

**Village of Prairie Grove
Meeting Minutes
November 18, 2008**

1. Call to Order: President Breseman called the Special Meeting to order at 7:00 PM.

2. Roll Call: Trustees Connelly, Duda, Greenwald, McConnell, Robak and President Breseman all present. Trustee Baudin absent.

Village Administrator Smith, Clerk Minor and Attorney McArdle also present.

3. Public Comment:

Sherri Hasselgruber of 3822 Barreville Road discussed her concerns with speeding on Barreville Road. She is noting speeds of 50-60 mph. She stated that people seem to use Barreville Road as a cut through. She is requesting additional enforcement. President Breseman stated that we would get a squad out there to patrol. Director of Public Safety, Ron Lyons assured Ms. Hasselgruber that the Police Department takes everyone's concerns very seriously.

(Trustee Baudin arrives at 7:07 PM)

President Breseman moved to discuss item 8 a.

8. a. Tabled Discussion Regarding Reimbursement of 2007 Taxes to Liberty Self Storage:

Ray Street Properties were offered an incentive of either a sales tax rebate or property tax abatement. These properties were annexed in November of last year. Some of the Ray Street properties were taxed for 2007 and some were not. Mr. Jack Schaffer is asking the Village to abate his 2007 taxes.

Trustee McConnell stated that the Village had no obligation to abate taxes but we offered an incentive to the Ray Street Property owners. The error was made by McHenry County not by Prairie Grove.

Trustee Duda agreed.

President Breseman stated that Mr. Schaffer shouldn't be penalized. He would suggest abating Mr. Schaffer's taxes for 2007.

Trustee Baudin agrees with abating Mr. Schaffer's taxes.

President Breseman stated that Mr. Schaffer would be even with his neighbors if we abate his taxes. It would be unfair to Mr. Schaffer if we did not abate his taxes.

Mr. Jack Schaffer stated that he has paid his tax bill. He stated what's fair is fair. He is asking for the same treatment as his neighbors.

Trustee Greenwald asked if this was just for the Prairie Grove portion of his taxes. The Village Board responded that it was just for the Prairie Grove portion of the tax bill.

Motion by Trustee Greenwald, 2nd by Trustee Baudin to refund the Village of Prairie Grove portion of Mr. Schaffer's tax bill.

Trustee McConnell wanted to make it clear that it was not Prairie Grove who made this mistake and if the board decides to approve this request we are going above and beyond what we had previously agreed to provide Mr. Schaffer.

Administrator Smith stated that Mr. Schaffer was ready to sign the agreement with Prairie Grove to receive his real estate tax abatement.

Trustee McConnell stated that this would just be a pass through with no impact on the Village budget. Administrator Smith agreed that it would.

On a Roll Call Vote: Trustees Baudin, Connelly, Duda, Greenwald, McConnell, and Robak all voted Aye, Motion carries.

President Breseman moved to go into a brief Executive Session.

9. Executive Session:

Motion by Trustee Duda, 2nd by Trustee Baudin to enter into Executive Session at 7:22 PM for discussion of Personnel Issues. **On a Roll Call Vote: Trustees Baudin, Connelly, Duda, Greenwald, McConnell and Robak all voted Aye, Motion carries.**

No action taken in Executive Session.

Return to open session at 7:45 PM.

Roll Call: Trustees Baudin, Connelly, Duda, Greenwald, McConnell, Robak and President Breseman all answered aye.

Motion by Trustee Duda, 2nd by Trustee Baudin to enter into a second Executive Session at 7:45 PM for discussion of Personnel Issues. **On a Roll Call Vote: Trustees Baudin, Connelly, Duda, Greenwald, McConnell and Robak all voted Aye, Motion carries.**

No action taken in Executive Session.

Return to open session at 7:55 PM.

Roll Call: Trustees Baudin, Connelly, Duda, Greenwald, McConnell, Robak and President Breseman all answered aye.

8. c. Discussion Regarding the Preserve, Public Improvements, Steve Greenberg:

Based on Midland's test report the Village Engineer finds that the roads in the Preserve have not been built to spec. Cores have recently been done and are insufficient. The Village had some additional core samples done and they are still insufficient. After a third set of core samples had been completed, they are still considered insufficient. The cost estimate to complete the needed public improvements in the Preserve is approximately \$174,543.00. The amount being held in a letter of credit is approximately \$66,000.00.

At this time the Village has three options: The Village takes care of the needed improvements and absorbs the cost. The developer takes care of the improvements or the Village could litigate.

Pat Bleck, Village Engineer stated that the Village uses the minimum standard of IDOT requirements for local roads. Core #5 would require an additional 3 to 4 inches of surface. Core #2 would require an additional 2 ½ inches of surface and core #10 would require an additional 2 ¼ inches of surface. The Village would like to see 15-20 years of life in the roads. If the final lift is placed on the roads in their current condition we may see 10 years.

Jack Pease, the building contractor used in building these roads stated that we are talking about an 8-year-old road. He walked the site with Frank Cuda the Village Engineer at the time. Frank Cuda took measurements and was satisfied.

Trustee Duda wanted to know how we account for such large deviations in a given area.

During continued discussion of the core samples it was stated that one of the sample reports had been rescinded.

Jack Pease suggested asking the IDOT Engineer about tolerance for these roads.

Vicki Marconi resident of the Preserve stated that so far she is not seeing any failures.

Administrator Smith stated that this is something the Village doesn't want to set a poor precedent for.

Jack Pease asked if they could agree to a compromise. They would put the final lift on the roads next spring and then go on a maintenance bond for 12 months. They could give us a 5, 7 or 10-year guarantee on the roads for reasonable repair or patchwork. Mr. Pease offered to sign a personal guarantee as well.

Steve Greenberg stated that the liability problem is in the process of building the road. He additionally stated that they already paid the Village Engineer at the time to measure and approve the roads. Mr. Greenberg is asking the Village Board to get clarification from Midland regarding the core samples.

This item will be continued until the next Village Board Meeting in December.

13. Motion to Ratify Director Lyons Decision to Terminate Employment with Police Officer, William R. Sechovec:

Motion by Trustee Duda, 2nd by Trustee Baudin to Ratify Director Lyons Decision to Terminate Employment with Police Officer, William R. Sechovec: **On a Roll Call Vote: Trustees Baudin, Connelly, Duda, Greenwald, McConnell and Robak all voted Aye, Motion carries.**

4. Consent Agenda:

Motion was made by Trustee Robak, 2nd by Trustee McConnell to approve items A through D on the consent agenda. Items A through D include Motion to Approve the Special Meeting Minutes of September 23 & October 28, 2008, Expenditure Reports of November 3 & 17, 2008, Revenues of October 2008, and the following Motion: Motion to Disburse \$60,614.96 to Crystal Lake Chrysler for EPA Expenses. **On a Roll Call Vote: Trustees Baudin, Connelly, Duda, Greenwald, McConnell and Robak all voted Aye, Motion carries.**

The Village Board stated that they were delighted in the detailed minutes and reports.

5. Committee Reports and Meeting Dates:

EDC: Trustee McConnell stated that they are looking at various types of businesses to see in which locations they best fit.

6. Staff/Consultant Reports or Comments:

Police: Ron Lyons will be attending the Chiefs of Police Conference in San Diego, California. It's important to note that this is not being paid for by Prairie Grove.

Public Works: Superintendent Carone stated that they have been wrapping up paving projects and truck maintenance, including putting the plows on the trucks.

Discussion of Trustee McConnell's Article for the Village Newsletter: Trustee Duda stated that the report was helpful but the charts are somewhat foggy. He suggested using patterns for the shading. Trustee McConnell asked that anyone else wishing to give feedback for revisions please forward them ASAP to Trustee McConnell.

Discussion of ARC Review: A discussion regarding the detached garage at 2800 Nish Road ensued. The proposed garage is as big as a house and the initial plans included a fireplace. President Breseman suggested that the ARC Review Board make helpful suggestions for revisions. If they weren't sure about the intended use they could make a recommendation to send it to the Village Board for approval.

Ed Radwanski, ARC Chairman stated that they were working within the Village codes. He stated that because something is not aesthetically pleasing they couldn't deny it.

President Breseman stated that the guidelines for ARC Review should be re-defined. He stated that concrete block was not a high-end material. The ARC Review Commission could have encouraged him to use other materials.

Phil Knudsen, Village Building Inspector will gather information from other communities on their architectural standards and bring it back to the Village Board for discussion.

Ed Radwanski stated that the garage had received approval by ARC Review.

7. a. Motion Authorizing Employee Merit Increases: Motion by Trustee Robak, 2nd by Trustee Baudin to Authorize Employee Merit Increases:

Discussion: Trustee McConnell wanted to know the net impact on the Village budget. Administrator Smith stated that this was already factored into the budget.

Trustee Baudin asked why we do this in November and not in May when the budget is passed. Administrator Smith stated that it wasn't until June that we passed the budget.

Trustee McConnell stated that he was in total agreement that next year it should be done with the budget.

Trustee Greenwald had some questions regarding some of the Police Officers. He asked if some of them were still employed by the Village.

Trustee Duda would like to see this done on a timely basis next year.

On a Roll Call Vote: Trustees Baudin, Connelly, Duda, McConnell and Robak all voted Aye and Trustee Greenwald voted nay, Motion carries.

b. Motion Authorizing Village President's Execution of School District Indemnification Agreements, School Districts 46, 47 & 155:

Motion by Trustee Robak, 2nd by Trustee Duda to Authorize the Village President's Execution of School District Indemnification Agreements for School Districts 46, 47 & 155: **On a Roll Call Vote: Trustees Baudin, Connelly, Duda, Greenwald, McConnell and Robak all voted Aye, Motion carries.**

c. Motion to Authorize the Release of School Districts 46 & 155 Impact Fees in the Amount of \$48,226.16:

Motion by Trustee Duda, 2nd by Trustee Robak to Authorize the Release of School Districts 46 & 155 Impact Fees in the Amount of \$48,226.16:

Discussion: Based on the discussion and summary of last years fees presented to the Village Board for payment to School District 46, President Breseman acknowledged that there is still a loophole regarding the impact fees set by the School District for 3 and 5 bedroom homes.

On a Roll Call Vote: Trustees Baudin, Connelly, Duda, Greenwald, McConnell and Robak all voted Aye, Motion carries.

d. Motion to Adopt Tax Levy Resolution #2008-14 & Discussion: Motion by Trustee Baudin, 2nd by Trustee Connelly to adopt the Tax Levy Resolution #2008-14:

Discussion: Trustee Duda asked how Administrator Smith arrived at the tax levy amounts. He stated that it was frighteningly accurate.

Administrator Smith stated that she kept the last years EAV knowing that there will be an increase in EAV, which should reduce our tax rate from the capped rate.

Trustee Robak thought that this was a reasonable assumption.

Administrator Smith stated that the Village rate should be around 3.9% based on her assumptions.

Trustee McConnell stated that our taxpayers don't want their taxes to increase. He wanted to know what expense number that would allow that to be.

A discussion ensued regarding asking the County Clerk's office to insert a tax cap as if we were not home rule. There is always a risk of taxes increasing even if we weren't home rule.

Administrator Smith stated that since the 2008 EAV is assumed to come in higher than last years and since she calculated the 2008 levy based on the last years EAV, she feels confident that we'll be under the tax cap.

On a Roll Call Vote: Trustees Baudin, Duda, Greenwald, McConnell, Robak voted aye and Connelly voted present, Motion carries.

e. Motion to Adopt Ordinance #458, Abating the 2008 Tax Levy for \$1,000,000 General Obligation Bonds, Series 2008:

Motion by Trustee Duda, 2nd by Trustee Baudin to Adopt Ordinance #458, Abating the 2008 Tax Levy for \$1,000,000 General Obligation Bonds, Series 2008: On a Roll Call Vote: Trustees Baudin, Connelly, Duda, Greenwald, McConnell and Robak all voted Aye, Motion carries.

f. Discussion Regarding Removal of Building Permit Road Bond Requirements:
Discussion tabled until next month.

g. Authorization of Payment Estimate No. 2 and Final Payment to Geske & Sons for 2008 Non-MFT Supplemental Contract Maintenance in an Amount Not to Exceed \$377,165.28:

Motion by Trustee Baudin, 2nd by Trustee Duda to Authorize Payment Estimate No. 2 and Final Payment to Geske & Sons for 2008 Non-MFT Supplemental Contract Maintenance in an Amount Not to Exceed \$377,165.28:

On a Roll Call Vote: Trustees Baudin, Connelly, Duda, Greenwald, McConnell and Robak all voted Aye, Motion carries.

h. Authorization for President to Execute 2008 Non-MFT Supplemental Contract Maintenance Form BLR 13210 for Approval & Change in Plan:

Motion by Trustee Baudin, 2nd by Trustee Greenwald to Authorize President to Execute 2008 Non-MFT Supplemental Contract Maintenance Form BLR 13210 for Approval & Change in Plan: **On a Roll Call Vote: Trustees Baudin, Connelly, Duda, Greenwald, McConnell and Robak all voted Aye, Motion carries.**

i. Authorization for President to Execute Motor Fuel Tax Forms BLR 14230 & 14231 for 2008 Salt Purchase:

Motion by Trustee Duda, 2nd by Trustee Greenwald to Authorize President to Execute Motor Fuel Tax Forms BLR 14230 & 14231 for 2008 Salt Purchase:

On a Roll Call Vote: Trustees Baudin, Connelly, Duda, Greenwald, McConnell and Robak all voted Aye, Motion carries.

Discussion Regarding Annexation of Route 31 Properties:

Administrator Smith stated that NASA had dropped their lawsuit against the Village. Administrator Smith then asked for direction. She stated that since we have started the process do we continue? We need to annex NASA in order to get the other properties. The Village Board agreed that we should annex NASA in order to annex the Route 31 properties.

11. Motion to Approve the Release of all Previous Executive Session Meeting Minutes with the Exception of the Following: (*February 3, 2005, November 20, 2007, June 17, 2008, August 19, 2008, September 23, 2008 & October 28, 2008*)

Motion by Trustee Baudin, 2nd by Trustee McConnell to Approve the Release of all Previous Executive Session Meeting Minutes with the Exception of the Following: (*February 3, 2005, November 20, 2007, June 17, 2008, August 19, 2008, September 23, 2008 & October 28, 2008*): **On a Roll Call Vote: Trustees Baudin, Connelly, Duda, Greenwald, McConnell and Robak all voted Aye, Motion carries.**

12. Motion to Approve the September 23, 2008 & October 28, 2008 Executive Session Meeting Minutes:

Motion by Trustee Baudin, 2nd by Trustee Duda to Approve the September 23, 2008 & October 28, 2008 Executive Session Meeting Minutes: **On a Roll Call Vote: Trustees Baudin, Connelly, Duda, Greenwald, McConnell and Robak all voted Aye, Motion carries.**

14. Adjournment: Motion was made by Trustee Baudin, 2nd by Trustee Duda to adjourn this Village Board Meeting at 10:19 PM. On a Roll Call Vote: Trustees Baudin, Connelly, Duda, Greenwald, McConnell and Robak all voted Aye, Motion carries.

Respectfully Submitted by: _____
Kim Minor, Village Clerk