

**CITY COUNCIL MEETING  
MINUTES – June 28, 2011**

**Mayor Tom Rooney called the Council meeting to order at 7:30 p.m.**

**Pledge of Allegiance to the Flag:**

**ROLL CALL:**

Present: Cannon, Allen, Buske, Judd, Banger, Jr., D’Astice, Larsen

Absent:

**Staff Members Present:** City Manager Barry Krumstok; Deputy City Clerk Ginny Cotugno; Community Development Director Valerie Dehner; Assistant Finance Director Melissa Gallagher; Fire Chief Ron Stewart; Police Chief Dave Scanlan; Public Works Director Fred Vogt; City Attorney Jim Macholl

Mayor Tom Rooney read the following statement:

MEMBERS OF THE AUDIENCE ARE REMINDED THAT THESE PROCEEDINGS ARE BEING VIDEO TAPED FOR CURRENT AND FUTURE BROADCAST OVER THE CITY’S CABLE TELEVISION CHANNEL.

**MOTION TO APPROVE MINUTES:**

Alderman D’Astice moved to approve the minutes of the June 14, 2011 Council Meeting; it was moved and seconded to approve the Minutes of June 14, 2011

Yeas: Cannon, Allen, Judd, Banger, Jr., D’Astice, Larsen

Nays: 0

Absent:

Present: Buske

Minutes Approved

➤ **MOTION TO DEVIATE:**

**MAYOR'S REPORT:**

1) Attended the Palatine Township Monthly Board meeting last night and they’ve started a new procedure there that I’d like to make note of. I was invited as the Mayor of Rolling Meadows because one of the recipients of a Blue Star Banner last night was Jennifer Warkenthien who received it on behalf of her son Dustin who is in the United States Army. The Blue Star Banners stretch all the way back to World War I. If you’ve seen them, they’re vertical banners that have red around the outside, there’s a white rectangle in the middle, and there’s a blue star right in the center. It’s to signify that a member of the immediate family is serving in the Armed Forces, generally in conflict. It’s only for the immediate family members. You’re not allowed to go buy one of these flags and fly them. There are actual regulations that go with it. Whenever you see one of those, you know it’s a mother or father, a brother or sister of a mom or dad who’s gone. I think the statement that it makes

## **City Council Meeting**

**June 28, 2011**

**Page 2**

to have this banner presented to you instead of having to go buy one yourself, instead of going online and ordering one, but to actually have your community recognize that we understand the sacrifice that you're loved one is making serving, and we understand the sacrifice the family is making by having this person gone. I think that is just phenomenal. I offer a thank you for your service to Dustin on behalf of the City, I offer a we're here to support you to Jennifer for her family on behalf of the City, but I also would like to offer a special thank you to the Palatine Township for their thoughtfulness in starting this program. The Township Clerk, Lisa Moran, is the one who spirited the idea, but the entire Township Board, the entire Township Staff instantly signed on and I think it sends a great message to people whose loved ones are serving in the Armed Forces.

2) This was probably the most pleasant surprise of the month. We have heard a lot of talk about police motorcycles lately. If you paid close attention, the dollar figure that's being attached is \$500. Folks that have been watching this and reading about this apparently its been on their minds because Richard and Christine Kimball who actually aren't residents of the City, but their business is in the City, they're with Allied Home Mortgage, they sent a very nice letter to the City and said here's a check for \$500.00 because we think the motorcycles would be a good addition and if there are costs involved we want to help with covering that cost. I took a look at the letter and they also had a copy of the check attached and it's not from Allied Home Mortgage, it's not a business check, it's a personal check and I think that kind of support for what we do is definitely worth mentioning in the Mayor's Report. They have been thanked a few times in a few different ways. If you ever bump into these folks, or you feel like looking up Allied Home Mortgage, I think that was a statement from people who want to help above and beyond the call of duty.

### **WARD REPORTS:**

#### **Ward 6 – Alderman D'Astice**

Over the last several days I've had several residents contact me via text, via phone, via stop by the house, and they had some questions and some concerns and some comments. Fred Vogt and I had an opportunity to talk about this and I want to thank Fred because he has reached out to these residents to try to answer their questions in detail more so than I could have, so Fred, thank you and again, the residents didn't want their names mentioned but those residents, you know who you are who contacted me, Fred should have called you and if he hasn't, he is going to and if he has and you haven't talked to him, he's left you a message, please call him back. He's got all the answers to all your questions. So thank you for contacting me and thank you Mr. Vogt for reaching out to those residents. I'm sure they appreciate it.

### **MEETING OPEN TO THE PUBLIC FOR 20 MINUTES:**

No one came forward.

➤ **PENDING:**

**A. Ordinance No. 11-15 / Removal of Motorcycles from the Disposal Ordinance (2<sup>nd</sup> Reading)**

Mayor Tom Rooney read the background on this Ordinance.

Alderman Larsen made a motion to adopt the Ordinance; it has been moved and seconded to adopt the Ordinance

Alderman Buske: Chief, when will these bikes be back on the street?

Chief Scanlan: Tomorrow

Alderman Judd: As I stated before, I don't support this and it has nothing to do with the Police Department itself. I just don't think that, I think one of things you're supposed to do as Alderman is look out for the best interest of the community. I think that with the financial straights we have been in recently to, in my opinion, and not really see any extreme benefit to this; part of the reason we were going to put these up for sale is we felt there were costs associated with them that didn't make them an economically viable option for the City. Here we are changing our mind because maybe of a little gas savings, but yet you got the depreciation and a whole bunch of other things that kind of, in my opinion, haven't been taken into consideration, so I think that we owe it to the residents to take better care of what they've given us and the opportunities that they present us and we're supposed to do better than what we're doing and I don't think this is something we should be doing at all.

Yeas: Cannon, Allen, Buske, Banger, Jr., D'Astice, Larsen

Nays: Judd

Absent:

Ordinance Adopted

**B. Ordinance No. 11-16 / Amend Chapter 20 of the City Code Regarding Road Weight (2<sup>nd</sup> Reading)**

Mayor Tom Rooney read the background on this Ordinance.

Alderman D'Astice made a motion to adopt the Ordinance; it has been moved and seconded to adopt the Ordinance

Alderman Judd: Chief, I know there has been some talk down in Springfield of raising the 80,000 lb limit to even higher, 96 or 100,000, if I recall. One of the arguments against this has been the damage it does to the roads, not necessarily, if you get high speeds it would be a lot worse, but considering most streets aren't high speeds I don't think stopping is going to affect that that dramatically. The roads and the conditions that they are increasing this, is this something that is necessary to do or is there a way we can leave it at 72,000 lbs

Chief Scanlan: I don't think this ordinance addresses the 90,000 lb proposal that is being talked about in Springfield. This issue is in flux, there is a bill passed last year that did change the weight limits state-wide. The Supreme Court stepped in and sent that back to the legislature and they have not completely

addressed that issue and I think we're just trying to bring these numbers up to where they're supposed to be in relation to State Statute

Mr. Vogt: State Statute enforcement is what we talked about, yes

Alderman Judd: Do we have to put that State Statute in

Chief Scanlan: We enforce, right now, our Overweight Truck Enforcement Program because of a procedural issue with enforcing State Statute weight limits from an enforcement perspective

Alderman Judd: But as a municipality we're given the choice to have a lower statute, correct, on non-state streets

Mr. Macholl: Actually I don't think home-rule authority would extend to that State Statute. It's a state-wide concern. We wouldn't have the ability to deviate from the State Statute

Alderman Judd: For state roads, correct

Mr. Macholl: No, it's an issue of state-wide concern, which means the home-rule has the ability to pass ordinances and resolutions within the limits of the municipality, however, when you get issues that are said to be of a state-wide concern, the home-rule authority doesn't extend to that point, much like what this ordinance is doing right now.

Alderman Judd: So we really don't have a choice

Mr. Macholl: Correct

Yeas: Cannon, Allen, Buske, Judd, Banger, Jr., D'Astice, Larsen

Nays: none

Absent:

Ordinance Adopted

➤ **CONSENT – ORDINANCES (1<sup>st</sup> Reading):**

**C. Ordinance / Revise Mechanic B Position & Salary**

**D. Ordinance / Amend Chapter 38 – Environment**

**E. Ordinance / Approve Amendment to the Planned Development to Allow Fencing in the Front Setback for Saratoga Condominiums**

**F. Ordinance / Amend Ordinance No. 01-26 to Allow a 24-Hour Facility with Revised Signage (Lend Lease on Behalf of 7-Eleven, 4200 Kirchoff)**

**G. Ordinance / Approve a Text Amendment to the Comprehensive Zoning Code to Allow Secondary Face Sign in M-1 and M-2 Zoning District**

**City Council Meeting**  
**June 28, 2011**  
**Page 5**

Mayor Rooney: The Chair asks unanimous consent to consider those five items as one. Would anyone like an item removed from that list

Alderman Judd: C & D

Mayor Rooney: Would anyone like any other items removed? Then with only C & D removed, the Chair asks unanimous consent to consider item E, F, and G as one. Is there a motion to adopt all three in one motion?

Alderman Larsen has made the motion and it has been seconded. The question is shall Items E, F, and G all be passed on from 1<sup>st</sup> reading to 2<sup>nd</sup> reading

**Ayes: Cannon, Allen, Buske, Judd, Banger Jr., D'Astice, Larsen**

**Nays:**

**Absent:**

**C. Ordinance / Revise Mechanic B Position & Salary**

Mayor Rooney read the background on this Ordinance

Alderman D'Astice made a motion to move this Ordinance to 2<sup>nd</sup> reading; it was moved and seconded to move this Ordinance for 2<sup>nd</sup> reading

Alderman Judd: No, I shouldn't have pulled it off

Alderman Larsen: I would have pulled it anyhow. I'm not sure where we go with this based on our upcoming conversations about salary, steps, etc. and I don't know that, on the one hand I guess if we voted no to this altogether we would, I'm not sure where that would leave us. It would leave us with what we already have. I don't want to do that, but I don't want to vote for anything that's presented here either. So, that said, I don't know what we do. Do we have to vote one way or the other tonight

Mayor Rooney: That is correct and so, in a sense....

Alderman Larsen: So we can vote yes to this tonight just to keep it moving forward and then we could have a conversation at our next Committee of the Whole meeting

Mayor Rooney: That is the general purpose of a 1<sup>st</sup> reading, yes, that often times when folks vote yes on a 1<sup>st</sup> reading they're not signifying support, they're simply saying this can move forward and I might have something to say about it at the 2<sup>nd</sup> reading. That is a way that that vote can be interpreted

Alderman Larsen: That's how I'll operate

Alderman Cannon: I'm assuming this is for the open mechanic's position that's....

Mayor Rooney: Correct, it is

Alderman Cannon: If we don't push this forward to the next reading, is that going to mean we don't have a guy for awhile longer in that position

## City Council Meeting

June 28, 2011

Page 6

Mayor Rooney: One of the things that you might notice from the packet is that the staff has asked that they feel that having the salary established firmly isn't quite necessary to at least start the process going to replace this position. If we were to basically give them a basic nod as the Council, not necessarily with our vote, but just from talking to individuals, if nobody objected to that, the process could go forward without this having to be firmly in place before they started. It wouldn't necessarily hold anything up

Alderman D'Astice: I'm going through this, I would like to make a motion to amend this from 8 steps to 10 steps

Mayor Rooney: There is a motion on the floor to accept a 10 step option that is also in the packet, is there a second to that amendment. It has been moved and seconded to amend the Ordinance and change from the 8 step process to the 10 step process. The Chair would ask for discussion, but the Chair would also remind all the Alderman that when an amendment comes forward discussion is limited simply to the amendment, we're not talking about the ordinance until the amendment is decided upon. Mr. D'Astice, as the maker of the motion, you are entitled to first comments

Alderman D'Astice: In going through this, I've read this quite thoroughly, and for those in the audience, the 8 step process essentially says that if an individual is hired at step 1, they receive 55% of the full salary of the position. Essentially, most individuals on staff receive 1 step per year of service, most of the time. That goes 55, 60, 65, 70, 75, 80, 90 and then 100%. Within eight years they have reached the maximum potential salary. I think that that is too short and seeing that staff has put together, based on recommendations by Council, a 10 step process, I would fully like to consider the 10 step process which goes 55, 60, 65, 70, 75, 80, 85, 90, 95 and then 100; it takes 10 years before an individual reaches the maximum potential. Staff also notes in the ordinance that they don't necessarily have to hire someone; it says new hires are not necessarily started at step 1 pay rate regardless of actual number of steps. I don't see the harm in a 10 step process if an individual is being hired at step 2, 3, 4, or 5, or 6 those amounts are the same. All it does is say if someone is hired at step 6, it still takes 4 more years to reach top pay as opposed to 2 years to reach top pay. I don't see the harm in going with a 10 step process for new hires in this position, especially since staff has made a note to say that all hires do not necessarily start at step 1. Although, I believe Chief Ron and Chief Dave typically start their guys at step 1 for the most part. That doesn't mean they have to. They had the option to go higher. I think 10 steps makes a lot of sense. As Alderman Larsen said, this will come up for further discussion on July 5<sup>th</sup> where we may have more direction and this will go for 2<sup>nd</sup> reading at which point and time we could always change it again, but for right now I'm more comfortable with 10 steps

Alderman Banger: I'm using the same information that Mr. D'Astice did, but I come up with a completely different conclusion. We can set the steps at as many steps we want and the fact that staff can hire at whatever step, they can say given an applicants qualifications, we're going to bring him in at step 4, so, in my opinion, whether we keep the five step or move it to 10 steps, or string it out how many steps we want to, our intentions could be for it, or our thought process as to why we're doing this, could be because we could bring people in at a step well above step 1. I'm a fan of recommendation of continuing what we're doing now, the 5 step program, until we can analyze this a little further. I feel inadequate working on this overall because the salary amounts that I'm looking at I don't have, I haven't thoroughly plumbed for, in terms of analysis, on how they compare. I know we're going to be talking about that at further council meetings, but as far as that goes, I'll certainly talk later, but for now I like the idea of staff recommendation to hold at 5 steps.

## City Council Meeting

June 28, 2011

Page 7

Alderman Judd: The reason I previously picked step 1 was the fact that because of union negotiations and concessions that we asked them for last year, some things came through and the firefighters and police officers started at a lower salary with 8 steps, so to be consistent I think we should go with 8 steps in the sense that what you don't want to do is create a headache for the Finance Department; you've got some guys at 8, some are at 10, some are at 5, and whatever other myriad of steps we decide to pick in the process. So from a consistency standpoint, I think we go with the 8 steps. If all steps move to 10, then I'm fine with that in the future; I'm not opposed to that. For simplicity sake at this point in time, again, we have to keep things simple, 8 steps still can get what we want to get done, which is lower the starting salaries to what we deem to be somewhat reasonable. If we are going to hire someone at 10 steps, 5 steps, or 25 steps, if you're going to allow them to hire them at whatever level, it's almost pointless. The whole purpose is to try to lower the salaries that we have in place and keeping it at eight steps would be the way to go. I won't support the amendment to go to 10, but I will support the resolution.

Alderman Buske: I would agree with the 10 steps. We're talking all these steps; I would hope that eventually we can eliminate steps. All you're doing is guaranteeing an automatic raise every year and this is what this Council has basically been against a guarantee when the economy takes a flyer, all of a sudden we still have to give out these raises. You're talking 5% all the way up for 10 steps. Mr. Mayor, we're talking about Mr. D'Astice's amendment. If I wanted to put an amendment in here also, do we wait until we're through with this?

Mayor Rooney: It depends, if it is actually an amendment to the amendment, you are allowed to do that. If it's another amendment that would make a different change, we would let this one run its course. I will look to you when we go back to general debate

Alderman Larsen: Before we go, I want to echo Alderman Buske's comments. I don't really see the purpose in steps or the 5% annual increases built into our pay plan. I'm going to vote no to the amendment and no to the Ordinance as proposed

Mayor Rooney: The question is on the amendment alone, simply changing the 8 step process to the 10 step process. The question is shall the amendment be passed

AYES: Buske, Allen, D'Astice

NAYS: Cannon, Judd, Banger, Larsen

ABSENT:

Mayor Rooney: The amendment fails. Mr. Buske, do you have an amendment

Alderman Buske: Yes, as the Fire & Police do start people at step 1, I would like to see an amendment put in here that we do the same thing on this position. I don't care if they have 3 or 4 years which Mr. Fire Chief, you can have people come in with 3, 4 years and you still start them at step 1, is that correct?

Chief Stewart: That is correct. With all our accelerated entry candidates, we started them all at step 1

Alderman Buske: Chief Scanlan, would that be correct with your department?

Chief Scanlan: The Police Contract allows them to be brought in at advanced steps and historically we haven't done, in the last year or two, historically many of the accelerated candidates have come in at intermediary steps

Alderman Buske: I don't say that we have to eliminate that.

Mayor Rooney: Do you wish to go forward with the amendment

Alderman Buske: Yes, I do. I would say that we're talking one position here. I would like this to be in the paperwork to amend that they will start at step 1.

Mayor Rooney: Mr. Buske has made a motion that a clause be inserted that would mandate that whoever is hired would start at step one. Is there a second to the motion? It has been moved and seconded for this amendment. Discussion is limited to the amendment itself. Mr. Buske made the motion and is entitled to first comments

Alderman Buske: Starting at step 1 is 38,982. Doing research, the person with quite a few years experience as a mechanic makes about 17.50 an hour which comes out to be 35,000 a year and you've got them starting at 38, almost 39,000 so you're talking about 4,000 additional. That's why I've come to the conclusion that they will start at step 1 and not 2, 3, 4 and so forth. I think we have to bring that back down if we're going to keep steps at all.

Alderman Banger: I don't necessarily agree with the amendment for no other reason than I somewhat feel inadequate with this conversation about steps. Since we are doing this piece meal, I understand we're doing it in a time sensitive manner because we need to hire this position; I'm not necessarily comfortable handicapping Staff in terms of them using their discretion to make offers. That being said, I don't necessarily want to agree to any sort of step program and then have our intentions, like Mr. Buske says, of bringing salaries down for it by bringing someone in to step 5. I haven't had time to talk to Chief Stewart and Chief Scanlan about this particular position. That being said, just looking at this position, it's something that looks like it would be an inflated salary coming in because it is almost a specialist type salary. I don't much care for specialist type titles because by the time its all said and done, if you look at the want ads, sometimes they're advertising for someone that doesn't exist because they add all the qualifications that could possibly be necessary, in this case it would be this machine, this machine, this machine, this machine, you have to have this much experience and this much experience on these machines so I don't think we're ever going to get the perfect candidate. I just don't want to handicap the person that is actually going to make the hiring decision if we have someone that we can bring in and we're not going to get them because we can't be flexible with the steps. I don't want to ruin that opportunity. At this point, I don't think I'm going to support Mr. Buske's motion to make an amendment. I do want to express my uneasiness in talking about steps and talking about salaries outside of a very much longer conversation about all positions. I understand this is piece meal, because of the time sensitive nature of having to hire this mechanic, but I'd love to have rolled this up into a larger discussion about salaries across the board.

Alderman Larsen: All along my concern with this whole conversation has been much more about the global issue of our compensation policy and much less to do with this particular role. This would be one of three mechanics/automotive technician roles in the Public Works Department. Again, I'm not all that keen on steps to begin with, but I certainly wouldn't want to limit the pay for this particular individual on a somewhat arbitrary basis to step 1, which is 38,982, simply because we want to limit it to step one. If you come up with a guy who's a seasoned veteran and he has all the qualifications and is the perfect candidate for the role, as what we understand to be a journeyman mechanic, it's not an entry level position. The way the whole position description is written is convoluted, because on the one hand it

**City Council Meeting**  
**June 28, 2011**  
**Page 9**

implies that it is the entry level into the entire mechanic group, and on the other hand it says, but we need someone that has a number of certifications and all this experience. We say this position is far more technical in nature than many others, especially the need to have someone skilled in fire apparatus, heavy equipment, sweeper, loaders, refuse trucks, diesel engines, hydraulics, electrical systems, body work, etc. The City is not in need of an automotive "limited mechanic with a few years experience working on our trucks, ambulances, and fire engines" That said, you may have a guy that's absolutely perfect for the role, but he doesn't want to take the job for less than something else, the 2,000, in which case, if he's the perfect candidate, otherwise why would we walk away from him because we want to stick on step one, so I'm going to vote no on this amendment

Alderman Judd: I agree with Alderman Larsen in the sense that I don't know that we want to limit the potential; you might get someone that's working for 65 or 75,000 a year working in Libertyville and lives in Palatine and doesn't want the drive and doesn't want to work weekends or nights, willing to take a hit for a "better lifestyle". They're willing to give up 10 or 20,000 for a better lifestyle; they get to see the kids play baseball, see their daughters do the things they want to do, and they want to eliminate the travel time, but their making 75,000 to force them down to 38,000, they can't do it. That being said, if Alderman Buske, if you're interested in, and I think that we want to move forward and say you can't hire higher than step 4 but the qualifications have to be there, I think this has to be approved by the City Manager anyway, keep an eye out for what people are doing. If you hire someone above step 1 we want to know why. We'd like an explanation that this guy came in with all these wonderful qualifications and we want to begin him at 49,000 or whatever the case might be, but to hamstring Fred and say you can only pay 39,000, it seems a little bit of a stretch for me. I agree, I want to get salaries down, I think there are a lot of qualified people out there. But in this point and time unemployment is at 9%, let's be real. I don't know that we want to, if you want to do no higher than step 3 or something, I'd be open to that, but forcing the issue that you can't hire them higher than step 1 is a little difficult for me to swallow. I leave that up to you.

Alderman Buske: One comment, it's sounds to me what I'm hearing here is that we're talking about with someone with so much experience that we have to pay him 50, 60, 70,000, don't you people expect anything for 40,000 that the guy should be a pretty good mechanic. I think we're missing the point here. That's not gravel we're talking about starting salary at 40,000, that's a lot of money. The guy should come in with some experience. Normal mechanics they work on diesel and they work on gas engines and so forth. There's no big difference in that, if you work on one motor, you work on the other one. That's the reason I'm saying I'm just getting the point here that 3 or 4,000 is nothing. We can't even hire anyone for 40,000. Let's see who we get for that. The other question is, if they decide to go to step 3 or 4, Mr. Judd has a very good point. Does that come back to City Council so we find out why and we approve that?

Mayor Rooney: Not if this amendment was passed, but if the amendment fails, we still do have that option

Alderman Buske: My amendment, you mean

Mayor Rooney: Yes

Alderman Buske: Then I'll make a motion to withdraw my amendment

Mayor Rooney: The amendment has been withdrawn. We return to general debate on the Ordinance itself. We would generally put the question and ask for a vote, but there was a mention in the Staff notes that we already made mention of and the only time we can talk about it is on the discussion item itself does anyone on the Council object to staff starting the process of filtering the candidates without the salary ordinance being in place.

Alderman Buske: How are they going to offer them a certain amount of pay if they're doing that?

Mayor Rooney: They feel that they don't have to to start the process and move even into first interviews. They do not need it to be in place until second interviews.

Alderman Cannon: So would they just give them a range?

Mayor Rooney: Pretty much. Again, they have said they will be announcing that the salary is with City Council at the moment but they would like to start the process. Would anyone object?

Alderman Larsen: I don't have an objection. I have confidence in our managers to have that conversation and in a reasonable and intelligent manner that will not force the City's hand one way or another, or make anyone look ridiculous afterward, after the fact. It's clear that we haven't yet established the exact salary range, so if I we're sitting in that chair, I wouldn't say this is the salary, I would say it's under discussion and do you want to continue talking with us or not.

Mayor Rooney: When we ask for objections, we're just looking to see does anyone say no. It's not talk time, it's a does anyone object and if a single person objects than we say staff you can't go ahead and do that. Does anyone object to Staff going ahead without this ordinance being in place? Then staff you can take your direction from that. Is there any final debate on the Ordinance? Mr. Larsen if you wish you can finish your comment at this point

Alderman Larsen: I don't consider 40,000 to be chopped liver. That said, I would hope that our staff would make an effort to just like everyone else does, try to get as good a qualified candidate as you can, for as little compensation as you can, because that's how things work. This is what we all face everyday in our lives and I would hope that the staff would do the same. That said, I wouldn't want to hamstring them by Ordinance to tell them that it has to be at step 1. That was my only comment about that

Mayor Rooney: The question is shall the ordinance be moved to second reading

AYES: Cannon, Allen, Buske, Judd, Banger, D'Astice

NAYS: Larsen

ABSENT:

#### **D. Ordinance / Amend Chapter 38 – Environment**

Mayor Rooney read the background on this Ordinance

Alderman Buske made a motion to move the Ordinance to second reading; it was moved and seconded to move the Ordinance to second reading

## City Council Meeting

June 28, 2011

Page 11

Alderman Judd: The way I read this makes me uncomfortable. It's not something we can't change. I think we have to figure out the working of it, because the intent of this is primarily for vacant/foreclosed homes, correct?

Mr. Krumstok: Yes

Alderman Judd: But the way I read it, it's technically they can do it on any property. If I have something on my property that a neighbor complains about, and the City wants to cure the problem, they can demand that I cut it down and if I don't they can cut it down at their own recourse and they charge me, correct? Based on the way this is written

Mr. Macholl: That is correct. The City sends out notices in order to, for example, to cut their lawns. Our general rule of thumb is 10" or 8" or 9", somewhere along that line, but it's not limited to foreclosed or vacant houses.

Alderman Judd: That's what concerns me. I'm not suggesting that Staff would do anything maliciously, but it doesn't provide a whole lot of protection for a resident. The primary purpose of this is for foreclosure that the banks aren't doing anything. I'd like to figure out how we can amend this so it's not something that it can be taken at the liberty, theoretically you can send something to a resident; the resident doesn't do anything, you just go and chop it down, correct, based on the way this is worded.

Mr. Macholl: It has to be considered a nuisance. This comes right out of the statute. What's maybe a nuisance to somebody isn't a nuisance to somebody else. However, it does have to rise to the level of a nuisance. I can say that the way the City operates, if your lawn is 4" long, nobody's going to send you a notice or hire a landscaper to cut your lawn.

Alderman Judd: My concern is that they have the ability to just take action at the City's discretion even if someone says, my property for example, they could come in and chop down a tree. Obviously they would have to give me notice, but at a certain point they can say we've deemed this a nuisance, end of story, we're cutting it down, here's the bill for \$800 and we're going to charge you \$225

Mr. Macholl: There has to be some basis to form the notion that it's a nuisance. If it's infested, then it's a nuisance and the owner gets notice and if they don't do anything, it's in the best interest and the health, safety and welfare of the community that the City takes action to do that. It has to rise to the level of a nuisance. I mean it's not a simple, unreasonable discretion, where we're just going to allow someone to go in and chop down a tree for any reason, nor to start cutting someone's lawn for any reason.

Alderman Judd: Can you tell me where nuisance is defined

Mr. Macholl: Nuisance is not defined

Alderman Judd: So that's my point

Mr. Macholl: That's what I mentioned earlier

Alderman Judd: So we either define nuisance or we have to do something. I want to be able to protect a resident that might have the yard that he thinks is fine and the City just unilaterally cutting something down, I'm not talking grass so much, I'm talking about trees, and charging them. I understand the basis of this, the basis of this is for foreclosed or vacant properties that they're just neglected, but it

**City Council Meeting**  
**June 28, 2011**  
**Page 12**

encompasses a resident and allows the City to do these things, so I'm not comfortable with that part. I like the concept, but just want to protect the resident from getting stuck with this. I don't know what we need to do, but I'd like to do something to amend this, so that the City doesn't have that power, whether it's taken to adjudication or something. They send a note saying the trees a nuisance, you say no it's not, and they come and cut it down and says here's an \$800 bill. It provides for that in here.

Mr. Macholl: It talks about removal of infected trees.

Alderman Judd: It could be anything, neglected weeds, grass, trees, shrubs, bushes

Mr. Macholl: But it also talks about infected trees, which I think is the spirit and intent of it. We can work on that. If what you're interested in is specifying the length of the grass before a notice gets sent, because the notices go out well ahead of any actions the City might take, so if you're going to set a limit at 8", 9", 10", it may very well be 13", 14", 15" by the time the City gets through the whole notice provisions. We can work on the language of the Ordinance, that's not a problem

Alderman Judd: It's not just the grass. We do send out a notice that its 8", that's not the problem. This allows for any cutting or removal of any neglected weeds, grass, trees, or bushes. A bush overgrown can be considered a nuisance, and then the City can just chop it and give the resident a bill. I don't want to, I want to protect the resident who is in his house and wants to make it an argument, whether it's through adjudication or whatever, but when it comes to bank owned properties, if they don't want to do anything, stick it to them, I don't care. They have plenty of money and they're hosing everybody by dropping, dumping houses. Where's the protection for the residents. That's what I want. I'll support it on this go around, because it comes back for a 2<sup>nd</sup> reading. I want to see something in there that protects the residents that are in their houses now either through adjudication or something so that they can make an argument. A bank owned property or vacant property is not going to argue anything.

Mayor Rooney: The Chair will offer an observation; I assure you that it is a very long multi-step process. There is no such thing as we say that your thing is a nuisance and we come and cut it down. I assure you that there is more protection built in than just that

Alderman Larsen: To Alderman Judd's point, there are other areas where we might serve notice on a resident or business and they're entitled to some sort of a hearing. Could there be something like that built into this. I'm fine with the thing the way it stands in as much as just because someone thinks that a bunch of dead trees is attractive, I don't share that view when you live in a town. If you want to live in the middle of nowhere and you want to have overgrown dead trees, be my guest. I think we should have more timely, we should address these properties that are not maintained in a more aggressive manner because I've been exposed to some of them in my neighborhood, and it's a pain in the neck. We're trying to maintain our own yards and we have weeds growing in and we're tired of living with the dead trees, but just for the sake of continuity throughout the City's ordinances, is there some provision for some sort of hearing. We've deemed you have a nuisance, growth on your property, here's your notice, if you don't respond within 5, you're entitled to a hearing within x number of days, 5 days, if you don't respond at that point you're subject to whatever the provisions of the ordinance are.

Mr. Macholl: We don't have to actually amend the Ordinance to provide for some sort of a hearing. They could go before the City Manager like we do with delinquent water bills. Prior to shutting off, the property owner is afforded a hearing before the City Manager which gives them an opportunity to be heard, and that's sufficient due process. It's possible to do something similar to that with this.

**City Council Meeting**  
**June 28, 2011**  
**Page 13**

Alderman Larsen: I would think that that would address Alderman Judd's concerns and still allow the City to move forward. Doesn't mean you have a hearing available to you 2 months from now.

Mr. Macholl: No, it would have to be provided within a few days.

Alderman Larsen: The process would move forward. It would be incumbent on you having received the notice, to respond, if you haven't we will proceed forward with the process of removing said trees, bushes, grass, weeds, whatever.

Mr. Macholl: Do we send only one notice. I believe we send more than one notice on some occasions

Ms. Dehner: Generally when we find that there is a violation, we send them a violation letter that clearly states the section of the Code of which they are in violation and a picture of the violation. We give them sufficient amount of time in which to correct it, depending on what the situation is, grass we give them over a weekend, generally five days, and trees would be a little bit longer. If we go back and we've re-inspected and find that the tree or the bush has not been trimmed, we can then send another letter or we can send them a violation notice, a summons, for adjudication to which they are required to appear and give their statement as to why they haven't taken charge of it.

Alderman Larsen: So there's already something in place then

Ms. Dehner: There is the Adjudication

Mayor Rooney: The Chair would point out that this is the kind of discussion we talked about last May where we've devolved into a Committee of the Whole type discussion. A number of different questions that don't necessarily need to be answered tonight we do have a few options, unless folks are really ready to proceed. There is the option of passing this on first reading with the assumption that it will be brought up at the Committee of the Whole that's in July; there is the idea that folks could simply make contact with the Staff over the next two weeks to get their questions answered, but we have devolved into multiple two person conversations, which is really a Committee-of-the Whole style arguments and not really what we do at Council meetings

Alderman Buske: A couple of years ago I spoke with Ms. Dehner about the grass situation here. It came down to when people are in violation we send them a letter and we give them a certain period of time to get it cut. If they don't do it, they get another letter, and then after that they go to adjudication. I think two letters and then adjudication. The third letter would be adjudication. We're talking about all the time and money this is taking to do this. This is crazy. What they're doing is cutting their grass the day before they had to go to adjudication, they go to adjudication and it's dismissed. We should just have an ordinance that there's going to be charges. I believe they are charging them \$100 if they don't mow their grass. I like the part of the grass cutting, I'm going to make an amendment that I want the trees and bushes removed. What might be ugly to you or overgrown, could be someone else's, they want the freelance look of it, they don't want a tidy looking tree. I think that's up to them what they want to do. If it really gets unruly, growing into the house and tearing up sidewalks, we have ordinances for that.

Mayor Rooney: I have to ask about the motion first. Mr. Buske has made a motion that trees and bushes be stricken from the ordinance, is there a second to that amendment. The amendment dies for lack of a second

## City Council Meeting

June 28, 2011

Page 14

Alderman Buske: If you're talking about this is a good situation because we have to go in and mow the grass, and having more trouble with foreclosed homes than the homeowners themselves, that administration fee and they cannot sell it without the tax, that's an excellent point there. I just don't agree with the trees and bushes.

Alderman D'Astice. How did we determine the administration fee as \$225?

Ms. Dehner: We calculate the amount of time that our inspectors spend on trying to resolve a situation as well as the Finance Department and then the cost of the lien.

Alderman D'Astice: Ms. Dehner and I have had a home that is in foreclosure and the inspectors have been out there several times. She's had to call the bank several times. They finally come out and then the neighbors start calling me and I call you, and we go through the process again. If the bank is in possession of the home, is \$225 really enough. Should it be \$225 the first time we have to call you and then \$500 the second time, and \$750 and \$1000, especially on these types of foreclosed homes? What's \$225 if the bank just sits on the thing? I'll let them call me three or four times and then I'll pay \$225 to get the grass cut and I'll let it go a few more months like that. In the meantime, move that eyesore. I would ask Ms. Dehner to go back and give us a higher amount of money or give us the first time its this much, but the second time its going to cost you this much, and a third time it costs this much, and if it gets to a fourth time; make it something that will pinch them; that they'd think twice about not calling. If it's 2500, it's 2500; make the bank think about it. I'll support this, but I would ask Ms. Dehner to see if she can put some more teeth in this thing.

Alderman Judd: Can I make an amendment based on what Alderman D'Astice has suggested. Let's just make it \$1,000 and move forward

Mayor Rooney: Is there a second to strike the \$225.00 administrative fee and make it \$1,000.00 administrative fee. It's been moved and seconded

Alderman Judd: I agree with Alderman D'Astice 100%. Banks don't care about \$225.00, not that they would care about \$1,000, but at least if we run into a homeowner situation they would be much more inclined to do something if they know they will get socked with a \$1,000 fine vs. \$225 fine.

Alderman Cannon: Ms. Dehner, how many situations like this do we have in an average year.

Ms. Dehner: So far this year we've had to cut 11 properties, 11 separate properties, all of which are vacant. 8 of the 11 are either in foreclosure or held by a bank or financial institution.

Alderman Cannon: Those 11 we've already cut

Ms. Dehner: Yes

Alderman Cannon: The odds of them cutting them again on foreclosed ones is probably small. Do you automatically, I know it's not automatically, but it's probably logical that within a couple of weeks they're not going to do anything again, so you've got the headache all over again. I would like to be somewhere between where you're both at. A \$1,000 seems a little bit tough. Maybe if it was graduated it might be a little more reasonable.

**City Council Meeting**  
**June 28, 2011**  
**Page 15**

Alderman Buske: They will be billed when we send our landscaper in there to cut the grass. On the average, what does it cost for the landscapers to go in and cut it?

Ms. Dehner: The minimum is 8" so by the time they actually get in there, it's above that. Our cutting fees are ranging anywhere from 75 - \$100 per property.

Alderman Buske: When they cut it do they take the clippings always, or do they blow it all over

Ms. Dehner: I'm not quite sure

Alderman Buske: I agree with Mr. D'Astice on making it a little stiffer on this. Somewhere along the line we're losing. The grass is the most outstanding ugly thing throughout our City. I understand the foreclosure with the bank that don't care about it, but with people that live here and do that to their neighbors, I think that is disgusting.

Mr. Macholl: The law is going to require that whatever administrative fees are charged are recently related to the actual cost the City incurs in order to impose that type of administrative fee. If the Community Development Director wants to look back at those records and see if there is any additional cost, that's one thing, but you'd have to actually justify \$1,000 administrative fee. If we were to simply amend the ordinance, that \$1,000 would be applicable to each and every removal, we would have to back it up

Alderman Banger: The spirit of this ordinance was to recoup costs and Ms. Dehner calculated the cost to the City. The spirit of this ordinance was not to be punitive. If we jack this up and make it punitive, we're going to entangle both residents and banks into these fees, and it's going to be too complicated to try to hold residents back, we don't want to punish our residents for, I understand what Mr. Buske is saying, it's not being a good neighbor when you let your property go into disrepair and in some cases there are divorce situations or senior citizens who can't react as quickly, we've had a rainy spring, early summer so you can have these things happen, and I think to punish people for in some cases accidentally letting their property go into disrepair, I don't think that's anywhere near the spirit of this ordinance, so I am not going to support the amendment. I'd like to go forward with what was originally proposed and we can think about it until that point. We are going to have to justify punishing people because this isn't meant to be a money maker and it's not meant to punish people, it's meant to recoup our costs

Alderman Buske: Mr. Macholl, you're saying our ordinance that we just want to recoup our money. What about adjudication with some of those and they're back for the same thing. When they come back for the same thing the price goes up. How are we doing that and you're saying this would not be

Mr. Macholl: They're two different processes. This process is a process whereby you need to in order to substantiate an administrative fee, you need to, not precisely, but adequately, be able to calculate and explain as to how you arrived at that number in order to reimburse yourself for those expenses. Adjudication, when you have people repeatedly come back, there's a range of fines that the adjudicator can impose so when you get repeat offenders, they can continuously heighten the amount of fines they are going to pay.

Alderman Buske: Ms. Dehner is saying we want to have a minimum fee for administrative, but that's not all that happens. They still go to adjudication for a possible fine

Mr. Macholl: That is my understanding

**City Council Meeting**  
**June 28, 2011**  
**Page 16**

Alderman Buske: Ok

Alderman Cannon: I would suggest that we could ask Mr. Judd to take off his amendment for right now and turn it back, pass the 1<sup>st</sup> reading and let the staff work on it. It sounds like we're all in agreement in general and maybe they can come back with a better proposal the next time, not necessarily a better one but maybe one that covers all ends of it. I'm not hung up on the details, but maybe they can make the details better for us

Mayor Rooney: Mr. Judd, do you wish to withdraw your amendment

Alderman Judd: Not really, but the consensus feels like its going to die anyway, so might as well withdraw it

Mayor Rooney: Then the amendment is withdrawn. The Chair would throw out a suggestion, you can leave it to the staff to come back with something, you can pass it on 1<sup>st</sup> reading and say the 2<sup>nd</sup> reading won't come until after the July Committee of the Whole, and this question, question, question, back and forth can take place in a setting where its actually what we do, that's an option that anyone can ask for. Is there further discussion on the Ordinance itself? The Chair will simply ask is anyone interested in making the approval for 2<sup>nd</sup> reading conditional upon the Committee of the Whole or are we willing to trust it to staff

Alderman Buske: I would make a motion to bring this to a Committee of the Whole Meeting

Mayor Rooney: There is a motion to have the 2<sup>nd</sup> reading take place after the Committee of the Whole meeting in July, is there a second. The motion dies for lack of a second

Alderman D'Astice: I would have voted to say yes, but it is my recollection that we put 7 or 8 items on the Committee of the Whole for July. To add this would make the Committee of the Whole...

Mayor Rooney: That comment presumes that the motion is under discussion and the motion did die. We'll return to general debate on the ordinance itself

Alderman D'Astice: When we get to discussion on this, I'd like to see Ms. Dehner take it back and do an administrative fee and a fine and I would love to have had further conversation at a Committee of the Whole meeting, unfortunately the July Committee of the Whole meeting seems to be booked right now and we wouldn't be able to get to this until August.

Alderman Cannon: I don't know how to word this, I'd like to make a Resolution that we pass this Ordinance as written and ask Staff to redo the numbers to incorporate all the great ideas that we've had tonight. We're all in agreement that we're going in a better direction

Mayor Rooney: If we simply call the question that will be the effect it will have

Alderman D'Astice: Call the question

Mayor Rooney: The question has been called, is there a second, meaning the motion for the previous question, all those in favor of the previous question, the Chair will remind folks that since its been quite a while since the previous question has been moved, the vote is a vote to end debate, so when I ask you

to vote yes or no, you're simply saying I want to end the debate. It's not your vote for the final ordinance itself. All those in favor in moving the previous question please signify by saying aye; the previous question passes. The Council moves to an immediate vote, shall the ordinance move to 2<sup>nd</sup> reading

AYES: Cannon, Allen, Buske, Judd, Banger, D'Astice, Larsen

NAYS:

ABSENT:

➤ **NEW BUSINESS:**

**H. MOTION TO APPROVE PAYMENT OF BILLS ON WARRANT 06-28-2011**

Alderman Banger made a motion to approve the June 28, 2011 Warrant; it has been moved and seconded to approve the June 28, 2011 Warrant

YEAS: Cannon, Allen, Buske, Judd, Banger, Jr., D'Astice, Larsen

NAYS:

ABSENT:

Warrant Approved

➤ **CONSENT – RESOLUTIONS:**

**I. Resolution No. 11-R-74 – Approve Renewal of Cottonwood Park Lease with Palatine Park District**

**J. Resolution No. 11-R-75 – Award Contract for Pavement Preservative - CAM**

**K. Resolution No. 11-R-76 – Award Contract for Pavement Preservative – GSB88**

**L. Resolution No. 11-R-77 – Award Contract for Sanitary Sewer & Storm Sewer Pipelining**

**M. Resolution No. 11-R-78 – Accept IEMA Grant for Narrow Banding**

**N. Resolution No. 11-R-79 – Approve 2011 Zoning Map**

**O. Resolution No. 11-R-80 – Approve Placement of Temporary Signage on the Public Right-of-way – Plum Grove Creek Neighborhood Association**

Mayor Rooney: Would anyone like an item removed from the Consent Agenda

Alderman Judd: O

Alderman D'Astice: J & K

Alderman Buske: I

Mayor Rooney: Leaving L, M & N, does anyone want those removed. Chair asks unanimous consent that L, M, & N be considered as one vote. Is there a motion to consider L, M, & N in one stroke?

Alderman Larsen made a motion; it has been moved and seconded that L, M, & N be passed in one motion

AYES: Cannon, Allen, Buske, Judd, Banger, D'Astice, Larsen

NAYS:

ABSENT:

**I. Resolution No. 11-R-74 – Approve Renewal of Cottonwood Park Lease with Palatine Park District**

Mayor Rooney read the background on the Resolution

Alderman Larsen made a motion to adopt the Resolution; it was moved and seconded to adopt the Resolution

Alderman Buske: The Palatine Park District was do the stabilization of the banks; they're going to pay 96,000. Our share is \$13,200. How do you justify that coming out of the Utilities fund for bank stabilization, or is this we take a little out of this fund and a little out of this fund, Mr. Vogt?

Mr. Vogt: All that we originally did was propose that as the City's contribution should the Park District proceed and the City proceed with a lease.

Mayor Rooney: The point is not germane to the item itself. I do agree as we move forward with discussions with Palatine Park District, that that is a perfectly valid discussion topic, but the Resolution itself is a 90-day extension and to go into further detail isn't germane to the Resolution itself.

Alderman Buske: I understand that, but I'm reading this entire document and that's why I'm asking that question. If it's strictly for the 90-day lease and there's nothing else on here I would go along with that, but if we're counting the \$13,000 and it's on this document, I will not support this

Mayor Rooney: I assure you if you look at the Resolution itself there is no expenditure from the Utilities fund, it's not part of what we're passing

Alderman Buske: Mr. Mayor, it reads right here it says to be funded by the Utilities fund, \$13,200.00 per proposed dated 6/8/11 to be funded by Utilities fund, stormwater management, those two funds

Mayor Rooney: That is the Council Action Summary, that's just background that's added for everyone's information. The Resolution itself is actually what we're passing and there is no mention of any of that wording or any dollars being spent, or anything else, it's just extending the lease. The staff was just providing additional information.

Alderman Buske: What do we charge them for this lease?

Mayor Rooney: I don't know who would answer that question. I don't believe there is a charge

Alderman Cannon: It's \$1.00

Mayor Rooney: It's a dollar charge

Mr. Vogt: That's what it's been in the past

Mayor Rooney: The question is shall the resolution be passed

AYES: Cannon, Allen, Judd, Banger, D'Astice, Larsen

NAYS: Buske

ABSENT:

The Resolution passed

**J. Resolution No. 11-R-75 – Award Contract for Pavement Preservative – CAM**

**K. Resolution No. 11-R-76 – Award Contract for Pavement Preservative – GSB88**

Mayor Rooney read the background on these Resolutions

Alderman D'Astice made a motion to adopt the Resolution; it was moved and seconded to adopt the Resolution

Alderman D'Astice: I pulled items J & K because I wanted to ask Fred if he could provide me with a little bit more information on the two products because obviously you're trying to test them out, but there is a significant cost difference between the two products. One is 60 cents a square yard and one's a \$1.05 a square yard.

Mayor Rooney: Before Mr. Vogt answers, the Chair would ask unanimous consent to consider items J & K together, that way they're removed from the consent agenda and we get to talk about both of them freely and its still one vote. The Chair asks unanimous consent, is there an objection. Then the Council is now considering J & K together.

Mr. Vogt: Alderman D'Astice, if you're looking for material information in terms of the difference of a product I would have to refer that back to the vendors and the specifications I could certainly have that for you

Alderman D'Astice: I'm not looking for technical, but I'm just saying obviously you and your staff have decided that you want to test these two products and there is a significant cost differential, so what is staff saying, what is your staff telling you about GSB88 vs. this other one. Is the one that CAM puts out a better product than American Road Maintenance? Do you expect one to last 3 years and one to last 5 years? Is there anything you can provide for me because they're two different products and there is significant cost difference. One is going to get us 14,000 square yards, that one is going to give us 43,000 square yards done.

Mr. Vogt: That's what we're evaluating and that is why this is the third year of our process where in the last two years we've applied a little bit of the more expensive products on a limited number of streets and the greater amount to the lesser cost products, which we have used for several years. There really isn't any way within one year to tell what the durability of the more expensive product is. We wanted to give that a couple of year's time. We feel confident that after this year's application we will be able to look at the streets that we treated two years ago, the streets that we treated last year, and the streets that we treated this year and compare it. That's why we're doing a limited number of streets and bike paths with the more costly product. Depending on the vendors, they will each tell you that they're product is

better, we don't want to rule one or the other out. We've had good luck with the CAM product, but the GSB88 is something that has been out there an equally long time and we just want to fully evaluate with ourselves and with the City Engineer

Alderman D'Astice: So we have been testing, this will be the third year we're testing each of these products. Did either of these vendors give us a warranty on the life of their products? Are they good for two years, three years, five years. Is there anything, we're three years into the test and we spend 40-50,000 a year and we have no results yet, how does it compare to what the vendors have told us

Mr. Vogt: So far it's difficult to tell, but there is a difference. That's why we want to do this one more year and measure that over time. If all things are equal, if there are no indications that the GSB88 is a better product, then chances are very good that you won't see us coming forth in the future to use the product. Unless, of course, the costs come down to match CAM

Alderman Cannon: Mr. Vogt, I'm really glad that you're trying different experiments. Obviously in our climate, we have pretty tough winters. Other people must have tried these products in our area. I know, for a fact, that Naperville has done a lot of extensive testing. Have they used either of these products that you're aware of?

Mr. Vogt: I believe they've used both

Alderman Cannon: I'm all for using these rejuvenators that help us. Someone must have a track record on this stuff, much more extensive than what we've been able to tell on our own, with similar climate. Just wondering if any of the people in your position could give you help on which ones better, even if they're more money

Mr. Vogt: We can certainly look at other communities. When we started this process several years ago we could not locate too many that had been using it, but there's always a network out there that we can check with other Public Works Departments or other engineering concerns to get some additional data that way too.

Alderman Cannon: I spoke with an Assistant City Manager this weekend and he's very sure that Naperville's done a huge amount of work in this area, so if you have a relationship out there, it might be worth a phone call

Mr. Vogt: In fact one of the vendors that we used worked in Naperville

Alderman Larsen: Fred, do you recall what product was used at Creekside for the recently rebuilt roads. Was that the CAM stuff, basically spray almost like a tar-like material and then put sand down

Mr. Vogt: That is the process. That's not, the GSB88 is more of a tar and CAM is more of a clear application, at least to the eye it's more of a brownish, clearish...

Alderman Larsen: We've already gone back like a couple three years on this. I don't get why we would be spending any more money this year on any of this. We've got something that we should have enough information to establish a base-line. If we can save up to \$27,000 I'm all for that, unless there is some compelling reason why, on the one hand I'm in favor of preserving roads, but this is simply a test, this is one of those nice to haves that I don't think that we want to pull off the table for this year, save the

**City Council Meeting**  
**June 28, 2011**  
**Page 21**

money and see how the roads look next year and then, unless you can tell me why we would continue moving forward with ongoing tests when we're trying to save money everywhere we can

Mr. Vogt: I believe, Alderman Larsen, there's a misunderstanding. We're not testing both products. We have had very good success with the CAM product that we've used since about 2003. We believe at this point very strongly in paving preservative. For the money, it does keep the water out of the pavements, particularly when they begin to crack. We've seen that product last for a considerably long time. I hope that they wouldn't be on the merits of the asphalt rejuvenator, only the difference between the two products. I apologize if there is any misunderstanding or if I mis-expressed that we are experimenting with both products. We're just trying to compare the difference

Alderman Larsen: I appreciate that clarification, but how many years have we been testing this alternative product

Mr. Vogt: Since 2009. It's been down for a little less than 2 years

Alderman Larsen: Don't we have enough surfaces covered that we would be able to review that next year; skip this year; look at those roads next year. Something went down right at Kirchoff and West Frontage Road within the last year. So I'm going to assume that's this new product

Mr. Vogt: I can't tell you at this point which product went down

Alderman Larsen: Something went down there, so I would think that we would probably have had enough of an example right now that I don't see how I can justify approving spending this additional money when we're still facing budget shortfalls.

Mr. Vogt: If Council is uncomfortable doing the secondary, or second, vendor treatment to allow the experiment, we would be perfectly fine with not doing that and using one vendor that has the lesser cost product this year, if that's desirous, but we would recommend that we do treat all the streets that we have here within both resolutions

Alderman Judd: You've been using CAM since 2003

Mr. Vogt: Yes

Alderman Judd: And you don't see anything wrong with it

Mr. Vogt: No, it has performed very well

Alderman Judd: What's the purpose of the experiment, then?

Mr. Vogt: To evaluate alternative products to see if there is a better product that will last for a longer time than the CAM in between treatments as well as to simply look at alternative products rather than to a sole source for one particular product and one particular vendor

Alderman D'Astice: I would ask that when we take a vote on this we separate the two issues, because I think there could be, you could have two separate answers.

## City Council Meeting

June 28, 2011

Page 22

Mayor Rooney: The point is well taken. Alderman D'Astice, if you would like I will ask unanimous consent to separate them again, and undo what we did, but the Chair would point out that if the Council does want to do what Mr. Vogt said they would be willing to do, which is to go with one source, the proper thing we would have to do would be to reject both and bring back a new one at the July 12<sup>th</sup> meeting, because the dollar amount that is listed for the one won't be sufficient, we'll have to get a little more. I suppose we could amend it, but it seems to be just as easy at this point, since we've carried on again, that we can let them bring back a new resolution on July 12<sup>th</sup>. If you wish, I'm certainly happy to ask unanimous consent to split them, but the Chair would point out there is no sense in splitting the vote one and one. You'd either be against both, or you'd be in favor of both. Do you still wish me to ask for unanimous consent to split them?

Alderman D'Astice: Yes, I think I might still say yes for J and no for K and then Fred could come back in July and say since J was approved, we're going to start off doing these 43,800, but since K was rejected I would like to bring forth another resolution that says to make up for these other 14, 500 square yards and put it there, so he can get started with this and doesn't have to wait two more weeks, or three more weeks for us to do that. So, yes I would split it and if Council says yes to each then it's yes to each, and if they say yes to one and no to the other, than Fred will have his direction to come back to us with an adjustment

Mayor Rooney: That to do something and an adjustment is often more of a headache than to just start all over. The Chair asks unanimous consent to divide J & K, and make them separate issues again, does anyone object to doing that. There are objections so Mr. D'Astice, if you wish, you are entitled to make them vote to divide the issue into J & K and that requires a majority vote of the Council.

Alderman D'Astice: I'd like to make a motion to separate these two into J & K

Mayor Rooney: Is there a second. It has been moved and seconded to divide the question. It's not debatable, all those in favor of dividing the question into J & K, please signify by raising your hand. The motion fails

Alderman Banger: I think that one of the reasons we want to send both back to the drawing board is we can, with the additional square footage that we'll get from that, I wonder if we make the same application, we can most likely negotiate a lower price. I think keeping these together is the best thing to do because then if we send Mr. Suchecki back to the contractor, he can most likely say we're going to double the amount of application we want and we want a better price.

Alderman Cannon: I think we give Fred the authority to run our streets. I know from the discussion I had over this weekend, there are a lot of products in this area that have much different life spans and my thought process is we have to trust Fred to do the best job for the City. I think sometimes we have to experiment with other products because some of these products have much, much longer life on the street and they don't deteriorate as quick so that value to the City is a lot better than just the price.

Alderman D'Astice: I don't disagree...

Mayor Rooney: Mr. D'Astice, I'm sorry, you've actually spoken twice on this issue. It does require unanimous consent to speak a third time. Does anyone object to Mr. D'Astice speaking again? You have the floor

## City Council Meeting

June 28, 2011

Page 23

Alderman D'Astice: I don't disagree with what you're saying, but if we already put the one product down since 2003, and put the other product down since 2009, I think putting it down now only gives us a year, where we already have two years under our belts. I'm kind of lost; I agree but if we go to a third product that we've never tested, then that might be something different, but this product has been down for two years on several streets and bike paths. How does it compare to what we put down two years ago

Mayor Rooney: Mr. Cannon, you can, however you have also spoken twice, so we ask unanimous consent. Does anyone object to Mr. Cannon Speaking?

Alderman Cannon: I don't need to speak

Mayor Rooney: Allow me one moment to consult with Mr. Macholl. There is a legal restriction here that because through the process we are going through the bidding process has been waived, it will require 5 votes to pass J & K, not the usual 4. It does require a super majority to waive the bidding requirements. So as we vote it will take 5 to pass, not 4. The question is shall items J & K pass, again 5 votes are necessary

AYES: Cannon, Allen, Judd

NAYS: Buske, Banger, D'Astice, Larsen

ABSENT:

The Resolutions fail

### **O. Resolution No. 11-R-80 – Approve Placement of Temporary Signage on the Public Right-of-way – Plum Grove Creek Neighborhood Association**

Mayor Rooney read the background on this Resolution

Alderman Cannon made a motion to adopt the Resolution; it was moved and seconded to adopt the Resolution

Alderman Judd: I was opposed to these things to begin with, but this one is even worse in the sense that it's going out for an entire year. This is not the way to do this and so I'd like to make an amendment that, although I'm not going to support it, I also don't think it should go out past the, if they want to do the first two which is July 4<sup>th</sup>, July 12<sup>th</sup>, and August 15<sup>th</sup> and 22<sup>nd</sup>, that's fine, but remove the rest

Mayor Rooney: How many of the twelve, you don't want to go in too deep, is that what you're saying

Alderman Judd: The July one and the August one, but from November delete all those

Mayor Rooney: So Mr. Judd has made a motion to strike everything after the between November 28<sup>th</sup> and December 5<sup>th</sup> clause, is there a second for that amendment. The amendment dies for lack of a second

Alderman Buske: I've never seen one like this before where they're asking for so many dates. The question was last time as we've been passing these, when different organizations come before Council and do it the right way, I'm all for that, but this is kind of mind boggling how we're going to do this for the entire year. I really don't want to run into that one. If we pass this, do the people always come back

and take their signs down. What if they come up with the first time is fine, the second time they leave the signs up and don't take them down. Can we cancel this whole thing if they don't abide by our rules?

Mr. Macholl: We could always have a resolution before you to repeal this resolution

Alderman Buske: So we're covered

Alderman Cannon: I've been very intimately involved with this along with other people who are sitting in the room. Probably been more pleasurable than going to the dentist with no Novocain and getting all your teeth pulled. I suggested these people put this resolution together this way because we didn't want to waste everyone's time six different times. This is a very organized group, one of your former Alderman's wife is president of this organization, they abided by all regulations that Valerie already has asked them to abide by. They just thought this was the easier; they're not trying to circumvent any particular thing. They thought it would be easier to just pass this once. This whole sign thing to me is absolutely crazy. We've got hours of time into this one thing and now we're discussing it and voting on it and some people are still angry. I don't know if anybody is happy, other than they want to put the signs up. It's just crazy to me that we go through all this stuff for two signs that are up where the person will come and take them down when they're done. We're making this into a huge operation that doesn't need to be that way.

Mayor Rooney: The question is shall the resolution pass.

AYES: Cannon, Buske, Allen, Banger, D'Astice, Larsen

NAYS: Judd

ABSENT:

Resolution is adopted

### **OTHER BUSINESS & REPORTS:**

Mayor's Appointments:

- 1) Re-Appoint Donna Pauly to Library Board – Term to expire 6/30/14**
- 2) Re- Appoint Donald Cavi to Library Board – Term to expire 6/30/14**
- 3) Re- Appoint Marsha Kremer to Library Board - Term to expire 6/30/14**

The Chair would ask Unanimous Consent to consider all three appointments together as one, is there any objection. Is there a motion to consider the Library re-appointments as one? Alderman Larsen has made the motion; it has been moved and seconded.

Alderman Larsen: Will there be more description about the background of the candidates for future appointments.

Mayor Rooney: That has been the intention all along. I hope the Council has noticed that that has been my own personal practice every single meeting before this. There was a mix-up. I assure you you will see things like you've seen from me in the past. The question is shall these three individuals be re-appointed to the Library Board.

**City Council Meeting**  
**June 28, 2011**  
**Page 25**

AYES: Cannon, Allen, Buske, Judd, Banger, D'Astice, Larsen  
NAYS:  
ABSENT:

Those appointments are approved

Mayor's Proclamation:  
City Clerk's Report:  
City Staff Reports:

**1) Community Items of Interest**

- 1) Vehicle stickers and pet license are on sale. Reminder, you are able to purchase vehicle stickers and pet license from the City web page (under the Finance section). The stickers must be displayed by June 30<sup>th</sup>.
- 2) State Senator Matt Murphy will be conducting a Town Hall Meeting at the Arlington Heights Village Hall (Board Room on the third floor) on Wednesday, June 29<sup>th</sup> starting at 6:30 pm.
- 3) Friendly reminder that the City's 4<sup>th</sup> of July Parade is scheduled for Monday, July 4<sup>th</sup> – starting at 11:30 am.
- 4) The City's 4<sup>th</sup> of July fireworks will be conducted on July 4<sup>th</sup> at Salk Park starting around 9:15 pm (dusk), please be early.
- 5) City offices will be closed on Monday, July 4<sup>th</sup> in observance of the 4<sup>th</sup> of July Holiday.
- 6) There will be no refuse pick-up Monday, July 4<sup>th</sup>, due to the Independence Holiday. Regular Monday collection routes will be picked up on Tuesday, July 5<sup>th</sup>. This also means that each day will be delayed.
- 7) The July 5<sup>th</sup> Plan Commission, has been postponed until August 2, 2011. There will be one item on the agenda and that deals with a special use with variations for outdoor storage & fencing at 3810 Industrial Avenue.
- 8) At the July 6<sup>th</sup> Zoning Board of Appeals meeting, there will be two items during pending business of interest. One pertains to a request for variance to required side yard (garage addition) at 4528 Lincoln Avenue and the other one deals with a request for a variance to the fencing requirements on a corner lot located at 3200 Plum Grove Drive.
- 9) July 16<sup>th</sup> – Fourth Annual Duck Race (4:00 pm at Kimball Hill Park) sponsored by the City's Environmental Committee, Rolling Meadows Park District Foundation, and Rolling Meadows Rotary International. Tickets (\$5 per duck) and additional information can be found at City Hall and the Park District Community Center.

**2) PO Disclosure Over \$2500.00**

Alderman Buske: 4195.00 to rebuild a generator, that would be a fire engine generator, how big is this generator. What's the output on it?

Chief Stewart: I don't know the specific kilowatt hours but it's big enough to run the lights we need

Alderman Buske: It runs the entire fire engine truck

Chief Stewart: This is a 110 volt generator. It's hydraulically driven off the truck. It's for supplemental power for us

**MATTERS NOT ON THE AGENDA:**

The Chair has one. Since it is not part of the packet, members of the audience here and at home might not realize the paperwork has gone around this evening to all members of the City Council for an item that we mentioned last time we were here, creating a Special Committee-of-the-Whole meeting one week from tonight. That will be July 5<sup>th</sup> to very generally discuss the issues of pay. You might have made note that a number of members of the Council earlier discussed the desire to have a broader discussion on steps, that's item number 1 on the agenda. The Cost of Living adjustments, the salary survey, and the ranges are ones that were collected from the minutes just figuring those were broad enough and basically encompass the things that were under discussion. Things that are a little bit more specific than that have to be considered at a Committee of the Whole meeting on their own. We felt those four items were general enough to allow open discussion among the Council and also general enough that they do have to be in open session, they can't be in closed. There are a number of other discussions that members have said that they wish to have, but a number of those can happen in closed session, and because we're having a contract negotiation year, they probably should, but these four are large enough that they can't be done that way and they should allow plenty of discussion for a number of topics that you may not see listed here. We probably can squeeze them under

**CLOSED SESSION:**

**1) Union Negotiations – 5 ILCS 120/2 (c) (2) of the Open Meetings Act**

There is a request by Staff to go into Closed Session. Is there a motion to go into Closed Session for that purpose? Alderman D'Astice has made the motion, it has been seconded. The question is shall the Council go into Closed Session

AYES: Cannon, Allen, Buske, Judd, Banger, D'Astice, Larsen

NAYS:

ABSENT:

Mayor Rooney advised the press and audience members that no action is anticipated after the Closed Session

**Entered into Closed Session at 9:22pm**

**Returned to Open Session at 10:27pm**

**ADJOURNMENT:**

There being no further business, the Chair asked unanimous consent to adjourn the meeting

City Council meeting of June 28, 2011, adjourned at 10:28pm.

Respectfully submitted by: Ginny Cotugno, Deputy City Clerk

June 28, 2011 Minutes Approved by Council on July 12, 2011

---

Ginny Cotugno, Deputy City Clerk