

These minutes were approved at the 9/20/10 City Council meeting with no changes.

CITY OF WEST CHICAGO – 475 Main Street
CITY COUNCIL MINUTES
Regular Meeting
September 7, 2010

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 Murphy 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, Sandy Dimas, Alan Murphy, John C. Smith, Joey Gianforte, Nanette B. Connelly, Nicholas Dzierzanowski, and Matt Fuesting present. Aldermen Ruben Pineda and Rebecca Stout 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, Public Works Director Rob Flatter, and City Administrator Michael L. Guttman.

5. Public Participation.

A. Presentation: Fine Arts Fiesta Winners. The Mayor called upon Museum Director LuAnn Bombard who said this year's Fine Arts Fiesta was the 17th one. She then introduced Heidi Morris, Chair of the Cultural Arts Commission. Ms. Morris thanked the Mayor and City Council for their continuing support. She invited the Mayor to join her in presenting ribbons and congratulating the following winners of the People's Choice Awards:

2-D, Sculpture: 1st Paul Nemejc; 2nd Paul Nemejc; 3rd Michael Canton
Photography: 1st Uwe Gsedl; 2nd Phil Weibler; 3rd Uwe Gsedl
Student: 1st Molly McGhee (absent); 2nd Alexis Long; 3rd Jessie Hansen
Craft: 1st Dianne Gage; 2nd Dorothy Andrews; 3rd Becky Hall

Ms. Morris said the artworks would be on display at City Hall. The Mayor thanked Ms. Morris and all the attendees.

No one spoke during regular public participation.

6. Correspondence and Announcements.

The City Clerk announced that packets for the April 5, 2011, Consolidated Election would be available beginning September 21, 2010. Seven aldermanic seats are up for election.

The City Clerk announced that the West Chicago Sister Cities Organization would be showing a German movie this Friday in the Council chambers. Everyone is invited.

Alderman Beifuss announced that the Ice Cream Social, sponsored by the West Chicago Historical Society, would be held this Saturday from noon to 3:00 pm at the Kruse House on Main Street. Tickets are \$3.50 and can be purchased on the day of the event. The Mayor said the Ice Cream Social is a fun event, and everyone should see the Kruse House and enjoy and participate in the silent auction.

Upcoming Meetings. The Mayor announced the following meetings.

- | | |
|----------------------|---|
| - September 8, 2010 | Plan Commission/Zoning Board of Appeals |
| - September 13, 2010 | Development Committee (cancelled) |
| - September 13, 2010 | Special City Council Meeting |

7. Corporate Disbursement Report. Alderman Connelly made a motion, seconded by Alderman Radkiewicz, to approve the September 7, 2010, Corporate Disbursement Report in the amount of \$ 783,791.87. Voting Yea: Aldermen Chassee, Beifuss, Monroe, James Smith, Radkiewicz, Dimas, John Smith, Gianforte, Connelly, Dzierzanowski, 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 Dzierzanowski read and explained the following items:

A. Resolution 10-R-0077 – A Resolution Authorizing the Mayor to Execute a Contract Agreement for the 2010 Fire Hydrant Painting Project with Alpha Paintworks, Inc. (for an amount not to exceed \$41,500.00)

B. Resolution 10-R-0078 – A Resolution Authorizing the Mayor to Execute a Contract Agreement for the 2010 Water Treatment Plant Lime Waste Sludge Removal Project with Stewart Spreading, Inc. (for an amount not to exceed \$654,500.00)

C. Resolution 10-R-0079 – A Resolution Authorizing the Mayor to Execute a Contract Agreement for the 2010 Public Works Garage Perimeter Fence Replacement Project with Peerless Fence (for an amount not to exceed \$22,484.00)

D. Resolution 10-R-0081 – A Resolution Authorizing the Mayor to Execute a Contract Agreement for Professional Services Related to Necessary Maintenance and Repairs of the Well and Well Assembly at the City's Well Station No. 3 (for an amount not to exceed \$100,000.00)

E. Resolution 10-R-0082 – A Resolution Authorizing the Mayor to Execute a Contract Amendment No. 1/First Extension to the Professional Engineering Services Agreement for the Deep Well and Well House No. 12 Project with Strand Associates, Inc. (for an amount not to exceed \$92,860.00)

F. Resolution 10-R-0083 – A Resolution Authorizing the Mayor to Execute a Contract Agreement for Professional Engineering Services Related to the South Aurora Street Relocation Project with Thomas Engineering Group (for an amount not to exceed \$44,032.80)

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

* **Public Affairs Committee:** Alderman Chassee read and explained the following items:

G. Approve – The City of West Chicago Wayfinding Sign Master Plan

H. Approve – Street Closures for the ABD Cycle Club Bike Races – Scheduled for Saturday, September 25, 2010, and Sunday, October 2, 2010

I. Ordinance 10-O-0070 – An Ordinance Amending Chapter 10, of Municipal Code of the City of West Chicago, Illinois, to Add Article VIII, Unsubscribed-to Periodicals (removed and voted upon separately)

J. Ordinance 10-O-0071 – An Ordinance Amending and Restating Chapter 9, Article VI, of Municipal Code of the City of West Chicago, Illinois, Solicitors, with Respect to the Leaving of Advertising Material on Residential Premises (removed and voted upon separately)

K. Resolution 10-R-0074 – A Resolution Amending the Distance Parameters of the Noise Mitigation Program

L. Resolution 10-R-0076 – A Resolution Authorizing the City Administrator to Execute a Certain Letter of Intent with the DuPage County Emergency Telephone System Board – STARCOM21 System

Alderman Chassee made a motion, seconded by Alderman Monroe, to adopt the items on the consent agenda. Voting Yea: Aldermen Chassee, Beifuss, Monroe, James Smith, Radkiewicz, Dimas, Murphy, John Smith, Gianforte, Connelly, 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:

M. Approve – City Council Meeting Minutes of August 16, 2010

N. Resolution 10-R-0080 – A Resolution Applying for Community Development Block Grants for 2011/2013 DuPage County Consolidated Plan Year

O. Resolution 10-R-0084 – A Resolution Authorizing the Mayor to Enter into a Certain Amendment to the Lease Agreement for 328 ½ High Street – Orlando Cardenas

P. Resolution 10-R-0085 – A Resolution Authorizing the Mayor to Enter into a Certain Amendment to the Lease Agreement for 314 High Street, Unit B – Ana Caballero and Marcos Cureno

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

9. Reports by Committees.

City Treasurer Earley presented information regarding how West Chicago's water rates compared to other communities. In 2008, West Chicago was in the middle, but in the August 2010 comparison, West Chicago is in the bottom third.

From Item 8.I: Ordinance 10-O-0070 – An Ordinance Amending Chapter 10, of Municipal Code of the City of West Chicago, Illinois, to Add Article VIII, Unsubscribed-to Periodicals.

Alderman Chassee made a motion, seconded by Alderman Fuesting, to adopt Ordinance 10-O-0070. During discussion, Alderman Beifuss spoke against the need for this ordinance. He said this would be a new rule for West Chicago in that fines could be levied for unsubscribed newspapers being left at people's homes. He felt this would have a chilling effect on fundamental First Amendment rights of free speech and free press, and said people throwing out newspapers from the street would not be able to see the sign on someone's door. If someone has a problem with an unsubscribed newspaper, they can call the publisher to stop receiving it. He also said he has not seen any examples of other communities with this type of ordinance except for one town in Mississippi. He was concerned how this would be enforced.

Alderman Dimas said she only gets an occasional item (which she reads) and wondered what part of town would get 3-4 a day. She agreed that the sign would not be seen from the street and asked if there were other options.

Alderman Chassee said the Community Affairs Committee met several times on this topic. The original request came from the Third Ward. During their investigation, they found that calls to the publisher did not result in stoppage of the newspapers. She said City Attorney Keith Letsche provided an excellent explanation as to the legality of the proposed ordinance.

Alderman John Smith said this is a large problem in the Fifth Ward and he agreed with Alderman Chassee's comments.

Alderman Dzierzanowski also felt the ordinance was necessary. He said he did not want to infringe on anyone's free speech rights, but did not want people to put stuff on his private property.

The Mayor said someone who goes through the process of putting up a sign would call if unsolicited items are left. City Attorney Bond said there is a balancing act between privacy rights and free speech. There is no regulation on type of speech, but in the manner of the speech. The Supreme Court has ruled that you cannot regulate what people say, but you can regulate where they say it. He said the Illinois Municipal League counsel was consulted on this ordinance and they found no constitutional infringement.

Alderman Radkiewicz said it is a real problem in his ward. The publisher has been called, but the papers continue to come.

Voting Yea: Aldermen Chassee, Monroe, Radkiewicz, Dimas, Murphy, John Smith, Gianforte, Connelly, Dzierzanowski, and Fuesting. Voting Nay: Aldermen Beifuss and James Smith. Motion carried.

From Item 8.J: Ordinance 10-O-0071 – An Ordinance Amending and Restating Chapter 9, Article VI, of Municipal Code of the City of West Chicago, Illinois, Solicitors, with Respect to the Leaving of Advertising Material on Residential Premises

Alderman Connelly made a motion, seconded by Alderman Dzierzanowski, to adopt Ordinance 10-O-0071. During discussion, Alderman Beifuss said this ordinance should be deferred until staff and the City Attorney could review it against the current ordinance against solicitation. He felt that the definition of "solicitor" was being changed to include distributors of commercial and non-commercial literature, not just someone coming to the door. They would have to be registered and this would have a chilling effect on free speech. At the Committee

meeting he heard that people did not want advertising materials blowing around. He thought perhaps the littering ordinance should be amended or upgraded to deal with this problem. He said with high unemployment and businesses desperate for customers, they need to advertise.

Alderman Chassee said City Attorney Letsche had a good explanation why this should be included in the solicitors' ordinance and not be in the littering ordinance. She said there have been a number of complaints from various parts of the City. If people want to receive this material they can, but if they wish to opt out, they have the opportunity to do so. Alderman John Smith agreed with Alderman Chassee. He did not want people coming to put things on his door and looking into his window. If their literature is blowing about, this ordinance provides that the City goes after the person leaving the literature, not the homeowner.

Alderman Dzierzanowski said this is a problem in the Seventh Ward. He hears about it constantly. The Park District has to clean out advertising literature from the lake.

Voting Yea: Aldermen Chassee, Monroe, Radkiewicz, Dimas, Murphy, John Smith, Gianforte, Connelly, Dzierzanowski, and Fuesting. Voting Nay: Aldermen Beifuss and James Smith. Motion carried.

10. Unfinished Business. None

11. New Business. None

12. Mayor's Comments. The Mayor invited everyone to participate in the Mexican Independence Day celebration. He said it will be a good time for people to come out and learn from other cultures. West Chicago is made up of many types of people and cultures that have come from all over the world. They came to build and the Mexican community has been part of that history. This is a perfect time to enjoy your neighbors and learn. What is occurring today in the world where everyone is pointing fingers at illegal immigrants has happened in the past with other groups having fingers pointed at them. However, if West Chicago can show and teach the children to have pride in their heritage, whether they were born here or not, and derive benefit in learning about their history, that is what West Chicago is all about. The Mayor asked, "When would Americans not celebrate with other countries' independence from tyranny?" It is time to party again in West Chicago. The Mayor hoped to see everyone there.

13. Executive Session. At 8:03 pm, Alderman Radkiewicz made a motion, seconded by Alderman Murphy, to adjourn into executive session to discuss 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, James Smith, Radkiewicz, Dimas, Murphy, John Smith, Gianforte, Connelly, 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