

**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF ELMHURST, ILLINOIS
HELD ON MONDAY, AUGUST 17, 2009
209 NORTH YORK STREET
ELMHURST, ILLINOIS**

EXECUTIVE SESSION 7:00 P.M. – DISCUSSION OF MINUTES OF MEETINGS LAWFULLY CLOSED FOR SEMI ANNUAL REVIEW, LITIGATION AND PERSONNEL

1. Executive session was called to order at 7:00 p.m. by Mayor DiCianni for the purpose of discussing Discussion of Minutes of Meetings Lawfully Closed for Semi Annual Review, Litigation and Personnel.

Present: Diane Gutenkauf, Paula Pezza, Pat Shea, Norman Leader, Michael J. Bram, Stephen Hipskind, Kevin L. York, Chris Nybo, Chris Healy, Steve Morley, Jim Kennedy, Mark A. Mulliner, Patrick Wagner

Absent: Susan J. Rose

Also in attendance: City Treasurer Dyer, City Attorney Storino, City Manager Borchert

Alderman Gutenkauf moved to convene into executive session for the purpose of discussing Discussion of Minutes of Meetings Lawfully Closed for Semi Annual Review, Litigation and Personnel. Alderman Pezza seconded. Roll call vote:

Ayes: Gutenkauf, Pezza, Shea, Leader, Bram, Hipskind, York, Healy, Morley, Kennedy, Mulliner, Wagner

Nays: None

13 yeas, 0 nays, 1 absent
Motion duly carried

CALL TO ORDER/ PLEDGE OF ALLEGIANCE/ROLL CALL

Attendance: 13

2. The Regular Meeting of the Elmhurst City Council was called to order by Mayor DiCianni at 8:05 p.m.

Present: Diane Gutenkauf, Paula Pezza, Pat Shea, Norman Leader, Michael J. Bram, Stephen Hipskind, Kevin L. York, Chris Nybo, Chris Healy, Steve Morley, Jim Kennedy, Mark A. Mulliner, Patrick Wagner

Absent: Susan J. Rose

Also in Attendance: City Treasurer Dyer, City Attorney Storino, City Manager Borchert, Fire Chief Kopp

RECEIPT OF WRITTEN COMMUNICATIONS AND PETITIONS FROM THE PUBLIC

3. None.

PUBLIC FORUM

5. Mayor DiCianni recognized Dr. John Jevitz and Olympic hopeful, Jesse Becton. Mr. Becton thanked the ICI and the City of Elmhurst, along with Senator Cronin, Community Bank, Rotary, Lions, District 205, Courts Plus, Francesca's Amici and the Elmhurst Fire Department for their warm welcome and spending time with him. He complimented the citizens of Elmhurst for their honesty and trustworthiness. Mayor DiCianni thanked Dr. Jevitz for sharing Jesse Becton with Elmhurst.

Rosanne Zaccaro
487 Mitchell
Elmhurst, IL 60126

Spoke regarding the lack of programs for Elmhurst teens and mentioned creating a Youth Engagement Task Force that could be beneficial to the youths and parents of Elmhurst.

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

Spoke on his meaning of corruption – increasing taxes in Elmhurst.

CONSENT AGENDA

6. 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 REGULAR MEETING HELD ON MONDAY, AUGUST 3, 2009 (City Clerk Spencer): Approve as published
- c. ACCOUNTS PAYABLE – AUGUST 17, 2009 TOTAL \$ 1,446,852.71
- d. VIDEO GAMING ACT – FIRST WARD ALDERMEN PEZZA & GUTENKAUF (City Manager Borchert): Refer to the Public Affairs and Safety Committee

August 13, 2009

To: Mayor DiCianni and Members of the City Council
Re: Video Gaming Act – Ald. Pezza & Ald. Gutenkauf (First Ward)

It is respectfully requested that the attached request from Ald. Pezza & Ald. Gutenkauf regarding Illinois Public Act 096-0034 – Video Gaming Act be referred to the Public Affairs and Safety Committee for review and recommendation back to the City Council.

Respectfully submitted,
/s/ Thomas P. Borchert
City Manager

- e. MCO-16-2009 – AN ORDINANCE TO AMEND ARTICLE VII ENTITLED, “STOPPING, STANDING, AND PARKING,” OF CHAPTER 44 ENTITLED, “MOTOR VEHICLES AND TRAFFIC,” OF THE MUNICIPAL CODE OF THE CITY OF ELMHURST, ILLINOIS

Ordinance MCO-16-2009 was presented for passage.

- f. MCO-17-2009 – AN ORDINANCE TO AMEND ARTICLE II ENTITLED, “RETAIL LICENSES,” OF CHAPTER 36 ENTITLED, “LIQUOR,” OF THE MUNICIPAL CODE OF THE CITY OF ELMHURST, ILLINOIS

Ordinance MCO-17-2009 was presented for passage.

- g. R-26-2009 – A RESOLUTION APPROVING AND AUTHORIZING THE RELEASE OF CLOSED SESSION MINUTES FOR MEETINGS HELD BETWEEN AUGUST 6, 1990 AND NOVEMBER 3, 2008

Resolution R-26-2009 was presented for passage.

- h. R-27-2009 – A RESOLUTION AUTHORIZING THE EXECUTION OF A PURCHASE ORDER BETWEEN THE CITY OF ELMHURST, ILLINOIS, AND NEPTUNE TECHNOLOGIES, FOR THE 2009 WATER METER PURCHASE

Resolution R-27-2009 was presented for passage.

- i. R-28-2009 – A RESOLUTION AUTHORIZING THE EXECUTION OF A DESIGN BUILD CONTRACT BETWEEN THE CITY OF ELMHURST, ILLINOIS, AND ARCO/MURRAY NATIONAL CONSTRUCTION COMPANY, INC. FOR THE FIRST STREET PARKING DECK SITE, 175 WEST FIRST STREET, ELMHURST, ILLINOIS

Resolution R-28-2009 was presented for passage.

Alderman Shea pulled item **6c. Accounts Payable – August 17, 2009 Total \$ 1,446,852.71.** Alderman Wagner pulled item **6e. MCO-16-2009 – An Ordinance to Amend Article VII Entitled, “Stopping, Standing, and Parking,” of Chapter 44 Entitled, “Motor Vehicles and Traffic,” of the Municipal Code of the City of Elmhurst, Illinois.** Alderman Gutenkauf pulled item **6i. R-28-2009 – A Resolution Authorizing the Execution of a Design Build Contract Between the City of Elmhurst, Illinois, and Arco/Murray National Construction Company, Inc. for the First Street Parking Deck Site, 175 West First Street, Elmhurst, Illinois.**

Alderman York moved to approve the contents of the Consent Agenda less items **6c. Accounts Payable – August 17, 2009 Total \$ 1,446,852.71,** **6e. MCO-16-2009 – An Ordinance to Amend Article VII Entitled, “Stopping, Standing, and Parking,” of Chapter 44 Entitled, “Motor Vehicles and Traffic,” of the Municipal Code of the City of Elmhurst, Illinois** and **6i. R-28-2009 – A Resolution Authorizing the Execution of a Design Build Contract Between the City of Elmhurst, Illinois, and Arco/Murray National Construction Company, Inc. for the First Street Parking Deck Site, 175 West First Street, Elmhurst, Illinois.** Alderman Gutenkauf seconded. Roll call vote:

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

Nays: None

Results: 13 ayes, 0 nays, 1 absent
Motion duly carried

Alderman Shea stated she pulled item **6c. Accounts Payable – August 17, 2009 Total \$ 1,446,852.71** to address the legal fees listed for the law firm Kubiesa, Spiroff & Gosselar. She stated the fees from June to present have totaled \$97,000. Alderman Shea stated it was her understanding that the former law firm would have any outstanding work completed by July. Alderman Shea moved to approve item **6c. Accounts Payable – August 17, 2009 Total \$ 1,446,852.71** minus item 0000331 until further review with City Manager Borchert, City Attorney Storino and Mayor DiCianni. Alderman Gutenkauf seconded.

Alderman Nybo stated he had two (2) questions for the City Attorney. Can the Council discuss this in an open meeting and does the City Attorney agree with the motion.

City Attorney Storino replied, yes, it is okay to discuss in open session. He replied he could not comment on the second question. City Attorney Storino stated that there was an agreement that the former law firm handle some of the items in the transition.

Discussion ensued regarding many questions and comments from the Council regarding the legal services and fees from the Kubiesa, Spiroff & Gosselar law firm.

Roll call vote to approve item **6c. Accounts Payable – August 17, 2009 Total \$ 1,446,852.71** minus item 0000331 until further review with City Manager Borchert, City Attorney Storino and Mayor DiCianni:

Ayes: Shea, Gutenkauf, Pezza, Bram, Nybo, Healy, Morley, Kennedy

Nays: Leader, Hipkind, York, Mulliner, Wagner

Results: 8 ayes, 5 nays, 1 absent
Motion duly carried

Alderman Wagner stated he pulled item **6e. MCO-16-2009 – An Ordinance to Amend Article VII Entitled, “Stopping, Standing, and Parking,” of Chapter 44 Entitled, “Motor Vehicles and Traffic,” of the Municipal Code of the City of Elmhurst, Illinois** to motion to defer to the next Council Meeting. Alderman Nybo seconded. Voice vote, motion carried.

Alderman Gutenkauf stated she pulled item **6i. R-28-2009 – A Resolution Authorizing the Execution of a Design Build Contract Between the City of Elmhurst, Illinois, and Arco/Murray National Construction Company, Inc. for the First Street Parking Deck Site, 175 West First Street, Elmhurst, Illinois** as the City Manager is listed on the agenda as giving an update to Council on the First Street Parking Deck and Construction. She stated she would like to hear his report before Council discusses Resolution R-28-2009.

City Manager Borchert replied that he could give his update now.

Alderman Morley, point of order, does this require a motion to move an item on the agenda.

City Attorney Storino replied yes, a motion is needed to suspend with the rules, followed by a voice vote.

Alderman Morley moved to suspend the rules to allow City Manager Borchert to give his update regarding the parking deck and construction. Alderman Mulliner seconded. Voice vote, motion carried.

City Manager Borchert reported on the environmental clean up stating six (6) tanks have been identified and if needed they will be removed. He stated there is \$100,000 in escrow and the proper clean-up will be done.

City Manager Borchert stated there will be a bid opening for pre-cast concrete on September 1 at 2:00 p.m.

Alderman Morley, point of order, is the City Manager finished with his update, if so can the Council go back to discussion item **6i. R-28-2009 – A Resolution Authorizing the Execution of a Design Build Contract Between the City of Elmhurst, Illinois, and Arco/Murray National Construction Company, Inc. for the First Street Parking Deck Site, 175 West First Street, Elmhurst, Illinois.**

Mayor DiCianni asked the Clerk to read the resolution title.

Alderman Gutenkauf moved to vote on item **6i. R-28-2009 – A Resolution Authorizing the Execution of a Design Build Contract Between the City of Elmhurst, Illinois, and Arco/Murray National Construction Company, Inc. for the First Street Parking Deck Site, 175 West First Street, Elmhurst, Illinois.** Alderman Mulliner seconded.

Alderman Gutenkauf questioned page 36, article 12 stating a schedule of damages should be included.

City Attorney Storino stated in article 8 a schedule is provided.

Alderman Gutenkauf questioned the management of stormwater.

Discussion ensued regarding stormwater and authorization for Arco/Murray and the architects to do the design.

Roll call vote on item **6i. R-28-2009 – A Resolution Authorizing the Execution of a Design Build Contract Between the City of Elmhurst, Illinois, and Arco/Murray National Construction Company, Inc. for the First Street Parking Deck Site, 175 West First Street, Elmhurst, Illinois:**

Ayes: Mulliner, Leader, Hipskind, York, Nybo, Healy, Morley, Kennedy, Wagner

Nays: Gutenkauf, Pezza, Shea, Bram

Results: 9 ayes, 4 nays, 1 absent
Motion duly carried

Mayor DiCianni stated item **6i. R-28-2009 – A Resolution Authorizing the Execution of a Design Build Contract Between the City of Elmhurst, Illinois, and Arco/Murray National Construction Company, Inc. for the First Street Parking Deck Site, 175 West First Street, Elmhurst, Illinois** passed.

Alderman Gutenkauf, point of order, this item did not pass, it requires a 2/3 super majority vote.

City Attorney Storino stated a majority vote is required for professional services. He stated there is a scrivener's error in the resolution.

Mayor DiCianni stated this resolution has passed.

REPORTS AND RECOMENDATIONS OF APPOINTED AND ELECTED OFFICIALS

6. a. UPDATES (Mayor Marcucci)

Mayor DiCianni stated he will be replacing Mayor Marcucci on the DuPage County Flood Commission Board. He stated he is looking forward to the challenge of getting the new flood map rectified. Mayor DiCianni thanked Mayor Marcucci for remaining on the Commission until he was ready to come aboard.

b. UPDATES (City Manager Borchert)

• \$4,000,000 GENERAL OBLIGATION REFUNDING BONDS, SERIES 2009 A

City Manager Borchert stated the \$4,000,000 bond sale will yield a savings of \$155,000 after expenses of \$75,000. He informed the Council that the City has an AA+ rating by Standard & Poor.

• FIRE STATION CONSTRUCTION PROJECT

City Manager Borchert reported the new fire station is nearly complete. The new station will have one (1) engine, one (1) truck and one (1) ambulance as well as 9 firefighters and female quarters. The project was budgeted at \$6.7million and it has come in at \$6.3million; \$450,000 under budget and on time. He stated the Leeds certifications will be submitted upon completion and that it may perhaps receive a silver certification. The City also received a \$75,000 Clean Energy Grant.

The City Manager announced there will be an open house on October 4, 2009 between the hours of 12:00-4:00 p.m. All of the community is invited. There will also be an invitation only ribbon cutting ceremony on September 24, 2009 from 4:30-6:30p.m.

Alderman Healy asked about the status of the old Fire Station #2.

City Manager Borchert replied it will be demolished in approximately two (2) weeks.

Alderman Wagner stated he stopped by the new station and it's very impressive. Alderman Wagner recommended everyone stop in.

OTHER BUSINESS

7. Alderman Bram asked City Manager Borchert why is the City going out for bids on the parking deck if the Council hasn't approved of the final architectural design.

City Manager Borchert replied now is the time to proceed with the pre-cast concrete material bids because of the economy and the market place. The architectural design will go to the Public Works and Buildings Committee to get concurrence and take feedback from the stakeholders. There will be time for recommendations to the Council.

Alderman Bram stated he would like to see the design before going out for bids.

Discussion ensued.

Alderman Healy asked City Manager Borchert if *Cash for Clunkers* was any benefit to Elmhurst.

City Manager Borchert stated he believes there has been more activity. He stated PZED Director Said's group is attempting to quantify that but early indications are that it was beneficial.

Alderman Pezza thanked City Manager Borchert and Public Works Director Hughes for their response to flooding issues.

Alderman York stated he is receiving phone calls stating they are looking forward to the Finance Task Force report. Alderman York praised the Public Works and Buildings Committee for getting a \$54,000 savings on contracts that were presented a couple of weeks ago. He stated the Council is working hard to watch spending and save dollars.

Alderman Wagner stated the reconstruction of the Prairie Path and the four (4) way stop at Berkley will be completed on August 24, 2009. He thanked Aldermen Nybo and Healy and County Board Member Jeff Reddig. He also praised the City and Park District for their good work.

ANNOUNCEMENTS

8. Mayor DiCianni announced he and Aldermen Nybo and Morley attended the ECAF Golf Outing. He stated it was a very successful event.

Mayor DiCianni stated he and Alderman Pezza were in attendance at the recent City Centre Event held at Wine & Vine.

Mayor DiCianni announced the Rain Barrell Auction that benefits ECAF will be held on Saturday, September 12, 2009 at the Diplomat West. He also announced that the 2nd Annual *Walk to Talk* benefiting the Center for Speech and Language Disorders will be held on Sunday, September 13, 2009 at 10 a.m. in Berens Park.

City Manager Borchert congratulated Finance Director Gaston and Assistant Finance Director Trosien for receiving the GFOA *Distinguished Budget Presentation Award*.

ADJOURNMENT

9. Alderman Morley moved to adjourn the meeting. Aldermen Wagner seconded. Voice Vote. Motion carried. Meeting adjourned 9:49 p.m.

Peter P. DiCianni, III, Mayor

Patty Spencer, City Clerk