

These minutes were approved at the 3/16/09 City Council meeting with no changes.

CITY OF WEST CHICAGO – 475 Main Street

CITY COUNCIL MINUTES

Regular Meeting

March 2, 2009

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 Stout 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, Gregory D. Bunch, Joey Gianforte, Nanette B. Connelly, Rebecca Stout, Nicholas Dzierzanowski, and Matt Fuesting present. Alderman Alan Murphy 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 and City Administrator Michael L. Guttman.

5. **Public Participation.** The following persons spoke during public participation:

- 1) Don Smith, 308 E. Grand Lake Boulevard, West Chicago, reminded everyone that the West Chicago Sister Cities Organization's St. Patrick's Day Dinner would be held on March 14, 2009, at the American Legion.
- 2) John Kruser, CableCom, spoke about a new two and a half hour program to start in a couple of weeks at 6:00 pm, called Heartland Tattoo. There will be an interview before and after the program with the significant host. During the second interview, a word will be used to describe one of the characters. The first person to e-mail CableCom with the word wins a CableCom T-shirt. The e-mail address is Cablecom17@yahoo.com.

A. Intergovernmental Initiative to Support Local Food Pantries. City Treasurer Earley spoke about the new food collection program sponsored by the City of West Chicago and *4 the People*. Significant help was received from Groot representative Robert Schwichtenberg, Marketing Coordinator Rosemary Mackey, and GIS Specialist Vicki Hynes in setting up the program along with the Park District, Fire Department, Township Office, Library, Police Department, and City Hall. Treasurer Earley stressed that there has never been a benefactor in town, but rather, the people of West Chicago work for everything the City has. He also pointed out that the Mayor has often said that families help other families in West Chicago. The food collection program is something to help our people.

6. Correspondence and Announcements.

Alderman Pineda said the *Bowling for Diabetes* was held on Friday, February 27th, and was very successful and well attended with well over 300 people. He thanked everyone for their generosity. The funds raised (about \$8,000-\$9,000.00) will be going to the American Diabetes Association. Alderman again thanked everyone for coming out and said he hoped to see them again next year.

Upcoming Meetings. The Mayor announced the following meetings.

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| - March 3, 2009 | Plan Commission/Zoning Board of Appeals |
| - March 5, 2009 | Infrastructure Committee |
| - March 5, 2009 | Cultural Arts Commission |
| - March 9, 2009 | Development Committee |

7. Corporate Disbursement Report. Alderman Connelly made a motion, seconded by Alderman Bunch, to approve the March 2, 2009, Corporate Disbursement Report in the amount of \$ 604,856.94. Voting Yea: Aldermen Chassee, Beifuss, Monroe, Smith, Radkiewicz, Pineda, Dimas, Bunch, Gianforte, Connelly, Stout, Dzierzanowski, and Fuesting. Voting Nay: 0. Motion carried.

8. Consent Agenda – Consideration of an Omnibus Vote.

- * **Development Committee:** No report
- * **Infrastructure Committee:** No report
- * **Public Safety Committee:** No report

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

A. Approve – Use of City's Right-of-Ways; In-Kind Services; and Event Route for School District No. 33 We-Go-Run 5K/10K Run – Scheduled for Sunday, May 3, 2009

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

* **Finance Committee:** No report

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

B. Approve – City Council Meeting Minutes of February 16, 2009

C. Ordinance 09-O-0016 – An Ordinance of the City of West Chicago, DuPage County, Illinois, Ascertaining the Prevailing Rate of Wages for Laborers, Mechanics and Other Workers Employed in Public Works for the City of West Chicago.

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

9. Reports by Committees. None

10. Unfinished Business.

A. Resolution No. 09-R-0011 – A Resolution Authorizing the Mayor to enter into a Certain Memorandum of Agreement with the Grand Trunk Corporation.

The Mayor called upon Alderman Pineda to give a report on activities regarding the Canadian National (CN) railroad. Alderman Pineda said he has been sitting on the TRAC executive committee. Unfortunately, the sale went through. At the last Council meeting, Alderman Pineda had mentioned the "wish list" especially for Ward Three (which will be greatly impacted). This is also Alderman Radkiewicz' ward. Alderman Pineda said the City met with CN and went through the wish list. He then stated what CN has agreed to do or provide funding for everything on the wish list except for an overpass. He said no matter what, the trains would be here. He wanted to ensure his ward would be taken care of and if the Council did not approve this agreement tonight, he wanted a guarantee that the City would finance the wish list. The CN would be providing \$1.8 to \$1.9 million.

Alderman Pineda made a motion, seconded by Alderman Radkiewicz, to approve Resolution 09-R-0011.

There then followed extensive discussion with Alderman Beifuss objecting to settling with CN when there is an appeal pending. He felt that once this settlement was accepted, then the City could no longer argue about the suitability of mitigation or the STB's flawed report, recommendation, and decision. He said the City has sufficient reserves and funds in the Public Benefit Fund to draw upon to fund mitigation efforts. Alderman Beifuss said it is obvious the problem with STB is caused by their inability to see and assess the real problems communities face. It is 100 years of deference to railroads, not to communities. He also felt that there is a disproportionate impact on low-income people, which should not be allowed. Alderman Beifuss said the City needs to continue its fight.

Alderman Pineda said TRAC had a meeting last Friday, but he was not invited. He also was not invited to their planned trip to Washington, D.C. on March 17-18, 2009.

Alderman Chassee said both sides have compelling information. She requested clarification from City Attorney Bond or staff as to what the City's status is on the Federal appeal and what is the likely outcome. She wanted to know if there was something different from two weeks ago. Alderman Dzierzanowski also asked what would happen if the pending appeal is upheld. Aldermen Dimas asked about consideration given to West Chicago now that it appears other communities are dropping out. Alderman Fuesting also raised some legal issues for clarification. Alderman Smith also asked about the consequences to the City if the agreement were not approved.

The Mayor said the STB did their job. They did not find in the City's favor, but they rarely do. They look at moving freight. The report was flawed and terrible for us, but there are other communities that benefited from this agreement. What concerns him is that one of our Aldermen sat on the board of TRAC, and the City gave them money and said we should be part of the lawsuit. However, they met and did not notify anyone in the City. The Mayor said he received an e-mail from the Mayor of Wayne who requested assistance in Washington, D.C. to get some of the stimulus package. However, the stimulus package is for the state for shovel ready projects. Other communities are going to Washington, D.C. for the benefit of a few, but using all the communities in their fight. The Mayor said he does not want to lose a fight. The City fought the UP and the transfer station. But the big question now is, if we wait and do nothing we're asking West Chicago to foot the bill. This happened with the new fire stations, which are being built, not due to expansion, but due to the railroad. The CN will impact everyone, but especially Ward Three. The Mayor said the federal representatives are more concerned with bank and auto bailouts.

City Attorney Bond said once the memorandum is signed, then the City will not sue CN. TRAC can go forward independent of this agreement. Mr. Bond said the situation favors the railroads, not the residents or local government. He said there would be no decision on the appeal until late summer. If the appeal is successful, the federal court will say what should be done regardless of this agreement.

City Administrator Guttman said the federal court will not invalidate the merger, but for whatever mitigation is offered, West Chicago does not make the top ten list. .

Alderman Radkiewicz said he is concerned about the delay in waiting for the federal appeal. If the appeal goes through, then it would be 3-5 years before something would come of it, and it is possible that CN would appeal to a higher court. If West Chicago did the mitigation, then the time frame would be much shorter.

At the Mayor's request, the City Clerk re-read the motion. Voting Yea: Aldermen Radkiewicz, Pineda, Gianforte, Connelly, Stout, Dzierzanowski, and Fuesting. Voting Nay: Aldermen Chassee, Beifuss, Monroe, Smith, Dimas, and Bunch. Motion carried.

11. New Business. Alderman Pineda said he is starting to get calls about skunks and raccoons. He would like the Public Safety Committee to consider the services of a tracker. The Mayor said this would be sent to the committee.

12. Mayor's Comments. The Mayor said he made all his comments above.

13. Executive Session. At 8:23 pm, Alderman Connelly made a motion, seconded by Alderman Bunch, to adjourn into executive session to discuss land acquisition [5 ILCS 120/2(c)(5) (6)], litigation [5 ILCS 120/2(c)(11)], personnel matters [5 ILCS 120/2(c)(1)], and review of Official Record [5 ILCS 120/2(c)(21)]. Voting Yea: Aldermen Chassee, Beifuss, Monroe, Smith, Radkiewicz, Pineda, Dimas, Bunch, Gianforte, Connelly, Stout, Dzierzanowski, and Fuesting. Voting Nay: 0. Motion carried. Minutes for the executive session are filed separately.

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

15. Adjournment. See above.

Respectfully submitted,

Nancy M. Smith
City Clerk