

**MINUTES
VILLAGE OF DEER PARK
BOARD OF TRUSTEES MEETING
June 21, 2010 • 7:00pm
Deer Park Vehe Barn
23570 W. Cuba Road, Deer Park Illinois 60010**

1) Pledge of Allegiance

The meeting of the Board of Trustees of the Village of Deer Park was held on Monday, June 21, 2010 at Vehe Barn, 23570 W. Cuba Road, in the Village of Deer Park, in the counties of Lake and Cook, Illinois. President Kellermann 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 Kellermann, Trustees Kizior, Trost, Olson, Sands, Pratscher and Evans.

Other Village officials present were Village Administrator Connors, Clerk Schroeder, Attorney Bateman, and Village Treasurer Stade, and Gewalt Hamilton Representative. President Kellermann stated there is a quorum.

3) Approval of Agenda

President Kellermann entertained a motion to amend the Agenda to move item #12 before item #8; move item#9G before item #9A; move item 9Ji to Executive Session; and move item #13 to Executive Session; move item#9Ai to Executive Session; move item #9Aii to Executive Session.

Motion: Trustee Evans moved, seconded by Trustee Pratscher, to approve the amended agenda per President Kellermann's recommendation as discussed.

Discussion:

Attorney Bateman reminded the Board that they are only able to discuss the qualifications for proposals to solicit for Village legal service and not take action on appointments at this time.

Upon Voice Vote – 6 Ayes, 0 Nays – Motion Carried 6/0

4) Approval and Release of minutes from the Board of Trustees Regular Meetings of April 19, 2010 & May 17, 2010.

President Kellermann entertained a motion to consider for approval the minutes of the Board of Trustees Regular Meetings of April 19th and May 17th 2010.

Discussion:

Trustee Pratscher pointed out minor corrections in the May 17th draft. Clerk Schroeder duly noted the changes and indicated that she will reflect the changes in the final minutes.

With no further comments the roll was called.

Upon Voice Vote – 6 Ayes, 0 Nays – Motion Carried 6/0

5) Public Comments

President Kellermann invited the public to make comments on items not otherwise on the Agenda.

Debra Barry of 412 Ramble Lane noted as the secretary of the Deer Park Neighbors, she expressed her concerns on several items:

- *regarding agenda item number thirteen (#13). She suggested having the interim Village Attorney keep his position for at least fifteen (15) months and recommended his term be until the end of April 2011;

- *suggested that the Village consider getting surge protection prior to purchasing new technical equipment;

- *expressed concerns about Lake Cook and Rand Road egress traffic patterns;

- *noted the Road Adoption Program and recommended that the Village consider applying for signage to help beautify the Village. She noted the offer ends soon and there is no cost to the Village for the program and;

- *mentioned the next DP Neighbor's road clean-up event will be held on Saturday and Sunday, June 25th and 26th.

Frank Rettmuller of 12 Deer Path Road expressed his concerns with vehicles speeding on Deer Path Road and noted the lack of police services.

Trustee Kizior pointed out that the Police Service STEPS have increased on Deer Path Road.

With no further comments, the Public Comments section of the meeting was closed at 7:21 p.m.

6) Plan Commission Recommendation to amend Zoning code regarding Zoning Board of Appeals membership and terms

Plan Commission Chairman Dave Heidtke provided a brief summary of the Plan Commission Public Hearing held on June 7th. Chairman Heidtke further noted that he supports the proposed changes as recommended by the Plan Commission.

Village Attorney Bateman reiterated Chairman Heidtke's comments regarding the recommended changes and noted that the changes would make the Village ordinance in compliance with the State statutes unless the Village becomes home-rule.

8) C. Ordinance amending municipal code regarding terms of members of Zoning Board of Appeals (ZBA) and notice of appeal from a ZBA decision and accessory uses and structures and uses

Motion: Trustee Sands moved, seconded by Trustee Olson, to approve the Ordinance amending municipal code regarding terms of members of Zoning Board of Appeals (ZBA) and notice of appeal from a ZBA decision and accessory uses and structures and uses.

Upon Voice Vote – 6 Ayes, 0 Nays – Motion Carried 6/0

7) **Village Engineer- Report and Recommendations**

A. Approval of recommendation to pay Hovis Clean Sweep LLC for \$650.00 (street sweeping)

Village Engineer Gordon explained this item and recommended approval. Engineer Gordon also recommended this service for spring and fall seasons.

Motion: Trustee Sands moved, seconded by Trustee Pratscher, to approve to pay Hovis Clean Sweep LLC for \$650.00 for street sweeping.

Ayes: Kizior, Evans, Pratscher, Olson, Sands and Trost

Nays: None

Motion Carried 6/0

B. Approval to recommendation to pay HT Strenger Inc for \$588.50 (Town Center ball field water line RPZ)

Village Engineer Gordon explained this item and recommended approval.

Motion: Trustee Evans moved, seconded by Trustee Pratscher, to pay HT Strenger, Inc. for \$588.50 for the Town Center ball field water line RPZ.

Discussion:

Trustee Evans inquired about the five (5) hose keys. Village Administrator Connors noted that he has the keys.

Trustee Kizior indicated he thought this was a high cost. Village Engineer Gordon explained the repair. Village Administrator Connors noted that \$400 is for the materials alone.

Ayes: Pratscher, Evans, Sands, Olson and Trost

Nays: Kizior

Motion Carried 5/1

C. Approval of pay estimate #1 and #2 for Deer Path Road LAPP project to Peter Baker, Inc. for the amount of \$122,412.60

Village Engineer Gordon explained this item and recommended approval.

Motion: Trustee Pratscher moved, seconded by Trustee Sands, to direct Village Administrator to e-mail the pay estimates to IDOT from the Village for Peter Baker and Sons Co. to receive their payment in the amount of \$122,412.60 for Deerpath Road LAPP Project.

Ayes: Sands, Trost, Pratscher, Kizior and Evans

Nays: None

Motion Carried 6/0

Trustee Sands pointed out that the project is under budget.

12) Kildeer Police Reports

President Kellermann commended the Kildeer police for their services over the weekend with downed trees from the stormy weather.

Commander Bratko provided a summary of the submitted Police Report as presented and was available to answer questions from the Board.

Commander Bratko provided a Redlight update on violations and answered questions from the Board.

Trustee Kizior suggested increasing the Police Service STEPS on Deerpath Road in the early morning rush and evening rush hour. Commander Bratko duly noted that the STEPS have increased on Deerpath Road.

Trustee Evans reported motorcycles drag-racing on Lake Cook Road between 1:00-3:00 a.m. She expressed safety concerns. Commander Bratko noted that he would have that monitored.

Frank Rettmuller of 12 Deer Path Road reported his neighbor's property was vandalized with toilet paper.

8) Village Attorney- Report and Recommendations

A. Resolution adopting prevailing wage rates

Village Attorney Bateman explained this item and was available to answer questions from the Board.

Motion: Trustee Pratscher moved, seconded by Trustee Evans, to approve the Resolution adopting Prevailing wage rates as presented.

Ayes: Sands, Evans, Pratscher, Trost, Kizior and Olson

Nays: None

Motion Carried 6/0

B. Resolution accepting dedication of certain public improvements and providing for a maintenance guarantee (Hampton Inn)

Village Attorney Bateman explained this item and recommended approval.

Motion: Trustee Pratscher moved, seconded by Trustee Evans, approval of Resolution Accepting dedication of certain public improvements contingent upon receiving a signed maintenance guarantee agreement (Hampton Inn) and cash deposit of \$7,500.

Ayes: Evans, Pratscher, Sands, Kizior, Olson and Trost

Nays: None

Motion Carried 6/0

D. Ordinance amending municipal code relative to automated traffic law enforcement system

Village Attorney Bateman explained this item relates to Senate Bill 935 which mandates certain standards for automated traffic law enforcement systems. This draft ordinance amends Chapter 74, "Automated Traffic Law Enforcement System", of the Deer Park Municipal Code to reflect those requirements. Attorney Bateman recommends its approval so that the Village's ordinance is up to date.

Motion: Trustee Olson moved, seconded by Trustee Trost, to approve an ordinance amending the Deer Park Municipal Code relative to automated traffic law enforcement system.

Ayes: Trost, Pratscher, Kizior, Olson and Sands

Nays: None

Abstain: Kizior

Motion Carried 5/0/1

9) Reports from President, Trustees, Administrator, Treasurer, and Clerk

A. President Kellermann

i. Vehe Farm Foundation

This item was moved on the agenda

ii. Deer Path road - landscaper status

This item was moved on the agenda

iii) Request for liquor license by Circle K for Shell Station at 20020 North Rand Road

Brian Edwards and Steve Foster was present on behalf of Circle K for Shell Gas Station at 20020 North Rand Road and requested a liquor license.

Village Administrator Connors noted that the Board would not be considering an ordinance tonight. This request will need to go before the police, liquor control commissioner and ZBA for review. Administrator Connors noted either a class 3 or 5 would be recommended for this request.

Attorney Bateman indicated the administrative authority to decide which class would be more appropriate to the request.

Trustee Kizior asked if the Board could put limits on the time/hours to sell liquor. Attorney Bateman noted that it would have to be a license-wide amendment to the ordinance to change the hours. Attorney Bateman read all the liquor license classes.

President Kellermann asked the applicant if he was aware of the application fees. Mr. Edwards replied yes.

Village Administrator Connors explained the application process and indicated that once the liquor license review is approved an ordinance would be presented before the Village Board for consideration of approval.

Trustee Pratscher asked what percentage of the floor would be for alcohol. Mr. Edwards noted that he does not know the percentage at this time, but he knows it is a small area.

Trustee Pratscher noted that neon signage is not allowed and advised following up with the sign ordinance requirements.

President Kellermann asked the Board for their comments.

Trustee Kizior expressed concern with the busy traffic with combination of liquor. Trustee Sands noted that he is not in favor of gas stations with a liquor license. Trustee Kizior asked the Board to think about or suggest earlier hours to sell liquor.

Trustee Trost asked the applicant about the numerous suspensions. Mr. Edwards indicated that the cashier now has to put in the patrons birth date. Mr. Edwards noted that staff also would attend BASSET training.

Trustee Olson noted that after doing more research he would be in favor of the request.

Trustee Evans expressed her concern with the combination of the gas and liquor sales on a busy street. Trustee Evans asked if and what kind of control does the gas station have on customer's opening liquor on the premise. Mr. Edward noted that he has no control and that offering liquor is an added convenience to the customer. Trustee Evans asked if the store could put "retail only" on the liquor.

Trustee Pratscher noted that she agrees with Trustee Kizior on limited selling hours.

Village Attorney Bateman suggested that the Village could create a new class specific to gas stations.

After Board discussion, President Kellermann took a pole from the Trustees support in this request. The majority of the Board was in favor to move forward on this request. Trustee Trost suggested that the selling hours not be allowed beyond the surrounding retail stores selling hours. Trustee Kizior agreed. Trustee Pratscher noted that she would be in favor of creating a new liquor license class specific to gas stations.

President Kellermann informed the applicant, Mr. Edwards that the presented liquor license application will be processed for review and investigation. Further Board action will be pending the review process results. President Kellermann thanked Mr. Edwards for his presentation and application.

i. Vehe Farm Foundation

President Kellermann noted that the Vehe Farm Foundation was dissolved.

ii. Deer Path road - landscaper status

President Kellermann noted that there was no response from the letter sent. President Kellermann moved this item to Executive Session.

G. Trustee Evans-Parks and Recreation

i) Presentation for Eagle Scout to build and install park benches (tabled from 5/17)

Trustee Evans noted that this item will be tabled since the Scout was not present.

ii) Request for Clerk to send thank you letters for volunteers participating in Great Backyard Bird Count (tabled from 5/17)

There was general discussion regarding the donation letter. Trustee Pratscher recommended a donation policy.

iii) Culvert Issue – Added Item

A complaint was forwarded to the Village Office regarding a culvert issue. There was general discussion regarding a resident posting metal posts in the culvert area. President Kellermann directed Clerk Schroeder put a courtesy message in the Village newsletter.

Trustee Evans noted that if the residents think it's OK to post poles in the culvert then all the residents will be doing it. Trustee Evans doesn't want to encourage residents doing so.

President Kellermann asked to further discuss this at the next regular Village Board meeting.

iv) Mulch for Playground Project – Added Item

There was discussion regarding mulch for the playground in the play lot area. Village Administrator Connors referenced the bid information received from Jameson and explained getting more bids from three different companies. Village Administrator Connors expressed safety issues and that this project should have been done last year.

No action was taken on this item tonight. It was the consensus of the Board to bring the bid results back to the next Board meeting for consideration of approval.

Trustee Evans noted that she would like to put an Emerald Ash Borer awareness article in the Village newsletter.

B. Trustee Kizior–Public Safety

Trustee Kizior noted his activity with obtaining Vehe documents from a downtown office. Trustee Kizior further reported that the trees worked with ComEd regarding the aggressive tree trimming along Long Grove Road and established that they were cut by LIDOT not ComEd. He noted that ComEd does not take trees down to the ground.

C. Trustee Olson-Finance

Scheduling of special meeting for website presentations. Trustee Olson suggested scheduling a special meeting for website presentations.

Trustee Pratscher suggested creating an analysis of the needs of the Village website. Trustee Sands also requested a needs analysis between what the current Village website has and what we want.

President Kellermann agreed to have the Trustees put together a list of items for the proposed website items. Trustee Pratscher noted that the current Village website has most of the context but it requires more of a matter of organizing it.

After discussion, the special meeting was announced to be scheduled on Tuesday, July 6th at 6:00 p.m. Trustee Pratscher asked to bring one website presentation vendor. Trustee Pratscher proposed cost saving website vendors. President Kellermann noted that she got invite one website presenter to the next meeting on July 21st.

D. Trustee Pratscher-Health and Sanitation

Trustee Pratscher asked if the Board would be interesting in a Swalco Electronic Waste Event. There was general discussion to hold event in September after Labor Day. Trustee Evans noted that she doesn't mind going to the Ela Township and she's not sure what kind of volume of people this would attract. President Kellermann noted for Trustee Pratscher to pursue this event.

E. Trustee Sands-Roads and Drainage

i) Road Program Update (Deerpath, Rue Valley, Wooded Ridge)

Trustee Sands reported that the projects were bid under budget \$5-10,000. Trustee Sands noted that letters would be sent to the residents regarding the resurfacing projects.

ii) Drainage Project Update

Trustee Sands provided an update on the Wood Ridge drainage issues.

Trustee Pratscher pointed out her concerns with Rainbow Road and suggested a couple of funding alternatives, i.e. funding bonds, sale tax increase referendum.

Trustee Sands suggested President Kellermann direct a couple of Trustees to further investigate funding alternatives. President Kellermann directed Trustee Olson to this task and bring back feedback to the Village Board.

Village Attorney Bateman noted the timeline requirements for filing a referendum on the November 2nd ballot.

Trustee Sands pointed out the criteria for determining drainage issue evaluations. Trustee Sands noted that currently there about fifteen variety of drainage issues within the Village.

iii) Hotel Tax Recommendations based upon discussions with Atira Hotels and Deer Park Center

Trustee Sands presented his discussions with Atira Hotels and Deer Park Center and was available to answer questions from the Board.

iv) Economic Development Committee recommendation as follow up from prior Board Assignment to harmonize the Tourist Committee and Economic Development Commission

Trustee Sands overviewed the draft ordinance for establishing Chapter 31.2, "Economic Development Committee". Trustee Sands asked for the Trustees for their feedback on this matter.

Trustee Evans expressed that she strongly opposes to the Village advertising businesses, but not opposed to posting on the Village website.

Trustee Olson noted that he would share his e-mails regarding this matter with Trustee Evans.

Trustee Kizior asked that the Board look again for further discussion.

Trustee Sands noted that there are enough items that warrant the proposed EDC. Trustee Pratscher noted that she agrees with Trustee Evans not to advertise specific businesses.

President Kellermann noted that this item would be tabled for further discussion.

F. Trustee Trost-Planning and Zoning

Update on RFP for Building Plan Review/Inspection and Zoning Services

Trustee Trost noted that Village staff and President Kellermann would begin the interviewing process after July 4th. All the background checks came back good on all the candidates.

Trustee Trost provided an update on the permit activity as provided in a report by Josie Doniec, Village Building Permit Coordinator.

Trustee Pratscher asked about the build-out for Deer Park Estate. Village Administrator Connors indicated that the subdivision is near completion.

G. Trustee Evans-Parks and Recreation

This item moved after Item 9A

i) Presentation for Eagle Scout to build and install park benches (tabled from 5/17)

ii) Request for Clerk to send thank you letters for volunteers participating in Great Backyard Bird Count (tabled from 5/17)

H. Administrator Connors

i) ComEd Report on vegetation management by Mr. Jeff Batara, ComEd External Affairs Manager

Village Administrator noted Mr. Batara would not be attending this evening due to high volume storm issues and will be at the regular Village Board meeting in July.

ii) Status of Azavar utility audit

Village Administrator Connors overviewed the audit status report and was available to answer questions from the Board.

iii) Status on RedSpeed enforcement of red light violations at Rand and Long Grove Roads

Village Administrator Connors noted that hearings will begin in July and he will continue to provide the Board with updates.

iv) Status of Office utilities from lightning strike

Village Administrator Connors provided the Board with an update on the status of the office utilities from lightning strike.

v) Request from Black and Veatch for consideration of a telecommunication monopole on public property

Village Administrator Connors informed the Board about recent inquiry from Black & Veatch to host a Clear Wire Communications site on Charlie Brown park and Village office property.

Village Administrator Connors pointed out all parks are R1 zoning. Village Administrator Connors asked for the Board's feedback on this matter.

vi) Proposal from Pentegra to purchase additional audio equipment for \$551.00

Village Administrator Davis proposed the quote from Pentegra to purchase additional audio equipment for \$551.00.

Trustee Olson asked that we get quotes from other companies that may cost less. Village Administrator Connors noted that he doesn't know if other company's product would be compatible with the existing products.

Trustee Pratscher recommend getting a quote from the Marantz company where she got the Clerk's recorder.

Trustee Evans asked why we need this item. President Kellermann noted that the additional microphone would be enough to give each Trustee their own microphone and/or use as an extra.

Village Administrator Connors noted that staff could get other bids.

Motion: Trustee Olson moved, seconded by Trustee Pratscher, to approve the purchase of audio equipment not to exceed \$551.00.

Ayes: Sands, Trost, Olson, Kizior and Pratscher

Nays: Evans

Motion Carried 5/1

vii) Village Office modifications to entrance and work space

Village Administrator Connors explained for the safety of the Village staff, and he recommends modifications to the office entrance of Village Hall.

President Kellermann asked for further discussion. Trustee Pratscher suggested to considering the proposed modification to give Village staff better working conditions.

President Kellermann suggested getting bids on the proposed modification.

Trustee Kizior suggested getting the Village Administrator out of the loop dealing with dead animal issues. President Kellermann suggested establishing a policy on addressing dead animals.

I. Treasurer Stade

i) Request from Praedium Development Corporation for sanitary sewer payment plan (Town Center Promenade)

Treasurer Stade explained this item and recommended a monthly payment plan with additional interest adjusted on the final payment.

Treasurer Stade noted that a lien has been filed for the Village's protection. Treasurer Stade asked for the Board's direction on matter.

The consensus of the Board supported the payment plan.

Motion: Trustee Sands moved, seconded by Trustee Olson, to approve the request from Praedium Development Corporation for Sanitary Sewer Payment Plan (Town Center Promenade) with an interest charge but not a penalty charge with written signed agreement between Praedium and the Village of Deer Park.

Ayes: Evans, Kizior, Olson, Pratscher, Trost and Sands

Nays: None

Motion Carried 6/0

ii) Request from Praedium Development Corporation to release one year maintenance bond (Town Center Promenade)

Village Administrator Connors explained the outstanding Teska issues. Attorney Bateman explained this bond release process.

After further discussion, *this item was tabled.*

iii) Miscellaneous

Treasurer Stade informed the Board about the recent direct deposit service charge of \$54 per month charge. Treasurer Stade indicated that she talked with the bank and was offered a interesting bearing account that earns credit.

It was the consensus of the Board to research other banks.

Treasurer Stade informed the Board of Trustees that the annual dispatch line item is under budget by \$10,000.

J. Village Clerk Schroeder

i) FOIA Requests Update

This was moved to Executive Session

ii) Record Disposal Information and consideration of approval of State approved documents.

Village Clerk Schroeder provided the Board with the background history of the Village's record disposal information. President Kellermann asked for more information to be presented at the next regular meeting in July.

10) Investments Held Report

Approval of the Investments Held Report for May 2010 in the amount of **\$1,115,904.05**

Motion: Trustee Olson moved, seconded by Trustee Sands, to approve the Investments held report for May 2010 in the amount of \$1,115,904.05

Upon Roll Call – Voice Vote 6 Ayes/0 Ayes Motion Carried 6/0

11) Cash Disbursements

Approval of expenditures totaling **\$257,402.82** (accounts payable in the amount of **\$235,614.72** plus payroll in the amount of **\$21,461.68** and check register for **\$326.42**)

Motion: Trustee Olson moved, seconded by Trustee Sands, to approve expenditures totaling \$257,402.82 (accounts payable in the amount of \$235,614.72 plus payroll in the amount of \$21,461.68 and check register for \$326.42).

Upon Roll Call – Voice Vote 6 Ayes/0 Ayes Motion Carried 6/0

12) Kildeer Police Reports

This item was moved before 8)A

13) New Business

Request from Trustee Pratscher to consider solicitation of proposals for Village legal services

This item was moved to Executive Session

14) Closed session to discuss pending & probable litigation, personnel and legal counsel

President Kellermann entertained a motion to enter into Executive Session to discuss pending & probable litigation, personnel and legal counsel at 10:05 p.m.

Motion: Trustee Sands moved, seconded by Trustee Pratscher, to enter into Executive Session to discuss pending & probable litigation, personnel and legal counsel at 10:05 p.m.

Upon Voice Vote – 6 Ayes/0 Nays – Motion Carried 6/0

At this time, President Kellermann and Trustees Sands, Kizior, Olson, Pratscher, Trost and Evans entered into Executive Session.

Others included Village Administrator Connors, Village Attorney Bateman and Clerk Schroeder.

After discussion, President Kellermann entertained a motion to exit Executive Session at 11:28 p.m.

At this time, President Kellermann and Trustees Sands, Kizior, Olson, Pratscher, Trost and Evans exited Executive Session.

Others included Village Administrator Connors, Village Attorney Bateman and Clerk Schroeder.

Motion: Trustee Evans moved, seconded by Trustee Olson, to exit Executive Session at 11:28 p.m.

Upon Voice Vote – 6 Ayes/0 Nays – Motion Carried 6/0

15) Possible action to authorize litigation with respect to Vehe Farm Project

No action taken.

16) Adjournment

Trustee Evans moved, seconded by Trustee Olson, to adjourn at 11:30 p.m.

Upon Voice Vote – 6 Ayes/0 Nays – Motion Carried 6/0

Respectfully Submitted,

Signature on file

Elizabeth A. Schroeder
Village Clerk

Signature on file

Robert Kellermann
President

The Village of Deer Park is subject to the requirements of the Americans with Disabilities Act of 1990. Individuals with disabilities who plan to attend this meeting and who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding the accessibility of the meeting or the Village's facilities, are requested to contact the Village's ADA Coordinator at (847) 726-1648 promptly to allow the Village to make reasonable accommodations for those persons.