

**Village of Deer Park
Regular Board Meeting Minutes
July 18, 2005**

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1. CALL TO ORDER

The Regular meeting of the Board of Trustees of the Village of Deer Park was held on Monday, July 18th, 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 Dowell, Ekstrom, Kizior, Plautz, Rotter and Thrun. Other Village Officials present were Administrator Diesen-Dahl, Treasurer Stade, and Attorney Hargadon.

Guests present were: Mark Greenwood (20617 Swansway); Carrie Groeller (219 Rue Touraine); Mary Lahr (201 Rue Touraine); Teri Bridge (23675 Hedgeworth Ct.); Larry and Pat Winkelman (22580 Cheshire Ct.); Jim Peterson (20230 Lea Road); Gerald Ewing (24467 Hunters Lane); Tom Benjamin (20366 Lea Road); Debbie Vaughn (22988 Thornhill Court); Debra Sands (23010 Thornhill Court); E. McLaughlin (23625 Cuba Road).

2. AGENDA CHANGES AND ANNOUNCEMENTS

None.

3. SWEARING IN OF APPOINTED OFFICIALS

President Gifford announced the appointment of Maureen Pratscher to the position of Village Clerk. Administrator Diesen-Dahl administered the Oath of Office to Clerk Pratscher.

4. CONSENT AGENDA

A) Approval and Release of Minutes from the:

- i) Board of Trustees Regular Meeting held 6/20/05 as amended: Sec. 6, Par. 7, add: There was a discussion as to whether the board should check with other carriers to see if they are interested in sharing space on the tower. This could increase potential revenue for the village. Sec. 11, Par. 3, add: President Gifford said he would contact Lake Zurich.
- ii) Plan Commission Public Hearing Meeting Held 7/11/05

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

- i) Executive Session of the Board of Trustees Meeting held 6/20/05

5. PUBLIC COMMENTS

Resident Mark Greenwood, addressing the issue of traffic on Deerpath Road, stated he was in favor of keeping the road open between Long Grove Road and Cuba Road. He added, however, that he supports efforts to control and enforce speed limits to reduce the amount of cut-through traffic on the road. President Gifford responded that Deerpath Road was the most heavily-patrolled road by the Kildeer Police last month.

Resident Mary Lahr read comments written by her husband John Lahr, who was unable to attend the meeting. Addressing Section 14 of the June 20 Board agenda, Mr. Lahr stated that he strongly objects to the destruction of tapes from closed sessions and suggested that to do so could be interpreted as an attempt to cover up the content of those discussions. Also, addressing item 12 on the June agenda, Mr. Lahr suggested the following steps be followed in regard to violators of village ordinances: 1) A letter should be sent to the resident outlining the offense and requesting compliance; 2) If no action is taken within 14 days, a second letter should be sent to the violator demanding compliance; 3) If there is no compliance within seven days after the second letter, a certified letter should be sent to the violator demanding an appearance before the Board of Trustees to show cause why the village should not levy the appropriate fine; 4) If the violator fails to appear or comply after that, then the village attorney should pursue legal action. Mr. Lahr also addressed traffic on Deerpath Road and suggested the village consider installing an electronic gate on Deerpath just south of the school district property that would allow entrance only to emergency vehicles, school buses

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and all Deer Park residents. Mr. Lahr said a similar gate is being used effectively by homeowners in a subdivision off of Milwaukee Avenue.

President Gifford responded to Mrs. Lahr saying the violator notification system her husband proposed is very close to what the village currently uses. He also said the destruction of closed session tapes was recommended by the Illinois Municipal League and should not be construed as a cover-up of village business in any way.

Resident Debra Sands, addressing the issue of traffic on Deerpath Road, stated she is in favor of a gate restricting traffic to residents. She said the cut-through traffic is out of control and the police patrols have not been consistent. Ms. Sands also volunteered to monitor license plates of vehicles using Deerpath to prove that the majority of the traffic is cut-through traffic.

Resident Debbie Vaughn, also addressing the traffic on Deerpath, said traffic had increased by a third in the past month. She said semi-trailer trucks and commercial vehicles have also become a problem. Trustee Dowell commented that village ordinances restrict commercial traffic on residential streets, except for construction traffic.

6. VEHE FARM FOUNDATION REPORT

A. Revised Budget Recommendation

Vehe Farm Foundation President Teri Bridge presented a revised budget, which defers the purchase of certain items, eliminates two construction line items which are covered under the construction budget, and increases the line item for audio/visual equipment from \$19,000 to \$40,000. Mrs. Bridge said that the original allocation would cover a "throwaway system," while an allocation of \$40,000-\$42,000 would cover a system that could be used for village meetings, parties, cultural arts activities and other events. She said she has talked to five A/V companies and particularly likes the way Pentegra does business. She said if the Board approves increasing the scope of the A/V purchase, she can go back to vendors to get a final, detailed bid.

Trustee Rotter advised Mrs. Bridge to consult with the village of Barrington about any technical details for broadcasting meetings through Comcast.

Trustee Ekstrom questioned the need for five hard-wired microphones, suggested that the purchase of a projection screen could be deferred to a later date and also suggested that Mrs. Bridge be careful in writing the specifications for the LCD projector to be used. She said some projectors require light bulbs that are excessively expensive, costing as much as \$700.

MOTION: by Kizior second by Dowell to approve the revised budget for the Vehe Farm Foundation in the amount of \$66,108, which would allow the additional expense for A/V equipment. Upon Roll Call:

YES: (6) Dowell, Thrun, Ekstrom, Rotter, Kizior, Plautz

NO: (0)

ABSENT: (0)

Motion carried 6/0

B. Wildlife Education Program Update

Mrs. Bridge reported that Vehe Farm will become an educational "trunk site" for the Illinois Department of Natural Resources. Pat Winkleman brought and displayed numerous posters that will be contained in the trunk and will be available for check out to schools and other organizations. The posters contain information about a variety of flora and fauna. The materials can be stored in a closet in the barn when they are not in use. Mrs. Bridge said she hopes to receive the trunk from the IDNR this fall or in time for the grand opening of the barn.

C. OSLAD Grant Application Update

Tom Benjamin reported that the grant application for \$35,000 to develop handicapped-accessible trails at Vehe Farm was submitted on time. If the village receives the grant, bids for development would be sought and receipts submitted for reimbursement as the work is

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done. The grant would cover 50% of the cost. Mr. Benjamin said he thinks chances of receiving the grant are not great because it is a small grant. He said he expects a status report on the grant application in October, which will determine whether the village is invited to testify about the use of the grant. The governor makes the final decision about the grants, which will be announced in April 2006. Mr. Benjamin said the village does not need to appropriate any money for the trails this fiscal year.

Mr. Benjamin said costs for the development of a tot lot were not included in this grant, but he said the village has a responsibility to build a tot lot because the original acquisition grant the village received stipulated that the farm restoration would include a recreation component. Generally, items in the grant should be completed within two years, he said, but the village has extenuating circumstances because of the current construction of the outbuildings and barn on the farm. Mr. Benjamin said the village could apply next year for another OSLAD grant for the tot lot development, which was estimated to cost \$32,000 in the original grant application.

Trustee Kizior asked if the village could apply for a grant for other park developments. Mr. Benjamin stated that the grants cannot be used for maintenance but could be used for things such as the development of a new ball field.

Mrs. Bridge requested recognition of Mr. Benjamin and John Wagner of IDNR for all the work they have done for Vehe Farm.

D. Volunteer Activities and Hours

Mrs. Bridge recognized Pat Winkelman, who worked 80 hours in the past month on the Vehe Farm restoration. She also thanked Jim Peterson for his ongoing efforts. President Gifford thanked Mrs. Bridge for her continued leadership and work.

E. Fence by Betty McLaughlin Butterfly Garden

The Foundation requested a 4-foot picket fence topped with conduit and two feet of netting to keep animals out of the butterfly garden. President Gifford said he views the Vehe Farm property as different from residential properties and suggested that the board look at changing the fence ordinance (which allows only 4-foot tall fences) to accommodate the uniqueness of the farm.

Trustee Ekstrom said she couldn't support allowing a 6-foot fence to protect plants and butterflies, but saying no to residents who are trying to protect children and pets.

Other trustees concurred that they didn't feel it sent the right message to residents for the board to approve the fence in violation of village codes. The issue was referred to the Zoning Board of Appeals, which will meet August 1.

F. Payment of Bills:

- i) Pay Request #13 for Vehe Farm Construction in the amount of \$32,292 payable to R & W Clark per the memo from Jim Peterson dated 7/6/05.

Mr. Peterson said it is unlikely construction will be finished by October. He said the contractor (Clark) was \$250,000 lower than other bids on the restoration project, so he has been slowing down work at Vehe Farm when he can earn money on other jobs. The village will benefit from a completion penalty clause in the contract, however, with the total cost coming in about \$100,000 less than the original bid.

MOTION: by Ekstrom second by Thrun to approve Pay Request #13 for Vehe Farm Construction in the amount of \$32,292 per the memo from Jim Peterson dated 7/6/05. Upon Roll call:

YES: (6) Dowell, Thrun, Ekstrom, Rotter, Kizior, Plautz

NO: (0)

ABSENT: (0)

Motion Carried 6/0

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- ii) Pay Request for architectural and engineering services in the amount of \$1,879.10 payable to HZPS per the invoice from HZPS dated 6/30/05.

MOTION: by Ekstrom second by Thrun to approve the Pay Request for architectural and engineering services in the amount of \$1,879.10 payable to HZPS per the invoice from HZPS dated 6/30/05. Upon Roll call:

YES: (6) Dowell, Thrun, Ekstrom, Rotter, Kizior, Plautz

NO: (0)

ABSENT: (0)

Motion Carried 6/0

8. ATTORNEY'S REPORT

A. Deer Park/Palatine Quo Warranto Settlement Agreement

Attorney Scott Hargadon stated that this is a boundary agreement between Deer Park and Palatine regarding the Shepherd property. Because the court ruled in Deer Park's favor in regard to the annexation of Shepherd's property and 30 days had elapsed without an appeal, the property is now within the village boundaries. The settlement agreement states the two villages recognize each other's boundaries. He asked the board to approve the settlement.

Trustee Ekstrom stated that Exhibit E referred to in the settlement was not included in the copies of the settlement given to the board. Attorney Hargadon said that was an oversight and said the exhibit was a drawing of the affected properties, which he attempted to duplicate with a hand drawing. Trustees Ekstrom and Rotter expressed reservations about voting on the agreement without having the complete document.

MOTION: by Kizior second by Thrun to approve Deer Park/Palatine Quo Warranto Settlement Agreement. Upon Roll call:

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

NO: (2) Ekstrom, Rotter

ABSENT: (0)

Motion Carried 4/2

B. Discussion regarding proposed ordinance authorizing destruction of closed session tapes

Attorney Hargadon stated that the board has already discussed this issue. He stated that tapes would only be destroyed after 18 months if approved minutes for the closed session have been released to the public.

Trustee Ekstrom strongly disagreed with the proposal, saying tapes should be held longer than 18 months because the minutes are not a word-for-word record of the discussion.

Former Village Clerk Sandy Smith pointed out that the tapes would never be made available to the public, even if they are kept forever. She said the only purpose of the tape is for a judge to listen to if a suit is ever brought against the board for a violation of the Open Meetings Act. She said the Illinois Municipal League recommended the 18-month time frame because it is unlikely that a lawsuit would be filed after that length of time. Mrs. Smith pointed out that the state requires villages to apply for permission to destroy most public documents, but no such permission is required to destroy these tapes.

MOTION: by Plautz second by Kizior to authorize the crafting of an ordinance allowing the destruction of tapes of closed session meetings after 18 months with approved minutes.

Upon roll call:

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

NO: (1) Ekstrom

ABSTAIN (1) Rotter

Motion carried 4/1/1

C. Deerpath Road lots in Cook County by Lake-Cook Road

Attorney Hargadon announced there are no title restrictions on lots 27 and 28, which Virginia Vargas wishes to purchase. She currently owns lots 24, 25 and 26 and would like the village to annex her entire property. She plans to build a home on the property.

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The village is required to obtain an appraisal of any property before a sale, so Attorney Hargadon requested the board to authorize up to \$2,000 to pay for the appraisal.

Trustee Ekstrom questioned whether the village needed to open the sale to the public. Attorney Hargadon said that the board is under no obligation to take the highest bidder on a real estate sale as long as the bid is reasonable.

MOTION: by Ekstrom second by Plautz authorizing an appraisal of the two lots in question in an amount not to exceed \$2,000.

YES: (6) Dowell, Thrun, Ekstrom, Rotter, Kizior, Plautz

NO: (0)

ABSENT: (0)

Motion carried 6/0

8. REPORTS FROM THE PRESIDENT, TRUSTEES AND ADMINISTRATOR

A. President Gifford

i) General Information

No report.

ii) Restrict Watering

President Gifford said he had some calls from residents who are concerned about the drought and asked about water restrictions. He said the village cannot regulate water usage because residents have private wells, but he said he would send a letter to all residents and businesses asking for voluntary cutbacks in water usage as long as the drought persists.

iii) BACOA Donation

This item should have been labeled NIPC Donation.

iv) Teska and their contract

The contract, amended as requested to show Scott Gifford or his designee as the village representative, was included in the trustees' packets.

v) BACOG—Funding of Liaison Officer at Barrington Middle Schools

President Gifford stated that all members of the Barrington Area Council of Governments (BACOG) have been asked to share in the funding of a police liaison in the Barrington Middle Schools. He said Deer Park sends 82 students to the Barrington Middle Schools (5.6% of the student population), so the village's cost would be \$4,200 annually. The Village of Barrington has previously borne the cost of the program.

Trustee Ekstrom questioned whether the village would make the same donation to Lake Zurich Middle Schools, and President Gifford said the village would have to make that decision if the Lake Zurich schools asked.

Other trustees questioned whether private sources of funding should be found or whether the police department should underwrite the cost. Some felt one governmental body should not be contributing to another taxing body.

President Gifford took a straw poll of the board to gauge support of the program, and five trustees voted against funding the program.

B. Trustee Dowell—Finance

Trustee Dowell stated a suggestion was made that the board every month examine a couple of accounts in detail. To this end, Village Treasurer Terri Stade passed out account details showing year-to-year comparisons for police services and parks. Trustee Dowell said all accounts are pretty much on budget.

C. Trustee Thrun—Public Safety:

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No report.

D. Trustee Ekstrom—Roads and Public Utilities

i) The patching contract is complete and being signed.

Trustee Ekstrom said the patching will start within two weeks.

ii) Meeting with Ela Township

Trustee Ekstrom reported that some additional routing of the sewer jetting is required. She also said she talked about the overall process to get Ela Township to do more work for village. She added that the township can do other small jobs at no additional cost while they are handling larger jobs for the village. In response to a question of trimming landscaping at intersections, Trustee Ekstrom said Ela Twp. already quoted \$130 rate for tree trimming. She also reported that she had been trying to get Lake County to fund the removal of 2-3 dead trees on Deerpath Road, but has had no luck. She said she will continue to pursue a resolution.

E. Trustee Rotter—Planning and Zoning

Trustee Rotter stated that he had a meeting with Professor Barry Orton from the University of Wisconsin and Michael Smoron of Crystal Lake regarding the village's Comcast cable TV franchise. Trustee Rotter said they came up with low-key program for renewing the Comcast franchise. He sent a letter asking for 6-month renewal, but the response from Comcast was for a long-term contract, which Trustee Rotter advised against. He said the next step is meeting with Comcast. Trustee Rotter said next month he most likely will propose an ordinance establishing a penalty if a franchise agreement is not reached.

Referring back to the Finance Committee report, Trustee Rotter said when he asked for a review of accounts, he didn't want current year payments, but rather cash flow for the future. He said he wants to know what capital improvement projects will be needed in the next 1-3 years. He said because the village has very little discretionary funds, he would like to prioritize projects prior to starting the budget process. Other trustees agreed that knowing what projects will be coming up and how much money is likely to be available will lead to better decisions at budget time.

F. Trustee Kizior—Park and Recreation

Trustee Kizior clarified the township mosquito abatement costs approved last month. One amount came in slightly higher than the approved amount, but the other came in slightly less, so the total bill came in under the approved amount.

In response to a request from Teri Bridge to have some trees trimmed and removed at Vehe Farm, Trustee Kizior secured two bids, from Care of Trees and McGinty. Many of the trees covered by the bids need to be trimmed or removed for safety reasons. Others are in the traffic pattern. Trustee Kizior said there is enough money in the Parks budget to cover McGinty's bid of \$1,995, which was approximately \$850 less than Care of Tree's bid.

MOTION: by Kizior and second by Rotter to authorize a contract with McGinty for \$1,995 for the trimming and removal of trees at Vehe Farm. Upon roll call:

YES: (6) Dowell, Thrun, Ekstrom, Rotter, Kizior, Plautz

NO: (0)

ABSENT: (0)

Motion carried 6/0

President Gifford questioned whether contracted landscapers are continuing to mow during the drought, and Trustee Kizior said they have been doing other projects for the past 3-4 weeks. The village only has one new tree this year, but arrangements have been made for watering it.

G. Trustee Plautz—Health and Sanitation

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Trustee Plautz presented several options for the bulletin board to be placed outside of Village Hall. She also asked for opinions as to a corporate sponsor being named on the board. The general consensus was that a sponsor of a one-day event at the Farm could be named on literature affixed to the board, but a permanent corporate sponsor named on the board was not a good idea.

MOTION: by Ekstrom second by Kizior to purchase a 3-foot-by-4-foot bulletin board that is rated for outdoor use that Trustee Plautz and Administrator Diesen-Dahl deem appropriate in an amount not to exceed \$400. Upon roll call:

YES: (6) Dowell, Thrun, Ekstrom, Rotter, Kizior, Plautz

NO: (0)

ABSENT: (0) Motion carried 6/0

15. ADMINISTRATOR DIESEN-DAHL

Administrator Diesen-Dahl displayed a plaque the village received from the Lake Zurich Baseball and Softball Association in appreciation of the village's support of its programs.

16. TREASURERS INFORMATION

MOTION: by Dowell second by Kizior to approve the Investments Held Report dated 7/31/05 the amount of \$2,127,545.30. Upon Roll call:

YES: (6) Dowell, Thrun, Ekstrom, Rotter, Kizior, Plautz

NO: (0)

ABSENT: (0) Motion Carried 6/0

Treasurer Stade announced that she has gone through village records back through 2000 and had found \$49,000 of reimbursable expenses relating to development of the Triangle.

17. CASH DISBURSEMENTS

MOTION: by Dowell second by Thrun to approve the Cash Disbursements for the period 6/21/05 – 7/18/05 in the amount of \$205,986.97. Upon Roll call:

YES: (6) Dowell, Thrun, Ekstrom, Rotter, Kizior, Plautz

NO: (0)

ABSENT: (0) Motion Carried 6/0

18. ADJOURNMENT

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

YES: (6)

NO: (0)

ABSENT: (0) Motion Carried 6/0

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

H. Scott Gifford, President

Maureen Pratscher, Village Clerk