

**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF ELMHURST, ILLINOIS
HELD ON MONDAY, SEPTEMBER 20, 2010
209 NORTH YORK STREET
ELMHURST, ILLINOIS**

EXECUTIVE SESSION 6:30 P.M. – LAND ACQUISITION & LAND DISPOSITION

1. Executive session was called to order at 6:35 p.m. by Mayor DiCianni for the purpose of discussing Land Acquisition and Land Disposition.

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

Absent: Pat Shea (arrived 6:55 p.m.), Susan J. Rose (arrived at 6:37 p.m.), Stephen Hipskind, Chris Nybo

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

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

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

Nays: None

10 ayes, 0 nays, 4 absent

Motion duly carried

Alderman Wagner moved to adjourn executive session. Alderman Rose seconded. Voice vote. Motion carried. Executive session adjourned at 7:35 p.m.

CALL TO ORDER/PLEDGE OF ALLEGIANCE/ROLL CALL

Attendance: 70

2. The Regular Meeting of the Elmhurst City Council was called to order by Mayor DiCianni at 7:49 p.m.

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

Absent: Stephen Hipskind

Also in Attendance: City Treasurer Dyer, City Attorney Storino, City Manager Borchert, Assistant City Manager/Fire Chief Kopp, Police Chief Neubauer, Deputy Police Chief Panico, Deputy Police Chief Buenz

SWEARING IN OF POLICE DEPARTMENT PERSONNEL – DEPUTY POLICE CHIEF DANIEL BUENZ AND SERGEANT MICHAEL CAMPISE

3. Mayor DiCianni joined Police Chief Neubauer at the podium to swear in Michael Campise and Daniel Buenz to their newly promoted positions.

The Mayor swore in Sergeant Michael Campise. Sergeant Campise thanked the Police Department and his family.

Mayor DiCianni swore in Deputy Police Chief Daniel Buenz. Deputy Chief Buena thanked the City and stated he looks forward to filling the job of his predecessor.

RECEIPT OF WRITTEN COMMUNICATIONS AND PETITIONS FROM THE PUBLIC

4. A letter for Mayor DiCianni regarding speeding in north Elmhurst and the need for sidewalks in their neighborhood, was submitted by C.J. Cote & A.J. Muñoz, of 775 Emroy Ave. and 721 N. Van Auken respectively, Elmhurst, IL 60126.

PUBLIC FORUM

5. Lisa Barnhart
201 N. Oak St.
Elmhurst, IL 60126

Spoke regarding the Churchville One Room Schoolhouse Grand Opening, inviting the public to attend a reception on Sunday, September 26, 2010. A private reception and ribbon cutting will be held from 4-6 p.m. on September 23, 2010. She stated the One Room Schoolhouse allows you to experience what life was like at a different point in history, tours will begin in Spring 2011.

C.J. Cote A.J. Munoz
775 Emroy Ave. 721 N. Van Auken
Elmhurst, IL 60126 Elmhurst, IL 60126

Spoke regarding traffic in their neighborhood and the need for sidewalks on the northside of Elmhurst to keep people safe.

Todd Benson
391 River Glen
Elmhurst, IL 60126

Spoke of the Graue Woods Betterment Association and their concerns regarding the need for better signage at Ferndale Ave. and Shady Lane where they intersect with North Avenue. He stated the City should do a better job maintaining those streets. He discussed the need for the Public Affairs and Safety Committee to revisit the parking lot usage at Hahn & Addison. Mr. Benson reminded everyone to shop all Elmhurst.

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

Spoke regarding the September 7th vote on the Municipal Fuel Tax ordinance stating the vote was in violation of Elmhurst Municipal Code.

Scott Thesen
107 N. Willow
Elmhurst, IL 60126

Spoke regarding flooding due to lack of street sweeping. He asked Council to sweep bii-weekly so that leaves do not clog drains.

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

Spoke regarding the September 7th Council meeting and the approval of the Motor Fuel Tax ordinance after amending it that night, cutting the public process. She also stated the procedures that follow a motion to "call the question" are not consistent.

Kathleen Sullivan
133 Pine St.
Elmhurst, IL 60126

Spoke regarding flooding, echoing the street sweeping comments made by Mr. Thesen. She asked why there is not more communication from the City on what is happening since the flooding. She inquired why those who submitted email addresses at the Bryan Middle School meeting after the July storm event have not been receiving email updates from the City.

CONSENT AGENDA

6. The following items on the Consent Agenda were presented:
- a. MINUTES OF THE REGULAR MEETING HELD ON TUESDAY, SEPTEMBER 7, 2010 (City Clerk Spencer): Approve as published

- b. MINUTES OF THE EXECUTIVE SESSION MEETING HELD ON TUESDAY, SEPTEMBER 7, 2010 (City Clerk Spencer): Receive and place on file
- c. ACCOUNTS PAYABLE – SEPTEMBER 20, 2010 TOTAL \$ 1,039,417.99
- d. BID RESULTS, 2010 SIDEWALK SLABJACKING PROGRAM (City Clerk Spencer): Refer to the Public Works and Buildings Committee

September 16, 2010

TO: Mayor DiCianni and Members of the City Council

RE: Bid Results, 2010 Sidewalk Slabjacking Program

In response to an invitation to bid for the City of Elmhurst 2010 Sidewalk Slabjacking Program Project No. 10-08 advertised in the Elmhurst Independent on Wednesday, August 25, 2010, bids were received from two contractors.

Bids were opened at 10:00 a.m. on Tuesday, September 7, 2010 by the City Clerk. The following is a summary of the bids received:

<u>Contractor</u>	<u>Total Cost</u>	<u>Bid Package Complete</u>
Advantage 2 Concrete Raising (Aurora, IL)	\$14,000	Yes
AAA Concrete Raising (Inverness, IL)	\$14,000	Yes

Respectfully submitted,

/s/ Patty Spencer

City Clerk

- e. REPORT – WEST ELEVATED INTERIOR WET PAINTING & EXTERIOR PRESSURE WASHING The following report of the Public Works and Buildings Committee was presented for passage:

September 13, 2010

To: Mayor DiCianni and Members of the City Council

Re: West Elevated Tank Interior Wet Painting & Exterior Pressure Washing

The Public Works and Buildings Committee met on September 13, 2010 to discuss bids for the painting of the interior wet portion of the West elevated water tank and pressure washing of the exterior of the tank. The interior was last painted in 1993. Since that time the paint coating has deteriorated and needs replacement.

The interior wet portion of the tank is subject to corrosion due to the wet environment. The tank has structural beams and seams that are also showing corrosion. In addition the paint has worn off due to some freezing that occurs annually. The paint that is specified for this work is a low volatile emission product that is approved for the interior of water storage tanks by the American Water Works Association and the US EPA. The tank will be taken out of service and emptied. The proposed work will include sand blasting, removal of the existing paint, painting of any structural beams and sealing between the beams and the surface of the tank wall and disinfection of the tank after the work is complete. In addition the exterior of the tank will be pressure washed to remove soot and mold that has attached itself to the surface at and below the spheroid portion of the tank.

Bids were opened on August 10, 2010 and proposals were received from five contractors. The bids are shown on Attachment "A".

Staff has checked the references provided by the apparent low bidder, Bullseye Contractors, LLC and all references report that Bullseye Contractors, LLC had not performed the type of work described in the bidding requirements. On August 12, 2010 contact was made with Bullseye

Contractors, LLC and it was discovered that Bullseye Contractors, LLC was going to hire subcontractors for the project, which is not in accordance with the bidding requirements.

Staff has checked the references provided by the second lowest bidder, Jetco, Ltd. and all references report acceptable work. Jetco has done similar work including elevated tank washing and painting as proposed in this project. Jetco's bid met all of the specified bidding requirements.

Funds for this project are budgeted in the FY 2010/11 capital expenditures budget in account number 510-6052-501-50-07 in the amount of \$95,000.

It is, therefore, the recommendation of the Public Works and Buildings Committee that the bid from Bullseye Contractors, LLC, which does not meet bid specifications, be rejected and the lowest responsible bid from Jetco, Ltd. of Prospect Heights, Illinois in the amount of \$91,880 be accepted and that the City Attorney be authorized to 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

- f. REPORT – ILLINOIS TRANSPORTATION ENHANCEMENT PROGRAM (ITEP) The following report of the Public Works and Buildings Committee was presented for passage:

September 13, 2010

To: Mayor DiCianni and Members of the City Council

RE: Illinois Transportation Enhancement Program (ITEP)

On Monday, September 13, 2010 the Public Works and Buildings Committee met to review funding applications for two projects through the Illinois Transportation Enhancement Program (ITEP). The two projects are "Elmhurst – Downtown Enhancements" and "Elmhurst – York Street at Grand Avenue Streetscape Improvements".

In the first project, the downtown enhancements proposed are for additional streetscaping and landscaping elements within the Central Business District (CBD). This project will continue the revitalization effort by completing missing segments within the downtown area.

The second project is for a beautification improvement of York Street at Grand Avenue. The work includes removing the existing 18 foot median along the south leg of York Street at Grand Avenue and replacing it with an improvement similar to the previously completed improvements by Bensenville along the north leg of the intersection. Also the existing concrete sidewalk will be replaced with pavers and a paver banding.

At this point in time, the City staff is currently making application with help from the City's transportation engineering partner, TransSystems Corporation. Part of the application process requires that the City Council pass a resolution stating that it will fund the City's share of any approved projects. A copy of each resolution and proposed project costs are attached.

It is, therefore, the recommendation of the Public Works and Buildings Committee that the City Council approve a resolution for the ITEP project of "Elmhurst – Downtown Enhancements" and the ITEP project "Elmhurst – York Street at Grand Avenue Streetscape Improvements" and that the Mayor and appropriate City officials be authorized to sign said resolutions.

Respectfully submitted,
Public Works and Building Committee

/s/ Jim Kennedy

Chairman

/s/ Michael J. Bram
Vice-Chairman
/s/ Pat Shea
/s/ Chris Healy

- g. REPORT – 2010 STREETSCAPE STREETLIGHT MATERIALS The following report of the Public Works and Buildings Committee was presented for passage:

September 13, 2010

To: Mayor DiCianni and Members of the City Council
RE: 2010 Streetscape Streetlight Materials

The Public Works and Buildings Committee met on Monday, August 23, 2010 and on September 13, 2010 to discuss expenditures for streetlight poles, arms, and luminaires for the 2010 Streetscape Project.

In an effort to realize a lower cost for purchase of these items, The City has previously purchased these items independent from the construction contract. The lighting materials specified were approved by the City's Electrical Division.

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

<u>Company</u>	<u>Total Cost</u>
Revere Electric Supply Company	\$54,307.75
Villa Park Electric Supply Company	\$55,311.90
Steiner Electric Company	\$55,452.00
Gexpro	\$55,685.89

The proposals are for the purchase of 11 poles with twin arms and luminaries and 1 pole with twin arms and luminaires and single photocell. These lighting elements will be installed on Adell Place, First Street and Park Avenue. It should be noted that the above material is not an extra to the project, but is an anticipated cost thereof. There is currently a 10-12 week delivery on the items listed above.

Monies for the purchase of these streetlight poles, arms, and luminaires have been provided in the FY 2010/2011 Budget, in account number 310-0089-461-80-24 in the amount of \$65,000.00.

It is, therefore, the recommendation of the Public Works and Buildings Committee that the proposal from Revere Electric Supply Company of Chicago, IL for the total cost of \$54,307.75 be accepted.

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

- h. REPORT – 2010 STREETSCAPE PROJECT The following report of the Public Works and Buildings Committee was presented for passage:

September 13, 2010

To: Mayor DiCianni and Members of the City Council
RE: 2010 Streetscape Project

The Public Works and Buildings Committee met on Monday, August 23, 2010 and on September 13, 2010 to discuss bids received for the 2010 Streetscape Project. The four (4) bids received from area contractors are summarized on Attachment "A".

The bids received will provide for the construction of new curb and gutter and brick paver sidewalks. In addition, this project includes the construction of tree wells and the installation of ornamental streetlights within the project limits. The locations to be streetscaped in 2010 are the south side of Park Avenue from west property line of 136 W. Park Avenue east to Adell Place, the west side of Adell Place from Park Avenue south to the Alley and the north side of First Avenue from Maple Street east to the alley.

Landmark Contractors of Huntley submitted the lowest responsible bid meeting all of the bidding requirements. Landmark Contractors has performed similar work for the City of Elgin, Village of Northbrook, Village of Glendale Heights and Illinois Department of Transportation in a satisfactory and professional manner.

Monies have been provided in the amount of \$200,000 in the FY 2010/11 budget in account number 310-0089-461-80-24.

It is, therefore, the recommendation of the Public Works and Buildings Committee that the bid from the lowest responsible bidder, Landmark Contractors, Inc., for the 2010 Streetscape Project in the amount of \$179,486.53, be accepted and the City attorney be authorized to draft a resolution for approving a contract with Landmark Contractors, Inc.

Respectfully submitted,
Public Works and Building Committee

/s/ Jim Kennedy
Chairman

/s/ Michael J. Bram
Vice-Chairman

/s/ Pat Shea

/s/ Chris Healy

- i. REPORT –AMENDMENT TO CHAPTER 51 OF THE MUNICIPAL CODE, ADDITION OF “RETAIL THEFT” The following report of the Public Affairs and Safety Committee was presented for passage:

September 13, 2010

TO: Mayor DiCianni and the Members of the City Council

RE: Amendment to Chapter 51 of the Municipal Code, Addition of “Retail Theft”

The Public Affairs and Safety Committee met on September 13, 2010, to discuss the addition of an ordinance to specifically deal with Retail Theft or Shoplifting.

Chief Neubauer reports shoplifting is a daily occurrence. Typical shoplifters range from professional criminals, to the unemployed, and to juveniles.

The City Attorney included a proposed ordinance amendment that Chief Neubauer supports.

This enhanced ordinance mirrors that criminal code to include “under-ringing, altering labels and trying to inappropriately exchange merchandise”.

Clearly, professional shoplifters and other criminals will be arrested and sent to the criminal courts. However, in dealing with juveniles, first time offenders and people motivated by hard economic times, an ordinance charge may be more appropriate.

An ordinance charge of Retail Theft will be heard at the field court in Addison. An ordinance charge is punishable by fine only and does not create a criminal history record for the offenders. An ordinance charge also saves on court costs and court appearances for the officers and witnesses as the officers already appear monthly in field court for traffic tickets.

A Retail Theft ordinance will give officers a much needed tool to help them best determine a course of action when dealing with shoplifters.

It is, therefore, the recommendation of the Public Affairs and Safety Committee that the City Council approve the ordinance amending Chapter 51, entitled "Offenses Against Public Peace, Safety and Morals" of the Municipal Code of the City of Elmhurst, Illinois, by adding thereto Section 51.23.A, entitled, "Retail Theft".

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

- j. REPORT – BENSENVILLE FIRE PROTECTION DISTRICT #1 SPECIAL SERVICE AREA OPTION The following report of the Public Affairs and Safety Committee was presented for passage:

September 13, 2010

To: Mayor DiCianni and Members of the City Council
Re: Bensenville Fire Protection District #1 Special Service Area Option

The Public Affairs and Safety Committee met September 13, 2010, to review the status of the intergovernmental agreement with Bensenville Fire Protection District (BFPD) #1 and to consider a Special Service Area option.

As the City Council will recall, in September 2009, the Council approved a six-month extension of the agreement between the City of Elmhurst and BFPD #1, to allow for a referendum to be placed on the February 2010 ballot. The referendum was to increase the tax rate for BFPD #1 to .40%, which would allow BFPD #1 to pay its fair share for fire protection and ambulance service provided by City of Elmhurst, per agreement, for the unincorporated area south of Grand Avenue. The referendum failed, and BFPD #1 requested another six-month extension, to October 31, 2010, to continue to work with the City to resolve this situation.

Based on meetings and discussions with residents of BFPD #1 in the unincorporated area south of Grand Avenue, staff believes it is their desire to both remain unincorporated and keep the Elmhurst Fire Department as their fire protection and ambulance service provider. To achieve the goals of providing service to BFPD #1 from the Elmhurst Fire Department and paying for that service per the existing agreement, staff recommends establishing Special Service Areas (SSA) for the section of BFPD #1 south of Grand Avenue. The SSA would allow the City to annually levy a property tax for the difference between the BFPD #1 tax levy, which is tax-capped, and the amount that would be required to meet the service fee obligation per the agreement, up to a maximum rate of .40%, consistent with the existing agreement.

Staff conducted a public meeting on July 20, 2010, to present and discuss the SSA option with the residents of BFPD #1, south of Grand Avenue. Staff explained that due to the tax cap, BFPD #1 was restricted in its ability to receive funds via a tax levy to meet its obligation to the City of Elmhurst per the agreement. The SSA will provide the City with a process to levy the dollars required to close the gap, if any, between the amount owed by BFPD #1 and the amount it can levy, up to a maximum rate of .40%. If the SSA had been in place for the 2009 levy, the average \$250,000 house would have paid an additional \$22.88, over and above the amount levied by BFPD #1 (see attached schedule for five-year history). Staff also explained that there is not an option to remain "as is", that the alternative to the SSA is termination of the agreement to provide service to BFPD #1.

A survey was mailed to the approximately 340 property owners in the proposed SSA, requesting a vote on whether the property owner supported creation of a SSA, or supported BFPD #1 negotiating a contract with a different fire protection district for fire protection and ambulance services after October 31, 2010. 120 surveys were returned, and the overwhelming majority (98 or 81.7%) voted in favor of creation of a SSA.

Since the portion of BFPD #1 south of Grand Avenue is unincorporated DuPage County, the DuPage County Board is required to approve a resolution allowing City of Elmhurst to establish the SSA's. Staff will work concurrently with the DuPage County Board and the City Council to establish the SSA's prior to the end of the calendar year to allow a 2010 tax levy to be filed (see attached time line). Property within a SSA must be contiguous, and the portion of BFPD #1 south of Grand Avenue is comprised of two independent sections (see attached map). Therefore, two SSA's are required, one covering the section that is primarily residential and the second covering the area that is not residential, which includes ComEd and Maywood Sportsman's Club.

Staff believes it is in the best interest of the City of Elmhurst and the residents of BFPD #1 south of Grand Avenue that the SSA's are established which will allow the Elmhurst Fire Department to continue to provide service to that area. The Public Affairs and Safety Committee concurred with staff recommendation.

It is, therefore, the recommendation of the Public Affairs and Safety Committee that the City Council approve establishing two Special Service Areas to include the two sections of the Bensenville Fire Protection District #1 south of Grand Avenue, which will allow the City of Elmhurst to annually levy a property tax for the difference between the BFPD #1 tax levy and the amount that would be required to meet the service fee obligation per the existing agreement between the City and BFPD #1. The Committee further recommends suspending the rules to allow consideration of Ordinance O-43-2010 and Ordinance O-44-2010, which propose the establishment of Special Service Area No. 16 and Special Service Area No. 17, and which provide for a public hearing for each proposed SSA.

Respectfully submitted,
Public Affairs and Safety Committee

/s/ Patrick Wagner

Chairman

/s/ Chris Nybo

Vice-Chairman

/s/ Paula Pezza

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

September 15, 2010

To: Mayor DiCianni and Members of the City Council

Re: Knights of Columbus – Oktoberfest Fundraiser

The Public Affairs and Safety Committee met on September 13, 2010 to discuss the request from the Knights of Columbus to hold an Oktoberfest Fundraiser on Saturday, September 25, 2010 from 3:00 p.m. until 11:00 p.m

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

Set up will commence at 8:00 a.m. on Saturday, September 25, 2010, with the event running from 3:00 p.m. until 11:00 p.m., with the sale of alcoholic beverages ceasing at 10:30 p.m. The venue will include a large tent covering approximately ¼ of the parking lot with beer garden and beer dispenser locations separately fenced off. Beverages will include beer, wine, soft drinks and bottled water. Food will be provided by the staff of Mama Maria's Elmhurst. Two polka bands will play in consecutive shifts.

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

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

All layout/staging plans and operational parameters will be finalized only after ongoing consultation and discussion with the approval of the Elmhurst Police, Fire and Public Works Departments. Once all approvals have been made a class "D" (Daily) liquor license will be issued for this one day event.

It is, therefore, the recommendation of the Public Affairs and Safety Committee that the City Council approve the Knights of Columbus request to hold an Oktoberfest Fundraiser in the City parking lot located behind the Knights of Columbus Hall located at Vallette and S. York Road on Saturday, September 25, 2010 from 3:00 p.m. to 11:00 p.m., with the sale of alcoholic beverages ceasing at 10:30 p.m.

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

1. REPORT – DUPAGE COUNTY INTEROPERABLE EMERGENCY DISPATCH RADIO SYSTEM The following report of the Public Affairs and Safety Committee was presented for passage:

September 13, 2010

To: Mayor DiCianni and Members of the City Council
Re: DuPage County Interoperable Emergency Dispatch Radio System

The Public Affairs and Safety Committee met on September 13, 2010 to discuss the DuPage County Interoperable Emergency Dispatch Radio System that will be used by DuPage Public Safety Agencies to serve all residents of DuPage County.

This system will serve to solve the over-arching issue with interoperability between multiple public safety agencies. The instances in which a number of public safety jurisdictions are participating, and the ability to communicate in "real time" is of great importance.

The DuPage Emergency Telephone System Board (ETSB) Radio Interoperability Project was created four years ago to investigate and provide for interoperable radio communication between public safety agencies in DuPage County as well as throughout the greater Northern Illinois region. The ETSB Board recognized the need to provide a common platform county-wide for first responders with additional capabilities and recourses not available with current analog conventional technologies.

On September 14, 2004, the ETSB Board approved a contract to Motorola for an interoperable radio system. The ETSB Board created a Radio Steering Committee to vet the technology and design the system. The initial phase of this project was a private county-wide system utilizing Motorola equipment. This process lasted over two years and the end result of that private system was a cost of approximately \$48 million for the system and annual costs ranging between \$500,000 and \$2 million for maintenance and personnel. This was cost prohibitive for both the ETSB and the member agencies.

Based on this finding, the ETSB asked the Radio Steering Committee to investigate STARCOM21 as a possible alternative. The STARCOM21 system is a 700/800 MHz radio system. A number of public safety agencies are successfully utilizing this system as their primary dispatch system. By participating in the STARCOM21 network, the Elmhurst Police and Fire Departments would share in this interoperable capability.

STARCOM21 is owned and operated by Motorola and paid for through a monthly, per unit service agreement (air time). The monthly fee is \$30 per radio per the current agreement which expires in November, 2011. A new 10 year service agreement is being negotiated between the State of Illinois and Motorola which will result in a not to exceed monthly fee of \$39 per radio.

The ETSB will reimburse public safety agencies for the first four years of service contract. The funds earmarked by ETSB for this expense derive from the 911 surcharge levied on all landlines and cell phones in DuPage County.

The radios will partially be paid for with a Department of Homeland Security Public Safety Interoperability Communications (PSIC) grant. Total equipment and air time costs provided to the City of Elmhurst Public Safety agencies are as follows:

- Police radios provided by the ETSB/PSIC Grant include 70 units @ \$6,110 each = \$427,700.
- Fire radios provided by the ETSB/PSIC Grant include 38 units @ \$6,110 each = \$232,180.
- Total air time for 108 radios for 4 years of service = \$202,176

Total ETSB/PSIC grant funds for the City of Elmhurst = \$862,056.

Additional radios, air time, accessories and installation will be required and these costs will be the responsibility of the City of Elmhurst.

It is, therefore, the recommendation of the Public Affairs and Safety Committee that the City Council authorize Mayor DiCianni to sign the Letter of Intent for the City of Elmhurst to participate in the DuPage County Interoperable Emergency Dispatch Radio System.

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

- m. O-45-2010 – AN ORDINANCE ESTABLISHING SPECIAL SERVICE AREA NUMBER 15 (GLADYS AVENUE) OF THE CITY OF ELMHURST, DUPAGE AND COOK COUNTIES, ILLINOIS

Ordinance O-45-2010 was presented for passage.

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

Ordinance MCO-24-2010 was presented for passage.

- o. MCO-26-2010 – AN ORDINANCE TO AMEND SECTION 4.18 ENTITLED “FOREIGN FIRE INSURANCE TAX BOARD” OF CHAPTER 4 ENTITLED “BOARDS AND COMMISSIONS” OF THE ELMHURST MUNICIPAL CODE OF THE CITY OF ELMHURST, ILLINOIS

Ordinance MCO-26-2010 was presented for passage.

- p. ZO-18-2010 – AN ORDINANCE AMENDING ORDINANCE NUMBERS ZO-01-2009, ZO-07-2009 AND ZO-03-2010 TO AUTHORIZE AN ADDITIONAL EXTENSION OF TIME FOR CONDITIONAL USE FOR THE PROPERTY LOCATED AT 188 WEST BUTTERFIELD ROAD, ELMHURST, ILLINOIS (TIMOTHY CHRISTIAN SCHOOLS)

Ordinance ZO-18-2010 was presented for passage.

- q. R-53-2010 – A RESOLUTION TO AUTHORIZE THE EXECUTION OF A LETTER OF INTENT TO THE EMERGENCY TELEPHONE SYSTEM BOARD OF DUPAGE COUNTY REGARDING THE CITY’S PARTICIPATION IN THE COUNTY-WIDE INTEROPERABLE EMERGENCY RADIO DISPATCH SYSTEM

Resolution R-53-2010 was presented for passage.

- r. R-54-2010 – A RESOLUTION AUTHORIZING THE ISSUANCE OF A NOTICE OF AWARD FOR THE 2010 STREETScape PROJECT IN THE CITY OF ELMHURST, ILLINOIS

Resolution R-54-2010 was presented for passage.

- s. R-55-2010 – A RESOLUTION APPROVING THE PROPOSAL OF REVERE ELECTRIC SUPPLY COMPANY FOR THE PURCHASE OF STREETLIGHT MATERIALS IN THE CITY OF ELMHURST, ILLINOIS

Resolution R-55-2010 was presented for passage.

- t. R-56-2010 – A RESOLUTION AUTHORIZING THE ISSUANCE OF A NOTICE OF AWARD FOR THE 2010 SIDEWALK REPLACEMENT PROGRAM IN THE CITY OF ELMHURST, ILLINOIS

Resolution R-56-2010 was presented for passage.

Alderman Pezza pulled item **6n. MCO-24-2010 – An Ordinance to Amend Section 4.04 entitled “Economic Development Commission” of Chapter 4 entitled “Boards and Commissions” of the Municipal Code of the City of Elmhurst, Illinois** from the Consent Agenda.

Alderman Wagner moved to approve the contents of the Consent Agenda less item **6n. MCO-24-2010 – An Ordinance to Amend Section 4.04 entitled “Economic Development Commission” of Chapter 4 entitled “Boards and Commissions” of the Municipal Code of the City of Elmhurst, Illinois**. Alderman Healy seconded. Roll call vote:

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

Nays: None

Results: 13 ayes, 0 nays, 1 absent

Motion duly carried

Alderman Pezza moved to put item **6n. MCO-24-2010 – An Ordinance to Amend Section 4.04 entitled “Economic Development Commission” of Chapter 4 entitled “Boards and Commissions” of the Municipal Code of the City of Elmhurst, Illinois** on the table for discussion. Alderman Morley seconded.

Alderman Pezza stated she pulled item **6n. MCO-24-2010 – An Ordinance to Amend Section 4.04 entitled “Economic Development Commission” of Chapter 4 entitled “Boards and Commissions” of the Municipal Code of the City of Elmhurst, Illinois** to give her last plea, stating a paid consultant should not serve on the EDC Board. She stated Council needs to be aware on how often the City puts a paid consultant on a board.

Alderman Bram stated he shares the same concerns as Alderman Pezza.

Roll call vote on item **6n. MCO-24-2010 – An Ordinance to Amend Section 4.04 entitled “Economic Development Commission” of Chapter 4 entitled “Boards and Commissions” of the Municipal Code of the City of Elmhurst, Illinois**:

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

Nays: Pezza

Results: 12 ayes, 1 nays, 1 absent

Motion carried

REPORTS AND RECOMENDATIONS OF APPOINTED AND ELECTED OFFICIALS

7. a. UPDATES (Mayor DiCianni)

Mayor DiCianni reported on his trip to Washington D.C. to lobby for transportation and stormwater funding. He stated the meeting very productive, Elmhurst and other local municipalities have received bi-partisan support from our leaders in Washington.

Mayor DiCianni stated an article in the September 2010 Chicago Magazine, *Who Bought Best in 1994?* Rated Elmhurst 6th in the Top 10 Chicagoland suburbs.

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

City Manager Borchert reviewed with Council a PowerPoint presentation of 2010 Survey Results and the City of Elmhurst 2011-2012 Budget Schedule.

c. STATUS OF PROGRESS ON STORMWATER COMPREHENSIVE PLAN (City Manager Borchert)

City Manager Borchert gave a status report on the following:

- Contract with Burke firm to be signed shortly.
- An 8 page draft of priority #1 of the Comprehensive Plan and RFQ to be complete by the end of the week. Pre-qualified firms are welcome to submit a proposal.
- October 11, 2010, first education session on the Wastewater Treatment Plant to be presented at a Committee of the Whole meeting prior to committee meetings.
- The overhead sewer application has been revised. Approximately 90 applications have been completed.

Alderman Nybo asked if the City will observe the October 11, 2010 Columbus Day Holiday.

City Manager Borchert stated the City does not observe the Columbus Day Holiday therefore the October 11th meeting will be scheduled as posted.

Alderman Bram asked that a draft copy of the RFQ be distributed to Council for review.

City Manager Borchert stated a copy will be distributed.

Alderman Rose stated distributing draft copies to Council will not delay the deadline.

City Manager Borchert replied the RFQ will go out by the end of this week.

Alderman Pezza stated she had two questions regarding something said during tonight's Public Forum regarding emails 1) does Council have permission to use them and 2) if Council does have permission can Council start to use them.

City Manager Borchert stated those wishing to receive emails from the City may sign-up on the City website under Notify Me. He stated it is advised that Council not use the listed emails.

Alderman Pezza asked about the City's street sweeping program schedule.

City Manager Borchert stated street sweeping is done on a contractual basis, and fewer cycles of sweeping were contracted for this year in comparison to other years. He stated City staff will perform a special sweep in advance of a forecasted significant rainfall.

Mayor DiCianni stated on the FEMA initiative, in order to get important information to Seniors and other residents who do not have access to the City website and email updates, automatic phone calls have been used citywide.

Alderman Gutenkauf asked how the City obtains the phone numbers.

Mayor DiCianni replied only listed phone numbers are used through automatic calling. He stated if a resident has an unlisted phone number they will not receive a phone call.

Alderman Gutenkauf asked, if a resident wanted to get a call, what do they need to do to be included on the phone list.

City Manager Borchert stated they can call the Manager's Office and state that they want to have their phone number added to the automatic phone call blast contact list.

ORDINANCES

8. a. O-43-2010 – AN ORDINANCE PROPOSING THE ESTABLISHMENT OF SPECIAL SERVICE AREA NO. 16 (COUNTRY CLUB ESTATES) IN THE CITY OF ELMHURST, DUPAGE AND COOK COUNTIES, ILLINOIS AND PROVIDING FOR A PUBLIC HEARING AND OTHER PROCEDURES IN CONNECTION THEREWITH

Ordinance O-43-2010 was presented for passage.

Alderman Healy moved to suspend the rules to vote for items **8a. O-43-2010 – An Ordinance Proposing the Establishment of Special Service Area No. 16 (Country Club Estates) in the City of Elmhurst, DuPage and Cook Counties, Illinois and Providing for a Public Hearing and Other Procedures in Connection Therewith** and **8b. O-44-2010 – An Ordinance Proposing the Establishment of Special Service Area No. 17 (Sportsmen's Club) in the City of Elmhurst, DuPage and Cook Counties, Illinois and Providing for a Public Hearing and Other Procedures in Connection Therewith**, on the same night as the corresponding committee report was approved. Alderman Wagner seconded. Voice vote, motion carried.

Alderman Gutenkauf moved to approve item **8a. O-43-2010 – An Ordinance Proposing the Establishment of Special Service Area No. 16 (Country Club Estates) in the City of Elmhurst, DuPage and Cook Counties, Illinois and Providing for a Public Hearing and Other Procedures in Connection Therewith**. Alderman York seconded. Roll call vote:

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

Nays:

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

- b. O-44-2010 – AN ORDINANCE PROPOSING THE ESTABLISHMENT OF SPECIAL SERVICE AREA NO. 17 (SPORTSMEN'S CLUB) IN THE CITY OF ELMHURST, DUPAGE AND COOK COUNTIES, ILLINOIS AND PROVIDING FOR A PUBLIC HEARING AND OTHER PROCEDURES IN CONNECTION THEREWITH

Ordinance O-44-2010 was presented for passage.

Alderman Healy moved to approve item **8b. O-44-2010 – An Ordinance Proposing the Establishment of Special Service Area No. 17 (Sportsmen's Club) in the City of Elmhurst, DuPage and Cook Counties, Illinois and Providing for a Public Hearing and Other Procedures in Connection Therewith**. Alderman Wagner seconded.

Discussion ensued.

Roll call vote on item **8b. O-44-2010 – An Ordinance Proposing the Establishment of Special Service Area No. 17 (Sportsmen's Club) in the City of Elmhurst, DuPage and Cook Counties, Illinois and Providing for a Public Hearing and Other Procedures in Connection Therewith**:

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

Nays:

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

OTHER BUSINESS

9. Alderman Gutenkauf asked City Attorney Storino to comment on the remarks made during Public Forum regarding the procedures used at the last Council meeting to pass the Motor Fuel Tax ordinance.

City Attorney Storino stated he will prepare a legal opinion. He stated if there was a requirement to suspend the rules Council could ratify the ordinance at a future date.

ANNOUNCEMENTS

10. Alderman Wagner announced that the 7th Ward Townhall meeting was very productive. He thanked Dr. Burke for attending pro-bono and he thanked the community for participating.

City Clerk Spencer reminded everyone that candidate packets for those wishing to run for local office will be available beginning Tuesday, September 21, 2010 at the Administration Office in City Hall. She stated the first date petitions for candidacy may be circulated in also Tuesday, September 21, 2010.

Alderman York announced that the 4th Ward will hold a Townhall Meeting at 7:00 p.m. on October 5, 2010 in the Redeemer Center at Redeemer Lutheran, all are welcome to attend.

Alderman Pezza announced the Elmhurst Police Department is sponsoring the one day "Take Back" campaign to help residents dispose of unused prescription drugs on Saturday, September 25, 2010 from 10:00 a.m. – 2:00 p.m. in the Police Department parking lot. Bring unwanted drugs in Ziploc bags or in their original containers with personal information removed.

Alderman Bram announced IDOT will host an informational open house at the Itasca Holiday Inn on Tuesday, September 21, 2010 from 4:00 p.m. – 8:00 p.m. regarding the Elgin O'Hare – West Bypass study.

Mayor DiCianni stated the York Football Team is 4-0 so far this season and wished them continued success.

Mayor DiCianni thanked everyone who came out for the *Brianna Walk to Talk* 5K on Sunday, September 12, 2010. He stated they raised over \$25,000 for the Center for Speech & Language Disorders.

ADJOURNMENT

11. Alderman Morley moved to adjourn the meeting. Alderman York seconded. Voice vote. Motion carried. Meeting adjourned 9:04 p.m.

Peter P. DiCianni III, Mayor

Patty Spencer, City Clerk