

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

**EXECUTIVE SESSION 6:30 P.M. – ACQUISITION OF REAL PROPERTY AND PENDING/THREATENED LITIGATION**

1. Executive session was called to order at 6:35 p.m. by City Clerk Spencer in the absence of Mayor DiCianni for the purpose of discussing Acquisition of Real Property and Pending/Threatened Litigation.

Present: Paula Pezza, Diane Gutenkauf, Norm Leader, Bob Dunn, Michael J. Bram, Dannee Polomsky, Kevin L. York (arrived at 6:39 p.m.), Stephen Hipskind, Chris Healy, Scott Levin, Steve Morley, Mark A. Mulliner

Absent: Jim Kennedy, Patrick Wagner, Mayor DiCianni

Also in attendance: City Treasurer Dyer, City Attorney Storino, City Manager Grabowski, Assistant City Manager Kopp

Alderman Pezza moved to appoint Alderman Mulliner Mayor Pro-Tempore. Alderman Gutenkauf seconded. Voice vote, unanimous. Motion Carried.

Alderman Healy moved to convene into executive session for the purpose of discussing Acquisition of Real Property and Pending/Threatened Litigation. Alderman Morley seconded.

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

Nays: None

11 ayes, 0 nays, 3 absent  
Motion duly carried

Alderman Morley moved to adjourn executive session. Alderman York seconded. Voice vote. Motion carried. Executive session adjourned at 7:25 p.m.

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

Attendance: 130

2. The Regular Meeting of the Elmhurst City Council was called to order by Mayor DiCianni at 7:35 p.m. Emma Smith, who will be in 3<sup>rd</sup> Grade at Field School this fall, gaveled the meeting to order.

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

Absent: Jim Kennedy, Patrick Wagner

Also in Attendance: City Treasurer Dyer, City Attorney Storino, City Manager Grabowski, Assistant City Manager Kopp, Director of Finance & Administration Gaston, Assistant Director of Finance & Administration Trosien, Public Works Director Hughes, Interim Police Chief Panico, Fire Chief Bacidore, Museum Director Bergher, Planning & Zoning Administrator Werner

**PUBLIC HEARING – NORTH YORK STREET TAX INCREMENT FINANCING REDEVELOPMENT PROJECT AREA**

3. Mayor DiCianni opened the public hearing at 7:40 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, Steve Morley, Mark A. Mulliner

Absent: Jim Kennedy, Patrick Wagner

Mayor DiCianni stated tonight's Public Hearing is on the proposed North York Street Tax Increment Financing Redevelopment Project Area. He stated the purpose of this Public Hearing is to hear and receive public comments on the approval of a redevelopment plan and project to be known as the North York Street Tax Increment Financing Redevelopment Project Area and the adoption of tax increment allocation financing therefor.

Assistant City Manager Mike Kopp and Kane McKenna Executive Vice-President Robert Rychlicki gave a PowerPoint presentation titled *Tax Increment Financing (TIF) Overview*.

Questions and comments were made around the dais.

Mayor DiCianni asked Clerk Spencer to read any written communications received for the record.

Clerk Spencer stated there were no written comments received.

Mayor DiCianni asked City Clerk Spencer to call on those persons who signed-in to speak regarding the approval of a redevelopment plan and project to be known as the North York Street Tax Increment Financing Redevelopment Project Area and the adoption of tax increment allocation financing therefor to please address the Council. The following persons spoke:

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

Spoke against the proposed North York TIF.

Gilbert Fischer  
586 N. Van Auken  
Elmhurst, IL 60126

Spoke against the proposed North York TIF.

Steve & Sandy Wilt  
956 N. York St  
Elmhurst, IL 60126

Spoke against the proposed North York TIF.

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

Spoke against the proposed North York TIF.

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

Spoke against the proposed North York TIF.

Craig Nelson  
190 E. St. Charles Rd.  
Elmhurst, IL 60126

Spoke against the proposed North York TIF.

Terry Pastika, Citizens Advocacy Center  
182 N. York St.  
Elmhurst, IL 60126

Spoke against the proposed North York TIF.

John Skoubis  
281 N. York St.  
Elmhurst, IL 60126

Spoke against the proposed North York TIF.

John Kirchner  
245 Villa Ave.  
Elmhurst, IL 60126

Spoke in support of the proposed North York TIF.

Alderman York moved to adjourn the public hearing. Alderman Dunn seconded. Voice vote. Motion carried. The public hearing adjourned at 8:45 p.m.

#### **RECOGNITIONS**

##### **4. a. FIRE DEPARTMENT – IAFF LOCAL 3541 FILL THE BOOT PROGRAM**

Mayor DiCianni asked Cathy Budrois from the Muscular Dystrophy Association (MDA) of Downers Grove to join him at the podium.

Ms. Budrois presented a plaque to the Elmhurst Firefighters Local 3541, honoring their fundraising efforts which earned \$12,223 for MDA this year. She stated all funds benefit the Kid's Camp that the MDA runs for youth.

##### **b. RUTH STRAND POSTER CONTEST WINNERS**

Mayor DiCianni asked Cathy Siegerdt, member of the Heritage Foundation, to announce the Ruth Strand Poster Contest winners for 2012.

Ms. Siegerdt invited the winners to join her at the podium: First Place - Emma Wheatland (Lincoln School), Second Place – Jacob Friend (Timothy Christian School), Third Place Mallori Hecker (Immanuel Lutheran School), Honorable Mentions – Michael Bucolo (Edison School), Pradeep Darsipudi (Immanuel Lutheran School), Sthefany Hidalgo-Nolasco (Conrad Fischer-School), Magnus Johnson (Jefferson School), Taylor Marshall (Hawthorne School), Gabriella Ruggieri (Emerson School), Jack Sanders (Lincoln School), Emily Thomas (Jackson School), and Alison Waski (Field School).

Mayor DiCianni congratulated the winners and thanked them for their participation.

#### **COMED UPDATE AND STORM PREPAREDNESS PRESENTATION**

5. Mayor DiCianni introduced Mr. John O'Halloran, ComEd External Affairs Manager, who is in attendance to give Council a storm preparedness update for the City of Elmhurst.

Mr. O'Halloran gave a PowerPoint presentation which included the following: Overview of Summer Preparedness Activities, Communication Channel Improvements, Storm Response/Technology Improvement, Joint Operations Center Goals, Review of July 1, 2012 Storm, Completed Reliability Projects, and EIMA Projects for Elmhurst. Mr. O'Halloran, along with Geoff Dominiak, Reliability Engineer, and Art Barsema, North Region External Affairs Director from ComEd, answered questions from the dais.

Mayor DiCianni opened the discussion for Public Comment, the following residents spoke:

Kathleen Sullivan  
133 Pine Street  
Elmhurst, IL 60126

Spoke regarding the recent power outages and the flaws in ComEd's reporting system.

Peter Azzinaro  
551 S. Hawthorne Ave.  
Elmhurst, IL 60126

Spoke regarding the numerous power outages. He asked ComEd to please try to fix the problem for the safety of all the families.

Marilyn Arado  
912 S. Hawthorne Ave.  
Elmhurst, IL 60126

Spoke regarding the lack of technology at ComEd. She asked why it has taken so long to get up to technological advances and why there are so many power surges.

Joe Cochiaro  
251 Melrose Ave.  
Elmhurst, IL 60126

Spoke regarding the power outages of 40 homes that are on a section of a grid. He stated clean-up is needed on the easement area. He asked ComEd to address the outages that effect the street lights and put the 40 houses on a different grid.

Adolphe Zielinski  
730 Eastland Ave.  
Elmhurst, IL 60126

Spoke regarding tree limbs that lean on the power lines stating ComEd says they couldn't take care of the problem until the limbs break.

Kirk Pegues  
229 Melrose Ave.  
Elmhurst, IL 60126

Spoke regarding the grid problem that affects the 40 houses on Melrose.

Louis Battistoni  
184 Glenview Ave.  
Elmhurst, IL 60126

Spoke regarding power outages and ComEd not cutting tree limbs that are hanging over the power lines. He asked if ComEd could come out to take a look at the problem.

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

6. None.

**PUBLIC FORUM**

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

Spoke regarding using another method other than robo-calls to get information out to residents during power-outages such as the availability of ComEd Cooling Buses. He asked Council to work on a different form of communication.

Gilbert Fischer  
586 N. Van Auken  
Elmhurst, IL 60126

Spoke regarding high taxes in Elmhurst.

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

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

Asked the City Council for unanimous support for resolution R-47-2012 when they vote tonight. She thanked everyone who was involved with the citizen's petitions, which did not need to be filed because of resolution R-47-2012.

Bob Sylvester  
376 S. Kenilworth  
Elmhurst, IL 60126

Spoke against the electronic sign request for the corner of St. Charles and Kenilworth.

Craig Nelson  
190 E. St. Charles Rd.  
Elmhurst, IL 60126

Spoke against the electronic sign request for the corner of St. Charles and Kenilworth and explained how the City did not interpret the Zoning Code.

#### **ANNOUNCEMENTS**

8. City Clerk Spencer asked the City Council to join her in wishing a happy birthday to Elmhurst resident Frederic Marshall, who celebrated his 99<sup>th</sup> Birthday on August 4, 2012.

Mayor DiCianni announced that on August 9, 2012 the 2nd Annual Patrick J. Ryan Golf Outing will take place at St. Andrew's Golf Club. The golf outing will benefit the LOSS Program for children and youth, established by Catholic Charities.

#### **CONSENT AGENDA**

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

- a. MINUTES OF THE REGULAR MEETING HELD ON MONDAY, JULY 16, 2012 (City Clerk Spencer):  
Approve as published
- b. MINUTES OF THE EXECUTIVE SESSION HELD ON MONDAY, JULY 16, 2012 (City Clerk Spencer):  
Receive and place on file
- c. MINUTES OF THE EXECUTIVE SESSION HELD ON MONDAY, JULY 23, 2012 (City Clerk Spencer):  
Receive and place on file
- d. ACCOUNTS PAYABLE – JULY 31, 2012, TOTAL \$ 1,979,720.06

- e. REAPPOINTMENT TO ELMHURST ECONOMIC DEVELOPMENT COMMISSION – WARNKE & MOSKAL (Mayor DiCianni): Concur with the Mayor’s recommendation

July 23, 2012

To: Members of the City Council

Re: Reappointment to Elmhurst Economic Development Commission – Warnke & Moskal

With the advice and consent of the Elmhurst City Council I will reappoint Kurt Warnke and Steven Moskal to the Elmhurst Economic Development Commission for terms to expire April 30, 2015.

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

- f. MARY QUEEN OF HEAVEN 5K EVENT (City Manager Grabowski): Refer to the Public Affairs & Safety Committee

August 1, 2012

To: Mayor DiCianni and Members of the City Council

Re: Mary Queen of Heaven 5k Event

It is respectfully requested that the attached request from Mary Queen of Heaven Parish to hold a 5k Event 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

- g. TIF INCENTIVE APPLICATION PROCESS – ALDERMEN BRAM, GUTENKAUF, & PEZZA (City Manager Grabowski): Refer to the Finance, Council Affairs & Administrative Services Committee

August 3, 2012

To: Mayor DiCianni and Members of the City Council

Re: TIF Incentive Application Process – Aldermen Bram, Gutenkauf, & Pezza

Attached please find a request from Alderman Bram, Alderman Pezza and Alderman Gutenkauf regarding implementing a formal application process for receiving TIF incentives.

It is respectfully requested that the City Council authorize the Finance, Council Affairs and Administrative Services Committee review this request and report back to the City Council with recommendations.

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

- h. REPORT- SCHILLER/PALMER 2012 PARKING STRUCTURE MAINTENANCE REPAIRS The following report of the Public Works & Buildings Committee was presented for passage:

July 23, 2012

TO: Mayor DiCianni and Members of the City Council

RE: Schiller/Palmer 2012 Parking Structure Maintenance Repairs

The Public Works and Buildings Committee met on Monday, July 23, 2012 to review bids for the Schiller / Palmer 2012 Parking Structure Maintenance Repairs. Fourteen (14) area contractors picked up bid documents. The six (6) bids received from area contractors are summarized on Attachment “A”.

This work includes miscellaneous concrete repairs, removal and replacement of sealant materials and expansion joints, plumbing and masonry repairs, pavement markings and other miscellaneous repairs. Parking decks are exposed to the elements, with the internal structural steel susceptible to corrosion from road salts. Regular routine maintenance of these facilities helps protect the steel, thereby extending the life of the structure and reducing the likelihood of major structural repairs in the future.

J Gill & Company from South Holland, IL submitted the lowest responsible bid meeting all of the bidding requirements. J Gill & Company has satisfactorily completed similar parking deck maintenance work for the City of Chicago and various public and private enterprises.

Monies have been provided in the FY 2012/13 Budget, in the amount of \$165,000 in Account Number 530-0080-503-50-14, for this project.

It is, therefore, the recommendation of the Public Works and Building Committee that the low bid in the amount of \$ 151,414.00 from J Gill & Company for the Schiller / Palmer 2012 Parking Deck Maintenance Repairs Project be accepted and the City attorney be authorized to draft a resolution approving a contract with J Gill & Company.

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

- i. REPORT – ATRIUM FORCE MAIN REPLACEMENT PROJECT The following report of the Public Works & Buildings Committee was presented for passage:

July 23, 2012

TO: Mayor DiCianni and Members of the City Council  
RE: Atrium Force Main Replacement Project

The Public Works and Buildings Committee met on Monday, July 23, 2012 to discuss bids for the 2012/2013 Atrium Force Main Replacement Project. An invitation to bid was sent to qualified contractors and advertised in local area newspapers. The four bids that were received are summarized below:

<u>Contractor</u>	<u>Bid Totals</u>
Apollo Trenchless, Inc. (Lombard, IL)	\$164,753.99
Archon Construction Co., Inc. (Addison, IL)	\$197,220.00
R.A. Mancini Inc. (Prairie Grove, IL)	\$200,000.00
IHC Construction Companies, LLC (Elgin, IL)	\$325,375.00

The current force main (Atrium) 8 inch has failed repeatedly and is scheduled for replacement. Therefore the City intends to replace 1,400 feet of the Atrium force main. This project is under a Compliance Commitment Acceptance (CCA) schedule with the (IEPA) Illinois Environmental Protection Agency and the City must comply with the schedule. See the attached commitment schedule memorandum.

The budget estimate of \$715,000 was compiled based on open cut construction methods. During design it was determined that this pipe could be installed utilizing directional boring. Directional boring is a “trenchless” technology. Constructing the project utilizing directional boring is much less costly than the traditional open cut method. In addition, there are very minimal restoration costs when a trenchless method is utilized.

Monies for construction have been provided in the FY 2012/13 Budget in the amount of \$715,000 in account number 510-6056-502-80-13 (Water/Wastewater) for the Atrium Force Main Replacement project.

It is, therefore, the recommendation of the Public Works and Buildings Committee that the bid submitted by Apollo Trenchless Inc. in the bid amount of \$164,753.99, be accepted. Additionally, staff is requesting that the resolution for this project be completed by the end of this meeting due to construction scheduling and the compliance commitment date of November 30, 2012.

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: HAMBURGER JONES (The following report of the Public Affairs & Safety Committee was presented for passage:

July 23, 2012

To: Mayor DiCianni and Members of the City Council  
Re: Liquor License Request: Hamburger Jones

The Public Affairs and Safety Committee met on July 23, 2012 to discuss the liquor license request by Hamburger Jones, Inc. A representative from Hamburger Jones Inc. was present to explain their business plan and answer the Committee’s questions.

Hamburger Jones will be located at 555 S. York Street. The Hamburger Jones concept is a casual restaurant with full bar and moderately priced menu with a heavy emphasis on burgers, sandwiches, supper club type entrees, appetizers and a variety of other eclectic items. The restaurant will also feature a salad bar and a unique indoor/outdoor patio.

Owner Anthony Gambino is the owner/operator of Fuego Loco/Salseria in downtown Elmhurst and is affiliated with Armand’s. Mr. Gambino believes this new restaurant concept will play strongly with the Elmhurst demographic and make great use of the former Good Earth Market location, which has been empty for several years.

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 “RL” liquor license would be appropriate.

In March, 2012, Edelweiss Market, to be located in the former Good Earth Market location, applied for and received a Class “WBBS” liquor license. Hamburger Jones will be taking over the Edelweiss Market space and is requesting a Class “RL” liquor license.

It is, therefore, the recommendation of the Public Affairs and Safety Committee that the City Attorney be authorized to prepare the appropriate ordinance to remove one Class “WBBS” liquor license and create an additional Class “RL” liquor license for Hamburger Jones 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. O-44-2012 – AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF A NON-EXCLUSIVE LICENSE AGREEMENT BY AND BETWEEN ELMHURST COLLEGE AND THE CITY OF ELMHURST, DUPAGE AND COOK COUNTIES

Ordinance O-44-2012 was presented for passage.

- l. O-45-2012 – AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF A NON-EXCLUSIVE LICENSE AGREEMENT BY AND BETWEEN IMMACULATE CONCEPTION CHURCH AND THE CITY OF ELMHURST, DUPAGE AND COOK COUNTIES, ILLINOIS

Ordinance O-45-2012 was presented for passage.

- m. MCO-18-2012 – AN ORDINANCE AMENDING ARTICLE XXII, ENTITLED “REGULATION OF FILM PRODUCTION,” OF CHAPTER 31, ENTITLED “BUSINESS LICENSING, REGULATION AND REGISTRATION,” OF THE MUNICIPAL CODE OF ORDINANCES OF THE CITY OF ELMHURST, ILLINOIS

Ordinance MCO-18-2012 was presented for passage.

- n. MCO-19-2012 – AN ORDINANCE AMENDING SECTION 36.11, ENTITLED “LIMITATION ON NUMBER OF LICENSES,” OF CHAPTER 36, ENTITLED “LIQUOR,” OF THE MUNICIPAL CODE OF ORDINANCES OF THE CITY OF ELMHURST, ILLINOIS

Ordinance MCO-19-2012 was presented for passage.

- o. R-46-2012 – A RESOLUTION AUTHORIZING THE ISSUANCE OF A NOTICE OF AWARD FOR THE SCHILLER/PALMER 2012 PARKING STRUCTURE MAINTENANCE REPAIRS

Resolution R-46-2012 was presented for passage.

- p. R-48-2012 – A RESOLUTION APPROVING AND AUTHORIZING THE ISSUANCE OF A NOTICE OF AWARD FOR THE 2012/2013 ATRIUM FORCE MAIN REPLACEMENT PROJECT

Resolution R-48-2012 was presented for passage.

Alderman Hipskind moved to approve the contents of the Consent Agenda. Alderman York seconded. Roll call vote:

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

Nays: None

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

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

10. a. UPDATES (Mayor DiCianni)

Alderman Healy announced the former TCBY building has been demolished. He thanked City staff for their effort to have the building torn down.

Alderman Bram gave an update on Elmhurst Memorial Healthcare, stating several services currently offered at the Berteau Campus will be relocated starting in August as changes are being made to the Berteau Campus location. In October, outpatient behavioral health services and support groups will relocate to the Center for Health. Alderman Bram stated the affiliation with Northwestern Memorial Hospital and Elmhurst Memorial Healthcare will not take place.

### **RESOLUTIONS**

11. a. R-47-2012 – A RESOLUTION PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF ELMHURST, DUPAGE AND COOK COUNTIES, THE QUESTION OF WHETHER THE CITY SHALL HAVE THE AUTHORITY TO PROHIBIT ITS ELECTED OFFICIALS FROM SIMULTANEOUSLY HOLDING MULTIPLE PUBLIC ELECTIVE OFFICES IN ILLINOIS

Resolution R-47-2012 was presented for passage.

Alderman Hipskind moved to open discussion on item **11a. R-47-2012 – A Resolution Providing for the Submission to the Electors of the City of Elmhurst, DuPage and Cook Counties, the Question of Whether the City Shall Have the Authority to Prohibit Its Elected Officials from Simultaneously Holding Multiple Public Elective Offices in Illinois.** Alderman York seconded.

Alderman Hipskind asked if there were any questions from the dais on how the question is worded in comparison to the referendum question by the DuPage County Board for the November 6, 2012 ballot.

Discussion ensued regarding the wording of the questions and the timeline to file the referendum with the County.

Roll call vote on item **11a. R-47-2012 – A Resolution Providing for the Submission to the Electors of the City of Elmhurst, DuPage and Cook Counties, the Question of Whether the City Shall Have the Authority to Prohibit Its Elected Officials from Simultaneously Holding Multiple Public Elective Offices in Illinois:**

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

Nays: None

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

### **OTHER BUSINESS**

11. None.

### **ADJOURNMENT**

12. Alderman Polomsky moved to adjourn the meeting. Alderman Levin seconded. Voice vote. Motion carried. Meeting adjourned 10:35 p.m.

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Peter P. DiCianni III, Mayor

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Patty Spencer, City Clerk