

MINUTES OF THE REGULAR MEETING OF THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF WILLOWBROOK HELD ON MONDAY, DECEMBER 15, 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 Dennis Baker, Terrence Kelly, Michael Mistele, Paul Schoenbeck, Sandra O'Connor and Acting President Napoli. ABSENT: Trustee Timothy McMahon. Also present were Village Clerk Leroy Hansen, Village Attorney Aaron Reinke, Village Administrator Phil Modaff, Chief of Police Edward Konstanty, Director of Finance Sue Stanish, Director of Municipal Services Timothy Halik, Village Planner Sara Hage, Deputy Chief Mark Shelton 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 24, 2008 (APPROVE)
- c. Minutes - Boundary Line Agreement Workshop - November 24, 2008 (APPROVE)
- d. Warrants - December 15, 2008 - \$523,984.00 (APPROVE)
- e. Monthly Financial Report - November 30, 2008 - \$17,081,543.69 (ACCEPT)
- f. MOTION TO APPROVE EXPENDITURE FOR PAYMENT OF K-9 VEHICLE - A 2005 CHEVY TRAILBLAZER - BILL JACOBS CHEVROLET - \$6,000.00 (APPROVE)
- g. MOTION TO APPROVE - PUBLIC WORKS FACILITY CONSTRUCTION CONTRACT: PAYOUT #3 - PARTIAL PAYMENT, FBG CONSTRUCTION CORPORATION - \$181,473.49 (APPROVE)
- h. ORDINANCE NO. 08-O-26 - AN ORDINANCE AMENDING THE VILLAGE CODE OF THE VILLAGE OF WILLOWBROOK - TITLE 3, SECTIONS 3-12-5(B) AND 3-12-5(F) - BUSINESS, LIQUOR, CLASSIFICATIONS (PASS)

Acting President Napoli asked if any Board Member 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 Mistele, seconded by Trustee Kelly, to approve the Omnibus Vote Agenda.

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

MOTION DECLARED CARRIED

NEW BUSINESS

5. PROCLAMATION - RECOGNIZING WILLIAM BOZEK ON TWENTY YEARS OF SERVICE WITH THE VILLAGE OF WILLOWBROOK

Acting President Napoli recognized William D. Bozek on his 20 years of service to the Village of Willowbrook with the presentation of the Proclamation and a gift.

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

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

MOTION DECLARED CARRIED

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

There was none.

7. DELINQUENT WATER BILLS

Director Halik informed the Board there was one delinquent water bill in the amount of \$135.15 and requested authorization to proceed as per Village policy.

8. RESOLUTION - A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NUMBERS 6, 8, 9, 10 - PUBLIC WORKS FACILITY CONTRACT - FBG CORPORATION

Director Halik informed the Board that there were four Change Orders submitted by the general contractor; two are deductions from the contract amount, one is non monetary and one is an

addition to the contract amount. The Municipal Services Committee reviewed each change order at their meeting this evening. Staff recommended that the Resolution authorizing Change Orders 6, 8, 9, and 10 be adopted.

MOTION: Made by Trustee Mistele, seconded by Trustee Schoenbeck, to adopt Resolution No. 08-R-63.

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

MOTION DECLARED CARRIED

9. ORDINANCE - AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR A FAST FOOD ESTABLISHMENT - PATIO RETAIL CENTER - 7444-7450 SOUTH KINGERY HIGHWAY

Planner Hage noted that the item before the Board was a request for a Special Use Permit for a fast food establishment in the Patio Retail Center. The Plan Commission held a public hearing regarding the Special Use Permit application and recommended the Village Board to grant the special use. The Staff supported the request.

Trustee Schoenbeck inquired if there were any businesses or residents at the Plan Commission hearing that made any objections to this. Planner Hage responded there were none.

Trustee Schoenbeck requested for items like this one could there be a line item noting that the Plan Commission heard no objections or something to that effect so that the Board would know if there were any residents or businesses that had objections at the hearings. He felt the Board would then be able to contact the Village Administrator or Planner and ask what the objections were. Staff agreed that would be done for future items.

MOTION: Made by Trustee Schoenbeck, seconded by Trustee Mistele, to pass Ordinance No. 08-O-27.

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

MOTION DECLARED CARRIED

10. DISCUSSION AND MOTION - PLAN COMMISSION RECOMMENDATION OF A PETITION FOR REZONING TO THE R-3 DISTRICT, APPROVAL OF A FINAL PLAT OF SUBDIVISION AND A VARIATION FROM THE ZONING ORDINANCE - FOTINO SUBDIVISION - MARIO FOTINO - 209 W. 58TH PLACE

Planner Hage advised the Board that this item was an application for a Final Plat of Subdivision, rezoning from the R-1 District to the R-3 District and a lot depth variation from the Zoning Ordinance for the property at 209 W. 58th Place. The Plan Commission held a public hearing on this application and there were no objections raised at the hearing. The Plan Commission recommended the Village Board approve the application.

MOTION: Made by Trustee Schoenbeck, seconded by Trustee Kelly, to accept the Plan Commission recommendation and direct the Village Attorney to prepare the necessary Ordinance.

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

MOTION DECLARED CARRIED

11. MOTION - A MOTION TO APPROVE THE CALENDAR YEAR 2009 PAYMENT TO IRMA AND TO AUTHORIZE THE APPLICATION OF MONIES FROM THE VILLAGE'S EXCESS SURPLUS FUND TO THE 2009 PREMIUM AND TO APPROVE THE DISTRIBUTION OF THE CREDIT AMOUNT TO THE ELIGIBLE EMPLOYEES

Administrator Modaff informed the Board that the Village receives from IRMA an annual premium invoice for the following calendar year typically in late November or early December. The premium is calculated based on our revenue. Based on our revenue, we get a premium calculation adjusted based on claim experience for the three most recent complete calendar years, 2005, 2006 and 2007. The Village could either get a debit, which means we would have to pay more premiums because of bad experience, or we get a credit which then returns some money to the Village because of good experience. The Village has long held a safety incentive program that distributes the premium credit, if and when it is issued by IRMA, to the eligible employees.

Trustee Schoenbeck commented that as in years past, he appreciates the fact that the employees are entitled to a portion of this \$37,000 amount; however, he believed the \$37,000 should be divided between the employees and the taxpayers. He

noted that if there is a debit the taxpayers pick up the full 100% and we do not go back to the employees and ask them for 50% of that debit if that occurs. When there is a credit 100% is given to the employees. He further noted that there have been times when the Village has purchased safety related items to make the job safer either by the suggestion of an employee or by the suggestion of a supervisor; that costs the Village and taxpayers money. It is a two-fold safety related program; the Village has to purchase items to make their jobs safer and on the flipside we need the cooperation of the employees as well. Trustee Schoenbeck felt it was more appropriate for the Board in taking care of our constituents to split the amount in giving the employees half and put half back in the General Fund.

Administrator Modaff reminded the Board that when the safety day was eliminated last year, it kicked into effect a process the Village had to go through with the Police Union. The Police Union objected to the elimination of the safety day and subsequently filed action with the Illinois Labor Board and it is still before the Labor Board. Administrator Modaff advised he had confirmed with the Village's Labor Attorney, Mr. Jacoby, that amending the program further while a portion of it is already in front of the Labor Board would not look good for the Village and may in fact be seen as retaliation while part of the program is still under consideration.

Acting President Napoli noted that the attorney is basically saying not to make any changes at the present time.

Trustee Schoenbeck inquired if this was a discretionary item in the employee manual.

Administrator Modaff responded in the section of the employee manual that was attached it does require Board approval prior to the end of the year.

Trustee Schoenbeck further inquired is what the Board does discretionary or is there something in the manual that if there is a credit it is handled this way. He thought at one point they were told the program was a discretionary program. It requires approval by the Board for the funds to divide up but it is discretionary.

Administrator Modaff responded that it is discretionary in the sense it does require Board approval and it is not automatic. However, with the discretion the Board may exercise, if the Board chooses to make changes to the program, wherein from here on you would only give 50% of the award, the Board again would

have to go back to the Police Union, advise them of your intentions, seek their feedback, consider it, get back to the Union and make your final decision. To the extent that it is discretionary, there are still some confinements on how much discretion the Board can exercise.

Acting President Napoli suggested that if the Board approved this tonight, he recommended that we send the item to the Finance and Administration Committee to let them study it and come back to the Board in the next budget process.

Trustee Mistele asked what the Village had in the budget to pay this premium per IRMA.

Director Stanish responded that it will come in on budget; this program does not cost the Village any more than what is in the budget.

Acting President Napoli asked if the Board wished this item to go to the Finance and Administration Committee.

MOTION: Made by Trustee Mistele, seconded by Trustee Baker, to have the Finance and Administration Committee review this item.

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

MOTION DECLARED CARRIED

12. DISCUSSION - SPACE NEEDS - VILLAGE HALL AND POLICE DEPARTMENT

Administrator Modaff advised the Board that this item was brought to them via the Municipal Services Committee, which reviewed it this evening. The Staff is asking for direction from the Board this evening because it will help in putting together our budgets. A contract was awarded to Williams Architects in May 2008 in order to study the space needs of the Police, Village Hall and Parks & Recreation. Four options were identified for expanding the current facility and estimated what it might cost to construct a new facility by the Public Works building.

Administrator Modaff informed the Board that the FY2010 budget is being prepared by Staff and with the first phase of the planned architectural work complete, a decision on how to

proceed is needed. Staff identified several options for the Board's consideration:

Option 1 - Continue Planning - Select one or more options identified by Williams Architects and conduct further architectural planning and design work towards selecting a final option in this fiscal year.

Option 2 - Place On Hold - Due to the current economy, place this matter on hold for one year and revisit it during budget preparation next year and make temporary file storage accommodations in the current public works garage.

Option 3 - Abandon Expansion/Meet Basic Needs - Abandon plans for a new/expanded facility and address basic space needs on the current site.

Administrator Modaff noted the Staff recommended Option 2, which would allow the Village to watch the economy for a year and bank the left over money from the architectural budget and then make temporary accommodations in the existing public works garage. In a year or 18 months, when there is a better idea how the economy looks, the Board can make more decisive plans with regard to space needs and financial needs.

Trustee Mistele related that this was reviewed in the Municipal Services Committee and appraisals run on the property are a variable in the equation. Given the current economy and the current real estate market, it is wiser for Willowbrook to sit back and wait. He felt during the budgeting process that some funds should be set aside for onsite remodeling in the FY09-10 budget.

Acting President Napoli asked to clarify that the Municipal Services Committee is in support of Option 2. Trustee Mistele responded yes.

Trustee O'Connor asked if the \$60,000 for the proposed remodeling was a firm estimate since it seemed like a lot of money for a temporary accommodation.

Administrator Modaff responded that it is not a firm estimate; the only firm estimate was \$10,000 to provide the HVAC system needed in the garage. There is still a debate regarding either abandoning the overhead doors and seal them up or do we just lock them down and provide insulation. There is hardware to be replaced, cabinetry and shelving that would need to be purchased, chain link security that will need to be provided for

certain files and transporting all the files to the garage. Administrator Modaff felt the \$60,000 was more than what will be needed.

Acting President Napoli noted that before any money is spent, Staff would come back to the Board with a plan and the cost that would go through Committee.

Trustee Schoenbeck asked if he understands it correctly that the \$60,000 does include any architectural plus the actual build out or the work we have to do. Administrator Modaff responded that was correct.

Trustee Schoenbeck asked if it was determined if any space would be available either in the mezzanine or at the new public works facility for any storage.

Administrator Modaff responded that some of what is stored over at old Gower School is public works related and would be occupying a good part of the mezzanine space, leaving little available room.

Trustee Schoenbeck inquired what the approximate percentage of space would be used by public works, 12% or 30%. Administrator Modaff responded that it is closer to 100% of the mezzanine space that Director Halik and his crew can occupy.

MOTION: Made by Trustee Schoenbeck, seconded by Trustee Mistele, to approve Staff recommendation of Option 2.

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

MOTION DECLARED CARRIED

OLD BUSINESS

13. COMMITTEE REPORTS

Trustee Baker had no report.

Trustee Kelly had no report.

Trustee Mistele reported that the Committee approved change orders for the public works garage. Last month there was a request for about \$80,000 as an allowance item for winter conditions on the project. The claim was for additional costs for fuel, temporary tenting and additional scaffolding so the

masonry work could continue through the cold weather. Trustee Mistele wanted the Board to be aware of a request to have, with Administrator Modaff and Director Halik, the discretionary ability to spend about \$30,000 in what is believed to be \$10,000 increments, if necessary. There has been extraordinary cold weather for this time of the year over the last couple of weeks but there has also been progress on the maintenance facility. The issue is being able to complete the high bearing masonry walls by January 12 and in order to do that, we have to monitor the weather. Trustee Mistele asked the Board to support the ability of Administrator Modaff and Director Halik to support the contractor should the cold weather continue by allowing for additional costs in temporary enclosures and heating and fuel on site to the amount of \$30,000. This would not be done without polling Board members.

Trustee Schoenbeck asked if this is something the Board can do?

Administrator Modaff responded that this situation was not unlike this summer when the roof top unit went out and he signed a purchase order to get the unit replaced and then came at the very next meeting and asked the Board to ratify what he approved already. In this case, there would more notice but at the same time we are hesitant to ask for formal approval to spend the \$30,000 because then we may send a signal that it is approved and the contractor would get the money. There are some variables such as the weather, delivery of the steel and the progress they are able to make on their own, albeit slow, with the remedial winter condition facilities they have set up.

Trustee Schoenbeck asked Trustee Mistele if in his opinion the Village was getting at least if not more value than the \$30,000 by continuing the work and leaving that ability up to the manager. Trustee Mistele responded yes if we needed it.

Trustee O'Connor asked, if we do not continue the masonry work, if the whole project gets pushed out and we do not meet deadlines. What is the end result if you don't, is it delayed?

Trustee Mistele responded generally, yes, the completion of the project could be delayed. We anticipated the shell would be up and enclosed by this time of the year. It would be great if we can get the masonry at the bearing elevation by January 12 without having to go through the expenditure. He anticipates with the weather, the Board may be asked to support additional costs on site. This allows our management to have the flexibility between now and the next Board meeting.

The consensus of the Board was to support the Municipal Services Committee recommendation.

Trustee Schoenbeck had no report.

Trustee O'Connor had no report.

14. ATTORNEY'S REPORT

Village Attorney Reinke had no report.

15. CLERK'S REPORT

Village Clerk Hansen had no report.

16. ADMINISTRATOR'S REPORT

Administrator Modaff had no report.

17. EXECUTIVE SESSION

There was no need for an executive session.

18. ADJOURNMENT

Acting President Napoli wished everyone a Merry Christmas and happy, healthy New Year and his best to their families.

MOTION: Made by Trustee Mistele, seconded by Trustee Schoenbeck, to adjourn the regular meeting at the hour of 8:12 p.m.

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

MOTION DECLARED CARRIED

PRESENTED, READ and APPROVED,

January 12, 2008

Robert A. Napoli
Acting Village President

Minutes transcribed by Mary Partyka.