

Village of Deer Park
Regular Board Meeting Minutes
October 21st, 2002

1

1. CALL TO ORDER

The Regular meeting of the Board of Trustees of the Village of Deer Park was held on Monday, October 21st, 2002 at Charles Quentin Elementary School in the Village of Deer Park, Lake County, Illinois.

President Karl called the meeting to order at 8:00 PM. Upon roll call the following were present: Trustees Benjamin, Dowell, Gifford, Kizior, Plautz and Werch. Other Village Officials present were Engineer Gordon, Plan Commission Chair Howard Thrun, Plan Commission Member John Lahr, Administrator Diesen-Dahl, Clerk Smith, and Attorney Hargadon. President Karl declared a quorum.

Guests present were: Jon Hitcho (LZ CUSD 95); Jerry Kingkade (20109 Deer Chase Ct.); Carrie Groeller (Rue Vallee); Mary Lahr (Rue Vallee); Jim Mozer (20252 Park Hill Drive); Alan R. Battles (20097 Park Hill Drive); Jim Markham (20050 Park Hill Drive); Don J. Wiskes (104 Lois Lane); Libby Ferracane (109 Lois Lane); Jim Kraner (113 Lois Lane); Jack Honomichl (20290 N Park Hill Drive); Stephen Hegarty (501 Rue Royale); Paul Sanborn (512 Rue Royale); Pat Ekstrom (511 Rue Royale); Garrett Vojack (Rue Vallee); Teri Bridge (23675 Hedgeworth Ct.); Jim Peterson (20230 Lea); Ron Ezsak (Rue Vallee).

2. AGENDA CHANGES AND ANNOUNCEMENTS

None.

3. CONSENT AGENDA

- A. Minutes from the Regular Board of Trustees Meeting 9/16/02
- B. Minutes of the Plan Commission Meeting 10/7/02
- C. Ordinance 02-10: Variance for 23612 Juniper Lane
- D. Ordinance 02-11: Zoning Variation for 27 Circle Drive
- E. Ordinance 02-12: Septic Variation for 27 Circle Drive
- F. Deer Park Playfields Pay Request #3 for DeKaf Construction in the amount of \$60,361.28
- G. Park Hill Drainage Pipe Eye Televising Pay Request in the amount of \$225
- H. Charlie Brown Park Lighting Pay Request for Home Towne Electric in the amount of \$5,186.55.

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

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

NO: (0) Motion Carried 6/0

4. VILLAGE MATTERS

- A. Nomination of Resident Stephen Hegarty as Trustee
President Karl noted that this would be Trustee Benjamin's last meeting, and expressed appreciation for Trustee Benjamin's years of service to the Village. Trustee Benjamin has been asked to attend the November Board meeting, so that the Village can say goodbye and thank you.

President Karl indicated that his nomination to fill the vacancy left by Trustee Benjamin until the next general election in April 2003 is Steve Hegarty. Mr. Hegarty is a resident of Rue Vallee; President Karl worked with Mr. Hegarty on the design of the intersection of Quentin Road, Field Parkway, and Rue Royale. In President Karl's opinion, Mr. Hegarty is a person of great integrity who will serve the Board well.

Trustee Plautz indicated dismay that all Trustees were not contacted regarding President Karl's decision prior to release of the information of the appointment to the newspaper.

**Village of Deer Park
Regular Board Meeting Minutes
October 21st, 2002**

2

MOTION: by Benjamin second by Dowell to accept President Karl's nominee, Steve Hegarty, to fill vacancy left by Trustee Benjamin effective November 15, 2002. Upon roll call:

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

NO: (0) Motion Carried 6/0

B. Assignment of Residential Waste Contract

Groot Recycling and Waste Services, Inc. has acquired current waste hauler for the Village (BFI-Palatine).

MOTION: by Dowell second by Gifford to accept the assignment of Groot in place of BFI. Upon voice vote:

YES: (6)

NO: (0) Motion Carried 6/0

5. BIAGGI'S LIQUOR LICENSE APPLICATION

Kildeer Police have reviewed and approved the liquor license application.

MOTION: by Gifford second by Dowell to approve the Biaggi's Liquor License application.

Upon roll call:

YES: (6)

NO: (0) Motion Carried 6/0

6. JONATHAN HITCHO—CUSD 95 RE: IMPACT FEES

President Karl noted that the Village is awaiting the results of the BACOG impact fee study; desire is development of impact fees throughout the seven participating municipalities, as well as parity among school districts involved and other taxing bodies. BACOG has hired an attorney to examine fees and potential assessment.

Jonathan Hitcho, Executive Director of Business and Operational Services for CUSD 95, indicated that the District is aware of BACOG study. Scheduling conflicts precluded District attendance, but Ms. Peterson has kept the District informed of progress.

Mr. Hitcho distributed a packet to the Board with copies of slides presented highlighting the definition, philosophy, and background of developer impact fees. Generally impact fees are generated by the first building permit issued for a lot in order to cover the impact of additional students to a school district. Mr. Hitcho noted that the District is not opposed to development, only to prevent adequate facilities for future student population growth due to development. School Districts do not have the authority to require land or cash from developers; municipalities may impose requirements (through ordinance or annexation agreements) for land or cash donations to Districts impacted by development. The statutory basis upon which municipalities rely for imposing impact fees is the subdivision provision of the Illinois Municipal Code, specifically, 65 ILCS/11-12-8. Developer donations have been challenged legally. *Krughoff v the City of Naperville* is the landmark case. In 1977, the Illinois Supreme Court ruled that a municipality had the power to require dedication in land, or money in lieu thereof, where it was shown that the required contribution of land was uniquely attributable to the fairly proportioned need for new school and park facilities created by the proposed development.

The Naperville formula derives the CPU (children per unit). There are three categories: elementary, junior high, and senior high. As a unit district, all three categories apply to CUSD 95. Housing size and type, school population desired (as determined by the State by category), and land for schools needed (11 acres for elementary, 29 acres for junior high, and 45 acres for senior high). Rate is calculated by CPU divided by average school size multiplied by the average school site to derive school acreage per unit. The contribution is the school acreage per unit multiplied by the improved value of the land per acre.

Using \$150,000 as the improved value of the land, Mr. Hitcho presented the following fee schedule:

Detached single family homes	Attached single family homes (townhomes)
\$2500 for 1 – 3 bedrooms	\$795 for 1 – 2 bedrooms
\$4300 for 4 bedrooms	\$1300 for 3 bedrooms
\$5200 for 5 bedrooms	\$2400 for 4 bedrooms

Mr. Hitcho indicated that the 2001 audit showed a cost of \$6800 per student for education. Officials indicate that students expected out of the proposed development would be 1 – 3 students. If so, these fees would cover the impact of one year of education (until the properties are on the tax rolls).

Mr. Hitcho requested a developer donation agreement be drafted between the Village of Deer Park and CUSD 95. Agreement could be drafted by District Attorneys or Village Attorneys, or language could be added to developer agreements. Agreements would need to be ratified by both Boards.

Board Comments/questions:

Trustee Werch asked about the reasoning behind the difference in donations from single family attached and detached homes. Mr. Hitcho indicated that the theory is that single family attached homes (townhomes) would not bring in families.

President Karl indicated the desire of the Board to support impact fees, noting that a strong school district is important to the Village both in terms of supporting children and in supporting resale values of homes.

Attorney Hargadon noted that *Naperville* mandates there be a nexus between fees and impact. Prior to tonight the Village did not have the information to achieve that nexus. If the data supports changes, the Village can amend their ordinance. Board requested Attorney Hargadon review information given tonight for basis for an agreement.

Trustee Gifford noted that Village has been discussing changing impact fees for several years. Formula had been requested by Trustee Gifford previously, but not received backup information. Board approached the District proactively, realizing impact fees for the Village are not where they should be.

Trustee Kizior asked if parcels not built out are included in the numbers being used by the Redistricting Committee currently underway. Mr. Hitcho believes these parcels are included.

Resident Comments/questions:

Resident Carrie Groeller asked who gave the estimate of 1 – 3 children for the proposed townhome development. Mr. Hitcho indicated that he did not remember where that estimate came from, but stated that townhomes and detached maintenance-free single family homes do not attract children. Mr. Hitcho stated that this is true approximately 50% of the time.

Resident Ron Ezsak questioned the disposition of Charles Quentin School and what would be required to handle both expected numbers of additional students and even unexpected numbers of children. Mr. Hitcho indicated that the citizens' committee on boundaries is meeting to determine impact of addition of new school next fall. Boundary committee is taking into account every proposed development for areas serviced by CUSD 95, as well as projected birth rates. Mr. Ezsak relayed experience of lack of teachers at Charles Quentin. Mr. Hitcho noted that the Boundary committee is looking at desired number of students for each school maintaining an aggressive teacher/student ratio. Mr. Hitcho requested Mr. Ezsak's email address to facilitate communication regarding the Boundary committee.

7. **SQUIRES HOMEOWNERS ASSOCIATION**

Resident Howard Thrun, representing the Squires Homeowners Association, presented the Board with information regarding expenditures for maintenance of Village-owned land within the Subdivision and requested cost-sharing by the Village for these expenses.

Total expenditures for the Squires for 2001 were \$1,830; homeowners requesting \$915.

MOTION: by Benjamin second by Kizior to pay \$915 to supplement expenses for Squires cul-de-sacs and pond. Upon roll call:

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

NO: (0)

RECUSED: (1) Werch

Motion Carried 5/0/1

Resident Libby Ferracane asked if the Board would consider cost-sharing for the cul-de-sac at Park Hill and Lois Lane. Board indicated that, if homeowners participate jointly with the Village in providing improvements to Village-owned and accessible property, the Village would share the costs of such improvements with the exception of herbicides and sweat equity. Additionally, costs should be presented to the Board prior to decision to expend money.

Resident Pat Ekstrom questioned if weed killer was included in the Squires proposal. Mr. Thrun indicated it was not, and noted that those types of costs were rejected previously.

8. **PARK HILL HOMEOWNERS ASSOCIATION**

Jack Honomichl and Jim Mozer submitted packet of information for Board consideration prior to the meeting.

President Karl noted that Village needs to move Inverness Developers along in reacting to issues sent in August and October letters. Recommends involving Attorney Hargadon more fully.

Resident Jack Honomichl indicated that five months have passed, and requested verification that nothing the developer (of Robinson Fields) has been asked to do regarding drainage problems has been taken care of. Engineer Gordon confirmed. Mr. Honomichl noted that the Board has approved expenditures, but the money has not been spent. Further, Park Hill Homeowners are not certain monies approved should be spent. Residents are requesting that the Board hire a third party, they suggest STS Consultants, to do a review and study. Overall recommendation is to pool the monies already appropriated, but as yet unspent, to follow the recommendation of the third party consultant.

Resident Jim Mozer noted that the drainage ditch work done by the Village was badly needed and appreciated, but basically cosmetic. Nothing has been done by the developer. Monitoring wells will take 3 – 4 years to yield results. Surface water is an immediate problem.

President Karl requested affirmation from the Board for assistance of Attorney Hargadon in leveraging the developer.

Mr. Mozer noted that the homeowners do believe the Board has acted in good faith, expecting monies to be spent and developer to comply; however, that has not happened.

Trustee Kizior asked if STS could be objective. Engineer Gordon believes STS would be objective.

President Karl noted that the Village is using STS to study wells in the Triangle (study scheduled to be on the December agenda).

Trustee Kizior asked Engineer Gordon the probability that recommendation from STS would differ from current plan. Engineer Gordon indicated a low probability that STS

recommendation would differ from Gewalt Hamilton recommendation currently being undertaken. Trustee Kizior questioned the need to change.

Resident Jerry Kingkade stated that the developer told him he was not going to do anything until he gets a building permit. Mr. Kingkade noted that there has been excess dirt on the lot (20 – 30 truckloads); water on the Kingkade's property; complaining to the Village for the last 18 months. In issue regarding failed Wisconsin Mound septic, a certified letter was sent with no response until the developer was served with a 38-page complaint. Now he is working with them.

Board requested Attorney Hargadon act aggressively in pursuing actions with the developer. Board discussed options available to Village to further leverage actions. Attorney Hargadon recommends meeting with Engineer Gordon, developer, developers' attorney, and himself. At that meeting, deadlines to be set for correction of issues or Village Attorney will file suit. Board requested meeting occur within the next two weeks.

Resident Jovanna Kingkade questioned why the Village does not have the work done, then bill the developer. Bond held would not cover work needed. Ms. Kingkade noted that the bond would certainly cover costs to remove the dirt trucked in.

Resident Jerry Kingkade indicated that dirt was trucked in from townhomes being built in Palatine. Mr. Kingkade has photographs of their home before and after dirt was trucked in. President Karl requested copies of the photographs be given to Engineer Gordon.

Resident Jim Kraner stated that developer was trucking dirt in prior to a building permit being issued.

Resident Jim Mozer indicated that he believes a third party consultant would have a different recommendation, as they would be looking at the entire scope of the problem, rather than specific items.

Trustee Dowell indicated his belief that Engineer Gordon and the Board are looking at the entire scope of the issue, not approaching the problem with a piecemeal approach. Original proposal by Engineer Gordon laid out a plan for a step-by-step approach to the issue. Questioned if, in the original plan, additional steps are available which could begin while pursuing developer. Engineer Gordon indicated that initial report called for an additional storm sewer. In the opinion of Engineer Gordon, Park Hill drainage is the major contributor to the problem in the area, not Robinson Fields. Attorney Hargadon requested estimate for installation of pipe in Robinson Fields "failed swale" area; Engineer Gordon estimated \$20,000. Additional storm sewer at Park Hill – Lois Lane would be approximately \$80,000. Trustee Dowell noted that Mr. Honomichl and Mr. Mozer are caught between two drainage issues.

Trustee Kizior voiced support for pursuit of developer over Robinson Fields issues, if no reasonable response, pursue independent consultant.

Trustee Benjamin questioned whether STS could change anything if no cooperation received from developer.

Trustee Werch noted that many of the remedial drainage issues the Village is facing are the result of failure to recognize issues before developers finished work and were out of the scope of Village influence. Trustee Werch indicated support for remedial action in Park Hill and pursuit of developer simultaneously.

Engineer Gordon recommends installation of storm sewer from Park Hill to Lois Lane which would pick up 10-year storms and send it via 24" storm sewer north to the pond. Over 10-year storms would still run over land. Would reduce the amount of overland flow. Would need to verify downstream impact prior to construction.

Trustee Kizior indicated this would need to be done in parallel with pursuing the developer to remedy Robinson Fields issues.

Resident Jim Kraner indicated that storm sewer cannot handle downstream impact now.

Jim Mozer to be homeowner contact for Engineer Gordon.

Engineer Gordon recommends monitoring wells be put on hold. Board concurred.

Trustee Plautz verified with Engineer Gordon that specific steps were presented previously, and this work was included in that plan.

MOTION: by Werch second by Benjamin to authorize the Village Engineer to complete his study and evaluation of feasibility and advisability of a storm sewer along Park Hill Drive, and that evaluation be completed in two weeks' time, by 11/8. At that time, if the recommendation is supported by the evaluation, that job be put out to bid. Upon voice vote:

YES: (6)

NO: (0)

Motion Carried 6/0

9. **VEHE FARM FOUNDATION**

A. **Recommendation for the improvement and development of the barns**

Jim Peterson, on behalf of the Vehe Farm Foundation, asked for Board support and approval of the master plan for the site. Mr. Peterson presented proposal dated 10/14/02. Plan provides a multiphase effort; Priority I provides for main barn exterior enclosure systems, Priority II provides for portion of out-building exterior enclosure systems, Priority III provides for functional and useable use of the main barn, Priority IV encompasses the remaining portion of out-building exterior enclosure systems. Seeking funding for Priority I as outlined in the proposal (\$86,100 + \$212,600= \$298,700). Mr. Peterson indicated that work was prioritized in a manner to provide best use of funds and also provide Village with immediate use of the property, as well as a catalyst for attracting funding for remaining site improvements.

Board discussed options for outside funding. Due to economic climate and the fact that grantors would look for Village support first (since Village owns Vehe Farm), Board consensus to have Village fund initial phases and pursue grants for Priority III.

MOTION: by Kizior second by Plautz to allocate funds for building design and development, construction document production and the deliverables of Priority I in an estimated amount of \$298,700. Upon roll call:

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

NO: (0)

RECUSED: (2) Dowell, Werch

Motion Carried 4/0/2

B. **Vehe Farm Foundation Agreement**

Agreement originally discussed two months ago. Attorney Hargadon received minor comments on it from the Vehe Foundation Board. VFF Board wanted better delineation between that property which would be the Village Hall and that property which would be the property for which the Foundation is responsible. Also, wanted to qualify the obligation of the Foundation to maintain their property in good condition to such steps as are required and permitted by the Foundation's budget.

MOTION: by Gifford second by Benjamin to accept the Vehe Farm Foundation Agreement. Upon roll call:

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

NO: (0)

RECUSED: (2) Dowell, Werch

Motion Carried 4/0/2

**Village of Deer Park
Regular Board Meeting Minutes
October 21st, 2002**

7

Attorney Hargadon asked the Board to keep in mind, procedurally under this agreement between the Village and the Foundation, the Village has an obligation to present a budget to the Village Board. Agreement, as passed, calls for interim budget by 9/1/2002 until the Foundation can submit budget in March 2003.

MOTION: by Gifford second by Benjamin to amend Paragraph 4 such that the Foundation would have to submit an interim budget by 11/30/02. Upon roll call:
YES: (4) Benjamin, Gifford, Kizior, Plautz
NO: (0)
RECUSED: (2) Dowell, Werch Motion Carried 4/0/2

Resident Pat Ekstrom requested clarification on whether or not \$300,000 for the Vehe Farm was approved, while \$80,000 for drainage was not approved. Trustee Kizior responded that the Board authorized the Engineer to go forward in his study to make sure that calculations were right prior to bidding. If design is flawed, correct prior to bidding.

Resident Paul Sanborn voiced the opinion that the Board is giving the green light to go ahead by approving funding for designs. President Karl responded affirmatively.

Trustee Werch affirmed that the Board approved nearly \$300,000 for the Vehe Farm, and approved \$80,000 be spent on drainage problem, unless the Engineer feels it would be wasted money. Understands concern, legitimate question.

Resident Pat Ekstrom thought the \$80,000 was being postponed. Trustee Werch stated no, unless the Engineer felt that fix would not work after review. President Karl noted that the Engineer would take the project out to bid, at which time it may actually cost more than \$80,000 for the work.

10. AUTHORIZATION TO BID SWANSWAY PONDS

In order to move ahead with Swansway drainage improvements, following items need to be approved by the Village in order to continue pursuing the permit through the Army Corps:

- A. Approve \$765 for Lake County Stormwater Management permit fee (to obtain permit for sewer).
- B. Approve \$7500 for amending of contract with Hey & Associates for wetlands mitigation issues.
- C. In November, will seek temporary construction easement following resident discussions.
- D. Authorization to take the project out to bid after problems resolved with agencies.

MOTION: by Gifford second by Benjamin to approve \$8265--\$765 for Lake County Stormwater Management permits and \$7500 for amending of contract with Hey & Associates to include wetlands mitigation issues. Upon roll call:

YES: (6) Benjamin, Dowell, Gifford, Kizior, Plautz, Werch
NO: (0) Motion Carried 6/0

Should know about any additional expenditure required for wetlands mitigation or banking within the next month.

MOTION: by Gifford second by Dowell to allow the Village Engineer to take this project out to bid. Upon voice vote:

YES: (6)
NO: (0) Motion Carried 6/0

11. PROPOSAL FOR TECHNOLOGY UPGRADES

Office staff requesting upgrades and additions—Desktops for Administrator's Office and Treasurer's Office; laptop for Clerk. Board approved purchase of desktop for Treasurer's Office and laptop for Clerk; attempt to upgrade Administrator's PC to compatibility with Treasurer's.

MOTION: by Dowell second by Gifford to purchase one desktop for the Treasurer's Office and one laptop for the clerk as specified by staff, and expend up to \$500 to refurbish Administrator's personal computer. Include purchase of Microsoft Office. Total expenditures not to exceed \$6700. Upon roll call:

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

NO: (0)

RECUSED: (1) Kizior

Motion Carried 5/0/1

12. REPORTS

A. Attorney Hargadon

i. Ordinances:

- a. New Special Service Areas as underlying areas have changed; Motorola has expanded and Poag & McEwen has contracted by the sale of at least one outlot. These ordinances bring the SSA's into balance per the original agreements among the developers and the Village. Ordinance 02-13 establishes SSA #8 and covers the Deer Park Town Center not sold to users for outlots.

MOTION: by Gifford second by Dowell to approve Ordinance 02-13:

Establishing Ordinance for SSA #8. Upon roll call:

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

NO: (0)

Motion Carried 6/0

- b. Ordinance 02-14 establishes SSA #9. Coterminous with Hamilton Partners Development property. Same in area but for right of way dedications and with the exception of Bright Horizons.

MOTION: by Gifford second by Dowell to approve Ordinance 02-14:

Establishing Ordinance for SSA #9. Upon roll call:

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

NO: (0)

Motion Carried 6/0

- c. Ordinance 02-15 establishes SSA #10. Coterminous with Motorola property.

MOTION: by Gifford second by Dowell to approve Ordinance 02-15:

Establishing Ordinance for SSA #10. Upon roll call:

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

NO: (0)

RECUSED: (1) Kizior

Motion Carried 5/0/1

- d. Trustee Benjamin indicated that rates for bonds are market rates, and bonds appear to be in order. Attorney Hargadon indicated that the rates for the bonds will be approximately 5 5/8%. Trustee Benjamin indicated that the Equalized Assessed Valuation is more than sufficient for the number of bonds outstanding.

Ordinance 02-16 establishes bonds to be sold in the amount of \$815,000 for Special Service Area #8.

MOTION: by Gifford second by Dowell to approve Ordinance 02-16: Bond

Ordinance in the amount of \$815,000 for SSA #8. Upon roll call:

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

NO: (0)

Motion Carried 6/0

**Village of Deer Park
Regular Board Meeting Minutes
October 21st, 2002**

9

- e. Ordinance 02-17 establishes bonds for sale in the amount of \$920,000 for Special Service Area #9.

MOTION: by Gifford second by Dowell to approve Ordinance 02-17: Bond Ordinance in the amount of \$920,000 for SSA #9. Upon roll call:

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

NO: (0) Motion Carried 6/0

- f. Ordinance 02-18 establishes bonds for sale in the amount of \$725,000 for Special Service Area #10.

MOTION: by Gifford second by Dowell to approve Ordinance 02-18: Bond Ordinance in the amount of \$725,000 for SSA #10. Upon roll call:

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

NO: (0)

RECUSED: (1) Kizior Motion Carried 5/0/1

Money from SSA #'s 8, 9, and 10 will be used to pay for largely the roadway costs that are going to be constructed by Lake County to improve Lake Cook and Quentin and associated intersections. Ordinances 02-19 and 02-20 are the ordinances for the agreements for these; one final, one draft to be approved subject to final approval by the Village Attorney with the Illinois Department of Transportation. These came in this week; need to be approved tonight to maintain schedule with the County for December letting and posting money with the County necessary for construction next year.

- g. Ordinance 20-19: An Ordinance Authorizing the Execution of an Agreement with Lake County for the Lake Cook and Quentin Roadway Improvements. Agreement covers reconstruction of Lake Cook Road and improvements to Quentin Road north and south of the intersection, and temporary and permanent signalization at Field Parkway and Quentin Road. \$8.67 million dollars total Village commitment. Agreement contains provisions to recoup contingency dollars at three points: awarding (if bids come in low), 50% progress, and completion. Also contains provisions with respect to operations and maintenance costs with signals.

\$8.67 million dollar commitment to be borne by developers, not Village, as these are public improvement items the developers are obligated to fund by annexation agreements. Funding will come from a mix of SSA funds. There will be a shortfall, approximately amounting to the 15% contingency, which will be addressed by a developer contribution agreement which will be covered tonight.

Potential private property taking at northwest corner of Quentin and Lake Cook and Quentin and Rue Vallee will not be needed, given new engineering design. IDOT does have property subject to condemnation at southeast corner of Quentin and Lake Cook. Letters to be sent out to negate letter requesting property; Trustee Kizior to work with Attorney Hargadon.

Resident Pat Ekstrom noted residents had an excellent meeting with Trustee Kizior; one outstanding issue—light at Field Parkway and Rue Royale. Trustee Kizior was to follow up with Engineer Gordon.

Resident Steve Hegarty indicated homeowners need to review final engineering plans.

Trustee Plautz noted that signalization is an engineering issue, not agreement. Need to make sure appropriate signal is included.

President Karl noted that signalization would be County decision, not Village decision, although the Board could work to achieve signalization desired.

Resident Pat Ekstrom stated that the issue is cut-through traffic from Rue Royale to Field; the “pork chop” restricts traffic out of Field, but not Rue Royale.

Resident Carrie Groeller noted that design drawing at homeowner meeting was unclear. Residents are concerned about traffic moving 40 mph down Lake Cook Road using Rue Vallee streets to cut through to Field Parkway heading for the shopping mall. Thought design had to mirror on both sides of Quentin.

Board discussed options open to convince County to use signalization desired and/or enforce signage.

Attorney Hargadon noted that not approving these agreements tonight would add additional obstacle to working with the County

Trustee Werch indicated that homeowner concerns are legitimate. If the Village cannot get the signals desired (which he agrees with), the Village is obligated to make sure that Kildeer Police back up homeowners concerns.

Resident Pat Ekstrom stated that homeowners have been before the Board for two years with the same concerns: safety of children standing on the corner. Commitments were given by the Board that cut-through traffic would be disallowed. Wonderful meeting with Trustee Kizior who is trying to say residents will compromise with this design even though they did not get what they asked for, as long as there are right-hand turn arrows instead of a green ball. Board is saying they are going to push forward, do what they want to do, they don't care what residents think; Ms. Ekstrom stated she was leaving.

Trustee Plautz stated that, if Village believes common sense means signalization should be arrows, but County desires other, someone should explain County position.

Board discussed other traffic-calming techniques, such as striping. Trustee Werch noted that, because Village cannot control this issue, residents feel Board is not supporting them. President Karl noted Village has tried numerous times to persuade County.

Trustee Dowell requested quantification of delay in approving agreement. Attorney Pugliese indicated delay could prevent award in January; County Board personnel change could cause additional delays later; pricing early in season is more advantageous; and Village has been pushing Lake County and IDOT to meet this schedule—have excellent relations currently with them; if we put on the brakes now, could cause problems.

Board discussed possibilities for continuance or special meeting to allow time to approach the County on this issue.

Trustee Benjamin noted that there is striping, there is signage. If cannot get arrows, can legally stop traffic with what is in place. People who would disobey stripes and signs would also disobey arrows.

MOTION: by Gifford second by Benjamin to approve Ordinance 02-19: An Ordinance Authorizing the Execution of an Agreement with Lake County for the Lake Cook and Quentin Roadway Improvements. Upon roll call:

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

NO: (0)

Motion Carried 6/0

MOTION: by Werch second by Kizior to instruct the Village President to request one more time for particular signalization requested by residents of Rue Vallee for this intersection. However, if County feels, because of their concerns about pedestrian traffic, that is not appropriate signalization, move if signage is inadequate to properly indicate intentions to motorists, Village (at Village expense) to post supplemental signs directing motorists that they may only make a right or left turn at the intersection, and other traffic-calming measures, as necessary. Upon voice vote:

YES: (6)

NO: (0)

Motion Carried 6/0

- h. Ordinance 02-20: Authorizing the Execution of an Agreement with Illinois Department of Transportation, Lake County and Cook County for the Funding of the Lake Cook and Quentin Roadway Improvements.

IDOT not yet released final format; expect to be substantially the same. Master agreement which sets forth all parties obligations. State providing up to 1.27 million in EDP funds, as well as additional \$370,000 in jurisdictional transfer funds (road improvement funds), and 100% of the cost of resurfacing project west of Quentin to Deer Path (approximately \$290,000). Cook County is contributing the construction engineering, the supervising engineering during the course of the project (approximately \$865,000). Lake County will not be providing cash; it will be the letting agency. Village of Deer Park local remaining funding needed.

IDOT Appropriations issue: Standard clause which says if money is not available at time due, if not available (not appropriated), State does not have an obligation. Contract could be let by Lake County; remote possibility that when County went to State for funds, State could claim money not available. In that event, all obligations would cease. Requested modification to avoid parties release of obligation and commitment to funding. IDOT has agreed to modify so that if and when funding resumes, obligations resume. Also, the Village has the right to make an election to provide monies so project will continue. If so, when IDOT funding resumes, Village to be reimbursed.

MOTION: by Benjamin second by Gifford to accept Ordinance 02-20 an ordinance that deals with the execution of agreement with IDOT, Lake County, Cook County for Lake Cook and Quentin Road improvements. Upon roll call:

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

NO: (0)

Motion Carried 6/0

- ii) Approval and Authorization for Execution of the Fifth Amendment to the Construction Management Agreement.

Agreement with SSA developers with respect to the construction of various improvements. Even with SSA funds, because of 15% contingency required by the County, will run short. Developers are responsible for shortfalls under the annexation agreement. Approximately \$1.7 million of new SSA funds will be allocated towards the payment to the County. Developers to fund now—funds to arrive in next couple of days. Developers seeking claim on reimbursed funds.

MOTION: by Plautz second by Gifford to approve the Fifth Amendment to the Construction Management Agreement. Upon roll call:

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

NO: (0)

Motion Carried 6/0

Village of Deer Park
Regular Board Meeting Minutes
October 21st, 2002

12

There will be one more agreement: cost-sharing agreement for light at Lake Cook and Deer Park Boulevard operations and maintenance.

- iii) Amended Plat for Deer Park Office Center—sets forth utility easements, delineates wetlands. Attorneys and Engineer have reviewed.

MOTION: by Werch second by Gifford to accept the revised Plat of Deer Park Office Center as submitted. Upon roll call:

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

NO: (0) Motion Carried 6/0

- iv) Plat of easement from Motorola which sets forth utility and Stormwater detention easements. Bike path easements will be set forth on separate plat. Reviewed by Attorneys and Engineer.

MOTION: by Werch second by Benjamin to accept the submitted Plat of Easements from Motorola delineating easements for various utilities. Upon roll call:

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

NO: (0) Motion Carried 6/0

- v) Not completed shed ordinance update.

B. Administrator Diesen-Dahl

- i) Office deck, ramp, and steps fixed. Final cost over Administrator's discretion.

MOTION: by Gifford second by Dowell to approve an expenditure of \$703.93 for repair of deck, ramp, and steps at Village Office. Upon roll call:

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

NO: (0) Motion Carried 6/0

Board asked Administrator to make certain costs over \$500 brought to Board prior to expenditure.

- ii) Ordering park closing signs at request of Kildeer Police. To be placed in Charlie Brown, Chapel Hill and at new Triangle Park Site when opened. Expenditure to be less than \$500.
- iii) BACOG meeting tomorrow night.
- iv) Information regarding DPTC festivities distributed.
- v) BADC leadership academy. Village to pick up fee for those wishing to attend.

C. Trustee Kizior—Roads & Public Utilities

- i) Drainage work on Oak Ridge and Deer Meadows done this month with phone vote taken. After work was done, discovered resident was discharging sump pump into swale. Trustee Kizior to talk to resident for ongoing maintenance.
- ii) Met with Rue Vallee. Trustee Kizior to work with Board and staff to complete action items.
- iii) Teen Center—Ela Township approved funding for center and hiring of Supervisor to oversee creation and management of Youth Center.

D. Trustee Dowell

- i) Presented audit reports and management letter for acceptance; distributed last month for review.

MOTION: by Dowell second by Gifford to accept the audit report for the Fiscal Year ending 4/30/02. Upon roll call:

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

NO: (0) Motion Carried 6/0

**Village of Deer Park
Regular Board Meeting Minutes
October 21st, 2002**

13

MOTION: by Dowell second by Gifford to accept the Management Letter for the audit report for Fiscal Year ending 4/30/02. Upon roll call:

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

NO: (0) Motion Carried 6/0

E. Trustee Benjamin

Request repair of basketball court in Dover Pond; proposal and estimate distributed. Surface lower than ground surrounding, and collects water.

MOTION: by Benjamin second by Dowell to accept proposal from DeKaf Construction for repair of the basketball court in Dover Pond with the overlay and the pathway for the amount of \$9,100. Upon roll call:

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

NO: (0) Motion Carried 6/0

Engineer Gordon noted that some of the work may be held until Spring, based on weather.

F. Clerk Smith

i) Submit information for newsletter within next two weeks for publication mid-November.

G. Trustee Plautz—Health and Sanitation

i) Recommend Village maintain four newsletters per year; disappointed there would only be three this year. Trustee Plautz offered to help as needed.

ii) Requested adding interim information to web site as necessary.

iii) Walked the path at the Farm; concerned about deer eating new plantings at Vehe Farm. Discussion regarding potential ways to protect new plantings. Trustee Benjamin spent a Sunday caging plantings to protect.

H. Trustee Werch

i) Vehe Farm Foundation has lead on experienced grant writing person.

ii) Working on volunteer and staff appreciation dinner for ZBA, PC, Board, Staff, and Vehe Farm Foundation. Recommend Sunday evening 11/17, 12/1, or 12/8. Had been held up pending suitable location in Deer Park; recommend Biaggi's.

I. President Karl

i) Lake County Regional Form Group meeting at the Lake Zurich Village Hall at 6:45 Monday night. President Karl unable to attend; request Trustee attend.

ii) Mayor Krischke's office looking to form tax-levying agencies group similar to BACOG. Informational meeting to discuss scope and limitations of such a group in November; President Karl to attend.

iii) Barrington Area Chamber of Commerce—Ray Elvey expressed frustrations with the Chamber, has chosen not to continue membership for DPTC. Chamber has not recognized Deer Park businesses to any extent, and have reported feeling unwelcome at meetings. DPTC still very active members of the LZACC.

iv) Possible draft of Kildeer Boundary Agreement.

v) Phase II of DPTC adding retail and theater--planning to proceed. Plans similar to what has been approved, so will appear before the BRB.

13. PROCLAMATION REQUEST—OBSERVING NATIONAL FRENCH WEEK

Motion: by Dowell second by Gifford to observe National French Week November 7 – 13, 2002. Upon voice vote:

YES: (6)

NO: (0)

Motion Carried 6/0

14. **TREASURERS INFORMATION**

MOTION: by Dowell second by Benjamin to approve the Treasurers Information dated 9/30/02. Upon voice vote:

YES: (6)

NO: (0)

Motion Carried 6/0

15. **CASH DISBURSEMENTS**

MOTION: by Dowell second by Gifford to approve the Cash Disbursements for the period 9/17/02 through 10/21/02 in the amount of \$430,975.71.

Upon roll call:

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

NO: (0)

Motion Carried 6/0

Disbursements higher than usual due to sewer payment.

MOTION: by Werch second by Gifford to amend the cash disbursements to adjust the payment to M Reid Construction from \$2, 629 to authorized amount of \$2,500. Amended amount of Cash Disbursements to be \$430,846.71. Upon roll call:

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

NO: (0)

Motion Carried 6/0

16. **PUBLIC COMMENTS**

Resident Carrie Groeller asked if new sewer and water lines along Quentin and Long Grove are for potential development or development already approved/existing. Engineer Gordon indicated for already approved/existing development. Noted outstanding FOIA's. Confusion within Staff regarding who was handling; information to be forwarded to Ms. Groeller ASAP. Thanked Trustee Werch; shared his agenda package with Ms. Groeller so that information therein would not need to be requested by FOIA.

Board and public present thanked Trustee Benjamin for his many years of outstanding service to the Village.

17. **ADJOURNMENT**

MOTION: by Benjamin second by Gifford 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 11:55 p.m.

Richard C. Karl, President

Sandra R. Smith, Village Clerk