

**Village of Deer Park  
Regular Board Meeting Minutes  
July 19, 2004**

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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 19<sup>th</sup>, 2004 at the Charles Quentin Elementary, 21250 W. Shirley Road, Palatine, in the Village of Deer Park, Lake County, Illinois.

President Gifford called the meeting to order at 7:10 p.m. Board members and Guests rose and recited the Pledge of Allegiance. Upon roll call the following were present: President Gifford, Trustees Dowell, Ekstrom, Kizior, Plautz, and Rotter. Trustee Thrun was absent. Other Village Officials present were Plan Commission Member John Lahr, Administrator Diesen-Dahl, Clerk Smith, Engineer Gordon, and Attorney Hargadon.

Guests present were: Layla Broadus (23009 Thornhill Court); Mary Lahr (201 Rue Touraine); and Roger Hankin (20856 Swansway).

**2. AGENDA CHANGES AND ANNOUNCEMENTS**

President Gifford noted Review of Executive Session Minutes would be moved to the scheduled Executive Session, and added "For Approval, Not Release: Minutes of the Executive Session dated June 21, 2004" to the Consent Agenda.

**3. CONSENT AGENDA**

**A) Approval and Release of Minutes from the:**

- i) Board of Trustees Regular Meeting held 6/21/04
- ii) Board of Trustees Public Hearing held 6/21/04
- iii) Plan Commission Special Meeting held 6/23/04

**B) Approval, Not Release, of Minutes of the:**

- i) Executive Session of the Board of Trustees Meeting held 6/21/04

**C) From the Engineer:**

- i) Pay Request #3 for Rand Road and Plum Grove Road Intersection Improvements in the amount of \$243,456.23 to Alliance Contractors per the memo from Engineer Gordon dated July 13, 2004

MOTION: by Dowell second by Kizior to accept the Consent Agenda, as amended. Upon voice vote:

YES: (5)

NO: (0)

ABSENT: (1) Thrun

Motion Carried 5/0

Due to late arrivals of interested parties/consultants for the meeting, President Gifford moved directly to Reports.

**4. UPDATE FROM VEHE FARM FOUNDATION—PHASE II CONSTRUCTION.**

Jim Peterson of the Vehe Farm Foundation referred to recommendations for Farmhouse exterior maintenance and Vehe Farm Barn and Building Construction Program memos submitted in the Board packets. Mr. Peterson anticipates bids for painting will be available for the August Board meeting. Should see underpinning of the Barn moving ahead this week; held up due to equipment repairs. Foundation work will be prevalent through August.

Mr. Peterson noted the August 8<sup>th</sup> event at the Farm—do not anticipate as many participants as the first year; however, the Foundation felt it was important to continue events throughout the construction process. There will be a number of activities, primarily for kids; Lake County Farm Heritage Association will be present; dedication of the memorial butterfly garden; Citizens for Conservation will have a plat map for overlay of land in Deer Park showing changes over the years.

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The Foundation is looking for more volunteers, both on the Foundation Board and to help with work at the Farm.

Information on the August 8<sup>th</sup> event and the volunteer opportunities requested to be added to the web site.

Jim Peterson has requested the old truck on the property be removed.

President Gifford noted invoice from HZPS for Foundation work, noting the invoice does not include any of Jim Peterson's time; requires approval for payment. Cost is included in the budgeted \$1.2 million construction budget.

MOTION: by Dowell second by Kizior to approve payment to Hasbrouck Peterson Zimoch Sirirattumrong in the amount of \$2,776.70. Upon Roll Call:

YES: (5) Dowell, Ekstrom, Kizior, Plautz, Rotter

NO: (0)

ABSENT: (1) Thrun

Motion Carried 5/0

Trustee Dowell and Mr. Peterson extended thanks to John Wagner from Citizens for Conservation for his efforts on behalf of the Foundation.

Trustee Dowell reported the Little Garden Club of Barrington has chosen the butterfly garden as a project on a continuing basis; will work with the Foundation for ongoing maintenance needs.

Trustee Dowell thanked Jim Peterson, also, for his efforts on behalf of the Village.

President Gifford requested action on Pay Request #1 for R&W Clark in the amount of \$103,866, including waivers, per the memo from Mr. Peterson dated July 12, 2004.

Upon Roll Call: by Kizior second by Dowell to approved payment to R&W Clark in the amount of \$103,866, including waivers, per the memo from Mr. Peterson dated July 12, 2004. Payment of funds to be allocated from the Park Fund; requires movement from the General Fund to the Park Fund. Upon Roll Call:

YES: (5) Dowell, Ekstrom, Kizior, Plautz, Rotter

NO: (0)

ABSENT: (1) Thrun

Motion Carried 5/0

Administrator Diesen Dahl noted R&W Clark has contacted the Village Office for payment in spite of being told by both Mr. Peterson and the Administrator that the check would not be available until Tuesday, July 20<sup>th</sup>.

Board consensus to approve the bid process for maintenance of the Farm house per the memo from Mr. Peterson dated July 12, 2004.

**5. FENCE ORDINANCE AMENDMENT**

Jim Brown, Teska Associates, addressed concerns raised through discussion last month: plants not salt tolerant, time to maturity, and cost for fences vs. landscaping for screening. Planner Brown researched options for plants; noted there is a large number of trees and shrubs the City of Chicago recommends that are salt tolerant, and provided a copy of that list to Administrator Diesen-Dahl to be kept on file in the office. Maturity is approximately 5 years for many of the ornamentals and shrubs on the list. Trees have a slower growth rate, but would not be primarily recommended plant. Most plants do not require an onerous amount of maintenance; initial planting and primary maintenance are most important. Planner Brown noted costs would be approximately \$50 - \$75 per plant; compared cost to that of fence installation.

Board members noted Kildeer does allow higher fences along major roads (up to 6 ft.); Kildeer has guidelines on what they will consider, but every fence must be approved by the

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Board, and Kildeer has not approved a fence (except around a pool) in over 6 years. Kildeer will not allow dog runs; must have Invisible Fence. Information conflicts with previously received information.

Board repeated concerns voiced earlier regarding corner of yards to prevent blind spots—current ordinance does not cover corners, and Village does have numerous areas with blind spots due to landscaping, brush, and weeds. Lake County requires 100 foot visibility line for residential and 130 feet for major streets. Board preliminarily recommends 30' for residential; Long Grove, Cuba, Quentin, and Ela should be 50'. Board discussed number of noncompliant corners in the Village, and how to apply any changes to the ordinance. Requested Teska survey of visibility lines for all obstructions at corners within the Village. Trustee Dowell suggested, due to cost and expertise, Teska should supply strong recommendations with potential provisions for compliance. Administrator Diesen-Dahl suggested use of BAGIS information to formulate a list of corners that should be reviewed.

Planner Brown stated he believes safety issues are addressed under current ordinances, and current ordinances should be acceptable for toddlers and small children.

Planner Brown stated he believes definitions for yards need to be addressed, but do not believe should eliminate all definitions.

Trustee Rotter noted need for enforcement if the Village chooses to enact a new ordinance regarding blind corners. No allowed infringements on corners will help to minimize enforcement obligations.

Board discussed possible adoption of ZBA Fence recommendations. President Gifford noted approximately ½ of the Zoning Board was absent at the meeting at which the recommendations were formulated. President Gifford requested a consensus among Board members for actions desired. Trustee Dowell—take no action at this time, keep current ordinances. Trustee Ekstrom—follow ZBA zoning recommendations for interior roads. Trustees Kizior and Rotter—stay with current ordinances, except to address inconsistencies in definitions. Trustee Plautz—stay with current ordinance.

Long Grove variance request status (Stanton): Attorney Hargadon stated Board has not ruled on petition; Board has decided not to change the ordinances in a general manner. Board needs to rehear the variance request; petitioner is entitled to a fair hearing before the Board to resolve the merits of his petition pursuant to his petition. Administrator Diesen-Dahl to notify petitioner for hearing in August regarding fence variance request (Stanton).

Attorney Hargadon noted there is ambiguity in various ordinances regarding definitions of front and side yards which would change allowable heights. Under the code, a yard abutting Long Grove Road is a side yard both to the west and the east of Mr. Stanton's house (can only have one front yard). From the front of Mr. Stanton's house west to the corner 3 feet is allowable; from the front of the house east to the property line, 4 feet is allowable. Does not make practical sense, but is what the ordinance states. Would not make an attractive fence, but is not a cognizable reason for hardship ruling in the opinion of Attorney Hargadon. Not an unusual occurrence; some communities have moved to a double front yard; however, this causes issues with the rear yard. Attorney Hargadon suggested adoption of the double front yard concept, as the model with the least amount of ambiguity or issues associated.

ZBA recommended materials allowed be expanded; Teska has no objection to such a change.

Teska to work with Attorney Kopecky to prepare a draft ordinance addressing requested changes to existing fence ordinance.

6. REPORTS

A. Trustee Kizior—Parks & Recreation

- i) Update on Quentin Road Landscaping: July 15 was deadline for responses back from neighbors; received 4 responses—none interested. Responses contained questions and comments from residents. Trustee Kizior stated residents believed Village would pay for project; not interested if have to finance themselves. All residents received a letter regarding the proposed project. Added one item to Quentin Road improvement “punch list”—drainage on Rue Touraine area. Punch list items have been submitted to contractor; will not release last 10% of payment until punch list items are completed.
- ii) Update on walking paths: Bid put out last month for Old Farm, Peterson, Michael D’Angelo, and Triangle Parks walking paths. Received a number of bids. Lake County has requested the Michael D’Angelo path emerge at the stop sign to allow for pedestrian traffic. To allow work on other paths to proceed while design issues are worked out with the County, recommend removing Michael D’Angelo from the project pending approvals on design.  
Engineer Gordon noted bids were received July 9<sup>th</sup>; T. Wallace Blacktop, Inc. was the low bidder. With deduction of D’Angelo Park, estimate Peterson, Old Farm, and Triangle to be \$27,000 – \$30,000 (budget was \$45,000 for all paths). Plan to move ahead with these three paths; redesign Michael D’Angelo and represent to the Board. The Michael D’Angelo path will be more complicated where the County recommends the path be placed due to drainage.

MOTION: by Kizior second by Dowell to accept the bids to repair walking paths at Old Farm, Peterson, and Town Center Park per the bid from T. Wallace Blacktop, not to exceed \$30,000. Contingent to working through details on reduction of the scope of the project. Upon roll call:

YES: (5) Dowell, Ekstrom, Kizior, Plautz, Rotter

NO: (0)

ABSENT: (1)

Motion Carried 5/0

- iii) Preliminary review of Parks Landscaping and Maintenance Reimbursement Guidelines: preliminary copy was distributed to Trustees for comments.  
Comments from Trustees:  
Village needs to approve landscaping in advance of expenses being incurred.  
Bills and invoices must be submitted to the Village.  
Should apply to Village-owned property only.  
Board concurred on reimbursement for algae control (Village-owned only).  
Village will not pay for maintenance of signage (such as subdivision signs).  
Village will not pay for thorny bushes (such as roses), as they are not allowed.  
Landscaping needs to be approved in advance of expenditures.  
Islands in the middle of the street with no subdivision signs are subject to reimbursement.  
Remove \$2,000 limit.

B. Trustee Dowell--Finance

- i) Update on Vehe Farm matters—event is scheduled for August 8<sup>th</sup> from 11 – 3—contact Trustee Dowell or Teri Bridge to volunteer.
- ii) Engagement letter from auditors (previously approved) to be signed by President Gifford.
- iii) Bike path accessibility on Motorola property—still some lingering issues. Trustee Kizior not satisfied with potential solutions being suggested. Engineer Gordon is working on having curbs cut down, as not a defense to an ADA complaint that the system is not completed yet. Attorney Hargadon noted any portion installed must be ADA compliant, thus looking for expedient remedy. Attorney Hargadon noted there was a book prepared evaluating compliance of the bike paths with problem areas identified; have been discussed with Motorola and internally with the Village.

**C. Trustee Ekstrom—Roads and Public Utilities**

- i) Resident Drainage Complaint Form: Sample resident drainage complaint form submitted to Board for review. Post to web. Residents must fill out the form and submit to the Village office for action. Office has started a Drainage Complaint book for reference and tracking.
- ii) Request for signs regarding no motorized vehicles on bike paths. Board consensus not to erect signs.
- iii) Trustee Rotter had meeting regarding the Broadus property; will contact the resident tomorrow to discuss.

**D. Administrator Diesen-Dahl**

- i) Discussion regarding potential business registrations for home based businesses that generate sales tax. Believe permissible businesses under the current ordinances should not allow businesses that generate sales tax. Need to verify ordinances regarding business registration guidelines.
- ii) Thanks were received from Ela Fine Arts for support of the Ela Fine Arts show.
- iii) Complaints regarding utility interruption by contractors in Oak Ridge—residents report frustration with attitudes of workers. Information on specific incidents have been forwarded to Engineer Gordon. President Gifford spoke with Engineer Gordon and requested assistance with the contractor—problem is with the subcontractor.
- iv) Administrator will be on vacation July 28<sup>th</sup> – August 12<sup>th</sup>.

**E. Attorney Hargadon**

- i) Memo regarding ADA requirements for bike paths submitted in Board packets for information only.
- ii) Closed on purchase of Dahm property today.
- iii) Ordinance 04-28—Kosirowski variance  
Approved last month; section 2 should the word “foor” should read “foot”.

MOTION: by Dowell second by Kizior to approve Ordinance 04-28: Kosirowski variance with correction noted in Section 2. Upon voice vote:

YES: (5)

NO: (0)

ABSENT: (1) Thrun

Motion Carried 5/0

- iv) Last month stated would be requesting payment for Metropolitan Water Reclamation District for annexation fees for the approximately 28 acres that are the subject of the Kildeer Boundary Agreement. Decided to hold off Until Sept. 1<sup>st</sup>—will also be date will be asking property owners to make their payment or incur interest. Letters sent to residents in question.

**F. Trustee Rotter—Planning and Zoning**

- i) TIF—next step. Would like to move forward with the previously discussed TIF study.

MOTION: by Rotter second by Kizior to approve an expenditure of \$10,000 for a preliminary TIF study to be prepared by Teska Associates as previously discussed by Teska for properties fronting Rand Road south of Deer Park Boulevard to Lake Cook Road. Upon roll call:

YES: (5) Dowell, Ekstrom, Kizior, Plautz, Rotter

NO: (0)

ABSENT: (1) Thrun

Motion Carried 5/0

Cost of the study is reimbursable from TIF funds if the District is passed (from the TIF increment proceeds).

Planner Brown stated addition of properties between Plum Grove Road and Lake Cook Road will not affect the total cost of the study.

Attorney Hargadon noted Teska should obtain as many documents for the study as possible from Gewalt Hamilton to minimize costs.

**G. Trustee Plautz—Health & Sanitation**

- i) Park Hill request—Board recommends hold off request until the next Board meeting. Residents need to be present; Administrator Diesen-Dahl to contact for attendance at the meeting in August.
- ii) Follow-up on Town Center boulder issue. President Gifford noted he has spoken with Ray Elvey, manager of DPTC; this is an internal issue to the Town Center—not within the jurisdiction of the Village. Boulder is not on right of way or public property.
- iii) Noted the letter from Plan Commission Member John Lahr regarding well studies and the survey from the Department of Natural Resources. County will handle; Village will not pursue.
- iv) 5 year planning session: Need Board, Attorney, and outside facilitator to guide the process. Looking to define goals, plan a vision, hold meeting at the Village Office without citizen comment but with public notice of meeting. Board discussed commitment of funds and time investment for such a meeting. Board members expressed desire for 5 year fiscal plan to understand all commitments made vs. projected income. Trustee Dowell noted that for the past few years, the Treasurers office has maintained for internal worksheet form (not distribution), long range plans. Treasurer Stade could clean up and clarify the document for use at a Board session. Board consensus to have Treasurer Stade clean up for Board review; would like August time frame to see initial document and plan a possible meeting for September to discuss. Trustee Dowell caveat—not a budget document; worksheet is a projection tool. Trustee Plautz noted one question to be answered by a long range plan is whether the Village intends to pursue a Village Manager, or maintain the Village Administrator position.
- v) Status of mosquito abatement for private ponds—Contacted Bill Holmes regarding resident complaint concerning adulticiding. Trustees discussed comments received (positive and negative) regarding adulticide application. Regarding private ponds, Building & Zoning Inspector Holmes was requested to follow up regarding assurance of deletion of private ponds from the program.
- vi) Dutch elm disease—Trustee Plautz believes there is an infested tree in her yard. Request information on web site and in newsletter for identification of Dutch Elm Disease.

**7. TREASURERS INFORMATION**

MOTION: by Dowell second by Kizior to approve the Investments Held report dated 6/30/2004. Upon voice vote:

YES: (5)

NO: (0)

ABSENT: (1) Thrun

Motion Carried 5/0

**8. CASH DISBURSEMENTS**

Question by Trustee Ekstrom regarding item noted as “Confidential Matters Not for Dissemination” on the Attorney’s bill at approximately 50% of the bill. President Gifford noted lawsuits the Village is currently involved in, incurring expenses. Trustee Ekstrom noted that, additionally, legal fees are significantly over budget, and questioned what measures are in place to monitor these expenses. Trustee Dowell noted each invoice is reviewed for reasonableness; where Treasurer has questions she contacts Trustee Dowell, Attorney Hargadon, or President Gifford to verify expenditures. President Gifford noted expenditures have been discussed in Closed Sessions, and Board members should be privy to the costs being incurred. Trustee Ekstrom believes the expenditures incurred appear to be in excess of costs discussed by the Board.

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MOTION: by Dowell second by Kizior to approve the Cash Disbursements for the period 6/22/04 – 7/19/04 in the amount of \$201,640.95. Upon roll call:

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

NO: (1) Ekstrom

ABSENT: (1) Thrun

Motion Carried 5/0

**9. PUBLIC COMMENTS**

***Plan Commission Member John Lahr:*** Since the Village has chosen not to act as Sanitarian concerning wells, it's appropriate for the interface to be between Lake County and the Illinois Department of Natural Resources. However, Mr. Lahr noted the Village has commissioned several water studies; most notably, the well water study of the Triangle wells. Content of that study would be of intense use to Illinois Department of Natural Resources. Believe that, as well as any other water studies, should be directed to IDNR. President Gifford to look into the matter.

***Resident Mary Lahr:*** Noted that, regarding the procedure for the transfer of funds, was told last month money was transferred only after Board approval. Mrs. Lahr stated she went through approved minutes of the Village Board and did not find one incident where the Village Board voted to approve the transfer of funds. President Gifford and Clerk Smith noted each transfer would have to be verified; would depend how the motion was worded (i.e., motions may be made "per the memo from" which may direct the transfer. Mrs. Lahr questioned why walking paths in the Triangle need repair already. Trustee Kizior noted that one 5 ft. section put in by the ball field (Triangle Park) was put in as crushed limestone—turning to asphalt for better maintenance.

***Resident Layla Broadus:*** Noted Peterson Pond is being treated for algae control. Neighbors have used the same company; would like reimbursement for expenses. Board noted residents can request a discount, as the company will already be doing work in the area. Board can request a resident rate for Deer Park residents with next contract discussion. Mrs. Broadus noted Care of Trees extends preferential pricing to residents.

***Resident Roger Hankin:*** Commended the Board for changing the starting time to 7:00, but noted the start time conflicts with Village Ordinance which mandates the 8:00 start time. New ordinance will be drafted; Board can vote to change start time as desired. Mr. Hankin asked if United Land Development has paid impact fees yet. Attorney Hargadon stated all fees are current and paid, and have committed to pay recapture fees by August 15th. Impact fees are assessed at time of building permit approval. On the issue of sales tax, Mr. Hankin asked if there is a Village officer, Board member, or official currently operating a for-profit business out of his or her home. Trustee Ekstrom stated she does not; President Gifford and other Board members declined to answer.

***Trustee Rotter:*** Read a statement regarding a document received in June 2004 from the "Residents for an Ethical Village". Trustee Rotter noted for the record that there is no reference or individual's name, or any way to contact the authors of the document (referring to the item as a document, not a letter, as it is unsigned). Correspondence was addressed to those homes on Hillside in Cook County who voluntarily applied to be annexed into Deer Park, rather than being involuntarily annexed into Palatine. The correspondence itself contains untruths, misrepresentations, and at least misrepresentations of statements or questions. Without reading the entire document, Trustee Rotter noted the unworthy portions of the document: applicants for the voluntary annexation knew the plan for the meeting on June 14<sup>th</sup>, and were in attendance and were acting to avoid an involuntary annexation. Discussions regarding a TIF district in Deer Park involved property along Rand Road; the Cook County residents to whom the document was addressed are not along Rand Road. At the time of the writing, June 12<sup>th</sup> (date of the document), the Village Board had not authorized any study by anyone regarding any TIF. The petitioners desired to join Deer Park and the Village welcomed them without questioning their expression of being good neighbors. Trustee Rotter stated that he questions the anonymous document as being good neighbors. Trustee Rotter noted he could continue on, but felt his point was made: namely if a person or

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persons have ethical statements regarding Village actions, they are welcome. Trustee Rotter does not welcome unsigned misrepresentations. Trustee Rotter stated authors should have courage in your position to sign documents, or at least include information on how to get in touch with you as an author for correction or clarification.

**10. ADJOURNMENT TO EXECUTIVE SESSION**

MOTION: by Dowell second by Rotter to adjourn to Executive Session to discuss ongoing litigation and review of Executive Session Minutes, after a 5 minute break. Upon voice vote:

YES: (5)

NO: (0)

ABSENT: (1) Thrun

Motion Carried 5/0

The Regular Meeting of the Board of Trustees was temporarily adjourned at 9:41 p.m.

**11. REOPEN REGULAR MEETING**

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

YES: (5)

NO: (0)

ABSENT: (1) Thrun

Motion Carried 5/0

The Regular Meeting of the Board of Trustees was reopened at 10:10 p.m.

**12. ACTION ON EXECUTIVE SESSION ITEMS**

MOTION: by Rotter second by Ekstrom to release the Executive Session Minutes for the following meetings, as outlined in the memo from Clerk Smith dated July 8, 2004: January 17, 2000; March 19, 2001; December 18, 2002; March 17, 2003; May 19, 2003; February 16, 2004 (Employee Compensation Executive Session only). Upon voice vote:

YES: (5)

NO: (0)

ABSENT: (1) Thrun

Motion Carried 5/0

**13. ADJOURNMENT**

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

YES: (5)

NO: (0)

ABSENT: (1) Thrun

Motion Carried 5/0

The Regular Meeting of the Board of Trustees was adjourned at 10:11 p.m.

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H. Scott Gifford, President

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Sandra R. Smith, Village Clerk