

**SPECIAL VILLAGE BOARD OF TRUSTEES MEETING
SEPTEMBER 26, 2011**

**THE VILLAGE BOARD OF TRUSTEES OF CHERRY VALLEY,
ILLINOIS, WINNEBAGO AND BOONE COUNTIES, CONVENED IN
REGULAR SESSION ON THE 26th DAY OF SEPTEMBER 2011.**

**PRESIDENT JIM E. CLAEYSSSEN CALLED THE MEETING TO ORDER
AT 7:03 P.M. AND LED THE PLEDGE OF ALLEGIANCE. ROLL CALL
WAS TAKEN BY VILLAGE CLERK, NANCY L. BELT.**

Stephen Appell	Present	Scott Kramer	Present
Sally Hollembeak	Present	Gary Maitland	Absent
JoAnn Hudson	Present	David Schroeder	Present

Also present: Village Clerk, Nancy Belt; Attorney Jim Stevens
Guest: Robert F. Wiegert, Associate General Counsel; Schnuck Markets, Inc.

President Jim Claeysen entertained a motion to adopt the agenda.
Scott Kramer moved to adopt the agenda. Stephen Appell seconded. Motion
carried by voice vote.

President Jim Claeysen entertained a motion to approve the September 20, 2011
village board minutes. Sally Hollembeak moved to approve the September 20,
2011 village board minutes. Scott Kramer seconded. Motion carried by voice
vote.

PRESIDENT'S REPORT

President Jim Claeysen entertained a motion to approve the Class B & E license
to sell alcoholic liquor at retail to Schnuck Markets, Inc. Sally Hollembeak
moved to authorize President Jim Claeysen to sign Schnuck Markets, Inc.
application and permit to sell alcoholic liquor at retail. David Schroeder seconded.
A roll call vote was taken.

Stephen Appell	Aye	Scott Kramer	Aye
Sally Hollembeak	Aye	Gary Maitland	Absent
JoAnn Hudson	Aye	David Schroeder	Aye

Motion was voted on and carried.

President Jim Claeysen announced that Trustee, David Schroeder excused
himself at 7:06 pm. from the council table due to a conflict of interest in regards
to the I-39 special service area.

President Jim Claeysen stated that the next item on the agenda references
Maggio's properties and approving \$7,500.legal fees for the I-39 Project.
President Jim Claeysen stated that the Village of Cherry Valley, New Milford
and County of Winnebago have been asked by Maggio's legal council to each pay
a third of \$22,500.00 costs of Annexing Maggio's properties. The County of
Winnebago agrees to reimburse the \$7,500.00 through the bond issue.

Stephen Appell stated that he does not agree with approving the \$7,500.00, because he thinks the County of Winnebago should pay for all of Maggio’s legal fees up front and their reimbursement should be through the bond issue.

President Jim Claeysen said this \$7,500.00 allows Maggio’s legal council to define the agreement which informs all parties what Maggio’s sales tax dollars are. President Claeysen said that Maggio’s legal council will not begin negotiations with Cherry Valley, New Milford and Winnebago until they know their legal fees are covered. President Claeysen also said that the village will benefit when Maggio’s is annexed into the village.

JoAnn Hudson stated that the village board should receive some type of legal document defining the \$7,500.00 expenses. Attorney Jim Stevens said he will suggest to Maggio’s legal council to present the village with an engagement letter defining the legal expenses, and he will also convey to the County that the village will not pay the \$7,500.00 up front.

President Jim Claeysen said that he is under the impression, at this time, that it is the consensus of the village board that Winnebago County should pay for all of the Maggio fees, and be reimbursed by one-third (1/3) by the Village of Cherry Valley for its portion of the attorney’s fees provided that the project goes forward and is completed by the end of the year. Everyone agreed. President Jim Claeysen then directed Attorney Jim Stevens to send an email to Mr. Greg Cox Tuesday informing him of the board’s decision.

President Jim Claeysen entertained a motion to amend the agenda and remove Number 2 “Approval of legal fees for the I-39 Project (ref: Maggio’s Properties). Sally Hollembeak moved to remove item Number 2. Approval of legal fees for the I-39 Project (ref: Maggio’s Properties). Scott Kramer seconded. A roll call vote was taken.

Stephen Appell	Aye	Scott Kramer	Aye
Sally Hollembeak	Aye	Gary Maitland	Absent
JoAnn Hudson	Aye		

Motion was voted on and carried.

President Jim Claeysen acknowledged Trustee, David Schroeder returning to the council table at 7:24 pm.

President Jim Claeysen entertained a motion to adjourn at 7:24 pm. Sally Hollembeak moved to adjourn the special village board meeting. Stephen Appell seconded. Motion carried by voice vote.

Respectfully submitted by: Village Clerk, Nancy L. Belt
President Jim E. Claeysen approved the minutes on October 2, 2011