

**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF ELMHURST, ILLINOIS
HELD ON MONDAY, JUNE 1, 2009
209 NORTH YORK STREET
ELMHURST, ILLINOIS**

EXECUTIVE SESSION 7:00 P.M. – LITIGATION AND PERSONNEL

1. Executive session was called to order at 7:04 p.m. by Mayor DiCianni for the purpose of discussing Litigation and Personnel.

Present: Diane Gutenkauf, Paula Pezza, Norman Leader, Susan J. Rose, Michael J. Bram, Stephen Hipskind, Kevin L. York, Chris Nybo, Chris Healy, Steve Morley, Jim Kennedy, Mark A. Mulliner, Patrick Wagner

Absent: Pat Shea (arrived at 7:06 p.m.)

Also in attendance: City Treasurer Dyer, City Attorney Storino, City Manager Borchert

Alderman Gutenkauf moved to convene into executive session for the purpose of discussing Litigation and Personnel. Alderman York seconded. Roll call vote:

Ayes: Gutenkauf, York, Pezza, Shea, Leader, Rose, Bram, Nybo, Healy, Morley, Kennedy, Mulliner, Wagner

Nays: None

14 yeas, 0 nays, 0 absent
Motion duly carried

Alderman Bram moved to adjourn executive session. Alderman Hipskind seconded. Voice vote. Motion carried. Executive session adjourned at 7:35 p.m.

CALL TO ORDER/ PLEDGE OF ALLEGIANCE/ROLL CALL

Attendance: 30

2. The Regular Meeting of the Elmhurst City Council was called to order by Mayor DiCianni at 7:43 p.m.

Present: Diane Gutenkauf, Paula Pezza, Pat Shea, Norman Leader, Susan J. Rose, Michael J. Bram, Stephen Hipskind, Kevin L. York, Chris Nybo, Chris Healy, Steve Morley, Jim Kennedy, Mark A. Mulliner, Patrick Wagner

Absent: None

Also in Attendance: City Treasurer Dyer, City Attorney Storino, City Manager Borchert

PUBLIC HEARING – FIRST AMENDMENT TO ANNEXATION AGREEMENT - PROSPECT AVENUE PROPERTY OWNERS

3. Mayor DiCianni opened the public hearing at 7:45 p.m. Mayor DiCianni asked for anyone interested in speaking concerning the First Amendment to Annexation Agreement – Prospect Avenue Property Owners to please address the Council. No one spoke. The public hearing closed at 7:46 p.m.

PUBLIC HEARING – ANNEXATION AGREEMENT - HOEKSTRA, MENDEL AND HALLER PROPERTIES - SOUTH PROSPECT AVENUE

4. Mayor DiCianni opened the public hearing at 7:47 p.m. Mayor DiCianni asked for anyone interested in speaking concerning the Annexation Agreement – Hoekstra, Mendel and Haller Properties – South Prospect Avenue. No one spoke. The public hearing closed at 7:48 p.m.

RECOGNITION – DISTRICT 205 & SKILLS USA TEAM

5. Mayor DiCianni introduced Mr. Ken Ross, Department Head of at York High School's Vocational Department. He stated that Mr. Ross will introduce the Skills USA Team, State Championship winners.

Mr. Ross thanked the Council for honoring the technical education students. He stated York High School is the best in the state not only in college preparatory but in the offering of technical courses. Sixteen (16) team members qualified for the state competition and five (5) were named winners. Mr. Ross introduced team members: Joe Roberto, Jim Harvey, Amanda Smith, Mike Navarro, Randy Smith and IDEA Award state winner Erin Hein. He stated Joe Roberto and Jim Harvey will attend the National Competition in Kansas City, Missouri.

Mayor DiCianni thanked Mr. Ross and congratulated the York students on a job well done. The Mayor also recognized the York High School Track Team for winning the State Championship this past weekend.

RECOGNITION – RELAY FOR LIFE IN ELMHURST

6. Mayor DiCianni introduced community volunteers for Relay for Life Ann Sullivan, Carrie Hamilton and Ginger Ward.

Ms. Hamilton reported the first all youth relay was held at York High School on April 25, 2009 and \$5,700. This amount exceeded their goal. She thanked the Council and the Elmhurst community for their support.

Ms. Sullivan spoke on the upcoming Relay for Life event to be held on June 19, 2009 at Timothy Christian. She stated it's the 16th relay in Elmhurst and over \$3million has been raised to fight cancer. She stated teams are still needed for this year's event. She explained teams are comprised of 4 to 8 people at \$15.00/person. Ms. Sullivan invited the community to sign up.

Mayor DiCianni offered a challenge to the Council to form teams. He urged the Council to join him on June 19th at Timothy Christian.

RECEIPT OF WRITTEN COMMUNICATIONS AND PETITIONS FROM THE PUBLIC

7. None.

PUBLIC FORUM

8. Darlene Heslop
220 Michigan #227
Elmhurst, IL 60126

Spoke on "open and transparent" policy making in City government.

CONSENT AGENDA

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

- a. MINUTES OF REGULAR MEETING HELD ON MONDAY, MAY 18, 2009 (City Clerk Spencer):
Approve as published
- b. ACCOUNTS PAYABLE – MAY 31, 2009 TOTAL \$ \$2,771,698.85
- c. BID, STREETLIGHT POLE PAINTING PROJECT (City Clerk Spencer): Refer to the Public Works and Buildings Committee

May 26, 2009

TO: Mayor DiCianni and Members of the City Council
RE: Bid, Streetlight Pole Painting Project

In response to an invitation to bid on the Streetlight Pole Painting Project advertised in the Elmhurst Press on Friday, May 8, 2009, one bid was received.

The bid was opened at 10:00 a.m. on Tuesday, May 26, 2009, and is listed as follows:

<u>Contractor</u>	<u>Total Cost</u>
Alpha Paintworks, Inc. (Chicago, IL)	\$15,750.00
	Respectfully submitted, /s/ <u>Patty Spencer</u> City Clerk

- d. REPORT – BIDS, 2009 CONTRACT PAVING PROGRAM The following report of the Public Works and Buildings Committee was presented:

May 26, 2009

TO: Mayor DiCianni and Members of the City Council
RE: Bids, 2009 Contract Paving Program

The Public Works and Buildings Committee met on Tuesday, May 26, 2009 to review bids for the 2009 Contract Paving Program. The nine (9) bids received from area contractors are summarized on Attachment “A”.

The bids received will provide for the grinding and bituminous overlay of approximately four miles of asphalt streets and removal and replacement of approximately 18,000 lineal feet of curb and gutter. Other work will include utility structure adjustments, related storm sewer work, paving of driveway approaches, restoration of parkways, and traffic control.

The contract requires that the above work at each construction location shall be completed within 45 days from the date construction commenced at that location. The contractor is also required to maintain access to residential driveways at all times, with the exception of when the curb or a concrete driveway is actually poured or curing.

C-A Cement Company submitted the lowest responsible bid meeting all of the bidding requirements. C-A Cement has done work for the City of Elmhurst in the past, having completed the 2002 and 2004 Contract Paving projects and the Margaret Place realignment project in 2003 in a satisfactory and professional manner.

C-A’s bid includes \$1,193,924.80 to resurface four miles of asphalt streets. The City has applied for federal funds through the American Recovery and Reinvestment Act (ARRA) for improvements to Spring Road and Vallette Street. The remaining balance from the \$1,750,000 Contract Paving budget will be used for this work, should the City not be approved for ARRA funding. To take advantage of the economy of scale, completion of approximately 2,900 square yards of asphalt patching, curb and gutter replacement due to watermain improvements, and reconstruction of the One Room School House parking lot were included in the Contract Paving project. Also included are quantities to grind and pave unimproved roads and re-install pavement striping. Monies for this work have been provided in the FY09/10 Budget in the following accounts as described below:

<u>ACCOUNT DESCRIPTION</u>	<u>ACCOUNT CODE</u>	<u>BUDGET AMOUNT</u>
Street Resurfacing	110-6041-432-80-15	\$1,750,000
Unimproved Roads	110-6041-432-30-08	\$ 40,000
Asphalt Patching	110-6041-432-30-02	\$ 70,000
	510-6052-501-30-02	\$ 30,000
	510-6056-502-30-02	\$ 20,000
Portland Cement Concrete (PCC) Patching – curb and gutter	510-6056-501-30-11	\$ 50,000
Pavement Striping	110-6041-432-3046	\$ 15,000
One Room Schoolhouse Parking Lot	110-7060-451-80-23	<u>\$ 60,000</u>

Total Budgeted \$2,035,000

It is, therefore, the recommendation of the Public Works and Building Committee that the low bid in the amount of \$1,486,504.12 from C-A Cement Company for the 2009 Contract Paving Program be accepted.

Respectfully submitted,
Public Works and Building Committee

/s/ Jim Kennedy

Chairman

/s/ Michael J. Bram

Vice-Chairman

/s/ Pat Shea

/s/ Chris Healy

- e. REPORT – SPRING ROAD SPECIAL SERVICE AREA The following report of the Public Works and Buildings Committee was presented:

May 26, 2009

TO: Mayor Marcucci and Members of the City Council

RE: Spring Road Special Service Area

The Public Works and Buildings Committee met on Tuesday, May 26, 2009 to review the proposal for replacement of concrete sidewalks on Spring Road between Vallette Street and the CN Railroad.

The City Council has previously approved a 50/50 cost share between the City and property owners for public sidewalk improvements. A Special Service Area will be established to support financing for the project. Through this financing method, the City will be reimbursed for 50% of the sidewalk replacement cost by the property owners via the County collecting the appropriate property tax over ten years based upon the assessed value of each affected lot.

In addition to the 50% contribution for sidewalk improvements, the City will also complete infrastructure and streetscape improvements including new lighting with decorative poles, new trees and tree grates, and trash receptacles.

The Spring Road property owners indicated interest in pursuing a sidewalk replacement project over the course of several meetings with the Spring Road Business Association and via an informal survey distributed in October 2008. As results of the survey were favorable, the City hosted an informational open house for the affected properties to discuss details of the proposed project on February 11, 2009. Preliminary engineering plans for the proposed sidewalk improvements were on display at the open house. General cost estimates and an explanation of the Special Service Area (SSA) method of financing were also provided.

Following this, City staff sent an official City survey to all property owners. Only returned surveys are used to determine support. Survey results found 92% (23 of 25) in favor of sidewalk replacement and 8% (2 of 25) against the project. Property owners were notified of the numerical survey results on April 14, 2009.

Based on the survey results and a thorough review of the proposed project information, the Public Works and Buildings Committee recommends the approval of the neighborhood's request for the replacement of sidewalks on Spring Road between Vallette Street and the CN Railroad, and that City staff be directed to create the Special Service Area according to the Special Service Area Tax Law (35 ILCS 200/27-5 et.seq).

Respectfully submitted,
Public Works and Building Committee

/s/ Jim Kennedy

Chairman

/us/ Michael J. Bram

Vice-Chairman

/us/ Pat Shea

/s/ Chris Healy

- f. REPORT – DISPOSITION OF YIELD SIGN REQUEST LINDEN AND NIAGARA AVENUES
The following report of the Public Affairs and Safety Committee was presented:

May 26, 2009

To: Mayor DiCianni and Members of the City Council
RE: Disposition of Yield Sign Request Linden and Niagara Avenues

The Public Affairs and Safety Committee met on May 26, 2009 to discuss the status of the request by a resident to install yield signs at the intersection of Linden and Niagara Avenues. A review was performed based on criteria set forth in “Proposed Warrants for Low Volume Intersection Traffic Control” by the City’s traffic consultant, Brent Coulter of Coulter Transportation Consulting. Based on the criteria set forth in “Proposed Warrants for Low Volume Intersection Traffic Control”, yield signs are warranted on northbound and southbound Linden Avenue at Niagara Avenue.

In accordance with Mr. Coulter’s findings, staff recommends that yield signs be installed on northbound and southbound Linden Avenue at Niagara 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 on northbound and southbound Linden Avenue at Niagara Avenue.

Respectfully submitted,
Public Affairs and Safety Committee

/s/ Patrick Wagner
Chairman
/s/ Chris Nybo
Vice-Chairman
/s/ Paula Pezza

- g. REPORT – LIQUOR LICENSE REQUEST: TEAM SPIRIT SHELL The following report of the Public Affairs and Safety Committee was presented:

May 26, 2009

To: Mayor Marcucci and Members of the City Council
Re: Liquor License Request: Team Spirit Shell

The Public Affairs and Safety Committee met on April 13, 2009 and again on May 26, 2009 to discuss the liquor license request by Team Spirit Shell.

Team Spirit Shell is located at 103 W. Third Street. Due to the economic recession, a drop in sales in gasoline and internal groceries and in an attempt to supplement their revenue to offset an increase in rent by Shell Corporation, Team Spirit Shell has requested a liquor license to allow for the retail sale of liquor during the following hours:

The Elmhurst Police Department has concerns about the ability of the on-duty attendant(s) to responsibly monitor the outside pumps, monitor the liquor cases and check identification of patrons wishing to purchase liquor, and, therefore, as in the past, do not recommend creating a liquor license for gas stations. The Public Affairs and Safety Committee concurs with the police recommendation.

It is, therefore, the recommendation of the Public Affairs and Safety Committee that a liquor license not be created for Team Spirit Shell.

Respectfully submitted,
Public Affairs and Safety Committee

/s/ Patrick Wagner
Chairman
/s/ Chris Nybo
Vice-Chairman
/s/ Paula Pezza

- h. REPORT – REQUEST FOR ADDITIONAL TEN (10) MINUTE PARKING IN CENTRAL BUSINESS DISTRICT The following report of the Public Affairs and Safety Committee was presented:

May 27, 2009

To: Mayor DiCianni and Members of the City Council
Re: Request for Additional Ten (10) Minute Parking in the Central Business District

The Public Affairs and Safety Committee met on May 26, 2009 to review a request for additional ten (10) minute parking spaces in the area of York and Adelaide Streets in the Central Business District (CBD). Based on the request of a business located in this area, the City of Elmhurst Parking Committee, which consists of staff from Zoning, Planning and Economic Development, Police, Public Works and Finance, and Tom Paravola, Executive Director of the City Centre, completed a review of the ten minute parking spaces in this area of the CBD (York and Adelaide). Understanding the ultimate goal of extended stays in the CBD with multiple shopping, dining and entertainment experiences by residents and visitors, the Committee and staff realize the need for a limited number of short term parking spaces in the CBD.

The review and analysis of the request for additional ten minute parking in the CBD by City and City Centre staff included the following: review of the current number and location of the ten minute spaces in the CBD; location of the business requesting the ten minute parking (and neighboring businesses) in relation to existing ten minute spaces; ease of use for short term parking; and contacts with businesses that could be effected by any changes to customer parking in this area. Based on this review and analysis, City Centre and City staff recommended the following changes (see attached map):

- North side of Adelaide Street, between Adell Place and York Street – Add one ten minute space (first space on the north side of Adelaide Street when turning west on Adelaide from York Street).
- East side of York Street, between Adelaide and Park – Add one ten minute space (northern most space of four spaces located on the east side of York between entrance to 105 S. York Street parking lot and Park Avenue).

The recommended addition of two ten minute spaces in the locations specified above should provide convenient access to all of the businesses in this area. The Committee agreed with staffs' recommendation.

It is, therefore, the recommendation of the Public Affairs and Safety Committee that the appropriate ordinance be amended to reflect the recommended addition of two ten (10) minute parking spaces in the Central Business District as stated above and shown on the attached map.

Respectfully submitted,
Public Affairs and Safety Committee

/s/ Patrick Wagner
Chairman
/s/ Chris Nybo
Vice-Chairman
/s/ Paula Pezza

- i. REPORT – PROFESSIONAL SERVICES AGREEMENT FOR THIRD PARTY CLAIMS ADMINISTRATION The following report of the Finance, Council Affairs and Administrative Services Committee was presented:

May 27, 2009

To: Mayor DiCianni and Members of the City Council
Re: Professional Services Agreement for Third Party Claims Administration

The Finance, Council Affairs and Administrative Services Committee met on May 26, 2009, to review proposals for third party claims administration services for the City's insurance program.

This includes claims administration for general liability, property, casualty, and employment related claims for fiscal year 2009-2010.

The outsourcing of the claims administration is a vital component to the City's risk management program. Third party administrators work with City staff and attorneys, to resolve claims against the City. Each year the agreements with the third party administrators (TPA) are reviewed prior to renewal. Previously, in 2005, the City issued a Request for Proposal (RFP) and selected two firms to provide third party claim administration. Employer's Claim Service, Inc. provided workers' compensation claims administration and Alternative Service Concepts L.L.C. provided liability claims administration for the past four years. This year the City issued a RFP and received five competitive proposals, including the incumbent firms.

The 2008-2009 third party administration fees were \$15,760 for workers' compensation and \$21,660 for the liability claim processing, for a total of \$37,420. City staff, along with the City's insurance broker, Arthur J. Gallagher Risk Management Service, Inc., evaluated the proposals based on a comprehensive list of criteria which included a minimum of 5 years adjusting experience in the commercial/municipal insurance areas of general liability, law enforcement, public officials, employment, and auto liability coverage. Based on the results of staff analysis and reference checks, staff recommends Employer's Claim Service, Inc. for a proposed fee of \$19,950 for workers' compensation claims administration for one year and NovaPro Risk Solutions, LP for a proposed cost of \$14,750 for liability claims administration for one year. The proposed costs are based on an average of the number of claims experienced during the past four years. Based on the average claims experience, the total cost for third party administration for the 2009-2010 year would be \$34,700, which would result in a 7.3% savings or \$2,720 savings compared to prior year. The projected total cost based on average claims experience is also less than the budgeted third party administration fees of \$41,160.

It is, therefore, the recommendation of the Finance, Council Affairs and Administrative Services Committee that the City Council accept the proposal from Employer's Claim Services, Inc. for workers' compensation claim administration at a cost of \$19,950 for one year, and the proposal from NovaPro Risk Solutions, LP at a cost of \$14,750 for one year for liability claim administration.

Respectfully submitted,
Finance, Council Affairs and
Administrative Services Committee

/s/ Stephen Hipskind
Chairman
/s/ Kevin York
Vice-Chairman
/s/ Mark Mulliner
/s/ Diane Gutenkauf

- j. REPORT – CASE NUMBER 09 ZBA-02 /SAVAGE VARIATION 384 WEBSTER AVENUE The following report of the Development, Planning and Zoning Committee was presented:

May 27, 2009

TO: Mayor DiCianni and Members of the City Council
RE: Case Number 09 ZBA - 02 / Savage Variation 384 Webster Avenue
Request for variation from required front yard setback pursuant to 7.3-5.a of the Elmhurst Zoning Ordinance on property commonly known as 384 Webster Avenue (PIN 06-12-207-007), said property being wholly located within the R1 Single Family Residence district.

The Development, Planning and Zoning Committee met on May 26, 2009 to review the Zoning & Planning Commission report dated April 28, 2009 regarding the subject request. The Committee also reviewed the applicant's documentation, including building elevation plans, and the transcript of the public hearing. The applicant, Patrick Savage, is requesting a front yard variation for construction of a new front porch on the existing house.

The applicant is requesting a 5 foot front yard setback variation for the proposed unenclosed front porch. The porch will have a setback of 25 feet, while the existing home has a legal non-conforming setback of 21.82 feet. The Committee discussed the existing home and the rest of the block where the subject home is located. The Committee noted that all the other homes on the block have legal non-conforming front yard setbacks, as well as legal non-conforming lot sizes. The Committee also noted that with the proposed porch, the lot coverage for the subject site will be essentially at the maximum (29.9% proposed; 30% allowed).

The Committee then reviewed the standards for variation and supported the following findings:

- The owner's situation results from unique circumstances as the subject lot area (7500 square feet) does not meet the minimum lot area (9000 square feet) required in the R-1 District, nor can it be enlarged to conform to lot area requirements. In addition, the existing home front is located even closer to the allowed lot line than the proposed front porch.
- The essential character of the neighborhood will not be altered as the proposed front porch actually helps update and enhance the existing home. The Committee noted that the proposed porch is just one improvement associated with additional renovations undertaken at the home, i.e. second story, renovated garage space, etc.
- The new front porch will provide reasonable use, return, and enjoyment for the owners by providing an area where the owners can congregate with their neighbors and friends.

Based on these standards, the Committee supports the above findings that the standards for variation have been met for this request.

The Committee then reviewed the project timing with the owner/applicant. Due to the owner's circumstances in that they are currently displaced from the home and that the fact that DPZ Committee has not met for over a month due to committee appointment changes resulting from the most recent municipal election, the Committee recommends that normal rules of the City Council be suspended to allow for approval of the ordinance associated with this variation at the same meeting as the presentation of the report.

It is the therefore, the recommendation of the Development, Planning and Zoning Committee that this request be approved, along with suspension of City Council rules to allow the report and ordinance to be approved at the same meeting. The City Attorney has prepared the necessary ordinance documents for City Council approval.

Respectfully submitted,
Development, Planning and Zoning
Committee

/s/ Steven Morley

Chairman

/s/ Susan J. Rose

Vice-Chairman

/s/ Norman Leader

k. O-13-2009 – AN ORDINANCE AUTHORIZING THE SALE BY AUCTION OF PERSONAL PROPERTY OWNED BY THE CITY OF ELMHURST

Ordinance O-13-2009 was presented for passage.

Alderman York removed item **9c. Bid, Streetlight Pole Painting Project**. Alderman Shea removed items **9d. Report – Bids, 2009 Contract Paving Program** and **9e. Report – Spring Road Special Service Area**. Alderman Gutenkauf removed item **9g. Report – Liquor License Request: Team Spirit Shell**. Alderman Morley removed item **9j. Report – Case Number 09 ZBA-02 /Savage Variation 384 Webster Avenue**.

Alderman Nybo moved to accept the contents of the Consent Agenda less items **9c. Bid, Streetlight Pole Painting Project, 9d. Report – Bids, 2009 Contract Paving Program, 9e. Report**

– **Spring Road Special Service Area, 9g. Report – Liquor License Request: Team Spirit Shell and 9j. Report – Case Number 09 ZBA-02 /Savage Variation 384 Webster Avenue.** Alderman Hipskind seconded. Voice vote unanimous, motion carried. Alderman Wagner moved to approve the contents of the Consent less items **9c. Bid, Streetlight Pole Painting Project, 9d. Report – Bids, 2009 Contract Paving Program, 9e. Report – Spring Road Special Service Area, 9g. Report – Liquor License Request: Team Spirit Shell and 9j. Report – Case Number 09 ZBA-02 /Savage Variation 384 Webster Avenue.** Alderman Shea seconded. Roll call vote:

Ayes: Wagner, Shea, Gutenkauf, Pezza, Leader, Rose, Bram, Hipskind, York, Nybo, Healy, Morley, Kennedy, Mulliner

Nays: None

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

Alderman Kennedy moved to approve item **9c. Bid, Streetlight Pole Painting Project.** Alderman Bram seconded.

Alderman York stated he pulled item **9c. Bid, Streetlight Pole Painting Project** to ask since only one (1) bid was received, how does the Council know that was the best price for the job.

Alderman Kennedy stated since there was only one (1) bid the committee compared it to past bids received.

Roll call vote on item **9c. Bid, Streetlight Pole Painting Project:**

Ayes: Kennedy, Bram, Gutenkauf, Pezza, Shea, Leader, Rose, Hipskind, York, Nybo, Healy, Morley, Mulliner, Wagner

Nays: None

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

Alderman Kennedy moved to approve item **9d. Report – Bids, 2009 Contract Paving Program.** Alderman Bram seconded.

Alderman Shea stated she pulled item **9d. Report – Bids, 2009 Contract Paving Program** to sign the report.

Alderman Healy stated the paving is for four (4) miles, not the usual five (5) miles. He stated three key roads Bryan, Cayuga and Niagara are included in the four (4) miles of paving.

Roll call vote on item **9d. Report – Bids, 2009 Contract Paving Program:**

Ayes: Kennedy, Bram, Gutenkauf, Pezza, Shea, Leader, Rose, Hipskind, York, Nybo, Healy, Morley, Mulliner, Wagner

Nays: None

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

Alderman Kennedy moved to approve item **9e. Report – Spring Road Special Service Area.** Alderman Bram seconded.

Alderman Shea stated she pulled item **9e. Report – Spring Road Special Service Area** to express her concern on the cost of the project and suggest it be postponed for a year.

Alderman Kennedy stated this is a project that will not only benefit the merchants on Spring Road, it will benefit the City as well.

Discussion ensued regarding the cost of the project and the SSA established for it.

Roll call vote on item **9e. Report – Spring Road Special Service Area:**

Ayes: Kennedy, Gutenkauf, Pezza, Leader, Rose, Hipskind, York, Nybo, Healy, Morley, Mulliner, Wagner

Nays: Bram, Shea,

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

Alderman Nybo moved to approve item **9g. Report – Liquor License Request: Team Spirit Shell**. Alderman Wagner seconded.

Alderman Gutenkauf stated she pulled item **9g. Report – Liquor License Request: Team Spirit Shell** to state her support of giving Team Spirit Shell gas station a liquor license.

Alderman Wagner stated the Police Department is concerned with the difficulty of one clerk handling the job of making sure id's are checked properly. They feel this could be a safety concern.

Discussion ensued regarding gas stations, selling liquor and public safety.

Roll call vote on item **9g. Report – Liquor License Request: Team Spirit Shell:**

Ayes: Nybo, Wagner, Pezza, Shea, Leader, Bram, Hipskind, York, Healy, Morley, Kennedy, Mulliner,

Nays: Gutenkauf

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

Alderman Morley moved to approve item **9j. Report – Case Number 09 ZBA-02 /Savage Variation 384 Webster Avenue**. Alderman York seconded.

Alderman Morley stated he pulled item **9j. Report – Case Number 09 ZBA-02 /Savage Variation 384 Webster Avenue** to review the standards used to support the recommendation. Alderman Morley also requested to suspend the rules to allow the report and ordinance to be approved at the same Council meeting.

Voice vote to approve item **9j. Report – Case Number 09 ZBA-02 /Savage Variation 384 Webster Avenue**, unanimous, motion carried.

COMMITTEE REPORTS

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

May 27, 2009

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

The Finance, Council Affairs and Administrative Services Committee met May 26, 2009, to review water rate and sewer rate adjustments in the Municipal Utility Fund.

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

(\$2 million); and 25%-33% of operating expenses (\$3.1-\$4.1 million). The total range goal for fiscal 2010 is \$6.7 million to \$7.7 million. The goal is split between the water and sewer segments of the MUF based upon the level of operating expenses in each segment.

As the Council is aware, the City purchases its water supply from the DuPage Water Commission (DWC) and the DWC purchases its water supply from the City of Chicago. The City of Chicago has approved the following water rate increases: 15% (\$0.20 per thousand gallons) January 1, 2008; 15% (\$0.23 per thousand gallons) January 1, 2009; and 14% (\$0.25 per thousand gallons) January 1, 2010. The DWC increased operations and maintenance (O & M) rates to its members by \$0.20 to \$1.24 per thousand gallons effective October 1, 2008, and by \$0.24 to \$1.48 per thousand gallons effective May 1, 2009. The remaining increase is forecasted by DWC to be effective May 1, 2010. DWC is also being negatively impacted by current economic conditions regarding sales tax revenue, which accounts for approximately 34% of DWC's revenue budget. Based on these anticipated changes from the DuPage Water Commission, the current cash balance in the water utility segment of the MUF and on projected expenditures for the next five years (see Schedule A), the Finance Committee recommends a rate adjustment for fiscal 2010 of 7.5% to \$4.31 per thousand gallons of water usage.

The Finance Committee also reviewed projections for sewer rate adjustments, including a review of major capital projects such as purchasing an anaerobic digester (see Schedule C). Due to the age of many components of the Wastewater Treatment Plant and due to the volume of material processed, the next five to ten years will require significant infrastructure improvement/ replacement at the Plant. Based on the current cash balance in the sewer segment of the MUF and on projected expenditures for the next five years (see Schedule B), the Committee recommends a rate adjustment for fiscal 2010 of 7% to \$3.97 per thousand gallons of water usage.

The impact of the combined water rate and sewer rate adjustments for an average four-person household using 12,000 gallons of water per month (3,000 gallons per person) is approximately \$6.72 per month.

It is, therefore, the recommendation of the Finance, Council Affairs and Administrative Services Committee that the City Council direct the City Attorney to prepare an amendment to the Municipal Code of Ordinances changing the water rates and sewer rates for the City of Elmhurst, effective for usage billed on or after June 19, 2009, as follows:

	Residential Rates (Per Thousand Gallons)		Commercial Rates (Per Thousand Gallons)	
	<u>New</u>	<u>Current</u>	<u>New</u>	<u>Current</u>
Water	\$4.31	\$4.01	\$6.47	\$6.02
Bi-Monthly Minimum	\$3.42	\$3.18	\$5.13	\$4.77
Sewer	\$3.97	\$3.71	\$3.97	\$3.71
Bi-Monthly Minimum	\$3.15	\$2.84	\$3.15	\$2.84

Respectfully submitted,
Finance, Council Affairs and
Administrative Services Committee

/s/ Stephen Hipskind

Chairman

/s/ Kevin York

Vice-Chairman

/s/ Mark Mulliner

/s/ Diane Gutenkauf

Alderman Hipskind moved to approve item **10a. Report – Water Rate and Sewer Rate Review**. Alderman York seconded.

Alderman Hipskind reviewed the report highlighting the increases in water rates from the DuPage Water Commission and capital projects for the Wastewater Treatment Plant. He stated the impact of the water rate and sewer rate increase per household is approximately \$6.72/month.

Voice vote on item **10a. Report – Water Rate and Sewer Rate Review**, unanimous. Motion carried.

Alderman Hipskind, point of order, why is this ordinance being approved by voice vote.

City Attorney Storino stated this is a committee report, which can be approved by voice vote.

REPORTS AND RECOMENDATIONS OF APPOINTED AND ELECTED OFFICIALS

11. a. UPDATES (Mayor Marcucci)

Mayor DiCianni reported on the appointments and reappointments of various commissions and stated they will be on the next meeting's agenda.

Alderman Bram asked Mayor DiCianni for an update on the Finance Task Force.

Mayor DiCianni stated he is still accepting applications. Anyone interested can apply, either by email or by sending an application to the Mayor/Manager's Office. He stated he would like to announce the Task Force at the June 15, 2009 Council meeting and be ready to begin by the end of the month.

b. PROCLAMATION FOR BIKE TO WORK WEEK (Mayor DiCianni)

Mayor DiCianni asked Elmhurst Bicycle Task Force Chairman, Mr. Bob Hoel, to join him at the podium to receive a proclamation for *Bike to Work Week*, June 13-19, 2009.

Chairman Hoel thanked the Mayor for recognizing the bicycle as a sustainable form of recreation and value for transportation.

ORDINANCES

12. a. O-14-2009 – AN ORDINANCE AUTHORIZING THE EXECUTION OF AN ANNEXATION AGREEMENT WITH THE MARTIN AND JOAN HOEKSTRA TRUST U/T/D SEPTEMBER 8, 1999, DARIUSZ MENDEL AND ADRIANNA MENDEL AND CHICAGO TITLE LAND TRUST COMPANY U/T/D APRIL 9, 1987 AND KNOWN AS TRUST NUMBER 5738 (HOEKSTRA/MENDEL/HALLER PROPERTIES – SOUTH PROSPECT AVENUE)

Ordinance O-14-2009 was presented for passage.

Alderman Hipskind moved to approve item **12a. O-14-2009 – An Ordinance Authorizing the Execution of an Annexation Agreement with the Martin and Joan Hoekstra Trust u/t/d September 8, 1999, Dariusz Mendel and Adrianna Mendel and Chicago Title Land Trust Company u/t/d April 9, 1987 and Known as Trust Number 5738 (Hoekstra/Mendel/Haller Properties – South Prospect Avenue)**. Alderman Mulliner seconded. Roll call vote:

Ayes: Hipskind, Mulliner, Gutenkauf, Pezza, Shea, Leader, Bram, York, Nybo, Healy, Morley, Kennedy, Wagner

Nays: None

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

b. O-15-2009 – AN ORDINANCE ANNEXING CERTAIN TERRITORY TO THE CITY OF ELMHURST, DUPAGE AND COOK COUNTIES, ILLINOIS (HOEKSTRA, MENDEL AND HALLER PROPERTIES)

Ordinance O-15-2009 was presented for passage.

Alderman Hipskind moved to approve item **12b. O-15-2009 – An Ordinance Annexing Certain Territory to the City of Elmhurst, DuPage and Cook Counties, Illinois (Hoekstra, Mendel and Haller Properties)**. Alderman Wagner seconded. Roll call vote:

Ayes: Hipskind, Wagner, Gutenkauf, Pezza, Shea, Leader, Bram, York, Nybo, Healy, Morley, Kennedy, Mulliner

Nays: None

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

c. O-16-2009 – AN ORDINANCE APPROVING A FIRST AMENDMENT TO ANNEXATION AGREEMENT (PROSPECT AVENUE PROPERTY OWNERS)

Ordinance O-16-2009 was presented for passage.

Alderman Hipskind moved to approve item **12c. O-16-2009 – An Ordinance Approving a First Amendment to Annexation Agreement (Prospect Avenue Property Owners)**. Alderman Gutenkauf seconded. Roll call vote:

Ayes: Hipskind, Gutenkauf, Pezza, Shea, Leader, Bram, York, Nybo, Healy, Morley, Kennedy, Mulliner, Wagner

Nays: None

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

d. O-17-2009 – 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 (PROSPECT AVENUE)

Ordinance O-17-2009 was presented for passage.

Alderman Healy moved to approve item **12d. O-17-2009 – 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 (Prospect Avenue)**. Alderman Bram seconded. Roll call vote:

Ayes: Healy, Bram, Gutenkauf, Pezza, Shea, Leader, Hipskind, York, Nybo, Morley, Kennedy, Mulliner, Wagner

Nays: None

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

e. ZO-03-2009 – AN ORDINANCE GRANTING A FRONT YARD VARIATION ON THE PROPERTY COMMONLY KNOWN AS 384 WEBSTER AVENUE (SAVAGE)

Ordinance ZO-03-2009 was presented for passage.

Alderman Hipskind moved to approve item **12e. ZO-03-2009 – An Ordinance Granting a Front Yard Variation on the Property Commonly Known as 384 Webster Avenue (Savage)**. Alderman Morley seconded.

Alderman Nybo point of order, don't we have to suspend the rules to approve a committee report and an ordinance on the same night.

Alderman Morley stated when the committee report was approved it was included in the recommendation.

Roll call vote on item **12e. ZO-03-2009 – An Ordinance Granting a Front Yard Variation on the Property Commonly Known as 384 Webster Avenue (Savage)**:

Ayes: Hipskind, Morley, Bram, Gutenkauf, Pezza, Shea, Leader, York, Nybo, Healy, Kennedy, Mulliner, Wagner

Nays: None

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

OTHER BUSINESS

13. Mayor DiCianni repeated the Finance Task Force will be announced at the next meeting.

Alderman Pezza asked Mayor DiCianni, after a person sends in their application, what comes next.

Mayor DiCianni replied he and City Manager Borchert will make the selections. A phone call will be made to all applicants.

Alderman Mulliner asked if President Obama has yet to reimburse the City of Chicago for police protection on election night, Tuesday, November 4, 2009 for his rally in Grant Park. He asked if Elmhurst Police assisted, will the City see any of the reimbursement.

City Manager Borchert replied not to his knowledge, but he will check.

ANNOUNCEMENTS

14. Mayor DiCianni congratulated the York High School Track Team on their victory. It's the 4th time they have won a state title.

Alderman Mulliner congratulated the gymnastic team at York for placing 3rd in the state and the badminton team for placing 14th in the state.

Alderman Kennedy stated due to the closing of Driscoll Catholic High School, Immaculate Conception High School will have an increase of 104 students in their enrollment for next year.

ADJOURNMENT

15. Alderman Morley to adjourn the meeting. Aldermen Hipskind. Voice Vote. Motion carried. Meeting adjourned 9:27p.m.

Peter P. DiCianni, III, Mayor

Patty Spencer, City Clerk