

**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF ELMHURST, ILLINOIS
HELD ON MONDAY, FEBRUARY 19, 2007
209 NORTH YORK STREET
ELMHURST, ILLINOIS**

EXECUTIVE SESSION

1. Executive session was called to order at 7:00 p.m. by Mayor Marcucci for the purpose of discussing Land Acquisition, Litigation and Discussion of Minutes of Meetings Lawfully Closed for Semi Annual Review.

Present: Ann Tranter, Janice Vanek, Norman Leader, Michael Bram, Phillip Jordan, Moira Moriarty, Steven Hillsman, George Szczepaniak

Absent: Michael Regan (arrived at 7:16 p.m.), Susan Rose (arrived at 7:01 p.m.), Stephen Hipskind, John Gow, Mark Mulliner, Donna Lomnicki (arrived at 7:03 p.m.)

Also in attendance: City Attorney Kubiesa, City Manager Borchert

Alderman Bram moved to convene into executive session for the purpose of discussing Land Acquisition, Litigation and Discussion of Minutes of Meetings Lawfully Closed for Semi Annual Review. Alderman Moriarty seconded. Roll call vote:

Ayes: Bram, Moriarty, Tranter, Vanek, Leader, Jordan, Hillsman, Szczepaniak

Nays: None

8 Ayes, 0 Nays, 6 absent
Motion duly carried

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

CALL TO ORDER/PLEDGE OF ALLEGIANCE/ROLL CALL

Attendance: 50

2. The Regular Meeting of the Elmhurst City Council was called to order by Mayor Marcucci at 7:40 p.m.

Present: Ann Tranter, Michael J. Regan (left at 8:25 p.m.), Janice A. Vanek, Norman Leader, Susan J. Rose, Michael Bram, Phillip D. Jordan, Moira Moriarty, Stephen Hillsman, George Szczepaniak, Donna Lomnicki

Absent: Stephen Hipskind, John Gow, Mark A. Mulliner

Also in Attendance: City Treasurer Pigoni, City Attorney Kubiesa, City Manager Borchert

RECEIPT OF WRITTEN COMMUNICATIONS AND PETITIONS FROM THE PUBLIC

3. None.

PUBLIC FORUM

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

Spoke regarding the behavior of an Alderman at the last City Council meeting. She stated that there is a lack of respect between aldermen on the dais and recent behavior has been that of a Jr. High Student Council. The Council has to act with the highest integrity.

CONSENT AGENDA

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

a. MINUTES OF REGULAR MEETING HELD ON MONDAY, FEBRUARY 5, 2007 (City Clerk Spencer): Approve as published

b. ACCOUNTS PAYABLE – FEBRUARY 19, 2007 TOTAL \$ 960,155.56

c. APPOINTMENTS TO THE ELMHURST HISTORIC PRESERVATION COMMISSION
(Rosenberg, Llewellyn, Goding, Tellefsen, Sarna, Brundage and Beebe) (Mayor Marcucci):
Concur with the Mayor’s recommendation

February 1, 2007

To: Members of the City Council
Re: Appointments to the Elmhurst Historic Preservation Commission

With your advice and consent, I will appoint the following persons listed below (see attached applications) to the Elmhurst Historic Preservation Commission for terms that will expire as listed.

Richard Rosenberg	May 30, 2007
Barbara Llewellyn	May 30, 2007
Charles A. Goding	May 30, 2008
Charmaine M. Tellefsen	May 30, 2008
Richard F. Sarna	May 30, 2008
Joanne Brundage	May 30, 2009
Reuben G. “Red” Beebe	May 30, 2009

Respectfully submitted,
/s/ Thomas D. Marcucci
Mayor

d. BID, 2007 – 2009 CONTRACT TURF LANDSCAPE MAINTENANCE (City Clerk Spencer):
Refer to the Public Works and Buildings Committee

February 6, 2007

TO: Mayor Marcucci and Members of the City Council
RE: Bid, 2007 – 2009 Contract Turf and Landscape Maintenance

In response to an invitation to bid for the 2007 – 2009 Contract Turf and Landscape Maintenance advertised in the Elmhurst Press on Friday, January 5, 2007, bids were received from six area contractors.

Bids were opened at 10:00 a.m. on Tuesday, February 6, 2007, and following is a summary of the bids received:

<u>Contractor</u>	<u>2007 Total</u>	<u>2007, 2008 & 2009 Total</u>
Unlimited Vending DBA RB Enterprises (Aurora, IL)	\$33,994.22	\$127,737.14
Alaniz Landscape Group, Inc. (Elgin, IL)	\$34,073.00	\$186,471.00
In & Out Maintenance Service, Inc. (Elmhurst, IL)	\$42,478.62	\$128,710.32
The T.L.C. Group, Ltd (Clarendon Hills, IL)	\$51,502.62	\$208,309.86
Classic Landscape, Ltd. (West Chicago, IL)	\$62,920.00	\$377,304.00
Sebert Landscaping Company (Bartlett, IL)	\$67,166.62	\$348,000.86

Respectfully submitted,
/s/ Patty Spencer
City Clerk

- e. DUPAGE MAYORS AND MANAGERS CONFERENCE 2007 LEGISLATIVE ACTION PROGRAM (City Manager Borchert): Refer to the Finance, Council Affairs and Administrative Services Committee

February 7, 2007

To: Mayor Marcucci and Members of City Council
Re: DuPage Mayors and Managers Conference 2007 Legislative Action Program

Enclosed please find a copy of 2007 DuPage Mayors and Managers Conference Legislative Action Program as well as a copy of a model resolution to adopt the plan or a portion of the plan. The City of Elmhurst has in several of the past years approved a resolution in support of the Conference's program.

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

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

- f. YORK & VALLETTE FARMER'S MARKET UNDERPASS BANNER REQUEST – 2008 (City Manager Borchert): Concur with the City Manager's recommendation

February 6, 2007

To: Mayor Marcucci and Members of the City Council
Re: York & Vallette Farmer's Market Underpass Banner Request - 2008

In accordance with the 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 May 26, 2008 through June 2, 2008 and on the south side from June 16, 2008 through June 23, 2008. The banner is to promote the Farmer's Market June 6, 2008 – October 3, 2008.

Unless the City Council directs otherwise, the permit for the York & Vallette Farmer's Market banner will be issued with the appropriate fee of \$35.00 per banner per week required.

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

- g. ELMHURST JAYCEES BANNER REQUEST – 2008 (City Manager Borchert): Concur with the City Manager's recommendation

February 6, 2007

To: Mayor Marcucci and Members of the City Council
Re: Elmhurst Jaycees Banner Request - 2008

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 will read "Elmhurst Jaycees present Annual Independence Day Parade! Kick-Off at 9 a.m.". The banner will be displayed Monday, June 23rd through Monday, June 30th, 2008 on the south side and Monday, June 30th through Monday, July 7th, 2008 on the north side of the underpass.

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

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

- h. ELMHURST MEMORIAL HOSPITAL FOUNDATION BANNER REQUESTS – 2007 & 2008
(City Manager Borchert): Concur with the City Manager's recommendation

February 13, 2007

To: Mayor Marcucci and Members of the City Council
Re: Elmhurst Memorial Hospital Foundation Banner Requests – 2007 & 2008

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 temporary banners to be installed on the south side of the underpass from September 3 through September 10, 2007 and from September 15 through September 22, 2008. The banners read "57th Annual Elmhurst Memorial Healthcare Board of Governors' Fall Benefit Dinner November 14, 2007 – Drury Lane – Featuring [speaker tbd] www.emhc.org" and 58th Annual Elmhurst Memorial Healthcare Board of Governors' Fall Benefit Dinner – [date, location, speaker tbd] www.emhc.org".

Unless the City Council directs otherwise, the permits for the Elmhurst Memorial Hospital banners will be issued and the fee has been paid.

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

- i. ELMHURST NOON ROTARY CLUB UNDERPASS BANNER REQUEST – 2007 (City Manager Borchert): Concur with the City Manager's recommendation

February 12, 2007

To: Mayor Marcucci and Members of the City Council
Re: Elmhurst Noon Rotary Club 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 March 12 through March 19, 2007. The banner reads "Elmhurst Rotary Invites You To Our Red Carpet Fundraiser, April 20, Butterfield C.C.".

Unless the City Council directs otherwise, the permit for the Rotary Club banner will be issued and the fee has been paid.

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

- j. REPORT – 2007 WATER METER PURCHASE The following report of the Public Works and Buildings Committee was presented:

January 22, 2007

TO: Mayor Marcucci and Members of the City Council
RE: 2007 Water Meter Purchase

The Public Works and Buildings Committee met on Monday, January 22, 2007 to discuss the purchase of water meters, including associated parts, necessary for new construction, water meter upgrades, Automated Meter Reading (AMR) units, and the replacement of existing water meters in the system. The purchase is also necessary to upgrade our existing software/hardware for our AMR system.

Our standard, Neptune Water meters, are purchased directly from Neptune Technologies Corporation and are not competitively bid. The City has standardized purchasing Neptune meters at this time because it is compatible with our current Automatic Meter Reading (AMR) system/equipment, reduces unnecessary inventory supplies, and is a quality product. Neptune Technologies has agreed to maintain their existing pricing through May 1, 2008.

The current pricing and quantities to be ordered are summarized as follows:

Quantity	Meter Type	Total Cost
50	5/8" Disc Meter	\$ 3,294.00
75	1" Disc Meter	\$ 9,855.75
2	2" Compound Meters	\$ 2,132.00
2	3" Compound Meters	\$ 2,871.64
4	CE Handheld Readers	\$ 13,438.60
4	Power Supply w/cradles	\$4,980.00
1	Equinox software	\$150.00
1	Training	\$3,500.00
750	R900 AMR Units	\$61,500.00
Total		\$101,720.99

The meters will have an outside remote AMR radio frequency device attached for the ease of recording the customer's water consumption. The purchase of these meters is necessary to meet the demand created by new home construction in various parts of the City. The purchase also provides for upgrades to existing water service accounts, additions to inventory for normal meter replacements, and to continue our radio AMR system integration.

Funds have been provided in the 2006/2007 budget, Municipal Utility Fund, account number 510-6052-501-40-68 (Water Meters), in the amount of \$250,000 for the purchase of water meters. A total of \$111,727 currently remains in this account.

It is, therefore, the recommendation of the Public Works and Buildings Committee that the proposal from Neptune Technologies for the listed pricing and quantities shown in the amount of \$101,720.99 be accepted.

Respectfully submitted,
Public Works and Building Committee

/s/ George Szczepaniak
Chairman

/s/ Michael Regan
Vice-Chairman

/s/ Moira Moriarty

/s/ Donna Lomnicki

- k. REPORT – HIGHWAY AUTHORITY AGREEMENT The following report of the Public Works and Buildings Committee was presented:

February 8, 2007

To: Mayor Marcucci and Members of City Council
Re: Highway Authority Agreement

The Public Works and Buildings Committee met on Monday, February 12, 2007 to review a request from ConocoPhillips Company that the City enter into a Highway Authority Agreement with regard to the York Street Right-of-Way adjacent to the former site of a ConocoPhillips gas station located at 0S524 Old York Road. Robert Mankowski of the firm Environmental Protection Industries was present to respond to questions regarding the Agreement. Mr. Mankowski's firm was hired by ConocoPhillips Company to oversee the remediation of the site and to secure a No Further Remediation (NFR) letter from the Illinois Environmental Protection Agency with respect to the site.

A Highway Authority Agreement, also known as a Tiered Approach to Corrective Action Objectives (“TACO”) Agreement is intended, among other things to, insure that a physical barrier such as roadway pavement cover the contaminated soil to prevent contact with the environment and humans. The Agreement does not oblige the City to forever maintain the pavement in the York Street Right-of-Way nor would it prevent maintenance on the roadway or utilities lying within the right-of-way; the City would merely need to provide notice to those firms and their employees who might be exposed to the contaminated soil if such work is performed. Any removal of contaminated soil would be at the expense of ConocoPhillips and not the City. The Illinois Brownfields Law allows for sites that have undergone environmental remediation and analysis due to underground storage tank leakage to be subject to an Agreement with the local highway authority when the contamination has migrated from the property to a public right-of-way; doing so avoids the need to excavate and remove the contaminated soils and to replace the pavement.

In addition to the notice that the City is obliged to give to utilities or other firms working in the right-of-way, the Agreement must prohibit the potable use of ground water from the contaminated soils. Installation of such wells is already prohibited by *Section 7.02* of the City Code, the only exception being wells installed by the City. While the City does maintain wells as a back up to its supply of water from the DuPage Water Commission, there are no plans for the installation of any wells and certainly not at this particular site.

The Agreement also provides 1) that the City is to be held harmless for any future problems associated with the contaminated soil; 2) that the City be reimbursed for legal fees incurred in the review and revision of the Agreement in an amount not to exceed \$2,500.00 and 3) that should a court determine that the City has breached the Agreement, the amount of damages recoverable is limited to \$5,000.00.

Assistant City Attorney Spiroff noted that the City Council has entered into several Highway Authority Agreements, the first being in connection with the Elmhurst Camera Property a number of years ago, with Elmhurst Ford in 2001 and 2003 and with what was at the time the Pauli Amoco Station at 260 N. York Street in 2001. He also pointed out that site on which the contamination originated is the location of the proposed Harris Bank building that is to be annexed and granted certain zoning relief as previously approved by City Council. The Agreement attached to the committee report is the same or similar to prior such Agreements entered into by the City.

Mr. Mankowski of Environmental Protection Industries noted that the site of the former gas station has been remediated and that the Illinois Environmental Protection Agency is prepared to issue an NFR letter provided the City enters into the Highway Authority Agreement. He further stated that the contaminant concentrations in the soil and ground water beneath the York Street pavement would be reduced by active remediation or through natural attenuation to levels that would be suitable for residential use, at which time the Illinois Environmental Protection Agency would amend the NFR determination to reflect that the soils are suitable for residential use. In that there would be little opportunity for exposure of the contaminants, the fact that the City’s obligations under the Agreement are minimal and that the issuance of an NFR letter will allow the site of the former ConocoPhillips service station to again be put to productive use, it was the Committee’s opinion that the City should enter in to the Highway Authority Agreement.

It is, therefore, the recommendation of the Public Works and Buildings Committee that the City enter into the Highway Authority Agreement with ConocoPhillips Petroleum Company in the form attached to this report with and that the City Attorney be directed to prepare a Resolution approving such Agreement.

Respectfully submitted,
Public Works and Building Committee

/s/ George Szczepaniak
Chairman
/s/ Michael Regan
Vice-Chairman
/s/ Moira Moriarty
/s/ Donna Lomnicki

- l. REPORT – YORKFIELD AREA WATER SYSTEM The following report of the Public Works and Buildings Committee was presented:

February 12, 2007

TO: Mayor Marcucci and Members of the City Council
RE: Yorkfield Area Water System

The Public Works and Buildings Committee met on Monday, November 27, 2006 and again on February 12, 2007 to review a proposal from the Village of Oakbrook for the sale of the Yorkfield Area Water System. The Village of Oakbrook is offering to sell the Yorkfield Area Water System to the City of Elmhurst for \$350,000.

The Yorkfield Area described in the proposal for sale is basically the unincorporated area south of the City's southern corporate limits to Roosevelt Road and between Euclid and I-294. These homes and businesses are currently serviced by the Oakbrook water system.

There are numerous reasons why it is appropriate that the City of Elmhurst take over and maintain the water system in this area. One is that the City of Elmhurst Fire Department currently provides fire service to these homes and it would make sense for the Elmhurst Public Works Department to maintain the system to the level that the Elmhurst Fire Department is accustomed. In addition, Oakbrook has denied taking on new customers in this area as it does not want to expand its system. Finally, if this area chooses to annex to the City of Elmhurst it will be beneficial to know that the City's Department of Public Works has been maintaining the water system.

Attached to this report are an Executive Summary regarding the expenses and revenues of taking over the system including a description of the benefits of doing so and a copy of the Valuation of the Yorkfield Water System completed by Alvord, Burdick & Howson, L.L.C. The valuation report was a joint effort by the City of Elmhurst and the Village of Oakbrook through AB&H to assess the conditions of the system as well as the value of it. The Public Works and Buildings Committee felt that control of the water system in the Yorkfield area by the City of Elmhurst would be a long term beneficial move. After much review and discussion by the Committee and staff, a consensus was reached that the \$350,000 purchase/sale price is reasonable and appropriate and that Elmhurst should serve this area going forward.

It is, therefore, the recommendation of the Public Works and Buildings Committee that the purchase of the Yorkfield Area Water System from the Village of Oakbrook for \$350,000 be approved and that the City Attorney be authorized to prepare the appropriate documents for future City Council consideration.

Respectfully submitted,
Public Works and Building Committee

/s/ George Szczepaniak
Chairman

/s/ Michael Regan
Vice-Chairman

/s/ Moira Moriarty

/s/ Donna Lomnicki

- m. REPORT – INSTALLATION OF SIDEWALKS ON BELDEN AVENUE The following report of the Public Works and Buildings Committee was presented:

February 12, 2007

TO: Mayor Marcucci and Members of the City Council
RE: Installation of New Public Sidewalks on Belden Avenue

The Public Works and Buildings Committee met on Monday, February 12, 2007 to review the neighborhood request for the installation of sidewalks on the north and south sides of Belden Avenue from West Avenue to Garden Avenue.

During the Committee's discussions of the proposed sidewalk installation, staff reported to the Committee that it had received feedback from residents that the five-year time frame for the Special Service Area (SSA) was somewhat burdensome. Residents have asked whether the SSA could be spread over ten years. The current policy on the installation of new sidewalks states that, "the City will over a period of five (5) years be reimbursed for 50 percent of the project costs by the residents through an SSA via the County collecting the appropriate tax over five (5) years based on assessed value of each lot affected". It was determined by the Committee that situations may occur where that period should more appropriately be longer or shorter but in no case should it be more than ten years. Consequently the Committee directed staff to change the new sidewalk installation policy to reflect this. The amended new sidewalk installation policy will replace the aforementioned sentence with the following, "the City will over an appropriate period of time be reimbursed for 50 percent of the project costs by the residents through an SSA via the County collecting the appropriate property tax over that time period based upon assessed value of each lot affected. The Public Works and Buildings Committee and Elmhurst City Council will select and approve the appropriate period of time but in no case shall that period of time be greater than ten years".

The City Council has previously approved a 50/50 cost share between the City and the property owners for installation of new sidewalks on full blocks where none currently exist. A Special Service Area will be established to support financing for the project. Through this financing method, the City will be reimbursed for 50% of the project cost by the residents via the County collecting the appropriate property tax based upon the assessed value of each affected lot.

The residents of Belden Avenue submitted a petition signed by property owners willing to participate in the 50/50 cost share program to install new sidewalks. 58% of the property owners of the block signed the petition.

The City hosted an informational open house for the affected properties to discuss details of the proposed project on October 25, 2006. Preliminary sketches/plans for the proposed sidewalk were on display at the open house. General cost estimates and an explanation of the Special Service Area (SSA) method of financing were also provided at the informational meeting.

Following this, City staff sent an official City survey to all affected properties. Only returned surveys are used to determine neighborhood support. Survey results found 72% (21 of 29) in favor of the new sidewalks and 28% (8 of 29) against the installation of new sidewalks. The block was notified of the numerical survey results on January 30, 2007. The responding residents of Belden Avenue have requested that the Special Service Area have a duration of 10 years.

The Public Works and Buildings Committee recommends that the new sidewalk policy be amended as outlined above and further recommends that, based on the survey results and a thorough review of the proposed project information that City staff be directed to create the Special Service Area according to the Special Service Area Tax Law (35 ILCS 200/27-5 et.seq) with a 10 year duration, and that the neighborhood's request for the installation of new sidewalks on Belden Avenue between West Avenue and Garden Avenue be approved.

Respectfully submitted,
Public Works and Building Committee

/s/ George Szczepaniak
Chairman

/s/ Michael Regan
Vice-Chairman

/s/ Moira Moriarty

/s/ Donna Lomnicki

- n. REPORT – SENIOR CITIZEN DISCOUNTS FOR VEHICLES The following report of the Finance, Council Affairs and Administrative Services Committee was presented:

February 13, 2007

To: Mayor Marcucci and Members of the City Council
Re: Senior Citizen Discounts for Vehicle Stickers

The Finance, Council Affairs and Administrative Services Committee met February 12, 2007, to review senior citizen discounts for all categories of vehicle stickers.

Currently, the Elmhurst Municipal Code 41.04(b) provides for a senior citizen discount on purchases of vehicle stickers for passenger vehicles. The discounted fee is 25% of the regular fee, or \$9.00 if the sticker is purchased April 30 or before and \$11.25 if the sticker is purchased May 1 or after. The Finance Committee is aware that some senior citizens own trucks or recreational vehicles, in addition to passenger vehicles. The Committee discussed whether for fairness and consistency, the senior citizen discount should be applied to all vehicle sticker fees for all categories. The number of senior citizen discounted vehicle stickers sold was 4,271 in fiscal 2006 and 4,372 in fiscal 2007. The number of those senior citizens in fiscal 2007 that also purchased recreational vehicle and/or truck vehicle stickers was 133. The approximate "cost" of applying the discount to those sticker purchases is \$7,150.

After discussion, it was the consensus of the Finance Committee that a discounted vehicle sticker fee should be provided for all categories, as set forth in the attached schedule.

It is, therefore, the recommendation of the Finance, Council Affairs and Administrative Services Committee that the City Council approve the proposed senior citizen discount fees for all categories of vehicle stickers. The Finance Committee further recommends that the City Council suspend the rules to allow for consideration of MCO-04-2007, which amends Chapter 41.04(b), so that the new fees shall be effective March 1, 2007 when the 2007-2008 vehicle stickers begin to be sold.

Respectfully submitted,
Finance, Council Affairs and
Administrative Services Committee

/s/ Janice A. Vanek

Chairman

/s/ Stephen Hillsman

Vice-Chairman

/s/ Ann Tranter

/s/ Stephen Hipskind

- o. REPORT – RETAIL RECRUITMENT CONSULTANT CONTRACT – RECOMMENDATION FOR APPROVAL The following report of the Development, Planning and Zoning Committee was presented:

February 13, 2007

TO: Mayor Marcucci and Members of the City Council

RE: **Retail Recruitment Consultant Contract – Recommendation for Approval**

Request to authorize the City Manager to enter into a contract with Retail Recruitment consultant Cathy Maloney for retail recruitment services for FY 07/08.

The Development, Planning and Zoning Committee met on February 13, 2007 to review information from retail recruitment consultant Cathy Maloney and discuss her continued services to the community. The contract covers the fiscal year beginning May 1, 2007 through April 30, 2008. The contract is essentially identical to those that have served the community over the last several years, with specific tasks and reporting requirements associated with Ms. Maloney's efforts on behalf of the Elmhurst community. The Committee noted the success of Cathy's efforts, her creativity and proactive approach in recruiting retailers, and the positive results for the Elmhurst community overall.

The contract includes a 1/3 City Centre and 2/3 City of Elmhurst share to fund Ms. Maloney's services. This joint venture is a unique effort that illustrates cooperation among Elmhurst Business Alliance members (City of Elmhurst, Elmhurst City Centre, Elmhurst Chamber) to achieve a larger benefit. The retail recruitment services provided by Ms. Maloney represent a unique effort that originated here in Elmhurst, but has been recognized around the Chicago region as an example of a successful economic development strategy. By all indicators, Ms. Maloney has been active and successful in her work to attract businesses to Elmhurst and it was the strong recommendation of the Committee to renew her contract.

It is the therefore, the recommendation of the Development, Planning and Zoning Committee that the City Council authorize the City Manager to sign a contract with retail recruitment consultant Cathy Maloney for retail recruitment services for FY 07/08, for a total amount not to exceed \$30,000 for the year. Funds are allocated for this service in the Department of Planning, Zoning and Economic Development budget (General Fund).

Respectfully submitted,
Development, Planning and Zoning
Committee

/s/ Susan J. Rose

Chairman

/s/ John E. Gow

Vice-Chairman

/s/ Norman Leader

- p. REPORT – DUPAGE COMMUNITY DEVELOPMENT COMMISSION – INTERGOVERNMENTAL AGREEMENT The following report of the Development, Planning and Zoning Committee was presented:

February 13, 2007

TO: Mayor Marcucci and Members of the City Council

RE: **DuPage Community Development Commission – Intergovernmental Agreement**

Request to adopt DuPage County Community Development Commission Intergovernmental Agreement.

The Development, Planning and Zoning Committee met on February 13, 2007 to review information from the DuPage Community Development Commission (CDC) regarding a proposed Intergovernmental Agreement (IGA). The purpose of the IGA is to allow the City of Elmhurst (as well as other DuPage County municipalities) to continue membership with the CDC. Continuing membership allows the community to receive Community Development Block Grant (CDBG) funds in the future. Of course, the opportunity to obtain CDBG funds is based on a number of factors, primarily associated with economic status of the intended beneficiaries of a CDBG-funded project. The DPZ Committee believes that participating in the IGA is a good faith effort on the part of the Elmhurst community to support the Community Development Commission's efforts, even though local demographic characteristics may not provide many opportunities to obtain CDBG funds.

According to the Assistant City Attorney, DuPage County's Community Development Commission has functioned well in its efforts to obtain funding for projects throughout the County. As the population of most communities, including Elmhurst, is less than 50,000, an organization such as the CDC is needed to apply for CDBG funds on behalf of those communities with populations under 50,000, as well as the unincorporated areas of DuPage County. In general, the DPZ Committee believes that while this agreement may not yield major CDBG funds, it also does not require significant investment of resources by the City, therefore continued participation seems warranted. According to the information provided by DuPage County, the agreement is good for five years. The agreement was last updated in 1977.

It is the therefore, the recommendation of the Development, Planning and Zoning Committee that the City Council adopt the Intergovernmental Agreement with the DuPage Community Development Commission.

Respectfully submitted,
Development, Planning and Zoning
Committee

/s/ Susan J. Rose

Chairman

/s/ John E. Gow

Vice-Chairman

/s/ Norman Leader

- q. REPORT – CASE NUMBER 06 P-13/LEXINGTON SQUARE REQUEST FOR AMENDED CONDITIONAL USE/PLANNED DEVELOPMENT The following report of the Development, Planning and Zoning Committee was presented:

February 13, 2007

TO: Mayor Marcucci and Members of the City Council
RE: **Case Number 06 P-13/Lexington Square Request for Amended Conditional Use/Planned Development** Request for an Amended Conditional Use/Planned Development permit for construction of an assisted living facility addition to a Planned Development pursuant to Section 3.11-8; and a request for a re-subdivision (tentative and final plat approval concurrently) pursuant to Section 9.3 of the City of Elmhurst Subdivision Ordinance on the property commonly known as 400-420 West Butterfield Road (PIN: 06-14-317-008 & 009).

The Development, Planning and Zoning Committee met on February 12, 2007 to review the Zoning & Planning Commission report dated January 25, 2007 regarding the subject request. The Committee also reviewed the extensive documentation supplied by the applicant, and the transcript of the public hearing. The applicant, John Samatas/Lexington Health Care Center of Elmhurst is requesting an amendment to a conditional use/planned development, for construction of a four story addition for an assisted living facility.

The DPZ Committee discussed this project's background, location, and development specifics, especially the existing uses and the nature of the proposed use. After much discussion, the Committee learned that the proposed facility is intended for short-term rehabilitative services. While this does not reflect the typical orientation of assisted living facilities, the Committee agreed that this use most closely corresponds to assisted living services within the types of senior citizen residential uses. In general, this facility will provide services that are "step-down" services when compared to nursing facilities, although more intensive than independent living for seniors. The applicants in attendance at the DPZ meeting also affirmed that the facility is designed to accommodate typical assisted living arrangements, and may be used in this way in the future depending on the market.

The DPZ Committee learned that the proposed facility will have 85 beds in a 4-story facility attached to the existing 2-story nursing building, adjacent to the existing 7-story independent living facility. The exterior of the new facility will complement the facades of the existing buildings.

It is therefore, the recommendation of the Development, Planning and Zoning Committee to support the recommendation of the Zoning & Planning Commission for approval of the requests for this project, subject to City Council approval of vacation of the applicable portion of Bryan Street. 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/ John E. Gow
Vice-Chairman

/s/ Norman Leader

- r. REPORT – CASE NUMBER 07 ZBA-01/SHEA VARIATION 835 S. FAIRFIELD AVENUE
The following report of the Development, Planning and Zoning Committee was presented:

February 13, 2007

TO: Mayor Marcucci and Members of the City Council
RE: Case Number 07 ZBA-01 / Shea Variation 835 S. Fairfield Avenue
Request for variation from required front yard (average) setback, and from required corner-side yard setback on property commonly known as 835 S. Fairfield Avenue (PIN 06-14-112-001), said property being wholly located within the R2 Single-Family Residential district.

The Development, Planning and Zoning Committee met on February 12, 2007 to review the Zoning & Planning Commission report dated January 29, 2007 regarding the subject request. The Committee also reviewed the documents submitted by the applicant, and the transcript of the public hearing. The applicant is requesting approval of a front yard variation for a covered front porch on the subject property.

During their review, the Committee reviewed the proposal in detail, discussed the circumstances and background associated with the proposed new porch on this existing home, and reviewed the zoning variation request. The Committee believes that the change to the home's appearance resulting from the new porch enhances its appearance and benefits the neighborhood. The Committee believes that the applicant did a good job of pointing out their unique circumstances and identifying the reasonable return and enjoyment of the property associated with the proposed front porch. The Committee also noted the unusual lot characteristics, and the limitations of the existing design of the home, which result in a unique situation for the homeowner. As such, the Committee believes that all 3 criteria for zoning variations have been met by this request. The Committee also noted that the existing home's size, plus the new porch, combined with the small lot size, results in nearly the maximum lot coverage allowed by the Zoning Ordinance.

It is therefore, the recommendation of the Development, Planning and Zoning Committee to concur with the recommendation of the Zoning & Planning Commission's recommendation that the request be approved. 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/ John E. Gow
Vice-Chairman

/s/ Norman Leader

s. R-05-2007 – A RESOLUTION APPROVING AN AGREEMENT WITH PMA FINANCIAL NETWORK, INC. AND PMA SECURITIES, INC. FOR INVESTMENT SERVICES

Resolution R-05-2007 was presented for passage.

t. R-06-2007 – A RESOLUTION APPROVING AND AUTHORIZING THE RELEASE OF CLOSED SESSION MINUTES FOR MEETINGS HELD BETWEEN OCTOBER 16, 1995 AND JANUARY 2, 2007

Resolution R-06-2007 was presented for passage.

Alderman Szczepaniak pulled item **5a. Minutes of Regular Meeting Held on Monday, February 5, 2007.** Alderman Tranter pulled item **5c. Appointments to the Elmhurst Historic Preservation Commission.** Alderman Bram pulled item **5n. Report – Senior Citizen Discounts for Vehicles.**

Alderman Rose moved to accept the contents of the Consent Agenda less items **5a. Minutes of Regular Meeting Held on Monday, February 5, 2007, 5c. Appointments to the Elmhurst Historic Preservation Commission** and **5n. Report – Senior Citizen Discounts for Vehicles.** Alderman Vanek seconded. Voice vote unanimous, motion carried. Alderman Lomnicki moved to approve the contents of the Consent Agenda less items **5a. Minutes of Regular Meeting Held on Monday, February 5, 2007, 5c. Appointments to the Elmhurst Historic Preservation Commission** and **5n. Report – Senior Citizen Discounts for Vehicles.** Alderman Moriarty seconded. Roll call vote:

Ayes: Lomnicki, Moriarty, Tranter, Regan, Vanek, Leader, Rose, Bram, Jordan, Hillsman, Szczepaniak

Nays: None

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

Alderman Szczepaniak stated he pulled item **5a. Minutes of Regular Meeting Held on Monday, February 5, 2007** in order to question the coverage of two (2) key areas of the meeting. He asked why in the note taking the City Clerk did not include discussion germane to the item discussed.

Clerk Spencer explained that the minutes should contain the action taken and the vote.

Alderman Hillsman moved to approve item **5a. Minutes of Regular Meeting Held on Monday, February 5, 2007**. Alderman Jordan seconded. Voice vote, motion carried.

Alderman Vanek moved to approve item **5c. Appointments to the Elmhurst Historic Preservation Commission**. Alderman Hillsman seconded.

Alderman Tranter stated that she pulled item **5c. Appointments to the Elmhurst Historic Preservation Commission** to question the process taken when a person is not appointed to a commission they have applied for. She asked if any contact is made between the City and those who applied but were not appointed to a commission.

Mayor Marcucci replied that when a person leaves a commission they receive a certificate of thanks and likewise when an applicant is not chosen to serve on a commission they are sent a letter thanking them for their interest.

Alderman Tranter questioned how an applicant for an open aldermanic seat is handled.

Mayor Marcucci explained that he personally thanks those applicants at the time of the interview for their interest in serving Elmhurst and no further written notification is sent.

Alderman Tranter stated she feels that some sort of written letter should be sent to those who are not chosen to serve.

Alderman Moriarty asked Mayor Marcucci how interested persons could apply for the Historical Commission. She asked if they could apply online.

The Mayor responded that the application is available online, interested persons need to fill out the form and return it to the Administration Office.

Alderman Moriarty pointed out that there are a lot of openings on this commission.

City Manager Borchert stated that there are six (6) openings on the Historical Commission. The City Manager stated as a point of information that there will be a Leadership Committee to restructure the advisory groups, more information will follow.

Roll call vote on item **5c. Appointments to the Elmhurst Historic Preservation Commission**:

Ayes: Vanek, Hillsman, Tranter, Regan, Leader, Rose, Bram, Jordan, Moriarty, Szczepaniak, Lomnicki

Nays: None

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

Alderman Vanek moved to approve item **5n. Report – Senior Citizen Discounts for Vehicles**. Alderman Hillsman seconded. Alderman Vanek reviewed item **5n. Report – Senior Citizen Discounts for Vehicles** explaining that the current senior discount applies to passenger vehicles only. Seniors have asked for a discount on the other various classifications of vehicles. This request was brought to the Finance, Council Affairs and Administrative Services Committee (F,CA&AS) and was researched by staff. The F,CA&AS Committee agreed that the fundamental impact would not be substantial to the City and would be beneficial for seniors. For example, seniors now pay \$90.00 for a truck with a “B” class license plate and would pay \$22.50 if the discount is approved tonight.

Alderman Bram stated he supports the discounted vehicle sticker fees for seniors. He stated he pulled item **5n. Report – Senior Citizen Discounts for Vehicles** because he had asked staff to look into the same issue awhile back. He stated that staff told him that the larger vehicles in question could be used for commercial or business purposes and therefore an all classification discount for seniors was not feasible. Alderman Bram also asked why Recreational Vehicles are included in the discounts.

Alderman Vanek stated that agenda items for the F,CA&AS Committee do not need to come to the committee by way of referral. She further stated that as it stands, only sixteen (16) seniors have Recreational Vehicles. Alderman Vanek reminded the dais that any discussion of policy should be directed to the appropriate committee.

Alderman Bram stated he is in favor of all of the senior discounts.

Alderman Rose stated that this is a break for seniors at a minimal cost to the City.

Roll call vote on item **5n. Report – Senior Citizen Discounts for Vehicles**:

Ayes: Vanek, Hillsman, Tranter, Regan, Leader, Rose, Bram, Jordan, Moriarty, Szczepaniak, Lomnicki

Nays: None

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

REPORTS AND RECOMENDATIONS OF APPOINTED AND ELECTED OFFICIALS

7. Alderman Regan stated that today is President’s Day, a federal holiday and Council should not be meeting. He stated that he is happy to report Alderman Vanek and the Finance, Council Affairs and Administrative Services Committee have agreed to look at this issue again. He stated it is his recommendation that Council should meet the day after a federal holiday as they do for the Fourth of July and other federal holidays. The City needs to have a consistent policy regarding federal holidays.

Alderman Bram requested a report on the Chicago Tribune’s article regarding O’Hare Airport expansion and east side roadway expansion. Alderman Bram also requested a report on west side roadway expansion and its impact on Elmhurst.

Mayor Marcucci stated a map of the proposed ring road around the expansion will help answer Alderman Bram’s questions and he promised to provide a copy of such to the Council. Mayor Marcucci explained that the road work will affect several communities such as Northlake.

Alderman Bram stated the eastern access is not scheduled for completion until 2020.

The Mayor agreed with Alderman Bram stating that the City of Chicago has the control.

ORDINANCES

8. a. MCO-04-2007 – AN ORDINANCE AMENDING THE SCHEDULE OF FEES FOR MOTOR VEHICLE LICENSES IN CONNECTION WITH SENIOR CITIZEN DISCOUNTS

Ordinance MCO-04-2007 was presented for passage.

Alderman Vanek moved to approve item **8a. MCO-04-2007 – An Ordinance Amending the Schedule of Fees for Motor Vehicle Licenses In Connection With Senior Citizen Discounts.**

Alderman Tranter seconded. Roll call vote:

Ayes: Vanek, Tranter, Regan, Leader, Rose, Bram, Jordan, Moriarty, Hillsman, Szczepaniak, Lomnicki

Nays: None

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

OTHER BUSINESS

9. Alderman Leader shared with Council a trip he took to Villa Park in his clean car which had survived the bone dry streets of Elmhurst but were in danger once he crossed into Villa Park, the “land of the sludge” and so he turned back around. He stated the point of his story was to thank City Manager Borchert and Public Works Director Hughes for the good job they do as well as the high quality of service and response to the February 13, 2007 snow storm.

Alderman Hillsman commented on the Retail 1-2-3booklet and how informative it is. Many positive comments regarding the booklet and its content were stated around the dais.

Alderman Tranter stated about five (5) months ago she brought to the F,CA&AS Committee the subject of term limits and it seems to have gotten buried. She asked City Attorney Kubiesa if in fact the committee wanted this issue to be placed on the next ballot, would it still be possible to do so.

City Attorney Kubiesa stated that the date for adding referenda to the April 17, 2007 ballot has passed.

Alderman Tranter stated the alternative to Council placing the issue on the ballot is to have the issue added by signature. She stated she would like the issue of term limits to be discussed by the F,CA&AS Committee.

Alderman Vanek stated that the interest in term limits is politically motivated and has never come up in the Citizen Survey or any comments made to Alderman who ran in the last election. She further stated that there were other more pressing issues that had to go on the agenda first.

Mayor Marcucci, as chair of the Council, advised Council only discuss the timing of the issue, no other discussion should take place on the dais de novo.

Alderman Tranter stated she had never seen an issue take so long to appear on the agenda. She stated that she would like the term limit issue to move forward in a timely fashion.

City Manager Borchert announced a new exhibit at the Elmhurst Historical Museum celebrating the 50th Anniversary of the Historical Museum. The exhibit opens on Thursday, March 1, 2008 from 5:00p.m. – 7:00p.m. and all members of the community are invited to attend.

ANNOUNCEMENTS

10. None.

ADJOURNMENT

11. Alderman Hillsman moved to adjourn the meeting. Aldermen Tranter seconded. Voice Vote. Motion carried. Meeting adjourned 8:44 p.m.

Thomas D. Marcucci, Mayor

Patty Spencer, City Clerk