

**Village of Deer Park
Regular Board Meeting Minutes
January 18, 2005**

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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 Tuesday, January 18th, at 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 7:07 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, and Thrun. Trustee Rotter was absent. Other Village Officials present were Administrator Diesen-Dahl, Clerk Smith, Planner Brown, Engineer Gordon, and Attorney Hargadon.

Guests present were: Roger Hankin (20856 Swansway); Thomas Benjamin (20366 Lea Road); Pat Winkelman (22580 Cheshire Court); Janet Agnoletti (BACOG); Tom Johnston (Barrington Courier-Review); George Markopoulos (Praedium); Peter Madimienos (Praedium); Martin A. Jackson (521 Court Touraine); Christof Heisser (20839 Swansway); John Lahr (201 Rue Touraine); Mary Lahr (201 Rue Touraine); Garrett Vojack (Rue Vallee).

2. AGENDA CHANGES AND ANNOUNCEMENTS

Addition to Consent Agenda: from the Clerk: amendment of Minutes of Board Meeting Minutes dated August 16, September 20, November 15, and December 20, 2004 to include Treasurer Stade as present at those meetings. Also, amend December 20, 2004 minutes: under Trustee Plautz's report p. 8 the word "chose" should be "chosen".

Trustee Ekstrom indicated she wished to discuss changes to the Minutes of the Regular Board of Trustees Meeting held 12/20/04 (Consent Agenda item); Clerk Smith requested the minutes be removed from the Consent Agenda to allow consultation with Trustee Ekstrom and the tape of the minutes prior to amending or approving the minutes in question.

3. CONSENT AGENDA

A. From the Attorney

- i) Resolution R04-08 - Appointment of Alternate Director for SWALCO

B. From the Clerk

- i) Amendment of Minutes of Board Meeting Minutes dated August 16, September 20, November 15, and December 20, 2004 to include Treasurer Stade as present at those meetings. Also, amend December 20, 2004 minutes: under Trustee Plautz's report (p.8) the word "chose" should be "chosen".

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

Upon voice vote:

YES: (5)

NO: (0)

ABSENT: (1) Rotter

Motion Carried 5/0

4. REQUEST FOR DONATION—CULTURAL ARTS CONNECTION

Joyce Walschlager, President of CAC, was present to discuss their request for donation of \$1500 outlined in her letter to President Gifford dated January 9, 2005. Mrs. Walschlager noted the student exhibit has grown immensely. Last year included over 150 students exhibiting over 155 pieces of student artwork. Students from CUSD 95, private schools, and Barrington schools were included in the exhibit. Applications for this years' event will be distributed to students in late February or early March (already available on the website).

CAC appreciates the relationship shared with Deer Park and the Deer Park Town Center. Any contributions made by the Village of Deer Park will be used only for the student art exhibit.

Mrs. Walschlager noted CAC is instituting the regranteeing process, wherein CAC will be granting out matching dollars to nonprofit organizations. Additional information on CAC can be found at www.culturalartsconnection.org. Mrs. Walschlager stated grants come from

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interest from endowment funds, not donations. Applications are online for groups to defray costs of cultural events in the community. Publicity efforts for this regranting program will begin shortly.

Mrs. Walschlager reported CAC has received a grant from the Illinois Arts Council in the amount of \$3,400, which will be applied to the operating funds of the arts council.

Exhibits occur only once a year currently due to lack of office and exhibit space. CAC is investigating using empty buildings, such as retail buildings to allow more displays. Students are mentored by fine artists who purchase booth space at the Arts Show. Students pay a \$5 fee to teach responsibility in exhibiting; CAC breaks even on student exhibits. Items are stored the remainder of the year at the Village of Deer Park office, as well as in a small storage space that was donated to CAC.

President Gifford suggested contacting Vehe Farm Foundation for additional storage or exhibit space once the barn is completed this spring.

MOTION: by Plautz second by Kizior to approve a donation in the amount of \$1500 to the Cultural Arts Connection for the 5th Annual Ela Fine Arts Festival. Upon roll call

YES: (3) Kizior, Plautz, Thrun

NO: (2) Dowell, Ekstrom

ABSENT: (1) Rotter

Motion Carried 3/2

5. VEHE FARM FOUNDATION REPORT

A. Update on Phase II Construction Project

Trustee Thrun spoke due to the absence of Jim Peterson and recent surgery for Tom Benjamin. Trustee Thrun read a report from Jim Peterson dated January 10, 2005 recapping work completed and anticipated work to be completed.

An updated contractor schedule has been submitted to Mr. Peterson, but was not available for inclusion in the Board packet.

B. Payment of bills:

- i) Pay Request # 7 for Vehe Farm Construction in the amount of \$16,686.00 payable to R & W Clark per the memo from Jim Peterson dated 1/10/05

MOTION: by Dowell second by Ekstrom to approve Pay Request #7 for Vehe Farm Construction in the amount of \$16,686.00 per the memo from Jim Peterson dated January 10th, 2005. Upon Roll call:

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

NO: (0)

ABSENT: (1) Rotter

Motion Carried 5/0

Contractor is aware of penalty provisions included in the contract, and Mr. Peterson has been working with the contractor to ensure the Barn will be ready for Village meetings per the contract.

- ii) Pay Request for architectural and engineering services in the amount of \$768.60 payable to HZPS per the invoice from HZPS dated January 1/5/05.

MOTION: by Dowell second by Ekstrom to approve the Pay Request for architectural and engineering services in the amount of \$768.60 payable to HZPS per the invoice from HZPS dated January 1/5/05.

Upon Roll call:

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

NO: (0)

ABSENT: (1) Rotter

Motion Carried 5/0

iii) Miscellaneous Vehe Farm Foundation items

- a. The contractor was using an extension cord for power which was adversely affecting the Village office. Contractor has been contacted once; will be contacted again; contract calls for the contractor to provide generators for the site.
- b. Pat Winkelman, Vehe Farm Foundation, handled certification of the Farm by the National Wildlife Federation to enhance educational and environmental programs that will be offered when the Farm is completed. Additionally, will ensure wildlife protective cover, maintenance of bird houses, and that nonnative species are removed from the Farm. There is a small sign by the Centennial sign with acceptance and certification.
- c. John Wagner, Citizens For Conservation, was present to formally present the Chicago Wilderness award for Conservation and Native Landscaping award given jointly with the United States Environmental Protection Agency. Mr. Wagner noted the Chicago Wilderness Area extends from northwestern Indiana into southern Wisconsin, encompassing hundreds of cities and towns; only five Villages were chosen to receive the award. Award is on display in the Office. Mr. Wagner expressed pride in the Village for preserving the land as open space and undertaking the plan to restore the prairie and wetlands for the protection of biodiversity. Mr. Wagner provided a synopsis of work completed by the work group that meets on Saturdays—80 hours of brush clearing, 94 hours on the butterfly garden, 38 hours on weeding and seed collecting, 12 hours on seed cleaning, 2 hours on seed mixing, 6 hours on seed sowing, 4 hours on preplanting, and many hours of offsite planning. Collected seeds from 57 different native species that have been spread at the Farm.

Trustee Dowell noted Chicago Wilderness award is impressive; thanks due to residents who supported preservation of this open space, and to volunteers who spearheaded this work—led by John Wagner.

iv) Annual Letter from Vehe Farm Foundation

Submitted in Board packet for informational purposes.

6. PRAEDIUM DEVELOPMENT—FINAL APPROVAL FOR TOWN CENTER PROMENADE

President Gifford noted Praedium Development is seeking Final Approval for the proposed Town Center Promenade.

Mark Eiden, attorney for Praedium Development, was present to discuss the proposal. Mr. Eiden noted petitioners have met with the Plan Commission several times since they were last before the Board. The binder presented to the Board was compiled as a response to items from the Plan Commission. Mr. Eiden stated petitioners have complied with all requirements of the Plan Commission and the Village Board. Plan Commission has recommended granting of Final Approval.

President Gifford requested a quick overview of the plan.

Bill Schmanski, Civil Engineering Services, noted the property is 15 total acres. Approximately 1 acre was dedicated to the Illinois Department of Transportation and Lake County Department of Transportation; 3 ½ acres will remain green space. Approximately 10 acres of the 15 will be developed with 6 buildings for a total of 80,000 square feet. Parking requirements have been exceeded to ensure adequate parking. Mr. Schmanski noted the site presented a challenge due to site constraints and trees on the property; however, the plan is essentially the same as previous submissions with minor changes.

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Initially the bike path will have a southern connection only; will be connected on the north side when the northern parcel or connecting path to the north or east are developed.

Proposal is ADA compliant.

Engineer Gordon noted one area of the plan still has right of way issue off of Rand Road; Civil Engineering Services is investigating adjustments required. Petitioner is in process of securing permits; have made all submittals required. May be some adjustments needed depending on agency approvals. Any approval must be contingent upon approvals of agencies. Final engineering was complete and approved until IDOT came back with issues on access.

Layout has not substantially changed since the original submission; since Preliminary approval, no change has been made to layout. Variance will be required for Retail B on setback. Can be granted as part of the Planned Development ordinance; currently included in Section 4. Four variations from Code were approved by the Plan Commission—towers that breach 35' height; setbacks for corner of Retail B; minimum parking setback on Long Grove Road for parking to 75'; Retail 2, 3, and 4 may have signage on multiple sides of the building due to lot orientation. Mr. Eiden noted buildings are designed with 4-sided architecture so they look good from all sides. In large measure, slope and buildings will conceal parking in the development.

Lake County Department of Transportation does not believe a signal is warranted at Long Grove access point; County controls signalization on Long Grove Road. There will be turn lanes there with stop signs out of the Centers. Trustee Kizior stated he still believes there is a need for a signal to provide safe and efficient turns towards Rand Road from both developments (Town Center and Promenade).

Fire District has done reviews. Final comment from Fire District regarding turn has been accommodated.

Trustee/Consultant Comments:

Trustee Ekstrom requested information on the following:

Page 2 and 3--Permitted uses—who handles inspections. Attorney Hargadon noted inspections are covered by Lake County Health Department. Trustee Ekstrom did not believe taverns would be included, but they are listed in the ordinance. Attorney Hargadon noted the list of uses is virtually identical with those allowed for Town Center with the exception of caps on the square footage. Trustee Ekstrom noted there appears to be a conflict with liquor license section on page 7 which states liquor licenses would only be allowed for restaurants, yet taverns are listed as potential candidate for the development. Attorney Hargadon noted a tavern owner would need to make special application to the Village Board. Attorney Hargadon noted this section addresses zoning, not licensing.

Page 6, section q states in the case of a contradiction on sign regulations, the tenant sign criteria prevails. Attorney Hargadon stated Town Center created their sign criteria, which has been replicated for this development, as the Village sign ordinance does not deal with the level of specificity required for retail signs. In general, the view has been that signage at Town Center is appropriate, and should recreate those criteria in this proposed development. Tenant signage criteria is built into the ordinance. There are items in the signage criteria that do not match the Village ordinance.

Page 7, regarding the liquor license: Trustee Ekstrom stated her understanding from talking to the Plan Commission is that they agreed to 3 not 4 licenses. Minutes of the Plan Commission substantiate, but the proposed Ordinance allows 4. Attorney Hargadon noted licenses were to be based on square footage. Must have 2500 square feet to have a liquor license; 10,000 square feet of restaurants are permitted on site. Could have max of 4; if any one was over 2500 square feet, could only have 3.

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Page 8, conservation easement, section w: Trustee Ekstrom noted this was added and requested clarification on this provision. Attorney Hargadon noted the development as it now stands proposed would meet ordinances for density and impervious surface area even if land north of the creek is not factored in. Developer noted there is buildable land north of the creek, and requested retention of the right to sell the land north of the creek to the owner of the property to the west. Compromise reached with the Plan Commission was, in effect, since no one gets credit, land in question is to remain in perpetual open space (area is also where bike paths are planned to extend north to a regional trail). In the future, this land could be aggregated to the property to the north as long as it remains open space. Trustee Ekstrom asked if any client of the Village Attorney or other current Village official is a developer looking into purchasing that property, and therefore, could benefit from such an arrangement. Attorney Hargadon stated he is not aware of any; President Gifford asked if Trustee Ekstrom was aware of any such situation; Trustee Ekstrom was not. Attorney Hargadon noted Mr. Markopoulous had, at one point, approached the owner of the property to the west (Northwest Garden Center), with potential to purchase the site and was rebuffed.

Page 9, regarding partial and temporary certificates of occupancy, Trustee Ekstrom questioned if functional bathrooms should be required before either permit is issued. Trustee Ekstrom noted there were problems at the Town Center where occupancy permits were issued without functional bathrooms and tenants had to use other tenants facilities. Ray Elvey, Deer Park Town Center, stated he has been associated with the Town Center since before it opened and would have knowledge if such a situation had occurred; Mr. Elvey indicated this was not the case. Attorney Hargadon noted the purpose is to grant occupancy on a building unit by unit, not a whole building at a time (allows one unit to receive occupancy when other tenants have not completed building). Does not believe anything in Village ordinance is abrogated; cannot imagine Building and Zoning Inspector Holmes to issue a Certificate of Occupancy if there were no toilet facilities. Mr. Eiden noted ordinances would cover, even though not spelled out in Special Use Ordinance.

Page 10, regarding bonding: Understanding from the Plan Commission is that this should be worded "the Board of Trustees agrees to accept" (not the Village). The Village acts through its' Board of Trustees, upon recommendation from the Village Engineer. Attorney Hargadon noted the Village does not have the right to reject public improvements if they are built according to final engineering plans.

Page 10, regarding stop work orders: Ordinance is much more lenient than Village Ordinances. Attorney Hargadon noted notice is to give time to comply; comparable provision to Town Center. Stop work ordinance states "and not other ongoing work" as opposed to work on entire property. Residential stop work orders are different from commercial, due to the scope of work ongoing in a commercial development.

Page 11, section 4: original submitted to Plan Commission contained §53.15(r) regarding diversity of plant material. Section is gone in current document. Attorney Hargadon noted the landscape plan for the entire property has been approved, so there is no need for a standard for future BRB approvals.

Page 11, Building Review Board: Does not reference need to comply with the Open Meetings Act; do not need to spell out need for compliance—committee must meet legal requirements whether stated in the document or not.

Trustee Dowell:

Requested comments from Village Planners Teska & Associates. Planner Jim Brown noted long negotiated process with landscape and elements internal to the site. Still looking for specifics on maximum sign area (there was a maximum height, but not sign area). Attorney Hargadon noted specifics are in the Signage Criteria attached to the Declaration of Covenants—square footage of sign is based upon the square footage of the building (p. 40). Planner Brown, consistent with Town Center in quality of materials; landscape plan has been increased greatly. Four-sided elevations incorporated. Village worked to replicate the feel and quality of the Town Center without exactly replicating the architecture. Plan Commission

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did an excellent job of detailing exact criteria for the development and accepted by the developer.

Trustee Dowell stated he believes there is a good mix of materials. Some concern with the long walls of the larger buildings—not as broken up with architectural elements. Planner Brown noted plants were added to help break up these sides (sides facing Long Grove and Rand Road have planters and plantings added to break up), requested in the June meeting of the Plan Commission.

Trustee Dowell questioned standard for maintenance and enforcement capabilities. Attorney Hargadon noted developer is obligated to adhere to the approved plans.

Planner Brown reiterated the proposal is not an exact replication of the Town Center, but the same level of quality was sought throughout.

All Plan Commission Punch list items were addressed to Attorney Hargadon's knowledge.

Trustee Dowell questioned regulation of construction traffic, referring to issues encountered during Town Center construction. Mr. Schmanski noted contractors will be held to Village, County, and State requirements. Board requested contractors route away from Long Grove Road; construction entrance is on Long Grove, but should access via Rand Road, NOT Quentin Road. Traffic should be restricted to main roads only, with no truck traffic west of Quentin on Long Grove, nor south of Long Grove on Quentin.

Questioned if this development would be affected by the Village Impact Fee Ordinance. Attorney Hargadon noted that ordinance affects only residential developments; no agreement has been reached on impact dollars to be donated.

Trustee Kizior:

Trustee Kizior questioned if there were any open issues regarding engineering. Engineer Gordon noted all open issues relate to permits. Developer is dealing with issues of obtaining permits; approvals will close items.

Trustee Kizior asked for the benefit to contingent approval, rather than waiting until all open items have been completed. Contingent approval will allow developer to begin signing tenants, finalizing details, show of good faith, etc. Engineer Gordon reported there are no "show stopper" items still open. Cannot go forward until all conditions are met. Section 8 of the ordinance makes grant of Special Use specifically subject to permitting process of required agencies. Trustee Kizior asked if there were any items in engineering letters not specifically covered by approval of required agencies. Attorney Hargadon noted the proposed change by IDOT may impact the parking lot—will not change zoning, but will change engineering parameters already approved. Would require Engineer Gordon final approval.

Trustee Kizior asked if petitioner could cut paths between the bike path and the parking lot. Engineer Gordon noted there was a discussion of this at the Plan Commission; added in the front of the development. No cut through allowed in the back of the development, as truck docks and trash are in back.

Trustee Plautz:

Trustee Plautz requested discreet signage regarding locations of restrooms. Code requires larger tenants to have public bathrooms.

There will not be a Management Office onsite due to the size of the development.

Trustee Plautz questioned if sidewalk displays would be allowed. Tenants or special guests can ask for sidewalk displays as part of a special event; however, outside storage or sales would not be allowed.

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Requested clarification of the water feature added at the Plan Commission level. Architect Peter Madimenos displayed a graphic of the water feature to be located at the corner of Rand and Long Grove Road. Feature will be a cascading waterfall beginning at the corner of building 4 to intersection. In winter there will not be water in the feature, but lights will be on. Regarding trees: trees in the parking lot were not saved. Planner Brown indicated he was satisfied with efforts to save existing trees. Most of existing trees being saved are on the periphery of the lot; those in the parking lot area will be leveled, as well as some due to water main extension. Petitioner noted work to save existing trees wherever possible.

Trustee Thrun:

Noted his involvement with preliminary planning at the Plan Commission level, and thanked the Board for good questions posed tonight.

Requested if fill would be available. Attorney Hargadon noted working on final agreement; hope to have before Board next month.

Trustee Ekstrom read a statement from **Resident Roger Hankin:** (text provided electronically by Trustee Ekstrom)

"Dear Trustee Ekstrom,

As the only resident to attend the August, 2003 Public Hearing on the Praedium mall project, I am requesting your assistance to read this letter into tonight's official minutes so that critical concerns can be addressed by the Board prior to voting.

Despite the best efforts of the Plan Commission, there remain material flaws in the proposed project for which this Board is the last line of defense. These issues center upon transparency, economic prudence, and most importantly, public safety.

The Village of Kildeer is transparent with respect to the progress on key development activities, reporting status updates and anchor tenants in resident newsletters and on their website. Nearly two years into this proposal, this developer is unable or unwilling to reveal the two anchor tenants that will constitute 75% of the project. The specific nature of the anchors is central to any hope of commercial success and will reflect the image of the Village. Our village appears non-transparent or it accepts the unwillingness of the developers to provide this information.

With respect to economics, this development will compete with our own mall, the Shops of Kildeer, and the new Rand Road Kildeer development. Since people tend to shop on their way home from work, only unique destination shops will draw northbound Rand Road drivers. Unlike the dual entrance in to the Mall, which allows a smooth flow of traffic, the short single turn lane onto Long Grove Road will likely back up and create gridlock. We won't know the magnitude of gridlock, because Scott Hargadon allowed an outdated traffic study that does not reflect the holistic development and the new traffic signals on Rand and on Quentin Roads.

Further economic concerns, not knowing the key anchor accounts and the traffic logistics pose further concern to the economic success of this development. Failure of the development will incur police and fire expenses without sales revenue.

Regardless, the Village will face increased expense for Kildeer police protection with no sales tax return for all of FY06 and potentially a losing venture into FY07 and beyond. Chief Lilly has explained that 90% of the increased service expense is due to coverage of the Rand commercial corridor. Similarly, both during the construction phase and upon completion the development will place an additional burden on the fire district long before property tax revenues are realized. This developer has demonstrated an unwillingness to donate their fair share to the LZFRD, protected by the distinction of annexation. Hamilton Partners and the mall each donated \$250,000. Motorola is giving \$50,000 annually for ten years and a fire truck.

After the unfortunate close of Station 4 for the month of December 2004, fire struck within our village and the adjacent village of Palatine. This time, the loss of life was confined to three family pets. Now is the moment to encourage the developer to do the right thing.

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All of these issues pale in comparison with the safety concern. There is a proposed bike path around the development. The portion to the north runs by a wooded stream and could well become a magnet for drug sales, rapists, and child molesters. The portion to the south, along Long Grove Road, connects to the bike path around the mall and on to Motorola via the Rand/ Long Grove intersection. IDOT will not allow an all-red pedestrian crossing due to the emphasis on Rand Road flow. Therefore, it is highly likely that either a southbound right-on-red or an aggressive northbound left onto Long Grove will hit a cyclist, especially at rush hour dusk.

Several residents and at least one Plan Commissioner have proposed a bike/pedestrian overpass across Long Grove, linking the paths near Barnes and Noble; however, this suggestion has fallen on deaf ears. In the event of a wrongful death, it is important for the minutes to reflect that such a tragedy was clearly foreseeable and preventable had the Board placed public safety over private greed.

You each have a legal and morally sworn oath to the residents of this Village. Before blindly approving an agreement between two real estate attorneys, rushed to you days ago, please consider requiring the following amendments to the documents:

- 1. Verify that the anchor tenants reflect the Deer Park you desire.*
- 2. Require the developer to pay for any increase in police protection until such time as the sales tax base offsets the added cost to the Village. Language from the Motorola annexation can be a model.*
- 3. Require a letter from the LZFRD indicating their satisfaction with a generous donation by the developer. Given years of inflation, the Motorola, Hamilton, and Poag/McEwen donations should be considered a floor and not a ceiling.*
- 4. Require the developer to provide a bike and pedestrian overpass. This may well stimulate shopping in both malls and reduce vehicular traffic between the malls. Most importantly, it will undoubtedly prevent at least one car-meets-bike fatality.*

In closing, I must commend the fine efforts of our Plan Commission. My suggestions in no way are meant to criticize their service. Some of these issues are outside of their purview. In other instances it appeared that the Village Attorney, reimbursed by the petitioner, was speaking out more for the petitioner than for the best interests of the Village and its residents. Similar concerns have been expressed during previous petitions only to discover subsequently a formal relationship between the petitioner and his firm. One case in point is the current town home developer, United Land, who Attorney Puglasie (sic) has been representing in their litigation with the Village of Hawthorne Woods. As the Board debates the merits of the proposed ordinance and related covenants and easements, it would be most helpful if the Village Attorney would only speak when asked a pertinent question by a voting Trustee or the presiding officer.

Regardless of the motivations that have brought us to this point, the residents depend upon you to require safe and appropriate use of the land within our boundaries. Thank you for your thoughtful consideration of the issues.

*Respectfully,
Roger L. Hankin
20856 Swansway"*

Trustee Ekstrom noted police and fire services will have to be provided to this proposed development, with no assistance from the developers. Trustee Kizior questioned if there is a recourse available to the Village regarding impact on services. Per Village Attorney, there is not a recourse which allows the Village to mandate a donation for public services available to the Village of Deer Park.

President Gifford noted this is an individual opinion; Mr. Hankin is entitled to his opinion and it is now part of the record.

Trustee Ekstrom expressed concern with pedestrians and bikes; made a point to connect the bike path between the two malls, but there is no safe access at Long Grove.

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MOTION: by Thrun second by Dowell to approve Ordinance 05-01 granting Special Use for Praedium Development Corporation, subject to approval of final engineering plans by the Village Engineer. Upon roll call:

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

NO: (1) Ekstrom

ABSENT: (1) Rotter

Motion Carried 4/1

7. ATTORNEY'S REPORT

A. BACOG—Draft 2005 Legislative Platform

Janet Agnoletti, BACOG, congratulated the Village on the Vehe Farm Award, noting; Chicago Wilderness is a well respected organization.

Ms. Agnoletti reported the legislative platform was derived by the legislative committee of BACOG. Current copy is a draft; being recommended for adoption by BACOG. As 8 of 9 member communities are on the legislative committee, draft will most likely be adopted in its' present state.

Ms. Agnoletti noted there are 10 items on platform, which are used to lobby state representatives, legislators, and senators. New platform items are re-establishment of zoning decisions as Legislative, due to impact of the Klaeron case, and extension of support for open meetings act exemption for negotiating strategy.

The Legislative platform list is not in any order of priority.

Route 53 extension would promote safety along Rand Road. Trustee Kizior noted BACOG would strongly support any chance of extension, even though not all communities in BACOG support.

Trustees Plautz and Kizior expressed concern over the BACOG stance on affordable housing. In order to maintain "one voice", Trustee Kizior believes we need to support position. Ms. Agnoletti commended Deer Park on progress on this issue. Two concerns cited by BACOG over the current affordable housing legislation are the appeal board appointed by the governor with binding authority over local zoning, and zoning of undeveloped property. The appeal board would undermine local authority. Additionally, some metropolitan communities have undeveloped area zoned in their comprehensive plans with articulated uses allowed which can be overturned by the appeals board. Implementation is also major concern; high land values make it impossible for developers to profit from affordable housing if they adhere to current zoning.

Trustee Kizior will come back after approval at BACOG to receive formal support of platform. Questions should be directed to Trustee Kizior or Attorney Hargadon.

B. Resolution R05-01: Support and Encourage Development of Affordable Housing

Attorney Hargadon noted he was speaking for Trustee Rotter, who was absent, and who wishes to have this Resolution passed in conjunction. Resolution states that Deer Park is committed to complying with the Statute.

Board consensus to change appointment of coordinator to the Trustee responsible for Planning and Zoning, or language to that effect, rather than naming an individual Trustee.

MOTION: by Ekstrom second by Thrun to approve Resolution R05-01, as amended. Upon voice vote.

YES: (5)

NO: (0)

ABSENT: (1) Rotter

Motion Carried 5/0

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- C. Fire Protection District Funding Deficit Memo
Privileged information dispersed as background.

8. REPORTS FROM THE PRESIDENT, TRUSTEES, AND ADMINISTRATOR

A. President Gifford

i) February Meeting Date Change—Presidents Day

February meeting falls on President's Day; President Gifford requested change of meeting date.

MOTION: by Plautz second by Ekstrom to change the February meeting date to the Tuesday after Presidents' Day, (this year February 22nd), now and in future years, due to the President's Day Holiday. Upon voice vote:

YES: (5)

NO: (0)

ABSENT: (1) Rotter

Motion Carried 5/0

ii) Proclamation in support of Martin Luther King Day

Illinois Commission on Volunteerism and Community Service has requested a Proclamation in support of Martin Luther Kind Day and encouraging citizens to commemorate this holiday by serving their fellow Americans.

MOTION: by Thrun second by Ekstrom to approve the Proclamation in support of Martin Luther King Day. Upon voice vote:

YES: (5)

NO: (0)

ABSENT: (1)

Motion Carried 5/0

iii) Kildeer Police Accomplishments

A statement of Kildeer Police Accomplishments in 2004 was included in Board packets. President Gifford noted the Village is in negotiations for a new police contract. Current contract expires April 30th of 2005. Meeting with Attorney Hargadon, Trustee Thrun, and President Gifford. Attorney Hargadon noted the meeting went a long way in dealing with contractual issues, and was a very positive meeting.

B. Trustee Plautz—Health & Sanitation

i) Vision Questionnaire

Only 4 of 7 surveys have been returned. Trustee Plautz will tally results; questioned if Board desired pursuing. Due to Absence of Trustee Plautz, will present answers for April meeting.

ii) Garbage Bids Needed

Garbage contract expires May 31, 2005. Trustee Plautz has gotten involved due to League of Women Voter questions; approached SWALCO for answers. SWALCO Executive Director reported, as a municipality, by law can retain providers without going out to bid if Board is happy with the level of service and quality. Trustee Ekstrom noted a neighboring municipality recently went out to bid and switched to another provider that was less expensive; however, new contractor required own receptacle to be purchased by residents. Board consensus happy with service; noted assistance in parks with special requests for Village.

Trustee Plautz to ask how much rolling recycling carts would cost residents.

Administrator Diesen-Dahl to approach Groot for proposal for consideration next month. Senior Discount is not currently available; would like to request as part of proposal. Trustee Thrun noted Senior Discounts cost others money; perhaps ask for two proposals—one with Senior Discount, and one without. Attorney

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noted potential problems with equal protection grounds if Village requests senior citizen discount in contract.

iii) General Communication—Village & Citizens

Trustee Plautz noted some residents indicated they were not happy with communication from the Village Office, regarding follow-up on complaints. Goal is to follow up and let people know of resolution in a timely manner. Trustee Plautz to work with Administrator Diesen-Dahl to verify issues have been cleared up (both issues were road issues).

Trustee Plautz noted Ela Township is doing a good salting job. Worked on drainage of Rainbow Road, some issues still.

C. Trustee Kizior

i) Lawnmowing Bids

Going out to bid at the end of the month for mowing and lawn maintenance for presentation to the Board at the February or March meeting.

ii) Soccer Fields

Schedules for soccer fields should be available for next month. Board members requested reserving open field time for residents.

D. Administrator Diesen-Dahl

i) Building Permits for 2004

Report of Building Permits for 2004 was included in the Board packet for informational purposes.

ii) Use of Village Office by Vehe Farm Foundation outside of Regular Office Hours

Vehe Farm Foundation has meetings outside of regular office hours; currently requires Administrator to be there to meet. Questioned if President of Vehe Farm Foundation could be given a key allowing access to the office. Attorney Hargadon noted no legal issues with access. Trustee Dowell noted the Foundation is taking care of a Village-owned asset; do not view as an outsider using the space. Board consensus to allow Vehe Farm Foundation to have key with access to the Office; must clear with administrator to ensure no conflicts and village is aware of use of office space. Impart to President she is responsible for use in off hours; cannot give keys to others. Administrator Diesen-Dahl does not need to make herself available for these meetings.

iii) Zoning Violations

Attorney Kopecky drafted violation letters which were sent to violators; residents given a deadline of January 20th for compliance. Two violations: Lake Cook Road and Oak Ridge.

Administrator and Zoning Inspector Holmes have been in contact with residents numerous times. Board discussed alternatives for enforcing the ordinances, given difference in times for which the violations have occurred. Given language of letters already sent, need to be prepared to take action if not in compliance by the 20th.

MOTION: by Ekstrom second by Kizior to authorize Lord Bissell & Brook to work with the Village Office to send another letter to begin injunctive action to take both violators to court with a fine of \$50 per day. Letter to indicate violators have 10 days to remove violations or they will be taken to court. Upon Roll Call:

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

NO: (0)

ABSENT: (1) Rotter

Motion Carried 5/0

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Attorney Hargadon cautioned, if action does have to go before a judge, most likely that the judge will order the removal of the violation, will probably not enforce the fine, and may grant some attorney's fees. Judge will issue a mandatory injunction requiring removal, if resident does not comply, judge will likely send Sheriff out to enforce.

iv) Buyer for property Village owns in Cook county:

There are 2 lots of undetermined size at Deer Park and Lake Cook Road (southwest corner) owned by the Village; Administrator has been contacted by an interested purchaser. Former Administrator Sundberg told Administrator the lots were purchased for potential connection for sewer access to Cook County; Village does not need properties. Per resident John Lahr, land was donated, not purchased. Board requested submission of offer from interested party in the form of a Letter of intent, and asked Administrator to verify the size of the lots in question.

E. Trustee Ekstrom—Roads and Public Utilities

i) Deerpath Road: Drawings to Ela for appropriate signage submitted to Board. Proposal to put 4 – 25 mph signs, as well as a 15 mph in the curve (must be approved by the State—Engineer Gordon pursuing approval through the State) with a double stripe.

ii) FY Budget: Requested confirmation of dates first drafts need to be turned in to Treasurer; requested return of input by the end of January 31st.

9. TREASURERS INFORMATION

MOTION: by Dowell second by Kizior to approve the Investments Held report dated 12/31/2004. Upon voice vote:

YES: (5)

NO: (0)

ABSENT: (1) Rotter

Motion Carried 5/0

10. CASH DISBURSEMENTS

Trustee Kizior noted Greenleaf Landscaping was overpaid by \$25 due to agreement. Agreed to pay \$75; invoiced for \$100. Trustee Dowell recommended approval of payment as shown with Treasurer Stade to verify the amount to be paid.

MOTION: by Dowell second by Kizior to approve the Cash Disbursements for the period 12/21/04 – 1/18/05 in the amount of \$191,781.67. Upon Roll call:

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

NO: (0)

ABSENT: (1) Rotter

Motion Carried 5/0

11. PUBLIC COMMENTS

Resident Mary Lahr noted item C under the Attorney's Report cannot be kept confidential under the Open Meetings Act. Attorney noted decision to waive privilege is up to the Board; considered privileged because it is between the attorney and his client. There was miscommunication on whether or not the item should be included as a line item; recognized potential confusion regarding privilege after the agenda had been dispersed to meeting location and media. At that time, Clerk Smith and Attorney Hargadon discussed whether or not the item needed to remain confidential; neither felt items included would be an issue. Clerk Smith noted Attorney cannot waive the right; the Board needs to make the determination to waive. Board consensus to release. Clerk Smith gave Mrs. Lahr her copy of the document.

Mrs. Lahr noted Attorney Hargadon mentioned in a meeting he chaired in Cook County in December of 2003 that the Village was considering having a Deer Park fire department. Mrs.

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Lahr questioned if the Board was considering a Deer Park fire department. Trustee Dowell noted it is incumbent upon the Village to consider all options.

Resident John Lahr asked Trustee Plautz if SWALCO is currently collecting paint, as the Township will not accept paint. Trustee Kizior stated SWALCO will handle all but latex paint. Trustee Plautz suggested visiting the SWALCO website for specifics (SWALCO.org).

12. TEMPORARY ADJOURNMENT FOR EXECUTIVE SESSION

MOTION: by Kizior second by Ekstrom to temporarily adjourn the Regular Meeting of the Board of Trustees for an Executive Session to discuss Employee Compensation. Upon Roll Call:

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

NO: (0)

ABSENT: (1) Rotter

Motion Carried 5/0

The Regular Meeting of the Board of Trustees was temporarily adjourned at 9:50 p.m.

13. REOPEN REGULAR MEETING

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

YES: (5)

NO: (0)

ABSENT: (1) Rotter

Motion Carried 5/0

14. ADJOURNMENT

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

YES: (5)

NO: (0)

ABSENT: (1) Rotter

Motion Carried 5/0

The Regular Meeting of the Board of Trustees was adjourned at 10:08 p.m.

H. Scott Gifford, President

Sandra R. Smith, Village Clerk