

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, October 20, 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.

Also in attendance was Kevin Lerash, the Azavar Audit Solutions, Inc representative; and the petitioners for the resubdivision of Lot 2 in Rainbow Hills, Lester and Josie Doniec, as well as their attorney, James Kaiser, and their architect, Scott Simon of Land Technology, Inc.

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 Plan Commission Chairman Heidtke. President Gifford stated there is a quorum.

3) APPROVAL OF AGENDA

MOTION: by Trustee Pratscher to approve the agenda as amended moving item 10Hv to be addressed immediately following Public Comments (5), moving item 10Bi to be addressed with Trustee Kizior's report (10C), and moving 10Biii to be addressed during the Village Engineer's report (6). Upon voice vote: YES: (6) / NO: (0) / ABSENT: (0).

Motion carried 6/0

4) APPROVAL AND RELEASE OF MINUTES

MOTION: by Trustee Thrun to approve and release the minutes from the Board of Trustees Regular Meeting held September 15, 2008. Upon voice vote: YES: (6) / NO: (0) / ABSENT: (0).

Motion carried 6/0

5) PUBLIC COMMENTS

Richard Alhgrim of 21655 Old Farm Road addressed the Board regarding a scouting project his den participated in at Vehe Farm.

Marla Kryska of 20555 West Park Place addressed the Board regarding the inspection of the sprinkler system recently completed at Deer Park Place subdivision by the Lake Zurich Fire Department and a sunken driveway.

Mary Lahr of 201 Rue Touraine addressed the Board regarding the most recent audit of the Special Service Area funds.

ITEM 10Hv WAS ADDRESSED AT THIS TIME - Request for Fee Waiver from Business Networking International

Marla Davis and Fran Ratkovich of Business Networking International addressed the Board regarding approval of their Request for Waiver of Vehe Barn Rental Fee for their fund raising event which benefits Bear Necessities Pediatric Cancer Foundation.

MOTION: by Trustee Rotter to approve a reduced rental fee of \$200.00 for the Bear Necessities Foundation event and deny the waiver of all fees. Upon roll call: YES: (3) Thrun, Plautz, and Pratscher / NO: (4) Kellermann, Kizior, Rotter, and Gifford / ABSENT: (0).

Motion failed 3/4

MOTION: by Trustee Kizior to approve the Request for Waiver of Vehe Barn Rental Fee for the Bear Necessities Foundation event. Upon roll call: YES: (2) Plautz and Kizior / NO: (4) Pratscher, Thrun, Kellermann, and Rotter / ABSENT: (0).

Motion failed 2/4

MOTION: by Trustee Rotter to approve a reduced rental fee of \$200.00 for the Bear Necessities Foundation event and deny the waiver of all fees. Upon roll call: YES: (4) Thrun, Rotter, Plautz, and Pratscher / NO: (2) Kizior and Kellermann / ABSENT: (0).

Motion carried 4/2

6) VILLAGE ENGINEER – REPORT AND RECOMMENDATIONS

Approval of pay request #3 to Berger Excavating Contractor Inc. in the amount of \$6,508.00 for the Lake-Cook Draitile Bypass Project. This is the final pay request for this project.

MOTION: by Trustee Pratscher to approve pay request #3 to Berger Excavating Contractor Inc in the amount of \$6,508.00 for the Lake-Cook Draitile Bypass Project to be paid from Special Service Area Funds 8, 9, and 10. Upon roll call: YES: (6) Kellermann, Thrun, Rotter, Kizior, Plautz, and Pratscher / NO: (0) / ABSENT: (0). Motion carried 6/0

7) VEHE FARM

- A. A written report was submitted regarding the Vehe Foundation's monthly activities and accounting.
- B. Approval to Store Village Owned Archived Materials (Vehe Farm)

MOTION: by Trustee Pratscher to approve the archiving of Village owned Vehe Farm materials and documents at the Barrington Area Library contingent upon receiving a receipt and acknowledgement that the Village maintains ownership of the items and to direct the Village Administrator to work with the Barrington Area Library to develop the procedure for checking the documents out of the library. Upon voice vote: YES: (6) / NO: (0) / ABSENT: (0). Motion carried 6/0

8) VILLAGE ATTORNEY – REPORT AND RECOMMENDATIONS

- A) Ordinance granting Special Use Permit for bank facility at 21060 Rand Road

MOTION: by Trustee Pratscher to approve the Ordinance Granting A Special Use Permit For A Planned Development to construct a bank at 21060 Rand Road. Upon roll call: YES: (6) Thrun, Rotter, Kizior, Plautz, Kellermann and Pratscher / NO: (0) / ABSENT: (0). Motion carried 6/0

- B) Ordinance Amending the Municipal Code Regarding Building Fees and Charges
C) Ordinance Amending the Municipal Code Regarding the Sign Fee Schedule

MOTION: by Trustee Pratscher to approve the Ordinance Amending the Municipal Code Regarding Building Fees and Charges and to approve the Ordinance Amending the Municipal Code Regarding the Sign Fee Schedule. Upon roll call: YES: (6) Thrun, Rotter, Kizior, Plautz, Kellermann and Pratscher / NO: (0) / ABSENT: (0). Motion carried 6/0

9) PLAN COMMISSION RECOMMENDATION -

The attorney for the petitioners, James Kaiser, addressed the Board providing an overview of the request for resubdivision of Lot 2 in Rainbow Hills subdivision. Attorney Kaiser confirmed that the resubdivision would divide a 2.4-acre lot into two 1.2-acre lots; that no variances are required for the resubdivision; and that the property is zoned R-1 which requires lot sizes to be a minimum of 1-acre.

Public Comments were heard from those who signed in to address the Board with regard to this agenda item.

Patricia Walton of 21582 Rainbow Road addressed the Board regarding her opposition to the resubdivision of Lot 2 in Rainbow Hills subdivision.

John Corey of 21576 Sylvander Drive addressed the Board regarding the history of the approval of the original Rainbow Hills subdivision which took place between 1987 and 1989. Mr. Corey is opposed to the resubdivision of Lot 2.

William Walton of 21582 Rainbow Road addressed the Board regarding his concerns about drainage and septic issues that may occur if the resubdivision of Lot 2 in Rainbow Hills is approved. Mr. Walton is opposed to the resubdivision.

Roger Johnson of 21641 Sylvander Drive addressed the Board regarding the original approval of the Rainbow Hill subdivision and drainage plans, and his concern about drainage issues that may occur if the resubdivision is approved. Mr. Johnson is opposed to the resubdivision.

Larry Martin of 21585 Sylvander Drive addressed the Board regarding his belief that the resubdivision proposal does not meet the lot standards of the Municipal Code with regard to setback line requirements, and his concern that approval of the subdivision will set precedence for future lot resubdivision requests.

Mary Jo Martin of 21585 Sylvander Drive addressed the Board regarding her opposition to the resubdivision because it will change the appearance of the neighborhood.

Greg Stepanik of 21548 Rainbow Road addressed the Board regarding his opposition to the resubdivision because he feels that his existing drainage challenges will be aggravated by the resubdivision of Lot 2.

Don Schoen 21615 Rainbow Road addressed the Board regarding the drainage issues considered when the original Rainbow Hills subdivision was approved in 1989 and how the resubdivision of Lot 2 may aggravate existing drainage challenges in the area.

The Village Engineer addressed the Board regarding his recommendation report making the following points:

- The Plan Commission made its recommendation for approval of the resubdivision subject to four conditions which the Village Engineer's October 15, 2008 report indicates have all been addressed appropriately.
- The resubdivision plan meets the applicable requirements of the Lake County Watershed Development Ordinance.

- The design of the resubdivision will not alter the watershed drainage patterns as they currently exist.
- 0.3-acres of Lot 2 drains to the Sylvander Drive watershed. Approximately 1-acre of Lot 2 drains to the Middlefork watershed. Approximately 1-acre of Lot 2 drains to the Cuba Road watershed.
- The culvert on Sylvander Drive receives drainage from a total of 8-10 acres in the area. Lot 2 on Rainbow Road is 0.3-acres of that total.
- There is a catch basin just south of the existing Lot 2 driveway that takes runoff water north.
- Although not required by the Lake County Watershed Ordinance, the petitioner is offering to install rain garden infiltration basins and permeable paver driveways on both lots in order to address the concerns of the adjoining property owners. The petitioner is also offering to have the sump pump discharges on both lots directed to each rain garden and to have the roof drains on the current home redirected to the rain gardens.
- The resubdivision will add a small amount of new impervious area to the drainage area and should have a negligible impact on the downstream runoff. If the rain gardens are installed the impact downstream would be equal to or reduced from what it is currently.
- The resubdivision plat submitted meets the requirements of the Lake County Watershed Development Ordinance and the Municipal Code with regard to the site plan, erosion control measures, and septic design.
- The Village Engineer recommends approval of the preliminary site plan and plat of resubdivision.
- The Village Engineer recommends that the condition be made that, prior to signing and recording the final plat, the existing septic system should be abandoned and removed from the current lot and the installation of a new at-grade system should be completed for the existing residence.
- The petitioner is requesting approval of the resubdivision of Lot 2 at this time. The petitioner is not requesting a building permit at this time.

Plan Commission Chairman Heidtke addressed the Board stating that the Plan Commission made the recommendation for approval of the resubdivision of Lot 2 in Rainbow Hills because the proposed plan meets all the Municipal Code requirements for a 1-acre lot including the 50-foot setback requirement.

Attorney Keller stated that if the proposed resubdivision meets the Municipal Code requirements for a 1-acre lot and the Village Engineer confirms that there should be no measurable adverse impact on the surrounding properties and the Board has the ability to impose restrictive covenants on the resulting lots with regard to things such as the maintenance of rain gardens, permeable paver driveways, and tree replacement; it would not be wise from a litigation standpoint for the Board to arbitrarily deny the resubdivision for reasons such as neighbor opposition or discussions that took place in 1988 and 1989 at the time of the original Rainbow Hills subdivision.

MOTION: by Trustee Rotter to table further consideration of the resubdivision of Lot 2 until the regular November Board meeting. Upon roll call: YES: (2) Rotter and Kellermann / NO: (4) Thrun, Kizior, Plautz, and Pratscher / ABSENT: (0).
Motion failed 2/4

MOTION: by Trustee Kizior to authorize the Village Attorney to draft an ordinance approving of the resubdivision of Lot 2 in the Rainbow Hills subdivision contingent upon the following:

- Inclusion of a water maintenance drainage plan that specifies rain gardens, permeable paver driveways, or alternative best management drainage practices as determined by the Village Engineer
- Inclusion of a tree plan that goes beyond that of the Municipal Code by requiring each tree removed to be replaced.
- Inclusion of covenant maintenance and/or requirement conditions built into the plat of survey or attached to the properties' deeds which pertain to the best management drainage practices determined by the Village Engineer.

Additionally, Trustee Kizior moves that the Village Engineer be directed to evaluate the catch basin that exists just south of the driveway of Lot 2 and near 21582 Rainbow Road to determine the roll it fulfills, or could fulfill, with regard to drainage in the Rainbow Hills subdivision, and to determine if that catch basin is working to its capacity or needs repair and/or maintenance. Upon roll call: YES: (4) Thrun, Kizior, Plautz, and Pratscher / NO: (1) Kellermann / ABSENT: (0) / ABSTAIN: (1) Rotter.
Motion carried 4/1

MOTION: by Trustee Rotter to take a five-minute break from the meeting. Upon voice vote: YES: (6) / NO: (0) / ABSENT: (0).
Motion carried 6/0

MOTION: by Trustee Pratscher to end the five-minute break and resume the meeting. Upon voice vote: YES: (6) / NO: (0) / ABSENT: (0).
Motion carried 6/0

ITEM 10Hviii WAS ADDRESSED AT THIS TIME – Proposal from Azavar Audit Solutions, Inc.

Kevin Lerash of Azavar Audit Solutions, Inc presented a proposal to audit the Village's utility tax collection at no cost to the Village. The consensus of the Board was to direct the Village Attorney to work with Azavar Audit Solutions to draft a proposal for a utility tax audit.

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

A. President Gifford:

i) General Information

MOTION: by Trustee Kizior to approve the payment of cost for each Village official and his/her spouse/guest to attend the upcoming BACOG dinner at a cost of \$48.00 per person. Upon roll call: YES: (6) Rotter, Plautz, Kizior, Kellermann, Thrun, and Pratscher / NO: (0) / ABSENT: (0). Motion carried 6/0

ii) Village of Kildeer Letter - Proposed Relocation of the Quentin Road Bike Path

President Gifford reported that he had received a letter from the Village of Kildeer regarding their an alternative bike path route they are proposing to go through Quentin Collection, across Rand Road, through the Town Center Promenade, down Long Grove Road, and back out to the Quentin Road right-of-way.

A discussion ensued with regard to the inclusion of a commitment to pay for a bridge across the stream behind the Town Center Promenade in the agreement with the Praedium Developers which held Praedium responsible for paying for the bridge if it were ever constructed. The consensus of the Board was that they would be open to considering a three-way intergovernmental agreement between Deer Park, Kildeer, and the Lake County Department of Transportation for the bike path as proposed by Kildeer if the cost of constructing the bridge was covered by either the Village of Kildeer or the Praedium Developers and that the Village Engineer should investigate these details accordingly and report back to the Board.

iii) Tree Proposal

President Gifford asked for clarification regarding the plans and proposal for the fertilization, removal, and trimming of trees on the Vehe Farm grounds. A discussion ensued as Trustee Rotter provided clarification as requested by President Gifford and for each item identified in an email from Vehe Foundation President Pat Winkelman to Trustee Rotter and President Gifford.

iv) Report on the Vehe Barn bond claim

President Gifford reported that the financial analysis for the bond claim has been completed and that he has meeting a scheduled with Attorney Keller and Jim Peterson to begin drafting the bond claim.

B. Trustee Kellermann- Roads and Public Utilities:

i) Sikich Audit– Management Letter - addressed with Trustee Kizior's Finance Report

ii) Documents Needed

Trustee Kellermann reported that he needs three waivers of lien and one application and certification of payment to complete his June 10, 2008 request.

iii) Road and drainage update

Trustee Kellermann reported on road and drainage issues making the following points:

- American Underground completed the camera review and storm sewer maintenance work that was approved last month.
- Potholes throughout the Village will be patched by Ela Township as determined at a meeting he will have with Ela and the Village Engineer on Thursday, October 23, 2008.
- He forecasts that road and drainage expenditures to fall below the budgeted amount this fiscal year.
- Funds are available for the purchase of snow and ice control salt if needed.
- The Village Engineer took Phase III of the Ferndale Drainage Improvement Project out to bid as directed by the Board last month; thirty-two bids on the project were received.

C. Trustee Kizior—Finance:

Trustee Kizior reported that each trustee had been provided with copies of the Fiscal Year 2009 Financial Audit Report and Management Letter prepared by Sikich and that Brian LeFevre of Sikich will attend the November meeting to review the audit with the Board and answer questions.

Trustee Kellermann reported his concern about two items in the Audit Management Letter: Purchasing Policies and Procedures and Segregation of Duties,

D. Trustee Plautz – Health & Sanitation: - no report

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

F. Trustee Rotter –Parks and Recreation:

i) Charles E. Brown Park title status report

Attorney Keller reported the results of the title search as follows:

- There are three parcels that make up Charles E. Brown Park: one parcel was dedicated to the Village by Deer Path Estates for municipal purposes, one parcel was acquired by Lake County for back taxes owed, and one parcel is owned by the Village.
- The Deer Path Road properties adjacent to the shore of the Charles E. Brown pond do not extend all the way up to the water's edge; the eastern shore of the pond is Village property.
- Lake County is willing to sell the parcel they possess for approximately \$325.00.

MOTION: by Trustee Rotter to approve the purchase of the Charles E. Brown land parcel from Lake County at a cost of no more than \$500.00. Upon roll call: YES: (6) Pratscher, Kellermann, Thrun, Kizior, Rotter, and Plautz / NO: (0) / ABSENT: (0). Motion carried 6/0

ii) Discussion of Village's desire to maintain the east side of Charles E. Brown Park Lake.
Trustee Rotter tabled this item until next month.

iii) Date planning to schedule review of parks for the Village Board
Trustee Rotter reported that he will need extended time at the December Board meeting to address Village parks.

iv) Overview of an Optional Plan for the Deer Park Town Center Base Ball Field Area
Trustee Rotter tabled this item until next month.

G. Trustee Thrun – Public Safety: - no report

H. Administrator Connors:

i) Report on the implementation of the building permit software process

Administrator Connors reported that the implementation of the software is progressing with all inspection reports now being stored electronically; additionally, a digital camera was purchased to be used to document items such as permitted projects and violations.

ii) Status report on Illinois RedSpeed

Administrator Connors provided a written report on the status of the implementation of the RedSpeed Program.

iii) Receive the Lake County notification of hearing on a Conditional Use Permit (20270 N. Rand Road)

Administrator Connors provided a written report on a notice the Village received regarding a hearing on an application for a Conditional Use Permit for the purpose of allowing auto repair, truck parking, contractor's storage yard and a landscape contractor's storage yard for 20270 N. Rand Road in Palatine.

iv) Contract revisions for animal control services with Lake County

Administrator Connors tabled this item until next month.

v) Request for waiver of fees for Barn from Business Networking International - addressed earlier in the agenda

vi) Approval of the annual maintenance contract for the Barn elevator with ACM Elevator Company

MOTION: by Trustee Thrun to approve the AMC Elevator Company 5-year Maintenance Agreement for the Vehe Barn elevator a rate of \$3,120.00 annually. Upon roll call: YES: (6) Pratscher, Kellermann, Thrun, Kizior, Rotter, and Plautz / NO: (0) / ABSENT: (0). Motion carried 6/0

vii) Approval of the 5-year lease contract for the Village Office copy machine with Des Plaines Office Equipment
Administrator Connors tabled this item until next month.

viii) Proposal from Azavar Audit Solutions, inc. for a municipal utility tax audit - addressed earlier in the agenda

I. Clerk Meyle:

- i) Consideration of the Purchase of Laptop Computer

MOTION: by Trustee Plautz to approve the purchase of a SONY VAIO Notebook computer for the Village Clerk as proposed by CDW-Gov at a cost of no more than \$2,603.53. Upon roll call: YES: (6) Pratscher, Kellermann, Thrun, Kizior, Rotter, and Plautz / NO: (0) / ABSENT: (0). Motion carried 6/0

- ii) Report on the November 4, 2008 Election

- iii) Approval of the Letter for the 2009 Business Registration Mailing

MOTION: by Trustee Plautz to approve the Deer Park Business Owner letter regarding the newsletter procedure effective January 2009. Upon voice vote: YES: (6) / NO: (0) / ABSENT: (0). Motion carried 6/0.

- iv) Approval of the Village Magnet Purchase and the Fall Newsletter Format

MOTION: by Trustee Pratscher to approve the Village Clerk with the Village Staff to finalize the Village magnet design and to adjust the format of the next newsletter so that the magnet can be sent with the newsletter using a bulk postage rate. Upon roll call: YES: (6) Pratscher, Kellermann, Thrun, Kizior, Rotter, and Plautz / NO: (0) / ABSENT: (0). Motion carried 6/0

11) APPROVAL OF INVESTMENT HELD REPORT – SEPTEMBER 2008

MOTION: by Trustee Thrun to approve the Investment Fund Report for September 30, 2008 in the amount of \$1,574,046.88. 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 September 16, 2008 to October 20, 2008 totaling \$302,595.35 (expenditures in the amount of \$283,593.47 plus payroll in the amount of \$19,001.88). Upon roll call: YES: (5) Pratscher, Kellermann, Thrun, Kizior, and Plautz / NO: (1) Rotter / ABSENT: (0). Motion carried 5/1

13) KILDEER POLICE REPORTS – SEPTEMBER 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.

14) 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 12:50am.

H. Scott Gifford, Village President

Susan Meyle, Village Clerk