

Minutes - May 17, 2004

A WORK SESSION WAS CALLED TO ORDER AT 7:05 P.M. BY MAYOR CARMEN D. SOLDATO FOR THE PURPOSE OF REVIEWING ITEMS ON THE MAY 17, 2004 AGENDA WITH THE CITY COUNCIL. THE SESSION ADJOURNED AT 7:30 P.M.

Minutes of the Regular Meeting
of the City Council of the
CITY OF DARIEN
MAY 17, 2004

1. CALL TO ORDER

The regular meeting of the City Council of the City of Darien was called to order at 7:30 P.M. by Mayor Carmen D. Soldato.

2. PLEDGE OF ALLEGIANCE

Mayor Soldato led the Council and audience in the Pledge of Allegiance.

3. ROLL CALL — The Roll Call of Aldermen by City Clerk Coleman was as follows:

Present: Richard Biehl Joseph Marchese Morgan Cotten John F. Poteraske, Jr. David Hagen James Tikalsky Kathleen Moesle-Weaver

Also in Attendance: Carmen D. Soldato, Mayor Joanne F. Coleman, City Clerk Kevin P. Monaghan, City Treasurer John B. Murphey, City Attorney Bryon D. Vana, City Administrator Robert Pavelchik, Chief of Police Gregory Dreyer, Community Development Director Robert Mengarelli, Asst. Director of Public Works Robert Rodgers, Asst. Director of Public Works

4. DECLARATION OF A QUORUM — There being seven Aldermen present, Mayor Soldato declared a quorum.

5. APPROVAL OF MINUTES

City Council Minutes of May 3, 2004

It was moved by Alderman Tikalsky and seconded by Alderman Hagen to approve the Minutes of the Regular Meeting of May 3, 2004, as presented.

Roll Call: Ayes: Biehl, Cotten, Hagen, Marchese, Poteraske, Tikalsky, Weaver

Nays: None

Absent: None

Results: Ayes 7, Nays 0, Absent 0 MOTION DULY CARRIED

Committee-of-the-Whole Minutes of May 3, 2004

It was moved by Alderman Tikalsky and seconded by Alderman Biehl to approve the Minutes of the Committee-of-the-Whole Meeting of May 3, 2004, as presented.

Roll Call: Ayes: Biehl, Cotten, Hagen, Marchese, Poteraske, Tikalsky, Weaver

Nays: None

Absent: None

Results: Ayes 7, Nays 0, Absent 0 MOTION DULY CARRIED

6. RECEIVING OF COMMUNICATIONS

There were no communications received.

7. MAYOR'S REPORT

A. MAYORAL PROCLAMATION – "RIVERS MONTH" (Month of June)

Mayor Soldato read the Proclamation and declared June 2004 as "Rivers Month". He encouraged all residents to learn about the environmental importance of clean waterways and urged support and participation in River Sweep, a countywide stream cleaning effort.

8. CITY CLERK'S REPORT

Clerk Coleman...

... noted that the Darien Police Pension Board scheduled a meeting for Tuesday, May 18th, at 7:00 P.M. in the Police Department.

... announced that the following meetings had been cancelled: * Planning and Zoning Commission, which was scheduled for May 19th; and * Cable Commission, which was scheduled for May 20th.

... invited everyone to attend Coffee with Mayor Soldato on Saturday, May 22nd, from 9:00 until 10:00 A.M. at the Public Works Facility, 1041 South Frontage Road.

... stated that there would be an "Open House" at the Public Works Facility on Saturday, May 22nd.

9. CITY ADMINISTRATOR'S REPORT

A. DISMISSAL OF MIHAILOVIC LITIGATION

Attorney Murphey stated that Mayor Soldato was named as a defendant in the litigation and IRMA undertook the Mayor's representation due to defamation and related actions filed by Mr. Mihailovic and his corporation. He noted that following depositions and court filings, the plaintiff agreed to drop the lawsuit in accordance with a settlement agreement, which did not involve payment of any money. Therefore, the lawsuit was dismissed.

Administrator Vana...

... reminded residents that brush pickup would occur between May 24th and 28th.

... reiterated that there would be a Public Works "Open House" on Saturday, May 22nd, from 10:00 A.M. until 2:00 P.M.

... updated everyone in regard to the West Nile Virus; the virus was found at the Fox Hollow Forest Preserve. Preserve properties are not treated by the City's mosquito abatement program but receive treatment through the DuPage Forest Preserve District. He stated that the City increased their program and that it was underway. DuPage County Health Department requested that if residents found dead birds on their property that they should contact the Department at (630) 682-7979, Ext. 6116.

Alderman Biehl inquired about the next City newsletter and the Crest Road project. Administrator Vana responded that the newsletter was currently at the printer and would be sent within a week; he reported that he had no update for the Crest Road project but would contact the County.

Alderman Poteraske asked Administrator Vana for assistance with ComEd in regard to tree trimming because overgrown trees were the main cause for many outages within the City.

10. DEPARTMENT HEAD REPORT

Community Development Director Gregory Dreyer...

... commented that the Department was very busy at this time of year and that there were two vacancies: Administrative Secretary and Part-time Plumbing Inspector positions.

... spoke about projects within the City, specifically: Capital Estates was scheduled for review by the Planning/Development Committee on May 24; 67th Street & Bentley Avenue, located in both Willowbrook and Darien, was proceeding through both Plan Commissions; Myers Senior Housing scheduled a meeting to update the City; received an application from 'Take Aim', an indoor paintball facility, located at the Rockwell Industrial Park; Walgreen's would apply for a drive-thru facility on the north side of the building located at 75th Street & Cass Avenue.

Mayor Soldato noticed that there were 'For Sale' signs on properties immediately north of the Ashbrook development. Director Dreyer stated that he met with the broker; he indicated that the Comprehensive Plan included townhomes for the area.

11. TREASURER'S REPORT

A. WARRANT NUMBER 03-04-24

It was moved by Alderman Tikalsky and seconded by Alderman Poteraske to approve payment of Warrant Number 03-04-24 in the amount of \$69,424.59 from the General Fund; \$105,298.26 from the Water Fund; \$6,716.77 from the Motor Fuel Tax Fund; \$8,557.56 from the Towne Center Tax Fund; \$2,761.50 from the Special Service Area Tax Fund; \$1,530.69 from the Darien Area Dispatch Fund; for a total to be approved of \$194,289.37.

Roll Call: Ayes: Biehl, Cotten, Marchese, Poteraske, Tikalsky, Weaver

Nays: Hagen

Absent: None

Results: Ayes 6, Nays 1, Absent 0 MOTION DULY CARRIED

B. WARRANT NUMBER 04-05-02

It was moved by Alderman Tikalsky and seconded by Alderman Cotten to approve payment of Warrant Number 04-05-02 in the amount of \$29,494.28 from the General Fund; \$1,908.23 from the Water Fund; \$14,203.74 from the Motor Fuel Tax Fund; \$2,054.36 from the Darien Area Dispatch Fund; \$12,518.19 Joint Use Facility Fund; \$200.00 D.A.R.E. Fund; \$193,024.69 from the General Fund Payroll for the period ending 05/13/04; \$22,568.41 from the Water Fund Payroll for the period ending 05/13/04; \$22,206.60 from the D.A.D.C. Fund Payroll for the period ending 05/13/04; for a total to be approved of \$298,178.50.

Roll Call: Ayes: Biehl, Cotten, Hagen, Marchese, Poteraske, Tikalsky, Weaver

Nays: None

Absent: None

Results: Ayes 7, Nays 0, Absent 0 MOTION DULY CARRIED

C. TREASURER'S MONTHLY REPORT – APRIL 2004

City Treasurer Monaghan reviewed all sources of revenue and expenditures for the month of April 2004 with the following year-to-date fund balances: General Fund \$1,276,834; Water Fund \$304,566; Motor Fuel Tax Fund \$710,923; Darien Towne Centre Sales Tax Fund \$0; and Hotel/Motel Tax Fund \$74,409.

12. STANDING COMMITTEE REPORTS

Administrative/Finance Committee — Chairman Weaver submitted, for the record, Minutes from the April 12, 2004 meeting.

Planning/Development Committee — Chairman Hagen stated that the next scheduled meeting for the Committee would take place on Monday, May 24th, at 6:30 P.M.

Public Works Water/Streets Committee — Chairman Biehl reported that the May 26th meeting was cancelled due to lack of agenda items.

13. QUESTIONS AND COMMENTS — AGENDA RELATED

There were no agenda related questions or comments.

14. OLD BUSINESS

There was no Old Business to come before the City Council.

15. CONSENT AGENDA

Mayor Soldato stated that Consent Agenda item A had been removed from the Agenda; he noted that Consent Agenda items B and C had been moved to New Business.

It was moved by Alderman Tikalsky and seconded by Alderman Cotten to approve by Omnibus Vote the following items on the Consent Agenda:

A. ORDINANCE NO. O-17-04 AN ORDINANCE AMENDING TITLE EIGHT, CHAPTER TWELVE OF THE DARIEN CITY CODE PERTAINING TO CURFEW VIOLATIONS

B. CONSIDERATION OF A MOTION TO APPROVE A REVISED FIXED ASSET POLICY FOR THE CITY OF DARIEN

C. RESOLUTION NO. R-16-04 A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT BETWEEN BEST QUALITY CLEANING, INC. AND THE CITY OF DARIEN FOR JANITORIAL SERVICES

Roll Call: Ayes: Biehl, Cotten, Hagen, Marchese, Poteraske, Tikalsky, Weaver

Nays: None

Absent: None

Results: Ayes 7, Nays 0, Absent 0 MOTION DULY CARRIED

16. NEW BUSINESS

A. CONSIDERATION OF A MOTION TO APPROVE AN ORDINANCE AUTHORIZING THE SALE OF PERSONAL PROPERTY OWNED BY THE CITY OF DARIEN

It was moved by Alderman Weaver and seconded by Alderman Tikalsky to approve

ORDINANCE NO. O-18-04 AN ORDINANCE AUTHORIZING THE SALE OF PERSONAL PROPERTY OWNED BY THE CITY OF DARIEN as presented.

Alderman Tikalsky inquired about the procedure for the E-Bay auction. Chief Pavelchik responded that there was no date for the auction because the sale had to be approved by Council. He stated that the City needed to register and setup an account, which would be \$40.00 per vehicle; the City would set the time for bid acceptance. Attorney Murphey said it was policy to inform the public; Chief Pavelchik stated that information would be placed on the City's website.

Roll Call: Ayes: Biehl, Cotten, Hagen, Marchese, Poteraske, Tikalsky, Weaver

Nays: None

Absent: None

Results: Ayes 7, Nays 0, Absent 0 MOTION DULY CARRIED

B. CONSIDERATION OF A MOTION TO APPROVE AN ORDINANCE REGULATING ETHICS

It was moved by Alderman Tikalsky and seconded by Alderman Cotten to approve an Ordinance Regulating Ethics, as presented.

MOTION TO AMEND

Alderman Poteraske made a motion to amend Section 1-11-19(8) to limit the total amount of a gift to no more than \$500.00 per vendor to employee per calendar year. There was discussion about the current 'Gift Ban' restriction.

AMENDING MOTION FAILED DUE TO LACK OF SECOND

There was a call for the question on the original motion:

ORDINANCE NO. O-16-04 AN ORDINANCE REGULATING ETHICS as presented.

Roll Call: Ayes: Biehl, Cotten, Hagen, Marchese, Poteraske, Tikalsky, Weaver

Nays: None

Absent: None

Results: Ayes 7, Nays 0, Absent 0 MOTION DULY CARRIED

C. CONSIDERATION OF A MOTION TO APPROVE AN ORDINANCE APPROVING PRELIMINARY PUD PLAN AND PRELIMINARY PLAT OF RESUBDIVISION FOR LOT 2 OF THE MARKETPLACE AT DARIEN SUBDIVISION, AND SETTING FORTH CERTAIN CONDITIONS, RESTRICTIONS AND LIMITATIONS (PZC 2004-04: Abbey Woods, Marketplace at Darien PUD)

It was moved by Alderman Hagen and seconded by Alderman Marchese to approve An Ordinance approving Preliminary PUD Plan and Preliminary Plat of Resubdivision for Lot 2 of the Marketplace at Darien Subdivision, and Setting Forth Certain Conditions, Restrictions and Limitations (PZC 2004-04: Abbey Woods, Marketplace at Darien PUD), as presented.

MOTION TO AMEND

It was motioned by Alderman Hagen and seconded by Alderman Tikalsky to amend said Ordinance by striking language contained in SECTION 2, specifically:

“13. Eliminate pedestrian path from Abbey Drive to the retail portion of the Marketplace PUD;”.

There was a call for the question on the amendment:

Roll Call: Ayes: Biehl, Hagen, Marchese, Tikalsky, Weaver

Nays: Cotten, Poteraske

Absent: None

Results: Ayes 5, Nays 2, Absent 0 AMENDED MOTION CARRIED

Discussion ensued regarding townhome construction traffic through the residential area.

MOTION TO AMEND

It was motioned by Alderman Weaver and seconded by Alderman Tikalsky to amend said Ordinance by changing the language contained in SECTION 2, item number 15. as follows:

“15. Construction traffic plan shall be submitted for Cambridge and Abbey Drives; and”.

There was a call for the question on the amendment:

Roll Call: Ayes: Biehl, Cotten, Hagen, Marchese, Poteraske, Tikalsky, Weaver

Nays: None

Absent: None

Results: Ayes 7, Nays 0, Absent 0 AMENDED MOTION CARRIED

There was a call for the question on the original motion:

ORDINANCE NO. O-15-04 AN ORDINANCE APPROVING PRELIMINARY PUD PLAN AND PRELIMINARY PLAT OF RESUBDIVISION FOR LOT 2 OF THE MARKETPLACE AT DARIEN SUBDIVISION, AND SETTING FORTH CERTAIN CONDITIONS, RESTRICTIONS AND LIMITATIONS (PZC 2004-04: Abbey Woods, Marketplace at Darien PUD) as amended.

Roll Call: Ayes: Biehl, Hagen, Marchese, Poteraske, Tikalsky, Weaver

Nays: Cotten

Absent: None

Results: Ayes 6, Nays 1, Absent 0 MOTION DULY CARRIED

17. QUESTIONS, COMMENTS AND ANNOUNCEMENTS — GENERAL

Alderman Cotten stated that his home had been “T P’d” and that white powder had been placed in their mailbox. He indicated that what was a prank ended up as an extensive involvement that was costly and included the Darien-Woodridge Fire District, Police Department and Hazmat Response Team. He indicated that the Post Office trained their staff not to take these matters lightly; he commended all involved for their prompt response and service.

18. ADJOURNMENT

There being no further business to come before the City Council, it was moved by Alderman Cotten and seconded by Alderman Tikalsky to adjourn.

VIA VOICE VOTE – MOTION DULY CARRIED

The City Council meeting adjourned at 8:25 P.M.

Mayor

City Clerk JFC/jr

All supporting documentation and report originals of these minutes are on file in the Office of the City Clerk under File Number 05-17-04.

Minutes of 05-17-04 CCM