

**MINUTES OF THE REGULAR MEETING OF THE  
CITY COUNCIL OF THE CITY OF ELMHURST, ILLINOIS  
HELD ON MONDAY, APRIL 16, 2012  
209 NORTH YORK STREET  
ELMHURST, ILLINOIS**

**EXECUTIVE SESSION 6:30 P.M. – DISCUSSION OF MINUTES OF MEETINGS LAWFULLY CLOSED,  
COLLECTIVE BARGAINING, ACQUISITION OF REAL PROPERTY, AND PENDING/THREATENED  
LITIGATION**

1. Executive session was called to order at 6:34 p.m. by Mayor DiCianni for the purpose of Discussion of Minutes of Meetings Lawfully Closed, Collective Bargaining, Acquisition of Real Property, and Pending/Threatened Litigation.

Present: Diane Gutenkauf, Norman Leader, Bob Dunn, Michael J. Bram, Kevin L. York, Stephen Hipskind (arrived at 6:45 p.m.), Chris Healy, Scott Levin, Jim Kennedy, Steve Morley, Mark A. Mulliner

Absent: Paula Pezza, Dannee Polomsky, Patrick Wagner

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

Alderman Healy moved to convene into executive session for the purpose of Discussion of Minutes of Meetings Lawfully Closed, Collective Bargaining, Acquisition of Real Property, and Pending/Threatened Litigation. Alderman Morley seconded.

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

Nays: None

10 ayes, 0 nays, 4 absent  
Motion duly carried

Alderman York moved to adjourn executive session. Alderman Leader seconded. Voice vote. Motion carried. Executive session adjourned at 7:24 p.m.

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

Attendance: 75

2. The Regular Meeting of the Elmhurst City Council was called to order by Mayor DiCianni at 7:35 p.m.

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

Absent: Patrick Wagner

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

**PRESENTATION – TACKLE THE TOWER 1<sup>ST</sup> PLACE TROPHY**

3. Mayor DiCianni called Interim Deputy Police Chief Kveton along with the Tackle the Tower Team to join him at the podium. The team, which came in 1<sup>st</sup> Place at the American Lung Association's Tackle the Tower step-climb at the Oakbrook Terrace Tower, included the following employees: Jim Grabowski, Jacob Beltran, Michael Wiehe, Dan Corrigan, Mathew McCollum, Michael Hamblin, Daniel Torza, Brendan Bruckner, Bob Tannehill, David Rivkin, Chris Blasky, Mike Stenson, and Jim Kveton.

Interim Deputy Police Chief Kveton presented Mayor DiCianni with the 1<sup>st</sup> Place Trophy. He stated

the team raised \$1,400 for the American Lung Association by running 31 stories, 62 flights of stairs to the top of the tower. He thanked his teammates for their hard work and participation and congratulated City Manager Grabowski for completing first out of the City team with a time of 4 minutes 14 seconds.

**VOLUNTEER RECOGNITION – ELMHURST HISTORICAL MUSEUM**

4. Elmhurst Historical Museum Director Bergheger stated in honor of National Volunteer Week he would like to recognize the Historical Museum volunteers who give their time and talent to the Museum. Director Bergheger stated this year Museum volunteers donated 3,600 hours. He stated on behalf of the Museum staff and Elmhurst Heritage Foundation Board he would like to thank all the volunteers for their time and dedication.

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

5. Mr. Tony Meneses, 707 S. Parkside, Elmhurst, IL 60126 submitted a letter to City Attorney Don Storino seeking his opinion regarding the legality of the Mayor retaining the Elmhurst Mayor's Office if he is successfully elected and seated on the DuPage County Board. Additionally he submitted a letter to the Mayor and City Council regarding elected DuPage County Mayors serving simultaneously in elected seats on the DuPage County Board.

**PUBLIC FORUM**

6. Michael Ledonne  
1045 E. Washington  
Lombard, IL 60148

Stated he is newly appointed to the DuPage County Board, District 2 by Chairman Cronin to fill the seat vacated by Sheehan. He stated he wanted to introduce himself to the City Council.

Tony Meneses  
707 S. Parkside  
Elmhurst, IL 60126

Spoke regarding SB3332 regarding one person serving two (2) elected positions concurrently.

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

Spoke regarding the hiring of a permanent Assistant City Manager position.

Jim Belden  
719 Berkley Ave.  
Elmhurst, IL 60126

Spoke regarding Electric Aggregation stating the public hearings are posted on the City website and also commented on the draft plan, item 10. on tonight's agenda.

Allen Unger  
462 N. Emroy Ave.  
Elmhurst, IL 60126

Commended Alderman Bram for meeting with residents face to face when they call him for help. He spoke regarding the City sticker fee increase for Senior Citizens and on garbage pick-up stating "one-size does not fit all residents."

### **ANNOUNCEMENTS**

7. City Clerk Spencer announced the annual Spring Clean-Up for residents living within the corporate limits of Elmhurst will take place this week on your regularly scheduled refuse collection day and reminded all that electronics will not be accepted this year.

City Clerk Spencer announced the Police Department is partnering with the Drug Enforcement Administration for Prescription Drug Take Back Day on Saturday, April 28, 2012. Officers will be on hand in the parking lot of the Police Station to collect expired, unused, or unwanted prescription drugs for safe destruction. Collection hours are 10:00 a.m. – 2:00 p.m.

City Manager Grabowski stated the recycling event that was held on Saturday at Elmhurst College was a huge success. He reported 112 pallets of electronics totaling 185,000lbs were collected along with 9,000lbs of paper for shredding. City Manager Grabowski thanked Public works Director Hughes and Public Works Operations Manager Morley for their contribution. He stated the City plans to partner with the College to have this event on a frequent basis.

City Manager Grabowski reminded residents that 2012/13 vehicle stickers are on sale now and must be properly displayed on all vehicles registered to, or principally garaged at an Elmhurst address by May 1, 2012. Stickers can be purchased at a reduced rate prior to May 1<sup>st</sup> – online, through the mail, or in person at City Hall.

Alderman York announced the Elmhurst Coral Union will celebrate its 60<sup>th</sup> Anniversary in Concert on Saturday, April 22, 2012 at Elmhurst College at 3:00 p.m.

Mayor DiCianni announced the Center for Speech & Language Disorders (CSLD) will host their "Do Make a Difference Award" on Thursday, April 26 at Stimec's in Hillside at 6:00 p.m. This year's honoree is Dan Gibbons.

Mayor DiCianni announced April 24, 2012 is Autism Lobby Day. He invited all families to come to Springfield to voice their concerns and opinions.

### **CONSENT AGENDA**

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

- a. MINUTES OF THE REGULAR MEETING HELD ON MONDAY, APRIL 2, 2012 (City Clerk Spencer):  
Approve as published
- b. MINUTES OF THE EXECUTIVE SESSION HELD ON MONDAY, APRIL 2, 2012 (City Clerk Spencer):  
Receive and place on file
- c. ACCOUNTS PAYABLE – APRIL 16, 2012, TOTAL \$ 1,631,412.36
- d. REAPPOINTMENT TO ELMHURST HERITAGE FOUNDATION – KLEIN & LEADER (Mayor DiCianni):  
Concur with the Mayor's recommendation

March 21, 2012

To: Members of the City Council

Re: Reappointment to Elmhurst Heritage Foundation – Thomas Klein and Leslie Leader

With the advice and consent of the Elmhurst City Council I will reappoint Thomas Klein and Leslie Leader to the Elmhurst Heritage Foundation for terms to expire in October 2014.

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

- e. REPORT – 2012 TREE PURCHASE & PLANTING PROGRAM The following report of the Public Works & Buildings Committee was presented for passage:

April 9, 2012

TO: Mayor DiCianni and Members of the City Council  
Re: 2012 Tree Purchase & Planting Program

The Public Works and Building Committee met on Monday, April 9, 2012, to discuss the purchase and installation of tree stock through the Suburban Tree Consortium for the City's 2012 Tree Purchase & Planting Program. This includes regular tree replacements and new tree plantings.

Elmhurst joined the Suburban Tree Consortium in 1986 and is currently one of 38 participating members. The major purpose of the Consortium is to pool resources from several communities in an effort to obtain lower prices, a more dependable supply, and a higher quality of trees than would be available to any single municipality or agency. The City has purchased trees through the Consortium previously and has been satisfied with the product and the competitiveness of the cost. Currently, Beaver Creek Nursery, Hinsdale Nursery, Beeson's Nursery, Possibility Place Nursery, and Wilson Nursery are contracted to supply trees and Pugsley & LaHaie provide planting services. These contracts have fixed annual prices, which are renewed upon mutual consent of the members and contractors and are administered by the West Central Municipal Conference (WCMC). Collectively, the members purchase approximately 6,000 trees per year.

A purchase summary is attached specifying tree species, numbers required, costs and the supplying nursery.

Due to continuing determinations by the Illinois Department of Labor, tree planting is now considered to be governed by Prevailing Wage Legislation. There are 422 trees scheduled to be purchased at a cost of \$60,923.40. The cost for contractor services to plant the trees is \$71,740.00.

Funds have been allocated in the 2012/2013 budget, General Fund for the purchase of these trees in account number 110-6043-434-40-61 in the amount of \$100,000.00, and for planting in account number 110-6043-434-30-77 in the amount of \$100,000.00, pending Council approval of the 2012/2013 Budget.

It is, therefore, the recommendation of the Public Works and Buildings Committee that the purchase of trees through the Suburban Tree Consortium as outlined above, be approved.

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

- f. REPORT – YORK & VALLETTE BUSINESS ASSOCIATION'S 2012 FARMERS MARKET The following report of the Public Affairs & Safety Committee was presented for passage:

April 9, 2012

To: Mayor DiCianni and Members of the City Council  
Re: York and Vallette Business Association's 2012 Farmers Market

The Public Affairs and Safety Committee met on April 9, 2012 to discuss the request from the York and Vallette Business Association regarding the 2012 Farmers Market.

The Elmhurst Municipal parking lot east of York on Vallette will be used as in the past. The market will commence on June 6, 2012 and run through October 31, 2012 on every Wednesday from 7:00 a.m. to 1:00 p.m.

The Elmhurst Chamber of Commerce will provide necessary event insurance and will make the policy available to the City Attorney prior to the event.

It is, therefore, the recommendation of the Public Affairs and Safety Committee that the City Council approve the York and Vallette Business Association's 2012 Farmers Market starting June 6 through October 31, 2012 on every Wednesday from 7:00 a.m. to 1:00 p.m.

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

- g. REPORT – REQUEST FOR 2012 ELMHURST JAYCEES CARNIVAL The following report of the Public Affairs & Safety Committee was presented for passage:

April 9, 2012

To: Mayor DiCianni and Members of City Council  
Re: Request for 2012 Elmhurst Jaycees Carnival

The Public Affairs and Safety Committee met on April 9, 2012 to discuss the request by the Elmhurst Jaycees for approval for a Temporary Use and Events Permit for a 2012 Elmhurst Jaycees Carnival.

The 2012 Elmhurst Jaycees Carnival will take place June 7 – 10, 2012. This year the Elmhurst Jaycees have decided to increase the size of the Carnival to include a festival of food and music.

The Carnival will take place on Park Street between Myrtle and Prospect Avenues.

Carnival operators will arrive to set up on Sunday, June 3rd, with set up starting Tuesday, June 5<sup>th</sup>. Park Street will be shut down to through traffic starting at approximately 8:00 a.m. on June 5<sup>th</sup>.

The event schedule is as follows:

Thursday, June 7	Carnival - 6 p.m. to 10 p.m. Beer Garden – 6 p.m. to 9:30 p.m. (last call – 8:30 p.m.)
Friday, June 8	Carnival – 4:00 p.m. to 11:00 p.m. Beer Garden – 4:00 p.m. to 10:30 p.m. (last call – 10:00 p.m.)
Saturday, June 9	Special Kids Carnival – 10:00 a.m. to 12:00 noon Carnival open to public – 12:00 noon to 11:00 p.m. Beer Garden – 4:00 p.m. to 10:30 p.m. (last call – 10:00 p.m.)

Sunday, June 10

Carnival – 12:00 noon to 6:00 p.m.

Beer Garden – 12:00 noon to 5:30 p.m. (last call 5:00 p.m.)

The Jaycees will provide The City of Elmhurst a written contract with Elmhurst College regarding the utilization of college property for carnival/festival rides, vehicle and trailer storage and parking.

The Jaycees will be hiring an outside vendor to manage the Beer Tent. All of the employees and/or volunteers will have approved Basset Training. The Elmhurst Police Department must approve their plan for checking ID's, serving of alcoholic beverages and security plan. All of the food vendors will be insured and certified from the Health Department. The Health, Police and Fire Departments will be provided ample time to inspect each booth and ride before the Carnival opens every day.

All layout/staging plans and operational parameters will be finalized only after ongoing consultation and discussion with and written approval from the Elmhurst Police, Fire and Public Works Departments.

Insurance will be provided by Elmhurst Jaycees and approved by the City Attorney.

The Committee felt that this was a beneficial event for the City and that all details will have been approved by the Police, Fire and Public Works Departments prior to the issuance of the permit.

If at any point prior to or during the event the Police Chief, Fire Chief, Public Works or the City Manager / designee feels that there is a reason to stop a ride or the shut down the Carnival they have that authority.

It is, therefore, the recommendation of the Public Affairs and Safety Committee that the City Council authorize the City Manager to issue the Temporary Use and Events Permit as requested by the Elmhurst Jaycees for the proposed 2012 Elmhurst Jaycees Carnival June 7 - 10, 2012.

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

- h. REPORT – RISK MANAGEMENT INSURANCE RENEWALS – FISCAL 2013 The following report of the Finance, Council Affairs & Administrative Services Committee was presented for passage:

April 10, 2012

To: Mayor DiCianni and Members of the City Council  
Re: Risk Management Insurance Renewals – Fiscal 2013

The Finance, Council Affairs and Administrative Services Committee met April 9, 2012, to review the proposed risk management insurance renewals for fiscal 2013.

Although basically self-insured, the City of Elmhurst maintains insurance to protect against losses in excess of a pre-determined self-insured loss retention (SIR). Mr. Rich Stokluska, Area Senior Vice President with Arthur J. Gallagher Risk Management Services, Inc. (Gallagher), the City's broker for risk management insurances, reviewed the fiscal 2013 insurance renewals with the Finance Committee, as presented below:

General, Auto and Public Officials Liability Insurance: The current SIR for liability coverage is \$250,000, and the liability limit is \$10,000,000. Gallagher requested quotes from two carriers with municipal experience, the current carrier, Ironshore Specialty Insurance Co., and Argonaut Insurance Co. The fiscal 2012 premium for Ironshore was \$139,860, and the quote for fiscal 2013 is \$144,781. The quote from Argonaut for fiscal 2013 is \$126,627, and includes a higher total liability limit of \$12,000,000 due to a higher primary aggregate limit. The quote from Argonaut is \$13,233 or 9.5% less than last year's premium. The A.M. Best rating for Argonaut is A XII. Staff recommended purchasing the policy from Argonaut for fiscal 2013, and the Finance Committee concurred with staff recommendation.

Property Insurance: The SIR for property coverage is \$100,000. This program includes coverage for real and personal property, mobile equipment, data processing equipment/media and auto physical damage. The property insurance also includes business interruption loss insurance, which is a means of protecting the City against loss of sales tax revenue if a major sales tax payer was impacted by a disaster such as a tornado or flood. Chubb Group is the City's current carrier, and the current premium is \$52,035. Gallagher requested quotes from four carriers, and three carriers declined to quote. The quote from Chubb for fiscal 2013 is \$54,226, a \$2,191 increase (4.2%) compared to the prior year premium. The increase is primarily due to insurance market conditions. The A.M. Best rating for Chubb is A++XV. Staff recommended that property insurance continue to be purchased from Chubb. The Finance Committee concurred with staff recommendation.

Excess Workers' Compensation Insurance: The SIR for excess workers' compensation insurance is currently \$500,000 for police and firefighter classifications, and \$425,000 for all other classifications. Gallagher requested quotes from three carriers, Safety National Casualty Corporation, the City's current carrier, Midlands/New York Magic Insurance Company and Midwest Employers Casualty Corporation. Midlands and Midwest declined to quote because they can not compete with the incumbent carrier's pricing and rates. The fiscal 2012 premium is \$70,443, and it is the second year of a two-year policy. The quote from Safety National for fiscal 2013 is \$90,575, a 28.6% increase (\$20,132) over prior year. The SIR will increase from \$500,000 to \$600,000 for police and firefighter classifications and from \$425,000 to \$450,000 for all other classifications. The significant premium increase is not due to poor City experience but rather due to the workers' compensation insurance marketplace. Safety National, with whom the City has contracted for this service since 1979, remains the most competitive excess workers' compensation insurance carrier in the municipal marketplace. The A.M. Best rating for Safety National is A XI. Staff recommended that excess workers' compensation insurance continue to be purchased from Safety National Casualty Corporation. The Finance Committee concurred with staff recommendation.

Broker Fees: For four years, since fiscal 2010, all insurance premiums have excluded broker fees. At that time, a three-year broker fee contract was negotiated with Gallagher at the rate of \$36,000 each year. The broker fee remains at \$36,000 for the fiscal 2013 program.

It is, therefore, the recommendation of the Finance, Council Affairs and Administrative Services Committee that the City Council accept the proposal from Arthur J. Gallagher Risk Management Services, Inc., for fiscal year 2013 for General, Auto and Public Officials Liability Insurance, Property Insurance and Excess Workers' Compensation Insurance, as described above.

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. REPORT – PROFESSIONAL SERVICES AGREEMENT FOR THIRD PARTY CLAIMS ADMINISTRATION The following report of the Finance, Council Affairs & Administrative Services Committee was presented for passage:

April 10, 2012

To: Mayor DiCianni and Members of City Council

Re: Professional Services Agreement for Third Party Claims Administration

The Finance, Council Affairs and Administrative Services Committee met April 9, 2012, to review proposals for third party claims administration services for the general liability, property, casualty, and employment related claims for fiscal year 2013.

The outsourcing of the claims administration is a vital component to the City's risk management program. Third party administrators work with City staff and attorneys to resolve claims against the City. Each year the agreements with the third party administrators (TPA) are reviewed prior to renewal. Previously, for fiscal year 2009, the City issued a Request for Proposal (RFP) and selected two firms to provide third party claims administration. Employer's Claim Service, Inc. has provided workers' compensation claims administration and NovaPro Risk Solutions, LP (acquired by Carl Warren & Co. on 6/30/11) has provided liability claims administration for the past four years. This year a RFP was issued and seven competitive proposals were received from the following firms: Cannon, Cochran, Mgmt. Services Inc., NovaPro/Carl Warren (current TPA), PMA Insurance Group, Corvel, Employer's Claim Services (current TPA), VeriClaim and Gallagher Bassett.

The fiscal year 2012 third party administration fees are \$12,790 for workers' compensation claim processing and \$12,235 for liability claim processing, for a total of \$25,025. City staff, along with the City's insurance broker, Arthur J. Gallagher Risk Management Services, Inc., evaluated the proposals based on a comprehensive list of criteria which included a minimum of 5 years adjusting experience in the commercial/municipal insurance areas of general liability, law enforcement, public officials, employment, and auto liability coverage. Based on the results of the analysis, staff recommends remaining with the incumbent TPA firms, Employer's Claim Service, Inc. and Carl Warren & Co. / NovaPro Risk Solutions, LP. The quoted fee for worker's compensation claims administration is \$15,240, and the quoted fee for liability claims administration is \$11,700. The fees are contingent on the number of claims, and the quoted fee reflects the number of estimated claims. The total cost for third party administration for fiscal year 2013 would be \$26,940, an increase of \$1,915. The services provided by the two current TPA firms meet the City's performance expectations. Changing third party administrators results in claim run out costs that are prohibitive unless there is a real need to make a provider change. In this case, the City staff is very satisfied with the current providers. The provider charges quoted for the takeover of current claims and data transfer costs range from \$17,925 to \$34,690. After discussion, the Finance Committee concurred with staff recommendation.

It is, therefore, the recommendation of the Finance, Council Affairs and Administrative Services Committee that the City Council accept the proposal from Employer's Claim Services, Inc. for workers' compensation claim administration at a cost of \$15,240 for fiscal year 2013, and the proposal from Carl Warren & Co./NovaPro Risk Solutions, LP for liability claim administration at a cost of \$11,700 for fiscal year 2013.

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

- j. REPORT – COLLECTION AGENCY SERVICE The following report of the Finance, Council Affairs & Administrative Services Committee was presented for passage:

April 10, 2012

To: Mayor DiCianni and Members of the City Council  
Re: Collection Agency Service

The Finance, Council Affairs and Administrative Services Committee met April 9, 2012, to review the request for proposal (RFP) responses for collection services for the City. The service provided includes collections for parking citations, vehicle sticker citations, utility billing accounts and miscellaneous debt owed the City.

The City of Elmhurst reviews professional services on a regular basis. This year a request for proposal (RFP) was completed, after having previously reviewed services in 2007. Twelve companies, including the City's current agent, were selected to be included in the RFP based on their qualifications, past experience, and request to be included in the RFP process. Of the twelve companies, the following six responded with their proposed contingency fee:

Penn Credit	19%
Credit Bureau USA	25%
Armor Systems Corporation	28%
Municipal Collection Services	30%
Sonnenschein Financial	30%
Municipal Collections of America	35%

The City's current vendor, Armor Systems Corporation, has a current 30% contingency fee with a recovery rate in 2011 of 11%. While past collection services provided have been professional, timely and efficient, several recent staff changes have taken place at Armor and a higher debt recovery rate is desired. Penn Credit is an agency with over two decades of experience in collecting government debt. Penn Credit proposes a contingency fee of 19% while offering the same collection services as other vendors.

Based on the feedback from municipalities that contract Penn Credit services, the 19% fee, and the collection methods offered, staff recommends contracting with Penn Credit for collection services for the City of Elmhurst. The Finance Committee concurs with staff recommendation.

It is, therefore the recommendation of the Finance, Council Affairs and Administrative Services Committee that the City Council approve Penn Credit to provide collection services to the City of Elmhurst for the fiscal years 2013-2016.

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

- k. O-16-2012 – AN ORDINANCE RESERVING AND AUTHORIZING THE TRANSFER OF VOLUME CAP IN CONNECTION WITH PRIVATE ACTIVITY BOND ISSUES, AND RELATED MATTERS

Ordinance O-16-2012 was presented for passage.

- l. O-19-2012 – AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF A NON-EXCLUSIVE LICENSE AGREEMENT BY AND BETWEEN MARIE RYAN AND THE CITY OF ELMHURST, DUPAGE AND COOK COUNTIES, ILLINOIS

Ordinance O-19-2012 was presented for passage.

- m. MCO-09-2012 – AN ORDINANCE TO AMEND ARTICLE I ENTITLED “TREES” OF CHAPTER 6 ENTITLED “TREES AND PLANTS” OF THE MUNICIPAL CODE OF THE CITY OF ELMHURST, ILLINOIS

Ordinance MCO-09-2012 was presented for passage.

- n. MCO-10-2012 – AN ORDINANCE AMENDING SUBSECTION (B)(3) OF SECTION 5.27, ENTITLED, “PRIVATE USE OF SIDEWALKS” OF ARTICLE I, ENTITLED, “GENERAL PROHIBITIONS” OF CHAPTER 5, ENTITLED, “STREETS, ALLEYS AND SIDEWALKS” OF THE ELMHURST MUNICIPAL CODE

Ordinance MCO-10-2012 was presented for passage.

- o. MCO-11-2012 – AN ORDINANCE TO AMEND SECTION 44.222 (B)(4) ENTITLED “DRAG RACING” OF CHAPTER 44 ENTITLED “MOTOR VEHICLES AND TRAFFIC” OF THE MUNICIPAL CODE OF THE CITY OF ELMHURST

Ordinance MCO-11-2012 was presented for passage.

- p. MCO-12-2012 – AN ORDINANCE TO AMEND SECTION 44.92, ENTITLED “STOP INTERSECTIONS ENUMERATED,” OF ARTICLE VI, ENTITLED “SPECIAL STOPS,” OF CHAPTER 44, ENTITLED “MOTOR VEHICLES AND TRAFFIC” OF THE MUNICIPAL CODE OF ORDINANCES OF THE CITY OF ELMHURST, ILLINOIS

Ordinance MCO-12-2012 was presented for passage.

- q. R-19-2012 – A RESOLUTION APPROVING AND AUTHORIZING THE PURCHASE ORDER BETWEEN THE CITY OF ELMHURST, ILLINOIS AND HERITAGE FS INC. FOR THE PURCHASE AND DELIVERY OF GASOLINE AND BIO-DIESEL FUEL

Resolution R-19-2012 was presented for passage.

- r. R-20-2012 – A RESOLUTION REJECTING ALL BIDS FOR THE MUNICIPAL BUILDING FLAT ROOF REPLACEMENT PROJECT IN THE CITY OF ELMHURST, ILLINOIS

Resolution R-20-2012 was presented for passage.

- s. R-21-2012 – A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF AN ENGINEERING SERVICES AGREEMENT BY AND BETWEEN ROBINSON ENGINEERING LTD. AND THE CITY OF ELMHURST FOR THE SANITARY LIFT STATION REPLACEMENT PROJECT

Resolution R-21-2012 was presented for passage.

- t. R-22-2012 – A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A HIGHWAY AUTHORITY AGREEMENT AND SUPPLEMENTAL HIGHWAY AUTHORITY AGREEMENT BY AND BETWEEN PAULI’S SERVICE INC. AND THE CITY OF ELMHURST

Resolution R-22-2012 was presented for passage.

- u. R-23-2012 – A RESOLUTION AUTHORIZING THE DESTRUCTION OF THE AUDIO RECORDINGS OF CERTAIN CLOSED MEETINGS OF THE CITY COUNCIL OF THE CITY OF ELMHURST, ILLINOIS

Resolution R-23-2012 was presented for passage.

- v. R-24-2012 – A RESOLUTION APPROVING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF ELMHURST AND THE ILLINOIS FRATERNAL ORDER OF POLICE LABOR COUNCIL ON BEHALF OF THE ELMHURST POLICE OFFICERS, ILLINOIS FOP LODGE NO. 81

Resolution R-24-2012 was presented for passage.

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

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

Nays: None

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

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

9. a. UPDATES (Mayor DiCianni)

Mayor DiCianni reported on the Western Access meeting he attended last week. He stated the Transportation Bill in Washington D.C. will help fund this project. Mayor DiCianni stated this project is good news for Elmhurst and could potentially create 2,000 local jobs. He stated eastbound North Avenue and southbound 294 access needs are being heard. He stated it could take up to seven (7) years but he thinks a shorter timeframe is expected on this portion of the project.

#### **COMMITTEE REPORTS**

10. a. REPORT – DRAFT PLAN OF OPERATION AND GOVERNANCE FOR MUNICIPAL ELECTRIC AGGREGATION The following report of the Finance, Council Affairs & Administrative Services Committee was presented for passage:

April 10, 2012

To: Mayor DiCianni and Members of the City Council

Re: Draft Plan of Operation and Governance for Municipal Electric Aggregation

The Finance, Council Affairs and Administrative Services Committee met April 9, 2012, to review the Draft Plan of Operation and Governance for the City of Elmhurst electric aggregation program (EAP).

As the City Council will recall, the Council approved placing a referendum question on the March 20, 2012 general primary election ballot, regarding the opt-out electric aggregation program. That referendum passed with 65.67% voting yes in favor of municipal electric aggregation. The next step in the process of establishing an EAP is the approval of a Plan of Operations and Governance (POG) for the program.

The City's process for approving the POG includes Council action approving the draft of the POG, two public hearings as required by the State's statute on electric aggregation (scheduled for April 23<sup>rd</sup> and May 7<sup>th</sup>), possible revisions to the POG based on public comment received in the public hearings, and Council approval of the final POG. The approval process of the POG is expected to be completed on May 21, 2012.

The Finance Committee reviewed the draft POG with staff and the City's consultant, David Hoover of NIMEC. The draft POG was written to reflect statutory and regulatory requirements of an EAP as well as POGs in effect in municipalities with existing EAPs. The language of the draft is intended to be broad, allowing the POG to embrace different sets of terms such as the amount of renewable energy credits or cancellation fees that may be part of the supply agreement the City ultimately has with the chosen electric supplier. The flexibility of the POG should allow it to serve as the framework for the EAP now and in the future, reflecting the priorities of the Council over time with minimal revisions.

One specific feature of note in the POG is the provision on page 3, that, "By majority vote of the Corporate Authorities or their designee, the City may select a Retail Electric Supplier ("RES" or "Provider") to provide the electric power..." The "Corporate Authorities" means the City Council. The process of determining the City's supplier will include receiving highly time sensitive electric supply price and terms offers. Staff and NIMEC have suggested that the interests of the electric customers in the EAP would be best served by allowing market conditions and the drive to have the program in place in a timely manner determine the time to receive bids. As such the Finance Committee recommends that the Finance Committee be designated by the City Council to review bids from the prospective electric suppliers, and the Finance Committee be able to select the winning bid for the EAP by majority vote.

It is, therefore, the recommendation of the Finance, Council Affairs and Administrative Services Committee that the City Council approve the draft Plan of Operation and Governance for review and public comment in Public Hearings scheduled for Monday, April 23, 2012 (6:30 p.m.) and Monday, May 7, 2012 (7:30 p.m.) and that the Finance Committee be designated to approve the electric supply bid for the electric aggregation program.

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

Alderman Hipkind moved to approve item **10a. Report – Draft Plan of Operation and Governance for Municipal Electric Aggregation**. Alderman York seconded.

Alderman Hipkind deferred to Alderman York to review the Draft Plan of Operation Governance (POG).

Alderman York reviewed item **10a. Report – Draft Plan of Operation and Governance for Municipal Electric Aggregation** stating there will be two (2) Public Hearings, the first at a Special Meeting of the City Council on Monday, April 23, 2012 at 6:30 p.m. and the second as part of the Regularly scheduled meeting of the City Council on Monday, May 7, 2012 at 7:30 p.m. Alderman York stated the draft is not totally complete. He stated the timeline calls for a discussion on the issues May 14<sup>th</sup> with the consultant, which will include filling in the gaps of the POG. He stated the timeline also requires the final POG approval be completed on May 21<sup>st</sup> with the committee report requesting a suspension of the rules in order for the ordinance to be considered on the same night. Alderman York reminded all that the report recommends the Finance Committee be designated by the Council to review bids from the prospective electric suppliers, and the Finance Committee be able to select the winning bid for the EAP by majority vote.

Alderman Pezza asked where and when were the Public Hearings advertised.

Director of Finance and Administration Gaston stated a notice ran in the Independent newspaper on April 5<sup>th</sup> and in the Elmhurst Press on April 13<sup>th</sup>. She stated the information has also been posted on the City website.

Discussion ensued on the timeline and rates.

Voice vote to approve item **10a. Report – Draft Plan of Operation and Governance for Municipal Electric Aggregation**, unanimous, motion carried.

**ORDINANCES**

11. a. O-17-2012 – A BUDGET AND APPROPRIATION ORDINANCE FOR THE CITY OF ELMHURST FOR THE FISCAL YEAR BEGINNING ON MAY 1, 2012, AND ENDING ON APRIL 30, 2013

Ordinance O-17-2012 was presented for passage.

Alderman Healy moved to approve item **11a. O-17-2012 – A Budget and Appropriation Ordinance for the City of Elmhurst for the Fiscal Year Beginning on May 1, 2012, and Ending on April 30, 2013.**

Alderman York seconded.

Alderman Hipskind stated he supports the 2012/13 Budget.

Alderman York thanked Director Gaston and City staff for their hard work and asked the Council to support the 2012/13 Budget.

Aldermen Gutenkauf, Pezza and Bram each stated their individual reasons for supporting the 2012/13 Budget as a whole, despite their opposition to particular line items.

Roll call vote on item **11a. O-17-2012 – A Budget and Appropriation Ordinance for the City of Elmhurst for the Fiscal Year Beginning on May 1, 2012, and Ending on April 30, 2013:**

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

Nays: None

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

**OTHER BUSINESS**

12. None.

**ADJOURNMENT**

13. Alderman Hipskind moved to adjourn the meeting. Alderman Morley seconded. Voice vote. Motion carried. Meeting adjourned 8:40 p.m.

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Peter P. DiCianni III, Mayor

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Patty Spencer, City Clerk