

**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF ELMHURST, ILLINOIS
HELD ON MONDAY, AUGUST 2, 2010
209 NORTH YORK STREET
ELMHURST, ILLINOIS**

EXECUTIVE SESSION 6:30 P.M. – PERSONNEL, LAND ACQUISITION AND LAND DISPOSITION

1. Executive session was called to order at 6:30 p.m. by Mayor DiCianni for the purpose of discussing Personnel, Land Acquisition and Land Disposition.

Present: Diane Gutenkauf, Paula Pezza, Norman Leader, Michael J. Bram, Chris Nybo, Chris Healy, Jim Kennedy, Mark A. Mulliner

Absent: Pat Shea (arrived at 6:55 p.m.), Susan J. Rose, Stephen Hipskind (arrived at 7:11 p.m.), Kevin L. York, Steve Morley, Patrick Wagner

Also in attendance: City Treasurer Dyer, City Attorney Storino, City Attorney Durkin, City Manager Borchert, Police Chief Neubauer

Alderman Gutenkauf moved to convene into executive session for the purpose of discussing Personnel, Land Acquisition and Land Disposition. Alderman Healy seconded. Roll call vote:

Ayes: Gutenkauf, Healy, Kennedy, Mulliner, Pezza, Leader, Bram, Nybo

Nays: None

8 ayes, 0 nays, 6 absent
Motion duly carried

Alderman Hipskind moved to adjourn executive session. Alderman Kennedy seconded. Voice vote. Motion carried. Executive session adjourned at 7:32 p.m.

CALL TO ORDER/PLEDGE OF ALLEGIANCE/ROLL CALL

Attendance: 55

2. The Regular Meeting of the Elmhurst City Council was called to order by Mayor DiCianni at 7:47 p.m.

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

Absent: Susan J. Rose, Kevin L. York, Steve Morley, Patrick Wagner

Also in Attendance: City Treasurer Dyer, City Attorney Storino, City Manager Borchert, Public Works Director Hughes, Water/Wastewater Manager O'Donovan, Police Chief Neubauer, Deputy Police Chief Doherty, Deputy Fire Chief Bacidore, Battalion Chief Wallace, Human Resources Manager Johnson

RECOGNITION OF DECOMMISSION OF ELMHURST POLICE DEPARTMENT'S SPECIAL AGENT "ICE"

3. Mayor DiCianni called on Police Chief Neubauer to honor Special Agent "Ice" at the podium. Ice is retiring after eight (8) years of K-9 service to the City.

Chief Neubauer invited Ice and his handler, Officer Tony Polli to join him at the podium. Chief Neubauer stated Ice has successfully located narcotics during 40 incidents and has helped capture a lot of bad people through the years.

Officer Polli thanked everyone for their help and support. He stated that Special Agent "Diesel" will replace Ice on the workforce.

Representatives from the Oak Brook and Villa Park Police Departments both presented Officer Polli and Ice with plaques of appreciation for aid given to their communities during Ice's years of loyal service.

Chief Neubauer thanked the City Council for budgeting for a canine officer for the Police Department.

RECEIPT OF WRITTEN COMMUNICATIONS AND PETITIONS FROM THE PUBLIC

4. Robert Farr
285 Geneva Ave.
Elmhurst, IL 60126

Submitted the information he was reading during Public Forum on his flood blog.

Resident
Elmhurst, IL 60126

Submitted a photograph from the flood with the blog address: <http://elmhurst-flood-20100724.blogspot.com>.

Kathleen Sullivan
133 Pine St.
Elmhurst, IL 60126

Submitted a letter regarding inadequate response by the City to the July 24, 2010 flooding events.

PUBLIC FORUM

5. Robert Farr
285 Geneva Ave.
Elmhurst, IL 60126

Spoke regarding the sewer back-up from the past three (3) storms. He spoke on an emergency response training that other communities have for their residents. He stated this is a public/public endeavor and hopes Elmhurst will create something.

Marilyn Arado
912 Saylor Ave.
Elmhurst, IL 60126

Spoke of the most recent storms and flooding. She asked Council to put a moratorium on building. She stated item f on the consent agenda is something Council needs to take seriously.

Rebecca Cranmer
158 Richard Ave.
Elmhurst, IL 60126

Expressed her disappointment in traffic control at the time of the storm. She suggested a task force to create re-routes that could help people and have volunteers to direct the traffic.

Wellington Lyons
182 N. York St.
Elmhurst, IL 60126

Spoke representing the Citizens Advocacy Center regarding the incident wherein a resident was ejected from a committee meeting for rolling her eyes. He asked the City Council to define in the Code 51.01, definition of disorderly conduct.

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

Spoke of the flooding in south Elmhurst. He stated that the Council has the authority to solve the problem and make changes.

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

Spoke requesting that the referral items c-h be pulled for clarification. She requested that the committees be proactive not reactive to the current flooding problems and assessments.

Todd Benson
391 River Glen
Elmhurst, IL 60126

Spoke regarding the Shop All Elmhurst program, stating we need to shop all of Elmhurst, not just the Central Business District.

Moirra Moriarty
404 Argyle Ave.
Elmhurst, IL 60126

Spoke regarding construction in Elmhurst. She spoke regarding the recent flood and the new development near her property asking when is it ever okay to change the grading. She stated the house is too big for the lot.

Brian Wool
704 S. Washington St.
Elmhurst, IL 60126

Spoke regarding the flooding issue, the need for a task force to be created ASAP and asked for a moratorium on building.

David Reginelli
129 Pine St.
Elmhurst, IL 60126

Spoke regarding the most recent flooding. He referred to an engineering study that was done on Pine Street. He asked the Council, "what are you going to do about this problem?"

Kathleen Sullivan
133 Pine St.
Elmhurst, IL 60126

Spoke regarding the flooding on Pine St. She stated overhead sewers were put in and the City didn't take the responsibility to do their part. She read a list of responses from the City that she found inadequate.

CONSENT AGENDA

6. The following items on the Consent Agenda were presented:
 - a. MINUTES OF THE REGULAR MEETING HELD ON MONDAY, JULY 19, 2010 (City Clerk Spencer): Approve as published
 - b. ACCOUNTS PAYABLE – JULY 31, 2010, TOTAL \$ 1,113,564.88
 - c. EMERGENCY USAGE OF TIF FUNDS – ALDERMEN SHEA & PEZZA (City Manager Borchert): Refer to the Finance, Council Affairs and Administrative Services Committee

July 29, 2010

To: Mayor DiCianni and Members of the City Council
Re: Emergency Usage of TIF Funds– Ald. Shea and Ald. Pezza

It is respectfully requested that the attached request for a review of emergency usage of TIF Funds be referred to the Finance, Council Affairs and Administrative Services Committee for evaluation and recommendation back to the City Council.

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

- d. IMPACT FEE POLICY – ALDERMEN SHEA & PEZZA (City Manager Borchert): Refer to the Finance, Council Affairs and Administrative Services Committee

July 29, 2010

To: Mayor DiCianni and Members of the City Council
Re: Impact Fee Policy– Ald. Shea and Ald. Pezza

It is respectfully requested that the attached request for a review of a new impact fee policy be referred to the Finance, Council Affairs and Administrative Services Committee for evaluation and recommendation back to the City Council.

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

- e. SUMP PUMP INSPECTION PROGRAM – ALDERMAN SHEA & PEZZA (City Manager Borchert): Refer to the Public Works and Buildings Committee

July 29, 2010

To: Mayor DiCianni and Members of the City Council
Re: Sump Pump Inspection Program– Ald. Shea and Ald. Pezza

It is respectfully requested that the attached request for a review of the sump pump inspection program be referred to the Public Works and Building Committee for evaluation and recommendation back to the City Council.

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

- f. TEMPORARY BUILDING MORATORIUM – ALDERMEN SHEA & PEZZA (City Manager Borchert): Refer to the Development, Planning and Zoning Committee

July 29, 2010

To: Mayor DiCianni and Members of the City Council
Re: Temporary Building Moratoruim – Ald. Shea and Ald. Pezza

It is respectfully requested that the attached request for a temporary building moratorium be referred to the Development, Planning and Zoning Committee for evaluation and recommendation back to the City Council.

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

- g. FLOOD CONTROL ENHANCEMENT – ALDERMEN KENNEDY & MORLEY (City Manager Borchert): Refer to the Development, Planning and Zoning Committee

July 29, 2010

To: Mayor DiCianni and Members of the City Council
Re: Flood Control Enhancement

It is respectfully requested that the attached request from Alderman Kennedy and Morley be forwarded to the Development, Planning and Zoning Committee for their review and subsequent recommendation for City Council action.

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

- h. CITY OF ELMHURST AND GRANT PROGRAM FOR PRIVATE PROPERTY OVERHEAD SEWER INSTALLATIONS – ALDERMEN KENNEDY & HEALY (City Manager Borchert):
Refer to the Public Works and Buildings Committee

July 29, 2010

To: Mayor DiCianni and Members of the City Council
Re: City of Elmhurst and Grant Program for Private Property Overhead Sewer Installations

It is respectfully requested that the attached request from Alderman Kennedy be forwarded to the Public Works and Buildings Committee for their review and subsequent recommendation for City Council action.

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

- i. REPORT – VALLETTE STREET RESURFACING CONSTRUCTION ENGINEERING SERVICES The following report of the Public Works and Buildings Committee was presented for passage:

July 26, 2010

TO: Mayor DiCianni and Members of the City Council
RE: Vallette Street Resurfacing Construction Engineering Services

The Public Works and Building Committee met on Monday, July 26, 2010 to discuss a proposal received from TranSystems Corporation for professional engineering services for construction of the Vallette Street Resurfacing project from Spring Road to Poplar Avenue.

The improvements include removal and replacement of deteriorated sections of curb and gutter, pavement and sidewalks. The final pavement construction will include a 3 inch grind of the existing concrete and/or asphalt and a 3 inch overlay with asphalt.

TranSystems assisted the City in the preparation of an American Recovery and Reinvestment Act (ARRA) funding application. ARRA funding for construction was approved through the DuPage Mayors and Managers Conference (DMMC). The Vallette Street Resurfacing project was approved for \$925,000 of ARRA highway funds. The construction estimate for this project is \$922,000.

TranSystems has assisted the City in the preparation of Phase I preliminary engineering and Phase II design engineering for this project. The Phase III construction engineering services include construction observation, inspection assistance, construction layout, project coordination, materials testing, final construction documents and as-built drawings in accordance with ARRA funding requirements. This project will be bid through the Illinois Department of Transportation on July 30, 2010. Construction is anticipated to begin in the fall of 2010.

TranSystems has proposed to do this work on a cost plus fixed fee basis with a total cost not to exceed \$94,515.51. The consultant fees and services are included in the IDOT Local Agency/Consultant, Construction Engineering Services Agreement for Federal Participation attached. These rates are consistent with fees for professional services on similar projects. TranSystems has completed similar work for the City in the past on various City projects in a satisfactory and professional manner. Monies for this project have been provided in the FY 2010/11 Budget, Account Number 110-6041-432-80-15 in the amount of \$100,000.

It is, therefore, the recommendation of the Public Works and Building Committee that the Construction Engineering Services Proposal from TranSystems Corporation for the Vallette Street Resurfacing project in the amount not to exceed \$94,515.51, be accepted, a resolution authorizing this contract be prepared and that the appropriate City agent be authorized to sign the IDOT Construction Engineering Services Agreement for Federal Participation.

Respectfully submitted,
Public Works and Building Committee

/s/ Jim Kennedy
Chairman

/s/ Michael J. Bram
Vice-Chairman

/s/ Pat Shea

/s/ Chris Healy

- j. REPORT – 2010 ASPHALT REJUVENATING TREATMENT (RECLAMITE) PROGRAM The following report of the Public Works and Buildings Committee was presented for passage:

July 26, 2010

TO: Mayor DiCianni and Members of the City Council
RE: 2010 Asphalt Rejuvenating Treatment (Reclamite) Program

The Public Works and Buildings Committee met on Monday, July 26, 2010, to review the bid received for the application of Reclamite, a preservative seal, to approximately 72,000 square yards of asphalt pavement in the City of Elmhurst including many of the streets that are being resurfaced with asphalt in 2010.

Reclamite treatment is an essential factor in the City's pavement maintenance program. The emulsion is sprayed on the street with a distributor truck and penetrates into the surface of the asphalt in less than an hour. Sand is applied to absorb residual material. The sand is swept from the street a few days later.

Reclamite is a proprietary product manufactured by Tricor Refining L.L.C., Golden Bear Products, of Bakersfield, California. CAM, L.L.C., of South Roxana, Illinois submitted the only bid for the project. CAM, L.L.C. is the only contractor in Illinois certified to purchase and apply Reclamite and has done this work for the City of Elmhurst in the past.

It is in the best interest of the City to retain a contractor who can be responsive to the City's needs and can alter their work schedule on short notice, which is required to adjust to the uncertainties of local weather conditions. The City also uses unique public relations and traffic control procedures for this sensitive program. CAM, L.L.C. has the expertise and specialized equipment to provide quality workmanship and is very familiar with the City's program, which can speed up application and reduce inconvenience.

CAM, L.L.C. North's quotation of \$0.63 per square yard for Reclamite is comparable to the unit price quoted to other communities who are using Reclamite. This price includes the application of Reclamite and sanding with a special spreading unit, which enables the even distribution of sand and faster street openings.

Monies have been provided in the 2010/2011 budget in the General Fund, Contract Services for Street Sealing, Account Number 110-6041-432-30-74 in the amount of \$60,000.

It is, therefore, the recommendation of the Public Works and Buildings Committee that the bid from CAM, L.L.C., for the 2010 Asphalt Rejuvenating Treatment (Reclamite) Program in the amount of \$45,360.00, be accepted and that the City Attorney prepare the appropriate resolution.

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 – STATE OF ILLINOIS JOINT PURCHASE CONTRACT FOR ROCK SALT The following report of the Public Works and Buildings Committee was presented for passage:

July 26, 2010

TO: Mayor DiCianni and Members of the City Council
RE: State of Illinois Joint Purchase Contract for Rock Salt

The Public Works and Buildings Committee met on Monday, July 26, 2010 to review the price for rock salt in the Joint Purchase Contract awarded by the State of Illinois, Department of Central Management Services (CMS).

The City uses rock salt to deice roadways during winter snow storms. State Joint Purchase program provides the City delivery performance, material quality assurance, and pricing that the City could not achieve by contracting on its' own. Terms of the CMS contract are provided in Attachment "A".

The City requested 4,000 tons of rock salt for the 2010-11 winter season. The Joint Purchase Contract requires the City to purchase a minimum of 80% (3,200 tons), up to a maximum of 120% (4,800 tons) of the amount requested. The City will receive rock salt from Cargill Incorporated Salt Division at a price of \$66.61 per ton, which is the same unit price as last year's contract.

Funds budgeted for the purchase of rock salt in the FY2010/11 budget, in account number 110-6042-433-40-46, in the amount of \$235,000. Funding in the amount of \$213,152 is required to purchase the contract minimum 3,200 tons. Funding in the amount of \$319,728 would be required if the City purchases the maximum 4,800 tons.

It is, therefore, the recommendation of the Public Works and Buildings Committee that the City Manager be authorized to purchase rock salt from Cargill Incorporated Salt Division, through the State of Illinois Joint Purchase Contract, at the contracted price of \$66.61 per ton, not to exceed \$319,728, and that the City Attorney prepare the appropriate resolution.

Respectfully submitted,
Public Works and Building Committee

/s/ Jim Kennedy
Chairman

/s/ Michael J. Bram
Vice-Chairman

/s/ Pat Shea

/s/ Chris Healy

- l. REPORT – TAXICAB PARKING ISSUES The following report of the Public Affairs and Safety Committee was presented for passage:

July 26, 2010

TO: Mayor DiCianni and the Members of the City Council
RE: Taxicab Parking Issues

The Public Affairs and Safety Committee met on Monday, July 26, 2010, to discuss taxicab parking issues in the downtown area.

Chief Steve Neubauer reports that for the last 2 years, he has been receiving complaints from downtown merchants about cabs staging to pick up customers in the parking spaces in front of businesses on First and on Addison Streets. The City provides 2 cab stand spots on First St. by the train station; however, when those spots are occupied with cabs, the overflow cabs stage nearby. The complaints that the Chief has received include parking in front of businesses, sleeping, playing loud music, resting and using shopper spaces while waiting for fares. Although downtown parking is generally open to everyone, the cabs are specifically licensed by the City for the privilege to conduct business. The cabs that are waiting in the downtown shopper parking spaces are using these spaces to solicit business. Two spots are already provided at no cost for cabs and for customer convenience. The excess staging cabs are problematic.

Chief Neubauer reports that he and the City Attorney are preparing an amendment to MCO Section 31.257, entitled "Taxi Stands." This proposed ordinance amendment clarifies the rules for taxis staging and picking up fares. It affords clarity to the drivers, allows for passenger pick-ups at the train station and frees up valuable shopper parking spaces. The chief also noted that parking control officers have talked to cab drivers to seek voluntary compliance and that has not worked. This amendment will give the parking control officers an appropriate enforcement tool.

It is, therefore, the recommendation of the Public Affairs and Safety Committee that the City Attorney submit an amendment to Article XX, entitled "Taxi Cabs" of Chapter 31, amending Section 31.257, entitled "Taxi Stands" to reflect these changes.

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

- m. REPORT – CASE NUMBER 10 P-01 / ELMHURST MEMORIAL HOSPITAL REQUEST FOR FINAL PLANNED DEVELOPMENT AND FINAL PLAT OF SUBDIVISION APPROVAL The following report of the Development, Planning and Zoning Committee was presented for passage:

July 27, 2010

TO: Mayor DiCianni and Members of City Council

RE: Case Number 10 P-01/Elmhurst Memorial Hospital request for Final Planned Development and Final Plat of Subdivision Approval Request for approval of Final Amended Planned Development Plan/Conditional Use and Final Plat of Subdivision.

The Development, Planning and Zoning Committee met on July 26, 2010 to review the Zoning & Planning Commission report dated July 13, 2010 regarding the subject request. The Committee also reviewed the complete packet of documents and information submitted by the applicant, as well as the transcript of the public hearing.

The purpose of the Committee's discussion was to affirm that the final documents substantially conform to the preliminary documents previously approved by the City Council. The Committee reviewed the Preliminary Plan submittals and the Final Plan submittals, and agreed that the Final Plan, as submitted, is in substantial conformity with the approved Preliminary Plans. The DPZ Committee further noted that there were no changes or new documents submitted by the Hospital for final review and approval.

The Development, Planning and Zoning Committee agrees with the findings of the Zoning & Planning Commission that the Final Planned Development Plans and the Final Plat of Subdivision substantially conform to the approved Preliminary Planned Development Plan and Preliminary Subdivision.

Therefore, the Development, Planning and Zoning Committee recommends approval of the Elmhurst Memorial Hospital Final Planned Development Plan and Final Subdivision Plat. The City Attorney is hereby directed to prepare the necessary documents for City Council approval.

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

- n. O-35-2010 – AN ORDINANCE AUTHORIZING THE SALE BY AUCTION OF PERSONAL PROPERTY OWNED BY THE CITY OF ELMHURST

Ordinance O-35-2010 was presented for passage.

- o. MCO-24-2010 – AN ORDINANCE TO AMEND SECTION 4.04 ENTITLED “ECONOMIC DEVELOPMENT COMMISSION” OF CHAPTER 4 ENTITLED “BOARDS OF COMMISSIONS” OF THE MUNICIPAL CODE OF THE CITY OF ELMHURST, ILLINOIS

Ordinance MCO-24-2010 was presented for passage.

- p. ZO-16-2010 – AN ORDINANCE AMENDING ORDINANCE NUMBER ZO-01-2010 TO AUTHORIZE AN EXTENSION OF TIME FOR THE CONDITIONAL USE FOR THE PROPERTY LOCATED AT 684 WEST LAKE STREET, ELMHURST, ILLINOIS (PUMP-IT-UP)

Ordinance ZO-16-2010 was presented for passage.

- q. R-40-2010 – A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO CLAIMS SERVICES AGREEMENT BETWEEN THE CITY OF ELMHURST, ILLINOIS, AND NOVAPRO RISK SOLUTIONS, LP, FOR CLAIMS MANAGEMENT AND RELATED SERVICES FOR SELF-INSURED LIABILITY RISKS

Resolution R-40-2010 was presented for passage.

- r. R-41-2010 – A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF ELMHURST, ILLINOIS, AND EMPLOYER’S CLAIM SERVICE INC., FOR THE ADMINISTRATION OF ILLINOIS WORKER’S COMPENSATION CLAIMS

Resolution R-41-2010 was presented for passage.

Alderman Pezza pulled item **60. MCO-24-2010 – An Ordinance to Amend Section 4.04 Entitled “Economic Development Commission” of Chapter 4 Entitled “Boards of Commissions” of the Municipal Code of the City of Elmhurst, Illinois** from the Consent Agenda.

Alderman Hipskind moved to approve the contents of the Consent Agenda less item **60. MCO-24-2010 – An Ordinance to Amend Section 4.04 Entitled “Economic Development Commission” of Chapter 4 Entitled “Boards of Commissions” of the Municipal Code of the City of Elmhurst, Illinois**. Alderman Bram seconded. Roll call vote:

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

Nays: None

Results: 10 ayes, 0 nays, 4 absent
Motion duly carried

Alderman Pezza moved to open discussion on item **60. MCO-24-2010 – An Ordinance to Amend Section 4.04 Entitled “Economic Development Commission” of Chapter 4 Entitled “Boards of Commissions” of the Municipal Code of the City of Elmhurst, Illinois**. Alderman Shea seconded.

Alderman Pezza stated she pulled item **60. MCO-24-2010 – An Ordinance to Amend Section 4.04 Entitled “Economic Development Commission” of Chapter 4 Entitled “Boards of Commissions” of the Municipal Code of the City of Elmhurst, Illinois** because the committee report is not matching up with the number of commissioners and the number of ex-officio officers in the ordinance.

City Attorney Storino stated it is up to Council to determine the number of ex-officio officers they want.

Discussion ensued regarding the appointment of ex-officio officers on the commission.

Alderman Healy moved to send the ordinance back to committee. Alderman Mulliner seconded. Alderman Nybo, point of order, questioned if an ordinance can be sent back to committee. City Attorney Storino stated it can be tabled and it can be referred back to committee.

Roll call vote on item **60. MCO-24-2010 – An Ordinance to Amend Section 4.04 Entitled “Economic Development Commission” of Chapter 4 Entitled “Boards of Commissions” of the Municipal Code of the City of Elmhurst, Illinois:**

Ayes: Healy, Mulliner, Gutenkauf, Pezza, Leader, Hipskind, Nybo, Kennedy

Nays: Shea, Bram

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

REPORTS AND RECOMENDATIONS OF APPOINTED AND ELECTED OFFICIALS

7. a. UPDATES (Mayor DiCianni/City Manager Borchert)

Mayor DiCianni reported that on July 24, 2010 7.3” of rain fell within 6 hours and subsequently there was flooding in Elmhurst.

He stated this morning the City hosted a meeting with US Senator Dick Durbin (D-IL), Managers and Mayors from throughout Cook and DuPage Counties as well as representatives from FEMA, IEMA and Homeland Security. They gathered to hear what relief the federal government can give.

Mayor DiCianni stated the City website posted FEMA information and a reverse 911 call was sent to all residents. Mayor DiCianni stated a third party engineering firm will report to Council on what was operational.

Mayor DiCianni stated he is accepting applications for the Citizen Storm Management Task Force.

City Manager Borchert reviewed his memo:

Priority One:

- ComEd - Collaborate & Coordinate
- Storm Sanitary Stems – Review & Evaluate
- Designs & Cost Sharing – Overhead sewers and private property flood protection
- Work with private property owners

Priority Two:

- Saylor-Jackson Pump Station
- Storm Water Lift Stations
- Jackson Pumping Station at Salt Creek
- Citizens Task Force

City Manager Borchert stated the “go to” place is the City’s website www.elmhurst.org. He stated the City is waiting for federal declaration of disaster area.

Alderman Nybo suggested the report Council will receive from the third party engineering firm and all discussion on the flooding should be communicated to the community, and they in turn can communicate with the City.

Alderman Nybo asked the Mayor, what are the five (5) components of the task force?

Mayor DiCianni stated the task force subcommittees are: ComEd, Stormwater, Sanitary Sewer, Finance (Personal Property) and Infrastructure. Mayor DiCianni stated he would encourage the elected officials to sit on each of the sub-committees.

Alderman Mulliner requested the report from the consultant be reported at a Committee of the Whole (COW) meeting. He stated the flood related referrals on tonight's agenda should be reviewed by the COW not individual committees.

Alderman Mulliner stated there needs to be clarification on the new hospital and sanitary sewers. He stated it will be done differently, the new hospital will not use the Elmhurst sanitary sewers.

Discussion ensued regarding getting information out in the community for residents that do not have computer access.

Alderman Pezza thanked the Mayor, Council and staff for the way they have managed this disaster.

Alderman Mulliner stated the media has misinterpreted the disorderly conduct and disorderly behavior issue. He stated he wanted the City Attorney to make a definition for Chapter 2 of the Municipal Code. He stated in no way does he approve of anyone being removed from an open meeting.

ORDINANCES

8. a. O-36-2010 – AN ORDINANCE AMENDING CHAPTER 37, ENTITLED “MUNICIPAL OCCUPATION AND PRIVILEGE TAXES,” OF THE MUNICIPAL CODE OF THE CITY OF ELMHURST, DUPAGE AND COOK COUNTIES BY INSERTING THEREIN ARTICLE VI, ENTITLED “PRIVILEGE TAX ON PURCHASE OF MOTOR FUEL AT RETAIL”

Ordinance O-36-2010 was presented for passage.

Mayor DiCianni stated he is looking for a motion to table item **8a. O-36-2010 – An Ordinance Amending Chapter 37, Entitled “Municipal Occupation and Privilege Taxes,” of the Municipal Code of the City of Elmhurst, DuPage and Cook Counties By Inserting Therein Article VI, Entitled “Privilege Tax on Purchase of Motor Fuel at Retail”** until the first Council meeting in September.

Alderman Hipskind moved, Alderman Kennedy seconded.

Alderman Pezza stated we are ready to vote on this item tonight.

Alderman Mulliner, point of order, when an item is tabled it is not debatable.

Roll call vote to table item **8a. O-36-2010 – An Ordinance Amending Chapter 37, Entitled “Municipal Occupation and Privilege Taxes,” of the Municipal Code of the City of Elmhurst, DuPage and Cook Counties By Inserting Therein Article VI, Entitled “Privilege Tax on Purchase of Motor Fuel at Retail”** until the first Council meeting in September:

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

Nays: Gutenkauf, Pezza, Shea, Bram

Results: 6 ayes, 4 nays, 4 absent
Motion carried

Alderman Gutenkauf, point of order, the motion did not pass, 8 votes are required.

City Attorney Storino stated the ordinance requires 8 votes to pass but a majority is required to table an ordinance.

Alderman Gutenkauf moved to take item **8a. O-36-2010 – An Ordinance Amending Chapter 37, Entitled “Municipal Occupation and Privilege Taxes,” of the Municipal Code of the City of Elmhurst, DuPage and Cook Counties By Inserting Therein Article VI, Entitled “Privilege Tax on Purchase of Motor Fuel at Retail”** from the table. Failed due to lack of second.

Discussion ensued on what is appropriate per Robert's Rules.

Alderman Gutenkauf moved to remove item **8a. O-36-2010 – An Ordinance Amending Chapter 37, Entitled “Municipal Occupation and Privilege Taxes,” of the Municipal Code of the City of Elmhurst, DuPage and Cook Counties By Inserting Therein Article VI, Entitled “Privilege Tax on Purchase of Motor Fuel at Retail”** from the table so there can be discussion. Alderman Bram seconded. Roll call vote:

Ayes: Gutenkauf, Bram, Pezza, Shea

Nays: Hipskind, Nybo, Healy, Kennedy, Mulliner, Leader

Results: 4 ayes, 6 nays, 4 absent
Motion failed

OTHER BUSINESS

9. Alderman Nybo stated the Council should be able to speak on a tabled item by suspending the rules.

Alderman Gutenkauf stated Alderman Nybo is correct, the Council can suspend the rules and have a discussion.

Alderman Nybo moved to suspend the rules to further discussion on item **8a. O-36-2010 – An Ordinance Amending Chapter 37, Entitled “Municipal Occupation and Privilege Taxes,” of the Municipal Code of the City of Elmhurst, DuPage and Cook Counties By Inserting Therein Article VI, Entitled “Privilege Tax on Purchase of Motor Fuel at Retail”**. Alderman Hipskind seconded.

Alderman Mulliner, point of order, stated the rules should have been suspended at the time of the vote to table the item, it is too late to do it now.

- a. REQUEST FOR A COMPREHENSIVE CITY OF ELMHURST STORM AND SANITARY CAPITAL IMPROVEMENT PLAN (Alderman Bram): Refer to the Public Works and Buildings Committee

To: Mayor Peter “Pete” DiCianni and Members of Elmhurst City Council

Re: Request for a Comprehensive City of Elmhurst Storm and Sanitary Capital Improvement Plan

I would like to refer this request to the appropriate Public Works Committee for a Comprehensive City of Elmhurst Storm and Sanitary Capital Improvement Plan.

Due to the increase in the frequency of flooding issues (storm and sanitary), I would like to recommend the following actions be taken by the City of Elmhurst as part of a **Comprehensive Storm and Sanitary Capital Improvement Plan**:

- Sanitary Sewer Assessment performed by third party (Currently in progress)
 - o Capacity of Elmhurst Sanitary system
- Evaluate each of the Sanitary Pump Lift Stations
 - o Maximum Capacity
 - o Current Reliability
 - In-service vs. out-of-service
 - Power Source (main and backup)
- Overhead Sewer Resident survey
 - o Determine properties with/without overhead sewers
 - Recommendation to include in the City Utility Bill Mailing
- Storm Sewer Assessment performed by third party
 - o Capacity of Elmhurst Storm Water system
- Evaluate Sustainable Storm Water Management alternatives

- A Comprehensive City of Elmhurst Storm and Sanitary Capital Improvement Plan.

Thank you for your consideration,

/s/ Michael J. Bram
Alderman, 3rd Ward

Alderman Bram moved to refer item **9a. Request for a Comprehensive City of Elmhurst Storm and Sanitary Capital Improvement Plan** to the Committee of the Whole. Alderman Hipskind seconded. Voice vote, motion carried.

Item **9a. Request for a Comprehensive City of Elmhurst Storm and Sanitary Capital Improvement Plan** was referred to the Committee of the Whole.

Alderman Kennedy stated on behalf of the Public Works and Buildings Committee (PW&B) he would like to direct City staff to take from the Utility Fund money to expedite the overhead sewer program and direct City staff to move \$200,000.

Alderman Bram, point of order, stated let's not have a debate on an issue that is going to the Committee of the Whole (COW).

Alderman Hipskind, point of clarification, stated all referrals on the agenda will go to the COW for discussion.

City Manager Borchert stated the issues regarding the flood will be COW. He stated the overhead sewer program allows financial support to residents. He stated currently there are 35 applicants. The COW will meet to discuss the directing of funds.

Alderman Healy stated the City needs to move quickly. He stated the City Council will direct the funds to have a quick start towards a solution.

City Manager Borchert stated the City will go forward when money is available.

Alderman Mulliner reminded Council until there is a vote the money is not available.

ANNOUNCEMENTS

10. Alderman Healy announced on Thursday, August 19, 2010 he and Alderman Nybo will host a 5th Ward Town Hall Meeting with the time and location to be determined. A flyer will be distributed and email sent out once details are finalized.

City Manager Borchert announced tomorrow, August 3, 2010, mosquito control spraying will take place in the entire community.

Mayor DiCianni stated at today's ECAF Golf Outing, former Mayor Thomas D. Marcucci was honored with the Friends of the Children Award.

Alderman Gutenkauf announced the 1st Ward email address is ward1news@comcast.net.

ADJOURNMENT

11. Alderman Healy moved to adjourn the meeting. Alderman Kennedy seconded. Voice vote. Motion carried. Meeting adjourned 9:49 p.m.

Peter P. DiCianni III, Mayor

Patty Spencer, City Clerk