

CALL TO ORDER

The Village of Mundelein held an Executive Session on Monday, August 8, 2016. Mayor Lentz called the Executive Session to order at 9:22PM.

Motion to convene the Executive Session

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Dawn Abernathy, Trustee
SECONDER:	Holly Kim, Trustee
AYES:	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: Attorney LaLuzerne, Village Administrator Lobaito, Attorney Marino

101 WELLINGTON AVENUE UPDATE

Larry LaLuzerne reminded the Board of a previous unsuccessful meeting with the Bellers and their attorney. He reported that there now appears to be a chance of settlement, with the Bellers' attorney suggesting mediation and an updated appraisal since they claim there are houses for sale on Wellington Avenue for over \$200,000.

Attorney LaLuzerne provided an explanation of inverse condemnation, in which the Bellers try to force the Village to do Eminent Domain, claiming that lack of maintenance on the stormwater system caused the problem. He added that the judge agreed with the Bellers' allegations regarding a failure to maintain the stormwater system and therefore did not throw that complaint out. He stressed that the Village vigorously objects, stating that the system was aggressively monitored, cleaned and maintained. He also noted that every municipality deals with aging systems.

Administrator Lobaito stated that staff is trying to gauge the risk of going to trial, noting that an adverse ruling in circuit court would set a precedent for municipalities which would have to be appealed. He surmised that the Bellers' attorney has over-promised them and is now suggesting third party mediation as a way to gain control over the situation.

Trustee Rekus asked for financial information and Administrator Lobaito replied that the Village has offered \$175,000, with the Bellers now demanding \$240,000. Trustee Rekus expressed a desire to settle

this situation and asked what exactly the Village is fighting for at this point, wondering if it has become a case of "throwing good money after bad." Trustee Semple stressed that the goal is to avoid being "put over a barrel" by a resident who made a bad purchase. Attorney LaLuzerne explained the two-step trial process and possible orders by the judge.

Mayor Lentz inquired about staff's recommendation and Administrator Lobaito replied that it would be beneficial for the Bellers to hear from a third party regarding a reasonable settlement. Administrator Lobaito also sought out the Board's feeling on how long to continue dealing with this, asking if there is an appetite for just going to mediation and offering \$200,000 to bring things to a conclusion.

Trustees Kim and Rekus gave their support of offering \$200,000.

Trustee Russell stated that he will agree to \$200,000 to bring this to a close but does not like to see any residents taking advantage of other residents for their own benefit. He suggested skipping mediation and just offering a "take it or leave it" deal of \$200,000.

Trustee Abernathy refused to give her support of offering \$200,000, calling it a dangerous precedent.

Mayor Lentz sought and received a consensus to offer \$200,000.

WEST HAWLEY STREET PROJECT LAND ACQUISITION -- 4 WEST HAWLEY

Administrator Lobaito reminded the Board that Tim Grogan of Equibase Capital Group, LLC has offered \$425,000 for the property. He stated that Attorney LaLuzerne spoke with the owner's attorney regarding this offer, which was rejected. He added that it is quite clear the owner has no interest in talking to the Village about purchasing the property.

Attorney LaLuzerne provided information on money spent thus far for West Hawley Street project land acquisition on this property.

Administrator Lobaito stated that staff is now getting an updated appraisal on the property remaining after the parcel taken for the West Hawley Street improvement project. He reminded the Board that the previous appraisal was \$290,000 but new figures are showing \$315,000-\$325,000. He also informed the Board that staff has received confirmation that the entire property is inside the TIF district.

Administrator Lobaito then asked for the Board's recommendation on whether to make an offer to purchase and conduct good faith efforts to negotiate. He pointed out that the owner will most likely refuse, after which the Village would move forward with Eminent Domain.

Trustee Rekus asked for clarification on the Eminent Domain process and Administrator Lobaito provided this.

Attorney LaLuzerne touched on the perceptions of using Eminent Domain for development, as well as taking an entire property.

ADJOURNMENT

Motion to adjourn the Executive Session

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

The Executive Session was adjourned at 10:04PM.

Kathy Timmerman By Peter Vaidopoulos, Deputy Clerk
Village Clerk