

MINUTES OF THE SPECIAL MEETING
OF THE CORPORATE AUTHORITIES
OF THE VILLAGE OF CAMPTON HILLS
APRIL 22, 2008 6:30 P.M.
CAMPTON TOWNSHIP COMMUNITY CENTER
5N082 OLD LAFOX ROAD
CAMPTON HILLS, ILLINOIS

The special meeting of the President and Board of Trustees of the Village of Campton Hills was called to order by President Smith on Tuesday, April 22, 2008 at 6:39pm at the Campton Township Community Center, 5N082 Old LaFox Road, Village of Campton Hills, Kane County, Illinois.

Clerk Lambe called the roll.

Present in person at the roll call:

Trustee Bernard Bertsche

Trustee Charles Cappell

Trustee Jim Kopec

Trustee Albert Lenkaitis, Jr.

Absent at roll call:

Trustee Mike Millette

Trustee Roy Pollack

Also Present: Village Attorney Bill Braithwaite, thirty-two residents, six Kane County Representatives and two members of the press.

Pledge of Allegiance: President Smith led the recitation of the Pledge of Allegiance.

Evening Prairie Subdivision: President Smith introduced Paul Schuch, Director of Water Resources, Kane County. Mr. Schuch gave a presentation of the history of the Evening Prairie Subdivision.

Included in his presentation were the following:

- History and visual representation of the flooding in the area.
- History and visual representation of the development in the area.
- Visual of the saturated soils impacting homes and those homes that have septic fields impacted.

Christopher Burke, engineer from Christopher Burke Engineering, prepared the feasibility study based upon a 30-day concept level study to gather historic information and review of the topography. (His firm laid out three options that would maintain the water level at a not to exceed elevation of 926.5 feet.) The costs ranged from \$220,000 up to \$380,000.

Mr. Schuch offered a timeline to accomplish the necessary modifications this year. He is very concerned about drain tile system failure if the drainage is left in its current state. He outlined several action items prior to work beginning.

Public Comments: Related to Evening Prairie Subdivision and adjacent area stormwater drainage problem.

Jerry Kolacinski: He has been a resident since 1978. He feels that the area was designed poorly, it is a private pond, and the County allowed the building. The flooded pond is just a symptom. Most residents are willing to cooperate; it is when they have to write checks that it becomes a problem.

Lynn Verhaeghe: She gave the history going back 100 years or more.

Herb Gruen: The system that was dug prior to 1980 is a marginal system and is causing the tiles to break down.

Walter Slenn: Asked if the entire drain tile was failing. Response was yes, piece by piece. Asked what is the life cycle of a clay tile? Response was around 100 years if properly maintained.

Bruce Aderman: Asked President Smith regarding the funds received from culvert fees? Response was that those funds will be used if culverts require repair. Why does the County want to do this now? Response was they have been working on it, however once the Village came into existence the County no longer has jurisdiction.

Patricia Sleenn: Could the pond be dredged or deepened or enlarged in area? Will there be maintenance costs for roding and inspections in the future? Response, yes.

Greg Vamolaris: Should the subdivision have been built this way with everything draining into the pond?

Bruce Grabitt: The pond is private property and no one else in the subdivision is allowed to use it so those who own it should have to deal with the water issue. When he purchased his house three years ago he went to the County and asked if there were any water issues and was told there weren't any issues.

Tim Zilbrod: Stated he shouldn't have to pay for other peoples' problems.

Jerry Kieft: Asked if the County is planning ahead for development in the pond across the street?

Response, No. Based on presentations, why are there restrictors on the pipes; and can they be removed.

Are the right-of-ways or easements going to be increased? Response, yes they will need to be wider.

Gerry DiAgistino: She is trying to sell her home and may have to disclose this to a potential buyer since this is now a problem.

Carolyn Higgins: How do you maintain this system? Can drainage be run from the farm along Burlington Road? Response, this was an option explored, costly and there is a hill in the way.

Bill Stadelman: B&B walked away due to flooding issues, yet the County continued to allow the development. This shouldn't be a Village problem; it should be a homeowner problem.

John Hermess: If you are taking a 15 inch pipe and restricting it to an 8 inch pipe the pond becomes a retention pond and we are just performing a replacement while not improving.

President Smith requested Bill Braithwaite explain the difference between the two options of a Special Service Area and a Special Assessment.

Bill Braithwaite, Village Attorney, stated that the Village doesn't have to do this, but there is a real possibility that homes may be condemned if the problem is not addressed. There are currently three options available.

1. Special Service Area: This is the least expensive method. The Village can put documents in place and a majority of the owners and voters can block the Special Service Area. The Village can borrow money on behalf of residents at a lower interest rate than citizens can get currently or they could sell bonds to raise money. The residents will then be able to repay it over the next 10 years through their tax bills.
2. Special assessment: This process cannot be vetoed by the citizens and incurs very substantial addition expenses since it involves the court system.
3. Do nothing: According to the engineers present, the septic systems will fail. The County Health Department could condemn certain homes with failing septic or flooding conditions. Those property owners could take the rest of the neighbors to court.

Per Mr. Braithwaite, the next steps would be for the Board to pass a "proposing ordinance" in support of the Special Service Area. Notice would be sent to all the homeowners and they would have 60 days to stop it. If more than 50% of the owners and registered voters file the appropriate paperwork, this option is dead. If the majority doesn't object the process continues. Costs for this option are typically low as the Village can borrow through a bond or other means and spread the cost over 10 years at low interest rates. There would be a tax line item on the tax bills until the debt is paid. There are different options on how the financial responsibility is divided.

Jodie Wolnick, engineer for Kane County, reviewed a document with the residents that she prepared showing different methods of splitting the cost between the residents. Trustee Cappell asked about a maintenance fee. Ms. Wolnick explained that there would be an ongoing maintenance fee that would be recommended through the initial assessment or a supplementary one. It should be a relatively low figure but would be necessary, otherwise the investment could be lost if the system was not maintained properly. Trustee Cappell commented that he is sorry that this misfortune has come to the residents of Evening Prairie.

The Village needs to execute an Intergovernmental Agreement with the County and until this agreement is executed the County has no authority to proceed.

Barb Wojnicki, Kane County Board Representative commented that the County has done a great job.

A motion was made by Trustee Kopec and seconded by Trustee Bertsche to extend the meeting beyond the 9:30pm. The voice vote was unanimous except for a nay from Trustee Lenkaitis.

President Smith indicated that this issue will be continued to the May 6th meeting. The Board will be discussing the Intergovernmental Agreement with Kane County during the Committee of the Whole of the May 6th meeting.

On the order of President Smith the Special Meeting of the Board of Trustees was recessed at 9:30pm. A voice vote was unanimous. President Smith declared the meeting recessed.

On the order of President Smith the Special Meeting of the Board of Trustees was reconvened at 9:49pm. Clerk Lambe called the roll, Trustees Lenkaitis, aye; Kopec, aye; Millette, absent; Bertsche, aye; Cappell, aye, Pollack, absent. The President declared the meeting reconvened.

Consent Agenda: [By a single vote, called an omnibus vote, the Board may approve a number of unrelated items. There may be no discussion, but any Trustee may remove any one or more items from the Consent Agenda, whereupon that item goes on the agenda below].

- A. Approval of payment of bills per attached #08-23 Warrant List.
- B. Motion authorizing Village President to enter into a short-term lease agreement with Campton Properties, Inc. for space to conduct the Special Census. (*Rate is \$1,000/month with a one month minimum and thereafter week-by-week.*)
- C. Appointment of Trustee Jim Kopec as President Pro Tem.
- D. Consideration of Gustafson annexation petition; recommendation to remain tabled until June 3, 2008.

A motion was made by Trustee Lenkaitis and seconded by Trustee Bertsche to approve the consent agenda. Clerk Lambe called the roll, Trustees Lenkaitis, aye; Kopec, aye; Millette, absent; Bertsche, aye; Cappell, aye, Pollack, absent. The President declared the consent agenda approved.

Public Comments: For Items not on the Agenda -- Sign up sheets are at the rear of room. Please limit remarks to 3 minutes per person and please do not repeat topics previously discussed -- total time allotted is 30 minutes.

Bruce Aderman: Commented that he would like to see a new zoning classification that will protect our water recharge areas that would not have any development on them.

Carolyn Higgins: Requested that the ratification of the Deputy Village Clerk be postponed until she takes office next month.

Susan Secondi: Wanted to know why it is necessary to have a President Pro-Tem.

Motion relating to AT&T and right-of-way landscaping matters: Removed by the President.

Consideration of an Ordinance adopting an Amended and Restated Village Code: A motion was made by Trustee Lenkaitis and seconded by Trustee Cappell to adopt the ordinance adopting the Village Code as amended. Clerk Lambe called the roll, Trustees Lenkaitis, aye; Kopec, aye; Millette, absent; Bertsche, aye; Cappell, aye, Pollack, absent. The President declared the ordinance adopted.

Ratification of re-appointment of Deputy Village Clerk: Clerk Lambe reappointed William Beith as Deputy Village Clerk for a term from May 1, 2008 through April 30, 2009 subject to confirmation by the corporate authorities. A motion was made by Trustee Cappell and seconded by Trustee Bertsche to confirm the appointment of William Beith as Deputy Village Clerk for a second term. The voice vote was unanimous. The President declared the re-appointment ratified.

Trustee Millette entered meeting 10:16pm.

Consideration of Resolution approving an Intergovernmental Agreement with Campton Township Highway District for maintenance of Village roads located within the Plato Township Highway District for the 2009 fiscal year: A motion was made by Trustee Lenkaitis and seconded by Trustee Bertsche to allow the President to negotiate with the Campton Township Highway District and to enter into an Intergovernmental Agreement for maintenance of Village roads located within the Plato Township based on rates at or less than discussed by President Smith. Clerk Lambe called the roll, Trustees Lenkaitis,

aye; Kopec, aye; Millette, absent; Bertsche, aye; Cappell, aye, Pollack, absent. The President declared the resolution approved.

Additional Items from Village President, Trustees, and Staff:

President Smith discussed some road related issues with Trustee Millette.

President Smith indicated that the new member orientation will take place on April 29th at 6:30pm.

President Smith indicated that the Special Census will begin on April 29th. The space that has been rented needs to be cleaned out. Bill Beith is looking for volunteers. Please call Village Hall if you are available.

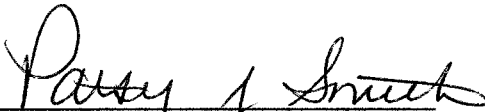
Millette motion second by Bertsche. Roll call all aye.

Closed Session: A motion was made by Trustee Millette and seconded by Trustee Bertsche that a portion of the meeting be closed to the public, effective immediately as permitted by 5 ILCS 120/2 (c)(11) to discuss litigation against, affecting, or on behalf of the Village which has been filed and is pending in a court or administrative tribunal or which is probable or imminent and compensation of specific employees of the Village. Clerk Lambe called the roll, Trustees Lenkaitis, aye; Kopec, aye; Millette, absent; Bertsche, aye; Cappell, aye, Pollack, absent. The President declared the meeting recessed to closed session at 10:48pm.

Return from Closed Session: On order of President Smith the meeting was returned to order at 11:38pm. Clerk Lambe called the roll, Trustees Cappell, aye; Kopec, aye; Lenkaitis, absent; Bertsche, absent; Millette, aye, Pollack, absent.

Action on Case 07 MCK017: A motion was made by Trustee Kopec and seconded by Trustee Cappell to authorize the Village Attorney to take appropriate action to allow disconnection of territory described on case 07 MCK017. Clerk Lambe called the roll, Trustees Cappell, aye; Kopec, aye; Lenkaitis, absent; Bertsche, absent; Millette, aye, Pollack, absent. President Smith declared the motion approved.

Adjournment: A motion was made by Trustee Kopec and seconded by Trustee Cappell to adjourn the meeting at 11:40pm. A voice vote was unanimous. The President declared the motion passed and the meeting adjourned.


Patsy J. Smith, President


Rebecca R. Lambe, Village Clerk

Approved by the Corporate Authorities on May 6^m, 2008.