

MINUTES OF THE REGULAR MEETING OF THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF WILLOWBROOK HELD ON MONDAY, JUNE 23, 2008, 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 President Gary Pretzer.

2. ROLL CALL

Those present at roll call were Trustees Dennis Baker, Michael Mistele, Michael Brown, Robert Napoli, Paul Schoenbeck and President Pretzer. ABSENT: None. 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, Planner Sara Hage and Administrative Intern Garrett Hummel.

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 - June 9, 2008 (APPROVE)
- c. Warrants - June 23, 2008 - \$206,406.01 (APPROVE)
- d. Monthly Financial Report - May 31, 2008 - \$15,706,630.47 (ACCEPT)
- e. MOTION TO APPROVE - PURCHASE OF A 2008 JOHN DEERE MODEL X729 LAWN & GARDEN TRACTOR - CIRCLE TRACTOR, HOMER GLEN - \$8,397.24 (APPROVE)
- f. ORDINANCE NO. 08-O-14 - AN ORDINANCE ADOPTING PREVAILING WAGE RATES PURSUANT TO THE PREVAILING WAGE LAW (PASS)

President Pretzer asked if any Board member(s) wanted any item(s) removed from the Omnibus Vote Agenda. Trustee Schoenbeck wanted Agenda Item No. 4b removed for further discussion.

MOTION: Made by Trustee Baker, seconded by Trustee Brown, to approve the Omnibus Vote Agenda as amended, exclusive of Agenda Item 4b.

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

MOTION DECLARED CARRIED

Trustee Schoenbeck requested that page 3 of the minutes, Item No. 11, include a question he had asked of the Administrator regarding the verification of the count at the upcoming event and that Mr. Modaff gave him the answer that the property owner was going to verify the number and it would be his responsibility.

Administrator Modaff asked if he could clarify that the question was regarding the number of people allowed on the property. He had indicated that the Village could enforce a certain number of people into the structure by having them stand there with mechanical counters, but there was no way to verify the number of people on the property. If Trustee Schoenbeck would like, Administrator Modaff would review the recording.

Trustee Schoenbeck requested that the Staff go back to the recording because he thought he had asked specifically about the 5,000 because it was the number that had been kicked around and he was just asking how we (the Village) were going to know if it was going to go over that or not. The response from Staff was similar that was the property owners thing and that we were not going to have anybody there counting. If something to that effect could be put in (the minutes).

The Village Attorney stated that whatever was on the recording could be put in the minutes.

MOTION: Made by Trustee Schoenbeck, seconded Trustee Baker, to approve Agenda Item No. 4b as amended.

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

MOTION DECLARED CARRIED

NEW BUSINESS

5. RESOLUTION NO. 08-R-43 - A RESOLUTION RECOGNIZING MARIANNE A. KOERFER ON HER RETIREMENT FROM THE VILLAGE OF WILLOWBROOK

President Pretzer presented the Resolution recognizing the retirement of Marianne Koerfer after 24 years of service with the Village of Willowbrook. The Village Board congratulated Ms. Koerfer on her retirement.

MOTION: Made by Trustee Napoli, seconded by Trustee Schoenbeck, to adopt Resolution No. 08-R-43.

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

MOTION DECLARED CARRIED

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

Phyllis Zimmer, 6446 Tennessee Avenue, commented that regardless of the configuration of the culvert that Willowbrook installed onto her private property, it is a blatant trespass. Storm water from an over 70 acre area is being directed onto her private property.

President Pretzer requested Village Attorney Good to address the issue of trespass.

Attorney Good responded that it is not a trespass. The water has been flowing across their property since the ice age. In the litigation that the Zimmer's won related to drainage because of the increased size of the pipe, her testimony was there wasn't a pipe there for years prior to Ms. Zimmer purchasing her property. Even without a recorded easement, which there is not, under Illinois Drainage Law water is permitted to go the course of drainage. Attorney Good pointed out that in the litigation they did win, Ms. Zimmer did not allege that the water was not permitted to flow off her property. They alleged the only thing they could, that the Village increased the volume and flow of water as a result of enlarging that pipe. While there is no recorded easement, Attorney Good advised that Illinois Drainage Law provides for what is called an inchoate easement, meaning that it is not a recorded document.

7. DELINQUENT WATER BILLS

Director Halik informed the Board that there were three (3 delinquent water accounts in the amounts of \$195.47, \$103.00 and \$70.21, respectively, and requested authorization to proceed as per Village policy.

8. RESOLUTION - A RESOLUTION SUPPORTING THE CITY OF CHICAGO'S BID FOR THE 2016 OLYMPIC AND PARALYMPIC GAMES

Administrator Modaff advised the Board that at the recent DuPage Mayors and Managers Conference meeting a representative of Chicago 2016 made a presentation with regard to the City of Chicago's bid to hold the 2016 Olympics. He felt it was a good thing for the Village of Willowbrook to support should the Olympics come to Chicago in 2016. It would certainly be good for the local economy due to the close proximity to the City of Chicago.

Trustee Brown inquired what type of additional support might be sought. Administrator Modaff advised that support is limited to allow Chicago 2016 to participate in community events such as parades, festivals, etc.

MOTION: Made by Trustee Mistele, seconded by Trustee Napoli, to adopt Resolution No. 08-R-44.

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

MOTION DECLARED CARRIED

OLD BUSINESS

9. COMMITTEE REPORTS

Trustee Napoli had no report.

Trustee Schoenbeck had no report.

Trustee McMahon had no report.

Trustee Baker had no report.

Trustee Mistele had no report.

Trustee Brown had no report.

10. ATTORNEY'S REPORT

Village Attorney Good had no report.

11. CLERK'S REPORT

Village Clerk Hansen had no report.

12. ADMINISTRATOR'S REPORT

Administrator Modaff noted that for some time the Village Board had maintained a policy that is several years old that has become a little clouded and requested help to clarify the scheduling of attendance at the DuPage Mayors and Managers monthly dinners. In the past, the Board had authorized the Village President, Village Administrator and perhaps one more Board member to attend those monthly meetings. Occasionally, we do get interest from additional Board members so Administrator Modaff was interested in whether the Board wanted to maintain that policy of three people or if they wanted to expand it. Any direction the Board can give the Staff would be appreciated.

President Pretzer noted that has been the policy from when we were looking at expenses. The Board has not addressed this policy subsequent to that, but it is something we can put on the agenda should the Board so desire to review that policy.

Trustee McMahon indicated that the interest is variable based upon if there is a hot topic issue where a lot of people wanted to go. Most of the time, it is one or two at the most. Trustee McMahon did not want to hamstring the Board if something important came up by limiting attendance.

Trustee Napoli thought one of the reasons that it was cut back was restricted by finances but we do not have that problem now, so he supported Trustee McMahon's suggestion.

The Board reached an informal consensus that there would be no limit to the number attending the DMMC and Chamber meetings. In addition, this policy will be placed on the next month's Board meeting agenda for discussion to formulate more definite guidelines for attendance at these meetings.

Administrator Modaff indicated that at the last meeting we introduced the new laptop computers and our process for getting the data and how we are storing them. He hoped that everything is going smoothly so far with the laptops since no major issues were mentioned.

Further, Administrator Modaff noted that as we introduced new laptops, the question arose as to what we were going to do with the computers we are retiring. Two Trustees had previously suggested we might consider another donation to the Indian Tribe we had established a relationship with in South Dakota; but, subsequent to that meeting he had gotten feedback from Trustee Schoenbeck that perhaps there might be another local opportunity. So, he wanted the Board to discuss the issue before we prepare an ordinance to declare them surplus and the disposition of them.

Trustee Schoenbeck clarified that he also suggested putting out the information in the upcoming newsletter in case there is anybody either in our Village or who heads up some sort of a foundation that is more local. If there is any school or anything that gets our newsletter that may also have a need. There is an element of a problem of economics right here in our own backyard. He was not against sending it out of state, he just thought that if somebody can use the computers and they are in our back yard and cannot afford them and it is something good for them, maybe we can have a short list for the Board when that ordinance comes up.

President Pretzer noted that historically interest has not been expressed but certainly it is a valid point to look at somebody who has a need for them, to accept them.

Trustee Napoli inquired if we can put this on the website instead of the newsletter with a timetable and then, if there is no local interest, just donate it to the Indian school.

Administrator Modaff in summary noted that he will work with the Village Attorney and prepare an Ordinance which would declare the equipment surplus and which generally allows the Village Administrator to dispose of them. He would follow the Board's general direction to post them on the website and cable channel for a period of time. If we are able to donate them locally that is the best thing; if there is no or limited interest, then we have another appreciative outlet.

Trustee Schoenbeck asked for a list of the deadlines for the newsletter. Administrator Modaff responded that he will include this information in the next Administrators Report.

PRESIDENTIAL REPORT

President Pretzer informed the Village Board that he had submitted to the Village Clerk this evening a letter of resignation of his position effective July 28, 2008 at 7:40 p.m.

Trustee Napoli stated to President Pretzer "that you have been a great President, a great leader, and have done an excellent job for the Village, all its citizens, from the time you were on Committees through your Trusteeships and the Mayor ship. We have accomplished a lot in the Village under your direction with the staff you have chosen and with the Trustees enabled us all to work together even when we have had differences. Don't take this the wrong way but I think you are the Mayor Daley of the suburbs, you had things done, I am not talking the political end with that man, but with the things that you have accomplished. I wanted to thank you for all you have done myself as a citizen prior to coming on the Board and for all the help and growth you have given me as a Trustee. Thank you for everything, Gary."

Trustee Schoenbeck acknowledged that President Pretzer's wife, Valorie, was in the audience and he thought this Board, at least he does personally, owes a debt of gratitude to Valorie Pretzer as well. She deserves a round of applause for all that she has done.

President Pretzer stated "that one of the things that he had always felt that, sort of the oracle of Omaha, Mr. Warren Buffet---I had a business which we were fairly successful, but the one thing I learned was that you put the people in charge and let them do their job and stay back out of it. And Buffet has been very successful. If the Village continues to go down that path, it will be successful."

13. EXECUTIVE SESSION

There was no need for an Executive Session.

14. ADJOURNMENT

MOTION: Made by Trustee McMahon, seconded by Trustee Schoenbeck, to adjourn the regular meeting at the hour of 7:58 p.m.

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

MOTION DECLARED CARRIED

PRESENTED, READ and APPROVED,

_____, 2008

Village President

Minutes transcribed by Mary Partyka.