

City Council Meeting August 21, 2017
City Hall, 209 N. York St.
Elmhurst, IL 60126
Council Chambers, 7:30 p.m.
Steven M. Morley, Mayor

Attendance: 3 press, ~50 residents; ~30 remain after Public Forum. City Mgr. Grabowski, Atty. Storino, Clerk Spencer, Treasurer Libovicz; Police Chief Ruth, Fire Chief Freeman, ~5 City staff members
LWV Observer *from video*: B. Lipton

PLEASE NOTE: Related documents can be accessed online at: <http://www.boarddocs.com/il/coe/Board.nsf/Public> and video recording of this meeting can be found at www.Youtube.com

1. Call to order

- Pledge of Allegiance
- Roll Call – All Aldermen present

2. Receipt of Written Communication from the Public

3 written communications submitted

3. Public Forum

- Nick Parisi speaks about O'Hare runway rotation test 3: low-flying aircraft began going directly over his home last Wednesday morning at 3:15 AM, thereafter every 2-5 minutes through the rest of the early morning hours. Just one of the 3 Aldermen he contacted responded and the Chicago 311 number was not functioning. He urges the City officers to be more responsive. Applause.
- Anne Marie Gustafson – last Wednesday her daughter was exhausted on her first day of school due to the loud nighttime airplane noise disturbing her sleep. She is greatly concerned that the Airport Commission is considering continuing this program through 2020. She asks for the City Council's help.
- Carol Snyder also speaks against the current flyover program. She also urges all Elmhurst residents to fill out the online survey or call with their concerns to 800-435-8569.
- Shelly LeGere speaks once again, the week of the 2nd anniversary of her daughter's death, on behalf of implementing the Annie LeGere law to enable first responders to carry epinephrine in case of a severe allergic reaction. She introduces Dr. Therese Gracie who is willing to sign a prescription to allow Elmhurst to implement this program.
- Dr. Therese Gracie of Elmhurst Clinic explains the use of epinephrine and urges the council to educate themselves on the minimal dangers of intramuscular injection of epinephrine. Applause.
- Beth Plummer and Katherine Hansen speak on behalf of the use of epinephrine by first responders in Elmhurst. Applause.
- Jim Jensen speaks to the issue of airport noise. Would like the City to take a more pro-active approach to the issue.
- Barbara Lonergan explains her written submission which documents the airplane noise nuisance she experienced overnight this past week. It is clear from last week's committee meeting that the City has no plan to follow through if the runway rotation plan is adopted.
- Claude Pagacz objects to the City giving away a portion of its sales tax revenue to commercial establishments, now up to about \$4 million.
- Chris Jansen has lived under the flight path from O'Hare for 15 years; only in the past 8-10 months has the noise been unbearable. The City Council has done nothing. Applause.
- Amy Wallace also speaks to the issue of O'Hare airport noise. Northside residents supported the costly stormwater projects that have relieved flooding on the South Side of Elmhurst; now North Side residents need the support of everyone in town. Applause.
- Monica Anderson explains her written submission regarding the airport noise.
- David Ranair who lives near the High School concurs with what has been said regarding airport noise. Speaks about the Aimco townhome development on Butterfield Rd. which he feels will negatively impact the community. It will add many students to D205 whose costs will not be covered by residential property taxes. The zoning waivers will not meet the standards of the Elmhurst long-range plan. He urges the PWZ committee to reconsider their recommendation to approve the development.
- Kerry Cavey also speaks against airport noise. Applause.

4. Announcements

- Ald. Polomsky announces two upcoming programs, one on school-related anxiety and the other on combatting bullying, sponsored by the Elmhurst Commission on Youth.

5. Consent Agenda All items below approved unanimously except 5.21 and 5.34 ** below.

5.1 Minutes of the Regular Meeting of the Elmhurst City Council on August 7, 2017

5.2 Accounts Payable August 17, 2017 - Total \$ 3,368,220.31

5.3 Referral - Review of City Ordinances and Any Appropriate Regulations and Restrictions - Aldermen Levin and Deuter (City Manager Grabowski)

5.4 Referral - Review of the Installation of Sporting Goals in Individual Homeowner's Yards - Aldermen Mulliner, Sabatino and Leader (City Manager Grabowski)

5.5 Report - Extension of the Construction Contract for the Water Reclamation Facility (WRF) South Digester Project (PWB)

5.6 Report - Proposal for Professional Engineering Services for the Water Reclamation Facility (WRF) Improvements Construction Services Bundle No. 1 (PWB)

5.7 Report - Engineering Design Services Amendment for the Water Reclamation Facility (WRF) Grit Removal System Replacement Project (PWB)

5.8 Report - Engineering Design Services Amendment for the Water Reclamation Facility (WRF) Buildings 2 and 3 HVAC Improvements Project (PWB)

5.9 Report - Engineering Design Services Amendment for the Water Reclamation Facility (WRF) Effluent Sampling Station Project (PWB)

5.10 Report - Engineering Design Services Amendment for the WWRf Sludge Storage Pad Extension Project (PWB)

5.11 Report - Professional Architectural Services Contract - STR Building Resources LLC for Water Reclamation Facility Improvement Project (PWB)

5.12 Report - Engineering Services Proposals for the East End Park Lift Station Flood Proofing Improvements and Design Contract Amendment (PWB)

5.13 Report - Engineering Services Proposal for the Atrium Lift Station Improvements (PWB)

5.14 Report - Synagro Sludge Removal and Application 1 Year Contract Extension (PWB)

5.15 Report - 2017 Pavement Striping Program (PWB)

5.16 Report - 2017 Inlet Cleaning Program (PWB)

5.17 Report - 2017 Concrete Pavement Patching Program (PWB)

5.18 Report - Propane Autogas Fill Station (PWB)

5.19 Report - Verizon Wireless Second Amendment to Lease Agreement - West Elevated Tank (PWB)

5.20 Report - Stop Sign Request - Indiana and Belden (PAS)

**5.21 Report - Stop Sign Request - Adams/Bryan and Adams/Washington (PAS) (see item #8.1)

- Ald. Levin explains that these are needed to control traffic near the Madison School campus. Ald. Bram objects to the placement of these 2 stop signs without a detailed report with data. He has never seen this kind of decision made before without collection of detailed information. He urges the committee to take the issue back until the data are collected. Ald. Levin explains that since Adams was just recently closed, data from the past few months would not be relevant. The committee could wait a few years for accidents to occur but that would be a shame. Ald. Dunn points out that the existing stop signs do not make sense any more because of the road closure. Ald. Mulliner and Polomsky comment.

- Approved 13 – 1 (Bram)

5.22 Report - Glade Avenue at North Avenue - Turning Restrictions (PAS)

5.23 Report - SurvivorVision Octoberfest (PAS)

5.24 Report - Elmhurst College Homecoming Street Closure 2017 (PAS)

5.25 Report - Elmhurst Park District 2017 Fall Fest (PAS)

5.26 Report - Police Pension and Firefighter Pension Funding Policy Update (FCAAS)

5.27 Report - Case Number 17 ZBA-06/MacKenzie Variation - 130 W. Church Street (DPZ)

5.28 Report - Amendment to the Redevelopment Agreement Brewpoint LLC Project (Brewpoint Coffee) (DPZ)

5.29 O-57-2017 - An Ordinance Rejecting All Bids for the 2017 City-Wide Leak Detection Survey Project

5.30 O-58-2017 - An Ordinance Waiving Bid and Authorizing the Execution of a Contract for the Repair and Reinstallation of Storm Water Pump #1 at the Arlington Storm Water Reservoir

5.31 O-59-2017 - An Ordinance Waiving Bid and Accepting the Proposal of Xylem Water Solutions USA, Inc. for the Purchase of the 2017 North Elmhurst Sanitary Lift Station Replacement Pump

- 5.32 O-60-2017 - An Ordinance Approving and Authorizing the Execution of a Non-Exclusive License Agreement By and Between Elmhurst Jaycees, Inc. and the City of Elmhurst, DuPage and Cook Counties, Illinois
- 5.33 O-61-2017 - An Ordinance Waiving Bid and Authorizing the Execution of Contracts for the Water Meter Replacement and Fixed Base Meter Reading System with Leak Detection Project
- **5.34 O-62-2017 - An Ordinance Approving and Authorizing the Execution of a Sales Tax Sharing Agreement Between the City of Elmhurst and iMotorsports, Inc.
- Ald. Honquest explains that this is the issue discussed at length the past two council meetings regarding the agreement of the city to forego sales tax revenue up to \$100,000 and to lend up to \$400,000 additionally to iMotorsports, Inc. for construction expenses related to acquiring the franchise to sell the Indian brand. Ald. Honquest passes to Atty. Storino who outlines some corrections to the agreement that were made late today. Mayor Morley reads a list of the changes at the request of Ald. Bram. These changes include several scrivener's errors (typo's) and date changes to specify benchmarks for the business owner to meet. Atty. Storino states that these changes made no substantive modifications to the agreement. Ald. Bram points out some discrepancies between the current agreement and what was discussed in previous meetings. Ald. Dunn asks for additional clarifications related to how sales tax amounts related to the new franchise will be divided out, and how the ultimate responsibility for paying back the loans to the City. Ald. Levin comments further.
 - Approved 13 – 1 (Bram)
- 5.35 O-63-2017 - An Ordinance Approving and Authorizing the Execution of the First Amendment to the Sales Tax Sharing Agreement Between the City of Elmhurst and iMotorsports, Inc., Dated May 19, 2014
- 5.36 MCO-15-2017 - An Ordinance to Amend Section 36.11, Entitled "Limitation on Number of Licenses," of Chapter 36, Entitled "Liquor," of the Municipal Code of Ordinances of the City of Elmhurst, Illinois
- 5.37 MCO-17-2017 - An Ordinance Amending Section 44.120, Entitled "No Parking Zones Enumerated," of Division 3, Entitled "Parking Restrictions," of Article VII, Entitled "Stopping, Standing and Parking," of Chapter 44, Entitled "Motor Vehicles and Traffic," of the Elmhurst Municipal Code (Parking Restrictions on Both Sides of Clinton Avenue from North Avenue to 115 feet south of North Avenue)
- 5.38 R-70-2017 - A Resolution Authorizing the Purchase of Additional Fire Hydrant Materials for the City of Elmhurst, Illinois
- 5.39 R-79-2017 - A Resolution Authorizing the City Manager as the City's Authorized Representative to Execute Loan Documents Relating to the City's Water Reclamation Facility and Lift Station Facility
- 5.40 R-80-2017 - A Resolution Approving and Authorizing the Execution of a Professional Engineering Services Agreement in Connection with the Southwest Elmhurst Stormwater Mitigation Project - Phase II
- 5.41 R-81-2017 - A Resolution Awarding a Contract and Authorizing the Issuance of a Notice of Award of the Contract for the 2017 Sanitary Manhole Rehabilitation Project, Project #17-55, for the City of Elmhurst, Illinois
- 5.42 R-82-2017 - A Resolution Awarding a Contract and Authorizing the Issuance of a Notice of Award of the Contract for the Robert Palmer Drive Underpass Improvements Project, in the City of Elmhurst, Illinois
- 5.43 R-83-2017 - A Resolution Authorizing the Execution of a Professional Services Agreement for Architectural Services By and Between FGM Architects, Inc. and the City of Elmhurst, Illinois for a Space Needs Analysis of the Police Station
- 5.44 R-84-2017 - A Resolution Approving and Authorizing the Execution of a Professional Engineering Services Agreement with Baxter & Woodman, Inc. for the Water Reclamation Facility Electrical Distribution System Remodeling
- 5.45 R-85-2017 - A Resolution Approving and Authorizing the Execution of a Professional Engineering Services Agreement with Baxter & Woodman, Inc. for the Water Reclamation Facility and Sanitary Sewer System Facilities Planning and Emergency Sewer Outfall (ESO) Elimination Project
- 5.46 R-86-2017 - A Resolution Approving and Authorizing the Execution of a Professional Engineering Services Agreement with Baxter & Woodman, Inc. for the Water Reclamation Facility (WRF) NPDES Permit Assistance

6. Committee Reports

- 6.1 Majority Report - ROW Vacation Request - 437 Hillside Avenue (PWB)
- 6.2 Minority Report - ROW Vacation Request - 437 Hillside Avenue (PWB)
- Ald. Kennedy explains that these two reports are about a small unimproved alley adjacent to the railroad tracks where there has been a public utility easement for many decades. Now the homeowner wants to vacate the right-of-way in order to put up a fence and landscape it to make it a pleasant corner of his back yard. The City appraised the property at \$3600 and the committee recommends that it be given to the owner at no cost. The property will

never be buildable due to the utility easement, and the owner will pick up the costs of the appraisal (\$1500) and the fence/landscaping. When the property is given over to the homeowner it will enter the tax rolls and provide some benefit to City taxpayers.

- Ald. Bram explains his objection to giving away the parcel of land for nothing, as set out in the minority report, and moves to substitute the minority report for the majority report. Ald. Park agrees that the homeowner should be charged something to remain consistent with neighbors who have vacated/purchased parcels from the City in the past. These transactions have not been for large amounts of money but people have had to pay something.
- Ald. Leader speaks in favor of the minority report based on common sense due to the small size of the parcel and its uniqueness. The City should never turn a profit at a taxpayer's expense.
- Ald. Kennedy responds to the minority report's objections.
- Ald. Park, Polomsky, Dunn, Deuter and Levin discuss the issues of equity and consistency further. There are questions of potential buildings and what the price might be.
- Motion to substitute minority report for majority report defeated 12 – 2 (Bram, Park)
- Ald. Deuter moves to amend the majority report to require a payment of \$1800 for the parcel of land. Further discussion by Ald. Talluto, Kennedy, Bram follows.
- Motion to amend minority report approved 9 – 5 (Bram, Honquest, Kennedy, Mulliner, Leader).
- Amended report approved 9 – 5 (Bram, Honquest, Kennedy, Mulliner, Leader).

7. Reports and Recommendations of Appointed and Elected Officials

- Mayor Morley gives a general update on communication with the City. When there is a lot going on, he encourages people to check the City website first. The Fly Quiet 2nd phase report is now on the website. He also notes that the Golden Meadows stormwater retention project is now online.
- City Manager Grabowski updates the Council on the St. Charles road bridge issue: there is a temporary fix that will restore two lanes westbound within 6 weeks; the weight restrictions will remain. Beforehand the lanes will be shifted so that the 2 lanes westbound will be maintained, but the permanent repairs will still take at least 2 years. He also reminds people about the planning open house at City Hall on Tuesday August 29 at 7:30 pm.
- Ald. Deuter notes that a local physician will take responsibility to prescribe the epi-pens to implement the Annie LeGere law and asks if there are any further hoops the City needs to jump through to go forward. Mgr. Grabowski states them and that the City will move ahead as soon as possible.

8. Ordinances

- 8.1 MCO-16-2017 - An Ordinance Amending Section 44.92 Entitled, "Stop Intersections Enumerated," of Article VI Entitled, "Special Stops," of Chapter 44 Entitled, "Motor Vehicles and Traffic." of the City of Elmhurst Municipal Code (Bryan Street at Adams Street and Adams Street at Washington Street) (see item #5.21)
 - Approved 13 – 1 (Bram)
- 8.2 ZO-09-2017 - An Ordinance Rezoning (Map Amendment) Certain Parcels, Approving a Variation and Preliminary Subdivision Plat for the Property Commonly Known as 256, 260 and 262 West Butterfield Road for the Aimco Townhome Development Project (P.I.N.s 06-14-409-008/-009-010)
 - Ald. Honquest explains that this is to approve the Timothy Christian townhome project. Ald. Mulliner notes that this will have no impact on Elmhurst School Dist. 205 as it is in the Salt Creek District. Ald. Brennan states that his previous concerns about ingress and egress on Butterfield have been resolved.
 - Approved 14 – 0.
- 8.3 ZO-10-2017 - An Ordinance Granting a Variation from the Front Yard Setback Requirements at the Property Commonly Known as 650 N. Kenilworth Avenue, Elmhurst, Illinois (P.I.N. 03-36-109-016)
 - Approved 14 – 0.
- 8.4 ZO-11-2017 - An Ordinance Approving Various Map and Text Amendments to Establish the New Central Business Core District, Central Business Outer Core Residential District, Neighborhood Transition District, and Civic Institutional District and Establish New Off-Street Parking Requirements for the Central Business Core District, the Central Business Outer Core District and the Neighborhood Transition District in the City of Elmhurst Zoning Ordinance
 - Ald. Honquest explains that this is to update the downtown zoning code. Ald. Bram asks about the authorization for outdoor seating; the Mayor responds. Ald. Bram further objects to the new standards for the heights of buildings.
 - Approved 12 – 2 (Deuter, Bram).

9. Resolutions

- 9.1 R-78-2017 - Resolution in Opposition to the City of Chicago's Fly Quiet/Runway Rotation Test Program

- Ald. Levin explains that this will formalize the objections of the City to the O'Hare runway rotation plans. This is just one important tool for opposing the Fly Quiet plan. Ald. Polomsky encourages people to fill the survey (surveymonkey.com/r/872fzfnf) and to file complaints as many times as they have them at chicagonoisecomplaint.com or 800-435-9569. Ald. Dunn and Bram explain the status of the issues thus far, and comment further.
- Approved 14 – 0. Mayor Morley comments that the City has reached out to the school districts to join the resolution but they have to do so themselves.

10. Other Business None

11. Adjournment 10:09 pm