

**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF ELMHURST, ILLINOIS
HELD ON TUESDAY, JANUARY 2, 2007
209 NORTH YORK STREET
ELMHURST, ILLINOIS**

EXECUTIVE SESSION

1. Executive session was called to order at 7:04 p.m. by Mayor Marcucci for the purpose of discussing land acquisition, sale of land and litigation.

Present: Janice Vanek, Norman Leader, Susan Rose, Michael Bram, Stephen Hipskind, John Gow, Phillip Jordan, Steven Hillsman, George Szczepaniak, Mark Mulliner

Absent: Ann Tranter (arrived at 7:11 p.m.), Michael Regan, Moira Moriarty (arrived at 7:05 p.m.), Donna Lomnicki

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

Alderman Rose moved to convene into executive session for the purpose of discussing land acquisition, sale of land and litigation. Alderman Bram seconded. Roll call vote:

Ayes: Rose, Bram, Vanek, Leader, Hipskind, Gow, Jordan, Moriarty, Hillsman, Szczepaniak, Mulliner

Nays: None

11 Ayes, 0 Nays, 3 absent
Motion duly carried

Alderman Moriarty moved to adjourn executive session. Alderman Mulliner seconded. Voice vote. Motion carried. Executive session adjourned at 7:34 p.m.

CALL TO ORDER/PLEDGE OF ALLEGIANCE/ROLL CALL

Attendance: 19

2. The Regular Meeting of the Elmhurst City Council was called to order by Mayor Marcucci at 7:41 p.m. Before the Pledge of Allegiance, Mayor Marcucci asked for a moment of silence in honor of former President Gerald Ford. Roll call:

Present: Ann Tranter, Janice A. Vanek, Norman Leader, Susan J. Rose, Michael Bram, Stephen Hipskind, John Gow, Phillip D. Jordan, Moira Moriarty, Stephen Hillsman, George Szczepaniak, Mark A. Mulliner

Absent: Michael J. Regan, Donna Lomnicki

Also in Attendance: City Treasurer Pigoni, Assistant City Attorney Spiroff, City Manager Borchert, Finance Director Gaston, Assistant Finance Director Trosien, Public Works Director Hughes, Director of Water/Wastewater Streicher, Operations Manager Morley, Human Resources Manager Johnson

RECEIPT OF WRITTEN COMMUNICATIONS AND PETITIONS FROM THE PUBLIC

3. None.

PUBLIC FORUM

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

Spoke if the flooding problems on his property due to new construction next door. He stated on December 21, 2006 the Building Department told him, "we will fix the problem but you won't let us." He stated a builder gave the City a large sum of money to build over his property and that this is called communism.

CONSENT AGENDA

5. The following items on the Consent Agenda were presented:
- a. MINUTES OF REGULAR MEETING HELD ON MONDAY, DECEMBER 18, 2006 (City Clerk Spencer): Approve as published
 - b. MINUTES OF THE EXECUTIVE SESSION HELD ON MONDAY, DECEMBER 18, 2006 (City Clerk Spencer): Receive and place on file
 - c. ACCOUNTS PAYABLE – DECEMBER 31, 2006 TOTAL \$ 821,207.67
 - d. EXTENSION FOR ORDINANCE ZO-05-2006 / SANFACON VARIATION (City Manager Borchert): Concur with the City Manager's recommendation

December 28, 2006

To: Mayor Marcucci and Members of City Council
Re: Extension for Ordinance ZO-05-2006 / Sanfacon Variation

A request to extend the ordinance approval for ZO-05-2006 has been received by City Staff. Citing financial difficulties, property owner John & Cara Sanfacon have requested their ordinance approval be extended six months. Section 3.8-8 of the Zoning Ordinance allows the City Council to extend the deadline for variation ordinance approvals.

ZO-05-2006, unanimously granted on April 3, 2006, with a unanimous recommendation from the Zoning & Planning Commission, allowed the property owners John & Cara Sanfacon to rebuild their detached garage with a lot coverage variation. Variation approvals are valid for 9 months after date of issuance. The Sanfacon's ordinance approval is set to expire January 3, 2007.

After reviewing the request with the Department of Planning, Zoning & Economic Development, City Staff finds this one time extension to be reasonable and respectfully requests that the City Council approve the variation extension for ZO-05-2006 to July 3, 2007.

It is therefore recommended that the City Council authorize the City Attorney to prepare the appropriate document(s) for subsequent Council consideration to approve the 6 month extension as requested.

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

- e. MCO-01-2007 – AN ORDINANCE IMPOSING PARKING RESTRICTIONS ON PORTIONS OF ARTHUR AVENUE

Ordinance MCO-01-2007 was presented for passage.
- f. R-01-2007 – A RESOLUTION IN CONNECTION WITH WORK PERMITS FROM THE STATE OF ILLINOIS

Resolution R-01-2007 was presented for passage.
- g. R-02-2007 – A RESOLUTION CONFIRMING THE CITY'S COMMITMENT TO ADEQUATELY FUND THE CITY'S WASTE WATER TREATMENT FACILITY

Resolution R-02-2007 was presented for passage.
- h. R-03-2007 – A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION TO AMEND THE CITY'S FACILITY PLANNING AREA BOUNDARY

Resolution R-03-2007 was presented for passage.

Vanek moved to accept the contents of the Consent. Tranter seconded. Voice vote unanimous, motion carried. Mulliner moved to approve the contents of the Consent Agenda. Moriarty seconded. Roll call vote:

Ayes: Mulliner, Moriarty, Tranter, Vanek, Leader, Rose, Bram, Hipskind, Gow, Jordan, Hillsman, Szczepaniak

Nays: None

Results: 12 ayes, 0 nays, 2 absent
Motion duly carried

REPORTS AND RECOMENDATIONS OF APPOINTED AND ELECTED OFFICIALS

6. a. UPDATES (Mayor Marcucci)

Mayor Marcucci stated he hoped everyone had a happy holidays and wished everyone a happy new year.

b. 2007/08 FIVE (5) YEAR CAPITAL BUDGET REVIEW (City Manager Borchert)

City Manager Borchert began the Five (5) Year Capital Budget Review with a December 4, 2006 transmittal letter wherein Capital Expenditure items are identified and those expenditures \$25,000 or more were classified into the following:

Expenditure Classification
Expenditures Priority
Public Works Infrastructure
Land Acquisition
Fire Station #2 Expansion/Renovation
York High School Underpass
Wilder Mansion
Elmhurst Historical Museum
Central Business District
Parking System

City Manager Borchert reviewed each classification in detail and stated he would answer any questions.

Mayor Marcucci thanked City Manager Borchert for his overview. He stated that he added some items that were beyond the Capital Budget and that pulled it all into context.

Alderman Vanek stated changes in the telecommunications tax have revenues from \$985,000 to \$626,000. She asked if staff could explain changes in the law.

Assistant Finance Director Trosien stated the City would be able to combine the infrastructure maintenance fee of 10% with the telecommunications tax of 5% and the stated passed it on to municipalities. The City will be able to get that information on tracking the sales tax.

Comments and questions on sidewalk completion and future scheduling of SSAs came from the dais. City Manager Borchert stated that the budget will allow the City to respond to petitions for sidewalks.

Alderman Rose suggested the Front Porch newsletter feature the completion of the Babcock sidewalks.

Alderman Szczepaniak stated this is an aggressive budget for capital projects and asked if this would affect the City's bond rating.

Mayor Marcucci explained what the Bond Houses look at; the EVA of the community plus a 5% credit limit. He stated over the last few years the City has been under its limit.

OTHER BUSINESS

7. None.

ANNOUNCEMENTS

8. Alderman Rose stated she really resented the comments made by Mr. Fischer, stating he has no evidence and in his distress is smearing the reputations of public employees. She stated that the City's professionals cannot be paid off and that the charges Mr. Fischer has laid on them are an over the top character attack.

Alderman Moriarty announced a Public Forum at the Elmhurst Public Library on Thursday, January 18, 2007 from 7-9p.m. The discussion topic, presented by Police Officers Ken Labin and Mike Wiehe, will be internet safety and identity theft. She stated that the forum was being hosted by Alderman Jordan and herself along with Fire & Police Commissioner Chris Nybo. She stated that they are targeting the Fifth Ward but all residents are invited to attend.

Mayor Marcucci asked City Manager Borchert if he would like to comment on Mr. Fischer's statements and asked him to update Council on the problems Mr. Fischer is having with his property.

City Manager Borchert stated a memo to Council regarding the investigations that have taken place in regards to Mr. Fischer's property was distributed to Council explaining there are no remaining issues that warrant further City response. The City Manger stated that there are three (3) letters/memos from staff dated August 21, 2006, November 6, 2006 and December 27, 2006 available for review regarding their investigations. He further stated a number of City staff, including Fire Chief Kopp, Building Commissioner Dubiel, Public Works Director Hughes and he himself have responded to Mr. Fischer's complaints under Public Forum and in summary, none of the complaints have proven to be accurate.

City Manager Borchert stated that all of the code issues have been thoroughly investigated. He stated that analysis of the storm water drainage shows that the new construction home provides less drainage to Mr. Fischer's property. Any construction vehicles that were on Mr. Fischer's property were not there with permission from the City.

Alderman Bram stated that he had been out to Mr. Fischer's home with City staff and asked to be kept abreast of the results of the elevations.

Alderman Vanek stated Mr. Fischer is getting good customer service from City staff. Mr. Fischer is asking for money with no proof of damages. She stated if FEMA has any money to give it should be shared with others who have had water damage.

City Manager Borchert stated the City will be assisting Mr. Fischer with his grant request to FEMA and commented that the "storm water doesn't go that way."

City Manager Borchert announced that the Employee Appreciation Dinner would be held on Friday, January 19, 2007 and invited elected officials to attend.

The City Manager announced that the DuPage Mayors and Managers January 17, 2007 Meeting will focus on legislative goals and agendas. Interested Council members should RSVP with staff in the Mayor's/Manager's Office.

ADJOURNMENT

9. Alderman Rose moved to adjourn the meeting. Aldermen Moriarty seconded. Voice Vote.
Motion carried. Meeting adjourned 8:44 p.m.

Thomas D. Marcucci, Mayor

Patty Spencer, City Clerk