

**Village of Deer Park
Regular Board Meeting Minutes
September 15, 2003**

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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, September 15th, 2003 at Charles Quentin Elementary School in the Village of Deer Park, Lake County, Illinois.

President Karl called the meeting to order at 8:04 p.m. Upon roll call the following were present: Trustees Dowell, Gifford, Ekstrom, Kizior, Plautz, and Werch. Other Village Officials present were Engineer Gordon, Administrator Diesen-Dahl, Clerk Smith, and Attorney Hargadon.

Guests present were: Carrie Groeller (219 Rue Touraine); Russ McElwain (Inverland Russell Co.); Sam Pecoraro (Oraro Development Group); Angelo Pecoraro (Oraro Development Group); Mike Johnson (Oraro Development Group); Roger Hankin (20856 Swansway); Garrett Vojack (Rue Vallee); Tom McCabe (Seton Engineering); Mary Lahr (201 Rue Touraine).

2. AGENDA CHANGES AND ANNOUNCEMENTS

None

3. CONSENT AGENDA

A. Minutes from the:

- i) Regular Board of Trustees Meeting held 8/18/03.
- ii) Plan Commission Special Meeting Minutes held 8/25/03.
- iii) Plan Commission Public Hearing—Praedium Development held 8/25/03.

B. From the Engineer:

- i) Dover Pond Basketball Court Restoration—Final Pay Request for DeKaf Construction Company in the amount of \$3,177.39.
- ii) 2003 Road Maintenance—Testing Services, STS Consultants Pay Request in the amount of \$3,538.75.

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

YES: (6)

NO: (0)

Motion Carried 6/0

4. ORDINANCE 03-12: AN ORDINANCE REGARDING THE ANNEXATION OF CERTAIN LAND IN UNINCORPORATED LAKE COUNTY

Attorney Hargadon noted copies of the proposed ordinance were in Board packets. This ordinance is for the annexation of the Dahm property under 65 ILCS 5/7-1-13. Under the Code, a municipality is entitled to annex property contiguous to its border less than 60 acres, which is otherwise surrounded by that municipality. The 28 acres in question is wholly surrounded by the Village Of Deer Park. Notice in a publication of local circulation not less than 10 days was made through the Northwest Edition of the Daily Herald.

MOTION: by Gifford second by Plautz to adopt Ordinance 03-12: An Ordinance Regarding the Annexation of Certain Land in Unincorporated Lake County. Upon roll call:

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

NO: (0)

Motion Carried 6/0

5. INVERLAND RUSSELL INITIAL CONSULTATION: VILLAGIO TOWNE CENTRE

Russ McElwain, of Inverland Russell, presented a site plan showing planning to date. Mr. McElwain noted initial meetings with representatives of the Village to provide feedback used in developing the plan to be presented to the Board. Presented plan at previous meetings for 151 units on 28 acres with density that fit into the Comprehensive Plan, as interpreted by Mr. McElwain. Took comments made at initial meetings, addressed concerns, and created 2nd version with reduced density (132 units). More open space at southern end of the plan including room for soccer field and baseball diamond.

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Product would be high end--mid to low 400,000's, ranging to upper \$700,000s. 2100 to 2600 sq. ft. with full basements and volume space (not included in calculations). Brick, stone, and stucco units with 50- year roofs, copper gutters. Pella Architectural or Anderson windows. Fully custom homes made available from the footprint up.

Mr. McElwain noted his prior experience in the townhome market with this type of unit. Believe would fit well in this area of Deer Park; gated community with video monitoring of the gate inside the homes. Surrounding with fencing.

Tried to give side view of buildings to Quentin with heavy landscaping, masonry walls, and buffering to residents.

Looking for feedback from Board at this initial consultation.

May be necessary to entertain variances for setbacks along Long Grove and Quentin Road. Perimeter setbacks and distance between units should be in conformance with Village ordinances.

Trustees questioned density—higher than target density in the Comprehensive Plan. Mr. McElwain indicated he would be willing to work further on density issues.

Trustee Gifford indicated the scope and size of this proposal are larger than anything outlined in the Comprehensive Plan; difficulty in comprehending how any development this large could fit into the this space.

President Karl noted the Board has discussed uses for this property. Would like to maintain additional open space for homeowners on west side of Quentin Road. Townhomes are within the scope of the Comprehensive Plan; need to look at protecting integrity of homeowners in the area and maintaining open space. Also uncomfortable with magnitude.

Board noted attitude of Village in the past has been to protect all wetlands as much as possible. If not able to protect, mitigation in same area in the same watershed is desired alternative. Additionally, the Village has always tried to mitigate low level wetlands to high level quality wetlands.

Board consensus that magnitude of the proposal and ability to protect homeowners and open space are problems. Would entertain some type of townhome development; magnitude is too large. Would like to see scaled back version before recommending advancing to Plan Commission. No wetlands should be filled in—if low-quality wetlands exist, enhancement or mitigation into existing wetlands would be required.

Trustees discussed possibility of moving entrance off of Quentin Road. Proposal will also share an entrance to Deer Park Place off of Long Grove Road. Board requested petitioner explore moving Quentin entrance closer to Long Grove so it is across from Michael D'Angelo Park and not residents. Lake County Highway Dept will have final approval of entrance. Developer has included language suggesting need to be sensitive to residents.

Mr. McElwain requested an opportunity to sit down with Village representatives to further incorporate comments into planning process.

6. ORARO DEVELOPMENT GROUP—PROPOSAL FOR NEW SUBDIVISION—FOXDALE

Tom McCabe (Seton Engineering), representing the Pecoraros and Oraro Development, presented the proposed Subdivision plan. New proposal has 8 lots of 4-5000 square foot single family homes. Due to terrain, all lots but lot 1 will have walkout basements. All lots meet 1-acre zoning. Looking to bring down sewer and water from Lake Zurich. Improvement for sewer and water would be dedicated to, and maintained by, Lake Zurich. Attorney Hargadon indicated that, if Lake Zurich takes responsibility and sewer and water are in separate easements from road, there would be no penalty or additional responsibility for the Village of Deer Park. Additionally, sewer and water would help protect wetlands that are in

close proximity. Lake Zurich would need to indemnify Deer Park from any damage or costs that may occur. Lake Zurich will reap the benefits of the improvements; should maintain. Deer Park would not likely be a signatory to agreements—would be a 3rd party benefiter.

Board noted that maintaining one acre zoning is a priority. “1-acre short lots” noted on plans is standard nomenclature for calculation of lots.

Board Comments—

Trustee Gifford indicated minimum 1-acre zoning is probably most important as proscribed by ordinances. Requested mitigate existing wetlands into higher quality wetlands, provided could still maintain proper setbacks. Would like to mitigate on property instead of in bank.

Requested clarification on curb designs—Mr. McCabe indicated no curbs are planned.

Expressed concern over lawn treatments running off into the wetlands. Corps will evaluate drainage. Mr. McCabe indicated runoff will enter storm sewer and detention pond, not the wetland.

Utility lines should be underground.

Trustee Werch indicated this area has been one of most difficult areas to develop in; Board has had to stretch to experimental septic designs for some lots. If possible to bring sewer and water with responsible one-acre zoning that preserves quality of Deer Park; would be positive.

President Karl requested Attorney Hargadon ensure no maintenance or requirement for Deer Park municipality regarding the sewer and water. Noted concerns about allowing too much sewer into Village, and possibility of developers contesting 1-acre zoning. Attorney Hargadon noted other areas to be developed are already within Village boundaries and are zoned R-1. Could not change zoning without Village consent; addition of this 1-acre zoning would protect the northern R-1 zoning. Lots to the west with the wetlands management system would not be able to tap off; would not work due to gravity constraints.

Trustee Dowell requested information on easement or access for repairs and maintenance, and potential to damage or tie up Deer Park roads. Utilities should not be located under the street, thus should not be a problem. Need general indemnification from Lake Zurich.

Board consensus--comfortable with concept.

Attorney Hargadon noted procedure from this point. Petitioner needs to indicate desire to annex pursuant to either an annexation agreement or straight annexation. Suggest annexation petition and subdivision petition could be processed simultaneously.

Sam Pecoraro noted Oraro needs to discuss with Lake Zurich. Need indications from Deer Park with intent to move forward for Lake Zurich to discuss further. Attorney Hargadon to draft letter on behalf of the Board stating petitioner has presented a preliminary plan (no engineering), and assuming agreement in place with Lake Zurich to protect the interests of Deer Park, Board would be favorably inclined to have Lake Zurich serve the property with sewer and water service.

7. **ENGINEERS REPORT**

A. Plum Grove Road/Rand Road Bid Authorization

Engineer Gordon seeking authorization to take project out to bid per his memo dated September 5th, 2003. This project is the last "piece" of improvements through the Economic Development Plan.

MOTION: by Gifford second by Ekstrom to allow Engineer Gordon to take out to bid the US Route 12 and Plum Grove Road Intersection and Signal Improvements per the memo from Engineer Gordon dated September 5th, 2003. Upon roll call:

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

NO: (0)

Motion Carried 6/0

Attorney Hargadon noted the efforts of Engineer Gordon in balancing the interests of Village, property owners and IDOT through this process, and Board expressed their appreciation of the work done by Engineer Gordon.

B. Old Farm Drainage Improvement Status

Estimate of cost at last meeting was approximately \$32,000. Topographics and reevaluation have led to a more cost effective plan. Have not bid; however, new project looks like it will fall in \$10,000 range. Engineer Gordon would like to take out to bid; desirous to have work begin prior to next Regular Board meeting.

Do not believe money is in the budget for this year.

MOTION: by Kizior second by Gifford to approve bid process and authorize Engineer Gordon to determine appropriate bidder on the Old Farm Drainage Improvement Project if less than \$10,000 cost, due to desire for expediency. Upon roll call:

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

NO: (0)

Motion Carried 6/0

C. Long Grove Road Lift Station Progress Report

Lift Station is part of SSA improvements; currently out to bid through the Construction Management Group.

8. **A SAFE PLACE PROCLAMATION—OCTOBER AS DOMESTIC VIOLENCE AWARENESS MONTH**

MOTION: by Gifford second by Kizior to proclaim October as Domestic Violence Awareness Month. Upon voice vote:

YES: (6)

NO: (0)

Motion Carried 6/0

9. **REPORTS**

A. Attorney Hargadon

i) La Hacienda Conveyance

Ordinances and Agreements require purchaser of lots to agree it will assume all obligations of developer. Agreement of pad sale recognizing obligations.

MOTION: by Dowell second by Gifford to approve the Assignment and Assumption Agreement for the La Hacienda Outparcel. Upon voice vote:

YES: (6)

NO: (0)

Motion Carried 6/0

ii) Contractor's Service Center Easement Agreement

Agreement that allows work at Plum Grove and Rand to go forward. Gives easement to put driveway in to widen and make intersection safer. All Village costs in conjunction with this easement were picked up and going forward will be

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borne by Motorola. As Motorola has already agreed to these costs, and therefore the interests of Motorola are not affected by the vote, neither Trustee Kizior nor Trustee Ekstrom were recused from voting.

MOTION: by Gifford second by Dowell to approve the Contractor's Service Center Easement Agreement. Upon voice vote:

YES: (6)

NO: (0)

Motion Carried 6/0

- iii) Ordinance 03-13: Amendment to the Deer Park Municipal Code Chapter 155 Subdivision Regulations. Amends §155.25 Conditions of Final Acceptance; Return of Funds to require electronic submission of as-built plans for public improvements by Subdividers.

MOTION: by Dowell second by Plautz to approve Ordinance 03-13: Amendment to the Deer Park Municipal Code Chapter 155 Subdivision Regulations. Upon roll call:

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

NO: (0)

Motion Carried 6/0

- iv) Ordinance 03-14: Amendment to the Building Code.
Deferred to later date pending input from Building and Zoning Inspector Holmes. Do not anticipate including additions and modifications to existing homes, only new development. Some concern about additional expense; believe it to be slight incremental cost relative to cost of new home.
- v) Fee schedule for violations will be ready for next month in ordinance form.

B. Trustee Kizior—Parks

- i) Peterson and Old Farm Park walkways.
Requested last month to take out to bid. Not able to do so in the past month as engineering staff was overloaded and finishing out triangle work efforts. Discussed with Engineer Gordon; initial bids from firms in packet were from reputable firms chosen for quality work. Believe no benefit to bidding. Request to proceed. Would like to separate these projects from Michael D'Angelo to complete this season. Board members were not comfortable breaking bid process without overwhelming reason. Potential cost increase does not outweigh benefits.

President Karl expressed concern about the balance of the Park Fund, noting it was down to approximately \$182,000; not too long ago had \$700,000. Some concern about prioritization of expenses. Trustee Dowell noted the Park fund doesn't have significant sources of income. Will have to replenish at some point in the future.

- ii) Field Parkway and Quentin Road light evaluation report.
Board previously requested Trustee Kizior to meet with the County; met on the 9th with Trustee Ekstrom and representative from Lake County. Village is not satisfied with amount of ambient light coming from lights on east side of Quentin Road. Front lighting projecting into front yard of homeowner on corner (Lahrs). Lake County admits problem; committed to examining possible alternatives to improve or alleviate dispersion. Trustee Ekstrom noted projection of lights is very intensive; discussed various types of lights at corners.
- iii) Signs for parks-
Two proposals presented to paint signs in parks. Recommend work be done and bid by Zapeda Decorating be approved (low bid). Proposals not specific enough in detail.

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MOTION: by Kizior second by Ekstrom to approve the low bid provided for sign improvements if preparation and stain is comparable to Drake, and detail is obtained in writing, otherwise award work to Drake if cost is \$725 or less. Upon roll call:

YES: (6) Dowell, Ekstrom, Gifford, Kizior, Plautz, Werch
NO: (0) Motion Carried 6/0

Request for no litter sign; Trustee Ekstrom also has had a request for such a sign. Include litter pickup in mowing contract next season.

iv) Update on soccer situation at Michael D'Angelo Park.

Number of issues raised by residents. There was team practicing at the park that was unauthorized; moved to Vehe Park. Hope this will reduce issues. A number of parents were parking cars in Court La Grov instead of Rue Royale. Adrienne Virgilio has committed in writing to work with the Village on this problem, and that apology letters will be sent to residents. Ms. Virgilio noted the Association will publish specific rules for parking that they will comply with and monitor for compliance. Trustee Kizior believes parties have taken a good first step; need now to monitor the situation.

Trustee Werch thanked Trustee Kizior for taking the initiative to work with the Soccer Association after calls were received.

President Karl noted Field soccer area doesn't appear to have been cut. Please check.

Trustee Ekstrom proposed the Village establish an ordinance prohibiting scheduled sports at Michael D'Angelo due to lack of access, noting this park was dedicated as a walk-in park. Trustee Kizior believes adoption of such an ordinance would be an overreaction at this point. Trustee Dowell noted the Village needs to avoid confrontations. If no compliance with rules shown going forward, will prohibit use. Associations need to respect rules.

Board consensus to move forward; if no resolution by October meeting, discuss further actions. Trustee Ekstrom was requested to assist Trustee Kizior in formulation of parking rules.

C. Trustee Dowell—Finance

i) Update on Status of Letter of Credit for the Swansway Drainage Improvement Project.

Harris Bank has issued the letter of credit; fee was \$350.

MOTION: by Dowell second by Gifford to authorize expenditure of \$350 for fee for Letter of Credit from Harris Bank for the Swansway Drainage Improvement Project. Upon roll call:

YES: (6) Dowell, Ekstrom, Gifford, Kizior, Plautz, Werch
NO: (0) Motion Carried 6/0

ii) Financial Statements and Independent Auditor's Report for the Year Ended April 30, 2003.

Brian LeFevre, Representative from Sikich Gardner, will appear next month before the Board. Trustee Dowell has been very happy with services provided by Sikich Gardner.

MOTION: by Dowell second by Gifford to approve the Financial Statements and Independent Auditor's Report for the Year Ended April 30, 2003. Upon voice vote:

YES: (6)
NO: (0) Motion Carried 6/0

- iii) Management Letter—Sikich & Gardner & Co., LLP dated April 30, 2003
Trustee Dowell noted Village policy to respond to each item contained in the Management Letter; working on responses. Further noted Village disagrees with auditors on interpretation of uninsured deposits; looking to Harris Bank for input. Last year increased collateral to 107%.

Trustee Werch noted that Village is behaving in prudent, responsible fashion, but suggests Village needs to “beef up” professional staff in the office. Trustee Dowell noted Village has good personnel, but need to address future needs as issues and workload become more complex.

D. Trustee Werch—Public Safety

- i) President Karl noted the Village of Kildeer is requesting meeting to discuss the police contract.

E. Trustee Ekstrom—Roads and Public Utilities

i) Tree Replacement Requests

Quotes in packet. Recommend going with Oak trees. Residents who requested trees have agreed to maintain and water trees. Board needs to clarify treatment of cul de sacs.

MOTION: by Dowell second by Kizior to put in an Oak tree in Woodberry (Care of Trees) and an Ash in Cheshire (Countryside) at a cost not to exceed \$400 each. Upon roll call:

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

NO: (0) Motion Carried 6/0

ii) Tree Removal at Deer Chase

MOTION: by Ekstrom second by Kizior to remove the tree at Deer Chase; tree not to be replaced, cost not to exceed \$500. Upon roll call:

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

NO: (0) Motion Carried 6/0

iii) Tree disease--Woodberry

Tree on Woodberry that is diseased. Board requested Trustee Ekstrom get quote for treatment; if under \$500, proceed. If over, phone vote, if time is of essence.

F. Administrator Diesen-Dahl

i) Tree care at Vehe Farm Foundation.

Quote regarding recommendation for tree care at Vehe Farm received from Care of Trees, Rich Bergland. John Wagner, conservationist, recommends pruning for habitat.

MOTION: by Kizior second by Ekstrom to approve an expenditure of \$925 total for pruning for habitat per quote from the Care of Trees (\$575 + \$350). Upon roll call:

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

NO: (0) Motion Carried 6/0

ii) Vehe Farm Foundation.

Administrator Diesen-Dahl asked if overhead wire from house to Cuba Road will be buried underground as part of restoration/renovation efforts on the property. Trustee Dowell to address issue at next Foundation meeting.

G. Clerk Smith

i) Certified Records Manager Training

Request to attend training offered through the Municipal Clerks of Illinois in Springfield on Tuesday, October 14, 2003. Cost of workshop is \$90; will require an overnight stay.

MOTION: by Werch second by Dowell to approve tuition, lodging, mileage, and meals at a cost not to exceed \$300 for Clerk Smith to attend Certified Records Maintenance training in Springfield on October 14th, 2003. Upon roll call:

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

NO: (0)

Motion Carried 6/0

10. TREASURERS INFORMATION

MOTION: by Dowell second by Gifford to approve the Treasurers Information dated 8/31/2003. Upon voice vote:

YES: (6)

NO: (0)

Motion Carried 6/0

11. CASH DISBURSEMENTS

MOTION: by Dowell second by Gifford to approve the Cash Disbursements for the period 8/19/03 through 9/15/03 in the amount of \$204,691.09.

Upon roll call:

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

NO: (0)

Motion Carried 6/0

President Karl requested Attorney Hargadon follow up with developers in arrears as shown on the Triangle Expense report.

12. PUBLIC COMMENTS

Resident Carrie Groeller noted parking lot at Michael D'Angelo discussed as a possible solution to issues at the park; Board should be aware the walking path abuts septic field on both sides. Thanked Trustees Kizior and Ekstrom for coming down. Trustee Ekstrom stated police officer said he feels uncomfortable giving residents tickets, and did not issue any tickets. Trustee Werch noted the Kildeer Police are trained in Community Policing; will call tomorrow to request tickets be issued when necessary. President Karl noted community has had adequate warning and tickets are warranted at this point.

Resident Roger Hankin noted he was the only resident at the Praedium Public Hearing and prior meeting. Asked Board to take wholistic view; actions tonight were in line; requested Board go one step further by not looking at deviations regarding density, wetlands, or safety. Praedium is coming in with worst possible traffic levels, only showing marginal change in proposals between the two meetings. Praedium only listened to the Fire Department when they said trucks could not get around development. Residentially, requested Board maintain full acre parcels, protect wetlands, evaluate impacts on residents. President Karl indicated comments are noted and appreciated.

13. ADJOURNMENT TO EXECUTIVE SESSION

MOTION: by Dowell second by Gifford to adjourn to Executive Session to discuss possible land acquisition/annexation by the Village. Upon voice vote:

YES: (6)

NO: (0)

Motion Carried 6/0

The Regular Meeting of the Board of Trustees was temporarily adjourned at 10:18 p.m.

14. REOPEN REGULAR MEETING

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

YES: (6)

NO: (0)

Motion Carried 6/0

The Regular Meeting of the Board of Trustees was reopened at 11:20 p.m.

15. ADJOURNMENT

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

YES: (6)

NO: (0)

Motion Carried 6/0

The Regular Meeting of the Board of Trustees was adjourned at 11:21 p.m.

Richard C. Karl, President

Sandra R. Smith, Village Clerk