

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

CALL TO ORDER/ PLEDGE OF ALLEGIANCE/ROLL CALL

Attendance: 35

1. The Regular Meeting of the Elmhurst City Council was called to order by Mayor Marcucci at 7:35 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, George Szczepaniak, Steve Morley, Donna Lomnicki, Mark A. Mulliner

Absent: None

Also in Attendance: City Treasurer Pigoni, Assistant City Attorney Spiroff, City Manager Borchert, Fire Chief Kopp, Deputy Fire Chief Bacidore, Finance Director Gaston, Assistant Finance Director Trosien, Human Resources Manager Johnson, Police Chief Neubauer, Deputy Police Chief Panico, Deputy Police Chief Doherty, Director of Public Works Hughes, Director of WWTP Streicher, Director of PZED Said, Museum Director Bergheger

PUBLIC HEARING – AMENDMENT TO THE ANNEXATION AGREEMENT BETWEEN THE CITY OF ELMHURST AND ELMHURST HOSPITAL

2. Mayor Marcucci opened the public hearing at 7:35 p.m. The Mayor stated this amendment is due to a change in dollar amount charged for the property vacation by the City to the hospital. The Mayor opened the floor for those wishing to speak regarding the proposed amendment to the annexation agreement between the City of Elmhurst and Elmhurst Hospital. No one spoke. The public hearing closed at 7:37 p.m.

RECEIPT OF WRITTEN COMMUNICATIONS AND PETITIONS FROM THE PUBLIC

3. None.

PUBLIC FORUM

4. John Quigley
President/CEO, Elmhurst Chamber of Commerce
113 Adell Place
Elmhurst, IL 60126

Spoke regarding tax increases proposed by the Council. He stated Elmhurst has the second lowest municipal tax rate in DuPage County.

CONSENT AGENDA

5. The following items on the Consent Agenda were presented:
 - a. MINUTES OF REGULAR MEETING HELD ON MONDAY, APRIL 7, 2008 (City Clerk Spencer): Approve as published
 - b. MINUTES OF THE EXECUTIVE SESSION HELD ON MONDAY, APRIL 7, 2008 (City Clerk Spencer): Receive and place on file
 - c. ACCOUNTS PAYABLE – APRIL 21, 2008 TOTAL \$ 1,068,480.63
 - d. APPOINTMENTS AND REAPPOINTS TO THE COMMISSION ON YOUTH: KAREN GEDDEIS, ERICA BRADY, HOSI MEHTA, CYNTHIA SZOLKA, DARIN EVANS AND DARLENE HESLOP (Mayor Marcucci): Concur with the Mayor's recommendations

April 2, 2008

To: Members of the City Council
Re: Appointments and Reappointments to the Commission on Youth - Karen Geddeis, Erica Brady, Hosi Mehta, Cynthia Szolka, Darin Evans and Darlene Heslop

With your advice and consent, I will appoint Karen Geddeis (replacing Val Stewart) term expiring April 30, 2009 and Erica Brady (replacing Teddi Krochman), and reappoint Hosi Mehta, Cynthia Szolka, Darin Evans and Darlene Heslop to the Commission on Youth for terms to expire April 30, 2011.

Respectfully submitted,
/s/ Thomas D. Marcucci
Mayor

- e. BIDS, FIRE HYDRANT AND WATERMAIN VALVE REPAIR PROGRAM (City Clerk Spencer): Refer to the Public Works and Buildings Committee

April 8, 2008

TO: Mayor Marcucci and Members of the City Council
RE: Fire Hydrant and Watermain Valve Repair Program

In response to an invitation to bid for the Fire Hydrant and Watermain Valve Repair Program advertised in the Elmhurst Press on Friday, March 21, 2008, bids were received from seven area contractors.

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

| <u>Contractor</u> | <u>Total Cost</u> |
|---|-------------------|
| Trine Construction Corporation (West Chicago, IL) | \$150,200.00 |
| Kings Point General Cement (Bensenville, IL) | \$161,890.00 |
| Brothers Asphalt Paving, Inc. (Addison, IL) | \$184,919.00 |
| Cerniglia Company (Melrose Park, IL) | \$187,869.00 |
| C & H Sewer and Water Construction, Inc. (Willowbrook, IL) | \$199,970.18 |
| Elmwood Enterprises, Inc. (Lakemoor, IL) | \$231,050.00 |
| Gerardi Sewer & Water Company (Norridge, IL) | \$248,400.50 |

Respectfully submitted,
/s/ Patty Spencer
City Clerk

- f. TEMPORARY USE AND EVENT PERMIT REQUEST – ELMHURST MEMORIAL HEALTHCARE – GROUNDBREAKING (City Manager Borchert): Concur with the City Manager's recommendation

April 10, 2008

To: Mayor Marcucci and Members of the City Council

Re: Temporary Use and Event Permit Request – Elmhurst Memorial Healthcare - Groundbreaking

Elmhurst Memorial Healthcare has requested a Temporary Use Permit to host a groundbreaking ceremony at Elmhurst Memorial Hospital, 1200 S. York Road on Friday, May 2, 2008. Tents will be set up on April 28th and 29th and taken down on May 3rd and May 4th, 2008. Attached are details from the applicant regarding this special event. Temporary uses of this type are addressed in Section 4.10, Temporary Uses and Events, of the Elmhurst Zoning Ordinance.

It is, therefore the City Manager's intention unless directed otherwise, in accordance with the provisions of Section 4.10 of the Elmhurst Zoning Code, to approve a Temporary Use Permit to allow this event to occur.

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

g. EXTENSION OF HOURS OF OPERATION FOR CARNIVAL AT ELMFEST (Finance Director Gaston): Approve as presented

April 15, 2008

To: Mayor Marcucci and Members of the City Council
Re: Extension of Hours of Operation for Carnival at Elmfest

At its April 14, 2008 meeting under other business, the Public Affairs and Safety Committee considered a request from the Elmhurst Special Kids Committee to extend by two hours the hours of operation at the Elmhurst Carnival for the exclusive use by the Elmhurst Special Kids Committee. Because the request was not listed on the Committee's agenda, under the Open Meetings Act, (the "OMA"), the Committee could discuss, but could not take action on this request. In view of the need to notify all persons involved and because the Committee was restricted from acting by the OMA, Council authorization to extend the carnival's hours of operation on Saturday, June 14, 2008 is sought.

Rich Rosenberg addressed the Committee on behalf of the Special Kids Committee. The Committee is a 501(C)(3) tax exempt not-for-profit organization. The Committee, with the cooperation of the Jaycees (the carnival sponsor) and the Chamber of Commerce (the Elmfest sponsor), wishes to open the carnival operation two hours earlier that would otherwise be the case, for the exclusive use by families with special needs children. All costs would be absorbed by the Committee and Chamber.

Although the Public Affairs and Safety Committee is scheduled to consider the overall hours of operation of Elmfest, including the Carnival operation, at an upcoming meeting, Council approval at the April 21, 2008 meeting is requested in order to enable the Special Kids Committee to notify the families of special needs children of this opportunity and to coordinate efforts with the Jaycees and Chamber. Council authorization is therefore sought to permit the Special Kids Committee, Jaycees and the Chamber to operate the carnival for two additional hours, from 9:00 a.m. to 11:00 a.m. on Saturday, June 14, 2008 for the exclusive use by the Special Kids Committee and families with special needs children.

Respectfully submitted,
/s/ Marilyn K. Gaston
Finance Director

h. REPORT – 2008 TREE PURCHASE & PLANTING PROGRAM The following report of the Public Works and Buildings Committee was presented:

April 14, 2008

To: Mayor Marcucci and Members of the City Council
Re: 2008 Tree Purchase & Planting Program

The Public Works and Building Committee met on Monday, April 14, 2008, to discuss the purchase and installation of tree stock through the Suburban Tree Consortium for the City's 2008 Tree Purchase & Planting Program. This includes regular tree replacement, and new tree planting.

Elmhurst joined the Suburban Tree Consortium in 1986 and is currently one of 36 participating members. The major purpose of the Consortium is to pool resources from several communities in an effort to obtain lower prices, a more dependable supply, and a higher quality of trees than would be available to any single municipality, or agency. The City has purchased trees through the Consortium previously and has been satisfied with the product and the competitiveness of the cost. Currently, Beaver Creek Nursery, Hinsdale Nursery, Beeson's Nursery, Possibility Place Nursery, and Wilson Nursery are contracted to supply trees and Pugsley & LaHaie provide planting services. These contracts have fixed annual prices, which are renewed upon mutual consent of the members and contractors, and are administered by the West Central Municipal Conference (WCMC). Collectively, the members purchase approximately 6,000 trees per year.

A purchase summary is attached specifying tree species, numbers required, costs, and the supplying nursery.

There are 500 trees scheduled to be purchased at a cost of \$88,223.00. The cost for contractor services to plant the trees is \$45,404.00. Funds are available for the purchase of these trees in the FY-08/09 General Fund in account number 110-6043-434-40-61 in the amount of \$100,035.00 and for planting in account number 110-6043-434-30-77 in the amount of \$52,000.00.

It is, therefore, the recommendation of the Public Works and Buildings Committee that the purchase of trees through the Suburban Tree Consortium as outlined above, be approved.

Respectfully submitted,
Public Works and Building Committee

/s/ John E. Gow
Chairman

/s/ Michael Regan
Vice-Chairman

/us/ Donna Lomnicki

/s/ Pat Shea

i. REPORT – BIDS, 2008 FIRE HYDRANT AND WATERMAIN VALVE REPAIR PROJECT

The following report of the Public Works and Buildings Committee was presented:

April 14, 2008

TO: Mayor Marcucci and Members of the City Council

RE: Bids, 2008 Fire Hydrant and Watermain Valve Repair Project

The Public Works and Buildings Committee met on Monday, April 14, 2008 to review bids received for the 2008 Fire Hydrant and Watermain Valve Repair Project. The bids are summarized on Attachment "A".

The work includes the removal and replacement of 8 fire hydrants and 6 water main valves, verification and disconnection of 6 water services, and related restoration work at various locations throughout the City.

Trine Construction Corporation, West Chicago, IL., submitted the lowest responsible bid meeting all of the bidding requirements. Trine Construction Corporation has completed similar work for the Villages of Lombard and Glen Ellyn, the Cities of West Chicago and Wheaton, and DuPage County, and those communities report that the work was completed in a satisfactory manner.

Monies have been provided in the FY 2007/08 Budget in the total amount of \$160,000.00 in the Municipal Utility Fund, Account Number 510-6052-501-30-85, and 510-6052-501-30-86 for this project.

It is, therefore, the recommendation of the Public Works and Buildings Committee that the bid from the lowest responsible bidder, Trine Construction Corporation, in the amount of \$150,200.00, be accepted.

Respectfully submitted,
Public Works and Building Committee

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

- j. REPORT – PROPOSALS, REPLACEMENT OF EXISTING LOWER ROOF AT ELMHURST CITY HALL The following report of the Public Works and Buildings Committee was presented:

April 14, 2008

TO: Mayor Marcucci and Members of the City Council
RE: Proposals, Replacement of Existing Lower Roof at Elmhurst City Hall

The Public Works and Buildings Committee met on Monday, April 14, 2008, to discuss proposals received for the replacement of the existing lower flat roof at the Elmhurst City Hall, 209 N. York St., Elmhurst.

Proposals were received from four area contractors who specialize in flat roofing. The proposals are summarized below:

| <u>Contractor</u> | | <u>Total Cost</u> |
|---------------------------------|--------------------|-------------------|
| Feze Roofing, Inc. | (Elmhurst, IL) | \$26,400.00 |
| CSR Roofing Contractors, Inc. | (Oak Park, IL) | \$27,796.00 |
| Olsson Roofing Co. | (Aurora, IL) | \$36,100.00 |
| American Roofing and Repair Co. | (West Chicago, IL) | \$45,000.00 |

This project involves the removal and replacement of the existing flat roof which is over the document storage area. The existing modified bitumen roofing and insulation will be replaced with new insulation tapered to drain properly and a new built up tar and gravel roof. The low bidder, Feze Roofing, Inc., has an established work record with the City of Elmhurst.

Funds have been provided in the 2007/2008 budget, General Fund, account number 110-6046-418-8023, in the amount of \$35,000 for this work.

It is, therefore, the recommendation of the Public Works and Buildings Committee that the bid submitted by Feze Roofing, Inc. in the amount of \$26,400.00 be accepted.

Respectfully submitted,
Public Works and Building Committee

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

- k. REPORT – LIQUOR LICENSE REQUEST: FLIGHT 112 WINE HOUSE The following report of the Public Affairs and Safety Committee was presented:

April 14, 2008

To: Mayor Marcucci and Members of the City Council
Re: Liquor License Request: Flight 112 Wine House

The Public Affairs and Safety Committee met on April 14, 2008 to discuss the liquor license request by Flight 112 Wine House. Representatives from Flight 112 Wine House were present to explain their plan and answer the Committee's questions.

Flight 112 Wine House will be located at 112 W. Park Ave. Flight 112 Wine House will offer the latest wines by the glass or bottles to be taken home. They will also offer a small food menu consisting of cheeses and meat. All state and local laws and ordinances will be enforced and followed. The Committee determined that the appropriate license would be a "WBB" (Wine/Beer Bar) 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 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 for the sale of beer and wine for Flight 112 Wine House.

Respectfully submitted,
Public Affairs and Safety Committee

/s/ Mark A. Mulliner
Chairman

/s/ Michael Bram
Vice-Chairman

/s/ Chris Nybo

- l. REPORT – REDUCTION OF THE NUMBER OF AUTHORIZED LIQUOR LICENSES The following report of the Public Affairs and Safety Committee was presented:

April 14, 2008

To: Mayor Marcucci and members of City Council
Re: Reduction of the Number of Authorized Liquor Licenses

The Public Affairs and Safety Committee met on Monday, April 14, 2008 to discuss a referral by the Liquor Commission regarding the reduction in the number of Class "B" (Bar) Liquor Licenses. The Committee reviewed a memorandum from Mayor Marcucci to the City Council which stated that due to the closure of one (1) liquor establishment, one license is now available and unassigned. This license is a Bar Liquor License formerly held by Good Times Pub, Inc., located at 657 W. North Avenue which has ceased operations and is now closed.

After a brief discussion, the Committee noted that it has been the City Council's policy to reduce the number of authorized liquor licenses when any such licenses are not assigned to a particular liquor establishment. It was the committee consensus that this policy should be continued.

It is, therefore, the recommendation of the Public Affairs and Safety Committee that the number of authorized liquor licenses be reduced by one in the "B" (Bar) Liquor License Class, and that the City Attorney be authorized to prepare the necessary ordinance.

Respectfully submitted,
Public Affairs and Safety Committee

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

- m. REPORT – REQUEST FROM CITY CENTRE: 2008 EVENTS The following report of the Public Affairs and Safety Committee was presented:

April 14, 2008

To: Mayor Marcucci and Members of City Council
Re: Request from City Centre: 2008 Events

The Public Affairs and Safety Committee met on April 14, 2008 to discuss the proposed special event programs planned for the City Centre for the year 2008. Representatives from the City Centre were available to answer the Committee's questions.

The Committee discussed the *Cool Cars Under the Stars* event. This event will begin on May 28, 2008 and run until August 27, 2008 on Wednesday evenings from 7:00 p.m. to 9:00 p.m. This event continues to be a huge success resulting in large crowds on most of the nights. The Committee was satisfied with the security and traffic control efforts that were provided at last year's events and planned again for this year.

The Committee also discussed other events planned by City Centre to include:

- "All Fired Up" Kiddie Firetruck Public Art Display, which will run from June, 2008 through October, 2008, with the opening event scheduled for Thursday, June 5, 2008.
- The Sidewalk Sale scheduled for Saturday and Sunday, July 18 and 19, 2008.
- Concert Night in the Plaza has been scheduled for Saturday, July 26, 2008.
- As in the past, *Boo-tiful Saturday* will be held on October 25, 2008 from 9:00 a.m. to 2:00 p.m. sponsoring trick or treating in the central business district.
- Due to the reconstruction project slated for the City Centre plaza potential dates for the Holiday Tree Lighting in November and Visits with Santa in December have yet to be determined.

As last year, the City Centre will also provide necessary event insurance and will make these policies available to the City Attorney prior to any events. These events continued to enjoy great success in 2007 and the Committee agrees that the plan should be approved for the year 2008.

It is, therefore, the recommendation of the Public Affairs and Safety Committee that the City Council authorize the City Manager to issue the necessary permits as requested by the City Centre for the year 2008 activities.

Respectfully submitted,
Public Affairs and Safety Committee

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

- n. REPORT – AMENDMENT TO LIQUOR ORDINANCE REGARDING WBB CLASS LIQUOR LICENSES The following report of the Public Affairs and Safety Committee was presented:

April 15, 2008

TO: Mayor Marcucci and Members of the City Council
RE: Amendment to Liquor Ordinance Regarding WBB Class Liquor Licenses

The Public Affairs and Safety Committee met on April 14, 2008 to discuss the amendment to the restrictions on WBB licenses. This discussion came about due to the liquor license request by Wine and Vine, proposed to be located at 105 South York Street.

The current ordinance limits WBB licensed establishments to 2,000 square feet in area and seating for a maximum of 30 patrons. In the course of discussing the Wine and Vine request, the Committee determined that the restrictions on WBB liquor licenses are unduly restrictive and should be modified to 1) increase the maximum square footage from 2000 square feet to 3000 square feet and 2) increase the maximum seating from 30 seats to the lesser of 3% of the total square footage or 60 seats. The Committee noted that this type of business is a desirable one that should be encouraged. Deputy Police Chief Doherty did not envision any increased law enforcement concerns.

It is, therefore, the recommendation of the Public Affairs and Safety Committee that the Liquor Ordinance be amended to permit a maximum of 3,000 square feet and a maximum seating of 3% of the total square footage of the establishment or 60 seats, whichever is less, for WBB liquor licenses and that the City Attorney be directed to prepare the necessary ordinance.

Respectfully submitted,
Public Affairs and Safety Committee

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

- o. REPORT – LIQUOR LICENSE REQUEST: WINE & VINE The following report of the Public Affairs and Safety Committee was presented:

April 14, 2008

To: Mayor Marcucci and Members of the City Council
Re: Liquor License Request: Wine & Vine

The Public Affairs and Safety Committee met on April 14, 2008 to discuss the liquor license request by Wine & Vine. A representative from Wine & Vine was present to explain their plan and answer the Committee's questions.

Wine & Vine will be located at 105 S. York Rd. Wine & Vine will be a restaurant and retail wine/gourmet food shoppe. Wine & Vine will offer clients high-end dining at reasonable prices in a refined and comfortable setting. The shoppe will provide easy access to gourmet packaged products, some of which will be prepared in-house by the Executive Chef/Owner. A large section of the shoppe will be dedicated to wine, with tastings scheduled throughout the month. Lunches will be casual, with the convenience of being able to phone/fax and email in orders and have them ready for pick-up when requested. The dinner menu on Wednesday will consist of pastas and salads. The Saturday menu will consist of prime rib and seafood.

The 15 seat Chef's platform will also serve as the classroom during non-peak times when cooking and wine classes are being held. Cooking classes will be conducted by the Chef/Owner, as well as celebrity chefs from local venues. There will be three different categories of cooking classes. The general cooking class will be a demonstration type class, focusing on basic education and technique. The hands-on class will be limited to three students per class. The students will work directly with the Chef, preparing and cooking an entire meal. The private class is strictly one-on-one with the Chef. The Chef will educate the student on every aspect of meal preparation, from shopping to garnishing and presenting the meal. All classes will feature wines from the shop specially selected for the meal being prepared.

Wine distributors will conduct tastings and classes throughout the year, with the intention of bringing in wine-makers and educators once the business becomes established.

Shelves in the retail section of the store will be stocked with gourmet foods and other wine related products. The owners will strive to place quality products on the shelves and will place a strong focus on locally manufactured goods.

All state and local laws and ordinances will be enforced and followed. The Committee determined that the appropriate license would be a combination “RL” and “WB” license.

The floor and business plan has been reviewed and the Committee agreed with all aspects of the business plan and concurred that both an “RL” and “WB” 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 an “RL” and “WB” liquor license which would allow for the sale and carry out of beer and wine, as well as provide liquor service for the restaurant.

Respectfully submitted,
Public Affairs and Safety Committee

/s/ Mark A. Mulliner

Chairman

/s/ Michael Bram

Vice-Chairman

/s/ Chris Nybo

p. REPORT – REQUEST FOR PUSH CART VENDOR The following report of the Public Affairs and Safety Committee was presented:

April 21, 2008

To: Mayor Marcucci and Members of the City Council

Re: Request for Push Cart Vendor

The Public Affairs and Safety Committee met on April 14, 2008 to discuss the request from Michele Maino of the Tasty Tropical Sno Company to create a new pushcart license at the northeast corner of Schiller and York Streets. (See attached diagram)

Tasty Tropical Sno Company would like to enhance the Elmhurst business district by offering refreshing snow cones during the hot summer months. The product that is being presented is known as Hawaiian shaved ice. All of the flavors that are used are a syrup base and are made from the highest quality ingredients. The Hawaiian shaved ice will be served in a non-styrofoam cup that will be decorated with the company’s logo. A spoon and napkin will be provided as well. Tasty Tropical Sno is aiming for volume selling and is confident they will achieve this because their stand will be very attractive to kids and families.

Prior to the new license being issued, Tasty Tropical Sno Company must:

- Provide Proof of Insurance
- Health Department approval
- Meet cart requirements per MCO 04-204 Pushcart Food Vendors
- IL Dept of Revenue Registration Certificate

Police, Fire and Public Works Departments approved the new location. Due to plaza reconstruction, the license for this location for 2008 will be terminated at the commencement of construction now being scheduled for after Labor Day, 2008.

It is, therefore, the recommendation of the Public Affairs and Safety Committee that the City Council approve the creation of a new pushcart license at the northeast corner of Schiller and York Streets; such license to be terminated at the commencement of construction now being scheduled for after Labor Day, 2008.

Respectfully submitted,
Public Affairs and Safety Committee

/s/ Mark A. Mulliner

Chairman

/s/ Michael Bram

Vice-Chairman

/s/ Chris Nybo

- q. REPORT – WATER RATE AND SEWER RATE REVIEW The following report of the Finance, Council Affairs and Administrative Services Committee was presented:

April 15, 2008

To: Mayor Marcucci and Members of the City Council
Re: Water Rate and Sewer Rate Review

The Finance, Council Affairs and Administrative Services Committee met several times, most recently April 14, 2008, to review water rate and sewer rate adjustments in the Municipal Utility Fund.

The Municipal Utility Fund (MUF) is an enterprise fund, and user fees for water and sewer services are the major source of revenue. Therefore, water rates and sewer rates are reviewed annually to determine if rate adjustments are necessary. A comprehensive rate and utility billing study was completed in August 2003. Alvord, Burdick & Howson, L.L.C. conducted the study which included a review of the water rate and sewer rate structures, and a review of cash balance goals for the MUF. The approved recommendations from the study provided for a minimum charge of three cubic meters per billing cycle, and a change in the billing structure to a uniform block rate method that provides a water and sewer charge for every cubic meter of usage. The study also set a cash balance goal range for the MUF of \$6.2 million to \$7 million. This goal is comprised of three factors: revenue stabilization (\$1.6 million); emergency (\$2 million); and 25%-33% of operating expenses (\$2.6-\$3.5 million). The goal is split between the water and sewer segments of the MUF based upon the level of operating expenses in each segment.

As the Council is aware, the City purchases its water supply from the DuPage Water Commission (DWC) and the DWC purchases its water supply from the City of Chicago. The City of Chicago has approved the following water rate increases: 15% (\$.20 per thousand gallons) January 1, 2008; 15% (\$.23 per thousand gallons) January 1, 2009; and 14% (\$.25 per thousand gallons) January 1, 2010. The DWC will increase rates to its members by \$.20 per thousand gallons effective October 1, 2008, which will increase Elmhurst's costs annually by approximately \$290,000. The remaining two increases are forecasted by DWC to be effective May 1, 2009 and May 1, 2010. Based on these anticipated changes from the DuPage Water Commission, the current cash balance in the water utility segment of the MUF and on projected expenditures for the next five years (see Schedule A attached), the Finance Committee recommends a rate adjustment for fiscal 2009 of 4% to \$4.00 per thousand gallons of water usage. For an average four-person household, this increase is approximately \$22 annually or \$1.83 per month (see Schedule C attached). The City's water rate has not been adjusted since July 1, 2004.

The Finance Committee also reviewed projections for sewer rate adjustments, including a review of major capital projects such as purchasing an anaerobic digester (see Schedule D attached). Based on the current cash balance in the sewer segment of the MUF and on projected expenditures for the next five years (see Schedule B attached), the Committee recommends a rate adjustment for fiscal 2009 of 5% to \$3.70 per thousand gallons of water usage. For an average four-person household, this increase is approximately \$26 annually or \$2.17 per month (see Schedule C). The City's sewer rate has not been adjusted since July 1, 2004.

The impact of the combined water rate and sewer rate adjustments for an average four-person household is approximately \$48 annually or \$4.00 per month. The total income generated by the proposed adjustments is approximately \$624,000 annually.

It is, therefore, the recommendation of the Finance, Council Affairs and Administrative Services Committee that the City Council direct the City Attorney to prepare an amendment to the Municipal Code of Ordinances changing the water rates and sewer rates for the City of Elmhurst, effective for usage billed on or after May 15, 2008, as follows:

| | Residential Rates (Per Thousand Gallons) | | Commercial Rates (Per Thousand Gallons) | |
|--------------------|---|----------------|--|----------------|
| | <u>New</u> | <u>Current</u> | <u>New</u> | <u>Current</u> |
| Water | \$4.00 | \$3.85 | \$6.00 | \$5.77 |
| Bi-Monthly Minimum | \$3.18 | \$3.06 | \$4.77 | \$4.59 |
| Sewer | \$3.70 | \$3.52 | \$3.70 | \$3.52 |
| Bi-Monthly Minimum | \$2.84 | \$2.70 | \$2.84 | \$2.70 |

Respectfully submitted,
Finance, Council Affairs and
Administrative Services Committee

/s/ George Szczepaniak
Chairman

/s/ Stephen Hipskind
Vice-Chairman

/s/ Moira Moriarty

/s/ Steven Morley

- r. REPORT – REVIEW OF CITY REGULATIONS – WIND AND SOLAR POWER The following report of the Development, Planning and Zoning Committee was presented:

April 11, 2008

TO: Mayor Marcucci and Members of the City Council
RE: Review of City Regulations - Wind and Solar Power

The Development, Planning and Zoning Committee met several times in February, March and April 2008 and discussed this topic. The issues were reviewed with Planning, Zoning and Economic Development Staff with regards to the Zoning Ordinance, partly in response to a letter from a resident inquiring about wind energy systems (wind turbines and/or windmills) in the community. The DPZ extended discussion to consider solar power as well, and also involved Building Department Staff in discussion as it related to the Building Code.

The DPZ reviewed a number of considerations regarding wind and solar energy systems, particularly the need to balance a number of issues. These included: neighborhood appearance, aesthetics, structure height, environmental and sustainability efforts and zoning requirements. Of particular interest to the Committee are that wind energy and solar energy systems can be constructed and installed using existing Zoning Ordinance and Building Code requirements.

During their review, the Committee determined that the City already has a section in the Building Code (Chapter 23 – attached) that addresses solar power. The Committee also determined that requirements within the Zoning Ordinance (specifically Section 4.6-4 Height Exceptions - attached), allow for accessory structures and therefore can be applied to wind energy systems. Appropriate limitations in this section apply to height and placement, yet are flexible enough to allow either building-mounted or freestanding wind turbine energy systems. (Wind energy systems are generally considered to consist of a pole with a windmill or wind blades attached to the top.) Research of ordinances from other communities (such as Chicago, Evanston and Oak Park) indicated regulations similar to Elmhurst’s in allowances for accessory structures. As in Elmhurst, it appears that wind and solar energy systems in these communities would be governed by existing building and zoning requirements for accessory structures.

The Committee noted that if homeowners wish to install home wind or solar energy systems, they should first consult with contractors and engineers that construct such systems. After determining whether such an improvement would be feasible, homeowners are encouraged to contact the City to address applicable building and zoning requirements. The City welcomes inquiries regarding these kinds of improvements, and should a variation be requested for such an improvement, it will be given full consideration based on the Standards for Variations.

The DPZ and City staff further discussed opportunities to publicize wind and solar power opportunities in the community. The DPZ asked Staff to use the City's "Front Porch" newsletter and the City website to inform and encourage the public to avail themselves of such opportunities through existing City requirements.

It is therefore the recommendation of the Development, Planning and Zoning Committee that no changes be made to existing City municipal requirements. The Committee specifically notes the following reasons to support its recommendation:

- (1) The City's role in providing enabling legislation for wind and solar systems has already been achieved; existing Zoning Ordinance and Building Code requirements already facilitate opportunities for installation of wind and solar power improvements on private property;
- (2) The City should not unnecessarily create new ordinances that are repetitive of existing City regulations; and
- (3) The City has useful methods of publicity to educate the public, including residents and businesses, that such wind and solar systems can be installed using existing City requirements.

Respectfully submitted,
Development, Planning and Zoning
Committee

/s/ Susan J. Rose
Chairman

/s/ Norman Leader
Vice-Chairman

/s/ Diane Gutenkauf

- s. REPORT – PLAN REVIEW SERVICES PROPOSAL FOR ELMHURST MEMORIAL HOSPITAL (FIRE/BUILDING DEPARTMENT) The following report of the Development, Planning and Zoning Committee was presented:

April 14, 2008

To: Mayor Marcucci and Members of the City Council

RE: Plan Review Services Proposal for Elmhurst Memorial Hospital (Fire/Building Department)

The Development, Planning and Zoning Committee had been provided with a written proposal from B & F Technical Code Services, Inc., for Plan Review Services for the new Elmhurst Memorial Hospital, for their review prior to the meeting. The Building Commissioner, as well as Mr. Rich Piccolo, President of B & F Technical, attended the meeting.

The Development, Planning and Zoning Committee began the discussion with the general aspects of the proposal in which the intent is to deliver the highest quality, professional plan review services at a reasonable cost. Being that the hospital is a very complex building with sophisticated mechanical, electrical, plumbing, fire alarm and fire sprinkler systems the project lends itself to having experts in these various fields to perform these reviews.

The Building Department, in conjunction with the hospital team, explored other consultants including ICC (The International Code Council) regarding this matter. B & F had a more competitive price and the hospital team felt they could establish a rapport and good working relationship with B & F.

Mr. Piccolo mentioned that his company has been in business since 1990 and has 64 employees. They have the depth and experience in various disciplines of the codes and in working with municipalities to ensure that local amendments are adhered to.

The Building Commissioner stated that the total fee of this proposal (\$79,200.00) was calculated into the building permit fee, which was negotiated with the hospital. (\$1.74M)

The Development, Planning and Zoning Committee felt that this approach to providing this Plan Review Service to the hospital is appropriate, as most of the projects in Elmhurst are residential in nature, and the expertise of B & F technical exceeds our present ability.

The attached proposal details the agreement and asks for four (4) equal payments because the drawings will be issued in several packages from approximately April until October, 2008. Also attached is information on B & F Technical's company.

It is, therefore, the recommendation of the Development, Planning and Zoning Committee that the proposal for Plan Review Services for the Elmhurst Hospital, as presented by B & F Technical Code Services be approved.

Respectfully submitted,
Development, Planning and Zoning
Committee

/s/ Susan J. Rose
Chairman

/s/ Norman Leader
Vice-Chairman

/s/ Diane Gutenkauf

t. O-10-2008 – AN ORDINANCE AUTHORIZING THE SALE BY AUCTION AND DISPOSAL OF PERSONAL PROPERTY OWNED BY THE CITY OF ELMHURST

Ordinance O-10-2008 was presented for passage.

u. MCO-06-2008 – AN ORDINANCE DESIGNATING ARLINGTON AVENUE AND MARION STREET AS AN ALL-WAY STOP INTERSECTION

Ordinance MCO-06-2008 was presented for passage.

v. MCO-07-2008 – AN ORDINANCE DESIGNATING EASTBOUND AND WESTBOUND ADAMS STREET AT KENT AVENUE, HARRISON STREET AT PARKSIDE AVENUE AND HARRISON STREET AT PROSPECT AVENUE AS YIELD RIGHT OF WAY STREETS

Ordinance MCO-07-2008 was presented for passage.

w. ZO-08-2008 – AN ORDINANCE GRANTING A REAR YARD VARIATION ON THE PROPERTY COMMONLY KNOWN AS 464 NORTH HIGHLAND AVENUE (FISHER)

Ordinance ZO-08-2008 was presented for passage.

x. ZO-09-2008 – AN ORDINANCE REZONING THE PROPERTY COMMONLY KNOWN AS THAT PROPERTY BOUNDED GENERALLY BY BRUSH HILL ROAD, EUCLID AVENUE, HARVARD STREET AND YORK STREET, GRANTING A CONDITIONAL USE FOR A HOSPITAL AS A PLANNED DEVELOPMENT, GRANTING YARD VARIATIONS AND APPROVING A FINAL PLANNED DEVELOPMENT PLAN IN CONNECTION THEREWITH (ELMHURST MEMORIAL HOSPITAL)

Ordinance ZO-09-2008 was presented for passage.

y. R-10-2008 – A RESOLUTION APPROVING THE FINAL PLAT OF SUBDIVISION OF THE ELMHURST MEMORIAL HEALTH CARE YORK STREET CAMPUS (ELMHURST MEMORIAL HOSPITAL)

Resolution R-10-2008 was presented for passage.

z. R-11-2008 – A RESOLUTION ESTABLISHING A LIMIT ON GENERAL FUND EXPENDITURES OF THE 2008-09 ANNUAL BUDGET

Resolution R-11-2008 was presented for passage.

Alderman Rose pulled items **5h. Report – 2008 Tree Purchase & Planting Program** and **5p. Report – Request for Push Cart Vendor**.

Alderman Mulliner moved to accept the contents of the Consent Agenda less items **5h. Report – 2008 Tree Purchase & Planting Program** and **5p. Report – Request for Push Cart Vendor**. Alderman Bram seconded. Voice vote unanimous, motion carried. Alderman Gutenkauf moved to approve the contents of the Consent Agenda less items **5h. Report – 2008 Tree Purchase & Planting Program** and **5p. Report – Request for Push Cart Vendor**. Alderman Regan seconded. Roll call vote:

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

Nays: None

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

Alderman Gow moved to approve item **5h. Report – 2008 Tree Purchase & Planting Program**. Alderman Regan seconded.

Alderman Gow stated this is part of the Tree Purchase & Planting Program with the tree consortium. The City can purchase trees at lower prices and higher quality.

Alderman Rose stated she pulled item **5h. Report – 2008 Tree Purchase & Planting Program** to state her support of the purchase of the trees and to ask a general question to the Forestry Division. She asked why are we increasing the number of trees, is it due to the destruction of ash trees?

Alderman Gow stated there wasn't any discussion on the Emerald Ash Borer beetle problem.

Alderman Regan stated Forestry Superintendent Mark Stevens reported that the Emerald Ash Borer beetle disease has not yet hit Elmhurst. The purchase of the trees is for regular tree replacement and new tree plantings. This is not a purchase to replace trees due to decimation of the City's ash trees.

Alderman Rose stated the cost of the trees is a perfect example of the "fence of spending."

Roll call vote on item **5h. Report – 2008 Tree Purchase & Planting Program**:

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

Nays: None

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

Alderman Mulliner moved to approve item **5p. Report – Request for Push Cart Vendor**. Alderman Hipskind seconded.

Alderman Mulliner stated Tasty Tropical Sno is a new pushcart vendor who wants to have a different vending location other than what is available in the City ordinance. The Police and Fire Departments have identified the requested location as a good location with no safety issues. Alderman Mulliner stated he wanted to address the issue of the use of Styrofoam cups by this vendor. The subject did not come up in discussions of the Public Affairs and Safety Committee.

Alderman Rose stated she pulled item **5p. Report – Request for Push Cart Vendor** because she is against the use of Styrofoam cups. She stated that she is in support of the snocone pushcart.

Alderman Bram stated the company did not offer any alternatives to Styrofoam in their business plan. He stated there are limitations on what could be substituted. Alderman Bram asked Assistant City Attorney Spiroff if there is anything in our ordinances regarding restrictions.

Assistant City Attorney Spiroff stated Council could make an amendment to the ordinance, there are currently no restrictions.

Mayor Marcucci stated as a procedural matter, the Council could amend this right now.

Discussion ensued.

Alderman Mulliner moved to amend item **5p. Report – Request for Push Cart Vendor** substituting the use of Styrofoam cups with environmentally friendly cups. Alderman Hipskind seconded.

Alderman Szczepaniak asked is this discriminatory?

Assistant City Attorney Spiroff replied no because the vending takes place in the public way.

Alderman Nybo suggested replacing the phrase environmentally friendly cups with non-Styrofoam cups.

Aldermen Mulliner and Hipskind agreed.

Alderman Regan suggested that the Central Business District put recycling receptacles around the City Centre.

Discussion ensued.

Roll call vote to amend item **5p. Report – Request for Push Cart Vendor** to substitute the use of Styrofoam cups with non-Styrofoam cups.

Ayes: Mulliner, Hipskind, Regan, Gutenkauf, Leader, Shea, Rose, Gow, Moriarty, Nybo

Nays: Bram, Szczepaniak, Morley, Lomnicki

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

Roll call vote to approve item **5p. Report – Request for Push Cart Vendor** as amended:

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

Nays: None

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

REPORTS AND RECOMENDATIONS OF APPOINTED AND ELECTED OFFICIALS

6. Alderman Regan asked the Chair to allow him to make a recommendation. Alderman Regan asked that aldermen be permitted to ask the Chair to have the Clerk read the motion that the Council is about to vote on whenever a lengthy discussion takes place.

Mayor Marcucci stated the Chair would do so when he thinks there is cause for confusion.

Mayor Marcucci stated his report is from the DuPage Mayors and Managers Conference (DMMC). He reported he represents the DMMC on a subcommittee for regional support for the City of Chicago to host the 2016 Olympic Games. Mayor Marcucci stated the DMMC will have a resolution to support the Olympics in Chicago. He stated when that happens he will submit a resolution to the Public Affairs and Safety Committee for review and subsequent Council approval and support. The intent is to raise visibility in the suburbs regarding how the Olympics can benefit the community. There can be a big economic impact on the hotel business. The City of Elmhurst will host the upcoming subcommittee meetings because of Elmhurst's great location.

ORDINANCES

7. Alderman Moriarty moved to discuss item **7b. O-11-2008 – An Ordinance Approving and Authorizing the Execution of the First Amendment to Annexation Agreement with Elmhurst Memorial Health Care, Inc., Robert W. Perrone, William Poole and Karen Poole, for Property Located at Harvard Street and Kirk Avenue** prior to Council discussion on item **7a. O-09-2008 – A Budget and Appropriation Ordinance for the City of Elmhurst for the Fiscal Year Beginning on May 1, 2008, and Ending on April 30, 2009.** Alderman Shea seconded. Voice vote, unanimous, motion carried.

- a. O-09-2008 – A BUDGET AND APPROPRIATION ORDINANCE FOR THE CITY OF ELMHURST FOR THE FISCAL YEAR BEGINNING ON MAY 1, 2008, AND ENDING ON APRIL 30, 2009

Ordinance O-09-2008 was presented for passage.

Alderman Gow moved to approve item **7a. O-09-2008 – A Budget and Appropriation Ordinance for the City of Elmhurst for the Fiscal Year Beginning on May 1, 2008, and Ending on April 30, 2009.** Alderman Regan seconded.

Alderman Moriarty requested the revised General Fund and the summary of carryovers have a separate line item in the budget to have a better grasp of the total dollars the City is spending.

Mayor Marcucci stated the information is in memo format. The Mayor asked City Manager Borchert to comment.

City Manager Borchert stated typically this information is provided to Council in a memo.

Alderman Moriarty stated there is a \$2.7million deficit and no revenue enhancements. She stated she will support the budget but she is not supportive of a sales tax increase.

Alderman Nybo stated he reluctantly supports the budget. He stated he wished the Council could have done more but he stated he felt it was analyzed pretty thoroughly.

Mayor Marcucci stated the Council conducted a good a thorough discussion of the budget. It is a process that must be done and a good result came forth.

Roll call vote on item **7a. O-09-2008 – A Budget and Appropriation Ordinance for the City of Elmhurst for the Fiscal Year Beginning on May 1, 2008, and Ending on April 30, 2009:**

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

Nays: None

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

- b. O-11-2008 – AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF THE FIRST AMENDMENT TO ANNEXATION AGREEMENT WITH ELMHURST MEMORIAL HEALTH CARE, INC., ROBERT W. PERRONE, WILLIAM POOLE AND KAREN POOLE, FOR PROPERTY LOCATED AT HARVARD STREET AND KIRK AVENUE

Ordinance O-11-2008 was presented for passage.

Alderman Rose moved to approve item **7b. O-11-2008 – An Ordinance Approving and Authorizing the Execution of the First Amendment to Annexation Agreement with Elmhurst Memorial Health Care, Inc., Robert W. Perrone, William Poole and Karen Poole, for Property Located at Harvard Street and Kirk Avenue.** Alderman Gow seconded. Roll call vote:

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

Nays: None

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

OTHER BUSINESS

9. None.

ANNOUNCEMENTS

10. Alderman Hipkind stated item 5g. Extension of Hours of Operation for Carnival at Elmfest on tonight's Consent Agenda was approved. The carnival will be open at no charge to children with special needs between the hours of 9am-11am on Saturday, June 14, 2008. Volunteers are needed to work the event.

Alderman Rose announced tomorrow, April 22, 2008 the Engineering Department will host a Sidewalk Open House. Alderman Rose encouraged everyone to attend to learn the process of getting new sidewalks. The open house will be held from 3:00 p.m. – 6:00 p.m. in the Council Chambers.

City Manager Borchert announced the City of Elmhurst will have a simplified recycle program. A press release has been sent to the newspapers with the details. It will be a single container pickup in hope that this will increase the volume of recycling.

City Manager stated his respect for the Council on their thorough review of the 2008-2009 budget. He also thanked the City staff for their hard work and support.

ADJOURNMENT

11. Alderman Hipkind moved to adjourn the meeting. Aldermen Morley seconded. Voice Vote. Motion carried. Meeting adjourned 8:37 a.m.

Thomas D. Marcucci, Mayor

Patty Spencer, City Clerk