

**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF ELMHURST, ILLINOIS
HELD ON MONDAY, DECEMBER 17, 2007
209 NORTH YORK STREET
ELMHURST, ILLINOIS**

EXECUTIVE SESSION

1. Executive session was called to order at 6:39 p.m. by Mayor Marcucci for the purpose of discussing Land Acquisition and Sale of Land.

Present: Diane Gutenkauf, Norman Leader, Pat Shea, Michael Bram, Susan J. Rose, John Gow, Moira Moriarty, Chris Nybo, Steve Morley, Mark A. Mulliner

Absent: Michael J. Regan (arrived at 6:55 p.m.), Stephen Hipskind (arrived at 7:05 p.m.), George Szczepaniak (arrived at 6:44 p.m.), Donna Lomnicki (arrived at 7:13 p.m.)

Also in attendance: City Treasurer Pigoni, Assistant City Attorney Spiroff, City Manager Borchert, PZED Director Said

Alderman Bram moved to convene into executive session for the purpose of discussing Land Acquisition and Sale of Land. Alderman Rose seconded. Roll call vote:

Ayes: Bram, Rose, Gutenkauf, Leader, Shea, Gow, Moriarty, Nybo, Morley, Mulliner

Nays: None

10 yeas, 0 nays, 4 absent
Motion duly carried

Alderman Morley moved to adjourn executive session. Alderman Moriarty seconded. Voice vote. Motion carried. Executive session adjourned at 7:40 p.m.

CALL TO ORDER/ PLEDGE OF ALLEGIANCE/ROLL CALL

Attendance: 33

2. The Regular Meeting of the Elmhurst City Council was called to order by Mayor Marcucci at 7:46 p.m.

Present: Michael J. Regan, Diane Gutenkauf, Norman Leader, Pat Shea, Michael Bram, Susan J. Rose, John Gow, Stephen Hipskind, Moira Moriarty, Chris Nybo, George Szczepaniak, Steve Morley, Donna Lomnicki, Mark A. Mulliner

Absent: None

Also in Attendance: City Treasurer Pigoni, Assistant City Attorney Spiroff, City Manager Borchert, Finance Director Gaston, Fire Chief Kopp, PZED Director Said, Economic Dvlp. Manager Corner

RECEIPT OF WRITTEN COMMUNICATIONS AND PETITIONS FROM THE PUBLIC

3. A news article from the Del Rio News-Herald regarding fluoridating the Del Rio City water supply was submitted by Dick Montie of 207 South Street, Elmhurst IL 60126.

PUBLIC FORUM

4. Dick Montie
207 South Street
Elmhurst, IL 60126

Spoke regarding fluoride and how dangerous it is to have in the public water supply. He stated he wanted to raise awareness regarding this serious problem.

Ann Spice
OS528 Kendall Avenue
Elmhurst, IL 60126

Spoke regarding the Elmhurst Hospital new campus and the traffic problems it can present. She asked the City for their help to keep the hospital traffic away.

Laura Ryan
15W750 Lexington St.
Elmhurst, IL 60126

Spoke regarding the Elmhurst Hospital new campus and the traffic impact on residents. She asked City Council to act responsibly and to visit the area before decisions are made.

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

Spoke regarding the Hahn Street Project and the Council's inability to make a decision on selecting a developer.

Daniel Kuzak
OS579 Kirk Ave.
Elmhurst, IL 60126

Spoke regarding the Elmhurst Hospital new campus stating his concerns regarding no sidewalks, traffic and property values of the seven (7) remaining houses.

Donald Ziemann
15W780 Fillmore Street
Elmhurst, IL 60126

Spoke regarding the Elmhurst Hospital new campus and safety concerns for the neighborhood as well as access issues that have not yet been addressed. He stated his concern for the remaining houses encompassed by the new hospital and their property values.

Carol Visaze
110 W. Butterfield Rd.
Elmhurst, IL 60126

Ms. Visazee asked Council to pass the plan by the Zoning and Planning Commission as submitted in November 2007.

CONSENT AGENDA

5. The following items on the Consent Agenda were presented:
 - a. MINUTES OF THE REGULAR MEETING HELD ON MONDAY, DECEMBER 3, 2007 (City Clerk Spencer): Approve as published
 - b. ACCOUNTS PAYABLE – DECEMBER 17, 2007 TOTAL \$ 1,803,176.30
 - c. APPOINTMENT OF MR. THOMAS M. CATHCART AND REAPPOINTMENT OF MR. EMIL D. HADDAD TO THE BOARD OF FIRE AND POLICE COMMISSIONERS (Mayor Marcucci): Concur with the Mayor's recommendation

November 29, 2007

To: Members of the City Council
Re: Appointment of Mr. Thomas M. Cathcart and Reappointment of Mr. Emil D. Haddad to the Board of Fire and Police Commissioners

With the advice and consent of the Elmhurst City Council, I will appoint Mr. Thomas M. Cathcart to the Board of Fire and Police Commissioners (see attached application) to fill the seat on the board vacated by Christopher L. Nybo. Mr. Cathcart's term on the Board of Fire and

Police Commissioners will expire on May 1, 2008. I will reappoint Mr. Emil D. Haddad to the Board of Fire and Police Commissioners with the term to expire on May 1, 2010.

Respectfully submitted,
/s/ Thomas D. Marcucci
Mayor

- d. APPOINTMENTS TO THE COMMISSION ON YOUTH – KATIE MURRAY & SUSAN CHANSEY (Mayor Marcucci): Concur with the Mayor's recommendation

November 29, 2007

To: Members of the City Council
Re: Appointments to the Commission on Youth - Katie Murray & Susan Chansey

With your advice and consent, I will appoint Ms. Katie Murray, and Ms. Susan Chansey as members to the Commission on Youth for terms expiring on April 30, 2010.

Respectfully submitted,
/s/ Thomas D. Marcucci
Mayor

- e. APPOINTMENT TO THE SENIOR CITIZENS COMMISSION – MS. KRIS HANSEN (Mayor Marcucci): Concur with the Mayor's recommendation

November 29, 2007

To: Members of the City Council
Re: Appointment to the Senior Citizens Commission – Ms. Kris Hansen

With your advice and consent, I will appoint Ms. Kris Hansen (see attached application and resume) to the Senior Citizens Commission for a term that will expire on April 30, 2010.

Respectfully submitted,
/s/ Thomas D. Marcucci
Mayor

- f. BID, 2007 SANITARY SEWER CIPP LINING PROJECT (City Clerk Spencer): Refer to the Public Works and Buildings Committee (see item 5j)

December 4, 2007

TO: Mayor Marcucci and Members of the City Council
RE: Bid, 2007 Sanitary Sewer CIPP Lining Project

In response to an invitation to bid for the 2007 Sanitary Sewer CIPP Lining Project advertised in the Elmhurst Press on Friday, November 2, 2007, bids were received from six area contractors.

Bids were opened at 10:00 a.m. on Tuesday, December 4, 2007, and following is a summary of the bids received:

<u>Contractor</u>	<u>Total Base Bid</u>	<u>Total Optional Work</u>
American Pipelines, Inc. (West Chicago, IL)	\$501,425.00	\$281,075.00
Insituform Technologies USA, Inc. (Chesterfield, MO)	\$653,487.00	\$178,069.50

Visu-Sewer of Illinois, LLC (Bridgeview, IL)	\$667,820.25	\$176,715.00
Michels Corporation (Brownsville, WI)	\$752,032.50	\$212,630.00
Kenny Construction Company (Northbrook, IL)	\$1,067,235.00	\$279,460.00
New Hope Pipeliners, LLC (Hackettstown, PA)	\$1,227,480.00	\$496,775.00

Respectfully submitted,
/s/ Patty Spencer
City Clerk

- g. ELMFEST 2008 (City Manager Borchert): Refer to the Public Affairs and Safety Committee (see item 5k)

December 3, 2007

To: Mayor Marcucci and Members of the City Council
Re: Elmfest 2008

It is respectfully requested that the attached correspondence from the Elmhurst Chamber of Commerce and Industry regarding Elmfest 2008 be referred to the Public Affairs and Safety Committee for review. It is requested that the Committee report back to the City Council with their recommendations.

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

- h. NANA'S HOT DOGS & ITALIAN BEEF AND NANA'S PASTARANTE' LIQUOR LICENSE REQUEST (City Manager Borchert): Refer to the Public Affairs and Safety Committee

December 4, 2007

To: Mayor Marcucci and Members of the City Council
Re: Nana's Hot Dogs & Italian Beef and Nana's PastaRante' Liquor License Request

Enclosed please find a request from Nana's Hot Dogs & Italian Beef and Nana's PastaRante' for a "RSB" beer and wine liquor license on the property at 856 N.York Road. It is respectfully requested that the City Council authorize the Public Affairs and Safety Committee to consider this request and make subsequent recommendation for City Council consideration.

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

- i. REPORT – WWTP DIGESTER GAS SILOXANE REMOVAL FILTER The following report of the Public Works and Buildings Committee was presented:

December 10, 2007

To: Mayor Marcucci and Members of the City Council
Re: WWTP Digester Gas Siloxane Removal Filter

The Public Works and Buildings Committee met on December 10, 2007 to discuss purchase of a gas scrubbing system to remove abrasive and damaging silica compounds from the methane gas generated at the wastewater treatment plant. The process is a proprietary process marketed by Applied Filter Technologies (AFT) of Snohomish Washington.

Several years ago staff at the plant noticed advanced wear on the engine generator fueled with digester methane. Previously this unit had operated without maintenance problems for years.

During the repairs it was discovered that the engine components were coated with a thin film of abrasive material that was found to be a silica compound. Simultaneously staff were hearing of similar conditions from other facilities using methane produced by anaerobic digestion at other treatment facilities. Soon papers were being presented at various professional meetings describing silica compounds called siloxanes being implicated with equipment failures especially when methane gas is used.

Siloxanes have become a popular additive in a number of personal care products ranging from hair care, body lotions and toothpaste. The Food and Drug Agency does not regulate these compounds because they easily breakdown when exposed to light and oxygen. Unfortunately those two conditions do not exist in an anaerobic environment so the siloxanes persist.

Silica compounds can be selectively filtered from the methane making the gas usable again for generating electricity. Staff explored a few alternative processes and settled for the filtering process manufactured by AFT. The AFT process is designed specifically for digester gas and will be sized for the quantity of gas needed to fuel the generator. The filtration process itself is a passive process simply passing the gas through a carbon filter media that is laced with a proprietary catalyst that removes the silica. Monthly testing of the gas will determine how often the filter media will need to be replaced. AFT technicians will travel to the plant to remove and replace the media as needed. The spent media is taken to an AFT facility to be rejuvenated for reuse. Other processes investigated by staff require significant energy input to both cool the methane gas to condense moisture from the gas then heat the gas to precipitate the silica contaminates. The added energy significantly impacts the cost/ benefits of the energy recovery from the methane. Also the AFT process is being used by many facilities throughout North America with several in Illinois alone. One of those sites is at the Rock River Water

Reclamation Facility (RRWRF) in Rockford Illinois. Staff visited that facility and extensively reviewed the process and its success at the RRWRF. The AFT process has been in use at RRWRF for three years with no subsequent damage to the three engine generators operated at that plant. Staff have also checked the operation of this process at other facilities and found those plants to be satisfied with the installations and the efficiency of the process.

Because of the proprietary nature of this process there is only a single vendor available for pricing.

Costs for the equipment and support are;

Filtration system-	\$67,800
Media cartridge-	\$ 3,360
1 day start-up-	\$ 2,000
Total-	<u>\$73,160</u>

It is the recommendation of the Public Works and Buildings Committee that the materials be purchased from Applied Filter Technologies for a total of \$73,160. Funds for this project are budgeted in the capitol expenditures budget, 510-6057-502.80-20. The 2007/2008 projected budget for this project is \$94,000.

Installation of the equipment will proceed after delivery. Costs are expected to be in the range of \$8,000 to \$12,000. Proposals will be solicited after the equipment is on site.

Respectfully submitted,
Public Works and Building Committee

/s/ John E. Gow
Chairman

/s/ Michael Regan
Vice-Chairman

/s/ Donna Lomnicki

/s/ Pat Shea

j. REPORT – BID FOR 2007/2008 SANITARY SEWER CIPP LINING PROJECT The following report of the Public Works and Buildings Committee was presented:

December 10, 2007

TO: Mayor Marcucci and Members of the City Council
RE: Bid for 2007/2008 Sanitary Sewer CIPP Lining Project

The Public Works and Buildings Committee met on Monday, December 10, 2007 to discuss bids for the 2007/2008 Sanitary Sewer CIPP Lining Project. An invitation to bid was sent to numerous qualified contractors and advertised in local area newspapers. The bid contained two (2) separate parts; Base Bid Project and Optional Project work. The six (6) bids that were received are summarized below:

<u>Contractor</u>	<u>Base Bid</u>	<u>Optional Work</u>	<u>Grand Total</u>
Insituform Technologies (Chesterfield, MO)	\$653,487.00	\$178,069. 50	\$831,556.50
Visu-Sewer Clean & Seal (Bridgeview, IL)	\$667,820.25	\$176,715.00	\$844,535.25
Michels Pipe Services (Brownsville, WI)	\$752,032.50	\$212,630.00	\$964,662.50
American Pipe Liners (West Chicago, IL)	\$722,367.50	\$281,075.00	\$1,003,442.50
Kenny Construction (Northbrook, IL)	\$1,067,235.00	\$279,460.00	\$1,346,695.00
New Hope Pipe Liners (Hackettstown, PA)	\$1,227,480.00	\$496,775.00	\$1,724,255.00

The bid request defined the method and process for furnishing all labor, materials, tools, equipment, and incidentals, necessary to provide for the complete rehabilitation of deteriorated gravity sewer lines through the use of the Cured-in-Place-Pipe (CIPP) process. Base Bid Project contains 19,320 feet of sanitary sewer targeted for rehabilitation. Optional Project work areas total 3,365 feet of sanitary sewer pipe, for a grand total of 22,685 feet scheduled for lining. A map of the areas to be lined is attached.

The CIPP process is defined as the rehabilitation of gravity sewer pipe by the installation of a flexible polyester felt fiber tube, vacuum impregnated with a polyester thermosetting resin, having an impermeable inner surface. The impregnated tube is formed to the host pipe by means of a water column. Curing is accomplished by circulating hot water throughout the length of the tube in accordance with the manufacturer's curing schedule. When cured and complete, the rehabilitated pipe shall be a structurally sound, impermeable, joint-less pipe, which is effectively a "pipe-within-a-pipe."

All preparatory activities, including pre-televising and cleaning is incidental to the work. Sewer service reinstatements and any other work required for the proper installation of the CIPP system is also included in the bid amount. The low bidder on this project is Insituform Technologies USA, Inc. of Lemont, Illinois. Insituform Technologies has previously worked for the City and has completed this type of work in a timely and satisfactory manner.

Funds have been provided in the 2007/2008 Budget, Municipal Utility Fund, Sanitary Sewer Replacement/Lining Program, account number 510-6056-502-80-13, in the amount of \$950,000 for the contractual rehabilitation of sewers.

It is, therefore, the recommendation of the Public Works and Buildings Committee that the bid, submitted by Insituform Technologies USA, Inc., for both the Base Bid and the Optional Project work, in the amount of \$831,556.50, be accepted.

Respectfully submitted,
Public Works and Building Committee

/s/ John E. Gow
Chairman

/s/ Michael Regan
Vice-Chairman

/s/ Donna Lomnicki

/s/ Pat Shea

- k. REPORT – ELMFEST 2008 CHAMBER OF COMMERCE REQUEST The following report of the Public Affairs and Safety Committee was presented:

December 10, 2007

To: Mayor Marcucci and Members of City Council
Re: Elmfest 2008 Chamber of Commerce Request

The Public Affairs and Safety Committee met on December 10, 2007, to review the request from the Chamber of Commerce & Industry for Elmfest 2008 to be held in the streets of downtown Elmhurst from Thursday through Sunday, June 12 – 15, 2008. The festival proper will run on Friday and Saturday from 11:00 a.m. to 11:00 p.m. and Sunday from 12:00 noon to 5:00 p.m.

As in the past, Elmfest will open on Thursday, June 12 with the Elmfest Jaycees-sponsored Spectacular Midways Carnival on First Street between York Street and Maple Avenue from 6:00 to 10:00 p.m. At 4:00 p.m., northbound traffic at York Street and the Metra crossing will be rerouted east on Park Avenue and north on Haven Road, and vehicular access on Addison Avenue south of Second Street will stop at the eastside alley north of First Street.

As in 2007, a charity fundraiser will be held on Thursday, June 12 from 7:00 to 10:00 p.m. (9:00 p.m. music curfew) in the Comcast Entertainment Center in the municipal parking lot on the west side of Addison Avenue between First Street and Second Street. The lot's Permit Parking section will close at 12:01 a.m. and the 3-Hour Free Shopper Parking will close at 3:00 p.m. to allow for set-up. The adjacent on-street parallel parking spaces only will be closed to provide a pedestrian safety barrier.

Addison Avenue between First Street and Second Street will close on Friday, June 13 at 1:00 a.m. for overnight setup of Vendor Midway tents and electrical for food, business and not-for-profit vendors. Also at that time York Street between Schiller Street and First Street will be closed for the set up of the Fifth Third Bank City Centre Stage, climbing wall, pony rides and other family attractions.

Elmfest continues to be a very popular event attended by large numbers of people from Elmhurst and the surrounding communities. The Police, Fire and Public Works Departments will work with the Chamber of Commerce to formalize booth and fencing layouts to assist in ensuring emergency vehicle access and pedestrian safety.

It is therefore, the recommendation of the Public Affairs and Safety Committee that the City Council authorize the Elmhurst Chamber of Commerce to hold the Elmfest Celebration on June 12, 13, 14 and 15, 2008 in the downtown area along with the Jaycees Midway Carnival.

Respectfully submitted,

Public Affairs and Safety Committee

/s/ Mark A. Mulliner
Chairman
/s/ Michael Bram
Vice-Chairman
/s/ Chris Nybo

1. REPORT – SMOKE FREE ILLINOIS ACT The following report of the Public Affairs and Safety Committee was presented:

December 11, 2007

TO: Mayor Marcucci and Members of City Council
RE: Smoke Free Illinois Act

The Public Affairs and Safety Committee met on December 10, 2007 to review a recommendation from the Police Chief and City Attorney regarding the adoption of an ordinance regulating smoking in the same manner as the Smoke Free Illinois Act. The Act takes effect January 1, 2008. The Act will prohibit smoking in places of employment, bars, restaurants and other public places as defined in the Act.

The purpose of an ordinance regulating smoking is two-fold. First, the City's existing ordinance provisions regulating smoking are not as strict as the Act. Even though such provisions would be preempted by the Act, it was thought best to repeal them to avoid any confusion. Second, Chief Neubauer wanted to have an efficient means of enforcing smoking regulations; by adopting an ordinance, the City can avoid the time and money that would otherwise be expended in enforcing state law. Charges of violating the state law would entail a court appearance by both the defendant and police officer in every case. By adopting an ordinance, violations can be handled by the issuance of a citation, the fine for which could simply be paid at City Hall as is done with similar code enforcement citations. This avoids the need to prosecute the violations in Field Court. Of course, anyone wishing to contest the charge could request a court date; the City could also do it if wished, although that typically is done only when there is a multiplicity of charges.

The Act allows home rule units to adopt ordinances regulating smoking that are no less restrictive than the regulations in the Act. The attached draft ordinance would be more restrictive than the Act in that it would impose penalties for 1) the failure to post "No Smoking" signs and the failure to remove ashtrays; 2) smoking in college dormitories; and 3) smoking in areas outside a building (such as a courtyard) that are designated as "No Smoking" areas by the building owner. The Act imposes no penalties for such violations. Fines for other smoking violations are the same as set forth in the Act. A copy of the draft ordinance and a summary thereof are attached.

It is therefore, the recommendation of the Public Affairs and Safety Committee that the Council adopt an ordinance version of the Smoke Free Illinois Act and that the City Attorney be directed to put the draft ordinance in final form.

Respectfully submitted,
Public Affairs and Safety Committee

/s/ Mark A. Mulliner
Chairman
/s/ Michael Bram
Vice-Chairman
/s/ Chris Nybo

- m. REPORT – INTERGOVERNMENTAL AGREEMENT FOR FIRE PROTECTION SERVICES – CITY OF ELMHURST AND BENSENVILLE FIRE PROTECTION DISTRICT #1 The following report of the Public Affairs and Safety Committee was presented:

December 12, 2007

To: Mayor Marcucci and Members of the City Council
Re: Intergovernmental Agreement for Fire Protection Services – City of Elmhurst and Bensenville Fire Protection District #1

The Public Affairs and Safety Committee met on November 26 and December 10, 2007 to review the Elmhurst experience in providing fire protection services to an unincorporated area of DuPage County located north of the City of Elmhurst and south of Grand Avenue, sometimes referred to as Country Club Highlands, via the Bensenville Fire Protection District #1.

The Fire Protection District contracts with the City of Elmhurst to provide fire protection services and emergency paramedic response. The Finance Department of the City of Elmhurst calculates a fair share allocation of expenses to the Country Club Highlands portion of Fire Protection District to #1. However, the District has been unable to pay the Finance Department calculated fair share amount to the City of Elmhurst for a number of years. Those calculations are illustrated on the attached summary. The Intergovernmental Agreement between the City of Elmhurst and the Fire Protection District requires that notice be provided prior to January 1 for an effective discontinuance of service ten months later. This committee has discussed the pros and cons of discontinuing service and of continuing service even with less than a fair share contribution should the Fire Protection District not be able to collect more funds. It is the Committee consensus that notice should be provided to the Fire Protection District of intent to discontinue to enable conversation, discussions and collaboration to take place to determine if, in fact, service should be discontinued or if some other arrangement would be deemed appropriate.

It is, therefore, the recommendation of the Public Affairs and Safety Committee that the City Council authorize the City Manager to notify Fire Protection District #1, in accordance with the terms of the Intergovernmental Agreement, of the City's intent to discontinue services as of October 31, 2008, but that discussion, collaboration, communication take place between now and then and that a full report of those discussions with recommendations be presented for the City Council to consider prior to any actual discontinuation of service.

Respectfully submitted,
Public Affairs and Safety Committee

/s/ Mark A. Mulliner

Chairman

/s/ Michael Bram

Vice-Chairman

/s/ Chris Nybo

- n. REPORT – CITY OF ELMHURST WEBSITE UPGRADE AND REDESIGN SERVICES The following report of the Finance, Council Affairs and Administrative Services Committee was presented:

December 11, 2007

To: Mayor Marcucci and Members of the City Council
Re: City of Elmhurst Website Upgrade and Redesign Services

The Finance, Council Affairs and Administrative Services Committee met December 10, 2007 to review the request for proposal (RFP) responses to upgrade and redesign the City of Elmhurst website.

The City's original website was developed internally in 1996 and a major redesign was completed in 2000. The current website is in need of an upgrade and redesign to incorporate new functionality and technology. This fall, a request for proposal (RFP) for professional services to assist in the upgrade and redesign of the City's website was distributed to 10 website design companies. Six responses were received (see attachment), and staff reviewed these proposals for certain selection criteria. The selection criteria included the following: ability to provide a content management system, an e-mail subscription system, and an events calendar; experience with municipalities; number and quality of websites created; creativity and cost.

Based on the selection criteria, the RFP analysis, and the review of websites developed by the website design firms, staff recommends that Civic Plus be awarded the contract to redesign the City's website. Staff noted that Civic Plus provided the lowest responsible quote and they meet all of the functionality requirements. Additionally, they have been in business since 1994 and have a staff of 65, they specialize in local government websites and they have approximately 330 clients. Civic Plus has quoted a fee of \$38,400 to complete the project as defined in the RFP, which includes all programming, modules, set-up, graphics, training and consulting time for three (3) individual websites (City, Elmhurst Historical Museum and Visitor & Tourism) and an intranet for City staff purposes. The Finance, Council Affairs and Administrative Services Committee concurs with staff recommendation.

The Finance Committee and staff recognize that the redesign of the City's web site will be a dynamic process and will require extensive monitoring by staff. Project updates will be provided to the Finance Committee and presentations will be made as appropriate. As the project progresses, should more services be identified as appropriate in the redesign of the website, said services would be negotiated with Civic Plus at that time and presented to the Committee as appropriate.

Funds for the website upgrade and redesign have been budgeted in account 110-2008-413-30-52.

It is, therefore, the recommendation of the Finance, Council Affairs and Administrative Services Committee that the City Council accept the proposal from Civic Plus to provide services to upgrade and redesign the City's website for a cost of \$38,400.

Respectfully submitted,
Finance, Council Affairs and
Administrative Services Committee

/s/ George Szczepaniak
Chairman

/s/ Stephen Hipskind
Vice-Chairman

/s/ Moira Moriarty

/s/ Steven Morley

- o. REPORT – CASE NUMBER 07 P-05 / MARTENS REQUEST FOR SUBDIVISION AND ASSOCIATED VARIATIONS The following report of the Development, Planning and Zoning Committee was presented:

December 11, 2007

TO: Mayor Marcucci and Members of the City Council

RE: Case Number 07 P-05/Martens Request for Subdivision and Associated Variations Request for tentative and final approval of a Subdivision of two lots into nine lots and associated lot frontage (width) variations for two lots.

The Development, Planning and Zoning Committee met on November 12, November 26, and December 10, 2007, to review the Zoning & Planning Commission report dated November 7, 2007 regarding the subject request. The Committee also reviewed the many documents submitted by the applicant, and the transcript of the public hearing. The Committee was especially appreciative and complimentary of the extensive work done by the Zoning & Planning Commission regarding this

The applicant, Rene Martens, is requesting approval of a tentative and final plat of subdivision to divide the subject property (two lots) into nine residential lots, and to obtain lot width variations for the two southernmost lots. The Committee noted that as part of the subdivision, the applicant is proposing a private common access drive along the frontage of the proposed lots. Individual driveways from each residential lot will access this common drive, thereby minimizing the number of curb cuts onto Spring Road. This also provides a benefit of a landscaped buffer area, between the proposed common drive and Spring Road, to help screen the York High School athletic field from these homes. The Committee also noted that the applicant hopes to retain one of the two existing homes on the subject site; 415 S. Spring Road.

During discussion, the Committee noted that the lot width variations are only needed due to the triangular shape of the southernmost lots resulting from the angle of the adjacent railroad tracks. The lot widths, while narrow at the front (approx. 14.9 feet), will meet or exceed the minimum lot width requirement of 50 feet at the building line. The Committee also noted that these lots will also well exceed the minimum lot size required for the R-2 District (9,687 and 17,868 square feet proposed; R-2 requires 7,260 square feet). Otherwise, the applicant meets the applicable standards of the R-2 residential district.

The Committee also discussed land uses in the areas adjacent to the subject site. They noted that a commercial use or more intensive residential use (such as townhomes or condominiums) could be an appropriate use in this area as a transition and buffer between adjacent uses. A single-family residential area lies to the east of this site, while to the north is an institutional use (church), to the west is the high school athletic field, to the southwest are condominiums, and to the south is a commercial use (restaurant). As such, the Committee noted that a new single-family subdivision will be more easily accommodated in this area as it will be consistent with the single-family residential area to the east, and it will help limit the required stormwater management due to the smaller amount of impervious surfaces (buildings and pavement) that would be built here.

Ultimately, the Committee spent much time reviewing site grading and stormwater management topics associated with the subject site and the neighborhood to the east. Standing water sometimes collects in low areas, and the drainage ditch along the railroad is not exhibiting good drainage at this time apparently due to a lack of ongoing maintenance. To respond to questions about stormwater management, Public Works Director Mike Hughes came to the December 10 meeting to review these topics. With a topographic map, Mr. Hughes confirmed the statement in the Zoning & Planning Commission report that the subject site is generally lower than the residential area to the east with water generally draining over land towards the southwest. He then reviewed existing and proposed ditch elevations along the railroad.

Mr. Hughes then addressed the ordinance requirements regulating stormwater management. Mike emphasized that both City of Elmhurst municipal ordinance requirements and the DuPage County Stormwater Management code prohibit new development from increasing runoff onto adjacent properties, and also prohibit new development from interfering with existing runoff patterns of adjacent properties onto and/or through newly developed sites. Mike then indicated his recommendations for an overall grading plan for the site, as well as approaching the railroad about correcting the ditch grading and performing cleanup there.

Upon the conclusion of discussion, the Committee noted that the requests for this application are reasonable and should be approved, subject to some specific conditions to address those issues discussed at the meeting. The Committee concurs with the Zoning & Planning Commission's conclusions that sufficient evidence was presented to support the proposed subdivision and variations.

It is therefore, the recommendation of the Development, Planning and Zoning Committee to support the recommendation of the Zoning & Planning Commission for approval of this request, subject to the following conditions:

- 1) The Public Works Department shall request a plan from the Chicago Northwestern Railroad for regrading the ditch area adjacent to the railroad, including contacting and obtaining approval from all other property owners where work will be performed. Upon completion of this drainage and ditch work by the Railroad, an update shall be provided to the DPZ Committee to inform them of the completion.
- 2) The applicant shall submit and obtain approval from the Public Works Department for a grading and engineering plan for the entire subdivision development site. Upon approval of this plan, the Public Works Department shall provide an update to the DPZ Committee that the plan for the subject site has been reviewed and approved.
- 3) The applicant shall construct a privately owned common driveway, as indicated on the plans, to provide access from all lots to Spring Road via the driveway. The driveway shall be

owned and maintained by the homeowners association. The homeowners association will include covenants and restrictions which will be approved by the City Attorney.

4) The City's Public Works Department shall develop a plan to assist the Argyle area (east of the subject property) with comprehensive stormwater planning and management in accordance with the City's Rear Yard Drain Program, and provide this to the DPZ Committee. If appropriate, the DPZ Committee will then refer this plan to the Public Works Committee for their action.

5) The applicant shall apply to the Historic Preservation Commission for historic designation status for the home to be preserved on this site (415 S. Spring Rd.).

The City Attorney is hereby directed to prepare the necessary documents for City Council approval.

Respectfully submitted,
Development, Planning and Zoning
Committee

/s/ Susan J. Rose

Chairman

/s/ Norman Leader

Vice-Chairman

/s/ Diane Gutenkauf

p. O-45-2007 – AN ORDINANCE APPROVING A RECAPTURE AGREEMENT (EVERGREEN LANE)

Ordinance O-45-2007 was presented for passage.

q. ZO-16-2007 – AN ORDINANCE GRANTING AN OFF-STREET PARKING VARIATION ON THE PROPERTY COMMONLY KNOWN AS 533 SOUTH YORK STREET (OLYMPIC CHIROPRACTIC)

Ordinance ZO-16-2007 was presented for passage.

r. ZO-17-2007 – AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT FOR THE PURPOSE OF RELOCATING A PYLON SIGN ON THE PROPERTY COMMONLY KNOWN AS 104 EAST FULLERTON AVENUE (DOTI LIQUORS)

Ordinance ZO-17-2007 was presented for passage.

s. R-27-2007 – A RESOLUTION APPROVING A CONTRACT WITH THE CHICAGO CENTRAL & PACIFIC RAILWAY COMPANY FOR THE PURCHASE OF CERTAIN REAL PROPERTY FOR USE AS A PORTION OF A FIRE STATION SITE

Resolution R-27-2007 was presented for passage.

Alderman Moriarty removed item **50. Report – Case Number 07 P-05 / Martens Request for Subdivision and Associated Variations.**

Alderman Rose moved to accept the contents of the Consent Agenda less item **50. Report – Case Number 07 P-05 / Martens Request for Subdivision and Associated Variations.** Alderman Hipskind seconded. Voice vote unanimous, motion carried. Alderman Gutenkauf moved to approve the contents of the Consent Agenda less item **50. Report – Case Number 07 P-05 / Martens Request for Subdivision and Associated Variations.** Alderman Moriarty seconded. Roll call vote:

Ayes: Gutenkauf, Moriarty, Regan, Leader, Shea, Bram, Rose, Gow, Hipskind, Nybo, Szczepaniak, Morley, Lomnicki, Mulliner

Nays: None

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

Alderman Rose moved to approve item **5o. Report – Case Number 07 P-05 / Martens Request for Subdivision and Associated Variations**. Alderman Leader seconded.

Alderman Rose reviewed item **5o. Report – Case Number 07 P-05 / Martens Request for Subdivision and Associated Variations** and stated the Development, Planning and Zoning Committee supports the Zoning and Planning Commission recommendation subject to conditions provided by the Committee.

Alderman Moriarty stated she pulled item **5o. Report – Case Number 07 P-05 / Martens Request for Subdivision and Associated Variations** stating a concern with the wording regarding commercial use of the property as stated on page 1 paragraph 4 of the report. She also noted a scrivener's error on page 2 item #1 which should read the Canadian National Railroad.

Alderman Rose responded stating the scrivener's error has been corrected. Regarding page 1 paragraph 4, it is an accurate reflection of the Committee's discussion and stands as read.

Alderman Nybo stated he shares the same concern as Alderman Moriarty regarding the wording on use of the property on page 1 paragraph 4.

Mayor Marcucci asked for clarification on whose responsibility it will be for maintaining the property, like snow removal. He stated his understanding that it is the responsibility of the Home Owners Association and not the City.

Alderman Rose replied yes, the Home Owner's Association will be in charge of maintaining the property.

Roll call vote on item **5o. Report – Case Number 07 P-05 / Martens Request for Subdivision and Associated Variations**:

Ayes: Rose, Leader, Regan Gutenkauf, Shea, Bram, Gow, Hipskind, Moriarty, Nybo, Szczepaniak, Morley, Lomnicki, Mulliner

Nays: None.

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

REPORTS AND RECOMENDATIONS OF APPOINTED AND ELECTED OFFICIALS

6. a. **HAHN STREET DEVELOPMENT FINAL PROPOSALS – CITY MANAGER BORCHERT AND MR. STEPHEN FRIEDMAN, CONSULTANT – REPORT AND COUNCIL DISCUSSION**

City Manager Borchert reviewed the Hahn Street Project. He stated the City staff is waiting for Council's direction. When a developer is selected by the Council, the public/provate contract negotiations will begin.

Alderman Nybo moved to put Alderman Szczepaniak on the negotiating team when a developer is selected. Alderman Moriarty seconded.

Alderman Rose stated her opposition to the appointment.

Alderman Nybo withdrew the motion to Alderman Szczepaniak on the negotiating team when a developer is selected. Alderman Moriarty seconded the withdrawl.

Alderman Mulliner moved to begin the contract negotiation process with the Morningside Group.

Alderman Moriarty called for a point of order stating the motion was voted down and questioned if the same motion can be made again.

Assistant City Attorney Spiroff stated it is a procedural matter and can be renewed.

Alderman Rose seconded the motion to begin the contract negotiation process with the Morningside Group.

Discussion ensued regarding general comments, concerns and feelings about the project.

Roll call vote to begin the contract negotiation process with the Morningside Group:

Ayes: Mulliner, Rose, Regan, Leader, Gow, Hipskind, Morley, Mayor Marcucci

Nays: Gutenkauf, Shea, Bram, Moriarty, Nybo, Szczepaniak, Lomnicki

Results: 8 ayes, 7 nays, 0 absent
Motion duly carried

b. UPDATES

Mayor Marcucci thanked Alderman Rose for filling in as Mayor Pro Tempore for the December 3, 2007 meeting. The Mayor stated he was not present due to the accidental death of his brother Larry. The Mayor also thanked everyone who offered their condolences to him and his family.

OTHER BUSINESS

7. None.

ANNOUNCEMENTS

8. City Manager Borchert announced there will be no Committee meetings or Council meetings for the rest of the year. He stated an executive session meeting may be called before the January 7, 2008 Council meeting. City Manager Borchert stated that City staff would present a PowerPoint overview of the Five (5) Year Capitol Expenditure Budget.

City Manager Borchert wished everyone a safe and happy holiday season.

ADJOURNMENT

9. Alderman Moriarty moved to adjourn the meeting. Aldermen Hipskind seconded. Voice Vote. Motion carried. Meeting adjourned 9:19 p.m.

Thomas D. Marcucci, Mayor

Patty Spencer, City Clerk