

**MINUTES OF THE REGULAR MEETING OF THE  
CITY COUNCIL OF THE CITY OF ELMHURST, ILLINOIS  
HELD ON MONDAY, APRIL 6, 2009  
209 NORTH YORK STREET  
ELMHURST, ILLINOIS**

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

Attendance: 15

1. The Regular Meeting of the Elmhurst City Council was called to order by Mayor Marcucci 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, Donna Lomnicki, Mark A. Mulliner

Absent: Michael J. Regan, Steve Morley (arrived at 8:15 p.m.)

Also in Attendance: City Treasurer Pigoni, City Attorney Kubiesa, City Manager Borchert, Fire Chief Kopp, Historical Museum Director Bergheger

**PROCLAMATION FOR JAZZ APPRECIATION MONTH IN ELMHURST**

2. Mayor Marcucci was joined by Historical Museum Director Bergheger at the podium to celebrate Jazz Appreciation Month in Elmhurst. Mayor Marcucci stated in honor of the Elmhurst College Jazz Band and Jazz Festival, along with Downbeat Magazine's 75<sup>th</sup> Anniversary he proclaims April 2009, Jazz Appreciation Month.

Museum Director Bergheger stated jazz is an American art form and flourished in the city of Chicago. The Elmhurst Historical Museum proudly presents a Jazz Exhibit celebrating 75 years of Downbeat Magazine and 42 years of the Elmhurst College Jazz Band. Director Bergheger thanked Mayor Marcucci for the City's support of Jazz as an art form.

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

3. None.

**PUBLIC FORUM**

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

Thanked Mayor Marcucci and the City Council for their twenty-six (26) years of support for Elmfest. He stated this year Elmfest will be replaced with a concert series. He stated along with the City Centre the Chamber has planned a great summer event with enjoyable concerts.

**CONSENT AGENDA**

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

- a. MINUTES OF REGULAR MEETING HELD ON MONDAY, MARCH 16, 2009 (City Clerk Spencer): Approve as published
- b. MINUTES OF THE EXECUTIVE SESSION HELD ON MONDAY, MARCH 16, 2009 (City Clerk Spencer): Receive and place on file
- c. ACCOUNTS PAYABLE – MARCH 31, 2009 TOTAL \$ 4,139,381.07
- d. BID, FIRE HYDRANT MATERIALS (City Clerk Spencer): Refer to the Public Works and Buildings Committee

March 17, 2009

TO: Mayor Marcucci and Members of the City Council  
RE: Bid, Fire Hydrant Materials

In response to an invitation to bid for Fire Hydrant Materials advertised in the Elmhurst Press on Friday, February 20, 2009, bids were received from four (4) area contractors.

Bids were opened at 10:00 a.m. on Tuesday, March 2, 2009, and following is a summary of the bids received:

<u>Contractor</u>	<u>Total Cost</u>
Mid American Water, Inc. (Aurora, IL)	\$80,932.00
H. D. Waterworks (Carol Stream, IL)	\$82,257.00
Ziebell Water Service Products, Inc. (Elk Grove Village, IL)	\$82,866.86
Water Products Company (Aurora, IL)	\$83,508.00

Respectfully submitted,  
/s/ Patty Spencer  
City Clerk

- e. BID, 2009 FIRE HYDRANT AND WATERMAIN VALVE REPAIR PROGRAM (City Clerk Spencer): Refer to the Public Works and Buildings Committee

March 19, 2009

TO: Mayor Marcucci and Members of the City Council  
RE: Bid, 2009 Fire Hydrant and Watermain Valve Repair Program

In response to an invitation to bid for the Fire Hydrant and Watermain Valve Repair Program advertised in the Elmhurst Press on Friday, February 27, 2009, bids were received from sixteen (16) contractors.

Bids were opened at 10:00 a.m. on Tuesday, March 17, 2009, and following is a summary of the bids received:

<u>Contractor</u>	<u>Total Cost</u>
Swallow Construction (Downers Grove, IL)	\$94,000.00
John Neri Construction (Addison, IL)	\$97,941.00
Trine Construction Corporation (West Chicago, IL)	\$103,282.75
Patnick Construction, Inc. (Bensenville, IL)	\$104,686.00
Suburban General Construction (LaGrange Park, IL)	\$107,785.00
Kings Point General Cement, Inc. (Bensenville, IL)	\$107,981.00
Riccio Construction Corporation (Palos Park, IL)	\$113,900.00

Brothers Asphalt Paving, Inc. (Addison, IL)	\$116,875.00
L. M. Johnson & Sons Services (St. Charles, IL)	\$120,350.00
Cerniglia Company (Melrose Park, IL)	\$121,684.00
Mauro Sewer (Des Plaines, IL)	\$123,330.00
Unique Plumbing (Brookfield, IL)	\$124,339.00
Archon Construction Co., Inc. (Addison, IL)	\$125,200.00
Lifco Construction (East Dundee, IL)	\$126,759.50
Stip Brothers Excavating, Inc. (Elwood, IL)	\$129,967.00
Vian Construction Co., Inc. (Elk Grove Village, IL)	\$163,943.00

Respectfully submitted,  
/s/ Patty Spencer  
City Clerk

- f. BID, INSTALLATION OF NEW PUBLIC SIDEWALKS ON WILLOW RD. (City Clerk Spencer):  
Refer to the Public Works and Buildings Committee

March 19, 2009

TO: Mayor Marcucci and Members of the City Council  
RE: Bid, Installation of New Public Sidewalks on Willow Road

In response to an invitation to bid for the Installation of New Public Sidewalks on Willow Road advertised in the Elmhurst Press on Friday, February 27, 2009, bids were received from twelve (12) contractors.

Bids were opened at 10:00 a.m. on Tuesday, March 17, 2009, and following is a summary of the bids received:

<u>Contractor</u>	<u>Total Cost</u>
Strada Construction, Inc. (Addison, IL)	\$55,106.00
Globe Construction, Inc. (Addison, IL)	\$58,312.00
RAI Concrete, Inc. (West Chicago, IL)	\$62,692.00
Schroeder & Schroeder, Inc. (Skokie, IL)	\$64,766.00
Kings Point General Cement, Inc. (Bensenville, IL)	\$66,027.00

G&M Cement Construction, Inc. (Addison, IL)	\$69,991.00
Davis Concrete Construction, Inc. (Alsip, IL)	\$75,180.00
Alliance Contractors, Inc. (Woodstock, IL)	\$82,210.95
Triggi Construction, Inc. (West Chicago, IL)	\$82,330.00
Suburban Concrete (Mundelein, IL)	\$82,746.00
Lorusso Cement Contractors, Inc. (West Chicago, IL)	\$84,941.50
D'Land Construction L.L.C. (Bensenville, IL)	\$98,065.60

Respectfully submitted,  
/s/ Patty Spencer  
City Clerk

- g. LAKE STREET REVITALIZATION BETWEEN WALNUT ST. AND YORK ST. (City Manager Borchert): Refer to the Public Works and Buildings Committee

March 25, 2009

To: Mayor Marcucci and Members of the City Council  
Re: Lake Street Revitalization between Walnut St. and York St.

It is respectfully requested that the attached memorandum from Alderman Pat Shea be referred to the Public Works and Buildings Committee for their evaluation and recommendation back to the City Council.

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

- h. SENIOR CITIZEN DISCOUNTS (City Manager Borchert): Refer to the Finance, Council Affairs and Administrative Services Committee

March 25, 2009

To: Mayor Marcucci and Members of the City Council  
Re: Senior Citizen Discounts

It is respectfully requested that the attached memorandum from Alderman Pat Shea be referred to the Finance, Council Affairs and Administrative Services Committee for their evaluation and recommendation back to the City Council.

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

- i. RED LIGHT PHOTO ENFORCEMENT – 2<sup>ND</sup> WARD ALDERMAN PAT SHEA (City Manager Borchert): Refer to the Public Affairs and Safety Committee

April 1, 2009

To: Mayor Marcucci and Members of the City Council  
Re: Red Light Photo Enforcement - 2nd Ward Alderman Pat Shea

It is respectfully requested that the attached memorandum from Alderman Pat Shea regarding the use of red light photo enforcement 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

- j. REPORT – PROPOSAL ENGINEERING SERVICES FOR THE LEVEE ACCREDITATION PROJECT The following report of the Public Works and Buildings Committee was presented:

March 23, 2009

TO: Mayor Marcucci and Members of the City Council  
RE: Proposal Engineering Services for the Levee Accreditation Project

The Public Works and Buildings Committee met on Monday, March 23, 2009 to review a proposal received for the Levee Accreditation Project from Engineering Resources Associates, Inc. (ERA).

In the aftermath of hurricane Katrina the U.S. Army Corp. of Engineers developed the National Levee Safety Program. The Federal Emergency Management Agency (FEMA) began to implement certification accreditation requirements for both federal and non federal levees and flood walls. The levee certification requirements coincide with FEMA's efforts to modernize its National Flood Insurance Map Program (NFIP). In accordance with federal regulations for the purposes of flood hazard and risk mapping, FEMA will only recognize those levee systems that meet and continue to meet certain minimum design, operation, and maintenance standards. Those municipalities that do not meet the FEMA standards will no longer be considered protected. The City is required through the National Levee Safety Program to certify the existing City levee along Salt Creek.

City staff received qualifications from two firms to provide the services necessary to achieve certification. At the Monday, March 9, 2009 Public Works and Buildings Committee meeting those qualifications were reviewed by the Committee. Engineering Resources Associates, Inc. (ERA) was determined to be the most qualified firm to perform this work. ERA submitted a proposal for the work (see attached).

City staff has reviewed the hourly rates and overhead and burden rates contained in the proposal and finds them consistent with other recent professional services contracts. ERA has done similar work for the municipalities of Lemont, and Glencoe as well as for the County of DuPage. All report satisfactory performance. The Committee felt that ERA has the staff and experience to be able to successfully obtain a levee certification for Elmhurst. Failure to obtain a levee certification will result in FEMA no longer recognizing the levee and the floodplain map would be redrawn to approximately the pre levee configuration.

It is, therefore, the recommendation of the Public Works and Buildings Committee that the proposal from Engineering Resources Associates, Inc. (ERA) in the amount of \$113,445.00 to perform levee certification work, 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

- k. REPORT – 2009-2011 ENVIRONMENTAL MOSQUITO MANAGEMENT PROGRAM The following report of the Public Works and Buildings Committee was presented:

March 23, 2009

TO: Mayor Marcucci and Members of the City Council

RE: 2009 – 2011 Environmental Mosquito Management Program

The Public Works and Buildings Committee met on Monday, March 23, 2009 to review a proposal received from Clarke Mosquito Control for Environmental Mosquito Management services for the 2009 – 2011 seasons.

The Clarke Mosquito Control, Inc. proposal identifies four major components of this program which include general services, surveillance and monitoring, larval control and adult mosquito management.

The general services include surveying, mapping, public relations, mosquito hotline citizen response, program reports and quality control.

The surveillance and monitoring includes monitoring for disease laden mosquitos, floodwater mosquito brood prediction, operation of two light traps for monitoring mosquito concentration levels and weather monitoring.

Larval control involves site monitoring, three (3) catch basin treatments, six (6) targeted inspections of known breeding areas, three (3) inspections of Culex (the breed of mosquito which carries West Nile Virus) sites, four (4) treatments of backyard catch basins, three (3) helicopter pre-hatch applications and prescription larval control for biological control, and two (2) helicopter applications along the creek.

The adult mosquito management provides for six citywide (6) adulticidings (spraying through truck mounted Ultra Low Volume (ULV) foggers) in mosquito harborage areas and adulticiding in all residential areas utilizing Mosquitomist 1.0. The benefits of Mosquitomist include low toxicity, non-corrosive properties and low odor.

The six adult mosquito management Citywide sprayings is a reduction from prior years of two sprayings. This has been done in order to meet current fiscal constraints. In addition, the proposed program modifies prior years programs by removing the spraying for block parties. Not spraying for block parties allows the City a \$4,000 reduction in costs.

The fee for this service is \$180,732.00. This fee will increase annually for 2010 and 2011 by the CPI or five percent, whichever is less.

The Clarke Environmental Mosquito Management, Inc. has completed the environmental Mosquito Management Program in the City in an acceptable manner in the past. In light of the serious nature of the West Nile Virus in DuPage County it is the position of the Committee that an aggressive mosquito abatement program be implemented.

Monies are provided in the FY 09/10 Budget for an Environmental Mosquito Management program in the amount of \$206,700, in account number 110-0084-442-30-42.

It is, therefore, the recommendation of the Public Works and Buildings Committee to enter into a three-year agreement (2009-2011) with Clarke Mosquito Control, Inc. for an Environmental Mosquito Management Program at the cost outlined above, 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

1. REPORT – 2009 FIRE HYDRANT AND WATERMAIN VALVE REPAIR PROJECT The following report of the Public Works and Buildings Committee was presented:

March 23, 2009

TO: Mayor Marcucci and Members of the City Council  
RE: 2009 Fire Hydrant and Watermain Valve Repair Project

The Public Works and Buildings Committee met on Monday, March 23, 2009 to review bids received for the 2009 Fire Hydrant and Watermain Valve Repair Project. The bids are summarized on Attachment "A".

The work includes the removal and replacement of 12 fire hydrants and 4 water main valves, and related restoration work at various locations throughout the City.

Swallow Construction Corporation of Downers Grove, IL, submitted the lowest responsible bid meeting all of the bidding requirements. Swallow's bid was \$94,000.00. Swallow Construction has completed similar work for the Village of Arlington Heights, the Village of Westmont and the Village of Lisle, all communities report that the work was completed in a satisfactory manner.

Monies have been provided in the FY 2008/09 Budget in the total amount of \$150,000.00 in the Municipal Utility Fund, Account Number 510-6052-501-30-85, and 510-6052-501-30-86 for this project.

It is, therefore, the recommendation of the Public Works and Buildings Committee that the bid from the lowest responsible bidder, Swallow Construction, in the amount of \$94,000.00, 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

- m. REPORT – INSTALLATION OF NEW PUBLIC SIDEWALKS ON WILLOW ROAD The following report of the Public Works and Buildings Committee was presented:

March 23, 2009

TO: Mayor Marcucci and Members of the City Council  
RE: Installation of New Public Sidewalks on Willow Road

The Public Works and Buildings Committee met on Monday, March 23, 2009 to review bids received for the Installation of New Public Sidewalks on the west side of Willow Road from Gladys Avenue to Crestview Avenue. The twelve (12) bids received from area contractors are summarized on Attachment "A".

The bids received will provide for the installation of approximately 3,200 square feet of new public sidewalk and the removal and replacement of about 290 square yards of driveway pavement. Other work will include grading of yards, restoration of parkways, tree removal, tree trimming, utility structure adjustments, related storm sewer work and traffic control.

Strada Construction Company of Addison, IL, submitted the lowest responsible bid meeting all of the bidding requirements. Strada's bid was \$55,106.00. Strada Construction has completed work for the City of Park Ridge, the Village of North Riverside and the City of West Chicago in a satisfactory manner.

Monies for this work have been provided in the FY 2008/2009 Budget, in account number 110-6048-513-80-34 in the amount of \$60,000.00.

It is, therefore, the recommendation of the Public Works and Building Committee that the low bid from Strada Construction Company in the amount of \$55,106.00 for the construction of new public sidewalks on Willow Road, 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

- n. REPORT – REQUEST FOR 2009 ELMHURST JAYCEES CARNIVAL The following report of the Public Affairs and Safety Committee was presented:

March 26, 2009

To: Mayor Marcucci and Members of City Council  
Re: Request for 2009 Elmhurst Jaycees Carnival

The Public Affairs and Safety Committee met on March 23, 2009 to discuss the request by the Elmhurst Jaycees for approval for a Temporary Use and Events Permit for a 2009 Elmhurst Jaycees Carnival.

The 2009 Elmhurst Jaycees Carnival will take place June 11 - 14, 2009. Carnival operators will arrive to set up on Sunday, June 7<sup>th</sup>, with set up starting Monday, June 8<sup>th</sup>. The event schedule is as follows:

Thursday, June 11	Carnival will be open 5 p.m. to 10 p.m.
Friday, June 12	Carnival will be open 11 a.m. to 10 p.m.
Saturday, June 13	Carnival will open 9 a.m. to 11 a.m. – Special Kids Day Carnival will be open to public 11 a.m. to 10 p.m.
Sunday, June 14	Carnival will open 11 a.m. to close at 5 p.m.

The Carnival will take place on Park Street between Myrtle and Prospect Avenues.

As a safety precaution for pedestrians walking to the Carnival, the Jaycees are responsible to provide crossing guards at the railroad tracks at both Myrtle and Prospect crossings, as well as street corners, from Prospect to York Road to assist in safe travel of pedestrians from the carnival to the location of the City Centre Concert Series. The Jaycees will be working with the Police Department for assistance in acquiring crossing guards from Police Academy graduates and Elmhurst Police Explorers. Ultimately the responsibility for crossing guards is that of the Elmhurst Jaycees.

The Jaycees will provide The City of Elmhurst a written contract with Elmhurst College regarding the utilization of college property for carnival rides, vehicle and trailer storage and parking.

All layout/staging plans and operational parameters will be finalized only after ongoing consultation and discussion with and written approval from the Elmhurst Police, Fire and Public Works Departments.

Insurance will be provided by Elmhurst Jaycees and approved by the City Attorney.

The Committee felt that this was a beneficial event for the City and that all details will have been approved by the Police, Fire and Public Works Departments prior to the issuance of the permit.

If at any point prior to or during the event the Police Chief, Fire Chief, Public Works or the City Manager / designee feels that there is a reason to stop a ride or the shut down the carnival they have that right.

It is, therefore, the recommendation of the Public Affairs and Safety Committee that the City Council authorize the City Manager to issue the Temporary Use and Events Permit as requested by the Elmhurst Jaycees for the proposed 2009 Elmhurst Jaycees Carnival June 11 – 14, 2009.

Respectfully submitted,  
Public Affairs and Safety Committee

/s/ Mark A. Mulliner

Chairman

/s/ Michael Bram

Vice-Chairman

/s/ Chris Nybo

- o. REPORT – DISPOSITION OF STOP/YIELD SIGN STUDIES PICK SUBDIVISION The following report of the Public Affairs and Safety Committee was presented:

March 23, 2009

To: Mayor Marcucci and Members of the City Council

RE: Disposition of Stop/Yield Sign Studies Pick Subdivision

The Public Affairs and Safety Committee met on March 23, 2009 to discuss the status of the Stop/Yield Sign Studies in Pick Subdivision. The studies were completed by Brent Coulter of Coulter Transportation Consulting. The area that was studied is bounded on the north and south by Alexander Boulevard and St. Charles Road, and on the east and west by Villa and Monterey Avenues. The requests indicate concern for pedestrian and vehicular safety due to uncontrolled intersections and cut-through traffic.

All uncontrolled intersections within Pick Subdivision were studied. Based on “Proposed Warrants for Low Volume Intersection Traffic Control”, it was determined that the existing “T” intersections do not warrant yield or stop signs. The remaining four intersections require some control. In accordance with the attached findings from Mr. Coulter and MUTCD criteria, staff recommends that the changes listed below be made:

- Install yield signs on eastbound and westbound Rose Avenue at Pick Avenue.
- Install yield signs on eastbound and westbound Albert Street at Pick Avenue.
- Install stop signs on northbound and southbound Pick Avenue at Thomas Street.
- Install stop signs on northbound and southbound Oakland Grove at Thomas street.
- Install a chevron alignment sign at the northeast corner of Oakland Grove and Elm Park Avenue.
- Install “Keep Right” signage and yellow curb striping at the north and south ends of the divided island section of Oakland Grove at St. Charles Road and Elm Park Avenue.

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 provide yield signs at the intersections of Rose Avenue at Pick Avenue and Albert Street at Pick Avenue, stop signs on Pick Avenue at Thomas Street and Oakland Grove at Thomas Street, and a chevron alignment sign at Oakland Grove at Elm Park Avenue and “Keep Right” signage and yellow curb striping at the north and south ends of the divided island section of Oakland Grove at St. Charles Road and Elm Park Avenue in the Pick Subdivision.

Respectfully submitted,  
Public Affairs and Safety Committee

/s/ Mark A. Mulliner

Chairman

/s/ Michael Bram

Vice-Chairman

/s/ Chris Nybo

- p. REPORT – POLICE DEPARTMENT PURCHASE OF FIVE WIRELESS IN CAR VIDEO CAMERAS The following report of the Public Affairs and Safety Committee was presented:

March 23, 2009

To: Mayor Marcucci and the Members of the city Council

Re: Police Department Purchase of Five Wireless in car Video Cameras

The Public Affairs and Safety committee met on Monday March 23, 2009 to discuss the purchase of five (5) additional in car video camera systems. In collaboration with the Information Technology Department, and the Equipment Maintenance Division a total of five wireless in car video systems were researched, tested, and approved for purchase in July of 2008. The system selected and installed was the L3 Communications Mobile-Vision, Inc. digital in car video camera system. It is the goal of the Police Department to equip the entire fleet of marked squad cars with video systems over the next two years.

This wireless system does not require DVD or VHS technology; it automatically downloads video images to a server using wireless technology when a squad car is parked at the station. These video images are stored on the server and can be viewed, copied and kept for evidentiary purposes. The system also eliminates the need for personnel to change DVD / VHS tapes increasing the efficiency in the operation of the in car video cameras, while still maintaining quality video images.

In car video camera systems are used to record traffic stops and emergency police driving responses. The images are used for evidence in court, officer training and officer safety. The monies to purchase the five (5) in car wireless video systems will come from the DUI technology fund (110-5030-421-6075). This account is continuously funded with fines from alcohol related arrests made by the Elmhurst Police Department. This fund was created to allow police departments to purchase camera systems without placing the cost of those systems on the tax payers.

It is, therefore, the recommendation of the Public Affairs and Safety Committee that the sale be awarded to L3Communications Mobile-Vision, at a total cost of \$26,305.00 for five (5) units including a one year warranty. The cost per unit has not increased from the prior purchase. This purchase is charged to budget line #110-5030-421-6075 (DUI technology fund).

Respectfully submitted,  
Public Affairs and Safety Committee

/s/ Mark A. Mulliner

Chairman

/s/ Michael Bram

Vice-Chairman

/s/ Chris Nybo

- q. REPORT – REQUEST FOR BATTLE OF THE BANDS PERMIT The following report of the Public Affairs and Safety Committee was presented:

March 26, 2009

To: Mayor Marcucci and Members of City Council

Re: Request for Battle of the Bands Permit

The Public Affairs and Safety Committee met on March 23, 2009 to discuss the request by the Elmhurst Park District for approval for a Temporary Use and Events Permit for an Elmhurst Park District Battle of the Bands.

The Battle of the Bands will take place on Sunday, July 12, 2009 at the Addison Street parking lot. The event would run from 1:00 p.m. until 5:00 p.m. The event will be for local teens to compete with other local bands. A maximum of four bands will be selected to compete. Each band will complete an application and band selection will be conducted by Park District staff. Staff will use the IPRA (Illinois Parks and Recreation Association) guidelines already in place.

Each performance must be suitable for a family audience. Band members must be dressed in clothing free from obscenities or references to drugs, sex, or alcohol. Drugs, alcohol, and tobacco are not allowed on host site property during the event. Band names and lyrics must be free of obscenities. In order to keep everyone safe, bands who encourage moshing or any other potentially dangerous acts must be disqualified.

Elmhurst Park District chose this date to minimize Central Business District interruption by piggybacking on the City Centre Concert Series on July 11, 2009. All layout/staging plans and operational parameters will be finalized only after ongoing consultation and discussion with the approval of the Elmhurst Police, Fire and Public Works Departments.

Insurance will be provided by Elmhurst Park District and approved by the City Attorney.

It is, therefore, the recommendation of the Public Affairs and Safety Committee that the City Council authorize the City Manager to issue the Temporary Use and Events Permit as requested by the Elmhurst Park District for the proposed Battle of the Bands on July 12, 2009.

Respectfully submitted,  
Public Affairs and Safety Committee

/s/ Mark A. Mulliner

Chairman

/s/ Michael Bram

Vice-Chairman

/s/ Chris Nybo

- r. REPORT – REQUEST FOR CONCERT NIGHT PETITIONS The following report of the Public Affairs and Safety Committee was presented:

March 26, 2009

To: Mayor Marcucci and Members of City Council

Re: Request for Concert Night Permits

The Public Affairs and Safety Committee met on March 23, 2009 to discuss the request by Elmhurst City Centre and the Elmhurst Chamber of Commerce for approval for Temporary Use and Events Permits for a series of monthly concerts to be staged in the downtown Central Business District as follows:

<u>Date</u>	<u>Location</u>
June 12 <sup>th</sup> (Friday)	“South” of tracks, in proximity to Fifth Third building
June 13 <sup>th</sup> (Saturday)	“South” of tracks, in proximity to Fifth Third building.
July 11 <sup>th</sup> (Saturday)	Municipal Parking Lot on Addison Street.
August 8 <sup>th</sup> (Saturday)	City Centre Plaza Area
September 12 <sup>th</sup> (Saturday)	Municipal Parking Lot on Addison Street

The committee felt the change in venue, to the concert series, would be a fresh change and an effective means of bringing Elmhurst residents to City Centre.

- The concerts will start at 6:00 or 7:00 p.m. and end no later than 11:00 p.m. (with last call for alcoholic beverages no later than 10:30 p.m.)
- All agreed upon street closures will be minimized as to the geographic extent, start time and duration of the closures.
- Bands will be selected with two goals in mind; one being to achieve desired attendance judged by number of attendees and the second being to draw attendance viewed as desirable from the perspective of marketing and promoting City Centre businesses, and also taking into consideration Police Department input as to likely attendees and possible crowd control issues.
- With approval of the liquor commissioner, there will be sale of beer and Hard Lemonade to concert goers. There is the possibility of arrangements with City Centre merchants to offer wine for sale to concert goers. Final approval for any liquor sales must be approved by the liquor commissioner.
- There will not be any “on-site” food service, either from any City Centre businesses or any “outside” vendors. The Concert Series will be promoting City Centre restaurants/food service businesses by encouraging eating/drinking at local establishments prior to and after the concerts, and carry-outs by or deliveries to concert goers during the concerts.
- All layout/staging plans and operational parameters will be finalized only after ongoing

consultation and discussion with and written approval from the Elmhurst Police, Fire and Public Works Departments.

- The City Centre will provide necessary event insurance and will make these policies available to the City Attorney prior to any events.

It is, therefore, the recommendation of the Public Affairs and Safety Committee that the City Council authorize the City Manager to issue the Temporary Use and Events Permits for the concert series on the above mentioned dates after approval from the Police, Fire and Public Works Departments.

Respectfully submitted,  
Public Affairs and Safety Committee

/s/ Mark A. Mulliner

Chairman

/s/ Michael Bram

Vice-Chairman

/s/ Chris Nybo

- s. REPORT – REQUEST FROM CITY CENTRE: 2009 EVENTS The following report of the Public Affairs and Safety Committee was presented:

March 26, 2009

To: Mayor Marcucci and Members of City Council

Re: Request from City Centre: 2009 Events

The Public Affairs and Safety Committee met on March 23, 2009 to discuss the proposed special event programs planned for the City Centre for the year 2009. Representatives from the City Centre were available to answer the Committee's questions.

The Committee discussed the *Cool Cars Under the Stars* event. This event will begin on May 27, 2009 and run until September 2, 2009 on Wednesday evenings from 7:00 p.m. to 9:00 p.m. This event continues to be a huge success resulting in large crowds on most of the nights. The Committee was satisfied with the security and traffic control efforts that were provided at last year's events and planned again for this year.

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

- Public Art Display featuring 12 artfully-painted Rain Barrels and 6 Kiddie Art sculptures displayed throughout City Centre, May through September.
- The City Centre Sidewalk Sale scheduled for Friday/Saturday/Sunday July 17<sup>th</sup> to 19<sup>th</sup>, 2009 from 10:00 a.m. to 5:00 p.m.
- Bootiful Saturday will be held on October 24, 2009 from 10:00 a.m. to 2:00 p.m. sponsoring trick or treating in the central business district.
- Tree lighting and visits with Santa to be held on Friday, November 27.
- Holiday Getaway Shopping Event will be held Friday/Saturday/Sunday December 4<sup>th</sup> through 6, 2009 from 10 a.m. to 5:00 p.m.

As last year, the City Centre will also provide necessary event insurance and will make these policies available to the City Attorney prior to any events. These events continued to enjoy great success in 2008 and the Committee agrees that the plan should be approved for the year 2009.

It is, therefore, the recommendation of the Public Affairs and Safety Committee that the City Council authorize the City Manager to issue the necessary permits as requested by the City Centre for the year 2009 activities.

Respectfully submitted,  
Public Affairs and Safety Committee

/s/ Mark A. Mulliner

Chairman

/s/ Michael Bram

Vice-Chairman

/s/ Chris Nybo

- t. REPORT – RISK MANAGEMENT INSURANCE RENEWALS – FISCAL 2010 The following report of the Finance, Council Affairs and Administrative Services Committee was presented:

March 24, 2009

To: Mayor Marcucci and Members of the City Council

Re: Risk Management Insurance Renewals – Fiscal 2010

The Finance, Council Affairs and Administrative Services Committee met March 23, 2009, to review the proposed risk management insurance renewals for fiscal 2010.

Although basically self-insured, the City of Elmhurst maintains insurance to protect against losses in excess of a pre-determined self-insured loss retention (SIR). Ms. Sandra Hannon, Account Manager with Arthur J. Gallagher Risk Management Services, Inc. (Gallagher), the City's broker for risk management insurances, reviewed the fiscal 2010 insurance renewals with the Finance Committee, as presented below:

General, Auto and Public Officials Liability Insurance: The current SIR for liability coverage is \$250,000, and the liability limit is \$10,000,000. The Finance Committee reviewed the liability limit, and concurred that it remains prudent to maintain the \$10,000,000 liability limit. The premium quote of \$150,000 received from the City's current liability insurance carrier, Lexington Insurance Co., is the same premium as last year. The A.M. Best rating for Lexington is AXV. Staff recommended renewing the policy with Lexington, and the Finance Committee concurred with staff recommendation.

Property Insurance: The SIR for property coverage is \$100,000. This program includes coverage for real and personal property, mobile equipment, data processing equipment/media and auto physical damage. The property insurance also includes business interruption loss insurance, which is a means of protecting the City against loss of sales tax revenue if a major sales tax payer was impacted by a disaster such as a tornado or flood. Staff recommended that property insurance continue to be purchased from Chubb, the City's current property insurance carrier. The quote for fiscal 2010 is \$42,671, 6.7% higher than the prior year premium of \$40,000, which directly reflects the increase in property values. The A.M. Best rating for Chubb is A++XV. The Finance Committee concurred with staff recommendation.

Excess Workers' Compensation Insurance: The SIR for excess workers' compensation insurance is currently \$450,000 for police and firefighter classifications, and \$400,000 for all other classifications. Safety National Casualty Corporation, with whom the City has contracted for this service since 1979, remains the most competitive excess workers' compensation insurance carrier in the municipal marketplace. The A.M. Best rating for Safety National is AIX. The policy covering fiscal 2009 was the second year of a two-year policy, with a premium of \$55,427. For fiscal 2010, Safety National offered two options. Option I is a one-year policy, with the SIR as stated previously, for a premium of \$64,620. Option II is a two-year policy, with a premium of \$59,298 for the first year, and higher SIR (\$475,000 for police and firefighter classifications and \$425,000 for all other classifications). Staff recommends the one-year program for two primary reasons. First, Gallagher anticipates that there will be a new competitor in the workers' compensation insurance market in the next year, and a one-year program would allow the flexibility to consider a new option at the next renewal. Second, the two-year option has higher self-insured retentions, and there is no premium rate limit or guarantee for the second year of the two-year term. The Finance Committee concurred with staff recommendation.

Broker Fees: All insurance premiums exclude broker fees. Last year, a three-year broker fee contract was negotiated with Gallagher at the rate of \$36,000 each year.

It is, therefore, the recommendation of the Finance, Council Affairs and Administrative Services Committee that the City Council accept the proposal from Arthur J. Gallagher Risk Management Services, Inc., for fiscal year 2010 for General, Auto and Public Officials Liability Insurance, Property Insurance and Excess Workers' Compensation Insurance, as described above.

Respectfully submitted,  
Finance, Council Affairs and  
Administrative Services Committee

/s/ George Szczepaniak

Chairman

/s/ Stephen Hipskind

Vice-Chairman

/s/ Moira Moriarty

/s/ Steven Morley

u. REPORT – VACANT PROPERTY MAINTENANCE CONTROLS – REQUEST FOR REVIEW

The following report of the Development, Planning and Zoning Committee was presented:

March 16, 2009

TO: Mayor Marcucci and Members of the City Council  
RE: Vacant Property Maintenance Controls – Request for Review

The Development, Planning and Zoning Committee met to review this topic several times, most recently on Monday, March 9, 2009. The Committee initially reviewed the topic at their November 24, 2008 meeting, after it was referred by the City Council on October 6, 2008. At the November 24 meeting, the Committee, Police Chief Steve Neubauer discussed the current status and noted that the Police Department has been able to control the situation of unattended vacant properties to date through the use of the Chronic Nuisance Ordinance. After further discussion, it was agreed that the Committee would review this subject again after three months.

At the conclusion of the 3-month time period, Chief Neubauer reported that the Chronic Nuisance Ordinance continues to be the best method of addressing vacant properties. Chief Neubauer does not recommend a new ordinance for vacant buildings. The Chief also noted that such instances are infrequent in Elmhurst, but when they do arise, the procedures of the Chronic Nuisance Ordinance are the most effective in addressing them.

The DPZ Committee concurred with these recommendations from Chief Neubauer. Therefore, it is the recommendation of the Development, Planning and Zoning Committee that no ordinance be created at this time.

Respectfully submitted,  
Development, Planning and Zoning  
Committee

/s/ Susan J. Rose

Chairman

/s/ Norman Leader

Vice-Chairman

/s/ Diane Gutenkauf

v. O-08-2009 – AN ORDINANCE GRANTING A VARIATION FROM THE REQUIREMENTS OF THE DUPAGE COUNTY COUNTRYWIDE STORMWATER AND FLOODPLAIN ORDINANCE FOR THE PROPERTY LOCATED AT 601 SOUTH YORK STREET IN THE CITY OF ELMHURST, ILLINOIS (CITY OF ELMHURST – FIRE STATION NO. 2)

Ordinance O-08-2009 was presented for passage.

w. MCO-04-2009 – AN ORDINANCE IMPOSING PARKING RESTRICTIONS ON PORTIONS OF COMMONWEALTH LANE, SUNSET AVENUE AND BEVERLY AVENUE

Ordinance MCO-04-2009 was presented for passage.

- x. MCO-07-2009 – AN ORDINANCE AMENDING CHAPTER 24 (BUILDING CODE), SECTION 24.05 (ADDITIONS, INSERTIONS, DELETIONS AND CHANGES TO ADOPTED CODES); CHAPTER 25 (FIRE PREVENTION CODE), 25.03 (ADDITIONS, INSERTIONS, DELETIONS AND CHANGES TO CODES); CHAPTER 26 (ELECTRICAL CODE), ARTICLE III (BURGLAR, HOLDUP AND FIRE ALARM SYSTEMS), SECTION 26.21 (DEFINITIONS) OF THE ELMHURST MUNICIPAL CODE (WIRELESS RADIO ALARM NETWORK)

Ordinance MCO-07-2009 was presented for passage.

- y. ZO-02-2009 – AN ORDINANCE GRANTING A FRONT YARD VARIATION ON THE PROPERTY COMMONLY KNOWN AS 482 HOLLY AVENUE (BROWN)

Ordinance ZO-02-2009 was presented for passage.

Alderman Gow moved to accept the contents of the Consent Agenda. Alderman Gutenkauf seconded. Voice vote unanimous, motion carried. Alderman Hipskind moved to approve the contents of the Consent. Alderman Moriarty seconded. Roll call vote:

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

Nays: None

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

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

### 6. a. REPORTS & RECOMMENDATIONS

Alderman Gow stated the Public Works and Buildings Committee will hold a public meeting addressing the recent flooding issues in Elmhurst next Monday, April 13, 2009 at 7:00 p.m. in the Council Chambers. The City will present a report on their findings and there will be a question and answer period with the public.

#### b. UPDATES (Mayor Marcucci)

##### 1. GENERAL UPDATES

Mayor Marcucci stated he is a supporter of the goals of the Suburban O'Hare Commission (SOC). He spoke of the airport noise, runway 4R and traffic as it impacts Elmhurst. He also spoke about jet safety and pollution. He stated the fight is not over expansion of the airport but over the increase in noise, pollution and safety.

The Mayor expressed his opinion of the O'Hare expansion, stating the creation of a third airport would have been a better solution. He encouraged the City Council to continue to stay involved in the SOC after his term as Mayor ends.

Mayor Marcucci stated the Building Department reported that in the first quarter of 2009 only 4 permits were issued for new homes. He compared that to previous years: 2008/13, 2007/21, 2006/44 and 2005/44. He stated tear downs are driven by the economy, the City did not issue a single building permit for a new home in March 2009.

The Mayor stated the City is conducting inspections of the new Elmhurst Memorial Hospital location, which saves the City money.

##### 2. BICYCLE TASK FORCE REPORT

Mayor Marcucci stated late last fall he formed a task force to research the variety of reasons bicycles are being used today and for the City to be proactive and prepared to accommodate increased

bike use. The Mayor introduced the Chairman of the Bicycle Task Force, Bob Hoel to summarize the task force report.

Chairman Hoel thanked Mayor Marcucci for forming the task force and thanked the City Council for their support. He introduced the task force committee and the other stakeholders on the task force. He stated the report breaks down information from the three (3) subcommittees of the task force: Maps, Education and Parking & Storage. He reviewed the accomplishments, items in progress, long range plans and recommendations of the task force.

Chairman Hoel thanked the City's IT staff for task force information posted on the City's website.

He stated that their goal is to make Elmhurst a bike friendly community destination and develop a lifestyle that will be more sustainable. He thanked the Mayor and Council again and expressed his wishes to continue the Bicycle Task Force's efforts under the next mayor.

Mayor Marcucci thanked Chairman Hoel and the task force for their hard work.

Chairman Hoel stated the task force will present safe routes to school to the District 205 PTA Council.

Alderman Gutenkauf stated the task force is a wonderful endeavor and asked them to also reach out to the Salt Creek and Villa Park School Districts.

Mayor Marcucci stated in two (2) weeks the Public Works and Buildings Committee (PW&B) and Public Affairs and Safety Committee (PA&S) will have a review of the bicycle task force report.

#### **ORDINANCES**

7. a. O-09-2009 – A BUDGET AND APPROPRIATION ORDINANCE FOR THE CITY OF ELMHURST FOR THE FISCAL YEAR BEGINNING ON MAY 1, 2009, AND ENDING ON APRIL 30, 2010

Ordinance O-09-2009 was presented for passage.

Alderman Lomnicki moved to approve item **7a. O-09-2009 – A Budget and Appropriation Ordinance for the City of Elmhurst for the Fiscal Year Beginning on May 1, 2009, and Ending on April 30, 2010.** Alderman Mulliner seconded.

Alderman Szczepaniak moved to reconsider the \$75 block party fee. Alderman Morley seconded.

Mayor Marcucci, point of information, asked the City Attorney is Robert's Rules of Order are being applied correctly. Mayor Marcucci also clarified that the prevailing side had to make the motion and second to reconsider.

Alderman Morley stated he was not on the prevailing side of the original motion.

City Attorney Kubiesa stated a motion to reconsider is not necessary.

Mayor Marcucci stated the budget could be changed at any time. The Mayor asked, is this motion out of order.

City Attorney Kubiesa replied yes.

Mayor Marcucci stated it could be done in the next two (2) weeks.

Discussion ensued, questioning if the motion is appropriate.

Mayor Marcucci ruled to approve the motion to reconsider.

Alderman Szczepaniak moved to reconsider the \$75 block party fee. Alderman Gow seconded.

Discussion ensued on the Mayor's ruling.

Mayor Marcucci stated that item **7a. O-09-2009 – A Budget and Appropriation Ordinance for the City of Elmhurst for the Fiscal Year Beginning on May 1, 2009, and Ending on April 30, 2010** can be amended in two (2) weeks.

Alderman Gutenkauf, point of order, asked for a clarification of the amending process.

Discussion ensued.

The Chair ruled per the advice of the City Attorney, to wait two (2) weeks.

Alderman Nybo asked if there can be a reconsideration motion under Other Business on tonight's agenda.

Mayor Marcucci stated that would be a violation of the Open Meetings Act.

Alderman Gutenkauf asked why the motion to reconsider is valid.

Mayor Marcucci replied the budget review is the committee of the whole, not acting as a corporate authority.

Discussion ensued.

City Manager Borchert stated this is the expenditure budget. The revenue side of the budget is has the \$75 block party fee. The Council could vote to direct the City Manager to do away with the fee.

Roll call vote on item **7a. O-09-2009 – A Budget and Appropriation Ordinance for the City of Elmhurst for the Fiscal Year Beginning on May 1, 2009, and Ending on April 30, 2010:**

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

Nays: None

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

#### **OTHER BUSINESS**

8. None.

#### **ANNOUNCEMENTS**

9. None.

#### **ADJOURNMENT**

10. Alderman Szczepaniak moved to adjourn the meeting. Aldermen Moriarty seconded. Voice Vote. Motion carried. Meeting adjourned 8:41 p.m.

---

Thomas D. Marcucci, Mayor

---

Patty Spencer, City Clerk