

**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF ELMHURST, ILLINOIS
HELD ON MONDAY, AUGUST 3, 2009
209 NORTH YORK STREET
ELMHURST, ILLINOIS**

CALL TO ORDER/ PLEDGE OF ALLEGIANCE/ROLL CALL

Attendance: 23

1. In the absence of Mayor DiCianni, the Regular Meeting of the Elmhurst City Council was called to order by City Clerk Spencer at 7:30 p.m.

Present: Diane Gutenkauf, Paula Pezza, Pat Shea, Norman Leader, Susan J. Rose, Michael J. Bram, Kevin L. York, Chris Nybo, Chris Healy, Steve Morley, Jim Kennedy, Patrick Wagner

Absent: Stephen Hipskind, Mark A. Mulliner

Also in Attendance: City Treasurer Dyer, City Attorney Storino, Police Chief Neubauer, Public Works Director Hughes, Museum Director Bergheger

City Clerk Spencer asked for a motion and second to appoint a Mayor Pro-Tempore for tonight's meeting.

Alderman Wagner moved to appoint Alderman Rose Mayor Pro-Tempore for tonight's meeting. Alderman Nybo seconded. Voice vote, motion carried.

RECEIPT OF WRITTEN COMMUNICATIONS AND PETITIONS FROM THE PUBLIC

2. None.

PUBLIC FORUM

3. Gilbert Fischer
586 N. Van Auken
Elmhurst, IL 60126

Spoke regarding the City's spending and higher taxes in Elmhurst which have driven residents out of town.

Val Stewart
135 S. York #508
Elmhurst, IL 60126

Spoke regarding the One Room School House and asked the Council to approve the committee report, *Bids for the Interior Renovations and Washroom Facilities – One Room School*. Ms. Stewart invited the Council to attend Rockin' the Schoolhouse, a fundraiser to be held on Saturday, November 7, 2009. The fundraiser, sponsored by the Elmhurst Heritage Foundation, will be held at Drury Lane in Oakbrook at 6:00 p.m.

Darlene Heslop
200 N. Michigan #227
Elmhurst, IL 60126

Spoke regarding the no bid contract with Arco/Murray. She also addressed Chief Neubauer stating red light cameras, should they be installed, should be for safety reasons, not to increase revenues.

Bob Demski
257 Walnut
Elmhurst, IL 60126

Spoke of the economic condition of the City and his objection to the no bid contract for the Larch Avenue parking deck.

CONSENT AGENDA

4. The following items on the Consent Agenda were presented:
- a. MINUTES OF REGULAR MEETING HELD ON MONDAY, JULY 20, 2009 (City Clerk Spencer): Approve as published
 - b. MINUTES OF THE EXECUTIVE SESSION HELD ON MONDAY, JULY 20, 2009 (City Clerk Spencer): Receive and place on file
 - c. ACCOUNTS PAYABLE – JULY 31, 2009 TOTAL \$ 1,748,386.71
 - d. APPOINTMENT TO THE ZONING AND PLANNING COMMISSION – BRENDAN J. HILL (Mayor DiCianni): Concur with the Mayor's recommendation

July 16, 2009

To: Members of the City Council
Re: Appointment to the Zoning and Planning Commission – Brendan J. Hill

With your advice and consent, I will appoint Mr. Brendan J. Hill (see attached application) to the Zoning and Planning Commission for a term to expire on February 20, 2014. He will be replacing Mr. Jeff T. Ernst whose term expired on February 20, 2009.

Respectfully submitted,
/s/ Peter P. DiCianni, III
Mayor

- e. BIDS, 2009 FIRE HYDRANT AND WATERMAIN VALVE REPAIR PROGRAM (City Clerk Spencer): Refer to the Public Works and Buildings Committee

July 22, 2009

TO: Mayor DiCianni and Members of the City Council
RE: Bids, 2009 Fire Hydrant and Watermain Valve Repair Program

In response to an invitation to bid for the 2009 Fire Hydrant and Watermain Valve Repair Program advertised in the Elmhurst Press on Friday, July 3, 2009, bids were received from eleven area contractors.

Bids were opened at 10:00 a.m. on Tuesday, July 21, 2009, and following is a summary of the bids received:

<u>Contractor</u>	<u>Total Cost</u>
Kings Point General Cement, Inc. (Bensenville, IL)	\$107,817.00
Mauro Sewer Construction, Inc. (Des Plaines, IL)	\$109,973.00
Suburban General Construction, Inc. (LaGrange Park, IL)	\$124,386.00
Gerardi Sewer and Water Company (Norridge, IL)	\$134,299.00
Brothers Asphalt Paving, Inc. (Addison, IL)	\$148,705.00
Cerniglia Company, Inc. (Melrose Park, IL)	\$149,807.00

Swallow Construction Corporation (Downers Grove, IL)	\$157,000.00
Riccio Construction Corporation (Palos Park, IL)	\$167,171.00
L.M. Johnson & Sons Services, Inc. (Maple Park, IL)	\$167,800.50
Vian Construction Company, Inc. (Elk Grove Village, IL)	\$170,933.00
Dawn Companies, Inc. (Joliet, IL)	\$192,213.25

Respectfully submitted,
/s/ Patty Spencer
City Clerk

- f. BIDS, 2009 SIDEWALK REPLACEMENT PROGRAM (City Clerk Spencer): Refer to the Public Works and Buildings Committee

July 27, 2009

TO: Mayor DiCianni and Members of the City Council
RE: 2009 Sidewalk Replacement Program

The Public Works and Buildings Committee met on Monday, July 27, 2009 to review bids for the 2009 Sidewalk Replacement Program. The bids received are summarized on Attachment "A".

The work in general consists of the removal and replacement of existing sidewalk and curb and gutter and the installation of new sidewalk at various locations throughout the City. This is a program where the City is responsible for 100% of the expense to replace hazardous public sidewalk.

Strada Construction Company of Addison, Illinois submitted the lowest responsible bid meeting all of the bidding requirements. Strada's bid was \$70,330.00. Strada Construction Company has completed similar work previously for the City of Park Ridge, the Village of North Riverside and the City of West Chicago. All communities report that the work was completed in a satisfactory manner.

Monies have been provided in the FY 2009/10 budget in the amount of \$ 75,000.00 in account number 110-6041-432-30-70.

It is, therefore, the recommendation of the Public Works and Buildings Committee that the bid from the lowest responsible bidder, Strada Construction Company, in the amount of \$70,330.00 be accepted and that a resolution be prepared approving this program.

Respectfully submitted,
/s/ Patty Spencer
City Clerk

- g. REPORT – 2009 WATER METER PURCHASE The following report of the Public Works and Buildings Committee was presented:

July 27, 2009

TO: Mayor DiCianni and Members of the City Council
RE: 2009 Water Meter Purchase

The Public Works and Buildings Committee met on Monday, July 27, 2009 to discuss the purchase of Automated Meter Reading (AMR) units necessary for new construction, water meter upgrades, replacement of existing water meters AMR units, and to continue our radio AMR system integration project.

The City standard, Neptune Water meters, are purchased directly from Neptune Technologies Corporation and although not competitively bid, receive no intermediary vendor mark-up. The City has standardized purchasing Neptune meters for many years because it is compatible with the current Automatic Meter Reading (AMR) system/equipment, reduces unnecessary inventory supplies, and is a quality tested product. Neptune Technologies has agreed to maintain their pricing for this year's purchase at last year's same level.

City staff has checked with other nearby municipalities to inquire as to their Neptune pricing under term contracts. In all cases, staff found pricing for Elmhurst to be very competitive and inline with other municipalities of similar size.

The current pricing and quantities to be ordered are summarized as follows:

<u>Quantity</u>	<u>Meter Type</u>	<u>Unit Price</u>	<u>Total Cost</u>
2250	R900 AMR Unit	\$82.00	\$184,500.00

The AMR unit is an outside remote radio frequency device attached for the ease of recording the customer's water consumption. The meter reading is accomplished by simply walking or driving by the customer's home and collecting the reads through the radio receiving handheld unit.

Funds have been provided in the 2009/2010 budget, Municipal Utility Fund, account number 510-6052-501-40-68 (Water Meters), in the amount of \$350,000 for the purchase of water meters and AMR units.

It is, therefore, the recommendation of the Public Works and Buildings Committee that the purchase of AMR units from Neptune Technologies for the 2009/2010 budget year, in a total amount not to exceed \$184,500.00, be accepted and that a resolution be prepared authorizing this purchase.

Respectfully submitted,
Public Works and Building Committee

/s/ Jim Kennedy
Chairman

/s/ Michael J. Bram
Vice-Chairman

/s/ Pat Shea

/s/ Chris Healy

- h. REPORT – 2009 SIDEWALK REPLACEMENT PROGRAM The following report of the Public Works and Buildings Committee was presented:

July 27, 2009

TO: Mayor DiCianni and Members of the City Council
RE: 2009 Sidewalk Replacement Program

The Public Works and Buildings Committee met on Monday, July 27, 2009 to review bids for the 2009 Sidewalk Replacement Program. The bids received are summarized on Attachment "A".

The work in general consists of the removal and replacement of existing sidewalk and curb and gutter and the installation of new sidewalk at various locations throughout the City. This is a program where the City is responsible for 100% of the expense to replace hazardous public sidewalk.

Strada Construction Company of Addison, Illinois submitted the lowest responsible bid meeting all of the bidding requirements. Strada's bid was \$70,330.00. Strada Construction Company has completed similar work previously for the City of Park Ridge, the Village of North Riverside and the City of West Chicago. All communities report that the work was completed in a satisfactory manner.

Monies have been provided in the FY 2009/10 budget in the amount of \$ 75,000.00 in account number 110-6041-432-30-70.

It is, therefore, the recommendation of the Public Works and Buildings Committee that the bid from the lowest responsible bidder, Strada Construction Company, in the amount of \$70,330.00 be accepted and that a resolution be prepared approving this program.

Respectfully submitted,
Public Works and Building Committee
/s/ Jim Kennedy
Chairman
/s/ Michael J. Bram
Vice-Chairman
/s/ Pat Shea
/s/ Chris Healy

- i. REPORT – 2009 FIRE HYDRANT AND WATERMAIN VALVE REPAIR PROJECT The following report of the Public Works and Buildings Committee was presented:

July 27, 2009

TO: Mayor DiCianni and Members of the City Council
RE: 2009 Fire Hydrant and Watermain Valve Repair Project

The Public Works and Buildings Committee met on Monday, July 27, 2009 to review bids received for the 2009 Fire Hydrant and Watermain Valve Repair Project. The bids are summarized on Attachment "A".

The work includes the removal and replacement of 14 fire hydrants and 4 water main valves, and related restoration work at various locations throughout the City including work in the Yorkfield area south of Butterfield Road where the City owns the water system.

Kings Point General Cement, Inc. of Bensenville, IL, submitted the lowest responsible bid meeting all of the bidding requirements. Kings Point's bid was \$107,847.00. Kings Point General Cement, Inc has worked for the City in the past and completed similar work for Elmhurst, and other municipalities in a satisfactory manner.

Monies have been provided in the FY 2009/10 Budget in the Municipal Utility Fund, in the amount of \$75,000 in account number 510-6052-501-30-85, and \$75,000 in account number 510-6052-501-30-86 for this project.

It is, therefore, the recommendation of the Public Works and Buildings Committee that the bid from the lowest responsible bidder, Kings Point General Cement, Inc., in the amount of \$107,847.00, be accepted, and that a resolution be prepared approving this project.

Respectfully submitted,
Public Works and Building Committee
/s/ Jim Kennedy
Chairman
/s/ Michael J. Bram
Vice-Chairman
/s/ Pat Shea
/s/ Chris Healy

- j. REPORT – FUEL ISLAND MANAGEMENT AND INVENTORY SYSTEM PURCHASE The following report of the Public Works and Buildings Committee was presented:

July 27, 2009

TO: Mayor DiCianni and Members of the City Council
RE: Fuel Island Management and Inventory System Purchase

The Public Works and Buildings Committee met on Monday, July 27, 2009 to discuss the purchase of a Fuel Island Management and Inventory System. This is an automated system used to capture the quantity of fuel dispensed, vehicle and equipment I.D., driver I.D. odometer reading, time and date of transaction, type of product dispensed and department usage. This system is also used for billing the Park District and School District 205 for fuel supplied from the Public Works fuel island.

A Request for Proposals (RFP) was sent to four (4) qualified vendors which are listed as follows:

<u>Vendor</u>	<u>Total Price</u>
Accurate Tank of N. Aurora, IL	\$25,376.00
Trax Engineering of Tallahassee, FL	\$35,100.00
Fuel Force of Princeton, NJ	Declined
Superior Petroleum of Wheaton, IL	Declined

In accordance with the City of Elmhurst and Elmhurst Park District Intergovernmental Agreement, the Park District will pay 25 percent (\$6,344.00) of the price of the installation of the fuel island management and inventory system.

The bid includes the provision of a manual entry fueling system similar to what the City has today, with current software and hardware. It also includes a fully automated RFID system which automatically activates the appropriate dispenser and records information such as mileage, hours of use, and engine trouble items. This includes the reader at the pump and 30 Smart Tag units which are to be installed in police and fire vehicles.

The RFP requested vendors to supply and install a complete Automated Fuel Management System that will control and record the individual dispensing of fuel and provide accurate and timely equipment data while accounting for all the fuel that is dispensed. The vendor is to supply all necessary computer hardware/software for interface with City's vehicle management system.

As part of the RFP, demonstrations of the proposed system and site reviews were performed at the Public Works Garage. Various tasks were demonstrated in order to see how well each vendor's system performed. The demonstrations allowed staff to evaluate each unit's performance in terms of operation, data stream transfer, data storage and durability while operating under outside environmental conditions.

After all the demonstrations were completed a final selection was made. City staff found the Fuel Master System with Aim 2 technology from Accurate Tank of North Aurora, IL, the best selection. The performance of the Fuel Master System was superior. The City currently has a Petrovend System which was purchased 15 years ago, the software and hardware for this system is no-longer supported.

Funds have been provided in the FY2009/2010 under account 110-6047-512-80-98, in the amount of \$32,000 for the purchase of this system.

It is, therefore, the recommendation of the Public Works and Buildings Committee that the proposal from Accurate Tank of North Aurora, Illinois for the Fuel Master System with Aim 2 technology be accepted in the amount of \$25,376.00 and that a resolution be drafted approving this purchase.

Respectfully submitted,
Public Works and Building Committee

/s/ Jim Kennedy

Chairman

/s/ Michael J. Bram

Vice-Chairman

/s/ Pat Shea

/s/ Chris Healy

- k. REPORT – LIQUOR LICENSE REQUEST: FINN MCCOOL'S The following report of the Public Affairs and Safety Committee was presented:

July 27, 2009

To: Mayor DiCianni and Members of the City Council
Re: Liquor License Request: Finn McCool's

The Public Affairs and Safety Committee met on July 27, 2009 to discuss the liquor license request by Finn McCool's. A representative from Finn McCool's was present to explain their business plan and answer the Committee's questions.

Finn McCool's will be located at 122 S. York Street; they will be an Irish Pub themed food and drink establishment including a fenced beer garden and private party facilities. Finn McCool's will feature sports viewing, serving lunch and dinner of reasonably priced appetizers, burgers, soups, salads and sandwiches, with daily specials. Food will be available for take-out as well as dine-in. The hours of operation will be 11:00 a.m. to 12:45 a.m. (the next day) Sunday through Thursday and 11:00 a.m. to 1:45 a.m. (the next day) Friday and Saturday. The sale of alcohol will start at 12:00 noon on Sundays. On various nights they will feature DJ's, karaoke or live acoustical bands. The goal will be to create a relaxing and fun atmosphere for Elmhurst to enjoy.

There are currently three Finn McCool's operating in Schaumburg, Crystal Lake and downtown Chicago. They have been well received by all of the communities and are very successful. The Elmhurst location will employ a staff of approximately 50 people.

All state and local laws and ordinances will be enforced and followed. The floor and business plans has been reviewed and the Committee agreed with all aspects of the business plan and concurred that a Class "RL" liquor license would be appropriate.

It is, therefore, the recommendation of the Public Affairs and Safety Committee that the City Attorney be authorized to prepare the appropriate ordinance to provide the availability of a Class "RL" liquor license for Finn McCool's.

Respectfully submitted,
Public Affairs and Safety Committee
/s/ Patrick Wagner
Chairman
/s/ Chris Nybo
Vice-Chairman
/s/ Paula Pezza

1. REPORT – MELROSE AVENUE – NORTH AVENUE TO WILLOW ROAD PARKING RESTRICTIONS The following report of the Public Affairs and Safety Committee was presented:

July 27, 2009

To: Mayor DiCianni and Members of the City Council
Re: Melrose Avenue – North Avenue to Willow Road Parking Restrictions

The Public Affairs and Safety Committee met on July 27, 2009 to discuss a request from the area residents to prohibit parking on the north side of Melrose Avenue, from North Avenue to Willow Road during drop-off and pick-up periods at Field School. Neighborhood concerns include difficulty with driveway access, street congestion, and issues with school bus and emergency vehicle access.

Survey results show 67% indicate support to restrict parking on the north side of Melrose Avenue, from North Avenue to Willow Road during drop-off and pick-up periods at Field School.

It is therefore, the recommendation of the Public Affairs and Safety Committee that the appropriate ordinance be drafted and adopted by the City Council to restrict parking on the north side of Melrose Avenue, from North Avenue to Willow Road during drop-off and pick-up periods at Field School.

Respectfully submitted,
Public Affairs and Safety Committee
/s/ Patrick Wagner

Chairman
/s/ Chris Nybo
Vice-Chairman
/s/ Paula Pezza

- m. REPORT – HILLSIDE AVENUE – ELDRIDGE PARK TO VAN BUREN STREET PARKING RESTRICTIONS The following report of the Public Affairs and Safety Committee was presented:

July 27, 2009

To: Mayor DiCianni and members of the City Council
Re: Hillside Avenue – Eldridge Park to Van Buren Street Parking Restrictions

The Public Affairs and Safety Committee met on July 27, 2009 to discuss a request from the area residents to prohibit parking at all times on the west side of Hillside Avenue from Eldridge Park to Van Buren Street. The request is in response to the parking situation created by the use of Eldridge Park during various sporting events.

Survey results show 88% indicate support to prohibit parking on the west side of Hillside Avenue from Eldridge Park to Van Buren Street.

It is therefore, the recommendation of the Public Affairs and Safety Committee that the appropriate ordinance be drafted and adopted by the City Council to restrict parking on the west side of Hillside Avenue from Eldridge Park to Van Buren.

Respectfully submitted,
Public Affairs and Safety Committee
/s/ Patrick Wagner
Chairman
/s/ Chris Nybo
Vice-Chairman
/s/ Paula Pezza

- n. REPORT – HOWARD AVENUE – NORTH OF MELROSE AVENUE PARKING RESTRICTIONS The following report of the Public Affairs and Safety Committee was presented:

July 27, 2009

To: Mayor DiCianni and Members of the City Council
Re: Howard Avenue – North of Melrose Avenue Parking Restrictions

The Public Affairs and Safety Committee met on July 27, 2009 to discuss a request from the area residents to prohibit parking on both sides of Howard Avenue – north of Melrose Avenue during drop-off and pick up periods at Field School. Neighborhood concerns include difficulty with driveway access, street congestion, and issues with school bus and emergency vehicle access.

Survey results show 67% indicate support to restrict parking on both sides of Howard Avenue – north of Melrose Avenue during drop-off and pick-up periods at Field School.

It is therefore, the recommendation of the Public Affairs and Safety Committee that the appropriate ordinance be drafted and adopted by the City Council to restrict parking on both sides of Howard Avenue – north of Melrose Avenue during drop-off and pick up periods at Field School.

Respectfully submitted,
Public Affairs and Safety Committee
/s/ Patrick Wagner
Chairman
/s/ Chris Nybo
Vice-Chairman
/s/ Paula Pezza

- o. REPORT – WATER AND SEWER RATES FOR ELMHURST RESIDENTS ON WRIGHTWOOD AVENUE The following report of the Finance, Council Affairs and Administrative Services Committee was presented:

June 23, 2009

To: Mayor DiCianni and Members of the City Council
Re: Water and Sewer Rates for Elmhurst Residents on Wrightwood Avenue

The Finance, Council Affairs and Administrative Services Committee met twice, most recently June 22, 2009, to consider the referral from Alderman Bram to review water and sewer rates for Elmhurst residents on Wrightwood Avenue.

In 1990, a voluntary annexation petition was filed with the City of Elmhurst for seven parcels of land on the north side of Wrightwood Avenue (277-301 E. Wrightwood Avenue), which were located in unincorporated Country Club Highlands, abutting the City's northeast corner. The attorney for the property owners stated in documents submitted to the City that the owners recognized that they would be serviced by Citizens Utility (now Illinois American Water Company) for water and sewer. The committee report recommending the voluntary annexation, which was approved August 6, 1990, also stated that these properties are serviced by Citizens Utility for water and sewer. The annexation ordinance O-01-91 was approved by the City Council on February 19, 1991.

Illinois American Water Company (IAWC) provides water distribution and wastewater collection services for several Facility Planning Areas (FPA) in Illinois, including the FPA commonly known as Country Club Highlands, which includes the properties on Wrightwood Avenue. The City has two contracts with IAWC with regard to the Country Club Highlands FPA. One contract is a wheeling agreement to "wheel" Lake Michigan water from DuPage Water Commission through Elmhurst to IAWC's water pumping station for the Country Club Highlands area. The second contract is for wastewater treatment. The IAWC infrastructure collects wastewater and delivers it through a metering station to the City's sewer infrastructure for treatment at the City's wastewater treatment plant. The IAWC is invoiced monthly for both services provided by Elmhurst.

IAWC is a private for-profit utility company, and its water and sewer rates are regulated and approved by the Illinois Commerce Commission (ICC). The rates for service to the Country Club Highlands customers are higher than the City's water and sewer rates, and the residents on Wrightwood Avenue would like to either receive water and sewer service from the City of Elmhurst or be charged the City's water and sewer rates. The City has discussed removing the seven parcels on Wrightwood Avenue from their system with IAWC more than once, and IAWC has responded that they are not interested in releasing those parcels. Even if the properties were released by IAWC, the residents are aware that they would bear the expense of the infrastructure needed to connect to the City water and sewer systems, which is estimated to be about \$400,000 for the seven parcels. The City also discussed with IAWC the possibility of IAWC charging different rates for the Wrightwood Avenue customers. IAWC said that a different rate structure for Wrightwood Avenue residents is not possible due to ICC regulations.

Staff noted that not all Elmhurst residents receive water and sewer service from the City. There are approximately thirty properties in the south section of the City that receive water service from the City but receive sewer service from the Flagg Creek Facility Planning Area, including the Elmhurst Center for Health and the new Elmhurst Memorial Hospital.

After discussion, it was the consensus of the Finance Committee that the City of Elmhurst has neither jurisdiction nor authority regarding the water and sewer service provided by IAWC to the Country Club Highlands FPA, which includes the seven parcels on Wrightwood Avenue in Elmhurst. Until such time as IAWC would consider a change in the FPA boundaries as they relate to the Country Club Highlands FPA, the City has no course of action.

It is, therefore, the recommendation of the Finance, Council Affairs and Administrative Services Committee that the City Council take no action at this time regarding the water and sewer rates for Elmhurst residents on Wrightwood Avenue.

Respectfully submitted,
Finance, Council Affairs and
Administrative Services Committee
/s/ Stephen Hipkind

Chairman
/s/ Kevin York
Vice-Chairman
/s/ Mark Mulliner
/s/ Diane Gutenkauf

- p. REPORT – ILLINOIS MUNICIPAL RETIREMENT FUND CONTRIBUTION RATE FOR CALENDAR YEAR 2010 The following report of the Finance, Council Affairs and Administrative Services Committee was presented:

July 28, 2009

To: Mayor DiCianni and Members of the City Council
Re: Illinois Municipal Retirement Fund Contribution Rate for Calendar Year 2010

The Finance, Council Affairs and Administrative Services Committee met July 27, 2009, to review the Illinois Municipal Retirement Fund (IMRF) contribution rate for calendar year 2010.

IMRF is a pension program that covers employees who work more than 1,000 hours annually, and who are not covered by the police pension or firefighter pension programs. Employees covered by IMRF contribute 4.5% of salary to the plan, as determined by state statute. Employers, i.e. City of Elmhurst, each pay their own unique rate determined by outside actuaries. The rate is based on the employer's member demographics and the individual funded status of the employer's plan. Economic events in 2008 impacted the asset base of IMRF; the estimated 2008 return is -24.8%. While recent investment losses will not impact IMRF's ability to continue paying benefits to retirees, there will be an impact on the contribution rate for employers.

The IMRF Board of Trustees recognizes the budget challenges that employers are facing, and the Board has adopted a plan to phase in 2010 employer rate increases. An employer can choose the actuarial required contribution rate (ARC) which was calculated by IMRF's actuaries and reflects the recovery of the employer's actuarial accrued unfunded liability, or the optional phase-in plan rate which is capped at a 10% increase over the 2009 rate. On an ongoing basis, if an employer chooses the optional phase-in plan, the employer's phase-in rate would be increased by 10% annually until the rate reached the employer's ARC rate. For the City, the ARC for calendar year 2010 is 12.70% and the optional phase-in rate is 10.73%. The City's current calendar year 2009 ARC rate is 9.75%.

The approximately 2% difference between the City's ARC and optional phase-in rate equates to an estimated \$140,000 impact on the General Fund and Motor Fuel Tax Fund. Staff noted that an even greater increase in the ARC had been anticipated and budgeted. Calendar year 2010 straddles two budget years; a 12% ARC rate was budgeted in fiscal 2010 and a 14% ARC rate was budgeted in 2011. Assuming the 2010 ARC rate of 12.70%, the actual rate for fiscal 2010 will be 10.73% (eight months at 9.75% and four months at 12.70%), which is within the budgeted 12%. The actual rate for fiscal 2011 cannot yet be determined. Staff also noted that it has been the City Council's practice to annually fund all pension funds at the actuarially determined contribution levels. Using a phase-in rate will result in higher contributions over the long term due to the additional carrying costs on the resulting higher unfunded liability. Given that there is sufficient budget to cover the 12.7% ARC rate, that the phase-in option will result in greater costs in the future, and the City Council's practice of funding pension obligations today rather than push the obligation to some future year, staff recommends funding IMRF at the ARC rate of 12.70% for calendar year 2010.

After discussion, the Finance Committee concurred with staff recommendation.

It is, therefore, the recommendation of the Finance, Council Affairs and Administrative Services Committee that the City Council approve the actuarial required contribution rate of 12.70% for the City of Elmhurst's calendar year 2010 contribution to the Illinois Municipal Retirement Fund.

Respectfully submitted,
Finance, Council Affairs and
Administrative Services Committee
/s/ Stephen Hipskind
Chairman
/s/ Kevin York
Vice-Chairman
/s/ Mark Mulliner

/s/ Diane Gutenkauf

- q. REPORT – TIMOTHY CHRISTIAN SCHOOLS – REQUEST FOR EXTENSION The following report of the Development, Planning and Zoning Committee was presented:

July 27, 2009

TO: Mayor DiCianni and Members of the City Council

RE: Timothy Christian Schools – Request for Extension

Request for a six month extension of the Conditional Use approved by Ordinance ZO-01-2009, for the property known as 188 W. Butterfield Road.

The Development, Planning and Zoning Committee met on July 27, 2009 and discussed this item under other business. The Committee reviewed the letter dated July 20, 2009 from the applicant requesting a 6-month extension. The letter indicates that the Timothy Christian School additions (approved by Ordinance ZO-01-2009) are not substantially underway at this time due to economic conditions.

The Committee discussed this matter and the conditions associated with the request. There were no serious questions or issues during review of the original application, and the Committee does not anticipate any problems with providing the requested extension. The Committee supports the request and has no objections to the requested extension.

Therefore, it is the recommendation of the Development, Planning and Zoning Committee that this request be approved. The City Attorney is hereby directed to prepare the necessary documents for City Council approval.

Respectfully submitted,
Development, Planning and Zoning Committee
/s/ Steven Morley
Chairman
/s/ Susan J. Rose
Vice-Chairman
/s/ Norman Leader

- r. REPORT – PROPOSED ZONING ORDINANCE AMENDMENT – PAWN SHOPS The following report of the Development, Planning and Zoning Committee was presented:

July 28, 2009

TO: Mayor DiCianni and Members of the City Council

RE: Proposed Zoning Ordinance Amendment - Pawn Shops

The Development, Planning and Zoning Committee met on July 27, 2009 and discussed this item under other business. The Committee reviewed the Zoning Ordinance that identifies pawn shops as permitted uses in all commercial districts except C4A.

The Committee discussed public safety issues involving pawn shops and noted that these uses should be reevaluated as to whether they should remain permitted uses in the C4 Central Business District, or in the C1 or C2 districts which are generally near and abutting single family residential properties.

Therefore, it is the recommendation of the Development, Planning and Zoning Committee that City Council authorize the Zoning & Planning Commission to hold a public hearing to discuss proposed Zoning Ordinance text amendments as they relate to pawn shops.

Respectfully submitted,
Development, Planning and Zoning Committee
/s/ Steven Morley
Chairman
/s/ Susan J. Rose
Vice-Chairman
/s/ Norman Leader

- s. REPORT – REVIEW OF PROPOSED ZONING ORDINANCE AMENDMENTS – SIGNS The following report of the Development, Planning and Zoning Committee was presented:

July 28, 2009

TO: Mayor DiCianni and Members of the City Council
RE: Review of Proposed Zoning Ordinance Amendments - Signs

The Development, Planning and Zoning Committee discussed the topic of real estate “open house” signs under Other Business on July 13, 2009, and as an agenda item on July 27, 2009. The Committee and Staff discussed current Zoning Ordinance regulations applicable to real estate ‘open house’ signs and residential ‘garage sale’ signs. The Committee also discussed alternative methods for handling these signs.

The DPZ Committee and Staff noted that such signs are typically placed on a temporary basis only, primarily on weekends. These signs are usually placed in parkways, at or near street intersections, to make them most visible to motorists. However, current Zoning Ordinance regulations prohibit signs (other than government/traffic signs) from being placed in right-of-ways, which includes parkways, so technically such signs are not permitted.

The Committee then discussed enforcement priorities of City Staff, as well as the visual and physical impact of open house and garage sale signs. They concluded that:

- These signs are typically small and unobtrusive, and are usually removed promptly by those parties (residents or real estate agents) that first placed them.
- Zoning Ordinance amendments should be reviewed and amended to allow real estate open house and garage sale signs in parkways (right-of-ways) on a limited basis, primarily during weekend periods corresponding to such events.

On July 27, 2009 the Committee also discussed commercial real estate signs noting that the Zoning Ordinance limits these signs to sixteen (16) square feet. The I1 Restricted Industrial and C3 General Commercial districts are comprised of larger lots that do not have properties that front single family residential lots. Because the industry standard is 32 square feet (a typical 4 by 8 sheet of plywood or other material), the Committee agreed that the issue of allowing these larger commercial real estate signs should be considered. They further supported providing an opportunity for input from all concerned stakeholders in a public hearing as a part of this process.

The Committee also discussed development (‘coming soon’) signs which are erected on a temporary basis during site development. The Committee agreed that the Zoning Ordinance should be reviewed to consider allowing the use of these signs.

It is therefore, the recommendation of the Development, Planning and Zoning Committee that the City Council authorize the Zoning & Planning Commission to hold a public hearing on proposed text amendments to the Zoning Ordinance for open house, garage sale, commercial real estate and site development signs.

Respectfully submitted,
Development, Planning and Zoning Committee
/s/ Steven Morley
Chairman
/s/ Susan J. Rose
Vice-Chairman
/s/ Norman Leader

- t. ZO-06-2009 – AN ORDINANCE TO APPROVE AND AUTHORIZE THE EXECUTION OF A CORRECTIVE ACTION RIGHT-OF WAY AGREEMENT BY AND BETWEEN THOMAS LEACH, SR. AND THE CITY OF ELMHURST FOR THE PROPERTY COMMONLY KNOWN AS 575 SOUTH YORK ROAD

Ordinance ZO-06-2009 was presented for passage.

- u. R-16-2009 – A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT BETWEEN THE CITY OF ELMHURST NERI BROTHERS CONSTRUCTION FOR THE PROSPECT AVENUE PUBLIC UTILITY IMPROVEMENT

Resolution R-16-2009 was presented for passage.

- v. R-17-2009 – A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT BETWEEN THE CITY OF ELMHURST AND ADVANTAGE 2 CONCRETE RAISING FOR THE 2009 SIDEWALK REPAIR PROGRAM (SLABJACKING)

Resolution R-17-2009 was presented for passage.

- w. R-18-2009 – A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT BETWEEN THE CITY OF ELMHURST AND ALPHA PAINTWORKS FOR THE STREETLIGHT POLE PAINTING PROJECT

Resolution R-18-2009 was presented for passage.

- x. R-19-2009 – A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT BETWEEN THE CITY OF ELMHURST AND G & M CEMENT CONSTRUCTION, INC., FOR THE 2009 CONCRETE PAVEMENT PATCHING PROJECT

Resolution R-19-2009 was presented for passage.

- y. R-20-2009 – A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT BETWEEN THE CITY OF ELMHURST AND STRADA CONSTRUCTION COMPANY FOR THE 2009 SIDEWALK REPLACEMENT PROGRAM

Resolution R-20-2009 was presented for passage.

- z. R-21-2009 – A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT BETWEEN THE CITY OF ELMHURST AND KINGS POINT GENERAL CEMENT, INC. FOR THE 2009 FIRE HYDRANT AND WATERMAIN VALVE REPAIR PROJECT

Resolution R-21-2009 was presented for passage.

- aa. R-22-2009 – A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT BETWEEN THE CITY OF ELMHURST AND C-A CEMENT COMPANY FOR THE 2009 CONTRACT PAVING PROGRAM

Resolution R-22-2009 was presented for passage.

- bb. R-23-2009 – A RESOLUTION AUTHORIZING THE EXECUTION OF A PURCHASE ORDER BETWEEN THE CITY OF ELMHURST AND ACCURATE TANK OF NORTH AURORA, ILLINOIS FOR THE FUEL ISLAND MANAGEMENT AND INVENTORY SYSTEMS PURCHASE

Resolution R-23-2009 was presented for passage.

- cc. R-24-2009 – A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE CITY OF ELMHURST, ILLINOIS, AND NOVAPRO RISK SOLUTIONS, LP, FOR CLAIMS MANAGEMENT AND RELATED SERVICES FOR SELF-INSURED LIABILITY RISKS

Resolution R-24-2009 was presented for passage.

- dd. R-25-2009 – A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE CITY OF ELMHURST, ILLINOIS, AND EMPLOYER'S CLAIM SERVICE, INC., FOR THE ADMINISTRATION OF ILLINOIS WORKERS' COMPENSATION CLAIMS

Resolution R-25-2009 was presented for passage.

Alderman Morley pulled item **4a. Minutes of Regular Meeting Held on Monday, July 20, 2009**. Alderman Pezza pulled items **4c. Accounts Payable – July 31, 2009 Total \$ 1,748,386.71** and **4d. Appointment to the Zoning and Planning Commission – Brendan J. Hill**. Alderman Bram pulled items **4l. Report – Melrose Avenue – North Avenue to Willow Road Parking Restrictions** and **4n. Report – Howard Avenue – North of Melrose Avenue Parking Restrictions**.

Alderman York moved to accept the contents of the Consent Agenda less items **4a. Minutes of Regular Meeting Held on Monday, July 20, 2009**, **4c. Accounts Payable – July 31, 2009 Total \$ 1,748,386.71**, **4d. Appointment to the Zoning and Planning Commission – Brendan J. Hill**, **4l. Report – Melrose Avenue – North Avenue to Willow Road Parking Restrictions** and **4n. Report – Howard Avenue – North of Melrose Avenue Parking Restrictions**. Alderman Bram seconded. Voice vote, motion carried.

Alderman Bram moved to approve the contents of the Consent Agenda less items **4a. Minutes of Regular Meeting Held on Monday, July 20, 2009**, **4c. Accounts Payable – July 31, 2009 Total \$ 1,748,386.71**, **4d. Appointment to the Zoning and Planning Commission – Brendan J. Hill**, **4l. Report – Melrose Avenue – North Avenue to Willow Road Parking Restrictions** and **4n. Report – Howard Avenue – North of Melrose Avenue Parking Restrictions**. Alderman Pezza seconded. Roll call vote:

Ayes: Bram, Pezza, Gutenkauf, Shea, Leader, Rose, York, Nybo, Healy, Morley, Kennedy, Wagner

Nays: None

Results: 12 ayes, 0 nays, 2 absent
Motion duly carried

Alderman Morley stated he pulled item **4a. Minutes of Regular Meeting Held on Monday, July 20, 2009** because he only received the odd number pages of the minutes.

City Clerk Spencer stated that she will provide Council with a full copy of the minutes.

Mayor Pro-Tempore Rose stated item **4a. Minutes of Regular Meeting Held on Monday, July 20, 2009** will be on the next Council meeting agenda for approval.

Alderman Morley moved to approve item **4c. Accounts Payable – July 31, 2009 Total \$ 1,748,386.71**. Alderman Gutenkauf seconded.

Alderman Pezza stated she pulled item **4c. Accounts Payable – July 31, 2009 Total \$ 1,748,386.71** for clarification on page 21, Van Slyke Enterprises. She asked why hand written checks were issued on July 23, 2009 prior to Council approval. She asked what is the policy for checks hand issued before Council approval of the Accounts Payable.

Discussion ensued.

Mayor Pro-Tempore Rose asked Chief Neubauer to ask City Manager Borchert to give a clarification and further explanation of this procedure to Council.

Roll call vote on item **4c. Accounts Payable – July 31, 2009 Total \$ 1,748,386.71**:

Ayes: Morley, Gutenkauf, Pezza, Shea, Leader, Rose, Bram, York, Nybo, Healy, Kennedy, Wagner

Nays: None

Results: 12 ayes, 0 nays, 2 absent
Motion duly carried

Alderman Wagner moved to approve item **4d. Appointment to the Zoning and Planning Commission – Brendan J. Hill**. Alderman Healy seconded.

Alderman Pezza stated she pulled item **4d. Appointment to the Zoning and Planning Commission – Brendan J. Hill** to thank outgoing Commissioner Ernst for his service of eight (8) years on the Zoning & Planning Commission and to welcome Commissioner Hill.

Voice vote to approve item **4d. Appointment to the Zoning and Planning Commission – Brendan J. Hill**, motion carried.

Alderman Bram stated he pulled items **4l. Report – Melrose Avenue – North Avenue to Willow Road Parking Restrictions** and **4n. Report – Howard Avenue – North of Melrose Avenue Parking Restrictions** to include himself and Alderman Rose as requestors for the parking restrictions included in the respective reports.

Alderman Nybo moved to amend item **4l. Report – Melrose Avenue – North Avenue to Willow Road Parking Restrictions** to include Aldermen Bram and Rose as requestors of the parking restrictions, in the first sentence of the report. Alderman Gutenkauf seconded. Voice vote, motion carried.

Alderman Bram moved to approve item **4l. Report – Melrose Avenue – North Avenue to Willow Road Parking Restrictions** as amended. Alderman Nybo seconded. Voice vote, motion carried.

Alderman Bram moved to amend item **4n. Report – Howard Avenue – North of Melrose Avenue Parking Restrictions** to include himself and Alderman Rose as requestors of the parking restrictions, in the first sentence of the report. Alderman Wagner seconded. Voice vote, motion carried.

Alderman Wagner moved to approve item **4n. Report – Howard Avenue – North of Melrose Avenue Parking Restrictions** as amended. Alderman Nybo seconded. Voice vote, motion carried.

COMMITTEE REPORTS

5. a. REPORT – BIDS FOR THE INTERIOR RENOVATIONS AND WASHROOM FACILITIES – ONE ROOM SCHOOL The following report of the Public Works and Buildings Committee was presented:

July 13, 2009

TO: Mayor DiCianni and Members of the City Council

RE: Bids for Interior Renovations and Washroom Facilities - One Room School

The Public Works and Buildings Committee met on Monday, July 13, 2009 to review bids for the renovation of the One Room Schoolhouse (see attached summary).

The work for which bids were received includes restoration of the interior of the schoolhouse, the addition of ADA accessible restrooms, a new electrical service, a new water service, and landscaping.

Bids were advertised in the local newspaper by McHugh Construction and received at City Hall and opened by the City Clerk.

The Churchville One Room Schoolhouse is a historically significant building listed on the National Register of Historical Places as a well-preserved example of a one-room schoolhouse. The building dates back to 1846 and was utilized as a school up until 1930. The City of Elmhurst acquired the schoolhouse from Elmhurst Community Unit District 205 in 2001. Today it is one of very few one-room schoolhouses that survive with historic integrity.

The City has requested McHugh Construction to perform construction management services for this project. McHugh's fees for their services are also listed on the attached bid summary and outlined in

a letter to City Manager Borchert dated May 8, 2009, also attached. Utilizing a construction manager in combination with the state mandated open bid process maximizes the City's opportunity to complete the project on time and under budget and for obtaining the best pricing from quality subcontractors.

The Committee felt that the fees for service and the bids received for the work were reasonable and competitive with other work the City has had done. Funds for this project are in the FY 09/10 budget in account number 110-7060-451-80-23 in the amount of \$440,000. Funds for this work include three state grants totaling \$298,466.

It is, therefore, the recommendation of the Public Works and Buildings Committee that the bid from McHugh Construction for the interior renovations washroom facilities including construction management services in the amount of \$417,019 be accepted.

Respectfully submitted,
Public Works and Building Committee

/s/ Jim Kennedy

Chairman

/s/ Michael J. Bram

Vice-Chairman

/s/ Pat Shea

/us/ Chris Healy

Alderman Kennedy moved to approve item **5a. Report – Bids for the Interior Renovations and Washroom Facilities – One Room School**. Alderman Bram seconded.

Alderman Kennedy reviewed item **5a. Report – Bids for the Interior Renovations and Washroom Facilities – One Room School** stating his support of the project due to the grants received and the additional MFT money which will fund the project to completion. He also stated this will have no impact on the General Fund.

Alderman Bram stated his approval because of good bids and grant money that has been acquired.

Aldermen Healy, Pezza and Rose expressed their support for the project.

Roll call vote on item **5a. Report – Bids for the Interior Renovations and Washroom Facilities – One Room School**:

Ayes: Kennedy, Bram, Gutenkauf, Pezza, Shea, Leader, Rose, York, Nybo, Healy, Morley, Wagner

Nays: None

Results: 12 ayes, 0 nays, 2 absent

Motion duly carried

REPORTS AND RECOMENDATIONS OF APPOINTED AND ELECTED OFFICIALS

6. None.

ORDINANCE

7. a. O-30-2009 – AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$4,000,000 GENERAL OBLIGATION REFUNDING BONDS, SERIES 2009A, OF THE CITY OF ELMHURST, DUPAGE AND COOK COUNTIES, ILLINOIS, AND PROVIDING FOR THE LEVY AND COLLECTION OF A DIRECT ANNUAL TAX FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID BONDS

Ordinance O-30-2009 was presented for passage.

Alderman York moved to approve item **7a. O-30-2009 – An Ordinance Providing for the Issuance of Not to Exceed \$4,000,000 General Obligation Refunding Bonds, Series 2009A, of the**

City of Elmhurst, DuPage and Cook Counties, Illinois, and Providing for the Levy and Collection of a Direct Annual Tax for the Payment of the Principal of and Interest on Said Bonds. Alderman Gutenkauf seconded.

Alderman Gutenkauf addressed City Treasurer Dyer stating, the recommendation from the F,CA&AS committee report dated July 14, 2009 states "...given the condition that the savings rate be no less than 3.5% of the refunded bond principal," but on page 25 of the ordinance that is not clear.

Discussion ensued.

City Attorney Storino stated that direction and commitment will be met.

Roll call vote on item **7a. O-30-2009 – An Ordinance Providing for the Issuance of Not to Exceed \$4,000,000 General Obligation Refunding Bonds, Series 2009A, of the City of Elmhurst, DuPage and Cook Counties, Illinois, and Providing for the Levy and Collection of a Direct Annual Tax for the Payment of the Principal of and Interest on Said Bonds:**

Ayes: York, Gutenkauf, Pezza, Shea, Leader, Rose, Bram, Nybo, Healy, Morley, Kennedy, Wagner

Nays: None

Results: 12 ayes, 0 nays, 2 absent
Motion carried

OTHER BUSINESS

8. None.

ANNOUNCEMENTS

9. Alderman York stated a fundraising event for Fetal Alcohol Syndrome will be held on August 16, 2009. It is a motorcycle tour that begins in Elmhurst and ends in Morris for lunch. For more information visit www.fastride.us.

Alderman Kennedy stated he attended Green Fest on Saturday, August 1, 2009. He thanked everyone for their efforts in organizing a great event. He brought old electronics to get rid of them properly and his children enjoyed a fun day.

Alderman Rose stated by the time she arrived at Green Fest a 2nd recycling truck was filled with electronics. Alderman Rose thanked the Cool Cities Coalition for a great job.

Alderman Rose thanked the City staff and Council for their support in helping her chair tonight's meeting.

ADJOURNMENT

10. Alderman Morley moved to adjourn the meeting. Aldermen Gutenkauf seconded. Voice Vote. Motion carried. Meeting adjourned 8:26 p.m.

Peter P. DiCianni, III, Mayor

Patty Spencer, City Clerk