

Minutes - September 6, 2005

EXECUTIVE SESSION

It was moved by Alderman Gattuso and seconded by Alderman Poteraske at 7:05 P.M. to move into Executive Session for the purpose of discussing Litigation (ComEd) as prescribed by Section 2(c)(11) of Public Act 88-261.

Roll Call: Ayes: Biehl, Durkin, Gattuso, Mclvor, Poteraske, Weaver

Nays: None

Absent: Marchese

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

It was moved by Alderman Mclvor and seconded by Alderman Biehl at 7:34 P.M. to move into Open Session.

Roll Call: Ayes: Biehl, Durkin, Gattuso, Mclvor, Poteraske, Weaver

Nays: None

Absent: Marchese

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

Minutes of the Regular Meeting

of the City Council of the

CITY OF DARIEN

SEPTEMBER 6, 2005

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. He asked for a moment of silence to remember those affected by Hurricane Katrina.

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 A. Biehl Sylvia Mclvor William R. Durkin John F. Poteraske, Jr. Carolyn A. Gattuso Kathleen Moesle-Weaver

Absent: Joseph A. Marchese

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 Daniel Gombac, Director of Community Development/Public Works

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

5. APPROVAL OF MINUTES — August 15, 2005

It was moved by Alderman Poteraske and seconded by Alderman Gattuso to approve the Minutes of the Regular Meeting of August 15, 2005, as presented.

Roll Call: Ayes: Biehl, Durkin, Gattuso, Mclvor, Poteraske, Weaver

Nays: None

Absent: Marchese

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

6. RECEIVING OF COMMUNICATIONS

Alderman Mclvor received email from Patricia Ursic, 2951 Meadow Court, in regard to pet/cat problems within the City, which she submitted for the record. Alderman Weaver indicated that the issue would be discussed at the Administrative/Finance Committee meeting scheduled for Monday, September 12th.

Alderman Gattuso received a letter from David Ulman, 8317 High Point Circle; he expressed gratitude for the City's support/assistance with the Frontage Road repairs.

Alderman Biehl conversed with residents from the Maple Lane & Bentley Avenue area in regard to placement of a STOP sign at Maple & Bentley. Alderman Weaver indicated that the Administrative/Finance Committee would review the issue at a future meeting

Alderman Poteraske submitted a copy of the July 25, 2005 Planning/Development Committee Meeting Minutes for the record.

Alderman Weaver received an email from a resident on Hinswood Hinsbrook Drive regarding water; she indicated that staff was reviewing the matter.

7. MAYOR'S REPORT

Mayor Soldato indicated that City Cable Channel 6 listed contact information for those who wanted to make donations to the Red Cross. He said that the City would have a Public Works vehicle available in the City Hall parking lot for donations on September 13 and 14 during working hours; the Red Cross needed toiletries (toothbrushes, soap, toothpaste, etc.), blankets, pillows, etc.

Alderman Mclvor inquired if something could be setup at DarienFest; Mayor Soldato responded that staff would follow-up with the Darien Chamber.

A. SWEARING IN OF NEW OFFICER — OWEN DE YOUNG

Mayor Soldato turned the meeting over to Chief Pavelchik, who introduced Owen DeYoung. The Chief introduced Fire and Police Commissioners Piccoli and Gierut; Commissioner Piccoli administered the Oath of Office to Owen DeYoung. Officer DeYoung was presented to the Mayor and Council; he received congratulations from the City Council and a round of applause from those in attendance.

B. COM ED UPDATE

Mayor Soldato said that the City was trying to receive reliable electric service to the City of Darien and, secondarily, to receive compensation for those residents and businesses recently harmed by the recent outage. He noted that the City met with ComEd over the past couple of weeks; ComEd wanted to share information with residents.

George Lofton, ComEd Vice President of External Affairs & Claims, addressed Council and residents; he provided an update on the Downers Grove substation fire and the on-going work to improve service reliability. He said that ComEd had not received their outside investigators' final report on the cause of the station fire, which made it premature to discuss responsibility of damages. He indicated that customers would be provided a credit on their monthly customer charge if service was interrupted for twelve hours or more; residents who were not restored to service prior to 6:00 A.M. on August 12th and filed appropriate claims would be given a \$50.00 payment.

Carl Signieri, Vice President of Engineering and System Reliability, displayed/projected the "Reliability Report & Improvement Plan". He spoke about the August 10th substation fire; he indicated that all customers had been returned to their normal points of service within one week from the incident. He said that generators on semi-trailers had been placed in various locations to speed up customer restoration; all generators have been removed. He indicated that ComEd did not anticipate any temporary or planned outages for completion of the restoration service. Mr. Signieri noted that ComEd had its own investigation team and that the Illinois Commerce Commission engaged the services of an outside investigative consultant to find the cause of the fire and indicate corrective measures; ComEd would like their internal part completed by the end of October. He commented that work at the substation could continue through January due to replacement and re-routing. He highlighted some improved services, which had been identified at the August 1, 2005 Council meeting, such as thermal inspection and repair of loose connections. Proposed work included replacement of radio antenna/communication equipment, pole by pole inspection, and corrective maintenance. The southwest part of Darien had the largest number of problems; he identified four other pocketed areas: 800-1000 79th Street, 79th to 82nd along Sawyer and Arrow Lane, 1400-1500 77th Street near Hawthorne Place, and 2400 Green Valley Road. Mr. Signieri spoke about other substations that feed into Darien; he indicated that they were being inspected and that the inspections should be completed by the end of the month. He noted that circuits were being inspected; two were expected to be completed by the end of the month and eleven would be completed in the Fourth Quarter; completed maintenance work included tree trimming on 14 circuits and thermal inspections but others needed to be completed.

Alderman Poteraske inquired about specific tree trimming along 77th Street, Grant, Sequoia, Adams, etc.; Mr. Signieri stated that he would investigate and respond.

Mayor Soldato said that Council authorized Attorney Murphey to pursue the lawsuit against ComEd due to breach of the Franchise Agreement. He indicated that 1) the City's goal was to have reliable service throughout the City and 2) identify the plan to remedy the problem. Mayor Soldato noted that ComEd had been offered the opportunity to come before Council every two weeks in order to update their proposed remedy and report on completed work; ComEd indicated acceptance of this offer.

Alderman Poteraske said that County Board Member Tom Bennington was in the audience. Member Bennington thanked Council for the opportunity to speak and stated that he was a resident of Darien. He indicated that District 3 Board Members supported the City's demands, that resident claims be compensated, and that it was time for reliable service.

8. CITY CLERK'S REPORT

Clerk Coleman...

... thanked staff for all their efforts during her absence, particularly Administrator Vana, JoAnne Ragona and Maria Gonzalez. She also thanked everyone for all of their well wishes and indicated it was "good to be back".

... stated that the Planning and Zoning Commission would meet on September 7th at 7:00 P.M.; the Fire and Police Commission rescheduled their September 6th meeting to September 13, 2005 at 7:30 P.M.; and the Cable Commission would meet on September 15th at 7:00 P.M.

... invited everyone to have Coffee with Mayor Soldato on Saturday, September 17th, from 9:00 until 10:00 A.M. at Carmelite Carefree Village located at 8419 Bailey Road.

9. CITY ADMINISTRATOR'S REPORT

Administrator Vana...

.... commented that Council received information about the City's annual sidewalk program; the Public Works Water/Streets Committee met prior to the Council meeting to discuss the program and made a recommendation.

... indicated that Council received a copy of the proposed agreement between Darien and IDOT for the Sound Wall; the Administrative/Finance Committee discussed the proposal and said that grant funds applied to the whole project within the Darien City limits.

... spoke about the proposed 'new' water tower design; he said that towers often contain communication antenna and that some resemble flag poles. Director Gombac displayed similar towers.

10. DEPARTMENT HEAD REPORT

Police Chief Robert Pavelchik...

... noted that the Illinois State Police released crime statistics for the calendar year 2004. He explained that the statistics were based on 'Part 1 Offenses', which included eight categories of serious crime (murder, criminal sexual assault, robbery, aggravated assaults and batteries, burglary (residential & motor vehicle), theft, motor vehicle theft and arson). It was calculated on the community's Part 1 index crimes versus the population; communities were compared against one another with the assumption that each has a population of 100,000, which would be adjusted accordingly. Darien ranked as one of the lowest crime rate communities in DuPage County for calendar year 2004.

... stated that the Police Department received numerous inquiries about the handling of traffic due to the recent power outage; approximately fifteen signaled intersections were inoperable. He said that the best way to handle traffic was to display/put down STOP signs that are attached to the signal poles at automated intersections; the State Law indicates that the intersection should be treated as a 4-Way STOP Sign. He noted that officers were better utilized for emergency calls and calls for service instead of directing traffic.

... invited residents to attend the "Citizen Police Academy", which was tentatively scheduled to begin on September 21st; he asked that residents contact Officer Menzione for registration.

Treasurer Monaghan asked if more money for overtime or expenses were incurred due to the outage; Chief Pavelchik said that initially there was because many had left the community and came back to assist those on duty.

11. TREASURER'S REPORT

A. WARRANT NUMBER 05-06-08

It was moved by Alderman Gattuso and seconded by Alderman Biehl to approve payment of Warrant Number 05-06-08 in the amount of \$170,719.91 from the General Fund; \$158,333.54 from the Water Fund; \$357,951.61 from Motor Fuel Tax Fund; \$2,274.14 from the Darien Area Dispatch Center Fund; \$676.79 from the D.A.R.E. Fund; \$231,590.11 from the General Fund Payroll for the period ending 08/18/05; \$29,446.89 from the Water Fund Payroll for the period ending 08/18/05; \$28,089.07 from the D.A.D.C. Fund Payroll for the period ending 08/18/05; for a total to be approved of \$979,082.06.

Alderman Weaver inquired about Fiala Paving, which was listed under building improvements; Director Gombac responded that it should have been from MFT. Administrator Vana stated that some of the funds were to come from the General Fund and that he would investigate the funding.

Roll Call: Ayes: Biehl, Durkin, Gattuso, Mclvor, Poteraske, Weaver

Nays: None

Absent: Marchese

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

12. STANDING COMMITTEE REPORTS

Administrative/Finance Committee — Chairman Weaver stated that the Committee recommended approval of New Business Items B and C; Item C would not go forward until Christopher B. Burke Engineering, Ltd. received notification from the City.

Planning/Development Committee — No Report.

Public Works Water/Streets Committee — Chairman Biehl submitted, for the record, Minutes from the July 18, 2005 Special Meeting.

13. QUESTIONS AND COMMENTS — AGENDA RELATED

Joan Wayman, representative of residents who live along the I-55 North Frontage Road between Cass Avenue & Lemont Road, thanked Bryon Vana, Dan Gombac, Congresswoman Biggert, and Senator Radogno for their efforts in obtaining funds for the Sound Wall. She distributed photos of cars alongside the roadway. She urged Council to approve the agreement because the deadline was September 30th. She noted, for the record, that the forms from Illinois Department of Transportation took over six months to receive; the press release from Congresswoman Biggert was dated November 22, 2004.

Peggy Concannon said that she appreciated the fact that Council would vote on the Sound Wall project. She indicated that State funding had been frozen for Illinois First; she asked Council to commit to 1) have someone find information about the frozen funds and 2) find other potential funding/grants.

Mayor Soldato commented that Federal funding through Congresswoman Biggert's efforts was to come to the City for the Sound Wall and that the State was going to match it. He indicated that Senator Radogno was the best contact person to locate State funding and that a source for funding needed to be found, which would most likely be the residents who reap the most benefit from the wall.

Peggy Concannon agreed that a funding source should be located prior to commitment to the project and she agreed that people not located near the highway should not have to pay for its construction. She indicated that since the highway was a federally owned highway that they should contribute; and that Motor Fuel Tax should be utilized for the project.

Mayor Soldato indicated that Motor Fuel Tax money was utilized to provide care of Darien City streets, which benefited all residents.

Administrator Vana spoke about a 'Special Service Area', which would be specific to those affected and would benefit them.

Alderman Weaver noted that Council's action would be to lock in money that IDOT was given by the Federal government for the Sound Wall and that it was not a commitment to spend it immediately; it gave the City latitude to seek other funding for the project. Alderman Poteraske stated that the City had three years to get through the process and to make a determination.

An IDOT representative addressed Council and residents regarding funding options; she spoke about a variety of grants and that many were 80% funded with the local municipality contributing 20%. There was discussion regarding State / Federal funding and grants.

Tom Garrons, 8818 Carlisle Court, commented that he was unsure if the wall would provide what was needed but indicated that it would be an improvement to the City. He felt that all residents should contribute since it benefited all of Darien; it would increase property values and would increase the tax base for Darien.

14. OLD BUSINESS

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

15. CONSENT AGENDA

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

A. CONSIDERATION OF A MOTION TO GRANT A WAIVER OF THE RAFFLE LICENSE BOND REQUIREMENT FOR VETERANS OF FOREIGN WARS OF THE U.S., DARIEN MEMORIAL POST 2838

B. CONSIDERATION OF A MOTION TO APPROVE DARIEN'S PARTICIPATION IN THE DUPAGE COUNTY'S HOME DELIVERED MEAL, HOME MAINTENANCE, AND CHORE DAY PROGRAMS FOR FISCAL YEAR 2005-2006

C. CONSIDERATION OF A MOTION TO APPROVE PURCHASE ORDER NUMBER 2633 ON BEHALF OF ADVANTAGE CHEVROLET IN THE AMOUNT OF \$46,985.03 FOR THE PURCHASE OF A 2006, 3500 LIGHT DUTY DUMP WITH PLOW AND SPREADER

Roll Call: Ayes: Biehl, Durkin, Gattuso, McIvor, Poteraske, Weaver

Nays: None

Absent: Marchese

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

16. NEW BUSINESS

A. CONSIDERATION OF A MOTION TO APPROVE A PROPOSAL FROM A & R CEMENT IN THE AMOUNT NOT TO EXCEED \$127,155.21 FOR THE 2005 SIDEWALK, APRON AND CURB AND GUTTER REMOVAL AND REPLACEMENT PROJECT (SUBJECT TO CHECKING OF REFERENCES)

Administrator Vana explained that the Public Works Water/Streets Committee met and recommended Option 1; the low bidder was A & R Cement.

It was moved by Alderman Weaver and seconded by Alderman Biehl to approve a Proposal from A & R Cement in the Amount Not to Exceed \$127,155.21 for the 2005 Sidewalk, Apron and Curb and Gutter Removal and Replacement Project (Subject to Checking of References), as presented.

Clerk Coleman verified the contractor name, amount, and that it was subject to checking of the contractor's references.

Roll Call: Ayes: Biehl, Durkin, Gattuso, McIvor, Poteraske, Weaver

Nays: None

Absent: Marchese

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

B. CONSIDERATION OF A MOTION TO APPROVE A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE ILLINOIS DEPARTMENT OF TRANSPORTATION AND THE CITY OF DARIEN FOR A SOUND WALL TO BE LOCATED ALONG I-55 (SECTION 05-00029-00-NW)

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

RESOLUTION NO. R-29-05 A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE ILLINOIS DEPARTMENT OF TRANSPORTATION AND THE CITY OF DARIEN FOR A SOUND WALL TO BE LOCATED ALONG I-55 (SECTION 05-00029-00-NW) as presented.

The timeframes were reiterated for Council by the IDOT representative and Administrator Vana: the City had three years from signature date of agreement to start Phase I / preliminary engineering; three years for Phase II / design; and five years for Phase III / construction. There was discussion about the timeframes, which were regulated by the Federal government.

Roll Call: Ayes: Biehl, Durkin, Gattuso, McIvor, Poteraske, Weaver

Nays: None

Absent: Marchese

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

C. CONSIDERATION OF A MOTION TO APPROVE THE PROPOSAL BY CHRISTOPHER B. BURKE ENGINEERING, LTD. IN THE AMOUNT OF \$34,982.79 TO COMPLETE THE PRELIMINARY ENGINEERING FOR A SOUND WALL ALONG I-55 AT THE DIRECTION OF THE CITY

It was moved by Alderman Weaver and seconded by Alderman Gattuso to approve the proposal by Christopher B. Burke Engineering, Ltd. in the amount of \$34,982.79 to complete the Preliminary Engineering for a Sound Wall Along I-55 at the Direction of the City, as presented.

It was noted for the record that the preliminary engineering could not begin until Christopher B. Burke Engineering, Ltd. received written authorization to do so from the City Administrator.

Roll Call: Ayes: Biehl, Durkin, Gattuso, Mclvor, Poteraske, Weaver

Nays: None

Absent: Marchese

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

17. QUESTIONS, COMMENTS AND ANNOUNCEMENTS — GENERAL

Alderman Poteraske, on behalf of the Save the Barn Committee, thanked residents for their contributions to "Save the Barn".

Clerk Coleman reminded everyone that the upcoming weekend was DarienFest, which would be held at Darien Community Park.

Neil Christensen, 8525 Creekside Lane and Darien Park District Board Member, applauded Council for approving the Sound Wall. He indicated that even though approval was received for a State grant, there was no guarantee that the money would be received; he cited the Darien Park District Skate Park, which was a recipient of a State grant but did not receive the money. He spoke about correspondence received from the President of ComEd regarding the fire at the Downers Grove Substation; he was offended that ComEd did not even realize that the substation was really located within Darien

Joe Just, realtor representative for Area-wide Management, spoke about Special Area 3 in the Darien Comprehensive Plan located near 75th Street & Lemont Road, 12 acres known as the Posejpal property. He said that the property was on the market, he wanted to know if they should purchase the land. He indicated that the Comprehensive Plan requested single-family, retail, community center, and professional on the parcel; he displayed a conceptual plan. Mayor Soldato suggested that Mr. Just contact the Darien Park District because they had been in contact with DuPage County Forest Preserve District. Park Board Member Christensen invited him to the next Darien Park District Board meeting.

18. ADJOURNMENT

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

VIA VOICE VOTE – MOTION DULY CARRIED

The City Council meeting adjourned at 9:25 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 09-06-05.