

The 2954<sup>th</sup> Regular Meeting of the Board of Trustees of the Village of Mundelein was held Monday, January 26, 2009 at 1000 North Midlothian Road, Mundelein. Mayor Kessler called the meeting to order at 7:18 pm.

2954<sup>th</sup> Regular Meeting

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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, Deputy Chief Eugenis, MPD; Chief Sashko, MFD; Finance Director Hatton, Engineer Emmerich, Director of Public Works Miller, Director of Building Schubkegel, Sr. and Attorney Marino.

Attendance

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Mayor Kessler the Pledge of Allegiance.

Pledge of Allegiance

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Motion by Voss, seconded by Sullivan to approve the Minutes of the Regular Village Board Meeting of January 12, 2009. 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.

Motion to Approve the Minutes of Regular Board Meeting of 01.12.09

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

Floor Opened to Public

No comments were made. The public commentary was closed.

Floor Closed to Public

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Mayor Kessler stated he would not present Mr. Charles F. Butler Jr. for the appointment to Plan Commission, since late last week, Mr. Butler informed him he would be unavailable for tonight's meeting due to a necessary medical procedure.

Mayor's Report

Plan Commission Appointment Postponed

**Motion** by Sullivan, seconded by Voss to authorize the Village Administrator or his designee to execute a power purchase contract with either Exelon Energy Co., Interrys Energy Services, Inc., Suez Energy International or Direct Energy, subject to attorney review, whichever of these companies is certified by the Northern Illinois Energy Cooperative (NIMEC) as the low bidder in the NIMEC power purchase bid to be opened as soon as possible after February 1, 2009. 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.

2008 Electricity Bid

**Motion** by Semple, seconded by Meier to authorize staff to prepare a Resolution Authorizing the Mayor's Execution of the Second Amendment to the Development Agreement between Diamond Cove, LLC and the Village of Mundelein.

Diamond Cove

Trustee Voss asked how many units had been sold. Mr. Feltman, Developer, stated there have been six contracts; two have been broken due to timeframe. Trustee Voss asked how many contracts were required to receive bank financing. Mr. Feltman stated they had bank financing, however a total of six contracts are required to begin construction. Mr. Feltman stated the timing of the contracts have not been consecutive, and doesn't have a total of six yet; there were two contracts, get a third and lose one.

Mayor's Report (Continued)

Diamond Cove (Continued)

Trustee Sullivan asked if the Letter of Credit would extend to match the new extended date. Mr. Feltman stated the Letter of Credit could be renewed thirty days before the expiration and would be renewed if the public improvements were not completed.

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

**Motion** by Semple, seconded by Nutschnig to Authorize Staff to Prepare an Ordinance Granting a One-Year Extension to Ordinance No. 07-11-56 to Permit an Off-Site Sign at 658-710 South Lake Street. Upon roll call vote, the vote was as follows: Ayes: Semple, Nutschnig, Meier, Sullivan, and Voss; nays: none; absent and not voting: Cancelli. Motion carried.

Denali Spectrum Operations,  
LLC – 169 North Seymour,  
AKA 149 East Division

**Motion** by Sullivan, seconded by Voss to Accept the Plan Commission's recommendation as stated in the Staff Report dated January 26, 2009.

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, Voss, Nutschnig, and Semple; nays: none; abstain: Meier; absent and not voting: Cancelli. Motion carried.

**Motion** by Voss, seconded by Nutschnig to Accept the Plan Commission's Findings of Fact.

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: Voss, Nutschnig, Semple, and Sullivan; nays: none; abstain: Meier; absent and not voting: Cancelli. Motion carried.

**Motion** by Nutschnig, seconded by Sullivan to pass **An Ordinance Granting A Special Use Permit for Three Communications Antennas, 169 North Seymour, also known as 149 East Division Street, Mundelein, Illinois. (Ordinance No. 09-01-03)**

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: Nutschnig, Sullivan, Semple, and Voss; nays: none; abstain: Meier; absent and not voting: Cancelli. Motion carried.

**Motion** by Sullivan, seconded by Nutschnig to adopt **A Resolution Approving a License Agreement by and between the Village of Mundelein and Denali Spectrum Operations, LLC Regarding the Installation and Operation of Antennae on the Water Tower and Related Equipment at 169 North Seymour Avenue, also known as 149 E. Division Street, Mundelein, Illinois. (Resolution No. 09-01-07)**

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** by Nutschnig, seconded by Voss to Accept the Plan Commission's Recommendation as stated in the Staff Report dated January 26, 2009.

Lake County Department of  
Transportation – 1601  
Winchester Road

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: Nutschnig, Voss, Semple, and Sullivan; nays: none; abstain: Meier; absent and not voting: Cancelli. Motion carried.

**Motion** by Voss, seconded by Nutschnig to Accept the Plan Commission's Minutes and Findings of Fact.

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: Voss, Nutschnig, Semple, and Sullivan; nays: none; abstain: Meier; absent and not voting: Cancelli. Motion carried.

**Motion** by Nutschnig, seconded by Sullivan to pass **An Ordinance Granting a Special Use Permit for Telecommunication Antennas at 1601 Winchester Road, Mundelein, Illinois. (Ordinance No. 09-01-04)**

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

Trustee Sullivan asked if the antennas were to integrate the three new traffic signals. Mr. Tony Khawaja, Lake County Traffic Engineer, stated that was correct; the three proposed traffic signals would be located at Midlothian Road and Peterson Road, Midlothian Road at the Park District entrance, and at Cedar Lake Road and Amarias Drive. Trustee Sullivan asked if Lake County would help the Village pay for the traffic signal at the Park District entrance. Mayor Kessler stated that was his understanding. Mr. Khawaja added it would be a great benefit for both parties.

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

**Motion** by Nutschnig, seconded by Voss to pass **An Ordinance Granting a Variation at 1601 Winchester Road, Mundelein, Illinois. (Ordinance No. 09-01-05)**

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: Nutschnig, Voss, Semple, and Sullivan; nays: none; abstain: Meier; absent and not voting: Cancelli. Motion carried.

**Motion** by Sullivan, seconded by Nutschnig to adopt **A Resolution Approving An Agreement Between the Village of Mundelein and The County of Lake, Illinois Regarding the Installation and Operation of Antennae on the Water Tower and Related Equipment at 1601 Winchester Road, Mundelein, Illinois. (Resolution No. 09-01-08)**

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.

Tall Grass Ridge **Motion** by Meier, seconded by Nutschnig to adopt **A Resolution Approving and Authorizing the Third Amendment to the Development Agreement Between the Village of Mundelein and Tall Grass Ridge, LLC. (Resolution No. 09-01-09)** 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.

Village Water Used Instead of Bottled Water Mayor Kessler announced water pitchers and glasses have been provided by the Fire Department to eliminate bottled water and help the Village on its "green" initiative.

Centennial Opening Ceremony 02.07.09 at 11:00 AM at Lincoln School Mayor Kessler reminded everyone of the first Centennial event Saturday February 7, 2009 at 11:00 am starting at Lincoln School with various Open Houses throughout the Village.

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Public Works Committee Trustee Semple stated Public Works notified staff of using some sand on the roads to alleviate slippery conditions, however since it does drain into out water sewers, it would be kept to a minimum.

Sand Usage on Some Roads  
Single Waster Hauler to be Presented Trustee Semple stated at the next Board meeting, the single waster hauler program would be presented. Trustee Semple gave a brief summary of

the project. Trustee Sullivan asked if the past presentations should be reviewed for the next meeting. Administrator Lobaito stated the Board should focus on the most current information.

Public Works Committee  
(Continued)

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**Motion** by Sullivan, seconded by Semple to approve the payment of bills, as indicated on Disbursements Pending Report dated 01/26/09 for AT&T and AT&T Long Distance invoices totaling \$3,227.25.

Finance Committee

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

Motion to Approve the Payment of Bills, Dated 01.26.09 for AT&T and AT&T Long Distance Invoices Totaling \$3,227.25

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

**Motion** by Sullivan, seconded by Semple to approve the payment of bill as indicated on Disbursements Pending Report dated 01/26/09 for Motorola invoice totaling \$1,480.74. 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 to Approve the Payment of Bill, Dated 01.26.09 for Motorola Invoice Totaling \$1,480.74

**Motion** by Sullivan, seconded by Meier to approve the payment of bill **paid under protest**, as indicated on Disbursements Pending Report dated 01/26/09 for North Shore Gas @ 165 N. Archer invoice totaling \$2,705.38.

Motion to Approve the Payment of Bill Paid Under Protest, Dated 01.26.09 for North Shore Gas @ 165 North Archer invoice totaling \$2,705.38

Trustee Voss asked when this issue might be resolved. Attorney Marino stated North Shore Gas' position was the building is not used for Village purposes, the alternative is to file a suit and go to court, and he did not recommend the alternative.

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

Financial Highlights

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Trustee Sullivan highlighted the financial expenses.

Trustee Voss announced Advanced Auto Parts; 685 South Lake Street in the new Forest Plaza shopping center is now open.

Community Development Committee

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**Motion** by Voss, seconded by Sullivan to approve the minutes of the January 12, 2009 Zoning Board of Appeals meeting. 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.

Permits Committee

**Motion** by Nutschnig, seconded by Sullivan to authorize staff to prepare an ordinance granting a Special Use Permit pursuant to Section 20.24.030(45) of the Mundelein Municipal Code to permit automobile repair, minor; a variation to Section 20.36.040(5) to permit parking in the front yard setback, and a variation to Section 20.28.040 to reduce the number of required parking spaces from 14 to 4, subject to attorney review, at 615 North Lake Street, ZBA-01-2009. Upon roll call vote, the vote was as follows: Ayes: Nutschnig, Sullivan,

Motion to Approve the Minutes of the 01.12.09 ZBA Meeting

Motion to authorize staff to prepare an ordinance granting a Special Use Permit at 615 North Lake Street

Permits Committee  
(Continued)

Meier, Semple, and Voss; nays: none; absent and not voting: Cancelli.  
Motion carried.

ZBA Meeting Called  
02.09.09 at 6:15 PM

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Trustee Nutschnig called a Permits Committee Meeting for Monday, February 9, 2009 at 6:15 pm regarding 524 N. Lake Street – Sprinkler Variation, 2075 S. Lake Street – Sign Variation, and 1210 S. Lake Street – Sign Variation.

Fire Committee

Centennial  
Commemorative Fire  
Truck

Trustee Meier stated the Fire Department has a commemorative model 1925 Stoughton Fire Truck replica for a \$20.00 donation. All proceeds would go towards the Stoughton Restoration Project. Contact the Mundelein Fire Department or they will be available at the Open House.

Fire Department  
Newsletter

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Trustee Meier encouraged everyone to sign up for the Fire Department Newsletter, which could be found on-line at [www.mundelein.org](http://www.mundelein.org),

Omnibus Vote Agenda

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

Items Removed from  
Omnibus Agenda

There were no additions, deletions or corrections.

Motion to Approve  
Omnibus Vote Agenda

**Motion** by Nutschnig, seconded by Sullivan to approve the following Omnibus Vote Agenda.

1. **Motion** to approve the Departmental Purchase Request in the amount of \$85,996.35 from Charles Marino, 100 W. Monroe Street, Chicago, IL 60603 for Legal Services 05/01/07 - 04/30/08. (Omnibus Vote)
2. **Motion** to approve the Departmental Purchase Request in the amount of \$27,122.00 from RMS Business Systems, 135 N. Arlington Heights, Suite 104, Buffalo Grove, IL 60089 for Cisco Unity Server Replacement & Support. (Omnibus Vote)
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-1 Liquor Licenses from Eleven (11) to Ten (10). (Ordinance No. 09-01-06)** (Omnibus Vote)
4. **Motion** to accept the 2008 Safety Program Year-End Report and Recommendations. (Omnibus Vote)
5. **Motion** to pass **An Ordinance Granting a Variation for 539 W. Park Street, Mundelein, Illinois. (Ordinance No. 09-01-07)** (Omnibus Vote)
6. **Motion** to approve the Departmental Purchase Request in the amount of \$14,700.00 from Microdynamics Group, 1400 Shore

Rd., Naperville, IL 60563 for 4 Months Water Billing. (Omnibus Vote)

Omnibus Vote Agenda  
(Continued)

7. **Motion** to approve Addendum No. 1 to Bonestroo Construction Engineering Services Agreement increasing the value of the existing Agreement by \$14,220.00 for additional services provided during the FYE08 (2007) Street Improvement Project, and authorize the Village Engineer's signature on the Addendum. (Omnibus Vote)

8. **Motion** to authorize the Mayor and Village Clerk to sign the voting authorization for Chief Sashko, Deputy Chief Adams and Deputy Chief Leidig, for the Lake and McHenry Counties Fire Departments Specialized Response Team. (Omnibus Vote)

9. **Motion** to approve the payment of bills, as indicated in the Governing Body Report, for the period 01/13/09 through 01/26/09 in the amount of \$733,472.18. (Omnibus Vote)

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

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Administrator's Report

Administrator Lobaito stated a new calendar has been provided with meeting dates highlighted and the Committee Assignment List on the back.

New Calendars

Administrator Lobaito stated the first meeting for the Relay for Life was held; the Relay for Life event would be held May 30, 2009 and thanked Crown Plaza for donating the space for the meeting room.

Relay For Life Underway

Administrator Lobaito called the first budget meeting for Monday March 30, 2009, which coincides with spring break. Administrator Lobaito asked the Board to confirm their availability for that meeting.

Budget Meeting Called  
for 03.30.09

**Motion** by Voss, seconded by Nutschnig to submit a 2009 CMAQ application for the extension of the Mundelein Bike Trail system on Allanson Road between Washington Boulevard and Butterfield Road.

2009 CMAQ Grant

Assistant Administrator Flynn explained the map for the CMAQ Project.

Motion to Submit a 2009  
CMAQ Application for  
the Extension of the  
Mundelein Bike Trail  
System on Allanson Road  
Between Washington  
Boulevard & Butterfield  
Road

Trustee Voss thanked Assistant Administrator Flynn for all of his efforts regarding this project.

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.

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Clerk's Report

Clerk Dahlstrom stated nominating packets were accepted until 5:00 pm

Nominating Packets All  
In

Clerk's Report  
(Continued)

Simultaneous Lottery to  
Be Held 01.30.09 at 9:00  
AM

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Motion to Adjourn

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Adjournment

today. Clerk Dahlstrom announced the following nominating packets were received:

- 1 Mayor, 1 seat available
- 1 Village Clerk, 1 seat available
- 1 Trustee – Unexpired Term, 2 year-term, 1 seat available
- 4 Trustee – Full Term, 4 year-term, 3 seats available

Clerk Dahlstrom announced three of the four election packets received were Simultaneous Filers and a lottery would be held Friday, January 30, 2009 at 9:00 am at the Village Hall, 440 East Hawley Street to determine placement on the ballot.

Motion by Meier, seconded by Nutschnig to adjourn the 2954<sup>th</sup> Regular Board meeting. Upon unanimous voice vote, the meeting was adjourned at 8:05 pm. Motion carried.

The 2954<sup>th</sup> Regular meeting was adjourned at 8:05 pm.

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Village Clerk