

**Village of Deer Park
Regular Board Meeting Minutes
June 20, 2005**

p. 1 of 14

1. CALL TO ORDER

The Regular meeting of the Board of Trustees of the Village of Deer Park was held on Monday, June 20th, 2005 at Charles Quentin Elementary, 21250 W. Shirley Road, Palatine, in the Village of Deer Park, Lake and Cook Counties, Illinois.

President Gifford called the meeting to order at 7:10 p.m. Board members and Guests recited the Pledge of Allegiance. Upon roll call the following were present: President Gifford, Trustees Ekstrom, Kizior, Plautz, Rotter, and Thrun. Trustee Dowell was absent. Other Village Officials present were Administrator Diesen-Dahl, Treasurer Stade, Engineer Gordon, and Attorney Hargadon.

Guests present were: Joyce Walschlager (Cultural Arts Connection); Michell Samotny-Shepherd (Cultural Arts Connection-Ela Fine Arts Show); Mary Lahr (201 Rue Touraine); Wanchay Chanthadouangsy (Cingular Wireless); John Lahr (201 Rue Touraine); Virginia Vargas (201 Deerpath); Nancy Kirby (112 Lois Lane); Pat Naperstock (20217 Park Hill Drive); David Stowers (Vice President-Century Theatres); Teri Bridge (23675 Hedgeworth Ct.); Pat Winkelman (22580 Cheshire Ct.); Jim Peterson (20230 Lea Road); Robb and Caryn Tausend and family (20108 Deerpath Road); Debbie Barry (412 Bramble); Richard Chay (Bramble); Mr. and Mrs. Jackson (Rue Vallee).

2. AGENDA CHANGES AND ANNOUNCEMENTS

None.

3. SWEARING IN OF ELECTED OFFICIALS

Administrator Diesen-Dahl swore in the following official elected at the April 5, 2005 election:
Trustee: Joel Rotter

Trustee Rotter was elected to a full 4-year term (term expires in 2009).

4. CONSENT AGENDA

A) Approval and Release of Minutes from the:

- i) Board of Trustees Regular Meeting held 4/18/05
- ii) Board of Trustees Regular Meeting held 5/16/05
- iii) Public Hearing regarding Proposed Ordinance 05-04
- iv) Public Hearing regarding Proposed Ordinance 05-05

B) Approval, not release, of Minutes from the:

- i) Executive Session of the Board of Trustees Meeting held 5/16/05

C) From the Administrator:

Ratification of different votes;

- i) June 8, 2005 – Groot for storage of vehicle while delivering carts. Yes – 6, Motion carries.
- ii) June 8, 2005 – Lake County to store office/trailer at Vehe Farm during the road construction of Cuba Road. Yes – 6, Motion carries.
- iii) June 9, 2005 - Mosquito Abatement – not to exceed \$550? Yes – 6, Motion carries.
- iv) June 10, 2005 - A special late showing of Batman at midnight at Century Theatre June 14, 2005. Yes – 5, No – 1, Motion carries.

MOTION: by Thrun second by Kizior to accept the Consent Agenda, as amended.

Upon Roll Call:

YES: (5) Ekstrom, Kizior, Plautz, Rotter, Thrun

NO: (0)

ABSENT: (1) Dowell

Motion Carried 5/0

5. **PUBLIC COMMENTS**

Joyce Walschlager, President of the Cultural Arts Connection, and Michelle Samotny-Shepherd, Ela Fine Arts Show thanked the President, Board of Trustees, Jim Peterson and Teri Bridge from Vehe Farm Foundation, as well as Administrator Diesen-Dahl for assistance with the Ela Fine Arts Show. President Gifford thanked Mrs. Walschlager and Mrs. Samotny-Shepherd for their efforts on behalf of the community.

Resident Mary Lahr, addressing agenda item #9 (potential sale of land on Deerpath Road), stated the land was donated to the Village for use as public land, and asked if the Board had taken the appropriate steps to ensure that the land can be sold. Mrs. Lahr also requested the name of the attorney representing the party interested in purchasing the land. President Gifford noted these issues would be discussed later in the meeting.

6. **CINGULAR WIRELESS REQUEST**

Wanday Chanthadouangsy, representing Cingular Wireless, addressed the Board regarding a potential tower in a flagpole in Charlie Brown Park. Request is for lease of a 30 x 30 area for 5 year terms with 4 renewals at a starting monthly rate of \$1000, increasing every 5 years by 7.5%. Ms. Chanthadouangsy referenced her letter to the Board dated June 13, 2005 detailing the proposal with pictures of a similar site in Niles (different carrier), photo simulations of Charlie Brown Park after installation, and a proposed lease agreement.

Ms. Chanthadouangsy stated this proposal could carry up to 3 antennas, and should be sufficient for the area. Other carriers could also use the flag pole, if desired.

Cingular Wireless would entertain the idea of adding a requirement for an escrow or bond for potential removal of the site as an addition to the agreement. Nearby residents should not receive any type of interference due to the site; however, if there is a problem (such as with residents' wi-fi), Trustee Rotter expressed the belief that Cingular should be responsible for removal of equipment.

Ms. Chanthadouangsy stated landscaping shown in the proposal is per Village ordinances, and maintenance of that landscaping would be covered by Cingular Wireless. Section 14, addressing maintenance, does not address regular maintenance; this section would need to be amended to include.

Size of the flag would be proportional to the pole height, and maintenance and lighting (if required) of the flag would be the responsibility of Cingular. Ms. Chanthadouangsy stated there are not requirements to light the flag, as the pole would be 120'.

Existing flagpole at the Village Office would not provide sufficient coverage area. Actual site within Charlie Brown Park could be moved; site was chosen due to surrounding trees and accessibility of site.

Residents surrounding the Charlie Brown Park area were not notified of this meeting. Cingular chose to sought preliminary interest from the Board first tonight prior to notifying residents. President Gifford noted no decision would be made at this meeting, and residents would be notified prior to any decision; however, Board members requested input from residents at the meeting. There was a discussion as to whether the board should check with other carriers to see if they would be interested in sharing space on the tower. This could increase potential revenue for the village.

Resident Deb Barry, noting she has been a Plan Commissioner previously in Highland Park, and has dealt with such proposals in that capacity. Ms. Barry noted questions that need to be answered regarding engineering of the site, suggested the Village should approach other companies for co-location at the site, and suggested the Village seek statistics from Cingular on service improvements that will be addressed by the proposed tower with specific performance requirements included in the lease.

Resident Richard Chay stated the proposed height of 120' is too tall and would be very offensive at the site. Trustees requested coverage maps.

Resident Nancy Kirby noted the height of the tower at Route 59 as a reference.

Sites normally require 8' fencing (chain link with barbed wire); however, Cingular will work with the Village to meet ordinances. Landscaping is not considered a safe alternative for securing the facilities. Board member discussed potential fence requirements that would ensure safety of the site, especially for children who might be tempted to investigate the site. Sites are locked and chained (no alarms). Local police respond to breaches of security. President Gifford noted statistics on security breaches for existing sites to determine additional policing costs would be needed prior to moving forward.

President Gifford requested a consensus from the Board; Board will continue discussions. President Gifford noted there are numerous questions to be answered, and decision to continue discussions in no way implies or guarantees a decision on behalf of the Board.

Proposal would need to appear at a Public Hearing before the Plan Commission prior to appearing before the Board again. Administrator Diesen-Dahl to work with Ms. Chanthadouangsy.

7. **CENTURY THEATRE REGARDING LATE MOVIE SHOW TIMES**

President Gifford noted there have been requests for late movie show times that have occurred such that the request has not been able to be heard at a public meeting before the Board, and requested **David Stowers, Vice President of Operations for Century Theatres**, explain the timing of such requests and nature of the requests.

Mr. Stowers stated the theatre usually knows 5 – 10 days after bidding on a movie if they will get the movie. The theatre knows the actual showtimes for a movie 4 – 5 days prior to opening of the movie. Midnight shows are only shown for "blockbuster" type movies in selected locations, and are generally required for these shows when bidding.

Trustees requested the theatre notify the Board when going out to bid for a show that would require a midnight showing; theatre could provide notification without identifying the show.

Board discussed logic behind late night prohibition on showings in original agreements. Prohibition was included to protect residents who live near the theaters from traffic and associated issues late at night.

Trustee Rotter noted there were 5 break-ins in the parking lot last month after 8:30 at night.

Trustee Rotter requested the Board and Century Theatre request a set number of late night showings per year, noting the Board would like to see the theatres succeed, but does not want to deal with these one at a time. Additional protection would need to be provided for late night shows, at Century Theater cost. Mr. Stowers stated the increase in late night requests is due to changing theater practices to promote blockbuster movies. Century would like to request 8 late shows. Trustee Ekstrom stated the Lake Zurich theaters show numerous late night shows.

Scheduled upcoming late shows are June 28 (War of the Worlds) and July 7 (Fantastic Four). Only other anticipated possible late show for this calendar year would be near Christmas. Mr. Stowers discusses potential late shows with the head office for Century Theatre to estimate anticipated late shows. Generally, Mr. Stowers would have a good idea of potential midnight showings by March, and should present to the Board at that time. Board members reiterated discussion must appear on the public record, which would also be advantageous for the theater for marketing.

Trustee Kizior noted police should be notified of late night showings for stricter enforcement on side streets; Century Theatre should arrange additional security for late showings.

MOTION: by Rotter second by Plautz to approve request for late showings for June 28 (War of the Worlds), July 7 (Fantastic Four), and an undated Christmas season showing. Theatre must notify the Village one month prior to the actual Christmas date, must provide additional security in the parking lot outside the theater (need letter of documentation stating number of additional security and times), there be no more than 8 late showings in a calendar year, and a list of dates must be provided to the Board by the March Board meeting each year. Upon Voice Vote:

YES: (4) Kizior, Plautz, Rotter, Thrun

NO: (1) Ekstrom

ABSENT: (1) Dowell

Motion Carried 4/0

Trustee Thrun to notify Kildeer Police regarding approved late shows.

Trustee Rotter raised the issue of the late opening already advertised by Barnes and Noble for July 15th. No official petition was forwarded to the Village; President Gifford has already contacted Barnes and Noble. Barnes and Noble will receive a warning that any other late openings must be presented to the Board, or they will be disallowed.

MOTION: by Kizior second by Thrun to approve the midnight magic party on Friday, July 15th (Harry Potter release), contingent upon additional security being provided by Barnes and Noble. Any future requests must come before the Board. Upon Voice Vote:

YES: (4) Kizior, Plautz, Rotter, Thrun

NO: (1) Ekstrom

ABSENT: (1) Dowell

Motion Carried 4/0

Trustee Thrun to inform Kildeer Police regarding these late hours, also.

8. POTENTIAL SALE OF LOTS

Virginia Vargas stated she is the owner of lots 24, 25, and 26 on Deerpath Road, and is interested in purchasing lots 27 and 28 and annexing 116 S. Deerpath Road to the Village of Deer Park. Objective is to bring Ms. Vargas' property into the Village. Lots are less than an acre; intent is to build a home on the property.

President Gifford noted Mrs. Lahr had specific questions regarding this potential sale, and requested a written copy addressing concerns to the Board so they might be investigated.

Board requested the value assigned the property in the asset inventory. Attorney Hargadon noted the Board is required by Statute to obtain an appraisal prior to a sale. Title commitments would need to be investigated to discover if there are any title restrictions for parkland; if so, the Board would need to release those restrictions as part of the sale. If none, and merely designated as a park by the Village, no further actions would need to be taken by the Board. Property is in the R-1 zoning category.

President Gifford stated the Board would research the process for sale and title restrictions on the property and contact Ms. Vargas.

9. VEHE FARM UPDATE

A. Update on Phase II Construction Project

Board received a memo from Mr. Peterson and Mr. Clark updating progress on the project. Construction has progressed more slowly than anticipated, partially due to electrical problems encountered.

The change order included was for rebuilding bathroom floors that were uneven, and were not exposed previously. The change order cost was less than leveling the existing floor. Board requested change orders come before the Board prior to submittal; Mr. Peterson noted this is not always possible due to timing constraints. Construction is still within the budget, and completion by October 31 is still possible. Mr. Clark to come back before the Board in 60 – 90 days to update the Board.

B. Payment of bills:

- i) Pay Request #12 for Vehe Farm Construction in the amount of \$66,654.00 payable to R & W Clark per the memo from Jim Peterson dated June 7, 2005; should be contingent upon receipt of notarized copy of pay request and certification by Mr. Peterson.

MOTION: by Rotter second by Kizior to approve Pay Request #12 for Vehe Farm Construction in the amount of \$66,654.00 per the memo from Jim Peterson dated June 7, 2005, contingent upon receipt of certification from Mr. Peterson.

Upon Roll call:

YES: (5) Ekstrom, Kizior, Plautz, Rotter, Thrun

NO: (0)

ABSENT: (1) Dowell

Motion Carried 5/0

- ii) Pay Request for architectural and engineering services in the amount of \$2,625.95 payable to HZPS per the invoice from HZPS dated June 2, 2005.

MOTION: by Rotter second by Kizior to approve the Pay Request for architectural and engineering services in the amount of \$2,625.95 payable to HZPS per the invoice from HZPS dated June 2, 2005.

Upon Roll call:

YES: (5) Ekstrom, Kizior, Plautz, Rotter, Thrun

NO: (0)

ABSENT: (1) Dowell

Motion Carried 5/0

- iii) Request for approval to sell/donate discarded barn and outbuilding wood:

Teri Bridge, Vehe Farm Foundation President, requested approval from the Board to sell or donate wood from the barn. Foundation is retaining some of the wood; would like to sell or donate the remaining between now and October. Sale will be advertised to the public, and sold at market value (approximately \$1 - \$1.25 per foot); proceeds will return to the Village. Trustee Thrun estimated the value of the wood at no more than \$2000.

MOTION: by Rotter second by Ekstrom to approve the sale of old wood from the barn at market value due to diminished value, with Village oversight. Upon Roll Call:

YES: (5) Ekstrom, Kizior, Plautz, Rotter, Thrun

NO: (0)

ABSENT: (1) Dowell

Motion Carried 5/0

- iv) Bulletin Board: Board discussed placement/location of the sign. Foundation members felt a freestanding sign away from the building would be best; Board members expressed a desire for sign to be close to the building. Trustee Plautz noted she and Administrator Diesen-Dahl requested a sign approximately one year ago for purposes of public notices. Sign proposed for the wall at that time was approximately \$350. Trustee Plautz reminded the Board Administrator Diesen-Dahl requested a covered entrance to the Village for three years, and was only granted the shelter when compliance with ADA requirements made external adjustments to the entrance necessary. The resulting wraparound porch was very costly, instead of a simple structure. Trustees Plautz and Ekstrom expressed the opinion that the Board should minimize discretionary spending where possible, due to fixed outlays for the near future.

Board desire for location would be affixed to the wall to the left of the top of the stairs (facing the entrance), and would be used for Village and (space available)

Foundation announcements. Board would be lit by the overhead lights on the porch, covered, and locked. Trustee Plautz and Administrator Diesen-Dahl to propose sign for next month's meeting. Resident suggested contacting Barrington High School for possible assistance in building a board. Mrs. Bridge reminded the Board the sign height should maintain ADA compliance.

- v) Applying for a grant from OSLAD: Mr. Peterson presented a grant proposal (used previously for money at the Vehe site). Proposal was researched by Tom Benjamin and John Wagner with Illinois Department of Natural Resources for a chip system to complete paths and make them ADA compliant. Grant application needs to be submitted by the end of the month. Estimated cost of the project is \$150,000; the grant will fund 50%; requires a resolution from the Board to submit on behalf of the Village. Village can turn down funding if matching funds are not available; there is a 2-year deadline for use of the funds.

Mr. Peterson confirmed a previous grant application contained the tot lot. Mr. Peterson believes that part of the grant was never billed; the Village never spent their 50% of the money. Board members discussed the fact that there was not detail provided with the grant application, and requested more detailed information in the future.

Mr. Peterson stated the Foundation is paying the application fee, and the Village is not obligated to accept the grant if funds are not available.

Trustee Rotter stated he has been researching grants, and believes there are two possible sources for matching dollars.

MOTION: by Kizior second by to direct the Vehe Farm Foundation to submit a grant for \$150,000 for walkway improvements, tot lot, and other improvements to the Vehe Farm, and to approve the Resolution of Authorization that must be submitted with the grant application. Upon Voice Vote:

YES: (5)

NO: (0)

ABSENT: (1) Dowell

Motion Carried 5/0

Trustee Ekstrom requested the Village research the tot lot issue to ensure that the Village is not in violation of grant requirements. Teri Bridge stated the original grant stated recreational purposes, but did not call out the tot lot or soccer field. Mrs. Bridge to investigate and report back at the next Board meeting. The question also arose whether the drawing accompanying the grant application should include the tot lot, as it is still a "wish list" item, and not a reality.

Mrs. Bridge stated she understands the desire on behalf of the Board for further information for decision-making purposes; however, she expressed appreciation to the Foundation members who worked so diligently to complete this application.

Trustee Rotter noted funds due to the Village from the Foundation that have not been returned yet, and requested they be returned before the next Board meeting.

- vi) Educational Programs: Pat Winkelman reported the Foundation is working with the Illinois Department of Natural Resources to begin educational programs. There is a sign near the driveway stating the Farm has been recognized for the butterfly garden, and there will be a poster inside the butterfly garden for educational purposes. Also, the Foundation is arranging for delivery of free information and study material.

10. **PARK HILL RESIDENT NANCY KIRBY RE ENTRANCE SIGNS TO SUBDIVISION**

Resident Nancy Kirby presented information regarding sign replacement for their subdivision; residents are not requesting funding for this project. Signs at entrances will be replaced over the next two years. Attorney Hargadon noted if signs are in compliance with the sign ordinance, do not need to come back before the Board. Administrator Diesen-Dahl to assist with understanding the sign requirements and process.

11. **RESIDENTS CARYN AND ROBB TAUSEND RE DEERPATH ROAD**

Residents Caryn and Robb Tausend were present for an update on progress on Deerpath Road. Administrator Diesen-Dahl reported she received a phone call from Lake Zurich Police Chief Urry in response to a letter sent the beginning of June requesting cooperation with the Kildeer Police for patrolling Deerpath Road. Chief Urry has agreed to a cooperative STEP effort with the Kildeer Police.

President Gifford noted Deerpath Road has been striped; 17 tickets were given out on Deerpath Road from 5/1/ - 5/31. There were 46 STEP details on Deerpath Road, 27 on Long Grove Road, and 24 on Cuba Road—Deerpath Road is being patrolled more heavily than the major roads in the Village. In terms of right and left turns onto those roads, the Board is working to change the habits of drivers through heavy enforcement.

Mrs. Tausend noted in February the Board agreed to approach the County regarding signage from Lake County, and requested update on progress. Discussion ensued regarding need for signage, actions approved to date, and types of signage to be sought. Trustee Ekstrom stated she believes Lake Zurich should be contacted to determine if they would even consider restricted turns from the Lake Zurich end of the road. President Gifford said he would contact Lake Zurich.

Mrs. Tausend reported there was an accident at 60 mph with 71 feet of skid marks in the early morning hours. Lake Zurich police stated at the accident site Deerpath should be a “no thru” street, and that they were going to start working on this issue. Mrs. Tausend expressed frustration with the process.

President Gifford asked for a consensus of the Board regarding turn restrictions on Deerpath Road, noting that this action will redirect traffic to other areas of the community. Board members noted they would not want to restrict bus traffic or emergency vehicles; however, the Board was split on restricting general traffic. Trustee Rotter noted there are traffic problems and accidents in other areas of the village; does not believe restrictions are appropriate when there other measures, even during specific hours, given the impact on other streets in the community.

Trustee Kizior suggested elongated speed bumps; President Gifford noted previously the Board had decided to pursue increased enforcement to change habits. Chief Lilly has been asked to take another road count; the last count was taken during the school year—would like to determine if there has been a change in traffic patterns now that school is out.

Trustee Ekstrom noted she very concerned about traffic on Deerpath Road, particularly during the school year. Believes should continue the STEP program, and have Chief Lilly study traffic prior to school. If patterns have not changed at that time, the Board should consider restricted turns. Do not believe another stop sign will have much impact.

President Gifford again asked Board members if anyone wished to present a motion to restrict turns on Deerpath Road. No motion made.

Count from Chief Lilly should be available for the next Board meeting. Trustee Ekstrom reiterated her request the Village approach Lake Zurich to determine if they would consider

Village of Deer Park
Regular Board Meeting Minutes
June 20, 2005

p. 8 of 14

restricting turns off of Long Grove Road, as they may not be willing, and efforts to restrict on only one end would not be as effective. President Gifford to approach Mayor Krischke.

Mr. Tausend expressed the opinion that the Board was opposed to restricting turns due to potential impact of traffic on their own residential streets. Trustee Rotter stated he was opposed to any such restrictions, and that such a statement was inappropriate.

12. ENGINEERS REPORT

A. 2005 Road Maintenance—Bid Results

Engineer Gordon noted three bids received ranging from \$57,900.00 to \$113,000. Chicagoland Paving was low bidder. Deer Park Blvd patching will be paid out of Special Service Bonds, leaving approximately \$48,000 as the responsibility of the Village.

Trustee Ekstrom noted the Village is \$8500 over budget.

MOTION: by Ekstrom second by Kizior to approve \$57,900 with for Chicagoland Paving to complete the patching program for 2005 per the memo from Engineer Gordon dated June 16, 2005, with the understanding that \$10,000 will come from Special Service Area Bonds. Upon Roll Call:

YES: (5) Ekstrom, Kizior, Plautz, Rotter, Thrun

NO: (0)

ABSENT: (1) Dowell

Motion Carried 5/0

B. JULIE Information: The FCC has designated "811" as the nationwide number to call before conducting excavation activities.

C. Ferndale Drainage (moved from Trustee Ekstrom's report): cleared pipe and debris. Televised the pipe; bottom deteriorated. Should last until next fiscal year. In addition, also cleaned the majority of the underdrain for the entire subdivision; still need to obtain approval for root cutting.

MOTION: by Ekstrom second by Thrun to approve an amount not to exceed \$1200 to root cut the rest of Circle underdrain. Upon Roll Call:

YES: (5) Ekstrom, Kizior, Plautz, Rotter, Thrun

NO: (0)

ABSENT: (1) Dowell

Motion Carried 5/0

Trustee Ekstrom noted the information received is very good news; may not have as serious a drainage issue in Ferndale as previously thought. Need to complete root cutting and wait for good rain to evaluate.

D. Lake County Ditching: Lake County, at no expense to the Village, has completed some ditching work along Long Grove and Woodberry.

E. Emergency Road Patching (moved from Trustee Ekstrom's report): Ela Township completed emergency patching totaling \$756. Normally Ela handles emergency patches; they do not appear on the agenda or require approval as they are under \$500.

MOTION: by Ekstrom second by Thrun to approve an expenditure of \$756 for emergency patching by Ela Township. Upon Roll Call Vote:

YES: (5) Ekstrom, Kizior, Plautz, Rotter, Thrun

NO: (0)

ABSENT: (1) Dowell

Motion Carried 5/0

13. ATTORNEYS REPORT

A. Offer to Purchase Vacant Land: Attorney Hargadon requested confirmation from the Board that the Board wishes to pursue possible sale of land discussed earlier. If so,

Village of Deer Park
Regular Board Meeting Minutes
June 20, 2005

p. 9 of 14

Board needs to approve expenditure to receive Title Commitment (approximately \$400 - 500). Board consensus to pursue.

- B. Resolution 05-02: RRules of Conduct at Public Hearings: In the last 1 ½ years the Supreme Court of Illinois has issued new opinions regarding the rights of Objectors and Witnesses in Public Hearings that would make Public Hearings much more like a formal judicial hearing than the Village has previously conducted. Ruling addressed the right to cross-examine at a Public Hearing. Resolution 05-02 sets forth guidelines establishing the rules as set by the Illinois Supreme Court.

President Gifford requested the Resolution from Attorney Hargadon.

Board members noted ambiguity in wording in determining to meetings to which the Resolution applies. Attorney Hargadon to change wording to clarify.

Members of the public have the right to view material available to the Village prior to Public Hearings; this Resolution does not make the Village responsible for disseminating such information prior to a public hearing to members of the public at large.

Anyone signing in as an Objector or Applicant will be asked to stand and take an oath swearing to tell the truth *en masse*.

A Public Hearing is a meeting required by State Statute to be held, and at which those who are in attendance have a right to be heard. Not all Public Hearings would be covered by this Resolution, such as the Appropriations Public Hearing. Also, even at Hearings subject to this Resolution, all who wish to speak must be heard, but not all must sign in as an Objector or Applicant. Those wishing to speak not designated as an Objector or Applicant can still be heard, but may not cross-examine or be cross-examined.

MOTION: by Thrun second by Kizior to approve Resolution 05-02, as amended.

Upon Voice Vote:

YES: (5)

NO: (0)

ABSENT: (1) Dowell

Motion Carried 5/0

- C. Resolution 05-03: Rules of Public Comment during Board Meetings: Delineates rules for Public Comment: must sign in, must identify topic they wish to address, and will be limited to 5 minutes.

Trustee Rotter requested address be included, and requested comments be restricted to the Public Comments section of the agenda.

Board members discussed the merits of having the Public Comments at the beginning or end of the meeting, at both the beginning and end, or at each agenda item.

MOTION: by Rotter second by Thrun, subject to addition of name and address being added, to approve Resolution 05-03. Upon Voice Vote:

YES: (5)

NO: (0)

ABSENT: (1) Dowell

Motion Carried 5/0

- D. Proposed Ordinance Authorizing Destruction of Closed Session Tapes
No change to current procedure.

14. **REPORTS FROM THE PRESIDENT, TRUSTEES, AND ADMINISTRATOR**

A. President Gifford

- i) BACOA request for donation (from Administrator Diesen-Dahl's report): In a letter dated February 1 and deferred to this fiscal year by the Board, BACOA is requesting a donation of \$1200 (2001 – 2004 Board donated \$1000 each year). Calls and request for assistance are estimated to be up from previous years.

MOTION: by Plautz second by Thrun to approve a donation of \$1000 to BACOA.

Upon Roll Call:

YES: (4) Ekstrom, Plautz, Rotter, Thrun

NO: (1) Kizior

ABSENT: (1) Dowell

Motion Carried 4/1

Administrator to notify BACOA of donation.

- ii) NIPC Donation Request: Northern Illinois Planning Council has requested \$245 for the annual contribution to maintain services. Item not on the agenda—to be addressed next month.

- iii) Attorney for local matters: Looking for local attorneys in Waukegan to handle building, code, and zoning enforcements (litigation) for the Village to reduce overall attorney's fees for the Village. Attorney Hargadon spoke with 5 firms; received 2 proposals. Chose Waukegan for proximity to courthouse. All firms will pass through costs plus an add-on rate.

Driver-Grock firm quoted \$165 per hour for an Associate—handle similar kinds of work for the Village of Round Lake.

Joy Fitzgerald at Rosey and Fenton, a Partner level trial attorney, will handle work at \$175 per hour in .10 increments. Believe additional cost per hour is justified for a more senior level lawyer; regular billing rate is \$200 per hour.

MOTION: by Plautz second by Thrun to engage Joy Fitzgerald to handle Code enforcement issues. Upon Roll Call:

YES: (4) Kizior, Plautz, Rotter, Thrun

NO: (0)

ABSTAIN: (1) Ekstrom

ABSENT: (1) Dowell

Motion Carried 4/1/1

Trustee Ekstrom noted one of the reasons for the abstention was the fact that no information was presented prior to the meeting. Board members asked for information in advance in the future.

- iv) Billing rates from Teska & Associates: President Gifford reviewed rates: Kon Savoy (principal) is at \$130 per hour; James Brown (associate) is at \$90 per hour. Any others who might help would be at the associate level or lower.

Contract calls for President Gifford to be the sole point of contact; however, would not be inappropriate for Trustees to contact consultants directly. Trustee Rotter asked, if any activity on TIF or Affordable Housing are anticipated, his name be added as a contact.

MOTION: by Rotter second by Kizior to approve the Teska billing rates, with amendment to add Trustee Rotter as contact for TIF and Affordable Housing.

Upon Roll Call Vote:

YES: (5) Ekstrom, Kizior, Plautz, Rotter, Thrun

NO: (0)

**Village of Deer Park
Regular Board Meeting Minutes
June 20, 2005**

p. 11 of 14

ABSENT: (1) Dowell

Motion Carried 5/0

President Gifford called for a 5-minute break from 10:28 – 10:35.

B. Treasurer Stade

Treasurer Stade will be on vacation the week of 6/28 – 7/1.

C. Rotter—Planning and Zoning

- i) Auto Break-ins: Received phone calls regarding auto break-ins (smash & grabs). There were 5 at the theaters; police indicated to residents who called that this is a common occurrence at the Town Center. Resident who called noted they will not go to the South Barrington theaters due to the gang problems; do not want to see that happen in Deer Park—need to address aggressively.
- ii) Comcast: As a prelude to Comcast discussion, Trustee Rotter noted he is proud the Village of Deer Park does not pass along any taxes to residents to cover expenses. Trustee Rotter has undertaken on his own to work with Treasurer Stade to review accounts; his intent is to review every vendors' account at least once in the four years he will be a Trustee in order to better understand all of the items that go into the budget. Believe one way to enhance understanding of the budget would be the formation of a Finance Committee which would meet once a month; not appropriate to handle the budget in a one or two month period. Believe planning should include a 5-year plan for expenses.

Trustee Rotter is currently reviewing Comcast. Comcast pays on a quarterly basis. Contract allows for a Public Hearing to review Customer Service, payments, etc. Trustee Rotter has spoken with a legal firm and a consultant who work extensively in the area of Cable. A number of villages in the Deer Park area are constantly reviewing and auditing Comcast and increasing their revenues between 10% - 40%. It appears to be a common practice that Comcast is short paying, as they seem to be paying only on the basic service, and not on other revenue elements.

Village has the right to call Comcast into a Public Hearing to investigate.

Trustee Rotter noted there is a group of Villages in the Deer Park area who have affiliated to annually review and audit Comcast. Also, there are a number of Villages with lawsuits pending against Comcast.

Trustee Rotter reported over a year ago he began working with Attorney Kopecky on the franchise renewal. Comcast has effectively stonewalled the issue. Believe the reason is there is a movement by the Cable industry at the Federal level to limit the abilities of municipalities to tax these services, and to effectively get around the Telecommunications Act.

Trustee Rotter spoke with Janet Agnoletti of BACOG regarding pending actions on behalf of member villages.

Trustee Rotter would like to call Comcast into a Public Hearing on service levels. Believe penalties allowed and additional fees could total \$10,000.

Believe underpayments may be an error of omission based on the transfer documents of the franchise from AT&T to Comcast. Would like to call Public Hearing and ask questions which might lead to audit. If so, and if the audit leads to an additional 10% of revenue, Comcast must pay for the audit. If not 10%, Village must pay for the audit. Therefore, questions should be posed to Comcast prior to attempt to ascertain potential underpayments.

Trustee Rotter noted three Villages would not agree to the transfer from AT&T to Comcast, as they were not receiving the desired service levels. AT&T made certain adjustments were made to ensure the transfer as a result of payments by Comcast for transfers.

Believe Board should consider a Public Hearing, possibly in August (must give 30 days notice). Believe there should be a legal advisor at the Public Hearing. Will pull together details and present to the Board. May need to be an annual process as part of the budget.

D. Trustee Kizior—Parks & Recreation

- i) Update on landscaping: No grass cutting this week due to drought. Landscaper is doing landscaping Squires Park and tree trimming in the village.
- ii) Ela Township Mosquito Abatement: Voice vote was conducted for Ela Township abatement program. Last year came in at \$990; expenditure A on the agenda is not to exceed an additional \$650 for a total of \$1200.

MOTION: by Kizior second by Ekstrom to approve additional expenditures for the Ela Township Mosquito Abatement Program not to exceed \$650. Upon Roll Call:

YES: (5) Ekstrom, Kizior, Plautz, Rotter, Thrun

NO: (0)

ABSENT: (1) Dowell

Motion Carried 5/0

- iii) Parks—Play Sets repair appropriation: Recommend replacing toddler swing seats in Charlie Brown Park, Michael D'Angelo, and Chapel Hill Park. Also to repair some parts of the playsets at Charlie Brown, Dover Pond, and Chapel Hill. Total expenditure request is for \$1,477.50. Installation would be in 2 – 4 weeks. Some of these expenditures are not budgeted, but Trustee Kizior will eliminate like dollar amounts to stay within budget. Main issue is safety.

MOTION: by Kizior second by Thrun to approve an expenditure of \$1,477.50 to Reil Construction per the estimate dated 5/11/05 to repair/replace items in the parks. Upon Roll Call:

YES: (5) Ekstrom, Kizior, Plautz, Rotter, Thrun

NO: (0)

ABSENT: (1) Dowell

Motion Carried 5/0

- iv) Deerpath Estates—2004 Reimbursement: Recommend reimbursement at \$692.50, contingent upon receipt of a final fax from the Homeowners Association.

Board discussed cost of watering; as long as work is done for market rate, allowed by guidelines.

MOTION: by Kizior second by Rotter to approve reimbursement to Deerpath Estates Homeowners Association for 2004 expenditures for maintaining Primrose Court cul de sac in the amount of \$692.50, contingent upon review of Treasurer Stade. Upon Roll Call:

YES: (3) Kizior, Rotter, Thrun

NO: (2) Ekstrom, Plautz

ABSENT: (1) Dowell

Motion Carried 5/0

- v) Deerpath Estates—2005 Reimbursement: Trustee Ekstrom noted Board should receive inventory bills showing what was spent on public vs. private land to avoid estimating. Requesting approval of concept for what the Association is proposing; cannot do anything until actual invoices are obtained. Trustee Ekstrom noted snowplow damage should not be paid for by the village;

association should follow procedure to notify the village office for Ela Township repairs.

- vi) Chapel Hill Proposed Landscaping: Last month brought forward recommendation to make improvements in Chapel Hill. Took Board feedback to Chapel Hill: asked for removal of boulders (agreed) and for a reduction in expenditures (agreed), changed trees to conform to guidelines. Also, Chapel Hill has agreed to pay a larger share of the bill; Village responsibility will be \$1,525. Primary reason organization is wanting to make such a large investment is that this park has been attractive for off-road occurrences. Typically have 5 incidents in the park per year; report only one on average per year. Strategy is to place barriers (trees) to make it difficult to go off the road and into the park.

MOTION: by Kizior second by Thrun to approve an expenditure not to exceed \$1525 for improvements to Chapel Hill Park to be matched by \$1100 from Chapel Hill Homeowners, after Village Treasurer receives receipts. Upon Roll Call:

YES: (3) Kizior, Rotter, Thrun

NO: (2) Ekstrom, Plautz

ABSENT: (1) Dowell

Motion Carried 3/2

Trustee Plautz expressed concern over the amount of expenditures due to the guidelines for reimbursement; Trustee Ekstrom concurred noting the impact on finances and budget. Trustees Ekstrom and Kizior disputed whether or not Parks funding was discretionary, and equity with which these funds have been dispersed.

15. TREASURERS INFORMATION

MOTION: by Rotter second by Kizior to approve the Investments Held report dated 5/31/2005 in the amount of \$2,373,479.09. Would like to see funds collected from Vehe Farm Foundation. Upon voice vote:

YES: (5)

NO: (0)

ABSENT: (1) Dowell

Motion Carried 5/0

Board discussed Certificate of Deposit coming for renewal. Harris is substantially lower than La Salle; approached Harris—agreed to match rate. Board discussed length of CD rates and prudence of consolidation at one bank.

Investment Fund is another form of savings, receiving same essentially same rate as other investments. Board would like to seek higher interest rates where possible. Treasurer noted at last CD renewal rates were extremely low. Trustee Ekstrom suggested laddering of investments to maximize investment strategy, reserving liquid funds for shorter times of deposit. Can be achieved through one or more financial institutions.

16. CASH DISBURSEMENTS

MOTION: by Rotter second by Kizior to approve the Cash Disbursements for the period 5/17/05 – 6/20/05 in the amount of \$468,505.54. Upon Roll call:

YES: (4) Kizior, Plautz, Rotter, Thrun

NO: (1) Ekstrom

ABSENT: (1) Dowell

Motion Carried 4/1

Trustee Ekstrom stated she voted no for the same reason as in prior months: cannot approve given the confidential matters not for dissemination without further explanation. President Gifford reminded Trustee Ekstrom this figure is shown in this manner to protect Attorney-Client privilege, and that the Administrator has offered to keep the office open to allow Trustee Ekstrom time to review bills. Trustee Ekstrom stated she has asked to come in

Village of Deer Park
Regular Board Meeting Minutes
June 20, 2005

p. 14 of 14

after hours and been told that was not possible, though may not have asked Administrator Diesen-Dahl. Administrator Diesen-Dahl stated she would set up an appointment, even if after hours were necessary, to allow Trustee Ekstrom to review the bills.

17. TEMPORARY ADJOURNMENT FOR EXECUTIVE SESSION

MOTION: by Rotter second by Thrun to temporarily adjourn the Regular Meeting of the Board of Trustees for an Executive Session to discuss ongoing litigation. Upon Roll Call:

YES: (5) Ekstrom, Kizior, Plautz, Rotter, Thrun

NO: (0)

ABSENT: (1) Dowell

Motion Carried 5/0

The Regular Meeting of the Board of Trustees was temporarily adjourned at 11:37 p.m.

18. REOPEN REGULAR MEETING

MOTION: by Thrun second by Kizior to reopen the Regular Meeting of the Board of Trustees. Upon voice vote:

YES: (5)

NO: (0)

ABSENT: (1) Dowell

Motion Carried 5/0

The Regular Meeting of the Board of Trustees was reopened at 11:49 p.m.

19. ADJOURNMENT

MOTION: by Kizior second by Ekstrom to adjourn the Regular Meeting of the Board of Trustees. Upon voice vote:

YES: (5)

NO: (0)

ABSENT: (1) Dowell

Motion Carried 5/0

The Regular Meeting of the Board of Trustees was adjourned at 11:50 p.m.

H. Scott Gifford, President

Sandra R. Smith, Village Clerk