

# Village of Lombard

*Village Hall  
255 East Wilson Ave.  
Lombard, IL 60148  
villageoflombard.org*



## Minutes

**Thursday, December 5, 2013**

**7:30 PM**

**Village Hall Board Room**

## **Village Board of Trustees**

*Village President Keith Giagnorio*

*Village Clerk Sharon Kuderna*

*Trustees: Dan Whittington, District One; Mike Fugiel, District Two;*

*Reid Foltyniewicz, District Three; Peter Breen, District Four;*

*Laura Fitzpatrick, District Five; and Bill Ware, District Six*

## I. Call to Order and Pledge of Allegiance

The regular meeting of the President and Board of Trustees of the Village of Lombard held on Thursday, December 5, 2013 in the Board Room of the Lombard Village Hall was called to order by Village President Keith Giagnorio at 7:30 p.m. Deputy Village Clerk Janet Downer led the Pledge of Allegiance.

## II. Roll Call

- 7 - Keith Giagnorio, Dan Whittington, Mike Fugiel, Reid Foltyniewicz, Peter Breen, Laura Fitzpatrick, and Bill Ware
- 1 - Sharon Kuderna

Staff Present:  
Acting Village Manager Tim Sexton  
Director of Community Development Bill Heniff  
Director of Public Works Carl Goldsmith  
Chief of Police Ray Byrne  
Fire Chief Paul Dirienzo  
Assistant Village Manager Nicole Aranas  
Executive Coordinator Carol Bauer

## III. Public Hearings

## IV. Public Participation

[130618](#)

### **Proclamation - National Drunk and Drugged Driving Prevention Month**

Deputy Village Clerk Janet Downer read the proclamation for National Drunk and Drugged Driving Prevention Month. President Giagnorio presented the proclamation to Chief of Police Ray Byrne. Chief Byrne reminded residents about driving responsibly with the upcoming holidays.

## V. Approval of Minutes

**A motion was made by Trustee Mike Fugiel, seconded by Trustee Peter Breen, that the minutes of the Regular Meeting of November 21, 2013 be approved. The motion carried by the following vote:**

**Aye:** 6 - Dan Whittington, Mike Fugiel, Reid Foltyniewicz, Peter Breen, Laura Fitzpatrick, and Bill Ware

## **VI. Committee Reports**

### **Community Relations Committee - Trustee Dan Whittington, Chairperson**

No report

### **Economic/Community Development Committee - Trustee Laura Fitzpatrick, Chairperson**

Trustee Laura Fitzpatrick, Chairperson of the Economic and Community Development Committee, reported the committee had met. The committee reviewed the draft ordinance regarding regulations pertaining to the temporary sale of animals in an effort to eliminate the sale of puppies from puppy mills. The committee reviewed the retail business grant program as it pertains to the business owner also being the property owner. The committee reviewed a grant request for a new sign at 15 N. Main Street, which did not meet criteria for Downtown Improvement Grant funding, and a request for 2014 funding from LTC, which was approved, and will be coming to the Board.

### **Environmental Concerns Committee - Trustee Mike Fugiel, Chairperson**

No report

### **Finance Committee - Trustee Peter Breen, Chairperson**

No report

### **Public Works Committee - Trustee Bill Ware, Chairperson**

Trustee Bill Ware, Chairperson of the Public Works Committee, reported the committee had met. The committee reviewed and approved many change orders, many of which are on the agenda for the Board approval. He talked about a request for a sidewalk on the north side of Taylor, but the sidewalk was not a current fit for the guidelines. Christopher Burke Engineering provided an overview for the committee with regard to the sewer separation report the firm had completed. This item will be coming to the Village Board.

### **Transportation & Safety Committee - Trustee Reid Foltyniewicz, Chairperson**

No report

### **Board of Local Improvements - Trustee Bill Ware, President**

Trustee Bill Ware, President of the Board of Local Improvements, reported the board had met. The board approved a rebate for Special Assessment 213.

### **Community Promotion & Tourism - Trustee Laura Fitzpatrick, Chairperson**

No report

### **Lombard Historical Commission**

No report

## **VII. Village Manager/Village Board Comments**

Trustee Whittington thanked Chief Byrne and the Police Department for hosting the upcoming Shop with a Cop event.

Trustee Foltyniewicz reported he attended the County Board meeting on December 3rd regarding Ken Loch. He thanked the residents, Trustee Whittington, Trustee Fugiel, Director of Community Development Bill Heniff and Park District Director Paul Friedrichs for attending and showing support for the Village on this matter. He noted the next County Board meeting was scheduled for December 10th. He felt the County Board members had made up their minds with regard to this matter.

President Giagnorio emphasized shopping and dining in Lombard this holiday season. He reminded residents of all of the events coming up with Jinglebell Jubilee scheduled for Saturday, December 7th. He reminded residents that the last day to donate for the Tornado Relief Drive was Friday; talked about Shop with a Cop; reminded residents of the Fire Department Toy Drive scheduled for Saturday, December 14th; and reminded residents that they can drop off decorative lights and extension cords at the Public Works facility.

Chief DiRienzo indicated that the Fire Department had approximately 8 pallets of donated items that will be delivered to the Washington, IL area that had been hard hit by the tornadoes.

Chief Byrne spoke about helping disadvantaged kids with the Shop with a Cop Program.

Chief DiRienzo talked about the support the Fire Department receives with the Toy Drive.

Trustee Fugiel indicated he had driven by Washington, IL recently and described how devastating it was to see.

## VIII Consent Agenda

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### Payroll/Accounts Payable

[130612](#)

**Approval of Village Payroll**

For the period ending November 16, 2013 in the amount of \$759,006.75.

This Payroll/Accounts Payable was approved on the Consent Agenda

[130616](#)

**Approval of Accounts Payable**

For the period ending November 22, 2013 in the amount of \$421,409.43.

This Payroll/Accounts Payable was approved on the Consent Agenda

This Payroll/Accounts Payable was approved on the Consent Agenda

C. [130617](#)

**Approval of Accounts Payable**

For the period ending November 29, 2013 in the amount of \$950,143.58.

This Payroll/Accounts Payable was approved on the Consent Agenda

### Ordinances on First Reading (Waiver of First Requested)

D. [130587](#)

**Purchase of One 4x4 Pick-up Truck with Plow**

Request for a waiver of bids and award of a contract to Roesch Ford in the amount of \$15,624.00; and declaring Village unit ST322 as surplus and authorizing its trade-in. Staff is requesting a waiver of first reading. Public Act 85-1295 does not apply.

This Ordinance was waived of first reading and passed on second reading with suspension of the rules on the Consent Agenda

Enactment No: Ordinance 6899

E. [130610](#)

**Title 11, Chapter 112, Section 112.13(A) of the Lombard Village Code - Alcoholic Beverages**

Amending Title 11, Chapter 112, Section 112.13(A) of the Lombard Village Code reducing the Class "A/B-I" liquor license category by one due to the non-renewal of the liquor license for Rancho Viejo located at 708 S. Main Street. (DISTRICT #6)

**This Ordinance was waived of first reading and passed on second reading with suspension of the rules on the Consent Agenda**

Enactment No: Ordinance 6900

F. [130611](#)

**One Aerial Truck and One Chipper Truck**

Award of a contract to Freeway Ford of Lyons, IL, the lowest responsible bidder of three bids, for one new aerial truck and one new chipper truck in the amount of \$199,801.00. Also to declare Village Units FO389 and FO391 as surplus authorizing their trade-in. Bid in compliance with Public Act 85-1295.

**This Ordinance was waived of first reading and passed on second reading with suspension of the rules on the Consent Agenda**

Enactment No: Ordinance 6901

\*F-2. [130625](#)

**Ordinance Amending Title 3, Chapter 31 of the Lombard Village Code - Village Manager Residency Requirement**

Ordinance eliminating the residency requirement for the Village Manager.

**This Ordinance was waived of first reading and passed on second reading with suspension of the rules on the Consent Agenda**

Enactment No: Ordinance 6902

## **Other Ordinances on First Reading**

## **Ordinances on Second Reading**

## **Resolutions**

G. [130572](#)

**Street Light Maintenance Contract, Change Order No. 1**

Reflecting an increase to the contract with Meade Electric in the amount of \$14,763.00. (DISTRICTS - ALL)

**This Resolution was adopted on the Consent Agenda**

Enactment No: Res 167-13

H. [130573](#)

**Finley Road Pavement Rehabilitation, Phase 2, Change Order No. 4**

Reflecting a decrease to the contract with ALAMP Concrete Contractors in the amount of \$21,518.20. (DISTRICT #1)

**This Resolution was adopted on the Consent Agenda**

Enactment No: Res 168-13

I. [130584](#)

**FY2013 Asphalt Paving and Patching, Final Balancing Change Order No. 4**

Reflecting a decrease to the contract with James D. Fiala Paving Company, Inc. in the amount of \$37,458.03.00. (DISTRICTS - ALL)

**This Resolution was adopted on the Consent Agenda**

Enactment No: Res 130584

J.        [130591](#)        **FY2013 Sewer Cleaning and Televising, Final Balancing Change Order #4**

Reflecting a decrease to the contract with Chicagoland Trenchless Rehab, Inc. in the amount of \$6,595.88.00. (DISTRICTS - ALL)

**This Resolution was adopted on the Consent Agenda**

Enactment No: Res 170-13

K.        [130600](#)        **FY2013 Concrete Rehabilitation and Utility Cuts Patching Change Order No. #2 and Final**

Reflecting a decrease to the contract with G&M Cement Construction in the amount of \$26,662.23. (DISTRICTS - ALL)

**This Resolution was adopted on the Consent Agenda**

Enactment No: Res 171-13

L.        [130601](#)        **FY2013 Sanitary Sewer Lining Program, Final Balancing Change Order No. 3**

Reflecting an increase to the contract with Insituform Technologies USA, LLC in the amount of \$2,477.00. (DISTRICTS - ALL)

**This Resolution was adopted on the Consent Agenda**

Enactment No: Res 172-13

### Other Matters

M.        [130609](#)        **Public Works Garfield Maintenance Building, Project #FM 13-02**  
Award of a contract to Stronghold Construction, the lowest responsible bid of fourteen bidders, in the amount of \$457,547.00. Bid in compliance with Public Act 85-1295. (DISTRICT #4)

**This Bid was approved on the Consent Agenda**

N.        [130599](#)        **2014 Risk Management Program**  
Recommendation from the Finance Committee approving the 2014 Village of Lombard Risk Management Program.

**This Request was approved on the Consent Agenda**

O.        [130619](#)        **Plat of Easement - 1000 N. Ridge Road (Go Packaging)**  
Motion approving a Plat of Easement providing stormwater detention on the property located at 1000 N. Ridge Road and known as Go Packaging. (DISTRICT #1)

This Request was approved on the Consent Agenda

### Approval of the Consent Agenda

A motion was made by Trustee Dan Whittington, seconded by Trustee Bill Ware, to Approve the Consent Agenda The motion carried by the following vote

Aye: 6 - Dan Whittington, Mike Fugiel, Reid Foltyniewicz, Peter Breen, Laura Fitzpatrick, and Bill Ware

## IX. Items for Separate Action

### Other Matters

\*A-1. [130626](#)

#### Motion Authorizing a Contract with the Village Manager

Motion authorizing a contract with Scott Niehaus to serve as the Village Manager for the Village of Lombard.

A motion was made by Trustee Reid Foltyniewicz, seconded by Trustee Dan Whittington, that the Village Board approve a contract with Scott Niehaus to serve as the Village Manager for the Village of Lombard. The motion carried by the following vote:

Aye: 6 - Dan Whittington, Mike Fugiel, Reid Foltyniewicz, Peter Breen, Laura Fitzpatrick, and Bill Ware

President Giagnorio called Scott Niehaus to the front and read a short biography about Scott.

Scott Niehaus thanked the Village Board for their support. He talked about being excited about the opportunity to serve the Village of Lombard and be closer to his family. He felt the Village had a professional staff and he will be learning from them. He introduced his family.

### Ordinances on First Reading (Waiver of First Requested)

A. [130603](#)

#### 109-115 W. St. Charles Road - Property Acquisition

Real Estate Purchase and Sales Contract regarding the acquisition of the property commonly referred to as 109 -115 W. St. Charles Road. (DISTRICT #1)

Andrew Gurney, 105 W. St. Charles Road, indicated he was the President of the Park West Condo Association, and he was representing the condo owners. He stated that all of the condo owners concurred with the price and terms of the agreement that had been negotiated between the Village and the Park West Condo



Association and owners. He thanked the Board.

Director of Community Development Bill Heniff provided an overview of the matter regarding the Park West Condos and noted that the property where the garages are located was sold at a tax sale in 2009 and that the property had never been included in the plats that had been recorded for the condos. He spoke of the Village purchasing the property from the owner who purchased the property at the tax sale. He noted that there are three actions that need to be taken. The first action is the purchase of the property commonly known as 109- 115 W. St. Charles Road. the purchase price is \$100,000 and the monies will come from TIF funds. This will result in a \$7,000 loss to the Village. The portion of the property where the garages are located will be broken off from the entire parcel and the Board will approve the garages as surplus property allowing the Village to sell this portion to the condo owners. He spoke of ingress and egress and 9 parking spaces that will also be conveyed to the Park West Condo Association for use for visitors and guests. The Village will retain the remainder of the parcel and this will be used for additional parking for downtown businesses and shoppers.

Trustee Breen indicated he was glad to see this matter coming to a conclusion. He asked how this situation had ever occurred that the garages had not been included in the sale of the condos. He asked if documents had not been drawn up correctly.

Assistant Village Attorney Jason Guisinger indicated that when the original documents were drawn up for the sale of the condominiums, the documents failed to include the legal description of the garages and only included the condominiums. In reviewing the legal documents there is no reference to the parking garages. He noted the parking garages were not included in the original sale. He stated this was a private matter and that his office and the Village were not involved in the sale.

Village Attorney Tom Bayer indicated that the original condo owners may have seen information that garages were included with the condos, but that the documents that closed the transactions did not include the garages.

Trustee Breen questioned who was responsible and if there had been misrepresentation.

Assistant Village Attorney Guisinger indicated the developer.

Trustee Breen stated that the condo owners at closing assumed that a garage space was included with the purchase of the condo, but that the legal documents did not match up with the contract. He also noted that not all of the original owners are still owners.

Assistant Village Attorney Jason Guisinger indicated the purchasers should have been represented by legal counsel.

Trustee Breen asked who had been paying taxes on the property.

Assistant Village Attorney Guisinger indicated that no one had been paying up to 2009 and that is when the property was sold at a tax sale

and the current owner would have paid the back taxes.

Trustee Breen stated that no one was paying the taxes including the condo owners who were using the garages. He stated that he was shocked that so many misrepresentations and errors had occurred. He talked about the condo owners finally being able to own their garages. He stated he supported this purchase and sale of the property to the Park West Condo Association, and that the Village would retain part of the property for the public benefit as it was a prime space in downtown Lombard and would provide more parking for business and increase commercial activity.

Assistant Village Attorney Guisinger spoke about the sale of the property having to be at least 80% of the price.

Trustee Whittington talked about the long process. He thanked Tom Masterson for his time in this matter. He spoke of the many e-mails and meetings regarding this matter. He was happy to be providing the garages to the condo owners and that the Village would have additional downtown parking available for shoppers and businesses. President Giagnorio indicated this matter had been an issue for the Board and he was glad to see that the matter was going to be resolved. He talked about the due diligence of the Board, the staff and the Park West Condo Association and owners, and the benefits for the condo owners and the additional downtown parking.

Trustee Fitzpatrick felt this matter had been going on for at least the seven years that she has been on the Board.

President Giagnorio indicated this was the right decision and thanked everyone.

**A motion was made by Trustee Bill Ware, seconded by Trustee Dan Whittington, that the ordinance approving the acquisition of 109-115 W. St. Charles Road be waived of first reading and passed on second reading with suspension of the rules. The motion carried by the following vote:**

**Aye:** 6 - Dan Whittington, Mike Fugiel, Reid Foltyniewicz, Peter Breen, Laura Fitzpatrick, and Bill Ware

Enactment No: Ord 6903

## Other Ordinances on First Reading

### Resolutions

**B.**     [130604](#)

**109-115 W. St. Charles Road - Transfer of Title of Surplus Real Estate (will require a 2/3rds favorable vote)**

Authorizing the Transfer of Title of Surplus Real Estate pertaining to a portion of the property commonly referred to as 109 - 115 W. St. Charles Road. (DISTRICT #1)

**A motion was made by Trustee Dan Whittington, seconded by Trustee Laura**

**Fitzpatrick, that the Resolution approving the transfer of surplus real estate known as 109-115 W. St. Charles Road be adopted. The motion carried by the following vote:**

**Aye:** 7 - Keith Giagnorio, Dan Whittington, Mike Fugiel, Reid Foltyniewicz, Peter Breen, Laura Fitzpatrick, and Bill Ware

Enactment No: Res 174-13

**C. [130605](#)**

**109-115 W. St. Charles Road - Contract for the Sale of Surplus Real Estate and the Conveyance of Easement for Ingress/Egress and Parking (will require a 2/3rds favorable vote)**

Approving a Contract for the Sale of Surplus Real Estate and the Conveyance of Easement for Ingress/Egress and Parking for the property at 109 -115 W. St. Charles Road. (DISTRICT #1)

**A motion was made by Trustee Dan Whittington, seconded by Trustee Reid Foltyniewicz, that the Resolution approving the contract for the sale of surplus real estate and the conveyance of easement for ingress/egress and parking for the property known as 109-115 W. St. Charles Road be adopted. The motion carried by the following vote:**

**Aye:** 7 - Keith Giagnorio, Dan Whittington, Mike Fugiel, Reid Foltyniewicz, Peter Breen, Laura Fitzpatrick, and Bill Ware

Enactment No: Res 174-13

### **Ordinances on Second Reading**

**D. [130519](#)**

**Charlotte Street at Harrison Road**

Resident request that existing Yield signs be changed to Stop signs. (DISTRICT #6)

Trustee Bill Ware talked about staff's recommendation of denial for this request, and about engineering studies and parameters that are set as requirements. He noted that the Transportation & Safety Committee had recommended approval of the request for stop signs to replace the yield signs. He indicated he spoke to Trustee Foltyniewicz, the Chairperson of Transportation & Safety. He stated that he went to the intersection in question on several occasions. He stated there is a bus stop at that location, and even though he did not want to set a precedence regarding the installation of stop signs that are not warranted as required, that he would be supporting the request for stop signs due to his concern for the safety of the children.

Trustee Breen talked about his hesitancy and that he felt the Trustee of the district should have been consulted with regard to the proposed change.

**A motion was made by Trustee Reid Foltyniewicz, seconded by Trustee Dan Whittington, that this Ordinance be passed on second reading. The motion carried by the following vote:**

**Aye:** 6 - Dan Whittington, Mike Fugiel, Reid Foltyniewicz, Peter Breen, Laura Fitzpatrick, and Bill Ware

Enactment No: Ordinance 6904

Village President Giagnorio announced that Village Clerk Sharon Kuderna and her husband Mike were in the audience. He indicated he was glad to see she was doing better and hoped she would be back soon.

**X. Agenda Items for Discussion**

**XI. Executive Session**

None

**To Discuss: Information Regarding the Appointment, Employment, Compensation, Discipline, Performance or Dismissal of a Specific Employee or Specific Employees of the Village**

**XII. Reconvene**

**12 Adjournment**

**3XI**

**II.**

**A motion was made by Trustee Peter Breen, seconded by Trustee Mike Fugiel, that the regular meeting of the President and Board of Trustees of the Village of Lombard held on Thursday, December 5, 2013 in the Board Room of the Lombard Village Hall be adjourned at 8:25 p.m. The motion carried by the following vote:**

**Aye:** 6 - Dan Whittington, Mike Fugiel, Reid Foltyniewicz, Peter Breen, Laura Fitzpatrick, and Bill Ware