

CALL TO ORDER

The Regular meeting of the Board of Trustees of the Village of Deer Park was held on Monday, Dec. 18th, 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 7:03 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, Attorney Keller and Engineer Gordon.

AGENDA CHANGES AND ANNOUNCEMENTS

President Gifford announced that agenda item #6, presentation of a plaque to former administrator Kari Diesen-Dahl, would be moved up on the agenda.

CONSENT AGENDA

A) Approval and release of Minutes from the:
Board of Trustees Regular Meeting held 11/20/2006

B) Approval of 2007 Village Office holiday schedule

C) Approval of ICMA-RC Deferred Compensation Section 457 Plan

D) Approval of contribution to Barrington Youth and Family Services in the amount of \$2,500.00

E) Approval of Village Engineer's recommendation to approve payment to STS Consultants in the amount of \$2,126.25 for the 2006 road program.

F) Approval of Village Engineer's recommendation to reduce letter of credit for Praedium Development Corp.

MOTION: by Trustee Dowell to approve the Consent Agenda. Upon roll call:

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

NO: (0)

ABSENT: (0)

Motion carried 6/0

PRESENTATION OF SERVICE PLAQUE TO KARI DIESEN-DAHL

Administrator Connors presented a plaque to former Village Administrator Kari Diesen-Dahl in recognition of her years of service to the Village.

Mrs. Diesen-Dahl thanked the Board and introduced members of her family who were in attendance.

President Gifford stated that he worked for 14 years with Mrs. Diesen-Dahl and he appreciates her service and regrets the misunderstanding that occurred at the end of her tenure.

PUBLIC COMMENT

Al Barry of 412 Bramble Lane spoke about signs. He stated that he plans to display a sign he created that reads "\$1 Million Lost. Contact Deer Park Neighbors," referring to the amount of money that he contends the Village undercharged Red Seal Development Corp. for 2.33 acres of land.

Mary Lahr of 201 Rue Touraine stated that she had submitted a request to be appointed as Village Clerk following the resignation of Clerk Pratscher. She outlined her qualifications and skills.

Deborah Barry of 412 Bramble Lane and president of Deer Park Neighbors stated that Citizen Advocacy Center in Elmhurst had honored Deer Park Neighbors with its citizen initiative award. She also recommended that members of Deer Park Neighbors be appointed to a Vehe Farm study group, saying that she thinks the current plans for the property are a bad concept.

Sara Guarisco of 316 Briargate Lane and parks captain for Deer Park Neighbors spoke about development plans for the Town Center Park and again asked that the process be stopped until residents are polled about preferred uses for the

park. She also asked for projected annual maintenance costs and statistics on the number of residents who would use the park. She also requested a portable toilet be placed in Charles E. Brown Park.

Trustee Kizior responded that he will speak with Mrs. Guarisco about some of her ideas, but he said some planned expenditures for the park need to be done within the next year regardless of how the park eventually is developed.

Richard Chay of 408 Bramble Lane stated it was the time of year to make resolutions, and he suggested various resolutions for members of the Village Board.

VEHE FARM

A) CFC donation

Teri Bridge stated that the value of the seed donated by Citizens for Conservation was about \$2,500-\$3,500. She said it was a very high-quality prairie seed.

B) IDNR Grant

Tom Benjamin stated that the Village's application for a grant from the Illinois Department of Natural Resources for the handicapped-accessible path and the parking area was denied. He added that the Village is an alternate if all the money granted to other projects is not used, but that possibility would not be known until late April.

C) Health World Negotiations

Mrs. Bridge stated that she believes a relationship with Health World would be a "win-win" situation for the Village. She said Health World is a high-quality community-supported and community-valued program, and offering Health World programs at Vehe Farm would put Deer Park on the community map. She added that the proposed programs expand the original uses envisioned for the Barn and also support the Foundation's vision for the property.

Tom Benjamin stated that the Health World summer programs would not interfere with other activities at the Barn because the lower level (the space to be used by Health World) was never intended to be a rental space. In addition, there would be a separate entrance and separate restrooms for Health World attendees to use.

A lengthy discussion ensued, with trustees questioning:

- ◆ The number of days Health World would use the barn. Trustee Plautz suggested that the Village restrict Health World to a three-day-a-week program for the first year, but others felt that working parents would prefer a five-day program.
- ◆ Insurance coverage. Mr. Benjamin stated that Health World has more than enough liability insurance, but the Village could include adequate insurance coverage as a requisite of the contract.
- ◆ Whether other events could take place at the Barn simultaneously. Pat Winkelman stated that the Health World staff would use only three to five parking spaces, so parking would not be an issue. Mr. Benjamin noted that the nine-week program would not start until the second week of June, so it shouldn't interfere with soccer practices at Vehe Farm. In addition, he said the Foundation has received no requests for rental space during the time period in question.
- ◆ Whether Health World should pay rent for the facilities. Trustee Ekstrom stated that she was concerned about the Village's financial situation and doesn't see that all costs incurred by the program would be covered by Health World. Mrs. Winkelman responded that Health World will pay for cleaning costs, but heating and cooling costs had not been discussed. Trustee Kizior suggested that there may be other unknown costs, and the contract should be written to allow the Village to pass those costs on to Health World. Other trustees concurred, mentioning things such as water usage and general wear and tear on the building as expenses that could be passed along. Mrs. Winkelman said those costs certainly could be discussed with Health World, but she added that Health World plans to make a long-term loan of assets (valued at \$70,000) to the Village.
- ◆ Whether the contract should state exactly which Health World assets would be loaned to the Village and for exactly what period of time.
- ◆ Whether Health World should put down a security deposit to cover any potential damage.
- ◆ The length of the commitment to Health World. Mr. Benjamin stated that a document received just days ago from Health World asks for a five-year contract.

Mr. Benjamin stated that Health World needs a final agreement in January because it has to get its program set in February. He said it would be difficult for Health World to set the summer program fees without knowing what costs the Village might pass along halfway through summer. President Gifford suggested that the loaned assets be used to offset any unknown costs (such as air conditioning and water usage) for the first year, because no one can predict those expenses prior to the Barn's completion. Those costs, however, could be built into the contract for subsequent years.

Attorney Keller stated that, given the fact that Health World needs the Board to make a decision at its January meeting, he thought the best course of action would be for him to continue the negotiations with Health World's legal counsel and representatives from the Vehe Farm Foundation. He said he would relay the Board's concerns regarding liability coverage, financial issues, the length of the contract, the number of days per week the program would operate and the list of assets to be loaned. He said he would send a draft agreement to trustees prior to the January meeting so the Board could vote on a final agreement at that meeting.

President Gifford polled trustees to determine if they endorsed Attorney Keller's suggestion and would give him permission to proceed. The consensus was that Attorney Keller should enter into the negotiations.

D) Pay request #26 from R.W. Clark in the amount of \$7,639.99

Jim Peterson reported that substantial progress was made in past couple weeks. He said the oversight committee has seen good cooperation from subcontractors. If the current pace continues, he predicted the Barn would be substantially completed by the end of February.

Trustee Thrun asked if Mr. Peterson had contacted the bonding company regarding the reduction in retention funds that the Board approved last month and whether the company was willing to go along with that plan. Mr. Peterson replied that he had and had received an affirmative letter from the bonding company.

MOTION: by Trustee Kizior to approve pay request #26 for R.W. Clark in the amount of \$7,639.99. Upon roll call:

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

NO: (0)

ABSENT: (0)

Motion carried 6/0

REVIEW OF OFFICE BUILDING PROPOSAL IN TOWN CENTER

Steve Patterson, an attorney representing Grace Communities, stated that his client is interested in building two three-story office buildings on Lot 10 and the property just south of that lot at Deer Park Town Center. The Village Board recently rejected a different proposed use for Lot 10, and Mr. Patterson said he thinks the space would be very suitable for offices. He said the two 60,000-square-foot buildings would contain high-end office condos, meaning the space would be owned by individuals. Mr. Patterson said the project would result in an additional \$9 million in taxable real estate. He acknowledged that the Village does not levy a real estate tax, but stated that the anticipated 600 employees in the two buildings would generate incremental sales at the Town Center. He projected a minimum of \$20,000 new revenue for the Village as a result of the project.

Mr. Fred Wells of Strategy Planning Associates of Schaumburg presented results of both a marketing study and a fiscal impact study. He elaborated on the figures Mr. Patterson presented, noting that the project would generate nearly \$400,000 to help pay off Special Service Area bonds, about \$370,000 for School District 95 and \$900,000 for all other taxing bodies. He said 60% of the condo offices are expected to be sold for medical offices, while the remainder would be for small to medium businesses.

Mr. Wells said his firm's market feasibility study found that Lot 10 does not meet three of the necessary criteria to be a successful retail location. He said there is a demand for office space, and project is likely to spur development of the other empty lots at the Town Center.

Jim Hopkins, a real estate consultant for Grace Communities, said the majority of the condo purchasers in a project such as this live within a 3- to 5-mile radius.

In response to questions from trustees, Mr. Hopkins said the buildings would offer no foodservice. He also said that the entire proposed parking lot does not have to be installed at the outset if the Board prefers additional green space. The lot could be approved and installed if and when it is needed, he said. He noted that the buildings would have overflow parking in the movie theater lot. Mr. Hopkins said he expects the project to take two to 2½ years from approval to completion.

President Gifford stated that he wanted to gauge the feeling of the Board regarding the proposed usage of Lot 10. He noted that the Board had expressed a desire for retail use at that location or for a development that would bring in additional traffic and generate additional sales at the Town Center. The consensus of the Board was that the development has the potential to generate new revenue and that it should be sent to the Plan Commission for review.

PRESENTATION OF BACOG LEGISLATIVE ACTION REPORT AND ANNUAL REPORT

Janet Agnoletti, executive director of the Barrington Area Council of Governments, stated that BACOG is a regional planning organization comprising nine local governments, including Deer Park. The organization has two basic tenets pertaining to land use and environmental protection, she said. Ms. Agnoletti said legislation and lobbying is an important part of the organization, and she noted some of the issues of regional concern: the Flint Creek partnership, Route 14 corridor planning, a community drug prevention coalition, research on groundwater in the shallow aquifer, and the creation of a water recharge area map. She said BACOG's legislative platform for the coming year includes a stand advocating the extension of Route 53. She asked the Board to endorse the group's platform. Because backup material was not presented before the meeting, however, the Board agreed to vote on the platform at its January meeting, which will occur prior to BACOG's January meeting.

VILLAGE ATTORNEY'S REPORT

Attorney Keller presented a proposed agreement—actually three separate documents—regarding the recapture of a portion of the water allocation to the developer of Deer Park Town Center. He asked the Board to approve the ordinance authorizing the approval of all three documents and allowing the Village President and Village Clerk to execute the documents.

Attorney Keller gave a brief explanation of the basis for the recapture agreement, saying that the developer, Diversified Developers Realty, is willing to return to the Village 40,000 gallons of water a day that originally was allocated to it. This will allow the Village to allocate water (purchased from Palatine) to other undeveloped areas in the Triangle. In return, the Village recognizes that DDR agreed to incur a Special Service Area debt to pay for water and sewer infrastructure in the Triangle. The Village also recognizes that DDR is giving up something of value, and in order to compensate DDR, the Village agrees to the recapture agreement, which says that any user who benefits from this returned allocation must pay a recapture amount to DDR. The total amount that DDR can recapture is \$750,000.

Attorney Keller added that the Village would not be liable for any of these recapture fees. He said any developer who wants a Palatine water allocation must come to Village for permission, and the Village will not allow the developer to connect to the water system until he or she agrees to the recapture agreement.

MOTION: by Trustee Thrun to adopt the Ordinance of Village of Deer Park Approving Water Allocation and Recapture Agreements. Upon roll call:

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

NO: (0)

ABSENT: (0)

Motion carried 6/0

Attorney Keller stated that, as promised, he had completed an update of the Village's municipal code, incorporating all new ordinances since 2003. He said he has the only copy, which is current through the June meeting, and he will add subsequent months as soon as possible. In the course of the project, however, Attorney Keller said he discovered a number of technical problems with the existing code, such as inconsistencies in the numbering system and cross references that don't match up. He said he would like to take additional time to correct these technical problems so the final code will be as error-free as possible.

President Gifford queried trustees whether they were opposed to paying for the additional time it would take to remedy the inconsistencies in the code. The consensus was that the work should be done.

REPORTS FROM PRESIDENT, TRUSTEES AND ADMINISTRATOR:

A) President Gifford:

i) Report on emergency dispatch grant

President Gifford asked Administrator Connors to give an update on the grant.

Administrator Connors stated he has been working with Kildeer Police Chief Lilly about possible uses for the grant money and said his summary memo covers two options. He recommended that the Board endorse the Connect-CTY option, which is essentially a reverse 911 system. Residents would be notified via phone or e-mail about any emergency situation within the Village. Administrator Connors noted that the system would require some staff training as well as staff time to build and maintain the e-mail address database.

Administrator Connors stated that the Village is eligible for the grant money (about \$17,000) as a result of the telecommunications tax lawsuit settlement, but it must apply for the grant in order to receive the money. He added

that the CTY program would cost the Village about \$2,200 a year, and the program could be cancelled after the grant money runs out if the Board chooses not to fund it from the Village's annual budget.

The consensus of the Board was the CTY system was the better of the two options.

ii) Scheduling of Village Board January Workshop Meeting

President Gifford announced that the meeting would be at 9 a.m. Jan. 6 at the Village Office.

iv) Report on Lake County Storm Water Management Commission grant

President Gifford announced that he and Engineer Gordon had attended a meeting of the Storm Water Management Commission last week and were able to secure a \$19,000 grant from the Commission for the Ferndale drainage project. He added that \$4,000 in grant money remains unallocated, so there is a possibility that the Village could receive an additional \$1,000 grant at a later date.

B) Trustee Dowell – Finance:

Trustee Dowell recapped several expense and revenue budgets, including:

- ◆ Road Repair. He said the Village exceeded the budget on this item last year and again this fiscal year.
- ◆ Repairs and Maintenance. He said this item has been under budget for the past several years. Trustee Ekstrom predicted that the entire budget will be spent this fiscal year because of ongoing projects.
- ◆ Road and bridge property tax. He said this was a minor revenue item, but it is slightly under budget for the year.

C) Trustee Ekstrom – Roads & Public Utilities:

i) Letter from IDOT regarding Lake-Cook Road speed study

Trustee Ekstrom said the Village received a letter from the Illinois Department of Transportation acknowledging the Village's request for a speed limit reduction on Lake-Cook Road. She said IDOT will look into the request, but gave no date when any decision might be forthcoming.

iii) Authorization to bid Ferndale Phase I Drainage project

Trustee Ekstrom asked the Board for authorization for Engineer Gordon to seek bids for Phase 1 of the Ferndale drainage project. Engineer Gordon said the project design was complete and had been submitted to Lake County Storm Water Management Commission. He said the start date would depend on obtaining necessary permits and completing discussions with residents regarding easements. He added that he hopes to announce the bidding in January and award the project contract in February.

MOTION: by Trustee Ekstrom to allow Todd (Engineer Gordon) to go out to bid on the Ferndale Drainage Improvements Phase 1 at a cost of approximately \$120,000. Upon a voice vote:

YES: (6)

NO: (0)

ABSENT: (0)

Motion carried 6/0

iv) Approval of up to \$3,000 for root cutting by Ela Township

Trustee Ekstrom stated that many residents had called with drainage problems after the snow melted. The exact cost of the proposed root cutting is unknown, but the requested amount is in the budget, she said.

MOTION: by Trustee Ekstrom to authorize Ela Township to do root cutting, not to exceed \$3,000. Upon roll call:

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

NO: (0)

ABSENT: (0)

Motion carried 6/0

v) Report on Status of FY07 to FY12 Road Program budget

Trustee Ekstrom stated that trustees had received a color-coded street map in their packets which shows which streets are scheduled for resurfacing in each of the next five years. She said that because the road program has been deferred for the past few years, she expects the resurfacing to cost between \$800,000 and \$1 million a year, not \$300,000-\$400,000 as was projected in the Village's original 10-year plan.

Trustee Kizior asked Trustee Ekstrom to re-evaluate the condition of all Village roads before deciding which roads should be redone in 2007. He said it seems some of the newer roads are scheduled to be resurfaced earlier in time

than some older roads. He also requested that a criteria be set to determine the level of deterioration for each road. He said the Board might need to change some of the priorities if it uses such an objective criteria.

D) Trustee Plautz – Health & Sanitation:

Trustee Plautz asked Administrator Connors to present the insurance proposals, but said she was very disappointed that neither policy proposed would cover trustees in the event that they are named in another lawsuit similar to the Shepherd case.

Administrator Connors stated that given the fact that neither policy would cover such a particular case, he was recommending that the Village stay with its current insurance carrier, the Illinois Municipal League Risk Management Association. The annual premium would be \$10,041, compared to nearly \$20,000 quoted by Ralph Jensen Associates.

MOTION: by Trustee Ekstrom to continue current coverage at a cost of \$10,041. Upon roll call:

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

NO: (0)

ABSENT: (0)

Motion carried 6/0

E) Trustee Rotter – Planning & Zoning:

i) Comcast update

Trustee Rotter stated that Comcast will make a presentation regarding proposed service options at the February Board meeting. He said the company's legal department has questioned whether the Village has the authority to enter into an agreement with Comcast for some of the proposed services. Trustee Rotter suggested that the company make its presentation, and the question could be addressed after that.

ii) Red Seal land sale

Trustee Rotter stated that he reviewed resident Bob Kellermann's analysis of the Village land sale to Red Seal as well as the figures prepared by the Village treasurer. He said in neither case does there appear to be any costs that were not covered by the sale price. He said, however, that in his research he noticed that the bill for the original appraisal of the Dahm property also included an appraisal of the Shepherd property. He asked if this was authorized by the Board. None of the other trustees nor President Gifford could recall any discussion about an appraisal for that property and suggested that Trustee Rotter check the meeting minutes from that time.

F) Administrator Connors

Administrator Connors noted that there was an error in his e-mail to Board members regarding the Village Clerk position. He said it should have read "40 hours per month."

i) Report on Dec. 4, 2006, Plan Commission meeting

Administrator Connors gave a brief recap of the meeting, which also was included in his summary to trustees.

ii) Notification from Groot on increased landscape waste costs

Information on this item was included in trustees' packets.

TREASURER'S INFORMATION

MOTION: by Trustee Dowell to approve the Investments Held Report dated Nov. 30, 2006, in the amount of \$1,723,201.22. Upon a voice vote:

YES: (6)

NO: (0)

ABSENT: (0)

Motion carried 6/0

CASH DISBURSEMENTS

Trustee Ekstrom questioned reimbursement for mowing costs to a resident on Hummingbird Court. Trustee Kizior responded that the expense falls within the 50% reimbursement policy on cul-de-sacs, the amount was less than \$500, and he had reviewed receipts and found everything in order. Trustee Ekstrom stated she would prefer a Board vote on homeowner reimbursements, regardless of the amount.

MOTION: by Trustee Dowell to approve cash disbursements for month Nov. 21-Dec. 18, 2006, in the amount of \$382,562.91.

Upon roll call:

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

NO: (0)

ABSENT: (0)

Motion carried 6/0

ADJOURNMENT

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

YES: (6)

NO: (0)

ABSENT: (0)

Motion carried 6/0

The Regular Board of Trustees Meeting was adjourned at 10:58 p.m.

H. Scott Gifford, Village President

Maureen Pratscher, Village Clerk