

1) PLEDGE OF ALLEGIANCE AND CALL TO ORDER

The regular meeting of the Board of Trustees of the Village of Deer Park was held on Monday, December 15, 2008 at Vehe Barn, 23570 W. Cuba Road, in the Village of Deer Park, in the counties of Lake and Cook, Illinois. President Gifford called the meeting to order at 7:00pm. Village officials and guests recited the Pledge of Allegiance.

2) ROLL CALL AND DETERMINATION OF A QUORUM

Upon roll call, the following were present: President Gifford, Trustees Pratscher, Kizior, Plautz, Kellermann, Rotter, and Thrun. The following Village officials were absent: none. Other Village officials present were Administrator Connors, Clerk Meyle, Engineer Gordon, Attorney Keller, Permit Coordinator Doniec, Event Coordinator Keith, Treasurer Stade, and Kildeer Police Sergeant Bratko. President Gifford stated there is a quorum.

Also in attendance was Attorney Mark Eiden representing the Praedium Development Corporation and Janet Agnoletti of the Barrington Area Council of Governments.

3) APPROVAL OF AGENDA

MOTION: by Trustee Thrun to approve the agenda as amended so that item 9 - Presentation of BACOG Legislative Platform, item 13 - Kildeer Police Reports, and item 7B - Event Coordinator Six Month Report are each addressed prior to Public Comments; and item 10Bii - Roads and Drainage: 10 and 15 Year Plan is addressed during the Village Engineer's Report. Upon roll call: YES: (6) Pratscher, Kellermann, Thrun, Kizior, Rotter, and Plautz / NO: (0) / ABSENT: (0). Motion carried 6/0

4) APPROVAL AND RELEASE OF MINUTES

MOTION: by Trustee Thrun to approve and release the minutes from the Board of Trustees Regular Meeting held November 17, 2008. Upon voice vote: YES: (6) / NO: (0) / ABSENT: (0). Motion carried 6/0

ITEM 9 WAS ADDRESSED AT THIS TIME – Presentation of BACOG Legislative Platform

Janet Agnoletti, Executive Director of the Barrington Area Council of Governments (BACOG), presented BACOG's Proposed 2009 Legislative Platform and 2008 Legislative Action Report to the Board.

MOTION: by Trustee Kizior to approve BACOG's Proposed 2009 Legislative Platform as presented. Upon voice vote: YES: (6) / NO: (0) / ABSENT: (0). Motion carried 6/0

ITEM 13 WAS ADDRESSED AT THIS TIME – Kildeer Police Reports – November 2008

Sergeant Bratko addressed the Board regarding a rumored increase in burglaries in Deer Park. Sergeant Bratko assured the Board that the current rate of burglaries is typical for this time of year; there has been no increase.

ITEM 7B WAS ADDRESSED AT THIS TIME – Event Coordinator Six Month Report

Event Coordinator Keith presented a review of the past six months' activities including rental inquiries, events held since June 2008, upcoming events, marketing efforts, marketing plans, total 2008 revenue (\$11,463.00) and barn operations. Coordinator Keith reported that restructuring the rental fees may help increase revenues and rentals, particularly with regard to non-resident bookings for smaller events. The consensus of the Board was that they would like Coordinator Keith to present the new rate structure no later than February to establish the new rates for spring events.

5) PUBLIC COMMENTS

Rob Plachy of 22889 Glenhurst Road addressed the Board to make a formal request to have the installation of a French drain on Glenhurst Road included in next year's road and drainage budget; the drain was recommended by the Village Engineer to prevent unusually heavy icing in the winter.

Mary Jo Martin of 21585 Sylvander Road addressed the Board regarding the letter she sent to each Board member about the approval of the Rainbow Hills Lot 2 resubdivision.

6) VILLAGE ENGINEER – REPORT AND RECOMMENDATIONS – items are recorded in the order addressed
D) Town Center Promenade Letter of Credit and Maintenance Agreement

MOTION: by Trustee Kizior to accept the public improvements installed at the Deer Park Town Center Promenade provided Praedium Development guarantees the improvements against defects in materials and workmanship for a period of one year in the form of a maintenance guarantee in the amount of \$61,250.00. Upon roll call: YES: (6) Pratscher, Kellermann, Thrun, Kizior, Rotter, and Plautz / NO: (0) / ABSENT: (0). Motion carried 6/0

C) Red Seal Development Deer Park Estates - Reduction of Letter of Credit #2

MOTION: by Trustee Thrun to reduce the Red Seal Development Deer Park Estates performance guarantee to \$387,791.56. Upon roll call: YES: (6) Pratscher, Kellermann, Thrun, Kizior, Rotter, and Plautz / NO: (0) / ABSENT: (0).
Motion carried 6/0

F) Pay Request #3 from Arrow Road Construction in the amount of \$22,531.37

MOTION: by Trustee Kellermann to approve payment of pay request #3 from Arrow Road Construction Co. in the amount of \$22,531.37. Upon roll call: YES: (6) Pratscher, Kellermann, Thrun, Kizior, Rotter, and Plautz / NO: (0) / ABSENT: (0).
Motion carried 6/0

E) Report on drainage concerns related to Village of Lake Zurich

Engineer Gordon reported that he will begin working with the Village of Lake Zurich in early 2009 to address the following drainage issues which involve both villages: Old Farm Road area and Chapel Hill at Lancaster Court

A) 2009 Road Program - Request to Bid

Engineer Gordon reported that he reviewed the Village's long-term road and drainage plans; reprioritized them; and provided Trustee Kellermann (Roads), Trustee Kizior (Finance), and Administrator Connors with updated 10 and 15 year plans. Engineer Gordon proposed a 2009 Street Maintenance Program which, considering the economy, he based on the same budget numbers used for 2008; his proposal comprised \$431,000.00 from the General Fund and \$120,000.00 from the Motor Fuel Tax Fund for a total of \$551,000.00 for the 2009 program.

ITEM 10Bii WAS ADDRESSED AT THIS TIME – Roads and Drainage: 10 and 15 Year Plans

Trustee Kellermann presented an analysis and proposal addressing the cost of and funding options for the 2009 Road Program. Trustee Kellermann recommended that the Board move forward with a \$1,155,356.00 road plan for 2009. A discussion ensued with several members of the Board (Thrun, Pratscher, and Kizior) expressing concern about moving forward with Trustee Kellermann's recommendation because his funding sources (R. W. Clark bond claim award, increasing the Village sales tax rate, and general fund cash) are not reliable and the economy is questionable.

B) Resolution for Motor Fuel Tax Funds for \$87,000.00

Engineer Gordon recommended that the Board approve a resolution authorizing the use of \$87,000.00 of Motor Fuel Tax funds for the 2009 Road Program. Engineer Gordon explained that although he expects to have \$120,000.00 in Motor Fuel Tax funds to use in the 2009 Road Program, the state will only allow an approval of the amount currently in the fund (\$87,000.00).

MOTION: by Trustee Plautz to approve the Resolution for Maintenance of Streets and Highways by Municipality Under the Illinois Highway Code authorizing a Motor Fuel Tax expenditure in the amount of \$87,000.00. Upon roll call: YES: (6) Pratscher, Kellermann, Thrun, Kizior, Rotter, and Plautz / NO: (0) / ABSENT: (0).
Motion carried 6/0

MOTION: by Trustee Plautz to authorize the Village Engineer to start preparing to take the 2009 Street Maintenance Program out to bid. Upon voice vote: YES: (6) / NO: (0) / ABSENT: (0).
Motion carried 6/0

7) VEHE FARM – REPORT AND RECOMMENDATIONS

- A) A written report was submitted regarding the Vehe Foundation's monthly activities and accounting.
- B) Event Coordinator six month report – addressed earlier in the agenda

8) VILLAGE ATTORNEY – REPORT AND RECOMMENDATIONS

- A) Ordinance Amending the Village Code Regarding Swimming Pools

Julene Schmeisser of 21325 Pheasant Trail addressed the Board regarding the proposed amendment to the Village Code as it pertains to above ground pools. Ms. Schmeisser stated that 6 years ago she obtained verbal approval from a Village official who said she could have an above ground pool as long as she put it up and took it down seasonally. Ms. Schmeisser requested that, since she had done her due diligence with regard to obtaining permission to have an above ground pool, the Board consider grandfathering in existing above ground pools.

Fred Pira of 21330 Pheasant Trail addressed the Board regarding the proposed amendment to the Village Code regarding swimming pools as it pertains to above ground pools being considered an eye sore or a nuisance. Mr. Pira has an above ground pool which he would like to continue to use.

John Lahr of 201 Rue Touraine addressed the Board regarding the history of swimming pools in the Village; he was the trustee in charge of Health and Sanitation when the original ordinance was approved. Mr. Lahr stated that the reason above ground pools were prohibited was to protect septic fields from excessive water being emptied onto them when the pools are shut down each year.

A discussion ensued with regard to grandfathering in existing above ground pools and drainage as it pertains to above ground pools. The consensus of the Board was (1) drainage requirements would remain as currently stated in the Village Code and (2) since the life of an above ground pool is approximately 5 years, they would consider grandfathering existing above ground pools for a period limited to 5 years.

MOTION: by Trustee Thrun to authorize the Village Attorney to amend the proposed amendment to the Village Code regarding swimming pools to include a five year amortization of existing above ground pools requiring residents with existing above ground pools to register with the Village by a certain date at no charge. Upon voice vote: YES: (6) / NO: (0) / ABSENT: (0). Motion carried 6/0

B) Extension of Nicor Franchise Agreement

MOTION: by Trustee Kizior to authorize the Village Attorney to prepare an ordinance granting an extension of the existing Nicor Franchise Agreement for a period of three years. Upon voice vote: YES: (6) / NO: (0) / ABSENT: (0). Motion carried 6/0

ITEM 10Bi WAS ADDRESSED AT THIS TIME – Bonding Company Update

Attorney Keller reported that two months ago he received a certified mail receipt indicating the bond claim letter was received by R. W. Clark's bond company, but he has not received a response to that claim letter. Attorney Keller explained that the next step would be for the Board to authorize him to file suit against the bonding company and R. W. Clark for the cost overruns documented in the claim letter.

MOTION: by Trustee Pratscher to authorize the Village Attorney to prepare, file, and serve a complaint against R. W. Clark and his bond company at a cost of no more than \$5,000.00 along with preparing a briefing for the Board addressing possible outcome scenarios of the complaint for the Board to consider as additional expenses related to the suit are brought to them for approval. Upon roll call: YES: (6) Pratscher, Kellermann, Thrun, Kizior, Rotter, and Plautz / NO: (0) / ABSENT: (0). Motion carried 6/0

9) PRESENTATION OF BACOG LEGISLATIVE PLATFORM – addressed earlier in the agenda

10) REPORTS FROM PRESIDENT, TRUSTEES, ADMINISTRATOR, AND CLERK

A. President Gifford:

i) General Information

President Gifford presented the 2009 Board meeting schedule.

ii) Report on Sunrise Senior Living Development Project

President Gifford reported that the Sunrise Senior Living developer has decided not to move forward with the project considered for 21180 N. Rand Road (Christiansen property); an agreement has been reached, however, such that if another developer is interested in undertaking a project on the Christiansen property, Lake Zurich will provide water and sewer to that property and to the properties east of it down through Brunswick Zone and the Rand 12 Centre in exchange for at least a portion of the 21180 N. Rand Road being annexed into Lake Zurich.

iii) Reappointments of Plan Commission members David Heidtke and Sandy Schroeder to three year terms

MOTION: by Trustee Thrun to approve the reappointment of Plan Commission members David Heidtke and Sandy Schroeder to three year terms expiring December 31, 2011. Upon voice vote: YES: (6) / NO: (0) / ABSENT: (0). Motion carried 6/0

B. Trustee Kellermann- Roads and Public Utilities:

i) Bonding Company Update from Keller – addressed earlier in the agenda

ii) Roads and Drainage: 10 and 15 year plan – addressed earlier in the agenda

C. Trustee Kizior—Finance: – NO REPORT

D. Trustee Plautz – Health & Sanitation:

Trustee Plautz reported that the SWALCO legislative report highlighted three items: (1) amend the state landfill surcharge to provide funding for local environmental programs, (2) support laws pertaining to construction demolition debris, and (3) support the establishment of a monitored compost site for restaurant food scraps.

E. Trustee Pratscher – Planning and Zoning: – NO REPORT

F. Trustee Rotter –Parks and Recreation: – NO REPORT

G. Trustee Thrun – Public Safety: – NO REPORT

H. Administrator Connors:

- i) Administrator Connors reported that he will be entering into an agreement with Lake County for the use of Vehe Barn as a voting site for the April 7, 2009 Consolidated General Election.
- ii) Administrator Connors reported that he continues to work with the Kildeer Police Department and RedSpeed Illinois to move forward with implementing the photo enforcement program.
- iii) Administrator Connors notified the Board that the Lake County Zoning Board will hold a public hearing regarding a Conditional Use Permit to operate a contractor's equipment storage yard at 20330 N. Rand Road in Palatine.
- iv) Administrator Connors reported that he continues to work on the details of a traffic enforcement boundary agreement with the Village of Kildeer.
- v) Administrator Connors reported that the drafting of a Village purchasing policy is underway.

11) APPROVAL OF INVESTMENT HELD REPORT – NOVEMBER 2008

MOTION: by Trustee Kizior to approve the Investment Fund Report for November 30, 2008 in the amount of \$1,643,474.55. Upon voice vote: YES: (6) / NO: (0) / ABSENT: (0). Motion carried 6/0

12) CASH DISBURSEMENTS

MOTION: by Trustee Kizior to approve accounts payable dated December 15, 2008 totaling \$398,213.27 (expenditures in the amount of \$380,013.94, plus payroll in the amount of \$17,879.33, plus a manual check in the amount of \$320.00). Upon roll call: YES: (6) Pratscher, Kellermann, Thrun, Kizior, Rotter, and Plautz / NO: (0) / ABSENT: (0). Motion carried 6/0

13) KILDEER POLICE REPORTS – NOVEMBER 2008

This item was addressed earlier in the agenda. Materials were provided in the agenda packet regarding STEP locations, citations by location, comparison of arrests, comparison of activity, and summary of criminal offenses.

14) EXECUTIVE SESSION - To Discuss Compensation and Employment of Specific Employees and Pending Litigation

MOTION: by Trustee Rotter to temporarily adjourn the regular meeting for the purpose of going into an Executive Session to discuss compensation and employment of specific employees and pending litigation. Upon voice vote: YES: (6) / NO: (0) / ABSENT: (0). Motion carried 6/0

MOTION: by Trustee Rotter to re-open the regular meeting. Upon voice vote: YES: (6) / NO: (0) / ABSENT: (0). Motion carried 6/0

15) ADJOURNMENT

MOTION: by Trustee Thrun to adjourn. Upon voice vote: YES: (6) / NO: (0) / ABSENT: (0). Motion carried 6/0.

The Regular Board of Trustees Meeting was adjourned at 10:40pm.

H. Scott Gifford, Village President

Susan Meyle, Village Clerk