

**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF ELMHURST, ILLINOIS
HELD ON TUESDAY, SEPTEMBER 8, 2009
209 NORTH YORK STREET
ELMHURST, ILLINOIS**

CALL TO ORDER/ PLEDGE OF ALLEGIANCE/ROLL CALL

Attendance: 19

1. The Regular Meeting of the Elmhurst City Council was called to order by Mayor DiCianni at 7:36 p.m.

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

Absent: Paula Pezza, Mark A. Mulliner

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

RECEIPT OF WRITTEN COMMUNICATIONS AND PETITIONS FROM THE PUBLIC

2. None.

PUBLIC FORUM

3. Katie Muno
134 Larch Ave
Elmhurst, IL 60126

Spoke of the change in the plan for the windows in the First Street Parking Deck. She requested an amendment be added to the resolution to reflect the change of the use of the windows.

Sharie Yarems
539 Van Auken St.
Elmhurst, IL 60126

Spoke of the Pawn Shop on north York Street. She spoke of the lack of due diligence of zoning for Pawn Shops in this area of town.

CONSENT AGENDA

4. The following items on the Consent Agenda were presented:

- a. MINUTES OF THE REGULAR MEETING HELD ON MONDAY, AUGUST 17, 2009 (City Clerk Spencer): Approve as published
- b. MINUTES OF THE EXECUTIVE SESSION HELD ON MONDAY, AUGUST 17, 2009 (City Clerk Spencer): Receive and place on file
- c. MINUTES OF THE SPECIAL MEETING HELD ON MONDAY, AUGUST 24, 2009 (City Clerk Spencer): Approve as published
- d. MINUTES OF THE EXECUTIVE SESSION HELD ON MONDAY, AUGUST 24, 2009 (City Clerk Spencer): Receive and place on file
- e. MINUTES OF THE SPECIAL MEETING HELD ON MONDAY, AUGUST 31, 2009 (City Clerk Spencer): Approve as published
- f. ACCOUNTS PAYABLE – AUGUST 31, 2009 TOTAL \$ 3,261,334.56
- g. BID, SPRING ROAD BUSINESS DISTRICT – LIGHTING IMPROVEMENTS (City Clerk Spencer): Refer to the Public Works and Buildings Committee (See Item j)

August 19, 2009

TO: Mayor DiCianni and Members of the City Council
RE: Bid, Spring Road Business District – Lighting Improvements

In response to an invitation to bid on the Spring Road Business District Lighting Improvements advertised in the Elmhurst Press on Friday, July 17, 2009, bids were received from four area contractors.

Bids were opened at 10:00 a.m. on Tuesday, August 18, 2009, and following is a summary of the bids received:

<u>Contractor</u>	<u>Total Cost</u>
Utility Dynamics Corporation (Oswego, IL)	\$232,592.00
Ground Hog Utility Construction (Roselle, IL)	\$279,645.00
Gaffney's P.M.I. (Batavia, IL)	\$284,388.90
Tri-tech Electric, Inc. (Romeoville, IL)	\$375,451.50

Respectfully submitted,
/s/ Patty Spencer
City Clerk

- h. PARKING CLASSIFICATIONS FOR HEALTH CLUBS – ALDERMEN SHEA & LEADER (City Manager Borchert): Refer to the Development, Planning and Zoning Committee

August 26, 2009

To: Mayor DiCianni and Members of the City Council
Re: Parking Classifications for Health Clubs – Ald. Shea and Ald. Leader

It is respectfully requested that the attached correspondence from Ald. Shea and Ald. Leader regarding the current parking classifications for Health Clubs be referred to the Development, Planning and Zoning Committee for review and report back to the City Council with recommendations.

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

- i. TEMPORARY USE PERMIT REQUEST CLOVERS GARDEN CENTER – FALL 2009 (City Manager Borchert): Concur with the City Manager's recommendation

August 31, 2009

To: Mayor DiCianni and Members of the City Council
Re: Temporary Use Permit Request – Clovers Garden Center – Fall 2009

The Clovers Garden Center has requested a Temporary Use Permit for the "Garden Center" and the proposed temporary structure at the southwest corner of North and York in the CVS parking lot. Temporary uses of this type are addressed in Section 4.10 Temporary Uses and Events, of Elmhurst Zoning Ordinance.

Clovers Garden Center requests permission to use the southwest corner of the CVS Pharmacy lot at York and North as they have in previous years. This permit will be for this year only for the time frame from September 4, 2009 through November 4, 2009 for the display and sale of fall plants, flowers and pumpkins.

This request is the second request for the calendar year 2009 for Clovers Garden Center at this location. Please note, however, that this request for a special permit and request for authorization to

issue the permit will necessitate that the code referenced term not to exceed three permits of thirty days each, or 90 days, will be exceeded in that the first request of Clovers for this calendar year was for 90 days. The Clovers Garden Center request for this year is very close to their previous years' requests, if not exactly the same, which have been well received by the community and well handled by the facilities at the commercial retail site. This particular code was previously forwarded to the Zoning and Planning Commission for their review and consideration for modification which resulted in a report indicating that City Council has authority to approve or not approve specific requests and that the process was working well for the community.

It is, therefore, the City Manager's intention, unless directed otherwise, in accordance with the provisions of Section 4.10 of the Elmhurst Zoning Code, to approve a Temporary Use Permit to allow the "Garden Center" to operate in the CVS parking lot, as requested, and with the understanding that the approval does include for the calendar year 2009 a previous 90 day permit for a spring center and the current request for an approximate 60 day fall Temporary Use Permit.

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

- j. REPORT – BIDS, SPRING ROAD BUSINESS DISTRICT LIGHTING IMPROVEMENTS The following report of the Public Works and Buildings Committee was presented:

August 24, 2009

TO: Mayor DiCianni and Members of the City Council
RE: Bids, Spring Road Business District Lighting Improvements

The Public Works and Buildings Committee met on Monday, August 24, 2009 to review bids for the Spring Road Business District Lighting Improvements. Bids were received from four (4) area contractors and are summarized on Attachment "A".

The bids received will provide for the removal of existing light poles and handholes and installation of a new lighting system including light poles and foundations, conduit, wire, handholes, traffic control, and other related work. The contract requires that the above work be completed by October 30, 2009.

Utility Dynamics Corporation submitted the lowest responsible bid meeting all of the bidding requirements. Utility Dynamics has performed similar work for the City of Aurora, Christopher Burke Engineering, and Robinson Engineering. It is reported that the work was completed in a satisfactory manner. Monies for this work have been provided in the amount of \$250,000 in the FY09/10 Budget in account number 110-6041-432-80-15.

It is, therefore, the recommendation of the Public Works and Building Committee that the low bid in the amount of \$232,592.00 from Utility Dynamics Corporation be accepted and that a resolution authorizing this contract be prepared.

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 – PROPOSAL – SPRING ROAD BUSINESS DISTRICT STREETLIGHT MATERIALS
The following report of the Public Works and Buildings Committee was presented:

August 24, 2009

To: Mayor DiCianni and Members of the City Council

RE: Proposal – Spring Road Business District Streetlight Materials

The Public Works and Buildings Committee met on Monday, August 24, 2009 to discuss expenditures for streetlight poles, arms, and luminaires for the Spring Road Business District Lighting Improvements project.

In an effort to realize a lower cost for purchase of these items, staff proposes to purchase these items independent from the construction contract, similar to the previous Streetscape projects. The lighting materials specified were approved by the City's Electrical Division.

Proposals were requested from six (6) vendors for the desired pole, arm, and luminaire assemblies. Proposals were received from five vendors and are summarized as follows:

<u>Company</u>	<u>Total Cost</u>
Steiner Electric Company Elk Grove Village, IL	\$111,749.83
Revere Electric Supply Company Chicago, IL	\$112,707.75
Crescent Electric Supply Company Elk Grove Village, IL	\$112,843.47
Villa Park Electric Supply Company Addison, IL	\$113,805.30
Graybar Electric Supply Company Glendale Heights, IL	\$113,904.69

The proposals are for the purchase of 42 poles with single luminaire and one pole with single luminaire and photocell. These lighting elements will be installed on Spring Road between Vallette Street and the Canadian National Railroad. It should be noted that the above material is not an extra to the project, but is an anticipated cost thereof. There is currently an 8-10 week delivery on the items listed above.

Monies for the purchase of these streetlight poles and luminaires have been provided for in the FY 2009/20010 Budget, Account Number 110-6041-432-80-15 in the amount of \$120,000.

It is, therefore, the recommendation of the Public Works and Buildings Committee that the proposal from Steiner Electric Company for the total cost of \$111,749.83 be accepted and that a resolution authorizing this purchase be prepared.

Respectfully submitted,
Public Works and Building Committee

/s/ Jim Kennedy

Chairman

/s/ Michael J. Bram

Vice-Chairman

/s/ Pat Shea

/s/ Chris Healy

1. REPORT – 2009 SANITARY SEWER CIPP LINING CHANGE ORDER The following report of the Public Works and Buildings Committee was presented:

August 24, 2009

TO: Mayor DiCianni and Members of the City Council
RE: 2009 Sanitary Sewer CIPP Lining Change Order

The Public Works and Buildings Committee met on Monday, August 24, 2009 to discuss issuing a change order to Insituform Technologies USA, Inc., the contractor currently completing the 2009 Sanitary Sewer CIPP Lining Project for the City.

The proposed change order provides for the replacement and repair of an existing sanitary sewer in north Elmhurst located at the dead end of Emroy Avenue, north of North End Avenue. The sewer repair will correct a bottleneck condition identified by the City's consulting engineers, MWH Engineering, that exists at this location. It is expected that increasing the size of the sewer line will reduce or eliminate surcharging conditions which occur in the area during heavy rain events. These sewer lines, in most cases, are located in rear-yard property easements. The total length of pipe being replaced is approximately 265 feet.

Insituform Technologies provided general pricing as part of their original bid for sewer point repairs. They have submitted a proposal to complete this work. Staff also solicited a proposal from Neri Brothers Construction, a contractor also doing sewer and watermain installation work for the City, to ensure Insituform's pricing is competitive. Listed below are the two proposals:

Insituform Technologies (sub-contractor is Suburban General) LaGrange Park, IL	\$58,485.00
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Neri Brothers Construction Roselle, IL	\$117,865.00
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Insituform's sub-contractor, Suburban General, has previously done satisfactory work for the City in similar rear-yard situations.

Funds have been provided in the 2009/2010 budget, Municipal Utility Fund, Sanitary Sewer Replacement/Lining Program, account number 510-6056-502-80-13, in the amount of \$950,000 for the contractual rehabilitation of sewers. The current contract amount with Insituform is \$881,657.70. The project is substantially complete and staff does not anticipate any additional change orders. The final contract value will not exceed the budgeted amount

It is, therefore, the recommendation of the Public Works and Buildings Committee that the change order, submitted by Insituform Technologies USA, Inc., in the amount of \$58,485.00, be accepted and that a resolution authorizing this change order be prepared.

Respectfully submitted,
Public Works and Building Committee

/s/ Jim Kennedy
Chairman

/s/ Michael J. Bram
Vice-Chairman

/s/ Pat Shea

/s/ Chris Healy

- m. REPORT – QUALIFICATION BASED SELECTION FOR THE ANAEROBIC DIGESTER DESIGN ENGINEER The following report of the Public Works and Buildings Committee was presented:

August 31, 2009

To: Mayor DiCianni and Members of the City Council

Re: Qualification Based Selection for the Anaerobic Digester Design Engineer

The Public Works and Buildings Committee met on August 24, 2009 to discuss proposals submitted by two consulting engineers for the wastewater treatment plant anaerobic digester design. The two engineers proposing are Baxter & Woodman of Crystal Lake, Illinois and Greeley & Hansen of Chicago, Illinois.

The anaerobic digester capacity at the Wastewater Treatment Plant is the same as originally constructed in 1936. Over the past 15 – 20 years improvements have been installed that add efficiencies to the process, add storage of biosolids before and after digestion, made structural

improvements and other repairs. Also various equipment upgrades have been installed to improve the safety of the process. With all of that work none have actually increased the capacity of the vessels. The capacity remains the same as in 1936 when the tanks were constructed.

In the past five years staff have been struggling with process problems that are directly attributable to capacity issues. These process problems demand a significant amount of staff time to address and could cause damage to gas pumping and safety equipment. In addition to the capacity problems there are two potential problems of concern that staff has brought to the attention of the Committee. First is pending regulation changes, which if implemented by Illinois EPA, may result in significant increases in biosolids loading to the digesters. Second, there is no remaining capacity available for population increases or new industries (such as food processing which can contribute significant loads to the collection system) that move into town that may stress the solids treatment process further.

In 2007, because of the process problems, staff authorized an engineering study of the anaerobic digester to analyze the process loadings, including tank capacities, with the goal of examining the anaerobic digestion process in total. The engineering analysis was completed in 2008 and recommended an additional digester was necessary to meet current and future process needs. Subsequent to that study funds were budgeted in the FY 09/10 budget to do the design phase of the project.

Staff came to the Public Works Committee in June with a comparison of three engineering consultants capable of performing this project for the City. The Committee directed staff to return to two of those consultants to develop more detailed proposals including costs for the engineering design work on through the development of construction documents.

Staff has had several meetings with both Greeley & Hanson and Baxter & Woodman over the past few months to review the scope of the project, to discuss the operational concerns, as well as the capacity concerns that are being experienced at the Wastewater Treatment Plant. Both consultants made several visits to the plant to better understand the particular needs and limitations that exist at the facility. Staff received proposals from both consultants in early August and has reviewed those proposals. The Baxter & Woodman proposal was more detailed and complete than the Greeley & Hansen proposal. The proposal includes all aspects of the solids handling train, from beginning to end, and makes recommendations on improvements necessary throughout that process train. The Baxter & Woodman proposal would meet the time frame necessary to make a timely application for stimulus / loan dollars by the deadline of March 31, 2010.

In the fiscal 2010 budget, staff projected engineering costs of \$110,000. However, the Baxter & Woodman proposal, which covers the entire solids handling train, is proposed at \$440,000. Normally, if a project is over budget, the project would be delayed until such time as funds are available. Due to the current injection of federal stimulus dollars into water and wastewater projects in Illinois, this project's engineering schedule has been accelerated to meet the application deadline. It has been determined that a portion of the sanitary sewer repair budget line, 510.6056.502.80.13, will not be used in fiscal 2010, and staff recommends that those funds be allocated to cover the budget shortfall. Funds for this engineering design portion of anaerobic digester project are, therefore, available in the wastewater treatment plant improvements line 510.6057.502.80.20, and in the sanitary sewer repair line 510.6056.502.80.13.

The Public Works and Buildings Committee recommends that Baxter & Woodman of Crystal Lake, Illinois be authorized to proceed with the design of the additional anaerobic digester and that the design is completed for application to IEPA by the March 31, 2010 deadline for stimulus dollars or revolving loan funding.

Respectfully submitted,
Public Works and Building Committee

/s/ Jim Kennedy
Chairman

/s/ Michael J. Bram
Vice-Chairman

/s/ Pat Shea

/s/ Chris Healy

- n. REPORT – FIRST STREET PARKING DECK FINAL DESIGN APPROVAL The following report of the Public Works and Buildings Committee was presented:

August 24, 2009

TO: Mayor DiCianni and Members of the City Council
RE: First Street Parking Deck Final Design Approval

The Public Works and Buildings Committee met on Monday, August 24, 2009 and several times prior to discuss the construction of a new parking deck on the northwest corner of First Street and Larch Avenue.

The Committee has reviewed the proposed plan for the parking deck with City staff, members of the design and construction team, ARCO/Murray, and the neighbors of Larch Avenue. Additionally, several elected officials have met with the Larch Avenue residents at various informational meetings that the City has hosted. Also, City staff will distribute a notice to the neighborhood indicating that final design approval will be on the Monday, September 8, 2009 City Council agenda prior to that meeting.

The City has purchased the property at 175 West First Street and is currently demolishing the existing building. The property was purchased to construct a five story parking deck to supplement a large need for additional parking within the Central Business District (CBD). Both the Chamber of Commerce and the Elmhurst City Centre organizations have voiced support for the deck as well as individual merchants.

In an attempt to make the parking deck, which is located within the C-4 zoning district fit in well with the adjacent residential area the City has made layout of the structure, layout of the entrances and exits, final roadway configurations, and the facades which would be used on the outside of the building part of it's ongoing dialog with the residents on Larch Avenue. The residents have generally stated that they are supportive of the plan and the aesthetic finishes to the building. The final facades are shown in Attachment 'A'.

Relative to storm water management, the City will be improving both the quantity and quality of storm water runoff from the site. The quantity of runoff will be decreased due to the increase in pervious surface. Currently the site is essentially 100% paved. After development the site will be 15% pervious, basically grass. This results in a decrease in runoff of approximately 12%.

Also, the City will incorporate Storm Water Quality Best Management Practices (BMP's) into the design to improve the quality of the storm water which leaves the site. The existing site has no water quality BMP measures. The new sewer system will include an oil-water separator which will remove any fuel or oils which may drip onto the parking deck surface from the water prior to it leaving the site.

It is, therefore, the recommendation of the Public Works and Buildings Committee that the City proceed with the design and construction of the First Street parking deck as described above.

Respectfully submitted,
Public Works and Building Committee

/s/ Jim Kennedy
Chairman

/us/ Michael J. Bram
Vice-Chairman

/s/ Pat Shea

/s/ Chris Healy

- o. REPORT – METRO PARAMEDIC SERVICES CONTRACT The following report of the Public Affairs and Safety Committee was presented:

August 24, 2009

To: Mayor DiCianni and Members of the City Council

Re: Metro Paramedic Services Contract

The Public Affairs and Safety Committee met on July 13, 2009 and again on July 27, 2009 and August 24, 2009 to discuss cost savings suggestions for the Metro Paramedic Services Contract dated 9/1/2009 – 8/31/2010.

Per their current contract, Metro was to replace both ambulances during the contract year. In a cost savings measure, Metro recommended replacing the ambulances chassis with new chassis, along with a refurbished box. The estimated cost savings should not be less than \$150,000 for both ambulances.

Metro agreed that the cost savings should be relayed to the City of Elmhurst. However, it should be up to Fire Chief Kopp to determine whether the ambulances should be upgraded at all as there is only 1 year left on the contract, which would therefore permit the full savings of the cost of an ambulance to be passed through to the City. Due to the economic situation, Metro Paramedic Services was also asked to evaluate the contract as a whole for any other cost savings measures.

After re-evaluating the contract, Metro uncovered an estimated \$214,000 in savings to the City, including savings for the new ambulances.

The number one issue with the contract ambulance service is turnover of contract medics. It has been difficult to retain experienced medics for the Elmhurst contract. After a discussion with Metro administration regarding medic turnover, it is recommended that a portion of the savings to the City be used to help stabilize medic turnover with the following recommendation.

Increase the base salary of the current contract medics by 5% and add holiday pay incentives to those medics on duty. The cost of this stabilization recommendation is approximately \$47,000, leaving a total cost savings (rebate) to the City of \$167,000. Increasing the base pay and the incentive for holiday pay should assist in reducing the amount of turnover, therefore, improving emergency medical services to the community. The actual method for increasing base pay and holiday pay should be approved by the Fire Chief not to exceed \$47,000.

It is, therefore, the recommendation of the Public Affairs and Safety Committee that (I) amend the Metro contract to take advantage of the minimum \$214,000 in savings (subject to approval of and direction by the Fire Chief as provided above), (II) not more than \$47,000 of the estimated cost savings to the Metro contract be used to assist in stabilizing paramedic turnover in an effort to improve emergency medical services in Elmhurst in a manner acceptable to the Fire Chief, and (III) that the Fire Chief and his staff begin work on a business plan to provide options available to the City at the end of the current Metro contract.

Respectfully submitted,
Public Affairs and Safety Committee

/s/ Patrick Wagner
Chairman

/s/ Chris Nybo
Vice-Chairman

/s/ Paula Pezza

- p. REPORT – CITY OF ELMHURST ADJUDICATION PROCESS The following report of the Public Affairs and Safety Committee was presented:

August 24, 2009

To: Mayor DiCianni and Members of the City Council
RE: City of Elmhurst Adjudication Process

The Public Affairs and Safety Committee met on June 22, 2009 and again on August 24, 2009 to discuss an Adjudication Process for the City of Elmhurst. Adjudication is a method of processing non-moving traffic violations, parking violations, building code violations, administrative tows and chronic nuisance complaints within the City of Elmhurst.

The benefits to the City include:

- Cases are moved up in priority level as compared to the current county system where cases are often continued as a result of being grouped in a courtroom with cases of “greater” importance.
- The goal of adjudication is to gain compliance with City ordinance and code with the process of escalating punishment. Fines and orders can be increased if the deadline for compliance is not met, thereby increasing responsibility for habitual offenders
- Case presentation is straight forward and easily understandable from the resident’s point of view. Residents are allowed to speak from their perspective and the City is able to present simple and effective cases due to the relaxed rules of evidence.
- In most cases, the fine cost covers the cost of the hearing

The Committee believes that local adjudication will benefit the City in obtaining compliance with City ordinance and code in a fair and judicial manner to both residents and the City.

It is, therefore, the recommendation of the Public Affairs and Safety Committee that the City Council approve the process of adjudication for Elmhurst and directs the city attorney to draft the appropriate ordinance and procedures to allow Elmhurst to move forward with adjudication.

Respectfully submitted,
Public Affairs and Safety Committee

/s/ Patrick Wagner
Chairman

/s/ Chris Nybo
Vice-Chairman

/s/ Paula Pezza

- q. REPORT – KNIGHTS OF COLUMBUS – OKTOBERFEST FUNDRAISER The following report of the Public Affairs and Safety Committee was presented:

August 24, 2009

To: Mayor DiCianni and Members of the City Council
Re: Knights of Columbus – Oktoberfest Fundraiser

The Public Affairs and Safety Committee met on August 24, 2009 to discuss the request from the Knights of Columbus to hold an Oktoberfest Fundraiser on Saturday, September 26, 2009 from 3:00 p.m. until 11:00 p.m. A representative from the Knights of Columbus was available to answer the Committee’s questions.

The Knights of Columbus would like to hold an Oktoberfest Fundraiser benefiting Knights of Columbus charities, which are many and include, Ray Graham Association, Misericordia, NEDSRA, Special Olympics of Illinois, Easter Sears, and Visitation Parish’s Special Education Program. The location for this event will be the city parking lot located behind the Knights of Columbus Hall located at Vallette and S. York Road.

Set up will commence at 8:00 a.m. on Saturday, September 26, 2009, with the event running from 3:00 p.m. until 11:00 p.m., with the sale of alcoholic beverages ceasing at 10:30 p.m. The venue will include a large tent covering approximately ¼ of the parking lot with beer garden and beer dispenser locations separately fenced off. Beverages will include beer, wine, soft drinks and bottled water. Food will be provided by the staff of Mama Maria’s Elmhurst. Two polka bands will play in consecutive shifts.

Security will be provided by a combination of professional security officers, including off-duty police officers and Knights of Columbus volunteers. ID’s will be checked and verified. Those over 21 must show official bracelet.

Proof of insurance will be provided to and approved by the City Attorney prior to the event.

All layout/staging plans and operational parameters will be finalized only after ongoing consultation and discussion with the approval of the Elmhurst Police, Fire and Public Works Departments.

It is, therefore, the recommendation of the Public Affairs and Safety Committee that the City Council approve the Knights of Columbus request to hold an Oktoberfest Fundraiser in the city parking lot located behind the Knights of Columbus Hall located at Vallette and S. York Road on Saturday, September 26, 2009 from 3:00 p.m. to 11:00 p.m., with the sale of alcoholic beverages ceasing at 10:30 p.m.

Respectfully submitted,
Public Affairs and Safety Committee

/s/ Patrick Wagner

Chairman

/s/ Chris Nybo

Vice-Chairman

/s/ Paula Pezza

- r. REPORT – IMMACULATE CONCEPTION PARISH BLOCK PARTY REQUEST FOR TEMPORARY USE The following report of the Public Affairs and Safety Committee was presented:

August 24, 2009

To: Mayor DiCianni and Members of the City Council

Re: Immaculate Conception Parish Block Party - Request for Temporary Use

The Public Affairs and Safety Committee met on August 24, 2009 to discuss the request from Immaculate Conception Parish to hold a Block Party on Saturday, September 12, 2009 following an outdoor Mass at 4:00 p.m. A representative from the Immaculate Conception Parish was available to answer the Committee's questions.

The Parish Block Party will be located on Immaculate Conception Parish Property, with boundary streets being Cottage Hill on the west, York Road on the east, Arthur Street on the north and the Immaculate Conception High School driveway on the south. Cottage Hill between Arthur Street and Church Street and Arthur Street between York Road and Cottage Hill will be closed from 3:00 p.m. until 10:00 p.m. to allow for set up and removal of the event

After Mass at 4:00 p.m., there will be games and Moon jumps for children, food vendor (Fratello's), a D.J. Magician and Balloon Artist and a Beer Garden. The Beer Garden will be enclosed by orange construction fencing. MG Concessions will sell beer and wine for the event. They use licensed and bonded bartenders. They hold an Illinois liquor license and will name Immaculate Conception Parish and the Diocese of Joliet as additional insured's on their policy. MG Concessions will also provide a security guard that is Blue Card Certified to oversee all that enter and leave the beer garden. Immaculate Conception will provide volunteers to help the security guard.

There will be only one way in and out of the beer garden. All that have been "carded" and are of age will receive a wristband to wear for entrance into the beer garden. Beer and wine will be sold from 5:00 p.m. until 9:30 p.m.

Proof of insurance will be provided to and approved by the City Attorney prior to the event.

All layout/staging plans and operational parameters will be finalized only after ongoing consultation and discussion with the approval of the Elmhurst Police, Fire and Public Works Departments.

It is, therefore, the recommendation of the Public Affairs and Safety Committee that the City Council approve the Immaculate Conception Parish's request to close Cottage Hill between Arthur Street and Church Street and Arthur Street between York Road and Cottage Hill from 3:00 p.m. until 10:00 p.m. for their Parish Block Party to be held on Saturday, September 12, 2009 following an outdoor Mass at 4:00 p.m.

Respectfully submitted,
Public Affairs and Safety Committee

/s/ Patrick Wagner

Chairman

/s/ Chris Nybo

Vice-Chairman
/s/ Paula Pezza

- s. REPORT – MANAGEMENT AND LEASING AGREEMENTS FOR 180 W. PARK AVENUE AND 242 N. YORK STREET The following report of the Finance, Council Affairs and Administrative Services Committee was presented for passage.

August 25, 2009

To: Mayor DiCianni and Members of the City Council
Re: Management and Leasing Agreements for 180 W. Park Avenue and 242 N. York Street

The Finance, Council Affairs and Administrative Services Committee met August 24, 2009, to review management and leasing agreements with David King & Associates, Inc., for 180 W. Park Avenue and 242 N. York Street.

As the City Council will recall, the property at 180 W. Park Avenue was purchased in January 2006, and the City contracted with David King & Associates, Inc., to provide management and leasing services for that property. The agreements for these services cover the period July 1, 2006 through November 30, 2012. Since this property is not scheduled for further development in the near future, renewal leases are being extended to November 30, 2014. Staff recommends that the management and leasing agreements for 180 W. Park Avenue be extended to November 30, 2014, to be consistent with the lease arrangements.

The management agreement provides for services including, but not limited to, the following: collect all rents; maintain all records and pay all expenses except property tax; purchase and supervise all repairs and maintenance (over \$1,000 requires approval); purchase equipment and supplies (over \$1,000 requires approval); prepare monthly financial statements; and develop an annual operating budget. The fee for these services would remain at the current rate of 4% of gross income with a minimum fee of \$1,000 per month. The leasing agreement provides that David King & Associates serve as the City's leasing agent for the 180 W. Park Avenue property. The fee structure remains the same and is as follows: for a new tenant, the fee is 7% of one year average annual rent and 2% of the balance of the rent for the remainder of the term of the lease. If an existing lease is renewed, the fee is one-half the fee for a new tenant. The fees for management and leasing services are competitive, and the City has not received tenant complaints about the service. Staff recommends approving the management and leasing agreements for 180 W. Park Avenue for a term ending November 30, 2014. The Finance Committee concurred with staff recommendation.

The Finance Committee also reviewed the management agreement with David King & Associates for the property at 242 N. York Street. The current agreement expires on September 30, 2010, and the fee structure is also 4% of gross income with a minimum fee of \$1,000 per month. Two tenants remain in this building, one on a month to month basis and one with a multi-year lease. Since development may occur in the near future, staff recommended that the term of the agreement remain as is, and not be extended. 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 direct the City Attorney to prepare management and lease agreements with David King & Associates, Inc., for the 180 W. Park Avenue property, to expire November 30, 2014.

Respectfully submitted,
Finance, Council Affairs and
Administrative Services Committee

/us/ Stephen Hipskind

Chairman

/s/ Kevin York

Vice-Chairman

/s/ Mark Mulliner

/s/ Diane Gutenkauf

- t. O-31-2009 – AN ORDINANCE AUTHORIZING THE SALE BY AUCTION OF PERSONAL PROPERTY OWNED BY THE CITY OF ELMHURST

Ordinance O-31-2009 was presented for passage.

- u. O-32-2009 – AN ORDINANCE AUTHORIZING THE SALE BY AUCTION OF PERSONAL PROPERTY OWNED BY THE CITY OF ELMHURST

Ordinance O-32-2009 was presented for passage.

- v. O-33-2009 – AN ORDINANCE APPROVING A COMMUNICATION SITE LEASE AGREEMENT FOR THE PROPERTY LOCATED AT 364 SCOTT STREET

Ordinance O-33-2009 was presented for passage.

- w. O-34-2009 – AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF A NON-EXCLUSIVE LICENSE AGREEMENT BY AND BETWEEN IMMACULATE CONCEPTION PARISH AND THE CITY OF ELMHURST, DUPAGE AND COOK COUNTIES, ILLINOIS

Ordinance O-24-2009 was presented for passage.

- x. ZO-07-2009 – AN ORDINANCE AMENDING ORDINANCE NUMBER ZO-01-2009 TO AUTHORIZE AN EXTENSION OF TIME FOR THE CONDITIONAL USE FOR THE PROPERTY LOCATED AT 188 WEST BUTTERFIELD ROAD, ELMHURST, ILLINOIS

Ordinance ZO-07-2009 was presented for passage.

- y. R-29-2009 – A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE CITY OF ELMHURST, ILLINOIS, AND TOTAL PARKING SOLUTIONS, INC., FOR THE INSTALLATION AND MAINTENANCE OF A PAY-BY-SPACE AUTOMATED PARKING PAYMENT SYSTEM

Resolution R-29-2009 was presented for passage.

- z. R-30-2009 – A RESOLUTION AUTHORIZING THE EXECUTION OF AGREEMENTS BETWEEN THE CITY OF ELMHURST, ILLINOIS, AND AT&T CORPORATION FOR THE PROVISION OF CENTREX TELECOMMUNICATIONS SERVICE

Resolution R-30-2009 was presented for passage.

Alderman Bram removed item **4n. Report – First Street Parking Deck Final Design Approval**. Alderman Rose removed items **4l. Report – 2009 Sanitary Sewer CIPP Lining Change Order**, **4m. Report – Qualification Based Selection for the Anaerobic Digester Design Engineer** and **4s. Report – Management and Leasing Agreements for 180 W. Park Avenue and 242 N. York Street**.

Alderman Wagner moved to approve the contents of the Consent Agenda less items **4l. Report – 2009 Sanitary Sewer CIPP Lining Change Order**, **4m. Report – Qualification Based Selection for the Anaerobic Digester Design Engineer**, **4n. Report – First Street Parking Deck Final Design Approval** and **4s. Report – Management and Leasing Agreements for 180 W. Park Avenue and 242 N. York Street**. Alderman Healy seconded. Roll call vote:

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

Nays: None

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

Alderman Rose moved to approve item **4l. Report – 2009 Sanitary Sewer CIPP Lining Change Order**. Alderman Kennedy seconded.

Alderman Rose stated she pulled item **4l. Report – 2009 Sanitary Sewer CIPP Lining Change Order** to ask the Public Works and Buildings Committee if there will be an impact on Indiana Street.

Alderman Bram stated the reach could impact Indiana and the north side of town.

Discussion ensued.

Roll call vote on item **4l. Report – 2009 Sanitary Sewer CIPP Lining Change Order**:

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

Nays: None

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

Alderman Rose moved to approve item **4m. Report – Qualification Based Selection for the Anaerobic Digester Design Engineer**. Alderman Kennedy seconded.

Alderman Rose stated she pulled item **4m. Report – Qualification Based Selection for the Anaerobic Digester Design Engineer** to ask a couple of questions regarding the projected engineering costs: how much is budgeted for this line item and what if the City doesn't get any stimulus dollars for this.

Alderman Kennedy stated it's three times the amount. The City feels due to capacity and age an additional anaerobic digester is necessary. He stated this report is for a design to be in place to be able to apply for stimulus dollars.

Alderman Rose asked for a clarification if there are not any stimulus dollars the project will not proceed forward.

Alderman Kennedy replied that is correct, the project would be put on the shelf.

Discussion ensued.

Roll call vote on item **4m. Report – Qualification Based Selection for the Anaerobic Digester Design Engineer**:

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

Nays: None

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

Alderman Kennedy moved to approve item **4n. Report – First Street Parking Deck Final Design Approval**. Alderman Shea seconded.

Alderman Kennedy reviewed item **4n. Report – First Street Parking Deck Final Design Approval** adding that there are some concerns from the neighborhood that have been addressed by City staff. He stated the City will work on those improvements.

Alderman Bram stated that he pulled item **4n. Report – First Street Parking Deck Final Design Approval** not because he doesn't support the project, but because he is not pleased with the process. He stated questions were unanswered regarding parking and 1st floor retail. Alderman Bram stated he felt there was not enough discussion on other options.

Alderman Gutenkauf moved to amend the committee report to include a statement regarding the windows on the northside of the façade that they are non-functioning, only aesthetic and light won't shine through. Alderman Kennedy seconded.

Discussion ensued.

Roll Call vote to amend item **4n. Report – First Street Parking Deck Final Design Approval:**

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

Nays: None

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

Roll call vote to approve item **4n. Report – First Street Parking Deck Final Design Approval** as amended:

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

Nays: None

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

Alderman Rose stated she pulled item **4s. Report – Management and Leasing Agreements for 180 W. Park Avenue and 242 N. York Street** in error.

Alderman Hipskind asked to sign the report.

Alderman Healy, point of order, asked for clarification on the procedure for signing committee reports when Aldermen are absent from the meeting at which the topic was discussed.

City Attorney Storino stated until a standard practice is developed, who can sign reports will be decided on a case by case basis.

Alderman Hipskind withdrew his signature from the report.

Alderman Rose moved to approve item **4s. Report – Management and Leasing Agreements for 180 W. Park Avenue and 242 N. York Street**. Alderman York seconded. Roll call vote:

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

Nays: None

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

COMMITTEE REPORTS

5. a. REPORT – CONSULTANT AGREEMENT FOR ADMINISTRATIVE SERVICES The following report of the Finance, Council Affairs and Administrative Services Committee was presented:

August 25, 2009

To: Mayor DiCianni and Members of the City Council
Re: Consultant Agreement for Administrative Services

The Finance, Council Affairs and Administrative Services Committee met August 24, 2009, to review contracting with Mr. Ken Bartels for certain administrative services.

City Manager Borchert addressed the Finance Committee regarding the current fiscal challenges and the continued need to be as frugal and cost effective as possible. In that regard, two layoffs have occurred: the Development Director position in the Elmhurst Historical Museum, and the Economic Development Manager in the Planning, Zoning and Economic Development Department. Some pieces of the workload handled by these two positions will be redistributed internally, and other

pieces would benefit from consulting expertise. Specific areas of responsibility for consulting services are enhanced communication to the community, fundraising for the Elmhurst Historical Museum and economic development including strategic planning.

City Manager Borchert recommends that the City contract with Mr. Ken Bartels, a longtime Elmhurst resident and an active member of the Elmhurst community, for the above-stated consulting services. During twenty-eight years of service at Elmhurst College, as Vice President for College Advancement for twenty-six years and as Vice President for College Relations for two years, Mr. Bartels gained invaluable experience in fundraising campaigns and communications with outside constituencies, and developed strong community ties. Mr. Bartels was also a Director of the Elmhurst Economic Development Corporation from 1996-2001, serving as Chair from 2000-2001. With his experience and the skill sets that have been developed in the areas of fundraising, communications and economic development, Mr. Bartels is uniquely qualified to provide consulting services to the City of Elmhurst in these areas. Staff further recommends that Mr. Bartels provide consulting services 10-15 hours per week, with a total annual cap of 845 hours, at a rate of \$90 per hour, for a three year term. Funds are available in the fiscal 2010 due to the staff reductions noted previously. After review and 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 direct the City Attorney to prepare a consultant agreement with Mr. Ken Bartels for administrative services as described above.

Respectfully submitted,
Finance, Council Affairs and
Administrative Services Committee

/us/ Stephen Hipskind

Chairman

/s/ Kevin York

Vice-Chairman

/s/ Mark Mulliner

/us/ Diane Gutenkauf

Alderman Rose moved to approve item **5a. Report – Consultant Agreement for Administrative Services**. Alderman Wagner seconded.

Alderman Rose stated she had a couple of questions regarding the report. Alderman Rose asked how much is the City saving and are there any performance indicators established.

City Manager Borchert stated he didn't have any performance indicators established. He stated he had discussed with Mr. Bartels the three areas of fund raising, communication and economic development and the objectives in the three categories.

Alderman Rose stated in the area of fund raising, benchmarks would be meaningful. She also asked about savings to the City.

Mayor DiCianni stated there would be a savings of approximately \$200,000. He explained how valuable Mr. Bartels will be to the City.

Discussion ensued regarding the time and use of Mr. Bartels.

Roll call vote on item **5a. Report – Consultant Agreement for Administrative Services:**

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

Nays: None

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

REPORTS AND RECOMENDATIONS OF APPOINTED AND ELECTED OFFICIALS

6. a. UPDATES (Mayor DiCianni)

Mayor DiCianni stated on Thursday, September 10, 2009 York High School will host a *Forum on Heroin* in the gymnasium. He stated Police Chief Neubauer and three (3) reformed drug addicts will be among the speakers. The community is invited, parents as well as children. Mayor DiCianni stated heroin is becoming a big problem in our society.

Mayor DiCianni spoke on the pawn shop in north Elmhurst. He stated the City can't outlaw pawn shops; the City is forming an ordinance to put the pawn shops in a C3 Zoning Conditional Use. This way the City can control their use and location.

b. 2010/11 BUDGET SCHEDULE (City Manager Borchert)

City Manager Borchert reviewed the 2010/2011 target dates and budget schedule with Council. He explained the role of the elected officials as it pertains to the budget preparation. He stated the Mayor and City Council's message to the City Manager regarding the budget goals is due to him, with a target date of October 26, 2009.

The City Manager stated if there were to be a tax levy, the date is December 7, 2009 and a public hearing is necessary. On December 21, 2009 the City Council approves the 2009 property tax levy, if it is not approved on December 7, 2009. He stated the budget is a two fold document, Expenses & Revenues.

Mayor DiCianni stated sales tax in Elmhurst is down and the reserves have been spent. He stated tough decisions will have to be made, and he is looking forward to reviewing the recommendations from the Finance Task Force.

ORDINANCES

7. a. 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.

City Attorney Storino stated a motion, second and voice vote is needed to remove MCO-16-2009 from the table before making a motion to accept the ordinance.

Alderman Healy moved to remove item **7a. 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** from the table. Alderman Nybo seconded. Voice vote motion carried.

Alderman Morley moved to accept the ordinance as read. Alderman York seconded.

Alderman Nybo moved to amend MCO-16-2009 removing in section 2 the line stating on those days school is in session. Alderman Wagner seconded.

City Attorney Storino stated the ordinance was tabled two weeks ago to make that very correction.

Alderman Nybo stated I withdraw my amendment to the motion.

Roll call vote on item **7a. 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:**

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

Nays: None

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

RESOLUTIONS

8. a. R-31-2009 – A RESOLUTION AUTHORIZING THE EXECUTION OF A CONSULTING AGREEMENT BETWEEN KEN BARTELS AND THE CITY OF ELMHURST, ILLINOIS

Resolution R-31-2009 was presented for passage.

Alderman Healy moved to approve item **8a. R-31-2009 – A Resolution Authorizing the Execution of a Consulting Agreement Between Ken Bartels and the City of Elmhurst, Illinois.**

Alderman York seconded.

Discussion ensued regarding what measures and objectives for Mr. Bartels in his role with fund raising, Communication and economic development.

Alderman Bram point of order regarding the memo given tonight stating the 90 day termination agreement needs to be put in the resolution for tonight’s approval.

City Attorney Storino stated that it has already been put in the resolution.

Roll call vote to approve item **8a. R-31-2009 – A Resolution Authorizing the Execution of a Consulting Agreement Between Ken Bartels and the City of Elmhurst, Illinois:**

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

Nays: None

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

OTHER BUSINESS

9. Alderman Morley asked when will the Finance Task Force give their formal recommendation and in what format will it be given.

Mayor DiCianni replied Monday, October 5, 2009.

City Manager Borchert stated the task force will first present to the Mayor and then present to the full Council at the first Council meeting in October.

Mayor DiCianni stated the Task Force has been working very hard and he is looking forward to their recommendation.

Alderman Healy asked that the Task Force report be given to the Council one (1) week prior to the meeting so that there will be enough time to review it, make notes and prepare questions.

Alderman Rose stated she would request that the recommendation of the Task Force be given at the second Council meeting in October, so that there is plenty of time for Council to review it.

ANNOUNCEMENTS

10. City Manager Borchert announced that the DuPage Mayors & Managers Conference (DMMC) will meet on September 16, 2009. Any Council member who would like to attend, please RSVP with the Administration Office.

City Manager Borchert stated the City received the Daniel Burnham Award, recognizing the City's Comprehensive Plan from the American Planning Association (APA), Illinois Chapter. It is an award for excellence. He congratulated the City Council and the Zoning and Planning Commission.

Mayor DiCianni announced on Saturday, September 12, 2009 ECAF will hold its Gala & Auction for the rain barrels. The Gala will take place at the Diplomat West.

The Mayor announced that that 2nd Annual Brianna's Walk benefiting the Center for Speech and Language Disorders will take place on Sunday, September 12, 2009 at 10:00 a.m. at Berens Park.

Alderman Bram asked if the upcoming meeting on the Elgin O'Hare – West Bypass is open to the public.

Mayor DiCianni stated the meeting is open to the public and he and City Manager Borchert will attend. He stated hopefully the issue regarding the 3rd Ward and 294 access will be addressed.

Alderman Gutenkauf announced she and Alderman Pezza will host a Town Hall Meeting at 7:00 p.m. on Thursday, September 17, 2009 at the Elmhurst Public Library. Mayor DiCianni will be at the meeting as well.

ADJOURNMENT

11. Alderman York moved to adjourn the meeting. Aldermen Hipskind seconded. Voice Vote. Motion carried. Meeting adjourned 9:37 p.m.

Peter P. DiCianni, III, Mayor

Patty Spencer, City Clerk