

**Minutes
Village of Deer
Board of Trustees Meeting
September 19, 2011 – 7:00 p.m.
Deer Park Vehe Barn
23570 W. Cuba Road, Deer Park, Illinois 60010**

1) Pledge of Allegiance

A meeting of the Board of Trustees of the Village of Deer Park was held on Monday, September 19, 2011, 7:00 p.m., 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 7:11 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 and Trustees Finley, Sands, Czarnik, Olson, Thomason and Denny.

Other Village Officials present included Village Administrator Connors, Treasurer Stade, Clerk Schroeder, Attorney Bateman and Bateman and Todd Gordon, Village Engineer. President Kellermann stated that there was a quorum.

3) Approval of Agenda

President Kellermann recommended changes to the agenda.

Motion: Trustee Finley moved, seconded by Trustee Olson, to approve the agenda with minor changes as discussed.

Ayes: Czarnik, Thomason, Denny, Sands, Olson and Finley

Nays: None

Motion Carried. 6/0

4) Approval and Release of Regular Board of Trustees Meeting of August 15th; Special Board of Trustees Meeting of July 26, 2011*

Motion: Trustee Finley moved, seconded by Trustee Sands, to approve the meeting minutes of Regular BOT August 15, 2011 and Special BOT July 26, 2011 with minor revisions as discussed.

Ayes: Olson, Denny, Czarnik, Thomason, Sands and Finley

Nays: None

Motion Carried. 6/0

5) Public Comments – Sign up prior to meeting on sign-in sheet on podium; 5 minutes time limit

President Kellermann noted that this meeting is a limited public forum for public comments, but any statements made and/or opinions expressed therein do not necessarily reflect the views of the Village but represent only the views of the persons making such statements and/or presenting such opinions who are solely responsible for the content thereof.

Lake Zurich resident at 2 Michael Drive expressed his concerns about tree trimming and glad to see the issue being addressed on this agenda.

Mr. Frank Retmueller of Deer Park, expressed his concerns with Kildeer Police services regarding speeders on Deerpath Road.

No further comments – President Kellermann closed public comments at 7:25 p.m.

F. Trustee Sands – Roads & Drainage

Trustee Sands provided an update on the road construction and drainage projects. Trustee Sands also reported on the status of the 2012 Road Program which will be presented an upcoming Board of Trustee meeting.

Trustee Sands indicated that the Hamilton Estates Park Phase Study would be taken later this fall.

Trustee Sands was available to answer questions from the Board.

E. Trustee Finley

Farmer's Market Concept

Cathleen Chay provided a presentation and proposed a Farmer's Market for the Village of Deer.

Ms. Chay proposed having the event on Sundays from the months of June through October from 8:00 a.m. to 12 noon in the park lot of DPTC (see attached map). She noted that there are five farmer markets in a seven-mile radius of Deer Park. She noted that 18 growers have expressed an interest in participating in the Sunday farmer's market in Deer Park.

Ms. Chay noted that the liability which she expects that this would be covered by DDR, as they currently have liability on their parking lots. Liability should be covered for injury caused by using products sold at the market. This is covered through the sellers. Sellers are asked to provide proof of "product Liability" insurance.

Ms. Chay answered questions from the Board. The Board thanked Ms. Chay for your proposal.

6) Kildeer Police Report

i) August Monthly Report

Chief Rossi distributed September Report and noted that it didn't make it in time for the agenda packets.

Chief Rossi overviewed the reports as they were presented. Chief provided an update on the recent burglary reports and noted that patrol has been stepped up. Chief pointed out the increased burglaries are happening in surrounding communities.

Trustee Denny asked Chief Rossi if the theater has police service agreement with the Kildeer Police. Chief Rossi noted that the contract was for inside the theater that expired this week.

Trustee Sands asked for an update on the "white van" cases. Chief Rossi noted that there is no updates but has noticed a "red" vehicle. Chief Rossi asked residents to call the police to report any suspicious activity. Trustee Sands also inquired about the moving violations. Chief Rossi commented he could not explain.

7) Village Engineer – Report & Recommendation

- i) Request for Payment by Behm for Vehe Parking Lot Seal Coating in the amount of \$5,230.00***
- ii) Request for Payment by Behm for 2011 Crack Sealing Program in the amount of \$9,920.00***
- iii) Request for Payment by First Impression for Dover Pond Tennis Courts in the amount of \$27,500.00***
- iv) Request for Payment by VisuSewer for Lift Station Maintenance in the amount of \$200.00 balance from July 18, 2011 Invoice***
- v) Request for Payment by American Underground – Root Cutting Maintenance in the amount of \$3,900.00***
- vi) Request for Payment by Metropolitan Pump – Lift Station maintenance in the amount of \$8,176.00***
- vii) Request for Payment by Patten Industries, Inc., for Emergency Call out/Long Grove Lift Station in the amount of \$754.50***

Village Engineer Gordon explained each of the items i) through vii) and recommended approval.

Motion: Trustee Sands moved, seconded by Trustee Finley, to approve items i) through vii) as presented.

Ayes: Thomason, Denny, Sands, Olson, Czarnik and Finley

Nays: None

Motion Carried. 6/0

- viii) **Request for Quote by Metropolitan Pump – Lift Station Repairs – Check Valve and Transducer Replacement in the amount of \$2,896.00***
Engineer Gordon explained this item and recommended approval.

There was general discussion to budget this next year.

Motion: Trustee Sands moved, seconded by Trustee Olson, to approve the quote in the amount of \$2,896.00 by Metropolitan Pump for the replacement of a check valve and replacement of the transducer in the Long Grove Road Lift Station.

Ayes: Finley, Czarnik, Denny, Thomason, Olson and Sands
Nays: None

Motion Carried. 6/0

Trustee Sands exited the meeting at 7:57 p.m.

- ix) **Septic Code Update**
Engineer Gordon noted that he is working with Village staff and is under further review.
- x) **Updates* Swansway Subdivision – Detention/Wetland Pond Maintenance – Hartz Farm Subdivision – Wallingford Lane Storm Sewer Repairs Additional Root Cutting – American Underground**
Engineer Gordon explained this item and recommends to have the maintenance repairs to the wetland/detention area in the Swansway Subdivision. Gordon referenced the photos in the back up material showing the areas in need of repairs.

Trustee Czarnik noted the costs seem high. Gordon explained that since 2003 the sides had eroded and this is the first time it's been addressed. Administrator Connors noted that this is the type of monitoring that a public works crew would be doing. Connors noted that these repairs don't happen over night and should be periodically checked.

Motion: Trustee Czarnik moved, seconded by Trustee Denny, to approve the quote of \$3,500 by Ela Township to complete the repairs to the Swansway Subdivision Detention/Wetland Pond.

Ayes: Olson, Thomason, Denny, Finley and Czarnik
Nays: None
Absent: Sands

Motion Carried. 5/0

Engineer Gordon explained the request for repair to a damaged pipe where the joint has become separated; and repair to the detention pond's outlet structure of Hartz Farm Subdivision – Wallingford Lane storm sewer repairs. Gordon recommends the storm sewer repair for an estimate cost of \$3,000. Gordon suggested coordinate this work with Bartnick Construction for the repairs.

Village Attorney Bateman suggested checking the subdivision covenants even though it's in the easement. Administrator Connors noted that he would look for an easement and/or will contact Lake County Recorder.

There was general discussion to get competitive bids.

This item was tabled.

Village Engineer Gordon asked if the last projects approved on Prime Rose, Deer Valley and Wallingford should go out to bid as well. It was the consensus of the Board agreed if competitive with Ela Township.

Village Engineer Gordon explained the request for additional root cutting at two areas Deer Lake Meadow Subdivision and Hamilton Estates Subdivision. The cost of the work would be \$3,900 by American Underground.

Motion: Trustee Denny moved, seconded by Trustee Thomason, to approve \$3,900.00 for additional root cutting at two (2) additional areas (Deer Lake Meadow Subdivision and Hamilton Estates Subdivision) by American Underground.

Ayes: Finley, Olson, Czarnik, Denny and Thomas

Nays: None

Absent: Sands

Motion Carried. 5/0

xi) Report on Traffic Sign Retroreflectivity Potential MUTCD Compliance Date Changes*

Village Engineer Gordon explained this item and pointed out the compliance date changes.

Administrator Connors pointed out that the Board recently approved the signage inventory.

Trustee Czarnik asked the procedure of addressing problem signs. It was

noted that the concern would be need to be brought to Trustee Sands' attention and if it is a safety concern, then bring to Trustee Denny.

Trustee Finley pointed out that Hunter's Lane sign is bad.

Trustee Olson noted that there was flooding on Rue Terraine.

9i) Red Robin Liquor License Report

Representatives Pam Ianotta, General Manager of Red Robin and Attorney Irene F. Bahr of Wheaton, Illinois were present asked for approval of the liquor license for the Red Robin restaurant.

President Kellermann explained that he doesn't have any objection with granting and issuing a liquor license based on the application. President Kellermann did point out a number of non-compliance items that need to be addressed prior to issuing a liquor license.

Ms. Ianotta indicated that she was not aware of outstanding issues and will be meeting with the general contract this week to discuss outstanding issues.

President Kellermann noted that a liquor license would be issued once all the items are in compliance. Ms. Ianotta and Ms. Bahr noted that they would discuss this with the general manager and work on resolving the issues.

8) Village Attorney – Report & Recommendation

- i) **Resolution Approving a Certain Intergovernmental Agreement Between the Village of Deer park and Deer Park Hotel, LLC to Provide for a Contribution from the Village's Hotel Tax Revenue for Expanded Courtesy Van Service Within the Village of Deer Park* (tabled from 8/15/11)**
- ii) **Revised Agreement between the Village of Deer Park and Deer Park Hotel, LLC, d/b/a Hampton Inn and Suites to Provide for a Contribution from the Village's Hotel Tax Revenue for Expanded Courtesy Van Service Within the Village of Deer Park*(tabled from 8/15/11)**
Village Attorney Bateman explained and asked the Board for their feedback.

Trustee Finley inquired about page 71 regarding the language "non-resident" she suggested to strike that text. Trustee Finley referenced page 73 regarding \$10 per ride and noted that the agreement was not based on a per ride price but a total of \$1,500 per month.

Attorney Bateman noted that changes can be made and presented back to Hampton Inn for review and/or approval.

Trustee Olson suggested a trial for the first three months during the holiday season period. Trustee Thomas concurred with Trustee Olson's comment.

Village Attorney Bateman suggested changing the language regarding Trustee Finley's comment as "not to exceed \$1,500 in any given month". Trustee Finley agreed.

Trustee Finley asked about using the van for other services. Trustee Finley asked to strike the word "non-resident" on page 71. Attorney Bateman noted that it would be a policy decision. Trustee Finley noted that in other areas of the document it refers as "hotel guests".

Motion: Trustee Finley moved, seconded by Trustee Czarnik, to approve the Resolution approving a certain Intergovernmental Agreement between the Village of Deer Park and Deer Park Hotel, LLC to provide a contribution from the Village's Hotel Tax Revenue for expanded courtesy van service with the Village of Deer Park and amended agreement.

Ayes: Denny, Thomason, Olson, Finley and Czarnik

Nays: None

Absent: Sands

Motion Carried. 5/0

- iii) Ordinance Amending the Deer Park Municipal Code – Chapter 51, "Private Sewage Disposal Systems"***

This item was tabled to the next regular BOT meeting.

- iv) Foxridge Subdivision Escrow Refund Request in the Amount of \$13,490 (\$15,895 less expenses of \$2,405)* (tabled from 7/18/11)**

Attorney Bateman explained this item which was tabled from the July 18, 2011 BOT meeting.

Motion: Trustee Czarnik moved, seconded by Trustee Finley, to approve Foxridge Subdivision Escrow Refund request in the amount of \$13,490.00 (\$15,895.00 less expenses of \$2,405.00).

Ayes: Olson, Denny, Thomason, Finley and Czarnik

Nays: None

Absent: Sands

Motion Carried. 5/0

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

A. President Kellermann

i) Red Robin Liquor License Report*

Moved ahead on the agenda.

ii) Permit Procedure update

President Kellermann explained the permit procedures of the Village of Deer Park. President Kellermann indicated that the Village needs to cover the costs of obtaining permits and its related fees for the inspection services. President Kellermann explained the purpose and public duty/liability of the Village to address issues when they arrive. President Kellermann noted that now that the Village is having inspections per the Village codes, there were complaints because the Village is following the ordinance rules.

Trustee Finley suggested using tourism funds to aid events. Trustee Olson referenced an event from last year with animals that didn't require a permit at that time nor is there such a charge for animals in Barrington.

Trustee Finley noted there should be standard operating procedures for events. Trustee Finley noted there should be revenue neutral or revenue makers for such events.

There was general discussion regarding the Village liability. Attorney Bateman explained the liability to the Village.

President Kellermann asked that the codes of the Village of Deer Park be followed.

iii) Noise Ordinance – music at the Vehe Barn

President Kellermann noted that this item maybe on the October BOT agenda for further discussion in regards to the noise ordinance.

iv) Handy Man Position

President Kellermann recommends additional staff to assist Administrator Connors. Trustee Olson noted that he may have a candidate for the position and would return with more information at the next meeting.

Trustee Czarnik asked how would this be budgeted for now and suggested a budget item for next year.

Trustee Thomason expressed his concerns if there are not enough hours of work.

Attorney Bateman explained the part-time versus wage-act requirements if hired as independent contractor.

Trustee Finley noted that she would like to know the rate for this position.

This item will be further discussed at future BOT meetings.

v) Status of Outbuildings/corncribs
This item was tabled.

Trustee Czarnik noted that the Village is in violation of our own code with the fallen corncrib/outbuilding. Trustee Olson made some suggestions on how to handle the fallen building. Trustee Finley asked for costs for taking the fallen outbuilding apart.

There was general discussion regarding the worth of salvaging the corncrib wood. Trustee Finley suggested donating the wood.

B. Trustee Denny – Finance/Public Safety

i) Proposal to Change the Financial Parameters for Events at the Vehe Barn (tabled from 7/18/11)

Trustee Denny led in the discussion regarding the proposed changes to the financial parameters for events at the Vehe Barn.

Trustee Denny pointed out that the rental revenue is less than employee wage to run the facility. Trustee Denny asked the Board for their feedback.

Trustee Denny entertained a motion to get out of the business and honor the existing contracts but not take any more applications.

Trustee Finley asked about the Lake Zurich Chamber meetings. There was general discussion about establishing a Vehe Barn Committee to create guidelines for the future use of the Vehe Barn. It was the consensus of the Board to establish a committee for activities at the barn.

Trustee Czarnik noted that he would want the residents to be able to use the Vehe Barn.

Trustee Finley concurs with Trustee Czarnik's comments to allow resident to use the Vehe Barn.

Motion: Trustee Denny moved, seconded by Trustee Olson, to approve the Village of Deer Park to get out of the business of renting the Vehe Barn.

Amended Motion:

Trustee Denny moved, seconded by Trustee Olson, in addition to the previous motion, that the Village of Deer Park no longer accept new rentals effective September 20, 2011, honor existing reservations and contracts through October 31, 2011, honor any other existing binding contracts for events occurring thereafter, and to form a Committee to create uniform rules for future use of the Vehe Barn.

Ayes: Czarnik, Finley, Thomason, Denny and Olson

Nays: None

Absent: Sands

Motion Carried. 5/0

Trustee Denny indicated that he would not be interested on holding a position on the committee. Trustee Thomason suggested that that someone notify the Event coordinator regarding this matter.

ii) Sales Tax Revenue Report*

Trustee Denny overviewed the report as it was presented and was available to answer questions from the Board.

SEE ITEMS 10 & 11

C. Trustee Thomason – Parks & Recreation

i) Bids for Park Inventory*

Trustee Thomason explained this item. Trustee Finley asked why the difference in the number of the trees from each of the companies. Trustee Thomason noted that he didn't know.

Motion: Trustee Thomason moved, seconded by Trustee Czarnik, to approve the completion of the Village park tree inventory with the Care of Trees with a not to exceed of \$6.50 per tree and to pay for actual amount of trees.

Discussion:

Trustee Czarnik asked why not consider Bode Tree Care for less cost. Trustee Thomason explained the Village history with the Care of Tree company.

Ayes: Olson, Finley, Thomason, Denny and Czarnik

Nays: None

Absent: Sands

Motion Carried. 5/0

ii) Approval of Purchase and Installation of seven (7) Park Benches for a not to exceed \$5,250.00*

Trustee Thomason explained this item and recommends approval. Trustee Finley voiced that she would rather use recycled material for the benches.

Motion: Trustee Thomason moved, seconded by Trustee Finley, to approve the purchase and installation of seven (7) park benches with recycled material for a not to exceed \$5,250.00.

Ayes: Denny, Olson, Thomason, Finley and Czarnik

Nays: None

Absent: Sands

Motion Carried. 5/0

iii) Discussion of Additional Baseball Field at Town Center

Trustee Thomason reported that he met with Tony Graffa, BASA and Village Engineer Gordon to discuss future development of a baseball field at the DPTC. There is interest in a long term agreement where the Village gets to use the park but maintained by BASA. Trustee Thomason the Board for their feedback.

Trustee Finley asked what percentage of use would the Village have available. Village Administrator Connors explained the current use.

Trustee Finley noted that she would like Lake Zurich Baseball to work an agreement to use the field.

Trustee Czarnik noted that the previous Board discussed a proposed baseball field and there was discussion regarding certain size and ages for fields. Trustee Thomason noted that there was discussion regarding the wetlands and size of the fields.

Trustee Thomason noted that the developer has contacted Tim Beecheck regarding the use of parking spaces.

Trustee Thomason noted that more research can be done with the Lake Zurich Baseball and maybe accommodate both organizations with this development.

It was the consensus of the Board to move forward on this development.

iv) Schedule of Park Open Issues Log*

Trustee Thomason reported various open issues with the Village parks. Trustee Olson pointed out that there is a fence in D'Angelo Park along Ela Road that is falling down and needs repair. Trustee Thomason noted that he was informed that the road would be widened and the problem will be resolved.

D. Trustee Olson – Vehe Farm

i) Parking Lot Light Update

Trustee Olson noted that the parking light on Ela Road was about \$1,000. Trustee Olson suggested a better lighting for \$2-3,000.

Administrator Connors noted that Ela crew is already working on this. Trustee Denny noted that this project will be reimbursed by the insurance company.

ii) Barn Update

Hiii) Review of Proposals for Barn Lower Level Leakage Issues

Village Administrator Connors received RFP proposals for phase I of the project. President Kellermann noted that Bob Hamilton will meet Administrator Connors to look at this issue.

E. Trustee Finley – Health, Sanitation & Public Utilities

i) Clark Program Update*

Trustee Finley reported there were two additional sprays and suggested budgeting for additional sprays next budget. Trustee Finley noted that Clark has corrected their mapping area of the Village.

ii) SWALCO Update*

Trustee Finley explained the waste pick up report and noted that tours of the SWALCO facility are available.

iii) Farmer's Market Concept

This item was moved ahead on the agenda.

iv) Permit Comments

Trustee Finley pointed out that there are residents not getting permits for projects and understands the importance of safety but is not sure if other towns are that highly restricted.

v) Shop Deer Park

Trustee Czarnik distributed information images asked for Board feedback.

vi) Draft Groot Brochure*

Trustee Finley noted that she was not aware of this brochure. She was informed by Groot that the brochure was a one-time offer. President Kellermann noted that Groot should send this out to the residents. Trustee Finley noted that Groot told her that they didn't have to produce an update brochure

President Kellermann pointed out that there is some damage on Old Farm Road. Village Administrator Connors suggested putting it on the next meeting agenda. Trustee Finley asked how much for the repair.

SEE ITEM I

F. Trustee Sands – Roads & Drainage

This item was moved ahead on the agenda.

G. Trustee Czarnik – Planning, Development and Zoning

i) Zoning: Update on Revising the Fee Structure and Escrow Schedule for Special Use Permits and Variations

This has been tabled to the regular Board meeting in October.

ii) Review Sign Ordinance Proposal by Ken Garrett, Building & Zoning Official*

This has been tabled to the regular Board meeting.

H. Administrator Connors

i) Barrington Area Library District request to Relocate Material returning from Charlie Brown Park to Vehe Farm*

This item was tabled to the next Board meeting.

ii) Recommendation to Increase Not for Profit Fees for the use of the Vehe Barn \$50 to \$125 and Review of Other Rental Rates

This item was tabled to the next Board meeting.

iii) Review of Proposals for Barn Lower Level Leakage Issues

This item was moved ahead on the agenda.

iv) Discussion of Electric Aggregation Options Referendum

This item was tabled to the next Board meeting.

v) Proposal to trim tree in Hamilton Estates Park (2 Michael Court, Lake Zurich)

Motion: Trustee Olson moved, seconded by Trustee Thomason, to approve the proposal to trim tree in Hamilton Estates Park (2 Michael Court, Lake Zurich) to Top Notch for \$850.00.

Ayes: Czarnik, Finley, Denny, Thomason and Olson

Nays: None

Absent: Sands

Motion Carried. 5/0

vi) Progress Report on Village Office Space Needs Study

This item was tabled to the next Board meeting.

vii) Website Policy Manual Review* (tabled from 6/20/11)

This item was tabled to the next Board meeting.

viii) Update on Office Mold Remediation Efforts

This item was tabled to the next Board meeting.

- ix) **Consideration of Cost for Tree Removal at 16 Deer Path Road**
Motion: Trustee Olson moved, seconded by Trustee Thomason, to approve the cost for tree removal at 16 Deer Path Road with 50% reimbursement after received.
Ayes: Finley, Czarnik, Denny, Olson and Thomas
Nays: None
Absent: Sands

Motion Carried. 5/0

I. Treasurer Stade

Approval of Semi-Annual Sewer Service Payment to Metropolitan Water Reclamation District of Greater Chicago in the amount of \$123,945.68*

Motion: Trustee Denny moved, seconded by Trustee Finley, to approve semi-annual sewer service payment to Metropolitan Water Reclamation District of Greater Chicago in the amount of \$123,945.68.

Ayes: Olson, Thomason, Czarnik, Finley and Denny
Nays: None
Absent: Sands

Motion Carried. 5/0

J. Village Clerk Schroeder

i) Monthly Clerk Report

This was tabled to the next meeting.

ii) Survey Monkey Services Update

This was tabled to the next meeting.

iii) Request for Approval of Cost to Print and Process Village Newsletter Fall Edition in an amount not to exceed \$1,500.00*

Motion: Trustee Finley moved, seconded by Trustee Denny, to approve the cost to print and process Village Newsletter Fall Edition in an amount not to exceed \$1,500.00

Upon Roll Call – Voice Vote – 5 Ayes/0 Nays/1 absent – Motion Carried. 5/0

iv) Freedom of Information Act and Open Meetings Act Update*

This was tabled to the next meeting.

- v) **Accept & Receive Approved Minutes of: Tourism Committee meeting Minutes of January 21, 2011; March 28, 2011 and April 14, 2011 and Building Review Board Meeting Minutes of April 25, 2011 and Zoning of Board of Appeals Meeting Minutes of March 9, 2010 and January 20, 2011**

This was table to the next meeting.

10) Investment Held Report

*Approval of the Investments Held Report for August 30, 2011 in the amount of \$1,455,742.31**

Motion: Trustee Denny moved, seconded by Trustee Olson, approval of the Investments held report for August 30, 2011 in the amount of \$1,455,742.31.

Upon Roll Call – Voice Vote – 5 Ayes/0 Nays/1 Absent Motion Carried. 5/0

11) Cash Disbursements

*Approval of Expenditures Totaling \$393,577.96 (accounts payable in the amount of \$368,925.13; check register none; plus payroll in the amount of \$24,652.83)**

Motion: Trustee Denny moved, seconded by Trustee Czarnik, to approve expenditures totaling \$393,577.96 (accounts payable in the amount of \$368,925.13; check register none; plus payroll in the amount of \$24,652.83).

Ayes: Finley, Olson, Thomason, Denny and Czarnik

Nays: None

Absent: Sands

Motion Carried. 5/0

12) Executive Session: Pending Litigation, Litigation which is probable or eminent & Personnel

None

13) New Business


None

14) Adjournment

Motion: Trustee Finley moved, seconded by Trustee Czarnik, to adjourn at 11:05 p.m.

Respectfully Submitted,


Elizabeth A. Schroeder
Village Clerk


Robert Kellermann
Village President

