

**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF ELMHURST, ILLINOIS
HELD ON TUESDAY, SEPTEMBER 7, 2010
209 NORTH YORK STREET
ELMHURST, ILLINOIS**

EXECUTIVE SESSION 6:30 P.M. – PERSONNEL

1. Executive session was called to order at 6:36 p.m. by Mayor DiCianni for the purpose of discussing Personnel.

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, Patrick Wagner

Absent: Mark A. Mulliner

Also in attendance: City Treasurer Dyer, City Attorney Storino, City Labor Attorney Durkin, City Manager Borchert, Assistant City Manager/Fire Chief Kopp, Police Chief Neubauer, Finance Director Gaston

Alderman Gutenkauf moved to convene into executive session for the purpose of discussing Personnel. Alderman Morley seconded. Roll call vote:

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

Nays: None

13 ayes, 0 nays, 1 absent
Motion duly carried

Alderman Healy moved to adjourn executive session. Alderman York seconded. Voice vote. Motion carried. Executive session adjourned at 7:28 p.m.

CALL TO ORDER/PLEDGE OF ALLEGIANCE/ROLL CALL

Attendance: 30

2. The Regular Meeting of the Elmhurst City Council was called to order by Mayor DiCianni at 7:45 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, Steve Morley, Jim Kennedy, Patrick Wagner

Absent: Mark A. Mulliner

Also in Attendance: City Treasurer Dyer, City Attorney Storino, City Manager Borchert, Assistant City Manager/Fire Chief Kopp, Police Chief Neubauer, Public Works Director Hughes

RECEIPT OF WRITTEN COMMUNICATIONS AND PETITIONS FROM THE PUBLIC

3. Two (2) items were submitted: one from each of the following:

Gilbert Fischer
586 N. Van Auken
Elmhurst, IL 60126

Submitted a letter entitled “What Happened to Democracy?”

Kathleen Sullivan
133 Pine St.
Elmhurst, IL 60126

Submitted an illustration of a pumping system.

PUBLIC FORUM

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

Spoke regarding inflation and the cost of living increases under the Obama administration.

Marilyn Thompson
9 Willow Tree Ct.
Elmhurst, IL 60126

Spoke regarding DuPage County requirements for water retention and storm water and how it affects the Atrium. She spoke of the new construction of town houses next to the Atrium and the affect they could have.

Emily Moran
370 N. Fenrdale
Elmhurst, IL 60126

Signed in but was not present to speak.

JoAnn Steward
1038 Sunset
Elmhurst, IL 60126

Spoke regarding flooding and Salt Creek. She stated the key is open land and asked for development in south Elmhurst to stop.

John Reboletti
625 Gladys Ave.
Elmhurst, IL 60126

Spoke regarding raising the sewer tax and raising taxes on almost everything, stating Seniors are on Social Security and a small pension. He stated when he moved to Elmhurst years ago there were no drains, only culverts.

Kevin Kolin
133 Pine St.
Elmhurst, IL 60126

Spoke regarding flooding on July 24th and the overhead sewer systems. He asked Council to look at a comprehensive plan before any other actions are taken. He suggested the City appoint Dr. Burke Flood Czar.

Kathleen Sullivan
133 Pine St.
Elmhurst, IL 60126

Spoke regarding flooding, illustrating pumping and asked Council not to approve money for overhead sewers until relief is taken off of the system.

Tamara Brenner
137 N. Caroline Ave.
Elmhurst, IL 60126

Spoke regarding calling a lobbyist a Professional Advocate, further stating the need to hire a lobbyist is constantly changing. She referred to item 6, Committee Reports, on tonight's agenda there is a minority report but no actual committee report to vote on.

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

Spoke regarding the flooding and overhead sewers. He stated the Council has said they do not know too much about sewers and asked Council until they understand the problems not to vote to allocate money to overhead sewers. He asked how can helping 70 households resolve their flooding issue help resolve the entire problem. He told Council they need to understand the problem before they try to solve it.

Phyllis Carroll
207 Fairfield
Elmhurst, IL 60126

Expressed her love for the City of Elmhurst and thanked the City staff, Elmhurst Historical Museum and Tom Borchert for the good job they do. Ms. Carroll stated in her opinion the positions of Fire Chief and Assistant City Manager should be separate full-time jobs as it could be a conflict of interest. She stated Elmhurst has the 4th lowest taxes in DuPage County, telling Council do not be afraid of raising taxes.

Darlene Heslop
200 N. Michigan
Elmhurst, IL 60126

Spoke regarding information on flooding and speculation vs. fact. She spoke of the lack evidence on positives of overhead sewers.

Chris Cerasoli
172 N. Myrtle Ave.
Elmhurst, IL 60126

Spoke regarding using check valves instead of trying to solve problems with overhead sewers.

CONSENT AGENDA

5. The following items on the Consent Agenda were presented:
 - a. MINUTES OF THE REGULAR MEETING HELD ON MONDAY, AUGUST 16, 2010 (City Clerk Spencer): Approve as published
 - b. MINUTES OF THE EXECUTIVE SESSION MEETING HELD ON MONDAY, AUGUST 23, 2010 (City Clerk Spencer): Receive and place on file
 - c. ACCOUNTS PAYABLE – AUGUST 31, 2010, TOTAL \$ 3,140,036.45
 - d. APPOINTMENTS TO THE ELMHURST SENIOR CITIZENS COMMISSION – HALLER & MORAN (Mayor DiCianni): Concur with the Mayor's recommendation

August 12, 2010

To: Members of the City Council
Re: Appointments to the Elmhurst Senior Citizens Commission – Haller and Moran

With your advice and consent, I will appoint Emily Calvert Moran and Grayson Haller to the Elmhurst Senior Citizens Commission for terms to expire on April 30, 2012.

Respectfully submitted,
/s/ Peter P. DiCianni, III
Mayor

- e. APPOINTMENT TO THE ELMHURST LIBRARY BOARD – VANEK (Mayor DiCianni): Concur with the Mayor's recommendation

August 12, 2010

To: Members of the City Council
Re: Appointment to the Elmhurst Library Board

With your advice and consent, I will appoint Jan Vanek to the Board of Trustees of the Elmhurst Public Library for a term to expire on July 1, 2013.

Respectfully submitted,
/s/ Peter P. DiCianni, III
Mayor

- f. LIQUOR LICENSE REQUEST – RENDEZVOUS (City Manager Borchert): Refer to the Public Affairs and Safety Committee

August 23, 2010

To: Mayor DiCianni and Members of the City Council
Re: Liquor License Request - Rendezvous

Attached please find a request from a new business, Archipelago LLC, d/b/a Rendezvous wherein they advise of their intent to follow proper City of Elmhurst process for approval of a City liquor license for 108 S. York Street.

Therefore, it is respectfully requested that the City Council authorize the Public Affairs and Safety Committee to consider increasing the Elmhurst Municipal Code authorized number of liquor licenses in the category of B which would, if approved, allow Rendezvous, 108 S. York St., to be considered for a liquor license.

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

- g. BENSENVILLE FIRE PROTECTION DISTRICT #1 AND FIRE DEPARTMENT SERVICES TO THE COUNTRY CLUB HIGHLANDS UNINCORPORATED AREA SOUTH OF GRAND AVENUE (City Manager Borchert): Refer to the Public Affairs and Safety Committee

September 2, 2010

To: Mayor DiCianni and Members of the City Council
Re: Bensenville Fire Protection District #1 and Fire Department Services to the Country Club Highlands Unincorporated Area South of Grand Avenue

It is respectfully requested that the attached materials be forwarded to the Public Affairs and Safety Committee for their review and recommendation for the City Council relative to a necessary enabling Special Service Area to finance their contract Fire Department services. It is important that the enabling Special Service Area be implemented promptly to allow for a December tax levy.

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

- h. ADELAIDE PARKING DECK CHANGES – ALDERMAN NYBO (City Manager Borchert): Refer to the Public Affairs and Safety Committee

September 2, 2010

To: Mayor DiCianni and Members of the City Council
Re: Adelaide Parking Deck Changes – Alderman Nybo

It is respectfully requested that the attached request from Alderman Nybo regarding staff-proposed changes to the parking designations in the Adelaide Parking Deck be referred to the Public Affairs and Safety Committee for evaluation and recommendation back to the City Council.

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

- i. PRIVATE PROPERTY STORMWATER PROTECTION PROGRAM – ALDERMEN YORK & HIPSKIND (City Manager Borchert): Refer to the Finance, Council Affairs and Administrative Services Committee

August 27, 2010

To: Mayor DiCianni and Members of the City Council
Re: Private Property Stormwater Protection Program – Ald. York & Ald. Hipskind

It is respectfully requested that the attached request for a review of the creation and implementation of a Private Property Stormwater Protection Program 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

- j. REPORT – 2010 SIDEWALK REPLACEMENT PROGRAM The following report of the Public Works and Buildings Committee was presented for passage:

August 23, 2010

TO: Mayor DiCianni and Members of the City Council
RE: 2010 Sidewalk Replacement Program

The Public Works and Buildings Committee met on Monday, August 23, 2010 to review bids for the 2010 Sidewalk Replacement Program. The bids received are summarized on Attachment “A”.

The work in general consists of the removal and replacement of existing sidewalk and curb and gutter and the installation of new sidewalk at various locations throughout the City. This is a program where the City is responsible for 100% of the expense to replace hazardous public sidewalk.

Strada Construction, Inc. of Addison, Illinois submitted the lowest responsible bid and has met all of the bidding requirements. Strada’s bid was \$48,817.00. Strada Construction Inc. successfully completed the City of Elmhurst’s 2009 Sidewalk Replacement Program and had completed similar work previously for the City of Park Ridge, Village of North Riverside and City of West Chicago in a satisfactory manner as well.

Monies have been provided in the FY 2010/11 budget in the amount of \$50,000 in account number 110-6041-432-30-70.

It is, therefore, the recommendation of the Public Works and Buildings Committee that the bid from the lowest responsible bidder, Strada Construction, Inc., in the amount of \$48,817.00 be accepted and the City Attorney be authorized to draft a resolution for approving a contract with Strada Construction, Inc.

Respectfully submitted,
Public Works and Building Committee
/s/ Jim Kennedy
Chairman
/s/ Michael J. Bram
Vice-Chairman
/s/ Pat Shea
/us/ Chris Healy

- k. REPORT – MOTOR FUEL TAX APPROPRIATIONS The following report of the Public Works and Buildings Committee was presented for passage:

August 23, 2010

To: Mayor DiCianni and Members of the City Council
RE: Motor Fuel Tax Program Appropriations

The Public Works and Buildings Committee met on Monday, August 23, 2010 to discuss the Illinois Department of Transportation (IDOT), Division of Highways Motor Fuel Tax (MFT) appropriations.

The Motor Fuel Tax Program allows for funds to be appropriated to labor costs that are associated with street maintenance. Applicable use of these funds would be for the repair of asphalt and concrete streets, inlet work, street sweeping, curb and gutter repair, crackfilling operations, and sign/stripping maintenance. Appropriate uses also include electrical related operations in the City right-of-way such as repair and maintenance to streetlighting, light poles and traffic signals and associated wiring.

The MFT Program runs on a calendar year basis while the City's fiscal year is May 1 through April 30. Because of this the MFT allocations may only be made for the current calendar year. Therefore, the City must appropriate the dollars two times per year, once for the period covering January 1 through April 30 and again for the period of May 1 to December 31.

The monies allocated, and the corresponding accounts are summarized in "Attachment A". A copy of the appropriate resolutions is attached.

It is, therefore, the recommendation of the Public Works and Buildings Committee that the resolutions to appropriate Motor Fuel Tax Funds for Labor as outlined in "Attachment A" be approved.

Respectfully submitted,
Public Works and Building Committee

/s/ Jim Kennedy
Chairman

/s/ Michael J. Bram
Vice-Chairman

/s/ Pat Shea

/us/ Chris Healy

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

August 24, 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.

On August 23, the Committee again discussed the request for additional members to the Economic Development Commission (EDC). A DPZ Committee report dated July 13, 2010, recommended approval of an additional three (3) members to the EDC and an additional ex-officio member from the DPZ Committee. A draft Ordinance (MCO 24) was presented to City Council on August 2, 2010 that included language about the City Manager, or his designee, being an ex-officio member as well. This language was added to replace current language in Section 4.04 of the Municipal Code that states "The Planning, Zoning and Economic Development Director, ex-officio" with "the City Manager or his designee".

The EDC Commission will, therefore, consist of twelve (12) members and two (2) ex-officio members, one from the DPZ Committee and the City Manager or his designee.

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 and a City Staff member (the City Manager or his designee) 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

- m. REPORT – TIMOTHY CHRISTIAN SCHOOLS – REQUEST FOR EXTENSION The following report of the Development, Planning and Zoning Committee was presented for passage:

August 24, 2010

TO: Mayor DiCianni and Members of the City Council

RE: Timothy Christian Schools – Request for Extension

Request for a six month extension of the Conditional Use approved by Ordinance ZO-01-2009, for the property known as 188 W. Butterfield Road.

The Development, Planning and Zoning Committee met on August 23, 2010 to discuss this request. The Committee reviewed the letter dated August 12, 2010 from the Applicant requesting a 6-month extension. The letter indicates that the Timothy Christian School additions (approved by Ordinance ZO-01-2009) are not substantially underway at this time due to economic conditions and a change in the position of Superintendent. This is the third request for a six (6) month time extension; the Applicant requested the first six (6) month extension in September, 2009. This extension was granted by City Council as Ordinance ZO-07-2009. The Second extension was granted by City Council on March 15, 2010 as Ordinance ZO-03-2010.

The Committee discussed this matter and the conditions associated with the request. 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. The Applicant stated that there are no changes to the approved Conditional Use plans; the request is a result of a delay in funding.

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

- n. O-42-2010 – AN ORDINANCE AUTHORIZING THE SALE BY AUCTION OF PERSONAL PROPERTY OWNED BY THE CITY OF ELMHURST

Ordinance O-42-2010 was presented for passage.

- o. MCO-26-2010 – AN ORDINANCE TO AMEND SECTION 4.18 ENTITLED “BOARDS AND COMMISSIONS” OF THE MUNICIPAL CODE OF THE CITY OF ELMHURST, ILLINOIS

Ordinance MCO-26-2010 was presented for passage.

Alderman Shea pulled item **5l. Report – Strategic Plan for Economic Development** from the Consent Agenda. Alderman Wagner pulled item **5o. MCO-26-2010 – An Ordinance to Amend Section 4.18 Entitled “Boards and Commissions” of the Municipal Code of the City of Elmhurst, Illinois** from the Consent Agenda.

Alderman Gutenkauf moved to approve the contents of the Consent Agenda less items **5l. Report – Strategic Plan for Economic Development** and **5o. MCO-26-2010 – An Ordinance to Amend Section 4.18 Entitled “Boards and Commissions” of the Municipal Code of the City of Elmhurst, Illinois**. Alderman York seconded. Roll call vote:

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

Nays: None

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

Alderman Morley moved to approve item **5l. Report – Strategic Plan for Economic Development**. Alderman Shea seconded.

Alderman Morley stated this recommendation is to authorize three (3) additional members to the Economic Development Commission (EDC), a member of the Development, Planning and Zoning Committee and a City staff members (the City Manager or his designee).

Alderman Shea stated she pulled item **5l. Report – Strategic Plan for Economic Development** to request that the City staff designee be a salaried employee, not a consultant who is paid hourly.

City Manager Borchert stated Mr. Bartles is best representative of the City at the meetings to offer help and guidance as a consultant since the City no longer has a full-time Economic Development employees on staff.

Discussion ensued on whether or not a salaried staff person or a paid consultant serves the City better on a non-paid commission.

Alderman Pezza moved to amend the main motion to require the City Manager’s designee be a salaried City staff member. Alderman Shea seconded.

Alderman Morley, point of order, is the motion in valid and in order?

City Attorney Storino stated the amendment can be made on the ordinance. He stated the Chairman of the committee could call for an up/down vote for the committee report.

Alderman Morley stated he would take the advice of the Chair.

Mayor DiCianni stated to allow the amendment at the ordinance level.

Alderman Nybo, point of clarification on the ruling, stating he wasn’t sure of its validity.

Discussion resumed on the point of clarification on the amended motion.

Alderman Morley withdrew his point of order to debate the amended motion.

Discussion resumed.

Alderman Rose moved to call the question on the amended motion.

Roll call vote to amend the main motion to require the City Manager’s designee be a salaried City staff member:

Ayes: Pezza, Shea,

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

Results: 2 ayes, 11 nays, 1 absent
Motion failed

Roll call vote on item **5l. Report – Strategic Plan for Economic Development:**

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

Nays: Shea, Pezza

Results: 11 ayes, 2 nays, 1 absent
Motion duly carried

Alderman Wagner moved to pull item **5o. MCO-26-2010 – An Ordinance to Amend Section 4.18 Entitled “Boards and Commissions” of the Municipal Code of the City of Elmhurst, Illinois** back to the Public Affairs and Safety Committee. Alderman Healy seconded. Voice vote, motion carried.

Mayor DiCianni stated before discussing Committee Reports he would like to recognize two (2) newly appointed Senior Commissioners, Mr. Haller and Ms. Moran and new Library Board Commissioner Jan Vanek. He thanked them for their willingness to serve.

COMMITTEE REPORTS

6. MOTION TO ALLOCATE FUNDS TO THE OVERHEAD SEWER PROGRAM

1. DEFERRED MOTION

From Minutes of Committee of the Whole Meeting Monday, August 16, 2010:

Roll call vote to direct staff to allocate \$450,000 to the overhead sewer program:

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

Nays: **Mulliner, Gutenkauf, Pezza, Shea, Bram**

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

From the Minutes of the City Council Meeting on Monday, August 16, 2010:

Alderman Healy moved to put item **5a. Motion to Allocate Funds to the Overhead Sewer Program** on the floor. Alderman Wagner seconded.

Alderman Mulliner moved to defer item **5a. Motion to Allocate Funds to the Overhead Sewer Program** until the next Council meeting so that he could prepare a minority report. Alderman Gutenkauf seconded.

2. MINORITY REPORT

August 24, 2010

To: Mayor DiCianni and Elmhurst City Council,
Re: Overhead Sewer Program - Minority Report

On August 16, 2010, the Elmhurst City Council met as a Committee of the Whole to discuss a series of recommendations related to recent flooding in Elmhurst. The COW recommended diverting \$450,000 from the Municipal Utility Fund to the overhead sewer program. The overhead sewer program reimburses homeowners 50% of the cost or \$5,000 whichever is lower, of the cost the installation of an overhead sewer. This funding is intended to assist 90 homeowners.

While we recognize the efficacy of overhead sewers, we believe a thorough analysis of other options to reduce storm water, and therefore sanitary, incursions must be conducted prior to redirecting funds.

First and foremost the City Council must understand the varied components of Elmhurst's flooding problems and then must address these issues to benefit the greatest number of residents. Three primary issues played into flooding that occurred both this summer and over the past 10 years: storm water management, sanitary wastewater management, and power losses. Each issue needs at

least a preliminary evaluation and must be prioritized before we move forward. It is clear that residents and businesses were affected by storm water flooding, not sanitary sewer backups alone.

Based on presentations by Dr. Christopher Burke and Elmhurst Public Works Director Mike Hughes, it is clear the installation of additional overhead sewer program is not the best, most effective, or cost conscious way to keep clean water from entering Elmhurst's sanitary sewer. Both engineers advocated for a solution that incorporates residential overhead sewers with other measures, including evaluations of the sanitary sewer system for large scale infiltration and inflow or site specific failures.

Given Elmhurst's financial condition, we have a heightened responsibility to spend prudently. Using MUF funds for any one particular program without a clear understanding of our alternatives and their costs, does not meet the Council's fiduciary responsibility. We have an obligation to expend funds responsibly and an approach that only helps a fraction of residents when other solutions may be available is not in the best interests of all.

Until we have evaluated and subsequently eliminated other solutions, including slip-lining or replacing lateral sewers and main sewers, smoke testing to determine storm water incursion locations, sump pump disconnect programs, and the like, we cannot determine that using MUF dollars for this program is the highest and best use of these funds. This program must be set aside until we can proceed with storm water comprehensive planning to determine how to use city dollars in the most cost effective way.

Therefore, it is the recommendation of the Committee of the Whole that no action be taken to redirect funding to the Overhead Sewer Program until the comprehensive study has been completed and an appropriate funding level determined.

Respectfully submitted,
COMMITTEE OF THE WHOLE

/s/ Diane Gutenkauf

/s/ Paula Pezza

/s/ Pat Shea

/s/ Michael Bram

/s/ Mark A. Mulliner

Mayor DiCianni asked City Manager Borchert to give a brief overview of the overhead sewer program before a motion is put in place.

City Manager Borchert began by stating the Council and press have received a hard copy and it will be put on the City website as well. The City Manager gave a PowerPoint presentation on a glossary of terms pertaining to sewer systems and a review of the overhead sewer program.

Alderman Bram, point of order, stated he is not sure what to make of the deferred motion. He stated this is out of the ordinary and asked what is the motion.

Discussion ensued.

Alderman Rose, point of order, asked if there was a motion on the floor.

City Attorney Storino stated a motion is not currently on the floor but a motion should be put on the floor.

Alderman Kennedy moved to approve the deferred **Motion to Allocate Funds to the Overhead Sewer Program** from the August 16, 2010 City Council meeting. Alderman Hipskind seconded.

Alderman Gutenkauf, point of information, asking what exactly did Aldermen Kennedy and Hipskind move and second.

Mayor DiCianni replied this is a motion continued to allocate funds to the overhead sewer program.

Alderman Bram stated there isn't any committee report.

City Clerk Spencer read the report dated August 10, 2010 signed by Public Works Director Hughes and City Manager Borchert.

Alderman Kennedy reviewed the recommendations from the report.

Discussion ensued.

Alderman Kennedy stated he would support the recommendation of the motion.

Discussion ensued.

Alderman Gutenkauf moved to substitute the motion on the floor with the minority report. Alderman Bram seconded.

Discussion ensued.

Alderman Nybo asked City Attorney Storino if the minority report is in violation of the Open Meetings Act (OMA) as there were five (5) signatures on the minority report and if they discussed the report at the same time it could be in violation of the OMA.

City Attorney Storino stated it cannot be confirmed if the signatories discussed the report.

Alderman Gutenkauf, point of order, is Alderman Nybo's question an accusation of an infraction of the OMA? She stated Council is off topic.

Alderman Nybo asked for an answer to his question.

City Attorney Storino stated if 5 aldermen discussed the minority report together without notice it would be a violation of OMA.

Alderman Nybo stated this could be a violation.

Alderman Bram stated emotions are taking over common sense for the overhead sewers. He stated the Council is being asked to solve a problem with lack of data to help make a decision. He repeated, make the discussion on facts not emotion.

Discussion ensued.

Alderman Gutenkauf, point of information, pointed out all issues addressed in the minority report came from discussion in an open meeting.

Discussion resumed.

Alderman Rose moved to call the question.

Roll call vote to substitute the motion on the floor with the minority report:

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

Nays: Gutenkauf, Bram, Pezza, Shea

Results: 4 ayes, 9 nays, 1 absent
Motion failed

Alderman Gutenkauf moved to amend the motion to include 50/50 cost share of check valves and 50/50 cost share for lateral drain inspections. Alderman Shea seconded.

Alderman Nybo asked if the amended motion is out of order.

City Attorney Storino replied there would have to be another amendment for it to be out of order.

Discussion ensued.

Alderman Wagner asked City Manager Borchert if the Comprehensive Plan and RFQ are being prepared.

Alderman Rose, point of order, does this apply to the motion on the floor?

Mayor DiCianni replied yes to Alderman Wagner's question.

City Manager Borchert stated item agenda item **9a. R-46-2010 – A Resolution to Approve and Authorize the Execution of a Professional Construction Engineering Services Agreement By and Between Christopher B. Burke Engineering, Ltd. and the City of Elmhurst** deals with the comprehensive plan.

Alderman Wagner moved to call the question.

Roll call vote to amend the motion to include 50/50 cost share of check valves and 50/50 cost share for lateral drain inspections:

Ayes: Gutenkauf

Nays: Shea, Leader, Rose, Bram, Hipkind, York, Nybo, Healy, Morley, Kennedy, Wagner, Pezza

Results: 1 ayes, 12 nays, 1 absent
Motion failed

Roll call vote on the main motion to allocate funds to the overhead sewer program:

Ayes: Hipkind, York, Nybo, Healy, Morley, Kennedy, Wagner, Leader, Rose

Nays: Gutenkauf, Bram, Pezza, Shea

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

Alderman Hipkind, point of order, the order in which Aldermen were called for the roll call vote was out of order, for the record he would like it noted for the record, Alderman Kennedy moved and he seconded the motion to allocate funding to the overhead sewer program.

REPORTS AND RECOMENDATIONS OF APPOINTED AND ELECTED OFFICIALS

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

Mayor DiCianni reported the average household is receiving as much as \$2,400 from FEMA. He stated in our region 17,000 homes have applied thus far. He stated the application process can be completed with FEMA online, by phone (800)621-3362 or at a Disaster Recovery Center, of which the closest to Elmhurst is located at St. Joseph's High School in Westchester.

Mayor DiCianni stated FEMA is replacing furnaces, washer/dryers and structural damage to garden apartments. He stated low interest loans are being offered. Mayor DiCianni thanked FEMA, IEMA and the Office of Homeland Security for their help. The Mayor cautioned residents to check identification of anyone coming to their door claiming to be FEMA representatives.

Alderman Morley asked residents and small business owners to please contact FEMA directly for aid either online or at (800)621-3362 or (800)659-2555 for small business associations.

The Mayor reminded everyone that there is another thirty (30) days to apply for aid from FEMA.

b. CITIZEN SURVEY OVERVIEW & BUDGET PLANNING CALENDAR (City Manager Borchert)

City Manager Borchert provided Council with a hard copy of a PowerPoint presentation entitled *2010 Citizen Survey Report 2011-12 Budget Schedule*.

Mayor DiCianni asked City Manager Borchert if the overview of the Citizen Survey and Budget Planning Calendar could be postponed until the next Council meeting.

City Manager Borchert stated the results of the survey will be put on the City website. He pointed out that the budget timeline and the goals from the Council are due by late October.

Mayor DiCianni stated there was over a 50% response rate on the Citizen Survey. He further stated that people want City services to continue.

c. 2011 LOCAL ELECTION INFORMATION (Clerk Spencer)

City Clerk Spencer announced packets for the April 5, 2011 Consolidated Election will be available for pick-up from the City Clerk in the Administration Office. She stated there will be seven (7) aldermanic seats up for election, one from each of the seven wards.

Clerk Spencer stated the first date for candidates to circulate petitions for candidacy is Tuesday, September 21, 2010. Candidate filing will take place Monday, December 13 thru Monday, December 20, 2010.

The City Clerk stated additional information will be posted online as it becomes available or interested parties can sign-up for Election Information under Notify Me on the City homepage.

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.

Alderman Hipskind moved to approve 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 Kennedy seconded.

Alderman Kennedy moved to amend 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”** to allocate for a separate account for stormwater system improvements. Alderman Hipskind seconded.

Alderman Bram, point of order, can you specify use of dollars from the General Fund?

City Attorney Storino replied the Council can earmark funds in the General Fund.

Discussion ensued on the amended motion to allocate or earmark funds for a particular program.

Alderman Nybo, point of clarification, is this to Section 37.61 and does it need to be indicated by another motion?

City Attorney Storino stated another amendment is not required.

Discussion resumed.

Alderman Gutenkauf asked what part of the budget will take a hit if these funds are allocated to stormwater systems?

City Manager Borchert stated the end of the 1st Quarter General Fund Balance projected good news. He stated the receipts make a positive source of revenue. He stated there is a desire to spend money on stormwater projects.

Discussion ensued.

Alderman Morley moved to call the question.

Roll call vote to amend 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”** to allocate for a separate account for stormwater system improvements:

Ayes: Kennedy, Hipskind, York, Nybo, Healy, Wagner, Pezza, Leader

Nays: Morley, Gutenkauf, Shea, Bram

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

Roll call vote to approve 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”:**

Ayes: Hipskind, Kennedy, Wagner, Pezza, Leader, York, Nybo, Healy

Nays: Gutenkauf, Shea, Bram, Morley

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

RESOLUTIONS

9. a. R-46-2010 – A RESOLUTION TO APPROVE AND AUTHORIZE THE EXECUTION OF A PROFESSIONAL CONSTRUCTION ENGINEERING SERVICES AGREEMENT BY AND BETWEEN CHRISTOPHER B. BURKE ENGINEERING, LTD. AND THE CITY OF ELMHURST

Resolution R-46-2010 was presented for passage.

Alderman Healy moved to approve item **9a. R-46-2010 – A Resolution to Approve and Authorize the Execution of a Professional Construction Engineering Services Agreement By and Between Christopher B. Burke Engineering, Ltd. and the City of Elmhurst.** Alderman Wagner seconded.

Alderman Gutenkauf stated, on page 12 there is a reference to Dr. Burke leading all presentations and workshops at a fee of \$7,500, why is the amount so high? She stated Alderman Rose’s motion at the last Committee of the Whole (COW) meeting dictated the amount be lower.

City Manager Borchert stated the reference on page 12 does not involve Dr. Burke making presentations, City staff will work with his firm.

Mayor DiCianni stated this will allow fresh eyes to look at the situation.

Alderman Pezza stated the dollar amount from the Alderman Rose’s motion was \$3,000 - \$4,000 for the consultation portion of the contract. She stated that was the will of the Council and asked why and how did that change.

City Manager Borchert stated Dr. Burke must prepare the materials and an analysis of Elmhurst’s Standard Practices.

Alderman Pezza asked if the Council must revote based on what was explained by the City Manager.

City Attorney Storino replied this is the actual document.

Alderman Bram read the minutes from the August 30, 2010 COW meeting highlighting the motion by Alderman Rose. He expressed his concerns on Dr. Burke attending Ward Town Hall meetings.

Alderman Bram moved to amend the motion by Alderman Healy to include in Task 2: no greater than \$4,000 and in Task 4: remove “or other meetings with elected officials.”

Alderman Wagner, point of clarification, how many workshops are planned?

City Manager Borchert replied four (4) workshops: Sanitary Sewers, Storm Sewers, Waste Water Treatment Plant and Salt Creek.

Mayor DiCianni stated if staff thinks the money allotted for Task 2 should be more than the Alderman Rose amended amount of no more than \$3,000 - \$4,000, than he thinks staff should be allowed to do their job.

Alderman Morley, point of order, Alderman Bram's motion requires a second.

Alderman Pezza seconded Alderman Bram's motion.

Alderman Pezza stated \$3,000 - \$4,000 was the will of the Council and she supports the amendment to reflect these figures. Alderman Pezza stated Alderman Rose's motion passed unanimously, it is the will of the Council.

Discussion ensued regarding the amount listed in the resolution \$7,500 vs. the amount stated in Alderman Rose's motion from August 30th of no more than \$3,000-\$4,000.

Alderman Morley proposed Council compromise by taking Task 2 to \$4,000 and keeping Task 4 as written.

Discussion ensued.

Alderman Bram agreed to the compromise proposed by Alderman Morley, Alderman Pezza seconded.

Alderman Morley moved to call the question.

Alderman Healy challenged the calling of the question.

Mayor DiCianni allowed for more discussion.

Discussion continued.

Alderman Wagner moved to call the question.

Roll call vote to amend item **9a. R-46-2010 – A Resolution to Approve and Authorize the Execution of a Professional Construction Engineering Services Agreement By and Between Christopher B. Burke Engineering, Ltd. and the City of Elmhurst** to set the dollar amount listed for Task 2 at \$4,000:

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

Nays: Healy

Results: 10 ayes, 1 nays, 3 absent
Motion duly carried

Roll call vote on item **9a. R-46-2010 – A Resolution to Approve and Authorize the Execution of a Professional Construction Engineering Services Agreement By and Between Christopher B. Burke Engineering, Ltd. and the City of Elmhurst:**

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

Nays: None

Results: 11 ayes, 0 nays, 3 absent
Motion duly carried

OTHER BUSINESS

10. Alderman Pezza stated the residents are pleased with the FEMA representatives and FEMA commented on how great the people of Elmhurst are to work with.

Alderman Pezza asked when a reverse 911 call is made, what phone number will appear on the caller identification?

Mayor DiCianni replied it will either be extension 3011 or any City extension.

ANNOUNCEMENTS

11. Alderman Wagner announced there will be a Ward 7 Town Hall Meeting on September 8, 2010 at the Community Bank at Spring & Butterfield Roads at 7:30 p.m.

Alderman York reported Lucky Motors sold sixty (60) cars during the month of August. He stated Jersey Mike's has opened their third Chicagoland location in Elmhurst and according to their manager it was the largest of the Grand Openings.

Alderman Morley thanked everyone who attended their 6th Ward Town Hall Meeting. Another meeting will be scheduled soon.

City Manager Borchert stated the ribbon cutting for the Larch Avenue parking deck will take place tomorrow morning.

City Clerk Spencer announced there was a scrivener's error in the Front Porch newsletter in regards to Early Voting. The last day to Early Vote for the General Election November 2, 2010 is Thursday, October 28, 2010.

City Manager Borchert stated he will review Task 3 and 5 from the Burke Proposal and asked Council to submit any recommendations for an engineering consultant.

Mayor DiCianni announced that the *Brianna Walk to Talk* will take place on Sunday, September 12, 2010 at 10:00 a.m. in Berens Park. He invited the community to come out and walk for a great cause.

Alderman Bram asked, will Council convene as a Committee of the Whole (COW) tonight?

Mayor DiCianni stated consensus is that flooding was covered sufficiently tonight. He stated for future Council meeting nights storm/flood status updates can be placed as a line item on the agenda.

Alderman Pezza asked for a line item stating Storm Updates stating that way Council and the Public will know it is being discussed.

Mayor DiCianni agreed.

Alderman Pezza stated she would like to know when the Storm/Flood workshops will begin.

Alderman Morley asked, as to the Open Meetings Act, does Council need to conduct the COW meeting tonight.

City Attorney Storino replied yes, have the meeting as posted.

ADJOURNMENT

12. Alderman York moved to adjourn the meeting. Alderman Morley seconded. Voice vote. Motion carried. Meeting adjourned 11:40 p.m.

Peter P. DiCianni III, Mayor

Patty Spencer, City Clerk