

**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF ELMHURST, ILLINOIS
HELD ON MONDAY, JULY 21, 2008
209 NORTH YORK STREET
ELMHURST, ILLINOIS**

CALL TO ORDER/ PLEDGE OF ALLEGIANCE/ROLL CALL

Attendance: 28

1. Mayor Marcucci introduced Mayor for a Day contest winner, Charles Hooker. The Regular Meeting of the Elmhurst City Council was called to order by Mayor for a Day Hooker at 7:32 p.m.

Present: Michael J. Regan, Diane Gutenkauf, Norman Leader, Pat Shea, Michael Bram, Susan J. Rose, John Gow, Stephen Hipskind, Moira Moriarty, Chris Nybo, Steve Morley, Donna Lomnicki

Absent: George Szczepaniak, Mark A. Mulliner (arrived at 7:45 p.m.)

Also in Attendance: City Treasurer Pigoni, City Attorney Kubiesa, City Manager Borchert, Fire Chief Kopp, PZED Director Said, Economic Development Manager Corner

INTRODUCTION OF 2008 MAYOR FOR A DAY CONTEST WINNER CHARLES HOOKER

2. Mayor Marcucci asked Mayor for a Day contest winner Charles Hooker to read his winning contest essay. Mayor for a Day Hooker read his winning essay to the Council.

Mayor Marcucci reviewed the process of the Mayor for a Day contest and commented on Charles's winning essay. The Mayor stated Charles parents, Bob and Christy Hooker, as well as Immanuel Lutheran School can take credit for the values expressed in Charles' essay.

RECEIPT OF WRITTEN COMMUNICATIONS AND PETITIONS FROM THE PUBLIC

3. None.

PUBLIC FORUM

4. Karen Vicich
110 W. Butterfield Rd.
Elmhurst, IL 60126

Spoke on behalf of the residents of Royal York stating there is a resolution regarding the traffic issue in their neighborhood. The resolution is to limit the traffic to police and fire only. She thanked the Zoning Commission, City staff, Mayor Marcucci and the City Council as well as the Elmhurst Hospital Management staff for their hard work to reach this winning solution.

Carol Synder
447 N. Highland Ave.
Elmhurst, IL 60126

Expressed her support for the Hahn Street project and asked the Council to vote yes and move the project forward.

Ron Bottens
652 Van Auken
Elmhurst, IL 60126

Thanked the Council for the approval of the four (4) way stop sign at Crestview and Van Auken. He also stated the City should spend their money in the neighborhoods and not on a developer.

Todd Benson
391 River Glen
Elmhurst, IL 60126

Spoke of the outbreak of gypsy moths in the Graue Woods neighborhoods. He requested the City have an open discussion on what homeowners can do to save their trees.

Sharon Slocum
448 N. Elm Ave.
Elmhurst, IL 60126

Spoke regarding the big houses that are being built next to small houses. Residents cannot get out of their driveways because of the six (6) foot fence that only allows one (1) inch on each side. She also spoke of building noise and builders using her driveway and causing damage.

Tanya Pastorelle
412 W. Grantley
Elmhurst, IL 60126

Expressed her support for the Hahn Street project. She asked Council to move forward with the project.

Paula Pezza
275 Cottage Hill
Elmhurst, IL 60126

Spoke of Mayor for a Day Hooker's message stating we can all learn a lesson from what he had to say.

Lester Conness
579 West Ave.
Elmhurst, IL 60126

Spoke regarding the Hahn Street project. He asked Council not to give away the project.

Darlene Heslop
200 N. Michigan #224
Elmhurst, IL 60126

Addressed the City Council regarding their actions toward the following issues: budget, Hahn street and the bike path with the Park District.

Ann Tranter
131 Larch
Elmhurst, IL 60126

Spoke of the Hahn Street project and asked Council to ask for full disclosure of the operation agreement.

Carolyn Ubriaco
432 Atwater
Elmhurst, IL 60126

Urged Council to evaluate the Hahn Street project on its own merits, what is the pay out and when will it be built.

CONSENT AGENDA

5. The following items on the Consent Agenda were presented:
 - a. MINUTES OF REGULAR MEETING HELD ON MONDAY, JUNE 16, 2008 (City Clerk Spencer): Approve as published
 - b. MINUTES OF THE EXECUTIVE SESSION HELD ON MONDAY, JUNE 16, 2008 (City Clerk Spencer): Receive and place on file
 - c. ACCOUNTS PAYABLE – JULY 21, 2008 TOTAL \$ 1,081,055.28

- d. BIDS, 2008 WATERMAIN IMPROVEMENTS PROJECT (City Clerk Spencer): Refer to the Public Works and Buildings Committee (See Item 5g.)
July 8, 2008

TO: Mayor Marcucci and Members of the City Council
RE: Bids, 2008 Watermain Improvements Project

In response to an invitation to bid for the 2008 Watermain Improvements project advertised in the Elmhurst Press on Friday, June 20, 2008, bids were received from twelve (12) area contractors.

Bids were opened at 10:00 a.m. on Tuesday, July 8, 2008, and following is a summary of the bids received:

<u>Contractor</u>	<u>Total Cost</u>
Kings Point General Cement, Inc. (Bensenville, IL)	\$ 849,214.50
Gerardi Sewer and Water Company (Norridge, IL)	\$ 885,229.00
Vian Construction Company, Inc. (Elk Grove Village, IL)	\$ 929,463.00
Brothers Asphalt Paving, Inc. (Addison, IL)	\$ 953,525.00
Cerniglia Company (Melrose Park, IL)	\$ 974,828.00
Patnick Construction, Inc. (Bensenville, IL)	\$ 992,243.00
Bolder Contractors, Inc. (Deerfield, IL)	\$1,016,255.00
Neri Brothers Construction, Inc. (Itasca, IL)	\$1,018,505.45
Archon Construction Company, Inc. (Addison, IL)	\$1,097,000.00
Trine Construction Corporation (West Chicago, IL)	\$1,098,750.50
Unique Plumbing Company (Brookfield, IL)	\$1,187,468.95
Dominic Fiordiroso Construction (Elgin, IL)	\$1,255,584.05

Respectfully submitted,
/s/ Patty Spencer
City Clerk

- e. BID, 2008 CONCRETE PAVEMENT PATCHING PROGRAM (City Clerk Spencer): Refer to the Public Works and Buildings Committee (See Item 5h.)

April 22, 2008

TO: Mayor Marcucci and Members of the City Council
RE: Bids, 2008 Contract Paving Program

In response to an invitation to bid for the 2008 Contract Paving Program advertised in the Elmhurst Press on Friday, April 4, 2008, bids were received from eight (8) area contractors.

Bids were opened at 10:00 a.m. on Tuesday, April 22, 2008, and following is a summary of the bids received:

<u>Contractor</u>	<u>Total Cost</u>
Arrow Road Construction (Mt. Prospect, IL)	\$1,959,279.90
Brothers Asphalt Paving, Inc. (Addison, IL)	\$1,964,532.65
DiGioia Brothers Construction Company (Wheaton, IL)	\$2,057,946.25
G&M Cement Construction (Addison, IL)	\$2,098,457.35
J. Nardulli Concrete, Inc. (Chicago, IL)	\$2,193,741.00
Johnson Paving (Arlington Heights, IL)	\$2,304,717.04
R. W. Dunteman Company (Addison, IL)	\$2,322,980.40
Triggi Construction (West Chicago, IL)	\$2,516,821.95

Respectfully submitted,
/s/ Patty Spencer
City Clerk

- f. NEIGHBORHOOD ELECTRIC VEHICLES (NEV'S) (City Manager Borchert): Refer to the Public Affairs and Safety Committee

July 17, 2008

To: Mayor Marcucci and Members of the City Council
Re: Neighborhood Electric Vehicles (NEV's)

It is respectfully requested that the attached request from Aldermen Chris Nybo, Norm Leader and Michael Bram regarding NEV's be referred to the Public Affairs and Safety Committee for their review and recommendation.

Respectfully submitted,
/s/ Thomas P. Borchert
City Manager

- g. REPORT – 2008 WATER MAIN IMPROVEMENTS The following report of the Public Works and Buildings Committee was presented:

July 14, 2008

TO: Mayor Marcucci and Members of the City Council
RE: Bids, 2008 Water Main Improvement Project

The Public Works and Buildings Committee met on Monday, July 14, 2008 to review bids for the 2008 Water Main Improvement Project. The bids received are summarized on Attachment "A".

The work includes the installation of approximately 4,300 L.F. of 8" Ductile Iron Water Main on Bryan from McKinley to Vallette, Washington from Madison to Meister, and on Swain from Butterfield Rd. to Harrison. The work also includes service replacements, hydrants with valves, and all other related work.

Kings Point General Cement, Inc. from Bensenville, submitted the lowest responsible bid meeting all of the bidding requirements. Kings Point General Cement, Inc. has completed similar work for other municipalities such as the Village of Western Springs, and the Village of Lemont, in a satisfactory manner.

Monies have been provided in the FY 2008/09 Budget, Municipal Utility Fund, Account Number 510-6052-501-80-12, in the amount of \$970,000.00 for this project.

It is, therefore, the recommendation of the Public Works and Buildings Committee that the bid from Kings Point General Cement, Inc. for the 2008 Watermain Improvement Project in the amount of \$849,214.50 be accepted.

Respectfully submitted,
Public Works and Building Committee

/s/ John E. Gow

Chairman

/s/ Michael Regan

Vice-Chairman

/s/ Donna Lomnicki

/s/ Pat Shea

- h. REPORT – BIDS, 2008 CONCRETE PAVEMENT PATCHING PROGRAM The following report of the Public Works and Buildings Committee was presented:

July 14, 2008

TO: Mayor Marcucci and Members of the City Council

RE: Bids, 2008 Concrete Pavement Patching Program

The Public Works and Buildings Committee met on Monday, July 14, 2008 to review bids received for the 2008 Concrete Pavement Patching Program. The bids are summarized on Attachment "A".

The work consists of the removal and replacement of areas of deteriorated concrete pavement and curb and gutter at various locations throughout the City.

Kings Point General Cement, Inc., of Bensenville, Illinois submitted the lowest responsible bid meeting all of the bidding requirements. Kings Point General Cement, Inc., has performed similar work for the City and other municipalities, and the work was completed in a satisfactory manner.

Monies for this project have been provided in the FY2008/09 budget in account numbers 110-6041-432-30-11 in the amount of \$100,000.

It is, therefore, the recommendation of the Public Works and Buildings Committee that the bid from Kings Point General Cement, Inc., for the 2008 Concrete Pavement Patching Program in the amount of \$99,602.50, be accepted.

Respectfully submitted,
Public Works and Building Committee

/s/ John E. Gow

Chairman

/s/ Michael Regan

Vice-Chairman

/s/ Donna Lomnicki

/s/ Pat Shea

- i. REPORT – RAIN GARDENS IN REAR YARDS The following report of the Public Works and Buildings Committee was presented:

July 16, 2008

TO: Mayor Marcucci and Members of the City Council
RE: Rain Gardens in Rear Yards

On Monday, July 14, 2008 the Public Works and Buildings Committee met to discuss a letter to Mayor Marcucci and Members of the Elmhurst City Council from Alderman Norm Leader and Alderman Susan J. Rose regarding a policy for rain gardens for rear yards. The Committee reviewed information relative to the pros and cons of a City supported program for helping residents install rain gardens. The Committee acknowledged that installation and maintenance of rain garden is a somewhat complicated task which takes a significant amount of dedication and effort to be successful.

The Committee felt that rain gardens were a very environmentally friendly undertaking and would like to promote education and information via the web site or The Front Porch to help the community become aware that a rear yard rain garden is an option in areas of backyards that hold water. However, the Committee felt that the installation of a rain garden is private matter and the City should not have an active oversight role or financial role in the construction or maintenance of a garden.

One reason for not participating fiscally is that if a homeowner receives funds from the City to construct a rain garden and then after several years decides to no longer maintain it, the City would have to retract its contribution for the rain garden. It was felt that this would be a arduous and costly task.

It is, therefore, the recommendation of the Public Works and Buildings Committee that the City staff incorporate providing information regarding rain gardens into its sustainability program.

Respectfully submitted,
Public Works and Building Committee

/s/ John E. Gow
Chairman
/s/ Michael Regan
Vice-Chairman
/s/ Donna Lomnicki
/s/ Pat Shea

j. REPORT – 366 COMMONWEALTH LANE ALLEY VACATION The following report of the Public Works and Buildings Committee was presented:

July 14, 2008

TO: Mayor Marcucci and Members of the City Council
RE: 366 Commonwealth Lane Alley Vacation

The Public Works and Buildings Committee met on Mondays, February 25, May 12, June 23, and July 14, 2008 to discuss a request for the vacation of an alley located off of Commonwealth Lane parallel to Old Butterfield Road. The request came from the Iozzo family which owns the property at 366 Commonwealth Lane. The property was recently inherited by the family from the deceased father and they are trying to sell the property.

The vacated area is an alley located behind 403, 407, 411 West Butterfield and 368 Commonwealth (see attached). The York Township Assessor's Office has placed the value of the land in that area of \$10.38 per square foot. The total amount of area to be vacated is 3,000 square feet. In the mid 1970's when the home was constructed the driveway was constructed on the alley which is a proper use of the alley. However, the family would like the exclusive right to use the alley as a permanent driveway. City staff has contacted the other adjacent property owners and they have indicated no desire to receive any rights to the alley.

In reviewing the value of the land the Committee determined that using the assessed value of \$10.38 would be a good starting point. The fact that the vacated land does not create a new buildable lot and will be encumbered by an easement for the City and therefore is a permanent structure could ever be constructed on it, the Committee felt that one third of the assessed value or \$10,000 was an appropriate sum to require for payment of the vacation.

The City Attorney should prepare an ordinance to convey the alley property while withholding easement rights to the property owner of 366 Commonwealth Lane. The ordinance will become effective upon receipt of the \$10,000 plus all costs incurred by the City in connection with the preparation of the Ordinance and will have a sunset clause of one year after which the ordinance will cease to exist.

It is, therefore, the recommendation of the Public Works and Buildings Committee that the City Attorney prepare the proper ordinance to convey the alley property to the property owner of 366 Commonwealth Lane in accordance with the information outlined above.

Respectfully submitted,
Public Works and Building Committee

/s/ John E. Gow
Chairman

/s/ Michael Regan
Vice-Chairman

/s/ Donna Lomnicki

/s/ Pat Shea

- k. REPORT – PARKING RESTRICTIONS FOR MAPLE AVENUE – SECOND STREET TO THIRD STREET The following report of the Public Affairs and Safety Committee was presented:

July 14, 2008

To: Mayor Marcucci and Members of the City Council
RE: Parking Restrictions for Maple Avenue – Second Street to Third Street

The Public Affairs and Safety Committee met on July 14, 2008 to discuss a request to change the current parking configuration on Maple Avenue from Second Street to Third Street. The request was made due to all day commuter parking on Maple Avenue between Second Street and Third Street, interfering with school bus routes, garbage pick-up, residential deliveries and overall traffic flow. The Engineering Division sent out surveys to residents on Maple Avenue to gain their input on this proposed parking configuration. The following is a summary of those surveys:

- “3 Hour Parking Monday through Friday 8 a.m. to 4 p.m.” on the east side of Maple Avenue from Second Street to Third Street.
- 20 surveys were delivered – 16 (80%) were returned: 14 (70%) agreed with the proposed parking change, 2 (10%) did not agree with the proposed parking change.

The purpose of the survey was to gain input from residents on Maple Street from Second Street to Third Street.

It is therefore, the recommendation of the Public Affairs and Safety Committee that the appropriate ordinance be drafted and adopted by the City Council to restrict parking on the east side of Maple Avenue Second Street to Third Street as proposed above.

Respectfully submitted,
Public Affairs and Safety Committee

/s/ Mark A. Mulliner
Chairman

/s/ Michael Bram
Vice-Chairman

/s/ Chris Nybo

1. REPORT – PARKING RESTRICTIONS ON ELM STREET, NORTH OF FIRST STREET The following report of the Public Affairs and Safety Committee was presented:

July 14, 2008

To: Mayor Marcucci and Members of the City Council
RE: Parking Restrictions on Elm Street, north of First Street

The Public Affairs and Safety Committee met on July 14, 2008 to discuss parking restrictions on Elm Street north of First Street.

The proposed parking restrictions are part of the comprehensive commuter/downtown parking plan allowing more parking opportunities for commuters and downtown shoppers.

City staff has made contact with the affected residents, as well as the YMCA to discuss possible parking solutions for this area.

It was determined that the most affective solution affected the first ten (10) spaces north of First on the East side of Elm Street.

The recommendation was to restrict parking in these ten (10) spaces Monday through Friday from 8:00 a.m. to 12:00 noon for YMCA use only, all other times would be public three-hour parking. Allowing restricted parking for YMCA use on Elm Street would allow the release of ten (10) spaces on First Street currently leased by the YMCA from the City, opening ten more spaces on First Street for commuter parking.

It is therefore, the recommendation of the Public Affairs and Safety Committee that the appropriate ordinance be drafted and adopted by the City Council to restrict parking in the first ten (10) spaces on the east side of Elm Street, north of First Street.

Respectfully submitted,
Public Affairs and Safety Committee

/s/ Mark A. Mulliner
Chairman
/us/ Michael Bram
Vice-Chairman
/s/ Chris Nybo

- m. REPORT – LIQUOR LICENSE REQUEST: CUVEE CELLARS, LTD. The following report of the Public Affairs and Safety Committee was presented:

July 14, 2008

To: Mayor Marcucci and Members of the City Council
Re: Liquor License Request: Cuvee Cellars, Ltd.

The Public Affairs and Safety Committee met on June 9, 2008 and July 14, 2008 to discuss the liquor license request by Cuvee Cellars, Ltd. A representative from Cuvee Cellars, Ltd. was present to explain their plan and answer the Committee's questions.

Cuvee Cellars, Ltd. will be located at 545 Spring Road. Cuvee Cellars has been in business in Elmhurst for over five years, providing difficult to find wines via the internet. They have also established relationships with some new and promising wine producers. Unfortunately, since these producers are brand new, selling their wines across the internet has been a challenge. They have revised their business plan to expand their business into a split wine retail store and wine bar/tasting boutique. All state and local laws and ordinances will be enforced and followed. The Committee determined that the appropriate licenses would be a "WBB" (Wine/Beer Bar) license and a "PL" package liquor license. The floor and business plan has been reviewed and the Committee agreed with all aspects of the business plan and concurred that the granting of a "WBB" license and a "PL" package liquor license would be appropriate.

It is, therefore, the recommendation of the Public Affairs and Safety Committee that the City Attorney be authorized to prepare the appropriate ordinance to provide the availability of a “WBB” liquor license and a “PL” package liquor license for the tasting and sale of wine for Cuvee Cellars, Ltd.

Respectfully submitted,
Public Affairs and Safety Committee

/s/ Mark A. Mulliner

Chairman

/s/ Michael Bram

Vice-Chairman

/s/ Chris Nybo

- n. REPORT – RENEWAL OF METRO PARAMEDIC SERVICES CONTRACT The following report of the Public Affairs and Safety Committee was presented:

July 14, 2008

To: Mayor Marcucci and members of City Council
Re: Renewal of Metro Paramedic Services Contract

The Public Affairs and Safety Committee met on July 14, 2008 to consider the renewal of the 2-year Contract between the City and Metro Paramedic Services, Inc. for provision of contract paramedic service. The current Contract expires on August 31, 2008.

Since 1986, Metro Paramedic Services Inc. has been providing all paramedic ambulance service to the City. Metro Paramedic Services Inc. provides two (2) fully staffed ALS ambulances, one at each fire station. Each ambulance is staffed with two State of Illinois licensed paramedics. Partial costs of the service are paid through user fees charged in accordance with the Contract. Elmhurst Residents are permitted to have third party assignment of benefit used as the full and final determiner of the reasonable cost for the service. The insurance carrier pays their portion of that reasonable cost. The Elmhurst resident is only responsible for the deductible and co-insurance which is due under their individual health insurance policy based on the reasonable charge for service.

After review the contract has remained substantially the same.

Because of the philosophy of the City of Elmhurst to allow the contractor to perform the billing, with the City assigning the auditor, as well as the contractor supplying and assuming all liability for equipment there are no other known contractors that supply this type of service. Most other contractor only supply the paramedics for a fixed cost requiring the City to supply billing as well as required equipment.

The City agrees to pay a maximum of \$390,615.39 to the Contractor for the first year of the contract. The first \$257,806.44 will be paid in twelve monthly installments of \$21,483.87 starting on September 1, 2008. The balance due, up to \$132,808.95 will be determined by an independent audit conducted six months after the end of the contract year to allow additional time for collection of accounts receivable. If the audit determines that the Contractor received payments from users in excess of \$845,823.26 such excess will be used to reduce the subsidy amount of \$390,615.39. For the second year, the City agrees to pay a maximum of \$410,146.16 with monthly installments in the amount, \$22,558.06. The balance due, up to \$139,449.44 will again be determined using the same method, with amounts received in excess of \$888,117.57 used to reduce the second year subsidy of \$410,146.16. These increases are based on an estimated 5% increase in operating expenses for 08/09 and 5% for contract year 09/10.

Metro Paramedic Billing Services also suggested the City change our form of billing from the current “cafeteria” style to “bundled” billing. Bundled billing has become a standard form of billing due to its ease of billing and success of payment from Medicare and insurance companies. The cost to Elmhurst residents should stay substantially the same. Metro will accept assignment of benefits and in all cases full payment, except for the deductible and co-insurance.

It is, therefore, the recommendation of the Public Affairs and Safety Committee that the City Council authorize the Mayor to sign a new Contract with Metro Paramedic Services, Inc., and to include the change from “cafeteria” style to “bundled” billing for the period of September 1, 2008 through August 31, 2010 for the provision of Paramedic Ambulance Service in the City of Elmhurst.

Respectfully submitted,
Public Affairs and Safety Committee

/s/ Mark A. Mulliner

Chairman

/s/ Michael Bram

Vice-Chairman

/s/ Chris Nybo

- o. REPORT – CITY OF ELMHURST REVIEW OF 2016 CHICAGO OLYMPIC BID The following report of the Public Affairs and Safety Committee was presented:

July 14, 2008

To: Mayor Marcucci and members of City Council
Re: City of Elmhurst Review of 2016 Chicago Olympic Bid

The Public Affairs and Safety Committee met on July 14, 2008 to consider the DuPage Mayors and Managers Conference adoption of a resolution in support of Chicago’s 2016 Olympic Bid and to consider adopting a resolution in support of the Olympic Bid by the City of Elmhurst.

The benefits of adopting a resolution in support of Chicago’s 2016 Olympic bid include:

- The Olympic and Paralympic Games represent the best of the human spirit, and Chicago 2016 and the United States Olympic Committee are committed to bringing the 2016 Olympics and Paralympic Games to the United States for the benefit of all and to inspire harmony locally, nationally and globally.
- Chicago, a world-class city and region with remarkable diversity, culture, history and people, already holds a place in the international community as a city and a metropolitan area of immigrants from around the world who are eager to be ambassadors to visiting Olympic athletes.
- The Olympic and Paralympic Games in Chicago would provide a spectacular experience for athletics, the Olympic Family, spectators, residents and the global viewing audience by celebrating the Games in the center of the City and throughout the metropolitan region and in the midst of millions of people who are passionate about sports and will create an energetic spirit inside and outside of the venues.
- Chicago is one of the transportation hubs of the world and can provide accessible transportation to international visitors through extensive rail, transit and motorways infrastructure, combined with world-class international airports.

The economic benefit to the City of Elmhurst is great in that Elmhurst is centrally located to all major highways, therefore providing easy access to hotels and dining. Elmhurst is also located in close proximity to O’Hare International Airport.

It is, therefore, the recommendation of the Public Affairs and Safety Committee that the City Attorney be authorized to prepare a resolution in Support of the City of Chicago’s bid for the 2016 Olympic and Paralympic games.

Respectfully submitted,
Public Affairs and Safety Committee

/s/ Mark A. Mulliner
Chairman

/s/ Michael Bram
Vice-Chairman

/s/ Chris Nybo

- p. REPORT – PARTIAL REFUNDING OF THE 2000 GENERAL OBLIGATION BOND ISSUE AND ISSUANCE OF A 2008 GENERAL OBLIGATION BOND ISSUE The following report of the Finance, Council Affairs and Administrative Services Committee was presented:

July 15, 2008

To: Mayor Marcucci and Members of the City Council

Re: Partial Refunding of the 2000 General Obligation Bond Issue and Issuance of a 2008 General Obligation Bond Issue

The Finance, Council Affairs and Administrative Services Committee met twice, most recently July 14, 2008, to consider the partial refunding of the 2000 general obligation bond issue, and to consider adding new money to the refunding bond issue to fund the construction of Fire Station #2 and other infrastructure improvements.

Mr. Kevin McCanna, president of Speer Financial, Inc., the City's financial advisors, and staff reviewed with the Finance Committee their recommendation to refund the last maturity (March 1, 2010) of the 2000 general obligation bond issue, to preserve the TIF I sales tax TIF through 2014. The Illinois Department of Revenue interpretation of TIF legislation requires that debt service incurred prior to 1991 be allocated to the TIF to receive state sales tax for the duration of the sales tax TIF. As the Council will recall, the TIF I sales tax TIF was extended to 2014 as part of the intergovernmental agreement with School District #205 which provided for release of TIF I properties and extension of TIF I. Debt was incurred in 1990 and the portion of the debt which related to building the parking decks was allocated to TIF I. The 1990 bond issue was refunded in 1993 and 2000, and to preserve the sales tax TIF through 2014, it is now necessary to refund the final maturity of the 2000 bond issue through 2014. The refunding is a breakeven refunding in that the savings will cover the cost of the refunding issue, and although staff would not generally recommend a breakeven refunding, it will ensure the continued receipt of state sales tax of approximately \$170,000 per year through 2014, the end of the sales tax TIF. The interest rate for the final maturity of the 2000 bond issue is 4.875%. The interest rate for the refunding is estimated to be between 3% and 4%. The par amount of the refunding bond issue would be \$1,080,000 including issuance costs. It was noted that there are no other refunding opportunities for the City's general obligation bond issues at this time due to the favorable interest rates the current outstanding debt carries.

The Finance Committee further considered adding \$7,035,000 in new money to the refunding issue, to be used to finance long lived capital assets. The primary use of the new money would be for financing costs associated with constructing the new Fire Station #2 (current construction cost estimate of \$5,260,000), costs associated with land acquisition for Fire Station #2 (\$400,000), costs associated with the Wastewater Treatment Plant aeration tank diffuser replacement project (\$750,000), and costs associated with the Saylor Street sanitary sewer force main replacement project (\$625,000). It was anticipated that Illinois EPA loans would be available for the aeration tank diffuser replacement project and the force main replacement project but the loans are not available. The process of refunding a bond issue and issuing new bonds requires certain issuance costs be incurred. Issuance costs are estimated at \$135,000, and include underwriter fees, financial advisor, City and bond counsel, Moody's review and printing costs. Combining the refunded portion of the 2000 bond issue and the new money together in one bond issue rather than two issues will save the City approximately \$20,000. Mr. McCanna noted that the current interest rate range for this type of issue with a 20-year life is 4% to 5%. The refunded portion of the 2000 bond issue and the new money, including issuance costs, together equal a new bond issue of approximately \$8,215,000.

The total current general obligation debt, adjusting for the refunding and new money, would be \$49,915,000, which is 2.21% of the value of taxable property in the City of Elmhurst (2007 EAV of \$2,254,308,663). This is within the 5% debt limit as stated in MCO 8.02.

After discussion, it was the consensus of the Finance Committee to recommend issuance of general obligation bonds in the amount of \$8,215,000 for the purpose of refunding the final maturity of the 2000 bond issue and to finance the costs associated with construction of Fire Station #2, costs associated with land acquisition for Fire Station #2, costs associated with the aerator diffuser replacement project, and costs associated with the force main replacement project.

The Finance Committee discussed the timing of the bond sale, given the current marketplace environment and the sale will be a competitive sale. Rather than select a specific sale date to coincide with a City Council meeting date which is the usual process, the Finance Committee recommends authorizing the Mayor to proceed with the bond sale, with advice from Speer Financial, Inc., and with the concurrence of two of the following four individuals: City Treasurer, Finance Committee Chairman, City Manager and Director of Finance and Administration; and with the following four conditions being met: par value of bond issue is less than \$10 million, the interest rate is less than 5%, the term of the bonds does not exceed 20 years, and the sales takes place prior to December 31, 2008. A bond issue of \$10 million or less allows it to be bank qualified, which saves about 1/10th of 1% in interest rate.

It is, therefore, the recommendation of the Finance, Council Affairs and Administrative Services Committee that the City Council authorize the issuance of general obligation bonds in the amount of \$8,215,000 to refund the final maturity of the 2000 bond issue and to finance the costs associated with construction of Fire Station #2, with the land acquisition for Fire Station #2, with the Wastewater Treatment Plant aerator diffuser replacement project, and with the Saylor Street sanitary sewer force main replacement project. The Finance Committee further recommends that the City Council direct the City Attorney to prepare an ordinance that authorizes the Mayor and two of the following four individuals (City Treasurer, Finance Committee Chairman, City Manager and Director of Finance and Administration) to proceed with the bond sale, given the above stated conditions.

Respectfully submitted,
Finance, Council Affairs and
Administrative Services Committee

/s/ George Szczepaniak
Chairman

/s/ Stephen Hipskind
Vice-Chairman

/s/ Moira Moriarty

/s/ Steven Morley

- q. REPORT – CASE NUMBER 08 P-06/CITY OF ELMHURST FIRE STATION #2
CONDITIONAL USE & VARIATION The following report of the Development, Planning and Zoning Committee was presented:

July 15, 2008

TO: Mayor Marcucci and Members of the City Council

RE: Case Number 08 P-06/City of Elmhurst Fire Station #2 Conditional Use & Variation
Request for a Conditional Use Permit for the purpose of constructing a replacement Fire Station #2 and an associated variation for building height on property commonly known as 601 S. York Street (PIN 06-12-314-001) said property being wholly located within the R2 Single Family Residence District.

The Development, Planning and Zoning Committee met on July 14, 2008, to review the application and information regarding the subject request. This included documents supplied by the applicant, and the public hearing transcript for this request.

Fire Chief Mike Kopp was present as applicant for the City of Elmhurst's proposed construction of Fire Station #2, to answer questions from the DPZ Committee. The Committee reviewed the use, its location, and the site and floor plans of the proposed replacement fire station. The Committee posed several questions for response by Chief Kopp regarding the site improvements, parking, and the floor plan. The Committee noted the importance of this community facility for the public safety, and the appropriateness of the variation for the hose drying tower. The Committee and Chief Kopp then reviewed some of the procedures and operations associated with the fire station. The Committee also noted the importance of providing appropriate locker room facilities for both genders, as both firefighters and EMS (paramedic) workers are made up of men and women. Further discussion focused on the environmental orientation of the new building, with the City and architect's joint effort to seek LEED (Leadership in Energy and Environmental Design) certification ("high performance green building") for the facility.

The Committee reviewed the Standards for Conditional Use and the Standards for Variation, and supports the requests based on these Standards. Therefore it is the recommendation of the Development, Planning and Zoning Committee to recommend approval of this conditional use request. The City Attorney is hereby directed to prepare the necessary documents for City Council review and approval.

Respectfully submitted,
Development, Planning and Zoning
Committee

/us/ Susan J. Rose

Chairman

/s/ Norman Leader

Vice-Chairman

/s/ Diane Gutenkauf

r. R-15-2008 – A RESOLUTION SUPPORTING THE CITY OF CHICAGO'S BID FOR THE 2016 OLYMPIC AND PARALYMPIC GAMES

Resolution R-15-2008 was presented for passage.

Alderman Moriarty pulled item **5a. Minutes of Regular Meeting Held on Monday, June 16, 2008**. Alderman Leader pulled item **5i. Report – Rain Gardens in Rear Yards**. Alderman Gutenkauf pulled item **5l. Report – Parking Restrictions on Elm Street, North of First Street**.

Alderman Gow moved to accept the contents of the Consent Agenda less items **5a. Minutes of Regular Meeting Held on Monday, June 16, 2008, 5i. Report – Rain Gardens in Rear Yards** and **5l. Report – Parking Restrictions on Elm Street, North of First Street**. Alderman Gutenkauf seconded. Voice vote unanimous, motion carried. Alderman Bram moved to approve the contents of the Consent Agenda less items **5a. Minutes of Regular Meeting Held on Monday, June 16, 2008, 5i. Report – Rain Gardens in Rear Yards** and **5l. Report – Parking Restrictions on Elm Street, North of First Street**. Alderman Hipskind seconded. Roll call vote:

Ayes: Bram, Hipskind, Gutenkauf, Leader, Shea, Rose, Gow, Moriarty, Nybo, Morley, Lomnicki, Mulliner

Nays: None

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

Alderman Morley moved to approve item **5a. Minutes of Regular Meeting Held on Monday, June 16, 2008**. Alderman Shea seconded.

Alderman Moriarty stated she pulled item **5a. Minutes of Regular Meeting Held on Monday, June 16, 2008** to have the City Clerk correct, for the record, page 11. Alderman Moriarty stated she did not sign item t. Report – City Hall Office Chair Replacement.

Alderman Morley asked Clerk Spencer to correct, for the record, page 9 stating he did not sign item r. Report – Joint Park District/City Committee.

Clerk Spencer stated it was duly noted. The corrections will be made.

Roll call vote on item **5a. Minutes of Regular Meeting Held on Monday, June 16, 2008:**

Ayes: Morley, Shea, Regan, Gutenkauf, Leader, Bram, Rose, Gow, Hipkind, Moriarty, Nybo, Lomnicki, Mulliner

Nays: None

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

Alderman Gow moved to approve item **5i. Report – Rain Gardens in Rear Yards**. Alderman Regan seconded.

Alderman Gow reviewed item **5i. Report – Rain Gardens in Rear Yards** stating it came to the Public Works and Buildings Committee as a referral from Aldermen Leader and Rose regarding a policy for rain gardens in rear yards. Alderman Gow said the Public Works and Buildings Committee (PW&B) looked at a 50/50 cost split with the City and homeowner. He stated it is labor intensive and even though it's a good idea the PW&B Committee felt having a rain garden is a private matter and the City should not share in the cost. He stated the PW&B Committee thought the City could promote education and information on rain gardens.

Alderman Leader thanked the PW&B Committee for their study on rain gardens. He stated he removed item **5i. Report – Rain Gardens in Rear Yards** from the consent agenda to differ with the report in the scope of the rain garden. He stated he was thinking more water collecting through plants and gardens. Alderman Leader stated he hopes a pilot project could be done in North Graue Woods. He stated he would support the report because of the education recommendations.

Alderman Rose thanked the PW&B Committee for their study of rain gardens. She stated it's a complicated issue. Alderman Rose stated rain gardens reduce pollution and mosquito habitats. She stated she would support the report but asked for a survey to be done in twelve (12) months to see if there is an interest in rain gardens.

Alderman Lomnicki stated she had a conversation with a resident about water collecting in her backyard. She stated the resident commented that even though the City shares the expense of rear yard storm drains, it's an expensive solution. Alderman Lomnicki stated she was able to promote the idea of a rain garden with her.

Roll call vote on item **5i. Report – Rain Gardens in Rear Yards:**

Ayes: Gow, Regan, Gutenkauf, Leader, Shea, Bram, Rose, Hipkind, Moriarty, Nybo, Morley, Lomnicki, Mulliner

Nays: None

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

Alderman Mulliner moved to approve item **5l. Report – Parking Restrictions on Elm Street, North of First Street**. Alderman Nybo seconded.

Alderman Mulliner stated the YMCA leases forty (40) spaces along the railroad tracks from the City at \$1.50/day. The YMCA would like to move ten (10) spaces to Elm Street and change the parking time allotted from three (3) hours to four (4) hours due to the amount of senior citizens and young people who use the YMCA facility.

Alderman Gutenkauf stated she pulled item **5l. Report – Parking Restrictions on Elm Street, North of First Street** due to the comments and calls she received from residents on Elm Street. She stated this is restricting parking for a business on a public street.

Alderman Bram stated he issued a minority report, on the dais this evening, regarding this item. Alderman Bram moved to substitute the majority report with the minority report. Alderman Gutenkauf seconded.

Mayor Marcucci asked City Attorney Kubiesa if the report that was placed on the dais this evening was a valid minority report as it was not in the Council packet.

City Attorney Kubiesa stated yes, the minority report may be considered.

Alderman Bram stated his reasoning against the majority report. He stated his concern regarding monitoring the spaces and his concern that this would be setting a precedent for a business to restrict public parking.

Alderman Regan stated this will increase commuter parking spaces and promote more safety for users of the YMCA.

Alderman Nybo stated he supports the report because he had not heard of any resident concerns. Alderman Nybo suggested the motion to substitute the minority report for the majority report be removed from the floor and the item go back to the Public Affairs and Safety Committee.

Alderman Bram moved to remove his motion to substitute the majority report with the minority report. Alderman Gutenkauf seconded.

Alderman Mulliner, Chairman of the Public Affairs and Safety Committee, agreed to pull item **5l. Report – Parking Restrictions on Elm Street, North of First Street** back to the PA&S Committee for further review.

REPORTS AND RECOMENDATIONS OF APPOINTED AND ELECTED OFFICIALS

6. Alderman Bram asked for a status report on a proposal he submitted over a year ago on fire sprinklers in the home.

City Manager Borchert stated the Development, Planning and Zoning Committee needed additional information and that information has been provided by Fire Chief Kopp.

Development, Planning and Zoning Committee Chairman Rose stated he committee received the information and plan to have it on one of their next committee agendas.

ORDINANCES

7. a. O-23-2008 - AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT WITH MORNINGSIDE HAHN, LLC AND AUTHORIZING CONVEYANCE OF REAL ESTATE THEREUNDER

Alderman Rose moved to accept item **7a. O-23-2008 - An Ordinance Approving a Development Agreement with Morningside Hahn, LLC and Authorizing Conveyance of Real Estate Thereunder**. Alderman Regan seconded.

Alderman Rose reviewed the intent of the past three (3) City Councils to purchase and assemble property with the intent to form a public/private partnership with a developer. She reviewed what the City is asking the developer to provide and how it will benefit the City and residents. She stated it would provide an increase in property taxes, sales tax, parking and create a public plaza. She stated this

is not giving land away to the developer but a quid pro quo. She stated its time to move forward and support the development agreement.

Alderman Bram stated the discussion is not about the RFP but the contract. He referred to page 8 of the contract.

Alderman Gutenkauf called for a Point of Order, asking which version of the contract is Council discussing, the one before us or the contract that was tabled two (2) weeks ago. She stated changes have been made since it was tabled.

Mayor Marcucci left the Council Chamber at 9:50 p.m.

City Attorney Kubiesa stated this agreement is attached to the ordinance that was tabled.

Alderman Mulliner, as acting Chair in the Mayor's absence, stated the ordinance was tabled and the Council is discussing a new version of the agreement.

Alderman Gutenkauf accepted the ruling.

Alderman Bram returned to page 8 and read section 3.2 stating his concerns are that Council hasn't any say in the contract terms and the PUD has no control over the contract.

Alderman Mulliner replied the PUD process will include Planning and Zoning Commission, DP&Z Committee and the City Council and will have flexibility because of the real estate market.

Alderman Gow stated the City has already responded to current market conditions with the PUD. He stated he sees no problem with the powers of the City Manager citing Section 3.02 and 3.06 of the City code. Alderman Gow commented on other concerns of the project.

City Manager Borchert responded to Alderman Bram's and Alderman Gow's concerns stating the development agreement does not take any responsibility or authority of the City Council. He stated the profit sharing will come from the developer if the profit is above the internal rate of return.

Alderman Shea referred to Sections 2, 3, 4, 7 and 8 of the contract agreement and stated her concerns. Alderman Shea stated she cannot support this agreement.

Alderman Moriarty stated her concerns are not with the development, but the contract. She feels it is a disservice to the residents. She stated a performance bond is not required. She had other concerns in sections 3 and 7; numbers are not included in the contract. If the City is in a partnership, then the Council should see numbers.

Alderman Leader stated the \$7 or \$8 million spent on property is done. The City and taxpayer over 80-100 years will receive over \$100 million in dividends of new revenue over the long term. In the short term, millions of dollars. Alderman Leader compared the Hahn project to the Wilkins incentive project that was approved within six weeks. He urged Council to vote yes for the Hahn Street project.

Alderman Regan addressed the various concerns that some of the Aldermen expressed. He stated there is some risk, but the risk is greater by not saying yes to this project. The rationale used with the Wilkins incentive project is the same as the Hahn Street project. He stated there is no compelling reason not to say yes to this project. No one on the dais has presented an alternative. He reviewed the revenues from the TIF and how it will help the schools. Alderman Regan concluded that this Council has the opportunity to make a difference by voting yes on a project that benefits everyone.

Alderman Nybo stated reasons why the project is positive for the City but states he will not support it because it's paying too high a price. He stated he hasn't received any phone calls from his constituents and trusts that by their silence they are not in support of this project.

Alderman Morley stated this development agreement needs an up or down vote. He asked City Manager Borchert to clarify his response on the process of how the units are arrived.

City Manager Borchert explained that the contract will provide the flexibility to go from 82 units to 102 units.

Discussion ensued.

Alderman Gutenkauf stated her concerns with Section 3, 4, 7 and 8. Alderman Gutenkauf stated she cannot vote for this contract, it's full of spelling errors and nebulous language as it stands. Alderman Gutenkauf suggested sending the contract back to the City Attorney for clean up. Alderman Gutenkauf moved to table item **7a. O-23-2008 - An Ordinance Approving a Development Agreement with Morningside Hahn, LLC and Authorizing Conveyance of Real Estate Thereunder** with a condition to be discussed at a Committee of the Whole meeting in two weeks. Alderman Moriarty seconded. Roll call vote:

Ayes: Gutenkauf, Moriarty, Shea, Bram, Lomnicki,

Nays: Regan, Leader, Rose, Gow, Hipkind, Nybo, Morley, Mulliner

Results: 5 ayes, 8 nays, 1 absent
Motion failed

Alderman Rose stated since Council is pointing out spelling errors, there is an error in one of the committee reports.

Alderman Gutenkauf called for a Point of Order stating this discussion is regarding item **7a. O-23-2008 - An Ordinance Approving a Development Agreement with Morningside Hahn, LLC and Authorizing Conveyance of Real Estate Thereunder** not a committee report.

Mayor Marcucci denied the Point of Order.

Alderman Rose referred to Alderman Szczepaniak's memo stating these are his opinions and they do not require a response.

Alderman Rose moved to call the question. Alderman Gow seconded. Roll call vote:

Ayes: Rose, Gow, Regan, Leader, Hipkind, Morley, Mulliner

Nays: Gutenkauf, Shea, Bram, Moriarty, Nybo, Lomnicki

Results: 7 ayes, 6 nays, 1 absent
Motion failed

Mayor Marcucci asked City Attorney Kubiesa if the rule of seven (7) applies.

City Attorney Kubiesa stated it applies to ordinances and resolutions wherein money is spent.

Alderman Gow stated a 2/3 vote is required to close discussion.

Alderman Lomnicki asked does this close discussion.

Mayor Marcucci replied yes.

Alderman Bram called for a Point of Order to ask for clarification on needing a super majority on the vote tonight.

City Attorney Kubiesa stated under statute the Council can approve sale of land by a simple majority.

Mayor Marcucci stated Alderman Gow is correct, 8 is the required majority to call the question and stop discussion, therefore the motion failed and discussion may continue.

Alderman Lomnicki stated she should be a cheerleader for this project, the problem is the concessions that have been made. The Council should be concerned with what will be given away. Alderman Lomnicki stated this is not even 50% perfect. She stated she could not support the contract.

Alderman Gow stated he visited his hometown last week. He stated it's run down and businesses are gone. He reflected on Elmhurst when it was beginning to look its age and businesses were leaving. Alderman Gow said he wants Elmhurst to continue its progress.

Alderman Moriarty moved to amend page 1, section 3 by striking out "or its nominee by a proper deed of conveyance." Alderman Gutenkauf seconded. Roll call vote:

Ayes: Moriarty, Gutenkauf

Nays: Regan, Leader, Shea, Bram, Rose, Gow, Hipskind, Nybo, Morley, Lomnicki, Mulliner

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

City Attorney Kubiesa stated "nominee" refers to a land trust.

Alderman Regan clarified this happens when transferring to land trusts because lenders require this. Section 10.4 states this. Alderman Regan stated this is not an issue.

Roll call vote on item **7a. O-23-2008 - An Ordinance Approving a Development Agreement with Morningside Hahn, LLC and Authorizing Conveyance of Real Estate Thereunder:**

Ayes: Rose, Regan, Leader, Gow, Hipskind, Morley, Mulliner, Mayor Marcucci

Nays: Gutenkauf, Shea, Bram, Moriarty, Nybo, Lomnicki

Results: 8 ayes, 6 nays, 1 absent
Motion carried

Due to the rule of seven (7) the Mayor voted.

Mayor Marcucci explained why he voted yes for this development agreement. Mayor Marcucci said this is my hometown and I want the best for our town. The City of Elmhurst is in competition with its surrounding communities. The Mayor stated the City's explosion of property values would not have soared without the revitalization of our downtown. The TIF works as it is designed. The benefits will come for many years after this Council is gone. This will benefit our schools. This is an investment for our City. He asked the Council to continue forward with this project.

OTHER BUSINESS

8. Alderman Rose asked City Manager Borchert for an update or status report from the City's last February meeting with IDOT and the Tollway Authority regarding the 300 block of Berteau and North Avenue.

Alderman Gutenkauf stated she noticed brand new pavement and striping where the cleaners had been on Hahn Street and asked City Manager Borchert why that was done.

City Manager Borchert stated the action is part of the dry cleaner's requirement with the EPA to the buyer.

ANNOUNCEMENTS

9. City Manager Borchert announced effective August 1, 2008 a best management practice for storm water run off will be put into place. Twice a year inspections have to be made after a significant rain fall. City Manager Borchert stated this will go to the Public Works and Buildings Committee and then on to the City Council.

Alderman Rose stated she would like to make a disclaimer regarding a research letter from a doctoral student from the University of Wisconsin, Milwaukee that Council received. She stated as an employee of the university, she has nothing to do with this and asked Council to respond to a student working toward their doctorate.

ADJOURNMENT

10. Alderman Hipskind moved to adjourn the meeting. Aldermen Moriarty seconded. Voice Vote. Motion carried. Meeting adjourned 10:50 p.m.

Thomas D. Marcucci, Mayor

Patty Spencer, City Clerk