

MINUTES OF THE REGULAR MEETING OF THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF WILLOWBROOK HELD ON MONDAY, SEPTEMBER 25, 2006, 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 Aaron Reinke, Village Administrator Phil Modaff, Director of Municipal Services Alan Zordan, Chief of Police Edward Konstanty and Administrative Intern Jacob Smith.

A QUORUM WAS DECLARED

3. PLEDGE OF ALLEGIANCE

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

MOTION DECLARED CARRIED

4. OMNIBUS VOTE AGENDA

- a. Waive Reading of Minutes (APPROVE)
- b. Minutes - Regular Board Meeting - September 11, 2006 (APPROVE)
- c. Warrants - September 25, 2006 - \$185,764.14 (APPROVE)
- d. Request for Purchase Exceeding \$2,500 - Digital In-Car Video Camera - Kustom Signal, Inc. - \$3,999.00 (APPROVE)
- e. Resolution No. 06-R-49 - A Resolution Proclaiming Red Ribbon Week in the Village of Willowbrook (ADOPT)
- f. Resolution No. 06-R-50 - A Resolution Creating Set Hours for Halloween Solicitation (ADOPT)

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

MOTION: Made by Trustee Mistele, seconded by Trustee Brown, to approve the Omnibus Vote Agenda.

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, 6446 Tennessee Avenue, commented with regard to storm water runoff being directed onto her property.

Administrator Modaff informed the Village Board that after the recent heavy rains, the Village Staff inspected storm water structures in the area and found the stormwater conveyance was working properly.

6. DELINQUENT WATER BILLS

Director Zordan informed the Village Board that there were three delinquent water bills in the amounts of \$191.13, \$91.30 and \$65.84, respectively, and requested permission to proceed as per Village policy.

7. PLAN COMMISSION RECOMMENDATION - AN APPLICATION FOR A SPECIAL USE PERMIT FOR A KARATE SCHOOL - 870 75TH STREET

Director Zordan informed the Village Board that Ken Kuchler, of Single Site Solutions Corp., which owns and operates the Wingren Plaza Shopping Center, has petitioned for a special use permit for a Karate School on the site. The property is located on the north side of 75th Street between Route 83 and Quincy Street and is currently zoned B-2 Community Shopping. The proposed Karate School, "Elite Martial Arts Extreme", will occupy a space less than 1,200 square feet and would not have a major impact on the parking for the center. It is recommended that the special use be limited to this tenant space and up to 1,200 square feet only. Due to the potential problem of parents waiting in their cars along the curb to pick up their children, a condition of approval would require the posting of a "No Parking/No Waiting"

zone along the drive aisles adjoining the storefronts in the center.

The Plan Commission conducted a public hearing on September 6, 2006, at which time there were no objections noted by the public. The Plan Commission subsequently discussed the special use request and recommended the Village Board grant the special use with the following conditions:

- Any expansion of this use above 1,200 would require a new special use.
- Prior to the issuance of a certificate of occupancy all areas in the drive aisle immediately adjacent to all storefronts shall be marked with a yellow curb and signs shall be posted indicating "no parking/no waiting along curb", with one posted directly in front of the karate school.
- Prior to the issuance of a certificate of occupancy all landscape material identified in the "revised landscape plan" approved on October 24, 2005, must be installed.
- Prior to the issuance of a certificate of occupancy, corrective work to the lighting must be completed and a new photometric survey must be submitted and approved.
- Prior to the issuance of a certificate of occupancy, the marble support columns shall be repaired and approved in compliance with the original building elevation plan.
- Prior to the issuance of a certificate of occupancy, the parking lot shall be resurfaced or, if a completion bond is provided in the amount of 125 percent of the estimated cost of the work, then the work can be extended to November 1, 2006.
- Building permits must be secured from the Municipal Services Department for any work that was completed without a permit and for new work anticipated prior to occupancy.

Staff concurred with the Plan Commission recommendation and further recommended that if the Board had no objection to the special use request, the Village Attorney be instructed to prepare the necessary ordinance.

Trustee Baker expressed his concern with regard to the safety issue of the parents not obeying the signage pertaining to no parking or no waiting along the curb. Director Zordan responded that he would look into additional safety measures regarding this parking situation.

President Pretzer commented that under the special use permit, the Village had some flexibility should the situation become a problem.

Ken Kuchler responded to the concern expressed with regard to the safety of the parking/pick up situation and offered some suggestions in that regard.

Director Zordan noted that a condition could be added that the owner of the karate school specifically provide educational materials to the children with regard to the safety issue for the parents picking them up.

MOTION: Made by Trustee Brown, seconded by Trustee Napoli, to instruct the Village Attorney to prepare the necessary documents.

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

MOTION DECLARED CARRIED

8. DISCUSSION - ALCOHOL AWARENESS SEMINAR

Administrator Modaff informed the Board that the Hotel/Motel Tax Advisory Committee would like to once again conduct the alcohol awareness seminar for alcohol beverage servers. Similar programs have been conducted since 1988 and were extremely successful. The date of October 23, 2006 has been tentatively selected for the date of the seminar. Funds have been budgeted in the Hotel/Motel Tax Fund in the amount of \$2,000.

9. RESOLUTION - A RESOLUTION AUTHORIZING THE VILLAGE PRESIDENT AND VILLAGE CLERK TO ACCEPT A PROPOSAL TO COMPLETE THE RIDGEMOOR DRIVE WEST RIGHT-OF-WAY DITCHING PROJECT - WESTERN UTILITY CONTRACTOR'S, INC.

Director Zordan advised the Board that as part of the Village's stormwater and right-of-way maintenance responsibilities and CRS Program initiatives, a program was implemented aimed at incrementally re-ditching the roadway drainage swales within the Ridgemoor Drive West Subdivision. There is one remaining stretch of right-of-way within this subdivision that is in need of re-ditching along the north side of Ridgemoor Drive West, from Kingery Highway to Quincy Street. The Staff had requested the

Village Engineer to develop a plan detailing the work required within this section of right-of-way. The proposed plan includes the excavation of the area, re-ditching of approximately 660' of right-of-way property, the removal and replacement of seven (7) residential driveway culverts, the repair of the affected driveways and landscape restoration. It is anticipated the project would be completed on a time and materials basis. Western Utility Contractors, Inc. submitted the lowest qualified proposal in the amount of \$12,598.00, which does not include landscape restoration or repair of the driveways. The total project cost is approximately \$21,298.00.

The Municipal Services Committee reviewed the details of this project and recommended the project be placed on the Village Board agenda for consideration. The Staff recommended that the Board accept the proposal from Western Utility Contractor's, Inc. to provide the labor and equipment necessary to complete the Ridgemoor Drive West right-of-way ditching project.

MOTION: Made by Trustee Napoli, seconded by Trustee Baker, to adopt Resolution No. 06-R-51.

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 ADMINISTRATOR TO ENTER INTO A CERTAIN AGREEMENT - AZAVAR TECHNOLOGIES - MUNICIPAL UTILITY TAX AUDIT PROGRAM

Administrator Modaff noted that there had been some changes to the proposal from AZAVAR to perform a utility tax and cable franchise fee audit since the Board reviewed it in October 2005. The Board at that time did not approve the audit due to two items contained in the agreement. Although those provisions have not changed in the current agreement, Staff felt it would be timely to bring this back to the Board for the following reasons:

- The most recently quarterly financial report revealed a decrease of 10%-11% in the amount of telecommunication taxes received by the Village.
- A Will County Municipalities Coalition has been established that will provide a 12% discount on the payment terms from

50% to 44% of recovered funds. This price reduction has been extended to communities outside of Will County.

Administrator Modaff noted that under the proposed agreement there would be no upfront costs to the Village. Under the agreement, if AZAVAR's audit determined that the Village was paid too much by a utility and the Village chooses to continue the audit of that utility, the Village would then be charged an hourly rate for the audit of the utility. In the event that the Village decides, being aware of the overpayment, to terminate the audit of that utility, there would be no liability to the Village. In addition, if the audit revealed no financial benefit to the Village, the audit of a utility would be immediately terminated.

The Finance and Administration Committee supported and recommended bringing the agreement to the Village Board for approval.

The Board directed the Village Administrator to continue to negotiate the length of the contract and the percentages to a better level to serve the community prior to executing the approved agreement. However, should AZAVAR refuse to change the terms, the Administrator was authorized to sign the agreement.

MOTION: Made by Trustee Mistele, seconded by Trustee Baker, to adopt Resolution No. 06-R-52.

President Pretzer asked if Trustees Mistele and Baker would agree to amend their motion to include further negotiations by the Village Administrator with regard to the agreement.

AMENDED MOTION: Made by Trustee Mistele, seconded by Trustee Baker, to adopt Resolution No. 06-R-52, to direct the Village Administrator to negotiate the length of the agreement and the percentages prior to executing the agreement and to define the basis of the savings and if the basis increased with the cost of a rate increase.

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 TO ENTER INTO A CERTAIN AGREEMENT - MIDCO, INC. - NEW VILLAGE PHONE SYSTEM

Administrator Modaff informed the Village Board that funds have been allocated in the FY 2006-07 budget for a new phone system. A small committee of employees reviewed several different choices and options. The committee chose the Toshiba CIX 670 model. Proposals were solicited from three vendors. Although two of the vendors came in close on pricing, the committee looked at the experience the Village has had with MidCo, Inc. over the past 15 years. In order to ensure the entire implementation of the new phone system, the committee recommended the use of a phone consultant to act as project manager. The cost of the system and the project management consulting fees is \$26,877.

The Finance and Administration Committee reviewed the new phone system proposal and concurred with the Staff recommendation for the purchase of the Toshiba phone system hardware from MidCo, the PRI Interface from AT&T and approval of Wilson Consulting to provide project management services.

MOTION: Made by Trustee Baker, seconded by Trustee Napoli, to adopt Resolution No. 06-R-53.

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

MOTION DECLARED CARRIED

12. ORDINANCE - AN ORDINANCE AMENDING THE VILLAGE CODE OF THE VILLAGE OF WILLOWBROOK - TITLE 4-SECTION 4-2-29 - DUPAGE COUNTY COUNTYWIDE STORMWATER AND FLOOD PLAIN ORDINANCE ADOPTED; AMENDMENTS

Director Zordan informed the Village Board that on February 28, 2006, the County adopted a new Countywide Stormwater and Flood Plain Ordinance. The new stormwater ordinance includes recent revisions to the County stormwater regulations, originally adopted in 1991, as well as references to the new Regulatory Floodplain Maps for Willowbrook, dated December 16, 2004. In order to adopt the new Countywide Stormwater and Flood Plain Ordinance, the Village needs to amend Section 4-2-29 of the Village Code. Director Zordan noted that the current local

amendments would be maintained to provide for more stringent regulations than the Countywide Ordinance.

MOTION: Made by Trustee Baker, seconded by Trustee Schoenbeck, to pass Ordinance No. 06-O-30.

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

MOTION DECLARED CARRIED

13. DISCUSSION - REORGANIZATION

Administrator Modaff advised the Board that in response to Director Zordan's resignation, the Staff recently met to formulate a plan in response to the vacancy that will be made. The discussion included an evaluation of the impact of the reorganization that had occurred several years ago with regard to what is being done well, what is not getting done with regard to the staffing levels. Staff also looked forward at the demands on the planning and development resources. The discussion generated a number of tasks and duties that need improvement. In the top two were the need for Public Works front-line management and the need for a human resources assistant. Out of these two needs, the top need was for a Public Works supervisor. In addition, Staff discussed the current and future needs within the Planning & Development function, which will require an in-house professional that could be satisfied by a mid-level planner.

Administrator Modaff presented documents that provided an overview to the Village Board of the proposed reorganization and the potential financial impact of the reorganization.

Staff recommended that the Municipal Services Department be reorganized to include a Director of Municipal Services, a newly created position of Foreman and the existing two maintenance worker positions. The Staff also recommended that the Planning & Development function be reassigned to a newly created mid-level Planner who would report directly to the Village Administrator.

President Pretzer suggested deferring any action on the proposed reorganization until after discussing the personnel issues in Executive Session. At this time, President Pretzer asked for a motion to go into Executive Session.

MOTION: Made by Trustee Napoli, seconded by Trustee Brown, to go into Executive Session to discuss personnel at the hour of 8:50 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

Village Clerk Hansen called the roll after coming out of Executive Session.

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.

A QUORUM WAS DECLARED

MOTION: Made by Trustee Napoli, seconded by Trustee Baker, to defer action on this item until the next meeting.

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

MOTION DECLARED CARRIED

OLD BUSINESS

14. COMMITTEE REPORTS

Trustee Baker had no report.

Trustee Mistele had no report.

Trustee Brown had no report.

Trustee Napoli had no report.

Trustee Schoenbeck noted that the minutes from the Public Safety Committee meeting were in the packet.

Trustee McMahon had no report.

15. ATTORNEY'S REPORT

Attorney Reinke had no report.

16. CLERK'S REPORT

Village Clerk Hansen reported upcoming election information is available on file at the Village offices.

17. ADMINISTRATOR'S REPORT

Administrator Modaff had no report.

18. EXECUTIVE SESSION - PERSONNEL (CLERK'S NOTE: THIS ITEM WAS DISCUSSED UNDER ITEM NO. 13)

See Agenda Item No. 13.

19. ADJOURNMENT

MOTION: Made by Trustee Baker, seconded by Trustee Brown, to adjourn the meeting at the hour of 9:43 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,

_____, 2006

Village President

Minutes transcribed by Mary Partyka.