

**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, November 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 Pratscher, Kizior, Plautz, Kellermann, Rotter, and Thrun. The following Village officials were absent: none. Other Village officials present were Administrator Connors, Clerk Meyle, Engineer Gordon, Attorney Keller, Permit Coordinator Doniec, and Kildeer Police Commander Zujewski. President Gifford stated there is a quorum.

Also in attendance were the Elia Township Highway Commissioner, Bill Kruckenberg; the Lake Zurich Fire Protection District Assistant, Guy Trayling; Brian LeFevre of Sikich and Associates; 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.

**3) APPROVAL OF AGENDA**

Trustee Kellermann stated that he would like item 10Aiv removed from the agenda because he was concerned that addressing this item in a public meeting would make the documents subject to a Freedom of Information Act request. Attorney Keller confirmed that the documents would be released to him for his review only and that the documents will not be subject to a Freedom of Information Act request.

**MOTION:** by Trustee Pratscher to approve the agenda as amended so that item 10Aiv reads as follows: "Request for Sikich to Release Fraud Assessment Documents to the Village Attorney." Upon voice vote: YES: (5) / NO: (1) / ABSENT: (0). Motion carried 5/1

**4) APPROVAL AND RELEASE OF MINUTES**

**MOTION:** by Trustee Thrun to approve and release the minutes from the Board of Trustees Regular Meeting held October 20, 2008. Upon voice vote: YES: (5) / NO: (0) / ABSENT: (1). Motion carried 5/0

**5) PUBLIC COMMENTS**

Public comments were taken at the time of their respective agenda items.

**6) VILLAGE ENGINEER – REPORT AND RECOMMENDATIONS**

Engineer Gordon requested that item 6C be addressed first to accommodate Bill Kruckenberg's schedule.

**C) Red Wing Place (Oak Ridge) Drainage Improvement Project**

Engineer Gordon reported on the status of the Red Wing Place Drainage Project stating that Elia Township has secured a \$10,000.00 grant from Lake County to fund a portion of this project.

Kris Weathered of 71 Oak Ridge Lane addressed the Board regarding the drainage problems on her property and her neighbors' properties that are a result of the deteriorated Red Wing Place drainage system.

Bill Kruckenberg reported that the project involves property in unincorporated Elia Township as well as property in the Village of Deer Park and requested that the Village commit to contributing \$15,000.00 to the project cost. Mr. Kruckenberg reported that residents generally contribute to the cost of these types of projects. The consensus of the Board was that they are open to participating in the project, but would like to see a detailed breakdown of the cost of the project including the amount that each respective party would be responsible for before making a final commitment.

**B) Deer Park Place Maintenance Punch List**

In response to sprinkler system issues raised by Marla Kryska of 20555 West Park Place during public comments at the October 20, 2008 Board meeting, Assistant Trayling reported that he brought the blueprints and plans for the sprinkler system for the Deer Park Place subdivision with him for the Board to inspect and that the Fire District has always had the blueprints and plans. Assistant Trayling described how the sprinkler system in the Deer Park Place subdivision works as well as the inspection process and the findings of the most recent inspection. President Gifford asked if Assistant Trayling would be willing to meet with the Deer Park Place Homeowners' Association to explain the sprinkler system and answer their questions. Assistant Trayling stated that he is willing to meeting with the Deer Park Place residents.

Assistant Trayling reported that the speed bump on Deer Path Road has not impaired the fire department's ability to respond at all and that they were grateful to have been involved in the engineering of the speed bump because it assured that none of their response vehicles would be damaged by it in any way.

Engineer Gordon reported the status of the Deer Park Place Maintenance Bond Punch List that he sent to Steve Jouzapaitis of United Land Development stating that the Deer Park Place Homeowners' Association moved forward with one of the items on the punch list, the repair of the driveway at 20610 West Park Place, and that Mr. Jouzapaitis has requested that \$1,000.00 of the bond money be released for him to use to address the remaining issues.

Administrator Connors recommended that, upon the expiration of the \$15,000.00 maintenance bond, a portion of the bond be used to reimburse the Homeowners' Association for the driveway repair at 20610 West Park Place.

MOTION: by Trustee Plautz to approve the release of up to \$1,000.00 of the Deer Park Place maintenance bond contingent upon either the Village Engineer or the Village Planner inspecting and approving the completion of October 31, 2008 Punch List items. Upon roll call: YES: (6) Pratscher, Kellermann, Thrun, Kizior, Rotter, and Plautz / NO: (0) / ABSENT: (0). Motion carried 6/0

A) Ferndale Drainage Improvement Project Phase III Bid Results

MOTION: by Trustee Kellermann to award Phase III of the Ferndale Drainage Improvement Project to Lenny Hoffman Excavating, Inc in the amount of \$176,840.70 with a 10% contingency factor for a budgeted total of \$194,524.77. Upon roll call: YES: (6) Pratscher, Kellermann, Thrun, Kizior, Rotter, and Plautz / NO: (0) / ABSENT: (0). Motion carried 6/0

D) Approval of payment to American Underground, Inc. in the amount of \$4,240.00 for storm sewer work

MOTION: by Trustee Pratscher to approve payment of American Underground, Inc. invoice #6757 in the amount of \$4,240.00 for storm sewer root cutting and television inspection performed. Upon roll call: YES: (6) Pratscher, Kellermann, Thrun, Kizior, Rotter, and Plautz / NO: (0) / ABSENT: (0). Motion carried 6/0

E) Request from Village of Vernon Hills for final payment of \$1,434.31 for EJ&E Quiet Zone Study

MOTION: by Trustee Thrun to approve final payment to the Village of Vernon Hills in the amount of \$1,434.31 for the EJ&E Quiet Zone Study. Upon roll call: YES: (6) Pratscher, Kellermann, Thrun, Kizior, Rotter, and Plautz / NO: (0) / ABSENT: (0). Motion carried 6/0

**ITEM 13 WAS ADDRESSED AT THIS TIME – Kildeer Police Reports – October 2008**

Commander Zujewski addressed the Board answering Trustee questions on the following subjects: underage drinking; STEP programs on Deer Path Road, Meadow Lane, and Long Grove Road; and shoplifting.

**7) VEHE FARM – REPORT AND RECOMMENDATIONS**

A) A written report was submitted regarding the Vehe Foundation's monthly activities and accounting.

B) Approval of payment to Walter Alarm Service for \$2,723.20 Barn Security System

Mary Lahr of 201 Rue Touraine addressed the Board regarding the payment to Walter Alarm Service.

MOTION: by Trustee Thrun to approve payment to Walter Alarm Service in the amount of \$2,723.20. Upon roll call: YES: (5) Pratscher, Kellermann, Thrun, Kizior, and Plautz / NO: (0) / ABSENT: (1) Rotter. Motion carried 5/0

**8) VILLAGE ATTORNEY – REPORT AND RECOMMENDATIONS**

A) Ordinance Approving a Preliminary Plat of Subdivision (Doniec-Rainbow Hills)

Teri Masino of 24660 Middlefork Road addressed the Board to read a letter from Don and Therese Schoen of 21615 Rainbow Road regarding their opposition to the resubdivision of Lot 2 in the Rainbow Hills subdivision.

Bill Walton of 21582 Rainbow Road addressed the Board regarding the setback requirements for one acre lots; concerns he has about drainage, the reduction of the value of his property, disruption of his privacy, additional properties in the Rainbow Hills area subdividing; and his opposition to the resubdivision of Lot 2 in the Rainbow Hills subdivision.

Engineer Gordon explained that the Plan Commission determined that the Lot 2 resubdivision meets the setback requirements set forth in the Municipal Code Chapter and that the Commission used the *Lot Standards section 155.38 of the Subdivision Design Standards in Chapter 155: Subdivision Regulations* together with item (G) *Front Yard of the R-1 Single-Family Residential District section 158.040 in Chapter 158: Zoning Code* to make this determination. Engineer Gordon explained that the standard of a setback greater than 50 feet in order to achieve the required 130 foot width is seen throughout the Village where there are pie shaped lots in cul de sacs and where there are flag lots.

Engineer Gordon reported that Ela Township evaluated two catch basins on Rainbow Road that are to drain to Cuba Road; the catch basin just south of the Lot 2 driveway was completely filled with silt; the catch basin just north of the 21582 Rainbow Road driveway was completely blocked. Engineer Gordon reported that Ela vacuumed the silt from the Lot 2 basin and cleared the blockage from the 21582 basin; these catch basins are functioning as they should now.

Mary Jo Martin of 21585 Sylvander Drive addressed the Board regarding the removal of buckthorn from Lot 2 and the setback requirements for the resubdivision of Lot 2.

**MOTION:** by Trustee Pratscher to approve the Ordinance Approving a Preliminary Plat of Subdivision of Lot 2 in the Rainbow Hills subdivision with Section 2 amended as follows:

Section 2. The Tentative (Preliminary) plat of re-subdivision of the **Doniec** Subdivision, attached hereto and incorporated herein, is hereby approved, subject to the following:

A. Inclusion of a water maintenance drainage plan that specifies rain gardens, **a permeable paver driveway on Lot 1**, or alternative best drainage management practices as determined by the Village Engineer.

B. Inclusion of a tree plan which goes beyond that of the Municipal Code and provides for replacement of each tree which is removed **as determined by the Village Planner.**

Upon roll call: YES: (5) Pratscher, Rotter, Thrun, Kizior, and Plautz / NO: (1) Kellermann / ABSENT: (0).

Motion carried 5/1

B) Resolution Authorizing the Approval of an Identity Theft Prevention Policy

**MOTION:** by Trustee Pratscher to approve the Resolution Authorizing the Approval of the Identity Theft Prevention Policy. Upon roll call: YES: (5) Pratscher, Rotter, Thrun, Kizior, and Plautz / NO: (0) / ABSENT: (1) Kellermann.

Motion carried 5/1

C) Approval of an Intergovernmental Agreement for the Provision of Municipal Services to 284 West Rosalie

**MOTION:** by Trustee Pratscher to approve the Intergovernmental Agreement between the Village of Deer Park and the Village of Palatine for the Provision of Municipal Services to 284 West Rosalie in the Village of Deer Park. Upon roll call: YES: (6) Pratscher, Rotter, Thrun, Kizior, Kellermann, and Plautz / NO: (0) / ABSENT: (0). Motion carried 6/0

#### **ITEM 10Ci WAS ADDRESSED AT THIS TIME – Financial Audit Prepared by Sikich and Associates**

Mr. LeFevre presented comments on the Financial Statements and Independent Auditors' Report and the Management Letter produced by Sikich and Associates as a result of the audit for the fiscal year ending April 30, 2008:

- Sikich presented a Qualified Opinion of the Village's financial statements
- The Village uses a cash basis and modified cash basis of accounting
- Sikich found the financial statements to be free of material misstatement
- The Qualified Opinion is the highest level opinion one can receive using the cash basis and modified cash basis of accounting
- Sikich found that the Management Discussion and Analysis prepared by the Village Treasurer is consistent with the financial statement presentation and that it is a good executive summary of the financial statements
- With the transition to the new financial software program the Village will be converting to accrual basis accounting which will make it possible to receive an Unqualified Opinion in the future

Mary Lahr of 201 Rue Touraine addressed the Board regarding the scope of the audit performed with regard to the Special Service Area Funds and the length of time it took to complete the audit.

Administrator Connors presented his November 14, 2008 memo which addresses the comments in the Management Letter which pertain to Segregation of Duties, Cash Basis of Accounting, General Ledger Accounting and Financial Reporting, Purchasing Policies, Accounting Policies and Procedures, and Future Accounting Pronouncements.

**MOTION:** by Trustee Kizior to accept the Financial Audit Report for the fiscal year ending April 30, 2008 as prepared by Sikich and Associates. Upon voice vote: YES: (6) / NO: (0) / ABSENT: (0). Motion carried 6/0

**ITEM 10Aiv WAS ADDRESSED AT THIS TIME – Request for Sikich to Release Fraud Assessment Documents to the Village Attorney**

Mr. LeFevre confirmed that if Sikich became aware of fraud being committed as a result of completing the financial audit or reviewing the Fraud Assessment Documents submitted, they are obligated to report that fraud to the Village President or the appropriate authority as indicated by the American Institute of Certified Public Accountants.

Attorney Keller stated that the reason he requested the Fraud Assessment Documents from Sikich is because he has a responsibility to the Village to be aware of any suggestion of financial misconduct or fraudulent activity so he can independently assess whether there is any basis for concern about the Village finances or basis for concern about fraud suggested in the Fraud Assessment Documents which may not enter into the scope of the financial audit report.

**MOTION:** by Trustee Pratscher to request that Sikich and Associates release the fraud assessment documents to the Village Attorney. Upon roll call: YES: (4) Pratscher, Thrun, Kizior, and Gifford / NO: (3) Rotter, Kellermann, and Plautz / ABSENT: (0). Motion carried 4/3

**9) PLAN COMMISSION RECOMMENDATION – NO REPORT**

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

**A. President Gifford:**

i) General Information

President Gifford shared an email he received from Luke Stowe of the Lake County Election Department which conveyed positive feedback about the use of the Barn as a polling place on November 4<sup>th</sup>.

ii) Report on Sunrise Senior Living Development Project

President Gifford reported that his discussions with the Village of Lake Zurich and the Sunrise Senior Living Developers have continued; at this point, Lake Zurich has agreed to provide water and sewer to the Christiansen property and to the properties east of it down through Brunswick Zone and the Rand 12 Centre in exchange for the Sunrise Senior Living property being annexed into Lake Zurich. The consensus of the Board was that President Gifford should continue the discussions.

iii) Report on Vehe Barn Bond Claim

President Gifford reported that he, Attorney Keller, and Jim Peterson had completed the financial analysis of the Barn project as it relates to submitting a claim to R. W. Clark's bond company and that a claim had been mailed to the bond company. Attorney Keller reported that he had received the certified mail receipt as confirmation that the claim letter had been received by the bond company. President Gifford distributed a summary of the bond claim details that was prepared by Jim Peterson.

iv) Request for Sikich to Release Fraud Assessment Documents to the Village Attorney – addressed earlier in the agenda

**B. Trustee Kellermann- Roads and Public Utilities: – NO REPORT**

**C. Trustee Kizior—Finance:**

i) FY 2008 Financial Audit Prepared by Sikich and Associates – addressed earlier in the agenda

ii) Six Month Budget Review

Trustee Kizior requested that the trustees review the Six Month Budget provided so that the details of it can be discussed at the December meeting and requested that the review be posted on the website.

**D. Trustee Plautz – Health & Sanitation:**

i) SWALCO Meeting Report

Trustee Plautz reported that per the information she received at the last SWALCO meeting she attended, electronics such as televisions and computers will not be allowed to be discarded as regular garbage as of 2012 and that a ban of plastic grocery bags and foam containers is being considered.

ii) BACOG Dinner Table Message About Lights

Trustee Plautz reported that Barrington Hills is developing zoning regulations for residential outdoor lighting zoning to manage light pollution by requiring shields to direct the light down.

**E. Trustee Pratscher – Planning and Zoning: – NO REPORT**

**F. Trustee Rotter –Parks and Recreation:**

i) Vehe Farm Trees Into Mulch

Trustee Rotter reported that the Vehe Farm tree and park mulch project has been completed.

ii) Update on Purchase of Lake County Portion of Charles E. Brown

Trustee Rotter reported that the purchase of the Lake County portion of Charles E. Brown Park has been completed.

iii) How to Progress on East Side of Charles E. Brown Park

Trustee Rotter reported that the east shoreline property of Charles E. Brown Lake is owned by the Village; he asked the Board if they wanted to maintain the east shoreline property or leave things as they are with residents maintaining that property as it abuts to their respective properties. The consensus of the Board was to leave things as they are and not undertake maintaining that property.

iv) Opportunity for Deer Park Town Center Baseball Field

Trustee Rotter reported that two baseball organizations have contacted him about using the Town Center Field in the spring; both teams are willing to pay a higher fee than last year if the Village is willing to take on the responsibility of maintaining the field. Trustee Rotter will present the details of this opportunity including the cost of maintaining the field at the December meeting.

v) Reimbursement for Chapel Hill Subdivision Landscaping Reimbursement

Frank DeFalco of 21912 Chapel Hill signed in to give public comment on this item, but left the meeting before the item was addressed.

Trustee Rotter recommended against reimbursing the Chapel Hill Homeowners' Association the maximum allowable (\$1750.00) because the association did not follow the reimbursement procedures set forth in the Village guidelines. Trustee Rotter recommended a reimbursement of \$350.00 as that is the amount he estimates the Village would have paid to have the trees removed.

MOTION: by Trustee Rotter to approve a homeowner association landscape reimbursement of \$350.00 to the Chapel Hill subdivision. Upon roll call: YES: (6) Pratscher, Kellermann, Thrun, Kizior, Rotter, and Plautz / NO: (0) / ABSENT: (0).  
Motion carried 6/0

**G. Trustee Thrun – Public Safety: – NO REPORT**

**H. Administrator Connors:**

i) Contract Revisions for Animal Control Services with Lake County

MOTION: by Trustee Thrun to approve the Lake County Health Department and Community Health Center Animal/Rabies Control Program Fee Service Agreement. Upon voice vote: YES: (6) / NO: (0) / ABSENT: (0).  
Motion carried 6/0

ii) Report on Damages Village Entrance Signs

Administrator Connors reported that several city limit signs in the Village need to be replaced. The Board directed Administrator Connors to arrange to replace the signs with the same type of signs, but to wait to have them installed until after the winter season. Administrator Connors reported that the Village insurance will cover approximately \$500.00 for the replacements.

iii) Approval of the 5-Year Lease Contract for Village Office Copy Machine with Des Plaines Office Equipment

MOTION: by Trustee Thrun to approve the 5-year lease contract for a Sharp MX2300 color copier for the Village Office with Des Plaines Office Equipment. Upon roll call: YES: (6) Pratscher, Kellermann, Thrun, Kizior, Rotter, and Plautz / NO: (0) / ABSENT: (0).  
Motion carried 6/0

iv) Approval of Annual Payment to IMLRMA for the Amount of \$11,349.38

MOTION: by Trustee Thrun to approve the annual payment to IMLRMA in the amount of \$11,349.38. 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 – OCTOBER 2008**

MOTION: by Trustee Kizior to approve the Investment Fund Report for October 31, 2008 in the amount of \$1,646,179.23. Upon voice vote: YES: (6) / NO: (0) / ABSENT: (0). Motion carried 6/0

**12) CASH DISBURSEMENTS**

MOTION: by Trustee Kizior to approve accounts payable dated November 17, 2008 totaling \$211,833.95 (expenditures in the amount of \$190,934.46 plus payroll in the amount of \$20,899.49). Upon roll call: YES: (6) Pratscher, Kellermann, Thrun, Kizior, Rotter, and Plautz / NO: (0) / ABSENT: (0). Motion carried 6/0

**13) KILDEER POLICE REPORTS – OCTOBER 2008**

This item was addressed earlier in the agenda. 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 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 11:59pm.

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H. Scott Gifford, Village President

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Susan Meyle, Village Clerk