

**MINUTES OF THE REGULAR MEETING OF THE  
CITY COUNCIL OF THE CITY OF ELMHURST, ILLINOIS  
HELD ON MONDAY, DECEMBER 7, 2009  
209 NORTH YORK STREET  
ELMHURST, ILLINOIS**

**EXECUTIVE SESSION 7:00 P.M. – PENDING LITIGATION**

1. Executive session was called to order at 7:02 p.m. by Mayor DiCianni for the purpose of discussing Pending Litigation.

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

Absent: Pat Shea (arrived at 7:03 p.m.)

Also in attendance: City Treasurer Dyer, City Attorney Storino, City Manager Borchert, Fire Chief/Acting City Manager Kopp

Alderman Bram moved to convene into executive session for the purpose of discussing Pending Litigation. Alderman Pezza seconded. Roll call vote:

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

Nays: None

13 yeas, 0 nays, 1 absent  
Motion duly carried

Alderman Kennedy moved to adjourn executive session. Alderman Morley seconded. Voice vote. Motion carried. Executive session adjourned at 7:11 p.m.

**CALL TO ORDER**

Attendance: 50

2. The Regular Meeting of the Elmhurst City Council was called to order by Mayor DiCianni at 7:30 p.m.

**PLEDGE OF ALLEGIANCE – CUB SCOUT PACK 14, DENS 6 & 7 – VISITATION SCHOOL**

3. Cub Scout Dens 6 & 7, Pack 14 Elmhurst from Visitation School were present to lead the City Council in the Pledge of Allegiance.

**ROLL CALL**

4. City Clerk Spencer called the roll.

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

Absent: None.

Also in Attendance: City Treasurer Dyer, City Attorney Storino, City Manager Borchert, Fire Chief/Acting Assistant City Manager Kopp, Assistant Director of Finance Trosien, Human Resources Manager Johnson, Public Works Director Hughes, Operations Manager Morley, Police Chief Neubauer, Deputy Police Chief Panico, Deputy Police Chief Doherty

**RECOGNITION OF YORK HIGH SCHOOL CROSS COUNTRY TEAM**

5. Mayor DiCianni asked Coach Newton and Coach Hedman to join him at the podium. He congratulated the York High School Boy's Cross Country Team for placing 3<sup>rd</sup> in the State. Mayor DiCianni read a proclamation declaring Monday, December 7, 2009 York High School Cross Country Team Day.

Coach Newton thanked Mayor DiCianni for recognizing his team. He said the team has three (3) seniors and four (4) juniors. Coach Newton stated his motto is “adversity makes the man.” The team placed 13<sup>th</sup> out of 22 teams competing at the Nationals Competition in Portland.

Coach Newton stated he has coached York High School Cross Country teams for fifty (50) years, has been to the state championships 42 times and taken 1<sup>st</sup> place 26 times, 2<sup>nd</sup> place 12 times and 3<sup>rd</sup> place 4 times. He hopes to continue his winning legacy.

**RECEIPT OF WRITTEN COMMUNICATIONS AND PETITIONS FROM THE PUBLIC**

6. None.

**PUBLIC FORUM**

7. Mayor DiCianni stated he would like to say a few words before tonight’s public comment portion of the meeting regarding the City’s budget deficit. He stated steps have been taken to look at how the City can increase revenue by forming the Finance Task Force and working with Clerestory Consultants. He stated the loss in sales tax has caused the City Council to look at a tax levy.

Multiple members of the audience spoke regarding the proposed tax levy:

Speakers:

<b>Name</b>	<b>Address</b>	<b>In Favor</b>	<b>Against</b>
Liz Ambrogio	139 Oak St.		X
Jim Court	255 S. West Ave.		X
Lou Gargaglione	126 Willow Rd.		X
William McDonald	264 W. Madison		X
John Stumpf	407 Arlington Ave.		X
Rita White	468 Cottage Hill		X
Dan Vandermolen	156 Lawndale		X
Claude Pagacz	566 W. Gladys		X
Paul Darley	252 May St.		X
Jerry Scola	882 Parkside	X	
Joe Vulpo	459 May St.		X
Darlene Heslop	200 N. Michigan #227		X
Tony Graham	254 N. Caroline		X

Bill Trudeau  
558 Fairview  
Elmhurst, IL 60126

Spoke on the issue of radon. He stated his wife has been diagnosed with Lung Cancer. He stated although she wasn’t a smoker, their house was not radon free. Mr. Trudeau urged the Council to create a law that every home and business is required to test for radon.

**CONSENT AGENDA**

8. The following items on the Consent Agenda were presented:
  - a. MINUTES OF THE REGULAR MEETING HELD ON MONDAY, NOVEMBER 16, 2009 (City Clerk Spencer): Approve as published
  - b. ACCOUNTS PAYABLE – NOVEMBER 30, 2009 TOTAL \$ 1,438,973.80
  - c. REPORT – ADDITIONAL COSTS FOR PROSPECT AVENUE PUBLIC UTILITY IMPROVEMENT The following report of the Public Works and Buildings Committee was presented for passage:

November 23, 2009

TO: Mayor DiCianni and Members of the City Council  
RE: Additional Costs for Prospect Avenue Public Utility Improvement

The Public Works and Buildings Committee met on Monday, November 23, 2009 to discuss the costs associated with additional work for the Prospect Avenue Public Utility Improvement Project. This project involves the installation of new sanitary sewer and watermain to service the recently annexed parcels on Prospect Avenue between Brush Hill Road and Arbor Drive.

During construction, contaminated soils were identified under the pavement. City staff worked with environmental engineers to properly manage and dispose of the contaminated soil in compliance with state and federal regulations. Removal of the contaminated soil was staged to maximize productivity and minimize contractor downtime, thereby reducing the cost to the City. The removal of the contaminated soils also required additional driveway pavement replacement and turf restoration. The total cost to remove the contaminated soils and restore the disturbed areas is \$112,485.27 (breakdown attached).

There is also an extra cost to the original contract for trench backfill. This is the stone placed in the excavated area above the newly installed pipe. The additional trench backfill for the watermain and sewer trenches results in an increase to the contract of \$39,002.44. The root cause of the necessary increase was a miscalculation during development of the project estimate. The trench width utilized was incorrectly too narrow. During construction the contractor had to utilize a proper width of trench which increased the trench backfill required to complete the project. A review of the impact of this miscalculation on the project revealed that the unit bid price was in line with the other prices bid for this work and not falsely increased to manipulate the value of the work in the contractor's favor. And the quantity included in the original bid was sufficiently large enough that there was no loss in economy of scale. Had the original calculation been done correctly, the amount being paid to the contractor would be exactly what is now due.

The Committee will meet at a future date to determine how these additional costs will be divided between the City and the residents.

Monies for this work have been provided in the FY 2009/2010 Budget, in account numbers 510-6052-501-80-12 and 510-6056-502-80-13 each in the amount of \$275,000.00, totaling \$550,000.00. The approved bid submitted by Neri Brothers Construction, Inc. was in the amount of \$297,096.70. The remaining \$252,903.30 is available to pay for these additional costs.

It is, therefore, the recommendation of the Public Works and Building Committee that the additional costs for the Prospect Avenue Public Utility Improvement Project in the amount of \$151,487.71, be accepted.

Respectfully submitted,  
Public Works and Building Committee

/s/ Jim Kennedy  
Chairman

/s/ Michael J. Bram  
Vice-Chairman

/s/ Pat Shea

/s/ Chris Healy

- d. REPORT – LIST OF 30 SUGGESTIONS/IDEAS FOR SAVINGS AND/OR ADDITIONAL REVENUE The following report of the Finance, Council Affairs and Administrative Services Committee was presented:

November 30, 2009

To: Mayor DiCianni and Members of the City Council

Re: List of 30 Suggestions/Ideas for Savings and/or Additional Revenue

The Finance, Council Affairs and Administrative Services Committee met November 23, 2009 to review a list of 30 suggestions and ideas for savings and revenues submitted by Aldermen Pezza and Shea.

Staff prepared responses to the items on the list, which is attached. After review of staff responses to the items on the list, it was the consensus of the Finance Committee to submit the information to the City Council.

It is, therefore, the recommendation of the Finance, Council Affairs and Administrative Services Committee that the City Council accept the attached memo in response to the list of 30 suggestions and ideas.

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

- e. REPORT – NORTHERN ILLINOIS MUNICIPAL GAS FRANCHISE CONSORTIUM The following report of the Finance, Council Affairs and Administrative Services Committee was presented:

November 30, 2009

To: Mayor DiCianni and Members of the City Council  
Re: Northern Illinois Municipal Gas Franchise Consortium

The Finance, Council Affairs and Administrative Services Committee met November 23, 2009, to review an intergovernmental agreement establishing the Northern Illinois Municipal Gas Franchise Consortium (“Consortium”).

Attorney Harlan Spiroff, who is representing the City in meetings regarding the Consortium, was in attendance at the Finance Committee meeting to explain the history and background of the proposed Consortium. A small working group of municipal officials and staff from the DuPage Mayors and Managers Conference and other councils of government (“COGs”) developed a proposal to create a model natural gas franchise that could be used by all municipalities in northeastern Illinois. The impetus for this project came from municipalities concerned about franchise renewals that were slow to proceed, franchise documents that were inadequate to address concerns about natural gas utility operations within municipal rights-of-way, difficulty auditing and reviewing records of the utility and inconsistent policies and compensation for use of public rights-of-way. The working group has proposed that each member municipality would have one vote on the Consortium, that a steering committee would be established with representatives from the various COGs and that a drafting committee would be established to review existing franchise agreements and to develop language for a model franchise agreement. A copy of the intergovernmental agreement is attached.

There are 70 to 75 municipalities who have either joined the Consortium or have indicated a desire to do so. Earlier this year, a request for an initial contribution of \$500 per municipality was sent to those municipalities that indicated an interest in participating in the Consortium, which amount the City has paid. Although the City’s gas franchise is not set to expire for another 14 years, joining the Consortium would enable the City to take advantage of the features of the model franchise agreement that is to be negotiated, and by joining with upwards of 70 municipalities, would place it in a better negotiating position. Staff recommends that the City join the Consortium, and that the City Council suspend the rules to allow consideration of Ordinance O-50-2009 approving and authorizing the execution of the intergovernmental agreement. Time is of the essence to establish the Consortium so that negotiations can begin with the gas utilities. The Finance Committee concurs 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 the appropriate documents to approve the intergovernmental agreement to establish the City’s membership in the Northern Illinois Municipal Gas Franchise Consortium. The Finance Committee also recommends that the City Council suspend the rules to allow consideration of Ordinance O-50-2009.

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

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

- f. O-47-2009 – AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF THE FIRST AMENDMENT TO AGREEMENT FOR PURCHASE AND SALE OF REAL ESTATE SALE, COMMONLY KNOWN AS 149 NORTH ADDISON, ELMHURST, ILLINOIS

Ordinance O-47-2009 was presented for passage.

- g. O-49-2009 – AN ORDINANCE AUTHORIZING THE SALE BY AUCTION OF PERSONAL PROPERTY OWNED BY THE CITY OF ELMHURST

Ordinance O-49-2009 was presented for passage.

- h. O-52-2009 – AN ORDINANCE FOR THE LEVY AND ASSESSMENT OF TAXES FOR THE FISCAL YEAR BEGINNING MAY 1, 2009, AND ENDING APRIL 30, 2010, IN AND FOR SPECIAL SERVICE AREA NUMBER FIVE OF THE CITY OF ELMHURST

Ordinance O-52-2009 was presented for passage.

- i. O-53-2009 – AN ORDINANCE FOR THE LEVY AND ASSESSMENT OF TAXES FOR THE FISCAL YEAR BEGINNING MAY 1, 2009, AND ENDING APRIL 30, 2010, IN AND FOR SPECIAL SERVICE AREA NUMBER SIX OF THE CITY OF ELMHURST

Ordinance O-53-2009 was presented for passage.

- j. O-54-2009 – AN ORDINANCE FOR THE LEVY AND ASSESSMENT OF TAXES FOR THE FISCAL YEAR BEGINNING MAY 1, 2009, AND ENDING APRIL 30, 2010, IN AND FOR SPECIAL SERVICE AREA NUMBER SEVEN OF THE CITY OF ELMHURST

Ordinance O-54-2009 was presented for passage.

- k. O-55-2009 – AN ORDINANCE FOR THE LEVY AND ASSESSMENT OF TAXES FOR THE FISCAL YEAR BEGINNING MAY 1, 2009, AND ENDING APRIL 30, 2010, IN AND FOR SPECIAL SERVICE AREA NUMBER EIGHT OF THE CITY OF ELMHURST

Ordinance O-55-2009 was presented for passage.

- l. O-56-2009 – AN ORDINANCE FOR THE LEVY AND ASSESSMENT OF TAXES FOR THE FISCAL YEAR BEGINNING MAY 1, 2009, AND ENDING APRIL 30, 2010, IN AND FOR SPECIAL SERVICE AREA NUMBER NINE OF THE CITY OF ELMHURST

Ordinance O-56-2009 was presented for passage.

- m. O-57-2009 – AN ORDINANCE FOR THE LEVY AND ASSESSMENT OF TAXES FOR THE FISCAL YEAR BEGINNING MAY 1, 2009, AND ENDING APRIL 30, 2010, IN AND FOR SPECIAL SERVICE AREA NUMBER TEN OF THE CITY OF ELMHURST

Ordinance O-57-2009 was presented for passage.

- n. O-58-2009 – AN ORDINANCE FOR THE LEVY AND ASSESSMENT OF TAXES FOR THE FISCAL YEAR BEGINNING MAY 1, 2009, AND ENDING APRIL 30, 2010, IN AND FOR SPECIAL SERVICE AREA NUMBER ELEVEN OF THE CITY OF ELMHURST

Ordinance O-58-2009 was presented for passage.

- o. O-59-2009 – AN ORDINANCE FOR THE LEVY AND ASSESSMENT OF TAXES FOR THE FISCAL YEAR BEGINNING MAY 1, 2009, AND ENDING APRIL 30, 2010, IN AND FOR SPECIAL SERVICE AREA NUMBER TWELVE OF THE CITY OF ELMHURST

Ordinance O-59-2009 was presented for passage.

- p. O-60-2009 – AN ORDINANCE FOR THE LEVY AND ASSESSMENT OF TAXES FOR THE FISCAL YEAR BEGINNING MAY 1, 2009, AND ENDING APRIL 30, 2010, IN AND FOR SPECIAL SERVICE AREA NUMBER THIRTEEN OF THE CITY OF ELMHURST

Ordinance O-60-2009 was presented for passage.

- q. O-61-2009 – AN ORDINANCE ABATING THE TAX LEVY FOR THE YEAR 2009 FOR THE PAYMENT OF PRINCIPAL AND INTEREST ACCRUING UPON AN ISSUE OF \$10,000,000 GENERAL OBLIGATION REFUNDING BONDS OF THE CITY OF ELMHURST DATED OCTOBER 15, 2003

Ordinance O-61-2009 was presented for passage.

- r. O-62-2009 – AN ORDINANCE ABATING THE TAX LEVY FOR THE YEAR 2009 FOR THE PAYMENT OF PRINCIPAL AND INTEREST ACCRUING UPON AN ISSUE OF \$9,990,000 GENERAL OBLIGATION REFUNDING BONDS OF THE CITY OF ELMHURST DATED DECEMBER 1, 2004

Ordinance O-62-2009 was presented for passage.

- s. O-63-2009 – AN ORDINANCE ABATING THE TAX LEVY FOR THE YEAR 2009 FOR THE PAYMENT OF PRINCIPAL AND INTEREST ACCRUING UPON AN ISSUE OF \$9,065,000 GENERAL OBLIGATION REFUNDING BONDS OF THE CITY OF ELMHURST DATED DECEMBER 1, 2005

Ordinance O-63-2009 was presented for passage.

- t. O-64-2009 – AN ORDINANCE ABATING THE TAX LEVY FOR THE YEAR 2009 FOR THE PAYMENT OF PRINCIPAL AND INTEREST ACCRUING UPON AN ISSUE OF \$9,500,000 GENERAL OBLIGATION CORPORATE PURPOSE BONDS OF THE CITY OF ELMHURST DATED MARCH 1, 2006

Ordinance O-64-2009 was presented for passage.

- u. O-65-2009 – AN ORDINANCE ABATING THE TAX LEVY FOR THE YEAR 2009 FOR THE PAYMENT OF PRINCIPAL AND INTEREST ACCRUING UPON AN ISSUE OF \$8,170,000 GENERAL OBLIGATION CORPORATE PURPOSE BONDS OF THE CITY OF ELMHURST DATED OCTOBER 1, 2008

Ordinance O-65-2009 was presented for passage.

- v. O-66-2009 – AN ORDINANCE ABATING THE TAX LEVY FOR THE YEAR 2009 FOR THE PAYMENT OF PRINCIPAL AND INTEREST ACCRUING UPON AN ISSUE OF \$10,000,000 GENERAL OBLIGATION CORPORATE PURPOSE BONDS OF THE CITY OF ELMHURST DATED MARCH 15, 2009

Ordinance O-66-2009 was presented for passage.

- w. O-67-2009 – AN ORDINANCE ABATING THE TAX LEVY FOR THE YEAR 2009 FOR THE PAYMENT OF PRINCIPAL AND INTEREST ACCRUING UPON AN ISSUE OF \$3,700,000 GENERAL OBLIGATION REFUNDING BONDS OF THE CITY OF ELMHURST DATED SEPTEMBER 2, 2009

Ordinance O-67-2009 was presented for passage.

- x. MCO-23-2009 – AN ORDINANCE TO AMEND SECTION 44.74 ENTITLED, “YIELD RIGHT-OF-WAY STREETS,” OF ARTICLE V ENTITLED, “DRIVING, OVERTAKING AND PASSING,” OF CHAPTER 44 ENTITLED, “MOTOR VEHICLES AND TRAFFIC,” OF THE MUNICIPAL CODE OF THE CITY OF ELMHURST, ILLINOIS REGARDING PLACING YIELD

SIGNS AT THE INTERSECTIONS OF WILSON STREET AND HILLSIDE AVENUE AND WILSON STREET AND FAIRFIELD AVENUE

Ordinance MCO-23-2009 was presented for passage.

- y. ZO-12-2009 – AN ORDINANCE APPROVING A TEXT AMENDMENT TO THE CITY OF ELMHURST ZONING ORDINANCE REGARDING “PRIVATE SALE” AND “OPEN HOUSE” SIGNS

Ordinance ZO-12-2009 was presented for passage.

- z. R-51-2009 – A RESOLUTION TO SET THE RATE FOR SEWERAGE TREATMENT FROM ILLINOIS AMERICAN WATER COMPANY

Resolution R-51-2009 was presented for passage.

Alderman Hipkind pulled item **8f**. Alderman Gutenkauf pulled the tax levy abatement ordinances, items **8q**. – **8w**. from the Consent Agenda.

Alderman Healy moved to approve the contents of the Consent Agenda less item **8f**. and items **8q**. – **8w**. Alderman Wagner seconded. Roll call vote:

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

Nays: None

Results: 14 ayes, 0 nays, 0 absent  
Motion duly carried

City Attorney Storino stated that item **8f. O-47-2009 – An Ordinance Approving and Authorizing the Execution of the First Amendment to Agreement for Purchase and Sale of Real Estate Sale, Commonly Known as 149 North Addison, Elmhurst, Illinois** has been deleted, no action is needed.

Alderman Gutenkauf stated she pulled the tax levy abatement ordinances, items 8q. – 8w. to have one question answered that pertains to each item. She asked what percentage of the debt service will be seen on the resident’s tax bill.

Mayor DiCianni called on City Manager Borchert and Assistant Director of Finance Trosien to answer Alderman Gutenkauf’s question.

City Manager Borchert stated the tax levy will not come from the General Fund, that will come from other funds to pay for the bonds; only bonds issued from the General Fund will not be abated. City Manager Borchert stated the a portion of the bonds from the parking, utility and capital improvement funds will be abated, the other bonds will be part of the tax bill.

Questions were asked by Council regarding bond abatement and debt service levies. Discussion ensued.

Alderman Gutenkauf moved to approve item **8q. O-61-2009 – An Ordinance Abating the Tax Levy for the Year 2009 for the Payment of Principal and Interest Accruing Upon an Issue of \$10,000,000 General Obligation Refunding Bonds of the City of Elmhurst Dated October 15, 2003.**

Alderman Pezza seconded. Roll call vote:

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

Nays: None

Results: 14 ayes, 0 nays, 0 absent  
Motion duly carried

Alderman Gutenkauf moved to approve item **8r. O-62-2009 – An Ordinance Abating the Tax Levy for the Year 2009 for the Payment of Principal and Interest Accruing Upon an Issue of \$9,990,000 General Obligation Refunding Bonds of the City of Elmhurst Dated December 1, 2004.**

Alderman Morley seconded. Roll call vote:

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

Nays: None

Results: 14 ayes, 0 nays, 0 absent  
Motion duly carried

Alderman Morley moved to approve item **8s. O-63-2009 – An Ordinance Abating the Tax Levy for the Year 2009 for the Payment of Principal and Interest Accruing Upon an Issue of \$9,065,000 General Obligation Refunding Bonds of the City of Elmhurst Dated December 1, 2005.**

Alderman Nybo seconded. Roll call vote:

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

Nays: None

Results: 14 ayes, 0 nays, 0 absent  
Motion duly carried

Alderman Rose moved to approve item **8t. O-64-2009 – An Ordinance Abating the Tax Levy for the Year 2009 for the Payment of Principal and Interest Accruing Upon an Issue of \$9,500,000 General Obligation Corporate Purpose Bonds of the City of Elmhurst Dated March 1, 2006.**

Alderman Morley seconded. Roll call vote:

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

Nays: None

Results: 14 ayes, 0 nays, 0 absent  
Motion duly carried

Alderman Bram moved to approve item **8u. O-65-2009 – An Ordinance Abating the Tax Levy for the Year 2009 for the Payment of Principal and Interest Accruing Upon an Issue of \$8,170,000 General Obligation Corporate Purpose Bonds of the City of Elmhurst Dated October 1, 2008.**

Alderman Shea seconded. Roll call vote:

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

Nays: None

Results: 14 ayes, 0 nays, 0 absent  
Motion duly carried

Alderman Morley moved to approve item **8v. O-66-2009 – An Ordinance Abating the Tax Levy for the Year 2009 for the Payment of Principal and Interest Accruing Upon an Issue of \$10,000,000 General Obligation Corporate Purpose Bonds of the City of Elmhurst Dated March 15, 2009.** Alderman Pezza seconded. Roll call vote:

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

Nays: None

Results: 14 ayes, 0 nays, 0 absent  
Motion duly carried

Alderman Gutenkauf moved to approve item **8w. O-67-2009 – An Ordinance Abating the Tax Levy for the Year 2009 for the Payment of Principal and Interest Accruing Upon an Issue of \$3,700,000 General Obligation Refunding Bonds of the City of Elmhurst Dated September 2, 2009.**

Alderman Morley seconded. Roll call vote:

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

Nays: None

Results: 14 ayes, 0 nays, 0 absent  
Motion duly carried

### **REPORTS AND RECOMENDATIONS OF APPOINTED AND ELECTED OFFICIALS**

9. a. UPDATES (Mayor DiCianni)

Mayor DiCianni complimented the City Centre for the beautiful Christmas tree. He thanked the City Centre for making our town look great this holiday season. The Mayor stated there were five hundred (500) people at the tree lighting ceremony. Mayor DiCianni stated the Illinois Municipal League has designated our TIF Districts “award winning.”

Mayor DiCianni complimented Dan Gibbons for another successful Turkey Trot, held on Thanksgiving morning. He said there were approximately 6,000 people in attendance.

Mayor DiCianni stated he also attended the Wilder Mansion Gala and Special Kids Day events which were both well attended.

### **ORDINACES**

10. a. O-50-2009 – AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT ESTABLISHING THE NORTHERN ILLINOIS MUNICIPAL NATURAL GAS FRANCHISE CONSORTIUM

Ordinance O-50-2009 was presented for passage.

Alderman Morley moved to suspend with the rules to vote on item **10a. O-50-2009 – An Ordinance Approving and Authorizing the Execution of an Intergovernmental Agreement Establishing the Northern Illinois Municipal Natural Gas Franchise Consortium.** Alderman Hipkind second. Voice vote, motion carried.

Alderman Hipkind moved to approve item **10a. O-50-2009 – An Ordinance Approving and Authorizing the Execution of an Intergovernmental Agreement Establishing the Northern Illinois Municipal Natural Gas Franchise Consortium.** Alderman York seconded. Roll call vote:

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

Nays: None

Results: 14 ayes, 0 nays, 0 absent  
Motion duly carried

b. O-51-2009 – AN ORDINANCE FOR THE LEVY AND ASSESSMENT OF TAXES FOR THE FISCAL YEAR BEGINNING MAY 1, 2009 AND ENDING APRIL 30, 2010 OF THE CITY OF ELMHURST, DUPAGE AND COOK COUNTIES, ILLINOIS

Ordinance O-51-2009 was presented for passage.

Alderman Hipskind moved to approve item **10b. O-51-2009 – An Ordinance for the Levy and Assessment of Taxes for the Fiscal Year Beginning May 1, 2009 and Ending April 30, 2010 of the City of Elmhurst, DuPage and Cook Counties, Illinois.** Alderman York seconded.

Alderman Bram stated he was not in agreement with the total tax rate levy that is before the Council tonight. Alderman Bram moved to amend the motion by Alderman Hipskind to replace the \$14,901,717 with \$14,005,968. Alderman Gutenkauf seconded.

Discussion ensued regarding the tax rate to be levied.

Roll call vote to amend the motion by replacing the \$14,901,717 with \$14,005,968:

Ayes: Bram

Nays: Gutenkauf, Pezza, Shea, Leader, Rose, Hipskind, York, Nybo, Healy, Morley, Kennedy, Mulliner, Wagner

Results: 1 ayes, 13 nays, 0 absent  
Motion failed

Discussion continued on the main motion.

Alderman Bram, point of order, asked if the ordinance is not passed tonight is there still an opportunity to levy a tax.

City Manager Borchert stated the County requires the ordinances to be filed by the end of December.

Alderman Nybo stated this ordinance comes from the policy discussion from the November 17, 2009 Council meeting. He stated this is a process and there has been a lot of discussion prior to tonight.

Alderman Rose stated she will support the tax levy ordinance in the good faith that property tax relief will be implemented.

Discussion continued regarding the tax levy.

Alderman Hipskind moved to call the question.

Alderman Bram challenged and discussion continued.

Roll call vote on item **10b. O-51-2009 – An Ordinance for the Levy and Assessment of Taxes for the Fiscal Year Beginning May 1, 2009 and Ending April 30, 2010 of the City of Elmhurst, DuPage and Cook Counties, Illinois:**

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

Nays: Gutenkauf, Pezza, Shea, Bram, Nybo

Results: 9 ayes, 5 nays, 0 absent  
Motion carried

### **OTHER BUSINESS**

11. Alderman Mulliner stated the report from the Finance, Council Affairs and Administrative Services Committee on the thirty (30) questions from Aldermen Shea and Pezza contained good questions and answers from staff. He stated these items can and should be available to be reviewed by the community.

Alderman Shea thanked the residents who took the time to submit the questions. She stated it showed a concern for our City.

## **ANNOUNCEMENTS**

12. Alderman Mulliner congratulated Alderman Rose on her appointment to the Board of Metropolitan Family Services.

Alderman Gutenkauf announced the United Community Concern Association collected food for 272 needy families. She stated the Public Works garage is used for packing the food and on December 12, 2009 volunteers will deliver the food to needy families in town. Alderman Gutenkauf thanked Public Works and the volunteers who helped with this worthwhile project.

Mayor DiCianni stated the City Clerk is apprised of the many local organizations that are available to help families, seniors and youth of our community; please feel free to contact the Clerk's Office for assistance.

City Manager Borchert announced the Finance, Council Affairs and Administrative Services Committee report response to the list of thirty (30) suggestions and ideas will be posted on the website.

City Manager Borchert stated the preliminary Five-Year Capital Improvement Budget that was to be distributed to the Mayor and the City Council on or about December 7, 2009 has changed due to the fact that sales and income taxes are down. He stated hopefully it will be presented to Council prior to or at the December 21, 2009 City Council meeting. It will be reviewed in January.

City Manager Borchert announced the DuPage County Prayer Breakfast will be held on Thursday, December 17, 2009 at Indian Lakes in Bloomingdale from 7:00a.m. – 8:30a.m. Tickets are \$21, please RSVP no later than December 10, 2009 if you wish to attend.

Alderman Pezza asked City Manager Borchert, to comment on the DuPage County Water Commission, is the City planning an increase in water billing.

City Manager Borchert stated the intention is to increase the billing because their reserves are down.

Alderman Hipskind stated the Finance, Council Affairs and Administrative Services Committee has been apprised of this and the increase may come a little quicker than expected but it's not surprising.

Mayor DiCianni stated the debt owed by the School District will not be collected by the City at this time. He stated the School District has been invited to join the City and Park Board intergovernmental collaborative meetings.

Mayor DiCianni announced a fundraiser for resident Kit Harley who has been diagnosed with brain cancer was held on Saturday, December 5, 2009. Anyone wishing to contribute to Friends of Kit can do so now at Community Bank.

## **ADJOURNMENT**

13. Alderman Hipskind moved to adjourn the meeting. Aldermen Morley seconded. Voice Vote. Motion carried. Meeting adjourned 10:05 p.m.

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Peter P. DiCianni, III, Mayor

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Patty Spencer, City Clerk