

**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, MARCH 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, Lane, Maier, Towne and Mayor Ray

Absent: None

Mayor Ray declared a quorum present.

Also present: Scott Anderson, representative of the firm of James Anderson Co., Attorneys James V. Ferolo and Gregory T. Smith of Klein Thorpe & Jenkins, Ltd.; Village Clerk, Cathy Nelson, Assistant Treasurer Lisa Dieter and Financial Consultant, Dorothy O'Mary

**C. APPROVAL OF MINUTES**

1. Regular Meeting of the Mayor and Board of Trustees: February 19, 2013

It was moved by Trustee Clark, seconded by Trustee Armstrong that the Minutes of the Regular Board Meeting of February 19, 2013 be approved as presented.

Upon a call of the roll, the following voted:

Aye: Trustees Armstrong, Brennan, Clark, Lane, 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 Lane to approve bills submitted for payment and other bills already paid for a total amount of \$946,082.82

Upon a call of the roll, the following voted:

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

Nay: None

Mayor Ray declared the motion carried.

**E. TREASURER'S REPORT**

Presentation of the Monthly Report for the Month of February, 2013

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, Lane, 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 an estimated \$500,000

**F. COMMUNICATIONS AND PETITIONS FROM THE PUBLIC**

1. No citizens were heard
2. Written communications of citizens to be read  
No written communication presented

**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. The Village will pay the balance due to Lake Forest but will continue to acquire final actual numbers. Discussion ensued on how to prevent this issue in the future.

- b. Update: Budgeting for FY2014.

Trustee Maier informed the board that budgeting is in progress and that the Trustees will be getting the budget for review.

- c. Update and Recommendation on garbage Contract.

After discussion it was moved by Trustee Brennan, seconded by Trustee Armstrong to approve a five (5) year contract extension with Lakes Disposal of

Grayslake, Illinois for Garbage Disposal Services and directed the village attorney to work up an extension contract.

d. Other Matters: Update: 2012 Audit.

It was moved by Trustee Maier, seconded by Trustee Clark to accept and approve the audit from Wolf & Company as presented and place it on file.

Upon a call of the roll, the following voted:

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

Nay: None

Mayor Ray declared the motion carried.

2. Public Works Committee

a. i. Update: Water Area 2C (Old School to Rail Road Tracks on St. Marys and Little St. Marys).

Trustee Armstrong updated the board on Water Area 2C and the progress toward a Special Service Area. Gewalt Hamilton is in the process of updating the cost.

ii. Update on Special Service Area 15 (Water Area 1).

Trustee Armstrong updated the board on the progress in this area. Discussion ensued.

b. Recommendation to Approve An Ordinance Proposing the Establishment of Special Service Area Number 15 in the Village of Mettawa and Providing for a Public Hearing and Other Procedure in Connection Therewith.

It was moved by Trustee Armstrong, seconded by Trustee Towne to approve An Ordinance Proposing the Establishment of Special Service Area Number 15, as above.

It was noted that the ordinance referred to SSA 18 when it should be SSA 15 and discussion ensued regarding the length of repay of eleven (11) years which may be too high. The residents have been told 25 years.

Trustee Armstrong then amended his motion to change the repay term from 11 to 25 years. "An Ordinance Proposing the Establishment of Special Service Area Number 15 in the Village of Mettawa and Providing for a Public Hearing and Other Procedure in Connection Therewith". The motion was seconded by Trustee Towne

Upon a call of the roll, the following voted:

Aye: Trustee Armstrong, Brennan, Clark, Lane, Maier and Towne

Nay: None

Mayor Ray declared the motion carried.

- c. Discussion Regarding Bike Paths South of Route 60 and the Petitions Against Trails.

It was discussed that the need for trails, Trustee Armstrong stated that the Public Works Committee will review all trails and that resident Franziska Lys will be polling residents south of Route 60 on the matter.

- d. Other Matters: None presented

### 3. Parks and Recreation Committee

- a. Update: Berm on Rt. 60

Trustee Towne informed the board that the berm was waiting on weather, but would be completed on schedule.

- b. Recommendation for Approval to Seek Bidding on the Oasis Park Master Plan as Submitted by Teska Associates, Evanston, Illinois From Exacting Contractors to Dump Spoils in Exchange for Revenue to the Village of Mettawa.

Trustee Towne presented a drawing for the berm from Teska Associated He stated that the design was for the berm plan only and that the rest of the design was a “work in progress”

It was then moved by Trustee Lane, seconded by Trustee Towne to approve seeking “Bidding on the Oasis Park Master Plan as submitted by Teska Associates.”

Discussion ensued regarding berm height, grade, and quality of soil. Trustee Towne stated that the access gate on the Oasis access road would state and that there may be another access off Bradley Road, and that this a four (4) to five (5) year phased project.

He stated that the neighboring residents had blessed the plan and resident Amy Weiland of 13827 W. Trail Ct. stated that no one on their street had seen or been contacted about this plan. She questioned Trustee Towne on the specifications and coverage of Oasis lights. The need to get the homeowners involved was discussed and it was suggested that committee meet with the homeowners and they be invited to the MOLA meetings to get involved.

Upon a call of the roll, the following voted:

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

Nay: None

Mayor Ray declared the motion carried.

- c. Recommendation for a Proposal to Seek a Proposal for a master Plan or the merging of Whippoorwill Preserve and Whippoorwill Park From Teska Associates, Evanston, Illinois and One Other Vendor.

Trustee Towne informed the Board that the Committee will meet and work on a plan to combine the landscaping of the two sites, to be presented at the next board meeting. No vote was taken

- d. Revote on a Recommendation to Approve a Proposal From Integrated Lakes Management of Waukegan, Illinois for Level II Evaluation of Storm Water Impoundments Within the Village of Mettawa in the Amount of \$2,095.00 It was moved by Trustee Lane, seconded by Trustee Brennan to approve the proposal from Integrated Lakes Management of Waukegan, Illinois Level II Evaluation of Storm Water Impoundments.

Trustee Towne informed the board that he would recuse himself in this revote and that he would pay for any of the above work done on his property.

After a call of the roll, the following voted:

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

Nay: None

Recused: Trustee Towne

Mayor Ray declared the motion carried.

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

Discussion ensued regarding which Structures were in SSA's and costs could be charged back.

Mayor Ray explained to the board that they will be passing a motion to fund the work and then charge it back to the SSAs and questioned whether it should be discussed with the SSAs before proceeding to spend their money.

Except for Mettawa Woods Lane which does not have an SSA and Shadowbrook which will be funded by the owner, he asked if Village money should be spent on this work rather than letting the SSAs pay for it themselves.

Discussion ensued. Trustee Clark stated that maybe the items should be looked at and discussed with the SSA for a cheaper way to do the work.

The board agreed to inform and work with the SSAs

f. Other Matters:

Trustee Towne informed the board that the committee will conduct work session at the next PRC meeting to update the PRC portion of the Comprehensive Plan and explore their own thoughts as to what trails should happen south of Route 60.

They will be gathering input and no plan will be changed without everybody reviewing it and having the proper input.

4. Safety Commissioner

a. Update: Village Security

Trustee Clark stated that all was quiet in the Village and his activities with pond safety initiative and his attending the Lake County Emergency Management Catastrophic Planning Session. Pets are an important initiative in emergencies.

Mayor Ray brought up the subject of use of bicycle police on the trails and discussion ensued. Resident Arthur Jurhend reminded the board that horses and bicycles do not mix.

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

1. Mayor's Report

a. Update: Comprehensive Plan Status

Mayor Ray stated that the update is in the works

b. Update: Purchase of 2.6 acre "Restaurant" Property on Riverwoods Boulevard.

Mayor Ray informed the board that an agreement has been reached with Hamilton Partners on two (2) separate payments totaling \$700,000.00 over two (2) years.

Attorney Ferolo informed the Board that Hamilton Partners will be removing this property from the Woodland Falls Association. He gave background on this negotiation.

The agreement before the Board provides that Hamilton has 90 days from this agreement to have the property removed from the association satisfactorily to have the title policy cleared and provide evidence that the removal has taken place. If that is not accomplished in 90 days, both parties has the option to terminate the agreement. The earnest money will be returned.

Attorney Ferolo explained additional language in the agreement regarding default interest on the promissory note.

It was moved by Trustee Armstrong, seconded by Trustee Brennan to approve  
**“A Resolution Approving an Amendment to the Real Estate Contract  
Between the Village of Mettawa and Hamilton/Forsythe Lake County 4  
LLC.”**

Upon a call of the roll, the following voted:

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

Nay: None

Mayor Ray declared the motion carried.

Trustee Towne asked for confirmation the property could be developed at a later day if the board so wished, and Attorney Ferolo answered in the affirmative.

- c. Building Report: Mayor Ray thanked Trustee Towne and Mr. Anderson for their report and placed it on file.
- d. Other Matters:
  - i. Mayor Ray asked the Board to support the landmark status of the Adlai Stevenson Estate and it was unanimously agree to do so.
  - ii. Mayor Ray informed the Board that due to weather the Western Open planning meeting had been cancelled.
  - iii. Mayor Ray informed the Board that WW Grainger is planning to build a 27,000 square foot building on the south east section of their property. Discussion ensued regarding the building and berm height that will possibly block the view from the Lys property.

2. **UNFINISHED BUSINESS:** No items for consideration

3. **NEW BUSINESS**

Items “a” “b” “d” “e” “f” and “g” were all taken under their appropriate committee earlier in the meeting

- c. It was moved by Trustee Armstrong, seconded by Trustee Brennan to approve **An Ordinance Abating Certain Additional Taxes Levied by the Village of Mettawa Pursuant to Ordinance 513 for the Year 2012** pending approval by the Village Attorney.

Attorney Ferolo explained this ordinance relating to SSA8, Deerpath Farms and their plan to pay off the bond on this SSA and discussion ensued

Upon a call of the roll, the following voted

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

Nay: None  
Mayor Ray declared the motion carried.

**I. EXECUTIVE SESSION:**

At 8:48 p.m., it was moved by Trustee Maier, seconded by Trustee Armstrong to recess to a closed Executive Session for the purpose of discussion of land acquisition, possible litigation, approval of Executive Session minutes and other related topics.

Upon a call of the roll, the following voted:

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

Nay: None

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

**J. CALL TO RECONVENE**

At 9:35.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, Lane, Maier Towne and Mayor Ray

Absent: None

Mayor Ray declared a quorum present.

Also present: Attorneys James V. Ferolo and Gregory T. Smith 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**

Sales Tax and business districts referred back to Legal for recommendation.

**N. FOR INFORMATION ONLY**

**P. ADJOURNMENT**

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

In Favor: All

Opposed: None

Mayor Ray declared the motion carried and the meeting adjourned at 9:40p.m.

Cathy Nelson, Village Clerk