

**MINUTES OF THE REGULAR MEETING OF THE  
CITY COUNCIL OF THE CITY OF ELMHURST, ILLINOIS  
HELD ON MONDAY, SEPTEMBER 15, 2008  
209 NORTH YORK STREET  
ELMHURST, ILLINOIS**

**CALL TO ORDER/ PLEDGE OF ALLEGIANCE/ROLL CALL**

Attendance: 27

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, Mark A. Mulliner

Absent: Donna Lomnicki

Also in Attendance: City Treasurer Pigoni, City Attorney Kubiesa, City Manager Borchert, Fire Chief Kopp, Deputy Fire Chief Bacidore, ESDA Coordinator Novak

**SWEARING IN OF FIRE DEPARTMENT PERSONNEL – ANDREW GIARRATANO, FIREFIGHTER**

2. The Mayor invited Fire Chief Kopp and new Firefighter Andrew Giarratano and to the podium for the swearing in of Mr. Giarratano.

Mayor Marcucci stated he is proud of the past and present City Councils for the budgeting of competitive salaries for Fire Department personnel, so that Elmhurst may have the best fire protection. He stated that new Firefighter Andrew Giarratano is experienced and qualified.

Mayor Marcucci welcomed Mr. Giarratano to the City of Elmhurst Fire Department. Mayor Marcucci swore in Mr. Andrew Giarratano to the position of Firefighter.

**RECEIPT OF WRITTEN COMMUNICATIONS AND PETITIONS FROM THE PUBLIC**

3. None.

**PUBLIC FORUM**

4. Tom Lestina  
678 S. Parkside  
Elmhurst, IL 60126

Spoke regarding the power outage in his neighborhood. He stated he wanted Council to know it is a real problem.

**CONSENT AGENDA**

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

- a. MINUTES OF REGULAR MEETING HELD ON TUESDAY, SEPTEMBER 2, 2008 (City Clerk Spencer): Approve as published
- b. MINUTES OF THE EXECUTIVE SESSION HELD ON TUESDAY SEPTEMBER 2, 2008 (City Clerk Spencer): Receive and place on file
- c. ACCOUNTS PAYABLE – SEPTEMBER 15, 2008 TOTAL \$ 2,370,122.43
- d. BID, ONE (1) 2009 CHEVY TAHOE SPECIAL SERVICE VEHICLE (City Clerk Spencer): Refer to the Public Works and Buildings Committee

September 9, 2008

TO: Mayor Marcucci and Members of the City Council  
RE: Bid, One (1) 2009 Chevy Tahoe Special Service Vehicle

In response to an invitation to bid for One (1) 2009 Chevy Tahoe Special Service Vehicle advertised in the Elmhurst Press on Friday, August 22, 2008, bids were received from two area dealers.

Bids were opened at 10:00 a.m. on Tuesday, September 09, 2008, and following is a summary of the bids received:

<u>Dealer</u>	<u>Total Cost</u>
W. Hare & Son Inc. (Noblesville, IN)	\$31,448.00
Larry Roesch Chevrolet, Inc. (Bensenville, IL)	\$32,000.00

Respectfully submitted,  
/s/ Patty Spencer  
City Clerk

e. REPORT – DISPOSAL OF CITY EQUIPMENT The following report of the Public Works and Buildings Committee was presented:

September 8, 2008

TO: Mayor Marcucci and Members of the City Council  
RE: Disposal of City Equipment

The Public Works and Buildings Committee met on Monday, September 8, 2008, to discuss the disposal of several pieces of equipment described on the inventory sheet (Exhibit A) that is included in the attached ordinance.

It has been recommended by staff that this equipment be disposed of at the DuPage Mayors and Manager's Auction on October 11, 2008. This auction has provided the City a favorable means of disposition of City equipment in the past. There is, however, a 15% service charge from DuPage Mayors and Managers for auctioning this equipment. In addition, a City representative must assist the conference during the auction day.

It is, therefore, the recommendation of the Public Works and Buildings Committee that these pieces of equipment be disposed of at the DuPage Mayors and Managers Conference auction on October 11, 2008 and that the City Council approve an ordinance authorizing the disposal of this equipment.

Respectfully submitted,  
Public Works and Building Committee

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

f. REPORT – BID, 2008 MATERIAL HAULING AND DELIVERY The following report of the Public Works and Buildings Committee was presented:

September 8, 2008

TO: Mayor Marcucci and Members of the City Council  
RE: Bid, 2008 Material Hauling and Delivery

The Public Works and Buildings Committee met on Monday, September 8, 2008 to review the bids received for the 2008 Material Hauling and Delivery services. Invitations to bid on this project were sent to several area vendors and advertised in local newspapers. Four bids were received and are summarized on Attachment "A."

The bid requested pricing on various materials, typically used for backfilling excavations or utility work, for delivery to the Public Works material yard. The bid also requested pricing on removal of waste “spoils” and other material, which are generated from utility excavations or other PW activities. This service is performed periodically throughout the year as needed.

Prices are guaranteed for the remainder of the 2008 and all of 2009. The low bidder for items 1 (CA-6), 2 (CA-7), and 5 (hauling and disposal of debris) is Berkley Trucking of Elmhurst, IL. The low bidder for item 3 (topsoil) was Marcott Enterprises, of Addison, IL. The Low Bidder for item 4 (SA gravel), was Campanella Material of Lake Zurich, IL. The low bidder for items 6 and 7 (concrete disposal) and item 8 (3” limestone rock) was Koz Trucking of Medinah, IL.

Funds in the amount of \$162,000 have been provided in the 2008/2009 budget, Municipal Utility Fund, for the purchase of materials and the removal of waste spoils under accounts 510-6052-501-40-57, 510-6056-502-40-49, 510-6052-501-30-81, and 510-6056-502-30-81.

It is, therefore, the recommendation of the Public Works and Buildings Committee that the 2008 Material Hauling and Delivery services bids, submitted by Berkley Trucking, of Elmhurst, IL, Marcott Enterprises of Addison, IL, Campanella Material of Lake Zurich, IL, and Koz Trucking of Medinah, IL, 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. O-28-2008 – AN ORDINANCE APPROVING THE BOND ORDER AND BOND PURCHASE AGREEMENT FOR THE SALE OF THE SERIES 2008 GENERAL OBLIGATION BONDS AUTHORIZING REDEMPTION OF THE SERIES 2000 REFUNDING BONDS, AND LEVYING AND ABATING TAXES WITH RESPECT THERETO

Ordinance O-28-2008 was presented for passage.

h. MCO-22-2008 – AN ORDINANCE IMPOSING PARKING RESTRICTIONS ON PORTIONS OF OAK STREET

Ordinance MCO-22-2008 was presented for passage.

i. R-17-2008 – A RESOLUTION APPROVING AN ECONOMIC INCENTIVE AGREEMENT WITH WILKINS BUICK, INC. (WILKINS MAZDA/HYUNDAI)

Resolution R-17-2008 was presented for passage.

Alderman Mulliner pulled item **5h. MCO-22-2008 – An Ordinance Imposing Parking Restrictions on Portions of Oak Street.**

Alderman Regan moved to accept the contents of the Consent Agenda less item **5h. MCO-22-2008 – An Ordinance Imposing Parking Restrictions on Portions of Oak Street.** Alderman Gutenkauf seconded. Voice vote unanimous, motion carried. Alderman Szczepaniak moved to approve the contents of the Consent Agenda less item **5h. MCO-22-2008 – An Ordinance Imposing Parking Restrictions on Portions of Oak Street.** Alderman Moriarty seconded. Roll call vote:

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

Nays: None

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

Alderman Mulliner moved to approve item **5h. MCO-22-2008 – An Ordinance Imposing Parking Restrictions on Portions of Oak Street**. Alderman Bram seconded.

Alderman Mulliner stated he pulled item **5h. MCO-22-2008 – An Ordinance Imposing Parking Restrictions on Portions of Oak Street** to amend the wording in Section 1 to be consistent with the committee report.

Alderman Nybo asked to verify the dates to be included in the amended ordinance.

City Attorney Kubiesa stated the dates in the ordinance should be May 1 through July 31 each year.

Voice vote to amend the ordinance, unanimous. Motion carried.

Roll call vote to approve item **5h. MCO-22-2008 – An Ordinance Imposing Parking Restrictions on Portions of Oak Street** as amended:

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

Nays: None

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

### **COMMITTEE REPORTS**

6. a. REPORT – FIRE STATION 2 PROJECT The following report of the Public Works and Buildings Committee was presented:

September 8, 2008

TO: Mayor Marcucci and Members of the City Council

RE: Fire Station 2 Project

On September 8, 2008, the Public Works and Buildings Committee met to discuss bids from sub-contractors for the new Fire Station 2 project. Representatives from FGM Architects and James McHugh Construction Co. were present to answer any questions.

In September, 2006, the City Council approved FGM Architects as the most qualified firm to provide a facility analysis of Fire Station 2.

In July of 2007 the Public Works and Buildings Committee reviewed the completed Fire Station 2 Facility Study, along with cost estimates completed by FGM Architects and supported the construction of an entirely new building as the most appropriate option upon agreement with the Park District for the additional property.

In March of 2008, the City Council approved James McHugh Construction Co. as the most qualified Construction Manager for the Elmhurst Fire Station 2 project. With the assistance of McHugh Construction, the fire department developed an estimated budget for the project. Due to costs, with the assistance of McHugh and FGM, the City entered into value engineering to assist in controlling construction costs.

In July 2008, McHugh developed and prepared a scope of work to be distributed for competitive bid. Attached is the bid tabulation with McHugh's analysis of the lowest qualified bidders and guaranteed maximum price (GMP) for construction cost (\$5,454,432 – see attached).

The GMP includes all items except those that are to be owner procured/funded items (see attached itemized budget). The estimated cost for owner funded items is \$1,317,309 for a total project cost of \$6,771,741.

Under the Construction Manager method, individual contracts of sub-contractors are executed with the Construction Manager. The City shall authorize the Construction Manager to enter into contracts with sub-contractors based upon their analysis of the lowest qualified bidders.

The bid documents distributed to the sub-contractors identified the construction timeline as starting September 10, 2008 and completing August 1, 2009. Taking advantage of what remains of good weather this year will minimize winter protection costs, i.e., masonry enclosures and heaters, concrete curing accelerators, etc. Additionally, it is a known fact that work performed in the winter goes slower than in non-winter conditions so the overall schedule will improve based upon the amount of work performed in the months of September through November. With a shortened schedule, McHugh will have less on-site time which will lessen the general conditions cost expense for the project.

Sufficient funds for this project are available through the City Council authorized 2008 G.O. Bond proceeds and Capital Improvement Fund.

It is, therefore, the recommendation of the Public Works and Buildings Committee that James McHugh Construction Co. be authorized to sign contracts with each of the lowest qualified bidders, in an aggregate amount not to exceed \$6,771,741.

Respectfully submitted,  
Public Works and Building Committee

/s/ John E. Gow

Chairman

/s/ Michael Regan

Vice-Chairman

/s/ Donna Lomnicki

/s/ Pat Shea

Alderman Gow moved to approve item **6a. Report – Fire Station 2 Project**. Alderman Regan seconded.

Alderman Gow reviewed item **6a. Report – Fire Station 2 Project** and the attached bid summary sheet. He stated his recommendation is that Council accept the bids as presented, so a contract can be written and construction on the new Fire Station #2 can begin.

Alderman Szczepaniak noted a few items have some significant swings and he asked why those bids were not closer to what was budgeted for.

Alderman Regan stated there will be a re-bid on Bid #10 Steel, stating the Public Works and Buildings Committee feels that the City can do better.

Alderman Gutenkauf asked why the subcontractors bond is not included in the apparent low bid column on the worksheet.

Project Manager Tom Stuit, McHugh Construction Company, stated the subcontractor bond is included in the above bid numbers. He further explained the swing in the HVAC bid numbers is that LED components are included. This creates an increase in sizing for the vent system and monitoring check and balances.

Alderman Moriarty asked if the current Fire Station #2 will be torn down.

Mayor Marcucci stated yes, it is on the worksheet.

City Manager Borchert stated that the Elmhurst Park District may keep the building. After the front portion of the building is removed the Park District will evaluate the building. The Park District is reviewing possible uses for the building.

Discussion ensued regarding the Elmhurst Park District use of the current Fire Station #2 building.

Alderman Mulliner asked why the re-bid for Bid #10 Steel?

Project Manager Stuit stated some potential bidders did not get their bid in and as stated, re-bidding the job could bring in bids closer to budget. He informed Council the bid opening will take place this Thursday, September 18, 2008 in the Council Chambers.

Roll call vote to approve item 6a. Report – Fire Station 2 Project:

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

Nays: None.

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

## **REPORTS AND RECOMENDATIONS OF APPOINTED AND ELECTED OFFICIALS**

### 7. a. UPDATES (Mayor Marcucci)

Alderman Bram reported he was informed that the last Council meeting was not broadcast. After getting an explanation from the City Manager, Alderman Bram requested to replay the September 2, 2008 meeting.

Mayor Marcucci stated it is up to Council consensus to do so. The Mayor asked City Manager Borchert why Comcast did not have the tape.

City Manager Borchert explained there was an oversight on getting the tape to Comcast. He stated he could arrange to have the September 2, 2008 and September 15, 2008 run for the remainder of the month.

Alderman Bram asked for an update on the Ride DuPage Program.

City Manager Borchert stated the Ride DuPage Program did not approve of the City requirements.

Alderman Bram asked why is there a reversal of agreement from Ride DuPage which was approved on the committee report.

City Manager Borchert stated he did not know the answer.

Mayor Marcucci stated he is asking “why” the County has made this decision.

Alderman Bram asked for a follow up in a month.

The Mayor stated he asked a question and didn’t like the answer. He said he is waiting for another answer and will report on it.

Alderman Mulliner thanked Public Works Director Hughes and City staff for their good job during the past rain over the weekend. He commented on the good job the quarry did to collect the rain water.

Alderman Gow announced Allied Waste would pick-up flood damage items at no additional cost.

Alderman Leader stated he received only two (2) calls from residents of North Graue Woods on River Glen Ave. Alderman Leader stated he contacted Public Works Director Hughes and the Public Works (PW) Department responded immediately.

Mayor Marcucci recalled the catastrophic damage that the 1987 flood did to 1,200 to 1,400 homes. The Mayor stated the City and the elected officials said at that time, this widespread damage would not be allowed to happen again. The City purchased the quarry for \$40million and put a berm along Salt Creek for \$10million. During the past rain storm 250-350 homes reported flood damage. The PW Department was available for those who were in need. The quarry did its job. He stated he went to the quarry and at least 80 residents were there watching. He said he received a round of applause for a job well done.

Mayor Marcucci expressed his heartfelt thanks to City Manager Borchert and his staff and gave a round of applause to the City Manager and City staff.

City Manager Borchert thanked Mayor Marcucci and stated the City staff's experience and understanding served our residents well.

b. MANHARD CONSULTING REPORT REGARDING SALT CREEK 100 YEAR FLOODPLAIN MAPPING (City Manager Borchert)

City Manager Borchert reviewed the DuPage County floodplain mapping system. He stated on the City's website under "What's Hot," will give additional information on the concerns of Elmhurst regarding the mapping.

City Manager Borchert reported that Elmhurst, Oak Brook and Villa Park hired a consulting firm to use as a comparison to DuPage County. The City Manager reviewed for the Council a summary of the Manhard Report. He stated the report has good news for Elmhurst regarding putting homes in a flood plain. The County will review the Manhard Report and make comparisons and a discussion by the County Board.

Discussion ensued regarding flood mapping methodology by the County.

Alderman Rose asked if there is a way for residents to dial a number other than 911 Emergency number for help in case non-emergency situations that are in need of an immediate response.

Alderman Gutenkauf stated if there is a number for residents to call, please announce it.

City Manager Borchert stated (630)530-3050 is the non-emergency number for Public Works that will ring at the front desk of the Police Department.

Discussion ensued regarding emergency numbers like a 311 non-emergency number for the Elmhurst area.

## ORDINANCES

8. a. MCO-23-2008 – AN ORDINANCE AMENDING SECTIONS 37.07 AND 37.08 OF THE ELMHURST MUNICIPAL CODE, INCREASING THE RATE OF THE HOME RULE MUNICIPAL RETAILERS AND SERVICE OCCUPATION TAX

Ordinance MCO-23-2008 was presented for passage.

Alderman Szczepaniak moved to approve item **8a. MCO-23-2008 – An Ordinance Amending Sections 37.07 and 37.08 of the Elmhurst Municipal Code, Increasing the Rate of the Home Rule Municipal Retailers and Service Occupation Tax**. Alderman Hipskind seconded.

Alderman Szczepaniak stated that both the Majority and Minority reports concerning item **8a. MCO-23-2008 – An Ordinance Amending Sections 37.07 and 37.08 of the Elmhurst Municipal Code, Increasing the Rate of the Home Rule Municipal Retailers and Service Occupation Tax** were fully vetted at the September 2, 2008 Council meeting. He asked Council to support this increase.

Alderman Gutenkauf asked for the opinion of the City Treasurer as she was not present at the September 2, 2008 Council meeting.

City Treasurer Pigoni stated that she supports item **8a. MCO-23-2008 – An Ordinance Amending Sections 37.07 and 37.08 of the Elmhurst Municipal Code, Increasing the Rate of the Home Rule Municipal Retailers and Service Occupation Tax.**

Roll call vote on item **8a. MCO-23-2008 – An Ordinance Amending Sections 37.07 and 37.08 of the Elmhurst Municipal Code, Increasing the Rate of the Home Rule Municipal Retailers and Service Occupation Tax:**

Ayes: Szczepaniak, Hipskind, Regan, Leader, Rose, Gow, Morley, Mulliner

Nays: Gutenkauf, Shea, Bram, Moriarty, Nybo

Results: 8 ayes, 5 nays, 1 absent  
Motion carried.

### **OTHER BUSINESS**

9. None.

### **ANNOUNCEMENTS**

10. City Manager Borchert stated the City's bond rating was recently evaluated by Moody and received an Aa<sup>2</sup> rating. It is a very positive rating and it is rare for cities and villages to receive. The Aa<sup>2</sup> rating puts Elmhurst in solid company with only five (5) other communities.

Alderman Nybo and Mulliner announced that there will be a Community Meeting with ComEd. The meeting will take place at Bryan Middle School on Monday, September 29, 2008 at 7:00 p.m. All are welcome to attend.

Mayor Marcucci asked City Clerk Spencer to send notification of the meeting to Mr. Lestina, who spoke in Public Forum.

Alderman Gutenkauf stated the Illinois Association of Museums, of which she is a board member, will be having their Annual IAM Conference in Elmhurst September 24-26, 2008. Elmhurst's four (4) museums as well as Elmhurst College will host workshops and meetings for museum delegates from across the state.

Alderman Szczepaniak congratulated the City Council and staff for receiving a bond rating of Aa<sup>2</sup> from the bond house. Alderman Szczepaniak applauded the Aldermen who voted for the increase Home Rule Sales Tax tonight stating it had to be done.

Mayor Marcucci told Alderman Szczepaniak that he was out of order for debating the Home Rule Sales Tax increase after the vote was taken.

### **ADJOURNMENT**

11. Alderman Rose moved to adjourn the meeting. Aldermen Szczepaniak seconded. Voice Vote. Motion carried. Meeting adjourned 9:24 p.m.

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Thomas D. Marcucci, Mayor

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Patty Spencer, City Clerk