

Village of Deer Park
Regular Board of Trustees Meeting Minutes
April 16, 2007

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, April 16, 2007 at Charles Quentin Elementary, 21250 W. Shirley Road, Palatine, in the Village of Deer Park, in the counties of Lake and Cook, Illinois. President Gifford called the meeting to order at 7:06 p.m. Village officials and guests recited the Pledge of Allegiance.

2) ROLL CALL AND DETERMINATION OF A QUORUM

Upon roll call, the following were present: President Gifford, Trustees Plautz, Kizior, Rotter, Thrun, and Ekstrom. The following Village officials were absent: Trustee Dowell. Other Village officials present were Administrator Connors, Clerk Meyle, Treasurer Stade, Attorney Keller, and Plan Commission Chairman David Heidtke. Also present was Erin Cigliano of Teska and Associates and Sanjed Misra of Atira Hotels. President Gifford stated there is a quorum.

3) APPROVAL OF AGENDA

President Gifford changed item 11(F(i)) to item 8(B).

MOTION: by Trustee Rotter to approve agenda as amended. Upon voice vote: YES: (5) / NO: (0) / ABSENT: (1)
Motion carried 5/0

4) APPROVAL AND RELEASE OF MINUTES

MOTION: by Trustee Thrun to approve and release the minutes from the Board of Trustees regular meeting held March 19, 2007. Upon voice vote: YES: (5) / NO: (0) / ABSENT: (1)
Motion carried 5/0

5) PUBLIC COMMENTS

Al Barry of 412 Bramble Lane addressed the Board regarding the Deer Park Neighbors website that is up and running. Mr. Barry stated that the Deer Park Neighbors would like to volunteer to help market the Vehe Farm.

6) VEHE FARM FOUNDATION

A) Approval of payments:	R & W Clark and Dailey Electric	\$10,000.
	R & W Clark and Oakbrook Mechanical	\$7,000.
	R & W Clark and Jensen Plumbing	\$4,000.
	R & W Clark and C.B. Paving	\$3,000.

Trustee Rotter asked how the report submitted to the Board relates to the retainer. Attorney Keller read Article 4 of the Vehe Barn contract as it relates to the retainer and explained that payment applications are subject to retention equal to 10% of the quantity of the work invoiced up to a maximum aggregate amount up to 5% of the total contract amount.

Trustee Rotter asked the Board not to spend less than \$57,411 in order to maintain the 5% aggregate retainer amount.

Attorney Keller clarified that since these payments are being made to subcontractors, they are not subject to the 80/20 split ordered in the Roland Machinery Turnover and Installment Payment Order.

MOTION: by Trustee Kizior to authorize payment to R & W Clark and Dailey Electric in the amount of \$10,000; R & W Clark and Oakbrook Mechanical in the amount of \$7,000; R & W Clark and Jensen Plumbing in the amount of \$4,000; and R & W Clark and C.B. Paving in the amount of \$3,000. Upon roll call: YES: (5) Ekstrom, Kizior, Thrun, Plautz, Rotter / NO: (0) / ABSENT: (1) Dowell
Motion carried 5/0

B) Approval of additional payment to Pentegra in the amount of \$3,150

Pat Winkelman explained that Pentegra Systems is requesting a payment of \$3,150 to cover holding and storing the audio visual equipment the Vehe Farm purchased (order # 14213-1). The balance of the purchase (\$481.30) is to be paid upon installation.

MOTION: by Trustee Ekstrom to authorize payment to Pentegra Systems in the amount of \$3,150. Upon roll call: YES: (5) Ekstrom, Kizior, Thrun, Plautz, Rotter / NO: (0) / ABSENT: (1)
Motion carried 5/0

C) Foundation Update

Pat Winkelman reported the progress that has taken place on the Barn property with regard to caring for and clearing the grounds; booking events; completing development of marketing brochures; and planning the Village's 50th Anniversary Celebration.

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7) PLAN COMMISSION

Ordinance amending a special use for a Planned Unit Development (Hamilton/Forsythe Deer Park II LLC/Atira Hotels LLC)

Plan Commission Chairman Heidtke and Ms. Cigliano of Teska & Associates reported that all requests of the Plan Commission and Teska & Associates have been fulfilled by Atira Hotels.

MOTION: by Trustee Thrun to approve the ordinance amending a special use for a planned development pursuant to the Village of Deer Park planned development ordinance.

A discussion ensued as Mr. Misra of Atira Hotels presented the changes to Ordinance 99-26 that are being requested:

- 1) Site Plan – To incorporate the Master Site Plan as revised April 6, 2007.
- 2) Uses - To permit a hotel use of the site, rather than an office building use.
- 3) Building Height - To permit a four story hotel, rather than a three story office building.
- 4) Lighting - To permit the photometric plan as submitted, rather than the original lighting standards set.
- 5) Landscape Plan - To permit the landscape plan as submitted.
- 6) Signage - To permit the hotel to install two façade signs above the first floor on the east and west elevations and to allow monument signs as shown on the Site Plan.

Upon roll call: YES: (5) Kizior, Thrun, Plautz, Rotter, Ekstrom / NO: (0) / ABSENT: (1) Dowell. Motion carried 5/0

8) ZONING BOARD OF APPEALS

A) Ordinance granting a zoning variation (23633 Hearthside Drive- construction of shed)

Mr. Vavra addressed the Board regarding the variance he has requested to build a shed in his side yard that is 10 X 16 rather than 10 X 12 feet. This variance was approved by the Zoning Board of Appeals on March 12, 2007.

Trustee Rotter pointed out that the Code states that a shed placed in the side yard must be placed behind the rear wall of the house. The placement of the shed being considered is not behind the rear wall of the house.

President Gifford requested an explanation of the hardship of the petitioner. Mr. Vavra explained that he moved from a larger home into a smaller home and doesn't have enough room in his garage to store his yard equipment, lawn furniture, and cars. Mrs. Vavra explained that their daughter was in a near fatal car accident and is now living with them. Her belongings and car are being stored in their garage while she recovers. Trustee Rotter explained that, although their situation is unfortunate, their situation is an inconvenience rather than a hardship.

Trustee Rotter explained that there are two problems with approving the variance: (1) the shed would be in the side yard and (2) the shed would be larger than allowed by code. A discussion ensued with regard to where a shed could be placed on the property because the Vavra's have a corner lot and they have to work around the well, septic, setbacks, windows, basement window wells, and mature trees.

MOTION: by Trustee Rotter to approve the ordinance granting a zoning variation to permit the construction of a 10' X 16' shed rather than the permitted 10' X 12' shed, in the side yard of 23633 Hearthside Drive. Upon roll call: YES: (0) / NO: (5) Thrun, Plautz, Rotter, Ekstrom, Kizior / ABSENT: (1) Dowell Motion failed 0/5

MOTION: by Trustee Ekstrom to amend the proposed ordinance granting a zoning variation to permit the construction of a 10' X 12' shed, in the side yard of 23633 Hearthside Drive. Upon roll call: YES: (1) Ekstrom / NO: (4) Thrun, Plautz, Rotter, Kizior / ABSENT: (1) Dowell Motion failed 1/4

Trustee Rotter offered to work with the Vavra's, if invited, to figure out where a shed could be placed on their property.

MOTION: by Trustee Ekstrom to reconsider amending the ordinance granting a zoning variation to permit the construction of a 10' X 12' shed, in the side yard of 23633 Hearthside Drive. Upon voice vote: YES: (5) / NO: (0) / ABSENT: (1) Motion carried 5/0

MOTION: by Trustee Ekstrom to table the amended ordinance granting a zoning variation to permit the construction of a 10' X 12' shed, in the side yard of 23633 Hearthside Drive until after Trustee Rotter looks at the property to determine where a shed could be placed. Upon voice vote: YES: (5) / NO: (0) / ABSENT: (1) Motion carried 5/0

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B) Report on ZBA hearing for 20877 Wildrose Drive Variation Request (pool house)
President Gifford allowed public comments with regard to this variation request.

Mr. Wheeler of 20866 Laurel Drive; Mr. Borchardt of 20888 Laurel Drive; and Mr. Fallen of 20933 Laurel Drive each addressed the Board regarding his opposition to the approval of the pool house variation.

President Gifford confirmed that the petitioner is not present.

MOTION: Trustee Thrun to direct the Village Attorney to prepare an ordinance granting the pool house variation at 20877 Wildrose Drive. Upon roll call: YES: (0) / NO: (5) Thrun, Plautz, Rotter, Kizior, Ekstrom / ABSENT: (1) Dowell.
Motion failed 0/5

9) VILLAGE ENGINEER'S REPORT- Trustee Ekstrom gave Engineer Gordon's report in his absence.
Trustee Ekstrom reported to the Board that there is a section of pavement on Deer Path Road that is breaking apart due to inadequate drainage and is in need of repair. Engineer Gordon is requesting authorization from the Board to secure the necessary easements, secure a bid, complete interim patching, and proceed with the proposed drainage improvements on Deer Path Road. Engineer Gordon estimates the cost of this work to be \$17,000 (\$10,000 for the drainage/storm sewer improvements and \$7,000 for the pavement restoration).

MOTION: by Trustee Ekstrom to approve the Village Engineer's recommendation for the Deer Path Road in the amount of \$17,000 to go out for bid as well as to get the necessary easements. Upon roll call: YES: (5) Plautz, Rotter, Ekstrom, Kizior, Thrun / NO: (0) / ABSENT: (1) Dowell.
Motion carried 5/0

10) VILLAGE ATTORNEY'S REPORT

Attorney Keller reported that the approval of the Hampton Inn creates the opportunity to establish a new source of revenue for the Village via a hotel tax. The Illinois Municipal Code permits the Village to impose a tax on those operating a hotel. This tax is limited to 5% of the gross room rental rate of the hotel. Hotel tax monies must be used by the Village to attract nonresident overnight visitors to the Village and cannot be put in the Village's general fund. Attorney Keller is requesting authorization to prepare the ordinance establishing a hotel tax in the Village.

MOTION: by Trustee Rotter to authorize the Village Attorney to prepare an ordinance establishing the 5% hotel tax in the Village. Upon voice vote: YES: (5) / NO: / (0) / ABSENT: (1).
Motion carried 5/0

11) Reports from President, Trustees and Administrator:

A) President Gifford:

- i) General information - none
- ii) Request for Class IV Liquor License from Cosi, Inc. located at 21720 W. Long Grove Road

Trustee Rotter stated that he is concerned about issuing a liquor license to this restaurant because he doesn't feel confident that alcohol consumption can be adequately monitored by the restaurant staff. Trustee Rotter explained that cups for sharing beverages are readily available and the restaurant staff behind the counter does not have a line of site of the entire restaurant. Trustee Kizior brought to the attention of the Board that Noodles and Go Roma have similar setups in their restaurants.

MOTION: by Trustee Thrun to instruct the Village Attorney to draft an ordinance to create a class IV Liquor License for Cosi, Inc. Upon voice vote: YES: (3) / NO: (2) / ABSENT: (1).
Motion carried 3/2

- iii) Request from Village of Barrington for \$5,547.40 for 2006 DARE Program

MOTION: by Trustee Plautz, as amended by Trustee Rotter, to table the approval of the request from the Village of Barrington for \$5,547.40 for the 2006 DARE Program until next month so that the Village Administrator can discuss the program with Village of Barrington officials to communicate with them that the Board is concerned about the effectiveness of the program and is not interested in participating in the program any longer. Upon voice vote: YES: (5) / NO: (0) / ABSENT: (1).
Motion carried 5/0

B) Trustee Dowell – Finance: - Treasurer Stade gave Trustee Dowell's report in his absence.

- i) Treasurer Stade reviewed the Vehe Farm Construction Analysis, Vehe Farm Foundation Expense Analysis, Vehe Farm Expense Analysis, and the Village Office Expense Analysis with the board.

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ii) Approval of Supplemental Appropriation Ordinance for Year End April 30, 2007

MOTION: by Trustee Thrun to approve the Supplemental Appropriation Ordinance for the fiscal year beginning May 1, 2006 and ending April 30, 2007. Upon roll call: YES: (5) Ekstrom, Kizior, Thrun, Plautz, Rotter / NO: (0) / ABSENT: (1) Dowell Motion carried 5/0

iii) Approval of FY2007/2008 Budget

MOTION: by Trustee Ekstrom to approve the annual budget for the fiscal year May 1, 2007 – April 30, 2008 per the March 27, 2007 budget workshop. Upon roll call: YES: (5) Kizior, Thrun, Plautz, Rotter, Ekstrom / NO: (0) / ABSENT: (1) Dowell. Motion carried 5/0

iv) Approval of Sewer Budget for Year End April 30, 2008

MOTION: by Trustee Rotter to approve Sewer Budget for fiscal year May 1, 2007 - April 30, 2008. Upon roll call: YES: (5) Thrun, Plautz, Rotter, Ekstrom, Kizior / NO: (0) / ABSENT: (1) Dowell. Motion carried 5/0

v) Approval of resolution to dissolve the Traffic Fines and Road & Bridge Funds

MOTION: by Trustee Thrun to approve the resolution dissolving the Traffic Fines Fund and the Road and Bridge Fund. Upon voice vote: YES: (5) / NO: (0) / ABSENT: (1). Motion carried 5/0

C) Trustee Ekstrom – Roads & Public Utilities:

Trustee Ekstrom reported that she and Engineer Gordon are proposing that the road program become a road repair program since there is not enough money in the budget for a road program.

D) Trustee Plautz – Health & Sanitation: no report

E) Trustee Kizior—Parks & Recreation:

- i) Squires Subdivision reimbursement for \$732.50
- ii) Dover Pond subdivision reimbursement for \$749.24

MOTION: by Trustee Kizior to approve the Squires Homeowners Association reimbursement for \$732.50 and to approve the Dover Pond Homeowners Association reimbursement for \$749.24. Upon roll call: YES: (5) Rotter, Ekstrom, Kizior, Thrun, Plautz / NO: (0) / ABSENT: (1) Dowell. Motion carried 5/0

- iii) Grass planting in Charlie Brown Park not to exceed \$1,000 – item not to be addressed per Trustee Kizior.

F) Trustee Rotter – Planning & Zoning:

- i) Report on ZBA hearing for 20877 Wildrose Drive Variation Request (pool house) - addressed above 8(B).
- ii) Report and recommendation regarding driveway heights at roadway.
Bill Holmes has requested that the Village require residents installing driveways for new construction and replacing old driveways install their driveways level with the street so that they will not be damaged by snow plows.

MOTION: by Trustee Rotter to instruct the Village Attorney to prepare an ordinance regarding the installation of driveways specifically requiring the height of all new construction driveways and replacement driveways be level with the street. Upon voice vote: YES: (5) / NO: (0) / ABSENT: (1). Motion carried 5/0

- iii) Report and recommendation on review of zoning code regarding accessory structures and consideration of a moratorium for variance requests.

MOTION: by Trustee Rotter to place a moratorium on the review and approval of variances for sheds and accessory buildings for three months while the Village Attorney, Village Board, and the Zoning Board review the standards and definitions of such buildings. Upon voice vote: YES: (5) / NO: (0) / ABSENT: (1). Motion carried 5/0

G) Trustee Thrun – Public Safety:

H) Administrator Connors - Reports

- i) Cost proposal from Ela Township for removal of tree at 23 Circle Drive for \$1,500 – Administrator Connors will address this issue next month.

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ii) Review of Business Registration Fee

MOTION: by Trustee Ekstrom to authorize the Village Attorney to prepare the amendment of the ordinance regarding the Village's Business Registration Fee increasing it to \$125. Upon voice vote: YES: (5) / NO: (0) / ABSENT: (1). Motion carried 5/0

iii) Review of Building Permit Fee Schedule

MOTION: by Trustee Ekstrom to authorize the Village Attorney to prepare the amendment of the ordinance regarding the Village's Building Fees to increase and change those fees according to the recommendations submitted by Inspector Holmes and Administrator Connors. Upon voice vote: YES: (5) / NO: (0) / ABSENT: (1). Motion carried 5/0

Administrator Connors reported that he had come to an agreement with the External Affairs Manager of ComEd to provide free electricity to the Vehe Barn.

Administrator Connors brought to the attention of the Board a Sales Tax Analysis comparing sales tax revenue from February, March, and April of 2006 with those of the same months in 2007. There is was a 23% increase in sales tax revenues for 2007 in the amount of \$79,376.75.

12) INVESTMENT FUND REPORT

MOTION: by Trustee Thrun to approve the Investment Fund Report for March 31, 2007 in the amount of \$2,078,725.00. Upon voice vote: YES: (5) / NO: (0) / ABSENT: (1). Motion carried 5/0

13) CASH DISBURSEMENTS

MOTION: by Trustee Ekstrom to approve cash disbursements for month March 20, 2007 to April 16, 2007 in the amount of \$321,405.98. Upon roll call: YES: (5) Thrun, Plautz, Rotter, Ekstrom, Kizior / NO: (0) / ABSENT: (1). Motion carried 5/0

14) KILDEER POLICE REPORT – MARCH 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 Ekstrom to adjourn. Upon a voice vote: YES: (5) / NO: (0) / ABSENT: (1). Motion carried 5/0

The Regular Board of Trustees Meeting was adjourned at 9:58p.m.

H. Scott Gifford, Village President

Susan Meyle, Village Clerk