

These minutes were approved at the 10/6/2008 City Council meeting with no changes.

CITY OF WEST CHICAGO – 475 Main Street

CITY COUNCIL MINUTES

Regular Meeting

September 15, 2008

1. **Call to Order.** Mayor Michael B. Kwasman called the meeting to order at 7:00 pm.
2. **Pledge of Allegiance to the Flag.** U.S. Marine Sergeant Julian A. Gomez led all in the pledge of allegiance.
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, James Smith, Russell Radkiewicz, Ruben Pineda, Sandy Dimas, Alan Murphy, Joey Gianforte, Nanette B. Connelly, Rebecca Stout, Nicholas Dzierzanowski, and Matt Fuesting physically present. Alderman Gregory D. Bunch was absent. The Mayor announced a quorum.

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

Also in attendance were City Attorney Patrick K. Bond, Special Counsel Barbara Magel, Public Works Director Rob Flatter, City Administrator Michael L. Guttman, and Community Development Director Joanne Kalchbrenner.

5. **Public Participation.** (The order was changed slightly.)

B. Proclamation Number 489 – Arts and Humanities Month in West Chicago. At the Mayor's request, the City Clerk read Proclamation 489 (copy attached), in which the Mayor proclaimed the month of October 2008 as Arts and Humanities Month in West Chicago and encouraged all citizens to become involved in the arts.

A. Public Hearing: West Park Annexation Agreement. The Mayor opened the public hearing at 7:07 pm. Community Development Director Kalchbrenner explained the request for the annexation. No one spoke for or against the agreement. At 7:08 pm, Alderman Dimas made a motion, seconded by Alderman Murphy, to close the public hearing. Motion was carried by voice vote.

C. Proclamation Number 490 – Honoring Sergeant Julian A. Gomez. At the Mayor's request, the City Clerk read Proclamation 490 (copy attached), in which the Mayor proclaimed the West Chicago community's admiration, esteem and grateful thanks to Sergeant Julian A. Gomez for his service in the U.S. Marine Corps. The Mayor presented a framed Proclamation to Sergeant Gomez and thanked him for his service. The Mayor extended his grateful appreciation and that of the City's, and said West Chicago was proud of him. Sergeant Gomez received a standing ovation. Sergeant Gomez thanked the Mayor and everyone on behalf of his family. He said without his wife and son he would not be standing here. They were his strength while he was in Iraq.

The Mayor called upon Donna Santiago, 220 George Street, West Chicago, who said Sergeant Gomez was her nephew and she spoke on behalf of her family. She thanked everyone including the Mayor, the City Council, the Fire Protection District, and especially the Police Department, for hosting such a wonderful homecoming for him.

D. Update on Residual Thorium Clean-up. Special Counsel Magel said progress is continuing with respect to the residential site work. The EPA has finished all soil samples for the 23 properties, and is now reviewing the results. For the most part, they have found only very minor areas around the 7.2 standard. The EPA will be dealing with the individual property owners about addressing those areas. The EPA is working on getting access to the other nine properties. They need Spanish-speaking interpreters, and they will proceed with that in short order. The basement surveys are complete, and if anyone would like their basement to be surveyed, they should call the EPA. There is still a goal of finishing up this year. Becky Frey has been promoted, and the new residential project manager is David Seeley, but people can still call Ms. Frey.

The Mayor called upon John Kruser, CableCom. He said former Mayor Eugene Rennels came back to Channel 17 to have another program called, "Community Action at Work." The second edition featured Mayor Kwasman and Senator Millner discussing the EJ&E/CN railroad acquisition. There was a lot of information and everyone should see it. The program will be airing on Wednesday and Friday right after the replay of the City Council meeting. The Mayor thanked Mr. Kruser for his help during the taping.

E. Update on CN Acquisition of EJ&E. Alderman Pineda said CN had asked the STB to finish up by December 31, 2008. They asked the STB to trust them to complete all the work and studies required. The STB denied this request, as it would be too hard to monitor. The STB said they would never approve a railroad purchase without a complete environmental impact statement. The denial is good news and the first positive step. TRAC sent many mayors and representatives to Washington, D.C. to try to get HR6707 passed before the December recess. It appears there is majority support for the bill, but TRAC said they would not be lulled into complacency. While there has been positive movement, the support and backing from all the communities are needed.

Alderman Murphy (speaking as a private citizen) said he attended both hearings (Bartlett and Aurora) representing *4 the People*. He said Aldermen Pineda and Fuesting and Mayor Kwasmann were also in attendance. He spoke to representatives from STB and their consultants and came to see that West Chicago is at a crossroads. It is in the top five communities in the country for trains passing through. He spoke of "Mr. WeGo" who had a heart attack, but he was on the wrong side of the tracks, and if there were a CN train blocking the crossing, it would take seven minutes for the Fire Department to get to "Mr. WeGo." However, it takes three minutes to die, and "Mr. WeGo" passed away. The consultant said there would be more than 200 trains a day – eight every hour taking into account the increase in METRA, Union Pacific and CN. The acquisition will affect everyone down the line. He cited how downtown Wayne would become an island if CN and UP are both running trains. The issue is all about life safety and quality of life. If the proposal goes through, West Chicago will be divided and conquered by the railroad. It was built by the railroad, but there has to be a balance. He said many people want the signs showing opposition to the acquisition. They are getting 300 more and he will have them at Ace Murphy Hardware. They Mayor thanked Alderman Murphy as well as Aldermen Pineda, Fuesting, Dzierzanowski, and Beifuss for being at the hearings.

City Treasurer Early (speaking as a private citizen) said the discussion has been on the local effects of the acquisition, but when looking at the big picture, trains will be running through Wisconsin and onto the IC lines and go east and south. There will be a loss of jobs in the United States and cited dockworkers in San Francisco, Los Angeles, and San Diego. There will be a loss of railroad jobs from the UP nationally and locally. He also said some congressmen are not representing us well in Washington, D.C. and not putting forth the effort they could. He would like our local congressman to come talk to West Chicago.

No one else spoke during regular public participation:

6. Correspondence and Announcements.

Alderman Smith spoke about the many upcoming activities at Gallery 200 and the City Museum. These include the 2nd Annual artXposium, the Artoberfest in October, Tales Tombstones Tell, Gudrun Hasle creating Dream Banners, and other events. Alderman Smith said Fredericka Howard would be demonstrating pencil drawing. He said he and his both had Fredericka Howard as their art teacher in high school and they have several of her works hanging in their home.

Alderman Stout said the Community Emergency Response Team is starting new classes at the Fire Department. Participants will learn first aid, fire suppression, and much more safety information, which is useful to everyone. If anyone would like to attend the classes, they should contact Deputy Fire Chief Bob Hodge. The class is limited to 20, on a first come basis. The class will meet from 7:00 – 10:00 pm for seven weeks.

City Clerk Smith announced that there would be a Holiday Celebration for the Community on December 6, 2008, at the American Legion in West Chicago. There will be live music from West Chicago musicians, *Generation*. Everyone in the community is invited to attend.

Upcoming Meetings. The Mayor announced the following meetings.

- September 16, 2008 Plan Commission/Zoning Board of Appeals
- September 18, 2008 Community Affairs Committee (cancelled)
- September 22, 2008 Public Safety Committee
- September 23, 2008 Historical Preservation Commission
- September 25, 2008 Finance Committee

7. Corporate Disbursement Report. Alderman Chassee made a motion, seconded by Alderman Radkiewicz, to approve the September 15, 2008, Corporate Disbursement Report in the amount of \$ 672,924.71. During discussion, Alderman Murphy said he would be

abstaining since the City does business with Murphy Ace Hardware (his business). Voting Yea: Aldermen Chassee, Beifuss, Monroe, Smith, Radkiewicz, Pineda, Dimas, Gianforte, Connelly, Stout, Dzierzanowski, and Fuesting. Voting Nay: 0. Alderman Murphy abstained. Motion carried.

8. Consent Agenda – Consideration of an Omnibus Vote.

* **Development Committee:** Alderman Pineda read and explained the following items:

A. Resolution 08-R-0094 – A Resolution Authorizing the Mayor to Enter into a Certain Downtown Rehabilitation Façade Program Agreement – Extra Value Liquors – 334 S. Neltnor Boulevard #C-E

B. Resolution 08-R-0085 – A Resolution Authorizing the Mayor to Enter into a Certain Annexation Agreement – Airhart’s West Park Property

C. Ordinance 08-O-0066 – An Ordinance Annexing Property to the City of West Chicago – Roosevelt and Pearl Roads

D. Ordinance 08-O-0064 – An Ordinance Rezoning Land from the ER-1 Estate Residential District to the B-2 General Business and ORI, Office Research and Light Industrial Districts – Roosevelt and Pearl Roads

E. Resolution 08-R-0071 – A Resolution Authorizing the Mayor to Enter into a Certain Recapture Agreement – Prestonfield Subdivision – Atlantic Drive Roadway Improvement

F. Resolution 08-R-0072 – A Resolution Authorizing the Mayor to Enter into a Certain Recapture Agreement – Prestonfield Subdivision – Atlantic Drive Roadway Improvement

G. Resolution 08-R-0073 – A Resolution Authorizing the Mayor to Enter into a Certain Recapture Agreement – Prestonfield Subdivision – Route 59 and Heritage Woods Drive Pavement Improvement

H. Resolution 08-R-0074 – A Resolution Authorizing the Mayor to Enter into a Certain Escrow Agreement – Prestonfield Subdivision – Route 59 and Heritage Woods Drive Signalization Improvement

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

* **Infrastructure Committee:** Alderman Dzierzanowski said there was no report, but he did want to tell everyone that the next Infrastructure Committee meeting would be held on Thursday, October 2, 2008, which is before the next City Council meeting.

* **Public Safety Committee:** No report.

* **Community Affairs Committee:** Alderman Stout read and explained the following item:

I. Resolution 08-R-0101 – A Resolution Amending the Identification and Placement of Information Signs Policy

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

* **Finance Committee:** City Treasurer Early said there was no report, but he wished to speak under Item 9.

* **Items Not Sent to Committee:** The Mayor read and explained the following items:

J. Approve – City Council Meeting Minutes of September 2, 2008

K. Resolution 08-R-0096 – A Resolution Authorizing the Mayor to Enter into a Lease Agreement with the West Chicago Park District – 103 W. Washington Street

L. Resolution 08-R-0102 – A Resolution Authorizing the Mayor to Execute a Contract with the Lowest Responsible Bidder, Schroeder Asphalt Services for the Washington Street Resurfacing Project, in an Amount Not to Exceed \$93,457.90

M. Resolution 08-R-0103 – A Resolution Authorizing the Mayor to Execute a Contract with the Lowest Responsible Bidder, M&A Cement Work, Inc., for the FYE 2009 Sidewalk Maintenance Program in an Amount Not to Exceed \$72,295.80

N. Resolution 08-R-0100 – A Resolution Authorizing the Mayor to Execute a Contract with the Lowest Responsible Bidder to Provide Services Related to the Demolition of the Structures Located at 327 Main Street, 405 Main Street, and 419-421 Main Street for an Amount Not to Exceed \$65,900.00

O. Resolution 08-R-0104 – Acceptance of the Public Right-of-Way and Roadway Improvements Related to the Pomeroy Properties PUD, and Authorizing a Reduction/Release of Development Securities Related to the Public Improvements

P. Resolution 08-R-0105 – Acceptance of the Public Right-of-Way and Roadway Improvements Related to the Ridgeland Avenue Subdivision and Easton Avenue Reconstruction Project, and Authorizing a Reduction/Release of Development Securities Related to the Public Improvements

Q. Resolution 08-R-0099 – Adopting the DuPage County Natural Hazards Mitigation Plan of October 2007

R. Ordinance 08-O-0070 – An Ordinance Granting a Stormwater Ordinance Deviation for the DuPage County Forest Preserve District – Timber Ridge Forest Preserve

S. Resolution 08-R-0097 – A Resolution Authorizing the Mayor to Accept a Grant of Easement for Ingress/Egress – St. Andrews Square

T. Resolution 08-R-0098 – A Resolution Authorizing the Mayor to Accept a Grant of Easement for Drainage and Detention – St. Andrews Square

U. Approve – Discharge of Fireworks Within the City for the Wheaton Academy Homecoming Game on October 3, 2008

V. Concur – With the Mayor's Appointment of Stephen Schneider to the Historical Preservation Commission

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

9. Reports by Committees.

W. Ordinance 08-O-0050 – An Ordinance Denying an Amendment to the Anthony Preliminary PUD and Denying an Amendment to the Final PUD for Lot 1 for a Bank Facility – Southwest Corner of Neltnor Boulevard and Washington Street.

Alderman Beifuss made a motion, seconded by Alderman Connelly, to adopt Ordinance 08-O-0050. Voting Yea: Aldermen Chassee, Beifuss, Monroe, Smith, Radkiewicz, Pineda, Dimas, Gianforte, Connelly, Stout, Dzierzanowski, and Fuesting. Voting Nay: 0. Alderman Murphy abstained. Motion carried.

City Treasurer Earley said the budget would have to be changed to reflect the new, higher cost of salt purchased through the State for West Chicago. The DuPage Mayors and Managers and others in the County are working on resolving the disparity in costs for several DuPage County municipalities in comparison to lower costs in other areas.

10. Unfinished Business. None

11. New Business. None

12. Mayor's Comments. The Mayor said the weekend was quite wet and he spent most of the weekend at City Hall answering the telephone and visiting homes impacted by the heavy rains. The Mayor said he would be remiss if he did not thank his crew of Aldermen Pineda, Murphy, Fuesting, and Dzierzanowski, for running through the neighborhoods notifying people. The Mayor said this was something not seen in a lot of communities: people helping people.

This is what West Chicago is all about. If someone gets in trouble, the neighbors come together. West Chicago will not get national news or be on Channel 5, but this is seen when going through the neighborhoods. The City received more rain in 24 hours than what it gets in two months. The City's engineering staff did what they do. The Mayor thanked Public Works Director Rob Flatter who did a great job with his crew. The City is grateful for what he did over the weekend. It was amazing how fast Mr. Flatter had people out in the neighborhoods. Mr. Guttman kept the Mayor advised of what was occurring in his neighborhood and he also visited many homes. The weather was something no one expected or predicted but West Chicago's team came through. The City did not cause the rain or stop it, but took care of its customers and that is number one. The Mayor wanted to make sure to thank the staff and Aldermen that could be with him this weekend. The will probably never see such rain again. The Mayor thanked all for pitching in and making this work.

13. Executive Session. There was no executive session.

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

15. Adjournment. At 7:55 pm, Alderman Chassee made a motion, seconded by Alderman Murphy, to adjourn. Voting Yea: Aldermen Chassee, Beifuss, Monroe, Smith, Radkiewicz, Pineda, Dimas, Murphy, Gianforte, Connelly, Stout, Dzierzanowski, and Fuesting. Voting Nay: 0. Motion carried.

Respectfully submitted,

Nancy M. Smith
City Clerk