

**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF ELMHURST, ILLINOIS
HELD ON MONDAY, MARCH 16, 2009
209 NORTH YORK STREET
ELMHURST, ILLINOIS**

EXECUTIVE SESSION 7:00 P.M. – PERSONNEL

1. Executive session was called to order at 7:00 p.m. by Mayor Marcucci for the purpose of discussing Litigation and Personnel.

Present: Michael J. Regan, Diane Gutenkauf, Norman Leader, Michael Bram, John Gow, Chris Nybo, George Szczepaniak, Steve Morley, Donna Lomnicki

Absent: Pat Shea, Susan J. Rose (arrived at 7:05 p.m.), Stephen Hipskind (arrived at 7:01 p.m.), Moira Moriarty (arrived at 7:01 p.m.), Mark A. Mulliner

Also in attendance: City Treasurer Pigoni, City Attorney Kubiesa, City Manager Borchert, Finance Director Gaston, Fire Chief Kopp

Alderman Nybo moved to convene into executive session for the purpose of discussing Litigation and Personnel. Alderman Bram seconded. Roll call vote:

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

Nays: None

11 Ayes, 0 Nays, 3 absent
Motion duly carried

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

CALL TO ORDER/ PLEDGE OF ALLEGIANCE/ROLL CALL

Attendance: 35

2. The Regular Meeting of the Elmhurst City Council was called to order by Mayor Marcucci at 7:31 p.m.

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

Absent: Michael J. Regan, Susan J. Rose, George Szczepaniak

Also in Attendance: City Treasurer Pigoni, City Attorney Kubiesa, City Manager Borchert, Finance Director Gaston, Fire Chief Kopp, Police Chief Neubauer, Public Works Director Hughes, Historical Museum Director Bergheger, Planning Zoning and Economic Development Director Said

PUBLIC HEARING TENTATIVE ANNUAL 2009/2010 BUDGET FOR THE CITY OF ELMHURST, ILLINOIS

3. Mayor Marcucci opened the public hearing at 7:34 p.m. Mayor Marcucci asked for anyone interested in speaking concerning the tentative Annual 2009/2010 Budget to please address the Council.

Skip Strittmatter
8295 Sweetwater Court
Darien, IL 60561

As Executive Director of the DuPage Convention and Visitors Bureau she spoke of the value of travel and tourism for local governments. She asked the City Council not to withdraw their support for an industry that can bring local tax dollars and thousands of jobs to Elmhurst.

Nick Alexander
586 S. Hawthorne Ave.
Elmhurst, IL 60126

Stated the accounts payable should be scrutinized more, perhaps money could be found and programs could be funded. He stated \$40,000 could come from their compensation and it could be applied to programs like the Citizens Police Academy.

Gino Impellizzeri
616 W. Armitage Ave.
Elmhurst, IL 60126

Spoke regarding high taxes for residential homes and the high assessments on his home. He spoke regarding the inflated property values on houses in Elmhurst.

Beth Marchetti
619 Thomas St.
Forest Park, IL 60130

Spoke about the proposed budget cut to stop supporting the DuPage Convention and Visitor Bureau. She explained the value of belonging to the bureau and the marketing opportunities it brings to Elmhurst. She asked Council to reinstate their support of the DuPage Convention and Visitor Bureau.

Richard Hoffman
605 Gladys Ave.
Elmhurst, IL 60126

Asked Council to look at the budget and try to find items that can be reduced or cut.

Vince Spaeth
277 Prospect
Elmhurst, IL 60126

Asked Council while reviewing the budget, to think outside the box and maybe progress can be made when creative ideas can be formed.

Willis Johnson
603 Rogers St.
Downers Grove, IL 60515

Stated dropping membership in the DuPage Convention and Visitor Bureau is shortsighted. The organization brings economic development. He asked the City Council to maintain Elmhurst's membership in the bureau.

The public hearing closed at 7:52 p.m.

PUBLIC HEARING – PROPOSING THE ESTABLISHMENT OF A SPECIAL SERVICE AREA IN THE CITY OF ELMHURST (SSA 12 – GLADYS)

4. Mayor Marcucci opened the public hearing at 7:55 p.m. Mayor Marcucci asked for anyone interested in speaking concerning the proposed establishment of a Special Service Area in the City of Elmhurst (SSA 12 – Gladys) to please address the Council.

John Rebolletti
625 Gladys Ave.
Elmhurst, IL 60126

Asked why only one (1) side of the street is necessary to support sidewalks. He stated he thought it required both sides. He asked why after forty-two years without sidewalks he needs them now.

Richard Hoffman
605 W. Gladys Ave.
Elmhurst, IL 60126

Stated his opposition to a Special Service Area on Gladys stating it will bring destruction to personal property and the sidewalk itself would be on a steep incline. It will cause personal expense. He stated the retaining wall in front of his house will be a burden for the City to maintain.

Fernando Del Rio
541 W. Gladys Ave.
Elmhurst, IL 60126

Expressed his approval of sidewalk installation on Gladys stating having sidewalks on one side is better than having no sidewalks at all. He asked Council to please approve the proposed SSA.

Rich DeMondo
568 West Ave.
Elmhurst, IL 60126

Stated for twenty-two years there have been no safety problems for school kids. Kids play in the street, and there is little traffic. The timing of this proposal could not be worse, these economic times are not the time to create an SSA. The survey is flawed and inaccurate; mistakes were made on his vote.

The public hearing closed at 8:02 p.m.

RECEIPT OF WRITTEN COMMUNICATIONS AND PETITIONS FROM THE PUBLIC

5. None.

PUBLIC FORUM

6. None.

CONSENT AGENDA

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

- a. MINUTES OF REGULAR MEETING HELD ON MONDAY, MARCH 2, 2009 (City Clerk Spencer): Approve as published
- b. ACCOUNTS PAYABLE – MARCH 16, 2009 TOTAL \$ 5,054,547.19
- c. THE PROBLEM OF SKUNKS (City Manager Borchert): Refer to the Public Affairs and Safety Committee

March 9, 2009

To: Mayor Marcucci and Members of the City Council
Re: The Problem of Skunks

It is respectfully requested that the attached memorandum from Aldermen John Gow, Michael Bram and Moira Moriarty regarding evaluation of the skunk problem be referred to the Public Affairs and Safety Committee for their evaluation and recommendation back to the City Council.

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

- d. LIQUOR LICENSES – GOOD EARTH (City Manager Borchert): Refer to the Public Affairs and Safety Committee

March 16, 2009

To: Mayor Marcucci and Members of the City Council
Re: Liquor Licenses – Good Earth

It is respectfully requested that the attached correspondence regarding obtaining CBW and SPR liquor licenses be referred to the Public Affairs and Safety Committee for review and report back to the City Council with their recommendations.

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

- e. LIQUOR LICENSE – TEAM SPIRIT SHELL (City Manager Borchert): Refer to the Public Affairs and Safety Committee

March 16, 2009

To: Mayor Marcucci and Members of the City Council
Re: Liquor License – Team Spirit Shell

It is respectfully requested that the attached correspondence regarding obtaining a liquor license be referred to the Public Affairs and Safety Committee for review and report back to the City Council with their recommendations.

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

- f. RENTAL REGULATION ORDINANCE (City Manager Borchert): Refer to the Development, Planning and Zoning Committee

March 2, 2009

To: Mayor Marcucci and Members of the City Council
Re: Rental Regulation Ordinance

It is respectfully requested that a request from Alderman Bram regarding a rental regulation ordinance be referred to the Development, Planning and Zoning Committee for their evaluation and recommendation to the City Council.

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

- g. REPORT – BID, FIRE HYDRANT MATERIALS PURCHASE The following report of the Public Works and Buildings Committee was presented:

March 9, 2009

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

The Public Works and Buildings Committee met on Monday, March 9, 2009 to discuss bids received for Fire Hydrant Materials. Invitations to bid on this project were sent to several area vendors and advertised in local newspapers. Four (4) bids were received and are summarized below:

<u>Contractor</u>	<u>Total Cost</u>
Mid American Water (Aurora, IL)	\$80,932.00
H. D. Waterworks (Carol Stream, IL)	\$82,257.00
Ziebell Products (Elk Grove Village, IL)	\$82,866.86
Water Products Co. (Aurora, IL)	\$83,508.00

The invitation to bid requested pricing on various size fire hydrants for use by City utility crews. The Utility Division expects to order approximately 40 fire hydrants this project year to accommodate replacements in street paving areas and other selected target sites. The hydrants are being replaced due to poor operation, obsolescence, or vehicular accidents.

The low bidder on this project is Mid American Water of Aurora, Illinois. Mid American Water has previously supplied fire hydrants and other materials to the City in a timely and satisfactory manner.

Funds in the amount of \$82,500 have been provided in the 2009/2010 budget, Municipal Utility Fund, for the purchase of fire hydrant materials under account number 510-6052-501-40-23. A detailed bid tabulation is attached for your review.

It is, therefore, the recommendation of the Public Works and Buildings Committee that the bid submitted by Mid American Water of Aurora, Illinois, in the amount of \$80,932.00, be accepted.

Respectfully submitted,
Public Works and Building Committee

/s/ John E. Gow
Chairman

/us/ Michael Regan
Vice-Chairman

/s/ Donna Lomnicki

/s/ Pat Shea

- h. REPORT – ALLIED WASTE CONTRACT RATE ADJUSTMENT The following report of the Public Works and Buildings Committee was presented:

March 9, 2009

TO: Mayor Marcucci and Members of the City Council
RE: Allied Waste Contract Rate Adjustment

The Public Works and Buildings Committee met on Monday, March 9, 2009 to discuss the Allied Waste contract and the annual rate adjustment for the monthly service charges.

In accordance with the contract between the City and Allied Waste, the rate for services must be reviewed on an annual basis. The contract contains provisions for increases to the rates charged by Allied Waste on an annual basis and rates charged by the City to recover additional solid waste related expenses. This year internal costs for the street sweeping of leaves (\$72,000) and additional salary costs (\$64,600) have been allocated to the refuse and recycling program expenses. These costs are accounted for in the monthly rate adjustments.

These increases will be incorporated into the monthly rates the City charges residents for service. The rate for a 33-gallon garbage receptacle will go from \$12.44 to \$13.68 per month. And the rate for the 96-gallon toter will go from \$17.98 to \$19.96 per month. The amount charged for refuse stickers will remain at \$2.00 and yardwaste stickers will remain at \$2.25.

It is, therefore, the recommendation of the Public Works and Buildings Committee that the monthly rates charged for solid waste removal and the prices paid for yardwaste stickers be adjusted as outlined above effective April 1, 2009.

Respectfully submitted,
Public Works and Building Committee

/s/ John E. Gow
Chairman

/us/ Michael Regan
Vice-Chairman

/s/ Donna Lomnicki

/s/ Pat Shea

- i. REPORT – I-294/NORTH AVENUE RAMP CONSULTANT PROPOSAL The following report of the Public Works and Buildings Committee was presented:

March 9, 2009

TO: Mayor Marcucci and Members of the City Council
RE: I-294 / North Avenue Ramp Consultant Proposal

The Public Works and Buildings Committee met on Monday, March 9, 2009 to review a proposal received from the City of Northlake to cost share on a project to study the possibility of creating a

means of access to eastbound North Avenue from southbound I-294 toll highway. The proposal has been supplied by ESI Consultants Ltd.

This lack of access causes problems on the City of Elmhurst's internal streets. The City has long sought relief from the Illinois Department of Transportation (IDOT) and the Illinois State Toll Highway Authority (Tollway). Thus far the City has been unsuccessful in getting either agency to sponsor a project.

The City of Elmhurst has been coordinating with the City of Northlake to do a pilot study of the proposed project. Both IDOT and the Tollway have indicated this would be helpful in securing a project in their future programming.

Mayor Jeffrey T. Sherwin, of Northlake has been successful in lobbying the North Central Council of Mayors (NCCM) to pay a significant portion of the fee.

ESI's proposal is for \$267,185.41 of which the NCCM is offering to pay 80%. This leaves a balance of \$53,437.08 to be split between the Cities of Elmhurst and Northlake of \$26,718.54 each.

This project is the first concrete step towards a solution for the interchange problem at this location which will result in an improved quality of life for hundreds of Elmhurst residents. Funds for this project have been accounted for in the FY 2009/2010 budget account number 110-6040-431-30-26 in the amount of \$30,000.00.

It is, therefore, the recommendation of the Public Works and Buildings Committee that the proposal from the City of Northlake to pay \$26,718.54 of the ESI Ltd contract, be accepted.

Respectfully submitted,
Public Works and Building Committee

/s/ John E. Gow
Chairman

/us/ Michael Regan
Vice-Chairman

/s/ Donna Lomnicki

/s/ Pat Shea

- j. REPORT – 2009/2011 EXTENSION TO WATER SERVICE UPGRADE PROJECT The following report of the Public Works and Buildings Committee was presented:

March 9, 2009

TO: Mayor Marcucci and Members of the City Council
RE: 2009/2011 Extension to Water Service Upgrade Project

The Public Works and Buildings Committee met on Monday, March 9, 2009 to discuss a proposed two year extension to the City's Water Service Upgrade Project contract. The City's current contractor is Down Under Construction of St. Charles, IL.

The project consists of installing water services from the City watermain to privately installed domestic service lines at various locations throughout the City. Residents are required to upgrade water service lines from the curb stop to the building when a structure is remodeled or undergoes an addition. At that time the City upgrades the water service from the curb stop to the watermain.

Down Under Construction has agreed to extend their 2008/2009 pricing for an additional two (2) years through April 30, 2011. Attached, please find a copy of the approved Committee Report that addresses the previous 2006-2009 Water Service Upgrade Project. Down Under Construction of St. Charles, IL, has performed in a timely and professional manner during the contract period.

Funds are provided in the 2009/2010 budget, Municipal Utility Fund, for Water Service Upgrades, account number 510-6052-501-80-12, in the amount of \$100,000 for contractual upgrading of domestic water services.

It is, therefore, the recommendation of the Public Works and Buildings Committee that the proposal submitted from Down Under Construction of \$89,999.97 for each year of the two (2) year contract extension, be accepted.

Respectfully submitted,
Public Works and Building Committee

/s/ John E. Gow
Chairman

/us/ Michael Regan
Vice-Chairman

/s/ Donna Lomnicki

/s/ Pat Shea

- k. REPORT – 2009-2010 STORM SEWER EXTENSION PROGRAM The following report of the Public Works and Buildings Committee was presented:

March 9, 2009

TO: Mayor Marcucci and Members of the City Council

RE: 2009-2010 Storm Sewer Extension Program

The Public Works and Building Committee met on Monday, March 9, 2009 to discuss the 2009-2010 Storm Sewer Extension Program. This program consists of installing drains in resident's yards to alleviate standing water problems and/or to connect sump pump discharges and roof drains to the City storm sewer. Since 1991 over 1000 drains have been installed as part of this program. This year's program is expected to install approximately 20 drains at various locations as there continues to be high interest in this program.

This project was competitively bid in 1997 and at that time bids were received from three (3) area contractors. Down Under Construction from St. Charles, Illinois submitted the lowest responsible bid. This contractor has worked extremely well with staff and residents for the past twelve years and resolved any and all minor disputes that occurred along the way. Down Under held their unit prices from 1997 through 1999. In 2000 and 2001 modest increases due to inflation and increased material costs were added. 2001 unit prices were held for 2002 construction. In 2003, modest increases due to inflation and increased material costs were added, 2003 prices were held for 2004 through 2007 construction. In 2008 modest increases due to inflation and increased material costs were added. Down Under Construction is proposing to hold the 2008 unit prices for the 2009-2010 seasons.

The Committee believes that it would be appropriate to extend Down Under Construction's contract for this year for the following reasons:

- 1) The unit costs were competitively bid in 1997 and were the lowest among all bidders.
- 2) The contractor is very sensitive to residents concerns and has successfully installed over 1000 drains.
- 3) The contractor's work is good and all minor disputes are resolved.

This program consists of installing drains in resident's yards to alleviate standing water problems and/or to connect sump pump discharge pipes and roof drains to the City storm sewer. Since 1991 over 1000 drains have been installed as part of this program. This year's program is expected to install approximately 20 drains at various locations. There continues to be interest in this program and the budget amounts are shown in the five year Capital Expenditure Budget. In prior years the City has contributed to the construction costs of these drains up to \$1000 per household. However due to budget constraints in fiscal year 2009/2010, the City will not financially participate in the construction costs. City staff will continue to assist with engineering, construction supervision and project management only.

Monies have been provided in the FY 2009/10 Budget in account number 110-6041-432-30-55 in the amount of \$50,000.00 for this program.

It is, therefore, the recommendation of the Public Works and Building Committee that the proposal from Down Under Construction to extend the 2008 unit prices for the 2009-2010 Storm Sewer Extension Program 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

1. REPORT – WIRELESS RADIO ALARM NETWORK The following report of the Development, Planning and Zoning Committee was presented:

March 9, 2009

To: Mayor Marcucci and members of the City Council
Re: Wireless Radio Alarm Network

The Development, Planning and Zoning Committee met on December 8, 2008, January 26, 2009 and again on March 9, 2009 to discuss an ordinance change to allow the City of Elmhurst to develop a radio alarm network.

Many municipalities, including the City of Elmhurst provide fire and security alarm monitoring services to subscribers within their jurisdictions by means of dedicated telephone lines that are installed and maintained by the local telephone company. Failures can occur when sending signals through telephone lines due to complications such as inclement weather, vandalism, inconsistent connections in old cables, and inadvertent signal interruption by telephone company repair personnel working on the wrong wires. Many municipalities have chosen to replace their telephone line connections with a wireless network radio system, a network of radio transceivers that replace conventional telephone lines, increasing the reliability, performance and accuracy of their alarm monitoring systems.

The benefits of the radio alarm network include:

- No cost installation of new, state-of-the-art wireless equipment
- No modifications needed on existing fire alarm system
- No cessation of protection during upgrade and switchover
- Leased equipment is covered by a maintenance program
- Elimination of false alarms previously generated by telephone lines
- Elimination of the wait for new telephone lines to be installed for new subscribers

This active radio system network is a proven reliable alarm system, featuring UL-listed radio transceivers that replace conventional telephone lines. This unique and powerful system with multipath capability alleviates the need for both towers and expensive repeater sites as each subscriber radio transceiver functions as a repeater.

Distributed intelligence and dynamically evaluated transmission paths ensure that the system always uses the most reliable path to the central receiver. Each added subscriber transceiver strengthens the network and can provide another transmission path to the central receiver for the other subscribers.

Adopting the wireless radio network system will also reduce another problem that subscribers experience—lack of coordination among the telephone company, the alarm company and the subscriber. The new program will allow the city to coordinate all installation and service related issues between subscribers, alarm companies and the city.

To allow the Elmhurst wireless radio network to move forward successfully, the current Elmhurst Municipal Code and its amendments will need to be changed, requiring all current direct connect subscribers and future subscribers to connect to the Elmhurst wireless radio network. This requirement is necessary to ensure a strong and reliable system.

Along with the requirement to connect to the Elmhurst wireless radio network, the entire City Code was reviewed for consistency and accuracy regarding fire alarm systems. Changes have been recommended to Sections 25.03 and 26.21 and have been included in the draft ordinance.

It is therefore, the recommendation of the Development, Planning and Zoning Committee to allow the City Attorney to draft an ordinance to update the current City Code as proposed, along with requiring all current direct connect subscribers to switch over to the Elmhurst wireless radio alarm network within six months of August 1, 2009.

Respectfully submitted,
Development, Planning and Zoning
Committee

/s/ Susan J. Rose
Chairman

/s/ Norman Leader
Vice-Chairman

/s/ Diane Gutenkauf

- m. REPORT – CASE NUMBER 09 ZBA-01/BROWN VARIANCE @ 482 HOLLY AVENUE The following report of the Development, Planning and Zoning Committee was presented:

March 9, 2009

TO: Mayor Marcucci and Members of the City Council

RE: Case Number 09 ZBA – 01 / Brown Variance @ 482 Holly Avenue

Request for variation from required front yard setback pursuant to 7.3-5.a of the Elmhurst Zoning Ordinance on property commonly known as 482 Holly Avenue (PIN 06-12-2029-009), said property being wholly located within the R1 Single Family Residence district.

The Development, Planning and Zoning Committee met on March 9, 2009 to review the Zoning & Planning Commission report dated March 4, 2009 regarding the subject request. The Committee also reviewed the documentation supplied by the applicant, including the building elevation, and the transcript of the public hearing. The applicants, Dennis and Deborah Brown, are requesting a front yard variation for construction of a new home (to replace an existing home) on the subject site.

The applicant previously applied for this same request in 2006. The request was recommended for approval by the Zoning & Planning Commission and the Development, Planning & Zoning Committee. The City Council subsequently approved the request as Ordinance ZO-06-2007. As the applicants did not begin construction within the specified 6-month time period (Sec. 3.11-12 of Zoning Ordinance), they have returned with this request, which is identical to the previous request.

The DPZ Committee discussed this request's background, location, and development specifics. They reviewed the existing home's setback, the curvature of the street, the subdivision layout, and the resulting unusual lot shape. The Committee noted that the footprint of the new home, while close to the 30% maximum specified in the Zoning Ordinance, nonetheless complies with that standard. However, it was noted that the applicants would not have an opportunity to add any additional structures (not even a small shed) to the lot. The Committee also noted that the front and side setbacks of the new home are approximately the same, or exceed, the existing home. Eventually, the Committee addressed the standards for variation and their agreement that the project meets these standards.

It is the therefore, the recommendation of the Development, Planning and Zoning Committee to recommend approval of this request. 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

- n. REPORT – 601 S. YORK STREET VARIANCE – OVERSIGHT COMMITTEE FINDINGS The following report of the Stormwater Oversight Committee was presented:

March 9, 2009

TO: Mayor Marcucci and Members of the City Council

RE: 601 S. York Street Variance – Oversight Committee Findings

Request for a variation from section 15-144 of the DuPage County, Countywide Stormwater and Floodplain Ordinance for the proposed Fire Station 2 development.

Date of Authorization:

Date of Legal Notice of Public Hearing	February 13, 2009
Date of Scheduled Hearing	March 9, 2009

Petitioner's Request:

A partial variance is requested for detention volume in accordance with section 15-114.3c for a development in a waiver community. Partial detention storage will be provided on-site and a fee will be paid in lieu of the required remainder volume.

Testimony:

Ms. Karen Schweiss, representing the petitioner (City of Elmhurst Fire Station 2), presented the petitioner's case. Ms. Schweiss explained that the development is on 1.45 acres of land bordered by York Street and the Illinois Central Railroad, and is immediately west of the existing fire station, which is location on the property owned by the Elmhurst Park District. While the new fire station is being built, the existing station must remain operational for public safety. Due to tight site constraints and lack of open land a permanent stormwater detention basin was to be constructed on the site of the existing fire station, after the new fire station was operational. During construction of the new fire station, temporary stormwater detention is being provided in the adjacent park.

Ms. Schweiss informed the Committee that after the City of Elmhurst issued a stormwater permit, and after construction of the new fire station was well underway, the Elmhurst Park District reconsidered the proposed plan and no longer agreed to allow the old fire station site to be used for detention. The Elmhurst Park District decided the existing fire station site would be used for non-detention park purposes. Therefore relief from the site runoff storage requirements of the Countywide Stormwater and Floodplain Ordinance is required.

Ms. Schweiss explained the on-site detention volume storage has been maximized by allowing ponding to occur in the parking lot above the drainage structures, and by over-sizing the storm sewer pipes. The existing site has a release rate of 0.37 cfs through a 3 inch restrictor and the proposed site will have a release rate of 0.135 cfs through a 1.41 inch restrictor. The revised design, with underground detention, will provide 0.11 acre-feet of the required 0.51 acre-feet of storage. Fee-in-lieu-of detention will be 0.40 acre-feet at \$133,000 per acre-foot which equals \$53,200.

Mike Hughes, Director of Public Works, explained the requirements of the ordinance and the issues that lead to the variance request. Mr. Hughes explained that the variance request was provided to all the Salt Creek watershed communities. No questions or comments were received regarding this variance request. He stated staff review of the variance request found no negative impacts to the neighborhood. Staff recommends approval of the request to allow responsible development at this location.

Public Comment:

No public comments opposing this request were made.

Discussion:

Mayor Tom Marcucci explained the City's responsibility to enforce and administer the DuPage County, Countywide Stormwater and Floodplain Ordinance. He also stated the benefits of the new fire station and responsible development. He noted that are no negative impacts to the neighborhood from this proposed development.

The Committee discussed the proposed development and made the following findings:

1. Criterion: Granting the variance shall not alter the essential character of the area involved, including existing stream uses; and

Finding: The Committee finds that the proposed building will function in the same manner as the existing building and therefore will not alter the character of the surrounding area and will allow for the continued use of the facilities in their current capacities. In addition, there are no known drainage concerns in the immediate area of the proposed fire station.

2. Criterion: Carrying out the strict letter of the provisions of this Ordinance or the waiver community ordinance would create an undue or particular hardship or difficulty on a specific developer or owner; and

Finding: The Committee finds that carrying out the strict letter of the Ordinance would create an undue hardship for the Fire Department as described by Ms. Schweiss above and would not allow for a necessary public service improvement to the community.

3. Criterion: The relief requested is the minimum necessary and there are no means other than the requested variance by which the alleged hardship can be avoided or remedied to a degree sufficient to permit the reasonable continuation of the development; and

Finding: The Committee finds that the on-site detention volume has been maximized and there are no other options that will not cause undue hardship on the Fire Department. The Fire Department will pay a fee-in-lieu of the remainder volume that could not be provided on site. The existing site has a release rate of 0.37 cfs through a 3 inch restrictor and the proposed site will have a release rate of 0.135 cfs through a 1.41 inch restrictor. The revised design, with underground detention, will provide 0.11 acre-feet of the required 0.51 acre-feet of storage. Fee-in-lieu of detention will be 0.40 acre-feet at \$133,000 per acre-foot which equals \$53,200.

4. Criterion: The applicant's circumstances are unique and do not present a general condition or problem; and

Finding: The Committee finds that the Fire Department's circumstances are unique and do not represent a general condition or problem within the community. Due to the lack of available land on the parcel, the required volume cannot be achieved on this parcel. It should be noted that the project was designed and permitted with 100% of the required detention provided and that the current need to reduce the detention volume is due a change to the site/land agreement. With the Fire Station already under development and no alternatives available to the City of Elmhurst, these circumstances are indeed unique.

5. Criterion: The subject development is exceptional as compared to other developments subject to the same provision; and

Finding: The Committee finds that as described above and because the development is a fire station and necessary for public safety, the project is exceptional as compared to other developments.

6. Criterion: A development proposed for a special management area could not be constructed if it were limited to areas outside the special management area.

Finding: The Committee finds that the development is not in a special management area.

Recommendation:

Based on the ability of the petitioner to satisfy the requirements for granting a variance, the Stormwater Oversight Committee voted unanimously to approve the petitioner's request. Therefore, it is the recommendation of the Stormwater Oversight Committee that the variance request for Fire Station 2 at 601 South York Street, be approved.

Respectfully submitted,
Stormwater Oversight Committee

/s/ John E. Gow

Chairman

/s/ Michael Regan

Vice-Chairman

/s/ Donna Lomnicki

/s/ Pat Shea

- o. O-07-2009 – AN ORDINANCE AUTHORIZING THE SALE BY AUCTION OF PERSONAL PROPERTY OWNED BY THE CITY OF ELMHURST

Ordinance O-07-2009 was presented for passage.

- p. MCO-05-2009 – AN ORDINANCE AMENDING SECTION 51.55 OF THE ELMHURST MUNICIPAL CODE (PRODUCTION, SALE AND POSSESSION OF DRUG PARAPHERNALIA)

Ordinance MCO-05-2009 was presented for passage.

q. MCO-06-2009 – AN ORDINANCE AMENDING SECTION 51.53 OF THE ELMHURST MUNICIPAL CODE (POSSESSION OF CANNABIS)

Ordinance MCO-06-2009 was presented for passage.

Alderman Mulliner moved to accept the contents of the Consent Agenda. Alderman Gutenkauf seconded. Voice vote unanimous, motion carried. Alderman Gow moved to approve the contents of the Consent. Alderman Bram seconded. Roll call vote:

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

Nays: None

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

REPORTS AND RECOMENDATIONS OF APPOINTED AND ELECTED OFFICIALS

8. a. UPDATES (Mayor Marcucci)

Alderman Bram stated regarding the recent storm, sewer and water issues he has polled various other communities which share in the same problems. He reviewed sanitary sewer and sump pump issues from other communities reporting it is evident from his unofficial polling that Elmhurst is ahead of the game and the Public Works Department is working to correct the problems that Elmhurst residents are facing.

Mayor Marcucci spoke regarding the most recent rainfall in Elmhurst stating the City is working to resolve any flooding and sewer backup issues.

The Mayor reported on Saturday, March 14, 2009 was the Elmhurst St. Patrick's Day Parade. He stated he was proud of the attendance, approximately 13,000 – 15,000 people came out to celebrate. Mayor Marcucci thanked all of the volunteers, especially Jim O'Conner, for all of their hard work.

OTHER BUSINESS

9. Mayor Marcucci stated on the dais there is a referral letter from Alderman Rose entitled **Flooding and Sewer Backups**.

The referral letter entitled **Flooding and Sewer Backups** was referred without objection to the Public Works and Buildings Committee.

ANNOUNCEMENTS

10. City Clerk Spencer announced that City Hall is an Early Voting location for DuPage County voters. Early Voting began today and will run Monday thru Friday from 9:00 a.m. to 4:30 p.m. thru April 2, 2009. In order to Early Vote you must be a registered DuPage County voter and present government issued photo identification.

ADJOURNMENT

11. Alderman Moriarty moved to adjourn the meeting. Aldermen Hipskind seconded. Voice Vote. Motion carried. Meeting adjourned 8:15 p.m.

Thomas D. Marcucci, Mayor

Patty Spencer, City Clerk