

CALL TO ORDER

The Regular meeting of the Board of Trustees of the Village of Deer Park was held on Monday, April 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 7:07 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 Thrun. Trustee Rotter returned to the room at 7:10 p.m. Other Village Officials present were Administrator Diesen-Dahl, Clerk Pratscher, Treasurer Stade, Engineer Gordon and Attorney Hargadon.

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

CONSENT AGENDA

A) Approval and release of minutes from the:

- i) Board of Trustees Regular Meeting held 2/21/06
- ii) Board of Trustees Regular Meeting held 3/20/06
- iii) Zoning Board of Appeals Meeting held 4/3/06

B) Confirming votes previously taken:

- i) Payment to R&W Clark/ACM Elevator in the amount of \$13,000 for elevator installation at the Barn
- ii) Payment to American Underground in the amount of \$1,000 to help resolve a drainage problem at Meadow Lane and Deer Lake Drive. (Phone vote: YES (6), NO (0))
- iii) Payment to Metropolitan Fire Protection in the amount of \$15,000 to secure a lien waiver for work to be completed at the Barn (Phone vote: YES (4) NO (3))
- iv) Determination of whether R&W Clark contract is "out of balance" (Phone vote: YES (6), NO (0))

MOTION: by Trustee Dowell to approve the Consent Agenda. Upon voice vote:

YES: (4)

NO: (1)

ABSTAIN: (0)

Motion carried 4/1

PUBLIC COMMENT

President Gifford stated public comments would be limited to 30 minutes because of the extremely long agenda. He reminded residents to limit their comments to five minutes, asked them not to repeat topics previously covered and reserved the right to cut off speakers making personal attacks on Village officials.

President Gifford also stated there was a question a couple of months ago regarding videotaping of Village meetings. He said the Board at one time passed a resolution requiring videotapers to supply the Village with a copy of the tape, but that resolution was later rescinded. Finally, he said that Red Seal Development Corp. has already had discussions with United Land Development Corp., developer of Deer Park Place, to coordinate signage for the two developments. As a result, the masonry signage monument that several residents expressed concern about is no longer being considered.

Teri Bridge of 23675 Hedgeworth Court stated that, as a resident of Deer Park who has been in regular attendance at Board meetings for the past two years, she supports the Board as a body and as individuals. She commended the Board on its decorum during the public comments portion of last month's meeting and thanked Village officials for their commitment to the Village.

Sarah Klaper, a community lawyer with Citizen Advocacy Center in Elmhurst, stated she was asked by the Deer Park Neighbors residents group to come to the meeting. She commented on:

- ◆ The videotaping controversy, saying that the Illinois Open Meetings Act clearly allows anyone to tape a public meeting without any duplicate copy being required.
- ◆ The proposed sale of surplus Village land to Red Seal, stating that the Board must pass and publish a resolution stating its intent to sell and obtain an appraisal of the property before voting. She stated the sale shouldn't be made for less than 80% of the appraised value.
- ◆ President Gifford's statement at the beginning of public comments, saying that the Board cannot restrict criticism of public employees, calling that "viewpoint discrimination."

President Gifford responded that he said he would restrict personal attacks, which he said is different from criticism.

Bob Kellermann of 21601 Old Farm Road distributed a financial analysis that he put together regarding the property proposed for sale to Red Seal. He pointed out what he called errors and omissions in the Village's calculation of the proposed sale price per acre and encouraged trustees to reconsider that price.

Richard Chay of 408 Bramble Lane stated that the Village President's remarks at last month's Board meeting discourage Village residents from asking questions. He also noted that the Village newsletter does not contain phone numbers or e-mail addresses of elected officials, giving the appearance that they are trying to avoid questions from residents. He named five reasons why the public comment portion of the Board meeting should be a question-and-answer session between the Board and residents.

Deborah Barry of 412 Bramble Lane stated she is the acting president of Deer Park Neighbors, but she was speaking for herself. She outlined a number of areas that she sees as a conflict of interest, including:

- ◆ Attorney Hargadon representing United Land Development Corp. in other villages while Deer Park Place is still under construction in Deer Park.
- ◆ Attorney Hargadon representing potential developers of a shopping center in South Barrington.
- ◆ President Gifford hiring Attorney Hargadon for various issues regarding his business.
- ◆ Red Seal Development using KLOA for its traffic study. KLOA is the Village's traffic consultant.

Mrs. Barry also distributed a rendering of a new development in Highland Park, lauding its inclusion of some affordable housing units.

Speaking for Deer Park Neighbors, Mrs. Barry asked President Gifford to appoint an ethics officer for the Village.

President Gifford responded that just because someone calls something a conflict of interest doesn't mean that there legally is a conflict of interest. He stated that he has had researched the same issues Mrs. Barry raised, and no conflict of interest has been found.

John Lahr of 201 Rue Touraine repeated comments he had made several months ago in opposition to the creation of a Tax Increment Financing District on Rand Road. He said that slowing commercial development in the Village and holding out for high-quality projects is preferable to using tax money to spur development.

Mr. Lahr also commented on the signage wall he proposed last month on behalf of the Rue Vallee subdivision. He had presented a drawing of the sign and asked to be put on agenda tonight. He said he had received a reply from Attorney Dmitry Shifrin regarding the proposal, but he said the reply contained several errors, and he suggested the Village not pay for the legal opinion.

President Gifford replied that the signage wall upon which he had modeled his proposal was no longer under consideration for the Red Seal development.

The 30-minute time limit President Gifford set for public comments was reached at this point, but several trustees indicated they wished to hear from the rest of the speakers who signed up to make a public comment.

MOTION: by Trustee Ekstrom to allow the remaining residents who signed up to speak at the meeting to do so. Upon a voice vote:

YES: (5)
NO: (1)
ABSTAIN: (0)

Motion carried 5/1

Mary Lahr of 201 Rue Touraine questioned why the Board was voting on three items (on the consent agenda) which were already handled by a phone vote. She stated that the first vote was required because the Board had violated the Illinois Open Meetings Act last month when it voted to expend money for the elevator installation because the item was not explicitly listed on the agenda. She stated the Board has violated that same act several times in the past and said it was embarrassing for the Village and the residents that such actions occur.

Al Barry of 412 Bramble Lane presented a picture of the Praedium development site and likened it to an Arizona desert. He asked why the Village didn't hire an arborist to tag trees that should be preserved instead of allowing Attorney Hargadon to make those decisions.

President Gifford responded that the Village Attorney does not make decisions on tree preservation. He stated that the Village Planner and Village Engineer make those decisions.

Carrie Groeller of 219 Rue Touraine stated that she had three issues to address:

- ◆ She asked to be on tonight's agenda and was told she could not be. She made a formal request to be on the May agenda. She noted that the creek at Michael D'Angelo Park is full of debris and the path into the park is not passable because an Ela Township truck drove over it to deliver mulch. She asked when these issues would be resolved. Trustee Kizior said the creek debris would be taken care of, but path repairs and improvements are being deferred until Quentin Road construction plans are firmed up.
- ◆ She stated she had e-mailed Village officials about fences that were erected on Ela Road and on the Shepherd property that are not in compliance but had received only two responses. She asked if they will be put in compliance. President Gifford said they would be.
- ◆ She presented an aerial photograph that Red Seal is using as a marketing tool and stated that she was very upset that her home is depicted in that photo. She also stated that the representative at the Red Seal sales trailer told her the project was a "done deal," and she asked if this was the case.

President Gifford responded that final approval has not been given on the project.

Roger Hankin of 20856 Swansway stated that there is a conflict of interest regarding the Village Attorney and the Dahm property. He called for the firing of Attorney Hargadon.

Eve Del Monte, a certified real estate appraiser, stated she was not present as an advocate for anyone, but she recently had met resident Deborah Barry, who asked her opinion about the potential sale of land to Red Seal. She said it is possible the land could be viewed in the same light as non-wetlands or buildable land, but no conclusions as to the land value should be made without an appraisal that is impartial and objective.

Gerald Ewing of 24467 Hunters Lane posed the questions: Has the Board thought about whose money it is spending and who will have final say in the end?

Donna Anderson of 20615 Westpark Place stated that she was concerned about the proposed Red Seal development. She asked if all traffic would be using the current entrance road to Deer Park Place (Westpark Place).

President Gifford responded that if the project is approved, the two developments will share one entrance road, but a separate construction entrance will be created. That location has not yet been determined.

KILDEER POLICE DEPARTMENT CHIEF JEFF LILLY

Chief Lilly recapped the department's accomplishments in 2005, such as the hiring of new officers and the receipt of traffic grants, and outlined some of the administrative duties shared by many officers, such as the child safety seat program, the major crimes task force, recruitment, truck enforcement and juvenile programs. He also stated that Kildeer has instituted a community response team that would act in case of an emergency and urged Deer Park to establish its own citizen corps council. He directed those interested to obtain more information at the web site www.citizencorps.gov.

Chief Lilly stated that in response to questions about communications, the Kildeer Police Department is replacing its Crime Watch Alert e-mail program in favor of a national alert system called Safe Community Alert Network and known by the acronym SCANUSA. He said this program will provide public warning alerts regarding such events as a natural disaster or an at-large child predator directly to computers, home phones and mobile devices. He directed residents to sign up for free at the web site, www.scanusa.com.

President Gifford asked Chief Lilly for any information he had regarding the patrolling of Motorola. Chief Lilly stated that the department does not have an agreement to provide traffic enforcement on Motorola's property, but officers do respond to emergency calls as they would with any other resident or business. He said there have been about 129 calls in the past three years, mostly regarding fire alarms, but about 10% of the calls required the creation of a police report.

President Gifford inquired whether the officers who left the department in the past year were long- or short-term employees. Chief Lilly said one officer had been there for three years but wanted to move to a bigger department, and another decided that the job wasn't what he was looking for and returned to the private sector.

Trustee Dowell requested a comparison of full-time-equivalent employees Jan. 1, 2005, to Jan. 1, 2006. Chief Lilly replied that he would have to look up the exact numbers, but it was pretty much status quo. He said the department hired the number of officers allowed per the contract in 2005.

Trustee Kizior commented that he had heard the police department was tough on speeders on Long Grove Road and thanked Chief Lilly for that, adding that he would like the same attention to Ela Road, Quentin Road and Cuba Road.

REQUEST FOR A VARIANCE AT 13 FERNDALE ROAD

Mark Ciupek presented plans for an addition to the south side of his home at 13 Ferndale Road. He stated that although the addition will be entirely within the building setback lines, a variance is required because the home currently does not conform to the building code (the north side of the home was built beyond current building setback lines). The Zoning Board of Appeals recommended approval of the variance at its April 3 meeting. There was a brief discussion regarding the driveway and which way the garages would load.

MOTION: by Trustee Rotter to approve a variance for 13 Ferndale Road to allow an addition to a previously non-conforming home. Upon a voice vote:

YES: (6)
NO: (0)
ABSTAIN: (0)

Motion carried 6/0

DRAINAGE PROBLEM AT RAINBOW ROAD AND MIDDLEFORK ROAD

Bob Levine of 24600 Middlefork Road stated that he built his home in 1970 but didn't begin experiencing drainage problems until homes were built on the west side of Rainbow Road and a swamp was dug out to create a pond. A few years ago, the culvert that runs under Rainbow Road just north of Middlefork Road went bad, and it was replaced with one of the same diameter (10 inches), which Mr. Levine said is not big enough. He said he hand-dug a ditch and lined it with split utility poles in an effort to keep his yard from flooding, but water still flows over the top of Rainbow Road following heavy rains. He showed pictures of the east side of the road where the water has washed out the shoulder. He inquired when the Village would fix the drainage problem.

Trustee Ekstrom responded that the item is in the drainage repair budget she proposed for the fiscal year beginning May 1, but there is no guarantee that there will be enough money to cover all the proposed items. Engineer Gordon added that this issue needs to be addressed before the Village can do any road work on Rainbow Road.

The consensus among trustees was that this is an issue that needs to be addressed but should be done so in the context of the rest of the proposed budget. The discussion was deferred until the Board's budget meeting on April 24.

STEVEN G. KING—SITE DEVELOPMENT PLAN FOR 20140 RAND ROAD

Steven King stated he has owned the property at 20152 N. Rand Road for 16 years, where he has operated a landscaping business. He said the previous owner of 20140 N. Rand Road, the property directly south of his, had rented out the house there and used the property as a dumping ground. Mr. King said he finally had the opportunity to purchase the property last year. He obtained a permit to demolish the house and has been hauling out semi-truck loads of debris. He estimated that it would take about 80 loads to clear the property. He said he has been hauling in asphalt grindings to fill the areas where he removed debris and said he intends to level the ground and put in drain tile. He said he would like to start a new business there called Deer Park Material, which would sell landscaping supplies such as mulch, dirt and other garden products. He said he has no plans to erect a building on the property and has used concrete blocks to create bins to hold the landscaping material.

President Gifford noted that Building and Zoning Officer Bill Holmes had issued a stop work order for the property because Mr. King had not submitted a site development plan as required by the Village's municipal code because the property is in the Planned Development District. Any redevelopment of property in that district must be approved by the Plan Commission and Village Board.

Several trustees indicated that they appreciated Mr. King's efforts to clean up the property and attempted to clarify what steps he needs to take in order to be in compliance with Village codes.

Engineer Gordon stated that he would need to get a Watershed Development permit from the Lake County Stormwater Management Agency (but granted through the Village of Deer Park) because of the wetlands located directly in back of the property. He said a certified civil engineer would have to draw up the site development plan before such a permit

could be granted. Several trustees expressed concern about possible contamination from the asphalt grindings, but Engineer Gordon said it would depend on proximity to the wetlands, drainage and other variables.

Attorney Hargadon noted that the Village's Planned Development District only allows certain land uses, such as retail, office/research and some residential uses. He said the Board would have to decide if the proposed landscaping business falls within one of these categories or whether it would like to amend the code or grant an exception to the code. He noted that Mr. King's current business at 20152 N. Rand Road is grandfathered in under the zoning code.

In an effort to spare Mr. King unnecessary expense, Trustee Rotter suggested Mr. King come before the Board again on April 24 with a proposed site development plan so trustees could debate whether it would be an accepted use within the Planned Development District. In the meantime, President Gifford stated he would talk to Inspector Holmes to see if Mr. King could continue to haul out debris but not bring anything in.

VEHE FARM FOUNDATION

A) Update on current activities

Teri Bridge stated that the Foundation has made contact with two old-time farming families in the area, who will be great resources for the museum exhibit on the history of local farming.

Pat Winkelman reported:

- ◆ Woody's would like to be on preferred caterers list for the Barn.
- ◆ The Foundation continues to field calls for future Barn rentals.
- ◆ Foundation representatives will be at Knupper's Garden Center on Saturday to promote the butterfly garden.
- ◆ A group from Plainfield, Ill., asked for the Foundation's experience and expertise in a barn restoration project.
- ◆ Requested Village staff to verify with the Clarke, the mosquito abatement contractor, that chemicals used will not be harmful to insects and butterflies at Vehe Farm.
- ◆ Stated that the audio-visual equipment for the Barn will be stored at John Wagner's house until needed.
- ◆ Confirmed that trustees received written verification from Pentegra that the warranty on the AV equipment will not start until installation.

Eway McLaughlin gave an update on the butterfly garden, reporting that the Little Garden Club of Barrington is becoming very active in the garden and is pleased with the fence and the memorial bench that has been ordered. She noted that one member has donated many plants from her own garden to the butterfly garden.

B) Request for payment to R&W Clark

Jim Peterson addressed the issue on the consent agenda regarding R&W Clark's contract. He stated the contract is not now, nor ever has been, out of balance. He said there have been some problems with some subcontract amounts that were greater than the general contractor expected them to be, but added that is typical.

Trustee Rotter questioned whether those excess amounts were a problem for the Village, and Mr. Peterson said no.

Trustee Ekstrom inquired about the report promised last month regarding amounts due to all subcontractors. Trustee Kizior said he has that document in draft form, but its intended use is for the Board to determine if it wants to continue its contract with R&W Clark. He said his opinion is to stay with Clark, but he will have the report at next week's meeting for the Board to review.

Mr. Peterson reported that although the contractor is still projecting completion of the project by the end of May, he thinks the end of June would be a more realistic projection. He asked the Board to approve the payment request for R&W Clark/Oakbrook Mechanical, saying that is the subcontractor most out of balance.

MOTION: by Trustee Ekstrom to approve payment request No. 20 to R&W Clark/Oakbrook Mechanical in the amount of \$30,160.59 to be disbursed upon receipt of waivers from Mr. Clark. Upon roll call:

YES: (6) Dowell, Ekstrom, Kizior, Plautz, Rotter, Thrun
NO: (0)
ABSTAIN: (0)

Motion carried 6/0

C) Driveway configuration

Mr. Peterson gave a brief history of the Vehe Farm driveway configuration in response to requests from several trustees and the Village Administrator to reinstall the circular drive:

When the farm was owned by the Vehes, there was no driveway access to farmhouse, as circular drives were not prevalent on farms of this type. In August 2000, the Village Board discussed driveway access to the new Village office, and staff provided a hand-drawn sketch showing a circular drive. Temporary gravel was laid down following this sketch. In October 2000, the Foundation board discussed safety issues concerning the circular drive. In July 2002, the Foundation recommended Teska prepare an overall site plan for the farm, which was reviewed with police, fire and waste hauler representatives. The current driveway was constructed in accordance with this site plan.

A discussion followed, during which several trustees expressed disappointment that the circular driveway had ever been removed. They cited safety concerns when delivery trucks pull up to the Village Office door and then have to back out. A consensus was reached that the Board would wait until the Barn becomes fully functional and evaluate use of the property and traffic flow at that time. It was agreed that nothing should be installed or planted in the area where a circular drive might eventually be reinstalled.

FOLLOW-UP TO LAST MONTH'S MEETING

A) Updated copies of changes to Village code

Trustee Rotter stated he was not looking for the code book to be remade; he simply wants the staff to make copies of ordinances passed since the last codification and distribute them to trustees for their own books. Trustee Kizior stated that he finds it easier to simply add the new ordinances in electronic form to the code on CD-ROM. Several trustees said they were unaware they could get the code on disc and requested a copy by next month.

B) Trustees' concerns

Trustee Rotter stated he has been very concerned for several weeks about what's going on in the Village. He said is he is concerned about the lack of an open environment because he believes in a completely open government. He said the Board cannot allow people to be stifled. He also said he wants to maintain current Village services without imposing a real estate tax, but he is worried that that is where the Village could be headed.

VILLAGE ENGINEER'S REPORT

A) 2006 Road Maintenance Program—MFT Resolution and authorization to bid

Engineer Gordon stated that the Village needs approval from the state to use Motor Fuel Tax money for its roads program. He said he has identified Corners subdivision and Squires subdivision for resurfacing as well as some patching in Deer Lake Meadows subdivision. He said he anticipates about \$180,000 from MFT funds; the total proposed program is about \$500,000.

MOTION: by Trustee Ekstrom to approve a resolution authorizing the use of \$180,000 in Motor Fuel Tax funds for the proposed 2006 Road Maintenance Program. Upon a voice vote:

YES: (6)

NO: (0)

ABSTAIN: (0)

Motion carried 6/0

B) Ela Township maintenance items for 2006

Engineer Gordon stated that Ela Township has done a good job for the Village on various maintenance items for the past two years, and he recommends the budget for the upcoming year allocate money for additional maintenance items to be handled by Ela. Specifically, he recommended \$10,000 for storm sewer and street culvert maintenance, \$3,500 for pond outfall structure maintenance and \$6,000 for root cutting.

Trustee Kizior inquired if this maintenance would include cleaning the stream at Michael D'Angelo Park, but Engineer Gordon said it was not figured into these dollar amounts. Additional discussion was deferred to the budget meeting.

C) Playfields restoration update

Engineer Gordon stated he would be receiving bids for grading, seeding and erosion control at the Town Center Park playfields this week, and he will present them at the budget meeting next week.

VILLAGE ATTORNEY'S REPORT

A) Ordinance 06-03—Preliminary Approval of Red Seal development (Deer Park Estates)

Attorney Hargadon stated this is the codified version of the preliminary approval that the Board granted to the Red Seal development in February. He said that in response to questions from trustees last month, he incorporated three changes: 1) an addition on page 1 addresses the Village's Affordable Housing Ordinance, stating that the Red Seal

property does not lie in the geographic area outlined in the ordinance as being suitable for the development of affordable housing; 2) a change on page 3 stating that the masonry entryway signage was removed from the proposed plan; and 3) an addition to the language on page 4, paragraph 6, regarding the conveyance of land from the Village to Red Seal reads "Developer shall pay all of the Village's costs, including attorneys' fees, in conveying the 2.33 acres."

Trustee Rotter stated that he intended later in the evening to propose a change to the geographic area outlined in the Affordable Housing Ordinance so that the Red Seal property would fall within it. He said he disagrees with those who think the Village can ignore action on that ordinance until 2009. He added that he talked with an expert on affordable housing who offered the opinion that if the Village does not take steps to implement the ordinance, it eventually could lose control to the state board for affordable housing.

Trustee Ekstrom questioned why a reference to the masonry wall still appeared on page 3. Attorney Hargadon replied that that list of conditions came from the Plan Commission. The Board's recommendations follow that section, he said.

A lengthy discussion followed regarding the sale price of the land to be conveyed to Red Seal upon final approval and how the sale price was calculated. Several trustees were emphatic that the numbers should be compared to the numbers presented earlier in the evening by Mr. Kellermann, so there could be no second-guessing after the fact about how the price was calculated. There were questions whether the Village could recoup original loan interest charges by investing the sale proceeds since there is a prepayment penalty in the loan contract until 2008. Some trustees also stated that a new appraisal of the property should be conducted.

Todd Fishbein, president of Red Seal, stated that his company's intent was to reimburse the Village for all its costs, including soft costs, assuming they could be substantiated.

MOTION: by Trustee Ekstrom to reconcile the information given to the Board tonight by Mr. Kellermann and get something that documents how the sale price was derived in detail with information about what the Village is going to do with sale proceeds when it receives the money and to reconsider the issue at the April 24 Board meeting. Upon roll call:

YES: (3) Ekstrom, Kizior, Rotter

NO: (3) Dowell, Plautz, Thrun

ABSTAIN: (0)

In the case of a tie, President Gifford is permitted to vote. He voted no.

Motion failed 3/4

MOTION: by Trustee Rotter not to approve Ordinance 06-03, regarding preliminary approval of the Red Seal development. Upon roll call:

YES: (3) Ekstrom, Kizior, Rotter

NO: (3) Dowell, Plautz, Thrun

ABSTAIN: (0)

In the case of a tie, President Gifford is permitted to vote. He voted no.

Motion failed 3/4

Mr. Fishbein stated he would have no objections if the language in the ordinance was changed to read "what the Village's costs were," in place of stating an actual dollar amount.

The consensus of the Board was to change the language in item 6 on page 4 to read "the greater of \$160,000 per acre or the Village's cost per acre."

MOTION: by Trustee Rotter to approve Ordinance 06-03 as amended. Upon roll call:

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

NO: (0)

ABSTAIN: (1) Rotter

Motion carried 5/0/1

B) Resolution R6-01 - The sale of surplus 2.33 acres

Attorney Hargadon stated this resolution is the first step in the process that would allow the Board to sell surplus land. He stated the resolution requires a 2/3 majority of the corporate body, meaning the Board and the Village President. In response to questions, he stated the language approved in the previous discussion is unnecessary for this resolution because it simply states the Board will accept proposals for the purchase of the land.

Trustee Ekstrom requested the response date for interested parties be changed to allow at least 30 days. Attorney Hargadon agreed that paragraph 2 should eliminate the date April 24, 2006, and state "30 days after publication of notice."

MOTION: by Trustee Thrun to approve Resolution 06-01 as amended regarding the sale of 2.33 surplus acres. Upon roll call:

YES: (7) Dowell, Ekstrom, Gifford, Kizior, Plautz, Rotter, Thrun
NO: (0)
ABSTAIN: (0)

Motion carried 7/0

At this point, the Board took a 10-minute break.

REPORTS FROM PRESIDENT, TRUSTEES, ADMINISTRATOR

A) President Gifford

i) Lake County Municipal League dues

Trustee Ekstrom stated she could not vote in favor of this expense because supporting material was not included in trustees' packets.

MOTION: by Trustee Thrun to approve payment of Lake County Municipal League dues in the amount of \$811.01.

Upon roll call:

YES: (4) Dowell, Kizior, Plautz, Thrun
NO: (1) Ekstrom
ABSTAIN: (1) Rotter

Motion carried 4/1/1

ii) Lake-Cook Trenching Service Contract for Village Office septic system

Trustee Ekstrom repeated her comments about the supporting documentation.

MOTION: by Trustee Dowell to approve a service contract with Lake-Cook Trenching for the septic system at the Village Office in the amount of \$190. Upon roll call:

YES: (5) Dowell, Kizior, Plautz, Rotter, Thrun
NO: (1) Ekstrom
ABSTAIN: (0)

Motion carried 5/1

iii) DARE program donation request

MOTION: by Trustee Dowell to approve a donation to the DARE program in Barrington in the amount of \$4,628.42.

Upon roll call:

YES: (6) Dowell, Ekstrom, Kizior, Plautz, Rotter, Thrun
NO: (0)
ABSTAIN: (0)

Motion carried 6/0

iv) Lake County Forest Preserve Seniors Day sponsorship request

President Gifford stated that the Village has never donated to this event before. Trustee Dowell stated that he didn't see it as a necessary expenditure.

MOTION: by Trustee Dowell not to approve sponsorship of the Lake County Forest Preserve Seniors Day. Upon a voice vote:

YES: (6)
NO: (0)
ABSTAIN: (0)

Motion carried 6/0

v) Motorcycle Awareness Month proclamation

President Gifford stated that a motorcycle safety group requested that May be proclaimed Motorcycle Awareness Month.

MOTION: by Trustee Thrun to proclaim May as Motorcycle Awareness Month. Upon a voice vote:

YES: (6)

NO: (0)

ABSTAIN: (0)

Motion carried 6/0

vi) Teska 2006 Planning Services Agreement rate increase

President Gifford stated that the hourly billing rate for both Kon Savoy and his associate is going up \$5 an hour. Trustee Dowell requested that paragraph C of the agreement be amended to delete the phrase "travel (including the use of an auto)" and to insert a clause reading "Hourly travel time will be excluded." President Gifford responded that he would have to present the changes to Mr. Savoy before the Board votes.

Trustee Ekstrom stated that the changes proposed by Trustee Dowell should be standard for all professional service contracts that the Board negotiates in the future.

MOTION: by Trustee Ekstrom that new contracts with professionals negotiated by the Board do not include travel time.

Other trustees agreed with the spirit of the motion, but said it might be a better approach to negotiate that clause in each contract. Trustee Ekstrom agreed to withdraw her motion.

B) Trustee Ekstrom – Roads & Public Utilities:

i) KLOA presentation regarding Deerpath Road

Mike Werthman of KLOA stated that his firm was asked to conduct an independent review of Deerpath Road covering three areas: 1) determine the functional classification of the road; 2) examine the design of the road and make recommendations; and 3) come up with traffic-calming mitigation methods.

He stated that his firm conducted field operations, including daily traffic counts, speed data and accident data. He qualified the data, however, by saying that Rand Road and Quentin Road were under construction at the time of the survey, which means that Deerpath Road had a higher volume of traffic than it normally does.

Mr. Werthman presented the following findings: Deerpath Road carries a heavy volume of cut-through traffic, the majority of which comes south from Cuba Road and proceeds east on Long Grove Road. The peak volume of morning traffic is 70% higher than the afternoon/evening peak, which he said was mostly due to the construction which was restricting southbound traffic on Rand Road and also the lack of a left-turn lane on Ela Road onto Long Grove Road. The average speed on Deerpath Road on weekdays was 28-29 mph south of Corners Drive and 31-32 mph north of Corners Drive; the average weekend speed was 33-34 mph. Mr. Werthman stated that it is not uncommon to find speeds in excess of 5 mph over the speed limit because most police won't ticket until drivers are 10 mph over because judges will throw out the lower speed tickets. He said that between 2000 and 2005, there were six accidents at the corner of Deerpath Road and Long Grove Road and nine at the S curve, a frequency he termed very low. He said no action is necessary to reduce accidents.

Mr. Werthman stated that before the north end of Deerpath was paved all the way to Cuba Road, it served as a residential road. Since it was extended, however, it functions as a collector road, because it is about halfway between two arterial roads and it serves two schools. He said the road currently has a rural design, and he recommends maintaining that design because it helps to deter speeding. He did, however, recommend the addition of a meandering bike/pedestrian path within the parkway on one side of the road.

Mr. Werthman cautioned that any speed mitigation measures implemented on Deerpath Road could add traffic to already overloaded nearby arterial and residential streets. His recommendations were: 1) continue lobbying the county and state for regional roadway improvements to help pull traffic off of Deerpath Road, specifically Quentin Road and Rand Road; 2) begin lobbying for a left-turn lane on Ela Road at Long Grove Road and a right-turn lane on Cuba Road at Rand Road; 3) continue vigorous police enforcement on the road; 4) consider installing speed monitoring signs that show a driver's speed as he approaches or speed humps, which are broader than traditional speed bumps.

Mr. Werthman stated that he had reviewed the signage plan that the Board had conditionally approved last year and said he could not support such a plan for the following reasons: 1) a Village cannot restrict turns to only one group of people; 2) turning restrictions would redistribute traffic through other residential areas; 3) prohibiting turns out of

Deerpath Road would be negated by drivers making U-turns or turning around in driveways; 4) additional stop signs should not be used to control the volume or speed of traffic; they need to be warranted by certain criteria, which Deerpath Road does not meet.

A discussion ensued among trustees as to which would be preferable: monitoring signs or speed humps. Mr. Werthman stated monitoring signs range from about \$2,000-\$2,500, but the Village might have a problem supplying electricity to the signs because the Village does not have electric street lights in the area. He said speed humps would help reduce speed, but wouldn't be a great deterrent on volume. In addition, he said the Village would have to monitor adjacent streets before and after installation of speed humps to see if the humps are diverting excess traffic to other streets. Other negatives associated with speed humps are noise, the need for warning signs alerting motorists about the humps and the difficulty of emergency vehicles and snow plows to navigate the humps. He also cautioned that if humps are installed on Deerpath, it is quite likely other neighborhood groups will request them in their neighborhoods. Trustees debated whether two humps would be necessary, north and south of Corners Drive, but the consensus was that one north of Corners would be a good starting point because of the higher speeds there.

In response to a question about new recording technology that is attached to traffic signals and results in speeding tickets being sent to motorists, Mr. Werthman said the Village should monitor legislation in Springfield that would allow such a program in Deer Park, saying it would be a good deterrent. In response to a question about one-lane restrictors, he said it would not be as effective on Deerpath Road as on other roads because the traffic is primarily going one way in the morning, which means drivers would not have to yield to traffic coming the other way.

MOTION: by Trustee Ekstrom to allow her to work with Engineer Gordon to get one speed hump installed north of Corners Drive as a pilot test and to work with KLOA to get baseline and post-installation traffic counts done on adjacent streets at a cost not to exceed \$10,000. Upon roll call:

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

NO: (0)

ABSTAIN: (0)

Motion carried 6/0

ii) Informational reports

Trustee Ekstrom reported on various maintenance matters, including:

- ◆ A recap of the drainage problem at Meadow Lane and Deer Lake Drive. She stated this issue was largely resolved following the telephone vote authorizing the expenditure of \$1,000 to conduct a closed circuit television inspection and jet-rod the storm sewer line at that location.
- ◆ Dead trees were removed at the corner of Deerpath Road and Long Grove Road.
- ◆ Storm sewer jetting was done on Rue Jardin to clear some backups.
- ◆ Engineer Gordon is working with a resident at the corner of Corners Drive and Deerpath Road on a septic issue.
- ◆ Ela Township, at its own expense, will reduce the size of the island in the Rue Orleans cul de sac to accommodate its snow plows.
- ◆ Trustee Ekstrom will write an article for the Village newsletter stating that if residents do not feather their driveways correctly, Ela Township will not pay to repair asphalt damaged by its plows.
- ◆ Trustee Ekstrom and Engineer Gordon met with Ela Township regarding a variety of maintenance work that they hope will be included in next year's budget, including mowing of some Village rights-of-way, cleaning up dead trees and limbs after storms, and tree inventory and trimming.

C) Trustee Dowell – Finance

i) Audit engagement letter from Sikich

Trustee Dowell stated the audit fee is comparable to what the Village paid last year.

Trustee Ekstrom stated she could not vote in favor of the proposal because a copy of the actual engagement letter was not included in trustees' packets.

MOTION: by Trustee Dowell to approve the engagement letter from Sikich in the amount of \$10,475. Upon roll call:

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

NO: (2) Ekstrom, Rotter

ABSTAIN: (0)

Motion carried 4/2

ii) Sewer billing engagement letter from Sikich

Trustee Dowell stated the proposal would allow Sikich to continue preparing and distributing sewer bills for property owners within the Triangle.

In response to questions, Attorney Hargadon explained that certain property owners in that area have not yet paid a one-time connection fee to the Metropolitan Water Reclamation District, so their sewer bills are being deferred, but the charges, as well as an interest fee, continue to accrue.

Trustee Ekstrom repeated her concerns about the lack of supporting documentation.

MOTION: by Trustee Dowell to approve the sewer billing engagement letter in the amount of \$1,620 quarterly. Upon roll call:

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

NO: (1) Ekstrom

ABSTAIN: (1) Rotter

Motion carried 4/1/1

iii) Vehe Farm Foundation budget

Trustee Dowell stated that the Foundation's budget includes typical costs of doing business, such as insurance, professional fees and tax filing fees. Other proposed expenditures include \$8,500 for design, construction and installation of story boards in the exhibit space, \$6,250 for marketing brochures and \$5,000 for an opening event. Total proposed budget is \$34,775, but the Foundation has a sufficient cash balance to cover this budget, so the Foundation Board is not seeking any additional funding from the Village.

Trustee Ekstrom stated that given the Village's tight financial situation, the Foundation should return its cash reserves and have its budget considered at the same time the Board considers all budget requests. Trustee Dowell responded that the cash reserves are remnants of initial seed money the Village contributed to the Foundation in its inception, and that it is now Foundation money, not Village money.

Trustee Rotter questioned whether this budget would cover expenses once the Barn is functional, but Trustee Dowell replied that those expenses would be borne by the Village. Trustee Rotter stated that he would like to see the Foundation secure grants for capital assets as well as to help offset operating and program expenses. Trustee Kizior replied that it would be illogical for the Village to make a push for the completion of the Barn but not authorize funds to operate it. He said the Village should fund the operations at the outset and then challenge the Foundation to get continuing grants.

MOTION: by Trustee Ekstrom not to accept and approve the Vehe Farm Foundation budget but to roll it into the entire budget discussion on April 24. Upon roll call:

YES: (3) Ekstrom, Plautz, Rotter

NO: (3) Dowell, Kizior, Thrun

ABSTAIN: (0)

In the case of a tie, President Gifford is permitted to vote. He voted no.

Motion failed 3/4

MOTION: by Trustee Thrun to approve the Vehe Farm Foundation Budget for the fiscal year 2007 in the amount of \$34,775, which would be covered by Foundation reserves. Upon roll call:

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

NO: (2) Ekstrom, Rotter

ABSTAIN: (0)

Motion carried 4/2

iv) Annual Village budget

Trustee Dowell stated the Board's in-depth budget discussion is slated for next week, but he had a few comments regarding the proposed budget for 2006-2007 as well as the five-year budget. He said the five-year budget assumes no additional sources of revenue such as potential land sales, developer contributions or sales tax from new retail operations. The disbursement side, however, includes every proposed expenditure from the various chairs, making for a most improbable budget. Such a scenario would lead to a \$1.77 million budget deficit for the next fiscal year as well as draw down Village reserves to \$147,141. Trustee Dowell said he would be comfortable with reserves in the range of \$900,000-\$1 million; to achieve such a cushion, proposed expenditures would have to be cut by \$800,000-\$850,000.

Trustee Dowell recommended that trustees focus on the line items that have the biggest variables when they are looking to make cuts. Those items are: road repair, repairs and maintenance, park and recreation development, infrastructure additions and Vehe farm expenses. After contractual obligations (such as police service and debt principal and interest) and necessary operating expenses, he estimated the Village would have about \$300,000 to allocate in those areas.

Trustee Ekstrom urged trustees to look at smaller line items as well, saying that a pothole or two might get patched with funds cut from other areas.

MOTION: by Trustee Dowell to temporarily close the regular meeting at 11:45 p.m. in order to conduct a public hearing regarding an amendment to the annual appropriation ordinance. Upon a voice vote:

YES: (6)
NO: (0)
ABSTAIN: (0)

Motion carried 6/0

MOTION: by Trustee Thrun to open a public hearing regarding Ordinance 06-06. Upon a voice vote:

YES: (6)
NO: (0)
ABSTAIN: (0)

Motion carried 6/0

v) Ordinance 06-06—Amendment to Ordinance 05-05, Annual Appropriation Ordinance for Year Ending 4/30/05
President Gifford asked if there any comments from the audience regarding Ordinance 06-06.

Mary Lahr inquired why the Vehe Farm expenses were \$63,000 under budget. Treasurer Stade replied that the decrease brought the line item into agreement with the Foundation's \$66,000 revised budget that was approved in July. She said some original budget items were already in the construction budget and some items were deferred.

MOTION: by Trustee Ekstrom to adjourn the public hearing regarding Ordinance 06-06 at 12:49 a.m. Upon a voice vote:

YES: (6)
NO: (0)
ABSTAIN: (0)

Motion carried 6/0

MOTION: by Trustee Ekstrom to reopen the regular meeting of the Board of Trustees at 12:50 a.m. Upon a voice vote:

YES: (6)
NO: (0)
ABSTAIN: (0)

Motion carried 6/0

MOTION: by Trustee Dowell to approve Ordinance 06-06 regarding an amendment to the annual appropriation ordinance, Ordinance 05-05. Upon roll call:

YES: (6) Dowell, Ekstrom, Kizior, Plautz, Rotter, Thrun
NO: (0)
ABSTAIN: (0)

Motion carried 6/0

D) Trustee Thrun—Public Safety

Trustee Thrun stated that Praedium Development Corp. offered to the Village two old stone pillars that it plans to remove from its property. He asked if the Board would like them for Vehe Farm, with the caveat that they are extremely heavy and would require a foundation to support them. Administrator Diesen-Dahl stated that some Eagle Scouts have volunteered to help with the installation.

Following a discussion about how much the foundations would cost and where the pillars could be placed, it was the consensus to table the issue until more research could be done.

E) Trustee Kizior—Parks & Recreation:

- i) Maintenance reimbursements:
 - Amherst Homeowners Association--\$872.26
 - Chapel Hill Homeowners Association--\$891.00

- Deerpath Estates Homeowners Association--\$400.00
- Park Hill Homeowners Association--\$540.00
- Squires Homeowners Association--\$626.50
- Swansway Homeowners Association--\$79.32
- ii) Landscaping reimbursements:
 - Chapel Hill Homeowners Association--\$516.12
 - Deerpath Estates Homeowners Association--\$167.30

Trustee Kizior prefaced his report by saying that he had the opportunity to attend a BACOG forum with U.S. Senator Barack Obama earlier that day. He reported that the group talked about groundwater protection, education, transportation and other issues.

Trustee Kizior also reported that he is making more progress soliciting donations from sports organizations that use Village parks for practice or games. He said two groups have made contributions recently.

Trustee Kizior stated he had reviewed all homeowners association reimbursement requests on the agenda to make sure they were all within the guidelines he set. He recommended approval of each.

MOTION: by Trustee Ekstrom to approve reimbursement of all homeowners associations listed above for reimbursement of landscaping and maintenance costs in the amount of \$4,092.50. Upon roll call:

YES: (6) Dowell, Ekstrom, Kizior, Plautz, Rotter, Thrun
NO: (0)
ABSTAIN: (0)

Motion carried 6/0

F) Trustee Rotter – Planning & Zoning:

i) Comcast cable activities

Trustee Rotter stated that there is federal legislation under consideration again that would cut local governments out of any revenue from cable franchises. He also reported that AT&T is developing a technology that will offer cable services over telephone lines. He will monitor that development.

ii) Comcast old contract

Trustee Rotter stated that he received a detailed report from Comcast listing revenue by category, which he said is an important piece to have before negotiating any new contract with the company. He said the company is hesitating to pay legal fees owed the Village in relation to the franchise contract.

iii) Comcast new contract

Trustee Rotter stated that Comcast has presented a new contract that is skewed in its favor. He said he will not consider negotiating the new contract until the company fulfills the old contract. He said he thinks the Village has a 10% chance of recouping legal fees and 0.5% chance of getting the interest.

iv) Affordable Housing Ordinance

Trustee Rotter stated that he would like to amend the Village's Affordable Housing Ordinance to reflect language he originally proposed regarding the geographic area targeted for affordable housing. He said he had talked with an affordable housing expert who said the Village might be exposing itself to legal action if a future developer discovers that the ordinance was not adhered to in the case of the Red Seal development. He said the language should read "properties served by city sewers and water east of Quentin Road and north of Lake Cook Road." Other trustees indicated they were unprepared to vote on such a change without investigating the ramifications of such a change and seeing a map outlining the proposed changes.

MOTION: by Trustee Rotter to change language in the Village's Affordable Housing Ordinance as indicated above. The motion died for lack of a second.

G) Clerk Pratscher

Clerk Pratscher proposed that the Board adopt the National Association of Parliamentarians' policy regarding minutes in an effort to avoid protracted discussions each month about what should or should not have been included in the minutes. Specifically, the policy states that the minutes should be a record of the Board's actions, not what was said. Clerk Pratscher stated that the Village's new digital audio recorder makes it possible to easily disseminate a complete audio recording of the meeting to anyone interested. Some trustees said they view the minutes as a historical record of Village business and feel discussions should be preserved at length.

MOTION: by Trustee Ekstrom to table the proposal. Upon a voice vote:

YES: (2)
NO: (4)
ABSTAIN: (0)

Motion failed 2/4

MOTION: by Trustee Thrun to approve the minutes policy for the Board of Trustees. Upon voice vote:

YES: (4) Dowell, Kizior, Plautz, Thrun
NO: (1) Ekstrom
ABSTAIN: (1) Rotter

Motion carried 4/1/1

H) Administrator Diesen-Dahl

i) Plats of subdivision on CD

Administrator Diesen-Dahl stated this was the project she proposed last month and was given approval to begin. She stated that Lake County finished the project quickly, and the CD has already arrived at the Village Office.

MOTION: by Trustee Thrun second to approve the purchase of subdivision plats on CD in the amount of \$750. Upon roll call:

YES: (6) Dowell, Ekstrom, Kizior, Plautz, Rotter, Thrun
NO: (0)
ABSTAIN: (0)

Motion carried 6/0

ii) Microsystem proposal—Business plans and permits on CD--\$2,783.00
Because of the late hour, the item was tabled.

iii) List of Ordinances from 2003-2005 pertaining to the Village code
The list was distributed to trustees in their packets.

iv) Bid for waterproofing the basement of the Village Office

Administrator Diesen-Dahl stated that she and Building and Zoning Officer Bill Holmes have been unable to obtain any other quotes for fixing the leak in the basement of the Village office. The one quote obtained was from U.S. Waterproofing for \$1,980.

MOTION: by Trustee Ekstrom to approve a bid by U.S. Waterproofing and Construction Co. for waterproofing the basement of the Village office in the amount of \$1,980. Upon roll call:

YES: (6) Dowell, Ekstrom, Kizior, Plautz, Rotter, Thrun
NO: (0)
ABSTAIN: (0)

Motion carried 6/0

v) Possible water and sewer connection to Lake Zurich

John Dixon, village administrator for Lake Zurich, contacted Administrator Diesen-Dahl to see if the Village would be interested in obtaining water and sewer connections for Alfred Christensen's property on Rand Road, just south of Cuba Road. He said the property is surrounded on two sides by Lake Zurich, and he would be willing to help obtain the connections if there was any interest. Trustees said they would need more information before expressing any opinions. Administrator Diesen-Dahl said she would ask Alfred Christensen to attend the May Board meeting.

TREASURER'S INFORMATION

MOTION: by Trustee Dowell to approve Investments Held report dated March 31, 2006, in the amount of \$3,401,632.81.

Upon a voice vote:

YES: (6)
NO: (0)
ABSTAIN: (0)

Motion carried 6/0

CASH DISBURSEMENTS

MOTION: by Trustee Dowell to approve cash disbursements for month of March 21-April 17 in the amount of \$332,663.64. Upon roll call:

YES: (6) Dowell, Ekstrom, Kizior, Plautz, Rotter, Thrun
NO: (0)
ABSTAIN: (0)

Motion carried 6/0

ADJOURNMENT

MOTION: by Trustee Ekstrom to adjourn at 1:15 a.m. Upon a voice vote:

YES: (6)

NO: (0)

ABSTAIN: (0)

Motion carried 6/0

H. Scott Gifford, Village President

Maureen Pratscher, Village Clerk