

MINUTES OF THE REGULAR MEETING OF THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF WILLOWBROOK HELD ON MONDAY, NOVEMBER 24, 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 Village President Robert Napoli.

2. ROLL CALL

Those present at roll call were Trustees Terrence Kelly, Michael Mistele, Paul Schoenbeck, Sandra O'Connor, Timothy McMahon and Acting President Napoli. 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, Village Planner Sara Hage, Superintendent of Parks & Recreation Walter Righton 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 - November 10, 2008 (APPROVE)
- c. Minutes - Executive Session - November 10, 2008 (APPROVE)
- d. Warrants - November 24, 2008 - \$193,771.05 (APPROVE)
- e. MOTION TO APPROVE EXPENDITURE FOR PAYMENT OF K-9 VEHICLE - A 2005 CHEVY TRAILBLAZER - BILL JACOBS CHEVROLET - \$6,000.00 (APPROVE)
- f. MOTION TO APPROVE - PUBLIC WORKS FACILITY CONSTRUCTION CONTRACT: PAYOUT #2 - PARTIAL PAYMENT, FBG CONSTRUCTION CORPORATION - \$242,010.00 (APPROVE)
- g. PROCLAMATION - NATIONAL DRUNK AND DRUGGED DRIVING (3D) PREVENTION MONTH - DECEMBER 2008

Acting President Napoli asked any Board member wanted any item removed from the Omnibus Vote Agenda. Trustee Schoenbeck

requested that Agenda Item No. 4e be removed from the Omnibus Vote Agenda for further discussion.

Acting President Napoli asked if any Board member wanted any other item removed from the Omnibus Vote Agenda. No other items were removed from the Omnibus Vote Agenda.

MOTION: Made by Trustee Schoenbeck, seconded by Trustee Mistele, to approve the Omnibus Vote Agenda excluding Item No. 4e.

ROLL CALL VOTE: AYES: Trustees Kelly, Mistele, Schoenbeck, O'Connor and McMahon; NAYS: None; ABSENT: Trustee Baker.

MOTION DECLARED CARRIED

Trustee Schoenbeck requested that Administrator Modaff and Chief Konstanty be directed to look at the possibility of the Village benefitting from using the 2005 Blazer as a trade toward the purchase of a new vehicle, with a minimum additional dollar amount, and then in FY 2009-2010 the Village would not have to look at this as a replacement vehicle.

Attorney Good responded that the Village Administrator with the direction of the Board could come back with the requested information to the Board on December 15 for a vote to approve as needed on what the Staff determined.

NEW BUSINESS

5. PROCLAMATION - RECOGNIZING THE RETIREMENT OF JOSEPH A. PEC AFTER THIRTY FOUR YEARS OF SERVICE WITH THE VILLAGE OF WILLOWBROOK

Chief Konstanty informed the Village Board that Joseph Pec will be presented the Proclamation at his retirement party on January 23.

MOTION: Made by Trustee McMahon, seconded by Trustee Schoenbeck, to approve the Proclamation.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Kelly, Mistele, Schoenbeck, O'Connor and McMahon; NAYS: None; ABSENT: Trustee Baker.

MOTION DECLARED CARRIED

6. PROCLAMATION - RECOGNIZING THE CHATEAU VILLAGE NURSING AND REHABILITATION CENTER FOR TWENTY YEARS IN THE VILLAGE OF WILLOWBROOK

Acting President Napoli recognized the Chateau Village Nursing & Rehabilitation Center on their 20 years in the Village of Willowbrook with the presentation of the Proclamation.

MOTION: Made by Trustee Mistele, seconded by Trustee Schoenbeck, to approve the Proclamation.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Kelly, Mistele, Schoenbeck, O'Connor and McMahon; NAYS: None; ABSENT: Trustee Baker.

MOTION DECLARED CARRIED

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

Phyllis Zimmer, 6446 Tennessee Avenue, commented that the Village is using her private property for storm water detention.

8. DELINQUENT WATER BILLS

Director Halik reported to the Board that there were no delinquent water bills.

9. MOTION - MOTION TO APPROVE SECOND QUARTER FINANCIAL REPORT - FISCAL YEAR 2009

Director Stanish noted for the Board that in addition to the Second Quarter Financial Report, at the request of Trustee McMahon a summary report of the major general fund revenue has been provided.

Director Stanish provided an overview of the General Fund Revenue Summary Report.

Sales Tax

- 1% tax on goods sold at retail and is administered by the State of Illinois
- There is a four-month lag from time of purchase to receipt of tax revenue
- At six months there is a 16.3% increase above same period as last year

#### Utility Tax

- Telecommunications - 6% tax administered by the State of Illinois - four month lag from time of purchase to receipt of tax revenue
- ComEd and NiCor - 5% tax administered locally - one month lag from the time billed and remittance to Village
- At six months there is a 10.2% increase above same period as last year

#### Income Tax

- Per capita tax administered by State of Illinois
- Illinois Municipal League projections of 10/31/08 of \$94.90 per capita reflects increase of 14.1% above same period as last year

#### Place of Eating Tax

- 1% tax on food and beverages administered by Village
- There is a one month lag from purchase to receipt by the Village
- At six months there is a 43.9% increase above same period last year

#### Amusement Tax

- 6% tax on gross fees collected for entertainment activities administered by the Village
- There is a one month lag from participation of activity to receipt by the Village
- At six months there is a 23.6% increase above the budgeted amount (Willowbrook Lanes was not included in budgeted amount) for FY 2008-09

#### Fines

- Fine amounts vary
- Traffic fines administered by Village; Circuit Court fines administered by County
- At six months there is a 27.1% increase above same period as last year

#### Interest Income

- Interest rate varies based on market conditions
- There is a one month lag from time interest earned to receipt by Village
- At six months there is a reduction of 57.4% in the rate of interest earnings and not investable cash balances

Director Stanish went on to provide an overview of the expenditure portion of the Second Quarterly Report.

#### General Fund

- Total expenditures for the General Fund are projected at \$7,646,049, which is \$204,355 below the budgeted amount of \$7,850,404.

#### Administration

- \$114,945 will not be spent on debt service in FY 2008-09
- A total of \$250,000 was budgeted for architect fees relating to new Village Hall/Police Department. \$150,000 may not be spent in FY 2008-09
- Staff is projecting annual sales tax sharing payment to Harlem Irving at \$150,000. The budgeted amount is \$184,900 which leaves an estimated \$34,900 that may not be spent in FY 2008-09.

#### Parks and Recreation

- The final payout of \$58,100 for the concession stand facility was expected to occur in FY 2007-08 and was not budgeted for FY 2008-09. Completion occurred after May 1.
- The basketball court rejuvenation came in \$22,000 under budget.

#### Police Department

- Based on a temporary vacancy in the department a savings in personnel costs are estimated at \$37,000.

#### Public Works Department

- Costs of \$11,000 were incurred to clean Village storm sewers as a result of the September storm. Based on the storm, we anticipate spending \$26,000 compared to the budgeted amount of \$15,000. Federal relief may offset this.
- Costs are projected to exceed budgeted amount for the removal and replacement of hazardous sidewalks. We anticipate spending \$50,000 compared to a budgeted amount of \$32,395.
- Salt costs have significantly increased. We anticipate spending up to \$75,000 over budget.

#### Fund Balance

- The projected fund balance at 4/30/09 is expected to be about \$3,603,500, which is \$514,211 greater than the budgeted amount.

- The projected fund balance at 4/30/09 equates to 182 days operating expenses compared to the budgeted amount of 151 days.
- The projected liquid fund balance at 10/31/08 equates to 140 days operating expense and 144 days projected at 4/30/09.

The Staff will closely monitor revenues and expenditures throughout the budget process and adjust FY 2008-09 projections and actual costs as needed.

Trustee McMahon commented that conservative fiscal activity of this Board and staff has put the Village in the position that we are in, prepared for a rainy day.

Administrator Modaff informed the Board there was a Senate bill that was introduced that proposed to give the Governor the authority to withhold 8% of what they call the LGDF (Local Government Distribution Fund), income tax being one of them, and could cost the Village \$60,000-\$70,000 in the year. Through the IML and other agencies the Village cooperates with, we were urged to contact our representatives. Acting President Napoli and Administrator Modaff called the Senators and Representatives to urge them please do not balance the State budget on the backs of municipalities. The Senators and Representatives were supportive of the Village's position.

MOTION: Made by Trustee Mistele, seconded by Trustee Schoenbeck, to approve the Second Quarter Financial Report for Fiscal Year 2009.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Kelly, Mistele, Schoenbeck, O'Connor and McMahon; NAYS: None; ABSENT: Trustee Baker.

MOTION DECLARED CARRIED

10. MOTION - MOTION TO APPROVE CURRENT POLICE DEPARTMENT STAFFING AND ALLOCATION

Chief Konstanty noted that in 2006 this Board was approached to add two (2) Deputy Chief positions and add through attrition that one Commander position be eliminated and replaced with a patrol officer. It has become critical that the Department needs the supervisory position. By retaining five front-line supervisors (commanders-sergeants), there would be continuity of supervisory presence when the regularly scheduled shift

commander is not on duty. Based on the anticipated promotion of a top-end patrolman to Sergeant to replace Commander Pec's position upon his retirement, it would produce an annual savings of \$14,192. In addition, hiring a patrol officer to fill the vacancy left by the promoted officer would produce an annual savings of \$23,452. The anticipated net benefit of the promotion of one patrol officer to Sergeant and hiring an entry-level patrol officer is \$37,644 in salary. The Public Safety Committee supports maintaining the current staffing levels.

MOTION: Made by Trustee Mistele, seconded by Trustee Schoenbeck, to approve current Police Department staffing and allocation.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Kelly, Mistele, Schoenbeck, O'Connor and McMahon; NAYS: None; ABSENT: Trustee Baker.

MOTION DECLARED CARRIED

11. ORDINANCE - AN ORDINANCE PROVIDING FOR THE LEVY OF TAXES FOR THE FISCAL YEAR COMMENCING ON MAY 1, 2008 AND ENDING APRIL 30, 2009, OF THE VILLAGE OF WILLOWBROOK, DUPAGE COUNTY, ILLINOIS

MOTION: Made by Trustee Schoenbeck, seconded by Trustee McMahon to pass Ordinance No. 08-0-24.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Kelly, Mistele, Schoenbeck, O'Connor and McMahon; NAYS: None; ABSENT: Trustee Baker.

MOTION DECLARED CARRIED

12. ORDINANCE - AN ORDINANCE AMENDING THE VILLAGE CODE OF WILLOWBROOK - TITLE 3, SECTION 3-12-19 - BUSINESS, LIQUOR, HOURS

Administrator Modaff informed the Board that Willowbrook Lanes submitted a request to the Liquor Control Commissioner to consider changing the hours for the sale of liquor specifically on Sunday mornings. Currently, the Village does not allow the sale of liquor on Sunday mornings before Noon except for certain license categories. Willowbrook Lanes is requesting a start of 10:00 a.m. on Sunday mornings. A brief survey was conducted of surrounding communities and we consulted with the Village Attorney. The Liquor Control Commissioner reviewed this and prepared an ordinance to amend the Code to allow liquor sale on

Sunday mornings for all license categories beginning at 10:00 a.m.

MOTION: Made by Trustee Schoenbeck, seconded by Trustee Mistele, to pass Ordinance No. 08-O-25.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Kelly, Mistele, Schoenbeck, O'Connor and McMahon; NAYS: None; ABSENT: Trustee Baker.

MOTION DECLARED CARRIED

13. RESOLUTION - A RESOLUTION WAIVING THE COMPETITIVE BIDDING PROCESS AND AUTHORIZING THE VILLAGE ADMINISTRATOR TO EXECUTE A PURCHASE ORDER/AGREEMENT FOR THE PURCHASE OF A FORD F150 FROM WESTFIELD FORD IN THE AMOUNT OF \$18,905.00

Director Halik advised the Board that as a result of the recent fuel contamination issues, the 2004 F-250 pickup truck sustained engine damage that would cost approximately \$5,200 to repair. This vehicle was due for replacement in May 2009. Instead of spending the money to repair this vehicle, the Staff would request to purchase a replacement vehicle in the current fiscal year. The department no longer needs a heavy duty pickup truck so a lighter duty vehicle would meet the department's needs. Westfield Ford in Countryside offered the best price in the amount of \$18,905. A net savings of approximately \$10,000 would be realized with the purchase of this vehicle and eliminating the purchase of a new vehicle next fiscal year. The cost of the vehicle would be split between the General Fund and the Water Fund.

MOTION: Made by Trustee Schoenbeck, seconded by Trustee Mistele, to adopt Resolution No. 08-R-61.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Kelly, Mistele, Schoenbeck, O'Connor and McMahon; NAYS: None; ABSENT: Trustee Baker.

MOTION DECLARED CARRIED

14.           RESOLUTION - A RESOLUTION WAIVING THE COMPETITIVE BIDDING PROCESS AND AUTHORIZING THE VILLAGE ADMINISTRATOR TO ACCEPT A PROPOSAL FROM MIDLAND SNOW & ICE MANAGEMENT FOR THE PURCHASE OF 200 TONS OF TREATED ROCK SALT FOR USE IN THE VILLAGE'S 2008/09 WINTER SNOW & ICE CONTROL PROGRAM

Director Halik noted that given the current rock salt shortage, the Staff devised a plan to insure there was an adequate supply of rock salt. The plan includes the procurement of the majority of the Village's salt allocation plus the treated material in the coming weeks and to build a temporary salt holding area in the parking lot of Community Park.

MOTION: Made by Trustee Schoenbeck, seconded by Trustee McMahon, to adopt Resolution No. 08-R-62.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Kelly, Mistele, Schoenbeck, O'Connor and McMahon; NAYS: None; ABSENT: Trustee Baker.

MOTION DECLARED CARRIED

OLD BUSINESS

15.           COMMITTEE REPORTS

Trustee Kelly had no report.

Trustee Mistele had no report.

Trustee Schoenbeck had no report

Trustee O'Connor had no report.

Trustee McMahon had no report.

16.           ATTORNEY'S REPORT

For the benefit of the new Trustees, Mr. Good stated he will meet with the new Trustees and make the same presentation to them that he made to the Board in an open meeting with regard to the facts of the Zimmer litigation.

At this time, Acting President Napoli announced his appointment of Trustee O'Connor to the Finance/Administration Committee.

Further, Acting President Napoli recognized Planner Sara Hage for earning her AICP certification.

17. CLERK'S REPORT

Village Clerk Hansen informed the Board that the Willowbrook/Burr Ridge Chamber of Commerce is supporting local businesses by funding TV ads on Comcast stations.

18. ADMINISTRATOR'S REPORT

Administrator Modaff noted that had a copy of the Comcast ad that the Chamber sponsored for the Board's viewing this evening.

Administrator Modaff advised that Director Halik will be distributing to the Board a copy of the Village's snow and ice control plan for 2008/09.

Administrator Modaff reminded the Board that there is only one Board meeting in the December, on the third Monday which is December 15. He asked the Trustees to see their appropriate Department Heads to determine if a Committee meeting will be needed that evening.

19. EXECUTIVE SESSION

There was no need for an executive session.

20. ADJOURNMENT

MOTION: Made by Trustee McMahon, seconded by Trustee Schoenbeck, to adjourn the regular meeting at the hour of 8:15 p.m.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Kelly, Mistele, Schoenbeck, O'Connor and McMahon; NAYS: None; ABSENT: Trustee Baker.

MOTION DECLARED CARRIED

PRESENTED, READ and APPROVED,

December 15, 2008

Robert A. Napoli  
Acting Village President

Minutes transcribed by Mary Partyka.