

1. **CALL TO ORDER**

The regular meeting of the Village of Deer Park was held on Monday, May 21, 2001, at Charles Quentin Elementary School in the Village of Deer Park, Lake County, Illinois.

President Karl called the meeting to order at 8:05 p.m. Upon roll call the following were present: President Karl, Trustees Benjamin, Dowell, Kizior, Plautz, and Werch. Other officials present were Administrator Diesen-Dahl, Attorney Scott Hargadon, Engineer Todd Gordon, Wetlands Consultant Mark O'Leary, and Clerk Smith. Trustee Gifford was absent. President Karl declared a quorum.

Guests present were: Residents of Rue Vallee—Alan Goldberg, Trena Goldberg, Chris Lajiness, Kim Flagstad-Welch, Jack Hansen, Stephen Hegarty, Dave Reconnu, John Czaje, Mary Lahr, Wanda Czaje, Pearl Zarazinski, Stefan Gomboc, Irene Gomboc, Jenna Jin, Dan Csake, Carrie Groeller, Ritta Kellehey, Elaine Ezsok, Pat Ekstrom, Joann Daldono, Agatha Pope, Magda Galant, Barbara Schlegel, Karl Schlegel, Paul Sanborn, George and Maria Nagy, Casey and Johanta Kaczdr, Don Isminu; Sturm Subdivision Residents—Phil Fermo, Bonnie Guzy, Travis Smith, Robert Wulff; Country Corners Residents—Mitch Wohl, Thomas Gallagher; Poag & McEwen—Buddy Bernstein, Mark Eiden; Deer Park Open MRI—Mike Hovsepian; Lee Cortese; Gregory Prena; George & Ursula Polywka; Andris Putnins, Dusty Powell.

2. **CONSENT AGENDA**

Minutes from:

- A. Board of Trustees Regular Meeting 4/23/01
- B. Public Hearing for the Motorola Annexation Amendment 4/23/01
- C. Regular Plan Commission Meeting 5/1/01
- D. Public Hearing for Open MRI at Deer Park Town Center 5/1/01
- E. Final approval of Bright Horizons Day Care Center

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

Upon voice vote:

YES: (6)

NO: (0)

ABSENT: (1) Gifford

Motion Carried 5/0

3. **DEER PARK OPEN MRI**

***Petitioner Presentation:***

Attorney Mark Eiden, representing Deer Park Open MRI, was present to discuss the petition for Special Use as permitted under the PUD. This usage is allowed under the PUD (as a medical office), but requires a Public Hearing. Public Hearing was held at the Plan Commission meeting on 5/1/01. Plan Commission subsequently recommended approval of the petition, subject to limitations (see PC minutes 5/1/01).

***Board Comments:***

Board members supported the usage presented; however, due to ongoing concerns over lighting levels at the Deer Park Town Center, Board declined to approve the usage until such issues have been addressed satisfactorily. Issues surround whether or not the lighting levels meet the requirements agreed upon (horizontal dispersion), and lighting intensity on the bike path.

***Petitioner Response:***

Buddy Bernstein, General Counsel for Poag & McEwen, noted that there has been a lack of communication concerning these issues. Mr. Bernstein promised to personally work to resolve these issues to a satisfactory conclusion.

MOTION: by Kizior second by Dowell to table action on this petition for Special Use for Deer Park MRI for one month.

Upon roll call:

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

NO: (1) Kizior

ABSENT: (1) Gifford

Motion Carried 4/1

Trustees Werch and Kizior to work with Poag & McEwen to resolve these issues.

4. **RUE VALLEE HOMEOWNERS ASSOCIATION**

President Karl noted that Alan Goldberg, on behalf of the Rue Vallee Homeowners Association, had agreed to limit the discussion to one hour due to length of the agenda before the Board. President Karl also noted that the design engineer from Civiltech has proposed options which do not require acquisition of additional land from the homeowners. There has been conflicting information on the intersection of Quentin and Lake Cook Road; Village should have some answers on this within one week.

A. Alan Goldberg, 221 Rue Jardin

Mr. Goldberg, speaking on behalf of the Rue Vallee Homeowners' Association, noted that residents are before the Board due to a lack of communication between the Village and the residents being impacted by the improvements. Rue Vallee now has a Homeowners Association and an attorney. Mr. Goldberg read a statement noting that concerns with the plans center around safety, home values, quality of life, traffic through the subdivision, effects of proposed well, and the impact on wetlands and flooding in the area. Mr. Goldberg commented that he would like to see issues resolved without legal recourse. Mr. Goldberg requested buffering measures to protect residents from the impact of planned road improvements.

B. Ron Ezsok, Rue Vallee

Mr. Ezsok, a 13 year resident of Deer Park, noted that the Board represents all homeowners in the Village, and as such, inquired as to the benefits the Village will receive through proposed road improvements.

C. Dave Reconnu, Rue Vallee

Mr. Reconnu commented that he had attempted on 5/14 to contact Marty Buehler at Lake County Transportation for information concerning these issues; his call was returned by Dusty Powell who informed him that Mr. Buehler would not speak with him. Mr. Reconnu thanked the Board for enforcing the Village position on lighting issues within DPTC. Further, Mr. Reconnu noted that Lake County had informed him that Quentin would be 5 lanes when Field Parkway was connected to Quentin. Mr. Reconnu asked if the Board was aware of the Traffic Study by the developer and the resultant mandate to widen Quentin to 5 lanes. Also, Mr. Reconnu inquired as to whether or not the Village Attorney would help in the attempt to override the decision to align Field Parkway and widening of Quentin Road.

D. Agatha Pope, 132 Rue Touraine

Ms. Pope noted "improvements" to roads scheduled will benefit commuters only, not Rue Vallee residents. The Board needs to ensure that the community is protected, and requested a commitment from the Board to be on the side of Rue Vallee residents.

E. Mary Lahr, 201 Rue Touraine

Ms. Lahr asked why it was necessary to have wells on the Hamilton Property when other means of water acquisition were possible (i.e., trucking in water). The residential wells are too important to take the chance on the possible impact. Ms. Lahr noted that resident efforts to control traffic can be successful; she noted a story in the Daily Herald concerning Kildeer undertaking a request to close off Long Grove

Road at the border to Kildeer to protect residents. Also, Ms. Lahr invited Board members to her home to see the problems being discussed.

- F. Pat Ekstrom, 511 Rue Royale  
Ms. Ekstrom questioned the assertion that the Village has worked to protect the residents by buffering them from development within the Triangle; the widening of Rue Royale contradicts such a statement.
- G. Magda Galant, 515 Rue Chamonix  
Do not expect people to obey traffic signs, i.e., the no left turn at DPTC on Long Grove Road.
- H. Henna Jin, Lake Cook and Rue Touraine  
Ms. Jin, a resident for four years, relayed stories of motorists turning around in her drive, garbage being thrown out on her property, and frequent accidents. Besides the safety issues of increased traffic and dangers posed to her children, Ms. Jin noted that the widening to 4 lanes on Lake Cook would make a left turn impossible for homeowners.
- I. Dan Csaki, Rue Royale and Rue Touraine  
Invited Board members to view the number of current motorists using private drives for turnarounds; increasing traffic through widening of roads will increase the problem. Mr. Csaki voiced the opinion that the Board fought the widening of Ela because Ela would run through neighborhoods in which Board members reside.

***Board Response to Homeowner Comments:***

While the improvements on Quentin are not under the jurisdiction of the Village, the Board indicated that improvements to Rue Royale, and impacts on residents and cut-through traffic, as well as modifications within the Triangle, could be impacted by Village actions. The Board does believe that Field Parkway is placed correctly; implications of the alignment need to be addressed. Board requested that a “working committee” be put together of residents, Trustees, and consultants to address concerns and attempt to solve issues. President Karl noted that there is a commitment from the Board and the Village Consultants to try to avert potential problems; expediency is an issue (no breakthrough of Field Parkway is scheduled within the next 2 – 3 weeks). Wednesday, 5/30/01, proposed date for initial meeting due to scheduling availability of Village Engineer and Traffic Consultant.

Members of the Board noted that the Village required a large amount of landscaping from the developers for buffering and quality of life purposes. As such, the Board agreed that reasonable means to maintain the water needs of the required landscaping have to be provided. The proposed wells would be used only to supplement the primary water source (detention water) when necessary. President Karl indicated that a letter has been received from Henry Boysen (local well driller) stating that a preliminary investigation into the proposed wells estimates that the impact of the wells would be equivalent to two new wells for single family residences. A report from the Environmental Consultant is not yet completed. As a side note, President Karl indicated that BACOG is undertaking a study of the upper aquifer (will take approximately 1 – 2 years to complete) which provides well water to the BACOG communities.

Trustees noted that buffering for the residential areas has been an integral part of the Village Planners plans for the Triangle area; much of the execution of this has not occurred yet. Measures for the west side of Quentin have not been discussed; the Board would entertain possible measures if necessary to help preserve quality of life for Rue Vallee residents. Village Planner Kon Savoy to be approached for possible solutions, given easements, etc. President Karl also noted that the Kildeer Police have begun enforcing the no left turn out of DPTC.

5. **TEMPORARY ADJOURNMENT**

MOTION: by Gifford second by Kizor to take a 10-minute recess.

Upon voice vote:

YES: (6)

NO: (0)

Motion Carried 6/0

The meeting was temporarily adjourned at 9:35 p.m.

6. **REOPEN MEETING**

MOTION: by Kizior second by Gifford to reopen the Board Meeting.

Upon voice vote:

YES: (6)

NO: (0)

Motion Carried 6/0

The meeting was reopened at 9:45 p.m.

7. **DOVER POND PARK REQUEST**

Fred Chamberlain, representing the Dover Pond Subdivision, addressed the Board with a proposal covering two issues: park maintenance and a proposed upgrade to the playground area. Board requested that complete estimates for all work be obtained and submitted to Trustee Benjamin to be presented to the Board for consideration.

Trustee Dowell to work with Trustee Benjamin and Gewalt Hamilton to clarify and create a list of parks priorities.

8. **POLYWKA RESIDENCE PROPOSAL**

This proposal is still before the Plan Commission; residents have requested an appearance before the Board to express concerns. If petitioner meets LCSWMC requirements, has the approval of the Village Engineer, and if the Village Tree Ordinance is met, President Karl noted that nothing would preclude petitioner from building a home on this property.

***Homeowner Comments:***

A. Bunnie Guzy, Sturm Subdivision

Ms. Guzy noted concerns regarding flooding and possible exacerbation if a home is built on this lot—especially the impact on wells and septic systems. Sturm subdivision residents have felt that they were caught between LCSWMC and the Village at the beginning of the current flooding problems; the Plan Commission did not have many answers for the residents.

B. Andy Putnis, 300 Bramble

Mr. Putnis inquired as to jurisdiction over the planning and maintenance of the ¾ acre detention pond that was created.

C. Karen Lemme, Swansway Ponds

Residents need details of work to be done; Country Corners neighbors have been trying to modify work done.

D. Mitch Wohl, Thomas Gallagher, Country Corners

Water levels are still too high. Cement dam causes water to back up into Country Corners.

***Board Responses to Comments:***

The Village is working with LCSWMC to find a regional solution to the flooding in this area. All of these flooding issues are interrelated as the Village is limited to the amount we can bring into another community. Jurisdiction over stormwater management for areas within Deer Park is given to the Village; however, if the waters flow into an area governed by LCSWMC (or other governmental entity), the two must work together to find solutions. Final numbers should be available at the June or July meeting.

9. **ENGINEERS REPORT**

A. Roads 2001 Program

Details of the 2001 Roads Program are contained in the 5/21/01 memo from Gewalt Hamilton.

MOTION: by Kizior second by Dowell to approve \$115,000 from the MFT fund, with the remaining money to be allocated from the Village Capital Funds for a total of \$151,890.

Upon roll call:

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

NO: (0)

Motion Carried 6/0

B. Lancaster Pond

MOTION: by Kizior second by Gifford to approve an expenditure of \$14,985 for lining of storm sewers to resolve issues at Lancaster Pond.

Upon roll call:

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

NO: (0)

Motion Carried 6/0

C. Deer Chase Street Sign

The street repairs are in place; drainage issues are still pending.

10. **WETLANDS REPORT**

Mark O'Leary of Applied Ecological Services addressed the Board concerning the recent Supreme Court Ruling affecting jurisdiction of the Army Corps of Engineers over wetlands. This ruling removes the Army Corps from isolated wetlands. As a result, isolated wetlands are unprotected and wetlands created/improved for mitigation purposes are unprotected (negates Corps permit promises previously made). Existing Corps permits will be incorporated into Village code. Protection of isolated wetlands can be addressed with creation of overlay districts in zoning ordinances (NIPC has a model ordinance).

Attorneys to create a draft ordinance using the NIPC ordinance as a model, using the average of 75 feet as the standard.

Board requested that Mr. O'Leary work with Trustee Benjamin in determining if/which chemicals should be used to treat ponds within the Village.

Mr. O'Leary noted that the readings from the detention ponds in the Triangle area were too high; further readings will be taken to determine if this was an anomaly, or a problem requiring correction.

11. **FROM THE ATTORNEYS**

A. Bond Parameter Ordinances

Bond Parameter Ordinances for SSA Nos. 5, 6, and 7 totaling \$6.7 million. SSA Nos. 5, 6, and 7 were proposed in January, a Public Hearing was held in February, SSA's were established in April. After passage of these ordinances, a limited offering memorandum will be sent out, the bonds will be priced, and the Village should receive the money mid- to late-June.

MOTION: by Gifford second by Dowell to approve 01-26, an Ordinance providing for the issuance not to exceed \$1,440,457.00 for SSA #5 Bond Series 2001.

Upon roll call:

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

NO: (0)

RECUSED: (1) Kizior

Motion Carried 5/0/1

MOTION: by Gifford second by Dowell to approve 01-27, an Ordinance providing for the issuance not to exceed \$1,766,722.00 for SSA #6 Bond Series 2001.

Upon roll call:

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

NO: (0)

RECUSED: (1) Kizior

Motion Carried 5/0/1

MOTION: by Gifford second by Dowell to approve 01-28, an Ordinance providing for the issuance not to exceed \$3,492,308.00 for SSA #7 Bond Series 2001.

Upon roll call:

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

NO: (0)

RECUSED: (1) Kizior

Motion Carried 5/0/1

**12. DONATION REQUESTS**

Questions arose as to whether or not Omni was representing Deer Park; Trustee Plautz to investigate and report to the Board. Omni and BYS requests were tabled to next month.

MOTION: by Werch second by Kizior to donate \$1,000 to the Ela Festival of the Arts.

Upon roll call:

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

NO: (0)

RECUSED: (1) Plautz

Motion Carried 5/0/1

**13. CUSD 95 IMPACT FEES**

President Karl to contact CUSD 95 regarding fees; Trustee Gifford to contact District 220, as consistency between the two districts serving Deer Park is important.

**14. REPORTS FROM THE PRESIDENT, TRUSTEES, AND ADMINISTRATOR**

A. President Karl

- 1) BACOG-President Karl will be out of town for the next BACOG meeting; Trustee Plautz to attend.
- 2) Route 59 TAC meeting 5/28. Concern over a potential "no-build" solution, and the impact on Ela Road.
- 3) Design on potential Field Parkway Parks-Phase I is land currently owned by the Village (estimates \$300,000); Phase II is land Village might be able to obtain (estimates \$510,000). Trustee Gifford and Dowell to work with Barrington and Lake Zurich softball and baseball; goal is to begin grading this year.

B. Trustee Dowell

- 1) Preliminary auditors meeting for the year just ended.
- 2) Budget Report—adjust to full year actual numbers the following line items:

Income--	Utility Tax	Road Bonds
	Building Permits	Traffic Fines
	Builders Deposits	Interest
	School Impact Fees	Miscellaneous
	Reimbursement from SSA's	Inter-Fund Transfers
Disbursements—	Snow and Ice Control	Salaries
	Street Signs	Payroll Tax
	Police Protection	Legal Fees
	Traffic Fines	Printing
	Postage	Supplies
	Telephone	Dues & Contributions
	Bonds for Officials	Miscellaneous
	Repair and Maintenance	Water System
	Debt Service	Inter-Fund Transfers

MOTION: by Dowell second by Werch to adjust the budget to full year actual numbers.

Upon roll call:

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

NO: (0)

Motion Carried 6/0

C. Trustee Gifford

Max and Erma's building permit is ready; Stoney River Steakhouse is close to applying for the building permit.

D. Trustee Benjamin

MOTION: by Benjamin second by Dowell to authorize an expenditure not to exceed \$9,000 for Charlie Brown Park improvements (asphalt).

Upon roll call:

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

NO: (0)

Motion Carried 6/0

E. Administrator Diesen-Dahl

1) Administrator Diesen-Dahl to work with B&Z Inspector Holmes to determine if files can be stored in the second story of the office; if not, a dehumidifier should be purchased for the basement.

2) There are leaks in the basement at Vehe.

3) Line from the well to the Farmhouse at Vehe has degraded. Administrator Diesen-Dahl to work with Engineer Gordon to explore tapping into the Lake Zurich Water System for the Farmhouse. Well water would still be used for irrigation and other purposes.

4) Administrator Diesen-Dahl to contact Redirections concerning the broken Village sign on Cuba.

5) Administrator Diesen-Dahl has added plantings in front of the office.

6) Trustees would like to receive agendas via email.

F. Trustee Werch

1) Vehe is close to obtaining tax exempt status.

2) Need to have dead trees removed:

MOTION: by Werch second by Benjamin to authorize an expenditure not to exceed \$1,800 for tree removal by Hendricksen.

Upon roll call:

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

NO: (0)

Motion Carried 6/0

3) No left turn will be required for the entrance to Vehe Farm.

4) Future plans for Vehe—need estimate on preservation measures from the contractor. Conceptual sketches for barn by HPZS presented. President Karl to have B & Z Inspector Holmes call Trustee Werch for required estimates.

5) VFF has been received notice of awarding of their first grant--\$500 for a butterfly garden to be placed near the Farmhouse.

6) Tax revenue projections are down; building at DPTC is lower than projected.

7) Administrator Diesen-Dahl to obtain estimates for new gutters at the Farmhouse.

8) Attorney Hargadon to research permitted uses for \$5,000 donation for historical use at Vehe.

9) Attorney Hargadon to check with Attorney Meek re: restaurant inspections.

G. Trustee Kizior

1) Guard rail has been installed at Deer Lake Meadows.

2) Board indicated no support for the idea of a consistent lighting plan for Village entrances.

H. Trustee Plautz  
Discussed difficulty in hearing comments at meetings—microphone to be passed in the future; Trustee Werch to check prices of additional microphones.

**15. TREASURER'S REPORT**

MOTION: By Gifford second by Dowell to approve the Treasurer's Report dated 4/30/01.

Upon voice vote:

YES: (6)

NO: (0)

Motion Carried 6/0

**16. CASH DISBURSEMENTS**

MOTION: By Benjamin second by Dowell to approve the Cash Disbursements, as amended, in the amount of \$102,660.49.

Upon roll call:

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

NO: (0)

Motion Carried 6/0

**17. ADJOURNMENT**

MOTION: by Gifford second by Dowell to adjourn the Regular Meeting of the Board of Trustees.

Upon voice vote:

YES: (6)

NO: (0)

Motion Carried 5/0

The meeting was duly adjourned at 12:20 a.m. 5/22/01.

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Richard C. Karl  
Village President

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Sandra R. Smith  
Village Clerk