

**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF ELMHURST, ILLINOIS
HELD ON MONDAY, FEBRUARY 7, 2011
209 NORTH YORK STREET
ELMHURST, ILLINOIS**

EXECUTIVE SESSION 7:15 P.M. – PENDING LITIGATION

1. Executive session was called to order at 7:25 p.m. by Mayor DiCianni for the purpose of discussing Pending Litigation.

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

Absent: Paula Pezza, Jim Kennedy

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

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

Ayes: Gutenkauf, Bram, Shea, Leader, Rose, Hipskind, York, Levin, Healy, Morley, Mulliner, Wagner

Nays: None

12 ayes, 0 nays, 2 absent
Motion duly carried

Alderman Morley moved to adjourn executive session. Alderman Levin seconded. Voice vote. Motion carried. Executive session adjourned at 7:38 p.m.

CALL TO ORDER/PLEDGE OF ALLEGIANCE/ROLL CALL

Attendance: 38

2. The Regular Meeting of the Elmhurst City Council was called to order by Mayor DiCianni at 7:45 p.m. Before the roll call Mayor DiCianni asked for a moment of silence in honor of Deacon John Maloney from Mary Queen of Heaven parish:

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

Absent: None.

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

SWEARING IN OF FIRE DEPARTMENT PERSONNEL – LIEUTENANT TIM LISOWSKI

3. Mayor DiCianni invited Fire Fighter Tim Lisowski and his family to join him at the podium while the Mayor administered the Oath of Office promoting Lisowski to Lieutenant. Mayor DiCianni swore in Tim Lisowski to the rank of Lieutenant in the Elmhurst Fire Department.

RECOGNITION OF SERVICE – FORMER ALDERMAN, CHRIS NYBO

4. Mayor DiCianni and City Manager Borchert were joined at the podium to recognize former Alderman Chris Nybo. Alderman Nybo was elected Representative to the 41st District in the Illinois State House of Representatives in November 2010 and had to resign his office without a proper send off. Alderman Nybo was presented with a Distinguished Service Award for his service on the City Council from 2007-2010 and a rocking chair.

Representative Nybo stated he will bring the rocking chair with him to Springfield, encouraging Elmhurst residents to call or visit stating now there will always be a chair with their name on it. He praised the City of Elmhurst stating it is a great community.

Representative Nybo stated his door is always open. His local office is located at 318 Westmore Rd

Suite A., Lombard IL 60148. Or interested parties can contact him by phone (630)519-3652 or by email chris@chrisnybo.org.

ANNOUNCEMENT OF CHARACTER COUNTS PRESIDENT – DR. JOHN JEVITZ

5. Mayor DiCianni announced Dr. John Jevitz will be the new President of Character Counts in Elmhurst. Mayor DiCianni asked Dr. Jevitz to join him at the podium and give an overview of the goals for 2011.

Dr. Jevitz stated Character Counts is in the process of distributing 1,500 shirts. He stated athletes from Elmhurst College and approximately 130 additional volunteers will help with a fundraiser on February 11, 2011. Dr. Jevitz stated their goal is to have Character Counts decals to all residents by the October 24, 2011.

Dr. Jevitz thanked everyone for exemplifying Character Counts in Elmhurst.

RECEIPT OF WRITTEN COMMUNICATIONS AND PETITIONS FROM THE PUBLIC

6. Marilyn Arado, 912 S. Saylor submitted a letter to the City Council regarding ComEd service and continued problems and concerns in her neighborhood, pleading with Council to address the issue.

PUBLIC FORUM

7. Tom Cruse
868 Saylor Ave.
Elmhurst, IL 60126

Mr. Cruse thanked the Public Works Department for the outstanding snow removal job. He spoke regarding power outages in south Elmhurst, asking why his section of town cannot be connected to the new power grid for the new Elmhurst Hospital. He stated they cannot wait for upgrades until April, they need it right away.

Marilyn Arado
912 Saylor Ave.
Elmhurst, IL 60126

Spoke regarding ComEd service interruptions specifically the most recent which was the 3rd in 32 days. She asked Council for a solution to this ongoing problem.

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

Spoke regarding the Mayor's State of Our City address stating that in the address the Mayor discussed the average income of residents. Mr. Pagacz stated that average does not ring true on his block. He asked what the City Manager and City Attorney think about the recent letter to the editor in a local newspaper regarding the Mayor.

Kathleen Sullivan
133 Pine St.
Elmhurst, IL 60126

Spoke regarding the lack of information from the City regarding the most recent storm event. She stated she was disappointed not to receive a robo-call, disappointed she didn't know about tonight's PW&B Committee meeting and disappointed in communication from the City in general. She asked Council to get working on the storm items and involving the task force.

Frank Sleyko
869 S. Saylor Ave.
Elmhurst, IL 60126

Spoke regarding the hidden costs of power interruptions such as power surges. He stated the personal cost to repair electronics is another "hidden tax."

CONSENT AGENDA

8. The following items on the Consent Agenda were presented:

- a. MINUTES OF THE REGULAR MEETING HELD ON TUESDAY, JANUARY 18, 2011 (City Clerk Spencer): Approve as published
- b. MINUTES OF THE EXECUTIVE SESSION HELD ON MONDAY, JANUARY 31, 2011 (City Clerk Spencer): Receive and place on file.
- c. ACCOUNTS PAYABLE – JANUARY 31, 2011 TOTAL \$ 1,595,779.72
- d. CREATION OF A NEW TIF (NORTH ELMHURST) – ALDERMEN BRAM & PEZZA (City Manager Borchert): Refer to the Development, Planning and Zoning Committee

February 3, 2011

To: Mayor DiCianni and Members of the City Council
Re: Creation of a New TIF (North Elmhurst) – Aldermen Bram & Pezza

It is respectfully requested that the attached request regarding the creation of a new TIF in north Elmhurst 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

- e. PROPERTY TAX REBATE PROGRAM – ALDERMEN GUTENKAUF, MULLINER & LEADER (City Manager Borchert): Refer to the Finance, Council Affairs and Administrative Services Committee

January 27, 2011

To: Mayor DiCianni and Members of the City Council
Re: Property Tax Rebate Program – Aldermen Gutenkauf, Mulliner & Leader

It is respectfully requested that the attached request for a review of the Property Tax Rebate 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

- f. REPORT – 2011 ITEP STREETScape IMPROVEMENTS ENGINEERING PROPOSAL The following report of the Public Works and Buildings Committee was presented for passage:

January 24, 2011

To: Mayor DiCianni and Members of the City Council
RE: 2011 ITEP Streetscape Improvements Engineering Proposal

The Public Works and Buildings Committee met on Monday, January 24, 2011 to discuss a proposal received from TranSystems Corporation for professional engineering services for the design of streetscape improvements at various locations in the downtown area.

The completion of streetscape improvements at these locations will nearly complete the downtown streetscape plan which was implemented in the mid 1990's. The streetscape improvements include the construction of new curb and gutter and new brick paver sidewalk, construction of tree wells and installation of ornamental streetlights. Locations included in this project are listed below and shown on the attached map.

LOCATION
Addison Avenue (East Side)
103 W. Third Street

LIMITS
Second Street to Third Street
Third Street and York Street side (gas station)

Third Street (Both Sides)
277 & 281 N. York Street
S. York Street (West side)
S. York Street (Southeast corner)
165 S. York Street (East Side)
Addison Ave. Pedestrian Alley

York Street east to alley
York Street east side at North Avenue
South Palmer Drive to Virginia Street
at Palmer Drive
York Street Side (gas station)
Addison Avenue east to north-south alley

TranSystems assisted the City in the preparation of an Illinois Transportation Enhancement Program (ITEP) funding application. The ITEP grant is an 80/20 split (80% federal and 20% local match). The grant is for construction and construction engineering only. The City is paying for phase 1 and 2 engineering in an effort to move the project forward and show that the City is committed to this project. The present construction estimate is just over \$1.46 million and construction engineering estimated at \$102,000. The grant awarded is not to exceed \$1,165,200.

The proposed design engineering services will include project coordination including City, IDOT and public meetings, topographic survey, streetscape design, streetlight system analysis and design, development of pre-final and final contract plans and documents and bidding assistance.

TranSystems has proposed to do this work on a cost plus fixed fee basis with a total not to exceed \$73,186.93. See attached proposal for consultant services and fees. 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 work have been provided in the FY 2011/2012 Budget, account number 310-0089-461-80-24.

It is, therefore, the recommendation of the Public Works and Buildings Committee that the Design Engineering Proposal from TranSystems Corporation for the 2011 ITEP Streetscape Improvements in the amount not to exceed \$73,186.93, be accepted, and the City attorney be authorized to prepare a resolution approving a contract with TranSystems Corporation.

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 SIDEWALK REPAIR PROGRAM (SLABJACKING) The following report of the Public Works and Buildings Committee was presented for passage:

January 24, 2011

TO: Mayor DiCianni and Members of the City Council

RE: 2010 Sidewalk Repair Program (Slabjacking)

The Public Works and Building Committee met on September 27, 2010 and on January 24, 2011 to discuss the 2010 Sidewalk Repair Program. This program is commonly referred to as the Slabjacking Program. Bid specifications were sent to four local companies. The project was advertised in local area newspapers. Two bids were received and are summarized below:

<u>Contractor</u>	<u>Unit Price</u>
Advantage 2 Concrete Raising, Aurora IL	\$1.40 per square foot
AAA Concrete Raising, Inverness IL	\$1.40 per square foot

This work utilizes hydraulic “jacking” to raise low sidewalk squares throughout the City. This methodology works well where sidewalk squares are un-cracked but have sunk and are no longer even with the adjacent squares. Slabjacking is the most cost effective way to repair uneven squares.

Page 10 of the Instructions for Bidders, Paragraph 11, provides that, “Tie bids will be decided by lot.” Therefore, the City invited the tie bidders to attend a blind drawing on Thursday, September 23, 2010. Advantage 2 Concrete Raising was selected in the lottery.

Subsequent to City Attorney review completed on November 16, 2010, it was found that Advantage 2 Concrete Raising did not meet bond and insurance requirements. As described on page 12 of the contract documents “ Failure of the successful bidder to execute the contract and file acceptable bonds within 15 days after the contract has been mailed to the bidder is cause for cancellation of the award and forfeiture of the proposal guaranty.” Advantage 2 Concrete Raising was given until January 15, 2011 to provide required bond and insurance coverage. These required documents were not submitted to the City and therefore the award to Advantage 2 Concrete Raising was cancelled.

Staff contacted the second bidder, AAA Concrete Raising, to determine if this contractor had interest in completing the project. AAA Concrete Raising agreed to hold their bid price of \$1.40 per square foot for the Spring 2011 Slabjacking construction project. AAA Concrete Raising has performed similar work for La Grange Park, Norridge, Park Ridge, Carol Stream and Batavia in a satisfactory manner.

Funds have been provided in the 2010/2011 budget, General Fund, Account Number 110-6041-432-30-69 in the amount of \$20,000. The current program list includes approximately 490 defective sidewalk squares which equates to a total cost of \$17,150.

It is therefore, the recommendation of the Public Works and Buildings Committee that the bid from Advantage 2 Concrete Raising be rejected and the unit price bid from AAA Concrete Raising be accepted. The Contractor’s total amount of work shall not exceed the budget amount of \$20,000. It is also recommended that the City Attorney be authorized to draft a resolution for approving a contract with AAA Concrete Raising.

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 – 388 CAROL LANE – LEASE RENEWAL The following report of the Public Affairs and Safety Committee was presented for passage:

January 25, 2011

TO: Mayor DiCianni and Members of the City Council

RE: 388 Carol Lane – Lease Renewal

The Public Affairs & Safety Committee met on Monday, January 24, to discuss an extension for the lease at 388 Carol Lane. Director Bergheger was present to answer any committee questions

The City of Elmhurst currently leases property at 388 Carol Lane for the storage of collections of Elmhurst Historical Museum. The City has leased this property since May 1, 1999. The property provides space that is not available at any other City location for proper protection and care of the Historical Museum’s artifacts.

The current lease has a 3 year option with an average rent of \$7.83 per square foot. To better reflect the current economy and rent for commercial property the City of Elmhurst asked to renegotiate the terms of the lease extension.

The Committee reviewed two extension options, Option A for a period of 26 months and Option B for a period of 65 months. Option A includes a 2-months free net rental and Option B includes a 5-months free net rental.

Option B provides for a highly competitive pricing structure for this rental property. The total net rental for the 65 months is \$185,164.01. It includes 5-months free net rental, an abatement of \$13,320.00 (\$2,664 x 5 months). Subtracting the abatement from the 65 month total base rent leaves \$171,844. The average rent per square foot without abatement is \$7.27, and the current rent per square foot with abatement is \$6.81. The Committee inquired as to how the new rates relate to current market rental rates for this area. The renegotiated rental terms are below market rents for this type of property.

It is, therefore, the recommendation of the Public Affairs & Safety Committee that the appropriate City officials are authorized to sign an agreement for Option B and extend the current lease for 388 Carol Lane through September 30, 2015.

Respectfully submitted,
Public Affairs and Safety Committee
/s/ Patrick Wagner
Chairman
/s/ Paula Pezza
/s/ Scott Levin

i. O-02-2011 – AN ORDINANCE AUTHORIZING THE SALE BY AUCTION OF PERSONAL PROPERTY OWNED BY THE CITY OF ELMHURST

Ordinance O-02-2011 was presented for passage.

j. O-03-2011 – AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF A RECAPTURE AGREEMENT BY AND BETWEEN FAITH CHRISTIAN REFORMED CHURCH AND THE CITY OF ELMHURST, DUPAGE AND COOK COUNTIES, ILLINOIS

Ordinance O-03-2011 was presented for passage.

k. O-04-2011 – AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF A RECAPTURE AGREEMENT BY AND AMONG TIMOTHY PLACE NFP, CHRISTIAN HEALTHCARE NFP AND THE CITY OF ELMHURST, DUPAGE AND COOK COUNTIES, ILLINOIS

Ordinance O-04-2011 was presented for passage.

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

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

Nays: None

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

REPORTS AND RECOMENDATIONS OF APPOINTED AND ELECTED OFFICIALS

9. a. UPDATES (Mayor DiCianni)

Mayor DiCianni stated letters will be going out to the Stormwater Task Force to provide an update. He stated the letter will ask each member to list the subcommittee they would like to serve on by priority. The five committees are as follows: Public Sanitary System Infrastructure, Stormwater System Public Infrastructure, Individual Home Flood-Proofing, ComEd and Electric Power, and Public Education.

Mayor DiCianni spoke of the most recent power outage. He stated ComEd responded quickly.

Mayor DiCianni addressed the comments made in Public Forum on why the robo call did not go out to all the residences in Elmhurst. He stated he would check with the vendor and find out what went wrong.

Mayor DiCianni announced an Open House, Public Input meeting on February 23, 2011 facilitated by Heidi Voorhees of Voorhees & Associates to hear from constituents on what they are looking for in a new City Manager. Mayor DiCianni reviewed the job duties of the City Manager and invited all residents to attend or submit their viewpoint online to Ms. Voorhees.

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

City Manager Borchert reported on Blizzard 2011. He stated the Governor is requesting Illinois be declared a State of Disaster.

The City Manager stated the City has surpassed the snow removal budget for this year. He stated the City has an agreement with the Elmhurst Stone Quarry to store hauled snow. City Manager Borchert

stated the Public Works Department did a good job and asked residents to report any dangerous situations to the Administration Office. The City Manager stated if the City qualifies for disaster aid up to 80% of the costs associated with Blizzard 2011 will be reimbursed to the City.

City Manager Borchert reported on the Public Works and Buildings Committee (PW&B) meeting held prior to tonight's Council meeting. He stated at the last PW&B Committee meeting it was announced that there would be a short meeting regarding the cash-flow status in order to be able to have this issue before the full City Council on February 22 with anticipated start time of March 1st.

Alderman Kennedy stated tonight was an informational sharing meeting of the PW&B Committee. He apologized for people who didn't know about the meeting. He stated the next PW&B Committee meeting they will review the Comprehensive Stormwater Plan Engineering Proposal and bring forth their recommendation to the full City Council.

Alderman Bram addressed the comment from Public Forum regarding communication. He stated communications have improved greatly though he has never received a rob-call from the City. He suggested information could be posted on the City website's homepage under News Flash and stated a meeting like tonight's PW&B Committee could have been publicized better.

Alderman Mulliner stated he was glad to hear a letter will be forthcoming to the task force. He stated several members have asked "what's next."

Alderman Mulliner stated a recommendation needs to be made directly to IL Attorney General, Lisa Madigan to resolve the ongoing problems with ComEd.

Mayor DiCianni thanked Public Works Director Hughes and the Public Works Department for the good, quick job they performed during Blizzard 2011.

OTHER BUSINESS

10. None.

ANNOUNCEMENTS

11. Alderman Gutenkauf stated this past fall Elmhurst's Safe Routes to School Committee (SRTS) was founded. Comprised of representatives from all elementary and middle schools, SRTS has completed a grant to the IL Department of Transportation for funds to enhance its efforts. Recently SRTS was recognized by the Active Transportation Alliance at their annual volunteer banquet. Hawthorne Representative, Keelie Witzel and SRTS Committee Chairman, Rebecca Clancy accepted the award on behalf of the larger committee. For more information visit www.saferoutesinfo.org. Residents are reminded that they can provide a safe route by ensuring that their sidewalks are clear and safe.

Alderman York thanked both the Public Works staff and the citizens & neighbors of Elmhurst who did an outstanding job during the winter storm event last week.

Alderman York congratulated Elmhurst resident Mark Wilson on his second PGA Tour Championship this year. Mr. Wilson won the Waste Management Phoenix Open Championship.

Alderman Kennedy thanked PW Director Hughes for delivering the best snow removal service in the Chicagoland area. He congratulated the PW Department on a job well done.

ADJOURNMENT

12. Alderman Morley moved to adjourn the meeting. Alderman Hipskind seconded. Voice vote. Motion carried. Meeting adjourned 8: 45 p.m.

Peter P. DiCianni III, Mayor

Patty Spencer, City Clerk