

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF WILLOWBROOK HELD ON MONDAY, SEPTEMBER 26, 2011 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 6:30 p.m. by Mayor Robert Napoli.

2. ROLL CALL

Those present at roll call were Mayor Robert Napoli, Clerk Leroy Hansen, Trustees Terrence Kelly, Sue Berglund, Umberto Davi, and Frank Trilla.

ABSENT: Trustees Dennis Baker and Michael Mistele.

Also present were Village Administrator Timothy Halik, Village Attorney William Hennessy, Chief Mark Shelton, Superintendent of Parks and Recreation Kristin Violante, and Management Analyst Garrett Hummel.

A QUORUM WAS DECLARED

3. PLEDGE OF ALLEGIANCE

President Napoli asked Trustee Berglund to lead everyone in saying the Pledge of Allegiance.

4. OMNIBUS VOTE AGENDA

- a. Waive Reading of Minutes (Approve)
- b. Minutes - Regular Board Meeting - September 12, 2011 (APPROVE)
- c. Minutes - Executive Session - June 13, 2011 (APPROVE)
- d. Minutes - Executive Session - June 27, 2011 (APPROVE)
- e. Minutes - Executive Session - July 11, 2011 (APPROVE)
- f. Minutes - Executive Session - July 18, 2011 (APPROVE)
- g. Minutes - Executive Session - July 25, 2011 (APPROVE)
- h. Minutes - Executive Session - August 8, 2011 (APPROVE)
- i. Warrants - \$201,656.65 - September 26, 2011 (APPROVE)
- j. Resolution - A Resolution Proclaiming Red Ribbon Week in the Village of Willowbrook (ADOPT)

Page 2  
Village Board Minutes  
September 26, 2011

- k. Proclamation - A Proclamation Creating Set Hours for Halloween Solicitation (ADOPT)
- l. Resolution - A Resolution Authorizing the Mayor and Village Clerk to Accept a Proposal for the Completion of a Water Storage Tank Washing Project - Water Tower Clean and Coat, Inc. (ADOPT)
- m. Resolution - A Resolution Authorizing the Mayor and Village Clerk to Accept a Proposal for the 2011 Fall Brush Collection Program - Homer Tree Care, Inc. (ADOPT)
- n. Ordinance - An Ordinance Authorizing the Sale of Personal Property Owned by the Village of Willowbrook (APPROVE)
- o. Application to Hold a Raffle - Lions Club of Woodridge (APPROVE)

Mayor Napoli asked the Board if there was any item to be removed from the Omnibus Vote Agenda. Trustee Trilla recues himself from Item 4i.3.

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

ROLL CALL VOTE: AYES: Trustees Kelly, Berglund, Davi and Trilla. Nays: None. ABSENT: Trustees Baker and Mistele.

MOTION DECLARED CARRIED

NEW BUSINESS

5. DELINQUENT WATER BILLS

Administrator Halik advised that there are no delinquent water bills at this time.

6. RESOLUTION - A RESOLUTION AUTHORIZING THE MAYOR AND VILLAGE CLERK TO ACCEPT A PROPOSAL FOR THE 2011 PARK IDENTIFICATION SIGN REPLACEMENT PROJECT - WOODMASTER GRAPHICS

Superintendent Violante advised that past Superintendent Wally Righton and the Parks Commission determined that the park signs throughout the Village were in poor condition and needed to be replaced. After several meetings and a review of prospective sign companies, the Commission decided on a final design and sign company. Woodmaster Graphics was chosen to design and complete thirteen (13) new signs. These signs will have an overall size of 30" h x 56" w for a total cost of \$18,507.00. The

Public Service Department will remove the existing signs and install the new signs. Woodmaster Graphics has agreed to delivery and haul away the old signs at no cost.

A total of \$20,500 was budgeted in the 2011/12 Capital Budget. The Municipal Services Committee approved this expenditure and recommended the Board authorize the completion of the sign replacement project.

Once approved, the signs will be ordered and Superintendent Violante anticipates the signs will be installed in early November.

Trustee Trilla asked if the Village website is going to be placed on the signs. Superintendent Violante advised that this was not discussed at the Commission meetings however she will discuss it with them at their next meeting.

MOTION: Made by Trustee Davi, seconded by Trustee Trilla to adopt Resolution No. 11-R-41, as presented.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Kelly, Berglund, Davi and Trilla. Nays: None. ABSENT: Trustees Baker and Mistele.

MOTION DECLARED CARRIED

7. RESOLUTION - A RESOLUTION WAIVING THE COMPETITIVE BIDDING PROCESS AND AUTHORIZING THE MAYOR AND VILLAGE CLERK TO ACCEPT A PROPOSAL FOR APPRAISAL SERVICES - REALTY VALUE CONSULTANTS, INC.

Administrator Halik advised that in an effort to eventually expand Community Park, Village Staff has contacted or met with area property owners to discuss the potential acquisition. During the meetings, several owners were open to discussing various acquisition alternatives however requested the Village provide appraisals of their properties to assist them in determining the property values.

Throughout the month of July 2011, Staff met with four (4) appraisal firms regarding the project. Utilizing their feedback, a Request for a Proposal (RFP) document was completed and distributed on August 9, 2011. These RFPs were due back on August 22, 2011. Three (3) proposals were submitted prior to the deadline, which are summarized within the agenda packet.

The lowest qualified proposal was received from Realty Value Consultants, Inc. in the amount of \$25,000 for this project.

Page 4  
Village Board Minutes  
September 26, 2011

The President of Realty Value Consultants, Inc. was quick to grasp the concept of this project and did not submit an open-ended proposal.

Staff recommends that the proposal received from Realty Value Consultants, Inc. be accepted for this project.

Immediately after the vote, a resident in the audience voiced a comment regarding the vote. Mayor Napoli advised that he would have time during the Visitor's portion of the meeting to speak per the Rules and Regulations of the Board.

Another resident spoke and advised that before they vote, the Board should listen to what the residents have to say since they live on the property being discussed. Again Mayor Napoli advised that they would have the opportunity to speak towards the end of the meeting.

A resident asked to have Administrator Halik speak on some of the propositions that the residents have made so that the Board could hear some of the alternatives prior to making a decisional vote.

Administrator Halik advised that all residents affected have been spoken to. As discussed, the Village will proceed with the appraisals of the properties. At this time, the Board agreed to allow visitors to speak on this subject.

Mr. Robert Kaucky, 223 W. 75<sup>th</sup> Street, Willowbrook, IL asked why the Board did not get competitive bids on the proposed appraisals. Administrator Halik advised the Village waived the statutory bidding process and solicited proposals from reputable vendors. Once the qualified proposals were received, the lowest bid being Realty Value Consultants, Inc. was chosen.

Mr. Kaucky wanted to know if any Board member had a business relationship with the approved vendor. Mayor Napoli advised that he has been a real estate appraiser for the past 40 years and has taught appraisers and seminars for over 30 years and is very well known. Mayor Napoli was not involved in the interview process nor did he make any recommendations during the bid process.

Mr. Kaucky advised that he would like to have an independent appraiser that has no known affiliation with Mayor Napoli to appraise the property. During the interview process, Mayor Napoli gave instruction to the Village Attorney and Staff to evaluate the matter on the merits to find the best appraisers

they could find with the broadest background, experience and skill. At no time did Mayor Napoli review the bid process or make a recommendation for the qualified appraiser. Administrator Halik made a recommendation with the advice from Attorney Hennessy.

Trustee Trilla advised Mr. Kaucky that he is free to get his own appraisal of his property. Mr. Kaucky feels that to get the best bid is to open the bidding process up to all appraisers and not in the best interest of the residents to close the bidding process.

Ms. Jana Conev, 234 Midway Drive, Willowbrook, IL commented that these are not just properties but their homes. She has been in contact with Administrator Halik and has been very open on her property being part of Willowbrook one day. They have had their property for sale numerous times, to no avail. A suggestion was made to add an addendum to their will to see if the Village would like to purchase the property. They do not want to sell the rear acre of their property and have a park in their back yard. Issues living near the park include parking problems, people walking their dogs, lights, garbage issues, and kids doing acts of vandalism. Ms. Conev has recently received appraisals on her property however it does not necessarily mean that would be the asking price.

Mr. Len Kaucky, 222 W. 75<sup>th</sup> Street, Willowbrook, IL commented that the Kauckys stand is that they do not want to sell a portion of their property. He appreciated Administrator Halik calling him regarding this matter however after speaking with other neighbors, he was advised that they were not called and he wanted to know if there was some type of misunderstanding in communication.

Administrator Halik advised that the Kauckys, Johnsons, and the Konevs were notified. Mr. Kaucky advised that Dr. Osmond and Dr. Chen were not notified. Administrator Halik advised that Dr. Chen is not interested at all and that is why he was not notified. Dr. Osmond is open to potential acquisition options and has specific criteria to base his price on.

Mr. Kaucky is concerned that the Village is attempting to expedite something due to the bidding process and feels that someday the Village will be facing him in court due to condemnation of his property for some reason. He advised that the Village has stated they are not going to do this but he is very skeptical of the Village's motives. The Kauckys will vigorously challenge any lawsuit brought against them regarding their property.

Attorney Hennessy advised that any decision to take property by eminent domain is a matter for the Board. The public body is charged with pursuing public purposes. The mission is to attempt to secure by voluntary means as much of this property as possible for public purposes. No decision has been made to take anyone's property. However, if the suggestion is to discard what already is provided by eminent domain, he has advised the Board not to do that.

Dr. Chen, 221 W. 75<sup>th</sup> Street, Willowbrook, IL asked that he be notified in the future of any discussions on his property. Mayor Napoli asked that he provide a phone number before he left with Administrator Halik.

MOTION: Made by Trustee Kelly, seconded by Trustee Davi to adopt Resolution No. 11-R-42, as presented.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Kelly, Berglund, Davi and Trilla. Nays: None. ABSENT: Trustees Baker and Mistele.

MOTION DECLARED CARRIED

8. ORDINANCE - AN ORDINANCE AUTHORIZING THE AMENDMENT OF THE ELIGIBILITY FOR BENEFIT PROVISIONS IN THE VILLAGE'S EXISTING GROUP BASIC LIFE & ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE POLICY BY ADDING TO THE LIST OF SAID POLICY'S BENEFITTED CLASSES A FIFTH CLASSIFICATION CONSISTING OF ALL THOSE PERSONS APPOINTED TO CERTAIN OF ITS APPOINTED OFFICES

Administrator Halik advised that through the Village's existing life insurance carrier, there is the ability to create a new class in the existing policy to extend life insurance coverage to appointed officials. This would include volunteers in the community who serve on the Park Commission, Plan Commission, and Board of Police Commission. There are a total of sixteen (16) individuals. The policy would include \$100,000 in Group Basic Life and Accidental Death & Dismemberment insurance. The cost per individual is \$108/year or \$9.00/month. The annual expense would cost the Village \$1,728/year. This came about after several tragic events in the United States at public meetings.

Initially, safety issues were considered at these meetings, however it was later determined that regardless of the safety practices utilized, the Village could not be 100% confident that a tragic event would not occur in Willowbrook. Staff believes

this is an economical measure to provide added peace of mind for these individuals while serving in those capacities.

Staff recommends the Ordinance amendment be passed, with an effective date of October 1, 2011.

Mayor Napoli urged the Board to pass this Ordinance since the duty of the Commissioners serving these offices have a much greater responsibility than in years past.

Mayor Napoli also advised that a new amendment to the Open Meetings Act was passed and will go into effect January 1, 2012, for all present and future Board members and Commissioners of the Village. They must successfully complete an electronic training curriculum on the Open Meetings Act. This amendment was developed and will be administered through the Office of the Attorney General.

MOTION: Made by Trustee Davi, seconded by Trustee Kelly to approve Ordinance No. 11-0-15, as presented.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Kelly, Berglund, Davi and Trilla. Nays: None. ABSENT: Trustees Baker and Mistele.

MOTION DECLARED CARRIED

PRIOR BUSINESS

9. COMMITTEE REPORTS

Trustee Baker had no report.

Trustee Kelly had no report.

Trustee Mistele had no report.

Trustee Berglund had no report.

Trustee Davi had no report.

Trustee Trilla had no report.

10. ATTORNEY'S REPORT

Attorney Hennessy advised that the agenda has been revised. The "Visitor's Business" section has been moved from the beginning of the agenda and placed in its new position. In addition, new language establishing the scope of public comment has been

changed. This change was prompted by the recent addition of subsection 2.06(g) of the Open Meetings Act, which states "Any person shall be permitted an opportunity to address public officials under rules established and recorded by the public body".

The Board is aware that the Mayor, Clerk and Attorney Hennessy agree that the intent of this new language requires that the Village immediately change its present rule limiting public comment at Board meetings to "open session agenda discussion items only". Such a limitation on content is now impermissible. Accordingly, the Board's future adoption of new, comprehensive rules governing public comments at Board meetings will immediately comply with the intent of the new Act by allowing public comment restricted only by a 3-minute speaking time per person as a Visitor's Business Item just prior to Adjournment.

11. CLERK'S REPORT

Clerk Hansen had no report.

12. ADMINISTRATOR'S REPORT

Administrator Halik had no report.

13. MAYOR'S REPORT

Mayor Napoli had no report.

14. VISITOR'S BUSINESS

Mr. Len Kaucky, 233 W. 75<sup>th</sup> Street, Willowbrook, IL commented that he believes that by allowing the visitors to only speak at the end of the meeting is wrong. Visitors should be able to speak twice, once at the beginning and again at the end of each meeting. Mayor Napoli advised that visitors are limited to one time per meeting for a three (3) minute period. Mr. Kaucky would like the Board to consider allowing visitors to speak early in the meeting. Mayor Napoli reiterated that the Village is very transparent and has allowed visitors and residents to voice their opinion.

Ms. Jana Conev, 234 Midway Drive, Willowbrook, IL advised that her family has no intention of selling a portion of her property. It's all or nothing. Mayor Napoli reiterated that the process to purchase property by the Village would be to offer a purchase price, the owner would have their own appraisal completed and then negotiate from that point forward. Ms. Conev

believes that the Village would be wasting their time and money to have the back portion of her property appraised since she is not willing to sell a portion of her property.

Mr. Johnson, 215 W. 75<sup>th</sup> Street asked how much physical access does the appraiser need to appraise the property. Administrator Halik advised that the Village will find out once they discuss the project with the appraisal company. However, they will need some access, the greater level of access the more accurate the appraisal will be. Mr. Johnson wanted to know if the homeowners would get a certified copy of the final appraisal. Attorney Hennessy advised that the first step would be to share the results of the appraisal with the homeowner. Whether an actual copy is rendered would be based on the appraisal company's recommendation.

Mr. Robert Kaucky, 233 W. 75<sup>th</sup> Street, Willowbrook, IL asked what are the mechanics of the appraisal and will the homeowner need to be there while the appraisal is being completed. Administrator Halik advised that he will inform the homeowners once he meets with the appraisal company. No meeting was scheduled with the appraisal company prior to this date since the vendor did not actually have the project until it was approved by the Board. Mr. Kaucky was advised that a letter will be sent to each homeowner involved in this project instructing them to contact the appraisal company to set up their individual appointments.

Administrator Halik advised that the appraisal company will need some access to the building structures to complete an accurate appraisal.

Mr. Dennis Gott, a Board member of Lake Willoway condominium complex stated he was there on behalf of the residents of Lake Willoway. The street lights on Adams Street from Plainfield Road to their complex have been out for quite some time and would like a timeframe of when they will be repaired. Administrator Halik advised that this project is currently being worked on. Initially, it was thought that it was faulty wiring. However, it turns out it is a ComEd underground feeder problem. ComEd will have to schedule a road closure across Plainfield Road to complete the project. Once this is completed, the lights should be operable. Administrator Halik anticipates the problem to be solved in approximately 14 days.

13. EXECUTIVE SESSION

- a. REVIEW 2011 MINUTES - Pursuant to 5 ILCS 120/2(c)(21) - Regarding the Minutes of Executive Session Meetings that were Lawfully Closed Under the Open Meetings Act.
- b. DISCUSSION - Consideration of the Purchase or Lease of Real Property Pursuant to Chapter 5 ILCS 120/2(c)(5)
- c. DISCUSSION - To Discuss Collective Negotiating Matters Between the Village and Its Employees and Their Representatives Pursuant to Chapter 5 ILCS 120/1(c)(2)
- d. DISCUSSION - Consideration of Pending Litigation Against the Village Pursuant to 5 ILCS 120/2(c)(11)

ADJOURN INTO EXECUTIVE SESSION

MOTION: Made by Trustee Davi, seconded by Trustee Kelly to adjourn into Executive Session at the hour of 7:27 p.m.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Kelly, Berglund, Davi and Trilla. Nays: None. ABSENT: Trustees Baker and Mistele.

MOTION DECLARED CARRIED

The Board reconvened the Regular Meeting at the hour of 8:13 p.m.

14. ADJOURNMENT

MOTION: Made by Trustee Kelly, seconded by Trustee Davi to adjourn the meeting at the hour of 8:13 p.m.

ROLL CALL VOTE: AYES: Trustees Kelly, Berglund, Davi and Trilla. Nays: None. ABSENT: Trustee Baker and Mistele.

MOTION DECLARED CARRIED

PRESENTED, READ and APPROVED.

\_\_\_\_\_, 2011.

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Mayor