

Minutes - March 7, 2005

A WORK SESSION WAS CALLED TO ORDER AT 7:00 P.M. BY MAYOR CARMEN D. SOLDATO FOR THE PURPOSE OF REVIEWING ITEMS ON THE MARCH 7, 2005 AGENDA WITH THE CITY COUNCIL. THE SESSION ADJOURNED AT 7:20 P.M.

Minutes of the Regular Meeting

of the City Council of the

CITY OF DARIEN

MARCH 7, 2005

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

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 David Skala, Deputy 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 six Aldermen present, Mayor Soldato declared a quorum.

5. APPROVAL OF MINUTES — February 22, 2005

It was moved by Alderman Tikalsky and seconded by Alderman Hagen to approve the Minutes of the Regular Meeting of February 22, 2005, as presented.

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

Nays: None

Abstain: Marchese

Absent: Biehl

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

6. RECEIVING OF COMMUNICATIONS

Alderman Cotten and Council received emails from: * Leslie Kelley, 6701 Bentley Avenue, regarding Mayada Subdivision. * Phyllis Zimmer, 6446 Tennessee Avenue in Willowbrook, who was opposed to the Mayada Subdivision. She felt that there was a 'conflict of interest' because Alderman Cotten was a County employee and a Council member. In response, Alderman Cotten stated that he had no approval authority or voting rights at the County; therefore, there was no conflict. * Donald & Barbara & Dorothy Schardt who opposed the Mayada Brook annexation and subdivision.

Alderman Marchese received an additional email from John & Colleen Hauppa, 2300 Oakmount Way; they were concerned with the speed limit along South Frontage Road, which was regulated by the State.

Alderman Tikalsky received email from Terry Cable, 7824 Dorchester Lane, who supported BFI as the City's waste hauler.

7. MAYOR'S REPORT

A. Mayoral Proclamation "Illinois Athletic Training Month" (March 2005)

Mayor Soldato read the Proclamation and declared March 2005 as "Illinois Athletic Training Month" in the City of Darien. He urged all residents to learn about the importance of athletic training. Ms. Mary Ann Frantzak, Head Athletic Trainer from Downers Grove South High School, accepted the Proclamation. Ms. Frantzak thanked the Council for the Proclamation on behalf of Downers Grove South High School and all trainers.

Mayor Soldato...

... thanked the Citizen of the Year Committee for the wonderful dinner honoring the 2005 Citizen of the Year, JoAnn DiNello.

... commented that a public hearing had been scheduled by DuPage County on March 8th from 4:00 until 8:00 P.M. in regard to widening 75th Street within the City's corporate boundaries; he said that the City of Darien along with the Village of Willowbrook previously submitted comments in opposition to widening 75th Street. Mayor Soldato stated that the City would re-submit those comments to the County.

... noted that there were two items on the Agenda, Mayada Brook on 67th Street and Sokol Property on South Frontage Road, which raised many concerns by residents. He said that Council was aware of those concerns. He indicated that the proposed motion was an extra-ordinary step, which was to direct the City Attorney to draft an agreement for the subdivisions unless it was opposed by Council.

8. CITY CLERK'S REPORT

Clerk Coleman...

... reminded everyone that during the Work Session, Agenda Items C, D, E, F and G under New Business, had been moved to the Consent Agenda.

... announced that the Cable Commission meeting scheduled for March 17th had been cancelled.

... invited everyone for Coffee with Mayor Soldato on Saturday, March 19th from 9:00 until 10:00 A.M. at Carmelite Carefree Village located at 8419 Bailey Road.

... commented that the last day to request an 'Absentee Ballot' for the April 5th Consolidated Election was March 31st.

9. CITY ADMINISTRATOR'S REPORT

Administrator Vana had no report.

Alderman Poteraske requested that the notice for application regarding a paint treatment/storage center in Lemont along the Canal receive a response from the City. Mayor Soldato forwarded the issue to the Environmental Committee for review and comment.

10. DEPARTMENT HEAD REPORT – Police Department Deputy Chief David Skala...

... commented that the Chief would graduate on March 18th from the FBI National Academy in Virginia.

... announced that the Police Department was having an "Open House" on May 7th from 10:00 A.M. until 2:00 P.M.

... spoke about the Canine Program, which has been in effect for one year. He noted that the Department had two canine units: Officer Stutte & Rolf, and Officer Liss & Quanto, who were supervised by Sergeant Piccoli. Training was completed in December 2003; they were involved with 160 incidents in 2004; they have been routinely involved with school searches throughout the county; they perform in public demonstrations. Houston Lashes, a Downers Grove resident, donated bullet proof vests for the canines.

... mentioned that people might want to become involved with the Southeastern DuPage County Citizens Core Council, which consisted of residents within the Village of Burr Ridge, Village of Willowbrook, and City of Darien, with Darien-Woodridge Fire Protection District and Tri-State Fire Protection District. Volunteers make up the Core, also known as the Citizens Emergency Response Team (CERT), and are involved with first aid, fire fighting, and preparedness training; they support other agencies that would be involved with emergency/terrorism incidents. He said that if someone wanted additional information, they should visit the website www.citizencorpsdupage.org.

11. TREASURER'S REPORT

A. WARRANT NUMBER 04-05-20

It was moved by Alderman Cotten and seconded by Alderman Hagen to approve payment of Warrant Number 04-05-20 in the amount of \$77,088.76 from the General Fund; \$9,620.13 from the Water Fund; \$23,139.52 from Motor Fuel Tax Fund; \$23.25 from the Special Service Area Tax Fund; \$1,680.34 from the Darien Area Dispatch Center Fund; \$204,849.24 from the General Fund Payroll for the period ending 02/17/05; \$21,701.27 from the Water Fund Payroll for the period ending 02/17/05; \$23,077.81 from the D.A.D.C. Fund Payroll for the period ending 02/17/05; for a total to be approved of \$361,100.32.

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

Nays: None

Absent: Biehl

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

12. STANDING COMMITTEE REPORTS

Administrative/Finance Committee — Chairman Weaver submitted, for the record, Minutes from the February 14, 2005 meeting. She announced that the Committee-of-the-Whole would meet to discuss the proposed budget on Tuesday, March 8th in the Council Chambers at 6:30 P.M.

Planning/Development Committee — No report.

Public Works Water/Streets Committee — No report.

13. QUESTIONS AND COMMENTS — AGENDA RELATED

Gary Gullickson, a representative of Amvets, addressed Council; he stated that Wal-Mart requested that they place a donation center on their property in the Darien Towne Centre. He indicated that Wal-Mart owned the property where they would be located and that Inland Commercial Property Development managed the shopping center. He said they had twenty centers throughout the Chicago land area and handled approximately 1,575 donors daily; the total donor count for 2004 was 575,000. He spoke about the drop boxes that were monitored and reported daily, which made the drop center reliable, accountable and responsive. Mr. Gullickson said they had monitored the area and found that the placement site would not create traffic problems within the shopping center; he noted that if Council preferred, they could relocate the site near Wal-Mart's Garden Center. He indicated that he was looking forward to a responsible relationship with the City; he proposed placement of a new trailer with no lettering.

Stacy Johnson, Wal-Mart representative, stated that they asked for a drop box/center due to staff and resident requests. They felt it would contribute to the community. Alderman Weaver inquired about the alternate location near the garden center; Ms. Johnson responded that it was the front lot closest to the fence of the garden center, which would not interfere with the drive lane and would be closer to the building.

Lynn Baumgartner, Executive Director for Illinois Amvets Service Foundation, spoke about their various donations to communities.

Carole Kelley, 2300 Oakmount Way, spoke about the proposed Sokol project density. She was concerned about flood control, water pressure, parking, and fire protection. She requested written assurance and assistance from the City; she questioned the character of the builder. Ms. Kelley indicated that Frontage Road was in need of repair.

Steve Dweydari of Ebla Enterprises, builder/developer of Mayada Book Subdivision at 67th Street & Bentley, said the proposed Subdivision was to consist of nine lots. He indicated that five of the lots would be over 20,000 sq.ft., that the subdivision would not increase density, and would be similar to development on Western and Richmond streets. He spoke about lot widths, trees, sidewalks, brick façade, stormwater requirements and neighborhood pattern.

Don Schardt, 6722 Alabama Avenue, opposed the proposed motion on the agenda authorizing the City Attorney to draft an annexation/development agreement for 67th Street & Bentley, the Mayada Brook Subdivision. He stated that citizens had a right to a say in what happens in their communities, which included how they were developed. He felt that the response from City officials was less than forthright and did not respect the citizens; he spoke of inadequate service.

Mayor Soldato inquired as to a specific event as to how this Council had been disrespectful. Mr. Schardt responded that one issue was a complaint sent to the DuPage Stormwater Committee and the second

issue concerned Alderman Cotten's right to vote on the item. Mayor Soldato informed Mr. Schardt that he was incorrect in stating that Council disrespected him; the Mayor indicated that was one reason the subdivision was not under construction because Council listened to the people who were concerned with flooding issues. He further stated that DuPage County advised Mr. Schardt that no action could be taken for non compliance because the Mayada Brook Subdivision had not been approved by the City of Darien. Mayor Soldato elaborated on the DuPage Stormwater control regulations and that the City depended upon the expertise of Christopher B. Burke Engineering, Ltd. for compliance. Mayor Soldato read part of an email received from Leslie Kelley who was in favor of the proposed subdivision and felt that development could resolve unsafe conditions and other problems posed by the vacant parcels.

Barbara Schardt, 6722 Alabama, opposed and asked Council to veto the annexation of the property located at 67th Street & Bentley; she was concerned about stormwater flooding in the area.

Phyllis Zimmer, 6446 Tennessee Avenue in Willowbrook, indicated that her backyard was at 64th Street & Bentley. She displayed photos that indicated stormwater out letting onto her private property. Ms. Zimmer was adamantly opposed to development of the property due to the impact the stormwater would have on her property. Ms. Zimmer requested adequate infrastructure and storm sewers.

Dorothy Fara, President of Waterfall Glen Condo Association, stated that the Association was concerned about the proposed 8-1/2' width parking stalls; she indicated that their condos had either 11-1/2' or 12' parking stalls depending on support pillars. She indicated that the proposed width would be inadequate.

Ken Ritzert, 6714 Alabama, spoke about the topography, drainage, zoning and lot dimensions of the 67th Street & Bentley property. He suggested intergovernmental cooperation between DuPage County, Willowbrook and Darien to correct the sewer system and flooding problems.

Henry Carrillo, 2301 Oakmount Way, opposed 'The Reserve'.

Sandra Sabotkus, 6702 Bentley, lives across the street from the proposed Mayada Brook Subdivision; she was not opposed to development but would like better infrastructure for stormwater maintenance. She was concerned about speeding along 67th Street.

Lester Wlodarczyk, who lives across the street from the proposed project, stated that this plan was better than what was previously proposed. He indicated that the main issue was stormwater drainage.

Jorge Ortega, 6709 Alabama, opposed the Mayada Brook project. He asked that zoning of the property not be changed; he was also concerned with increased traffic and flooding.

Bill Buckley, 6525 Western, stated that the stormwater came from Ridge Road, which was three blocks west. He indicated that the culvert along Western could not handle heavy rains and that water runs over the pavement.

William Herron, 2300 Oakmount Way, expressed concern about 'The Reserve'. He stated that residents were fearful that the developer would change the nature of what currently exists; he asked that Council consider the density of the project.

Phil Cole, 6701 Alabama, spoke about the current R-1 zoning of the property and stated that the proposed density would increase the stormwater problems.

Brian Columbus, President of Columbia Real Estate, stated that he lived three miles from the proposed project, his wife was a teacher at Concord, and they were members of Our Lady of Mount Carmel parish; he considered himself a neighbor. He said they had been working on the project for ten months and that there were issues; he listened to the market, neighbors, customers, and City in order to act appropriately.

based on those comments. He explained the project was a 2.87 acre site, the last in a Planned Unit Development; the property was currently zoned R-3 and had been approved for a 43,000 sq.ft. gymnasium with a parking lot. He indicated that they were seeking an amendment to the PUD in order to allow a better use, a residential use. He gave a brief history of the PUD and described what currently exists on the 28-acre site; he explained the proposed up-scaled project.

Mr. Columbus introduced * Bob Dystra, Architect for 'The Reserve'; Mr. Dystra spoke about the up-scale quality of the buildings/development. * John Essy, Civil Engineer with P & D Consultants; he indicated that they were the civil engineers for the whole Burnside project, including the proposed condominiums. He spoke about stormwater management, which was included with the original design; he spoke about the proposed installation of the 12" watermain and service to the site. * Paul Williams, Landscape Architect with Williams Design Group; he spoke about the landscape plan for the site and stated that it exceeded City Code requirements. * Steve Cochran, Traffic Engineer with Metro Transportation; he noted that traffic studies were conducted; reports were completed and submitted to the City. He said that they addressed the number and size of parking spaces.

Alderman Poteraske asked Mr. Columbus if they would be willing to reduce the density of the project; Mr. Columbus said 'yes'.

Dorothy Fara felt the developer was trying to put too much in too small of an area.

Donald Schardt noted a commonality between Mayada Brook and The Reserve, which was density. He felt that as population density increased, the quality of life decreased, proportionately. He asked that Council not rush into making a decision.

Mayor Soldato called for a recess at 9:40 P.M.; the meeting reconvened at 9:50 P.M.

14. OLD BUSINESS

A. CONSIDERATION OF A MOTION TO REMOVE FROM THE TABLE AN ORDINANCE GRANTING A MINOR AMENDMENT TO AN APPROVED PLANNED UNIT DEVELOPMENT (DARIEN TOWNE CENTRE PUD, 2189 75th STREET, ILLINOIS AMVETS COLLECTION CENTER AT WAL-MART)

It was moved by Alderman Marchese and seconded by Alderman Weaver to remove from the table an Ordinance granting a minor amendment to an approved Planned Unit Development (Darien Towne Centre PUD, 2189 75th Street, Illinois Amvets Collection Center at Wal-Mart)

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

Nays: None

Absent: Biehl

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

B. CONSIDERATION OF A MOTION TO APPROVE AN ORDINANCE GRANTING A MINOR AMENDMENT TO AN APPROVED PLANNED UNIT DEVELOPMENT (DARIEN TOWNE CENTRE PUD, 2189 75th STREET, ILLINOIS AMVETS COLLECTION CENTER AT WAL-MART)

It was moved by Alderman Marchese and seconded by Alderman Poteraske to approve an Ordinance Granting a Minor Amendment to an Approved Planned Unit Development (Darien Towne Centre PUD, 2189 75th Street, Illinois Amvets Collection Center at Wal-Mart), as presented.

Alderman Weaver stated that she would prefer the second site recommended by Wal-Mart, closer to the Garden Center, adjacent to the wetlands.

Mayor Soldato supported the initiative of the organization. He indicated that it was the wrong site for the use and he did not believe that the benefits justified the burden. He noted that the City was working with management regarding signage of the center. He recommended that the staff work with Amvets to locate a more appropriate site.

Alderman Hagen stated that Amvets made every effort to make this proposal desirable for the City and that it was a worthwhile activity.

MOTION TO AMEND

It was moved by Alderman Hagen and seconded by Alderman Cotten to amend the Ordinance to move the location closer to the "Garden Center" and that the agreement be for a one (1) year period and be reviewed on a yearly basis.

There was discussion about other locations.

There was a call for the question on the amendment: Roll Call: Ayes: Cotten, Hagen, Marchese, Poteraske, Tikalsky, Weaver

Nays: None

Absent: Biehl

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

There was a call for the question on the original motion, as amended:

ORDINANCE NO. O-04-05 AN ORDINANCE GRANTING A MINOR AMENDMENT TO AN APPROVED PLANNED UNIT DEVELOPMENT (DARIEN TOWNE CENTRE PUD, 2189 75th STREET, ILLINOIS AMVETS COLLECTION CENTER AT WAL-MART) AS AMENDED

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

Nays: None

Absent: Biehl

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

15. CONSENT AGENDA

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

A. RESOLUTION NO. R-04-05 A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR ENGINEERING DESIGN SERVICES BETWEEN THE CITY OF DARIEN AND CHRISTOPHER B. BURKE ENGINEERING, LTD. (DESIGN AND BID PROCESS OF NEW WATER TOWER)

B. RESOLUTION NO. R-09-05 A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR ENGINEERING SERVICES BETWEEN THE CITY OF DARIEN AND CHRISTOPHER B. BURKE ENGINEERING, LTD. (2005 STREET REHABILITATION)

C. RESOLUTION NO. R-10-05 A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN INTERGOVERN-MENTAL AGREEMENT BETWEEN THE CITY OF DARIEN AND THE COUNTY OF DUPAGE FOR THE WARDS CREEK STREAMBANK STABILIZATION PROJECT

D. RESOLUTION NO. R-11-05 A RESOLUTION APPROVING AND PUBLISHING THE UPDATED CITY OF DARIEN OFFICIAL 2005 ZONING MAP

E. RESOLUTION NO. R-12-05 A RESOLUTION SUPPORTING RECENT ACTIONS BY THE DUPAGE WATER COMMISSION AND URGING THE COMMISSION TO IMPLEMENT THE RECENT ACTIONS BY PASSING A BUDGET THAT INCLUDES A WATER RATE REDUCTION

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

Nays: None

Absent: Biehl

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

16. NEW BUSINESS

A. CONSIDERATION OF A MOTION TO AUTHORIZE THE STAFF/CITY ATTORNEY TO DRAFT AN ANNEXATION/DEVELOPMENT AGREEMENT (PZC 2004-17: MAYADA BROOK SUBDIVISION)

It was moved by Alderman Tikalsky and seconded by Alderman Cotten to authorize the Staff/City Attorney to draft an Annexation/Development Agreement (PZC 2004-17: Mayada Brook Subdivision), as presented.

Alderman Weaver questioned that if approved, the public hearing would be in thirty (30) days. Attorney Murphey said that a draft would need to be available for public inspection at the time of placement for the public hearing notice; he indicated that the public hearing would probably take place the second Council meeting in April. Mayor Soldato suggested that residents should work with their Alderman regarding their concerns in order for a proper agreement to be drafted.

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

Nays: None

Absent: Biehl

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

B. CONSIDERATION OF A MOTION TO AUTHORIZE THE STAFF/CITY ATTORNEY TO DRAFT AN AMENDMENT TO AN ANNEXATION/ DEVELOPMENT AGREEMENT AND A MAJOR AMENDMENT TO THE PREVIOUSLY APPROVED BURNSIDE/LEMONT ROAD MIXED USE PUD, TO ALLOW FOR A 104-UNIT CONDOMINIUM DEVELOPMENT (PZC 2004-18: 2305 SOKOL COURT, THE RESERVE)

It was moved by Alderman Marchese and seconded by Alderman Tikalsky to authorize the Staff/City Attorney to draft an Amendment to an Annexation/Development Agreement and a Major Amendment to the previously approved Burnside/Lemont Road Mixed Use PUD, to allow for a 104-unit Condominium Development (PZC 2004-18: 2305 Sokol Court, The Reserve), as presented.

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

Nays: None

Absent: Biehl

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

C. CONSIDERATION OF A MOTION TO APPROVE A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A CONTRACT BETWEEN ARC DISPOSAL COMPANY, INC. AND THE CITY OF DARIEN FOR REFUSE, RECYCLING AND YARD WASTE COLLECTION

Mayor Soldato indicated that there would be one motion for ARC Disposal Company, Inc. as a straw poll during the Work Session had eliminated consideration of BFI.

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

RESOLUTION NO. R-13-05 A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A CONTRACT BETWEEN ARC DISPOSAL COMPANY, INC. AND THE CITY OF DARIEN FOR REFUSE, RECYCLING AND YARD WASTE COLLECTION as presented.

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

Nays: Tikalsky

Absent: Biehl

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

17. QUESTIONS, COMMENTS AND ANNOUNCEMENTS — GENERAL

Alderman Marchese announced that the Darien Lions Club was sponsoring an annual Pancake Breakfast on Sunday, March 20th.

Alderman Tikalsky suggested that residents donate their old used eyeglasses and cell phones to the Darien Lions Club for recycling.

Alderman Cotten reiterated that DuPage County was hosting a Public Hearing for comments regarding 75th Street improvements on Tuesday, March 8th, at Lace School from 4:00 until 8:00 P.M. It was noted that the public had thirty (30) days to make comments and that forms would be available.

Administrator Vana noted that information would be sent to residents at the beginning of April about the transition from BFI to ARC. It was indicated that the first brush pickup by Public Works would be the last full week of April.

Mayor Soldato encouraged residents to find a leader to contact and work with Administrator Vana regarding the proposed projects at 67th Street & Bentley and the Sokol Court condos.

Earl Dorsey, 6710 Tennessee, requested that the City work with DuPage County and Village of Willowbrook to resolve flooding in the area. Mayor Soldato responded that the City needed to determine the types of changes wanted before the project was allowed to proceed and to make it a requirement of the developer to implement as a condition of the annexation.

Mayor Soldato made additional comments about stormwater management and stated that the City relied on the expertise of its engineer, Christopher B. Burke Engineering, Ltd. Administrator Vana noted that if the stormwater management problem persisted that the area could be considered a Special Service Area with a special tax on the properties to be developed if repairs needed to be made.

Carol McDowell, 450 67th Street, very proud to live in Darien and would like to have a Darien mailing address.

18. ADJOURNMENT

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

VIA VOICE VOTE – MOTION DULY CARRIED

The City Council meeting adjourned at 10:50 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 03-07-05. Minutes of 03-07-05 CCM