

**LAKE ZURICH BOARD OF TRUSTEES
REGULAR MEETING
70 East Main Street**

Tuesday, September 8, 2009, 7:00 p.m.

A G E N D A

1. CALL TO ORDER

2. ROLL CALL

Village President Suzanne Branding

Trustee Jeff Halen

Trustee Tom Poynton

Trustee Jonathan Sprawka

Trustee Jim Johnson

Trustee Dana Rzeznik

Trustee Rich Sustich

3. PLEDGE OF ALLEGIANCE

4. PUBLIC COMMENT

(This is an opportunity for residents to comment briefly on matters included on the agenda or otherwise of interest to the Board of Trustees.)

5. PRESIDENT'S REPORT

(This is an opportunity for the Village President to report on matters of interest to the Village.)

A. Open House for Firearms Range at Police Facility on September 10, 2009

B. Appointments to the Tree Commission

C. Lake Zurich Area Business Survey

6. CONSIDERATION OF MINUTES (*Document included in packet*)

A. Minutes of the Village Board Meeting, August 17, 2009.

B. Minutes of the Special Village Board Meeting, August 24, 2009.

Recommended Action: Motion to approve each of the minutes (*Voice Vote*)

7. CONSENT AGENDA

(Matters on the Consent Agenda will be considered by a single motion and vote because they are considered to be generally of a routine nature. Any member of the Board of Trustees may request that an item be removed from the Consent Agenda and considered separately.)

(No items at this time.)

8. OLD BUSINESS

(This agenda item includes matters for action by the Board of Trustees.)

(No items at this time.)

9. NEW BUSINESS

(This agenda item includes matters coming to the Board of Trustees for discussion and possible action.)

A. Koch, 324 Country Club Road, Request for Variation for Driveway Replacement (Trustee Poynton)

Summary: The owners of 324 Country Club Road filed an application for an interior side yard variation to replace the existing driveway on their property in the same location. After a public hearing, the Zoning Board of Appeals unanimously recommended approval of the requested variation, which would reduce the interior side yard from 3 feet to 0 feet.

Recommended Action: Motion to pass “An Ordinance Approving a Variation for 324 Country Club Road.” *(Roll Call Vote)*

B. Geimer, 272 Lions Court, Request for Variation for Patio (Trustee Poynton)

Summary: The owners of 272 Lions Court filed an application for a rear yard variation to install a patio on their property. After a public hearing, the Zoning Board of Appeals unanimously recommended approval of the requested variation, which would reduce the rear yard from 20 feet to 13 feet.

Recommended Action: Motion to pass “An Ordinance Approving a Variation for 272 Lions Court.” *(Roll Call Vote)*

C. Annexation of Property Related to Astor Subdivision (Trustee Poynton)

Summary: The owner of a small, triangularly shaped parcel of property in the Industrial Park has petitioned the Village for annexation of that property. The property lies between the southwest corner of Lot 1 in the Astor Subdivision and the EJ&E railroad right of way and is about a quarter acre in size. The property will be consolidated into Lot 1. The owner has agreed to pay the Village the required \$1,000 annexation fee.

Recommended Action: Motion to pass “An Ordinance Annexing the Property Located at 24011 and 24025 North Midlothian Road to the Village of Lake Zurich.” *(Roll Call Vote)*

D. Rezoning of Newly Annexed Property in Astor Subdivision (Trustee Poynton)

Summary: The property described in Agenda Item C above is automatically classified into the Village’s R-1/2 Single Family Residential District under the Zoning Code. The owner applied for rezoning of the property into the I-1 Limited Industrial District to match the zoning of Lot 1 in the Astor Subdivision, into which the property is being consolidated. The Plan Commission unanimously recommended approval of the rezoning.

Recommended Action: Motion to pass “An Ordinance Granting a Zoning Map Amendment for 24011 and 24025 North Midlothian Road (Astor Subdivision).” (*Roll Call Vote*)

E. Amended Plat of Astor Subdivision (*Trustee Poynton*)

Summary: With the property described in Agenda Item C above annexed into the Village and rezoned into the I-1 District, it is necessary for the Astor plat of subdivision to be amended to reflect the addition of the property. The Plan Commission recommended approval of an earlier, similar version of the amended plat.

Recommended Action: Motion to pass “An Ordinance Approving a Subdivision Plat Amendment for the Astor Subdivision.” (*Roll Call Vote*)

F. Amendment of Zoning Code Section 4-103 and Special Use Permits for Putt ‘n Play (*Trustee Poynton*)

Summary: The owner of the Village Square Shopping Center applied for a Zoning Code amendment to add miniature golf and coin operated amusement devices as special uses in the B-3 Regional Shopping District and approval of those special uses for an indoor miniature golf facility and arcade at 463 South Rand Road. The Plan Commission unanimously recommended approval of both the Zoning Code amendment and the special use permits.

Recommended Action: Motion to pass “An Ordinance Approving an Amendment to Section 4-103 of the Lake Zurich Zoning Code and Approving Special Uses for an Indoor Miniature Golf Facility and Arcade.” (*Roll Call Vote*)

G. Approvals for Tuf-Tite Building Addition (*Trustee Poynton*)

Summary: The owner of Tuf-Tite at 1200 Flex Court filed applications for approval of site plans and exterior appearance plans for a 49,560-square-foot addition to the existing building on the site in the I-1 Limited Industrial District. The Plan Commission unanimously recommended approval of the applications. The project also requires approval of a plat of consolidation for the property, combining Lot 10 of the Astor Subdivision with the existing property.

Recommended Action: Motion to pass “An Ordinance Approving Site Plans and Exterior Appearance Plans and a Plat of Consolidation for 1200 Flex Court and 920 Telser Road (Tuf-Tite).” (*Roll Call Vote*)

H. Contract for Hot Mix Asphalt (*Trustee Sustich*)

Summary: The Village’s road maintenance program this year requires the purchase of hot mix asphalt. Because the total purchase exceeds \$20,000, the use of Motor Fuel Tax Funds requires bidding through the state contracting process. The result of that process is that Arrow Road Construction Company submitted the low bid, in the amount of \$51.00 per ton. Staff recommends approval of the Arrow Road Construction Company bid.

Recommended Action: Motion to select the Arrow Road Construction Company to supply hot mix asphalt to the Village and to approve a contract with Arrow Road Construction Company for the purchase of hot mix asphalt in an amount not to exceed \$51.00 per ton. (*Roll Call Vote*)

I. Contract for Portland Cement Concrete (Trustee Sustich)

Summary: The Village's road maintenance program this year requires the purchase of Portland cement concrete. Because the total purchase exceeds \$20,000, the use of Motor Fuel Tax Funds requires bidding through the state contracting process. The result of that process is that Fischer Bros. Fresh Concrete Inc. submitted the only bid, in the amount of \$104.75 per cubic yard. Staff recommends approval of the Fischer Bros. Fresh Concrete Inc. bid.

Recommended Action: Motion to select Fischer Bros. Fresh Concrete Inc. to supply Portland cement concrete to the Village and to approve a contract with Fischer Bros. Fresh Concrete Inc. for the purchase of Portland cement concrete in an amount not to exceed \$104.75 per cubic yard. (*Roll Call Vote*)

J. Pheasant Ridge Road Repairs (Trustee Sustich)

Summary: Village staff has applied for grant funding through the Lake County Council of Mayors Local Agency Project Program for the resurfacing of Pheasant Ridge Road between South Old Rand Road and Old Mill Grove Road. Approval of the Local Agency Agreement is required to keep the project qualified for the grant funding. This project, if selected, would be completed in Spring 2010.

Recommended Action: Motion to approve **[the Local Agency Agreement]** in an amount not to exceed \$170,000.00, conditioned upon receipt of grant funds.

K. Midlothian Road Improvements (Trustee _____)

Summary: The Village has long planned to improve the intersection of Midlothian Road and the High School entrance. Approval of the Resolution for Improvement by Municipality Under the Illinois Highway Code is required for federal participation in this project, which includes traffic signals and associated roadway widening and channelization. Also included in the project is an agreement for consulting services from **[company]**.

Recommended Action: Motion to pass **[“A Resolution for Improvement by Municipality Under the Illinois Highway Code in the Amount of \$57,242.00”]** and to approve the Local Agency and Preliminary Engineering Services Agreements for Federal Participation – Phase I in an amount not to exceed \$57,242.00. (*Roll Call Vote*)

L. Semi-Monthly Warrant Register Dated September 8, 2009, Totaling \$437,321.18 (Trustee Sprawka)

Recommended Action: Motion to approve the semi-monthly warrant register dated September 8, 2009, totaling \$\$437,321.18. (*Roll Call Vote*)

M. Selection of President Pro-Tem and an Ordinance Amending the Text of the TIF District Redevelopment Plan and Project (Trustee Poynton)

Summary: Mayor Branding will recuse herself from consideration of this ordinance. It is appropriate to select a president pro tem for this agenda item. The Board of Trustees has been planning to amend the approved Redevelopment Plan and Project for the Downtown TIF District to make language changes designed to address issues identified by the trial court in the 16 West Main Street eminent domain lawsuit. The proposed ordinance makes all of the available changes to the Redevelopment Plan and Project and the adopting ordinance.

Recommended Action: Motion to pass “An Ordinance Amending Lake Zurich Ordinance No. 2002-03-157 Making Certain Language Changes to Ordinance No. 2002-03-157 and to the Redevelopment Plan and Project.” (*Roll Call Vote*)

N. Amendment of Code Section 1-4-7 Regarding Appointment of Special Board Committees and Task Forces (Trustee Sustich)

Summary: The Board directed the Staff and Village Attorney to prepare an ordinance amending the Village’s Municipal Code to provide for consent of the Board of Trustees to the membership of special Board committees. The proposed ordinance proposes a traditional approach to creation and membership on special Board committees and creation by the Mayor of task forces to advise her on matters of Village policy and business.

Recommended Action: Motion to pass “An Ordinance Amending Section 1-4-7 of the Lake Zurich Municipal Code Related to Board Committees, Task Forces.” (*Roll Call Vote*)

10. TRUSTEE REPORTS

(This is an opportunity for Trustees to report on matters of interest to the Board of Trustees.)

11. ADMINISTRATOR’S REPORT

(This is an opportunity for the Village Administrator to report on matters of interest to the Board of Trustees.)

12. ATTORNEY’S REPORT

(This is an opportunity for the Village Attorney to report on legal matters of interest to the Board of Trustees.)

13. DEPARTMENT HEAD REPORTS

(This is an opportunity for department heads to report on matters of interest to the Board of Trustees.)

A. Park and Recreation Director Perkins: Fall Fest, September 12, 2009, noon to 4:00 p.m.

B. Building and Zoning Director Peterson: Introduction to revised model building codes.

14. CLOSED SESSION / ADJOURNMENT

Recommended Action: Motion to recess into closed session to discuss matters related to pending litigation and personnel and to adjourn immediately after the closed session without conducting further business. (*Roll Call Vote*)

Note to Clerk:

NEXT ORDINANCE #: 2009-09-649
NEXT RESOLUTION #: 2009-09-08A

Attachments:

1. Park and Recreation Advisory Board mtg. minutes, August 11, 2009
2. Plan Commission mtg. minutes, August 19, 2009
3. Zoning Board of Appeals mtg. minutes, August 20, 2009
4. Calendar for September, 2009.

The Village of Lake Zurich is subject to the requirements of the Americans with Disabilities Act of 1990. Individuals with disabilities who plan to attend this meeting and who require certain accommodations so that they can observe and participate in this meeting, or who have questions regarding the accessibility of the meeting or the Village's facilities, should contact the Village's ADA Coordinator at 847.438.5141 (TDD 847.438.2349) promptly to allow the Village to make reasonable accommodations for those individuals.

8809364_v1