

**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF ELMHURST, ILLINOIS
HELD ON MONDAY, MAY 3, 2010
209 NORTH YORK STREET
ELMHURST, ILLINOIS**

EXECUTIVE SESSION 7:00 P.M. – LAND DISPOSITION

1. Executive session was called to order at 7:02 p.m. by City Clerk Spencer for the purpose of discussing Land Disposition.

Present: Diane Gutenkauf, Paula Pezza, Pat Shea, Norman Leader, Susan J. Rose, Michael J. Bram, Stephen Hipskind, Steve Morley, Jim Kennedy, Mark A. Mulliner

Absent: Kevin L. York, Chris Nybo (arrived at 7:41 p.m.), Chris Healy, Patrick Wagner

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

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

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

Nays: None

10 ayes, 0 nays, 4 absent
Motion duly carried

Alderman Morley moved to adjourn executive session. Alderman Hipskind seconded. Voice vote. Motion carried. Executive session adjourned at 7:41 p.m.

CALL TO ORDER/ PLEDGE OF ALLEGIANCE/ ROLL CALL

Attendance: 20

2. The Regular Meeting of the Elmhurst City Council was called to order by Mayor DiCianni at 7:59 p.m. Mayor DiCianni asked for a moment of silence prior to the Pledge of Allegiance in honor of Frank Vanek, Vice-President of the Library Board who passed away on Saturday, May 1, 2010.

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

Absent: Kevin L. York, Chris Healy, Patrick Wagner

Also in Attendance: City Treasurer Dyer, City Attorney Storino, City Manager Borchert, Director of Water/Wastewater Streicher

PROCLAMATION & RECOGNITION – COACH TERRY CLARKE

3. Mayor DiCianni welcomed York High School Wrestling Coach, Terry Clarke to join him at the podium. Mayor DiCianni presented Coach Clarke with a proclamation recognizing his accomplishments as a coach for the past thirty (30) years, most recently his induction in the IHSA Hall of Fame.

Coach Clarke stated this has been a great ride. He thanked his family stating he is very proud of this day.

PROCLAMATION & RECOGNITION – DIRECTOR OF WATER/WASTER WATER, DENNIS STREICHER

4. Mayor DiCianni invited Director of Water/Wastewater Dennis Streicher to the podium. The Mayor stated after thirty-eight (38) years of service to the City, Director Streicher is retiring this week. The Mayor read a proclamation recognizing Director Streicher's achievements over the past thirty-eight (38) years and thanked him for his commitment and dedication to the City.

Director Streicher stated he couldn't have picked a better job to work for a great City like Elmhurst. He thanked his family, Mayor DiCianni, City Manager Borchert and the City Council.

City Manager Borchert thanked Director Streicher for a job well done. He stated on Thursday, May 6, 2010 from 10:00 a.m. – noon there will be a farewell gathering for Director Streicher in the Council Chamber for those who wish to show him their appreciation and pass along their retirement well wishes.

RECEIPT OF WRITTEN COMMUNICATIONS AND PETITIONS FROM THE PUBLIC

5. Daniel Cusack, 0S579 Kirk, Elmhurst, IL 60126 submitted the minutes of the Elmhurst Memorial Hospital Yorkfield Neighborhood Advisory Committee for the meetings held on both November 6, 2008 and February 5, 2009.

PUBLIC FORUM

6. Dennis Reboletti Sr.
572 W. Gladys Ave.
Elmhurst, IL 60126

Spoke to the Council regarding the sidewalk policy.

Jackie Luchetta
253 Maple Ave.
Elmhurst, IL 60126

Spoke regarding the talk of sidewalks and the City's cash flow problems. She also commented on the new City Centre fountain and the park at the Police Station stating now is not the time to have this done when the City has no money.

Claude Pagacz
566 W. Gladys Ave.
Elmhurst, IL 60126

Spoke of the Elmhurst Memorial Healthcare annexation and rezoning while the people of Yorkfield are sacrificed for the new hospital.

Daniel Cusack
0S579 Kirk
Elmhurst, IL 60126

Spoke regarding the agenda item pertaining to the Hospital's Harvard Street traffic. He asked Council to delay their approval until engineers can look at it.

Scott Day, Attorney
Elmhurst Memorial Hospital

Spoke regarding the public comments made by an objector. He stated the hospital stands by its record and the documents that have been submitted to the City.

CONSENT AGENDA

7. The following items on the Consent Agenda were presented:
 - a. MINUTES OF THE REGULAR MEETING HELD ON MONDAY, APRIL 19, 2010 (City Clerk Spencer): Approve as published
 - b. MINUTES OF THE SPECIAL MEETING HELD ON SATURDAY, APRIL 17, 2010 (City Clerk Spencer): Approve as published
 - c. MINUTES OF THE EXECUTIVE SESSION MEETING HELD ON MONDAY, APRIL 26, 2010 (City Clerk Spencer): Receive and place on file
 - d. ACCOUNTS PAYABLE – APRIL 30, 2010, TOTAL \$ 1,187,105.53
 - e. REPORT – 2010 TREE PURCHASE & PLANTING PROGRAM The following report of the Public Works and Buildings Committee was presented for passage.

April 26, 2010

TO: Mayor DiCianni and Members of the City Council
Re: 2010 Tree Purchase & Planting Program

The Public Works and Building Committee met on Monday, April 26, 2010, to discuss the purchase and installation of tree stock through the Suburban Tree Consortium for the City's 2010 Tree Purchase & Planting Program. This includes regular tree replacements, and new tree plantings.

Elmhurst joined the Suburban Tree Consortium in 1986 and is currently one of 36 participating members. The major purpose of the Consortium is to pool resources from several communities in an effort to obtain lower prices, a more dependable supply, and a higher quality of trees than would be available to any single municipality, or agency. The City has purchased trees through the Consortium previously and has been satisfied with the product and the competitiveness of the cost. Currently, Beaver Creek Nursery, Hinsdale Nursery, Beeson's Nursery, Possibility Place Nursery, and Wilson Nursery are contracted to supply trees and Pugsley & LaHaie provide planting services. These contracts have fixed annual prices, which are renewed upon mutual consent of the members and contractors, and are administered by the West Central Municipal Conference (WCMC). Collectively, the members purchase approximately 6,000 trees per year.

A purchase summary is attached specifying tree species, numbers required, costs, and the supplying nursery.

There are 575 trees scheduled to be purchased at a cost of \$93,628.50. The cost for contractor services to plant the trees is \$51,470.50. Funds have been allocated in the 2010/2011 budget, General Fund for the purchase of these trees in account number 110-6043-434-40-61 in the amount of \$150,000.00, and for planting in account number 110-6043-434-30-77 in the amount of \$71,500.00, pending Council approval of the 2010/2011 Budget.

It is, therefore, the recommendation of the Public Works and Buildings Committee that the purchase of trees through the Suburban Tree Consortium as outlined above, be approved.

Respectfully submitted,
Public Works and Building Committee

/s/ Jim Kennedy
Chairman

/s/ Michael J. Bram
Vice-Chairman

/s/ Pat Shea

/s/ Chris Healy

- f. REPORT – BID, FIRE HYDRANT MATERIALS PURCHASE The following report of the Public Works and Buildings Committee was presented for passage.

April 26, 2010

TO: Mayor DiCianni and Members of the City Council
RE: Bid, Fire Hydrant Materials Purchase

The Public Works and Buildings Committee met on Monday, April 26, 2010 to discuss bids received for Fire Hydrant Materials. Invitations to bid on this project were sent to numerous area vendors and advertised in local newspapers. Four (4) bids were received and two (2) vendors were awarded based on the low bid on various size hydrants. There were bid ties on (4) of the (6) hydrants items. At the advice of the City Attorney a blind drawing was held at the City Clerk's office on 3/23/10 with the vendors present.

Four bids were received and a bid tabulation is attached for reference. The results of the drawing and low bids are as follows:

VENDOR

TOTALS

• Ziebell Water Service Item 1-3-5	Bid Amount	\$36,686.00
• Mid American Water Item 2-4-6	Bid Amount	<u>\$47,906.00</u>
	Grand Total	\$84,592.00

The invitation to bid requested pricing on various size fire hydrants for use by City utility crews. The Water/Wastewater Division expects to order approximately 40 fire hydrants this project year to accommodate replacements in street paving areas and other selected sites. The hydrants are being replaced due to poor operation, obsolescence, or vehicular accidents.

Mid American Water and Ziebell Water Service have previously supplied fire hydrants and other materials to the City in a timely and satisfactory manner.

Funds in the amount of \$85,000 have been provided in the 2010/2011 budget, Municipal Utility Fund, for the purchase of fire hydrant materials under account number 510-6052-501-40-23.

It is, therefore, the recommendation of the Public Works and Buildings Committee that the bid submitted by Mid American Water of Aurora, Illinois for \$47,906 and Ziebell Water Service for \$36,686 totaling the amount of \$84,592.00, 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

- g. REPORT – REPLACEMENT OF FUEL ISLAND DISPENSERS The following report of the Public Works and Buildings Committee was presented for passage.

April 26, 2010

TO: Mayor DiCianni and Members of the City Council
RE: Replacement of Fuel Island Dispensers

The Public Works and Buildings Committee met on Monday, April 26, 2010 to discuss the purchase of replacement fuel island dispensers at the Elmhurst Public Works Garage.

The dispensers are used to pump gasoline and diesel fuel into vehicles and equipment for the City, Park District, School District and City Center. The dispensers are linked to a fuel management system that is used for billing for fuel supplied from the Public Works fuel island. The current three dispensers (2 gasoline and 1 diesel) at the Public Works fuel island are fourteen years old and do not meet the standard for E85 fuel.

A Request for Proposals (RFP) was sent out to qualified vendors to solicit prices for new dispensers. The RFP requested vendors to supply and install new fuel dispensers and to insure that the Public Works Fuel Island is in compliance with all required tests for the State Fire Marshall and the Illinois EPA.

Four proposals were returned. The proposals contained a “Base Proposal” price and “Optional” pricing for the EPA mandated Vapor Recovery. Total prices with the required options are listed below:

<u>Vendor</u>	<u>Total Price</u>
Superior Petroleum, Wheaton, IL	\$25,455.00
Accurate Tank, N. Aurora, IL	\$25,675.00
Petroleum Technologies Equipment, Lyons, IL	\$30,933.00
Mankoff Industries	declined to bid

In accordance with the City of Elmhurst and Elmhurst Park District Intergovernmental Agreement, the Park District will pay 25 percent (\$6,363.75) of the price of the installation of the fuel dispensers.

Funds have been provided in the FY2009/2010 under account 110-6047-512-80-98, in the amount of \$34,000 for the purchase of this system.

It is, therefore, the recommendation of the Public Works and Buildings Committee that the proposal from Superior Petroleum of Wheaton, IL, for the installation of three fuel dispensers at the City of Elmhurst Public Works Garage in the amount of \$25,455 be accepted and that the City Attorney be directed to prepare the appropriate resolution.

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 – FIRST STREET METRA PARKING IMPROVEMENTS RAILROAD UTILITY RELOCATION The following report of the Public Works and Buildings Committee was presented for passage.

April 26, 2010

TO: Mayor DiCianni and Members of the City Council

RE: First Street Metra Parking Improvements Railroad Utility Relocation

The Public Works and Building Committee met on Monday, April 26, 2010 to discuss the final design of the First Street Metra Parking project and the required Union Pacific Railroad (UPRR) utility relocations.

TranSystems assisted the City in the preparation of an American Recovery and Reinvestment Act (ARRA) funding application. The project was approved by the DuPage Mayors and Managers Conference to receive \$310,000 from the ARRA Traffic Control Measure (TCM) funds. The City of Elmhurst is required to complete necessary engineering according to the ARRA project milestones and monitoring schedule to secure these funds.

The City approved TranSystems to complete Phase I design engineering services for \$84,012.07. Design engineering services included the preparation of contract plans, specifications and cost estimates for the March 14, 2010 contract letting through IDOT. The work was prepared in accordance with IDOT requirements for TCM projects. Construction within the railroad right of way requires soil testing to determine final quantities of special waste removal if necessary. The plans were reviewed by the City, IDOT and the UPRR.

The First Street Metra Parking project bid package proposed construction of approximately 53 new commuter and CBD parking spaces in downtown Elmhurst along First Street. The low bid received was from Schroeder Asphalt Services, Inc. for \$348,380.19.

During design the UPRR informed the City that fencing is required adjacent to new parking areas. IDOT requires three feet clear from the curb face for car doors. The IDOT and UPRR requirements were in conflict. The UPRR requirement for a fence at the Maple/Larch location prohibits a driver from entering/exiting the parked vehicle. In addition after final design documents were submitted to IDOT the UPRR identified two sections of buried signal cable that will need to be relocated to accommodate the new parking. Each signal cable relocation section will cost approximately \$40,000 to \$50,000. One of these sections is at the Maple/Larch location the other relocation section is from Myrtle to Maple.

Deleting 14 parking spaces along First Street between Maple and Larch, eliminates the fencing conflict and one signal relocation. The engineering construction estimate for the 14 spaces is \$43,000. Deleting this portion from the project will reduce the total project construction cost to \$305,000 plus signal cable relocation and engineering costs. The City will now construct 39 new spaces at a total cost to the City of \$4,235/space.

Final Project Cost Breakdown:

	Estimated Project Cost	UPRR Signal Cable Relocation	ARRA Funds	City Expenses
39 Parking Spaces	\$305,000	\$40,000	\$310,000	\$40,000 UPRR utility relocate + \$80,012.07 Phase I Eng. + \$45,167.15 Phase III Eng. = \$165,179.22

While the scope of the project has been reduced from the original 63 spaces, the project will still add 39 new spaces to the City’s commuter and CBD parking inventory. The cost of \$4,235 per space is a typical amount for surface parking. Consequently, the Committee felt continuing with the revised project was appropriate.

Monies for this project have been provided in the FY 2009/10 Budget, Account Number 530-0088-503-80-19 in the amount of \$175,000.

It is, therefore, the recommendation of the Public Works and Building Committee that the City contract with the UPRR for the cable relocation and that the First Street Metra Parking Improvement project as described above be approved.

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 – KNIGHTS OF COLUMBUS – “DL” LIQUOR LICENSE REQUEST The following report of the Public Affairs and Safety Committee was presented for passage:

April 26, 2010

To: Mayor DiCianni and Members of the City Council
Re: Knights of Columbus – “DL” Liquor License Request

The Public Affairs and Safety Committee met on April 12, 2010 and again on April 26, 2010 to discuss the request from the Knights of Columbus to create a new liquor license for special events or special occasions to be held by the Knights of Columbus and/or other bona fide social, fraternal or religious organizations.

A Class “DL” liquor license authorizes the retail sale of alcoholic liquor, only for consumption on the licensed premises and only for limited special events or occasions, not to exceed one hundred twenty (120) such events during each license year.

It is, therefore, the recommendation of the Public Affairs and Safety Committee that the City Council approve the Knights of Columbus’ request to create a new “DL” liquor license for special events or special occasions to be held by the Knights of Columbus and/or other bona fide social, fraternal or religious organizations.

Respectfully submitted,
Public Affairs and Safety Committee

/s/ Patrick Wagner
Chairman

/s/ Chris Nybo
Vice-Chairman

/us/ Paula Pezza

- j. REPORT – SEWERAGE TREATMENT RATES FOR PRIVATE WELL USERS The following report of the Finance, Council Affairs and Administrative Services Committee:

April 27, 2010

To: Mayor DiCianni and Members of the City Council
Re: Sewerage Treatment Rates for Private Well Users

The Finance, Council Affairs and Administrative Services Committee met April 26, 2010, to review a proposed sewerage treatment rate adjustment to those customers served by private water wells.

Currently, the City provides sewerage collection and treatment services for 24 customers who have private wells. Since the City lacks a metering device for water service to these customers, sewerage treatment charges are based on approximate citywide averages. Basically, the proposed fee for private well users has been adjusted in the same proportion as the City's water and sewerage treatment customers. The bi-monthly proposed and existing rates are indicated below:

	Proposed Rate	Current Rate
Residential*	\$ 74.87	\$ 65.10
Commercial*	\$ 74.87	\$ 65.10

* Federal EPA requirements mandate that rates be identical unless separate treatment is provided for industrial wastes.

The Committee has reviewed the proposed rate structure and believes it to be reasonable and appropriate.

It is, therefore, the recommendation of the Finance, Council Affairs and Administrative Services Committee that the City Council direct the City Attorney to prepare an amendment to the Municipal Code of Ordinances to establish a bi-monthly service charge for sewerage treatment of \$74.87 for customers with private water wells.

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 – AUTOMATED PARKING EQUIPMENT PURCHASE The following report of the Finance, Council Affairs and Administrative Services Committee:

April 27, 2010

To: Mayor DiCianni and Members of the City Council
Re: Automated Parking Equipment Purchase

The Finance, Council Affairs and Administrative Services Committee met April 26, 2010 to review the proposal for the purchase, installation and maintenance of two (2) additional automated pay by space parking terminals. The two terminals would serve approximately 250 spaces in the new parking deck being constructed at 175 W. First Street.

Recently, the City Council approved the purchase of seven (7) automated pay by space parking terminals from Total Parking Solutions (TPS). These terminals serve approximately 600 downtown daily fee parking spaces that were previously served by honor boxes and monthly parking passes. Over the last several years communities throughout the area have been moving away from the labor intensive honor box system in favor of the streamlined automated pay by space equipment that is both user friendly and enforcement efficient for City personnel. For the user, the machines accept coins and bills as well as credit cards. Payment for any space can be made at any machine. Once

payment is made, the automated system supplies the user with a receipt, alleviating the lack of proof of payment with the current system. The system will not issue a receipt unless the proper fee is collected. Approximately two to three hours of time spent daily on collecting and counting money has been redirected to improved enforcement throughout the system.

Staff is very satisfied with the equipment and service provided by TPS and is recommending the additional purchase of two terminals from TPS identical to the seven terminals recently purchased. The Committee and staff discussed the positive benefits and efficiencies of standardized equipment and services that includes the following: identical machines, instructions and operations for the user; the ability of the user to pay at any terminal; maintenance and supplies for one type of machine; identical coin and bill collection boxes and keys; consistent banking and credit card processing operations; and one back office operating system for administration. Staff also noted that TPS has offered to hold the pricing from the previous purchase contract. Based on staff's satisfaction with the current system, the efficiencies received in standardization of equipment and service and the identical pricing of the equipment and maintenance, the Finance, Council Affairs and Administrative Services Committee concurs with staff's recommendation.

The total cost for the acquisition, installation and maintenance of two automated pay by space machines is \$29,260. The fiscal year 2010/2011 budget provides funds in the Parking Improvements account #530-0088-503-80-19.

It is, therefore, the recommendation of the Finance, Council Affairs and Administrative Services Committee that the City Council approve the purchase of two additional automated pay by space parking terminals from Total Parking Solutions (TPS).

Respectfully submitted,
Finance, Council Affairs and
Administrative Services Committee
/s/ Stephen Hipskind
Chairman
/s/ Kevin York
Vice-Chairman
/s/ Mark Mulliner
/s/ Diane Gutenkauf

1. REPORT – CASE # 10 P-03/CITY OF ELMHURST ZONING ORDINANCE TEXT AMENDMENT The following report of the Development, Planning and Zoning Committee was presented for passage:

April 27, 2010

TO: Mayor DiCianni and Members of the City Council

RE: Case # 10P-03/City of Elmhurst Zoning Ordinance Text Amendment

Request for Zoning Ordinance Text Amendment to Chapter 11, Section 11.11 for the purpose of adding "Public Service" signs as a Conditional Use in the CR Conservation/Recreation District.

Note: As a companion to this specific Application (Case # 10P-03), DuPage County has applied for a Conditional Use Permit to allow the use of an existing sign structure as a Public Service Sign (Case # 10P-04).

The Development, Planning and Zoning Committee met on April 26, 2010 to review the Zoning and Planning Commission report dated March 18, 2010. The City of Elmhurst, as Applicant, is requesting a Zoning Ordinance Text Amendment to allow "Public Service" signs as a Conditional Use in the CR Conservation/Recreation District. This type of sign will be limited to properties owned by, and used solely under the direct control of, a governmental body. This type of sign will display only public service announcements solely related to the functions of that governmental body whose land upon which the sign is located.

The Federal Clean Water Act (CWA), the National Pollutant Discharge Elimination System (NPDES) Phase II General Stormwater Permit, and the State of Illinois Environmental Protection Agency require any agency discharging stormwater to submit an "Annual Facility Inspection Report". An important part of this reporting process is known as "Best Management Practices"

which requires public education and outreach relative to pollutant discharge from the storm water sewer system.

DuPage County purchased the Elmhurst Stone Quarry property for stormwater detention purposes in 1992. The purchase included a parcel on the west side of Route 83 whereon a commercial billboard sign was located. The billboard sign has not been used for commercial advertising purposes since 1992; the City of Elmhurst Zoning Ordinance prohibits commercial billboard signs.

The City of Elmhurst, pursuant to an intergovernmental agreement, relies on DuPage County for most of the activities related to these best management practices. Rather than removing the sign structure, the County of DuPage is requesting that the sign structure be used for public information purposes thereby complying with the "Best Management Practices" public education and outreach program. The re-use of this sign structure will allow the City of Elmhurst and DuPage County an opportunity to fulfill this educational obligation without undue cost to the taxpayer.

The City of Elmhurst is requesting approval of these proposed Zoning Ordinance text amendments to allow the use of this sign structure by DuPage County for public education and outreach purposes. The proposed text amendments would allow for this type of sign only on government-owned or controlled property and only to display public service announcements solely related to the functions of that governmental body whose land upon which the sign is located. Additionally, Public Service signs approved by Conditional Use Permit would only be allowed in the CR Conservation/Recreation District.

Proposed Text Amendment:

Proposed new amendment language is shown in *italics*.

Section 11.5-1 Definitions of Functional Types

Amend (y) Public Service Sign - Any sign intended primarily to promote items of general interest to the community such as time, temperature and date, atmospheric conditions, news or traffic control. *Such sign shall be wholly located on property owned by, and used solely under the direct control of, a governmental body. Said sign shall only display public service announcements solely related to the functions of that governmental body.*

Section 11.11-1 Functional Types Permitted:

Add new (d) *Public Service Signs, provided, however, that such sign has been approved pursuant to Chapter 3, Section 3.11 Conditional Uses.*

Section 11.11-2 Number of Signs Permitted Per Lot:

Add new (d) *One (1) Public Service Sign pursuant to Chapter 3, Section 3.11 Conditional Uses.*

Section 11.11-3 Maximum Gross Surface Area of Signs Permitted:

Add new (d) *Public Service Signs:*
The gross surface area of such signage shall be determined by the City Council, upon recommendation of the Zoning & Planning Commission, pursuant to Chapter 3, Section 3.11 Conditional Uses.

Section 11.11-4 Maximum Height of Signs Permitted:

Add new (d) *Public Service Signs:*
The maximum height of such signage shall be determined by the City Council, upon recommendation of the Zoning & Planning Commission, pursuant to Chapter 3, Section 3.11 Conditional Uses.

The Committee discussed the proposed text amendment and noted that commercial billboards are not permitted in the City of Elmhurst, either as-of right or by Conditional Use Permit. The proposed text amendment differentiates a "Public Service" sign from a commercial billboard sign and, therefore, does not "open the door" for any new commercial billboard signs.

Therefore, it is the recommendation of the Development, Planning and Zoning Committee that the City Council approve this request for Text Amendment. The City Attorney is hereby directed to prepare the necessary Ordinance.

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

- m. REPORT – CASE # 10 P-04/DUPAGE COUNTY CONDITIONAL USE FOR PUBLIC SERVICE SIGN The following report of the Development, Planning and Zoning Committee was presented for passage:

April 27, 2010

TO: Mayor DiCianni and Members of the City Council

RE: Case # 10P-04/DuPage County Conditional Use for Public Service Sign

Request for Conditional Use Permit for the purpose of maintaining an existing billboard sign for public educational purposes on property commonly known as 100 N. Route 83.

The Development, Planning and Zoning Committee met on April 26, 2010 to review the Zoning and Planning Commission report dated March 22, 2010. The County of DuPage, as Applicant, is requesting a Conditional Use Permit to allow the use of an existing sign structure for public education and outreach relating to storm water runoff issues.

DuPage County purchased the Elmhurst Stone Quarry property for stormwater detention purposes in 1992. The purchase included a parcel on the west side of Route 83 whereon a commercial billboard sign was located. The billboard sign has not been used for commercial advertising purposes since 1992; the City of Elmhurst Zoning Ordinance prohibits commercial billboard signs.

The City of Elmhurst, pursuant to an intergovernmental agreement, relies on DuPage County for most of the activities related to these best management practices. Rather than removing the sign structure, the County of DuPage is requesting that the sign structure be used for public information purposes thereby complying with the “Best Management Practices” public education and outreach program. The re-use of this sign structure will allow the City of Elmhurst and DuPage County an opportunity to fulfill this educational obligation without undue cost to the taxpayer.

The Committee agrees with the Zoning and Planning Commission finding that the re-use of this sign structure will allow the City of Elmhurst and DuPage County an opportunity to fulfill this educational obligation without undue additional costs to the taxpayer. The Committee requested an additional condition that the City reviews the planned sign content and display on a yearly basis.

The Committee then discussed the Zoning and Planning Commission recommendation that the approval include future illumination of this sign. The Committee discussed this recommendation and concluded that if the County wants to illuminate the sign in the future, they will have to apply for an amendment to this Conditional Use.

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

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

- n. REPORT – CASE # 09 P-07/BETHEL UNITED CHURCH AMENDED CONDITIONAL USE AND ASSOCIATED FRONT YARD SETBACK VARIATION AND CASE # 10 ZBA-

02/BETHEL UNITED CHURCH VARIATION The following report of the Development, Planning and Zoning Committee was presented for passage:

April 27, 2010

TO: Mayor DiCianni and Members of the City Council

RE: Case # 09P-07/Bethel United Church Amended Conditional

Use and associated Front Yard Setback Variation

Request for Amended Conditional Use and associated Front Yard Setback Variation for the purpose of constructing a fellowship hall, the adaptive renovation of an existing residence for use as an administrative center, as well as other site improvements on property commonly known as 315 E. St Charles, and 314 and 316 Huntington Lane (PIN's 06-12-200-007, 018 & 019), said properties being wholly located in the R1 Single Family Residence District.

AND

Case # 10ZBA-02/Bethel United Church Variation

Request for an Interior Side Yard Variation for the purpose of constructing a fellowship hall as proposed in Case #09P-07 on properties commonly known as 315 E. St Charles, and 314 and 316 Huntington Lane (PIN's 06-12-200-007, 018 & 019), said properties being wholly located in the R1 Single Family Residence District.

The Development, Planning and Zoning Committee met on April 26, 2010 to review the Zoning and Planning Commission report dated April 22, 2010. The applicant, Bethel United Church of Christ, is requesting an amended conditional use permit and associated variations for the purpose of constructing a fellowship hall, the adaptive renovation of an existing single family residence for use as an administrative center, as well as other site improvements. The Committee also reviewed the documentation supplied by the Applicant, the Staff report and the transcript of the public hearing. The Committee noted that the Zoning and Planning Commission unanimously recommended approval of this project.

The Committee reviewed the proposed construction and site improvements including the new Fellowship Hall addition and the adaptive re-use of a single-family house to administrative offices. The Committee discussed the proposed parking lot and drop-off area accessed from Huntington Lane noting that the Church meets their parking requirement on site, but also has 200 additional parking spaces available on the neighboring Sandburg Middle School property through an agreement between the two parties.

The Committee discussed the proposed new drop-off turnaround accessed from St Charles Road. The Committee discussed the ingress/egress movements from St Charles and agreed that the proposed access from St Charles should not be problematic, if used occasionally as intended for the staging of weddings. The Committee noted that, because this is a Conditional Use, should there be a traffic problem relating to this new St Charles access the City reserves the right to require modifications such as a gate or other means of controlling this proposed access point.

The Committee then discussed the proposed new Fellowship Hall addition as well as the single-family house to be re-used as administrative offices. The adaptively reused house will be connected to the main church structure and the new Fellowship Hall. The Committee agreed that the architecture of the proposed Fellowship Hall is compatible with the residential character of the neighborhood. The adaptive re-use of the single family house provides the church with the space they need for administrative offices and does not change the residential character along Huntington Lane.

Therefore, it is the recommendation of the Development, Planning and Zoning Committee that the City Council approve this request for Amended Conditional Use and associated Variations. The City Attorney is hereby directed to prepare an Ordinance authorizing the Amended Conditional Use and associated Variations as presented.

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

/s/ Norman Leader

- o. O-10-2010 – AN ORDINANCE AUTHORIZING THE SALE BY AUCTION OF PERSONAL PROPERTY OWNED BY THE CITY OF ELMHURST

Ordinance O-10-2010 was presented for passage.

- p. O-11-2010 – AN ORDINANCE AUTHORIZING THE SALE BY AUCTION OF PERSONAL PROPERTY OWNED BY THE CITY OF ELMHURST

Ordinance O-11-2010 was presented for passage.

- q. MCO-15-2010 – AN ORDINANCE TO AMEND ARTICLE IV ENTITLED, “RATES AND CHARGES,” OF CHAPTER 7 ENTITLED, “WATER AND SEWERS,” OF THE MUNICIPAL CODE OF THE CITY OF ELMHURST, ILLINOIS

Ordinance MCO-15-2010 was presented for passage.

- r. R-19-2010 – A RESOLUTION AUTHORIZING THE ISSUANCE OF A NOTICE OF AWARD FOR THE 2010 WATERMAIN IMPROVEMENTS PROJECT FOR THE CITY OF ELMHURST, ILLINOIS

Resolution R-19-2010 was presented for passage.

- s. R-21-2010 – A RESOLUTION AUTHORIZING THE ISSUANCE OF A NOTICE OF AWARD FOR THE 2010 BIO-SOLIDS REMOVAL AND LAND APPLICATION PROJECT FOR THE CITY OF ELMHURST, ILLINOIS

Resolution R-21-2010 was presented for passage.

- t. R-23-2010 – A RESOLUTION APPROVING A SIDE LETTER AGREEMENT BETWEEN THE CITY OF ELMHURST AND THE INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 150

Resolution R-23-2010 was presented for passage.

Alderman Morley moved to approve the contents of the Consent Agenda. Alderman Rose seconded.

Alderman Bram, point of order, stated there is a committee report listed after the Consent Agenda for which the corresponding Resolution is on the Consent Agenda.

Mayor DiCianni stated Alderman Bram must not be looking at the correct agenda. The agenda was revised and redistributed to Council.

Roll call vote to approve the Consent Agenda:

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

Nays: None

Results: 11 ayes, 0 nays, 3 absent
Motion duly carried

COMMITTEE REPORTS

8. a. REPORT – SPRING ROAD SIDEWALK IMPROVEMENTS – SCOPE OF WORK ADJUSTMENT The following report of the Public Works and Buildings Committee was presented for passage.

April 26, 2010

TO: Mayor DiCianni and Members of the City Council

RE: Spring Road Sidewalk Improvements - Scope of Work Adjustment

The Public Works and Buildings Committee met on Monday, April 26, 2010 to discuss restructuring the Spring Road Sidewalk Improvement contract.

On September 21, 2009, the City Council approved a contract with Schroeder & Schroeder, Inc. in the amount of \$281,949.00 to construct new sidewalk in the area of the Spring Road Business District. The scope of work in that contract included the partial removal and replacement of existing concrete sidewalk, removal of existing trees, installation of new trees and tree grates, decorative benches and trash receptacles, traffic control, and other related work.

Originally the scope of work of the entire Spring Road improvement was divided in a manner that would allow the City to apply for federal funding for the street portion of the work. Per the American Recovery and Reinvestment Act (ARRA) rules the roadway project only included the curb removal and replacement and the street resurfacing. The majority of the sidewalk replacement work, was not grant eligible and therefore was not included in that project. Dividing the construction sequencing in this manner requires that a 5 foot asphalt patch be installed behind most of the curb to allow for a temporary patch between the new sidewalk and the existing curb. This patch will be on both sides of the street.

The City did not receive federal funding for the Spring Road roadway improvements. That leaves an awkward balance of construction operations that would certainly not have been set up other than for the reasons outlined above. Combining the curb and gutter removal and replacement with the original Schroeder & Schroeder contract would improve ease of construction, result in the shortest construction time frame and least disruption. The City will separately include the grind and pave portion of the street work with this year's street resurfacing program.

City staff is recommending amending the existing Schroeder & Schroeder contract to include the removal and replacement of the curb and gutter and adding the additional sidewalk between the proposed curb and the new sidewalk to the Schroeder & Schroeder contract. The value of this work is \$94, 330.00 for a total contract value of \$376,279.00, see attached proposal. Schroeder & Schroeder's price for curb and gutter is less expensive than all but one of the bidders for the 2009 contract paving project, see attached bid tabulation..

Restructuring the work on Spring Road in the manner outlined above will reduce construction costs, ensure a better quality end product, and significantly reduce the length of time of the construction and disruption to the business owners.

Monies for this work have been provided in the amount of \$400,000 in the FY09/10 Budget in account number 110-6041-432-80-15.

It is, therefore, the recommendation of the Public Works and Building Committee that the additional work as outlined above be added to the current contract with Schroeder & Schroeder, Inc for a total value of \$376,279.00 be accepted and that the City Attorney be authorized to prepare the appropriate resolution.

Respectfully submitted,
Public Works and Building Committee

/s/ Jim Kennedy
Chairman

/us/ Michael J. Bram
Vice-Chairman

/s/ Pat Shea

/s/ Chris Healy

Alderman Kennedy moved to approve item 8a. Alderman Shea seconded.

Alderman Kennedy stated, since the City didn't receive ARRA money, the two (2) Spring Road projects are being combined. This will reduce construction costs by \$25,00 to \$50,000 and ensure better quality and reduce the length of construction time.

Alderman Bram stated he did not sign the report because he feels that it is an inappropriate time to do the project.

Discussion ensued regarding the Special Service Area and what the City pays.

Alderman Bram stated the City was paying for costs of lighting. Tree grating and trees.

Alderman Nybo, point of order, stated Alderman Bram is leading the discussion and has not been recognized by the Chair.

The Chair recognized City Manager Borchert.

City Manager Borchert stated the City has always provided basic street-scaping for Special Service Areas.

Roll call vote on item **8a. Report – Spring Road Sidewalk Improvements – Scope of Work Adjustment:**

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

Nays: None

Results: 11 ayes, 0 nays, 3 absent
Motion duly carried

REPORTS AND RECOMENDATIONS OF APPOINTED AND ELECTED OFFICIALS

9. a. UPDATES (Mayor DiCianni)

Mayor DiCianni reported on the DuPage Water Commission issue stating Independent Facility Reforms will be in place. The much needed reform on sales tax will sunset in 2016. He stated overall it is a win win for all.

Mayor DiCianni stated last week he and his daughter Brianna were in Springfield for Autism Lobby Day. He reported there were approximately four hundred fifty (450) families represented.

Mayor DiCianni stated Art In the Park was held May 1-2, 2010 in Wilder Park. He stated it was very well attended and thanked Roz Long for a great job.

ORDINANCES

10. a. O-12-2010 – AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF THE SECOND AMENDMENT TO THE ANNEXATION AGREEMENT BETWEEN THE CITY OF ELMHURST, ELMHURST MEMORIAL HEALTHCARE, PERRONE AND POOLE, FOR THE PROPERTY LOCATED AT HARVARD STREET AND KIRK STREET IN ELMHURST, ILLINOIS (ELMHURST MEMORIAL HEALTHCARE)

Ordinance O-12-2010 was presented for passage.

Alderman Rose moved to approve item **10a. O-12-2010 – An Ordinance Approving and Authorizing the Execution of the Second Amendment to the Annexation Agreement Between the City of Elmhurst, Elmhurst Memorial Healthcare, Perrone and Poole, for the Property Located at Harvard Street and Kirk Street in Elmhurst, Illinois (Elmhurst Memorial Healthcare)**. Alderman Mulliner seconded. Roll call vote:

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

Nays: None

Results: 11 ayes, 0 nays, 3 absent
Motion duly carried

b. O-13-2010 – AN ORDINANCE ANNEXING CERTAIN PROPERTY TO THE CITY OF ELMHURST, DUPAGE AND COOK COUNTIES, ILLINOIS (ELMHURST MEMORIAL HEALTHCARE)

Ordinance O-13-2010 was presented for passage.

Alderman Morley moved to approve item **10b. O-13-2010 – An Ordinance Annexing Certain Property to the City of Elmhurst, DuPage and Cook Counties, Illinois (Elmhurst Memorial Healthcare)**. Alderman Mulliner seconded. Roll call vote:

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

Nays: None

Results: 11 ayes, 0 nays, 3 absent
Motion duly carried

- c. ZO-06-2010 – AN ORDINANCE REZONING CERTAIN ADDITIONAL PARCELS INTO THE RECONFIGURED LOTS 1 AND 3 OF THE ELMHURST MEMORIAL HEALTHCARE YORK STREET CAMPUS PLAN, BOUNDED GENERALLY BY BRUSH HILL ROAD, EUCLID AVENUE, LEXINGTON STREET AND YORK STREET, GRANTING A CONDITIONAL USE FOR A HOSPITAL AS A PLANNED DEVELOPMENT AND APPROVING A MODIFIED PRELIMINARY PLANNED DEVELOPMENT PLAN IN CONNECTION THEREWITH (ELMHURST MEMORIAL HEALTHCARE)

Ordinance ZO-06-2010 was presented for passage.

Alderman Morley moved to approve item **10c. ZO-06-2010 – An Ordinance Rezoning Certain Additional Parcels into the Reconfigured Lots 1 and 3 of the Elmhurst Memorial Healthcare York Street Campus Plan, Bounded Generally By Brush Hill Road, Euclid Avenue, Lexington Street and York Street, Granting a Conditional Use for a Hospital as a Planned Development and Approving a Modified Preliminary Planned Development Plan in Connection Therewith (Elmhurst Memorial Healthcare)**. Alderman Rose seconded. Roll call vote:

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

Nays: None

Results: 11 ayes, 0 nays, 3 absent
Motion duly carried

- d. ZO-07-2010 – AN ORDINANCE REZONING CERTAIN ADDITIONAL PARCELS AS PART OF THE RECONFIGURED LOT 2 OF THE ELMHURST MEMORIAL HEALTHCARE YORK STREET CAMPUS PLAN, BOUNDED BY A PORTION OF HARVARD STREET, YORK STREET, KENDALL AVENUE AND LEXINGTON STREET FROM R-1, SINGLE FAMILY RESIDENCE DISTRICT, TO C-2, COMMUNITY SHOPPING AND SERVICE DISTRICT (ELMHURST MEMORIAL HEALTHCARE)

Ordinance ZO-07-2010 was presented for passage.

Alderman Rose moved to approve item **10d. ZO-07-2010 – An Ordinance Rezoning Certain Additional Parcels as Part of the Reconfigured Lot 2 of the Elmhurst Memorial Healthcare York Street Campus Plan, Bounded By a Portion of Harvard Street, York Street, Kendall Avenue and Lexington Street From R-1, Single Family Residence District, to C-2, Community Shopping and Service District (Elmhurst Memorial Healthcare)**. Alderman Morley seconded. Roll call vote:

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

Nays: None

Results: 11 ayes, 0 nays, 3 absent
Motion duly carried

- e. ZO-08-2010 – AN ORDINANCE GRANTING A CONDITIONAL USE FOR A PARKING LOT (ELMHURST MEMORIAL HEALTHCARE)

Ordinance ZO-08-2010 was presented for passage.

Alderman Morley moved to approve item **10e. ZO-08-2010 – An Ordinance Granting a Conditional Use for a Parking Lot (Elmhurst Memorial Healthcare)**. Alderman Mulliner seconded.

Roll call vote:

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

Nays: None

Results: 11 ayes, 0 nays, 3 absent
Motion duly carried

RESOLUTIONS

11. a. R-22-2010 – A RESOLUTION APPROVING THE PRELIMINARY MODIFIED PLAT OF SUBDIVISION FOR THE ELMHURST MEMORIAL HEALTHCARE YORK STREET CAMPUS (ELMHURST MEMORIAL HEALTHCARE)

Resolution R-22-2010 was presented for passage.

Alderman Morley moved to approve item **11a. R-22-2010 – A Resolution Approving the Preliminary Modified Plat of Subdivision for the Elmhurst Memorial Healthcare York Street Campus (Elmhurst Memorial Healthcare)**. Alderman Rose seconded. Roll call vote:

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

Nays: None

Results: 11 ayes, 0 nays, 3 absent
Motion duly carried

- b. R-18-2010 – A RESOLUTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NUMBER ONE TO THE CONTRACT BETWEEN THE CITY OF ELMHURST, ILLINOIS, AND SCHROEDER & SCHROEDER, INC. FOR THE SPRING ROAD BUSINESS DISTRICT SIDEWALK IMPROVEMENTS

Resolution R-18-2010 was presented for passage.

Alderman Mulliner moved to approve item **11b. R-18-2010 – A Resolution Authorizing the Execution of Change Order Number One to the Contract Between the City of Elmhurst, Illinois, and Schroeder & Schroeder, Inc. for the Spring Road Business District Sidewalk Improvements**.

Alderman Kennedy seconded. Roll call vote:

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

Nays: None

Results: 11 ayes, 0 nays, 3 absent
Motion duly carried

OTHER BUSINESS

12. a. CUVEE CELLARS REQUEST FOR CHANGE IN LIQUOR LICENSE CLASSIFICATION (City Manager Borchert): Refer to the Public Affairs and Safety Committee

May 3, 2010

To: Mayor DiCianni and Members of the City Council

Re: Cuvee Cellars Request for Change in Liquor License Classification

Attached please find a request from Cuvee Cellars wherein they request a change in liquor classification.

Therefore, it is respectfully requested that the City Council authorize the Public Affairs and Safety Committee to consider changing the liquor license classification for Cuvee Cellars, 545 S. Spring Road, if approved, increasing the number of Class WBBS liquor licenses and decreasing the number of Class RL and Class WBB liquor licenses.

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

Item **12a. Cuvee Cellars Request for Change in Liquor License Classification** was referred to the Public Affairs and Safety Committee without objection.

ANNOUNCEMENTS

13. Alderman Hipskind announced that the Kiwanis Club of Elmhurst will host its 58th Annual Pancake Day from 6:00 a.m. until noon on Saturday, May 8, 2010 in the Sandburg Middle School cafeteria, 345 E. St. Charles Rd. The event is free for all you can eat pancakes.

Alderman Mulliner stated on tonight's Consent Agenda the Council approved a resolution approving an agreement between the City of Elmhurst and IUOE, Local 150. He thanked the union, City staff and the Mayor for agreeing to a 0% increase for this year.

Aldermen Gutenkauf and Pezza announced 1st Ward residents can receive a newsletter by emailing them to join the mailing list.

Alderman Gutenkauf announced that she and Alderman Pezza will host Coffee & Conversation at the Elmhurst Art Museum on Tuesday, May 18, 2010 between the hours of 5:30 – 7:00 p.m.

City Manager Borchert stated Elmhurst has the second highest mail-in response rate for the 2010 US Census for DuPage County. He thanked the community for their participation.

City Manager Borchert announced Elmhurst was listed as the *2010 Best Neighborhood for Your Money* for the Chicago Metro Area by neighborhoodscout.com He congratulated Elmhurst for this accomplishment.

ADJOURNMENT

14. Alderman Gutenkauf moved to adjourn the meeting. Alderman Mulliner seconded. Voice vote. Motion carried. Meeting adjourned 8:44 p.m.

Peter P. DiCianni III, Mayor

Patty Spencer, City Clerk