

**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF ELMHURST, ILLINOIS
HELD ON MONDAY, OCTOBER 15, 2012
209 NORTH YORK STREET
ELMHURST, ILLINOIS**

EXECUTIVE SESSION 7:00 P.M. – PENDING/THREATENED LITIGATION

1. Executive session was called to order at 7:02 p.m. by Mayor DiCianni for the purpose of discussing Pending/Threatened Litigation.

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

Absent: None

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

Alderman Gutenkauf moved to convene into executive session for the purpose of discussing Pending/Threatened Litigation. Alderman Polomsky seconded.

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

Nays: None

14 ayes, 0 nays, 0 absent
Motion duly carried

Alderman Gutenkauf moved to adjourn executive session. Alderman Morley seconded. Voice vote. Motion carried. Executive session adjourned at 7:29 p.m.

CALL TO ORDER/ PLEDGE OF ALLEGIANCE/ROLL CALL

Attendance: 32

2. The Regular Meeting of the Elmhurst City Council was called to order by Mayor DiCianni at 7:41 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, Patrick Wagner, Mark A. Mulliner

Absent: None

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

RECOGNITIONS

3. a. EAGLE SCOUTS GARRETT STEVENSON, JOHN ARCARO, CONNOR O'RYAN AND BEN GREENBERG

Mayor DiCianni congratulated Garret Stevenson, John Arcaro, Connor O’Ryan, and Ben Greenberg for achieving Eagle status. He stated the City is proud of their accomplishments and honors.

b. 2012 MAYOR FOR THE DAY CONTEST WINNER SHEILA EVANS AND RUNNER-UP ROBERT PITEK

Mayor DiCianni invited Marilyn Connolly to come to the podium to give a brief history of the Mayor for the Day program. Ms. Connolly recognized the sponsors for this year’s contest: Congressman Peter Roskam, Elmhurst College (\$1,000 scholarship to winner, \$500 scholarship to runner-up), Pete Crueger and Dee Longfellow of the Elmhurst Independent, Trisha Hall of McDonalds (donates a breakfast for winner and 25 friends), and Dawn Daves of the Elmhurst YMCA (Winner receives 1-year membership).

FBI Agent and Elmhurst resident Mr. Mike Kasonovich presented runner-up Robert Pitek his \$500

Elmhurst College scholarship and an official Chicago FBI hat and S.W.A.T. tee-shirt.

Mayor DiCianni invited Sheila Evans, this year's contest winner, to join him at the podium to receive her award.

Sheila Evans, a freshman at York High School this fall, is the daughter of Gene and Jane Evans. He presented her with her \$1,000 scholarship to Elmhurst College.

c. MOTHERS AGAINST DRUNK DRIVING HERO AWARD – OFFICER MATTHEW MCCOLLUM

Officer Matthew McCollum joined Sergeant Gandy at the podium to receive the Mothers Against Drunk Driving (MADD) Hero Award. Officer McCollum made 73 DUI arrests. He is also a Police Academy Instructor wherein he trains in the administration of DUI field sobriety testing.

Mayor DiCianni and the City Council expressed their pride and offered their congratulations to Officer McCollum.

RECEIPT OF WRITTEN COMMUNICATIONS AND PETITIONS FROM THE PUBLIC

4. None.

PUBLIC FORUM

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

Spoke of the marketing piece presented to the Council and mentioned the closed session meetings that an Alderman did not attend.

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

Spoke regarding three issues: 1) Appointments on the consent agenda and a referral regarding appointments, 2) Contract renewals on the consent agenda and 3) Early Voting starts October 22, 2012, she encouraged people to vote no for the County referendum and vote yes for the City referendum.

Kathleen Sullivan
133 Pine St.
Elmhurst, IL 60126

Spoke regarding item **7n. Report – Southwest Elmhurst Wet Weather Control Facility Design** on tonight's consent agenda, asking the Council to approve the report.

ANNOUNCEMENTS

6. Alderman Polomsky announced two local programs addressing the needy students at our schools. They are the United Community Concerns Association and the Walk-In Ministry. She announced the UCCA's next fundraising event is the Jaycee's Pancake Breakfast which will be held on Saturday, October 20, 2012 from 7:00 a.m. – 11:00 a.m. at the Elmhurst Restaurant on Lake Street. For more information visit www.ucca-elmhurst.org and www.elmhurstwalkinministry.org.

Alderman Kennedy stated he wanted to mention item **7n. Report – Southwest Elmhurst Wet Weather Control Facility Design** on the Consent Agenda, to cover a no cost change order.

Alderman Bram, point of order, this discussion should take place under the Consent Agenda item.

Alderman Kennedy continued reviewing item **7n. Report – Southwest Elmhurst Wet Weather Control Facility Design**.

Alderman Gutenkauf, point of order, stated Alderman Kennedy is arguing the point. She stated discussing the report is not following the procedures that are in Chapter 2 of the Municipal Code.

Alderman Hipskind announced Electric Recycling will take place at Elmhurst College on Saturday, October 20, 2012 in the parking lot at the corner of Park and Myrtle between the hours of 9:00 a.m. – 12:00 p.m.

City Clerk Spencer announced Early Voting will be available in the Council Chambers of City Hall October 22nd thru November 2nd Monday thru Friday between the hours of 9:00 a.m. to 4:30 p.m. She further announced Trick-or-Treating in Elmhurst takes place on Halloween, October 31st between the hours of 3:30 p.m. – 7:30 p.m.

Alderman Healy announced Access Sports will host a fundraiser on Friday, November 2, 2012 between 5:00p.m.-8:00p.m. at the Knights of Columbus Hall. Tickets are available at the door, \$10 adults and \$4 children.

Alderman Healy announced the former TCBY location will be a one story dentist office. He stated this is a privately funded transaction and the building should add value to the community.

Alderman Pezza announced the 2nd Annual Holiday Market will be held at the Wilder Mansion from 4:00p.m.-9:00p.m. on Friday, November 9, 2012 and from 11:00a.m.-5:00p.m. on Saturday, November 10, 2012. For more information call (630)712-6541.

City Clerk Spencer reminded appointed and elected officials that they have until December 31, 2012 to complete their Open Meetings Act online training course and turn in their certificate of completion to the Clerk's Office.

Alderman Gutenkauf announced Food for Life benefitting the United Community Concerns will be held on Friday, November 2, 2012, 100% of the proceeds will be donated to the UCCA. Food drop-off for their holiday food collection begins November 1, 2012 at Community Bank of Elmhurst, Courts Plus, Elmhurst Public Library, Elmhurst YMCA, Suburban Bank & Trust, and the UPS Store at York and Butterfield.

Alderman Mulliner reminded everyone that there are two (2) referendum questions on the November 6th ballot; one (1) from the County and one (1) from the City regarding dual offices.

Alderman York announced the District 205 Foundation Halloween Masquerade will be held on Saturday, October 20, 2012 at River Forest Country Club. Information is available on their website.

City Manager Grabowski announced free leaf pick-up will be on the regular garbage days the last week of October with pick-ups October 31st, November 1st, & November 2nd and again the last week of November with pick-ups November 28th, 29th & 30th.

CONSENT AGENDA

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

- a. MINUTES OF THE REGULAR MEETING HELD ON MONDAY, OCTOBER 1, 2012 (City Clerk Spencer):
Approve as published
- b. MINUTES OF THE EXECUTIVE SESSION HELD ON MONDAY, OCTOBER 1, 2012 (City Clerk Spencer):
Receive and place on file
- c. ACCOUNTS PAYABLE – OCTOBER 15, 2012, TOTAL \$2,225,367.70

- d. APPOINTMENT TO THE ZONING AND PLANNING COMMISSION – O'BRIEN (Mayor DiCianni): Concur with the Mayor's recommendation

September 26, 2012

To: Members of the City Council

Re: Appointment to the Zoning and Planning Commission – Dean O'Brien

With your advice and consent I will appoint Mr. Dean O'Brien to the Zoning and Planning Commission replacing Mr. Alan J. Brinkmeier. Mr. O'Brien's resume is attached for your consideration and his term will expire on February 20, 2016.

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

- e. REAPPOINTMENT TO THE ZONING AND PLANNING COMMISSION – MUSHOW (Mayor DiCianni): Concur with the Mayor's recommendation

September 26, 2012

To: Members of the City Council

Re: Reappointment to the Zoning and Planning Commission – Frank Mushow

With your advice and consent I will reappoint Mr. Frank Mushow to the Zoning and Planning Commission. Mr. Mushow's term will expire on February 20, 2017.

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

- f. APPOINTMENT TO THE ZONING AND PLANNING COMMISSION – VILLEGAS (Mayor DiCianni): Concur with the Mayor's recommendation

October 1, 2012

To: Members of the City Council

Re: Appointment to the Zoning and Planning Commission – Angela Villegas

With your advice and consent I will appoint Ms. Angela Villegas to the Zoning and Planning Commission replacing Mr. Paul DeWitt. Ms. Villegas's resume is attached for your consideration and her term will expire on February 20, 2017.

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

- g. REAPPOINTMENT TO ELMHURST HERITAGE FOUNDATION – FRANSON PRUTER (Mayor DiCianni): Concur with the Mayor's recommendation

September 27, 2012

To: Members of the City Council

Re: Reappointment to Elmhurst Heritage Foundation – Margaret Franson Pruter

With the advice and consent of the Elmhurst City Council I will reappoint Margaret Franson Pruter to the Elmhurst Heritage Foundation for a term to expire in October 2015.

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

- h. BID RESULTS, DODGE GRAND CARAVANS (City Clerk Spencer): Refer to the Public Works & Buildings Committee

October 3, 2012

TO: Mayor DiCianni and Members of the City Council
RE: Bid Results, Dodge Grand Caravans

In response to an invitation to bid for Two (2) Current Model Year or 2013 Dodge Grand Caravans, the City of Elmhurst advertised in the Elmhurst Independent on Thursday, September 13, 2012. Bids were received from one contractor. The bid package was complete.

Bids were opened at 10:00 a.m. on Tuesday, October 1, 2012 by the City Clerk. The following is a summary of the bid received:

Contractor	Total Bid Amount	
	E-18 Replacement	E-21 Replacement
Larry Roesch Chrysler Jeep Dodge Elmhurst, IL	\$ 18,478.00	\$ 18,278.00

Respectfully submitted,
/s/ Patty Spencer
City Clerk

- i. BID RESULTS, VERTICAL WHEELCHAIR PLATFORM LIFT (City Clerk Spencer): Refer to the Public Works & Buildings Committee

October 3, 2012

TO: Mayor DiCianni and Members of the City Council
RE: Bid Results, Vertical Wheelchair Platform Lift

In response to an invitation to bid for replacement of the Vertical Wheelchair Platform Lift at the Elmhurst Historical Museum, the City of Elmhurst advertised in the Elmhurst Independent on Thursday, September 13, 2012. Bids were received from four contractors. The bid packages were complete.

Bids were opened at 10:00 a.m. on Tuesday, October 1, 2012 by the City Clerk. The following is a summary of the bid received:

Contractor	Bid Amount	
	Item #1	Item#2
Home Mobility Solutions Downers Grove, IL	\$ 19,498.00	n/a
Extended Home Living Services, Inc. Arlington Heights, IL	\$ 24,381.50	n/a
DME Access, LLC Montgomery, IL	\$ 22,300.00	\$85.00/hr
Garaventa USA Inc. Antioch, IL	\$ 19,565.00	\$155.00/hr

Respectfully submitted,
/s/ Patty Spencer
City Clerk

- j. REVIEW OF THE TERMS OF SERVICE FOR ADVISORY BOARD & COMMISSION APPOINTMENTS – ALDERMAN POLOMSKY (City Manager Grabowski): Refer to the Finance, Council Affairs & Administrative Services Committee

October 2, 2012

To: Mayor DiCianni and Members of the City Council
Re: Review of the Terms of Service for Advisory Board & Commission Appointments – Alderman Polomsky

It is respectfully requested that the attached request from Alderman Polomsky regarding review of the terms of service for advisory board and commission appointments be referred to the Finance, Council Affairs & Administrative Services Committee for review and recommendation back to the City Council.

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

- k. VACATION OF RIGHT-OF-WAY (City Manager Grabowski): Refer to the Public Works & Buildings Committee

October 10, 2012

To: Mayor DiCianni and Members of the City Council
Re: Vacation of Right-of-Way

It is respectfully requested that the attached request from Superior Air-Ground Ambulance Service Inc. and John Sakash Company for the vacation of a right-of-way on Walnut Street north of Fullerton Avenue, be referred to the Public Works & Buildings Committee for review and recommendation back to the City Council.

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

- l. REVIEW OF MOBILE FOOD UNITS (Assistant City Manager Kopp): Refer to the Public Affairs & Safety Committee

October 11, 2012

To: Mayor DiCianni and Members of the City Council
Re: Review of Mobile Food Units

It is respectfully requested that the attached request regarding the review of Elmhurst Municipal Code Chapter 31.135 – Mobile Food Units be referred to the Public Affairs & Safety Committee for review and recommendation back to the City Council.

Respectfully submitted,
/s/ Michael D. Kopp
Assistant City Manager

- m. REPORT – NON-EXCLUSIVE LICENSE AGREEMENT WITH THE ELMHURST PARK DISTRICT – PLACEMENT OF A SIGN IN THE R.O.W. AT 375 W. FIRST STREET The following report of the Public Works & Buildings Committee was presented for passage:

October 9, 2012

TO: Mayor DiCianni and Members of the City Council
RE: Non-Exclusive License Agreement with the Elmhurst Park District – Placement of a Sign in the R.O.W. at 375 W. First Street

The Public Works and Buildings Committee met on Tuesday, October 9, 2012 to discuss a request from the Elmhurst Park District to enter into a Non-Exclusive License Agreement (attached) to allow the Park District to place a permanent sign in the right-of-way at 375 W. First Street.

The Elmhurst Park District recently purchased a building at 375 W. First Street to house their administrative offices. Currently there is no sign to direct residents to the new Park District facility. The purpose of the sign to be placed in the right-of-way will be to aid City residents in finding the

facility. The location and size of the proposed sign will not create any sight distance concerns at the intersection. The sign will not conflict with any public utilities or right-of-way functions.

This site is located in the O1 Transitional Office District which allows signs up to 5' above grade, and no larger than 12 square feet. This sign is 6 square feet in area and less than 5' above grade. Therefore, the proposed Park District Administration Office sign complies with all zoning requirements.

It is, therefore, the recommendation of the Public Works and Buildings Committee that the Non-Exclusive License Agreement with the Elmhurst Park District for the placement of a sign in the right-of-way at 375 W. First Street be approved and that the City Attorney be authorized to prepare the necessary documents and that the appropriate City officials be authorized to sign the agreement.

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

- n. REPORT – SOUTHWEST ELMHURST WET WEATHER CONTROL FACILITY DESIGN The following report of the Public Works & Buildings Committee was presented for passage:

October 9, 2012

TO: Mayor DiCianni and Members of the City Council
RE: Southwest Elmhurst Wet Weather Control Facility Design

The Public Works and Buildings Committee met on Tuesday, October 9, 2012 to review a modification to the existing contract with RJN Group for the Saylor Avenue Force Main Replacement Project.

In December of 2011, RJN Group presented its summary of findings and recommendations for proposed improvements to the Elmhurst Sanitary Sewer System. Included within that report was a project which provided additional conveyance and storage of sanitary flow out of Southwest Elmhurst to a detention facility located at the Elmhurst Wastewater Treatment Plant. That project is the Southwest Elmhurst Wet Weather Control Facility Design Project.

Prior to that, the City Council approved a contract with RJN Group to design a replacement force main for the existing force main on Saylor Avenue. That existing force main has been in place for over 50 years and was receiving numerous main breaks each year and was due for replacement. That replacement had been in the Capital Expenditure Budget for the prior four years.

During the course of the design of the replacement force main and the completion of the Summary of Findings of RJN Group Study, it became apparent that there was an overlap in the projects. City Staff and RJN Group decided to halt progress on the design of the Saylor Force Main Replacement Project until the Southwest Elmhurst Wet Weather Control Facility Project was evaluated for possible implementation.

The proposed modification to the Saylor Avenue Sanitary Force Main Design Contract is to take the scope of work and modify it so that it allows for preliminary design of the Southwest Elmhurst Wet Weather Control Facility. The design work that has been done so far in the Saylor Avenue Force Main Repair Project will be utilized during the detailed design of the Southwest Elmhurst Wet Weather Control Facility. The benefits to the community of the Southwest Wet Weather Control Facility are numerous. Below is a list of the major benefits:

1. Over 2,300 homes in Southwest Elmhurst will benefit in reduction of sanitary sewer backups.

2. Provides the major components for protection from sanitary sewer overflows and basement backups in Southwest Elmhurst for a 25-Year Storm when coupled with public and private sector rehabilitation to reduce infiltration/inflow.
3. The areas that will benefit from the project represented approximately 70% of all citywide reported sanitary sewer basement backups during the July 2010 storm event.
4. Project will be constructed using directional drilling versus disruptive open trench excavation – wherever possible (other than West Jackson Street Sewer).

The construction of the Southwest Elmhurst Wet Weather Control Facility will have a huge positive impact on the protection of the homes in Southwest Elmhurst from sanitary back up. However, in order to implement this in the most timely fashion, it is necessary to begin preliminary design as soon as possible. This preliminary design will allow the routing and other design elements to be identified for the eventual detailed design. By starting this work now, it is hoped that the Southwest Elmhurst Wet Weather Control Facility could actually be in place providing protection as early as spring/summer of 2014. If the work is delayed at all this winter, it will preclude any preliminary design work from going forward and ultimately that preliminary design work will have to be done in spring of 2013, which could result in the delay of the project not coming online until 2015.

Attached is a letter from the RJN Group which includes the scope of work, proposed fee for services, critical schedule, and a control facility map.

Monies for preliminary design engineering, permitting and construction bidding/supervision have been provided in the FY 2011/2012 Budget in the amount of \$120,000 in account number 510-6056-502-80-13 for the Saylor Avenue project.

It is, therefore, the recommendation of the Public Works and Buildings Committee that the proposal from RJN Group to provide professional services to complete the Southwest Elmhurst Wet Weather Control Facility preliminary design and provide bidding/construction supervision be accepted.

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

- o. REPORT – BENSENVILLE FIRE PROTECTION DISTRICT #1 – MODIFICATION AGREEMENT The following report of the Public Affairs & Safety Committee was presented for passage:

October 10, 2012

To: Mayor DiCianni and Members of the City Council
Re: Bensenville Fire Protection District #1 – Modification Agreement

The Public Affairs and Safety Committee met on October 10, 2012, to review the request by the Bensenville Fire Protection District #1 to extend the Modification Agreement between the City of Elmhurst and Bensenville Fire Protection District #1. The Modification Agreement extension will allow the City of Elmhurst to continue to provide fire protection and ambulance services under the terms and conditions of the Agreement until either October 31, 2013 or the effective date of a Successor Agreement.

During the period for which the Agreement shall be extended, the City shall continue to provide fire protection and ambulance services for Bensenville Fire Prevention District #1 for the territory located south of Grand Avenue.

The District agrees to compensate the City an amount therefor as provided in Paragraph 6 of the Agreement, prorated to the actual period for which the extension of the Agreement shall remain in effect. The District shall pay the City the amount of compensation so determined within Thirty (30) days of the termination of the extension period.

This Modification sets forth all agreements, understandings and covenants between and among the parties relative to the matters herein contained. This Modification supersedes all prior agreements, negotiations and understandings, written and oral, and shall be deemed a full integration of the entire agreement of the parties.

All other provisions of the Agreement stay in full force and effect unless amended by this Modification.

It is, therefore, the recommendation of the Public Affairs and Safety Committee that the City Council approve the execution of this Modification Agreement until either October 31, 2013 or the effective date of a Successor Agreement.

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

- p. REPORT – 2013 EMPLOYEE DENTAL INSURANCE BENEFIT RENEWAL The following report of the Finance, Council Affairs & Administrative Services Committee was presented for passage:

October 11, 2012

To: Mayor DiCianni and Members of the City Council
Re: 2013 Employee Dental Insurance Benefit Renewal

The Finance, Council Affairs and Administrative Services Committee met on October 10, 2012, to review the 2013 employee dental insurance benefit renewal.

Since 1999, MetLife Dental has provided fully insured dental insurance benefits to the City of Elmhurst employees. The program is a two-tiered dental plan. The High Plan offers employees a higher-level benefit and higher premium contributions; the Low Plan provides a reduced level of benefit and lower contribution rates. Both plans offer 100% coverage for preventative dental work. Per the collective bargaining agreement, effective May 1, 2008, the Public Works union employees began using the dental insurance offered by the International Union of Operating Engineers, Local 150.

As the City Council will recall, the Council approved changing to a self-funded dental benefit program for the 2013 plan year. The self-insured model uses a third party administrator for claims processing administrative services only. Actual claims costs are paid by the City. Following Council approval, the Insurance Committee sought self-insured administrative services only quotes from Delta Dental, Blue Cross Blue Shield, and the current carrier MetLife.

The current 2012 MetLife fully insured dental premium rate is \$196,891 per year. The 2013 annual renewal premium from MetLife Dental is the same as the 2012 rate with a zero increase; however, MetLife does not offer a self-insured dental plan. Blue Cross Blue Shield and Delta Dental provided quotes for a self-insured dental plan with an administrative services only arrangement. After review of the plans, staff recommends BCBS based on the closest matching plan design and coordination of benefits with the health insurance. BCBS also has 100% geographic provider availability. The Blue Cross Blue Shield administrative services fee is \$5.20 per employee per month for a total of \$13,915 for the 2013 plan year, based on current enrollment of 223 employees. Based on the City's past dental claims history, and eliminating the insurance

company's profit by changing to the self-insured model, staff projects savings of up to \$26,000 for the 2013 benefit plan year. After review of the proposals, staff recommends changing from the MetLife fully insured dental plan to the Blue Cross Blue Shield self-insured dental plan for the 2013 benefit plan year. 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 accept the proposal from Blue Cross Blue Shield for administrative services fee of \$5.20 per employee per month to administer the self-insured dental care program for the 2013 plan year, January 1, 2013 through December 31, 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

- q. REPORT – REAL ESTATE CONSULTANT SERVICES The following report of the Finance, Council Affairs & Administrative Services Committee was presented for passage:

October 11, 2012

To: Mayor DiCianni and Members of the City Council
Re: Real Estate Consultant Services

The Finance, Council Affairs and Administrative Services Committee meet October 10, 2012, to review real estate consultant services provided by Van Slyke Enterprises, Inc.

As the City Council is aware, the City of Elmhurst has utilized the real estate consultant services of Mr. Charles R. Van Slyke, Jr., president of Van Slyke Enterprises, Inc., since February 1988. Mr. Van Slyke has consulted with the City Manager and City Council concerning matters relating to City property records, tax exempt status, matters relating to economic development and redevelopment of the City of Elmhurst, including but not limited to, real estate development and redevelopment and negotiations of leases, easements and the purchase and sale of property and all related matters on a project by project basis as directed. Mr. Van Slyke brings unique technical expertise relative to commercial real estate management, and efficiency and effectiveness in dealing with DuPage County relative to Elmhurst and County real estate issues. Mr. Van Slyke's extensive real estate experience has been utilized to assist with projects in the Mayor/Manager's office and in the Community Development Department.

The consultant agreement between Mr. Van Slyke and the City of Elmhurst has expired, and staff recommends entering into a new agreement with Van Slyke Enterprises, Inc. The Finance Committee reviewed the real estate consultant's responsibilities, and the number of hours worked in the recent past (849 in FY 2010, 908 in FY 2011 and 800 in FY 2012). The FY 2013 budget includes 900 hours, and 352 hours (39%) have been charged through the first five months. The 352 hours year-to-date have been used as follows: 44% or 155 hours for community property planning, 41% or 143 hours for the three existing TIF districts and 15% or 54 hours for the proposed TIF districts. It was the consensus of the Finance Committee that a consultant for real estate services provided the City with flexibility to use the services as needed, and that Mr. Van Slyke was well-qualified to provide that service. The Finance Committee also agreed on a cap of 900 hours annually (a decrease of 140 hours compared to the prior contract cap), a contract term of three years, and an hourly rate of \$100 for the duration of the contract, which is the same rate as in the prior three year contract. After review and discussion, the Finance Committee concurred with staff recommendation to enter into a new agreement with Van Slyke Enterprises, Inc.

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 consultant agreement with Van Slyke Enterprises, Inc., for real estate consultant services 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

- r. REPORT – CONSULTANT AGREEMENT FOR ADMINISTRATIVE SERVICES The following report of the Finance, Council Affairs & Administrative Services Committee was presented for passage:

October 11, 2012

To: Mayor DiCianni and Members of the City Council
Re: Consultant Agreement for Administrative Services

The Finance, Council Affairs and Administrative Services Committee met October 10, 2012, to review consultant services provided by Ken Bartels Consulting for certain administrative services.

As the City Council is aware, the City of Elmhurst has utilized the consultant services of Ken Bartels Consulting since September 2009. Specific areas of responsibility for consulting services are enhanced communication to the community, fundraising for the Elmhurst Historical Museum and economic development. Mr. Bartels has assisted the Elmhurst Historical Museum and the Elmhurst Heritage Foundation with developing a multi-faceted approach to fundraising, has created and co-hosts the "Elmhurst NOW" cable television program, and serves as liaison to the Elmhurst Economic Development Commission.

The consultant agreement between Mr. Bartels and the City of Elmhurst has expired, and staff recommends entering into a new agreement with Mr. Bartels. The Finance Committee reviewed the consultant responsibilities, and the number of hours worked in the recent past (297 hours in FY 2010, 495 hours in FY 2011 and 503 hours in 2012). The FY 2013 budget includes 550 hours, and 195 hours have been charged through the first five months. The 195 hours year-to-date have been used as follows: 35% or 68 hours for Elmhurst Historical Museum/Elmhurst Heritage Foundation assistance, 8% or 16 hours for communications assistance, and 57% or 111 hours for economic development. Staff recommends a contract term of three years, a cap of 500 hours annually (a decrease of 50 hours compared to budget and a decrease of 345 hours compared to the prior contract cap), and an hourly rate of \$90 for the duration of the contract, which is the same rate as in the prior three year contract. After review and discussion, the Finance Committee concurred with staff recommendation to enter into a new agreement with Ken Bartels Consulting.

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 consultant agreement with Ken Bartels Consulting for administrative services 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

- s. REPORT – CASE NUMBER 12 ZBA-03 /VIGILANTE VARIATION – 459 N. ADDISON AVENUE The following report of the Development, Planning & Zoning Committee was presented for passage:

October 10, 2012

TO: Mayor DiCianni and Members of City Council

RE: Case Number 12 ZBA-03 /Vigilante Variation – 459 N. Addison Avenue

Request for front yard setback variation for the purpose of constructing an unenclosed front porch, pursuant to Section 7.4-5 of the Elmhurst Zoning Ordinance, on property commonly known as 459 N. Addison Avenue (PIN 03-35-406-005), said property being wholly located within the R2 Single Family Residence district.

The Development, Planning and Zoning Committee met on October 9, 2012 to review the Zoning & Planning Commission report dated September 26, 2012 recommending approval of the subject request. The Committee also reviewed the Application and additional exhibits submitted by the applicant at the public hearing, and the transcripts of the public hearing. The Committee noted that the application materials contained 26 signed petitions from neighbors in support of the requested variation.

This application is a request for a front yard setback variation to allow the construction of an unenclosed front porch. The current house has steep steps, which are not to code, that present a safety issue when ingressing/egressing the house. The proposed front porch will provide a safe, protected entrance to the house which cannot be accomplished without either moving the house back or requesting a variation. The requested variation will provide for reasonable use and enjoyment of the property and will not alter the character of the neighborhood which has varying front setbacks.

The Committee agreed with the findings of the Zoning and Planning Commission that the Applicant's request is warranted and meets the three Standards for Variations. Upon conclusion of discussion, the Committee concurred with the Zoning & Planning Commission's recommendation that sufficient evidence was presented to warrant the requested front yard setback variation.

It is, therefore, the recommendation of the Development, Planning and Zoning Committee to support the recommendation of the Zoning & Planning Commission for approval of this request. The City Attorney is hereby directed to prepare the necessary documents for City Council approval.

Respectfully submitted,
Development, Planning and Zoning
Committee

/us/ Steven Morley

Chairman

/s/ Dannee Polomsky

Vice-Chairman

/s/ Norman Leader

- t. O-60-2012 – AN ORDINANCE AUTHORIZING THE PURCHASE OF TWO REPLACEMENT VEHICLES FOR THE CITY OF ELMHURST PUBLIC WORKS DEPARTMENT AND AUTHORIZING THE DISPOSAL OF TWO 2000 FORD F150 PICKUP TRUCKS

Ordinance O-60-2012 was presented for passage.

- u. MCO-23-2012 – 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 (KITCHEN EATERY)

Ordinance MCO-23-2012 was presented for passage.

- v. MCO-24-2012 – AN ORDINANCE AMENDING SECTION 1.08, ENTITLED “FISCAL AND MUNICIPAL YEAR,” OF CHAPTER 1, ENTITLED “GENERAL PROVISIONS,” OF THE MUNICIPAL CODE OF THE CITY OF ELMHURST, DUPAGE AND COOK COUNTIES, ILLINOIS

Ordinance MCO-24-2012 was presented for passage.

- w. R-61-2012 – A RESOLUTION APPROVING A RELEASE AND SETTLEMENT AGREEMENT BETWEEN LAURA HERATY AND THE CITY OF ELMHURST

Resolution R-61-2012 was presented for passage.

- x. R-62-2012 – A RESOLUTION AUTHORIZING THE ISSUANCE OF A NOTICE OF AWARD FOR THE 2012-2014 SEWER CLEANING AND TELEVISIONING PROJECT, PROJECT #12-12

Resolution R-62-2012 was presented for passage.

- y. R-63-2012 – A RESOLUTION AUTHORIZING THE ISSUANCE OF A NOTICE OF AWARD FOR THE 2012 SANITARY SEWER CIPP LINING PROJECT, PROJECT #12-15

Resolution R-60-2012 was presented for passage.

Mayor DiCianni stated he is eliminating item **7d. Appointment to the Zoning and Planning Commission – O’Brien** from the Consent Agenda tonight.

Alderman Mulliner pulled items **7e. Reappointment to the Zoning and Planning Commission – Mushow**, **7f. Appointment to the Zoning and Planning Commission – Villegas** and **7g. Reappointment to Elmhurst Heritage Foundation – Franson Pruter** from the Consent Agenda. Alderman Bram pulled item **7n. Report – Southwest Elmhurst Wet Weather Control Facility Design** from the Consent Agenda. Alderman Wagner pulled item **7o. Report – Bensenville Fire Protection District #1 – Modification Agreement** from the Consent Agenda. Alderman Hipskind, Chairman of the Finance, Council Affairs & Administrative Services Committee, pulled items **7q. Report – Real Estate Consultant Services** and **7r. Report – Consultant Agreement for Administrative Services** from the Consent Agenda to return them to Committee.

Alderman Morley moved to approve the contents of the Consent Agenda less items **7d. Appointment to the Zoning and Planning Commission – O’Brien**, **7e. Reappointment to the Zoning and Planning Commission – Mushow**, **7f. Appointment to the Zoning and Planning Commission – Villegas**, **7g. Reappointment to Elmhurst Heritage Foundation – Franson Pruter**, **7n. Report – Southwest Elmhurst Wet Weather Control Facility Design**, **7o. Report – Bensenville Fire Protection District #1 – Modification Agreement**, **7q. Report – Real Estate Consultant Services** and **7r. Report – Consultant Agreement for Administrative Services**. Alderman York seconded. Roll call vote:

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

Nays: None

Results: 14 ayes, 0 nays, 0 absent
Motion duly carried

Alderman Levin moved to open discussion on item **7e. Reappointment to the Zoning and Planning Commission – Mushow**. Alderman Morley seconded.

Alderman Mulliner stated he pulled item **7e. Reappointment to the Zoning and Planning Commission – Mushow** to postpone action on the appointment at this time.

Alderman Mulliner moved to postpone the appointment until May 20, 2013. Alderman Gutenkauf seconded.

Discussion ensued regarding the logic behind postponing this appointment.

Roll call vote to postpone the appointment until May 20, 2013:

Ayes: Mulliner, Gutenkauf, Bram, Pezza

Nays: Leader, Dunn, Polomsky, York, Hipskind, Healy, Levin, Kennedy, Morley, Wagner

Results: 4 ayes, 10 nays, 0 absent
Motion failed

Roll call vote to approve item **7e. Reappointment to the Zoning and Planning Commission – Mushow:**

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

Nays: Mulliner, Pezza, Gutenkauf

Results: 11 ayes, 3 nays, 0 absent
Motion carried

Alderman Levin moved to open for discussion item **7f. Appointment to the Zoning and Planning Commission – Villegas.** Alderman York seconded.

Alderman Mulliner moved to table the motion. Alderman Gutenkauf seconded.

Discussion ensued regarding the appointment.

Alderman Mulliner, point of order, stated the Mayor is debating the issue.

Roll call vote to table item **7f. Appointment to the Zoning and Planning Commission – Villegas:**

Ayes: Mulliner, Gutenkauf, Polomsky

Nays: Pezza, Leader, Dunn, Bram, York, Hipskind, Healy, Levin, Kennedy, Morley, Wagner

Results: 4 ayes, 10 nays, 0 absent
Motion failed

Discussion ensued.

Alderman Gutenkauf, point of order, moved to postpone item **7f. Appointment to the Zoning and Planning Commission – Villegas** until May 20, 2013. Alderman Mulliner seconded.

Alderman Wagner, point of order, asked why keep the position vacant.

Alderman Morley, point of order, stated to postpone to a date certain is out of order because it is longer than three (3) months.

Alderman Gutenkauf asked to hear from the City Attorney.

City Attorney Storino stated Council should follow *Robert's Rules of Order*.

Alderman Mulliner, point of order, stated Chapter 2 of the Municipal Code covers postponement to a date certain.

The City Attorney stated he needs more time to look into the item further.

Alderman Healy moved to call the question.

Alderman Pezza asked when was the expiration date.

Mayor DiCianni replied approximately sixty (60) days ago.

Alderman Mulliner declined to challenge the Chair.

Alderman Gutenkauf's motion was canceled.

Roll call vote to approve item **7f. Appointment to the Zoning and Planning Commission – Villegas:**

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

Nays: Mulliner, Gutenkauf

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

Alderman Levin moved to approve item **7g. Reappointment to Elmhurst Heritage Foundation – Franson Pruter**. Alderman Morley seconded. Roll call vote:

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

Nays: Mulliner

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

Alderman Kennedy moved to approve item **7n. Report – Southwest Elmhurst Wet Weather Control Facility Design**. Alderman Dunn seconded.

Alderman Bram stated he pulled item **7n. Report – Southwest Elmhurst Wet Weather Control Facility Design** because of timing.

Discussion ensued regarding the project addressing sanitary issues in southwest Elmhurst.

Voice vote on item **7n. Report – Southwest Elmhurst Wet Weather Control Facility Design**, not unanimous, motion carried.

Alderman Wagner moved to approve item **7o. Report – Bensenville Fire Protection District #1 – Modification Agreement**. Alderman Pezza seconded.

Alderman Wagner stated he pulled item **7o. Report – Bensenville Fire Protection District #1 – Modification Agreement** to make sure the Council understands the servicing area. He stated this is the best situation for now. He asked for support from the Council.

Discussion ensued.

Voice vote on item **7o. Report – Bensenville Fire Protection District #1 – Modification Agreement**, not unanimous, motion carried.

REPORTS AND RECOMENDATIONS OF APPOINTED AND ELECTED OFFICIALS

8. a. UPDATES (Mayor DiCianni)

Mayor DiCianni stated the ground breaking for Mariano's was held on Friday, October 12, 2012. He stated it was well attended by the City Council, Elmhurst Park District, and Economic Development representatives. Mayor DiCianni announced the store should be open by May 2013.

Mayor DiCianni stated the City's economic development plan is working. He stated it has taken a couple of years to develop and it's proving to be successful.

b. 2012 CITIZEN SURVEY RESULTS (City Manager Grabowski)

City Manager Grabowski thanked the Finance Department and Assistant Director of Finance & Administration Trosien for their work on the 2012 Citizen Survey. City Manager Grabowski presented a PowerPoint focusing on the following results: Survey Response Rates, Overall Quality of Your Neighborhood, Overall City of Elmhurst operations, Street Maintenance, Commuter Parking, Where Residents Shop, Level of Service, Too Much, Not Enough, and General Comments.

OTHER BUSINESS

9. Alderman York stated the Bike Plan second and final public workshop by the Planning and Zoning Commission will be held in Council Chambers on Thursday, October 25, 2012 at 7:30 p.m.

Alderman Bram requested the Finance, Council Affairs & Administrative Services Committee define what is "Other Business" and determine when it should be used at Council meetings.

Alderman Dunn stated the City staff has reopened the process for consideration of new sidewalks on Howard Street. An Open House will be held on Tuesday, October 23, 2012 between the hours of 3:00p.m.-6:00p.m.

ADJOURNMENT

10. Alderman Morley moved to adjourn the meeting. Alderman Hipkind seconded. Voice vote. Motion carried. Meeting adjourned 9:26 p.m.

Peter P. DiCianni III, Mayor

Patty Spencer, City Clerk