

MINUTES OF THE REGULAR MEETING OF THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF WILLOWBROOK HELD ON MONDAY, SEPTEMBER 24, 2007, AT THE VILLAGE HALL, 7760 QUINCY STREET, IN THE VILLAGE OF WILLOWBROOK, DUPAGE COUNTY, ILLINOIS.

1. CALL TO ORDER

The meeting was called to order at the hour of 7:30 p.m. by Village President Gary Pretzer.

2. ROLL CALL

Those present at roll call were Trustees Dennis Baker, Michael Mistele, Michael Brown, Robert Napoli, Paul Schoenbeck, Timothy McMahon and Village President Pretzer. ABSENT: None. Also present were Village Clerk Leroy Hansen, Village Attorney Thomas Good, Village Administrator Phil Modaff, Chief of Police Edward Konstanty, Director of Finance Sue Stanish, Director of Municipal Services Timothy Halik and Village Planner Sara Hage.

A QUORUM WAS DECLARED

3. PLEDGE OF ALLEGIANCE

President Pretzer asked everyone to join him in saying the Pledge of Allegiance.

4. OMNIBUS VOTE AGENDA

- a. Waive Reading of Minutes (APPROVE)
- b. Minutes - Regular Board Meeting - September 10, 2007 (APPROVE)
- c. Warrants - September 24, 2007 - \$173,675.09 (APPROVE)
- d. Resolution No. 07-R-43 - A Resolution Proclaiming Fire Prevention Week and Fire Safety Month in October Within the Village of Willowbrook (ADOPT)

President Pretzer asked if any Board member(s) wanted to remove any item(s) from the Omnibus Vote Agenda. No Board member wanted to remove any item(s) from the Omnibus Vote Agenda.

MOTION: Made by Trustee Baker, seconded by Trustee Schoenbeck, to approve the Omnibus Vote Agenda as presented.

ROLL CALL VOTE: AYES: Trustees Baker, Mistele, Brown, Napoli, Schoenbeck and McMahon; NAYS: None; ABSENT: None.

MOTION DECLARED CARRIED

NEW BUSINESS

5. VISITOR'S BUSINESS (Public comment is limited to three minutes per person)

Phyllis Zimmer, of 6446 Tennessee Avenue, expressed her concern about storm water runoff onto her property, mosquito larvae and related health issues.

6. RECOGNITION - WILLOWBROOK POLICE CADETS RAPID DEPLOYMENT AWARD

Chief Konstanty reported to the Village Board that the 2007 State of Illinois Law Enforcement Explorer Conference was held on August 6-10, 2007. After a year of extensive training, eight Willowbrook Police Cadets and three advisors traveled to Springfield, IL to participate in this competition. The conference held a new competition for Rapid Deployment and the Willowbrook team received a third place trophy in this event. Chief Konstanty extended special thanks to Commanders John Barnacle and Michael Kurinec, Office Michelle Strugala and Secretary Debbie Hahn for their time and dedication to the Cadet Program. He also expressed a thank you to Commander Steve Finlon who trained and prepared the Cadets for the Rapid Deployment event.

The Board congratulated the cadets on their achievement.

7. DELINQUENT WATER BILLS

Director Halik reported that there were three (3) delinquent water bills in the amounts of \$123.66, \$158.53 and \$288.12, respectively, and requested authorization to proceed as per Village policy.

At this time, Attorney Good noted that one of the comments made earlier by Mrs. Zimmer related to mosquito larvae on her property and he had checked with Mr. Halik that following those rains, Clarke Mosquito took samples and did a perimeter spray in all that area. Director Halik responded that Clarke Mosquito did inspect the property on September 7 and that type of inspection is confirmation of mosquito breeding only without lab samplings and then they apply various applications.

8. DISCUSSION AND MOTION - PLAN COMMISSION RECOMMENDATION OF A PETITION FOR AN AMENDED SPECIAL USE PERMIT FOR A PUD, PRELIMINARY PUD PLAN AND PLAT, VARIATIONS FROM THE ZONING ORDINANCE, AND OTHER RELIEF AS MAY BE REQUIRED TO CONSTRUCT AN 11,272 SQUARE FOOT VETERINARY CLINIC - WILLOWBROOK ANIMAL CARE CLINIC - TLP ENTERPRISES - 6200 S. KINGERY HIGHWAY

Planner Hage informed the Village Board at the meeting on September 5, 2007, the Plan Commission had recommended by a vote of 5-0 the approval of the petitioner's request that would include the construction of a veterinary clinic with an outdoor exercise area within the Willowbrook Square PUD located at the northwest corner of Route 83 and 63rd Street. She noted that a precedent had already been set for a veterinary clinic use within the Willowbrook Square PUD. The application would require variations for an outside exercise area as well as variations from the setback requirements.

There were several concerns raised by residents with regard to the subject development:

- The number of pens in the outdoor exercise area being planned.
- What would the noise, odor and traffic impact be?

The applicant responded that there are eight pens planned in the outdoor exercise area and they were planning to enclose the outdoor exercise area and add a protective corrugated roof that would mitigate sounds. A study was done by the applicant with regard to the sound impact and indicated that the average dog barking is 85 decibels, which increases approximately two decibels per each additional dog.

Ms. Hage noted that the Village had noise and odor provisions in the zoning ordinance and often relies upon Police Department enforcement. In addition, the Village submitted a site traffic plan to Metro Transportation to review. The applicant also had a traffic study done to analyze how much traffic they were currently experiencing at their Elmhurst Clinic. Based on the Elmhurst Clinic, the subject site would average 30 trips per hour compared to 50-130 more trips per hour that would be generated by a restaurant use.

Phil Wolf, project manager, noted that Ms. Hage covered most of the issues that were brought up with regard to the project but he was prepared to answer any other questions and concerns by the Board with regard to the project. He advised that they are doing everything to

resolve or to help residents understand that the fears that were expressed are being addressed.

Comments from the Board:

Trustee McMahon commented that the existing Willowbrook Pet Clinic was not a kennel and the nature of the noise of dogs barking and road noises are not similar. He noted that it is extremely difficult for the Police Department to enforce noise ordinances. Trustee McMahon believed that traffic issues would persist for anyone at that location and with the 44 spaces planned for the clinic, we should be prepared for an increase in accidents. He expressed his disappointment with the Staff and Plan Commission for approving this project and he felt it was an inappropriate use for this location and was surprised it had gotten so far.

Trustee Schoenbeck inquired if the run/exercise yard would have a pitch toward the building or would it be pitched toward the lake? Ms. Hage responded that it is pitched toward the building and in that area is a trench drain and the runoff would be directed into the sanitary sewer.

Trustee Schoenbeck expressed his concern that when he visited the applicant's clinic in Elmhurst he noticed there were dog feces in the landscaping.

Trustee Brown asked if any of the tenants of the shopping center discussed this project with the staff? Ms. Hage noted that she had only had contact with Dr. Bishop, the owner of the Willowbrook Pet Clinic.

Trustee Brown had visited the Elmhurst clinic and there were a lot of dogs barking which is a problem. He further questioned the problem of feces and the problem of urine penetrating the concrete. Trustee Brown felt the development should be in an industrial area.

Trustee Napoli inquired if the proposed building is the maximum size that could be put on that site and what is the maximum building that could go onto that site? Ms. Hage responded that a building can be constructed with a maximum height of 30 feet, maximum lot coverage of 50%, and a maximum FAR of .3.

Trustee Napoli noted that if there would be only eight dogs per hour in the dog kennel area outside that comes to 13-14 hours? And if this facility is built, what would the effect be on the community? He

felt the size of the clinic was too large and would have an adverse affect on the local economy.

President Pretzer acknowledged that the Board had been presented with a copy of the September 7 letter from Ms. Susan Berglund and also a copy of the September 19 letter from Dr. Bishop.

Robert Edwards advised he specialized in the design, planning and construction of animal care facilities. He wanted to address a few things. He confirmed Trustee Brown's remarks that the Elmhurst facility is within an industrial area, which is true, but the other facilities Dr. Prince owns adjoin residential areas and there have not been problems in those areas. He has built animal hospitals for nearly fifteen years and he has never gone back to a facility that had an odor problem with concrete. If concrete is properly sealed and maintained, where sanitation is key, there is no problem with concrete. The reality is that people are traveling outside the community because there are no locations such as the proposed facility.

Trustee Napoli referred to correspondence from a Naperville resident who complained about the noise nuisance, offensive odors, solid and liquid waste of a similar facility and he wanted the record to show that there was at least one complaint.

Trustee Schoenbeck felt the building and exercise area could be moved closer to Route 83 away from the residential area.

President Pretzer commented that he did stop by the Elmhurst Clinic, unannounced, and just walked in and everything was very clean and only one dog had barked and thought they had a very clean operation and the weather was very warm and the area of disposal did not omit odors stronger than when he was in some restaurants.

At this time, President Pretzer opened the discussion to comments from the audience.

Frank Tupperling, resident of Stanhope Square, did not care for the appearance of a building that will house dogs that will be barking, and we would have to listen to this year after year. Why build it in a residential area and not an industrial area?

Teresa Hart, 6145 Essex Court, expressed her concern that she was not notified of the meeting and felt that more people would have been in attendance if they were notified.

Phyllis Zimmer, 6446 Tennessee Avenue, commented she lives near the Arabian Knights Horse Farm and on Sunday mornings they have the dog training classes and the noise is so horrendous that she had called the police department and mentioned it to the Municipal Services Department.

Sue Berglund presented petitions to the Board protesting the building of the proposed facility signed by 400 residents. She believed the project would be detrimental to the property values and way of life. There are approximately twelve animal clinics with thirty seven veterinary doctors within a 3 mile radius and we really do not need another one.

Jim Decky, 6135 Essex, stated the hearing notification signage on the site was inadequate. He expressed concern about property values. Further, he felt that the Police Department would have to hire more police officers because we are putting you on speed dial and you will have to be going out to the place a lot.

Dr. Lopiccicolo-Bishop, one of the owners of the Willowbrook Pet Clinic, commented that the conversation between Ms. Hage and Dr. Bishop was solicited by Dr. Bishop and they were not approached or notified about the project at any time. Their landlord had also not been notified of the project. Further, she commented with regard to the competition in the area and how several statements were made that the other existing clinics owned by Dr. Prince did not affect the other businesses in their area. Initially, the applicant said they exercise the dogs three times a day; however, the Elmhurst Animal Clinic advertises to their clients that their dogs that are boarded there are exercised four to six times a day. In addition, if the doctors do not require their kennel staff to clean up after each animal before the next dog is taken out, you will get accumulated waste and that would increase the odor and the potential for the contamination of the environment.

Alice Jara, manager of the Knolls, expressed her concern if they will have to recertify the elevations every so many years with regard to flood insurance should the clinic be built.

Additional concerns expressed by the members of the audience were:

- The dogs barking and the residents would have to listen to this year after year.
- Why build it in a residential area and not in an industrial area.
- Notification of the surrounding property owners was inadequate.

- Inadequate signage on the site for notification purposes
- Decrease in property values
- Noise and health issues
- Location of the dog runs at the back of the proposed building closer to the residential area
- Retirees who are home all day would have to listen to the dogs barking all day long
- Concern about the welfare of the animals
- The regulation and guaranteed protection of the resident's environment?

Attorney Good responded with regard to the comments about not receiving notice. Statutory code requirements are for record owners of property. The Village gives more notice than is required by State Statute and he was sure that in any instance maybe someone did not pick up their mail, the letter got lost but the Village gives more notice than is required by statute.

Trustee Napoli asked how the notification is sent to the property owner?

Planner Hage responded that it is sent by regular mail.

Trustee Napoli felt the Village should change the policy in the future and have these letters sent out registered every time they are sent out.

Attorney Good interjected that the Village would have to send notification letters also by regular mail because people often see a certified letter and the majority of those letters are not picked up and the receipts are not signed so we always like to send letters by regular mail.

Attorney Good responded that if violations of the conditions of the ordinance occur, they would be reported to the Village and the Village would take appropriate action.

Trustee Schoenbeck asked Ms. Hage if she could check into the possibility of having a property owner/developer coming into the Village looking for some variances or they are going to have a public meeting, that we look at an additional posting of hearings and look at the property owner/developer sending out the certified notification letters to the surrounding land owners instead of the Village.

MOTION: Made by Trustee Napoli, seconded by Trustee Brown, to reject the Plan Commission's recommendation.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Baker, Mistele, Brown, Napoli, Schoenbeck and McMahon; NAYS: None; ABSENT: None.

MOTION DECLARED CARRIED

9. RESOLUTION - A RESOLUTION AUTHORIZING THE VILLAGE PRESIDENT AND VILLAGE CLERK TO ENTER INTO AN EMPLOYMENT AGREEMENT - PUBLIC WORKS MAINTENANCE WORKER

Administrator Modaff informed the Village Board that Maintenance Worker II Jacob Witt had been recalled to active duty in the United States Marine Corps. His position will remain available to him upon his return from active duty in accordance with the Village's Personnel Manual. It is expected he will be deployed for one year. Administrator Modaff advised that in his absence it is important that we fill his position in order to keep up with the workload in the Municipal Services Department. The Personnel Manual does not contemplate a full-time temporary position; therefore, the Village Attorney recommended entering into an employment agreement with the person would temporarily fill Jacob Witt's position. The employee candidate is Jacob Witt's brother, Anthony, who fully understands the temporary nature of the employment. The employment agreement before the Board this evening would grant Anthony Witt most of the rights of a regular full-time employee and sets forth a salary in conformance with the entry level amount for this position.

MOTION: Made by Trustee Schoenbeck, seconded by Trustee McMahon, to adopt Resolution No. 07-R-44.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Baker, Mistele, Brown, Napoli, Schoenbeck and McMahon; NAYS: None; ABSENT: None.

MOTION DECLARED CARRIED

10. RESOLUTION - A RESOLUTION AUTHORIZING THE VILLAGE PRESIDENT AND VILLAGE CLERK TO AWARD A CONTRACT FOR MFT STREET MAINTENANCE PROGRAM

Director Halik informed the Village Board that Staff had been working on revising the Fiscal Year 2007/2008 Roadway Maintenance Program. The intent of the revision is to fund the required maintenance work of the roadways through MFT receipts only without additional contributions from the General Fund. This would enable a substantial

cost savings over time while still providing an acceptable level of maintenance intervals for roadways.

The construction bid documents were submitted to the Illinois Department of Traffic (IDOT) for approval prior to going out to public bid. The public bid opening was held on Friday, September 14, at 11:00 a.m. The lowest qualified bid was submitted by Fahrner Asphalt Sealers, Inc. Staff recommended that the Board approve the resolution before them this evening to authorize the Village President and Village Clerk to award the contract for the 2007 MFT Street Maintenance Program to Fahrner Asphalt Sealers, Inc. in the amount of \$136,203.50.

MOTION: Made by Trustee Napoli, seconded by Trustee Schoenbeck, to adopt Resolution No. 07-R-45.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Baker, Mistele, Brown, Napoli, Schoenbeck and McMahon; NAYS: None; ABSENT: None.

MOTION DECLARED CARRIED

11. RESOLUTION - A RESOLUTION AUTHORIZING THE VILLAGE PRESIDENT AND VILLAGE CLERK TO EXECUTE AN AGREEMENT FOR CONSULTING SERVICES BETWEEN THE VILLAGE OF WILLOWBROOK, THE VILLAGE OF BURR RIDGE AND THE PAR GROUP - PUBLIC MANAGEMENT CONSULTANTS, LLC - POLICE CONSOLIDATION FEASIBILITY STUDY

MOTION: Made by Trustee McMahon, seconded by Trustee Mistele, to adopt Resolution No. 07-R-46.

The consensus of the Village Board was to defer further discussion on this item until after Executive Session.

12. ORDINANCE - AN ORDINANCE AMENDING SPECIAL USE PERMIT NO. 06-27 AS APPROVED BY ORDINANCE NO. 06-O-27 AND APPROVING AN AMENDED AND RESTATED PRELIMINARY AND FINAL PLAT OF SUBDIVISION AND PLANNED UNIT DEVELOPMENT - ROUTE 83 AND PLAINFIELD ROAD - WILLOWBROOK TOWN CENTER

Planner Hage informed the Village Board that before them was approval of an amendment to the special use permit and PUD plat for the Willowbrook Town Center. The purpose of the amendment is to update the plat with the precise location of building footprints for the center. Since the last approval, the developer had changed the footprints to adapt to the various tenants and have also responded to IDOT and DuPage County DOT comments with respect to the location of

sidewalks and the moving of those sidewalks required that additional easements be granted and that would be carried out with this plat.

MOTION: Made by Trustee Schoenbeck, seconded by Trustee Brown, to pass Ordinance No. 07-0-22.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Baker, Mistele, Brown, Napoli, Schoenbeck and McMahon; NAYS: None; ABSENT: None.

MOTION DECLARED CARRIED

OLD BUSINESS

13. COMMITTEE REPORTS

Trustee Brown had no report.

Trustee Napoli had no report.

Trustee Schoenbeck had no report.

Trustee McMahon had no report.

Trustee Baker had no report.

Trustee Mistele had no report.

14. ATTORNEY'S REPORT

Village Attorney Good commented that at the Staff Meeting the following morning he would discuss Trustee Napoli's concern about mailing notices both by certified and regular mail.

15. CLERK'S REPORT

Village Clerk had no report.

16. ADMINISTRATOR'S REPORT

Administrator Modaff informed the Village Board that the issue of the use of laptops for agenda packets was discussed at the Finance/Administration Committee. In the very near future, we will try it out for a few months.

17. EXECUTIVE SESSION

President Pretzer asked for a motion to go into Executive Session to discuss land acquisition.

MOTION: Made by Trustee Schoenbeck, seconded by Trustee Baker, to go into Executive Session to discuss land acquisition at the hour of 9:45 p.m.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Baker, Mistele, Brown, Napoli, Schoenbeck and McMahon; NAYS: None; ABSENT: None.

MOTION DECLARED CARRIED

SEE APPROPRIATE EXECUTIVE SESSION MINUTES

The Village Board came out of Executive Session at this time.

ROLL CALL

Village Clerk Hansen called the roll. Those present at roll call were Trustees Dennis Baker, Michael Mistele, Michael Brown, Robert Napoli, Paul Schoenbeck, Timothy McMahon and Village President Pretzer. ABSENT: None.

MOTION DECLARED CARRIED

17A. RESOLUTION - A RESOLUTION AUTHORIZING THE VILLAGE PRESIDENT AND VILLAGE CLERK TO EXECUTE AN AGREEMENT FOR CONSULTING SERVICES BETWEEN THE VILLAGE OF WILLOWBROOK, THE VILLAGE OF BURR RIDGE AND THE PAR GROUP - PUBLIC MANAGEMENT CONSULTANTS, LLC - POLICE CONSOLIDATION FEASIBILITY STUDY (CLERK'S NOTE: SEE AGENDA ITEM NO. 11)

Administrator Modaff informed the Village Board that the staff was recently directed to work with the Village of Burr Ridge to complete a Request For Qualifications (RFQ) and to solicit interest from firms qualified to provide consulting services for a feasibility analysis with regard to the proposed consolidation of police departments. RFQ's were sent to twelve firms and five firms responded. The Village Administrators and Police Chiefs chose three firms to be interviewed. Administrator Modaff advised the Board that employee representatives from each Village were invited to sit in on the interview from the Union employee group, the Command employee group and the civilian employee group. In addition, the employee representatives provided

feedback with regard to the consultant candidates. The consensus of the interviewers as the number one choice was The Par Group.

The proposal from The Par Group in the amount of \$42,000 is to be split evenly with the Village of Burr Ridge and they gave a 120 day completion for the project, broken up into two phases to allow them to provide an interim report to both Village Boards after they have talked to employee groups, after they have done their own analysis of staffing needs and structural analysis as well as an examination of the various government models to be considered. At this point, both Boards will be able to decide if they should keep doing their work and finish Phase 2, which is to reach out to the community, Chamber of Commerce, homeowners associations, town meetings and a final report or could decide this is not the way to go and nothing would be owed for Phase 2.

MOTION: Made by Trustee McMahon, seconded by Trustee Mistele, to adopt Resolution No. 07-R-46.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Baker, Mistele, Brown, Napoli, Schoenbeck and McMahon; NAYS: None; ABSENT: None.

MOTION DECLARED CARRIED

18. ADJOURNMENT

President Pretzer asked for a motion to adjourn the meeting.

MOTION: Made by Trustee McMahon, seconded by Trustee Napoli, to adjourn the meeting at the hour of 10:20 p.m.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Baker, Mistele, Brown, Napoli, Schoenbeck and McMahon; NAYS: None; ABSENT: None.

MOTION DECLARED CARRIED

PRESENTED, READ and APPROVED,

_____, 2007

Village President

Minutes transcribed by Mary Partyka.