

**MINUTES OF THE REGULAR MEETING OF THE  
CITY COUNCIL OF THE CITY OF ELMHURST, ILLINOIS  
HELD ON MONDAY, FEBRUARY 6, 2012  
209 NORTH YORK STREET  
ELMHURST, ILLINOIS**

**EXECUTIVE SESSION 6:30 P.M. – PENDING/THREATENED LITIGATION INCLUDING WORKER’S  
COMPENSATION AND ACQUISITION/DISPOSITION OF REAL PROPERTY**

1. Executive session was called to order at 6:30 p.m. by City Clerk Spencer for the purpose of discussing the Pending/Threatened Litigation Including Worker’s Compensation and Acquisition/Disposition of Real Property.

Present: Paula Pezza, Diane Gutenkauf, Norman Leader, Dannee Polomsky, Kevin L. York, Jim Kennedy, Steve Morley, Mark A. Mulliner, Patrick Wagner

Absent: Bob Dunn (Dunn arrived at 6:50 p.m.), Michael J. Bram (Bram arrived at 6:31 p.m.), Stephen Hipskind (Hipskind arrived at 7:25 p.m.), Chris Healy, Scott Levin (Levin arrived at 6:32 p.m.), Mayor DiCianni (Mayor arrived at 6:55 p.m.)

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

Alderman Gutenkauf moved to appoint Alderman Mulliner as Mayor Pro-Tempore in the absence of Mayor DiCianni. Alderman Morley seconded. Voice vote, motion carried.

Alderman Pezza moved to convene into executive session for the purpose of discussing Pending/Threatened Litigation Including Worker’s Compensation and Acquisition/Disposition of Real Property. Alderman Bram seconded.

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

Nays: None

11 ayes, 0 nays, 3 absent  
Motion duly carried

Alderman Morley moved to adjourn executive session. Alderman Wagner seconded. Voice vote. Motion carried. Executive session adjourned at 7:27 p.m.

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

Attendance: 45

2. The Regular Meeting of the Elmhurst City Council was called to order by Mayor DiCianni at 7:37 p.m.

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

Absent: Chris Healy

Also in Attendance: City Treasurer Dyer, City Attorney Storino, City Manager Grabowski, Assistant City Manager/Fire Chief Kopp, Director of Finance & Administration Gaston, Public Works Director Hughes, Interim Police Chief Panico, Interim Deputy Police Chief Kveton, Museum Director Bergheger

**PRESENTATION – COMED SUB COMMITTEE RECOMMENDATIONS**

3. Ms. Cathy Jordan, representing the Stormwater Task Force ComEd Sub Committee, summarized the sub committee’s reports.

Assistant City Manager/Fire Chief Kopp gave a PowerPoint presentation on the ComEd Sub Committee’s report that focused on the following: Purpose, Review Process, Review of Reliability Reports, System Equipment Improvement 2011/12, Meetings with ComEd, Tree Related Outages/Tree

Trimming and Recommendations.

Ms. Jordan reviewed 10 recommendations the Sub Committee put together to resolve power outages. She concluded by stating they would be available to attend a Committee of the Whole meeting to answer any questions.

Alderman Mulliner thanked the task force stating the Council should move quickly regarding the recommendations presented this evening.

Mayor DiCianni thanked the ComEd Sub Committee for their report and recommendations.

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

4. Marilyn Arado, 912 Saylor Avenue, submitted a letter addressing two issues: water and electricity. The letter discusses water/flooding concerns in regards to two new homes under construction in her neighborhood as well as two power outages since the beginning of 2012 in the same area. She also addresses the Referendum question regarding Electric Aggregation stating she feels the public is uninformed on this topic. She asked the Council to explain why the Council supports Electric Aggregation for Elmhurst and get more information out to the community.

**PUBLIC FORUM**

5. Cathy Jordan  
556 Fairfield Ave.  
Elmhurst, IL 60126

Spoke regarding the membership benefits at the Elmhurst Historical Museum. She spoke of their membership drive "Mission Possible" and presented Mayor DiCianni and City Manager Grabowski with family memberships. Ms. Jordan reviewed that other programs are featured at the Museum.

Gilbert Fischer  
586 N. Van Auken  
Elmhurst, IL 60126

Spoke regarding his strong dislike for government.

Marilyn Arado  
912 Saylor Ave.  
Elmhurst, IL 60126

Spoke regarding water and electricity as to how larger houses affect the City storm sewers. She spoke of electrical outages in her neighborhood in the first month of 2012. She proposed the City do a trial on electric aggregation and asked the City to have a Town Hall meeting to inform citizens on the referendum.

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

Spoke regarding item 7o. *O-05-2012 – An Ordinance Approving and Authorizing the City of Elmhurst, Illinois to Waive Bid and Accept the Proposal of Konica Minolta Business Solutions for the Purchase and Maintenance of Twelve Multifunctional Digital Copiers* on the Consent Agenda stating he is against "no bid" contracts.

Dave Fidanza  
594 Crockett Ave.  
Elmhurst, IL 60126

Spoke regarding the Public Works & Buildings Committee reports on a new Sidewalk Policy. He asked for assurance that petitions that were submitted in 2009 were grandfathered with the 50% vote criteria.

### **ANNOUNCEMENTS**

6. Alderman Gutenkauf announced the Elmhurst League of Woman Voter's will host Candidate Forums on Sunday, February 12, 2012 beginning at 1:00 p.m. at the Frick Center at Elmhurst College, which will include a session on the Elmhurst Electric Aggregation Referendum.

Alderman Mulliner announced Elmhurst Memorial Hospital Guild's annual Chef Fest fundraiser will be held on Thursday, February 23, 2012 at Drury Lane in Oak Brook at 5:30 p.m. Tickets are \$60/person. Additional information is available on the hospital website at [www.emhc.org](http://www.emhc.org).

Clerk Spencer announced the last day to register to vote or update ones current registration in person at City Hall for the March 20, 2012 General Primary is Tuesday, February 21, 2012. Grace Period registration and voting will take place only at the DuPage County Election Commission Office in Wheaton between February 22 – March 13, 2012. In person voter registration will reopen on March 22, 2012.

Mayor DiCianni announced the Elmhurst Children's Assistance Foundation (ECAAF) will host their 3<sup>rd</sup> Annual Casino Night fundraiser at the Diplomat West on Saturday, February 18, 2012 at 7:00 p.m.

The Mayor announced that on Sunday, February 19, 2012 the Casten family fundraiser, Ella's Day: A Family Carnival Event, will take place in the York High School Fieldhouse from 12:00 p.m. – 3:00 p.m. The event will raise funds to help offset the costs of a lifetime of specialized care for Ella Casten, daughter of Lincoln Elementary School teachers Michael & Lindsay Casten, who was diagnosed with Spinal Muscular Atrophy (SMA) Type 2. For more information visit: [www.absolutedreams.org](http://www.absolutedreams.org).

### **CONSENT AGENDA**

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

- a. MINUTES OF THE REGULAR MEETING HELD ON TUESDAY, JANUARY 16, 2012 (City Clerk Spencer):  
Approve as published
- b. MINUTES OF THE EXECUTIVE SESSION HELD ON TUESDAY, JANUARY 16, 2012 (City Clerk Spencer):  
Receive and place on file
- c. MINUTES OF THE EXECUTIVE SESSION HELD ON MONDAY, JANUARY 23, 2012 (City Clerk Spencer):  
Receive and place on file
- d. ACCOUNTS PAYABLE – JANUARY 31, 2012, TOTAL \$ 1,482,646.33
- e. BOARD OF FIRE AND POLICE COMMISSIONERS (Mayor DiCianni): Refer to the Public Affairs & Safety Committee

February 2, 2012

To: Members of the City Council

Re: Board of Fire and Police Commissioners – Mayor DiCianni

It is respectfully requested that the Public Affairs and Safety Committee review MCO-3.17 - Board of Fire and Police Commissioners regarding increasing the size of the board from three members to five members and report back to the Council with their recommendations.

Respectfully submitted,

/s/ Peter P. DiCianni, III  
Mayor

- f. ELMHURST ECONOMIC DEVELOPMENT COMMISSION (Mayor DiCianni): Refer to the Development, Planning and Zoning Committee

February 2, 2012

To: Members of the City Council

Re: Elmhurst Economic Development Commission – Mayor DiCianni

It is respectfully requested that the Development, Planning and Zoning Committee review MCO-4.04 - Economic Development Commission regarding increasing the size of the commission from twelve members to fifteen members and report back to the Council with their recommendations.

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

- g. REVIEW OF TRANSCRIPTION SERVICES – ALDERMAN POLOMSKY (City Manager Grabowski): Refer to the Development, Planning & Zoning Committee

January 27, 2012

To: Mayor DiCianni and Members of the City Council

Re: Review of Transcription Services – Alderman Polomsky

Alderman Polomsky has requested that the use of transcription services for Zoning & Planning Commission/Zoning Board of Appeals Public Hearings be reviewed by the appropriate committee. It is therefore respectfully requested that a review of transcription services be referred to the Development, Planning & Zoning Committee for review and recommendation back to the City Council.

Respectfully submitted,  
/s/ James A. Grabowski  
City Manager

- h. ELECTRONIC WASTE RECYCLING AND PRESCRIPTION DRUG DISPOSAL – ALDERMAN LEVIN (City Manager Grabowski): Refer to the Public Works & Buildings Committee

January 27, 2012

To: Mayor DiCianni and Members of the City Council

Re: Electronic Waste Recycling and Prescription Drug Disposal - Alderman Levin

It is respectfully requested that the attached request from Alderman Levin to implement permanent ongoing programs for electronic waste recycling and prescription drug disposal be referred to the Public Works & Buildings Committee for review and recommendation back to the City Council.

Respectfully submitted,  
/s/ James A. Grabowski  
City Manager

- i. CITY OWNED SURFACE PUBLIC PARKING LOTS – ALDERMEN BRAM & PEZZA (City Manager Grabowski): Refer to the Public Works & Buildings Committee

February 2, 2012

To: Mayor DiCianni and Members of the City Council

Re: City Owned Surface Public Parking Lots – Aldermen Bram & Pezza

It is respectfully requested that the attached request from Aldermen Bram and Pezza regarding the evaluation of City owned surface parking lots be referred to the Public Works & Buildings Committee for review and recommendation back to the City Council.

Respectfully submitted,  
/s/ James A. Grabowski  
City Manager

- j. 2012 PET & BIKE PARADE (City Manager Grabowski): Refer to the Public Affairs & Safety Committee

January 27, 2012

To: Mayor DiCianni and Members of the City Council  
Re: 2012 Pet & Bike Parade

It is respectfully requested that the attached request to hold the 24<sup>th</sup> Annual Spring Road Pet & Bike Parade be referred to the Public Affairs and Safety Committee for review and recommendation back to the City Council.

Respectfully submitted,  
/s/ James A. Grabowski  
City Manager

- k. REPORT – WALGREENS – CLASS “PL” LIQUOR LICENSE REQUEST The following report of the Public Affairs & Safety Committee was presented for passage:

January 23, 2012

To: Mayor DiCianni and Members of the City Council  
Re: Walgreens – Class “PL” Liquor License Request

The Public Affairs and Safety Committee met on January 23, 2012, to discuss the request by Walgreens, located at 160 Robert Palmer Drive to upgrade their current “CBW” liquor license to a “PL” liquor license to allow for the sale of spirits in addition to beer and wine. Representatives from Walgreens were present to explain their plan and answer the Committee’s questions.

Walgreens is requesting a “PL” liquor license, to allow the retail sale of spirits in addition to wine and beer on commercial premises in an effort to expand their adult beverage offering to provide a complete shopping solution to their customers. With the recent expansion into beer and wine, customer requests for spirits have been overwhelming. A recent Market Tool Survey found that 87% of their beer and wine customers stated that they would purchase spirits if they were available.

During hours that sales of alcohol are not allowed, registers are programmed to lock out any liquor sales. Video cameras monitor this area, as well as other areas of the store and are watched closely by Walgreens personnel to avoid theft or other problems.

The store has cooler locks installed on the doors to restrict sales from 9:00 p.m. until closing. For the basic department (warm wine and spirits), the store already has lockable metal grids to restrict access to product during non-selling hours. Metal grids are installed in 3 ft. sections, with locking functionality to restrict access. A metal side panel is positioned at the end of the shelf to prevent customers from reaching in on the sides.

The floor plan and lockout procedures have been reviewed in the past prior to granting a “CBW” liquor license to Walgreens and the Committee agreed with all aspects of the lockout procedures. All state and local laws and ordinances will be enforced and followed.

It is, therefore, the recommendation of the Public Affairs and Safety Committee that the City Attorney be authorized to prepare the appropriate ordinance to provide the addition of a Class

“PL” liquor license for Walgreens to include the sale of spirits and to decrease the number of “CBW” liquor licenses by one.

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

- I. REPORT – WEST AVENUE / UNION PACIFIC RAILROAD GRADE CROSSING ALTERATION The following report of the Public Affairs & Safety Committee was presented for passage:

January 23, 2012

To: Mayor DiCianni and Members of the City Council  
Re: West Avenue/ Union Pacific Railroad Grade Crossing Alteration

The Public Affairs and Safety Committee met on January 23, 2012, to discuss altering the existing railroad grade crossing located at West Avenue at its intersection with the tracks of the Union Pacific Railroad by the addition of a five-foot (5') wide pedestrian crossing with pedestrian gates on the east side of West Avenue to promote public safety and provide convenience to the public.

The City engineers are working with the Union Pacific Railroad (UPR) and Illinois Commerce Commission (ICC) to coordinate the installation of a public sidewalk and pedestrian gates at the West Avenue crossing of the UPR. The ICC requires that the City submit a formal petition requesting this public safety improvement in accordance with Section 18c 7401(3) of the Illinois Commercial Transportation Law (625 ILCS 5/18c 7401(3)). City staff seeks City Council approval to authorize the City's attorneys to file said petition seeking permission for the project.

For the purpose of scheduling this project with ICC and UPR the Public Affairs and Safety Committee recommends the City Council suspend the rules so that the appropriate Resolution approving and authorizing the filing of the petition seeking permission for this project can be considered at this meeting.

It is, therefore, the recommendation of the Public Affairs and Safety Committee that the City Attorney be authorized to prepare the appropriate resolution to approve and authorize the filing of a petition with the Illinois Commerce Commission seeking permission to alter the West Avenue grade crossing of the Union Pacific Railroad in the City of Elmhurst. The Committee further recommends that the City Council suspend the rules to allow for consideration of Resolution R-02-2012 at this meeting.

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

- m. REPORT – BASSET TRAINING REQUIREMENTS CHANGE The following report of the Public Affairs & Safety Committee was presented for passage:

January 23, 2012

To: Mayor DiCianni and Members of the City Council  
Re: Basset Training Requirements Change

The Public Affairs and Safety Committee met on January 23, 2012 to discuss a proposed change from the Elmhurst Police Department to the verbiage in Ordinance 36.26(d) which requires “managers of liquor sales, bartenders and all bar or lounge area servers of alcoholic beverages employed by the licensee, have completed a State of Illinois certified alcohol awareness program”.

The proposed change would be the addition of a stipulation that such required Basset training be held in a classroom taught by a certified trainer and that an online course of the same description does not fulfill the City of Elmhurst requirements as written in Ordinance 36.26(d).

Additionally, the Basset training provided by the City of Elmhurst would not only provide an introduction to the generic outline of alcohol awareness, but would also include the opportunity to learn and adopt the environment and standards of business ethics within the City of Elmhurst.

It is therefore, the recommendation of the Public Affairs and Safety Committee that the City Attorney draft the appropriate Ordinance to Amend Section 36.26(d) to include the stipulation that such required Basset training be held in a classroom setting conducted by a certified trainer and that an online course of the same description does not fulfill the City of Elmhurst requirements.

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

- n. REPORT – CENTRAL BUSINESS DISTRICT - 10-MINUTE PARKING SPACE ADDITION The following report of the Public Affairs & Safety Committee was presented for passage:

January 23, 2012

To: Mayor DiCianni and Members of the City Council  
RE: Central Business District - 10-Minute Parking Space Addition

The Public Affairs and Safety Committee met on January 23, 2012 to discuss the addition of a 10-minute parking space in the Central Business District. Through Alderman Michael Bram, Edible Arrangements, located at 206 N. York Street, has made the request for a 10-minute parking space near their location on York Street.

The request for this 10-minute parking space on York Street was made by Edible Arrangements to assist in their delivery loading process and for customer convenience when picking up orders. During peak business hours, it is often difficult to find a parking space near Edible Arrangement’s location.

In order to be consistent with the current downtown parking plan, City Staff recommends the proposed additional 10-minute space be the first southbound parking space located south of the intersection of York and Third Streets.

It is, therefore, the recommendation of the Public Affairs and Safety Committee that the appropriate ordinance be drafted and adopted by the City Council to provide for the addition of a 10-minute parking space, located south of the intersection of York and Third Streets.

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

/s/ Michael J. Bram

- o. O-05-2012 – AN ORDINANCE APPROVING AND AUTHORIZING THE CITY OF ELMHURST, ILLINOIS TO WAIVE BID AND ACCEPT THE PROPOSAL OF KONICA MINOLTA BUSINESS SOLUTIONS FOR THE PURCHASE AND MAINTENANCE OF TWELVE MULTIFUNCTIONAL DIGITAL COPIERS

Ordinance O-05-2012 was presented for passage.

- p. O-06-2012 – AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF A NON-EXCLUSIVE LICENSE AGREEMENT BY AND BETWEEN THE ELMHURST CHAMBER OF COMMERCE AND THE CITY OF ELMHURST, DUPAGE AND COOK COUNTIES, ILLINOIS

Ordinance O-06-2012 was presented for passage.

- q. MCO-02-2012 – AN ORDINANCE TO AMEND SECTION 10 ENTITLED “VETERANS MEMORIAL COMMISSION” OF CHAPTER FOUR ENTITLED, “BOARDS AND COMMISSION” OF THE MUNICIPAL CODE OF THE CITY OF ELMHURST, ILLINOIS

Ordinance MCO-02-2012 was presented for passage.

- r. MCO-03-2012 – AN ORDINANCE AMENDING ARTICLE I, ENTITLED "IN GENERAL," ARTICLE II, ENTITLED "RETAIL LICENSES," AND ARTICLE III, ENTITLED "RESTRICTIONS AND REQUIREMENTS FOR CONDUCT ON LICENSES PREMISES," OF CHAPTER 36, ENTITLED "LIQUOR," OF THE MUNICIPAL CODE OF ORDINANCES OF THE CITY OF ELMHURST, DUPAGE AND COOK COUNTIES, ILLINOIS (BANQUET FACILITY CLASSIFICATION)

Ordinance MCO-03-2012 was presented for passage.

- s. R-06-2012 – A RESOLUTION TO APPROVE AND AUTHORIZE THE FILING OF A PETITION WITH THE ILLINOIS COMMERCE COMMISSION SEEKING PERMISSION TO ALTER THE WEST AVENUE GRADE CROSSING OF THE UNION PACIFIC RAILROAD IN THE CITY OF ELMHURST

Resolution R-06-2012 was presented for passage.

- t. R-03-2012 – A RESOLUTION TO APPROVE AND AUTHORIZE THE EXECUTION OF THE FIRST AMENDED MODIFICATION AGREEMENT BY AND BETWEEN THE BENSENVILLE FIRE PROTECTION DISTRICT #1 AND THE CITY OF ELMHURST FOR FIRE PROTECTION AND AMBULANCE SERVICES

Resolution R-03-2012 was presented for passage.

- u. R-04-2012 – A RESOLUTION AUTHORIZING THE ISSUANCE OF A NOTICE OF AWARD FOR THE 2012 STREET SWEEPING PROJECT FOR THE CITY OF ELMHURST, ILLINOIS

Resolution R-04-2012 was presented for passage.

- v. R-05-2012 – A RESOLUTION TO REPEAL AND TO TERMINATE THE HIRING AND PROMOTION FREEZE IN THE CITY OF ELMHURST

Resolution R-05-2012 was presented for passage.

Alderman Mulliner pulled items **7e. Board of Fire and Police Commissioners, 7f. Elmhurst Economic Development Commission, and 7o. O-05-2012 – An Ordinance Approving and Authorizing the City of Elmhurst, Illinois to Waive Bid and Accept the Proposal of Konica Minolta Business Solutions for the Purchase and Maintenance of Twelve Multifunctional Digital Copiers** from the Consent Agenda. Alderman Pezza pulled item **7v. R-05-2012 – A Resolution to Repeal and to**

**Terminate the Hiring and Promotion Freeze in the City of Elmhurst.** Alderman Morley pulled items **7c. Minutes of the Executive Session Held on Monday, January 23, 2012,** and **7t. R-03-2012 – A Resolution to Approve and Authorize the Execution of the First Amended Modification Agreement by and Between the Bensenville Fire Protection District #1 and the City of Elmhurst for Fire Protection and Ambulance Services** from the Consent Agenda.

Alderman Morley moved to approve the contents of the Consent Agenda less items **7c. Minutes of the Executive Session Held on Monday, January 23, 2012,** **7e. Board of Fire and Police Commissioners,** **7f. Elmhurst Economic Development Commission,** **7o. O-05-2012 – An Ordinance Approving and Authorizing the City of Elmhurst, Illinois to Waive Bid and Accept the Proposal of Konica Minolta Business Solutions for the Purchase and Maintenance of Twelve Multifunctional Digital Copiers,** **7t. R-03-2012 – A Resolution to Approve and Authorize the Execution of the First Amended Modification Agreement by and Between the Bensenville Fire Protection District #1 and the City of Elmhurst for Fire Protection and Ambulance Services,** and **7v. R-05-2012 – A Resolution to Repeal and to Terminate the Hiring and Promotion Freeze in the City of Elmhurst.** Alderman York seconded. Roll call vote:

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

Nays: None

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

Alderman Morley moved to have item **7c. Minutes of the Executive Session Held on Monday, January 23, 2012** pulled back to the City Clerk to be reviewed in the next Executive Session. It appears to be a scrivener's error, but it is significant and he would like a correction before approval. Alderman Mulliner seconded. Voice vote, motion carried.

Alderman Mulliner moved to open for discussion item **7e. Board of Fire and Police Commissioners.** Alderman York seconded.

Alderman Mulliner stated he pulled item **7e. Board of Fire and Police Commissioners** as he does not support this item as a referral. He stated that three Commissioners have served the City well and unless a reason for change is necessary, this seems to be a political request and needs no further discussion.

Roll call vote on item **7e. Board of Fire and Police Commissioners:**

Ayes: York, Hipskind, Levin, Kennedy, Morley, Wagner, Pezza, Leader, Dunn, Bram, Polomsky

Nays: Mulliner, Gutenkauf

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

Alderman Mulliner moved to open for discussion item **7f. Elmhurst Economic Development Commission.** Alderman Morley seconded. Alderman Mulliner stated he pulled **7f. Elmhurst Economic Development Commission** for the same reason he pulled **7e. Board of Fire and Police Commissioners.** He stated he does not support this item as a referral unless a reason for a change is necessary. He stated this seems to be a political request and needs no further discussion.

Voice vote. Motion carried, not unanimous.

Alderman York moved to approve item **7o. O-05-2012 – An Ordinance Approving and Authorizing the City of Elmhurst, Illinois to Waive Bid and Accept the Proposal of Konica Minolta Business Solutions for the Purchase and Maintenance of Twelve Multifunctional Digital Copiers.** Alderman Mulliner seconded.

Alderman Mulliner stated he pulled item **7o. O-05-2012 – An Ordinance Approving and Authorizing the City of Elmhurst, Illinois to Waive Bid and Accept the Proposal of Konica Minolta Business Solutions for the Purchase and Maintenance of Twelve Multifunctional Digital Copiers** to explain the bidding process and the use of a Request for Proposal (RFP) for the purchase of multifunctional digital copiers.

Roll call vote on item **7o. O-05-2012 – An Ordinance Approving and Authorizing the City of Elmhurst, Illinois to Waive Bid and Accept the Proposal of Konica Minolta Business Solutions for the Purchase and Maintenance of Twelve Multifunctional Digital Copiers:**

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

Nays:

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

Alderman Wagner moved to approve item **7t. R-03-2012 – A Resolution to Approve and Authorize the Execution of the First Amended Modification Agreement by and Between the Bensenville Fire Protection District #1 and the City of Elmhurst for Fire Protection and Ambulance Services.** Alderman Pezza seconded.

Alderman Morley stated he pulled item **7t. R-03-2012 – A Resolution to Approve and Authorize the Execution of the First Amended Modification Agreement by and Between the Bensenville Fire Protection District #1 and the City of Elmhurst for Fire Protection and Ambulance Services** to state he does not support the resolution. He stated this is the fourth or fifth extension this district has received and stated they are not operating in good faith.

Alderman Morley urged the DuPage County Board to give the City the tools needed to achieve a solution.

Alderman Pezza stated for clarification the Public Affairs and Safety Committee directed Assistant City Manager/Fire Chief Kopp to draft a letter to the DuPage County Board regarding this ongoing situation and ask their assistance to resolve this situation other than continual extensions.

Roll call vote on item **7t. R-03-2012 – A Resolution to Approve and Authorize the Execution of the First Amended Modification Agreement by and Between the Bensenville Fire Protection District #1 and the City of Elmhurst for Fire Protection and Ambulance Services:**

Ayes: Wagner, Pezza, Gutenkauf, Leader, Dunn, Bram, York, Hipskind, Levin, Kennedy, Mulliner

Nays: Polomsky, Morley

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

Alderman Pezza moved to open for discussion on item **7v. R-05-2012 – A Resolution to Repeal and to Terminate the Hiring and Promotion Freeze in the City of Elmhurst.** Alderman Mulliner seconded.

Alderman Pezza stated she pulled item **7v. R-05-2012 – A Resolution to Repeal and to Terminate the Hiring and Promotion Freeze in the City of Elmhurst** to amend the motion to suspend the hiring and promotion freeze until budget discussions are under way. Alderman Bram seconded.

Alderman Morley, point of order, asked City Attorney Storino if a person can make a motion and vote against it.

City Attorney Storino replied, yes, a person can vote against a motion he or she made.

Alderman Levin, point of order, are we discussing the main motion or an amended motion.

Alderman Pezza changed her motion to table R-05-12 until April 16, 2012. Alderman Bram seconded. Voice vote. Motion failed, not unanimous.

Roll call vote on item **7v. R-05-2012 – A Resolution to Repeal and to Terminate the Hiring and Promotion Freeze in the City of Elmhurst:**

Ayes: Mulliner, Gutenkauf, Leader, Dunn, Bram, Polomsky, York, Hipkind, Levin, Kennedy, Morley, Wagner

Nays: Pezza

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

**COMMITTEE REPORTS**

8. a. REPORT – NEW PUBLIC SIDEWALKS POLICY – AMENDED The following report of the Public Works and Buildings Committee were presented for passage:

1. MAJORITY REPORT

January 23, 2012

TO: Mayor DiCianni and Members of the City Council

RE: New Public Sidewalks Policy - Amended

On Monday, January 23, 2012 the Public Works and Buildings Committee met to review possible amendments to the current policy. The revised policy reflects the discussions that occurred and the consensus that was arrived at on each. The policy also retains the authority of the Committee and City Council to approve each sidewalk request on a case-by-case basis.

The Public Works and Buildings Committee worked with City Staff and interested residents to again refine the policy for the installation of sidewalks where none currently exist. The Committee felt that it was very important to keep harmony in neighborhoods where sidewalks are installed. To ensure a final outcome that not only results in a quality construction project but also a quality neighborhood project, the Committee felt it was important to make the percentages required to pass a sidewalk improvement higher than the current >50% thereby resulting in a larger amount of support on the block requesting a sidewalk. Recent experience has indicated that the more even the number of people that want sidewalks and the people that do not want sidewalks, the greater the potential for a more negatively emotional project.

Year	Block	% Approval	Result
2009	Gladys	53%	Reduced neighborhood harmony
2008	Belden	72%	Celebrated project;
2007	Dorchester	69%	neighborhood
2006	Babcock	72%	harmony preserved

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The following changes are recommended for the policy to install sidewalks going forward.

1. The definition of a block shall be one side of a street
2. A “no response” will be counted as a “no” vote
3. The previous requirement that a block may not return to request sidewalks for a period of two years after failing to get the necessary support will be eliminated. A block could return with a petition in a following year if desired.
4. Greater than 2/3 of the property owners on a block must sign the petition in the affirmative in order for City Staff to move forward with pre-engineering, tree marking, initial cost estimates, and an open house to review the project for the property owners.
5. Greater than 2/3 of the property owners on the block must vote “yes” on the City survey to create the SSA to complete the installation of the sidewalk.
6. The 50/50 cost share between the City and the property owners for installation of new sidewalks on full blocks where none currently exists remains intact. A Special Service Area (SSA) will be established to support financing for these projects. Through this financing method, the City will be reimbursed for 50% of the project cost by the residents via the County collecting the appropriate property tax over several years based upon the assessed value of each affected lot.
7. The provision for a blocking petition still exists and would require greater than 50% of the property owners and registered voters to dissolve the creation of the SSA.

The Public Works and Buildings Committee recommends that the adoption of the attached amended policy for the installation of new public sidewalks in areas where none currently exist, be approved.

Respectfully submitted,  
Public Works and Building Committee  
/s/ Jim Kennedy  
Chairman  
/us/ Bob Dunn  
Vice-Chairman  
/s/ Chris Healy  
/s/ Diane Gutenkauf

## 2. MINORITY REPORT

January 23, 2012

TO: Mayor DiCianni and Members of the City Council  
RE: New Public Sidewalks Policy - Amended

On Monday, January 23, 2012 the Public Works and Buildings Committee met to review possible amendments to the current policy.

The City Council has previously approved a 50/50 cost share between the City and the property owners for installation of new sidewalks on full blocks where none currently exist. A Special Service Area will be established to support financing for these projects. Through this financing method, the City will be reimbursed for 50% of the project cost by the residents via the County collecting the appropriate property tax over several years based upon the assessed value of each affected lot.

The Public Works and Buildings Committee worked with City staff and interested residents to again refine the policy for the installation of sidewalks where none currently exist. The Committee felt that it was very important to keep harmony in neighborhoods where sidewalks are installed. Recent experience has indicated that the more even the number of people that want sidewalks and the people that do not want sidewalks, the greater the potential for a more negatively emotional project. Consequently to ensure a final outcome that not only results in a quality construction project but also a quality neighborhood project, the Committee felt it was important to make the

percentages required to pass a sidewalk improvement higher thereby indicating a larger amount of support in the neighborhood.

The following changes as outlined in this Minority Report are recommended for the policy to install sidewalks going forward. First, the definition of a block shall be one side of a street. Second, a “no response” will be counted as a “no” vote. Third, the previous requirement that a block may not return to request sidewalks for a period of two years after failing to get the necessary support will be reduced to one year. Fourth, the percentages required for a project to go forward will be as follows: greater than 50% of the people on the block must sign the petition in the affirmative and greater than 50% of the property owners on the block must vote “yes” on the City survey.

Attached is an analysis, which shows how the current policy facilitated the last 5 sidewalk project requests to be constructed via the city’s cost share program. But with the recommended approval percentages defined in the Majority Report, none of these would have proceeded by a wide-margin. The Minority Report defines a compromise plan that would have 2 of the last 5 submittals being approved with the other 3 very close to the survey threshold whereas on a subsequent try there would be a high probability to have the projects approved. Attached, as a reference is also a map of Elmhurst indicating which streets do not currently have sidewalks.

The revised policy reflects the discussions that occurred and the consensus that was arrived at on each. The policy also retains the authority of the Committee and City Council to approve each sidewalk request on a case-by-case basis.

The Public Works and Buildings Committee Minority Report recommends that the adoption of the attached amended policy for the installation of new public sidewalks in areas where none currently exist, be approved.

Respectfully submitted,  
Public Works and Building Committee  
/us/ Jim Kennedy  
Chairman  
/s/ Bob Dunn  
Vice-Chairman  
/us/ Chris Healy  
/us/ Diane Gutenkauf

Alderman Kennedy moved to open for discussion item **8a1. Majority Report – New Public Sidewalks Policy Amended**. Alderman Gutenkauf seconded.

Alderman Kennedy stated the Public Works & Buildings Committee (PW&B) met to discuss the City’s sidewalk policy. The discussion did not include the merits of sidewalks but to recreate the policy. Alderman Kennedy stated the Committee wanted to have the new policy in place before budget discussions begin. Alderman Kennedy stated three (3) issues needed to be revisited: 1) Divisive Behavior – to avoid the situation residents of Gladys Avenue experienced 2) Review the inefficiency of the process 3) Notification to the residents become a more inclusive process.

Alderman Gutenkauf reviewed the impact change to a 2/3 Majority Vote from the residents and how important it is for a harmonious decision with the residents.

Discussion ensued regarding the new policy.

Alderman Dunn moved to substitute item **8a2. Minority Report – New Public Sidewalks Policy Amended** for item **8a1. Majority Report – New Public Sidewalks Policy Amended**. Alderman Bram seconded.

Alderman Dunn stated he was in agreement with the PW&B Committee on most of the issues. He

stated his disagreement with the recommended percentages of the resident's vote.

Alderman Bram stated he was in agreement with certain issues in both reports. Alderman Bram asked City Attorney Storino if an Alderman can make an amendment to a Committee Report.

City Attorney Storino replied any motion to amend a committee report whether it is a majority or minority report, is not in order. He stated after it has been resolved a motion can be made to modify the results.

Alderman Morley, point of order, asked City Attorney Storino when is the opportunity to make a substantive change.

Discussion ensued regarding amending City policy by committee report, the timeline, and applicable use of resolutions.

Alderman Mulliner, point of order, asked for additional clarification.

Alderman Levin, point of order, asked City Attorney Storino to read from the Municipal Code in response to Alderman Mulliner's request for clarification.

Discussion continued.

Alderman Polomsky stated her support to revise the current policy. She stated she would like to send the reports back to the PW&B Committee.

Alderman Morley, point of order, Alderman Polomsky needs to make a motion to send the reports back to Committee.

Alderman Polomsky moved to send the minority and majority reports back to the PW&B Committee. Alderman Bram seconded.

Discussion ensued on Alderman Polomsky's motion to return the reports back to the PW&B Committee.

Alderman Morley, point of order, you cannot debate an issue that is being sent back to Committee.

City Attorney Storino stated the motion itself is debatable.

Alderman Bram, point of order, doesn't Council need to vote on the motion.

Discussion ensued.

Roll call vote to send the Majority and Minority reports back to the PW&B Committee:

Ayes: Polomsky, Bram, Pezza, Hipskind, Morley, Wagner

Nays: Gutenkauf, Leader, Dunn, York, Levin, Kennedy, Mulliner

Results: 6 ayes, 7 nays, 1 absent  
Motion failed

Alderman Gutenkauf, point of order, rule of seven (7) the Mayor needs to vote.

City Attorney Storino stated the Mayor only votes when it's an ordinance or expenditures of money.

Discussion resumed regarding the Minority report.

Alderman Pezza, point of clarification, asked if the three (3) blocks that are pending will be grandfathered in to the old policy.

Alderman Kennedy stated that will be taken as a separate issue on a case by case issue.

Discussion resumed.

Alderman Pezza stated she is unclear on whether or not the three (3) pending cases are grandfathered in or not.

Alderman Kennedy replied yes, they are grandfathered into the old policy.

Alderman Morley, point of clarification, asked if one of the reports is approved, will it go forward without being amended.

City Attorney Storino replied yes.

Alderman Levin moved to send the Majority and Minority reports back to the PW&B Committee. Alderman Hipskind seconded. Roll call vote:

Ayes: Levin, Hipskind, Pezza, Dunn, Bram, Polomsky, York, Morley, Wagner

Nays: Gutenkauf, Leader, Kennedy, Mulliner

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

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

9. a. UPDATES (Mayor DiCianni)

Mayor DiCianni stated on January 30, 2012 the City celebrated an important milestone, fourteen (14) years without a fatal collision at a railroad grade crossing. He thanked Interim Deputy Police Chief Kveton and the Police Department for their hard work and congratulated them on the success of their Railroad Safety Campaign.

#### **OTHER BUSINESS**

10. None.

#### **ADJOURNMENT**

11. Alderman Dunn moved to adjourn the meeting. Alderman York seconded. Voice vote. Motion carried. Meeting adjourned 9:54 p.m.

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Peter P. DiCianni III, Mayor

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Patty Spencer, City Clerk