

The 2959th Regular Meeting of the Board of Trustees of the Village of Mundelein was held Monday, April 13, 2009 at 1000 North Midlothian Road, Mundelein. Mayor Kessler called the meeting to order at 8:06 pm.

2959th Regular Meeting

Clerk Dahlstrom took the roll. It indicated these members present: Trustees Meier, Nutschnig, Semple, Sullivan, and Voss; absent: Cancelli. 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 Nutschnig, seconded by Meier to recess the 2959th Regular meeting into a Liquor Control Commission Committee meeting. Upon roll call vote, the vote was as follows: Ayes: Nutschnig, Meier, Semple, Sullivan, and Voss; nays: none; absent and not voting: Cancelli. Motion carried.

Motion to Recess the 2959th Regular Meeting into a Liquor Control Commission Committee meeting

The 2959th Regular meeting was recessed at 8:07 pm.

2959th Regular Meeting Recessed

Motion by Meier, seconded by Nutschnig to reconvene the 2959th Regular meeting. Upon roll call vote, the vote was as follows: Ayes: Meier, Nutschnig, Semple, Sullivan, and Voss; nays: none; absent and not voting: Cancelli. Motion carried.

Motion to Reconvene 2959th Regular Meeting

The 2959th Regular meeting was reconvened at 8:15 pm.

2959th Regular Meeting Reconvened

Clerk Dahlstrom took the roll. It indicated these members present: Trustees Meier, Nutschnig, Semple, Sullivan, and Voss; absent: Cancelli. 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

Motion by Voss, seconded by Meier to approve the Minutes of the Regular Village Board Meeting of March 23, 2009.

Motion to Approve the Minutes of Regular Board Meeting of 03.23.09

Trustee Voss stated she contacted Clerk Dahlstrom earlier to amend the minutes as follows:

- Page 48, it should read Shady Lane, not Shade Lane
- Page 49, a motion was made by Cancelli, seconded by Nutschnig to pass Ordinance Prohibiting Parking on Public Roads After a Snowfall and Prohibiting Depositing of Snow Upon Public Road in the Village of Mundelein, Illinois, and then removed. The original motion was not included
- Page 50, add "Mayor Kessler stated" *Administrator Lobaito*

Motion to Approve the
Minutes of Regular Board
Meeting of 03.23.09
(Continued)

indicated...

Trustee Meier added page 51, second paragraph, last sentence states
Trustee Voss stated..., should read Trustee Meier stated...

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

Floor Opened to Public

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

Rental Property License
Ordinance Concerns

Mr. Mel Withrow, 600 McKinley Avenue, asked the Rental Property
License Ordinance be delayed until the economic condition improves.
Mr. Withrow provided several articles, including one from Michael
Savage and the *Wall Street Journal*. Mr. Withrow stated there are current
inspections, including monthly state inspections, elevator inspections,
and company inspections. Mr. Withrow asked the Village Board take
these additional inspections into consideration when voting. Mr.
Withrow requested a trustee and a member of the public to be part of a
committee to ensure fairness. Mr. Withrow stated Round Lake Beach
has had a Rental Property License Ordinance for 10 years and there are
still administrative problems, and feels Mundelein would experience the
same problems, although there would be benefits. There would also be
benefits with the Crime Free ordinance. Round Lake Beach went from
600 rental units to 1,000 rental units in the last three years. Mr.
Withrow asked the Village Board to look at the big picture, not just an
individual rental property inspection. Mr. Withrow stated he felt
property owners would need to spend \$1M in modifications and repairs
required by the Village. Mayor Kessler stated Administrator Lobaito
would provide copies of the articles to the Board.

Hearing Officer Concern

Mr. Dan Cox, 181 Knights Bridge Drive, stated he was a licensed
plumbing contractor, and a 15-year resident. Mr. Cox stated in 2003, he
had an issue with the Village Board adopting an ordinance hiring a
hearing officer. Mr. Cox provided an article for each Board member.
Mr. Cox stated he provided petitions against the Village hiring their
own judge; there should be a balance between justice and the
government. Justice is supposed to protect citizens from a government
becoming oppressive. When the Village hires their own judge, justice is
taken away. Mr. Cox described an instance when the Village issued a
notice regarding his truck in violation. The Village has taken away the
option to go to court. What is a citizen's right, when the Village is
oppressive with the ordinances? Why did the Village take away
resident's options? The Village was losing 60% of the cases, and court
would take some of the income. With a hearing officer, the Village
keeps all of the income. Mr. Cox asked the Board to give the choice
back to their residents. Mr. Cox warned property owners of the
promises the Village makes, because they were promised choice and
that has been taken away. Mayor Kessler stated an appeal could be
made all the way to the Supreme Court. Mr. Cox stated an appeal was

only available if a judicial infraction is found, not if you disagree with the decision.

Floor Opened to Public
(Continued)

Mr. Joseph Schwan, 28630 Champions Court, Ivanhoe stated April 9, 2009 the *Daily Herald* printed a great article regarding Mr. Ken Miller, who provides great work service and Mundelein is very fortunate to have Mr. Miller on its staff. Mr. Schwan thanked Mr. Miller and the *Daily Herald*. Mr. Schwan stated Home Depot has done a great job containing the spring sale items, and complimented Mr. Pete Schubkegel for enforcing the ordinances. Mr. Schwan stated there are many dead plants and trees and asked the replacements be made with the same landscape. A six-foot tree should be replaced with a six-foot tree. Mr. Schwan stated Route 53 was supported 76% and asked the Board to support Route 53; it would be good for the western boundary of Lake County. Mr. Schwan congratulated everyone who won the recent election and looks forward to continuing discussions with the Board. Mayor Kessler stated the landscape replacements is the responsibility of the property owner and added the Village recently updated the support for Route 53 with improvements to east/west streets.

Home Depot Improvements
& Route 53 Support

Mr. Luis Fuentes, 51 South California Avenue, stated he was concerned with the repercussions of the rental property license ordinance, where are residents going to go? If landlords increase rental rates, renters would move out and what would that do to the Village. Mr. Fuentes stated he was a business owner and he has seen a lot of vacancies and it would only increase.

Rental Property License
Ordinance Concerns

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

Floor Closed to Public

Motion by Voss, seconded by Sullivan to appoint Jesus Aguirre to the Human Relations Commission. Upon roll call vote, the vote was as follows: Ayes: Voss, Sullivan, Meier, Nutschnig, and Semple; nays: none; absent and not voting: Cancelli. Motion carried.

Mayor's Report

Human Relations
Commission Appointment

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

Oath of Office
Administered

Mayor Kessler stated the Human Relations Committee has been recently updated and has been fully staffed the first meeting is scheduled within two to three weeks. The steering committee has defined the mission of the committee and the Board has approved the mission. The Committee would meet to decide what actions would be taken.

Mayor Kessler proclaimed April 19 – April 25, 2009 as National Volunteer Week.

Mayoral Proclamation –
National Volunteer Week

Motion by Meier, seconded by Nutschnig to appoint Trustees Semple and Voss to the Comprehensive Plan Selection Committee.

Comprehensive Plan Update
Selection Committee

Trustee Sullivan expressed serious reservations regarding the cost of the updated comprehensive plan, not to the trustee appointments. Trustee

Mayor's Report (Continued)	Sullivan stated the financial situation is somewhat in doubt and feels this may not be the right time for this \$100,000 expense.
Comprehensive Plan Update Selection Committee (Continued)	Trustee Meier stated the current comprehensive plan is old and sees long-term benefits to updating the plan. Administrator Lobaito stated the current plan was updated 1990. Upon roll call vote, the vote was as follows: Ayes: Meier, Semple, Sullivan, and Voss; nays: Nutschnig; absent and not voting: Cancelli. Motion carried.
Motorcycle Awareness Ride Sunday 04.26.09 – Mundelein Train Station	Mayor Kessler announced the annual Motorcycle Awareness Ride was scheduled Sunday April 26, 2009, lining up at the Mundelein Train Station at 9:30, leaving at 10:00 am sponsored by Northwest Suburban ABATE and North Suburban ABATE. Mayor Kessler added May is Motorcycle Safety Month.
Motion to Recess the 2959 th Regular Meeting into a Liquor Control Commission Committee meeting	Motion by Semple, seconded by Voss to recess the 2959 th Regular meeting into a Liquor Control Commission Committee meeting. Upon roll call vote, the vote was as follows: Ayes: Semple, Voss, Meier, Nutschnig, and Sullivan; nays: none; absent and not voting: Cancelli. Motion carried.
2959 th Regular Meeting Recessed	The 2959 th Regular meeting was recessed at 8:47 pm.
Motion to Reconvene 2959 th Regular Meeting	Motion by Voss, seconded by Nutschnig to reconvene the 2959 th Regular meeting. Upon roll call vote, the vote was as follows: Ayes: Voss, Nutschnig, Meier, Semple, and Sullivan; nays: none; absent and not voting: Cancelli. Motion carried.
2959 th Regular Meeting Reconvened	The 2959 th Regular meeting was reconvened at 9:11 pm.
Attendance	Clerk Dahlstrom took the roll. It indicated these members present: Trustees Meier, Nutschnig, Semple, Sullivan, and Voss; absent: Cancelli. 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.
Mayor Kessler Left	Mayor Kessler left the 2959 th Regular meeting at 9:12 pm.
Public Works Committee Update	Trustee Semple stated a Committee of the Whole meeting would be scheduled for 1QFYE10 to discuss the long-range road improvement plan.
Mayor Kessler Returned	Mayor Kessler returned to the 2959 th Regular meeting at 9:14 pm.
Finance Committee Meeting Update	Trustee Sullivan stated a Finance Committee meeting was held to discuss the Fiscal Year End 2010 budget, with an additional meeting to be held

April 20, 2009 at 6:00 pm. Administrator Lobaito stated under the Administrator's report a motion would be made to change the Regular Board meeting's time back to 7:00 pm.

Finance Committee
(Continued)

Motion by Sullivan, seconded by Meier to approve the minutes of the March 30, 2009 Finance Committee meeting. Upon roll call vote, the vote was as follows: Ayes: Sullivan and Meier; nays: none; absent and not voting: Cancelli. Motion carried.

Motion to Approve the Minutes of the 03.30.09 Finance Committee Meeting

Motion by Sullivan, seconded by Nutschnig to approve the payment of bills, as indicated on Disbursements Pending Report dated 04/13/09 for AT&T, AT&T Long Distance and AT&T Mobility invoices totaling \$14,178.60.

Motion to Approve the Payment of Bills, Dated 04.13.09 for AT&T, AT&T Long Distance and AT&T Mobility Invoices Totaling \$14,178.60

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.

Motion to Approve the Payment of Bill **Paid Under Protest**, Dated 04.13.09 for ComEd Street Lites Invoices Totaling \$10,195.93

Motion by Sullivan, seconded by Nutschnig to approve the payment of bill **paid under protest**, as indicated on Disbursements Pending Report dated 04/13/09 for ComEd Street Lites invoices totaling \$10,195.93. Upon roll call vote, the vote was as follows: Ayes: Sullivan, Nutschnig, Meier, Semple, and Voss; nays: none; absent and not voting: Cancelli. Motion carried.

Motion to Approve the Payment of Bill **Paid Under Protest**, Dated 04.13.09 for North Shore Gas @ 165 N Archer Invoices Totaling \$1,837.95

Motion by Sullivan, seconded by Voss to approve the payment of bill **paid under protest**, as indicated on Disbursements Pending Report dated 04/13/09 for North Shore Gas @ 165 N. Archer invoices totaling \$1,837.95. Upon roll call vote, the vote was as follows: Ayes: Sullivan, Voss, Meier, Nutschnig, and Semple; nays: none; absent and not voting: Cancelli. Motion carried.

Financial Highlights

Trustee Sullivan highlighted the financial expenses.

Community Development Committee

Trustee Voss announced permits have increased from last year. Trustee Voss announced Dominick's held their grand re-opening last weekend and encouraged everyone to visit.

Permits Committee

Motion by Nutschnig, seconded by Sullivan to approve the minutes of the March 23, 2009 Permits Committee Meeting. Upon roll call vote, the vote was as follows: Ayes: Nutschnig and Sullivan; nays: none; absent and not voting: Cancelli. Motion carried.

Fire Committee

Trustee Meier announced Baskin-Robbins "31cents Scoop Night" Wednesday April 29, 2009 from 5:00 pm until 10:00 pm at both Baskin Robbins locations; 346 North Lake Street and 722 South Route 83, funds going towards the 1925 Stoughton Fire Truck Restoration Project.

Scoop Night 04.29.09

Omnibus Vote Agenda

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

Items Removed from Omnibus Agenda

Trustee Sullivan removed Item 1. Trustee Voss removed Items 7 and 8.

Motion to Approve Omnibus Vote Agenda

There were no other additions, deletions or corrections.

Motion by Sullivan, seconded by Nutschnig to approve the following Omnibus Vote Agenda, **excluding Items 1, 7, and 8.**

1. **REMOVED**

2. **Motion** to authorize the Mayor to execute the letter of agreement dated March 24, 2009 amending the 2009 Pace Paratransit Local Share Agreement with the Village of Mundelein. (Omnibus Vote)

3. **A. Motion** to approve and authorize the Clerk's signature on a **"Resolution for Maintenance of Streets and Highways by Municipality Under the Illinois Highway Code"** appropriating three hundred fifteen thousand dollars (\$315,000.00) in motor fuel tax revenues for CY 2009 Street and Highway Maintenance by the Municipality (IDOT Section 09-00000-00-GM). **(Resolution No. 09-04-24)** (Omnibus Vote)

B. Motion to approve and authorize the Village Engineer's signature on the "Municipal Estimate of Maintenance Costs" itemizing the proposed maintenance operations costs. (Omnibus Vote)

4. **Motion** to pass **An Ordinance Consenting to the City of Highwood as an Additional Member of the Solid Waste Agency of Lake County, Illinois (SWALCO) with No Late Fee. (Ordinance No. 09-04-23)** (Omnibus Vote)

5. **Motion** to authorize the execution of the February 25, 2009 arrangement letter engaging McGladrey & Pullen, LLP to perform the annual audit for the fiscal year ending April 30, 2009, as described in the said arrangement letter for a fee not to exceed \$40,400. (Omnibus Vote)

6. **Motion** to adopt **A Resolution Authorizing the Execution of an Agreement Regarding Access Roadway for Future Commuter Rail Station on the Star Line. (Resolution No. 09-04-25)** (Omnibus Vote)

7. **A. REMOVED**

B. REMOVED

8. **REMOVED**

Motion to Approve
Omnibus Vote Agenda
(Continued)

9. **Motion** to approve and accept Performance Bond No. 929474779 for Groot Industries, Inc. from Continental Casualty Company, Chicago, Illinois in the amount of \$200,000. (Omnibus Vote)

10. **Motion** to approve the Departmental Purchase Request in the amount of \$22,000.00 from Smith & LaLuzerne, Ltd., 209 W. Madison Street, 2nd Floor, Waukegan, IL 60085 for estimated legal bills for March-April 2009. (Omnibus Vote)

11. **Motion** to approve the payment of bills, as indicated in the Governing Body Report, for the period 03/24/09 through 04/13/09 in the amount of \$1,047,548.55. (Omnibus Vote)

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

Motion by Sullivan, seconded by Semple to approve the Departmental Purchase Request in the amount of \$50,000.00 for Diamond Lake School District and authorize payment per the agreement with Canadian National.

Motion to Approve the Departmental Purchase Request in the Amount of \$50,000.00 for Diamond Lake School District and Authorize Payment per the Agreement with Canadian National

Trustee Sullivan stated he spoke with Administrator Lobaito earlier and requested a letter be sent to Diamond Lake School District outlining how these funds are utilized as agreed to within the Canadian National Agreement. Administrator Lobaito stated staff has spoken with Superintendent Prorise and he understands the funds are to be used for sound proofing their classrooms. Trustee Sullivan added this is a small fraction Canadian National is providing to the Village. Mayor Kessler added there were additional funds the Village wouldn't even see being provided by Canadian National as was negotiated by the Village.

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

Motion by Voss, seconded by Meier to award a contract to Meade Electric pending FYE 2010 Budget approval and submittal of a current Certificate of Insurance.

Motion to Award a Contract to Meade Electric Pending FYE 2010 Budget Approval and Submittal of a Current Certificate of Insurance

Trustee Voss stated she had received inquiries and reiterated this was for routine maintenance, not adding surveillance equipment to the streetlights.

Trustee Sullivan stated the contractors do red light cameras and the Village has never discussed installing red light cameras.

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

Motion to Authorize the Village Engineer to Sign the Traffic Signal Maintenance Agreement with Meade Electric Company, Inc., McCook, IL for FYE 2010 in the Amount of \$9,120.00

Motion to Adopt a Resolution Approving the Execution of the First Amendment to Exclusive Agreement for Collection and Disposal of Residential Municipal Waste, Landscape Waste & Recyclable Materials

Administrator's Report

House Bill 1345

Lake County Intergovernmental Agreement

Motion by Voss, seconded by Meier to authorize the Village engineer to sign the Traffic Signal Maintenance Agreement with Meade Electric Company, Inc., McCook, IL for FYE 2010 in the amount of \$9,120.00. Upon roll call vote, the vote was as follows: Ayes: Voss, Meier, Nutschnig, Semple, and Sullivan; nays: none; absent and not voting: Cancelli. Motion carried.

Motion by Voss, seconded by Sullivan to adopt **A Resolution Approving the Execution of the First Amendment to Exclusive Agreement for Collection and Disposal of Residential Municipal Waste, Landscape Waste and Recyclable Materials. (Resolution No. 09-04-26)**

Trustee Voss stated e-mail was received by a resident asking the Village to opt out of the Groot Agreement. Assistant Administrator Flynn stated it is Groot's approval whether a resident opts out of the recycle program.

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

Administrator Lobaito requested a motion to send a letter to State Representatives regarding House Bill 1345, which would provide for duty related pension and health benefits to firefighters that injure themselves at work doing household chores. If the Senate adopts the bill, Mundelein as well as all other Illinois firefighter pensions would have a significantly higher liability exposure. Based on the Village's calculations, a firefighter that is injured doing household chores while on duty would over his/her lifetime would receive nearly double the benefits compared to a simple Workman's Compensation claim.

Trustee Voss asked if a ruling could be made as part of the settlement the compensation is sealed. Attorney Marino stated an order could be entered to seal the documents, however it would be reflected as a dismissal of the action by agreement of the parties. Mayor Kessler added judges tend not to seal court records and the Village should not depend on that on every instance.

Motion by Voss, seconded by Nutschnig authoring the Village Administrator to send a letter to local and state representatives regarding House Bill 1345. Upon roll call vote, the vote was as follows: Ayes: Voss, Nutschnig, Meier, Semple, and Sullivan; nays: none; absent and not voting: Cancelli. Motion carried.

Motion by Sullivan, seconded by Nutschnig authoring the Village Administrator to send a letter to the Lake County Department of Transportation regarding the Lake County Intergovernmental Agreement.

Administrator Lobaito corrected the second to the last paragraph of the Staff Report dated April 13, 2009 should read March 27, 2009 not February 27, 2009. Administrator Lobaito stated the concept was a great idea; however there were a couple of issues the Lake County Department of Transportation

are not willing to change.

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

Administrator Lobaito announced a Route 120 Corridor By-pass Open House scheduled Wednesday April 15, 2009 at Prairie view School, 103 East Belvedere Road, Hainesville at 6:00 pm.

Route 120

Motion by Voss, seconded by Nutschnig to move the 2960th Regular Village meeting from 8:00 pm to 7:00 pm scheduled Monday April 27, 2009. Upon roll call vote, the vote was as follows: Ayes: Voss, Nutschnig, Meier, Semple, and Sullivan; nays: none; absent and not voting: Cancelli. Motion carried.

2960th Regular Meeting changed from 8:00 pm to 7:00 pm

Village Clerk Dahlstrom announced the Consolidated Election was held April 7, 2009, and the Lake County Clerk’s Office would provide the official canvassing of the election Wednesday April 22, 2009.

Clerk’s Report

Official Canvassing
04.22.09

Trustee Sullivan stated Mr. Cox commented on the hearing officer process and stated he was on the Board and shared his concerns, however since that time, he has observed the hearing officer and process and found the hearing officer is an independent and fair judicial officer. The hearings are not always in favor of the Village. It is also a convenience for the residents to stay within the Village for these hearings.

Hearing Officer Process

Trustee Voss asked if statistics could be provided regarding outcomes of cases heard by the hearing officer. Mayor Kessler stated statistics could be provided, however he has never received a complaint. Mayor Kessler added a hearing officer hears anyone in a disciplinary action, who holds a license regulated by the State. Mayor Kessler stated he is satisfied with the process and feels it works well.

Motion by Sullivan, seconded by Nutschnig to adjourn the 2959th Regular Board meeting. Upon unanimous voice vote, the meeting was adjourned at 9:46 pm. Motion carried.

Motion to Adjourn

The 2959th Regular meeting was adjourned at 9:46 pm.

Adjournment

Village Clerk