss; nays: none; absent and not voting: none. Motion carried.

**Motion** by Cancelli, seconded by Nutschnig to Accept the Plan Commission's recommendation as stated in the Staff Report dated February 9, 2009. Upon roll call vote, the vote was as follows: Ayes: Cancelli, Nutschnig, Meier, Semple, Sullivan, and Voss; nays: none; absent and not voting: none. Motion carried.

United Car Service – 1414  
Armour Boulevard

**Motion** by Nutschnig, seconded by Voss to Accept the Plan Commission's Findings of Fact. Upon roll call vote, the vote was as follows: Ayes: Nutschnig, Voss, Cancelli, Meier, Semple, and Sullivan; nays: none; absent and not voting: none. Motion carried.

**Motion** by Cancelli, seconded by Nutschnig to Authorize staff to prepare an Ordinance Granting United Car Service a Special Use Permit to Operate an Automotive Repair Shop, Major, in an M-1 Zoning District, pursuant to Section 20.24.030(46) with conditions.

Trustee Voss asked if the petitioner has been in business for 10 years, and why is this coming to our attention. Director Barrera stated the business was expanded and a complaint was received. Trustee Voss stated the

Mayor's Report (Continued)

United Car Service – 1414  
Armour Boulevard  
(Continued)

pictures provided show debris in the backyard. Trustee Voss asked if this would be cleaned up and part of the ordinance. Director Barrera stated this was a Building Department issue and was being addressed.

Upon roll call vote, the vote was as follows: Ayes: Cancelli, Nutschnig, Meier, Semple, Sullivan, and Voss; nays: none; absent and not voting: none. Motion carried.

Montoya's Shop – 888  
Tower Road, Suite B

**Motion** by Cancelli, seconded by Nutschnig to Accept the Plan Commission's recommendation as stated in the Staff Report dated February 9, 2009. Upon roll call vote, the vote was as follows: Ayes: Cancelli, Nutschnig, Meier, Semple, Sullivan, and Voss; nays: none; absent and not voting: none. Motion carried.

**Motion** by Nutschnig, seconded by Meier to Accept the Plan Commission's Findings of Fact. Upon roll call vote, the vote was as follows: Ayes: Nutschnig, Meier, Cancelli, Semple, Sullivan, and Voss; nays: none; absent and not voting: none. Motion carried.

**Motion** by Sullivan, seconded by Meier to Authorize staff to prepare an Ordinance Granting Montoya's Shop a Special Use Permit to Allow Automobile Repair, Major, in an M-1 Medium Industrial District, pursuant to Section 20.24.030(46) of the Mundelein Zoning Code with conditions.

Trustee Voss stated if Mr. Montoya has been operating his business out of his home. Mr. Montoya stated he has repaired cars out of his home. Trustee Voss asked if he realizes it was illegal to operate this business out of his home and is concerned going forward all requirements are followed. Mr. Montoya apologized for his mistake and stated this has been his dream and he wishes to mentor students and give back to the community. Trustee Voss asked Mr. Montoya to brush up on the rules and regulations, so no further violations resulted. Mr. Montoya stated he would.

Upon roll call vote, the vote was as follows: Ayes: Sullivan, Meier, Cancelli, Nutschnig, Semple, and Voss; nays: none; absent and not voting: none. Motion carried.

Comprehensive Plan Update

**Motion** by Cancelli, seconded by Voss to authorize staff to distribute a Request for Qualification to Consultants for Work on a Comprehensive Plan Update.

Trustee Sullivan asked if there was an estimated cost for the plan update. Administrator Lobaito stated qualifications are being requested at this time. Once a firm has been selected, costs would be determined. How detailed the plan gets would increase the costs.

Upon roll call vote, the vote was as follows: Ayes: Cancelli, Voss, Meier, Nutschnig, Semple, and Sullivan; nays: none; absent and not voting: none. Motion carried.

**Motion** by Semple, seconded by Voss to authorize staff to prepare an ordinance authorizing Mundelein's participation in the IPWMAN.

Trustee Semple asked Director Miller to explain IPWMAN. Director Miller explained the Illinois Public Works Mutual Aid Network (IPWMAN).

Trustee Meier stated this was expected to be presented at the Illinois Municipal League meeting.

Upon roll call vote, the vote was as follows: Ayes: Semple, Voss, Cancelli, Meier, Nutschnig, and Sullivan; nays: none; absent and not voting: none. Motion carried.

Mayor Kessler stated September 2007, the Village Board began discussions regarding a single waste hauler, and an article was included in the *Mundelein Matters* seeking public input. October 22, 2007, the Public Works Committee discussed the matter and December 10, 2007, Mr. Walter Willis, SWALCO Executive Director provided additional information. In the same month, a second article was included in the *Mundelein Matters* explaining the concept and soliciting additional input. Information was also posted on the website and comments encouraged.

January 28, 2008, public comments were reviewed and considered pros and cons of a single waste hauler, the Village Board chose not to seek proposals from all waste haulers and decided to move forward with contract negotiations with Mundelein Disposal. Board members then completed a survey to identify components that should be included in the contract and ranked their level of priority. Discussions began February 2008 with Mundelein Disposal. March 5, 2008, the Village was notified Mundelein Disposal had been sold to Groot Industries, at that time discussions were postponed for several months.

After additional discussions, it was determined Groot was a qualified company with a good reputation, and services approximately 85% of the Village residents, it and would be least disruptive to the residents to continue to use Groot if a satisfactory agreement could be reached, there being no statutory requirements to bid this type of service, it made sense to negotiate directly with Groot. In early October 2008, Groot was sent a request for proposal. Mayor Kessler outlined the basic elements in the proposal.

Mayor Kessler stated he appointed Trustees Meier and Semple to the negotiating team. Together, with the openness of Mr. Frank Hillemonds, a conceptual agreement on the major components and pricing were agreed upon. The Village Board would determine final approval.

Trustee Sullivan asked about the senior rate. Does that mean anyone not living in age-restricted communities are excluded. Assistant Administrator Flynn stated anyone 65 or older qualifies for the senior rate. Trustee Sullivan stated as long as the service is expanded, rates are lower, and less wear and tear on our streets, expand recycle opportunities, then he is in support of the proposal, however he doesn't feel the lower costs are being realized. Trustee Sullivan

Public Works Committee

Motion to Authorize Staff to Prepare an Ordinance Authorizing Mundelein's Participation in the IPWMAN

Groot Industries, Inc. – Consideration/Discussion of Proposal for a Residential Garbage Collection Franchise Contract

stated mandatory service is a concern, however it is his understanding a recycling container for \$7.50 per month is reasonable. Trustee Sullivan stated another concern was if a bill is not paid, service is not provided. What happens then? Administrator Lobaito stated they discussed that issue; eventually garbage becomes a nuisance and a health issue. Trustee Sullivan stated complaints the Village receives from our residents should have a “fine” assessed to ensure quality service. Trustee Sullivan stated as far as bidding, he doesn’t feel it necessary. Trustee Sullivan stated Fremont Township is also considering a single waste hauler and perhaps we can add Fremont Township to whatever service provider is chosen.

Trustee Nutschnig stated he was in favor of going to bid for the best price, and perhaps get assistance with the bid design. It may be difficult to enforce a single waste provider.

Trustee Voss asked if any communities, after contracting with a single waste hauler, switched waste haulers due to lack of service. Assistant Administrator Flynn stated he was not sure, but perhaps Mr. Willis may know. Mayor Kessler stated he wanted to get trustee’s opinions before asking Mr. Willis. Trustee Voss asked why it jumped from a three-year contract to a seven-year contract. Administrator Lobaito stated it might be a five-year contract with two one-year options, however Groot would have a significant cost upfront with the purchase of the recycle containers. Trustee Voss stated she was very supportive of a single waste hauler option; negotiated correctly, it can be a benefit to our residents. It would also give the Village more control over service that is provided. Especially in these economic times, she doesn’t feel the numbers are where they should be for our residents.

Trustee Semple stated he was on the negotiating team, and currently there is a single waste hauler for recyclables, leaf collection, community events, Village facilities, spring clean-up, 85% of residents, Del Webb; precedence has been set. Mayor Kessler was clear on having covered recycle containers. Trustee Semple stated he was clear on having the leaf collection provided and taking that expense from the Village, which would be in excess of \$200,000 per year. We all know, this year the service was not the best. The Village would provide a staging area at Public Works to eliminate the time consuming emptying of trucks; this would ensure a more efficient leaf collection program. Trustee Semple stated he supports a single waste hauler to lock in rates, provide quality service, and put Groot at greater risk if the default on service. Other communities may have a lower rate, however they do not offer the same services, such as leaf collection at no additional costs.

Trustee Meier stated Trustee Semple made very good points and would try not to repeat them. Trustee Meier stated if a resident is currently paying \$1.00 for a covered recycle bin, their rate would be lowered to \$22.00 per month. Trustee Meier stated discarding of yard waste has become so complex; locking in a rate is beneficial. Although she feels \$100 for the subscription service is high, she recognized other communities are paying \$120 - \$150 for the same service. Trustee Meier stated Groot also kept the

Mundelein Disposal personnel, which helped with a smooth transition. Trustee Meier stated she supported Groot without going to bid.

Trustee Cancelli stated staff did a nice job crafting the agreement, however pricing is way off, especially with a seven-year contract. Trustee Cancelli stated he has gotten many telephone calls with complaints about customer service. Whomever is chosen, strong service level agreements are needed, with out clauses for non-compliance. Residents who have called and complained about the rate increases, were told to find a new waste hauler, this was not acceptable. It should have been handled in a professional manner. These issues should be addressed immediately. Trustee Cancelli stated he was in support of a single waste hauler, however a three-year contract, with two one-year options would be more acceptable. Mayor Kessler asked what other issues residents had. Trustee Cancelli stated garbage being left on the roads or cans being knocked over and garbage left in them.

Mayor Kessler asked Mr. Walter Willis, Executive Director of SWALCO, to comment on municipalities going to a single waste hauler. Mr. Willis stated overall the experience is a good one. It is difficult to go from a non-franchise to a franchise system. Mr. Willis stated Trustee Voss' question earlier regarding switching haulers has happened, not often, but it has happened. Waste Management and Veolia have taken advantage of the non-bid process, even though they are asking the Village to bid the service. Trustee Voss asked what the average term for a contract. Mr. Willis stated seven years is a long contract, on average is 5 years. Trustee Semple stated a community went out for bids, and all service providers including their current provider came back significantly higher. Mr. Willis stated he was not at SWALCO when that occurred, but he heard that did happen, however he heard Veolia state they would provide a 10% savings and perhaps Groot should go back and sharpen their pencils. Trustee Sullivan asked Mr. Willis what was happening to municipalities share with recycling. Mr. Willis explained the recycling commodities process.

**Motion** by Voss, seconded by Sullivan to continue negotiations with Groot. Upon roll call vote, the vote was as follows: Ayes: Voss, Sullivan, Cancelli, Meier, Nutschnig, and Semple; nays: none; absent and not voting: none. Motion carried.

Trustee Cancelli left the Boardroom at 9:06 pm.

**Motion** by Sullivan, seconded by Semple to approve the payment of bills, as indicated on Disbursements Pending Report dated 02/09/09 for AT&T, AT&T Long Distance and AT&T Mobility invoices totaling \$12,983.23.

Trustee Meier stated due to a conflict of interest, she would abstain from the motion.

Upon roll call vote, the vote was as follows: Ayes: Sullivan, Nutschnig, Semple, and Voss; nays: none; abstain; Meier; absent and not voting: Cancelli. Motion carried.

Groot Industries, Inc. –  
Consideration/Discussion  
of Proposal for a  
Residential Garbage  
Collection Franchise  
Contract (Continued)

---

Finance Committee

Motion to Approve the  
Payment of Bills, Dated  
02.09.09 for AT&T and  
AT&T Long Distance and  
AT&T Mobility Invoices  
Totaling \$12,983.23

Finance Committee  
(Continued)

Motion to Approve the  
Payment of Bill, Dated  
02.09.09 for Motorola  
Invoice Totaling \$9,780.00

Motion to Approve the  
Payment of Bill Dated  
02.09.09 for Trustee Voss  
Invoice Totaling \$55.00

Motion to Approve the  
Payment of Bill Dated  
02.02.09 for Trustee Meier  
invoice totaling \$55.00

Motion to Approve the  
Payment of Bill **paid  
under protest**, Dated  
02.09.09 for ComEd Street  
Lites Invoices Totaling  
\$10,203.48

Financial Highlights

---

Police Committee

New Squad Car Design

**Motion** by Sullivan, seconded by Semple to approve the payment of bill as indicated on Disbursements Pending Report dated 02/09/09 for Motorola invoices totaling \$9,780.00.

Trustee Nutschnig stated due to a conflict of interest, he would abstain from the motion.

Upon roll call vote, the vote was as follows: Ayes: Sullivan, Semple, Meier, and Voss; nays: none; abstain; Nutschnig; absent and not voting: Cancelli. Motion carried.

Trustee Cancelli returned to the Boardroom at 9:08pm.

**Motion** by Sullivan, seconded by Semple to approve the payment of bill as indicated on Disbursements Pending Report dated 02/09/09 for Trustee Voss invoice totaling \$55.00.

Trustee Voss stated due to a conflict of interest, she would abstain from the motion.

Upon roll call vote, the vote was as follows: Ayes: Sullivan, Semple, Cancelli, Meier, Nutschnig, and Voss; nays: none; abstain; Voss; absent and not voting: none. Motion carried.

**Motion** by Sullivan, seconded by Semple to approve the payment of bill as indicated on Disbursements Pending Report dated 02/02/09 for Trustee Meier invoice totaling \$55.00.

Trustee Meier stated due to a conflict of interest, she would abstain from the motion.

Upon roll call vote, the vote was as follows: Ayes: Sullivan, Semple, Cancelli, Nutschnig, and Voss; nays: none; abstain; Meier; absent and not voting: none. Motion carried.

**Motion** by Sullivan, seconded by Semple to approve the payment of bill **paid under protest**, as indicated on Disbursements Pending Report dated 02/09/09 for ComEd Street Lites invoices totaling \$10,203.48. Upon roll call vote, the vote was as follows: Ayes: Sullivan, Semple, Cancelli, Meier, Nutschnig, and Voss; nays: none; absent and not voting: none. Motion carried.

Trustee Sullivan highlighted the financial expenses.

Trustee Cancelli stated new squad car design was developed in conjunction with the Centennial celebration, since the Police Department is also celebrating its centennial. Mayor Kessler stated the funds were budgeted from our drug asset seizures and DUI seizure funds, which allows the transition to occur without utilizing tax dollars.

Trustee Voss announced Street Scenes at Carmel Friday and Saturday, February 13 <sup>th</sup> and 14 <sup>th</sup> .	Community Development Committee
Trustee Voss announced Advanced Auto opened and Friday February 13 <sup>th</sup> , they will have a Monster Truck on display.	Street Scenes 02.13.09 & 02.14.09
<b>Motion</b> by Nutschnig, seconded by Sullivan to approve the minutes of the January 26, 2009 Zoning Board of Appeals meeting.	Advanced Auto Monster Truck 02.13.09
Trustee Voss stated a non-substantive typo was found and Clerk Dahlstrom stated she would correct it.	_____
Upon roll call vote, the vote was as follows: Ayes: Nutschnig, Sullivan, Cancelli, Meier, Semple, and Voss; nays: none; absent and not voting: none. Motion carried.	Permits Committee
Trustee Nutschnig called a Zoning Board of Appeals meeting for Monday February 23, 2009 at 6:30 pm, however the portrait would still be scheduled and the meeting would start after that was completed.	Motion to Approve the Minutes of the 01.26.09 ZBA Meeting
<b>Motion</b> by Nutschnig, seconded by Cancelli to authorize staff to prepare An Ordinance Granting Certain Variation to the Village of Mundelein Sign Code for the CVS Pharmacy Subdivision. Upon roll call vote, the vote was as follows: Ayes: Nutschnig, Cancelli, Meier, Semple, Sullivan, and Voss; nays: none; absent and not voting: none. Motion carried.	ZBA Meeting Called 02.23.09 at 6:30 PM
<b>Motion</b> by Nutschnig, seconded by Sullivan to authorize staff to prepare a Resolution approving the variation request to waive the installation requirement of a fire sprinkler system as required by Section 903.2.3 of the 2000 International Fire Code as amended by the Village of Mundelein.	CVS Pharmacy - 2075 South Lake Street
Trustee Voss stated she would support this motion, however she requested the Building Department and Fire Department needed to make the Fire Code update a priority.	524 N. Lake Street
Upon roll call vote, the vote was as follows: Ayes: Nutschnig, Sullivan, Cancelli, Meier, Semple, and Voss; nays: none; absent and not voting: none. Motion carried.	
Attorney Marino recommended the next motion be amended to a resolution instead of an ordinance.	Consumers Cooperative Credit Union – 1210 S. Lake Street
<b>Motion</b> by Cancelli, seconded by Voss to direct staff to prepare a resolution denying the request to vary from Section 21.17.020(2)(f) and 21.17.050 to allow an Electronic Message Center in a commercial district and exceed the Content Requirements.	
Trustee Nutschnig stated due to potential conflict of interest, he would abstain from the motion.	

Consumers Cooperative  
Credit Union – 1210 S.  
Lake Street (Continued)

Trustee Semple stated the reason the request was denied at the Permits Committee because the Village doesn't allow electronic reader boards, with the exception of the high school and Park District. The Village doesn't want flashing lights up and down Route 45, Route 60 or any other street. CVS made the same request and it too was denied.

Upon roll call vote, the vote was as follows: Ayes: Cancelli, Voss, Meier, Semple, and Sullivan; nays: none; abstain; Nutschig; absent and not voting: Cancelli. Motion carried.

---

Omnibus Vote Agenda

Mayor Kessler presented the Omnibus Vote Agenda asking for any additions, deletions or corrections.

Items Removed from  
Omnibus Agenda

Trustee Cancelli removed Item 2.

There were no other additions, deletions or corrections.

Motion to Approve  
Omnibus Vote Agenda

**Motion** by Cancelli, seconded by Sullivan to approve the following Omnibus Vote Agenda, **excluding Item 2.**

1. **Motion** to pass **An Ordinance Amending Ordinance No. 04-12-69, an Ordinance Regulating the Sale of Alcoholic Liquor in the Village of Mundelein, Illinois.** (Omnibus Vote) **(Ordinance No. 09-02-08)**

2. **REMOVED Motion** to approve the Capitalization Policy and Fixed Asset Tracking Procedure dated 01/22/09.

3. **Motion** to pass **An Ordinance Amending Ordinance No. 04-12-69, an Ordinance Regulating the Sale of Alcoholic Liquor in the Village of Mundelein, Illinois to Decrease the Number of Class A Liquor Licenses from Eight (8) to Seven (7).** (Omnibus Vote) **(Ordinance No. 09-02-09)**

4. **Motion** to adopt **A Resolution Approving and Authorizing the Execution of the Second Amendment to the Development Agreement Between the Village of Mundelein and Diamond Cove, LLC.** (Omnibus Vote) **(Resolution No. 09-02-10)**

5. **Motion** to approve the Proposal for Additional Engineering Services to the Agreement for Engineering Services with Rezek, Henry, Meisenheimer and Gende, Inc. in the amount of \$10,934.00 and authorize the Village Engineer's signature on the Agreement. (Omnibus Vote)

6. **Motion** to approve Addendum No. 1 to the Construction Engineering Services Agreement with SEC Group, Inc. in the amount of \$16,000.00 for the FYE09 Street Improvement Project and authorize the Village Engineer's signature on the Agreement. (Omnibus Vote)

7. **A. Motion to pass An Ordinance Granting a Special Use Permit for Automobile Repair, Minor, at 615 N. Lake Street, Mundelein, Illinois.** (Omnibus Vote) **(Ordinance No. 09-02-10)**

Omnibus Vote Agenda  
(Continued)

**B. Motion to pass An Ordinance Granting Certain Variations From the Zoning Ordinance (Sections 20.28.040 and 20.36.040(5) of the Mundelein Municipal Code) for the Property Located at 615 N. Lake Street, Mundelein, Illinois.** (Omnibus Vote) **(Ordinance No. 09-02-11)**

8. **Motion to adopt A Resolution Approving the Second Tier 2 Certification Request for Mundelein Downtown Properties, LLC (Cardinal Square) Submitted November 24, 2009.** (Omnibus Vote) **(Resolution No. 09-02-11)**

9. **Motion to pass An Ordinance Amending Ordinance 08-07-35, An Ordinance Creating the Village of Mundelein Property Maintenance Code** adding Section 111 “Noise from Construction” to the current ordinance. (Omnibus Vote) **(Ordinance No. 09-02-12)**

10. **Motion to adopt A Resolution Granting a Variation to Ordinance 08-07-35, the Village of Mundelein Property Maintenance Code, for Property at 151 North Lake Street, Mundelein, Illinois, to Allow Construction Outside the Permitted Hours.** (Omnibus Vote) **(Resolution No. 09-02-12)**

11. **Motion to approve the payment of bills, as indicated in the Governing Body Report, for the period 01/27/09 through 02/09/09 in the amount of \$697,969.36.** (Omnibus Vote)

Upon roll call vote, the vote was as follows: Ayes: Cancelli, Sullivan, Meier, Nutschnig, Semple, and Voss; nays: none; absent and not voting: none. Motion carried.

**Motion** by Cancelli, seconded by Meier to approve the Capitalization Policy and Fixed Asset Tracking Procedure dated 01/22/09.

---

Motion to Approve the Capitalization Policy & Fixed Asset Tracking Procedure Dated 01.22.09

Trustee Cancelli asked if new software was needed for this new tracking procedure. Director Hatton stated no new software was required.

Upon roll call vote, the vote was as follows: Ayes: Cancelli, Meier, Nutschnig, Semple, Sullivan, and Voss; nays: none; absent and not voting: none. Motion carried.

---

Administrator’s Report

Administrator Lobaito updated the Board regarding the closing sale of Canadian National and EJ&J Railroads approved by the STB.

Canadian Nat’l Update

Administrator Lobaito reminded the Board of the official portrait to be taken Monday February 23, 2009 at 6:00 pm at the Police Station.

Portrait Scheduled 02.23.09

Administrator's Report  
Director Miller – 30  
Years Service

---

Administrator Lobaito personally thanked Director Miller for his 30 years of service.

Clerk's Report

Clerk Dahlstrom announced the Simultaneous Filer Lottery was held and ballot placement has been determined, there are no write-in candidates. All names and seats have been provided to the Lake County Clerk's office for ballot printing and should be available for viewing soon.

Election Update

---

Motion to Recess the  
2955<sup>th</sup> Regular Meeting  
Into Executive Session

Motion by Nutschnig, seconded by Semple to recess into Executive Session to discuss pending litigation pursuant to 5 ILCS 120, Section 2(c)(11), and to discuss land acquisition pursuant to 5 ILCS 120, Section 2(C)(5) with action when the meeting is reconvened. Upon roll call vote, the vote was as follows: Ayes: Nutschnig, Semple, Cancelli, Meier, Sullivan, and Voss; nays: none; absent and not voting: none. Motion carried.

2955<sup>th</sup> Regular Meeting  
Recessed

The 2955<sup>th</sup> Regular meeting was recessed at 9:24 pm.

Motion to Reconvene the  
2955<sup>th</sup> Regular Meeting

Motion by Cancelli, seconded by Voss to reconvene the 2955<sup>th</sup> Regular meeting. Upon roll call vote, the vote was as follows: Ayes: Cancelli, Voss, Meier, Nutschnig, Semple, and Sullivan; nays: none; absent and not voting: none. Motion carried.

2955<sup>th</sup> Regular Meeting  
Reconvened

The 2955<sup>th</sup> Regular meeting was reconvened at 10:11 pm.

Attendance

---

Clerk Dahlstrom took the roll. It indicated these members present: Trustees Cancelli, Meier, Nutschnig, Semple, Sullivan, and Voss. Absent: none. Village attendance: Village Administrator Lobaito, Assistant Village Administrator Flynn, and Attorney Marino.

Motion to Adopt A  
Resolution Approving  
and Agreement Between  
the VOM & A. Jaeckel  
Regarding 239 North  
Lincoln Avenue

**Motion** by Cancelli, seconded by Nutschnig to adopt **A Resolution Approving and Agreement Between the Village of Mundelein and Angela Jaeckel Regarding 239 North Lincoln Avenue, Mundelein, Illinois. (Resolution No. 09-02-13)** Upon roll call vote, the vote was as follows: Ayes: Cancelli, Nutschnig, Meier, Semple, Sullivan, and Voss; nays: none; absent and not voting: none. Motion carried.

Motion to Adjourn

---

Motion by Nutschnig, seconded by Meier to adjourn the 2955<sup>th</sup> Regular Board meeting. Upon unanimous voice vote, the meeting was adjourned at 10:12 pm. Motion carried.

Adjournment

---

The 2955<sup>th</sup> Regular meeting was adjourned at 10:12 pm.

---

Village Clerk