

1. CALL TO ORDER

The Regular meeting of the Board of Trustees of the Village of Deer Park was held on Monday, September 19th, 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 7:12 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, Clerk Pratscher, Treasurer Stade, Engineer Gordon and Attorney Hargadon.

Guests present were: Dennis and Sandra Symbal, 21048 Crestview Court, Fairhaven; Lock Nelson, 21501 N. Hwy. 59, Barrington; Joan Schultz, 627 Braemar Lane, Lake Zurich; Tracy Grosspietsch, 1156 Berkshire Lane, Lake Zurich; Pat and Larry Winkelman, 22580 Cheshire Court; Chris Wykowski, Prairie Grove; Sandy Schroeder, 80 Woodberry; Teri Bridge, 23675 Hedgeworth Court; Mary and John Lahr, 201 Rue Touraine; Layla Broadus, 23009 Thornhill Court; Gayle Pichlik, 20966 Deerpath Road; Paul Horcher, 113 Wedgewood Dr., Barrington; Maurice and Christine Fitzgerald, 111 Wedgewood Dr., Barrington; Paula and Peter Froehlich, 20170 Sunshine Lane; Herwig Schmidts, 20570 Deerpath Road; George O'Brien, 21155 Woodland Ave., Fairhaven; Debra Sands, 23010 Thornhill Court; Laura Ekstrom, 21287 N. Lake Zurich Road, Barrington; Jim Scoville, 21287 N. Lake Zurich Road, Barrington; Reed Captain, 25372 W. Lake Shore Drive, Barrington; Dan and Debby Palmer, 21174 N. Woodland Ave., Barrington; Edith and Michael Boon, 21142 N. Woodland Ave., Barrington; Bina and Hashim Rizvi, 21016 N. Crestview Dr., Barrington; Cliff Sulak, 21118 N. Woodland Ave., Barrington; Jerry and Sharon Mirshak, 23605 Swallow Court; Deborah Barry, 412 Bramble; Richard Chay, 408 Bramble; Cindy Seibert, 21622 Hanover Hills Road; Robb and Caryn Tausend, 20708 Deerpath Road; Bill Nelson, 20610 Deerpath Road; Ed Scott, 595 Chesterfield Lane, Lake Zurich; Pete Miceli, 21097 N. Woodland Ave. Barrington; Dale, Hilana and Trent Sands, 23010 Thornhill Court; Deborah Vaughan, 22988 Thornhill Court; Joe Carroll, 25373 Cuba Road, Barrington; Bob Ryan, 25301 W. Cuba Road, Barrington; Regis J. Trenda, 21323 N. Woodland Ave., Barrington; Dennis Indri, 25513 Cuba Road, Brian Surrow, 25431 W. Cuba Road, Barrington; Barb and Joe Sghrbossa, 25457 W. Cuba Road, Barrington; W.R. Kelley, 1289 Berkshire, Barrington; Ed Helgason, 21083 Woodland Ave., Barrington; Eway McLaughlin, 23625 Cuba Road; Linda McGill, 25537 Cuba Road; J.S. Koepsel, 21320 Crestview Drive; Elizabeth Gross, 21251 Crestview Drive Barrington; John Larsen, 807 E. Olive, Arlington Heights; Wanchay Chanthadouangsy, 1187 Leawood, Elgin; Joel and Juliann Thomason, 23686 Juniper Lane; Gil Kamm, 21032 N. Crestview, Barrington.

2. AGENDA CHANGES AND ANNOUNCEMENTS

President Gifford announced the Vehe Farm Foundation report would be moved up on the agenda, after Public Comments.

3. CONSENT AGENDA

A. Approval and Release of Minutes from the:

- i) Board of Trustees Regular Meeting held 8/15/05
- ii) Board of Trustees Executive Session held 8/15/05 (approve but not release)
- iii) Zoning Board of Appeals Meeting held 8/29/05

B. From the Engineer:

- i) Alliance Contractor's Final Pay Request.
 - ii) Ela Township Payment – Ferndale Subdivision Drainage Repairs
- Item B ii was removed from the Consent Agenda, to be considered later in the meeting.

MOTION: by Trustee Dowell second by Trustee Kizior to accept the Consent Agenda, minus item B ii. Upon voice vote:

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

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NO: (0)
ABSENT: (0)

Motion Carried 6/0

4. PUBLIC COMMENTS

Resident Jim Scoville, addressing Nicor drilling on Cuba Road, stated that he owns 75 acres (about a ½ mile of frontage) along West Cuba Road. He said he was not notified in advance of the Nicor project, which is installing 12-inch high-pressure natural gas pipes about 10 feet underground along the Cuba Road right-of-way. The utility is using a process called directional drilling, which uses a long drill to drill horizontally underground. Mr. Scoville said the drill head is lubricated with a mixture of clay and a liquid polymer that is listed as an industrial chemical, but he said Nicor would not tell him exactly what was in the lubricant. He said within days of the project's start there were three lubricant spills on his property, caused by fractures in the ground. He showed pictures of these spills. Mr. Scoville stated that his property contains wetlands as well as a fish hatchery, and he is very concerned about chemical contamination. He contacted Nicor, the Illinois Environmental Protection Agency, Lake County (which owns the right-of-way along Cuba Road) and Steve Mountsier of the Lake County Board and chairman of the Stormwater Management Commission. A meeting was held Wednesday, Sept. 14, with those parties, and Mr. Scoville said Mr. Mountsier issued a cease-and-desist order on the drilling. However, by Friday, Sept. 16, Nicor was drilling again. Mr. Scoville stated that the utility was using a vacuum truck to vacuum up any spills, but he said that is not a solution. Because the wetlands feed into Flint Creek and, subsequently, into larger waterways, they are protected areas and nothing at all can be discharged into them. He said the EPA representative told him that the spills on his property were such flagrant violations of the agency's regulations that it would be easy to cite Nicor. Mr. Scoville added, however, that the EPA tends to react with fines after violations have been committed but not to act to prevent violations about to be committed. Mr. Scoville said three other villages had denied Nicor permits to install the pipeline within their boundaries, but the Village of Deer Park had issued a permit allowing the installation. He said he was asking the Village to revoke the permit in order to stop any drilling immediately, giving all parties involved time to consider whether the pipeline should be installed on Cuba Road at all. He said Nicor is working 12-13 hour days, six days a week, to complete the project quickly, before it can be halted. He added that Deer Park residents will not be allowed to tap into the pipeline and will receive no benefit from it.

President Gifford responded saying the Village issued the drilling permit to Nicor only after the project was approved by Lake County, the Stormwater Management Commission, the Army Corp of Engineers, Lake Barrington and North Barrington. He said that the Village could revoke the permit, but he wasn't sure if this would affect the project because Lake County owns the right-of-way. President Gifford noted that Village Attorney Hargadon had recused himself from this issue because he has represented the Scovilles on other issues in the past.

With the permission of Mr. Scoville's attorney, however, Attorney Hargadon offered the opinion that the Village is probably powerless to prevent Nicor from proceeding. He said there is strong case law that says a county can deal with its right-of-way as it sees fit.

The consensus among the trustees was that the Village should revoke the drilling permit, even if the Village doesn't have legal standing to stop the project, because it would be a show of support for Village residents affected by the project. Trustees also agreed that the Village should put pressure on the other governmental agencies involved to stop the drilling.

MOTION: by Trustee Ekstrom second by Trustee Plautz to revoke the drilling permit issued to Nicor. Upon voice vote:

YES: (6) Dowell, Ekstrom, Kizior, Plautz, Rotter, Thrun
NO: (0)
ABSENT: (0)

Motion Carried 6/0

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President Gifford announced he would revoke the permit first thing in the morning. He then asked others who were present to speak on the same matter to limit their comments to issues that hadn't already been covered by Mr. Scoville. The following people spoke:

Gil Kam, who made the point that the Stormwater Management Commission has the power to stop the drilling.

Dennis India, who noted that the trucks being used to clean up the liquid contaminants had been parked on the lot containing the well for Fairhaven Subdivision. Swanson Water Service, which maintains the well, will contact Nicor to ask about chemicals used in the lubricant.

Joe Sgarbossa, who noted that his well is 300 yards from where Nicor was expected to drill the next day. He said water travels for miles underground, and he is worried about well contamination from the lubricant used. He said if Nicor must put in the pipeline, it should be done in a way that doesn't put contaminants in ground.

Dan Palmer, who encouraged all residents near the pipeline to get a baseline water quality sample so they would have a comparison in the future.

George O'Brien, who questioned where the origination point and termination point of the pipeline are.

Linda Ekstrom, Mr. Scoville's sister, who quoted Cuba Township Supervisor Tom Gooch as saying if there is ever a rupture to this pipeline it wouldn't be a simple matter of sending a repair truck; entire neighborhoods would have to be evacuated.

Hashim Rizvi, who noted that Nicor is regulated by the Illinois Commerce Commission. He said the ICC might possibly "have the biggest stick" in terms of putting pressure on Nicor to cease drilling.

The following public comments addressed different topics:

Joel and Juliann Thomason noted that Meadow Lane and Juniper Lane both have been in need of repairs for three years. Trustee Ekstrom said she was aware of the situation and would ask the Village Engineer to determine if the situation warranted emergency patching.

Maurice and Christine Fitzgerald stated there was a rumor that a developer who already purchased the house next door was going to buy the two adjacent lots, which the Village owns, on Lake-Cook Road. He said 37 years ago he tried to buy them from the Park District, but they refused. He noted the reason the lots went to Deer Park is because the previous owner couldn't get a building permit because the soil on the lots didn't pass the percolation test necessary for a septic permit.

Paul Horcher spoke on the same issue as the Fitzgeralds, stating if those lots are purchased by a developer and annexed into Deer Park, he wanted to make sure the Village knew he was not interested in having his property annexed with it. He said he is very happy to be in Cook County.

Teri Bridge addressed the agenda item regarding a proposal from Cingular to build a cell tower/flag pole in Charles Brown Park. Mrs. Bridge cited studies showing there is a public perception that magnetic fields generated by such towers are detrimental to the health of nearby residents. This perception lowers property values, she said. In addition, she noted that a FCC act states that once one cell tower is allowed in the Village, other companies must be allowed to bid for sites as well. She asked trustees to consider if there is a need on the part of residents for greater phone coverage. She also stated that there have been objections to the commercialization of the American flag by displaying it on a cell tower. She asked for a moratorium on the Cingular request until consultant could study the issue and a public hearing could be held.

John Lahr spoke about the Village's Comcast franchise, which has been on the agenda for the past four months. Mr. Lahr said he supports Trustee Rotter's suggestion of an audit and public hearing on the franchise, but he believes other issues should be addressed as well, including:

- Quality of service, such as picture clarity, sound distortion and interference
- Percent of downtime allowed to Comcast and compensation for subscribers
- Local programming of Village meetings, as well as a local studio and office
- Management of billing and correction of billing mistakes
- Selection of regular (basic) broadcast channels
- Published schedule of programs

Mr. Lahr also noted that there are other cable providers in the area, including WOW in several northwest suburbs and Mediacom in Elburn and Gilberts.

He also noted that a Comcast hearing that was discussed at the May Board of Trustees meeting never took place.

5. VEHE FARM FOUNDATION:

A) Update on current activities.

Foundation President Teri Bridge reported that volunteers worked 240 hours in the past month (not including the construction project manager, Jim Peterson). She stated that Vehe family members from South Dakota recently donated some historical items of interest to the Village. She stated she will bring them for the Board to see next month.

B) Purchases of: Appliances (\$28,905), Audio/Visual Equipment (\$40,000) and Furniture (\$13,383)

Mr. Peterson stated that he recommends M.L. Rongo Inc. as the vendor for kitchen appliances for the Barn. He said he is familiar with the company, having worked with it in the past, and the prices were even with or better than competitors.

Trustee Ekstrom questioned the need such large, commercial-style appliances when the Vehe Farm has only 40 parking spaces. She asked why the Foundation doesn't defer the expenditures until it has a plan to provide more parking. Mr. Peterson pointed out that, as a kitchen open for public use, the Foundation must meet Department of Health standards, which preclude the use of smaller, household appliances. In addition, he stated that the appliance prices are going up at the end of the year, and the appliance budget was approved by the Board two years ago. He stated that there will be sufficient parking for the number of people the Barn can accommodate. Trustee Thrun added that if the Barn is completed without appliances, people interested in renting the facility will question why there are no appliances.

Trustee Ekstrom also commented that the appliances come with only a one-year warranty. She stated she would rather purchase the appliances when they are ready to be installed. President Gifford replied that the warranty will start with delivery, and delivery can be delayed until the Village is ready.

MOTION: by Trustee Kizior second by Trustee Thrun to approve a contract with M.L. Rongo Inc. for appliance purchases in the amount of \$28,905.

Trustee Ekstrom asked that the motion be amended to state the Village would not pay for the appliances until after the Barn renovation is completed and ready for appliances. Mr. Peterson stated the contract calls for a 50% deposit, with 50% due at delivery. The amendment failed for lack of a second. Trustee Kizior said he would amend his motion, seconded by Trustee Thrun, to delay delivery and payment as late as possible without impacting completion of the project. Upon roll call:

YES: (6) Dowell, Ekstrom, Kizior, Plautz, Rotter, Thrun
NO: (0)
ABSENT: (0)

Motion Carried 6/0

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Trustee Ekstrom noted that the contract contained a warning that prices will go up Jan. 1, 2006. She asked Mr. Peterson to verify that the Village will receive the current price, even if appliances aren't delivered until after Jan. 1.

Mrs. Bridge introduced the Audio/Visual Committee, consisting of Pat Winkelman, Sandy Schroeder and Chris Wykowski.

Mrs. Winkelman stated that the committee recommends Pentegra Systems as the A/V vendor and requests approval of disbursement of the \$40,000 A/V budget as outlined in the Board packet. She stated that amount includes 4% for contingencies and does not include video broadcasting or audio taping capabilities at this time. She stated that Pentegra will provide training to foundation members on all equipment. She added that \$8,000 is needed for a deposit and \$3,600 is needed for wiring and conduit now. Within 4-5 weeks, installation would occur and the final installment would be paid.

Trustee Rotter asked if the committee checked with Barrington on system compatibility in order to broadcast Board meetings on Comcast's public access channel. Mrs. Winkelman said the committee did research that, but Pentegra is not the vendor recommended by Comcast. Trustee Rotter stated he thinks recording of Village meetings is the first and foremost factor that should be considered in selecting the system. President Gifford questioned how much a recording feature would add to the system cost, and Trustee Rotter replied that Comcast estimates about \$40,000 for a recording component.

Trustee Thrun stated he thinks a microphone system is the foremost Village need in an A/V system. He stated that the Village was trying not to spend as much money as would be required for a recording component.

Sandy Schroeder stated the committee looked at nine vendors and eventually narrowed it down to two bids. He stated that Pentegra's bid was slightly higher but included a much more robust design. He added that the committee felt Pentegra was a better company to do business with.

Mrs. Winkelman stated that the committee does not recommend purchasing an extended warranty because it is too costly. She stated that Pentegra will give the Village a free loaner if there is any equipment breakdown for the life of system.

Trustee Ekstrom questioned whether there would be wireless computer presentation capabilities. Mr. Schroeder stated there is some remote control capability, and down the road it could become a fully integrated, totally wireless system.

Trustee Kizior asked the Vehe Farm Foundation to look at what it would cost to provide computer networking capabilities that would allow, for example, a wireless laptop computer to run a Power Point presentation on the overhead projector. Mrs. Bridge replied that another analysis is not possible immediately because the committee has too much to do currently. Mr. Peterson said the Foundation would work on it, but not to expect a full report next month.

MOTION: by Trustee Dowell second by Trustee Kizior to accept contract with Pentegra Systems in amount of \$40,000. Upon roll call:

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

NO: (0)

ABSENT: (0)

Motion Carried 6/0

Mrs. Winkelman stated that the Furniture Committee looked at three vendors and received several bids. She stated the committee recommends Windfall Enterprises of Barrington and asks for approval of disbursement of the \$8,000 budgeted toward furniture. The Foundation will pay the remaining \$6,000, which was received from the Village last year. The furniture comes with a 10-year warranty. A 50% deposit is required at the time of ordering, with the balance due on delivery, 2-4 weeks later.

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Trustee Ekstrom commented that in the future she would like to see all bids on a project included in the Board packet, not just the one recommended by the committee.

Trustee Plautz questioned the need for the quantity of furniture and whether there will be anyone available to set up the furniture for meetings and events. Mrs. Winkelman replied that Foundation members will do that until May 1 of next year, and then the Village will need to decide how to handle that task in the future.

Mr. Peterson stated that the vast majority of furniture being purchased is needed for Board meetings, such as tables and chairs. Mrs. Winkelman added that some tables and chairs will be kept in the storage closet when not in use and others will be stored on the third floor.

MOTION: by Trustee Dowell second by Trustee Kizior to approve the contract with Windfall Enterprises in the amount of \$13,383 for furniture purchases, with \$6,000 to come from the Vehe Farm Foundation and the remainder to come from the Village. Upon roll call:

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

NO: (0)

ABSENT: (0)

Motion Carried 6/0

Mrs. Winkelman also asked that an invoice for \$709 from Sheila at HZPS be paid. She stated that it was imperative that the committee had her input on the furniture placement drawings, and the conduit and wiring plans

Trustee Ekstrom noted that the invoice was not on the agenda, and the threshold for a petty cash check is \$500. President Gifford asked if the Foundation would pay the invoice now, and the reimbursement expense would be put on next month's agenda. Mrs. Bridge agreed to handle the invoice that way.

C) Lighting Purchases—total cost \$23,383.00

Mr. Peterson stated that the Board packet included his memo about an additional \$8,383 that is needed for lighting fixtures.

Trustee Ekstrom stated that the original lighting budget was only \$20,000 and the Board preapproved \$15,000 with condition that the Village could save money. She questioned why there is now an additional expense.

Mr. Peterson stated that he might have misspoken, but he added that he thought the Board approved the \$15,000 with the understanding that he would be back this month with the remaining amount. He added that the Village still is saving money, a minimum of 20%, over contractor-purchased fixtures. In addition, he stated that the Barn renovation is more than \$100,000 under budget.

Trustee Plautz questioned why competitive bids were not sought on the lighting fixtures. Mr. Peterson replied that the chosen fixtures are available only through certain companies, and the Village will be purchasing directly from the manufacturers' representatives.

MOTION: by Trustee Kizior second by Trustee Thrun to approve the purchase of additional lighting fixtures in the amount of \$8,383. Upon roll call:

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

NO: (0) Ekstrom, Rotter,

ABSENT: (0)

Motion Carried 4/2

D) Payment of Bills:

Mr. Peterson reported that construction activity picked up somewhat last week. He stated that ComEd was supposed to be out this week to make the underground electrical connection. He added that his best guess is that construction will be completed by year-end.

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Trustee Rotter noted that a memo had been sent to Village Treasurer Terri Stade, which stated that completion clause penalties will be assessed at the end of the project. He asked why they weren't being assessed sooner. Mr. Peterson replied that is typically the way it's done. He added that everyone is aware that the contractor seriously underbid the project, and he wants to make sure Clark finishes the project. He said it makes more sense to do it this way under the circumstances, since the contractor is barely making his payments to subcontractors.

Trustee Ekstrom questioned what would be the maximum penalty the contractor could owe. Mr. Peterson said the penalty could be infinite if the project was never completed, but realistically will be more like \$30,000. He added that the Village also has \$60,000-\$70,000 in retention in case any work needs to be redone.

Trustee Kizior stated that in his view it is more important to stay the current course and complete the work. He asked for Mr. Peterson's assurance that, in his view, the work is getting done per the contract with the Village and is of acceptable quality. Mr. Peterson responded that everything the Village is paying for has been done properly. Trustee Kizior also asked what would be the worst-case completion date. Mr. Peterson stated that, at most, it would be two months past December.

- i) Pay Request # 15 for Vehe Farm Construction in the amount of \$62,678.00 payable to R & W Clark per the memo from Jim Peterson dated 9/7/05.

MOTION: by Trustee Thrun second by Trustee Ekstrom to approve Pay Request #15 for Vehe Farm Construction in the amount of \$62,678.00 payable to R & W Clark per the memo from Jim Peterson dated 9/7/05. Upon roll call:

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

NO: (0)

ABSENT: (0)

Motion Carried 6/0

- ii) Pay Request for architectural and engineering services during August in the amount of \$1,069.88 payable to HZPS per the invoice from HZPS dated 9/7/05.

MOTION: by Trustee Ekstrom second by Trustee Thrun to approve Pay Request for architectural and engineering services during August in the amount of \$1,069.88 payable to HZPS per the invoice from HZPS dated 9/7/05. Upon roll call:

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

NO: (0)

ABSENT: (0)

Motion Carried 6/0

6. ZONING VARIANCES

A. Froelich Swimming Pool Side Yard Variance

The variance requested was to allow a pool in the side yard. Village code allows pools only in a backyard. Pete Froehlich recapped the presentation he made on Aug. 29 to the Zoning Board of Appeals, which voted 6/0 to allow the variance. Mr. Froehlich reiterated that there are two hundred-year-old oak trees in the backyard that would not survive construction of a pool.

Trustee Rotter questioned whether it was permissible to abandon the septic lines, as shown on the plan. Mrs. Froehlich replied they were advised by Lake County Health Department, which regulates septic fields, to do so and to add an aerator to the septic system.

Trustee Dowell stated he would have been opposed to granting such a variance four years ago, but said that as more and more pools have been built in the Village, the Board needs to make adjustments.

Attorney Hargadon noted that the ZBA approval was subject to completion of landscaping as shown on the plan.

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MOTION: by Trustee Kizior second by Trustee Ekstrom to approve the zoning variance to allow a swimming pool in the side yard, subject to completion of the landscaping plan. Upon voice vote:

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

NO: (0)

ABSENT: (0)

Motion Carried 6/0

B. Glinka Garage Addition Setback Variance

The variance requested was to allow a corner of a proposed garage addition to extend 8 feet past the building setback line. Joseph Glinka recapped the presentation he made Aug. 29 to the ZBA and distributed a computer-generated photo of what the garage addition would look like when completed. He drives an extra-long limousine, which he is not permitted to park in his driveway because it is a commercial vehicle. He stated that he has a home office, but clients and other drivers do not come to his home.

Trustee Dowell said he felt the challenge of this variance request is whether the request was for a commercial use or residential use. He said the Village has to be careful not to allow commercial intrusion into residential settings. He also questioned whether there was any hardship in this case, which must be shown in order for the Village to grant the variance.

Attorney Hargadon stated that the hardship is that the petitioner can't legally park his commercial vehicle outside in a residential neighborhood. He noted there are other residents who park commercial vehicles in their garages. He said the ZBA thought granting the variance was a better and more pragmatic solution than allowing a commercial vehicle to be parked outside. He said the ZBA voted 4/1 in favor of the variance, with one abstention. President Gifford noted the shape of Mr. Glinka's lot, which is irregular because it is in a cul-de-sac, could also be considered a hardship.

MOTION: by Trustee Ekstrom second by Trustee Plautz to approve the zoning variance regarding building setback requirements to allow the garage addition as pictured. Upon voice vote:

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

NO: (1) Dowell

ABSENT: (0)

Motion Carried 5/1

7. DEERPATH ROAD – PROPOSALS FROM THE RESIDENTS

Caryn Tausend presented a petition from the residents of Deerpath Road endorsing new signage for the road to reduce cut-through traffic. Mrs. Tausend said efforts in recent months by the Kildeer Police Department to increase safety on the road have been ineffective. She said only three tickets have been issued in the past month. Mrs. Tausend said residents are asking for the following signs:

- "No Through Truck Traffic" on the north end of Deerpath Road (once the road enters Village limits) and at the intersection of Deerpath Road and Long Grove Road
- "No Left Turn" southbound on Deerpath Road at Corners Drive, on southbound Deerpath Road at Long Grove Road and on eastbound Long Grove Road at Deerpath Road
- "No Right Turn" on westbound Long Grove Road at Deerpath Road and on Corners Drive at Deerpath Road

She stated that each sign would include the language: ". . . between 6-9 a.m. and 4-7 p.m. and excepting emergency vehicles, buses and Deer Park residents with valid Village sticker."

President Gifford responded that he had talked to Kildeer Police and was told the reason the number of tickets issued last month decreased was because people were slowing down on Deerpath Road. Residents replied the police will not issue a ticket unless a car is driving 10 miles per hour over the speed limit, because it probably would be dismissed in court, so many drivers are still driving too fast.

Several trustees said they didn't see how the plan would work if similar restrictions were not placed on the streets on either side of Deerpath Road, Laurel Drive and Country Lane. Otherwise, it would just push additional traffic onto those streets. They also questioned why

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the Village cannot dictate to Kildeer Police how to enforce the speed limit, since the Village pays for the police service. The consensus was that Kildeer Police should issue tickets to any driver going five or more miles per hour over the limit.

Trustee Ekstrom stated that the Village has told these residents in the past that something would be done about the traffic situation. She suggested putting up the proposed signs restricting turns for three months and then assessing their effectiveness.

President Gifford said there might be a question of legality if the Village attempts to restrict access on public road.

MOTION: by Trustee Ekstrom second by Trustee Kizior to adopt the proposed signs, with the following additional signs:

- "No Left Turn" southbound on Country Lane at Long Grove Road and on westbound Long Grove Road at Country Lane
 - "No Right Turn" on westbound Long Grove Road at Country Lane
- and changing the "No Through Truck Traffic" signs to "No Through Traffic", subject to approval of the signs on the Long Grove right-of-way by Lake County, with a traffic enforcement update in three and six months against the traffic volume of June of 2005 from the Kildeer Police Department.

Trustee Rotter questioned whether the Village would be exposing itself to legal action by restricting access on a public street. He suggested the issue be reviewed by the Village traffic consultant, KLOA. He also questioned whether the Village should put the signs on Country Lane without input from those residents.

Trustee Ekstrom then amended her motion, seconded by Trustee Kizior, to include a review by KLOA prior to implementation. Upon voice vote:

YES: (5) Dowell, Ekstrom, Kizior, Plautz and Thrun

NO: (0)

ABSTAIN: (1) Rotter

Motion carried 5/0/1

President Gifford stated he would contact Kildeer Police Chief Lilly in the morning, requesting that speeding tickets be issued to drivers going five or more miles over the limit.

8. PROPOSED DEVELOPMENT OF THE DAHM PROPERTY BY RED SEAL DEVELOPMENT CORP.

Todd Fishbein, president and CEO, of Red Seal Development Corp., presented a brief overview of his company and its development proposal for the southeast corner of Quentin Road and Long Grove Road. He stated that over the past four months his firm has studied Village's Comprehensive Plan, met with various planning and transportation agencies, as well as with Village staff and consultants. Originally, Red Seal planned an all-townhome development, Mr. Fishbein said, but later changed it to include single-family homes as it became clear that the Village wanted a transitional zone from the commercial property at Deer Park Town Center to the single-family homes along Quentin Road. He stated he believes his company has created a viable development proposal, but in order to achieve the 5.15-units-per-acre density the Village desires, additional land is needed. Mr. Fishbein stated that Red Seal is proposing to purchase 2.3 acres of Village-owned land adjacent to the property Red Seal has optioned to buy. The price would be at the Village's cost, including interest and carrying costs. Mr. Fishbein stated the project then could accommodate 62 townhomes and 11 single-family detached homes, with entrance through Deer Park Place Townhomes off of Long Grove Road. Mr. Fishbein requested the proposal be sent to the Planning Commission for a public hearing at its Nov. 7 meeting.

Trustee Ekstrom stated she liked site plan but wondered how it would impact the Village's recently enacted Affordable Housing ordinance. Trustee Rotter said it would be in conflict with the ordinance as it is currently written, but he recently received information that could allow the Village to modify that ordinance. He said the percentage of housing set aside as affordable can be looked at over a longer time period instead of on an annual basis. In

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addition, Trustee Rotter said he has talked with representatives from two surrounding villages, and he thinks the Village might be able to combine its housing base with those villages when working on affordable housing plans. He said if the villages combine housing starts, the Village would not be at risk of violating federal standards, only its own ordinance.

President Gifford stated he had Engineer Gordon look into the 2.3-acre purchase, and the land in question is away from the proposed soccer field. He added that a mixed-use project is something the Village has always talked about, and, in his opinion, the trade-off is a good one. He assured the Board that the Village won't take a loss on the property.

MOTION by Trustee Ekstrom second by Trustee Dowell to refer the Red Seal Development project to the Planning Commission: Upon voice vote:

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

NO: (0)

ABSENT: (0)

Motion Carried 6/0

9. CINGULAR REPRESENTATIVE REGARDING A CELL TOWER/FLAG POLE IN DEER PARK

Cingular Wireless Representative Wanchay Chanthadouangsy stated she had made a proposal for a 120-foot tall cell tower in Charles Brown Park at the June Board of Trustees meeting. She said the trustees at that time had several technical questions, so she brought Cingular Engineer John Larsen to help answer those questions. She stated she would like a referral of the issue to the Planning Commission so a public hearing could be scheduled for the proposal.

Trustee Kizior asked if it is possible to have a cell tower that is only 25 or 40 feet tall. Mr. Larsen responded that to get the coverage desired, the tower would need to stay above treetops, typically above 90 feet. He said the lower the height, the smaller the coverage area. He stated that off the top of his head, he would guess Cingular would cover a 2-mile radius with the proposed tower.

President Gifford stated there was a lot of concern about putting a tower in Charles Brown Park, especially something that size. He asked for the feeling of board. Trustees Thrun, Dowell and Rotter said they would be comfortable with a tower in the 40-foot range, but several said they thought the park setting was inappropriate regardless of the height.

Ms. Chanthadouangsy asked what she could present in a future proposal that would meet with Village approval. President Gifford advised her that 40-50 feet would be the maximum height trustees would want to consider, but it still might be a tough sell. He stated that in some cases aesthetics are more important than lease revenues.

10. ATTORNEYS REPORT

A) Status of Appraisal of the Lake-Cook Road Lots

Attorney Hargadon stated the property owner next to the lots in question offered \$110,000 for both lots, contingent on annexation and subdivision. MaRous, the appraisal firm, said the fair market value is \$175,000 total for the two lots, which combined are slightly less than an acre. Attorney Hargadon asked for direction from the Board whether to pursue the sale of the lots. If so, he would need to publish notice that the Village is selling surplus property.

Trustee Ekstrom noted that the resident who spoke during Public Comments mentioned he had offered to buy the lots at one point. Attorney Hargadon said he also can contact nearby residents about the sale.

Trustee Plautz mentioned the failed percolation test and questioned whether the lots would be buildable, but Attorney Hargadon said that is not the Village's problem. In addition, President Gifford noted that septic technology has advanced in recent years making other options possible. He also noted that the neighbors who spoke would not need to be annexed with these lots.

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MOTION: by Trustee Dowell second by Trustee Thrun to direct Attorney Hargadon to publish notice with a legal description of the surplus Village property for sale. Upon voice vote:
YES: (6) Dowell, Ekstrom, Kizior, Plautz, Rotter, Thrun
NO: (0)
ABSENT: (0) Motion Carried 6/0

B) Approval of payment to Chicago Title - \$1,005.00
Attorney Hargadon noted that the bill included in trustee packets was in error. The correct amount is \$625, and he asked the Board to approve that amount.
MOTION: by Trustee Dowell second by Trustee Thrun to approve payment to Chicago Title in the amount of \$625 for the title search of the lots on Lake-Cook Road. Upon roll call:
YES: (6) Dowell, Ekstrom, Kizior, Plautz, Rotter, Thrun
NO: (0)
ABSENT: (0) Motion Carried 6/0

C) Wireless Class Action Settlement
Attorney Hargadon stated there has been a settlement in PrimeCo case, but he received the material late last week and asked to defer discussion of the settlement until next month.

11. REPORTS FROM THE PRESIDENT, TRUSTEES AND ADMINISTRATOR

- A) President Gifford
i) General Information.
President Gifford announced that Village Administrator Kari Diesen-Dahl is going to retire in about a year, so he said he is going to start putting out feelers for a replacement. He said he expects the search will take a while.

ii) Proclamation – Fire Prevention Week, October 2-8, 2005.
President Gifford asked the Board to proclaim Fire Prevention Week.

MOTION: by Trustee Thrun second by Trustee Ekstrom to proclaim Oct. 2-8, 2005, as Fire Prevention Week. Upon voice vote:
YES: (6) Dowell, Ekstrom, Kizior, Plautz, Rotter, Thrun
NO: (0)
ABSENT: (0) Motion Carried 6/0

iii) Resolution No. 05-05 Endorsing Route 120 Expansion Plan
President Gifford explained that while Route 120 is not in the Village, road improvements to the north could help alleviate traffic in the Village. He recommended passage of the resolution.

MOTION: by Trustee Thrun second by Trustee Plautz to accept Resolution No. 05-05 Endorsing Route 120 Expansion Plan. Upon voice vote:
YES: (6) Dowell, Ekstrom, Kizior, Plautz, Thrun
NO: (0) Rotter
ABSENT: (0) Motion Carried 5/1

iv) Rezone the Village Property at Vehe Farm to Planned Development.
President Gifford reported he is working with Teska, the Village's planning consultant, about this and the next two agenda items. He will report back at a later date.

v) New park land at the Dahm property.

vi) Southeast corner of Quentin and Lake-Cook Roads.

- B) Trustee Dowell—Finance
i) Analyze selected receipt and disbursement accounts.
Trustee Dowell suggested that given the late hour, this agenda item be deferred to next month.

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- C) Trustee Thrun—Public Safety:
Report deferred until October.

- D) Trustee Ekstrom—Roads and Public Utilities
i) Ela Township Payment – Ferndale Subdivision Drainage Repairs
Trustee Rotter questioned whether Nicor should be responsible for the bill, since its gas service line was installed through existing drain tile, thus necessitating the repair. The consensus was the Village should attempt to recoup the repair costs from Nicor.

MOTION: by Trustee Ekstrom second by Trustee Kizior to authorize payment to Ela Township in the amount of \$1,350 and to request the Village Administrator to contact Nicor asking for reimbursement. Upon roll call:

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

NO: (0)

ABSENT: (0)

Motion Carried 6/0

- E) Trustee Rotter—Planning and Zoning

- i) Comcast.

Trustee Rotter reported he had a meeting with Comcast and had set a date for public informational hearing, but that date now must be changed. He said the new date will probably be in late October or early November. He said it will consist of a brief presentation by Comcast, and then residents can ask questions about anything. Trustee Rotter stated he thinks these meetings should be held on an annual basis.

- ii) Conceptual Affordable Housing Discussion.

Trustee Rotter said he covered most of this report during the Red Seal presentation. He said he would like to get further along in discussions with surrounding communities before changing the Village's ordinance.

- F) Trustee Kizior—Park and Recreation

Report deferred until October.

- G) Trustee Plautz—Health and Sanitation

Report deferred until October.

- H) Administrator Diesen-Dahl:

- i) New alarm system contract
Item deferred until October.

- ii) Liquor License for Roses and More – Class V

Village Administrator Diesen-Dahl reported that a new store, Roses and More, had applied for a Class V Liquor License and had been cleared by the Kildeer Police Department based on fingerprint comparison. A new restaurant in Deer Park Town Center, Go Roma, also had applied for a Class V Liquor License and was in the process of gaining clearance, based on fingerprints, from the Kildeer Police Department. Administrator Diesen-Dahl recommended licenses be granted to both, with approval for Go Roma contingent upon clearance by the Kildeer Police Department.

MOTION: by Trustee Thrun second by Trustee Dowell approve the Class V Liquor License for Roses and More and to approve the Class V Liquor License for Go Roma subject to Kildeer Police approval. Upon voice vote:

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

NO: (0)

ABSENT: (0)

Motion carried 6/0

- iii) Vehicle Stickers for 2006-2007

Village Administrator said she received two bids for printing the Village stickers for 2006-2007. She recommended the bid from Scot Decal Co. for \$490.

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MOTION: by Trustee Ekstrom second by Trustee Kizior to approve Scot's as the vendor for new vehicle stickers in an amount not to exceed \$490. Upon roll call:

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

NO: (0)

ABSENT: (0)

Motion carried 6/0

iv) New copier for the Village Office
Item deferred until October.

v) 2006 Public Officials Directory from League of Women Voters
Enclosed in trustees' packets.

vi) Stamp Unveiling Program from Deer Park Town Center
Enclosed in trustees' packets.

vii) Updated Village Roster
Enclosed in trustees' packets.

12. TREASURER'S INFORMATION.

MOTION: by Trustee Dowell second by Trustee Ekstrom to approve Investments Held Report dated Aug. 31, 2005, in the amount of \$ 2,096,768. Upon voice vote:

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

NO: (0)

ABSENT: (0)

Motion carried 6/0

13. CASH DISBURSEMENTS.

MOTION: by Trustee Dowell second by Trustee Thrun to approve Cash Disbursement Report dated Aug. 16-Sept. 19, 2005, in the amount of \$228,652.50. Upon roll call:

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

NO: (0)

ABSENT: (0)

Motion carried 6/0

14. MOTION TO ADJOURN

MOTION: by Trustee Ekstrom second by Trustee Rotter to adjourn at 11:59 p.m. Upon voice vote:

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

NO: (0)

ABSENT: (0)

Motion carried 6/0

Scott Gifford, Village President

Maureen Pratscher, Village Clerk