



**VILLAGE OF DEER PARK
BOARD OF TRUSTEES MEETING**

March 15, 2010 • 7:00pm

Deer Park Vehe Barn

23570 W. Cuba Road, Deer Park Illinois 60010

1) Pledge of Allegiance

The Regular Meeting of the Board of Trustees of the Village of Deer Park was held on Monday, March 15, 2010, at Vehe Barn, 23570 W. Cuba Road, in the Village of Deer Park, in the counties of Lake and Cook, Illinois. President Kellermann called the meeting to order at 7:00 p.m. Village Officials and guests recited the Pledge of Allegiance.

2) Roll Call and Determination of a Quorum

Upon Roll Call, the following were present: President Kellermann, Trustees Pratscher, Sands, Kizior, Olson and Evans. Trustee Trost entered the meeting at 7:21 p.m.

Other Village Officials present were Village Administrator Connors, Clerk Schroeder, Attorney Bateman entered the meeting at 9:15 p.m., Village Treasurer Stade, Permit Coordinator Doniec, and Village Engineer Gordon. President Kellermann stated that there was a quorum.

3) Approval of Agenda

President Kellermann entertained a motion to table Item 8Ai. and move Item 11) Kildeer Police Reports after Item 7) Village Attorney – Report and Recommendations; move Item 8I) Treasurer Stade after Item 11); move Item 9&10 after item 8I).

Motion: Trustee Kizior moved, seconded by Trustee Sands to approve the 3/15/10 Regular BOT meeting agenda as amended.

Voice Vote – 5 Ayes – 0 Nays, Motion Carried. 5/0

4) Approval and Release of minutes from the Board of Trustees Special Meeting February 11, 2010 and Regular meeting February 15, 2010

President Kellermann entertained a motion to approve and release of minutes from the BOT Special Meeting of February 11, 2010 and Regular Meeting of February 15, 2010.

Discussion:

After the Board's review, the Board pointed out some corrections. Clerk Schroeder duly noted the recommended changes.

With no further comments, a roll was called.

- 5) **Public Comments — Sign up prior to meeting on sign-in sheet on podium; 5 minutes time limit.**
President Kellermann invited the public for comments.

Nancy Schumm, noted that she is a barn expert and author of barns of the Lake County Area. She expressed her concerns about the barn and its use of Vehe Barn. She further offered her assistance with the Vehe Barn.

Joe Furlong, 27 Deer Path Road, thanked the Village Board for working on the speed bump project. Mr. Furlong expressed his concern for the children's safety at Charlie Brown Park. Mr. Furlong mentioned there were two traffic studies completed within the last 6 months. Trustee Sands asked Mr. Furlong to forward the traffic study reports to the Village. Mr. Furlong noted that he would do so.

Mr. Steve Toth, also thanked the Board for their proactive approach on the speed bump project.

Frank Rettmulh, Deer Path Road, expressed his safety concerns with Police Officer coverage. He asked the Board to monitor the Police more closely when patrolling in Deer Park.

Deborah Barry, 412 Bramble Lane, noted her new position on the Zoning Board and expressed her concerns about the Vehe Foundation.

Deborah Sands, 23010 Thornhill Court, provided the Board with an update on the Hampton Inn facilities. She expressed her satisfaction and encouraged others to use their facilities for meetings, etc.

With no more comments, Public Comments was closed at 7:18 p.m.

- 6) **Village Engineer- Report and Recommendations**
A. Approval of Village Engineer recommendation to approve McGinty Brothers Inc. pay request for Annual Wetland Maintenance program for \$5,408.00

Village Engineer Gordon explained this item was for work performed last fall for the Village of Deer Park's Annual Wetland and Best Management Practices Maintenance Program and answered questions from the Board.

It was noted that there is a provision in the contract that the Village has an option to renew the contract with McGinty Bros., Inc., for an additional maintenance period between 2010 and 2011. Mr. Gordon recommended approval of this item.

Motion: Trustee Pratscher moved, seconded by Trustee Evans, to approve McGinty Brothers, Inc., Pay Request for Annual Wetland Maintenance Program for \$5,408.00.

Upon Roll Call:

Ayes: Kizior, Sands, Olson, Evans and Pratscher

Nays: None

Absent: Trost

Motion Carried. 5/0

B. Approval of Village Engineer recommendation to accept pathway easement for Hampton Inn

Village Engineer Gordon explained that this is an amendment to the existing bike path easement on Hampton Inn property (Lot 101, of the First Resubdivision of Lot 4 in the Amended Plat of Deer Park Office Center Subdivision). The bike path easement was amended to contain the as-constructed location of the bike path across the Hampton Inn property within the easement. Mr. Gordon recommends approval.

Discussion:

Trustee Kizior asked if this amendment would bring the path closer to the road. Mr. Gordon addressed his question.

Motion: Trustee Pratscher moved, seconded by Trustee Sands, to Approve and Accept the Pathway Easement for Hampton Inn as Submitted.

Upon Roll Call:

Ayes: Evans, Olson, Kizior, Sands and Pratscher

Nays: None

Absent: Trost

Motion Carried. 5/0

C. Approval of Municipal Utility/Facility Acceptance form for the bike path to be constructed in Lake County ROW along Quentin Road

Village Engineer Gordon explained the modification of the path improvement south of Field Parkway from a boardwalk over an existing wetland to a typical asphalt path. This modification was due to conflicts with the boardwalk's wood piers in relationship with the Village of Palatine's existing watermain. To avoid the watermain and also wetland conflicts, the path is located with the County right-of-way. There is approximately 250 feet of 10-foot wide asphalt bike path with associated retaining wall and guard rail within the County right-of-way.

Because the path improvement is with the County ROW, the County requires the Village of Deer Park to execute the Municipal Utility/Facility Acceptance Form for this portion of the path. By executing the form, the Village will be responsible for the operation and maintenance for this portion of the path in the County ROW.

It was noted that the Village had previously signed the LCDOT - form for the portion of path within Long Grove Road right-of-way, between Deer Park Town Center entrance and West Park Place.

Motion: Trustee Pratscher moved, seconded by Trustee Olson, to Approve the Municipal Utility/Facility Acceptance Form for the Bike Path To Be Constructed In Lake County Right-Of-Way Along Quentin Road.

Discussion:

Trustee Pratscher asked about the location of the retaining wall location. Engineer Gordon indicated the location is on the east side of the path.

Trustee Kizior asked about the guard rail at this location and recommended putting a guard rail at the other path to be consistent. Village Engineer Gordon noted that he would check the plans for that site as it is under review by the County.

Upon Roll Call:

Ayes: Trost, Sands, Kizior, Evans, Olson and Pratscher

Nays: None

Absent: None

Motion Carried. 6/0

D. Approval of IDOT Local Agency Amendment #1 for Federal Participation for Deer Path Road LAPP Project

Village Engineer Gordon provided an update on this item. It is the #1 amendment of the IDOT Local Agency for Federal Participation for Deer Path Road LAPP project.

Trustee Pratscher questioned the local funding amount. Village Engineer Gordon noted the estimated total cost is \$145,779.00 and the local portion is \$43,734.00.

Motion: Trustee Sands moved, seconded by Trustee Pratscher, to Approve the IDOT Local Agency Amendment #1 for Federal Participation For Deer Path Road LAPP Project from Long Grove Road to Swallow Court, as presented.

Upon Roll Call:

Ayes: Evans, Trost, Olson, Kizior, Pratscher and Sands

Nays: None

Absent: None

Motion Carried. 6/0

7) Village Attorney- Report and Recommendations

Ordinance amending Village Code regarding new Chapter 35 “Freedom of Information Act”

Attorney Jeff Taylor was present on behalf of Attorney Bateman. Attorney Taylor provided a brief overview of the proposed ordinance amending the Village Code regarding new Chapter 35 “Freedom of Information Act”. Attorney Taylor addressed the Board’s questions.

Trustee Pratscher asked if the Village Clerk should be in addition to President Kellermann, be appointed as a FOIA Officer for the Village. Attorney Taylor agreed. Trustee Pratscher recommended to put the FOIA Officer appointment on the next meeting agenda.

Motion: Trustee Pratscher moved, seconded by Trustee Sands, to Approve the Ordinance Amending Village Code the New Chapter 35 “Freedom of Information Act”.

Upon Roll Call:

Ayes: Olson, Pratscher, Trost, Evans, Kizior and Sands

Nays: None

Absent: None

Motion Carried. 6/0

11) Kildeer Police Reports

Kildeer Police Commander provided the Board with an update on the Police Report. He noted that Kildeer Police will be holding a community meeting to provide residents with safety tips.

Kildeer Detective provided the Board with an update on the recent burglary incidents. He further encouraged residents to practice safety techniques.

Both Police Commander and Detective replied to the Board's questions.

Trustee Evans asked for a summary of the Kildeer Police's safety tip meeting to share with the Village of Deer Park to help bring up the awareness of the recent incidents.

Trustee Sands asked if the police patrol the malls by drive-through or walk-through. Police Commander noted that Police Officers cannot leave their police vehicles to walk-through. Police Commander encourages residents to report any suspicious activity.

8)I. Treasurer Stade

Approval of Payment to Metropolitan Water Reclamation District of Greater Chicago for \$116,094.25 for sanitary sewer services

Motion: Trustee Sands moved, seconded by Trustee Olson, to Approve the Payment to Metropolitan Water Reclamation District of Greater Chicago For \$116,094.25 For Sanitary Sewer Services.

Upon Roll Call:

Ayes: Evans, Kizior, Pratscher, Trost, Olson and Sands

Nays: None

Absent: None

Motion Carried. 6/0

9) Investments Held Report

Approval of the Investments Held Report for February 28, 2010 in the amount of \$1,047,707.63

Motion: Trustee Olson moved, seconded by Trustee Kizior, to Approve of the Investments Held Report For February 28, 2010, In The Amount Of \$1,047,707.63.

Upon Roll Call:

Ayes: Sands, Trost, Pratscher, Evans, Kizior and Olson

Nays: None

Absent: None

Motion Carried. 6/0

10) Cash Disbursements

Approval of expenditures totaling \$419,920.65 (accounts payable in the amount of \$401,450.52 plus payroll in the amount of \$18,740.13)

Motion: Trustee Olson moved, seconded by Trustee Kizior, to Approve Expenditures Totaling \$419,920.65 (Accounts Payable In The Amount Of \$401,450.52 Plus Payroll In The Amount Of \$18,740.13).

Discussion:

Trustee Pratscher asked if there is any protocol for Trustee reimbursement. President Kellermann noted that there is a \$500 platform.

Village Administrator Connors pointed out that he approved Trustee Olson's reimbursement submittal for expenses related to the BACOG trip to Springfield, Illinois.

Trustee Sands pointed out that the trip was to support the BACOG organization on issues of importance to Illinois municipalities and that President Kellermann approved this trip.

Upon Roll Call:

Ayes: Evans, Kizior, Trost, Sands, Pratscher and Sands

Nays: None

Absent: None

Motion Carried. 6/0

8) Reports from President, Trustees, Administrator, Clerk, and Treasurer

A. President Kellermann

President Kellermann provided the Board with updates on the following issues:

- Vehe Barn Survey;
- Village participation in the Lake Zurich Expo over the weekend;
- Deer Park Center ICSC Award Recipient ; and
- Announced the passing of former Village Officials John Sundberg and Charles Brown and acknowledged their contributions to the community.

i) Contribution to Barrington Youth and Family Services for \$2,500.00 to be paid in FY2011 - Trustee Pratscher pointed out past year contributions fees. Trustee Kizior asked the benefits of the organization. Trustee Kizior expressed his support for this item.

Trustee Sands expressed that the consideration for this item is a matter of priority. Trustee Sands asked for more information.

There was general discussion. After Board discussion, President Kellermann tabled this item.

ii) Approval of Lake County Municipal League dues for \$757.30

President Kellermann pointed out the benefits of this membership. It was noted that this is less than the previous membership fee. President Kellermann entertained a motion to Approve the Lake County Municipal League dues for \$757.30.

Motion: Trustee Sands moved, seconded by Trustee Evans, to Approve the Lake County Municipal League Dues For \$757.30.

Upon Roll Call:

Ayes: Evans, Pratscher, Trost, Olson, Evans and Sands

Nays: None

Absent: None

Motion Carried. 6/0

iii) CN railroad report

President Kellermann updated the Board on the CN Railroad matter and noted that a meeting will be scheduled within the next couple of weeks to discuss protection for the residents on Cuba Road, north of Ela Road.

Trustee Pratscher expressed her concern with potential groundwater contamination from any spills. She recommended finding a solution.

President Kellermann noted that ZBA member Rita Finley has been working on this matter over the past 18 months.

Trustee Pratscher asked for the status on the ethics ordinance. President Kellermann noted that issue will be addressed at the April BOT regular meeting.

B. Trustee Kizior–Public Safety

Report on Long Grove intersection between Promenade and Town Center

Trustee Kizior provided an update on the Long Grove intersection between Promenade and Town Center.

Trustee Kizior explained the reasons this site was not granted additional signage and/or traffic signage.

Trustee Kizior reiterated his recommendation to put guard rail on the path to help improve safety at this site.

C. Trustee Olson-Finance

i) Agenda packet preparation and formatting process

Trustee Olson suggested putting the agenda packet in adobe acrobat format with bookmarked features for a more user-friendly download.

Trustee Olson also recommended that the Board of Trustees submit agenda related items to the Village Administrator by Wednesday before the BOT meeting to help eliminate timing issues with preparing the agenda packet.

Trustee Pratscher supports separating/correlating the BOT Agenda material in adobe format similar to the Lake County website. Trustee Olson noted that he will move forward with this objective.

ii) BACOG report

Trustee Olson referenced his memo regarding his conference in Springfield, Illinois with some BACOG members and was available to answer questions from the Board.

D. Trustee Pratscher-Health and Sanitation

No Report.

E. Trustee Sands-Roads and Drainage

i) Vehe Farm / Property Survey Status

Trustee Sands reported the status on the survey and distributed a list of resident that have not yet returned their survey equally to each of the Trustees to follow up with phone calls. Trustee Pratscher suggested giving the residents the option of electronic format. Trustee Sands noted that survey results should be available by the next Village Board meeting in April.

ii) FY 2010 / 2011 Road Program Update

An update was given on the 2010/2011 Road Program.

iii) Ratification of Resolution for Speed Hump policy / procedure approval

Trustee Sands briefly outlined the proposed Resolution for the Speed Hump Policy/Procedure and was available for questions from the Board.

Motion: Trustee Kizior moved, seconded by Trustee Trost, to Approve the Resolution for the Speed Hump Policy/Procedure as presented.

Discussion:

Trustee Kizior pointed out a couple of areas in the Village that have a 5% incline and asked if exceptions would be made for these areas. Trustee Sands noted that there is an evaluation procedure with various criteria.

There was general discussion about the legalities of this policy. President Kellermann pointed out that most municipalities don't have this type of policy and that Trustee Sands put together these guidance procedures. President Kellermann noted that the Village has received about 4-5 requests for speed humps.

Trustee Trost expressed her support for the procedures and noted that this is totally speed issue related with nothing to do with budget issues.

Attorney Bateman explained the legalities relating to such a policy.

Trustee Evans asked for alternatives and understands the goal is for safer roads.

Ayes: Pratscher, Kizior, Trost, Olson, Evans and Sands

Nays: None

Absent: None

Motion Carried. 6/0

iv) Hotel Tax Criteria for Use – Status report

Trustee Sands noted that he would have an update in a couple of weeks.

v) Tourism / Development Commission Harmonization – Status report

Trustee Sands noted he is working with Trustee Kizior and gathering information and will revisit this item at the next meeting in April.

vi) Park Hill Drainage Meeting Summary

Trustee Sands noted that Administrator Connors, Engineer Gordon and himself, attended a meeting on February 22nd with Homeowner Associations regarding this matter.

It was noted that this matter would be further discussed once the budget is determined.

Trustee Kizior pointed out other areas in the Village that need attention (the pool flooded and the pond smells - located one block east of Ela and one block west of Park Hill entrance). Trustee Kizior noted that it smells like a failed septic system.

Trustee Sands noted that there are drainage issues throughout the Village. Trustee Sands noted that funds have not yet been allocated for those projects. Trustee Kizior suggested setting criteria and allocating \$8,000 for drainage issues in the budget.

Administrator Connors noted that residents from Park Hill want to see plans for correcting the problems. President Kellermann concurred. Administrator Connors addressed Trustee Kizior's comments and indicated that staff would notify the owner of the problem parcel.

F. Trustee Trost-Planning and Zoning

Trustee Trost explained that an RFP was published in the Daily Herald last Friday for Building Inspection Services; posted on the Village website and individual letters were mailed out. The deadline is April 2nd.

Trustee Trost reported the owner of the parcel southwest on Rand, south of the Deer Park Center, will be in town next week to start negotiations to gain an easement on future development.

G. Trustee Evans-Parks

i) Vehe Farm Foundation Monthly Report with nine action items

Trustee Evans explained this item and was available to answer questions from the Board.

There was general discussion regarding the organizational structure of the Vehe Farm Foundation. There was further discussion regarding the position Trustee Pratscher held with the Foundation Board. Trustee Pratscher noted that she was given legal counsel to resign her position on the Foundation Board during her position on the Deer Park Board.

There was general discussion whether or not the consortium has insurance coverage. Trustee Evans pointed out that the former Deer Park Village Board approved the Village becoming part of the consortium. President Kellermann noted that the consortium would need insurance coverage. Trustee Pratscher indicated that Vehe Farm has insurance coverage.

Trustee Sands asked if Trustee Pratscher comments are a conflict of interest on this matter. Attorney Bateman recommended that Trustee Pratscher recues herself from comments and/or voting on this matter. Attorney Bateman expressed concerns that the consortium is not a legal non-profit organization; therefore the Village would be the primary responsible party.

Trustee Sands noted that if the past Board approved being part of the consortium, he questioned if the current Board is in favor. Trustee Evans noted that each one of the consortium participates have insurance (i.e. Boy/Girl Scout).

Attorney Bateman indicated that there is no legal documentation that binds a legal relationship of the consortium with the Village. Attorney Bateman suggested that those that rent the facility provide a certificate of insurance.

President Kellermann reiterated that those renting the facility need to have insurance.

#1Motion: Trustee Trost moved, seconded by Trustee Evans, to approve the Village to waive the rental fee sponsored by the Vehe Farm Foundation Consortium Event May 4, 2010, as requested by the attached waiver form.

Ayes: Evans, Kizior, Olson, Trost and Sands

Nays: None

Abstain: Pratscher

Absent: None

Motion Carried. 6/0

Trustee Evans explained Items 2, 3 and 4 were related to perpetual loan agreements on Vehe owned artwork. Attorney Bateman expressed his concerns with not having a written agreement with the Village and had liability concerns. Attorney Bateman noted that he doesn't understand why the artwork is not gifted opposed to the perpetual loan agreement.

Motion: Trustee Evans moved, seconded by Trustee Pratscher, to approve items 2, 3, and 4 as presented and discussed.

Discussion:

Trustee Olson suggested digitizing the artwork and sending a copy to the hotel to publicize the Barn. Trustee Pratscher asked the cost for digitizing. Trustee Olson indicated that he didn't know at the time.

Trustee Pratscher noted that if the farm is torn down, the Foundation wants to keep the artwork. Attorney Bateman reiterated his liability concerns. Trustee Trost suggested that the Village Attorney create a waiver. Attorney Bateman noted that he could but he also wants the Village to be protected.

Trustee Kizior noted that he supports copying the artwork per Trustee Olson's suggestion.

President Kellermann noted that he also supports digitizing instead of the perpetual loan agreement.

Trustee Evans expressed her support of digitizing.

Ayes: Evans, Olson, Pratscher, Trost and Sands

Nays: Kizior

Absent: None

Motion Carried.

Attorney Bateman pointed out that item #3 was not related to a perpetual agreement. Trustee Evans noted that she needs action on items five through nine, especially the item related to Boy Scouts.

President Kellermann noted that Items 5 through 9 would be discussed at the next Village meeting.

ii) Approval of Homeowner Association landscape reimbursement requests from Oak Ridge Home Owners Association for \$525.00 and Deer Lakes Meadows Homeowners Association for \$750.00

This item was self explanatory.

Trustee Evans entertained the following motion: to Approve the Homeowner Association Landscape Reimbursement Requests from Homeowners Association for \$525.00 and Deer Lakes Meadows Homeowners Association for \$750.00.

Motion: Trustee Evans moved, seconded by Trustee Pratscher, to approve Oak Ridge Home Owners Association for \$525.00 and Deer Lakes Meadows Homeowners Association for \$750.00.

Ayes: Sands, Trost, Pratscher, Olson, Kizior and Evans

Nays: None

Absent: None

Motion Carried. 6/0

iii) Park maintenance bids for pond control, spring and fall cleanup, fertilizing and lawn maintenance

Trustee Evans moved, seconded by Trustee Sands, to approve and award park maintenance bid for 2010 pond chemical bid to Clarke for the cost of \$5,5556.60.

Discussion:

Administrator Connors noted that it went to the lowest bidder.

Ayes: Sands, Trost, Pratscher, Olson, Kizior and Evans

Nays: None

Absent: None

Motion Carried.

Motion: Trustee Evans moved, seconded by Trustee Pratscher, to approve and award park maintenance bid for 2010 Cleanup/Maintenance Bid to Jameson Landscaping for \$5,830.00.

Ayes: Sands, Pratscher, Trost, Olson, Kizior and Evans

Nays: None

Absent: None

Motion Carried.

Motion: Trustee Evans moved, seconded by Trustee Pratscher, to approve and award park maintenance maintenance bid for 2010 Fertilizer Bids to ASE Illini-Scapes for \$2,218.20

Ayes: Olson, Trost, Pratscher, Sands, Kizior and Evans

Nays: None

Absent: None

Motion Carried. 6/0

Motion: Trustee Evans moved, seconded by Trustee Pratscher, to approve and award 2010 Lawn Maintenance bid to M&S Landscaping for \$17,002.00.

Ayes: Olson, Kizior, Evans, Trost, Sands and Pratscher

Nays: None

Absent: None

Motion Carried. 6/0

iv) Requests for Vehe Farm field trips

President Kellermann referenced e-mails from School District 220 that indicated that there is no agreement with either the Village or Vehe.

There was discussion about getting volunteers and other alternatives to continue offering educational tours at the Vehe farm.

Trustee Evans was asked why Vehe Foundation wasn't doing the tours. Trustee Evans explained they are busy with closing down the organization. Trustee Sands suggested self-guided tours. Trustee Evans asked the Board for direction on this item. After a lengthy discussion, this item was tabled.

H. Administrator Connors

Request for Vehe Barn rental fee waiver from U.S. Green Buildings Council

This item was tabled.

12) New Business

None

13) Closed session to discuss pending and probable litigation

President Kellermann entertained a motion to go into Executive Session to discuss Pending and Probable Litigation at 10:35 p.m.

Motion: Trustee Evans moved, seconded by Trustee Olson, to enter into Executive Session to discuss Pending and Probable Litigation at 10:35 p.m.

Upon Roll Call:

Ayes: Sands, Kizior, Trost, Pratscher, Olson and Evans

Nays: None

Absent: None

Motion Carried. 6/0

President Kellermann, Village Board of Trustees, Village Administrator Connors, Attorney Bateman and Clerk Schroeder entered into Executive Session.

After discussion, President Kellermann entertained a motion to exit Executive Session at 11:52 p.m.

Motion: Trustee Evans moved, seconded by Trustee Pratscher, to exit Executive Session at 11:52 p.m.

Upon Roll Call by Voice Vote Ayes: 6/Nays: 0/Absent: 0. Motion Carried. 6/0

At this time, President Kellermann, Village Board of Trustees, Village Administrator Connors, Attorney Bateman and Clerk Schroeder exited Executive Session at 11:52 p.m.


14) Adjournment

President Kellermann entertained a motion to adjourn.

Motion: Trustee Olson moved, seconded by Trustee Trost, to adjourn at 11:52 p.m.

Upon Roll Call Voice Vote Ayes: 6/Nays: 0/Absent: 0 Motion Carried. 6/0

Respectfully Submitted,



Elizabeth A. Schroeder, RMC
Village Clerk



Robert Kellermann
President

