

**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 JANUARY 16, 2018 IN THE COTTONWOOD ROOM OF THE HILTON GARDEN HOTEL, 26225 N. RIVERWOODS BOULEVARD, METTAWA, ILLINOIS**

**A. CALL TO ORDER**

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

**B. ROLL CALL**

Upon a call of the roll, the following were:

Present: Trustees Bohm, Maier, Pink, Sheldon, Towne and Mayor Urlacher

Absent: Trustee Brennan

Mayor Urlacher declared a quorum present.

Also present: Village Administrator, Bob Irvin; Village Clerk, Sandy Gallo; Representative of the Firm of James Anderson Company, Scott Anderson; Village Attorney, Greg Smith of Klein Thorpe & Jenkins, Ltd.; Village Treasurer, Pam Fantus; Financial Consultant, Dorothy O'Mary

**C. APPROVAL OF MINUTES:**

**Board Meeting Minutes: December 19, 2017**

The Village Board meeting minutes were reviewed. Trustee Bohm moved and seconded by Trustee Sheldon that the minutes of the Board Meeting of December 19, 2017 be approved as revised and be placed on file.

Upon a call of the roll, the following voted:

Aye: Trustees Bohm, Maier, Pink, Sheldon and Towne

Nay: None

Absent: Trustee Brennan

Mayor Urlacher declared the motion carried.

**D. APPROVAL OF BILLS**

**1. Bills Submitted for Payment**

Trustee Maier reported the total amount for payment is \$1,002,559.81.

Trustee Maier said one invoice was added Howe Security of \$7,538.29. Trustee Maier said the largest portion of the invoices amount is due to the payment of SSA#2. This SSA is paid out of a separate tax account, not the operating Village fund.

It was moved by Trustee Maier and seconded by Trustee Bohm to approve payment of the bills.

Upon a call of the roll, the following voted:

Aye: Trustees Bohm, Maier, Pink, Sheldon and Towne

Nay: None

Absent: Trustee Brennan

Mayor Urlacher declared the motion carried.

#### **E. TREASURER'S REPORT**

Presentation of the Treasurer's Summary Report for the Month of December 2017.

It was moved by Trustee Maier and seconded by Trustee Towne that the Board acknowledges receipt of the December 2017 Treasurer's Summary Report and it be placed on file.

Upon a call of the roll, the following voted:

Aye: Trustee Bohm, Maier, Pink, Sheldon and Towne

Nay: None

Absent: Trustee Brennan

Mayor Urlacher declared the motion carried.

#### **F. PUBLIC HEARING**

#### **G. COMMUNICATIONS AND PETITIONS FROM THE PUBLIC**

#### **H. COMMISSION AND COMMITTEE REPORTS FOR DISCUSSION, CONSIDERATION AND, IF SO DETERMINED, ACTION UPON**

##### **1. Finance Committee**

###### **a. Recommendation Regarding the Proposal from Sikich for Audit Services**

Trustee Maier said Sikich has submitted a proposal to renew the auditing service they provide to the Village. The price increase from last year is \$500. The Finance Committee recommends the approval of this proposal.

b. Other Matters

Trustee Maier said the Village Administrator Irvin will commence the forecasting of the Annual Budget in February.

**2. Public Works Committee**

a. Update on Oasis Park Drainage

Trustee Towne said a solution has been thought of for the south side of the Oasis Park drive from Bradley up to the Oasis Park. The possible solution is to redirect the water east into a 30-inch culvert that is currently not being utilized to handle the water overflow of the berm. The Committee made a recommendation to get pricing for the work from Forest Builders.

Village Administrator Irvin said he met with the Tollway and they do not foresee this repair as an issue. Village Administrator Irvin explained to the Tollway how the berm has impacted the direction of the heavy rainfall water flow, which is creating flooding on the Oasis Park drive. Village Administrator Irvin said the Village will utilize the winter months to obtain a permit and plan sheet, in order to be ready for a spring repair.

b. Update on the Potential Water Main Extension

Trustee Towne said the Village Administrator Irvin has prepared a new spreadsheet explaining the related water main costs for the residents. Trustee Towne added an additional meeting is necessary to further discuss the cost with the residents. As for the Riverside Preserve residents, they do not need to employ prevailing wages contractors to complete the water main connection work. The Riverside Preserve residents can experience some significant savings by hiring outside contractors for this work.

Village Administrator Irvin said we will have one more Committee meeting to discuss the additional cost modeling for the St. Marys residents, which is pricing on buildable sites. The first spreadsheet detailed pricing per lot.

c. Update on Right-of-Way Mowing for 2018

Village Administrator Irvin said last year's company TGF submitted their bid at \$45,000 for the right-of-mowing program for 2018. Committee agreed to go out for bids again. Village Administrator Irvin said it was discussed to have a pre-bid meeting with the interested bidders, to have the bidders better understand the Village mowing program and to prevent underbidding company's submission of their true cost for the service rendering. Village Engineer Anderson said the bidding outcome

will be available for the March meeting. Village Administrator Irvin said the March approval would allow the work to commence in April.

d. Other Matters

### **3. Parks and Recreation Committee**

a. Recommendation to Approve the Lowest Responsible Proposal from V3 for the Oasis Park and Bradley/Riverwoods Property Stewardship

Trustee Sheldon said the Committee recommends approving the lowest stewardship bid from V3. The bids range started as high as \$ 236,000 to the lowest bidder of \$58,000. The Committee recommends we approve V3 as the lowest bidder for the Village's maintenance program.

b. Other Matters

### **4. Safety Commission**

a. Status and Activity Update

Trustee Pink said there was a barn fire on January 9<sup>th</sup>, and the Libertyville Fire Protection District (LFPD) was dispatched at 13:12. The first responder arrived at 13:19. The barn had animals that perished. LFPD had no issue obtaining water to extinguish the barn. Howe Security representative, Antonio, was the first person on the scene. Trustee Pink said the barn did have a second flare-up from the hay. The second fire was addressed rather quickly, too. Trustee Maier asked if the cause of the fire has been determined. Trustee Pink said no cause or report has been submitted at the moment.

Trustee Pink said Howe Security has returned to their normal day hours due to the dumping having stopped.

Trustee Pink said she along with the Village Administrator Irvin met with the Lake County Sheriff and the Lake County Undersheriff regarding the special detail contract. Trustee Pinks said she would like to get a consensus from the Board on how to address this contract. Village Administrator Irvin said he supplied the Board the highlights of their meeting. The Lake County Sheriff has decided they do not want to make any modification to their standard agreement that was submitted to the Village.

Mayor Urlacher said the Sheriff's department would like to retain all of the ticket revenue. Mayor Urlacher suggested to the Board not to act on the special detail contract at this time and wait to hear from the Sheriff regarding the Village's contract

objection. Mayor Urlacher advised Village Administrator Irvin to report to the Sheriff, the Village does not agree with their terms.

Resident, Liz Leonard (27500 N. Meadowoods Lane) asked if the no right turn ordinance off of Old School will be resumed after the bridge work. Mayor Urlacher said yes, the turning limitation will be reinforced after the construction period.

Village Administrator Irvin said supplemental signs have been requested from the Tollway to ensure a comprehensive detour is provided to the residents during construction. Village Administrator Irvin said the Tollway anticipates the construction period for the bridge repair to be only four months.

## **5. Zoning, Planning and Appeals Commission Report**

a. Discussion Regarding the Findings of Fact and Recommendation of the Zoning, Planning and Appeals Commission for Docket 17-SU-S-4: 15055 and 15141 W. Little St. Marys Road, Mettawa, Illinois – Application for a special use permit for a large stable, to supersede, amend and replace the terms of the court orders entered in the case of LaSalle National Bank, as Trustee under Trust No. 103542 and High Times Stables, Inc. v. Village of Mettawa, 88 CH 257 in the Circuit Court for the Nineteenth Judicial Circuit, Lake County, Illinois, to allow for up to twenty two horses to be boarded in an existing large stable, to allow one existing outdoor riding arena and one existing indoor riding arena to be used, and to consolidate two lots into a single lot, among other relief.

Village Attorney Smith said the Findings and Fact recommendation has been provided as a result from the ZPA's Public Hearing held on December 5, 2017 regarding the application from Sapphire Land LLC for a special use permit. The property owner's land consists of 15 acres which is roughly spread over 2 lots. The owner is looking to replace two court orders entered in 1988 that relate to the use of the property. The current owners operate as a large stable under the court orders which allows 15 horses to be boarded, an indoor and outdoor arena. The ZPA voted on the application request. The applicant was requesting to increase their current count of 15 horses to 22 without making any structure changes. The ZPA approved 20 horses along with a list of conditions found in the *Findings and Facts* report.

Village Attorney Smith said the Village Board has four options in order to draft an ordinance for the applicant. First to approve the applicants request from 15 to 22 horses, approve the ZPA's recommendation of 20 horses, approve it with some other provisions or deny the application and keep the two court orders.

Doug Wambach, Attorney for Sapphire Land LLC said he would like to thank the Village on how the application has been handled. Mr. Wambach said the Sapphire owners are prepared to agree to the 20 horses that the ZPA approved at the public hearing. Sapphire is willing to withdraw their request for 22 horses.

Trustee Sheldon asked how many horses are currently on the property. Doug Boyd, the Manager of Sapphire Stables LLC replied eight horses are on the property. Mr. Wambach said most of the horses owned are show horses, which means they are usually traveling for shows. During the winter months, the horses are kept in Florida.

Trustee Bohm said with the original 10 acres and the additional five acres acquired, the current court order would meet the Village code of one horse per acre.

Mr. Boyd said the Real Estate agent told the owners 18 horses were allowed on the property per the special use permit. No special use permit was assigned to this lot.

Resident, Dr. Fantus (14253 W. Riteway Drive) asked if the court order included a waiver stating the current owners did not need to reside on the premises. Village Attorney Smith said the current court order does reference an employee can live on the attached single-family structure.

Trustee Towne said he would like the request to have the language cleaned up and be submitted as a special use permit.

Trustee Pink said the property owners should have the land consolidation completed prior to submitting the increase of horses.

Trustee Bohm said he's concern that the number of horses exceeds the acres. Trustee Bohm asked if the owner would agree to regular inspections. Mr. Boyd said he would not agree to inspections without notification.

Trustee Sheldon said her concern is the owners have numerous times violated the allowed horses on their parcel to date.

Trustee Maier said he would like to keep the current court orders.

Mayor Urlacher said the Board consensus is 4-1. Mayor Urlacher said the Board is not voting tonight; the consensus is to provide the Village Attorney direction to draw-up an ordinance. Village Attorney Smith said Counsel will draw-up an ordinance for the February meeting to deny the application.

Trustee Towne said a special use allows additional horses per acre. Trustee Towne said he would like the Novak application to be reviewed given their case includes more horses than acreage.

Village Administrator Irvin said the consensus of the Board was to deny the application. The application consisted of two parts, lot consolidation and the increase of horses. Village Attorney Smith said the lot consolidation can be prepared separately.

Trustee Sheldon said she would prefer the lot consolidation to be completed prior to the horse increase.

Mayor Urlacher said the owner has violated a number of times the court order indicating 15 horses on the premises. Mayor Urlacher added the owner is opposed to regular inspections which would allow the Village to enforce their ordinance. The issue at hand is the owners are not agreeing to follow the ordinance.

Mr. Boyd said he has no issues with regular inspections on the property. Mr. Boyd said he is only requesting a notification prior to the inspections.

Trustee Pink said she would like to continue with the court order and allow the courts to decide the outcome.

Trustee Bohm said if the owners agreed to regular inspections, he would approve the recommendation.

Trustee Sheldon said she would approve the application, once the two lots are consolidated and the owners agreed to regular inspections a couple times a year. Trustee Sheldon added if the owners do not agree to these conditions, she would remain with the court order details.

Trustee Maier said if a special use permit is issued, inspections need to be conducted. Trustee Maier added if inspections are not agreed to by the owners, he would remain with the current court order too.

Mayor Urlacher said this agenda item will be tabled for further discussion.

A motion was made by Trustee Sheldon and seconded by Trustee Towne to table the recommendation made by the ZPA for Sapphire Stable LLC.

Upon a call of the roll, the following voted:

Aye: Trustee Bohm, Maier, Pink, Sheldon and Towne

Nay: None

Absent: Trustee Brennan

Mayor Urlacher declared a motion to table this discussion.

b. Other Matters

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

**1. Mayor's Report**

a. License Agreement with Vyaire to Allow the Use of a Portion of a Monument Sign in the Village of Mettawa

Mayor Urlacher said he recommends the approval of the license agreement with Vyaire.

b. Building Report

Mayor Urlacher thanked Village Engineer Scott Anderson for the monthly building report and said it would be placed on file.

c. Other Matters

Mayor Urlacher said the audio sound system will be provided by HGI for the cost of \$125 per use. All of the Village Board members approved the use of this equipment.

Mayor Urlacher said the ZPA will have a meeting tomorrow on Wednesday the 17<sup>th</sup>.

d. Village Administrator's Report

**2. UNFINISHED BUSINESS**

**3. NEW BUSINESS**

a. Approval of the Proposal from Sikich for Audit Services

It was moved by Trustee Towne and seconded by Trustee Sheldon to approve the proposal from Sikich for audit services.

Upon a call of the roll, the following voted:

Aye: Trustees Bohm, Maier, Pink, Sheldon and Towne

Nay: None

Absent: Trustee Brennan

Mayor Urlacher declared the motion carried.

b. Approval of the License Agreement with Vyaire to Allow the Use of Portion of a Monument Sign in the Village of Mettawa

It was moved by Trustee Bohm and seconded by Trustee Sheldon approval of the license agreement with Vyaire to allow the use of portion of a monument sign in the Village of Mettawa.

Upon a call of the roll, the following voted:



Aye: Trustees Bohm, Maier, Pink, Sheldon and Towne  
Nay: None  
Absent: Trustee Brennan

Mayor Urlacher declared the motion carried.

c. Approval for the Lowest Responsible Proposal from V3 for the Oasis Park and Bradley/Riverwoods Property Stewardship

It was moved by Trustee Bohm and seconded by Trustee Pink approval of the lowest responsible proposal from V3 for the Oasis Park and Bradley/Riverwoods property stewardship.

Upon a call of the roll, the following voted:

Aye: Trustees Bohm, Pink, Sheldon and Towne  
Abstain: Trustee Maier  
Absent: Trustee Brennan

Mayor Urlacher declared the motion carried.

#### **J. EXECUTIVE SESSION**

At 8:35 p.m., it was moved by Trustee Bohm, seconded by Trustee Maier to adjourn the meeting to the Executive Session to discuss land acquisition, potential litigation and review of executive session minutes.

Upon a call of the roll, the following voted:

Aye: Trustees Bohm, Maier, Pink, Sheldon and Towne  
Nay: None  
Absent: Trustee Brennan

Mayor Urlacher declared the motion carried.

#### **K. CALL TO RECONVENE**

At 8:51 p.m., Mayor Urlacher reconvened the public portion of the meeting.

#### **L. ROLL CALL**

Upon a call of the roll, the following were:

Present: Trustees Bohm, Maier, Pink, Sheldon and Towne and Mayor Urlacher  
Absent: Trustee Brennan

Mayor Urlacher declared a quorum present.

Also present: Village Administrator, Bob Irvin; Village Clerk, Sandy Gallo and Village Attorney Greg Smith of Klein Thorpe and Jenkins

**M. MATTERS REQUIRING ACTION ARISING AS A RESULT OF THE EXECUTIVE SESSION**

**N. ITEMS TO BE REFERRED**

**O. FOR INFORMATION ONLY**

**P. ADJOURNMENT**

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

Upon a call of the roll, the following voted:

In Favor: Trustee Bohm, Maier, Pink, Sheldon and Towne

Opposed: None

Absent: Trustee Brennan

Mayor Urlacher declared the motion carried and the meeting adjourned at 8:52 p.m.

Sandy Gallo, Village Clerk