

These minutes were approved at the 8/20/07 City Council meeting with no changes.

CITY OF WEST CHICAGO – 475 Main Street
CITY COUNCIL MINUTES
Regular Meeting
August 6, 2007

1. Call to Order. Mayor Michael B. Kwasman called the meeting to order at 7:01 pm.

2. Pledge of Allegiance to the Flag. Alderman Beifuss led all in the pledge of allegiance.

The Mayor called for a moment of silence for the passing of former employee Dave English, who drowned in Green Bay, Wisconsin, this past week. Mr. English was instrumental in getting the new West Chicago water treatment plant built.

3. Invocation. The City Clerk gave the invocation.

4. Roll Call and Establishment of a Quorum. Roll call found Aldermen Lori J. Chassee, James E. Beifuss, Jr., H. Ronald Monroe, Gregory L. Kauth, Russell Radkiewicz, Ruben Pineda, Sandy Dimas, Alan Murphy, Nanette B. Connelly, Rebecca Stout, Nicholas Dzierzanowski, and Matt Fuesting present. The Mayor announced a quorum. Aldermen Gregory D. Bunch and Joey Gianforte were absent.

City Clerk Nancy M. Smith and City Treasurer Donald F. Earley were also present.

Also in attendance were City Attorney Patrick K. Bond, Museum and Cultural Services Director LuAnn Bombard, Chief of Police Donald Goncher, City Administrator Michael L. Guttman, and Marketing and Communications Coordinator Rosemary Mackey. Police Officers present were Michael Rosenwinkel (27), Laz Perez (13), Mike Uplegger (22), Eric Shipman (29), Bill Hall (12), Gary Binder, Rich Langelan (58), Ryan Perry (50), Robert Bailey (36), Mike Zepeda (38), Justin Wienrank (1023), and Rich Theodore (30).

5. Public Participation. The following person spoke during public participation:

1) Don Smith, 308 E. Grand Lake Boulevard, West Chicago, Vice-President of the West Chicago Sister Cities Organization, reported on the group who went to the Sister City, Taufkirchen/Vils, Bavaria, Germany, on July 16, 2007. He said they were able to make a presentation of the West Chicago City flag and the pins with the new City Seal to the Taufkirchen/Vils Burgermeister and Aldermen. Mr. Smith thanked the Mayor and Aldermen for graciously sending the flag and pins. (A translated copy of the Bavarian newspaper article of the event is attached.) He also said Christoph Puschmann, President of the Taufkirchen/Vils Sister City Partnership group would be visiting West Chicago this month along with his girlfriend, Regina, and the Taufkirchen/Vils Brewery manager, Albert Kolbinger and his wife Angelika. He hoped there would be opportunities for them to interact with the Mayor, Aldermen, City staff, and residents.

A. Fine Arts Fiesta (People's Choice Award Winners). Fredericka Howard, of the Cultural Arts Commission, said this was the 14th year she has come before the City Council regarding this art show. Mayor Kwasman and she then presented ribbons and checks to the following winners:

Student:	1 st – Joseph Favia	Craft:	1 st – LeRoy Fennewald
	2 nd – Benjamin Easley		2 nd – Gene Gaede
	3 rd – Richie McCloud		3 rd – Lorie Reynolds
Amateur:	1 st – Gwen Hines	Professional:	
	2 nd – (tie) Mike Bodnar		1 st – Marge Hall
	2 nd – (tie) Britta Renwick		2 nd – Sharon Malec
	3 rd – Mark Fortman		3 rd – (tie) Fredericka Howard
			3 rd – (tie) Robert Korta

B. Dedication of Police Memorial. Museum and Cultural Services Director LuAnn Bombard said in 2004 bronze plaques were made to remember the police officers who died in the line of duty. Last year, Alderman Dzierzanowski asked the Cultural Arts Commission to make a suitable memorial for City Hall. Mike Bodnar, artist and Gallery 200 member, worked with the Police Department to design the memorial hanging at City Hall. Tonight is a rededication to the three officers: George Riehm, who was shot in 1921, Raymond G. Wilson, who was shot in 1965, and Michael A. Browning, who was struck by a car driven by a car thief in 1992. She said the City considers them heroes and will never forget the three brave men who gave their lives.

C. West Chicago Chamber of Commerce 2007 Railroad Days Awards

Presentation. David Sabathne, Executive Director of the West Chicago Chamber of Commerce and Industry thanked the many people who worked behind the scenes to arrange and organize the 2007 Railroad Days festival. He said he could not possibly name all the volunteers, but he said staff from his office, the Chamber of Commerce members, the City, the Park District, the Police Department, and the Fire Department all made the festival possible. He and Mayor Kwasman then passed out special "World of Possibilities Awards" to the Railroad Days chair and sponsors. He also presented a plaque to the City accepted by Mayor Kwasman. Mr. Sabathne and the Mayor also passed out parade awards. The grand marshals were Dave Thomas and Peggy Krauch, recent retirees from the Park District. Mr. Sabathne said he was thrilled to have so many West Chicago businesses and restaurants participating. CableCom was also recognized for recording the festival and parade. Mr. Sabathne presented a check for \$1200.00 to the Composite Squadron of the Civil Air Patrol who contributed so much and \$350.00 to the Northwest DuPage Walk-In Ministry. He also thanked the community for coming out. Mayor Kwasman thanked Mr. Sabathne for all the hours of work he put into the festival and for showing that West Chicago is a party town.

D. Mayoral Proclamation – Maryfest in West Chicago. At the Mayor's request, the City Clerk read Proclamation No. 469, in which the Mayor proclaimed Sunday, August 12, 2007, as St. Mary's Maryfest Day in West Chicago, Illinois.

The following additional persons spoke during public participation:

2) Warren Warren, 327 S. Edgewood, Lombard, Illinois, spoke about the retirement agreement that he signed in good faith and has lived up to. He said the City Council should do the same. He would like to go back to his PPO.

3) Diane Hedberg, 245 Ann Street, West Chicago, spoke about a letter she received from the EPA that she could not understand, but she is still concerned. She is concerned that the EPA has never tested her basement. She needs to know if the house is safe. The Mayor asked for a copy of the letter.

5) Paula Neltner, 216 Stimmel Street, West Chicago, said her mother received a copy of the letter from the EPA. She wanted to know what the City was doing to help the residents with thorium contamination. She wanted to know why West Chicago was still considered a Superfund site, and said perhaps the residents should go in another direction to resolve the issue. Mayor Kwasman said another meeting has been set up with the EPA in September and, if it goes as expected, there will be a public hearing in October. Ms. Neltner also said she would like more discussion on the proposed administrative adjudication program.

6) Sandra Riess, 233 W. Stimmel, West Chicago, said she also received the letter from the EPA. She said her basement was tested two weeks ago and the contamination levels were shocking. She said a neighbor requested their basement be tested, but the EPA refused. She said the residents need help. She also mentioned that perhaps the residents should go in another direction. She proposed that the fund for legal fees from Kerr-McGee could be used to help the residents with their legal fees.

7) Anita Baker, 8) John Baker, and 9) Frank Baker, all of Ward 4, West Chicago, spoke in opposition to the proposed administrative adjudication system. They were concerned that the City could approve fines of \$50,000 and 10% per day late fees. There was also a concern that there would be a conflict of interest if the City pays the hearing officer. They urged the Council to vote no to this ordinance.

8) Don Earley, *4 the People*, thanked the Fraternal Order of Police for their \$500.00 donation to be used for the Early Learning Center playground. Mr. Earley said the police are very generous to this community.

6. Correspondence and Announcements.

Alderman Stout invited everyone to the West Chicago National Night Out event tomorrow at the West Chicago High School. She said there would be many activities and refreshments at no cost. Mayor Kwasman said he was looking forward to everyone being there.

Upcoming Meetings. The Mayor announced the following meetings.

- August 7, 2007 Plan Commission/Zoning Board of Appeals (to be held at the Wheaton Academy at 7:00 pm - the topic will be the St. Andrews annexation)
- August 13, 2007 Development Committee

- August 15, 2007 Environmental Commission (special meeting)
- August 16, 2007 Community Affairs Committee
- August 18, 2007 Youth Commission

7. Approval of Minutes. City Council Meeting, July 16, 2007. Alderman Radkiewicz made a motion, seconded by Alderman Murphy, to approve the minutes of the City Council Meeting of July 16, 2007, with no changes. Voting Yea: Aldermen Chassee, Beifuss, Kauth, Radkiewicz, Pineda, Dimas, Murphy, Connelly, Stout, Dzierzanowski, and Fuesting. Voting Nay: 0. Alderman Monroe abstained. Motion carried.

8. Corporate Disbursement Report. Alderman Chassee made a motion, seconded by Alderman Dzierzanowski, to approve the August 6, 2007, Corporate Disbursement Report in the amount of \$ 531,366.79. Voting Yea: Aldermen Chassee, Beifuss, Monroe, Kauth, Radkiewicz, Pineda, Dimas, Connelly, Stout, Dzierzanowski, and Fuesting. Voting Nay: 0. Alderman Murphy abstained. Motion carried.

9. Consent Agenda and Omnibus Vote. The Mayor read the following items:

A. Resolution 07-R-0089 – A Resolution Authorizing the Mayor to Enter Into a Certain Right-of-Way Encroachment Agreement – 341 E. Brown

B. Authorize – A Reduction/Release in the amount of \$35,577.50 to the Irrevocable Letter of Credit Posted by Tom Perez for the Installation of Certain Public and/or Stormwater Management Improvements

C. Ordinance 07-O-0061 – An Ordinance Establishing Chapter 8, Article I, Administrative Adjudication System, of the City Code of the City of West Chicago, Illinois (removed and voted upon separately)

D. Ordinance 07-O-0062 – An Ordinance Amending the Code of Ordinances of the City of West Chicago – Chapter 17, Traffic, Article XVII, Schedules of Designated Streets – No Parking Signs on the North Side of Church Street

E. Ordinance 07-O-0063 – An Ordinance Amending the Code of Ordinances of the City of West Chicago – Chapter 17, Traffic Article XVII, Schedules of Designated Streets – Two-Way Stop Control at the Intersection of Weyrauch Street and Stimmel Street

F. Ordinance 07-O-0064 – An Ordinance of the City of West Chicago, DuPage County, Illinois, Authorizing the Acquisition of a Parcel Commonly Known as the “Feloni” Parcel – 405 Main Street” – For the Downtown Redevelopment Plan and Project

Alderman Stout made a motion, seconded by Alderman Pineda, to adopt those items on the consent agenda. Voting Yea: Aldermen Chassee, Beifuss, Monroe, Kauth, Radkiewicz, Pineda, Dimas, Murphy, Connelly, Stout, Dzierzanowski, and Fuesting. Voting Nay: 0. Motion carried.

10. Reports by Committees.

From Item 9C: Ordinance 07-O-0061 – An Ordinance Establishing Chapter 8, Article I, Administrative Adjudication System, of the City Code of the City of West Chicago, Illinois. Alderman Connelly made a motion, seconded by Alderman Dzierzanowski, to adopt Ordinance 07-O-0061. During discussion, Alderman Dimas said she had several people from her ward call her and she thinks they are getting the wrong idea of what the City is trying to do. Mayor Kwasman asked City Attorney Bond to explain the proposal. Mr. Bond said the ordinance provides for an administrative adjudication system, which is much like the system in the circuit court. A person would get a violation notice and have the opportunity to make corrections or go to court. In the proposed system, the person would go to City Hall, which will be much more convenient. The purpose of the system is to have people comply with the code, and is not a revenue generator. The process is provided for by state statute. He also discussed the fines and the qualifications of the hearing officer. If anyone disagrees with the hearing officer's ruling, they can appeal to the Circuit Court. City Administrator Guttman said several dozen communities already have this in place. Alderman Beifuss said Evanston has had this system for eight years. Alderman Kauth addressed the conflict of interest issue by having the attorney clarify that judges at all levels are paid by the taxpayers at that particular level. Alderman Pineda requested Mr. Guttman to explain the steps in the process, which he did.

Voting Yea: Aldermen Chassee, Beifuss, Monroe, Kauth, Radkiewicz, Pineda, Dimas, Murphy, Connelly, Stout, Dzierzanowski, and Fuesting. Voting Nay: 0. Motion carried.

11. Unfinished Business. None

12. New Business. None

13. Mayor's Comments. The Mayor spoke of Gallery 200 on Main Street. He said the Cultural Arts Commission has presented a collection of art as diverse as the community. It is affordable and offers a glimpse of the artistic nature of our neighbors. He suggested people should visit often and see the ever-changing transitions of West Chicago.

14. Executive Session. There was no executive session.

15. Items to be Referred for Final Action from Executive Session. Not applicable.

16. Adjournment. At 8:21 pm, Alderman Chassee made a motion, seconded by Alderman Murphy, to adjourn. Voting Yea: Aldermen Chassee, Beifuss, Monroe, Kauth, Radkiewicz, Pineda, Dimas, Murphy, Connelly, Stout, Dzierzanowski, and Fuesting. Voting Nay: 0. Motion carried.

Respectfully submitted,

Nancy M. Smith
City Clerk