

REGULAR MEETING OF THE MAYOR AND BOARD OF TRUSTEES
Gregory J. Bielawski Municipal Center, Carol Stream, DuPage County, Illinois

September 18, 2006

Mayor Pro-Tem Pamela Fenner called the Regular Meeting of the Board of Trustees to order at 8:00 p.m. and directed Village Clerk Janice Koester to call the roll.

Present: Trustees McCarthy, Gieser, Saverino, Stubbs and Fenner
Absent: Mayor Ferraro and Trustee Shanahan
Also Present: Village Manager Breinig, Assistant Village Manager Mellor, Attorney Kling, Treasurer Manzullo, Village Clerk Koester and Deputy Progar

Mayor Pro-Tem Fenner led those in attendance in the Pledge of Allegiance.

MINUTES:

Trustee McCarthy moved and Trustee Stubbs made the second to approve the Minutes of the Meeting of September 5, 2006 with the correction to page 6, that IL Arts Council gave a grant to the Village not to the Village's Art Council. The results of the roll call vote were:

Ayes: 4 Trustees McCarthy, Gieser, Saverino and Stubbs
Nays: 0
Abstain: 1 Trustee Fenner
Absent: 1 Trustee Shanahan

AUDIENCE PARTICIPATION AND PUBLIC HEARINGS:

COMMENDING THE VILLAGE OF CAROL STREAM STORM WATER ADVISORY COMMITTEE:

Mayor Pro-Tem Fenner read a Resolution Commending the Village of Carol Stream Storm Water Advisory Committee (SWAC). The recipients were: Arnie Biondo, Pat Brushaber, Allen DuBose, Hank Gmitro, Milli Jones, Darrel Malcolm, William Murakami, Pete O'Rahilly, and Phillip Wood. Trustee McCarthy moved and Trustee Saverino made the second to adopt Resolutions 2210 through 2219. The results of the roll call vote were:

Ayes: 5 Trustees McCarthy, Gieser, Saverino, Stubbs & Fenner
Nays: 0
Absent: 1 Trustee Shanahan

RECOGNIZING 2006 COMMUNITY PRIDE AWARD RECIPIENTS:

Mayor Pro-Tem Fenner read a Resolution Recognizing 2006 Community Pride Award Recipients and awarded each of the following with a picture plaque of the home, a copy of the Resolution and a \$100 Home Depot Gift card: the DeMaria Family, the Denman Family, the Amen Family, the Heier Family, the Moore Family and the Carol Stream Community Education Center (COD).

PUBLIC HEARING: AMENDMENT TO AN ANNEXATION AGREEMENT:

Trustee Stubbs moved and Trustee Saverino made the second to open the public hearing. The results of the roll call vote were:

Ayes:	5	Trustees McCarthy, Gieser, Saverino, Stubbs & Fenner
Nays:	0	
Absent:	1	Trustee Shanahan

Mr. Breinig said that Recycle America facility on Fullerton operates under an annexation agreement that established the ground rules for the operation. One of the provisions of the annexation agreement, as amended, is a threshold with rebates based on the volume of materials that are processed through there and the recognition that the traffic of the community has to suffer or work with as a result of that. What has happened is that the facility has evolved over time is that Recycle America was taking recycling materials to the Grayslake facility, basically using the Carol Stream facility for routing materials through. It has been determined by the Village Attorney that there is nothing illegal about using the facility in this manner, but suggested that the annexation agreement be amended

PRESENTATION BY AMERICAN LEGION POST 76:

A check for \$400 was presented to the Village that represented the proceeds of the Bingo games held at the Four Day Event at the Town Center.

PROCLAMATION DECLARING SEPTEMBER PROSTATE CANCER AWARENESS MONTH IN THE VILLAGE OF CAROL STREAM:

Trustee Gieser read this proclamation.

PROCLAMATION: DECLARING MONDAY, SEPTEMBER 25, 2006 FAMILY DAY – A DAY TO EAT DINNER WITH YOUR CHILDREN:

Trustee McCarthy read this proclamation.

CONSENT AGENDA:

Trustee Saverino moved and Trustee McCarthy made the second to establish a Consent Agenda for this meeting. The results of the roll call vote were:

Ayes:	5	Trustees McCarthy, Gieser, Saverino, Stubbs & Fenner
Nays:	0	
Absent:	1	Trustee Shanahan

Trustee McCarthy moved and Trustee Saverino made the second to put the following items on the Consent Agenda for this meeting. The results of the roll call vote were:

Ayes:	5	Trustees McCarthy, Gieser, Saverino, Stubbs & Fenner
Nays:	0	
Absent:	1	Trustee Shanahan

1. Special Use – Public service or Governmental Use-CS Library 2006-09-55
2. Code Text Amendment: Chap. 7 & Chap. 16 – 2006-09-56
3. Award of Contract- Prof. Eng. Svc.-SW area Infrastructure Study
4. Approve Application & Consent to Rules – CS Water Svc. User form & order potable water service to Judith & Riviera.
5. Received: Storm Water Management Program Development & Funding Study
6. Award of Contract & request bid waiver-2006 Rejuvenation Project
7. Ord. 2006-09-53: Authorize sale by auction vehicles owner by CS @DMMC
8. Ord. 2006-09-54: Authorize 2nd Amend. To Annex. Agree. – IPF Center Ave.

9. R. 2220: Declare surplus prop. – PW mower for trade-in
10. R. 2221: Authorize Village employee @ DMMC auction
11. R. 2222: Authorize Mayor to execute agree. For purchase of Elect. Serv.
12. R. 2223: Approve IGA – VofCS/DWC-implement water serv.- J&R
13. R. 2224: Approve IGA – VofCS/DPC-supplying water to J&R
14. R. 2225: Accept transfer of public water main improvements from DPC J&R
15. R. 2226: Accept transfer of public water main easements from DPC
16. Approved: Request by Outreach Community Center for fee waiver-Amp. Fee
17. Regular Bills, Addendum Warrant of Bills, Treasurer's Report 8/31/06

COMMENTS:

Item 3:

Mr. Breinig said that in approving this item, it is done with the clear understanding that it is subject to the attorney's review and approval. He said that there is no problem with the bid or that the proposal submitted. The Village Attorney is reviewing the contract documents and is working out some differences in wording. A problem is not anticipated, but this needs to get worked out before the documents are finalized. So a condition of Attorney's review and approval would be appropriate. The Board concurred.

Item 4:

Mr. Breinig said that there is nothing wrong with the documents, but staff would like to make sure that it is clearly understood by both the Board and the community that in regard to this matter, one item is impeding this process, is the clear title to the water main. Staff is working with the County to get that title, but the Village Attorney has cautioned to not allow connection without title. He said that Community Development has got this ready to the point that if an owner has all of the information available, a one day turn around is possible for the permit. Attorney Kling commented that the County Board and the DuPage Water Commission are 98% complete for their documents, but the Village cannot move forward without clear title to the water main.

Item 11:

Mr. Breinig said that the auction for electric service was held last week, but there has been discussion about possible legislative intervention which would set aside the auction. The quandary that the Village is in is that under the timetable that has been established, we have 50 days after the auction is finalized to select a provider. Within that window, we are proposing becoming a part of a cooperative where it would be jointly bid. Typically staff would bring you a price, but typically in a spot market, the bids are seldom good for more than a day, so there would be no practical way for staff to do this. Staff has recommended that the Mayor be authorized to move forward with this contract on a timely basis if the market avails itself. He said that they would like to add a caveat to the contract indicating should legislative intervention occur, that the contract would be either voided or renegotiated, because if the freeze is extended we wouldn't want to be in a position where we have actually gone out and purchased electricity at a higher price. The danger in that is if we assume there will be legislative intervention and it doesn't occur, the market could be dramatically different where even the 25% increase, that seems staggering today, could be 30 – 40% because if the market notched up, this is a matter of supply and demand.

Item 15:

Trustee Stubbs asked if this means that the Village is taking ownership of these entities and he was told yes.

Trustee Gieser moved and Trustee Stubbs made the second to approve the Consent Agenda for this meeting by omnibus vote. The results of the roll call vote were:

Ayes:	5	Trustees McCarthy, Gieser, Saverino, Stubbs & Fenner
Nays:	0	
Absent:	1	Trustee Shanahan

The following is a brief description of those items approved on the Consent Agenda for this meeting.

Special Use – Public service or Governmental Use-CS Library: Ord. 2006-09-55:

At their meeting on September 11, 2006, the Combined Plan Commission/Zoning Board of Appeals recommended approval of a special use permit to the Carol Stream Public Library for Public Service or Governmental Uses at 480 N. Kuhn Road, in accordance with staff recommendations. The Board concurred with the recommendation and adopted Ordinance 2006-09-55, AN ORDINANCE GRANTING A SPECIAL USE FOR PUBLIC SERVICE OR GOVERNMENTAL USES – 480 N. KUHN ROAD,

Code Text Amendment: Chap. 7 & Chap. 16 – 2006-09-56:

At their meeting on September 11, 2006, the Combined Plan Commission/Zoning Board of Appeals recommended approval of a text amendment to the Zoning Code and to Chapter 7 of the Subdivision of the Village of Carol Stream, in accordance with staff recommendations. The Board concurred with the recommendation and adopted Ordinance 2006-09-56, AN ORDINANCE AMENDING CHAPTER 7 OF THE SUBDIVISION CODE AND CHAPTER 16 OF THE ZONING CODE OF THE VILLAGE OF CAROL STREAM.

Award of Contract- Prof. Eng. Svc.-SW area Infrastructure Study:

The Board awarded a Consultant contract for a Southwest Water and Sanitary Sewer Study to RJN Group, Inc. for an amount of \$41,515.00. This award is pending legal approval of the agreements submitted by RJN.

Approve Application & Consent to Rules – CS Water Svc. User form & order potable water service to Judith & Riviera.:

The Board approved the Application and consent to Rules form and to authorize staff to offer potable water service for the 36 lots on Judith and Riviera Courts.

Award of Contract & request bid waiver-2006 Rejuvenation Project:

The Board approved a request for bid waiver and made an award of contract to Midwest Tar Sealer Company at the negotiated unit price for a cost not to exceed \$50,000 for the 2006 Rejuvenation Project.

Ord. 2006-09-53: Authorize sale by auction vehicles owner by CS @DMMC:

The Board adopted Ordinance 2006-09-53, AN ORDINANCE AUTHORIZING THE SALE BY PUBLIC AUCTION OR PERSONAL PROPERTY OWNED BY VILLAGE OF CAROL STREAM.

Ord. 2006-09-54: Authorize 2nd Amend. To Annex. Agree. – IPF Center Ave:

The Board adopted Ordinance 2006-09-54, AN ORDINANCE AUTHORIZING A SECOND AMENDMENT TO AN ANNEXATION AGREEMENT BETWEEN THE COUNTY OF DUPAGE, VILLAGE OF CAROL STREAM, RIDGE REALTY, AND WASTE MANAGEMENT OF ILLINOIS, INC.

R. 2220: Declare surplus prop. – PW mower for trade-in:

The Board adopted Resolution 2220, A RESOLUTION DECLARING SURPLUS PROPERTY OWNED BY THE VILLAGE OF CAROL STREAM.

R. 2221: Authorize Village employee @ DMMC auction:

The Board adopted Resolution 2221, A RESOLUTION AUTHORIZING A VILLAGE EMPLOYEE TO REPRESENT THE VILLAGE OF CAROL STREAM AT THE DUPAGE MAYORS AND MANAGERS VEHICLE AND EQUIPMENT AUCTION TO BE HELD ON OCTOBER 14, 2006.

R. 2222: Authorize Mayor to execute agree. For purchase of Elect. Serv.:

The Board adopted Resolution 2222, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR THE PURCHASE OF ELECTRIC UTILITY SERVICE.

R. 2223: Approve IGA – VofCS/DWC-implement water serv.- Judith/Riviera

The Board adopted Resolution 2223, A RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT CONCERNING THE IMPLEMENTATION OF WATER SERVICE TO JUDITH LAND AND RIVIERA COURT IN UNINCORPORATED DUPAGE COUNTY.

R. 2224: Approve IGA – VofCS/DPC-supplying water to Judith/Riviera:

The Board adopted Resolution 2224, A RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN THE COUNTY OF DUPAGE, ILLINOIS AND THE VILLAGE OF CAROL STREAM IN CONNECTION WITH THE SUPPLYING WATER TO JUDITH AND RIVIERA COURTS.

R. 2225: Accept transfer of public water main improvements from DPC J&R:

The Board adopted Resolution 2225, A RESOLUTION ACCEPTING A TRANSFER OF PUBLIC WATER MAIN IMPROVEMENTS FROM DUPAGE COUNTY – JUDITH LANE AND RIVIERA COURT.

R. 2226: Accept transfer of public water main easements from DPC:

The Board adopted Resolution 2225, A RESOLUTION ACCEPTING A TRANSFER OF PUBLIC WATER MAIN EASEMENTS FROM DUPAGE COUNTY – JUDITH LANE AND RIVIERA COURT.

Regular Bills, Addendum Warrant of Bills, Treasurer's Report 8/31/06:

The Board approved the payment of the Regular Bills in the amount of \$473,043.63.

The Board approved the payment of the Addendum Warrant of Bills in the amount of \$1,085,770.66.

The Board received the Treasurer's Report for month ending August 31, 2006.

REPORT OF OFFICERS:

Trustee Saverino thanked the judges for their work in awarding the Community Pride Awards as well as the Storm Water Advisory Commission for the efforts.

Trustee Stubbs also thanked everyone for their efforts.

Trustee Gieser joined in thanking the volunteer efforts and reminded everyone of the Oktoberfest celebration on September 30th.

Trustee Fenner reminded that the Business Appreciation Luncheon will be on Wednesday at the Town Center.

At 8:30 p.m. Trustee McCarthy moved and Trustee Saverino made the second to adjourn. The results of the roll call vote were:

Ayes:	5	Trustees McCarthy, Gieser, Saverino, Stubbs & Fenner
Nays:	0	
Absent:	1	Trustee Shanahan

FOR THE BOARD OF TRUSTEES