

Village of Deer Park
Regular Board of Trustees Meeting Minutes
June 16, 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, June 16, 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 Pratscher, Kizior, Plautz, Kellermann, Rotter, and Thrun. The following Village officials were absent: none. Other Village officials present were Treasurer Stade, Administrator Connors, Clerk Meyle, Engineer Gordon, Attorney Keller, Permit Coordinator Doniec, and Event Coordinator Keith. President Gifford stated there is a quorum.

Also present was Ned Shaw, the petitioner for the sideyard variance at 15 Shady Lane.

3) APPROVAL OF AGENDA

MOTION: by Trustee Pratscher to approve the agenda as amended removing item 9E Intergovernmental Agreement for Snow Plowing and Other Service. Upon voice vote: YES: (6) / NO: (0) / ABSENT: (0).

Motion carried 6/0

4) PUBLIC HEARING AND CONSIDERATION OF FY 2008-2009 APPROPRIATION ORDINANCE

MOTION: by Trustee Thrun to convene a public hearing to consider the Appropriation Ordinance for the 2008-2009 Fiscal Year. Upon roll call: YES: (6) Pratscher, Thrun, Kellermann, Rotter, Kizior, and Plautz / NO: (0) / ABSENT: (0).

Motion carried 6/0

PUBLIC COMMENTS

Jerry Kryska of 20555 West Park Place addressed the Board regarding the Building Inspection Fees line item on the Appropriation Ordinance Worksheet as it pertains to the Deer Park Place subdivision.

MOTION: by Trustee Pratscher to close the public hearing to consider the Appropriation Ordinance for the 2008-2009 Fiscal Year. Upon roll call: YES: (6) Pratscher, Thrun, Kellermann, Rotter, Kizior, and Plautz / NO: (0) / ABSENT: (0).

Motion carried 6/0

Treasurer Stade reported that a correction needed to be made on the Appropriation Ordinance Worksheet; since the SALARIES Percent Increase is 10%, the PAYROLL TAXES Percent Increase should also be 10% making the PAYROLL TAXES Amount Appropriated \$13,464. Treasurer Stade stated that she will make the correction and print a corrected report.

MOTION: by Trustee Kizior to approve the Ordinance Making Appropriations for Corporate Purposes For the Fiscal Year Beginning May 1, 2008 and Ending April 30, 2009 as amended to correct the PAYROLL TAXES Amount Appropriated at the 10% level of \$13,464. Upon roll call: YES: (6) Pratscher, Thrun, Kellermann, Rotter, Kizior, and Plautz / NO: (0) / ABSENT: (0).

Motion carried 6/0

5) APPROVAL AND RELEASE OF MINUTES

MOTION: by Trustee Thrun to approve and release the minutes from the Board of Trustees Regular Meeting held May 19, 2008. Upon voice vote: YES: (6) / NO: (0) / ABSENT: (0).

Motion carried 6/0

6) PUBLIC COMMENTS

Trevor Hart of 20587 Meadow Lane addressed the Board regarding street conditions and road repair in Deer Lake Meadows subdivision.

Mike Timlin of 17 Wehrheim Road addressed the Board regarding Attorney Keller's comments to Trustee Kellermann at the May 19, 2008 Board meeting.

Lucy Hoyt of 309 Briargate Lane addressed the Board regarding fences at Village parks, document storage, and estimated cash flow.

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Jerry Kryska of 20555 West Park Place addressed the Board regarding follow up with Inspector Holmes regarding the inspection of the townhomes at Deer Park Place and Attorney Keller's comments to Trustee Kellermann at the May 19, 2008 Board meeting.

Deborah Barry of 412 Bramble Lane addressed the Board regarding the reading of motions by the Clerk prior to voting; the placement of public comments in the agenda; Attorney Keller's comments to Trustee Kellermann at the May 19, 2008 Board meeting; and the marketing of the Vehe Barn.

7) VILLAGE ENGINEER – REPORT AND RECOMMENDATIONS

A. Vehe Barn - Site Grading and Drainage Improvements- Drainage Repair Quotes

MOTION: by Trustee Pratscher to accept the bid from Pease Construction in the amount of \$9,160.00 for performing the site grading and drainage improvements at the Vehe site. Upon roll call: YES: (6) Pratscher, Thrun, Kellermann, Rotter, Kizior, and Plautz / NO: (0) / ABSENT: (0). Motion carried 6/0

B. Arrow Road Construction Pay Request #1 for the general fund Road Program in the amount of \$213,002.75

MOTION: by Trustee Kizior to approve Pay Request #1 from Arrow Road Construction in the amount of \$213,002.75. Upon roll call: YES: (6) Pratscher, Thrun, Kellermann, Rotter, Kizior, and Plautz / NO: (0) / ABSENT: (0). Motion carried 6/0

8) VEHE FARM

A. Pat Winkelman provided a verbal report on the Leave No child Inside event scheduled for June 22, 2008 and a written report was submitted regarding the Vehe Foundation's monthly activities and accounting.

B. Event Coordinator Keith addressed the Board giving a six month review of Vehe Barn rental activity; she submitted a written report summarizing rental inquires, events held, upcoming events, and marketing plans. Event Coordinator Keith confirmed that the revenue generated fiscal year to date (May 1, 2008 through June 16, 2008) is \$3,427.00; this total includes rental income as well as security deposits held that may be returned.

9) VILLAGE ATTORNEY – REPORT AND RECOMMENDATIONS

A. Ordinance Adopting Prevailing Wage Rates

MOTION: by Trustee Pratscher to approve the Ordinance Adopting Prevailing Wage Rates to be Paid to Laborers, Mechanics and Other Workers Performing Construction of Public Works in the Village of Deer Park, Cook/Lake County, Illinois. Upon roll call: YES: (6) Pratscher, Thrun, Kellermann, Rotter, Kizior, and Plautz / NO: (0) / ABSENT: (0). Motion carried 6/0

B. Ordinance Amending the Municipal Code Regarding Meetings of the Village Board

MOTION: by Trustee Pratscher to approve the Ordinance of the Village of Deer Park Amending the Municipal Code Regarding Meetings of the Village Board as amended changing the word "shall" to the word "may" in the third line of paragraph (A). Upon roll call: YES: (5) Pratscher, Thrun, Kellermann, Rotter, and Kizior / NO: (1) Plautz / ABSENT: (0). Motion carried 5/1

C. Ordinance Amending the Municipal Code Regarding Sale of Alcoholic Beverages (Biaggi's Restaurant)

MOTION: by Trustee Pratscher to the Ordinance of the Village of Deer Park Amending the Municipal Code Regarding Sale of Alcoholic Beverages. Upon roll call: YES: (6) Pratscher, Thrun, Kellermann, Rotter, Kizior, and Plautz / NO: (0) / ABSENT: (0). Motion carried 6/0

D. Resolution Agreeing to Indemnify the State of Illinois for Photo Enforcement Equipment Attached to IDOT Facilities

MOTION: by Trustee Thrun to approve the Resolution of the Village of Deer Park Agreeing to Indemnify the State of Illinois for Photo Enforcement Equipment Attached to IDOT Facilities. Upon roll call: YES: (6) Pratscher, Thrun, Kellermann, Rotter, Kizior, and Plautz / NO: (0) / ABSENT: (0). Motion carried 6/0

E. Intergovernmental Agreement for Snow Plowing and Other Service – removed from the agenda.

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Attorney Keller stated that the construction of the Vehe Barn is complete and that the accounting for the project has reached a point where it is possible to determine the total cost over-run for the project. Attorney Keller stated that, with the objective being to file a claim for the reimbursement of the cost over-run of the defaulted contract with the contractor, R. W. Clark, or the contractor's bonding company, he recommends that the Board authorize and direct the project architect to determine the following:

- ◆ The cost to have completed, items that were not part of the R. W. Clark contract, but were completed by another contractor
- ◆ The cost to have items re-done that were done incorrectly by R. W. Clark
- ◆ The total cost of the Barn
- ◆ The total cost over-run for the R. W. Clark contract
- ◆ The cost to have completed, items that were not done by R. W. Clark but were contracted to have been done by R. W. Clark

The general consensus of the Board was to direct President Gifford to discuss the above with the project architect and to obtain an estimate from the project architect for the cost of completing this final financial analysis.

Attorney Keller reported that the Village has received a proposal from Extenet for the construction of a distributed antenna system within the Village; in order to allow Extenet to construct the system within the public right of way, Extenet must be granted a franchise agreement from the Village.

Administrator Connors confirmed that the Village is currently holding a \$1,500.00 deposit from Extenet which can be used to cover expenses incurred by the Village including attorney fees incurred as a part of negotiating the franchise agreement.

MOTION: by Trustee Thrun to authorize the Village Attorney to negotiate a franchise agreement with Extenet which includes a condition that Extenet reimburse the Village for all out of pocket expenses incurred as a result of Extenet; this authorization carries the condition that the Village Attorney's fees are to be covered by the Extenet deposit and may not exceed \$1,500.00 unless an additional deposit is received. Upon voice vote: YES: (6) Pratscher, Thrun, Kellermann, Rotter, Kizior, and Plautz / NO: (0) / ABSENT: (0). Motion carried 6/0

Trustee Rotter requested that when Attorney Keller drafts the snow plow agreement he include the condition that no fuel or salt surcharge allowance be included.

Attorney Keller responded regarding the comment he made to Trustee Kellermann at the May 19, 2008 regular meeting stating that he did not intend to be disrespectful to Trustee Kellermann, that in retrospect he regrets making the comment and that to the extent that Trustee Kellermann was offended by his comment he apologizes.

10) ZONING BOARD OF APPEALS RECOMMENDATION - 15 SHADY LANE SIDEYARD VARIANCE

Administrator Connors reported that the Zoning Board of Appeals reviewed this petition for a sideyard variance requested in order to enclose an existing carport into a garage stall at its June 9, 2008 meeting and recommends that the variance be approved.

Mr. Shaw of 15 Shady Lane addressed the Board and described his hardship as being one of having no other buildable space on the property because his lot is less than one acre with the septic in the backyard and the well in the front yard.

MOTION: by Trustee Rotter to direct the Village Attorney to prepare an ordinance approving the sideyard variance request for 15 Shady Lane. Upon voice vote: YES: (6) / NO: (0) / ABSENT: (0). Motion carried 6/0

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

A. President Gifford:

i) General Information

President Gifford reported that signs identifying the entrance to the Village Hall have been installed on Cuba Road in both directions; the signs were paid for by Lake County.

ii) Use of the Village Barn for the EJ&E Acquisition Public Forums

President Gifford reported that the Coalition Against the Canadian National Railway Acquisition has indicated that they would like to hold public forums in regards to the railway acquisition at the Vehe Barn, and they

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have requested that the rental fee for the facility be waived for these events. The general consensus of the Board was to waive the fee for these events.

Trustee Pratscher recommended that a Rental Fee Waiver Form be drafted so that there is a standard procedure by which any non-profit organization or community group may request that the Board waive their rental fee; the general consensus of the Board was that a form and standard procedure was a good idea. Trustee Pratscher volunteered to draft the form.

B. Trustee Kellermann- Roads and Public Utilities:

- i) Update on 2008 Road Program – handled during Engineer's report.
- ii) Partnership Status – no status at this time.

Trustee Kellermann reported that he had been contacted by Cook County to solicit Deer Park's position regarding expanding Quentin Road to 4-lanes from Lake Cook Road south the Dundee Road. The general consensus was that this was favorable as it would alleviate traffic congestion, that the Village would like the installation of a bike path to be considered along with the expansion, and that the welfare of the wildlife living in that area be maintained during the expansion.

C. Trustee Kizior—Finance: - no report

D. Trustee Plautz – Health & Sanitation:

- i) SWALCO – Discussion of possible business garbage licenses
Trustee Plautz reported that SWALCO had submitted a proposal regarding the institution of a Municipal Commercial Waste Franchise for commercial refuse collection service and commercial recycling service.

A discussion ensued with the conclusion being that prior to pursuing the franchise any further, Trustee Plautz, with the help of Administrator Connors, should contact several of the larger businesses to see if it is contractually possible for them to participate in such a program.

- ii) Discussion Regarding a Fence for Old Farm Road Park
Trustee Plautz requested that the Board consider installing a fence between Old Farm Road Park and the private lake across the street. The general consensus of the Board was that a fence was not needed.

E. Trustee Pratscher – Planning and Zoning:

Trustee Pratscher reported that a meeting of the Plan Commission was held on June 2, 2008 for the purpose of holding a public hearing to consider a request to subdivide Lot 2 on Rainbow Road and to review a proposal submitted for a bank facility on the Rand 12 Centre property; the Rainbow Road public hearing will be continued on July 7, 2008; the bank facility will be requesting a public hearing later in July.

F. Trustee Rotter –Parks and Recreation:

- i) Trustee Rotter reported that the park sponsorship program is moving along with four sponsorships being received and another four in process.
- ii) Trustee Rotter reported that the Village Attorney had provided the opinion requested regarding liability issues that should be considered with regard to Old Farm Road Park and that he will provide an update on the status of the play equipment purchase and installation next month.
- iii) Trustee Rotter reported that the Village Attorney had provided him with a legal opinion and materials to review pertaining to the Americans with Disabilities Act; he will continue to work on the Charles E. Brown path issue and report again next month.

G. Trustee Thrun – Public Safety:

Trustee Thrun reported that he has received several requests for traffic signs to be installed in the Village; he explained that in order for traffic signs to be legally enforceable the Village is required to have a traffic engineering study done that confirms the need for a traffic sign. Trustee Thrun requested that the Board consider establishing a policy for reviewing requests for regulatory and advisory traffic signs. A discussion ensued; a consensus regarding a review policy was not reached; the Board requested that Trustee Thrun look into the requests he has received and make a recommendation for each.

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H. Administrator Connors:

i) Administrator Connors reported on the status of the RedSpeed Photo Enforcement Program; a written report containing the RedSpeed Business Rules was provided.

ii) House Bill 1881 Nuisance Abatement Costs

Administrator Connors reported that the Village is currently limited to abatement of noxious weeds as defined by state law, but that the recently passed House Bill 1881 expanded abating a nuisance to include the cutting of grass, trimming and removal of trees or bushes and the removal of trees infected with emerald ash bore; additionally, House Bill 1881 allows non-home run municipalities to place a lien on property for costs incurred abating these nuisances.

Administrator Connors stated that he felt that the Village would be better able to address many of its property upkeep complaints, particularly with the recent increase of foreclosures, if House Bill 1881 was incorporated into the Village's nuisance ordinance.

MOTION: by Trustee Pratscher to direct the Village Attorney to prepare an ordinance incorporating the contents of House Bill 1881 into the Village's nuisance ordinance. Upon voice vote: YES: (6) / NO: (0) / ABSENT: (0). Motion carried 6/0

iii) Village Document Storage and Retrieval Issues

Administrator Connors reported that progress is being made with regard to challenges with document storage and retrieval; continued patience with this on-going struggle is appreciated.

iv) Voting Site Agreement with Lake County – Village Barn

MOTION: by Trustee Plautz to approve the Lake County Voting Site Agreement for the: November 4, 2008 General Election, February 24, 2009 Consolidated Primary Election, and April 7, 2009 Consolidated General Election and to approve the use of the Vehe Barn in the event of a government declared public health emergency. Upon voice vote: YES: (6) / NO: (0) / ABSENT: (0). Motion carried 6/0

I. Clerk Meyle: - no report

12) APPROVAL OF INVESTMENT FUND REPORT FOR MAY 2008:

MOTION: by Trustee Kizior to approve the Investment Fund Report for May 31, 2008 in the amount of \$1,778,562.54. Upon voice vote: YES: (6) / NO: (0) / ABSENT: (0). Motion carried 6/0

13) CASH DISBURSEMENTS:

MOTION: by Trustee Kizior to approve cash disbursements for May 20, 2008 to June 16, 2008 totaling \$387,780.89 (expenditures in the amount of \$369,032.08, plus payroll in the amount of \$18,748.81). Upon roll call: YES: (6) Pratscher, Kellermann, Thrun, Kizior, Rotter, and Plautz / NO: (0) / ABSENT: (0). Motion carried 6/0

14) KILDEER POLICE REPORT – MAY 2008:

No report was given, but materials were provided in the agenda packet regarding STEP locations, citations by location, comparison of arrests, comparison of activity, and summary of criminal offenses.

15) ADJOURNMENT:

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

The Regular Board of Trustees Meeting was adjourned at 10:45pm.

H. Scott Gifford, Village President

Susan Meyle, Village Clerk