

**Village of Deer Park
Regular Board Meeting Minutes
September 16, 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, September 16th, 2002 at Charles Quentin Elementary School in the Village of Deer Park, Lake County, Illinois.

Due to the absence of President Karl and the late arrival of Clerk Smith, Administrator Diesen-Dahl called the meeting to order at 8:35 PM. Upon roll call the following were present: Trustees Benjamin, Dowell, Gifford, Kizior, and Plautz. President Karl and Trustee Werch were absent. Other Village Officials present were Engineer Gordon, Plan Commission Member John Lahr, Administrator Diesen-Dahl, and Attorney Hargadon. Administrator Diesen-Dahl declared a quorum.

MOTION: by Benjamin second by Dowell to elect Trustee Gifford as President Pro Tem. Trustee Gifford accepted the nomination. Upon unanimous voice vote, Trustee Gifford was elected President Pro Tem.

Guests present were: John and Wanda Czaja (515 Rue Royale); Ann Adams and Kevin Graham (407 Hypoint Drive); Jim Mozer (20252 Park Hill); Jack Honomichl (20290 Park Hill); Bob Barrett (2905 Rose Ave., McHenry); Kathryn Conrad (23612 Juniper Lane); Patricia Bosslet (27 Circle Drive); Mary Lahr (201 Rue Touraine); Eric Peterson (Daily Herald).

2. IN MEMORY

President Pro Tem Gifford requested a moment of silence to honor victims of September 11th and their families.

3. AGENDA CHANGES AND ANNOUNCEMENTS

None.

4. CONSENT AGENDA

- A. Minutes from the Regular Board of Trustees Meeting 8/19/02
- B. Minutes from the Public Hearing on the Proposed Establishment of SSA #'s 8, 9, 10 held 8/19/02
- C. Minutes from the Zoning Board of Appeals Meeting 9/9/02
- D. Minutes of the Public Hearing on the Request for Variance—Hypoint Drive 9/9/02
- E. Minutes of the Plan Commission Meeting 9/9/02
- F. Pay Request #3 for S. Schroeder Trucking re: Vehe Farm Improvements
- G. Pay Request #2 for DeKaf Construction re: Deer Park Playfields – Phase 1
- H. Pay Request #2 for Maneval Construction re: Plum Grove Road & Deer Park Boulevard Signals
- I. Ordinance 02-08 – Variance for 407 Hypoint Drive

MOTION: by Gifford second by Dowell to accept the Consent Agenda. Upon roll call:

YES: (4) Benjamin, Dowell, Kizior, Plautz

NO: (0)

ABSENT: (1) Werch

Motion Carried 4/0

5. AUDITORS' REPORT

Brian LeFevre, Sikich Gardner, presented the audit report. Trustees requested to review report for discussion in October.

6. VARIANCES SOUGHT

A. 23612 Juniper Lane

Petition for a 6' variance into the front setback (9'6" wide) for a front portico. Zoning Board had a Public Hearing on this; unanimously approved recommending approval of variance, as building was built directly on setback line. Petitioner seeks to add Greek revival style front portico to complement their residence; testimony was heard that there is no shelter from the elements at the front door.

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MOTION: by Benjamin second by Kizior to accept the petition for a variance for 23612 Juniper Lane for a front portico. Upon voice vote:

YES: (4)

NO: (0)

ABSENT: (1)

Motion Carried 4/0

B. 27 Circle Drive

Two variances being sought: zoning variance for setback encroachment of approximately 14' and septic variation for bay window location intruding on the required septic setback. Zoning Board heard request for first variance in a Public Hearing and recommends granting of the variance.

Petitioner presented letter from neighbor to the rear in support of granting of variance to setback. Board members noted irregular shape and size of lots, and discussed screening issues.

MOTION: by Dowell second by Benjamin to accept the request for variance for both the bay window septic setback encroachment (also approved by Lake County), and the 14' rear setback variance due to irregular lot shape. Approvals limited to plans presented 9/16/02. Upon voice vote:

YES: (4)

NO: (0)

ABSENT: (1)

Motion Carried 4/0

7. ENGINEERS' REPORT

A. 2002 -2003 Snow Plow Season Services

One bid received (VisionScape Industries). Board discussed need for more precise salting guidelines. Trustee Kizior to address salting guidelines with VSI.

MOTION: by Kizior second by Benjamin to approve the VSI Snowplow Contract subject to modification in guidelines in application of salt. Upon roll call:

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

NO: (0)

ABSENT: (1) Werch

Motion Carried 5/0

B. BAGIS Agreement

An agreement that establishes an understanding between the Village of Deer Park and BACOG. The Village needs to enter into this Memorandum of Understanding with BACOG and a separate Lake County Memorandum of Understanding before BACOG will release the 2001 BAGIS data.

MOTION: by Dowell second by Benjamin to authorize the execution of the Memorandum of Understanding by the Village President between the Village of Deer Park and BACOG. Upon voice vote:

YES: (4)

NO: (0)

ABSENT: (1)

Motion Carried 4/0

C. Triangle Public Improvements

Attorney Hargadon indicated that the annexation agreements in place with the developers of the Triangle provided that the developers would provide a maintenance bond for the public improvements constructed pursuant to the SSA funds (road, sewer and water) for a period of two years after the date of acceptance by the Village. Village has requested a two year bond from the developers recently; developers argued that the Village had, in fact, accepted the roads when they allowed them to be open for public transport. Developers have asked for some relief

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from the two year period inasmuch as some of the roads have been open for well over a year. Village suggested one year of maintenance bonding; developers are in agreement. Engineer Gordon's letter dated September 11, 2002 indicates the breakdown of the amounts requested for the bonds—total of \$116,300.

Attorney Hargadon indicated that research supports developers position. Additionally, this was discussed at a meeting at which President Karl was in attendance, and he supported the compromise.

Engineer Gordon to research responsibilities regarding bike paths in the Triangle.

MOTION: by Benjamin second by Dowell to approve posting of bond by developers in the amount of \$116,300 to cover road, bike paths, sanitary sewer, and street lighting improvements. Bond to be held until September of 2003. Upon roll call:

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

NO: (0)

ABSENT: (1) Werch

Motion Carried 5/0

D. Monitoring Wells

STS has submitted an addendum to their proposal to add three additional monitoring wells in order to better evaluate groundwater conditions in the Park Hill/Robinson Fields area. Initial cost to be \$1100. Includes report summarizing findings.

MOTION: by Dowell second by Benjamin to approve an additional expenditure of \$1100 for installation of, evaluation of, and report on three additional monitoring wells. Upon roll call:

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

NO: (0)

ABSENT: (1) Werch

Motion Carried 5/0

E. Standing Water on Meadow Lane

Engineer Gordon stated that he met with resident Marge Ferracane on Meadows Lane, and has spoken with Trustee Kizior regarding the issue. Unclear whether water is homeowner responsibility or Village responsibility. Trustee Kizior believes problem to be Village responsibility unless being caused/exacerbated by homeowner actions. If Village responsibility, Trustee Kizior hopes to have corrected within 2 weeks.

Resident Jim Mozer asked when the hole in his back yard would be fixed.

Engineer Gordon indicated that Plote would be working on Quentin 9/17; when finished, will work on Mozer property. Mr. Mozer noted the potential for breeding mosquitoes given West Nile concerns.

8. REPORTS

A. Attorney Hargadon

- i. Amendment to the Joint Agreement between IDOT and the Village of Deer Park. Village is the lead agency for the letting of the work for the improvements at Plum Grove and Rand Road intersection. Working to resolve right of way issues. Contract originally called for work to be let by January 1, 2003; will not be letting the work by that date. IDOT has agreed to an extension to January 1, 2004.

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MOTION: by Kizior second by Benjamin to enter into the Amendment to the Joint Agreement with IDOT and the Village extending the let date from 1/1/03 to 1/1/04 for the Rand Road and Plum Grove Road improvements. Upon voice

vote:

YES: (4)

NO: (0)

ABSENT: (1)

Motion Carried 4/0

- ii. Ordinance 02-09: An Ordinance Amending the Municipal Code of the Village of Deer Park by the Addition of Chapter 161 of the Village Code Imposing a Simplified Municipal Telecommunications Tax. The Legislature passed the Simplified Municipal Telecommunications Tax, which changed the way municipalities may tax telecommunications providers from a 5% tax of gross receipts and a 1% infrastructure fee to basically a 6% tax. This ordinance replaces current taxes and fees with a simplified tax on providers (not users). October 1 is deadline for certified copy to be sent to Illinois Dept of Revenue to begin collecting January 1 (date existing ordinance will be invalid under Illinois State Law).

MOTION: by Kizior second by Benjamin to accept Ordinance 02-09: an Amendment to Village Code adding Chapter 161 and imposing a simplified telecommunications tax. Upon roll call:

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

NO: (0)

ABSENT: (1) Werch

Motion Carried 5/0

- iii. Petition from United Land Development for 3.8 acres on Long Grove Road. United Land appeared before the Board previously; sent to the Plan Commission for the beginning of hearings. President Karl unable to attend meeting; requested Chairman Thrun to prepare memo for Board of Trustees. September 12th memo included in Board packets. Attorney Hargadon summarized the issue of the Comprehensive Plan and favored land uses for the area. Typically, open space has been preserved by aggregating buildings. In residential area of Triangle, the Comprehensive Plan (as amended by the Board) made the favored residential housing type for the Triangle a townhome/rowhome with restraint on height of the buildings. Plan Commission understands that restraint on height in this area will prevent yield of open space Village has seen in other developments. The Plan Commission is seeking input and reaffirmation that townhomes would be approved for this site.

Attorney Hargadon indicated that the developer has reduced the density of the proposal by 5 units, increased the size of the units and raised the price. Planner Savoy has stated that the proposal lacked creativity, but felt that, with creativity, open space could be created. Plan Commission requested Planner Savoy work with developer. Planner Savoy indicated that the issue is not density, but quality.

Board provided the following comments:

Affirmed townhomes as appropriate use for site

Concerned about wasted space and need for open space

Desirous of first floor master bedrooms

Not willing to change height requirements (no more than 35')

Back up data from developer regarding impact to schools (number of children) required

Need rear architecture and views

Emphasis on overall quality of the development

Supportive of process currently in place

Plan Commissioner John Lahr noted two other issues: strong need to aggregate property (developer felt there would not be an opportunity at any reasonable price in the near future), and detention shown on plan (currently separate from Poag & McEwen, though proximate; Plan Commission looking for method for coincident detention). Commissioner Lahr indicated that he believes developer not pursuing coincident detention, as developer believes cannot be done. Attorney Hargadon noted that part of the problem with coincident detention is the constructed wetlands to the east of the proposed detention pond. Issues arise with releasing detention water from the proposed townhome site into the wetland prior to release to Poag & McEwen detention, where there is only a small bit of capacity left due to the Village use of capacity to provide off-site detention for the park.

B. Trustee Dowell—Finance

- i) Vehe Farm Foundation seeking approval to host community event for children on 10/12 from approximately 1 – 3. Event designed to bring people onto the property; would be held outside; to develop community awareness and support.

MOTION: by Kizior second by Plautz to approve use of Village property for the Vehe Farm Foundation to host event for children of Village and surrounding area on 10/12. Vehe Farm Foundation to obtain D&O liability insurance. Upon voice vote:

YES: (4)

NO: (0)

ABSENT: (1)

Motion Carried 4/0

- ii) Foundation issues with VFF Agreement. Trustee Dowell to work with Attorney Hargadon.
- iii) Noted that discussion concerning creation of shed ordinance was such that ordinances should allow for quality buildings. 10' x 12' with 9' height creates very flat pitch; questioned if this is what Board intended. Trustee Dowell recommends Board consider amending. Requires notice and Public Hearing.

MOTION: by Dowell second by Benjamin to begin process to amend shed ordinance from 9' height to 14' height. Upon voice vote:

YES: (4)

NO: (0)

ABSENT: (1)

Motion Carried 4/0

- iv) Computer concerns: virus protection, internet access, quality of PCs, backup of data, networking of computers. Treasurer Stade researching needs; recommendation at next Board meeting.
- v) Five year budget process not finalized.
- vi) Vehe barn roof—Building and Zoning Inspector Holmes recommends immediate replacement of roof (memo dated 9/13/02). Waiting for input from Jim Peterson. If necessary, Administrator Diesen-Dahl to conduct phone vote for emergency expenditure.

C. Trustee Benjamin—Parks and Recreation

Old Farm Park planting: authorized \$3,000 last month. Plan cost is \$4,900.

MOTION: by Benjamin second by Dowell to authorize an expenditure of \$1,900 additional to complete landscape plan for Old Farm Park. Upon roll call:

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

NO: (0)

ABSENT: (1) Werch

Motion Carried 5/0

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Regular cutting of the grass will begin once grass is completely in. Weed killer has been applied to path.

D. Administrator Diesen-Dahl

- i) Thank you received from the Northwest Suburban Council of Scouts.
- ii) Copy of summary of phone conference from Attorney Pugliese regarding schedule for road improvements distributed to the Board.

E. Trustee Kizior—Roads & Public Utilities

- i) Ela Township Board of Trustees has concerns with the teen center in the Township Hall. Handicap accessibility issue.
- ii) Currently have authority for \$500 expenditures without Board approval. Suggests increasing to \$1,500 to allow for latitude. Request discussion be placed on October agenda. Attorney Hargadon to request Attorney Ruben-Silver to review process.

F. Trustee Plautz—Health and Sanitation

- i) Septic reviews: Attorney Hargadon indicated that reviews will be united together through Gewalt Hamilton. Attorney Hargadon has spoken with Natalie Karney.
- ii) Inquired as to process of transition for new Trustee; Trustee Benjamin assured he will work with new Trustee.
- iii) Asked when the next newsletter would be mailed. Administrator Diesen-Dahl indicated next newsletter would be mid-November; Clerk Smith to email deadline for information.
- iv) Confirmed that private pond mosquito abatement is the responsibility of homeowners.
- v) Asked about the sign at Rand and Long Grove indicating pending development. Owner is now working to be compliant with Village codes; no development is pending before the Village.

9. **RUE VALLEE HOMEOWNERS ASSOCIATION**

Resident Mary Lahr conveyed the following comments/questions on behalf of the Rue Vallee Homeowners Association:

- i) Thank you for the bench at Michael D'Angelo Park.
- ii) Manhole has been cleaned at Rue Royale and Quentin.
- iii) Could swings at Michael D'Angelo be dropped in height? Parents are concerned about children falling off of the swing at current height. Additionally, a sign is posted on equipment limiting age, but kids have to be older than allowed to get on by themselves.
- iv) When will roadwork be finished? There is a drop in the road; making the turn is dangerous. Trustee Kizior indicated that gravel needs to settle and fill spaces around culvert pipe; cuts in road demarcate old road (to be removed). Mrs. Lahr expressed concern about VSI performance regarding completion of projects. **Resident John Czaja** noted cracks in the road.
- v) Has a consultant or hydrologist been hired to study the effects of wells in the Triangle on the water in the Village? Engineer Gordon indicated that STS Consultants should be submitting a draft of their report in the next few weeks.
- vi) Requested Chairman Thrun's memo be entered into the minutes. Stated she would be delivering a FOIA request for memo; Attorney Hargadon provided a copy for Mrs. Lahr.
- vii) Stated that homeowners in Rue Vallee do not want any high density housing.
- viii) In the Consent Agenda several bills were paid, what were the amounts of these and why were they on the Consent Agenda and not on the bills to be paid? Administrator Diesen-Dahl indicated that these items have been approved previously by the Board; actions tonight authorize payments. Administrator Diesen-Dahl furnished amounts for Mrs. Lahr.

- ix) By what authority, or what is the procedure for the Village Attorney having the right to direct a Village employee to incur expenses with a potential developer over issues that should be a matter of public discussion? Trustee Dowell requested an example. Mrs. Lahr indicated that, at Monday night's meeting of the Plan Commission, Attorney Hargadon directed United Land Development to meet with Kon Savoy to rework the plan for townhouses. The issue of townhouses aside, as Mrs. Lahr remembers, for anyone to incur an expense for the Village, they must be authorized to do so. Attorney Hargadon indicated that he did not direct the action; the Plan Commission directed the action. Additionally, the developer, by agreement, pays those costs for consultants with respect to their development. Mrs. Lahr accepted the second part of the answer, but felt that the first part was up for discussion, and indicated she would be requesting to listen to the tape of the meeting. Clerk Smith indicated the understanding that audiotapes used for creation of minutes would be considered work product and not subject to FOIA. Additionally, issue is whether the Plan Commission wishes were served, not personal opinion.
- x) Mrs. Lahr noted that several residents of Rue Vallee were unable to attend, as this is Yom Kippur. Requested the calendar be consulted prior to setting meeting dates, and noted that meetings are changed to accommodate other holidays. Administrator Diesen-Dahl noted that Trustee Werch was absent due to the holiday; Clerk Smith and Attorney Hargadon noted that the Village meets even on Federal holidays.

10. PROCLAMATION REQUEST: OCTOBER NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH

MOTION: by Plautz second by Dowell to proclaim October as National Domestic Violence Awareness Month. Upon voice vote:

YES: (4)
NO: (0)
ABSENT: (1)

Motion Carried 4/0

11. TREASURERS INFORMATION

MOTION: by Dowell second by Benjamin to approve the Treasurers Information dated 8/31/02. Upon voice vote:

YES: (4)
NO: (0)
ABSENT: (1)

Motion Carried 4/0

12. CASH DISBURSEMENTS

MOTION: by Dowell second by Benjamin to approve the Cash Disbursements for the period 8/20/02 through 9/16/02 in the amount of \$290,019.62.

Upon roll call:

YES: (5) Benjamin, Dowell, Gifford, Kizior, Plautz,
NO: (0)
ABSENT: (1) Werch

Motion Carried 5/0

13. PUBLIC COMMENTS

Commissioner John Lahr noted that there was some discussion at earlier meetings about "weakening" of septic ordinances to make them conform to that of Lake County. Commissioner Lahr stated he would like to see those ordinances remain as stringent as they are. The County was in a position to enforce the differences between their ordinances and ours (Wayne Gunderson did it). Commissioner Lahr noted that mitigating or weakening those ordinances at this time would not be in the best interests of the Village. Board concurred.

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Attorney Hargadon indicated memo from Natalie Karney highlighting differences and Board concurrence.

14. TEMPORARY ADJOURNMENT-EXECUTIVE SESSION

MOTION: by Dowell second by Benjamin to close the regular meeting of the Board of Trustees for discussion of potential land acquisition by the Village. Upon voice vote:

YES: (4)

NO: (0)

ABSENT: (1)

Motion Carried 4/0

The Regular Meeting of the Board of Trustees was temporarily adjourned at 10:40 p.m.

15. RECONVENE REGULAR MEETING

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

YES: (4)

NO: (0)

ABSENT: (1)

Motion Carried 4/0

The Regular Meeting of the Board of Trustees was reconvened at 11:14 p.m.

16. ADJOURNMENT

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

YES: (4)

NO: (0)

ABSENT: (1)

Motion Carried 4/0

The Regular Meeting of the Board of Trustees was adjourned at 11:15 p.m.

H. Scott Gifford, President Pro Tem

Sandra R. Smith, Village Clerk