

**MINUTES OF THE REGULAR MEETING OF THE  
CITY COUNCIL OF THE CITY OF ELMHURST, ILLINOIS  
HELD ON MONDAY, MAY 7, 2007  
209 NORTH YORK STREET  
ELMHURST, ILLINOIS**

**CALL TO ORDER/ PLEDGE OF ALLEGIANCE/ROLL CALL**

Attendance: 14

1. The Regular Meeting of the Elmhurst City Council was called to order by Mayor Marcucci at 7:33 p.m.

Present: Michael J. Regan, Diane Gutenkauf, Norman Leader, Pat Shea, Michael Bram, Susan J. Rose, John Gow, Stephen Hipskind, Moira Moriarty, George Szczepaniak, Steve Morley

Absent: Chris Nybo (arrived at 7:35 p.m.), Donna Lomnicki (arrived at 7:39 p.m.), Mark A. Mulliner (arrived at 7:59 p.m.), City Treasurer Pigoni

Also in Attendance: City Attorney Kubiesa, Assistant City Attorney Spiroff, City Manager Borchert, Director of Finance Gaston, Assistant Finance Director Trosien, IT Manager Stenson, Human Resources Manager Johnson, Director of Public Works Hughes, Director of Water Wastewater Streicher, Operations Manager Morley, City Engineer Keating, Fire Chief Kopp, Deputy Fire Chief Bacidore, Police Chief Neubauer, Deputy Police Chief Doherty, Deputy Police Chief Panico, Library Director Boria, Historical Museum Director Bergheger, Planning Zoning and Economic Development Director Said

**RECEIPT OF WRITTEN COMMUNICATIONS AND PETITIONS FROM THE PUBLIC**

2. None.

**PUBLIC FORUM**

3. Katie Mueller & Stephanie Jesup  
555 S. Fairview  
Elmhurst, IL 60126

The young woman, both students at York High School, invited Council to attend a forum for teens and parents titled "Thinking About Drinking" along with the York H.S. Student Advisory Council PRIDE (Positive Role Models Inspiring Direction to Excellence). The forum will take place on Wednesday, May 9, 2007 at 7:00 p.m. in the Green & White Gym at York High School.

**CONSENT AGENDA**

4. The following items on the Consent Agenda were presented:
  - a. MINUTES OF THE REGULAR MEETING HELD ON MONDAY, APRIL 16, 2007 (City Clerk Spencer): Approve as published
  - b. MINUTES OF THE SPECIAL MEETING HELD ON MONDAY, APRIL 23, 2007 (City Clerk Spencer): Approve as published
  - c. MINUTES OF THE SPECIAL MEETING HELD ON MONDAY, APRIL 30, 2007 (City Clerk Spencer): Approve as published
  - d. ACCOUNTS PAYABLE – APRIL 30, 2007 TOTAL \$ 1,733,576.35
  - e. BID, 2007 FIRE HYDRANT MATERIALS (City Clerk Spencer): Refer to the Public Works and Buildings Committee

April 18, 2007

TO: Mayor Marcucci and Members of the City Council  
RE: Bid, 2007 Fire Hydrant Materials

In response to an invitation to bid for 2007 Fire Hydrant Materials advertised in the Elmhurst Press on Friday, March 30, 2007, bids were received from three area suppliers.

Bids were opened at 10:00 a.m. on Tuesday, April 17, 2007, and following is a summary of the bids received:

<u>Bury Depth</u>	<u>HD Supply Waterworks, LLC (Carol Stream, IL)</u>	<u>Ziebell Water Service Products, Inc. (Elk Grove Village, IL)</u>	<u>Mid American Water, Inc. (Aurora, IL)</u>
4'6"	\$1,709.00	\$1,728.40	\$1,749.00
5'	\$1,741.00	\$1,758.80	\$1,779.00
5'6"	\$1,770.00	\$1,789.00	\$1,809.00
6'	\$1,799.00	\$1,834.90	\$1,839.00
6'6"	\$1,830.00	\$1,848.40	\$1,869.00
7'	\$1,863.00	\$1,879.80	\$1,898.00

Respectfully submitted,  
/s/ Patty Spencer  
City Clerk

- f. BIDS, STREETLIGHT POLE PAINTING (City Clerk Spencer): Refer to the Public Works & Buildings Committee

May 1, 2007

TO: Mayor Marcucci and Members of the City Council  
RE: Bids, Streetlight Pole Painting

In response to an invitation to bid for the Streetlight Pole Painting advertised in the Elmhurst Press on Friday, April 14, 2007, bids were received from two area contractors.

Bids were opened at 10:00 a.m. on Tuesday, May 1, 2007, and following is a summary of the bids received:

<u>Contractor</u>	<u>Total Cost</u>
Alpha Paintworks, Inc. (Chicago, IL)	\$20,060.00
D.E.S. Painting, Inc. (Chicago, IL)	\$52,700.00

Respectfully submitted,  
/s/ Patty Spencer  
City Clerk

- g. REQUEST FROM THE ELMHURST HISTORICAL MUSEUM "WALKING IN AND OUT OF THE PAST" (City Manager Borchert): Refer to the Public Affairs and Safety Committee

May 1, 2007

To: Mayor Marcucci and Members of the City Council  
Re: Request from the Elmhurst Historical Museum "Walking In and Out of the Past"

Attached please find correspondence from the Elmhurst Historical Museum requesting use of the City Centre area for a Museum sponsored program in downtown Elmhurst on Saturday, October 20, 2007. It is respectfully requested that this matter be forwarded to the Public Affairs and Safety Committee for their review and subsequent recommendation to the City Council.

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

- h. ATHAR MEDITERRANEAN CUISINE REQUEST FOR A SIDEWALK CAFÉ – 2007 (City Manager Borchert): Concur with the City Manager's recommendation

April 20, 2007

To: Mayor Marcucci and Members of the City Council  
Re: Athar Mediterranean Cuisine Request for a Sidewalk Café - 2007

In accordance with Elmhurst Municipal Code Chapter 5, Section 27, the request from Athar Mediterranean Cuisine for a sidewalk cafe has been reviewed and tentatively approved. The restaurant has submitted evidence of general liability insurance with insurance limits as stipulated by code. Please be advised that a permit will be issued to Athar Mediterranean Cuisine for the sidewalk cafe, as requested, unless the City Council directs otherwise.

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

- i. CAFÉ AMANO REQUEST FOR A SIDEWALK CAFÉ – 2007 (City Manager Borchert): Concur with the City Manager's recommendation

April 20, 2007

To: Mayor Marcucci and Members of the City Council  
Re: Café Amano Request for a Sidewalk Café - 2007

In accordance with Elmhurst Municipal Code Chapter 5, Section 27, the request from Café Amano for a sidewalk cafe has been reviewed and tentatively approved. Café Amano has submitted evidence of general liability insurance with insurance limits as stipulated by code. Please be advised that a permit will be issued to Café Amano for the sidewalk cafe, as requested, unless the City Council directs otherwise.

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

- j. TWO BROTHERS FROM ITALY RISTORANTE & PIZZERIA REQUEST FOR A SIDEWALK CAFÉ – 2007 (City Manager Borchert): Concur with the City Manager's recommendation

April 24, 2007

To: Mayor Marcucci and Members of the City Council  
Re: Two Brothers from Italy Ristorante & Pizzeria Request for a Sidewalk Café - 2007

In accordance with Elmhurst Municipal Code Chapter 5, Section 27, the request from *Two Brothers from Italy Ristorante & Pizzeria* for a sidewalk cafe has been reviewed and tentatively approved. *Two Brothers from Italy Ristorante & Pizzeria* has submitted evidence of general liability insurance with insurance limits as stipulated by code. Please be advised that a permit will be issued to *Two Brothers from Italy Ristorante & Pizzeria* for the sidewalk cafe, as requested, unless the City Council directs otherwise.

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

- k. ARMAND'S RESTAURANT REQUEST FOR A SIDEWALK CAFÉ – 2007 (City Manager Borchert): Concur with the City Manager's recommendation

May 1, 2007

To: Mayor Marcucci and Members of the City Council  
Re: Armand's Restaurant Request for a Sidewalk Café - 2007

In accordance with Elmhurst Municipal Code Chapter 5, Section 27, the request from Armand's Restaurant for a sidewalk cafe has been reviewed and tentatively approved. Approval is subject to the submission of evidence of general liability insurance with limits of not less than \$1 million and permit fee, as stipulated by code. Please be advised that a permit will be issued to Armand's Restaurant for the sidewalk cafe, as requested, unless the City Council directs otherwise.

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

1. KALEID-O-SCOOPS ICE CREAM & MORE REQUEST FOR SIDEWALK CAFÉ – 2007  
(City Manager Borchert): Concur with the City Manager's recommendation

May 3, 2007

To: Mayor Marcucci and Members of the City Council  
Re: Kaleido-o-Scoops Ice Cream & More Request for Sidewalk Café - 2007

In accordance with Elmhurst Municipal Code Chapter 5, Section 27, the request from Kaleido-o-Scoops Ice Cream & More for a sidewalk cafe has been reviewed and tentatively approved. Kaleido-o-Scoops Ice Cream & More has submitted evidence of general liability insurance with insurance limits as stipulated by code. Please be advised that a permit will be issued to Kaleido-o-Scoops Ice Cream & More for the sidewalk cafe, as requested, unless the City Council directs otherwise.

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

- m. FUEGO LOCO REQUEST FOR A SIDEWALK CAFÉ – 2007 (City Manager Borchert):  
Concur with the City Manager's recommendation

May 3, 2007

To: Mayor Marcucci and Members of the City Council  
Re: Fuego Loco Request for a Sidewalk Café - 2007

In accordance with Elmhurst Municipal Code Chapter 5, Section 27, the request from Fuego Loco for a sidewalk cafe has been reviewed and tentatively approved. The restaurant has submitted evidence of general liability insurance with insurance limits as stipulated by code. Please be advised that a permit will be issued to Fuego Loco for the sidewalk cafe, as requested, unless the City Council directs otherwise.

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

- n. ELMHURST POLICE DEPARTMENT UNDERPASS BANNER REQUEST – 2007 (City  
Manager Borchert): Concur with the City Manager's recommendation

April 20, 2007

To: Mayor Marcucci and Members of the City Council  
Re: Elmhurst Police Department Underpass Banner Request - 2007

In accordance with Elmhurst Zoning Ordinance Chapter 11, Section 9-2, please be advised that it is the City Manager's intention to issue a permit for a temporary banner to be installed on the south side of the underpass during the week of July 9 through July 16, 2007. The banner is to promote the Elmhurst Annual City Auction on July 14, 2007.

Unless the City Council directs otherwise the permit for the Elmhurst Police Department banner will be issued, with the fee of \$35.00 per banner per week waived.

Respectfully submitted,

/s/ Thomas P. Borchert  
City Manager

- o. ELMHURST ART MUSEUM UNDERPASS BANNER REQUEST – 2007 (City Manager Borchert): Concur with the City Manager’s recommendation

April 23, 2007

To: Mayor Marcucci and Members of the City Council  
Re: Elmhurst Art Museum Underpass Banner Request - 2007

In accordance with Elmhurst Zoning Ordinance Chapter 11, Section 9-2, please be advised that it is the City Manager's intention to issue a permit for a temporary banner to be installed on the north side of the underpass. The banner reading: "Art on the Park, Saturday, May 3 and Sunday May 4, 2007, 10 – 5 p.m.", will be displayed from Monday, April 28, to Monday, May 5, 2007.

Unless the City Council directs otherwise, the permit for the Elmhurst Art Museum banner will be issued with the appropriate fee of \$35 per banner per week required.

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

- p. ELMHURST HISTORICAL MUSEUM UNDERPASS BANNER REQUEST – 2007 (City Manager Borchert): Concur with the City Manager’s recommendation

April 23, 2007

To: Mayor Marcucci and Members of the City Council  
Re: Elmhurst Historical Museum Underpass Banner Request - 2007

In accordance with Elmhurst Zoning Ordinance Chapter 11, Section 9-2, please be advised that it is the City Manager’s intention to issue a permit for a temporary banner to be installed on the underpass. The banner reading “Walking in and out of History” will be displayed from August 27, 2007 to September 3, 2007 on the south side of the underpass and September 3, 2007 to September 10, 2007 on the north side.

Unless the City Council directs otherwise, the permit for the Elmhurst Historical Museum banner will be issued. The fee of \$35.00 has been waived.

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

- q. ELMHURST CITY CENTRE UNDERPASS BANNER REQUEST – 2007 (City Manager Borchert): Concur with the City Manager’s recommendation

April 26, 2007

To: Mayor Marcucci and Members of the City Council  
Re: Elmhurst City Centre Underpass Banner Request - 2007

In accordance with Elmhurst Zoning Ordinance Chapter 11, Section 9-2, please be advised that it is the City Manager’s intention to issue a permit for a temporary banner to be installed on the north side of the underpass from July 23 to July 30, 2007 and installed on the south side of the underpass on July 30 to August 6, 2007. The banner is to promote “Cool Cars Under Stars”- Wednesday Night in Summer 7 – 9 p.m. sponsored by the Elmhurst City Centre.

Unless the City Council directs otherwise the permit for the Elmhurst City Centre banner will be issued, with the appropriate fee of \$35.00 per banner per week required.

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

r. MCO-09-2007 – AN ORDINANCE DESIGNATING NORTH BOUND ALLEY BEHIND THE 300 BLOCK OF NORTH MICHIGAN AVENUE AT NORTH AVENUE AS A STOP INTERSECTION

Ordinance MCO-09-2007 was presented for passage.

Alderman Rose moved to accept the contents of the Consent Agenda. Alderman Regan seconded. Voice vote unanimous, motion carried. Alderman Moriarty moved to approve the contents of the Consent Agenda. Alderman Gow seconded. Roll call vote:

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

Nays: None

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

**REPORTS AND RECOMENDATIONS OF APPOINTED AND ELECTED OFFICIALS**

5. a. COMMITTEE APPOINTMENTS (Mayor Marcucci)

May 3, 2007

To: Members of City Council  
Re: Committee Appointments

The following committee assignments are respectfully submitted for your advice and consent:

PUBLIC WORKS AND BUILDINGS COMMITTEE

George Szczepaniak – Chairman  
John E. Gow – Vice Chairman  
Donna Lomnicki  
Pat Shea

PUBLIC AFFAIRS AND SAFETY COMMITTEE

Mark A. Mulliner - Chairman  
Michael Bram – Vice Chairman  
Chris Nybo

FINANCE, COUNCIL AFFAIRS AND ADMINISTRATIVE SERVICES COMMITTEE

Michael J. Regan – Chairman  
Stephen W. Hipskind – Vice Chairman  
Maira Moriarty  
Steve Morley

DEVELOPMENT, PLANNING AND ZONING COMMITTEE

Susan J. Rose – Chairman  
Norman Leader – Vice Chairman  
Diane Gutenkauf

I am particularly pleased with the Council preferences this year in that it allowed me to grant eleven first pick preferences. Thank you for your support.

Respectfully submitted,  
/s/ Thomas D. Marcucci  
Mayor

Mayor Marcucci stated he was pleased with the Council preferences this year in that it allowed him to grant eleven (11) first picks preferences.

Alderman Regan moved to approve item **5a. Committee Appointments**. Alderman Hipskind seconded.

Alderman Szczepaniak asked Mayor Marcucci if he would share his thought process on how he selected the committee chairs and their committees.

The Mayor replied he goes about this process using a variety of perspectives: 1) Seniority – Assignment of the Chairman and Vice-Chairman 2) Geography – He likes to have wide spread representation on each committee 3) Alderman's Interest in a particular committee 4) Total Mayor's decision.

Alderman Szczepaniak stated that Aldermen who requested a Chairman position and did not receive it are not at all satisfied.

Mayor Marcucci stated that he did not demote a sitting committee Chairman.

Alderman Szczepaniak stated that is true however he did not receive his first committee choice, which was Finance, Council Affairs and Administrative Services.

Mayor Marcucci asked for a motion to allow for a five (5) minute recess.

Alderman Lomnicki moved to allow for a five (5) minute recess. Alderman Moriarty seconded. Voice Vote, motion carried. Council recessed at 8:44 p.m.

Mayor Marcucci returned to the dais at 7:46 p.m. and asked for a motion to reconvene the Regular Meeting of the City Council.

Alderman Rose moved to reconvene the Regular Meeting of the City Council. Alderman Morley seconded. Voice vote, motion carried. The Regular Meeting of the Elmhurst City Council reconvened at 7:46 p.m.

Mayor Marcucci addressed Alderman Szczepaniak by reading a statement from the paper he had submitted indicating his committee assignment preferences. He read that Alderman Szczepaniak requested to remain a committee Chairman.

Alderman Szczepaniak asked the Mayor to read below the written statement where Council Members were asked to rank their committee preferences 1-4, which indicated his #1 preference to be Chairman of the Finance, Council Affairs and Administrative Services Committee.

Mayor Marcucci replied an Alderman's request is part of the equation along with experience, geography, knowledge and attendance. He stated that he took Alderman Szczepaniak's request as wanting to remain the Chairman of the Public Works and Buildings Committee.

Alderman Szczepaniak restated that he ranked the Finance, Council Affairs and Administrative Services Committee as his number one (1) choice.

Alderman Bram stated his concern and dissatisfaction that seniority did not play a major role in the decision process.

Alderman Gow stated his concern is that the Aldermen's requests were not interpreted and recognized correctly. He also stated that it appeared to be clear and expressed sorrow that it didn't happen that way.

Alderman Lomnicki stated she was granted her request and thanked the Mayor. She stated that seniority should play a factor in assigning Chairmen and stated that attendance is also a factor to consider. She asked where Council goes from here.

Alderman Moriarty called for a point of question – can Council make an amendment to the motion.

Mayor Marcucci stated that the motion requires a vote, if it fails another list will be presented to Council in the next City Council packet.

Roll call vote on item **5a. Committee Appointments:**

Ayes: Regan, Hipkind, Leader, Rose, Morley

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

Results: 5 ayes, 8 nays, 1 absent  
Motion failed

b. UPDATES (Mayor Marcucci)

Mayor Marcucci reported that on April 24<sup>th</sup> and 25<sup>th</sup>, 2007 he participated in the “Drive Down” to Springfield along with the DuPage Mayor’s & Manager’s Conference. City Manager Borchert and Alderman Leader also attended. The time in Springfield was very productive and everyone was given time to dialogue with the legislative leaders. Topics discussed were funding issues on transportation costs and revenue stream adjustments with motor fuel tax and sales tax.

Mayor Marcucci stated on Sunday, April 29, 2007 he was a guest on the WBBM Radio Show *At Issue*, as a representative of the Pace Board of DuPage County to discuss the possible collapse of the Regional Transit Authority if the State does not solve funding problems.

Mayor Marcucci stated that on Saturday, May 5, 2007, the City of Elmhurst hosted a Town Hall Meeting with Congressman Peter Roskam at City Hall. The meeting was attended by about sixty (60) people.

c. ORIENTATION AND ISSUES (City Manager Borchert & Assistant City Attorney Spiroff)

City Manager Borchert presented a PowerPoint Presentation titled 2007-2009 City Council Orientation & Review of Policy Considerations. He started the review by introducing the City’s Mission Statement to the Council, explaining the Organization Chart and talking about Character Counts which has been a part of Elmhurst since October 2003. The Agenda of the presentation was as follows:

Library	Marilyn H. Boria, Library Director
Legal Presentation	Kenneth T. Kubiesa, City Attorney Harlan J. Spiroff, Assistant City Attorney
Public Works & Buildings Committee	Michael J. Hughes, Director of Public Works Dennis Streicher, Director Water/Wastewater
Public Affairs & Safety Committee	Thomas P. Borchert, City Manager for Brian Bergheger, Museum Director Steven Neubauer, Police Chief Michael Kopp, Fire Chief
Finance, Council Affairs & Administrative Services	Marilyn K. Gaston, Director of Finance and Administration

Development, Planning & Zoning  
Committee

John Said, Director of PZED  
Michael Kopp, Fire Chief

City Council

Thomas P. Borchert, City Manager

City Manager Borchert concluded by stating if there were any questions staff would be happy to answer them. He then thanked the City staff for all of the good work that they do.

Mayor Marcucci thanked City Manager Borchert and his staff for their comprehensive presentation to the City Council.

### **OTHER BUSINESS**

6. Alderman Bram expressed concerns that he had in the approval of items **4h. Athar Mediterranean Cuisine Request for a Sidewalk Café – 2007** thru **4m. Fuego Loco Request for a Sidewalk Café – 2007**, stating three (3) of the six (6) applicants had their outdoor seating set-up prior to their Sidewalk Café Permits being approved this evening.

City Manager Borchert stated during the application request process the City will state that there is no right-of-away use until Council approves the application.

Mayor Marcucci read a letter from Alderman Lomnicki and Alderman Mulliner requesting him to schedule a Special Meeting of the City Council for the single purpose of hearing from Elmhurst Memorial Hospital as to the specifics of their plans for a new facility at the south end of town. The letter went on to state that it would be an information meeting only, providing details to Council, staff and the public.

Mayor Marcucci stated as there will not be Committee Meetings on Monday, May 14, 2007 he would try to contact the Hospital to see if they would be available that night and a Special Meeting of the City Council would be held to hear their presentation.

### **ANNOUNCEMENTS**

7. City Clerk Spencer stated she had a house keeping item from the City Clerk's Office. She asked Council if a blue sheet with the title *Contact Information Update* was in front of them on the dais to please fill in the form and return it to her before leaving tonight. She stated that she would stay after the adjournment to collect the papers.

### **ADJOURNMENT**

8. Alderman Gutenkauf moved to adjourn the meeting. Aldermen Regan seconded. Voice Vote. Motion carried. Meeting adjourned 8:50 p.m.

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Thomas D. Marcucci, Mayor

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Patty Spencer, City Clerk