

Village of Deer Park
Regular Board of Trustees Meeting Minutes
March 17, 2008

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, March 17, 2008 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 7:00pm. 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, Kellermann, Rotter, and Thrun. The following Village officials were absent: Trustees Pratscher and Kizior. Other Village officials present were Treasurer Stade, Administrator Connors, Clerk Meyle, Police Chief Lilly, and Attorney Keller. President Gifford stated there is a quorum.

3) APPROVAL OF AGENDA

MOTION: by Trustee Thrun to approve the agenda. Upon voice vote: YES: (4) / NO: (0) / ABSENT: (2).

Motion carried 4/0

4) APPROVAL AND RELEASE OF MINUTES

MOTION: by Trustee Thrun to approve and release the minutes from the Board of Trustees Regular Meeting held February 19, 2008. Upon voice vote: YES: (4) / NO: (0) / ABSENT: (2).

Motion carried 4/0

5) PUBLIC COMMENTS

Richard Chay of 408 Bramble Lane addressed the Board regarding freedom of speech as it pertains to the statement included at the top of the public comment sign-in sheet.

Deborah Barry of 412 Bramble Lane addressed the Board regarding Deer Park Place and the Vehe budget.

John Lahr of 201 Rue Touraine addressed the Board regarding the SWALCO surcharge.

Mary Lahr of 201 Rue Touraine addressed the Board regarding the flooding and the Village's hiring procedures.

Mike Timlin of 17 Wehrheim addressed the Board regarding follow-up on his January 28, 2008 drainage complaint and the Village's investments.

6) VEHE FARM

A. Pat Winkelman provided a written monthly report regarding the Vehe Foundation's activities and accounting.

B. Approval of payment to Dailey Electric for \$33,005.70

Trustee Kellermann provided a summary analysis of the Dailey Electric documentation he received from Jim Peterson. Trustee Kellermann stated that he is concerned that required documentation has not been received for the Dailey pay request and that the work may already have been paid for through R.W. Clark as Dailey Electric was a subcontractor for R.W. Clark.

MOTION: by Trustee Thrun to approve the payment to Dailey Electric in the amount of \$33,005.70 contingent upon the receipt of all required back-up and waiver documentation. Upon roll call: YES: (3) Plautz, Thrun, and Gifford / NO: (2) Kellermann and Rotter / ABSENT: (2) Kizior and Pratscher.

Motion carried 3/2

C. Approval of payment to Pepper Construction Company for \$9,554.00

MOTION: by Trustee Thrun to approve the payment to Pepper Construction in the amount of \$9,554.00 contingent upon the receipt of all required back-up and waiver documentation. Upon roll call: YES: (3) Plautz, Thrun, and Gifford / NO: (2) Kellermann and Rotter / ABSENT: (2) Kizior and Pratscher.

Motion carried 3/2

D. Approval of payment to Jensen Plumbing for \$5,918.60 and \$1,795.19

MOTION: by Trustee Thrun to approve the payment to Jensen Plumbing in the amount of \$5,918.60 contingent upon the receipt of all required back-up and waiver documentation. Upon roll call: YES: (3) Plautz, Thrun, and Gifford / NO: (2) Kellermann and Rotter / ABSENT: (2) Kizior and Pratscher.

Motion carried 3/2

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MOTION: by Trustee Thrun to approve the payment to Jensen Plumbing in the amount of \$1,795.19 contingent upon the receipt of all required back-up and waiver documentation. Upon roll call: YES: (3) Plautz, Thrun, and Rotter / NO: (1) Kellermann / ABSENT: (2) Kizior and Pratscher. Motion carried 3/1

E. Approval of payment to Oakbrook Mechanical Services, Inc. for \$2,000.20

MOTION: by Trustee Thrun to approve the payment to Oakbrook Mechanical in the amount of \$2,000.20 contingent upon the receipt of all required back-up and waiver documentation. Upon roll call: YES: (3) Plautz, Thrun, and Gifford / NO: (2) Kellermann and Rotter / ABSENT: (2) Kizior and Pratscher. Motion carried 3/2

Trustee Rotter requested clarification from Attorney Keller with regard to whether or not trustees who sit as members on the Vehe Foundation should vote as Board members upon entering into an agreement with the Vehe Foundation. Attorney Keller stated that he would provide Trustee Rotter with a written legal opinion covering voting and indemnification as they pertain to the Vehe Foundation agreement.

7) VILLAGE ENGINEER – REPORT AND RECOMMENDATIONS

A. Approval of the Ordinance Approving the 2008 Zoning Map

MOTION: by Trustee Thrun to approve the Ordinance Approving the 2008 Zoning Map. Upon roll call: YES: (4) Thrun, Kellermann, Plautz, and Rotter / NO: (0) / ABSENT: (2) Kizior and Pratscher. Motion carried 4/0

B. Approval of payment to Applied Ecological Services Inc. for \$573.75

MOTION: by Trustee Thrun to approve payment to Applied Ecological Services, Inc. in the amount of \$573.75 for Playfield Consulting and Permitting Services. Upon roll call: YES: (4) Thrun, Kellermann, Plautz, and Rotter / NO: (0) / ABSENT: (2) Kizior and Pratscher. Motion carried 4/0

8) VILLAGE ATTORNEY – REPORT AND RECOMMENDATIONS

A. Attorney Keller presented the Second Amended Intergovernmental Agreement between the Village of Kildeer and the Village of Deer Park for the Provision of Police Services for the Board to consideration.

MOTION: by Trustee Thrun to approve the Second Amended Intergovernmental Agreement between the Village of Kildeer and the Village of Deer Park for the Provision of Police Services. Upon roll call: YES: (4) Thrun, Kellermann, Plautz, and Rotter / NO: (0) / ABSENT: (2) Kizior and Pratscher. Motion carried 4/0

Trustee Pratscher arrived at 8:15pm.

B) Attorney Keller presented a Resolution Approving an Escrow Agreement with United Land Development regarding the completion of private and public improvements in the Deer Park Place subdivision.

MOTION: by Trustee Plautz to approve the Resolution Approving an Escrow Agreement with United Land Development. Upon roll call: YES: (4) Thrun, Plautz, Pratscher, and Rotter / NO: (0) / OBSTAIN: (2) Rotter and Kellermann / ABSENT: (1) Kizior. Motion carried 4/0

C) Review of Ancel Glink hourly rates

MOTION: by Trustee Thrun to approve the 2008 Ancel Glink rate increases as presented. Upon roll call: YES: (4) Thrun, Plautz, Pratscher, and Gifford / NO: (2) Rotter and Kellermann / ABSENT: (1) Kizior. Motion carried 4/2

President Gifford requested that, since the Board approved the escrow agreement with United Land Development, they might consider the cash disbursement of \$25,000 to United Land Development at this time so that Mr. Jouzapatitis would not have to stay for the remainder of the meeting.

Trustee Rotter stepped out of the room at this time.

MOTION: by Trustee Thrun to approve the \$25,000 cash disbursement to United Land Development. Upon roll call: YES: (4) Thrun, Plautz, Pratscher, and Gifford / NO: (1) Kellermann / ABSENT: (2) Kizior and Rotter. Motion carried 4/1

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9) REPORTS FROM PRESIDENT, TRUSTEES, ADMINISTRATOR, AND CLERK

A. President Gifford:

i) General information

ii) President Gifford reported that over the past month the Barrington area coalition against Canadian National's (CN) proposed purchase of EJ&E Railroad took the following steps towards stopping the CN acquisition: met with other concerned community leaders from Will and DuPage counties; met with Senator Obama's organization to discuss the CN issue; the coalition has also brought the issue to the attention of Senator Dick Durbin and Representative Melissa Bean.

iii) Request for Class Two Liquor license for Tokyo Sake and Grill (Town Center)

Julia Jonghee Kim, the owner of the Tokyo Sake and Grill Japanese restaurant, was present; President Gifford asked her what her plans were with regard to training her employees in the handling of liquor. Ms. Kim stated that she will attend Basset training and then she will train her employees. Attorney Keller confirmed that the liquor license will not be issued until all required training has been completed. Ms. Kim stated that she has video cameras in the restaurant so she can monitor all the seating; additionally, all customers will be attended to by wait staff; liquor and food will not be picked up by customers at a counter.

MOTION: by Trustee Thrun to authorize the Village Attorney to prepare an ordinance approving a Class Two Liquor License for Tokyo Sake and Grill. Upon voice vote: YES: (5) / NO: (0) / ABSENT: (1). Motion carried 4/0

iv) Discussion of increasing public communications

President Gifford asked the Board their opinion on increasing Village newsletters to six times per year. Opinions were mixed on the issue do to the increased cost; President Gifford confirmed that the newsletter will continue on a quarterly basis with the possibility of two special mailings. The issue of bulk rate postage was discussed and the consensus of the Board was that it is not reliable enough and first class postage should be considered especially for time sensitive items.

v) Status of snow plowing alternatives

President Gifford stated that the Ela Township snow plowing contract ends this year; that Ela will not seek to renew the contract do to limited man power and equipment; and that Cuba Township has shown some interest in the snow plowing contract.

B. Trustee Kellermann- Roads and Public Utilities:

Trustee Kellermann reported that pot hole filling has started and that he will be following up with those who submitted road and drainage complaints and concerns at the January 28, 2008 forum via a letter.

C. Trustee Kizior—Finance:

D. Trustee Plautz – Health & Sanitation:

i) Request for Groot to charge \$1.00 for SWALCO annual assessment

MOTION: by Trustee Plautz to request Groot to assess each Deer Park household \$1.00 on their next invoice to recover the cost of the January 2008 annual SWALCO assessment on behalf of the Village. Upon voice vote: YES: (4) / NO: (1) / ABSENT: (1). Motion carried 4/1

MOTION: by Trustee Plautz to approve payment of the January 2008 SWALCO assessment in the amount of \$1104.00. Upon roll call: YES: (4) Thrun, Plautz, Pratscher, and Gifford / NO: (2) Kellermann and Rotter / ABSENT: (1) Kizior. Motion carried 4/2

ii) Discussion of public information for 2008-2009 budget process

Addressed agenda item 13 at this time.

REQUEST FOR REVIEW PROPOSED SENIOR LIVING CENTER AT 21180 N. RAND ROAD:

Tim Hedges, representative of Sunrise Senior Living, presented plans for an assisted living residence for seniors. Mr. Hedges stated that the feasibility of the project depends on the availability of municipal water and sanitary sewer to the site at 21180 N. Rand Road and asked the Board to consider de-annexing the property to Lake Zurich where municipal water and sanitary sewer are available.

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The general consensus of the Board was for President Gifford to approach Lake Zurich with regard to annexing the 21180 N. Rand Road property into Lake Zurich so the facility can obtain municipal sewer and water from Lake Zurich in exchange for a portion of Lake Zurich's affordable housing allowance; Attorney Keller will look into the legal issues of this type of arrangement.

E. Trustee Pratscher – Planning and Zoning:

Trustee Pratscher reported that the Plan Commission will be meeting and holding a hearing regarding proposed changes to the accessory structure zoning code.

Addressed item 9Hii at this time.

Report on RedSpeed Illinois traffic enforcement program

Jason Chorazy of RedSpeed presented RedSpeed's Red Light Photo Enforcement Program to the Board.

MOTION: by Trustee Thrun to authorize the Village Attorney to draft an agreement with RedSpeed for Red Light Photo Enforcement and to authorize RedSpeed to proceed with intersection studies in the Village. Upon voice vote: YES: (4) / NO: (1) / ABSENT: (1). Motion carried 4/1

F. Trustee Rotter –Parks and Recreation:

i) Trustee Rotter presented the Team Sports Participant's Release, Waiver of Liability and Indemnification Agreement for organizations that use Village parks.

ii) Review of bids for park maintenance

MOTION: by Trustee Rotter to reject all of the Park Maintenance Clean-Up bids and to authorize Trustee Rotter to negotiate with M & S Landscaping on a no bid basis for fall, spring, and twice monthly park maintenance clean-ups. Upon roll call: YES: (5) Rotter, Thrun, Plautz, Pratscher, and Kellermann / NO: (0) / ABSENT: (1) Kizior. Motion carried 5/0

MOTION: by Trustee Rotter to reject all of the Pond Chemical Treatment bids and to authorize Trustee Rotter to negotiate with McCloud Aquatic Service on a no bid basis for pond chemical algae treatment. Upon roll call: YES: (5) Rotter, Thrun, Plautz, Pratscher, and Kellermann / NO: (0) / ABSENT: (1) Kizior. Motion carried 5/0

iii) Trustee Rotter reported the fee structure and park maintenance obligations park user organizations are being asked to agree to for use of the Village parks for spring activities (baseball and soccer).

Trustee Rotter reported that he is looking into raising funds for the Village's parks by selling windscreen advertising banners to local businesses. Attorney Keller stated that there may be a legal issue involving selling advertising on public property and he advised Trustee Rotter not to pursue sales until he advised him accordingly. Trustee Pratscher also commented that the Village's sign regulations may need to be changed in order to accommodate the program.

G. Trustee Thrun – Public Safety:

H. Administrator Connors:

i) Administrator Connors reported that the CTY-Connect program will be operational within the next 60 days.

ii) The report on the RedSpeed Illinois traffic enforcement program was addressed earlier on the agenda.

iii) Administrator Connors reported that he and Engineer Gordon had recently met with representatives of AT&T regarding Project Light Speed; that the representatives had acknowledged the Village's ordinances regarding construction in the Village right-of-way and the cable video service fee; and that one permit application is pending to install a cabinet on W. Cuba Road near Hypoint Drive where no landscape screening is necessary.

iv) Administrator Connors reported that he had received notification from Groot Industries regarding the annual rate adjustment for curbside refuse and recycling (\$18.72) as well as the yard waste subscription (\$95.00).

I. Clerk Meyle:

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J. Treasurer Stade:

i) Audit proposal from Sikich and Associates for Fiscal Year ending April 30, 2008

MOTION: by Trustee Pratscher to approve Sikich LLP's financial audit proposal for the year ending April 30, 2008 at a cost of \$11,500.00. Upon roll call: YES: (5) Pratscher, Kellermann, Thrun, Rotter, and Plautz / NO: (0) / ABSENT: (1) Kizior. Motion carried 5/0

ii) Engagement of services with Sikich and Associates for sanitary sewer billing

MOTION: by Trustee Thrun to approve Sikich LLP's 2008 sewer billing proposal for the Triangle area at a cost of \$7,120.00. Upon roll call: YES: (5) Pratscher, Kellermann, Thrun, Rotter, and Plautz / NO: (0) / ABSENT: (1) Kizior. Motion carried 5/0

10) APPROVAL OF INVESTMENT FUND REPORT FOR FEBRUARY 2008:

MOTION: by Trustee Kizior to approve the Investment Fund Report for February 29, 2008 in the amount of \$1,544,168.49. Upon voice vote: YES: (5) / NO: (0) / ABSENT: (1). Motion carried 5/0

11) CASH DISBURSEMENTS:

Treasure Stade reminded the Board that the disbursement of \$25,000.00 to United Land Development had been approved earlier in the meeting; making that adjustment she calculated the cash disbursement total to be considered to be \$263,032.72

MOTION: by Trustee Thrun to approve cash disbursements for February 20, 2008 to March 17, 2008 in the amount of \$263,032.72. Upon roll call: YES: (5) Pratscher, Kellermann, Thrun, Rotter, and Plautz / NO: (0) / ABSENT: (1) Kizior. Motion carried 5/0

12) KILDEER POLICE REPORT – JANUARY 2008:

No report was given, but materials were provided in the agenda packet regarding 2007 Accomplishments, Summary of Criminal Offenses, STEP locations, citations by location, comparison of arrests, and comparison of activity.

13) REQUEST FOR REVIEW PROPOSED SENIOR LIVING CENTER AT 21180 N. RAND ROAD:

Addressed earlier on the agenda.

14) CLOSED SESSION – PENDING LITIGATION:

MOTION: by Trustee Thrun to adjourn the regular meeting for the purpose of opening an Executive Session to discuss pending litigation. Upon roll call: YES: (5) Pratscher, Kellermann, Thrun, Rotter, and Plautz / NO: (0) / ABSENT: (1) Kizior. Motion carried 5/0

MOTION: by Trustee Thrun to close the Executive Session and reconvene the regular meeting. Upon roll call: YES: (5) Pratscher, Kellermann, Thrun, Rotter, and Plautz / NO: (0) / ABSENT: (1) Kizior. Motion carried 5/0

15) ADJOURNMENT:

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

The Regular Board of Trustees Meeting was adjourned at 11:25pm.

H. Scott Gifford, Village President

Susan Meyle, Village Clerk