

**Village of Deer Park  
Regular Board Meeting  
January 15, 2001**

**1. CALL TO ORDER**

The regular meeting of the Village of Deer Park was held on Monday, January 15, 2001, at Charles Quentin Elementary School in the Village of Deer Park, Lake County, Illinois.

President Karl called the meeting to order at 8:09 p.m. Upon roll call the following were present: President Karl, Trustees Benjamin, Dowell, Gifford, Kizior, and Werch. Other officials present were Administrator Diesen-Dahl, Attorneys Scott Hargadon and Stacey Rubin Silver, Engineer Todd Gordon, Health Officer Natalie Karney, and Clerk Smith. Trustee Weeden was absent. President Karl declared a quorum.

Guests present were: Jamie Horban (Resident); Pat Plautz (Resident); and Tom Johnston (Barrington Courier-Review).

**2. AGENDA CHANGES AND ANNOUNCEMENTS**

President Karl noted that Resident Jamie Horban would be added to the agenda.

**3. CONSENT AGENDA**

Minutes from:

- A. Regular Meeting of the Board of Trustees dated 12/18/2000
- B. Public Hearing on the Enlargement of SSA #1 dated 12/18/2000
- C. Public Hearing on the Enlargement of SSA #4 dated 12/18/2000
- D. Zoning Board Meetings dated 12/11 and 12/18/2000
- E. Regular Plan Commission Meeting dated 1/9/2001

Trustee Werch indicated that the Minutes of the Regular Board Meeting of the Board of Trustees dated 12/18/2000 need to be corrected to accurately reflect the approved size of the soccer field at Vehe Farm. The corrected size should be stated as "not larger than 40 x 80 yards".

MOTION: by Gifford second by Dowell to accept the Consent Agenda as amended. Upon voice vote:

YES: (5)

NO: (0)

ABSENT: (1) Weeden

Motion Carried 5/0

**4. RESIDENT JAMIE HORBAN (SHELL OIL)**

Resident Jamie Horban described an incident involving the Shell Gas Station located in Deer Park. According to Ms. Horban, approximately one month prior, she and her mechanic feel that damage was done to her vehicle due to a tank of gas purchased at the Shell Oil station at the corner of Lake Cook and Rand Roads in Deer Park. Ms. Horban indicated that the car had very little gas left in the tank; after refilling the tank with gas the car became inoperable. Ms. Horban had the car towed to her mechanic for inspection and repair. Ms. Horban has been seeking to correspond with the owners and managers of the Shell station concerning reparations for the repair and towing costs (approximately \$400), but has not received any cooperation from Shell. Ms. Horban requested the Village lend assistance to her in any form possible.

The Board indicated that the Village could not interject itself in any way in a legal matter between a business located within the Village and a resident. Also, the Village Office has not received any other complaints concerning questionable gas from the Shell station.

Attorney Hargadon indicated that the correspondence from Ms. Horban should most likely be sent via Certified Mail to the Regional Headquarters in Oakbrook. Also, the Village Office has the Registered Agent on file. The Board requested that Ms. Horban forward a copy of any correspondence for Village records.

## **5. HEALTH OFFICER'S REPORT**

Residents at 20288 Wallingford have reported a strong septic smell, and requested Ms. Karney's assistance in determining the problem. Ms. Karney inspected for illegal connections, none were found. It is the opinion of Ms. Karney that the homeowners may be hooked up to the storm sewers. Also, the catch basins have a buildup of debris which is stirred up when the sump pumps are activated. Ms. Karney recommends that the Village contract with the Village of Lake Zurich to clean and haul away the debris from the catch basins.

MOTION: By Benjamin second by Kizior to approve an expenditure not to exceed \$600 for cleaning the catch basins near 20288 Wallingford. Upon roll call:

YES: (5) Benjamin, Dowell, Gifford, Kizior, Werch

NO: (0)

ABSENT: (1) Weeden

Motion Carried 5/0

## **6. ENGINEER'S REPORT**

### **A. Final Pay Request-Peter Baker**

MOTION: by Kizior second by Gifford to pay Peter Baker the final installment for 2000 Street Maintenance in the amount of \$11,570.63. Upon roll call:

YES: (5) Benjamin, Dowell, Gifford, Kizior, Werch

NO: (0)

ABSENT: (1) Weeden

Motion Carried 5/0

### **B. Vehe Farm Traffic Study**

May be a need for additional activity associated with the entrance to the Farm to reduce foliage (and increase sight lines), provide land for Lake County to widen the turn, and possible left and/or right turn (still under Lake County review).

## **7. FROM THE ATTORNEY'S OFFICE**

### **A. Road Improvement Projects**

The Village is ready to move forward with the majority of the roadwork required as part of the Triangle improvements. Engineering firms have been unable, due to workload, to proceed. The developers, as Construction Managers, approached Manhard Construction and Civiltech to handle the road engineering. Manhard Construction is unable to handle the engineering at this time. Civiltech has agreed to continue handling the Quentin and Lake Cook engineering; this leaves Plum Grove Road and Rand engineering to be done. Gewalt Hamilton, Village Review Engineers, has agreed to do the engineering on behalf of the developers.

Three proposals for approval:

1. Gewalt Hamilton – Plum Grove Road
2. Gewalt Hamilton – Rand Road Improvements
3. Civiltech – Lake Cook and Quentin

All work is to be paid out of SSA funding. The Village does not incur any liability for these costs under the agreements.

MOTION: by Gifford second by Kizior to approve submitted engineering fee estimates for Plum Grove, Rand, Lake Cook and Quentin Road improvements from Gewalt Hamilton and Civiltech. Upon roll call:

YES: (5) Benjamin, Dowell, Gifford, Kizior, Werch

NO: (0)

ABSENT: (1) Weeden

Motion Carried 5/0

MOTION: by Dowell second by Gifford to authorize President Karl to send letters to IDOT informing of above Village approvals. Upon voice vote:

YES: (5)

NO: (0)

ABSENT: (1) Weeden

Motion Carried 5/0

MOTION: by Gifford second by Benjamin to approve a second amendment to the Construction Management Agreement allowing the Village to execute the above approvals and contracts. Upon roll call:

YES: (5) Benjamin, Dowell, Gifford, Kizior, Werch

NO: (0)

ABSENT: (1) Weeden

Motion Carried 5/0

The goal of negotiations has been to get the Lake Cook and Quentin Road improvements in this year. This has not been possible due to the lag in completing intergovernmental agreements required. Rand and Plum Grove will likely begin and be completed this year. Lake Cook and Quentin will likely be let in September or October. Engineering issues are left to be resolved prior to further movement on these improvements.

B. Ordinance 01-1: Fences

This ordinance is an amendment to the municipal code approved previously.

MOTION: by Benjamin second by Kizior to approve Ordinance 01-1, an ordinance concerning fences. Upon roll call:

YES: (5) Benjamin, Dowell, Gifford, Kizior, Werch

NO: (0)

ABSENT: (1) Weeden

Motion Carried 5/0

C. Ordinance 01-2: Sheds

This ordinance is an amendment to the municipal code approved previously.

MOTION: by Gifford second by Dowell to approve Ordinance 01-2, an ordinance concerning sheds. Upon roll call:

YES: (5) Benjamin, Dowell, Gifford, Kizior, Werch

NO: (0)

ABSENT: (1) Weeden

Motion Carried 5/0

D. Ordinance 01-3: Annexation of Calkins Property

This ordinance annexes the Calkins Property.

MOTION: by Werch second by Gifford to approve Ordinance 01-3, an annexation ordinance for the Calkins Property as described therein, subject to correction of the plat. Upon roll call:

YES: (5) Benjamin, Dowell, Gifford, Kizior, Werch

NO: (0)

ABSENT: (1) Weeden

Motion Carried 5/0

E. Ordinance 01-4: Telecommunications Ordinance

Current ordinance required for the State. This Infrastructure Maintenance Fee Ordinance places a tax on the provider, not only retailers, of telecommunication services.

MOTION: by Werch second by Benjamin to approve Ordinance 01-4, a telecommunications ordinance amending the municipal code to cover municipal telecommunications infrastructure fees. Upon roll call:

YES: (4) Benjamin, Dowell, Gifford, Werch

NO: (0)

ABSENT: (1) Weeden

RECUSED: (1) Kizior

Motion Carried 4/0

F. Ordinances 01-5, 01-6, 01-7: Ordinances Proposing SSA's #5, 6, 7

Proposing new SSA's to cover the Motorola property additions to correct for property added. Allows for additional \$6.7 Million in bonds on project scope described therein.

MOTION: by Werch second by Gifford to approve Ordinance 01-5, an ordinance establishing SSA #5 in the Village of Deer Park. Upon roll call:

YES: (5) Benjamin, Dowell, Gifford, Kizior, Werch

NO: (0)

ABSENT: (1) Weeden

Motion Carried 5/0

MOTION: by Werch second by Gifford to approve Ordinance 01-6, an ordinance establishing SSA #6 in the Village of Deer Park. Upon roll call:

YES: (5) Benjamin, Dowell, Gifford, Kizior, Werch

NO: (0)

ABSENT: (1) Weeden

Motion Carried 5/0

MOTION: by Werch second by Benjamin to approve Ordinance 01-7, an ordinance establishing SSA #7 in the Village of Deer Park. Upon roll call:

YES: (5) Benjamin, Dowell, Gifford, Kizior, Werch

NO: (0)

ABSENT: (1) Weeden

Motion Carried 5/0

#### G. Inspection Fees for Sewers

Engineer Gordon confirms that the \$200 inspection fee for sewers is appropriate.

#### H. Ordinance 01-8: An Agreement to Provide for the Recapture of Costs of Certain Plum Grove Road Improvements.

Pursuant to the annexation agreement the Village entered into with Motorola, Motorola is responsible for paying for all Plum Grove Road improvements and attendant improvements from Rand Road on the north to Lake Cook road on the south. In exchange, Motorola negotiated that any parcels benefited from these improvements would contribute to the cost of the improvement. As defined by the annexation agreement, a parcel would benefit from these improvements if direct access to Plum Grove Road was provided by the improvements. The formula for contribution per parcel is defined in the annexation agreement (traffic generated by the parcel / traffic generated by Motorola).

All costs associated with the agreement and execution thereof are to be paid for by Motorola, or paid out of the Recapture.

MOTION: by Gifford second by Dowell to approve an ordinance providing for the execution of the Recapture Agreement with Motorola to be placed upon certain properties as shown on the map in the agreement. Upon roll call:

YES: (5) Benjamin, Dowell, Gifford, Kizior, Werch

NO: (0)

ABSENT: (1) Weeden

Motion Carried 5/0

### **8. COPIER**

MOTION: By Dowell second by Benjamin to authorize the purchase of a copier from Des Plaines Office Equipment for \$4,589 with the maintenance agreement. Upon roll call:

YES: (5) Benjamin, Dowell, Gifford, Kizior, Werch

NO: (0)

ABSENT: (1) Weeden

Motion Carried 5/0

### **9. REPORTS FROM THE PRESIDENT, TRUSTEES, ADMINISTRATOR AND ATTORNEY**

#### A. Trustee Dowell

A revised budget will be presented next month; the budget for 2001 will be presented in April.

#### B. Trustee Gifford

The Building Review Board met last month to approve materials and landscaping plans for Max & Erma's and Stoney River Steakhouse. Seating areas in the front of these restaurants have been included in the final plans. Expected 6 month construction period; will be filing for permits in 30 – 60 days. The committee also approved a small office that will include Mike Singletary's Motivational Training Center.

Attorney Hargadon noted that the Building Review Board has been able to achieve significant results with developers; the Trustees expressed appreciation for the work of the BRB.

#### C. Trustee Benjamin

A letter has been sent from Bill Holmes to the homeowner in violation of the fence ordinance on Lake Cook Road. Administrator Diesen-Dahl will follow up.

D. Administrator Diesen-Dahl

1. Building Permit Report-Due to the May hail storm, there was a large increase in building permits over last year.
2. Questions concerning the sewer billing are coming to the office (bills have been sent, but sewer service is not yet being provided). Per Attorney Hargadon and President Karl, refer questions to Attorney Pugliese.

E. Clerk Smith

Members of the Board of Trustees should be aware that they will be invited to the Expo Design Center in Aurora 1/25/01. This is a potential tenant in the Deer Park Town Center; possibly to come before the Board in February. The Aurora store is on Route 59 south of I-88.

F. Attorney Hargadon

Attorney Hargadon indicated that there will be no increase in fees requested for the upcoming year.

G. Trustee Werch

1. Requested that the Board consider an ordinance which would provide health inspections of restaurants above and beyond Lake County. Attorney Hargadon indicated that there may be an issue with jurisdiction; he will review this issue and report next month.
2. Vehe Farm report:
  - a. Engineer Gordon has been working with the Foundation as many issues now hinge on engineering, particularly wetlands locations. Gewalt Hamilton will bill at a special rate for the nonprofit entity.
  - b. 501©3 form has now been submitted.
  - c. No wetlands delineation report received yet.
  - d. Jim Peterson's firm has completed drawings of all potential spaces in the barn; to be presented next month.
  - e. At the recommendation of the Attorney, the final version of the bylaws stipulates that the Village of Deer Park will maintain at least 2 Trustees on the Vehe Foundation.
  - f. Relationship between the Foundation and the Village has been clarified: only the Village can build, modify, or construct on the property; the Foundation can research, recommend, and manage any of the above.
3. Board consensus to loan to the Vehe Farm Foundation for Foundation use the laser printer not currently in use (originally provided for Treasurer Hughe's home for Village business use), with the provision that the Foundation would return the printer to the Village Office in the event the printer in the office were to need repair.
4. Village Web Site-need to review the costs and determine if the Village desires to maintain a web site.

H. Trustee Kizior

1. Resident request for guard rail on Meadow Lane near the lake. Administrator Diesen-Dahl confirmed reports that cars have gone into the lake. Board requested Trustee Kizior investigate and return with a proposal next month.
2. Snowplowing:
  - a. Trustee Kizior extended thanks to Administrator Diesen-Dahl for fielding calls concerning snowplowing.
  - b. President Karl noted that the Village has received positive calls concerning the snow plowing.
  - c. Charlie Brown Park needs to be added to the contract as there is now a dropoff box for the Barrington Library at the park.
  - d. Deer Park Blvd.-raised sewers make plowing difficult; the Town Center Management is concerned about the plowing.
  - e. Board requested that Visionscape check sand/salt mix for appropriate mix for forecasted weather to minimize road maintenance, foliage, and water impact.
  - f. Trustee Kizior plans to set new performance specifications as an addendum to the new contract for next season.

I. President Karl

1. Route 12 Corridor Group meeting is scheduled for Saturday 1/20/01 at 8:00 a.m.

2. Previously the Board had expressed interest in a bike trail from Ela/Cuba Marsh to Vehe Farm/Middle School South. Engineer Gordon to research costs and grant opportunities with Attorney Stacey Rubin Silver and Planner Kon Savoy.

#### **10. TREASURER'S REPORT**

MOTION: By Gifford second by Dowell to approve the Treasurer's Report dated 12/31/00. Upon voice vote:

YES: (5)

NO: (0)

ABSENT: (1) Weeden

Motion Carried 5/0

#### **11. CASH DISBURSEMENTS**

Addition to Cash Disbursements: check to US Treasury for Determination Letter for tax exempt status for the Vehe Farm Foundation in the amount of \$150. New total for Cash Disbursements \$259,189.68

MOTION: By Dowell second by Gifford to approve the Cash Disbursements dated 1/15/01, as amended, in the amount of \$259,189.68. Upon roll call:

YES: (5) Benjamin, Dowell, Gifford, Kizior, Werch

NO: (0)

ABSENT: (1) Weeden

Motion Carried 5/0

President Karl noted that Hamilton/Plote and Poag & McEwen Developers are in arrears. Both have been notified. Building Permit reviews will be halted, and these developers will not be placed on the agenda for Village business until current.

#### **12. ADJOURNMENT**

MOTION: by Benjamin second by Gifford to adjourn the meeting. Upon voice vote:

YES: (5)

NO: (0)

ABSENT: (1) Weeden

Motion carried 5/0

The meeting adjourned at 9:50 p.m.

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Richard C. Karl  
Village President

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Sandra R. Smith  
Village Clerk