

## **Elmhurst City Council meeting**

March 6, 2017, 7:35 pm

**Steven M. Morley, Mayor**

Attendance: Mayor Morley, Atty. Storino,  
Clerk Spencer, Police Chief Ruth, Mgr. Grabowski  
Treasurer Libowicz, 13 Aldermen,  
~30 members of the public; 4 press.  
LWV observer: B. Lipton

**1. Executive Session - Conf. Room #2 - 6:30 p.m.** for the Purpose of Discussing: Purchase of Real Property, pursuant to the Open Meetings Act 5 ILCS 120/5 (c)(5) and Pending /Probable Litigation pursuant to the Open Meetings Act 5 ILCS 120/2 (c)(11)

**2. Call to Order** Pledge of Allegiance - led by Sandburg Middle School Boy Scout Troop 78  
Roll Call – Ald. Wagner absent; Ald Healy attending via audio link

**3. Receipt of Written Communication from the Public** none

### **4. Public Forum**

- Peter Pezza of S. York St.; his backyard drain is used by all the neighbors; when his back yard flooded about 6 weeks ago Public Works came out, drained his backup; but this week they sealed off the sanitary drain in front of his home on York so there is nowhere for his backyard drain to empty now. Tonight his and neighbors' yards are under water; they are likely to flood onto York Rd. tonight if the rain is heavy. Mayor Morley directed Howard Killian, Dir. of PW attending tonight, to resolve it with Mr. Pezza in the anteroom.
- Sarah Massey speaks regarding the application of the KDI to relocate to downtown. The only real concern is possible risks of traffic backups and potential for pedestrian and auto accidents due to drop-offs of children. She enumerates several solutions to address these concerns.
- Jackie Taver, chair of Elmhurst Youth Commission. Thanks Council and Mayor for its support in past few years. A major concern has been drug and opioid prevention; the City helped bring Chris Herron to speak at York H. S. and meet with students and parents with excellent, inspirational results reached ~3000 people.
- Claude Pagacz objects to \$4 increase in his most recent water bill; also no-bid contracts awarded by Council.
- John Quigley, head of Elmhurst Chamber of Commerce, speaks to KDI application once again. Elmhurst Police & Fire Chiefs expressed concerns but these were not specified. The City does not require a conditional use application for other downtown businesses such as dance studios, martial arts, ice cream shops, etc. where this has not been a concern. Back alleyways are used all over downtown by patrons with no incidents reported. Instead of dealing with this issue months ago, there have been numerous delays.
- Russ Wiggin speaks in favor of the daycare center. He has served Elmhurst in various voluntary capacities over the years, including now as trustee of Elmhurst College. He objects to an alderman on the DPZ committee who made depreciating comments about the daycare center and their volunteers, instead of making informed and impartial decisions about this business which will enhance the business environment in town.
- Jim Woods, a civil engineer who was retained to complete the traffic study for the daycare center last fall. There will be ~60 cars in the morning and ~80 in the evening hours. This works out to be a rather leisurely pace of 1 car every 45-60 seconds compared to current traffic pace on York Rd. downtown of 1 car every 1-2 seconds.
- Laura Allen thanks Ald. Levin and Mulliner for their thoughtful majority report. Feels the Police and Fire Chiefs are not fully up-to-date on the daycare center's changes to their application to address safety concerns.
- Rima Vitamontes reviews the past few DPZ meetings and the concerns which were addressed by the KDI owner, though the most recent minority report did not acknowledge them. She reviews several other issues already mentioned above.
- Joyce Sloan represents the KDI owner as her real estate broker. This applicant has been back-and-forth addressing DPZ concerns since September. Ms. Sloan enumerates events at city meetings since then, and maintains that only at the last minute Police and Fire Depts. expressed concerns that they could have raised over the past 6 months. These concerns were all addressed previously. Many downtown businesses have sent emails to the City expressing their support.
- Cassindra Mladenoff, owner of KDI, thanks everyone for their time in evaluating her conditional use application. She has met every concern that has been raised over the past 6 months and asks the Council to approve her application.

- Kessler Dayton, reading a statement from his mother, enumerates efforts to address the concerns of the City regarding the KDI application.
- Kenna Dayton, reading a statement from her mother in support of the KDI daycare center.
- Allison Jensen, speaking for the 3<sup>rd</sup> time in support of KDI daycare. She compares with another business using an alleyway for parents and children's entry without having to go through this difficult process.
- Lance Edisco, speaks for 4<sup>th</sup> time in support of KDI daycare; thanks Ald. Levin and Mulliner for their insightful evaluation of the application. Raises questions regarding the objections based on concerns about peak business hours, anecdotes of potential accidents, in spite of many worse situations including the Adelaide parking garage.
- Michelle Nosik, speaks for 3<sup>rd</sup> time as Executive Director of the KDI center. DCFS would not allow them to operate unsafely.
- Kathleen Sullivan wants to announce Elmhurst Panhellenic's activities, including Badge Day.
- Laura Dolak points out that KDI has been around for 7 years; it provides a wonderful service for their family.
- Chuck and Becky Kraft are grandparents to clients of KDI, thank everyone who has spoken and fully support KDI.
- Dick Inskeep reviews the various issues raised at all the hearings, meetings re: the KDI application; there has never been any significant opposition in all that time.

## 5. Announcements

- Clerk Spencer reminds everyone that early voting for the April 4 election starts March 20<sup>th</sup> through April 1. The March 20 Council meeting will start at 8 pm.
- Ald. Dunn states that this Friday the O'Hare Noise Commission will meet.

## 6. Consent Agenda All items approved unanimously 13 – 0.

- 6.1 Minutes of the Regular Meeting of the Elmhurst City Council on February 21, 2017
- 6.2 Minutes of the Executive Session of the City Council on February 21, 2017
- 6.3 Accounts Payable March 2, 2017 - 2017 Total \$ 7,559,148.93 / 2016 Total \$ 759,430.96
- 6.4 Referral - Liquor License Request Beerhead Bar & Eatery (City Manager Grabowski)
- 6.5 Referral - Review of Value in Establishing a Formal Procurement Function Within the City of Elmhurst - Aldermen Dunn, Kennedy and Leader (City Manager Grabowski)
- 6.6 Referral - Review of City Ordinances and Any Appropriate Regulations and Restrictions - Aldermen Levin and Deuter (City Manager Grabowski)
- 6.7 Report - IDOT Funding Agreement (Revised) - Industrial Drive Resurfacing Project (PWB)
- 6.8 Report - SW Wet Weather Control Facility - Sewers and Force main - Project No. 14-13 Change Order No. 7 - Various Frac-outs (3) (PWB)
- 6.9 Report - Southwest Elmhurst Stormwater Mitigation Project - Phase 1 - Professional Engineering Services (PWB)
- 6.10 Report - Construction Engineering Services Agreement - Industrial Drive Resurfacing Project (PWB)
- 6.11 Report - 2017 Explore Elmhurst Community Grant Program (PAS)
- 6.12 Report - Ultimate Frisbee Land Use (PAS)
- 6.13 Report - Timothy Christian School Land Use (PAS)
- 6.14 Report - 5th Annual Elmhurst Cycling Classic Bicycle Race (PAS)
- 6.15 Report - Annie LeGere "To the Moon and Back" 2017 Walk (PAS)
- 6.16 Report - York and Vallette Business Association's 2017 Farmers Market (PAS)
- 6.17 Report - Total Parking Solutions Maintenance Agreements (FCAAS)
- 6.18 O-15-2017 - An Ordinance Making Appropriations for Special Service Area Number Six of the City of Elmhurst for the Fiscal Year Beginning January 1, 2017 and Ending December 31, 2017
- 6.19 O-16-2017 - An Ordinance Making Appropriations for Special Service Area Number Eleven of the City of Elmhurst for the Fiscal Year Beginning January 1, 2017 and Ending December 31, 2017
- 6.20 O-17-2017 - An Ordinance Making Appropriations for Special Service Area Number Thirteen of the City of Elmhurst for the Fiscal Year Beginning January 1, 2017 and Ending December 31, 2017
- 6.21 O-18-2017 - An Ordinance Making Appropriations for Special Service Area Number Fourteen of the City of Elmhurst for the Fiscal Year Beginning January 1, 2017 and Ending December 31, 2017
- 6.22 O-19-2017 - An Ordinance Making Appropriations for Special Service Area Number Fifteen of the City of Elmhurst for the Fiscal Year Beginning January 1, 2017 and Ending December 31, 2017

- 6.23 O-20-2017 - An Ordinance Making Appropriations for Special Service Area Number Sixteen of the City of Elmhurst for the Fiscal Year Beginning January 1, 2017 and Ending December 31, 2017
- 6.24 O-21-2017 - An Ordinance Waiving Bid and Accepting the Proposal of Reliable Contracting and Equipment Company in Connection with the 2017 Underground Conduit Installation at 138-142 North Addison Project and Authorizing the Execution of a Contract Between Reliable Contracting and Equipment Company and the City of Elmhurst
- 6.25 O-23-2017 - An Ordinance Approving and Authorizing the Execution of a Non-Exclusive License Agreement By and Between Elmhurst Running Club, Inc. and the City of Elmhurst, DuPage and Cook Counties, Illinois
- 6.26 R-21-2017 - A Resolution Approving and Authorizing the Execution of a Professional Design Engineering Services Agreement with Intelligent Design & Construction Solutions LLC in Connection with the North Industrial Lift Station Generator and General Improvements Project
- 6.27 R-22-2017 - A Resolution to Approve and Authorize the Execution of a Professional Engineering Services Agreement By and Between RJN Group, Inc. and the City of Elmhurst for the 2017 Field Investigations and Rehabilitation Program Assistance Project
- 6.28 R-23-2017 - A Resolution Approving and Authorizing the Execution of a Professional Engineering Services Agreement for the Water System Evaluation Project
- 6.29 R-24-2017 - A Resolution Authorizing the Purchase of Two (2) Replacement Vehicles for the City's Streets Division and Authorizing the Disposal of Two (2) Existing Vehicles, Being PW-39 and PW-49
- 6.30 R-25-2017 - A Resolution Authorizing the Purchase of Two (2) Replacement Vehicles for the City of Elmhurst Public Works Department and Authorizing the Disposal of Two (2) Existing Vehicles
- 6.31 R-26-2017 - A Resolution Authorizing the Purchase of Fire Hydrant Materials for the City of Elmhurst, Illinois
- 6.32 R-27-2017 - A Resolution Authorizing the Issuance of a Notice of Award for the Elmhurst Police Station Rain Garden Project
- 6.33 R-28-2017 - A Resolution Expressing Official Intent Regarding Certain Capital Expenditures to be Reimbursed from Proceeds of an Obligation to be Issued by the City of Elmhurst, DuPage and Cook Counties, Illinois
- 6.34 R-29-2017 - A Resolution Approving the Preliminary and Final Plat of the Messiah Lutheran Church Subdivision
- 6.35 R-30-2017 - A Resolution Approving and Authorizing the Execution of a Professional Engineering Services Agreement in Connection with the Southwest Elmhurst Infrastructure Improvement Project
- 6.36 R-31-2017 - A Resolution to Adopt the DuPage Mayors and Managers Conference 2017 Legislative Action Program
- 6.37 ZO-02-2017 - An Ordinance Granting A Front Yard Setback Variation for the Purposes of Constructing an Addition with a Canopy Overhang to the Existing Structure, on the Property Commonly Known as 500 West Lake Street in the City of Elmhurst Illinois (Elmhurst BMW – 03-35-112-043)
- 6.38 ZO-03-2017 - An Ordinance Granting a Variation for the Property Commonly Known as 540 West Lamont Road, Elmhurst, Illinois 60126 (P.I.N.s 03-27-211-019/-020/-021)
- 6.39 ZO-04-2017 - An Ordinance Rezoning (Map Amendment) Certain Property, Commonly Known as 160 Industrial Drive, Elmhurst, Illinois, to the I1 Restricted Industrial District (P.I.N. 03-35-204-007)

## **7. Committee Reports**

- 7.1 Majority Report - Case Number 16 P-13/Mladenoff Day Care Conditional Use 187 - 195 North York (DPZ)
- 7.2 Minority Report - Case Number 16 P-13/Mladenoff Day Care Conditional Use 187 - 195 North York (DPZ)
- Ald. Levin explains the issues raised in all the meetings; the main concerns were safety of the children and traffic safety. He reviews application history and details of the traffic study and City's review of their traffic study. Both of the 2 safety concerns have been addressed satisfactorily. There will not be an increase in City's liability in the case of an accident per the City Attorney. Staff, Fire, Police concerns were never expressed to the committee during the whole process until the last minute, and these were effectively addressed.
- Ald. Honquist moves to substitute the minority report for majority report, and deny the conditional use application for KDI daycare. He disagrees, the staff objections were not received late. Police and Fire Depts. object to this application and he feels their opinions are valid.
- Ald. Leader comments that this is a difficult decision, but he will vote to deny.
- Ald. Mulliner will support the daycare application; he carefully explored the traffic and safety issues and is convinced they have been addressed. The daycare parents have the common sense to look out for the safety of their kids and to obey the traffic rules. The Police and Fire Dept. concerns were not brought up regarding other businesses which could be worse for the safety concerns.

- Ald Deuter sees no major safety concerns and will support it. Ald. Dunn sees great value to the community and has heard a lot of interest from residents, he believes there is excessive caution expressed by staff for potential traffic concerns, and he will vote to allow it. Ald. Talluto will vote to allow based on reconsidering all the evidence over the past 2 weeks. Ald. Polomsky will support the daycare application as well since they shouldn't be held to a different standard, even though she appreciates the concerns of the Police and Fire chiefs. Ald. Bram reviews many past events in the process of considering this application; he will vote to allow the conditional use. Ald. Kennedy thinks the applicant has done everything to mitigate risk and the fact that DCFS has approved facilities in much higher traffic areas; the probability of accidents is always there but it is really low.
- Ald. Sabatino is struggling with the issue, his gut tells him this is not the right location so he will vote to deny the conditional use. Ald. Healy reminds council members to respect the Police and Fire chiefs. Ald. York will vote to deny the conditional use, he agrees with Ald. Leader.
- Ald. Levin responds.
- Ald. Polomsky moves, and other Council members modify it, to add language so that the conditional use is not transferred if the business is sold or if the business model changes.
- Minority Report disapproved; Majority report, as amended, to allow conditional use is approved 9 – 4 (Honquist, York, Leader, Sabatino).

#### 7.3 Report - Subarea Planning Services Proposal (DPZ)

- Ald. Levin explains that in January the committee and Elmhurst Planning Commission decided which subareas they wanted to concentrate on; now they propose a \$74,500 no-bid contract to Housel-Levine to begin subarea studies based on that company's long involvement with the community.
- Approved 13 – 0.

#### 7.4 Report - New Home Star Financial Assistance Incentive (DPZ)

- Ald. Levin explains this request for \$85,000 for costs of relocation of this business from 168 Addison Ave to 145 W. Second St. because OPUS is taking over the Addison St. property. NHS have long-term involvement with the community and couldn't identify appropriate office space elsewhere in Elmhurst. The property at Second St. has been vacant for 10 years; the owner will sell to New Star who will build a new edifice within 5 years. If they do not, or if they sell or vacate, they will pay back the \$85,000 to the City (clawback). Ald. Levin states that the TIF money is available now to clean up the existing gas station on the property; this will not be available in 5 years.
- Ald. Deuter opposes this because it appears to be an ordinary business expense with no obvious benefit to the City; not a sales tax generating business. Ald. Bram agrees with Ald. Deuter. Ald. Dunn finds application incomplete and cannot support it.
- Ald. York points out that the report calls for the preparation of a redevelopment agreement which will then come before Council for approval; they can have the full discussion then.
- Approved 10 - 3 (Deuter, Bram, Dunn).

#### 7.5 Report - 100 N. Addison LLC Redevelopment Agreement (OPUS) (DPZ)

- Ald. Levin explains this is to authorize the redevelopment agreement for building 165 luxury apartments, 199 parking spaces and 7600 – 11,000 sqft. of retail and some open space (pocket park). The Council is asked to approve TIF expenditures of \$1.2 million to incentivize the builder who estimates a \$53 million total cost for the project. The City will get 1/2 of any savings on construction costs and if the profits exceed 13% the City will get money back.
- Ald. York raises several concerns; Asst. Mgr. Kopp clarifies. Ald. Polomsky and Dunn will not support this due to the proposed use of poor-quality materials that do not follow City design guidelines/architectural elements in keeping with the new downtown plan. Ald. Deuter shares their concerns as does Ald. Bram; he objects to their not providing even a single public parking space and no stormwater management modifications.
- Ald. Mulliner points out that these negotiations have been going on for a long time; the property value will increase hugely which will improve the tax base and keep residents' taxes low. Ald. Levin stresses that this is a very important project which can return a lot to the community. Ald. Healy agrees that this will be a great return on investment for the City.
- Approved 9 - 4 (Deuter, Dunn, Bram, Polomsky)

### 8. Reports and Recommendations of Appointed and Elected Officials

- Mayor Morley thanks everybody who was involved in the St. Patrick's Day parade; mentions other upcoming events.
- City Manager Grabowski mentions that Elmhurst sent crews down to LaSalle County last week to help clean up after the tornadoes.

- O'Hare Expansion Update – postponed until next meeting due to the lateness of the hour.
- Ald. York notes that today the City paid principal on its bonds so accounts payable was very high this week.

**9. Ordinances**

- O-22-2017 - An Ordinance Approving and Authorizing the Execution of a Settlement Agreement and General Release
- Atty. Storino explains that this is a settlement of a lawsuit for \$325,000 emerging from an injury sustained at the Elmhurst Historical Society building.
  - approved 13 – 0.

**10. Other Business** none

**11. Adjournment** 11:35 pm.

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](http://www.Youtube.com)