

Village of Lombard

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



Meeting Minutes

Thursday, June 17, 2010

7:30 PM

Village Hall Board Room

Village Board of Trustees

Village President: William J. Mueller

Village Clerk: Brigitte O'Brien

*Trustees: Greg Gron, District One; Keith Giagnorio, District Two;
Zachary Wilson, District Three; Dana Moreau, District Four;
Laura Fitzpatrick, District Five; and Bill Ware, District Six*

I. Call to Order and Pledge of Allegiance

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The regular meeting of the President and Board of Trustees of the Village of Lombard was called to order by Village President William J. Mueller at 7:33 pm, Thursday, June 17, 2010 in the Board Room of the Lombard Village Hall. Village Clerk Brigitte O'Brien led the Pledge of Allegiance.

II. Roll Call

[Play Video](#)

Present: Village President William J. Mueller, Village Clerk Brigitte O'Brien, Trustee Greg Gron, Trustee Zachary Wilson, Trustee Dana Moreau, Trustee Laura Fitzpatrick and Trustee Bill Ware

Staff Present:

Village Manager David Hulseberg

Director of Finance Tim Sexton

Director of Community Development Bill Heniff

Director of Public Works Carl Goldsmith

Deputy Chief of Police Pat Rollins

Acting Fire Chief Mike Torrence

Fire Marshall Jerry Howell

Executive Coordinator Carol Bauer

President Mueller congratulated Glenbard East and Willowbrook as both schools had been named in the top 6% in the nation.

III. Public Hearings

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[100314](#)

BOT 10-02: 1210 S. School Street

A Public Hearing regarding a proposed Annexation Agreement for the property located at 1210 S. School Street (UNINCORPORATED/DISTRICT #6)

The Public Hearing regarding BOT 10-02 for 1210 S. School Street, was called to order by Village Attorney Tom Bayer at 7:42 pm. Village Attorney Tom Bayer indicated this was a Public Hearing regarding a proposed Annexation Agreement for the property located at that address. He asked if anyone wanted to speak for or against this matter. Being no one spoke, the Public Hearing was closed at 7:43 pm.

IV. Public Participation

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[100335](#)

Presentation - Glenbard East High School State Champions

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Village President Mueller indicated that Glenbard East had won a State Championship in the 4 x 800 Meter Relay. He called Glenbard East High School Coach Jack Brady to the front.

Coach Brady called Brad Magnosta, Jim Peters, and Mike Fahey to the front. He noted

that Luke Chvatal was not able to be at the meeting as he was enjoying his graduation present, a trip to France.

President Mueller presented certificates to each of the members.

Coach Brady indicated that the team had broken the school record that had been set in 1977.

Jim Peters stated the team members were all seniors and it was great that they had won.

Mike Fahey spoke of working hard for four years and winning.

Brad Magnetta stated the hard work was now worth it.

President Mueller invited Superintendent Mike Meissen to the front.

100325

Proclamation - Jeanne Horn Day

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Village Clerk Brigitte O'Brien read the proclamation for Jeanne Horn Day.

Village President Mueller called former Villa Park Village President Rae Rupp Srch to the front. He noted that Ms. Rupp Srch was very active with the Tri Town Y.

Rae Rupp Srch called Jeanne Horn to the front. She stated the Y held an Open House the night before in honor of Jeanne's retirement and that so many people had attended.

President Mueller noted that he had just learned that her name was actually Bonnie Jeanne. She talked about the second generation of families that she is now seeing.

She felt the Y was doing something right for the children. She indicated she was blessed with a great staff and thanked everyone.

President Mueller indicated that Jeanne will be missed. He talked about the programs that the Y had provided for children. He wished Jeanne health and happiness.

100329

***Appointment - Trustee District #2 Replacement**

Motion appointing Keith Giagnorio to fill the remainder of the Trustee District #2 term of office until May 2011.

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Village President Mueller requested Village Board concurrence in the appointment of Keith Giagnorio to fill the vacancy as Trustee of District #2 on the Lombard Village Board created due to the death of Trustee Tross. He stated that 8 residents had submitted applications. He did conduct interviews and was recommending Keith Giagnorio for the position. He stated Keith has been involved in the community for many years and had experience by serving on the Economic & Community Development Committee. He was also serving on the Park Board and was the current President. He spoke of the great working relationship that the Village has had with the Park District. He talked about the accomplishments and the intergovernmental agreement with the Park District regarding Sunset Knolls Park parking lot. He stated he talked to Keith regarding the Park District building a skateboard park in Lombard. He requested concurrence of the Village Board in the appointment of Keith Giagnorio to fill the vacancy as Trustee for District #2 until May 2011.

It was moved by Trustee Ware, seconded by Trustee Wilson, that this matter be approved. The motion carried by the following vote:

Aye: 5 - Gron, Wilson, Moreau, Fitzpatrick and Ware

Village Clerk Brigitte O'Brien issued the Oath of Office to Keith Giagnorio.

Keith Giagnorio thanked the Village Board for their support and stated he was looking forward to serving the residents in District #2. He introduced his family and friends. He indicated he was excited and hoped that he could meet the expectations of the Village Board. He stated he was grateful to be at the meeting to be sworn in. He noted his phone has rung more this past week than on Friday night at the pizza shop. He

indicated he was anxious to meet all of the staff and employees. He talked about the unique situation. He noted that even though he and Trustee Dick Tross did not always see eye-to-eye, he admired him for his determination, preparedness, leadership and enthusiasm. He felt there was a time and a place to move on and felt the Village needed to do that.

He stated that Mike Kuderna will take over his position on the Park Board. He thanked everyone and indicated if any of the residents did not know him to stop by.

Present: Village President William J. Mueller, Village Clerk Brigitte O'Brien, Trustee Greg Gron, Trustee Keith Giagnorio, Trustee Zachary Wilson, Trustee Dana Moreau, Trustee Laura Fitzpatrick and Trustee Bill Ware

V. Approval of Minutes

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It was moved by Trustee Wilson, seconded by Trustee Fitzpatrick, to approve minutes of the Special Meeting of April 1, 2010 and the minutes of the regular meeting of June 3, 2010 The motion carried by the following vote:

Aye: 6 - Gron, Giagnorio, Wilson, Moreau, Fitzpatrick and Ware

VI. Committee Reports

Community Relations Committee - Trustee Laura Fitzpatrick, Chairperson

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Trustee Laura Fitzpatrick, Chairperson of the Community Relations Committee, reported that she was not able to attend the last meeting due to her accident and that Trustee Ware filled in as chairperson. She noted that she was ready to pull the item on the Consent Agenda regarding ambulance fees, but the item had already been pulled by staff. She indicated the Community Relations will review. Trustee Fitzpatrick stated the last meeting was a joint meeting with the US Complete Count Committee. She indicated the committee had not received the final numbers, but that it appeared that 81% of residents had responded. The committee will be relieved of their duties as the census has been completed. She spoke of the committee recommendation of the President's Community Service Award to Julie Sparks and that the award had been given at the last Board meeting to allow publicity for the Relay for Life. She spoke of the senior housing project at St. Charles and Elizabeth and how this was really needed in the Village. She also felt this was a welcome addition to downtown Lombard. The next meeting is scheduled for July 12.

Economic/Community Development Committee - Trustee Bill Ware, Chairperson

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Trustee Bill Ware, Chairperson of the Economic & Community Development Committee, reported the committee had not met. The next meeting is scheduled for August 4. He noted that a recommendation from the committee was on the Consent Agenda regarding Lombard Town Center.

Environmental Concerns Committee - Trustee Dana Moreau, Chairperson

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Trustee Dana Moreau, Chairperson of the Environmental Concerns Committee,

reported the committee had not met. The next meeting is scheduled for June 22.

Finance Committee - Trustee Zachary Wilson, Chairperson

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Trustee Zach Wilson, Chairperson of the Finance Committee, reported the committee had met. The committee reviewed the Fleet Services staffing and noted the committee was comfortable with the report as submitted to them. The committee also reviewed the Financial Report for the period ending May 31, 2010. He thanked the committee members and stated they will be taking the summer off. The next meeting is scheduled for September.

Public Works Committee - Trustee Greg Gron, Chairperson

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Trustee Greg Gron, Chairperson of the Public Works Committee, reported the committee had met. He spoke of LED lights for the northwest area of Lombard and there were more competitive bids. The committee approved a decrease in the change order for sidewalks and aprons. The committee reviewed a proposed change to the driveway policy and recommended denial. The committee approved various change orders and also ratified various items. The next meeting is scheduled for July 13.

Transportation & Safety Committee - Trustee Zach Wilson, Chairperson

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President Mueller reported that newly-appointed Trustee Giagnorio will be taking over as Chairperson of the Transportation & Safety Committee and as Co-Chair of the Public Works Committee replacing Trustee Tross.

Trustee Wilson welcomed Acting Fire Chief Mike Torrence. He indicated the committee reviewed and approved a change in parking restrictions by Westmore School. He noted that they had also approved a pedestrian crosswalk to help alleviate problems for pedestrians trying to cross Wilson. He thanked the committee members as he stepped in as chairperson of the committee for the last few months. He welcomed Trustee Giagnorio. He stated the next meeting is scheduled for August 2.

Trustee Wilson indicated that he attended the Public Works Committee meeting and presented his request for a driveway variation. He indicated he appreciated the committee's review and serious consideration.

President Mueller thanked staff for their prompt action in moving forward on the pedestrian crosswalk.

Trustee Ware felt that this step had slowed down the traffic in that area.

Trustee Fitzpatrick indicated she had met with the principal at Westmore School along with Deputy Chief of Police Dane Cuny. The recommendations will be in place before the new school year begins.

Board of Local Improvements - Trustee Greg Gron, President

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Trustee Greg Gron, President of the Board of Local Improvements, reported the board had met and since the board had not met for a few months, several items were ratified at the meeting. The board also approved several change orders. The next meeting is scheduled for July 8.

Community Promotion & Tourism - President William J. Mueller, Chairperson

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President William Mueller, Chairperson of the Community Promotion and Tourism Committee, reported the committee had not met.

Lombard Historical Commission - Clerk Brigitte O'Brien

Village Clerk Brigitte O'Brien, member of the Historical Commission, reported that the commission had not met. The next meeting is scheduled for July 20.

US Census Complete Count Ad Hoc Committee - Trustee Laura Fitzpatrick, Chairperson

[Play Video](#)

This committee has been closed.

VII. Village Manager/Village Board Comments

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Village Manager David Hulseberg reported that former Fire Chief Ed Seagraves was on a planned family vacation. He thanked the Chief for his 25 years of service to the community, the Village and the Fire Department. He indicated the Chief had instituted many programs within the department. He felt the department was second to none. He indicated there will be opportunities for residents to express their appreciation to him in the coming months. He noted the Village will be utilizing Ed Seagraves as a consultant during the transition. He wished Ed and his family all of the best. He noted that Mike Torrence would be serving as Acting Fire Chief and thanked Mike. He stated Mike had 34 years on the department.

Trustee Moreau questioned if the Financial Report contained any bright spots. Director of Finance Tim Sexton felt the economy had bottomed out and hopefully will begin to improve.

Trustee Fitzpatrick expressed appreciation to Paramedics Adam Johnson and Brian Scudder as they responded to assist her after her fall and subsequent transportation to the hospital. She indicated they were great.

Trustee Moreau wished a friend of hers a happy birthday.

President Mueller congratulated Glenbard East and Willowbrook High Schools for placing in the top 6% of schools in the nation. He welcomed new businesses to the Village including Sphinx, Inc. located at 305 S. Main Street, providing computer sales and service. He welcomed Tom's Grill located at 1214 S. Highland. He stated 10-15 years ago Tom worked at Jolly's. He stated it was good to see new businesses coming to Lombard. He stated Kevin and Laura Fitzpatrick were involved through Bob Biggins office with a group of newspaper reporters and editors from foreign countries visiting Lombard. He spoke about Choose DuPage which was started by the DuPage County Community Development Department and was organized to promote development in DuPage County. He indicated that 50-75 participants met at the Westin recently for a leadership workshop. He noted various presentations were made as to what DuPage County has to offer to residents as well as businesses. He felt the session was interesting and hopefully will create more interest in development in DuPage County.

President Mueller spoke about the success of the Relay for Life and that over \$100,000 had been raised. He felt that was great in these tough economic times. He congratulated the Village employees who participated in the event.

VIII. Consent Agenda

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Trustee Gron clarified that the item on the agenda regarding LED lights was a separate item from that a few weeks ago.

Payroll/Accounts Payable

- A. [100318](#) **Approval of Accounts Payable**
For the period ending June 4, 2010 in the amount of \$407,299.06.
- This Matter was approved on the Consent Agenda.**
- B. [100333](#) **Approval of Village Payroll**
For the period ending June 5, 2010 in the amount of \$894,021.13.
- This Matter was approved on the Consent Agenda.**
- C. [100334](#) **Approval of Accounts Payable**
For the period ending June 11, 2010 in the amount of \$1,072,698.15.
- This Matter was approved on the Consent Agenda.**

Ordinances on First Reading (Waiver of First Requested)

- D. [080319](#) **PC 08-13: 19W471 Roosevelt Road and 351 E. Roosevelt Road (Lombard Crossing)**
Granting a time extension of Ordinance 6211, as amended by Ordinance 6344, extending the time period in which to start construction of the approved project at 19W471 Roosevelt Road and 351 E. Roosevelt Road for an additional 12-month period. (DISTRICT #6)
- This Matter was waived of first reading and passed on second reading with suspension of the rules on the Consent Agenda.**
- Enactment No:** Ordinance 6344 & 6495
- E. [100225](#) **Westmore School**
Request to establish No Parking zones and expand times for existing One-Way traffic on streets surrounding the school. (DISTRICT #5)
- This Matter was passed on first reading on the Consent Agenda.**
- Enactment No:** Ordinance 6496
- F. [100226](#) **Intersection of 17th Street and Norbury Avenue**
Staff request to install a one-way Stop on northbound Norbury. (DISTRICT #3)
- This Matter was passed on first reading on the Consent Agenda.**
- Enactment No:** Ordinance 6497

- G. [100322](#) **Ordinance Adopting the Current Prevailing Wages as of June 2010**
The Prevailing Wage Act, 820 ILCS requires that each public body file each calendar year its determination of the prevailing wages for laborers, mechanics and other workers employed in public works as defined by the act.

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

Enactment No: Ordinance 6498

- *G2. [100340](#) **Ordinance Amending Title 11 - Alarm Systems**
Ordinance establishing a fee of \$100 per false alarm after two false alarm calls in one year.

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

Enactment No: Ordinance 6499

Other Ordinances on First Reading

- *H. Ordinance Amending title 9 - Basic Life Support Fees (This item has been removed)
- *I. Ordinance Amending Title 11- Alarm Systems (Moved to VIII-G2 - Waiver of First Reading)

Ordinances on Second Reading

- J. [100247](#) **PC 10-05: Comprehensive Plan Amendment**
The petitioner, the Village of Lombard, requests the approval of amendments to the Village Comprehensive Plan pertaining to open space. (DISTRICTS - ALL)

This Matter was passed on second reading on the Consent Agenda.

Enactment No: Ordinance 6500

- K. [100271](#) **Ordinance Amending Title 3, Chapter 33 of the Lombard Village Code**
Reflecting changes made by the State of Illinois to the Foreign Fire Insurance Tax Board.

This Matter was passed on second reading on the Consent Agenda.

Enactment No: Ordinance 6501

Resolutions

- L. [100302](#) **2010 Driveway Apron, Curb, And Sidewalk Restoration Program, Final Balancing Change Order No. 2**
Authorizing a decrease in the amount of \$35,127.10 to the contract with Lorusso Cement Contractors, Inc.
- This Matter was adopted on the Consent Agenda.**
- M. [100305](#) **Civic Center Reservoir Facility Pump & Motor Rehab, Final Balancing Change Order No. 1**
Reflecting a decrease to the contract with Water Well Solutions Illinois Division, LLC in the amount of \$65,776.50. (DISTRICT #3)
- This Matter was adopted on the Consent Agenda.**
- Enactment No:** R 04-11
- N. [100312](#) **Route 53 Water & Sewer Replacement Project Design Engineering**
Approving a contract with Baxter and Woodman, Incorporated in the amount of \$181,824.00. (DISTRICT #1)
- This Matter was adopted on the Consent Agenda.**
- Enactment No:** R 05-11
- O. [100317](#) **Intergovernmental Agreement with York Township**
Authorizing the signatures of the President and Clerk on an Agreement with York Township regarding improvements to Madison Street. (UNINCORPORATED)
- This Matter was adopted on the Consent Agenda.**
- Enactment No:** R 06-11
- P. [100321](#) **Intergovernmental Agreement with the Lombard Park District**
Authorizing the signatures of the Village President and Clerk on an Intergovernmental Agreement between the Village of Lombard and the Lombard Park District relative to water payment costs associated with Paradise Bay Water Park. (DISTRICT #4)
- This Matter was adopted on the Consent Agenda.**
- Enactment No:** R 07-11
- Q. [100326](#) **PWO-1105 Street Light Maintenance Contract, Change Order No. 1**
Reflecting an increase to the contract with Meade Electric Company, Inc. in the amount of \$19,816.00 for the labor portion of the LED replacement program. (DISTRICT #1)
- This Matter was adopted on the Consent Agenda.**
- Enactment No:** R 08-11

*R. 300-310 S. Main Street (Prairie Path Villas) (Moved to IX-B)

S. [100331](#) **Agreement with Third Millennium Associates Inc.**
Authorizing the signature of the Village President on an Agreement with Third Millennium Associates Inc. for water bill printing and mailing services.

This Matter was adopted on the Consent Agenda.

Enactment No: R 09-11

Other Matters

T. [100316](#) **Area Reflective Crack Control Treatment**
Request for a waiver of bids and award of a contract to Tru-Seal, Inc. in the amount of \$39,360.22. Public Act 85-1295 does not apply. (DISTRICTS #1 & #6)

This Matter was approved on the Consent Agenda.

U. [100323](#) **Phone Service Contract**
Request for a waiver of bids and award of a contract to Cimco. Public Act 85-1295 does not apply.

This Matter was approved on the Consent Agenda.

V. [100327](#) **Purchase of LED Luminaires and Light Poles**
Request for a waiver of bids and award of a contract to PJD Sales, Inc. in the amount of \$170,318.00. Public Act 85-1295 does not apply. (DISTRICT #1)

This Matter was approved on the Consent Agenda.

W. [100336](#) **Sewer Stub Rodding**
Request for a waiver of bids and award of a contract to All Plumbing & Sewer Services, Inc. in an amount not to exceed \$50,000.00. Public Act 85-1295 does not apply.

This Matter was approved on the Consent Agenda.

X. [100338](#) **Emergency Water & Sewer Repairs**
Request for a waiver of bids and award of a contract to John Neri Construction Company, Inc. in the amount of \$75,000.00. Public Act 85-1295 does not apply.

This Matter was approved on the Consent Agenda.

Y. [100052](#) **Lombard Town Centre - FY 2011 Funding**
Providing funding for Lombard Town Centre as the Official Illinois Main Street Program Organization serving the Village of Lombard in an amount not to exceed \$35,000

relative to a part-time Executive Director position.

This Matter was approved on the Consent Agenda.

Enactment No: R 10-11

- Z.** [100319](#) **Temporary Special Event Permits - Yorktown Merchants Association**
Request to grant three additional Temporary Special Event Permits to the Yorktown Merchants Association relative to their proposed Concert and Fine Arts Fair. (DISTRICT #3)

This Matter was approved on the Consent Agenda.

- AA.** [100320](#) **Letter of Credit Time Extension - Buckingham Orchard Project**
Motion to allow a one-year time extension for the Letter of Credit posted as a Construction Guarantee for the Buckingham Orchard Project. (DISTRICT #1)

This Matter was approved on the Consent Agenda.

- BB.** [100324](#) **437 E. St. Charles Road - Plats of Easement**
Motion to accept easements for the existing public watermain and sanitary sewer located in Lombard Common Park as well as 175 feet of newly-constructed watermain located in Paradise Bay Water Park. (DISTRICT #4)

This Matter was approved on the Consent Agenda.

- CC.** [100332](#) **114 S. Elizabeth Street - Sacred Heart German Fest**
Request for the use of public rights-of-way and public property for the display of banners for the period July 7 through July 18, 2010. (DISTRICTS #1 and #4)

This Matter was approved on the Consent Agenda.

- DD.** [100337](#) **Contract with Exelon Energy Company**
Ratifying a contract with Exelon Energy Company for the provision of electrical energy for street lighting. (DISTRICTS - ALL)

This Matter was approved on the Consent Agenda.

- EE.** [100341](#) **810 E. Butterfield Road (Dick's Sporting Goods)**
Motion granting an extension of a temporary special event permit for Dick's Sporting Goods for the period from June 25 to July 18, 2010. (DISTRICT #3)

This Matter was approved on the Consent Agenda.

- *FF.** Appointment - Trustee District #2 Replacement (This item was moved following Public Participation)

*GG. Re-appointment and Appointments (Electrical Commission) (Moved to IX-C)

*HH. Request for Appeal of a Driveway Variance Denial (Moved to IX-D)

*II. [100328](#) **Severance Agreement - Ed Seagraves**
Agreement providing a severance package to Fire Chief Ed Seagraves.

This Matter was approved on the Consent Agenda.

Passed The Consent Agenda

It was moved by Trustee Gron, seconded by Trustee Ware, to approve the Consent Agenda. This approval includes suspension of the rules, waive first reading and pass on second reading, waive competitive bidding and award contracts, approve and adopt resolutions as needed for the preceding items as read by the Clerk on the Consent Agenda.

The motion carried by the following vote:

Aye: 6 - Gron, Giagnorio, Wilson, Moreau, Fitzpatrick and Ware

IX. Items for Separate Action

Ordinances on First Reading (Waiver of First Requested)

A. [100315](#) **BOT 10-02: 1210 S. School Street**
1. Ordinance Authorizing the Execution of an Annexation Agreement (2/3 of Corporate Authorities Vote required)
2. Ordinance Annexing Certain Territory to the Village of Lombard.
(UNINCORPORATED/DISTRICT/DISTRICT #6)

[Play Video](#)

It was moved by Trustee Ware, seconded by Trustee Giagnorio, that this matter be waived of first reading and passed on second reading with suspension of the rules ordinance authorizing the execution of an Annexation Agreement The motion carried by the following vote:

Aye: 7 - Mueller, Gron, Giagnorio, Wilson, Moreau, Fitzpatrick and Ware

Enactment No: Ordinance 6502, 6503

It was moved by Trustee Ware, seconded by Trustee Giagnorio, suspend the rules, waive first reading and pass on second reading, waive competitive bidding and award contracts approve and adopt resolutions as needed for the following items and as read by the Clerk ordinance annexing certain territory to the Village of Lombard The motion carried by the following vote:

Aye: 6 - Gron, Giagnorio, Wilson, Moreau, Fitzpatrick and Ware

Other Ordinances on First Reading

Ordinances on Second Reading

Resolutions

*B. [100330](#) **300-310 S. Main Street (Prairie Path Villas) (Request to re-table to September 2, 2010)**

Authorizing the Village of Lombard to notify the Illinois Environmental Protection Agency that the Village will no longer agree to have certain right-of-ways act as an engineered barrier. (DISTRICT #4)

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Village Manager David Hulseberg gave an overview of the property. He noted that prior to development of the property there was a gas station located on the south end of the property. He reported the petroleum had leaked into the right-of-way. He noted that some had been captured, but felt there was a portion that was still contaminated. This portion is under the high fiber ducts owned by AT&T that are located on the property. If any work had to be performed and disturbed the high fiber ducts, the Village would be subject to very high fines of \$10,000 per ten minutes. He reported the developer of the property tried to vacuum the contamination, but they were unsuccessful. The Village has a highway authority agreement and this area was to serve as a barrier. The Village and developer had hoped that in time the contamination would dissipate. He felt the Village should request \$100,000 from the developer to protect the interests of the Village in this matter. The IEPA has issued a no remediation order for the property. The Letter of Credit has been called and no longer exists to protect the Village from any costs that may arise. He indicated that if any units at the development were sold they would not come with a clear title. He noted staff had met with legal counsel regarding this matter. It is staff's recommendation that the developer and property owners should be responsible. He noted a unit could be purchased and the purchaser not be aware of this issue. He indicated staff continued to work with the property owner, but felt the Village was potentially looking at being liable for expenses. He stated that since the Village Board would not be meeting in the summer, he felt this matter should be addressed since no compromise had been reached. He was looking for authorization from the Village Board to send a letter to the IEPA to put the property on notice. He felt staff could continue to work with the property owner. He indicated staff was looking at the best interests of the Village.

Katy Hurst, 310 S. Main Street, stated she is a resident and President of the Association Board. She indicated the residents want to resolve this issue and wanted to work with the Village to do so. She requested the Village give the owners some additional time to resolve the outstanding environmental issues. She noted the association did not have the money to reinstate the Letter of Credit. If the Village pursued this, they would have to look at a special assessment and she was concerned that some residents may have to walk away from the units.

Steve Kalke, 4425 Ponce de Leon Boulevard, Coral Gables, FL, spoke and requested the Village Board and staff continue to work with the developer and property owners in this matter until it can be resolved.

President Mueller spoke regarding the contamination of the property and gave some

further background of the property. He spoke of the gas station, the body shop and the dairy that were located on the site years ago. He noted that the current contamination problems go back 50 years. He spoke of the improvements that had been done and the remediation that had occurred. He noted that a lot of money had been spent to clean up the site over the years.

Trustee Gron questioned where this left the property owners.

Manager Hulseberg noted this was a quandary and refinancing or selling would be an issue. He indicated that staff was willing to continue to work with the property owners and developer. He stated the Village does not need to move forward on this immediately. Staff felt it was in the best interests of the Village to bring this to the Board.

Trustee Gron questioned how the Village would document this.

Manager Hulseberg indicated the property could be re-tested and reinspected. He talked about a possible extension of the agreement. He felt by moving forward with the letter to the IEPA, the Village would be protected as the owners would have to pay the Village the \$100,000 that would be put into a fund in the event it was needed.

Trustee Ware inquired what would happen if the Village Board did not approve moving forward on this matter.

Manager Hulseberg indicated some of the 19 units could be sold to unsuspecting individuals.

Trustee Wilson questioned if there would not have to be a disclosure if a unit was sold.

Attorney Tom Bayer indicated if the remediation is filed, it will show up at closing. He stated if the Village Board approved moving forward, a letter would be sent to the IEPA. Trustee Wilson questioned the contaminated area.

Attorney Bayer stated this is a portion under the sidewalk under the high fiber lines located in the right-of-way. He indicated if any of the utility companies such as AT&T, ComEd, or NICOR had to do repairs, the workers would need to have special equipment due to the contamination. The Village would be billed for this expense and would not have recourse at this time as there is no valid Letter of Credit. He noted the area is approximately 12 feet by 4-1/2 feet on Main Street at the south end of the property.

Trustee Wilson asked if this was a problem only if the utility companies needed to work in that area.

Manager Hulseberg indicated that was true. He stated staff could work with the property owners and developer and if they agreed not to transfer title to any units, the Village could continue discussion regarding this matter.

Trustee Gron inquired about continuing to work with the owners and developer.

Trustee Moreau stated she had pulled this item from the Consent Agenda as she had just recently been made aware of it. She questioned if the primary purpose was to make certain that any potential buyers would be made aware of this issue.

Attorney Bayer stated if the Village did not move forward with sending the letter to the IEPA, there would be no remediation listed on the title for the properties. He stated the IEPA does not move quickly. He noted if the Village approved moving forward and sent the letter to the IEPA, it would take months for the IEPA to act. He stated this would then alert any potential buyer to this problem.

Trustee Moreau stated this did not just occur.

Trustee Ware questioned costs.

Manager Hulseberg stated costs were unknown as it would depend on the amount of time and how many times any repairs would need to be made. He also noted access to the lines was difficult.

President Mueller noted that the Letter of Credit had been revoked and thus the Village was responsible for any costs. He stated if the Village proceeded, that the developer and property owners would be responsible for any costs.

Attorney Bayer stated there was no Letter of Credit and nothing to reimburse the Village for any costs incurred. He noted that Village Board can approve staff's

recommendation regarding the letter and the Village can hold off sending the letter to the IEPA. This will allow staff additional time to work with the property owners and developer. This will also provide some pressure to the owners and developer to work with staff to resolve the matter. That way the property owners will not be hurt immediately. He noted that the cost for removal of the contaminated soil is far more because of the location of the contaminated area being located under the utility cables. Trustee Wilson questioned if the Village moved forward with the letter to the IEPA, if properties would still be able to be sold.

Manager Hulseberg noted that specialists had expected the contamination to dissipate. The letter would make it more difficult for a buyer to obtain financing.

Attorney Bayer stated if the letter were filed and if work had to be done in the contaminated area, the cost would be up to the property owners.

Trustee Moreau questioned the \$100,000 amount.

Manager Hulseberg indicated the Village looked at the risk. In all likelihood, the contamination will dissipate in time.

Trustee Moreau questioned tabling the item to the next Village Board meeting.

Attorney Bayer stated the Village can have a condition included in the agreement that as long as staff is having productive negotiations with the property owners and developer, that the letter will not be sent to the IEPA. He noted the Village can determine a length of time for the resolution of the problem. He asked if the Village Board was comfortable with using the date of the next scheduled Village Board meeting of August 19th. He noted if the issue was not resolved by a date certain, the Village can proceed with the letter.

President Mueller asked that staff be given time to work with the association and the residents.

Trustee Wilson questioned tabling the item.

Steve Kalke indicated the association has no funds to replace the Letter of Credit. He noted things were tough in this economy. He spoke of possible smaller assessments over a longer period of time.

Trustee Gron indicated he would defer this to Trustee Moreau as she had pulled it off the Consent Agenda. He indicated he would like to see them move as quickly as possible as he was sure they wanted to sell the remaining condos.

Trustee Moreau asked about an additional meeting the following week. She moved to table this matter to the August 19th Village Board meeting and have staff meet with the residents.

President Mueller indicated this was an unfortunate issue, but he wanted to protect the Village and felt the Board had an obligation to protect the residents from the financial burden this may cause. He spoke of the developer, the project and the economy. He felt the project was great and it was unfortunate that the economy took a toll.

Trustee Giagnorio asked about meeting or negotiating.

Manager Hulseberg stated staff can continue dialog with the residents and staff can report back to the Village Board at the August 19th meeting.

Trustee Wilson indicated he would like to attend the meeting with the residents.

Trustee Moreau indicated that most of the trustees would want to attend.

Attorney Bayer stated this would result in the posting of a special meeting to be in compliance with the Open Meetings Act.

President Mueller suggested that staff meet with the residents along with the trustee for that district. The trustee can then report back to the rest of the Village Board. This way there is no conflict.

It was moved by Trustee Moreau, seconded by Trustee Gron, that this matter be tabled to the August 19, 2010 meeting. The motion carried by the following vote:

Aye: 6 - Gron, Giagnorio, Wilson, Moreau, Fitzpatrick and Ware

Other Matters

***C. [100339](#) Re-appointment and Appointments - Electrical Commission**

Request for concurrence of the Village Board in the re-appointment of Russell Schroeder to the Electrical Commission with a term to 2014 and the appointment of John Foulkes with a term to 2012; appointment of Matt Komel with a term to 2014; appointment of Jim Roberts with a term to 2014; and appointment of John Funk with a term to 2012. Staff members are Leonard Farina and Battalion Chief Mike Torrence.

[Play Video](#)

Village Manager Hulseberg noted that Trustee Ware had pulled this item from the Consent Agenda.

President Mueller stated that several of the trustees did not realize that the Electrical Commission existed. He indicated that the Electrical Commission had been around a long time and was on the list of boards, commissions and committees.

Director of Community Development Bill Heniff reported that the commission had been around since the 1990's, but had not met in many years. He indicated that the Village will be looking at updating its Electrical Code to the 2008 version of the IBC and wants to get input from members of the Electrical Commission. He felt the members can make recommendations based on the needs of the Village. The proposed members each have specific qualifications that will assist the Village in reviewing and recommending code changes. He hoped the committee would meet in July and August and have recommendations to the Village Board in September.

Trustee Ware questioned if the committee had not met in 17 years why they were going to be meeting now.

Director Heniff indicated the Village needed to update their Electrical Code and the members will be able to provide valuable information. He noted each of these people have expertise in the electrical field and are familiar with the electrical codes.

President Mueller indicated there was no rush and indicated the code changes can come to the Village board before the end of the year.

Trustee Ware questioned John Foulkes living in Naperville and serving on the committee.

Director Heniff indicated it was very difficult to find people to serve in each very specific capacity on the committee. He stated that Mr. Foulkes has assisted the Village and that staff knew him. He has also helped the City of Elmhurst with their Electrical Code. He stated Mr. Foulkes is an Electrical Engineer and it is not easy to find someone who serves in the capacity and is willing to serve on a committee.

Trustee Fitzpatrick indicated there was no committee profile form attached for Russell Schroeder. She questioned if Mr. Schroeder wanted to continue to serve.

President Mueller stated he has been on the committee and indicated he would serve.

Trustee Fitzpatrick questioned if Mr. Schroeder had ever attended meetings and if had been a good member.

President Mueller stated he was active at one time.

Trustee Fitzpatrick asked if committee profiles could be included for all members in the future.

It was moved by Trustee Ware, seconded by Trustee Moreau, that this matter be approved. The motion carried by the following vote:

Aye: 6 - Gron, Giagnorio, Wilson, Moreau, Fitzpatrick and Ware

***D. [100274](#) Request for Appeal of a Driveway Variance Denial**

Review of an appeal for a denial of a driveway width variance request for 370 E. 17th Street. Public Works Director recommended denial. (DISTRICT #3)

[Play Video](#)

Trustee Zach Wilson indicated that he was excusing himself from voting on this matter. Director of Public Works Carl Goldsmith updated the Village Board on the Code regarding driveways and noted that driveways may not exceed 20 feet in width. He stated the petitioner had requested a variance and the variance was denied. He noted there were three standards that can be used in the appeal including reasonable return on investment, unique circumstance or problem and appearance. He stated he received a request from Mr. Wilson on May 19, 2010 and a determination was made and denial letter sent. He noted the petitioner can request an appeal and that Mr. Wilson had done that on May 26. The Public Works Committee has reviewed the standards for driveways and discussed various options and alternatives relative to this matter.

Trustee Gron indicated the Public Works Committee had reviewed this request for a driveway variance. He stated Mr. Wilson attended the Public Works Committee meeting and presented his case to the committee. He indicated there were a lot of comments made including alternatives and options including brick pavers and stone. He noted that some of the options would compliment the driveway. The committee unanimously denied the request for the variance. He indicated a study had been done on residential driveways two years ago. It was noted that allowing an increase in driveway width can cause a massive look to the front of a home. The committee also noted that approving this variance can create an open door for other variances. He spoke of a resident having a three-hundred foot long driveway requesting a variance and how massive it would be to have a 22.5 foot width and three-hundred foot long driveway. The committee wanted to do what they felt was the best for the Village. Mr. Wilson indicated he owns a home with a three-car garage. He indicated the driveway due to the design of the garage is reduced to 18.5 feet. He spoke of backing out of the garage and having a drastic turn as you back out. He talked about a new driver in the house and another new driver coming up and the drivers causing ruts in the grass. He stated he and his wife want their house to look nice. He noted that they will be repaving their driveway this year and as long as they were doing that, they wanted to be able to widen the driveway. He indicated that he takes his position as Village Trustee seriously and even though he thought he could have proceeded without any problem, he was going by the Village ordinance. He did not feel that anyone would notice the difference looking at the house from the street. He indicated he spoke with Director of Public Works Carl Goldsmith and Director of Community Development Bill Heniff regarding this matter. He indicated that he was advised to write a letter and submit his request for a variance. He stated he was doing this as a resident and not as a trustee. He stated he was following the legal process. His request was denied and he then took it to the next step that of requesting review by the Village Board. He stated there were three criteria that he was addressing relative to his driveway variance request. The first was the rate of return. He questioned how to qualify that. He talked about the uniqueness of the configuration of his garage and driveway. He spoke about the alternatives that had been recommended. He stated they were OK, but did not feel that they would look as nice as widening the driveway. He reported that this would not effect the character of the neighborhood. He indicated this was sent to the Public Works Committee for review. The Public Works Committee concurred on not changing the ordinance and he indicated he agreed with that. He stated for every ordinance, there is a variance request that could be submitted. He talked about the suggested solutions and alternatives and felt this was the easiest, would look the best and would resolve the driveway issues. He stated this request was for an area 2.5 feet wide and was a total of 12 square feet of additional blacktop. He indicated this would resolve all of the issues. He spoke about the Public Works Committee recommending no change to the ordinance, but they did not indicate that a variance should not be granted for his request. He noted that he was following the legal process and this request would not cause any flooding, would not be a line-of-sight issue and would not cost the Village any money. He talked about residents requesting variations and stated that not

everyone with this driveway configuration will request a variance. He asked the Village Board for approval of his variation request and asked that he be given the same consideration of his request that any other resident would be given.

Trustee Fitzpatrick felt the petitioner made a great appeal and noted there would be no cost to the Village.

Trustee Gron questioned if this was just a case of teaching the new driver some driving techniques and not necessarily a case to approve the variance.

Trustee Ware questioned the width of the variance request.

Trustee Moreau talked about treating Mr. Wilson the same as any resident requesting a variance. She talked about issues in her district with driveways and how some residents use driveways as parking lots. She spoke regarding green space.

Trustee Giagnorio indicated that he had no problem with approving the request.

It was moved by Trustee Fitzpatrick, seconded by Trustee Ware, that this matter be approved. The motion failed by the following vote:

Aye: 3 - Giagnorio, Fitzpatrick and Ware

Nay: 3 - Mueller, Gron and Moreau

X. Agenda Items for Discussion

XI. Executive Session

[Play Video](#)

The regular meeting of the President and Board of Trustees of the Village of Lombard held in the Board Room of the Lombard Village Hall on Thursday, June 17, 2010 was recessed to Executive Session for the purpose of discussion of Pending Litigation; Setting the Price for the Sale of Property Owned by the Village; and Information Regarding the Appointment, Employment, Compensation, Discipline, Performance or Dismissal of a Specific Employee or Employees of the Village at 9:34 pm.

XII. Reconvene

The recessed regular meeting of the President and Board of Trustees of the Village of Lombard held on Thursday, June 17, 2010 in the Board Room of the Lombard Village Hall was called to order by Village President William Mueller at 10:40 pm.

Present: Village President William J. Mueller, Village Clerk Brigitte O'Brien, Trustee Greg Gron, Trustee Keith Giagnorio, Trustee Zachary Wilson, Trustee Dana Moreau, Trustee Laura Fitzpatrick and Trustee Bill Ware

XIII. Adjournment

The regular meeting of the President and Board of Trustees of the Village of Lombard held on Thursday, June 17, 2010 in the Board Room of the Lombard Village Hall was adjourned at 10:41 pm.