

**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF ELMHURST, ILLINOIS
HELD ON MONDAY, NOVEMBER 16, 2009
209 NORTH YORK STREET
ELMHURST, ILLINOIS**

CALL TO ORDER/ PLEDGE OF ALLEGIANCE/ROLL CALL

Attendance: 90

1. The Regular Meeting of the Elmhurst City Council was called to order by Mayor DiCianni at 7:40 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, Fire Chief/Acting Assistant City Manager Kopp, Finance Director Gaston, Assistant Finance Director Trosien, Public Works Director Hughes, PW Operations Manager Morley, PZED Director Said, Museum Director Bergheger, IT Manager Stenson, HR Manager Johnson

PUBLIC HEARING – SPECIAL SERVICE AREA 14 (SPRING ROAD BUSINESS DISTRICT)

2. The Public Hearing for Special Service Area 14 (Spring Road) 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, Chris Healy, Steve Morley Jim Kennedy, Mark A. Mulliner, Patrick Wagner

Absent: None.

Speakers:

Name	Address	In Favor	Against
John DeVries	528 Spring Rd	X	
Scott Ahlgrim	567 S. Spring Rd.	X	

Alderman Bram moved to adjourn the Public Hearing for Special Service Area 14 (Spring Road). Aldermen Pezza seconded. Roll call vote:

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

Nays: None

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

The Public Hearing for Special Service Area 14 (Spring Road) adjourned 7:52 p.m.

PUBLIC HEARING – 2009 PROPERTY TAX LEVY

3. The Public Hearing for the 2009 Property Tax Levy was called to order by Mayor DiCianni at 7:53 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.

Speakers:

Name	Address	In Favor	Against
Barbara Weesner	140 Elmwood Terrace		X
Tom Cruise	868 Saylor		X
Helen Larsen	531 N. Myrtle		X
Moria Moriarty	404 Argyle		X
Claude Pagacz	566 W. Gladys		X
Bob Boothe	159 Highland		X
Sandra Dave	138 Maple		X
Nick Alexander	587 S. Hawthorne		X
Gilbert Fischer	586 N. Van Auken		X
Patrick Gallagher	467 Elm		X
Todd Benson	391 River Glen		X
Tony Graham	254 Caroline		X
Darlene Heslop	200 N. Michigan #227		X
Scott Levin	393 Arlington	X	
Jeffrey Sahaqian	466 Ridgeland		X
Jeffrey Sahaqian	421 Park		X
John Quigley	113 Adele Pl	X	
Ron Nogle	180 Arlington		X
John Kirchner	245 Villa		X
Willis Johnson	150 N. York	X	
Selena Albue	154 Willow		X
Jim Court	255 West Ave.		X
Dave Riva	268 Elm Park		X

Alderman Gutenkauf moved to adjourn the Public Hearing for the 2009 Property Tax Levy. Aldermen Pezza seconded. Voice vote, motion carried. The Public Hearing for the 2009 Property Tax Levy adjourned 8:45 p.m.

RECOGNITION OF THE TIMOTHY CHRISTIAN STATE CHAMPIONSHIP SOCCER TEAM

4. Mayor DiCianni invited Timothy Christian High School Boys Soccer Coach, Rudi Gesch and the IHSA Class 1A 2009 State Championship Soccer Team to the podium. He congratulated the team on their state championship. The Mayor read on a proclamation declaring November 16, 2009 Timothy Christian High School Boys Soccer Team Day.

Coach Gesch stated how proud he is of the team. He stated Timothy Christian School is a resident of Elmhurst but the student population comes from all over. He thanked the Mayor and Council for recognizing the team's victory.

RECEIPT OF WRITTEN COMMUNICATIONS AND PETITIONS FROM THE PUBLIC

5. None.

PUBLIC FORUM

6. Cathy Jordan
556 Fairfield
Elmhurst, IL 60126

Spoke regarding the Ride DuPage Program, asking the Council to implement the program that was approved last year.

CONSENT AGENDA

- 7. The following items on the Consent Agenda were presented:
 - a. MINUTES OF THE REGULAR MEETING HELD ON MONDAY, NOVEMBER 2, 2009 (City Clerk Spencer): Approve as published

b. ACCOUNTS PAYABLE – NOVEMBER 16, 2009 TOTAL \$ 1,026,359.45

c. REAPPOINTMENT TO THE SENIOR CITIZENS COMMISSION – ANTON DEBEVETZ (Mayor DiCianni): Concur with the Mayor's recommendation

October 28, 2009

To: Members of the City Council

Re: Reappointment to the Senior Citizens Commission – Anton Debevetz

With your advice and consent, I will reappoint Anton Debevetz to the Senior Citizens Commission for terms to expire April 30, 2012.

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

d. OFF-SITE PARKING LOT USE (City Manager Borchert): Refer to the Development, Planning and Zoning Committee

November 9, 2009

To: Mayor DiCianni and Members of the City Council

Re: Off-Site Parking Lot Use

In an effort to address opportunities relative to efficient land use, green initiatives, and proper environmental stewardship, it is respectfully requested that the City Council authorize the Development, Planning and Zoning Committee to discuss and consider the use of off-site parking lots for institutions. Currently such uses are technically not permitted and to allow the use a Zoning Ordinance text amendment would have to be approved that would allow, under certain conditions and upon approval of a Conditional Use Permit, the use of off-site parking lots for appropriate institutions.

Therefore it is respectfully requested that the City Council authorize the Development, Planning and Zoning Committee to consider this and to then forward their recommendation back to the City Council for consideration.

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

e. COMMUNITY BANK OF ELMHURST 4 ON THE 4TH – 2010 RUN (City Manager Borchert): Refer to the Public Affairs and Safety Committee

November 9, 2009

To: Mayor DiCianni and Members of the City Council

Re: Community Bank of Elmhurst 4 on the 4th – 2010 Run

It is respectfully requested that the attached request from the Community Bank of Elmhurst for a permit to hold the 2010 running of the Community Bank of Elmhurst 4 on the 4th be referred to the Public Affairs and Safety Committee for review and recommendation back to the City Council.

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

f. INTERGOVERNMENTAL AGREEMENT ESTABLISHING THE NORTHERN ILLINOIS MUNICIPAL GAS FRANCHISE CONSORTIUM (City Manager Borchert): Refer to the Finance, Council Affairs and Administrative Services Committee

November 9, 2009

To: Mayor DiCianni and Members of the City Council

Re: Intergovernmental Agreement Establishing the Northern Illinois Municipal Gas Franchise Consortium

It is respectfully requested that the City of Elmhurst join the Northern Illinois Municipal Gas Franchise Consortium and that the City Council authorize the Finance, Council Affairs and Administrative Services Committee to review this ongoing effort and make a recommendation back to the City Council for consideration.

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

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

November 9, 2009

TO: Mayor DiCianni and Members of the City Council
RE: Levee Improvement Project – Proposal for Engineering Services

The Public Works and Buildings Committee met on Monday, November 9, 2009 to discuss a proposal received from Engineering Resources Associates, Inc. (ERA) for the design and construction engineering for the improvements necessary to have the Elmhurst levee certified by the Federal Emergency Management Agency (FEMA). The proposal from ERA is for \$167,040.

The City owns and maintains a levee which was constructed in early 1990's to combat a repeat of the 1987 flooding event. The levee system includes embankments, flood walls, and interior drainage systems, all working together to protect the area that would otherwise be inundated by the 100 year flood. There are four segments in the Elmhurst levee system totaling approximately 7,000 lineal feet and five storm water pumping stations to evacuate drainage behind the levee. The National Levee Safety Act of 2007 requires that all levees be certified in order to be mapped as a FEMA accredited levee.

Failure to get the Elmhurst levee certified will result in FEMA no longer recognizing it. Consequently, FEMA will remap southwest Elmhurst as though the levee did not exist. This would force approximately 1,400 Elmhurst residents back into the designated flood plain and all of those homeowners would be subject to the regulations that come with being in a flood plain. This includes the mandatory purchase of flood insurance.

On April 9, 2009 the City approved an engineering services agreement with ERA to perform a thorough analysis of the existing berm to catalog any deficiencies or work necessary for the berm to be accredited. On August 24, 2009, ERA submitted their levee certification status report outlining the deficiencies identified. The current proposal from ERA is to perform design and construction inspection of the improvements necessary to have the levee certified. The City is required to have all improvements designed, bid out, constructed with as-built drawings complete and a levee certification report submittal to FEMA by July 1, 2010.

ERA is a well respected firm in the field of hydraulics and hydrology and is one of the few firms in the region that has actually performed a levee certification previously. ERA has performed similar work for the City of Elmhurst in the past and has performed in a satisfactory manner. ERA's hourly rates and overheads have been compared to rate and overhead charges from other professional engineering companies for similar services are found to be very competitive.

Funds for this work are provided for in Account Number 305-6041-432-80-22 in the amount of \$200,000.

It is, therefore, the recommendation of the Public Works and Buildings Committee that the proposal from ERA to perform engineering services to design and oversee construction of the projects necessary to allow for the certification of the Elmhurst levee in the amount of \$167,040 be accepted and that a resolution authorizing this contract be prepared.

Respectfully submitted,
Public Works and Building Committee
/s/ Jim Kennedy
Chairman

/us/ Michael J. Bram
Vice-Chairman
/s/ Pat Shea
/s/ Chris Healy

- h. REPORT – POWER MART – REQUEST FOR LIQUOR LICENSE The following report of the Public Affairs and Safety Committee was presented:

November 9, 2009

TO: Mayor DiCianni and Members of the City Council
RE: Power Mart - Request for Liquor License

The Public Affairs and Safety Committee met on Monday, October 26th and under the category “Other Business” reviewed the request by Power Mart, located at 572 West Lake Street for a liquor license. The Public Affairs and Safety Committee met again on November 9th to further discuss this request to permit the sale of packaged liquor, including high end liquor as well and beer and wine.

Mr. Luke Casson, a representative of Power Mart presented an overview of Power Mart’s business plan and request for a “CBW” liquor license. The Power Mart will employ 13 full-time employees and additional employees in the summer. The central store will be staffed with professional managers during all hours of operations, separate from all other operational functions. In addition, the site will serve as a central training facility for all of Power Mart’s retail operations. The structure contains state-of-the-art audio and video with live streaming capabilities, and waste recycling recapture.

Mr. Casson explained that the sale of liquor would be in a separate enclosed secure area with its own cashier specifically for the sale of liquor and would not be responsible for the sale of gas.

During the discussion on October 26th, the Committee expressed reservations and concern regarding allowing a business of this type to sell liquor. The discussion then focused on the creation of a license unique to this type of business, to include the sale of beer, wine and spirits with a dedicated cashier and cash register. Initially a liquor license to allow for the sale of beer and wine would be created and the business would be monitored and evaluated for a period of time before deciding on a license to include the sale of spirits. Alderman Wagner and Chief Neubauer conducted site visits at the Elmhurst location and other Power Mart locations currently operating with the sale of alcohol. As a result of the site visits, the following recommendations are suggested:

- The cash register that rings up alcohol be 10’ away from any cash register that rings up gas.
- The alcohol cash register is incapable of ringing up gas.
- Limit floor displays of beer/wine to be kept away from the entrance.
- Prohibit half pints and pints.
- Prohibit individual 24 oz. and larger beers and malts.
- Prohibit alcohol sales from their drive through window.
- The store floor area can be no less than 3200 sq/ft in size

It is, therefore, the recommendation of the Public Affairs and Safety Committee that the City Attorney be authorized to prepare the appropriate ordinance to provide the availability of a liquor license for the sale of beer and wine for Power Mart with the recommendations as listed above.

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

- i. REPORT – 26TH ANNUAL DAN GIBBONS TURKEY TROT PARADE PERMIT REQUEST The following report of the Public Affairs and Safety Committee was presented:

November 9, 2009

To: Mayor DiCianni and Members of City Council
Re: 26th Annual Dan Gibbons Turkey Trot Parade Permit Request

The Public Affairs and Safety Committee met on November 9, 2009 to discuss the request by the Dan Gibbons Turkey Trot Committee for a parade permit for the 26th Annual Dan Gibbons Turkey Trot to be held on Thanksgiving Day, November 26, 2009.

The event will commence at 9:00 a.m. on November 26, 2009 at York Road and Vallette Street. As in years past, traffic control will be provided by the Elmhurst Police Department.

Riley's Gathering Place and Spring Inn will coordinate the Operations Tent beverage station. Security will be provided at both exits of this tent to ensure that alcoholic beverages sold will remain in the enclosed area. Riley's and Spring Inn will provide Basset trained bartenders and the Operations Tent will be open at 7:00 a.m. and close at 12:00 p.m. They will be serving beer, wine and Bloody Mary's, along with pop and water. Proof of appropriate insurance will be provided.

On November 26, 2009, the intersection of York and Vallette will be closed at 5:00 a.m., with the remainder of the route being closed at approximately 8:00 a.m. and reopening at 12:00 noon.

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 Committee felt that this was beneficial event for the City and the proceeds will benefit the Chicago Anti-Hunger Federation, DuPage PADS and the United Community Concerns Organization.

It is, therefore, the recommendation of the Public Affairs and Safety Committee that the City Council authorize the City Manager to issue a parade permit for the 26th Annual Dan Gibbons Turkey Trot to be held on Thanksgiving Day, November 26, 2009 from 5:00 a.m. until 12:00 p.m.

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

- j. REPORT – SEWERAGE TREATMENT RATE FOR ILLINOIS AMERICAN WATER COMPANY The following report of the Finance, Council Affairs and Administrative Services Committee was presented:

November 10, 2009

To: Mayor DiCianni and Members of the City Council
Re: Sewerage Treatment Rate for Illinois American Water Company

On November 17, 1975, the City of Elmhurst entered into an agreement with Illinois American Water Company, formerly Citizen's Utility Company of Illinois, for the treatment of sewerage delivered by said company to the North Elmhurst Pumping Station at a rate to be established by resolution. The agreement also requires periodic review of the sewerage treatment rate charged Illinois American Water Company.

The Finance, Council Affairs and Administrative Services Committee met November 9, 2009 to review the current rate and have determined by cost analysis that a rate of \$2.643 per thousand gallons for treatment of sanitary sewerage from the Illinois American Water Company system is an adequate and equitable charge.

It is, therefore, the recommendation of the Finance, Council Affairs and Administrative Services Committee that the City Council approve the new rate of \$2.643 per thousand gallons of sewerage

delivered by Illinois American Water Company, and authorize the City Attorney to prepare the appropriate resolution.

Respectfully submitted,
Finance, Council Affairs and
Administrative Services Committee

/s/ Stephen Hipskind

Chairman

/s/ Kevin York

Vice-Chairman

/s/ Mark Mulliner

/us/ Diane Gutenkauf

- k. REPORT – CASE NUMBER 09 P-08/CITY OF ELMHURST ZONING ORDINANCE TEXT AMENDMENTS The following report of the Development, Planning and Zoning Committee was presented:

November 10, 2009

TO: Mayor DiCianni and Members of the City Council

RE: Case Number 09 P-08/City of Elmhurst Zoning Ordinance Text Amendments

A request by the Elmhurst City Council, as Applicant, to amend the Elmhurst Zoning Ordinance Chapter 11, Section 11.6j, for the purpose of amending “Private Sales Signs”, and Section 11.6l , for the purpose of amending “Real Estate Signs” to include “Open House Signs”.

The Development, Planning and Zoning Committee met on October 26, 2009 and again on November 9, 2009, to review the application and details regarding this request. The Committee reviewed applicable sections of the Zoning Ordinance, and the transcript of the public hearing.

The City of Elmhurst, as applicant, is requesting amendments to the Zoning Ordinance that would allow both “Private Sale” (Garage Sale) signs as well as “Open House” signs to be located in the parkway in all zoning districts on a limited basis.

Garage Sale Signs

The following proposed Zoning Ordinance text amendment would allow an additional “Private Sale” (“Garage Sale”) sign on the City of Elmhurst right-of-way (parkway) provided that they are not erected more than 24 hours prior to the sale, and removed within 12 hours after the sale is completed. (The proposed additional text is shown in **bold letters**.)

Section 11.6j Private Sale Signs - Such signs shall be no more than six square feet in area, shall be located entirely on the premises where such sale is to be conducted, shall be clearly marked with the telephone number of the person responsible for the removal of such sign, shall be erected not more than 24 hours before such sale, and shall be removed within 24 hours following the conclusion of such sale. No such sign shall be higher than four feet above grade nor closer to any lot line than six feet. **Notwithstanding provisions of this Ordinance to the contrary, residential garage sales may also have an additional sign, no more than six square feet in area, placed in the City right of way not more than 24 hours before such sale, and shall be removed within 12 hours following the conclusion of such sale. Such sign will not be placed in an area that obstructs the vision of motorists or pedestrians at street intersections. The following additional restrictions apply:**

- 1) **A maximum of three (3) private sale signs for a private sale at any given premises may be placed on public parkways and/or on private property with the consent of the property owner. A maximum of one (1) private sale sign for a private sale at any given premises may be placed at a single intersection.**
- 2) **A maximum of three (3) private sale signs may be placed on public parkways or on private property at a single intersection.**

Real Estate Open House Signs

The following proposed Zoning Ordinance text amendment would allow additional “Open House” (Real Estate) signs on the City of Elmhurst right-of-way (parkway) on Saturdays and Sundays

provided that they are not erected prior to 9A.M.and are removed by 6P.M. on the day the open house is conducted. (The proposed text is shown in **bold letters**.)

Section 11.6l Real Estate Signs

a. Off-Premises Real Estate Open House Directional Signs:

- 1. Open house directional signs may not exceed six (6) square feet in area per sign face and may not exceed four (4) feet in height above grade. Such signs must be professionally designed and lettered.**
- 2. Notwithstanding provisions of this Ordinance to the contrary, open house directional signs may be placed on public parkways, and/or on private property with the consent of the property owner, on Saturday and Sunday between nine o'clock (9:00) A.M. and six o'clock (6:00)P.M.**
- 3. No attention-getting device, e.g. balloons, banners, flashing lights, etc., may be attached to an open house directional sign or placed on parkways or on private property to draw attention to the sign.**
- 4. Each open house directional sign must have attached to it by adhesive label, tag or other means the name, business address and business telephone number of the person responsible for the placement and removal of the sign.**
- 5. A maximum of four (4) open house directional signs for an open house for any given premises may be placed on public parkways, and/or on private property with the consent of the property owner.**
- 6. A maximum of three (3) open house directional signs may be placed on public parkways or on private property at a single intersection. Such sign shall not interfere with any vehicle driver's line of vision.**

The DPZ Committee noted that these revisions bring the Zoning Ordinance in line with typical standard practice, would not result in a negative visual impact in the community, and would establish adequate controls to minimize visual obstructions.

Therefore, the Development, Planning and Zoning Committee recommends approval of the requested text amendments. The City Attorney is hereby directed to prepare the necessary 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

l. O-45-2009 – AN ORDINANCE AUTHORIZING THE SALE BY AUCTION OF PERSONAL PROPERTY OWNED BY THE CITY OF ELMHURST

Ordinance O-45-2009 was presented for passage.

m. O-46-2009 – AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF A NON-EXCLUSIVE LICENSE AGREEMENT BY AND BETWEEN DANIEL GIBBONS AND THE CITY OF ELMHURST, DUPAGE AND COOK COUNTIES, ILLINOIS

Ordinance O-46-2009 was presented for passage.

n. O-47-2009 – AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF THE FIRST AMENDMENT TO AGREEMENT FOR PURCHASE AND SALE OF REAL ESTATE SALE, COMMONLY KNOWN AS 149 NORTH ADDISON, ELMHURST, ILLINOIS

Ordinance O-47-2009 was presented for passage.

o. O-48-2009 – AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AND ANNEXATION AGREEMENT WITH THE VILLAGE OF BENSENVILLE (CHURCHVILLE SCHOOLHOUSE PROPERTY)

Ordinance O-48-2009 was presented for passage.

- p. ZO-11-2009 – AN ORDINANCE APPROVING A TEXT AMENDMENT TO THE CITY OF ELMHURST ZONING ORDINANCE REGARDING REAL ESTATE SIGNS

Ordinance ZO-11-2009 was presented for passage.

- q. R-49-2009 – A RESOLUTION TO APPROVE AND AUTHORIZE THE EXECUTION OF PROFESSIONAL DESIGN AND CONSTRUCTION ENGINEERING SERVICES AGREEMENT FOR THE LEVEE IMPROVEMENT PROJECT BY AND BETWEEN THE ENGINEERING RESOURCES ASSOCIATES, INC. (ERA) AND THE CITY OF ELMHURST

Resolution R-49-2009 was presented for passage.

- r. R-50-2009 – A RESOLUTION DETERMINING THE ESTIMATED PROPERTY TAXES TO BE LEVIED FOR THE 2009 TAX YEAR OF THE CITY OF ELMHURST, ILLINOIS

Resolution R-50-2009 was presented for passage.

City Attorney Storino pulled item **7n. O-47-2009 – An Ordinance Approving and Authorizing the Execution of the First Amendment to Agreement for Purchase and Sale of Real Estate Sale, Commonly Known as 149 North Addison, Elmhurst, Illinois**. Alderman Rose pulled items **7g. Report – Levee Improvement Project - Proposal for Engineering Services**, **7h. Report – Power Mart – Request for Liquor License** **7i. Report – 26th Annual Dan Gibbons Turkey Trot Parade Permit Request**, **7m. O-46-2009 – An Ordinance Approving and Authorizing the Execution of a Non-Exclusive License Agreement By and Between Daniel Gibbons and the City of Elmhurst, DuPage and Cook Counties, Illinois** and **7q. R-49-2009 – A Resolution to Approve and Authorize the Execution of Professional Design and Construction Engineering Services Agreement for the Levee Improvement Project By and Between the Engineering Resources Associates, Inc. (ERA) and the City of Elmhurst**. Alderman Pezza pulled item **7r. R-50-2009 – A Resolution Determining the Estimated Property Taxes to Be Levied for the 2009 Tax Year of the City of Elmhurst, Illinois**.

Alderman Mulliner, point of clarification, can the City Attorney pull an item off of the Consent Agenda or does it have to be pulled by a member of the Council.

City Attorney Storino stated several Aldermen requested item **7n. O-47-2009 – An Ordinance Approving and Authorizing the Execution of the First Amendment to Agreement for Purchase and Sale of Real Estate Sale, Commonly Known as 149 North Addison, Elmhurst, Illinois** be pulled and held until the December 7, 2009 meeting. He stated the item should be removed from the Consent Agenda by a member of the City Council.

Mayor DiCianni asked if anyone on the Council wished to pull item **7n. O-47-2009 – An Ordinance Approving and Authorizing the Execution of the First Amendment to Agreement for Purchase and Sale of Real Estate Sale, Commonly Known as 149 North Addison, Elmhurst, Illinois**.

Alderman Morley pulled item **7n. O-47-2009 – An Ordinance Approving and Authorizing the Execution of the First Amendment to Agreement for Purchase and Sale of Real Estate Sale, Commonly Known as 149 North Addison, Elmhurst, Illinois** from the Consent Agenda.

Alderman Gutenkauf moved to approve the contents of the Consent Agenda less items **7g. Report – Levee Improvement Project - Proposal for Engineering Services**, **7h. Report – Power**

Mart – Request for Liquor License, 7i. Report – 26th Annual Dan Gibbons Turkey Trot Parade Permit Request, 7m. O-46-2009 – An Ordinance Approving and Authorizing the Execution of a Non-Exclusive License Agreement By and Between Daniel Gibbons and the City of Elmhurst, DuPage and Cook Counties, Illinois, 7n. O-47-2009 – An Ordinance Approving and Authorizing the Execution of the First Amendment to Agreement for Purchase and Sale of Real Estate Sale, Commonly Known as 149 North Addison, Elmhurst, Illinois, 7q. R-49-2009 – A Resolution to Approve and Authorize the Execution of Professional Design and Construction Engineering Services Agreement for the Levee Improvement Project By and Between the Engineering Resources Associates, Inc. (ERA) and the City of Elmhurst, and 7r. R-50-2009 – A Resolution Determining the Estimated Property Taxes to Be Levied for the 2009 Tax Year of the City of Elmhurst, Illinois. Alderman York seconded. Roll call vote:

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

Nays: None

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

Alderman Kennedy moved to approve item **7g. Report – Levee Improvement Project - Proposal for Engineering Services.** Alderman Pezza seconded.

Alderman Rose stated she pulled items **7g. Report – Levee Improvement Project - Proposal for Engineering Services, 7h. Report – Power Mart – Request for Liquor License and 7i. Report – 26th Annual Dan Gibbons Turkey Trot Parade Permit Request** for clarification of the procedures used on the committee reports. She stated these reports have corresponding ordinances on the Consent Agenda and in the recommendation of the committee reports there is not a statement to suspend with the rules. Alderman Rose asked if there was a change in the procedure.

City Attorney Storino stated the procedures had not changed and explained the time constraints on the items in question.

Discussion ensued regarding the two (2) week timeframe between reports and corresponding ordinances.

Voice vote on item **7g. Report – Levee Improvement Project - Proposal for Engineering Services,** motion carried.

Alderman Wagner moved to approve item **7h. Report – Power Mart – Request for Liquor License.** Alderman Nybo seconded. Voice vote, motion carried.

Alderman Wagner moved to approve item **7i. Report – 26th Annual Dan Gibbons Turkey Trot Parade Permit Request.** Alderman Nybo seconded.

Alderman Hipskind asked if a motion was required to suspend with the rules prior to the vote for item **7i. Report – 26th Annual Dan Gibbons Turkey Trot Parade Permit Request.**

City Attorney Storino stated that a motion to suspend with the rules can be done prior to the vote on the ordinance.

Voice vote on item **7i. Report – 26th Annual Dan Gibbons Turkey Trot Parade Permit Request,** motion carried.

Alderman Mulliner moved to suspend with the rules to vote on item **7m. O-46-2009 – An Ordinance Approving and Authorizing the Execution of a Non-Exclusive License Agreement By**

and Between Daniel Gibbons and the City of Elmhurst, DuPage and Cook Counties, Illinois.
Alderman Nybo seconded. Voice vote, motion carried.

Alderman Morley moved to approve item **7m. O-46-2009 – An Ordinance Approving and Authorizing the Execution of a Non-Exclusive License Agreement By and Between Daniel Gibbons and the City of Elmhurst, DuPage and Cook Counties, Illinois.** Alderman Gutenkauf seconded.
Roll call vote:

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

Nays: None

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

Alderman Morley, point of order, asking City Attorney Storino if it is more appropriate to motion to table item **7n. O-47-2009 – An Ordinance Approving and Authorizing the Execution of the First Amendment to Agreement for Purchase and Sale of Real Estate Sale, Commonly Known as 149 North Addison, Elmhurst, Illinois** or table to a date certain.

City Attorney Storino stated to table item **7n. O-47-2009 – An Ordinance Approving and Authorizing the Execution of the First Amendment to Agreement for Purchase and Sale of Real Estate Sale, Commonly Known as 149 North Addison, Elmhurst, Illinois** will bring the item back in two (2) weeks.

Alderman Morley moved to table item **7n. O-47-2009 – An Ordinance Approving and Authorizing the Execution of the First Amendment to Agreement for Purchase and Sale of Real Estate Sale, Commonly Known as 149 North Addison, Elmhurst, Illinois.** Alderman Mulliner seconded. Voice vote, motion carried.

Alderman Kennedy moved to approve item **7q. R-49-2009 – A Resolution to Approve and Authorize the Execution of Professional Design and Construction Engineering Services Agreement for the Levee Improvement Project By and Between the Engineering Resources Associates, Inc. (ERA) and the City of Elmhurst.** Alderman Rose seconded. Roll call vote:

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

Nays: None

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

Alderman Hipskind moved to accept item **7r. R-50-2009 – A Resolution Determining the Estimated Property Taxes to Be Levied for the 2009 Tax Year of the City of Elmhurst, Illinois.** Alderman Leader seconded.

Alderman Pezza stated she could not support item **7r. R-50-2009 – A Resolution Determining the Estimated Property Taxes to Be Levied for the 2009 Tax Year of the City of Elmhurst, Illinois** as written.

Mayor DiCianni stated this was written to establish a “wall” with the tax levy.

Alderman Leader stated his support for item **7r. R-50-2009 – A Resolution Determining the Estimated Property Taxes to Be Levied for the 2009 Tax Year of the City of Elmhurst, Illinois.** He stated failure to levy taxes at this time would affect the Elmhurst community negatively and cited examples.

Alderman Bram asked for clarification on item **7r. R-50-2009 – A Resolution Determining the Estimated Property Taxes to Be Levied for the 2009 Tax Year of the City of Elmhurst, Illinois** stating this is not the final word on what the Council will vote for on December 7, 2009.

Mayor DiCianni stated this is not the final vote on the Tax Levy.

City Manager Borchert confirmed this is not the final vote on the Tax Levy.

Alderman Hipskind, call the question.

Roll call vote on item **7r. R-50-2009 – A Resolution Determining the Estimated Property Taxes to Be Levied for the 2009 Tax Year of the City of Elmhurst, Illinois:**

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

Nays: Pezza, Nybo

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

Alderman Gutenkauf, point of order, would Council have needed to vote had there been an objection to Alderman Hipskind moving to call the question.

City Attorney Storino stated yes, Council would have needed to vote had there been an objection.

REPORTS AND RECOMENDATIONS OF APPOINTED AND ELECTED OFFICIALS

8. a. UPDATES (Mayor DiCianni)

Mayor DiCianni stated the decision to increase taxes is a difficult one. He stated the Finance Task Force was composed of very talented and educated residents who care about the Elmhurst community.

Mayor DiCianni announced that last week the One Room Schoolhouse was annexed into Bensenville. Mayor DiCianni thanked Mayor Soto of Bensenville, former Elmhurst Mayor Tom Marcucci, Joan Brundage and Museum Director Bergheger for attending the Bensenville Board of Trustees meeting.

Mayor DiCianni congratulated the York High School Boy's Cross Country Team for placing 3rd in the State Championship. He stated he plans to have Coach Newton and the team at the next Council meeting.

b. CONTINUATION OF DISCUSSION ON 2010/11 BUDGET & TAX LEVY (City Manager Borchert)

City Manager Borchert presented a PowerPoint presentation to the City Council entitled *Budget Review Revenues and Expenses* from July 6, 2009. The City Manager reviewed how the City finances got to the point they are at today. He then also reviewed the Finance Task Force report from October 5, 2009.

City Manager Borchert concluded the City cannot provide the expected services without more revenue.

Discussion ensued regarding the size and scope of the tax levy increase.

Alderman Morley, point of clarification, asking if the Council will be directing the City Attorney to prepare an ordinance for the tax levy, is it appropriate to dispense with discussion and put forth a motion at this time or is discussion appropriate.

City Attorney Storino stated discussion is in order for now, followed by a motion.

Alderman Shea stated reasons why she is not in favor of a tax increase. She stated cuts in spending could be put in place.

Alderman Bram asked if the levy includes or excludes the debt service.

Discussion ensued regarding previous years of abatement and the current deficit.

Alderman Wagner asked City Manager Borchert what was the response to the 2008 Citizen Survey.

City Manager Borchert replied approximately 60%.

Alderman Wagner stated looking at the Citizen Survey gives him cause to include economic development in these discussions.

Alderman Hipskind asked the City Manager for the total amount if the tax levy were to be approximately \$255/household.

Alderman Hipskind moved to have the 2010 Tax Levy in the amount of \$14,901,717.

Alderman Pezza, point of order, asking Mayor DiCianni if there can be discussion prior to a vote on this motion.

Mayor DiCianni stated after the motion and second are made there can be discussion.

Alderman York seconded the motion to have the 2010 Tax Levy in the amount of \$14,901,717.

Alderman Gutenkauf stated her reasons for not agreeing with the motion on the table.

Alderman Gutenkauf moved to amend the motion from 1/3 cuts and 2/3 revenues to 1/2 cuts and 1/2 revenues. She stated she would need a number from staff before she would make the motion.

City Manager Borchert stated staff will get the amount.

Discussion ensued regarding the amount of the tax levy.

Alderman Pezza stated she and Alderman Shea have a list of thirty (30) items/suggestions for more cuts and the creation of revenues. She stated it would be beneficial to take a look at this list. Alderman Pezza stated 2/3 of the burden is too much for the taxpayer.

Discussion ensued.

Alderman Bram questioned if the motion included abating bonds.

Alderman Hipskind stated that is not relevant to his motion stating this is an amount for the Tax Levy.

Discussion ensued on the levy amount and the bond abatement.

Alderman Rose spoke on her property tax rebate proposal. She urged the Council to support the property tax rebate.

Questions and comments from the Council regarding the Tax Levy continued.

Alderman Gutenkauf moved to amend the motion to the amount of \$14,005,968. Alderman Shea seconded. Roll call vote:

Ayes: Gutenkauf, Pezza, Shea, Bram,

Nays: Leader, Rose, Hipskind, York, Nybo, Healy, Morley, Kennedy, Mulliner, Wagner

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

Roll call vote on motion to have the 2010 Tax Levy in the amount of \$14,901,717:

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

Nays: Gutenkauf, Pezza, Shea, Bram, Nybo

Results: 9 ayes, 5 nays, 0 absent

Motion carried

ORDINANCES

9. a. MCO-22-2009 – AN ORDINANCE AMENDING SECTION 36.09, ENTITLED “CLASSIFICATION OF LICENSES,” SECTION 36.10, ENTITLED “TERMS-FEES,” AND SECTION 36.11, ENTITLED “LIMITATION ON NUMBER OF LICENSES,” OF ARTICLE II, ENTITLED “RETAIL LICENSES,” OF CHAPTER 36, ENTITLED “LIQUOR,” OF THE MUNICIPAL CODE OF ORDINANCES OF THE CITY OF ELMHURST, DUPAGE AND COOK COUNTIES, ILLINOIS

Ordinance MCO-22-2009 was presented for passage.

Alderman Rose moved to suspend with the rules. Alderman Wagner seconded. Voice vote, motion carried.

Alderman Wagner moved to approve item **9a. MCO-22-2009 – An Ordinance Amending Section 36.09, Entitled “Classification of Licenses,” Section 36.10, entitled “Terms-Fees,” and Section 36.11, Entitled “Limitation on Number of Licenses,” of Article II, Entitled “Retail Licenses,” of Chapter 36, Entitled “Liquor,” of the Municipal Code of Ordinances of the City of Elmhurst, DuPage and Cook Counties, Illinois.** Alderman Morley seconded. Roll call vote:

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

Nays: None

Results: 14 ayes, 0 nays, 0 absent

Motion duly carried

OTHER BUSINESS

10. a. FIRST STREET PARKING DECK & OPEN SPACE – ALDERMEN PEZZA & GUTENKAUF (City Manager Borchert) Refer to the Public Works and Buildings Committee

November 16, 2009

To: Mayor DiCianni and Members of the City Council

Re: First Street Parking Deck and Open Space – Aldermen Pezza & Gutenkauf

It is respectfully requested that the attached request from Alderman Paula Pezza and Alderman Diane Gutenkauf regarding the First Street parking deck and the created open space be referred to the Public Works and Buildings Committee for review and recommendation back to the City Council for consideration.

Respectfully submitted,

/s/ Thomas P. Borchert

City Manager

Mayor DiCianni stated item **10a. First Street Parking Deck & Open Space – Aldermen Pezza & Gutenkauf** is a referral from Aldermen Pezza and Gutenkauf to the Public Works and Buildings Committee (PW&B).

Alderman Morley, point of order, why is this being referred to the PW&B Committee, shouldn't it be referred to the Development, Planning and Zoning Committee (DP&Z).

City Manager Borchert replied because of the right-of-way (ROW) issue it should first be reviewed by the PW&B Committee.

Item **10a. First Street Parking Deck & Open Space – Aldermen Pezza & Gutenkauf** was referred to the Public Works and Buildings Committee without objection.

Alderman Mulliner stated information on the past accomplishments of the intergovernmental working relationship of the City and Park District, will be posted on their respective websites.

Alderman Kennedy reported he an Alderman Mulliner met with two (2) Elmhurst Park District Commissioners, stating they are just “getting started,” but have some good ideas and suggestions to work on.

Alderman Hipkind stated his appreciation that the two governmental bodies are trying to work together.

Alderman Morley reported the Kick Off for Kids Fundraiser raised over \$50,000. He thanked everyone who attended. He also thanked Mike Laspisa who chaired the event.

Mayor DiCianni stated the fundraiser for the One Room Schoolhouse, Rockin’ the Schoolhouse, was very successful.

Alderman Pezza stated there is still time to get tickets for the Wilder Mansion 2009 Holiday Gala to be held on December 5, 2009.

ANNOUNCEMENTS

11. None.

ADJOURNMENT

12. Alderman Morley moved to adjourn the meeting. Aldermen Wagner seconded. Voice Vote. Motion carried. Meeting adjourned 11:30 p.m.

Peter P. DiCianni, III, Mayor

Patty Spencer, City Clerk