

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF WILLOWBROOK HELD ON TUESDAY, MAY 26, 2015 AT THE VILLAGE POLICE STATION BUILDING, 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 6:34 p.m. by Mayor Frank Trilla.

2. ROLL CALL

Those present at roll call were Mayor Frank Trilla, Village Clerk Leroy Hansen, Trustees Sue Berglund, Terrence Kelly, Michael Mistele, Gayle Neal, and Paul Oggerino.

ABSENT: At time of Roll Call - Trustee Umberto Davi

Also present were Village Attorney Thomas Bastian, Village Attorney Michael Durkin, Village Administrator Timothy Halik, Chief Mark Shelton, Deputy Chief Mark Altobella, Interim Director of Finance Carrie Dittman, Assistant to the Village Administrator Garrett Hummel, and Deputy Clerk Cindy Stuchl.

A QUORUM WAS DECLARED

3. PLEDGE OF ALLEGIANCE

Mayor Trilla asked Officer Robert Schaller's children, Daniel and Gavin Schaller, to lead everyone in saying the Pledge of Allegiance.

\*\*\*NOTE: Trustee Davi arrived at 6:36 p.m.

4. VISITORS' BUSINESS

None presented.

5. OMNIBUS VOTE AGENDA

- a. Waive Reading of Minutes (APPROVE)
- b. Minutes - Regular Board Meeting - May 11, 2015 (APPROVE)
- c. Minutes - Executive Session Meeting - May 11, 2015 (APPROVE)
- d. Warrants - \$341,504.17 (APPROVE)
- e. Resolution - A Resolution Authorizing the Mayor and Village Clerk to Execute an Agreement to Complete a

- Water Tank Rehabilitation Project - Era Valdivia Contractors, Inc., Chicago - Resolution No. 15-R-30 (ADOPT)
- f. Resolution - A Resolution Authorizing the Chief of Police to Place an Order for Two 2015 Ford Utility Police Interceptor AWD Vehicles Through the Suburban Purchasing Cooperative - Resolution No. 15-R-31 (ADOPT)
  - g. Resolution - A Resolution Authorizing the Chief of Police to Purchase Twelve (12) Reviver AEDs - Resolution No. 15-R-32 (ADOPT)
  - h. Resolution - A Resolution Authorizing the Acceptance of Change Order Number 2 - Additional Luminaires - LED Streetlight Conversion Project - Resolution No. 15-R-33 (ADOPT)
  - i. Resolution - A Resolution Authorizing the Mayor and Village Clerk to Accept a Proposal to Provide Heating Ventilation and Air Conditional Maintenance Services - The Heat Engineering Company - Resolution No. 15-R-34 (ADOPT)
  - j. Resolution - A Resolution Authorizing the Mayor and Village Clerk to Accept a Proposal to Purchase a T5 Walk Behind Automatic Floor Scrubber with Hydrolink Battery Watering System - PCS Industries - Resolution No. 15-R-35 (ADOPT)

Mayor Trilla asked the Board if there were any items to be removed from the Omnibus Vote Agenda.

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

ROLL CALL VOTE: AYES: Trustees Berglund, Davi, Kelly, Mistele, Neal, and Oggerino. NAYS: None. ABSENT: None.

MOTION DECLARED CARRIED

NEW BUSINESS

6. DELINQUENT WATER BILLS

Administrator Halik reported that there was one (1) delinquent water bill in the amount of \$52.11. Staff requested authorization to proceed in accordance with past practices which was approved.

7. PROCLAMATION - A PROCLAMATION RECOGNIZING OFFICER ROBERT R. SCHALLER FOR 20 YEARS OF SERVICE TO THE VILLAGE OF WILLOWBROOK

Mayor Trilla presented Officer Robert Schaller with a Proclamation and gift recognizing his 20 years of service with the Village of Willowbrook. Mayor Trilla, the Board of Trustees, and Staff thanked Officer Schaller for his service.

8. ORDINANCE - AN ORDINANCE AMENDING TITLE 13 (COMMUNITY ANTENNA TELEVISION SYSTEMS) CHAPTER 1 (CABLE COMMUNICATIONS) SECTION 54 (CONSUMER PROTECTION AND CUSTOMER SERVICE PROVISIONS) OF THE VILLAGE CODE OF WILLOWBROOK RELATIVE TO CABLE AND VIDEO CUSTOMER SERVICE OBLIGATIONS

Administrator Halik related that the 15 year franchise agreement with Comcast will be expiring this month. The franchise agreement was jointly negotiated by Willowbrook, Clarendon Hills, Burr Ridge, and Hinsdale. The draft agreement included requests for a most favored nation's clause, a side letter of agreement to address infrastructure and maintenance issues, limits on installing aboveground cabling and infrastructure, reimbursement of attorney's fees, and clarification of the Emergency Alert System. Comcast requested provisions to narrow the definition of PEG programming, a change in the definition of right-of-way, and a vehicle parking exemption for Comcast vehicles. After further negotiations, Comcast did not agree to provide a most favored nation's clause, a side letter of agreement to address maintenance issues or limits on aerial cabling. Each of these items were inconsistent with current state laws and are not provided for in other existing municipal agreements.

None of the participating municipalities agreed to changing the definition of PEG programming or allowing Comcast vehicles exemptions from local parking requirements.

The final agreement includes a 10-year term and includes the following provisions: payment of a 5% franchise fee on gross revenues, adherence to customer service standards, reimbursement of reasonable attorney's fees, indemnification and insurance requirements, and continued PEG channel programming.

In addition, the designated operation of the emergency alert system was reviewed and all municipalities are in agreement with how the system works.

In order for the Village to enforce current state law relating the customer service standards, the attached ordinance must be passed to adopt the Illinois Cable and Video Customer Protection law.

Trustee Neal asked what are the customer service standards. Administrator Halik related that the law provides the standards by which Comcast is to operate and interact with customers for billing, service, and equipment maintenance. There are provisions in the state law that give Comcast 30 days for repairs. If there are violations in making the repairs within the deadline, the Village can then engage Comcast through police powers and cite for the violations.

MOTION: Made by Trustee Davi and seconded by Trustee Oggerino to pass Ordinance No. 15-0-13 as presented.

ROLL CALL VOTE: AYES: Trustees Berglund, Davi, Kelly, Mistele, Neal, and Oggerino. NAYS: None. ABSENT: None.

MOTION DECLARED CARRIED

9. RESOLUTION - A RESOLUTION APPROVING A CABLE TELEVISION FRANCHISE AGREEMENT BY AND BETWEEN THE VILLAGE OF WILLOWBROOK AND COMCAST OF ILLINOIS VI, LLC

See discussion in Item 8. Administrator Halik had no further report.

MOTION: Made by Trustee Mistele and seconded by Trustee Davi to adopt Resolution No. 15-R-36 as presented.

ROLL CALL VOTE: AYES: Trustees Berglund, Davi, Mistele, and Oggerino. NAYS: Trustees Kelly and Neal. ABSENT: None.

MOTION DECLARED CARRIED

10. A RESOLUTION AWARDED THE FISCAL YEAR 2015/16 MOTOR FUEL TAX ROADWAY MAINTENANCE PROGRAM CONTRACT TO K-FIVE CONSTRUCTION CORPORATION IN THE AMOUNT OF \$212,996.53

Administrator Halik reported that this year's MFT Roadway Program includes the resurfacing of approximately ½ mile of roadways including Waterford Drive; replacement of concrete

curbs, gutters, and sidewalks along Waterford Drive; and full depth patching at various locations throughout the Village.

A bid opening occurred on Monday, May 18<sup>th</sup>. Four sealed bids were received prior to the deadline. The low bid was made by K-Five Construction.

The bid amount is \$15,717 below the engineer's estimate and \$12,000 less than the amount budgeted for this year's program. The excess money will remain in the MFT account to help build a reserve for the local share of the Clarendon Hills Road project.

Work is scheduled to begin in mid to late June.

MOTION: Made by Trustee Mistele and seconded by Trustee Oggerino to adopt Resolution No. 15-R-37 as presented.

ROLL CALL VOTE: AYES: Trustees Berglund, Davi, Kelly, Mistele, Neal, and Oggerino. NAYS: None. ABSENT: None.

MOTION DECLARED CARRIED

11(a). MOTION - A MOTION TO WAIVE THE COMPETITIVE BIDDING PROCESS IN SEEKING PROPOSALS TO COMPLETE A COMPREHENSIVE LANDSCAPE INSTALLATION, 835 MIDWAY DRIVE (VILLAGE HALL)

Administrator Halik advised that due to the construction on the new Village Hall being completed during the winter, the original plans did not include a comprehensive landscape plan. The 2015/16 Fiscal Year budget included \$20,000 for landscaping.

A plan and proposal was received from Hinsdale Nurseries on May 15, 2015. Plant materials include grasses, shrubs, and trees that will complement the architecture of the new Village Hall. The proposal for the landscaping came in higher than what was budgeted but costs to sealcoat and restripe the parking lot came in below bid and will help to offset the costs. The overage would be spent out of the LAFR capital improvement fund.

MOTION: Made by Trustee Berglund and seconded by Trustee Mistele to approve the competitive bidding process for landscape installation.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Berglund, Davi, Kelly, Mistele, Neal, and Oggerino. NAYS: None. ABSENT: None.

MOTION DECLARED CARRIED

11(b). RESOLUTION - A RESOLUTION AUTHORIZING THE MAYOR AND VILLAGE CLERK TO ACCEPT A PROPOSAL TO COMPLETE A COMPREHENSIVE LANDSCAPE INSTALLATION, 835 MIDWAY DRIVE (VILLAGE HALL) - HINSDALE NURSERIES

See discussion in Item 11(a). Administrator Halik had no further report.

MOTION: Made by Trustee Mistele and seconded by Trustee Oggerino to adopt Resolution No. 15-R-38 as presented.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Berglund, Davi, Kelly, Mistele, Neal, and Oggerino. NAYS: None. ABSENT: None.

MOTION DECLARED CARRIED

12. RESOLUTION - A RESOLUTION AUTHORIZING THE MAYOR AND VILLAGE CLERK TO ENTER INTO AN AGREEMENT WITH BKD LLP FOR AUDIT SERVICES FOR FISCAL YEAR 2014/15

Interim Director of Finance Dittman related that the Village is required by state statute to have an annual audit completed of its financial records. The previous audit services were conducted by Wolf and Company. This company has since merged with BKD LLP. The on-site staff will be the same as in previous years.

MOTION: Made by Trustee Mistele and seconded by Trustee Berglund to adopt Resolution No. 15-R-39 as presented.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Berglund, Davi, Kelly, Mistele, Neal, and Oggerino. NAYS: None. ABSENT: None.

MOTION DECLARED CARRIED

13. RESOLUTION - A RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO PURCHASE A CANINE FROM NORTHERN MICHIGAN K-9 INCLUDING FOUR (4) WEEKS OF CANINE HANDLER TRAINING

Chief Shelton stated that the initial canine program was initiated in 2006. The canine has done well in tracking, narcotics, and has been involved in a variety of asset seizures. The current canine is nearing the end of her career.

The program's continuation was discussed during Public Safety Committee meetings. The recommendation was to continue with the program.

Officer Nick Volek will become the department's new canine officer. Costs for setting up the kennel, training, and lodging during the training will be spent out of the asset forfeiture fund and will not affect the Village budget. Training would begin in September. The current canine vehicle is adequate and will not need to be replaced at this time.

Trustee Mistele questioned what will happen to the current canine, Icha. Chief Shelton advised that per the canine contract, she will be purchased for \$1.00 by the current canine officer as his personal pet.

Chief Shelton related that they will be having a retirement ceremony for Icha in August.

MOTION: Made by Trustee Kelly and seconded by Trustee Mistele to adopt Resolution No. 15-R-40 as presented.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Berglund, Davi, Kelly, Mistele, Neal, and Oggerino. NAYS: None. ABSENT: None.

MOTION DECLARED CARRIED

PRIOR BUSINESS

14. COMMITTEE REPORTS

Trustee Neal had no report.

Trustee Kelly had no report.

Trustee Mistele had no report.

Trustee Berglund related how well the Route 83 road construction project is going and what a good decision to allow the work to be completed during the evening hours.

Trustee Davi had no report.

Trustee Oggerino had no report.

15. ATTORNEY'S REPORT

Attorney Bastian had no report.

16. CLERK'S REPORT

Clerk Hansen had no report.

17. ADMINISTRATOR'S REPORT

Administrator Halik had no report.

18. MAYOR'S REPORT

Mayor Trilla had no report.

19. EXECUTIVE SESSION

Mayor Trilla stated that there was no need for Executive Session during tonight's meeting.

20. ADJOURNMENT

MOTION: Made by Trustee Mistele and seconded by Trustee Oggerino, to adjourn the Regular Meeting at the hour of 7:08 p.m.

ROLL CALL VOTE: AYES: Trustees Berglund, Davi, Kelly, Mistele, Neal, and Oggerino. NAYS: None. ABSENT: None.

MOTION DECLARED CARRIED

PRESENTED, READ and APPROVED.

June 8, 2015.

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Mayor

Minutes transcribed by Deputy Clerk Cindy Stuchl.