

**VILLAGE OF LAKE BARRINGTON
MINUTES OF THE REGULARLY SCHEDULED MEETING
OF THE BOARD OF TRUSTEES HELD FEBRUARY 5, 2008**

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, February 5, 2008, and was called to order by President Richardson at 7:03 p.m. Village Clerk Hoover was appointed Recording Secretary.

2. ROLL CALL OF MEMBERS

Upon the roll being called, the following Trustees were physically present at said location: Trustees DeJesu, Schaller, Vonder Haar, and President Richardson

Absent: Trustees Burke, Raclaw, and Struck

The following Trustees were allowed by a majority of the members of the President and Board of Trustees in accordance with and to the extent allowed by rules adopted by the President and Board of Trustees to attend the meeting by video or audio conference: None.

No Trustee attended the meeting by video or audio conference.

The following Trustees were absent and did not participate in the meeting in any manner or to any extent whatsoever: None

Staff Present: Treasurer Purcell, Village Accountant Vernon, Village Administrator Martin and Village Clerk Hoover

Others Present: ZBA Member Fortman, Village Attorney Bateman

3. PLEDGE OF ALLEGIANCE

4. CONSIDERATION OF MINUTES

A) January 7, 2008 Regular Board Meeting Minutes

Board Action

A motion was made by Trustee DeJesu and seconded by Trustee Vonder Haar to approve the minutes of the January 7, 2008 Regular Board Meeting, as amended. The voice vote was unanimous and the motion carried.

5. PRESIDENT'S REMARKS (President Richardson)

President Richardson updated residents about the proposed Canadian National Railway's purchase of EJ&E. He stated that the public comment deadline was extended until February 5th. For more information, residents can go online to www.fightrailcongestion.com.
(See more comments after the Treasurer's Report.)

**6. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE VILLAGE BOARD – None.
(Also see public comment during agenda item 15)**

7. CONSENT AGENDA

- A.** Pass Resolution No. 2008-R-04, a Resolution RE: 1998 MFT Funds IDOT Audit
- B.** Pass Resolution No. 2008-R-05, a Resolution RE: 2001 MFT Funds IDOT Audit
- C.** Pass Resolution No. 2008-R-06, a Resolution RE: 2003 MFT Funds IDOT Audit

Board Action

A motion was made by Trustee Vonder Haar and seconded by Trustee Schaller to consider by ominous vote and approve the Consent Agenda.

Upon roll call the vote was:

Yeas: Trustees DeJesu, Schaller, Vonder Haar, and President Richardson
Nays: None
Abstain: None
Absent: Trustees Burke, Raclaw, Struck

President Richardson declared the motion carried.

8. TREASURER'S REPORT:

Treasurer Purcell reported on the following:

A. The Financial Statements for the eight months ending 12/31/07 shows an income of \$159,291 which is expected to be reduced by around \$52,000 due to expenses pertaining to traffic signalization, road work, and legal fees (EJ&E). The MFT fund was reported to be \$345,909.

B-D. The Accounts Payable Warrants have been reviewed and should be approved.

Board Discussion

In response to the Village Clerk's question, Attorney Bateman stated the abstaining vote by President Richardson would be counted as part of the affirmative majority. President Richardson explained that he chooses to abstain from voting on matters pertaining to Service Master due to a conflict of interest.

Board Action (A-C)

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

- A. Approve the Financial Statements as of 12/31/07; and
- B. Pay bills in the amount of **\$ 176,274.66** as listed on Accounts Payable Warrant "A" dated February 5, 2008; and
- C. Pay bills in the amount of **\$ 59,069.30** as listed on Accounts Payable Warrant "B" dated February 5, 2008;

Upon roll call the vote was:

Yeas: Trustees DeJesu, Schaller, Vonder Haar, and President Richardson
Nays: None
Abstain: None
Absent: Trustees Burke, Raclaw, Struck

President Richardson declared the motion carried.

Board Action (D)

A motion was made by Trustee Schaller and seconded by Trustee DeJesu to:

- E. Pay bills in the amount of **\$ 235.00** as listed on Accounts Payable Warrant "C" dated February 5, 2008;

Upon roll call the vote was:

Yeas: Trustees DeJesu, Schaller, and Vonder Haar
Nays: None
Abstain: President Richardson

Absent: Trustees Burke, Raclaw, Struck

President Richardson declared the motion carried.

5. PRESIDENT'S REMARKS (President Richardson) (continued)

President Richardson announced that the next issue of the Lake Barrington Bulletin is at the printer and also available to be viewed online.

President Richardson thanked State Senator Bill Petersen and State Representative Mark Beaubien for their efforts along with staff for their significant victory in securing partial funding of the signalization of Route 14 and Pepper Road.

President Richardson reported that the roads projects as projected to be four projects completed within seven years has been upgraded to five projects in three and a half years.

9. ADMINISTRATOR'S REPORT

Administrator Martin reported that the Fiscal Year 2009 Draft Financial Plan and most recent newsletter are available for viewing online.

10. CLERK'S REPORT - No report.

11. COMMITTEE REPORTS

The following reports were given out of sequence at the meeting:

A. PUBLIC WORKS (Chair Vonder Haar) – Chair Vonder Haar stated that a roadwork decision would be necessary to go out to bid in March.

B. PUBLIC SAFETY (Chair Schaller) – Chair Schaller reported that the new Lake County Sheriff contract is in effect after an excellent negotiating process. He stated that the next item being reviewed by the Committee is the Emergency Plan.

C. INTERGOVERNMENTAL AFFAIRS (Chair Richardson) – Chair Richardson reported that at the last BACOG meeting, the Legislative Platform was approved and may be viewed online at www.BACOG.org. At the meeting, the BACOG Executive Committee took a position on the EJ&E Railway matter, announced the Legislative Breakfast co-hosted by the Lake County Municipal League to be held on February 16th in Round Lake, discussed AT&T Project Lightspeed, now called U-Verse, and Comcast, and discussed the water resources work with municipal wells outside of BACOG. He commended Janet Agnoletti for her thorough job on groundwater research. He stated that BACOG has deferred their bid on a joint project with the Sierra Club and Illinois Nature Preserve due to funding. President Richardson reported that School District #220 would be giving an Impact Fees presentation at the next BACOG meeting to be held February 26th.

D. FINANCE & HUMAN RESOURCES (Chair Vonder Haar) – Administrator Martin reported that the Financial Plan was presented to the Committee of the Whole at the Special Meeting that night and was previously reviewed by the Finance Committee in January.

E. COMMUNITY DEVELOPMENT (Chair Raclaw) – Absent; no report.

F. NATURAL RESOURCES (Chair DeJesu) – Chair DeJesu reported that she attended the Fox River Ecosystem Partnership meeting last fall and toured an arboretum planting of native trees at one suburban municipality. She has spoken to Citizens for Conservation (CFC) for suggestions of an arboretum planting at Village Hall using next year's Tree City budget to purchase trees through CFC's annual plant sale.

12. OLD BUSINESS – None.

13. PUBLIC HEARINGS

Administrator Martin distributed the following summary to the Board in their packets for agenda items 13 A & 13B: The Board approved the NorthPointe Development on September 24, 2007 and the Annexation & Development Agreement provides for the establishment of a back-up Special Service Area (SSA). The Agreement also requires the expansion of SSA #3 for water and sewer utilities. The Board previously approved ordinances proposing the establishment of a SSA #14 and expansion of SSA #3. The Village Clerk published the required legal notices in compliance with the Village Code. SSA #14 would be used in event that the development's association fails to maintain the roads, detention areas, and other improvements.

Discussion

President Richardson stated that establishing Special Service Areas is a way to protect Village finances.

A. PROPOSED EXPANSION OF SSA #3 – NORTHPOINTE

Board Action 1: *A motion was made by Trustee Vonder Haar and seconded by Trustee DeJesu to Open a Public Hearing regarding the Proposed Expansion of Special Service Area Number Three.*

Upon roll call the vote was:

Yeas: Trustees DeJesu, Schaller, Vonder Haar, and President Richardson
Nays: None
Abstain: None
Absent: Trustees Burke, Raclaw, Struck

The motion carried.

Opportunity for Public Comment – None.

Board Action 2: *A motion was made by Trustee Schaller and seconded by Trustee DeJesu to Close a Public Hearing regarding the Proposed Expansion of Special Service Area Number Three.*

Upon roll call the vote was:

Yeas: Trustees DeJesu, Schaller, Vonder Haar, and President Richardson
Nays: None
Abstain: None
Absent: Trustees Burke, Raclaw, Struck

The motion carried.

B. PROPOSED ESTABLISHMENT OF SSA #14 - NORTHPOINTE

Recommended Action 1: *A motion was made by Trustee DeJesu and seconded by Trustee Vonder Haar to Open a Public Hearing regarding the Proposed Establishment of Special Service Area Number Fourteen.*

Upon roll call the vote was:

Yeas: Trustees DeJesu, Schaller, Vonder Haar, and President Richardson
Nays: None
Abstain: None
Absent: Trustees Burke, Raclaw, Struck

The motion carried.

Opportunity for Public Comment – None.

Recommended Action 2: *A motion was made by Trustee Schaller and seconded by Trustee Vonder Haar to Close a Public Hearing regarding the Proposed Establishment of Special Service Area Number Fourteen.*

Upon roll call the vote was:

Yeas: Trustees DeJesu, Schaller, Vonder Haar, and President Richardson
Nays: None
Abstain: None
Absent: Trustees Burke, Raclaw, Struck

The motion carried.

14. ORDINANCES

A. CONSIDERATION OF A COMPREHENSIVE FEES & DEPOSITS ORDINANCE

Administrator Martin distributed the following summary to the Board in their packets: Village staff has been working to consolidate all fees, charges, and other amounts payable to the Village to be viewed in one area of the Village Code. There are no increases being proposed. The ordinance drafted by the Village Attorney is provided in the Board folder.

Discussion

Administrator Martin stated that the 98-page consolidated fee Ordinance would make fee requirements easier to find. He stated that no increases or new fees are being proposed.

Board Action

Upon the conclusion of such discussion, a motion was made by Trustee Vonder Haar and seconded by Trustee Schaller to pass Ordinance No. 2008-O-05, an Ordinance amending the Village of Lake Barrington Municipal Code RE: Fees, Charges, and Other Amounts Payable to the Village.

Upon roll call the vote was:

Yeas: Trustees DeJesu, Schaller, Vonder Haar, and President Richardson
Nays: None
Abstain: None
Absent: Trustees Burke, Raclaw, Struck

The motion carried.

B. CONSIDERATION OF AN ORDINANCE PERTAINING TO THE COLLECTION OF ATTORNEY FEES AND PAYMENT DEFAULTS

Administrator Martin distributed the following summary to the Board in their packets: Public Act 095-0389, effective January 1, 2008, adds provisions that authorize units of local government to collect a default in the payment of a fine or any installment of a fine by any means authorized for collection of monetary judgments, and that municipal attorneys may retain other attorneys and private collection agents for the purpose of collecting such a debt, and such fees or costs incurred by the municipality may be charged to the offender.

Discussion

Village Attorney Bateman explained Public Act 095-0389 passed by the General Assembly and stated that he has recommended that all his municipal clients pass an amending Ordinance to implement this new statute.

Board Action

Upon the conclusion of such discussion, a motion was made by Trustee DeJesu and seconded by Trustee Schaller to pass Ordinance No. 2008-O-06, an Ordinance amending the Village of Lake Barrington Municipal Code RE: Amendments to Section 1-4-1, "General Penalty", of Chapter 4 of Title 1.

Upon roll call the vote was:

Yeas: Trustees DeJesu, Schaller, Vonder Haar, and President Richardson
Nays: None
Abstain: None
Absent: Trustees Burke, Raclaw, Struck

The motion carried.

C. CONSIDERATION OF AN ORDINANCE ALLOWING LETTERS OF CREDIT FOR CONSTRUCTION BONDS IN EXCESS OF \$50,000

Administrator Martin distributed the following summary to the Board in their packets: Several large development projects are underway or will be underway in the coming months within the Village. To provide a more flexible arrangement and to encourage development within the commercial park, staff is recommending a change in the Village's performance bond requirement to allow Letters of Credit for construction bonds in excess of \$50,000, with a 10% cash retainer. Currently developers must provide a cash bond. The Ordinance will be effective for all construction projects beginning upon the date of passage.

Discussion

Administrator Martin stated that there are several large projects underway and projected and it is difficult for the developers to produce a \$50,000 cash performance bond. Attorney Bateman stated that the Village would be significantly protected with an approved Letter of Credit. Administrator Martin stated that the 10% cash bond would be used to offset additional inspection fees, etc.

Board Action

Upon the conclusion of such discussion, a motion was made by Trustee Vonder Haar and seconded by Trustee DeJesu to pass Ordinance No. 2008-O-07, an Ordinance amending the Village of Lake Barrington Municipal Code RE: Amending Section 7-2-7, "Bonds", of Chapter 2 of Title 7.

Upon roll call the vote was:

Yeas: Trustees DeJesu, Schaller, Vonder Haar, and President Richardson
Nays: None
Abstain: None
Absent: Trustees Burke, Raclaw, Struck

The motion carried.

D. CONSIDERATION OF AN ORDINANCE TO PROVIDE FOR THE ABATEMENT OF A PORTION OF THE PROPERTY TAX LEVY FOR THE OPEN SPACE BOND ISSUE

Administrator Martin distributed the following summary to the Board in their packets and read aloud at the meeting: The proposed Tax Abatement Ordinance reduces the amount of taxes levied for the 2007 Open Space Bonds from other Village sources (i.e. impact fees, general fund, other). Staff is recommending a \$40,000 reduction in the \$338,412.50 levy to be paid from previously collected parks and open space impact fees. The total open space tax levy will therefore be \$298,412.50.

Board Action

Upon the conclusion of such discussion, a motion was made by Trustee Schaller and seconded by Trustee Vonder Haar to pass Ordinance No. 2008-O-08, an Ordinance abating a portion of the taxes heretofore levied for \$5,500,000 in General Obligation Bonds Series 2007 of the Village of Lake Barrington as set forth in the Village of Lake Barrington Ordinance No. 2007-O-10 adopted on July 9, 2007.

Upon roll call the vote was:

Yeas: Trustees DeJesu, Schaller, Vonder Haar, and President Richardson
Nays: None
Abstain: None
Absent: Trustees Burke, Raclaw, Struck

The motion carried.

15. NEW BUSINESS

A. CONSIDERATION OF A LETTER OF CREDIT: ENCLAVE OF HERITAGE ESTATES

Administrator Martin distributed the following summary to the Board in their packets: The Enclave of Heritage Estates Subdivision's Letter of Credit required for the completion of the subdivision has lapsed. This Resolution provides the Village with the means to draw upon the funds of the existing Letter of Credit in the amount of \$475,687.00 if the Letter of Credit is not reestablished by February 26, 2008.

Discussion

Attorney Bateman stated that although the Letter of Credit had an expiration date of 12/27/07, its evergreen provisions require that the Bank send the Village a formal notice of said expiration, which notice has not been sent. Attorney Bateman stated that this Resolution sets a formal deadline to receive a new or extended Letter of Credit.

Board Action

Upon the conclusion of such discussion, a motion was made by Trustee DeJesu and seconded by Trustee Vonder Haar to pass Resolution No. 2008-R-07, a Resolution extending a Letter of Credit: Enclave of Heritage Estates Subdivision.

Upon roll call the vote was:

Yeas: Trustees DeJesu, Schaller, Vonder Haar, and President Richardson
Nays: None
Abstain: None
Absent: Trustees Burke, Raclaw, Struck

The motion carried.

B. CONSIDERATION OF VOLUME CAP/PRIVATE ACTIVITY BOND ALLOCATION

Administrator Martin distributed the following summary to the Board in their packets: The Village of Lake Barrington has opted to transfer the State's Private Activity Bond Allocation in past years to the Village of Buffalo Grove, a clearinghouse for Lake County Partners. The Village's 2008 calendar year allocation is \$427,975. Revenue is generated and disbursed by Lake County Partners via Village of Buffalo Grove's rolling fund as project funding is completed. Over the past year, the Village has received approximately \$1,680 in revenue and another \$1,400 is pending disbursement. The Village may opt to retain the available funding for private, economic development projects in Lake Barrington.

Discussion

Administrator Martin stated that a list of Home-Rule participating municipalities was provided to the Village. Trustee DeJesu clarified that the allocation is not of cash but rather a loan

program offered by the State to Home-Rule municipalities. Administrator Martin stated that the Village receives a small amount for projects within the Village. He stated that combining with other municipalities with the Lake County Partners allows for more funding for Lake County projects.

Board Action

Upon the conclusion of such discussion, a motion was made by Trustee Vonder Haar and seconded by Trustee DeJesu to pass Resolution No. 2008-R-08, a Resolution Transferring The Village of Lake Barrington Private Activity Bond Allocation To The Village of Buffalo Grove, Illinois.

Upon roll call the vote was:

Yeas: Trustees DeJesu, Schaller, Vonder Haar, and President Richardson
Nays: None
Abstain: None
Absent: Trustees Burke, Raclaw, Struck

The motion carried.

C. CONSIDERATION OF NPDES PHASE II – YEAR 5 PROGRAM

Administrator Martin distributed the following summary to the Board in their packets:

Year 5 of the National Pollutant Discharge Elimination System (NPDES <http://cfpub.epa.gov/npdes/>) Phase II program will be ending February 29, 2008. The intent of the program is to address remaining non-point source pollution issues with municipal storm sewer outfalls. The program is composed of measurable annual objectives that address six minimum control standards. Baxter & Woodman submitted the prior reports to the IEPA on behalf of the Village. A municipal stormwater management program must be developed and implemented by February 29, 2008.

The Village should take the following actions:

- Complete tasks which were not completed in Year 5.
- Budget for the tasks to be completed in Year 5.
- Prepare and submit a Municipal Stormwater Management Program

Board Action

A motion was made by Trustee Schaller and seconded by Trustee DeJesu to authorize the Village Administrator to appoint Gewalt Hamilton to complete Year 5 compliance with the NPDES Phase II Stormwater Permit requirements.

Upon roll call the vote was:

Yeas: Trustees DeJesu, Schaller, Vonder Haar, and President Richardson
Nays: None
Abstain: None
Absent: Trustees Burke, Raclaw, Struck

The motion carried.

16. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE VILLAGE BOARD – (Also see agenda item 6.)

17. CLOSED SESSION - None.

18. ACTION TO BE TAKEN FROM CLOSED SESSION - None.

19. OTHER

President Richardson wanted it on the record that the meeting length was less than 45 minutes.

20. **ADJOURNMENT:** A motion was made by Trustee Vonder Haar and seconded by Trustee DeJesu to adjourn the meeting. The voice vote was unanimous, the motion carried, and the meeting was adjourned at approximately 7:44 p.m.

Respectfully submitted,

Cynthia L. Hoover
Village Clerk
Recording Secretary