

**VILLAGE OF HINSDALE
BOARD OF TRUSTEES MEETING
December 9, 2008
Memorial Hall**

The Hinsdale Village Board of Trustees meeting was called to order by President Michael Woerner in Memorial Hall of the Memorial Building on Tuesday December 9, 2008 at 7:43 P.M.

Present: President Michael Woerner, Trustees Jean Follett, Tom Cauley, Cindy Williams, Vic Orlor, Bob Schultz and Trustee Mike Smith

Absent: None.

Also Present: Village Attorney Ken Florey, Village Manager Dave Cook, Director of Finance Doug Cooper, Police Chief Brad Bloom, Fire Chief Michael Kelly, Director of Community Development Tim Bleuher, Director of Parks and Recreation Gina Hassett and Village Clerk Barb Grigola.

Also Present: Alexa Jenner of Suburban Life, Rob Siebert of The Doings and Christine Cuthbert of The Hinsdalean.

PLEDGE OF ALLEGIANCE

President Woerner led those in attendance in the recitation of the Pledge of Allegiance.

APPROVAL OF MINUTES

Trustee Follett moved approval of the November 18, 2008 Board of Trustees Meeting minutes. Seconded by Trustee Cauley. Passed on roll call vote. Trustees Follett, Cauley, Orlor, Williams, Schultz and Smith voted Aye. Nays: None. Absent: None.

CITIZENS' PETITIONS PERTAINING TO ITEMS ON THE AGENDA

Karl Weber of 219 E. First Street asked the board to ensure that the public be given 15 days notice prior to the public hearing by the plan commission regarding the new Garfield proposal.

Sam Eddins of 202 East 4th Street expressed concern that the Huff and Huff measurements may have underestimated the average daily flow because he believes there may be an undocumented sewer feeding into the line. If so, he said, the wet weather facility might not be able to handle the flow and we could incur penalties for CSO's. He urged the board to have additional measurements done before moving forward with the plan.

Karl Weber added that he too is concerned about the volume of flow and about the restrictors and said that we should straighten out the flow regime before building the facility.

Attorney Seith advised that Flagg Creek will not modify the restrictors until the project is near completion.

VILLAGE PRESIDENT'S REPORT

President Woerner wished Alexa Jenner of Suburban Life good luck as she starts a new assignment in Tanzania.

AJOURNMENT TO CLOSED SESSION

Trustee Orlor moved **to adjourn into Closed Session for the purpose of discussing pending litigation to reconvene into Open Session.** Seconded by Trustee Schultz. Passed on roll call vote. Trustees Follett, Cauley, Orlor, Williams, Schultz and Smith vote Aye. Nays: None. Absent: None.

Meeting adjourned to Closed Session at 8:12 P.M.

MEETING RECONVENED INTO OPEN SESSION

Trustee Schultz moved to **Reconvene the meeting into Open Session.** Seconded by Trustee Follett. Passed on voice vote.

Meeting reconvened at 8:34 P.M.

PUBLIC HEARING ON THE 2008 TAX LEVY

Finance Director Cooper summarized the proposed property tax levy, including the notice given and the resolution passed at the November 6th Meeting of the Board of Trustees to levy \$7,838,918.00 in property taxes. He advised that this represents a 5.003% increase in the Village and Library tax levy.

The public was invited to comment and there were no comments.

Trustee Follett moved **to adjourn the public hearing.** Seconded by Trustee Schultz. Passed on roll call vote. Trustees Follett, Cauley, Orlor, Williams, Schultz and Smith voted Aye. Nays: None. Absent: None.

The public hearing was closed at 8:36 P.M.

CONSENT AGENDA

President Woerner presented the following Consent Agenda items for approval. Items 7d-i, 7d-ii, 7d-iii, 7d-iv and 7f were removed from the Consent Agenda for special consideration.

ITEMS RECOMMENDED BY ADMINISTRATION AND COMMUNITY AFFAIRS

Item #1: Move to **Approve a resolution approving stakeholder input and public safety focus for the DuPage Emergency Telephone System Board and the Interoperable Radio Network.** (Omnibus vote) (R2008-31)

Item #2: Move to **Approve a resolution supporting December 2008 as National Drunk and Drugged Driving Prevention Month.** (Omnibus vote) (R2008-32)

Item #3: Move to **Approve a request from Graue Mill and Museum for the use of Burlington Park for the Annual Antiques Fair.** (Omnibus vote)

Item #4: Move to **Approve an ordinance levying taxes for Special Service Area No. 9 in the amount of \$5,155.00.** (Omnibus vote) (O2008-62)

ITEMS RECOMMENDED BY ENVIRONMENT AND PUBLIC SERVICES

Item #5: Move to **Approve extending the 2008 Road Program completion date for Martam Construction, Inc. from November 21, 2008 to May 31, 2009.** (Omnibus vote)

Item #6: Move to **Approve a resolution approving a change order for the 400 Block of S. Washington – Alley paving in the amount of \$6,074.50 to Swallow Construction Corporation.** (Omnibus vote) (R2008-33)

Item #7: Move to **Approve a resolution approving a change order for the Brook Park Construction Layout in the amount of \$1,800.00 to James J. Benes & Associates.** (Omnibus vote) (R2008-34)

Item #8: Move to **Approve a resolution approving a change order for the Veeck Park wet weather facility in the amount of \$12,300 to Huff & Huff, Inc.** (Omnibus vote) (R2008-35)

Item #9: Move to **Award a bid for the 2009 Downtown Landscaping to McFarlane Douglass & Co. in the amount of \$52,011.98.** (Omnibus vote)

Item #10: Move to **Approve a resolution approving a plat of resubdivision for 213 and 223 North Elm Street.** (Omnibus vote) (R2008-36)

ITEMS RECOMMENDED BY ZONING AND PUBLIC SAFETY

Item #11: Move to **Refer to the Plan Commission - A-12-2008 – Text amendment to Article XI (Zoning Administration and Enforcement) Part VI (Amendments and Special Approvals), Sections 11-604 (Site Plan Review) and Section 11-606 (Exterior Appearance Review) of the Hinsdale Zoning Code.**

Trustee Follett moved to approve the above items. Seconded by Trustee Orler. Passed on omnibus roll call vote. Trustees Follett, Cauley, Orler, Williams, Schultz and Smith voted Aye. Nays: None. Absent: None.

ADMINISTRATION AND COMMUNITY AFFAIRS

ACCOUNTS PAYABLE

Trustee Williams moved the **Approval and payment of the Accounts Payable for the period of November 14, 2008 through December 5, 2008 in the aggregate amount of \$1,912, 327.25 as set forth on the list provided by the Village Treasurer, of which a permanent copy is on file with the Village Clerk.** Seconded by Trustee Orler. Passed on roll call vote. Trustees Follett, Cauley Orler, Williams, Schultz and Smith voted Aye. Nays: None. Absent: None.

APPROVAL OF TAX LEVY DOCUMENTS

Trustee Orler moved to **Approve an ordinance levying taxes for corporate purposes for the fiscal year of the Village of Hinsdale commencing on May 1, 2008 and ending on April 30, 2009 in the aggregate amount of \$8,805,521.00. (O2008-61)** Seconded by Trustee Cauley. There was a brief discussion and Treasurer Gerry Fink outlined the actuarial assumptions and percentage of funding of the pension plan (about 70%). Passed on roll call vote. Trustees Follett, Cauley, Orler, Williams, Schultz and Smith voted Aye. Nays: None. Absent: None.

Trustee Cauley moved to **Approve a resolution abating the tax hereto levied for 2007 to pay the principal of and interest on \$2,500,000 General Obligation Bonds (Waterworks and Sewerage Alternate Revenue Source), Series 2001, of the Village of Hinsdale. (R2008-37)** Seconded by Trustee Follett. Passed on roll call vote. Trustees Follett, Cauley Orler, Williams, Schultz and Smith voted Aye. Nays: None. Absent: None.

Trustee Follett moved to **Approve a resolution abating the tax hereto levied for the Year 2007 to pay the principal and interest on \$4,000,000 General Obligation Bonds (State Shared Income Alternate Revenue Source), Series 2003, of the Village of Hinsdale. (R2008-38)** Seconded by Trustee Cauley. Passed on roll call vote. Trustees Follett, Cauley, Orler, Williams, Schultz and Smith voted Aye. Nays: None. Absent: None.

Trustee Cauley moved to **Approve a resolution abating the tax hereto levied for the Year 2007 to pay the principal and interest on \$3,045,000 General Obligation Bonds (Library Fund Tax Alternate Revenue**

Source), Series 2006, of the Village of Hinsdale. (R2008-39) Seconded by Trustee Follett. Passed on roll call vote. Trustees Follett, Cauley Orlor, Williams, Schultz and Smith voted Aye. Nays: None. Absent: None.

APPROVAL OF GENERAL OBLIGATION BONDS (WATERWORKS AND SEWERAGE SYSTEM)

Trustee Follett moved to **Adopt an ordinance providing the issue of \$3,500,000 General Obligation Bonds (Waterworks and Sewerage, Alternate Revenue Source), Series 2008C, of the Village of Hinsdale for the purpose of providing improvements to said system, prescribing the details of said bonds and providing for collection, segregation and application of the waterworks and sewerage system revenues. (O2008-64)** Seconded by Trustee Schultz.

Finance Director Cooper read into the public record the sequence of events regarding this bond issue, including the following events:

- a) On October 7, 2008, the Village Board adopted Resolution No. R2008-26 calling a public hearing concerning the intent to sell \$3,500,000 General Obligation Bonds for the purpose of financing the costs of improvements to the Village Waterworks and Sewerage System for construction of a wet weather treatment facility plant.
- b) At the same meeting the Board adopted Ordinance No. 02008-58 authorizing issuance of these bonds.
- c) The proposed bonds commonly referred to as Alternate Revenue Bonds are proposed to be repaid through the increase in Water rates approved by the Board on December 11, 2007. These bonds are subject to back-door referendum provisions per state statutes.
- d) Ordinance No. 02008-58 was published in *The Hinsdalean* on October 9, 2008 which marked the beginning of the required 30-day back-door referendum period, ending on November 10, 2008.
- e) No qualifying petition was received by the end of the 30 day period, and it is now the Village's intent to authorize the sale of the bonds.
- f) A bid was put out this morning and the winning bid was from BMO Capital Markets for a net interest cost of 3.7688% with a maximum life of 11 years and a maximum annual debt service of \$494,800.

Passed on roll call vote. Trustees Follett, Cauley, Orlor, Williams and Schultz voted Aye. Nays: Trustee Smith. Absent: None.

ENVIRONMENT AND PUBLIC SERVICES

Trustee Schultz moved to **Award a bid for the Hinsdale CSO design project to John Burns Construction in the amount of \$4,240,000.00.** Seconded by Trustee Follett. Passed on roll call vote. Trustees Follett, Cauley, Orlor, Williams and Schultz voted Aye. Nays: Trustee Smith. Absent: None.

Trustee Follett moved to **Award a professional services agreement for CSO Project Construction Engineering to Clark Dietz, Inc. in the amount not to exceed \$362,819.00.** Seconded by Trustee Schultz. Passed on roll call vote. Trustees Follett, Cauley, Orlor, Williams and Schultz voted Aye. Nays: Trustee Smith. Absent: None.

ZONING AND PUBLIC SAFETY

TEXT AMENDMENT APPROVAL

Trustee Follett moved to **Refer to the Plan Commission A-11-2008, a text amendment to Sections 5-102G (Permitted Uses) and 9-105 (Off Street Loading) of the Hinsdale Zoning Code.** Seconded by Trustee Schultz. Passed on roll call vote. Trustees Follett, Orlor, Williams and Schultz voted Aye. Nays: Trustees Cauley and Smith. Absent: None.

There was a lengthy discussion about the intent of this text amendment and the procedure for sending a text amendment to the Plan Commission and the timing thereof. The motion to send to the Plan Commission stands with

the understanding that a hearing date will be set with the required 30 days notice. The next Plan Commission meeting is January 14.

Passed on roll call vote. Trustees Follett, Cauley, Orlor, Williams and Schultz voted Aye. Nays: Trustee Smith. Absent: None.

APPROVAL OF NOISE CONTROL ORDINANCE

Trustee Follett moved to **Approve an ordinance amending Title 5 (“Police Regulations”), Chapter 1 (“Misdemeanor Offenses”), Section 5-3-12 (“Noise Control”) of the Village Code of Hinsdale. (O2008-63)** Seconded by Trustee Schultz. Passed on roll call vote. Trustees Follett, Cauley, Orlor, Williams, Schultz and Smith voted Aye. Nays: None. Absent: None.

REPORTS FROM ADVISORY BOARDS AND COMMISSIONS

None.

STAFF REPORTS

Village Manager Cook advised that the Trustees should let him know if they have any comments on the proposed 2009 calendars in their packets.

CITIZENS’ PETITIONS

Bill Seith of 917 Cleveland Road and Village Attorney for Environmental Issues requested that discussion of a proposed ordinance amending Section 7-4b-5(b) relative to discontinuance of water service be put on the agenda for the next Board of Trustees Meeting. He noted that this was a furtherance of the discussions with Flagg Creek about an intergovernmental agreement.

TRUSTEE’S COMMENTS

Trustee Schultz suggested that some Town Hall meetings be held to discuss ways to fund infrastructure repairs. There was a discussion about the issue and how to involve the community. The consensus was to select a couple of dates in January for Town Hall meetings.

ADJOURNMENT

Trustee Williams moved to adjourn the meeting into Closed Session for the purpose of discussing the potential purchase or lease of real property and matters related to employment and compensation not to reconvene into Open Session. Seconded by Trustee Follett. Passed on roll call vote. Trustees Follett, Cauley, Orlor, Williams, Schultz and Smith voted Aye. Nays: None. Absent: None.

Meeting adjourned at 9:56 P.M.

ATTEST: _____
Barbara J. Grigola, Village Clerk