

**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF ELMHURST, ILLINOIS
HELD ON MONDAY, FEBRUARY 4, 2013
209 NORTH YORK STREET
ELMHURST, ILLINOIS**

EXECUTIVE SESSION 6:30 P.M. – THE PURCHASE OR ACQUISITION OF REAL PROPERTY

1. Executive session was called to order at 6:35 p.m. by Acting Mayor Levin for the purpose of Discussion the Purchase or Acquisition of Real Property.

Present: Paula Pezza, Diane Gutenkauf, Bob Dunn, Michael J. Bram, Dannee Polomsky, Kevin L. York, Scott Levin, Jim Kennedy (arrived at 6:40 p.m.), Steve Morley, Mark A. Mulliner

Absent: Norman Leader, Steve Hipskind, Chris Healy, Patrick Wagner

Also in attendance: City Treasurer Dyer, City Attorney Storino, City Attorney Peppers, City Manager Grabowski, Assistant City Manager Kopp

Alderman Gutenkauf moved to convene into executive session for the purpose of Discussion of the Purchase or Acquisition of Real Property. Alderman York seconded.

Ayes: Gutenkauf, York, Levin, Morley, Mulliner, Pezza, Dunn, Bram, Polomsky

Nays: None

9 ayes, 0 nays, 5 absent
Motion duly carried

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

CALL TO ORDER/ PLEDGE OF ALLEGIANCE/ROLL CALL

Attendance: 30

2. The Regular Meeting of the Elmhurst City Council was called to order by Acting Mayor Levin at 7:34 p.m.

Present: Paula Pezza, Diane Gutenkauf, Norm Leader, Bob Dunn, Michael J. Bram, Dannee Polomsky, Kevin L. York, Scott Levin, Jim Kennedy, Steve Morley, Mark A. Mulliner

Absent: Stephen Hipskind, Chris Healy, Patrick Wagner

Also in Attendance: City Treasurer Dyer, City Attorney Storino, City Manager Grabowski, Assistant City Manager Kopp, Director of Finance & Administration Gaston, Director of Public Works Hughes, Fire Chief Bacidore, Police Chief Ruth, Deputy Police Chief Kveton

Acting Mayor Levin stated as Scout Troop 78 from Sandburg Middle School is in attendance to observe the Council meeting, he asked them to lead the Pledge of Allegiance.

RECEIPT OF WRITTEN COMMUNICATIONS AND PETITIONS FROM THE PUBLIC

3. None.

PUBLIC FORUM

4. Gilbert Fischer
586 N. Van Auken
Elmhurst, IL 60126

Spoke against Federal tax increases. He also spoke against the underpass at York Street stating his streets and sewers are in disrepair.

John Reboletti
625 W. Gladys
Elmhurst, IL 60126

Spoke against the York tunnel, the referral to look at Natural Gas Aggregation and the refuse contract and sticker prices.

Claude Pagacz
566 W. Gladys
Elmhurst, IL 60126

Spoke against recent items that have been on the consent agendas such as the rubbish contract, the Addison Street Project, the York tunnel and the Pauli contract.

Tamara Brenner
137 N. Caroline Avenue
Elmhurst, IL 60126

Spoke of the January 24, 2013 hearing that was cancelled because an application for setbacks was forgotten. Board Docs – she stated she would like to be able to receive agendas and agenda packets for Council, Committee, and Commission meetings when Board Docs goes online. Regarding items 6g and 6h on tonight's agenda, she stated she would like to hear a detailed and thoughtful discussion on each item.

Bob Hoel
401 E. Niagara Avenue
Elmhurst, IL 60126

Commission, DP&Z Committee and the Development Planning and Zoning Department for reviewing and vetting the Bike Plan. He asked the Council to approve item 6i on the Consent Agenda.

Barbara Marlis
Kensington School
Elmhurst, IL 60126

Thanked the Council for considering item 6h on tonight's agenda.

ANNOUNCEMENTS

5. Alderman Leader announced the Elmhurst Heritage Foundation will host an "Afternoon Tea with Jackie" from 1 – 4 p.m. on February 23, 2013 at Drury Lane. This program will benefit exhibits and programs at the Elmhurst Historical Museum. Ticket information: 630-833-1457 or ehm@elmhurst.org also "On the Road to Glory: Fred Lorenzen" exhibit from February 1, 2013 through May 19, 2013.

Alderman York announced ECAF will host a Casino Night on February 9, 2013 at 7 p.m. at the Diplomat West. For more information: www.ecaf4kids.org.

Alderman York announced that he and Alderman Hipskind will host a 4th Ward Town Hall Meeting on Public Safety at the Elmhurst Police Station, 125 First Street on February 20, 2013 at 7 p.m.

CONSENT AGENDA

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

- a. MINUTES OF THE REGULAR MEETING HELD ON TUESDAY, JANUARY 22, 2013 (City Clerk Spencer):
Approve as published
- b. ACCOUNTS PAYABLE – JANUARY 31, 2013 TOTAL \$ 1,247,411.51
- c. NATURAL GAS AGGREGATION – ALDERMEN MORLEY, YORK, POLOMSKY, & HEALY (City Manager Grabowski): Refer to the Finance, Council Affairs & Administrative Services Committee

January 31, 2013

To: Acting Mayor Levin and Members of the City Council
Re: Natural Gas Aggregation – Aldermen Morley, York, Polomsky, & Healy

It is respectfully requested that the attached request from Aldermen Morley, York, Polomsky, & Healy for the City to investigate the feasibility of natural gas aggregation, be referred to the Finance, Council Affairs & Administrative Services Committee for review and recommendation back to the City Council.

Respectfully submitted,
/s/ James A. Grabowski
City Manager

- d. MARKETING EFFICIENCY AND STRATEGY – ALDERMAN YORK & POLOMSKY (City Manager Grabowski): Refer to the Development, Planning & Zoning Committee

January 31, 2013

To: Acting Mayor Levin and Members of the City Council
Re: Marketing Efficiency and Strategy – Alderman York & Polomsky

It is respectfully requested that the attached request from Aldermen York & Polomsky for the City to more effectively promote and market the City through further economic development efforts, be referred to the Development, Planning & Zoning Committee for review and recommendation back to the City Council.

Respectfully submitted,
/s/ James A. Grabowski
City Manager

- e. 2013 DUPAGE MAYORS AND MANAGERS CONFERENCE LEGISLATIVE ACTION PROGRAM (City Manager Grabowski): Refer to the Finance, Council Affairs & Administrative Services Committee

January 31, 2013

To: Acting Mayor Levin and Members of the City Council
Re: 2013 DuPage Mayors and Managers Conference Legislative Action Program

It is respectfully requested that the 2013 DuPage Mayors and Managers Conference Legislative Action Program be referred to the Finance, Council Affairs and Administrative Services Committee for their review, evaluation and subsequent recommendation to City Council.

Respectfully submitted,
/s/ James A. Grabowski
City Manager

- f. REPORT – PROPERTY TAX REBATE PROGRAM REVIEW The following report of the Finance, Council Affairs & Administrative Services Committee was presented for passage:

January 29, 2013

TO: Acting Mayor Levin and Members of the City Council
RE: Property Tax Rebate Program Review

The Finance, Council Affairs and Administrative Services Committee met January 28, 2013, to review the City's Property Tax Rebate Program for the 2012 property tax year.

As the City Council will recall, a Property Tax Rebate Program was approved in 2010 in response to the continuing negative economic conditions, and to the property tax increase that was implemented for the 2009 property tax year. The rebate was 100% of the increase in the City

portion of the 2009 property tax bill compared to the City portion of the prior year (2008) property tax bill, for the identical property. The components of the City's portion of the tax bill are the Pension Fund line (which includes the Police Pension, Firefighters Pension and IMRF) and the City of Elmhurst line (which includes part of the cost of Fire Protection, Ambulance and Debt Service). The program was available to persons whose annual household income for the applicable tax levy year was equal to or less than the very low income limits for that year as defined by the U.S. Department of Housing and Urban Development, and who lived in an owner-occupied single family or multi-family (i.e. condominium) dwelling. There were twenty-six participants in the program, and the total rebate amount for the 2009 property tax year was \$5,520.42. Fifteen of the twenty-six participants (58%) were age 65 or older.

The City Council also approved the Property Tax Rebate Program for the 2010 property tax year. The rebate was based on the increase of the City portion of the 2010 property tax bill compared to the City portion of the prior year (2009) property tax bill. The income parameters were adjusted to 60% of the current median income in DuPage County. There were twenty-three participants in the 2010 rebate program, and the total rebate amount was \$823.78. Thirteen of the twenty-three participants (57%) were age 65 or older and receive the Senior Exemption, and eleven of the thirteen participated in the DuPage County Senior Citizens Assessment Freeze Program.

The City Council also approved the Property Tax Rebate Program for the 2011 property tax year. There were eight participants in the 2011 rebate program, and the total rebate was \$146.58. Six of the eight participants receive the Senior Exemption and participate in the DuPage County Senior Citizens Assessment Freeze Program.

The Finance Committee reviewed the Property Tax Rebate Program for the 2012 property tax year. Based on the projected 2012 property value for the eight 2011 participants and the projected City tax rate, the estimated total rebate would be under \$100. After discussion, it was the consensus of the Finance Committee to recommend approval of the Property Tax Rebate Program for the 2012 property tax year.

It is, therefore, the recommendation of the Finance, Council Affairs and Administrative Services Committee that the City Council approve the Property Tax Rebate Program for the 2012 property tax year.

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

- g. REPORT – “GOT IT” CAMPAIGN The following report of the Development, Planning & Zoning Committee was presented:

January 29, 2013

TO: Acting Mayor Levin and Members of City Council
RE: “Got It” Campaign

The Development, Planning and Zoning Committee met on numerous occasions, most recently on January 28, 2013 to review a request for disbursement of funds from the budgeted \$25,000.00 funding.

This campaign was conceived by the combined efforts of the Elmhurst Economic Development Commission, City Staff, the Elmhurst Chamber of Commerce and Findzall Community Marketing. The campaign is essentially a City of Elmhurst program, administered by the Chamber of Commerce.

Mr. John Quigly, Executive Director of the Elmhurst Chamber of Commerce and Industry, briefed the Committee on the progress of the "Got It" campaign.

The Committee discussed the request from the Elmhurst Chamber of Commerce and Industry for approval of the release of \$9,900.00 from budgeted fund of \$25,000.00. To date \$2,832.00 has been distributed from this fund. The Committee notes the importance of the Got It campaign and agrees with the requested funding; The Got It campaign is a City of Elmhurst campaign being administered by the Chamber. The Committee further notes that a total of \$12,732.00 dollars have been requested, including this current request, which is slightly over 50% of the approved \$25,000.00 budget which ends April 30, 2013.

After discussion of the overall campaign and the proposed expenditure, it was the consensus of the Committee that this campaign should continue and, therefore, supports the release of the requested funds.

Respectfully submitted,
Development, Planning and Zoning Committee
/s/ Steven Morley
Chairman
/s/ Dannee Polomsky
Vice-Chairman
/s/ Norman Leader

- h. REPORT – CASE # 12P-09/KENSINGTON SCHOOL CONDITIONAL USE 411-415 S. SPRING ROAD The following report of the Development, Planning & Zoning Committee was presented:

January 29, 2013

TO: Acting Mayor Levin and Members of City Council

RE: Case # 12P-09/Kensington School Conditional Use 411-415 S. Spring Road

Request for Conditional Use Permit for the purpose of constructing and operating an Educational Institution.

The Development, Planning and Zoning Committee met on January 28, 2013 to review the Zoning & Planning Commission report dated January 17, 2013 unanimously recommending approval of the subject request. The Committee also reviewed the Applicant's submittal documents and the transcripts of the public hearing.

The subject site is occupied by two vacant single family homes and was the subject of a subdivision approval in 2009 for 9 single family lots. Subsequent to the approval of this subdivision, the property went into foreclosure and was sold at auction to the Community Bank of Elmhurst.

This is a request to allow construction of a 15,000 square foot educational facility on property which will be engineered to accommodate stormwater in compliance with the DuPage County Stormwater Ordinance. The Committee notes that the Applicant met with neighboring property owners who expressed support for the project at the Public Hearing. After discussion, it was the consensus of the Committee that the proposed Educational Facility would be a benefit to the neighborhood as well as the entire City of Elmhurst.

The Development, Planning and Zoning Committee agrees with the findings of the Zoning & Planning Commission that the Applicant has provided sufficient evidence to support the approval of this request and has met the Standards for Conditional Use.

Therefore, the Development, Planning and Zoning Committee recommends that the City Council approve the Applicant's request for Conditional Use. The City Attorney is hereby directed to prepare the necessary documents for City Council approval.

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

/s/ Dannee Polomsky

Vice-Chairman

/s/ Norman Leader

- i. REPORT – CASE # 12P-06/ELMHURST BICYCLE PLAN The following report of the Development, Planning & Zoning Committee was presented:

January 29, 2013

TO: Acting Mayor Levin and Members of City Council

RE: Case # 12P-06/Elmhurst Bicycle Plan Request to amend the City of Elmhurst Comprehensive Plan to include a Bicycle Plan

The Development, Planning and Zoning Committee met on January 28, 2013 to review the Zoning & Planning Commission report dated January 16, 2013 unanimously recommending approval of the subject request. The Committee also reviewed the transcripts of the public hearing.

The Committee discussed the merits of having a Bicycle Plan on file noting that there are grant opportunities available to cities that have a bicycle plan. Additionally, the Committee noted that having a bicycle plan will help facilitate the use of bicycles throughout the city thereby encouraging a healthy lifestyle and a sustainable environment.

The Development, Planning and Zoning Committee agrees with the findings of the Zoning & Planning Commission that the Applicant has provided sufficient evidence to support the approval of this request.

Therefore, the Development, Planning and Zoning Committee recommends that the City Council approve the Applicant's request for amending the 2009 City of Elmhurst Comprehensive Plan to include a Bicycle Plan. The City Attorney is hereby directed to prepare the necessary documents for City Council approval.

Respectfully submitted,

Development, Planning and Zoning Committee

/s/ Steven Morley

Chairman

/s/ Dannee Polomsky

Vice-Chairman

/s/ Norman Leader

- j. O-08-2013 – AN ORDINANCE AUTHORIZING THE DISPOSAL OF PERSONAL PROPERTY OWNED BY THE CITY OF ELMHURST

Ordinance O-08-2013 was presented for passage.

- k. O-09-2013 – AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF A NON-EXCLUSIVE LICENSE AGREEMENT BY AND BETWEEN THE ELMHURST PARK DISTRICT AND THE CITY OF ELMHURST, DUPAGE AND COOK COUNTIES, ILLINOIS

Ordinance O-09-2013 was presented for passage.

- l. O-10-2013 – AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF A NON-EXCLUSIVE LICENSE AGREEMENT BY AND BETWEEN ELMHURST RUNNING CLUB, INC. AND THE CITY OF ELMHURST, DUPAGE AND COOK COUNTIES, ILLINOIS

Ordinance O-10-2013 was presented for passage.

- m. MCO-03-2013 – AN ORDINANCE TO AMEND CHAPTER 16 ENTITLED, "GARBAGE AND REFUSE," OF THE MUNICIPAL CODE OF THE CITY OF ELMHURST, ILLINOIS

Ordinance MCO-03-2013 was presented for passage.

n. R-04-2013 – A RESOLUTION TO APPROVE AND AUTHORIZE THE EXECUTION OF AN AUDITING SERVICES AGREEMENT BY AND BETWEEN SIKICH LLP AND THE CITY OF ELMHURST

Resolution R-04-2013 was presented for passage.

o. R-05-2013 – A RESOLUTION AUTHORIZING THE EXECUTION OF A SOFTWARE LICENSE AND PROFESSIONAL SERVICES AGREEMENT BY AND BETWEEN LUCITY, INC. AND THE CITY OF ELMHURST, ILLINOIS

Resolution R-05-2013 was presented for passage.

Alderman Pezza pulled item **6g. Report – “Got It” Campaign** and Alderman Gutenkauf pulled item **6h. Report – Case # 12P-09/Kensington School Conditional Use 411-415 S. Spring Road** from the Consent Agenda.

Alderman Bram moved to approve the contents of the Consent Agenda less items **6g. Report – “Got It” Campaign** and **6h. Report – Case # 12P-09/Kensington School Conditional Use 411-415 S. Spring Road**. Alderman Pezza seconded. Roll call vote:

Ayes: Bram, Gutenkauf, Leader, Dunn, Polomsky, York, Levin, Kennedy, Morley, Mulliner, Pezza

Nays: None

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

Alderman Morley moved to approve **6g. Report – “Got It” Campaign**. Alderman Polomsky seconded.

Alderman Morley reviewed the report and stated the Committee felt the “Got It” campaign had merit and positive feedback has been received.

Alderman Pezza stated she pulled item **6g. Report – “Got It” Campaign** because she will not support the recommendation until some solid evidence can be provided. She suggested conducting a survey.

Discussion ensued regarding the marketing plan and what has been budgeted.

Alderman Mulliner suggested having the Committee take the report back to conduct a survey to provide data to the Council within the next two weeks.

Alderman Bram stated he would like to hear from the Committee before he makes a motion based on Alderman Mulliner’s suggestion.

Acting Mayor Levin asked City Attorney Storino to serve as parliamentarian and give an opinion. He called on Alderman Morley.

Alderman Morley stated he would be willing to take the report back to Committee.

Discussion continued.

City Attorney Storino stated two Aldermen may state to send the report back to Committee and it will be back on the agenda in two weeks.

Alderman Morley stated the money requested is time sensitive. He asked the Council to vote on the report.

Discussion continued.

Roll call vote on item **Report – “Got It” Campaign:**

Ayes: Morley, Polomsky, York, Levin, Kennedy, Mulliner, Leader, Dunn

Nays: Pezza, Gutenkauf, Bram

Results: 8 ayes, 3 nays, 3 absent
Motion carried

Alderman Morley moved to approve **6h. Report – Case # 12P-09/Kensington School Conditional Use 411-415 S. Spring Road.** Alderman Polomsky seconded.

Alderman Morley stated he would answer any questions that the Council may have regarding this report.

Alderman Gutenkauf stated she pulled item **6h. Report – Case # 12P-09/Kensington School Conditional Use 411-415 S. Spring Road** to ask a question regarding our zoning codes as R-2 is defined. She stated her concern is why the parcel wasn't rezoned.

Alderman Morley stated his Committee deliberated on the zoning. He stated he asked the Zoning and Planning Administrator regarding the school as presented, is it an appropriate conditional use.

Alderman Gutenkauf asked where in the report and application is there an all-day kindergarten mentioned.

Alderman Bram asked to suspend with the rules and allow Ms. Marlis to speak.

Discussion ensued regarding the kindergarten appearing on the application.

Alderman Gutenkauf stated all zoning codes should match up with the documents from applicants.

Discussion continued.

Roll call vote on item **6h. Report – Case # 12P-09/Kensington School Conditional Use 411-415 S. Spring Road:**

Ayes: Morley, Polomsky, York, Levin, Kennedy, Mulliner, Pezza, Gutenkauf, Leader, Dunn, Bram

Nays: None

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

REPORTS AND RECOMENDATIONS OF APPOINTED AND ELECTED OFFICIALS

7. a. ACTING MAYOR LEVIN

Acting Mayor Levin reported on February 11, 2013 there will be a Committee of the Whole meeting regarding the status of the RFP for the Hahn Street Project.

Acting Mayor Levin stated there will be an overview of the Addison Street Project at the February 19, 2013 Council Meeting.

b. CITY MANAGER GRABOWSKI

City Manager Grabowski gave a brief update on the refuse/recycling program, highlighting the following:

- 65 gallon toter for recycling
- Choice of 65 or 95 gallon refuse toter
- March, 2013 distribution of 65 gallon recycling toters to each residence in the City that receives refuse and recycling services from Allied Waste
- A flyer will be mailed to all residents who use Allied Waste services. The flyer is to select a refuse toter size
- March and April 2013 will be the new toter delivery date

- April 1, 2013 will be the new pricing date
- Old recycling bins return to City Hall
- 33 gallon refuse cans will be picked up by writing in large letters on the front of the can "Please Take"

City Manager Grabowski stated the City appreciates the residents' patience as this new program is rolled out. He stated every resident will be paying less for their refuse and recycling services.

ORDINANCES

8. a. O-11-2013 – AN ORDINANCE APPROVING THE TWENTY-SEVENTH AMENDMENT TO REAL ESTATE PURCHASE CONTRACT FOR THE PURCHASE OF THE REAL PROPERTY COMMONLY KNOWN AS 260 NORTH YORK STREET, ELMHURST ILLINOIS (PAULI)

Ordinance O-11-2013 was presented for passage.

Alderman Mulliner moved to approve item **8 a. O-11-2013 – An Ordinance Approving the Twenty-Seventh Amendment to Real Estate Purchase Contract for the Purchase of the Real Property Commonly Known as 260 North York Street, Elmhurst Illinois (Pauli)**. Alderman York seconded.

Alderman Pezza and Alderman Gutenkauf stated they will not support the ordinance because they do not agree with the terms. Roll call vote:

Ayes: Mulliner, York, Levin, Kennedy, Morley, Leader, Dunn, Bram, Polomsky

Nays: Pezza, Gutenkauf

Results: 9 ayes, 2 nays, 3 absent
Motion carried

OTHER BUSINESS

11. Alderman Morley stated he wanted to thank Jim Mitchell who created and used the Elmhurst Bicycle Plan to as a project to complete his Masters Program and saved the City thousands of dollars. He also thanked Bob Hoel, Chairman of the Bicycle Task Force.

Alderman Morley stated the Elmhurst Bicycle Plan is very extensive and it will be an addendum to the Comprehensive Plan.

City Manager Grabowski stated the Elmhurst Bicycle Plan will be on the City's website.

ADJOURNMENT

12. Alderman Bram moved to adjourn the meeting. Alderman Pezza seconded. Voice vote. Motion carried. Meeting adjourned 9:03 p.m.

Scott M. Levin, Acting Mayor

Patty Spencer, City Clerk