

Minutes
Special Village Board Workshop
March 24, 2008
Room 301

Meeting: 7:00 p.m. – 8:04 p.m.

Executive Session: 7:40 p.m. – 8:04 p.m.

1. **Call to Order:** President Hase; Trustees Armstrong, Comerford, Ladesic, Norton and Thorsell.

Staff: Barrett, Batek, Caracci, Hulseberg and Norton.

Village Clerk Andrea Draths and Village Attorney Stewart Diamond were also present.

2. **Review of the March 24, 2008 Regular Village Board 8:00 p.m. Meeting Agenda:**

Item 7: Planning and Development Director Staci Hulseberg presented information regarding a special use permit for preliminary planned unit development plan, a special use permit for attached single-family dwellings, a preliminary plat of subdivision, a stormwater variation and the exterior appearance of a 7-unit townhouse development known as the **Duane Street Rowhouses to be located at 460-478 Duane Street**. Discussion ensued and Trustees urged the developer to complete thirteen current open projects in the Village. President Hase reminded the Village Board that the Comprehensive Plan's recommended usage for this area included multiple family dwellings and townhomes.

Trustee Ladesic stated he would not be voting in favor of this project and Trustee Armstrong said he would be recusing himself from this vote.

3. Finance Director Jon Batek presented the following background information to the Village Board regarding Susan and Joe Maude's **real estate transfer tax refund request**. The Maude's owned and occupied the property located at **696 Oak Street**. This property was sold around September 14, 2006 and related real estate transfer taxes totaling \$3,540 were paid at that time. The Maude's submitted a request for a refund of the taxes dated February 11, 2008, nearly 17 months after the tax was paid. Their refund was denied by staff and appeals were denied by the Acting Village Manager and President Hase.

Discussion ensued on the topic. The Maude's stated the Cashier's Office did not explain the one year timeframe required for a refund request. Acting Village Manager Barrett reminded the Village Board that the Cashier's Office deals with hundreds of transfer tax requests each year without incident. Attorney Diamond said this was an unusual situation and the ordinance language could be clarified as well as information added to the tax declaration form used regarding real estate transfer tax refunds. Director Batek mentioned the ordinance could remain "as is" and unusual situations could be handled administratively, as needed. It was the consensus

of the Village Board to grant the Maude's refund request and that Attorney Diamond would provide legal language regarding possible ordinance clarification for review by staff and the Village Board.

4. At 7:40 p.m. Trustee Norton moved and Trustee Thorsell seconded the motion to recess to **executive session** to discuss potential litigation. Upon roll call Trustees Norton, Thorsell, Armstrong, Comerford and Ladesic voted "Aye." Motion carried.

5. At 8:04 p.m. Trustee Comerford moved and Trustee Armstrong seconded the motion that the Village Board come out of executive session and the Special Village Board Workshop of March 24, 2008 be **adjourned**. All Trustees present voted "Aye." Motion carried.

Prepared by:

Andrea Draths
Village Clerk