

1. CALL TO ORDER

The Regular meeting of the Board of Trustees of the Village of Deer Park was held on Monday, November 15th, 2004 at the Charles Quentin Elementary, 21250 W. Shirley Road, Palatine, in the Village of Deer Park, Lake and Cook Counties, Illinois.

President Gifford called the meeting to order at 7:11 p.m. Board members and Guests recited the Pledge of Allegiance. Upon roll call the following were present: President Gifford, Trustees Dowell, Ekstrom, Kizior, Plautz, Rotter and Thrun. Other Village Officials present were Clerk Smith, Planner Brown, Engineer Gordon, and Attorney Hargadon.

Guests present were: Roger Hankin (20856 Swansway); John Lahr (201 Rue Touraine); Mary Lahr (201 Rue Touraine); Steve Saderman (Foxdale); Angelo Pecoraro (Foxdale); Sam Pecoraro (Foxdale); Tom McCabe (Seton Engineering); John Konsor (20111 Sunshine Lane); Betty Brown (20185 Sunshine Lane); Richard Brown (20185 Sunshine Lane); Jim Peterson (20230 Lea Road); Teri Bridge (23675 Hedgeworth Court); Linda Young (23939 Lancaster Ct.); Alma Krzeminski (23845 Hearthside Drive); Lisa Mosack (21877 Vesper Ct.); Esther Collado-Baker (23914 Lancaster Ct.); Nancy Stacer (23975 Lancaster Ct.); Jeff Misak (23966 Lancaster Ct.); Jeff McPeck (21909 Mayfield Lane); Frank Fik (22534 Lake Cook Road); Katia Fik (22534 Lake Cook Road); Joanna Konsor (20111 Sunshine Lane); Louis Bland (20155 Sunshine Lane); Robb Tausend (20708 Deerpath Road); Haley Tausend (20708 Deerpath Road); Barbara Evans (437 Dogwood Ct.); Teri Janus (21861 Mayfield).

2. AGENDA CHANGES AND ANNOUNCEMENTS

Moved Deerpath Road update from Engineer's Report to immediately following Chapel Hill Residents.

3. CONSENT AGENDA

A) Approval and Release of Minutes from the:

- i) Board of Trustees Special Meeting held 10/21/04
- ii) Zoning Board of Appeals Meeting held 11/1/04
- iii) Zoning Board of Appeals Public Hearing held 11/1/04
- iv) Plan Commission Special Meeting held 11/3/04
- v) Plan Commission Public Hearing held 11/3/04

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

- i) Board of Trustees Executive Session held 10/21/04

C) From the Engineer:

- i) Chicagoland Paving Final Pay Request for Chapel Hill Tennis Courts in the amount of \$10,700.00 per the memo from Engineer Gordon dated November 8, 2004.

MOTION: by Dowell second by Thrun to approve the Consent Agenda. Upon Roll Call:

YES: (6) Dowell, Ekstrom, Kizior, Plautz, Rotter, Thrun

NO: (0)

Motion Carried 6/0

4. REQUEST FOR VARIANCE—21840 RAINBOW ROAD

President Gifford directed the Board to the minutes of the Zoning Board meeting dated November 1st regarding the request for variance at 21840 Rainbow Road and proposed Ordinance 04-37.

MOTION: by Dowell second by Kizior to approve Ordinance 04-37. Upon voice vote:

YES: (6)

NO: (0)

Motion Carried 6/0

5. **VEHE FARM FOUNDATION REPORT**

A. Update on Phase II Construction Project

Electrical, storm, and sanitary work will begin next Monday. Got machine shop shed (north of main barn) down; will be rebuilt on existing foundations. Work is within a week of the original schedule.

Clarks' bill is \$43,000 gross, less 10% retention is \$38,700.

Contractor is doing a better job on "housekeeping" than before. Need port-a-potty on site. Mr. Peterson to talk to the contractor; were previously using portable john at the soccer field, which is now gone.

Elevator pit needs to be inspected. Standing item since October. Mr. Peterson noted the walls and reinforcing were done in the last 2 weeks; inspection could have been done anytime after that.

Construction contract has a clause for Village meetings to be held in the Barn in May of next year; rest of buildings to be done by September.

Still waiting to get Certificates of Insurance. Unclear whether or not the Builders Risk endorsement was received. Administrator Diesen-Dahl previously contacted IML; Mr. Peterson to coordinate directly. Contractor has provided appropriate Certificates; insurance in question is for insurance the Village provides. Attorney Hargadon noted Village included in the first phase of construction. Builders Risk covers theft or damage on the site. Attorney Hargadon will have Attorney Kopecky call IML to verify/add coverage.

Mr. Peterson noted the project is running per budget, with no changes. Three changes in the beginning when originally executed the contract—connection fees for utilities, kitchen appliances, and one element of the lighting; but no other changes to the contract. On essentially the same schedule as originally presented.

B. Payment of bills:

- i) Pay Request #5 for Vehe Farm Construction in the amount of \$38,700 payable to R&W Clark per the memo from Jim Peterson dated November 8, 2004.

MOTION: by Dowell second by Thrun to approve Pay Request #5 for Vehe Farm Construction in the amount of \$38,700 per the memo from Jim Peterson dated November 8, 2004. Upon roll call:

YES: (6) Dowell, Ekstrom, Kizior, Plautz, Rotter, Thrun

NO: (0) Motion Carried 6/0

- ii) Pay Request for architectural and engineering services during October in the amount of \$1,024.60 payable to HZPS per the invoice from HZPS dated November 2, 2004 (invoice date on Agenda is incorrect).

MOTION: by Dowell second by Thrun to approve the invoice from HZPS for architectural and engineering services during October in the amount of \$1,024.60 per the invoice dated November 2, 2004. Upon Roll Call:

YES: (6) Dowell, Ekstrom, Kizior, Plautz, Rotter, Thrun

NO: (0) Motion Carried 6/0

6. **REQUEST FOR VARIANCE—20156 SUNSHINE ROAD**

Removed from agenda—pending further action by the Zoning Board of Appeals.

7. **CHAPEL HILL HOMEOWNERS REGARDING DEVELOPMENT ON ELA ROAD**

Resident Linda Young of Chapel Hill addressed the Board regarding concerns about the building across Ela Road. Mrs. Young noted residents were disappointed they were not

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included in the briefings provided to Braemar residents; residents understand Deer Park did not have control over these briefings or construction.

Resident concerns include:

- *Approval of a 3-story office building so close to residential neighborhoods,
- *Increased congestion on Ela Road-potential limiting of left-turns out of the development,
- *Lighting of building in the parking lot,
- *Potential for aggravation of drainage issue from retention pond,
- *Concerned about plans for the property across the street from the development
- *Long term screening between Deer Park residents and factory.

Mrs. Young stated residents recognize this is not a Deer Park matter; they are looking for support from Deer Park in this issue, specifically, assistance in securing a no left turn restriction from the office development towards Rand Road in peak hours, assurance parking lot lights will be appropriately designed to avoid light in residents' homes, support for additional natural barriers on the east side of Ela Road, and assurance that all new construction will not adversely affect drainage for either retention pond near Chapel Hill, and information regarding the undeveloped land near Chapel Hill.

Resident Lisa Mosack noted every light is on constantly,

Resident Jeff Misak stated he and Trustee Kizior worked on drainage issue three years ago; lots of time and money were spent in discovering and correcting the problem by both the Village and Mr. Misak. Already seeing a problem with less rain than usually occurs.

President Gifford noted that the development in question is on Lake Zurich property; no notification was given to the Village regarding the pending development. Engineer Gordon and President Gifford have been working on these issues; Engineer Gordon has received plans from the developer. Lake Zurich is a Certified Community, which allows them to do their own stormwater management. Developer provided a stormwater detention facility at the southwest corner of the property; property drains to this retention area then to the EJ&E property. Engineer Gordon noted the Village could televise the sewer to see if there is a blockage in storm sewer. President Gifford requested Engineer Gordon approach Lake Zurich to lower pole heights and add landscaping with evergreens on their property along Ela Road. Engineer Gordon also to talk to the Village Engineer regarding restriction of left turn out of building towards Rand at peak traffic times.

Trustee Kizior noted restrictions on left turn may cause traffic to flow to Cuba through Deer Park. Engineer Gordon noted corners of Route 12 and Ela, and corner of Ela Road and Route 22 have improvements slated by either the County, State or Villages for 2007. Attorney Hargadon noted there will be a major rerouting of traffic through that area of Routes 12 and 22.

Ela Assessors office can pinpoint owner of properties in question, as properties are in Lake Zurich.

Resident Nancy Stacer expressed concern about volume of water flowing through residential sump pumps in comparison to conditions prior to new development. Also, there is water standing around the retention pond. Engineer Gordon to check out.

Resident Esther Collado Baker expressed her concerns about water standing in the retention pond with small children in close proximity.

8. DEERPATH ROAD UPDATE

President Gifford reported the Kildeer police had counters out for approximately one week. Turned information over to KLOA (Traffic consultants for Village) today for KLOA to present study. Presentation of results to be available at next months meeting.

President Gifford stated he met with Chief Lilly and the Transportation Director for CUSD 95 regarding increased patrols and bus concerns.

Residents reported no visible police activity at peak hours. President Gifford to follow up again with Chief Lilly.

Resident Caryn Tausend requested to be on the Board agenda next month.

9. PROPOSED FOXDALE OF DEER PARK SUBDIVISION

Plans were approved by the Plan Commission November 3rd. Tom McCabe from Seton Engineering was present to represent the developer. Mr. McCabe indicated all requested changes from Engineer Gordon have been incorporated into the plans. The wetland buffer was straightened on the plans for legal descriptions.

Board questioned whether or not a sidewalk should be required to allow future connection with the school property. Attorney Hargadon stated the Village originally approached the school at the direction of the Plan Commission to ask for a determination of whether or not the School District would ever connect up to the sidewalk if put in, as majority of Plan Commission seemed to agree that it would not make sense to require a sidewalk if it would not connect to anything. At that time, the School District indicated—and has reiterated in writing—that they have no present intention of constructing a sidewalk on their side of the property. Because of that, the majority of the Plan Commission held there should be no sidewalk requirement. Trustees discussed impact of students walking vs. busing from this development. Additional issue is wetland on the School District property immediately north of this property that may interfere with potential sidewalk installation. Board members discussed merits of types of sidewalks and possible layouts for sidewalks. Plan Commission required sidewalk easement and Village of Lake Zurich has to sign off on Plat of Subdivision. Engineer Gordon believes a sidewalk is included in the requirements for Village of Lake Zurich signoff.

The Access Agreement between the developer and the Village of Lake Zurich includes a cash donation of \$41,000 to Lake Zurich for the curb cut. Mr. McCabe reported petitioner has a letter from the Lake Zurich Village Manager that the donation would cause signoff; however, the Assistant Village Engineer for Lake Zurich requested a sidewalk informally—nothing in writing. Mr. Sam Pecoraro noted residents at previous Plan Commission meetings expressed concerns about a sidewalk and the safety of children crossing the road to reach the sidewalk, as there is no sidewalk on the Lake Zurich side of the road.

Board members' consensus was to require a sidewalk or a trail. Noting the School Board has not made a commitment regarding a potential sidewalk; Village could ask for money in escrow for a certain period of time to be used if the school builds a sidewalk in that period of time.

Mr. McCabe stated the cul-de-sac will support both buses and fire trucks.

Estimated time to complete sales of the subdivision is one year.

Even if the school does not have money currently, still need to have something to start the ball rolling. Safety is the priority; informal footpath will not increase safety. Trustee Ekstrom noted Lot 1 must be engineered to include construction of a sidewalk. Engineer Gordon noted the drainage easement could also be used for a sidewalk easement.

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MOTION: by Rotter second by Ekstrom to accept the proposed Foxdale Subdivision with a 5 year escrow account for a trail/sidewalk to be built if the District constructs a sidewalk to connect. Cost figure for funding the escrow to be developed by Engineer Gordon based on specifications to make proposed sidewalk compliant with School standards. Notice to be given to CUSD 95 of action taken, with request for response in reasonable period of time. Costs developed by Engineer Gordon to be at most expensive option available and with inflation figure figured in for the 5 year period of the escrow. Upon voice vote:

YES: (6)

NO: (0)

Motion Carried 6/0

Mr. McCabe requested developer be copied on communications with the School District regarding potential sidewalk.

Trustee Plautz requested the burning bush proposed in the landscaping near the sign be substituted out as it is invasive in nature.

10. PROPOSED TOWN CENTER PROMENADE

Town Center Promenade presentation by developer has been removed from the agenda for discussion next month. Draft ordinance was included in the Board packet which includes comments of Plan Commission. The Principal of Praedium had another Public Hearing in another Village; asked to be moved to December.

Board members asked if the Village could require a contribution to the Fire District. Attorney Hargadon noted the Annexation Agreements with Motorola, Hamilton, P&M required sizable contributions to the Fire District. However, the Village doesn't have the authority to require such a donation except in an Annexation situation. Annexations are sole exception when a municipality can negotiate with a developer; since Praedium is already in the Village, cannot require. Trustees questioned whether or not there was a legal mechanism for requiring a donation or payment of an impact fee, as the rationale is the same as in an annexation.

Although the Village cannot force Praedium to make a donation or charge an impact fee, Village is not precluded from requesting a donation to the Fire District. Attorney Hargadon cautioned that a lack of such a donation would not constitute a valid argument for withholding approval for an otherwise conforming development. Impact fees are specifically allowed by State Statute for non-home rule communities. Residents must pay impact fees; commercial developments currently in the Village do not pay any impact fees. Trustees argued the logic does not make sense. Trustees questioned if ordinances could include commercial, as well as residential, development for requiring of impact fees. Attorney Hargadon stated non-home rule communities do not have statutory authority to create ordinances requiring commercial entities to pay impact fees.

President Gifford stated he would talk to Praedium regarding a potential Fire District donation. As members of the community, should have a desire to ensure continuity of service.

Trustee Ekstrom noted proposed TIF District would have the same impact; if cannot figure out how to fund Fire service, she will vote against any further commercial development. Trustee Rotter noted the basic question is whether or not there is a legal mechanism for charging an impact fee to developers. Attorney Hargadon to research if there is a mechanism to charge impact fees on commercial developments within the Village and report to the Board next month.

11. ENGINEERS REPORT

A. Fold Down Stop Signs

Memo regarding issue from Engineer Gordon in the Board packet, including Chief Lilly's request for fold-down stop signs in 10 areas. Engineer Gordon noted that IDOT, Cook County Highway Department, and Lake County Division of Transportation have differing requirements. Elia Township indicated they would be able to purchase and install signs for \$413/intersection. Intersection at Plum

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Grove/Rand Road can be taken off as the fold down stop sign was installed as part of the recent construction project (9 intersections left).

MOTION: by Dowell second by Thrun to approve the agreement with the State for installation of fold down stop signs and execution of the required permit with Cook County Highway Department. Upon voice vote:

YES: (6)
NO: (0)

MOTION: by Dowell second by Thrun to authorize Ela Township to purchase and install signs in an amount up to \$3,800. Upon Roll Call vote:

YES: (6) Dowell, Ekstrom, Kizior, Plautz, Rotter, Thrun
NO: (0) Motion Carried 6/0

Board discussed whether or not there was equitable cost sharing with Kildeer at these intersections. Police Department indicated signs would fall under Deer Park jurisdiction. Engineer Gordon to follow up.

B. Miscellaneous Drainage Repairs

- i) Engineer Gordon noted Ela Township discovered a damaged culvert while excavating Heather Lane for the turnaround. Ela fixed as part of the work done on Heather Lane for a cost of \$1000.

MOTION: by Ekstrom second by Thrun to approve \$1000 for repair of damaged culvert on Heather Lane by Ela Township. Upon Roll Call vote:

YES: (6) Dowell, Ekstrom, Kizior, Plautz, Rotter, Thrun
NO: (0) Motion Carried 6/0

- ii) Swansway subdivision has a culvert pipe full of willow tree roots discovered during cleaning by Ela Township. Can root cut pipe (20' of root) or replace. Cutting would cost approximately \$2,000 – \$3,000; replacement would cost approximately \$5,500. Engineer Gordon recommends replacing the section through the root area, which should last 7 – 10 years; root cutting will need to be done again in approximately 2 years. Third option discussed--sleeve insert--would cost \$20,000.

Engineer Gordon spoke with resident; need to secure permission to enter property for contractor to replace. Willow tree is still up; roots will likely seek the wettest spot (joint area does not meet with old concrete).

2/3 of 18" pipe is clogged with roots; water backs up (Village responsibility to maintain).

Board discussed potential line items from which money could be freed up for allocating towards this project, and impact of accrual versus cash basis on decision making. Trustee Dowell stated the Village has additional funds in the Repairs and Maintenance Budget; there are adequate funds if the Board would like to approve action.

MOTION: by Thrun second by Ekstrom to approve the engineers' recommended course of action for the 7 year plan for replacement of affected section of pipe at a maximum cost of \$5,500. Upon Roll Call vote:

YES: (6) Dowell, Ekstrom, Kizior, Plautz, Rotter, Thrun
NO: (0) Motion Carried 6/0

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12. ATTORNEYS REPORT

A. Ordinance 04-36: Amendment to the Village of Deer Park Public Sanitary Sewer Ordinance

Implements changes approved last month in memo from Attorney Hargadon. Only addition to memo distributed last month regarding this ordinance is a sunset provision to allow this issue to be revisited in two years to assess relaxation of mandatory connection.

MOTION: by Kizior second by Rotter to adopt Ordinance 04-36: Amendment to the Village of Deer Park Public Sanitary Sewer Ordinance. Upon voice vote:

YES: (6)

NO: (0)

Motion Carried 6/0

B. Palatine Settlement Update

On Palatine Board agenda at last meeting; due to a Public Hearing last meeting ran until midnight and topic was not addressed. On agenda in Palatine tonight; expect it to be approved.

13. REPORTS FROM THE PRESIDENT, TRUSTEES, AND ADMINISTRATOR

A. President Gifford

i) Lake Zurich Area Rural Fire Protection District

Village has received a letter from the Fire District regarding rotating schedule of closings of stations. The Deer Park Station will be closed first, beginning December 1st. President Gifford is requesting commercial properties assist with funding, as they also have an interest in this issue. Since Village of Deer Park passed the ambulance portion of the referenda, attempting to break out costs for ambulance service only. Also approaching Kildeer on cost sharing. Referendum results: 89 and 104 passed both; 101 did not (Swansway, Rue Vallee, Dover Pond, and Briargate Subdivisions). Fire District visited all Boards of member Villages. The letter sent by the Village was not delivered to some of the homes in 101 until Tuesday, which meant some residents did not receive the letter until after they had already voted. Barrington Post Office had informed the Office that all letters would be delivered on Monday.

Resident Roger Hankin noted he was at the meeting last Monday when the Fire District Board directed Chief to take cuts; economic impact was to cut overtime estimated at \$50,000 savings through the balance of the fiscal year (approximately 6 months), offsetting that potential savings were increased security costs of approximately \$5,000 at empty stations. Fire District did not send out any materials or do any of the other kinds of things they did prior to the last referenda vote. Believe would be amenable to maintaining coverage if economically feasible; suggested offsetting reimbursements to maintain service.

Trustee Ekstrom stated she spoke with several residents who said if they were aware of the facts, would have voted differently.

President Gifford noted the issue will appear on April 2005 election ballot.

ii) Inspection of Village Hall-

Village Hall was inspected by WJE Engineers due to seepage in the basement. Consultant recommends waterproofing in the affected corner to prohibit water entering the basement. Additionally, there is a question whether the footings underneath the steel beams in the basement are sufficient for the loads. Requested Administrator Diesen Dahl obtained bids for waterproofing; President Gifford to talk to Inspector Holmes and Engineer Gordon for determination on the sufficiency of the floor slab.

B. Trustee Rotter—Planning & Zoning

i) Proposed Changes to the Fence Ordinance-Update

Procedurally, issue went to the Plan Commission for a Public Hearing on the Zoning Board sections. Plan Commission recommendation was that Commission was not against the vision triangle concept, but were concerned that the as-drafted ordinance did not take into account mature trees and other obstructions within that 30 foot vision triangle. Board has authority to either grandfather existing encroachments or require them to be removed. Clerk Smith noted two major issues were how the vision triangle was formulated, and determination of number of residents impacted for determining whether elimination of encroachments should be grandfathered or not. President Gifford noted existing encroachments would place a heavy burden on citizens in terms of cost; also, would not want to take down large stands of trees—therefore, in favor of grandfathering in all existing trees, plants, fences, and buildings. Trustee Rotter concurred; noted Village requirement recommended is less restrictive than the County requirements.

Planner Brown noted the concern for the vision triangle is one of safety. Most vision triangle requirements range from 20 – 50 feet from pavement; believe 20' from pavement accomplishes purpose. Believes there would be a burden on homeowners to clear out mature trees. Vision triangle is for good public purpose; balanced by grandfathering. 20' is minimum would recommend for vision triangle restriction.

Board consensus was to grandfather existing infringements; if change landscaping, should conform.

Trustee Ekstrom noted she is not in favor of vision triangle restrictions as residents have been told to landscape for screening and this would cut down on allowable screening. Believe should not modify the fence ordinance until address the real issue behind the need for the modification.

Trustee Thrun noted this is a safety issue. Planner Brown stated measurement method (from edge of pavement) means most of this is in the right of way, not on private property.

Trustee Dowell stated he does not want to have residents tear down landscaping; also, this can become an enforcement nightmare. Questioned if the need for sight lines is inextricably entwined with a revision to the fence ordinance. Does not believe need to include vision triangle. Laws on the books that Village cannot or will not enforce are a waste of time.

Barb Evans, Zoning Board member, noted the ZBA added the vision triangle requirement as part of recommendation to increase the allowable heights of fences beyond 4 feet. If increase height of fences would cause issue with vision; thus, the need for vision triangles. Zoning Board envisioned application on a going-forward basis. If not allowing higher fences, do not need vision triangles.

Board asked this issue be included in the newsletter as a safety issue. Request residents look at line of vision.

Attorney Hargadon noted the proposed amendment also corrects the Zoning Ordinance to clarify definitions of yards on a corner lot, and can be addressed separately if necessary from the vision triangle issue.

MOTION: by Rotter second by Thrun to pass the proposed Ordinance in its' entirety. Upon Roll Call vote:

YES: (4) Kizior, Rotter, Thrun, Gifford

NO: (3) Dowell, Ekstrom, Plautz

Motion Carried 4/3

Board continued to discuss impact of requirements of ordinance just passed.

MOTION: by Rotter to reconsider previous vote to remove driveways and to insert the word "traffic" in front of signs in the text of the ordinance. Motion failed for lack of second.

ii) Affordable Housing

Trustee Rotter requested Attorney draw up an ordinance similar to the one distributed last month which would fulfill intent to comply by April 1st. Have until 2006 before the Commission is in place; 2009 before any hearings; however, need to stake intention to comply. Ordinance will be tailored for the Village of Deer Park.

Planner Brown requested a copy of the Lake Forest Ordinance, and advised Deer Park to look at the Zoning Ordinance to encourage affordable housing. Trustee Rotter noted Lake Forest is a community moving to Home Rule, which impacts approach to affordable housing.

iii) TIF District

Believe should consider; however, do not believe right time due to costs and other considerations.

iv) Business License/Registrations

Trustee Rotter requested update on process for business license/registrations. Treasurer sends out invoices at year end based on a list of businesses developed by the B&Z Inspector and Administrator. List has been updated by Administrator; B&Z Holmes working on so invoices can be sent out in a timely manner. President Gifford, Administrator Diesen-Dahl and B&Z Inspector Holmes had a meeting regarding procedures for businesses that do not pay promptly.

C. Trustee Plautz—Health and Sanitation

i) Alternate for SWALCO Meetings

Trustee Plautz will not be available for two meetings—November and January. Potentially important meetings regarding construction ordinances and feedback; also, a quorum is needed for meetings. No alternate available; Trustees asked to contact Trustee Plautz if available.

ii) Opinion of Future Plan Questions

Trustee Plautz sent questions regarding ideas for a 5-year plan for the Village to Trustees via email. Some Trustees did not receive. Questions will be included in next month's Board packet; please answer questions and submit to Trustee Plautz.

Attorney Hargadon cautioned Trustees on use of email to avoid conflict with our Ordinance regarding use of email.

E. Trustee Dowell—Finance

i) Capitalization Policy—Resolution 04-07

Necessary for GASB compliance.

MOTION: by Dowell second by Thrun to adopt Resolution 04-07: Resolution Adopting a Fixed Asset/Capitalization Policy. Upon Voice vote:

YES: (6)

NO: (0)

Motion Carried 6/0

- F. Trustee Ekstrom—Roads and Public Utilities
Complaints received regarding fireworks at the Town Center. Requested ordinance be drafted requiring permits for fireworks, including additional fines if not permit obtained, and prohibiting excessive volume (at least two vehicles had security alarms set off by fireworks). No permit was obtained for the fireworks; in violation of the nuisance ordinance. Requested letter be sent to the Town Center and any appropriate fines be levied.
- G. Administrator Diesen-Dahl
- ii) District 220 Capacity Study
Study is available in the office.
 - iii) Parking Complaints
Regarding Church annexed into the Village. Instruct police officers to evaluate parking and Engineer Gordon to evaluate septic.
 - iv) Meeting and Office Schedule
Board discussed travel plans for the holidays to ensure a quorum for the December meeting, as well as holidays to be observed in 2005. Board consensus to maintain current schedule for the December Board meeting and the holiday schedule for 2005.
 - v) Letter from Charles Quentin School
Charles Quentin has sent a letter (copied to Board) reminding users of the building not to prop open doors, arrive earlier than approved, be in areas other than approved, and permit entry only to those attending approved functions.
 - vi) BACOG letter-labor relations act
Distributed to Trustees for information only.

14. TREASURERS INFORMATION

MOTION: by Dowell second by Kizior to approve the Investments Held report dated 10/31/2004. Upon voice vote:

YES: (6)

NO: (0)

Motion Carried 6/0

15. CASH DISBURSEMENTS

MOTION: by Dowell second by Kizior to approve the Cash Disbursements for the period 10/19/04 – 11/15/04 in the amount of \$249,405.88. Upon roll call:

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

NO: (0) Ekstrom

Motion Carried 6/0

Trustee Ekstrom questioned FOIA expenses. These FOIAS were not from residents, they were from another attorney due to appraiser on Dahm property involvement in a separate legal action (three requests and an appeal). Also, Trustee Ekstrom registered an objection to the percentage of expenses in General or Confidential or Miscellaneous line items. Believes no more than 10% of items should fall in these categories, with 90% of expenses spelled out for Trustees to approve. Believes this to be an industry standard for accounting. Without this level of clarity in expenses, Trustee Ekstrom cannot vote to approve. President Gifford noted there are specific reasons why the expenses are broken down in the manner in which they appear. Attorney Hargadon noted the General category can be reduced by increasing the number of "matters" addressed, but makes the recordkeeping more difficult without providing any real benefit. The Confidential matters are litigation matters that cannot be disclosed. Trustees can inspect the legal bills, or discuss with Attorney Hargadon as needed.

16. **PUBLIC COMMENTS**

Resident Mary Lahr—noted the line items listed as Confidential Not for Dissemination started just a few months ago; can figure out what is in there because other line items disappeared. Ordinance with vision triangles should address driveways onto major roads, intersections with traffic signals, as well as intersections and driveways within subdivisions. Requested a ballpark figure on legal bills for Cook County annexation to date. Treasurer did not have available; Trustee Dowell requested Mrs. Lahr call the office.

Resident John Konsor commented regarding the item removed from this evening's agenda, the Hendricksen petition before the ZBA. Appropriate, important, and beneficial to bring up items: Prior to November 1st, some residents received a certified letter regarding a meeting (some residents did not receive the letter). Many residents attended meeting. Meeting could not be conducted because notification was not proper, and meeting was continued to tonight. In the meantime, Mr. Konsor spoke with Trustee Rotter regarding formalization of objection to petition. Trustee Rotter suggested a letter be drafted and signed by residents. Letter was delivered to the Village this morning, but not distributed to the Zoning Board prior to the meeting. Disappointed and concerned. Meeting tonight was postponed due to lack of proper notification of neighbors. The way the meeting was conducted was very disrespectful and quickly terminated without neighbors being able to speak, while the petitioner was allowed 20 minutes to speak. When next meeting takes place, after proper notification, all Zoning Board members should receive a copy of letter. Scheduling of other meetings should occur to allow residents to comment. Administrator Diesen Dahl noted notification was sent out to who petitioner thought was appropriate. There was a Public Hearing held where residents were permitted to speak. Public Hearing was closed; ZBA meeting continued. Understand residents' feelings; however, Zoning Board Chairman remained to speak with residents personally. Meeting continued tonight due to need for further discussion, time allowed was cut short due to need to start Board meeting. There was a dispute over whether or not notification was complete; the attorney will have to investigate, but this was not the reason why the meeting tonight was continued. Historically ZBA meetings are very short; do not believe Chairman understood the number of people who would show up. Next meeting to be held at Charles Quentin due to large number of interested people.

Resident Roger Hankin limited comments earlier on fire issues to answering questions factually. Noted the focus of this meeting was on safety, which Mr. Hankin commended. \$5 million being spent by the Village; 1 - 2% would keep Station 4 open. Strongly request the President or designate attend the meeting this week with some offer of compensation either to Lake Zurich or the Fire District so there is a mechanism to keep the station open. Mr. Hankin expressed the belief that commercial entities need to address impact on the Fire District, and the Village must institute additional taxes (where permissible), as there has been lots of talking with no action. Urgent to act as quickly as possible.

Trustees Kizior and Ekstrom concurred. Trustee Rotter questioned how the Board could choose to override the vote of the people. The people of Deer Park said yes on ambulance; no on fire. Trustee Kizior noted the Board has a higher standard to promote safety. Trustee Rotter noted the Palatine Rural Fire District has failed 6 times at referendum attempts. Board discussed feedback from residents regarding lack of knowledge of implication of referendum failure, and vote totals compared to areas that did not receive their letter from the Village urging support for the referenda as examples of voter intent which might be construed to give the Board support for action to act to keep the Station open.

Resident Barb Evans understands Trustee Rotters' perspective; however, she requested the Board be cautious with stopgap measures, as they may send a message to the public. Regarding the Fence Ordinance passed tonight, Mrs. Evans asked why the ZBA did not see the ordinance. Regarding the Deerpath Road issue: Mrs. Evans worked with several residents to help get Deerpath paved, glad it's paved. Understand concern with safety issues, but the reality is that it is a road. The real traffic problem is that Rand Road is backed up. Speed of traffic should be regulated, but Deerpath Road is valuable. Kildeer police do not do traffic control when signals go down—asked what agency is responsible for putting the folding stop signs down in light failures. Mrs. Evans stated it is silly that the police force

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contends it is a safety issue for officers to control traffic, and asked the Board to remember these facts in the next negotiation period. Mrs. Evans noted she spoke with the Kildeer Police regarding the traffic light at Rand and Quentin, and was specifically told that the police officers will not do traffic control for safety issues.

17. ADJOURNMENT

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

YES: (6)

NO: (0)

Motion Carried 6/0

The Regular Meeting of the Board of Trustees was adjourned at 10:31 p.m.

H. Scott Gifford, President

Sandra R. Smith, Village Clerk