

**MINUTES OF THE REGULAR MEETING OF THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF METTAWA, ILLINOIS, HELD AT THE HOUR OF 7:00 P.M. ON JUNE 20, 2023 AT THE HILTON GARDEN INN COTTONWOOD ROOM**

**A. CALL TO ORDER**

Mayor Urlacher called the meeting to order at 7:00 p.m.

**B. ROLL CALL**

Upon a call of the roll, the following were:

Present: Trustees Armstrong, Clark, Maier, Smolic, Towne and Mayor Urlacher

Absent: Trustee Pelech

Mayor Urlacher declared a quorum present.

In Attendance: Village Attorney, Jim Rhodes of Klein Thorpe & Jenkins, Ltd; Village Administrator, Mandi Florip; Village Clerk, Sandy Gallo; Representative from James Anderson Company, Scott Anderson; Village Treasure, Amy Weiland; Representative of Sikich, Brian LeFevre

**C. APPROVAL OF THE MINUTES**

1. Regular Meeting Minutes of May 16, 2023

The Village Board reviewed the Regular Board meeting minutes of May 16, 2023. It was moved by Trustee Towne and seconded by Trustee Clark that the minutes of the Regular Board meeting of May 16, 2023 be approved and be placed on file.

Upon a call of the roll, the following voted:

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

Nay: None

Absent: Trustee Pelech

Mayor Urlacher declared the motion carried.

**D. APPROVAL OF THE BILLS**

Trustee Maier indicated the Committee has reviewed and approved of the bills being presented for payment. The bill total for this month is \$149,721.69.

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

Upon a call of the roll, the following voted:

Upon a call of the roll, the following voted:

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

Nay: None

Absent: Trustee Pelech

Mayor Urlacher declared the motion carried and the bills will be paid.

**E. TREASURER’S REPORT**

Sikich Representative, Brian LeFevre presented the May 31, 2023 Treasurer’s Report. Mr. LeFevre stated today’s report reflects the first month of the new fiscal year. The funds on deposit are starting in the new the fiscal year at \$17M.

It was moved by Trustee Maier and seconded by Trustee Armstrong that the Board acknowledge receipt of the May 31, 2023 Treasurer’s Report and it will be placed on file.

Upon a call of the roll, the following voted:

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

Nay: None

Absent: Trustee Pelech

Mayor Urlacher declared the motion carried.

**F. PUBLIC HEARING**

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

1. Citizens to be heard not listed elsewhere on this Agenda
2. Written Communications of Citizens to be Read

**H. COMMISSION AND COMMITTEE AND OTHER REPORTS**

**1. Finance Committee**

- a. Update on the Ineligible Residents for the Tax Rebate Program

Trustee Maier stated two residents were discussed as being ineligible for this year’s rebate program. The first resident was Mr. Bob Price. However, Mr. Price is eligible as he does not have an open balance. The second resident the Committee discussed was Mr. Chung Park. Mr. Park has an open balance from his wetland violation that occurred three years ago. Mr. Park has paid \$2K and the Committee has decided on a settlement amount of \$500 and the remaining balance will be written-off. The Village Engineer visited Mr. Park’s parcel and indicated the land has been restored. A second letter will be mailed to Mr. Park explaining the village’s decision and his owed amount of \$500 needing to be paid by November 1<sup>st</sup> to qualify for a rebate.

- b. Recommendation to Approve the Tax Rebate Ordinance

Trustee Maier indicated this rebate ordinance is the same document with the amount of \$750,000 to be paid out to qualifying residents. The Committee approved of this ordinance.

c. Recommendation to Approve the Taxable General Obligation Promissory Note Ordinance for the Grainger Land Acquisition

Trustee Maier indicated the promissory note ordinance relates to the Grainger loan being obtained through Wintrust for the land acquisition. The Committee reviewed this ordinance and recommended approved.

d. Recommendation to Approve the Commitment Letter for the Grainger Loan

Trustee Maier indicated the commitment letter is being handled through Wintrust for a \$2M loan amount. The bond counsel did allow us to utilize municipal rate, given the funds were received and invested. A loan rate is the same percentage as the investment accounts, resulting in a wash. In addition, the village will be able to extinguish the loan at any point.

e. Other Matters

Trustee Maier added Sikich and himself will be obtaining some financial documents required for the upcoming audit.

**2. Public Works Committee**

a. Update on the Resident on Old School Road Drainage Issue

Trustee Smolic stated the Committee decided to obtain a third opinion on the culvert issue and will be having Hey & Associates make their recommendation on this matter.

b. Update on the Shoulder Maintenance

Trustee Smolic indicated the shoulder maintenance has been completed. The weeds will be sprayed after a few rain showers to allow growth of the weeds which will result in a better treatment.

c. Update on the James Anderson Company Listing of the Culverts Conditions

Trustee Smolic stated the top 15-20 worse conditioned culverts will be discussed at an upcoming meeting. Of this grouping, the top 5 will be identified to go out to bid in the future.

d. Recommendation to Approve the Dunlap Tree Experts Proposal for a Tree Removal Located in the Right-of-Way at 27070 Northwoods Lane in the Amount of \$600

Trustee Smolic stated the Committee approved of the tree removal on Northwoods Lane for \$600.

e. Other Matters

Trustee Smolic said he has a scheduled meeting with Dave Kraft from Hey & Associates to discuss the stormwater drainage project document and be brought up to speed about the grant submission.

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

- a. Recommendation to Approve the Second Amendment for the Berm Being Built on the Village Lot Located on Route 60 and St. Marys Road

Trustee Clark stated the berm construction on the village lot is being extended to October 1<sup>st</sup>. A new certification of insurance and bond has been received from the contractor. The additional time will allow the contractor to complete the initial agreement terms, as buckthorn, top soil on the berm along with removing some dead trees is still too be completed. The date extension will also provide a greater opportunity for the new grass seeds to thrive in the fall weather.

- b. Update on the Inventory Tree Listing at Oak Hill Lane

Trustee Clark indicated the Committee received a tree inventory for the Oak Hill Lane lot. This listing includes a few dead trees to be considered during the winter tree removal program. In addition, the two large crabapple bushes have been planted. Resident, Rick Vanselow provided equipment support during the crabapple bushes planting. As a result, an invoice will be submitted from Rick Vanselow for his time and equipment use.

- c. Discuss the Davey Tree Experts Watering Program for the New Plantings on Oak Hill Lane in the Amount of \$1,350

Trustee Clark added the eight red cedars are being injected with water and fertilizer to support the newly planted trees. This watering program will allow them to continue to be watered during the summer months.

- d. Update of the Five-Year Parks and Recreation Development Plan for Village Lots

Trustee Clark stated a new document is being drafted to include all the village lots and the completed worked performed.

- e. Other Matters

### **4. Public Safety**

- a. Status and Activity Report

Trustee Towne indicated the village has no incidents to report. Trustee Towne asked the Village Clerk Gallo to remind the residents in Friday's News about the Village's prohibition on fireworks.

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

### a. Other Matter

Mayor Urlacher announced there is nothing to report for ZPA.

## **I. BUSINESS FROM THE BOARD:**

### **1. Mayor's Report**

#### a. 2023 First Review of Executive Session Minutes

Mayor Urlacher said it is required by state law that the Village review their Executive Session minutes two times each year for a possible release. At this time, no minutes will be released.

#### b. Amending Chapter 7 Offences and Miscellaneous Regulations Public Contracts

Mayor Urlacher recommended the Board approve the amendment presented by the Village Attorney to Chapter 7 regarding public contracts. Here are the three changes. Firstly, the raise of public bidding requirement to \$30K Village current code required contracts to be bid out that were in excess of \$20K. The state law has increased to \$25K. Village Attorney Rhodes recommends \$30K due to escalating costs of labor and materials. Secondly, this amendment will allow public bidding to be waived in cases of sole sourcing and contract extensions. Thirdly, this amendment would give the Village Administrator the authority to approve change orders up to \$5K. The current authority is the Village Engineer and at \$1K.

#### c. SSG Consulting, LLC Sub-Contractor Agreement

Mayor Urlacher stated SSG Consulting currently is working on updating our website. SSG has requested that a sub-contractor to complete the work. This agreement will bring the sub-contractor under the same contractual obligations as SSG Consulting.

#### d. Building Report

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

#### e. Other Matters

Mayor Urlacher stated the Village office will be closed on Monday, July 3<sup>rd</sup> and Tuesday, July 4<sup>th</sup> for the holiday.

Village Attorney Rhodes indicated in 2002-2003 the Village was involved in litigation with resident Steven Vole. Mr. Vole did substantial work on his property located at 27157 N. St Marys Road with no permits. Two lawsuits were filed against him. The first lawsuit was settled by completing work

according to the village code and a consolidation of the two parcels was to result in one. The second lawsuit was for some additions done to the main structure without a permit. The current owner, Tom Heinz purchased the property in agreement to complete the work that was included in the consent decree in order to bring the lot to code. Mr. Heinz did not complete the work and the consent decree resurfaced during his recent attempt to sell his property. Mr. Heinz has corrected the code violations. During the lot consolidation process, Mr. Heinz received a request from Lake County of Transportation that the property owner dedicate 20 feet of right-of-way to the county which requires no scenic easement. Village Attorney Rhodes stated the new property owner (currently renting) will enter a covenant that the property will be one parcel. This will eliminate Lake County of Transportation approval and the village will obtain the scenic easement. The Board provided their consensus for the Village Attorney to draft an ordinance to support Mr. Heinz closing and eliminate the need to dedicate any land to Lake County.

The Village Attorney Rhodes suggested in the future residents along St. Marys Road should receive a communication to consider dedicating their scenic easement to the Village. This will avoid any future real estate owners granting Lake County this area of land which will result in a wider road.

f. Village Administrator's Report

Village Administrator Florip commented the audit has commenced. A meeting will be held with Hey & Associates along with James Anderson to discuss upcoming capital projects. In addition, she spoke to Dave Kraft from Hey & Associates for an update on the grant. Mr. Kraft indicated he is going to escalate the design work to get to 65% completion rate per the state requirement for the grant process. Trustee Smolic asked what is the estimated cost for the stormwater drainage project at MacLean Preserve at Oasis Park. Village Administrator Florip replied it is unknown, it can be in the range of \$500-\$750K.

**2. UNFINISHED BUSINESS**

Mayor Urlacher added the following two items will remain tabled and are not part of the Consent Agenda approvals. The mayor added no communication has been received from the church. Village Attorney Rhodes stated they just submitted a communication to the village.

- a. A Motion to Remove from the Table an Ordinance Amending the Village of Mettawa Code of Ordinances, Chapter 15, Zoning Regulations, Article 11, Special Uses, Section 15.1106, Additional Regulations for Public Assemblies
- b. Discussion of an Ordinance Amending the Village of Mettawa Code of Ordinances, Chapter 15, Zoning Regulations, Article 11, Special Uses, Section 15.1106, Additional Regulations for Public Assemblies

### 3. SELECTION OF CONSENT AGENDA

The Chair would like to entertain establishing a consent agenda for any or all the items listed under New Business on the agenda. The mayor asked if there were any items listed under the New Business that a Trustee does not wish to approve under the Consent Agenda.

Letter f was removed from the Consent Agenda.

- a. Approval of an Ordinance Declaring Surplus Funds and Directing Local Tax Reimbursement Pursuant to the Illinois Fiscal Responsibility Law and the Village's Home Rule Authority Be in Ordained by the President and Board of Trustees of the Village of Mettawa, Illinois, in the Exercise of the Village's Home Rule Authority
- b. Approval of Ordinance Providing the Issuance of the \$2,000,000 Taxable General Obligation Promissory Note, Series 2023 of the Village of Mettawa, Lake County Illinois, for the Purpose of Purchasing Land for the Village, and Authorizing the Sale of Said Note to the Purchase Thereof
- c. Approval of the Commitment Letter Between the Village of Mettawa and Lake Forest Bank and Trust Company
- d. Approval of the Dunlap Tree Experts Proposal for a Tree Removal Located in the Right-of-Way at 27070 Northwoods Lane in the Amount of \$600
- e. Approval of the Second Amendment for the Berm Being Built on the Village Lot Located on Route 60 and St. Marys Road
- g. Approval of the Resolution Approving the Release of Certain Executive Session Minutes of President and Board of Trustees of the Village of Mettawa, Illinois
- h. Approval of an Ordinance Amending the Mettawa Code of Ordinances, Chapter 7, "Offences and Miscellaneous Regulations." Article XII Public Contract Guidelines
- i. Approval of the SSG Consulting, LLC Sub-Contractor Agreement for the Village Website

A motion was made by Trustee Maier and seconded by Trustee Armstrong to approve the following agenda items by the consent agenda.

Upon a call of the roll, the following voted:

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

Nay: None

Absent: Trustee Pelech

Mayor Urlacher declared the motion carried.

A motion was made by Trustee Armstrong and seconded by Trustee Maier to approve the following agenda items by the omnibus vote.

Upon a call of the roll, the following voted:

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

Nay: None

Absent: Trustee Pelech

Mayor Urlacher declared the motion carried.

f. Approval of the Davey Tree Experts Watering Program for the New Plantings of Oak Hill Lane in the Amount of \$1,350

A motion was made by Trustee Maier and seconded by Trustee Armstrong to approve letter f of the agenda.

Upon a call of the roll, the following voted:

Aye: Trustees Armstrong, Maier, Smolic and Towne

Abstain: Trustee Clark

Absent: Trustee Pelech

Mayor Urlacher declared the motion carried.

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

At 7:33 p.m., it was moved by Trustee Towne seconded by Trustee Maier to adjourn the meeting to Executive Session to discuss meeting minutes and litigation.

Upon a call of the roll, the following were:

Present: Trustees Armstrong, Clark, Maier, Smolic and Towne

Absent: Trustee Pelech

Mayor Urlacher declared the motion carried.

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

At 7:46 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 Armstrong, Clark, Maier, Smolic, Towne and Mayor Urlacher

Absent: Trustee Pelech

Mayor Urlacher declared a quorum present.

Also, present: Village Administrator, Mandi Florip; Village Clerk, Sandy Gallo and Village Attorney Jim Rhodes 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**



The motion was made by Trustee Towne and seconded by Trustee Armstrong. With no further business to conduct, the meeting was adjourned by Ayes.

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

Absent: Trustee Pelech

Mayor Urlacher declared the motion carried and the meeting adjourned at 7:47 p.m.

Sandy Gallo, Village Clerk