

**MINUTES OF THE REGULAR MEETING OF THE  
CITY COUNCIL OF THE CITY OF ELMHURST, ILLINOIS  
HELD ON MONDAY, JULY 18, 2011  
209 NORTH YORK STREET  
ELMHURST, ILLINOIS**

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

Attendance: 75

1. Mayor DiCianni acknowledged and welcomed new City Manager, Jim Grabowski. The Regular Meeting of the Elmhurst City Council was called to order by Mayor DiCianni at 7:35 p.m.

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

Absent: Bob Dunn

Also in Attendance: City Treasurer Dyer, City Attorney Storino, City Manager Grabowski, Assistant City Manager/Fire Chief Kopp, Director of Finance & Administration Gaston, Police Chief Neubauer, Public Works Director Hughes, City Engineer Tiberi, Water/Wastewater Manager Smith, Civil Engineer Johnson

**YSET PRESENTATION (District 205 Students)**

2. The York Students Enrichment Team (YSET) is a group set-up by students to fundraise for those students who are economically unable to participate in extra-curricular activities at the high school. Student Representatives from YET were in attendance to give a PowerPoint presentation to the Council explaining their mission. For more information on YSET or to make a donation, visit their email [accessyork@elmhurst205.org](mailto:accessyork@elmhurst205.org).

Mayor DiCianni stated he would donate \$500 from his personal check book.

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

3. Marilyn Arado, 912 Saylor Ave., Elmhurst, IL 60126 submitted a letter regarding the Elmhurst Garden Club's successful Garden Walk and Faire on July 10, 2011. She thanked volunteers and sponsors for making the event a success.

**PUBLIC FORUM**

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

Mr. Cruse had questions for Mr. Burke: 1) What other priority areas in town have been identified in terms of flooding? 2) How can flooding in south Elmhurst be eliminated and for the short term what can residents do to eliminate flooding issues?

Ellen Cruse  
868 Saylor  
Elmhurst, IL 60126

Spoke regarding a Saylor/Jackson Pumping Station Report from last year that stated a button has to be pressed to manually override the regular pumping system. She asked if the override system has been automated and asked if there is a written policy.

Dennis Brouwer  
883 S. Prospect Ave.  
Elmhurst, IL 60126

Mr. Brouwer asked three questions: 1) Is ComEd on schedule for their proposed updates? 2) Have the task force members signed a letter of conflict of interest so that no one will make a profit on any future work? Asked will the information/solutions offered in future presentations and models be certified as being correct?

Marilyn Arado  
912 Saylor Ave.  
Elmhurst, IL 60126

Spoke regarding the very successful Garden Walk & Faire that was held July 12<sup>th</sup>. She thanked everyone who volunteered and sponsored the event stating it is a great way to showcase Elmhurst.

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

Mr. Reboletti asked the Finance, Council Affairs & Administrative Services Committee when the tax increase subsidy will be voted on.

Teri Alexander  
586 S. Hawthorne Ave.  
Elmhurst, IL 60126

Spoke regarding the most recent power outages stating the concerns the residents have regarding the frequency of the outages and asked for a solution to the problem.

Bob Joslyn  
591 Berkley Ave.  
Elmhurst, IL 60126

Spoke regarding the July 11<sup>th</sup> storm event and power outage. He stated it is the responsibility of the Mayor and Aldermen to do something.

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

Spoke regarding the tax rebate for low income residents.

Virginia Dimond  
587 Berkley Ave.  
Elmhurst, IL 60126

Spoke regarding the recent power outages and stated she would like the community to contact their state legislators to penalize ComEd for frequent service interruptions.

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

Spoke regarding the expectations a citizen has at City Council meetings. She stated at the last meeting she was publicly chastised and that should not be what residents can expect by coming and addressing Council at public meetings.

Kathleen Sullivan  
133 Pine St.  
Elmhurst, IL 60126

Spoke regarding what has happened in the year since last Julys flood event, what residents have put in place and what Public Works has done.

**COMPREHENSIVE FLOOD PLAN UPDATE (CHRISTOPHER B. BURKE ENGINEERING LTD.)**

5. Mayor DiCianni introduced Dr. Burke of Christopher B. Burke Engineering Ltd., and Mr. Al Hollenbeck of RJN Group who were in attendance to give an update in the form of a PowerPoint presentation, on the Elmhurst Comprehensive Flooding Plan to the Council and Stormwater Task Force.

The presentation given by Mr. Hollenbeck and Dr. Burke contained graphs and maps of meter flow locations, Sanitary Sewer backup locations, overhead sewers, check valves, manhole inspections, smoke testing, drains and computer modeling of study areas. The presentation concluded with a Project Status Report and Stormwater Sewer Analysis.

Dr. Burke answered questions from the dais.

Mayor DiCianni thanked Dr. Burke and the engineering team for their presentation and stated it will be placed on the City website. The Mayor asked the Task Force to breakout into their respective groups in their assigned conference rooms. He stated a chair and vice-chair will be selected for each study group.

**CONSENT AGENDA**

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

- a. MINUTES OF THE REGULAR MEETING HELD ON TUESDAY, JULY 5, 2011 (City Clerk Spencer):  
Approve as published
- b. MINUTES OF THE EXECUTIVE SESSION HELD ON TUESDAY, JULY 5, 2011 (City Clerk Spencer):  
Receive and place on file
- c. ACCOUNTS PAYABLE – JULY 18, 2011, TOTAL \$1,765,024.76
- d. BID RESULTS, 2011 ASPHALT REJUVENATING (City Clerk Spencer): Refer to the Public Works and Buildings Committee

July 12, 2011

TO: Mayor DiCianni and Members of the City Council

RE: Bid Results, 2011 Asphalt Rejuvenating

In response to an invitation to bid for the 2011 Asphalt Rejuvenating Treatment Contract, the City of Elmhurst advertised in the Elmhurst Independent on Wednesday, June 23, 2011, bids were received from two contractors. All bid packages were complete.

Bids were opened at 10:00 a.m. on Tuesday, July 12, 2011 by the City Clerk. The following is a summary of the bids received:

<u>Contractor</u>	<u>Total Price</u>
Corrective Asphalt Materials, LLC, (CAM, LLC) South Roxana, IL	\$45,500.00
Denler Inc., Mokena, IL	\$67,900.00

Respectfully submitted,  
/s/ Patty Spencer  
City Clerk

- e. REPORT – BENSENVILLE FIRE PROTECTION DISTRICT #1 – MODIFICATION AGREEMENT The following report of the Public Affairs & Safety Committee was presented for passage:

July 11, 2011

To: Mayor DiCianni and Members of the City Council  
Re: Bensenville Fire Protection District #1 – Modification Agreement

The Public Affairs and Safety Committee met on July 11, 2011, to review the Modification Agreement between the City of Elmhurst and Bensenville Fire Protection District #1 to extend the Agreement for the City of Elmhurst to continue to provide fire protection and ambulance services under the terms and conditions of the Agreement until either October 31, 2011 or the effective date of a Successor Agreement.

During the period for which the Agreement shall be extended, the City shall continue to provide fire protection and ambulance services for Bensenville Fire Prevention District #1 for the territory located south of Grand Avenue.

The District agrees to compensate the City an amount therefor as provided in Paragraph 6 of the Agreement, prorated to the actual period for which the extension of the Agreement shall remain in effect. The District shall pay the City the amount of compensation so determined within Thirty (30) days of the termination of the extension period.

This Modification sets forth all agreements, understandings and covenants between and among the parties relative to the matters herein contained. This Modification supersedes all prior agreements, negotiations and understandings, written and oral, and shall be deemed a full integration of the entire agreement of the parties.

All other provisions of the Agreement stay in full force and effect unless amended by this Modification.

It is, therefore, the recommendation of the Public Affairs and Safety Committee that the City Council approve the execution of this Modification Agreement until either October 31, 2011 or the effective date of a Successor Agreement.

Respectfully submitted,  
Public Affairs and Safety Committee  
/s/ Patrick Wagner  
Chairman  
/s/ Paula Pezza  
Vice-Chairman  
/s/ Michael J. Bram

- f. REPORT – IMMACULATE CONCEPTION PARISH BLOCK PARTY REQUEST FOR TEMPORARY USE The following report of the Public Affairs & Safety Committee was presented for passage:

July 11, 2011

To: Mayor DiCianni and Members of the City Council  
Re: Immaculate Conception Parish Block Party Request for Temporary Use

The Public Affairs and Safety Committee met on July 11, 2011 to discuss the request from Immaculate Conception Parish to hold a Block Party on Saturday, August 27, 2011 following an outdoor Mass at 4:00 p.m. A representative from the Immaculate Conception Parish was available to answer the Committee's questions.

The Parish Block Party will be located on Immaculate Conception Parish Property, with boundary streets being Cottage Hill on the west, York Road on the east, Arthur Street on the north and the Immaculate Conception High School driveway on the south. Cottage Hill between Arthur Street and Church Street and Arthur Street between York Road and Cottage Hill will be closed from 3:00 p.m. until 10:00 p.m. to allow for set up and removal of the event

After Mass at 4:00 p.m., there will be games and Moon jumps for children, food vendor (Fratello's), a D.J. Magician and Balloon Artist and a Beer Garden. The Beer Garden will be enclosed by orange construction fencing. MG Concessions or Knights of Columbus will sell beer and wine for the event. They use licensed and bonded bartenders. They hold an Illinois liquor license and will name Immaculate Conception Parish and the Diocese of Joliet as additional insured's on their policy. MG Concessions will also provide a security guard that is Blue Card Certified to oversee all that enter and leave the beer garden. Immaculate Conception will provide volunteers to help the security guard.

There will be only one way in and out of the beer garden. All that have been "carded" and are of age will receive a wristband to wear for entrance into the beer garden. Beer and wine will be sold from 5:00 p.m. until 9:30 p.m.

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.

It is, therefore, the recommendation of the Public Affairs and Safety Committee that the City Council approve the Immaculate Conception Parish's request to close Cottage Hill between Arthur Street and Church Street and Arthur Street between York Road and Cottage Hill from 3:00 p.m. until 10:00 p.m. for their Parish Block Party to be held on Saturday, August 27, 2011 following an outdoor Mass at 4:00 p.m.

Respectfully submitted,  
Public Affairs and Safety Committee  
/s/ Patrick Wagner  
Chairman  
/s/ Paula Pezza  
Vice-Chairman  
/s/ Michael J. Bram

- g. REPORT – CELLULAR PHONE SERVICE The following report of the Finance, Council Affairs & Administrative Services Committee was presented for passage:

July 12, 2011

To: Mayor DiCianni and Members of the City Council  
Re: Cellular Phone Service

The Finance, Council Affairs and Administrative Services Committee met July 11, 2011 to review cellular phone service options.

The City currently has 133 cellular phones in service at a monthly cost of approximately \$3,950. Service is provided by Sprint/Nextel (128 phones), which includes Direct Connect Service, and by AT&T (5 phones). Nextel service has been unreliable; therefore, staff requested quotes for cellular phone service from the three major service providers. The following pricing was received:

<u>Vendor</u>	<u>Cellular and Data Services</u>	<u>Cellular, Data and Direct Connect Services</u>
Sprint/Nextel	\$3,030	\$3,150
Verizon	\$3,270	\$4,085
AT&T	\$3,350	\$3,940

Service features included in the above pricing are comparable between the three vendors and meet the needs of the City. The service features include pooled minutes, free nights and

weekends, mobile to mobile, long distance, text messages and flat rate plans. In addition to pricing, staff considered reliability as a major component of cellular phone service. Although Sprint/Nextel provided the lowest cost estimate for both service alternatives, the City lost Nextel cellular phone service during the last two storm events while the police MDT data service provided by Verizon was operational. Staff using AT&T service also experienced service reliability below expectations. Staff noted that Verizon has a back-up generator pursuant to its cellular tower lease with the City, which enhances its reliability. Sprint/Nextel does not have a similar back-up system. Regarding Direct Connect Service, staff believes this service is no longer necessary, and staff places a higher priority on service reliability than on maintaining Direct Connect Service.

Based on the information provided above, staff recommends converting the 133 cellular phones from Sprint/Nextel and AT&T to Verizon. Monthly cellular costs are estimated at \$3,270 for a savings of approximately \$680 per month. The Finance Committee concurs with staff recommendation.

It is, therefore, the recommendation of the Finance, Council Affairs and Administrative Services Committee that the proposal from Verizon for cellular and data services for 133 cellular phones be accepted, and that the City Attorney be authorized to prepare a resolution approving a contract with Verizon.

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

h. O-30-2011 – AN ORDINANCE AUTHORIZING A FIFTH LOAN MODIFICATION AGREEMENT FOR THE CITY OF ELMHURST, DUPAGE AND COOK COUNTIES, ILLINOIS

Ordinance O-30-2011 was presented for passage.

i. O-32-2011 – AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF A NON-EXCLUSIVE LICENSE AGREEMENT BY AND BETWEEN PATHWAY COMMUNITY CHURCH AND THE CITY OF ELMHURST, DUPAGE AND COOK COUNTIES, ILLINOIS

Ordinance O-32-2011 was presented for passage.

j. O-33-2011 – AN ORDINANCE MAKING APPROPRIATIONS FOR SPECIAL SERVICE AREA NUMBER FIVE OF THE CITY OF ELMHURST FOR THE FISCAL YEAR BEGINNING MAY 1, 2011 AND ENDING APRIL 30, 2012

Ordinance O-33-2011 was presented for passage.

k. O-34-2011 – AN ORDINANCE MAKING APPROPRIATIONS FOR SPECIAL SERVICE AREA NUMBER SIX OF THE CITY OF ELMHURST FOR THE FISCAL YEAR BEGINNING MAY 1, 2011 AND ENDING APRIL 30, 2012

Ordinance O-34-2011 was presented for passage.

l. O-35-2011 – AN ORDINANCE MAKING APPROPRIATIONS FOR SPECIAL SERVICE AREA NUMBER SEVEN OF THE CITY OF ELMHURST FOR THE FISCAL YEAR BEGINNING MAY 1, 2011 AND ENDING APRIL 30, 2012

Ordinance O-35-2011 was presented for passage.

- m. O-36-2011 – AN ORDINANCE MAKING APPROPRIATIONS FOR SPECIAL SERVICE AREA NUMBER NINE OF THE CITY OF ELMHURST FOR THE FISCAL YEAR BEGINNING MAY 1, 2011 AND ENDING APRIL 30, 2012

Ordinance O-36-2011 was presented for passage.

- n. O-37-2011 – AN ORDINANCE MAKING APPROPRIATIONS FOR SPECIAL SERVICE AREA NUMBER TEN OF THE CITY OF ELMHURST FOR THE FISCAL YEAR BEGINNING MAY 1, 2011 AND ENDING APRIL 30, 2012

Ordinance O-37-2011 was presented for passage.

- o. O-38-2011 – AN ORDINANCE MAKING APPROPRIATIONS FOR SPECIAL SERVICE AREA NUMBER ELEVEN OF THE CITY OF ELMHURST FOR THE FISCAL YEAR BEGINNING MAY 1, 2011 AND ENDING APRIL 30, 2012

Ordinance O-38-2011 was presented for passage.

- p. O-39-2011 – AN ORDINANCE MAKING APPROPRIATIONS FOR SPECIAL SERVICE AREA NUMBER THIRTEEN OF THE CITY OF ELMHURST FOR THE FISCAL YEAR BEGINNING MAY 1, 2011 AND ENDING APRIL 30, 2012

Ordinance O-39-2011 was presented for passage.

- q. O-40-2011 – AN ORDINANCE MAKING APPROPRIATIONS FOR SPECIAL SERVICE AREA NUMBER FOURTEEN OF THE CITY OF ELMHURST FOR THE FISCAL YEAR BEGINNING MAY 1, 2011 AND ENDING April 30, 2012

Ordinance O-40-2011 was presented for passage.

- r. O-41-2011 – AN ORDINANCE MAKING APPROPRIATIONS FOR SPECIAL SERVICE AREA NUMBER FIFTEEN OF THE CITY OF ELMHURST FOR THE FISCAL YEAR BEGINNING MAY 1, 2011 AND ENDING APRIL 30, 2012

Ordinance O-41-2011 was presented for passage.

- s. R-26-2011 – A RESOLUTION APPROVING A SETTLEMENT AGREEMENT AND MUTUAL RELEASE OF CLAIMS BETWEEN LINDA WOTJAS AND THE CITY OF ELMHURST AND ELMHURST POLICE OFFICER ARTHUR CISZEWSKI

Resolution R-26-2011 was presented for passage.

Alderman Wagner moved to approve the contents of the Consent Agenda. Alderman Dunn seconded. Roll call vote:

Ayes: Wagner, Dunn, Bram, Polomsky, Hipskind, Healy, Levin, Morley, Mulliner, Pezza, Gutenkauf, Leader

Nays: None

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

#### **COMMITTEE REPORTS**

7. a. CASE NUMBER 10P-12/DISTRICT 205 - YORK HIGH SCHOOL AMENDED CONDITIONAL USE The following report of the Development, Planning & Zoning Committee was presented for passage:

July 12, 2011

TO: Mayor DiCianni and Members of City Council

RE: Case Number 10P-12/District 205 - York High School Amended Conditional Use

Request for Amended Conditional Use Permit for the purpose of increasing the number of hours/days that the lighting fixtures and Public Address systems are in use at the Clarence



any City ordinance violation subject to all applicable administrative hearing rules, penalties and fines. The enforcement of this ordinance shall rest with the City of Elmhurst Police Department.

The Committee further recommends a one year trial period to gather data on the effects of the new lighting and sound systems, as well as other aspects of the field use. The Committee recommends approval of this Amended Conditional Use Permit for a period of 18 months with a provision that the Applicant report to the Committee in 12 months to review the data and to verify that the conditions of the Conditional Use Permit are effective and appropriate and to propose any modifications as may be necessary. No later than the expiration of the 18 month period, the Committee shall recommend to the City Council that this Conditional Use Permit shall either be extended as is or extended with modifications.

It is, therefore, the recommendation of the Development, Planning and Zoning Committee that the City Council support the approval of an Amended Conditional Use Permit as outlined herein. The City Attorney is hereby directed to prepare the necessary documents for City Council approval.

Respectfully submitted,  
Development, Planning and Zoning Committee  
/s/ Steven Morley  
Chairman  
/s/ Dannee Polomsky  
Vice-Chairman  
/s/ Norman Leader

Alderman Morley moved to accept item **7a. Case Number 10P-12/District 205 - York High School Amended Conditional Use**. Alderman Polomsky seconded.

Alderman Morley reviewed the timeline of the applicants request for a conditional use and the formation of the York Community Advisory Council (YCAC) and the approval of the amended conditional use permit.

Discussion ensued regarding the role the Zoning & Planning Commission and YCAC played in the process.

Voice vote on item **7a. Case Number 10P-12/District 205 - York High School Amended Conditional Use**. Motion carried.

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

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

Mayor DiCianni stated the report from the Elgin-O'Hare West Bypass Advisory Council was presented to Governor Quinn at a Press Conference in Bensenville. He stated the City Council received a copy of the report. Mayor DiCianni stated he was at the County today for the last meeting. He stated the advisory Council is hopeful the funding will come. He stated the Tollway will be on board to take the lead to obtain the \$3.6million in necessary funding to make this happen.

Mayor DiCianni stated Governor Quinn was in Elmhurst last week to sign HB1610, Jame's Law, into effect. Aldermen Pezza, Hipskind and Wagner were in attendance. The Mayor thanked Governor Quinn and Senator Millner along with many State Representatives from Cook and DuPage Counties who were pro-active in the passing of the bill.

Mayor DiCianni reported on the July 11, 2011 storm. He stated one million ComEd customers were without power in the Chicagoland area, 4,500 in Elmhurst. He stated the magnitude of these storms is

becoming more severe. The Mayor stated the City will continue to work with ComEd to upgrade their system.

Alderman Pezza stated she wanted to thank Police Chief Neubauer for his research and efforts in regards to HB1610. She also thanked Mayor DiCianni for his support.

Mayor DiCianni also thanked Chief Neubauer for his work on HB 1610.

**OTHER BUSINESS**

9. None.

**ANNOUNCEMENTS**

10. Alderman Polomsky announced she will be hosting an “open house” for 3<sup>rd</sup> Ward residents at Angelo’s Ristorante on July 19, 2011 from 7:00-8:30 p.m.

Mayor DiCianni announced the Character Counts Golf Outing will be held July 30, 2011 at Sugar Creek and the ECAF Golf Outing will be held on August 1, 2011 at Riverside Country Club.

**ADJOURNMENT**

11. Alderman Morley moved to adjourn the meeting. Alderman Hipskind seconded. Voice vote. Motion carried. Meeting adjourned 10:31 p.m.

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Peter P. DiCianni III, Mayor

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Patty Spencer, City Clerk