

APPROVED
LAKE ZURICH BOARD OF TRUSTEES
SPECIAL MEETING
70 East Main Street
Monday, May 4, 2009

1) SWEARING IN CEREMONY

Village Clerk Dau was administered the oath of office by Notary Ken Grooms. Village President Branding, Trustee Halen, Trustee Sprawka and Trustee Sustich were administered the oath of office by Village Clerk Dau.

2) ROLL CALL

The meeting was called to order at 7:25pm.

Present were Village President Branding, Trustees Halen, Johnson, Poynton, Sprawka and Sustich. Also present were Village Administrator Vitas, Village Attorney Burkland, Police Chief Finlon, Public Works Director/Engineer Heyden, Fire Chief Mastandrea, and Building/Zoning Director Peterson.

3) PLEDGE OF ALLEGIANCE

4) ANNOUNCEMENTS

President Branding announced that former Mayor James W. Kay (1989 – 1993) passed away on April 28, 2009 and asked for a moment of silence. President Branding communicated that the Memorial Day parade would be on the Saturday prior to Memorial Day. This announcement was later corrected to be that the parade will take place on Monday May 25th on Memorial Day at 10am.

5) APPROVAL OF MINUTES

Trustee Sustich requested that within the Planning and Development, Finance, Public Safety meeting minutes of March 2, 2009, the word "Petition" be corrected to "Petitioner."

MOTION was made by Trustee Johnson, seconded by Trustee Poynton, to approve the Planning and Development, Finance, Public Safety meeting minutes of March 2, 2009 as corrected, the Special Committee of the Whole meeting minutes of March 30, 2009 as presented, the Public Works, Committee of the Whole meeting minutes of April 6, 2009 as presented, the Special Committee of the Whole meeting minutes of April 13, 2009 as presented, the Village Board meeting minutes of April 20, 2009 as presented and the Public Hearing meeting minutes of April 20, 2009 as presented.

Voice vote, all in favor.

MOTION CARRIED

6) ORDINANCE APPROVING ZONING MAP AMENDMENTS AND AMENDING ZONING CODE SECTION 14-103

Director Peterson summarized that in conjunction with the annual review and approval of the zoning map, a number of parcels have been identified that need to have their zoning amended to bring them in line with more appropriate use of the property. Amendments to Section 14-103 relate to notification for a public hearing and would require the petitioner to do the notification and mailing. Nine communities were surveyed and seven require their residents to issue notifications and mailings. Only one had the village issue them; and one village did not respond to the survey. Trustee Johnson asked if there was one parcel that was being denied a zoning change. Director Peterson replied that the denial was recommended by the Plan Commission because the owners of the property contested the change in zoning. Trustee Sustich inquired about notifications being made available on the village website in addition to the formal legal notice. Director Peterson commented that he would look into doing it as a public service. Trustee Sustich also requested that future zoning code changes be presented to the Board in a red-lined version instead of being presented piece meal.

MOTION was made by Trustee Poynton, seconded by Trustee Sprawka, to approve the ordinance approving zoning map amendments and amending zoning code section 14-103, assigned ordinance #2009-05-631.

AYES: 5 Trustees Halen, Johnson, Poynton, Sprawka and Sustich

NAYS: 0

ABSENT: 0

MOTION CARRIED

7) INTERGOVERNMENTAL AGREEMENT BETWEEN NORTH BARRINGTON, LAKE COUNTY AND LAKE ZURICH REGARDING SANITARY SEWER SERVICE

Director Heyden summarized that the two agreements (#7 and #8) are related to serving Wynstone with sewer from the village. Wynstone would pay to extend the pipe that Pulte put in place to serve the Meadow Wood townhomes subdivision and tie in their current zero-discharge system to the village's system as an emergency overflow. Some restrictions on the agreement include the time of service being limited from 11pm to 4am at night and usage of the line as an emergency back-up system only. Wynstone's current system is a zero-discharge system where the treated sanitary sewage is discharged onto the golf course for irrigation. However in spring and winter it is difficult to utilize this discharge method for disbursement and Wynstone has had to have someone haul the waste offsite. These agreements would allow Wynstone during the difficult seasons to send their sanitary sewage to the village for treatment down at the Buffalo Grove treatment plant in Des Plaines. The agreement between North Barrington, Lake County and Lake Zurich addresses the actual treatment of the sewage by Lake County's treatment plant. The agreement (#8) between North Barrington and Lake Zurich addresses the operation of the line that will be installed.

Trustee Johnson asked if the amount listed in both agreements to be paid to Lake Zurich which is \$844,210 is two separate items or one. Director Heyden clarified that Lake Zurich will receive \$844,210 in total.

Trustee Sustich commented that during his review of Item 5B which is the tri-party agreement with the county, he noticed that attachment C which is the Lake County sewer use ordinance hasn't been updated since 1988. He is aware that federal regulations addressing pre-treatment have significantly changed in the past 21 years and would like to work with the staff to incorporate the changes into the village's regulations as well as work with Lake County on incorporating the changes into their regulations. This may give the industrial community more flexibility and reduce their cost of operating as a result.

Trustee Poynton asked Administrator Vitas to summarize a conversation they had regarding Exhibit F which shows the future permitted connections diagram including a piece of property at the corner of McHenry Rd and Old Rand Rd known as the DiMucci property. Administrator Vitas explained that Exhibit F of the tri-party agreement identifies the remaining property within the Lake Zurich sub FPA that was determined long ago. All of the properties there would be served by this 8" sewer that is being installed by North Barrington. At some point when these properties decide to tie in, the PE's have been determined.

Trustee Poynton asked for confirmation that the cost was being borne by North Barrington. Administrator Vitas clarified that the cost was being shared by North Barrington and the property owners of Wynstone.

Trustee Sprawka asked if the village was limited in its capacity for the water reclamation district and that as we look forward to downtown development and future development in the village, would we impact any quota that we have with the water reclamation district. Director Heyden replied that years ago the village assessed the future properties and assigned them a PE value to ensure that the system could handle all of the additional flow. Wynstone was included in that evaluation and assigned a value which is now captured as the flow limit in their agreement. The parcels in Exhibit F have also been assigned a PE years ago based on the available capacity. As we progress over the next ten to fifteen years the village will reassess the assigned PE's to ensure that it is below what was anticipated.

Trustee Johnson commented that the village has been working on these agreements for almost two years and that they will provide income stimulus for the village. He thanked the departments for their good work.

MOTION was made by Trustee Sustich, seconded by Trustee Sprawka, to approve the intergovernmental agreement between North Barrington, Lake County and Lake Zurich regarding sanitary sewer service.

AYES: 5 Trustees Halen, Johnson, Poynton, Sprawka and Sustich

NAYS: 0

ABSENT: 0

MOTION CARRIED

8) AGREEMENT FOR SEWAGE DISPOSAL SERVICES FOR THE AREA OF THE WYNSTONE SUBDIVISION IN THE VILLAGE OF NORTH BARRINGTON

MOTION was made by Trustee Johnson, seconded by Trustee Poynton, to approve the agreement for sewage disposal services for the area of the Wynstone subdivision in the village of North Barrington.

AYES: 5 Trustees Halen, Johnson, Poynton, Sprawka and Sustich

NAYS: 0

ABSENT: 0

MOTION CARRIED

9) WARRANT DATED MAY 4, 2009 IN THE AMOUNT OF \$915,289.53

President Branding commented that the bulk of the warrant is issued to Lake County Public Works for \$700,384.65 from the water and sewer fund to pay the sewer services.

MOTION was made by Trustee Halen, seconded by Trustee Sprawka, to approve the warrant dated May 4, 2009 in the amount of \$915,289.53.

AYES: 5 Trustees Halen, Johnson, Poynton, Sprawka and Sustich

NAYS: 0

ABSENT: 0

MOTION CARRIED

10) ORDINANCE AMENDING MUNICIPAL CODE TO ADD A LIQUOR LICENSE FOR THE KNIGHTS OF COLUMBUS, 365 SURRYSE ROAD

President Branding noted that this is a liquor license for the banquet room for the Knights of Columbus. Trustee Halen pointed out that the signature lines on the ordinance had the prior Mayor and prior Clerk's names and asked if they had to be amended. Village Attorney Burkland said that the names would be stricken from the signature copy.

MOTION was made by Trustee Johnson, seconded by Trustee Poynton, to approve the ordinance amending municipal code to add a liquor license for the Knights of Columbus, 365 Surryse Road, assigned ordinance #2009-05-632.

AYES: 5 Trustees Halen, Johnson, Poynton, Sprawka and Sustich

NAYS: 0

ABSENT: 0

MOTION CARRIED

11) ORDINANCE APPROVING A SIDE YARD VARIANCE FOR BAUERLE, 1245 THORNDALE AVENUE

Director Peterson summarized that the variance request is for a reduction in the side yard setback from ten feet to seven feet so that the petitioner can build an addition to

his garage. It received a positive recommendation from the Zoning Board of Appeals. In addition, the neighbors abutting the property also gave letters of support. Trustee Sprawka asked where the family stood with the rest of the permitting process and if they were eager to get started. Director Peterson commented that once they receive the approval for the variance that they can come forward with the formal application and that the family is ready to move forward.

MOTION was made by Trustee Sustich, seconded by Trustee Sprawka, to approve the ordinance for a side yard variance for Bauerle, 1245 Thorndale Avenue, assigned ordinance #2009-05-633.

AYES: 5 Trustees Halen, Johnson, Poynton, Sprawka and Sustich

NAYS: 0

ABSENT: 0

MOTION CARRIED

12)REQUEST FOR REDUCTION IN LETTER OF CREDIT FOR COVENTRY CREEK

Director Heyden summarized that a request came in from the developer to reduce the total letter of credit to below the village's 10% minimum requirement which was the reason the village originally found it to be unacceptable. After revisiting and reassessing the work that had to be done the village came up with a total cost of remaining improvements to be \$234,500. Per village ordinance they can not go below the 10% minimum which is \$290,620.41.

MOTION was made by Trustee Halen, seconded by Trustee Sprawka, to approve the request for reduction in letter of credit for Coventry Creek.

AYES: 5 Trustees Halen, Johnson, Poynton, Sprawka and Sustich

NAYS: 0

ABSENT: 0

MOTION CARRIED

13)FLEX COMMERCE DEVELOPMENT REQUEST TO RELEASE LETTER OF CREDIT #1618

Director Heyden summarized that this request is for the Flex Corp subdivision which has been completed. Engineering inspected all of the public improvements and found them to be satisfactory without conditions.

MOTION was made by Trustee Poynton, seconded by Trustee Johnson, to approve the request by Flex Commerce Development to release the Letter of Credit #1618.

AYES: 5 Trustees Halen, Johnson, Poynton, Sprawka and Sustich

NAYS: 0

ABSENT: 0

MOTION CARRIED

14) LANDSCAPING PLAN FOR ROUTE 22 BYPASS

Director Heyden stated that IDOT found the funds to complete the landscaping portion of the Rt 22 project. They proposed a plan approximately 18 months ago that was reviewed by staff who made severe modifications. IDOT returned the plan in March 2009 in its current state which was then brought forward to the Tree Commission. At the time it was brought to the Tree Commission, the village sent notices to all home owners and business owners along Rt 22 and Quentin Rd all the way to Rt 12 to gain their input. The Tree Commission held a meeting where two residents attended. They summarized their proposed changes to IDOT's plan to be presented to the Board. The plan went down to Springfield on May 1, 2009 to go out to bid and should be started in Fall of 2009.

Trustee Poynton asked if the Tree Commission's recommendations were considered and included in the plan submitted for bid. Director Heyden commented that they did fax the changes down to the IDOT office who then faxed them down to Springfield for consideration. Since there was no substantial change to the plan IDOT thought that we could go out to bid with this as an addendum. It's a modification that is not going to significantly affect the quantities of trees. Trustee Poynton pointed out that the changes were mostly related to the placement of the trees with the exception of the dead trees from the prior year. Director Heyden said that the trees that died were actually planted using some bonus funds IDOT found during 2008 and weren't a part of the landscaping plan. They will be removed and touched up using the approved 2009 plan.

Trustee Johnson commented on some of the tree species, specifically that the Catalpas are dirty trees in the Fall and that Austrian Pines don't tolerate heat well and have a limited lifespan in this area. He wondered if they are an appropriate choice for the landscaping plan. Director Heyden said that this was one of the reasons he asked the Tree Commission to look at the plan. He wanted their input as they are the experts on trees. He didn't believe that they had any comments on those two species but will touch base with the village arborist to see if there is a better choice.

Trustee Halen wanted clarification on the plan to move the large shade trees. Director Hayden explained that under power lines it is more appropriate to put a decorative ornamental tree which obtains a height of 16 – 20 feet but IDOT had proposed trees that would reach a height of 35 – 40 feet and need to be trimmed eventually. They have proposed to plant shade trees away from the power lines or switch the trees under power lines to ornamental trees.

John Tolomei, 190 N. Old Rand Rd. asked to approach the board with comments on the tree plan. He requested on behalf of the residents of Mohawk Trail that the large area of asphalt at the end of the street near Rt 22 be removed and replaced by a berm or terraces.

Trustee Poynton asked Director Heyden for his opinion on replacing the turnaround with a berm. Director Heyden commented that the turnaround was originally built at the request of a homeowner who ran a small business and needed additional

parking. During downtown development, it is possible that the resulting fill could be moved over and used for a berm though the village would then be responsible for further landscaping.

Trustee Poynton asked for confirmation that this project would have to wait since the IDOT contract had already gone out. Director Heyden confirmed that this would have to be a separate project and also commented that the berm looked feasible.

Trustee Sprawka asked if the landscaping would be installed this season. Director Heyden confirmed that it would begin on or after September 15, 2009.

Trustee Johnson asked if the trees became established would they interfere with the ability to install a berm. Director Heyden explained that there would be enough space independent of the tree installations for a berm.

MOTION was made by Trustee Halen, seconded by Trustee Sustich, to approve the Landscaping plan for the Route 22 bypass .

AYES: 5 Trustees Halen, Johnson, Poynton, Sprawka and Sustich

NAYS: 0

ABSENT: 0

15)ADJOURNMENT

MOTION was made by Trustee Poynton, seconded by Trustee Sprawka, to adjourn the meeting.

Voice vote, all in favor.

MOTION CARRIED

Meeting adjourned at 8:00pm

Respectfully submitted: *Wende M. Dau, Village Clerk*

Approved by: /s/ President Suzanne K. Branding 5/18/09