

MINUTES OF THE REGULAR MEETING OF THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF WILLOWBROOK HELD ON MONDAY, JANUARY 22, 2007, 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, Paul Schoenbeck Timothy McMahon and President Pretzer. ABSENT: Trustee Robert Napoli. Also present were Deputy Clerk Mary Partyka, Village Attorney Thomas Good, Village Administrator Phil Modaff, Director of Municipal Services Timothy Halik, Director of Finance Sue Stanish, Chief of Police Edward Konstanty, Planner Sara Hage, Deputy Chief Pat Foley and Deputy Chief Mark Shelton.

A QUORUM WAS DECLARED

3. PLEDGE OF ALLEGIANCE

President Pretzer asked everyone to join him in saying the pledge of allegiance.

3. OMNIBUS VOTE AGENDA

- a. Waive Reading of Minutes (APPROVE)
- b. Minutes - Regular Board Meeting - January 8, 2007 (APPROVE)
- c. Minutes - Executive Session - January 23, 2006 (APPROVE)
- d. Warrants - January 22, 2007 - \$299,566.15 (APPROVE)
- e. Application For License To Hold A Raffle - Teen Parent Connection - April 27, 2007 (APPROVE)
- f. Application For License TO Hold A Raffle - Rotary Club of Darien - March 2, 2007 (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 removed from the Omnibus Vote Agenda.

MOTION: Made by Trustee Baker, seconded by Trustee Brown, to approve the Omnibus Vote Agenda.

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

MOTION DECLARED CARRIED

NEW BUSINESS

5. OATH OF OFFICE - POLICE OFFICER MATTHEW J. GRIEBEL

President Pretzer administered the Oath of Office to Police Officer Matthew J. Griebel. The Village Board congratulated Officer Griebel on his appointment.

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

Phyllis Zimmer, 6446 Tennessee Avenue, expressed her concern that stormwater is being directed onto her property.

7. DELINQUENT WATER BILLS

Director Halik reported that there was one delinquent water bill in the amount of \$113.10 and requested permission to proceed as per Village policy.

8. DISCUSSION AND MOTION - APPLICATION FOR A SPECIAL USE PERMIT - 7450 SOUTH KINGERY HIGHWAY

Planner Hage related that the Village Board had previously approved Ordinance No. 06-O-35, which granted approval of the subdivision and improvement plans for a shopping center on the subject property. Immediately after the Board's approval, the applicant requested a modification to the plan to accommodate a bank on the west end of the center with a drive-through. A drive-through is a special use in the B-2 District and required a public hearing before the Plan Commission, which was held on January 10, 2007. The Plan Commission at its regular meeting on this date recommended approval of the special use permit.

Ms. Hage further advised the Board that the modified plan eliminated the need for a variation with respect to the setback along the north property line, which now meets the Zoning

Ordinance requirements. In addition, due to the revised landscaping and the relocation of the loading facility, the originally approved required changes to the north face of the building are no longer necessary.

The applicant, Mr. Koliopolus, requested permission to begin site work at his own risk immediately following the Board's approval this evening and prior to the Board's formal approval of the necessary Ordinance. The Village Board agreed to Mr. Koliopolus's request.

MOTION: Made by Trustee Mistele, seconded by Trustee McMahon, to accept the Plan Commission recommendation for a special use permit for a drive-through and to instruct the Village Attorney to prepare the necessary ordinance.

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

MOTION DECLARED CARRIED

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

Director Stanish advised the Village Board that the Village Hall phone system has been replaced and there are a number of used phones and phone equipment that need to be disposed of. The old phone system has very little resale value and an alternate would be to sell the system to a nonprofit or government entity at a minimal cost. The proposed ordinance would declare the equipment surplus and allow the Village Administrator to dispose of the property appropriately.

MOTION: Made by Trustee Brown, seconded by Trustee Schoenbeck, to pass Ordinance No. 07-O-01.

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

MOTION DECLARED CARRIED

10. RESOLUTION - A RESOLUTION AUTHORIZING THE EXECUTION OF
THE TRAFFIC CONTROL AGREEMENT - STANHOPE SQUARE PHASE
II

Chief Konstanty informed the Village Board that the Agreement before them this evening would allow for the Police Department to regulate all traffic control signs, handicapped parking areas, monitor all posted one-way traffic areas and regulate loading zones including safety zones and fire lanes in addition to monitoring all specified areas that restrict or limit stopping, standing or parking of vehicles in Stanhope Square Phase II. The Agreement will be in effect for a 20-year period and replaces the Agreement that recently expired.

MOTION: Made by Trustee Mistele, seconded by Trustee McMahon, to adopt Resolution No. 07-R-01.

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

MOTION DECLARED CARRIED

11. ORDINANCE - AN ORDINANCE AMENDING THE VILLAGE CODE OF
THE VILLAGE OF WILLOWBROOK - TITLE 8, SECTION 8-8-16 -
TRAFFIC; HANDICAPPED PARKING

Chief Konstanty reported that effective January 1, 2006, the State of Illinois legislation allowed local municipalities to increase fines for handicapped parking violations from \$200 to \$350. This legislation also allows for a local ordinance regarding the enforcement of the use of handicap placards by an unqualified person. The Police Department will coordinate the notification of affected property owners of the increase of fines with the Municipal Services Department.

Trustee Brown inquired as to who would be responsible for the cost of replacing the handicapped fine signage. Chief Konstanty responded it would be the responsibility of the property owners.

MOTION: Made by Trustee Schoenbeck, seconded by Trustee Baker, to pass Ordinance No. 07-O-02.

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

MOTION DECLARED CARRIED

12. RESOLUTION - A RESOLUTION SUPPORTING RECENT ACTIONS BY THE DUPAGE WATER COMMISSION AND URGING THE COMMISSION TO IMPLEMENT THE RECENT ACTIONS BY PASSING A BUDGET THAT INCLUDES A WATER RATE REDUCTION

Administrator Modaff informed the Village Board that the DuPage Water Commission (DWC) Board at its December 14, 2006 directed staff to establish a financial plan that reduced the unrestricted balance to \$20 million through a combination of rate reduction and rebates. The DWC staff recommended a \$1.15/1000 gallons wholesale rate. At its January 11, 2007 meeting, the DWC Board approved a Five Year Capital Improvement Plan that included a \$1.15 wholesale rate through FY14-15 and a \$1.25 rate thereafter. Mr. Modaff reported that although the DWC Commissioners approved the Five Year Capital Improvement Plan, they delayed discussion of their annual budget and specific rate reductions and fund balance reduction policy until the February 8 meeting. Members of the DWC Managers Work Group are concerned that a rate reduction may not be supported by the County appointed DWC Commissioners. Each member municipality has been requested to adopt a Resolution, similar to the one before the Board this evening, in support of the reduced reserve/lowered rate prior to the DWC meeting of February 8.

MOTION: Made by Trustee Mistele, seconded by Trustee Schoenbeck, to adopt Resolution No. 07-R-02.

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

MOTION DECLARED CARRIED

OLD BUSINESS

13. COMMITTEE REPORTS

Trustee Schoenbeck reported that the minutes from the Public Safety Committee were in the packets for information only.

Trustee McMahon had no report.

Trustee Baker had no report.

Trustee Mistele had no report.

Trustee Brown had no report.

At this point, the Village President requested a 5 minute recess

The meeting reconvened at the hour of 7:58 p.m.

14. ATTORNEY'S REPORT

a) Presentation and Any Action Related Thereto - 65th Street and Bentley Avenue Drainage

Village Attorney Good provided the Board with an overview of the following issues as they relate to the 65th Street and Bentley Avenue drainage:

- Addressed complaints made by Village resident, Mrs. Phyllis Zimmer
- Summarized assertions made by Village resident, Mrs. Phyllis Zimmer
- Identified various exhibits that were displayed at the meeting
- Discussed the drainage in the area, along with the soils and wetlands
- Provided a chronological history from 1930 to the present, focusing on the problem(s) with the culvert, followed by a recommendation to the Village Board.

Director Halik informed the Village Board that with assistance from Downers Grove Township, the Staff was able to determine the previous size of the culverts located in the vicinity of 65th Street and Bentley Avenue. Given this new information, the Staff recommended that the following work be performed:

- With regard to the culvert under 65th Street, the Village has full dedicated right-of-way. Therefore, Staff would recommend excavating the existing culvert, removing it, replacing it with a 12" diameter culvert, and complete all necessary site restoration.

- With regard to the Bentley Avenue north culvert, the Village only has dedicated right-of-way on the west side. Therefore, Staff would recommend that the culvert be excavated within the southbound lane within the current dedicated right-of-way. A 2' diameter concrete structure would be placed within that southbound lane with a solid lid and a new 12" culvert would be extended towards the west to the west ditch line.

This work would effectively return these two drainage structures back to their previous state prior to the Village's annexation of the area in 1981. All work would be completed on a time and materials basis using the Village's regular underground utility contractor. The Village Engineer and Mr. Halik had completed an itemized cost estimate detailing this work and Staff anticipates the cost of the project to be approximately \$5,730. To complete this project, the Staff requested that the Village Board pass a motion waiving the competitive bidding process and directing Staff to complete the work as described.

MOTION: Made by Trustee Schoenbeck, seconded by Trustee Mistele, to move forward with the staff's recommendation and to approve the waiving of the competitive bidding process.

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

MOTION DECLARED CARRIED

15. CLERK'S REPORT

Deputy Clerk Partyka noted that the first date for filing of candidate petitions for the April 17, 2007 Consolidated Elections is Monday, January 29, 2007.

16. ADMINISTRATOR'S REPORT

Administrator Modaff advised that after reviewing the Village Board's responses with regard to an alternative date for the Budget Workshop, it appears that the best date for the workshop would be on Thursday, March 1, 2007, beginning at 6:00 p.m. The appropriate notice will be forwarded to the Board.

Administrator Modaff advised that, as per previous Village policy, all election candidates will receive copies of the Village Board agenda packets exclusive of information relative to matters discussed in Executive Session.

17. EXECUTIVE SESSION - PERSONNEL

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

MOTION: Made by Trustee McMahon, seconded by Trustee Schoenbeck, to adjourn into Executive Session to discuss Personnel at the hour of 8:25 p.m.

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

MOTION DECLARED CARRIED

SEE APPROPRIATE EXECUTIVE SESSION MINUTES

PRESENTED, READ and APPROVED,

_____, 2007

Village President

Minutes transcribed by Mary Partyka.