

**VILLAGE OF LAKE BARRINGTON
MINUTES OF THE REGULARLY SCHEDULED MEETING
OF THE BOARD OF TRUSTEES HELD SEPTEMBER 2, 2008**

1. CALL TO ORDER

A special 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, September 2, 2008, and was called to order by President Richardson at 7:00 p.m. Village Clerk Peterson was appointed Recording Secretary.

2. ROLL CALL

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

Absent: None

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 Administrator Martin, Village Clerk Peterson

Others Present: ZBA Member Fortman, Village Attorney Bateman entered the meeting at 7:07 p.m.

3. PLEDGE OF ALLEGIANCE

4. CONSIDERATION OF MINUTES

A. Minutes of the Special Meeting of the Board of Trustees Held August 14, 2008

Board Action

A motion was made by Trustee Vonder Haar and seconded by Trustee Raclaw to approve the minutes, item 4A above. The voice vote was unanimous and the motion carried.

5. PRESIDENT'S REMARKS (President Richardson)

President Richardson noted his observation of the large number of people enjoying the park amenities and Grassy Lake Trail and complimented staff on the improvements to the village grounds.

President Richardson was elected Chairperson of the Barrington Area Council of Governments (BACOG) for the fiscal year which began July 1st. BACOG met on August 26th and set priorities for the year emphasizing focus on opposition of the EJ&E acquisition and groundwater issues including geographical information system (GIS) information being

developed for the groundwater study. He asked Ms. Peterson to distribute the BACOG Director's Report to the Board.

6. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE VILLAGE BOARD

Slocum Lake Drainage District: Don Krebs, President of the Twin Pond Farms Homeowners Association and Chairperson of the Slocum Lake Drainage District, explained the Slocum Lake drainage ditch is a storm water management system with two branches. One branch runs from Anderson Road through parts of Lake Barrington including Twin Pond Farms and Lakeland Estates and eventually drains into the Fox River. He gave a brief overview of the history of the district and challenges relating to having a small tax revenue base which cannot cover the district's \$350,000 debt, and the critical need for maintenance of the Anderson Road branch. He reported it is the goal of the current district board to increase revenue to properly maintain the system, in particular the Anderson Road branch, and to settle the debt while bringing oversight and accountability to the district. He requested the board consider entering an intergovernmental agreement with the district. Trustee Vonder Haar volunteered to be part of the process. He reported on progress with the Village of Wauconda's consideration of an intergovernmental agreement. Discussion was held on other funding resources and consideration of having other additional entities to enter into agreements with the district. Mr. Krebs will provide a report and have Mike Warner of Lake County Stormwater Management attend a future meeting to address this topic further.

7. CONSENT AGENDA

None

8. TREASURER'S REPORT (Treasurer Purcell)

A. Approve the Financial Statements as of 06/30/08
Treasurer Purcell reported the net income in the General Fund for the first three months and made comparisons with balances from the last two years. Interest on investments is half of what it was this time last year because of lower rates. Motor Fuel Tax Fund balance is \$425,965 and available for the Lakeland Estates Road project. The first payment for the road project in the amount of \$244,900, which is approximately 37% of the total, is due with the current warrants. Mr. Martin indicated revenues will increase substantially in the next report due to fees related to the Northpointe development.

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

Board Action (B-C)

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

- B. Pay Bills in the amount of \$ 387,253.00 as Listed on the Accounts Payable Warrant "A" Dated September 2, 2008.
- C. Pay Bills in the amount of \$ 3,174.49 as Listed on the Accounts Payable Warrant "B" Dated September 2, 2008

Upon roll call the vote was:

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

Absent: None

President Richardson declared the motion carried.

Board Action (D)

A motion was made by Trustee Raclaw and seconded by Trustee Burke to:

- D. Pay Bills in the amount of \$235.00 as Listed on the Accounts Payable Warrant "C"
Dated September 2, 2008 (office cleaning)

Upon roll call the vote was:

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

President Richardson declared the motion carried. He stated that as a former employee and current client of ServiceMaster he abstains from voting on this warrant and further stated that he had and has no involvement in the selection of the Village's cleaning service.

9. ADMINISTRATOR'S REPORT

Mr. Martin reported on the following:

- A. Lakeland Estates Roadwork Update: Striping will be done after the final paving is completed.
- B. Economic Development and Branding Report: The Lake Barrington Field House project is beginning interior work and work is being done on the front end of the field house building.
- C. Other: The owner of the Kelsey Roadhouse indicated the business is scaling back its outdoor entertainment and was complimentary of the board for their consideration in granting the temporary outdoor entertainment permit.

10. CLERK'S REPORT

Ms. Peterson reported on the following:

- A. Open Burning Regulations (Oct. 1 – May 31): She reviewed regulations. Trustee Raclaw raised concern with leaf burning. Trustee DeJesu noted it is difficult for residents to dispose of the large volume of leaves and indicated restrictions and regulations are in place as a result of past Board consideration regarding this issue.
- B. November 4, 2008 General Election Information: Voter registration ends October 7th and early voting begins at the Cuba and Wauconda Township offices on October 13th.
- C. Consideration of rescheduling the November 4, 2008 Board of Trustees meeting to a date to be determined. The Village Hall is a polling place for 3 precincts for the November 4th General Election. The Board came to a consensus to reschedule the meeting. Ms. Peterson was directed to poll the Board for a new date and place the item on the October board meeting agenda.

11. COMMITTEE REPORTS

- A. COMMUNITY DEVELOPMENT (Chair Raclaw) – No report.

- B. **FINANCE & HUMAN RESOURCES** (Chair Vonder Haar) – No report.
- C. **INTERGOVERNMENTAL AFFAIRS** (Chair Richardson) – Ms. Peterson will distribute the BACOG Director's Report to the Board.
- D. **NATURAL RESOURCES** (Chair DeJesu) – Trustee DeJesu reported the signs for the Arboretum trees were received and some signs have been installed. She encouraged residents to allow their lawns to go dormant to conserve water.
- E. **PUBLIC SAFETY** (Chair Schaller) – Trustee Schaller reported the committee will meet this month to continue working on the draft Emergency Operations Plan (EOP).
- F. **PUBLIC WORKS** (Chair Vonder Haar) – Trustee Vonder Haar reported the last layer of asphalt is being applied. The project included removal of the "eyebrow", and installation of V-curbs to carry storm water to catchpoints at appropriate locations determined by the engineer. The committee will begin planning for next year. Martin reported the developers' balance of the Pepper Road signalization contribution was received and the project will go to bid in January – February 2009.
- G. **RULES** (Chair Schaller) – No report.
- H. **OTHER - CN RAILWAY REPORT** (Trustee Raclaw): Trustee Raclaw reported on the August 27th Surface Transportation Board (STB) public hearing. He indicated Canadian National is initiating legal action for an expedited STB decision in order to meet the December 31st transaction completion date. He also reported on support of federal and state legislators who oppose the acquisition.

President Richardson commended legislators, in particular the Illinois federal legislators, and thanked Barrington Village President Darch and the rail coalition consultant team for their efforts in opposing the acquisition. He reported on the Barrington rail coalition activity and read a letter signed by the members of BACOG that is being submitted to area newspapers thanking area residents for their involvement and encouraging submittal of comments to the STB which are due by September 30, 2008. He also reported on House Bill 6707 which supports changes in studying rail transportation impacts.

Trustee Burke reported he spoke with an STB representative who expressed he was awestruck by the unprecedented involvement of the Barrington-area community and indicated the STB is coming to the realization that rail congestion will not be solved by moving rail traffic to the EJ&E line.

12. **OLD BUSINESS - None**

13. **ORDINANCES**

A. **CONSIDERATION OF AN ORDINANCE AMENDING VILLAGE CODE PERTAINING TO PENALTY PROVISIONS**

Attorney Bateman explained the ordinance makes further changes for clarification in relation to Ordinance 2008-O-05 which consolidated fees into one place within the code for clarity. Materials were provided in the Board folder.

Board Action

A motion was made by Trustee Vonder Haar and seconded by Trustee Raclaw to adopt Ordinance No. 2008-O-25 Re: Amendments to: Section 1-4-1, "General Penalty"; Section 1-10-7, "Fees, Charges, Deposits, and Other Amounts Payable to the Village" Section 11-3A-3 "Enforcement"; Section 11-3B-7, "Penalties"; Section 13-5-6, "Rates Established"

Upon roll call the vote was:

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

President Richardson declared the motion carried.

B. CONSIDERATION OF AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF AN AMENDMENT TO REFUSE CONTRACT

Mr. Martin reported the board discussed this item at the August 14th Special Meeting and he reviewed the amendment. He noted SWALCO requested additional language be added to the contract that is standard with SWALCO members. He explained providing recycling totes for residents is cost prohibitive at this time and can be considered again in the future. Residents who decide to participate in the recycling toter program will be billed directly by Waste Management and should call them for the toter. Materials were included in the Board folder.

Board Action: A Motion was made by Trustee Vonder Haar and seconded by Trustee DeJesu to pass Ordinance No. 2008-O-26 to Approve and Authorize the Execution of an Amendment to Refuse Contract with Waste Management of Illinois-North.

Upon roll call the vote was:

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

President Richardson declared the motion carried.

14. NEW BUSINESS

A. CONSIDERATION OF A RESOLUTION RELATIVE TO A MAINTENANCE GUARANTEE RE: DEER RUN SUBDIVISION

Mr. Martin explained the Resolution authorizes the Village President or Village Administrator to draw upon Letter of Credit No. 1902022648 if Newport Homes, Inc. does not complete the maintenance and repair punch list items required for the Deer

Run Subdivision as set forth in the letter from Gewalt-Hamilton Associates, Inc. dated August 28, 2008 prior to September 22, 2008. Attorney Bateman indicated the punch list items were minor and that the letter of credit will be allowed to expire if the punch list items are completed. Materials were provided in the Board folder.

Board Action

A motion was made by Trustee Struck and seconded by Trustee DeJesu to pass Resolution No. 2008-R-28, a Resolution Relative to a Maintenance Guarantee Re: Deer Run Subdivision

Yeas: Trustees Burke, DeJesu, Raclaw, Schaller, Struck, Vonder Haar, and
President Richardson

Nays: None

Abstain: None

Absent: None

President Richardson declared the motion carried.

15. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE VILLAGE BOARD

John Bryla, Lake Barrington resident, asked the Board to consider purchasing the 3-lot subdivision on Henry Lane for open space. Mr. Martin confirmed for the Board that the developer has a permit for site development and work is in progress. Tom Vanderpoel of Citizens for Conversation (CFC) indicated CFC owns some land adjacent to the subdivision and that the property owner didn't have interest in selling the land to them.

The Board took a three minute recess at 8:30 p.m.

16. CLOSED SESSION

Board Action: A motion was made by Trustee Schaller and seconded by Trustee Raclaw that a portion of the meeting be closed to the public, effective immediately, to discuss matters of personnel, and/or to discuss possible real estate acquisitions, and/or 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, the board finding that based upon advice of counsel, litigation is probable or imminent as to those matters so identified on the record in such closed session for the reasons therein stated. (Roll Call Vote)

Upon roll call the vote was:

Yeas: Trustees Burke, DeJesu, Raclaw, Schaller, Struck, Vonder Haar, and
President Richardson

Nays: None

Abstain: None

Absent: None

President Richardson declared the motion carried. Open session adjourned to closed session at 8:35 p.m.

The Board reconvened at 9:42 p.m. with all members present as the original Roll Call.

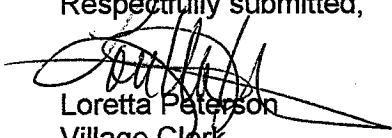
17. **ACTION TO BE TAKEN FROM CLOSED SESSION**

None

18. **ADJOURNMENT**

A motion was made by Trustee Vonder Haar and seconded by Trustee Struck to adjourn the meeting. The voice vote was unanimous, the motion carried, and the meeting was adjourned at approximately 9:43 p.m.

Respectfully submitted,



Loretta Peterson
Village Clerk
Recording Secretary