

# **Village of Lombard**

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



## **Minutes**

**Thursday, September 5, 2019**

**6:00 PM**

**Village Hall Board Room**

## **Village Board of Trustees**

*Village President Keith Giagnorio*

*Village Clerk Sharon Kuderna*

*Trustees: Dan Whittington, District One; Anthony Puccio District Two;  
Reid Foltyniewicz, District Three; Andrew Honig, District Four;  
Dan Militello, 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, September 5, 2019 in the Board Room of the Lombard Village Hall was called to order at 6:00 p.m. by Village President Keith Giagnorio. Director of Public Works Carl Goldsmith led the Pledge of Allegiance.

## II. Roll Call

8 - Keith Giagnorio, Sharon Kuderna, Dan Whittington, Anthony Puccio, Reid Foltyniewicz, Andrew Honig, Dan Militello, and Bill Ware

Village Manager Scott Niehaus  
Director of Finance Tim Sexton  
Director of Community Development Bill Heniff  
Director of Public Works Carl Goldsmith  
Deputy Chief of Police Tom Wirsing  
Fire Chief Richard Sander  
Assistant Village Manager Nicole Aranas  
Executive Coordinator Carol Bauer

## III. Public Hearings

## IV. Public Participation

## V. Approval of Minutes

A motion was made by Trustee Bill Ware, seconded by Trustee Andrew Honig, that the minutes of the Special Meeting of August 1, 2019 and the minutes of the Regular Meeting of August 15, 2019 be approved. The motion carried by the following vote:

Aye: 6 - Dan Whittington, Anthony Puccio, Reid Foltyniewicz, Andrew Honig, Dan Militello, and Bill Ware

## VI. Committee Reports

### Community Promotion & Tourism - Trustee Andrew Honig, Chairperson

No report

### Community Relations Committee - Trustee Dan Militello, Chairperson

Trustee Dan Militello, Chairperson of the Community Relations

Committee, reminded residents to submit nominations for Senior of the Year.

**Economic/Community Development Committee - Trustee Anthony Puccio,  
Chairperson**

No report

**Finance & Administration Committee, Trustee Reid Foltyniewicz, Chairperson**

No report

**Public Safety & Transportation Committee - Trustee Dan Whittington,  
Chairperson**

No report

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

No report

**Board of Local Improvements - Trustee Bill Ware, President**

No report

**Lombard Historic Preservation Commission - Village Clerk Sharon Kuderna**

No report

**VII. Village Manager/Village Board/Village Clerk Comments**

Village Clerk Sharon Kuderna read the following announcements:  
This year marks the 18th anniversary of the 9/11 attacks on our country. Each year on the anniversary of the September 11th terrorist attacks, the Village hosts a We Remember blood drive to recognize those lives that were lost and thank the first responders who each and every day work to keep us safe. The Blood Drive will be held at Yorktown Center Entrance 5 by Von Maur from 8:00 am until 1:00 pm and at the Village Hall from 1:30 pm until 7:00 pm. All donors will receive a coupon for a pint of Culver's frozen custard as well as an official NFL licensed Chicago Bears shirt. Be someone's hero; donate blood; it saves lives!

The Lombard Fire Department invites residents to join in a brief ceremony, and a moment of silence to remember the 9/11 tragedy on Wednesday, September 11th. The ceremony will begin promptly at 8:45

a.m. in front of Fire Station 45 at 50 E. St. Charles Road.

The Village of Lombard is seeking nominations for its 14th Annual Senior of the Year Awards, which recognizes outstanding seniors who volunteer or go above and beyond to positively benefit the Lombard community. The Senior Man and Senior Woman of the Year Awards will be announced at the Village's Senior Fair to be held on Wednesday, October 2, from 9 a.m. - 1 p.m. at the Madison Meadow Athletic Center, 500 E. Wilson Avenue. Please note the new location for this year's event. Nominees must have an incorporated Lombard home mailing address and be 65 years of age or older. Nominations must include a brief statement, 50 words or less, on why the nominee should be considered, as well as a short biography of the nominee. All nominations must be received by 4:30 p.m., Friday, Sept. 6. To nominate a Lombard senior or for interested vendors wanting to obtain an exhibit space, visit: [villageoflombard.org/seniorfair](http://villageoflombard.org/seniorfair).

The Village will host its Annual Recycling Extravaganza on Saturday, September 21st from 8:00 AM to 12:00 PM at the Village Complex, 255 E. Wilson. New items accepted this year include non-expired canned foods that will be collected by the Lombard-Villa Park Food Pantry, as well as #6 Styrofoam. See the Village website for additional information on items that will be collected.

## VIII Consent Agenda

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### Payroll/Accounts Payable

- A. [190361](#)      **Approval of Accounts Payable**  
For the period ending August 16, 2019 in the amount of \$1,255,813.70.  
**This Payroll/Accounts Payable was approved on the Consent Agenda**
- B. [190363](#)      **Approval of Village Payroll**  
For the period ending August 17, 2019 in the amount of \$834,658.51.  
**This Payroll/Accounts Payable was approved on the Consent Agenda**
- C. [190364](#)      **Approval of Accounts Payable**  
For the period ending August 23, 2019 in the amount of \$571,526.04.  
**This Payroll/Accounts Payable was approved on the Consent Agenda**
- D. [190372](#)      **Approval of Accounts Payable**  
For the period ending August 30, 2019 in the amount of \$1,171,444.74.

This Payroll/Accounts Payable was approved on the Consent Agenda

### Ordinances on First Reading (Waiver of First Requested)

- E. [190368](#) **Butterfield - Yorktown TIF District Scrivener's Error Ordinance.**  
Ordinance reconfirming the provisions of the Ordinance no. 7451, adopted December 7, 2017, Amending Ordinance nos. 7437, 7438 and 7439, adopted November 2, 2017, in regard to the Village of Lombard Butterfield-Yorktown Tax Increment Financing District, to correct a scrivener's error, and making certain findings in relation thereto. The Ordinance reconfirms the previously made technical correction to the legal description for Butterfield Yorktown TIF District so as to be consistent with the map of the TIF District, the list of permanent tax index numbers for the TIF District and the common boundary description for the TIF District. Staff requests a waiver of first reading. (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 7716, 7705
- F. [190304](#) **Local Landmark Request: 515 N West Road**  
The Historic Preservation Commission (HPC) is recommending that the Village Board approve the designation for 515 N West Road as a Landmark site.  
(DISTRICT #1)  
**This Ordinance was waived of first reading and passed on second reading with suspension of the rules on the Consent Agenda**  
Enactment No: Ordinance 7706
- G. [190333](#) **Village Equipment To Be Declared Surplus**  
Ordinance approving requests from the Village departments to sell and/or dispose of surplus equipment as more specifically detailed in Exhibit "A" attached to the Ordinance, to be sold at auction, sold for scrap, or recycled as these items have extended beyond their useful life or are obsolete to include One (1) 2012 Ford Focus, Six (6) HON conference chairs and two (2) 10 foot by 4 foot tables. Staff requests a waiver of first reading.  
**This Ordinance was waived of first reading and passed on second reading with suspension of the rules on the Consent Agenda**  
Enactment No: Ordinance 7707
- H. [190369](#) **800 E. Roosevelt Road - Noon Whistle Brewing Special Event**  
Amending Title 11, Chapter 112, Section 112.18(B) of the Lombard Village Code with regard to alcoholic beverages, providing for the sale and consumption of beer in connection with a temporary event

(Oktoberfest) on September 21, 2019 located at 800 E. Roosevelt Road. Staff requests a waiver of first reading. (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 7708

I. [190370](#)

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

Decreasing the number of entries in the Class "A/B-II" liquor license category by one to reflect the voluntary cancellation of the liquor license issued to Anthony's Coal Fired Pizza of Lombard LLC d/b/a Anthony's Coal Fired Pizza located at 783 E. Butterfield Road. Staff requests a waiver of first reading. (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 7709

J. [190374](#)

**Redevelopment Agreement for The Hotel and Conference Center in Regard to the Butterfield - Yorktown TIF District**

An Ordinance authorizing a Redevelopment Agreement for the Hotel and Conference Center comprising a part of the Butterfield-Yorktown TIF District of the Village of Lombard, Illinois. The Ordinance approves a TIF redevelopment agreement, between the Village and the Lombard Public Facilities Corporation (LPFC), for the funding of up to \$3,700,000 in TIF eligible redevelopment project costs incurred by the LPFC, in regard to capital improvements at the Hotel and Conference Center, from TIF incremental revenues generated by the Butterfield-Yorktown TIF District, as contemplated by the previously approved Restructuring Support Agreement and Plan of Reorganization relative to the LPFC, and approves the issuance of a TIF Note and a Debt Certificate in relation thereto. Staff requests a waiver of first reading. (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 7710

J-2. [190381](#)

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

Revising the number of authorized liquor licenses in the Class "A/B I" liquor license category and issuing a liquor license to GroundLevel 105, LLC d/b/a GroundLevel 105 located at 105 W. St. Charles Road. (DISTRICT #1)

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

Enactment No: Ordinance 7711

**Other Ordinances on First Reading**

- K. **Harding Road License Agreement (this item has been moved to Separate Action IX-C)**
- L. **An Ordinance Amending Title IX, Chapter 92 of the Lombard Village Code Relative to the Changes Made by the Solid Waste Contract Third Amendment (moved to IX-A-1)**

**Ordinances on Second Reading****Resolutions**

- M. [190376](#) **Third Amendment to the Solid Waste Contract**  
A resolution approving a Third Amendment to the Solid Waste Contract with Waste Management of Illinois, Inc. to provide for a new definition, terms and conditions in regard to commercial recycling contamination. (DISTRICTS - ALL)  
**This Resolution was adopted on the Consent Agenda**  
Enactment No: R 44-19

**Other Matters**

- N. [190342](#) **Pavement Marking Replacement Program**  
Request for a waiver of bids and award of a contract to Superior Road Striping, Inc. in the amount of \$27,633.98. This work was competitively bid by DuPage County in April 2019 and pricing was extended to other taxing bodies in the county. (DISTRICTS - ALL)  
**This Bid was approved on the Consent Agenda**
- O. [190367](#) **Highland Elevated Tank Rehabilitation Project**  
Request for a waiver of bids and award of a contract to Utility Service Company, Inc., the lowest submitted proposal of three (3) proposals requested, in the amount of \$530,395.00. (DISTRICT #3)  
**This Bid was approved on the Consent Agenda**
- P. [190371](#) **FY2019 Surface Treatment Program**  
Award of a contract to CAM, LLC, the lowest responsible bid of three bidders, in the amount of \$72,685.75. (DISTRICTS - ALL)  
**This Bid was approved on the Consent Agenda**
- Q. [190373](#) **Sewer Line Cleaning and Televising**

Request for a waiver of bids and award of a contract to Midwest Water Group in the amount of \$82,500. Midwest Water Group is the sole source of the proprietary inspection/coding software used for this program. (DISTRICTS - ALL)

**This Bid was approved on the Consent Agenda**

R. [190325](#)

**Long Range Plan (LRP) Reserve Fund - Policy Options**

Recommendation to approve the proposed distribution of the \$1.15 million balance in the LRP Fund through the Waterfall (per Year-End General Fund Reserve Maintenance Policy) for the 2019 LRP amount. The Finance and Administration Committee voted 5-1 to recommend approval of Option 1 - Mirror Policy on Year-End Revenues over Expenditures(Waterfall) as it will help pay down pension liabilities and provide some flexibility for the future if needed.

**This Request was approved on the Consent Agenda**

S. [190326](#)

**Proceeds From Sale of 101 S. Main St. - Policy Options**

The Finance and Administration Committee recommended a blend of Option 1- Mirror Policy on Year-End Revenues over Expenditures (Waterfall) and Option 7- TIF Replacement/Economic Incentive, which would help pay down pension liabilities and provide some flexibility for the future if needed. The F&A Committee recommended that \$1 million of the proceeds go through the Waterfall (Option 1) and the remaining balance will be set aside for potential replacement of current TIF funding and/or to be used for an economic incentive as needed throughout the Village and (Option 7). The Finance and Administration Committee voted unanimously to recommend approval to the Village Board of Trustees.

**This Request was approved on the Consent Agenda**

T. [190375](#)

**Butterfield Yorktown Tax Increment Finance (TIF) District -  
Announcement of the Availability of a proposed First  
Amendment to the Butterfield Yorktown TIF Plan**

Announcement of the availability of a proposed First Amendment to the Butterfield Yorktown TIF Plan, as prepared by Kane McKenna Associates, to facilitate formalizing a technical correction to the current TIF Plan. (DISTRICT #3)

**This Request was approved on the Consent Agenda**

U. [190377](#)

**Recommendation to Approve Memorandum of Understanding -  
Lombard Police Department Use of Aurora Police Department  
Range Facility**

Memo of Understanding to be signed so that Lombard Police personnel can have access to Aurora Police Department, its range facility, and the

ATF equipment.

This Request was approved on the Consent Agenda

### Approval of the Consent Agenda

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

Aye: 6 - Dan Whittington, Anthony Puccio, Reid Foltyniewicz, Andrew Honig, Dan Militello, and Bill Ware

## IX. Items for Separate Action

### Ordinances on First Reading (Waiver of First Requested)

A-1. [190366](#)

**An Ordinance Amending Title IX, Chapter 92 of the Lombard Village Code Relative to the Changes Made by the Solid Waste Contract Third Amendment**

Recommendation from the Public Works and Environmental Concerns Committee to amend the Village Code pertaining to a new definition, terms and conditions regarding commercial recycling contamination as a result of the Solid Waste Contract Third Amendment, Item #190376 approved on the Consent Agenda. Staff requests a waiver of first reading.

A motion was made by Trustee Bill Ware, seconded by Trustee Dan Whittington, that the Ordinance amending Title IX, Chapter 92 of the Lombard Village Code relative to the changes made by the Solid Waste Contract Third Amendment be waived of first reading and passed on second reading with suspension of the rules. The motion carried by the following vote:

Aye: 6 - Dan Whittington, Anthony Puccio, Reid Foltyniewicz, Andrew Honig, Dan Militello, and Bill Ware

Enactment No: Ordinance 7712

### Other Ordinances on First Reading

A. [190289](#)

**ZBA 19-05: 244 E St. Charles Road**

The petitioner requests that the Village approve zoning variations from Section 155.205(A)(2)(c)(ii) of the Lombard Village Code for a fence of up to eight (8) feet, where a maximum of four (4) feet in height is permitted in the rear front yard of a through lot in the B2 General Neighborhood Shopping District. As this item received no recommendation from the Zoning Board of Appeals (ZBA) an Ordinance approving the variation requires a two-thirds vote of the Trustees (4 of the 6 Trustees). (DISTRICT #4)

Trustee Andrew Honig requested that this matter be continued to the

September 19th Village Board meeting. He stated that the petitioner and residents have been meeting and were working on a compromise relative to the proposed fence.

**A motion was made by Trustee Andrew Honig, seconded by Trustee Reid Foltyniewicz, that the Ordinance relative to ZBA 19-05 for 244 E. St. Charles Road be continued to the September 19th Village Board meeting. The motion carried by the following vote:**

**Aye:** 6 - Dan Whittington, Anthony Puccio, Reid Foltyniewicz, Andrew Honig, Dan Militello, and Bill Ware

**B. [190300](#)**

**Six (6) Ordinances - Amending Title 5, Chapter 50, Section 50.114 Of The Lombard Village Code in Regard to Water Rates; Title 5, Chapter 50, Sections 50.106(B) and 50.107 of the Lombard Village Code in Regard to Wastewater Collection and Treatment Charges; Title 5, Chapter 50, Section 50.113(A) of the Lombard Village Code in Regard to Sanitary Sewer Service Only Rates; Title 5, Chapter 50, Section 50.110(A) of the Lombard Village Code in Regard to Non-Village Metered Sewer Charges; Title 5, Chapter 50, Section 50.103 of the Lombard Village Code in Regard to the Billing Period for Sewer Service; Title 5, Chapter 50, Section 50.117 of the Lombard Village Code in Regard to the Billing for Water Service and Sanitary Sewer Service**

- January 1, 2020 change to monthly billing instead of bi-monthly billing
- Annual \$0.40 increase per 1,000 gallons of water used effective January 1st (2020, 2021, 2022, 2023, 2024)
- January 1, 2020 a new \$5.00 fixed capital fee per monthly bill increasing \$0.25 per year (\$5.00 in 2020, \$5.25 in 2021, \$5.50 in 2022, \$5.75 in 2023, \$6.00 in 2024)
- \$5.05 service charge per monthly bill effective January 1, 2020 thru January 31, 2024
- Cross Connection charge per monthly bill for each non-residential customer account (\$4.50 in 2020, \$4.65 in 2021, \$4.80 in 2022, \$4.95 in 2023, \$5.10 in 2024)

The Finance and Administration Committee and the Public Works & Environmental Concerns Committee unanimously recommends these amendments.

Director of Finance Tim Sexton provided the following overview of the 2019 Water & Sewer Rate Study Power Point Presentation: The Village of Lombard completed a Water and Sewer Rate Study with the assistance of an outside third party consultant in 2019. Based on these results, recommendations were proposed by both the Finance & Administration Committee and the Public Works & Environmental

Concerns Committee. The proposed rate structure will bring the water and sewer revenues to 8% fixed and 92% variable. Both committees unanimously recommended to the Village Board to approve a 5-year rate increase to include a \$.40 increase per 1,000 gallons of water used; a \$5.00 fixed capital fee per bill in order to close the gap between variable and fixed costs; a transition from bi-monthly (every other month) to monthly billing; and a redesign of the water bill. Director Sexton reviewed the 2020-2024 (5 year) water and sewer proposed rate increase chart. Director Sexton reviewed the 2020 Water & Sewer Revenue Allocation per 1,000 gallons chart.

**A motion was made by Trustee Bill Ware, seconded by Trustee Dan Whittington, that the six (6) ordinances: Ordinance Amending Title 5, Chapter 50, Section 50.114 of the Lombard Village Code in Regard to Water Rates; Ordinance Amending Title 5, Chapter 50, Sections 50.106(B) and 50.107 of the Lombard Village Code in Regard to Wastewater Collection and Treatment Charges; Ordinance Amending Title 5, Chapter 50, Section 50.113(A) of the Lombard Village Code in Regard to Sanitary Sewer Service Only Rates; Ordinance Amending Title 5, Chapter 50, Section 50.110(A) of the Lombard Village Code in Regard to Non-Village Metered Sewer Charges; Ordinance Amending Title 5, Chapter 50, Section 50.103 of the Lombard Village Code in Regard to the Billing Period for Sewer Service; Ordinance Amending Title 5, Chapter 50, Section 50.117 of the Lombard Village Code in Regard to the Billing for Water Service and Sanitary Sewer Service be passed on first reading. The motion carried by the following vote:**

**Aye:** 6 - Dan Whittington, Anthony Puccio, Reid Foltyniewicz, Andrew Honig, Dan Militello, and Bill Ware

Enactment No: Ordinances 7723, 7722, 7721, 7720, 7719, 7718

C. [190343](#)

**Harding Road License Agreement**

An Ordinance approving a license agreement for the use of a portion of the Harding Road right-of-way west of IL Route 53 to accommodate the development of a charitable farm at 649 W. Harding Road serving returned Veterans. This matter requires a three-fourths (3/4ths) vote of the Corporate Authorities (6 of 7).

**A motion was made by Trustee Dan Militello, seconded by Trustee Anthony Puccio, that the Ordinance approving a License Agreement for the use of a portion of the Harding Road right-of-way west of Illinois Route 53 to accommodate the development of a charitable farm at 649 W. Harding Road serving returned Veterans be passed on first reading. The motion carried by the following vote:**

**Aye:** 7 - Keith Giagnorio, Dan Whittington, Anthony Puccio, Reid Foltyniewicz, Andrew Honig, Dan Militello, and Bill Ware

Enactment No: Ordinance 7724

## Ordinances on Second Reading

## Resolutions

**Other Matters****X. Agenda Items for Discussion****XI. Executive Session****XII. Reconvene****XIII Adjournment**

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A motion was made by Trustee Dan Whittington, seconded by Trustee Bill Ware, that the rescheduled regular meeting of the President and Board of Trustees of the Village of Lombard held on Thursday, September 5, 2019 in the Board Room of the Lombard Village Board be adjourned at 6:21 p.m. The motion carried by the following vote:

**Aye:** 6 - Dan Whittington, Anthony Puccio, Reid Foltyniewicz, Andrew Honig, Dan Militello, and Bill Ware