

**MINUTES OF A MEETING OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF NORTH BARRINGTON WHICH WAS HELD THURSDAY,
AUGUST 28, 2008 AT THE NORTH BARRINGTON VILLAGE HALL,
111 OLD BARRINGTON ROAD**

I. Call to Order and Roll Call

At 7:40 p.m. President Sauer called the Meeting to order. The Deputy Village Clerk led the pledge of Allegiance, and then called the roll:

Present in Person: President Sauer, Trustees Boland, Kolar, Koertner, Pino
and Weiner

Absent: Trustee Farrell

Also Present: Kathy Nelander, Village Administrator

J.W. Braithwaite, Village Attorney

Andrea Pracht, Village Engineer

Kris Lennon, Deputy Village Clerk

Gregory Hummel, Bell, Boyd & Lloyd LLP

70 W. Madison, Chicago

Karl Marschel, Bell, Body & Lloyd LLP

70 W. Madison, Chicago

Tom Gooch, Cuba Township Highway Department

Joe Arizzi, Wauconda Fire Department

109 W. Liberty Street, Wauconda

Ed Harris, Lake County Sherriff's Department,

1301 N. Milwaukee, Libertyville

II. Public Comment

Tom Gooch, Highway Commissioner (Commissioner Gooch) of the Cuba Township Highway Department (Cuba Township), addressed the Board and explained that the demand for road salt is high among municipalities due to last year's winter depleting the emergency salt supplies; costs have increased considerably. Lake and McHenry counties were excluded from the municipalities who received bids despite allocations sent to the Department of Central Management Services by Cuba Township in March.

Commissioner Gooch located road salt for the Village at a cost of \$130-\$140 per ton however; suppliers are requiring payment at the time of distribution. In 2007, the Village used approximately 1000 tons of salt.

Commissioner Gooch explained that communities need to find alternative treatments due to the high cost/demand of salt as well as, the importance of preserving the environment. Cuba

Township is planning to use a salt water treatment and a salt/sand mixture in order to reduce the amount of salt usage however; 100% salt will be used during the severe winter months.

Commissioner Gooch explained that there is the possibility of legislation being passed within the state of Illinois which would provide reimbursement to communities and townships for the extra cost of salt by using a statewide average. Commissioner Gooch noted that if Cuba Township receives reimbursement funds from the state, Cuba Township would reimburse the Village for costs associated with road salt usage.

Commissioner Gooch noted that educating the public is important. He would like to have information posted on the Village website as well as in the Village newsletter; he would to additionally like to distribute pamphlets at the upcoming Fall Festival. Commissioner Gooch stated that he would provide information to the Village.

There were a few questions from the Board that Commissioner Gooch addressed.

President Sauer thanked Commissioner Gooch for his work and efforts within the community.

III. Consent Agenda

Motion: Trustee Weiner moved approval of the consent agenda consisting of the following agenda items; seconded by Trustee Koertner:

- A. Motion to approve Minutes of Board Meeting, 7/23/08**
- B. Motion to approve 8/28/08 Vouchers for payment of bills**
- C. Motion to approve the Treasurer's Report for the 3rd month of Fiscal Year 2009**
- D. Motion to approve Resolution #2496 re-appointing Lloyd Struttman as Parks and Recreation Commission Member**
- E. Motion to approve the Proclamation "Fire Prevention Week – October 5-11, 2008"**

Discussion: There was no discussion.

Vote on Motion

By Roll Call: Ayes: President Sauer, Trustees Boland, Kolar, Koertner, Pino and Weiner
Nays: None
Absent: Trustee Farrell
Abstain: None

President Sauer declared the motion approved.

IV. ORDINANCES

- A. Consideration of Adoption of Ordinance No. 1146, An Ordinance Proposing the Establishment of Special Service Area Number Sixteen in the Village of North**

Barrington, and Providing for other Procedures In Connection Therewith, relative to Proposed Improvements to the Wynstone Irrigation System

President Sauer explained that Ordinance Nos. 1146 and 1147 propose the creation of two (2) Special Service Areas and address issues pertaining to the excessive amount of effluent being taken in by the Wynstone golf course. Subsequent to a response letter received by the Wynstone Property Owner's Association (POA) from the Illinois Environmental Protection Agency, the Wynstone POA and the Wynstone Golf Course have agreed to create an extensive new spray field as well as, connect to Lake Zurich's sewage treatment plant. The method of financing will be a levy by the Village on Wynstone properties of a tax sufficient to produce revenues.

Village Attorney J.W. Braithwaite introduced bond counsel, Attorneys Gregory Hummel and Karl Marschel of Bell, Boyd & Lloyd LLP and asked the Board if they had questions about the proposed Ordinances and/or Special Service Areas.

Trustee Koertner asked about the party responsible for issuing the bonds. Attorney Hummel stated that the Village would issue the bonds because Wynstone is not a governmental unit.

Trustee Pino raised the question of default and potential risks involved for the bonds being issued by the Village. Attorney Hummel explained that special taxes are governmental obligations and continue as an obligation against the Wynstone properties during a bankruptcy unless the Federal Deposit Insurance Corporation (FDIC) intervenes.

Trustee Weiner inquired about the preliminary expenditures in Section 7 (b) in Ordinance Nos. 1146 and 1147. Attorney Hummel explained that the language is designed so that preliminary expenditures can be treated and repaid out of tax exempt bond proceeds.

Village Attorney J.W. Braithwaite noted that Trust and Agency Accounts have been established by the Wynstone Property Owner's Association and the Wynstone Golf Course.

There was discussion among the Board about the person(s) responsible for the administration, management, and distribution of funds for the proposed Special Service Areas. Attorney Hummel explained that an administrative cost subaccount will be established within a trust indenture. Attorney Hummel additionally recommended that a public improvement agreement be established in order for the Wynstone POA as well as, the Village Engineer to concurrently approve the distribution of public funds.

Village Attorney J.W. Braithwaite advised that the Village Board would authorize expenditures.

Trustee Boland asked if the Special Service Areas would impair the Village's non-liability status. Attorney Hummel stated that they would not impair the Village's non-liability status and the Village would not be obligated for payment of the bonds except from SSA funds.

Trustee Kolar noted his concern about the Special Service Areas affecting the real estate market for sales of homes in Wynstone.

Discussion followed among the Board about the cost of the special tax to the residents of Wynstone. Attorney Marschel explained that the cost will be billed through each resident's property tax.

Trustee Koertner asked if issuing the bonds would use up the Village's borrowing capacity for other matters. Attorney Hummel replied that it would not affect the Village's borrowing capacity.

President Sauer commended Bell, Boyd and Lloyd LLP for their outstanding efforts in coordinating the Special Service Areas.

Motion: Trustee Boland moved to adopt Ordinance # 1146; seconded by Trustee Weiner:

Discussion: There was lengthy discussion.

Vote on Motion

By Roll Call: Ayes: President Sauer, Trustees Boland, Kolar, Koertner, Pino and Weiner

Nays: None

Absent: Trustee Farrell

Abstain: None

President Sauer declared the motion approved.

B. Consideration of Adoption of Ordinance No. 1147, An Ordinance Proposing the Establishment of Special Service Area Number Seventeen in the Village of North Barrington, and Providing for other Procedures In Connection Therewith, relative to Disposal of Excess Effluent by Connection to the Village of Lake Zurich and the County of Lake Sanitary Sewer System

Trustee Kolar asked if any conflict of interests exist among the Board members for adoption of the proposed Ordinances due to some of the Board members living within the Wynstone subdivision. President Sauer replied that it is a non issue.

Motion: Trustee Pino moved to adopt Ordinance # 1147; seconded by Trustee Boland:

Discussion: There was some discussion.

Vote on Motion

By Roll Call: Ayes: President Sauer, Trustees Boland, Kolar, Koertner, Pino and Weiner

Nays: None

Absent: Trustee Farrell

Abstain: None

President Sauer declared the motion approved.

V. COMMISSION & STAFF REPORTS

President Sauer stated that the following items were contained in the Trustee's packets and if there were any questions, to contact the appropriate Commission Chair or Village Officer.

- A. Building Department Report (Kelly Rafferty – Rafferty Architects)**
- B. Building Inspection Report (B&F Technical Code Services, Inc.)**
- C. Engineering Project Status Report (Andrea Pracht – Baxter & Woodman)**
- D. Health & Sanitation Report (Natalie Karney – Land Technology)**
- E. Parks & Recreation Commission Meeting Minutes, 8/11/08**

Trustee Boland had a question regarding Baxter & Woodman's August Status Report specifically, the Single Lot Plan Review regarding the property at 120 Kaitlin's Way.

Village Engineer Andrea Pracht addressed the Board and explained that she has been working with the homeowner to complete grading on his property due to safety concerns and to obtain final occupancy.

VI. ADMINISTRATION – President Bruce Sauer

- A. Klein Development, Inc., Wynstone South Commercial – Request to release the Developer's subdivision surety, Letter of Credit No. 395, for the subject Project and replace it with a two-year Maintenance Guarantee.**

President Sauer explained that the matter was previously tabled at the July Board meeting.

Motion: Trustee Koertner moved to remove from the table, the request to release the Developer's subdivision surety, Letter of Credit No. 395, for Wynstone South Commercial and replace it with a two-year Maintenance Guarantee; seconded by Trustee Kolar:

Discussion: There was no discussion.

Vote on Motion

By Voice Call:The voice vote was unanimous in favor.

President Sauer declared the motion approved.

It was noted that Klein Development Inc., agreed to provide a letter of credit for a two (2) year period.

Motion: Trustee Boland moved to approve the request to release Klein Development, Inc.'s subdivision surety, Letter of Credit 395, for Wynstone South Commercial and replace it with a two-year letter of credit Maintenance Guarantee; seconded by Trustee Koertner:

Discussion: There was some discussion.

Vote on Motion

By Roll Call: Ayes: President Sauer, Trustees Boland, Kolar, Koertner, Pino and Weiner
Nays: None
Absent: Trustee Farrell
Abstain: None

President Sauer declared the motion approved.

VII. REPORTS BY BOARD OF TRUSTEES

A. Trustee Boland

Trustee Boland reported that the Village will be showing the movie “E.T.” for Family Movie Night at Eton Park on August 30th at 8:00 p.m. and encouraged residents to attend.

B. Trustee Farrell

Trustee Farrell was absent.

C. Trustee Kolar

Trustee Kolar reported on the status of the 2008 Road Program.

Trustee Kolar explained that the homeowner of the property located at 240 Woodland Drive contacted him regarding drainage concerns. It was noted that Village Engineer Andrea Pracht completed a drainage investigation and provided the Village with a Memorandum.

Trustee Kolar stated that Cuba Township Highway Commissioner Tom Gooch was instrumental in placing “dangerous intersection” signs at the corner of Biltmore Drive and Oxford Road. Trustee Kolar noted that he would like to pursue the placement of another “dangerous intersection” sign on Golfview Drive, before it intersects with Oxford Road.

Trustee Kolar reported that the homeowner of the property located at 267 Woodland Drive contacted him regarding an ongoing drainage issue. Trustee Kolar requested that Village Engineer Andrea Pracht re-examine the issue.

Trustee Kolar noted that the northwest corner of Route 12 and Miller Road is actively for sale. There was discussion among the Board about the property. It was agreed upon by the Board that Trustees Kolar and Boland would investigate the property.

D. Trustee Koertner

Trustee Koertner reported that she attended the Flint Creek Watershed Partnership (FCWP) meeting on August 26th and noted that Barrington Village President Karen Darch nominated the FCWP for the Chicago Wilderness Excellence in Conservation Award for 2008.

Trustee Koertner reported that in addition to the Village's application for the Section 319 Grant Funding regarding the Village Community Program for the Flint Creek Watershed Project, an additional 36 applications were submitted by surrounding communities totaling approximately \$12,000,000. Trustee Koertner noted that typically \$3,500,000 to \$4,000,000 is distributed.

Trustee Koertner reported that Patsy Mortimer of the FCWP had issues with the draft Environmental Impact Statement prepared by the U.S. Surface Transportation Board (STB) and the omitted data regarding the potential impact to local forest preserves and conservation areas. Trustee Koertner explained that the STB is required to use current data.

Trustee Koertner explained that Solid Waste Agency of Lake County (SWALCO) met with the Village of Island Lake and its hauler WMI regarding obtaining recycling carts for its residents. The contract with the Village expires August 31, 2010 however; the problem thus presented is that there are only two (2) years to amortize the cost of the recycling carts. One of the options discussed was to extend the current contract for an additional five (5) years. Another topic discussed was whether consortium members would consider franchising their commercial waste collection as well as part of the contract extension. Trustee Koertner noted that a SWALCO member's conference call will be taking place on September 3rd at 3:00 p.m.

E. Trustee Pino

Trustee Pino reported that the Zoning Board of Appeals did not meet in August. He commented on the Activity Report submitted by Village Building and Zoning Officer Kelly Rafferty.

F. Trustee Weiner

Trustee Weiner reported that the Environmental and Health Commission will be meeting September 2nd regarding the property located at 475 E. Oxford Road.

Trustee Weiner stated that Clark Mosquito Control will be spraying for mosquitoes in the Village on August 29th. Trustee Weiner explained that West Nile has been reported in Barrington.

Trustee Weiner expressed his concern for the low water level in Flint Creek. Village Engineer Andrea Pracht stated that she would provide hydrological studies from the Village's floodplain mapping project on Flint Creek which exhibits the Flint Creek Watershed.

Village Engineer Andrea Pracht noted that she and Village Administrator Kathy Nelander will be attending a workshop hosted by the Lake County Stormwater Management Commission on using low impact development practices to reduce flooding and recharge groundwater to be held September 17th at the University Center, College of Lake County, Grayslake, IL. Trustee Weiner

requested that the information be provided in order to distribute it at the upcoming Environmental and Health Commission meeting.

VIII. CLOSED SESSION:

There was no closed session.

IX. NEW BUSINESS

President Sauer explained that efforts continue in opposition of the Canadian National Railway's (CN) potential acquisition of the Elgin, Joliet & Eastern Railway (EJ&E). President Sauer discussed ideas to safeguard North Barrington if the acquisition is granted due the negative impacts that the CN Railway will have on surrounding communities.

There was discussion among the Board members about efforts to preserve and maintain the prominence of the community as an extremely desirable residential community in the Chicago Metropolitan Area.

X. OLD BUSINESS

There was no old business to discuss.

XI. ADJOURNMENT

There being no further business to come before the Board, Trustee Weiner moved to adjourn the meeting; seconded by Trustee Koertner. The voice vote was unanimous in favor.

At 9:13 p.m. President Sauer declared the meeting adjourned.

These Minutes were approved by the Board at a meeting held September 24, 2008.

Attest: _____
Kris Lennon, Deputy Village Clerk