

Minutes - December 1, 2003

A WORK SESSION WAS CALLED TO ORDER AT 7:08 P.M. BY MAYOR CARMEN D. SOLDATO FOR THE PURPOSE OF REVIEWING ITEMS ON THE DECEMBER 1, 2003 AGENDA WITH THE CITY COUNCIL. THE SESSION ADJOURNED AT 7:35 P.M.

Minutes of the Regular Meeting

of the City Council of the

CITY OF DARIEN

DECEMBER 1, 2003

1. CALL TO ORDER

The regular meeting of the City Council of the City of Darien was called to order at 7:35 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

Absent: Kathleen Moesle-Weaver

Also in Attendance: Carmen D. Soldato, Mayor
Joanne F. Coleman, City Clerk
Kevin P. Monaghan, City Treasurer
Judith N. Kolman, 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

DECLARATION OF A QUORUM - There being six Aldermen present, Mayor Soldato declared a quorum.

APPROVAL OF MINUTES

City Council Meeting of November 17, 2003

It was moved by Alderman Poteraske and seconded by Alderman Cotten to approve the Minutes of the Regular Meeting of November 17, 2003, as presented.

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

Nays: None

Absent: Weaver

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

Committee-of-the-Whole Meeting of November 17, 2003

It was moved by Alderman Marchese and seconded by Alderman Tikalsky to approve the Minutes of the Committee-of-the-Whole Meeting of November 17, 2003, as presented.

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

Nays: None

Absent: Weaver

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

6. RECEIVING OF COMMUNICATIONS

Alderman Biehl communicated with Jack Morge of Crest Road; he was concerned with the rezoning of the parcel at 130 Plainfield Road and flooding. Alderman Biehl received and read an email from Annette Hesson, 7109 Eleanor; she was concerned about flooding in the area due to the possible rezoning of the parcel on Plainfield Road.

Alderman Hagen received communication from a resident who resides within the Reflections Subdivision; she was concerned about the homeowners association's request for 'no parking' on one of the curved streets, which would limit visitor parking. Chief Pavelchik commented that the Administrative/Finance Committee would review the request; Alderman Poteraske said that it could be considered at the December 8th meeting.

Alderman Poteraske received email from Rupi Singh, President of the Norman Courts Townhome Association; Mr. Singh was concerned about snow plowing of private streets.

Alderman Marchese received email from:
Michael Kidney, 8824 Lakewood Drive; he was concerned with traffic that turned from Plainfield Road onto 75th Street and proceeded through the intersection on a red light. It was stated that Mr. Kidney would be given a contact name at DuPage County since the County regulated the intersection.

William Kohlsat, 9017 Kilkenny Drive; he surveyed Tara Hill residents and stated that forty-five percent (45%) were concerned about the gateway entrances that were provided by the developer, Gallagher & Henry. Director Dreyer noted that the signage was on private property and was the responsibility of the homeowners to maintain.

7. MAYOR'S REPORT

A. COMPREHENSIVE ANNUAL FINANCIAL REPORT - FISCAL YEAR ENDED APRIL 30, 2003

Mayor Soldato thanked Accountant Richards for compiling information for the auditor. He stated that the auditor was not present and postponed the presentation to the December 15, 2003 Council meeting.

8. CITY CLERK'S REPORT

Clerk Coleman...

... announced that the December 3rd Planning and Zoning Commission meeting had been cancelled.

... informed everyone that the Police Pension Board scheduled a meeting for Saturday, December 13th, at 10:00 A.M. in the City Council Chambers.

... invited everyone to the "Tree Lighting" ceremony on Sunday, December 7, 2003, in front of the Old Lace Schoolhouse & Museum located at 75th Street & Cass Avenue.

... stated that Citizen of the Year nominations were being accepted at City Hall and were due the first week in January.

CITY ADMINISTRATOR'S REPORT

Administrator Vana...

... stated that the Holiday Home Decorating Contest rules for judging had been changed by the committee; homes must be nominated for consideration; and December 5th was the deadline for submittal of nominations. He said that the committee would view/judge the nominated homes from December 8th through December 11th and winners would be announced at the December 15th City Council meeting.

... commented that the City's cable channel had a new look due to recently purchased equipment

Alderman Biehl inquired:

if Administrator Vana received correspondence from the two women on Janet Avenue in regard to sidewalk grants; Administrator Vana responded that there were no further discussions but would meet with them in the very near future.

if the City heard from the County in regard to the Dale Basin; Administrator Vana stated that Bill Brown of the County expected the permit to be approved by the State and Mr. Brown was to contact him.

where the literature about the consolidation of the Darien Park District had come from; Mayor Soldato responded that it was from the citizen group that was in the process of obtaining signatures for the petition.

Alderman Marchese inquired about the status of the grant money for Brookeridge Creek and County assistance to clean the creek; Administrator Vana responded that the grants were on 'hold' and that the County was to clean the creek in December.

10. DEPARTMENT HEAD REPORT

Police Department Chief Robert Pavelchik...

... congratulated Officers Skweres and Topel for receiving the "Life Saving Award" from the Illinois Police Association.

... stated that the City's 'snow ordinance' would go into effect when the City received 2" of snow; cars should not be parked on the streets and residents should not place snow onto the streets because tickets could be issued.

... reported that gun locks were received by the Darien Police Department in the interest of safety; he said that if a person owned a firearm and did not have it locked that Darien residents could obtain a 'free' device to secure their firearm(s) by contacting the Police Department.

... commented that canine training was on schedule and that they would complete schooling on December 19th; he stated that they would begin working on December 29th. He thanked the Darien Chamber of Commerce and Council for their support.

Alderman Cotten inquired about storage of impounded vehicles at Plant 4. Chief Pavelchik responded that he corresponded with both the County and Sheriff's offices and that the Sheriff's office had a proposal for construction of a regional storage lot for impounded vehicles on IL Route 53 & Everglade in Woodridge.

11. TREASURER'S REPORT

A. WARRANT NUMBER 03-04-13

It was moved by Alderman Hagen and seconded by Alderman Tikalsky to approve payment of Warrant Number 03-04-13 in the amount of \$91,629.28 from the General Fund; \$42,995.43 from the Water Fund; \$1,357.74 from Motor Fuel Tax Fund; \$2,769.59 from the Darien Area Dispatch Fund; \$226,470.75 from the General Fund Payroll for the period ending 11/26/03; \$27,985.41 from the Water Fund Payroll for the period ending 11/26/03; \$33,258.53 from the D.A.D.C. Fund Payroll for the period ending 11/26/03; for a total to be approved of \$426,466.73.

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

Nays: None

Absent: Weaver

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

12. STANDING COMMITTEE REPORTS

Administrative/Finance Committee - No report.

Planning/Development Committee - No report.

Public Works Water/Streets Committee - No report.

13. QUESTIONS AND COMMENTS - AGENDA RELATED

Maggie Korienek, 1521 Darien Club Drive, thanked Council for their support with dissolution of the Darien Park District and informed them that the citizen group was in the process of collecting the 3,000 required signatures. She spoke about the recent Park District booklet that contained a letter about the projected balanced budget for the Park District and Sportsplex, which she felt was deception by the Park District because they were placing money from the General Fund (tax dollars) into the Sportsplex Fund. She

stated that if residents had questions or needed information about dissolving the Park District that they should contact Kurt Mach at (630) 910-3869.

Gino Vezzani, 1806 Creekside Lane, thanked the Council for their support with dissolution of the Park District. He clarified that Darien was a good place for raising children because of the schools, Darien Youth Club, and Darien Soccer Association. He noted that these groups provided the majority of interactive sports for our children.

Kurt Mach, 1500 Evergreen Lane, verified that the citizens committee to dissolve the Park District would be available to meet with concerned residents on Saturday, December 6th, in the Darien Police Training Room from 9:00 A.M. until Noon.

Warren Anderson, 533 Chestnut Lane, inquired about receipt of the sales tax from the State of Illinois; Treasurer Monaghan responded that they were two months behind and he requested Administrator Vana to check when the latest funds had been received.

14. OLD BUSINESS

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

15. CONSENT AGENDA

Mayor Soldato noted that Consent Agenda Item D had been moved to New Business as Item C at the request of Alderman Hagen.

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

ORDINANCE NO. O-35-03 AN ORDINANCE LEVYING TAXES FOR GENERAL AND SPECIAL CORPORATE PURPOSES FOR THE FISCAL YEAR COMMENCING ON THE FIRST DAY OF MAY, 2003, AND ENDING ON THE THIRTIETH DAY OF APRIL, 2004, FOR THE CITY OF DARIEN, ILLINOIS

ORDINANCE NO. O-36-03 AN ORDINANCE FOR THE LEVY AND ASSESSMENT OF TAXES FOR THE FISCAL YEAR BEGINNING ON THE FIRST DAY OF MAY, 2003, AND ENDING ON THE THIRTIETH DAY OF APRIL, 2004, FOR THE CITY OF DARIEN SPECIAL SERVICE AREA NUMBER ONE KNOWN AS TARA HILL

ORDINANCE NO. O-37-03 AN ORDINANCE AMENDING SECTION 1-6-6, "AUTHORIZED EXPENDITURES," OF CHAPTER 6, TITLE 1 OF THE DARIEN CITY CODE

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

Nays: None

Absent: Weaver

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

16. NEW BUSINESS

CONSIDERATION OF A MOTION TO APPROVE A RESOLUTION PLEDGING THE COMMITMENT OF THE CITY OF DARIEN TO THE CONTINUATION OF PARK AND RECREATION PROGRAMS IN THE EVENT OF THE DISSOLUTION OF THE DARIEN PARK DISTRICT

It was moved by Alderman Marchese and seconded by Alderman Tikalsky to approve a Resolution Pledging the Commitment of the City of Darien to the Continuation of Park and Recreation Programs in the Event of the Dissolution of the Darien Park District, as presented.

Alderman Hagen was uncomfortable voting for a 'what if' situation and stated that the issue was inappropriate at this time; he commented that he was opposed to the Resolution. He noted that the City should be aware of what responsibilities it would be acquiring.

Mayor Soldato stated that according to the Darien Park District, they were operating within a balanced budget and if the voters decided that the Park District should be dissolved, the City would take on the debt, land/buildings, and operating revenue. Alderman Poteraske stated that the Resolution was important because it clarified the idea that the City supported its residents; he noted that the Council would review, budget, and consider all items to continue the park and recreation programs.

Alderman Biehl inquired if the items noted by Alderman Poteraske would be inserted into the Resolution; Alderman Poteraske commented that the items noted were suggestions and that the intent remained.

Alderman Hagen asked Attorney Kolman to explain Section 3: Home Rule; Attorney Kolman responded that generally speaking, the "Home Rule" language was included in all City ordinances and resolutions even if they were contrary to non-preemptive State Law.

MOTION TO AMEND

It was moved by Alderman Cotten and seconded by Alderman Poteraske to amend the fourth "Whereas" paragraph of the proposed Resolution to read: "WHEREAS, the Mayor and City Council have further determined that it is reasonable and in the best interests of the City to pledge the City's commitment to the continuation of the programs and activities of the Darien Park District in the event the voters of the Darien Park District vote in favor of dissolution."

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

Nays: None

Absent: Weaver

Results: Ayes 6, Nays 0, Absent 1

AMENDING MOTION CARRIED

There being no further discussion, there was a call for the question

RESOLUTION NO. R-36-03 A RESOLUTION PLEDGING THE COMMITMENT OF THE CITY OF DARIEN TO THE CONTINUATION OF PARK AND RECREATION PROGRAMS IN THE EVENT OF THE DISSOLUTION OF THE DARIEN PARK DISTRICT as amended.

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

Nays: Hagen

Absent: Weaver

Results: Ayes 5, Nays 1, Absent 1
MOTION DULY CARRIED

CONSIDERATION OF A MOTION TO A RESOLUTION AUTHORIZING A REQUEST FOR EXCLUSION FROM THE PRIMECO/US CELLULAR AND CELLULAR DEFENDANT SUBCLASSES

It was moved by Alderman Poteraske and seconded by Alderman Cotten to approve

RESOLUTION NO. R-37-03 A RESOLUTION AUTHORIZING A REQUEST FOR EXCLUSION FROM THE PRIMECO/US CELLULAR AND CELLULAR DEFENDANT SUBCLASSES
as presented.

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

Nays: None

Absent: Weaver

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

CONSIDERATION OF A MOTION TO DIRECT STAFF TO PREPARE DOCUMENTATION IN REGARD TO PROPOSED ANNEXATION/ DEVELOPMENT AGREEMENT FOR MARKETPLACE AT DARIEN (75th STREET & LYMAN AVENUE)

It was moved by Alderman Hagen and seconded by Alderman Cotten to approve a Motion to Direct Staff to Prepare Documentation in Regard to Proposed Annexation/Development Agreement for Marketplace at Darien (75th Street & Lyman Avenue), as presented.

Alderman Hagen commented that the Planning/Development Committee was concerned with rezoning a portion of the development to R3 for multi-family townhomes based on a conceptual plan.

Mayor Soldato noted that the development would be a Planned Unit Development and that the developer would need approval from Planning and Zoning Commission, Planning/Development Committee, and City Council. Attorney Kolman concurred and advised the Council that the developer would need to return to the Council to obtain approval of the proposed townhomes.

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

Nays: None

Absent: Weaver

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

17. QUESTIONS, COMMENTS AND ANNOUNCEMENTS - GENERAL

Alderman Biehl thanked Public Works for another well-done snow-plow rodeo that was held on Wednesday, November 26th. Alderman Poteraske reiterated Alderman Biehl's comments.

Alderman Poteraske noted that the Census Report stated that the City had approximately 8,700 households and another 300 had been identified by Director Dreyer on a recent report for a total of 9,000. He noted that about 5,000 households were connected to the City cable system; he would like to reach the other 4,000 households and suggested replaying the Council meetings on the Hinsdale South High School cable channel in order to do so. He said that he would like this item discussed at the next Goal Setting Session or Committee-of-the-Whole meeting.

Alderman Hagen invited everyone to attend the "Tree Lighting" ceremony on Sunday, December 7th, at the Darien Historical Society site at 4:00 P.M.

ADJOURNMENT

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

VIA VOICE VOTE - MOTION DULY CARRIED

The City Council meeting adjourned at 8:26 P.M.

JFC/jr

All supporting documentation and report originals of these minutes are on file in the Office of the City Clerk under File Number 12-01-03.

Minutes of 12-01-03 CCM
December 1, 2003