

Village Board Meeting Minutes
VILLAGE OF ISLAND LAKE
3720 Greenleaf Avenue, Island Lake, IL 60042
May 23, 2024, 7:00 p.m.



1. **Call to Order** at 7:00 p.m. by Mayor McLaughlin
2. **Roll Call** Present: Trustees Brittany Alers, Chuck Cermak, Steve Deasey, Thadd Lewis and Stacey Pyne. Absent: Trustee Will Ziegler. Also present: Mayor Richard McLaughlin, Clerk Georgine Cooper, Attorney David McArdle, Treasurer Dennis Murray, Public Works Director Chris Carlsen, Police Chief Jennifer Paulus, Building Official Ken Adkins
3. **Pledge of Allegiance**
4. **Public Comment** included: Resident asked when there will be a meeting about low interest loan for Janet Drive water main and read a letter from another resident objecting to the sale of the 0 Fern Drive.

Action Items

5. **Consent Agenda**
 - a. **Approve payment of bills in the amount of \$ 408,126.09**
 - b. **Approve minutes of the 4/25/2024 meeting**

Motion to approve the Consent Agenda items as stated by Trustee Lewis, Second by Trustee Cermak
Ayes: Trustees Alers, Cermak, Deasey, Lewis and Pyne. Nays: none. Motion carried.

6. **Authorize Mayor to sign the Island Lake Dam Inspection Proposal with Kebbes Engineering, Inc. (KEI) for inspection and IDNR report submission in the amount of \$8,450**

Motion to authorize Mayor to sign the Island Lake Dam Inspection Proposal with Kebbes Engineering, Inc. (KEI) for inspection and IDNR report submission in the amount of \$8,450 by Trustee Cermak, Second by Trustee Alers

Question: Trustee Pyne: Is it subcontractor? Response: Yes, Robinson doesn't do this type of work.
Ayes: Trustees Alers, Cermak, Deasey, Lewis and Pyne. Nays: none. Motion carried.

7. **Authorize Mayor to sign Resolution 694-24 Authorizing the Sale of the 0 Fern Drive Surplus Property Owned by the Village of Island Lake for the amount of \$3,000 subject to the creation, attorney review, and approval of a Perpetual Easement Agreement for ingress/egress by the Village of Island Lake**
Discussion: Trustee Lewis presented

Trustee Lewis provided history, process and options

- 1) How the process happens when we have situations like this
Village Department or outside inquiry brings issue of ownership to Village attention; Village would ask attorney for help to trace history and disposition and to determine best course of action. An outside underwriting attorney would likely be engaged. Depending on the scope of the work, the Village cost would be from \$2,000 - \$15,000.
- 2) How the process that happened for the Fern Drive property
Inquiry came from Public Comment about possible misuse of park property. In that Trustee Lewis is an attorney who specializes in property and title search, the Village attorney asked him to do the research, as he has extensive background in property matters. He found that there were more issues involving three properties than just the park piece. The process was complicated and took a year and a half.
- 3) Timeline/research of property and how situation was created and not resolved

Issues arise when use of a property occurs over 40, 60, 80 or 100 years and the use changes at some point. When the issue is discovered, the need to correct, memorialize and enter into the public record arises.

5/23/1942	Property Created by Plat of Subdivision Lot 1 Now the West Half of the Park (Not Originally part of the Park was meant to be a home lot) Lot 19 and The Park
5/23/1942	Roads and Parks Dedicated to Association (the Park, the roads, the lots and the lake were all owned and controlled by the Association, the Village had no control or interest in)
1942	Fern Road when built was extended into the park (Private Road and Lot 1 owned by Association at the time) over the North 15 feet of Lot 1 of Subdivision (15 Feet south of where it should have been, The Platted Ingress/Egress is 15 feet north) (all 3 Properties were owned By the Association so no one to complain the ingress and egress was built in the wrong spot or the Association intentionally did that to change the ingress/egress but never recorded anything in the public record) to use as ingress and egress to park and the South part of Lot 1 was used as part of the Park The North 15 Feet of Lot 1 was the Ingress/Egress to the park (as is now) the Platted Ingress/Egress was never used)
9/22/1952	Roads Dedicated to Village
8/9/1958	Association takes back some property dedicated to the Village by the 1952 document
6/-/1963	Residence Built (Garage Under House with Access from Ingress and Egress to Park which was actually over the North 15 feet of Lot 1 of Subdivision) Retaining walls for garage actually built on Ingress and Egress of Park as Platted in Plat of subdivision (Properties all owned by the Association/Developer) (It appears everything was moved 15 feet to the south, Lot 19 (South 15 feet are actually the ingress and egress of the park and the North 15 feet of Lot 1 is the current ingress and egress for the Park), (The retaining walls that are connected to the foundation are built in the Platted Ingress/Egress of the Park). The House being built 15 feet south not that unusual as in the 1960's there was no GPS and surveyors went off land marks, and if you use the Ingress/Egress as the starting point of your plan to build on Lot 19 you would be starting 15 feet south of where you should be and that is most likely why the foundation retaining walls were built in the platted ingress/egress or the association knew they changed the ingress egress so the home foot print would not affect it.)
3/4/1982	Association dedicated Lake and Parks to Village (the North 15 feet of Lot 1 where ingress and egress to park has been used and the rest of Lot 1 the West part of park as being used was not dedeed)
9/19/1986	Last Purchaser of House for Value (the last opportunity that any by seller/Buyer /Title Company would have had to review and correct problem if noticed)
3/31/2023	Village is dedeed Lot 1 (the North 15 Feet of Lot what has been used as ingress and egress to the park since the 40s and the rest of the West part of the park (property where current ingress and egress to the park is located and the West part of the park)
Present	Trying to clean up allow Owner of Lot 19 to have access to Garage without blocking access or causing damage to the Park and alleviate the Village of the responsibility to maintain Retaining walls attached to the foundation of the residence of Lot 19

4) Available options and 694-24 is the best option.

Option 4: Give access easement and sell them property that includes the retaining wall (red area of the map). We have shrunk that piece by 150 square feet.

Platted in 1942 creating the 3 lot situation; were private roads, private park and private lot—homeowners association. The original ingress/egress has never been used for access to the park. In 1952, roads were dedication to the Village; in 1963, house was built on lot 3 with retaining walls across ingress and egress and attached to the foundation. No GPS at the time; surveyors looked at plat and house was build 15 feet south of where it should have been. In 1982, association dedicated parks to Village; lot 1 wasn't part of it. In 2023 it was sorted out. Attorney McArdle: House construction and layout caused problem 61 years ago. We are trying to give house owner access to the property. If we blocked owner's access to garage, we would be in court. Option 2 would be reinstall original entrance/egress and take owner to court to remove the wall. Option 3: Give

easement to owner but only to drive across; however retaining wall encroaches and we would be responsible for maintenance and liable for any flooding.

Trustee Deasey: We own red and green portions; the red is what we are selling. Will we have access to get a truck through for the work? Response: Yes. Is the red area currently used by the Village? Response: No. Trustee Deasey: Enforcement of the green area to prevent parking and any other use. Mayor McLaughlin: The Village gave a permit prior for the owner to put a driveway on the property. Trustee Cermak: You can't stop someone from going in and out of their garage. Trustee Alers: If they park on the green area, will we lose access to the park? Response: They will be ticketed; the green area is over 35' wide and allows access. Trustee Pyne: Owner has been encroaching on our property for years; we need access to do the channel; he continues to park where no parking has been posted. There is a storm drain on our property there; if it collapses we are responsible. Trustee Cermak: We need to straighten this out now to avoid future problems; it has been a problem for 1963. Mayor McLaughlin: If he sells the house, the new owner will have a problem. Trustee Lewis: The problem needs to be fixed; if not this, another solution needs to be proposed. Trustee Deasey: He would become responsible for the 15'; we are not going to tear down the retaining wall.

Motion to authorize Mayor to sign Resolution 694-24 Authorizing the Sale of the 0 Fern Drive Surplus Property Owned by the Village of Island Lake for the amount of \$3,000 subject to the creation, attorney review, and approval of a Perpetual Easement Agreement for ingress/egress by the Village of Island Lake with line 5 to read "is no longer needed" by Trustee Cermak, Second by Trustee Lewis
Questions: Attorney McArdle pointed out the amount of work Trustee Lewis has put in to resolve this. Trustee Pyne: If Dean purchases, does he pay for the survey? Trustee Cermak: We added \$1,000 over the appraisal to cover this. Trustee Alers: Trusts the option Trustee Lewis (who is a real estate attorney) has proposed. Trustee Deasey: We must enforce what we pass.
Ayes: Trustees Alers, Cermak, Deasey and Lewis. Nays: Pyne. Motion carried.

Discussion Items: None

8. **Mayor Comments** included: School is out; be careful of children; congratulations to graduates; dispensary is open; disc golf is progressing; working on increasing donations to receive a higher match; speeding on Village streets is still a problem; working on another property donation in Walnut Glen (approximately 37 acres); we have raised \$10,000 to cover the Lake Fest bands. Asked Attorney McLaughlin if we can post pictures of people who speed? Response: As a warning, but not to be disrespectful. Mention Park'D for raising \$12,410.
9. **Trustee and Staff Comments** included:
Trustee Alers: Agreed about speeding issue; lots of small children in the neighborhood; it's often people from the neighborhood. Don't take sale of park property lightly; want to make sure we have access and doesn't infringe on our ability to do work. Camp Greenleaf sounds promising; praised new coordinator. Trustee Cermak: Thanked Trustee Lewis for the work on resolving the property issue; praised Public Works and Police Department. Trustee Deasey: Agrees about watching speed in the summer; important for people to realize small children are out and are blind corners with trees and other vegetation. Trustee Lewis: Thanked the Chief and officers for Cop on the Rooftop; thanked the Lions Club for putting out flags at Veterans and Water Tower Park; appreciate the cooperation; invites everyone out for Memorial Day Commemoration. Trustee Pyne: Met with Chief about stop signs; new one on Elder; how do stop signs get put up? Carp Fest and Kids Fishing Derby coming up; lot of people interested in Kids Fishing Derby; getting a banner made; we can create a system that banners can be slotted in and people will look for our events; talked to Director Carlsen and Chief Paulus about placement; initial investment about \$800; should arrive this week. Ordered signs for Lions kayak launch in 3 places; watching folks use Converse Park; looking toward the next phase; \$8,800 for mulch for Converse and Vista—play grade and safer; may be able to use grant money. Praised Public Works for the way they are caring for the parks; little for volunteers to do as a result; have had 2 lake treatments; the latest was Cutrine for algae at all beaches and the channel; need to do nutrient reduction on the channel; ILM said to leave beaver dams as they are good for nutrient reduction; ILM will be able to identify what's coming from upstream. Discussed floating pier ordinance; can we go forward with it.

Director Carlsen: Damage to pier at Eastway; Public Works repaired it. Treasurer Murray: Starting tomorrow Lake County tax receipts will come in; McHenry after that; should see difference in sales tax in August; budget is wrapping up; McMRMA (McHenry County Municipal Risk Management Association) had larger budget last year; we saved over \$100,000 due to less litigation. Official Adkins: New dentist office is getting ready to open; new parking lots for commercial areas have been issued; busily issuing permits; requests for "improvement" permits will increase. Attorney McArdle: Auburn/Newport property sold. Chief Paulus: Lake County 911 consolidation; some agencies may be pulling back and it will affect funding and our costs may go up; they would like commitment to participate as a founding member by May 30; concerns about funding method; ETSB is being created and participants have not yet have enough say in it. Attorney McArdle: Where are those who are pulling out going? Response: To Sheriff's department. Clerk Cooper: Add Committee Reports to the second meeting of the month when the first one is cancelled; the ordinance/resolution page on website has been reorganized for ease of reference.

Adjournment

Motion to adjourn by Trustee Cermak, Second by Trustee Pyne

All were in favor. Meeting adjourned at 8:10 p.m.

Submitted by Georgine Cooper