

CALL TO ORDER

The Regular meeting of the Board of Trustees of the Village of Deer Park was held on Monday, July 17th, 2006, 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 7:08 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 and Rotter. Trustee Thrun was absent. Other Village Officials present were Administrator Diesen-Dahl, Clerk Pratscher, Treasurer Stade, Engineer Gordon and Attorney Hargadon.

Others present were: (see attached sign-in sheets).

AGENDA CHANGES AND ANNOUNCEMENTS

Trustee Rotter requested that the Executive Session minutes from June 19, 2006, be removed from the Consent Agenda so they could be discussed in Executive Session later in the evening.

CONSENT AGENDA

A) Approval and Release of Minutes from the:

- i) Board of Trustees Regular Meeting held 6/19/06
- ii) Board of Trustees Special Meeting held 6/27/06

B) Village Engineer:

- i) McGinty Bros, Inc. – Pay request #1 for playfield restoration in the amount of \$27,022.50
- ii) Martam Construction, Inc. – Pay request for Swansway drainage improvements in the amount of \$872
- iii) U.S. Tennis Court Construction – Pay request for Dover Pond Park in the amount of \$7,600

MOTION: by Trustee Dowell to approve the Consent Agenda except for Item A) iii, the Executive Session minutes.

Upon a voice vote:

YES: (4)

NO: (1)

ABSENT: (1)

Motion carried 4/1/1

PUBLIC COMMENT

Robert Levine of 24600 Middlefork Road thanked the Board for funding the Middlefork Road/Rainbow Road drainage project and Engineer Gordon for his work on the project.

Deborah Barry of 412 Bramble Lane stated she had attended the recent Plan Commission meeting, and she complimented Chairman Dave Heidtke and the Commission for the professionalism displayed at the meeting. She noted, however, that a portion of the meeting was a public hearing, and there was no court reporter present. She said Attorney Hargadon previously stated that a court reporter is required at Plan Commission public hearings. She asked who pays the cost of the court reporter in such instances.

Mrs. Barry also asked if the sale of the Motorola building to Continental would result in any taxes for the Village. If not, she suggested the Board consider implementing a transfer tax or an inventory tax. She also asked several questions regarding the Deer Park Town Center Promenade, currently under construction, saying the architecture does not appear to be of top quality.

Mrs. Barry also questioned a potential phone vote noted on the agenda. She said that the proper procedure for a phone vote is for a quorum of the Board to be physically present in one room and to have those unable to be present join by phone.

Layla Broadus of 22009 Thornhill Court stated residents on and around Deerpath Road noticed that crews had marked the site of the speed hump to be installed on Deerpath Road, and she questioned whether correct procedures had been followed in the decision to install the hump. She referenced internet sources regarding the grade of the hump, its location over a culvert and whether a majority of residents had shown support for the hump. She also questioned whether the Board had considered the cost of removing the hump if that should become necessary.

Engineer Gordon responded that the location was marked wrong in the field, and the speed hump will not be constructed over the culvert. He also said the grade of the hump is in compliance with all engineering standards.

Trustee Kizior expressed surprise that residents might be opposed to the speed hump, given the amount of time and discussion the Board has devoted to the topic. He questioned whether the Board should proceed given the sentiment voiced by Mrs. Broadus. Other trustees said the Board should not be swayed by just one resident, and Trustee Ekstrom suggested the Village send a letter to all residents on and near Deerpath Road informing them about the installation of the speed hump.

VILLAGE ENGINEER'S REPORT:

A) Removal of Cardinal Court in Squires Subdivision

Engineer Gordon stated that residents whose property abuts Cardinal Court have asked the Village not to resurface that road because it does not lead to anything and has been used in the past as a party spot by teens. He said the Village could leave the pavement as it is or remove it and replace it with top soil. He said the Village could save about \$13,000 by omitting Cardinal Court from the road program, and he had received a quote of \$7,400 from Chicagoland Paving to remove the asphalt. He added that Red Seal has offered to donate excess top soil from its property and Ela Township has offered a reduced price to haul the dirt.

Trustee Kizior suggested that the two residents on either side of Cardinal Court be contacted to see if they would be willing to mow the grass if the Village took the road out and replaced it with grass.

MOTION: by Trustee Ekstrom to change the current road program to remove Cardinal Court. Upon roll call:

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

NO: (0)

ABSENT: (1)

Motion carried 5/0/1

B) Sylvander Drive culvert

Engineer Gordon stated that \$7,500 was budgeted to replace the culvert on Sylvander Drive, and Ela Township's quote to do the work was \$5,600.

MOTION: by Trustee Ekstrom to allocate \$5,600 to Ela Township to replace the culvert on Sylvander Drive. Upon roll call:

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

NO: (0)

ABSENT: (1)

Motion carried 5/0/1

C) Street light repair on Deer Park Boulevard and Field Parkway

Engineer Gordon reported that seven streetlights are out on Deer Park Boulevard and Field Parkway. He requested authorization of up to \$1,500 to hire an electrician to investigate the cause of the outages. He said that amount would cover 1½ days work, which may or may not be adequate.

Trustee Ekstrom suggested that if additional time is required the Board could conduct a phone vote to authorize additional funds. President Gifford stated that the correct procedure would be to call an emergency Board meeting which would be conducted via a conference call; trustees and residents could call a certain number to be connected to the meeting.

Trustee Plautz asked if waiting an additional month to authorize the funds would be a better idea than organizing a phone meeting, but other trustees said they considered the streetlights a safety issue.

MOTION: by Trustee Ekstrom to approve up to \$1,500 to hire an electrician to fix the streetlights on Deer Park Boulevard and Field Parkway. If it ends up being a bigger and more serious problem that requires more money, the Board will have a phone meeting. Upon roll call:

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

NO: (0)

ABSENT: (1)

Motion carried 5/0/1

Trustee Ekstrom reported on several other current public works projects:

- ♦ Middlefork Road drainage project is in the design phase. Bids are expected in August, with work to begin in the fall.

- ◆ Ferndale Subdivision drainage improvements will be completed in three phases. The design for the first phase is complete; bids are expected in August, with work to begin in the fall.
- ◆ The Bramble overflow maintenance project is still in the design phase.
- ◆ The Rue Vallee drainage project and Dover Pond overflow project are under review with the Army Corps of Engineers.
- ◆ Trustee Ekstrom and Engineer Gordon have updated the Village road program. She said she would have more information next month, but said, in general, it has been 11-15 years since most Village roads have been resurfaced. She also cautioned that asphalt prices have risen significantly, so estimates for next year's road repairs will have to be revised upward.

VEHE FARM FOUNDATION

A) General information

Foundation President Teri Bridge stated that the Foundation will hold a wood sale in October or November. She also announced that the Illinois Geological Survey is conducting a study on area aquifers and would like to drill a small well on Vehe Farm. In return, the Geological Survey can help the Foundation with educational programs about the geology of the area and perhaps provide core samples for display. Mrs. Bridge also announced that Citizens for Conservation will donate interns for one day to help with Vehe Farm wetlands maintenance, such as removing cattails and other invasive plants.

Pat Winkelman reported that a second set of bluebird fledglings were spotted on the Farm's bluebird trail. She also passed out a recent article which mentions the Betty McLaughlin Memorial Butterfly Garden.

B) Audio/Visual equipment update

Trustee Kizior stated that last month the Board debated the need for a two-camera video system for the Barn. He said he researched systems in several surrounding villages, and he passed out a summary of that research. In addition, he outlined three options for the Board to consider:

- ◆ The original two-camera system proposed last month, which would provide an archivable record and smooth video transitions. The cost would be \$11,976.
- ◆ A one-camera system that would incorporate all of the equipment in the above proposal, allowing for a second camera purchase at a later date without reconfiguring the system. The cost would be \$8,024.
- ◆ A one-camera system that would use a basic camcorder in a fixed position. Some equipment would be unusable if the Village decides in the future to go to a two-camera system. The cost would be \$3,000-\$5,000.

Trustee Kizior said he recommends the two-camera system, regardless of whether both cameras are purchased at this time, but wants to delay the vote for a month so trustees can watch broadcasts of other villages' board meetings to compare one- and two-camera systems. Trustee Plautz distributed times when those meetings would be broadcast.

Trustee Ekstrom asked when the Barn renovation is expected to be complete and stated that she does not want to purchase equipment that will have to be stored until the Barn is ready. Trustee Kizior stated the current completion date is 2½ months from today.

Trustee Rotter voiced an objection to the proposal, saying that it is his understanding that the Board appropriated money for video cameras at its July 18, 2005, meeting when the Vehe Farm budget was revised and the audio/visual budget was increased to \$40,000. Mrs. Bridge replied that it was very clear that the first phase of the audio/visual budget did not include cameras.

DEER PARK TOWN CENTER MERCHANT CONCERNS

Shafkat Jaffrie stated that he owns the Quizno's restaurant in Deer Park Town Center and that he wanted to bring an "alarming situation" to the attention of the Board. He said eight stores have closed since he purchased his store a year ago, and his revenues and those of many other stores on the south side of the shopping center have been declining steadily. He said he has talked to the Town Center property manager requesting additional signage to make the stores more visible, but the manager said additional signs are not permitted under the Village's ordinances. He asked for the Board's help in reviving business at the Town Center.

President Gifford stated that he has spoken with Town Center Manager Ray Elvey, who has assured him that the center is not dying or in dire straits. He said there is a natural turnover within any shopping center, and there are many retailers waiting for space in the center. President Gifford also stated that there are plans for additional office buildings on the Hamilton Partners property, which will bring additional traffic to the south side of the Town Center. He suggested that

Mr. Jaffrie contact Developers Diversified Realty Corp., the Town Center owner, to propose additional signage. DDR could then bring the plan for Board review.

REPORTS FROM PRESIDENT, TRUSTEES AND ADMINISTRATOR:

A) President Gifford:

President Gifford announced that Trustee Dowell had been honored with the 2006 Public Service Award from the Illinois CPA Society. Trustee Dowell was cited in the group's magazine for his lifetime contribution to public service and his promotion of a positive image of CPAs.

B) Trustee Ekstrom – Roads & Public Utilities:

Trustee Ekstrom stated that she has had e-mail correspondence with some residents of the Squires Subdivision regarding the Village's paving proposal. Specifically, the residents don't want another layer of asphalt laid on top of existing pavement. She said she will work with Engineer Gordon to resolve their concerns.

C) Trustee Plautz—Health & Sanitation

Trustee Plautz stated she was disappointed to hear that the Barn reconstruction is not closer to completion because she had hoped to revisit the issue of the Vehe Farm driveway configuration. She said there are safety concerns on both sides, and she has been changing her mind about which configuration is better.

D) Trustee Kizior—Parks & Recreation:

i) Computer support for the Village Office

Trustee Kizior stated that he was able to provide some computer support to the Village Office through the first half of year, but that would not be an adequate long-term arrangement. He said he sought bids from two companies, DSN and Excalibur, that he feels would be able to support both the Office and the Vehe Farm Barn.

Trustee Kizior said DSN's proposal is for 10-hour blocks of support at a cost of about \$100 an hour and 300-minute blocks of phone support at a cost of about \$300. Excalibur offered three different support options at varying rates. He said he recommends that the Board allocate \$1,500-\$2,000 to try DSN's service for the next six months or so. He said this amount would cover 300-500 minutes of phone support and 10-20 hours of on-site support.

In response to questions from other trustees, Trustee Kizior said hardware support would not be covered under this proposal, because the Village already has service contracts covering hardware. He said the main issues requiring support are network issues. He said he has worked with DSN on the Vehe Farm project and found the company to be knowledgeable and responsive. Trustee Kizior stated the only problem he has with DSN is that he is not sure if the company can handle internet backup of files. Other trustees reported that they have worked with Excalibur and have a high opinion of that company. In addition, the Village office has used Excalibur in the past.

MOTION: by Trustee Kizior to allocate no more than \$2,500 to Excalibur for phone and on-site support for the Village office.

President Gifford asked if this amount is budgeted. Treasurer Stade stated that \$2,500 was budgeted for office equipment purchases, and the service contract could fall under that budget. Trustees agreed that few equipment purchases will be needed this year.

Trustee Ekstrom requested to see the actual contract before voting on the expenditure. She asked if the proposal could wait until next month. Trustee Kizior said he would withdraw his motion, but with the understanding that the Village office would be without computer support in the next month. He said he would bring a specific contract to the Board next month.

ii) Chemlawn fertilizer contract extension

Trustee Kizior stated that the Village could lock in this year's fertilizer service price if it commits to stay with Chemlawn for 2007 and 2008. The cost is about \$5,380 per year. Trustee Ekstrom expressed concern about committing money that far in advance. She cautioned that few discretionary funds would be available next year. Other trustees liked the idea of locking in the price, but suggested adding a clause saying that Chemlawn would get the Village's business in those years if the Village has the money, but the Village might choose not to fertilize at all.

MOTION: by Trustee Kizior to extend Chemlawn's contract for 2007 and 2008 with the caveat that the Village may choose not to fertilize next year. Upon roll call:

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

NO: (0)

ABSENT: (1)

Motion carried 5/0/1

E) Trustee Rotter – Planning & Zoning:

Trustee Rotter stated that he is still waiting for a new proposal from Comcast regarding its cable TV franchise. He said he has received no indication when that document will be coming.

Referring to Mrs. Barry's public comment, Trustee Rotter asked Attorney Hargadon if the Village needs a court reporter at public hearings conducted by the Zoning Board of Appeals. Attorney Hargadon responded that a court reporter at public hearings is not mandatory but has been suggested as a best practice following an Illinois Supreme Court decision. He added that he was not aware that the recent Plan Commission meeting would include a public hearing and so had not arranged for a reporter. He said that the petitioner pays for the court reporter as part of the application fee to the Village.

Attorney Hargadon said a court reporter usually charges in excess of \$700, so the Village has not used a court reporter for individual homeowner variance requests before the Zoning Board. He said he recommends using a court reporter for any hearings having to do with rezoning, planned developments, amendments to the zoning ordinance and similar issues. He said it is a good idea to have a verbatim transcript from those meetings in case there ever is a question regarding the legality of the proceedings.

Trustee Plautz requested that Attorney Hargadon make a list for trustees of all instances in which he would recommend the hiring of a court reporter.

F) Administrator Diesen-Dahl:

Administrator Diesen-Dahl asked for clarification about the necessity of hiring a court reporter for public hearings because the Village keeps audio tapes of those meetings. Attorney Hargadon replied that the Board adopted a resolution establishing a protocol for public hearings following the decision in the Illinois court case. Administrator Diesen-Dahl inquired who is responsible for hiring the court reporter. Attorney Hargadon replied that he has hired the reporter in the past, but it should be the administrator's job. In response to additional concerns about exactly when a reporter is necessary, Attorney Hargadon suggested the Board review its resolution and create specific criteria for determining that necessity.

TREASURER'S INFORMATION

Treasurer Stade reported that the Village received the proceeds from its sale of land to Red Seal Development Corp. She said part of the money was used to pay off the end of the loan originally taken out for the purchase of that property, which had the effect of lowering the Village's interest payments by \$53,000 over the remaining life of the loan. Treasurer Stade also noted that Red Seal paid mandated impact fees, about \$174,000 of which will go toward Village parks. That money was not included in the Village's current budget. Other impact fees will be passed on to Community Unit School District 95 and the Lake Zurich Rural Fire Protection District.

Trustee Dowell reported that he and Treasurer Stade are continuing to work with Sikich auditors. The audit is in draft stage, and he will report back with more information next month.

MOTION: by Trustee Dowell to approve the Investments Held report dated June 30, 2006, in the amount of \$1,977,195.14. Upon a voice vote:

YES: (5)

NO: (0)

ABSENT: (1)

Motion carried 5/0/1

CASH DISBURSEMENTS

MOTION: by Trustee Dowell to approve cash disbursements for the month June 20-July 17, 2006, in the amount of \$489,666.91. Upon roll call:

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

NO: (0)

ABSENT: (1)

Motion carried 5/0/1

VILLAGE ATTORNEY'S RESIGNATION

President Gifford stated that Village Attorney Scott Hargadon had submitted his resignation, effective tonight. Attorney Hargadon stated that he had decided early in the year to step down because his law practice had become so busy with new work. He waited, however, because he wanted to be completely clear of seven complaints that were filed against him with the Illinois Attorney Registration and Disciplinary Commission by Village residents. He said the only complaint that was upheld was that he was late filing his registration fee; all other complaints were found baseless.

Trustees thanked Attorney Hargadon for his years of service to the Village.

President Gifford announced he has been interviewing attorneys and will make a recommendation to the Board soon.

MOTION: by Trustee Ekstrom to temporarily close the regular meeting of the Board of Trustees to enter into Executive Session to discuss personnel issues. Upon voice vote:

YES: (5)

NO: (0)

ABSENT: (1)

Motion carried 5/0/1

The Board took a five-minute break at this point and then went directly into Executive Session.

MOTION: by Trustee Ekstrom to reopen the regular meeting of the Board of Trustees at 9:43 p.m. Upon a voice vote:

YES: (5)

NO: (0)

ABSENT: (1)

Motion carried 5/0/1

ADJOURNMENT

MOTION: by Trustee Rotter to adjourn. Upon a voice vote:

YES: (5)

NO: (0)

ABSENT: (1)

Motion carried 5/0/1

The Regular Meeting of the Board of Trustees was adjourned at 9:44 p.m.

H. Scott Gifford, Village President

Maureen Pratscher, Village Clerk