

1. CALL TO ORDER

The regular meeting of the Village of Deer Park was held on Monday, April 23, 2001, at Charles Quentin Elementary School in the Village of Deer Park, Lake County, Illinois.

President Karl called the meeting to order at 8:06 p.m. Upon roll call the following were present: President Karl, Trustees Benjamin, Dowell, Gifford, Kizior, Weeden, and Werch. Other officials present were Administrator Diesen-Dahl, Attorney Scott Hargadon, Engineer Todd Gordon, Zoning and Building Inspector Bill Holmes, and Clerk Smith. President Karl declared a quorum.

Guests present were: Scott Richmond (Noodles & Company); Bill Adelizzi (Squires Resident); Chris Lajiness (224 Rue Jardin); Kim and George Welch (225 Rue Jardin); Aileen McKellar (Old Farm Road Resident); Monique Sievzputowski (Resident-Green Forest Lake Estates); Barbara Vojack (516 Rue Orleanis); Garrett Vojack (516 Rue Orleanis); Stephen Hegarty (501 Rue Royale); Michael E. Richardson (Bright Horizons); Robert J. Best (Bell, Boyd & Lloyd/Bright Horizons); Jeff Misak (23966 Lancaster Ct.); John J. Haines (23975 Lancaster Ct.); Stefan & Irene Gomboc (131 Rue Touraine); Bill Plautz (21978 Old Farm Rd.); Jo Distel (215 Rue Touraine); Carrie Griekker (219 Rue Touraine); Joseph Groeller (219 Rue Touraine); Lee & Greg Pionke (216 Rue Jardin); Lisa Latona (204 Rue Jardin); Pat Ekstrom (511 Rue Royale); Paul Sanborn (512 Rue Royale); Patricia Sayre (510 Ct. Touraine); John Czaja (515 Rue Royale); Mary Lahr (201 Rue Touraine); Susan Smithe (515 Ct. Touraine); Martin Jackson (521 Ct. Touraine); Pearl Zarazinski (135 Rue Touraine); Dan Csaki (139 Rue Touraine); Trena & Alan Goldberg (221 Rue Jardin); Howard Thrun (21288 Bobwhite); Sharnell Jackson (521 Ct. Touraine); Sherry Lajiness (224 Rue Jardin); Robert Casden (220 Rue Jardin); Marietta Breden (209 Rue Touraine).

2. AGENDA CHANGES AND ANNOUNCEMENTS

Residents present concerning Quentin Road improvements were added to the agenda following the Bright Horizons discussion (item #5).

CONSENT AGENDA

Minutes from:

- A. Board of Trustees Regular Meeting held March 19, 2001
- B. Regular Plan Commission Meeting held April 3, 2001

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

YES: (6)

NO: (0)

ABSENT: (0)

Motion Carried 6/0

3. VILLAGE ENGINEER'S REPORT

A. Street Sweeping

Three proposals for street sweeping have been received. Low bidder was Elgin Sweeping, Inc.; this is the same company used last year.

MOTION: by Kizior second by Gifford to approve Elgin Sweeping, Inc. to sweep the streets with curbs one time in the spring. Upon roll call:

YES: (6) Benjamin, Dowell, Gifford, Kizior, Weeden, Werch

NO: (0)

ABSENT: (0)

Motion Carried 6/0

B. Lancaster Pond

Recurring problem; Board authorized maintenance last month. Flow analysis indicates that a blockage exists due to tree roots. Engineer Gordon recommends replacing the existing 15'

outflow pipe; cost is estimated at \$13,000 – 15,000. It would be possible to install a liner in the existing pipe, which may cause less disruption to the homeowners. Either solution would have the same life expectancy, but the liner may cost more as it would need to run the whole length of the existing pipe.

Final cost estimates for both alternatives to be available for the May Board meeting.

C. 2001 Streets Program

Engineer Gordon has reviewed the Village roadways and developed a list of recommendations as outlined in his memo dated April 23, 2001. Engineer Gordon indicated that the Board may wish to consider development of a 5-year program for street maintenance.

Trustee Werch recommended that flooding and drainage problems on the recommended streets be corrected prior to undertaking this work.

Road performance bonds should protect the Village in case damage is incurred to the new roadways by development of lots.

Motion: by Benjamin second by Kizior to authorize Engineer Gordon to proceed with the bidding process for the 2001 Roadway program-Crack Resurfacing as outlined in the Gewalt Hamilton memo dated April 23, 2001. Upon roll call vote:

YES: (6) Benjamin, Dowell, Gifford, Kizior, Weeden, Werch

NO: (0)

ABSENT: (0)

Motion Carried 6/0

MOTION: by Kizior second by Benjamin to bid out the first four items on the recommended street maintenance list outlined in the April 23, 2001 Gewalt Hamilton memo, as well as a 5th item (Ferndale Road), for consideration at the May meeting. Upon roll call vote:

YES: (6) Benjamin, Dowell, Gifford, Kizior, Weeden, Werch

NO: (0)

ABSENT: (0)

Motion Carried 6/0

D. LZRFPD

For information only—the MWRD fee the Village is required to pay on a portion of the LZRFPD property is now due.

4. RESIDENT REQUESTS FOR MAINTENANCE OF VILLAGE LOTS

A. Green Forest Lake Estates

Resident Monique Sierzputowski of Green Forest Lake Estates appeared before the Board to request that Village property at 22020 Old Farm Road be developed into a park. There is not currently a homeowners' association for this area.

Trustee Benjamin indicated that the Village has traditionally tended to develop larger lots (this parcel is one acre) to increase usability to the Village. This lot does not have parking, and is an unbuildable outlot. Currently the lot is mowed approximately 2 times per year. Board concurred that the Village should maintain the lot, and prohibit dumping.

President Karl recommended a "passive park use"—evening out the land, using fine cut mowers, slit seeding, etc. Board concurred. Ms. Sierzputowski to work with Trustee Benjamin.

Resident Pat Plautz informed the Board that the landscape service she uses has cleaned up the street side of the lot; Ms. Plautz has performed a spring cleanup the last three years, after

75% of the homeowners in the area voted not to create a place where kids might congregate due to the ponds' proximity across the street.

Due to conflicting information, the Board requested that the homeowners be polled for consensus on their desires, and appear before the Board prior to proceeding with work on this lot.

B. Squires Subdivision

Resident Howard Thrun, representing the Squires Subdivision of 57 homeowners, was present to request that the Village share in maintenance of Village owned lots currently being maintained at the expense of the homeowners. The Squires subdivision does have a voluntary homeowners association which assesses \$75 annual fee. In 2000, the Association spent \$1500 for algae control of the pond, and \$955 for clean-up of common Village-owned areas (edging, trimming, mulching). Currently the budget for the Squires is used up mostly for maintenance of common areas; Mr. Thrun noted that the Subdivision had to drop plans for improving the entrance to the Subdivision due to lack of funds. Residents are requesting funds for areas which are easily accessible to the public.

Board members noted that the Village participation in Dover Pond Subdivision maintenance costs (at 50%) are a precedent for this request. Issues affecting this request include the possibility of creating a precedent for applications to ponds throughout the Village and the need for the Village to maintain its' properties in an ecological manner as the financial situation allows. Trustee Benjamin also noted that a side issue has to do with a large previously "landlocked" area with no access. The creation of a new subdivision next to this area might allow for development of a new park area, as this parcel is approximately 5 acres in size.

Mr. Thrun is to work with Trustee Benjamin and Applied Ecological Services for evaluation of services needed in maintenance of the pond.

MOTION: by Benjamin second by Kizior to authorize the expenditure of \$475 (50% of \$955) for maintenance of common areas in the Squires subdivision owned by the Village. Upon roll call vote:

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

NO: (0)

ABSENT: (0)

RECUSED: (1) Werch (Squires resident)

Motion Carried 5/0

5. BRIGHT HORIZONS

Attorney Scott Hargadon noted that Bright Horizons has petitioned the Village to amend the Hamilton Partners PUD special use ordinance to allow a daycare center. Bright Horizons is seeking approval of amendment to the Hamilton Partners Special Use Ordinance to allow a daycare center, and final special use approval for Bright Horizons. A Public Hearing was held at the Plan Commission for which notice was given. A draft ordinance was presented tonight—note Exhibit A from Plan Commission Chair Howard Thrun granting approval and conditions thereof. Board members also received a memo from Village Planner Kon Savoy regarding approval of this proposal.

Bob Best of Bell, Boyd and Lloyd—representing Bright Horizons—indicated that the following changes had been made to the proposal based on feedback from the Plan Commission at the 3/19 meeting:

A. Change in color of mechanicals for screening

B. Change in configuration of the traffic diverter to eliminate the perception of two lanes at the exit.

Village Engineer Todd Gordon has reviewed the plans and found that they are compliant with access for emergency vehicles (mountable median). Attorney Hargadon directed the Boards' attention to exhibits to Ordinance 01-18 illustrating turning lanes.

BOARD COMMENTS-BRIGHT HORIZONS

This proposal has come before the Building Review Board, the Plan Commission (two times), and the Board of Trustees (tonight is the second appearance before the Board).

All conditions of the Plan Commission as set forth in the memo from Chairman Howard Thrun have been met.

MOTION: by Dowell second by Kizior to grant preliminary approval of both the amendment to the Hamilton Partners Special Use Ordinance to permit a daycare center use, and also Bright Horizons special use for the property with respect to the site plan and other exhibits attached to the proposed ordinance. Upon roll call vote:

:

YES: (6) Benjamin, Dowell, Gifford, Kizior, Weeden, Werch

NO: (0)

ABSENT: (0)

Motion Carried 6/0

Attorney Hargadon corrected statements made at the 4/3/2001 Plan Commission meeting. Irrigation for the site is to be from a well per the Hamilton Partners agreement with Palatine; irrigation for the Deer Park Town Center is from retention ponds. Hamilton Partners has received approval from Lake County for this well. This provision will be covered by a master declaration for all users in the Hamilton Park.

Attorney Best indicated that Bright Horizons would seek final engineering approval for their plans, and appear before the Board in May.

6. RESIDENT COMMENTS

Rue Vallee resident Alan Goldberg (221 Rue Jardin)—a resident of Deer Park for 23 years—indicated that a number of members of the public present wished to address the widening of Quentin Road and rumors that Rue Vallee might become a thoroughfare for commercial traffic leaving the Center.

President Karl stated that the intent of the Board is to prevent commercial or cut-through traffic; how to control the traffic is the question. President Karl noted that, as an SRA (Strategic Regional Arterial), there are plans to widen Quentin Road both to the north and to the south of Deer Park.

Attorney Hargadon indicated that both he and the Village Engineer had attended many planning meetings with respect to the roads in the area of Deer Park. At the intersection of Lake Cook and Quentin, the jurisdiction of Cook County (to the south), the Illinois Dept. of Transportation (from the east and the west), and Lake County (to the north) come together. The Village is akin to a spectator to the agencies who have the jurisdiction over these roads. Improvements have been approved from south of the Lake Cook interchange, tapering to the Forest Preserve south of Lake Cook Road to a point 250' north of Field Drive. The portions north (between Rand and Lake Cook) are being required by the Lake County Department of Transportation. The Village has been told that these are prerequisites to any improvements the Village wishes to make in the area because of the new developments—largely Hamilton Partners, the proposed Village parks to the north of Field Drive, as well as some other traffic flow in the area. Cook County seems to have every intention, in the opinion of Attorney Hargadon, of extending Quentin Road to four lanes south from Lake Cook Road to Dundee Road in the next five years.

Mr. Goldberg inquired as to the future plans for Lake Cook Road from Quentin Road into downtown Barrington. Attorney Hargadon indicated that there are not currently plans to expand this section of the road, though the State is interested in eventually expanding. President Karl added that neither the Village of Barrington nor the Village of Deer Park are currently interested in widening Lake Cook beyond Quentin Road at this time.

Mr. Goldberg further inquired as to the traffic flow for traffic exiting the Town Center from the western end—the artery planned to take the traffic away from the residential end. Attorney Hargadon noted that the Traffic Distribution Analysis from the shopping center has indicated that the traffic going west is a small part of the traffic—the majority of which will be coming from the east and the south. According to the Village Traffic Engineer retained by the Village, the improvements to the intersection of Quentin and Lake Cook would probably avoid cut-through traffic (to the residential areas). President Karl noted that the roads within the residential areas are controlled by the Village, allowing the Village jurisdiction and giving the Village the ability to evaluate what, if any, conditions have changed and act accordingly.

Resident Mary Lahr of Rue Vallee requested Attorney Hargadon clarify whether Lake County was requiring line-up of Field Parkway and Rue Royale. Attorney Hargadon indicated that this was a condition of Lake County during the planning process for the Triangle. Ms. Lahr informed the Board that Dusty Powell of Lake County Transportation told Ms. Lahr that Lake County was not consulted before this was laid out. Mr. Powell also said that they did not want any connector/feeder roads out of the development to come on to Quentin Road; Lake County (according to Mr. Powell) had enough ingress/egress off of Lake Cook, Route 12, and Long Grove Road. Ms. Lahr indicated that Mr. Powell told her that Lake County told the Village that the one place Lake County did not want such a road to come out would be at Rue Royale, as it would make for a dangerous intersection. First choice for Lake County would be north of Rue Royale to serve the north end of the development; second choice would be south of Rue Royale.

Attorney Hargadon stated that Village Traffic Planners told the Village that it was very important to have a secondary outlet for the land uses within the Triangle to avoid exacerbating traffic problems on Rand Road. Also, the Village was interested in getting the fire station built on the west side of the Triangle where the Fire Protection District owned land. Because of grades, wetlands, and numerous other developmental issues that Mr. Powell was not apprised of, the initial plan just described by Ms. Lahr was unworkable. Additionally, the Fire District wanted to have an access not directly onto Quentin Road, as that would be dangerous. As a result, the best layout for traffic flow indicated the East-West road (Field Drive) should empty out on to Quentin. When the Village decided to have Field Drive connect with Quentin Road, Lake County required that the roads match up.

Ms. Lahr expressed her dislike for the design of the fire station. Also, Ms. Lahr indicated that Motorola Human Resource representatives that projections for personnel at the Motorola site have 63% of anticipated employees live south and west of the development. This would suggest that these cars will exit Field Parkway into Rue Vallee.

President Karl suggested that the best solution is to determine what type of traffic will use this area as a cutoff. Recommends evaluation as the traffic volumes increase, and to work now in a proactive manner with the Village Traffic Consultants (KLOA) to determine preventative measures which could be used to avoid cut through traffic from occurring.

Ms. Lahr indicated that Lake County informed her that, if Field Parkway is not completed through to Quentin, neither Quentin Road nor Rue Royale would be widened. Ms. Lahr requested that the Village not complete the extension of Field Parkway to Quentin.

Trustee Werch noted that, without the extension of Field Parkway, the Fire Department would not have access to Quentin. Ms. Lahr expressed the opinion that the Fire Station was to service Motorola and the Hamilton Development. Board members disagree with Ms. Lahr's interpretation.

Attorney Hargadon informed Ms. Lahr that the property known as the Dahm property already has legal access to Quentin. As a result, when a developer acquires this property, Attorney Hargadon feels that the County will then require the widening of Quentin across that property as well. Ultimately, this will lead to improving Quentin without Lake County having to pay for the improvements through jurisdictional control of access points.

Ms. Lahr opinioned that, if there is access to the Dahm property, having another access point approximately 500 feet south at Rue Royale dangerous and unnecessary. Also, Ms. Lahr praised Mr.

Powell and Lake County representatives for responsiveness to her inquiries, while noting that she felt the Village has been unresponsive.

Resident Jack Hansen requested clarification on whether or not the Fire Department wanted direct access to Quentin. President Karl indicated that a feeder road onto Quentin with a light the Fire Department would control would provide the safest access for the Fire Department. Further, the Village fought hard to get this Fire Station for service to the Village.

Mr. Hansen expressed concern over a "wait and see" approach. Currently people use Rue Royale to turn around looking for the path of least resistance for traffic congestion. Waiting until Field Parkway opens up would only worsen the problem.

Mr. Hansen questioned whether or not there had been any discussions concerning opening up Rue Royale wider than it is now beyond the intersection. President Karl indicated (and Village Engineer Todd Gordon concurred) that there were plans to taper the entrance to Rue Royale.

Resident Dan Csaki (139 Rue Touraine) described problems he has currently with vehicles using his driveway for turnarounds. Mr. Csaki expressed the opinion that drivers would not pay attention to simple signs posted restricting traffic through Rue Valle, and his belief that a "wait and see" approach would cause harm to himself and the neighborhood which could not be repaired. Mr. Csaki also requested more details on the widening, or tapering, of the entrance to the subdivision at Rue Royale.

Engineer Todd Gordon described the tapering as an effort to match turning movements in each direction. Specific engineering details were not available.

Mr. Csaki asked when this information would be available, noting that surveyors' stakes were placed at the site, and curbs are already built across the street. Mr. Csaki further expressed the opinion that the Village was acting to satisfy the developers with no regard for the residents of Rue Vallee.

President Karl asked Engineer Gordon which entity was requiring the configuration of the intersection. Engineer Gordon confirmed that Lake County is requiring the tapering of the entrance; once the road meets Quentin Road, it is under the jurisdiction of Lake County.

Resident Lisa Latona expressed concern over safety issues, especially the safety of children in the subdivision.

President Karl stressed that other Villages have dealt successfully with similar issues and have found solutions, such as cul de sacs, etc.

Resident Garrett Vojack asked if the Village Board was aware of the need to widen Rue Royale at the time of approval of Field Parkway. The Village either approved something that they did not have enough information to approve, or now that they have approved the road, the Village should be able to act proactively to improve the situation. Mr. Vojack said that he asked about this feeder road several times in previous meetings, and was never provided information about widening Rue Royale or possible condemnation of land.

Trustee Benjamin asked about condemnation proceedings and the possibility of the need for condemnation. Attorney Scott Hargadon noted that the requirements by the County for the turning radii on the west side of Quentin would require additional right of way at Rue Vallee. The County is requiring the Village to acquire additional right of way from the existing homeowners on the north and the south sides of the street.

Mrs. Lahr clarified that the Village would be condemning the land, not the County. Trustee Benjamin inquired as to how the County could force the Village to taper (widen the intersection) and then to condemn the land. Attorney Hargadon indicated that every single road improvement is an integrated package in this intergovernmental deal between the State of Illinois, Cook County, Lake County, and (to a lesser extent) the Village of Deer Park. There is a delicate balance which allows certain partners

to the agreements to leverage decisions. Attorney Hargadon provided an illustration of this power to leverage, and noted that Mr. Powell uses this influence to achieve the improvements desired for Lake County.

Resident Pat Ekstrom (511 Rue Royale) questioned whether there would be a light at the intersection of Rue Royale and Quentin, if sidewalks would be installed, and if Field access to Quentin could be restricted for emergency access only. Ms. Ekstrom noted that, at the time of approval of the Town Center development, there was to be no access on to Quentin Road, and inquired as to the reason for the change to develop access on to Quentin

The Board disputed the statement that there was to be no access to Quentin. President Karl reiterated that the Village is not intending to simply wait for a bad situation to develop; one option presented was to work with the Village Traffic Consultants to develop proactive plans for preventing problems. Attorney Hargadon noted again that Mr. Powell has given the Village a commitment to work to solve any issues at this intersection; however, first a problem must be demonstrated.

Resident Martin Jackson of 521 Court Touraine noted that his home is already close to the road, if the road is expanded this will cause a problem due to proximity. Property values will be extremely adversely affected.

Trustee Kizior recommended a list of alternatives for that intersection to be presented to the County. President Karl and Engineer Gordon noted that the County has dictated, based on studies, what needs to happen at that intersection. Trustee Benjamin expressed the desire to have residents meet with the County for open discussion concerning these improvements. President Karl indicated that he does not agree with the improvements the County is requiring, and shares the concern of the residents that the County is preparing for increased traffic volumes; it is the intent of the Village to prevent this.

Resident Sharnell Jackson asked how proceedings for improvements would occur, and what type of notification would take place. Ms. Jackson noted that Bright Horizons notified the residents of proceedings, but that neither the County nor the Village notified of roadwork, and surveyors have been out placing stakes for such work.

Attorney Hargadon indicated that, if an agreement could not be reached with the Jacksons and Lahrs, and if the County insists on having that area to be added to the right of way, the Village would be forced into an Eminent Domain action. This would allow the Village to acquire the property at fair value without the homeowners consent.

Ms. Jackson noted that fair value would be impossible to determine, as the value of her property would be so injured due to the road improvements.

Resident George Welch of 225 Rue Jardin (who has lived in this area for most of 71 years) expressed the opinion that the Village has no sense of history; whenever a road is built or improved, there is more traffic. Given that, these road improvements as proposed are ridiculous. Additionally, he believes it will be another 15 years before approvals will be obtained for widening Quentin to the south.

Resident Trena Goldberg of 221 Rue Jardin (Deer Park resident for 23 years), noted that Lake Cook and Quentin roads are bumper to bumper at rush hour. Widening will allow people to cut through the shopping center and Rue Vallee to avoid the corner of Lake Cook and Quentin roads. It is her opinion that this is creating the potential for disaster, and burying the community. Unless the roads are widened further down, a bottleneck will be created right at Rue Vallee. Ms. Goldberg requested that the Board reevaluate these improvements, and stop them before the problem is created.

Residents requested that the Village Engineer represent the community to Lake County and explain to the County the situation. The Board has shown reluctance to do so. Clarification was again requested on which entity was requiring/desirous of widening of Quentin Road from 2 to 5 lanes.

Attorney Hargadon reiterated that it is actually both the Village and the County. With the approval of Hamilton Partners development, our Traffic Consultants opinion that both the widening of Lake Cook Road (which had been previously approved, but not engineered) and the improving of Quentin from the intersection of Lake Cook and Quentin to Field Drive. The Village Consultants recommended an addition of a turn lane going south, and an additional lane going south. The developers agreed, and agreed to pay for this. When the State got involved and agreed to fund the intersection improvements, there was a change in the standard of the roadways from what the Village had approved to what is a much higher standard of roadway. Lake County also indicated that north of the intersection must adhere to higher standards.

Attorney Hargadon noted that this is not confined only to the intersection of Field Drive and Quentin. These improvements are part of a traffic planning package for all of the area bounded by Lake Cook, Quentin, and Rand. The Village Traffic Planner (one of the most respected Traffic Planners in the State of Illinois) determined when roads were laid out for this area, that there should be not only a new north-south road, but also an east-west road to serve traffic from the new road and provide a secondary relief point out to Quentin. The Traffic Planners concern was, given the traffic volumes on Rand Road, and given the developments permissible under our zoning ordinance for the Triangle, not to do so would create much more of a problem where the new north-south road intersects Rand Road than would be desirable.

Residents felt that this was moving the backlog from Rand to Quentin.

Attorney Hargadon disputed this opinion, based on both the developers Traffic Consultants and the Village Traffic Consultants opinion that directional analysis indicates that most of the traffic will be coming to this area from the south and the east. Most traffic comes up 53; less than 25% of the total traffic coming to the developments (Hamilton Partners and Poag and McEwen) is coming from the north and the west. The Traffic Engineers point was to develop flexibility in the system to provide a free flowing traffic pattern in the area.

Attorney Hargadon further reiterated that the Village determined the east-west connector road connecting with Quentin to be in the best interest of the Village. The County (as usual) did not want the connection. For the reasons stated above (fire access, traffic), the Village pursued the connection. The County assented, but stipulated requirements.

Resident Jack Hansen inquired as to what entity has the final determination of the construction standards. Attorney Hargadon indicated that the standards have changed over time with the addition and availability of State funds for the roads.

Trustee Benjamin requested that residents be allowed to meet with the County. Trustee Kizior asked to be allowed to participate in any such meeting. President Karl agreed that Mr. Powell should be approached again to discuss the alternatives available. President Karl indicated that he felt the meeting would be most productive with a small number of representatives at any discussions with the County. Further meetings of a public nature could be held, if necessary.

Resident Alan Goldberg requested assurance that nothing would proceed until consultation with the residents of the area who would be affected dramatically by these improvements.

President Karl responded that a meeting would probably occur over the next week or two in the normal course of business during which this issue could be raised with Mr. Powell. President Karl requested a contact for the residents which the Village could use for communications purposes, in the absence of a homeowners' association.

Mr. Goldberg asked if the Village would allow 1 or 2 residents, or the legal representative of the homeowners, to be present at such a meeting. President Karl indicated that legal representation would only hinder the process of reaching an agreement, as this could intimidate (along with large numbers of residents) rather than align the County.

Engineer Gordon confirmed that all work is in the design stage.

Resident Stephen Haggerty noted that there are at least 25 kids under the age of 15 in this subdivision. Requested clarification of 75% of traffic flow coming from the southeast of Rand—current or forecasted? Attorney Hargadon indicated it was forecast in 1999 upon completion of the shopping center and a portion of the Hamilton Partners development (trips generated by the development). Motorola had a higher proportion of employees to the north and west.

Resident Patty Sayre of 510 Court Touraine questioned why the property was not being taken from the developer side of the road, rather than the homeowners. Attorney Hargadon noted that the developers were willing to give up as much property as needed. However, given the existing roadway, as well as other land restrictions, this layout was deemed to be the best.

Resident Chris Lajiness of 224 Rue Jardin asked how residents could stay apprised of decisions. Issues here are safety, property values, and trust of residents in Village officials. President Karl indicated that the best course would be to attend Village meetings.

Resident Sharnell Jackson requested information on timelines, water flows, wetlands areas and safety concerns. Ms. Jackson expressed the hope that the Village was truly working on behalf of the residents. Residents requested a commitment that no further development on the access road would occur until such a meeting. President Karl could not give such a guarantee, as the Village is not currently aware of the construction schedule. Resident Mary Lahr confirmed that she had spoken with the County that morning. Ms. Lahr was told at that time that the County would not issue any permits for any of the work on Quentin and Lake Cook Roads until all property issues are settled.

Engineer Gordon indicated that land is only one piece of the puzzle in these developments.

Ms. Lahr berated the Board for their apparent lack of knowledge, either at the time of these approvals, or now. Trustee Benjamin referenced the complexity of the issues involved with these development issues. Further, he indicated that the Village pays Consultants in numerous areas (Attorney, Traffic, Wetlands, etc.) and that the Board relies heavily on these Consultants. The Board is comprised of part-timers, with no compensation, who attend meetings regularly and try to do a service for the Village. The Village Attorney is, therefore, the best source for answers on questions concerning these issues.

7. TEMPORARY ADJOURNMENT

MOTION: by Dowell second by Benjamin for a temporary adjournment of the meeting. Upon voice vote:

YES: (5)

NO: (0)

ABSENT: (1) Weeden

Motion Carried 5/0

The Regular Meeting of the Board of Trustees was temporarily adjourned at 10:25 p.m.

8. RECONVENE MEETING

MOTION: by Benjamin second by Dowell to reconvene the Regular Meeting of the Board of Trustees for April. Upon voice vote:

YES: (5)

NO: (0)

ABSENT: (1) Weeden

Motion Carried 5/0

The meeting was reconvened at 10:34 p.m.

9. NOODLES LIQUOR LICENSE

Attorney Hargadon indicated that Noodles has made an application for a Class II Liquor License. Noodles is opening in the Town Center as part of the main building. Background checks and principal shareholders have had background checks run and approved.

Mr. Wayne Kimmel, representing Noodles, noted that hours of operation would be 11:00 – 9:00, except Sunday when hours would be noon – 8:00. Noodles will serve beer (bottles and by the glass) and wine (by the bottle or by the glass) only at the counter (fast, casual concept). There would be no take-away sales, as a condition of the license. Liquor represents less than 2% of sales.

Noodles is planning to open early June on the south side by the Gap. There will be outdoor seating. Trustee Werch noted the concern of liquor sales (even legal age sales) to patrons who might remove the liquor to the parking area and convene there. President Karl recommended that the Village contact Town Center Manager Ray Elvey to alert security to this concern.

MOTION: by Benjamin second by Dowell to authorize President Karl as Liquor Commissioner to sign the Class II liquor license for Noodles. Upon roll call:

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

NO: (0)

ABSENT (1) Weeden

Motion Carried 5/0

10. ZONING AND BUILDING INSPECTOR HOLMES

A. Shell Station

Shell is looking for signage changes, and will be appearing before the Plan Commission at their next meeting. Will discuss lighting concerns at that time.

B. Gelfond Fence (Rainbow Road)

Fence was cut to three feet, with a solid landscape barrier which covers the fence year round. The gate is not regulated by the Village ordinances.

C. Fence on Lake Cook Road

Homeowner has been notified. Sent back a reply saying that the fence was a replacement of a fence in cooperation with Lake and Cook Counties to stop deer from crossing the road. There is no mention of a previous fence in our files. Doesn't meet code; built without permit.

Board directed that, if the homeowner is unresponsive, Lord Bissell and Brook is to send a letter with a time limit for response.

D. Deer Park Lighting

All light on the bike paths are to be replaced with bulbs used in the trial. Inspector Holmes was expecting a letter the end of last week. Inspector Holmes will have information for the next meeting, or representatives of Deer Park Town Center will be present to answer questions.

Trustee Werch noted that we are in the seventh month of inquiry into this lighting situation.

11. FROM THE ATTORNEYS OFFICE

A. Ordinance 01-17: Purchasing Code Amendment

Sets procedures for bidding.

MOTION: by Werch second by Benjamin to adopt Ordinance 01-17, an Ordinance dealing with Purchasing Code for the Village. Upon roll call:

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

NO: (0)

ABSENT: (1) Weeden

Motion Carried 5/0

B. Ordinance 01-19, 01-20, 01-21

Establish SSA's 5, 6, & 7. Published notice to create last month which are nearly identical to SSA's 2, 3, & 4 but for the property swapping which has gone on between the developers. Create the Special Service Areas which will support the issuance of bonds that will, among other things, be used for the construction of stormwater management facilities including retention and detention basins, connecting storm sewer transmission pipe and discharge lines, construction of stormwater and outlot improvements, construction of potable water pumping storage and distribution facilities including capital improvements to the Village of Palatine system relating to the delivery of service to the area, construction of public sanitary facilities, construction of an extension to Plum Grove Road, public improvements associated with Rand Road, Lake Cook Road, Quentin Road, Long Grove Road, Plum Grove Road as extended, Rue Royale, Deer Park Boulevard, and Field Parkway including, but not limited to, curbs, gutters, intersections, signalization, lighting, turn lanes, new lanes, medians, construction or relocation of utilities, drainage and storm sewers, water mains, pavement, acquisition of right of way, landscaping and bike paths, and associated costs of traffic consultants, engineers, surveyors and planners, legal counsel, bond counsel, accountants, auditors, underwriters, and bond reserve.

SSA #5 is essentially the Town Center, #6 covers the Hamilton Partners Development, and #7 covers the Motorola property. SSA #7 is larger due to redistribution of debt on a pro rata basis.

MOTION: by Benjamin second by Gifford to approve Ordinance 01-19, an Ordinance Establishing SSA #5, not to exceed \$1,440,457 . Upon roll call:

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

NO: (0)

ABSENT: (1) Weeden

Motion Carried 5/0

MOTION: by Benjamin second by Gifford to approve Ordinance 01-20, an Ordinance Establishing SSA #6 for the Hamilton Properties, not to exceed \$1,766,722 . Upon roll call:

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

NO: (0)

ABSENT: (1) Weeden

Motion Carried 5/0

MOTION: by Benjamin second by Gifford to approve Ordinance 01-21, an Ordinance Establishing SSA #7 for Motorola, not to exceed \$3,492,308 . Upon roll call:

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

NO: (0)

ABSENT: (1) Weeden

Motion Carried 5/0

C. Ordinance 01-22: Repeal of Attorney Fees as Penalty

Case law has come to the attention of LB&B that a non-home rule municipality is not entitled to receive its attorney's fees by virtue of its ordinance. Currently, Village Ordinance provided which is unconstitutional. Amends general penalty clause.

MOTION: by Gifford second by Dowell to approve Ordinance 01-22: An Ordinance Repealing Attorney Fees as Penalty as an amendment to the Municipal Code. Upon roll call:

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

NO: (0)

ABSENT: (1) Weeden

Motion Carried 5/0

D. Exterior Property Maintenance Ordinance

Researched other communities in the country. Approached through a public health and safety issue due to the non-home rule nature of the Village.

President Karl noted that Building and Zoning Inspector Holmes is not in favor of passage.

MOTION: by Gifford second by Kizior to approve Ordinance 01-24, an Exterior Property Maintenance Ordinance. Upon roll call:

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

NO: (0)

ABSENT: (1) Weeden

Motion Carried 5/0

E. Ordinance 01-25: Amendment to the Motorola Annexation Agreement

Requires Public Hearing pursuant to notice.

11. TEMPORARY ADJOURNMENT

MOTION: by Werch second by Dowell to temporarily adjourn the Regular Meeting of the Board of Trustees for the purpose of a Public Hearing on Ordinance 01-25. Upon voice vote:

YES: (5)

NO: (0)

ABSENT: (1) Weeden

Motion Carried 5/0

The Regular Meeting temporarily adjourned at 11:02 p.m.

12. RECONVENE REGULAR MEETING

MOTION: by Benjamin second by Kizior to reconvene the Regular Meeting of the Board of Trustees for April. Upon voice vote:

YES: (4)

NO: (0)

ABSENT: (1) Weeden

Motion Carried 5/0

The Regular Meeting of the Board of Trustees was reconvened at 11:08 p.m.

13. ATTORNEY'S REPORT (CONTINUED)

E. Ordinance 01-25 (continued)

MOTION: by Werch second by Gifford to adopt Ordinance 01-25: an Ordinance Amending the Motorola Annexation Agreement. Upon roll call:

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

NO: (0)

ABSENT: (1) Weeden

Motion Carried 5/0

MOTION: by Werch second by Dowell to authorize President Karl to execute the actions created through Ordinance 01-25 amending the Motorola Annexation Agreement. Upon roll call:

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

NO: (0)

ABSENT: (1) Weeden

Motion Carried 5/0

F. Resolution R01-1: Deer Park Office Center Plat of Subdivision

This resolution is an approval of the Deer Park Office Center Plat of Subdivision. Approved last month by the Plan Commission; received Preliminary Approval from the Board of Trustees in March.

MOTION: by Dowell second by Gifford to approve Resolution R01-1, Hamilton Partners Subdivision Resolution. Upon roll call:

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

NO: (0)

ABSENT: (1) Weeden

Motion Carried 5/0

G. Resolution R01-2: Reimbursement from SSA #5.6.7 Funds Resolution

The financing has broader definition of items money can be spent on than the ordinance enabling SSA's 2, 3, and 4. With respect to the design work currently underway by Civiltech on the Quentin Road improvements and the design currently underway by Gewalt Hamilton the Plum Grove extension, the Plum Grove and Rand Road interchange, as well as some Rand Road improvements extending southeast from Plum Grove; the costs to be paid in advance of the SSA financing to occur in the first half of June will be paid by the Village. Some of that design work is required to be paid by the Village because the State will not reimburse developers. This resolution allows the Village to expend up to \$610,000 in advance of the SSA funding, pending the funding. The Village has an agreement in the CMA which allows the developers to reimburse upon invoice from the Village.

The Village will not expend the funds until the Village Attorneys are in receipt of a reimbursement check from the developers.

MOTION: by Gifford second by Benjamin to approve Resolution R01-2: SSA Funds Resolution, up to \$610,000. Upon roll call:

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

NO: (0)

ABSENT: (1) Weeden

Motion Carried 5/0

14. ATTORNEY'S REPORT

A. Army Corps of Engineers Ruling

Supreme Court decision out of Illinois removing the Army Corps of Engineers out of wetlands not joining bodies of water in interstate commerce. This leaves a "jurisdictional gap"; how does the Village protect wetlands agreements.

The County is preparing to try to fill the void, as they feel they have the authority to do so as the State has delegated to all Counties the obligation to create stormwater management programs, which the County interprets to include wetlands. County intends to create their own wetlands ordinance which would be administered through Lake County Stormwater Management. After a period of a year or two, the County then would allow enforcement communities to enforce the County ordinance for them.

As a non-home rule community, it is less clear that the Village has the right to regulate wetlands. Water quality and Stormwater does fall under Village jurisdiction with police power.

Concurrent jurisdiction is possible. It is the opinion of Attorney Hargadon that the grant of statutory authority is not perfect, but could be justified. Attorney Hargadon noted that there is a bill pending to give sole authority to counties which would negate Village jurisdiction (bill was defeated initially).

President Karl noted that timing is crucial for developers needing to maintain, and for the timeliness of County enforcement. There are wetlands areas currently vulnerable; recommends the Village pursue.

Attorney Hargadon to prepare a draft ordinance for next month.

B. Lawsuit Threatened

Village received a letter threatening a lawsuit against the Village arising out of a dispute between a homeowner and contractor. LB&B have replied, and have not had response from them.

15. REPORTS FROM THE PRESIDENT, TRUSTEES, AND ADMINISTRATOR

A. President Karl

Deer Park is now a member of the Chicago Wilderness Project.

B. Trustee Dowell

1. FY 2002 Budget

MOTION: by Benjamin second by Kizior to approve the FY '02 Budget as specified in the 4/19 submittal. Upon roll call:

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

NO: (0)

ABSENT: (1) Weeden

Motion Carried 5/0

Notice of adoption of the budget was published in the Daily Herald.

MOTION: by Gifford second by Kizior to approve Ordinance 01-23: an Appropriations Ordinance for the fiscal year beginning 5/1/2001 and ending 4/30/2002. Upon roll call:

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

NO: (0)

ABSENT: (1) Weeden

Motion Carried 5/0

2. Sports Updates-Parks

In the future, the Village will no longer honor blanket requests for park uses.

LZBSA is interested in baseball fields. Trustee Dowell to work with LZBSA to determine feasibility. Initial evaluations showed potential on furthestmost eastern portion of proposed new Village park area. Both Barrington and Lake Zurich are willing to commit funds to develop fields.

C. Trustee Gifford

Missed Regional Planning Meeting due to illness.

D. Trustee Benjamin

1. Squires

Highlights need for the Board to determine a general policy on chemicals in the lake.

2. Rue Vallee

Request to update tot lot-next month.

3. Hamilton Estates

Potential overcrowding of trees. Would like to move these mature evergreens to avoid overcrowding/balance problem with the sign and the trees—may possibly also be able to screen out some of the Lake Zurich commercial lighting. Decision next month.

4. Village Clean Up

Mediocre turnout. Kudos to Hamilton Estates and Ferndale.

E. Administrator Diesen-Dahl

1. Vehe Farm

Teri Bridge has expressed concern over the condition of the buildings.

2. New Village Roster

3. Newsletter

Turn items to be included in to Kari ASAP.

4. Salary increase

Thank you!

5. Reschke fees

6. Correction to Cash Disbursement

Addition of two Nicor bills: new total = \$186,617.70

F. Trustee Werch

1. Vehe

Next month would like to discuss storm damage to Vehe Farm and prevention measures. Board authorized bidding process on preventive measures for discussion next month.

2. Village Web Site

Resident Kent Smith has volunteered his services to the Village to get the web site running. Fees for hosting, etc. not to exceed \$250 per year.

3. Rand Road Corridor

May be in line for award for intergovernmental cooperation.

G. Trustee Kizior

1. Light at Ela and Long Grove Road

Trustee Kizior requested permission to work with Engineer Gordon to pursue a pedestrian-actuated light at Long Grove and Ela for access to the marsh. Board agreed.

2. Vehe-dead tree

Trustee Kizior to check into removal of the dead tree near the drive.

3. Chapel Hill

The entrance has caved in where Lake Zurich did water repairs (looping). Soil has settled. Sign, filling low areas, etc. Is needed. President Karl to speak with Engineer Gordon to work on this with Lake Zurich.

16. TREASURER'S REPORT

MOTION: By Gifford second by Kizior to approve the Treasurer's Report dated 5/31/01. Upon voice vote:

YES: (5)

NO: (0)

ABSENT: (1) Weeden

Motion Carried 5/0

17. CASH DISBURSEMENTS

MOTION: By Benjamin second by Gifford to approve the Cash Disbursements, as amended, in the amount of \$186,617.70. Upon roll call:

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

NO: (0)

ABSENT: (1) Weeden

Motion Carried 5/0

18. TRIANGLE EXPENSES

Motorola is in arrears; Attorney Hargadon to follow up.

19. RESIDENT COMMENTS

Resident Mary Lahr questioned where the trees were located that were proposed for movement. President Karl noted that they are in Hamilton Estates.

Mrs. Lahr requested clarification on whether or not the Quentin improvements were included in the resolution approved earlier in the meeting. Attorney Hargadon indicated that the Quentin improvements were included, along with numerous other authorizations. The ordinance only authorizes payment should the expenditure occur, it does not authorize the improvements.

20. SWEARING-IN OF NEW VILLAGE OFFICIALS

Clerk Smith administered the Oaths of Office to the following officials duly elected at the April 3rd, 2001 election:

Village President—Richard C. Karl

Trustees—Scott Gifford, Patricia Plautz, Henry Werch

21. ADJOURNMENT

MOTION: by Gifford second by Dowell to adjourn the Regular Meeting of the Board of Trustees. Upon voice vote:

YES: (5)

NO: (0)

ABSENT: (1) Weeden

Motion Carried 5/0

The Regular Meeting of the Board of Trustees adjourned at 12:08 a.m. 4/24/01.

Richard C. Karl
Village President

Sandra R. Smith
Village Clerk