

These minutes were approved at the 8/5/13 City Council meeting with no changes.

CITY OF WEST CHICAGO – 475 Main Street

CITY COUNCIL MINUTES

Regular Meeting

July 15, 2013

1. **Call to Order.** Mayor Ruben Pineda called the meeting to order at 7:00 pm.
2. **Pledge of Allegiance to the Flag.** Alderman Banas 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, Donald F. Earley, James Smith, Laura Grodoski, Alton Hallett, Sandy Dimas, Alan Murphy, John C. Smith, Kurt Meissner, Mark Edwalds, Rebecca Stout, John F. Banas, and Matt Fuesting present. Alderman James E. Beifuss, Jr. was absent. The Mayor announced a quorum.

City Clerk Nancy M. Smith was also present.

Also in attendance were City Attorney Patrick K. Bond, City Administrator Michael L. Guttman, and Chief of Police Laz Perez.

**5. Public Participation.**

The following persons spoke during Public Participation:

1) Ms. Janet Hale, President, West Chicago Historical Preservation Commission, spoke about the Wiant House, 151 W. Washington Street. She said in 2007 the house was eligible for the National Register of Historic Places. This was confirmed in 2013. Such status confers tax incentives for rehabilitation. Also worth note is that West Chicago is a Certified Local Government. This designation confers state and federal benefits. The full text of her remarks is included at the end of these minutes.

2) Ms. Cheryl Waterman, West Chicago Preservation Commission, thanked the City for allowing her to recently attend a conference in Evanston. She learned a lot. The number one thing she took away was the fact that the City Council and the Historical Preservation Commission are partners. She said it is a big thing to be a Certified Local Government. It is her desire that there is mutual respect and partnering together. She believes in West Chicago's motto, "Where History and Progress Meet."

**6. City Council Meeting Minutes – July 1, 2013.** Alderman Dimas made a motion, seconded by Alderman Chassee, to approve the minutes of July 1, 2013, with no changes. Voting Aye: Aldermen Chassee, Earley, James Smith, Grodoski, Hallett, Dimas, Murphy, Edwalds, Stout, Banas, and Fuesting. Voting Nay: 0. Aldermen John Smith and Meissner abstained. Motion carried.

**7. Corporate Disbursement Report.** Alderman Chassee made a motion, seconded by Alderman Jim Smith, to approve the July 15, 2013, Corporate Disbursement Report in the amount of \$ 882,187.13. Voting Aye: Aldermen Chassee, Earley, James Smith, Grodoski, Hallett, Dimas, John Smith, Meissner, Edwalds, Stout, Banas, and Fuesting. Voting Nay: 0. Alderman Murphy abstained. Motion carried.

**8. Consent Agenda – Consideration of an Omnibus Vote.**

\* **Development Committee:** No report

\* **Infrastructure Committee:** Alderman John Smith read and explained the following item:

**A. Resolution 13-R-0053** – A Resolution Authorizing the Mayor to Execute a Contract Agreement with CH2M Hill OMI for Professional Services Related to the Reconditioning of Primary Clarifier Tank #1 at the City's Wastewater Treatment Plant (for an amount not to exceed \$144,177.00)

Alderman John Smith made a motion, seconded by Alderman Fuesting, to approve the above item. Voting Aye: Aldermen Chassee, Earley, James Smith, Grodoski, Hallett, Dimas, Murphy, John Smith, Meissner, Edwalds, Stout, Banas, and Fuesting. Voting Nay: 0. Motion carried.

\* **Public Affairs Committee:** No report

\* **Finance Committee:** No report

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

**B. Resolution 13-R-0052** – A Resolution Adopting the DuPage County Natural Hazards Mitigation Plan

**C. Resolution 13-R-0055** – A Resolution Authorizing the Destruction of Audio Recordings of Certain Closed Meetings

**D. Resolution 13-R-0056** – A Resolution Making a Determination Relative to the Release of Executive Session Minutes Pursuant to the Illinois Open Meetings Act

Alderman Stout made a motion, seconded by Alderman Edwalds, to approve the above items. Voting Aye: Aldermen Chassee, Earley, James Smith, Grodoski, Hallett, Dimas, Murphy, John Smith, Meissner, Edwalds, Stout, Banas, and Fuesting. Voting Nay: 0. Motion carried.

**9. Reports by Committees.** None

**10. Unfinished Business.** None

**11. New Business.** None

**12. Correspondence and Announcements.**

**Upcoming Meetings**

- July 16, 2013	Plan Commission/Zoning Board of Appeals (cancelled)
- July 22, 2013	Public Affairs Committee
- July 23, 2013	Historical Preservation Commission
- July 25, 2013	Finance Committee (cancelled)
- August 1, 2013	Infrastructure Committee (cancelled)

Mayor Pineda thanked everyone for a very fantastic, very safe, and enjoyable Railroad Days. It was a pleasure to see the sea of people out there. The fireworks were phenomenal. The festival is getting bigger and better every year. He thanked Chief Perez as the Mayor received many compliments about the police presence. There was a very nice, safe, and happy atmosphere. The Mayor thanked the Western DuPage Chamber of Commerce and Industry for putting on a very successful and great event. The Mayor said it was a pleasure to march in the parade with Deputy Mayor Chassee.

**13. Executive Session.** There was no executive session.

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

**15. Adjournment.** At 7:24 pm, Alderman Chassee made a motion, seconded by Alderman Stout, to adjourn. Motion was carried by voice vote.

Respectfully submitted,

Nancy M. Smith  
City Clerk

7/15/2013 City Council Address

My name is Janet Hale; I am President of the West Chicago Historic Preservation Commission, and I am speaking in regards to the Joel Wiant House as a result of City's appeal of the Commission's denial of COA 12-20 -- the City's request for a Certificate of Appropriateness for demolition of the Wiant House at 151 W Washington in the Turner Junction Historic District.

The architectural and historical significance of this structure and its contribution to the Turner Junction Historic District and to the historic fabric of DuPage County is well documented and was not disputed by the City during the recent public hearing. It is the finest example of Second Empire architecture in DuPage County, was the home of two very prominent West Chicago citizens, and is one of the true gems in our downtown Historic District.

What you may not be aware of is that . . . .In 2007, the **Illinois Historic Preservation Agency** determined that the Wiant House was eligible for the **National Register of Historic Places**, a status confirmed in 2013. This can be found on the **Historic Architectural Resources Geographic Information System** or **HARGIS** website - reference no. 305629. This eligibility provides the status and benefits of properties listed on the National Register of Historic Places including the tax incentives for rehabilitation.

Additionally it's important to note that the City of West Chicago is a **Certified Local Government**. There are 77 in Illinois. West Chicago attained this status in April 1993 and is joined by Wayne, St Charles, Galena, Naperville, Ottawa, Peoria, Lake Forest, Glen Ellyn, Geneva, Hinsdale, and Chicago to name a few. (*list available*)

(*from the National Park Service, US Dept of Interior website*) The Certified Local Government Program is a preservation partnership between local, state and national governments focused on promoting historic preservation at the grass roots level. The program is jointly administered by the **National Park Service (NPS)** and the **State Historic Preservation Offices (SHPOs)** in each state, with each local community working through a certification process to become recognized as a Certified Local Government (CLG). CLGs then become an active partner in the Federal Historic Preservation Program and the opportunities it provides.

These include the expert technical advice of the State Offices as well as the National Park Service. Partnerships with the **National Alliance of Preservation Commissions**, **Preserve America**, the **National Trust for Historic Preservation**, and the **National Main Street Center** are also networks that CLGs have an opportunity to tap into. Of course, access to Federal funding is another benefit, making certified communities able to access the portion of Federal funds set aside by each SHPO for just CLGs annually. Being a CLG also shows your community's commitment to keeping what is significant from the past for future generations. As a certified town, city, or county seeking other opportunities, it becomes easy to demonstrate a readiness to take on a preservation project and be successful.

Illinois Historic Preservation Agency representatives recently visited West Chicago for a periodic evaluation pursuant to Terms of the Certification of *this* Local Government by the US Department of the Interior, National Park Service standards. They expressed a keen interest in the situation surrounding the Wiant House.

This local landmark has been recognized by many organizations and agencies including but not limited to:

- **State of Illinois Historical Structures Survey** of 1971 - 1975
- **Historic Landmarks Survey**
- **DuPage County Historical Museum** – recognized for Second Empire-style
- **Cultural and Historic Sites Survey** done by the **DuPage County Regional Planning Commission**, updated in 1992.
- **Landmark Illinois' 2013 list of *Ten Most Endangered Historic Places in Illinois***.  
The letter from Landmarks Illinois announcing the press release states that this list, which has been announced every year from 1995, is based on input from Landmarks Illinois professional staff, board members, and preservationists from across the state.
- **Glen Ellyn Historical Preservation Commission**
- **West Chicago Historical Society**
- **The West Chicago Community Center**
- Numerous notations, including both the structure and the history of the occupants, on the **City of West Chicago** website and the **West Chicago Museum**
- And of course, the **Illinois Historic Preservation Agency**,
- **United States Department of Interior**,
- **National Park Service** related to the National Register of Historic Places eligibility.

I hope each of you has had the opportunity to thoroughly review the Commission's Finding of Fact and Decision – particularly in light of the City's decision to appeal the Commission's denial of the COA. I won't restate the Findings here, but for any interested members of the public, the document can be

found on the City website -- a button for the 151 W Washington public hearing documents can be found on the City's home page.

I would like to point out though that, contrary to a common misconception, the evidence during the public hearing showed that the Wiant House is structurally sound - as determined by both the Commission's Special Consultants, Gallagher & Associates in May 2013, and the City's own expert witness, Matocha, in the Review dated January 31, 2013. Another common misconception is that there was an RFQ continuously available for the past two years, which is not the case. An RFQ was available twice over the course of two years – for one month plus one in 2012, and for two months in 2013.

I think it is important to note that the City Council apparently provided staff with direction to acquire the 2010 appraisal of 151 W Washington as well as the direction to acquire a COA for demolition of this property during Executive Sessions. The 2010 appraisal took place while the building was still held by the previous owner and ultimately resulted in determining the purchase price of \$260,000. This was after the City used a code enforcement citation, as a tactic, to encourage the bank to sell the property for less than the amount owed as a result of the foreclosure; this according to staff and from the public hearing testimony. The directive to pursue demolition being given during Executive Session while still including the building in the publicly displayed redevelopment plans is potentially misleading to the public. Additionally, the acquisition of the COA for demolition was to be completed while staff also sought to find a developer for the property.

The same individuals who so enthusiastically pursue the COA for demolition were also responsible for generating interest for the property and encouraging development. In May, staff offered public statements to reporters regarding "significant structural deterioration" and citing that "there is no viable use for it (*the building*)" as justification for the pursuit of demolition. The comments regarding structural deterioration were contrary to the January review by the City's expert witness, Matocha, stating that the building is structurally sound, and the question of economic viability is covered in the Commission's Findings of Fact. In my opinion, the direction for staff to pursue these divergent goals simultaneously resulted in a gross conflict of interest and a flawed RFQ process. (*I will be happy to discuss this with anyone at greater length.*)

I propose a more publicly open and transparent process. The City of West Chicago has a tremendous asset and a great responsibility here -- an opportunity to preserve our past while moving into the future. Organizations like Landmarks Illinois and the Illinois Historic Preservation Agency have expressed an interest in and willingness to meet with City officials to discuss potential alternatives with the goal of the successful adaptive re-use of this important resource.

City staff is still working with one of the RFQ respondents, and there is additionally a community group ready to take on the project, as discussed in the public hearing – which, alone, nullifies the reason stated for the request for demolition which was that no developer could be found.

To the best of my knowledge, it would be unusual for the City Council to overturn the decision of one of its commissions---particularly when such a decision would be a direct conflict with the purpose and intent of City's own ordinances.

I refer you to the **West Chicago Code of Ordinances > Chapter 2 > Article VI > Division 2 Sec 2-281 #2, 5, 9, 10, 16** Stating the role of the Commission to identify and preserve important structures, working with staff and advising the Mayor and City Council. The Commission was not approached by the City for information or assistance regarding this structure prior to receiving the COA for demolition.

Also in the **West Chicago Code of Ordinances > Chapter 4 Buildings and Building Regulations > Article V Landmark and Historic District Regulations > Sec 4-90, Purpose**. To promote the educational, cultural, economic and general welfare of the community by # 1 – 7. In reading the entire ordinance though (Article V), the intent of it is clear -- the avoidance of adverse changes, such as the demolition of a contributing structure.

And finally, I refer you to **Ordinance 2475, Establishing the Turner Junction Historic District**, which states at the end of the 4th paragraph . . . . "that preservation and continued utilization of such property is necessary and desirable for sound community planning".

I implore you to withdraw the request for demolition; to uphold the decision of the Historic Preservation Commission; to preserve this local jewel for our community, DuPage County and beyond; and to direct staff to pursue the preservation and adaptive re-use of the Wiant House in cooperation with the Historic Preservation Commission, Landmarks Illinois and others – with the same determination and zeal demonstrated in their pursuit of the COA for demolition.

Thank you