

**Village of Deer Park
Regular Board Meeting Minutes
February 17th, 2003**

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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, February 17th, 2003 at Charles Quentin Elementary School in the Village of Deer Park, Lake County, Illinois.

President Karl called the meeting to order at 8:04 PM. Upon roll call the following were present: Trustees Dowell, Gifford, Hegarty, Kizior, and Werch. Other Village Officials present were Engineer Gordon, Plan Commission member John Lahr, Zoning Board of Appeals member Jack Honomichl, Administrator Diesen-Dahl, Clerk Smith, and Attorneys Hargadon and Kopecky. Trustee Plautz was absent. President Karl declared a quorum.

Guests present were: Ron Ezsak (Rue Vallee); Pat Ekstrom (Rue Vallee); Mary Lahr (201 Rue Touraine), Jim Mozer (20290 N. Park Hill Drive), Paul Sanborn (Rue Vallee).

2. AGENDA CHANGES AND ANNOUNCEMENTS

None.

3. CONSENT AGENDA

A. Minutes from the Regular Board of Trustees Meeting 1/20/03.

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

YES: (5)

NO: (0)

ABSENT: (1) Plautz

Motion Carried 5/0

4. ENGINEERS REPORT

A. 2003 Road Maintenance Resolution

Additional drainage problem—Meadow Lane low area. Engineer Gordon recommends including in road program, as fits in with resurfacing. Need to obtain elevations; estimate cost of \$20,000 to replace sewer. Trustee Kizior concurs; attempted to correct last summer. Incremental dollars spent seem warranted at this time to correct the problem.

MOTION: by Kizior second by Dowell to accept the 2003 Road Program per the memo from Engineer Gordon dated 2/6/03, including addition for drainage problem on Meadow Lane. Estimated total of \$313,715.50 (original estimate in memo plus \$20,000 for work added on Meadow Lane). \$180,000 to be allocated from the MFT fund; remaining costs to come from other sources such as the Village's Capital Fund.

Upon roll call:

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

NO: (0)

ABSENT: (1) Plautz

Motion Carried 5/0

B. Park Hill Storm Sewer Bids

Discussed at November Board meeting; estimated \$80,000 total cost at that time. Bids received ranging from \$89,565 to \$134,862. Experiencing difficulty gaining permission for access to properties to allow for trenchless method of installation. Trustee Dowell, Engineer Gordon, and Martam Construction (low bidder) met to discuss alternatives. Recommend open cutting of the trench to accommodate the storm sewer. Originally planned parallel storm sewer to minimize damage; propose replacing existing storm sewer with 24 inch" pipe to the pond. Village may want to consider approving low bid with condition to negotiate unit prices with the contractor to allow beginning of job (anticipate \$95-96,000).

Martam Construction has not done work for the Village; has worked for Lake Zurich. Lake Zurich indicated work completed satisfactorily. Gewalt Hamilton has also worked with this contractor before, and Gewalt Hamilton is confident contractor can complete the project as modified for open cutting.

With the onset of spring weather, Engineer Gordon noted that work will begin downstream so a pipe will always be in place; road fill measures will also be in place to pick up sediment.

Resident Terry Granahan will be affected by work; he would like to see his landscape contractor perform the top soil restoration and seed/sod. Village will restore back to same conditions; mainly sod restoration. Trustee Dowell noted that resident has no immediate benefit from this work, and has been extremely helpful.

MOTION: by Kizior second by Gifford to approve the drainage project for the Park Hill Subdivision in the amount of \$89,565 as described in the memo from Engineer Gordon dated 2/14/03, contingent upon changing pipe sizes and negotiating unit prices and quantities. Provision for an additional amount not to exceed \$5000 for homeowner restoration (Granahan), contingent upon review of landscaper quotes by Gewalt Hamilton. Upon roll call:

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

NO: (0)

ABSENT: (1) Plautz

Motion Carried 5/0

Attorney Hargadon indicated opinion that Trustee Dowell did not have a pecuniary interest in the project, and may vote.

C. Robinson Fields Update

Met with Robinson Fields developer in December; waiting for information. Received responses indicating work ready to be done. No work completed. Developers contend topsoil is needed for development. To date, design has not been approved. Options available include: requiring removal of stockpiled dirt and/or requiring grading plan. Can require grading plan such that dirt can be kept on site, placed in a manner that it can be seeded if not used.

Letter sent to Inverness regarding removal of stockpiles; response indicating receipt of letter just received.

Grading plan would have to show how drainage would be accommodated. Would not look natural, even after grading.

Attorney Hargadon suggests developer has been afforded every opportunity to produce results and rectify problems. Reminded Board that deadline was set for developer last month. Same promises being made that were rejected in December. Suggest we file suit for violation of grading ordinance, as well as various subdivision issues that still occur that have not been rectified dating back to last summer.

MOTION: by Dowell second by Kizior to authorize Attorney Hargadon to file suit for violations as enumerated in 2/12/03 letter from Engineer Gordon to Mr. Russell McElwain of Inverness Development. Upon roll call:

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

NO: (0)

ABSENT: (1) Plautz

Motion Carried 5/0

D. Old Farm Court Beaver Dams

Dams are occurring naturally; Lake Zurich has worked to remove dams and has been monitoring due to backups. Request Deer Park remove debris left from blowing out beaver dams. Lake Zurich will monitor water levels. May need to trap beavers and relocate if problem persists.

MOTION: by Kizior second by Dowell to allocate up to \$1000 for debris removal in the Old Farm Subdivision area. Upon roll call:

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

NO: (0)

ABSENT: (1) Plautz

Motion Carried 5/0

5. BACOG LEGISLATIVE PLATFORM

Information included in Board packet. Trustee Kizior is Village representative on the BACOG Legislative Committee. BACOG platform provides support for:

- ◆ Groundwater protection,
- ◆ Extension of Route 53 in Lake County,
- ◆ Modifications to State Disconnection Legislation,
- ◆ Sensible growth initiatives and funding for local planning efforts,
- ◆ Allowing governments to require a letter of credit for development,
- ◆ Preserving State shared revenues at current levels, and
- ◆ Enabling Legislation for Development Impact Fees.

President Karl and Trustee Kizior recommend approval.

MOTION: by Gifford second by Kizior to approve the BACOG 2003 legislative platform as outlined in the 1/29/2003 letter from Janet Agnoletti, BACOG Executive Director. Upon voice vote:

YES: (5)

NO: (0)

ABSENT: (1) Plautz

Motion Carried 5/0

6. BACOA FUNDING REQUEST

Tabled to next month pending information regarding past contribution levels by the Village.

7. CHICAGO WILDERNESS MEMBERSHIP CONTRIBUTION

Request for donation from Chicago Wilderness. Deer Park led in terms of Villages in the area becoming members. President Karl reported that North Barrington and Lake Barrington are now both members, as well as BACOG. Donation of either \$250 or \$500 requested.

MOTION: by Werch second by Dowell to approve a contribution in the amount of \$250 for General Membership in Chicago Wilderness. Upon roll call:

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

NO: (0)

ABSENT: (1) Plautz

Motion Carried 5/0

8. REPORTS

A. Attorney Hargadon

- i. Ordinance 03-8: An Ordinance Amending the Building Regulations
Withdrawn for approval this month by Attorney Hargadon.

ii. Kildeer Boundary Agreement

Attorney Hargadon presented an amendment to the agreement, as not passed by Kildeer in form Deer Park passed; issue is Bacchus. In previous draft, Deer Park was responsible to reimburse the Village of Kildeer \$1200 per year until redevelopment of site to reimburse Kildeer for lost sales and real estate taxes on property. Discovered that sales tax figures on which Kildeer made estimate were off by a factor of 10—amount should actually be \$12,000. Deer Park had originally offered to pay back actual amounts of tax collected until time of redevelopment, at which time a 5 year tax sharing agreement begins; due to calculation error and acknowledgement that taxes can indeed be tracked, Kildeer requesting original offer paid on an annual basis.

Property in this area currently encompasses Kildeer (Bacchus), unincorporated property to the south (Corvette garage), then Deer Park (garden center). If aggregated, enter into pro rata tax sharing with Kildeer for 5 years from COO.

Without Bacchus, area would have two separate sewer areas; prefer to do as whole and have control over sites. In proposed amendment, Kildeer gets the amount of actual sales tax collected until redevelopment; Deer Park controls development.

MOTION: by Gifford second by Dowell to approve the Kildeer Boundary Agreement as amended by information provided by Attorney Hargadon. Upon roll call:

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

NO: (0)

ABSENT: (1) Plautz

Motion Carried 5/0

Engineer Gordon and Attorney Hargadon met prior to this meeting to begin processes to work with the various jurisdictional agencies to accomplish the aims of the boundary agreement: disconnection of properties currently in Kildeer south of Rand Road that will be coming into Deer Park and working within the jurisdictional framework in order to accomplish the various jurisdictional transfers within the Northeastern Illinois Planning Commission, Metropolitan Water Reclamation District, and Village of Palatine.

iii) Triangle Developer Water Well Agreement

Attorney Hargadon has received confirmation from developers of approval of well agreement for Triangle. Developers agree to take existing shallow aquifer wells out of commission and dig deeper wells subject to the approval of the Lake County Health Department. May be paid out of SSA's 8, 9, 10. Agreement contains a provision for metering. To make SSA eligible, Village will own the wells; essentially an operating agreement with the developers. Date for decommissioning 4/15. Construction for deep wells to be completed by 5/15. Hopeful work will be done by 4/15.

MOTION: by Gifford second by Kizior to approve the Water Well Dedication and Operations Agreement. Upon Roll Call:

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

NO: (0)

ABSENT: (1) Plautz

Motion Carried 5/0

B. President Karl

- i) Visual Preference Survey included in packets. Rand Road Corridor communities will use to look at architectural design standards for design consistency. Trustees and Plan Commissioners should complete by March 7th.
- ii) Village recently received a letter from Cook County regarding a potential rezoning of property at the southeast corner of Quentin and Lake Cook Roads. Petitioner is seeking to rezone in Cook County from residential to commercial retail. President Karl recommends Village object to rezoning.

Attorney Hargadon noted that rezoning within the County provides that, if a municipality has a Comprehensive Plan, as Deer Park does, and is situated within 1.5 miles of the subject property, that municipality has a right to reject. Causes vote required to rezone to be $\frac{3}{4}$ of the Cook County Board to approve. Property owner has approached Village for annexation and development. Deer Park declined.

MOTION: by Gifford second by Dowell to authorize Attorney Hargadon to file a formal objection to the petition to rezone the property at the southeast corner of Lake Cook and Quentin Roads on behalf of Deer Park. Upon voice vote:

YES: (5)

NO: (0)

ABSENT: (1) Plautz

Motion Carried 5/0

Attorney Hargadon to approach Palatine to request support for objection.

- iii) Smoking Ban Request—Attorney Hargadon researched. Nothing in agreement with Brunswick Zone which required them to outlaw smoking. Several communications received from individual regarding issue. Board consensus not to change stance on public smoking ban.

C. Trustee Dowell—Finance
No report.

D. Trustee Gifford—Planning & Zoning
No report.

E. Trustee Hegarty—Parks and Recreation

- i) Triangle park site mound request-- Associations would like mound; restricts play for young kids, but associations feel 11 and 12 year olds would get most use out of this field. Compromise on height? Associations have agreed to distances, etc. Trustee Hegarty to work with construction company to obtain bid.

Long Grove is also interested in using field.

- ii) Trustee Hegarty pursuing bids for mowing. President Karl noted that new Triangle Park site needs to be included in park in mowing schedule when bidding. May need to include accelerated mowing schedule during the season.

F. Trustee Kizior—Roads and Public Utilities

- i) Discovered new drainage issue near Old Farm Park site. Engineer Gordon to obtain quotes.
- ii) Request from resident to put in stop sign at Landmark Lane and Hollington Drive. Landmark Lane is a cul de sac; experiencing speeding problems. Normal rules of sign application don't apply; residents impacted want the change, Trustee Kizior recommends sign be posted.

President Karl noted previous recommendation from Hamilton Estates residents. Board chose to erect other cautionary signs. If erect stop sign at Landmark and Hollington, need to review other areas, also. Administrator Diesen-Dahl noted Hamilton Estates and Country Corners have parks nearby; should have stop signs to protect children. Locations may cause drivers to disregard stop signs causing additional hazards to those around them.

Item tabled to next month for input from Engineer Gordon to hear safety issues involved with installing signs. Discuss all 3 areas mentioned tonight.

G. Trustee Werch—Public Safety

- i) Trustee Werch attended the Northeastern Illinois Plan Commission meeting. NIPC is working to further identify concerns from various municipalities that NIPC deals with throughout the Chicago area. Of the various municipalities represented at the meeting, three approached Trustee Werch unsolicited and complimented Deer Park on the Deer Park Town Center. Two representatives stated their municipality was using the Center as a model for future development. President of the Lake County Municipal League was in attendance; among concerns expressed was the "unbelievable difficulty" in obtaining governmental cooperation on items; Deer Park was complimented on participation in Rand Road Corridor. Finally, proposed Kildeer Boundary Agreement containing revenue sharing was noted and applauded.
- ii) Trustee Werch investigating benefit programs for the Village—pursuing two. Lord Bissell Brook put together benefits survey of Villages that were geographically diverse but on the small side. Some municipalities did not cooperate; results from those who did submitted for Board review. As

information was received tonight, item tabled to next month for Executive Session discussion to allow time for Trustees to evaluate information.

H. Administrator Diesen-Dahl

- i) Parks applications coming in. Board directed applications for Triangle should be approved in cooperation with Trustee Hegarty, Dowell, and Engineer Gordon to evaluate use so that park is not overused in initial season.
- ii) Interest in hotel in Deer Park. Attorney Hargadon noted that there is approval for a hotel; agreement with Hamilton Partners specifies no higher than three stories.
- iii) There is a smell of gas near Village Office. NICOR cannot find anything. Board concurred with Administrator Diesen-Dahl's decision to call in heating/air conditioning person to review systems. Administrator to work with Building and Zoning Inspector Holmes to isolate issue.

I. Clerk Smith

- i) Information for newsletters is due.

9. TREASURERS INFORMATION

MOTION: by Gifford second by Dowell to approve the Treasurers Information dated 1/31/03. Upon voice vote:

YES: (5)

NO: (0)

ABSENT: (1) Plautz

Motion Carried 5/0

10. CASH DISBURSEMENTS

MOTION: by Dowell second by Gifford to approve the Cash Disbursements for the period 1/21/03 through 2/17/03 in the amount of \$170,334.40. Upon roll call:

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

NO: (0)

ABSENT: (1) Plautz

Motion Carried 5/0

11. PUBLIC COMMENTS

Resident Mary Lahr asked why the Village would object to rezoning on the corner of Lake Cook and Quentin Roads. **President Karl** indicated biggest concern is aesthetics, as a strip mall is being proposed for the site. Area is traditionally residential, and the Village would have no control over the standards of the development. **Mrs. Lahr** noted that Deer Park had single family zoning which was changed to townhomes. **Trustee Werch** noted that the way in which the comment was structured was not necessarily true. Plan for the Triangle did not designate single family residential in that area for many years. Whether or not one agrees with the development in the Triangle, the Village was able to exercise substantial control over the development. To agree to a proposal over which the Village has no control so close to residents would not be in the best interests of the residents.

Plan Commissioner Lahr asked if the Village was able to find any information on the Marathon station in regards to the Kildeer Boundary Agreement. **Attorney Hargadon** has not seen any evidence in relation to this issue. **Commissioner Lahr** indicated that Roy Clemens still lives on property adjacent. **Attorney Hargadon** to request a track search on the Title. **Trustee Werch** noted Jim Petersen has indicated that he doesn't recall this annexation. **Attorney Hargadon** clarified that property in question is located on the southeast corner of Plum Grove and Rand; Cunning property is further to the south.

Resident Ron Ezsak requested closure on the well issue. Mr. Ezsak recalled a statement made by Trustee Werch regarding reliance on experts. Inspector Holmes said in a letter wells were not installed, when in fact they were. Mr. Ezsak questioned how the Village can have such an expert on staff that incompetent, yet the person remains on staff. **President Karl** noted that Inspector Holmes is the Building Inspector employed by several other Villages; Deer Park has been very satisfied with Inspector Holmes. **Mr. Ezsak** questioned in light of letter and in light of reality, whether this performance is acceptable.

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Resident Pat Ekstrom asked how much the Village is paying in regards to the new deep wells. **Attorney Hargadon** indicated costs to be paid out of the Special Service Area Bond funding—money raised from people who purchased the bonds, then the developers pay back to bondholders—Village pays nothing.

12. 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) Plautz

Motion Carried 5/0

The Regular Meeting of the Board of Trustees was adjourned at 9:24 p.m.

Richard C. Karl, President

Sandra R. Smith, Village Clerk