

**Village of Deer Park
Regular Board Meeting Minutes
February 16, 2004**

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1. CALL TO ORDER

The Regular meeting of the Board of Trustees of the Village of Deer Park was held on Monday, February 16, 2004 at the Charles Quentin Elementary, 21250 W. Shirley Road, Palatine, in the Village of Deer Park, Lake County, Illinois.

President Gifford called the meeting to order at 8:04 p.m. Board and guests rose and recited the Pledge of Allegiance. Upon roll call the following were present: President Gifford, Trustees Dowell, Ekstrom, Kizior, and Werch. Trustee Plautz was absent. Other Village Officials present were Plan Commission Chairman Howard Thrun, Plan Commissioners Dave Heidtke and John Lahr, Zoning Board of Appeals Chairman Joel Rotter, ZBA Member Jack Honomichl, Administrator Diesen-Dahl, Clerk Smith, Engineer Gordon, Attorney Hargadon, and Attorney Pugliese.

Guests present were: Robert G. Stanton (22766 Long Grove Road); Mary Lahr (201 Rue Touraine); John Willems (LZRFPD); Roger Hankin (20856 Swansway); Bill Koutsis (23365 Mallard Court); Carrie Groeller (Rue Touraine); Barbara Evans (Deer Valley); Jim Peterson (Vehe Farm Foundation).

2. AGENDA CHANGES AND ANNOUNCEMENTS

The Petition for Variance to allow a garage extension at 15 Clover was removed from the agenda.

3. CONSENT AGENDA

- A. Approval and Release of Minutes from the:
 - i) Board of Trustees Meeting held 1/19/2004
 - ii) Public Hearing on Annexation Agreement—Eckert held 1/19/2004
 - iii) Public Hearing on Annexation Agreement—Olson held 1/19/04
 - iv) Public Hearing on Annexation Agreement—Giannini held 1/19/04
 - v) Public Hearing on Annexation Agreement—Richter held 1/19/04
 - vi) Public Hearing on Annexation Agreement—Palozzolo held 1/19/04
 - vii) Special Board of Trustees Meeting held 2/4/04
- B. Approval, Not Release of Minutes from the:
 - i) Executive Session of the Board of Trustees held 1/19/04
 - ii) Executive Session of the Board of Trustees held 2/4/04
- C. From the Attorney:
 - i) Assignment and Assumption Agreement
- D. From the Engineer:
 - i) Swansway Drainage Improvement—Martam Pay Request #3.

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

YES: (4)

NO: (0)

ABSENT: (1) Plautz

Motion Carried 4/0

4. APPOINTMENT OF NEW VILLAGE OFFICIALS

Attorney Hargadon noted, due to the election of Trustee Gifford to Village President, State Law requires the vacant Board position to be filled within 60 days of the vacancy (February 1, 2004). Vacancy to be filled via appointment by President Gifford.

Trustee Gifford recommended Plan Commission Chairman Howard Thrun for appointment to the Board. Mr. Thrun is a long-time resident of Deer Park, a real estate attorney, and has been on the Plan Commission since 1985 (19 years). For the last 11 years, Mr. Thrun has been Chairman of the Plan Commission.

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MOTION: by President Gifford to consent to the appointment of Howard Thrun to the vacant Board position. Upon voice vote:

YES: (4)

NO: (0)

ABSENT: (1) Plautz

Motion Carried 4/0

Clerk Smith administered the oath of office to Howard Thrun. This appointment is for the remainder of the term of Scott Gifford (April 2005).

Appointment of Howard Thrun to the Board creates a vacancy in the Plan Commission Chairman position. President Gifford appointed Plan Commission member David Heidtke to the position of Plan Commission Chairman. President Gifford noted Mr. Heidtke has been a resident of Deer Park for 19 years; has served on the Plan Commission for the last 9 years. Mr. Heidtke is an architect with a Masters in Architecture and a concentration in Urban Design. President Gifford thanked Chairman Heidtke for his service to the Village.

Appointment of David Heidtke to Plan Commission Chairman creates a vacancy on the Plan Commission. President Gifford appointed resident Bill Koutsis to the Plan Commission. Mr. Koutsis has been a resident of Deer Park for 19 years; former Bank Director, former School Board member (Jackson, Michigan). Presently serves on the Board of two different manufacturing firms, and is a small business owner.

5. REQUEST FOR VARIANCE—227666 LONG GROVE ROAD

Petitioner Robert G. Stanton was present; copies of the Appeal Application were included in the Board packets. Administrator Diesen-Dahl submitted additional information from the petitioner—letter to the Board from the petitioner and pictures of the property. Petitioner Stanton noted the fence in question was built without a variance granted. Issues with contractor. Variance previously being sought for height and design; Petitioner proposing to bring fence height down to 4' to comply; variance would be required for board-on-board design.

Petitioner noted photos illustrate proximity to the roadway of Long Grove Road. Home is 100 years old.

Attorney Hargadon noted that, as corner lot, front yard is determined by ordinance to be the side street, not Long Grove Road.

Trustee Werch noted two issues before the Board—nonconforming structure and nonconforming process. In the past, have instructed homeowners they must deal with contractors who ignore Village regulations and erect nonconforming structures. Have granted variances due to traffic and safety issues in the past.

Trustee Ekstrom indicated Board may want to address traffic patterns due to construction the Village has approved to avoid constant variance requests due to safety concerns.

Zoning Board of Appeals Chairman Joel Rotter noted issue is consistency. May be need for Special Use or similar ordinance appropriate for area affected by growth. Whatever direction Board chooses, must be ready to be consistent and enforce decisions. ZBA Member Barbara Evans agreed, noting Village growth brings consequences which must be dealt with.

MOTION: by Ekstrom second by Kizior to review the fence ordinance regarding special use areas, and grant a stay regarding the pending variance request (Stanton) until Village has come to conclusion regarding potential amendments to fence ordinance. Upon voice vote:

YES: (5)

NO: (0)

ABSENT: (1) Plautz

Motion Carried 5/0

Attorney Hargadon to prepare written ordinance with motion; 90 days built in to review variance request after fence decisions are made. Teska to review issue and provide input; fence ordinance was last revised 10 years ago.

6. CULTURAL ARTS CONNECTION

Barbara Evans, Executive Director of CAC, reported the Art Show will take place June 5th at the Deer Park Town Center. Show will again include Student Art Exhibit. CAC is again requesting \$1000 donation (same as last two years).

Mrs. Evans indicated CAC is moving from events planning to facilitation of Fine Arts in Lake County. Goal of the group is to be a re-grantor of funds within the State. Funds dispersal is directly related to arts councils in the area and their ability to manage. Grants are based on expenses of existing services; growth encourages increased funding from the State.

Mrs. Evans noted CAC is working with the Village of Lake Zurich to bring entertainment to the promenade area, and working with District 95 for events in the Performing Arts Center. CAC would like to work with the Foundation to bring entertainment to the Vehe Farm.

MOTION: by Werch second by Ekstrom to approve a 2004 contribution to the Cultural Arts Connection in the amount of \$1000, but consider for forthcoming years' budget consideration of expanding contributions. Upon roll call:

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

NO: (0)

ABSENT: (1) Plautz

Motion Carried 5/0

7. LAKE ZURICH RURAL FIRE PROTECTION DISTRICT

John Willems, Trustee, appeared to furnish information relative to the upcoming tax rate increase referendum in March. Mr. Willems noted current tax rate is .322 (2nd to the last of the the 10 surrounding fire districts.) LZRFPD is requesting .414. Due to State laws, the Referendum question will be in two parts—one regarding fire and the other regarding ambulance service, as separate funds require separate referenda.

Factors driving costs for the District include lower returns on bank deposits (Law restricts what type of instruments/accounts funds can be held in), increased labor costs, decreased State funding. In response, District has refinanced building bonds, worked to achieve developer donations with local governments, revised intergovernmental agreements, reduced manpower, and temporarily closed stations as necessary. Station 4 (Deer Park) has not yet been affected.

Mr. Willems noted the District is rated by the ISO in the top of the country. Mr. Willems encouraged the Board and residents to support the referenda to maintain the level of service provided to residents.

8. VILLAGE PORCH BID RESULTS

Jim Peterson of the Vehe Farm Foundation presented proposals for Village Office Porch Roof, per Board request. Publicly advertised bids; received three bids: Deer Park Construction, Belmontee Kaplan, and L & M Construction.

L & M Construction bid was significantly higher than other two. Deer Park Construction did the initial work on the Village Office, converting space to office use. Overall work was completed satisfactorily; some problems due to flashing allowing water to stand. Some areas that need to be addressed on the Office.

Belmontee Kaplan is handling restoration work on the Barn; work is done on time and under budget.

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Mr. Peterson noted he is familiar with both companies; believes both companies could do a good job; recommends Belmontee Kaplan for the work.

Board discussed style desired. Wraparound style is more in keeping with the style of building; do not believe will adversely affect light levels in the Treasurers' office.

MOTION: by Dowell second by Kizior to accept the bid from Belmontee Kaplan for the full wraparound Village Office Porch Roof in the amount of \$26,500. Upon roll call vote:

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

NO: (1) Ekstrom

ABSENT: (1)

Motion Carried 5/0

9. ENGINEERS' REPORT

A. Rand Road/Plum Grove Road Design Addendum

Approved by the State in December; award at January meeting. This Addendum covers additional services to be provided during the design phase. Additional work has been coordinated with the CMA through the SSA. Costs are being funded through State EDP and SSA funding. Two additions to the improvements: location drainage study and retaining wall design required as part of the State process.

Total cost is \$22,900.

MOTION: by Dowell second by Thrun to approve the Rand Road/ Plum Grove Road Design Addendum as outlined in the memo from Engineer Gordon dated February 12, 2004. Upon roll call:

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

NO: (0)

ABSENT: (1) Plautz

Motion Carried 5/0

B. Outlet Control Structure Maintenance

Environmental Aquatic Maintenance has performed this maintenance for the last three years. Maintenance includes clearing of 9 outlet structures.

Proposal is for \$4200 for the year.

Engineer Gordon has also requested Ela Township to provide assistance; declined due to timing issues.

MOTION: by Ekstrom second by Kizior to approve the Environmental Aquatic Management Outlet Control Structure Maintenance Program in the amount of \$4200 for the period March 2004 to March 2005. Upon roll call:

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

NO: (0)

ABSENT: (1)

Motion Carried 5/0

C. Deer Park Boulevard Pavement Repair

For the Board's information, Engineer Gordon noted damage at Deer Park Boulevard and Field Parkway which will have a temporary patch applied. Costs to be covered through SSA and maintenance bonds. Ela Township has offered to handle temporary repairs estimated to cost \$3500; permanent repairs will be completed in the spring, and are estimated to be \$7000. Permanent repairs may be included in the Road Program package if the temporary repair holds up; will yield greatest cost efficiencies.

Repairs to be paid by the Village and reimbursed through the maintenance fund.

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MOTION: by Ekstrom second by Kizior to approve Ela Township complete temporary repairs to the Deer Park Boulevard and Field Parkway road for the amount of \$3500. Upon roll call:

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

NO: (0)

ABSENT: (1)

Motion Carried 5/0

10. REPORTS

A. Attorney Hargadon

i) Second Amendment to the Sewage Service Agreement.

Sewer Service Agreement dated November 5, 1998. Second Amendment approves an increase in the Sewer Service Area to add the 27 acres of land that will be coming from Kildeer this year and next. Part of promise to Kildeer property owners to make sewer available and to complete faster than Kildeer would otherwise be able to do. Positive step in integrating Kildeer Boundary Agreement properties into Deer Park. Additionally, should help to speed redevelopment of those parcels. Upon execution, the Village will pay \$85,500 to extend the service area. Annexation agreements entered into with the Kildeer property owners and amendment to ordinance provide property owners' requirement to reimburse the Village. If property owners choose to wait to repay until after June 1st, there is an additional 10% interest added on. Owners must connect if service is available within 500' of the property.

MOTION: by Dowell second by Kizior to approve the Second Amendment to the Sewerage Service Agreement Between the MWRD of Greater Chicago and the Village of Deer Park. Original agreement is dated November 5, 1998; Second Amendment is dated December 4th, 2003. Upon roll call:

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

NO: (0)

ABSENT: (1) Plautz

Motion Carried 5/0

ii) Memo Regarding Affordable Housing

Attorney Hargadon referenced memo dated February 11, 2004 from Emily Batemen of Lord Bissell & Brook regarding the Affordable Housing Planning and Appeals Act. The Act requires that municipalities to be designated by the Illinois Housing Authority come up with a plan for compliance by July 2004; however, the list will not be promulgated until after the deadline. Currently an Act pending in the legislature to move the deadline for compliance from July 1, 2004 to January 1, 2005. Additionally, the Illinois Housing Development Authority (IHDA) would be required to release the list by October of 2004.

Attorney Hargadon has consulted with the IML and BACOG. Neither entity has taken any affirmative stance to deal with this issue at the legislature level. Believe Deer Park would be on the list. Income is to be defined (currently), such that the City of Chicago median income would apply for the Deer Park formula for compliance. Affects density and land pricing; sewer and water to create such housing is limited.

Implications of current state of pending actions are that the State has mandated communities must have compliance plan in place by January 1, 2005. Given no direction from IML or BACOG, believe the Village should begin preparing to have a plan to be in compliance in case there is not a stay or change in the law. Attorney Hargadon noted the legislation passed by an overwhelming majority; final adoption is likely. Consequences for noncompliance are not currently laid out.

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Trustee Kizior indicated BACOG is making efforts to amend the law as part of their legislative platform.

President Gifford indicated Board should begin steps toward good faith compliance.

Attorney Hargadon to report next month on status of bills and BACOG actions.

B. Trustee Dowell--Finance

- i) MOTION: by Dowell second by Thrun to amend Resolution R04-1 to allow separate accounting by fund, as opposed to separate physical funds. Upon roll call:
YES: (5) Dowell, Ekstrom, Kizior, Thrun, Werch
NO: (0)
ABSENT: (1) Plautz

Motion Carried 5/0

- ii) Continuing with budget process; available next month.

C. President Gifford

- i) BACOG meeting scheduled for the 24th; designated Trustee Thrun to attend. Meeting scheduled for 7:30 p.m. in Tower Lakes.
- ii) LZHS has requested donation for post-prom event. Board has supported theoretically in the past, have not contributed money to the event. Will discover if other communities support monetarily and report back.
- iii) Transition has been busy. Commended Past President Karl for work done. Thanked Engineer Gordon and Attorney Hargadon for regular meetings.

D. Trustee Ekstrom—Roads

- i) Trustee Ekstrom presented issue regarding culvert of resident Marcie Dines of Shady Lane. Three years ago, under previous Engineer, driveway culvert heaved, started to disintegrate. Engineer ordered repairs, per resident, stated Village would cover culvert repair through coordination with road program. Resident has made numerous phone calls to the office, and has been told to be patient. Trustee Ekstrom noted that, generally, culverts are not covered by the Village. Administrator Diesen-Dahl confirmed resident calls, and indicated Engineer Gordon has visited site. Believe Village should make an exception and cover the cost, as a person perceived to be speaking on behalf of the Village promised repairs would be covered by the Village. Trustee Dowell noted if drainage issue were involved, Village might generally cover the cost. This culvert is not scheduled for road repair until 2010.

Board concern over precedent. Repair to driveway has been completed; original problem is still present. Resident requesting Village correct culvert. Neighbors have similar culvert problems. Engineer Gordon has evaluated; no drainage issue.

Office must be very clear regarding homeowner responsibilities when homeowners call in with issues. Also, responsible Trustee must be involved immediately.

Board consensus not to cover repairs to the culvert.

- ii) Snow plow damage must be observed by Ela Township prior to reparation. Homeowners must not repair and submit expenses. Ela has been responsive when problems with downed mailboxes have been reported. Any sod torn up will be fixed in the spring; there is a log in the office of issues reported.

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iii) Care of Trees Proposal—

MOTION: by Ekstrom second by Kizior to approve the contract dated 1/15/04 for treatment of trees by The Care of Trees in the amount of \$1,070.65 for Woodberry cul de sac trees. Prepay to obtain discount. Upon roll call:

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

NO: (0)

ABSENT: (1) Plautz

Motion Carried 5/0

E. Administrator Diesen-Dahl

- i) Requested Board carefully review information regarding salaries to be discussed in Executive Session.
- ii) Distributed report regarding building permits issued in 2003.
- iii) Reminded Board members not to dispose of papers after meetings at the school—take them home or return to Administrator Diesen-Dahl.
- iv) Board approved bid process for cleaning services in the Village Office.

F. Clerk Smith

- i) Reminded Trustees to submit information for the March newsletter by the 21st.

G. Trustee Kizior--Parks

- i) Discussion regarding best approach to spring clean-up of parks. Requested Trustee Kizior coordinate and include in the newsletter.
- ii) Recommendation from Engineer to remove dead trees in waterway between Swansway Ponds drainage work and Bramble Lane which serve as impediments to flow; should do in conjunction with the detention project. Two bids received for proposal to remove fallen and dead trees in a 5 foot area on either side of the stream. Recommend Care of Trees as is more thorough; will haul dead wood out. Water drainage is intended to flow through this area for proper drainage. Spoke with residents. Residents ok; informed of possibility that work crew may be on private land; will not take down any live trees. Current drainage problems are reason for the Swansway Drainage improvement underway; should not be problems downstream resulting from removing the obstructing trees.

MOTION: by Kizior second by Dowell to accept the bid from the Care of Trees in the amount of \$8900 to remove large dead and fallen trees within a 5-foot band on either side of the creek (and in the creek), as it flows through the Deer Park properties between Swansway Pond and Bramble Lane Pond. Upon roll call:

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

NO: (0)

ABSENT: (1) Plautz

Motion Carried 5/0

- iii) Request for Open Space/Detention Easement Alteration Request—Tassi family wishes to construct a swimming pool on their property. Proposal before the Board is to trade drainage easement where the pool is intended to be placed for property in another area of owners' land in a ratio of 1:1.5. Owner has also agreed to pay any ensuing costs to change existing drawings for vacating easement and relocating easement. Per the memo from Engineer Gordon dated February 12, 2004, homeowner has also agreed to: submittal of a Deer Park building permit application, obtain the Lake County Health Dept. concurrence relative to the proximity of the well and septic to the pool (meeting required setbacks), and to submit all proper legal documentation and plats for the vacation of the existing easement areas and provisions for review by Gewalt Hamilton and Lord Bissell and Brook.

Drainage occurs naturally to the north of the proposed area. Not encroaching into actual detention easement; no loss of detention volume. Increasing drainage area at no cost to the Village. Have previously struggled with access issues; easements are on open land.

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MOTION: by Kizior second by Dowell to vacate open space/detention easement on Lot 15 of Dover Pond in order to accommodate the proposed construction of a swimming pool, in exchange for which the homeowner will grant to the Village additional open space/detention easement on that Lot equal to 150% of the area being vacated, will pay engineering, legal, and recording costs of implementing this vacation and dedication. Subject to Lake County Health Department concurrent relative to the well, septic, and pool. Upon voice vote:

YES: (5)

NO: (0)

ABSENT: (1) Plautz

Motion Carried 5/0

- iv) Care of Trees Proposal for fertilization of ball fields in Deer Park Town Center area—table for budgetary purposes.

H. Trustee Werch—Public Safety

- i) Referenced Pioneer Press article regarding telecommunication taxes being directed to municipalities. Cell phones are particularly affected.
- ii) No feedback yet regarding value of proposal (cable) submitted for evaluation to the attorneys from a consultant.
- iii) Trustee Werch noted his home sold more quickly than anticipated; requires moving March 8th. Attempted to find temporary residence in Deer Park, as have to remain in area until mid-April. Unable to secure temporary residence in Deer Park. Given circumstances, resigning effective as of date of departure from his home (currently March 8th).

Board extended best wishes to Trustee Werch in the transition, and thanked him for long history of serving the Village—23 year of public service. Recognition scheduled for next month.

11. TREASURERS INFORMATION

MOTION: by Dowell second by Kizior to approve the Treasurers Information dated 1/31/2004. Upon voice vote:

YES: (5)

NO: (0)

Motion Carried 5/0

12. CASH DISBURSEMENTS

MOTION: by Dowell second by Ekstrom to approve the Cash Disbursements for the period 1/20/04 through 2/16/04 in the amount of \$291,348.09. Upon roll call:

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

NO: (0)

ABSENT: (1) Plautz

Motion Carried 6/0

13. ADJOURNMENT TO EXECUTIVE SESSION

MOTION: by Dowell second by Thrun to adjourn to Executive Session to discuss ongoing litigation, potential land acquisition, and Staff Compensation. Upon voice vote:

YES: (5)

NO: (0)

Motion Carried 5/0

The Regular Meeting of the Board of Trustees was temporarily adjourned at 10:20 p.m.

14. REOPEN REGULAR MEETING

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

YES: (5)

NO: (0)

Motion Carried 5/0

The Regular Meeting of the Board of Trustees was reopened at 11:30 p.m.

Administrator Diesen-Dahl and Clerk Smith left the meeting for the Executive Session regarding Staff Compensation.

15. TEMPORARY ADJOURNMENT TO EXECUTIVE SESSION

MOTION: by Dowell second by Thrun to temporarily adjourn to Executive Session to discuss Staff Compensation. Upon roll call vote:

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

NO: (0)

ABSENT: (1) Plautz

Motion Carried 5/0

The Regular Meeting was temporarily adjourned at 11:31 p.m.

16. 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) Plautz

Motion Carried 5/0

17. ACTION ON EXECUTIVE SESSION ITEMS

MOTION: by Ekstrom second by Dowell to give the Village Clerk a \$1,500 increase in annual pay, and all other Village employees, with the exception of the Village President, a four percent (4%) increase in pay. Upon roll call:

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

NO: (0)

ABSENT: (1) Plautz

Motion Carried 5/0

18. ADJOURNMENT

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

YES: (5)

NO: (0)

Motion Carried 5/0

The Regular Meeting of the Board of Trustees was adjourned at 12:30 a.m. February 17, 2004.

H. Scott Gifford, President

Sandra R. Smith, Village Clerk