

**MINUTES OF THE REGULAR MEETING OF THE  
CITY COUNCIL OF THE CITY OF ELMHURST, ILLINOIS  
HELD ON MONDAY, JANUARY 7, 2008  
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 and Sale of Land.

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

Absent: Pat Shea, Stephen Hipskind (arrived at 7:03 p.m.), Donna Lomnicki

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

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

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

Nays: None

11 yeas, 0 nays, 3 absent  
Motion duly carried

Alderman Gow moved to adjourn executive session. Alderman Moriarty seconded. Voice vote. Motion carried. Executive session adjourned at 7:46 p.m.

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

Attendance: 20

2. The Regular Meeting of the Elmhurst City Council was called to order by Mayor Marcucci at 7:55 p.m.

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

Absent: Pat Shea, Donna Lomnicki

Also in Attendance: City Treasurer Pigoni, City Attorney Kubiesa, City Manager Borchert, Finance Director Gaston, Assistant Finance Director Trosien, Fire Chief Kopp, Deputy Fire Chief Bacidore, Public Works Director Hughes, Police Chief Neubauer, PZED Director Said, Director of Water/Wastewater Streicher

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

3. None.

**PUBLIC FORUM**

4. None.

**CONSENT AGENDA**

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

a. MINUTES OF THE REGULAR MEETING HELD ON MONDAY, DECEMBER 17, 2007  
(City Clerk Spencer): Approve as published

b. MINUTES OF THE EXECUTIVE SESSION HELD ON MONDAY, DECEMBER 17, 2007  
(City Clerk Spencer): Receive and place on file

c. ACCOUNTS PAYABLE – DECEMBER 31, 2007 TOTAL \$ 898,376.50

- d. REVIEW OF VEHICLE STICKER RATES (Alderman Rose): Refer to the Finance, Council Affairs and Administrative Services Committee

January 2, 2008

To: Mayor Marcucci and Members of the City Council  
Re: Review of Vehicle Sticker Rates

I am requesting that the Public Affairs and Safety Committee review current vehicle sticker rates and policies/categories. In particular, I ask that the following components be reviewed:

- The rate charged for seniors,
- The rate charged for trucks with “B” license plates, which is currently higher than the state charge for license plate renewal,
- The two truck designations,
- The possibility of multi-year licensing at a lower rate.

Thank you for your attention to this matter.

Respectfully submitted,  
/s/ Susan J. Rose  
Alderman, 3<sup>rd</sup> Ward

- e. TEMPORARY USE AND EVENT PERMIT REQUEST – FAITH EVANGELICAL UNITED METHODIST CHURCH (City Manger Borchert): Concur with the City Manager’s recommendation

January 2, 2008

To: Mayor Marcucci and Members of the City Council  
Re: Temporary Use and Event Permit Request – Faith Evangelical United Methodist Church

Faith Evangelical United Methodist Church has requested approval of a Temporary Use to allow a community health fair at the church at 111 W. North Avenue on Saturday, May 3, 2008. Awnings will be set up for participants inside the building and on their grounds. Temporary uses of this type are addressed in Section 4.10, Temporary Uses and Events of the Elmhurst Zoning Ordinance (copy attached).

It is, therefore, the City Manager’s intention, unless directed otherwise, in accordance with the provisions of Section 4.10 of the Elmhurst Zoning Code and the stipulations noted above, to approve a Temporary Use Permit to allow this use.

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

- f. MCO-01-2008 – AN ORDINANCE AMENDING CHAPTER 25 (FIRE PREVENTION CODE) AND CHAPTER 51 (OFFENSES AGAINST PUBLIC PEACE, SAFETY AND MORALS) OF THE ELMHURST MUNICIPAL CODE REGARDING SMOKING IN PUBLIC PLACES

Ordinance MCO-01-2008 was presented for passage.

- g. MCO-02-2008 – AN ORDINANCE IMPOSING A CABLE/VIDEO SERVICE PROVIDER FEE AND PEG ACCESS SUPPORT FEE, ADOPTING CUSTOMER SERVICE AND PRIVACY PROTECTION STANDARDS IN CONNECTION WITH CABLE AND VIDEO SERVICES AND AMENDING CHAPTER 38 (TELECOMMUNICATIONS AND CABLE SYSTEMS) OF THE ELMHURST MUNICIPAL CODE IN CONNECTION THEREWITH

Ordinance MCO-02-2008 was presented for passage.

- h. MCO-03-2008 – AN ORDINANCE ESTABLISHING STANDARDS FOR THE CONSTRUCTION OF FACILITIES IN THE PUBLIC RIGHTS-OF-WAY

Ordinance MCO-03-2008 was presented for passage.

Alderman Bram removed item **5c. Accounts Payable – December 31, 2007 Total \$ 898,376.50.**

Alderman Gutenkauf moved to accept the contents of the Consent Agenda less item **5c. Accounts Payable – December 31, 2007 Total \$ 898,376.50.** Alderman Nybo seconded. Voice vote unanimous, motion carried. Alderman Regan moved to approve the contents of the Consent Agenda less item **5c. Accounts Payable – December 31, 2007 Total \$ 898,376.50.** Alderman Gow seconded. Roll call vote:

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

Nays: None

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

Alderman Szczepaniak moved to approve item **5c. Accounts Payable – December 31, 2007 Total \$ 898,376.50.** Alderman Hipskind seconded.

Alderman Bram pulled item **5c. Accounts Payable – December 31, 2007 Total \$ 898,376.50** to question a payment on page 9 to Dutch Valley Landscaping Inc. for leaf disposal in the amount of \$5,760.00. He stated he thought this was part of the current contract for waste management and leaf pick-up. He asked if this was something extra or why another contractor.

City Manager Borchert replied he wasn't sure and would send a memo to Council with an answer.

Mayor Marcucci suggested to Council to fill out the Accounts Payable Inquiry form attached to the Accounts Payable report prior to the meeting and fax it or phone it in to the City Manager so he can have an answer by the Monday night meeting.

Roll call vote on item **5c. Accounts Payable – December 31, 2007 Total \$ 898,376.50:**

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

Nays: None

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

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

### 6. a. 2008/2009 - REVIEW OF 5 YEAR CAPITAL BUDGET (City Manager Borchert)

City Manager Borchert stated before he reviewed the PowerPoint presentation of the Five Year Capital Expenditure Budget Fiscal Year 2008/09 he would like to thank the seven department heads, Finance Director Gaston and Assistant Finance Director Trosien for their hard work. Between now and March 1, 2008, staff will work on the Operating Budget.

City Manager Borchert began the presentation reviewing Expenditure Classifications and Priority. Highlights of the Preliminary 2008/2009 CEB:

- o Public Works Infrastructure
- o Land Acquisition
- o Fire Station #2
- o Stormwater Improvements /Flood Mitigation
- o Heritage Center in Elmhurst

- o Central Business District
- o Parking System

Questions and comments came from the dais regarding the flood map and new FEMA requirements. Also a discussion of additional parking solutions in downtown Elmhurst and sales tax.

The City Manager reviewed the Budget schedule stating March 3, 2008 the Operating Budget will be delivered to Council and Council approval on April 7, 2008.

**OTHER BUSINESS**

7. a. AMENDMENT TO SNOW REMOVAL ORDINANCE (City Manager Borchert): Refer to the Public Works and Buildings Committee

January 7, 2008

To: Mayor Marcucci and Members of the City Council  
Re: Amendment to Snow Removal Ordinance – Section 5.30

It is respectfully requested that the attached memorandum from Assistant City Attorney, Harlan J. Spiroff regarding snow removal ordinance Section 5.30 of the Elmhurst Municipal Code be referred to the Public Works and Buildings Committee for review and report back to the City Council with recommendations.

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

Item 7a. **Amendment to Snow Removal Ordinance – Section 5.30** was referred without objection to the Public Works and Buildings Committee.

Alderman Regan moved to authorize the City Attorney to execute the December 27, 2007 confidentiality agreement concerning the Hahn Street project subject to the amendments discussed in Executive Session. Alderman Rose seconded.

Alderman Moriarty stated a discussion might be needed on the suggested modifications.

Alderman Regan stated these modifications are ministerial in nature; such as a time limit on how long the need for confidentiality and whether Council receives their own copy of the document or if only one copy will be available.

Alderman Nybo moved to defer for two weeks authorizing the City Attorney to execute the confidentiality agreement as discussed in Executive Session. Alderman Moriarty seconded. Roll call vote:

Ayes: Nybo, Moriarty, Gutenkauf, Bram, Szczepaniak

Nays: Regan, Leader, Rose, Gow, Hipskind, Morley, Mulliner

Results: 5 ayes, 7 nays, 2 absent  
Motion failed

Roll call vote to authorize the City Attorney to execute the December 27, 2007 confidentiality agreement concerning the Hahn Street project subject to the amendments discussed in Executive Session:

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

Nays: Gutenkauf, Bram, Moriarty, Nybo, Szczepaniak

Results: 7 ayes, 5 nays, 2 absent  
Motion duly carried

Alderman Moriarty asked for clarification on a motion made at the last Council meeting regarding entering into negotiations with the Morningside Group on Hahn Street Development. She questioned why the motion made was not a reconsideration of the previous failed motion, which would require a majority vote as stated in the code book. Alderman Moriarty asked City Attorney Kubiesa to give his opinion.

City Attorney Kubiesa stated he would do so in writing.

#### **ANNOUNCEMENTS**

8. City Manager Borchert announced the DuPage Mayors and Managers Conference meetings have started up again with the January 16, 2008 meeting. The City Council is invited to attend. If interested, call the City Manager's/Mayor's Office by January 9, 2008.

City Manager Borchert commented on his response memo to Council regarding the comments made at the December 17, 2007 Council meeting under Public Comment regarding concerns of fluoride in the water. Mr. Borchert stated our community water supplies are not only effective in preventing tooth decay, but also safe. He also stated that states, Illinois included, are required to put fluoride in the water.

Clerk Spencer announced that tomorrow, Tuesday, January 8, 2008 is the last day to register to vote for the February 5, 2008 General Primary Election. Early Voting will begin January 14, 2008 through January 31, 2008. To find early voting locations go to the City website, click City Clerk and select Early Voting.

#### **ADJOURNMENT**

9. Alderman Moriarty moved to adjourn the meeting. Aldermen Hipskind seconded. Voice Vote. Motion carried. Meeting adjourned 9:39 p.m.

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Thomas D. Marcucci, Mayor

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Patty Spencer, City Clerk