

**CALL TO ORDER**

The Regular meeting of the Board of Trustees of the Village of Deer Park was held on Monday, Nov. 20<sup>th</sup>, 2006, 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 7:02 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 Connors, Clerk Pratscher, Treasurer Stade and Attorney Keller.

**AGENDA CHANGES AND ANNOUNCEMENTS**

Trustee Rotter stated that he doesn't think the Aug. 21 Executive Session meeting minutes adequately reflect the discussion regarding former Administrator Diesen-Dahl.

**CONSENT AGENDA**

- A) Approval and Release of Minutes from the:  
Board of Trustees Regular Meeting held 10/16/2006
- B) Approval but NOT release of Minutes from the:  
Board of Trustees Executive Session Meeting held 8/21/06
- C) Approval of 2007 Village Board meeting schedule
- D) Approval of \$40.80 pay request from HPZS for reimbursable expenses for Vehe Farm
- E) Village Engineer:
  - i) Approval of Village Engineer recommendation to approve pay request #3 of Chicagoland Paving in the amount of \$26,051.31 for the 2006 road program
  - ii) Approval of Village Engineer recommendation to approve pay request #1 of Neri Brothers for the Middlefork Road drainage improvement project in the amount of \$50,683.97

MOTION: by Trustee Dowell to strike item 4B from the Consent Agenda and we'll address that in Executive Session tonight or at a later date, and that we accept the Consent Agenda as amended. Upon a voice vote:

YES: (6)  
NO: (0)  
ABSTAIN: (0)

Motion carried 6/0

**PUBLIC COMMENT**

President Gifford announced that instead of taking all the public comments at the beginning of the meeting, residents will be allowed to speak about agenda items at the time they are discussed by the Board.

Richard Chay, 408 Bramble Lane, stated that he was glad to see the agenda item regarding Board meeting processes and procedures. He said there were several instances in October where procedures regarding motions, seconds and discussion were not followed. He proposed an eight-step process for trustees to follow when making a motion.

Teri Bridge, 23675 Hedgeworth, stated she was very concerned about negative energy at recent Board meetings. She said it is not the issues themselves which are so divisive, but rather the manner in which they are being brought up and discussed. She read a poem encouraging more harmonious relationships.

Bob Kellermann, 21601 Old Farm Road, stated that he had examined all the Village's cash disbursement reports since 2001 and had compiled another analysis regarding costs associated with the Village's purchase of the Dahm property and its subsequent sale of a portion of that land to Red Seal Development Corp. He stated that his analysis shows a difference of \$1 million in what the Village should have received from Red Seal and the actual sale price. He also distributed a letter claiming that he had been defamed and stated he will contact the state's attorney's office if no response is forthcoming.

**VILLAGE ENGINEER**

**GaiaTech Proposal for the Playfields Site Remediation Program**

President Gifford noted that the Village originally asked the Illinois EPA for a "No Further Remediation" letter for the former Nike Missile Base site to allow it to be used for residential use as well as for industrial/commercial uses. In June 1999, the IEPA issued the letter for industrial/commercial use only. The Village's proposed park usage is designated a residential use by the IEPA, requiring the Village to obtain another "No Further Remediation" letter.

Trustee Rotter stated that the cost listed on the agenda will not be the total cost for the project. He said GaiaTech's proposal does not include IEPA oversight/review fees, which will be billed directly to the Village. In addition, Trustee Rotter said any work that GaiaTech performs beyond the scope of the contract will be billed on a time and materials basis, but those rates are not spelled out. A discussion ensued whether the contract approval could be deferred a month to obtain those rates without impacting the park development timeline. There was no consensus on that issue. It was noted, however, that GaiaTech could not exceed the contract amount without prior Village approval.

Trustee Ekstrom stated that the Village is required to go out for bids on contracts greater than \$10,000. Trustee Kizior said that requirement can be waived with good reason (such as a company's expertise) and the consent of the Board.

MOTION: by Trustee Kizior to allocate \$14,475 to GaiaTech for the purposes of the playfield site remediation program.

Upon roll call:

YES: (3) Kizior, Plautz, Thrun

NO: (3) Dowell, Ekstrom, Rotter

ABSTAIN: (0)

In the case of a tie, President Gifford is permitted to vote. He voted yes.

Motion carried 4/3

President Gifford asked Administrator Connors to contact GaiaTech to determine billing rates.

MOTION: by Trustee Ekstrom that the minutes actually capture the fact that the reason I'm voting no for this is because we didn't take it out to bid.

President Gifford ruled that the motion was out of order because it was inconsistent with the Board's meeting minutes policy.

**VEHE FARM**

Public comment by Mary Lahr of 201 Rue Touraine: Mrs. Lahr addressed the agenda item pertaining to the Health World proposal. She asked if Health World would be charged the rental prices outlined in the Barn operations manual approved in January, and, if not, why not. She said if they do not pay full rental fees it would be unfair to residents who have had drainage and road work put on hold while the Barn restoration was ongoing. She also asked why the crushed granite for the walking paths at Vehe Farm has not been delivered yet.

**A) Update on Activities**

Teri Bridge stated that volunteers have been seeding the prairie with native plants, a job she called quite labor intensive. She noted that Citizens for Conservation donated some of the seed.

**B) Proposal to Sell Salvaged Barn Beams**

Mrs. Bridge stated that the Vehe Farm Foundation held a surplus wood sale and netted more than \$300. She said the Foundation would like to sell surplus hand-hewn beams from the Barn on eBay at a starting price of \$250 each. Trustee Rotter recommended that the wood also be advertised on Craig's List, a suburban Chicago internet site.

Trustee Plautz temporarily left the room at this point.

MOTION: by Trustee Thrun to approve the sale of salvaged Barn hand-hewn beams, approximately eight, at a minimum price of \$250 on eBay and/or Craig's List, with shipping to be paid by the purchaser. Upon a voice vote:

YES: (5)

NO: (0)

ABSENT: (1)

Motion carried 5/0/1

C) Proposal to Allow Health World to Use Vehe Farm Barn and Grounds

Tom Benjamin stated that the proposal calls for Health World to begin using the Barn at the beginning of June, possibly before the restoration is 100% complete. He said the Barn operations manual stated that non-profit organizations would have the opportunity to use the Barn without rental fees, but he said Health World would pay maintenance costs and any other costs incurred.

Trustee Ekstrom questioned the proposal, saying it locks up the potential to rent the Barn for profit for multiple years with no benefit to anyone. She asked how the Village is supposed to recoup any money spent on the renovation with such an arrangement. She asked for a report on the number of children who will be enrolled in the Health World program and the enrollment fee charged for each child.

Mr. Benjamin responded that the Health World program is a nine-week summer program, and the organization is willing to discuss the number of days per week the program would run. He added that no other organizations have approached the Vehe Farm Foundation about using the Barn during the same time period, although the upstairs level of the Barn would be available if someone were interested. In addition, he noted that Health World has proposed a long-term loan of some of its assets to the Village.

Trustee Kizior stated that it's a fair question to ask how much Health World will contribute to the Village's expenses, but said he supports the proposal because it will bring people to the facility and help to generate new business.

Trustee Dowell stated that Health World is a well-known organization with a wonderful reputation. He said the program would benefit Deer Park children, albeit not exclusively. He added that the time period being discussed is one of the slowest times of the year for indoor rental space. He agreed there are still some questions to be answered but asked the Board to carefully consider the proposal.

Mrs. Bridge stated that she didn't think it was appropriate for the Vehe Farm Foundation to request a detailed financial breakdown of Health World's fees. She said a better approach would be to ask for payment of specific costs.

President Gifford asked for a motion that would allow the Foundation and the Village Administrator to continue discussions with Health World.

MOTION: by Trustee Dowell that the Village allow the Vehe Farm Foundation and the Village Administrator to continue to engage in discussions and to work up some type of possible agreement to be fully approved by the Board. Upon a voice vote:

YES: (5)

NO: (0)

ABSTAIN: (1) Rotter

Motion carried 5/0/1

D) Weatherproofing the Barn Heating System

Jim Peterson stated that the Barn is not completely weather-tight, and adding glycol to the heating system will protect the pipes from freezing this winter. He added that the water system piping is more protected, and glycol is not needed for those pipes. He stated the expense of the glycol should be passed on to contractor.

Trustees noted that the Board at its October meeting had requested that exterior doors be installed as soon as possible. Mr. Peterson said it was possible the doors could be installed before freezing weather sets in, but it would be too risky not to authorize the expense at this point.

MOTION: by Trustee Kizior to approve \$1,000 for weatherproofing the Barn heating system. Upon roll call:

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

NO: (0)

ABSTAIN: (0)

Motion carried 6/0

E) Pay Request from R&W Clark in the amount of \$4,240

Mr. Peterson stated that Richard Clark, the general contractor for the Barn renovation, was present.

Trustee Kizior asked if there was a way to accelerate the pace of work, noting that he had spoken with Mr. Peterson about the possibility of providing some working capital to the contractor. Mr. Peterson said the idea would be to

reduce the amount of money the Village is holding in retention by about \$30,000 and earmark those funds for specific subcontractors.

President Gifford stated that the Board's new procedure calls for a trustee to make a motion prior to beginning discussion on an issue.

MOTION: by Trustee Kizior to approve moneys and direct Administrator Connors, Jim Peterson and myself to come up with proposal on how to free up some of this money and direct it towards milestones in the next four weeks. Once that agreement is in the form of a one-page summary, (we can) route it back through the Board members for approval so that Jim can act on it in the next few days.

Attorney Keller noted that the agenda item was a pay request for Mr. Clark. He suggested Trustee Kizior reword his motion so that it pertains to the agenda item: "MOTION: to approve the pay request of \$4,240 subject to working out of a separate agreement to create financial incentives and milestones to get additional work accomplished on a precise schedule. Payment could be withheld pending the working out of this agreement."

Trustee Kizior agreed to the reworded motion.

Trustees Ekstrom and Rotter stated that the idea of reducing the Village's retention should be separate from the monthly pay request. Trustee Ekstrom said combining them was an attempt to authorize \$30,000 that is not on the agenda. She said she couldn't support the plan without receiving supporting material in advance. She also questioned whether the Village has held back enough money from the contractor.

Trustee Kizior agreed to withdraw his motion, but President Gifford said the plan to release retained funds at this point could not be considered separately because it was not listed on the agenda. In addition, Mr. Peterson stated that the Village has retained the amount specified in the contract (10%), which is higher than the industry average. Trustee Kizior rescinded his withdrawal.

A lengthy discussion ensued about the wisdom of continuing with the current contractor versus going to the bonding company. The bonding company would provide a new contractor to finish the job at the contracted amount, but the job would likely be shut down for many months. In addition, there were questions about how much money subcontractors are owed, and whether they would agree to continue working unless the Board approved the reduction in the retention fund so they would be ensured payment.

President Gifford asked Mr. Clark what it would take for him to finish the job by April 2007. Mr. Clark said he would need regular monthly payments in order to pay his subcontractors and keep them on the job. Mr. Peterson assured the Board that the money freed up from the retention fund could be earmarked for specific subcontractors, although Attorney Keller cautioned that the Village cannot function as the general contractor and pay the subs directly. The checks can be issued jointly to Mr. Clark and the subcontractor, he said.

Trustees also discussed that the money that has been retained from the contractor, currently \$106,733.62, is for work already performed and would be released to him following satisfactory completion of the job. The Village, however, is entitled to late penalties, which could substantially reduce the amount eventually paid to the contractor. Several trustees suggested that it might be worth forgoing some of the penalties if more of the retained funds could be used to get the job finished quickly.

In response to questions, Mr. Clark said the \$30,000 probably would be split between the sprinkler system installer, the electrician and the installation of the exterior doors. In addition, he said he expects the following work to be accomplished in the next four weeks: installing wood flooring, connecting the septic hookup and continuing with painting and carpentry work.

MOTION: by Trustee Kizior to approve the pay request of \$4,240 subject to working out of a separate agreement to create financial incentives and milestones to get additional work accomplished on a precise schedule. Payment could be withheld pending the working out of this agreement.

Clerk Pratscher reread the motion to the Board, and Trustee Kizior requested the following addition after the word schedule: "by earmarking \$30,000 towards those specific milestones to be administered by Jim Peterson. We will look at performance next month, and based on that performance, we will come up with a new set of measures next month."

Upon roll call:

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

NO: (1) Ekstrom

ABSTAIN: (0)

Motion carried 5/1

### **VILLAGE ATTORNEY'S REPORT**

#### **Letter Regarding Meeting Procedures**

Attorney Keller noted that the Board spends a lot of time and energy each month dealing with procedural issues and stated that he and Administrator Connors discussed the idea of in-service training for the Board in an effort to make meetings run more smoothly. He said possible topics could include how to get issues on the agenda, how to make a motion and rules for going into a closed meeting. President Gifford asked trustees to respond to Administrator Connors whether or not they would be interested in attending such a workshop.

Attorney Keller also stated that the letter in trustees' packets addressed the topic of meeting minutes. He noted that the Board has adopted Roberts Rules of Order as well as its own minutes policy, so there is nothing to be gained by arguing about whether something should or should not be included in minutes unless the Board intends to revise those policies. A discussion followed about what exactly constitutes published minutes, but Attorney Keller said that posting meeting minutes on the Village web site is not publishing them in the context of Roberts Rules of Order.

### **REPORTS FROM PRESIDENT, TRUSTEES AND ADMINISTRATOR:**

Public comment from Mary Lahr, 201 Rue Touraine: Mrs. Lahr stated that she supports Trustee Rotter's motion for a public apology to former Administrator Diesen-Dahl and requested an apology to residents as well.

Public comment from Deborah Barry, 412 Bramble Lane: Mrs. Barry also spoke in support of Trustee Rotter's motion. She said it was disingenuous to say Mrs. Diesen-Dahl was not fired, noting that the office locks were not changed when other Village employees left.

#### **A) President Gifford:**

##### **i) General information**

President Gifford stated the Village recently received notification about a controlled burn at Deer Park Town Center. He asked Administrator Connors to find out the exact date of the burn and publicize it on the Village's web site and through the Deer Park Dispatch e-mail notification system.

##### **ii) Emergency Dispatch Grant**

President Gifford stated that Administrator Connors is working with the Lake Zurich Rural Fire District and the Kildeer Police Department to see if the Village would qualify for an emergency dispatch grant. Administrator Connors said the grant application deadline is Jan. 31, and he will bring back some ideas in December.

#### **B) Trustee Dowell – Finance:**

##### **Income and Expenditure Accounts Review**

Trustee Dowell stated that sales tax revenue has increased each year since 2001, although the rate of growth has been slowing. He said the current year is on track with the budget (\$1.25 million), but he doesn't see any dramatic changes in the line item until more retail establishments open in the Village.

Trustee Dowell stated that estimating the entertainment tax income was difficult in the first couple years that Century Theaters were open, but the line item has become more predictable. He said he expects an 8%-9% increase this year over prior years and that the income will slightly exceed the budget of \$110,000.

Trustee Dowell said the Board was quite familiar with park expenditures and he didn't see a need to add to the written analysis.

#### **C) Trustee Ekstrom – Roads & Public Utilities:**

Trustee Ekstrom reported that most road and drainage projects are going very well. She said Engineer Gordon is still working on some grants for the Ferndale drainage project. That work would be done in the spring.

D) Trustee Plautz – Health & Sanitation:  
Proposals for Village Insurance for 2007

Trustee Plautz stated that Administrator Connors had obtained quotes for the Village's property, casualty and workers compensation insurance for 2007. She noted that there was nearly a \$10,000 difference between current insurance coverage with IMLRMA and the proposed policy from Ralph H. Jensen Associates. She said about \$2,000 of that difference would be to cover trustees' personal liability in case of a lawsuit.

Administrator Connors stated that he asked for more information from both organizations and hopes to have a comparative analysis of the two quotes done in the next week. Trustees will be asked to vote on the insurance provider at the December Board meeting.

E) Trustee Rotter – Planning & Zoning:  
Motion Regarding the Employment of the Former Village Administrator

Trustee Rotter reread the motion he introduced last month and asked for a vote.

MOTION: by Trustee Rotter that the Deer Park Village Board does not approve of the manner or handling of the dismissal, that is establishing the last day of work for the former Village Administrator, Kari Diesen-Dahl. She did have 19 years of service during which she did not receive an unsatisfactory appraisal evaluation, often perform duties beyond her job description and while working more than 40 hours per week. In recognition of her service to the Village of Deer Park, she did receive a recognition luncheon from the Village of Deer Park on Wednesday, Sept. 6, 2006, and on the following Friday, Sept. 8, 2006, the Village President Scott Gifford, did dismiss the Village Administrator without the approval of the Village Board and did act in opposition to the actions of the Village Board discussion and decision as agreed upon during the August Executive Session. This dismissal was done in an insulting and degrading manner to the record of the former Village Administrator and as an affront to the Executive Session actions of the Village of Deer Park Village Board, who had established a plan of action in determining the last day of actual work for Kari Diesen-Dahl. Accordingly, it is required by this motion that Kari Diesen-Dahl receives a public apology from the Village President. It is also required that an apology be extended by noted party to both the Village Board for actions in opposition to the wishes of the Board as established in the August Executive Session and to the residents of Deer Park for the embarrassment to the Village of Deer Park.

President Gifford ruled that the motion was out of order. Attorney Keller elaborated, stating that the Village Board does not have power or authority to require the village president to apologize or take any other action with regard to the former administrator. He said it is a motion that has no authority since the Board can't do what the motion is asking it to do.

Trustee Rotter stated that this subject will be a ballot-box issue in the spring and again in two years, saying he will ensure that it and other issues remain in the public eye.

President Gifford suggested that the Board approve and release the Aug. 21 Executive Session minutes so the Board could listen to the audio tape and review a partial transcript from that meeting.

MOTION: by Trustee Dowell to approve Board of Trustees Executive Session minutes from 8/21/06. Upon a voice vote:

YES: (4)  
NO: (2)  
ABSTAIN: (0)

Motion carried 4/2

MOTION: by Trustee Dowell to release the Executive Session minutes from Aug. 21, 2006. Upon a voice vote:

YES: (4)  
NO: (2)  
ABSTAIN: (0)

Motion carried 4/2

At this point, President Gifford distributed a partial transcript from the Aug. 21 Executive Session meeting and asked Clerk Pratscher to play the pertinent portion of the audio tape from that meeting.

Trustee Rotter stated that the tape does not mesh with what he recalls. He said there was a comment by Trustee Dowell that was missing. He said the comment referred to the fact that if Administrator Connors and former

Administrator Diesen-Dahl could not agree on what would be her last day, President Gifford would step in. Trustee Rotter said President Gifford never gave Administrator Connors and Mrs. Diesen-Dahl the opportunity to talk, so they could not decide upon her last day.

Trustee Dowell disputed that he ever made such a comment and said it would have been out of character for him.

President Gifford stated that at no time did he ever tell Mrs. Diesen-Dahl that Friday was her last day. He said he told her it was up to the new administrator.

Trustee Ekstrom said listening to the tape doesn't change the way she feels. She said taking away someone's keys is the same as firing her.

President Gifford stated that he thought it was time for the Board to move on. He said he has been attacked publicly in the newspaper, but he has tried to take the high road. He said he was the person who proposed paying Mrs. Diesen-Dahl and continuing her benefits through the end of October, so it doesn't make sense that he would turn around and dismiss her as he is accused of doing.

F) Administrator Connors

i) Consideration of Adoption of ICMA-RC 457 plan

Information on this plan was included in trustees' packets.

ii) Report on fall zoning violations

Administrator Connors stated that he was working on a form letter that will be sent to those in violation of the Village's zoning codes. He said the letter probably will go out tomorrow to 17 residents, and he asked trustees to notify him if they are aware of any other violators. Violators will be given 30 days to comply, after which time they will be referred to Attorney Keller's law firm for prosecution.

iii) Report on Dec. 4, 2006, Plan Commission Agenda

The agenda was enclosed in trustees' packets.

**TREASURER'S INFORMATION**

A) Investments Held Report for October 2006

MOTION: by Trustee Dowell to approve the Investments Held Report dated Oct. 31, 2006, in the amount of \$1,821,314.08. Upon a voice vote:

YES: (6)

NO: (0)

ABSTAIN: (0)

Motion carried 6/0

B) Sanitary Sewer Fee Plan

Treasurer Stade stated this is the annual calculation of the sewer billing rate. She said it is virtually unchanged from last year except for a very slight change in the acreage included in the plan.

MOTION: by Trustee Dowell to approve the annual interest rate of 9% along with the quarterly per acre operational charge of \$20.18. Upon roll call:

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

NO: (0)

ABSTAIN: (0)

Motion carried 6/0

**CASH DISBURSEMENTS**

MOTION: by Trustee Dowell to approve cash disbursements for the month Oct. 17-Nov. 20, 2006, in the amount of \$291,585.38. Upon roll call:

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

NO: (0)

ABSTAIN: (0)

Motion carried 6/0

**ADJOURNMENT**

MOTION: by Trustee Dowell to adjourn. Upon a voice vote:

YES: (6)

NO: (0)

ABSTAIN: (0)

Motion carried 6/0

The Regular Meeting of the Board of Trustees was adjourned at 10:25 p.m.

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H. Scott Gifford, Village President

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Maureen Pratscher, Village Clerk