

**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF ELMHURST, ILLINOIS
HELD ON MONDAY, DECEMBER 6, 2010
209 NORTH YORK STREET
ELMHURST, ILLINOIS**

EXECUTIVE SESSION 6:38 P.M. – LAND ACQUISITION & DISPOSITION OF REAL PROPERTY, COLLECTIVE BARGAINING AND THREATENED/IMMINENT LITIGATION

1. Executive session was called to order at 6:35 p.m. by Mayor DiCianni for the purpose of discussing Land Acquisition & Disposition of Real Property, Collective Bargaining and Threatened/Imminent Litigation.

Present: Diane Gutenkauf, Paula Pezza, Norman Leader, Michael J. Bram, Kevin L. York, Chris Healy, Steve Morley, Jim Kennedy, Mark A. Mulliner, Patrick Wagner

Absent: Pat Shea (arrived at 7:02 p.m.), Susan J. Rose (arrived at 6:40 p.m.), Stephen Hipskind (arrived at 7:02 p.m.)

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

Alderman Wagner moved to convene into executive session for the purpose of discussing Land Acquisition & Disposition of Real Property, Collective Bargaining and Threatened/Imminent Litigation. Alderman Healy seconded. Roll call vote:

Ayes: Wagner, Healy, Morley, Kennedy, Mulliner, Gutenkauf, Pezza, Leader, Bram, York

Nays: None

10 ayes, 0 nays, 3 absent
Motion duly carried

Alderman Morley moved to adjourn executive session. Alderman Kennedy seconded. Voice vote. Motion carried. Executive session adjourned at 7:20 p.m.

CALL TO ORDER/PLEDGE OF ALLEGIANCE/ROLL CALL

Attendance: 95

2. The Regular Meeting of the Elmhurst City Council was called to order by Mayor DiCianni at 7:37 p.m.

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

Absent: None.

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

RECOGNITION OF COMMUNITY & ELMHURST PUBLIC SAFETY TEAM IN LIFE SAVING EFFORT

3. Police Chief Neubauer joined Mayor DiCianni at the podium to recognize a group of citizens and City Police and Fire first responder staff for going beyond the call of duty and saving a man's life.

On October 25, 2010 Bridget Simkowski out riding her bike came across another citizen, Charles Yardley, who was in distress. She prepped Mr. Yardley for CPR while another resident called 911. Police Officer Guy Schweik was on patrol and stopped to see what was going on. Officer Schweik used his in car automated external defibrillator (AED) with Ms. Simkowski on Mr. Yardley, who was then taken to the hospital by paramedics.

Mr. Yardley, along with others in attendance applauded Ms. Simkowski as she was recognized as an everyday hero.

RECOGNITION OF YORK HIGH SCHOOL CROSS COUNTRY TEAM

4. Mayor DiCianni went to the podium as a PowerPoint introduction of York High School Cross Country Coach, Joe Newton played, highlighting Coach Newton's great ability with young men and the sport of cross country.

Coach Newton joined the Mayor at the podium and presented Mayor DiCianni with a medal from this winning season. Coach Newton reminisced about his 55 years as a coach at York and this, his 27th State Championship.

In honor of the Cross Country Team's State Championship victory, Mayor DiCianni read a proclamation declaring December 6, 2011 *York Community High School Boys Cross Country Day* in the City of Elmhurst. He invited members of the team to the podium to be recognized and receive a copy of the proclamation.

RECEIPT OF WRITTEN COMMUNICATIONS AND PETITIONS FROM THE PUBLIC

5. None.

PUBLIC FORUM

6. John Reboletti
625 W. Gladys Ave.
Elmhurst, IL 60126

Spoke regarding tax increases in Elmhurst over the last two years.

Gilbert Fischer
586 N. Van Auken
Elmhurst, IL 60126

Spoke regarding tax increases in Elmhurst and listed the utility taxes that go to Elmhurst, pleading for Elmhurst to lower taxes.

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

Spoke regarding the Treasurer's report and miscellaneous income of \$2.7 million. He also spoke on tax increases in Elmhurst.

Todd Benson
391 River Glen
Elmhurst, IL 60126

Spoke regarding the "Elmhurst Remembers" memorial and the planning of honoring the 10th Anniversary of September 11th with a memorial service to be held on Spring Road on September 11, 2011.

Kathleen Sullivan
133 Pine St.
Elmhurst, IL 60126

Thanked Mayor DiCianni and City Manager Borchert for taking her task force comments of an open and transparent selection of the engineering consultant. She commented on being called "the audience" stating people who attend the meetings should be referred to as taxpayers, citizens, or constituents participating in City government.

Darlene Heslop
200 N. Michigan #227
Elmhurst, IL 60126

Spoke against tax increases in Elmhurst.

CONSENT AGENDA

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

- a. MINUTES OF THE REGULAR MEETING HELD ON MONDAY, NOVEMBER 15, 2010 (City Clerk Spencer): Approve as published
- b. MINUTES OF THE EXECUTIVE SESSION MEETING HELD ON MONDAY, NOVEMBER 15, 2010 (City Clerk Spencer): Receive and place on file
- c. MINUTES OF THE EXECUTIVE SESSION MEETING HELD ON MONDAY, NOVEMBER 22, 2010 (City Clerk Spencer): Receive and place on file
- d. ACCOUNTS PAYABLE – NOVEMBER 30, 2010 TOTAL \$ 2,751,950.33
- e. APPOINTMENT TO THE VETERANS MEMORIAL COMMISSION – NORMAN LEADER (Mayor DiCianni): Concur with the Mayor's recommendation

November 15, 2010

To: Members of the City Council

Re: Appointment to the Veterans Memorial Commission- Norman Leader

With your advice and consent, I will appoint Norman Leader to the Veterans Memorial Commission for a term to expire on April 30, 2013. He will be replacing Phillip Jordan who resigned from the Veterans memorial Commission in October, 2009 prior to the expiration of his term in April, 2010.

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

- f. LIQUOR LICENSE AMENDMENT REQUEST – ROBERTO'S (Assistant City Manager Kopp): Refer to the Public Affairs and Safety Committee

December 2, 2010

To: Mayor DiCianni and Members of the City Council

Re: Liquor License Amendment Request – Roberto's

Attached please find a request from Roberto's Ristorante & Pizzeria, 483 Spring Rd., wherein they request an amendment to their Class RHA liquor license to include the sale of bottles of wine and spirits from the carry out portion of their restaurant.

Therefore, it is respectfully requested that the City Council authorize the Public Affairs and Safety Committee to review the requested changes in the operating procedures for Roberto's Ristorante & Pizzeria.

Respectfully submitted,
/s/ Michael D. Kopp
Assistant City Manager

- g. REPORT – WEST AVENUE LAPP IMPROVEMENTS DESIGN ENGINEERING SERVICES PROPOSAL The following report of the Public Works and Buildings Committee was presented for passage:

November 22, 2010

TO: Mayor DiCianni and Members of the City Council

RE: West Avenue LAPP Improvements Design Engineering Services Proposal

The Public Works and Building Committee met on Monday, November 22, 2010 to discuss a proposal received from TranSystems Corporation for professional engineering services for design of a Local Agency Pavement Preservation (LAPP) project along West Avenue from First Street to Lake Street.

The improvements include removal and replacement of deteriorated sections of curb and gutter, pavement and sidewalks. The final pavement construction will include a three inch (3") grind of the existing concrete and a 3" overlay with asphalt.

TranSystems assisted the City in the preparation of Federal STP funding application. This project received \$668,500 in Federal STP funding for construction through the DuPage Mayors and Managers Conference (DMMC). The City of Elmhurst will need to complete Phase I and II engineering in accordance with Illinois Department of Transportation procedures for Federal-Aid projects.

Design engineering services will include the preparation of contract plans, specifications and cost estimates for a June 2011 contract letting through IDOT. The work shall be prepared in accordance with IDOT requirements for LAPP projects including obtaining LAPP approval. The plans and specifications will provide sufficient guidance to the contractor necessary to bid the project, provide the contractor with geometric layout requirements to allow the contractor to establish controls during construction, and include sufficient details for completing the street resurfacing. The plans will be reviewed by the City and IDOT. Coordination with IDOT and FHWA will also be required.

TranSystems has proposed to do this work on a cost plus fixed fee basis with a total cost not to exceed \$63,216.86. See attached proposal for consultant services and fees. These rates are consistent with fees for professional services on similar projects. TranSystems has completed similar work for the City in the past on numerous City projects in a satisfactory and professional manner. Monies for this project have been provided in the FY 2010/11 Budget, Account Number 110-6041-432-80-15.

It is, therefore, the recommendation of the Public Works and Building Committee that the Phase II Engineering Proposal from TranSystems Corporation for the West Avenue LAPP Improvements in the amount not to exceed \$63,216.86, be accepted, and that the City attorney be authorized to prepare a resolution approving a contract with TranSystems Corporation.

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 – SALT CREEK TRAIL CORRIDOR The following report of the Public Affairs and Safety Committee was presented for passage:

November 22, 2010

To: Mayor DiCianni and Members of the City Council
Re: Salt Creek Trail Corridor

The Public Affairs and Safety Committee met on several occasions, most recently on November 22, 2010 to discuss the traffic study that was performed by Coulter Transportation Consulting, LLC on the Salt Creek Greenway Trail Corridor from Madison Street to the Illinois Prairie Path.

The Committee reviewed the report and asked that City staff meet with Park District staff to discuss recommendations of the Coulter Transportation Consulting plan. The outcome of this meeting was that the Park District will install all trail-related signage and the City will install all street-related signage as follows:

- Install combination bike and ped warning signs facing southbound motorists on Fairview Avenue and westbound motorists on Madison Street.
- Install combination bike/ped warning signs facing southbound motorists on Rex Blvd. and westbound motorists on Crescent St. Install bike/ped protective treatment on the back of existing guardrail.
- Install combination bike/ped warning signs facing northbound motorists on Rex Blvd. and westbound motorists on Prairie Path Lane.
- Install combination bike and ped warning signs facing eastbound motorists on Thomas Street and northbound motorists on Monterey Ave.

- Review the intersections Rex and Montrose and Rex and Vallette to determine if any additional signage/controls are warranted.
- Work with Elmhurst Park District to perform review of Salt Creek Greenway Trail in summer of 2011 and as needed to ensure recommended signage additions are consistent with Greenway trail usage.

It is therefore, the recommendation of the Public Affairs and Safety Committee that the City of Elmhurst accept the report from Coulter Transportation Consulting, LLC and that the City of Elmhurst install all street-related signage as stated above and work with the Elmhurst Park District to ensure that all trail-related signage is completed.

Respectfully submitted,
Public Affairs and Safety Committee
/s/ Patrick Wagner
Chairman
/s/ Paula Pezza

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

November 23, 2010

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

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

The Finance, Council Affairs and Administrative Services Committee met November 22, 2010 to review the current rate and have determined by cost analysis that a rate of \$2.618 per thousand gallons for treatment of sanitary sewerage from the Illinois American Water Company system is an adequate and equitable charge.

It is, therefore, the recommendation of the Finance, Council Affairs and Administrative Services Committee that the City Council approve the new rate of \$2.618 per thousand gallons of sewerage delivered by Illinois American Water Company, and authorize the City Attorney to prepare the appropriate resolution.

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

- j. REPORT – REVISED DP&Z COMMITTEE REPORT – CASE #10P-07 The following report of the Development, Planning and Zoning Committee was presented for passage:

November 9, 2010
Revised November 22, 2010

TO: Mayor DiCianni and Members of the City Council
RE: Case Number 10 P-07/ City of Elmhurst Zoning Ordinance Text Amendment
Request for Zoning Ordinance Text Amendment, to amend the text of the Elmhurst Zoning Ordinance as follows:
Section 10.2-2, Table I, Class No. 9fff – Delete “Physical Fitness Facilities”.
Section 10.2-2, Table I, Class No. 11 – add new “e” Physical Fitness Facilities.
Section 11.6i – Add provision to limit “Political Signs” to 6 square feet in area in Conservation, Residential, Hospital and Office districts (CR, RE, R1, R1A, R2, R3, R4, R5,

HCC, O1 and OIC), 16 square feet in the C1, C2, C4 and C4A districts, and 32 square feet in the C3, I1 and I2 districts.

Section 11.6i – Redefine the number of days a “Political Sign” can be erected prior to an election (due to early voting). *See Note Below*

Section 13.2 – Modify definition of “Grade” for buildings that do not have a wall adjoining a street.

The Development, Planning and Zoning Committee met on August 23, 2010, September 13, 2010, October 25, 2010 and November 8, 2010 to review the Zoning and Planning Commission report dated July 15, 2010. The City of Elmhurst, as Applicant, is requesting these text amendments to the Zoning Ordinance.

Background:

Section 10.2-2, Table I, Class No. 9fff and Class No. 11 – Currently the Elmhurst Zoning Ordinance requires 4 parking spaces per 1,000 square feet of floor area for “Physical Fitness Facilities”. In December of 2009, the DPZ Committee reviewed a request by Alderman Shea and Alderman Leader requesting a change in the Zoning Ordinance to require more parking for physical fitness facilities due to the parking issues at X-Sport Fitness located at Route 83 and North Avenue. This issue was referred to the Zoning and Planning Commission by the Development, Planning and Zoning Committee in December, 2009.

The Zoning Ordinance currently requires 4 parking spaces per 1,000 square feet of floor area for Physical Fitness Facilities. Staff is proposing that the parking requirement for Physical Fitness Facilities be increased to 10 parking spaces per 1,000 square feet of floor area.

The DPZ Committee also recommended that a definition of “Physical Fitness Facilities” be added to the Zoning Ordinance; this proposed definition is addressed in a subsequent case, Case 10P-08.

Section 11.6i – Currently, the Zoning Ordinance permits political signs of any size; the regulation only addresses when the signs can be displayed. These signs are currently allowed 30 days prior to an election, and must be removed within 3 days following the election. Due to early voting, the City Attorney interpreted the 30 days prior to an election to be 30 days prior to the first day of early voting. Early voting starts approximately 18 days prior to an election, which means that these political signs may be displayed up to 50 days prior to an election.

Note: During Zoning and Planning Commission discussion of the regulations limiting the number of days a political sign can be displayed, the State of Illinois Legislature passed House Bill HB3785 and the Governor signed it into law on June 3, 2010 as Public Act 96-0904 effective January 1, 2011. This law provides that no municipality may prohibit the display of outdoor political campaign signs on residential property during any period of time. This law limits the concurrent exercise of home rule powers. Therefore, upon advice from the City Attorney, the Zoning and Planning Commission and Development, Planning and Zoning Committee did not discuss the proposed text amendment regarding the number of days a political sign can be displayed – the language in the Zoning Ordinance regarding the number of days a political sign can be displayed will remain as is until directed by the Attorney to amend this provision.

This proposed Zoning Ordinance Text Amendment was recommended by the Zoning and Planning Commission to address both the size and duration of display of these political signs. Staff is recommending that the maximum size of political signs should be 6 square feet in Conservation, Residence, Hospital and Office districts, 16 square feet in the C1, C2, C4 and C4A Districts, and 32 square feet in the C3 Commercial District and the I1 and I2 Industrial Districts. These proposed sign sizes are the same as what is allowed for temporary real estate signs in the respective Zoning Districts.

Section 13.2 – Currently the Zoning Ordinance defines grade for buildings that do not have a wall adjoining a street as follows: “for buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building. Any wall approximately parallel to and not more than 5 feet from a street line is to be considered as adjoining a street.” Due to the slope of some lots in the City, the Building Department has always measured the height of a building from grade at the center of the wall facing the street. This text amendment compliments existing practices.

Applicant's Request:

Therefore, the City of Elmhurst, as applicant, is requesting the following Zoning Ordinance Text Amendments:

Proposed Text Amendments

Proposed text shown in italics

Section 10.2-2, Table I, Class No. 9 Delete *fff* – “*Physical Fitness Facilities*”.

Section 10.2-2, Table I, Class No. 11 – add new “*e*” “*Physical Fitness Facilities*”.

Section 11.6i – “Political Signs – Such signs shall be located entirely on private property pursuant to the owners consent. These signs shall be erected not more than 30 days before the election, and shall be removed within 3 days following such election. *Political Signs shall be limited to six (6) square feet in area in Conservation, Residential and Office districts (CR, RE, R1, R1A, R2, R3, R4, R5, HCC, O1 and OIC), 16 square feet in the C1, C2, C4 and C4A districts, and 32 square feet in the C3, I1 and I2 districts.*

Section 13.2 – Grade a. for buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street; b. for buildings having walls adjoining more than one street, the average of the elevations of the sidewalk at the center of all walls adjoining the streets; c. for buildings having no wall adjoining the street, *the elevation of the finished surface of the ground at the center of the wall facing the street. The elevation of the finished surface of the ground shall be determined and established by the City Engineer.* Any wall approximately parallel to and not more than 5 feet from a street line is to be considered as adjoining the street. Where no sidewalk exists, the grade shall be established by the City Engineer.

The Development, Planning and Zoning Committee finds that sufficient evidence was provided to warrant approval of the proposed text amendments. Further, the Development, Planning and Zoning Committee agrees with the recommendations of the Zoning and Planning Commission.

Therefore, it is the recommendation of the Development, Planning and Zoning Committee that the City Council approve this request for Zoning Ordinance Text Amendments as described herein. The City Attorney is hereby directed to prepare an Ordinance authorizing these proposed Zoning Ordinance Text Amendments.

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

- k. O-57-2010 – AN ORDINANCE MAKING APPROPRIATIONS FOR SPECIAL SERVICE AREA NUMBER FIFTEEN OF THE CITY OF ELMHURST FOR THE FISCAL YEAR BEGINNING MAY 1, 2010 AND ENDING APRIL 30, 2011

Ordinance O-57-2010 was presented for passage.

- l. O-58-2010 – AN ORDINANCE FOR THE LEVY AND ASSESSMENT OF TAXES FOR THE FISCAL YEAR BEGINNING MAY 1, 2010, AND ENDING APRIL 30, 2011, IN AND FOR SPECIAL SERVICE AREA NUMBER FIVE OF THE CITY OF ELMHURST

Ordinance O-58-2010 was presented for passage.

- m. O-59-2010 – AN ORDINANCE FOR THE LEVY AND ASSESSMENT OF TAXES FOR THE FISCAL YEAR BEGINNING MAY 1, 2010, AND ENDING APRIL 30, 2011, IN AND FOR SPECIAL SERVICE AREA NUMBER SIX OF THE CITY OF ELMHURST

Ordinance O-59-2010 was presented for passage.

- n. O-60-2010 – AN ORDINANCE FOR THE LEVY AND ASSESSMENT OF TAXES FOR THE FISCAL YEAR BEGINNING MAY 1, 2010 AND ENDING APRIL 30, 2011, IN AND FOR SPECIAL SERVICE AREA NUMBER SEVEN OF THE CITY OF ELMHURST

Ordinance O-60-2010 was presented for passage.

- o. O-61-2010 – AN ORDINANCE FOR THE LEVY AND ASSESSMENT OF TAXES FOR THE FISCAL YEAR BEGINNING MAY 1, 2010, AND ENDING APRIL 30, 2011, IN AND FOR SPECIAL SERVICE AREA NUMBER EIGHT OF THE CITY OF ELMHURST

Ordinance O-61-2010 was presented for passage.

- p. O-62-2010 – AN ORDINANCE FOR THE LEVY AND ASSESSMENT OF TAXES FOR THE FISCAL YEAR BEGINNING MAY 1, 2010, AND ENDING APRIL 30, 2011, IN AND FOR SPECIAL SERVICE AREA NUMBER NINE OF THE CITY OF ELMHURST

Ordinance O-62-2010 was presented for passage.

- q. O-63-2010 – AN ORDINANCE FOR THE LEVY AND ASSESSMENT OF TAXES FOR THE FISCAL YEAR BEGINNING MAY 1, 2010, AND ENDING APRIL 30, 2011, IN AND FOR SPECIAL SERVICE AREA NUMBER TEN OF THE CITY OF ELMHURST

Ordinance O-63-2010 was presented for passage.

- r. O-64-2010 – AN ORDINANCE FOR THE LEVY AND ASSESSMENT OF TAXES FOR THE FISCAL YEAR BEGINNING MAY 1, 2010, AND ENDING APRIL 30, 2011, IN AND FOR SPECIAL SERVICE AREA NUMBER ELEVEN OF THE CITY OF ELMHURST

Ordinance O-64-2010 was presented for passage.

- s. O-65-2010 – AN ORDINANCE FOR THE LEVY AND ASSESSMENT OF TAXES FOR THE FISCAL YEAR BEGINNING MAY 1, 2010, AND ENDING APRIL 30, 2011, IN AND FOR SPECIAL SERVICE AREA NUMBER THIRTEEN OF THE CITY OF ELMHURST

Ordinance O-65-2010 was presented for passage.

- t. O-66-2010 – AN ORDINANCE FOR THE LEVY AND ASSESSMENT OF TAXES FOR THE FISCAL YEAR BEGINNING MAY 1, 2010, AND ENDING APRIL 30, 2011, IN AND FOR SPECIAL SERVICE AREA NUMBER FOURTEEN OF THE CITY OF ELMHURST

Ordinance O-66-2010 was presented for passage.

- u. O-67-2010 – AN ORDINANCE FOR THE LEVY AND ASSESSMENT OF TAXES FOR THE FISCAL YEAR BEGINNING MAY 1, 2010, AND ENDING APRIL 30, 2011, IN AND FOR SPECIAL SERVICE AREA NUMBER FIFTEEN OF THE CITY OF ELMHURST

Ordinance O-67-2010 was presented for passage.

- v. O-68-2010 – AN ORDINANCE ABATING THE TAX LEVY FOR THE YEAR 2010 FOR THE PAYMENT OF PRINCIPAL AND INTEREST ACCRUING UPON AN ISSUE OF \$10,000,000 GENERAL OBLIGATION REFUNDING BONDS OF THE CITY OF ELMHURST DATED OCTOBER 15, 2003

Ordinance O-68-2010 was presented for passage.

- w. O-69-2010 – AN ORDINANCE ABATING THE TAX LEVY FOR THE YEAR 2010 FOR THE PAYMENT OF PRINCIPAL AND INTEREST ACCRUING UPON AN ISSUE OF \$9,990,000 GENERAL OBLIGATION REFUNDING BONDS OF THE CITY OF ELMHURST DATED DECEMBER 1, 2004

Ordinance O-69-2010 was presented for passage.

- x. O-70-2010 – AN ORDINANCE ABATING THE TAX LEVY FOR THE YEAR 2010 FOR THE PAYMENT OF PRINCIPAL AND INTEREST ACCRUING UPON AN ISSUE OF \$9,065,000 GENERAL OBLIGATION REFUNDING BONDS OF THE CITY OF ELMHURST DATED DECEMBER 1, 2005

Ordinance O-70-2010 was presented for passage.

- y. O-71-2010 – AN ORDINANCE ABATING THE TAX LEVY FOR THE YEAR 2010 FOR THE PAYMENT OF PRINCIPAL AND INTEREST ACCRUING UPON AN ISSUE OF \$9,500,000 GENERAL OBLIGATION CORPORATE PURPOSE BONDS OF THE CITY OF ELMHURST DATED MARCH 1, 2006

Ordinance O-71-2010 was presented for passage.

- z. O-72-2010 – AN ORDINANCE ABATING THE TAX LEVY FOR THE YEAR 2010 FOR THE PAYMENT OF PRINCIPAL AND INTEREST ACCRUING UPON AN ISSUE OF \$8,170,000 GENERAL OBLIGATION CORPORATE PURPOSE BONDS OF THE CITY OF ELMHURST DATED OCTOBER 1, 2008

Ordinance O-72-2010 was presented for passage.

- aa. O-73-2010 – AN ORDINANCE ABATING THE TAX LEVY FOR THE YEAR 2010 FOR THE PAYMENT OF PRINCIPAL AND INTEREST ACCRUING UPON AN ISSUE OF \$10,000,000 GENERAL OBLIGATION CORPORATE PURPOSE BONDS OF THE CITY OF ELMHURST DATED MARCH 15, 2009

Ordinance O-73-2010 was presented for passage.

- bb. O-74-2010 – AN ORDINANCE ABATING THE TAX LEVY FOR THE YEAR 2010 FOR THE PAYMENT OF PRINCIPAL AND INTEREST ACCRUING UPON AND ISSUE OF \$3,700,000 GENERAL OBLIGATION REFUNDING BONDS OF THE CITY OF ELMHURST DATED SEPTEMBER 2, 2009

Ordinance O-74-2010 was presented for passage.

- cc. ZO-23-2010 – AN ORDINANCE APPROVING A TEXT AMENDMENT TO THE CITY OF ELMHURST ZONING ORDINANCE DEFINING “PHYSICAL FITNESS FACILITIES/HEALTH CLUBS”

Ordinance ZO-23-2010 was presented for passage.

- dd. R-69-2010 – A RESOLUTION AUTHORIZING THE ISSUANCE OF A NOTICE OF AWARD FOR THE PURCHASE OF ONE TWELVE YARD COMBINATION VACUUM SEWER MACHINE

Resolution R-69-2010 was presented for passage.

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

Roll call vote:

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

Nays: None

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

REPORTS AND RECOMENDATIONS OF APPOINTED AND ELECTED OFFICIALS

8. a. UPDATES (Mayor DiCianni)

Mayor DiCianni reported City of Elmhurst residents received \$2.1 million in FEMA relief money.

Mayor DiCianni thanked our local, county, state and federal officials for their efforts.

b. STATUS OF PROGRESS ON STORMWATER COMPREHENSIVE PLAN (City Manager Borchert)

City Manager Borchert reported the four workshops have been completed and are on the City website. He announced ComEd will give a PowerPoint presentation on their distribution of service on Monday, December 13 at a Committee of the Whole meeting at 7:00 p.m.

City Manager Borchert reported the selection committee will meet on Friday, December 10, 2010 with the four engineering firm finalists. He stated one finalist will be chosen to work on the Stormwater Comprehensive Plan.

Mayor DiCianni stated the July storm event brought \$320 million of relief to the State of Illinois.

c. CITY OF ELMHURST/ADDISON LLC PARTNERSHIP STATUS (City Manager Borchert & Addison LLC)

City Manager Borchert stated there will be a PowerPoint presentation on the Addison LLC Project/Central Business District for the City Council tonight that will appear on the City website under Economic Development. The PowerPoint reviewed the following:

Addison LLC Project

Central Business District

TIF I: Adoption

- Conditions identified
- General Goals of Redevelopment Plan
- Redevelopment Tools to Compliment TIF

TIF II: Amended

- Intergovernmental Agreement with District #205

Addison LLC Project

- Phase I Completed
- First Street at Larch Avenue Parking Deck
- Phase II City of Elmhurst & Addison LLC a Public/Private Partnership

Original Partnership Agreement

- Parking Garage & Ground Floor Retail
- Site Plans with Property Lines
- Parking Garage, Office & Ground Floor Retail Summary

Another Option

- Parking Garage, Office, Ground Floor Retail
- Summary
- Next Steps
 - Finalize conceptual Design
 - Complete Permit Documents
 - Obtain Planning & Zoning Variance (if required)

City Manager Borchert introduced Mr. Brad Danneger of ARCO/Murray, Mr. David Hollingsworth of DEVCom and Mr. Dan Hiffman of NAI Hiffman. The City Manager asked them to give their presentation on Phase II of the project, reviewing floor plan and another option.

City Manager Borchert thanked the private side partners.

Questions from the Council were asked to the Addison LLC team regarding their presentation.

Mayor DiCianni thanked the team for coming and giving their presentation.

ORDINANCES

9. a. O-56-2010 – AN ORDINANCE FOR THE LEVY AND ASSESSMENT OF TAXES FOR THE FISCAL YEAR BEGINNING MAY 1, 2010 AND ENDING APRIL 30, 2011 OF THE CITY OF ELMHURST, DUPAGE AND COOK COUNTIES, ILLINOIS

Ordinance O-56-2010 was presented for passage.

Alderman Hipskind moved to approve item **9a. O-56-2010 – An Ordinance for the Levy and Assessment of Taxes for the Fiscal Year Beginning May 1, 2010 and Ending April 30, 2011 of the City of Elmhurst, DuPage and Cook Counties, Illinois**. Alderman York seconded.

Alderman Pezza stated after some analysis while reviewing the upcoming TIF Review Board meeting notes, she discovered \$375,000 that could be put in the Working Cash Fund.

Alderman Pezza moved to amend item **9a. O-56-2010 – An Ordinance for the Levy and Assessment of Taxes for the Fiscal Year Beginning May 1, 2010 and Ending April 30, 2011 of the City of Elmhurst, DuPage and Cook Counties, Illinois** to change \$15,565,952 minus \$375,000 to \$15,199,952 in the ordinance. Alderman Bram seconded.

Alderman Bram asked City Manager Borchert if he could comment in regards to the money that was loaned and due back to Elmhurst.

City Manager Borchert recalled the short-term loan from TIF I to TIF II for the School District. He stated the City staff has reviewed all of this in their recommendation for a tax increase. He stated it's not his recommendation to do what Alderman Pezza suggested.

Discussion ensued.

Alderman Mulliner asked City Attorney Storino if the Council can change the ordinance and vote on it.

City Attorney Storino stated if this motion passed, the ordinance will be voted on in two weeks.

Alderman Pezza asked City Attorney Storino if it was okay for the tax to be levied even though a loan is to be paid to the City.

City Attorney Storino stated he didn't know of any illegality.

Discussion ensued regarding changing the ordinance levy amount.

Alderman Rose stated to pass the amended motion without further information would be an irresponsible act without further information. She stated she could possibly support to further delay the motion to obtain more information if City Attorney Storino says that action can be done.

City Attorney Storino suggested if more information is wanted, the Council could call a special meeting next Monday. He stated the last day to file a tax levy with the County is the last Tuesday of December (12/28).

Discussion ensued.

Alderman Rose moved to postpone item **9a. O-56-2010 – An Ordinance for the Levy and Assessment of Taxes for the Fiscal Year Beginning May 1, 2010 and Ending April 30, 2011 of the City of Elmhurst, DuPage and Cook Counties, Illinois** to a date certain of December 13, 2010.

City Attorney Storino stated the only discussion at this point can be on the date.

Alderman Morley asked is Alderman Pezza's motion a subsidiary motion.

Discussion ensued.

Alderman Healy began to discuss the amended motion.

Alderman Bram, point of order, the amended motion is not a topic for discussion at this point, Council may only discuss the postponement.

Alderman Rose withdrew her motion to postpone the vote on item **9a. O-56-2010 – An Ordinance for the Levy and Assessment of Taxes for the Fiscal Year Beginning May 1, 2010 and Ending April 30, 2011 of the City of Elmhurst, DuPage and Cook Counties, Illinois** to a date certain of December 13, 2010.

Discussion resumed regarding the amended motion.

Alderman Rose moved to call the question. Alderman Leader seconded. Roll call vote to call the question:

Ayes: Leader, Rose, Shea, Hipskind, York, Healy, Kennedy, Wagner

Nays: Gutenkauf, Pezza, Bram, Morley, Mulliner

Results: 8 ayes, 5 nays, 0 absent
Motion failed

Alderman Bram stated he doesn't see a problem in postponing. He stated he would like to know when the loan will be paid back.

Alderman Rose, point of order, stated her motion to postpone has been withdrawn.

Alderman Bram moved to postpone item **9a. O-56-2010 – An Ordinance for the Levy and Assessment of Taxes for the Fiscal Year Beginning May 1, 2010 and Ending April 30, 2011 of the City of Elmhurst, DuPage and Cook Counties, Illinois** for one week. Alderman Gutenkauf seconded.

Alderman Leader asked about the time frame for abatements.

City Attorney Storino stated after a levy, abatements can be done until mid-February.

Discussion resumed.

Roll call vote to postpone item **9a. O-56-2010 – An Ordinance for the Levy and Assessment of Taxes for the Fiscal Year Beginning May 1, 2010 and Ending April 30, 2011 of the City of Elmhurst, DuPage and Cook Counties, Illinois** for one week

Ayes: Bram, Gutenkauf, Pezza, Shea

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

Results: 4 ayes, 9 nays, 0 absent
Motion failed

Discussion resumed on the amended motion.

Roll call vote to amend item **9a. O-56-2010 – An Ordinance for the Levy and Assessment of Taxes for the Fiscal Year Beginning May 1, 2010 and Ending April 30, 2011 of the City of Elmhurst, DuPage and Cook Counties, Illinois** to change \$15,565,952 minus \$375,000 to \$15,199,952 in the ordinance:

Ayes: Pezza, Bram, Gutenkauf, , Shea

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

Results: 4 ayes, 9 nays, 0 absent
Motion failed

Roll call vote to approve item **9a. O-56-2010 – An Ordinance for the Levy and Assessment of Taxes for the Fiscal Year Beginning May 1, 2010 and Ending April 30, 2011 of the City of Elmhurst, DuPage and Cook Counties, Illinois:**

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

Nays: Pezza, Shea, Bram

Results: 10 ayes, 3 nays, 0 absent
Motion carried

OTHER BUSINESS

10. Alderman Mulliner requested City manager Borchert put a memo together regarding the TIF II transfer that was discussed.

City Manager Borchert stated it will be in Thursday's packet.

Alderman Pezza clarified for the record that she is on the City Council to represent the City and her questioning of a line item is for the benefit of the taxpayers.

Alderman Rose asked if that was other business to be voted on.

Mayor DiCianni stated no, that was a comment.

Alderman Rose stated she represents that 3rd Ward.

ANNOUNCEMENTS

11. Mayor DiCianni announced Fire Stations #1 & #2 are sponsoring a *Toy Express* until December 23, 2010, a drop-off box is located on the first floor at City Hall.

Mayor DiCianni announced that DuPage County Board Chairman, Dan Cronin's annual coat drive will be held until December 18, 2010.

Alderman Kennedy announced that on Friday, December 10, 2010 the Stormwater Comprehensive Plan Engineering Firm Selection Committee will interview the following short-listed firms: Baxter Woodman, Christopher B. Burke Engineering Ltd., Engineering Resource Associates Inc. and V3/CDM/Wunderlich-Malec. The selection committee will then choose one firm to present to the City Council.

ADJOURNMENT

12. Alderman Morley moved to adjourn the meeting. Alderman Leader seconded. Voice vote. Motion carried. Meeting adjourned 10:03 p.m.

Peter P. DiCianni III, Mayor

Patty Spencer, City Clerk