

**1) PLEDGE OF ALLEGIANCE**

The regular meeting of the Board of Trustees of the Village of Deer Park was held on Monday, July 20, 2009 at Vehe Barn, 23570 W. Cuba Road, in the Village of Deer Park, in the counties of Lake and Cook, Illinois. President Kellermann called the meeting to order at 7:05pm. 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 Kellermann, Trustees Pratscher, Sands (left at 8:45pm), Olson, Trost, Evans, and Kizior (arrived at 7:10pm). The following Village officials were absent: none. Other Village officials present were Administrator Connors, Clerk Meyle, Attorney Keller, Treasurer Stade, Engineer Hamilton, and Police Chief Lilly. President Kellermann stated there is a quorum.

**3) APPROVAL OF AGENDA**

MOTION: by Trustee Pratscher to approve the agenda. Upon voice vote: YES: (5) / NO: (0) / ABSENT: (1).  
Motion carried 5/0

**4) RECOGNITION OF SERVICE TO DEER PARK FOR PAT PLAUTZ AND JOEL ROTTER**

President Kellermann recognized the service of Patricia Plautz and Joel Rotter to the residents of Deer Park. Pat Plautz served as a Trustee from 2001 to 2009; Joel Rotter served as a Zoning Board member from 1989 to 2004 and as a Trustee from 2004 to 2009. Service appreciation plaques were presented.

**Addressed Item-6 at this time – PUBLIC COMMENTS**

Mario Palazzolo of 20434 Rand Road and Marie Latimer of 23640 Juniper Lane addressed the Board regarding amending the Business Zoning District to allow a dog boarding and retail business at 20434 Rand Road.

Ken Piper of 20050 Park Hill Drive and Marisa Privatsky of 20455 Meadow Lane addressed the Board regarding drainage in the Park Hill subdivision; a petition from the Park Hill Countryside Estates Homeowners Association was submitted.

Pat Winkelman of 21540 Inglenook Lane addressed the Board regarding rules of decorum for Board meetings.

Marlene Smetana of 21922 Inglenook Court addressed the Board regarding clarification of drainage terms, Hamilton Park's drainage issues, and the subdivision residents' desire for park amenities.

**Addressed Item-12 at this time – KILDEER POLICE REPORTS – JUNE 2009**

Chief Lilly addressed the Board regarding the following items: fireworks over the Fourth of July holiday, a DUI auto accident that occurred on Lake Cook Road, and the red light photo enforcement program,

**Addressed Item-14 at this time – EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION**

MOTION: by Trustee Evans to close the regular meeting for the purpose of going into an Executive Session to discuss pending litigation. Upon roll call: YES: (6) Pratscher, Trost, Kizior, Sands, Evans, and Olson / NO: (0) / ABSENT: (0).  
Motion carried 6/0

The Board went into Executive Session at 7:40pm.

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

The Board returned to regular session at 9:00pm.

**5) APPROVAL AND RELEASE OF MINUTES**

MOTION: by Trustee Pratscher to approve and release the minutes from the Board of Trustees Regular Meeting held June 15, 2009 as amended to correct the spelling of Hampton Inn and the Special Meeting held July 13, 2009. Upon voice vote: YES: (5) / NO: (0) / ABSENT: (1).  
Motion carried 5/0

**6) PUBLIC COMMENTS** - Addressed earlier in the agenda.

**7) VILLAGE ENGINEER – REPORT AND RECOMMENDATIONS**

**A. 2008 MFT Road Program - Geske and Sons, Inc - Final Pay Request for \$7,147.40**

MOTION: by Trustee Pratscher to approve the 2008 Road Program final payment to Geske & Sons in the amount of \$7,147.40; payment will be made out of the General Fund. Upon roll call: YES: (4) Pratscher, Trost, Evans, and Olson / NO: (0) / ABSENT: (1) Sands / ABSTAIN: (1) Kizior. Motion carried 4/0

**B. American Underground Proposal for Root Cutting/Televising Maintenance at a cost not to exceed \$4,400.00**

MOTION: by Trustee Olson to accept the American Underground proposal for root cutting / televising maintenance at a cost not to exceed \$4,400.00. Upon roll call: YES: (5) Pratscher, Trost, Kizior, Evans, and Olson / NO: (0) / ABSENT: (1) Sands. Motion carried 5/0

**C. 2009 Road Program - IDOT MFT Supplemental Resolution for \$33,000**

MOTION: by Trustee Pratscher to approve the Illinois Department of Transportation Resolution for Maintenance of Streets and Highways by Municipality Under the Illinois Highway Code in the amount of \$33,000.00. Upon roll call: YES: (5) Pratscher, Trost, Kizior, Evans, and Olson / NO: (0) / ABSENT: (1) Sands. Motion carried 5/0

**D. 2009 Road Program - Arrow Road Construction - Pay Request #1 for \$472,544.41**

Engineer Hamilton reported that the work completed to date totals \$497,415.17; pay request #1 reflects a 5% retainage amount of \$24,870.76. Treasurer Stade confirmed funding for the 2009 Road Program includes \$400,000.00 budgeted from the General Fund plus \$120,000.00 budgeted from Motor Fuel Tax funds for a total of \$520,000.00.

MOTION: by Trustee Pratscher to approve pay request #1 to Arrow Road Construction in the amount of \$472,544.41 for the 2009 Road Program. Upon roll call: YES: (5) Pratscher, Trost, Kizior, Evans, and Olson / NO: (0) / ABSENT: (1) Sands. Motion carried 5/0

**E. Annual Wetland Maintenance Proposal from McGinty Bros (Tasks 1 and 2 only) for \$8,918.00**

MOTION: by Trustee Pratscher to accept the McGinty Bros proposal for annual wetland maintenance for Tasks 1 and 2 pertaining to the Swansway Wetland Mitigation Site in an amount not to exceed \$8,918.00. Upon roll call: YES: (4) Pratscher, Trost, Kizior, and Evans / NO: (1) Olson / ABSENT: (1) Sands. Motion carried 4/1

**F. Lake Zurich Road – status report**

Engineer Hamilton updated the Board regarding Cuba Township Road District's willingness (1) to pursue a joint paving project on Lake Zurich Road and (2) to consider entering into an intergovernmental agreement with the Village to transfer Deer Park's maintenance jurisdiction for Lake Zurich Road to the Cuba Township Road District; the draft intergovernmental agreement will be considered under agenda item 8B.

Engineer Hamilton reported the Lake County Forest Preserve has funds available and allocated to the acquisition of undeveloped property adjacent to an existing forest preserve. Engineer Hamilton recommended the Board work with Cuba Township to contact the owner of the five undeveloped lots in Deer Park, along Lake Zurich Road, and adjacent to the forest preserve (developer James Scoville) to see if he is willing to sell them to the Lake County Forest Preserve.

**8) VILLAGE ATTORNEY – REPORT AND RECOMMENDATIONS**

**A. ExteNet amended Permit to Construct Telecommunications Facilities Permit**

MOTION: by Trustee Pratscher to approve ExteNet's Terms and Conditions for Permit to Construct Telecommunications Facilities in Lieu of Telecommunications Franchise. Upon roll call: YES: (5) Pratscher, Trost, Kizior, Evans, and Olson / NO: (0) / ABSENT: (1) Sands. Motion carried 5/0

**B. Intergovernmental Agreement between the Village of Deer Park and Cuba Township Road District regarding the jurisdictional transfer of Lake Zurich Road**

MOTION: by Trustee Pratscher to approve the Intergovernmental Agreement between the Village of Deer Park and Cuba Township Road District regarding the jurisdiction and maintenance transfer of Lake Zurich Road. Upon roll call: YES: (5) Pratscher, Trost, Kizior, Evans, and Olson / NO: (0) / ABSENT: (1) Sands.  
Motion carried 5/0

**9) REPORTS FROM PRESIDENT, TRUSTEES, ADMINISTRATOR, CLERK, AND TREASURER**

**A. President Kellermann:**

**i) Appointment of Trustee Olson as the BACOG alternate representative**

MOTION: by Trustee Pratscher to confirm President Kellermann's appointment of Trustee Olson as the BACOG alternate representative. Upon voice vote: YES: (5) / NO: (0) / ABSENT: (1).  
Motion carried 5/0

President Kellermann confirmed Trustee Olson will also assume the role of BACOG Legislative Committee Representative previously held by Trustee Kizior.

**ii) Amendment to Village Code regarding the appointment of an Ethics Advisor**

A discussion ensued regarding whether or not to authorize the Village Attorney to draft an amendment to Chapter 33 of the Municipal Code to allow someone other than a trustee to be appointed as the Village's Ethics Officer.

Attorney Keller read a memo he sent President Kellermann via email on June 23, 2009 in which he clarified his legal opinion on the issue and recommended three options for the Board to consider.

The discussion concluded with Trustee Olson making a motion to authorize Attorney Keller to draft an amendment to the Municipal Code such that someone other than a trustee may be appointed as the Village's Ethics Officer; the motion was not seconded.

President Kellermann reported, as a result of the discussion that took place in Executive Session, the Board has directed the Village Attorney to write a letter to HPZS requesting they return documents pertaining to the Vehe Barn interior renovation project such as estimates of probable cost, change orders and amendments from the original contract, subcontractors' statements, and certifications and applications of payment.

**B. Trustee Kizior – Public Safety**

Trustee Kizior reported that Lisa Walston of 66 Oak Ridge Lane has been in contact with him, Administrator Connors, and the Kildeer Police regarding traffic on Oak Ridge Lane; she would like the Board to consider the installation of a speed hump.

A discussion ensued regarding the lack of Village speed hump/traffic calming policies and standards; the consensus of the Board was to get additional input regarding speed humps and traffic on side streets via the upcoming survey and at the upcoming forum.

**C. Trustee Olson - Finance**

Trustee Olson asked the Board to consider discontinuing or clarifying the Special Service Area reports included with the Investments Held report each month; no decision was reached.

Treasurer Stade reported that, because of the large 2009 Road Program expense and the decrease in sales tax revenues, the Village used funds from a CD to cover expenses this month; since the CD was renewing on July 12, 2009 there was no penalty for taking funds out of it.

**D. Trustee Pratscher – Health and Sanitation**

Trustee Pratscher reported the Vehe Farm Foundation entered Vehe Barn in a BARN AGAIN contest; BARN AGAIN is a national program to preserve historic farm buildings and put them back to productive use. Trustee Pratscher reported the Barn received a recognition award which included a certificate and BARN AGAIN poster which have been framed and will be displayed in the Barn.

**E. Trustee Sands – Roads and Drainage**

**i) Review of Draft Community Survey**

A discussion ensued with the Board providing Clerk Meyle with the following feedback:

- An item pertaining to speed bumps should be added
- Residents should have a month to return their surveys
- A resident forum will be scheduled after receiving and analyzing the responses
- Each trustee will review his/her section of the survey and give Clerk Meyle suggestions within 24-hours
- An electronic version of the survey should be created with Survey Monkey to post on the website
- Responses from surveys mailed in should be entered into Survey Monkey for analysis
- The comment sections of the survey should be larger
- An item pertaining to SWALCO's household electronic recycling should be added
- A reference to the results providing the framework for forum should be added

**ii) Status of Wooded Ridge Road Project**

Administrator Connors reported that since the jurisdiction of Wooded Ridge Road is split between Kildeer and Deer Park and 90% of the patching currently required is in Kildeer' jurisdiction, Engineer Gordon and Trustee Sands recommend removing Wooded Ridge Road from the 2009 Road Program and planning a joint project with Kildeer next year.

**iii) Hamilton Park Drainage – addressed during public comments**

**F. Trustee Trost – Planning and Zoning**

Trustee Trost reported there is a Plan Commission meeting scheduled for August 3, 2009.

**G. Trustee Evans – Parks and Recreation**

**i) Vehe Farm Foundation Report**

A written report regarding the Vehe Foundation's monthly activities and accounting was submitted.

**ii) Fee Waiver Requests from the Vehe Farm Foundation for events on July 25, August 6, and August 29**

**MOTION:** by Trustee Evans to approve the Vehe Barn fee waiver requests for the Vehe Farm Foundation events to be held July 25, August 6, and August 29, 2009. Upon voice vote: YES: (5) / NO: (0) / ABSENT: (1). Motion carried 5/0

**iii) Review of Landscape Reimbursement Program for Homeowner Associations**

Trustee Evans presented a revision of the Village's Landscape Reimbursement Program; the changes from the previous version of the program are as follows:

- The definition of what qualifies as a Homeowners Association has been clarified
- The signage and surrounding area exception has been clarified
- An exception confirming the purchase, installation, and maintenance of annual plants are not reimbursable was added
- The landscape plan approval process was clarified
- The reimbursement process was clarified

**MOTION:** by Trustee Evans to approve the revised Landscape Reimbursement Program Guidelines and Form amended to clarify the Village will not to reimburse for annual plants. Upon voice vote: YES: (5) / NO: (0) / ABSENT: (1). Motion carried 5/0

**H. Administrator Connors**

**i) Lake County Voting Site Agreement for the February 2, 2010 and November 2, 2010 Elections**

**MOTION:** by Trustee Pratscher to approve the Lake County Voting Site Agreement for use of Vehe Barn as a voting site for precincts 89, 101, and 104 for the February 2, 2010 General Primary Election and the November 2, 2010 General Election. Upon roll call: YES: (5) Pratscher, Trost, Kizior, Evans, and Olson / NO: (0) / ABSENT: (1) Sands. Motion carried 5/0

**ii) Cost proposals for removal of tree at 22886 Glenhurst Drive**

Administrator Connors reported there is a dead oak tree in the Village right-of-way at 22886 Glenhurst Drive for which he obtained four proposals for its removal.

MOTION: by Trustee Pratscher to accept the proposal from Hendrickson Tree, Inc for \$1,122.00 for the removal of the dead oak tree at 22886 Glenhurst Drive. Upon roll call: YES: (5) Pratscher, Trost, Kizior, Evans, and Olson / NO: (0) / ABSENT: (1) Sands. Motion carried 5/0

**iii) Draft Agreement with Lake County Regarding Quentin Road Improvements and a Regional Bike Path**

Administrator Connors reported Lake County is proposing an agreement be entered between themselves, Kildeer, and Deer Park pertaining to plans to widen Quentin Road and install a regional bike path. Administrator Connors reported the County developed two options for the bike path at the request of Kildeer so as not to adversely affect the CITGO gas station at the corner of Quentin and Rand roads. Administrator Connors recommended he and the Village President meet with Kildeer officials to discuss the options.

**iv) Request from United Land Development for release of \$5,000 building bond for Deer Park Place**

Administrator Connors reported that Mr. Jouzapaitis has requested the release of his \$5,000 building bond being held to guarantee the reimbursement of the Village's out-of-pocket expenses for the United Land Development Deer Park Place project. Administrator Connors confirmed there are approximately \$1,000 in outstanding bills from Teska and Gewalt Hamilton that will have to be deducted from the bond. Administrator Connors advised the Board that, unless there is any objection, the net amount of the building bond (approximately \$4,000) will be released to Mr. Jouzapaitis next month.

**v) Report on the Drainage Issues in the Lower Level Barn**

Administrator Connors reported on the ongoing issues related to flooding and water seepage in the Barn's lower level and the measures undertaken to mitigate the problem.

**I. Treasurer Stade**

**i) Report on the Crowe Horwath Arbitrage Review of Special Service Areas Bonds**

Treasurer Stade reported the Crowe Horwath Arbitrage Review confirmed there is no arbitrage liability for the Special Service Area #8, #9, #10, and Series 2006 A and B Bonds.

**ii) Notice of Direct Deposit Payroll Program**

MOTION: by Trustee Pratscher to allow the Village Treasurer to set-up a direct deposit payroll program with the understanding that the Board be informed if the Village starts to incur a bank service charge as a result of implementing the program. Upon voice vote: YES: (5) / NO: (0) / ABSENT: (1). Motion carried 5/0

**J. Clerk Meyle**

Clerk Meyle reported she will be setting up an appointment with the Secretary of State Document Disposal Representative and President Kellermann in late August or September to answer questions about the State's document disposal approval process; she will advise the Board of the date and time once scheduled so anyone who wants to attend may do so.

Clerk Meyle reported she would like to have the Village ordinances and resolutions electronically indexed by either a retiree or a college student at a rate of \$10.00 per hour unless there is any objection; the general consensus was to move forward as long as the expense for the project does not exceed \$500.00.

**10) APPROVAL OF INVESTMENT HELD REPORT – JUNE 2009**

MOTION: by Trustee Pratscher to approve the Investments Held Report dated June 30, 2009 in the amount of \$1,545,115.65. Upon voice vote: YES: (5) / NO: (0) / ABSENT: (1). Motion carried 5/0

**11) CASH DISBURSEMENTS**

MOTION: by Trustee Evans to approve accounts payable dated July 20, 2009 totaling \$694,338.42 (expenditures in the amount of \$674,131.15, check register in the amount of \$96.89 plus payroll in the amount of \$20,110.38). Upon roll call: YES: (5) Pratscher, Trost, Kizior, Evans, and Olson / NO: (0) / ABSENT: (1) Sands. Motion carried 5/0

**12) KILDEER POLICE REPORTS – JUNE 2009**

Police Chief Lilly addressed the Board 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.

**13) NEW BUSINESS**

Trustee Pratscher recommended a special meeting be considered to discuss building and zoning issues.

**14) EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION** – addressed earlier in the agenda

**15) ADJOURNMENT**

MOTION: by Trustee Evans to adjourn. Upon voice vote: YES: (5) / NO: (0) / ABSENT: (1). Motion carried 5/0

The Regular Board of Trustees Meeting was adjourned at 11:35 pm.

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Robert Kellermann, Village President

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Susan Meyle, Village Clerk