

MINUTES OF THE REGULAR MEETING OF THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF WILLOWBROOK HELD ON MONDAY, JUNE 8, 2009, 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 Robert Napoli.

2. ROLL CALL

Those present at roll call were Trustees Dennis Baker, Terrence Kelly, Michael Mistele, Paul Schoenbeck, Timothy McMahon and President Napoli. ABSENT: Trustee Sandra O'Connor. Also present were Village Clerk Leroy Hansen, Village Attorney William Hennessy, Village Administrator Phil Modaff, Chief of Police Edward Konstanty, Director of Finance Sue Stanish, Director of Municipal Services Timothy Halik, Planner Sara Hage and Administrative Intern Garrett Hummel.

A QUORUM WAS DECLARED

3. PLEDGE OF ALLEGIANCE

President Napoli 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 - May 26, 2009 (APPROVE)
- c. Warrants - June 8, 2009 - \$347,120.03 (APPROVE)
- d. Monthly Financial Reports - May 31, 2009 - \$16,589,357.12 (ACCEPT)
- e. ORDINANCE NO. 09-O-14 - AN ORDINANCE AMENDING THE VILLAGE CODE OF THE VILLAGE OF WILLOWBROOK - TITLE 3, SECTION 3-12-5(B) - BUSINESS, LIQUOR, CLASSIFICATIONS (PASS)
- f. ORDINANCE NO. 09-O-15 - AN ORDINANCE ADOPTING PREVAILING WAGE RATES PURSUANT TO THE PREVAILING WAGE LAW (PASS)
- g. RESOLUTION NO. 09-R-36 - A RESOLUTION AUTHORIZING THE PRESIDENT AND VILLAGE CLERK TO EXECUTE A CERTAIN AGREEMENT - WEBSITE DESIGN SERVICES - CIVICPLUS (ADOPT)

President Napoli asked if any Board Member wanted any item(s) removed from the Omnibus Vote Agenda for discussion. No Board Member wanted any item(s) removed from the Omnibus Vote Agenda.

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

ROLL CALL VOTE: AYES: Trustees Baker, Kelly, Mistele, Schoenbeck and McMahon; NAYS: None; ABSENT: Trustee O'Connor.

MOTION DECLARED CARRIED

NEW BUSINESS

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

Phyllis Zimmer, 6446 Tennessee Avenue, commented with regard to Agenda Item No. 6, the Sunrise Assisted Living application. She felt that approving the Sunrise application without updating the storm sewers in this area is dangerous and careless and placing the residents of Sunrise at risk.

President Napoli asked Administrator Modaff, with regard to Sunrise, as it is and as proposed, has the water situation, retention/detention, been taken into consideration by the engineer.

Administrator Modaff responded to the degree that it is required to be taken into consideration at this point in the planning application stage, yes. He added that should they go forward to final, they would go through full and complete reviews to make sure the project is in compliance with the DuPage County Storm Water Ordinance.

Administrator Modaff further noted that the Village is not aware of any failure or inability of emergency services to respond to Sunrise.

6. ORDINANCE - AN ORDINANCE REZONING CERTAIN TERRITORY, GRANTING CERTAIN VARIATIONS FROM THE ZONING ORDINANCE, GRANTING A SPECIAL USE PERMIT FOR AN ASSISTED LIVING FACILITY, AMENDING SPECIAL USE PERMIT 98-26 AS APPROVED IN ORDINANCE NO. 98-0-26 AND APPROVING A PRELIMINARY PLAT OF PLANNED UNIT DEVELOPMENT - SUNRISE ASSISTED LIVING - 6300 AND 6318 CLARENDON HILLS ROAD

Planner Hage reported to the Board that the Ordinance before them this evening is a follow up from the previous discussion whereby Sunrise presented a petition for various zoning entitlements including rezoning, numerous variations and approval of a Preliminary Plat of PUD. The Board had previously discussed the issue of the demolition of the existing home on the property at 6318 Clarendon Hills Road. Since the last meeting, Ms. Hage advised that Sunrise had set a closing date on the property for August 17 and had agreed to pursue demolition of the structure within 90 days of that closing date.

MOTION: Made by Trustee Schoenbeck, seconded by Trustee Mistele, to pass Ordinance No. 09-0-16.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Baker, Kelly, Mistele, Schoenbeck and McMahon; NAYS: None; ABSENT: Trustee O'Connor.

MOTION DECLARED CARRIED

7. ORDINANCE - AN ORDINANCE AMENDING THE VILLAGE CODE OF
THE VILLAGE OF WILLOWBROOK - TITLE 1, SECTION 1-4-1 -
GENERAL PENALTY

Director Stanish informed the Board that the Village currently does not have a NSF or non-sufficient funds fee. Staff has been tracking the amount of non-payments that come through, especially for the water billing, and they still continue to be fairly low. Director Stanish noted that what prompted the Staff to look at this and initiate the \$25 fee was the oncoming red light camera enforcement. The red light camera vendor advised having a NSF fee would help avoid the non-payment situation. The Ordinance before the Board this evening would impose the NSF \$25 fee on all Village services.

MOTION: Made by Trustee Schoenbeck, seconded by Trustee Mistele, to pass Ordinance No. 09-0-17.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Baker, Kelly, Mistele, Schoenbeck and McMahon; NAYS: None; ABSENT: Trustee O'Connor.

MOTION DECLARED CARRIED

8. RESOLUTION - A RESOLUTION AUTHORIZING THE VILLAGE ADMINISTRATOR'S ACCEPTANCE OF CHANGE ORDER NUMBER 25 - SALT DOME REVISIONS - FOR THE CONSTRUCTION OF THE VILLAGE PUBLIC WORKS FACILITY AND RATIFYING AND CONFIRMING THE VILLAGE ADMINISTRATOR'S PRIOR EXECUTION OF SAID CHANGE ORDER

Director Halik informed the Board that the final location of the salt dome on the site of the new public works building had been changed to a better location. The construction revisions necessary to accomplish this relocation were itemized on project Change Order #25. The total cost for all necessary construction revisions was \$15,105.00, which will still enable the project to come in under budget overall for the salt dome. Given some of the itemized work that needed to be completed before the parking lot installation could begin and with the approval of the Municipal Services Committee, the Village Administrator did authorize this Change Order on June 3. The Resolution for consideration this evening both authorizes the Village Administrator's acceptance of the change order and ratifies his prior execution. Staff recommended approval of the Resolution.

MOTION: Made by Trustee Schoenbeck, seconded by Trustee Mistele, to adopt Resolution No. 09-R-37.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Baker, Kelly, Mistele, Schoenbeck and McMahon; NAYS: None; ABSENT: Trustee O'Connor.

MOTION DECLARED CARRIED

9. RESOLUTION - A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NUMBERS 18-R, 22, AND 24 - PUBLIC WORKS FACILITY CONTRACT - FBG CORPORATION

Director Halik advised the Board that the construction of the Public Works garage should be completed within the next several weeks. Three initial contract Change Orders had been submitted by the general contractor and approved by the project architect. In addition, the Municipal Services Committee reviewed each of the Change Orders immediately prior to the meeting. The Change Orders represent a total decrease of \$2,688.00 in the contract amount. Staff recommended approval of the Resolution.

MOTION: Made by Trustee Mistele, seconded by Trustee Baker, to adopt Resolution No. 09-R-38.

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PREVIOUS ROLL CALL VOTE: AYES: Trustees Baker, Kelly, Mistele, Schoenbeck and McMahon; NAYS: None; ABSENT: Trustee O'Connor.

MOTION DECLARED CARRIED

OLD BUSINESS

10. COMMITTEE REPORTS

Trustee Baker had no report.

Trustee Kelly had no report.

Trustee Mistele had no report.

Trustee Schoenbeck had no report.

Trustee McMahon noted that the Finance/Administration Committee meeting minutes were in the packet for information only.

11. ATTORNEY'S REPORT

Village Attorney Hennessy had no report.

12. CLERK'S REPORT

Village Clerk Hansen had no report.

13. ADMINISTRATOR'S REPORT

Administrator Modaff had no report.

14. EXECUTIVE SESSION

MOTION: Made by Trustee McMahon, seconded by Trustee Schoenbeck, to adjourn into Executive Session to discuss personnel and probable and imminent litigation at the hour of 7:45 p.m.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Baker, Kelly, Mistele, Schoenbeck and McMahon; NAYS: None; ABSENT: Trustee O'Connor.

MOTION DECLARED CARRIED

SEE APPROPRIATE EXECUTIVE SESSION MINUTES

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PRESENTED, READ and APPROVED,

June 22, 2009

Robert A. Napoli
Village President

Minutes transcribed by Mary Partyka.