

**MINUTES OF THE REGULAR MEETING OF THE  
CITY COUNCIL OF THE CITY OF ELMHURST, ILLINOIS  
HELD ON TUESDAY, FEBRUARY 21, 2012  
209 NORTH YORK STREET  
ELMHURST, ILLINOIS**

**EXECUTIVE SESSION 7:00 P.M. – REVIEW OF CLOSED SESSION MINUTES AND PENDING/THREATENED LITIGATION**

1. Executive session was called to order at 7:00 p.m. by Mayor DiCianni for the purpose of discussing the Review of Closed Session Minutes and Pending/Threatened Litigation.

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

Absent: Norman Leader, Patrick Wagner

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

Alderman Morley moved to convene into executive session for the purpose of discussing Review of Closed Session Minutes and Pending/Threatened Litigation. Alderman Hipskind seconded.

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

Nays: None

12 ayes, 0 nays, 2 absent  
Motion duly carried

Alderman Morley moved to adjourn executive session. Alderman Hipskind seconded. Voice vote. Motion carried. Executive session adjourned at 7:32 p.m.

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

Attendance: 13

2. The Regular Meeting of the Elmhurst City Council was called to order by Mayor DiCianni at 7:40 p.m.

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

Absent: Norman Leader, Patrick Wagner

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

Mayor DiCianni announced the passing of Marilyn Graber, one of the City's prominent community leaders. Ms. Graber was a longtime volunteer and fundraiser for Elmhurst Memorial Healthcare and Elmhurst College.

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

3. Michael and Diana Krumrey, 570 W. Crockett Avenue, submitted a letter outlining items they consider important aspects of the sidewalk process for consideration during the discussion on the sidewalk request process.

**PUBLIC FORUM**

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

Discussed the sidewalk policy and spoke regarding the referendum on the March 20<sup>th</sup> ballot regarding electric aggregation.

Michael Krumrey  
570 W. Crockett Ave.  
Elmhurst, IL 60126

Spoke regarding the petition process and the criteria for new sidewalks.

Liz Widmaier  
908 Saylor Ave.  
Elmhurst, IL 60126

Addressed Mayor DiCianni, asking for clarification on DuPage County stormwater funding.

Kathleen Sullivan  
133 Pine St.  
Elmhurst, IL 60126

Referenced the Aldermen for their stormwater management referrals presented to City Manager Grabowski. She thanked Aldermen Bram, Pezza, Gutenkauf, York, and Polomsky.

#### **ANNOUNCEMENTS**

5. Interim Police Chief Panico reviewed the number of burglaries that have taken place and reported on the action the Elmhurst Police Department is taking to keep Elmhurst safe. He also shared the actions that are being taken on returning stolen items and the apprehending of suspects.

Mayor DiCianni thanked Interim Chief Panico and the Elmhurst Police Department for keeping Elmhurst citizens safe and preventing crime.

Clerk Spencer announced Elmhurst City Hall will once again host Early Voting for all registered voters in DuPage County. Early Voting will take place February 27<sup>th</sup> thru March 15<sup>th</sup>, Monday through Friday between the hours of 9:00 a.m. and 4:30 p.m.

Clerk Spencer gave a birthday shout-out to resident Agnes Elden Maxson who will be 100 years old this week.

Alderman York congratulated Matt Garelli for successfully defending his Class 2A Wrestling State Championship.

Alderman Mulliner announced Elmhurst Memorial Hospital Guild's annual Chef Fest will be held on Thursday, February 23, 2012 at Drury Lane. The event starts at 5:30 p.m., tickets are available at the door.

Alderman Gutenkauf announced the Elmhurst League of Women Voters will present a program on Energy Aggregation at the Elmhurst Public Library on Tuesday, March 6, 2012 at 7:00 p.m.

#### **CONSENT AGENDA**

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

- a. MINUTES OF THE REGULAR MEETING HELD ON MONDAY, FEBRUARY 6, 2012 (City Clerk Spencer):  
Approve as published
- b. MINUTES OF THE EXECUTIVE SESSION HELD ON MONDAY, FEBRUARY 6, 2012 (City Clerk Spencer):  
Receive and place on file

c. ACCOUNTS PAYABLE – FEBRUARY 21, 2012, TOTAL \$ 1,353,234.36

d. APPOINTMENT TO BOARD OF TRUSTEES OF THE ELMHURST PUBLIC LIBRARY – IACONO (Mayor DiCianni): Concur with the Mayor’s recommendation

February 3, 2012

To: Members of the City Council

Re: Appointment to Board of Trustees of the Elmhurst Public Library – Monica Iacono

With your advice and consent, I will appoint Ms. Monica Iacono to the Board of Trustees of the Elmhurst Public Library to fill the expired term of Mr. Philip L. Hupfer. Her resume is attached for your consideration and her term will expire on July 1, 2014.

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

e. RE-APPOINTMENT TO THE BOARD OF FIRE AND POLICE COMMISSIONERS – HADDAD (Mayor DiCianni): Concur with the Mayor’s recommendation

February 3, 2012

To: Members of the City Council

Re: Re-appointment to the Board of Fire and Police Commissioners - Haddad

With your advice and consent, I will re-appoint Mr. Emil Haddad to the Board of Fire and Police Commissioners for a term to expire on May 1, 2013. Attached please find his current application.

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

f. BID RESULTS, UNIFORM SERVICES FOR PUBLIC WORKS (City Clerk Spencer): Refer to the Public Works & Buildings Committee

February 15, 2012

TO: Mayor DiCianni and Members of the City Council

RE: Bid Results, Uniform Services for Public Works

In response to an invitation to bid for Uniform Services for Public Works, the City of Elmhurst advertised in the Elmhurst Independent on Thursday, January 26, 2012. Bids were received from three contractors. All bid packages were complete.

Bids were opened at 10:00 a.m. on Tuesday, February 14, 2012 by the City Clerk. The following is a summary of the bids received:

<u>Contractor</u>	<u>Bid Amount Total Cost/Week</u>
G&K Services Justice, IL	\$ 270.54
Aramark Uniform Services Arlington Heights, IL	\$ 257.15
Cintas Romeoville, IL	\$ 283.24

Respectfully submitted,

/s/ Patty Spencer  
City Clerk

- g. BID RESULTS, FIRE HYDRANT & VALVE REPAIR (City Clerk Spencer): Refer to the Public Works & Buildings Committee

February 15, 2012

TO: Mayor DiCianni and Members of the City Council  
RE: Bid Results, Fire Hydrant & Valve Repair

In response to an invitation to bid for Fire Hydrant & Valve Repair, the City of Elmhurst advertised in the Elmhurst Independent on Thursday, February 2, 2012. Bids were received from eight contractors. All bid packages were complete.

Bids were opened at 10:00 a.m. on Tuesday, February 14, 2012 by the City Clerk. The following is a summary of the bids received:

<u>Contractor</u>	<u>Bid Amount</u>
Archon Construction Co. Addison, IL	\$139,900
Patnick Construction, Inc. Bensenville, IL	\$178,287
Stip Brothers Excavating, Inc. Elwood, IL	\$194,115
Unique Plumbing Co. Brookfield, IL	\$178,208
Gerardi Sewer & Water Co. Norridge, IL	\$162,876
Vian Construction Company Inc. Elk Grove Village, IL	\$182,673
Kings Point Addison, IL	\$120,671
Cerniglia Co. Melrose Park, IL	\$126,010

Respectfully submitted,  
/s/ Patty Spencer  
City Clerk

- h. BID RESULTS, (1) 4-TON TRAILER MOUNTED ASPHALT HOT BOX PATCHER (City Clerk Spencer): Refer to the Public Works & Buildings Committee

February 15, 2012

TO: Mayor DiCianni and Members of the City Council  
RE: Bid Results, (1) 4-Ton Trailer Mounted Asphalt Hot Box Patcher

In response to an invitation to bid for One (1) 4-Ton Trailer Mounted Asphalt Hot Box Patcher, the City of Elmhurst advertised in the Elmhurst Independent on Thursday, January 26, 2012 bids were received from three contractors. All bid packages were complete.

Bids were opened at 10:00 a.m. on Tuesday, February 14, 2012 by the City Clerk. The following is a summary of the bids received:

<u>Base Bid</u>	<u>Trade-In Price</u>	<u>Total Price Less Trade</u>
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Falcon Road Maintenance Equipment Inc. Midland, MI	\$22,053	\$2,000	<b>\$20,053</b>
Bonnell Industries Dixon, IL	\$22,900	\$1,000	<b>\$21,900</b>
Koenig Body and Equipment Inc. Peoria, IL	\$24,781	\$1,500	<b>\$23,281</b>

Respectfully submitted,  
/s/ Patty Spencer  
City Clerk

- i. 2012 BIKE RODEO (City Manager Grabowski): Refer to the Public Affairs & Safety Committee

February 15, 2012

To: Mayor DiCianni and Members of the City Council  
Re: 2012 Bike Rodeo

It is respectfully requested that the attached request from the Elmhurst Park District to hold a Bike Rodeo on May 19, 2012 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

- j. 2012 ELMHURST 4 ON THE 4<sup>TH</sup> (City Manager Grabowski): Refer to the Public Affairs & Safety Committee

February 16, 2012

To: Mayor DiCianni and Members of the City Council  
Re: 2012 Elmhurst 4 on the 4<sup>th</sup>

It is respectfully requested that the attached request to hold the annual *Elmhurst 4 on the 4<sup>th</sup>* running event hosted by the Elmhurst Running Club and Community Bank of Elmhurst 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. ALTERNATIVE WATER MANAGEMENT PROGRAMS – ALDERMAN GUTENKAUF & PEZZA (City Manager Grabowski): Refer to the Public Works & Buildings Committee

February 15, 2012

To: Mayor DiCianni and Members of the City Council  
Re: Alternative Water Management Programs – Alderman Gutenkauf & Pezza

It is respectfully requested that the attached request from Aldermen Gutenkauf and Pezza regarding alternative water management programs to the rear yard drain program 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. NEW CONSTRUCTION/MAJOR RENOVATION STORM SEWER CONNECTION REQUIREMENTS – ALDERMEN POLOMSKY & YORK (City Manager Grabowski): Refer to the Public Works & Buildings Committee

February 16, 2012

To: Mayor DiCianni and Members of the City Council  
Re: New Construction/Major Renovation Storm Sewer Connection Requirements – Alderman Polomsky & York

It is respectfully requested that the attached request from Aldermen Polomsky and York regarding changes to the current requirements for downspouts and sump pumps to be connected directly to the City's storm sewer system 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

- m. REPORT – PRECIOUS METAL DEALERS The following report of the Public Affairs & Safety Committee was presented for passage:

February 13, 2012

To: Members of the City Council  
Re: Precious Metals Dealers

The Public Affairs and Safety Committee met on February 13, 2012 to discuss the request to change Article XXIII entitled "Pawnshops and Pawnbrokers" of Chapter 31 to include Section 31.415 entitled, "Precious Metals Dealers" to the Municipal Code.

The request was made by former Police Chief Steve Neubauer. Due to the unprecedented increase in the value of gold, silver and other precious metals, the City of Elmhurst has seen an increase in existing businesses and new businesses that purchase gold, silver and other jewelry in order to melt it down for its value. From a police perspective, this becomes problematic when individuals burglarize homes, steal jewelry, or otherwise illegally acquire these precious metals and turn them in at these businesses for cash.

The City of Elmhurst recently passed an ordinance regulating the pawning business along with other State laws. Precious metal dealers have no such statutory or ordinance regulation. Following is a list of police concerns to be addressed in the revised ordinance:

1. Identification of individuals who are selling precious metals. Including standardized requirements of the identification provided and security videotaping of transactions.
2. Scale used by these establishments is State Certified.
3. All jewelry purchased be digitally photographed and accurately described so the police department crime analyst can compare that description to jewelry and precious metals reported stolen in the community.
4. A list of property sold and the identity of the seller are shared with the police department.
5. The precious metal items should be retained on site for 14 days before they are sent to the smelter.
6. That the precious metal dealer must share his records and customer list with the police department on demand.

It is, therefore, the recommendation of the Public Affairs and Safety Committee that the City Attorney be authorized to prepare the necessary ordinance to amend Article XXIII, Entitled, "Pawnshops and Pawnbrokers" of Chapter 31, entitled, "Business Licensing Regulation and Registration" to include Section 31.415 entitled "Precious Metals Dealers" to the Municipal Code.

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

- n. REPORT – 2012 SPRING ROAD PET PARADE The following report of the Public Affairs & Safety Committee was presented for passage:

February 13, 2012

To: Mayor DiCianni and Members of the City Council  
Re: 2012 Spring Road Pet Parade

The Public Affairs and Safety Committee met on February 13, 2012 to discuss the request from the Spring Road Association and the Elmhurst Chamber of Commerce and Industry to hold the 24<sup>th</sup> Annual Pet and Bike Parade on Saturday, May 19, 2012. A representative from the Spring Road Association and Elmhurst Chamber of Commerce and Industry was available to answer the Committee's questions.

The parade will commence at 1:00 p.m. on Saturday, May 19, 2012, at Spring Road and Vallette Street, progressing north on Spring Road to end at the Canadian National railroad tracks in the parking lot of the Silverado Grill. The duration of the parade is approximately 45 minutes.

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 Spring Road Association and the Elmhurst Chamber of Commerce and Industry's request to hold the 24th Annual Pet and Bike Parade on Saturday, May 19, 2012, commencing at 1:00 p.m., lasting approximately 45 minutes.

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

- o. REPORT – STATE OF ILLINOIS NETWORK CONFIDENTIAL INFORMATION NON-DISCLOSURE AGREEMENT The following report of the Finance, Council Affairs & Safety Committee was presented for passage:

February 14, 2012

To: Mayor DiCianni and Members of the City Council  
Re: State of Illinois Network Confidential Information Non Disclosure Agreement

The Finance, Council Affairs and Administrative Services Committee met on February 13, 2012, to review the State of Illinois Network Confidential Information Non Disclosure Agreement.

The Agreement (attached) allows the City of Elmhurst access to plans and specifications for the Illinois Broadband Opportunity Partnership-East Central (IBOP-EC). The IBOP-EC is a partnership between the Department of Central Management Services (CMS), Illinois State University and more than 40 local organizations to improve broadband access for education, health care, government and public safety institutions. The City will be able to connect to this new fiber backbone which will support speeds of up to 1.6 terabits per second, hundreds of times faster than the current network and user speeds ranging from 10 megabits to 10 gigabits per second and more than six times the current speeds of the majority of the community anchor institutions. This connectivity will allow a future upgrade of the City's WAN and data access to the Illinois Century Network, and may also allow the City to disconnect some current leased lines with AT&T resulting in future cost savings.

It is, therefore, the recommendation of the Finance, Council Affairs and Administrative Services Committee that the City Council approve the Network Confidential Information Non Disclosure Agreement between the City of Elmhurst and the State of Illinois.

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

- p. REPORT – DUPAGE MAYORS AND MANAGERS CONFERENCE 2012 LEGISLATIVE ACTION PROGRAM  
The following report of the Finance, Council Affairs & Safety Committee was presented for passage:

February 14, 2012

To: Mayor DiCianni and Members of the City Council  
Re: DuPage Mayors and Managers Conference 2012 Legislative Action Program

The Finance, Council Affairs and Administrative Services Committee met February 13, 2012, to review the DuPage Mayors and Managers Conference (DMMC) 2012 Legislative Action Program (attached).

Annually, the DMMC develops a Legislative Action Program to provide direction and guidelines for Conference activity. DMMC member communities generally endorse all or part of the LAP by resolution. The Finance Committee has reviewed the Legislative Action Program and endorses the program as presented.

It is, therefore, the recommendation of the Finance, Council Affairs and Administrative Services Committee that the City Council direct the City Attorney to prepare a resolution to endorse and adopt the DuPage Mayors and Managers Conference 2012 Legislative Action Program.

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

- q. O-07-2012 – AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF A NON-EXCLUSIVE LICENSE AGREEMENT BY AND BETWEEN THE ELMHURST ST. PATRICK’S DAY PARADE COMMITTEE AND THE CITY OF ELMHURST, DUPAGE AND COOK COUNTIES, ILLINOIS

Ordinance O-07-2012 was presented for passage.

- r. MCO-04-2012 – AN ORDINANCE TO AMEND SECTION 44.122, ENTITLED, “LIMITED PARKING ZONES ENUMERATED,” OF DIVISION THREE, ENTITLED, “PARKING,” OF ARTICLE VII, ENTITLED, “MOTOR VEHICLES AND TRAFFIC” OF THE MUNICIPAL CODE OF ORDINANCES OF THE CITY OF ELMHURST, ILLINOIS

Ordinance MCO-04-2012 was presented for passage.

- s. MCO-05-2012 – AN ORDINANCE TO AMEND SECTION 36.11, ENTITLED, “LIMITATION OF NUMBER OF LICENSES” OF CHAPTER THIRTY-SIX, ENTITLED, “LIQUOR” OF THE MUNICIPAL CODE OF ORDINANCES OF THE CITY OF ELMHURST, ILLINOIS

Ordinance MCO-05-2012 was presented for passage.

- t. MCO-06-2012 – AN ORDINANCE TO AMEND SECTION 36.26(D), ENTITLED, “RESTRICTIONS AND REQUIREMENT FOR EMPLOYEES ON LICENSED PREMISES” OF CHAPTER THIRTY-SIX, ENTITLED, “LIQUOR” OF THE MUNICIPAL CODE OF ORDINANCES OF THE CITY OF ELMHURST, ILLINOIS

Ordinance MCO-06-2012 was presented for passage.

- u. R-07-2012 – A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF THE AGREEMENT FOR CONSULTING SERVICES FOR ELECTRICAL AGGREGATION BY AND BETWEEN THE NORTHERN ILLINOIS MUNICIPAL ELECTRIC COLLABORATIVE, INC. AND THE CITY OF ELMHURST, DUPAGE AND COOK COUNTIES, ILLINOIS

Resolution R-07-2012 was presented for passage.

Alderman Levin pulled item **6m. Report – Precious Metal Dealers** from the Consent Agenda.

Alderman York moved to approve the contents of the Consent Agenda less item **6m. Report – Precious Metal Dealers**. Alderman Healy seconded. Roll call vote:

Ayes: York, Healy, Levin, Kennedy, Morley, Mulliner, Pezza, Gutenkauf, Dunn, Bram, Polomsky, Hipkind

Nays: None

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

Alderman Pezza moved to open discussion on item **6m. Report – Precious Metal Dealers**. Alderman Bram seconded.

Alderman Levin stated he pulled item **6m. Report – Precious Metal Dealers** to abstain from voting on the Committee report. He stated he hopes to vote on the ordinance, if by that time he has received clarification from the City Attorney regarding his concerns on the regulation of precious metals.

Alderman Bram, point of order, asked if Alderman Levin’s rationale for abstaining is correct.

City Attorney Storino replied he can abstain for now.

Alderman Pezza stated former Police Chief Neubauer wanted to be pro-active and treat these dealers like pawn shops and regulate stolen goods.

Voice vote on item **6m. Report – Precious Metal Dealers**, motion carried, 1 abstention.

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

8. a. UPDATES (Mayor DiCianni)

Alderman Morley updated the Council on the status of the TIFs. He reviewed the Phase I and the status of the TIF study areas. He stated City Manager Grabowski has been keeping all taxing bodies updated and the Kane McKenna reports are available on the City's website. Alderman Morley stated no decisions have been made and the reports should come to Council within the next couple of months.

Alderman Bram referred to the waste and recycling contract referral he and Alderman Pezza sent to City Manager Grabowski. He thanked the Public Works & Buildings Committee for taking on the request, stating he looks forward to their report.

b. OVERVIEW OF 2012/2013 BUDGET (City Manager Grabowski)

City Manager Grabowski gave a PowerPoint presentation titled Operating Budget Overview. He highlighted the following: City of Elmhurst Mission Statement, 2012/13 Budget Schedule, 2012/13 Budget Document Format, Highlights of the Preliminary 2012/13 Operating Budget, and What's Next.

Mayor DiCianni thanked City Manager Grabowski and Finance Director Gaston and her staff for the great job they do for budget review.

Several questions and comments from Aldermen were addressed by City Manager Grabowski.

Alderman Pezza stated for clarification, a full-time Assistant City Manager position is included in the budget. She stated a full and open discussion regarding this position will take place during budget discussions.

**OTHER BUSINESS**

9. Alderman York summarized an article that recently appeared in *Crain's Chicago Business* regarding communities seeking a new power supplier.

City Manager Grabowski stated he would make a copy of the article for the Council to read.

Alderman Bram commented on the Crain's article, stating it is a must read. He stated recently solicitors have been going door to door regarding the subject of alternative power suppliers.

Alderman Gutenkauf stated a blue flyer should have been included in every resident's water bill. It contains information on two sides – one side discusses City services, one side discusses electric aggregation.

**ADJOURNMENT**

10. Alderman Morley moved to adjourn the meeting. Alderman York seconded. Voice vote. Motion carried. Meeting adjourned 8:35 p.m.

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Peter P. DiCianni III, Mayor

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Patty Spencer, City Clerk