

1. CALL TO ORDER

The Regular meeting of the Board of Trustees of the Village of Deer Park was held on Monday, August 15th, 2005, 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 7:11 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 Diesen-Dahl, Clerk Pratscher, Treasurer Stade and Attorney Hargadon.

Guests present were: Layla Broadus (23009 Thornhill Court), Dr. Aurel Goglin, Marge Goglin and Kim Goglin (formerly of 510 Rue Orleans), Randy Szczesny (Zoning Board of Appeals Chairman), Martin Jackson (521 Court Touraine), Eway McLaughlin (23625 Cuba Road), Pat Winkelman (22589 Cheshire Court), Jim Peterson (20230 Lea Road), Teri Bridge (23675 Hedgeworth Court).

2. AGENDA CHANGES AND ANNOUNCEMENTS

President Gifford presented a plaque to Dr. Aurel Goglin, who recently retired from the Zoning Board of Appeals. President Gifford thanked Dr. Goglin, who has been active in the Village since 1977, for all his service and input.

3. CONSENT AGENDA

A) **Approval and Release of Minutes from the Board of Trustees Regular Meeting held 7/18/05.** Trustee Ekstrom requested that this item be moved to the regular agenda.

B) **Approval of decision of 4th week of vacation for the Village Administrator.**

C) **Northern Illinois Planning Commission Annual Dues of \$ 245.00.** Trustee Ekstrom requested that this item be moved to the regular agenda.

MOTION: by Dowell second by Thrun to accept the remaining item on the Consent Agenda. Upon voice vote:

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

NO: (0)

ABSENT: (0)

Motion Carried 6/0

4. APPROVAL AND RELEASE OF MINUTES FROM THE BOARD OF TRUSTEES REGULAR MEETING HELD 7/18/05

MOTION: by Kizior second by Thrun to approve and release the minutes from the Board of Trustees Regular Meeting held 7/18/05.

Trustee Ekstrom presented several suggestions for rewording the minutes.

AMENDED MOTION: by Kizior second by Dowell to approve the minutes with the following amendments: Sec. 5, end of Paragraph 1 of comments by Mary Lahr, should read "all residents of Deer Park," not "residents living between the gate and Long Grove Road;" Sec. 6, Part A, end of Paragraph 3, should read "excessively expensive, such as those that cost \$700." Upon voice vote:

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

NO: (0)

ABSENT: (0)

Motion carried 6/0

5. NORTHERN ILLINOIS PLANNING COMMISSION ANNUAL DUES OF \$ 245.00.

MOTION: by Kizior second by Plautz to pay Northern Illinois Planning Commission Annual Dues of \$245. Upon roll call:

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

NO: (0)

ABSENT: (0)

Motion carried 6/0

6. PUBLIC COMMENTS

There were no public comments

7. VEHE FARM FOUNDATION REPORT

A. Update on current activities.

Vehe Farm Foundation President Teri Bridge said volunteers donated 140 hours of work in the past month. She said the Foundation is continuing grounds work, working on the AV system bid for the Barn and talking to Illinois Department of Natural Resources about various items. She also reported that she has been contacted by three organizations or people who are interested in holding an event in the Barn once the renovation is complete. She said the Foundation has not yet determined rental rates, but will make recommendations to the Board of Trustees in the near future.

Jim Peterson said construction will not be done by year end. He said the contractor was close to getting the electrical service hooked up. ComEd is expected out in the next week or two. Mr. Peterson said he submitted the Clark construction invoice for payment, as indicated on the agenda, but he requested that the check be held until he received a necessary waiver.

B. Payment of Bills:

i) Pay Request # 14 for Vehe Farm Construction in the amount of \$44,109.00 payable to R & W Clark per the memo from Jim Peterson dated 7/6/05.

MOTION: by Ekstrom second by Thrun to pay Request # 14 for Vehe Farm Construction in the amount of \$44,109.00 payable to R & W Clark per the memo from Jim Peterson dated 7/6/05 upon receipt of the necessary waiver. Upon Roll Call:

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

NO: (0)

ABSENT: (0)

Motion Carried 6/0

ii) Pay Request for architectural and engineering services during July in the amount of \$1,652.65 payable to HZPS per the invoice from HZPS dated 8/2/05.

MOTION: by Ekstrom second by Thrun to pay request for architectural and engineering services during July in the amount of \$1,652.65 payable to HZPS per the invoice from HZPS dated 8/2/05. Upon roll call:

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

NO: (0)

ABSENT: (0)

Motion Carried 6/0

Mr. Peterson reported that the Foundation has an opportunity to save between \$4,000 and \$5,000 on lighting fixtures for the Barn if they are purchased directly by the Foundation as opposed to ordered through the general contractor. However, he said the Foundation does not have enough money to cover the cost of the fixtures, and he suggested the Village transfer \$15,000 to the Foundation to cover the purchase. The current Foundation budget shows \$20,000 allocated for light fixtures, but Mr. Peterson said the actual total could be closer to \$10,000 if the lights are purchased directly. He said any unused funds would be transferred back to the village.

Trustee Rotter stated that he preferred paying the funds when the transactions occurred, rather than transferring the entire amount at one time.

MOTION: by Rotter second by Thrun to authorize up to \$15,000 for light fixtures for the Vehe Farm renovation, with Treasurer Stade to pay the bills as they are received and to report back to the Board of Trustees as the funds are expended, and to require the Foundation Board to report back on purchases as well. Upon roll call:

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

NO: (0)

ABSENT: (0)

Motion Carried 6/0

A discussion followed about other purchases that will be required in order to have the Barn ready for Village meetings by the beginning of 2006. Mrs. Bridge stated that the Foundation needs to place an order for tables and chairs by the end of September and for the AV equipment in October. Mr. Peterson stated that appliances also need to be purchased, but there is not the same urgency because they do not need to be in place for Board meetings.

Trustee Rotter requested that the furniture and appliance purchases be placed on next month's agenda. Trustee Ekstrom asked the Foundation to obtain written estimates from vendors for the needed items.

8. ATTORNEYS REPORT

A. Ordinance 05-06 – Annexing Lots 35 & 36 in Deer Park Gardens (Foxridge Subdivision).

Attorney Hargadon stated these two lots are the underlying lots of the planned Deerpath Road subdivision that was approved last November. He added they weren't annexed then because of several issues, which have since been rectified. He said all fees have been paid and engineering work has been done.

MOTION: by Thrun second by Ekstrom to approve Ordinance 05-06 -- Annexing Lots 35 and 36 in Deer Park Gardens (Foxridge Subdivision). Upon voice vote:

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

NO: (0)

ABSENT: (0)

Motion Carried 6/0

B. Ordinance 05-07 – Zoning Variance for 20486 Meadow Lane.

MOTION: by Ekstrom second by Thrun to approve Ordinance 05-07 - Zoning Variance for 20486 Meadow Lane. Upon voice vote:

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

NO: (0)

ABSENT: (0)

Motion Carried 6/0

C. Ordinance 05-08 -- Amend Chapter 155 Subdivisions Deposits.

D. Ordinance 05-09 – Amend Chapter 153 Planned Development Deposits.

E. Ordinance 05-10 – Amend Chapter 158 Zoning Code Deposits.

Attorney Hargadon suggested that the Board consider Ordinances 05-08, 05-09 and 05-10 together because they are related. He stated the history behind these ordinances is that Praedium owes the village approximately \$50,000 for legal and engineering costs, but current Village ordinances do not allow for interest or late fees. These ordinances would allow the Village to charge developers interest on overdue fees.

MOTION: by Ekstrom second by Thrun to approve Ordinances 05-08, 05-09 and 05-10, Amending Chapter 155, Subdivisions, Chapter 153, Planned Developments, and Chapter 158, Zoning Code. Upon voice vote:

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

NO: (0)

ABSENT: (0)

Motion Carried 6/0

F. Resolution 05-04 – Retention of Tapes of Closed Session Meetings.

Attorney Hargadon stated this resolution calls for the Village to retain tapes of Closed Session Meetings a minimum of 18 months after they are created or at least 30 days after minutes are made available to the general public. Trustee Ekstrom stated she was under the impression the resolution would call for retaining tapes at least 18 months after they are made available to the general public. She made a motion to amend the resolution to reflect this change, but it failed for lack of a second. She then made a motion to amend the resolution to retain the tapes for 180 days after the minutes of a Closed Session Meeting have been made available to the general public, but this motion also failed for lack of a second.

MOTION: by Plautz second by Thrun to accept Resolution 05-04 regarding Retention of Tapes of Closed Session Meetings, as drafted. Upon voice vote:

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

NO: (1) Ekstrom

ABSENT: (0)

Motion Carried 5/1

G. Intergovernmental Cooperation Contract with Illinois Municipal League Risk Management.

This item was tabled until the September meeting when Trustees realized that the supporting documentation had only every other page copied from the original.

H. Deerpath Road lots in Cook County by Lake-Cook Road.

Attorney Hargadon stated he had contracted with MaRous & Co. appraisers, and their report will be ready in September.

9. REPORTS FROM THE PRESIDENT, TRUSTEES AND ADMINISTRATOR

A. President Gifford

i) General Information.

No report.

ii) Appoint 2 new members to the Zoning Board of Appeals.

President Gifford announced he was appointing Bill Michael and Randy Pinchot to the Zoning Board of Appeals. He said he had talked to a number of people, including ZBA Chairman Randy Szczesny, and was confident these men would do a good job.

iii) Rezone the Village Property at Vehe Farm to Planned Development.

President Gifford said he got the sense at the July Board meeting that trustees did not want to create a new Municipal Zoning classification for Village-owned property, specifically Vehe Farm. Given that the Village has only three types of zoning, residential, commercial and Planned Development (PD), Gifford suggest that if the Village rezoned the Vehe Farm as a PD, then any minor changes to the development plan would just have to go through the Building Review Board, as opposed to the lengthier Zoning Board of Appeals process.

Some trustees, however, were concerned that what might be a minor change to one person could be a major change to another. Some liked the idea of proposed changes going before the ZBA, just as residents must do. In addition, some trustees were concerned about the costs associated with changing Vehe Farm to a PD and requested a comparison of costs for that option versus creating a new zoning classification. Also, Trustee Rotter said he would like to see a list of the negatives associated with changing the zoning to a PD. Trustee Dowell stated he was in favor of creating a new zoning classification for Village parks, which could include Vehe Farm, and requested that information regarding such a change be presented next month.

iv) New park land at the Dahm property.

No report.

v) Southeast corner of Quentin and Lake-Cook Roads.

President Gifford reported that Teska had completed a memo, which was given to trustees at the meeting, regarding possible rezoning of the two parcels at Quentin Road and Lake Cook Road that recently were annexed into the Village. When the parcels were annexed, they were automatically zoned R-1 for single-family residences, but President Gifford said the Village felt that was inappropriate zoning, given the location of the property. The Teska plan offered two options for residential development: townhouses or low-rise multi-family buildings. The low-rise development would have a density of 9.75 units per acre, while townhouses would have a density of 6.38 units per acre. The Teska proposal assumed the property

would be developed in accordance with Chapter 153, Planned Developments, of the Municipal Code.

Trustees generally concurred that rezoning to multi-family was a good idea, but questioned whether a new, higher density zoning classification should be created instead of zoning the property as a Planned Development (PD). Trustee Rotter was particularly concerned that the landowner would be unable to propose any alternative developments for the site once it was zoned as a PD. Attorney Hargadon stated the landowner always has the right to petition the Zoning Board of Appeals for changes to a PD. In addition, he stated the Village was involved in litigation for two years precisely because the landowner was proposing a land use which the Village thought was inappropriate, i.e., a strip shopping center next to a residential area. Attorney Hargadon said creating a new, higher density zoning classification would be inadvisable because this property is extremely shallow and it would be very difficult to meet any setback requirements created by a new zoning classification.

Trustee Ekstrom questioned why the Village would go to the effort and expense to change the zoning if the current landowner is not interested in developing the property with multi-family housing.

Attorney Hargadon said any proposed zoning change within the village is subject to a public hearing by the Plan Commission prior to a vote by the Board of Trustees. He asked if the Board wanted him to draft the rezoning petition immediately so the Plan Commission could meet to consider it before the next Board meeting, but it was determined that was not possible because of public meeting notice requirements and scheduling conflicts.

Trustee Ekstrom said she could not vote in favor of drafting a rezoning petition because she was not given the Teska memo prior to the meeting and did not have enough time to read it thoroughly.

MOTION: by Plautz second by Thrun to direct the Village Attorney to draft a petition to rezone the property at the Southeast Corner of Quentin Road and Lake Cook Road as a Planned Development, using the Teska memo as a guideline. Upon roll call:

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

NO: (1) Ekstrom

ABSENT: (0)

Motion carried 5/1

vi) Ela Area Council of Governments--EACOG

President Gifford stated that some Ela Township area residents are promoting an entity similar to the Barrington Area Council of Governments (BACOG). They have asked the Village to join this group.

The consensus of the Board was that this could be a worthwhile organization because it would involve villages to the north and east, who are not members of BACOG. But there was a hesitancy to endorse the organization without knowing whether other Villages, such as Hawthorn Woods, Kildeer, Lake Zurich, North Barrington and Ela Township, would be represented. The Board requested President Gifford to gauge interest of other villages.

B. Trustee Dowell—Finance

Trustee Dowell reported there was no analysis of Village accounts in the Board packets this month because he was out of town for half the month. He said he and Treasurer Stade will continue the analysis next month. He also reported that he had received the draft audit report and will receive the final report by next month. He announced that the Village's auditors, Brian LeFevre, will come to the September Board meeting to present the audit and answer questions.

Treasurer Stade reported that she will need to transfer money out of the Investments Held accounts into the general Operating Fund this month.

C. Trustee Thrun—Public Safety

Trustee Thrun reported there has been a spate of vandalism in the area, particularly in Lake Zurich in the neighborhood just east of Isaac Fox Elementary School, but also in Deer Park in the Squires Subdivision. Trustee Kizior noted there also has been some vandalism in Dover Pond.

Trustee Rotter questioned a discrepancy in the number of incidents outside Century Theaters in Deer Park Town Center that the Board was told about a few months ago and the number of incidents recorded in the police chief's report. He asked Trustee Thrun to talk to Town Center security and the Kildeer Police Chief to clarify the number of incidents.

D. Trustee Ekstrom—Roads and Public Utilities

Trustee Ekstrom reported she was still waiting to hear from Care of Trees regarding a hickory tree on Woodberry Road. She added that the Village also might have to replace two trees that were hit during construction on Quentin Road.

D. Trustee Rotter—Planning and Zoning

i) Comcast.

Trustee Rotter reported that Comcast has agreed to a six-month extension of the existing franchise agreement. He stated he probably would present an ordinance at a later date that would impose penalties if a franchise agreement is not reached within the renewal timeframe. He added that the next step is to discuss a longer-term franchise agreement, which would require a public hearing once it is complete.

ii) Conceptual Affordable Housing Discussion.

Trustee Rotter addressed the Village's recently passed Affordable Housing Ordinance, which says that 15% of all new housing constructed in a fiscal year would be affordable housing. He asked if the Board wants to actively put that plan in place, possibly identifying additional land that could be used for affordable housing. Trustee Plautz stated she was under the impression that affordable housing would be built in the Triangle. Trustee Rotter responded that is one area the Village has identified, but a new state law allows villages to work together on housing plans in an effort to create more affordable housing. He stated he was considering exploring that option. The Board agreed Trustee Rotter should confer with surrounding villages.

iii) What is Next for Financial Planning.

Trustee Rotter reported he has a meeting later in the month to discuss financial planning. He repeated that a multi-year budget and a capital improvement plan are really what is needed so the Board can see what trade-offs must be made in order to fund certain projects. Trustee Ekstrom pointed out that many road repairs were deferred in the last two years, and she is starting to get a lot of questions from residents as to why the work has not been done. She added that roads scheduled to be repaired are already starting to deteriorate, and she doesn't think the Village should continue to defer repairs.

E. Trustee Kizior—Park and Recreation

Trustee Kizior reported that Tom Benjamin had called his contact with the state and learned that the replacing of a tennis court would qualify for an OSLAD grant. He said that is an option the Board might want to consider next year.

Trustee Kizior stated that his proposal for a park bench in Ferndale comes in response to a request from residents. He said the bench he is recommending is from Reil Construction, which will give him an opportunity to evaluate the company's quality, sturdiness and construction. He added that the cul de sac where the bench will be placed is maintained by residents and includes grass and bushes.

MOTION: by Kizior second by Thrun to purchase a Park Bench in Ferndale in an amount not to exceed \$550.00. Upon roll call:

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

NO: (0)

ABSENT: (0)

Motion Carried 6/0

F. Trustee Plautz—Health and Sanitation

i) SWALCO notification

Trustee Plautz reported that she had been notified by the Solid Waste Agency of Lake County (SWALCO) that waste haulers are making money from recycled products collected. SWALCO announced it will attempt to help towns get a rebate from the waste haulers.

ii) Cell Tower Information

Trustee Plautz reported that she did research on a cellular tower in Niles as a follow-up to comments made to the Board in June by a Cingular Wireless representative. She said Niles owns the land and tower, camouflaging it as a 130-foot flag pole. Cingular helped design the pole, which can accommodate up to four carriers to bring in more revenue. She said Cingular's request to Deer Park was for a 120-foot tower. Some trustees said they felt such a tall tower would be aesthetically unacceptable in a park setting, regardless of potential revenue, and asked whether a flag pole similar to the one at Vehe Farm would be tall enough to accommodate a carrier. Trustee Plautz said she did not know, but would wait to see if the Cingular representative comes back to the Village.

G. Administrator Diesen-Dahl

i) Cardinal Court, Squires Subdivision – Easement.

Administrator Diesen-Dahl reported that several Squires Subdivision residents told her that the stub of road called Cardinal Court is being used by young people to enter the nearby forest preserve for parties. She inquired whether the pavement could be removed. Trustees discussed the possibility of erecting a low barrier close to Pheasant Trail or vacating the street and deeding the land to adjacent homeowners. President Gifford asked Trustee Ekstrom to contact the homeowners to discuss possible solutions.

ii) Terminix – Renewal of Annual Contract - \$552.84.

Motion: by Plautz second by Thrun to renew annual Terminix contract in amount of \$552.84. Upon roll call:

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

NO: (0)

ABSENT: (0)

Motion Carried 6/0

iii) Color Printer for the Administrator.

Administrator Diesen-Dahl stated there is a need to update the office printer. She said a sales representative from Ricoh had shown her and Treasurer Stade a new machine that would function as a printer, scanner, copier, fax and e-mail tool. She said she would like to investigate similar machines from other companies and present a more thorough recommendation at the next Board meeting. Trustee Ekstrom recommended that Administrator Diesen-Dahl also look into networking the printers currently in the office. She also said the trend in business is away from color copies as a way to save money. She said a look at a higher quality black-and-white copier might be a better idea.

10. TREASURER'S INFORMATION.

MOTION: by Dowell second by Thrun to approve Investments Held Report dated July 31, 2005, in the amount of \$2,227,513.56 . Upon voice vote, unanimous:

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

NO: (0)

ABSENT: (0)

Motion carried 6/0

11. CASH DISBURSEMENTS.

MOTION: by Dowell second by Thrun to approve Cash Disbursement Report dated July 19-August 15, 2005, in the amount of \$338,956.50. Upon roll call:

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

NO: (0)

ABSENT: (0)

Motion carried 6/0

Trustee Rotter questioned the Village Attorney's rates for attending meetings. Attorney Hargadon stated that a junior associate now will be attending ZBA meetings at a much lower hourly rate.

Trustee Kizior asked if the Village has started to take action against ordinance violators. Administrator Diesen-Dahl reported that Inspector Holmes rechecked the list of violators and found nine haven't complied. She asked permission to forward the list of violators to Attorney Joy Fitzgerald, who will begin legal action. Consensus was that the list could be forwarded.

12. TEMPORARY ADJOURNMENT FOR EXECUTIVE SESSION:

MOTION: by Plautz second by Ekstrom to temporarily adjourn the regular meeting of the Board of Trustees for an Executive Session to discuss ongoing litigation. Upon voice vote:

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

NO: (0)

ABSENT: (0)

Motion Carried 6/0

The Regular Meeting of the Board of Trustees was temporarily adjourned at 10:00 p.m.

13. REOPEN REGULAR MEETING

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

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

NO: (0)

ABSENT: (0)

Motion Carried 6/0

The Regular Meeting of the Board of Trustees was reopened at 10:12 p.m.

14. ADJOURNMENT

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

YES: (6)

NO: (0)

ABSENT: (0)

Motion Carried 6/0

The Regular Meeting of the Board of Trustees was adjourned at 10:13 p.m.

H. Scott Gifford, President

Maureen Pratscher, Village Clerk