

## **Minutes - April 15, 2002**

A WORK SESSION WAS CALLED TO ORDER AT 7:07 P.M. BY MAYOR CARMEN D. SOLDATO FOR THE PURPOSE OF REVIEWING ITEMS ON THE APRIL 15, 2002 AGENDA WITH THE CITY COUNCIL. THE WORKSHOP SESSION ADJOURNED AT 7:10 P.M.

Minutes of the Regular Meeting  
of the City Council of the  
CITY OF DARIEN  
APRIL 15, 2002

### **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 James Tikalsky

Sean P. Durkin Kathleen Moesle-Weaver

David Hagen

Also in Attendance: Carmen D. Soldato, Mayor

Joanne F. Coleman, City Clerk

Arthur P. Donner, City Treasurer

John B. Murphey, City Attorney

Rick O. Curneal, City Administrator

Edward Musial, Chief of Police

JoEllen Charlton, Director of Community Development

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 - April 1, 2002**

It was moved by Alderman Tikalsky and seconded by Alderman Hagen to approve the Minutes of the Regular Meeting of April 1, 2002 as presented.

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

Nays: None

Absent: None

Results: Ayes 7, Nays 0, Absent 0

**MOTION DULY CARRIED**

### **6. RECEIVING OF COMMUNICATIONS**

Alderman Durkin noted that he met with Anne Posejpal who inquired about the sale/purchase of her property. He also spoke with numerous residents who voiced their opinions about the Director of Police

Services position.

Alderman Hagen was contacted by David Olm, 8317 High Point Circle. He was concerned about noise from I-55 and had heard about the proposed sound study; he was also concerned about the intersection at Frontage Road & Cass Avenue.

Alderman Tikalsky received email from Ms. Gasaway, 7510 Farmingdale Drive, in regard to garbage trucks arriving at 4:30 A.M. to service commercial businesses. He asked if the businesses could be identified and arrangements made to pick up after 6:00 A.M.

Mayor Soldato received complaints about vehicles speeding on 69th Street and a request from residents to close the street. He referred the matter to the Administrative/Finance Committee for review. Alderman Weaver stated that the next Committee meeting was scheduled for May 13th at 6:30 P.M.

## 7. MAYOR'S REPORT

### A. MAYORAL PROCLAMATION - "VOLUNTEER WEEK" (April 21-27, 2002)

Mayor Soldato read the Proclamation and declared April 21-27, 2002 as "Volunteer Week". He encouraged citizens to volunteer their time and talents to continue to make Darien a better place to live and work.

### B. MAYORAL PROCLAMATION - "ARBOR DAY" (April 26, 2002)

Mayor Soldato read the Proclamation and proclaimed April 26th as "Arbor Day". Mayor Soldato urged all citizens to celebrate Arbor Day, to plant trees that would gladden the heart and promote the well being of this and future generations and to support efforts to protect our trees. Asst. Director Mengarelli accepted the Proclamation.

### C. MAYORAL PROCLAMATION - "OLDER AMERICANS MONTH" (May 1-31, 2002)

Mayor Soldato read the Proclamation and proclaimed May 1-31 as "Older Americans Month". He urged all citizens to recognize the importance of older Americans who through their lives appreciate our community and contribute to make Darien a better place to live.

## 8. CITY CLERK'S REPORT

Clerk Coleman...

... invited everyone to have Coffee with Mayor Soldato on Saturday, April 20th, from 9:00 until 10:00A.M. at City Hall in the Council Chambers.

... announced that the 3rd Annual Darien Arbor Day Celebration would take place on Friday, April 26th, at 10:30 A.M. at the Darien Public Works Facility, 1041 South Frontage Road.

... noted that the Fire and Police Commission scheduled a SPECIAL MEETING for Wednesday, April 17th, in the Police Facility located at 1710 Plainfield Road to review testing results.

... said that the Darien Police Department would host an auction for unclaimed property on Saturday, April 20th; viewing would begin at 9:30 A.M. and the auction promptly at 10:00 A.M.

## 9. CITY ADMINISTRATOR'S REPORT

Administrator Curneal reported that Wal-Mart donated \$500.00 toward the Arbor Day Celebration for plantings and materials.

He asked Council to respond if they would attend the Annual DuPage Mayors & Managers Dinner.

Mayor Soldato directed correspondence to Administrator Curneal from Mr. & Mrs. Mazzo, 7725 Williams Street, in regard to a parkway tree issue.

## 10. DEPARTMENT HEAD REPORT

Asst. Director of Public Works Robert Rodgers...

... reported that the Trolley would operate from the Argonne Information Center on Cass Avenue to the Public Works Facility on April 26th for the Arbor Day Celebration.

... noted that the first seasonal employee started work and others would arrive shortly.

... commented that restoration was under way for watermain breaks and snowplow damage.

... informed everyone that brush pick-up would begin the week of April 22nd, that brush pick-up occurs

during the last full working week of the month and that wood chips would be available to residents. ... invited everyone to come to the Public Works Facility on May 18th; he said Coffee with Mayor Soldato would be from 9:00-10:00 A.M. and that there would be an Open House from 10:00 A.M. until 2:00 P.M. Alderman Cotten inquired if there were any sightings of gypsy moths; Asst. Director Rodgers replied 'no'. Mayor Soldato asked Administrator Curneal about the timetable for the Dale Basin County Stormwater work. He responded that when the contracts were finalized, the County would notify the City and surrounding neighbors.

## 11. TREASURER'S REPORT

### A. WARRANT NUMBER 01-02-24

It was moved by Alderman Cotten and seconded by Alderman Durkin to approve payment of Warrant Number 01-02-24 in the amount of \$49,596.00 from the General Fund; \$610.00 from the D.A.R.E. Fund; \$5,661.54 from the Darien Area Dispatch Fund; \$52,514.07 Motor Fuel Tax Fund; \$111,650.87 from the Water Operations Fund; \$144,485.02 from the General Fund Payroll for the period ending 04/04/02; \$12,741.64 from the Water Fund Payroll for the period ending 04/04/02; \$23,879.81 from the D.A.D.C. Fund Payroll for the period ending 04/04/02; for a total to be approved of \$401,138.95. Roll Call: Ayes: Biehl, Cotten, Durkin, Hagen, Marchese, Tikalsky, Weaver

Nays: None

Absent: None

Results: Ayes 7, Nays 0, Absent 0

MOTION DULY CARRIED

### B. MONTHLY REPORT - MARCH 2002

City Treasurer Donner reviewed all sources of revenue and expenditures for the month of March 2002 with the following year-to-date fund balances: General Fund \$2,590,551; Water Fund \$(18,031); Motor Fuel Tax Fund \$961,971; Darien Towne Centre Sales Tax Fund \$358,813; and Hotel/Motel Tax Fund \$65,215.

## 12. STANDING COMMITTEE REPORTS

Administrative/Finance Committee - Chairman Weaver submitted, for the record, Minutes from the March 11 and March 25, 2002 meetings. She announced that the Committee scheduled a "Special Meeting" for May 6, 2002 at 6:30 P.M. in the Upstairs Conference Room and the next regular meeting was scheduled for May 13.

Planning/Development Committee - Chairman Hagen announced that the Committee scheduled a Special Meeting for Monday, April 29th at 6:30 P.M. He stated that the regular monthly meeting date had changed from the second to the fourth Monday of each month beginning with the month of May.

Public Works Water/Streets Committee - Chairman Biehl announced that the Committee would meet on Monday, May 6th, at 6:45 P.M.

## 13. QUESTIONS AND COMMENTS - AGENDA RELATED

Lengthy discussion ensued in response to Chief Musial's request to have Items E and F removed from the Agenda.

Mr. Bob Evans, Lot 179 commonly known as 7800 Wakefield Drive, addressed Council regarding Old Business Items C and D, Lot 180 in the Farmingdale Ridge Subdivision. He said that he was concerned, confused and skeptical about the variance requested for Lot 180 due to the possibility of surrounding properties flooding. He urged Council to vote against the variation request.

Bruce Fey, 8817 Carlisle Court, stated that he represented citizens who live along Frontage Road and they were concerned about the noise generated from trucks on I-55. He asked if I-55 truck traffic could be

monitored for speeding; he stated that monitoring could generate revenue for the City. Mayor Soldato noted that I-55 was monitored by the Illinois State Police; he asked that the Administrative/Finance Committee review the issue and communicate with the State.

Dwayne Pry stated that he has a contract with Gallagher & Henry to purchase Lot 180, 7764 Wakefield. He said he was caught in a battle between Gallagher & Henry, City of Darien and Mr. Evans. He hoped that the City would approve the proposed variance based on the slope of the driveway and safety issue. Phil Wolf, of Manhard Consulting representative for Gallagher & Henry, stated that they had worked together with City staff, attorney and engineer to have assurances to move forward with the project on Lot 180 and that a bond was in place.

#### 14. OLD BUSINESS

##### A. CONSIDERATION OF A MOTION TO REMOVE FROM TABLE CONTRACT WITH HUFF & HUFF FOR NOISE STUDY ON ROUTE 83 AND I-55

It was moved by Alderman Weaver and seconded by Alderman Marchese to Remove from Table Contract with Huff & Huff for Noise Study on Route 83 and I-55.

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

Nays: None

Absent: None

Results: Ayes 7, Nays 0, Absent 0

##### MOTION DULY CARRIED. CONSIDERATION OF A MOTION TO APPROVE CONTRACT WITH HUFF & HUFF FOR NOISE STUDY ON ROUTE 83 AND I-55

It was moved by Alderman Marchese and seconded by Alderman Durkin to Approve Contract with Huff & Huff for Noise Study on Route 83 and I-55, as presented.

Alderman Hagen stated that he was concerned about the I-55 portion of the contract because it did not take into consideration all the areas of Darien along I-55.

##### MOTION TO AMEND

Alderman Hagen motioned to amend the contract with Huff & Huff by removing the I-55 portion from said contract. There being no second,

Motion Died For Lack Of A Second.

Administrator Curneal clarified that the sound study along I-55 identified that the scope of services covered the area from Clarendon Hills Road to Lemont Road. There was a call for the question on the original motion.

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

Nays: None

Absent: None

Results: Ayes 7, Nays 0, Absent 0

##### MOTION DULY CARRIED

##### C. CONSIDERATION OF A MOTION TO REMOVE FROM TABLE AN ORDINANCE APPROVING A VARIATION TO SECTION 6B-1-3 ARTICLE 10B OF THE DARIEN CITY CODE (7764 Wakefield Drive, Lot 180 Farmingdale Ridge)

It was moved by Alderman Weaver and seconded by Alderman Durkin to Remove from Table an Ordinance Approving a Variation to Section 6B-1-3 Article 10B of the Darien City Code (7764 Wakefield Drive, Lot 180 Farmingdale Ridge).

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

Nays: None

Absent: None

Results: Ayes 7, Nays 0, Absent 0

##### MOTION DULY CARRIED

D. CONSIDERATION OF A MOTION TO APPROVE AN ORDINANCE APPROVING A VARIATION TO SECTION 6B-1-3 ARTICLE 10B OF THE DARIEN CITY CODE (7764 Wakefield Drive, Lot 180 Farmingdale Ridge)

It was moved by Alderman Durkin and seconded by Alderman Marchese to approve ORDINANCE NO. O-13-02 AN ORDINANCE APPROVING A VARIATION TO SECTION 6B-1-3 ARTICLE 10B OF THE DARIEN CITY CODE (7764 Wakefield Drive, Lot 180 Farmingdale Ridge) as presented.

Alderman Biehl stated that there were three possible ordinances for assurances in the form of a letter of credit/bond, cash contribution or both. He asked Council to require both the assurance and cash contribution. Mr. Wolf stated that Gallagher & Henry agreed to do both.

Alderman Weaver asked for clarification of the options. Director Charlton responded that the assurance option was for two years and would cover stormwater overland flow control according to the DuPage County Stormwater Ordinance and the cash contribution was for replacement or supplement of sump pump. Ms. Charlton stated that Mr. Evans experienced flooding due to ground water.

Alderman Hagen stated that if Council chose not to approve the variation, they could build on the lot and neither the assurance nor the cash contribution would need to be given.

Alderman Durkin asked for clarification regarding the sump pump; he asked if the City would be held liable if it failed or was not powerful enough. Mr. Wolf stated that Gallagher & Henry would be liable, that they have an agreement with Mr. Evans and would give him the money.

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

Nays: None

Absent: None

Results: Ayes 7, Nays 0, Absent 0

MOTION DULY CARRIED

E. CONSIDERATION OF A MOTION TO REMOVE FROM TABLE AN ORDINANCE AMENDING A SECTION OF CHAPTER 1 "POLICE DEPARTMENT", TITLE 8 OF THE DARIEN CITY CODE

It was moved by Alderman Biehl and seconded by Alderman Hagen to Remove from Table an Ordinance Amending a Section of Chapter 1 "Police Department", Title 8 of the Darien City Code.

Roll Call: Ayes: Biehl, Durkin, Hagen, Weaver

Nays: Cotten, Marchese, Tikalsky

Absent: None

Results: Ayes 4, Nays 3, Absent 0

MOTION DULY CARRIED

F. CONSIDERATION OF A MOTION TO APPROVE AN ORDINANCE AMENDING A SECTION OF CHAPTER 1 "POLICE DEPARTMENT", TITLE 8 OF THE DARIEN CITY CODE

It was moved by Alderman Durkin and seconded by Alderman Biehl to Approve an Ordinance Amending a Section of Chapter 1 "Police Department", Title 8 of the Darien City Code.

Roll Call: Ayes: None

Nays: Biehl, Cotten, Durkin, Hagen, Marchese, Tikalsky, Weaver

Absent: None

Results: Ayes 0, Nays 7, Absent 0

MOTION FAILED

15. CONSENT AGENDA

It was moved by Alderman Cotten and seconded by Alderman Durkin to approve by Omnibus Vote the following items on the Consent Agenda: A. ORDINANCE NO. O-10-02 AN ORDINANCE AUTHORIZING AN INTERGOVERNMENTAL BOUNDARY AGREEMENT WITH THE VILLAGE OF WESTMONT B. ORDINANCE NO. O-11-02 AN ORDINANCE DISCONNECTING CERTAIN PROPERTY FROM THE CITY OF DARIEN PURSUANT TO 65 ILCS 5/7-3-4

Roll Call: Ayes: Biehl, Cotten, Durkin, Hagen, Marchese, 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 REAPPOINTMENT TO CABLE COMMUNICATIONS COMMISSION - BERNARD DURKIN

It was moved by Alderman Cotten and seconded by Alderman Durkin to approve reappointment to Cable Communications Commission - Bernard Durkin, as presented.

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

Nays: None  
Abstain: Durkin  
Absent: None  
Results: Ayes 7, Nays 0, Absent 0  
MOTION DULY CARRIED

Clerk Coleman administered the Oath of Office to Commissioner Durkin; he received a round of applause.

B.

### CONSIDERATION OF A MOTION TO APPROVE AN ORDINANCE AUTHORIZING THE EXECUTION OF A PRE-ANNEXATION AGREEMENT (19 W 381 Millbrook Drive, Unincorporated Downers Grove, Illinois 60516)

It was moved by alderman Marchese and seconded by Alderman Cotten to approve ORDINANCE NO. O-12-02 AN ORDINANCE AUTHORIZING THE EXECUTION OF A PRE-ANNEXATION AGREEMENT (19 W 381 Millbrook Drive, Unincorporated Downers Grove, Illinois 60516) as presented.

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

Nays: None  
Absent: None  
Results: Ayes 7, Nays 0, Absent 0  
MOTION DULY CARRIED

## 17. QUESTIONS, COMMENTS AND ANNOUNCEMENTS - GENERAL

Alderman Durkin stated that on April 12th he and Director Charlton met with the owners of Brookhaven Foods and Brookhaven Shopping Center to discuss refrigeration system solutions to deflect noise.

Alderman Hagen stated that the Planning/Development Committee meeting scheduled for May 27th was a Holiday and that the meeting would be held on Tuesday, May 28th.

Mayor Soldato noted that the City recently force-annexed property at 67th Street & Ridge Road. He reported that the Village of Westmont and the City worked amiably together in order to de-annex certain parcels that would be better served by Westmont. He said that Ryan Builders was proposing an up-scaled single-family development within Darien.

Scott Nerger, Darien Park District Director, expressed his opinion regarding the discussion of Old Business Item F.

Aldermen Marchese, Weaver, Cotton, Hagen and Durkin commented on the discussion regarding Old Business Item F.

## 18. EXECUTIVE SESSION - PERSONNEL, SECTION 2(c)(1) OF PUBLIC ACT 88-261

It was moved by Alderman Hagen and seconded by Alderman Durkin to adjourn into Executive Session for the purpose of discussing Personnel, Section 2(c)(1) of Public Act 88-261, with no action to be taken.

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

Nays: None

Absent: None  
Results: Ayes 7, Nays 0, Absent 0  
MOTION DULY CARRIED

19. ADJOURNMENT

The City Council adjourned into Executive Session at 9:30 P.M. and upon proper reverse roll call, adjourned at 10:15 P.M.

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

VIA VOICE VOTE - MOTION DULY CARRIED

The City Council meeting adjourned at 10:15 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 04-15-02.  
Minutes of 04-15-02 CCM  
April 15, 2002