

**CALL TO ORDER**

The Board of Trustees of the Village of Mundelein held an Executive Session on February 27, 2017 at 300 Plaza Circle, Mundelein to discuss litigation pursuant to 5 ILCS 120, Section 2 (c)(11). Mayor Lentz called the Executive Session to order at 7:34PM.

**Motion to convene the Executive Session**

<b>RESULT:</b>	<b>CARRIED [UNANIMOUS]</b>
<b>MOVER:</b>	Dawn Abernathy, Trustee
<b>SECONDER:</b>	Holly Kim, Trustee
<b>AYES:</b>	Norton, Rekus, Russell, Abernathy, Kim, Semple

**ATTENDANCE**

Clerk Timmerman took the roll. It indicated the following:

Board Attendance

PRESENT: Trustees Abernathy, Kim, Norton, Rekus, Russell and Semple; Mayor Lentz

ABSENT: None

Village Attendance

PRESENT: Assistant Administrator Flynn, Village Administrator Lobaito, Attorney LaLuzerne and Attorney Marino

**WELLINGTON PROPERTY UPDATE**

Administrator Lobaito reported that mediation regarding the Beller lawsuit took place today.

Attorney LaLuzerne provided a review of the Beller situation, reminding the Board that they had given authorization to offer up to \$200,000. He noted that he received an email from the Bellers' attorney in January requesting mediation and continuing with their demand for \$240,000. He detailed today's session with mediator Judge Dunn, at the end of which a tentative settlement agreement of \$200,000 was reached, with the Village paying closing costs and 2016-2017 taxes. This agreement is pending Board approval.

Trustee Semple questioned the Village paying taxes and inquired about the amount. Attorney LaLuzerne replied that the taxes will be approximately \$5300. He also explained the high costs of going to trial and an appeal if the Village lost, as well as the risk of setting a precedent for future lawsuits in not only Mundelein but also other municipalities. Attorney Marino interjected that he fully supports Attorney LaLuzerne's recommendation to settle. He cautioned the Board that a trial would be a long, costly undertaking and that the situation wouldn't end there, noting that there would still be flooding issues and a lawsuit for damages to the property. He averred that \$5300 in taxes in a small price to pay to be finished with the issue.

Trustee Rekus expressed frustration, stating that the Board could have agreed on \$200,000 earlier, but Attorney Marino reminded him that not all trustees were in favor of that at the time. He also provided a history of the difficult negotiations. Trustee Rekus also inquired about costs for demolition and the planned retention pond. Trustee Kim stated that it would be approximately \$150,000.

Trustee Semple asked if the Village has ever encountered a similar case and Attorney Marino confirmed that it is unique. Trustee Semple stressed that resisting was good as it shows that the Village doesn't just "roll over."

Trustee Rekus asked about bottom line costs and Attorney LaLuzerne replied that it will be \$200,000 for the purchase, \$2500 in closing costs and \$5300 for taxes, with the lawsuit being dismissed.

Trustee Russell expressed a desire to recoup costs by having a reclaimer go through the house to salvage/purchase items and materials before demolition. Attorney Marino confirmed that this will be possible since the settlement will be "as is," meaning nothing may be damaged or removed by the plaintiffs.


The Board reached a consensus to accept the settlement and bring a real estate contract to the March 13, 2017 regular Board meeting. Attorney LaLuzerne noted that the closing will be within 120 days to allow the Bellers to find a new residence (but could be sooner if they find accommodations quickly).

#### ADJOURNMENT

##### Motion to adjourn the Executive Session

<b>RESULT:</b>	<b>CARRIED [UNANIMOUS]</b>
<b>MOVER:</b>	Dakotah T. Norton, Trustee
<b>SECONDER:</b>	Dawn Abernathy, Trustee
<b>AYES:</b>	Norton, Rekus, Russell, Abernathy, Kim, Semple

The Executive Session was adjourned at 7:59PM.

  
\_\_\_\_\_  
Village Clerk