

MINUTES OF THE REGULAR MEETING OF THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF WILLOWBROOK HELD ON MONDAY, NOVEMBER 27, 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 Michael Mistele, Michael Brown, Robert Napoli, Paul Schoenbeck, Timothy McMahon and Village President Pretzer. ABSENT: Trustee Dennis Baker. Also present were Village Clerk Leroy Hansen, Village Attorney Thomas Good, Village Administrator Phil Modaff, Chief of Police Edward Konstanty, Director of Finance Sue Stanish, Director of Municipal Services Timothy Halik, Superintendent of Parks & Recreation Walter Righton 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. PUBLIC HEARING - ANNEXATION AGREEMENT AND ANNEXATION OF CERTAIN PROPERTY - 7 S. 140 THURLOW STREET

President Pretzer called the public hearing to order to discuss an Annexation Agreement and the Annexation of Certain property, 7 S. 140 Thurlow Street.

Administrator Modaff advised the Village Board that the subject of the public hearing was to consider an Annexation Agreement which will be discussed later in the agenda. The property located at 7 S. 140 Thurlow Street is the last property on the Thurlow Street water main project that is seeking annexation. The Staff discovered that the property is not contiguous to Willowbrook's boundaries. The Annexation Agreement would allow for the property to be connected to the Village's water system now and complete annexation within 120 days at the time the property does become contiguous to the Village.

There were no questions or comments from the Board or the audience with regard to this issue.

President Pretzer asked for a motion to close the public hearing.

MOTION: Made by Trustee Napoli, seconded by Trustee Brown, to close the public hearing.

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

MOTION DECLARED CARRIED

5. OMNIBUS VOTE AGENDA
- a. Waive Reading of Minutes (APPROVE)
 - b. Minutes - Regular Board Meeting - November 13, 2006 (APPROVE)
 - c. Minutes - Executive Session - November 13, 2006 (APPROVE)
 - d. Warrants - November 27, 2006 - \$242,002.22 (APPROVE)
 - e. Payment of Membership Dues - Gateway Special Recreation Association - \$13,992.55 (APPROVE)
 - f. Request for Purchase Exceeding \$2,500 - Hinsbrook Bank Installment Contract - \$140,261.25 (APPROVE)
 - g. Request for Purchase Exceeding \$2,500 - Hinsbrook Bank & Trust - Debt Service Payment General Obligation (Combined Alternate Revenue Source, Series 2000) - \$15,683.75 (APPROVE)

President Pretzer asked if any Board member(s) 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 McMahon, seconded by Trustee Napoli, to approve the Omnibus Vote Agenda.

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

MOTION DECLARED CARRIED

NEW BUSINESS

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

Phyllis Zimmer, 6446 Tennessee Avenue, commented that stormwater runoff should not be directed onto her property.

7. DELINQUENT WATER BILLS

Director Halik reported that there were no delinquent water bills.

8. RESOLUTION - A RESOLUTION AUTHORIZING THE PRESIDENT AND VILLAGE CLERK OF THE VILLAGE OF WILLOWBROOK TO ENTER INTO A CERTAIN ANNEXATION AGREEMENT - 7 SOUTH 140 THURLOW STREET

Administrator Modaff noted that as presented in the public hearing, the Staff was looking for approval of the resolution authorizing the Annexation Agreement and at such time the property becomes contiguous to the Village boundaries, the annexation of the subject property. In the meantime, the resident would be allowed to tap onto the Village's water system as per the Agreement.

Attorney Good advised the Village Board that the Annexation Agreement provides that if the property is not annexed after twenty years, the resident would have to enter into a new Annexation Agreement until the time the property does become contiguous to the Village's boundaries. Upon failure to do so, in violation of the Agreement, the Village could disconnect the water from the premises.

Trustee McMahon inquired how the property would be able to become contiguous.

Director Halik responded that if either of the adjacent neighbors of the subject property had annexed prior to this evening, the subject property would already have been contiguous.

MOTION: Made by Trustee Napoli, seconded by Trustee Mistele, to adopt Resolution No. 06-R-57.

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

MOTION DECLARED CARRIED

9. DISCUSSION - PRIMCO LITIGATION AND IMF DEFENSE GROUP

Director Stanish reported that the Primco IMF Class Action Lawsuit had been settled. She provided an overview to the Village Board of the DuPage Mayors and Managers Conference Infrastructure Maintenance Fee Litigation Final Report. Director Stanish informed the Board that total expense for the Village would be \$47,215.78, with the requirement that \$25,962.63 be spent on a project/program that will benefit the public within Willowbrook. In addition, the net cost to the Village for claims, administration of claims and attorney fees totaled \$21,253.15. The DuPage Mayors and Managers staff was recognized for the extraordinary amount of time and effort that they put into the litigation.

10. DISCUSSION - QUARTERLY FINANCIAL REPORTS - SECOND QUARTER FISCAL 2007

Director Stanish provided a highlight for the Village Board of the General Fund financial reports for the second quarter of fiscal year 2007.

Revenues

- Income Tax - projected to come in at \$740,000 or \$82.52 per capita.
- Permit Revenues - projected to exceed the budgeted amount by \$99,000 due to Town Center permit fees.
- Interest Income - projected amount of \$46,500 compared to the budgeted amount of \$18,000.
- Sales Tax - receipts are projected to come in at \$2,800,000 which is \$67,500 or 3.6% greater than budgeted.
- Utility Tax - projected to come in \$200,000 or 13.6% below the budgeted amount.

Expenditures

- Administration Department - estimated to come in slightly below budget due to vacancy in the department.
- Police Department -
 - Salary costs are estimated to be \$16,300 over budget due to union members' salary increases.
 - Costs for clerical staff will be lower due to the new staff member.
 - Vehicle replacement budget includes the purchase of five vehicles from the FY 2006-07 budget.
- Public Services & Community Department - estimated to come in slightly below the budgeted amount.

- Parks and Recreation Department - A total of \$120,000 was budgeted for the toilet and concession stand at Community Park, which would not be built until FY 2007-08. Approximately \$14,000 has been spent on engineering fees this budget. The remaining cost would be budgeted in FY 2007-08.
- Plan Commission, Board of Police Commissioners and Mosquito Abatement - estimated to come in as budgeted.

Summary

- The projected 4/30/07 fund balance is expected to be \$105,911 greater than budgeted.
- The projected fund balance at 4/30/07 equates to 126 of days operating expense compared to the budgeted number of 120 days.
- The projected liquid fund balance at 10/31/06 equates to 98 days operating expense and 97 days projected at 4/30/07.

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

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

MOTION DECLARED CARRIED

11. DISCUSSION - SMOKE FREE DUPAGE

Administrator Modaff informed the Board that the Smoke Free DuPage Municipal/County Task Force is nearing the completion of its work. The Task Force is committed to making a sample ordinance and resource materials available to communities contemplating a ban that would allow them to work off the same foundation and timeline as other communities throughout the County. Mr. Modaff noted that the Village will receive the resource packet from the County Task Force in the middle of December which would include a sample local ordinance and the resource materials. If the Board would want to entertain the question in the early part of the next calendar year, Mr. Modaff stated he would be able to pull together the resources necessary, including a presentation by County Staff members from the DuPage County Health Department. Mr. Modaff referred to a sample resolution that was included in the Board's packet with regard to encouraging a State-wide ban on smoking in public places.

President Pretzer suggested that the Chamber be notified when and if this matter was on the Board's agenda to allow them to inform their membership.

The consensus of the Board was to place this issue on a future agenda, possibly January or February 2007. With regard to the resolution for a State-wide ban, the Board requested the information be brought back to them following discussion of the Task Force work for further consideration.

12. DISCUSSION - SPECIAL RECREATION TAX LEVY AND GATEWAY INTERGOVERNMENTAL AGREEMENT

Director Stanish noted that the Village Board has the opportunity to levy a property tax for special recreation needs as was done in the prior tax year. If it is approved in concept, the tax levy ordinance will be included on the December 11, 2006 agenda for Board approval. After approval, the levy must be filed with the DuPage County Assessor's office on or before December 26, 2006. The proposed tax levy amount is \$63,000, which is within the tax levy limit for the Village. In order to accomplish this tax levy an intergovernmental agreement must be entered with the Gateway Special Recreation Association. The resolution and agreement would also be on the December 11 Board meeting agenda. Director Stanish advised that the Finance and Administration Committee reviewed the tax levy ordinance information at a special meeting this evening.

Superintendent Righton presented an overview for the Village Board of the designated uses of the special recreation tax levy and the benefits to the community by participating with the Gateway Special Recreation Association. He noted that the Parks and Recreation Commission were in support of this tax.

Trustee Brown expressed concern that the Gateway fees appear significant for the relatively small population served. Staff indicated that they will do some benchmarking in the coming year in order to determine if the programs are reaching out effectively to the disabled population.

MOTION: Made by Trustee Napoli, seconded by Trustee McMahan, to instruct the Village Attorney to prepare the necessary Ordinance.

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

MOTION DECLARED CARRIED

OLD BUSINESS

13. COMMITTEE REPORTS

Trustee Napoli had no report.

Trustee Schoenbeck had no report.

Trustee McMahon had no report.

Trustee Mistele had no report.

Trustee Brown had no report.

14. ATTORNEY'S REPORT

Village Attorney Good had no report.

15. CLERK'S REPORT

Village Clerk Hansen announced that petition packets for the April 17, 2007 election are available at the Village Hall.

16. ADMINISTRATOR'S REPORT

Administrator Modaff had no report.

17. EXECUTIVE SESSION - PERSONNEL AND LITIGATION

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

MOTION: Made by Trustee McMahon, seconded by Trustee Schoenbeck, to adjourn into Executive Session to discuss personnel and litigation at the hour of 8:50 p.m.

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

MOTION DECLARED CARRIED

SEE APPROPRIATE EXECUTIVE SESSION MINTUES

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PRESENTED, READ and APPROVED,

_____, 2006

Village President

Minutes transcribed by Mary Partyka.