

1. CALL TO ORDER

The Regular meeting of the Board of Trustees of the Village of Deer Park was held on Monday, May 17th, 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 8:00 p.m. Board and Guests rose and 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 Plan Commission Member John Lahr, Clerk Smith, Engineer Gordon, and Attorneys Hargadon and Kopecky.

Guests present were: Roger Hankin (20856 Swansway); Robert Lococo (23905 Bedlington Circle); Russ Feurer (Wellness Place); Guy A. Trayling (Lake Zurich Fire & Rescue); Andra Gamoff (Deerpath Estates); Wendy Case (Deerpath Estates); Jim Peterson (20230 Lea Road); Eway McLaughlin (23625 Cuba Road); Teri Bridge (23675 Hedgeworth Ct.); Debbie Wodrich (20530 N. Rand Road, Ste. 303); Bob D'Antonio (24432 Hunters Lane); Frank D'Antonio (24432 Hunters Lane); Stephen Hegarty (501 Rue Royale); Jeff Lindt (State Treasurers' Office); Mary Lahr (201 Rue Touraine); and Jan Steinberg (Park Hill Estates Subdivision).

2. AGENDA CHANGES AND ANNOUNCEMENTS

Addition of homeowners regarding street signs.

3. CONSENT AGENDA

- A. **Approval and Release of Minutes from the:**
 - i) Zoning Board of Appeals Meeting held 5/3/04
- B. **Approval, Not Release, of Minutes from the:**
 - i) Executive Session of the Board of Trustees held 4/19/04
- C. **From the Engineer:**
 - i) Pay Request #1 in the amount of \$49,091.94 to Alliance Contractors Inc./Berger Excavating Inc. for Rand Road and Plum Grove Road Intersection Improvements per the memo from Engineer Gordon dated May 6, 2004.
- D. **From the Liquor Commissioner:**
 - i) Applications for liquor licenses:
 - a. Puff n Stuff, Class III,—application has been cleared by the Kildeer Police Department.
 - b. Baja Fresh, Class II,—application has been cleared by the Kildeer Police Department.
- E. **From the Administrator:**
 - i) Ratification of phone vote taken Wednesday, April 21st for additions to porch roof to ensure handicap accessibility. Amount approved not to exceed \$5,000.
Phone vote:
YES: (5) Dowell, Ekstrom, Kizior, Rotter, Thrun
NO: (1) Plautz
Actual expenditure amount is \$4,812.50 per the enclosed information from Belmontee Kaplan Dev. Corp.

Clerk Smith requested Minutes from the Regular Meeting of the Board of Trustees dated 4/19/04 be removed from the Consent Agenda (item 4(A)(i)). Also, the Zoning Board of Appeals Minutes dated 5/3/04 included in the Board packet, but not appearing on the Consent Agenda, were added as item 4(A)(i).

Trustee Kizior requested item 4(D) be removed from the Consent Agenda and placed under his report for discussion later in the meeting.

MOTION: by Dowell second by Ekstrom to accept the Consent Agenda, as amended. Upon voice vote:

YES: (5)

NO: (0)

ABSENT: (1) Thrun

Motion Carried 5/0

**4. CENTURY THEATERS GRAND OPENING BENEFIT FOR WELLNESS PLACE—
REQUEST FOR EVENT LIQUOR LICENSE**

Russ Feurer, Executive Director of the Wellness Place, located in Palatine, addressed the Board. Mr. Feurer noted The Wellness Place provides resource services for Cancer survivors. The Wellness Place is a not-for-profit, charging nothing for services provided. Century Theaters has chosen The Wellness Place as the benefactor of a pre-opening benefit scheduled for June 24th.

Restaurants in the area will be providing food from 6 p.m. – 8 p.m., followed by a premiere movie. Tickets will be \$30; 550 tickets will be available. Would like to serve wine; ticket will allow for one show ticket and 2 wine tickets. Serving will be in the Theater lobby; can make arrangements to keep folks inside.

Debbie Wodrich, Deer Park Town Center noted fire and police departments are incorporated into the planning to ensure compliance with regulations.

Clerk Smith noted license applicable is a Class VI, not Class VIII, as this is for a benevolent organization.

MOTION: by Dowell second by Ekstrom to approve a Class VI liquor license for Century Theaters for the Grand Opening benefit for the Wellness Place to be held 6/24/04, with the understanding that consumption will be limited to two glasses per ticket. Upon voice vote:

YES: (5)

NO: (0)

ABSENT: (1) Thrun

Motion Carried 5/0

5. ILLINOIS FUNDS PRESENTATION

Jeff Lindt, of the State Treasurers' Office, was present to discuss Illinois Funds, (a Money Market Fund run through the state which was created in 1975), and Rapid Revenue, (a type of checking account which allows municipalities to maintain ties with local banks). The money market fund is AAA rated by Standard and Poors'. Some features highlighted: zero balance required, can use as a clearinghouse for epayments. Money Market Fund has monthly IFAX for updates; statements can be modified to coincide with meetings. 33 of the 35 Villages in Lake County participate with Illinois Funds. Mr. Lindt noted rates are not the best; services offset slightly lower rates.

Differences in the last two years: Rapid Revenue, Epay (online payments), no minimum balance, unlimited accounts with no fees.

Mr. Lindt noted the representative for the area, Charles Komosa, is always available to answer any municipal questions whether or not Village decides to pursue membership .

6. REQUEST FOR VARIANCE—23905 BEDLINGTON CIRCLE

Petitioner Robert Lococo was present to discuss the variance request.

Petitioner discussed placement of septic system and impact on placement of addition.

Board was directed to ZBA minutes from 5/3/04. Board discussed actual variances needed due to conflicting information. ZBA was concerned about precedent due to number of other houses in somewhat similar situations; wanted to ensure that this variance would be not be construed as a precedent for other homes.

Application in May states upstairs living area will include a bedroom; impacts septic system. Petitioner has indicated there will not be a 5th bedroom. Petitioner has already spoken with Lake County; 5th bedroom would require entirely new septic system. Received conflicting information from Bob Brown of Lake County. There will be no bathroom with shower; current laundry room will be converted to mud room with lockers (no water service); laundry room will be moved to the 2nd story.

President Gifford directed petitioner to clean up paperwork to remove conflicts. Board nonbinding consensus to approve if no 5th bedroom, and laundry room moved with no water service in 2nd story, and approval from Lake County, in writing. Due to errors and changes in application, petitioner needs to reappear before ZBA again. As no objections were received to original notice, Board ruled notice requirement has been met; no new notice of neighbors needed.

Trustee Thrun joined the meeting 8:43

7. ASSISTANT FIRE CHIEF GUY TRAYLING

- A. Assistant Fire Chief Guy Trayling noted LZRFDP has passed a Resolution requesting cooperation of serving communities to adopt an ordinance requiring developers to incorporate preemption devices. All intersections to date in Deer Park are compliant. Any large development in the future which would require a new signal would require the developer to include and fund the preemption device. Fire District requests the Village adopt a Resolution supporting the LZRFDP resolution.
- B. There will be an open house on Saturday, June 26, 2004 at Deer Park Fire Station #4 from 11a.m. – 2 p.m. The new station will be presented to the public; residents (especially children) are invited to attend. Event will include balloons, Sparky the Fire Dog, Flight for Life helicopter; demonstrations of procedure for emergencies.

Board requested information be included in the newsletter and on the website.

LZRFDP is requesting a table from Deer Park with staffing for the event to answer questions. Also, the event is unfunded; requesting refreshments be provided by Deer Park (cookies and beverages); as well as helium for balloons.

Trustee Thrun to coordinate the event with LZRFDP.

MOTION: by Ekstrom second by Plautz to provide refreshments and helium at a cost not to exceed \$500 for the June 26th Deer Park Fire Station #4 Open House. Upon roll call:

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

NO: (0) Motion Carried 6/0

8. RESIDENT STEPHEN HEGARTY

- A. Stephen Hegarty indicated the Rue Vallee Subdivision is starting work on subdivision entrances. Homeowners are requesting access to Engineer Gordon to ensure meeting all requirements. B&Z Inspector Holmes may also be of assistance in designing entrances to codes. Trustee Thrun noted the Homeowners Association needs to verify status of land where entrance signs are desired.

Also requesting Village to verify if Di Mucci put aside money in the form of a builders' bond for such work. Administrators Diesen-Dahl and Sundberg have stated no such monies were set aside; Treasurer has no record of any monies set aside.

Mr. Hegarty inquired about money previously discussed to be reserved (\$25,000) for potential landscaping buffer on Quentin Road. Trustee Kizior noted rough outline has been drawn by landscaper; has not been approved by the Board. Trustee Ekstrom noted residents were left with the impression by the previous President that, once a buffering plan was drawn up, it would be approved by the Board. Mr. Hegarty

noted the good things that have happened; requested pursuit of a resolution on this issue. Trustee Kizior to work with Mr. Hegarty.

9. REQUEST FOR REIMBURSEMENT—DEER PATH ESTATES HOMEOWNERS ASSOCIATION

Wendy Case, President of the Deer Path Homeowners Association was present to request reimbursement for expenses of maintenance for common areas maintained by the Association near the front entrance and the court on Primrose.

Board noted previous policy has been to contribute up to 50% where the Village owns the common areas, i.e., cul de sacs, parks, but no entrance areas. Association needs to split out entrances: also, will not reimburse for fertilizer or weed control.

Board requested Administrator send letter created by Trustee Kizior regarding policy of Village reimbursement for common land. Board noted Village will not consider any reimbursement requests incurred prior to 2002.

10. PARK HILL SUBDIVISION—NEW STREET SIGNS

Jan Steinberg, representing the Homeowners' Association, presented information regarding proposed street signs. The Association has obtained bids. Association is not looking for funding. Presented three designs and palette choices to homeowners for street signs; looking for conceptual approval. All signs are 11" x 24" with raised letters and reflective paint; redwood signs with cedar posts. Homeowners will be financially responsible for purchase, installation, and maintenance of signs. The ballot which has been presented to homeowners was presented to the Board; homeowners will have final approval by June 1st; must sign contract by June 10th to retain pricing quoted.

Board noted, in the past, if designs meet sign requirements and if Associations desire different signs, the Board has approved. Additionally, an ordinance was created when Dover Pond put up new signs; included provision for Village retention of signs.

MOTION: by Dowell second by Thrun to approve the sign proposals as brought before the Board, with the addition of maintenance at Homeowners' expense and old signs to be saved at the Village Office. Ordinance form of approval to be presented at the next meeting.

Village to be responsible for putting up temporary signs if stolen. Upon voice vote:

YES: (6)

NO: (0)

Motion Carried 6/0

11. ENGINEERS' REPORT

A. 2004 Street Maintenance Program bid results

Engineer Gordon indicated bids were received May 13th. Low bid was received from Arrow Road Construction; Village contracted with Arrow Road Construction for road maintenance the last two years. Village previously allocated \$270,000 from MFT; remaining over resolution will come out of Village funds. Engineer Gordon requesting Board direction to award as is or with possible modification, per the memo from Engineer Gordon dated May 13, 2004.

From budget perspective, approximately \$7,000 over. Trustees Dowell, Ekstrom, and Kizior indicated only \$90,000 should come out of MFT this year. Previously directed Engineer Gordon to submit for the full \$270,000, as it is easier to pull money out of the MFT resolution than to add in. Board discussed alternatives for making up funds.

Storm sewer improvements will include Oak Ridge Lane and Meadow. Also additional ditching is needed at Park Hill Court; Ela Township replaced a small storm sewer last year; additional ditching is needed. Items are clearly Village responsibility.

Village of Deer Park
Regular Board Meeting Minutes
May 17, 2004

MOTION: by Ekstrom second by Dowell to approve the budget for the 2004 Road Repair Program for \$305,983.35 with the expectation that \$268,000 will come out of the road repair budget with the remainder to come out of miscellaneous drainage repair; authorize the release of \$90,500 of MFT funds. Upon roll call:

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

NO: (0)

Motion Carried 6/0

B. 2004 Street Sweeping

Engineer Gordon, from his memo dated May 12th, 2004, indicated 4 Requests for Proposals were sent out; received 2 back. Elgin Sweeping Service is lowest cost proposal. Quoted an hourly rate to do sweeping once in the spring and once in fall; \$1600 – 2000 for total sweeping (budget was \$5000).

Board questioned necessity of sweeping at this point in the season. Noting there are areas which may still require sweeping to keep storm sewers clear, suggested spot sweeping for spring this year with full sweeping in the fall. Due to bid requirements, will need to rebid.

MOTION: by Ekstrom second by Thrun to approach Elgin Sweeping for spot sweeping not to exceed \$2000, and to rebid for full sweeping of the Village for Spring of 2005. Upon roll call:

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

NO: (0)

Motion Carried 6/0

12. VEHE FARM

Jim Peterson, representing Vehe Farm Foundation, reported that on 5/4/04 bids were received on work from 4 contractors for interior work on the barn and outbuildings, including the potential deducted alternates. The two low bidders' previous work histories were researched and found acceptable. Bids do not include kitchen appliance costs, utility service connection fees, or the cost of plumbing and lift station associated with connection of the Main Barn to the existing septic system (was designed at installation to accommodate both the Main Barn and the Village Office). Cost for the septic work was negotiated with R&W Clark (low bidder) after bids were received in the amount of \$15,900. Proposals do include the installation of new underground electric service to the office as previously approved.

At its last Regular monthly meeting (May 13th), the Vehe Farm Foundation awarded the contract to R&W Clark in the amount of \$1,005,900. The scope and cost of the project meet the previous approval of the Board; any unspent funds will either be reserved in the Foundation account or returned to the Village, per the Village Board's direction.

The Contract covers everything scheduled for budgeted \$1.281 million, except miscellaneous Foundation expenses totaling less than \$30,000 (run rate). Still have appliance costs and utility fee connections; approximately \$250,000 may be returned to the Village. Outbuildings are included in this work.

Trustees received copies of the report from Mr. Peterson; Trustees requested an electronic copy also.

Trustee Dowell noted the low bidder was researched; there was enough positive feedback to warrant accepting the low bid. HZPS had direct experience with the contractor approximately 15 years ago; also checked out bond performance.

Attorney Hargadon inquired about the construction administration in terms of Village funding the work and protection against liens. Mr. Peterson noted this would be handled in the normal fashion for projects like this; HZPS would collect as part of the scope of service (same methodology as exterior of barn).

Mr. Peterson stated the April 2005 Board meeting will be in the barn, or the Village will be collecting liquidated damages, per the contract, in the amount of \$5000 per month.

Board requested Village Counsel to review the contract. Mr. Peterson indicated this will be the same contract form as for the exterior; Mr. Peterson to transmit the contract to the attorneys.

Trustee Kizior noted difficulty of mowing the Barn area; cannot get equipment in to cut due to construction tape. Teri Bridge authorized contractor to cut the tape and retie the tape when done.

13. REPORTS

A. Attorney Hargadon

i. Update on Comcast Cable Agreement.

Attorney Chris Kopecky was present to discuss the cable agreement with Comcast Cable. The last formal agreement for cable service was in 1989; this contract was for 10 years with a 3 year extension. Attorney Kopecky noted the changes in the cable industry and the effect on local service with service being provided by Centel, Jones, TCI, AT&T, and then Comcast. In the interim, the Village has enacted a new Cable ordinance with guidelines and regulations pertaining to cable operators. Trustee Werch began discussions with a consultant last fall regarding renewal to determine the best course for the Village in negotiating a new contract. The conclusion reached by the consultant was that the Village should move forward and renew with Comcast, given the small size of the Village and distances involved, and with the infrastructure investment already present with Comcast; it would be unlikely another entity would be interested in bidding.

Attorneys' comments in general relate to legal issues in protecting the Village, and clarification of the fact that the franchise agreement is subject to the ordinance, so that the ordinance will control in cases of inconsistency. Have modified indemnity provisions, and liquidated damage provisions (these require assent of other party). Also have incorporated customer service standards, with a guarantee from the parent corporation. To move forward, need to have public hearing. Comcast is amenable to meeting the timetable the Village desires. Ordinance offers grantee 30 days notice; public hearing only requires 10 days. Comcast will waive notice to meet next Board meeting. Trustee Rotter and Attorney Kopecky to meet with Comcast; Board to send comments to Attorney Kopecky prior to meeting. Will hold a Public Hearing at the next Board meeting, if possible, given progress with the Comcast meeting.

Points the Board requested for negotiation into the contract: PEG channel access for televising of Board meetings, and highspeed internet access for the barn. Clerk Smith requested review of contract for internet cable at the office, as there were initially 4 Village hookups given in that contract for highspeed internet access (believe the Village is only utilizing 2 presently).

Board questioned what additional revenues might be achieved; Attorney Kopecky indicated the Village cannot tax internet and cable; already receive a franchise fee at the highest level the Village can collect under federal law.

ii. Ordinance 04-22: An Ordinance Annexing Property Commonly Known as 2331 N. Quentin Road; 2367 N. Quentin Road; and 783 Lake Cook Road.

Subject properties are the Froslan, the Seventh Day Adventist, and the Shepherd properties. These properties have been the subject of petitions—May 6th, the Judge ruled in petitioners' favor and authorized submission of annexations to the Board. Mr. Shepherd took some time to approve the form; the Court order was entered Friday. A Certified copy of the order will be attached to the ordinance. The finalized plat will be attached to the Ordinance as Exhibit A. Ordinance was also corrected to reflect recording in Cook County, not Lake County. Board needs to consider petitions and vote on annexations.

**Village of Deer Park
Regular Board Meeting Minutes
May 17, 2004**

p. 7 of 15

MOTION: by Dowell second by Kizior to adopt Ordinance 04-22: An Ordinance Annexing Property Commonly Known as 2331 N. Quentin Road; 2367 N. Quentin Road; and 783 Lake Cook Road with exhibit A (plat) and correction to the recording County. Upon roll call:

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

NO: (0)

Motion Carried 6/0

iii) Ordinance 04-23: Approving Variance for 15 Clover Lane.

The variance was approved by the ZBA in March and the Board in April; this is the ordinance format.

MOTION: by Dowell second by Kizior to approve Ordinance 04-23: An Ordinance Approving the Variance Request for 15 Clover Lane. Upon voice vote:

YES: (6)

NO: (0)

Motion Carried 6/0

iv) Water Allocation for Contractor's Service Center

This contract is subject to the Palatine water agreement; property tenant is Berland's. Engineer Gordon has reviewed and approved 660 gallons per day. Motorola and Berland's (Contractors Service Center) entered into an agreement to fund certain public improvements to create the Plum Grove-Rand Road intersection; Motorola agreed to pay sewer and water hookup in exchange for Berland's granting the Village an easement for improvements. Application was made by Contractors Service Center, Motorola is responsible for payments. Berland's property was not part of the Motorola, Hamilton, or Poag properties, and therefore, anytime there is water and sewer connected, there is a "fair share" of water and recapture fees due attendant to the hookup. Motorola has not submitted the deposit.

MOTION: by Plautz second by Kizior to approve the water allocation of 660 gallons of water per day for Contractors Service Center, subject to payment of the \$2500 deposit, and the recapture fees due under the ordinance. Allocation comes out of the Village allocation of water. Upon roll call:

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

NO: (0)

RECUSE: (2) Ekstrom, Kizior

Motion Carried 4/0

v) Ethics Ordinance

IML has prepared a new ethics ordinance based on changes in case law; attorney to prepare new ordinance based on IML ordinance for next month.

vi) TIF District Proposal

Last month the Board asked for an estimate on legal fees regarding the TIF proposal. Attorney Hargadon contacted Chapman & Cutler, a firm that does much municipal financing; Pat Kirtner recommended Attorney Mary Reardon. Ms. Reardon's firm is almost solely devoted to TIF work. Attorney Hargadon worked with her a number of years ago. Ms. Reardon indicated she consults as special counsel at \$325 an hour, and \$200 an hour for an associate. Ms. Reardon estimated the project would come in at approximately \$30,000 total. Believes this to be a good recommendation of small firm.

Also called Mayor, Brown, & Platt whom Lord, Bissell, & Brook called for TIF work elsewhere in Lake County. The range for their firm was \$425 for a partner to \$270 and up for an associate; estimated total cost at a minimum of \$40,000 – 50,000.

Attorney Hargadon noted he believes this is an important project for the Village to undertake, given the problems the Village is inheriting from Kildeer to make the

area attractive as a redevelopment candidate. If Village wishes to go forward and wishes to hire Special Counsel, Attorney Hargadon recommends retaining Mary Reardon. Ms. Reardon is very highly respected, comes very highly recommended in this area, has worked with Teska on TIF Districts, and has served as Special Counsel to a number of municipalities.

Trustee Plautz questioned why Lord Bissell & Brook could not handle. Attorney Hargadon stated LBB has done some TIF work; would not consider their firm to be a complete TIF specialist, such as Mary Reardon. If work is part of an ongoing process with potential development where LBB would handle zoning and land use work, Attorney Hargadon does not see a problem hiring separate counsel for TIF work. President Gifford asked what LBB rates to the Village for such work would be. Estimated to be \$30,000 - \$35,000 if LBB handled the work; Attorney Bob Pugliese would most likely handle.

Attorney Hargadon reviewed costs of such a project: a study of the subject property to establish qualification under the TIF Statute, to establish potential TIF revenues, and to do due diligence required to understand what such a project would be about. Teska estimated the amount for that work to be approximately \$30,000. TIF Counsel would begin its work during the Teska study in terms of working with Teska on legal issues which arise regarding eligibility or other items. Once the study is done, TIF Counsel would work with the Village through the process of creating ordinances, holding Public Hearings, and working with the various taxing bodies all towards the final passage of a TIF ordinance creating the TIF District. Fees beyond that point would depend on uses of TIF District. Fees would be eligible for Village to recover out of the tax increment if the TIF is created; otherwise, money would be expended without reimbursement (approximately \$30,000 - \$40,000).

Attorney Hargadon noted the Illinois Statute creates specific guidelines for the creation of a TIF district. The Statute has a lot of safeguards built into it through the process in order to ensure that this very powerful financing tool is not otherwise misused. The Statute creates very specific criteria to meet for eligibility; believe the Village will meet the criteria. It is the opinion of Attorney Hargadon that the large number of properties under various ownerships with deleterious problems, with not likely develop in accordance with the Comprehensive Plan without incentives. Demolition costs, cleanup costs, etc. can be offset by the TIF district. The TIF financing may allow the Village to help create what the Village wants as opposed to what the market might otherwise dictate. Hearing that developers want to aggregate small numbers of properties to develop in a nature not in accordance with the Comprehensive Plan--high traffic retail use with drive-throughs. By virtue of the blighted declaration, the Village will have the power of eminent domain, if there is a single strip of land holding up a major redevelopment plan.

Properties not willing to move into Deer Park may not be compelled. The Boundary agreement states, since cannot forcibly disconnect properties, zoning of Deer Park applies to subject properties, even if they remain in Kildeer. Also, as of next weeks' public hearing on the FPA change, sewer will not be available except through the Village of Deer Park.

The budget process would require reallocation of money, as these costs are not included in the budget for next year. President Gifford noted good news regarding Vehe Farm Foundation costs received this evening; also, the Board discussed the possibility of legal litigation fees decreasing as TIF legal fees increase.

Trustee Rotter requested clarification regarding the status of lots still in Kildeer. Any redevelopment will cause Deer Park ordinances and Boards rule. Sewer

and water hookup will also require Deer Park. Properties are currently in the Facilities Plan Area for Southeast Lake County (provides service to Kildeer); moving to MWRD so service can be provided. Lake County has signed off on the change, MWRD has agreed to service the properties, and Kildeer has submitted a letter stating no objections.

Trustee Kizior questioned costs to property owners to move to Deer Park. The Village of Deer Park paid off indebtedness owed to Kildeer on the properties due to the Kildeer SSA; however, there are connection and annexation fees due to MWRD, and the Board voted those properties upon entering the Village will be assessed their share of the recapture fees. If a small property owner, may wait until approached by a developer. Lack of property tax in Deer Park is an incentive to move. Connection fees are not paid until property is connected to utilities. Not pressuring folks to move into Deer Park, as owners have financial incentives to do so, and owners have indicated Deer Park address will be beneficial. Also, owners have been paying fees to Kildeer without the opportunity for service as lines had not been run by Kildeer, whereas Deer Park sewer service will be more readily available to the properties.

If wish to go forward, Board needs to authorize Teska to begin the study, and earmark funds for the study and initial attorney fees.

TIF will be placed on the agenda for next month. Copies from Attorney Hargadon with fees cited will be distributed to the Board.

B. President Gifford

i) Chicago Wilderness Donation Request.

Village has joined in part due to wetlands efforts. Allows the Village to rely on the resources of a well known organization.

MOTION: by Dowell second by Thrun to contribute \$250 to Chicago Wilderness.

Upon roll call:

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

NO: (0)

Motion Carried 6/0

C. Trustee Dowell—Finance

i) Fiscal Year 2005 Budget.

Included in the Board packet for informational purposes.

ii) Audit

The audit planning process is underway for 4/30/04 fiscal year. May 26th Sikich Gardner will meet with Trustee Dowell and the Village Treasurer.

iii) Administrative Spending

Spending by the Administrator has been a topic of some discussion. Trustee Dowell was under the impression that the \$500 spending allowance for the Administrator was to be used for emergency, or near emergency, purposes. Troubled by the possibility that those funds are sometime used for quasi improvements, that are not on the surface emergency related. The planter box that appeared last fall was not approved by the Board, and does not appear to be in the spirit of the purpose of those funds. The Board has tried to work closely with the VFF on issues that relate to the Farmhouse and with the Farm; some of the changes have taken place outside of the office without Board approval, such as the sidewalks. Trustee Ekstrom noted the 16 lights not included in the proposed construction; a phone vote was taken after the lights were installed. Trustee Kizior noted concerns regarding expenditures in excess of \$500 which show up after the fact. President Gifford to address the issue with the Administrator.

Clerk Smith stated there are day-to-day expenditures the Administrator needs to have authorization to utilize funds for; issue is discernment of what are appropriate expenditures of those funds. This issue has led to a desire to tighten up spending. Everyday expenditures are anticipated under the ordinances and budget; quasi-improvements to the property should be presented to the Board unless truly an emergency in nature.

Trustee Dowell noted some expenditures for improvements may well be needed, but authorization from the Board should be obtained prior to expenditures.

D. Trustee Ekstrom—Roads and Public Utilities

- i) Working with resident on requested stop sign on Pheasant Trail; also talking to Police and School District to control speeding on that road.
- ii) There is a boulder at Panera Bread extending out and causing traffic issues.
- iii) The curve sign in Fair View was re-erected by Ela.
- iv) Next month there will be bids for trees which need to be cut down.

E. Administrator Diesen-Dahl

In Administrator Diesen-Dahl's absence, Clerk Smith reported:

i) Bids for Cleaning of the Village Office.

Same three companies previously presented, with additional documentation provided as requested by the Board. Maids on Time quoted every other week; others quoted weekly. Administrator prefers every other week cleaning, due to space constraints in the office. Cleaning could be scheduled when minimal staff is in on Friday afternoons.

Coverall has agreed to a month to month basis with no annual contract. Maids on Time is more expensive even with every other week cleaning vs. weekly; have been cleaning the office until a final decision is made by the Board. Administrator has stated she would be amenable to a trial for Coverall if that is the Board's desire.

MOTION: by Thrun second by Kizior to approve cleaning by Coverall on Friday afternoons on a weekly basis with a monthly contract. Must file a Certificate of Liability and verify legal status of employees. Approved monthly amount is \$125. Upon roll call:

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

NO: (0)

Motion Carried 6/0

ii) Proposals for work at the Village Office:

a. Reinforce interior wall and removal and installation of cabinets.

Previously the Board appointed Administrative Assistant Doniec to reorganize the files. As part of this process, additional file cabinets are needed, and will be relocated from current locations. B & Z Inspector Holmes has inspected the foundation. Has recommended weight be distributed only along the walls to preserve the integrity of the Foundation.

Board requested Staff investigate ability to move to a more paperless environment. Trustee Kizior noted presentation to BACOG by Algonquin regarding conversion to paperless environment.

Clerk Smith noted paper load will also be trimmed when records destruction is completed as part of the process of file reorganization.

MOTION: by Dowell second by Plautz to allocate \$750 for an expenditure to Deer Park Construction for reinforcing of the wall; \$330 to remove and reinstall cabinets. Upon roll call:
YES: (6) Dowell, Ekstrom, Kizior, Plautz, Rotter, Thrun
NO: (0) Motion Carried 6/0

Board would like to have Building and Zoning Inspector Holmes address Board regarding structural integrity of building.

President Gifford noted Village office may need an addition in future years to accommodate space needs; this move should bridge until such time.

- b. Purchase of file cabinet.
Concern expressed regarding the cost of the file cabinet proposed. Staff reviewed prices from vendors, as well as pricing used cabinets, recommendation of Staff included.

Board discussed waiting to purchase cabinet until further in the process. Clerk Smith and President Gifford recommend purchase.

MOTION: by Dowell second by Kizior to approve the purchase of a file cabinet from Office Max(HON 600 Series 42" 5 drawer lateral file) for the price of \$560. Upon roll call:
YES: (4) Dowell, Kizior, Plautz, Thrun
NO: (1) Ekstrom
RECUSE: (1) Rotter Motion Carried 4/1

- c. Painting and storm windows.
Tabled for further quotes and more information.

F. Trustee Kizior—Parks and Recreation

- i) Parks Cleanup
Presented two quotes to add mulch to the parks listed; this item is included in the landscape line item in the budget. Recommending quote from Chicagoland Greenskeeper for \$2,400. Trustee Plautz believes mulch has been brought in already to Old Farm Park.

MOTION: by Dowell second by Ekstrom to approve expenditure of \$2400 for mulch purchase and installation at the parks by Chicagoland Greenskeeper, with the stipulation that Trustee Kizior check on mulch installation at Old Farm Park, and remove from bid if already completed. Upon roll call:
YES: (6) Dowell, Ekstrom, Kizior, Plautz, Rotter, Thrun
NO: (0) Motion Carried 6/0

- ii) Care of Trees Proposal for pruning of dead trees at Vehe Farm.
Care of trees at the Farm should be proposed to the VFF, if money is not available through the Foundation, should be addressed by the Board. Board noted Administrator Diesen-Dahl previously stated she would follow up on Shepherd's low vendor for possible use; requested vendor be given to Trustees Ekstrom and Kizior.

Terri Bridge to forward this proposal to the Foundation to see if it can be fit into the Foundation's budget.

- ii) Triangle Park
Park cleaned up for the season; arrangements have been made with associations regarding mound and bases. LZ has stated has enough fields for girls' softball; Barrington will schedule girls even with the mound. If associations

need the field for girls next year, expect associations to share in the cost of removing the mound. Trustee Kizior indicated associations have agreed to share costs.

iii) Additional Fields

Looking at planning the second field; associations have discussed putting in a batting cage between the two baseball fields, at their cost. Hoping two organizations can help with initial costs, and bulk of costs for development will be next year.

iv) Possible Tree Replacement

Proposal to replace trees at Lake Cook and Quentin Road was included in the packet. Further review shows trees were planted by the homeowner in the Lake County right of way in the utility easement. Items in the utility easement can be removed for good reason; believe this to be the case. Would like to help, but do not want to set the precedent. Dispute over whether or not the trees were inside the black fence marking the easement. Contractor stated trees were in the right of way, outside of the property line, in the easement. The expectation of the homeowner is that the trees will be replaced by the Village. Trustee Kizior has not spoken with the homeowners (Jacksons) yet.

v) Mowing Contract

VSI Industries has revised the mowing contract. Recommends Board accept with rider for new costs, signed off by both Trustee Kizior and John Neuber.

Board previously approved contingent upon attachment of rider with new costs, rider be signed by both parties, contract must be reviewed by attorney, and approved by the Board. Trustee Kizior attached addendum with new prices and schedule of mowing, both parties agreed and signed. Attorney Hargadon reviewed with change regarding contractor maintaining coverages and certificate of insurance for the duration of the contract. Agreement to be added to the rider and initialed by both parties. Trustee Kizior noted May 04 is incorrectly stated for the Vehe soccer field; last year cost was \$70.

MOTION: by Kizior second by Dowell to accept the revised mowing contract with VSI, contingent upon attaching a rider regarding insurance, a corrected price for Vehe Farm soccer field, with initials by Trustee Kizior and VSI. Upon roll call:

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

NO: (0)

Motion Carried 6/0

G. Trustee Rotter—Planning and Zoning

i) Fence Ordinance Discussion

Trustee Rotter noted the ZBA has been asked to come up with recommendations for the Board; meeting next month, with a report to come to the Board. Included in the Board packet was a report from Teska regarding ordinances, and a spreadsheet from Trustee Rotter regarding comparison of fence regulations in nearby communities.

Points not in Teska's report:

- Deer Park is liberal compared to other Villages (allow dog runs, others do not)
- HW and Kildeer only allow fences around pools—all fences must go before the Village, and have not approved one in 6 years.
- LZ setbacks and no solid fences.
- County is emphatic—no fences on arterial and connector roads due to tunneling effect. Crown tends to ice over; County as a result requires 95% opaque. LZ will approve solid for Route 12 and Route 22; otherwise require opaque.

- Zoning Administrator for the County—prefer landscaping and berms as noise reducers over fences.
- Lake County and HW only two municipalities with birm ordinances.

Other issues:

- Visibility—Rand Road is a highway; Cuba and Long Grove are collector Roads; Lake Cook, Ela, and Quentin are arterial Roads. Affects County regulations regarding view of sight for traffic safety; County standard would be difficult to apply to Village roads.
- Quentin Road—Lake County will require plantings anywhere near a County highway will be required to be set back from the property line such that plantings (including branches at full growth) do not impose on the right of way. County suggests fence be set back further with plantings in front.

Trustee Ekstrom suggested, as part of Village due diligence, Board should look at Quentin Road. Must offer alternatives to residents for buffering; there was a commitment made by President Karl to offer buffering to residents. The Village owes closure on this issue to residents. Many of these commitments were made at meetings between President Karl, Trustee Kizior, and residents at meetings in residents' homes. Trustee Ekstrom reviewed the history of road discussions, and negotiations and compromise reached which allowed a portion of the easement to the west and a portion of the easement to the east to be used to allow the road to be shifted to the east, as easements could not be purchased to allow all of the widening to occur to the west. At that time, commitments were made regarding options to be presented to residents for buffering the impact of the four lane highway. Residents have been waiting for more than three years for an answer. As a result of the road being shifted to the west, it now appears there are no options available for buffering, due to locations of septic fields.

Trustee Rotter noted ZBA will be coming forward with a recommendation.

- ii) Communication with Chief Lilly
Trustee Rotter called Chief Lilly to thank for the presentation and justification on the increase in the budget. Excellent job presenting needs.
- iii) Review of Vehe Farm Budgeting Procedure
Collecting information; requested item be tabled for future discussion.

H. Trustee Plautz—Health and Sanitation

- i) Approached the Board regarding a visionary meeting of the Board. IML has a guidebook to lead local officials through a strategic planning process. Presented some ideas for discussion. SWALCO meeting in January regarding a 5 year plan; Kildeer and Kane County also use process. Trustee Ekstrom believes need a dedicated meeting to handle adequately a discussion regarding a 5 year plan.

Need to investigate procedure for holding such a meeting.

14. TREASURERS INFORMATION

MOTION: by Dowell second by Ekstrom to approve the Investments Held report dated 4/30/2004. Upon voice vote:

YES: (6)

NO: (0)

Motion Carried 6/0

15. **CASH DISBURSEMENTS**

MOTION: by Dowell second by Ekstrom to approve the Cash Disbursements for the period 4/20/04 – 5/17/04 in the amount of \$356,405.22. Upon roll call:

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

NO: (0)

ABSENT: (1) Thrun *Trustee Thrun stepped out of the meeting momentarily.* Motion Carried 5/0

16. **PUBLIC COMMENTS**

Resident Mary Lahr—In January 2003 the Board passed an Ordinance regarding impact fees as apply to residential development, with fees due on approval of the plat. United Land Development has not paid impact fees to the fire district (11 months have passed since approval of the plat), do not know about the school district or police. Board will investigate.

Mrs. Lahr noted the Annexation agreements for the Triangle. Motorola was required to make a contribution to the fire district; they are paying, and are on schedule. Agreements with Hamilton Partners and Poag & McEwen did not require contributions. Mrs. Lahr asked why these developers were exempt from this requirement. Attorney Hargadon indicated Hamilton Partners and Poag & McEwen both contributed \$250,000 each towards the purchase of equipment. Mrs. Lahr stated these funds came out of the SSA accounts, not the developers'. Attorney Hargadon stated no other contribution was required. Mrs. Lahr requested the Village to ask Hamilton Partners and Poag & McEwen to donate money to the Fire District given the current economic climate and failure of the tax referendum.

Mrs. Lahr requested information on the FPA Amendment Public Hearing. Attorney Hargadon reported the Northeastern Illinois Planning Council is holding the Public Hearing on May 27th; the Village is not conducting the Public Hearing.

Resident Roger Hankin—Asked if the judges ruling brings to closure the dispute with Palatine and associated legal fees. If not, what is still ongoing. Attorney Hargadon stated it does not; this is the subject of a closed session on the agenda for later in the meeting.

Plan Commission Member John Lahr gave the Board a handout with information as a result of the Hwy. 53 meeting held June 23rd.

Also, Mr. Lahr entered an objection to agenda item 11(A) 2 as the annexation agreement allowed amnesty for the Village tax, thus creating a discriminatory tax.

Mr. Lahr noted he is still under interdict letter from the President. President Gifford stated the matter is closed; there will be no rescinding of the letter. Trustee Ekstrom disagreed, requesting a letter of response should be sent to Mr. Lahr.

Trustee Ekstrom asked for an explanation of the Statement of Economic Interest due to Lake County, and who is required to fill out the Statement. All elected or appointed officers (not hired employees or contractors) of the Village are required to fill out, the Village Attorney and office staff do not.

17. **ADJOURNMENT TO EXECUTIVE SESSION**

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

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

NO: (0)

Motion Carried 6/0

The Regular Meeting of the Board of Trustees was temporarily adjourned at 12:06 a.m.

18. REOPEN REGULAR MEETING

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

YES: (6)

NO: (0)

Motion Carried 6/0

The Regular Meeting of the Board of Trustees was reopened at 12:32 a.m.

19. ADJOURNMENT

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

YES: (6)

NO: (0)

Motion Carried 6/0

The Regular Meeting of the Board of Trustees was adjourned at 12:32 a.m.

H. Scott Gifford, President

Sandra R. Smith, Village Clerk