

The 2957th Regular Meeting of the Board of Trustees of the Village of Mundelein was held Monday, March 9, 2009 at 1000 North Midlothian Road, Mundelein. Mayor Kessler called the meeting to order at 7:05 pm.

2957th Regular Meeting

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; Deputy Chief Adams, MFD; Assistant Finance Director Murray, 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 Cancelli to approve the Minutes of the Regular Village Board Meeting of February 23, 2009.

Motion to Approve the Minutes of Regular Board Meeting of 02.23.09

Trustee Voss stated a slight correction 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: Voss, Cancelli, Meier, Nutschnig, Semple, and Sullivan; nays: none; absent and not voting: none. Motion carried.

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

Floor Opened to Public

Mr. Kenneth Erickson, 21227 West Lakeview Park stated he was happy with the commercial development, however he noticed sidewalks were not included in the new developments, including the new CVS. Mr. Erickson stated his concerns w a re not only public health, but also safety reasons as well.

Sidewalks with New Developments

Ms. Kaitlyn Ellett, 504 West Hawthorn Blvd., stated she as a member of the Lake County After School Coalition, were one of three leadership programs to participate in the Underage Drinking Education Training. After the training, the After School Coalition decided to create a Social Housing Ordinance, using other communities and state's ordinances, and presented it to the Lake County Task Force. Ms. Ellett stated she supports the Social Housing Ordinance presented on the agenda and asked the Board to consider approving the ordinance as a student and as a member of the community. Underage drinking is so dangerous and stricter enforcement is critical to preventing underage drinking. Mayor Kessler stated the Village has been aggressive with the enforcement of underage drinking and thanked Ms. Ellett for her efforts with the After School Coalition and the Social Housing Ordinance.

Social Housing Ordinance

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

Mayor's Report

Motion by Semple, seconded by Meier to appoint Trustees Sullivan and

Strategic Partner Selection

Mayor's Report (Continued)

Voss to Strategic Partner Selection Panel. 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.

Resolution of Support for the Extension of Route 53

Motion by Semple, seconded by Cancelli to adopt **A Resolution of Support for the Extension of the Illinois Route 53 in Lake County. (Resolution No. 09-03-21)**

Trustee Sullivan stated there would be a referendum for Route 53 through Lake County, and the public would vote in support, because they would vote for any roadway improvement. The Village supported Route 53 with east/west improvements prior to the construction of Route 53, which included:

- Route 45 from Milwaukee Avenue to Route 83
- Route 83 from Route 45 to Route 120
- Route 60 from Route 45 to Route 120
- Peterson Road from Route 137 to Route 60

Trustee Sullivan these roadway improvements are feasible, Route 53 is not; there is no funding resource. The cost of Route 53 from Buffalo Grove to Route 120 is approximately \$2 Billion. Trustee Sullivan stated his concern with the resolution or a referendum is it takes the focus off of what is feasible. Trustee Sullivan stated he would support the resolution if Item 3 of the Village's existing Resolution No. 00-12-24 were added; *"if an extension of Route 53 is part of any transportation improvement plan, it should not be constructed until existing State and County roads are widened and improved in order to relieve existing traffic congestion and to support the increased burden the Route 53 extension would create"*.

Discussions were held regarding allowing Route 53 to be constructed at the same time as the east/west improvements, additional traffic congestion with Route 53, additional traffic development with Route 53, and whether the Village says don't build Route 53 until supported roadways are improved. There was consensus to add Item 3 to the presented resolution and insert Village of Mundelein in place of Lake County Municipal League.

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

Key to Ivanhoe Presented to Mayor Kessler

Mayor Kessler stated he attended a benefit at Wiech's Inn to fund Orphans of the Storm and Jack and John Wiech presented him with the key to Ivanhoe.

Public Works Committee

Motion by Semple, seconded by Cancelli to pass **An Ordinance Adopting the Village of Mundelein Municipal Solid Waste Code** subject to attorney review. **(Ordinance No. 09-03-17)**

Exclusive Residential Collection Service Agreement and Ordinances

Mayor Kessler stated a letter from Veolia was received and after reviewing the letter and talking with Board members, the consensus was to continue the negotiations with Groot.

Trustee Voss asked if there was a license fee. Administrator Lobaito stated there was and it would not be changing, however it is in a different agreement. Trustee Voss asked if contacting an organization to pick up a bulk item would be prohibited. Assistant Administrator Flynn stated it would not be prohibited.

Trustee Cancelli asked for an explanation of the Performance Bond. Attorney Marino explained the Performance Bond would work similar to a Letter of Credit from a developer.

Trustee Meier asked if placing handbills on vehicles was a new addition. Attorney Marino stated it was a new addition. Administrator Lobaito stated staff consolidated existing ordinances with regards to garbage.

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

Motion by Semple, seconded by Meier to pass **An Ordinance Designating Groot Industries, Inc. as the Exclusive Residential Solid Waste Collection Contractor Within the Village of Mundelein and Approving and Authorizing the Execution of an Exclusive Residential Services Collection Agreement with Groot**, subject to attorney review. **(Ordinance No. 09-03-18)**

Mayor Kessler asked Mr. Frank Hillegonds, Groot Industries, to explain the transition process. Mr. Hillegonds explained May 1, 2009 would be the conversion date. Notices would be provided explaining the process to all residents including a link on the Groot website to Mundelein residents. Routes and schedules would remain the same; Spring Clean-up would remain the same with dates to coincide with A-May-Zing Mundelein Day. Existing recycle bins can be returned to Groot by placing a note requesting the bin to be recycled or residents can keep the bins.

Trustee Semple suggested a list of waste haulers to our commercial residents since this agreement is for residential customers only. Trustee Semple asked if stickers would be available at Village Hall. Administrator Lobaito stated stickers would be available at Village Hall, however payments would not be accepted.

Trustee Cancelli thanked Mr. Hillegonds for the attention to the Customer Service Standards and asked if the report is available for review. Mr. Hillegonds stated the format would be provided for review.

Public Works Committee
(Continued)

Motion to Pass An
Ordinance Adopting the
Village of Mundelein
Municipal Solid Waste Code,
Subject to Attorney Review
Public Works Committee

Motion to Pass An
Ordinance Designating
Groot Industries, Inc. as the
Exclusive Residential Solid
Waste Collection Contractor
Within the Village of
Mundelein, Approving and
Authorizing the Execution
of an Exclusive Residential
Services Collection
Agreement with Groot,
Subject to Attorney Review

Public Works Committee
(Continued)

Motion to Pass An
Ordinance Designating
Groot Industries, Inc. as the
Exclusive Residential Solid
Waste Collection Contractor
Within the VOM
(Continued)

Trustee Voss asked if November 30 for the landscape waste collection was extended. Assistant Administrator Flynn stated November 30 is the existing date. Trustee Voss recommended the leaf collection process be provided to our residents prior to the start of leaf collection. Mayor Kessler added the staging area for the leaf collection would add significantly to the process.

Trustee Meier stated she received a letter from Boy Scout Troop 198 that stated they have an annual rummage sale and Groot has been a major sponsor throughout the year. Other waste haulers were asked to participate; however Groot is the only waste hauler to respond.

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 to Approve the
Payment of Bills, Dated
03.09.09 for AT&T, &
AT&T Mobility Invoices
Totaling \$10,565.54

Motion by Sullivan, seconded by Semple to approve the payment of bills, as indicated on Disbursements Pending Report dated 03/09/09 for AT&T, and AT&T Mobility invoices totaling \$10,565.54.

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 to Approve the
Payment of Bill Dated
03.09.09 for Trustee Ed
Sullivan Invoices Totaling
\$309.00

Motion by Cancelli, seconded by Voss to approve the payment of bill as indicated on Disbursements Pending Report dated 03/09/09 for Trustee Ed Sullivan invoices totaling \$309.00.

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

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

Motion to Approve the
Payment of Bill **paid under
protest**, Dated 03.09.09 for
ComEd Street Lites at 165
N. Archer Invoices Totaling
\$10,278.23

Motion by Sullivan, seconded by Cancelli to approve the payment of bill **paid under protest**, as indicated on Disbursements Pending Report dated 03/09/09 for ComEd Street Lites invoices totaling \$10,278.23. 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.

Financial Highlights

Trustee Sullivan highlighted the financial expenses and announced sales tax revenues of November 2007 to November 2008 are down 20%, regular sales tax are down 10%. Mayor Kessler stated the Village has received a letter from JAWA notifying the Village of a water rate increase.

Trustee Voss stated a Sprinkler Ordinance and Rental License Ordinance would be presented to the Board within the next few meetings.

Community Development
Committee

Motion by Nutschnig, seconded by Meier to approve the minutes of the February 23, 2009 Zoning Board of Appeals Meeting. 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.

Permits Committee

Motion to Approve the
Minutes of the 02.23.09
ZBA Committee Meeting

Trustee Meier announced the Fire Department is adding a member to attend and support the activities of the Northern Illinois Council on Alcoholism and Substance Abuse.

Fire Committee

Trustee Meier congratulated Firefighter/Paramedic Dipple for completing the State's Certified Instructor I and Fire Prevention Officer I and Fire Officer I.

Omnibus Vote Agenda

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

Trustee Voss removed Item 5. Trustee Cancelli removed Item 8. Trustee Sullivan removed Item 10.

Items Removed from
Omnibus Agenda

There were no other additions, deletions or corrections.

Motion by Sullivan, seconded by Nutschnig to approve the following Omnibus Vote Agenda, **excluding Item 5, 8, and 10.**

Motion to Approve
Omnibus Vote Agenda

1. **Motion** to adopt **A Resolution Waiving the Formal Bidding Procedures for the Replacement of the 60" Creek Culvert and Crossing in the Village of Vernon Hills, Illinois.** (Omnibus Vote) **(Resolution No. 09-03-22)**

2. **Motion** to approve the Village Engineer's signature on Illinois Environmental Protection Agency permit application for the underground pressure reducing station and the watermain. (Omnibus Vote)

3. **Motion** to approve the Mayor's signature on Lake County Department of Transportation permit application for the underground pressure reducing station and the watermain. (Omnibus Vote)

4. **Motion** to pass **An Ordinance Granting a Conditional Variation to the Mundelein Fire Code for the Property Located at 524 North Lake Street.** (Omnibus Vote) **(Ordinance No. 09-03-19)**

5. **REMOVED**

6. **Motion** to pass **An Ordinance Further Amending**

Ordinance 01-05-24 to Extend the Conditional Variation Granted to Menards, Inc. with Respect to the Property at 120 Oak Creek Plaza, Mundelein, Illinois. (Omnibus Vote) (Ordinance No. 09-03-20)

7. **Motion to pass An Ordinance Granting a Conditional Special Use Permit and Zoning Variations Under the Mundelein Municipal Code for Automobile Sales and an Auto Body Repair Facility, Front Yard Set Back Requirements, and Design and Maintenance of Parking Areas for the Property Located at 812 and 822 North Lake Street, Mundelein, Illinois. (Omnibus Vote) (Ordinance No. 09-03-21)**

8. **REMOVED**

9. **Motion to approve an Engineering Services Work Order with Baxter & Woodman for Survey and GIS services in the amount of \$13,500. (Omnibus Vote)**

10. **REMOVED**

11. **Motion to approve the payment of bills, as indicated in the Governing Body Report, for the period 02/24/09 through 03/09/09 in the amount of \$694,136.26. (Omnibus Vote)**

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 Pass An Ordinance to Establishing an Electrical Inspection Division of the Building Department & an Electrical Committee for the Village of Mundelein

Motion by Voss, seconded by Meier to pass An Ordinance to Establishing an Electrical Inspection Division of the Building Department and an Electrical Committee for the Village of Mundelein. (Ordinance No. 09-03-22)

Trustee Voss asked if there were any questions regarding the Electrical Commission, which has been difficult to fill.

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

Motion to Adopt A Resolution Waiving the Formal Bidding Process for the Purchase of In-Car Video Recording Equipment for the Mundelein PD from Kustom Signals, Inc., Lenexa, Kansas

Motion by Cancelli, seconded by Meier to adopt A Resolution Waiving the Formal Bidding Process for the Purchase of In-Car Video Recording Equipment for the Mundelein Police Department from Kustom Signals, Inc., Lenexa, Kansas. (Resolution No. 09-03-23)

Trustee Cancelli asked if there were any questions regarding the In-Car Video recording Equipment. Trustee Sullivan stated with revenues down 20% he could not support the purchase, not that it was not needed, however revenues are limited. Chief Rose explained the purchase would be

made using funds from the DUI restricted funds allowed by the State and taxpayer dollars would not be used.

Discussions were held regarding the DUI funds and if there were other items the fund could cover.

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.

The motion to pass an ordinance creating the Social Hosting Ordinance was removed.

Trustee Sullivan stated currently there are laws prohibiting providing alcohol to minors and currently the language was unclear regarding when you are and are not responsible, and therefore cannot support the ordinance as written. It is clear if a parent is providing alcohol to a minor, the parent should be responsible; it is when a parent is unaware of alcohol consumption that is confusing. Trustee Sullivan stated it places such a burden on adults that it may as well be an ordinance against having any gatherings in your home.

Additional discussions were held with the concerns of the ordinance. Consensus was underage drinking should not be tolerated and the concept was commendable, however additional clarification was needed. Statistics were requested regarding underage drinking. Chief Rose stated he would refine the ordinance and present it again to the Board.

Administrator Lobaito called an Executive Session to discuss land acquisition pursuant to 5 ILCS 120, Section 2(C)(5) after the Regular meeting.

Motion by Voss, seconded by Nutschnig to recess the 2957th Regular meeting into Executive Session to discuss land acquisition pursuant to 5 ILCS 120, Section 2(C)(5). 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.

The 2957th Regular meeting was recessed at 9:18 pm.

Motion by Nutschnig, seconded by Voss to reconvene the 2957th Regular meeting. 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.

The 2957th Regular meeting was reconvened at 9:35 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

Motion to Adopt A Resolution Waiving the Formal Bidding Process for the Purchase of In-Car Video Recording Equipment for the Mundelein PD (Continued)

Motion to Pass An Ordinance Creating the Social Hosting Ordinance Removed for Further Clarification

Administrator's Report

Executive Session Called

Motion to Recess the 2957th Regular Meeting Into Executive Session

2957th Regular Meeting Recessed

Motion to Reconvene the 2957th Regular Meeting

2957th Regular Meeting Reconvened

Attendance

Administrator Flynn, and Attorney Marino.

Motion to Adjourn

Motion by Voss, seconded by Meier to adjourn the 2957th Regular Board meeting. Upon roll call vote, the vote was as follows: Ayes: Voss, Meier, Cancelli, Nutschig, Semple, and Sullivan; nays: none; absent and not voting: none. Motion carried.

Adjournment

The 2957th Regular meeting was adjourned at 9:36 pm.

Village Clerk