

**MINUTES OF THE REGULAR MEETING OF THE  
CITY COUNCIL OF THE CITY OF ELMHURST, ILLINOIS  
HELD ON TUESDAY, FEBRUARY 17, 2009  
209 NORTH YORK STREET  
ELMHURST, ILLINOIS**

**EXECUTIVE SESSION – PERSONNEL**

1. Executive session was called to order at 7:00 p.m. by Mayor Marcucci for the purpose of Discussion of Minutes of Meetings Lawfully Closed for Semi Annual Review and Personnel.

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

Absent: Michael J. Regan, Chris Nybo, George Szczepaniak (arrived at 7:03 p.m.), Mark A. Mulliner (arrived at 7:02 p.m.)

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

Alderman Gow moved to convene into executive session for the purpose of Discussion of Minutes of Meetings Lawfully Closed for Semi Annual Review and Personnel. Alderman Bram seconded. Roll call vote:

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

Nays: None

11 yeas, 0 nays, 3 absent  
Motion duly carried

Alderman Gutenkauf moved to adjourn executive session. Alderman Moriarty seconded. Voice vote. Motion carried. Executive session adjourned at 7:29 p.m.

**CALL TO ORDER/ ROLL CALL**

Attendance: 35

2. The Regular Meeting of the Elmhurst City Council was called to order by Mayor Marcucci at 7:35 p.m.

Present: Diane Gutenkauf, Norman Leader, Pat Shea, Michael Bram, Susan J. Rose, John Gow, Stephen Hipskind, Moira Moriarty, George Szczepaniak, Steve Morley, Donna Lomnicki, Mark A. Mulliner

Absent: Michael J. Regan (arrived at 8:20 p.m.), Chris Nybo (arrived at 8:02 p.m.)

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

**PLEDGE OF ALLEGIANCE – CONRAD FISHER SCHOOL, WEBELOS DEN #9, PACK #417**

3. Mayor asked Conrad Fisher School, Webelos Den #9, Pack #417, to come to the podium with their scout leader, face the flag and recite the pledge of allegiance. The Webelos participation in the Council meeting earns them their Citizenship Badge.

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

4. Jeff Houston, 857 S. Linden Ave. submitted a list of seven (7) questions and comments made by residents regarding the new parking garages project. The list is an email that Mr. Houston sent to City Manager Borchert on February 17, 2009.

**PUBLIC FORUM**

5. Jeff Houston  
857 S. Linden Ave.  
Elmhurst, IL 60126

Spoke regarding the new development and parking garages, stating residents in the 6<sup>th</sup> Ward wanted a restraining order against the project. In lieu of a restraining order said residents would like the

questions that were submitted during the Receipt of Written Communications from the Public portion of this evenings meeting to be answered during the open meeting discussion of item 8a on tonight's agenda.

Jessica Muth  
118 Larch Ave.  
Elmhurst, IL 60126

Spoke regarding turning the Hurley property into a parking garage, stating she is concerned. She stated the Larch Avenue residents haven't been notified of the plans that are now a done deal. She questioned who benefits from this and why was there such a rush?

Joan Callahan  
130 Larch Ave.  
Elmhurst, IL 60126

Spoke of the concerns of the neighborhood in response to a parking garage being built at the end of the block. She stated the neighbors support the local retail and asked the City to be a good neighbor and not put a five (5) story parking deck at the end of the street. She asked Council to think about how it would look.

Kevin Quast  
131 N. Larch Ave.  
Elmhurst, IL 60126

Spoke of parking garage plans for Larch Ave. and asked Council to make sure the residential street remains. He stated concerns for safety, location of the structure, traffic flow and who will be using the structure.

#### **CONSENT AGENDA**

6. The following items on the Consent Agenda were presented:
  - a. MINUTES OF REGULAR MEETING HELD ON MONDAY, FEBRUARY 2, 2009 (City Clerk Spencer): Approve as published
  - b. MINUTES OF THE EXECUTIVE SESSION HELD ON TUESDAY, JANUARY 20, 2009 (City Clerk Spencer): Receive and place on file
  - c. ACCOUNTS PAYABLE – FEBRUARY 17, 2009 TOTAL \$ 800,307.32
  - d. BID, ONE CURRENT MODEL YEAR FORD F250 4X4 PICK UP AND OPTIONAL EQUIPMENT (City Clerk Spencer): Refer to the Public Works and Buildings Committee

February 3, 2009

TO: Mayor Marcucci and Members of the City Council  
RE: Bid, One Current Model Year Ford F250 4x4 Pick Up and Optional Equipment

In response to an invitation to bid for One Current Model Year ford F250 4x4 Pick Up and Optional Equipment advertised in the Elmhurst Press on Friday, January 16, 2009, bids were received from five area dealers.

Bids were opened at 10:00 a.m. on Tuesday, February 3, 2009, and following is a summary of the bids received:

<u>Dealer</u>	<u>Total Cost With Options</u>
Packey Webb Ford (Downers Grove, IL)	\$29,100.00
Ottawa Ford-LM, Inc. (Ottawa, IL)	\$30,254.00

Freeway Ford-Sterling Truck Sales (Lyons, IL)	\$30,608.00
Northwest Ford & Sterling Truck Center (Franklin Park, IL)	\$30,657.00
Elmhurst Ford (Elmhurst, IL)	\$30,744.00

Respectfully submitted,  
/s/ Patty Spencer  
 City Clerk

- e. BID, FOUR (4) 2009 UTILITY TRAILERS (City Clerk Spencer): Refer to the Public Works and Buildings Committee

February 3, 2009

TO: Mayor Marcucci and Members of the City Council  
 RE: Bids, Four (4) 2009 Utility Trailers

In response to an invitation to bid for Four (4) 2009 Utility Trailers advertised in the Elmhurst Press on Friday, January 16, 2009, bids were received from four area dealers.

Bids were opened at 10:00 a.m. on Tuesday, February 03, 2009, and following is a summary of the bids received:

<u>Dealer</u>	<u>Tilt Deck Machine Trailer</u>	<u>Enclosed Utility Trailer</u>	<u>Two Utility Tilt Dump Trailers</u>
Sauber Mfg. Company (Virgil, IL)	\$17,517.00	\$10,461.00	\$9,927.00
Mark's Machine Shop, Inc. (Sycamore, IL)	\$18,795.00	\$10,968.00	\$10,571.00
Regional Truck Equipment (Alsip, IL)	\$19,180.00	\$11,621.00	\$11,884.00
West Side Tractor Sales (Naperville, IL)	\$10,370.00	No bid	\$29,524.00

Respectfully submitted,  
/s/ Patty Spencer  
 City Clerk

- f. RESIDENTIAL SWIMMING POOL FENCING – ALDERMEN GUTENKAUF AND ROSE (City Manager Borchert): Refer to the Development, Planning and Zoning Committee

February 5, 2009

To: Mayor Marcucci and Members of the City Council  
 Re: Residential Swimming Pool Fencing - Aldermen Gutenkauf and Rose

It is respectfully requested that the attached request from Aldermen Diane Gutenkauf and Susan J. Rose be referred to the Development, Planning and Zoning Committee for their review, evaluation and subsequent recommendation to the City Council.

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

- g. TRAFFIC EVALUATION, PICK SUBDIVISION – ALDERMAN GUTENKAUF (City Manager Borchert): Refer to the Public Affairs and Safety Committee

February 5, 2009

To: Mayor Marcucci and Members of the City Council  
Re: Traffic Evaluation, Pick Subdivision – Ald. Gutenkauf

It is respectfully requested that the attached request from Alderman Diane Gutenkauf be referred to the Public Affairs and Safety Committee for their review, evaluation and subsequent recommendation to the City Council.

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

- h. REQUEST FOR THE EVALUATION OF THE APPROPRIATE TRAFFIC CONTROL DEVICE AT GRANTLEY AND WILLOW – ALDERMAN BRAM (City Manager Borchert): Refer to the Public Affairs and Safety Committee

February 4, 2009

To: Mayor Marcucci and Members of the City Council  
Re: Request for the Evaluation of the Appropriate Traffic Control Device at Grantley and Willow

It is respectfully requested that the attached memorandum from Alderman Bram regarding evaluation of traffic control at Grantley and Willow be referred to the Public Affairs and Safety Committee for their evaluation and recommendation back to the City Council.

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

- i. REPORT – BIDS, 2009-2011 UNIFORM SERVICES The following report of the Public Works and Buildings Committee was presented:

February 9, 2009

To: Mayor Marcucci and Members of the City Council  
Re: Bids, Uniform Services

The Public Works and Buildings Committee met on Monday, February 9, 2009, to discuss bids received for Uniform Services. An invitation to bid on this project was sent to five area contractors and advertised in local area newspapers. Five bids were received and are summarized below:

Contractor	Cost/Wk	Cost/Year
Arrow Uniform, Elmhurst, IL	\$182.62	\$9,496.24
G & K Services, Justice, IL	\$217.02	\$11,285.04
Aramark Uniform Services, Arlington Hts., IL	\$228.61	\$11,887.72
Unifirst Corp., Melrose Park, IL	\$263.82	\$13,718.64
Cintas Corporation, Romeoville, IL	\$270.83	\$14,083.16

The City provides and maintains work uniforms for 78 full-time employees in the Department of Public Works and the Department of Water and Waste Water. Specifications called for the supply of uniforms for a three-year period.

The low bidder, Arrow Uniform of Elmhurst, IL, currently provides uniforms for the City of Elmhurst Public Works Department.

Monies have been provided as follows: half in the General Fund, Account Number 110-6041-432-4062, and half in the Utility Fund, Account Number 510-6052-501-4062 for uniforms.

It is, therefore the recommendation of the Public Works and Buildings Committee that the bid submitted by Arrow Uniform in the amount of \$182.62/week for the rental and maintenance of uniforms for the Department of Public Works and the Department of Water and Waste Water 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

- j. REPORT – ENGINE IDLING POLICY The following report of the Public Affairs and Safety Committee was presented:

February 9, 2009

To: Mayor Marcucci and Members of the City Council  
Re: Engine Idling Policy

The Public Affairs and Safety Committee met on January 26, 2009 and again on February 9, 2009 to discuss a request by Aldermen Norm Leader and Susan Rose to investigate the need for a policy to reduce idling of vehicles due to the negative effect of idling on the environment, public health and the lifespan of the vehicle.

After a review of the issue and information including current Illinois law, the discussion focused on the educational and voluntary compliance perspective rather than on local ordinances which would mandate compliance and require city enforcement. The Public Affairs and Safety Committee discussed several avenues to increase public awareness and which are recommended to be pursued as follows:

- a. "The Front Porch" newsletter
- b. City website
- c. Collaboration with the Elmhurst Cool Cities organization
- d. Collaboration with School District 205, Elmhurst Park District and Elmhurst Public Library

The Committee reached a consensus position that a strong public awareness position was the preferred position in an approach consistent with the recently approved Elmhurst Sustainability Policy.

It is, therefore, the recommendation of the Public Affairs and Safety Committee that the City discourage engine idling in all its public education and information sharing venues, encourage each City department to find ways to reduce unnecessary idling without adversely affecting public safety and public service, and work with the Cool Cities Elmhurst collaborative to involve public and parochial schools and the community at large to seek voluntary compliance of no engine idling through public awareness and education.

Respectfully submitted,  
Public Affairs and Safety Committee

/s/ Mark A. Mulliner  
Chairman

/s/ Michael Bram  
Vice-Chairman

/s/ Chris Nybo

- k. REPORT – WIRELESS RADIO ALARM NETWORK The following report of the Public Affairs and Safety Committee was presented:

February 9, 2009

To: Mayor Marcucci and members of the City Council  
Re: Wireless Radio Alarm Network

The Public Affairs and Safety Committee met on February 9, 2009 to discuss the development of an Elmhurst Wireless Radio Alarm Network for the transmission of fire alarm signals to the Elmhurst

911 dispatch center (DuComm). Fire Chief Kopp was in attendance to present the concept as well as answer any questions of the committee.

The wireless radio alarm network will allow the conversion of current direct connect hardwire (dedicated phone line) alarm connections to become wireless through the use of radio transmission to DuComm. This proposal was brought forward due to the high incidence of false and trouble alarms due to phone line problems. The wireless radio alarm network has been proven as a more reliable and cost effective means of transmitting fire alarm signals.

The benefits of the wireless radio alarm network include:

- Customer service will improve because customers will not have to deal with phone lines and the issues that go along with those lines.
- Customers will pay one quarterly bill to the City of Elmhurst only.
- Connection can take place within 24 hours through the City of Elmhurst and their vendor.
- Trouble alarms caused by phone line problems will significantly decrease; there will still be some alarm problems, however, most problems are with phone lines.
- It will be easier to detect what the problem is, i.e., phone lines or alarm and the customer receiving bills for repair from both, still without problem resolution
- No modifications needed on existing fire alarm system
- No cessation of protection during upgrade and switchover
- Leased equipment is covered by a maintenance program
- Reduction of monthly alarm fees for subscribers (City of Elmhurst, Park District, School District, Churches, as well as all commercial and industrial subscribers)

This proposed program will necessitate an ordinance change requiring all current direct connect subscribers to convert over to the wireless radio alarm network. Currently City ordinance requires all new fire alarm systems or major fire alarm renovations to be direct connected to DuComm. The current ordinance also allows any subscriber to be connected to a central station monitoring company. At this time there are approximately 500 direct connect subscribers in Elmhurst.

With reliability being the biggest benefit, increased revenue for the City of Elmhurst cannot be overlooked. With the new system, revenue will assist in offsetting dispatching and fire suppression costs. The funding for the wireless network is in the proposed 09/10 capital budget for the amount of \$950,000. The proposed program has a 5 year payback and includes a 4.25% financing charge paid back to the capital improvement fund. The projected revenue, based on 500 radio alarms, is \$146,000 per year for the first 5 years. After 5 years the revenue is projected to be \$350,000. The Committee also agreed that the subscriber fee would be reviewed on an annual basis.

The planned implementation of this network is August 1, 2009. To allow this the following is a brief timeline of events to meet that target.

February	City Council approval of wireless radio alarm network concept. Development, Planning and Zoning Committee consideration of ordinance change requiring radio alarm network connection for Council approval thereafter. Develop and issue Requests for Proposals for radio alarm vendor.
March	Selected vendor to Public Affairs and Safety Committee for approval
April	City Council approval of radio alarm vendor. City Council approval of subscriber fees.
May 1	City council approval of \$950,000 budget to set up radio alarm network.
May 15	Send letter, along with subscriber service contract to all current direct connect subscribers notifying them they will need to change to the Elmhurst radio alarm network within six months of August 1, 2009.
June	Purchase and install head end equipment. (City required equipment to receive radio alarms)
July	Install radio alarms in all municipal buildings.

August 1      Cut over to new system.

It is therefore, the recommendation of the Public Affairs and Safety Committee that the City Council approve generally the proposed wireless radio alarm network, and furthermore, that steps be taken, as appropriate, to bring the above timeline of committee and Council review and approval forward as necessary.

Respectfully submitted,  
Public Affairs and Safety Committee

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

1. REPORT – AUDIT SERVICES PROPOSALS The following report of the Finance, Council Affairs and Administrative Services Committee was presented:

February 10, 2009

To: Mayor Marcucci and Members of the City Council  
Re: Audit Services Proposals

The Finance, Council Affairs and Administrative Services Committee met February 9, 2009 to review proposals received from four auditing firms to perform an audit of the City's financial statements for the fiscal year ending April 30, 2009. The following firms submitted proposals:

<u>Firm</u>	<u>Required Reports</u> <u>Proposal Fee</u>
Sikich LLP	\$29,350
Wolf & Company, LLP	\$31,450
O'Neill & Gaspardo, LLC	\$44,500
Crowe Horwath, LLP	\$48,700

Sikich LLP has been the City's auditor for the last seven years. The proposal fee from Sikich is one percent greater than the prior year fee. Prior to Sikich LLP, the City's auditor was Crowe Chizek and Company for seven years.

The audit firms stated above were reviewed in the areas of professional experience in municipal audits, commitment to governmental auditing practice, technical expertise and ability to support the goal of receiving the Certificate of Achievement for Excellence in Financial Reporting. Proposals were requested for the fiscal 2008-09 audit, with the option to audit the City's financial statements for each of the three subsequent fiscal years. A separate quote for performing a single audit, should one be required pursuant to the Single Audit Act of 1984 (as amended in 1996), was also requested. A single audit is required if the City receives greater than \$500,000 in Federal grants or loans in a fiscal year. A single audit was required for the City of Elmhurst for fiscal 2006; a single audit is not anticipated for fiscal 2008-09. The attached schedule provides detail of the fees quoted for each of the four fiscal years covered by the request for proposals, for each firm.

Staff recommended the firm of Sikich LLP be retained to perform the audit for fiscal year ending April 30, 2009, with the option to audit the City's financial statements for the three subsequent fiscal years. The audits performed by Sikich LLP in the past for the City of Elmhurst have been conducted in a professional, timely and efficient manner, and Sikich LLP has worked well with City staff and has supported the City's goal of achieving the Certificate of Achievement for Excellence in Financial Reporting, which the City has received for eighteen consecutive years. Sikich LLP also worked closely with City staff during the implementation of GASB Statement #34. The Finance Committee concurs with staff recommendation.

It is, therefore, the recommendation of the Finance, Council Affairs and Administrative Services Committee that the City Council approve Sikich LLP to perform an audit of the financial statements of the City of Elmhurst for the fiscal year ending April 30, 2009 in accordance with the laws and

terms as specified in their proposal dated January 29, 2009, for a fee of \$29,350, with the option to conduct the audit for the subsequent three years.

Respectfully submitted,  
Finance, Council Affairs and  
Administrative Services Committee

/s/ George Szczepaniak

Chairman

/s/ Stephen Hipskind

Vice-Chairman

/s/ Moira Moriarty

/s/ Steven Morley

- m. REPORT – HISTORIC PRESERVATION COMMISSION – PROPERTY TAX FREEZE PROGRAM The following report of the Development Planning and Zoning Committee was presented:

January 27, 2009

TO: Mayor Marcucci and Members of the City Council

RE: Historic Preservation Commission – Property Tax Freeze Program

Request by the Elmhurst Historic Preservation Commission (HPC) for City participation in the Property Tax Assessment Freeze Program, including authorizing the Mayor to sign a letter to the Illinois Historic Preservation Agency (IHPA) requesting IHPA approval of the City of Elmhurst Historic Preservation Ordinance.

The Development, Planning and Zoning Committee met on January 26, 2009 to review the Historic Preservation Commission report dated January 21, 2009 regarding the subject request. The Committee also reviewed documentation about the program published by the IHPA and distributed by City Staff. The Committee discussed the merits of Program participation, and how it will benefit historic preservation efforts within the Elmhurst community.

Approval of City participation in the Program (through a resolution) would allow for historic homes designated as local landmarks to qualify for the Property Tax Assessment Freeze. While properties that are on the National Register of Historic Places may already apply for this program, this creates a new avenue for local homeowners to seek a financial benefit for their historic preservation efforts.

During discussion, the Committee reviewed the process for receiving local landmark status, which requires Historic Preservation Commission review, with subsequent DPZ Committee review and final action by the City Council. The Committee also learned that this program would apply to the assessments for subject properties, and not to actual tax rates, which may fluctuate over time. They also learned that the assessment becomes frozen for the 8-year period at the beginning of the time period that rehabilitation efforts commence. In general, the following steps are necessary to allow homeowner participation in the Property Tax Assessment Freeze Program:

- 1) Historic Preservation Ordinance creation by the City of Elmhurst (***completed; ordinance approved October 16, 2006***);
- 2) City approval of Program participation including letter from the Mayor to the IHPA requesting approval of the local resolution (***current request***);
- 3) IHPA approval of the local resolution (***next task***);
- 4) Local landmark or federal landmark designation of an Elmhurst private residence (***addressed upon homeowner submittal of application and local review***);
- 5) Application by designated homeowner to the IHPA for conditional approval of rehabilitation plans (***by homeowner***);
- 6) When rehabilitation is completed, homeowner request for final approval by the IHPA (***by homeowner***).

In conclusion, it is the recommendation of the Development, Planning and Zoning Committee that the City Council approve a resolution for City participation in the Property Tax Assessment Freeze Program, and authorize the Mayor's signature on a letter to the IHPA requesting their authorization of City participation. The City Attorney is hereby directed to prepare the necessary documents for City Council approval.

Respectfully submitted,  
Development, Planning and Zoning  
Committee

/s/ Susan J. Rose

Chairman

/s/ Norman Leader

Vice-Chairman

/s/ Diane Gutenkauf

- n. REPORT – CASE NUMBER 09 P-01/TIMOTHY CHRISTIAN AMENDED CONDITIONAL USE  
The following report of the Development Planning and Zoning Committee was presented:

February 10, 2009

TO: Mayor Marcucci and Members of the City Council

RE: Case Number 09 P-01/Timothy Christian Amended Conditional Use

Request for an Amended Conditional Use Permit for the purpose of constructing additions to existing classroom buildings on property commonly known as 188 W. Butterfield Road.

The Development, Planning and Zoning Committee met on February 10, 2009, to review the application and information regarding the subject request. This included application documents and plans supplied by the applicant, and the public hearing transcript for this request.

The Committee began review by emphasizing that this request includes no variations at all. They noted that the proposal meets applicable requirements, except that schools require conditional use approval in this district (R1). The Committee reviewed the layout/floor plan of the school, and the applicant discussed the new layout, which includes several additional classrooms in the elementary and high school areas. Other aspects of the project were also noted as follows:

- The DPZ also noted that these permanent additions will replace modular structures that the school has been using for several years.
- New layout for bus routes on site, which the Committee observed will be simpler than the existing routes.
- The applicants noted that they hope to begin construction of the additions as soon as fundraising allows them to do so.

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

Respectfully submitted,  
Development, Planning and Zoning  
Committee

/s/ Susan J. Rose

Chairman

/s/ Norman Leader

Vice-Chairman

/us/ Diane Gutenkauf

- o. O-04-2009 – AN ORDINANCE PROPOSING THE ESTABLISHMENT OF A SPECIAL SERVICE AREA IN THE CITY OF ELMHURST AND PROVIDING FOR A PUBLIC HEARING AND OTHER PROCEDURES IN CONNECTION THEREWITH (GLADYS AVENUE)

Ordinance O-04-2009 was presented for passage.

- p. MCO-01-2009 – AN ORDINANCE DESIGNATING WESTBOUND EGGLESTON AVENUE AT ARGYLE AVENUE, SOUTH- AND NORTHBOUND PARKSIDE AVENUE AT EGGLESTON AVENUE AND SOUTH- AND NORTHBOUND MITCHELL AVENUE AT EGGLESTON AVENUE AS YIELD RIGHT-OF-WAY STREETS

Ordinance MCO-01-2009 was presented for passage.

- q. MCO-02-2009 – AN ORDINANCE IMPOSING PARKING RESTRICTIONS ON PORTIONS OF BERKLEY AVENUE AND RANDOLPH STREET

Ordinance MCO-02-2009 was presented for passage.

- r. MCO-03-2009 – AN ORDINANCE IMPOSING PARKING RESTRICTIONS ON A PORTION OF COTTAGE HILL AVENUE

Ordinance MCO-03-2009 was presented for passage.

- s. R-04-2009 – A RESOLUTION APPROVING A REVISED INVESTMENT POLICY FOR THE CITY OF ELMHURST

Resolution R-04-2009 was presented for passage.

- t. R-06-2009 - A RESOLUTION APPROVING AND AUTHORIZING THE RELEASE OF CLOSED SESSION MINUTES FOR MEETINGS HELD BETWEEN JUNE 14, 1993 AND OCTOBER 6, 2008

Resolution R-06-2009 was presented for passage.

- u. R-07-2009 – A RESOLUTION APPROVING AN AMENDMENT TO THE PARKING LOT LEASE DATED SEPTEMBER 1, 2002 BETWEEN CITY OF ELMHURST, LESSOR, AND ELMHURST FAMILY YMCA/YMCA OF METROPOLITAN CHICAGO, LESSEE

Resolution R-07-2009 was presented for passage.

Alderman Gutenkauf pulled item **6k. Report – Wireless Radio Alarm Network**. Alderman Rose pulled item **6m. Report – Historic Preservation Commission – Property Tax Freeze Program**.

Alderman Hipskind moved to accept the contents of the Consent Agenda less items **6k. Report – Wireless Radio Alarm Network** and **6m. Report – Historic Preservation Commission – Property Tax Freeze Program**. Alderman Mulliner seconded. Voice vote unanimous, motion carried. Alderman Gutenkauf moved to approve the contents of the Consent Agenda less items **6k. Report – Wireless Radio Alarm Network** and **6m. Report – Historic Preservation Commission – Property Tax Freeze Program**. Alderman Moriarty seconded. Roll call vote:

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

Nays: None

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

Alderman Mulliner moved to approve item **6k. Report – Wireless Radio Alarm Network**. Alderman Bram seconded.

Alderman Mulliner reviewed item **6k. Report – Wireless Radio Alarm Network** stating wireless technology is more reliable and a change to wireless will provide better reliability, fewer false alarms and a reduced rate for users.

Alderman Gutenkauf stated she removed item **6k. Report – Wireless Radio Alarm Network** due to budget concerns. She stated the cost to the City in the first year is almost \$1million. What guarantee is there that the projected amount of users will be registered for the program?

Questions and comments came from around the dais. Fire Chief Kopp came to the podium to help facilitate answering questions and to address the concerns aldermen expressed regarding clients receiving the proper notice and the planned implementation of this network.

Discussion ensued regarding the cost of the program to the user and the projected revenue to the City over time.

Roll call vote on item **6k. Report – Wireless Radio Alarm Network:**

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

Nays: None

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

Alderman Rose moved to approve item **6m. Report – Historic Preservation Commission – Property Tax Freeze Program.** Alderman Leader seconded.

Alderman Rose stated she pulled item **6m. Report – Historic Preservation Commission – Property Tax Freeze Program** to promote the Historic Preservation Ordinance. City participation through a resolution would allow for historic homes designated as local landmarks to qualify for a property tax assessment freeze. She stated in terms of homes in the process of remodeling, the assessment becomes frozen for an eight (8) year period beginning at the time the rehabilitation efforts start. After the eight (8) years it would take another four (4) years for the assessment to rise, therefore, twelve (12) years for the assessment to be frozen.

Alderman Gow stated that he thinks it is a good incentive and a good idea.

Roll call vote on item **6m. Report – Historic Preservation Commission – Property Tax Freeze Program:**

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

Nays: None

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

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

### 7. a. REPORT FROM THE YOUTH COMMISSION (Kathleen Gusloff)

Commission member Kathleen Gusloff presented the 2008 Annual Report of the Youth Commission. The report focused on the goals and mission of the commission, current community involvement and looking ahead to future projects. She reviewed the following community involvement:

- Volunteer Service Awards
- New Website
- Red Ribbon Breakfast
- Youth Mentoring
- Assistance to Social Workers
- Snowball
- Post Prom at York High School
- YMCA Teen Programs
- Peer Jury

Mayor Marcucci thanked Ms. Gusloff and all the volunteers on the Youth Commission for their commitment to the young people of our community.

Alderman Nybo stated he knows Alderman Mulliner is an ex-officio member of the commission but would like to see more involvement by the Council as a whole with the Youth Commission. He suggested greater involvement with the student driving programs to keep the area neighborhoods safe. He also suggested involvement of young residents at Youth Commission meetings.

b. UPDATES (Mayor Marcucci)

Mayor Marcucci stated he attended the DuPage Mayors and Managers Conference monthly meeting last week. The meeting was a chance to get acquainted with the new DuPage County Board members. The Mayor said the evening was productive. He stated Salt Creek was also discussed. Mayor Marcucci stated when the issue of Salt Creek is looked at, he hopes everyone keeps in mind everything Elmhurst has done toward flood mitigation.

**ORDINANCES**

8. a. O-06-2009 – AN ORDINANCE APPROVING A DEVELOPMENT, LOAN AND PURCHASE AND SALE AGREEMENT FOR THE ADDISON CORRIDOR REDEVELOPMENT PROJECT WITHIN THE DOWNTOWN TIF DISTRICT (THORNE AND ATHAR PARCELS)

Ordinance O-06-2009 was presented for passage.

Alderman Rose moved to approve item **8a. O-06-2009 – An Ordinance Approving a Development, Loan and Purchase and Sale Agreement for the Addison Corridor Redevelopment Project Within the Downtown TIF District (Thorne and Athar Parcels)**. Alderman Mulliner seconded.

Alderman Morley asked for clarification on the document.

City Attorney Kubiesa summarized the agreement stating it is a loan agreement and real estate contract for a \$3.5million loan from the City of Elmhurst with an assignment of \$970,000 for the Athar property and a contract for a future structure to be built on the Thorne & Athar properties prior to 2013. The structure will then be sold to the developer.

City Manager Borchert stated the City is financing the project from the Capital Improvement Fund and TIF dollars not money from the General Fund. He stated Elmhurst is preparing for a better future by participating in this public/private partnership project.

City Manager Borchert stated the development group DevCom and construction company Arco/Murray will develop the property with City oversight and approval. They will work with the Council and the Larch Avenue neighbors. The construction manager will put the project out to bid.

Mayor Marcucci acknowledged that the hand out from the Written Communications of the Public portion of tonight's meeting asked questions that residents would like incorporated into the discussion on item **8a. O-06-2009 – An Ordinance Approving a Development, Loan and Purchase and Sale Agreement for the Addison Corridor Redevelopment Project Within the Downtown TIF District (Thorne and Athar Parcels)**.

Alderman Morley stated for clarification the purchase of the Throne and Athar properties is a real estate transaction for property only and a contract will be forthcoming within thirty (30) days. He asked what happens to the property in the event that the Council and developers can not come to an agreement?

City Attorney Kubiesa stated it would be a court decision that could take several years.

Alderman Szczepaniak stated this is a no bid deal, without an RFP. He stated this is a one stop shop dictated by the developer and asked who is in the LLC?

City Manager Borchert handed out a list of members, managers and holders of any interest in the Addison Corridor Development LLC. Discussion ensued.

Alderman Bram referenced page 3 of the Development Agreement and asked was this part of the exhibit before tonight? In the attachment Exhibit E for example, the City gives more to the "Cold Dark Shell." He stated what the City will give or get isn't much in return. The amendment shows no benefit until 2013.

Alderman Nybo stated by statute they are not required to go out to bid, the LLC only came into existence today.

Alderman Shea asked is this a listing of partners with holdings of non-transferable 10% interest or greater?

Mr. Hollingsworth replied yes.

Discussion ensued regarding the tenants and leases at the Throne property.

Alderman Shea asked if it is a conflict of interest that Mr. Hiffman serves on the Elmhurst Economic Development Commission (EEDC).

City Manager Borchert stated Mr. Hiffman volunteers to serve on the EEDC, which has no access to privileged information. His service to the community is in no way a conflict of interest.

Alderman Gutenkauf asked for clarification on page 2 section 4 of the ordinance.

City Manager Borchert stated the money for the Thorne property is from the Capital Improvement fund, the loan is secure. The money in the Parking Fund comes mostly from TIF \$2.5 - \$5million cap plan. 2011 Bond Issue revenue stream capital improvement fund and TIF payback.

Discussion ensued.

Alderman Szczepaniak stated he is in favor of the project but Council needs to do what is best for the taxpayers. An RFP should have been issued, the project should have gone out to bid.

Mayor Marcucci called for a point of information. He asked Council if they knew there were people representing the LLC in the Council Chambers this evening. Council replied no.

Alderman Lomnick referred to page 19 article 4, who holds the lease to Athar and who assumes and dissolves the LLC.

City Attorney Kubiesa stated the contractor will terminate and vacate before we purchase the property and take ownership.

Alderman Gow asked for an explanation as to why Alderman Szczepaniak is correct in calling this a no bid contract.

City Manager Borchert stated DevCom uses a private management team, Arco/Murray Construction. The professional fees proposed and any fee for service proposals will be reviewed.

Alderman Szczepaniak soft in environmental issues Phase 1 or Phase 2, environmental studies.

City Manager Borchert Phase 1 on Thorne, the City is conducting its own study on Athar and found no risk on the history of Athar site.

Alderman Szczepaniak asked how many people in the LLC represent Arco/Murray?

Mr. Hiffman stated himself and five (5) others.

Alderman Gutenkauf stated stages of construction and all the properties are linked and asked why they are not discussed tonight.

City Manager Borchert replied it's found in the Comprehensive Plan. The need for parking in the Central Business District and the Hurley property are linked.

Discussion ensued.

Alderman Szczepaniak asked why waiting for 2013 to start.

City Manager Borchert replied the last lease on the Thorne property will end in 2013 and will be fully vacated.

Roll call vote on item **8a. O-06-2009 – An Ordinance Approving a Development, Loan and Purchase and Sale Agreement for the Addison Corridor Redevelopment Project Within the Downtown TIF District (Thorne and Athar Parcels):**

Ayes: Rose, Mulliner Regan, Leader, Gow, Hipskind, Moriarty, Nybo, Morley, Lomnicki

Nays: Gutenkauf, Shea, Bram, Szczepaniak

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

### **OTHER BUSINESS**

9. Alderman Szczepaniak stated residents have wanted to look at the video of the September 2, 2008 meeting regarding the Home Rule Sales Tax versus the proponents of the real estate tax increase but it is not available on the website. He asked if the meetings were available on VHS tape or DVD at the Library.

City Manager Borchert stated that all the Council meetings should be available online and he would look into the situation.

### **ANNOUNCEMENTS**

10. None.

### **ADJOURNMENT**

11. Alderman Morley moved to adjourn the meeting. Aldermen Gutenkauf seconded. Voice Vote. Motion carried. Meeting adjourned 10:15 p.m.

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Thomas D. Marcucci, Mayor

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Patty Spencer, City Clerk