

**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF ELMHURST, ILLINOIS
HELD ON TUESDAY, SEPTEMBER 4, 2007
209 NORTH YORK STREET
ELMHURST, ILLINOIS**

EXECUTIVE SESSION 7:00 P.M. – SALE OF LAND AND LAND ACQUISITION

1. Executive session was called to order at 7:02 p.m. by Mayor Marcucci for the purpose of discussing Sale of Land and Land Acquisition.

Present: Diane Gutenkauf, Norman Leader, Pat Shea, Michael Bram, Susan J. Rose, Stephen Hipskind, Chris Nybo, George Szczepaniak, Steve Morley, Donna Lomnicki,

Absent: Michael J. Regan, John Gow, Moira Moriarty (arrived at 7:07 p.m.), Mark A. Mulliner

Also in attendance: City Treasurer Pigoni, City Attorney Kubiesa, City Manager Borchert

Alderman Lomnicki moved to convene into executive session for the purpose of discussing Sale of Land and Land Acquisition. Alderman Shea seconded. Roll call vote:

Ayes: Lomnicki, Shea, Gutenkauf, Leader, Bram, Rose, Hipskind, Nybo, Szczepaniak, Morley

Nays: None

10 Ayes, 0 Nays, 4 absent
Motion duly carried

Alderman Bram moved to adjourn executive session. Alderman Gutenkauf seconded. Voice vote. Motion carried. Executive session adjourned at 7:35 p.m.

CALL TO ORDER/ PLEDGE OF ALLEGIANCE/ROLL CALL

Attendance: 65

2. The Regular Meeting of the Elmhurst City Council was called to order by Mayor Marcucci at 7:40 p.m.

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

Absent: Michael J. Regan, John Gow, Mark A. Mulliner

Also in Attendance: City Treasurer Pigoni, City Attorney Kubiesa, City Manager Borchert, Director of Public Works Hughes, Historical Museum Director Bergherger

CONTINUATIONS OF PUBLIC HEARING – PROSPECT AVENUE ANNEXATION AGREEMENT

3. Mayor Marcucci reconvened the public hearing at 7:45p.m. regarding the Prospect Avenue Annexation Agreement. Mayor Marcucci asked for anyone interested in speaking to please address the Council. No one spoke.

Mayor Marcucci stated that the Public Hearing will continue in four weeks at the Monday, October 1, 2007 City Council Meeting.

The public hearing recessed at 7:46 p.m. and will reconvene on Monday, October 1, 2007.

RECEIPT OF WRITTEN COMMUNICATIONS AND PETITIONS FROM THE PUBLIC

4. Diane M. Karpman
401 S. Hawthorne Ave.
Elmhurst, IL 60126

Ms. Karpman submitted documents she wished Council to be aware of regarding the Gammonley Group. The documents included an article from the Daily Herald in May of 2007 and Case Information Summaries from the Clerk of the Circuit Court of Cook County.

Timothy A. Taylor
915 S. Hawthorne Ave.
Elmhurst, IL 60126

Mr. Taylor submitted a letter via fax, regarding the revised FEMA Flood Plain Certification standards and his hopes that the City will perform any necessary upgrades to Salt Creek in order to maintain its “non-flood plain” certification.

PUBLIC FORUM

5. Timothy A. Taylor
915 S. Hawthorne Ave.
Elmhurst, IL 60126

Spoke in reference to the Salt Creek and Flood Plain Power Point Presentation that will be given tonight by City Manager Borchert. He stated his concern for Salt Creek Preservation and the revised FEMA standards.

Mary Gallivan
885 Parkside Ave.
Elmhurst, IL 60126

Spoke in reference to the Salt Creek and Flood Plain Power Point Presentation that will be given tonight by City Manager Borchert. She stated her concern for Salt Creek Preservation and the revised FEMA standards.

Diane Karpman
401 S. Hawthorne Ave.
Elmhurst, IL 60126

Spoke regarding the Hahn Street project, asking Council to do their due diligence with the developers. She stated the key component is the final outcome of the development.

Carol Kyanka
911 Saylor Ave.
Elmhurst, IL 60126

Spoke in reference to the Salt Creek and Flood Plain Power Point Presentation that will be given tonight by City Manager Borchert. She stated her concern for Salt Creek Preservation and the revised FEMA standards.

Lawrence Lisack
Seven Bridges Condominium Complex
Woodridge, IL 60517

Spoke regarding the Gammonley Group, who built the Seven Bridges Condominiums that he resides in, stating that they had not paid the property taxes on parking spaces that were deeded to him. He also stated that the residents of the Seven Bridges are unhappy with the units and parking at the condos.

David McKenna
234 Caroline Ave.
Elmhurst, IL 60126

Stated that the City is under siege from mosquitoes due to the heavy storms and asked the City to spray again. He also stated how impressed he was with the Public Works Department for their response to the storms and cleanup effort.

Rev. Frank Ishida
885 Spring Rd.
Elmhurst, IL 60126

Spoke in reference to the Salt Creek and Flood Plain Power Point Presentation that will be given tonight by City Manager Borchert. He stated his concern for Salt Creek Preservation and the revised FEMA standards.

CONSENT AGENDA

6. The following items on the Consent Agenda were presented:
- a. MINUTES OF THE REGULAR MEETING HELD ON MONDAY, AUGUST 20, 2007 (City Clerk Spencer): Approve as published
 - b. MINUTES OF THE EXECUTIVE SESSION HELD ON MONDAY, AUGUST 20, 2007 (City Clerk Spencer): Receive and place on file
 - c. ACCOUNTS PAYABLE – AUGUST 31, 2007 TOTAL \$ 1,558,809.26
 - d. BID, INSTALLATION OF NEW PUBLIC SIDEWALK ON DORCHESTER AVENUE (CITY CLERK SPENCER): REFER TO THE PUBLIC WORKS AND BUILDINGS COMMITTEE (see item 6g)

August 21, 2007

TO: Mayor Marcucci and Members of the City Council
RE: Bid, Installation of New Public Sidewalk on Dorchester Avenue

In response to an invitation to bid on the Installation of New Public Sidewalk on Dorchester Avenue advertised in the Elmhurst Press on Wednesday, August 1, 2007, bids were received from seven area contractors.

Bids were opened at 10:00 a.m. on Tuesday, August 21, 2007, and following is a summary of the bids received:

<u>Contractor</u>	<u>Total Cost</u>
Big Time Construction, Inc. (Addison, IL)	\$65,420.30
A & R Cement, Inc. (Bartlett, IL)	\$73,110.50
Kings Point General Cement, Inc. (Bensenville, IL)	\$89,532.00
G & M Cement Construction, Inc. (Addison, IL)	\$92,947.25
Globe Construction, Inc. (Addison, IL)	\$102,930.25
Schroeder & Schroeder, Inc. (Skokie, IL)	\$123,140.00
Alliance Contractors, Inc. (Woodstock, IL)	\$142,520.95

Respectfully submitted,
/s/ Patty Spencer
City Clerk

- e. REVIEW OF INTERIOR SIDE YARD REQUIREMENTS – ALDERMAN MORIARTY (City Manager Borchert): Refer to the Development, Planning and Zoning Committee

August 29, 2007

To: Mayor Marcucci and Members of the City Council
Re: Review of Interior Side Yard Requirements – Ald. Moriarty

It is respectfully requested that the attached correspondence from Alderman Moriarty be referred to the Development, Planning and Zoning Committee for review and recommendation back to the City Council.

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

- f. REPORT – PROPOSALS, MOBILE SEWER TELEVISIONS EQUIPMENT VEHICLE PURCHASE The following report of the Public Works and Buildings Committee was presented:

September 4, 2007

TO: Mayor Marcucci and Members of the City Council
RE: Proposals, Mobile Sewer Televising Equipment Vehicle Purchase

The Public Works and Buildings Committee met on Tuesday, September 4, 2007 to discuss proposals received for the purchase of a Mobile Sewer Televising Equipment Vehicle.

A Request For Proposals (RFP) was sent to four qualified vendors for the purchase of a mobile sewer televising equipment vehicle. The vehicle is used to inspect City sewers and record pipe condition and configurations. Three vendors responded with the minimum base proposal. The fourth vendor declined to respond to the base proposal. The proposals contained a “Base Proposal” price and “Optional” pricing for other enhancements and a trade-in value for PW98 was requested. Below are the prices as proposed with the selected optional items.

<u>Vendor</u>	<u>Base</u>	<u>Options</u>	<u>Trade-in</u>	<u>Total Price</u>
CUES of Orlando, FL	\$146,000	\$13,020	\$10,000	\$149,020
ARIES of Sussex, WI	\$147,256	\$10,917	\$12,000	\$146,173
RST of Petaluma, CA	\$137,534	\$25,788	\$12,500	\$150,822

The RFP requested a vehicle chassis, “Hi-Cube” body, Closed Circuit Televising Video (CCTV) camera, robotic transporter, and all necessary computer hardware and software for interfacing with the camera video data.

As part of the RFP an extended (2 day) demonstration was performed on all three equipped vehicles. Various tasks were done in order to see how well each vendor’s unit performed under real-life conditions. Conditions within City sanitary and storm sewers can be very severe causing equipment failure or damage. The demonstration period allowed staff to evaluate each unit’s performance in terms of the vehicle, camera, robotic transporter, and computer system, while operating under these difficult environmental conditions.

City staff found the Cues Company vehicle, of Orlando Florida, the best selection. The performance of the vehicle and its equipment was superior. The City currently has a Cues inspection vehicle, which has performed satisfactorily for the past 16 years.

Funds have been provided in the 2007/2008 budget, Municipal Utility Fund, account number 510-6056-502-80-06 PW98, in the amount of \$160,000 for the purchase of this unit.

Therefore it is the recommendation of the Public Works and Buildings Committee that the proposal for the provision of one Mobile Sewer Televising Equipment Vehicle from CUES of Orlando, FL., in the amount of \$149,020 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

- g. REPORT – BIDS, INSTALLATION OF NEW PUBLIC SIDEWALKS ON DORCHESTER AVENUE The following report of the Public Works and Buildings Committee was presented:

August 27, 2007

TO: Mayor Marcucci and Members of the City Council
RE: Bids, Installation of New Public Sidewalks on Dorchester Avenue

The Public Works and Buildings Committee met on Monday, August 27, 2007 to review bids received for the Installation of New Public Sidewalks on Dorchester Avenue. The seven (7) bids received from area contractors are summarized on Attachment “A”.

The bids received will provide for the installation of approximately 5,500 square feet of new public sidewalk and the removal and replacement of about 785 square yards of driveway pavement. Other work will include grading of yards, restoration of parkways, tree removal, tree trimming, utility structure adjustments, related storm sewer work and traffic control.

Big Time Construction of Addison, IL submitted the lowest responsible bid meeting all of the bidding requirements. Big Time Construction has performed similar work for the Villages of Countryside and Roselle as well as for Pace Bus Company in a satisfactory and professional manner. Additionally, Big Time Construction is under contract with the City of Elmhurst for the 2007 Sidewalk Replacement Program.

Monies for this work have been provided in the FY 2007/2008 Budget, in account number 110-6048-513-80-34 in the amount of \$100,000.

It is, therefore, the recommendation of the Public Works and Building Committee that the low bid from Big Time Construction in the amount of \$65,420.30 for the construction of new public sidewalks on Dorchester Avenue, 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. INTERGOVERNMENTAL AGREEMENT WITH DUPAGE COUNTY IN CONNECTION WITH SECURITY PROCEDURES

- i. REPORT – FIRE DEPARTMENT VEHICLE PURCHASE, (1) FORD 4X4 EXPEDITION EL
The following report of the Public Affairs and Safety Committee was presented:

August 27, 2007

TO: Mayor Marcucci and the Members of the City Council
RE: Fire Department Vehicle Purchase, (1) Ford 4X4 Expedition EL

The Public Affairs and Safety Committee met on Monday, August 27th, 2007 to discuss the purchase of one vehicle for the fire department. This vehicle is due for replacement under the current 2007 – 2008 budget.

This vehicle is used by the on duty Battalion Chief to respond to emergencies and set up Incident Command. This vehicle is outfitted with a Mobile Data Terminal, interoperable radio's and numerous reference materials that aid the Fire Department Incident Commander in dealing with all types of emergencies including structure fires, auto extrications, Hazardous Materials and Technical Rescue responses. If the incident escalates beyond the capabilities of this vehicle, the City's Mobile Command Vehicle would be requested to assist with a Unified Command operation.

Equipment Superintendent Caron sent out invitations to bid to (5) five-area dealers for one (1) 2008 or current model year Expedition/EL Special Service Vehicle. The results are listed below:

<u>Dealer</u>	<u>Total Price</u>
Elmhurst Ford, Elmhurst, IL	\$ 27,850.00
Oakfield Ford, Villa Park, IL	Declined to bid
Packey Webb Ford, Wheaton, IL	No Bid
Joe Rizza Ford, North Riverside, IL	No Bid
Sutton Ford, Matteson, IL	No Bid

The low bid was received from Elmhurst Ford, which met all bid specifications at a price of \$27,850.00, which included a trade in value of \$2,500.00 for E-22. Funds have been provided in the FY 2007/2008 budget under account number 110-4020-422-80.06 in the amount of \$38,000.00. Delivery is 60 Days after receipt of order.

It is, therefore, the recommendation of the Public Affairs and Safety Committee that the City Council approve the purchase of one 2008 Ford Expedition EL from Elmhurst Ford of Elmhurst, IL, to replace F-16. It is also the recommendation of the Public Affairs and Safety Committee that the City Council authorize the disposal of E-22 by trading this vehicle as part of the purchase. The total cost of one 2008 Ford Expedition EL less the trade-in is \$27,850.00.

Respectfully submitted,
Public Affairs and Safety Committee

/s/ Mark A. Mulliner

Chairman

/s/ Michael Bram

Vice-Chairman

/s/ Chris Nybo

- j. REPORT – AMENDMENTS TO LIQUOR AND TRAFFIC ORDINANCES – CARRY-OUT OF PARTIALLY CONSUMED BOTTLES OF WINE AND CONSUMPTION OF ALCOHOL BY MINORS The following report of the Public Affairs and Safety Committee was presented:

August 23, 2007

TO: Mayor Marcucci and Members of the City Council

RE: Amendments to Liquor and Traffic Ordinances – Carry-out of Partially Consumed Bottles of Wine and Consumption of Alcohol by Minors

The Public Affairs and Safety Committee met on August 13, 2007 to discuss two items relating to the regulation of alcohol. The first item was the proposed amendment to the City Code regarding the carry-out of partially consumed bottles of wine; the second was a refinement to the prohibitions on the consumption of alcohol by minors.

I. Cork and Carry law

Last year the General Assembly amended the State Liquor Control Act to permit patrons of restaurants to take home partially consumed bottles of wine purchased in conjunction with the service of meals at restaurants. This Amendment to State law does not mandate but merely authorizes local governments to permit restaurant patrons to take partially consumed bottles of wine home provided patrons have purchased a meal and have consumed a portion of the bottle of wine with the meal at the restaurant. This type of law, which has been termed the “cork and carry” law, was intended to discourage restaurant patrons from finishing a bottle of wine knowing that an open bottle of wine could not be taken out of the restaurant establishment. The ordinance would require that a dated receipt be issued for the wine, that the bottle be re-corked and then placed in a transparent tamper-proof bag which then legally could be carried in a motor vehicle, wine sealed as such being treated the same as the transport of alcohol in the original package with the seal unbroken. The taking home of a partially consumed bottle of wine properly packaged and sealed with the sale being documented by a dated receipt, would be allowed only from those liquor establishments which have restaurant facilities as currently defined in the Liquor Ordinance. This definition requires that the food be prepared at the liquor establishment and would thus eliminate any possibility that partially consumed bottles of wine could be removed from those liquor establishments that do not have restaurant facilities.

Allowing patrons to take home partially consumed bottles of wine under such circumstances would require amendments to the restrictions on the various classes of liquor licenses which currently prohibit the removal of liquor from the licensed premises. In addition, the traffic ordinance would need to be amended so that the transport of properly sealed partially consumed bottles of wine would be legally treated the same as liquor in the original package with the seal unbroken.

II. Consumption of Alcohol By Minors

The amendment to the ordinance prohibiting consumption of alcohol by minors was proposed by the Police Chief and City Attorney due to the manner in which the current ordinance has been judicially interpreted of late. Currently, the Liquor Ordinance prohibits minors from possessing or consuming alcoholic liquor within the City. A minor who is not in possession of alcohol where there is no evidence that the minor has consumed alcohol "within the city" has led to the judicial interpretation that there was no violation under the ordinance. The amendment would remove the language "within the city" so as to avoid future such interpretations. The current wording of the ordinance has been in existence for many years and until recently has not been interpreted so restrictively.

In that the "cork and carry" ordinance would discourage over-consumption of wine by restaurant patrons and the amendment on the prohibition on the consumption of alcohol by minors would clarify what has been the intent of the existing ordinance since it was adopted, the Committee felt that such ordinance should be adopted. Drafts of the ordinances are attached.

It is, therefore, the recommendation of the Public Affairs and Safety Committee that the City Attorney be directed to place the attached ordinances in final form and to submit them to the City Council for passage.

Respectfully submitted,
Public Affairs and Safety Committee

/s/ Mark A. Mulliner

Chairman

/s/ Michael Bram

Vice-Chairman

/s/ Chris Nybo

- k. REPORT – BID, ONE (1) FORD TAURUS The following report of the Public Affairs and Safety Committee was presented:

August 27th, 2007

TO: Mayor Marcucci and Members of the City Council

RE: Bid, One (1) Ford Taurus.

The Public Affairs and Safety Committee met on Monday, August 27th, 2007 to discuss bids received for One (1) Ford Taurus.

Invitations to Bid were sent out to (5) Five-area dealers for One (1) Ford Taurus. The results are listed below:

<u>Dealer</u>	<u>Total Price</u>
Elmhurst Ford., Elmhurst, IL	\$ 18,290.00
Oakfield Ford, Villa Park, IL	Declined to bid
Packey Webb Ford, Wheaton, IL	No bid
Joe Rizza Ford, North Riverside, IL	No bid
Sutton Ford., Matteson, IL	No bid

The low bid from Elmhurst Ford., Elmhurst, IL meets all bids specifications. The price reflects a trade-in allowance of \$5,200.00 for PD-26 This unit will be used in the Police Department.

Funds have been provided in the FY 2007/2008 budget under the following account numbers: \$25,000.00 in 110-5030-421-80.06. Delivery is 60 Days after receipt of order.

It is, therefore, the recommendation of the Public Affairs and Safety Committee that the City Council approve the purchase of one 2008 Ford Taurus from Elmhurst Ford of Elmhurst, IL, to replace PD-26. It is also the recommendation of the Public Affairs and Safety Committee that the City Council authorize the disposal of old PD-26 by trading this vehicle as part of the purchase. The total cost of one 2008 Ford Taurus less the trade-in is \$18,290.00.

Respectfully submitted,
Public Affairs and Safety Committee

/s/ Mark A. Mulliner

Chairman

/us/ Michael Bram

Vice-Chairman

/s/ Chris Nybo

1. REPORT – TRAFFIC CALMING – 300 BLOCK OF BERTEAU The following report of the Public Affairs and Safety Committee was presented:

August 27, 2007

To: Mayor Marcucci and members of the City Council
Re: Traffic Calming – 300 Block of Berteau Avenue

The Public Affairs and Safety Committee met on July 9, August 13 and again on August 27 to discuss traffic calming for the 300 block of Berteau Avenue.

A traffic study of the area showed that the traffic volumes were typical for a community collector. Accident reports show that there were only a small number of vehicle collisions and most appear to be due to vehicles turning around in neighborhood driveways, not excessive speeds or traffic volume. Vehicle speeds were slightly high (85% - 35 mph), but this block is part of an ambulance route, therefore, these numbers could be skewed due to emergency vehicle traffic.

Traffic calming refers to various design features and strategies intended to reduce vehicle traffic speeds and volumes on a particular roadway. One means of traffic calming is to visually narrow the roadway. One way of accomplishing this is by planting trees along the street to create a sense of enclosure and improve the pedestrian environment. The Public Works Dept. reviewed the location of parkway trees and determined that six additional trees could be planted.

Along with the traffic calming issues, the committee discussed the City's effort to maintain and revitalize the urban forest of Elmhurst and agreed that though the traffic calming effectiveness of parkway trees is not definite, that along with the beautification effects of parkway trees, the consensus was to approve the planting of six parkway trees at the following locations: 323 Third St. and 266, 279, 282, 283, 294 Berteau Avenue. The committee also requested that the residents at these locations be contacted prior to installing the trees.

It is, therefore, the recommendation of the Public Affairs & Safety Committee that the City Council approve the planting of parkway trees at the above mentioned locations during the 2008 tree planting program.

Respectfully submitted,
Public Affairs and Safety Committee

/s/ Mark A. Mulliner

Chairman

/s/ Michael Bram

Vice-Chairman

/s/ Chris Nybo

- m. REPORT – CONDUIT FINANCING FOR MONTINI HIGH SCHOOL CONSTRUCTION PROJECT The following report of the Finance, Council Affairs and Administrative Services Committee was presented:

August 28, 2007

To: Mayor Marcucci and Members of the City Council
Re: Conduit Financing for Montini High School Construction Project

The Finance, Council Affairs and Administrative Services Committee met August 27, 2007, to review a request from Montini High School for conduit financing for a construction project.

Montini High School (Montini), located in Lombard, has a capital plan that includes demolition of an existing building and construction of a new facility that would include an administrative center, athletic offices and science laboratories. Montini, a 501(c)(3) organization, originally requested Lombard serve as a conduit issuer of tax exempt bonds to finance the construction project. For the interest rate to be attractive to both Montini and the bond purchaser, Lombard would need to be able to certify that it did not expect to issue more than \$10,000,000 in tax exempt bonds in the year in which it issued bonds for the Montini project. Bonds issued in one calendar year, less than \$10,000,000, by one entity, can be designated as "bank qualified tax exempt obligations". By federal law, this designation provides for a lower interest rate compared to the interest rate for tax exempt obligations that exceed \$10,000,000 in one calendar year. However, due to other financing commitments, Lombard will not be in a position in 2007 or 2008 to make that certification.

Therefore, Montini High School is requesting conduit financing from Elmhurst in the amount of \$7,500,000. The bond proceeds would be used to fund construction of the proposed new building project described above (\$5,000,000) and to refinance an existing \$2,500,000 mortgage from a 2001 building project that included construction of classrooms and an athletic field house.

Under Illinois law, Elmhurst could issue bonds to fund the project even though the facility is located in Lombard. To do so, the Elmhurst City Council would need to adopt an inducement resolution indicating its intent to issue the bonds to fund the Montini project. Staff indicated that, at this time, the City does not need a bond issue in calendar 2007, but that a bond issue is anticipated in calendar 2008. The inducement resolution would include stipulations that Elmhurst would agree to issue bonds only in 2007, that Montini would pay the City's costs of issuing the bonds, including all attorneys fees, and indemnify the City for any costs in the event the bonds are not issued. The inducement resolution would also set forth the fee for serving as the conduit issuer of one-half of 1%, or \$37,500 on a \$7,500,000 bond issue. Montini has been in discussions with West Suburban Bank, who has indicated high interest in taking direct placement of the bonds. The timing of issuance of the bonds is late October/mid November.

The proposed bond issue will not represent an obligation of the City of Elmhurst. In exchange for the loan of the proceeds of the bonds, Montini will issue a note, which will be assigned to the bank on a non-recourse basis as the primary security for the bonds. The bonds will not appear on the City's financial statements, and bond payment or default will have no impact on the City's credit rating. Elmhurst would not be bound nor restricted by the amount of bonds provided through this conduit financing arrangement should a bond issuance need by the City arise that was not contemplated at the time of the City Council's decision to be the conduit for Montini. In this respect, this program is the same as issuing Private Activity Bonds (formerly IRB's), which also are not an obligation of the City and have no impact on the City's financial statements.

After discussion, the Finance Committee agreed that it is appropriate to provide conduit financing for the Montini High School project, citing that there is no risk or obligation to the City, it provided goodwill and good neighborliness with Lombard, and it provided assistance to a school to improve itself.

It is, therefore, the recommendation of the Finance, Council Affairs and Administrative Services Committee that the City Council direct the City Attorney to prepare the appropriate documents to allow for issuance of \$7,500,000 bonds on behalf of the Montini High School Construction Project.

Respectfully submitted,
Finance, Council Affairs and
Administrative Services Committee

/s/ George Szczepaniak
Chairman
/s/ Stephen Hipskind
Vice-Chairman
/us/ Moira Moriarty
/s/ Steven Morley

- n. REPORT – FINANCING FOR PURCHASE OF 242 N. YORK STREET The following report of the Finance, Council Affairs and Administrative Services Committee was presented:

August 28, 2007

To: Mayor Marcucci and Members of the City Council
Re: Financing for Purchase of 242 N. York Street

The Finance, Council Affairs and Administrative Services Committee met August 27, 2007, to review financing for the purchase of the property at 242 N. York Street.

As the City Council will recall, the City has a contract to purchase the property at 242 N. York Street for \$3,000,000. This property will be combined with other City-owned property on York Street and on Hahn Street for development purposes. Currently, the Redevelopment Fund (TIF I) does not have sufficient funds on hand to purchase the property. Therefore, short-term financing is needed. The City has a \$4.5 million line of credit with Fifth Third Bank that was put in place to fund land purchases in the Industrial Development TIF (TIF II at Lake and Walnut). The current outstanding balance is \$1,174,300.94. However, after receipt of TIF II property tax in September, the balance will be reduced by \$400,000, to \$774,300.94, leaving approximately \$3.7 million available on the line of credit. This balance is projected to be paid within the next two years from TIF II property tax receipts.

The line of credit is a taxable instrument because the property purchased in TIF II was sold (i.e. some value was received for the property), which precluded the use of tax exempt general obligation bonds. Similarly, a taxable instrument is needed for the purchase of 242 N. York Street because it is projected, at this point in time, that the City will provide property on Hahn Street and York Street to a developer for the Hahn Street development and the City will receive at least one hundred parking spaces from the proposed Hahn Street development.

Staff recommends using the line of credit to finance the purchase of 242 N. York Street. The current interest rate on the line of credit is 5.8666%, which is adjusted each February 1 and August 1 based on the six-month LIBOR (London Interbank Offered Rates) rate plus 46.66 basis points. The interest rate on a taxable bond issue would be in the neighborhood of 5.5%, based on discussion with Speer Financial, Inc., the City's financial advisors. The line of credit provides flexibility, allowing repayment as funds become available. As discussion and review of the Hahn Street development proposals continue, it will become clearer as to whether the City will need to purchase more property, or be responsible for other costs such as lease buyouts. At that time, it may be advisable to consider a taxable bond issue that would include refinancing the line of credit. However, since the contract for the purchase of 242 N. York Street states that the closing date is "on or about September 7, 2007", staff believes that the most efficient and prudent course of action is to access the line of credit. Current TIF I projections indicate that line of credit debt would be paid in five years. After discussion, the Finance Committee concurred with staff recommendation.

It is, therefore, the recommendation of the Finance, Council Affairs and Administrative Services Committee that the City Council approve accessing the existing line of credit in the amount of \$3,000,000, for the purpose of purchasing property at 242 N. York Street.

Respectfully submitted,
Finance, Council Affairs and
Administrative Services Committee

/s/ George Szczepaniak
Chairman
/s/ Stephen Hipskind
Vice-Chairman
/s/ Moira Moriarty
/s/ Steven Morley

- o. O-21-2007 – AN ORDINANCE ANNEXING CERTAIN TERRITORY TO THE CITY OF ELMHURST, DUPAGE AND COOK COUNTIES, ILLINOIS (PROSPECT AVENUE PROPERTY OWNERS)

Ordinance O-21-2007 was presented for passage.

- p. O-22-2007 – AN ORDINANCE AUTHORIZING THE EXECUTION OF AN ANNEXATION AGREEMENT WITH MARTIN AND JOAN HOEKSTRA TRUST U/T/D 9-8-99 AND DARIUSZ MENDEL AND ANDRIANNA MENDEL, RALPH HORN, RICHARD J. BAKKER AND ANNE LOUISE BAKKER, CHARLES J. RIHA AND SUE ANN RIHA, PROVIDENCE DEVELOPMENT GROUP, LLC, DAVID R. ROOZEBOOM AND DEANNA R. ROOZEBOOM, EDWARD A. WONDERGEM AND DEANNA L. WONDERGEM, DONALD R. VOS, AS TRUSTEE UNDER THE DONALD R. VOS 1991 TRUST AND MILDRED A. VOS AS TRUSTEE UNDER THE MILDRED A. VOS 1991 TRUST, ILLINOIS REGIONAL BANK N.A., ELMHURST, A NATIONAL BANKING ASSOCIATION OF THE UNITED STATES OF AMERICA, AS TRUSTEE UNDER THE PROVISIONS OF A TRUST AGREEMENT DATED THE 9TH DAY OF APRIL 1987 AND KNOWN AS TRUST NUMBER 5738, MANUFACTURER'S AFFILIATED TRUST COMPANY, AN ILLINOIS TRUST COMPANY, AS TRUSTEE UNDER THE PROVISIONS OF A TRUST AGREEMENT DATED THE 10TH DAY OF MAY, 1989, KNOWN AS TRUST NUMBER S-10893, JAMES H. BOVEN AND JOAN BOVEN, ROBERT T. BRADY TRUST AGREEMENT DATED MAY 10, 1990, PETER BOER, CHAS. AND DONNA ERDMAN, ROBERT J. HOOKER AND CHRISTINE M. HOOKER AND JOHN VANDER KAMP AND LORA L. VANDER KAMP (PROSPECT AVENUE PROPERTY OWNERS)

Ordinance O-22-2007 was presented for passage.

- q. O-24-2007 – AN ORDINANCE AUTHORIZING THE DISPOSITION BY DONATION OF PERSONAL PROPERTY OWNED BY THE CITY OF ELMHURST

Ordinance O-24-2007 was presented for passage.

- r. HPO-01-2007 – AN ORDINANCE GRANTING HISTORIC LANDMARK DESIGNATION FOR THE GLOS MANSION (120 EAST PARK AVENUE)

Ordinance HPO-01-2007 was presented for passage.

- s. HPO-02-2007 – AN ORDINANCE GRANTING HISTORIC LANDMARK DESIGNATION STATUS FOR THE GLOS MAUSOLEUM (142 EAST PARK AVENUE)

Ordinance HPO-02-2007 was presented for passage.

- t. R-15-2007 – A RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF AGREEMENT (MONTINI CATHOLIC HIGH SCHOOL PROJECT)

Resolution R-15-2007 was presented for passage.

Alderman Szczepaniak removed item **6c. Accounts Payable – August 31, 2007**. Alderman Nybo removed item **6e. Review of Interior Side Yard Requirements – Alderman Moriarty**. Alderman Rose removed items **6o. O-21-2007** and **6p. O-22-2007**.

Alderman Gutenkauf moved to accept the contents of the Consent Agenda less items **6c. Accounts Payable – August 31, 2007, 6e. Review of Interior Side Yard Requirements – Alderman Moriarty, 6o. O-21-2007 and 6p. O-22-2007.** Alderman Hipskind seconded. Voice vote unanimous, motion carried. Alderman Hipskind moved to approve the contents of the Consent Agenda less items **6c. Accounts Payable – August 31, 2007, 6e. Review of Interior Side Yard Requirements – Alderman Moriarty, 6o. O-21-2007 and 6p. O-22-2007.** Alderman Lomnicki seconded. Roll call vote:

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

Nays: None

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

Alderman Gutenkauf moved to approve item **6c. Accounts Payable – August 31, 2007.** Alderman Leader seconded.

Alderman Szczepaniak stated he removed item **6c. Accounts Payable – August 31, 2007** because he disagreed with payments the City was making to Mr. Gilbert Fischer and to Integra Realty Resources.

City Manager Borchert reviewed the purpose of the payments that Alderman Szczepaniak disagreed with.

Discussion ensued.

Roll call vote on item **6c. Accounts Payable – August 31, 2007:**

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

Nays: Szczepaniak

Results: 10 ayes, 1 nays, 3 absent
Motion duly carried

Alderman Nybo stated he pulled item **6e. Review of Interior Side Yard Requirements – Alderman Moriarty** to commend Alderman Moriarty for bringing this issue to light. He stated it is always healthy to look at the City's zoning requirements.

Discussion ensued.

Mayor Marcucci stated that item **6e. Review of Interior Side Yard Requirements – Alderman Moriarty** is a referral and it is out of order to debate the issue at this time.

Item **6e. Review of Interior Side Yard Requirements – Alderman Moriarty** was referred without objection to the Development, Planning and Zoning Committee.

Voting on items **6o. O-21-2007 and 6p. O-22-2007** will be postponed until such time as the Public Hearing on the Prospect Annexation Agreement is closed.

COMMITTEE REPORTS

7. a. REPORT – “A NEW GOVERNANCE MODEL FOR THE ELMHURST HISTORICAL MUSEUM” The following report of the Public Affairs and Safety Committee was presented:

August 13, 2007

To: Mayor Marcucci and members of the City Council

Re: “A New Governance Model for the Elmhurst Historical Museum”

The Public Affairs and Safety Committee met on Monday, August 13, 2007 to discuss “A New Governance Model for the Elmhurst Historical Museum,” (attached). The report recommends the adoption of a new leadership team approach as a step toward building organizational capacity for the new Heritage Center in Elmhurst. Recommendations in the report include elimination of the Elmhurst Historical Commission by the City, adoption of amended bylaws by the Board of the Elmhurst Historical Museum Foundation to allow for 21 board members and to change the name of the organization to Elmhurst Heritage Foundation, mayoral appointment of seven board members (of the board’s 21) to the new board, adoption of a “Cooperation Agreement” by the City similar to the “Cooperation Agreement” in place relative to the current foundation, and several other items.

Mr. Brian Bergheger, the Museum Director, described the recommendations in the report as an important step in positioning the museum for a successful transformation into the Heritage Center in Elmhurst. He said the Leadership Team identified governance models of other public museums associated with strong, effective private support groups and evaluated how to best structure a local public/private partnership to achieve the goals associated with plans for the Heritage Center. The Leadership Team recommends that a single private organization serve in three capacities; in an advisory capacity to the City on museum matters, in a fundraising capacity for the Heritage Center, and in an advocacy capacity. He said a single organization is preferred over two or more support organizations because a single organization can maximize market potential relative to community involvement through a board. It also creates one identity, one set of organizational goals, one voice for private support of all kinds for the Heritage Center.

Mr. Craig Nelson, President of the Elmhurst Historical Museum Foundation, said the Foundation Board endorses the recommendations of the Leadership Team report. The board is committed to plans for the Heritage Center and feels that the organization can raise private financial support for the Heritage Center, build a strong organizational identity, and create a strong advocacy voice. He said the board will amend the bylaws of the foundation to concur with the Leadership Team report.

Mr. Scott Smith, President of the Elmhurst Historical Commission, said the Commission endorses the recommendations of the Leadership Team report. He believes many Commissioners, if not all, will apply to the Mayor for appointment to the new board.

The Committee asked if the foundation will continue to have 501(c)3 status and be a recipient for tax deductible donations. Mr. Borchert said the City Attorney has reviewed the draft bylaws and reports that the organization will have 501(c)3 status, offering tax deductibility to donors.

The Committee asked about the roles of committees of the renamed foundation. Mr. Bergheger said the several working committees will support the foundation. The committees will be comprised of board members and nonmembers of the board in order to expand the work of the board and reach out to as many residents as possible. He said the committee structure is described in the bylaws. A Board Manual will include procedures for all committees.

It is, therefore, the recommendation of the Public Affairs and Safety Committee that the Leadership Team report be adopted, specifically that the municipal code be changed to eliminate the Elmhurst Historical Commission, provide for Mayoral appointments to the newly renamed Elmhurst Heritage Foundation, and provide for a Cooperation Agreement.

Respectfully submitted,
Public Affairs and Safety Committee

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

Alderman Bram moved to approve item **7a. Report – “A New Governance Model for the Elmhurst Historical Museum”**. Alderman Nybo seconded.

Alderman Bram reviewed item **7a. Report – “A New Governance Model for the Elmhurst Historical Museum”** stating it is the recommendation of the Public Affairs and Safety Committee (PA&S) to support adopting a new leadership team approach and that the Municipal Code be changed to eliminate the Historical Commission and provide for Mayoral appointments to the newly renamed Elmhurst Heritage Foundation and a Cooperation Agreement.

City Manager Borchert asked Historical Museum Director Brian Bergheger to address the Council and review how the City has gotten to this point.

Historical Museum Director Bergheger thanked the PA&S Committee for their recommendation to support the merger of the Elmhurst Historical Commission and the Elmhurst Historical Foundation. He also stated the vision for the Heritage Center and the role of the Elmhurst Historical Foundation will play. He reviewed the upcoming events in celebration of the Museum’s 50th Anniversary: the Gala on November 3, 2007 at the Westin Hotel tickets are \$125/person, the Elmhurst One Room School House renovations and the award winning Visionary book. Director Bergheger stated that the Elmhurst Heritage Foundation will play a large role in understanding the past and present, maintaining Character Counts in Elmhurst and other goals of the Historical Museum. He thanked the Heritage Leadership Team for their hard work and stated he looks forward to working with the Elmhurst Heritage Foundation.

Alderman Rose stated her support for the merging of the two (2) boards.

Roll call vote on item **7a. Report – “A New Governance Model for the Elmhurst Historical Museum”**:

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

Nays: None

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

REPORTS AND RECOMENDATIONS OF APPOINTED AND ELECTED OFFICIALS

8. a. SALT CREEK AND FLOOD PLAIN POWERPOINT PRESENTATION (City Manager Borchert)

City Manager Borchert stated before the PowerPoint presentation begins he would like to show a slide of the tree brush gathered from over 1,000 trees that were damaged in the storm on August 23, 2007. The tree debris has been placed on the site of the old Celozzi Ettleson car dealership, with permission from Elmhurst Memorial Hospital. The former car dealership is part of the land accumulated for the site of the new hospital.

City Manager Borchert reviewed the Salt Creek 100 Year Flood Plain Maps as proposed by DuPage County as well as municipal questions, concerns and requests posed to DuPage County. The City Manager gave a PowerPoint presentation which included the following: History of Salt Creek, Accomplished Tasks, Concerns- Engineering Analysis, Specific Concerns – North Avenue & IL Route 83 and Salt Creek at York Road in Oakbrook.

City Manager Borchert stated that this presentation will appear on the City’s website on Wednesday, September 5, 2007. He stated that in his opinion, the project lacks common sense.

Mayor Marcucci added that the status of the data presented comes from Minnesota. He questioned the DuPage County Board on the validity of the information and the project.

City Manager Borchert stated there are questions regarding Elmhurst that are being addressed by the County. He stated that the DuPage Mayors & Managers Conference (DMMC) has requested that no answer or maps go to FEMA until all of the questions and concerns of the municipalities involved are answered.

Alderman Lomnicki stated the proposed changes affect all Elmhurst residents and she thanked City Manager Borchert for being proactive. She stated it is 100% necessary to stay on top of this situation. She stated that she and Alderman Mulliner will be keeping the 7th Ward apprised of the situation through Town Hall Meetings.

Alderman Szczepaniak stated it is a community issue and asked why the DuPage County Board has taken an adverse position. He suggested residents write to their State Representatives and Senators in opposition of the proposed changes.

Alderman Rose stated Elmhurst is one community and our residents support one another. She thanked City Manager Borchert for his efforts.

Mayor Marcucci stated the Council and staff would be irresponsible and not doing their jobs if they didn't make sure that all questions were answered. These changes will result in many residents having to purchase flood insurance and change the deed to their homes to read Flood Plain. The Mayor thanked the residents who were present for showing their interest. He urged them to contact their County Board Representative, State Representative and State Senator to stay diligent.

ORDINANCES

9. a. O-08-2007 – AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL ESTATE (242 N. YORK STREET)

Ordinance O-08-2007 was presented for passage.

Alderman Rose moved to approve item **9a. O-08-2007 – An Ordinance Authorizing the Purchase of Certain Real Estate (242 N. York Street)**. Alderman Szczepaniak seconded.

Alderman Moriarty stated she could not support the option to purchase the 242 N. York Street medical building. She stated that the cost would exceed \$3million to purchase the property. She said that the true cost of each of the eleven (11) leases is unknown. She stated that she is also opposed to using a line of credit to purchase the building.

Alderman Morley stated for the record that even though he agreed with Alderman Moriarty's statements, the previous Council approved to exercise an option to purchase 242 N. York Street and the City is now obligated.

Discussion ensued regarding the City's obligation to exercise the option for purchasing the property.

Alderman Shea asked would it cost the City money to not approve this option.

Mayor Marcucci replied the City can be sued, by the property owner and by the developer for \$100,000 - \$200,000 - \$300,000 over the course of several years; because it is stated in the RFP that 242 N. York Street would be in the assemblage of property for the Hahn Street Development.

Alderman Rose stated that the City's "word" is important. The City has to move forward and purchase the property.

Consensus of the Council around the dais was that the price for the property is fair and the City should move ahead with the purchase of 242 N. York Street.

Roll call vote on item **9a. O-08-2007 – An Ordinance Authorizing the Purchase of Certain Real Estate (242 N. York Street):**

Ayes: Rose, Szczepaniak, Gutenkauf, Leader, Bram, Hipskind, Nybo, Morley, Lomnicki

Nays: Shea, Moriarty

Results: 9 ayes, 2 nays, 3 absent
Motion duly carried

OTHER BUSINESS

10. a. HAHN STREET DEVELOPMENT FINAL PROPOSALS, FURTHER STAFF REPORT AND COUNCIL DISCUSSION

City Manager Borchert stated at the September 17, 2007 City Council Meeting consultants from S. B. Friedman will give a report to Council. He stated Council may review the City staff's evaluation and matrix report that was used at the Committee of the Whole Meeting on Monday, August 27, 2007 or wait until they receive the report from S.B. Friedman.

Mayor Marcucci asked if any of the Aldermen had any questions or concerns at this point in time.

Alderman Hipskind stated Council should put off the discussion until the next Council meeting.

Consensus of the City Council was to postpone further conversation regarding the Hahn Street Development Project until the next City Council meeting on Monday, September 17, 2007.

Mayor Marcucci stated a copy of another option regarding parking from the Gammonley Group was given to City Manager Borchert. The Mayor asked Council to review the option before the next Council meeting.

Mayor Marcucci apologized to the developers for postponing the discussion on the development this evening.

Alderman Nybo asked about the scope of the review with S.B. Friedman and asked if the review will be confidential.

City Manager Borchert stated yes, it is appropriate for S.B. Friedman to review their report with Council in Executive Session.

Discussion ensued.

City Manager Borchert concluded by stating it is a complex contract and that is why the City has hired S.B. Friedman as consultants.

b. ZONING ORDINANCE REGULATION OF ELECTRONIC SIGNS – MOVING IMAGE SIGNS (City Manager Borchert): Refer to the Development, Planning and Zoning Committee

August 31, 2007

To: Mayor Marcucci and Members of the City Council

RE: Zoning Ordinance Regulation of Electronic Signs – Moving Image Signs

The Elmhurst Zoning Ordinance, Section 3.10-2, provides that “Text amendments may be proposed by the City Council, the Zoning Board of Appeals, the Zoning and Planning Commission, or any person or entity having a proprietary interest in property located within the City of Elmhurst.”

Electronic signs are currently defined in the Elmhurst Zoning Ordinance, Chapter 11, Section 11.5-1, as “Changing Signs, (Automatic) – A sign such as an electronic or electronically controlled public service time, temperature and date sign, message center or reader board, where different copy changes are shown at 5 second intervals or more.”

The types of signs defined above were limited to illuminated text on a dark background. Today, these signs can display full color moving images similar to video or television and, as such, can raise safety concerns.

Pursuant to the recent verbal direction of City Council that the Development, Planning and Zoning Committee (DP&Z) review this issue, it is respectfully requested that the City Council direct this matter to the DP&Z Committee for their study and recommendation as it relates to Zoning Ordinance Text Amendments which would prohibit the use of such signs except as conditional uses for governmental & institutional entities.

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

Item **10b. Zoning Ordinance Regulation of Electronic Signs – Moving Image Signs** was referred without objection to the Development, Planning and Zoning Committee.

ANNOUNCEMENTS

11. Alderman Gutenkauf stated that September 15 & 16 is Emergency Preparedness Weekend at Cantigny. In light of the most recent storms, she stated that this is a very timely learning experience for the entire family. She passed out a handout about the upcoming Emergency Preparedness Weekend.

ADJOURNMENT

12. Alderman Morley moved to adjourn the meeting. Aldermen Moriarty seconded. Voice Vote. Motion carried. Meeting adjourned 9:54 p.m.

Thomas D. Marcucci, Mayor

Patty Spencer, City Clerk