

**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF ELMHURST, ILLINOIS
HELD ON MONDAY, OCTOBER 19, 2009
209 NORTH YORK STREET
ELMHURST, ILLINOIS**

EXECUTIVE SESSION - LITIGATION & PERSONNEL

1. Executive session was called to order at 7:00 p.m. by Mayor DiCianni for the purpose of discussing Litigation & Personnel.

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

Absent: Chris Nybo (arrived at 7:26 p.m.), Chris Healy (arrived at 7:05 p.m.), Steve Morley (arrived at 7:02 p.m.)

Also in attendance: City Treasurer Dyer, City Attorney Storino, Finance Director Gaston

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

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

Nays: None

11 yeas, 0 nays, 3 absent
Motion duly carried

Alderman Mulliner moved to recess executive session. Alderman Morley seconded. Voice vote. Motion carried. Executive session recessed at 7:40 p.m.

CALL TO ORDER/ PLEDGE OF ALLEGIANCE/ROLL CALL

Attendance: 11

2. The Regular Meeting of the Elmhurst City Council was called to order by Mayor DiCianni at 7:49 p.m.

Present: Diane Gutenkauf, Paula Pezza, Pat Shea, Norman Leader, Susan J. Rose, Michael J. Bram, Stephen Hipskind, Kevin L. York, Chris Nybo (left at 9:10 p.m.), Chris Healy, Steve Morley (left at 8:59 p.m.), Jim Kennedy (left at 9:12 p.m.), Mark A. Mulliner, Patrick Wagner

Absent: None.

Also in Attendance: City Treasurer Dyer, City Attorney Storino, City Manager Borchert, Finance Director Gaston, Assistant Finance Director Trosien, Fire Chief/Acting Assistant City Manager Kopp, Public Works Director Hughes, PW Operations Manager Morley, PZED Director Said

RECEIPT OF WRITTEN COMMUNICATIONS AND PETITIONS FROM THE PUBLIC

3. John Pesek, 1026 S. Riverside Dr., submitted a letter to Council with the subject line: Case Number 09 P-05/Sloan (CE Rentals) Conditional Use. In the letter Mr. Pesek discusses his opposition to expansion of commercial interests into a residential area.

PUBLIC FORUM

4. Gilbert Fischer
586 N. Van Auken St.
Elmhurst, IL 60126

Requested a breakdown of all types of City taxes be printed in the newspaper.

Ellen Braun
850 Euclid
Elmhurst, IL 60126

Spoke regarding cuts in funding that will affect the quality of programs at the Elmhurst Historical Museum. She stated history and education attract visitors to Elmhurst. The Elmhurst Heritage Foundation has provided quality exhibits and has a volunteer program in place. She stated \$18,533 is needed to complete the Churchville One Room Schoolhouse. The Foundation is hopeful that there is community support and that they will continue to work with the City during the budget process.

James Sanchez
248 N. Addison Ave.
Elmhurst, IL 60126

Spoke regarding solar initiative issues such as conversion to reusable energy. He stated he looks forward to the review by the Development, Planning and Zoning Committee.

John Pesek
1026 S. Riverside Dr.
Elmhurst, IL 60126

Spoke regarding the conditional use request from CE Rentals stating allowing the expansion creates noise and pollution problems that will impact the quality of life for the surrounding residents.

Bob Lambke
1012 S. Riverside Dr.
Elmhurst, IL 60126

Spoke regarding the Sloan conditional use request on tonight's agenda stating there are no provisions for ingress and egress, early morning noise will take place. He asked Council to please vote against the conditional use because of the noise and pollution it will create.

CONSENT AGENDA

5. The following items on the Consent Agenda were presented:
 - a. MINUTES OF THE REGULAR MEETING HELD ON MONDAY, OCTOBER 5, 2009 (City Clerk Spencer): Approve as published
 - b. MINUTES OF THE EXECUTIVE SESSION HELD ON MONDAY, OCTOBER 5, 2009 (City Clerk Spencer): Receive and place on file
 - c. ACCOUNTS PAYABLE – OCTOBER 19, 2009 TOTAL \$ 1,048,028.90
 - d. APPOINTMENT OF ATTORNEY DONALD J. STORINO – ADJUDICATION OFFICER (Mayor DiCianni): Concur with the Mayor's recommendation

October 15, 2009

To: Members of the City Council
Re: Appointment of Attorney Donald J. Storino – Adjudication Officer

Please be advised that I am appointing Attorney Donald J. Storino the City of Elmhurst's Adjudication Officer according to the MCO-19-2009 ordinance approved on October 5, 2009.

Respectfully submitted,
/s/ Peter P. DiCianni, III
Mayor

- e. ELMHURST BIKE TASK FORCE REQUEST (City Manager Borchert): Refer to the Public Works and Buildings Committee

October 15, 2009

To: Mayor DiCianni and Members of the City Council
Re: Elmhurst Bike Task Force Request

It is requested that the attached request from the Elmhurst Bike Task Force regarding adopting the “Share the Road Pilot Program” be referred to the Public Works and Buildings Committee for review and recommendation back to the City Council.

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

- f. SOLAR INITIATIVES – ALDERMAN GUTENKAUF (City Manager Borchert): Refer to the Development, Planning and Zoning Committee

October 15, 2009

To: Mayor DiCianni and Members of the City Council
Re: Solar Initiatives – Ald. Diane Gutenkauf

It is requested that the attached request from Alderman Diana Gutenkauf regarding Illinois SB 583 and solar initiatives be referred to the Development, Planning and Zoning Committee for review and recommendation back to the City Council.

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

- g. REPORT – YORK STREET AND VALLETTE STREET NO RIGHT TURN ON RED The following report of the Public Affairs and Safety Committee was presented for passage.

October 13, 2009

To: Mayor DiCianni and Members of the City Council
Re: York Street and Vallette Street No Right Turn on Red

The Public Affairs and Safety Committee met on October 13, 2009 to discuss several requests of a safety concern near Vallette and York Streets. Concerns include sight distances on west bound Vallette Street at York Street.

In response to the concerns, the City’s traffic consultant, Brent Coulter of Coulter Transportation Consulting performed a safety review at the intersection of York and Vallette Streets. Mr. Coulter focused on sight distance analysis and whether right turn on red from westbound Vallette Street should be allowed. Based on Mr. Coulter’s findings, staff recommends that right turns on red be prohibited from westbound Vallette Street to northbound York Street.

It is therefore, the recommendation of the Public Affairs and Safety Committee that the appropriate ordinance be drafted and adopted by the City Council that prohibits right turns on red from westbound Vallette Street to northbound York Street.

Respectfully submitted,
Public Affairs and Safety Committee
/s/ Patrick Wagner
Chairman
/s/ Chris Nybo
Vice-Chairman
/s/ Paula Pezza

- h. O-41-2009 – AN ORDINANCE PROPOSING THE ESTABLISHMENT OF SPECIAL SERVICE AREA NO. 14 (SPRING ROAD BUSINESS DISTRICT) IN THE CITY OF ELMHURST, DUPAGE AND COOK COUNTIES, ILLINOIS AND PROVIDING FOR A PUBLIC HEARING AND OTHER PROCEDURES IN CONNECTION THEREWITH

Ordinance O-41-2009 was presented for passage.

- i. MCO-20-2009 – AN ORDINANCE AUTHORIZING THE PLACEMENT OF A “20MPH SCHOOL SPEED ZONE” SIGN ON THE NORTH SIDE OF WEST ELM PARK AVENUE, ONE BLOCK EAST OF SOUTH GRACE AVENUE IN THE CITY OF ELMHURST, ILLINOIS

Ordinance MCO-20-2009 was presented for passage.

- j. R-46-2009 – A RESOLUTION TO APPROVE AND AUTHORIZE THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN THE COUNTY OF DUPAGE AND THE CITY OF ELMHURST FOR THE IMPLEMENTATION OF THE ILLICIT DISCHARGE DETECTION AND ELIMINATION PROGRAM

Resolution R-46-2009 was presented for passage.

Alderman Healy moved to approve the contents of the Consent Agenda. Alderman Hipskind seconded. Roll call vote:

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

Nays: None

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

COMMITTEE REPORTS

6. a. REPORT – CASE NUMBER 09 P-05/SLOAN (CE RENTALS 1021 S. RTE. 83) CONDITIONAL USE The following report of the Development, Planning and Zoning Committee was presented for passage:

October 14, 2009

TO: Mayor DiCianni and Members of the City Council

RE: Case Number 09 P-05/ Sloan (CE Rentals 1021 S. Rte 83) Conditional Use

Request for Conditional Use Permit for the purpose of establishing a parking lot on R2 Single-Family Residential property immediately east of and abutting 1021 S. Route 83, which is zoned C3 General Commercial, pursuant to Section 10.2-1c of the Elmhurst Zoning Code.

The Development, Planning and Zoning Committee met on October 13, 2009 to review and discuss the subject request. This included the Zoning & Planning Commission recommendation and findings of fact report, application documents, and the public hearing transcript for this request.

The Committee began discussion by reviewing the case history of this request. The current application was reviewed and the differences between the current and previous requests were noted. The applicant is requesting a conditional use permit to allow automobile parking and non-mechanized equipment storage on residentially zoned property that immediately abuts the parcel for which the parking is intended. The subject property is landlocked and only accessible through the applicant's property. The subject property is zoned R2, however due to its size and location it is not a buildable lot. The Committee also noted that the applicant has made substantial efforts to create a buffer between his properties the adjacent residential properties. Improvements to the property include a solid 6' fence (maximum height allowed) and 9 mature maple trees, which minimize impact on nearby residential properties. The trees have been planted for some time now, are established and have grown larger.

The Committee discussed noise and neighboring properties, as well as site operations. The committee acknowledged that while the applicant's business by nature could be loud and messy, all activities currently taking place were permitted uses allowed on property zoned C3. The Committee felt that the conditional use being requested would not contribute to an increase of noise currently produced during the normal course of business. The parking lot would allow for a more efficient use of the adjacent commercial property possibly reducing the level of noise currently generated. The DPZ also took note that a neighboring property received similar approval for a conditional use for parking some years ago.

The DPZ also stressed that any possible future violations to the conditional use could be addressed through the City's code enforcement powers.

The Committee reviewed the Standards for Conditional Use, and concurred that the Standards are met for this request. Therefore it is the recommendation of the Development, Planning and Zoning Committee to recommend approval of this conditional use request.

Respectfully submitted,
Development, Planning and Zoning Committee
/s/ Steven Morley
Chairman
/us/ Susan J. Rose
Vice-Chairman
/s/ Norman Leader

Alderman Morley moved to approve item **6a. Case Number 09 P-05/ Sloan (CE Rentals 1021 S. Rte 83) Conditional Use**. Alderman Leader seconded.

Alderman Morley stated item **6a. Case Number 09 P-05/ Sloan (CE Rentals 1021 S. Rte 83) Conditional Use** is a request for a conditional use permit, for the purpose of establishing a parking lot on R2 Residential property, east of 1021 S. IL Route 83, which is zoned C3 General Commercial. Alderman Morley stated it's a unique situation that the developer divided the lots and they are zoned R2. The lots have not been rezoned by the business owner. He stated that conditional use for a parking lot is permitted in R2.

Alderman Morley stated the Development, Planning and Zoning Committee (DP&Z) reviewed the Zoning & Planning Commission recommendation and the public hearing transcript for this request. He stated the committee also reviewed the current application against previous requests. The DP&Z Committee looked at the property, they discussed noise and neighboring properties. Alderman Morley stated the DP&Z Committee felt that the property owner showed good faith by planting trees and putting up a fence. He stated the owner keeps his equipment in the properly zoned lots.

Alderman Morley stated the DP&Z Committee reviewed the standards of conditional use and concur that all of the standards are met for this request.

Discussion ensued regarding why several aldermen would not be supporting item **6a. Case Number 09 P-05/ Sloan (CE Rentals 1021 S. Rte 83) Conditional Use**; aldermen cited similarities to the first request, pollution issues and judgment against the previous request. Discussion continued regarding Judge Popejoy's ruling.

Alderman Bram moved to amend item **6a. Case Number 09 P-05/ Sloan (CE Rentals 1021 S. Rte 83) Conditional Use** to restrict the conditional use and have employee parking only. Motion died from lack of second.

Discussion ensued as to why the property was not rezoned.

Alderman Nybo stated conditional use is more advantageous to the residents because the City can use its code enforcement and set the conditions.

Roll call vote on item **6a. Case Number 09 P-05/ Sloan (CE Rentals 1021 S. Rte 83) Conditional Use**:

Ayes: Healy, Hipskind, Gutenkauf, Shea, Leader, Rose, York, Nybo, Morley, Kennedy

Nays: Pezza, Bram, Mulliner, Wagner

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

REPORTS AND RECOMENDATIONS OF APPOINTED AND ELECTED OFFICIALS

7. a. UPDATES (Mayor DiCianni)

1. DISCUSSION ON MAYOR'S FINANCE TASK FORCE RECOMMENDATIONS

Mayor DiCianni stated the Council had a week to read and digest the recommendations from the Finance Task Force. He asked Council if they had any questions or comments.

Several Aldermen expressed their concern over deep cuts in the Public Works Department. Comments and suggestions from Council included salary reductions for senior management, comparing other community's tax rates and the General Fund.

Discussion ensued.

2. 2010/2011 BUDGET GOALS

City Manager Borchert stated City staff will be looking at budget goals from the Council at the end of October 2009. He stated the 2009 Tax Levy Timeline that was put on the dais will be discussed next week. City Manager Borchert announced Mayor DiCianni will call a Committee of the Whole meeting to focus on the budget and discuss the Finance Task Force recommendations.

Alderman Gutenkauf stated the recommendation of an oversight committee to do more research should be pursued.

Mayor DiCianni stated the City Council should be the oversight committee.

Alderman Gutenkauf stated she is suggesting an oversight committee to give recommendations, not a committee to make decisions for the Council.

OTHER BUSINESS

8. None.

ANNOUNCEMENTS

9. Mayor DiCianni announced on Saturday, November 7, 2009 the Elmhurst Heritage Foundation is hosting a fund raiser, Rockin' the Schoolhouse! He stated the event will benefit the Churchville One Room Schoolhouse, which opens in 2010.

Mayor DiCianni offered his condolences to Alderman Rose, on the recent passing of her mother-in-law.

EXECUTIVE SESSION

10. In open session, Alderman Pezza moved to reconvene into executive session for the purpose of discussing Litigation. Alderman Wagner seconded. Roll call vote:

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

Nays: None

12 yeas, 0 nays, 2 absent
Motion duly carried

Executive session was called to order at 9:16 p.m. by Mayor DiCianni for the purpose of discussing Litigation.

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

Absent: Chris Nybo, Jim Kennedy, Steve Morley, City Treasurer Dyer

Also in attendance: City Attorney Storino, City Manager Borchert, Fire Chief/Acting Assistant City Manager Kopp

Alderman Hipskind moved to adjourn executive session. Alderman Wagner seconded. Voice vote. Motion carried. Executive session adjourned at 9:32 p.m.

ADJOURNMENT

11. Alderman Bram moved to adjourn the meeting. Aldermen Hipskind seconded. Voice Vote. Motion carried. Meeting adjourned 9:33 p.m.

Peter P. DiCianni, III, Mayor

Patty Spencer, City Clerk