

1. **CALL TO ORDER**

The regular meeting of the Village of Deer Park was held on Monday, August 20<sup>th</sup>, 2001, at the Brunswick Zone in the Village of Deer Park, Lake County, Illinois.

President Karl called the meeting to order at 8:10 p.m. Upon roll call the following were present: President Karl, Trustees Benjamin, Dowell, Gifford, Plautz, and Werch. Other officials present were Administrator Diesen-Dahl, Attorney Scott Hargadon, Engineer Todd Gordon, and Clerk Smith. Trustee Kizior was absent. President Karl declared a quorum.

Guests present were: Eric Peterson (Daily Herald); Jeff Logan (20961 Swansway); Ken Wolven (20974 Swansway); Karen Lemme (20986 Swansway); Gill Plautz (21978 Old Farm Road); Declan Fay (22056 Old Farm Road); Tony Guido (20812 N. Swansway); Christof Heisser (20834 N. Swansway); Trena Goldberg (221 Rue Jardin); Mr. And Mrs. George Nagy (506 Rue Orleanis); Carrie Groeller (219 Rue Touraine); Tom Johnston (Pioneer Press); Wanda Czaja (515 Rue Royale); Rita Finley (21900 Green Forest); Susan A. Marshall (24514 Hummingbird Court); John Lahr (201 Rue Touraine); Mary Lahr (201 Rue Touraine); Monique Sierzputowski (24347 Tanager Court); Daniel Sierzputowski (24347 Tanager Court); Philip Elo (211 Hidden Pines Drive); Julie Nagle (208 Hidden Pines Drive); Dan Csaki (134 Rue Touraine); Tom Polzine (Hey & Associates); Mark Eiden (Deer Park Town Center); John Czaja (515 Rue Royale).

2. **AGENDA CHANGES AND ANNOUNCEMENTS**

Resident Julie Nagle re: Deerpath Rd. added to the agenda after discussion on Max and Erma's liquor license.

3. **CONSENT AGENDA**

Minutes from:

- A. Plan Commission Meeting 7/10/01
- B. Board of Trustees Meeting 7/16/01
- C. Plan Commission Meeting 8/7/01

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

Upon voice vote:

YES: (5)

NO: (0)

ABSENT: (1) Kizior

Motion Carried 5/0

4. **SUB-ALLOCATION OF WATER FOR CARRABBAS – ITALIAN GRILL**

Mark Eiden (counsel for DPTC) presented an application for sub-allocation of water from DDRC to Carrabbas Italian Grill as ground lessor of lot 12 of the DPTC, pursuant to the intergovernmental agreement with Palatine. Pretransfer allocation of water for DPTC is 98,015 gallons per day; the transfer amount under this application to be transferred is 6233 gallons per day. This transfer is conditional upon execution of the lease, and valid only until the expiration or termination of the lease; at such time the transferred amount reverts back to the original owner.

Engineer Todd Gordon reviewed and approved the transfer amount requested.

Carrabbas and DDRC will covenant that use will be limited to the transfer allocation and the remaining allocation, respectively.

A recordable memorandum of suballocation has been submitted with the application to be recorded.

MOTION: by Gifford second by Benjamin to approve the sub-allocation of 6233 gallons of water per day to Carrabbas Italian Grill from DDRC, LLC as a temporary transfer concurrent with the ground lease. Upon roll call:

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

NO: (0)

ABSENT: (1) Kizior

Motion Carried 5/0

5. **ENGINEER'S REPORT**

A. Snowplow Bids

Engineer Gordon requested review of the snow plow standards to be used for bid purposes, noting the inclusion of a retainage for damages, and requested approval to obtain bids for snowplow services for the upcoming winter. Trustees concurred; bids should be available at the September meeting.

B. Swansway Drainage

Engineer Gordon and Tom Polzine of Hey & Associates presented alternatives to improve drainage in Swansway Ponds without impacting negatively downstream, specifically either Sturm Subdivision or Kildeer. Mr. Polzine noted that any of the alternatives listed in the packet under heading #2 would satisfy to varying levels all requirements. Cost estimates have not yet been completed.

SMC would be a participant in these improvements, as SMC controls Sturm pond. Also, the ponds in Swansway are homeowner owned (plats extend into the pond).

***Resident Comments/ Questions:***

**Ken Wolven** (Swansway Ponds) suggested moving the restrictor downstream. **Mr. Polzine** noted that the level would still need to be lowered to control flooding.

**Jeff Logan** (Swansway Ponds) inquired as the water depth required for fish. Mr. Logan noted that aerators have been added to the ponds; depth finders show the small pond to currently be approximately 8 feet and the large pond to be approximately 10 feet. **Mr. Polzine** indicated that ideally depths should be 10 – 25 feet for overwintering of fish. Proposals suggested would affect the canal, also, which may need to be excavated.

MOTION: by Werch second by Benjamin to authorize up to \$5,000 for additional engineering fees regarding the water situation leading to the Sturms ponds, on the condition that Gewalt Hamilton take steps to mitigate costs and obtain contributions from Lake County. Upon roll call:

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

NO: (0)

ABSENT: (1) Kizior

Motion Carried 5/0

Engineer Gordon to continue working with residents to keep them apprised of progress on this issue.

Trustee Kizior joined the meeting.

C. Vehe Farm Bonding

MOTION: by Dowell second by Gifford to issue a letter of credit to Lake County Division of Transportation in the amount of \$40,000 with the understanding that costs for the letter of credit will be deducted against the cost of the contract, and noting that the Village has a bond with the contractor for the full amount of the contract. Upon roll call:

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

NO: (0)

Motion Carried 6/0

6. **OLD FARM ROAD – EMPTY LOT**

**Residents Daniel and Monique Sierzputowski** (24347 Tanager Ct.) requested that the Board consider utilizing the empty lot on Old Farm Road as a public space for passive recreation purposes. Pictures of the lot were presented to the Board. Homeowners in the area voted on desires for this lot; vote was split. The Sierzputowski's indicated they felt Trustee Plautz misused her position as Trustee to sway homeowners in the area.

**Resident Nancy Shepherdson** indicated that she opposes a park use for this area due to concerns over maintenance, geese, and potential misuse of the space. Ms. Shepherdson also noted that Deborah Nelson of IDNR indicated that the permit process would be required to convert this area to park, as the creek on the property drains into a high quality marsh. Attorney Hargadon noted that no permit would be required unless structures were to be erected.

**Bill Plautz** (21978 Old Farm Road) read a statement indicating his belief that residents desire more open space with preservation and restoration, rather than parks. Mr. Plautz also indicated that he circulated the information to homeowners regarding the vote, not Trustee Plautz.

**Susan Marshall** (24514 Hummingbird Ct.) voiced opposition to the development of the land into a recreational area noting:

- 1 – Lake Zurich orchards are behind this area, and the Marshalls experienced problems with teenagers loitering when they moved into the property,
- 2 – Questions concerning level of use, given location in a subdivision of 1-acre lots,
- 3 – Homewoners on either side of the lot in question desire the lot be left wild,
- 4 – Property is beautiful as is.

**Rita Finley** (21900 Green Forest) presented a map illustrating current and planned parks within Deer Park to illustrate issue of seclusion for this subdivision from access to public parks.

**Declan Fay** (22056 Old Farm Road) noted that he had been told the lot was unbuildable; as an adjacent homeowner, Mr. Fay is opposed to changing the use for the lot.

Trustee Benjamin to work with Village Planner Savoy to achieve an alternative which would be satisfactory to all homeowners. Engineer Gordon to check on drainage issues with the lot. The Board is not interested in filling or raising terrain; funds are available for maintenance.

MOTION: by Benjamin second by Gifford to authorize Teska Associates to evaluate future uses for the outlot on Old Farm Road, subject to: no elevation changes, Village maintenance of lot, and respect for privacy and wishes of homeowners. Upon roll call:

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

NO: (0)

Motion Carried 6/0

7. **MAX & ERMA'S LIQUOR LICENSE**

Attorney Hargadon noted that application has been made; all requirements have been completed.

MOTION: by Gifford second by Dowell to approve Class II Liquor License for Max & Erma's. Upon roll call:

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

NO: (0)

Motion Carried 6/0

8. **DEERPATH ROAD CONCERNS**

**Residents Julie Nagle** (208 Hidden Pines Drive) and **Philip Elo** (211 Hidden Pines Drive) presented a list of concerns about the surrounding neighborhood:

1. Construction parking on Deerpath Road; B & Z Inspector Holmes to push installation of culvert to allow parking on the site. Trustee Werch to contact Kildeer Police for further

enforcement; ordinance issues with this construction are a continuing problem. Administrator Dahl to discuss with the homeowner.

2. Port-o-potty has been removed; furniture, etc. are still outside. Inspector Holmes has notified homeowners items must be removed.

3. Waterflow from west to east side of Deerpath Road; Engineer Gordon to evaluate.

4. 26 Deerpath Road—B & Z Inspector Holmes to check permits issued, and ordinance violations.

9. **ATTORNEY'S REPORT**

A. Minimum Age Requirements for Waitstaff

Discussion slated for next meeting regarding minimum age of waitstaff. Memo from Michael Moses of Max & Erma's to President Karl distributed. Reference memo dated August 17<sup>th</sup>, 2001 from Attorney David Meek to President Rick Karl for background.

B. Water Wells

Reference memo in packets dated August 13<sup>th</sup>, 2001 from Attorney David Meek to Attorney Hargadon reviewing from a legal standpoint commercial water wells stating that annexation agreements in the Triangle permit wells for irrigation purposes. Attorney Hargadon has been unable to find regulations concerning commercial use of aquifers noted in letter from Plan Commissioner John Lahr.

C. Historic Vehe Documents

Documents located; will be turned over to the Village Administrator after documentation by Lord, Bissell & Brook. Documents include original land grant deeds from the 1850's for the land, signed by the President of the United States.

D. Ordinance 01-33, Amending the Business License Ordinance

Changes the license year for businesses from beginning on 7/1 to 1/1; discussed last month.

MOTION: by Gifford second by Dowell to adopt Ordinance 01-33, amending the Deer Park Municipal Code: Business Registrations. Upon roll call:

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

NO: (0)

Motion Carried 6/0

E. Resolution 01-5: Waiver of Intergovernmental Water Requirements

Resolution authorizing the waiver of the requirements contained in Section 3(b) of the Intergovernmental Water Service Agreement between the Village of Palatine and the Village of Deer Park. Discussed previously; approved to allow Palatine to sell water to users online even though Deer Park had not completed loop. This resolution applies to lots 1,2,3,11, 12 in the Deer Park Town Center (Max & Erma's, Barnes & Noble, Stoney River, the main shopping center, and Carrabbas) as well as lots 1, 2, and 14 of the Deer Park Office Center (Bright Horizons, new Hamilton Building as well as proposed Hamilton Building on Lake Cook Road, and Motorola).

MOTION: by Benjamin second by Gifford to approve Resolution 01-5. Upon roll call:

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

NO: (0)

Motion Carried 6/0

F. Resolution 01-6: Maintenance Resolution

Resolution from IDOT; states that when the Village performs work in State rights of way or easements, the Village assumes responsibility for any damages. If contractor has contract

with liability clauses, liability passes on to the contractor. Village is also insured for such liability.

MOTION: by Dowell second by Gifford to approve Resolution 01-6, Upon roll call:

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

NO: (0)

Motion Carried 6/0

G. NICOR Update

Contractor reworked joints with no additional dollars expended. Attorney Hargadon and Engineer Gordon authorized up to \$2800 for additional testing necessary; developers are aware and authorized as SSA expenditures. Construction issues should be resolved within one week. Legal issues left to be resolved.

Intergovernmental agreement terms will be satisfied when line tests out, as agreement deals with "substantial completion of the line". Engineer Gordon to evaluate restoration obligations to landowners who granted easements.

10. A SAFE PLACE – PROCLAMATION

MOTION: by Werch second by Gifford to support the Lake County Initiative in support of the Safe Place Proclamation. Upon voice vote:

YES: (6)

NO: (0)

Motion Carried 6/0

11. REPORTS

A. President Karl

- 1) Deer Park Office Staff—President Karl requested job descriptions from all staff; scheduling meeting with staff to discuss.
- 2) Lake Zurich Chamber of Commerce—discussion on joining the Chamber. Chamber is anticipating changing its name to reflect membership; President Karl recommends the Village join.

MOTION: by Benjamin second by Plautz to approve an expenditure of \$300 to join the Lake Zurich Area Chamber of Commerce, not to the exclusion of other Chambers. Upon roll call:

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

NO: (0)

Motion Carried 6/0

3) Invitation for 9/8 to BACOG Training Program. President Karl recommends Village Officials attend, if possible. Administrator Dahl to copy Plan Commission and ZBA members.

4) Polywka Proposal: Attorney Hargadon summarized the proposal for the Board, noting the packet of from Engineer Gordon and Attorney Hargadon with issues/reports. Village has also received 31-page memo from homeowners regarding concerns. Issues which have arisen are technical in nature. Plan Commission has approved, subject to Engineer Gordon's final approval. Neighbors contend engineering conclusions are incorrect. Board is the "trier of fact"—law mandates that, by meeting ordinances, approval has been earned, regardless of extrinsic issues. Proposal to be on September agenda.

Board requested Attorney Hargadon summarize requirements of the Tree Ordinance for discussion.

B. Trustee Dowell--Finance

- 1) Audits are underway—reports should be available September or October.
- 2) Village parks—sign-up sheets being utilized to ensure no one club monopolizes.
- 3) Concern over workload for B Z Inspector Holmes; President Karl to follow up.

4) Triangle expenses have been cleared up, with the exception of Bright Horizons (\$9,000). Attorney Hargadon notified their attorney no COO would be issued until account is current.

C. Trustee Werch--Public Safety

- 1) Received mailing from Medical Supply located in Deer Park with address of Palatine with Palatine zip code. Requested Administrator Dahl verify business license is current, verify sales tax (if possible), and contact business to correct address.
- 2) Vehe Farm Celebration will be 9/22. Trader Joe's providing refreshments; request Board members attend, and help, if possible. VFF to explore parking obligations.
- 3) Attorney Hargadon has received and approved a letter from Kildeer stating that Deer Park has met terms of the police contract.
- 4) Squires has been treated for Purple Loose Strife; President Karl noted Purple Loose Strife in DPTC ornamental plantings. Due to similarities between sterile and non-sterile varieties, Board requested ordinance be drafted banning Purple Loose Strife as an ornamental planting material.
- 5) Per Josh Poag, all pathway lights have been changed; timers turn off others. Lights visible west of Quentin Road still unresolved; hold issue open until birthing completed. Horizontal dispersion in parking lot is still unacceptable; shades have been ordered.
- 6) Cable problems in Hamilton Estates. Trustee Werch to follow up.

D. Trustee Plautz—Health and Sanitation

- 1) Working on septic field research project—devised questionnaire with Administrator Dahl for neighboring communities regarding septic permit process.
- 2) Weed ordinance is being enforced unevenly.
- 3) Request minutes and copies of Ms. Sierzputowski's letter be filed in a folder for the outlot.
- 4) Ela Communities for Success Forum scheduled for 11/10.
- 5) Discussion concerning additional meetings or change in start time to avoid late hours of Board meetings. Discussion tabled to next month.
- 6) Reminder that mailboxes are for postal use only.

E. Trustee Kizior—Roads and Public Utilities

- 1) Trimming needed on Rainbow Road from Cuba to northern boundary of the Village. Last done in '99.

MOTION: by Kizior second by Gifford to approve an expenditure not to exceed \$1100 to trim Rainbow Road from Cuba to northern boundary of the Village. Upon roll call:

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

NO: (0)

Motion Carried 6/0

- 2) Trustee Kizior spoke with Barrington Mayor at BACOG meeting regarding research on funds expended on proposed bike path extensions; has not heard back yet. President Karl to follow up.

F. Trustee Gifford—Planning and Zoning

No report.

G. Clerk Smith

- 1) Village of Deer Park Web Site Test Address can be accessed at Smythes.com/test,user is deerpark, password is village.
- 2) Guidelines requested for web site:
  - a. Specific content approval for the web site by President Karl; review of accuracy of contents by Trustees Werch and Kizior.
  - b. Trustee Werch requested a pull-down menu with items homeowners would commonly request.

c. One year of minutes, in Adobe format to prevent alteration, should be included.

3) August newsletters sent. Working on format.

H. Administrator Dahl

1) New roof at Village Office—work begun today.

2) Business cards for Trustees passed out.

I. Trustee Benjamin—Parks and Recreation

1) Michael D'Angelo Tot Park—

a. Recommends Reil construction, with addition of plastic caps.

MOTION: by Dowell second by Karl to approve the bid from Reil Construction in the amount of \$26,121 (including plastic cap), pending contract approval by the Village Attorney. Upon roll call:

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

NO: (0)

Motion Carried 6/0

b. Letter from homeowner to IDNR concerning out of code equipment; IDNR expressed concern and jeopardy for future grants. President Karl invited IDNR to inspect equipment. Per Trustee Benjamin, equipment would not conform to code if built now; existing sets were grandfathered.

c. Reference to article in the Daily Herald concerning Charles E. Brown Park.

**12. TREASURER'S REPORT**

MOTION: By Dowell second by Gifford to approve the Treasurer's Report dated 7/31/01.

Upon voice vote:

YES: (6)

NO: (0)

Motion Carried 6/0

**13. CASH DISBURSEMENTS**

Additions: Toner = \$240

Reil Construction—(Charles E. Brown Park less retainage) = \$3,225

MOTION: By Dowell second by Gifford to approve the Cash Disbursements, as amended, in the amount of \$354,351.19. Upon roll call:

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

NO: (0)

Motion Carried 6/0

**14. PUBLIC COMMENTS**

**Resident Mary Lahr**, representing the Rue Vallee Homeowners Association, presented concerns, and a letter from Chris Lajiness. Concerns noted included:

a. Representatives of Rue Vallee told Field Parkway would not be opened to Quentin until homeowners reviewed plans. President Karl noted that the 65% plans were the most recent, and were reviewed with Mr. Goldberg and Mr. Jackson at a meeting dated 8/6/01.

b. Cars are going around barriers designed to prevent access. Per Engineer Gordon, new barriers installed today. Emergency Access Only and Do Not Enter signs not up yet.

c. Residents under the impression that a continuing dialogue regarding birthing on the west side of Quentin Road; Mrs. Lahr expressed the concern that comments made by Trustee Werch indicate otherwise. Trustee Werch clarified that the Board is waiting for birthing and landscaping on east side of Quentin to be completed prior to determining needs for the west side; also, Village Planner Savoy is to check on restrictions in the right of way and options available.

15. **ADJOURNMENT**

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

YES: (6)

NO: (0)

Motion Carried 6/0

The meeting was duly adjourned at 10:30 p.m.

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Richard C. Karl  
Village President

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Sandra R. Smith  
Village Clerk