

**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF ELMHURST, ILLINOIS
HELD ON MONDAY, MARCH 7, 2011
209 NORTH YORK STREET
ELMHURST, ILLINOIS**

**EXECUTIVE SESSION 6:45 P.M. – COLLECTIVE BARGAINING, LAND ACQUISITION
/DISPOSITION OF REAL PROPERTY, AND PENDING LITIGATION**

1. Executive session was called to order at 6:47 p.m. by Mayor DiCianni for the purpose of discussing Collective Bargaining, Land Acquisition/Disposition of Real Property, and Pending Litigation.

Present: Diane Gutenkauf, Paula Pezza, Pat Shea, Norman Leader, Michael J. Bram, Kevin L. York, Scott Levin, Chris Healy, Jim Kennedy, Mark A. Mulliner,

Absent: Susan J. Rose (arrived at 6:48 p.m.), Stephen Hipskind (arrived at 6:55 p.m.), Steve Morley (arrived at 7:29 p.m.), Patrick Wagner

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

Alderman Bram moved to convene into executive session for the purpose of discussing Collective Bargaining, Land Acquisition/Disposition of Real Property, and Pending Litigation. Alderman Pezza seconded. Roll call vote:

Ayes: Bram, Pezza, Shea, Leader, York, Levin, Healy, Kennedy, Mulliner, Gutenkauf,

Nays: None

10 ayes, 0 nays, 4 absent
Motion duly carried

Alderman York moved to adjourn executive session. Alderman Shea seconded. Voice vote. Motion carried. Executive session adjourned at 7:35 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 7:47 p.m.

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

Absent: Patrick Wagner

Also in Attendance: City Attorney Storino, City Manager Borchert, Fire Chief/Assistant City Manager Kopp, Finance & Administration Director Gaston, Assistant Director of Finance & Administration Trosien, Museum Director Bergheger, Deputy Police Chief Panico

RECEIPT OF WRITTEN COMMUNICATIONS AND PETITIONS FROM THE PUBLIC

3. None.

PUBLIC FORUM

4. Katie Muno
134 N. Larch Ave.
Elmhurst, IL 60126

Thanked City staff and City Manager Borchert for the outstanding job of communicating with the residents throughout the construction of the First St. parking deck. She also thanked 1st Ward Aldermen Pezza and Gutenkauf for their availability to answer questions. She thanked everyone for a successful construction project.

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

Commented on the last City Council meeting regarding how Alderman Gutenkauf was treated when she presented new information during the Burke/RJN contract discussion. He stated if Aldermen lose the right to speak the City is in trouble.

Liz Widmeier
908 Saylor Ave.
Elmhurst, IL 60126

Thanked the City Council for passing the committee report contracting the engineering team of Burke/RJN. She spoke of the last Council meeting stating pride can get in the way of saving money. She asked the City Council to conduct their discussions with dignity and respect.

CONSENT AGENDA

5. The following items on the Consent Agenda were presented:
 - a. MINUTES OF THE REGULAR MEETING HELD ON TUESDAY, FEBRUARY 22, 2011 (City Clerk Spencer): Approve as published
 - b. ACCOUNTS PAYABLE – FEBRUARY 28, 2011 TOTAL \$ 5,102,918.39
 - c. REPORT – DISPOSITION OF YIELD SIGN REQUEST SAYLOR AVENUE AND WILSON STREET The following report of the Public Affairs and Safety Committee was presented for passage:

February 28, 2011

To: Mayor DiCianni and Members of the City Council
RE: Disposition of Yield Sign Request – Saylor Avenue and Wilson Street

The Public Affairs and Safety Committee met on February 28, 2011 to discuss the status of the above referenced request for Yield Signs at the intersection of Saylor Avenue and Wilson Street.

In response to a resident request, the Engineering Division performed a study at the intersection of Saylor Avenue and Wilson Street. The request was for yield signs at the intersection. Staff review found moderate sight distance between 70 and 110 feet at this low-volume intersection. According to “Proposed Warrants for Low Volume Intersection Traffic Control”, this intersection meets the warrants for two-way yield control. Staff recommends installing yield signs on the Wilson Street approaches to Saylor Avenue.

It is, therefore, the recommendation of the Public Affairs and Safety Committee that the appropriate ordinance be drafted and adopted by the City Council to install yield signs on the Wilson Street approaches to Saylor Avenue.

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

- d. REPORT – COMMUNITY BANK OF ELMHURST 4 ON THE 4TH – 2011 RUN The following report of the Public Affairs and Safety Committee was presented for passage:

February 28, 2011

To: Mayor DiCianni and Members of the City Council
Re: Community Bank of Elmhurst 4 on the 4th – 2011 Run

The Public Affairs and Safety Committee met on February 28, 2011 to discuss the request from the Community Bank of Elmhurst to hold the 2011 running of the Community Bank of Elmhurst 4 on the 4th event on Monday, July 4, 2011 commencing at 7:15 a.m., with an 8:20 a.m. start for the Kids’ Run. A representative from the Community Bank of Elmhurst will be available to answer the Committee’s questions.

The Community Bank of Elmhurst would like to hold this event benefiting the Elmhurst Children’s Assistance Foundation (ECAAF).

All streets will be reopened as soon as the last runner has passed by.

Proof of insurance will be provided to and approved by the City Attorney prior to the event.

All layout/staging plans and operational parameters will be finalized only after ongoing consultation and discussion with the approval of the Elmhurst Police, Fire and Public Works Departments.

It is, therefore, the recommendation of the Public Affairs and Safety Committee that the City Council approve the Community Bank of Elmhurst 4 on the 4th – 2011 Run to be held on Monday, July 4, 2011 commencing at 7:15 a.m., with an 8:20 a.m. start for Kids' Run.

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

- e. REPORT – TIMOTHY CHRISTIAN SCHOOL BUTTERFIELD ROAD AND PROSPECT AVENUES The following report of the Public Affairs and Safety Committee was presented for passage:

February 28, 2011

To: Mayor DiCianni and Members of the City Council
RE: Timothy Christian School – Butterfield Road and Prospect Avenues

The Public Affairs and Safety Committee met on February 28, 2011 to discuss the status of the above referenced request to install “No Right Turn on Red” signage for northbound traffic on Prospect Avenue at Butterfield Road.

In response to a crossing guard request, staff reviewed this request and recommends the installation of a “No Right Turn on Red When Pedestrians Are Present” sign for northbound traffic on Prospect Avenue at Butterfield Road. This will provide a basis for northbound to eastbound traffic to stop when pedestrians are crossing, providing safer crossing conditions.

The Illinois Department of Transportation (IDOT) was contacted, and staff has received approval to install this sign within state right-of-way. Staff also spoke with the superintendent of Timothy Christian Schools, who supports staff’s recommendations.

It is, therefore, the recommendation of the Public Affairs and Safety Committee that the appropriate ordinance be drafted and adopted by the City Council to install “No Right Turn on Red” signage for northbound traffic on Prospect Avenue at Butterfield Road.

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

- f. REPORT – CASE # 10P-15/MCKENNA TOWNHOMES CONDITIONAL USE AND ASSOCIATED VARIATIONS The following report of the Development, Planning and Zoning Committee was presented for passage:

March 15, 2011

TO: Mayor DiCianni and Members of the City Council
RE: Case Number 11 P-01/Elmhurst Memorial Healthcare Conditional Use - 855 N. Church Court Business Operations Center Request for a Conditional Use Permit to allow the erection of a 192 foot tall microwave communications tower.

The Development, Planning and Zoning Committee met on March 14, 2011 to review the Zoning and Planning Commission report dated March 3, 2011. The applicant, Elmhurst Memorial Healthcare (hereinafter sometimes referred to as “EMH”), is requesting a conditional use permit to allow the erection of a 192 foot microwave communication tower at the subject site. 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 voted to recommend approval of this request.

The Committee discussed the location of the proposed 192 foot communication tower and noted that EMH currently has a microwave dish antenna located on the two-hundred (200) foot tall DuComm tower (Betsy Ware Right-of Way @ I290 and the Commonwealth Edison transmission lines); the EMH microwave dish antenna is currently located on the DuComm tower at a height of 150 feet.

Because microwave dish antenna require line-of-sight to another antenna, additional height is necessary to communicate with the new hospital campus under construction at York Street and Brush Hill Road. The Committee noted that the DuComm tower is at capacity and cannot accept the microwave dish antenna at the 192 foot height.

The Committee notes that EMH contemplated other locations including the new hospital campus at York Street and Brush Hill Road. The other locations contemplated are characterized as predominately single-family residential; the proposed location on Church Court is predominately industrial with high tension power lines, other communication towers, and Interstate 290.

After review of the Standards for Conditional Uses the Committee agreed with the Zoning and Planning Commission report that found that the Applicant's proposal meets all of these Standards. The Zoning and Planning Commission findings (report attached) are hereby incorporated into this report.

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

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

g. O-06-2011 – AN ORDINANCE AUTHORIZING THE SALE BY AUCTION OF PERSONAL PROPERTY OWNED BY THE CITY OF ELMHURST

Ordinance O-06-2011 was presented for passage.

h. O-07-2011 – AN ORDINANCE AUTHORIZING THE PURCHASE OF AUTOMATED METER READING UNITS FOR WATER METERS WITHIN THE CITY OF ELMHURST

Ordinance O-07-2011 was presented for passage.

i. O-08-2011 – AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF AMENDMENT NO. 2 TO THE PROFESSIONAL DESIGN ENGINEERING SERVICES AGREEMENT FOR THE ANAEROBIC DIGESTER AT THE WASTEWATER TREATMENT PLANT BY AND BETWEEN BAXTER & WOODMAN, INC. AND THE CITY OF ELMHURST, ILLINOIS

Ordinance O-08-2011 was presented for passage.

j. R-08-2011 – A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A WELL ABANDONMENT AGREEMENT BY AND BETWEEN ARCADIS, U.S., INC. AND THE CITY OF ELMHURST

Resolution R-08-2011 was presented for passage.

k. R-09-2011 – A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A HIGHWAY AUTHORITY AGREEMENT BY AND BETWEEN B.P. PRODUCTS NORTH AMERICA, LLC AND THE CITY OF ELMHURST

Resolution R-09-2011 was presented for passage.

1. R-10-2011 – A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF AN ENVIRONMENTAL LAND USE CONTROL BY THE CITY OF ELMHURST

Resolution R-10-2011 was presented for passage.

m. R-11-2011 – A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A DEVELOPMENT AGREEMENT BY AND BETWEEN 538 ELMHURST, LLC AND THE CITY OF ELMHURST, COOK AND DUPAGE COUNTIES, ILLINOIS

Resolution R-11-2011 was presented for passage.

Alderman Bram moved to approve the contents of the Consent Agenda. Alderman Shea seconded. Roll call vote:

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

Nays: None

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

REPORTS AND RECOMENDATIONS OF APPOINTED AND ELECTED OFFICIALS

6. a. UPDATES (Mayor DiCianni)

Mayor DiCianni stated the Annual Elmhurst St. Patrick's Day Parade will take place Saturday, March 12, 2011 rain or shine. The parade steps off at noon.

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

City Manager Borchert reported that the contract with the team of Burke/RJN has been executed. As part of the contract Burke/RJN is recording a collection of rainfall events, all are part of Phase I of the Comprehensive Stormwater Plan. He stated representatives of Burke/RJN were in the field last week.

The City Manager stated the Mayor's Stormwater Task Force will meet in five (5) working stakeholder groups.

The City Manager gave an update on Salt Creek stating the City has had a wet winter and the creek is swollen. Salt Creek is not in any risk and it has dropped 3 ft. City Manager Borchert stated residents can track the height of the creek on the City website.

c. OVERVIEW OF 2011/2012 BUDGET (City Manager Borchert)

City Manager Borchert gave a PowerPoint presentation titled Fiscal Year 2011/2012 Overview. The presentation served as an introduction to the proposed budget document and touched on the following points:

- Budget Schedule
- Mayor/City Council Budget Message Highlights
- Summary of Tactics to Balance General Fund
- Level of Service (Question 1010)
- General Funds
- Capitol Project Funds
- City of Elmhurst General Fund
- City of Elmhurst Projected General Fund Balance
- City of Elmhurst Working Cash Fund
- Summary
- What's Next...

The City Manager thanked the Finance Department Team, Director of Finance and Administration Marilyn Gaston and Assistant Director of Finance & Administration Tom Trosien for another award winning document.

Alderman Kennedy asked for a budget review schedule.

City Manager Borchert stated Council will meet as a Committee of the Whole (COW) on 3/14 to review the budget at approximately 8:00 p.m. after Committee meetings. He stated the Public Hearing will take place during the 3/21 Council Meeting, Council will meet as COW after the Council meeting 3/21, and will continue Monday nights as needed.

Alderman Hipskind thanked City staff and City Manager Borchert for their hard work on the budget.

OTHER BUSINESS

7. Alderman Healy stated he would like clarification from City Manager Borchert on the City manager's memo dated March 3, 2011 regarding the Burke/RJN contract. He asked the City Manager to clarify the estimated hourly rate for the project stating is he correct in reading that it is \$121.24/hour.

City Manager Borchert stated Alderman Healy is correct.

Alderman Gutenkauf stated the comparison on these contracts do not reflect the totals.

Discussion ensued regarding the interpretation of the projects hourly wage.

ANNOUNCEMENTS

8. Alderman Pezza announced Tuesday, March 29th from 10:00-10:45 a.m. the Elmhurst Children's Library will host "Ease the Tease" a program for families with kindergarteners thru 5th graders. Tickets are available to residents with a Library card, at the Children's Library at 9:00 a.m. the day of the show. Judy Freedman, a licensed social worker, will speak on how to handle teasing. Ms. Freedman will be the featured speaker on April 7, 2011 at 7:00 p.m. at Field School for District 205 Parent Night.

Mayor DiCianni reminded everyone the Elmhurst St. Patrick's Day Parade on Spring Road will begin at noon on Saturday, March 12, 2011.

ADJOURNMENT

9. Alderman Hipskind moved to adjourn the meeting. Alderman Morley seconded. Voice vote. Motion carried. Meeting adjourned 8: 43 p.m.

Peter P. DiCianni III, Mayor

Patty Spencer, City Clerk