

Minutes - April 4, 2005

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 APRIL 4, 2005 AGENDA WITH THE CITY COUNCIL. THE SESSION ADJOURNED AT 7:10 P.M.

Minutes of the Regular Meeting

of the City Council of the

CITY OF DARIEN

APRIL 4, 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.

Mayor Soldato announced that there was a problem with the taping apparatus and that the format might be slightly different.

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

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

Absent: David Hagen

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 Robert Mengarelli, Asst. Director of Public Works Robert Rodgers, Asst. Director of Public Works Michael Griffith, Sr. Planner

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

5. APPROVAL OF MINUTES — March 21, 2005

It was moved by Alderman Cotten and seconded by Alderman Tikalsky to approve the Minutes of the Regular Meeting of March 21, 2005, as presented.

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

Nays: None

Absent: Hagen

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

6. RECEIVING OF COMMUNICATIONS

Alderman Biehl reported to Council that Mayor Soldato, Administrator Vana, Sr. Planner Griffith and he met with several residents from the 67th Street & Bentley area to discuss the proposed development. He indicated that the developer agreed to build eight homes instead of the proposed nine, which the residents preferred. Mayor Soldato added that the resident issues included flooding and density; he indicated that Darien would work with Westmont, Willowbrook, and DuPage County in regard to the flooding issue due to multi-jurisdiction of the area.

Alderman Cotten met with two dozen residents who live adjacent to the proposed Steak 'n Shake development. He would like to have an informational meeting scheduled with residents and developer regarding the site prior to the next Council meeting.

Alderman Marchese received email from * Hank Roeters that stated his support for BFI. * Chris Marema, 9940 Waterfall Glen, in regard to the Sokol development; he asked that another meeting be scheduled. * Carol Gierut in regard to Steak 'n Shake.

7. MAYOR'S REPORT – No Report.

8. CITY CLERK'S REPORT

Clerk Coleman...

... announced that the Fire and Police Commission meeting scheduled for April 5, 2005 had been rescheduled to Thursday, April 14, 2005 at 7:30 P.M. in the Police Department.

... stated that the Planning and Zoning Commission meeting scheduled for April 6th had been cancelled.

... invited everyone for Coffee with Mayor Soldato on Saturday, April 16th from 9:00 until 10:00 A.M. at City Hall in the Council Chambers.

... reminded everyone to vote in the Consolidated Election on April 5th; she indicated that the polls would open at 6:00 A.M. and close at 7:00 P.M.

... informed everyone that former Alderman Ed Colby had passed away in Arizona and that a Memorial Service was being scheduled for May.

9. CITY ADMINISTRATOR'S REPORT – No Report.

Alderman Cotten stated that he received copies of emails regarding ComEd outages in Farmingdale Village; he asked Administrator Vana to schedule a meeting with ComEd for a better understanding of what was occurring in the area. Administrator Vana stated that he had been corresponding with the ComEd representative and that he had directed the representative to contact some residents. Administrator Vana said that he would schedule a meeting with the residents.

10. DEPARTMENT HEAD REPORT – No Report.

Alderman Cotten asked Asst. Director Rodgers how long it would take to paint the water tower; Asst. Director Rodgers responded that the painting of both the inside and outside would take approximately 2-1/2 to 3 months but was supposed to be completed by the end of June.

11. TREASURER'S REPORT

A. WARRANT NUMBER 04-05-22

It was moved by Alderman Biehl and seconded by Alderman Tikalsky to approve payment of Warrant Number 04-05-22 in the amount of \$79,692.87 from the General Fund; \$11,450.89 from the Water Fund; \$8,213.76 from Motor Fuel Tax Fund; \$2,494.22 from the Darien Area Dispatch Center Fund; \$201,880.11 from the General Fund Payroll for the period ending 03/17/05; \$22,327.05 from the Water Fund Payroll for the period ending 03/17/05; \$23,487.66 from the D.A.D.C. Fund Payroll for the period ending 03/17/05; for a total to be approved of \$349,546.56.

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

Nays: None

Absent: Hagen

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

12. STANDING COMMITTEE REPORTS

Administrative/Finance Committee — Chairman Weaver stated for the record that the Committee would meet on Monday, April 11th, at 6:30 P.M.

Planning/Development Committee — No report.

Public Works Water/Streets Committee — Chairman Biehl submitted, for the record, Minutes from the February 22, 2005 and March 21, 2005 meetings.

13. QUESTIONS AND COMMENTS — AGENDA RELATED

Thomas Courtney, Sr., attorney for the developer of Ashford Glen, stated that he received narratives of the meetings held on March 16th and 28th. He noted that he filed a Freedom of Information request for verbatim recordings of those meetings because the narrative was incomplete or not accurate. He previously made a comment that this was inverse condemnation but the narrative indicated that the statement was 'reverse' condemnation. He said that the developer showed a willingness to revise the plan at the March 28th meeting but was disappointed that they were not allowed to do so because of incurred expenses. He requested another opportunity to present their proposal and to present a complete narrative from the recordings of the meetings held on March 16th and 28th. Clerk Coleman informed Attorney Courtney that the recordings for those meetings were performed by another secretary and that the tape recordings were received on April 4th; she indicated that the Minutes could not be released until approved by the Commission/Committee. Mayor Soldato informed Attorney Courtney that the Petitioner had the right to remove the item from the Agenda; he said the Agenda was prepared by staff in accordance with what the Petitioner would like presented to Council. There was discussion about the Comprehensive Plan and due process. Administrator Vana commented that Sr. Planner Griffith had indicated some of the specific problems with the plan/layout and that it had been halted in order to redo the drainage plan. It was determined by Attorney Murphey to leave the item on the Agenda for Council consideration.

Roy Cripe, Darien Park District Executive Director, on behalf of the Darien Park District Board of Commissioners remarked that the highest and best use of the Posejpal Property was for parks/recreation. The Board asked that the request for the rezoning of the property to multi-family be denied for the following reasons: 1) the property was the last large parcel left in Darien that would allow a wide variety of passive and/or active types of recreational uses; 2) the property was surrounded on three sides by the DuPage Forest Preserve District; and 3) the property in the area had the second lowest number of parks per capita than any other area within the Park District. Mayor Soldato inquired if the Park District intended to contribute toward the purchase of the land; Mr. Cripe stated that the District made an attempt to purchase half of the property but was unsuccessful.

Guy Linde, President of the Bruce Lake Homeowners Association, stated that the Board opposed the development due to the fact that the watershed for Wards Creek and Bruce Lake was almost at its maximum, which would cause problems for the homeowners; they were adamant about maintaining beauty within the area.

Lou Liska, Bruce Lake resident, stated that Bruce Lake was a 14.8 acre private recreational lake that was downstream from the proposed property. He said the detention pond would discharge into Wards Creek, which occasionally flooded Lemont Road. He indicated that Wards Creek was part of the State of Illinois Water Ways and was on the U.S. Department of Interior Geological Survey Maps as a flood prone lake that flowed through Bruce Lake.

Gerry Sullivan, Bruce Lake resident, stated that her back yard was flooded every spring and was concerned about stormwater management for the proposed project.

Jack Novak, Bruce Lake resident, spoke about reduction of open space due to the development of open land. He specifically spoke about rainfall and its impact on the Wards Creek watershed, which Bruce Lake was a part of; he delineated problems both past and future.

14. OLD BUSINESS

There was no Old Business to come before the Council.

15. CONSENT AGENDA

It was moved by Alderman Tikalsky and seconded by Alderman Poteraske to approve by Omnibus Vote the following items on the Consent Agenda: A. ORDINANCE NO. O-04-05 AN ORDINANCE GRANTING A MINOR AMENDMENT TO AN APPROVED PLANNED UNIT DEVELOPMENT (CROSSROADS OF DARIEN PUD, 8323 LEMONT ROAD, OFFICE BUILDING E)

B. RESOLUTION NO. R-17-05 A RESOLUTION AUTHORIZING FOR MAINTENANCE OF STREETS AND HIGHWAYS BY MUNICIPALITY UNDER THE ILLINOIS HIGHWAY CODE (2005 STREET REHAB PROGRAM)

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

Nays: None

Absent: Hagen

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

16. NEW BUSINESS

A. CONSIDERATION OF A MOTION TO ACCEPT A PROPOSAL FROM WASTE MANAGEMENT FOR OUR ANNUAL STREET SWEEPING PROGRAM

It was moved by Alderman Marchese and seconded by Alderman Poteraske to accept a Proposal from Waste Management for our Annual Street Sweeping Program, as presented.

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

Nays: None

Absent: Hagen

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

B. CONSIDERATION OF A MOTION TO APPROVE RECOMMENDATION TO HIRE CORRPRO WATERWORKS TO INSTALL A NEW CATHODIC PROTECTION SYSTEM IN THE WATER TOWER AT PLANT 5 IN THE AMOUNT OF \$8,500.00 BUDGETED FOR FY 2006 FROM 50-4231

It was moved by Alderman Cotten and seconded by Alderman Biehl to approve recommendation to hire Corpro Waterworks to install a New Cathodic Protection System in the Water Tower at Plant 5 in the amount of \$8,500.00 budgeted for FY 2006 from 50-4231, as presented.

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

Nays: None

Absent: Hagen

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

C. CONSIDERATION OF A MOTION TO DIRECT STAFF AND THE CITY ATTORNEY TO DRAFT THE NECESSARY ORDINANCES TO APPROVE THE FOLLOWING DEVELOPMENT PETITIONS: SPECIAL USE FOR A PLANNED UNIT DEVELOPMENT, PRELIMINARY PUD PLAN, PRELIMINARY PLAT OF SUBDIVISION AND REZONING FROM OR&I OFFICE, RESEARCH AND INDUSTRIAL TO R-3 MULTI-FAMILY RESIDENTIAL, WITH WAIVERS FROM THE ZONING ORDINANCE, FOR A 58-UNIT SINGLE-FAMILY ATTACHED DUPLEX DEVELOPMENT (PZC 2004-14: VILLAS OF ASHFORD GLEN PUD)

It was moved by Alderman Biehl and seconded by Alderman Tikalsky to direct Staff and the City Attorney to draft the necessary ordinances to approve the following Development Petitions: Special Use for a Planned Unit Development, Preliminary PUD Plan, Preliminary Plat of Subdivision and Rezoning from OR&I Office, Research and Industrial to R-3 Multi-Family Residential, with Waivers from the Zoning Ordinance, for a 58-unit single-family attached duplex development (PZC 2004-14: Villas of Ashford Glen PUD), as presented.

Administrator Vana explained that the property was zoned OR&I and that the Petitioner requested the property be rezoned to multi-family. Mayor Soldato explained that both the Planning and Zoning Commission and the Planning/Development Committee recommended that Council not support the project; he stated this developer had been given due process and that due to the threatening remarks of the developer's attorney, he could not support the project on behalf of the City.

Roll Call: Ayes: None

Nays: Biehl, Cotten, Marchese, Poteraske, Tikalsky, Weaver

Absent: Hagen,

Results: Ayes 0, Nays 6, Absent 1 MOTION FAILED

D. CONSIDERATION OF A MOTION TO APPROVE AN ORDINANCE APPROVING THE 2005-2006 BUDGET

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

ORDINANCE NO. O-06-05 AN ORDINANCE APPROVING THE 2005-2006 BUDGET as presented.

Alderman Tikalsky thanked staff and department heads for an outstanding job; he indicated that the process went smoothly.

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

Nays: None

Absent: Hagen

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

17. QUESTIONS, COMMENTS AND ANNOUNCEMENTS — GENERAL

Alderman Marchese, on behalf of his family and that of Alderman Cotten, expressed gratitude to all in regard to the outpouring of sympathy on the death of his father.

Alderman Tikalsky encouraged everyone to vote on April 5th; he said that two candidates were running for the Aldermanic position in Ward Four.

Don Jiskra, 1100 Bristlecone Court, commented on statements made by Ms. Gloria Anderson at the last Council meeting.

Sylvia McIvor, 3265 Ailsworth Court, spoke about another two-hour plus power outage; she indicated that information received from ComEd was sporadic and inconsistent. She thanked Administrator Vana for his assistance and requested that Farmingdale Village residents be invited to the tentative meeting with ComEd. Ms. McIvor stated she was a candidate for Ward Six.

Mayor Soldato suggested compiling information on the outages and to have the City Attorney become more actively involved with negotiations for expedition. It was noted that Ward Three, Four, Six and neighboring communities have had numerous outages for various reasons.

18. ADJOURNMENT

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

VIA VOICE VOTE – MOTION DULY CARRIED

The City Council meeting adjourned at 8:20 P.M.

Mayor _____ City Clerk