

MINUTES OF THE REGULAR MEETING OF THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF WILLOWBROOK HELD ON MONDAY, SEPTEMBER 8, 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 Acting President Robert Napoli.

2. ROLL CALL

Those present at roll call were Trustees Dennis Baker, Michael Mistele, Paul Schoenbeck, Timothy McMahon and Acting President Napoli. ABSENT: None. Also present were Village Clerk Leroy Hansen, Village Attorney Thomas Good, Village Administrator Phil Modaff, Chief of Police Edward Konstanty, Director of Municipal Services Timothy Halik, Planner Sara Hage and Administrative Intern Garrett Hummel.

A QUORUM WAS DECLARED

3. PLEDGE OF ALLEGIANCE

Acting President Napoli 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 25, 2008 (APPROVE)
- c. Warrants - September 8, 2008 - \$349,180.99 (APPROVE)
- d. Monthly Financial Report - August 31, 2008 - \$17,696,611.78 (ACCEPT)
- e. MOTION TO APPROVE - 2008 MFT ROADWAY MAINTENANCE PROGRAM: PAYOUT #1 - PARTIAL PAYMENT, K-FIVE CONSTRUCTION CORPORATION - \$321,190.20 (APPROVE)
- f. MOTION TO APPROVE - VILLAGE HALL BRICK FAÇADE TUCKPOINTING PROJECT - J. ANDERSEN & SONS COMPANY, LOMBARD - \$3,920.00 (APPROVE)
- g. ORDINANCE NO. 08-O-22 - AN ORDINANCE AUTHORIZING THE SALE OF PERSONAL PROPERTY OWNED BY THE VILLAGE OF WILLOWBROOK (PASS)
- h. ORDINANCE NO. 08-O-23 - AN ORDINANCE AUTHORIZING THE SALE OF ABANDONED, LOST OR STOLEN PROPERTY

PURSUANT TO THE LAW ENFORCEMENT DISPOSITION OF
PROPERTY ACT (PASS)

- i. RESOLUTION NO. 08-R-55 - A RESOLUTION AUTHORIZING
THE EXECUTION OF A TRAFFIC CONTROL AGREEMENT -
ASCOT GLEN COMMUNITIES (ADOPT)

Acting President Napoli asked if any Board Member wanted any item(s) removed from the Omnibus Vote Agenda for further discussion. No Board Member wanted any item(s) removed from the Omnibus Vote Agenda.

MOTION: Made by Trustee Schoenbeck, seconded by Trustee Mistele, to approve the Omnibus Vote Agenda.

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

MOTION DECLARED CARRIED

NEW BUSINESS

5. MOTION - PRESIDENTIAL APPOINTMENT - VILLAGE TRUSTEE

Acting President Napoli recommended the appointment of Terrence F. Kelly to the position of Village Trustee. With the retirement of Trustee Michael Brown, a position was created on the Board of Trustees. This appointment, if approved, would be for the remainder of term of former Trustee Brown, which expires April 2009.

Trustee Schoenbeck expressed concern that he did not receive a phone call or any information with regard to the individual being recommended for appointment prior to this evening's meeting. Acting President Napoli noted that he basically followed what the prior president has done by recommending an individual that has a strong business background that would be an asset to the Board. He apologized for the oversight.

MOTION: Made by Acting President Napoli, seconded by Trustee Mistele, to appoint Terrence F. Kelly to fill the vacancy created by the retirement of Trustee Michael Brown.

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

MOTION DECLARED CARRIED

Attorney Good commented that it would be appropriate, if the Clerk is prepared, to administer the Oath of Office to Mr. Kelly. Although not required, it is also appropriate for Mr. Kelly to fill out and file the Ethics Disclosure Statement and Financial Disclosure Statement. In addition, the Clerk would need to notify the DuPage County Election Commission of the date of the vacancy that would be filled at the 2009 election.

At this time, Village Clerk Hansen administered the Oath of Office to Terrence F. Kelly.

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

Phyllis Zimmer, 6446 Tennessee Avenue, commented that the Village continues to use her private property for storm water runoff.

7. RESOLUTION - A RESOLUTION AUTHORIZING THE ACTING VILLAGE PRESIDENT AND VILLAGE CLERK TO EXECUTE AN AGREEMENT - FBG CORPORATION - FOR CONSTRUCTION OF A PUBLIC WORKS FACILITY

Director Halik informed the Board that the public bid opening for the new Public Works facility was held on Friday, August 29, 2008 at 2:00 p.m. A total of twelve sealed bids were received prior to the deadline. The low bid of \$1,798,000 was submitted by FBG Corporation. Staff, Williams Architects and the Village Attorney conducted reference and background checks and determined that FBG was found to be in good business standing, and the reference checks were very positive. Director Halik advised that the bid specifications provided for alternate pricing of four options. Staff recommended the approval of Option Three, which is a deduction for the direct purchase and installation of a truck lift at the estimated price of \$40,000. This would bring FBG's bid down to \$1,743,000. Based upon the project budget of \$2,266,000 and acceptance of FBG's bid with Option Three in the amount of \$1,743,000, there would be a reserve of over \$500,000 to cover miscellaneous equipment that were not included in the bid specifications such as the salt

storage structure, computers, telephones, furniture, equipment, shelving and so forth. This amount is more than enough to provide a comfortable contingency to cover unforeseen construction costs. The Staff recommended the adoption of the Resolution authorizing the execution of the agreement with FBG Corporation.

Attorney Good commented that in the packet it was noted as of the time the packet was going out, there was not yet a complete contract. There were four minor issues yet to be resolved which we had expected to be resolved prior to the deadline; however, his offices are located in the bank building where the hostage situation occurred last Friday. We were not available to finish it up prior to the agenda packet; however, it was finished up today.

MOTION: Made by Trustee Schoenbeck, seconded by Trustee McMahon, to adopt Resolution No. 08-R-56.

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

MOTION DECLARED CARRIED

8. RESOLUTION - A RESOLUTION WAIVING THE COMPETITIVE BIDDING PROCESS AND AUTHORIZING THE VILLAGE ADMINISTRATOR TO EXECUTE A CONTRACT WITH WESTERN UTILITY CONTRACTORS, INC. TO COMPLETE A VILLAGE HALL DRAINAGE IMPROVEMENT PROJECT

Director Halik informed the Board that the current design of the south side of the Village Hall building includes five (5) roof drainage downspouts that discharge storm water directly onto the sidewalk adjacent to an area where police officers primarily access their squad cars. During winter months, the drainage design tends to cause accumulation of ice on the sidewalk. Although in the past a large amount of melting salt was used, it is still difficult to walk on and remains a hazard today. Staff proposed a project that would connect the five downspouts underground to the storm sewer system within the parking lot. The full cost of this project is approximately \$22,000 and funds have not been included within the current budget to complete this project. The Staff is concerned that if the work is not completed prior to the winter season, a subsequent trip and fall

could result in an injury that could be very damaging to the Village. Staff recommended that funds be allocated to complete this project prior to this winter. Western Utility Contractors Inc. submitted a proposal to complete the project for a price not to exceed \$21,867.50. Once the cost of landscaping is included, the cost of the full project would be \$22,000. Staff recommended that the Board adopt the Resolution before them this evening so that the project could be completed this fall.

Trustee Mistele noted that this item was reviewed by the Municipal Services Committee. The reason it was brought to the Board's attention was because it was a non-budgeted item.

Trustee McMahon inquired if there were any other, less expensive alternatives. Trustee Mistele responded no, that in fact they talked about rain barrels to collect the water from the downspouts. But the issue is that it is all hardscape, curbs and paving, up near the building and the collection of water freezes near the entrance to the police station. That is the real hazard issue and this appears to be the most cost effective solution. It is a permanent solution if nothing happens to this building. The way the issue was presented to the Committee was that it needs to be done to eliminate a hazard. Trustee Mistele wanted the Board to be aware that it is a non-budgeted item.

Trustee McMahon inquired that if we elected to take one of the designs for redeveloping the Village Hall, would these improvements still be maintained or is it a 2-4 year project that will then be undone.

Trustee Mistele responded that it could be a 3-5 year solution. Director Halik responded that Staff tried to consider all available designs including a hydronic heating system.

Trustee Schoenbeck asked if there was something that brought this on. Why now versus later?

Trustee Mistele understood that it has been a recurring situation at the police station entrance and Staff spends a lot of time trying to keep it clear.

Director Halik noted that actually in the past both police officers and public works crews have tried to keep it as saturated with melting salt as we absolutely could. At times, public works crews are not around when it comes on quickly.

Director Halik advised he did not believe we had a fall but they did have a complaint that a fall could occur.

Acting President Napoli inquired what door they were talking about. Director Halik responded that there were five drains along the south side of the building, two are near the side entrance and then there are another two near the front entrance and there is one actually east of the front entrance, so all five would be converted to underground.

Trustee Schoenbeck noted that we are in the summer right now; obviously, ice and snow is not out there. Was there something that happened prior to our budget and this is just coming up now?

Director Halik responded that we went through the budget process and then in January, February and March, it came up again. Staff then decided to get prices on it and we did not get prices until May 8.

Trustee Schoenbeck questioned page 7 of the agreement where the performance bond was scratched. Was there a reason for that?

Director Halik responded that with this type of work we pay in arrears so we would withhold all payment until it was completed. Therefore, there was no need for a performance bond.

Trustee McMahon noted that it was mentioned that the five drains spanned the whole length of the building. Is there a reason why just the ones near the police entrance would be done?

Director Halik responded that there is potentially one, the most eastern drain that we could omit from the plan to potentially save a little money, although it tends to accumulate ice within the actual parking area directly outside the service drive. The other downspouts directly discharge onto the perimeter sidewalk that all the squad cars park on.

Acting President Napoli commented that although he agreed with Trustees McMahon and Schoenbeck that \$22,000 seems like a waste of money especially if we are going to be doing something in the future, but we really do not have a choice here with respect to the public safety issue.

MOTION: Made by Trustee Mistele, seconded by Trustee Schoenbeck, to adopt Resolution No. 08-R-57.

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

MOTION DECLARED CARRIED

9. PRESENTATION - ACTING VILLAGE PRESIDENT INITIATIVES

Acting President Napoli reviewed several suggested initiatives that he had been thinking about some of the things in the Village as to whether we should do these things or not.

Acting President Napoli thought with regard to the current logo instead of having the Willow tree, we might find an art student at Hinsdale South who would be able to draw us a better design. The student artist could possibly be given an award of some monetary amount and/or a plaque from the Board.

Acting President Napoli recommended that some of these initiatives could be reviewed by the proper committees. Some of things that he has thought about, we already have such as a Holiday Party and Halloween Party, but they have not been reviewed in a long time and it would be good to have a general discussion to see if there is anything we can do to enhance these events. There might be an employee who has an idea and they have not had a chance to come forward with it.

The Citizen of the Year award has not been presented for a long time and Acting President Napoli thought we should have this award and present the person with a plaque and an award from the Board.

Acting President Napoli noted that the Village entry signs have already been discussed but he thought these signs could include signage from the Kiwanis and Chamber of Commerce Club, for example. He would like it passed onto committee to take a look at it.

Trustee Mistele commented that the signage issue was discussed at the Municipal Services Committee and he suggested that we will be able to examine it through the budgeting process. Some of the examples we looked at could be \$10 or it could be

\$10,000. Trustee Mistele felt it was something that should go through the budget workshop process.

Acting President Napoli recognized that the Municipal Services Committee had completed two big projects this year, the Community Park restroom building and the Public Works Facility.

Trustee Schoenbeck suggested when it is decided what Committee will handle each of these items; it should go to that Committee Chair. It would give the Acting President the opportunity to give the Chair some ideas of which direction he was looking at. Trustee Schoenbeck felt that it would not be a good idea to come to the Board until we were ready to spend the money or take action on an item. For example, a Fourth of July parade, a Committee may be formed away from the Village Board with one Board member or it might be something that might involve the Chamber.

Acting President Napoli noted that it could be a situation where it would come from a committee and then we would proceed from there with Board action. He stated he was just looking for Board input if we should proceed with these items. We can have a kids' day sometime during the summer before they go back to school. The "Touch A Truck" event was fantastic but Acting President Napoli felt there was more needed in the way of announcement to people or maybe it should not have been at the park but rather at one of the shopping centers. It would help to bring more people to the new Town Center or to the existing center at 63rd Street and Route 83 and assist merchants in those centers in their retail business.

Trustee Schoenbeck thought they were very good ideas. Within the last six months, Trustee Schoenbeck had talked to a few staff members, and also had someone approach him, and he thought it was a good idea, with regard to a community garden in our parks. We are 65% multi-family and where would they put a garden. First of all, the economy is pretty poor right now and people are looking for that and there certainly is the land within our parks. Now that we have the concession stand, there now would be water available. Maybe this could be added to the list.

Acting President Napoli commented he recalled that Trustee Schoenbeck mentioned the community garden a few months back and that is one of the things he had marked down to review, do we

have the space, is it a good idea, was there liability or public safety issues, and so forth.

Administrator Modaff gave an update on the community garden. He advised the Board that the Superintendent of Parks and Administrative Intern are looking at how other communities do it, where we could lay it out, what the associated costs might be, and how it would be administered. It is something Staff intends to bring through the budget process.

Acting President Napoli restated that the direction would come from the Board if we could move forward with these ideas, hand them to the proper Committees and have the Committees come back to the Board with recommendations.

The consensus of the Board was to move forward as recommended by Acting President Napoli.

OLD BUSINESS

10. COMMITTEE REPORTS

Trustee Kelly had no report.

Trustee Baker had no report.

Trustee Mistele reported that the Committee reviewed the cost of road salt for this winter. The outside costs could be up to \$50,000 and there is \$22,000 currently budgeted. The Staff and Administration is currently working with various agencies to see exactly where this cost will be. The Committee will bring it to the Board once we know exactly where we stand.

Trustee Schoenbeck reported that in the Committee meeting this evening, there were visitors in regard to the article that was in the local newspaper about a dog that was killed by a coyote. He felt that Chief Konstanty did a good job and handled the majority of the discussion. He wanted to thank the people who came to the meeting because they did a good community policing job. The Chief can fill the Board in on what they did.

Trustee McMahon had no report.

11. ATTORNEY'S REPORT

Village Attorney Good requested an Executive Session with regard to personnel and probable and imminent litigation.

12. CLERK'S REPORT

Village Clerk Hansen reported that he received a letter from the Illinois Department of Correction indicating that the Police Department Lock Up was inspected and was found in compliance.

Village Clerk Hansen announced that Early Voting is scheduled for October 13 thru October 30, 2008 and one of the locations is Five Seasons at Plainfield and Madison Street in Burr Ridge.

13. ADMINISTRATOR'S REPORT

Village Administrator Modaff thanked the Board for their work and support on the Public Works Building. The Board's discussion on this facility began back in 2003. Most recently, in the last year, the Municipal Services Committee provided outstanding guidance and direction, including former Trustee Brown and Trustee Mistele, on this project. Trustee Mistele's input was invaluable to the final design and the success in bringing the contract in with our financing plan. On the Staff level, Director Halik did an outstanding job in guiding us through the Committee process as well as his Foreman and labor staff. They sat down and really figured out how to do a very reasonable design on this facility that would meet their needs and come in within the financing plan that was put in front of them. Finally, Director Stanish for guiding us through the bond issuance which helped us secure the financing with a very successful process. Everything has gone very well to date. On behalf of the Staff, Administrator Modaff thanked the Board for their guidance and approval of this project. The Public Works Staff will be very happy in their new facility.

13. EXECUTIVE SESSION

Acting President Napoli asked for a motion to adjourn into Executive Session to discuss personnel and imminent and probable litigation.

MOTION: Made by Trustee Baker, seconded by Trustee Mistele, to adjourn into Executive Session to discuss personnel and imminent and probable litigation at the hour of 8:05 p.m.

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

MOTION DECLARED CARRIED

SEE APPROPRIATE EXECUTIVE SESSION MINUTES

PRESENTED, READ and APPROVED,

_____, 2008

Acting Village President

Minutes transcribed by Mary Partyka.