

MINUTES OF THE REGULAR MEETING OF THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF WILLOWBROOK HELD ON MONDAY, SEPTEMBER 14, 2009, 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 Robert Napoli.

2. ROLL CALL

Those present at roll call were Trustees Terrence Kelly, Michael Mistele, Paul Schoenbeck, Sandra O'Connor, Timothy McMahon and President Napoli. ABSENT: Trustee Dennis Baker. Also present were Village Clerk Leroy Hansen, Village Attorney William Hennessy, Chief of Police Edward Konstanty, Director of Municipal Services Timothy Halik, Director of Finance Sue Stanish, Planner Sara Hage and Administrative Intern Garrett Hummel.

A QUORUM WAS DECLARED

3. PLEDGE OF ALLEGIANCE

President Napoli 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 - August 24, 2009 (APPROVE)
- c. Warrants - September 14, 2009 - \$477,588.54 (APPROVE)
- d. Monthly Financial Report - August 31, 2009 - \$14,564,884.19 (ACCEPT)
- e. MOTION TO APPROVE - SALT STORAGE DOME CONSTRUCTION CONTRACT: PAYOUT #1 - PARTIAL PAYMENT, DOME CORPORATION OF NORTH AMERICA (APPROVE)
- f. MOTION TO APPROVE - PUBLIC WORKS FACILITY CONSTRUCTION CONTRACT: PAYOUT #10 - PARTIAL PAYMENT, FBG CONSTRUCTION CORPORATION (APPROVE)
- g. ORDINANCE NO. 09-O-19 - AN ORDINANCE AUTHORIZING THE SALE OF PERSONAL PROPERTY OWNED BY THE VILLAGE OF WILLOWBROOK (PASS)
- h. ORDINANCE NO. 09-O-20 - AN ORDINANCE AUTHORIZING THE DISPOSAL OF PERSONAL PROPERTY OWNED BY THE VILLAGE OF WILLOWBROOK (PASS)

- i. RESOLUTION NO. 09-R-48 - A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NUMBERS 31, 32, AND 33 - PUBLIC WORKS FACILITY CONTRACT - FBG CORPORATION (ADOPT)

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

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

ROLL CALL VOTE: AYES: Trustees Kelly, Mistele, Schoenbeck, O'Connor and McMahon; NAYS: None; ABSENT: Trustee Baker.

MOTION DECLARED CARRIED

NEW BUSINESS

5. VISITOR'S BUSINESS (Public comment is limited to three minutes per person on agenda items only)

There was no visitors business.

6. DISCUSSION AND MOTION - PLAN COMMISSION RECOMMENDATION TO APPROVE A PETITION TO REZONE TO THE M-1 DISTRICT THE VIS-O-GRAPHICS PROPERTY - ROBERT V. AND MARY J. DAHLKE TRUST - 7904 JOLIET ROAD

Planner Hage informed the Village Board the Plan Commission held a public hearing on September 2, 2009 to consider a zoning request submitted by the Dahlke Trust for the Vis-O-Graphics property at 7904 Joliet Road. This property was forcibly annexed into the Village in November 2007 and was automatically zoned to the R-1 Residential District. The Dahlke's approached the Village with regard to rezoning the property to the M-1 District, which would allow for uses that are compatible with surrounding uses and facilitate the sale of the property. The Plan Commission recommended approval of the petition to rezone the property to the M-1 District.

MOTION: Made by Trustee Schoenbeck, seconded by Trustee McMahon, to accept the Plan Commission recommendation and direct the Village attorney to prepare an ordinance.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Kelly, Mistele, Schoenbeck, O'Connor and McMahon; NAYS: None; ABSENT: Trustee Baker.

MOTION DECLARED CARRIED

7. RESOLUTION - A RESOLUTION AWARDING THE FISCAL YEAR 2009-10 MOTOR FUEL TAX ROADWAY MAINTENANCE PROGRAM CONTRACT TO CROWLEY-SHEPPARD ASPHALT, INC. IN THE AMOUNT OF \$119,635.75

Director Halik informed the Board that this season's Roadway Maintenance Program will include significant full-depth roadway patching on various streets, crack filling the remaining twenty streets that were not completed in the 2007 Program, and the replacement of thermoplastic pavement markings at various locations. In addition, the program will also include crack filling, seal coating and re-striping of the parking facilities at the Village Hall, Community Park and Willow Pond Park, which was budgeted within the General Fund. Since the majority of the funding for this work will come from the Village Motor Fuel Tax (MFT) Fund, the construction bid documents were submitted to the Illinois Department of Transportation (IDOT) for approval prior to going to bid. After the Municipal Services Committee and IDOT reviewed and approved the bid document, the project was put out to bid. The public bid opening was held at the Village Hall on August 25, 2009. One vendor, Crowley-Sheppard Asphalt, Inc., submitted a bid in the amount of \$119,635.75, which was about \$16,000 below the engineer's estimate. The Municipal Services Committee discussed the bid results at the meeting this evening and recommended awarding the MFT contract to Crowley-Sheppard. The Finance and Administration Committee also reviewed the proposed expenditure since a portion of the project was included on the deferred list.

Staff recommended that the resolution awarding the contract for the 2009-10 MFT Program to Crowley-Sheppard Asphalt be adopted. After Village Board approval, the contract will be sent to IDOT for final approval. It is anticipated work will begin in approximately 2-3 weeks times.

MOTION: Made by Trustee Mistele, seconded by Trustee Schoenbeck, to adopt Resolution No. 09-R-49.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Kelly, Mistele, Schoenbeck, O'Connor and McMahon; NAYS: None; ABSENT: Trustee Baker.

MOTION DECLARED CARRIED

8. MOTION TO APPROVE - QUARTERLY FINANCIAL REPORTS - FIRST QUARTER FISCAL YEAR 2010

Director Stanish presented the First Quarter Financial Report for Fiscal 2010. She provided the Board with a highlight of the economic climate in Willowbrook. She noted that the Village has a low residential foreclosure rate and existing businesses are still in business. Director Stanish reported the Village ended up at April 30, 2009 in a better position than what was previously estimated.

At this time, President Napoli advised the Board of a number of development opportunities that he had pursued with the assistance of Chief Konstanty.

Director Stanish informed the Board that Fred Lantz with Sikich will be at the next Board meeting with regard to the audit and management letter so they will have the opportunity to ask him questions about last year's audit.

Director Stanish reported that for Fiscal Year 2010, no new revenues were included in the revenue estimates. Staff assumed all projects, positions and services in the budget would be completed. This provides the Board a complete financial picture and a good starting point to evaluate if and when projects will be deferred or deleted. The Staff went through departmental line item budgets to identify additional items that can be deferred and these items were included in the Board's agenda packet.

Director Stanish reported that:

- Sales Tax receipts are coming in as anticipated.
- Income tax receipts are coming in about 20% below the budgeted amount. The Illinois Municipal League is projecting a shortfall of 15.5%; Staff projected a conservative 20% decrease through the year.

- Based on first quarter receipts, Staff anticipates a \$67,500 shortfall in Utility tax that can be attributed to decreased taxes received from Nicor.
- The Places For Eating Tax is holding their own and for the first quarter is on budget.
- Building Permits revenue is estimated at \$100,000 compared to the budgeted amount of \$150,000.
- It is expected the fines from the Circuit Court to come in at the projected budget amount of \$200,000.

On the expenditure side, Staff has anticipated for most items spending at or less than budgeted amounts. Director Stanish noted that based on the first three months of expenditures, Village Attorney fees and Labor Attorney fees are projected to exceed budget.

Chief Konstanty reported that on a positive note with regard to the Red Light Enforcement Program we just completed the warning period and there were approximately 800 straight through and left turn violations since August 12. This indicates a definite safety issue. He further advised that there currently is a Senate Bill 2466 that has been submitted for banning Photo Red Light Enforcement. The loss would be approximately \$324,000 in net revenues for the Village. This Senate Bill might be brought up in either the October veto session or January. Chief Konstanty noted that he and President Napoli met with one legislator and had scheduled a meeting with another legislator to gather support not to vote for this bill.

Trustee Schoenbeck inquired if it has been considered to put the funds received from the Red Light Enforcement Program into a reserve not to be used until we see where the impact may come from. He heard there is some litigation to try to throw out anybody who has gotten charges and he was concerned that we may take in money and then have to return it should case law come down.

Chief Konstanty noted that the money would go directly into the fine revenue so we should be able to track it there. He thought we should sit back and wait to see what happens during the veto session.

President Napoli noted that we should concentrate on this year's budget and there is a potential shortfall from this program of \$324,000 if the Red Light Enforcement revenue is eliminated via legislation.

Projections if Red Light Cameras are in place. Director Stanish advised that Staff also went through the operating expenses and, assuming the Village Administrator position will be filled in 1/1/2010, expenditures are projected to be \$10,408 over budget. The estimated deficit would be \$245,575. The projected fund balance at 4/30/2010 would equate to 154 days of operating expense compared to 163 days budgeted.

Projections if there are **no** Red Light Cameras. The projected deficit would be \$590,165 and 141 days of operating expense in reserves.

Trustee McMahon recommended that Red Light Camera revenues and expenditures be included in budget projections as Staff begins working on the FY10-11 Budget.

An overview was presented of items totaling \$339,280 that could be deferred and can offset the entire or a partial amount of the projected deficit. Director Stanish noted that two items on the defer list, the Village Newsletter and Brush Collection, are time sensitive.

Trustee McMahon suggested that one more Village Newsletter be sent out to the residents and in the newsletter note that the following two newsletters will be available only on the website.

The consensus of the Board was to mail out one more newsletter to the residents and informs them in the newsletter that future newsletters will only be available on the website.

Trustee Mistele felt that the Brush Collection was a service to the residents that they are expecting.

The consensus of the Board was to keep the Brush Collection in the budget.

President Napoli asked the Board how they wanted to handle the remainder of the defer list.

MOTION: Made by Trustee Schoenbeck, seconded by Trustee McMahon, to have each Committee review the list at their next meeting, make their recommendations, and then forward it to the Finance/Administration Committee at the first meeting in November. The Finance/Administration Committee would then make recommendations to the Village Board.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Kelly, Mistele, Schoenbeck, O'Connor and McMahon; NAYS: None; ABSENT: Trustee Baker.

MOTION DECLARED CARRIED

OLD BUSINESS

9. COMMITTEE REPORTS

Trustee McMahon had no report.

Trustee O'Connor had no report.

Trustee Schoenbeck had no report.

Trustee Mistele commented that under the Omnibus Vote Agenda the Board approved the final payout request for the Public Works garage. We are still awaiting some siding for the salt storage bin but we had approved a payout of \$120,000 pending the receipt of that siding. These projects are being completed under budget.

Trustee Kelly had no report.

10. ATTORNEY'S REPORT

Village Attorney Hansen had no report.

11. CLERK'S REPORT

Village Clerk Hansen distributed information regarding public management labor negotiations he thought the Board would find interesting.

12. ADMINISTRATOR'S REPORT

Chief Konstanty had no report.

13. EXECUTIVE SESSION

MOTION: Made by Trustee McMahon, seconded by Trustee Schoenbeck, to adjourn into Executive Session to discuss personnel and probable and imminent litigation at the hour of 8:22 p.m.

PREVIOUS ROLL CALL VOTE: AYES: Trustee Kelly, Mistele, Schoenbeck, O'Connor and McMahon; NAYS: None; ABSENT: Trustee Baker.

MOTION DECLARED CARRIED

SEE APPROPRIATE EXECUTIVE SESSION MINUTES

PRESENTED, READ and APPROVED,

September 28, 2009

Robert A. Napoli
Village President

Minutes transcribed by Mary Partyka.