

Village of Lombard

*Village Hall
255 East Wilson Ave.
Lombard, IL 60148
villageoflombard.org*



Minutes

Thursday, July 16, 2015

4:00 PM

Village Hall Board Room

Village Board of Trustees

Village President Keith Giagnorio

Village Clerk Sharon Kuderna

Trustees: Dan Whittington, District One; Mike Fugiel, District Two;

Reid Foltyniewicz, District Three; Bill Johnston, District Four;

Robyn Pike, District Five; and Bill Ware, District Six

I. Call to Order and Pledge of Allegiance

The rescheduled regular meeting of the President and Board of Trustees of the Village of Lombard held on Thursday, July 16, 2015 in the Board Room of the Lombard Village Hall was called to order by Village President Keith Giagnorio at 4:01 p.m. Village Clerk Sharon Kuderna led the Pledge of Allegiance.

II. Roll Call

- 7 - Keith Giagnorio, Sharon Kuderna, Dan Whittington, Mike Fugiel, Reid Foltyniewicz, Bill Johnston, and Robyn Pike
- 1 - Bill Ware

III. Public Hearings

[150299](#)

BOT 15-01: Woodmoor Subdivision (formerly Ken Loch Golf Course) 1S601 Finley Road

Public Hearing to consider a proposed Utility Service and Development Agreement (the "Agreement") between the Village and Woodmoor Development, LLC, relative to the property located at 1S601 South Finley Road, Lombard, Illinois, (previously known as the Ken Loch Golf Course Property). (UNINCORPORATED)

The Public Hearing relative to BOT 15-01: Woodmoor Subdivision formerly known as Ken Loch Golf Course, 1S601 Finley Road was called to order at 4:02 pm by Village Attorney Tom Bayer. It was noted that the notice was published in the paper on July 1, 2015. Village Manager Scott Niehaus provided the following Power Point presentation:

The golf course is closed and the property remains largely vacant. There are two wetland areas on the property totaling approximately one acre. In December 2013, DuPage County approved a proposal by DonVen Homes to redevelop the Ken Loch Golf Course property. The project is referred to as the Woodmoor Development. This project will consist of 288 apartment units in four buildings and 100 townhome units. The property will remain unincorporated and will be developed under DuPage County regulations. DonVen Homes is completing their final engineering plans. The developer initiated discussion with the Village to explore public water and sanitary sewer connections in lieu of connecting to Illinois American utilities in the Butterfield East Subdivision. Staff has regularly met with the developer's team to create an agreement that would be of mutual benefit. Staff engaged elected officials and neighbors and sought ways in which the development could address past concerns which culminated in the utility service and development agreement. Key aspects of this agreement are as follows: DonVen can connect to the

Village's watermain and sanitary sewer lines for their project. Public watermains and sanitary sewer lines will be developed per Village specifications and would be accepted upon completion of the project. Future utility customers would be billed at a 1.5 times in-Village rate for water, consistent with other unincorporated areas. DonVen will dedicate a tract for the purpose of addressing neighboring stormwater issues. DonVen will construct an additional detention facility and connect existing storm sewer lines. The existing trail network along the west side of the Knolls of Yorktown Subdivision (east of the development) will be reconstructed primarily on the DonVen site and per Village specifications. Key aspects of this agreement are as follows: DonVen homes would receive a credit for the value of: the Lot 1 land being used for the benefit of off-site stormwater; the pathway reconstruction improvements; additional landscaping to address resident concerns; selected Village engineering review and inspection fees and tap-on fees. Roadway improvements: DonVen Homes will be required to secure approval for any needed improvements within the adjacent Finley Road right-of-way from the Village. Woodmore Drive would remain under York Township maintenance control while the property remains unincorporated. The existing intersection at Oak Creek Drive and Finley will be modified from a three-way to a four-way intersection with companion roadway and signal modifications. A second right-in, right-out entrance will also be provided. Construction Activity: DonVen Homes is finalizing the engineering plans for the site. Construction is anticipated to begin later this year. Construction activity within the Knolls of Yorktown and Yorktown Woods areas would be limited to those vehicles that are undertaking engineering work on the far eastern end of the project as well as within the existing subdivisions. The apartment and townhome construction activity will access the site from Finley Road. DonVen Homes, DuPage County officials and the Village have all committed to an ongoing communications effort through the construction process. Additionally, County staff has also expressed their support to have Village staff be a part of any ongoing wetland and stormwater maintenance and inspection efforts. Other pertinent Items: Lombard is not being asked to approve the development itself, only a utilities agreement associated with the development. Regardless of whether this agreement is approved or not, the development can still proceed through the past DuPage County approvals. This agreement does provide the opportunity for incorporated residents to receive benefits that they otherwise would not receive. DuPage County will require the developer to pay all impact fees, including school and park donations, independent of this agreement. The agreement is not an annexation agreement and ensures that the property is not annexed prior to June, 2019, without mutual consent. After that date, it is completely up to the Village to determine if annexation is desired. While the property remains under County jurisdiction, police services would be provided

by the Sheriff's Office and permits for the development would be issued by DuPage County. Fire protection services would be provided by the Lombard Fire Department, through an existing Glenbard Fire Protection Agreement. Transparency: Village staff and Trustee Foltyniewicz met regularly with surrounding residents since spring of 2014 and continually throughout the process to engage them in development of this agreement. The Village is voluntarily holding this public hearing which is not a requirement of Village Code. Public notices were sent to the Lombardian. The Village voluntarily sent notices to taxpayers of record to properties east of the site, along and nearby Collen Drive, the Cove Landing Association and properties along Finley Road. Actions to be taken: Final consideration of the utilities agreement by the Village Board. Consideration of the Final Plat of Subdivision for the project. This provides for the division of land and any property-related dedication rights to be placed against the property. Lombard's approval is required through extraterritorial powers granted by the State. Plat assumes approval of the rights and obligations set forth within the agreement.

Trustee Reid Foltyniewicz spoke of his goals relative to the development of this site - communication to the neighboring residents and getting the best deal for Lombard residents. He indicated the development has already been approved by DuPage County. He spoke of the numerous meetings with residents and the developers and about the hopes for addressing the flooding issues in the area. He reminded residents to call him with any questions.

Nancy Schukat thanked the Village officials and staff for their communication efforts.

Dawn Septeowski also thanked Village officials and staff.

Donna Busching asked questions relative to the old and new path; asked who would install the new path and felt the new path would need to be installed on a berm due to flooding.

It was noted that the developer will install the path and the Village will maintain the path. The developer will need to submit final plans to the County and the Village. It was noted that new stormwater lines should help alleviate flooding of the eight-foot wide path.

Being that there were no other persons wanting to speak, the Public Hearing was closed at 4:24 pm.

IV. Public Participation

V. Approval of Minutes

A motion was made by Trustee Dan Whittington, seconded by Trustee Bill Johnston, that the minutes of the regular meeting of the President and Board of Trustees held on June 18, 2015 be approved. The motion carried by the following vote:

Aye: 5 - Dan Whittington, Mike Fugiel, Reid Foltyniewicz, Bill Johnston, and Robyn Pike

Absent: 1 - Bill Ware

VI. Committee Reports

Community Promotion & Tourism - Trustee Mike Fugiel, Chairperson

No report

Community Relations Committee - Trustee Robyn Pike, Chairperson

No report

Economic/Community Development Committee - Trustee Bill Johnston, Chairperson

Trustee Bill Johnston, Chairperson of the ECDC, reported the committee met to set goals for the year. He noted the committee was open to suggestions from the Board. He reported that LTC indicated they hoped to have eight new businesses open before the end of the year; 700 people had attended the Blackhawks viewing event downtown; 10 businesses donated raffle prizes for the event; over 1400 attended Ale Fest.

Finance & Administration Committee, Trustee Reid Foltyniewicz, Chairperson

No report

Public Safety & Transportation Committee - Trustee Dan Whittington, Chairperson

Trustee Dan Whittington, Chairperson of the Public Safety & Transportation Committee, reported the committee had met. The restructuring of the committee has added new responsibilities. Both the Police and Fire Departments made presentations to the committee.

**Public Works & Environmental Concerns Committee - Trustee Bill Ware,
Chairperson**

Director of Public Works Carl Goldsmith indicated that the committee had met. The committee approved four change orders, three of which are on the agenda, and reviewed the first draft of the 2016-2025 CIP. The second draft of the CIP will be reviewed at the next meeting.

Board of Local Improvements - Trustee Bill Ware, President

No report

Lombard Historical Commission

No report

VII. Village Manager/Village Board Comments

Village Clerk Sharon Kuderna read the following announcements: Sacred Heart German Fest begins tonight and runs through Sunday and Cruise Nights is held every Saturday in downtown Lombard through August 29th.

VIII Consent Agenda

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Payroll/Accounts Payable

- A. [150293](#) **Approval of Village Payroll**
For the period ending June 13, 2015 in the amount of \$767,364.68.
This Payroll/Accounts Payable was approved on the Consent Agenda
- B. [150294](#) **Approval of Accounts Payable**
For the period ending June 19, 2015 in the amount of \$1,444,182.26.
This Payroll/Accounts Payable was approved on the Consent Agenda
- C. [150297](#) **Approval of Accounts Payable**
For the period ending June 26, 2015 in the amount of \$424,188.45.
This Payroll/Accounts Payable was approved on the Consent Agenda
- D. [150301](#) **Approval of Village Payroll**

For the period ending June 27, 2015 in the amount of \$768,548.66.

This Payroll/Accounts Payable was approved on the Consent Agenda

E. [150302](#)

Approval of Accounts Payable

For the period ending July 3, 2015 in the amount of \$1,974,322.05.

This Payroll/Accounts Payable was approved on the Consent Agenda

F. [150312](#)

Approval of Accounts Payable

For the period ending July 10, 2015 in the amount of \$2,059,903.20.

This Payroll/Accounts Payable was approved on the Consent Agenda

Ordinances on First Reading (Waiver of First Requested)

G. [150248](#)

PC 15-15: 338 S. Martha Court - Request for a Resubdivision and Associated Variance

Pursuant to Section 154.203 (E) of the Lombard Subdivision and Development Ordinance, the petitioner requests that the Village grant approval of a plat of resubdivision with a variation from Section 155.407 (D) of the Lombard Zoning Ordinance to reduce the required minimum lot area from 7,500 square feet to 6,660 square feet for both proposed Lot 1 and proposed Lot 2 located at 338 S. Martha Court within the R2 Single Family Residential Zoning District. (DISTRICT #5)

This Ordinance was waived of first reading and passed on second reading with suspension of the rules on the Consent Agenda

Enactment No: Ordinance 7098

H. [150259](#)

ZBA 15-08: 1057 Daniel Court

Requests that the Village approve a variation from Section 155.407(F) (4) of the Lombard Zoning Ordinance to reduce the required rear yard setback from thirty-five feet (35') to twenty five feet (25') for the subject property located within the R2 Single-Family Residential Zoning District. (DISTRICT #2)

This Ordinance was waived of first reading and passed on second reading with suspension of the rules on the Consent Agenda

Enactment No: Ordinance 7099

I. [150305](#)

Amending Title 11, Chapter 112, Section 112.13 (A) of the Lombard Village Code - Alcoholic Beverages

Revising the Class "A/B-III" liquor license category to reflect a change of more than 50% of the ownership interest of T.G.I. Friday's Inc. to Central Florida Restaurants, Inc. d/b/a T.G.I. Friday's located at 601 E. Butterfield Road. (DISTRICT #3)

This Ordinance was waived of first reading and passed on second reading with suspension of the rules on the Consent Agenda

Enactment No: Ordinance 7100

- J. [150316](#) **Amending Title 11, Chapter 112, of the Lombard Village Code - Alcoholic Beverages**
Revising the Class "M" liquor license category to reflect a transfer of assets and a change in ownership interest of J. Richard Oltmann Enterprises, Inc. d/b/a Enchanted Castle to FPS, LLC d/b/a Enchanted Castle located at 1103 S. Main Street. (DISTRICT #6)

This Ordinance was waived of first reading and passed on second reading with suspension of the rules on the Consent Agenda

Enactment No: Ordinance 7101

Other Ordinances on First Reading

- K. [150258](#) **ZBA 15-07: 720 E. Prairie Avenue**
Requests that the Village grant approval of a variation from Section 155.407 (F)(3) of the Lombard Zoning Ordinance to reduce the minimum interior side yard setback to four feet (4') where six feet (6') is required, to allow for an emergency generator unit within the R2 Single-Family Residence District (LaVere's Pleasant Avenue Subdivision). (DISTRICT #4)

This Ordinance was passed on first reading on the Consent Agenda

Enactment No: Ordinance 7110

Ordinances on Second Reading

- L. [150178](#) **Text Amendment to the Historical Commission Ordinance**
Approving Text Amendments to the Lombard Historical Commission Ordinance Title 3, Chapter 32, Article 6, Section 32.079. (DISTRICTS - ALL)

This Ordinance was passed on second reading on the Consent Agenda

Enactment No: Ordinance 7102

- M. [150238](#) **PC 15-11: 800 Parkview Boulevard, Soaring Eagle Academy**
Requests that the Village grant a conditional use, pursuant to Section 155.412 (C) (19) of the Zoning Ordinance, to allow for Schools, private, full-time: Elementary, middle, and high within the O Office District. (DISTRICT #2)

This Ordinance was passed on second reading on the Consent Agenda

Enactment No: Ordinance 7103

Resolutions

- N.** [150295](#) **Fuel Station, Change Order No. 3**
Reflecting an increase to the contract with Accurate Tank in the amount of \$77,843.55. (DISTRICT #6)
This Resolution was adopted on the Consent Agenda
Enactment No: R 52-15
- O.** [150296](#) **Third Amendment to the Intergovernmental Agreement with York Township**
The amended IGA would allow the York Township Highway Commissioner to resurface 20th Street between Highland Avenue and Main Street. (DISTRICT #3)
This Resolution was adopted on the Consent Agenda
Enactment No: R 53-15
- P.** [150298](#) **Construction on State Maintained Rights of Way**
Resolution in lieu of submission of a Surety Bond to cover work performed by municipal employees within the State right-of-way. (DISTRICT ALL)
This Resolution was adopted on the Consent Agenda
Enactment No: R 54-15
- Q.** [150304](#) **Lombard Meadows, Phase 2, Change Order No. 2**
Reflecting an increase to the contract with RW Dunteman Company in the amount of \$21,734.00. (DISTRICT #6)
This Resolution was adopted on the Consent Agenda
Enactment No: R 55-15
- Q-2.** [150300](#) **Utility Service and Development Agreement between the Village and Woodmoor Development, LLC**
Authorizing the execution of a Utility Service and Development Agreement between the Village and Woodmoor Development, LLC, relative to the property located at 1S601 South Finley Road, Lombard, Illinois, (previously known as the Ken Loch Golf Course Property). (UNINCORPORATED)
This Resolution was adopted on the Consent Agenda
Enactment No: R 56-15
- Q-3.** [150315](#) **Amendment to Village Manager's Contract**
Resolution approving a First Amendment to the Village Manager's Contract relative to car allowance.
This Resolution was adopted on the Consent Agenda

Enactment No: R 57-15

Other Matters

- R. [150240](#) **FY2015 Pavement Markings**
Request for a waiver of bids and award of a contract to Superior Road Striping in an amount not to exceed \$29,554.55. Public Act 85-1295 does not apply. (DISTRICTS - ALL)
This Bid was approved on the Consent Agenda
- S. [150272](#) **Proposed Revision to the Private Property Flooding Policy**
Recommendation of of the Public Works Committee to approve the revised policy based on reimbursing up to \$50 per residence. (DISTRICTS - ALL)
This Request was approved on the Consent Agenda
- T. [150277](#) **SUB 15-02: 1S535 Finley Road, Woodmoor Subdivision**
Final unincorporated plat of subdivision for the former Ken Loch golf course property. (UNINCORPORATED)
This Request was approved on the Consent Agenda
- U. [150314](#) **Contract With Dynegy Energy Services**
Motion to ratify a contract with Dynegy Energy Services for a three (3) year period, for the provision of electrical energy for street lighting.
This Request was approved on the Consent Agenda
- V. [150320](#) **Appointments and Re-appointments - Various Village Committees**
Request for concurrence in the appointments and re-appointments to the Community Promotion & Tourism Committee, Community Relations Committee, Economic & Community Development Committee, Finance & Administration Committee, Public Safety & Transportation Committee, Public Works & Environmental Concerns Committee, Board of Fire & Police Commissioners, Board of Local Improvements, Electrical Commission, Fire Pension Board of Trustees, Plan Commission, Police Pension Board of Trustees and Zoning Board of Appeals.
This Appointment was approved on the Consent Agenda

Approval of the Consent Agenda

A motion was made by Trustee Mike Fugiel, seconded by Trustee Dan Whittington, to Approve the Consent Agenda The motion carried by the following vote

Aye: 5 - Dan Whittington, Mike Fugiel, Reid Foltyniewicz, Bill Johnston, and Robyn Pike

Absent: 1 - Bill Ware

IX. Items for Separate Action

Ordinances on First Reading (Waiver of First Requested)

Other Ordinances on First Reading

Ordinances on Second Reading

Resolutions

Other Matters

X. Agenda Items for Discussion

XI. Executive Session

A motion was made by Trustee Reid Foltyniewicz, seconded by Trustee Bill Johnston, that the rescheduled regular meeting of the President and Board of Trustees held on Thursday, July 16, 2015 in the Board Room of the Lombard Village Hall be recessed to Executive Session at 4:35 p.m. for the purpose of Collective Negotiating Matters and Setting the Price for the Sale or Lease of Property Owned by the Village. The motion carried by the following vote:

Aye: 5 - Dan Whittington, Mike Fugiel, Reid Foltyniewicz, Bill Johnston, and Robyn Pike

Absent: 1 - Bill Ware

XII. Reconvene

The recessed regularly scheduled meeting of the President and Board of Trustees held on Thursday, July 16, 2015 in the Board Room of the Lombard Village Hall was called to order by Village President Keith Giagnorio at 5:39 p.m. Upon roll call by Village Clerk Sharon Kuderna the following were:

8 - Keith Giagnorio, Sharon Kuderna, Dan Whittington, Mike Fugiel, Reid Foltyniewicz, Bill Johnston, Robyn Pike, and Bill Ware

XIII Adjournment

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A motion was made by Trustee Reid Foltyniewicz, seconded by Trustee Bill Johnston, that the rescheduled regular meeting of the President and Board of Trustees of the Village of Lombard held on Thursday, July 16, 2015 in the Board Room of the Lombard Village Hall be adjourned at 5:40 p.m. The motion carried by the following vote:

Aye: 6 - Dan Whittington, Mike Fugiel, Reid Foltyniewicz, Bill Johnston, Robyn Pike, and Bill Ware