

**Village of Deer Park
Special Board Meeting Minutes
September 22nd, 2003**

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1. CALL TO ORDER

The Special Meeting of the Board of Trustees of the Village of Deer Park was held on Monday, September 22nd, 2003 at Charles Quentin Elementary School in the Village of Deer Park, Lake County, Illinois.

President Karl called the meeting to order at 7:35 p.m. Upon roll call the following were present: Trustees Dowell, Gifford, Kizior, Plautz, and Werch. Trustee Ekstrom was absent. Other Village Officials present were Administrator Diesen-Dahl, Clerk Smith, and Attorney Hargadon.

Guests present were: Mary Lahr (201 Rue Touraine); Roger Hankin (20856 Swansway).

2. AGENDA CHANGES AND ANNOUNCEMENTS

None were stated.

3. ANNEXATION AGREEMENT WITH ILLINOIS ASSOCIATION OF SEVENTH-DAY ADVENTISTS

(Formerly known as the Illinois Conference of Seventh-Day Adventists).

Annexation Agreement pursuant to §15.1(11) of the Illinois Municipal Code. Parties are agreeing that the Church, which is immediately south of the Shepherd property on Quentin Road in Cook County, would annex to the Village of Deer Park under the following terms: For the 20 years of the annexation agreement, Church would be free from any Village of Deer Park tax (currently have no Village tax),

Shepherd property will be zoned in a residential district in Deer Park,

If sewer service becomes reasonably available to the Church, Village will contribute \$10,000 towards connecting, or abate Village fees in the same amount,

Village agrees, within 60 days, as church is a Special Use within R-1 district; hold necessary Public Hearings in order to issue a Special Use Permit on the property.

4. TEMPORARILY ADJOURN SPECIAL MEETING

MOTION: by Werch second by Gifford to temporarily adjourn the Special Meeting of the Board of Trustees for the purpose of holding a Public Hearing on the Annexation Agreement with the Illinois Association of Seventh-Day Adventists. Upon voice vote:

YES: (5)

NO: (0)

ABSENT: (1) Ekstrom

Motion Carried 5/0

The Special Meeting of the Board of Trustees was temporarily adjourned at 7:40 p.m.

5. REOPEN SPECIAL MEETING

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

YES: (5)

NO: (0)

ABSENT: (1)

Motion Carried 5/0

The Special Meeting of the Board of Trustees was reopened at 8:05 p.m.

6. APPROVAL OF ANNEXATION AGREEMENT-SEVENTH DAY ADVENTISTS

MOTION: by Werch second by Gifford to approve the Annexation Agreement between the Village and the Illinois Association of Seventh-Day Adventists. Upon roll call:

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

NO: (0)

ABSENT: (1) Ekstrom

Motion Carried 6/0

President Karl was required to vote, as Statute requires this to be a vote of the Corporate Authority.

Attorney Hargadon requested he be excused for a short break; the Board entertained business not pertinent to the agenda or Attorney Hargadon in his absence, as follows.

7. **REQUEST BY VEHE FARM FOUNDATION**

President Karl stated the Foundation has asked the Boards approval to name the Butterfly Garden at the Vehe Farm in honor of long-time resident Betty McLaughlin. President Karl noted the VFF President was looking to the Board for a consensus approval prior to proceeding. Board indicated consensus with naming the planned butterfly garden in honor of Betty McLaughlin.

Attorney Hargadon rejoined the Board meeting.

8. **REQUEST FOR PROPOSAL RE: BURIAL OF UTILITY SERVICE AT VEHE FARM**

Administrator Diesen-Dahl supplied the Board with a proposal from Belmonte Kaplan Development Corporation (contractors for the Main Barn and Outbuilding Adaptive Reuse Phase I Exterior Renovation) dated September 22, 2003 for the burial of electrical and phone service at the Farm as requested at the last Board Meeting. President Karl, noting the cost involved in the proposal, requested additional proposals be obtained. Other bids are being pursued, but have not been received.

Residents present questioned why topics not on the agenda were being discussed. President Karl noted that items were only being discussed; no approvals for expenditures of funds were occurring, thus notice on the agenda was not necessary.

9. **ANNEXATION AGREEMENT WITH DENNIS C. FROSLAN AND JAN FROSLAN**

Attorney Hargadon noted this agreement is under the same circumstances as that with the Seventh Day Adventists. Attorney Hargadon reiterated provisions--Annexation Agreement pursuant to §15.1(11) of the Illinois Municipal Code. Parties are agreeing that the Froslan's property would annex to the Village of Deer Park under the following terms:
For the 20 years of the annexation agreement, property would be free from any Village of Deer Park tax (currently have no Village tax),
Shepherd property will be zoned in a residential district in Deer Park,
If sewer service becomes reasonably available to the property, Village will contribute \$10,000 towards connecting, or abate Village fees in the same amount,
Village agrees, within 60 days, to hold hearings that would create and grant variations needed to conform to R-1. Implications—owner may expand or rebuild so long as setbacks are not diminished unless conform to zoning or Village grants variation from statutes.

Board reviewed implication of zoning provisions of Annexation Agreement. Specifically, owners may expand or rebuild the existing residence on the property, so long as the setbacks existing on the property at the date of the Agreement are not diminished, unless such setbacks conform to the requirements of the Village ordinance or the Village grants variations in a manner which complies with all applicable statutes. Zoning of Froslan property would allow the Froslands to continue to enjoy their property in its current state, while allowing the property to annex into Deer Park without placing undue burdens on the Froslands.

10. **TEMPORARY ADJOURNMENT**

MOTION: by Gifford second by Dowell to temporarily adjourn the Special Meeting of the Board of Trustees for the purpose of holding a Public Hearing regarding the potential Annexation Agreement between the Village and Dennis C. and Jan Froslan.

Upon voice vote:

YES: (5)

NO: (0)

ABSENT: (1) Ekstrom

Motion Carried 5/0

The Special Meeting of the Board of Trustees was temporarily adjourned at 8:11 p.m.

11. REOPEN SPECIAL MEETING

MOTION: by Gifford second by Dowell to reopen the Special Meeting of the Board of Trustees of the Village of Deer Park. Upon voice vote:

YES: (5)

NO: (0)

ABSENT: (1) Ekstrom

Motion Carried 5/0

The Special Meeting of the Board of Trustees was reopened at 8:12 p.m.

12. APPROVAL OF ANNEXATION AGREEMENT WITH DENNIS C. AND JAN FROSLAN

MOTION: by Werch second by Gifford to approve the Annexation Agreement with Dennis C. Froslan and Jan Froslan. Upon roll call:

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

NO: (0)

ABSENT: (1) Ekstrom

Motion Carried 6/0

President Karl was required to vote, as Statute requires this to be a vote of the Corporate Authority.

13. ORDINANCES APPROVING ANNEXATION AGREEMENTS WITH DENNIS C. FROSLAN AND JAN FROSLAN AND THE ILLINOIS ASSOCIATION OF SEVENTH-DAY ADVENTISTS

Trustee Ekstrom joined the meeting.

MOTION: by Gifford second by Dowell to adopt Ordinance 03-15: An Ordinance Approving the Annexation Agreement with Dennis C Froslan and Jan Froslan and Ordinance 03-16: An Ordinance Approving the Annexation Agreement with the Illinois Association of Seventh Day Adventists..

Upon roll call:

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

NO: (0)

ABSTAIN: (1) Ekstrom

Motion Carried 6/0

14. PETITIONS TO COOK COUNTY

A. Attorney Hargadon distributed copy of filings submitted to the Court in the Zoning Board case in Cook County. Still in Zoning Board. Petitioners have taken tack that, despite zoning, will not put objectionable uses that would be permitted under the C-4 zoning. Attorney. Chairman of the Cook County ZBA has asked both sides to submit memo regarding legal status.

B. Petition for annexation submitted for Board information. No action required at this time by the Board. Statute allows majority of property owners, provided they carry a majority of electors, to annex in even if there is a recalcitrant owner, if the recalcitrant owner owns the property which forms the contiguity to the desired municipality. Both the Froslands and the Seventh Day Adventists have signed petitions that they will take, with their attorneys, along with the Village and its attorneys, to the Cook County Circuit Court. Petitions will be presented and a hearing date will be set not less than 15 days after presentation. Shepherds and their attorneys will then be notified, and a court proceeding will be held to determine if the petitioners have met the provisions of the Statute.

15. **PRESIDENT KARL REPORT**

- A. Triangle Expenses-Requested Attorney Hargadon follow up with Triangle Expenses in arrears.
- B. County Land Use Map-Phil Rolvang and Eric Waggoner would like to meet with Administrator, President, and one Trustee at 6:30 on October 6th to discuss County's Land Use map. Would like input for changes. Meet at Village office.

16. **PUBLIC COMMENTS**

Resident Mary Lahr-requested estimate of cost or estimate of hours of preparation time that went into the Annexation Agreement, as well as court time, and time of partners or clerks. Attorney Hargadon indicated one partner and an associate worked on preparation. Court time is difficult to estimate-costs would be in the neighborhood of \$20,000. If successful, will save the Village quite a bit of money-possibly would have run ¼ million dollars if pending commercial zoning change went through.

17. **TEMPORARY ADJOURNMENT**

MOTION: by Gifford second by Dowell to temporarily adjourn the Special Meeting of the Board of Trustees for the purpose of holding an Executive Session to discuss possible land acquisition/annexation. Upon voice vote:

YES: (6)

NO: (0)

Motion Carried 6/0

The Special Meeting of the Board of Trustees was temporarily adjourned at 8:20 p.m.

18. **REOPEN SPECIAL MEETING**

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

YES: (6)

NO: (0)

Motion Carried 6/0

The Special Meeting of the Board of Trustees was reopened at 9:20 p.m.

19. **ADJOURNMENT**

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

YES: (6)

NO: (0)

Motion Carried 6/0

The Special Meeting of the Board of Trustees was adjourned at 9:21 p.m.

Richard C. Karl, President

Sandra R. Smith, Village Clerk