

**VILLAGE OF LAKE BARRINGTON
MINUTES OF THE REGULARLY SCHEDULED MEETING
OF THE BOARD OF TRUSTEES HELD DECEMBER 5, 2006**

1. CALL TO ORDER

A regular meeting of the President and Board of Trustees of the Village of Lake Barrington was held at the Village Municipal Center, 23860 Old Barrington Road, on Tuesday, December 5, 2006, and was called to order by President Richardson at 7:04 p.m. Village Clerk Hoover was appointed Recording Secretary.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL OF MEMBERS

Upon roll call, the following were:

Present: Trustees DeJesu, Kipferl, Marshall, Schaller, Smith, Vonder Haar, and President Richardson

Absent: None

Staff Present: Village Administrator Martin and Village Clerk Hoover

Others Present: Treasurer Purcell, ZBA Members Fortman, Village Attorney Bateman

4. CONSIDERATION OF MINUTES

A. November 13, 2006 Regular Board Meeting Minutes

Board Action

A motion was made by Trustee Schaller and seconded by Trustee Marshall to approve the minutes of the November 13, 2006 Regular Board Meeting. The voice vote was unanimous and the motion carried.

5. PRESIDENT'S REMARKS (President Richardson)

A) Plan Commission: President Richardson announced that consideration of the appointment of Alan MacKenzie as Plan Commissioner and recognition of past Plan Commissioner Earl Carpenter would be on next month's agenda.

B) Good Shepherd Hospital: President Richardson stated that he toured the new Emergency Room of Good Shepherd Hospital which is scheduled to open April 1st. He announced that the GSH Cardiac Care Center has been open for the past 4 ½ years and was ranked #1 this year in Illinois.

C) Weather-related: President Richardson suggested residents to be careful during the cold weather for utilities: water pipes, gas and electric services. He encouraged residents to do safety checks on neighbors and friends during the dangerously, cold weather.

6. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE VILLAGE BOARD - None.

(Also see public comment during agenda item 11I2, 15A, 15D & 16)

SPECIAL PRESENTATIONS

Janet Agnoletti of the Barrington Area Council of Governments (BACOG) gave a special Power Point presentation, which is attached hereto and incorporated into these minutes by reference. The program reviewed the 2006 action and the 2007 forecast. She stated that BACOG is a regional planning organization which is comprised of seven municipalities and two townships in the Barrington area. Ms. Agnoletti reviewed the purpose of the organization as to study issues,

promote cooperative arrangements, and develop policies and plans for unified action. Land use protection, transportation and roads, and partnerships (i.e. Flint Creek Partnership) were reviewed and discussed. Ms. Agnoletti gave the history of the BACOG Comprehensive Plan, explained the Legislative platform, and cited meetings with key leaders for research and funding. Ms. Agnoletti gave the Board an overview of BAGIS, Barrington Area Geographical Information System, and its importance to our area. She stated that BACOG is currently utilizing groundwater grants, the GIS program has been enhanced to provide for multi-members use from a web browser, and further develop potential resources.

President Richardson stated that he has been limited in his time recently to review the unified Route 14 Corridor Plan. However, he would like its appearance similar to that of the Mac Ray Golf Course area along Route 14.

Ms. Agnoletti continued with her presentation and discussed important issues, such as, a community drug program, groundwater protection, stack maps, and resources and research as provided by Curt Thompson of the State Geological Survey. For more information, residents may view BACOG's website at www.BACOG.org.

Item 11-1-2 was moved up on the agenda by President Richardson.

1112: 2007 BACOG Legislative Platform

Administrator Martin distributed the following summary to the Board in their packets: The Village of Lake Barrington has passed Resolutions in support of B.A.C.O.G.'s Legislative Platforms for the past three years. A drafted Platform is being provided to the Board for review. B.A.C.O.G. members are being asked to consider individual Resolutions in support thereof.

Discussion

Ms. Agnoletti outlined the proposed BACOG Legislative Platform, which is attached hereto and incorporated into these minutes by reference.

Board Action

A motion was made by Trustee DeJesu and seconded by Trustee Smith to Pass Resolution No. 2006-R-27, A Resolution concerning B.A.C.O.G.'s 2007 Legislative Platform.

Upon roll call the vote was:

Yeas:	Trustees DeJesu, Kipferl, Marshall, Schaller, Smith, Vonder Haar, and President Richardson
Nays:	None
Abstain:	None
Absent:	None

President Richardson declared the motion carried.

7. TREASURER'S REPORT:

Treasurer Purcell reported on the following:

A) Financials Statements as of 10/31/2006: The first half of this fiscal year's financial statements is on target with a net income of \$283,588 to date, more than \$150,000 over last year's income at this time. The MFT fund is still waiting for an invoice for the Wedgewood Trails Roads Program work.

B & C) Warrants: The warrants are in order and should be approved.

In response to a question, Treasurer Purcell responded that the Interest Income has increased due to a higher interest rate and do to revenues exceeding expenses.

President Richardson thanked Treasurer Purcell and Trustees Smith and Vonder Haar for their work on the Village's finances.

Upon the conclusion such discussion, the Board took action on items A-C (see below).

Board Action

A motion was made by Trustee Vonder Haar and seconded by Trustee Kipferl to consider by ominous vote and:

- A. Approve the Financial Statements as of 10/31/2006;
- B. Pay bills in the amount of **\$152,094.79** as listed on Accounts Payable Warrant "A" dated December, 2006;
- C. Pay bills in the amount of \$ **\$3,252.30** as listed on Accounts Payable Warrant "B" dated December 5, 2006.

Upon roll call the vote was:

Yeas:	Trustees DeJesu, Kipferl, Marshall, Schaller, Smith, Vonder Haar, and President Richardson
Nays:	None
Abstain:	None
Absent:	None

President Richardson declared the motion carried.

8. **CONSENT AGENDA** -None.

9. **ADMINISTRATOR'S REPORT**

A. Tarkowski Dumping– Status: Administrator Martin reported an unincorporated resident, Mr. Tarkowski, residing on property adjacent to Lake Barrington residences in the Lakeland Estates Subdivision has allegedly been dumping on his land over the past 20 to 30 years. He stated that Mr. Tarkowski's property has been featured on recent TV programs, along with interviews of Trustee Vonder Haar, as a neighboring property owner. Administrator Martin stated that the Village is taking this matter very seriously and is working on gathering a task force comprised of representatives from the IEPA, LC Administration, Lake County Health Department, Wauconda Township, Village of Lake Barrington, Village Attorney, Trustee Vonder Haar, Village Engineer, and Village of Wauconda.

Trustee Vonder Haar added that TCE, an industrial cleaning solvent, was discovered in drums on the property. She reported that TCE is a potential carcinogen that may cause liver and kidney damage. She stated that her well is being tested as a first step into determining possible groundwater contamination.

B. Holiday Party: Administrator Martin reported the Village of Lake Barrington is holding an Open House/Holiday Party on Tuesday, December 19th from 11:30 am – 2:00 pm.

C. Plan Commission Meetings for December: December meetings cancelled.

D. Other: Administrator Martin thanked Cuba Township for a good job on clearing the snow from the season's first snow storm.

10. **CLERK'S REPORT:**

Village Clerk Hoover addressed the Board about the Board Meetings calendar for next year. She stated that the Board may consider changing some of the meeting dates due to conflicts. Discussion followed.

The proposed revised calendars are as follows:

VILLAGE BOARD 2007 Regular Meetings Calendar, 7:00 p.m.

Tues., January 2	Tues., July 3
Tues., February 6	Tues., August 7
Tues., March 6	Tues., September 4
*Thurs. April 12	Tues., October 2
*Thurs., May 17	Tues., November 6
*Mon., June 11	Tues., December 4

PLAN COMMISSION 2007 Regular Meetings Calendar, 7:00 p.m.

Thurs., January 11	Thurs., June 28
Thurs., January 25	Thurs., July 12
Thurs., February 8	Thurs., July 26
Thurs., February 22	Thurs., August 9
Thurs., March 8	Thurs., August 23
*Thurs., March 22 <i>Cancelled Spring Break</i>	Thurs., September 13
*Thurs., April 12 <i>(conflict with Board Meeting)</i>	Thurs., September 27
Thurs., April 26	Thurs., October 11
Thurs., May 10	Thurs., October 25
Thurs., May 24	Thurs., November 8
Thurs., June 14	Thurs., December 13

Board Action

A motion was made by Trustee DeJesu and seconded by Trustee Schaller to approve the calendars, as discussed above.

Upon roll call the vote was:

Yeas: Trustees DeJesu, Kipferl, Marshall, Schaller, Smith, Vonder Haar, and President Richardson
 Nays: None
 Abstain: None
 Absent: None

President Richardson declared the motion carried.

11. REPORTS OF STANDING COMMITTEES/TASK FORCES

- A. Building & Facilities:** Trustee Schaller reported on the Village Hall's parking lot and a problem with the furnace.
- B. Environmental Protection:** Trustee DeJesu asked the public to curb the dogs on Village grounds from urinating on the ornamental grasses.
- C. Finance & Human Resources:** Trustee Smith had no report.
- D. Good Shepherd Liaison & Community Outreach:** Trustee Kipferl had no report.
- E. Intergovernmental Affairs:** President Richardson had no report.
- F. Public Safety & Emergency Planning:** Trustee Marshall had no report.

- G. **Public Works:** Trustee Vonder stated that the Committee is waiting for more engineer's estimates prior to determining next year's roadwork.
- H. **Stormwater Management:** Trustee Marshall had no report.
- I. **Other Reports:**
 - 1. **SWALCO:** Trustee Marshall had no report.
 - 2. **BACOG:** *This item was moved up on the agenda. Please see Agenda Item 6 for a special presentation by BACOG, followed by Board discussion and action.*

12. PUBLIC HEARINGS

A. CONSIDERATION OF AN ORDINANCE TO ESTABLISH A SPECIAL SERVICE AREA (SSA) FOR THE WALNUT GROVE SUBDIVISION

Administrator Martin distributed the following summary to the Board in their packets: The Board approved the Walnut Grove Subdivision on July 10, 2006 and the Annexation Agreement provides for the establishment of a back-up Special Service Area (SSA). The Board previously approved an Ordinance proposing the establishment of a Special Service Area and the Village Clerk published a legal notice in compliance with the Village Code. The SSA would be used in event that the homeowner's association fails to maintain the roads, detention areas, and other improvements.

Discussion

Attorney Bateman stated that the proposed back-up Special Service Area would be used to levy a special tax in the event that the homeowners association fails to maintain the quasi-public and public improvements (i.e. roads, detention, entrance) that has some public interest function to perform in the Walnut Grove Subdivision.

Board Action

A motion was made by Trustee Vonder Haar and seconded by Trustee DeJesu to open a Public Hearing regarding the establishment of Special Service Area Number Thirteen. The voice vote was unanimous and the motion carried.

Opportunity for Public Comment

No parties came forward.

Board Action

A motion was made by Trustee DeJesu and seconded by Trustee Schaller to close a Public Hearing regarding the establishment of Special Service Area Number Thirteen. The voice vote was unanimous and the motion carried.

Items 15-A & D were moved up on the agenda due to public interest.

15A. PRE-APPLICATION DISCUSSION: LARSON SUBDIVISION

Administrator Martin distributed the following summary to the Board in their packets and read it aloud at the meeting: Mr. Guy Larson residing at 23946 N. Pointe Court (a.k.a. 24027 N. Kelsey Road) with driveway access from the Estates of Lake Barrington Subdivision is requesting a pre-application discussion regarding a proposed 2-lot subdivision of his property. The existing home would remain with a suggested access easement over a new lot to the North.

Public Comment

Mr. Guy Larson, the owner of the 2.5 acre Subject Property located at 23946 N. Point Court, addressed the Board relative to a proposal for a 2-lot subdivision as described above. Mr. Larson provided the Board with a sketch plan, which is attached hereto and incorporated into

these minutes by reference. Mr. Larson stated that the existing home would remain on one lot and a new home would be built on the other lot. He stated that the soil testing was ok. Mr. Larson stated that he is flexible in terms of the driveway access: either shared or separate.

Discussion

Board discussion followed regarding the need for the Estates of Lake Barrington Homeowners Association feedback about the driveway access. Trustee DeJesu stated that she preferred less impervious surface and President Richardson added that the shared driveways in Barrington Hills look nice.

Board Action

It was the consensus of the Board to refer this matter to the Plan Commission.

15D. CONSIDERATION OF A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE VILLAGE OF FOX RIVER GROVE ALLOWING FOR THE DE-ANNEXATION OF A PARCEL 13-21-100-012

Administrator Martin distributed the following summary to the Board in their packets: The Village received a request from Fox River Grove to de-annex a single parcel that is currently in Lake Barrington. The parcel is located on Route 22 west of Kelsey. The address is 28963 W. Highway 22 and the PIN number is 13-21-100-012. The parcel is 1.9 acres and is behind an office development. The purpose of this de-annexation is to allow Fox River Grove to construct a Public Works facility on the property, as well as, on other properties they currently own or are attempting to purchase behind the office development. The Village requested and received consideration in the form of conditions on the property and adjustments to an existing intergovernmental agreement.

Village Summary:

Administrator Martin summarized his memo to the Board, which is attached hereto and incorporated into these minutes by reference.

Public Comment

Mr. Art Austin, Village Administrator, Village of Fox River Grove introduced himself and his colleagues, Trustee DeWayne Diorski, Committee Chair and Dan Hughes, Water & Sewer Manager. Mr. Art thanked Attorney Bateman for combining the 8th Amendment to the Intergovernmental Agreement and the Agreement for allowing the De-Annexation of a parcel into one agreement. He stated that this Agreement would allow Fox River Grove to expand their Public Works facility. He stated that in exchange for the de-annexation of the parcel from Lake Barrington, Fox River Grove would freeze water & sewer rates for a period of years while agreeing to no communications/cell towers with the height restriction. Mr. Austin stated that Tom McCarthy, a neighboring Lake Barrington resident, wants to review the landscaping plans. He stated that there would not be a water tower. He stated that police communications for a joint government use were not ruled out in connection with disaster planning and technical functions for Public Works radios.

Discussion

Upon polling the Board on their respective opinions, their concerns were the adjacent homeowner and the maximum height, which both were addressed.

Board Action

A motion was made by Trustee Vonder Haar and seconded by Trustee Smith to pass Resolution No. 2006-R-29 a Resolution Approving an Intergovernmental Agreement with the Village of Fox River Grove (FRG Public Works Facility, County Line Road)

Upon roll call the vote was:

Yeas: Trustees DeJesu, Kipferl, Marshall, Schaller, Smith, Vonder Haar, and President Richardson

Nays: None
Abstain: None
Absent: None

President Richardson declared the motion carried.

13. ORDINANCES

A. CONSIDERATION OF ADOPTION OF COMPREHENSIVE PLAN

Administrator Martin distributed the following summary to the Board in their packets: In the fall of 2005 the Village began a review of its Comprehensive Plan which was last amended in 1994. This review included the hiring of URS/TPAP as the Village's Planning Consultant to assist in what has become a complete revision of the Plan. The process included numerous opportunities for public comment including several planning group meetings, a public workshop session and a community-wide survey. Public Hearings were held by the Plan Commission to review the draft Plan on September 14 and September 28, 2006. On the 28th the Plan Commission voted unanimously (5 ayes 0 nays 2 absent) to recommended approval of the Plan. The revised Plan was provided to the Board on November 28 and an ordinance approving the Plan is in the Board folder.

Presentation & Discussion

Administrator Martin gave a Power Point presentation, which is attached hereto and incorporated into these minutes by reference. Key items discussed were the Plan Elements, tools and tactics, use of photos and charts, future posting to Village's website, Future Land Use Map, financial stability, minor changes (i.e. realignment of Pepper Road and Kelsey Point), business park uses and current projects, native plant species recommended for landscape plans, priority planning areas: Kelsey and Route 59, Good Shepherd Hospital, transportation and intersection improvements, and the key direction of goals and objectives.

President Richardson commented on the Village's desire for more open space and the creation of a revenue stream without any undue pressure on property taxes. He stated that the key amenities that the Village desires are open space, wetland protection, trails, and bike paths. President Richardson stated that he had spoken to Plan Commission Chair Karen Daulton Lange who could not be present for this meeting. Chair Lange advised President Richardson of her support of the Comprehensive Plan as a living document, not a static document, which would be used as a compass going forward to the Zoning Board, Plan Commission, and Village Board, reflecting the changing needs in our community.

Upon polling the Board, Trustee Marshall asked for a clarification regarding potential condemnation for the purpose of economic development. Attorney Bateman responded that effective January 1, 2007, the Illinois State Statutes restricts municipality's condemnation authority, in such cases and provides for relocation expenses and possibly the recovery of attorneys fees. He stated that the traditional authority for municipalities to acquire property for a public body to hold title would not be restrictive (i.e. roads, parks, open space). Attorney Bateman gave an example of an acquisition's "higher burden of proof" in establishing the municipality's authority and making a case to a Judge or jury for a decision regarding eminent domain. Administrator Martin stated that eminent domain is defined in the tools section of the proposed Comprehensive Plan. Discussion followed regarding the Village's position to respect property owners' rights and the Board's reluctance to pursue condemnation for economic development purposes.

Board discussion followed. Trustee Smith stated that the goals and objectives section falls short of his expectations. He stated that he would prefer a narrative form versus action points. Trustee Smith stated that the section isn't clear if the action points are Village policy or philosophy.

Trustee DeJesu had one correction regarding the Village's status as a "Tree City USA" community. She also questioned the language on page 6 that refers to 2-acre zoning.

President Richardson stated that the Plan Commission Chair also reported that their was a lot of work involved in this updated Comprehensive Plan, including resident input and reviews by the Zoning Board, Plan Commission, and Board collectively.

Board Action

Upon the conclusion of such discussion, a motion was made by Trustee Schaller and seconded by Trustee DeJesu to pass Ordinance No. 2006-O-39 an Ordinance amending Chapter 11 of Title 1 of the Village of Lake Barrington Municipal Code and Amending the Official Comprehensive Plan and Official Comprehensive Plan Land Use Map of the Village of Lake Barrington.

Upon roll call the vote was:

Yeas: Trustees DeJesu, Kipferl, Marshall, Schaller, Smith, Vonder Haar, and President Richardson
Nays: None
Abstain: None
Absent: None

President Richardson declared the motion carried.

14. **OLD BUSINESS:** None.

15. **NEW BUSINESS**

A. **PRE-APPLICATION DISCUSSION: LARSON SUBDIVISION**

See discussion and action above 13-A on the agenda.

B. **ENCLAVE OF HERITAGE ESTATES – REDUCTION OF LETTER OF CREDIT**

Administrator Martin distributed the following summary to the Board in their packets and read it aloud at the meeting: Per the request of the developer, the Village Engineer has inspected the improvements to date for the Enclave of Heritage Estates Subdivision. Based upon the recommendations as provided in the Board folder, the subdivision has completed substantial improvements but not enough to release the Letter of Credit. Therefore, the Village Engineer has recommended a reduction in their Letter of Credit.

Discussion

President Richardson explained that the purpose of a Letter of Credit is creating financial safety for the Village that a project is completed without use of the municipality's funds. He stated that it is a standard procedure for the Village Engineer to assess the property periodically or as requested by the developer to seek release, fully or partially, of their remaining obligations.

Board Action

A motion was made by Trustee Vonder Haar and seconded by Trustee Smith to pass Resolution No. 2006-R-29 a Resolution authorizing the reduction of a Letter of Credit for the Enclave of Heritage Estates Subdivision.

Upon roll call the vote was:

Yeas: Trustees DeJesu, Kipferl, Marshall, Schaller, Smith, Vonder Haar, and President Richardson
Nays: None
Abstain: None
Absent: None

President Richardson declared the motion carried.

C. WALNUT GROVE – REDUCTION OF LETTER OF CREDIT

Administrator Martin distributed the following summary to the Board in their packets and read it aloud at the meeting: Per the request of the developer, the Village Engineer has inspected the improvements to date for the Walnut Grove Estates Subdivision. According to the most recent field investigation by the Village Engineer, it was determined that substantial improvements have been completed and therefore recommends a Letter of Credit reduction.

Discussion

Discussion followed. Attorney Bateman stated that the work remaining is just a fraction of the actual dollar amount recommended for retention in the Letter of Credit, and the Village uses a very, conservative approach.

Board Action

A motion was made by Trustee Vonder Haar and seconded by Trustee Kipferl to pass Resolution No. 2006-R-30 a Resolution Authorizing the reduction of a Letter of Credit for the Walnut Grove Estates Subdivision.

Upon roll call the vote was:

Yeas: Trustees DeJesu, Kipferl, Marshall, Schaller, Smith, Vonder Haar, and President Richardson
Nays: None
Abstain: None
Absent: None

President Richardson declared the motion carried.

D. CONSIDERATION OF A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE VILLAGE OF FOX RIVER GROVE ALLOWING FOR THE DE-ANNEXATION OF A PARCEL 13-21-100-012.

See discussion and action above 13-A on the agenda.

16. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE VILLAGE BOARD - None.

(Also see public comment during items 6, 11I2, 15A, 15D)

17. CLOSED SESSION

At 8:50 p.m., a motion was made by Trustee Schaller and seconded by Trustee Vonder Haar to that a portion of the meeting be closed to the public, effective immediately, to discuss litigation involving an action against this municipality which is pending in court or in an administrative tribunal, and/or to discuss such litigation which is probable or imminent, and/or to discuss matters of personnel, and/or to discuss possible real estate acquisitions, as permitted by the Illinois Compiled Statutes.

Upon roll call, the vote was:

Yeas: Trustees DeJesu, Kipferl, Marshall, Schaller, Smith, Vonder Haar, and President Richardson
Nays: None
Abstain: None
Absent: None

President Richardson declared the motion carried.

After the conclusion of Closed Session, the Board reconvened at 9:30 p.m. with all members of the Village Board present as stated in the original roll call.

18. **ACTION TO BE TAKEN FROM CLOSED SESSION ITEMS** – None.

19. **OTHER**: None.

20. **ADJOURNMENT**: A motion was made by Trustee Smith and seconded by Trustee Schaller to adjourn the meeting. The voice vote was unanimous, the motion carried, and the meeting was adjourned at approximately 9:30 p.m.

Respectfully submitted,

Cynthia L. Hoover
Village Clerk
Recording Secretary