

These minutes were approved at the 1/5/09 City Council meeting with no changes.

CITY OF WEST CHICAGO – 475 Main Street

CITY COUNCIL MINUTES

Regular Meeting

December 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.** Alderman Fuesting 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, Gregory D. Bunch, Joey Gianforte, Nanette B. Connelly, Rebecca Stout, Nicholas Dzierzanowski, and Matt Fuesting present. 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, Museum and Cultural Services Director LuAnn Bombard, Public Works Director Rob Flatter, City Administrator Michael L. Guttman, and Community Development Director Joanne Kalchbrenner.

5. Public Participation.

A. Public Hearing: 2009 Budget. The Mayor opened the public hearing at 7:02 pm. No one on the City Council or in the audience spoke for or against the 2009 budget. The Mayor closed the public hearing at 7:03 pm.

B. Update on CN Acquisition of EJ&E. The Mayor said this item would be addressed under New Business.

The following persons spoke during public participation:

1) Don Smith, 308 E. Grand Lake Boulevard, West Chicago, thanked everyone for making the Holiday Celebration for the Community such a success. He also informed the Mayor and City Council that the 10th anniversary of the City's Sister City relationship with Taufkirchen/Vils, Germany, would be celebrated next October in Taufkirchen. There is a limit of 30 people so if anyone wants to go, they should contact him or Nancy Smith this week.

2) Dave Sabathne, Executive Director of the West Chicago Chamber of Commerce and Industry, spoke about the Canadian National acquisition of the EJ&E rail line. He said he appreciated the continuing updates from the City Council. He was concerned with the effect on residents and the business community with employees having to travel to West Chicago. He said the alternative routes are lengthy. He is also concerned with that the STAR line will not go through even though it is supported. He said the City of West Chicago is in a good financial position because it is a city that has never stood still. The City accepts nothing less than a plan that will not hurt the community. He hopes the City maintains that same position with the CN acquisition. He urged the consideration of all needs of West Chicago, both business and residential.

6. Correspondence and Announcements.

Upcoming Meetings. The Mayor announced the following meetings.

- December 18, 2008 Community Affairs Committee (cancelled)
- December 22, 2008 Public Safety Committee (cancelled)
- December 25, 2008 Finance Committee (cancelled)

7. Corporate Disbursement Report. Alderman Connelly made a motion, seconded by Alderman Beifuss, to approve the December 15, 2008, Corporate Disbursement Report in the amount of \$ 1,052,197.58. Voting Yea: Aldermen Chassee, Beifuss, Monroe, Smith, Radkiewicz, Dimas, Bunch, Gianforte, Connelly, Stout, Dzierzanowski, and Fuesting. Voting Nay: 0. Aldermen Pineda and Murphy abstained. Motion carried.

8. Consent Agenda – Consideration of an Omnibus Vote.

* **Development Committee:** No report

* **Infrastructure Committee:** Alderman Dzierzanowski read and explained the following items:

A. Approve – Change Order No. 1 and Final to the Contract with Ward Door Specialists, for an Amount of \$8,234.00, for Professional Services Related to the Wastewater Treatment Plant Door Replacement Project

B. Resolution 08-R-0110 – A Resolution Authorizing the Acceptance of the Public Right-of-Way Improvements and Public Utility Improvements for the Development Known as Atlantic Drive (formerly known as Woodland Avenue)

C. Resolution 08-R-0111 – A Resolution Authorizing the Acceptance of the Prestonfield Lift Station Improvements and Appurtenances

D. Resolution 08-R-0121 – A Resolution Authorizing the Acceptance of the Public Improvements for Prince Crossing Farm Subdivision

E. Resolution 08-R-0122 – A Resolution Authorizing the Mayor to Execute a Contract with Barr Tree Care, LLC, for Professional Services Related to the 2009 Forestry Maintenance Program, in an Amount Not to Exceed \$65,624.10

F. Resolution 08-R-0123 – A Resolution Authorizing the Mayor to Execute a Contract with St. Aubin Nursery for Professional Services Related to the Spring 2009 Parkway Tree Planting Program, in an Amount Not to Exceed \$30,910.00

G. Resolution 08-R-0127 – A Resolution Authorizing the Mayor to Execute a Contract with Mississippi Lime Company for Delivery of Rotary Hydrated Lime, for an Amount Not to Exceed \$225,967.00 for Fiscal Year 2009

Alderman Dzierzanowski also said the January 1, 2009, Infrastructure Committee meeting is cancelled.

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

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

* **Community Affairs Committee:** No report

* **Finance Committee:** City Treasurer Early read and explained the following items:

H. Ordinance 08-O-0091 – An Ordinance Adopting the Annual Budget for the City of West Chicago, DuPage County, Illinois, for the Fiscal Year Commencing January 1, 2009, and Ending December 31, 2009

I. Ordinance 08-O-0093 – An Ordinance for the Levy and Assessment of Taxes for the Fiscal Year Beginning January 1, 2009, and Ending December 31, 2009, in and for the City of West Chicago Special Service Area No. 2

J. Ordinance 08-O-0094 – An Ordinance for the Levy and Assessment of Taxes for the Fiscal Year Beginning January 1, 2009, and Ending December 31, 2009, in and for the City of West Chicago Special Service Area No. 23

K. Ordinance 08-O-0095 – An Ordinance for the Levy and Assessment of Taxes for the Fiscal Year Beginning January 1, 2009, and Ending December 31, 2009, in and for the City of West Chicago Special Service Area No. 27

L. Ordinance 08-O-0096 – An Ordinance for the Levy and Assessment of Taxes for the Fiscal Year Beginning January 1, 2009, and Ending December 31, 2009, in and for the City of West Chicago Special Service Area No. 28

M. Ordinance 08-O-0097 – An Ordinance Levying Taxes on Property Within the Corporate Limits of the City of West Chicago as that Property is Assessed and Equalized for State and County Purposes for the fiscal Year Beginning January 1, 2009, and Ending December 31, 2009

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

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

N. Approve – City Council Meeting Minutes of December 1, 2008

O. Ordinance 08-O-0098 – An Ordinance of the City of West Chicago, DuPage County, Illinois, Extending a Temporary Moratorium on the Approval of New Banks and Financial Institutions in the B-1, B-2, and B-3 Zoning Districts.

P. Ordinance 08-O-0099 – An Ordinance of the City of West Chicago, DuPage County, Illinois, Authorizing the Acquisition of a Parcel Commonly Known as “447 Main Street” for the downtown Redevelopment Plan and Project and Authorizing Funds for Such

Q Resolution 08-R-0124 – A Resolution Supporting Stakeholder Input and Public Safety Focus for the DuPage Emergency Telephone System Board and the Interoperable Radio Network

R. Resolution 08-R-0126 – A Resolution Authorizing the Destruction of Audio Recordings of Certain Closed Meetings

Alderman Fuesting 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, Bunch, Gianforte, Connelly, Stout, Dzierzanowski, and Fuesting. Voting Nay: 0. Motion carried.

9. Reports by Committees. None

10. Unfinished Business.

A. Ordinance 08-O-0086 – An Ordinance Amending the Code of Ordinances of the City of West Chicago – Chapter 17 Traffic, Article XVII. Schedules of Designated Streets; Division 6. Parking Prohibited at All Times. The Mayor said with the City Council approval, this item would be referred back to the Public Safety Committee. There were no objections.

11. New Business. (From item 5.B. Update on CN Acquisition of EJ&E). The Mayor said this is something that is normally discussed in closed session, but he believes the public has the right to know what has transpired and the City Council’s objective. He called upon Alderman Pineda for an update. Alderman Pineda said the final Environmental Impact Statement (EIS) came out and it is not great. There is a lot of information missing and many items that should have been included are not there. These include items from public safety to environmental issues. Much of the information that TRAC brought in was not reported in the document. There is not much information that would help out our community. CN has talked to several communities that sit on the EJ&E. Some communities would not talk to them, but we did have some discussion on life safety issues. Some of the things on the wish list were for a quiet zone, a stop light at Town Road, provisions for pedestrian traffic, fencing, berming, and a solution to the five homes on Aurora that would be blocked for fire and police services. .

Alderman Beifuss said he echoed Alderman Pineda’s impression that the EIS is woefully lacking in meaningful mitigation for West Chicago and quite a few communities along this rail line. The proposal is not commensurate with the damage they are going to do to the community. An overpass or underpass is needed for vehicles. They will grant a pedestrian overpass and signalization at Town Road. Our fire stations work together when there is a big fire, but this plan cuts the City in half. It is going to be very hazardous. The underpass for pedestrians will not help the fire station. The total value of what CN is offering is about \$1.8 - \$1.9 million. This is a tiny amount compared to the millions they will cause in damages.

Alderman Murphy also thought the EIS presented by CN is very inadequate. It does not address certain issues such as the Prairie Path and the effects on the Forest Preserve. It does not address how to get safety equipment to Northwest Flavors, or address the environmental impact on the Friday night football games, or the safety of children in that area. Manville Oaks is a great park, but it will not be an enjoyable place to be. The report does not address quality of life issues. He thought West Chicago should not take CN’s offer.

Alderman Fuesting said before he became an alderman, he was Chairman of the West Chicago Transportation Commission. He said there was a lot of discussion on hypotheticals concerning Ward 3. His concerns are for the City in general and everything that has been proposed does not address the very real situation where there is going to be a problem with the downtown community. The report also does not address any of the concerns In Ward 7. Smith Road has heavy traffic now. The rail line is within 200 yards of Norton Creek School. He said the \$1.8 million proposed offer is a pittance. It is almost an insult. He said he does not see a win-win situation.

Alderman Chassee said she did not disagree with anything she has heard so far including the fact that this offer is insulting and does not address in any way the impact to the City. She said if the STB lets this go through, then West Chicago needs to have the fortitude and strength to consider safety of the children and do those things that need to be done.

Alderman Beifuss said he agreed with Alderman Chassee in that the City of West Chicago has adequate reserves to take safety actions, but he did not think it was time to agree with this woefully inadequate offer. He said if the STB rules for the CN, there would be an appeals process.

Alderman Monroe said if the City accepts this offer, it would severely limit options in the future.

Alderman Pineda: spoke with the mayors of Barrington and Aurora, and said there is no will to try to give up the fight. A lot of people will be impacted along the line. However, if the sale goes through, West Chicago will take its own actions for safety, and quoting the Mayor, the City will not be held hostage by the railroad.

The Mayor said he has been working with the congressional representatives to continue to fight. This is an uphill battle, but we will continue to fight and take all steps. This EIS study is basically saying that West Chicago deserves nothing. Anyone who has read this report knows West Chicago was ignored. They know because we were proactive and built new fire stations. That is proactive West Chicago. We were proactive in building Atlantic Drive so traffic could go from North Avenue to Hawthorne Lane. The Hawthorne Lane reconstruction was the largest public project in West Chicago and it was done by this administration. West Chicago was ignored by CN, but it should not be insulted either. West Chicago is not for sale. These projects will be done. West Chicago has a long history of taking care of its own. West Chicago will still fight the CN acquisition. This is still our right no matter what the STB says. He urged people to contact the congressmen to make them aware of the impact on West Chicago and put pressure on the STB. The Mayor will continue to contact them no matter what political party. The Mayor thanked Alderman Pineda for all the work he has done on this project and also Aldermen Beifuss and Murphy for all the work they have done. He also thanked the City Council for sticking to their guns and sending a message to CN.

12. Mayor's Comments. The Mayor said it has been quite a year. It seems like yesterday that he wished everyone a good holiday season. The year has flown by and we're older and wiser. It is Christmas time in West Chicago and that means family. He said as families gather around, to give a little thought to those less fortunate in West Chicago. When buying gifts, get a little extra and contact the township. The food pantries are running low.

The Mayor thanked all of West Chicago for a great year and wished the merriest of Christmases to the extended members of the City Council. He thanked them for a wonderful year and their support and wanted their Christmas to be as merry as his.

13. Executive Session. There was no executive session.

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

15. Adjournment. At 7:53 pm, Alderman Chassee made a motion, seconded by Alderman Radkiewicz, to adjourn. Motion was carried by voice vote.

Respectfully submitted,

Nancy M. Smith
City Clerk