

MINUTES OF THE REGULAR MEETING OF THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF WILLOWBROOK HELD ON MONDAY, NOVEMBER 12, 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 7:35 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 and Village President Pretzer. ABSENT: Timothy McMahon. 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, Planner Sara Hage and Superintendent of Parks & Recreation Walter Righton.

A QUORUM WAS DECLARED

3. PLEDGE OF ALLEGIANCE

President Pretzer, in recognition of Veterans Day, acknowledged Village employees who have served in the United States armed forces:

Bill Bozek (Army)	Andy Pelliccioni (Army)
Jim Hahn (Marines)	Dan Pofliet (Navy)
Ted Kolodziej (Army)	Jacob Witt (Marines-Active)

President Pretzer asked Boy Scout Troop 56 to lead everyone in saying the Pledge of Allegiance.

4. PUBLIC HEARING TO CONSIDER THE ESTABLISHMENT OF SPECIAL SERVICE AREA NUMBER ONE OF THE VILLAGE OF WILLOWBROOK (CLERKS NOTE: COURT REPORTER WAS IN ATTENDANCE-REVIEW TRANSCRIPT FOR ENTIRE PUBLIC HEARING PROCEDURES)

President Pretzer called the public hearing to order.

Attorney Good noted that this public hearing was regarding the creation of Special Service Area Number One and it is a public hearing of the President and Board of Trustees of the Village of Willowbrook convened for the purpose of establishing Special Service Area Number One. This area is generally described as approximately 28 acres located at the southeast corner of Route 83 and Plainfield Road. Notice of this public hearing was mailed on October 15, 2007 to

each person or persons in whose name the general taxes the last preceding year were paid on each lot, lots, track or parcel of land lying within the area. Notice of public hearing was also published on October 25, 2007, in the Doings Newspaper.

Director Stanish indicated that the special service area would incorporate the Town Center site, excluding the bowling alley, and not affect residents themselves in single family homes.

There were no objections raised at the public hearing.

MOTION: Made by Trustee Napoli, seconded by Trustee Mistele, to close the public hearing.

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

MOTION DECLARED CARRIED

5. PUBLIC HEARING TO CONSIDER AN ANNEXATION AGREEMENT AND DISCUSSION OF THE ANNEXATION, ACCEPTANCE OF THE PLAN COMMISSION RECOMMENDATIONS TO ADOPT THE FINDINGS OF FACT, AND ISSUANCE OF A SPECIAL USE PERMIT FOR THE TRI-STATE FIRE PROTECTION DISTRICT STATION #4 - 6301 S. WESTERN AVENUE (CLERKS NOTE: COURT REPORTER WAS IN ATTENDANCE-REVIEW TRANSCRIPT FOR ENTIRE PUBLIC HEARING PROCEDURES)

President Pretzer called the public hearing to order.

The purpose of the public hearing was to consider the annexation agreement between the Village of Willowbrook and Tri-State Fire Protection District for annexation of the property commonly known as 6301 S. Western Avenue. The legal description had been provided and published in the October 25, 2007 edition of the Doings Newspaper.

Planner Hage noted that this item was pursued in 1999 and early 2000, but that the agreement was never completed. Tri-State Fire District had renegotiated a new agreement that is before the Board this evening. The new agreement outlines a redevelopment scenario for the Fire District should they choose to construct a new station.

There were no objections raised at the public hearing.

MOTION: Made by Trustee Napoli, seconded by Trustee Mistele, to close the public hearing.

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

MOTION DECLARED CARRIED

6. PUBLIC HEARING TO CONSIDER AN ANNEXATION AGREEMENT AND DISCUSSION AND ACCEPTANCE OF THE PLAN COMMISSION RECOMMENDATIONS TO ADOPT THE FINDINGS OF FACT, APPROVAL OF A REQUEST FOR REZONING TO THE B-4 DISTRICT AND A REQUEST FOR VARIATIONS FOR HOT INVESTMENTS, LLC, 7901 JOLIET ROAD(CLERK'S NOTE: COURT REPORTER WAS IN ATTENDANCE-REVIEW TRANSCRIPT FOR ENTIRE PUBLIC HEARING PROCEDURES)

President Pretzer called the public hearing to order.

The purpose of the public hearing is to consider an annexation agreement and acceptance of the Plan Commission recommendation to adopt the Findings of Fact, approval of a request for rezoning to the B-4 District and for variations for Hot Investments, LLC, 7901 Joliet Road. The legal description had been duly noted and published in the October 25, 2007, edition of the Doings Newspaper.

Planner Hage informed the Board that this public hearing is for the House of Trucks located at Joliet Road and Route 83/I-55. Village Staff and Village Attorney have negotiated the annexation agreement, which includes the potential rezoning of the property to the B-4 District, vacation of a section of the adjacent Quincy Street roadway easement and a provision for the construction of an expansion to the House of Trucks. The annexation agreement would only apply to the House of Trucks and not the other properties located in the triangle.

Mr. Coules, representing the House of Trucks, noted that they had been working with Ms. Hage quite a while with regard to the ownership of the parcel of land (the easement). His client fully understood that he has no right to ever build on that property. It gives him access and, even though he has already landscaped this property, it will remain a utility easement for the Village. Mr. Coules reiterated that his client understood the Village is not giving up anything except the street rights and they will continue to utilize it as a utility easement. His client agreed with everything else in the annexation agreement.

Bob Dahlke, owner of Viso-Graphics, noted that they are trying to sell their property right now and questioned how it will be zoned. They have an agreement with a potential buyer and he heard it might be zoned residential because they were being incorporated into the

Village. Mr. Dahlke stated that they just wanted to sell their property and would like the Village to tell them what they need to do with respect to zoning to get their deal done.

Attorney Good responded that the House of Trucks has voluntarily petitioned for annexation into the Village and as part of the annexation agreement, the House of Trucks will be annexed under the B-4 District. The other properties, which include the Viso-graphics property, are being forced annexed. According to the law, and without an annexation agreement, the properties would be annexed into the Village under the R-1 District and would be considered a lawfully existing non-conforming use. Once the property is annexed, the property owner could then petition the Village to rezone the property.

Planner Hage advised that as Attorney Good had said, the property would be zoned R-1, but if it is the same proposed use as she had discussed with the contractor, Aspen Auto Body, the Comprehensive Plan outlines what uses are permitted and there is a corresponding zoning district related to that. The corresponding zoning district for this entire area is B-4. The Comprehensive Plan calls for Commercial Highway Uses and Planner Hage related that under the B-4 use, Aspen Auto Body would not be a permitted use.

Mr. Dahlke asked if the House of Trucks is a permitted use. Planner Hage responded yes, but it is a different use with a different impact and there is an industrial component to Aspen Auto Body. Garages per se and other auto related entities and sales, such as Willowbrook Ford are permitted; industrial uses are not.

Mr. Dahlke asked for clarification that garages are not permitted, but semi-trucks are.

Planner Hage responded that garages are, but auto body repair is not. The primary use would have to be a sales establishment.

Russell Kasper, Aspen Auto Body, asked if Willowbrook Ford had a body shop. Planner Hage responded that was not its primary use; the primary use has to be a sales establishment

Mr. Kasper asked again if it is okay for the semi-trucks as long as they are not working on them. Planner Hage responded that under the regulations of the zoning district that is correct. As previously discussed, the House of Trucks had petitioned to rezone the property to the B-4 District.

Mr. Kasper noted that they would have to look at what is allowed under that or re-petition the Board. Attorney Good responded that they could, after going through the Zoning Code with Ms. Hage to determine what is permitted in the B-4 District or whatever District they might seek and that she believes the Village would approve pursuant to its Comprehensive Plan, or they may petition to change the Zoning Ordinance. Attorney Good felt it was very unlikely the Village would amend its Zoning Ordinance inconsistent with the Comprehensive Plan.

Planner Hage noted that they could also request to rezone the property to something where Aspen Auto Body would be permitted, but that would be up to the Trustees and Plan Commission to act on.

Mr. Kasper asked if that was something the Board would potentially consider or would they prefer a vacant building there.

Attorney Good responded that as a matter of right they would be able to petition to rezone the property or seek a text amendment, then it becomes up to the Board to approve or deny that request.

Tim McCaig, West Town Auto Supply, questioned the legal non-conforming status and if there is a life to the agreement. Attorney Good suggested that if Mr. McCaig had a question about legal non-conforming status, he should speak with Planner Hage and examine the uses on the property he referred to and to discuss with her the Village Code provisions and whether or not there is any amortization provision, which means the elimination of that use over a period of time.

Attorney Good noted that nothing prevented Mr. McCaig from seeking a rezoning or, on the subject of the lawfully existing non-conforming status, he could continue to operate under the R-1 District, subject to the limitations that otherwise would apply.

Mr. McCaig asked if the water hookup was mandatory. Director Halik responded that the Village does have a mandatory 24 month requirement.

Mr. McCaig further asked if they would pay the R-1 rate. Attorney Good responded that it would be based on the type of usage. Mr. McCaig asked why he would pay the commercial rate when his property would be zoned residential. Director Halik responded because the use of the property is a commercial facility.

Mr. McCaig asked if there was any other reason, other than levity, for him to hook up to water. Director Halik responded that, as they had discussed at a previous meeting, there is an expense just for the infrastructure and to have a water main available across his property.

MOTION: Made by Trustee Baker, seconded by Trustee Mistele, to close the public hearing.

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

MOTION DECLARED CARRIED

7. OMNIBUS VOTE AGENDA
- a. Waive Reading of Minutes (APPROVE)
 - b. Minutes - Regular Board Meeting - October 22, 2007 (APPROVE)
 - c. Minutes - Executive Session - October 22, 2007 (APPROVE)
 - d. Minutes - Budget Preview Workshop - October 22, 2007 (APPROVE)
 - e. Minutes - Executive Session - September 24, 2007 (APPROVE)
 - f. Minutes - Executive Session - October 8, 2007 (APPROVE)
 - g. Warrants - November 12, 2007 - \$137,559.17 (APPROVE)
 - h. Monthly Financial Report - October 31, 2007 - \$15,050,172.02 (ACCEPT)
 - i. Application For License To Hold A Raffle - The Trane Company - November 28, 2007 (APPROVE)

President Pretzer asked if any Board members wanted to remove any item(s) from the Omnibus Vote Agenda for further discussion. No Board Member any item(s) removed from the Omnibus Vote Agenda.

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

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

MOTION DECLARED CARRIED

NEW BUSINESS

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

Phyllis Zimmer, 6446 Tennessee Avenue, commented regarding the storm water issue that has an adverse impact on her property.

9. RESOLUTION - A RESOLUTION AUTHORIZING THE PRESIDENT AND VILLAGE CLERK OF THE VILLAGE OF WILLOWBROOK TO ENTER INTO A CERTAIN ANNEXATION AGREEMENT - 7901 JOLIET ROAD

Planner Hage advised the Village Board that the Resolution included in the packet had been modified and this evening Attorney Good had provided the Board with the revised Resolution. The third paragraph of the Resolution had been changed from "the OWNER'S Petition for Annexation is subject to the execution of a certain proposed Annexation Agreement" to "WHEREAS, the OWNER and VILLAGE have been negotiating a proposed Annexation Agreement."

Attorney Good informed the Village Board that as of this evening's meeting, the applicant did not have executed copies of the annexation agreement available. Assuming the Resolution is passed authorizing the annexation of the property, it would put the Village in the position to immediately sign the annexation agreement when it is tendered. Attorney Good recommended passing the Ordinance annexing the property this evening but not consider Agenda Items 11 and 12 until the executed annexation agreement is tendered to the Village. At the request of the applicant's Attorney, the Village Attorney agreed that these items could be on the Omnibus Vote Agenda at the next meeting.

MOTION: Made by Trustee Mistele, seconded by Trustee Brown, to adopt Resolution No. 07-R-54.

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

MOTION DECLARED CARRIED

10. ORDINANCE - AN ORDINANCE ANNEXING TERRITORY TO THE VILLAGE OF WILLOWBROOK - 7901 JOLIET ROAD - HOUSE OF TRUCKS

Planner Hage commented to the Board that the subject property will be annexed under the R-1 District until the Ordinance rezoning the property is passed at the next meeting.

MOTION: Made by Trustee Napoli, seconded by Trustee Baker, to pass Ordinance No. 07-0-25.

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

MOTION DECLARED CARRIED

11. ORDINANCE - AN ORDINANCE REZONING CERTAIN PROPERTY AND GRANTING CERTAIN VARIATIONS FROM THE ZONING ORDINANCE - 7901 JOLIET ROAD - HOUSE OF TRUCKS

This item was deferred to the next meeting's Omnibus Vote Agenda.

12. ORDINANCE - AN ORDINANCE APPROVING A PLAT OF ROADWAY EASEMENT VACATION - QUINCY STREET AT JOLIET ROAD

This item was deferred to the next meeting's Omnibus Vote Agenda.

13. ORDINANCE - AN ORDINANCE ANNEXING PROPERTY TO THE VILLAGE OF WILLOWBROOK - APPROXIMATELY 4.3 ACRES, LOCATED GENERALLY AT THE NORTHEAST CORNER OF JOLIET ROAD AND ROUTE 83

Planner Hage advised the Board that the Ordinance before them would annex Complete Supply, West Town Auto, The Kerry Piper, Viso-Graphics and a vacated section of Quincy Street.

MOTION: Made by Trustee Brown, seconded by Trustee Napoli, to pass Ordinance No. 07-0-26.

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

MOTION DECLARED CARRIED

14. DISCUSSION AND ACCEPTANCE OF PLAN COMMISSION
RECOMMENDATIONS, ADOPTION OF THE FINDINGS OF FACT AND
DIRECTION TO THE VILLAGE ATTORNEY TO PREPARE THE NECESSARY
RESOLUTIONS AND ORDINANCES - 6301 S. WESTERN AVENUE

Planner Hage requested that the Board continue any discussion they might have on the Tri-State Fire Protection District including the issuance of a special use permit for a public service facility at the location of 6301 S. Western and instruct the Village Attorney to prepare the necessary documents.

MOTION: Made by Trustee Mistele, seconded by Trustee Napoli, to accept the Plan Commission recommendations, adopt the Findings of Fact and instruct the Village Attorney to prepare the necessary resolutions and ordinances.

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

MOTION DECLARED CARRIED

15. RESOLUTION - A RESOLUTION WAIVING THE COMPETITIVE BIDDING
PROCESS AND AUTHORIZING THE VILLAGE ADMINISTRATOR TO
EXECUTE A PROPOSAL AND CONTRACT FOR RESURFACING OF 73RD
COURT AND RATIFYING AND CONFIRMING THE VILLAGE
ADMINISTRATOR'S PRIOR EXECUTION OF SAID PROPOSAL AND
CONTRACT

Director Halik informed the Board that DuPage County had recently completed the installation of a sanitary sewer on 73rd Court. This project was funded through a special assessment arrangement whereby each of the benefiting properties paid their proportionate share of the project cost. Although the Village owns a lot on 73rd Court, we declined this opportunity since sanitary service will ultimately come from Willowbrook Center Parkway, which then raised the cost to the remaining property owners. DuPage County asked the Village to move up the resurfacing of 73rd Court on the road maintenance schedule. Staff determined that it would be an appropriate use of MFT funds to pay for the final surface course of 73rd Court. Due to the quick completion of the project by the County and the approaching cold weather, Administrator Modaff had executed the contract prior to the Board meeting this evening for a cost of \$19,477.50. The Resolution would ratify the executed contract and allow for the Village to complete the final resurfacing of 73rd Court.

MOTION: Made by Trustee Mistele, seconded by Trustee Brown, to adopt Resolution No. 07-R-55.

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

MOTION DECLARED CARRIED

16. RESOLUTION - A RESOLUTION WAIVING THE COMPETITIVE BIDDING PROCESS AND AUTHORIZING THE VILLAGE ADMINISTRATOR TO EXECUTE A CONTRACT WITH EARTH, INC. FOR REMOVAL OF SOIL FROM THE SITE OF THE 75TH STREET EXTENSION PROJECT

Director Halik noted that given the Village was unsuccessful in obtaining additional funding for the completion of the 75th Street Extension Project, the Staff looked for ways to reduce project costs. Of the current \$1.38 million price of the project, \$600,000 is earmarked for removal of the existing soil stockpile on site. Staff became aware of a project occurring at 22nd Street and I-294, a new golf course that required 1.4 million cubic yards of soil to construct this facility. Earth Inc. visited the site and determined the soil was acceptable and made an offer to the Village to immediately remove all of the dirt at a cost of \$218,000, which would result in a \$171,000 savings to the Village.

MOTION: Made by Trustee Mistele, seconded by Trustee Napoli, to adopt Resolution No. 07-R-56.

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

MOTION DECLARED CARRIED

17. A MOTION TO PROCEED WITH PHASE TWO OF THE POLICE CONSOLIDATION FEASIBILITY STUDY

Administrator Modaff introduced Dr. Al Weiss, of The PAR Group, to the Village Board.

Dr. Weiss provided an overview and PowerPoint presentation to the Board highlighting the elements of the Interim Report and describing the work that was accomplished during the first phase of the study on the feasibility of consolidating the Willowbrook and Burr Ridge Police Departments. Five elements were examined:

- Staff Requirements
- Organization Structure
- Models for Governance
- Employee Views
- Financial Impacts

The interim report included the issues of staffing, organization, governance, employee perceptions and costs. After assessing the information available at the time, the following are the key findings of the study:

- Consolidating the police departments would considerably improve the efficiency of police service delivery.
- The new department will provide increased opportunities for promotion and specialization for employees.
- All of the proposed governance models are feasible thought each would require significant efforts in the implementation process.
- It is critical that the new department has strong leadership, unambiguous support from elected officials and a sound implementation plan in order to diminish employee concerns and anxiety.
- The proposed consolidation has the potential to provide significant cost savings.
- The cost of a new facility is strongly correlated with the number of employees.

Based on the PAR Group's analysis, there is good reason to believe that the proposed consolidation is feasible and desirable.

Officer Tim Kobler, Police Union President, spoke on behalf of the Willowbrook Police Officers with regard to the consolidation study. He expressed the concern that the report painted an incomplete picture with regard to policing services, total time spent on calls, and how calls for service are handled, conducted and investigated by each department. The report left no room nor does it list Willowbrook officers assigned to canine or DEA under any of the units. The Models presented in the report represent a reduction in officers on the street. In addition, Officer Kobler noted that with regard to employee participation, the employees only had an hour and half to meet with the PAR Group. He felt the report dismissed the police officer's concerns as fear of change. The police officers felt they provided real problems and real concerns that would need to be addressed. The cost savings appear to be based on assumptions and averages that will not be seen. Officer Kobler stated "that the only thing we truly could possibly agree upon is that yes we are a proud

department because we serve a proud community." He also stated that "we are here to let you know that people and businesses are going to get hurt through a consolidated police department."

Kevin Krug, FOP Labor Counsel, asked the Village Board to look at the management and see what the management issues are and how to change things in the organization. He wanted to help make this organization lean and mean. The Police survive to serve the residents and these are dedicated officers.

Umberto Davi, member of the Police Pension Board, asked how did the consultant test the assumptions to make sure they are valid assumptions?

Dr. Weiss responded that they tested the assumptions from what they have seen, have got started and that there is a lot written about consolidation, people talk about consolidation and people know about consolidation. There is a lot to learn from consolidations in the private sector.

Kevin Krug noted the report mentions the Hainesville and Round Lake Park consolidation. Dr. Weiss had forgotten to mention that in a recent article it was noted that they are at odds and probably are going to split apart. One village is suing the other for funds and other issues that are not talked about in the report.

President Pretzer commented to the FOP that the Board would certainly appreciate information on others who have consolidated for a period of time and have not been successful.

President Pretzer noted that the intent is to do something that would benefit the community, and if there is a positive economic savings off it, we want to have it also. In no case is there anything from the Board's perspective that we are doing this to jeopardize anybody's position, their pension, their seniority, or anything else. The Board is looking at what best benefits the community as a whole. If the Board moves forward with this, it is not a commitment that it is something we are going to do but is a learning process for us as decision makers.

MOTION: Made by Trustee Schoenbeck, seconded by Trustee Brown, to proceed with Phase Two of the Police Consolidation Feasibility Study.

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

MOTION DECLARED CARRIED

OLD BUSINESS

18. COMMITTEE REPORTS

Trustee Schoenbeck had no report.

Trustee Napoli had no report.

Trustee Brown had no report.

Trustee Mistele had no report.

Trustee Baker had no report.

19. ATTORNEY'S REPORT

Village Attorney Good had no report.

20. CLERK'S REPORT

Village Clerk Hansen reported that the Metro's Preliminary 2008 Program and Budget is on file in the Village Clerk's office.

21. ADMINISTRATOR'S REPORT

Administrator Modaff recognized the extraordinary effort of the staff to bring all the items on the agenda to the Village Board this evening.

22. EXECUTIVE SESSION

President Pretzer asked for a motion to adjourn into Executive Session to discuss personnel and land acquisition.

MOTION: Made by Trustee Napoli, seconded by Trustee Schoenbeck, to adjourn into Executive Session to discuss personnel and land acquisition at the hour of 9:47 p.m.

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

MOTION DECLARED CARRIED

SEE APPROPRIATE EXECUTIVE SESSION MINUTES

PRESENTED, READ and APPROVED,

_____, 2007

Village President

Minutes transcribed by Mary Partyka.