

MINUTES OF THE REGULAR MEETING OF THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF WILLOWBROOK HELD ON MONDAY, MAY 22, 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 Thomas Good, Interim Village Administrator Alan Zordan, Chief Edward Konstanty, Director of Finance Sue Stanish, Deputy Chief Pat Foley, Deputy Chief Mark Shelton and Superintendent of Parks & Recreation Walter Righton.

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 - May 8, 2006 (APPROVE)
- c. Minutes - Executive Session - May 8, 2006 (APPROVE)
- d. Warrants - May 22, 2006 - \$146,471.54 (APPROVE)
- e. Monthly Financial Report - April 30, 2006 - \$10,719,637.99 (ACCEPT)
- f. Request for Purchase Exceeding \$2,500 - Police Department - Three Replacement Squad Cars - Thomas Dodge - \$62,316.00 (APPROVE)
- g. Request for Purchase Exceeding \$2,500 - Replacement of Police Department Weapons and Equipment - \$11,866.20 (APPROVE)
- h. Request for Purchase Exceeding \$2,500 - Replacement of Dead/Dying Bushes - Midland Group Property Services, Inc. - \$3,320.00 (APPROVE)

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 Napoli, 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, of 6446 Tennessee Avenue, expressed her concern with regard to the stormwater runoff that is being directed onto her property.

6. RESOLUTION - A RESOLUTION HONORING ROSA M. ACCETTURA ON HER RETIREMENT FROM THE VILLAGE OF WILLOWBROOK

President Pretzer and the Village Board congratulated Rosa Accettura on her retirement from the Village of Willowbrook and presented her with a Resolution, plaque and gift.

MOTION: Made by Trustee Baker, seconded by Trustee Schoenbeck, to adopt Resolution No. 06-R-34.

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

MOTION DECLARED CARRIED

7. MERITORIOUS SERVICE AWARD - MARK T. SHELTON

Administrator Zordan informed the Village Board that Deputy Chief Mark Shelton had been selected for the Lifesaving Meritorious Service Award. On April 19, 2006, Deputy Chief Shelton negotiated for three and a half hours with a suicidal and barricaded subject and based on Deputy Chief Shelton's efforts the subject gave up peacefully without endangering any other individuals.

President Pretzer presented Deputy Chief Mark Shelton with the Meritorious Service Award along with an honorarium. The Village Board congratulated Deputy Chief Shelton on his extraordinary service.

8. DELINQUENT WATER BILLS

Administrator Zordan reported that there were two (2) delinquent water bills in the amount of \$189.50 and \$66.30, respectively and requested permission to proceed as per Village policy.

9. DISCUSSION - YASMEEN TOWNHOMES - 6503 CLARENDON HILLS ROAD

Attorney Good noted that at the March 27 meeting, the applicant was present and this was after the Plan Commission made a recommendation with respect to the applicant's rezoning the subject property to R-4 and a special use request for a multiple family development required as a planned unit development. In order to do the planned unit development a text amendment was required and the Village Board declined to authorize the text amendment. At that time, Attorney Good advised the Village Board that it would be appropriate to rezone the property to the R-4 Zoning District if the applicant wished. The applicant did wish to hold off on making that decision and to investigate the matter. It appeared from correspondence from the applicant's attorney that there had been a number of discussions with surrounding property owners but there appears to be the need for some action on this application. After reviewing the zoning and density of the surrounding properties, Mr. Good felt the R-4 zoning was appropriate for the subject property. He noted that if the applicant wishes to proceed with the desire to construct an eight-unit multi-family dwelling, it would require an application to be made for a special use and a hearing before the Plan Commission on that application.

Dr. Salem, the applicant, provided an overview of his project and the process he went through to get to this point this evening. He was advised that this type of discussion would need to be presented to the Plan Commission.

Attorney Good explained that currently there is a Plan Commission recommendation to rezone the subject property to the R-4 Zoning District and it appears as if the applicant at this point does not want the Board to direct him to draft an ordinance to rezone the property. The applicant would need to

determine if they are going to file an application for a special use permit on some basis and he suggested the applicant's attorney give him a call to discuss the 20 foot setback issue and the stormwater issue.

Mr. Bernard Martin, attorney for the applicant, noted that the matter will be discussed with his client and a determination would be made within the next 24 hours if they will file an application for a special use and that he felt it would be appropriate to discuss both those matters at the same time.

10. PRESENTATION - 2005 WILLOWBROOK POLICE DEPARTMENT ANNUAL REPORT

Chief Konstanty provided to the Village Board an overview of some of the department's accomplishments including re-accreditation, training opportunities, involvement with mutual aid teams and an 11% decrease in index crime prior to a PowerPoint presentation. There was an increase in traffic accidents possibly due to drivers using alternate routes such as Clarendon Hills Road and Plainfield Road instead of Route 83 and I-55. The number of parking citations has increased due to an emphasis on residential patrol. Chief Konstanty advised that the canine unit should be in operation shortly and it is anticipated the unit will be a very successful endeavor.

Chief Konstanty also noted that there was an organizational change during the past year, which included the creation of two deputy chief positions. Commander Foley was promoted to Deputy Chief of Operations and Commander Shelton was promoted to Deputy Chief of Administration.

Chief Konstanty extended his thank you to the Department staff for their efforts with regard to the preparation of the Annual Report.

MOTION: Made by Trustee McMahan, seconded by Trustee Brown, to accept the 2005 Willowbrook Police Department Annual Report as presented.

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

MOTION DECLARED CARRIED

11. ORDINANCE - AN ORDINANCE ADOPTING PREVAILING WAGE RATES PURSUANT TO THE PREVAILING WAGE LAW

Administrator Zordan advised the Village Board that the schedule of rates provided by the Illinois Department of Labor (IDOL) when passed through a local ordinance before them this evening satisfies the Village's statutory requirement.

MOTION: Made by Trustee Napoli, seconded by Trustee Brown, to pass Ordinance No. 06-O-13.

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

MOTION DECLARED CARRIED

12. RESOLUTION - A RESOLUTION AUTHORIZING THE VILLAGE PRESIDENT AND VILLAGE CLERK TO ACCEPT A PROPOSAL FOR THE PURCHASE OF A 2007 INTERNATIONAL 7400 - PRAIRIE INTERNATIONAL TRUCKS, INC. AND WAIVING THE COMPETITIVE BIDDING PROCESS AND ACCEPTING A PROPOSAL FOR THE PURCHASE AND INSTALLATION OF SNOW REMOVAL EQUIPMENT - AUTOTRUCK, LTD.

Administrator Zordan informed the Village Board that the FY 06/07 budget includes funding for the replacement of the Municipal Services vehicle #73, which is a 1995 International 4900 series dump truck. This specific vehicle is identified as being on a 12-year periodic replacement program which would include its replacement with a 2007 model. The funds for the purchase of the replacement vehicle include \$50,000 in the General Fund and \$50,000 in the Water Fund. The Staff recommends using the State Purchase program for the truck chassis and a second vendor to provide the required snow removal equipment outfitting. Due to a change in the state emission laws, orders for this vehicle would not be accepted after May 31, 2006. The Municipal Services Committee was contacted and they concurred with the Staff recommendation to bring this matter before the Village Board for approval prior to the May 31 deadline.

MOTION: Made by Trustee Brown, seconded by Trustee McMahon, to adopt Resolution No. 06-R-35.

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

MOTION DECLARED CARRIED

13. ORDINANCE - AN ORDINANCE AUTHORIZING THE SALE OF PERSONAL PROPERTY OWNED BY THE VILLAGE OF WILLOWBROOK

Chief Konstanty noted that the Department was seeking authorization to dispose of police-seized vehicles that are now available for disposal. T&R Towing has expressed interest to purchase the vehicles and remove them from Village property.

Chief Konstanty further informed the Village Board that T&R Towing has offered to use their impound lot to store police-seized vehicles free for six months. After this time period, the Village would be charged \$200 a month for the storage. In addition, T&R Towing has requested the ability to have first offer on any seized vehicles the Village is looking to dispose of, with the Village reserving the right to reject any offer not considered reasonable.

President Pretzer suggested that the storage matter be brought back to the Village Board at a future meeting.

MOTION: Made by Trustee Mistele, seconded by Trustee Schoenbeck, to pass Ordinance No. 06-0-14.

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

MOTION DECLARED CARRIED

14. DISCUSSION - EXPENDITURE FOR PROFESSIONAL SERVICES - CHRISTOPHER B. BURKE ENGINEERING, LTD. - COMMUNITY PARK CONCESSION STAND/PUBLIC TOILETS - TOPOGRAPHIC SURVEY TO DETERMINE LIMITS OF FLOODPLAIN

Superintendent Righton noted that the Village Board at the Budget Workshop authorized the funds for the design and planning for the proposed concession stand and public toilet building at Community Park. A large part of Community Park is located within the regulatory floodplain. The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) is a document that roughly identifies land areas contained within the regulatory

floodplain. FEMA has recently adopted new FIRM maps indicating that there are floodplain areas in close proximity to the proposed location of the building. A more detailed grading plan would be required to determine whether the proposed building will have to be moved or whether the floor of the building must be elevated to comply with the Village's stormwater ordinance. Dan Lynch, of Christopher B. Burke Engineering, Ltd., provided a cost for professional services to complete a full topographic survey of Community Park. The Finance/Administration Committee reviewed the proposal and concurred with the Staff recommendation that the Board authorize the expenditure in an amount not to exceed \$5,500.

MOTION: Made by Trustee Mistele, seconded by Trustee Napoli, to authorize the expenditure in an amount not to exceed \$5,500 for engineering services to complete the required topographic survey of Community Park.

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

MOTION DECLARED CARRIED

15. DISCUSSION - REQUEST TO AUTHORIZE THE VILLAGE ATTORNEY TO COMMENCE A DEMOLITION/REPAIR ORDER ACTION - 6318 CLARENDON HILLS ROAD

Administrator Zordan informed the Village Board that the Staff had become aware of the maintenance issue of the subject property during the summer of 2002. Since that time, the property has substantially deteriorated. The Village Staff noted that the owner of record resides in California but is completely unresponsive to attempts to contact him regarding this property. The Staff is requesting the Board to authorize the Village Attorney to proceed with a demolition/repair enforcement action. In the event the owner is unresponsive to a suit that will be filed to force repairs of the property, then a request will be made that the court authorize the Village to enter upon the property to make the needed repairs or raze the structure. The Village will be reimbursed by the owner for any costs incurred or a lien would be filed against the property. The Municipal Services Committee reviewed this matter and concurred with the Staff recommendation to forward it to the Village Board for consideration.

MOTION: Made by Trustee Napoli, seconded by Trustee Schoenbeck, to instruct the Village Attorney to commence with a demolition/repair order action for 6318 Clarendon Hills Road.

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

MOTION DECLARED CARRIED

16. DISCUSSION - TOWN CENTER PROFORMA - EHLERS & ASSOCIATES, INC.

Administrator Zordan advised that on February 13, 2006, the Village Board authorized the hiring of Ehlers & Associates to complete a review of the pro forma submitted by the Harlem Irving Company for the Town Center Development. The review has been completed and the report will be presented this evening.

Staff further recommended that the Village Board utilize Ehlers & Associates to finalize the negotiations of the incentive package, incorporate the financial terms and provisions in the development agreement and provide financial advisory services for the issuance of revenue bonds pertaining to special service area. The costs of these services are incorporated in a memo dated May 11, 2006. Mr. Zordan noted that Ken Stanish, the husband of Director of Finance Sue Stanish, works for Ehlers & Associates in a capacity other than an owner. Attorney Good advised the Board that there is no conflict under State law with regard to Mr. Stanish working for Ehlers & Associates.

At this time, Administrator Zordan introduced Jim Prosser of Ehlers & Associates.

Mr. Prosser presented the results of the pro forma analysis to the Village Board. He reported that the level of financial support requested by Harlem Irving Company (HIC) has been reduced from approximately \$9 million to approximately \$5.3 million in assistance from the Village. The current financial support includes:

- Tax increment through the end of the tax increment district (2013 payable 2014) paid in the form of a HIC note.
- Sales tax sharing through (2013) paid in the form of a HIC note.

- Village issued Special Service Area bonds (non-general obligation) to be repaid from Special Services Area revenues over a 20 year period.
- HIC has requested an additional payment of \$1 million from a source to be determined.

Administrator Zordan informed the Village Board that there is a meeting set with Harlem Irving Company in the coming weeks and that there would be an update for the Board at the June 12 meeting along with a recommendation from the Plan Commission with regard to the Town Center Development.

MOTION: Made by Trustee Schoenbeck, seconded by Trustee Mistele, to accept the proposal from Ehlers & Associates.

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

MOTION DECLARED CARRIED

OLD BUSINESS

17. COMMITTEE REPORTS

Trustee McMahon had no report.

Trustee Baker had no report.

Trustee Mistele had no report.

Trustee Brown had no report.

Trustee Napoli had no report.

Trustee Schoenbeck had no report.

18. ATTORNEY'S REPORT

Village Attorney Good had no report but did note that he had requested probable or imminent litigation be on the Executive Session agenda but it is not longer needed.

19. CLERK'S REPORT

Village Clerk Hansen had no report.

20. ADMINISTRATOR'S REPORT

Administrator Zordan reported that the Home Improvement Business Expo was held at the Arabian Knights Horse Farm on Saturday, May 20. The Village had a booth there and it was a success.

He also noted that the Village had received an award from IRMA, the Village's risk management group, for the establishment of pedestrian safe zones at our school crossings. Deputy Chief Shelton had worked on establishing these zones.

21. EXECUTIVE SESSION - COLLECTIVE BARGAINING, PERSONNEL, PENDING LITIGATION AND PROBABLE OR IMMINENT LITIGATION

MOTION: Made by Trustee Napoli, seconded by Trustee Schoenbeck, to adjourn into Executive Session to discuss collective bargaining, personnel and pending litigation at the hour of 9:37 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\*\*\*

PRESENTED, READ and APPROVED,

\_\_\_\_\_, 2006

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Village President

Minutes transcribed by Mary Partyka.