

The 2956th Regular Meeting of the Board of Trustees of the Village of Mundelein was held Monday, February 23, 2009 at 1000 North Midlothian Road, Mundelein. Mayor Kessler called the meeting to order at 7:38 pm.

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, 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 the Pledge of Allegiance.

Motion by Cancelli, seconded by Sullivan to approve the Minutes of the Regular Village Board Meeting of February 9, 2009.

Clerk Dahlstrom stated Trustee Sullivan recommended a minor change to the minutes. Clerk Dahlstrom stated the change would be made before they are submitted.

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.

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

Mr. David Wall, Veolia Environmental Services, 2230 Ernie Krueger Circle, Waukegan, restated to would like the opportunity to bid for the single-waste hauler program. Mr. Wall stated he sent an e-mail earlier today and stated he believed Veolia would provide the best rate for the Village. Mr. Wall stated Mundelein would be paying 40% higher than some neighboring communities and more than smaller neighboring communities. With these economic times, and RFP is prudent and again asked the Board to consider an RFP.

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

Mayor Kessler introduced Ms. Wendy Fraser, chair of the Centennial Committee. Ms. Fraser stated the Opening Ceremony was a great success due largely in part to all of the employees who worked so hard to help out. People who visited all sites had the opportunity for a raffle drawing for "Mayor for a Day", "Police Chief for a Day", and "Fire Chief for a Day", although not all who visited all sites, entered their passports. Some people wanted to keep their passports as a souvenir. Ms. Fraser asked Mayor Kessler to pick a passport. Mayor Kessler announced Jessica Marvin as "Mayor for a Day". Chief Sashko picked Terry Skriba as "Fire Chief for a Day". Chief Rose picked Jasmine Dennis as "Police Chief for a Day". Ms. Fraser announced Wednesday February 25 at the Fremont Library presented by Ms. Diana Dretske from the Discovery Museum.

2956th Regular Meeting

Attendance

Pledge of Allegiance

Motion to Approve the Minutes of Regular Board Meeting of 02.09.09

Floor Opened to Public

Veolia Requests an RFP

Floor Closed to Public

Centennial Committee - Opening Ceremony Raffle Winners for Mayor for a Day, Police Chief for a Day, and Fire Chief for a Day

Centennial Committee -
Opening Ceremony Raffle
Winners for Mayor for a Day,
Police Chief for a Day, and
Fire Chief for a Day
(Continued)

Also, March 21 is the Centennial Blood Drive and the goal is to donate 100 units of blood. The next big event is the “Evening of Music” at the University of St. Mary of the Lake with a terrific line up of musicians. Ms. Fraser also stated the map outside the Boardroom is a map of the Village. Residents are encouraged to come in and place a pin on their homes, and hope to have everyone sign the guest book.

Good Neighbor Award –
Garden Fresh Market

Mayor Kessler presented Garden Fresh Market with the Good Neighbor Award. Mr. Ron Trost, manager, stated the award truly doesn’t belong to Garden Fresh Market, but the people who’ve purchased the bags of groceries. Mr. Trost stated at least 10 people who have received these bags have come in and cannot thank him enough, they are so grateful. Mr. Trost thanked the Board and all of the people who have purchased the groceries.

Mayor’s Report

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

Plan Commission
Appointment

Oath of Office Administered

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

Mr. Butler stated he looked forward to working for the residents and businesses of Mundelein. Mr. Butler stated he and his wife Sue have lived in Mundelein for 21 years and enjoyed it very much. Mayor Kessler thanked Ms. Butler in advance for giving up his time to attend the Plan Commission meetings.

Public Works Committee

Motion to Authorize Staff to
Prepare a Resolution Waiving
the Bid Process, Accepting. &
Approving the Proposal Dated
02.06.09 for the Mundelein
Sanitary Sewer Interceptor in
the Amount of \$26,752.50

Motion by Semple, seconded by Cancelli to authorize the preparation of a Resolution waiving the bid process and accepting and approving the proposal dated February 6, 2009 for the Mundelein Sanitary Sewer Interceptor – Creek Crossing and Culvert Project in the amount of \$26,752.50. Upon roll call vote, the vote was as follows: Ayes: Semple, Cancelli, Nutschnig, Meier, Sullivan, and Voss; nays: none; absent and not voting: none. Motion carried.

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

Motion by Semple, seconded by Meier to direct staff to prepare a proposed agreement for a Residential Garbage Collection Franchise Contract.

Administrator Lobaito stated at the last meeting, discussions were held requesting better pricing, which Groot reduced the rate from \$22.00 to \$20.85, until October 2010; an additional \$.50 reduction if the Village wanted to remove the Spring Clean Up program. Mayor Kessler stated he did not want to remove the Spring Clean Up Program. Administrator Lobaito stated it would be a five-year contract with two one-year options.

Trustee Cancelli asked if there was an option to cancel the agreement if Customer Service Standards are not met. Administrator Lobaito stated

a separate letter was sent to Groot outlining the Customer Service Standards and the Village would have options to get out of the contract. Trustee Cancelli asked what the rate increase would be November 2010. Administrator Lobaito stated the index had not been chosen, however the rate increase would be between 3 – 5% annually.

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

Trustee Sullivan stated the Board requested lower rates, with more options to our residents, and there would be fewer trucks on the streets. Trustee Sullivan stated the goal was achieved, and he would support the agreement.

Trustee Voss thanked Trustees Meier and Semple for their efforts and hard work. Trustee Voss addressed Mr. Wall and stated two weeks ago it was stated they could submit a proposal and to date only a letter without rates was submitted, and feels if they could compete with this proposal they would have.

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

Finance Committee

Motion by Sullivan, seconded by Cancelli to approve the payment of bills, as indicated on Disbursements Pending Report dated 02/23/09 for AT&T, AT&T Long Distance and AT&T Pacific Telemanagement Service (PTS) invoices totaling \$3,422.47.

Motion to Approve the
Payment of Bills, Dated
02.09.09 for AT&T, AT&T
Long Distance, & AT&T
Pacific Telemanagement
Service (PTS) Invoices
Totaling \$3,422.47

Trustee Meier stated due to a conflict of interest, she would abstain from the motion. Trustee Meier also stated going forward if it was only AT&T Pacific Telemanagement Service (PTS) it could be added to the omnibus vote.

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

Motion by Sullivan, seconded by Cancelli to approve the payment of bill as indicated on Disbursements Pending Report dated 02/23/09 for Motorola invoices totaling \$602.00.

Motion to Approve the
Payment of Bill, Dated
02.23.09 for Motorola
Invoice Totaling \$602

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

Motion by Sullivan, seconded by Voss to approve the payment of bill as indicated on Disbursements Pending Report dated 02/23/09 for Mayor Kenneth Kessler invoice totaling \$50.00.

Motion to Approve the
Payment of Bill as Indicated
on Disbursements Pending
Report Dated 02.23.09 for
Mayor Kenneth Kessler

Trustee Voss asked if this was for the MainStreet dinner, because she was

Invoice Totaling \$50
Finance Committee
(Continued)

reimbursed \$55. Mayor Kessler stated this was for the GLMV dinner. 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.

Motion to Approve the
Payment of Bill Dated
02.23.09 for Trustee Semple
Invoice Totaling \$50

Motion by Sullivan, seconded by Voss to approve the payment of bill as indicated on Disbursements Pending Report dated 02/23/09 for Trustee Raymond Semple invoice totaling \$50.00.

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

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

Motion to Approve the
Payment of Bill **paid under
protest**, Dated 02.23.09 for
North Shore Gas at 165 N.
Archer Invoices Totaling
\$5,314.47

Motion by Sullivan, seconded by Nutschnig to approve the payment of bill **paid under protest**, as indicated on Disbursements Pending Report dated 02/23/09 for North Shore Gas at 165 N. Archer invoices totaling \$5,314.47. Upon roll call vote, the vote was as follows: Ayes: Sullivan, Nutschnig, Cancelli, Meier, Semple, and Voss; nays: none; absent and not voting: none. Motion carried.

Financial Highlights

Trustee Sullivan highlighted the financial expenses, and added the State income tax is only one month behind.

Community Development
Committee

Trustee Voss introduced Director of Planning Barrera to present the Community Development Website, and noted the Comprehensive Plan dated 1990. Director Barrera introduced Planner Talkington who spent many hours working on the website.

Introduction of the
Community Development
Website

Trustee Cancelli left the boardroom at 8:25 pm.

Trustee Voss thanked Planner Talkington and asked the Community Development be an icon like the Fire and Police department on the home page.

Trustee Cancelli returned the boardroom at 8:27 pm.

New Businesses: Tamales
Diana & The Golden
Kitchen

Mayor Kessler thanked Director Barrera and Planner Talkington for their efforts, and stated it would be useful for our residents and any developers and planners. Mayor Kessler stated the company that provided the Comprehensive Plan in 1990 has been hired to testify against the Village and Mayor Kessler would vote against hiring that company in the future.

Permits Committee

Trustee Voss stated there were two new businesses in town; Tamales Diana located at 615 North Midlothian Road and The Golden Kitchen at 1440 South Butterfield Road.

Motion to Approve the
Minutes of the 02.09.09
Permits Committee Meeting

Motion by Nutschnig, seconded by Sullivan to approve the minutes of

the February 9, 2009 Permits Committee Meeting. Upon roll call vote, the vote was as follows: Ayes: Nutschnig, Sullivan, and Cancelli; nays: none; absent and not voting: none. Motion carried.

Permits Committee
(Continued)

Motion by Nutschnig, seconded by Sullivan to authorize staff to prepare an amendment to an ordinance for ZBA-02-2009, CarMedix, 812 & 822 North Lake Street granting:

Motion to Authorize Staff
to Prepare an Amendment
to an Ordinance for
CarMedix, 812 & 822
North Lake Street

1. An Amendment to a Special Use Permit pursuant to Section 20.24.030(23) of the Mundelein Municipal Code to permit the sale of automobiles;
2. An Amendment to an Ordinance Granting a Variation to Section 20.36.040(1) to permit an automobile collision repair facility;
3. A Variation to Section 20.36.040(5) to permit parking in the front yard;
4. A Variation to Section 20.28.050 to permit parking and landscaping in the front yard, and to permit a reduction of a one-way drive aisle from 12 feet to 10.5 feet; and
5. Parking to be completed by July 2010.

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.

Fire Committee

Trustee Meier announced March 1 through March 7 is Severe Weather Awareness Week and there are additional details on the Fire Department website. While on the website, sign up for the e-newsletter.

Severe Weather Awareness
Week

Trustee Meier stated the Centennial Commemorative Fire Trucks are still available for \$20.00, which would go to the 1925 Stoughton Fire Truck Restoration Project. Trustee Meier stated they were available at the Fire Department and the Customer Service Office at Village Hall.

Centennial
Commemorative Fire
Trucks

Trustee Meier stated last Thursday she attended the Lake County Municipal League meeting where Director Miller presented the Illinois Public Works Mutual Aid Network plan and was very well received.

Illinois Public Works
Mutual Aid Network Plan
Presented at LCML

Trustee Nutschnig announced MainStreet presented Director Miller with the “Debbie Mullen Volunteer of the Year” award.

Director Miller Volunteer
of the Year

Motion by Sullivan, seconded by Nutschnig to recess into a Liquor Control Commission meeting. Upon roll call vote, the vote was as follows: Ayes: Sullivan, Nutschnig, Cancelli, Meier, Semple, and Voss; nays: none; absent and not voting: none. Motion carried.

Motion to Recess the
2956th Regular Meeting
Into a Liquor Control
Commission Meeting

The 2956th Regular meeting was recessed at 8:40 pm.

2956^h Regular Meeting
Recessed

Motion by Nutschnig, seconded by Voss to reconvene the 2956th Regular meeting. Upon roll call vote, the vote was as follows: Ayes: Nutschnig, Voss,

Motion to Reconvene the 2956 th Regular Meeting	Cancelli, Meier, Semple, and Sullivan; nays: none; absent and not voting: none. Motion carried.
2956 th Regular Meeting Reconvened	The 2956 th Regular meeting was reconvened at 8:46 pm.
Attendance	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.
Omnibus Vote Agenda	Mayor Kessler presented the Omnibus Vote Agenda asking for any additions, deletions or corrections.
Items Removed from Omnibus Agenda	Trustee Semple removed Item 2. Trustee Cancelli removed Item 4. Trustee Voss removed Item 11.
Motion to Approve Omnibus Vote Agenda	<p>There were no other additions, deletions or corrections.</p> <p>Motion by Voss, seconded by Nutschig to approve the following Omnibus Vote Agenda, excluding Item 2, 4, and 11.</p> <ol style="list-style-type: none"> 1. Motion to pass An Ordinance Authorizing the Sale of Surplus Village Police Department Vehicles. (Omnibus Vote) (Ordinance No. 09-02-13) 2. A. REMOVED <li style="padding-left: 40px;">B. REMOVED <li style="padding-left: 40px;">C. REMOVED 3. Motion to adopt A Resolution Authorizing a Change in the Meeting Time of the Village Board Meeting for April 13 and 27, 2009. (Omnibus Vote) (Resolution No. 09-02-14) 4. REMOVED 5. Motion to adopt A Resolution Regarding the Auction of Excess Village Equipment. (Omnibus Vote) (Resolution No. 09-02-15) 6. Motion to pass An Ordinance Granting a Special Use Permit for an Automotive Repair Shop, Major at 1414 Armour Boulevard, Suite D, Mundelein, Illinois. (Omnibus Vote) (Ordinance No. 09-02-14) 7. Motion to adopt A Resolution Denying a Request for Certain Variations to the Mundelein Sign Code Regarding the

Property Located at 1210 South Lake Street, Mundelein, Illinois. (Omnibus Vote) **(Resolution No. 09-02-16)**

Omnibus Vote Agenda
(Continued)

8. **Motion to pass An Ordinance Granting a Special Use Permit for Automobile Repair, Major, at 888 Tower Road, Suite B, Mundelein, Illinois.** (Omnibus Vote) **(Ordinance No. 09-02-15)**

9. **Motion to pass An Ordinance Authorizing Execution of the Illinois Public Works Mutual Aid Network Agreement (IPWMAN).** (Omnibus Vote) **(Ordinance No. 09-02-16)**

10. **Motion to adopt A Resolution Authorizing the Acceptance of the Wisconsin Central Ltd's Consent to Establishing an At Grade Access to the East Side Platform of the Metra Station in the Village of Mundelein, Lake County, Illinois from the Proposed Kiss and Ride, Subject to Approval Thereof by Metra.** (Omnibus Vote) **(Resolution No. 09-02-17)**

11. **REMOVED**

12. **A. Motion to adopt A Resolution Identifying the Eligible Redevelopment Project Costs to December 31, 2008 with Respect to the Downtown TIF District and Further Identifying Those Redevelopment Project Costs for Which Third Parties Have Agreed to Reimburse the Village.** (Omnibus Vote) **(Resolution No. 09-02-18)**

B. Motion to adopt A Resolution Authorizing the Release of 2006 TIF Fund Reserves, Establishment of 2007 TIF Fund Reserves, and Reimbursement of Funds from TIF Fund for Payments of Eligible Costs. (Omnibus Vote) **(Resolution No. 09-02-19)**

13. **Motion to approve the payment of bills, as indicated in the Governing Body Report, for the period 02/10/09 through 02/23/09 in the amount of \$396,203.36.** (Omnibus Vote)

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 Nutschnig, seconded by Semple to authorize the Mayor's signature on the Specifications Cover Sheet.

Motion to Authorize the Mayor's Signature on the Specifications Cover Sheet

Trustee Semple asked Engineer Emmerich to go over the FYE10 Street Improvement Project. Engineer Emmerich explained the streets to be scheduled for the FYE10 Street Improvement Project.

Mayor Kessler stated Seymour was not on the very bad streets and asked

Motion to Authorize the Mayor's Signature on the Specifications Cover Sheet (Continued)

Engineer Emmerich to explain why Seymour was on the repair schedule. Engineer Emmerich stated he and Administrator Lobaito held discussions and determined the street should be repaired sooner rather than later as a preservation technique. Administrator Lobaito stated it was an idea by IDOT last summer and addressed some localized area on state roads. This is a heavy traffic area, especially during Mundelein Community Days, and other community events.

Discussions were held regarding Cambridge West, repairing entire neighborhoods, budgeting for street repairs, winter patching, summer patching, and asphalt pricing.

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.

Motion to Approve a Bid Date/Time of Thursday, 03.12.09 at 2:00 PM for the FYE10 Street Improvement Project

Motion by Nutschnig, seconded by Semple to approve a bid date/time of Thursday, March 12, 2009 at 2:00 p.m. for the FYE10 Street Improvement Project. 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.

Motion to Authorize the Clerk's Signature on the Notice to Bidders FYE10 Street Improvement Project

Motion by Nutschnig, seconded by Semple to authorize the Clerk's signature on the Notice to Bidders FYE10 Street Improvement Project. 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.

Motion to Approve the Departmental Purchase Request in the Amount of \$19,163.00 from CDWG, 200 N. Milwaukee Avenue, Vernon Hills, IL 60061 for Microsoft Annual Enterprise License Agreement

Motion by Cancelli, seconded by Nutschnig to approve the Departmental Purchase Request in the amount of \$19,163.00 from CDWG, 200 N. Milwaukee Avenue, Vernon Hills, IL 60061 for Microsoft Annual Enterprise License Agreement.

Trustee Cancelli asked if this was new software acquisition or support license. Finance Director Hatton stated these were licenses only. Trustee Cancelli stated the price was very high and stated he made some inquiries, but didn't get all of the information before the meeting. Trustee Cancelli stated he did not want to disrupt the process of ensuring the Village was in compliance, and stated he would contact Administrator Lobaito once he received the pending information. Administrator Lobaito stated he would be interested in talking with Trustee Cancelli after he gets all of his information.

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 Adopt A Resolution Approving the First Amendment to the License Between VOM & WI Central Ltd. Pertaining to the Automated Horn Systems

Motion by Voss, seconded by Nutschnig to adopt **A Resolution Approving the First Amendment to the License Between the Village of Mundelein and Wisconsin Central Ltd. Pertaining to the Automated Horn Systems. (Resolution No. 09-02-20)**

Trustee Voss asked how quickly the Village would deactivate the horns. Administrator Lobaito stated it would take approximately 12 months, however it is a very easy process. Administrator Lobaito explained the deactivation process. Mayor Kessler explained the Canadian National acquisition agreement and why we want to deactivate the automated horns.

Trustee Sullivan asked if an application to the FRA could be submitted as these improvements are being made. Assistant Administrator Flynn stated the Quiet Zone calculations have been made, however the ICC also needs to be involved. Mayor Kessler asked Assistant Administrator Flynn to consult with the consultants to determine whether this can be done parallel with the improvements.

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.

Administrator Lobaito announced a Department Head staff meeting Tuesday, February 24, 2009 at 10:00 am.

Administrator Lobaito stated another letter was sent to North Shore Gas asking them to reconsider including 165 North Archer to the Village's franchise agreement.

Administrator Lobaito stated the current budget is being reviewed due to the decrease in revenues. Administrator Lobaito also added next year's budget is also being closely monitored without sacrificing services to our residents.

Attorney Marino stated it is the Board's discretion whether to recess into Executive Session regarding the next motion. Mayor Kessler asked for a motion to recess into Executive Session pending litigation regarding the DeRue motion. Trustee Sullivan stated he felt there was no need for an Executive Session.

Motion by Sullivan, seconded by Cancelli to authorize the Mayor to sign the Settlement and Release Agreement between Randall DeRue and Debra DeRue (Plaintiffs) vs. Village of Mundelein (Defendants). Upon roll call vote, the vote was as follows: Ayes: Sullivan, Cancelli, Meier, Nutschnig, Semple, and Voss; nays: none; absent and not voting: none. Motion carried.

Motion by Nutschnig, seconded by Meier to adjourn the 2956th Regular Board meeting. Upon unanimous voice vote, the meeting was adjourned at 9:20 pm. Motion carried.

The 2956th Regular meeting was adjourned at 9:20 pm.

Motion to Adopt A Resolution Approving the First Amendment to the License Between VOM & WI Central Ltd. Pertaining to the Automated Horn Systems (Continued)

Administrator's Report

Staff Meeting Called for 02.24.09 at 10 AM

North Shore Gas Update

Budget Concerns

Attorney's Report

Executive Session Called Only if Board Requested

Motion to Authorize the Mayor to Sign the Settlement & Release Agreement Between Randall DeRue and Debra DeRue (Plaintiffs) vs. VOM (Defendants)

Motion to Adjourn

Adjournment