

**1. Mayor Morley called the meeting to order at 7:35pm**

- a. Pledge of Allegiance
- b. Call to Order 11 Alderman Present; 3 Absent

**2. Receipt of Written Communication from the Public** 1 document was presented to the City Clerk.

**3. Public Forum**

- a. **Kevin Ryan:** Mr. Ryan has been present at every meeting regarding the cell tower planning to be built in the Mt. Emblem Cemetery. He has submitted letters to both the mayor and the council expressing his opposition to the location of the tower. Mr. Ryan discussed the proposed tower, through letters, with an expert in Colorado. It was concluded that the tower would pose a risk of being struck by lightning especially in regards to the flooding in that area. It was also discovered that the proposed 70x70 area is too small, and 14,440 square feet is the recommended size. Mr. Ryan stresses the applicant's failure to meet the city's safety standards and the IEEE 2011 safety standards. He ended by expressing his disapproval of the conditional use permit for the purpose of erecting a monopole cellular communications tower. He stated that it should not be passed because the applicant has not proved that the structure ensures the resident's safety.
- b. **Resident 2:** This resident was upset with the newly proposed sales tax increase. He believes it is the worst tax that can be put on a resident. The sales tax increase is to help fund the storm water project, but this resident does not believe that the residents of Elmhurst should be funding it. He went on to express that the sales tax would cause inflation in the community. He stressed that many people will not notice the increase and this will cause them to unintentionally spend more money than they usually do. He believes that the sales tax won't bring in any profit because there is nothing to buy in the downtown area. He explained that his reasoning for the sales tax is because the city has bonded itself into a hole and is now expecting the citizens to pull them out.
- c. **Resident 3:** He expressed his concerns about the proposed storm water project. He explained that he was glad that 62 homes would be relieved of the horrible flooding that Elmhurst experiences, but he does not believe the taxpayers should be liable for this. He used his time to propose 2 alternatives, which were a special service area or a building a flood retention pond. A special service area would make the property owners responsible for paying for the storm water project, and not the taxpayers. He ended his statement by saying the previously proposed tax increase and the proposed \$11 million for the storm water is too much, and he is against both being moved forward.
- d. **Resident 4:** This resident was at the meeting to express his opposition of the proposed cell tower being approved. He explained that he saw Verizon Wireless workers at the site about 2 weeks ago. He thought it was suspicious because workers shouldn't be there if they don't know if the tower has been approved yet. He also stated that the residents of the 3<sup>rd</sup> ward have felt like the council does not take them seriously, but he thanked Alderman Bram and Alderman Talluto for the help that they have given the residents. He also expressed his gratefulness towards Kevin Ryan for doing all the research and attending all the meetings.
- e. **Resident 5:** This resident was one of the organizers for the Thanksgiving meal that the American Legion provided for Navy recruits. The busload of recruits devoured 59 turkeys, 38 hams, 49 pumpkin pies, and 32 apple pies. The library loaned laptops to the American Legion so that the recruits could e-mail home on the holiday. People who attended the event also lent their cell phones so recruits could call their families. They later found out

that calls were made all over the world. He ended by thanking everyone who contributed and attended the event to make these service people feel at home.

- f. **Resident 6:** This resident attended the meeting to show her support for the intergovernmental agreement between the City of Elmhurst and the Elmhurst Park District for a storm water relief project. This project would include improvements to the York Commons. She explained that she supports the quarry project, but the plan calls for “street scape” but nothing about retaining water. Therefore, she is concerned about how the plan will fix the problem of water retention in the neighborhoods.
- g. **Cell Tower Applicant:** First the applicant addressed the issue that was brought up about Verizon Wireless inspecting the site. He assured the council that Verizon is not supposed to be there, and that the resident could have confused the company’s workers for Verizon workers. He stressed that he wants to please the residents and meet the standards that they uphold. The fact of the matter is, people are using more and more smart devices and that leads to a need for more cell towers. The cell tower is made to look like a pine tree, so it is best fitted in the wooded area in the cemetery. He addressed the issue of flooding by explaining that no flooding would occur, and the company is even going to use materials to help reduce flooding in the area. Finally, he explained that lightening would not be a risk, and the company assures that by the recommendation from an Illinois professional engineer. He stressed that the council should approve this permit because the residents in the area need it, otherwise calls will begin to drop.
- h. **Resident 7:** This resident expressed his opposition of the intergovernmental agreement between the City of Elmhurst and the Elmhurst Park District. He believes this deal is not worth it because the fields will not be playable on a daily basis, and there is no interest for dual usage. He revealed that the deal only calls for one site to be constructed. He believes this is not worth it, and the flood safety should not be left up to one site.

#### 4. Announcements

**Alderman Mulliner:** He wanted to clarify a rumor that has been going around about the American Legion closing. He stressed that it is not closing and will be open for lunch and regular operating hours.

#### 5. Consent Agenda

##### a. Approved: 12 yes; 0 no

- i. 5.1 Minutes of the regular meeting of the Elmhurst City Council on 11/16/15.
- ii. 5.2 Minutes of the executive session of the City Council on 11/16/15.
- iii. 5.3 Accounts payable 11/30/15 – Total \$3,777,758.58
- iv. 5.4 Appointment to the economic development commission – waterwall
- v. 5.5 Report – Replacement of vehicle E-32
- vi. 5.7 Report – Intergovernmental agreement between the City of Elmhurst and the Elmhurst Park District for the construction, operation and maintenance of stormwater and other improvements at York Commons Park.
- vii. 5.8 Report – Elmhurst walk-in ministry “Cue for a Cause” Fundraiser
- viii. 5.9 Report – Annie LeGere “To the Moon and Back” 2016 Walk
- ix. 5.10 Report- Reciprocal easement and operations agreement for Addison Deck.
- x. 5.13 R-131-2015 – A resolution approving and authorizing the execution of a professional engineering services agreement by and between 3D Design Studio, LLC and the City of Elmhurst for North York Corridor.
- xi. 5.14 R-132-2015 – A resolution approving and authorizing the execution of an agreement by and between the City of Elmhurst and Kane, McKenna and Associates, Inc. regarding the review and analysis of the City’s Tax Increment Financing Districts.

##### b. Pulled for Discussion

**i. 5.6 Report – Walnut/Myrtle/Evergreen stormwater improvement project-construction bids (12 yes; 0 no APPROVED)**

**Alderman Deuter:** The report proposes that Boulder construction will be hired for the construction of the project. The company was the lowest of 11 bidders, and proves to be the best option. The committee looks forward to the project because it will provide relief for flooding by installing storm sewers and constructing a line to the quarry for water retention. The report predicts 16 months time for a project of this size, if the work begins no later than March.

**ii. 5.11 MCO-19-2015 – An ordinance amending Article I, entitled “Municipal Occupation Taxes,” of chapter 37, entitled “Municipal Occupation and Privilege Taxes,” of the city code of the City of Elmhurst, DuPage and Cook Counties, Illinois (11 yes; 1 no APPROVED)**

**Alderman Bram:** Opposes the increased tax, and is hoping his fellow colleagues have reconsidered since the last meeting. He opposes the tax increase because will only be applied to some businesses, and it will also deter other businesses from locating in Elmhurst. He also states that the greatest revenue source for Elmhurst is their car sales, so this tax increase will not have a huge effect.

**iii. 5.12 ZO-18-2015 – An ordinance granting a conditional use permit for the purpose of erecting a monopole cellular communications tower on the property commonly known as 520 East Grand Ave, Elmhurst Illinois (9 yes; 3 no APPROVED)**

- 1. Alderman Polomsky:** The Alderman expressed her gratitude to the committee for the work that has been done on this issue. She believes that if a cell tower were to be built a monopole is the way to go, but since talking to residents she believes it is not beneficial to the city.
- 2. Alderman Levin:** He expressed that this issue has had the most thorough review in his opinion. The committee looked into a number of concerns that the residents have had. Some of these concerns are flooding and radiation from in the proximity of the tower. The committee concluded that flooding would not be worsened by the building of the tower, and if anything it would be improved by the materials that are going into the project. The radiation concerns cannot be proven and there are no studies that point to these conclusions. The committee believes that this location is best suited for the tower, and directly south of the area are more towers, so it fits in to the surrounding area. He believes the applicant has gone above and beyond to please the city and the residents. Finally, as far as the IEEE standards go, that falls under a different committee and is not the job of the Development, Planning, and Zoning committee. The report that is up for approval is the best report that the committee could have come up with.
- 3. Alderman Bram:** He begins by explaining that a conditional use should not be approved if large groups of people have testimonies against it. He believes that the residents do not want it, so it should not be approved. The district in which the tower is to be built in is a conservation and recreation district. Alderman Bram believes a cell tower does not promote the purpose of the district. He goes on to express that a conditional use should not be approved for something that endanger and impacts the residents. He explains that maintenance on the tower will be more than once a month, and will inconvenience the residents. The conditional use is for the tower to be 3 times the size of the standard. Alderman Bram suggested lowering the height,

and then the conditional use would not be needed. The Alderman asked for serious considerations on the subject.

4. **Alderman Honquest:** Stated that he personally grew up next to a cell tower and did not grow up to have three eyes. Most of the concerns that have been reported are just speculations, and Alderman Honquest knows it is safe.

5. **Alderman Deuter:** Used the last moment to point out the ambiguity that occurs in the report.

## 6. Committee Report (10 yes; 2 no APPROVED)

### a. 6.1 Report – Amended redevelopment agreement of Addison deck (Development, Planning, and Zoning Committee)

i. **Alderman Levin:** Explains that the project requests the amendment of the original contract due to costs that were omitted from it. The contract described a “cold, dark, shell”, but did not go into detail about what that entailed. The issue for the developer is that not everything was included in the contract, such as the sprinkler system. Therefore, the developer has ended up spending more money than initially thought. The developer has agreed to pay for sprinkler system and share the rest of the cost half and half with the city. The developer began the project under budget, and Alderman Levin believes it is a fair proposal.

ii. **Alderman Deuter:** She believes it is a unique project that began in 2009, and involves 2 parties that have overlapping interests. She believes that the construction manager has been favored throughout the project and the developer should cover the unspecified costs.

iii. **Alderman Bram:** He expressed his agreement with Alderman Deuter, and believes that the developer has been given more than enough money. He explained that in 2009 the design of the building was defined, and the developer got a good deal. The developer got a loan for the purchase of the property as well, and should not be coming back for more money.

iv. **Alderman Levin:** He explains that this is not the same deal that was created in 2009. At the time the Council approved the proposal and the developer sold land to the city. (At this time in the meeting both Alderman Bram and citizens in the audience interrupted Alderman Levin.) He explains that the developer has been cooperating with the city the entire duration of the project, and the city should conduct this like honorable businessmen. The contract was not clear, and the newly proposed deal is a good deal.

v. **Alderman Bram:** Ends the comments by saying the deal has been in favor of the developer too many times, and the residents will end up paying for what the city has paid for throughout the project.

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

### a. Mayor Morley:

i. Committee of the Whole meeting after the City Council Meeting

ii. Stormwater committee meeting Wednesday at 7pm

Thank you to those involved. The city received less than 50% of what was asked for, but it will still provide relief for a lot of properties.

iii. Thank you for those involved in the Turkey Trot, which provides food for the less fortunate.

b. **City Manager Grabowski:** City hall will be collecting Christmas lights during this holiday season.

## 8. Other Business: none

9. **Adjournment:** Mayor Morley adjourned the meeting at 8:45pm.

Agenda, video and relevant documents can be found at:

<http://www.boarddocs.com/il/coe/Board.nsf/Public>