

**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF ELMHURST, ILLINOIS
HELD ON MONDAY, JULY 6, 2009
209 NORTH YORK STREET
ELMHURST, ILLINOIS**

**EXECUTIVE SESSION 7:00 P.M. – LAND ACQUISITION, LAND DISPOSITION,
PERSONNEL AND LITIGATION**

1. Executive session was called to order at 7:09 p.m. by Mayor DiCianni for the purpose of discussing Land Acquisition, Land Disposition, Personnel and Litigation.

Present: Diane Gutenkauf, Paula Pezza, Pat Shea, Norman Leader, Michael J. Bram, Stephen Hipskind, Kevin L. York, Chris Nybo, Chris Healy, Steve Morley, Mark A. Mulliner, Patrick Wagner

Absent: Susan J. Rose, Jim Kennedy

Also in attendance: City Treasurer Dyer, City Attorney Storino, City Manager Borchert

Alderman York moved to convene into executive session for the purpose of discussing Land Acquisition, Land Disposition, Personnel and Litigation. Alderman Pezza seconded. Roll call vote:

Ayes: York, Pezza, Gutenkauf, Shea, Leader, Bram, Hipskind, Healy, Morley, Mulliner, Wagner

Nays: None

12 yeas, 0 nays, 2 absent
Motion duly carried

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

CALL TO ORDER/ PLEDGE OF ALLEGIANCE/ROLL CALL

Attendance: 87

2. The Regular Meeting of the Elmhurst City Council was called to order by Mayor DiCianni at 8:00 p.m.

Present: Diane Gutenkauf, Paula Pezza, Pat Shea, Norman Leader, Michael J. Bram, Stephen Hipskind, Kevin L. York, Chris Nybo, Chris Healy, Steve Morley, Mark A. Mulliner, Patrick Wagner

Absent: Susan J. Rose, Jim Kennedy

Also in Attendance: City Treasurer Dyer, City Attorney Storino, City Manager Borchert, Finance & Administration Director Gaston, Assistant Finance Director Trosien, Police Chief Neubauer, Deputy Police Chief Doherty

PRESENTATION OF “MAYOR FOR THE DAY” FIRST & SECOND PLACE WINNERS

3. Mayor DiCianni called Deputy Police Chief Doherty to the podium to acknowledge the winners of the Mayor for a Day contest.

Deputy Chief Doherty stated there were 700 applicants from which one winner was chosen as well as one runner-up. He thanked all the generous sponsors of the contest. Deputy Chief Doherty invited Agent Bob Walker of the FBI to introduce second place winner, Lauren Villips.

Agent Walker reviewed Lauren’s essay and congratulated her with a gift from the FBI along with a certificate and \$500 scholarship from Elmhurst College.

Deputy Chief Doherty reviewed the gifts that the winner of the Mayor for the Day contest receives, including a \$1,000 scholarship from Elmhurst College.

Deputy Chief Doherty was joined at the podium by Mayor DiCianni and Brad Martin, Mayor for the Day. Mayor for the Day Martin read his winning essay to the Council.

Mayor DiCianni congratulated Brad and Lauren and invited them to meet the City Council.

RECEIPT OF WRITTEN COMMUNICATIONS AND PETITIONS FROM THE PUBLIC

4. Michelle Dwyer of 352 Shadly Lane in Elmhurst sent an email to Aldermen Leader and Shea that was submitted to Clerk Spencer during this portion of the meeting. The email discussed her opposition to the rezoning of the property at the intersection of North Avenue and IL Route 83 and the importance of this gateway to the community.

A petition entitled *East End Park/Pool Area Neighborhood Safety Petition* was also submitted during this portion of the meeting. The petition, which was signed by fifty-five (55) residents, addressed traffic and parking safety issues surrounding East End Park as well as offered suggestions as to how to alleviate those problems.

PUBLIC FORUM

5. Terry Pastika
Citizens Advocacy Center
182 N. York St.
Elmhurst, IL 60126

Spoke regarding the election process of the City Centre. She stated about a year ago she requested a list of property owners from the City Centre and nothing has come forward. Ms. Pastika asked Council to exercise oversight on the City Centre regarding their compliance of their by-laws.

Mark Wilson
365 River Glen
Elmhurst, IL 60126

Thanked the City for the spraying against Gypsy moths. He stated there is evidence that there is not the same devastation as in previous years. He also asked Council to consider the rights of the land owners when voting on the request for map amendment.

Todd Benson
391 River Glen
Elmhurst, IL 60126

Spoke of the *Request for Map Amendment at Route 83* and the recommendation of the Development, Planning and Zoning Committee to zone it C2. He stated that is not in the best interest of Elmhurst.

Scott Budinger
393 Shady Lane
Elmhurst, IL 60126

Spoke of the *Request for Map Amendment at Route 83* and the recommendation by the Development, Planning and Zoning Committee, stating this will give the developer uncontrolled development.

Bernard Johnson
355 River Glen
Elmhurst, IL 60126

Spoke opposing the Development, Planning and Zoning Committee recommendation to zone the property C2.

Lena Benson
391 River Glen
Elmhurst, IL 60126

Spoke opposing the Development, Planning and Zoning Committee recommendation to zone the property C2.

Dean March
330 River Glen
Elmhurst, IL 60126

Spoke opposing the Development, Planning and Zoning Committee recommendation to zone the property C2. He asked Council to vote no.

Lance Martin
414 Shady Lane
Elmhurst, IL 60126

Spoke opposing the Development, Planning and Zoning Committee recommendation to zone the property C2.

CONSENT AGENDA

6. The following items on the Consent Agenda were presented:
 - a. MINUTES OF REGULAR MEETING HELD ON MONDAY, JUNE 15, 2009 (City Clerk Spencer): Approve as published
 - b. MINUTES OF THE EXECUTIVE SESSION HELD ON MONDAY, JUNE 15, 2009 (City Clerk Spencer): Receive and place on file
 - c. MINUTES OF THE SPECIAL MEETING HELD ON SATURDAY, JUNE 20, 2009 (City Clerk Spencer): Approve as published
 - d. ACCOUNTS PAYABLE – JUNE 30, 2009 TOTAL \$2,890,703.71
 - e. BIDS, PROSPECT AVENUE PUBLIC UTILITY IMPROVEMENT (City Clerk Spencer): Refer to the Public Works and Buildings Committee

June 16, 2009

TO: Mayor DiCianni and Members of the City Council
RE: Bids, Prospect Avenue Public Utility Improvement

In response to an invitation to bid for the Prospect Avenue Public Utility Improvement advertised in the Elmhurst Press on Friday, May 29, 2009, bids were received from fifteen (15) area contractors.

Bids were opened at 10:00 a.m. on Tuesday, June 16, 2009, and following is a summary of the bids received:

<u>Contractor</u>	<u>Total Cost</u>
Neri Brothers Construction, Inc. (Roselle, IL)	\$297,096.70
Archon Construction Company, Inc. (Addison, IL)	\$299,450.00
Kings Point General Cement, Inc. (Bensenville, IL)	\$304,134.00
John Neri Construction Company (Addison, IL)	\$311,800.40
Trine Construction Corporation (West Chicago, IL)	\$319,370.75
Vian Construction Company, Inc. (Elk Grove Village, IL)	\$321,686.95

J. Congdon Sewer Services, Inc. (Carol Stream, IL)	\$333,765.00
Swallow Construction Corporation (Downers Grove, IL)	\$338,000.00
Patnick Construction, Inc. (Bensenville, IL)	\$339,129.00
Cabo Construction Corporation (Chicago, IL)	\$345,149.00
Riccio Construction Corporation (Palos Park, IL)	\$354,471.00
Cerniglia Company (Melrose Park, IL)	\$360,411.40
Brothers Asphalt Paving, Inc. (Addison, IL)	\$377,910.00
Apollo Trenchless, Inc. (Lombard, IL)	\$394,594.20
Gerardi Sewer and Water (Norridge, IL)	\$575,937.25

Respectfully submitted,
/s/ Patty Spencer
City Clerk

- f. CITYWIDE EVANGELICAL WORSHIP SERVICE – REQUEST TO USE CITY PROPERTY
(City Manager Borchert): Refer to the Public Affairs and Safety Committee

June 29, 2009

To: Mayor Marcucci and Members of the City Council
Re: Citywide Evangelical Worship Service – Request to Use City Property

It is respectfully requested that the attached request from the evangelical Elmhurst church community to conduct a community worship and call to service event in the Elmhurst City Centre on Sunday, September 13, 2009 following the last scheduled City Centre concert series Saturday night program September 12, 2009, be referred to the Public Affairs and Safety Committee for their review, evaluation and subsequent recommendation for the City Council's consideration.

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

- g. DISTRICT 205 FOUNDATION REQUEST FOR TEMPORARY USE AND EVENT PERMIT AND USE OF CITY PROPERTY (City Manager Borchert): Refer to the Public Affairs and Safety Committee

June 29, 2009

To: Mayor Marcucci and Members of the City Council
Re: District 205 Foundation Request for Temporary Use and Event Permit and Use of City Property

It is respectfully requested that the attached request from Elmhurst District 205 to use the City municipal parking lot on the west side of Addison between First and Second Streets for a fund raising event be referred to the Public Affairs and Safety Committee for their review, evaluation and subsequent recommendation for City Council action.

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

- h. REPORT – PROSPECT AVENUE PUBLIC UTILITY IMPROVEMENT The following report of the Public Works and Buildings Committee was presented:

June 22, 2009

TO: Mayor DiCianni and Members of the City Council
RE: Prospect Avenue Public Utility Improvement

The Public Works and Buildings Committee met on Monday, June 22, 2009 to review bids received for the installation of sanitary sewer and watermain on Prospect Avenue from Brush Hill Road to Arbor Drive. The fifteen (15) bids received from area contractors are summarized on Attachment “A”.

The bids received will provide for the installation of 1,050 lineal feet of eight-inch sanitary sewer pipe, 980 lineal feet of eight-inch ductile iron watermain and the installation of eighteen (18) water and sanitary sewer services from the main to the right of way limit. Other work will include pavement removal, 300 tons each of bituminous asphalt surface and binder course to reconstruct the road as it currently exists, parkway restoration, traffic control and all other related work necessary to complete the project.

Neri Brothers Construction, Inc., of Roselle, IL, submitted the lowest responsible bid meeting all of the bidding requirements. Neri Brother’s bid was \$297,096.70. Neri Brothers Construction has completed work for The Village of Lombard, Village of Orland Park and Addison High School District 88 in a satisfactory manner.

Monies for this work have been provided in the FY 2009/2010 Budget, in account numbers 510-6052-501-80-12 and 510-6056-502-80-13 each in the amount of \$275,000.00. Financing for this project is being provided through a Special Service Area (SSA). The City will be reimbursed 100 percent of its’ costs over the next 10 years.

It is, therefore, the recommendation of the Public Works and Building Committee that the low bid from Neri Brothers Construction in the amount of \$297,096.70 for the installation of sanitary sewer and watermain on Prospect Avenue, be accepted.

Respectfully submitted,
Public Works and Building Committee
/s/ Jim Kennedy
Chairman
/s/ Michael J. Bram
Vice-Chairman
/s/ Pat Shea
/s/ Chris Healy

- i. REPORT – ST. CHARLES ROAD INTERGOVERNMENTAL AGREEMENT WITH VILLA PARK The following report of the Public Works and Buildings Committee was presented:

June 22, 2009

TO: Mayor DiCianni and Members of the City Council
RE: St. Charles Road Intergovernmental Agreement with Villa Park

The Public Works and Buildings Committee met on Monday, June 22, 2009 to discuss an intergovernmental agreement with Villa Park for the St. Charles Road Resurfacing Project.

The entire project consists of the resurfacing St. Charles Road from Westmore Avenue to Illinois Route 83, and is being completed by the Village of Villa Park as part of the Federal Surface Transportation Program (STP) with a 70% Federal/ 30% Local Agency cost share. The City of

Elmhurst is responsible for the north half of the St. Charles Road pavement from Illinois Route 83 to Villa Avenue.

Elmhurst will reimburse Villa Park for its proportionate share of the construction costs, an estimated amount of \$60,800. Actual costs will be based on contract unit prices and actual quantities. \$75,000 is budgeted in account 110-6041-432-80-15 for this project.

It is the recommendation of the Public Works and Buildings Committee that the intergovernmental agreement for the St. Charles Road Resurfacing Project be approved.

Respectfully submitted,
Public Works and Building Committee

/s/ Jim Kennedy
Chairman

/s/ Michael J. Bram
Vice-Chairman

/s/ Pat Shea

/s/ Chris Healy

- j. REPORT – TIERED APPROACH AUTHORITY AGREEMENT The following report of the Public Works and Buildings Committee was presented:

June 22, 2009

TO: Mayor DiCianni and Members of the City Council

RE: Tiered Approach Authority Agreement

The Public Works and Buildings Committee met on Monday, June 22, 2009 to review a request from Mr. Thomas Leach, owner of the “Gas Stop”, that the City enter into a Tiered Approach Authority Agreement (TACO) with regard to the York Street Right-of-Way adjacent to the gas station located at 575 South York Street.

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 Mr. Leach 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 enter into 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.

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. The Agreement attached to the Committee report is the same or similar to prior such Agreements entered into by the City.

The gas station has been remediated and the Illinois Environmental Protection Agency is prepared to issue an NFR letter provided the City enters into the TACO Agreement. He further stated that the contaminant concentrations in the soil and group 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 City's obligations under the Agreement are minimal and that the issuance of an NFR letter will allow Mr. Leach to secure the NFR letter from the IEPA, it is the Committee's opinion that the City should enter into the Highway Authority Agreement.

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

Respectfully submitted,
Public Works and Building Committee

/s/ Jim Kennedy
Chairman

/s/ Michael J. Bram
Vice-Chairman

/s/ Pat Shea

/s/ Chris Healy

- k. REPORT – 2009 CONCRETE PAVEMENT PATCHING PROGRAM The following report of the Public Works and Buildings Committee was presented:

June 22, 2009

TO: Mayor DiCianni and Members of the City Council
RE: 2009 Concrete Pavement Patching Program

The Public Works and Buildings Committee met on Monday, June 22, 2009 to review bids received for the 2009 Concrete Pavement Patching Program. The bids are summarized on Attachment "A".

The work consists of the removal and replacement of deteriorated concrete pavement, curb, and gutter at various locations throughout the City and to replace concrete that was removed when repairs were made to water mains and fire hydrants.

G & M Cement Construction, Inc., of Addison, Illinois submitted the lowest responsible bid meeting all of the bidding requirements. G & M Cement Construction, Inc., has performed similar work for the City of Elmhurst and other municipalities previously, and the work was completed in a satisfactory manner.

Monies for this project have been provided in the FY2009/10 General Fund budget in account number 110-6041-432-30-11 in the amount of \$100,000 to repair deteriorated concrete pavement. Monies are provided in the Municipal Utility Fund budget in account number 510-6052-501-30-11 in the amount of \$25,000 for the work associated with the water distribution system. The work will be completed per the Schedule of Unit Prices provided on Attachment "B".

The Committee noted the advantageous pricing in G & M Cement's bid and was desirous of taking advantage of it. However, the Committee is also mindful of the current fiscal challenges the City faces. Therefore, it was determined that the City should spend more than the bid of \$89,685 but less than the budgeted amount of \$125,000. The Committee determined it would be appropriate to authorize work up to \$100,000.

It is therefore, the recommendation of the Public Works and Buildings Committee that the bid and Schedule of Unit Prices from G & M Cement Construction, Inc., for the 2009 Concrete Pavement Patching Program in an amount not to exceed \$100,000 be accepted.

Respectfully submitted,
Public Works and Building Committee

/s/ Jim Kennedy
Chairman

/s/ Michael J. Bram
Vice-Chairman

/s/ Pat Shea

/s/ Chris Healy

1. REPORT – PRIVATE PROPERTY PROTECTION PROGRAM BUDGET The following report of the Public Works and Buildings Committee was presented:

June 29, 2009

To: Mayor DiCianni and Members of the City Council
Re: Private Property Protection Program Budget

The Public Works and Buildings Committee met on June 29, 2009 to discuss the status of the Private Property Protection Program budget. The current budget for the Private Property Protection Program is \$15,000. This is a program that assists homeowners in the installation of a sewer design that is less likely to allow sanitary sewer backups into the home and protect the sanitary collection system from additional surcharging due to footing drains or groundwater entering the system. However, the recent heavy rains have resulted in a spike in interest in the program from citizens who are experiencing frequent sanitary sewer basement backups. Interest in the program has risen such that the budget is now depleted for the year.

Because of the very competitive bidding market recent bids have come in the lower than the projected budget amounts. As a consequence the Sanitary Sewer Repair line has funds that will likely not be spent on current sewer repair projects and so has additional funds available to be used for the Private Property Protection Program.

Staff are requesting that \$30,000 in the Sanitary Sewer budget line item 510-6056-502.80-13 be allowed to be used for the Private Property Protection Program to fund in place requests for sewer installations and to meet the continuing demand for this program.

It is the recommendation of the Public Works and Buildings Committee that \$30,000 in the Sanitary Sewer budget line item 510-6056-502.80-13 be used to fund Private Property Protection Program projects for the remainder of FY09-10.

Respectfully submitted,
Public Works and Building Committee

/s/ Jim Kennedy
Chairman

/s/ Michael J. Bram
Vice-Chairman

/s/ Pat Shea

/s/ Chris Healy

- m. REPORT – WWTP EMERGENCY SLUICE GATE REPAIR The following report of the Public Works and Buildings Committee was presented:

June 29, 2009

To: Mayor DiCianni and Members of the City Council
Re: WWTP Emergency Sluice Gate Repair

The Public Works and Buildings Committee met on June 29, 2009 to discuss proposals for the emergency repairs to the wastewater plant influent sluice gate.

The gate was installed in 1989 and is used to throttle the flows to the influent pumping station. The gate position is frequently moving to either close and limit flows to the station pumping limit or opening to sustain maximum design flows. Because of the frequent moving and weakening due to corrosion the connection to the gate broke from of the operator shaft. Temporary repairs were

completed by staff allowing the gate to be put back into service. Staff are now seeking to replace the gate with a new gate.

Funds were budgeted in the FY09-10 Capitol Budget for this project. During the original design, prices were obtained for labor and materials and were budgeted in the Capitol Budget. That expected total was \$50,000.

In May proposals for this project were received from three area contractors. Those proposals are;

Contractor	Amount
Concord Construction Services Lake Zurich Illinois	\$75,600.00
Dahme Mechanical Arlington Heights Illinois	\$145,350.00
Bowen Engineering Crown Point Indiana	\$159,539.00

When reviewing the amounts staff found that the costs for the needed by-pass pumping were significantly underestimated. Though the project is planned for a low flow time the possibility of high flows being received must be anticipated and preparations in place to accommodate that event.

The influent gate is critical to the operation of the plant. If the gate were to fail at a peak flow period significant damage to the influent pumps could occur or flows to the plant would be restricted and the plant could not achieve full capacity flows.

For those reasons staff is seeking approval to use funds in the Sewer Repairs Budget to partially fund the Emergency Sluice Gate Repairs project and proceed with the repairs. Due to a very competitive bidding climate the Sewer Repair Budget line has funds that will not be spent this fiscal year and can be re-directed to this project.

It is the recommendation of the Public Works and Buildings Committee that funds in the total of \$26,000 in the Sanitary Sewer Repair Budget, 510-6056-502-80.13 be used to partially fund the WWTP Emergency Sluice Gate Repair (Line number 510-6057-502-80.20) and that Concord Construction Services be notified to proceed with the emergency repairs when flow conditions allow the work to be completed.

Respectfully submitted,
Public Works and Building Committee

/s/ Jim Kennedy

Chairman

/s/ Michael J. Bram

Vice-Chairman

/s/ Pat Shea

/s/ Chris Healy

n. REPORT – DISPOSITION OF STOP SIGN REQUEST PARKSIDE AND MCKINLEY AVENUES The following report of the Public Affairs and Safety Committee was presented:

June 22, 2009

To: Mayor DiCianni and Members of the City Council

RE: Disposition of Stop Sign Request Parkside and McKinley Avenues

The Public Affairs and Safety Committee met on June 22, 2009 to discuss the status of the request for Stop Signs at the intersection of Parkside and McKinley Avenues.

In response to a neighborhood request, the City Engineering Division performed a study at the subject intersection. The request was for stop signs at the intersection. Staff review finds poor sight distance at the southeast corner of the intersection of Parkside and McKinley Avenues. According to “Proposed Warrants for Low Volume Intersection Traffic Control”, this intersection meets the warrants for stop control. Staff recommendation is to replace the existing yield signs with stop signs

on the McKinley Avenue approaches to Parkside Avenue. The Public Affairs and Safety Committee concurs with the City Engineering recommendation.

It is, therefore, the recommendation of the Public Affairs and Safety Committee that the appropriate ordinance be drafted and adopted by the City Council to provide Stop Signs at the intersection of Parkside and McKinley Avenues.

Respectfully submitted,
Public Affairs and Safety Committee
/s/ Patrick Wagner
Chairman
/s/ Chris Nybo
Vice-Chairman
/s/ Paula Pezza

- o. REPORT – YORKFIELD AND FERN AVENUES STOP SIGN STUDY The following report of the Public Affairs and Safety Committee was presented:

June 22, 2009

To: Mayor DiCianni and Members of the City Council
RE: Yorkfield and Fern Avenues Stop Sign Study

The Public Affairs and Safety Committee met on June 22, 2009 to discuss the status of the request for Stop Signs at the intersection of Yorkfield and Fern Avenues.

In response to a neighborhood request, Brent Coulter of Coulter Transportation Consulting reviewed the intersection of Colfax Avenue and Adams Street. The request was to install stop signs at the intersection. Mr. Coulter's findings cite that yield signs are warranted based on existing intersection sight distances of 80 feet at the southeast corner. City Engineering recommendation is that yield signs be placed on the Fern Avenue approach to Yorkfield Avenue. The Public Affairs and Safety Committee concurs with the City Engineering recommendation.

It is, therefore, the recommendation of the Public Affairs and Safety Committee that the appropriate ordinance be drafted and adopted by the City Council to provide Yield Signs at the intersection of Yorkfield and Fern Avenue.

Respectfully submitted,
Public Affairs and Safety Committee
/s/ Patrick Wagner
Chairman
/s/ Chris Nybo
Vice-Chairman
/s/ Paula Pezza

- p. REPORT – COLFAX AVENUE AND ADAMS STREET STOP SIGN STUDY The following report of the Public Affairs and Safety Committee was presented:

June 22, 2009

To: Mayor DiCianni and Members of the City Council
RE: Colfax Avenue and Adams Street Stop Sign Study

The Public Affairs and Safety Committee met on June 22, 2009 to discuss the status of the request for Stop Signs at the intersection of Colfax Avenue and Adams Street.

In response to a neighborhood request, Brent Coulter of Coulter Transportation Consulting reviewed the intersection of Colfax Avenue and Adams Street. Mr. Coulter's findings cite that yield signs are warranted based on existing intersection sight distances of between 80 and 100 feet. City Engineering recommendation is that yield signs be placed on the Colfax Avenue approaches to Adams Street. The Public Affairs and Safety Committee concurs with the City Engineering recommendation.

It is, therefore, the recommendation of the Public Affairs and Safety Committee that the

appropriate ordinance be drafted and adopted by the City Council to provide Yield Signs at the intersection of Colfax Avenue and Adams Street.

Respectfully submitted,
Public Affairs and Safety Committee
/s/ Patrick Wagner
Chairman
/s/ Chris Nybo
Vice-Chairman
/s/ Paula Pezza

- q. REPORT – DISPOSITION OF YIELD SIGN REQUEST HILLSIDE AND MCKINLEY AVENUES The following report of the Public Affairs and Safety Committee was presented:

June 22, 2009

To: Mayor DiCianni and Members of the City Council
RE: Disposition of Yield Sign Request Hillside and McKinley Avenues

The Public Affairs and Safety Committee met on June 22, 2009 to discuss the status of the request for Yield Signs at the intersection of Hillside and McKinley Avenues.

In response to a neighborhood request, the City Engineering Division performed a study at the subject intersection. The request was for yield signs at the intersection. Staff review finds moderate sight distance between 70 and 110 feet at this low-volume intersection. According to “Proposed Warrants for Low Volume Intersection Traffic Control”, this intersection meets the warrants for yield control. Staff recommendation is to install yield signs on the Hillside Avenue approaches to McKinley Avenue. The Public Affairs and Safety Committee concurs with the City Engineering recommendation.

It is, therefore, the recommendation of the Public Affairs and Safety Committee that the appropriate ordinance be drafted and adopted by the City Council to provide Yield Signs at the intersection of Hillside and McKinley Avenues.

Respectfully submitted,
Public Affairs and Safety Committee
/s/ Patrick Wagner
Chairman
/s/ Chris Nybo
Vice-Chairman
/s/ Paula Pezza

- r. REPORT – LINDEN AVENUE AND CHURCH STREET STOP SIGN REQUEST The following report of the Public Affairs and Safety Committee was presented:

June 22, 2009

To: Mayor DiCianni and Members of the City Council
RE: Linden Avenue and Church Street Stop Sign Request

The Public Affairs and Safety Committee met on June 22, 2009 to discuss the status of the request for Stop Signs at the intersection of Linden Avenue and Church Street.

In response to a neighborhood request, Brent Coulter of Coulter Transportation Consulting reviewed the intersection of Linden Avenue and Church Street. Based on criteria set forth in “Proposed Warrants for Low Volume Intersection Traffic Control”, stop signs are warranted on southbound Linden Avenue (at the north leg of the intersection) and northbound Linden on the south leg. In accordance with Mr. Coulter’s findings, City Engineering staff recommends that option 1 as presented within the report be approved. Option 1 supports the observed school walk route and includes stop sign installation, crosswalk and stop bar striping, as well as sidewalk improvements to facilitate safe pedestrian crossings. The Public Affairs and Safety Committee concurs with the City Engineering recommendation.

It is, therefore, the recommendation of the Public Affairs and Safety Committee that the

appropriate ordinance be drafted and adopted by the City Council to provide stop signs on southbound Linden Avenue (at the north leg of the intersection) and northbound Linden on the south leg. Additionally, to facilitate safe pedestrian crossings, the installation of crosswalk and stop bar striping on the school walk route.

Respectfully submitted,
Public Affairs and Safety Committee
/s/ Patrick Wagner
Chairman
/s/ Chris Nybo
Vice-Chairman
/s/ Paula Pezza

- s. REPORT – SEWERAGE TREATMENT RATES FOR PRIVATE WELL USERS The following report of the Finance, Council Affairs and Administrative Services Committee was presented:

June 23, 2009

To: Mayor DiCianni and Members of the City Council
Re: Sewerage Treatment Rates for Private Well Users

The Finance, Council Affairs and Administrative Services Committee met June 22, 2009, to review a proposed sewerage treatment rate adjustment to those customers served by private water wells.

Currently, the City provides sewerage collection and treatment services for 24 customers who have private wells. Since the City lacks a metering device for water service to these customers, sewerage treatment charges are based on approximate citywide averages. Basically, the proposed fee for private well users has been adjusted in the same proportion as the City's water and sewerage treatment customers. The bi-monthly proposed and existing rates are indicated below:

	Proposed <u>Rate</u>	Current <u>Rate</u>
Residential*	\$ 65.10	\$ 60.76
Commercial*	\$ 65.10	\$ 60.76

*Federal EPA requirements mandate that rates be identical unless separate treatment is provided for industrial wastes.

The Committee has reviewed the proposed rate structure and believes it to be reasonable and appropriate.

It is, therefore, the recommendation of the Finance, Council Affairs and Administrative Services Committee that the City Council direct the City Attorney to prepare an amendment to the Municipal Code of Ordinances to establish a bi-monthly service charge for sewerage treatment of \$65.10 for customers with private water wells.

Respectfully submitted,
Finance, Council Affairs and
Administrative Services Committee
/s/ Stephen Hipskind
Chairman
/s/ Kevin York
Vice-Chairman
/s/ Mark Mulliner
/s/ Diane Gutenkauf

- t. REPORT – WATER AND SEWER RATES FOR ELMHURST RESIDENTS ON WRIGHTWOOD AVENUE The following report of the Finance, Council Affairs and Administrative Services Committee was presented:

June 23, 2009

To: Mayor DiCianni and Members of the City Council
Re: Water and Sewer Rates for Elmhurst Residents on Wrightwood Avenue

The Finance, Council Affairs and Administrative Services Committee met twice, most recently June 22, 2009, to consider the referral from Alderman Bram to review water and sewer rates for Elmhurst residents on Wrightwood Avenue.

In 1990, a voluntary annexation petition was filed with the City of Elmhurst for seven parcels of land on the north side of Wrightwood Avenue (277-301 E. Wrightwood Avenue), which were located in unincorporated Country Club Highlands, abutting the City's northeast corner. The attorney for the property owners stated in documents submitted to the City that the owners recognized that they would be serviced by Citizens Utility (now Illinois American Water Company) for water and sewer. The committee report recommending the voluntary annexation, which was approved August 6, 1990, also stated that these properties are serviced by Citizens Utility for water and sewer. The annexation ordinance O-01-91 was approved by the City Council on February 19, 1991.

Illinois American Water Company (IAWC) provides water distribution and wastewater collection services for several Facility Planning Areas (FPA) in Illinois, including the FPA commonly known as Country Club Highlands, which includes the properties on Wrightwood Avenue. The City has two contracts with IAWC with regard to the Country Club Highlands FPA. One contract is a wheeling agreement to "wheel" Lake Michigan water from DuPage Water Commission through Elmhurst to IAWC's water pumping station for the Country Club Highlands area. The second contract is for wastewater treatment. The IAWC infrastructure collects wastewater and delivers it through a metering station to the City's sewer infrastructure for treatment at the City's wastewater treatment plant. The IAWC is invoiced monthly for both services provided by Elmhurst.

IAWC is a private for-profit utility company, and its water and sewer rates are regulated and approved by the Illinois Commerce Commission (ICC). The rates for service to the Country Club Highlands customers are higher than the City's water and sewer rates, and the residents on Wrightwood Avenue would like to either receive water and sewer service from the City of Elmhurst or be charged the City's water and sewer rates. The City has discussed removing the seven parcels on Wrightwood Avenue from their system with IAWC more than once, and IAWC has responded that they are not interested in releasing those parcels. Even if the properties were released by IAWC, the residents are aware that they would bear the expense of the infrastructure needed to connect to the City water and sewer systems, which is estimated to be about \$400,000 for the seven parcels. The City also discussed with IAWC the possibility of IAWC charging different rates for the Wrightwood Avenue customers. IAWC said that a different rate structure for Wrightwood Avenue residents is not possible due to ICC regulations.

Staff noted that not all Elmhurst residents receive water and sewer service from the City. There are approximately thirty properties in the south section of the City that receive water service from the City but receive sewer service from the Flagg Creek Facility Planning Area, including the Elmhurst Center for Health and the new Elmhurst Memorial Hospital.

After discussion, it was the consensus of the Finance Committee that the City of Elmhurst has neither jurisdiction nor authority regarding the water and sewer service provided by IAWC to the Country Club Highlands FPA, which includes the seven parcels on Wrightwood Avenue in Elmhurst. Until such time as IAWC would consider a change in the FPA boundaries as they relate to the Country Club Highlands FPA, the City has no course of action.

It is, therefore, the recommendation of the Finance, Council Affairs and Administrative Services Committee that the City Council take no action at this time regarding the water and sewer rates for Elmhurst residents on Wrightwood Avenue.

Respectfully submitted,
Finance, Council Affairs and
Administrative Services Committee
/s/ Stephen Hipskind
Chairman
/s/ Kevin York
Vice-Chairman
/s/ Mark Mulliner
/us/ Diane Gutenkauf

- u. REPORT – SENIOR CITIZEN DISCOUNT FOR WATER/SEWER UTILITY SERVICE The following report of the Finance, Council Affairs and Administrative Services Committee was presented:

June 23, 2009

To: Mayor DiCianni and Members of the City Council
Re: Senior Citizen Discount for Water/Sewer Utility Service

The Finance, Council Affairs and Administrative Services Committee met June 22, 2009, to review a referral from Alderman Shea to consider a senior citizen discount for water/sewer utility service from the City of Elmhurst.

The revenues and expenses associated with water distribution and sewer collection and treatment are accounted for in the City's Municipal Utility Fund (MUF). This is a user fee financed fund; water and sewer fees support 97% of the activity of this fund. Staff surveyed DuPage County municipalities, and at this time, no DuPage municipality has a senior citizen discount program for water and sewer service. Staff believes a senior citizen discount program would require significant administration in terms of gathering, maintaining and monitoring personal information such as birthdates to determine when the senior discount would be triggered on any particular account. Staff would also need to manually intervene in the billing system to override the regular billing rates when producing the utility bill. It was noted that not all senior citizens are on fixed incomes and that a fixed income may not signal an inability to pay.

The City currently has a senior citizen discount program for vehicle stickers where the qualifying event is that the vehicle is registered to an individual who is age 65 or older. The City also has a rebate program that is administered on a calendar basis that provides a 50% rebate of gas, electric and telephone utility taxes, and vehicle sticker fees, to individuals that meet a low income means test. To qualify for the rebate, income level, not age, is the qualifying event. Thirteen rebate requests were processed each of the last two calendar years.

After discussion, it was the consensus of the Finance Committee to deny the request for a senior citizen discount for water/sewer utility service.

It is, therefore, the recommendation of the Finance, Council Affairs and Administrative Services Committee that the City Council take no action regarding a senior citizen discount for water/sewer utility service.

Respectfully submitted,
Finance, Council Affairs and
Administrative Services Committee
/s/ Stephen Hipskind
Chairman
/s/ Kevin York
Vice-Chairman
/s/ Mark Mulliner
/us/ Diane Gutenkauf

- v. REPORT – CASE NUMBER 09 P-02/DELPHI ACADEMY CONDITIONAL USE The following report of the Development, Planning and Zoning Committee was presented:

June 24, 2009

TO: Mayor DiCianni and Members of the City Council
RE: Case Number 09 P-02/Delphi Academy Conditional Use

Request for Conditional Use Permit for the purpose of establishing a school use in the existing church building (formerly Elmhurst Christian Reformed Church) on property commonly known as 905 S. Kent.

The Development, Planning and Zoning Committee met on May 26 and June 22, 2009 to review and discuss the subject request. This included the Zoning & Planning Commission recommendation and findings of fact report, application documents, the applicant's traffic study, and the public hearing transcript for this request.

The Committee began discussion by reviewing the existing and projected operational aspects of the proposed school. They acknowledged that schools are allowed as a conditional use in this R-2 District, and that the 2009 Comprehensive Plan designates this site for institutional uses (like churches and schools). The dominant issue of discussion was traffic generated by the school use, and the change from the previous church use. The following points about traffic were discussed by the Committee in detail:

- The previous church use on this site including weekday activities, such as the Little Lambs program, which generated daytime traffic, however no hard data on traffic generated by this program exists or was presented. Only anecdotal data and post hoc estimates were presented.
- The school has staggered start and finish times for various grade levels, resulting in a lower concentration of traffic volume at any one time, but also spreading out traffic over longer periods on school days. These extended periods are more likely to overlap with the typical morning and late afternoon/evening “rush hour” periods when there are already higher traffic counts on adjacent streets due to work-related trips. In addition, the school would operate twelve months of the year, adding to existing traffic during times of higher pedestrian traffic (i.e. summer).
- The proposed Delphi Academy would have dismissal times around the same time as other schools in the area, such as Jackson (elementary) and Bryan (middle), possibly exacerbating traffic volumes on area streets.
- The Police Department’s initial questions about traffic were later addressed by provision of a traffic study. This traffic study (submitted by the applicant) identified projected traffic volumes and concluded that area streets could handle the additional traffic without significant change to level of service.
- During discussion of the traffic study, the Committee noted that the statistics and projections identified could lead to a variety of possibly contradictory conclusions. The Committee also noted the potential for growth of Delphi Academy, and the resulting traffic, has to be considered for this request.
- The applicant did not propose substantive changes to accommodate increased traffic, such as a second parking lot entrance or additional driveway; a single parking lot entrance is proposed.

The Committee reviewed the Standards for Conditional Use, and concurred that a majority of the Standards were not met for this request. The Committee emphasized that those Standards affected by traffic (specifically a-c, and e as follows), were especially noteworthy as not having been met:

- a) That the establishment, maintenance, or operation of the conditional use will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare.
- b) That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
- c) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- e) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

Therefore it is the recommendation of the Development, Planning and Zoning Committee to not recommend approval of this conditional use request.

Respectfully submitted,
Development, Planning and Zoning
Committee
/s/ Steven Morley
Chairman
/s/ Susan J. Rose
Vice-Chairman
/s/ Norman Leader

w. O-19-2009 – AN ORDINANCE AUTHORIZING THE SALE BY AUCTION AND DISPOSAL OF PERSONAL PROPERTY OWNED BY THE CITY OF ELMHURST

Ordinance O-19-2009 was presented for passage.

x. O-20-2009 – AN ORDINANCE AUTHORIZING THE SALE BY AUCTION OF PERSONAL PROPERTY OWNED BY THE CITY OF ELMHURST

Ordinance O-20-2009 was presented for passage.

y. O-21-2009 – AN ORDINANCE MAKING APPROPRIATIONS FOR SPECIAL SERVICE AREA NUMBER FIVE OF THE CITY OF ELMHURST FOR THE FISCAL YEAR BEGINNING MAY 1, 2009 AND ENDING APRIL 30, 2010

Ordinance O-21-2009 was presented for passage.

z. O-22-2009 – AN ORDINANCE MAKING APPROPRIATIONS FOR SPECIAL SERVICE AREA NUMBER SIX OF THE CITY OF ELMHURST FOR THE FISCAL YEAR BEGINNING MAY 1, 2009 AND ENDING APRIL 30, 2010

Ordinance O-22-2009 was presented for passage.

aa. O-23-2009 – AN ORDINANCE MAKING APPROPRIATIONS FOR SPECIAL SERVICE AREA NUMBER SEVEN OF THE CITY OF ELMHURST FOR THE FISCAL YEAR BEGINNING MAY 1, 2009 AND ENDING APRIL 30, 2010

Ordinance O-23-2009 was presented for passage.

bb. O-24-2009 – AN ORDINANCE MAKING APPROPRIATIONS FOR SPECIAL SERVICE AREA NUMBER EIGHT OF THE CITY OF ELMHURST FOR THE FISCAL YEAR BEGINNING MAY 1, 2009 AND ENDING APRIL 30, 2010

Ordinance O-24-2009 was presented for passage.

cc. O-25-2009 – AN ORDINANCE MAKING APPROPRIATIONS FOR SPECIAL SERVICE AREA NUMBER NINE OF THE CITY OF ELMHURST FOR THE FISCAL YEAR BEGINNING MAY 1, 2009 AND ENDING APRIL 30, 2010

Ordinance O-25-2009 was presented for passage.

dd. O-26-2009 – AN ORDINANCE MAKING APPROPRIATIONS FOR SPECIAL SERVICE AREA NUMBER TEN OF THE CITY OF ELMHURST FOR THE FISCAL YEAR BEGINNING MAY 1, 2009 AND ENDING APRIL 30, 2010

Ordinance O-26-2009 was presented for passage.

ee. O-27-2009 – AN ORDINANCE MAKING APPROPRIATIONS FOR SPECIAL SERVICE AREA NUMBER ELEVEN OF THE CITY OF ELMHURST FOR THE FISCAL YEAR BEGINNING MAY 1, 2009 AND ENDING APRIL 30, 2010

Ordinance O-27-2009 was presented for passage.

Alderman Hipskind removed item **6t. Report – Water and Sewer Rates for Elmhurst Residents on Wrightwood Avenue.** Alderman Gutenkauf pulled items **6z. O-22-2009 – An Ordinance Making Appropriations for Special Service Area Number Six of the City of Elmhurst for the Fiscal year Beginning May 1, 2009 and Ending April 30, 2010** and **6aa. O-23-2009 – An Ordinance Making Appropriations for Special Service Area Number Seven of the City of Elmhurst for the Fiscal year Beginning May 1, 2009 and Ending April 30, 2010.**

Alderman Hipskind moved to approve the contents of the Consent less item **6t. Report – Water and Sewer Rates for Elmhurst Residents on Wrightwood Avenue, 6z. O-22-2009 – An Ordinance Making Appropriations for Special Service Area Number Six of the City of Elmhurst for the Fiscal year Beginning May 1, 2009 and Ending April 30, 2010** and **6aa. O-23-2009 – An Ordinance Making Appropriations for Special Service Area Number Seven of the City of Elmhurst for the Fiscal year Beginning May 1, 2009 and Ending April 30, 2010**. Alderman Morley seconded. Roll call vote:

Ayes: Hipskind, Morley, Gutenkauf, Pezza, Shea, Leader, Bram, York, Nybo, Healy, Mulliner, Wagner

Nays: None

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

Alderman Hipskind as Finance, Council Affairs and Administrative Services Committee Chairman, stated he pulled item **6t. Report – Water and Sewer Rates for Elmhurst Residents on Wrightwood Avenue** to move to bring this item back to committee for further review. Alderman York seconded.

Roll call vote to return item **6t. Report – Water and Sewer Rates for Elmhurst Residents on Wrightwood Avenue** to the Finance, Council Affairs and Administrative Services Committee for further review:

Ayes: Hipskind, York, Gutenkauf, Pezza, Shea, Leader, Bram, Nybo, Healy, Morley, Mulliner, Wagner

Nays: None

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

Alderman Gutenkauf moved to open discussion on item **6z. O-22-2009 – An Ordinance Making Appropriations for Special Service Area Number Six of the City of Elmhurst for the Fiscal Year Beginning May 1, 2009 and Ending April 30, 2010**. Alderman Pezza seconded. Voice vote, motion carried.

Alderman Gutenkauf stated she pulled item **6z. O-22-2009 – An Ordinance Making Appropriations for Special Service Area Number Six of the City of Elmhurst for the Fiscal Year Beginning May 1, 2009 and Ending April 30, 2010** to state her concerns at the way elections are handled by the City Centre Board. She stated lists of eligible names of property owners and merchants have not been provided for use in their elections. Alderman Gutenkauf stated she is not pleased with the process and will vote against this appropriation. She urged City Centre to come to terms by their bylaws.

Alderman Pezza stated her concerns on the election process of the City Centre board.

Alderman Healy suggested Council have a chance to hear directly from City Centre. Alderman Healy moved to table item **6z. O-22-2009 – An Ordinance Making Appropriations for Special Service Area Number Six of the City of Elmhurst for the Fiscal Year Beginning May 1, 2009 and Ending April 30, 2010** so that more information may be obtained from both sides. Alderman Nybo seconded.

Alderman Morley, in response to Alderman Hipskind being recognized by the chair, point of order, to table an item is not debatable.

City Attorney Storino stated items need to be tabled to a time certain, the next meeting is July 20, 2009.

Alderman Bram, point of order, asked that the motion be restated with the time certain.

Roll call vote to table item **6z. O-22-2009 – An Ordinance Making Appropriations for Special Service Area Number Six of the City of Elmhurst for the Fiscal Year Beginning May 1, 2009 and Ending April 30, 2010** until a time certain of July 20, 2009, so that more information may be obtained from both sides:

Ayes: Healy, Nybo, Gutenkauf, Pezza, Shea, Leader, Bram, Hipskind, York, Morley, Mulliner, Wagner

Nays: None

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

Alderman Gutenkauf moved to open discussion on item **6aa. O-23-2009 – An Ordinance Making Appropriations for Special Service Area Number Seven of the City of Elmhurst for the Fiscal Year Beginning May 1, 2009 and Ending April 30, 2010**. Alderman Bram seconded. Voice vote, motion carried.

Alderman Gutenkauf moved to table item **6aa. O-23-2009 – An Ordinance Making Appropriations for Special Service Area Number Seven of the City of Elmhurst for the Fiscal Year Beginning May 1, 2009 and Ending April 30, 2010** until a time certain of July 20, 2009. Alderman Hipskind seconded.

Roll call vote to table item **6aa. O-23-2009 – An Ordinance Making Appropriations for Special Service Area Number Seven of the City of Elmhurst for the Fiscal Year Beginning May 1, 2009 and Ending April 30, 2010** until a time certain of July 20, 2009:

Ayes: Gutenkauf, Hipskind, Pezza, Shea, Leader, Bram, York, Nybo, Healy, Morley, Mulliner, Wagner

Nays: None

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

COMMITTEE REPORTS

7. a. CASE NUMBER 09 P-03/REAL ESTATE ELMHURST LLC REQUEST FOR MAP AMENDMENT The following report of the Development, Planning and Zoning Committee was presented for passage.

June 24, 2009

TO: Mayor DiCianni and Members of the City Council

RE: Case Number 09P-03 / Real Estate Elmhurst LLC request for Map Amendment

Request for Map Amendment (Rezoning) from CR Conservation/Recreation to any of the four following Zoning District Classifications: R4 Limited General Residence, C1 Local Shopping District, C2 Community Shopping and Service District or C3 General Commercial District for the purpose of creating an economically viable use for the property. The common address is 621 W. North Avenue (formerly 313 N. Route 83).

The Development, Planning and Zoning Committee met on June 8 and June 22, 2009 to review the information regarding the subject request. The Committee reviewed the Zoning & Planning Commission recommendation and findings of fact report, application documents from the

petitioner, and the transcript of the public hearing. The applicant, Real Estate Elmhurst LLC, is requesting a map amendment (rezoning) to provide economic viability for the property.

The DPZ Committee discussed this request's background, history and location at length, especially regarding the zoning classification in the early 1990's and the status of property ownership. They also reviewed at length the City's denial of the 2006 "Gables of Elmhurst" application for this property, which included a similar rezoning request.

The legal aspects of this particular application prompted the DPZ Committee to meet twice in executive session to discuss potential litigation matters associated with the zoning.

The DPZ then reviewed possible uses and implications associated with each of the four zoning districts under consideration, in light of the Zoning and Planning Commission recommendation and findings and consistent with the City Code standards for map amendments. They also discussed the adjacent single-family neighborhood and its relationship to this site, the adjacent commercial sites (which have already been redeveloped), and the four zoning districts. The DPZ identified the following points regarding these issues:

- While R-4 had been previously discussed as a zoning district that would "protect" the adjacent neighborhood, no landscape buffer or fencing is required between R-4 and R-1 Districts. However, commercial districts such as C-2 require a landscape buffer or fencing adjacent to the residential area.
- With R-4 zoning, parking for an adjacent commercial site would be allowed as a conditional use. However, even though the idea of using this site to provide additional parking for the adjacent commercial site was supported, there is no guarantee that the property owner would use the site for parking. Multi-family housing could be developed on the subject site with this zoning district.
- Currently, there is significant demand for parking on the adjacent commercial site due to tenant X-Sport Fitness. However, tenants, uses, and parking demand are all subject to change over time. The adjacent site was developed with parking that meets applicable zoning requirements.
- While the site was zoned multi-family prior to the City's comprehensive zoning amendments in the early 1990's, conditions in the area have changed, prompting a different approach to zoning designation for the subject site.

The DPZ Committee also noted that designating the site as R-4 would potentially constitute spot zoning, as no nearby districts have this classification. However, the Committee noted that designating the site as C-2 would match the adjacent commercial site and other nearby parcels along North Ave. The Committee also noted that City Staff supported the C-2 zoning designation.

In conclusion, the Development, Planning and Zoning Committee recommends a map amendment to designate this site as C-2 Commercial. The City Attorney is hereby directed to prepare the necessary documents for City Council approval.

Respectfully submitted,
Development, Planning and Zoning
Committee
/s/ Steven Morley
Chairman
/s/ Susan J. Rose
Vice-Chairman
/us/ Norman Leader

Alderman Morley moved to approve item **7a. Case Number 09 P-03/Real Estate Elmhurst LLC Request for Map Amendment**. Alderman Healy seconded.

Alderman Morley reviewed the application to rezone. He stated this was put before the

committee which read 200 pages of documents and discussed the issue several times prior to making their recommendation to Council. The Development, Planning and Zoning Committee (DP&Z) recommended rezoning to C2 which provides the best use of the land. They considered R-4 however the City cannot zone with conditions.

Alderman Leader stated he came to a different conclusion and stated he did not sign the report. He reviewed the quality of life in the Graue Woods area and the development that has been there since 2007 at IL Route 83 and North Avenue. He stated there is a need to rezone but not to C2.

Alderman Gutenkauf ad hoc consensus with the recommendation of the committee.

Alderman Leader reviewed the history of the development at the intersection of IL Route 83 and North Avenue over the past four (4) years. He stated he opposes C2 zoning as it gives great power to the developer. The Zoning & Planning Commission unanimously recommended R4. Alderman Leader stated he supports R4 as it is most protective of the residents. He asked the City Council to vote no to C2.

Discussion ensued.

Alderman Shea stated the committee report fails to take into account the time spent by the Zoning & Planning Commission before they came to the recommendation of R4 zoning for the property. She asked City Attorney Storino about the conditional use process in R4 zoning districts.

City Attorney Storino stated that is not relevant at this point in the discussion as the property is not zoned anything at this point.

Alderman Shea moved to amend item **7a. Case Number 09 P-03/Real Estate Elmhurst LLC Request for Map Amendment** to replace C2 with R4. Alderman Leader seconded.

Alderman Morley, point of order, can Alderman Shea amend a committee report?

City Attorney Storino stated yes, Alderman Shea may make a motion to amend the recommendation of a committee report.

Alderman Morley asked will the committee report need to be rewritten?

City Attorney Storino stated there are several ways it can be done, either item **7a. Case Number 09 P-03/Real Estate Elmhurst LLC Request for Map Amendment** can be sent back to committee or a vote can be taken to amend the recommendation to R4 as there is enough information in the report.

Alderman Nybo, point of order, shouldn't it be a substitution of the recommendation and not an amendment.

City Attorney Storino stated you can substitute but he wasn't sure if that was the intention of Aldermen Shea and Leader.

Discussion ensued regarding amending or substituting the recommendation of the committee report from C2 to R4.

Alderman Morley addressed concerns and questions from around the dais on the decision of the DP&Z Committee to recommend C2 instead of R4 stating that the committee did their due diligence.

Alderman Pezza asked City Attorney Storino for clarification on substituting the motion.

City Attorney Storino stated the motion would be to substitute the recommendation of the committee report.

Discussion ensued around the dais with various Aldermen offering their support of either R4 or C2 zoning and the pros and cons of both zoning classifications for the intersection of IL Route 83 and

North Avenue.

Alderman Bram asked if a motion was needed to suspend with the rules to let the developer speak to the Council, as he would like make that motion.

Mayor DiCianni denied Alderman Bram's request.

Discussion continued.

Mayor DiCianni asked City Attorney Storino about Alderman Bram's intended motion, was that valid.

City Attorney Storino stated his motion needed a second and there was none.

Alderman Mulliner moved to call the question.

Alderman Healy, point of order, there are two (2) motions on the table what is Council voting on.

Mayor DiCianni replied Council is voting on Alderman Shea's motion to substitute the recommendation of the committee report from C2 to R4.

Alderman Hipskind, point of order, ask the Clerk to read the motion.

Clerk Spencer read the motion that was before Council.

Alderman Hipskind, point of order, what is being voted on right now.

Alderman Mulliner, point of order, before a roll call vote can be taken on Alderman Shea's motion a voice vote has to be taken to call the question.

Voice vote to call the question, unanimous, motion carried.

Roll call vote to substitute the recommendation of the committee report from C2 to R4:

Ayes: Shea, Leader, Gutenkauf, Pezza, Bram,

Nays: Hipskind, York, Nybo, Healy, Morley, Mulliner, Wagner

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

Alderman Mulliner, point of order, asked City Attorney Storino, should the rule of 7 apply.

City Attorney Storino replied no.

Roll call vote to approve item **7a. Case Number 09 P-03/Real Estate Elmhurst LLC Request for Map Amendment:**

Ayes: Hipskind, York, Nybo, Healy, Morley, Mulliner, Wagner

Nays: Gutenkauf, Pezza, Shea, Leader, Bram

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

Alderman Gutenkauf, asked City Attorney Storino, should the rule of 7 apply.

City Attorney Storino replied no, not for the committee report. When it is the ordinance it will require 8 votes.

**** This continuation of discussion on Agenda Item 7a. took place after Agenda items 8 and 9 were discussed.****

City Attorney Storino asked to address the Council regarding his statement that the rule of 7 does not apply. He stated he stands by his decision however after looking at possible different interpretations of the Municipal Code and taking into account the concerns of Aldermen Morley, Mulliner and Gutenkauf he wants Council to know that they can reconsider the vote and apply the rule of 7. In order to do so there needs to be a motion, second and a voice vote to reconsider followed by a motion, second and roll call vote on the committee report.

Alderman Morley moved to reconsider item **7a. Case Number 09 P-03/Real Estate Elmhurst LLC Request for Map Amendment** and apply the rule of 7. Alderman Nybo seconded. Voice vote,

motion carried.

Roll call vote on item **7a. Case Number 09 P-03/Real Estate Elmhurst LLC Request for Map Amendment:**

Ayes: Hipskind, York, Nybo, Healy, Morley, Mulliner, Wagner, Mayor DiCianni

Nays: Gutenkauf, Pezza, Shea, Leader, Bram

Results: 8 ayes, 5 nays, 2 absent
Motion carried

REPORTS AND RECOMENDATIONS OF APPOINTED AND ELECTED OFFICIALS

8. a. UPDATES (Mayor Marcucci)

Alderman Bram, point of order, has Council finished addressing item 7a. Case Number 09 P-03/Real Estate Elmhurst LLC Request for Map Amendment.

Mayor DiCianni replied that the Committee Reports section of the agenda was just addressed if there is more to be said can be done at a later point.

1. FINANCE TASK FORCE

Mayor DiCianni stated the selection of the Finance Task Force was completed. Mr. Kevin Diamond will chair the twenty-one (21) member task force. He stated it is a very diverse group of people who will take a good look at the City's finances. The Mayor announced the task force members are as follows: Kevin Diamond, Scott Levin, Treasurer Dyer, Steve Lubertozi, Jim Japczyk, Melva Walker, Tom Naples, Gina Brigham, Mark Brennan, Paul McClaferty, James W. Owens Jr., Don Jacobsen, Steven Rhea, Michele Garcia Melind, Georgia Dolan, Kevin Burns, Ed Lavin, Jan Kuzniar, Laura McAdam, Demian Kircher and David Cooke.

The Mayor stated the task force will meet over the next several months. This team will give the Council insights to what citizens want from this great City. Mr. Diamond will be meeting with the task force regarding logistics.

2. OTHER

Alderman Mulliner commented on the most recent storm, thanking the City for the great job they did. He stated he and Public Works and Buildings Committee Chairman Wagner have met with ComEd along with the Mayor and City staff and expect some real results from ComEd.

Alderman Nybo commended Mayor DiCianni for his Finance Task Force. He asked if the meetings will be noticed and open to the public.

City Attorney Storino replied yes.

Mayor DiCianni stated he will have Chairman Diamond handle the public relations. The Mayor stated that Scott Levin will serve as Co-Chair.

Alderman Wagner commented on the recent meeting with ComEd stating the commitment to look at infrastructure will be followed up by Alderman Mulliner and himself. He stated he is hopeful ComEd will follow-up on their commitments.

Alderman Pezza thanked Mayor DiCianni for the appointment of City Attorney Storino stating it looks like the City will be saving the taxpayers money as it pertains to legal fees.

Alderman York urged all residents to drive carefully, slow down and watch for kids as they drive through City neighborhoods.

Mayor DiCianni addressed Elmhurst residents to explain why during these tough economic times the City is engaged in streetscape projects and redeveloping the downtown City Centre plaza. He stated the project was funded by grant money and TIF money. The City staff is always looking for grant dollars.

Mayor DiCianni announced the One Room Schoolhouse will be annexed into Bensenville as part of the Intergovernmental Agreement between our communities. He stated that the 4th of July fireworks in Bensenville were a group effort thanks to contributions by Bensenville, Wood Dale and a \$5,000 contribution from Elmhurst. The Mayor stated despite the short notice, many residents were in attendance to enjoy the fireworks display.

b. FINANCING THE 09/10 BUDGET AND BEYOND (City Manager Borchert)

City Manager Borchert stated the budget review of revenues and expenses for the 2010/2011 budget will be presented in a PowerPoint presentation reviewing the fund balance, projected fund balance, budget schedule, tax levy breakdown and general fund revenues of 2009/2010 proposed budget.

City Manager Borchert stated the results, titled *Budget Scenarios Roadmap fro Uncertain Times*, prepared by Clerestory Consulting LLC, will be on the City website.

Questions and comments were made from the dais regarding the budget.

RESOLUTIONS

9. a. R-13-2009 – A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE CITY OF ELMHURST, ILLINOIS, AND ARCO/MURRAY NATIONAL CONSTRUCTION COMPANY, INC. FOR PRELIMINARY DUE DILIGENCE INVESTIGATION, PRELIMINARY SITE PREPARATION INCLUDING DEMOLITION AND EXCAVATION FOR THE FIRST STREET PARKING DECK SITE, 175 WEST FIRST STREET, ELMHURST, ILLINOIS

Resolution R-13-2009 was presented for passage.

Alderman Hipskind moved to approve item **9a. R-13-2009 – A Resolution Authorizing the Execution of an Agreement between the City of Elmhurst, Illinois, and ARCO/Murray National Construction Company, Inc. for Preliminary Due Diligence Investigation, Preliminary Site Preparation Including Demolition and Excavation for the First Street Parking Deck Site, 175 West First Street, Elmhurst, Illinois.** Alderman York seconded.

Alderman Gutenkauf stated the contract was well crafted and the action summary clearly states the Council will be voting on a no bid contract. Alderman Gutenkauf stated she couldn't support this resolution.

City Manager Borchert stated the bids from Arco/Murray are in line with what would come from the open bid process. He stated open bidding will come in the future.

Discussion ensued regarding the bidding process and the time restraint issue.

Alderman Nybo asked how many votes are required to pass the resolution.

City Attorney Storino replied ten (10) votes are needed.

Alderman Morley, point of clarification, can the Mayor vote if ten votes are not achieved. He stated his understanding is that should the vote tally be 9-3-2 he would have the opportunity to vote. If the vote is 10-2-2 the resolution passes.

City Attorney Storino stated that is correct.

Roll call vote on item **9a. R-13-2009 – A Resolution Authorizing the Execution of an Agreement between the City of Elmhurst, Illinois, and ARCO/Murray National Construction Company, Inc. for Preliminary Due Diligence Investigation, Preliminary Site Preparation Including Demolition and Excavation for the First Street Parking Deck Site, 175 West First Street, Elmhurst, Illinois:**

Ayes: Hipskind, York, Shea, Leader, Bram, Nybo, Healy, Morley, Mulliner, Wagner

Nays: Gutenkauf, Pezza

Results: 10 ayes, 2 nays, 2 absent
Motion duly carried

OTHER BUSINESS

10. a. BIDS FOR INTERIOR RENOVATIONS AND WASHROOM FACILITIES – ONE ROOM SCHOOLHOUSE (City Manager Borchert): Refer to the Public Works and Buildings Committee

July 6, 2009

To: Mayor DiCianni and Members of the City Council

Re: Bids for Interior Renovations and Washroom Facilities – One Room Schoolhouse

McHugh Construction, as an extension of their services for construction management services for the Fire Station, has received competitive bids for the referenced improvements for the One Room Schoolhouse (see attached summary).

It is respectfully requested that the City Council authorize the Public Works and Buildings Committee to review the One Room Schoolhouse renovation bids for their recommendation for subsequent City Council consideration.

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

Alderman Mulliner moved to approve item **10a. Bids for Interior Renovations and Washroom Facilities – One Room Schoolhouse**, Alderman Gutenkauf second. Voice vote, motion carried. Item **10a. Bids for Interior Renovations and Washroom Facilities – One Room Schoolhouse** was referred without objection to the Public Works and Buildings Committee.

- b. AMENDED COOPERATION AGREEMENT BETWEEN THE CITY OF ELMHURST AND THE ELMHURST HERITAGE FOUNDATION (City Manager Borchert): Refer to the Public Affairs and Safety Committee

July 6, 2009

To: Mayor DiCianni and Members of the City Council

Re: Amended Cooperation Agreement Between the City of Elmhurst and the Elmhurst Heritage Foundation

It is respectfully requested that the attached request from the Elmhurst Heritage Foundation be referred to the Public Affairs and Safety Committee for their review, evaluation and subsequent recommendation for City Council action.

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

Alderman Mulliner moved to approve item **10b. Amended Cooperation Agreement Between the City of Elmhurst and the Elmhurst Heritage Foundation**, Alderman Morley second. Voice vote, motion carried. Item **10b. Amended Cooperation Agreement Between the City of Elmhurst and the**

Elmhurst Heritage Foundation was referred without objection to the Public Affairs and Safety Committee.

ANNOUNCEMENTS

11. Mayor DiCianni announced that the Elmhurst Children's Assistance Foundation Golf Outing will be held on Monday, August 3, 2009 at Oak Brook Municipal Golf Course. The Mayor invited everyone to attend.

Mayor DiCianni stated the Four on the 4th race was a success with over 1,000 runners participating. He thanked the Community Bank of Elmhurst for sponsoring this event.

The Mayor stated Relay for Life was also very successful in spite of the last minute change in venue. He thanked the Council members who attended.

Alderman Gutenkauf stated this item is really Other Business. She stated there were watermain breaks at the Market Square Condos this past weekend. Alderman Gutenkauf asked City Manager Borchert to report on the problem.

City Manager Borchert stated there was an 18" break on Second Street between York and Addison streets. He stated he was not aware of the private property having a problem. The City Manager stated he would look into the matter and report back to Council.

Alderman Pezza announced two (2) great events will be taking place this Sunday, July 12, 2009. The Elmhurst Garden Club will host their annual Garden Walk & Faire and the Vintage Baseball Game sponsored by the Historical Museum will also take place. She stated both events are worth attending and she urged all residents to support these happenings.

Alderman Morley asked even though the City Manager reported there will be a reduction in services, will the City still continue to pick-up brush after storms. He stated the pick-up has been much slower since the last storm.

City Manager Borchert replied yes, and stated the pick-up should be complete this week.

Mayor DiCianni thanked the Public Works Department for the good work they provided during the most recent storm.

Mayor DiCianni stated he, along with Aldermen Mulliner and Wagner, and City staff met with ComEd to address power outages in Elmhurst. The Mayor stated he is optimistic that results will come from the meeting.

ADJOURNMENT

12. Alderman Mulliner moved to adjourn the meeting. Aldermen Morley seconded. Voice Vote. Motion carried. Meeting adjourned 10:59 p.m.

Peter P. DiCianni, III, Mayor

Patty Spencer, City Clerk