

**MINUTES OF THE REGULAR MEETING OF THE  
CITY COUNCIL OF THE CITY OF ELMHURST, ILLINOIS  
HELD ON MONDAY, JULY 19, 2010  
209 NORTH YORK STREET  
ELMHURST, ILLINOIS**

**CALL TO ORDER/PLEDGE OF ALLEGIANCE/ROLL CALL**

Attendance: 25

1. The Regular Meeting of the Elmhurst City Council was called to order by Mayor DiCianni at 7:39 p.m.

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

Absent: Steve Morley, Patrick Wagner

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

**PUBLIC HEARING – SPECIAL SERVICE AREA NUMBER 15 (GLADYS AVENUE)**

2. Mayor DiCianni opened the public hearing at 7:40 p.m. Mayor DiCianni asked for anyone interested in speaking concerning Special Service Area Number 15 (Gladys Avenue) to please address the Council.

Fernando Del Rio  
541 W. Gladys Ave.  
Elmhurst, IL 60126

Thanked the City Council for creating a way for sidewalks to be implemented on Gladys Avenue.

Alderman York moved to adjourn the Public Hearing, Alderman Hipskind seconded. Voice vote, motion carried. The public hearing closed at 7:42 p.m.

**PROCLAMATION – AMERICAN WITH DISABILITIES ACT DAY**

3. Mayor DiCianni asked resident Joe Gerardi to join him at the podium as he proclaimed Monday, July 26, 2010 will be *Americans With Disabilities Act Day* in Elmhurst and read a proclamation of support.

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

4. Marilyn Counsell  
977 Parkside Ave  
Elmhurst, IL 60126

Submitted a regarding the flooding issues at her home over the past fifty (50) years asking the Council to find a way to address this problem once and for all.

Joe Hoff  
934 Parkside  
Elmhurst, IL 60126

Submitted a letter regarding consistent flooding problems and sewer back-ups in his neighborhood., asking Council to find a more permanent solution

Michael & Diana Krumrey  
570 Crockett Ave.  
Elmhurst, IL 60126

Submitted a letter regarding the Elmhurst Sidewalk Policy, thanking the Public Works and Buildings Committee for their review on June 28<sup>th</sup> and suggesting improvements to the current policy and its implementation.

## **PUBLIC FORUM**

5. Gilbert Fischer  
586 W. Van Auken  
Elmhurst, IL 60126

Spoke to the Council on democracy in government and how the former Governor tried to take the right to vote away from the Citizens of Illinois by not holding a Special Election, and trying to buy a Senate seat. Council is to uphold democracy and the right for citizens to vote.

Claude Pagacz  
566 W. Gladys Ave.  
Elmhurst, IL 60126

Spoke regarding definition of “disturbances” stating the City needed legal Council to determine what it means. He also spoke of the proposed Motor Fuel Tax increase and the money problems the City faces.

John Reboletti  
625 W. Gladys Ave.  
Elmhurst, IL 60126

Spoke regarding voting on sidewalks stating should be done the old way with both sides of the street having a vote.

Fernando Del Rio  
541 W. Gladys Ave.  
Elmhurst, IL 60126

Spoke regarding the Gladys Project stating it should be kept separate from any other sidewalk request. He thanked Council for approving the compromise for the sidewalks.

Tamara Brenner  
137 N. Caroline  
Elmhurst, IL 60126

Spoke regarding the Mayor’s statement regarding a line item in the budget for a lobbyist. She stated in the budget the funds are in line item Professional Services. She stated the state doesn’t have any money, so why prepare to hire a lobbyist.

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

Spoke of the Mayor’s recent comments on hiring a lobbyist in regards to the Metra Grant and western access route into Elmhurst. She stated according to the phone calls she made to elected officials regarding the western access road, a lobbyist is not useful. This is a big project that will require funding at the local, state and federal level.

## **CONSENT AGENDA**

6. The following items on the Consent Agenda were presented:
- a. MINUTES OF THE REGULAR MEETING HELD ON TUESDAY, JULY 6, 2010 (City Clerk Spencer): Approve as published
  - b. MINUTES OF THE EXECUTIVE SESSION MEETING HELD ON TUESDAY, JULY 6, 2010 (City Clerk Spencer): Receive and place on file
  - c. ACCOUNTS PAYABLE – JULY 19, 2010, TOTAL \$ 1,278,546.66
  - d. REPORT – PROFESSIONAL SERVICES AGREEMENT FOR THIRD PARTY CLAIMS ADMINISTRATION The following report of the Finance, Council Affairs and Administrative Services Committee was presented for passage:

July 13, 2010

To: Mayor DiCianni and Members of the City Council  
Re: Professional Services Agreement for Third Party Claims Administration

The Finance, Council Affairs and Administrative Services Committee met on July 12, 2010 to review proposed renewals for third party claims administration services for the City's insurance program. This includes claims administration for workers' compensation, general liability, property, casualty, and employment related claims for fiscal year 2010-2011.

The outsourcing of the claims administration is a key component to the City's risk management program that involves a team of City staff, attorneys, and third party administrators working together resolving claims against the City that include worker's compensation, auto liability, and general liability. In 2009 the City solicited requests for proposals for third party administration professional services with the help of the City's insurance broker, Arthur J. Gallagher Risk Management Services, Inc. The result was a combined 7.3% savings over the previous year's rate. NovaPro Risk Solutions, LP was selected as the third party administrator for liability claims processing and the City remained with Employer's Claim Service, Inc. (ECS), the existing workers' compensation third party administrator.

NovaPro Risk Solutions, LP quoted a zero increase for the 2010-2011 renewal. Their rate remains unchanged at \$12,750 for claims fee and \$1,200 for administration fees. Employer's Claim Service, Inc. claims fee remains unchanged at a cost projection of \$19,950, however the administration fee will increase by \$42 per month (\$504 annual), from \$183 to \$225 per month (\$2,700 annual). Both firms have provided good service, and staff recommends acceptance of the proposals from NovaPro and ECS. 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 accept the proposal from NovaPro Risk Solutions, LP at a cost of \$12,750 for one year for liability claim administration and \$1,200 for administration fees, and the proposal from Employer's Claim Services, Inc. for workers' compensation claim administration at a cost of \$19,950 and \$2,700 for administration fees.

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 – STRATEGIC PLAN FOR ECONOMIC DEVELOPMENT The following report of the Development, Planning and Zoning Committee was presented for passage:

July 13, 2010

TO: Mayor DiCianni and Members of the City Council  
RE: Strategic Plan for Economic Development

The Development, Planning and Zoning Committee met on July 12, 2010 to discuss a referral from City Council regarding the expansion of membership of the Economic Development Commission (EDC) by three (3) members, from nine (9) members to twelve (12) members.

The Committee noted that the Strategic Plan for Economic Development, which was approved by City Council on June 21, 2010, recommends the expansion of EDC membership to enhance the Commissions productivity, and to allow for increased business retention activities.

The referral requested that the membership of the EDC be increased by three (3) members; the Committee agrees with this request noting that there is a lot of time involved in scheduling appointments, attending retention meetings and debriefing the EDC Commission following the

retention meeting. Additional membership will ensure that the businesses have someone who will listen to their concerns and relay that information to City Officials.

The Committee then discussed ex-officio members of the EDC Commission and concluded that a member of the Development, Planning and Zoning Committee should be added to the EDC membership roster.

Therefore, it is the recommendation of the Development, Planning and Zoning Committee that the City Council authorize three (3) additional members to be added to the Economic Development Commission. The Committee also recommends that a member of the Development, Planning and Zoning Committee be added as an ex-officio member of the EDC Commission. The City Attorney is hereby directed to prepare the necessary documents to authorize the requested increases in EDC membership stated herein.

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

- f. REPORT – PUMP-IT-UP REQUEST FOR EXTENSION The following report of the Development, Planning and Zoning Committee was presented for passage:

July 13, 2010

TO: Mayor DiCianni and Members of the City Council

RE: Pump-It-Up – Request for Extension

Request for a six month extension of the Conditional Use approved by Ordinance ZO-01-2010, for the property known as 684 W. Lake Street.

The Development, Planning and Zoning Committee met on July 12, 2010 to discuss this request. The Committee reviewed the letter dated July 7, 2010 from the Applicant requesting a 6-month extension. The letter states that the Applicant has had difficulty securing a sign contractor to install the approved pylon sign at a reasonable price.

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

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

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

- g. O-24-2010 – AN ORDINANCE AUTHORIZING THE SALE BY AUCTION OF PERSONAL PROPERTY OWNED BY THE CITY OF ELMHURST

Ordinance O-24-2010 was presented for passage.

- h. O-25-2010 – AN ORDINANCE MAKING APPROPRIATIONS FOR SPECIAL SERVICE AREA NUMBER FIVE OF THE CITY OF ELMHURST FOR THE FISCAL YEAR BEGINNING MAY 1, 2010 AND ENDING APRIL 30, 2011

Ordinance O-25-2010 was presented for passage.

- i. O-26-2010 – AN ORDINANCE MAKING APPROPRIATIONS FOR SPECIAL SERVICE AREA NUMBER SIX OF THE CITY OF ELMHURST FOR THE FISCAL YEAR BEGINNING MAY 1, 2010 AND ENDING APRIL 30, 2011

Ordinance O-26-2010 was presented for passage.

- j. O-27-2010 – AN ORDINANCE MAKING APPROPRIATIONS FOR SPECIAL SERVICE AREA NUMBER SEVEN OF THE CITY OF ELMHURST FOR THE FISCAL YEAR BEGINNING MAY 1, 2010 AND ENDING APRIL 30, 2011

Ordinance O-27-2010 was presented for passage.

- k. O-28-2010 – AN ORDINANCE MAKING APPROPRIATIONS FOR SPECIAL SERVICE AREA NUMBER EIGHT OF THE CITY OF ELMHURST FOR THE FISCAL YEAR BEGINNING MAY 1, 2010 AND ENDING APRIL 30, 2011

Ordinance O-28-2010 was presented for passage.

- l. O-29-2010 – AN ORDINANCE MAKING APPROPRIATIONS FOR SPECIAL SERVICE AREA NUMBER NINE OF THE CITY OF ELMHURST FOR THE FISCAL YEAR BEGINNING MAY 1, 2010 AND ENDING APRIL 30, 2011

Ordinance O-29-2010 was presented for passage.

- m. O-30-2010 – AN ORDINANCE MAKING APPROPRIATIONS FOR SPECIAL SERVICE AREA NUMBER TEN OF THE CITY OF ELMHURST FOR THE FISCAL YEAR BEGINNING MAY 1, 2010 AND ENDING APRIL 30, 2011

Ordinance O-30-2010 was presented for passage.

- n. O-31-2010 – AN ORDINANCE MAKING APPROPRIATIONS FOR SPECIAL SERVICE AREA NUMBER ELEVEN OF THE CITY OF ELMHURST FOR THE FISCAL YEAR BEGINNING MAY 1, 2010 AND ENDING APRIL 30, 2011

Ordinance O-31-2010 was presented for passage.

- o. O-32-2010 – AN ORDINANCE MAKING APPROPRIATIONS FOR SPECIAL SERVICE AREA NUMBER THIRTEEN OF THE CITY OF ELMHURST FOR THE FISCAL YEAR BEGINNING MAY 1, 2010 AND ENDING APRIL 30, 2011

Ordinance O-32-2010 was presented for passage.

- p. O-33-2010 – AN ORDINANCE MAKING APPROPRIATIONS FOR SPECIAL SERVICE AREA NUMBER FOURTEEN OF THE CITY OF ELMHURST FOR THE FISCAL YEAR BEGINNING MAY 1, 2010 AND ENDING APRIL 30, 2011

Ordinance O-33-2010 was presented for passage.

- q. O-34-2010 – AN ORDINANCE AUTHORIZING THE SALE BY AUCTION OF PERSONAL PROPERTY OWNED BY THE CITY OF ELMHURST

Ordinance O-34-2010 was presented for passage.

- r. MCO-23-2010 – AN ORDINANCE TO AMEND 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 (YIELD SIGNS AT ADAMS STREET AND HAWTHORNE AVENUE, ADAMS STREET AND FAIRFIELD AVENUE, JACKSON STREET AND HAWTHORNE AVENUE, JACKSON STREET AND FAIRFIELD AVENUE AND JACKSON STREET AND HILLSIDE AVENUE)

Ordinance MCO-23-2010 was presented for passage.

Alderman Gutnekauf moved to approve the contents of the Consent Agenda. Alderman York seconded. Roll call vote:

Ayes: Gutenkauf, York, Pezza, Shea, Leader, Rose, Bram, Hipskind, Nybo, Healy, Kennedy, Mulliner

Nays: None

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

### **COMMITTEE REPORTS**

7. a. REPORT – MUNICIPAL MOTOR FUEL TAX The following report of the Finance, Council Affairs and Administrative Services Committee was presented for passage:

June 29, 2010

To: Mayor DiCianni and Members of the City Council  
Re: Municipal Motor Fuel Tax

The Finance, Council Affairs and Administrative Services Committee met several times, most recently June 28, 2010, to review a municipal Motor Fuel Tax (MFT).

As the City Council is aware, the current economic environment continues to negatively impact the City's General Fund revenues. The City's portion of the state Motor Fuel Tax has also been negatively impacted, declining each year since fiscal 2007, with receipts for fiscal 2010 projected to be approximately \$142,000 below actual fiscal 2007 receipts. Lower MFT receipts results in more costs being allocated to the General Fund that would otherwise be covered by MFT funds. To help bridge the gap, staff proposed implementing a municipal MFT, which is allowed for home rule communities.

There are currently fourteen gas stations operating in Elmhurst (see attached map). Staff conducted a price survey on January 6, 2010, of seventy-one gas stations including the fourteen Elmhurst stations and stations in Addison, Bellwood, Bensenville, Berkeley, Franklin Park, Hillside, Lombard, Melrose Park, Northlake, Oak Brook, Oakbrook Terrace and Villa Park (see attached). The per gallon price ranged from \$2.73 at Delta Sonic in Elmhurst to \$2.99 at Mobil in Bellwood. Based on information received from Texor, operator of the Citgo station on Butterfield Road in Elmhurst, an estimate of average monthly fuel sales for the stations in Elmhurst is 100,000 gallons, which equates to 16,800,000 gallons annually. A motor fuel tax of one and one-half cents (\$.015) per gallon would provide annual revenue of approximately \$250,000.

The Finance Committee reviewed the above information along with receiving input from several gas station operators. Concerns were discussed regarding competitiveness with neighboring communities, impact on gas station profitability and ongoing operations, and impact on in-store merchandise sales. Staff believes that a municipal MFT of \$.015 per gallon, which is below the Cook County MFT of \$.02 per gallon, would allow Elmhurst stations to remain competitive with neighboring communities, whether by passing along the tax or by absorbing some of the tax, and would have minimal impact on in-store merchandise sales.

Staff reviewed the payment process for the municipal MFT. Remittance of the tax will be due on a monthly basis, on the 20<sup>th</sup> day of the month following the month of receipt of the tax by the business owner. This timetable matches the timetable for remittance of sales tax and food and beverage tax. The municipal MFT will be paid to the City of Elmhurst.

After further discussion, the Finance Committee concurred with staff recommendation to implement a \$.015 municipal Motor Fuel Tax, effective the first of the month following the approval of the ordinance, with a staff review after six months, and a formal Finance Committee review after twelve months.

It is, therefore, the recommendation of the Finance, Council Affairs and Administrative Services Committee that the City Council approve a municipal Motor Fuel Tax of one and one-half cents

(\$.015) per gallon on all grades and types of petroleum, and direct the City Attorney to prepare the ordinance for implementation the first of the month following the approval of the ordinance.

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

Alderman Hipskind moved to approve item **7a. Report – Municipal Motor Fuel Tax.**  
Alderman York seconded.

Mayor DiCianni called on City Manager Borchert to review his memo to Council dated July 14, 2010.

City Manager Borchert reviewed the memo stating more stress is being put on the General Fund, the operating cash for Working Cash Fund balance is stressed as well. He reviewed the proposed Motor Fuel Tax (MFT) increase and comments received on the Citizen Survey.

Alderman Gutenkauf, point of order, stated City Manager Borchert's report is leaning toward arguing the issue. Alderman Gutenkauf asked City Attorney Storino for a statement on appropriateness of this comment.

City Attorney Storino stated the Mayor, under the Council's rules allows the Chair to call on the City Manager. He stated on a point of order, a member of the Council can over rule the Chair or let City Manager Borchert finish his report.

Alderman Nybo stated for the sake of transparency, he requested the City Manager be allowed to continue his thoughts.

Alderman Hipskind opened discussion on the proposed MFT increase.

Discussion ensued regarding the reasons for or against the proposed tax increase.

Alderman Rose reminded Council that debate of an issue is the job of the Committee Chair, Vice-Chair and Council.

Roll call vote on item **7a. Report – Municipal Motor Fuel Tax:**

Ayes: Hipskind, York, Leader, Rose, Nybo, Healy, Kennedy, Mulliner

Nays: Gutenkauf, Pezza, Shea, Bram

Results: 8 ayes, 4 nays, 2 absent  
Motion carried

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

### 8. a. UPDATES (Mayor DiCianni)

Mayor DiCianni stated the Vintage Baseball Game was held yesterday hosted by the Elmhurst Historical Museum. It was a great event with the largest turn-out to date. He gave kudos to the Elmhurst Historical Museum.

b. CHANGE IN ROLL CALL VOTING PROCEDURES (City Clerk Spencer)

Clerk Spencer reported on a procedural change in regards to roll call voting. She stated it will go into effect at the August 2, 2010 Council meeting. After the Aldermen who first and second the motion votes, the remaining Aldermen will vote in descending order.

Clerk Spencer stated she received the approval of the Finance, Council Affairs and Administrative Services Committee and will be reporting back to them in 6 months on how it is working.

Alderman Mulliner stated he wanted to echo Alderman Rose's comments that it is the Aldermen's role to debate the issues, not the City Manager's.

OTHER BUSINESS

9. Alderman Pezza stated item **6e. Report – Strategic Plan for Economic Development** was approved as part of the Consent Agenda this evening. She asked for a clarification on the total number of members for the Elmhurst Economic Development Commission (EEDC). Alderman Pezza stated the number she came up with is 13 but the committee report states 12. She asked if Dan Hiffman was still a member of the Economic Development Commission.

After discussion regarding the EEDC information on the City website, it was determined that there are currently nine (9) people serving on the commission including Mr. Hiffman.

ANNOUNCEMENTS

10. Alderman Rose announced Elmhurst Green Fest will be held on Saturday, July 31, 2010 at Wilder Park between the hours of 10a.m. – 3:00 p.m. She stated one of the highlights will be a Recycling Boutique. Alderman Rose urged the community to attend.

Alderman Mulliner announced on Thursday, July 22, 2010 flooding issues in the 7<sup>th</sup> Ward will be discussed at an Open House at the Jackson & Saylor Lift Station between 4:00-7:00 p.m.

Mayor DiCianni announced the ECAF Golf Outing will be held on August 2, 2010 at the Oak Brook Community Golf Course.

Mayor DiCianni stated he was asked by the Chairman of the Finance, Council Affairs and Administrative Services Committee to have City Manager Borchert review his memo not to debate the issue but to present the facts.

ADJOURNMENT

11. Alderman Rose moved to adjourn the meeting. Alderman Mulliner seconded. Voice vote. Motion carried. Meeting adjourned 9:26 p.m.

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Peter P. DiCianni III, Mayor

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Patty Spencer, City Clerk