

**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF ELMHURST, ILLINOIS
HELD ON MONDAY, MARCH 2, 2009
209 NORTH YORK STREET
ELMHURST, ILLINOIS**

CALL TO ORDER/PLEDGE OF ALLEGIANCE/ROLL CALL

Attendance: 50

1. In the absence of Mayor Marcucci the Regular Meeting of the Elmhurst City Council was called to order by City Clerk Spencer at 7:34 p.m.

Present: 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: Michael J. Regan

Also in Attendance: City Treasurer Pigoni, City Attorney Kubiesa, City Manager Borchert, Fire Chief Kopp, Finance and Administration Director Gaston, Assistant Finance and Administration Director Trosien

City Clerk Spencer asked for a motion and second to appoint a Mayor Pro-Tempore for tonight's meeting.

Alderman Mulliner stated in the tradition that the longest sitting alderman acts as Mayor Pro-tempore in the absence of the Mayor, he moved to appoint Alderman Rose Mayor Pro-Tempore for tonight's meeting. Alderman Hipskind seconded. Voice vote, motion carried.

Alderman Szczepaniak moved to reconsider the motion on the floor to suspend with tradition and appoint Alderman Gow to act as Mayor Pro-Tempore. Alderman Gutenkauf seconded.

Alderman Nybo, point of order, is there any discussion on the motion.

Alderman Nybo stated he opposed the motion. He stated keep with Council's tradition and get to the flood issues and the people who are waiting to speak in Public Forum.

Roll call vote to reconsider the motion on the floor to suspend with tradition and appoint Alderman Gow to act as Mayor Pro-Tempore:

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

Nays: Hipskind, Nybo

Abstain: Gow

Results: 11 ayes, 2 nays, 1 absent
Motion duly carried

Alderman Gutenkauf moved to appoint Alderman Gow Mayor Pro-Tempore for tonight's meeting. Alderman Szczepaniak seconded.

Alderman Rose, point of order, is there any discussion on the motion.

Voice vote to appoint Alderman Gow Mayor Pro-Tempore for tonight's meeting, motion carried.

RECEIPT OF WRITTEN COMMUNICATIONS AND PETITIONS FROM THE PUBLIC

2. A packet of letters entitled "A Letter to the Elmhurst City Council From the Neighbors of Pine Street" was submitted during the Receipt of Written Communications from the Public portion of the regularly scheduled meeting of the Elmhurst City Council on Monday, March 2, 2009. The letters discuss new flooding issues on Pine Street. The residents also submitted photographs of their street and homes flooding after storms in September 2008.

PUBLIC FORUM

3. Sean Laughlin
436 Park Ave.
Elmhurst, IL 60126

Spoke regarding the three (3) major rainstorms in Elmhurst since August 2008. He asked what can the City do about the sewers backing up. He asked for some information on the subject.

Paul Skenazl
118 Pine St.
Elmhurst, IL 60126

Spoke regarding the most recent rainfall and the history of flooding in his neighborhood. He spoke about the recent storm and sewer backups stating it appears to be an infrastructure problem. He stated he is representing his neighbors and they are at the boiling point of this situation.

Paul Guerino
836 Emroy Ave.
Elmhurst, IL 60126

Spoke regarding the Emerald Ash Borer and the Asian Long Horn Beetle stating a display from the Field Museum on the beetle will be on display at four of the Elmhurst elementary schools.

Kristin Boxall
120 Pine St.
Elmhurst, IL 60126

Spoke regarding the recent flooding stating the value of her home is decreasing due to flood issues.

Scott Levin
393 S. Arlington Ave.
Elmhurst, IL 60126

Spoke regarding the flooding at the train station stating the water was so high he had to remove his shoes and socks. When he went home he looked at the City website but there wasn't any guidance from the City as to where flooding was occurring or how to report it. He stated residents were calling him stating that they called 911 and got a busy signal. He stated the City needs to address the 911 problem. The City should post information and do a better job communicating with residents during an emergency or non-emergency event.

Todd Holland
416 Huntington Lane
Elmhurst, IL 60126

Spoke regarding the flooding last week and the two (2) other flood events and sanitary sewer backups since late 2008, asking what can be done.

Thomas Dietz
110 Pine St.
Elmhurst, IL 60126

Spoke regarding the 18 inches of sanitary sewage in his home. He stated there is an infrastructure problem and stated residents want to work with the City to end the problem.

Tim Homan
414 Huntington Lane
Elmhurst, IL 60126

Spoke regarding the most recent flooding stating he is here to support his neighbors in asking for the City to take action.

Erin Merdibles
436 Huntington Lane
Elmhurst, IL 60126

Spoke regarding the four (4) floods with sanitary sewer backups that have taken place since August 2008.

Patricia Reginelli
129 Pine St.
Elmhurst, IL 60126

Spoke regarding the most recent flooding, stating they installed an overhead sewer system and still got water. Then they put drain tile outside and the water goes right into their finished basement.

Charles Cunningham
136 Pine St.
Elmhurst, IL 60126

Spoke regarding the flooding and how it has gotten worse through the years. He asked the City to do something.

Judy Rink
114 Pine St.
Elmhurst, IL 60126

Spoke regarding the flooding in September, December and February stating things have to change. She implored the Council to do something about the flooding.

Kevin O'Reilly
893 Fairfield Ave.
Elmhurst, IL 60126

Asked why he can't find email addresses for the aldermen on the City website? He stated 2 ½ years ago there was 8 inches of raw sewage in his finished basement at 776 Spring Rd. due to sanitary sewer backup. He asked, why the problem is becoming worse and why is this not preventable? What is the City going to do to alleviate the problem?

Jim Joyce
130 Pine St.
Elmhurst, IL 60126

Spoke regarding the flooding and stated he is not eligible for flood insurance. He asked the City to please take care of the problem.

Donna Wilbur
117 Pine St.
Elmhurst, IL 60126

Spoke regarding the three (3) flood events and asked the City for help.

James Whaley
360 Eggleston Ave.
Elmhurst, IL 60126

Spoke regarding the flooding problems since last September, stating his daughter lives at 763 Indiana and had 14 inches of raw sewage in her home after the last storm. It is the third time she has had problems since September. He asked what has the City done to the infrastructure of the community to cause these problems.

City Manager Borchert addressed the residents who spoke on flooding issues. He stated the Public Works Department will be brought in to review the situation. Each resident affected will be contacted with the City's evaluation of the situation. The City will hold meetings with residents of Pine Street to resolve these problems affecting both City and private property.

CONSENT AGENDA

4. The following items on the Consent Agenda were presented:
 - a. MINUTES OF REGULAR MEETING HELD ON TUESDAY, FEBRUARY 17, 2009 (City Clerk Spencer): Approve as published
 - b. MINUTES OF THE EXECUTIVE SESSION HELD ON MONDAY, FEBRUARY 2, 2009 (City Clerk Spencer): Receive and place on file
 - c. MINUTES OF THE EXECUTIVE SESSION HELD ON TUESDAY, FEBRUARY 17, 2009 (City Clerk Spencer): Receive and place on file
 - d. ACCOUNTS PAYABLE – FEBRUARY 28, 2009 TOTAL \$ 4,573,996.65
 - e. COMED VALLETTE STREET SUBSTATION SNOW REMOVAL ORDINANCE (City Manager Borchert): Refer to the Public Affairs and Safety Committee

February 23, 2009

To: Mayor Marcucci and Members of the City Council
Re: ComEd Vallette Street Substation Snow Removal Ordinance

It is respectfully requested that the attached memorandum from Alderman Nybo regarding evaluation of snow and ice removal on public sidewalks adjacent to the ComEd Vallette Street substation be referred to the Public Affairs and Safety Committee for their evaluation and recommendation to the City Council.

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

- f. REPORT – YORK STREET AT BRUSH HILL ROAD INTERSECTION IMPROVEMENTS PHASE I ENGINEERING – TRANSYSTEMS PROPOSAL The following report of the Public Works and Buildings Committee was presented:

February 23, 2009

To: Mayor Marcucci and Members of the City Council
Re: York Street at Brush Hill Road Intersection Improvements Phase I Engineering – TranSystems Proposal

The Public Works and Buildings Committee met on Monday, February 23, 2009 to discuss a proposal received from TranSystems for professional engineering services for design of York Street at Brush Hill Road intersection improvements.

The improvements include reconfiguring the existing intersection and ramp at Brush Hill Road to provide southbound York Street access to westbound Illinois Route 38 (Roosevelt Road). The project limits extend from the north approach of the Illinois Route 38 bridge to Lexington Street. Traffic signals will be modified at York and Brush Hill and added at York and Harvard. Pavement construction, resurfacing and striping on York Street will be performed to accommodate the new intersection configuration.

TranSystems will assist the City in the preparation of Federal STP funding application in the summer of 2009. Federal STP funding for construction is approved through the DuPage Mayors and Managers Conference (DMMC). At this time Phase I and II engineering will be locally funded. DMMC does not allow STP dollars to be used for engineering. In 2010, TranSystems will prepare a Congestion Mitigation Air Quality (CMAQ) funding application requesting 80% funding for Phase

II and III engineering. Completing the Phase I engineering will increase the project readiness score and subsequently the chances for being successful at obtaining additional funding.

Phase I engineering services will include project coordination and data collection, field surveys, traffic and accident analysis, preliminary design studies, drainage studies, environmental studies, a preferred improvement plan, City, IDOT and public meetings, and a project development report. As STP funds are anticipated to be utilized for construction, a Phase I engineering study in accordance with Illinois Department of Transportation procedures for Federal-Aid project implementation will be required. This project is anticipated to be bid through the Illinois Department of Transportation in fall 2010.

TranSystems has proposed to do this work on a cost plus fixed fee basis with a total cost not to exceed \$147,084.61. See attached proposal for consultant services and fees. These rates are consistent with fees for professional services on similar projects. TranSystems has completed similar work for the City in the past on various City projects in a satisfactory and professional manner. Monies for this project have been provided in the FY 2008/09 Budget, Account Number 100-6048-513-80-25 in the amount of \$175,000.

It is, therefore, the recommendation of the Public Works and Building Committee that the Phase I Engineering Proposal from TranSystems Corporation for the York Street at Brush Hill Road Intersection Improvements in the amount not to exceed \$147,084.61 be accepted.

Respectfully submitted,
Public Works and Building Committee

/s/ John E. Gow
Chairman

/us/ Michael Regan
Vice-Chairman

/s/ Donna Lomnicki

/s/ Pat Shea

- g. REPORT – POLICY FOR VACATING CITY RIGHT OF WAY The following report of the Public Works and Buildings Committee was presented:

February 23, 2009

To: Mayor Marcucci and Members of the City Council
Re: Policy for Vacating City Right of Way

The Public Works and Buildings Committee has met several times including Monday, February 9, 2009 to review the City's policy on vacating Right of Way (ROW).

In an effort to standardize the City's approach to vacating ROW within the City the Public Works and Buildings Committee arrived at the following policy to serve as a guideline for future requests for the vacation of City ROW. This policy is designed to provide a framework to evaluate a vacation request but does not mandate that the Committee assign a charge.

ROW vacation requests are generally reviewed by the Public Works and Buildings Committee. The Committee shall determine the appropriateness of a vacation. Once the Committee determines that it is appropriate to vacate a piece of ROW, the Committee must then decide what amount if any the City will charge for the land. In all cases, costs incurred by the City such as attorney's fees, survey costs, etc. shall be paid for by the party requesting the vacation.

In order to decide what that charge might be the Committee has determined that the following process be utilized. The basis for assigning a value to a certain piece of ROW will be the Equalized Assessed Value (EAV) of the land only as determined by the Township Assessor's Office of the adjacent property. This was determined to be appropriate as the EAV as established by the Assessor's Office already incorporates all of the factors that determine the value of a piece of property such as location and zoning.

The Committee also determined that the starting point of any discussions regarding the value of a proposed vacated piece of property would be 50% of the EAV (land only) times the square footage of the parcel to be vacated.

Starting with 50% of the EAV the Committee will look at factors that influence the amount charged for the land. As an example, if a piece of ROW to be vacated created a new buildable lot that would tend to increase the value of the land being vacated. Conversely, if the piece contained a significant liability for the City that could reduce the value, the City would be more interested in eliminating the potential exposure. The Committee feels that while any number of factors could come into play, establishing a starting point will lend additional structure to the financial discussions.

It is, therefore, the recommendation of the Public Works and Buildings Committee that the above described policy on vacating be adopted.

Respectfully submitted,
Public Works and Building Committee

/s/ John E. Gow
Chairman

/us/ Michael Regan
Vice-Chairman

/s/ Donna Lomnicki

/s/ Pat Shea

h. REPORT – INCREASE IN FINES FOR CANNABIS AND DRUG PARAPHERNALIA OFFENSES The following report of the Public Affairs and Safety Committee was presented:

TO: Mayor Marcucci and Members of the City Council
RE: Increase in Fines for Cannabis and Drug Paraphernalia Offenses

The Public Affairs & Safety Committee met on February 23, 2009 to discuss an increase in fines for violations of the cannabis and drug paraphernalia ordinances. This request originated with the Police Department and City Attorney's Office.

Under the current ordinances, the fines are as follows:

Use/Possession of Cannabis \$200 to \$1,000 for up to 10 grams
\$300 to \$1,000 for more than 10 but less than 30 grams

Sale, Production and Possession of Drug Paraphernalia \$250 to \$1,000

For traffic cases, the current total of fines and costs is \$285.00. The concern is that violations of the cannabis and drug paraphernalia are far more serious than a routine traffic offenses. Under State statute, the fine for drug paraphernalia violations is \$750.

Proposed fines would be as follows:

Use/Possession of Cannabis (less than 30 grams) \$500 to \$1,000

Sale, Production & Possession of Drug Paraphernalia \$750 to \$1,000

After discussion, the Committee agreed that the fines should be increased so as not to diminish the severity of the offenses and that doing so will discourage the use of cannabis and drug paraphernalia. Draft ordinances are attached.

It is, therefore, the recommendation of the Public Affairs and Safety Committee that the fines for violation of the cannabis and drug paraphernalia ordinances should be increased as outlined and that the City Attorney be directed to place the draft ordinances in final form for Council consideration.

Respectfully submitted,
Public Affairs and Safety Committee

/s/ Mark A. Mulliner

Chairman

/s/ Michael Bram

Vice-Chairman

/s/ Chris Nybo

i. REPORT – PARKING CHANGES FOR COMMONWEALTH LANE AND SUNSET AVENUE

The following report of the Public Affairs and Safety Committee was presented:

February 24, 2009

To: Mayor Marcucci and Members of the City Council

RE: Parking Changes for Commonwealth Lane and Sunset Avenue

The Public Affairs and Safety Committee met on January 12, 2009 and again on February 23, 2009 to discuss a request to change the current parking configuration on Commonwealth Lane, between Butterfield Frontage west to the dead end and on Beverly and Sunset between Avery and Commonwealth Lanes. This request came from an area resident and was made due to traffic parking in both directions on Commonwealth Lane, Beverly and Sunset Avenues during times of peak activities at Eldridge Park on weekday evenings and weekend days during park activities.

The Engineering Division sent out surveys to residents on Commonwealth Lane, Beverly Avenue, and Sunset Avenue to gain their input on proposed changes to the current parking configuration. The survey is in response to residential concerns regarding the need to improve emergency vehicle access, limit street congestion, and allow easier access to residential driveways.

After a review of the residential response to surveys, city staff recommended the following changes:

- Commonwealth Lane – Butterfield Frontage to the Cul-de-sac - “No Parking This Side of Street” on the south/west side of Commonwealth Lane.
- Sunset Avenue – Commonwealth Lane North to the Dead End - “No Parking This Side of Street” on the south/east side of Sunset Avenue.
- Beverly Avenue – Avery to Commonwealth Lane – “No Parking This Side of Street” on south/east side of Beverly Avenue.

The Public Affairs and Safety Committee concurred with the recommendations by city staff.

It is therefore, the recommendation of the Public Affairs and Safety Committee that the appropriate ordinance be drafted and adopted by the City Council to prohibit parking on Commonwealth Lane – Butterfield Frontage to the Cul-de-sac, Sunset Avenue – Commonwealth Lane to the Dead End and Beverly Avenue – Avery to Commonwealth Lane.

Respectfully submitted,
Public Affairs and Safety Committee

/s/ Mark A. Mulliner

Chairman

/us/ Michael Bram

Vice-Chairman

/s/ Chris Nybo

j. REPORT – AT&T CENTREX AGREEMENT EXTENSION The following report of the Finance, Council Affairs and Administrative Services Committee was presented:

February 24, 2009

To: Mayor Marcucci and Members of the City Council

Re: AT&T Centrex Agreement Extension

The Finance, Council Affairs, and Administrative Services Committee met on Feb 23, 2009 to review the AT&T Centrex Agreement Extension.

The City of Elmhurst contracted with Wilson Consulting to review the City's current telephone service agreement with AT&T. The current agreement will expire in March 2009. Wilson Consulting has prepared a Request for Proposal for Telephone Company Service for the City. These services include analog centrex, digital isdn centrex, analog pots, point to point alarm circuits, radio circuits, and local calling service (A, B, C).

Due to the nature of time and scheduling with AT&T, it was determined that a six month extension of the current agreement was needed. AT&T has agreed to a six month extension at current agreement costs. The January invoice for AT&T service was \$8,047.76, which includes line and usage charges. This six month extension will allow adequate time to review the RFP proposals from prospective Telephone Services Companies. The RFP was sent to AT&T and Call One/Sound Incorporated the last week of February. The 6-month contract extensions are as follows:

- Analog centrex, Digital Isdn Centrex, Analog Pots, Point to Point Alarm Circuits, Radio Circuits, and Local Calling Service (A, B, C).
- Master Discount Agreement.

Staff recommends extending the current agreement six months. The Finance Committee concurs with the staff recommendation.

It is, therefore, the recommendation of the Finance, Council Affairs and Administrative Services Committee that the City Council approve a six month extension to the AT&T Centrex Agreement.

Respectfully submitted,
Finance, Council Affairs and
Administrative Services Committee

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

- k. ZO-01-2009 – AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT FOR THE CONSTRUCTION OF SCHOOL CLASSROOM ADDITIONS ON THE PROPERTY COMMONLY KNOWN AS 188 WEST BUTTERFIELD ROAD (TIMOTHY CHRISTIAN SCHOOL)

Ordinance ZO-01-2009 was presented for passage.

- l. R-08-2009 – A RESOLUTION AUTHORIZING PARTICIPATION IN THE ILLINOIS HISTORIC PRESERVATION IN THE ILLINOIS HISTORIC PRESERVATION AGENCY PROPERTY TAX ASSESSMENT FREEZE PROGRAM

Resolution R-08-2009 was presented for passage.

Alderman Szczepaniak pulled items **4a. Minutes of Regular Meeting Held on Tuesday, February 17, 2009** and **4d. Accounts Payable – February 28, 2009 Total \$ 4,573,996.65**. Alderman Mulliner pulled item **4g. Report – Policy for Vacating City Right of Way**.

Alderman Bram moved to accept the contents of the Consent Agenda less items **4a. Minutes of Regular Meeting Held on Tuesday, February 17, 2009**, **4d. Accounts Payable – February 28, 2009 Total \$ 4,573,996.65** and **4g. Report – Policy for Vacating City Right of Way**. Alderman Gutenkauf seconded. Voice vote unanimous, motion carried. Alderman Mulliner moved to approve the contents of the Consent Agenda less items **4a. Minutes of Regular Meeting Held on Tuesday, February 17,**

2009, 4d. Accounts Payable – February 28, 2009 Total \$ 4,573,996.65 and 4g. Report – Policy for Vacating City Right of Way. Alderman Bram seconded. Roll call vote:

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

Nays: None

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

Alderman Szczepaniak stated he pulled item **4a. Minutes of Regular Meeting Held on Tuesday, February 17, 2009** to request to amend the *Other Business* section of the minutes by adding the following to the first sentence after the words Home Rule Sales Tax, “versus the proponents of the Real Estate Tax increase.”

Alderman Gutenkauf moved to approve item **4a. Minutes of Regular Meeting Held on Tuesday, February 17, 2009** as amended. Alderman Mulliner seconded. Roll call vote:

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

Nays: None

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

Alderman Mulliner moved to approve item **4d. Accounts Payable – February 28, 2009 Total \$ 4,573,996.65**. Alderman Hipskind seconded.

Alderman Szczepaniak stated he pulled item **4d. Accounts Payable – February 28, 2009 Total \$ 4,573,996.65** for clarification on a wire transaction of \$3.5million to DevCom. He asked City Attorney Kubiesa, did the City see the contract and if so, were there any prorations for the City.

City Attorney Kubiesa stated he has seen the contract and there may be a refund to the City and he would find out. City Attorney Kubiesa stated the City paid the purchase price of the property to the developer.

Alderman Szczepaniak stated according to the City code, a motion to reconsider would be allowed at the next Council meeting.

City Attorney Kubiesa stated according to Robert’s Rules of Order, it is not proper to motion to reconsider when dealing with a contract that has been approved and closed.

Alderman Szczepaniak stated this is a construction contract not a service contract.

City Attorney Kubiesa replied the construction contract on the parking deck is not signed.

Roll call vote on item **4d. Accounts Payable – February 28, 2009 Total \$ 4,573,996.65**:

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

Nays: None

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

Alderman Lomnicki moved to approve item **4g. Report – Policy for Vacating City Right of Way**. Alderman Shea seconded.

Alderman Lomnicki reviewed item **4g. Report – Policy for Vacating City Right of Way** stating the Public Works and Buildings (PW&B) Committee has arrived at a policy to serve as guidelines for future requests for the vacation of City Rights-of-Way (ROW). These requests are reviewed by the PW&B Committee, which shall determine the appropriateness of a vacation. The

PW&B Committee determined that the value of a proposed vacated piece of property would be 50% of the EAV. The consensus was to have a 50/50 cost share.

Alderman Mulliner stated he pulled item **4g. Report – Policy for Vacating City Right of Way** to state that though it is an excellent report he cannot support it. Alderman Mulliner stated if City property is adjacent to a homeowners property and it serves as no value to the City there should be no charge for the use of it. There will be long term benefits that will come to the City for the use of the property.

Alderman Leader stated he agrees with Alderman Mulliner in terms of his views, but this report is to provide a framework, not a demand that the City charge for a vacation. He stated his support for item **4g. Report – Policy for Vacating City Right of Way** because each request will be reviewed on a case by case basis. The key is the City is not mandating a charge.

Alderman Gutenkauf stated support for the policy because the City has to start somewhere, but she felt putting a cap of 50% of the EAV is under valuing the City's assets. Those assets could be used for the good of Elmhurst citizens.

Mayor Pro-Tempore Gow stated the policy has flexibility to build into it. It's a starting point the Council needs markers.

Alderman Nybo stated support for the report. He complimented the PW&B Committee for a good job and stated that even though Council members have their own ideas and opinions, Council can find ways to work together.

Alderman Szczepaniak stated he respectfully disagrees with Alderman Mulliner. All property has value. These assets of the City can be used for development or improvement to someone and they should not be able to experience a windfall at the expense of the taxpayers.

Alderman Morley stated it's good to have a written policy, but asked why 50% of the EAV, why not 25%?

Mayor Pro-Tempore Gow replied the City has 50/50 programs. He said when he looked at what was charged in the past there was no average.

Discussion continued around the dais with several comments of support for item **4g. Report – Policy for Vacating City Right of Way** expressing that it is a starting point.

Roll call vote to approve item **4g. Report – Policy for Vacating City Right of Way**:

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

Nays: Mulliner

Results: 12 ayes, 1 nays, 1 absent
Motion duly carried

REPORTS AND RECOMENDATIONS OF APPOINTED AND ELECTED OFFICIALS

5. a. LOCAL GOVERNMENT WEEK PRESENTATION (City Clerk Spencer & Museum Director Bergheger)

City Clerk Spencer read a proclamation signed by Mayor Marcucci declaring March 1-7, 2009 Local Government Week.

Historical Museum Director Bergheger gave a brief presentation on the legacy of Elmhurst's local government history. Director Bergheger brought the very first minutes taken at a Village meeting in 1882. He stated even though the City Council/City Manager form of government was adopted over

fifty-six (56) years ago, the City's elected officials, appointed officials and City staff honor the legacy of Elmhurst's local government history.

Clerk Spencer invited all citizens to visit the Elmhurst Historical Museum to learn more about Elmhurst's local history or visit the museum's all new website elmhursthistory.org.

Alderman Rose thanked Director Bergheger and stated she has reviewed the minutes from the past and recommends everyone visit the museum to review them. She stated the very first minutes discuss the need to put in sidewalks and build a jail.

Mayor Pro-Tempore Gow thanked Clerk Spencer for the copies of historical pictures of Elmhurst Government at work.

b. REPORTS AND RECOMMENDATIONS

Alderman Mulliner stated the 7th Ward has a number of areas with flooding issues as well and stated he would like the City to follow up with their problems too.

Alderman Gutenkauf stated she has received phone calls from 1st Ward residents on West Avenue. She said it's becoming widespread, reaching across town over the last couple of years.

Alderman Rose stated she received calls from the northeast corner of the 3rd Ward to the 7th Ward. She stated this is becoming widespread and needs to be addressed.

Alderman Szczepaniak asked the City Manager if the recent flooding issues will impact the Flood Plain mapping for DuPage County.

City Manager Borchert replied no, the flood plain map has to do with the over flow of the banks of Salt Creek. He stated it is his understanding this was an overflow of sanitary sewers. He stated Public Works Engineering staff will work with the addresses affected and Public Works Director Hughes and I will work with the PW&B Committee and issue status reports. City staff will continue to meet with and work with the neighborhoods.

Mayor Pro-Tempore Gow had referred the AT&T and public access problem to the PA&S Committee a couple of weeks ago. He stated it's his understanding the AT&T users still can't watch a City Council meeting. He asked for a clarification or any news related to this. He also asked if it's a contractual agreement that AT&T provide that service.

Alderman Mulliner stated he will have this on the agenda at the next PA&S Committee meeting. He said this is a state agreement and AT&T is required to be on a level playing field and interconnect with Comcast. Comcast says no, AT&T is on their own. Alderman Mulliner stated he'll get the status and report back.

Alderman Nybo stated this problem is larger than Elmhurst. He said other communities are affected as well.

Alderman Mulliner stated it has to do with state versus local franchise, the PA&S Committee will report back to Council.

ORDINANCES

8. a. O-05-2009 – AN ORDINANCE PROVIDING FOR THE ISSUANCE OF \$10,000,000 GENERAL OBLIGATION BONDS, SERIES 2009, OF THE CITY OF ELMHURST, DUPAGE AND COOK COUNTIES, ILLINOIS

Ordinance O-05-2009 was presented for passage.

Alderman Mulliner moved to approve item **8a. O-05-2009 – An Ordinance Providing for the Issuance of \$10,000,000 General Obligation Bonds, Series 2009, of the City of Elmhurst, DuPage and Cook Counties, Illinois.** Alderman Rose seconded.

City Manager Borchert stated Finance & Administration Director Gaston and Mr. Kevin McCanna of Speer Financial are here to present item **8a. O-05-2009 – An Ordinance Providing for the Issuance of \$10,000,000 General Obligation Bonds, Series 2009, of the City of Elmhurst, DuPage and Cook Counties, Illinois.** City Manager Borchert announced the City was upgraded to a Standard & Poor's bond rating of AA+. He introduced Mr. McCanna to address the Council.

Mr. McCanna informed the Council that seven (7) bids were received. The bid from FTN was the best bid at 4.1964%. Mr. McCanna recommended that the bid be accepted.

The City Manager thanked Mr. McCanna for the open auction advice from Speer Financial.

Alderman Szczepaniak asked what did Standard & Poor's look at when rating the City since there is a decline with the auto dealerships.

Mr. McCanna stated they looked at the percentage of sales tax. He stated the City is diversified. The City of Elmhurst being a Home Rule community is also a factor.

Alderman Hipskind asked with the City's AA+ rating from Standard & Poor's how does Elmhurst stack up on the county, state and national levels.

Mr. McCanna replied the State of Illinois has high ratings because of the wealth of the region. DuPage and Lake Counties are highly rated. He stated 10% are rated AA+, twenty (20) communities statewide hold the AA+ rating.

Alderman Moriarty asked if the City went to Moody's.

Mr. McCanna replied no, Moody's was not very receptive.

Alderman Bram asked Mr. McCanna, when he referred to the City's large reserves, which helped the City receive its high rating, did you mean the City's reserve is the highest in DuPage County?

Mr. McCanna replied that most highly rated communities has a three (3) month reserve.

Discussion ensued regarding the use of the \$10,000,000 GO Bonds as they apply to parking deck structures and the Elmhurst Memorial Hospital.

Roll call vote on item **8a. O-05-2009 – An Ordinance Providing for the Issuance of \$10,000,000 General Obligation Bonds, Series 2009, of the City of Elmhurst, DuPage and Cook Counties, Illinois:**

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

Nays: Szczepaniak

Results: 12 ayes, 1 nays, 1 absent
Motion carried

OTHER BUSINESS

9. a. OVERVIEW OF 2009/2010 BUDGET (City Manager Borchert)

City Manager Borchert stated the budget will be on the City website by tomorrow.

The City Manager reviewed pages 1-8 of the City Manager Transmittal letter. He stated it's a two (2) year Operating Budget. The first year is balanced. The second year is not, it contains a higher level of services. City Manager Borchert referred to page 86, a graph showing the fund balance slowly

dropping. He stated the 8 page letter summarizes the 480 pages of the budget. There are two (2) new components added, Sustainability and Major Revenue Sources.

City Manager Borchert stated the Council will meet as Committee of the Whole on March 9, 2009 at 8:00 p.m. to begin the budget review process. He stated the budget needs to be approved before the third Monday in April and the new Council will be sworn in on the 4th Monday in April.

Alderman Hipskind asked if the 09/10 budget has any changes in the 5 year Capital Expenditures budget.

City Manager Borchert replied nothing significant.

Alderman Hipskind asked if the purchase of the anabolic digester was put off.

City Manager Borchert stated it has been put in the budget expenditures but the City is hoping for a shovel ready grant.

- b. DRAINAGE ISSUES AT COTTAGE HILL AND SEMINOLE (City Manager Borchert):
Refer to the Public Works and Buildings Committee

March 2, 2009

To: Mayor Marcucci and Members of the City Council
Re: Drainage Issues at Cottage Hill and Seminole

It is respectfully requested that a request from Alderman Nybo regarding evaluation of drainage issues at Cottage Hill and Seminole be referred to the Public Works and Buildings Committee for their evaluation and recommendation to the City Council.

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

Item **9b. Drainage Issues at Cottage Hill and Seminole** was referred without objection to the Public Works and Buildings Committee.

- c. OTHER BUSINESS

Mayor Pro-Tempore Gow stated that Elmhurst has a skunk problem and it needs to be addressed at a future meeting.

ANNOUNCEMENTS

10. None.

ADJOURNMENT

11. Alderman Bram moved to adjourn the meeting. Aldermen Mulliner seconded. Voice Vote. Motion carried. Meeting adjourned 10:05 p.m.

Thomas D. Marcucci, Mayor

Patty Spencer, City Clerk