

**Village of Deer Park  
Special Board Meeting Minutes  
October 21, 2004**

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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 Thursday, October 21st, 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 7:04 p.m. Board members and Guests recited the Pledge of Allegiance. Upon roll call the following were present: President Gifford, Trustees Dowell, Kizior, Plautz, Rotter and Thrun. Trustee Ekstrom was absent. Other Village Officials present were Planners Brown and Savoy, Engineer Gordon, Attorney Pugliese, Administrator Diesen-Dahl, Treasurer Stade, and Clerk Smith.

Guests present were: H. Schmidts (20570 Deerpath Road); Stacie Stanton (22766 Long Grove Road); Robert Stanton (22766 Long Grove Road); Harold Culler (23258 Juniper Ct.); Teri Bridge (Vehe Farm Foundation/ 23675 Hedgeworth Ct.); Jim Peterson (Vehe Farm Foundation/20230 Lea Road); Layla Broadus (23009 Thornhill Ct.); Larissa Eliashevsky (20666 N. Deerpath Road); Oleh Eliashevsky (20666 N. Deerpath Road); Sharon Mirshak (23005 Swallow Ct.); Jerry Mirshak (23005 Swallow Ct.); Robb Tausend (20708 Deerpath Road); Deborah Vaughn (22988 Thornhill Ct.); Debra Sands (23010 Thornhill Ct.); Eway McLaughlin (Vehe Farm Foundation/Cuba Road); John Lahr (201 Rue Touraine); Mary Lahr (201 Rue Touraine).

**2. AGENDA CHANGES AND ANNOUNCEMENTS**

None.

**3. CONSENT AGENDA**

Consent Agenda:

- A) **Approval and Release of Minutes from the:**
  - i) Board of Trustees Regular Meeting held 9/20/04
  - ii) Plan Commission Regular Meeting held 10/4/04
- B) **Approval, Not Release, of Minutes from the:**
  - i) Board of Trustees Executive Session held 9/20/04
- C) **From the Engineer:**
  - i) Pay Request #4 payable to Alliance Contractors in the amount of \$561,834.66 for Rand Road and Plum Grove Road Intersection Improvements per the memo from Engineer Gordon dated October 12, 2004.
  - ii) Pay Request #3 payable to Arrow Road Construction in the amount of \$21,146.00 for the 2004 Street Maintenance Program per the memo from Engineer Gordon dated October 13, 2004.
  - iii) Final Pay Request payable to Hardin Paving in the amount of \$550.00 for Village Hall Driveway Improvements per the memo from Engineer Gordon dated October 12, 2004.
  - iv) Pay Request #2 payable to STS Consultants for 2004 Road Program testing services in the amount of \$4,458.16 per the memo from Engineer Gordon dated October 12, 2004.
- D) **Ratification of Phone Votes taken:**
  - i) MOTION: by Kizior second by Thrun to terminate the work contract with Gitchel's approved at the August 2004 Board of Trustees meeting for \$4200 for tree removal at Chapel Hill Park and to approve the tree removal portion of the quote from Trees "R" Us, Inc. for \$2400 to fell one willow tree on the ground. Quotes were distributed in the August packet; Village Administrator has both quotes if there are questions. Upon Phone Vote:
    - YES: (5) Ekstrom, Kizior, Plautz, Rotter, Thrun
    - NO: (0)
    - UNABLE TO REACH: (1) Dowell

Motion Carried 5/0

- ii) MOTION: by Kizior second by Plautz to approve \$500 to M&S Landscaping for removal of dead tree in Dover Pond Park and replacement with a 9' Norway Spruce, AND to approve 70% of the \$1350 to M&S Landscaping to plant a 9' Colorado Spruce in the Lois Lane cul-de-sac island and to provide flag stone edging and mulch. Since a Colorado Spruce requires some maintenance, residents in Lois Lane have agreed to water the plant in dry conditions and to keep excessive snow from snow plowing from the perimeter of the cul-de-sac island. A Norway Spruce is more weather tolerant, but too large for the area. The Homeowners Association will pay the Village of Deer Park 30% of the \$1350 to cover its' share. The Village will receive the full bill from M&S Landscaping. Upon Phone Vote:  
YES: (4)  
NO: (1) Ekstrom  
UNABLE TO REACH: (1) Rotter Motion Carried 4/1

President Gifford noted there were corrections to typographical errors in the Minutes of the Board of Trustees Regular Meeting held 9/20/04; Board members received corrected copies with additional information distributed for the meeting.

Trustee Kizior noted that the words "flagstone edging" needed to be added to the second phone vote recorded on the Consent Agenda.

MOTION: by Dowell second by Thrun to approve the Consent Agenda, with corrections noted. Upon voice vote:  
YRS: (5)  
NO: (0)  
ABSENT: (1) Ekstrom Motion Carried 5/0

4. **RESIDENT ROBB TAUSEND REGARDING DEERPETH ROAD**

**Robb Tausend** stated he is a resident of Deerpath Road between Cuba and Long Grove Road. Deerpath Road has been paved since moving in three years ago; traffic has gotten bad since the road was paved, as people use the road as a cut through for Rand Road. Mr. Tausend reported the following facts gathered from people on the streets: there was a jogger hit by Thornhill and Deerpath early in the morning; Mrs. Tausend, while walking their dog between 6:20 – 7:10 a.m. counted 60 cars passing by in that period of time. Further, Mr. Tausend reported there was an intruder in the Tausend' home about a month ago; possibly as a result of the traffic increase. A neighbors' dog—a Rottweiler (150 lb dog) was killed on Deerpath Road. Soccer practices are held at Peterson Park, which increases traffic during rush hour. UPS drivers speed down street, ignoring the stop sign. School buses speed and ignore the stop sign. Mr. Tausend noted cars were observed traveling north on Deerpath off of Long Grove Road towards Cuba at 6:45 a.m. that almost hit a police car.

Mr. Tausend stated there are 21 kids currently residing on Deerpath between Swallow Court and Long Grove Road; these children wait for the bus at Corners and Deerpath Road. Mr. Tausend referenced a petition circulated through the neighborhood with 43 signatures desiring to change traffic flow through any one or more of 5 or 6 means. Ideas presented: choker between Swallow Court and Thornhill Court; speed bumps at the "S" curve; "No Passing" signage; restricting access during specific hours, except for residents; concrete barrier between Lake Zurich and Deer Park. Believe people locally would sacrifice access and convenience on this street for safety.

President Gifford noted Lake Zurich paved the road. The west side of the road is controlled by Deer Park; access from the schools is controlled by Lake Zurich, not Deer Park. Suggested talking to police as first step; Mr. Tausend reported the police have been involved in this issue. President Gifford noted the Board can request more consistency; stated he would speak with Chief Lilly directly to request increased police presence from approximately 6:30 – 8:00 a.m.

Trustee Dowell agreed with involving the police as a first step, and suggested the Board have a traffic consultant and engineer look at the road to suggest appropriate steps to make the

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road more usable. Trustee Kizior suggested the Village consider speed bumps; people go too fast on that road. Trustee Plautz suggested beginning with the police in the a.m. and p.m., and budget possible traffic calming devices for next year. Trustee Dowell stated a number of residents have weighed in; don't believe the Board should wait to act, due to safety concerns, until next budget year. Trustee Rotter suggested President Gifford call Superintendent of CUSD 95 Brian Knutson to discuss bus issues.

Engineer Gordon noted a traffic study would need to be coordinated with Lake Zurich. Residents noted traffic counters were set out earlier in the year; unclear what municipality was responsible. Engineer Gordon to approach the County to see if they completed the traffic count and to coordinate with Traffic Consultant; present recommendation at next Board meeting. In the meantime, President Gifford to contact Chief Lilly and the Superintendent.

**Resident Jerry Mirshak** (Swallow Ct) stated the police park near his home. Police give out 6 - 8 tickets per day, with the same cycle beginning the next day. Believe Rand is too slow; people use Deerpath as a short cut; Board needs to slow traffic down so the road is not a convenient short cut.

**5. CARYN TAUSEND REGARDING KELLY LAKE ASSOCIATION COSTS**

**Resident Robb Tausend** was present for his wife to discuss the reimbursement request. Trustee Kizior noted this request to reimburse is for treatments to a pond within the homeowners' area; pond is not owned by the Village. As a result, Village policy states the Village will not reimburse any of the costs. Residents present discussed impact of cul de sac drainage into the pond, causing pollution problems requiring treatment, and fact that the shores appear to be eroding causing overflow into some residents' yards. Board consensus that these conditions do not change the fact that the Village does not own the pond; the policy was created to provide relief for Village owned ponds being maintained by homeowners.

**6. VEHE FARM FOUNDATION REPORT**

A. Update from the Vehe Farm Foundation—Jim Peterson reported construction is essentially on schedule; electricity going in early next month which will allow security lighting. Elevator shop drawings will be ready early next week.

Trustee Kizior noted the budget reports look like money spent on the Vehe farm is a different percentage than months elapsed, and questioned if the Village is behind. Mr. Peterson noted the schedule set up by the contractor is tracking with payment requests; work is loaded going forward—not linear.

Trustee Plautz noted she was sorry to see the comments on page 2 of the report regarding the garden at the front of the Village office (south side). Mr. Peterson noted the garden area needs to be lowered and drained away, as there is no drain tile on the outside of the building; this is work a landscaper can do, as it involves lowering and grading of soil.

Trustee Rotter noted building doors in the rear of the main barn were unlocked; Mr. Peterson noted securing the site has been an issue with the contractor. Artifacts are being moved to the first machine shed. Buildings must be locked up for safety reasons. Board believes this issue needs to be addressed immediately.

Trustee Rotter asked for plastic "notice" or security fences to be reinstalled for safety sake. Mr. Peterson believes the contractor takes these down for access; need to reinstall when leaving the site.

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**B. Payment of Vehe Farm Bills—**

- i) MOTION: by Dowell second by Thrun to approve Pay Request #3 for Vehe Farm Construction in the amount of \$35,190.00 payable to R&W Clark per the memo from Jim Peterson dated October 13, 2004. Upon roll call vote:

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

NO: (0)

ABSENT: (1) Ekstrom

Motion Carried 5/0

- ii) MOTION: by Dowell second by Thrun to approve the Pay Request for architectural and engineering services during September in the amount of \$1,554.05 payable to HZPS per the invoice from HZPS dated October 4, 2004. Upon roll call vote:

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

NO: (0)

ABSENT: (1) Ekstrom

Motion Carried 5/0

- iii) MOTION: by Dowell second by Thrun to approve the Pay Request for architectural and engineering services for the 2004 Village Office Exterior Maintenance Program payable to HZPS in the amount of \$702 per the invoice from HZPS dated October 4, 2004. Upon roll call vote:

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

NO: (0)

ABSENT: (1) Ekstrom

Motion Carried 5/0

This expenditure was for closing out the program for painting, fixing up the foundation, etc. Total amount paid for oversight was \$2200. Trustee Rotter noted this amount seems exorbitant. Mr. Peterson stated some of cost was due to confusion over closing out due to problems with job. Painter did not get extra money for rework; due to negotiating by Mr. Peterson (put four coats on most of the south wall). Trustee Dowell noted the nature of service business is based on time; when problems arise, charges increase.

Trustee Dowell asked for total volunteer hours last month for the Foundation; don't have yet, will begin tracking for the Board. This month will be high, per Teri Bridge, due to kicking off of new projects.

**7. DEER LAKE MEADOWS LANDSCAPING PLANS**

Harold Culler, DLMHA, noted the Association has submitted a sketch for rework to the cul de sac (in a letter dated October 7, 2004). Looking for Board approval of concept and of cost. Trustee Kizior noted that no thorny plants should be included; any other kind of flowering plant would be allowed. Homeowners to work with Trustee Kizior off-line; have list of plants provided from office.

Mr. Culler noted the Association is trying to complete this work this fall.

MOTION: by Kizior second by Dowell to approve landscaping at Deer Lake Meadows cul de sac (Meadow Court) as described in the October 7, 2004 letter at 70% of \$700 (amount not to exceed \$490), contingent upon approval of plant substituted for the thorny plant currently in the plan and approval of Trustee Kizior. Invoices must be submitted to the Village Treasurer.

Upon Roll Call:

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

NO: (0)

ABSENT: (1) Ekstrom

Motion Carried 5/0

Trustee Kizior noted Mr. Culler is also bringing forward a request for expenses incurred in 2003; budget forecast, given these items were not previously budgeted, do not have money to fund the 2003 request unless the Board is willing to allow Trustee Kizior to take monies that were targeted for the Michael D'Angelo walking path and are currently unspent, to be

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tapped. Trustee Kizior was planning on turning these monies back to the General Fund. Michael D'Angelo expenditures are within the landscape budget, but work has been deferred to 2005. Alternatively, can accept the 2003 expenditure at this time, and request Homeowners' Association hold 2004 expenditure request until the 2005 budget year.

Homeowners have 6 places where money was spent; 5 were subject to reimbursement by the Village. Therefore, submitting 5/6 of total expenditures (rounded down to 80%) and requesting 70% of the 80%. Trustee Kizior noted the formula is not perfect for reimbursing homeowners; doing best to pay Village's fair share of expenses.

MOTION: by Kizior second by Thrun to reimburse 50% of \$2616 (\$1308) for Deer Lake Meadows landscaping expenses. Reimbursement is within budget. Upon Roll Call:

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

NO: (0)

ABSENT: (1) Ekstrom

Motion Carried 5/0

**8. ROBERT STANTON FENCING VARIANCE REQUEST**

Minutes from ZBA meeting held December 8, 2003 were included in the Board packet; Mr. Stanton distributed a letter to Trustees regarding the variance request. ZBA initially turned down request for variance. Mr. Stanton was advised petition to be heard under ordinances as they stand today. Pending changes to be heard November 1 at ZBA and November 3 at Plan Commission do not affect the Board decision.

Mr. Stanton reviewed applicable definitions of side, back, and front yards. Current fence at top of arc approaches 6 feet; at bottom of arc is approximately 5 feet. Mr. Stanton stated that trimming the fence down in height will cause a "silly" appearance. Fence was put up without approval of the Village; Mr. Stanton indicated he plans to come into compliance in whatever manner the Board chooses. Hoping to find an aesthetically pleasing compromise. Concern and original reason for fence was increased traffic on Long Grove Road; property runs lengthwise on Long Grove Road. Most properties follow 50' setback or have the shortest width of the lot facing the road. Plat shows house is up beside the road with no genuine privacy afforded anywhere on the road.

Concern was expressed that Board be very clear regarding granting variances with increased concern regarding traffic; when asked for neighbors input, only one neighbor responded. Neighbor has almost exact same fence, and were unable to finish fence due to changes in ordinance.

President Gifford noted the Board must find a hardship under State Statute. Attorney Pugliese stated hardship is a subjective term; could find conditions are so severe that it constitutes a hardship. Board needs to determine precedent set and desire to set such a precedent. Board recognizes personal hardship; looking for statutory hardship. Trustee Rotter noted the fence is only on one side of property. Three sides are unfenced (with exception of some very old fence Mr. Stanton is going to remove). Trustee Rotter asked if petitioner would consider moving the fence back from the roadway, which would provide some relief of "physical" back yard (not legal back yard) to resolve the issue. Even if the fence is moved back, it is still in violation of height restrictions. Construction design is also issue—Village requires 50% opacity, and fence was built board on board.

Board noted objection received from one resident along Long Grove Road. Issues revolve around justification for hardship in this situation due to State Statutes to allow Village to approve variance.

President Gifford noted this issue has dragged on; requesting Board input on resolution of issue, reminding the Board that Public Hearings pending will not alter requirements for this fence. Board struggled with definition of hardship under the law. Pugliese noted Board would need to determine circumstances affect the property to the extent that living conditions on the property are affected. Mr. Stanton noted safety and living issue. Trustee Rotter could

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not accept the safety argument, given that the fence is only on one side of the yard. Mr. Stanton stated kids would have to traverse wooded area to get around the fence.

Trustee Dowell stated he sympathized with the plight of the homeowners; however, does not believe there is significant hardship to allow variance.

President Gifford called for a motion to allow the variance, if Board so desires. No motion presented.

MOTION: by Dowell second by Rotter to accept the Zoning Board of Appeals recommendation from the December 8, 2003 meeting denying the variance request. Upon Roll Call:

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

NO: (0)

ABSENT: (1) Ekstrom

Motion Carried 5/0

*As Trustee Rotter was Chairman of the ZBA at the time of the December 3<sup>rd</sup> decision, he questioned if he should be recused from the vote. Attorney Pugliese indicated no need to be recused.*

**9. ENGINEERS REPORT**

**A. Squires Culvert Replacement Bid**

Received three bids from contractors for Squires Culvert replacement project. Low bid was from DeKaf Construction Company.; engineer's opinion of probable construction cost was \$39,900; low bid is \$21,458.80. Recommend DeKaf construction be awarded contract. Costs were included in the drainage budget.

Engineer Gordon noted the old culverts were steel; proposing reinforced concrete—expected life is longer than steel, due to rust.

MOTION: by Dowell second by Kizior to award the contract for Squires Culvert Replacements in the amount of \$21,458.50 to DeKaf Construction for the installation of culverts in the Squires Subdivision per the memorandum from Engineer Gordon dated October 15, 2004. Upon Roll Call:

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

NO: (0)

ABSENT: (2) Ekstrom, Plautz (temporarily absent)

Motion Carried 4/0

*Attorney Hargadon joined the meeting at 8:30 p.m.*

**B. Triangle Park Site Conceptual Plan—Applied Ecological Services—Wetland Consulting Services**

A conceptual drawing of Phase II of Triangle Park was shown to Board. Trustee Dowell noted both associations are looking for the new ball park to be slightly larger to accommodate the next age level. The delineated wetland may cause issues with enlarging the ball field; will need to examine. Currently have minimized the mitigation needed to limit under ¼ acre to ease the Army Corps permit process.

Trustee Kizior stated he has had dialog with the two associations that control baseball and softball to confirm desire for larger size. Second ball field needs longer dimensions for older kids; large field for soccer should be sized for teenagers; baseball associations willing to give a free batting cage, provided Village can locate between the two ball fields. Size of fields and inclusion of batting cage would impact mitigation needs. Attorney Hargadon noted, if Village and associations are not on an accelerated timetable, the full permit process to allow more mitigation could take a full year. Have not earmarked funding to do construction; perhaps should use time to create a more usable shape with all the objectives laid out by the associations. Trustee Dowell does not see funds in the immediate future for this project; some of this planning could have an 18 month gestation period for approvals.

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President Gifford stated another issue may be dirt from other projects in the Village may become available; need to understand basic layout for fill and grading when this dirt is available to achieve cost savings for the Village.

Village needs to understand and comply with wetland issues and runoff with fill or grade changes. Engineer Gordon recommending Applied Ecological Services become involved in the planning and permitting process.

The soccer field will be lower than Quentin; will need a barrier to prevent soccer balls from entering the road.

Trustee Kizior noted could have one field instead of two to accommodate adult-sized field, orienting so goal areas could be marked on opposite sides each year to keep fields fresh.

Trustee Rotter noted one adult field also allows the field to be divided into smaller fields for kids, if necessary.

Engineer Gordon has not reviewed parking requirements yet; may also need to work with Hamilton Partners for additional parking. Trustee Dowell stated the Village must ensure adequate parking to avoid parking on the road.

Trustee Plautz asked if one large field would be less expensive than two smaller fields. May not be, due to fill requirements to compensate for grade change in the property. Most of the cost of a soccer field is incurred in getting the field level.

Board consensus for Engineer Gordon to coordinate further planning with Trustee Kizior.

Engineer Gordon noted approval for AES for wetland consulting is needed, per the memo from Engineer Gordon dated October 15, 2004. Potential for fill from Praedium development pending. Board discussed alternatives for funding of consulting and acquisition of fill from Praedium when/if fill becomes available. Trustee Dowell recommended budgeting against engineering fees, and requesting Praedium to pick up a portion of costs saved on fill disposal. Not time sensitive for tonight. President Gifford to work with Engineer and Attorney to approach Praedium regarding possible fill acquisition.

**10. REPORTS**

**A. President Gifford**

**i) Lake Zurich Area Chamber of Commerce renewal of membership for the period November 2004 through October 2005**

Trustee Dowell stated he believes it is important for the Village to be members of chambers touching our borders, including Barrington. Barrington is arguably most active in the State, with highest participation. Believe would benefit Deer Park Town Center if the Village helped pave the way to improve relations. Trustee Dowell is member of the Barrington Chamber; noted there have been changes in the Chamber.

MOTION: by Dowell second by Thrun to approve membership renewal in the Lake Zurich Area Chamber of Commerce in the amount of \$275. Upon Roll Call vote:

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

NO: (0)

ABSENT: (2) Ekstrom, Rotter (temporarily absent)

Motion Carried 4/0

**ii) Chicago Wilderness Donation Request  
Village donated \$250 in 2003 and 2004.**

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MOTION: by Dowell second by Plautz to approve membership renewal in the Chicago Wilderness in the amount of \$250. Upon Roll Call:

YES: (3) Dowell, Kizior, Plautz, Thrun

NO: (0)

ABSENT: (2) Ekstrom, Rotter (Temporarily absent) Motion Carried 4/0

**B. Trustee Rotter—Planning & Zoning**

**i) Affordable housing**

- a. Update: Attended session in September with IHDA. Act that has been passed requires communities to have a percentage of affordable (not low income) housing. Only 2% of houses qualify in Deer Park. Reviewed handout prepared by Trustee Rotter dated October 18, 2004.

Still need definition of “remodeled” by IHDA standards, which affects 15% test.

As a Village, must identify a plan, land use, address local zoning financial and taxing, outreach to community to explain. Must develop a plan supporting affordable housing and file a report with IHDA by April 2005 (supplied example Lake Forest ordinance).

State will appoint an appeal Board by January 2006, which will begin hearings in January 2009. Prior to that time, builders approved by IHDA might approach the Village. With no plan in place for compliance with current regulations, Village ordinances are set aside, and State has authority over development. Submitting plan prior to April 2005, Village retains control.

Must approve an ordinance by March to file by April.

Trustee Dowell stated concern regarding the fact this is new legislation which may have shifting procedures. Need to have action plan with current deadlines, but recognizing that dates and requirements may change.

President Gifford thanked Trustee Rotter for attending the meetings and summarizing for the Board. Also thanked Attorney Hargadon for pushing the Board to move in compliance, as opposed to other communities who are in denial of action required.

- b. Teska Services Agreement: Trustee Rotter does not believe Village needs Consultant input at this point. James Brown noted Teska proposal incorporates public education and exploration of options available to the Village. No action taken.

**ii) TIF Legal Counsel**

Board discussed last month; summarized in memo from Attorney Hargadon dated June 2, 2004. Ms. Riordan’s estimate does not include any *eminent domain* issues. Estimate of \$30,000. Mayer Brown & Platt estimate of \$50,000. Final proposal is from Lord Bissell & Brook. Due to knowledge of properties and Kildeer Boundary Agreement, would cap total costs at \$35,000. If below, would bill at actual, but would cap costs. Attorney Hargadon indicated comfort with this strategy as he believes this is an important step for the Village. Lord Bissell & Brook also would not cover *eminent domain*. Would cover Ordinances, Public Hearings, joint Review Board meetings—Statutory compliance task. Believes \$30,000 – 35,000 is correct estimate of costs.

Trustee Kizior stated he believes the Village will benefit from knowledge afforded by Lord Bissell & Brook and by cap to costs. Trustee Plautz stated she is comfortable and believes Attorney Hargadon has done a fine job; however, if Ms. Riordan is in same ball park, would like to give this person the work.



Planner Kon Savoy noted the value of the working relationship between Teska & Associates with Lord Bissell & Brook over the last 10 years. Do not see benefit in bringing in outside counsel, due to need for strong working relationship over time through development and annexation issues.

Planner Savoy reviewed the TIF Survey. Fundamentally, there are areas of Deer Park that have clearly seen some development. Also have seen some properties lag behind due to the problems associated with those properties. As a result, the Village has not been able to achieve the goal of larger unified development and cleaning up some of the properties with environmental issues. Among environmental issues, Attorney Hargadon noted some owners have told him there are failing or poorly performing septic systems on some of the properties. Report supports and documents potential for qualifying as TIF District. Can approach either as conservation or blighted area. Believe could qualify under either; chose to use the conservation approach. Policy of the Village for the last 8 – 10 years has been consistent in rewarding consolidation through higher FAR; however, the market cannot support development costs associated with properties—anecdotal evidence suggests developers are interested in meeting Comprehensive Plan goals with financial assistance.

Trustee Dowell stated he has struggled with the issue of “jump starting” the market through the TIF process. Attorney Hargadon noted Village has tried over last 8 – 10 years to achieve Comprehensive Plan goals; believe market will eventually accommodate small consolidations of properties, but not large-scale consolidations needed to achieve Comprehensive Plan goals. State has granted Village this right used throughout Illinois by many communities to address such problems. Trustee Dowell noted, however, that the TIF process has not always been successful. Attorney Hargadon noted lack of success was generally associated with borrowing on the part of municipalities. Trustee Dowell noted that, in the short run, the market does not always make the correct choices, but eventually in a free market, properties evolve to their best and highest use.

There is a base right to development—if a developer meets ordinances, must allow them to develop. Ordinances are set up to discourage piece-meal development, but cannot block. Lost opportunities in a hot market (like now) are the real cost of deferring decisions on whether or not to pursue TIF status.

Trustee Dowell noted a TIF in effect shortcuts the free market cycle; however, this may be a classic case where the TIF will work well due to the momentum in the market right now. Despite misgivings, Trustee Dowell stated he would like to see where TIFs in similar settings have been successful. Attorney Hargadon noted the TIF Association would be good source of examples.

Board discussed possible funding avenues; TIF expenditures are available for recapture; however, “seed money” is required upfront. Money for Phase I (\$9,000) will be allocated against Professional Services. Money for TIF expenditures is not currently budgeted.

- iii) Rand Road Planning Meeting  
Meeting was cancelled.

C. Trustee Kizior—Park & Recreation

- i) Request for reimbursement for Dover Pond Homeowners Association  
After review, Trustee Kizior recommends approval of \$682.37 for reimbursement for landscaping fees for Dover Pond. Request meets criteria as set out by the Board.

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MOTION: by Kizior second by Thrun to approve reimbursement for the Dover Pond Homeowners Association for landscaping fees in the amount of \$1364.74 at 50% --\$682.37. Upon Roll Call:

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

NO: (0)

ABSENT: (1) Ekstrom

Motion Carried 5/0

ii) Fall Cleanup

MOTION: by Kizior second by Thrun to accept the proposal from Chicagoland Greenskeepers in the amount of \$1625 for fall cleanup of the parks (in the budget). Upon Roll Call:

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

NO: (0)

ABSENT: (2) Ekstrom, Rotter (temporarily absent)

Motion Carried 4/0

iii) Town Center Park Overseeding

MOTION: by Kizior second by Thrun to approve Town Center Park core aeration, grass overseeding, and weeding by TruGreen in the amount of \$1312. Excluded areas that are potential for landfill. Upon Roll Call:

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

NO: (0)

ABSENT: (1)

Motion Carried 5/0

- iv) Quentin Road Update: Problem with drainage from Deer Valley to Rue Jardin—water is collecting halfway between the two streets. Getting topos to determine if caused by the project, or originally incorrect. If improperly pitched prior to project, may not be able to persuade Plote to correct. Working with Cook and Lake County engineers to try to correct, with contractor working in the area for cost savings. Problem may be with elevation of existing culvert; if so, may not be able to correct at this time.

D. Trustee Plautz—Health & Sanitation

- i) Ordinance 04-33: Requiring Space Allocation for Storage or Recycled Materials in New Construction or When Change in Use Occurs (Creating Chapter 53: Recycling): This ordinance calls for space allocation in commercial development. Attempting to emulate recycling program already occurring in the Town Center.

MOTION: by Plautz second by Thrun to adopt Ordinance 04-33 requiring space allocation for storage of recycling materials. Upon voice vote:

YES: (5)

NO: (0)

ABSENT: (1) Ekstrom

Motion Carried 5/0

Trustee Plautz to work with Office to send out a press release regarding adoption.

- ii) Grant Proposals—Village and Foundation: Interested in methods for defining grants available to the Village and the Foundation. Trustee Dowell noted the Foundation has desired seeking of grants from the beginning; grants come up in one form or another virtually every month. Most grants are need-based and association with the Village has precluded. Anticipating pursuit of grant money over the next 12 month.

Attorney Stacey Rubin Silver previously researched grants available to the Village. Treasurer Stade attended seminar on grant writing last week; Trustee Plautz to meet with Treasurer Stade.

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iii) Planning for our future: Ordered booklet from Illinois Development Council on developing a Strategic Plan for communities. Trustee Plautz suggested development of survey for Trustees to answer and return for beginning process of strategy session.

i) BACOG Roundtable: President Gifford and Clerk Smith will be attending.

**E. Attorney Hargadon**

i) Amendment to the Public Sanitary Sewer Ordinance, Chapter 51A: Attorney Hargadon included memo in Board packets concerning potential amendment to Sanitary Sewer Ordinance. At this time, do not see any particular necessity to require connection where now required; engineer and attorney recommend make hookup permissive and not required until plans are firmed up. Unless comments, will prepare amendment based on memo.

ii) Settlement of Agreement with Palatine: Attorney Pugliese reviewed status of legal actions, noting Board approved a settlement agreement last month subject to changes due to the Court schedule. At that time there were indications Palatine was on board; at final comments, Palatine had problems entering into a settlement agreement as no final determination had been reached in the 712 proceeding involving the Shepherd property. Palatine felt their annexation agreement precluded entering into a settlement agreement blocking the annexation. Proposed two-step process involving provisional agreement stating in the event the 712 was affirmed on appeal (affirming Shepherd property was annexed to Deer Park validly, and thus could not go to Palatine), Palatine would enter into previously settled-upon agreement. Upon entering into the provisional settlement agreement by both communities, the Village of Deer Park will go to court in the quo warranto case and ask for a stay on proceedings until final resolution of the Shepherd appeal to avoid unnecessary legal expenses. Palatine prepared to go to provisional agreement; getting back with comments after their Board meeting November 1<sup>st</sup>. Preliminary comments have been very inconsequential. Stay means no briefs on pending motions; no discovery at this time. Could have to litigate quo warranto to conclusion until 712 annexation issue has been settled. Even Palatine agrees that a reversal is unlikely in the 712 case; however, Palatine feels bound by prior agreement with Shepherd.

Court date set for Nov. 3<sup>rd</sup>; would be good to approve subject to minor changes approved by Village President, to allow stay.

MOTION: by Dowell second by Plautz to approve the Provisional Settlement Agreement subject to minor changes to be approved by the Village President.

Upon Roll Call:

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

NO: (0)

ABSENT: (1) Ekstrom

Motion Carried 5/0

**F. Trustee Dowell—Finance**

i) Year End 4/30/04 Financial Reports: Numbers in packet; no significant changes. Board has seen data in internal formats previously. Board received copy of Management Letter, paragraph 3 applies only to use, not public release. Issues: fixed assets, subject which requires Village to take inventory of assets—may outsource inventory process; second issue regards compliance with GASB 34 which requires accrual setting, and goes hand in hand with the inventory issue. Implementation at Village level is effective 4/30/05 for reporting. Intent is to be compliant by the end of current fiscal year.

ii) Calculation of the Per Acreage Charge for the Calendar Year 2005: Amount charged within the Triangle; billing rate for administrative charges Village incurs for sewer services; billed by the Village.

MOTION: by Dowell second by Thrun to approve per acre charge of \$21.83 and interest rate of 9% for Calendar Year 2005. Upon Roll Call:

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

NO: (0)

ABSENT: (1) Ekstrom

Motion Carried 5/0

- iii) Fire District presentation last month: Trustee Dowell reported he has done research to distill information received from the Fire District; he is convinced that the Fire District and the Village are facing a real and immediate crisis. Salient points: the Village of Lake Zurich has been advancing funds, or lending money, to the Rural Fire Protection District; without this action, a crisis in funding would have come approximately 12 months earlier.

Trustee Dowell believes the Village should contact the Village residents, perhaps through a letter from the Village President, to residents.

Trustee Dowell stated belief Board has a duty to residents to give statistics and encourage residents to vote in favor of the referendum. Also, statistics indicate VODP receives the lions' share of services from the District, due to the large commercial presence. Funding on an ongoing basis is primarily based on residential taxes. Speaks of fairness issue which may beget discussions between Village and commercial entities to shoulder a larger portion of the burden. Commercial rate does not cover services received. President Gifford reported he has met with the Fire District on potential funding. Challenge is getting residents to a point where there is faith in the numbers presented by the Fire District. Trustee Dowell noted numbers are audited; must be able to place some faith in the numbers. Facts show rolling basis of closings which will impact residents if referendum fails.

Trustee Dowell to put together a draft of a letter to be no more than one page in support of the referendum to be mailed to Village residents at Village cost.

G. Administrator Diesen-Dahl

- i) Event License for residents: Began event license for one resident several years ago due to dispute with neighbors. License is not necessary under ordinances.
- ii) Advertising in LZACC: Board chose not to participate.

H. Clerk Smith

Reminded those present to vote on November 2<sup>nd</sup>, and to urge family and friends to vote.

**11. TREASURERS INFORMATION**

MOTION: by Dowell second by Kizior to approve the Investments Held report dated 9/30/2004. Upon voice vote:

YES: (5)

NO: (0)

ABSENT: (1) Ekstrom

Motion Carried 5/0

**12. CASH DISBURSEMENTS**

MOTION: by Dowell second by Kizior to approve the Cash Disbursements for the period 9/21/04 – 10/18/04 in the amount of \$528,423.82. Upon roll call:

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

NO: (0)

ABSENT: (1) Ekstrom

Motion Carried 5/0

13. **PUBLIC COMMENTS**

**Resident Mary Lahr** stated Plan Commissioner Jan Koe is knowledgeable regarding TIF Districts. Thanked the Board for the Fire District discussion. Fire District Board is appointed by the County Board; if the District goes bankrupt, the County Board will dissolve the Fire District and hand the keys to the Villages. Estimates for running fire house are very expensive. Mrs. Lahr stated she was glad to hear discussion tonight on budget and money.

14. **ADJOURNMENT TO EXECUTIVE SESSION**

MOTION: by Dowell second by Rotter to adjourn to Executive Session to discuss Village Consultant performance. Upon roll call:

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

NO: (0)

ABSENT: (1) Ekstrom

Motion Carried 5/0

The Special Meeting of the Board of Trustees was temporarily adjourned at 11:23 p.m.

15. **REOPEN REGULAR MEETING**

MOTION: by Dowell second by Thrun to reopen the Special Meeting of the Board of Trustees. 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 11:31 p.m.

16. **ADJOURNMENT**

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

YES: (5)

NO: (0)

ABSENT: (1) Ekstrom

Motion Carried 5/0

The Special Meeting of the Board of Trustees was adjourned at 11:31 p.m.

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H. Scott Gifford, President

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Sandra R. Smith, Village Clerk