

**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF ELMHURST, ILLINOIS
HELD ON MONDAY, MARCH 19, 2012
209 NORTH YORK STREET
ELMHURST, ILLINOIS**

EXECUTIVE SESSION 6:15 P.M. – COLLECTIVE BARGAINING & ACQUISITION OF REAL PROPERTY

1. Executive session was called to order at 6:18 p.m. by Mayor DiCianni for the purpose of discussing the Collective Bargaining & Acquisition of Real Property.

Present: Paula Pezza, Diane Gutenkauf, Norman Leader, Michael J. Bram, Kevin L. York, Chris Healy, Scott Levin, Steve Morley, Patrick Wagner

Absent: Bob Dunn (Dunn arrived at 6:34 p.m.), Dannee Polomsky, Stephen Hipkind, Jim Kennedy, Mark A. Mulliner (Mulliner arrived at 6:21 p.m.)

Also in attendance: City Attorney Storino, City Attorney Durkin, City Manager Grabowski, Assistant City Manager/Fire Chief Kopp

Alderman Morley moved to convene into executive session for the purpose of discussing Collective Bargaining & Acquisition of Real Property. Alderman York seconded.

Ayes: Morley, York, Healy, Levin, Wagner, Pezza, Gutenkauf, Leader, Bram

Nays: None

9 ayes, 0 nays, 5 absent

Motion duly carried

Alderman Healy moved to adjourn executive session. Alderman Morley seconded. Voice vote. Motion carried. Executive session adjourned at 7:15 p.m.

CALL TO ORDER/PLEDGE OF ALLEGIANCE/ROLL CALL

Attendance: 18

2. The Regular Meeting of the Elmhurst City Council was called to order by Mayor DiCianni at 7:31 p.m.

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

Absent: Dannee Polomsky

Also in Attendance: 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

PUBLIC HEARING – TENTATIVE ANNUAL 2012/2013 BUDGET FOR THE CITY OF ELMHURST, ILLINOIS

3. Mayor DiCianni opened the public hearing at 7:33 p.m.

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

Absent: Dannee Polomsky

Mayor DiCianni stated the purpose of this Public Hearing is to take public comment concerning the City's proposed 2012/13 budget. He asked the City Clerk to read any written comments.

Clerk Spencer stated there were no written comments received.

Mayor DiCianni asked for anyone interested in speaking concerning the tentative Annual

2012/2013 Budget to please address the Council. The following persons spoke:

Jim Court
153 N. Hampshire
Elmhurst, IL 60126

Thanked the City Police and Fire Departments for their good service to the residents. He spoke about Public Works staffing, stating there is a perception that there are more supervisory positions versus workers.

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

Spoke regarding the budget stating year after year more money is always requested and it seems money is spent on foolish things.

Liz Widenmeir
908 Saylor Ave.
Elmhurst, IL 60126

Spoke regarding the cost of a permanent Assistant City Manager position and suggested a search for an Assistant City Manager should be conducted.

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

Spoke regarding the permanent Assistant City Manager position stating the position is being designed for a particular person. She spoke of the position's salary range. She asked what is the plan for the consultants and what will happen to the consultants if a permanent full-time Assistant City Manager is in place.

Alderman Hipskind moved to adjourn the public hearing. Alderman York seconded. Voice vote. Motion carried. The public hearing adjourned at 7:45 p.m.

RECEIPT OF WRITTEN COMMUNICATIONS AND PETITIONS FROM THE PUBLIC

4. Mr. Michael Krumrey, 570 W. Crockett Ave., submitted a letter outlining reasons why the petition for sidewalks from Crockett Avenue should not be grandfathered in to the old policy.

PUBLIC FORUM

5. Mario Marino
105 S. York St.
Elmhurst, IL 60126

Spoke regarding the early opening of the outdoor cafés.

Jim Belden
719 Berkley
Elmhurst, IL 60126

Stated the pros and cons of the question on the March 20th ballot regarding Electric Aggregation.

Margie Fitzharris
Fitz's Pub
172 Addison Ave.
Elmhurst, IL 60126

Spoke regarding early opening of outdoor cafés.

Brendan Fitzharris
Fitz's Spare Keys
119 N. York St.
Elmhurst, IL 60126

Spoke regarding early opening of outdoor cafés.

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

Spoke against raising the senior taxi cab rates. He also stated the County Board candidates are in favor of lowering real estate taxes and spending cuts. He asked, why not Elmhurst.

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

Spoke regarding the referendum on the ballot for the March 20th Primary election and spoke regarding the hiring of a permanent Assistant City Manager.

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

Spoke regarding the sidewalk policy stating Crockett shouldn't be grandfathered into the old policy because sidewalks should be on both sides of the street.

ANNOUNCEMENTS

6. City Clerk Spencer stated tomorrow, Tuesday, March 20, 2012 is Election Day for the General Primary. Polls are open from 6:00 a.m.-7:00 p.m. For information on your polling place please contact the DuPage Election Commission at (630)407-5600 or visit their website: www.dupageelections.com.

City Clerk Spencer announced the Elmhurst American Legion Post 187 is in need of donations for the USO. They are requesting socks, gum, hard candy, razors, shaving cream, deodorant, and any non-perishable items. Donations are accepted between the hours of 10:00 a.m.-10:00 p.m. Monday-Friday, and 11:00 a.m. – 6:00 p.m. on Saturdays, at 310 W. Butterfield Rd.

Alderman Gutenkauf announced she and Alderman Pezza will host a 1st Ward Town Hall Meeting on March 29, 2012 at 7:00 p.m. in the large meeting room at the Elmhurst Public Library.

Interim Police Chief Panico announced the Elmhurst Police Department assisted the Melrose Park Police Department in capturing two (2) people who were stealing property. These two people, a male and female, have also been identified in the recent burglaries in Elmhurst. He stated justice has been served thanks to these municipalities working together. Interim Police Chief Panico thanked the Police Departments and asked residents to always be on the lookout for suspicious situations in their neighborhoods.

CONSENT AGENDA

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

- a. MINUTES OF THE REGULAR MEETING HELD ON MONDAY, MARCH 5, 2012 (City Clerk Spencer):
Approve as published
- b. MINUTES OF THE EXECUTIVE SESSION HELD ON MONDAY, MARCH 5, 2012 (City Clerk Spencer):
Receive and place on file
- c. ACCOUNTS PAYABLE – MARCH 19, 2012, TOTAL \$ 6,164,514.28
- d. BID RESULTS, FLAT ROOF REPLACEMENT (City Clerk Spencer): Refer to the Public Works & Buildings Committee

March 13, 2012

TO: Mayor DiCianni and Members of the City Council
RE: Bid Results, Flat Roof Replacement

In response to an invitation to bid for Flat Roof Replacement Project 12-07, the City of Elmhurst advertised in the Elmhurst Independent on Thursday, February 23, 2012. Bids were received from four contractors. All bid packages were complete.

Bids were opened at 10:00 a.m. on Tuesday, March 13, 2012 by the City Clerk. The following is a summary of the bids received:

<u>Contractor</u>	<u>Bid Amount</u>
Feze Roofing, Inc Elmhurst, IL	\$ 358,000.00
CSR Roofing Contractors, Inc Oak Park, IL	\$ 246,442.00
DCG Roofing Solutions Inc Des Plaines, IL	\$ 325,900.00
Nations Roof North LLC Waukesha, WI	\$ 242,490.00

Respectfully submitted,
/s/ Patty Spencer
City Clerk

- e. 2012 ANNIE RYAN FUN RUN (City Manager Grabowski): Refer to the Public Affairs & Safety Committee

March 13, 2012

To: Mayor DiCianni and Members of the City Council
Re: 2012 Annie Ryan Fun Run

It is respectfully requested that the attached request to hold the 13th Annual Annie Ryan Fun Run 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

- f. REPORT – SALT PURCHASE AMOUNT FOR THE 2012-13 WINTER SEASON The following report of the Public Works & Buildings Committee was presented for passage:

March 12, 2012

TO: Mayor DiCianni and Members of the City Council

RE: Salt Purchase Amount for the 2012-13 Winter Season

The City contracts for rock salt through the Illinois Department of Central Management Services (CMS) Joint Purchase program. The State Joint Purchase contract provides delivery guarantees, quality assurance, and pricing that the City could not achieve by contracting on its own. Under the terms of the 2012-2013 Joint Purchase contract the City must submit its rock salt requirement to the State by March, 30, 2012. The City will be notified of the supplier selected and bid price after a contract is awarded.

The amount of salt that the City needs each winter can vary considerably. The seasonal snowfall totals and the City's salt purchases for the past five years are listed below:

Season	Total Snowfall (inches)	Salt Purchased (tons)
2006/07	35.6	3,224
2007/08	60	4,045
2008/09	53	3,684
2009/10	54	4,115
2010/11	57	4,833

The 2011/12 winter season has been unusually mild with only 19.6 total inches of snowfall. The average daily temperatures at O'Hare this winter have been the warmest since observations began at O'Hare in 1959. The City has used only 2,300 tons of salt. If no additional snow falls, the City will begin next season with about 2,600 tons of salt on hand. The City can only store about 1,600 tons of salt in our salt shed. The remaining salt will be stored under tarps in the parking lot behind the Public Works Facility.

The Staff recommends submitting an order for 2,700 tons of salt for the 2012-2013 fiscal year. The City will be required to purchase a minimum of 2,160 tons, (80%), and will be allowed to purchase up to 3,240 tons (120%).

Funds for salt are allocated in the FY2011/12 budget in the amounts of \$147,000 in account number 110-6042-433-40-46 in the General Fund, and \$188,000 in account number 250-6042-433-40-46 in the Motor Fuel Tax Fund. At the current purchase price of \$66.28, \$143,165 would be required to purchase the minimum 2,160 tons and \$214,747 would be required to purchase the maximum 3,240 tons.

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

- g. REPORT – WASTEWATER TREATMENT PLANT SLUDGE STORAGE PAD ROOF – PLANNING AND DESIGN The following report of the Public Works & Buildings Committee was presented for passage:

March 12, 2012

TO: Mayor DiCianni and Members of the City Council

RE: Wastewater Treatment Plant Sludge Storage Pad Roof – Planning and Design

On Monday, March 12, 2012 the Public Works and Buildings Committee met to discuss a proposed amendment to the existing agreement between Baxter & Woodman and the City for planning and design services for the City of Elmhurst Wastewater Treatment Facility Sludge Storage Pad Roof.

The City is currently under contract with Baxter Woodman Consulting Engineers for engineering services to design a new 500,000 gallon anaerobic digester for the Wastewater Treatment Plant

(WWTP). Design and construction of this project was approved in the FY 2010/11 budget and included the construction of a new dry sludge storage building.

On August 25, 2011, state legislation was passed with an immediate effect on the land application method in which the treatment plant disposes of biosolids. Public Act 097-0551 increases the time that the facility must store the byproduct at the treatment plant during the winter months by 60 calendar days from November 15 through March 1. The net effect is that the new building design is inadequate.

This leaves the City of Elmhurst with three options:

1. Continue with the current design (\$200,000 to \$250,000 to build) and landfill excess sludge at \$25,000 per month (possibly three months)
2. Use a landfill at a fixed disposal cost of \$25,000 per month (five to eight months)
3. Add a fixed roof over the previously-constructed storage pad (\$500,000 to \$625,000)

The City of Elmhurst approved and constructed the concrete sludge storage pad in the mid-1990s. The proposed Sludge Storage Pad Roofing project would cover the existing 100' x 150' storage pad and enclose the building on three sides. Roughly 2,400 cubic yards of processed biosolids can be stored on the pad prior to land application.

Baxter Woodman has supplied a proposed amendment to the existing agreement to do this design. As Baxter & Woodman is intimately familiar with the WWTP and the ongoing digester project, City staff is recommending accepting the proposal from Baxter Woodman. Baxter Woodman is holding its hourly rates from the digester design project. In addition, by keeping this design work as an amendment to the existing contract, the cost is covered by the IEPA loan program which has an interest rate of 2.25%. The planning and design services fees will not exceed \$27,000.

Monies for this work are to be used from the FY 2011/2012 Budget account number 510-6057-502.80-20.

It is, therefore, the recommendation of the Public Works and Buildings Committee that the planning and design services contract as outlined above for the Wastewater Treatment Facility be accepted and that the City Attorney be authorized to prepare resolutions for the contract.

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

- h. REPORT – ALLIED WASTE ANNUAL CONTRACT RATE ADJUSTMENT The following report of the Public Works & Buildings Committee was presented for passage:

March 12, 2012

TO: Mayor DiCianni and Members of the City Council
RE: Allied Waste Annual Contract Rate Adjustment

The Public Works and Buildings Committee met on March 12, 2012 to discuss the Allied Waste contract and the annual rate adjustment for the monthly service charges.

In accordance with the contract between the City and Allied Waste, the rate for services must be reviewed on an annual basis. The contract contains provisions for increases to the rates charged by Allied Waste on an annual basis, this year the adjustment to Allied Waste's rate is 4.5%.

Internal costs for the street sweeping of leaves (\$42,100), administrative salary costs (\$93,206) and additional rubbish related service costs are allocated to the refuse and recycling program expenses. These costs are accounted for in the monthly rate adjustments.

The Committee also considered the possibility of including a standard \$75,000 storm cleanup in the administrative cost to be recouped via the monthly rates and/or sticker fees. Based on discussion, the Committee felt it would be best to have the normal costs incorporated into the monthly rates the City charges residents for service, however the Committee chose not to incorporate the \$75,000 cost for storm damage. Schedule A (attached) indicates the normal administrative costs which need to be recouped.

Thus the rate for a 33 gallon garbage receptacle will go from \$14.65 to \$15.16 per month. And the rate for the 96-gallon toter will go from \$21.21 to \$21.95 per month. The amount charged for refuse stickers and yardwaste stickers will remain at \$2.25.

It is, therefore, the recommendation of the Public Works and Buildings Committee that the monthly rates charged for solid waste removal be adjusted as outlined above effective April 1, 2012.

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

- i. REPORT – WASTE WATER TREATMENT PLANT PAVING PROJECT The following report of the Public Works & Buildings Committee was presented for passage:

March 12, 2012

TO: Mayor DiCianni and Members of the City Council
RE: Waste Water Treatment Plant Paving Project

The Public Works and Buildings Committee met on Monday, March 12, 2012 to review bids received for the Waste Water Treatment Plant Paving Project. The bids are summarized on Attachment "A".

The work includes the construction of a bituminous pavement and appurtenant storm water Best Management Practices at the storage area located at the north end of the Waste Water Treatment Plant.

The low bidder on this project was Chicagoland Paving Contractors of Lake Zurich. Chicagoland Paving Contractors has requested by letter (Attachment "B") to withdraw their bid for the Project. The City Attorneys have reviewed the request and found it to be in accordance with Item 10 of the Instructions to Bidders. Item 10 of the Instructions to Bidders allows the contractor to request withdrawal of their bid based on several criteria.

The lowest responsible bidder was Arrow Road Construction of Mount Prospect. Arrow Road Construction met all City requirements within the bid documents issued for bidding. Arrow Road Construction's bid was in the amount of \$281,972.25. Arrow Road Construction has worked for the City in the past and completed similar work for Elmhurst, and other municipalities, in a satisfactory manner.

Monies have been provided in the FY 2011/12 Budget in the following amounts: \$50,000 in storm sewer cleaning account number 110-6041-432-30-84, \$40,000 in concrete street rehab account

number 510-6052-501-30-11 and \$200,000 in storm water improvements/flood mitigation account number 305-0000-432-80-14; for a total of \$290,000.

It is, therefore, the recommendation of the Public Works and Buildings Committee that the bid from Arrow Road Construction, in the amount of \$281,972.25 be accepted, and the City attorney be authorized to draft a resolution for approving a contract with Arrow Road Construction.

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

- j. REPORT – LIQUOR LICENSE REQUEST: YORK MARKET D/B/A EDELWEISS MARKET The following report of the Public Affairs & Safety Committee was presented for passage:

March 12, 2012

To: Mayor DiCianni and Members of the City Council
Re: Liquor License Request: York Market d/b/a Edelweiss Market

The Public Affairs and Safety Committee met on March 12, 2012 to discuss the liquor license request by York Market d/b/a Edelweiss Market. A representative from Edelweiss Market was present to explain their business plan and answer the Committee's questions.

Edelweiss Market will be located at 555 S. York Street in the former Good Earth Market space, in a reduced floor plan. The existing building will be divided into two spaces, allowing an additional tenant to occupy its south side. (A floor plan showing clear separation between two tenants is attached.)

Edelweiss Market will be selling fine wines and ales, bakery goods, gourmet deli meats and cheeses, fresh cut meats from the butcher, specialty grocery items and prepared foods, but all with the influences of a European Market.

They will be seeking a "WBBS" liquor license, which will allow the sale of packaged wines and beer, as well as service of alcohol on the premises within the guidelines provided by Elmhurst Municipal Code.

Packaged wines and beer will be displayed in the southeast corner of the store. The Bier Garten featuring a seating area for patrons and a small bar will be located in the greenhouse space adjacent to the market. Plants for retail sale will be housed in this area, giving patrons the ability to enjoy the atmosphere of the beautiful greenhouse space.

Edelweiss Market will use the two existing entrances located at the corner of York and Vallette streets and one through the greenhouse double doors.

Business hours will comply with the guidelines of the business district.

All state and local laws and ordinances will be enforced and followed. The floor and business plans have been reviewed and the Committee agreed with all aspects of the business plan and have concurred that a Class "WBBS" liquor license which authorizes the sale of packaged wines and beer, as well as service of alcohol on the premises would be appropriate.

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 availability of a Class "WBBS" liquor license for York Market d/b/a Edelweiss Market, located at 555 S. York Street.

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

- k. REPORT – FUND BALANCE REPORTING AND DEFINITIONS POLICY The following report of the Finance, Council Affairs & Administrative Services Committee was presented for passage:

March 13, 2012

To: Mayor DiCianni and Members of the City Council
Re: Fund Balance Reporting and Definitions Policy

The Finance, Council Affairs and Administrative Services Committee met March 12, 2012, to review a proposed fund balance policy pursuant to Government Accounting Standards Board (GASB) Statement No. 54, *Fund Balance Reporting and Governmental Fund Type Definitions*.

The objective of GASB Statement No. 54 is to enhance the usefulness of fund balance information by providing clearer fund balance classifications and by clarifying the existing governmental fund type definitions. This Statement does not change the amount of fund balance that the City reports, nor does it change the fund balance goal policy for the General Fund (25%-33% of operating expenditures). Implementation of GASB Statement No. 54 is required to comply with Generally Accepted Accounting Principles (GAAP), and the effective date is for fiscal year ending April 30, 2012. This Statement applies only to governmental funds (General, Special Revenue, Debt Service and Capital Projects Funds). The City's two Enterprise Funds (MUF and Parking) are not impacted by this Statement.

GASB Statement No. 54 created a hierarchy of fund balance classifications based primarily on the extent to which governments are bound by the constraints placed on resources reported in the funds. There are five new classifications of fund balance, defined as follows:

- Nonspendable Fund Balance – the portion of a Governmental Fund's fund balance that is not available to be spent, either short-term or long-term, in either form (e.g., inventories, prepaid items, land held for resale) or through legal restrictions (e.g., endowments).
- Restricted Fund Balance - the portion of a Governmental Fund's fund balance that is subject to external enforceable legal restrictions (e.g., grantor, contributors and property tax levies).
- Committed Fund Balance - the portion of a Governmental Fund's fund balance with self-imposed constraints or limitations that have been placed by formal action at the highest level of decision making.
- Assigned Fund Balance - the portion of a Governmental Fund's fund balance to denote an intended use of resources, or for all remaining fund balance in non-General funds not categorized above.
- Unassigned Fund Balance - available expendable financial resources in a governmental fund that are not the object of tentative management plan (i.e. assignments). (Only in the General Fund, unless negative.)

Committed fund balance represents a limitation that the City Council imposes upon itself. The decision making authority for commitment of fund balance is the City Council and the formal action is a resolution or ordinance. To allow the committed fund balance to be used for other purposes, the City Council would need to remove the commitment using the action taken to commit the funds (resolution or ordinance). The primary difference between restricted and committed fund balance is the ability to redeploy the funds. The proposed policy would delegate the authority to assign fund balance to the Finance Director. Assigning fund balance is based on intent and does not limit the future use of amounts assigned. Also, the proposed policy would set the City's spending order of fund balance as using the most restricted funds available for expenditures first.

The proposed City of Elmhurst Fund Balance policy is attached. Also attached is the Fund Balance section of the Balance Sheet for Governmental Funds at April 30, 2011, illustrating the pre-GASB Statement No. 54 classifications and the post-GASB Statement No. 54 classifications. After review and discussion, the Finance Committee recommends adoption of the policy.

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 adopt the City of Elmhurst Fund Balance Policy.

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

I. O-12-2012 – AN ORDINANCE AUTHORIZING THE SALE BY AUCTION OF PERSONAL PROPERTY OWNED BY THE CITY OF ELMHURST

Ordinance O-12-2012 was presented for passage.

m. O-13-2012 – AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF A NON-EXCLUSIVE LICENSE AGREEMENT BY AND BETWEEN ELMHURST PARK DISTRICT AND THE CITY OF ELMHURST, DUPAGE AND COOK COUNTIES, ILLINOIS

Ordinance O-13-2012 was presented for passage.

n. O-14-2012 – AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF A NON-EXCLUSIVE LICENSE AGREEMENT BY AND BETWEEN ELMHURST RUNNING CLUB, INC. AND THE CITY OF ELMHURST, DUPAGE AND COOK COUNTIES, ILLINOIS

Ordinance O-14-2012 was presented for passage.

o. O-15-2012 – AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF AN AGREEMENT BY AND BETWEEN THE CITY OF ELMHURST AND CLARKE ENVIRONMENTAL MOSQUITO MANAGEMENT, INC. FOR MOSQUITO ABATEMENT SERVICES FOR THE CITY OF ELMHURST, ILLINOIS

Ordinance O-15-2012 was presented for passage.

p. ZO-01-2012 – AN ORDINANCE APPROVING A TEXT AMENDMENT TO THE CITY OF ELMHURST ZONING ORDINANCE FOR THE PURPOSE OF RECLASSIFYING DAY CARE CENTER AND PRE-SCHOOL USES FROM PERMITTED USES TO CONDITIONAL USES IN THE C1 AND C4 ZONING DISTRICTS

Ordinance ZO-01-2012 was presented for passage.

- q. ZO-02-2012 – AN ORDINANCE APPROVING A TEXT AMENDMENT TO THE CITY OF ELMHURST ZONING ORDINANCE FOR THE PURPOSE OF REQUIRING BICYCLE PARKING IN THE C2 AND C3 ZONING DISTRICTS

Ordinance ZO-02-2012 was presented for passage.

- r. R-10-2012 – A RESOLUTION AUTHORIZING THE ISSUANCE OF A NOTICE OF AWARD FOR THE 2012 FIRE HYDRANT AND WATERMAIN VALVE REPAIR PROJECT IN THE CITY OF ELMHURST, ILLINOIS

Resolution R-10-2012 was presented for passage.

- s. R-11-2012 – A RESOLUTION TO APPROVE AND AUTHORIZE THE EXECUTION OF AN AGREEMENT FOR THE PROFESSIONAL CONSULTING SERVICES BY AND BETWEEN THE CITY OF ELMHURST AND REM MANAGEMENT SERVICES, INC.

Resolution R-11-2012 was presented for passage.

Alderman Levin pulled item **7b. Minutes of the Executive Session Held on Monday, March 5, 2012** from the Consent Agenda. Alderman Kennedy pulled item **7j. Report – Liquor License Request: York Market d/b/a Edelweiss Market.**

Alderman York moved to approve the contents of the Consent Agenda less items **7b. Minutes of the Executive Session Held on Monday, March 5, 2012** and **7j. Report – Liquor License Request: York Market d/b/a Edelweiss Market.** Alderman Morley seconded. Roll call vote:

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

Nays: None

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

Alderman Levin moved to pull back item **7b. Minutes of the Executive Session Held on Monday, March 5, 2012** to the City Clerk to be reviewed in the next Executive Session because of a technical amendment. Alderman York seconded. Voice vote, motion carried.

Alderman Wagner moved to approve item **7j. Report – Liquor License Request: York Market d/b/a Edelweiss Market.** Alderman Pezza seconded.

Alderman Kennedy stated he pulled item **7j. Report – Liquor License Request: York Market d/b/a Edelweiss Market** to ask the Public Affairs & Safety Committee (PA&S) their point of view on half of the building being used to sell spirits and the other half of the building being used as a daycare facility.

Discussion ensued.

Alderman Wagner stated the second half of the building has not been rented/leased to anyone at this time.

Voice vote on item **7j. Report – Liquor License Request: York Market d/b/a Edelweiss Market.** Motion carried, unanimous.

COMMITTEE REPORTS

8. a. REPORT – KANE, MCKENNA AND ASSOCIATES, INC. PHASE II TIF SERVICES The following report of the Development, Planning & Zoning Committee was presented for passage:

March 13, 2012

TO: Mayor DiCianni and Members of the City Council
RE: Kane, McKenna and Associates, Inc. Phase II TIF Services

The Development, Planning and Zoning Committee met on February 13, February 27, and March 12, 2012 to review the Qualification Reports for three proposed Tax Increment Financing Districts: 1) North York Street, 2) York and Vallette and Riverside Drive. The Qualification reports reflect the completion of Phase I of the services agreed to in the Letter of Agreement between the City of Elmhurst and Kane, McKenna and Associates, Inc., dated July 29, 2011.

Mr. Robert Rychlicki, Executive Vice President, Kane, McKenna and Associates, Inc. briefed the Committee on the TIF Qualification Reports for the three proposed TIF Districts. In order for a study area, or "Redevelopment Project Area" to qualify as a TIF District, the area must exhibit certain conditions which are classified as either "Blighted" or "Conservation Areas".

In order for a proposed TIF district to qualify as a Conservation Area more than 50% of the buildings in the proposed area must be over 35 years of age. Once it is established that more than 50% of the buildings within the proposed area are over 35 years of age, the proposed district must meet at least three (3) of thirteen (13) other qualifying factors. In all three proposed districts more than 50% of the structures are 35 years of age or older.

The Proposed North York Street District qualifies as a Conservation Area with six (6) qualifying factors: Obsolescence, Deterioration, Excessive Vacancies, Deleterious Land Use or Layout, Lack of Community Planning, and Lag in Equalized Assessed Value (EAV).

The Proposed North York and Vallette District qualifies as a Conservation Area with five (5) qualifying factors: Obsolescence, Deterioration, Deleterious Land Use or Layout, Lack of Community Planning, and Lag in Equalized Assessed Value (EAV).

The Proposed Riverside Drive TIF District qualifies as a Conservation Area with five (5) qualifying factors: Obsolescence, Deterioration, Deleterious Land Use or Layout, Lack of Community Planning, and Lag in Equalized Assessed Value (EAV).

Therefore, all three proposed TIF districts qualify as Conservation Areas exceeding the required number of qualifying factors.

The Letter of Agreement (LOA) drafted by Kane, McKenna and Associates, Inc., dated July 29, 2011 provides for Phase I services that are completed with the submittal of the Qualification Reports for all three proposed TIF districts. The LOA states that "Phase II services for the three (3) TIF Districts are estimated to (be) in the range of \$60,000.00 to \$75,000.00." Chairman Morley requested that the dollar amount be modified to no more than \$70,000.00; Mr. Charles Biondo, Senior Vice President of Kane, McKenna and Associates, Inc. agreed. The Phase II process concludes with the final recommendation and consideration by City Council. This final process is estimated to take about 6 months.

Therefore, it is the recommendation of the Development, Planning and Zoning Committee that the City Council authorize the City Attorney to prepare the necessary documents for the formal approval of the continuation of services provided by Kane, McKenna and Associates, Inc. to complete Phase II TIF services as outlined in the Letter of Agreement dated July 29, 2011.

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

Alderman Morley moved to open discussion on item **8a. Report – Kane, McKenna and Associates, Inc. Phase II TIF Services.** Alderman Leader seconded.

Alderman Morley stated the report is asking for approval for funds to move to the next phase. Alderman Morley reviewed the Phase 1 report and the qualifying factors of the potential areas. He reported each area needed to meet at least 3 of 13 criteria to qualify for a TIF. He explained a map change to the North York TIF to include the Churchville Middle School and Conrad Fischer Elementary School. Alderman Morley clarified that the Riverside TIF area only includes schools in Salt Creek School District 48. He explained the timeline if Phase II is approved.

Questions focused on the school districts and their funds in regards to TIFS.

Voice vote to approve item **8a. Report – Kane, McKenna and Associates, Inc. Phase II TIF Services.**

Motion carried, unanimous.

b. REPORT – NEW PUBLIC SIDEWALKS POLICY – AMENDED The following reports of the Public Works & Buildings Committee were presented for passage:

1. MAJORITY REPORT

March 12, 2012

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

On Monday, March 12, 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; neighborhood harmony preserved
2007	Dorchester	69%	
2006	Babcock	72%	

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. Sixty percent (60%) 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. Sixty percent (60%) 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 exist 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.
8. If for whatever reason there is no activity relative to a sidewalk project for a period of three (3) years, the petition must be redone.

The following projects are considered “grandfathered in” under the old policy:

- Howard Avenue, Lake Street Frontage Road to Armitage Avenue, east side.
- Comstock Avenue, Garden Avenue to West Avenue, north side.
- Crockett Avenue, Garden Avenue to West Avenue, south side.

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

March 12, 2012

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

On Monday, March 12, 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; neighborhood harmony preserved
2007	Dorchester	69%	
2006	Babcock	72%	

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

9. The definition of a block shall be one side of a street
10. A “no response” will not be counted when calculating the survey response rate.
11. 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.
12. Sixty percent (60%) 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.
13. Sixty percent (60%) of the survey respondents on the block must vote “yes” on the City survey to create the SSA to complete the installation of the sidewalk.
14. The 50/50 cost share between the City and the property owners for installation of new sidewalks on full blocks where none currently exist 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.
15. 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.
16. If for whatever reason there is no activity relative to a sidewalk project for a period of three (3) years, the petition must be redone.

The only difference between this Minority Report and the Majority report is the non-responses to the city survey will not be used to be more consistent with general public voting principals and to not create unreasonably high qualification criteria. To highlight how the outcome of block voting would be dramatically different under these two methods, the following table is presented.

Year	Block	% Approval w/o counting non-responses	Outcome w/o non-responses as NO	% Approval w/ counting non-responses	Outcome w/ non-responses as NO
2009	Gladys	53%	Not installed	50%	Not installed
2009	Willow	71%	Celebrated	50%	Only Babcock
2008	Belden	72%	project;	35%	installed; other
2007	Dorchester	69%	neighborhood	53%	3 streets would
2006	Babcock	72%	harmony preserved	63%	not qualify

The following projects are considered “grandfathered in” under the old policy:

- Howard Avenue, Lake Street Frontage Road to Armitage Avenue, east side.
- Comstock Avenue, Garden Avenue to West Avenue, north side.
- Crockett Avenue, Garden Avenue to West Avenue, south side.

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 discussion on item **8b1. Majority Report – New Public Sidewalks Policy Amended**. Alderman Gutenkauf seconded.

Alderman Kennedy stated item **8b1. Majority Report – New Public Sidewalks Policy Amended** was brought back to the Public Works & Buildings Committee (PW&B) for further review. He stated the PW&B Committee decided to reduce the 67% requirement to 60%. The majority report maintained a key piece in the policy; failure to respond is counted as a “no” vote.

Alderman Kennedy stated item **8b1. Majority Report – New Public Sidewalks Policy Amended** will create a more harmonious result. He concluded everything else in the report stayed the same, the three (3) streets who previously submitted a request for sidewalks will remain grandfathered in the old policy.

Alderman Gutenkauf explained why 60% of the yes vote is fair.

Alderman Dunn moved to substitute item **8b1. Majority Report – New Public Sidewalks Policy Amended** with item **8b2. Minority Report – New Public Sidewalks Policy Amended**. Alderman Bram seconded.

Alderman Dunn stated his reason for recommending substitution of the majority report with the minority report. He stated the minority report is basically the same, the one difference is how a failure to respond is considered as a response.

Discussion ensued regarding the majority and minority reports.

Alderman Morley moved to call the question. Motion carried without objection to the Chair.

Roll call vote to substitute item **8b1. Majority Report – New Public Sidewalks Policy Amended** with item **8b2. Minority Report – New Public Sidewalks Policy Amended**:

Ayes: Dunn, Bram, Leader

Nays: York, Hipkind, Healy, Levin, Kennedy, Morley, Wagner, Mulliner, Pezza, Gutenkauf

Results: 3 ayes, 10 nays, 1 absent
Motion failed

Roll call vote to approve item **8b1. Majority Report – New Public Sidewalks Policy Amended**:

Ayes: Kennedy, Gutenkauf, York, Hipkind, Healy, Levin, Morley, Wagner, Mulliner, Pezza

Nays: Leader, Dunn, Bram

Results: 10 ayes, 3 nays, 1 absent
Motion carried

REPORTS AND RECOMENDATIONS OF APPOINTED AND ELECTED OFFICIALS

9. a. UPDATES (Mayor DiCianni)

Mayor DiCianni stated last Friday the City announced that Mariano’s Grocery Store is coming to Elmhurst. He stated more details will follow.

Alderman Bram stated the ordinance for outdoor cafés is in Chapter 5 of the Municipal Code, section 5.27 and read from the code 5.27(b)(3). He quoted from Chapter 3 Section 2 stating it is the City Manager and City staff’s job to enforce ordinances, not the City Council.

Alderman Bram asked Mayor DiCianni to give any additional information on Elmhurst Memorial Healthcare’s negotiations with Northwestern Hospital, the new Hospital’s request for property tax exemption status, and/or what is happening at the for Berteau campus.

Mayor DiCianni stated Elmhurst Hospital has signed a letter of intent and is in the due diligence phase of negotiations.

City Manager Grabowski stated the County Board has forwarded information to the Department of Revenue on the tax exempt request.

Alderman Pezza stated her concerns on the outdoor café situation, stating there was an unfair advantage for all involved. She stated any changes to the City's policies should be fair and equal to all businesses.

Alderman Wagner invited all interested businesses to attend the Public Affairs & Safety Committee (PA&S) meeting on Monday, March 26, 2012 at 7:00 p.m.

OTHER BUSINESS

10. a. PRIVATE USE OF SIDEWALKS (City Manager Grabowski): Refer to the Public Affairs & Safety Committee

March 19, 2012

To: Mayor DiCianni and Members of the City Council
Re: Private Use of Sidewalks

Elmhurst Municipal Code Chapter 5.27 (b) (3) sets the term of sidewalk cafe permits for a fixed term not to exceed the eight-month period of April 1 through November 30. In order to provide flexibility in the future, staff requests the term of permit for sidewalk cafés be extended/restricted at the discretion of the City Manager. It is therefore respectfully requested that Chapter 5.27 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

Alderman Wagner moved to approve item **10a. Private Use of Sidewalks**. Alderman Pezza seconded. Voice vote. Motion carried, unanimous. Item **10a. Private Use of Sidewalks** was referred without objection to the Public Affairs & Safety Committee.

ADJOURNMENT

11. Alderman Morley moved to adjourn the meeting. Alderman Hipskind seconded. Voice vote. Motion carried. Meeting adjourned 9:15 p.m.

Peter P. DiCianni III, Mayor

Patty Spencer, City Clerk