

Village of Lombard

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



Minutes

Thursday, June 6, 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 was called to order by Village President Keith Giagnorio at 7:30 p.m. Thursday, June 6, 2013 in the Board Room of the Lombard Village Hall. Village Clerk Sharon Kuderna led the Pledge of Allegiance.

II. Roll Call

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

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

III. Public Hearings

IV. Public Participation

Jim McConachie, 999 McClintock Drive, Burr Ridge, spoke with regard to the item on the Consent Agenda regarding the Roosevelt Road Watermain Lining West Contract. He stated he attended the bid opening and only one bidder submitted a proposal. He talked of 7 potential bidders who did not submit proposals. He asked the Board to review this bid and seek out other proposals.

Bernie Dudek, 270 W. 17th Street, spoke with regard to the Ken Loch property. He stated this property was not incorporated in the Village. He asked how this was going to benefit Lombard. He felt taxes would increase no matter what happened to the property. He spoke about the increased strain on police, fire and public works and asked that the Board explore all options for the property.

Dennis Witte, 1833 S. Elizabeth, indicated he was a thirty-year Lombard resident and stated he lives across from Ken Loch. He supported the property remaining open space and felt that development was out of character for the neighborhood.

Dawn Septeowski, 282 W. 18th Street, indicated she was a thirty-year resident. She respected the owner of Ken Loch wanting to sell the

property and retire. She talked of the increase in property taxes and the need for additional police, fire and public works staff. She spoke about development of the property and flooding concerns. Siggie Conroy, 227 June Lane, spoke about developing the Ken Loch property, the increase in traffic and expressed flooding concerns.

[130265](#)

Presentation - Illinois Association of Electrical Inspectors

Barb Grady, Vice-President of the Illinois Association of Electrical Inspectors, spoke about how much the IAIEI appreciated the village allowing them use of the Community Room for their monthly meetings. She presented President Giagnorio with a plaque. President Giagnorio thanked Ms. Grady for the recognition and the plaque. Barb Grady then thanked Carol Bauer for her assistance over the years with the meetings and presented her with a IAIEI pin.

V. Approval of Minutes

A motion was made by Trustee Dan Whittington, seconded by Trustee Mike Fugiel, that the minutes of the Regular Meeting of the President and Board of Trustees of the Village of Lombard of May 16, 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

No report

Environmental Concerns Committee - Trustee Mike Fugiel, Chairperson

No report

Finance Committee - Trustee Peter Breen, Chairperson

No report

Public Works Committee - Trustee Bill Ware, Chairperson

No report

Transportation & Safety Committee - Trustee Reid Foltyniewicz, Chairperson

No report

Board of Local Improvements - Trustee Bill Ware, President

No report

Community Promotion & Tourism - Trustee Laura Fitzpatrick, Chairperson

No report

Lombard Historical Commission

No report

VII. Village Manager/Village Board Comments

President Giagnorio introduced Assistant Village Manger Nicole Aranas and indicated she was sitting in as Village Manager Hulseberg was out of town.

Assistant Manager Nicole Aranas introduced the new Communications Coordinator Bridget Doyle.

Trustee Fugiel spoke of the Memorial Day event and thanked Scott Watkins and others for their work.

President Giagnorio agreed with Trustee Fugiel.

Trustee Foltyniewicz asked about moving the Ken Loch item.

Attorney Bayer indicated if all agreed, it could be moved.

Trustee Ware asked that Consent item P be moved to Separate Action based on Jim McConachie's comments during Public Participation.

Trustee Breen asked that Separate Action item B (120676 - Ordinance Amending Title 3, Chapter 31 of the Village Code in Regard to the Designation of a President Pro Tem and a Temporary Chairman) be tabled indefinitely; item D (130072 - Village of Lombard Parking Ticket Program) and item E (130228 - Amending the Lombard Village Code with Regard to Schedule of Fines/Penalties) be tabled to the June 20, 2013 Village Board Meeting; and that Separate Action Item F (130236 - Fire Department Staffing) be tabled to June 20, 2013.

Road - Ken Loch Golf Course)

Ordinance amending Ordinance Number 4403, adopted January 22, 1998, as amended by Ordinance 6500, adopted June 17, 2010 to amend the Comprehensive Plan for the Village of Lombard. The Plan Commission recommended that the Open Space Plan component of the Comprehensive Plan be amended to clarify the phrase "open space/golf course amenity" for the Ken-Loch Golf Links property and that the property be designated primarily Open Space with a preference for golf course and an option of accessory land uses that complement and facilitate the preservation of the property, not to exceed 25% of the principal open space use. (UNINCORPORATED)

Trustee Foltyniewicz stated he received many phone calls with regard to Ken Loch. He noted that he did not support development of the property and that he was not in favor of the up to 25% development. He stated his main goal was to keep the property a golf course. He spoke of necessary improvements needed such as a parking lot and club house. He felt that 10-15% development was sufficient. He stated that not a single resident he spoke with agreed to developing the property. He talked about an extension for Four Seasons Park and a sports core. He asked that someone provide a reason to the Board for the development of this property.

Trustee Breen did not feel that the Donovan proposal for the property was the right proposal for the property. He talked about necessary flood relief. He wanted to see an actual proposal that the Board and residents would find acceptable.

Trustee Foltyniewicz asked for clarification as to what the Board was voting on with regard to Ken Loch.

Director of Community Development Heniff stated that this was an amendment to the Village Comprehensive Plan and that the property would still need to go through the annexation process and the Board would see any development proposals.

Trustee Whittington noted that he was in favor of open space and not in favor of high density.

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

Aye: 5 - Dan Whittington, Mike Fugiel, Reid Foltyniewicz, Laura Fitzpatrick, and Bill Ware

Nay: 1 - Peter Breen

Enactment No: Ordinance 6842

VIII Consent Agenda

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A motion was made by Trustee Peter Breen, seconded by Trustee Laura Fitzpatrick that Separate Action item B, 120676, An Ordinance Amending Title 3, Chapter 31 of the Village Code with Regard to the Designation of a President Pro Tem and a Temporary Chairman be tabled indefinitely; that item D, 130072, Village of Lombard Parking Ticket Program and item E, 130028, Amending the Lombard Village Code with regard to Schedule of Fines/Penalties be tabled to the June 20, 2013 Village Board meeting, and that item G, 130236, Fire Department Staffing also be tabled to June 20, 2013.

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

A motion was made by Trustee Bill Ware, seconded by Trustee Reid Foltyniewicz, that Consent Agenda item P, 130271, Roosevelt Road Watermain Lining West Contract be moved to Separate Action. The motion carried by the following vote:

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

Payroll/Accounts Payable

- A. [130250](#) **Approval of Accounts Payable**
For the period ending May 17, 2013 in the amount of \$534,375.36.
This Payroll/Accounts Payable was approved on the Consent Agenda
- B. [130255](#) **Approval of Village Payroll**
For the period ending May 18, 2013 in the amount of \$784,209.32.
This Payroll/Accounts Payable was approved on the Consent Agenda
- C. [130256](#) **Approval of Accounts Payable**
For the period ending May 24, 2013 in the amount of 896,727.49.
This Payroll/Accounts Payable was approved on the Consent Agenda
- D. [130264](#) **Approval of Accounts Payable**
For the period ending May 31, 2013 in the amount of \$1,026,176.71.
This Payroll/Accounts Payable was approved on the Consent Agenda

Ordinances on First Reading (Waiver of First Requested)

- E.** [130243](#) **DuPage County Stormwater Ordinance**
Recommendation from the Public Works Committee to adopt the revised DuPage County Countywide Stormwater and Flood Plain Ordinance as revised in 2012. (DISTRICTS - ALL)

This Ordinance was waived of first reading and passed on second reading with suspension of the rules on the Consent Agenda
Enactment No: Ordinance 6835
- F.** [130257](#) **Disposition of Surplus Equipment**
Authorizing computer equipment to be declared surplus and made available for disposal or sale.

This Ordinance was waived of first reading and passed on second reading with suspension of the rules on the Consent Agenda
Enactment No: Ordinance 6836
- G.** [130266](#) **Ordinance Authorizing the Sale and/or Disposal of Municipally-owned Personal Property - Ammunition**
Ordinance declaring certain ammunition as surplus and authorizing the Village to donate the ammunition to the Suburban Law Enforcement Academy.

This Ordinance was waived of first reading and passed on second reading with suspension of the rules on the Consent Agenda
Enactment No: Ordinance 6837
- *G-2.** [130278](#) **Amending Title 11, Chapter 112, Section 112.18 of the Lombard Village Code**
Ordinance amending Title 11, Chapter 112, Section 112.18 of the Lombard Village Code with regard to alcoholic beverages, providing for the sale and consumption of alcohol in connection with up to seven temporary events at 11 and 16 South Park relative to the Chicago Blackhawks playing in the 2013 Stanley Cup Finals. (DISTRICT #1)

This Ordinance was waived of first reading and passed on second reading with suspension of the rules on the Consent Agenda
Enactment No: Ordinances 6838 and 6839
- *G-3.** [130279](#) **Amending Title 11, Chapter 110, Section 110.47(B) of the Lombard Village Code**
Ordinance amending Title 11, Chapter 110, Section 110.47(B) of the Lombard Village Code with regard to Temporary Events relative to the issuance of a single permit for the entire 2013 Stanley Cup finals.

This Ordinance was waived of first reading and passed on second reading with suspension of the rules on the Consent Agenda
Enactment No: Ordinance 6838 and 6839

Other Ordinances on First Reading

- H. [130140](#) **New Street at Hammerschmidt Avenue, Request to Modify a No Left Turn Restriction**
Recommendation from the Transportation & Safety Committee to modify a No Left Turn restriction. The modification will prohibit left turns from New Street on to Hammerschmidt Avenue School Days between 8 a.m.-9 a.m. and 3 p.m. - 4 p.m. (DISTRICT #6)
This Ordinance was passed on first reading on the Consent Agenda
Enactment No: Ordinance 6847
- I. [130242](#) **Water Connection Charges Ordinance**
Recommendation from the Public Works Committee to adopt an ordinance modifying the water connection fee structure for non-residential developments making it more user friendly and keeping the costs consistent with average current fees being charged.
This Ordinance was passed on first reading on the Consent Agenda
Enactment No: Ordinance 6848

Ordinances on Second Reading

Resolutions

- J. [130267](#) **Authorizing The Northern Illinois Municipal Electric Cooperative (NIMEC) To Serve As The Broker To Obtain Bids From Electricity Providers**
Authorizing the Northern Illinois Municipal Electric Cooperative (NIMEC) to serve as the broker for the Village of Lombard with regard to obtaining bids from electrical providers and authorizing the Village Manager or Director of Finance to approve a contract with the lowest cost provider.
This Resolution was adopted on the Consent Agenda
Enactment No: Resolution 113-13

Other Matters

- K. [130258](#) **North Garfield Site Salt Dome and Conveyor System**
Award of a contract to Dome Corporation of North America, the lowest responsible bid of three bidders, in the amount of \$570,725.00. Bid in compliance with Public Act 85-1295. (DISTRICT #4)
This Bid was approved on the Consent Agenda

- L.** [130259](#) **FY2013 Preservative Surface Treatment Program**
Request for a waiver of bids and award of a contract to CAMM LLC in the amount of \$70,975.70. Public Act 85-1295 does not apply. (DISTRICTS - ALL)

This Bid was approved on the Consent Agenda
- M.** [130262](#) **2013 Sanitary Sewer Lining**
Award of a contract to Insituform Technologies USA, the lowest responsible bid of six bidders, in the amount of \$59,013.00. Bid in compliance with Public Act 85-1295. (DISTRICTS - ALL)

This Bid was approved on the Consent Agenda
- N.** [130260](#) **Event Signage Request**
Request from the American Association of University Women (AAUW) to place temporary banners on Village-owned properties for the promotion of their Used Book Sale Program from August 7, 2013 through August 10, 2013. (DISTRICTS #1 & #6)

This Request was approved on the Consent Agenda
- O.** [130263](#) **Legal Services Agreement for Collection of Unremitted Hotel/Motel Taxes**
Request for authorization to execute a legal services agreement to recover unpaid taxes from online travel companies.

This Request was approved on the Consent Agenda

Approval of the Consent Agenda

A motion was made by Trustee Peter Breen, seconded by Trustee Reid Foltyniewicz, 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

- P.** [130271](#) **Roosevelt Road Watermain Lining - West Contract**
Staff recommends to reject all bids and seeks approval to negotiate with Fer-Pal Construction USA, Inc., the sole bidder. Bid in compliance with Public Act 85-1295. (DISTRICT# 2 & 6)

Director of Public Works Carl Goldsmith stated that Fer-Pel Construction was the only bidder to submit a proposal. He spoke of the contractor having little experience in this area. The recommendation is to reject bids and authorize staff to negotiate with the contractor. He talked of the cost estimates for the sub-contractors being very high and that they were re-looking at those numbers. He indicated staff would negotiate with the contractor and this would come back to the Village Board for approval before moving forward with the project.

Trustee Ware questioned this being the sole bidder.
Director Goldsmith stated this was the only bidder who submitted a bid.
Trustee Ware asked about performance of the contractor.
Director Goldsmith indicated the contractor had performed work for the Village prior and he was reliable. The contractor is from Michigan, but is now opening an office locally.
Trustee Breen questioned the bid process and other potential bidders.
Director Goldsmith indicated it had not been past practice to go back to bidders who had taken packets and then not turned in bids on a project. He stated he was concerned about the perception.
Trustee Breen asked if staff could go back out and talk to other bidders.
Attorney Bayer indicated this can be done after a bid is awarded, but staff speaking to contractors before the bid is awarded might cause problems.
Trustee Breen indicated this is a \$2.1 million project and wanted to see the contractor come in closer to the engineer's estimate.
Director Goldsmith stated this bid would need to come back to the Village Board for approval.
Trustee Fitzpatrick stated that she had spoken to Director Goldsmith regarding this issue and the difference in the bid compared to the engineer's estimate. She felt Director Goldsmith would see that the bid came in closer to the estimate.

A motion was made by Trustee Bill Ware, seconded by Trustee Dan Whittington, that this Bid be approved. 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

Ordinances on First Reading (Waiver of First Requested)

- A. [130245](#) **Budget Amendment Ordinance**
Final FYE 2012B budget amendment. Staff is requesting a waiver of first reading. (2/3 Vote Required)
- A motion was made by Trustee Mike Fugiel, seconded by Trustee Bill Ware, that this Ordinance be waived of first reading and passed on second reading with suspension of the rules. 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: Ordinance 6840

Other Ordinances on First Reading

Ordinances on Second Reading

- B.** [120676](#) **Ordinance Amending Title 3, Chapter 31 of the Village Code in Regard to the Designation of a President Pro Tem and a Temporary Chairman**
Selection of a Trustee to serve as President Pro Tem and Temporary Chairperson in the absence of the Village President, pursuant to Section 31.15 of the Lombard Village Code.
- A motion was made by Trustee Peter Breen, seconded by Trustee Laura Fitzpatrick, that this Ordinance be tabled indefinitely. The motion carried by the following vote:**
- Aye:** 6 - Dan Whittington, Mike Fugiel, Reid Foltyniewicz, Peter Breen, Laura Fitzpatrick, and Bill Ware

Resolutions

Other Matters

- D.** [130072](#) **Village of Lombard Parking Ticket Program**
Discussion of the recommendations from the Finance and Transportation & Safety Committees with regard to an Amnesty Program for outstanding parking tickets or fines.
- A motion was made by Trustee Peter Breen, seconded by Trustee Laura Fitzpatrick, that the Village of Lombard Parking Ticket Program be continued to the June 20, 2013 Village Board meeting. The motion carried by the following vote:**
- Aye:** 6 - Dan Whittington, Mike Fugiel, Reid Foltyniewicz, Peter Breen, Laura Fitzpatrick, and Bill Ware
- E.** [130228](#) **Amending the Lombard Village Code with Regard to Schedule of Fines/Penalties**
Recommendation from the Finance and Transportation and Safety Committees amending Title 7, Chapter 73, Section 73.09 of the Lombard Village Code with regard to the schedule of fines/penalties.
- A motion was made by Trustee Peter Breen, seconded by Trustee Laura Fitzpatrick, that the ordinance amending the Lombard Village Code with regard to the schedule of fines and penalties be continued to the June 20, 2013 Village Board meeting. The motion carried by the following vote:**
- Aye:** 6 - Dan Whittington, Mike Fugiel, Reid Foltyniewicz, Peter Breen, Laura Fitzpatrick, and Bill Ware
- *E-2.** [130280](#) **Ordinance Amending Title 3, Chapter 30 of the Lombard Village Code - Term Limits**

Ordinance amending Title 3 of the Lombard Village Code with regard to setting term limits for Village standing advisory committee members.

Trustee Fitzpatrick spoke of she and Trustee Moreau making recommendations to the Village Board 6 years ago with regard to committees and terms of members. She spoke of poor attendance by some members resulting in few recommendations going to the Board. She stated four recommendations had been made and that three had been implemented. She was recommending term limits for board, committee and commission members. She talked about a 12-year limit and then the resident could serve on another committee. That same resident could then reapply if he or she wanted to serve on the original committee after being off the committee for one term or two years.

It was moved by Trustee Laura Fitzpatrick, seconded by Trustee Peter Breen that the Village Board waive first reading and pass on second reading an ordinance amending Title 3, Chapter 30 of the Lombard Village Code with regard to term limits for Standing Committee members. This motion was withdrawn.

Trustee Foltyniewicz questioned the two year break from a committee. Trustee Ware stated he would have supported this three years ago, but that he had some reservations. He spoke of the knowledge of the residents who serve on the various committees and how they have been able to provide valuable history on many topics.

Trustee Whittington stated this was still 12 years away.

Trustee Fitzpatrick indicated this would only apply to Standing Committees.

Trustee Foltyniewicz indicated he wanted to talk with his committee members before making a decision and his committee was meeting the following week.

Trustee Fitzpatrick asked about approving the committee appointments and re-appointments tonight.

Trustee Breen indicated the appointments and re-appointments could be voted on tonight subject to any term limits that might be adopted if this matter was tabled to the next meeting.

Attorney Bayer indicated the appointments and re-appointments could be moved to the next meeting or this item could be voted on tonight subject to term limits.

Trustee Ware indicated he also wanted to speak with his committee and they had a meeting scheduled the following week as well.

A motion was made by Trustee Laura Fitzpatrick, seconded by Trustee Peter Breen, that this Ordinance be tabled to the June 20, 2013 Village Board

meeting. The motion carried by the following vote:

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

F. [130268](#)

Appointments and Re-appointments - Village Standing Committees

Request for concurrence in appointments and re-appointments to the Community Promotion and Tourism Committee, Community Relations Committee, Economic and Community Development Committee, Environmental Concerns Committee, Finance Committee, Public Works Committee and Transportation and Safety Committee as submitted.

Trustee Fugiel asked about an appointment to the Community Relations Committee.

Trustee Whittington indicated the committee was full.

A motion was made by Trustee Bill Ware, seconded by Trustee Reid Foltyniewicz, that the appointments and re-appointments to the Standing Committees be approved subject to any term limits that the Village Board may approve at the June 20, 2013 meeting. The motion carried by the following vote:

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

***G.** [130236](#)

Fire Department Staffing

Request for the concurrence in the appointment of one Firefighter to the Lombard Fire Department.

A motion was made by Trustee Peter Breen, seconded by Trustee Laura Fitzpatrick, that the request for one additional Firefighter be continued to the June 20, 2013 Village Board meeting. The motion carried by the following vote:

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

X. Agenda Items for Discussion

XI. Executive Session

A motion was made by Trustee Mike Fugiel, seconded by Trustee Bill Ware, that the regular meeting of the President and Board of Trustees of the Village of Lombard held on Thursday, June 6, 2013 in the Board Room of the Lombard Village Hall be recessed to Executive Session at 8:28 p.m. for the purpose of discussion of Pending Litigation. The motion carried by the following vote:

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

To Discuss: Pending Litigation

XII. Reconvene

The recessed regular meeting of the President and Board of Trustees of the Village of Lombard held on Thursday, June 6, 2013 in the Board Room of the Lombard Village Hall was called to order by Village President Keith Giagnorio at 8:48 p.m. Upon roll call by Village Clerk Sharon Kuderna, the following were:

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

XIII Adjournment

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A motion was made by Trustee Bill Ware, seconded by Trustee Reid Foltyniewicz, that the regular meeting of the President and Board of Trustees of the Village of Lombard held on Thursday, June 6, 2013 in the Board Room of the Lombard Village Hall be adjourned at 8:49 p.m. The motion carried by the following vote:

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