

**1) PLEDGE OF ALLEGIANCE AND CALL TO ORDER**

The regular meeting of the Board of Trustees of the Village of Deer Park was held on Monday, August 20, 2007 at Vehe Barn, 23570 W. Cuba Road, in the Village of Deer Park, in the counties of Lake and Cook, Illinois. President Gifford called the meeting to order at 7:00 p.m. Since no flag was present, Village officials and guests did not recite the Pledge of Allegiance.

**2) ROLL CALL AND DETERMINATION OF A QUORUM**

Upon roll call, the following were present: President Gifford, Trustees Plautz, Thrun, Pratscher, Rotter, Kizior and Kellermann. The following Village officials were absent: none. Other Village officials present were Administrator Connors, Clerk Meyle, Treasurer Stade, and Attorney Keller. President Gifford stated there is a quorum.

**3) APPROVAL OF AGENDA**

Trustee Kellermann requested that the agenda be amended as follows: move items 10B-i-a and 10B-i-b to item 6, the Vehe Farm Foundation Update; and move items 10B-ii-a and 10B-ii-b to item 8, the Village Engineer's Report.

MOTION: by Trustee Thrun to approve the agenda as amended. Upon voice vote: YES: (6) / NO: (0) / ABSENT: (0).  
Motion carried 6/0

**4) APPROVAL AND RELEASE OF MINUTES**

Attorney Keller advised the Board that the minutes for executive sessions should be discussed and considered in a closed meeting.

MOTION: by Trustee Thrun to approve and release the minutes from the Board of Trustees Regular Meeting held July 16, 2007. Upon voice vote: YES: (6) / NO: (0) / ABSENT: (0).  
Motion carried 6/0

**5) PUBLIC COMMENTS**

Geoffrey Anderson of 20615 Westpark Place addressed the Board regarding problems the residents of Deer Park Place have been having with the developer of their townhouse subdivision. The primary areas of concern Mr. Anderson addressed were as follows: curbs and gutters, landscaping, Long Grove Road improvements, and the detention pond.

Marla Kryska of 20555 Westpark Place addressed the Board regarding problems the residents of Deer Park Place have been having with the developer of their townhouse subdivision. The primary areas of concern Ms. Kryska addressed were as follows: the fire sprinkler rooms and the overall appearance of the townhouse units.

Al Barry of 412 Bramble Lane addressed the Board regarding traffic safety, requesting that the Board consider pursuing a reduction in the speed limit on Rand Road between Cuba and Lake Cook Roads. Mr. Barry stated that the Village of Palatine has a speed limit of 35mph on Rand Road and that the following benefits that would be achieved by the Village if a similar lower speed limit was established in Deer Park: safety of the Village residents; more visibility for the Village businesses that face Rand Road; and facilitation of speed limit enforcement for the Kildeer police.

Richard Chay of 408 Bramble Lane addressed the Board regarding the purchase of municipal accounting software and the surfacing of the Vehe facility parking lot.

Paul Kirk of 706 Hillcrest addressed the Board regarding drainage issues he and his neighbor are having on their adjacent properties on the north side of Hillcrest. Mr. Kirk is hopeful that the Board will approve the Lake Cook drainage project on the agenda as it may alleviate some of their problems.

Emil Cielak of 20580 Westpark Place addressed the Board regarding the problems he is having with his unit in the Deer Park Place subdivision.

**6) VEHE FARM FOUNDATION UPDATE**

Trustee Kellermann addressed Mr. Peterson regarding agenda item 10B-i-a, requesting clarification of the status of the communication Mr. Peterson has had with Individual Surety, Ltd, the bonding company for the previous general contractor (R. W. Clark) of the Vehe Farm project. Mr. Peterson confirmed that communication had been made to the bonding company regarding the termination of the R. W. Clark contract, but that no final amount had been determined with regard to how much the bonding company may need to reimburse the Village. Attorney Keller confirmed that he had a mail receipt confirming that Individual Surety, Ltd had received his communication notifying them that R. W. Clark had been terminated and he explained the process by which the Village may pursue obtaining reimbursement from the bonding company.

Village of Deer Park  
Regular Board of Trustees Meeting Minutes  
August 20, 2007

Trustee Kellermann addressed the Board regarding agenda item 10B-i-b, requesting clarification of R. W. Clark's final numbers in order to avoid duplicate payments being made for work already completed. Trustee Kellermann questioned a \$10,000 payment made to ACM Elevator. Mr. Peterson stated that ACM Elevator's financial numbers agree with the Village's financial numbers.

A) Approval of payments:	Dailey Electric	\$5,000.00	
	Pepper Construction	\$68,932.00	
	HPZS	\$2,260.45	
	<u>ACM Elevator</u>	<u>\$7,000.00</u>	subject to no objection by bonding company
	Total	\$83,192.45	

**MOTION:** by Trustee Thrun to approve the following payments, upon confirmation of the figures by Treasurer Stade, totaling \$83,192.45: Dailey Electric \$5,000.00, Pepper Construction \$68,932.00, HPZS \$2,260.45, and ACM Elevator \$7,000.00 subject to no objection by bonding company. Upon roll call: YES: (4) Kizior, Plautz, Pratscher, and Thrun / NO: (2) Kellermann and Rotter / ABSENT: (0). Motion carried 4/2

Mary Lahr of 201 Rue Touraine addressed the Board regarding clarification of the payment approved for Pepper Construction and the funding of the Vehe Farm project.

B) Pat Winkelman reported that John Wagner had submitted a written report on the Vehe Farm Natural Areas which was included in the agenda packet.

C) Vehe Foundation President, Pat Winkelman updated the Board regarding the following items as they pertain to the Vehe Foundation and the progress that is being made on the Vehe Barn:

- ◆ The ADA path has been installed in the butterfly garden - Country Bumpkin of Mundelein installed the path by hand and they donated the cost differential between doing the work by hand rather than by machine; without the continued support of the Little Garden Club of Barrington, the ADA path would not have been possible; the butterflies during July were quite numerous and many varieties were seen.
- ◆ The water level in the wetlands is high. The water clarity is poor. Once the rain stops, the water clarity will improve.
- ◆ The prairie is looking beautiful; the CFC continues to donate herbicides to keep the invasive plants under control. One of the herbicides that has been used is \$300/quart. One pint has been used. Volunteers continue to work on Saturday's from 12-2pm removing invasive plants from the grounds.
- ◆ The Foundation continues to consider options for funding the purchase and installation of a windmill. The Foundation sees this project as one that should be paid for through private donations, not public dollars. An anonymous donor has offered the Foundation a dollar for dollar matching arrangement. The Foundation estimates that the purchase and installation of a windmill with a maximum height of 40-feet will be \$6,000.
- ◆ Health World's camps have concluded. All involved enjoyed the venues provided at Vehe Farm. Health World will attend the September Village meeting to give the village an overview of the camps.

## **7) VILLAGE 50<sup>TH</sup> ANNIVERSARY CELEBRATION REPORT**

Mary Lahr of 201 Rue Touraine addressed the Board regarding where the funds were coming from to cover the costs of the 50<sup>th</sup> Anniversary Celebration since only \$1,000 was budgeted.

Trustee Pratscher reported that she had a very good response to the letter she sent to the Deer Park businesses requesting donations for the 50<sup>th</sup> Anniversary and that she has received approximately \$5,100 in donations so far.

A discussion ensued regarding the consideration of offering a commemorative medallion for sale at the celebration. The consensus of the Board was not to offer a commemorative item at the Village's expense.

- A) Approval of Patch 22 Animal Exhibitor Contract for the amount not to \$1,500.
- B) Approval of honorariums for entertainment and exhibits not to exceed \$2,500.
- C) Consideration of a 50<sup>th</sup> Anniversary commemorative medallion for an amount not to exceed \$1,000.

**MOTION:** by Trustee Pratscher to approve payment for the following 50<sup>th</sup> Anniversary Celebration expenses: Patch 22 Animal Exhibitor Contract not to exceed \$1,500, and honorariums for various entertainers and exhibits not to exceed \$2,500. Upon roll call: YES: (6) Kellermann, Pratscher, Thrun, Rotter, Kizior, and Plautz / NO: (0) / ABSENT: (0).

Motion carried 6/0

## **8) VILLAGE ENGINEER'S REPORT AND RECOMMENDATIONS**

Administrator Connors presented the engineer's report and recommendations in Engineer Gordon's absence.

A) Administrator Connors reported that Gewalt Hamilton recommended approval of payment to Neri Brothers Construction in the amount of \$97,417.58. Administrator Connors reported that work on the project was progressing in spite of the rain and that this pay request primarily covers the underground improvements for Phase One and Phase Two of the Ferndale Wood Subdivision Drainage Project included in the 2007 Drainage Program.

MOTION: by Trustee Kellermann to approve payment to Neri Brothers Construction in the amount of \$97,417.58 for the Ferndale Wood Subdivision Drainage Project. Upon roll call: YES: (6) Kellermann, Pratscher, Thrun, Rotter, Kizior, and Plautz / NO: (0) / ABSENT: (0). Motion carried 6/0

B) President Gifford reported that Gewalt Hamilton had recommended payment to Applied Ecological Services in the amount of \$569.37 for wetland consulting and permitting services provided for the Deer Park Town Center playfields.

MOTION: by Trustee Thrun to approve payment to Applied Ecological Services in the amount of \$569.37 for wetland consulting and permitting services provided for the Deer Park Town Center playfields. Upon roll call: YES: (6) Kellermann, Pratscher, Thrun, Rotter, Kizior, and Plautz / NO: (0) / ABSENT: (0). Motion carried 6/0

C) President Gifford reported that Gewalt Hamilton had recommended payment to Applied Ecological Services in the amount of \$727.92 for the monitoring of mitigation effort services of the Swansway wetland mitigation.

MOTION: by Trustee Kizior to approve payment to Applied Ecological Services in the amount of \$727.92 for the monitoring of mitigation effort services of the Swansway wetland mitigation. Upon roll call: YES: (6) Kellermann, Pratscher, Thrun, Rotter, Kizior, and Plautz / NO: (0) / ABSENT: (0). Motion carried 6/0

D) Administrator Connors reported that Praedium Development's payments and fees due the Village are up to date and that Gewalt Hamilton recommends that the current performance guarantee for the Deer Park Town Center Promenade development may be reduced by \$377,462.50 so that the new letter of credit amount is \$254,075.00

MOTION: by Trustee Thrun to approve the reduction of the Praedium Development letter of credit for the Deer Park Town Center Promenade development by \$377,462.50 so that the new letter of credit amount is \$254,075.00. Upon roll call: YES: (6) Kellermann, Pratscher, Thrun, Rotter, Kizior, and Plautz / NO: (0) / ABSENT: (0). Motion carried 6/0

E) President Gifford reported that Gewalt Hamilton has recommended that the award of the Lake Cook Road Drain Tile Bypass Project be made to Berger Excavating of Wauconda, Illinois in the amount of \$125,630.00

MOTION: by Trustee Plautz to award the Lake Cook Road Drain Tile Bypass Project contract to Berger Excavating in the amount of \$125,630.00 with the funding for the project to come out of the Special Service Area Project Fund. Upon roll call: YES: (6) Kellermann, Pratscher, Thrun, Rotter, Kizior, and Plautz / NO: (0) / ABSENT: (0). Motion carried 6/0

Trustee Kellermann addressed the Board regarding agenda items 10B-ii a & b. Trustee Kellermann reported on the Pilot Resident Drainage Program stating that the problems he has seen are long-standing; that it is difficult to determine whether responsibility for the problem is the property owner's or the Village's; and that the problems he has seen so far would be best addressed when the Road Program proceeds because drain tile may need to be installed under the road. Trustee Kellermann addressed the possibility of increasing the Village sales tax rate to generate funds to be used for road and drainage improvements.

#### **9) VILLAGE ATTORNEY'S REPORT AND RECOMMENDATIONS**

A) Attorney Keller reported that he had completed the review of the accessory building regulations in the Zoning Code as the Board had directed, that he had hoped to provide the Board with recommendations, but that he had concluded that there is not an easy fix to the problem. Attorney Keller explained that the current Zoning Code's definition of an accessory building imposes "one size fits all" regulations with a 10' X 12' size limit, and it is not clear whether all subordinate structures should be treated as accessory buildings. Attorney Keller recommended a comprehensive revision of the accessory building regulations and that the Board refer the matter to the Zoning Board of Appeals and the Plan Commission for discussion and consideration.

MOTION: by Trustee Rotter to refer the review and revision of the Zoning Code's accessory building regulations to the Zoning Board of Appeals and the Plan Commission with the understanding that the Village Attorney will provide samples of accessory building regulations from surrounding communities that are similar to Deer Park. Upon voice vote: YES: (6) / NO: (0) / ABSENT: (0). Motion carried 6/0

B) Attorney Keller recommended that the Board consider approving an ordinance he had prepared establishing a zoning moratorium on accessory buildings and uses which stipulates that permits for the construction of all accessory buildings and uses will not be issued for a period of ninety days while the Plan Commission, the Zoning Board of Appeals, and the Board consider amending this section of the Village Code.

Trustee Pratscher suggested that the ordinance be amended to allow permits to be issued for accessory buildings and uses that do not involve a request for a variance.

MOTION: by Trustee Rotter to approve the ordinance establishing a zoning moratorium on accessory buildings and uses. Upon roll call: YES: (4) Kellermann, Rotter, Kizior, and Plautz / NO: (2) Pratscher and Thrun, / ABSENT: (0).  
Motion carried 4/2

## **10) REPORTS FROM THE PRESIDENT, TRUSTEES, AND ADMINISTRATOR**

### **A) President Gifford:**

i) President Gifford thanked Trustee Pratscher for the work she and her committee have done to plan and organize the Village's 50<sup>th</sup> Anniversary Celebration. He also thanked Pat Winkelman and the other volunteers from the Vehe Foundation who facilitated Health World's use of the Vehe facility this summer.

ii) President Gifford explained that the Tobacco Outlet at 20434 B Rand Road currently has a Class II Liquor License which permits them to sell beer and wine for offsite consumption and that the Tobacco Outlet has requested a Class III Liquor License so that it can sell hard liquor for offsite consumption as well.

MOTION: by Trustee Pratscher to prepare an ordinance for a Class III Liquor License to be issued to the Tobacco Outlet at 20434 B, Rand Road. Upon voice vote: YES: (6) / NO: (0) / ABSENT: (0). Motion carried 6/0

iii) President Gifford explained that DJ Ventures Inc., the owners of Moe's Southwest Grill in the in Deer Park Town Center Promenade, has requested a Class II Liquor License to sell beer and wine for onsite consumption.

MOTION: by Trustee Pratscher to prepare an ordinance for a Class II Liquor License to be issued to DJ Ventures Inc., the owners of Moe's Southwest Grill in the in Deer Park Town Center Promenade. Upon voice vote: YES: (6) / NO: (0) / ABSENT: (0). Motion carried 6/0

**B) Trustee Kellermann – Roads and Public Utilities:** - Addressed in the Vehe Update and the Engineer's Report.

### **C) Trustee Kizior – Finance:**

- i) Civic Systems computer software and conversion services proposal
- ii) Locis computer software and service proposal

Trustee Kizior reported that he had received two additional proposals for municipal software; one from Civic Systems and one from Locis Service. He explained that Treasurer Stade will be checking the references of these two companies and that they would be presenting a spreadsheet comparison of the three packages being considered at the next Board meeting.

iii) Trustee Kizior and Treasurer Stade presented year-to-date analysis of the entertainment tax, interest income, contribution expenses, dues and insurance expenses, and mosquito abatement expenses in the form of bar charts.

**D) Trustee Plautz – Health and Sanitation:** - no report.

**E) Trustee Pratscher – Planning and Zoning:** - no report.

### **F) Trustee Rotter – Parks and Recreation:**

i) Trustee Rotter reported the results of the Village Park Survey and requested input from the Board with regard to future investments in park and recreational amenities.

ii) Trustee Rotter reported that he will be investigating some water management issues that have been brought to his attention regarding the possibility of some unauthorized damming of Village waterways that may be causing stagnant water.

iii) Trustee Rotter reported that he is looking into an alternative to traditional mulch for the Village's parks and playground areas. The alternative mulch is made of shredded recycled tires and is currently being used in Barrington's Citizen's Park.

**G) Trustee Thrun – Public Safety:**

Trustee Thrun reported that the Village's contract with the Kildeer Police will expire in April of 2008 and that, in addition to considering continuing with Kildeer, there is another police department in the area that is interested in providing police service for Deer Park.

**H) Administrator Connors:**

- i) Administrator Connors reported that the agenda packet includes the Illinois Municipal League Risk Management Association's semiannual activity report.
- ii) Administrator Connors introduced Masha Crenshaw to the Board as the recently hired Vehe Barn Event Coordinator. Ms. Crenshaw presented a marketing plan to the Board that she had developed for the Vehe facility.
- iii) Administrator Connors reported that the Plan Commission meeting September 10, 2007.
- iv) Administrator Connors reported that Clarke Mosquito Control will be doing one more adulticiding this year.

**11) APPROVAL OF INVESTMENT FUND REPORT FOR JULY 2007:**

MOTION: by Trustee Kizior to approve the Investment Fund Report for July 30, 2007 in the amount of \$2,276,368.94. Upon voice vote: YES: (6) / NO: (0) / ABSENT: (0). Motion carried 6/0

**12) CASH DISBURSEMENTS:**

MOTION: by Trustee Kizior to approve cash disbursements for month July 17, 2007 to August 20, 2007 in the amount of \$430,650.35. Upon roll call: YES: (5) Pratscher, Thrun, Plautz, Kellermann, Rotter, and Kizior / NO: (1) Kellermann / ABSENT: (0). Motion carried 5/1

**13) EXECUTIVE SESSION TO DISCUSS COMPENSATION OF EMPLOYEES:**

MOTION: by Trustee Kizior to close the regular Board of Trustees meeting for the purpose of going into an Executive Session to discuss the compensation of Village employees. Upon roll call: YES: (6) Pratscher, Thrun, Plautz, Kellermann, Rotter, and Kizior / NO: (0) / ABSENT: (0). Motion carried 6/0

The regular Board of Trustees Meeting was closed at 10:05p.m.

MOTION: by Trustee Rotter to reopen the regular Board of Trustees meeting. Upon a voice vote: YES: (6) / NO: (0) / ABSENT: (0). Motion carried 6/0

The regular Board of Trustees Meeting was reopened at 10:35p.m.

MOTION: by Trustee Thrun to approve and release the Executive Session meeting minutes for March 27, 2007 and June 18, 2007. Upon voice vote: YES: (6) / NO: (0) / ABSENT: (0). Motion carried: 6/0

MOTION: by Trustee Kizior to approve the employment agreement for Administrator Connors as discussed in the Executive Session. Upon roll call: YES: (6) Kizior, Plautz, Pratscher, Thrun, and Kellermann / NO: (0) / ABSENT: (0). Motion carried: 6/0

**14) KILDEER POLICE REPORT – JULY 2007:**

No report was given, but materials were provided in the meeting packets regarding STEP locations, citations by location, comparison of arrests, and comparison of activity.

**15) ADJOURNMENT:**

MOTION: by Trustee Rotter to adjourn. Upon voice vote: YES: (6) / NO: (0) / ABSENT: (0). Motion carried 6/0

The Regular Board of Trustees Meeting was adjourned at 10:40p.m.

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H. Scott Gifford, Village President

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Susan Meyle, Village Clerk