

**1) PLEDGE OF ALLEGIANCE**

The regular meeting of the Board of Trustees of the Village of Deer Park was held on Monday, August 17, 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 7:00pm. 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 Kellermann, Trustees Sands, Olson, Trost, Evans, and Kizior. The following Village officials were absent: Trustee Pratscher. Other Village officials present were Administrator Connors, Clerk Meyle, Attorney Keller, Treasurer Stade, Engineer Gordon, Plan Commission Chairman Heidtke, Permit Coordinator Doniec, and Administrative Assistant Pagano. President Kellermann stated there is a quorum.

Teri Bridge and Pat Winkelman of the Vehe Farm Foundation; Melissa Bender of RedSpeed Illinois; Plan Commission petitioners Jan and Regina Christiansen with their attorney, Raymond Gerard; and Stephen Hegarty of 501 Rue Royale representing Barrington Competitive Baseball Club (BCBC) were also present.

**3) APPROVAL OF AGENDA**

**MOTION:** by Trustee Trost 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 SCOTT GIFFORD AND HOWARD THRUN**

President Kellermann recognized the service of Scott Gifford and Howard Thrun to the residents of Deer Park. Howard Thrun served as a Plan Commissioner from 1985 to 2004 and as a Village Trustee from 2004 to 2009; Scott Gifford served as a Village Trustee from 1993 to 2004 and as Village President from 2004 to 2009. Service appreciation plaques were presented.

**5) APPROVAL AND RELEASE OF MINUTES**

**MOTION:** by Trustee Kizior to approve and release the minutes from the Board of Trustees Regular Meeting held July 20, 2009. Upon voice vote: YES: (5) / NO: (0) / ABSENT: (1). Motion carried 5/0

**6) PUBLIC COMMENTS**

Dana Rzeznik of Moe's Southwest Grill at 21720 W. Long Grove Road addressed the Board regarding the conditions at Deer Park Town Center Promenade.

Deborah Barry of 412 Bramble Lane addressed the Board regarding the Freedom of Information Act, MP3 recordings of Village meetings, and a Business and Economic Development Committee.

Pat Winkelman of 21540 Inglenook Lane addressed the Board regarding Village safety as it pertained to an incident that occurred on Cuba Road which involved an individual throwing rocks at passing vehicles.

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.

Larry Winkelman of 21540 Inglenook Lane addressed the Board regarding suggestions for improved financial management.

Kari Diesen Dahl of 23710 Hearthside Drive addressed the Board regarding Hamilton Park.

Marilyn Rinker of 23708 W. Juniper Lane addressed the Board regarding the condition of the Deer Lake Meadows roads and the poor condition of Charles E. Brown Park.

Betsy Glorch of 21947 Farthingdale Court signed in to address the Board regarding Hamilton Estates Park but did not speak.

Jay Oberrieder of 23056 Foxridge Court addressed the Board regarding the paving of Foxridge Court.

Scott Gifford of 23740 Hearthside Drive addressed the Board regarding clarification of state and federal funding for Village road and drainage projects.

Joseph Rabito of 21817 Inglenook Lane addressed the Board regarding Hamilton Park.

**7) PLAN COMMISSION RECOMMENDATION REGARDING 20877 WILDROSE DRIVE SPECIAL USE (CHRISTIANSON – POOL HOUSE)**

Chairman Heidtke addressed the Board making the following points regarding the Plan Commission's recommendation to approve the Special Use Permit for a pool house at 20877 Wildrose Drive:

- The Commission recommends approving a 90-day cooling off period to give the Deer Park Estates residents the opportunity to work out their subdivision covenant issues pertaining to the pool house.
- The pool house is a 175-square foot building plus a trellis roof.
- The setback requirement for the 175-square foot pool house requires the pool house be placed 50-feet from the property line. This would place the pool house in the middle of the property and in full view of the surrounding lake properties.
- The Commission recommends a setback of 30-feet from the property line be approved so the pool house may be placed to one side of the property in a naturally screened area.

Attorney Keller clarified the following with regard to subdivision covenants:

- Subdivision covenants are not binding on the Village and are a matter of private law, not municipal law.
- The Village has no legal authority to recognize or enforce private covenants.
- It is not the Village's business to determine if the pool house violates the subdivision covenants; it is only the Village's business to determine if the pool house qualifies for a Special Use Permit according to the Village's Municipal Code.
- The appropriate means for Deer Park Estates to enforce their subdivision covenants is through private legal action.

Raymond Gerard addressed the Board as the attorney for the petitioners, Jan and Regina Christiansen of 20877 Wildrose Drive, making the following points:

- The petitioners would not like a 90-day delay.
- The petitioners' Title Insurance Policy makes no reference to recorded subdivision covenants.
- The Christiansens request the Board address the Special Use Permit for the pool house with regard to the Municipal Code and let them address the subdivision covenant issues with the Deer Park Estates Homeowners Association separately.

**PUBLIC COMMENTS**

Bridget Baker of 20888 N. Laurel Drive addressed the Board regarding her opposition to the pool house because of its size and the view from her property across the lake.

Mary LaRocque of 20910 N. Laurel Drive addressed the Board regarding her request for a 90-day period for Deer Path Estates residents to try to reconcile the issue.

Agnes Woodlock of 20800 N. Laurel Drive addressed the Board as the President of the Deer Park Estates Homeowners Association requesting the Board approve the 90-day period to give the Deer Path Estates residents to try to reconcile.

Trustee Olson presented a DVD pertaining to the pool house.

Suzanne Wetterling of 23266 Fairview Drive addressed the Board regarding the fact that the subdivision covenants address additions, separate dwellings, and sheds, but not specifically pool houses.

Randy Borchardt of 20888 N. Laurel Drive addressed the Board regarding a statement included in the petitioner's 2007 zoning variance application pertaining to subdivision covenants.

Teri Bridge of 23675 Hedgeworth Court addressed the Board regarding the Village Code and how it addresses trellises.

Don Woodlock of 20800 N. Laurel Drive addressed the Board regarding a July 22, 2009 letter he received from the petitioner and his desire for the Board to approve the 90-day waiting period.

Carolyn Heimback of 20644 Primrose Court addressed the Board regarding the Welcome Packet she received when she moved into her Deer Path Estates home; the Welcome Packet contained a copy of the subdivision covenants.

MOTION: by Trustee Sands to defer the decision on the pool house for a 90-day period or until the regular meeting scheduled for November 2009. Upon roll call: YES: (5) Trost, Kizior, Sands, Olson and Evans / NO: (0) / ABSENT: (1) Pratscher. Motion carried 5/0

#### **8) VILLAGE ENGINEER – REPORT AND RECOMMENDATIONS**

##### **A. Neri Brothers Final Pay Request - 2007 Drainage Improvements - Ferndale Phase 1 and 2 for \$20,915.21**

MOTION: by Trustee Sands to approve the final pay request from Neri Brothers for the 2007 Ferndale Phase 1 and 2 drainage improvements in the amount of \$20,915.21. Upon roll call: YES: (4) Kizior, Sands, Olson and Evans / NO: (0) / ABSENT: (2) Trost and Pratscher. Motion carried 4/0

##### **B. Release of the \$9,120.00 Maintenance Guarantee for Hamilton Partners Private Road - Hamilton Parkway**

MOTION: by Trustee Evans to approve the release of the \$9,120.00 maintenance guarantee for Hamilton Parkway, the Hamilton Partners private road associated with Building E. Upon roll call: YES: (4) Kizior, Sands, Olson and Evans / NO: (0) / ABSENT: (2) Trost and Pratscher. Motion carried 4/0

##### **C. Release of the \$79,853.35 Maintenance Guarantee for Special Service Area Fund Projects**

Engineer Gordon reminded Treasurer Stade that because there has been a change in the ownership of two of the "Triangle" development properties, confirmation should be made with regard to who the checks should be released to if the release is approved.

MOTION: by Trustee Evans to approve the release of the \$79,853.35 maintenance guarantee for the "Triangle" Special Service Area Fund Projects. Upon roll call: YES: (4) Kizior, Sands, Olson and Evans / NO: (0) / ABSENT: (2) Trost and Pratscher. Motion carried 4/0

##### **D. Crack Sealing Program - Bid Results and Recommendation**

MOTION: by Trustee Sands to accept the bid proposal from Behm Pavement Maintenance, Inc for the 2009 Crack Sealing Program in the amount of \$11,340.00. Upon roll call: YES: (4) Kizior, Sands, Olson and Evans / NO: (0) / ABSENT: (2) Trost and Pratscher. Motion carried 4/0

##### **E. Lake Zurich Road - Bid Results and Recommendation**

Clerk Meyle confirmed the Board approved the Intergovernmental Agreement between the Village of Deer Park and Cuba Township Road District regarding the jurisdictional transfer of Lake Zurich Road at its regular meeting held July 20, 2009, but the agreement has not been executed yet.

MOTION: by Trustee Evans to clarify the Intergovernmental Agreement between the Village of Deer Park and Cuba Township Road District regarding the jurisdictional transfer of Lake Zurich Road so that it states "The actual distribution of construction cost will be based on the actual quantities used and maintenance work performed within the respective jurisdictions." Upon roll call: YES: (5) Trost, Kizior, Sands, Olson and Evans / NO: (0) / ABSENT: (1) Pratscher. Motion carried 5/0

MOTION: by Trustee Sands to approve the acceptance of the bid proposal from Chicagoland Paving for the Lake Zurich Road Maintenance Project by Cuba Township Road District in an amount not to exceed \$145,971.85. Upon roll call: YES: (4) Sands, Olson, Evans, and Kellermann / NO: (2) Kizior and Trost / ABSENT: (1) Pratscher. Motion carried 4/2

**F. Foxridge Court Final Surface - Bid Results and Recommendation**

MOTION: by Trustee Evans to accept the bid proposal from Chicagoland Paving for the final surfacing of Foxridge Court in the amount of \$14,623.00 in addition to processing the change order to match the new pavement to Deerpath Road and adjoining driveway in an amount not to exceed \$1,500.00 for a total not to exceed \$16,123.00. Upon roll call: YES: (4) Trost, Sands, Olson and Evans / NO: (1) Kizior / ABSENT: (1) Pratscher. Motion carried 4/1

**G. 120 Rue Touraine and Primrose Court Drainage Improvements - Ela Township**

MOTION: by Trustee Evans to accept the bid proposal from Ela Township for the drainage improvement at 120 Rue Touraine in the amount of \$7,880.00 (\$7,460.00 (Ela) + \$420.00 (GHA Survey)) and to repair the sink hole at 20515 N. Primrose Court in the amount of \$500.00. Upon roll call: YES: (5) Trost, Kizior, Sands, Olson and Evans / NO: (0) / ABSENT: (1) Pratscher. Motion carried 5/0

**H. Ordinance Prohibiting Unauthorized Discharges to the Municipal Storm Sewer System**

MOTION: by Trustee Trost to approve the Ordinance Prohibiting Unauthorized Discharges to the Municipal Storm Sewer System. Upon roll call: YES: (5) Trost, Kizior, Sands, Olson and Evans / NO: (0) / ABSENT: (1) Pratscher. Motion carried 5/0

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

Ordinance Establishing an Automated Traffic Law Enforcement System and Establishing an Administrative Adjudication System

Melissa Bender of RedSpeed Illinois addressed the Board to provide the following status information for Deer Park's pending photo enforcement system:

- The Rand Road / Deer Park Blvd intersection is expected to be Deer Park's first installation. RedSpeed received approval for this intersection from IDOT May 19, 2009. RedSpeed is waiting for a ComEd contract which is expected no later than August 27, 2009. Installation should take place at the end of October or beginning of November 2009.
- The Rand Road / Long Grove Road intersection is complicated because it requires a Right-Of-Way Permit from Lake County for use of their power supply. RedSpeed received approval for this intersection from IDOT May 19, 2009. RedSpeed is waiting for a ComEd contract which is expected no later than August 27, 2009. There is no estimated installation date at this time because of the Lake County right-of-way issue.
- The Quentin Road / Lake Cook Road intersection is not recommended for camera installation due to low traffic violations.
- The Rand Road / Lake Cook Road intersection is not recommended for camera installation due to low traffic violations.
- Ms. Bender will forward projected revenue figures to Administrator Connors to provide to the Board.
- The cost to remove the cameras if Deer Park decides to terminate their contract without cause is \$15,000-\$30,000.

MOTION: by Trustee Olson to postpone the consideration of the Ordinance Establishing an Automated Traffic Law Enforcement System and Establishing an Administrative Adjudication System until the regular September 2009 meeting. Upon voice vote: YES: (5) / NO: (0) / ABSENT: (1). Motion carried 5/0

**Addressed item 10Giii at this time –**

**Review of proposal from Barrington Competitive Baseball Club for use of Town Center Baseball Field**

Stephen Hegarty of 501 Rue Royale and of the Barrington Competitive Baseball Club (BCBC) addressed the Board regarding the possibility of a partnership between BCBC and the Village of Deer Park to rent the Town Center Park Baseball Field, to take over the maintenance of the field, and to work to provide funding to develop additional baseball fields at Town Center Park. The consensus of the Board was that BCBC may move forward with a feasibility study pertaining to baseball field development in the Village of Deer Park at the expense of BCBC.

**Addressed item 10Giv at this time –**

**Review of draft Qualified Resident or Affiliated League Agreement for parks**

MOTION: by Trustee Trost to amend the draft Qualified Resident or Affiliated League Agreement by removing Hamilton Estates Park from ARTICLE I - PARKS TO BE USED and by making the Village President the signature for the Village. Upon voice vote: YES: (4) / NO: (1) / ABSENT: (1).

Motion carried 4/1

MOTION: by Trustee Evans to approve the BCBC Qualified Resident or Affiliated League Agreement as amended subject to the review and approval of the Village Attorney. Upon roll call: YES: (5) Trost, Kizior, Sands, Olson and Evans / NO: (0) / ABSENT: (1) Pratscher.

Motion carried 5/0

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

**A. President Kellermann**

**i) Report on State of Illinois Capital funding legislation**

Trustee Kellermann reported the Illinois Capital Bill was approved and the Village should be receiving \$125,000.00 for various drainage issues as well as \$150,000.00 for Hamilton Estates.

**ii) Report on meetings with Canadian National (CN) Railroad and The Regional Answer to Canadian National (TRAC)**

Trustee Kellermann reported he attended two meetings regarding the CN Railway's purchase of the EJ & E Railroad. One meeting was with Barrington, Barrington Hills, and CN representatives; the second meeting was with TRAC, Congressman Foster, and Congresswoman Bean.

**iii) Request to authorize Building Official Holmes to conduct an inspection of the Barn facility**

President Kellermann requested the Board authorize Building Official Holmes to conduct an inspection of the Vehe Barn. The consensus of the Board was to move forward with the inspection; no motion was required since cost of the inspection is expected to be less than \$500.00.

**B. Trustee Kizior – Public Safety**

Trustee Kizior confirmed he will contact Kildeer Police to see if the Village's police service contract can be re-negotiated.

**C. Trustee Olson – Finance**

Trustee Olson confirmed, at Trustee Evan's request, he would comment on the suggestions Mr. Winkelman made during Public Comments at the September meeting.

**D. Trustee Pratscher – Health and Sanitation – no report**

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

**i) Setting public forum date and status of community survey results**

Clerk Meyle reported that 107 survey responses have been received and continue to trickle in; the consensus of the Board was to continue to make the survey available for completion. Trustee Sands recommended scheduling the Community Forum on Sunday, October 18th (1:00pm – 3:30pm) to present the results of the survey and to hold breakout sessions to get resident input for each trustee's committee assignment.

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

Trustee Sands reported that ninety-percent of the repairs needed on Wooded Ridge Road are in Kildeer's jurisdiction. Administrator Connors met with Kildeer's Administrator where it was decided the Wooded Ridge project should be postponed until next year when the work can be coordinated between the two villages.

**iii) Status of Deerpath Road as LAPP funded project**

Trustee Sands reported the Village received a LAPP grant for Deerpath Road; the grant is \$114,000.00 and requires a 70/30 Federal/Village contribution split. Trustee Sands confirmed the grant can only be used to repair existing roads and cannot be used to add new infrastructure such as a speed bump.

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

Trustee Trost reported that, at a future meeting, she will present a marketing program being utilized on the east coast designed to keep retail spending local.

**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 September 22 and October 28**

**MOTION:** by Trustee Evans to approve the Vehe Barn fee waiver requests for the Vehe Farm Foundation events to be held September 22, 2009 and October 28, 2009. Upon voice vote: YES: (5) / NO: (0) / ABSENT: (1). Motion carried 5/0

**iii) Review of proposal from Barrington Competitive Baseball Club for use of Town Center Baseball Field**  
Addressed earlier in the agenda.

**iv) Review of draft Qualified Resident or Affiliated League Agreement for parks**  
Addressed earlier in the agenda.

**H. Administrator Connors**

**i) Proposal for Barn Event Coordinator Office repairs**

Administrator Connors presented Dawson Barber's proposal to repair the Event Coordinator's office in the amount of \$1,995.00. A discussion ensued regarding the need to determine if there is a pipe under the concrete floor that needs to be connected to the sump pump.

**MOTION:** by Trustee Trost to break open the concrete floor to determine if there is a pipe to connect to the sump pump at a cost not to exceed \$2,000.00. Upon roll call: YES: (5) Trost, Kizior, Sands, Olson and Evans / NO: (0) / ABSENT: (1) Pratscher. Motion carried 5/0

**ii) Report on IMLRMA meeting and annual renewal**

Administrator Connors reported the process for renewing the Village's annual Illinois Municipal League Risk Management Association coverage is under way.

**I. Treasurer Stade - FY 2010 1<sup>st</sup> quarter budget report and analysis**

Treasurer Stade presented a budget analysis for the first quarter of the fiscal year (May, June, and July of 2009).

**J. Clerk Meyle – no report**

**11) APPROVAL OF INVESTMENT HELD REPORT – JULY 2009**

**MOTION:** by Trustee Evans to approve the Investments Held Report dated July 31, 2009 in the amount of \$1,070,906.29. Upon voice vote: YES: (5) / NO: (0) / ABSENT: (1). Motion carried 5/0

**12) CASH DISBURSEMENTS**

**MOTION:** by Trustee Olson to approve accounts payable dated August 17, 2009 totaling \$255,123.55 (accounts payable in the amount of \$234,727.17, check register in the amount of \$1,223.79 plus payroll in the amount of \$19,172.59). Upon roll call: YES: (5) Sands, Trost, Kizior, Evans, and Olson / NO: (0) / ABSENT: (1) Pratscher. Motion carried 5/0

**13) KILDEER POLICE REPORTS – JULY 2009**

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) NEW BUSINESS**

Trustee Evans presented an idea she would like to investigate involving Deer Park retailers sponsoring bike path signs, and she asked that a discussion about the future of Vehe Barn be put on the agenda in the next few months.

**15) EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION**

At this time a temporary adjournment and continuation of the meeting was considered; see agenda item 16 – Adjournment.

**16) ADJOURNMENT**

MOTION: by Trustee Trost to adjourn temporarily and to continue the meeting on Tuesday, August 25, 2009 at 7:00pm. Upon voice vote: YES: (5) / NO: (0) / ABSENT: (1).

Motion carried 5/0

The Regular Board of Trustees Meeting was adjourned at 12:45 am.

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Robert Kellermann, Village President

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Susan Meyle, Village Clerk