

**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF ELMHURST, ILLINOIS
HELD ON MONDAY, MAY 20, 2013
209 NORTH YORK STREET
ELMHURST, ILLINOIS**

EXECUTIVE SESSION 6:30 P.M. – PURCHASE OR LEASE OF REAL PROPERTY FOR THE USE OF THE CITY OF ELMHURST AND PENDING/THREATENED LITIGATION.

Executive session was called to order at 6:30 p.m. by Mayor Morley for the purpose of discussing Purchase or Lease of Real Property for the Use of the City of Elmhurst and Pending/Threatened Litigation.

Present: Diane Gutenkauf, Marti Deuter, Bob Dunn, Norman Leader, Dannee Polomsky (arrived at 6:50 p.m.), Michael J. Bram, Kevin L. York, Scott Levin, Chris Healy, Jim Kennedy, Mark A. Mulliner, Patrick Wagner

Absent: Steve Hipskind

Also in attendance: City Treasurer Libovicz, City Attorney Storino, City Manager Grabowski, City Attorney Peppers

Alderman Gutenkauf moved to convene into executive session for the purpose of discussing Purchase or Lease of Real Property for the Use of the City of Elmhurst and Pending/Threatened Litigation. Alderman Healy seconded.

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

Nays: None

11 ayes, 0 nays, 2 absent
Motion duly carried

CALL TO ORDER/ PLEDGE OF ALLEGIANCE/ROLL CALL

Attendance: 45

2. The Regular Meeting of the Elmhurst City Council was called to order by Mayor Morley at 7:30 p.m.

Present: Diane Gutenkauf, Marti Deuter, Bob Dunn, Norm Leader, Dannee Polomsky, Michael J. Bram, Stephen Hipskind (arrived at 7:50 p.m.), Kevin L. York, Scott Levin, Chris Healy, Jim Kennedy, Mark A. Mulliner, Patrick Wagner

Absent: None

Also in Attendance: City Treasurer Libovicz, City Attorney Storino, City Manager Grabowski, Director of Finance & Administration Gaston, Director of Public Works Hughes, Fire Chief Bacidore, Police Chief Ruth, Deputy Fire Chief Anaszewicz, several members of the Elmhurst Fire Department.

SWEARING IN

3. Mayor Morley went to the podium to swear in Firefighter Steve Wroble to the position of Lieutenant and Lieutenant Tim Lisowski to the position of Battalion Chief in the Elmhurst Fire Department.

Fire Chief Bacidore thanked Mayor Morley and the City Council for their support of the Fire Department. He stated Battalion Chief Lisowski and Lieutenant Wroble will perform above and beyond the call of duty. He also thanked all of the firefighters for their bravery and dedication.

RECEIPT OF WRITTEN COMMUNICATIONS AND PETITIONS FROM THE PUBLIC

4. None

PUBLIC FORUM

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

Questioned the City Council's priorities. He asked Mayor Morley to prioritize better than previous elected officials.

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

Spoke regarding the Zoning & Planning Commission's unanimous vote regarding Addison LLC. She said in the City's Downtown Plan, it states residents and neighbors should be given the opportunity to provide input. She asked when BoardDocs will be up and working for public view.

Kathleen Sullivan
133 Pine St.
Elmhurst, IL 60126

Spoke regarding the April 2013 flood and the process needed for prevention.

Kevin McCarthy
279 Oakland Grove
Elmhurst, IL 60126

Announced a fundraiser to be held at the VFW Hall on St. Charles Road in Villa Park on June 1, 2013 from noon to 9 p.m. He invited all elected officials to help benefit Veterans of Foreign Wars. \$10 ticket price, children are free. For more information see: www.villaparkVFW.org.

Phillip Schelthoff
701 Saylor
Elmhurst, IL 60126

Spoke regarding the April storm and the flooding.

ANNOUNCEMENTS

6. Clerk Spencer gave a Birthday Shout Out to Elmhurst resident, Clarice Colangelo who on May 12th turned 100 years old.

Alderman York thanked the Elmhurst Park District, District 205 School Board, the City of Elmhurst, and the Bicycle Task Force for making the Elected Officials bike ride a successful one.

Alderman York announced the Kick Off for Kids Golf Outing will be held on May 31st at the Lake Geneva Golf Course at 11:30 a.m. For more information see: www.kickoffforkids.org.

Alderman Dunn announced on June 1, 2013 from 9 a.m. to 2 p.m. an Electronic & Recycling Event will be held at Mary Queen of Heaven Church in the parking lot. Free pick up for major appliances.

Alderman Levin announced the passing of Paul DeWitt, former Zoning & Planning Commissioner. He offered condolences to the DeWitt family.

Mayor Morley announced Annual Spring Clean Up dates are June 12, 13 and 14, 2013 on your regularly scheduled pick up day. For more information see: www.Elmhurst.org.

CONSENT AGENDA

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

- a. MINUTES OF THE REGULAR MEETING OF THE ELMHURST CITY COUNCIL ON MAY 6, 2013 (City Clerk Spencer): Approve as published
- b. MINUTES OF THE EXECUTIVE SESSION OF THE CITY COUNCIL ON MAY 6, 2013 (City Clerk Spencer): Approve as published
- c. ACCOUNTS PAYABLE MAY 20, 2013 TOTAL \$2,176,931.38
- d. COMMITTEE APOINTEMENTS 2013 (Mayor Morley):

May 16, 2013

To: Members of City Council
Re: Committee Appointments 2013

The following committee assignments are respectfully submitted for your advice and consent:

PUBLIC WORKS & BUILDINGS COMMITTEE

Jim Kennedy – Chairman
Chris Healy – Vice Chairman
Michael J. Bram
Diane Gutenkauf

PUBLIC AFFAIRS & SAFETY COMMITTEE

Patrick Wagner - Chairman
Norman Leader – Vice Chairman
Open Seat

FINANCE, COUNCIL AFFAIRS & ADMINISTRATIVE SERVICES COMMITTEE

Kevin York – Chairman
Bob Dunn – Vice Chairman
Stephen W. Hipskind
Marti Deuter

DEVELOPMENT, PLANNING & ZONING COMMITTEE

Scott Levin – Chairman
Dannee Polomsky – Vice Chairman
Mark Mulliner

Thank you for your support.

Respectfully submitted,
/s/ Steven M. Morley
Mayor

- e. DRY SLUDGE STORAGE BUILDING CONSTRUCTION CONTRACT AT THE ELMHURST WATER RECLAMATION FACILITY The following report of the Committee of the Whole was presented for passage:

May 20, 2013

To: Mayor Morley and Members of the City Council
Re: Dry Sludge Storage Building Construction Contract at the Elmhurst Water Reclamation Facility

The Committee as a Whole met on Monday, May 20, 2013, to discuss bids received for the construction of the new dry sludge storage building at the City of Elmhurst's Water Reclamation Facility at 625 S. Route 83, Elmhurst, IL.

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

The City is currently under contract with Baxter Woodman Consulting Engineers for engineering services to design a new 500,000 gallon anaerobic digester for the Wastewater Treatment Plant (WWTP). Design and construction of this project was approved in the FY 2010/11 budget and included the construction of a new dry sludge storage building.

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

Baxter Woodman was awarded an amendment to the existing agreement to design the enclosure as Baxter & Woodman is intimately familiar with the WWTP and the ongoing digester project. The cost is covered by the IEPA loan program which has an interest rate of less than 2.0%.

The planning and design services contract as outlined above for the Wastewater Treatment Facility was recommended by the Public Works and Buildings Committee and approved by the City Council.

A legal advertisement appeared in the press and Invitations to Bid were sent to thirty-eight general/sub- contractors and vendors. Plans and specifications were made available at the Public Works counter. Bids were received from nine general contractors and are summarized below. All bidders included a bid bond. A tally of the bids follows:

<u>Contractor</u>	<u>Bid</u>
Jeff Graefen Development, Inc., Frankfort, IL	\$598,000 Withdrew
John Burns Construction Co., Orland Park, IL	\$940,000
Path Construction Co., Arlington Heights, IL	\$952,100
Manusos General Contracting, Fox Lake, IL	\$979,000
Allan Mack & Sons, Inc., Orland Park, IL	\$985,454
Keno & Son Construction, Lake Bluff, IL	\$1,009,000
Boller Construction Co., Waukegan, IL	\$1,075,000
Simpson Construction Co., Bellwood, IL	\$1,095,000
Camosy Incorporated, Zion, IL	\$1,115,000
Tri-State Enterprises, Inc., Romeoville, IL	\$1,191,786

References have been checked on the low bidder, John Burns Construction Company, and are satisfactory (see Attachment A).

Funds have been provided in the amount of \$1,100,000 for the construction of the dry sludge storage building in the 2012/13 budget in account number 510-6057-502-80-20. The City has applied to the Illinois EPA for a low interest loan to be repaid over a twenty year period for the construction of this project.

It is, therefore, the recommendation of the Committee of the Whole that the bid for the construction of the new dry sludge storage building at the City of Elmhurst's Water Reclamation Facility from John Burns Construction Company, Orland Park, IL in the amount of \$940,000 be accepted contingent upon receipt of a loan offer from IEPA. Furthermore, due to time constraints imposed by the construction season and regulatory constraints of the Illinois EPA regarding low interest loan approval, the Committee further recommends that the rules be suspended to allow the approval of the resolution approving said contract amendment on the same night.

Respectfully submitted,
/s/ Committee of the Whole

- f. DRY SLUDGE STORAGE BUILDING AMENDMENT NO. 1 – CONSTRUCTION SERVICES The following report of the Committee of the Whole was presented for passage:

May 20, 2013

To: Mayor Morley and Members of the City Council
Re: Dry Sludge Storage Building Amendment No. 1 - Construction Services

On Monday, May 20, 2013, the Committee of the Whole met to discuss the proposal for construction services for the City of Elmhurst Water Reclamation Facility (EWRF) Dry Sludge Storage Building within the current contract with Baxter & Woodman Consulting Engineers.

The City is currently under contract with Baxter Woodman Consulting Engineers for engineering services to design a new 500,000 gallon anaerobic digester for the Wastewater Treatment Plant (WWTP). The existing capacity of the anaerobic digesters is insufficient for the current solids loading to the digesters. Design and construction of this project was approved in the FY 2010/11 budget.

On August 25, 2011 state legislation was passed with an immediate effect on the method in which the Water Reclamation Facility (WRF) personnel dispose of the treated and dried sludge or biosolids. A fixed roof is needed over the previously-constructed storage pad to minimize the potential of precipitation rewetting the processed biosolids.

The new rule increases the time that the WRF must store the biosolids at the facility during the winter months by 60 calendar days from November 15 through March 1.

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

The attached amendment will provide construction services and oversight. The Engineer is holding their current rates. The construction services fee will not exceed \$73,500 without approval from the City of Elmhurst.

Monies for this work are to be used from the FY 2013 Budget account number 510-6057-502.80-20.

It is, therefore, the recommendation of the Committee of the Whole and that the City Attorney be authorized to prepare the appropriate documents to amend the contract with Baxter Woodman as outlined above. Due to time constraints imposed by the construction season and regulatory constraints of the Illinois EPA regarding low interest loan approval; the Committee further recommends that the rules be suspended to allow the approval of the resolution approving said contract amendment on the same night.

Respectfully submitted,
/s/ Committee of the Whole

g. O-24-2013 – AN ORDINANCE AUTHORIZING THE SALE BY AUCTION OF PERSONAL PROPERTY OWNED BY THE CITY OF ELMHURST (SEIZURE VEHICLES)

Ordinance O-24-2013 was presented for passage.

h. MCO-06-2013 – AN ORDINANCE AMENDING ARTICLE IV ENTITLED, “RATES AND CHARGES,” OF CHAPTER 7 ENTITLED, “WATER AND SEWERS,” OF THE MUNICIPAL CODE OF ORDINANCES OF THE CITY OF ELMHURST, IL

Ordinance MCO-06-2013 was presented for passage.

i. ZO-05-2013 – AN ORDINANCE GRANTING CONDITONAL USES AND ASSOCIATED WALL SIGN VARIATIONS AT THE PROPERTY COMMONLY KNOWN AS 235 S. ROUTE 83, ELMHURST, ILLINOIS (PIN 06-03-417-013 – CHICK-FIL-A)

Ordinance ZO-05-2013 was presented for passage.

- j. R-25-2013 – A RESOLUTION APPROVING A RELEASE AND SETTLEMENT AGREEMENT BETWEEN BERNADINE GEARLDS-FALBO, OFFICER ALEXANDER KEFALOUKAS, OFFICER DAVID GRAHAM AND THE CITY OF ELMHURST

Resolution R-25-2013 was presented for passage.

- k. R-26-2013 - A RESOLUTION AUTHORIZING THE ISSUANCE OF A NOTICE OF AWARD FOR THE DRY SLUDGE STORAGE BUILDING CONSTRUCTION PROJECT FOR THE CITY OF ELMHURST, ILLINOIS

Resolution R-26-2013 was presented for passage.

- l. R-27-2013 - A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF AMENDMENT NO. 4 TO THE PROFESSIONAL DESIGN ENGINEERING SERVICES AGREEMENT FOR THE ANAEROBIC DIGESTER AT THE WASTWATER TREATMENT PLANT BY AND BETWEEN BAXTER, WOODMAN, INC. AND THE CITY OF ELMHURST, ILLINOIS

Resolution R-27-2013 was presented for passage.

City Clerk Spencer pulled item **7b. Minutes of the Executive Session of the City Council on May 6, 2013** from the Consent Agenda.

Alderman Bram moved to approve the contents of the Consent Agenda less item **7b. Minutes of the Executive Session of the City Council on May 6, 2013**. Alderman Dunn seconded. Roll call vote:

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

Nays: None

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

REPORTS AND RECOMENDATIONS OF APPOINTED AND ELECTED OFFICIALS

8. a. MAYOR MORLEY

Mayor Morley stated on Friday, May 10, 2013 President Obama declared DuPage and other counties in Illinois a Federal Disaster Area. These counties are now eligible for federal assistance. Those needing to apply for assistance, visit: www.disasterassistance.gov or call 1-800-621-FEMA.

Mayor Morley announced the City's Storm Water Mitigation Projects schedule for public meetings to be held at City Hall in Council Chambers. The following dates have been selected for public meeting:

May 29th – 6 pm - 8 pm open house, with presentations on the projects at 6 pm and at 7 pm. The areas to be discussed include the southwest portion of the City (generally from McKinley Avenue to Butterfield Road and York Street to Salt Creek) and involve **York Commons Park, Bryan Middle School, Madison School and Jackson School stormwater mitigation projects.**

May 30th - 6 pm - 8 pm open house, with presentations on the projects at 6 pm and at 7 pm. The areas to be discussed include the intersection of Seminole and Cottage Hill, Pine Street, and Park Avenue. These stormwater mitigation projects include **Pioneer Park, Wild Meadow Trace and Golden Meadows Park.**

June 6th - 6 pm - 8 pm open house, with presentations on the project at 6 pm and at 7 pm. The areas to be discussed include Geneva Avenue and Clinton Street. The stormwater mitigation project involves **East End Park.**

Mayor Morley stated he is taking applications for the 6th Ward Alderman open seat. He stated a candidate will be presented in the next few weeks.

b. CITY MANAGER GRABOWSKI

City Manager Grabowski stated FEMA representatives have been in Elmhurst distributing information.

City Manager Grabowski stated meetings with residents on Geneva and Clinton Avenues will tie in to the schedule the Mayor previously mentioned.

The City Manager announced Congressman Quigley will host an Info Fair for government entities on Monday, June 3, 2013 at City Hall from 9:30 – 11:30 a.m.

City Manager Grabowski announced the annual “Cop on Top” Fundraiser will be held on Dunkin Donuts roof tops on May 31st. Members of the Elmhurst Police Department will be at 936 N. York Street.

Alderman Bram asked if applications for 6th Ward Alderman are now closed.

Mayor Morley stated he will take applications until the Council takes a vote on a recommendation.

ORDINANCES

9. a. O-30-2013 - AN ORDINANCE APPROVING THE THIRTIETH AMENDMENT TO REAL ESTATE PURCHASE CONTRACT FOR THE PURCHASE OF THE REAL PROPERTY COMMONLY KNOWN AS 260 NORTH YORK STREET, ELMHURST, ILLINOIS (“PAULI”)

Ordinance O-30-2013 was presented for passage.

Alderman Levin moved to approve item **9a. O-30-2013 - An Ordinance Approving the Thirtieth Amendment to Real Estate Purchase Contract for the Purchase of the Real Property Commonly Known as 260 North York Street, Elmhurst Illinois (“Pauli”)**. Alderman Wagner seconded. Roll call vote:

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

Nays: Gutenkauf, Deuter, Bram

Results: 10 ayes, 3 nays, 0 absent
Motion carried

OTHER BUSINESS

10. None

ADJOURNMENT

11. Alderman Hipkind moved to adjourn the meeting. Alderman Polomsky seconded. Voice vote, motion carried. Meeting adjourned 8:16 p.m.

Steven M. Morley, Mayor

Patty Spencer, City Clerk