

**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF ELMHURST, ILLINOIS
HELD ON MONDAY, JANUARY 4, 2010
209 NORTH YORK STREET
ELMHURST, ILLINOIS**

CALL TO ORDER/ PLEDGE OF ALLEGIANCE/ ROLL CALL

Attendance: 21

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 (left at 8:30 p.m.), 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, Public Works Director Hughes, Police Chief Neubauer, Finance Director Gaston, Assistant Director of Finance Trosien, Director of Water/Wastewater Streicher, Human Resources Manager Johnson

RECEIPT OF WRITTEN COMMUNICATIONS AND PETITIONS FROM THE PUBLIC

3. None.

PUBLIC FORUM

4. Terry Pastika
Citizens Advocacy Center
182 N. York St.
Elmhurst, IL 60126

Spoke to Council regarding the reappointments to the EEDC which are on the Consent Agenda this evening asking if there are economic disclosure requirements for EEDC members. She also asked where Council was at in terms of their discussion on local disclosure requirements. She asked Council to consider prohibition to members who have contracts with the City in an effort to increase transparency and accountability.

Paul DeMichele
17W275 Rodeck Ln.
Bensenville, IL 60106

Spoke regarding the Bensenville Fire Protection District stating the February 2, 2010 election ballot will have a question on it regarding a tax levy increase in compliance with what Elmhurst wants and in compliance to state statute. He stated the BFPD is in good standing with the City as of 11/20/2009 and he hopes the City will hold up their end of the bargain.

Dan Vandermolen
156 Lawndale Ave.
Elmhurst, IL 60126

Spoke regarding the 2008 Citizen Survey stating residents are most worried about the cost of living and taxes in Elmhurst. He compared the Historical Museum and Fire Department budgets and asked Council to consider administering a user fee for the Historical Museum.

CONSENT AGENDA

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

- a. MINUTES OF THE REGULAR MEETING HELD ON MONDAY, DECEMBER 21, 2009 (City Clerk Spencer): Approve as published
- b. MINUTES OF THE EXECUTIVE SESSION HELD ON MONDAY, DECEMBER 21, 2009 (City Clerk Spencer): Receive and place on file

- c. ACCOUNTS PAYABLE – DECEMBER 31, 2009 TOTAL \$ 1,403,836.17
- d. REAPPOINTMENTS TO THE COMMISSION ON YOUTH – KAREN GEDDEIS AND KATHLEEN GUSLOFF (Mayor DiCianni): Concur with the Mayor's recommendation

December 17, 2009

To: Members of the City Council
Re: Reappointments to the Commission on Youth - Karen Geddeis and Kathleen Gusloff

With your advice and consent, I will reappoint Karen Geddeis and Kathleen Gusloff to the Commission on Youth for terms to expire April 30, 2012.

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

- e. REAPPOINTMENT TO THE EEDC COMMISSION – DAN HIFFMAN AND KURT WARNKE (Mayor DiCianni): Concur with the Mayor's recommendation

December 17, 2009

To: Members of the City Council
Re: Reappointment to the EEDC Commission – Dan Hiffman and Kurt Warnke

With your advice and consent, I will reappoint Mr. Dan Hiffman and Mr. Kurt Warnke to the Elmhurst Economic Development Commission (EEDC) for terms to expire on April 30, 2012.

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

- f. LIQUOR LICENSE REQUEST – WALGREENS (City Manager Borchert): Refer to the Public Affairs and Safety Committee

December 28, 2009

To: Mayor DiCianni and Members of the City Council
Re: Liquor License Request - Walgreens

Attached please find a request from Walgreens wherein they advise of their intent to follow proper City of Elmhurst process for approval of a City liquor license for 160 Robert Palmer Drive.

Therefore, it is respectfully requested that the City Council authorize the Public Affairs and Safety Committee to consider increasing the Elmhurst Municipal Code authorized number of liquor licenses in the category of CBW which would, if approved, allow Walgreens, 160 Palmer Drive, to be considered for a liquor license.

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

- g. CITY OF ELMHURST/COMCAST FRANCHISE AGREEMENT (City Manager Borchert): Refer to the Public Affairs and Safety Committee

December 28, 2009

To: Mayor DiCianni and Members of the City Council
Re: City of Elmhurst/Comcast Franchise Agreement

The City of Elmhurst has issued a franchise agreement to Comcast Corporation to allow Comcast services the use of City street right-of-ways and thereby to provide services to the residents of the City of Elmhurst. Attached is information from Comcast Cable Communications, LLC advising

Elmhurst as to their request to the Federal Communications Commission to acquire CIMCO and also thereby roll this transaction into the Comcast current franchise agreement with the City of Elmhurst.

This request is currently being reviewed by the City Attorney and appears to be a routine procedure, however it is requested to be forwarded to the Public Affairs and Safety Committee for their review, evaluation and Council recommendation.

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

- h. REPORT – REVIEW OF PROPOSED ZONING ORDINANCE AMENDMENTS – PARKING CLASSIFICATIONS FOR HEALTH CLUBS The following report of the Development, Planning and Zoning Committee was presented:

December 23, 2009

TO: Mayor DiCianni and Members of the City Council
RE: Review of Proposed Zoning Ordinance Amendments – Parking Classifications for Health Clubs

The Development, Planning and Zoning Committee reviewed this item at several meetings and concluded discussion at their December 14 meeting. The item consists of a referral initiated by Aldermen Shea and Leader requesting a review of parking requirements for “health clubs”. The Committee’s review included current Zoning Ordinance requirements as well as a survey of parking requirements for other municipalities in the area.

The current parking requirement for health clubs in the Elmhurst Zoning Ordinance is 4 spaces per 1000 square feet. The DPZ Committee reviewed a Staff survey of twelve other communities, which reported that there are a variety of requirements, ranging from 5 spaces per 1000 square feet to 10 spaces per 1000 square feet. A few other communities in the survey defined their parking requirements based on a formula correlating to facility capacity. However, the DPZ noted that the term “capacity” could be subjectively interpreted and instead opted to recommend parking requirements based on a per square feet formula.

The Committee supports increasing parking requirements for health clubs, but believes it would an appropriate matter for the Zoning & Planning Commission to review. The Committee acknowledged that any text amendments approved regarding health clubs would not impact existing facilities, and would only apply to any new health clubs. The Committee also recommended that a definition of these facilities be added to the Zoning Ordinance for clarification.

It is therefore, the recommendation of the Development, Planning and Zoning Committee that the City Council authorize City staff to apply for, and the Zoning & Planning Commission to hold a public hearing on text amendments to the Zoning Ordinance regarding parking requirements and definitions for health clubs (physical fitness facilities).

Respectfully submitted,
Development, Planning and Zoning Committee

/s/ Steven Morley
Chairman
/s/ Susan J. Rose
Vice-Chairman
/s/ Norman Leader

Alderman Shea pulled item **5e. Reappointment to the EEDC Commission – Dan Hiffman and Kurt Warnke** from the Consent Agenda.

Alderman Wagner moved to approve the contents of the Consent Agenda less item **5e. Reappointment to the EEDC Commission – Dan Hiffman and Kurt Warnke**. Alderman Pezza seconded. Roll call vote:

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

Nays: None

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

Alderman Pezza moved to approve item **5e. Reappointment to the EEDC Commission – Dan Hiffman and Kurt Warnke**. Alderman Rose seconded.

Alderman Shea stated she pulled item **5e. Reappointment to the EEDC Commission – Dan Hiffman and Kurt Warnke** for two (2) reasons. First, she would like to discuss the issue of disclosure that Ms. Pastika brought up during Public Forum in regards to Mr. Hiffman and his involvement in DevCom and secondly for clarification on the gap of time between the expiration of the term and reappointment to a commission. Alderman Shea stated money has been made on this project and it gives the appearance of impropriety.

Alderman Shea moved to postpone the reappointment of Mr. Hiffman to the EEDC until the DevCom project is completed. Alderman Bram seconded.

Discussion ensued on postponing the reappointment of Mr. Hiffman and the notion that he receives a commission on the DevCom project.

Mayor DiCianni, point of clarification, stated Economic Development Commissions are mostly comprised of commercial realtors, which is fully disclosed. He stated that is a good thing as they bring business to the community. He stated Mr. Hiffman has been upfront with his position.

Alderman Pezza asked if the EEDC Commissioners are required to file a statement of economic interest. She also asked City Manager Borchert about the time lapse between the term expiration and reappointment.

Mayor DiCianni stated commission and board members serve until reappointed. He stated Mr. Hiffman is a resident and a businessman who is giving back to the community.

City Manager Borchert informed the City Council that EEDC commissioners do file a statement of economic interest each year.

Alderman Bram stated his concerns and asked why Aldermen do not receive the resumes for persons seeking reappointment as they do for first time appointees.

Discussion ensued regarding disclosure through the Statement of Economic Interest, the local disclosure ordinance which is on the Finance, Council Affairs and Administrative Services Committee pending list and .

Alderman Rose stated her objection to postponing the vote as Mr. Hiffman is a resident of the 3rd Ward.

Alderman Nybo stated it would be unfair to vote on item **5e. Reappointment to the EEDC Commission – Dan Hiffman and Kurt Warnke** without providing Mr. Hiffman and Mr. Warnke to submit updated resumes for Council review.

Alderman Nybo motioned to defer voting on item **5e. Reappointment to the EEDC Commission – Dan Hiffman and Kurt Warnke** in full for two weeks so that Council may be given the opportunity to review the resumes of Mr. Hiffman and Mr. Warnke. Alderman Mulliner seconded.

Alderman Shea rescinded her motion to postpone the reappointment of Mr. Hiffman to the EEDC until the DevCom project is completed. Alderman Bram rescinded his second.

Voice vote to defer voting on item **5e. Reappointment to the EEDC Commission – Dan Hiffman and Kurt Warnke** in full for two weeks so that Council may be given the opportunity to review the resumes of Mr. Hiffman and Mr. Warnke. Motion carried. For the record Alderman Rose voted Nay.

REPORTS AND RECOMENDATIONS OF APPOINTED AND ELECTED OFFICIALS

6. a. UPDATES (Mayor DiCianni)

Mayor DiCianni stated Census participation is important. He read a Mayoral Proclamation stating the City of Elmhurst is committed to partnering with the U.S. Census Bureau to help ensure a full and accurate count in 2010. He stated the Census is 10 questions long and should take approximately 10 minutes to complete. Census forms will be mailed to residences in mid-March and should be completed by April 1, 2010.

Alderman Bram asked that updated Pending Items Lists be distributed to Council.

b. CITY SUPPORT OF UNITED STATES 2010 CENSUS (City Manager Borchert)

City Manager Borchert gave a PowerPoint presentation on the 2010 U.S. Census highlighting the importance of Census participation for the Elmhurst community and the impact Census results have on future projects and budgeting. City Manager Borchert stated the Census is simple and safe. He stated that the City of Elmhurst had the highest percentage of census returns in 2000 and he hopes that the City will do even better this year. He discussed ways that the City is working to encourage participation so that Elmhurst receives all the fiscal and social benefits to which it is entitled. For more Census information visit the official 2010 Census website <http://2010census.gov>.

Discussion ensued regarding the importance of an accurate count of Elmhurst residents during these tough economic times to ensure that the City receives the proper State funding and the possible redistricting of Aldermanic Wards based on Census data.

c. 2010/11 FIVE YEAR CAPITAL EXPENDITURE BUDGET (City Manager Borchert)

City Manager Borchert gave a PowerPoint Presentation on the Five Year Capital Expenditure Budget Fiscal year 2010/11. He stated the purpose of the PowerPoint this evening is to introduce the Five (5) Year Capital Expenditure Budget (CEB) and to review a couple of strategic points. He stated no action needs to be taken regarding the CEB tonight it is a starting point for Council to review the CEB as it relates to the Operational Budget.

The City Manager explained that Capital Expenditures are identified as those expenditures of \$25,000 or more that result in the acquisition or construction of fixed assets intended to be held or used for a period of ten (10) years or more. He stated for the record, there are items such as police vehicles and trees that come under \$25,000 but the CEB focuses on larger items. Staff gives projects classifications and priority ranking.

City Manager Borchert discussed the CEB in relation to the recent Finance Task Force report and their recommendations on how to close the budget gap. He stated the budget is based on conservative estimates, however the monthly reports show that the actual City revenues will be well under what was estimated for the first six (6) months of the current fiscal year and the budget gap will be greater than expected. Significant work has been done already but there is still significant work to be done.

The City Manager explained that only the first two (2) years of the Five Year CEB will be included in the operating budget, scheduled to be approved in April. There is great pressure on the General Fund and in turn there are significant changes in the CEB. He stated this year the CEB will give General Fund Assistance in the amount of \$500,000 to Street Resurfacing, \$100,000 to Concrete Street Patching and \$150,000 to Tree Purchasing. City Manager Borchert also reviewed eight (8) cuts and deferrals from the 2010/11 CEB which include the following: Riverside Drive/Rte 83 Frontage Road Improvements, New Historical Museum Building, York & Grand Intersection Ramp Improvements, Unimproved Road/Alley Rehab, Sidewalk, Curb & Gutter, New Sidewalk Installation (SSA), Concrete Street Reconstruction and Streetlight Luminaire/Wiring Replacement.

Mayor DiCianni thanked City Manager Borchert for the presentation. He stated that even with the tax levy increase there is an additional \$1million budget gap due to reduced City revenues. The Mayor stated service delivery is still key and the City is currently cross training staff to cover vacant positions and maximize staff productivity.

Alderman Gutenkauf asked about G.O.Bonds in the next five years, stating her understanding was that there were no bond issues in the CEB and the halting of new sidewalk construction and whether or not that would include sidewalks on Gladys.

Discussion ensued. Assistant Finance Director Trosien identified the bond issues in the Five Year CEB. City Manager Borchert stated that the Gladys sidewalks will stay in the budget as they are already approved however those still in the application process will be put on hold.

Alderman Rose stated items such as the suspension of installation of new sidewalks are items that directly affect the north side of town and the 3rd Ward directly. She stated the merit of the projects that are being cut and deferred needs to be weighed.

Discussion ensued.

Alderman Gutenkauf asked about the Brush Hill & York Road intersection improvements stating the budgeted item relies on a grant. She asked what would happen if the City did not receive the grant for the project.

City Manager Borchert explained that the intersection improvement is needed at Brush Hill and York Roads due to the new hospital and though the City is confident it will receive the grant, absent grant dollars it would be a 50/50 split with the hospital.

Discussion ensued with questions from around the dais regarding items in the Five Year CEB. Finance Director Gaston and Assistant Finance Director Trosien walked the Council through the CEB pointing out where to find additional information on items ranging from rifles to computers.

Alderman Bram stated his disappointment that the intersection improvements at York & Grand were cut from the CEB after their approval two (2) years ago.

Discussion ensued regarding the improvements at York & Grand and the affects O'Hare Airport expansion may have on the intersection in the future.

Mayor DiCianni stated the CEB is a work in progress; it should not be discussed line by line at this time.

OTHER BUSINESS

7. Alderman Pezza stated she and Alderman Gutenkauf will be promoting different businesses as they roll out their new program, Coffee & Conversations. The program is one way they have come up with to meet with constituents on a regular basis as well as to promote local businesses. They will host twelve (12) programs while highlighting twelve (12) different businesses. The first program will be hosted by Alderman Pezza at Panera Bread on January 20, 2010 between the hours of 9:00 a.m. – 10:30 a.m. The second program, to be hosted by Alderman Gutenkauf, will take place at Serene Teaz, more information will follow.

ANNOUNCEMENTS

8. City Manager Borchert announced the DuPage Mayors and Managers Conference meeting will take place on January 20, 2010 and will be a legislative reception. He stated this is a great opportunity to hear what candidates have to say. He asked those interested in attending to RSVP with the Administration Office as soon as possible.

Mayor DiCianni announced early voting will begin on Monday, January 11, 2010. He stated there are a number of local candidates running for county and state positions and he wished them well.

ADJOURNMENT

9. Alderman York moved to adjourn the meeting. Aldermen Wagner seconded. Voice Vote. Motion carried. Meeting adjourned 9:37 p.m.

Peter P. DiCianni, III, Mayor

Erin K. Van De Walle, Deputy City Clerk