

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF METTAWA, ILLINOIS, HELD AT THE HOUR OF 7:30 P.M. ON TUESDAY, FEBRUARY 19, 2013, IN THE COTTONWOOD ROOM OF THE HILTON GARDEN INN HOTEL, 26225 N. RIVERWOODS BOULEVARD, METTAWA, ILLINOIS

A. CALL TO ORDER

Mayor Ray called the meeting to order at 7:30 p.m.

B. ROLL CALL

Upon a call of the roll, the following were:

Present: Trustees, Armstrong, Brennan, Clark, Maier, Towne and Mayor Ray

Absent: Trustee Lane

Mayor Ray declared a quorum present.

Also present: Scott Anderson, representative of the firm of James Anderson Co., Attorney James V. Ferolo of Klein Thorpe & Jenkins, Ltd.; Village Clerk, Cathy Nelson, Treasurer Nick Lucca and Financial Consultant, Dorothy O'Mary

C. APPROVAL OF MINUTES

1. Regular Meeting of the Mayor and Board of Trustees: January 15, 2013

It was moved by Armstrong, seconded by Trustee Maier that the Minutes of the Regular Board Meeting of January 15, 2013 be approved as presented.

Upon a call of the roll, the following voted:

Aye: Trustees Armstrong, Brennan, Clark, Maier, and Towne

Nay: None

Mayor Ray declared the motion carried and the minutes approved and placed on file.

D. APPROVAL OF BILLS

1. Bills Submitted for Payment, and Other Bills Paid by the Village treasurer in Anticipation of this meeting.

It was moved by Trustee Maier, seconded by Trustee Armstrong to approve bills submitted for payment and other bills already paid for a total amount of \$601,468.41

Upon a call of the roll, the following voted:

Aye: Trustees Armstrong, Brennan, Clark, Maier, and Towne

Nay: None

Mayor Ray declared the motion carried.

Treasurer Maier noted for the record that the City of Lake Forest will be paid \$235,000.00 per agreement as part of their portion of the Oasis sales tax revenue sharing

E. TREASURER'S REPORT

Presentation of the Monthly Report for the Month of January, 2012

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

Upon a call of the roll, the following voted:

Aye: Trustees Armstrong, Brennan, Clark, Maier, and Towne

Nay: None

Mayor Ray declared the motion carried.

Mayor Ray informed the Board that to date the Village has a surplus of \$250,056.00

F. COMMUNICATIONS AND PETITIONS FROM THE PUBLIC

1. No citizens were heard
2. Written communications of citizens to be read
 - a. The clerk read a letter and petition from residents Thomas and Franziska Lys of 25300 Nektosha Way, Mettawa regarding elimination of plans for trails south of Route 60 on private land.

Discussion ensued. Resident Karen Nitiss of 25220 Shagbark Rd., Mettawa, questioned why trails needed to go thru private property when there were so many Forest Preserve Trails close by, and most of the trail users were nonresidents.

Resident Roman Rycerz of 25487 N. St. Marys Rd asked for clarification of allowable uses on the trails, such as snowmobiles. Mayor Ray replied that he would get back to Mr. Rycerz with the Village Code wording on this matter

Mayor Ray referred this matter to the Public Works Committee for deliberation and asked that they consider a Committee of the Whole meeting for all residents input.

G. COMMISSION AND COMMITTEE REPORTS FOR DISCUSSION AND CONSIDERATION AND, IF SO DETERMINED, ACTION UPON

1. Finance Committee

a. Update: Lake Forest Sales Tax Payment

Trustee Maier updated the Board on the continuing issue with the Illinois Department of Revenue, City of Lake Forest and Mettawa regarding Oasis Sales Tax Revenue and payment of a portion of that tax revenue to Lake Forest per agreement. Village Attorney Ferolo informed the Board of conversations with Lake Forest and the possibility of a village sales tax on revenue so that the State had to disclose its figures. Representative Carol Sente has also been asked to assist in this matter.

Elizabeth Holleb, Finance Director for the City of Lake Forest presented a letter from acting Mayor Schoenheider stating that Lake Forest and Mettawa have agreed to an 80% payment of \$235,000.00 on the non-finalized amount due Lake Forest, and that both parties would continue to work to resolve this issue. It was also agreed that if finalization should a refund due, it would be given. Discussion ensued and the matter was tabled until more information is available and the Village tries again to get the figures.

b. Update: Budgeting for FY2014

Trustee Maier informed the board that budgeting is in progress and there will be more information at the March Board meeting

c. Recommendation to Approve “An Ordinance Abating Certain Taxes Levied by the Village of Mettawa Pursuant to Ordinance No. 513 for the Year 2012.
Trustee Maier explained the abatement for SSA No. 8

d. Recommendation to Approve “An Ordinance Abating Certain Taxes Levied by the Village of Mettawa Pursuant to Ordinance No. 692 for the Year 2012.
Trustee Maier explained this abatement for the Oasis Park Property owned by the Village.

e. Other Matters: No other matters presented for discussion

2. Public Works Committee

a. Update: Special Service Area Number 15 for JAWA Water Expansion and

b. Discussion of Area 1 Special Service Area for JAWA Expansion and Recommendation Regarding Financing of the Project in lieu of Traditional Bond Financing in an amount not to exceed \$500,000.00

Trustee Armstrong updated the Board on the status of items “a” and “b” regarding establishing and SSA for Area 1 with the option of the Village self-

funding the project. Resident John Novak will be funding his own water line and that left the Little St. Marys, St. Marys area needing funding.

Discussion ensued regarding options for bonds or self-funding and setting a precedent for other areas. It was agreed that Attorney Ferolo needed to investigate options and more discussion would be held at the March Board meeting.

- c. Recommendation to Approve “An Ordinance Amending the Village Code Regarding Commercial Truck Traffic”

Upon review of the presented ordinance, it was agreed to approve this ordinance under “New Business” with the inclusion of language changes for consistency.

- d. Other Matters

Trustee Armstrong informed the Board that Mr. Anderson is working on finalization of the Curran Contractors invoice for paving, but that the work has not been totally completed.

3. Parks and Recreation Committee

- a. Update: Berm on Rt. 60

Trustee Towne updated the Board, stating that they are looking at a June completion.

- b. Stormwater Structure Evaluation Report by Integrated Lakes Management of Waukegan, Illinois

Trustee Towne asked for the Board to Review the presented report. He also asked for a revote on the approval of Integrated Lakes Management proposal due to the fact that ponds on his property are included in the proposal. The Board agreed unanimously.

He also asked for a consensus to pay the Integrated Lakes Management invoice. The Board agreed unanimously.

- c. Recommendation to Approve a Proposal From Integrated Lakes Management of Waukegan, Illinois for Stormwater Structure Buffer Zone Maintenance in an Amount Not to Exceed \$17,874.56, Pending Legal Review

Trustee Towne suggested that this item be tabled until the Board members can evaluate the report and he obtains a cost breakdown. He stated that the SSA's will be charged for maintenance. The Board agreed to table this item.

- d. Update: Oasis Berm

Trustee Towne updated the Board on the Oasis Berm plans. Teska Associates of Evanston, Illinois are working on the plans and will report back in March.

- e. Other Matters: No other matters were presented for discussion

- 4. Safety Commissioner

- a. Update: Village Security

Coyote activity was discussed. It was agreed that information should be put on the website regarding coyotes.

H. BUSINESS FROM THE BOARD FOR DISCUSSION, CONSIDERATION AND, IF SO DETERMINED, ACTION UPON:

- 1. Mayor's Report

- a. Update: Acquisition of Property at 25960 N. St. Marys Road, Mettawa, IL. Mayor Ray reported that the Village has closed on the property at 25960 N. St. Marys Road. Also, that the acquisition was below appraisal and that during the current administration, all village land acquisitions have been below appraisals. The property has been insured as vacant causing a reduced rate.

- b. Update and Recommendation to Approve a Proposal From Teska Associates, Evanston, Illinois; to Prepare and Update the 2025 Comprehensive Plan in an Amount not to Exceed \$10,000.00; Pending Legal Review

Mayor Ray reported that edits are being made and the Board will be reviewing before sending the Plan to the Zoning, Planning and Appeals Commission.

- c. Discussion: Garbage Contract

Discussion ensued regarding contract extensions for Lakes Disposal of Grayslake, Illinois; (Village licensed waste hauler) and suggested options for extensions. After discussion, Mayor Ray referred this item to the Finance Committee for consideration

- d. Update: BMW Western Open Golf Tournament at Conway Farms, Lake Forest. Mayor Ray updated the Board on preparations for the upcoming golf tournament to be held at Conway Farms in September, 2013, and stated that monthly meetings were beginning with Lake Forest on issues such as parking, transportation and road closures. It is estimated that on Saturday and Sunday of the tournament an additional 35-40,000 cars will be in the area.

- e. Building Report

Mayor Ray thanked Trustee Towne and Mr. Anderson for their report and placed it on file.

- f. Other Matters: No other matters were presented for discussion
2. **UNFINISHED BUSINESS:** No items for consideration
- a. Approval of **“An Ordinance Granting A Special Use Permit For a Four (4) Horse Barn With an Area Greater Than Two Thousand (2,000) Square Feet for Property Commonly Known as 27455 Meadowoods Lane, Mettawa”** being **“Ordinance No. 731”** with the correction of wording on the last page of the finding of fact eliminating referrals to “place of assembly”

Attorney Ferolo will correct the document and forward to the clerk for signature and recordation.

Upon a call of the roll, the following voted:

Aye: Trustees Armstrong, Brennan, Clark, Maier and Towne

Nay: None

Mayor Ray declared the motion carried.

- b. Discussion: Amendments to Large Stable Provisions of the Zoning Code
See 3.d. below
3. **NEW BUSINESS**

- a. Approval of Catering Agreement with the Hilton Garden Inn 26225 N. Riverwoods Boulevard, Mettawa; for Village Board and Committee Meetings for 2013.

It was moved by Trustee Brennan, seconded by Trustee Armstrong to approve the catering agreement with the Hilton Garden Inn for 2013 meetings

Upon a call of the roll, the following voted:

Aye: Trustees Armstrong, Brennan, Clark, Maier and Towne

Nay: None

Mayor Ray declared the motion carried.

- b. Approval of a Proposal from Teska Associates of Evanston, Illinois to Prepare and Update the 2025 Comprehensive Plan in an Amount Not to Exceed \$10,000.00, Pending Legal Review.

It was moved by Trustee Maier, seconded by Trustee Brennan to approve a Proposal from Teska Associates to prepare and update the Comprehensive Plan

Upon a call of the roll, the following voted:

Aye: Trustees Armstrong, Brennan, Clark, Maier and Towne

Nay: None

Mayor Ray declared the motion carried.

- c. Approval of a Proposal from Integrated Lakes Management of Waukegan, Illinois; for Stormwater Structure Buffer Zone Maintenance, in an Amount Not to Exceed \$17,874.56, Pending Legal Review.

This item was tabled by acclamation.

- d. Approval of A Resolution Authorizing the Submission of Several Different Proposed Zoning Code Amendments to the Village of Mettawa's Zoning, Planning, and Appeals Commission Regarding Such matters as: 1) Cannabis Regulations, 2) Floor Area Limits in the R-1 district, 3) Non-confirming Use Sunset Clauses, and 4) the Definition of Large Stables, and so on.

It was moved by Trustee Maier, seconded by Trustee Clark to approve

“ A Resolution Authorizing the Submission of Several Different Proposed Zoning Code Amendments to the Village of Mettawa's Zoning, Planning, and Appeals Commission Regarding Such matters as: 1) Cannabis Regulations, 2) Floor Area Limits in the R-1 district, 3) Non-confirming Use Sunset Clauses, and 4) the Definition of Large Stables, and so on.”
being **“ Resolution No. 13-1”**

Village Attorney Ferolo updated the Board on procedures for submissions to the Zoning, Planning and Appeals Commission.

Discussion on why the Large Stable code is the way it is ensued and Trustee Brennan stated that research needed to be done, so that the Board and Zoning, Planning and Appeals Commissions can be better informed before recommendations are finalized.

Upon a call of the roll, the following voted:

Aye: Trustees Armstrong, Brennan, Clark, Maier and Towne

Nay: None

Mayor Ray declared the motion carried.

- e. Approval of “An Ordinance Amending Chapter 19 of the Mettawa Code of Ordinances Regarding the Imposition of a Home Rule Sales Tax”

This item was tabled by acclamation for further information

- f. Approval of An Ordinance Correcting a Scrivener's Error in Ordinance 675 Regarding the Reference to the Proposing Ordinance for Special Service Area No. 11 (Nektosha Way)”

It was moved by Trustee Brennan, seconded by Trustee Maier to approve
**“ An Ordinance Correcting a Scrivener’s Error in Ordinance 675
Regarding the Reference to the Proposing Ordinance for Special Service
Area No. 11 (Nektosha Way)”** being **“Ordinance No.733”**

Upon a call of the roll, the following voted:

Aye: Trustees Armstrong, Brennan, Clark, Maier and Towne

Nay: None

Mayor Ray declared the motion carried.

- g. Approval of An Ordinance Amending the Village code Regarding Commercial Truck Traffic

It was moved by Trustee Armstrong, seconded by Trustee Towne to approve
**“An Ordinance Amending the Village code Regarding Commercial Truck
Traffic being “Ordinance 732”**

Upon a call of the roll, the following voted:

Aye: Trustees Armstrong, Brennan, Clark, Maier and Towne

Nay: None

Mayor Ray declared the motion carried.

- h. Approval of An Ordinance Abating Certain Taxes Levied by the Village of Mettawa Pursuant to Ordinance No. 513 for the Year 2012

It was moved by Trustee Maier, seconded by Trustee Armstrong to approve
**“An Ordinance Abating Certain Taxes Levied by the Village of Mettawa
Pursuant to Ordinance No. 513 for the Year 2012”** being **“Ordinance
No.734”**

Upon a call of the roll, the following voted:

Aye: Trustees Armstrong, Brennan, Clark, Maier and Towne

Nay: None

Mayor Ray declared the motion carried.

- i. Approval of An Ordinance Abating Certain Taxes Levied by the Village of Mettawa Pursuant to Ordinance No. 692 for the Year 2012”

It was moved by Trustee Maier, seconded by Trustee Brennan to approve **“An
Ordinance Abating Certain Taxes Levied by the Village of Mettawa
Pursuant to Ordinance No. 692 for the Year 2012”** being **“Ordinance
No.735”**

Upon a call of the roll, the following voted:

Aye: Trustees Armstrong, Brennan, Clark, Maier and Towne

Nay: None

Mayor Ray declared the motion carried.

I. EXECUTIVE SESSION:

At 9:06 p.m., it was moved by Trustee Clark, seconded by Trustee Armstrong to recess to a closed Executive Session for the purpose of discussion of land acquisition, potential litigation, approval of Executive Session minutes and other related topics.

Upon a call of the roll, the following voted:

Aye: Trustees Armstrong, Brennan, Clark, Maier and Towne

Nay: None

Mayor Ray declared the motion carried and the Board recessed to Executive Session

J. CALL TO RECONVENE

At 10:15p.m. Mayor Ray reconvened the public portion of the meeting

K. ROLL CALL

Upon a call of the roll, the following were:

Present: Trustees Armstrong, Brennan, Clark, Maier Towne and Mayor Ray

Absent: Trustee Lane

Mayor Ray declared a quorum present.

Also present: Attorneys James V. Ferolo of Klein, Thorpe & Jenkins and Village Clerk, Cathy Nelson

L. MATTERS REQUIRING ACTION AS A RESULT OF THE EXECUTIVE SESSION

No matters were brought forward

M. ITEMS TO BE REFERRED

- i. Extensions to the Lakes Disposal village waste disposal contract referred to the Finance Committee.
- ii. Petition to delete trail south of Rout 60 from the Comprehensive Plan and not to put in more trails referred to the Public Works Committee

N. FOR INFORMATION ONLY

P. ADJOURNMENT

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

In Favor: All

Opposed: None

Mayor Ray declared the motion carried and the meeting adjourned at 10:17p.m.

Cathy Nelson, Village Clerk