

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

EXECUTIVE SESSION 6:30 P.M. – APPOINTMENT, EMPLOYMENT, COMPENSATION, DISCIPLINE, PERFORMANCE, OR DISMISSAL OF AN EMPLOYEE, SELECTION OF A PERSON TO FILL A PUBLIC OFFICE, DISPOSITION/ACQUISITION OF REAL PROPERTY, AND PENDING/THREATENED LITIGATION

1. Executive session was called to order at 6:36 p.m. by Mayor DiCianni for the purpose of discussing Appointment, Employment, Compensation, Discipline, Performance, or Dismissal of an Employee, Selection of a Person to Fill a Public Office, Disposition/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, Stephen Hipskind, Chris Healy, Scott Levin, Jim Kennedy (via electronic means), Patrick Wagner, Mark A. Mulliner

Absent: Steve Morley

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

Alderman Gutenkauf moved to convene into executive session for the purpose of discussing Appointment, Employment, Compensation, Discipline, Performance, or Dismissal of an Employee, Selection of a Person to Fill a Public Office, Disposition/Acquisition of Real Property, and Pending/Threatened Litigation. Alderman Hipskind seconded.

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

Nays: None

13 ayes, 0 nays, 1 absent
Motion duly carried

Alderman York moved to adjourn executive session. Alderman Wagner seconded. Voice vote. Motion carried. Executive session adjourned at 6:59 p.m.

CALL TO ORDER/ PLEDGE OF ALLEGIANCE/ROLL CALL

Attendance: 114

2. The Regular Meeting of the Elmhurst City Council was called to order by Mayor DiCianni at 7:34 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 (via electronic means), Patrick Wagner, Mark A. Mulliner

Absent: Steve Morley

Also in Attendance: City Attorney Storino, City Manager Grabowski, Assistant City Manager Kopp, Director of Finance & Administration Gaston, Fire Chief Bacidore, Director of Public Works Hughes, Police Chief Ruth, Deputy Police Chief Kveton

SWEARING-IN OF DEPUTY FIRE CHIEF BILL ANASZEWICZ

3. Mayor DiCianni asked Bill Anaszewicz and his wife to join him at the podium for the Oath of Office. Mayor DiCianni swore-in Bill Anaszewicz as Deputy Fire Chief for the Elmhurst Fire Department. The Mayor and Council congratulated Deputy Chief Anaszewicz.

RECOGNITIONS

4. a. YORK HIGH SCHOOL STATE CHAMPIONSHIP MEN'S CROSS COUNTRY TEAM

Mayor DiCianni welcomed Coach Joe Newton and the 2012 State Champion Men's Cross Country Team from York High School. He stated this is Coach Newton's 60th year coaching for the Dukes. The Mayor reviewed Coach Newton's impressive career including coaching 28 State Championship teams and the 1988 Olympic Team in Soul, Korea.

Coach Newton stated this is the 28th State Championship for YHS Men's Cross Country Team, making them the winningest team ever. He introduced each of the runners and team managers while reviewing the season.

Mayor DiCianni congratulated Coach Newton and the young men for a wonderful season, stating they make him proud to be Mayor. The City Council congratulated the team.

b. ELMHURST POLICE OFFICERS

Mayor DiCianni stated recently several Elmhurst Police Officers were involved in a life-saving effort involving a juvenile. He stated the actions of the Officers involved saved this child's life and he is proud to have them on the Elmhurst Police Department force. He recognized the following and presented them with a Mayoral Recognition for Service Above and Beyond the Call of Duty: Officers Jorgensen, Wright, Berry, Panico, Visconti and Sergeants Weatherford and Kolpak.

PRESENTATION – ENERGY IMPACT ILLINOIS

5. Mayor DiCianni introduced Mr. Matt Elmore, Field Organizer for Energy Impact Illinois.

Mr. Elmore thanked the City Council, in particular Alderman Gutenkauf for inviting him to speak. Mr. Elmore gave a short presentation on increasing energy efficiency. He reviewed programs geared towards spurring energy efficiency upgrades and creating a long-term energy efficiency market in the region.

RECEIPT OF WRITTEN COMMUNICATIONS AND PETITIONS FROM THE PUBLIC

6. Pasquale Moreci, President
Scott Ahlgrim, Vice-President
Spring Road Business Association
528 Spring Rd.
Elmhurst, IL 60126

Submitted a letter regarding the proposed Irish Spring 5K Race to be held prior to the Elmhurst St. Patrick's Day Parade in 2013 and the concerns of the Spring Road Business Association (SRBA) regarding the information provided to Council when discussing this event request. The SRBA requests that in the future if an endorsement or recommendation is requested from their organization that it is requested in writing.

PUBLIC FORUM

7. Scott Ahlgrim
567 S. Spring Rd.
Elmhurst, IL 60126

Spoke regarding the Irish Spring 5K race stating there isn't any truth to the statement that the Spring Road business Association is supporting the event, even though the City and the Council acted with integrity and trust.

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

Spoke regarding tax increases. He commented on his disappointment of not hiring from within the Police Department for the new Chief and also commented on the “no bid” contract that was approved at the last meeting.

Mariann Mapes
124 N. York St.
Elmhurst, IL 60126

Spoke regarding the Irish Spring 5K race stating the Elmhurst YMCA and Special Kids Day will be beneficiaries of the race.

Terry Pastika
182 N. York St.
Elmhurst, IL 60126

Thanked the Public works & Buildings Committee for applying the policy of 50% of the EAV property for the Walnut Street Vacation. Stated tonight’s Executive Session discussion on appointing a Mayor should be made public and discussed at an open meeting, not in executive session.

Tamara McHugh
611 S. Linden Ave.
Elmhurst, IL 60126

Spoke in favor of the Illinois Energy Impact program. She has implemented the program in her household and stated there is a cost savings. She encouraged residents to apply the program in their homes.

Todd Benson
391 River Glen
Elmhurst, IL 60126

He announced his appointment as an ethics commissioner for DuPage County. He spoke of the Graue Woods Homeowners Association and thanked Aldermen Leader and Dunn for helping with the rash of burglaries that have occurred. He announced a meeting with Police Chief Ruth will be held on December 6, 2012 to discuss neighborhood issues.

ANNOUNCEMENTS

8. Alderman Polomsky announced that the City will be collecting used holiday lights again this year from December 1, 2012 through February, 2013.

Mayor DiCianni announced that Emma Fischer took second at State. She is a York High School student who will accompany the champion team to Springfield on December 5, 2012.

Alderman Pezza reminded residents that November 24, 2012 is “Small Business Saturday” and encouraged everyone to shop in Elmhurst this holiday season.

Alderman Dunn announced that the “Chicago Tribune” rated best places to work and that Elmhurst Public Library was listed in the Top 10.

CONSENT AGENDA

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

- a. MINUTES OF THE REGULAR MEETING HELD ON MONDAY, NOVEMBER 5, 2012 (City Clerk Spencer):
Approve as published

b. ACCOUNTS PAYABLE – NOVEMBER 19, 2012 TOTAL \$ 1,432,221.00

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

November 1, 2012

To: Members of the City Council

Re: Reappointment to the Zoning and Planning Commission – Susan McCoyd

With your advice and consent I will reappoint Ms. Susan McCoyd to the Zoning and Planning Commission. Ms. McCoyd's term will expire on February 20, 2016.

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

d. APPOINTMENT TO BOARD OF TRUSTEES OF THE ELMHURST PUBLIC LIBRARY COMMISSION – GROTE JACOBSON (Mayor DiCianni): Concur with the Mayor's recommendation

November 1, 2012

To: Members of the City Council

Re: Appointment to Board of Trustees of the Elmhurst Public Library – Carol Ann Grote Jacobson

With your advice and consent, I will appoint Ms. Carol Ann Grote Jacobson to the Board of Trustees of the Elmhurst Public Library to complete the term vacated by John Morrissey. Her resume is attached for your consideration and her term will expire on July 1, 2016.

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

e. BID RESULTS, ONE (1) REPLACEMENT DUAL AUGER DUMP BODY (City Clerk Spencer): Refer to the Public Works & Buildings Committee

November 14, 2012

TO: Mayor DiCianni and Members of the City Council

RE: Bid Results, One (1) Replacement Dual Auger Dump Body

In response to an invitation to bid for One (1) Replacement Dual Auger Dump Body, the City of Elmhurst advertised in the Elmhurst Press on Friday, October 26, 2012. Bids were received from three contractors. The opened bid packages were complete.

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

<u>Contractor</u>	<u>Total Bid Amount</u>
Lindco Equipment Inc. Merriville, IN	\$ 32,430.00
Monroe Truck & Equipment Joliet, IL	\$ 35,665.00
Auto Truck * Bartlett, IL	\$ Not Read

* Bid was received after 10:00 a.m. and not opened

Respectfully submitted,
/s/ Patty Spencer
City Clerk

- f. BID RESULTS, ONE (1) FORKLIFT (City Clerk Spencer): Refer to the Public Works & Buildings Committee

November 14, 2012

TO: Mayor DiCianni and Members of the City Council
RE: Bid Results, One (1) Forklift

In response to an invitation to bid for One (1) Forklift, the City of Elmhurst advertised in the Elmhurst Press on Friday, October 26, 2012. Bids were received from four contractors. The bid packages from two of the contractors were incomplete.

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

<u>Contractor</u>	<u>Total Bid Amount</u>
National Lift Truck Franklin Park, IL	\$ 21,350.00
Alta Equipment Co. * Itasca, IL	\$ 21,403.27
Atlas Toyota Schiller Park, IL	\$ 23,911.00
Equipment Depot * Elgin, IL	\$ 29,151.00

* Trade in cost was missing from bid sheet and was faxed after the opening for clarification. This bid was rejected.

Respectfully submitted,
/s/ Patty Spencer
City Clerk

- g. REPORT – ONE (1) FORD F450 4X4 DUMP TRUCK WITH SNOW PLOW AND TAILGATE SALT SPREADER The following report of the Public Works & Buildings Committee was presented for passage:

November 13, 2012

TO: Mayor DiCianni and Members of the City Council
RE: One (1) Ford F450 4X4 Dump Truck with Snow Plow and Tailgate Salt Spreader

The Public Works and Buildings Committee met on Tuesday, November 13, 2012 to discuss the purchase of one (1) Ford F450 4X4 with Snow Plow and Tailgate Salt Spreader. This vehicle replaces Streets Division's PW-77. The existing vehicle is 12 years old, has over 52,000 miles, and has extensive rust on the dump body. The cost to replace the existing rusted dump body and tailgate spreader is \$17,292. The truck can no longer meet the needs of the Public Works Streets Division. This vehicle is used for the construction projects within the Public Right-of-Way and Snow and Salt operations.

The City of Elmhurst participates in the Suburban Purchasing Cooperative, a cooperative of 135 municipalities in the six county areas of Northern Illinois. The Governing Board of Suburban Purchasing Cooperative provides a Joint Purchasing Program for Local Government Agencies and has awarded a competitively bid, joint purchase contract to Currie Motors of Frankfort, IL 60423 for the supply of Ford F450 XL Chassis Cab Trucks. The total cost for the Ford F450 4X4 Dump Truck with Snow Plow and Tailgate Salt Spreader less trade-in is \$64,377.00.

Funds for this purchase have been provided in the FY 2012/2013 Budget in the following account:

Vehicle (Division) Amount	Low Bid Amount with Trade	Account Number	Budget
PW-77 (Streets Div.)	\$64,377.00	110-6041-432-8006	\$73,000.00

PW-77 will be used in the Public Works Streets Division. Funds have been provided in the FY 2012/2013 budget under the following account number: \$73,000.00 in 110-6041-432-8006. The total purchase price for the 2013 Ford F450 4X4 with Snow Plow and Tailgate Salt Spreader is \$64,377.00. The price reflects a trade-in allowance for old PW-77 of \$5,500.00. Delivery is 12 weeks after receipt of order.

It is, therefore, the recommendation of the Public Works and Buildings Committee that the bid submitted by Currie Motors of Forest Park, IL, in the amount of \$64,377.00 for PW-77 for the supply of the 2013 Ford F450 4X4 with Snow Plow an Tailgate Salt Spreader be accepted and that the City Attorney prepare the appropriate resolution.

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

- h. REPORT – ELMHURST HISTORICAL MUSEUM VERTICAL WHEELCHAIR PLATFORM LIFT REPLACEMENT The following report of the Public Works & Buildings Committee was presented for passage:

November 13, 2012

To: Mayor DiCianni and Members of the City Council
Re: Elmhurst Historical Museum Vertical Wheelchair Platform Lift Replacement

The Public Works and Buildings Committee met on Tuesday, November 13, 2012, to discuss bids that were received for the replacement of the Vertical Wheelchair Platform Lift at the Elmhurst Historical Museum, 120 Park Ave., Elmhurst. The bids received are summarized as follows:

Bidder	Cost	Notes
Home Mobility Solutions, Downers Grove, IL	\$19,498.00	bid withdrawn
Garaventa Lifts, Antioch, IL	\$19,565.00	lowest acceptable bid
DME Access LLC, Montgomery, IL	\$22,300.00	
Extended Home Living Svc., Arlington Hts., IL	\$24,381.50	

The work, which involves removing and replacing the existing exterior wheelchair lift, is necessary to comply with the ADA requirements for wheelchair access to the building.

Garaventa Lifts, Antioch, IL, Illinois, submitted the lowest responsible, responsive bid, at \$19,565.00. (The bid from Home Mobility Solutions did not quote the correct lift model.)

Monies have been provided for the replacement of the lift by a State of Illinois Grant. There is \$23,639.30 remaining in the grant and budgeted in Account Number 110-7060-451-8023 in the General Fund for this use. The State Department of Natural Resources has reviewed and approved the lift model bid for compliance with the grant.

It is, therefore, the recommendation of the Public Works and Buildings Committee that the bid from Garaventa Lifts, Antioch, IL, for the replacement of the Vertical Wheelchair Platform Lift at the Elmhurst Historical Museum, 120 Park Ave., Elmhurst, in the amount of \$19,565.00, be accepted, and that the City Attorney prepare the appropriate resolution.

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

- i. REPORT – TWO (2) DODGE GRAND CARAVANS The following report of the Public Works & Buildings Committee was presented for passage:

November 13, 2012

TO: Mayor DiCianni and Members of the City Council

RE: Two (2) Dodge Grand Caravans

The Public Works and Buildings Committee met on Tuesday, November 13, 2012, to discuss the purchase of Two (2) Dodge Grand Caravans. These vehicles replace Engineering Division vehicles E18 and E21. The existing vehicles have exceeded their projected life-cycle and can no longer meet the needs of the Public Works Engineering Division. Existing E18 is a 1999 Ford Windstar Minivan and E21 is a 2000 Ford Windstar Minivan. These vehicles have been recalled by Ford multiple times for repairs to the rear axle tube and trailing arms and the front suspension. The rusting that has occurred at the uni-body attaching points is so severe that additional repairs cannot be made. These vehicles are used for the inspection of construction projects by the engineering division.

Invitations to Bid were sent out to four (4) area dealers for two (2) Grand Caravans. A legal ad appeared in the newspaper and a public bid opening was held on October 2, 2012. The results are listed below:

<u>Dealer</u>	<u>Total Price</u> E18	<u>Total Price</u> E21	<u>Grand Total</u>
Larry Roesch Dodge, Elmhurst, IL	\$18,478.00	\$18,278.00	\$36,756.00
DuPage Dodge Chrysler Jeep, Wheaton, IL		Declined to Bid	
Hawk Chrysler Dodge Jeep, Forest Park, IL		Declined to Bid	
Zeigler Chrysler Dodge Jeep, Downers, Gr. IL		Declined to Bid	

E18 and E21 will be used in the Public Works Engineering Division. Funds have been provided in the FY2012/2013 budget under the following account number: \$54,000.00 in 110-6040-431-8006. The total purchase price for the 2013 Dodge Caravans is \$36,756.00. The price reflects a trade-in allowance for old E18 of \$2,500.00 and reflects a trade-in allowance for old E21 of \$2,700.00. Delivery is 12 weeks after receipt of order.

It is, therefore, the recommendation of the Public Works and Buildings Committee that the bid submitted by Larry Roesch Dodge Chrysler Jeep of Elmhurst, IL, in the amount of \$18,478.00 for E18 and \$18,278.00 for E21 for the supply of the Dodge Grand Caravans be accepted and that the City Attorney prepare the appropriate resolution.

Respectfully submitted,
Public Works and Building Committee
/s/ Jim Kennedy
Chairman

/s/ Bob Dunn
Vice-Chairman
/us/ Chris Healy
/s/ Diane Gutenkauf

- j. REPORT – ILLINOIS ROUTE 56 AT COMMONWEALTH LANE INTERSECTION IMPROVEMENTS, LOCAL AGENCY AGREEMENT FOR FEDERAL PARTICIPATION The following report of the Public Works & Buildings Committee was presented for passage:

November 13, 2012

TO: Mayor DiCianni and Members of the City Council
RE: Illinois Route 56 at Commonwealth Lane Intersection Improvements, Local Agency Agreement for Federal Participation

The Public Works and Building Committee met on Tuesday, November 13, 2012 to discuss the Local Agency Agreement (LAA) for Federal Participation for intersection improvements at Illinois Route 56 (Butterfield Road) at Commonwealth Lane.

The improvements include the addition of a northbound left turn lane on Commonwealth Lane, providing dual left turn lanes onto westbound Butterfield Road. In addition, a southbound left turn lane and shared through/right turn lane on the north approach of Commonwealth Lane will be provided. A new eastbound right turn lane will be constructed along Butterfield Road. Pavement widening will be required to accommodate the additional right turn lane. Traffic signal equipment and pavement markings shall be modified and restriped, respectively, to accommodate the addition of the left and right turn lanes into the operational configuration. Pavement resurfacing on Commonwealth and Butterfield will be performed.

TranSystems assisted the City in the preparation of Federal STP funding application. This project received \$798,700 in Federal STP funding for construction through the DuPage Mayors and Managers Conference (DMMC). Following an Illinois Department of Transportation public bidding (January 18, 2013) and bid tabulation, TranSystems will pursue additional grants to further fund construction costs. Roadway construction is anticipated to begin in the Spring of 2013.

TranSystems has proposed to do this work on a cost plus fixed fee basis with a total cost not to exceed \$200,464.83. 80% or \$160,372.00 will be paid for with Federal Funds and 20% or \$40,092.83 will be paid for with City funds. See attached proposal for consultant services and fees. These rates are consistent with fees for professional services on similar projects. TranSystems has completed similar work for the City in the past on various City projects in a satisfactory and professional manner. Monies for this project have been provided in the FY 2012/2013 Budget, Account Number 110-6048-513-80-25 in the amount of \$172,700.

It is, therefore, the recommendation of the Public Works and Building Committee that the Local Agency Agreement for Federal Participation of Construction Engineering services for the Illinois Route 56 (Butterfield Road) at Commonwealth Lane Intersection Improvements be accepted, and the City attorney be authorized to prepare a resolution authorizing the Mayor to execute the Local Agency Agreement.

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

- k. REPORT –ILLINOIS ROUTE 56 AT COMMONWEALTH LANE INTERSECTION IMPROVEMENTS, CONSTRUCTION ENGINEERING – TRANSYSTEMS PROPOSAL The following report of the Public Works & Buildings Committee was presented for passage:

November 13, 2012

TO: Mayor DiCianni and Members of the City Council
RE: Illinois Route 56 at Commonwealth Lane Intersection Improvements, Construction
Engineering - TranSystems Proposal

The Public Works and Building Committee met on Tuesday, November 13, 2012 to discuss a proposal received from TranSystems Corporation for professional construction engineering services for intersection improvements at Illinois Route 56 (Butterfield Road) at Commonwealth Lane.

The improvements include the addition of a northbound left turn lane on Commonwealth Lane, providing dual left turn lanes onto westbound Butterfield Road. In addition, a southbound left turn lane and shared through/right turn lane on the north approach of Commonwealth Lane will be provided. A new eastbound right turn lane will be constructed along Butterfield Road. Pavement widening will be required to accommodate the additional right turn lane. Traffic signal equipment and pavement markings shall be modified and restriped, respectively, to accommodate the addition of the left and right turn lanes into the operational configuration. Pavement resurfacing on Commonwealth and Butterfield will be performed.

TranSystems assisted the City in the preparation of Federal STP funding application. This project received \$798,700 in Federal STP funding for construction through the DuPage Mayors and Managers Conference (DMMC). TranSystems has completed Phase I and II engineering services for this project. DMMC does not allow STP dollars to be used for engineering.

Phase III construction engineering services include construction observation, inspection assistance, construction layout, project coordination, materials testing, final construction documents and as-built drawings in accordance with STP funding requirements. This project will be bid through the Illinois Department of Transportation on January 18, 2013. Roadway construction is anticipated to begin in the Spring of 2013.

TranSystems has proposed to do this work on a cost plus fixed fee basis with a total cost not to exceed \$200,464.83. 80% or \$160,372.00 will be paid for with Federal Funds and 20% or \$40,092.83 will be paid for with City funds. See attached proposal for consultant services and fees. These rates are consistent with fees for professional services on similar projects. TranSystems has completed similar work for the City in the past on various City projects in a satisfactory and professional manner. Monies for this project have been provided in the FY 2012/2013 Budget, Account Number 110-6048-513-80-25 in the amount of \$172,700.

It is, therefore, the recommendation of the Public Works and Building Committee that the Phase III Construction Engineering Services Proposal from TranSystems Corporation for the Illinois Route 56 (Butterfield Road) at Commonwealth Lane Intersection Improvements in the amount not to exceed \$200,464.83, be accepted, and the City attorney be authorized to prepare a resolution approving a contract with TranSystems Corporation.

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

- I. REPORT – LIQUOR LICENSE CHANGE: TANNIN’S The following report of the Public Affairs & Safety Committee was presented for passage:

November 13, 2012

To: Mayor DiCianni and Members of the City Council
Re: Liquor License Change: Tannin’s

The Public Affairs and Safety Committee met on November 13, 2012 to discuss the requested change to the current liquor license held by Tannin's Wine Bar & Boutique, 112 N. York Street. A representative from Tannin's was present to explain their request and answer the Committee's questions.

Tannin's Wine Bar & Boutique currently holds a Class "WBB" liquor license allowing for the consumption of wine and beer on the premises and the retail sale of wine and beer in its original packaging only, for consumption off premises. They are requesting change to a Class "WBBS" liquor license which in addition to the parameters of their current license, allows for the consumption of spirits on premise. All state and local laws and ordinances will be enforced and followed.

It is, therefore, the recommendation of the Public Affairs and Safety Committee that the City Attorney be authorized to prepare the appropriate ordinance to create an additional Class "WBBS" liquor license for Tannin's, located at 112 N York Street and decrease the number of authorized liquor license in the category of "WBB."

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

- m. REPORT – REPLACEMENT LOCKERS FOR POLICE DEPARTMENT The following report of the Public Affairs & Safety Committee was presented for passage:

November 13, 2012

TO: Mayor DiCianni and the Members of the City Council
RE: Replacement Lockers for Police Department

The Public Affairs and Safety Committee met on Tuesday, November 13, 2012, to discuss the purchase and replacement of all personnel storage lockers in the men's and women's locker rooms of the Elmhurst Police Department. In collaboration with the Equipment Maintenance Division, Employees of the Police Department and the Building Commissioner, a total of four locker manufacturing companies were researched and tested, and one manufacturer was approved for purchase. The manufacturer selected is Bradford Systems of Bensenville, Illinois. It is the goal of the Police Department to remove all of the existing lockers in both the men's and women's locker rooms due to the continuing structural failure and the lengthy and costly repair history of the current locker system. This purchase will accomplish that goal.

Locker Manufacturers Researched:

Bradford Systems Quote: \$115,590.00
430 Country Club Drive
Bensenville, IL 60106

DeBourgh "All American Lockers" Quote: \$118,649.52
(Distributor: Carroll Seating Company)
2105 Lunt Ave.
La Junta, Colorado 81050

Tiffin Metal Products Company Quote: \$127,512.00
(Distributor: DAK Equip. & Eng. Comp.)
450 Wall Street
Tiffin, Ohio 44883

Lyon Workspace Products
420 N. Main Street
Montgomery, Illinois 60538

(Lyon Workspace Products have been eliminated from consideration due to their lockers not meeting specifications, the quality of their product is below standards, they do not offer the options requested and their quote does not include removal and disposal of the old lockers) Bradford Systems was selected over the other three manufacturers based on the results of many different elements that were evaluated. Bradford was the only manufacturer that presented a locker room design that met the locker count and layout specified. Bradford's professionalism, building and installation knowledge, experience and responsiveness were far superior to the other three manufacturers. The locker solution that Bradford developed for this project met all locker specifications and a locker room layout with the proper height, width and depth to accommodate the required locker count for the number of employees and the size and shape of the locker rooms. Bradford delivered a sample locker, as did the other three manufacturers. All four samples were evaluated by police and building maintenance personnel and they reported that the Bradford locker was the best product for our storage needs and it would be the easiest and most economical for the Public Works Department to maintain. The Bradford locker is well built, operates as designed, has the specified options and shelves requested, has very few maintenance or possible failure points and has a reinforced door with few moving parts and a single locking point. Bradford Systems is a local business located in Bensenville, Illinois. With close proximity to Elmhurst, this will allow for easy response and coordination if any issues do arise in the future. Bradford Systems submitted the lowest quote of those manufacturers that met specifications and also included in their proposal the removal and disposal of the existing lockers from both locker rooms.

The monies to purchase, replace and install all personnel storage lockers in the men's and women's locker rooms of the Elmhurst Police Department will come from the Building Improvements Line Account (#110-5030-421-8023).

It is, therefore, the recommendation of the Public Affairs and Safety Committee that the purchase be awarded to Bradford Systems, at a total cost of \$115,590.00 for the replacement of 113 personnel storage lockers in the men's and women's locker rooms of the Elmhurst Police Department, which will include one year of maintenance and a 5-year warranty. This will result in a savings of \$44,410.00 savings over the budgeted amount of \$160,000.00. This purchase was planned for and charged to budget line #110-5030-421-8023 (Building Improvements).

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

- n. REPORT – CRITERIUM PRO/AM BIKE RACE The following report of the Public Affairs & Safety Committee was presented for passage:

November 13, 2012

To: Mayor DiCianni and Members of the City Council
Re: Criterium Pro/Am Bike Race

The Public Affairs and Safety Committee met on November 13, 2012 to discuss the request from the Elmhurst Masters Competition Cycling (EMC²) to hold a 2013 Elmhurst Criterium Bicycle Race on Friday, July 19, 2013.

The proposed race course is a 1.2 mile circuit around Elmhurst College, starting on Prospect, going south to Elm Park Avenue. It will proceed west of Elm Park Avenue to Grace Avenue, turning north to Alexander Blvd. Then, the race heads east on Alexander back to Prospect Avenue and south on Prospect to the start/finish line. The race would begin at 10:50 a.m. and conclude at 8 p.m.

EMC² is requesting street closures from 8 a.m. to 9 p.m. for set and break down of race and barricades for nine (9) intersections. All detour, road closure plans and operations parameters will be finalized only after consultation and discussion with the approval of the Elmhurst Police, Fire and Public Works Departments.

The EMC² Committee completed a house by house canvass of affected residents and the feedback was overwhelmingly positive. EMC² stated all considerations will be made to residents to facilitate minimum disruptions during race day.

Proof of insurance will be provided and approved by the city attorney prior to the event.

It is, therefore, the recommendation of the Public Affairs and Safety Committee to approve the EMC² 2013 Elmhurst Criterium Bicycle Race on July 19, 2013.

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

- o. REPORT – SEWERAGE TREATMENT RATE FOR ILLINOIS AMERICAN WATER COMPANY The following report of the Finance, Council Affairs & Administrative Services Committee was presented for passage:

November 14, 2012

To: Mayor DiCianni and Members of the City Council
Re: Sewerage Treatment Rate for Illinois American Water Company

On November 17, 1975, the City of Elmhurst entered into an agreement with Illinois American Water Company, formerly Citizen's Utility Company of Illinois, for the treatment of sewerage delivered by said company to the North Elmhurst Pumping Station at a rate to be established by resolution. The agreement also requires periodic review of the sewerage treatment rate charged Illinois American Water Company.

The Finance, Council Affairs and Administrative Services Committee met November 13, 2012 to review the current rate and have determined by cost analysis that a rate of \$2.707 per thousand gallons for treatment of sanitary sewerage from the Illinois American Water Company system is an adequate and equitable charge.

It is, therefore, the recommendation of the Finance, Council Affairs and Administrative Services Committee that the City Council approve the new rate of \$2.707 per thousand gallons of sewerage delivered by Illinois American Water Company, and authorize the City Attorney to prepare the appropriate resolution.

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

- p. MCO-25-2012 – AN ORDINANCE AMENDING ARTICLE XI, ENTITLED “FOOD ESTABLISHMENTS,” OF CHAPTER 31, ENTITLED “BUSINESS LICENSING, REGULATION AND REGISTRATION,” OF THE MUNICIPAL CODE OF ORDINANCES OF THE CITY OF ELMHURST, ILLINOIS

Ordinance MCO-25-2012 was presented for passage.

- q. MCO-26-2012 – AN ORDINANCE TO AMEND SECTION 41.04 ENTITLED “SCHEDULE OF FEES” OF CHAPTER 41 ENTITLED “MOTOR VEHICLE LICENSES” OF THE MUNICIPAL CODE OF THE CITY OF ELMHURST, ILLINOIS

Ordinance MCO-26-2012 was presented for passage.

- r. R-71-2012 – A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A LICENSE AGREEMENT BY AND BETWEEN EMERALD DATA SOLUTIONS, INC. AND THE CITY OF ELMHURST

Resolution R-71-2012 was presented for passage.

Alderman Levin moved to approve the contents of the Consent Agenda. Alderman York seconded.

Roll call vote:

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

Nays: None

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

COMMITTEE REPORTS

10. a. REPORT – WALNUT VACATION The following report of the Public Works & Buildings Committee was presented for passage:

November 13, 2012

TO: Mayor DiCianni and Members of the City Council

RE: Walnut Street Vacation

The Public Works and Buildings Committee met on November 13, 2012 to discuss a request from Superior Ambulance Company and John Sakash Company for vacation of the Walnut Street Right-of-Way, North of Fullerton Avenue. David Hill from Superior Ambulance and Bill Sakash from John Sakash Company were present to answer the Committee's questions.

Until the recent past, the property located at 722 and 730 N. Walnut St. was the location of the Superior Ambulance Company Maintenance Facility. Superior Ambulance outgrew the facility and moved to a larger facility at 333 W. Lake Street. Superior Ambulance also owns the parcel located at 323 W. Fullerton Avenue. Directly south of the Walnut Street parcels is the John Sakash Company. John Sakash Company was one of the successful TIF II projects. John Sakash Company currently owns and operates out of a 82,000 sq ft building.

Due to business growth, John Sakash Company needs to expand their physical plant. Currently the property John Sakash Company is located on will not allow them to expand their building size; therefore, they are interested in purchasing the old Superior Ambulance Maintenance Facility, along with the property located at 323 W. Fullerton Avenue to meet their present expansion needs as well as their future needs.

To allow John Sakash Company to meet their long term goals and remain a successful sales tax producing business in Elmhurst, there has been a request by Superior Ambulance and John Sakash Company to vacate Walnut Street north of Fullerton to allow for a consolidation of the three mentioned parcels and the Walnut Street Right-of-Way. Currently the right-of-way is an unimproved parcel approximately 66' x 235' (14,889 sq ft) that has a City sanitary sewer and City water main running through it. The City would require 10' easements for both the sanitary sewer and the water main to allow for City access for repair and maintenance. Upon consolidation of the parcels the sanitary sewer would no longer require an easement and would become a private sewer lateral.

Also at that time the City would require the property owner to install a manhole on the sewer on the City property adjacent to the private property. The water main easement would remain because it is part of a loop back to Church Street. If in the future the property owner would require relocation of the main to allow for a building to be placed in the area, it would be the responsibility of the owner to relocate. It was also noted that an easement would still be required over the area the water main would be relocated to.

Estimates from City staff to relocate the water main to the most easterly area of 323 W. Fullerton Avenue are \$140,000. The initial request of the applicants was to vacate this Right-of-Way at no cost to the applicant, except legal fees to execute the vacation.

To begin discussion, City staff prepared an estimated EAV of the parcel using the policy set by the City Council on February 23, 2009, which states the beginning value shall be determined as 50% of the estimated EAV (land only). Staff determined the value by taking the average EAV of the adjacent properties (\$1.30 sq ft) multiplied by the square footage of the parcel in question (14,889 sq ft) divided by 2, which produced a value of \$9,677.85.

The Policy also states that 50% of the EAV is a starting point for discussion and the Committee is to then evaluate factors that influence the amount charged for the land, whether positively or negatively. Discussion ensued as to the hindrance of the utility easements and the significant cost to relocate the utilities as well as the requirement of an additional manhole for the sanitary sewer.

The Committee also discussed the benefit of allowing John Sakash Company to expand their business as well as remain at their current Elmhurst location.

After further discussion and in an attempt to bring resolution to the land value, David Hill made an offer to the Committee of \$5,129.39 plus all related legal costs based on the following criteria:

- The watermain easement will hinder approximately 16% of the parcel or \$1,548.46;
- The cost of adding a sanitary sewer manhole is approx. \$2,000;
- And the expected legal fees are approximately \$1,000;
- $\$9,677.84 - \$4,548.46 = \$5,129.39$.

After further discussion the Committee agreed that \$5,129.39 plus legal fees was a fair value for the vacated right-of-way.

It is therefore the recommendation of the Public Works and Buildings Committee to authorize the City Attorney to prepare the appropriate documents to allow the vacation of Walnut Street, north of Fullerton Avenue to Superior Ambulance for the fee of \$5,129.39 plus legal fees.

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

Alderman Dunn moved to approve item **10a. Report – Walnut Vacation**. Alderman Gutenkauf seconded.

Alderman Dunn reviewed item **10a. Report – Walnut Vacation** stating the current vacation policy was used, allowing the vacation of Walnut Street, north of Fullerton Avenue, to Superior Ambulance for the amount of \$5,129.39. Alderman Dunn urged the Council to support item **10a. Report – Walnut Vacation**.

Alderman Healy stated he was absent and didn't sign the report, but supports the recommendation.

Aldermen Bram and Pezza stated they could not support item **10a. Report – Walnut Vacation** because of the minimal dollar amount offered for the property.

Roll call vote on item **10a. Report – Walnut Vacation:**

Ayes: Dunn, Gutenkauf, Leader, Polomsky, York, Hipkind, Healy, Levin, Kennedy, Wagner, Mulliner

Nays: Bram, Pezza

Results: 11 ayes, 2 nays, 1 absent
Motion carried

b. REPORT – 2012 TAX LEVY The following report of the Finance, Council Affairs & Administrative Services Committee was presented for passage:

November 14, 2012

To: Mayor DiCianni and Members of the City Council
Re: 2012 Tax Levy

The Finance, Council Affairs and Administrative Services Committee met several times, most recently November 13, 2012, to review the 2012 tax levy. The proposed City of Elmhurst 2012 tax levy of \$9,170,597 is comprised of two parts this year. Please refer to Schedule A attached to this report for details.

The first part (Part I City section) of the City's proposed tax levy in the amount of \$8,747,592 reflects a 1% decrease compared to prior year and includes the normal and customary components of police pension, firefighters' pension, other retirement expense (FICA and IMRF), ambulance and fire protection. The Finance Committee considered several factors in its deliberations regarding the 2012 City tax levy, including the following:

- Current economic conditions seem to be slowly beginning to positively impact the City's other major revenue sources such as sales tax, real estate transfer tax, and building permit fees.
- Current economic conditions continue to negatively impact Elmhurst residents.
- Based on Fiscal 2013 Second Quarter financial projections, the General Fund balance is projected to be within the prescribed City Council policy of 25% to 33% of General Fund expenditures at fiscal 2013 year end. The Second Quarter projections include an estimated additional contribution to fund balance of approximately \$1.4 million, bringing the year end General Fund balance to approximately \$10.8 million.
- The Working Cash Fund (WCF) was depleted by transfers in fiscal years 2009 and 2010 to the General Fund in the aggregate amount of \$950,000, and the General Fund is in the third year of a five year plan to restore the WCF balance with annual principal contributions of \$190,500.
- The 2012 Citizen Survey results clearly indicate that Elmhurst citizens want the current high level of service to remain intact and, in many cases increase.

The portion of the tax levy allocated to fire protection represents 64.3% of the City's net fire protection budget. The ambulance component of the General Fund portion of the tax levy represents the ambulance services contract that was effective January 2010. The portion of the tax levy allocated to FICA and IMRF represents 80.0% of the City's FICA and IMRF expense budget. The IMRF line item increased significantly due to an incorrect number for IMRF in the 2011 tax levy. The correct number for 2011 was \$672,760; therefore, the correct 2012 IMRF increase is 1.1%. The incorrect number did not affect the total 2011 tax levy. The firefighters and police pension contributions are mandated by State statute, and represent 100% of the contributions which are determined by an independent actuary.

The second part (Part II City section) of the City's tax levy is a proposed amount of \$423,005 which is specifically attributable to the new growth associated with the opening of the new Elmhurst Memorial Healthcare Center (EMHC) and to the former tax exempt portion of the Elmhurst Center

for Health. Currently, the new facility is taxable because the underlying property was taxable prior to being purchased by EMHC. The former tax exempt portion of the Center for Health became taxable when the underlying property was consolidated with the EMHC property. However, EMHC is appealing its tax status to the Illinois Department of Revenue (IDOR). If IDOR rules that the property is tax exempt, the City (as well as all other taxing bodies) would be directed to pay back all property taxes paid by EMHC for the new facility and the tax exempt portion of Center for Health. Since the City levies a tax dollar amount rather than a tax rate, if the City does not levy specifically for the amount that may need to be refunded to EMHC, the refund would reduce fund balances which would negatively impact all taxpayers. If the IDOR rules that the property is taxable, the funds reserved to provide the refund to EMHC could then be designated for future capital projects or the General Fund balance, either of which may reduce the need for increased levies in the future. Due to the likely possibility that EMHC will be declared tax exempt and 2012 property taxes paid by EMHC will need to be refunded, the Finance Committee recommends: (1) a tax levy in the amount of \$423,005 on the new growth Equalized Assessed Valuation (EAV) for the new facility and the former tax exempt portion of Center for Health and (2) when the \$423,005 is received by the City, it is placed in a restricted account to either (a) be paid to EMHC, if it is determined to be tax exempt and entitled to a refund, or (b) paid out on further direction of the City Council.

Therefore, the components of the proposed City of Elmhurst City tax levy increase are as follows:

	\$ Increase <u>(Decrease)</u>	% Increase <u>(Decrease)</u>
City:		
Fire Protection	\$(269,417)	(6.0%)
Ambulance	1,100	.9%
Retirement Expense	87,160	14.7%
Firefighters Pension	(18,631)	(1.5%)
Police Pension	<u>111,428</u>	6.1%
Subtotal City	\$ (88,360)	(1.0%)
EMHC Tax Status	\$ 224,343	212.9%
Total City	\$ 135,983	1.5%

The Elmhurst Public Library 2012 tax levy, approved by its Board, is also comprised of two parts. Part I Library is a levy in the amount of \$7,036,000 for general operations, and Part II Library is a levy of \$269,500 due to the EMHC tax situation as explained above.

Therefore, the components of the proposed City of Elmhurst Library tax levy increase are as follows:

Library:		
General Operating	\$ 104,000	1.5%
EMHC Tax Status	\$ 146,764	219.6%
Total Library	\$ 250,764	3.6%

Therefore, the total of the proposed City of Elmhurst tax levy increase is as follows:

Total City and Library	\$ 386,747	2.4%
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The Finance Committee also reviewed the annual debt service obligation for the City's outstanding general obligation bonds, which totals \$5,126,209. Although the City Council had traditionally abated the debt service for general obligation bonds, the prior three fiscal years the Council did not abate the debt service of bonds allocated to the General Fund or the Capital Improvement Fund. In light of the recent revenue challenges and the need to rebuild fund balances, the Finance Committee believes that for 2012 it continues to be prudent to not abate the debt service allocated to the General Fund and the Capital Improvement Fund (\$2,296,047). The Finance Committee recommends the abatement of all other current debt service obligations (\$2,830,162) which are funded by the Redevelopment, Municipal Utility and Parking System funds, and the Elmhurst Public Library. Since abatements can be filed until mid-March, the Finance Committee will review the debt service not abated after analysis of Fiscal 2013 Third Quarter projections, to determine if further abatements are financially viable.

Based on discussions with the York Township Assessor and the Addison Township Assessor, city staff is estimating a decline of 8.4% for the City's total 2012 EAV. The financial impact on the owner of a \$315,780 market value home (\$344,740 in 2011 based on actual residential 2011 EAV) of the proposed tax levy and debt service not abated is a \$3.49 increase (a decrease of \$4.85 for the City and an increase of \$8.34 for the Library) in the annual tax payment to the City, a .4 % increase compared to the prior year (please see Schedule B).

It is, therefore, the recommendation of the Finance, Council Affairs and Administrative Services Committee that the City Council approve the City of Elmhurst 2012 tax levy in the amount of \$9,170,597. Furthermore, it is the recommendation of the Finance Committee that the City Council approve the abatement of the current debt service obligation for the City's general obligation bonds that is not allocated to the General Fund or the Capital Improvement Fund, in the amount of \$2,830,162.

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

Alderman Hipskind moved to approve item **10b. Report – 2012 Tax Levy**. Alderman York seconded.

Alderman Hipskind asked the Council to support the tax levy report, stating there will be no tax increase.

Alderman Healy moved to decrease in Part I 2.5% or \$225,000 and use revenue for the next year, showing less of a surplus for this year and in Part II the levy stay the same.

Alderman Levin, point of clarification, stated Alderman Healy's motion is not appropriate.

Mayor DiCianni stated Alderman Healy's motion failed due to lack of a second.

Discussion continued on the main motion to approve item **10b. Report – 2012 Tax Levy**.

Alderman Bram stated why he supports a 0% tax rate increase.

Alderman Hipskind, point of order, asked why is there debate on the motion before it has been seconded.

Alderman Bram stated he had not yet made a motion.

Alderman Bram moved for a 0% tax rate increase and remain at \$8,835,952.00. Alderman Pezza seconded. Roll call vote for a 0% tax rate increase, and remain at \$8,835,952.00:

Ayes: Bram, Pezza, Polomsky, Mulliner

Nays: Gutenkauf, Leader, Dunn, York, Hipskind, Healy, Levin, Kennedy, Wagner

Results: 4 ayes, 9 nays, 1 absent
Motion failed

Roll call vote on item **10b. Report – 2012 Tax Levy**:

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

Nays: Pezza

Results: 12 ayes, 1 nay, 1 absent
Motion carried

REPORTS AND RECOMENDATIONS OF APPOINTED AND ELECTED OFFICIALS

11. a. UPDATES (Mayor DiCianni)

Mayor DiCianni stated this is his last Council meeting; he will continue to serve as Mayor until December 3, 2012 at which time he will submit his resignation before he is sworn into his County Board position.

Mayor DiCianni stated the Aldermen will select an Interim Mayor to serve until the April 9, 2013 elections when a new Mayor will be elected.

Mayor DiCianni gave a shout out to the Irish Spring 5K Run organizers for supporting the Elmhurst YMCA and Special Kids Day. He stated his hope for better communication regarding the event.

Alderman York announced the City's Tree Lighting Ceremony will be held on Friday, November 23, 2012 at 5:30 p.m.

Alderman York commented on the scolding the City Council received in Public Forum regarding an executive session topic.

Alderman Dunn commented on the Refuse and Recycling Contract, stating the 35 gallon toter will be removed due to its lack of success in other communities.

Alderman Bram stated that he questioned the removal of the 35 gallon toter. He stated that his residents could contact him to discuss.

Alderman Gutenkauf asked if Alderman Bram was asking for an explanation.

Alderman Levin, point of order, stated that this is not an agenda item for discussion.

OTHER BUSINESS

12. Alderman Healy stated he would like an update on ComEd and an update and target date regarding the TIF IV Intergovernmental Agreement with School District 205.

City Manager Grabowski stated there will be a ComEd update forthcoming, along with a target completion date for School District 205.

RECOGNITION OF OUTGOING COUNCIL MEMBER – MAYOR DICIANNI

13. The Council expressed many thanks to Mayor DiCianni for a job well done. They stated his leadership will be missed.

A rocking chair was presented to the Mayor. He was invited to sit in his chair as his family gathered around him for pictures.

City Manager Grabowski extended well wishes and good luck to the Mayor on behalf of himself and City staff.

ADJOURNMENT

14. Alderman York moved to adjourn the meeting. Alderman Hipskind seconded. Voice vote. Motion carried. Meeting adjourned 10:11 p.m.

Peter P. DiCianni III, Mayor

Patty Spencer, City Clerk