

**Village of Deer Park
Regular Board Meeting Minutes
April 19, 2004**

p. 1 of 11

1. CALL TO ORDER

The Regular meeting of the Board of Trustees of the Village of Deer Park was held on Monday, April 19th, 2004 at the Charles Quentin Elementary, 21250 W. Shirley Road, Palatine, in the Village of Deer Park, Lake County, Illinois.

President Gifford called the meeting to order at 8:04 p.m. The Pledge of Allegiance was not recited as there was no flag available. Upon roll call the following were present: President Gifford, Trustees Dowell, Ekstrom, Kizior, and Rotter. Trustee Thrun was absent. Other Village Officials present were Plan Commission Member John Lahr, Administrator Diesen-Dahl, Treasurer Stade, Clerk Smith, Engineer Gordon, B&Z Inspector Holmes, Planner Savoy and Attorney Hargadon.

Guests present were: Rory Nienajadlo (Biaggis); Robin Shepard (21122 Pheasant Trail); Debbie Wodrich (Deer Park Town Center); Christof Heisser (20834 Swansway); Roger Hankin (20850 Swansway); Teri Bridge (23675 Hedgeworth Court); Carrie Groeller (219 Rue Touraine); Mary Lahr (201 Rue Touraine).

2. AGENDA CHANGES AND ANNOUNCEMENTS

None.

3. CONSENT AGENDA

A. Approval and Release of Minutes from the:

- i) Plan Commission Meeting held 3/15/04
- ii) Plan Commission Public Hearing held 3/15/04
- iii) Zoning Board of Appeals Meeting held 3/15/04
- iv) Regular Board of Trustees Meeting held 3/15/04
- v) Board of Trustees Public Hearing—Rossbach Annexation Agreement held 3/15/04
- vi) Board of Trustees Public Hearing—Pecocha Annexation Agreement held 3/15/04
- vii) Board of Trustees Public Hearing—Kirk Annexation Agreement held 3/15/04

B. Approval, Not Release, of Minutes from the:

- i) Executive Session of the Board of Trustees-litigation and land acquisition- held 2/16/04
- ii) Executive Session of the Board of Trustees-litigation, potential land acquisition, and staff compensation - held 3/15/04

C. From the Engineer:

- i) Swansway Pay Request #4 in the amount of \$14,885.10 to Martam Construction for Swansway Drainage Improvement.

MOTION: by Dowell second by Kizior to accept the Consent Agenda. Upon voice vote:

YES: (5)

NO: (0)

ABSENT: (1) Thrun

Motion Carried 5/0

4. BIAGGIS' LIQUOR REQUEST

Biaggi's Restaurant is requesting approval for serving of alcoholic beverages for a wedding reception until 2:00 a.m. on June 19th (one extra hour). Guests will be chauffeured by shuttle or taxi to and from the location. The Village is in receipt of a letter from Managing Partner Tony Marlotti (dated April 7, 2004) requesting extension of hours.

MOTION: by Dowell second by Ekstrom to extend the hours for Biaggis to serve alcoholic beverages for the purpose of a private wedding reception on June 19th until 2:00 a.m. Upon voice vote:

YES: (5)

NO: (0)

ABSENT: (1) Thrun

Motion Carried 5/0

5. **DEER PARK TOWN CENTER ENTRANCE SIGN REQUEST FOR MODIFICATION**

Debbie Wodrich, of DDRRC, was present to request permission for an addition to the monument sign near Panera announcing ownership of the Center by DDRRC. The sign is already in place; the question of whether or not the sign meets Planned Development requirements has been raised. Per B&Z Inspector Holmes, this type of change requires approval of the Board. Attorney Hargadon clarified that President Gifford must make a determination whether or not this change is a major or minor change to determine necessary procedure.

Ms. Wodrich indicated the sign size remains the same; changing the content. Board noted multiple elements of the sign as is are prohibited under the Town Center Planned Development. Trustees' consensus to reject the new signage. Sign will be removed; DDRRC has option to review Planned Development requirements for signs and submit a revised sign proposal to the Village for review.

6. **SUMMER MOSQUITO MANAGEMENT PROGRAMS**

B&Z Inspector Holmes referenced the contract between the Village and Clarke for last season, noting the proposed contract is similar to that program for mosquito abatement. Program includes larvaciding with adultciding on an as-needed basis. Contract includes one adulticide; Village is reimbursed if do not use. Illinois Department of Public Health is warning, if weather conditions similar to 2002 occur, could have severe problems similar to 2002. Department of Health is recommending municipalities continue with programs as a preventative measure. Other communities in the surrounding area are treating; some use adultciding on a regular basis.

Board discussed procedures in the contract which trigger adultciding; process is based on numbers caught in traps at areas monitored by Clarke throughout the season. Board discussed potential need for more adultciding.

Trustees discussed need for additional treatment programs to lower the mosquito population, and additional treatment of storm sewers was discussed—Trustee Kizior noted Ela Township has a storm sewer program available for approximately \$1250, which would include cleanout of sewers. Bill Kruckenberg, Ela Township, indicated to Trustee Kizior breeding sites included in Clarke bid do not include storm sewers.

MOTION: by Dowell second by Ekstrom to approve the contract with Clarke Environmental Mosquito Management for mosquito abatement services for the 2004 season in the amount of \$15,584.80. Upon roll call:

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

NO: (0)

ABSENT: (1) Thrun

Motion Carried 5/0

MOTION: by Kizior second by Ekstrom to enable Ela Township to place insecticide disks in storm sewers throughout the Village for a projected cost of \$1250,

contingent upon receipt of a written proposal for services from Ela Township. Board chose without prior agenda notice due to need for expediency of approval to achieve maximum benefit for the Village. Upon roll call:

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

NO: (0)

ABSENT: (1) Thrun

Motion Carried 5/0

7. **TESKA PROPOSAL FOR SERVICES—POSSIBLE TIF STUDY**

Kon Savoy, Village Planner, distributed information regarding Tax Increment Financing (TIF) Districts. Planner Savoy noted that, essentially, these Districts take new revenue generated by development and use that money to assist the developer in overcoming market conditions which would inhibit development desired by the municipality. TIF uses future revenues to stimulate new development. This type of financing is different from Special Service Areas

(SSAs), as no additional tax is levied. Redistribution of property taxes is the principal purpose of a TIF District, as it leverages incremental increase in property tax and stimulates the market to promote development.

The purposes for which TIF funds can be used are limited by Statute. TIF Districts can last up to 23 years. Even though the Village does not levy a property tax; the property tax levied in full (increment thereof) would accrue to the TIF fund. Must have a finding that development can only occur through assistance provided by the TIF District. Other taxing bodies still receive the baseline amount of tax during the life of the TIF District. Prior to any ordinance being passed, all taxing districts convene as a joint Review Board to review and comment and make a collective recommendation to the Board.

Essential point is that new investment created by a TIF District would generate dollars over the long term which would not be generated without the implementation of the TIF District. New investment is sought to grow the tax base in a way which would not occur without the investment. Property values are determined by the Assessor over the life of the TIF District.

TIF Districts can be terminated whenever the financial obligations are eliminated.

When a TIF District is established, taxing bodies can increase their rate. Only the increase in the assessed value is enjoyed by the TIF; the base continues to be enjoyed by the taxing body levying the tax.

Points to remember about TIF Districts: TIF does not create a tax increase to any property owner; TIF does not freeze any property owners' taxes; Any jurisdiction can modify its levy each year; All taxing jurisdictions ultimately benefit by an increased tax base.

At the end of the life of a TIF District, Planner Savoy indicated the average increase in Equalized Assessed Value is 500 – 1000% due to the low Equalized Assessed Value a initial implementation of the TIF District.

TIF funds can be used for utilities, road improvements, demolition, environmental cleanup, property assembly and acquisition, façade improvements or rehabilitation assistance—NOT new construction costs.

Six steps to adoption of a TIF District: establish eligibility, prepare plan, prepare redevelopment program, convene Joint Review Board, notify public, hold public hearing, adopt ordinances. Planner Savoy provided potential schedule for TIF adoption for Deer Park in the Proposal for Services presented dated April 15, 2004.

Recommendation of the Joint Review Board is not binding; only recommended. Participation in the Joint Review Board is not required by taxing bodies, and Planner Savoy noted it is likely certain parties will not participate. The decision to enact a TIF District is strictly a local decision. There are extensive requirements for public notices and public hearings prior to adopting the appropriate ordinance to enact the TIF District. The process generally takes a minimum of 6 months, as the sequence of events for adoption is laid out by Statute.

Planner Savoy reviewed avenues for achievement of TIF status: through designation as a Conservation Area or Blighted Area. Three findings for adoption must be present for a TIF District: project area is not subject to growth and development through private investment; development must be compliant with the Comprehensive Plan; and development must be completed within 23 years.

A 1992 survey of TIFs in Cook County created prior to 1990 indicates an outstanding track record of success, with equalized assessed value growth rate of 325% compared to an average growth rate of 91% for the municipalities in which they are located.

Teska would assist in the process, as outlined in the Proposal for Services, to ensure planning and legal adherence to the Statute for the implementation of the TIF. There is a reporting requirement by Statute for accounting of funds; Teska does not provide this service. Services provided by Teska would cost \$30,000, inclusive of expenses. Other professional fees for maintenance of the District would be the reporting costs. From the date of the Resolution enabling the TIF Study, the Village can be reimbursed for costs. Attorneys' fees and engineering fees are also reimbursable under the TIF District. Board requested range of costs to be expected, noting that all costs are reimbursable. Most costs to determine eligibility are incurred by Teska. Optional services might include revisions to the TIF Districts (such as annexations of properties), and other changes in the TIF Districts.

Attorney Hargadon noted development of these properties in a manner desired by the Village would be stimulated by the TIF District, and would encourage properties not yet annexed but subject to the Kildeer Boundary Agreement, to annex into the Village. Current zoning prohibits high land price unless aggregated into larger parcels pursuant to the Comprehensive Plan; the TIF may serve to stimulate the aggregation to achieve the revenues required.

Planner Savoy addressed two other Districts that could be used to stimulate development: SSA's and Business District Development and Redevelopment District. SSA's require all owners to approve; all owners are taxed, but not all must benefit from the planned improvement or incentive; there is limited use of the public funds raised within a SSA; no condemnation authority is given (must be used in conjunction with a Business Redevelopment District). Redevelopment Districts must be consistent with the Comprehensive Plan; establish a purpose to assist in redevelopment activities; and grants specific powers—eminent domain for acquisition to further redevelopment, and the ability to acquire, manage, or convey property for further redevelopment. Additionally, the Business District Development

and Redevelopment District grants: eligibility for capital grants and loans from Federal or State to further redevelopment; borrow funds and issues bonds; enter into contractual agreements; and funding capability limited to the Village portion of the tax.

Two key incentives in consideration: control of development in given area (avoid parsed nature) and potential for increased revenues through sales or entertainment revenues. Zoning authority is not changed by institution of a TIF District. The Planned Development provides the process whereby the Village can control the uses permitted and the mix therein.

Trustee Plautz noted some of the current businesses in existence not thought to be consistent with the Comprehensive Plan are very much desired by the residents. Planner Savoy noted businesses may be relocated or renovated to achieve fit into the Comprehensive Plan.

Trustee Kizior stated upfront costs should not determine desirability of the TIF District, but should be budgeted for planning purposes. Planner Savoy estimated investment should be returned within 2 – 3 years. Trustee Rotter noted none of these funds are budgeted; minimum time to see any return on the investment would be at least one year.

Planner Savoy indicated no particular timing, other than the real estate market itself, drives decision making. Lost opportunities are only urgency in determining whether or not to proceed. Deer Park is a hot market right now. President Gifford noted there have been a number of developers that have approached the Village, but costs have been prohibitive. One of the presented financing mechanisms may allow development to occur in accordance with the Comprehensive Plan.

8. **ENGINEERS' REPORT**

- A. Chapel Hill – Tennis Court Reconstruction – Bid Results
Last month the Board approved the geotechnical engineering for this project. Recommendation derived from engineering was to remove aggregate base; bid documents were updated and 6 bids were received. Chicagoland Paving was the low bidder; Gewalt Hamilton has worked with them on several projects. Decision tabled pending budget discussions.
- B. Storm Sewer Atlas and Inventory Proposal
Village has five years to meet requirements mandated by the NPDES. Engineer Gordon proposes to do the work this summer; budget estimate is \$12,000. Originally budgeted at \$25,000 to include identification and correction of storm sewer issues that might exist throughout the Village. Decision tabled pending budget discussions.
- C. Storm Sewer Maintenance Program
Preventative maintenance program for cleaning of storm sewers and culverts. The memo from Engineer Gordon dated April 15, 2004 delineated the proposal and outlined proposed locations (corresponding with the road program). Decision tabled pending budget discussions.
- D. Dry Hydrants at Bramble Lane and Meadow Lane
Two dry hydrants not functioning within the Village (Bramble Lane and 20744 Meadow Lane). There is a grant available which should cover the cost of replacement of the Meadow Lane dry hydrant through the Fire District. Engineer Gordon has contacted the Fire District, and will determine the process. Bramble Lane pond work scheduled for next year may correct the issue with the Bramble Lane dry hydrant. Trustee Kizior recommends proceeding with the Meadow Lane work, and postponing the Bramble Lane work until next year.

MOTION: by Ekstrom second by Kizior to create a plan and take dry hydrants out to bid for decision at the next meeting, and do research on grants available. Upon roll call:

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

NO: (0)

ABSENT: (1) Thrun

Motion Carried 5/0

9. **REPORTS**

- A. President Gifford
- i. Resolution R04-03: Resolution to Amend the Code to make Clerk's position appointed.
President Gifford noted that a survey of surrounding Villages with fewer than 5000 inhabitants all have an appointed Clerk. Board members requested clarification of communities surveyed; Clerk Smith indicated information was from the 3 surrounding communities closest in size to Deer Park previously surveyed by Administrator Diesen-Dahl for salary comparisons.

MOTION: by Rotter second by Kizior to adopt Resolution R04-03. Upon roll call:

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

NO: (0)

ABSENT: (1) Thrun

Motion Carried 6/0

- ii. Ordinance 04-18: An Ordinance Amending the Village Code, Chapter 31, Village Officials and Employees and Appointing the Village Clerk.

Amends the Deer Park Municipal Code in which resides the description of the office.

**Village of Deer Park
Regular Board Meeting Minutes
April 19, 2004**

p. 6 of 11

MOTION: by Dowell second by Rotter to adopt Ordinance 04-18: An Ordinance Amending the Deer Park Municipal Code Chapter 31: Village Officials and Employees and Appointing a Village Clerk. Upon roll call:

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

NO: (0)

ABSENT: (1) Thrun

Motion Carried 5/0

B. Attorney Hargadon

- i) Ordinance 04-19: Ordinance Authorizing the execution of the purchase and sale agreement for the southern portion of the Dahm Property.

The agreement presented is between First Midwest Trust Company as Trustee and the Village of Deer Park for the purchase of 13.5 acres comprising roughly the south half of the Dahm property for an amount of \$1.8 million. The agreement includes an inspection period for due diligence in which the Village has right to exit the agreement for any reason. Protections on Title and Condition are included. Board has expressed desire to acquire the property to add to the Village park adjacent to the property.

President Gifford noted the original appraisal for the property was significantly higher.

MOTION: by Plautz second by Kizior to approve the purchase and sale agreement whereby the Village agrees to purchase 13.5 acres north of the Village park along Quentin Road for the purpose of park construction. Upon roll call:

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

NO: (0)

ABSENT: (1) Thrun

Motion Carried 5/0

- ii) Potential land acquisition due diligence information.

Attorney Hargadon referenced the memo from Christopher Kopecky of Lord Bissell & Brook dated April 15, 2004 outlining consultant services necessary to complete due diligence of property proposed for purchase from the Dahms. Consultant Services outlined include: STS Consultants (Environmental Site Assessment and geotechnical services), Manhard Consulting (Prepare legal descriptions and plat of survey, Corner monumentation, and ALTA survey), and Midwest Archaeological (for phase I archaeological survey).

MOTION: by Ekstrom second by Dowell to approve the environmental, geotechnical, and archeological services proposed for \$13,730 for due diligence regarding the property proposed for purchase from the Dahms. Upon roll call:

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

NO: (0)

ABSENT: (1) Thrun

Motion Carried 5/0

- iii. Ordinance 04-20: Revision of the Impact Fee Ordinance.

Amending the Impact Fee Ordinance due to legislation by the State defining school grounds as including buildings and infrastructure. Amended ordinance implements BACOG recommendation regarding developer bond; modifies indemnity requirements; creates an agreement to defer contributions to create an estoppel if the developer were to challenge the ordinance; reflects the fact that Deer Park is in two high school districts; and contains administrative changes for clarity. Applies only, by virtue of the State Subdivision Code, to residential development; the Planned Development Ordinance accounts for other development.

Village of Deer Park
Regular Board Meeting Minutes
April 19, 2004

p. 7 of 11

MOTION: by Ekstrom second by Kizior to adopt Ordinance 04-20: Revision of the Impact Fee Ordinance. Upon roll call:

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

NO: (0)

ABSENT: (1) Thrun

Motion Carried 5/0

C. Trustee Dowell—Finance

i) Amending 2004 Appropriations Ordinance

Amending the Appropriations Ordinance to bring actuals in line for the year.

MOTION: by Ekstrom second by Dowell to accept the Ordinance 04-17: Amendment to the Appropriations Ordinance 03-10. Upon roll call:

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

NO: (0)

ABSENT: (1) Thrun

Motion Carried 5/0

ii) Discussion of Fiscal Year 2005 Budget.

Trustee Dowell noted historically Village has had cash reserves of \$2.5 – 3 million because the need for large expenditures had not previously been present. Conditions have changed, given acquisitions by the Village. Revenues were budgeted conservatively, using actual numbers where possible. Trustee Dowell noted entertainment tax revenues will increase; security costs will continue to rise. Prefers not to go below \$1 million in reserves.

Legal fees were maintained at current levels, given the lack of resolution of a number of legal issues currently outstanding. Although legal issues may resolve, development of a TIF may create legal fees which, although reimbursable, would lag past the budget period.

Board must recognize that cuts may need to be made across all line items. Board discussed potential cuts, and impacts of cuts. President Gifford noted cuts might be incurred in the Roads Program which would not have a deleterious effect on the condition of the roads, as the program is a preventative maintenance program. Engineer Gordon concurred. Trustees noted reductions in Road Program are to be made up in the 2006 Budget year.

\$300,000 needs to be added to the proposed budget for costs which may be incurred in the 2005 budget for land acquisition.

Trustee Dowell would like to see \$250,000 – 350,000 deferred to the 2006 fiscal year.

Trustee Rotter requested information on an accrual basis, showing amounts approved, but not yet expended against the budget. Offset items spanning multiple years are not shown currently in reports received. Trustee Dowell agreed; noting the Village has historically operated on a cash accounting basis. Discussions over the last few years with the Auditors have included moving to an accrual basis.

Board discussed prioritization and potential changes that may occur to the Budget, and agreed to reductions in the amount of \$266,000 in budget line items to be enumerated in the motion to accept the budget, and added \$300,000 for land acquisition costs.

MOTION: by Dowell second by Ekstrom to approve the 2005 proposed budget with the following adjustments:

Item 1 Vehe Farm Foundation reduced by \$35,000
Item 2 Roads reduced by \$100,000
Item 3 Culverts reduced by \$17,000
Item 3 Miscellaneous drainage repairs reduced by \$8,000
Item 4 Chapel Hill tennis court reduced by \$13,000
Item 4 Paved walking path at Squires Park reduced by \$15,000
Item 4 Backstops reduced by \$12,000
Item 4 Lights at Town Center Park parking lot reduced by \$20,000
Item 4 Park benches reduced by \$7,200
Item 4 Contingencies reduced by \$14,000
\$25,000 Reduction in Legal Fees
Add Item 6 \$300,000 for land acquisition costs

Upon roll call:

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

NO: (0)

ABSENT: (1) Thrun Motion Carried 5/0

- iii) Vehe Farm Foundation Budget
Deferred \$35,000 from approved budget.

MOTION: by Dowell second by Kizior to approve the Vehe Farm Foundation budget for \$1,281,735. Upon roll call:

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

NO: (0)

ABSENT: (1) Thrun Motion Carried 5/0

MOTION: by Ekstrom second by Kizior to approve the storm sewer mapping and inventory in the amount of \$12,000, to approve the storm sewer and culvert maintenance in the amount of \$6,000, and to approve Chicagoland Paving for restoration of Chapel Hill Tennis Courts in the amount of \$107,000. Upon roll call:

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

NO: (0)

ABSENT: (1) Thrun Motion Carried 5/0

D. Trustee Ekstrom—Roads and Public Utilities

- i) Discussion about tree maintenance/removal for tree in personal property but located in the drainage easement when it does not impact drainage. Trustee Ekstrom sought clarification of responsibility of homeowner vs. Village in an act of nature regarding a fallen tree in the easement located on a homeowners' property (except in the case of a road right of way). Board concurred with past direction: if tree is rooted in homeowners property, it is the responsibility of the homeowner, regardless of where it falls as an act of nature. **Resident Robin Shepard** (homeowner in question), noted the fallen tree is in the way of the culvert.
- ii) Proposal/discussion about changing the fence ordinance to include a provision for properties located along the primary access roads, i.e. Long Grove, Lake Cook, Quentin, and Ela. Copies of Barrington and Kildeer fence ordinances were included for comparison on how they approach this problem, as well as a copy of a previous annexation agreement for property on Lake Cook Road with a nonconforming fence.

Trustee Rotter noted this issue was forwarded to the Board for discussion by the Zoning Board, and requested additional time to evaluate with input from the Zoning Board and residents. Trustee Rotter and Ekstrom to work together to bring to the next meeting.

**Village of Deer Park
Regular Board Meeting Minutes
April 19, 2004**

p. 9 of 11

E. Administrator Diesen-Dahl

- i) Cleaning the Village Office
Have not gotten all information requested from companies; have been using Maids on Time on an as-needed basis.
- ii) Donation requests:
 - a. NIPC request for \$233; the Village donated \$201, \$211, and \$222 over the last three years.

MOTION: by Dowell second by Plautz to expend \$233 to the Northeastern Illinois Planning Conference. Upon roll call:

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

NO: (0)

ABSENT: (1) Thrun Motion Carried 5/0

- b. Omni request for \$1,000; the Village donated \$800 in 2000, \$1000 in 2001, \$800 in 2002, and \$1000 in 2003.

MOTION: by Dowell second by Kizior to approve a donation to Omni in the amount of \$1000. Upon roll call:

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

ABSENT: (1) Thrun

Motion Carried 5/0

- c. Additional floor support is required for file cabinets in the office. Item was tabled as an expenditure not appearing on the agenda.

- d. Lake County and JULIE information distributed to the Board.

F. Trustee Kizior—Parks and Recreation

- i) Lawnmowing Update
Existing contract which supercedes contract approved last month. Honoring existing contract, but requesting vendor to amend to bring in line with bids and increase mowing.
- ii) Tennis Courts at Charlie Brown Park—new nets.
New nets being purchased to go with new courts.
- iii) Parks Report
Updated parks schedule distributed to Board members.
- iv) Peterson Pond Algae Maintenance

MOTION: by Kizior second by Rotter to authorize a contract with Environmental Aquatic Management to maintain Peterson Pond at a cost of \$1,300 for the season. Upon roll call:

YES: (4) Dowell, Kizior, Plautz, Rotter

NO: (1) Ekstrom

ABSENT: (1) Thrun

Motion Carried 4/1

10. TREASURERS INFORMATION

MOTION: by Dowell second by Ekstrom to approve the Investments Held report dated 3/31/2004. Upon voice vote:

YES: (5)

NO: (0)

ABSENT: (1) Thrun

Motion Carried 5/0

11. **CASH DISBURSEMENTS**

MOTION: by Dowell second by Ekstrom to approve the Cash Disbursements for the period 3/16/04 – 4/19/04 in the amount of \$342,301.53. Upon roll call:

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

NO: (0)

ABSENT: (1) Thrun

Motion Carried 5/0

12. **PUBLIC COMMENTS**

Resident Mary Lahr—Questioned why the budget item for Boundary Agreement shows zero dollars budgeted, but the Village has received legal bills every month for the last 18 months with Boundary Agreement charges. Mrs. Lahr also noted that legal expenses for the last 22 months have reflected only three months under \$25,000. Mrs. Lahr stated that Deer Park is the only community in BACOG without a public hearing on the budget.

Mrs. Lahr questioned the completeness of the answer received from Attorney Hargadon in February regarding the potential acquisition of the Dahm property.

Mrs. Lahr noted legal invoices show an item as “quo warranto” and requested an explanation of the category of expenses. Attorney Hargadon noted these are charges attributable to a quo warranto lawsuit against the Village of Palatine—a specific legal action currently pending.

Plan Commissioner John Lahr—Asked how the purchase of the Dahm property is to be financed. Trustee Dowell stated discussions with Harris Bank have indicated the bank would extend financing to the Village, most likely at approximately 1.5% to be paid over the course of 6 years out of general funds.

Mr. Lahr noted that, as a resident voter, he objects to the elimination of the elected office of Clerk without input from voters; he believes the Clerk should remain an

elected office given the statutory duties and responsibilities and autonomy required by the position. Additionally, the issue should have been discussed at an open meeting prior to tonight.

Mr. Lahr again requested the Board retract, or at least respond to, the January 30th communication sent by President Karl.

Resident Roger Hankin—Presented facts for consideration for subsequent meetings regarding legal expenses in a comparative format with surrounding Villages, noting specific numbers would be forwarded to the Village Office. Mr. Hankin commended Trustees Ekstrom and Plautz regarding attention to public safety and legal expenses in the earlier budget discussions. The data gathered by

Mr. Hankin lead him to believe that Lord Bissell & Brook is potentially in jeopardy of violation of rules regarding egregious legal fees. Mr. Hankin believes the simplest way to solve budget problems would have been to negotiate new legal contract.

Mr. Hankin urged the Board to discuss service levels with the Lake Zurich Rural Fire Protection District. Given the failed Fire referendum, Mr. Hankin believes the Board should take measures to ensure service levels are not affected, even if that requires a monetary donation to the Fire District from the Village. Mr. Hankin believes the Board should have done due diligence—would have found that Deer Park is overpaying for legal fees. If the Board chooses not to ensure service levels, Mr. Hankin noted that bonds have only been set aside in the budget for 5 Trustees. Trustee Ekstrom requested clarification of bonds; Attorney Hargadon indicated the bonds only cover those who handle money. The Illinois Municipal League Risk Management Pool provides legal liability insurance for the Board, covering each Board member for actions taken on behalf of the Village, for at least \$10 million.

13. ADJOURNMENT TO EXECUTIVE SESSION

MOTION: by Rotter second by Dowell to adjourn to Executive Session to discuss ongoing litigation, potential land acquisition, and Staff Compensation. Upon roll call:

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

NO: (0)

ABSENT: (1) Thrun

Motion Carried 5/0

The Regular Meeting of the Board of Trustees was temporarily adjourned at 11:45 p.m.

14. REOPEN REGULAR MEETING

MOTION: by Ekstrom second by Kizior to reopen the Regular Meeting of the Board of Trustees. Upon voice vote:

YES: (5)

NO: (0)

ABSENT: (1) Thrun

Motion Carried 5/0

The Regular Meeting of the Board of Trustees was reopened at 12:14 a.m.

15. ADJOURNMENT

MOTION: by Ekstrom second by Kizior to adjourn the Regular Meeting of the Board of Trustees. Upon voice vote:

YES: (5)

NO: (0)

ABSENT: (1) Thrun

Motion Carried 5/0

The Regular Meeting of the Board of Trustees was adjourned at 12:14.

H. Scott Gifford, President

Sandra R. Smith, Village Clerk