

MINUTES OF THE REGULAR MEETING OF THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF WILLOWBROOK HELD ON MONDAY, APRIL 28, 2008, 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 and President Pretzer. ABSENT: Trustee Timothy McMahon. Also present were Village Clerk Leroy Hansen, Village Attorney Thomas Good, Village Administrator Phil Modaff, Chief of Police Edward Konstanty, Director of Municipal Services Timothy Halik and Administrative Intern Garrett Hummel.

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 - April 14, 2008 (APPROVE)
- c. Warrants - April 28, 2008 - \$82,671.98 (APPROVE)
- d. MOTION TO APPROVE - 2007 ROADWAY MAINTENANCE PROGRAM: PAYOUT #2 - FINAL PAYMENT, FAHRNER ASPHALT SEALERS, LLC - \$7,469.82 (APPROVE)
- e. MOTION TO APPROVE REQUEST FOR WAIVER OF PERMIT FEE - WEST SUBURBAN SHRINE CLUB - MAY 2-4, 2008 (APPROVE)
- f. MOTION FOR THE EXPENDITURE FOR NORTHEAST MULTI REGIONAL MEMBERSHIP ASSESSMENT FEE FOR 2008/09 - \$2,790.00 (APPROVE)
- g. RESOLUTION NO. 08-R-23 - A RESOLUTION PROCLAIMING THE WEEK OF MAY 4 THROUGH MAY 10, 2008 MUNICIPAL CLERKS WEEK IN THE VILLAGE OF WILLOWBROOK (ADOPT)
- h. RESOLUTION NO. 08-R-24 - A RESOLUTION PROCLAIMING THE WEEK OF MAY 18-24, 2008 AS "NATIONAL PUBLIC WORKS WEEK" IN THE VILLAGE OF WILLOWBROOK (ADOPT)
- i. RESOLUTION NO. 08-R-25 - A RESOLUTION PROCLAIMING MAY 15, 2008 POLICE OFFICERS MEMORIAL DAY AND THE WEEK OF MAY 12-16, 2008 AS POLICE WEEK IN THE VILLAGE OF WILLOWBROOK (ADOPT)

- j. RESOLUTION NO. 08-R-26 - A RESOLUTION AUTHORIZING EXECUTION OF A MUTUAL AID INTERGOVERNMENTAL AGREEMENT BETWEEN THE VILLAGE OF WILLOWBROOK AND THE DUPAGE COUNTY OFFICE OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT (ADOPT)
- k. RESOLUTION NO. 08-R-27 - A RESOLUTION AUTHORIZING THE PRESIDENT AND VILLAGE CLERK TO ENTER INTO A CERTAIN AGREEMENT - LINDA S. PIECZYNSKI - VILLAGE ORDINANCE PROSECUTIONS (ADOPT)
- l. RESOLUTION NO. 08-R-28 - A RESOLUTION WAIVING THE COMPETITIVE BIDDING PROCESS AND AUTHORIZING THE VILLAGE PRESIDENT AND VILLAGE CLERK TO ACCEPT PROPOSALS FOR THE PURCHASE OF A 2008 FORD F-350 4x4, 2-DOOR, REGULAR CAB AND A 2008 FORD EXPLORER XLT 4x4, 4-DOOR - WILLOWBROOK FORD, INC. (ADOPT)

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

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

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

MOTION DECLARED CARRIED

NEW BUSINESS

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

Phyllis Zimmer, 6446 Tennessee Avenue, commented that the Village continues to allow storm water runoff to be directed onto her property. She referenced the US Supreme Court case where her mother, Grace Olech, prevailed over the Village of Willowbrook.

Attorney Good responded for the Board's benefit. The US Supreme Court case of Olech versus Willowbrook had nothing to do with drainage; it related to an unequal treatment allegation regarding the provision of water to the properties. The US Supreme Court only decided that the matter go to trial. When the case did go to trial, the jury determined that the Village did nothing wrong.

Tony Scilingo, 6416 Lane Court, a resident since 1989, related that there have been changes in the Village since he has moved. One of the

projects was at 63rd and Route 83. The Village took into account the ground displacement caused by this project and replaced a 40' culvert with a bridge on Lane Court to accommodate the water flow. Unfortunately, the Village did not account for a pathway to allow water to get to the bridge. This resulted in many of the trees eroding. In October, a 70' Willow tree, eroded and with exposed roots, crashed into his garage. Mr. Scilingo asked what can be done to make the Village aware of this problem.

President Pretzer responded that one of the things the Village was cognizant of was that the project could not and would not have increased the outflow of water in storm situations. He indicated the Staff would take a very good look at the situation and see what the issues are in that respect.

Kim McDaniels requested that the Village consider implementing a Voluntary Compliance Program to prohibit/limit the use of polystyrene foam (Styrofoam) products by restaurants and companies, which has negative consequences on the environment and our health as well. New greener alternatives are eco-friendly; they're durable quality and becoming more comparable in price. This would further Willowbrook's effort to become a greener Village.

President Pretzer responded that he appreciates Ms. McDaniel's position but the Board may not have the authority to regulate those kinds of things but we can certainly encourage.

6. MOTION TO CONCUR WITH THE VILLAGE PRESIDENT'S RECOMMENDATIONS FOR REAPPOINTMENT

The Village President recommended the following reappointments:

Parks & Recreation Commission (2-year term)

Richard Cobb
Laurie Landsman

Plan Commission (4-year term)

James Baker
Joseph Heery
Daniel Kopp

Board of Police Commissioners (3-year term)

William Schuler

Police Pension Fund Board (2-year term)

Sue Stanish

MOTION: Made by Trustee Napoli, seconded by Trustee Mistele, to concur with the Village President's recommendations for reappointment.

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

MOTION DECLARED CARRIED

7. DELINQUENT WATER BILLS

Director Halik reported there were no delinquent water bills.

8. ORDINANCE - AN ORDINANCE GRANTING A SPECIAL USE PERMIT, AMENDING SPECIAL USE PERMIT 86-28 AS APPROVED IN ORDINANCE NO. 86-0-28 AND AS AMENDED IN ORDINANCE NO. 87-0-29 AND ORDINANCE NO. 99-0-18 AND APPROVING AN AMENDED PRELIMINARY AND FINAL PLAT OF SUBDIVISION AND PLANNED UNIT DEVELOPMENT - HINSBROOK BANK & TRUST - 6262 SOUTH ROUTE 83

Administrator Modaff advised this item was before the Board at its April 14, 2008 meeting and was previously before the Plan Commission. The Ordinance had been prepared in accordance with the directions of both the Village Board and Plan Commission.

MOTION: Made by Trustee Napoli, seconded by Trustee Schoenbeck, to pass Ordinance No. 08-0-09.

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

MOTION DECLARED CARRIED

9. RESOLUTION - A RESOLUTION AUTHORIZING THE VILLAGE PRESIDENT AND VILLAGE CLERK TO EXECUTE A FIRST AMENDMENT TO LEASE - 15W700 N. FRONTAGE ROAD, BURR RIDGE

Director Halik noted that in February 2004, the Village Board executed a 4-year office lease at a storage facility located nearby. The Village uses this space primarily for archive files and equipment storage for all departments. The term of the lease ends April 30. Given the term of the lease is near expiration and the Village has not yet constructed additional facilities in which to relocate the

stored materials, Staff contacted the owner to request a one-year extension of the lease agreement. The one-year extension would allow additional time to review storage options as we move forward with the Public Works facility and potential Village Hall/Police facility. The First Amendment to the Lease provides for a one-year extension at a monthly rate of \$1,772.00, which is a 5% increase. Staff recommended the Board authorize the execution of the amended lease agreement.

MOTION: Made by Trustee Baker, seconded by Trustee Brown, to adopt Resolution No. 08-R-29.

Trustee Schoenbeck inquired if the lease could be extended for two-years with the same provision of 60 days written notice, in case problems occur with the construction of the Public Works facility.

Administrator Modaff thought that if the Village asks for a two-year lease, the owner would build in an increase at the end of the first year.

Trustee Schoenbeck felt it would be better to do that than to need that space at the end of the year.

Attorney Good suggested that the Board approve the Resolution this evening and at the same time, ask the Staff to inquire if they could obtain another amendment to extend the lease an additional year.

AMENDED MOTION: Made by Trustee Baker, seconded by Trustee Brown, to adopt Resolution No. 08-R-29 and to direct Staff to negotiate an additional one-year term option.

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

MOTION DECLARED CARRIED

10. RESOLUTION - A RESOLUTION AUTHORIZING THE VILLAGE PRESIDENT AND VILLAGE CLERK TO EXECUTE AN AGREEMENT FOR CONSULTANT SERVICES BETWEEN THE VILLAGE OF WILLOWBROOK AND CHRISTOPHER B. BURKE ENGINEERING, LTD. - 75TH STREET EXTENSION PROJECT - CONSTRUCTION ENGINEERING (PHASE III)

Director Halik reported that the 75th Street extension project is currently on the June 13 IDOT bid letting. As part of the IDOT process, the Village is responsible for providing a resident engineer, which has their own series of priorities or work related requirements pertaining to the project. The Village solicited a price

from Christopher B. Burke Engineering, Ltd. It is calculated through a prescribed method by IDOT and is \$75,965.25, which was anticipated by Staff and is included in the financial summary of the project. Staff recommended that the Agreement be executed.

Trustee Napoli inquired what the timetable was for the beginning and ending of construction after the bid letting.

Director Halik responded that once an agreement was reached with the lowest qualified bidder, it can begin late June or early July and should be open toward the end of the year.

MOTION: Made by Trustee Mistele, seconded by Trustee Schoenbeck, to adopt Resolution No. 08-R-30.

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

MOTION DECLARED CARRIED

11. RESOLUTION - A RESOLUTION AUTHORIZING THE VILLAGE PRESIDENT TO EXECUTE A LOCAL AGENCY AGREEMENT FOR FEDERAL PARTICIPATION BETWEEN THE VILLAGE OF WILLOWBROOK AND ILLINOIS DEPARTMENT OF TRANSPORTATION - 75TH STREET

Director Halik indicated that the Resolution before the Board is the Local Agency Agreement with IDOT that acknowledges the terms of the Federal Grant Program for the construction of the 75th Street roadway.

MOTION: Made by Trustee Brown, seconded by Trustee Napoli, to adopt Resolution No. 08-R-31.

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

MOTION DECLARED CARRIED

12. PRESENTATION - WILLIAMS ARCHITECTS -PUBLIC WORKS FACILITY DESIGN

Director Halik noted that on January 28, 2008, the Board directed Staff and the Municipal Services Committee to continue with the architectural design for the Public Works facility as provided in the Architectural Services contract with Williams Architects. Williams Architects has presented several designs and cost estimates to the Municipal Services Committee. At the April 14, 2008 Municipal Services Committee meeting, Williams Architects presented drawings

and a preliminary cost estimate based upon feedback from the Committee and Staff. Director Halik introduced Mark Bushhouse of Williams Architects at this time to present the design of the Public Works facility.

Mr. Bushhouse presented to the Board the completion of design for the Public Works facility but noted there would still be refinements made to the design as directed. He would like to move forward with construction documents over the next couple of months so that the project can be bid out this summer, start construction and have it done in time for the Village's storage needs.

Mr. Bushhouse provided an overview of the Site Plan for the new Public Works facility, identifying the location of the various buildings on the site and parking areas for the Board. He reviewed the exterior and interior design and elevation drawings of the new facility. The estimated project cost is \$2.24 million.

The consensus of the Board was in support of the design of the Public Works Facility as presented and they thanked the Municipal Services Committee and Staff on their great work with Williams Architects on the project. The Board directed Williams Architects to continue with the full architectural and bid specifications for the new facility as provided in the previously approved contract.

13. RESOLUTION - A RESOLUTION AUTHORIZING THE VILLAGE PRESIDENT TO EXECUTE A PROPOSAL FOR PROFESSIONAL SERVICES BETWEEN THE VILLAGE OF WILLOWBROOK AND CHRISTOPHER B. BURKE ENGINEERING, LTD.

Director Halik advised that as part of the new Public Works facility, a portion of the required work is civil engineering which is outside of the scope of the work that Williams Architects can provide. The civil engineering work must be completed by an Illinois Registered Professional Engineer. Staff requested a proposal from Christopher B. Burke Engineering, Ltd. to provide these services. The scope of services includes preparation of a topographic survey, generation of full site improvement plans and completion of a storm water submittal. The proposal to complete this portion of the project is for a cost not to exceed \$22,000.

MOTION: Made by Trustee Mistele, seconded by Trustee Napoli, to adopt Resolution No. 08-R-32.

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

MOTION DECLARED CARRIED

OLD BUSINESS

14. COMMITTEE REPORTS

Trustee Brown had no report.

Trustee Napoli had no report.

Trustee Schoenbeck had no report.

Trustee Baker had no report.

Trustee Mistele had no report.

15. ATTORNEY'S REPORT

Village Attorney Good advised the Board that Chipotle is scheduled to open at the end of May and the Village is dependent on sales tax. Chipotle had some difficulty getting their paperwork in for the liquor license and had some difficulty with the fingerprint card and what was necessary, so they are running up against a deadline where they might be ready for their grand opening and not yet have their liquor license. Their attorney had been in contact with Chief Konstanty, who agreed to go above and beyond to make sure the work was done at our end so that once we received the appropriate fingerprint cards we would be in a position to issue the liquor license. Chipotle's attorney sent a letter thanking Chief Konstanty for his efforts in going over and above to assist a new business in getting open on time.

16. CLERK'S REPORT

Village Clerk Hansen had no report.

17. ADMINISTRATOR'S REPORT

Administrator Modaff had no report.

19. EXECUTIVE SESSION

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

MOTION: Made by Trustee Napoli, seconded by Trustee Brown, to adjourn into Executive Session to discuss personnel at the hour of 8:27 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,

_____, 2008

Village President

Minutes transcribed by Mary Partyka.