

**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF ELMHURST, ILLINOIS
HELD ON MONDAY, MARCH 1, 2010
209 NORTH YORK STREET
ELMHURST, ILLINOIS**

CALL TO ORDER/ PLEDGE OF ALLEGIANCE/ ROLL CALL

Attendance: 15

2. The Regular Meeting of the Elmhurst City Council was called to order by Mayor DiCianni at 7:39 p.m.

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

Absent: None

Also in Attendance: City Attorney Storino, City Manager Borchert, Fire Chief/Acting Assistant City Manager Kopp, Finance & Administration Director Gaston, Assistant Director of Finance & Administration Trosien

RECEIPT OF WRITTEN COMMUNICATIONS AND PETITIONS FROM THE PUBLIC

3. None.

PUBLIC FORUM

4. Thomas Castillo
489 N. Howard
Elmhurst, IL 60126

Spoke regarding the City code policy for political yard signs.

CONSENT AGENDA

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

- a. MINUTES OF THE REGULAR MEETING HELD ON TUESDAY, FEBRUARY 16, 2010 (City Clerk Spencer): Approve as published
- b. MINUTES OF THE FIRST EXECUTIVE SESSION HELD ON TUESDAY, FEBRUARY 16, 2010 (City Clerk Spencer): Receive and place on file
- c. MINUTES OF THE SECOND EXECUTIVE SESSIONS HELD ON TUESDAY, FEBRUARY 16, 2010 (City Clerk Spencer): Receive and place on file
- d. ACCOUNTS PAYABLE – FEBRUARY 28, 2010 TOTAL \$1,111,145.27
- e. BIDS, PROVISION OF CUSTODIAL SERVICES FOR THE CITY OF ELMHURST (City Clerk Spencer): Refer to the Public Works and Buildings Committee (see item 4g.)

February 15, 2010

TO: Mayor DiCianni and Members of the City Council

RE: Bids, Provision of Custodial Services for the City of Elmhurst

In response to an invitation to bid for the Provision of Custodial Services for the City of Elmhurst advertised in the Elmhurst Press on Friday, January 22, 2010, bids were received from six area custodial services.

Bids were opened at 10:00 a.m. on Tuesday, February 9, 2010, and following is a summary of the bids received:

	Year 1 – Monthly <u>Total</u>	Year 2 - Monthly <u>Total</u>	Year 3 - Monthly <u>Total</u>
<u>Custodial Service</u>			

Best Quality Cleaning (Franklin Park, IL)	\$6,145.00	\$6,145.00	\$6,145.00
Crystal Mgmt. Service (Mt. Prospect, IL.)	\$6,475.00	\$6,475.00	\$6,475.00
Perfect Cleaning (Chicago, IL)	\$6,760.00	\$6,760.00	\$6,962.80
EcoClean Maintenance (Schaumburg, IL)	\$7,360.00	\$7,360.00	\$7,360.00
Alpha Bldg. Maintenance (Homer Glen, IL)	\$8,705.00	\$8,705.00	\$8,962.00
Complete Cleaning (Wood Dale, IL)	\$9,465.50	\$9,465.50	\$9,465.50

Respectfully submitted,
/s/ Patty Spencer
City Clerk

- f. APPROVAL OF CHIEF MICHAEL D. KOPP – POSITION OF ASSISTANT CITY MANAGER/FIRE CHIEF (City Manager Borchert): Concur with the City Manager's recommendation:

February 18, 2010

To: Mayor DiCianni and Members of the City Council

Re: Approval of Michael D. Kopp – Position of Assistant City Manager/Fire Chief

As you know, Elmhurst Municipal Code Chapter 3 lists the powers and duties of the City Manager which include the provision to appoint an Assistant City Manager with the approval of the City Council. In that regard, I am pleased to forward for your review and understanding the updated resume of Fire Chief Michael D. Kopp and request your approval of the appointment of Chief Kopp to serve as Assistant City Manager while maintaining his current responsibilities as Fire Chief.

Chief Kopp accepted the responsibilities associated with serving as Acting Assistant City Manager last August. It is my assessment that Chief Kopp has exceeded expectations during this trial period not only as he continued in his duties as Fire Chief, but also as he accepted and completed numerous assignments and operational responsibilities assigned to him as Acting Assistant City Manager. Subject to your approval, the City of Elmhurst organizational chart will be revised as shown attached and which illustrates the anticipated line oversight responsibilities of the Assistant City Manager as well as the general oversight responsibilities which include assisting the City Manager relative to Mayor and City Council policy deliberations. The approval of the appointment positions the Mayor, City Council and City staff in a strong position relative to succession planning and organizational stability going forward.

I recommend Chief Kopp to you as a very qualified candidate for the Assistant City Manager position. I would be pleased to review any questions or concerns you may have and thank you for your consideration.

City Council approval of the City Manager's appointment of Chief Kopp to the position of Assistant City Manager/Fire Chief is therefore respectfully requested.

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

- g. REPORT – PROVISION OF CUSTODIAL SERVICES The following report of the Public Works and Buildings Committee was presented:

February 22, 2010

To: Mayor DiCianni and Members of the City Council
RE: Provision of Custodial Services

The Public Works and Buildings Committee met on Monday, February 22, 2010, to discuss proposals received for providing custodial services at eight (8) Municipal Buildings. Included in the proposals submitted by six area commercial cleaning and maintenance companies was the monthly price for custodial services for the next three years.

The proposals include cleaning six days a week at the Police Station, five days a week at City Hall, the Public Works Garage and the Metra Station, three days a week at the Waste Water Treatment Plant (two buildings), two days a week at the Elmhurst Historical Museum, and one day a week at the Historical Museum's Education Center. Cleaning will be done to all lobby and stairway areas, general and private offices, conference rooms, lunch rooms, and washrooms. A bid tally is attached.

The low bidder for the provision of custodial services is Best Quality Cleaning of Franklin Park. The total monthly amount for the cleaning of the municipal buildings is \$6,145 for year 1, \$6,145 for year 2, and \$6,145 for year 3. Best Quality is the contractor that currently provides custodial services for the City of Elmhurst and has since May of 2001. Best Quality provides service in a satisfactory manner.

Monies are provided for in the FY 2010/2011 Budget, General Fund, for custodial services under Account Number 110-6046-418-3014 in the amount of \$75,000 and in the Municipal Utility Fund under Account Number 510-6057-502-3014 in the amount of \$10,000, pending budget approval by the City Council.

It is, therefore, the recommendation of the Public Works and Buildings Committee that the proposal for a 3 year contract from Best Quality Cleaning, Inc., for custodial maintenance at the eight Municipal Buildings in the monthly amounts of \$6,145 for the first year, \$6,145 for the second year, and \$6,145 for the third year, be accepted and that the City Attorney be directed to prepare the appropriate resolutions.

Respectfully submitted,
Public Works and Building Committee

/s/ Jim Kennedy
Chairman

/s/ Michael J. Bram
Vice-Chairman

/s/ Pat Shea

/s/ Chris Healy

- h. REPORT – BIDS, CITY OF ELMHURST 2010-2012 CONTRACT TURF AND LANDSCAPE MAINTENANCE The following report of the Public Works and Buildings Committee was presented:

February 22, 2010

TO: Mayor DiCianni and Members of the City Council
RE: Bids, City of Elmhurst 2010-2012 Contract Turf and Landscape Maintenance

The Public Works and Buildings Committee met on Monday, February 22, 2010, to discuss bids received for the City of Elmhurst 2010-2012 Contract Turf and Landscape Maintenance.

Bids were received from nine area contractors who specialize in turf and landscaping maintenance. The nine accepted proposals are summarized below:

	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>Total</u>
Alaniz Landscape Group	\$37,711.00	\$37,827.00	\$37,827.00	\$113,365.00
TLC Group	\$41,125.48	\$41,125.48	\$41,125.48	\$123,376.44
Clauss Brothers	\$53,138.00	\$54,576.00	\$55,264.00	\$162,978.00
Sebert Landscaping	\$61,885.00	\$61,885.00	\$61,885.00	\$185,655.00
Addlawn Landscaping	\$62,594.57	\$65,464.53	\$68,354.07	\$196,413.17
RB Enterprises	\$67,154.00	\$68,801.00	\$68,801.00	\$204,756.00
Classic Landscape	\$77,055.00	\$77,055.00	\$77,055.00	\$231,165.00

Landscape Concepts Mgmt	\$86,288.00	\$86,288.00	\$90,440.00	\$263,016.00
BLS Landscape Services	\$92,933.89	\$92,933.89	\$92,933.89	\$278,801.67

The contract specifies mowing and trimming to occur for an estimated twenty-six (26), weekly "close cut" mowing cycles at fifty (50) sites (approx. 24 acres), and thirteen (13), bi-monthly "rough cut" mowing cycles at fifty-three (53) sites (approx. 28 acres). String trimming consists of bi-annual trimming and herbicide application of thirteen (13) sites. Landscape bed maintenance requires weeding, edging and mulch application at thirty-two (32) sites. Additionally, an option to add other mowing sites was included in the bid to be used if funding allowed and at the City's discretion.

The low bid from Alaniz Landscape Group, of Elgin Illinois, met all bid specifications. Alaniz Landscape Group submitted several work references of similar size and scope. Staff checked these references and found them to be satisfactory.

Funds have been provided in the 2010/2011 budget, General Fund, account number 110-6043-434-30-34 in the amount of \$55,000, for Landscaping Maintenance, pending Council approval of the 2010/2011 Budget.

It is, therefore the recommendation of the Public Works and Buildings Committee that the bids submitted by Alaniz Landscape Group in the amount of \$37,711.00 for 2010, \$37,827.00 for 2011, and \$37,827.00 for 2012, for a total of \$113,365.00 be accepted and that the City Attorney be authorized to prepare the appropriate resolutions.

Respectfully submitted,
Public Works and Building Committee

/s/ Jim Kennedy

Chairman

/s/ Michael J. Bram

Vice-Chairman

/s/ Pat Shea

/s/ Chris Healy

- i. REPORT – STRATEGIC TECHNOLOGY PLAN PROPOSAL The following report of the Finance, Council Affairs and Administrative Services Committee was presented:

February 23, 2010

To: Mayor DiCianni and Members of the City Council

Re: Strategic Technology Plan Proposal

The Finance, Council Affairs, and Administrative Services Committee met twice, most recently February 22, 2010, to review a Strategic Technology Plan proposal from Northern Illinois University (NIU).

Northern Illinois University Broadband Development Group provided the City of Elmhurst a proposal for professional services for development of a Strategic Technology Plan for a fee of \$22,500. This proposal will focus on 3 key areas:

1. Document present state of Information Technology in the City.
2. Develop desired scenario for future use of Information Technology in the City.
3. Draft a Strategic Information Technology Plan addressing near term Information Technology issues and Information Technology organization while positioning the City to move towards a City-wide Information Technology planning process.

NIU Broadband development group has public sector experience with organizations within the State of Illinois to include: Village of Franklin Park, Village of Olympia Fields, Village of Hanover Park, State of Illinois CMS, City of Rockford and Kane County. The City did solicit and reviewed prepared technology plans from The Village of Hanover Park, Franklin Park, and City of Rockford.

Staff also received a proposal from University of North Carolina at Chapel Hill. Due to the local experience, close proximity of the NIU group and its understanding of the municipal governments in northern Illinois, along with a lower fee, staff recommended NIU's broadband group be used.

Staff recommends accepting the proposal from NIU for Professional Services related to the development of a Strategic Technology Plan. Committee concurs with the staff recommendation. These items are budgeted in the fiscal 2010 and fiscal 2011 Information Technology budget in account #110-2008-413-30-52.

It is, therefore, the recommendation of the Finance, Council Affairs and Administrative Services Committee that the City Council accept the proposal from Northern Illinois University to develop a Strategic Development Plan for \$22,500.

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 – 2009 PROPERTY TAX ABATEMENT FOR SPECIAL SERVICE AREA #13 The following report of the Finance, Council Affairs and Administrative Services Committee was presented:

February 23, 2010

To: Mayor DiCianni and Members of the City Council
Re: 2009 Property Tax Abatement for Special Service Area #13

The Finance, Council Affairs and Administrative Services Committee met February 22, 2010, to consider a request to abate the 2009 property tax for Special Service Area #13 (SSA #13).

As the City Council will recall, SSA #13 was established in 2009 for the purpose of installing water and sanitary sewer lines for seventeen recently-annexed properties on Prospect Avenue. The cost of this project is approximately \$430,000, and it has been funded by the City on behalf of the property owners in SSA #13. The City is being paid the cost of the project plus 4% interest, by the property owners over the twenty-year life of the SSA. The 2009 tax levy for SSA #13 in the amount of \$38,757 was approved in December 2009 (O-60-2009) and has been filed with DuPage County.

Mr. Paul Buikema, an attorney who has represented the homeowners during the annexation process and the SSA process, addressed the Finance Committee regarding the homeowners' request to abate up to 100% of the 2009 tax levy. The primary reasons for the request are the timing of completion of the project and the significant first-year costs associated with connecting water and sewer from the street to the home. The project was completed in late 2009 and no permits were issued until 2010; due to the cold weather, no homeowner has connected to either system. Each homeowner is responsible for the costs of connecting water and sewer from the street to their house. The cost per homeowner is estimated to be between \$7,400 and \$9,000.

Staff explained that the abatement would, in fact, be a deferral of the 2009 tax levy, to be spread over the remaining nineteen years of the SSA. After discussion, it was the consensus of the Finance Committee that it was in the best interest of the homeowners to abate 100% of the 2009 property tax levy for SSA #13, and that the impact to the City of a one year deferral would be minimal.

It is, therefore, the recommendation of the Finance, Council Affairs and Administrative Services Committee that the City Council approve the abatement of the 2009 property tax levy for Special Service Area #13, in the amount of \$38,757. The Finance Committee also recommends that the City Council direct the City Attorney to prepare the appropriate abatement ordinance.

Respectfully submitted,
Finance, Council Affairs and
Administrative Services Committee
/s/ Stephen Hipskind
Chairman
/s/ Kevin York

Vice-Chairman
/s/ Mark Mulliner
/s/ Diane Gutenkauf

- k. REPORT – TIMOTHY CHRISTIAN SCHOOLS - REQUEST FOR EXTENSION The following report of the Development, Planning and Zoning Committee was presented:

February 23, 2010

TO: Mayor DiCianni and Members of the City Council
RE: Timothy Christian Schools – Request for Extension
Request for a six month extension of the Conditional Use approved by Ordinance ZO-01-2009, for the property known as 188 W. Butterfield Road.

The Development, Planning and Zoning Committee met on February 22, 2010 to discuss this request. The Committee reviewed the letter dated February 2, 2010 from the Applicant requesting a 6-month extension. The letter indicates that the Timothy Christian School additions (approved by Ordinance ZO-01-2009) are not substantially underway at this time due to economic conditions. This is the second request for a six (6) month time extension; the Applicant requested a six (6) month extension in September, 2009. This extension was granted by City Council as Ordinance ZO-07-2009.

The Committee discussed this matter and the conditions associated with the request. There were no serious questions or issues during review of the original application, and the Committee does not anticipate any problems with providing the requested extension. The Committee supports the request and has no objections to the requested extension.

The Applicant stated that there are no changes to the approved Conditional Use plans; the request is a result of a delay in funding.

Therefore, it is the recommendation of the Development, Planning and Zoning Committee that this request be approved. 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. REPORT – CASE NUMBER 10 P-02/ CITY OF ELMHURST ZONING ORDINANCE TEXT AMENDMENT The following report of the Development, Planning and Zoning Committee was presented:

February 24, 2010

TO: Mayor DiCianni and Members of the City Council
RE: Case Number 10 P-02/ City of Elmhurst Zoning Ordinance Text Amendment
Request for Zoning Ordinance Text Amendment, Chapter 9, Section 9.1-5, for the purpose of increasing the allowable Floor Area Ratio (F.A.R.) in the I1 Restricted Industrial District from .50 to .65.

The Development, Planning and Zoning Committee met on February 22, 2010 to review the Zoning and Planning Commission report dated February 16, 2010. The City of Elmhurst, as Applicant, is requesting a Zoning Ordinance Text Amendment to allow an increase in the Floor Area Ratio (FAR) in the I1 Restricted Industrial District. The Committee noted that the Zoning and Planning Commission report unanimously recommends approval of the Applicant's request. The Committee reviewed the documentation supplied by the Applicant, the Staff report and the transcript of the public hearing.

The Committee noted that the Comprehensive Plan for the City of Elmhurst, adopted in April 2009, recommended an increase in FAR from the current .50 to .65. This proposed text amendment, therefore, enacts a recommendation of the Comprehensive Plan.

The Committee finds that the proposed Zoning Ordinance Text Amendment to increase the FAR in the II District will, as stated in the Zoning and Planning Commission report, support development initiatives in the II district without compromising other II district regulations.

Therefore, it is the recommendation of the Development, Planning and Zoning Committee that the City Council approve this request. The City Attorney is hereby directed to prepare an Ordinance authorizing the Zoning Ordinance Text Amendment increasing the FAR in the II district from .50 to .65.

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

- m. REPORT - CASE NUMBER 09 P-11/ GAS STOP-UNTOUCHABLE CAR WASH AMENDED CONDITIONAL USE The following report of the Development, Planning and Zoning Committee was presented:

February 24, 2010

TO: Mayor DiCianni and Members of the City Council

RE: Case Number 09 P-11/ Gas Stop-Untouchable Car Wash Amended Conditional Use

Request for an Amended Conditional Use Permit for the purpose of replacing an existing manual reader board with an electronic reader board on an existing pylon sign on property commonly known as 575 S. York Street (PIN 06-12-300-025).

The Development, Planning and Zoning Committee met on February 22, 2010 to review the Zoning and Planning Commission report dated December 17, 2009. The Zoning and Planning Commission unanimously recommended approval of the application. The Applicant is requesting an amended Conditional Use Permit to replace a manual reader board with an electronic reader board on an existing pylon sign. The Committee reviewed the documentation supplied by the applicant, the staff report and the transcript of the public hearing.

The Committee discussed the height, advertising area and location of the proposed pylon sign noting that the sign complies with Zoning Ordinance regulations. The Committee discussed the total amount of signage on the subject property noting that the illegal signs identified by City Staff will be removed by the Applicant.

Of utmost importance to the Committee was the structural integrity and overall general safety of the public with respect to the added weight of an electronic reader board on the existing pylon structure. The Committee requested that the structural integrity of the sign be analyzed and stamped by a certified structural engineer. The Applicant provided a structural engineer's stamp of approval with an analysis that stated the existing pylon is adequate based on load specifications.

The Committee discussed the referral by City Council, originated by Aldermen Morley and Rose, to review electronic signs with respect to size, timing intervals, upkeep and enforcement. The Development, Planning and Zoning Committee will be reviewing this referral in upcoming meetings. The Committee requested, and the Applicant agreed, that should the timing interval be increased by Ordinance the proposed electronic sign at this site will comply with the new timing interval requirement.

After review of the proposed pylon sign, it was the consensus of the Committee to recommend approval of the Applicants' request.

Therefore, it is the recommendation of the Development, Planning and Zoning Committee that the City Council approve this request. The City Attorney is hereby directed to prepare an Ordinance authorizing a Conditional Use Permit for the requested pylon sign.

Respectfully submitted,
Development, Planning and Zoning Committee
/s/ Steven Morley

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

- n. MCO-08-2010 – AN ORDINANCE AMENDING SECTION 2.07 ENTITLED "COUNCIL VOTING; YEAS AND NAYS; MAYOR'S VOTE" OF CHAPTER 2 ENTITLED "CITY COUNCIL" TO PROVIDE FOR AN ALTERNATIVE METHOD OF DISPOSING OF CITY PROPERTY THAT HAS LITTLE OR NO MONETARY VALUE TO THE CITY

Ordinance MCO-08-2010 was presented for passage.

- o. MCO-09-2010 – AN ORDINANCE AMENDING CHAPTER 31 ENTITLED, "BUSINESS LICENSING, REGULATION AND REGISTRATION" OF THE MUNICIPAL CODE OF THE CITY OF ELMHURST BY ADDING ARTICLE XVII ENTITLED, "PAWNSHOPS AND PAWNBROKERS"

Ordinance MCO-09-2010 was presented for passage.

- p. MCO-10-2010 – AN ORDINANCE REGULATING PEDICABS WITHIN THE CITY LIMITS OF ELMHURST

Ordinance MCO-10-2010 was presented for passage.

Alderman Wagner pulled item **4p. MCO-10-2010 – An Ordinance Regulating Pedicabs Within the City Limits of Elmhurst** from the Consent Agenda. Alderman Morley pulled items **4l. Report – Case Number 10 P-02/ City of Elmhurst Zoning Ordinance Text Amendment** and **4m. Report - Case Number 09 P-11/ Gas Stop-Untouchable Car Wash Amended Conditional Use**.

Alderman Hipskind moved to approve the contents of the Consent Agenda less items **4l. Report – Case Number 10 P-02/ City of Elmhurst Zoning Ordinance Text Amendment, 4m. Report - Case Number 09 P-11/ Gas Stop-Untouchable Car Wash Amended Conditional Use** and **4p. MCO-10-2010 – An Ordinance Regulating Pedicabs Within the City Limits of Elmhurst**. Alderman Gutenkauf seconded. Roll call vote:

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

Nays: None

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

Alderman Rose moved to approve item **4l. Report – Case Number 10 P-02/ City of Elmhurst Zoning Ordinance Text Amendment**. Alderman Leader seconded.

Alderman Morley stated he pulled item **4l. Report – Case Number 10 P-02/ City of Elmhurst Zoning Ordinance Text Amendment** to state that his signature was not supposed to be on the report as he owns property in the that area. He stated he will be abstaining from the vote.

Roll call vote on item **4l. Report – Case Number 10 P-02/ City of Elmhurst Zoning Ordinance Text Amendment**:

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

Nays: None

Abstain: Morley

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

Alderman Morley, as Chairman of the Development, Planning and Zoning Committee (DP&Z) pulled item **4m. Report - Case Number 09 P-11/ Gas Stop-Untouchable Car Wash Amended Conditional Use** back to the DP&Z Committee for further review.

Alderman Wagner, as Chairman of the Public Affairs and Safety Committee (PA&S) pulled item **4p. MCO-10-2010 – An Ordinance Regulating Pedicabs Within the City Limits of Elmhurst** back to the PA&S Committee for further review.

COMMITTEE REPORTS

5. a. REPORT - VACATION REQUEST 537 N. WALNUT ST. The following reports of the Public Works and Buildings Committee were presented:

1. MAJORITY REPORT

February 22, 2010

TO: Mayor DiCianni and Members of the City Council
RE: Vacation Request 537 N. Walnut

The Public Works and Buildings Committee met on Monday, January 25, 2010 and again on Monday, February 22, 2010 to discuss the vacation of the north twenty (20) feet of the Gladys Avenue right-of-way adjacent to 537 N. Walnut. This vacation is being requested by the property owner at 537 N. Walnut.

The property in question is currently an unimproved sixty (60) foot City right-of-way with a 20 foot asphalt roadway which services the driveways at 531 and 537 N. Walnut. It contains a City storm sewer and sanitary sewer. The vacation of the north twenty feet of the right-of-way will provide the property owner at 537 N. Walnut the ability to create two buildable fifty (50) foot lots. Access to the south property and the City sanitary sewer will be maintained on the remaining forty (40) foot right-of-way.

The City storm sewer is fourteen (14) feet from the property line. A ten (10) foot easement will be required to maintain the City storm sewer. Should any owner of this property ever wish to reconfigure the storm sewer they will have to come to the City to request a vacation of this easement.

The Committee felt that it would be appropriate for the City to vacate the north twenty (20) feet of the right-of-way maintaining a ten (10) foot easement for the City storm sewer. As there will be a substantial cost to relocate the storm sewer, the Committee felt that there should not be any compensation for the vacation. The property owner shall be responsible for all costs incurred by the City such as attorney's fees, survey costs, etc.

It is, therefore, the recommendation of the Public Works and Buildings Committee that the north twenty (20) feet of the Gladys Avenue right-of-way, as shown on the attached drawing, be vacated at no charge and that the City Attorney be authorized to prepare the appropriate documents for signature by the appropriate City officials.

Respectfully submitted,
Public Works and Building Committee

/s/ Jim Kennedy

Chairman

/us/ Michael J. Bram

Vice-Chairman

/us/ Pat Shea

/s/ Chris Healy

2. MINORITY REPORT

January 26, 2010

TO: Mayor DiCianni and Members of the City Council
RE: 537 N. Walnut Street Vacation

The Public Works and Building Committee met on Monday, January 25, 2010 and again on Monday, February 22, 2010 to discuss the vacation of the north 20ft of Gladys Ave. right-of-way adjacent to 537 N. Walnut. The property owner at 537 N. Walnut is requesting a right -of-way vacation.

The property in question is currently a 60 ft City right-of-way. It contains a City storm sewer, sanitary sewer and is improved with an asphalt driveway to provide access for the adjacent properties. This vacation will add 20ft to an existing 80ft lot, creating the potential for subdividing 537 N. Walnut into two buildable 50ft lots. Thus the vacated land contributes to a substantial increase in the value of this existing property. No other buyers have expressed interest in the remaining 40ft so it will remain City of Elmhurst property.

The committee discussed the fact that there is a storm sewer on Gladys 14 ft from the property line so the City would maintain easement rights of 10ft on the vacated property.

February 23, 2009 the Members of the City Council approved a policy (see attached) for vacating land. The policy provides that any costs incurred by the City, including Attorney's fees, land surveying cost, and the like, shall be paid for by the party requesting the vacation. This provision protects taxpayers from shouldering any inappropriate costs resulting from a vacation request.

The policy establishes a method for determining cost of vacated property. It states (paragraph 5) the City should begin evaluating at 50% of the property's value. All factors that influence amount charged for land would be looked at, for example, if vacation created a new buildable lot, that could increase the value of the land.

The City of Elmhurst represents its citizens; it releases property rights on behalf of all Residents and therefore must enter into these agreements carefully and deliberately. It must weigh the economic value accrued to the potential new owner with the rights of all Elmhurst residents. Since the Land Vacation Policy was passed in 2009, three vacation Requests have come before City Council. In each case, the City of Elmhurst and the property recipient established an appropriate purchase price. This case meets the established guidelines for price determination.

It is therefore the recommendation of the Public Works and Building Committee that the 20ft of Gladys Street be vacated to 537 N. Walnut with the City retaining a 10' easement, for \$11,000, plus all costs incurred by the City, and that the City Attorney prepare the proper ordinance and that the City council approve said ordinance.

Respectfully submitted,
Public Works and Building Committee

/us/ Jim Kennedy

Chairman

/s/ Michael J. Bram

Vice-Chairman

/s/ Pat Shea

/us/ Chris Healy

Alderman Kennedy, as Chairman of the Public Works and Buildings Committee (PW&B), pulled item **5a. Report - Vacation Request 537 N. Walnut St.** back to the PW&B Committee for further review.

- b. REPORT – MUNICIPAL MOTOR FUEL TAX The following report of the Finance, Council Affairs and Administrative Services Committee was presented for passage:

February 23, 2010

To: Mayor DiCianni and Members of the City Council
Re: Municipal Motor Fuel Tax

The Finance, Council Affairs and Administrative Services Committee met several times, most recently February 22, 2010, to review a municipal Motor Fuel Tax (MFT).

As the City Council is aware, the current economic environment continues to negatively impact the City's General Fund revenues. The City's portion of the state Motor Fuel Tax has also been negatively impacted, declining each year since fiscal 2007, with receipts for fiscal 2010 projected to be approximately \$142,000 below actual fiscal 2007 receipts. Lower MFT receipts results in more costs being allocated to the General Fund that would otherwise be covered by MFT funds. To help bridge the gap, staff proposed implementing a municipal MFT, which is allowed for home rule communities.

There are currently fourteen gas stations operating in Elmhurst (see attached map). Staff conducted a price survey on January 6, 2010, of seventy-one gas stations including the fourteen Elmhurst stations and stations in Addison, Bellwood, Bensenville, Berkeley, Franklin Park, Hillside, Lombard, Melrose Park, Northlake, Oak Brook, Oakbrook Terrace and Villa Park (see attached). The per gallon price ranged from \$2.73 at Delta Sonic in Elmhurst to \$2.99 at Mobil in Bellwood. Based on information received from Texor, operator of the Citgo station on Butterfield Road in Elmhurst, an estimate of average monthly fuel sales for the stations in Elmhurst is 100,000 gallons, which equates to 16,800,000 gallons annually. A motor fuel tax of one and one-half cents (\$.015) per gallon would provide annual revenue of approximately \$250,000.

The Finance Committee reviewed the above information along with receiving input from several gas station operators. Concerns were discussed regarding competitiveness with neighboring communities, impact on gas station profitability and ongoing operations, and impact on in-store merchandise sales. Staff believes that a municipal MFT of \$.015 per gallon, which is below the Cook County MFT of \$.02 per gallon, would allow Elmhurst stations to remain competitive with neighboring communities, whether by passing along the tax or by absorbing some of the tax, and would have minimal impact on in-store merchandise sales.

Staff reviewed the payment process for the municipal MFT. Remittance of the tax will be due on a monthly basis, on the 20th day of the month following the month of receipt of the tax by the business owner. This timetable matches the timetable for remittance of sales tax and food and beverage tax. The municipal MFT will be paid to the City of Elmhurst.

After further discussion, the Finance Committee concurred with staff recommendation to implement a \$.015 municipal Motor Fuel Tax, effective May 1, 2010, with a staff review after six months, and a formal Finance Committee review after twelve months.

It is, therefore, the recommendation of the Finance, Council Affairs and Administrative Services Committee that the City Council approve a municipal Motor Fuel Tax of one and one-half cents (\$.015) per gallon on all grades and types of petroleum, and direct the City Attorney to prepare the ordinance for implementation May 1, 2010.

Respectfully submitted,
Finance, Council Affairs and
Administrative Services Committee

/s/ Stephen Hipskind

Chairman

/s/ Kevin York

Vice-Chairman

/s/ Mark Mulliner

/us/ Diane Gutenkauf

Alderman York, Vice-Chairman of the Finance, Council Affairs & Administrative Services Committee (F,CA&AS) pulled item **5b. Report – Municipal Motor Fuel Tax** back to the F,CA&AS Committee for further review.

Alderman Bram, point of order, is the Council prohibited from pulling the same item from the agenda on more than one occasion.

City Attorney Storino stated it is not prohibited.

- c. REPORT – CASE NUMBER 08 P-16 / NORTH DISTRICT (HAHN STREET PROPERTIES) REQUEST FOR PRELIMINARY PLANNED DEVELOPMENT CONDITIONAL USE The following report of the Development, Planning and Zoning Committee was presented:

February 24, 2010

TO: Mayor DiCianni and Members of the City Council

RE: Case Number 08 P-16 / North District (Hahn Street Properties) Request for Preliminary Planned Development Conditional Use Request for a Preliminary Combined Residential and Business Planned Development for the purpose of constructing 109 dwelling units, approximately 20,000 square feet of retail space, and 321 parking spaces.

The Development, Planning and Zoning Committee met on February 22, 2010 to review a letter from Morningside Hahn LLC dated February 19, 2010 requesting an amendment to the Development Agreement approved by Ordinance O-23-2008 dated July 21, 2008. The Mayor and all Aldermen were present for the presentation of the request by the Applicant, Mr. David Strosberg and his attorney, Mr. Scott Day.

The original Planned Development Plan and corresponding Development Agreement, referenced above as Case # 08P-16, were processed by the Zoning and Planning Commission resulting in a recommendation of approval on July 9, 2009. The Development, Planning and Zoning Committee reviewed the application on August 24 and September 14, 2009. In December 2009, the Applicant requested and received a 90 day delay in the processing of the Planned Development Plan.

The Applicant is requesting an amendment to the proposed Planned Development Plan as well as amendments to the Development Agreement to address the proposed changes to the Plan. The proposed amendments to the Planned Development Plan include:

- The separation of the project into two phases
- The separation of the project into two buildings
- An increase in height of the proposed condominium/retail building from 4 stories and 45 feet to 5 stories and 55 feet (note that the decorative roofing elements will have a height of 77 feet)
- A decrease in the total number of condominium dwelling units from 102 to 96
- A reduction in the amount of retail floor area by 5,000 square feet from approximately 20,000 square feet to approximately 15,000 square feet (a 25% reduction)
- A corresponding reduction in the total number of parking spaces (parking ratios remain the same)
- An increase in public open space will increase from 22% to approximately 27% of the total site

The Committee discussed the options involved with the processing of the requested amendments. The amendment request will involve two processes: the processing of the amended Planned Development Plan by the Zoning and Planning Commission and any necessary amending of the Development Agreement negotiated by the City Attorney and approved by the City Council. It was the consensus of the Committee to recommend that the City Council authorize the processing of the required amendments.

Therefore, it is the recommendation of the Development, Planning and Zoning Committee that the City Council authorize the City Attorney to proceed with negotiations to amend and re-state the Development Agreement between the City of Elmhurst and Morningside Hahn LLC.

Further, it is the recommendation of the Development, Planning and Zoning Committee that the City Council authorize the Zoning and Planning Commission to process an amended request from Morningside Hahn LLC, as Applicant, for a Preliminary Combined Residential and Business Planned Development Conditional Use.

Respectfully submitted,
Development, Planning and Zoning Committee
/s/ Steven Morley

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

Alderman Morley moved to approve item **5c. Report – Case Number 08 P-16 / North District (Hahn Street Properties) Request for Preliminary Planned Development Conditional Use.**

Alderman Rose seconded.

Alderman Morley stated Morningside Hahn LLC is requesting an amendment to the Development Agreement. He stated the Mayor and all Aldermen were present for the presentation of the request by Mr. David Strosberg.

Alderman Morley explained the amendments to the Planned Development. He stated the different plan is more feasible in today's economic climate. He stated this would authorize the Zoning & Planning Commission to process and amend as required.

Alderman Pezza asked, when this goes to the Zoning & Planning Commission, will it go through the normal zoning commission process.

City Attorney Storino replied yes.

Roll call vote on item **5c. Report – Case Number 08 P-16 / North District (Hahn Street Properties) Request for Preliminary Planned Development Conditional Use:**

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

Nays: None

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

d. REPORT - BANK USES IN COMMERCIAL ZONING DISTRICTS The following reports of the Development, Planning and Zoning Committee were presented:

1. MAJORITY REPORT

February 24, 2010

TO: Mayor DiCianni and Members of the City Council

RE: Bank Uses in Commercial Zoning Districts

The Development, Planning and Zoning Committee met on numerous occasions, most recently on February 22, 2010 to review a referral to amend the Zoning Ordinance to require that all bank uses, with or without a drive through, be Conditional Uses.

The Committee noted that the current Zoning Ordinance allows banks without a drive through as permitted uses; banks with a drive through require Conditional Use approval from City Council.

The Committee reviewed information from other municipalities regarding bank uses in commercial districts (attached). The Committee also reviewed bank uses within the City of Elmhurst.

The Committee noted that there is a perception that banks occupy what would otherwise be retail space with a resultant loss in sales tax revenue. The Committee noted that most banks require a drive through which results in a Conditional Use request for City Council approval. After thorough review and discussion, it was the consensus of the Committee that additional regulations on bank uses are unwarranted at this time.

Therefore, it is the recommendation of the Development, Planning and Zoning Committee that the text of the Zoning Ordinance relating to bank uses remain in its current form.

Respectfully submitted,
Development, Planning and Zoning Committee
/s/ Steven Morley
Chairman

/s/ Susan J. Rose
Vice-Chairman
/us/ Norman Leader

2. MINORITY REPORT

February 24, 2010

TO: Mayor DiCianni and Members of the City Council

RE: Bank Uses in Commercial Zoning Districts

The Development, Planning and Zoning Committee met on numerous occasions, most recently on February 22, 2010 to review a referral to amend the Zoning Ordinance to require that all bank uses, with or without drive-through, be Conditional Uses.

The Committee noted that the current Zoning Ordinance allows banks without drive through as permitted uses; banks with drive through require Conditional Use approval from City Council.

The Committee reviewed information from other municipalities regarding bank uses in commercial districts (attached). The Committee also reviewed bank uses within the City of Elmhurst.

After discussion, it was agreed not to limit the total number of banks, or prohibit new banks in the City. However, because banks may desire to locate in commercial districts and occupy space that would otherwise generate sales tax if occupied by a retail business, it is the recommendation of the Committee that all bank uses be Conditional Uses.

Therefore, it is the recommendation of the Development, Planning and Zoning Committee that the City Council authorize The Zoning and Planning Commission to hold a public hearing to amend the text of the Elmhurst Zoning Ordinance to require that all bank uses, with or without drive-through, be Conditional Uses.

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

Alderman Morley moved to approve item **5d-1. Report - Bank Uses in Commercial Zoning Districts (Majority)**. Alderman Rose seconded.

Alderman Leader moved to substitute item 5d-2. **Report - Bank Uses in Commercial Zoning Districts (Minority)** for item **5d-1. Report - Bank Uses in Commercial Zoning Districts (Majority)**. Alderman Healy seconded.

Alderman Leader stated he is not trying to limit or prohibit the number of new banks. He stated stand alone banks in retail areas are a negative to getting new tax dollars through retail sales.

Alderman Leader stated all banks should be conditional use.

Alderman Morley stated the Development, Planning and Zoning (DP&Z) Committee reviewed banks in the Central Business District (CBD). He read the criteria for conditional use. He stated 75% of the banks are held to some conditional use. He stated the committee reviewed other municipalities regarding bank uses in the commercial district.

Alderman Morley stated the DP&Z Committee couldn't see a correlation between banks in retail and retail sales.

Alderman Healy stated conditional use for all banks should be put in commercial districts. He stated he supports the minority report.

Discussion ensued.

Alderman Morley, point of clarification, stated if the minority report passes this issue will go

before the Planning and Zoning Commission.

Discussion ensued regarding conditional use and retail.

Roll call vote to substitute item 5d-2. **Report - Bank Uses in Commercial Zoning Districts (Minority)** for item **5d-1. Report - Bank Uses in Commercial Zoning Districts (Majority)**:

Ayes: Leader, Healy, Hipskind, Nybo, Kennedy, Wagner

Nays: Gutenkauf, Pezza, Shea, Rose, Bram, Morley, Mulliner

Abstain: York

Results: 6 ayes, 7 nays, 0 absent, 1 abstain
Motion failed.

Roll call vote to approve item **5d-1. Report - Bank Uses in Commercial Zoning Districts (Majority)**:

Ayes: Morley, Rose, Gutenkauf, Pezza, Shea, Bram, Nybo, Mulliner

Nays: Leader, Hipskind, Healy, Kennedy, Wagner

Abstain: York

Results: 8 ayes, 5 nays, 0 absent, 1 abstain
Motion carried.

REPORTS AND RECOMENDATIONS OF APPOINTED AND ELECTED OFFICIALS

6. a. UPDATES (Mayor DiCianni)

Mayor DiCianni stated he met with Mayors from DuPage and Cook counties (District 1) to put a resolution together regarding the Western Access issue. He stated the Mayors of District 1 also met on this topic last year and per a request from US Representative Peter Roskam they met to issue another resolution this year. Mayor DiCianni stated on March 8, 2010 a meeting will be held in the Governor's Office to move this issue along.

Mayor DiCianni stated the issue of prayer before meetings will be on the Finance, Council Affairs and Administrative Services Committee's March 8, 2010 agenda. The Mayor stated if this is approved there are thirty (30) houses of worship that could be asked to give an inspirational few words prior to Council meetings. He assured the City Council that the guidelines prepared by the City Attorney will be followed.

Mayor DiCianni stated legislation will be introduced in Springfield this week (SB3106 & SB 3111) as there isn't any funding for the training of Special Education Teacher Assistants. The Mayor stated he has been asked to go to Springfield on March 3, 2010 to testify in support of providing funding.

Mayor DiCianni stated he attended the ECAF Casino Night Fundraiser. He stated it was a big success and many members of the City Council were there supporting the event.

Alderman Bram had a recommendation to the Council. He requested when a report is pulled back to committee, the rational behind why it is being pulled back to committee be given.

b. OVERVIEW OF 2010/2011 BUDGET (City Manager Borchert)

City Manager Borchert stated the budget is balanced. He gave a PowerPoint Presentation 2010/2011 Operating Budget Overview, which will be available for viewing on the City website. He reviewed the following points: Mission Statement, 2010/2011 Budget Schedule, Fiscal Year 2009/2010 General Fund Revenue Analysis, 2010/2011 Budget and 2010/2011 Budget Concerns.

The City Manager stated pages 401-402 of the budget book detail cuts that have been applied to the budget. He asked if there were any questions and reminded Council that tonight served only as a brief overview. City Manager Borchert stated the Council will begin in-depth Committee of the Whole budget meetings starting on Monday, March 8, 2010 at 8:00 p.m. after individual committee meetings take place.

OTHER BUSINESS

7. None.

ANNOUNCEMENTS

8. Alderman Morley stated on tonight's Consent Agenda the City Council approved the appointment of Fire Chief Kopp to the additional position of Assistant City Manager. He thanked Chief Kopp for the good job he has done while serving as Acting Assistant City Manager.

ADJOURNMENT

9. Alderman Morley moved to adjourn the meeting. Aldermen Gutenkauf seconded. Voice Vote. Motion carried. Meeting adjourned 9:15 p.m.

Peter P. DiCianni III, Mayor

Patty Spencer, City Clerk