

Order No. 16550
Order No. 16656

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND THE BOARD OF TRUSTEES OF THE VILLAGE OF METTAWA, LAKE COUNTY, ILLINOIS, HELD AT THE HOUR OF 7:30 P.M. ON TUESDAY, MAY 19, 2009 IN THE COMMUNITY CENTER OF THE ST. BASIL OF OSTROG SERBIAN ORTHODOX CHURCH, LOCATED AT THE SOUTHWEST CORNER OF OLD SCHOOL AND BRADLEY ROADS, METTAWA, ILLINOIS.

A. CALL TO ORDER

Mayor MacLean called the meeting to order at 7:35 P.M.

B. ROLL CALL

Upon a call of the roll, the following persons were:

Present: Trustees Brennan, Falbe, Merrifield, Nagel, Nicholson, and Tindall; and Mayor MacLean

Absent: None

The Mayor declared a quorum present.

Also Present: Village Attorney John Zimmermann of the firm of Raysa & Zimmermann, LLC; Scott Anderson, representative of the firm of James Anderson Co., Village Engineers; Deputy Treasurer David Fairman, and Village Clerk Sandra Shapcott

C. APPROVAL OF MINUTES

It was moved by Trustee Tindall, seconded by Trustee Brennan that the Minutes of the Regular Village Board Meeting of February 17, 2009, the Minutes of the Special Village Board Meeting of March 16, 2009, and the Minutes of the Special Village Board Meeting of April 14, 2009 be approved with the correction of the date in the header of the April Minutes be corrected to show April 14, 2009.

Upon roll call the following voted:

Aye: Trustees Brennan, Falbe, Merrifield, Nagel, Nicholson, and Tindall; and Mayor MacLean

Nay: None.

Mayor MacLean declared the motion carried and the Minutes approved as corrected.

D. APPROVAL OF BILLS

1. Bills submitted for payment

Deputy Treasurer David Fairman informed the Board of a correction to the Raysa & Zimmermann bill which now totals \$44,764.65. It was moved by Trustee Brennan, seconded by Trustee Falbe that the bills be approved as presented by the Deputy Treasurer during this meeting.

Upon roll call the following voted:

Aye: Trustees Brennan, Falbe, Merrifield, Nagel, Nicholson, and Tindall; and
Mayor MacLean

Nay: None.

Mayor MacLean declared the motion carried.

2. Other bills paid by the Village Treasurer in anticipation of this meeting.

None.

E. ADJOURNMENT *SINE DIE*.

Mayor MacLean addressed the Board and the Public. He commented on his many years on the Village Board, congratulated Jess Ray and the new Trustees on their positions, encouraged the Board to remain proactive in all their decisions, and wished all Board members luck and fortune in the years ahead. He offered his full support to the new Board.

At the conclusion of Mayor MacLean's remarks, Trustee Brennan moved, seconded by Trustee Nagel that the meeting adjourn *sine die*.

Upon roll call the following voted:

Aye: Trustees Brennan, Falbe, Merrifield, Nagel, Nicholson, and Tindall; and Mayor
MacLean

Nay: None.

Mayor MacLean declared an adjournment *sine die*.

F. INAUGURATION OF NEWLY ELECTED VILLAGE OFFICIALS

The Village Clerk administered the oath of office of Mayor to Jess Ray and the oath of office to William Armstrong, Mary Brennan, Larry Falbe, and John Maier.

G. CALL TO ORDER

Mayor Ray reconvened the meeting at 7:55 p.m.

H. ROLL CALL

Upon a call of the roll, the following persons were:

Present: Trustees Armstrong, Brennan, Falbe, Maier, Nicholson, and Tindall; and
Mayor Ray

Absent: None

The Mayor declared a quorum present.

Also Present: Village Attorney John Zimmermann of the firm of Raysa & Zimmermann, LLC; Scott Anderson, representative of the firm of James Anderson Co., Village Engineers; Deputy Treasurer David Fairman; and Village Clerk Sandra Shapcott

I. MAYOR'S UPDATE: For Consideration and Action

Mayor Ray thanked Barry MacLean for his service to the Village and for those in attendance for being present and asked for their continued involvement going forward. He stressed the Board's interaction with the residents and that the public's opinion on Village matters was important. He indicated that as Mayor he will only vote on issues if there is a tie.

Then the Mayor and Board of Trustees unanimously consented to take a single Roll Call Vote on several items grouped together for voting purposes under the designation "Omnibus Vote".

It was moved by Trustee Tindall, seconded by Trustee Maier, that the Mayor and Board of Trustees approve items 1 through 3.

1. **Resolution No. 09-3 "A Resolution Commemorating the Public Service of Barry MacLean, Mayor"**

OMNIBUS VOTE

2. **Resolution No. 09-4 "A Resolution Commemorating the Public Service of Karl Nagel"**

OMNIBUS VOTE

3. **Resolution No. 09-5 "A Resolution Commemorating the Public Service of Robert Merrifield"**

OMNIBUS VOTE

Upon a call of the roll, the following voted:

AYE: Trustees Armstrong, Brennan, Falbe, Maier, Nicholson, and Tindall;
and Mayor Ray

NAY: None

Mayor Ray declared the motion carried and Resolutions 09-3, 09-4 and 09-5 adopted.

Mayor Ray then presented plaques commemorating their public service to Barry MacLean, Karl Nagel, and Bob Merrifield and thanked them for their service to the Village throughout the years. Comments of thanks were made by trustees and the public.

4. Appointments

Mayor Ray appointed Cathy Nelson as Village Clerk effective Wednesday, May 20, 2009, and asked the Village Board for confirmation of this appointment.

After some discussion, it was moved by Trustee Maier, seconded by Trustee Brennan that the Mayor and Board of Trustees advise and consent to the appointment of Cathy Nelson as the new Village Clerk effective Wednesday, May 20, 2009.

Upon a call of the roll, the following voted:

AYE: Trustees Armstrong, Brennan, Falbe, Maier, Nicholson, and Tindall.
NAY: None

Mayor Ray declared the motion carried.

Mayor Ray entertained a motion to approve and authorize the purchase of materials that are needed for the Village Clerk to function, such as file cabinets and a computer, with the understanding that this action will appear on the next agenda for ratification.

Trustee Maier moved, seconded by Trustee Armstrong that the Board approve and authorize the purchase of the materials needed for the Village Clerk to function.

Upon a call of the roll, the following voted:

AYE: Trustees Armstrong, Brennan, Falbe, Maier, Nicholson, and Tindall.
NAY: None

Mayor Ray declared the motion carried and noted that this action will be ratified at the next Board meeting.

Mayor Ray appointed Thomas Lys as Village Treasurer effective Wednesday, May 20, 2009, and asked the Village Board for confirmation of this appointment.

Upon discussion, it was moved by Trustee Maier, seconded by Trustee Armstrong that the Mayor and Board of Trustees advise and consent to the appointment of Thomas Lys as Village Treasurer effective Wednesday, May 20, 2009.

Upon a call of the roll, the following voted:

AYE: Trustees Armstrong, Brennan, Falbe, Maier, Nicholson, and Tindall.
NAY: None

Mayor Ray declared the motion carried.

Moving to his committee appointments, Mayor Ray appointed Trustee Falbe as Chairman of the Parks and Recreation Committee with Trustees Armstrong and Tindall as members.

Mayor Ray then appointed Trustee Maier as Chairman of the Finance Committee with Trustee Nicholson as a member and Village Treasurer Thomas Lys as an *ex-officio* non-voting member.

5. Other Matters

Mayor Ray informed the Board and Public of the following Commissions that will be formed in the near future:

- a. A new commission that will combine the current Plan Commission and the Zoning Board Commission.
- b. Roads and Trails Commission
- c. Building Commission
- d. Communications and Public Relations Commission
- e. Safety and Security Commission

Mayor Ray explained that committees and commissions are advisory only.

It was moved by Trustee Nicholson, seconded by Trustee Falbe that the Village Attorney draft an amendment to the Municipal Code relative to the formation of these commissions and that he file an application with the Plan Commission to amend the zoning ordinance to effect combining the Plan Commission and Zoning Board of Appeals into one Commission.

Upon a call of the roll, the following voted:

AYE: Trustees Armstrong, Brennan, Falbe, Maier, Nicholson, and Tindall.

NAY: None

Mayor Ray declared the motion carried.

Mayor Ray indicated that Keith Gray, the President of the Roundout School Board had approached Mayor Ray to discuss the possibility of including the west side of Mettawa into their School District.

Ray vs Mettawa lawsuit. Mayor Ray informed the Board and Public that he has been removed as the plaintiff in the lawsuit and another Village resident, Peter Ritsos, is now the plaintiff.

Mayor Ray indicated his desire that the Village Attorney appoint special council to review the Costco real estate sales agreement and the court ordered Agreed Order in the Millinium litigation to determine what latitude the Board has and any possible pitfalls the Board may face if it fails to perform these contracts. This will be a one time assignment and will not include the representation of the Village in any litigation, if that arises as a consequence of this appointment.

The Mayor conducted an informal poll of the Trustees to ascertain whether they would support the Village Attorney's appointment of Adam Simon and his firm, Ancel, Glink, Diamond, Bush, DiCianni & Krafthefer, P.C. as special council for this limited purpose. No one expressed any disagreement with this appointment.

J. TREASURER'S REPORT

Deputy Treasurer David Fairman informed the Board that he sent out a formal request for proposals to six auditing firms and the responses are due back to him on May 26. He recommends that the Board do the review quickly and suggested that the Finance Committee could do the reviews and pick three candidates for the annual Village audit to recommend to the Board at the June meeting.

It was moved by Trustee Brennan, seconded by Trustee Armstrong, that the Board acknowledge receipt of the Treasurer's Report and place it on file.

Upon a call of the roll, the following voted:

AYE: Trustees Armstrong, Brennan, Falbe, Maier, Nicholson, and Tindall.

NAY: None

Mayor Ray declared the motion carried.

K. COMMUNICATIONS AND PETITIONS FROM THE PUBLIC

1. Citizens to be heard on items not listed elsewhere on this agenda

None

2. Written communications of citizens to be read

None

L. COMMISSION AND COMMITTEE REPORTS

1. Plan Commission
 - a. Report: Case 09-SU-S-1 – Lys Nektosha Hoff Planned Unit Development at the North End of the Barker Easement
 - b. Report: Case 09-S-2 – Chudy Subdivision, 27748 St. Mary's Road
2. Zoning Board of Appeals
None.
3. Building Department
Trustee Tindall circulated this report to the Board.
4. Architectural Review Board
None.

M. BUSINESS FROM THE BOARD FOR DISCUSSION: For Consideration and Action:

Trustee Falbe ~~reclused~~^{refused} himself from items 1 through 3c. as he is a member of the law firm that is representing the Lys family.

The Mayor and Board of Trustees unanimously consented to take a single Roll Call Vote on several items grouped together for voting purposes under the designation "Omnibus Vote".

It was moved by Trustee Tindall, seconded by Trustee Maier, that the Mayor and Board of Trustees adopt, approve and accept items 1 through 3c through an Omnibus action.

1. **Ordinance No. 625 – "An Ordinance Directing the Execution of a Subdivider's Agreement Regulating the Improvement of the Lys Nektosha Hoff – at the North End of the Barker Easement"**
OMNIBUS VOTE.
2. **Ordinance No. 626 – "An Ordinance Granting a Special Use in the Nature of a Planned Unit Development – Nektosha Hof (Case 09-SU-S-1)"**
OMNIBUS VOTE.

3. Approving and Authorizing the Mayor and Clerk to Execute:
 - a. Acceptance of Nektosha Hof Declaration and Grant of Easement for the Mettawa Trail
OMNIBUS VOTE.
 - b. Nektosha Hof Subdivision at the North End of the Barker Easement (Case 09-SU-S-1)
OMNIBUS VOTE.
 - c. Acceptance of Nektosha Hof Declaration of Covenants, Conditions and Restrictions
OMNIBUS VOTE.

Upon a call of the roll, the following voted:

AYE: Trustees Armstrong, Brennan, Maier, Nicholson, and Tindall.
NAY: None

Mayor Ray declared the motion carried.

- d. Chudy Subdivision, 27748 St. Mary's Road (Case 09-S-2)

It was moved by Trustee Armstrong, seconded by Trustee Maier that the Board approve the Chudy Subdivision, 27748 St. Mary's Road and authorize the Mayor to sign, and the Village Clerk to attest his signature upon, the Chudy Plat of Subdivision.

Upon a call of the roll, the following voted:

AYE: Trustees Armstrong, Brennan, Falbe, Maier, Nicholson, and Tindall.
NAY: None

Mayor Ray declared the motion carried.

4. Award of Contract to Replace Two Culverts

Scott Anderson, the Village Engineer, presented to the Board 3 bids for the contract to replace two culverts. After some discussion, it was moved by Trustee Armstrong, seconded by Trustee Nicholson that the Board authorize the Village Engineer to inquire of the high bidder to determine whether the high bidder can meet the price quoted by the low bidder, because of the high bidder's expertise. If the high bidder can, The Village Engineer is authorized hereby to sign a contract for the work with the high bidder; however, if the high bidder does not lower its quote, the Village Engineer is authorized hereby to sign a contract for the work with the low bidder.

Upon a call of the roll, the following voted:

AYE: Trustees Armstrong, Brennan, Falbe, Maier, Nicholson, and Tindall.

NAY: None

Mayor Ray declared the motion carried.

N. ITEMS TO BE REFERRED

None.

O. FOR INFORMATION ONLY

Trustee Tindall informed the Board of the closure of both the southbound and northbound ramps at Half Day road for three weeks in June.

P. ADJOURNMENT

With no further business to conduct, it was moved by Trustee Maier, seconded by Trustee Brennan, that the meeting be adjourned.

Upon a call of the roll, the following voted:

AYE: Trustees Armstrong, Brennan, Falbe, Maier, Nicholson, and Tindall.

NAY: None

Mayor Ray declared the motion carried and the meeting adjourned at 9:25 P.M.

Sandra Shapcott, Village Clerk