

**Village of Deer Park
Regular Board Meeting Minutes
December 19, 2005**

p. 1 of 7

1. CALL TO ORDER

The Regular meeting of the Board of Trustees of the Village of Deer Park was held on Monday, December 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 7:03 p.m. Board members and Guests recited the Pledge of Allegiance. Upon roll call the following were present: President Gifford, Trustees Dowell, Kizior, Plautz, Rotter and Thrun. Other Village Officials present were Administrator Diesen-Dahl, Clerk Pratscher, Treasurer Stade, Engineer Gordon, and Attorney Shifrin. Trustee Ekstrom arrived at 7:31 p.m.

Guests present were: Bill Bloch of the Illinois Municipal League Risk Management Association; Ralph Jensen of Ralph Jensen Associates; Holly Wiemken of Griffin Kubik Stephens & Thompson Inc.; Pat Winkelman, 22580 Cheshire Court; Teri Bridge, 23675 Hedgeworth Court; Robb and Caryn Tausend, 20708 Deerpath Road.

2. AGENDA CHANGES AND ANNOUNCEMENTS

The municipal zoning study listed under the President's Report will be deferred to January. Also, Trustee Rotter requested that Item C be removed from the Consent Agenda.

3. CONSENT AGENDA

A) Approval and Release of Minutes from the:

- i) Board of Trustees Regular Meeting held 11/21/05
- ii) Zoning Board of Appeals Meeting held 12/12/05

B) From the Village Engineer:

- i) Chicagoland Final Pay Request – 2005 Road Patching Program - \$8,332.91
- ii) DeKaf Final Pay Request – 2004 Squires Culvert Replacement - \$306.45
- iii) DL Franzen Final Pay Request – Charlie Brown Tennis Courts - \$976.52
- iv) Ela Township Highway Dept – Road patching - \$1,600.00
- v) Ela Township Highway Dept. – Roadside Trimming - \$1,424.00

MOTION: by Trustee Dowell second by Trustee Thrun to accept the Consent Agenda. Upon roll call:

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

NO: (0)

ABSTAIN: (0)

Motion Carried 5/0

4. AMENDED NOVEMBER CASH DISTRIBUTION

Trustee Rotter questioned the need for amending the November Cash Distribution Report. Treasurer Stade explained that the check written in November to Illinois Municipal League Risk Management Association for the Village's 2006 insurance premium was not sent, pending the Board's decision on an insurance carrier to be made at this meeting. Trustee Rotter questioned why checks are written before the meeting and how often they have to be voided if not approved by the Board. Trustee Dowell responded that a check is only pulled from the distribution report once every couple of years.

MOTION: by Trustee Dowell second by Trustee Thrun to accept the amended November Cash Distribution in the amount of \$220,775.09. Upon roll call:

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

NO: (0)

ABSTAIN: (0)

Motion Carried 5/0

Village of Deer Park
Regular Board Meeting Minutes
December 19, 2005

p. 2 of 7

4. ZONING VARIANCE FOR 65 OAK RIDGE

Homeowner Chris Cantafio briefly recapped his petition for a variance to the building setback line in order to convert an existing greenhouse into a third-car garage. The petition was unanimously recommended for approval by the Zoning Board of Appeals.

Trustee Rotter stated that he didn't understand the petitioner's hardship, a prerequisite for approving a variance.

President Gifford responded that ZBA members thought the hardship was the long, narrow lot, plus the fact that the house was not placed in the middle of the lot when it was built. In fact, he said, the greenhouse already exceeds setback lines, and the homeowner is asking only for an additional 8-inch extension beyond the current footprint.

Administrator Diesen-Dahl added that the home was built before current zoning codes were enacted.

Mr. Cantafio stated he had contacted surrounding residents, and no objections to the plan were raised.

MOTION: by Trustee Kizior second by Trustee Dowell to approve the request for a variance, based upon the hardship of an irregularly shaped lot, to allow a one-story, non-habitable third-car garage to be built no closer than 15 feet to the property line, as long as it supplants the existing greenhouse structure at 65 Oak Ridge Lane. Upon roll call:

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

NO: (0)

ABSTAIN: (0)

Motion Carried 5/0

6. REFUNDING BONDS FOR SPECIAL SERVICE AREA NO. 3

Holly Barstow Wiemken of Griffin, Kubik, Stephens & Thompson Inc. asked the Board to approve two ordinances allowing the issuance of bonds for the Special Service Area No. 3. Ms. Wiemken stated that the developers of the Triangle area will be able to take advantage of lower interest rates by refinancing the bonds, which originally were issued in 1999 and 2000. She stated that the bonds will keep the same maturity date.

President Gifford emphasized that the Village will incur absolutely no costs as a result of the refinancing.

MOTION: by Trustee Dowell second by Trustee Thrun to approve Ordinance 05-17 regarding Special Service Area Number Three Refunding Bonds Series 2006A. Upon voice vote:

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

NO: (0)

ABSTAIN: (0)

Motion Carried 5/0

MOTION: by Trustee Dowell second by Trustee Thrun to approve Ordinance 05-18 regarding Special Service Area Number Three Refunding Bonds Series 2006B. Upon voice vote:

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

NO: (0)

ABSTAIN: (0)

Motion Carried 5/0

7. PRESENTATIONS REGARDING VILLAGE INSURANCE

A) Bill Bloch of Illinois Municipal League Risk Management Association (IMLRMA) stated that 761 Illinois municipalities participate in the Association, and Deer Park has been a member since 1987. The IMLRMA is a non-profit association, and each municipality has the same coverage. Highlights of the coverage include:

- o Bonding of public officials.
- o No deductible on any liability policies.
- o Full replacement cost (less \$500 deductible) on all buildings and contents.

Village of Deer Park
Regular Board Meeting Minutes
December 19, 2005

p. 3 of 7

- General liability coverage of \$8 million per occurrence, with no limit on the number of claims per year.
- Public official liability does not exclude zoning or land use issues.

In response to trustee inquiries regarding IMLRMA's lack of coverage for trustees involved in litigation over the Shepherd property, Mr. Bloch stated that "unconstitutional taking" of the use of a property owner's land is not covered by any type of insurance company because the "taking" would be an unlawful act.

Mr. Bloch stated that, overall, premiums went up 5% this year, which was close to the cost-of-living increase. He said the Village's premium went up about \$2,000 when the Vehe Farm was purchased and likely will increase after renovation of the Barn is completed. The premium due by Dec. 31, 2005, for 2006 is \$9,220.

In response to questions about the accuracy of the valuation of Village assets in the IMLRMA estimate, Mr. Bloch stated he would be happy to assist the Village in inventorying and assessing the value of all buildings, equipment and structures such as swingsets and tennis courts.

B) Ralph Jensen of Ralph H. Jensen Associates in Barrington stated that he underwrites insurance policies for other municipalities in the Barrington Area Council of Governments (BACOG). The liability policy he proposed for the Village would offer \$1 million per occurrence, but he stated that higher limits are available at an additional cost. He noted that regardless of which insurer the Village goes with, he recommends increasing bond amounts for public officials.

President Gifford stated that the Shepherd litigation was what prompted the Village to begin looking at other insurers, and he asked Mr. Jensen if the proposed policy would cover "unconstitutional taking" of land use. Mr. Jensen stated that the policy would not cover eminent domain proceedings, but he said he was not sure if that is the same issue. He stated he would have to research the issue.

Trustees noted that Mr. Jensen's valuation of Village assets was much higher than Mr. Bloch's, and asked Mr. Bloch how much the Village's premium would increase if the asset valuation were \$3 million. Mr. Bloch estimated the increase to be between \$1,000 and \$1,500 a year.

The consensus of trustees was that, given the imminent premium due date and the upcoming holidays, the Board could not delay renewing coverage through IMLRMA. However, trustees stated they would be interested in hearing Mr. Jensen's response regarding the "unconstitutional taking" issue and receiving another insurance quote from him next year. In addition, they noted that the Village should complete an inventory appraisal each year so that potential insurers would be using the same figures.

MOTION: by Trustee Ekstrom second by Trustee Dowell to continue IMLRMA insurance coverage for the Village for 2006 and to pay the premium in the amount of \$9,220 and to conduct an re-evaluation of village assets and also to ask Mr. Jensen to get back to the Village with answers regarding the "unconstitutional taking" issue. Upon roll call:

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

NO: (0)

ABSTAIN: (0)

Motion Carried 6/0

8. VEHE FARM FOUNDATION:

A) Update on current activities.

Pat Winkelman stated that she recently met with an Illinois Department of Natural Resources representative, who mentioned how proud she was that Village had the foresight to purchase one of the last remaining farms in the county. The representative will be helping the foundation establish its educational programs.

Village of Deer Park
Regular Board Meeting Minutes
December 19, 2005

p. 4 of 7

B) Pay Request # 18 for Vehe Farm Construction in the amount of \$24,567.30 payable to R & W Clark per the memo from Jim Peterson dated 12/8/05.

Mr. Peterson stated that the correct amount of the pay request should be \$31,916.11. President Gifford stated that it was too late to change the amount, and the additional amount should be submitted next month.

Mr. Peterson stated that he now estimates that the Barn renovation will be complete in February or March. He said gas service will be installed in the middle of January, and that has been holding up many things.

MOTION: by Trustee Ekstrom second by Trustee Dowell to approve Pay Request # 18 for Vehe Farm Construction in the amount of \$24,567.30 payable to R & W Clark per the memo from Jim Peterson dated 12/8/05. Upon roll call:

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

NO: (0)

ABSTAIN: (0)

Motion Carried 6/0

C) Pay Request for architectural and engineering services during October in the amount of \$1,255.04 payable to HZPS per the invoice from HZPS dated 12/7/05.

MOTION: by Trustee Dowell second by Trustee Ekstrom to approve Pay Request for architectural and engineering services during October in the amount of \$1,255.04 payable to HZPS per the invoice from HZPS dated 12/7/05. Upon roll call:

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

NO: (0)

ABSTAIN: (0)

Motion Carried 6/0

D) Pay Request to ML Rongo for balance due for the kitchen equipment in the amount of \$12,354.50, which does not include the delivery and installation costs.

MOTION: by Trustee Ekstrom second by Trustee Dowell to approve payment in the amount of \$12,354.50 to ML Rongo for kitchen equipment. Upon roll call:

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

NO: (0)

ABSTAIN: (0)

Motion Carried 6/0

E) Pay Request of \$6,691 to Windfall Enterprises, Inc. for furniture for the barn.

Trustee Rotter asked why \$14,000 was spent on furniture when only \$8,000 was budgeted for the year. Foundation President Teri Bridge responded that the total 2005-2006 furniture budget was \$14,000, but \$6,000 of that already had been given to the Foundation in its 2004-2005 budget. At September Board meeting, trustees requested that the \$6,000 be returned to the Village general fund so that one check could be written for the entire furniture purchase. Mrs. Bridge stated that the Foundation gave the Village a check for \$6,000 in October.

Trustee Rotter stated that he disagreed with that type of budgeting, saying that if the money was not spent in the fiscal year it was allocated, it should not accrue to the next year.

Mrs. Bridge said the money should have been spent in the year it was allocated, but construction delays postponed the purchases.

President Gifford stated that the Village has never had a "use it or lose it" approach with Vehe Farm budget.

MOTION: by Trustee Ekstrom second by Trustee Dowell to approve payment in the amount of \$6,691 payable to Windfall Enterprises Inc. for furniture for the Barn. Upon roll call:

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

**Village of Deer Park
Regular Board Meeting Minutes
December 19, 2005**

p. 5 of 7

NO: (0)
ABSTAIN: (0)

Motion Carried 6/0

9. REPORTS FROM THE PRESIDENT, TRUSTEES, AND ADMINISTRATOR

A) Trustee Dowell—Finance

Trustee Dowell stated that this month's budget analysis includes two revenue categories: building permit fees and business registration fees. He said revenue from building permits is \$56,000; the budget is \$180,000. He added that many building permit applications are submitted in the spring, but it is possible that permit revenues will fall short of budget this year.

Business registration fees did not increase this year, Trustee Dowell stated. The fees are collected on a calendar-year basis. Treasurer Stade currently is sending out registration renewal invoices, so next month's figures will more accurately reflect fees collected.

The disbursement categories analyzed included building inspection fees and legal fees. The building inspection fees closely correspond to the building permit fees, so that line item is likely to see an increase in spring as well.

Trustee Dowell stated that the Village was over budget for legal fees for fiscal year 2005, but is on track for the current year: \$250,000 was allocated and \$115,000 has been spent.

Trustee Rotter stated that the Board does not receive enough information about some of the legal bills, including projects approved by the Village President. In addition, he said he does not think the hourly charges by the Village Attorney are in line with other villages in the area. Trustee Rotter said attorneys who specialize in government charge much less per hour than a land-use attorney. He advocated just hiring a land-use attorney when the Village has a specific need.

President Gifford responded that Attorney Hargadon has saved the Village a significant amount of money on various transactions because of his expertise and long-time experience with the Village. He stated that many legal bills cover confidential matters. He said a notation such as "Executive Session" or some such broad category could be used in the cash disbursement report without revealing the exact nature of the legal fee.

B) Trustee Thrun—Public Safety:

Trustee Thrun stated that the Vehe Farm Foundation next month will be giving recommendations regarding policies and procedures for the Barn. He stated the packet should be available at least a week before the Board meeting and asked trustees to review it ahead of time.

C) Trustee Ekstrom—Roads and Public Utilities

Trustee Ekstrom stated that the Deerpath Road traffic study report from KLOA was in trustees' packets. She said she thinks the study was a waste of money because it just tells trustees what they already know. Recommendations included: installing speed bumps, keeping police coverage at a maximum, and waiting until improvements are completed at Rand Road and Quentin Road. Trustee Ekstrom added that the consultants did say additional stop signs were not warranted and that turning restrictions would help Deerpath residents but hurt other areas.

President Gifford stated he would talk to Kildeer Police Chief Lilly and request that the portable speed sign be used on Deerpath Road more frequently. He also added that the Village needs to consider installing a walkway so pedestrians do not have to walk in the street. Engineer Gordon estimated a walkway on the east side of the road, about a foot off of the right-of-way, would cost about \$110,000.

Following discussion about a one-lane restrictor such as the one on Long Grove Road, President Gifford asked Trustee Ekstrom to obtain an opinion from KLOA about the efficacy

Village of Deer Park
Regular Board Meeting Minutes
December 19, 2005

p. 6 of 7

of such a traffic barrier and whether it would impact other roads in the area. He asked that the opinion be included in the original \$5,000 study fee.

Trustees agreed that a sidewalk should be included in budget discussions for the next fiscal year.

D) Trustee Rotter—Planning and Zoning

i) Comcast cable agreement

Trustee Rotter stated that negotiations with Comcast concerning the franchise agreement are not going to be as easy as he had hoped. He expects a preliminary agreement from Comcast in January. The current agreement runs until March.

ii) Village Office Technology

Trustee Rotter stated that the new copier was installed last week. He said he will continue working to set up a printer network. He estimated the cost to be less than \$500 for additional equipment.

F) Trustee Kizior—Park and Recreation

Trustee Kizior stated that BACOG keeps track of legislative issues that will affect the area, and member communities have been asked to endorse the platform.

MOTION: by Trustee Kizior second by Trustee Dowell to approve BACOG's legislative platform for 2006. Upon voice vote:

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

NO: (0)

ABSTAIN: (0)

Motion Carried 6/0

G) Administrator Diesen-Dahl:

i) Liquor License – RENEWALS for the following:

Class I - Brunswick

Class II - Biaggi's, California Pizza Kitchen, La Hacienda,

Max & Erma's, Noodles & Co, Stoney River Legendary Steakhouse.

Class III – Puff "N" Stuff

Class IV - Go Roma

Class V – Roses & More

Administrator Diesen-Dahl stated that the owner of Roses & More intends to stop selling liquor after Valentine's Day and would like to have the fee prorated for 6 weeks. The consensus of the Board was that it would not be a good idea to approve liquor licenses for a period of less than a year, unless it is a new business opening during the year.

MOTION: by Trustee Plautz second by Trustee Ekstrom to approve liquor licenses for Classes I through IV. Upon roll call:

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

NO: (0)

ABSTAIN: (0)

Motion carried 6/0

ii) Liquor License – NEW Class V for Harry & David

Administrator Diesen-Dahl stated that she recommends approval of this new license pending the result of fingerprint analysis by the Kildeer Police Department.

MOTION: by Trustee Ekstrom second by Trustee Thrun to approve a new Class V liquor license for Harry & David, pending fingerprint approval. Upon roll call:

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

NO: (0)

ABSTAIN: (0)

Motion carried 6/0

iii) Schedule of Federal Holidays

Administrator Diesen-Dahl presented a schedule of federal holidays for 2006. The Board determined that four of those days were not granted as paid holidays in the Village this

**Village of Deer Park
Regular Board Meeting Minutes
December 19, 2005**

p. 7 of 7

year. The Board asked Administrator Diesen-Dahl to observe the same holidays as in 2005 and also to put together a schedule stating when the office will be closed in 2006.

iv) Groot – Notice regarding delinquent bills

Administrator Diesen-Dahl stated that Groot had asked for assistance in collecting delinquent bills for refuse and recycling pickup. The consensus of the Board was that the Village should not act as a collection agency but could encourage residents to pay delinquent bills by posting reminders on the web site and in the newsletter.

v) Violators of Village Code

Administrator Diesen-Dahl reported that the list of Village Code violators was down to one page from three pages. She asked for direction from the Board whether the entire list should be sent to the attorney for legal action. The consensus was a second letter should be sent to those who had been contacted only once, but all others should be referred to the attorney.

9. TREASURER'S INFORMATION.

A. Investments Held Report

MOTION: by Trustee Dowell second by Trustee Ekstrom to approve the Investments Held Report dated Nov. 30, 2005, in the amount of \$2,091,714.98. Upon voice vote:

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

NO: (0)

ABSTAIN: (0)

Motion carried 6/0

B. Cash Disbursements Report

The check for \$9,220 payable to IMLRMA was added to the report, making the total \$443,859.69.

MOTION: by Trustee Ekstrom second by Trustee Dowell to approve Cash Disbursement Report dated Nov. 22 through Dec. 19, 2005, in the amount of \$443,859.69. Upon roll call:

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

NO: (0)

ABSTAIN: (0)

Motion carried 6/0

10. Motion to adjourn at 11:06 p.m. by Trustee Thrun second by Trustee Ekstrom. Upon voice vote:

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

NO: (0)

ABSTAIN: (0)

Motion carried 6/0

H. Scott Gifford, Village President

Maureen Pratscher, Village Clerk