

MINUTES OF THE REGULAR MEETING OF THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF WILLOWBROOK HELD ON MONDAY, AUGUST 28, 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, Village Administrator Phil Modaff, Director of Municipal Services Alan Zordan, Chief of Police Edward Konstanty, Director of Finance Sue Stanish and Administrative Intern Jacob Smith.

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 - August 14, 2006 (APPROVE)
- c. Minutes - Executive Session - July 10, 2006 (APPROVE)
- d. Minutes - Executive Session - June 27, 2006 (APPROVE)
- e. Warrants - August 28, 2006 - \$190,762.35 (APPROVE)
- f. Resolution No. 06-R-46 - A Resolution Proclaiming the Month of September 2006 as Save A Life Month Within the Village of Willowbrook (ADOPT)
- g. Resolution No. 06-R-47 - A Resolution Proclaiming "School's Open Safety Week" (ADOPT)
- h. Ordinance No. 06-O-25 - An Ordinance Amending the Village Code of the Village of Willowbrook - Title 9, Adding New Sections 9-5A-3(D)5, 9-5A1-3(D)5, 9-5B-3(D)5 and 9-5C-3(D)5 - Zoning Ordinance; Bulk Regulations, Required Setbacks (PASS)

President Pretzer noted that at the request of the Village Clerk, he would like to remove Item Nos. 4c and 4d from the Omnibus Vote Agenda. He asked if any Board member wanted to remove any other item(s) from the Omnibus Vote Agenda. No Board member wanted any other item(s) removed the Omnibus Vote Agenda.

MOTION: Made by Trustee Napoli, seconded by Trustee Mistele, to approve the Omnibus Vote Agenda exclusive of Item Nos. 4c and 4d.

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, 6446 Tennessee Avenue, commented that she had been unable to rebut Mr. Good's comments from a prior meeting with regard to her property and she wanted to respond this evening. Mr. Good referred to random aerial photos in assessing our property. The Court did not agree with Mr. Good. In the lawsuit Zimmer versus Willowbrook that went to trial in 1997 and in which we prevailed, Exhibit 1 was the Army Corps of Engineers National Wetlands Inventory Map of 1981 and that clearly states that her property was not a wetlands prior 1981. The year that Willowbrook installed a culvert on her private property through which stormwater is directed. The Court ruled on the validity of the Army Corps of Engineers Map. It must also be remembered that Willowbrook's own 1985 Comprehensive Plan clearly states that the only wetlands in the area are south of 65th Street, her property is north of 65th Street. She strongly disagreed with Mr. Good's comment that Willowbrook has been in compliance with the DuPage County Stormwater Ordinance with regard to her property. The ordinance centers on a no adverse impact approach. In Zimmer versus Willowbrook the Court found that Willowbrook is trespassing upon her property. The directed stormwater through the Willowbrook installed culvert continues to cause flooding, stagnating water on approximately an acre of our property. This is a blatant trespass impact. The fact that the Court ordered the Village to pay compensation to her so that the created manmade wetland could be moved to a wetland bank shows the inherent damage as a result of this adverse impact. Willowbrook

has not removed the culvert and continues to knowingly trespass with the directed stormwater and the adverse impact of this is evident on her property. This is certainly not in compliance with the DuPage County Stormwater Ordinance.

Attorney Good responded that DuPage County has determined that the Village was, and is in compliance. That the Army Corps Map he had referred to dates back prior to the Zimmer or Olech ownership of the property and it was a map produced by the County. It is not the map that was produced at trial and Mrs. Zimmer saw it at a DuPage County Stormwater Committee meeting. In fact, once she appeared at the States Attorney's office to complain that somebody altered it to show a wetland on the site which did not exist. Willowbrook did not install the original culvert on the road; it was installed during the Township's jurisdiction and if I understood a comment from Mr. Halik, Mrs. Zimmer may have located some information that indicated it was a 4 inch iron pipe. The same pipe was enlarged by someone else to a corrugated pipe prior to Willowbrook's enlarging that pipe.

Marie Sticca of Lake Willoway had questions with regard to the Town Center Development. She stated that when the project first started, she was told that the gate would be installed before the clearing of the property and now she has heard that there will not be a gate put up until the first building goes up, which will be next year. Ms. Sticca asked how the trucks were going to be prevented going down Lake Willoway streets when there is no gate? Once trucks start going down Lake Willoway streets, there are going to have a problem. Ms. Sticca suggested another way to help might be to put horses (barricades) up every day, and put signs up on Adams Street and on 72nd Court stating that trucks are not permitted down that street. Another concern expressed by Ms. Sticca was if the trucks that will be using 72nd Court are going to use the residential driveway at 72nd Court and Willowbrook Lane as a turn around, which she felt was not right.

6. DELINQUENT WATER BILLS

Director Zordan informed the Village Board that there was one delinquent water bill in the amount of \$188.80 and requested permission to proceed as per Village policy. He pointed out that this is a rental property and would not take enforcement action until the landlord is given an opportunity to respond to the Village.

7. RESOLUTION - A RESOLUTION WAIVING THE COMPETITIVE BIDDING PROCESS AND AUTHORIZING THE VILLAGE PRESIDENT AND VILLAGE CLERK TO ACCEPT A PROPOSAL FOR THE COMPLETION OF THE 2006 SEALCOATING PROGRAM FOR COMMUNITY PARK AND WILLOW POND PARK - BEHM PAVEMENT MAINTENANCE, INC.

Director Zordan informed the Village Board that funds were included in the FY 06-07 Budget to complete a pavement sealcoating program at both Community Park and Willow Pond Park. This program included routing and crack sealing, sealcoating and restriping of the parking lot and paved path at Community Park and the parking lot at Willow Pond. Requests for Proposals were sent to thirteen (13) sealcoating contractors. Six proposals were received and the lowest proposal was from Behm Pavement Maintenance, Inc. in the amount of \$6,490.00. The Staff recommended that the Village Board adopt the resolution waiving the competitive biddings process and to accept the submitted proposal.

MOTION: Made by Trustee Brown, seconded by Trustee Napoli, to adopt Resolution No. 06-R-48.

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

MOTION DECLARED CARRIED

8. DISCUSSION - REPLACEMENT OF AUTOMATED EXTERNAL DEFIBRILLATORS

Chief Konstanty informed the Village Board that the Long Range Plan included the purchase of five (5) automated external defibrillators (AED). Deputy Chief Foley solicited quotes from Medtronic Emergency Response Systems, which is the manufacturer of the AED currently in use. These units would be completely compatible with the equipment in use by the Tri State and Pleasantview Fire Districts. Further, the three current AED units can be upgraded at a cost of \$99 each, which would give the Department a total of eight (8) AED. Chief Konstanty advised that one AED would be placed in the Administration offices or Council Chambers, one AED would be placed in the Police Department and six (6) would be placed in patrol vehicles.

The Public Safety Committee unanimously recommended the purchase of the five (5) AED and the retrofitting of the existing three (3) AED.

MOTION: Made by Trustee Brown, seconded by Trustee Schoenbeck, to authorize the purchase of the automated external defibrillators.

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

MOTION DECLARED CARRIED

9. DISCUSSION - PURCHASE OF SPEED MEASURING EQUIPMENT

Chief Konstanty advised the Village Board that the Department has received requests for a speed-measuring device at different locations throughout the community. Recently, Lake Hinsdale Village and Stanhope Square had requested the use of speed-measuring devices on their streets. The Staff procured a speed trailer from the Village of Burr Ridge and a speed dolly from Decatur Electronics. Decatur Electronics offered the opportunity to purchase the demonstration model for \$2500.00, which included the software package for measuring speed and number of cars. Chief Konstanty felt that it would be a benefit to address vehicle speeds on the side streets in the Village.

Chief Konstanty informed the Board that the Department did not budget for the purchase of the speed measuring device. Although there are sufficient funds currently available, it is possible the Department may exceed the fiscal year budget.

The Public Safety Committee recommended that this matter be brought to the Village Board for discussion.

MOTION: Made by Trustee Schoenbeck, seconded by Trustee Mistele, to authorize the purchase of the speed measuring equipment.

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

MOTION DECLARED CARRIED

10. DISCUSSION - AUTHORIZATION FOR E-BAY AUCTION OF POLICE DEPARTMENT VEHICLES

Chief Konstanty noted that for the last year the Staff has been attempting to sell seized and Village surplus vehicles on E-Bay. He informed the Village Board that he had been contacted by Sherry Steinke of P.D. Auctions. Her business acts as the seller of Police Department vehicles on E-Bay. Staff felt that Ms. Steinke's proposal was reasonable and would reduce Staff's time and efforts selling these vehicles. The Public Safety Committee and Village Staff reviewed the proposal and recommended the President and Board of Trustees to authorize P.D. Auctions to act on the Village's behalf to sell these vehicles on E-Bay and to begin with selling one vehicle on E-Bay.

MOTION: Made by Trustee Napoli, seconded by Trustee Baker, to authorize the Village Attorney to prepare the necessary ordinance to provide for the E-Bay auction of Police Department vehicles.

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

MOTION DECLARED CARRIED

11. DISCUSSION - QUARTERLY FINANCIAL REPORTS - FIRST QUARTER FISCAL YEAR 2007

Director Stanish informed the Village Board that they would be getting the year end audit results at the next meeting. She provided an overview of the Quarterly Financial Reports as follows:

GENERAL FUND

Revenues

Revenues are projected to come in slightly greater than the budgeted amount at \$6,825,761.

- **Income Tax** receipts are projected to come in at \$750,000 or \$83.64 per capita.
- **Permit Revenues** are projected to exceed the budgeted amount by \$74,000.

- **Interest Income** is projected in the amount of \$35,000 compared to the budgeted amount of \$18,000.
- **Sales Tax** is projected to come in \$160,250 or 6.2% greater than budgeted.
- **Utility Tax** is projected to come in \$170,000 or 11.6% below the budgeted amount.

Expenditures

Total expenditures for the General Fund are projected to come in at \$6,593,872, which is \$79,178 less than the budgeted amount.

Administration Department

- Expenditures are estimated to come in as budgeted.

Police Department

- Administration salary costs are estimated to be \$46,100 over budget. Personnel costs for the clerical staff will be about \$8,200 lower due to the new staff person.

Public Services & Community Development

- Expenditures are estimated to come in as budgeted.

Parks and Recreation Department

- A total of \$120,000 was budgeted for the Community Park toilet and concession stand, and if approved would not be built until FY 07-08. Capital spending has otherwise been limited to the fishing pier and the topographic survey.

Plan Commission, Board of Police Commissioners and Mosquito Abatement

- Expenditures are estimated to come in as budgeted.

Fund Balance

- The projected 4/30/07 fund balance is expected to be about \$97,400 greater than the budgeted fund balance.
- The projected fund balance at 4/30/07 equates to 125 days operating expense compared to the budgeted number of 120 days.
- The projected liquid fund balance at 7/31/06 equates to 99 days operating expense and 92 days projected at 4/30/07.

MOTION: Made by Trustee Brown, seconded by Trustee McMahon, to accept the Quarterly Financial Reports for First Quarter Fiscal Year 2007 as presented.

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

MOTION DECLARED CARRIED

OLD BUSINESS

12. ORDINANCE - AN ORDINANCE AMENDING THE VILLAGE CODE OF THE VILLAGE OF WILLOWBROOK - TITLE 9, SECTIONS 9-2-2 AND 9-11-12(B) - ZONING; DEFINITIONS AND SIGNS, SIGN SURFACE AREA, NUMBER AND HEIGHT LIMITATIONS IN BUSINESS DISTRICTS

Director Zordan advised that at the August 14, 2006 meeting, the Village Board reviewed the Plan Commission recommendation to amend the sign code as it relates to properties zoned B-1 through B-4. The recommendation provided for more sign height and sign area for businesses over 35,000 square feet as well as multi-tenant shopping centers. The Board requested the following two changes to the Plan Commission's recommendation, which had been incorporated in the Ordinance before the Board this evening.

- The sign height and area for freestanding signs for outlot businesses in shopping centers has been reduced to a maximum height of five feet (5') and sign area of 32 square feet per sign face.
- The division of small and large shopping centers was identified as those shopping centers under 10 acres and those over 10 acres in overall size.

These changes were reviewed by the Village Attorney.

Trustee Napoli expressed his concern with the shopping center sign at the Willowbrook Square Shopping Center on 63rd Street that displays a name and phone for leasing purposes. He thought a shopping center was not for leasing purposes. Director Zordan responded that during the sign analysis, it was discovered that the portion of that sign displaying a phone number was originally deemed temporary when the sign was installed but over

the years has become permanent. Staff would investigate the possibility of enforcement of the code with regard to that sign.

Trustee Napoli thought the shopping center sign located at 75th Street and Route 83 was inadequate for that location in that it did not have good visibility from Route 83. Director Zordan responded that particular sign was the maximum allowed by the Village and is one of the higher shopping center signs. Staff will investigate different options for the location of the sign, but it would be up to the property owner to decide if it would be relocated.

MOTION: Made by Trustee Baker, seconded by Trustee Schoenbeck, to pass Ordinance No. 06-0-26.

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

MOTION DECLARED CARRIED

13. ORDINANCE - AN ORDINANCE REZONING CERTAIN TERRITORY, GRANTING CERTAIN SPECIAL USE PERMITS, GRANTING CERTAIN WAIVERS FROM THE ZONING ORDINANCE, GRANTING CERTAIN VARIATIONS FROM THE SUBDIVISION REGULATIONS, GRANTING APPROVAL OF A PRELIMINARY PLAT OF SUBDIVISION, GRANTING APPROVAL OF A PRELIMINARY PLANNED UNIT DEVELOPMENT AND RELATED MATTERS - ROUTE 83 AND PLAINFIELD ROAD - WILLOWBROOK TOWN CENTER

Director Zordan noted that at the August 14, 2006, the Village Board reviewed the final details for the approval of the Willowbrook Town Center project, including the Portillo's building elevations. Since the meeting, the Board had the opportunity to review new exhibits depicting the color scheme for the plaza identification sign. Both items were considered acceptable by the Board. The Ordinance before the Village Board this evening addresses the following:

- Rezones the entire property to the B-2 Zoning District
- Establishes the overall PUD plan approval
- Grants special uses for various tenant spaces
- Grants certain variations from the zoning ordinance
- Grants certain variations from the subdivision regulations
- Grants the variation from the Countywide Storm Water Ordinance

- Provides numerous conditions for the development
- Approves several control documents for the project

The main change made to the ordinance on page 12 with regard to cleaning of the box culvert under Route 83 and associated ditching within the Route 83 right-of-way shall be graded as necessary to provide the proper storm water drainage prior to the issuance of the first building permit, or the developer will be required to provide additional stormwater detention to the satisfaction of the Village Engineer.

Director Zordan addressed the issue of the truck traffic on 72nd Court. He indicated that he had discussed this issue with Harlem Irving and it was noted that the construction entrance would be located on Route 83 so there would be no reason for vehicles to travel on 72nd Court. The developer has agreed to help enforce this along with the Police Department.

Trustee Napoli asked about the status of the gate for Lake Willoway.

Director Zordan advised he had discussed the gate issue with the developer for several months and the developer has agreed to provide a gate on 72nd Court if it can be accomplished at that location otherwise they would put in two gates, one on Tanglewood and one on Cherrywood. It was always the intent to have the gates up and functional prior to when the first store opens, not prior to construction.

MOTION: Made by Trustee Baker, seconded by Trustee Schoenbeck, to pass Ordinance No. 06-0-27.

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

MOTION DECLARED CARRIED

OLD BUSINESS

14. COMMITTEE REPORTS

Trustee Napoli had no report.

Trustee Schoenbeck noted that the Public Safety Committee meeting minutes were in the packets. He noted two points of interest to the Board: 1) CNBC came out and did a segment on the

Department's Dodge Charger and filmed it with one of our officers and could be seen on the news the following day; 2) On that same day, The Doings did a story on the Village's canine unit and the article would be in the upcoming edition of the newspaper.

Trustee McMahon noted that minutes from the Municipal Services Committee meetings were in the packets.

Trustee Baker had no report.

Trustee Mistele had no report.

Trustee Brown had no report.

15. ATTORNEY'S REPORT

Village Attorney Good had no report.

16. CLERK'S REPORT

Village Clerk Hansen noted that Administrative Intern Jacob Smith was present.

17. ADMINISTRATOR'S REPORT

President Pretzer on behalf of the Board of Trustees welcomed Phil Modaff to the Village. He also thanked Alan Zordan for all his efforts and extra work he has put in as Interim Administrator and that his efforts were greatly appreciated.

Administrator Modaff expressed his thanks and appreciation for the outstanding work Alan Zordan had done in preparing him for his new position and all the time he will put in the upcoming days. He thanked the Village Board for the opportunity to come back to a Village he really enjoyed previously serving.

18. EXECUTIVE SESSION - PENDING LITIGATION

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

MOTION: Made by Trustee McMahon, seconded by Trustee Napoli, to adjourn into Executive Session to discuss pending litigation at the hour of 8:18 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

Village President

Minutes transcribed by Mary Partyka.