

**Village of Deer Park
Regular Board Meeting Minutes
July 15, 2002**

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1. CALL TO ORDER

The Regular meeting of the Board of Trustees of the Village of Deer Park was held on Monday, July 15th, 2002 at Charles Quentin Elementary School in the Village of Deer Park, Lake County, Illinois.

President Karl called the meeting to order at 8:07 PM. Upon roll call the following were present: Trustees Benjamin, Dowell, Gifford, Kizior, Plautz, and Werch. Other Village Officials present were Engineer Gordon, Administrator Diesen-Dahl, Clerk Smith, and Attorney Hargadon. President Karl declared a quorum.

Guests present were: Ann Adams (407 Hypoint Drive); Kevin Graham (407 Hypoint Drive); Janet Agnoletti (BACOG); John Lahr (201 Rue Touraine); Mary Lahr (201 Rue Touraine); Paul Sanborn (512 Rue Royale); Ron Ezsak (Rue Vallee); Fred Slingo (20140 Park Hill); Jack Honomichl ((20290 Park Hill); Jim Mozer (20252 Park Hill Dr.); Josh Poag (Poag & McEwen); David Stuercke (Motorola); John Czaja (515 Rue Royale); Wanda Czaja (515 Rue Royale).

2. AGENDA CHANGES AND ANNOUNCEMENTS

Janet Agnoletti (BACOG) will address the Board concerning the Water Resources Committee and support sought after Engineer Gordon's report.

3. CONSENT AGENDA

A. Minutes from: Board of Trustees Regular Meeting 6/17/02

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

YES: (6)

NO: (0)

Motion Carried 6/0

4. VARIATION REQUEST—407 HYPPOINT DRIVE

Zoning Board of Appeals met earlier this evening. Administrator Diesen-Dahl reported that, by unanimous vote of Board members present, ZBA voted to grant the variance as requested.

Attorney Hargadon noted that variations in the State of Illinois require a Public Hearing at the Zoning Board of Appeals level pursuant to published notice. Village of Deer Park Code also requires notice be given to adjoining property owners. Neighbors were given notice; publication did not occur. Board can recommend action tonight; after Public Hearing scheduled for August 19th, Board can complete on a legal basis.

Per the proposal presented, one 12' tree to be removed; the septic will not be disturbed. Driveway is not to be widened as far as shown on the proposal, in order to save a mature evergreen.

Trustees discussed alternatives available and issue of precedence.

MOTION: by Gifford second by Benjamin to recommend, if no public comment, approval for the request for variance at 407 Hypoint Drive to allow for hardship created by the irregular lot and placement of the house which confuses front and side yard setbacks. Plan to be amended so drive does not interfere with evergreen.

Upon roll call:

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

NO: (0)

Motion Carried 6/0

5. ENGINEER'S REPORT

A. Skokie Valley Asphalt

Pay request for project completed in 1997. Request is for cost of project less liquidated damages.

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MOTION: by Gifford second Dowell to approve payment in the amount of \$47,080.01 to Skokie Valley Asphalt for services rendered.

Upon roll call:

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

NO: (0) Motion Carried 6/0

B. Robinson Fields

Village Board had authorized Engineer Gordon to pursue, as Village responsibility, monitoring wells and swale maintenance.

Engineer Gordon has met with Schroeder Trucking to obtain a proposal for swale maintenance; cost seemed high. Meeting with landscape contractor to obtain another proposal.

Waiting on a proposal from STS Consultants for the monitoring wells. Letter has been drafted to be sent to residents who will have monitoring wells on their property for approval.

Engineer Gordon has met with the developer/builder of Lot 5, as well as their engineer. Inverness Development's Civil Engineer to evaluate Gewalt Hamilton topographical information and compare to preexisting topographical information. Engineer Gordon awaiting results.

Some of debris has been removed; stockpiles of dirt still an issue.

Public Comments:

Resident Jim Mozer requested clarification on work being done on ditch. Mr. Mozer questioned slope of ditch. Engineer Gordon noted that slope is flattened; President Karl indicated that success of clearing would be evaluated, then other options explored, as needed. Additionally, the building moratorium is still in effect. President Karl indicated that the moratorium would remain in effect until the Board lifts the moratorium.

Resident Fred Slingo informed the Board that his sump pump is still running about every 6 minutes, despite the dry weather currently being experienced—neighbors are about the same. **Mozer** and **Honomichl** indicated that their sumps are running approximately once an hour. Mr. Slingo indicated that an unknown cause has forced the groundwater level to rise; their septic has been checked out and is working correctly. Engineer Gordon noted that monitoring wells will enable groundwater levels to be measured and monitored.

Resident Jack Honomichl passed out sales literature for the house in Robinson Fields homeowners believe is the root of the problem. Literature highlights rubber wall foundation with inside and outside footing drains, dual sump pits, and additional gravity storm drain. Gravity drain drains away from Park Hill to the west of the property.

6. JANET AGNOLETTI—BACOG WATER RESOURCES COMMITTEE

BACOG Water Resources committee is primarily studying the water in the shallow aquifer to: identify location and quantity of water in the aquifer, maintain quality of the aquifer, and understand the relationship between groundwater and the shallow aquifer to natural resources (bogs, etc.).

Up to now, committee has been involved in training and collecting of information through BAGIS, soils, hydrology, topography, and geology.

Special project just started to measure water level in approximate 50 wells throughout the BACOG area. Information will help to: roughly map shallow aquifers, well logs from

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construction will give geologic information, and provide a baseline of water level for future measurements.

BACOG is within the Illinois State Water Survey; the State will handle measurements. Letters will be mailed to Village Officials from Villages within BACOG within the next 1-2 weeks asking for permission to include wells. Looking for help identifying geographically dispersed wells, especially in unincorporated areas. Contact Janet Agnoletti with information.

President Karl noted the significant regional benefits to be achieved from the gathering of this information.

7. SEPTEMBER 11th COMMEMORATION

MOTION: by Werch second by Benjamin to publicly recognize at September meeting anniversary of September 11th, and have a moment of silence in which to recognize all who were killed or injured as a result of the September 11th incident. Upon voice vote:

YES: (6)

NO: (0)

Motion Carried 6/0

Request resident input through notice in next newsletter.

8. REPORTS

A. Attorney Hargadon

- i) Proposals to Establish SSA's #8,9,10
Proposing Ordinances for the creation of additional Special Service Areas for the purpose of selling additional bond funding to fund (primarily) the road improvements in the Triangle. Estimates for the completion have increased.

Dave Stuercke (Motorola) informed the Board that he, Engineer Gordon, Josh Poag, and Tim Beechick have been involved in the Task Force meetings between Lake County, Cook County, and IDOT to finish the engineering of road improvements. Engineering has been finalized; finalizing wetlands permits and easements, 99% drawings and Engineers' Final Estimate are completed. Scope items that were drivers for cost increase include:

- Lake County requirement that profiles of elevations of Lake Cook Road be flattened out; one of the reasons Motorola had to move the berm and bike path,
- Signalization—coordination of signals along Lake Cook Road west of Rand Road, between Lake Cook Road and Rand Road, and west of Quentin.
- Pricing—budget was based on a 99-2000 construction season, now looking at 2003-2004 construction season. Additionally, developers have been incurring consultant fees throughout this period.

Attorney Hargadon indicated that additional funding being sought is approximately 2.5 million dollars. SSA financing, created at developers' cost, creates a financing vehicle which allows developers to finance the construction of the improvements at a lower rate than market rate. Defaults would not incur debt to the Village, due to liens. Bond underwriter opines, given success of Deer Park Town Center, the Motorola and Hamilton Partners progress, market will react favorably.

Trustee Benjamin noted that total SSA debt, at approximately 25 million dollars, is reasonable given value of property financed, and concurred with the bond underwriters' opinion of market prospects for the bonds.

MOTION: by Werch second by Gifford to adopt Ordinance 02-05, a Proposal for the Establishment of SSA #8 in the Village of Deer Park, Lake and Cook Counties, which allows for the issuance in bonds not to exceed \$865,000 for the purpose of paying costs of providing special services to the area. SSA #8 is reflected in Exhibit A, and

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consists of Lots 1, 2, 4, 6, 7, 8, 9, 10, and outlots A and B in the Deer Park Town Center Resubdivision.

Upon roll call:

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

NO: (0) Motion Carried 6/0

MOTION: by Werch second by Gifford to adopt Ordinance 02-06, a Proposal for the Establishment of SSA #9 in the Village of Deer Park, Lake and Cook Counties, which allows for the issuance in bonds not to exceed \$920,000 for the purpose of paying costs of providing special services to the area. The land which forms the underlying area of Special Service Area #9 is lots 2 – 12 in the Deer Park Office Center Subdivision. That is all of that subdivided land currently owned by Hamilton Partners; the only exclusions are the Bright Horizons property and the Villages' park.

Upon roll call:

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

NO: (0) Motion Carried 6/0

MOTION: by Werch second by Gifford to adopt Ordinance 02-07, a Proposal for the Establishment of SSA #10 in the Village of Deer Park, Lake and Cook Counties, which allows for the issuance in bonds not to exceed \$725,000 for the purpose of paying costs of providing special services to the area. The Special Service Area #10 comprises all of the Motorola property north of Lake Cook Road.

Upon roll call:

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

NO: (0)

RECUSED: (1) Kizior Motion Carried 5/0

Bonds to be sold by the end of current year such that full amount of construction costs can be posted with Lake County; letting of contracts by end of the year for construction beginning Spring 2003.

GKST will be representing the Village in the sale of the bonds; fees will remain the same as previously. Chapman and Cutler have been retained as Bond Counsel.

ii) Vehe Farm Foundation Agreement

Establishes the nature of the relationship between the Village and the Vehe Farm Foundation with regards to funding of the Foundation, obligations of the Foundation, and obligations of the Village.

Documents that created the Foundation formed a separate, distinct entity from the Village in order to create a bipartisan panel to recommend the highest and best uses of the property to the Village, and to oversee the day-to-day operations of the Farm Foundation, thus removing that burden from the Board of Trustees.

Summary of agreement:

Foundation is appointed Steward of the property with the obligation to maintain and make all necessary repairs and replacements to the property. Namely, all of the improvements currently there, with the exception of the improvements which constitute the Village Office. The Village is obliged to be the developer of the property; the funding and completion of improvements to the property pursuant to plans which would be recommended by the Foundation and subsequently approved by the Board. Because the development of the Farm may occur over time, the Village would, in writing, turn over improvements to the Foundation for ongoing stewardship.

Paragraph 4 establishes fiscal relationship: Foundation has an obligation to submit an annual budget to the Village. Upon approval, the Village agrees to abide by the budget, providing financial contributions to the Foundation in amounts necessary to carry out the budget. Due to budget concerns, budget to be divided into equal parts,

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with some ability to vary monthly payments as needed. Village retains veto power over the Foundation budget.
Foundation will need own insurance.
Agreement may be amended from time to time, as necessary.

Trustees discussed:

- a) Impact of Village retaining control—given current economic environment, grant impacts, etc.
- b) Budget process, timing
- c) Where funds to be derived from for maintenance of common areas (park, soccer field, Village Hall, driveway)

Attorney Hargadon to provide revised document incorporating these issues for August Board meeting.

B. Trustee Dowell—Finance

- i. Letter from Terri Bridge to Bill Holmes regarding Vehe Farm Foundation dated 6/5/02; needs copy.
- ii. 7/8/02 Crains article regarding Deer Park Town Center—will send copy to Office for distribution.

C. Trustee Gifford—Planning and Zoning

There is no planned development or project pending at northwest corner of Rand and Long Grove Roads; no permit was applied for the sign. Owner has been asked to follow correct procedures for development of this property.

D. Trustee Benjamin—Parks and Recreation

- i) Proposal and pictures for construction of Vehe Farm Tot Lot from Reil Construction distributed to Board. Plan is ADA compliant. Estimate is \$32,443.
- ii) Letter received regarding Charlie Brown Park tennis court. Nets are missing or sagging; court is due for resurfacing. Board requests Trustee Benjamin pursue plan and cost for resurfacing. Trustee Dowell also requested replacement of the baseball backstop.
- iii) Trustee Benjamin working with ComEd and Engineer Gordon on lighting for Charlie Brown Park.
- iv) Trustee Benjamin distributed letter to Board submitting his resignation effective September 30, 2002. President Karl and Board thanked Trustee Benjamin for his service to the Village.

E. Trustee Plautz—Health and Sanitation

Septic Reviews: Trustee Plautz still waiting for names from Engineer Gordon and Attorney Hargadon for potential independent contractors. Board reiterated desire to retain control over septic systems. Trustee Plautz to request Health Officer Karney prepare a memo outlining differences between Lake County septic requirements and Village of Deer Park Ordinances.

F. Trustee Kizior

- i) Concern by Swansway resident regarding 'S' turn on Deerpath Road. Cost of correction prohibitive at this time; proposal for improvement to Deerpath Road to be addressed at Lake Zurich meetings tonight. Suggest removal of plant material in right of way which may obstruct sight lines.

MOTION: by Kizior second by Dowell to approve an expenditure not to exceed \$750 to remove plant material in the right of way in the 'S' curve in Deerpath Road near Lake Zurich improvements.

Upon roll call:

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

NO: (0)

Motion Carried 6/0

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- ii) Ferndale Circle estimate received; seems high. Trustee Kizior to recheck.
- iii) Maintenance work needed on Rainbow Road and Meadows Drive. Engineer Gordon concurs.

MOTION: by Kizior second by Benjamin to approve an expenditure not to exceed \$5,200 for repairs to road surface on Rainbow Road (from Cuba to Middlefork) and patch Meadows Drive (north of Long Grove Road). Work to be done by VSI.

Upon roll call:

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

NO: (0) Motion Carried 6/0

- iv) Teen Center update: After 2 meetings, group is in early stages of planning for kickoff in September. May be budget request item.

G. Trustee Werch

- i) Vehe Farm Foundation—2 members unable to maintain regular attendance, looking for new Board members.
- ii) Proposed development plan for Vehe being drawn up with help from Jim Peterson's firm.
- iii) Trustee Werch followed up with police items from last month. Office has requested detail on contract (Treasurer's office).

H. President Karl

- i) 7/30/02—Mayors' Breakfast. President Karl unable to attend; Trustee Dowell to attend.
- ii) Next Lake County Regional Forum to be held 7/24/02 at the Lake Zurich Village Hall from 6:45 – 9:00. Lake County Plan regarding revitalization, housing, and transportation to be discussed.
- iii) Route 12 Corridor Planning Council nominated for Urban Innovation Award. Presentation of award to be 8/8/02 downtown.
- iv) Groundwater/Triangle irrigation update: Memo from Building and Zoning Inspector Holmes. Summary: Wells are located at the Deer Park Town Center, Motorola, and the Deer Park Office Center. Wells were permitted by Lake County Health Department. Irrigation systems utilize stormwater retention as primary source for irrigation; wells are backup. Deer Park Town Center has been in use for 2 years, thus far, DPTC has only used the well for flushing and testing. Motorola and DPOC have just completed systems; intent is for backup. Issues:
 - Stormwater management requirement of Village—on-site retention helps recharge issue
 - Village required developers to utilize Palatine for primary source
 - If residential, individual wells would conservatively yielded demand on the local aquifer in the area of 23 million gallons per year.

President Karl referred to letter from Tim Beechick (Hamilton Partners) dated 7/9/02 and a letter from an HP Consultant, Mary Schroeder, of CPI Environmental Services, Inc. dated 7/2/02. Discussion of well pump capacity at 500 gallons per minute on wells approximately equivalent to 2 – 3 residential wells. Pump capacity not translating directly to well capacity, CPI conclusion, however, is that periodic use of these wells not expected to cause an adverse impact to groundwater levels.

Residents have been interested in guarantees available on water withdrawals from the aquifer; as is also true with residential water use, Illinois state statute prohibits.

I. Administrator Diesen-Dahl

- i) Administrator Diesen-Dahl informed the Board that July marks her 10-year anniversary as Administrator of the Village, and requested an additional one

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week of vacation per year. Board requested consideration of additional vacation occur with rest of compensation package in January.

- ii) Grade, seed, and straw at the Village Office have been completed. Soccer field to be cut to on a regular basis to help encourage growth. Engineer Gordon to have a review completed of the surface to make ensure playable surface.

9. PUBLIC COMMENTS

Resident and Plan Commission Member John Lahr read a statement and distributed a spreadsheet showing actual draws recorded from the Triangle wells (see attachment). Mr. Lahr believes that these wells are indeed adversely affecting residential wells in the area.

Given the information presented by Mr. Lahr, Board requests an outside consultant be hired to evaluate issue. Engineer Gordon and President Karl to work to fashion scope of work and obtain bids, due to expediency of issue.

MOTION: by Kizior second by Plautz to approve an expenditure not to exceed \$10,000 for outside consultant to review usage of well water in the Triangle.

Upon roll call:

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

NO: (0)

Motion Carried 6/0

Vote was unanimous; formal bidding process will be waived to expedite process.

Resident Ron Ezsak requested consultant deliver report early enough in spring to preclude irrigation (President Karl and Board concurred), and requested park bench be installed as soon as possible in Michael D'Angelo Park. Park is heavily used; no place to sit for seniors or families with young children. Trustee Benjamin indicated that Reil Construction has 3 benches, waiting for them to install. Mr. Ezsak noted that the fact that an Ordinance was passed through the Annexation Agreement which provided for the construction of the wells for the purpose of irrigation while, across Route 12 in Kildeer, commercial wells are required to be dug to 1000 feet and precluded from being used for irrigation. Residents wonder why the difference, and feel that they have been finessed. People become angry, as a result, and the well issue is a very sensitive issue. Residents need reassurance that Board is looking out for the public interest.

Resident Paul Sanborn indicated letter sent to the Village regarding due diligence prior to approval of wells. Mr. Sanborn expressed the opinion that the Village has taken an undue amount of time to take action on such a basic necessity of life—water. Further, Mr. Sanborn asked why it was necessary for another resident to do the due diligence required to prompt action. Trustee Benjamin noted that Trustees are volunteers who try to do the best they possibly can; the Board hires and relies on consultants for their professional opinion. Additionally, meetings held prior to approvals were all Public forums; records can be obtained. Trustee Werch indicated that, given the nature of the construction of the Village Board, the Village has traditionally relied on residents' input, research, and attention to bring to the Board important issues. Mr. Sanborn expressed the hope that, in the future, the Board would act more quickly. President Karl indicated that the Board believed they had the answers needed to move forward; information provided tonight proved otherwise, and the Board is reacting as best they can.

Resident Mary Lahr indicated that the wells were brought up at many of the Public meetings held. Mrs. Lahr believes residents were provided with incorrect information by Attorney Hargadon. Additionally, Mrs. Lahr requested clarification on the estimate for the Vehe Farm Tot Lot; Trustee Benjamin indicated the estimate would be approximately \$30,000. Discussion of lack of parking and alternatives available ensued. Board requested next newsletter contain request to respect homeowners in Rue Vallee by not blocking driveways when using the park. Administrator Diesen-Dahl noted that users are warned not to block driveways when approval is given for use by teams. If blocking driveways, homeowners should call Kildeer Police.

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10. TREASURERS INFORMATION

MOTION: by Dowell second by Gifford to approve the Treasurers Report dated 6/30/02.

Upon voice vote:

YES: (6)

NO: (0)

Motion Carried 6/0

11. CASH DISBURSEMENTS

MOTION: by Dowell second by Gifford to approve the Cash Disbursements for the period 6/18/02 through 7/15/02 in the amount of \$166,800.31.

Upon roll call:

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

NO: (0)

Motion Carried 6/0

12. ADJOURNMENT

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

YES: (6)

NO: (0)

Motion Carried 6/0

The Regular Meeting of the Board of Trustees was adjourned at 10:30 PM.

Richard C. Karl, Village President

Sandra R. Smith, Village Clerk