

November 12th, 2013 Regular Board Meeting Minutes

Public Hearing for the Tax Levy for the Fiscal Year Beginning May 1st, 2013 and Ending April 30th, 2014

Treasurer Kelly Hensley stated that on October 22nd, 2013 the Board passed the Estimated Tax Levy for the fiscal year 2013 in the amount of \$525,000. Last year the Village received \$491,000 for tax income but had asked for \$595,000. But due to the EAV decline in the Village the tax dollars decreased. This year the Village is asking for \$525,000 and because of what was received last year to what we are asking this year is over the threshold of 5% a Tax Hearing is needed. Kelly is confident that even though that is what the Village is asking for, it will not go over the CPI. Kelly stated that she feels the Village will be receiving around \$500,000. Due to the Truth in Taxation Act we need to have the Tax Levy Hearing.

Trustee Daley added that the Village asked for more in case the EAV goes up we could receive more. However he did not think that would happen this year.

Lourdes Galvez, 54 Tall Oak – She asked for clarification on EAV.

Public Hearing was closed at 7:10 p.m.

Meeting called to order at the Village of Hainesville Council Chambers by Mayor Linda Soto at 7:10 p.m.

Mayor Linda Soto led the pledge of allegiance to the flag. There was also a moment of silence for honoring Veterans and also for resident, Charles Green who passed away last week.

Clerk Kathy Metzler took roll call. The following Officials were present: Mayor Linda Soto, Trustees Derenoski, Kriese, Duberstein, Barrett, Daley and Walkington

Also present were: Village Clerk Kathy Metzler, Treasurer Kelly Hensley, Public Works Superintendent Jeff Gately, Building Official Aki Mishima, Village Attorney Jim Rock and Village Engineer Greg Gruen

Absent: EMA Coordinator Mike Benko

Establishment of quorum

Agenda Approval

Trustee Derenoski motioned to approve the Agenda as presented; seconded by Trustee Duberstein.

Roll Call:

Ayes: Trustees Derenoski, Kriese, Duberstein, Barrett, Daley and Walkington

Motion carried.

Public comments:

Ted Mueller, 318 Katherine, Hainesville, IL 60030 – stated that solicitors have been going to his house without a badge, but they say that the managers do have the badges. He asked if he should ignore it or call police. Mayor Soto stated that this is not true; they do need badges and the police do need to be called if they continue to solicit. The Mayor also had a similar experience. Ted suggested putting this in the newsletter and the Mayor state it has been put in the newsletter in the past but will do it again. The Mayor stated that you need to call 911 when they come to the door without a badge. Village Clerk Kathy Metzler added that everyone who is issued a solicitor's permit will have a badge and are told to wear the badge. If a solicitor does not have a badge they cannot solicit. The Mayor stated that some solicitors do not even know what Village they are in.

Lourdes Galvez, 54 W. Tall Oak, Hainesville, IL 60073 – asked if the residents are currently paying taxes on the 100 foot easement. Mayor Soto stated that it is part of their lot so they are paying taxes, however, she does not how it is assessed. Ms. Galvez also asked if the assessments they were charging just the residents of Tall Oak for the entire path had been reversed. The Mayor stated that was never the case; it was not just the Tall Oak residents there were 553 property owners that paid into the SSA. Ms. Galvez was told in 2000 that the reason they were the only ones paying is because it was not public yet it was a private path. Mayor Soto stated that the SSA was created and as each member moved in and was added to the tax roll, whether single family or the two townhome developments, all of Cranberry Lake pays into the SSA. Trustee Duberstein remembers seeing the sign that said "For Cranberry Lake Residents". It was supposed to be private for all Cranberry Lake Residents not just Tall Oak.

Ms. Galvez was told when she signed papers that they could do what they wanted with it as long as nothing permanent was planted on the last 25 feet not the whole 100 because they put grass up to the 75 feet. The last 25 feet was the one that nothing was to be done. She had several problems throughout the years such as packs of coyotes hiding, mosquito infestation. She told then Mayor Mueller that she saw people taking down brush and putting grass down. He told her that it looked good to him but he did not give her permission to do it. She went along and did it with everyone else because it was yes you can use it and yes you can't. She received a letter from the Village saying that they can use it and it stated 75 feet and left the last 25 which nothing could be done to. It was done in 2008 or 2006.

The Mayor stated that the entire 100 feet buffer is not on their property. The 100 foot buffer, determined by the Army Corps overlaps onto their lots and is on their Plat of Survey. Dave Coulter went out and surveyed the Conservancy Easements. He put in iron pins and yellow flags. On most lots it is 25 feet and some as much as 30 feet. Dave Coulter explained that the line out on the cattails is a curving line that goes 100 feet to the South. That goes onto everyone's property at slightly different depths; the most is 31 feet and the least is 18 feet because it is measured against a curved line into a rectangle. Dave stated that Ms. Galvez's lot was 25 feet. Ms. Galvez stated that it extends the path and the buffer behind there.

What they did in 2006 or 2008 was they staked the property and said where they did not want residents to do anything. The rest could be used but nothing permanent on that section. Ms. Galvez stated that the builders told her they could do whatever they wanted with it, they were paying taxes on it but nothing permanent could be put on it. They didn't say anything about the 25 feet she found out about it afterwards. The letter said nothing about the 25 feet only about the 100 foot buffer but then it says they could use the last 25 feet. Dave Coulter stated that it could be the building line. Ms. Galvez stated that she put tiki torches so she'd know where it ended.

Ms. Galvez stated that they actually pay taxes on the entire thing up to the path. The Mayor stated that it is not even up to the path. The property line ends before the path.

Ms. Galvez asked if the Village takes over that property and does what they want to it will the Village pay the taxes on it and is it legal to have a conservancy and have residents pay taxes when they can't use the property. The Mayor stated that the Village is not taking over the property and more questions will be answered later in the meeting. The Board will be brought up to speed on this whole issue and once their questions are answered, then the Mayor will let the residents ask their questions.

Ms. Galvez stated that Lot 4 built a fence, with a Village permit, about a 1 ½ years ago. The Mayor explained that there are several fences that got permits and this will also be discussed later because those fences will have to be moved back at the expense of the Village.

Ms. Galvez asked if it is still part of the Marine Corps because she had read that it was turned over because they were not doing anything and now the Village owns it and was operating it. The Mayor stated that the Army Corps of Engineers, whom issues permits, they have never owned it, nor own it now, they issue permits for wetlands. The Village and Deer Point Homes, in order for any of the development to occur had to go to the Army Corps of Engineers and get a permit. The main condition of building being allowed to occur was that the conservancy be created and part of the condition was the 100 foot buffer.

Ms. Galvez stated that there was a defunct cemetery on the property that was never found. The Mayor stated that they did know about it for some years and there was a search done for the cemetery. This was not a formal cemetery; it is not uncommon on farm land for family to be buried. The Mayor wanted to get back to the issue at hand.

Ann Richmond, 154 Tall Oak Dr., Hainesville, IL 60073 – stated that the easement was one of the main reasons they moved to Cranberry Lake Subdivision in Hainesville. She'd be happy to see the Village continuing to maintain and restore that to what it looks like naturally and encourage native plantings and removal of the invasive.

Wally Stiliz, 166 W. Tall Oak Dr., Hainesville, IL 60073 – clarified that when everyone first bought a house here not only did they pay the taxes for all of Cranberry Lake for the special assessment they also chipped in \$325 at closing. He asked that the Board please enforce what was supposed to be done under the Army Corps. of Engineers. In 2003 and 2004 it was ignored but it is what is supposed to be done. Anyone who bought a house there knew it as he did. He built the subdivision and knew what was told and what was supposed to be done. He'd like the Board to do it.

Vitalij Sidelnyk, 74 Tall Oak Dr., Hainesville, IL 60073 – requested the Board to consider conservancy of Cranberry Lake as far as it goes on the lake or how far it starts from the property that we own. Where does the conservancy start? Mayor Soto explained that Dave Coulter take the coordinates from the parcel map and surveyed the properties. Mr. Sidelnyk stated that from the end of his conservancy line from then on what is suppose to be on it is the pathway supposed to be there or not and the Mayor stated that it is. The Army Corps. of Engineers authorized it and as to where and how it is supposed to run. The Mayor added that the night Mr. Sidelnyk came to the coffee he was given a copy of the permit from the Army Corps. and the general permit for the whole project. It was a condition of Deer Point homes and the Village being allowed to build anywhere. Mr. Sidelnyk has heard that the conservancy from the lake is supposed to be all the way to our property.

The Mayor noted that it is a buffer and part of the conservancy project conditions was to insure that in perpetuity, Deer Point Homes and then the Village would enforce and protect this 100 foot buffer around the lake. It is important for run off into the lake. The 100 foot buffer is a conservancy easement that goes on resident's property. Trustee Duberstein added that the agreement was that they could put the path in and they were supposed to maintain the stewardship of the natural area. Nothing was to be built such as concrete, turf grass or anything permanent.

Dave Coulter explained that the Army Corps of Engineers came to Cranberry Lake and surveyed and established a circle around the lake that is out in the cattails. They determined that beyond that line out further into the lake nothing could happen because it is marshy. From that line they went in 100 feet around the Lake. The south side of the lake where it overlaps with private property there is an overlapping of about 20 some feet. This overlaps the zone that starts 100 feet out on the cattails and then comes back to resident property. This is the point of contention that many of you have, how does that work. The Army Corps is saying that the foot zone whether on resident property has to be all native plants, not turf grass, structures or concrete. It has to be permeable not asphalt. Village Attorney Jim Rock stated that Mr. Sidelnyk should have gotten a copy from the meeting. Trustee Walkington added that since Mr. Sidelnyk is the original owner it should have been in his deed covenant.

Mr. Jovo Dragicevic, 66 W. Tall Oak Dr., Hainesville, IL 60073 – would have liked to have seen the presentation before commenting. He is a first year resident. His lawyer did not touch upon this at closing. No one from the Village left anything on his door for a future resident stating that there is more information regarding the conservancy. When he looked at the property, how he saw it was how he thought it was. He probably wouldn't have come to Hainesville. There is a bulletin on the Village door to watch out for ticks. He'd prefer to not have lyme diseases or snakes crawling along his home. He plans on having children and doesn't want them to be endangered by snakes or coyotes. There are other residents with beautiful back yards and properties. He is for natural habitat but the conservancy is a huge inconvenience to most of the residents; he'd say 90% of the people that share the path. He would not have put a patio in his yard if he is going to stare at the weeds; he likes the plants. The conservancy takes up a lot of his property and is a huge inconvenience. This is not a community where he feels he could raise a kid. He feels a notice should have been placed on his storm door so a future resident could see the future expectations of Hainesville.

Mayor Soto noted that there will not be an overgrowth of weeds. There was a big transformation done at Cranberry Lake; it looks different than when the project started. There are invasive species in certain areas that will be removed. Later it will be discussed what plants will be put there because the resident will have choices. There is also mosquito abatement at Cranberry Lake done with an ATV on the path. As for ticks and snakes, this is Lake County, the Mayor lives at Buck and Lisk and she does not abut a wetland but there are some close to her home and at times there are snakes, frogs, and toads in her yard. Ticks are a concern in general in Lake County. Even with mowing or turf grass this will be an issue because this resident backs up to a conservancy.

Omnibus Vote Agenda

1. A Motion to Approve the October 22nd, 2013 Regular Board Meeting Minutes
2. A Motion to Approve the November 2013 Bills Payable for \$116,596.61
3. A Motion to Approve the October 2013 Financial Statements
4. Approval of Hardship Request for Cranberry Lake North – 556 N. Triumph Court

Trustee Walkington motioned to approve the Omnibus Vote Agenda as presented; seconded by Trustee Daley.

Roll Call:

Ayes: Trustees Derenoski, Kriese, Duberstein, Barrett, Daley and Walkington
Motion carried.

Reports and Communications from Mayor and other Officers:

Village Engineer

Village Engineer Greg Gruen reported that he submitted a capital development block grant application for \$100,000. This pertains to the Cranberry Lake resurfacing project which is scheduled for 2014-2015 construction season. If the Village gets the grant it will be \$100,000 out of a roughly \$500,000 project. The Village should hear in February or March.

Greg also reported that Rollins Road at Route 83 is closed and scheduled to be reopened November 26th.

Village Attorney

Village Attorney Jim Rock informed the Board that he has been working on the conservancy easement and deed restrictions as well as looking at the Village's business license fee structure. He has made recommendations that will be brought to the Board for action. He will be reviewing and updating the zoning ordinance in relation to business establishments.

Public Works Superintendent

Public Works Superintendent Jeff Gately informed the Board that the work at Well #1 has been completed. The relays and floats have been tested three times and is functioning 100%.

There will be a committee meeting tomorrow night. With the budget being worked on he'd like to talk about street light replacements and other infrastructure. Weather permitting he will be working on a sump pump project at Antler Park on Wednesday.

Greg Gruen left the Council Chambers at 7:48 p.m.

Building Official

Building Official Aki Mishima reported that 21 permits were issued and total fees collected was about \$1,400 plus.

He updated the Board on the fire at Union Square townhomes. American Family Insurance released cause and origin investigation last Thursday. QCI then cleaned up the debris between buildings 6 & 7. Remainder emergency service portion of the project was completed on November 7th; tarp was secured and weatherproofing of the western wall unit of 446 because the attic was open. The demolition permit application was submitted on November 12th with the Robinetic Demolition of Oak Brook. Permit will be issued by end of this week. Aki stated they are waiting for utility disconnection acknowledgement letter from ComEd and Nicor. Mayor Soto added that she spoke with Diane Emerson of ComEd and waiting for a return call from Nicor. Aki visited the site to review the damaged unit 446 with Chris from QCI. They will be inspecting the site tomorrow with their architects and engineers to study the condition of the structure and producing the plans for the new

construction. The time line is pending due to cooperation with Ryland Homes. They are trying to get original drawings from Ryland Homes but there is an issue with copyright. The Mayor has put in a call to Ryland as well. Aki will meet with QCI's architecture and engineer tomorrow at the site to discuss any issues.

EMA Coordinator

EMA Coordinator Mike Benko was working and not present at the meeting.

Treasurer

Treasurer Kelly Hensley reported that she emailed the budget worksheets. If anyone has questions they can contact her. She asked that everyone review the sheets and cross off what is not needed and add on what is needed. She would like the worksheets back by January 10th for the first round of the draft budget.

Village Clerk

Village Clerk Kathy Metzler reported that she was finishing up the postcards for the Holiday Mixer which is Saturday, December 7th from 2 p.m. to 5 p.m. The postcards will be mailed on November 20th.

Kathy also stated that the Village is in the process of getting two quotes for putting in a transmitter/equipment for people with hearing aids in the Council Chambers. This has been a frustrating process. She has one quote and is waiting for the other quote. Someone came out on October 29 to do all the measurements and it will be close to a month before we will receive the quote.

Mayor

Mayor Linda Soto stated that the residents and businesses in the Village can be proud and safe because the Grayslake/Hainesville Police Department and Greater Round Lake Area Fire District did a tremendous job in their quick response to the Unions Square Townhome fire. No one was harmed not even the pets. The fire burned for some time. The car hit the gas meter and sheered off the shut off pipe. Nicor had to come out and dig in the ground to the box to turn it off, which took time. All the fire department could do was keep the fire under control but could not extinguish it fully until the gas was shut off or there would have been an explosion. Out of the six unit building only 2 units were destroyed so the firewall did work. There are 2 other units that have issues but are salvageable. It will be spring before people are back in those homes.

The Village had Trick or Treating on Sunday, October 27th and it was successful.

The Mayor reported that Jeff Gately's youngest brother passed away at the age of 41. Charles Green, 89 years old, a long time resident and former Trustee also passed away recently.

The Mayor added that on Sunday she was at the American Legion Hall for their Veteran's Day and Dedication of the newly remodeled banquet room. Two Boy Scouts, for their Eagle Scout project, led the remodeling of that room. Congressman Brad Schneider, who was there for the dedication, contacted Home Depot Corporate who has a fund to help Legion Halls. They donated \$15,000. The banquet room has a new Pergo floor, molding for the walls. The scouts took down the dark paneling and painted the walls two tone colors. Home

Depot provided French doors and also doors for the exit. Congressman Schneider and Senator Melinda Bush were also there.

Reports of Standing Committees

Finance – Trustee Daley stated that the Finance Committee met tonight and they are investigating two ideas. One is to pay off 50% of the debt on the public works building out of the next budget and putting \$118,000 into the capital fund which has seed money for one more year. If it is decided to pay off a part or all of the Public Works building the money will come out of savings at this point. This is at the discussion level at this point.

Public Works – Trustee Walkington reported that Public Works Committee is tomorrow at 6:30 p.m.

Public Safety – Trustee Kriese reported that at the Committee meeting they discussed next year's budget. They also discussed another workshop for next year perhaps with the Fire Department. Last month's police report was also reviewed. Trustee Kriese cautioned residents who are hunting to use caution and common sense and drivers need to be careful with deer.

Wetlands and Open Spaces – Trustee Duberstein reported that the Wetlands meeting was last week. They talked about the stewardship of Cranberry Lake and doing some addition of trees and shrubs gradually with each budget to enhance the area.

Trustee Duberstein stated that the Great Age Club Christmas Party will be December 3rd.

Broadcast Media Manager – Trustee Derenoski reported that the meetings are up for viewing on YouTube and there is a link on our website. There are 9 subscribers who get an update as soon as the video is posted. The number of people that view the video is on there; it is usually 14 or 15 people. The video is available on YouTube within a week.

Mr. Sidelnyk asked if the Village received any complaints from the Army Corps of Engineers. The Mayor stated that the Village did not have any from the Army Corps however there was an inquiry. The Village and residents can get fined from the Army Corps so the Village is trying to avoid this.

Transportation – Trustee Barrett stated that the Canadian National Railway has everything shut down so it can build the deflection spur to shuttle rail traffic off to build the overpass. Rollins is to be shut down for 2 weeks. He explained the detours. Washington is to reopen by December.

He also received a survey from the Illinois Toll Authority regarding the Route 53 feasibility project. Mayor Soto added that there are two new committees; Lake County is working with tollway authority. She was asked to sit on both the Finance and Land Use Committee. There have been two Finance Committee meetings and the first Land Use Committee meeting will be scheduled for December. The tollway has sent out to all IPASS holders a survey by email. The Mayor asked that residents to look for it and respond to the survey. They want to know how many people travel the route.

Trustee Barrett stated that there are two websites available to monitor Washington Street; one is Washingtonstreetinfo.com and Rollinsroadgateway.com. There is also a live feed on Lake County Passage.

Special Events – Residents Jacki Brunk, Mary Ellicson & Rich Scutellaro Mayor Linda Soto & Village Clerk Kathy Metzler

Mayor Soto stated that there was a recent meeting where additional expertise were brought in; they were the Directors of both the Grayslake and Round Lake Chamber as well as a resident who is an event coordinator. They brainstormed and kicked around ideas. There will be another meeting before Thanksgiving. They should have something to report at the December Board Meeting. The Mayor cautioned everyone that it was agreed that the major challenge of doing events in this community is parking. Depending on how big of an event and who is being drawn parking will be a challenge. It could be handled with a shuttle service but then where do they park for the shuttle.

Business

IMLRMA Renewal of Village Insurance for \$33,010.30

Trustee Daley motioned to approve the IMLRMA Renewal of Village Insurance for \$33,010.30; seconded by Trustee Barrett.

Trustee Duberstein stated that at the Finance Committee it was suggested that next year the Village look at private insurance and compare.

Roll Call:

Ayes: Trustees Derenoski, Kriese, Duberstein, Barrett, Daley and Walkington

Motion carried

Tax Levy Ordinance for the Fiscal Year Beginning May 1st, 2013 and Ending April 30th, 2014

Trustee Daley motioned to approve the Tax Levy Ordinance for the Fiscal Year Beginning May 1st, 2013 and Ending April 30th, 2014; seconded by Trustee Walkington.

Roll Call:

Ayes: Trustees Derenoski, Kriese, Duberstein, Barrett, Daley and Walkington

Motion carried.

Ordinance # 13-11-178

Trustee Walkington motioned to move Item 5 in Business up; seconded by Trustee Daley. All in favor say aye, motion carried.

Discussion and Approval of having only One (1) Regular Board Meeting for the months of January through March held on the 4th Tuesday as follows, January 28th, February 25th and March 25th, 2014

Trustee Walkington motioned to Approve of having only One (1) Regular Board Meeting for the months of January through March held on the 4th Tuesday as follows, January 28th, February 25th and March 25th, 2014; seconded by Trustee Derenoski.

Village Clerk Kathy Metzler asked if Trustee Daley and Trustee Kriese wanted their Committee meetings moved to the fourth meeting with Finance at 6:30 and Public Safety at 6:00. It was agreed.

Roll Call:

Ayes: Trustees Derenoski, Kriese, Duberstein, Barrett, Daley and Walkington

Motion carried.

Trustee Daley left the Council Chambers at 8:18 p.m. and returned at 8:20 p.m.

Cranberry Lake Conservancy Easement Discussion

Mayor Soto explained that a few months ago, two residents contacted her because they were concerned and wanted her to provide a written legal answer to their question. This was spurred because earlier this year the Village Board were talking about how a 5 year restoration project of the Cranberry Lake Conservancy was completed. These residents have followed their deed covenant or restriction on their conservancy easement on their property to the T. They have abided and kept the area natural, however, they also have invasive species, such as buckthorn, on their lots. The buckthorn has grown excessively. These residents didn't think the Village could be finished with the 5 year conservancy restoration because they haven't removed the buckthorn for their property. It has grown and taken over. The Mayor didn't have an answer immediately because she was confused; she believed the Village had executed the project it was supposed to do at that time. The only battle she was confronted with some homeowners since she became Mayor this time, since Cranberry Lake was not built when she was Mayor previously was encroachment or people extending their backyard beyond the property line. She told homeowners that she would research this. She had dealt with encroachment issues. She found in speaking with others that there is confusion as to what encroachment means and the conservancy easement. Encroachment is those homeowners that have gone beyond their property and mowed or planted. It is doing things with property that is not yours. The previous administration had to address that issue as well as herself. Mayor Soto had some residents who had unknowingly asked this question probably a year or two ago except they used the word encroachment. The Mayor thought they were talking about property outside their property line.

The Mayor had documents pulled out of storage and resident George Duberstein provided documentation as well. When she reviewed all the documents from 2005 and 2006, she contacted Village Attorney Jim Rock to go through the documents. One document is the actual Army Corps. Permit that allowed all the building to occur. That is when the conditions were set as to what had to be done with the Cranberry Lake Conservancy. When lots started being sold on Tall Oak Drive they had a Conservancy Easement and a Deed Covenant or Restriction. The original homeowners certainly were aware of this and second or third homeowners did receive this at closing whether they are aware depends if you had an attorney. An attorney should point out the Deed Covenant or Restriction. It is also in the title search. In the Deed Covenant or Restriction it states what can or cannot be done with that property, such as no mowing and no permanent structures. It was Deer Point's job at the time of sale to make the buyer aware and enforce the conditions. When Deer Point was done and the Village accepted the subdivision, then the Army Corps sent a letter to the Village that stated it was their understanding the Deer Point was done and the Village has accepted the subdivision. That letter was a reminder of that permit and what it tells the Village is that the Village is now responsible for enforcement of that Deed Restriction Covenant forever. When the Mayor read that and talked to the attorney it clicked that the residents were right. The conservancy easement should have been included in the 5 year restoration plan. The Mayor clarified that there is a difference in the 19 lots talked about. At the western end that is more woodland and that is where the buckthorn is located. Further east it becomes more of a savannah so there are not as many trees. It is the Village's job to

remove the buckthorn so it does not spread. If nothing is done at this point, the Mayor is not doing her job as a Village official. She is aware of the legal obligation and if she ignores it she would not be doing her job. The residents who came to her in the first place would have every right to tell the Village or the Board to do this or they could go to the Army Corps. The Mayor will take measures to rectify this. The Army Corps will come out if a resident has doubts. They would require immediate action. The Mayor has dealt with the Army Corps once with the development on the east side regarding an issue where a resident had decided to put a beach in their yard along a wetland. The resident was fined \$10,000 and had to restore it back to the way it was. The Mayor added that this is not something to play with. The good news is that some residents are excited about it because they want to get rid of the buckthorn. Dave Coulter of Native Restoration Services led the five year restoration plan. He has been consulted on this issue, we had him at the coffee to listen to the residents and present background and options. There will not be six foot weeds or cattails. After listening to the residents the Mayor feels that they want low native plant species; nothing high to block the view. Some trees and shrubs could be made available to residents. The Mayor stated that if a resident values the conservancy and enjoys what they back up to they are going to have more of it; it will not be weeds. This will continue to take place because whether the easement was included or not what will go on in perpetuity is there will be burns and herbiciding every few years to get rid of invasive species. There are baby oak trees and they will be inventoried this spring.

Village Attorney Jim Rock further explained that these are not standards set up by the Village, they were established by the Army Corps of Engineers in order to allow development of the subdivision and then the Army Corps, as part of granting that permit, required the establishment of the conservancy easement, required that Deed Restrictions be recorded in perpetuity on the lands of the homes that abut the conservancy easements and then requires that the Village enforce the Deed Restrictions. It is not a question of the Village's decision that these are the things that can and cannot go on; the Village is required to enforce this in perpetuity. In the Deed Restrictions it does give all the restrictions of the things that cannot be done within the conservancy and it states "without the express written consent of the Army Corps of Engineers". The Army Corps will not grant express written consent to do those things because it gave the permit and established the buffer zone in exchange for allowing development to occur. There is no reason for the Army Corps to change its mind. They would not grant allowing sod in the backyard because it is counter to the permit.

Trustee Duberstein commented that she is aware of the frustration because she is in it too and there were a comedy of errors from the fact that the developer put the sod in way back beyond the conservancy easement so it led residents to believe it was okay to use it. There was discussion at the Board meeting that a resident can go out and do as you wish to the property line. Those that did that did it with the full understanding that it was okay and only had to deal with the neighbors if they disagreed. She lives at 82 Tall Oak. It is not something that is easily done without residents realizing all the feelings that go with it.

Mayor Soto added that the Deed Restriction Covenant does say that the restricted property is a wetland under the regulatory jurisdiction of the Chicago District of the US Army Corps of Engineers and it refers to the permit number that was issued to the Village and Deer Point homes. It also talks about the easement and lists the conditions. It keeps saying the Army Corps of Engineer it has nothing that the Village of Hainesville came up with or wrote

and it is nothing the Village can repeal, in fact, whatever was said at a Board meeting or in any letter from the Village; no one at that time or Mayor Soto and the entire Board has the authority to override the U.S. Army Corps of Engineers. The one that stands out the most is that there is no removal or destruction, or trees or plants, mowing, draining, plowing, mining, removal of topsoil, sand, rock, gravel, etc. It is mainly the mowing, plants and the permanent structures. It cannot be ignored.

The Mayor explained that the Village is looking at a two year restoration plan. Dave Coulter is saying it can be done in two years. The Village is looking at starting it next year and giving a time line of having everything that needs to be moved or changed in the conservancy easement by August 1st, 2014 subject to agreement of the Board. The Mayor would meet with each property owner and talk about their easement and property specifically; to see what the issue is with their easement. Three fences need to be moved back at the Village's expense. She will try to meet with those homeowners first. Her goal is to meet with each person and come to an agreement and understanding of how to move forward.

She asked if the Trustees had any questions. Trustee Daley clarified that the Village has no choice in the conditions of the conservancy. The Village Attorney Jim Rock stated that is correct; these were not standards that the Village has any authority to change or adapt. They were not established by the Village and cannot be changed by the Village. Trustee Daley asked if the Board has a right to waive or overlook any of the conditions. Jim Rock stated that it cannot be done without express written consent of the Army Corps of Engineers and it's a firm belief that would not happen, but the residents could approach the Army Corps with those questions. Jim believed they would not be successful in getting them changed.

The Mayor asked if there were any public comments.

Lourdes Galvez – 54 Tall Oak Dr., Hainesville, IL 60073 – Ms. Galvez asked who will do the maintenance because it was not maintained before. The buckthorn was wild and the resident was told to remove it. There were a lot of things wrong with the builder such as being told they were in the Grayslake zip code. There was even a letter on the wall stating this. No one was successful in suing Rick Peitranek. She tried to change it unsuccessfully. She was lied to and she stated that no one understood the legal language until she got her realtor's license so she could understand this. The Village gave them information that was incorrect and was still getting incorrect information. She understands that it is the Army Corps that is doing this. Her concern is that they can have the land but she shouldn't have to pay taxes what is not hers and cannot use. Jim Rock explained that the ownership of the land hasn't changing and there is no one to give it back to. Ms. Galvez guaranteed she will put her house up for sale; she does not want a yard of coyotes and buckthorn. Mayor Soto asked that she consider that the time Ms. Galvez is talking about is the time before Dave Coulter started the five year restoration. Burns have been done and a lot of invasive species have been removed. The Village will keep doing this. Ms. Galvez stated that it will be very expensive to keep doing it. The only difference she sees is that the buckthorn is gone; she does not see the pretty flowers that have been planted for five years.

Dave Coulter brought a book that lists all the plants in the Chicago region. He explained that when resident's look out their back window into the conservation easement is the byproduct of a misunderstanding between the Village and Native Restoration. When the

property was restored around the lake, it was vague as to where they were to stop. They noticed that some lawns were very close to the path on the east side but further west they are away from the path. They stopped at the path so as you go west there are more invasive plants. This is a result of Native Restoration not doing it because they did not understand where the line was. No one understood until the Mayor did the research and understanding the conservancy easement and realizing it goes 25 feet roughly onto everyone's property. They stopped way short of that. They will be planting some of the plants in the book; they will be attractive and won't necessarily be tall so coyotes can't hide. He further explained the plants that can be planted. They would like to add plants that grow shorter and that have many more flowers. The Mayor would like residents to install more trees and shrubs on the property. The Army Corps is insistent about what plants to plant because they want the ground to be protected and that occurs with the root system. Native plants have deep roots which protect the soil. The Village will pay for this and there will be an arrangement between the Village and the property owners. Dave is impressed with the concern the Village is showing. The weeds will be taken out as well as the buckthorn, which will come back in fractional amounts. The Mayor clarified that there is a two year restoration plan to bring the area up to speed with the rest of the conservancy that had the restoration done. The Village is obligated to do in perpetuity is stewardship, which means that every year the Village will hire a professional. The conservancy easement was never included. The Mayor respects the homeowners that have read and acknowledged their deed covenant and have lived by it 100%. The Mayor understands the value of having a yard but when it is all said and done in a few years it will be beautiful. There will be an ugly period when it is transiting. Lawn chairs, hammocks can be put there and kids can play there because the land still belongs to the residents. There will not be any turf grass so it will not be mowed nor can a gazebo be put there but residents can still use the land.

Dave Coulter added that it is an educational process. Many people do not know the difference between native and non-native plants. Native plants can be managed so they are attractive and people friendly. This is what will be done with this area. They will use low growing plants, flowers, trees and shrubs at the direction of the property owners up to a certain amount. It will be a people friendly 20 to 25 foot zone. The buckthorn will not come back but it takes about 3 years to break the cycle. Once the cycle is broken it is easy to keep the buckthorn under control. It is easier than mowing the lawn.

The Mayor stated that the property remains the homeowner's property, the Village will do the stewardship, which gets funded through the SSA, which has always been there but it has not been levied the last few years. In the month of December it will be levied for about \$38 per household for the 553 members. This will build up the SSA fund and that is there for this purpose. Once the two year restoration is done and continue with stewardship, the SSA fund should have surplus funds because it should not cost \$20,000 every year. The Village could say at the time of the tax levy several years from now that there is money left so the levy might only be \$10 or \$20. It shouldn't go higher than \$40 because that is what the ordinance requires. Trustee Duberstein stated that \$75 was to start the reserve fund.

Vitalij Sidelnyk, 74 Tall Oak Dr., Hainesville, IL 60073 – asked why is the Village spending money now to make other people's property buckthorn free. Dave Coulter gave a brief history of buckthorn and invasive plants. Mr. Sidelnyk asked if Round Lake or Grayslake would be participating in the expense. Mr. Coulter explained that every Village must take care of themselves.

Mayor Soto left the Council Chambers at 8:56 p.m. and returned to the Council Chambers at 8:58 p.m.

Treasurer Kelly Hensley left the Council Chambers at 9:00 p.m.

Mayor Soto stated that a burn was done off of Washington and Lake so Grayslake and the surrounding communities do have a lot of their own burns. That is there business. The Army Corps is everywhere. Lake County Forest Preserve is one of the highest rated in the country because their standards are so high. Mayor Soto also had copies of the Army Corps permit and copies of the Deed Covenant and Restriction for residents that did not attend the coffee.

Mr. Jovo Dragicevic (JD), 66 W. Tall Oak Dr., Hainesville, IL 60073 – stated that it has been 13 – 14 years when the Army Corps of Engineers when they passed the permit over to Hainesville he'd think that they would have surveyed the property and made sure the developer followed everything. The developer has his own engineers to take care of everything as well. Hainesville should have double checked when accepting the permit that everything was followed then but since it wasn't there is a gray area. For Mr. Dragicevic seeing is believing. If he had known this when he was looking for a house he wouldn't have ended up in Hainesville. The community and neighbors seem great but he wouldn't have come to Hainesville if he had seen this on his property. He feels this should be grandfathered in and the resident's most impacted by this should all submit letters to three parties; the Village, Army Corps of Engineers and developer. There should be a lawsuit with the developer and Army Corps because that was never followed to the "t". He'd like his property to remain the same and if it cannot he is not sure he will stay.

Mayor Soto appreciates the points JD is making. There are some residents that are embracing this idea. The Mayor understands and feels badly for him but as far as pursuing the Army Corps, as the Village Attorney Jim Rock stated earlier, residents have that right and they would get an answer quicker. The Army Corps would say to the Mayor or Village Attorney that they knew what the conditions were when the Village asked for building to occur and the Village should know their job and do it. A resident can approach the Army Corps and they would get treated differently but the Mayor didn't know if they would grant a resident permission to do anything. The Mayor encouraged residents to talk to an attorney. As far as the developer, they are gone and are not in business anymore. The Mayor also stated that residents can submit letters to the Village but it won't change what she is obligated to tell residents.

The Mayor is asking the Board to pull together and approve at the December Board Meeting a plan that is fair. The Village is trying to work with the residents. The Mayor is appalled and horrified that this was not addressed properly all along but it will be cleaned up now. She can guarantee that residents will not be misled or lied to.

Trustee Duberstein added that JD is probably imagining a nightmare of a backyard but it will not be an overgrowth. It will look the way the residents want it to look.

JD appreciates this but wanted to make it known that he bought the house for the way it looked. He prefers to see just grass. He'd like to see if there is any leniency so he would

like the residents to write the Army Corps of Engineers. He'd like a common ground reached. He thanked the Board for the information that was put forth but he is left feeling uneasy and unhappy.

Dave Criz, 567 N. Triumph Court, Hainesville, IL 60073 – Mr. Criz stated that this was a bit of a surprise having worked on the Wetland Committee. It was discussed what the responsibility of the SSA and the responsibility of the homeowners. He has read the original document from the Army Corps of Engineers. He asked if there is a difference between Conservancy Easement, SSA and Property Easement. The Property Easement is owned by the homeowner that can't be built on but typically can do other things. In this case he thought that the easement was something you could use as long as it was within certain guidelines and kept it open. Mayor Soto stated that Mr. Criz does not have a copy of the Deed Restriction just the Army Corps permit. Mr. Criz asked if the conservancy easement on the agenda is that portion of their property that they own that we are taking responsibility for the planting of as a Village. The Mayor stated that this is correct because it is part of the Conservancy SSA project. He thought the original SSA stopped at the property line which is not correct. The Mayor noted that there has been a lot of confusion. The townhomes do not have a conservancy easement on their property.

Mr. Criz stated that his understanding of the SSA was that when the Village took over the SSA and took funds out of the reserve they would treat all the wetlands alike and be responsible for them as a unit village wide. The Mayor stated that is not correct. When she became Mayor the last term a hot topic was the SSA and the 5 year restoration plan. The Village had not obtained the \$50,000 from Deer Point to help support the 5 year restoration. Trustee Duberstein stated that only \$7,000 of the \$50,000 was turned over to the Village when it took over the property. The Mayor added that some residents felt the Village should not have taken it over until the \$50,000 was received but it was already done. She cannot change it but the Board agreed that they wouldn't levy the SSA for the 5 year restoration plan the Village instead put the money up. But now as the 5 year restoration has come to an end and it has to go on with stewardship and this issue. With both the Village has to not only levy the SSA but the Mayor will recommend that they levy \$38. She does want to poll the Board because Treasurer Kelly Hensley wants direction for the December Board Meeting Agenda and packet of what to prepare.

The Mayor stated she will not ask the Board to vote for the proposal from Dave Coulter but she would like any questions from the Board. The Village is not doing anything wrong and Village Attorney Jim Rock agrees but as a safeguard of being challenged. On the December agenda the bid process will be waived for this particular project and that will be one vote and the second vote will be the proposal. The dollar amount is borderline of whether to go out to bid because this will be over 2 years and since Native Restoration has handled the whole 5 year restoration this is an additional sliver in the scope of things. The Village would want the same company to finish the whole project. For a time line, the Mayor would like to start meeting with residents and tell them that this is the plan and what is being done. Those items will be on the December agenda. The Mayor gave Dave Criz a copy of the Deed Restriction Covenant.

Dave Criz wanted to clarify that there are two separate areas that are designated by law or document; one is the SSA itself under the permit application and the other is the conservancy easements of the private properties adjoining the South end of the lake or the

SSA. Village Attorney explained that the SSA is not a land area on the lake it applies to all of the homeowners within the Cranberry Lake subdivisions which is over 500 homes. The SSA is an entity that was established to fund the conservancy of Cranberry Lake. It applies the buffer which is the 100 foot area around the lake which includes the buffer that goes on resident properties. It includes all of the easement of each homeowner.

Trustee Walkington explained that in the beginning when this whole thing started with the conservancy and SSA the plan was never that Hainesville would own Cranberry Lake. Another entity, Land Conservancy Group, was supposed to take over when the project was finished. When the group saw the numbers and the records, they didn't want anything to do with the project and Hainesville ended up with it. Mayor Soto stated that the SSA would have still existed but the Land Conservancy Group would know how to do the work.

Mr. Dragicevic read from the permit whereby the U.S. Army Corps of Engineers had completed its review of the wetland mitigation project issued to Deer Point Homes on May 20, 1998. If there review was complete this would not be an issue. Mayor Soto stated that is not correct because he is reading from the permit in 1998 where they will allow them to start building and the conditions were laid out. That is not the final sign off. He will review the proper documentation.

The Mayor stated that if there are any questions to contact her or if it's a legal question she would confer with Village Attorney Jim Rock or Dave Coulter for any other questions. At the December Board Meeting the plan is to discuss and voting on a restoration plan.

Trustee Duberstein explained that she will not be at the December Board Meeting and obviously this is an issue that is near and dear to her so she would like to know if there are any questions or concerns about the Dave Coulter's proposal. No one had any questions. Mayor Soto stated that the only concern was the waiving of the bid process on the agenda.

Trustee Daley motioned to adjourn the November 12th, 2013 Regular Board Meeting; seconded by Trustee Walkington.
All in favor say aye, motion carried.

The November 12, 2013 Regular Board Meeting adjourned at 9:29 p.m.

Respectfully submitted,

Kathy Metzler, RMC, CMC
Village Clerk