

## Minutes

A WORK SESSION WAS CALLED TO ORDER AT 7:06 P.M. BY MAYOR WEAVER FOR THE PURPOSE OF REVIEWING ITEMS ON THE APRIL 2, 2007 AGENDA WITH THE CITY COUNCIL. THE SESSION ADJOURNED AT 7:30 P.M.

Minutes of the Regular Meeting  
of the City Council of the  
CITY OF DARIEN  
APRIL 2, 2007

### 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 Weaver.

### 2. PLEDGE OF ALLEGIANCE

Mayor Weaver led the Council and audience in the Pledge of Allegiance.

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

Present: Richard A. Biehl Sylvia McIvor William R. Durkin John F. Poteraske, Jr. Carolyn A. Gattuso  
Kathleen Moesle Weaver Joseph A. Marchese

Also in Attendance: Kathleen Moesle Weaver, Mayor Joanne F. Coleman, City Clerk Kevin P. Monaghan, City Treasurer Bryon D. Vana, City Administrator John B. Murphey, City Attorney Robert Pavelchik, Chief of Police Daniel Gombac, Director of Community Development/Public Works Scott Coren, Assistant to the Administrator

### 4. DECLARATION OF A QUORUM — There being seven Aldermen present, Mayor Weaver declared a quorum.

### 5. APPROVAL OF MINUTES – March 19, 2007

It was moved by Alderman Marchese and seconded by Alderman Poteraske to approve the Minutes of the March 19, 2007 meeting, as presented.

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

Nays: None

Abstain: Gattuso

Absent: None

Results: Ayes 7, Nays 0, Absent 0 MOTION DULY CARRIED

### 6. RECEIVING OF COMMUNICATIONS

Alderman Mclvor received email from Paulette Born, a Water Tower Court resident; Ms. Born recommended circulation of a petition against utilization of Argonne National Laboratory for transport of nuclear waste. There was discussion about Darien's stance in opposition to nuclear waste at Argonne.

Mayor Weaver received a letter from a woman who resides at 72nd & Bentley; she noted that the side of the roadway was fracturing and in need of repair. Mayor Weaver informed Director Gombac that she would forward the letter to him for follow-up.

## 7. MAYOR'S REPORT

### A. MAYORAL PROCLAMATION "NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS WEEK" (April 8-15, 2007)

Mayor Weaver read the Proclamation and proclaimed April 8-15, 2007 as 'National Public Safety Telecommunications Week'. Diane Daly, D.A.D.C Supervisor, accepted the Proclamation.

### B. CONSIDERATION OF A MOTION TO APPROVE A RESOLUTION TO OPPOSE THE CONSIDERATION BY THE DEPARTMENT OF ENERGY TO DESIGN, BUILD, OR OPERATE AN ADVANCED FUEL CYCLE RESEARCH FACILITY AT ARGONNE NATIONAL LABORATORY

It was moved by Alderman Mclvor and seconded by Alderman Durkin to approve

RESOLUTION NO. R-14-07 A RESOLUTION TO OPPOSE THE CONSIDERATION BY THE DEPARTMENT OF ENERGY TO DESIGN, BUILD, OR OPERATE AN ADVANCED FUEL CYCLE RESEARCH FACILITY AT ARGONNE NATIONAL LABORATORY as presented.

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

Nays: None

Absent: None

Results: Ayes 7, Nays 0, Absent 0 MOTION DULY CARRIED

Mayor Weaver stated that the City received the final numbers from the DuPage County Clerk's office regarding the 2006 tax rates. She indicated the tax rate would drop again; the rate for 2005 was \$0.1792 and for 2006 would be \$0.1736 for Darien residents. The assessed value of Darien went up to 8.8%.

## 8. CITY CLERK'S REPORT

Clerk Coleman announced that the Fire and Police Commission rescheduled their April 3rd meeting to April 10th at 7:00 P.M. and that the meeting would be held at City Hall in the Council Chambers.

## 9. CITY ADMINISTRATOR'S REPORT – No Report.

## 10. DEPARTMENT HEAD REPORT

Community Development/Public Works Director Gombac...

... updated Council and residents in regard to: \* 2007 Tree Trimming Program was awarded to Vega Tree Service; they have completed trimming 950 parkway trees; signage was posted in affected areas. \* Brush Pickup would begin the week of April 23rd; pickup was scheduled for the last full week of each month

through October. Wood chips were available for pickup or delivery at no charge to Darien residents/businesses; if interested, contact Ms. Prueter at 852-5000 Ext. 206. \* 2007 Sidewalk, Curb & Gutter Removal & Replacement Program – City would review contracts and unit prices for concrete driveway & apron work would be passed on to residents; if interested, contact Ms. Roeters at 852-5000 Ext. 223. \* Water Tower Project at Cass & Plainfield Road – photos were distributed to Council and the on-going construction was explained; the project was on schedule and on budget.

Administrator Vana complimented Director Gombac and the Public Works Department for improved communication with residents with the Tree Trimming Program. Mayor Weaver noted that she forwarded a resident to Director Gombac for tree trimming/removal on private property.

Alderman Marchese stated that residents were happy with the letter received from Director Gombac in regard to future repair of Kearney Road.

Mayor Weaver indicated that a lot of work was being done in City rights-of-way. Director Gombac commented that AT & T was in the process of reconfiguration of lines for project 'Light Speed', which was placement of underground cable; he said that if residents had questions, they should contact him at 852-5000 Ext. 218.

## 11. TREASURER'S REPORT

### A. WARRANT NUMBER 06-07-21

It was moved by Alderman Gattuso and seconded by Alderman Poteraske to approve payment of Warrant Number 06-07-21 in the amount of \$65,660.11 from the General Fund; \$12,452.74 from the Water Fund; \$11,741.36 from the Motor Fuel Tax Fund; \$128,942.25 from the Water Depreciation Fund; \$2,787.48 from the Darien Area Dispatch Center; \$71,469.17 from the General Fund Payroll for the period ending 03/29/07; \$19,954.77 from the Water Fund Payroll for the period ending 03/29/07; \$21,461.66 from the D.A.D.C. Fund Payroll for the period ending 03/29/07; for a total to be approved of \$334,469.54.

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

Nays: None

Absent: None

Results: Ayes 7, Nays 0, Absent 0 MOTION DULY CARRIED

## 12. STANDING COMMITTEE REPORTS

Administrative/Finance Committee — Chairman Weaver submitted, for the record, Minutes from the Administrative/Finance Committee meetings held on January 8, 2007 and February 12, 2007 She also submitted, for the record, Minutes from the Administrative Finance Committee-of-the-Whole meetings held on February 21, 2007, February 27, 2007, and March 12, 2007. Chairman Weaver announced that the Committee would meet on April 9th at 6:30 P.M.

Planning/Development Committee — Chairman Poteraske announced that the Committee scheduled a Special Meeting for Monday, April 16th at 6:15 P.M.

Public Works Water/Streets Committee — Chairman Biehl submitted, for the record, Minutes from the February 28, 2007 meeting.

### 13. QUESTIONS AND COMMENTS — AGENDA RELATED

There were no Agenda related Questions or Comments to come before the City Council.

### 14. OLD BUSINESS

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

### 15. CONSENT AGENDA

Mayor Weaver indicated that Consent Agenda Item M had been moved to New Business as Item C.

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

A. ORDINANCE NO. O-11-07 AN ORDINANCE AMENDING TITLE 4, BUILDING REGULATIONS, DARIEN BUILDING CODE, OF THE DARIEN CITY CODE (Building Code)

B. ORDINANCE NO. O-12-07 AN ORDINANCE AMENDING TITLE 5A, CHAPTER 13, SECTION 5A-13-1: DEFINITIONS, OF THE DARIEN CITY CODE (PZC 2007-01: Text Amendment, Zoning Ordinance: Daycare Center Definition)

C. ORDINANCE NO. O-13-07 AN ORDINANCE APPROVING A VARIATION TO THE DARIEN ZONING ORDINANCE (PZC 2007-03: 7726 Brookhaven Avenue)

D. ORDINANCE NO. O-14-07 AN ORDINANCE AMENDING TITLE 5B, CHAPTER 2, SECTION 5B-2-5(F): LAND CASH DONATIONS, CASH CONTRIBUTION IN LIEU OF PARK AND SCHOOL SITES, OF THE DARIEN CITY CODE (PZC 2007-04: Text Amendment, Subdivision Regulations: Fair Market Value of Land)

E. ORDINANCE NO. O-15-07 AN ORDINANCE APPROVING A VARIATION TO THE DARIEN ZONING ORDINANCE (PZC 2007-07: 1905 Gigi Lane)

F. ORDINANCE NO. O-16-07 AN ORDINANCE GRANTING A MINOR AMENDMENT TO AN APPROVED PLANNED UNIT DEVELOPMENT (Crossroads of Darien PUD, 2869 83rd Street, Office Building C)

G. ORDINANCE NO. O-17-07 AN ORDINANCE GRANTING A ONE (1) YEAR EXTENSION TO THE PREVIOUSLY APPROVED MINOR AMENDMENT TO AN APPROVED PLANNED UNIT DEVELOPMENT (Darien Towne Centre PUD, 2189 75th Street, Illinois Amvets Collection Center at Wal-Mart)

H. RESOLUTION NO. R-15-07 A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO AGREEMENTS TO PURCHASE A NEW TELEPHONE SYSTEM AND CONTRACT FOR RATES WITH CALL ONE

I. RESOLUTION NO. R-16-07 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 MOWING ALONG COUNTY ROAD AND RIGHT OF WAYS

J. RESOLUTION NO. R-17-07 A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT AGREEMENT FOR THE 2007 FERTILIZATION PROGRAM BETWEEN THE CITY OF DARIEN AND SPRING GREEN LAWN CARE (In an Amount Not to Exceed \$19,947)

K. RESOLUTION NO. R-18-07 A RESOLUTION FOR MAINTENANCE OF STREETS AND HIGHWAYS BY MUNICIPALITY UNDER THE ILLINOIS HIGHWAY CODE (2007 Street and General Maintenance Program in the amount of \$854,125 from 01/01/07 – 04/30/08)

L. RESOLUTION NO. R-19-07 A RESOLUTION DESIGNATING THE DARIEN SPORTSPLEX AS A MASS CARE SHELTER

M. RESOLUTION NO. R-20-07 A RESOLUTION ALLOWING FOR THE CITY OF DARIEN TO PERFORM MAINTENANCE OR EMERGENCY WORK AS IT RELATES TO CITY MAINTAINED INFRASTRUCTURE ON STATE MAINTAINED RIGHTS OF WAY

Roll Call: Ayes: Biehl, Durkin, Gattuso, Marchese, McIvor, Poteraske, 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 AN ORDINANCE APPROVING THE 2007-2008 BUDGET

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

ORDINANCE NO. O-18-07 AN ORDINANCE APPROVING THE 2007-2008 BUDGET as presented.

Mayor Weaver said she has tried to keep politics out of the Council meetings but stated she was upset about statements that appeared in the Chicago Tribune that had been made by her Mayoral race opponent, Alderman Biehl. She felt that the information relayed was false and erroneous and that he was misleading the residents. She spoke about fund balances; she stated that there were no expansion items within the proposed budget, that the City had a three month emergency reserve fund, and no 'extra' funds for a tax refund. She cringed and said 'how dare you' to Alderman Biehl because in the article he said he was "aligned with" former Mayor Soldato; she considered him a stumbling block not a leader. Alderman Biehl commented that he had informed the reporter that his spending philosophy was similar to former Mayor Soldato; he spoke about projected revenues. Aldermen Durkin and McIvor voiced their opinion that this was an inappropriate forum for candidate discussion. In response to Alderman McIvor's question, Administrator Vana explained the City's reserves and other details within the proposed budget. Residents were informed that the budget would be available on the City's web site.

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

Nays: Biehl

Absent: None

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

B. CONSIDERATION OF A MOTION TO APPROVE A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT FOR ENGINEERING SERVICES BETWEEN THE CITY OF DARIEN AND CHRISTOPHER B. BURKE ENGINEERING, LTD. (2007 Street Rehabilitation) (In an Amount Not to Exceed \$60,690)

It was moved by Alderman Marchese and seconded by Alderman Gattuso to approve RESOLUTION NO. R-21-07 A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT FOR ENGINEERING SERVICES BETWEEN THE CITY OF DARIEN AND CHRISTOPHER B. BURKE ENGINEERING, LTD. (2007 Street Rehabilitation) (In an Amount Not to Exceed \$60,690) as presented.

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

Nays: Biehl

Absent: None

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

C. CONSIDERATION OF A MOTION TO APPROVE AN ORDINANCE AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT WITH THE COUNTY OF DUPAGE AND PROVIDING FOR THE GRANTING OF CERTAIN EASEMENTS IN CONNECTION WITH SAID AGREEMENT

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

ORDINANCE NO. O-05-07 AN ORDINANCE AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT WITH THE COUNTY OF DUPAGE AND PROVIDING FOR THE GRANTING OF CERTAIN EASEMENTS IN CONNECTION WITH SAID AGREEMENT as presented.

Mayor Weaver noted that this was an Intergovernmental Agreement with DuPage County for the water system that the County operated and that they supplied water to some Darien residents. Administrator Vana indicated that DuPage County became a member of the DuPage Water Commission and would now receive Lake Michigan water, which would be beneficial to those residents on the County system. He indicated that the affected residents would have a water rate reduction rather than the higher rate charged by the County. He said that residents would receive better water and pay less; the change over was expected in approximately 9-12 months. There was discussion about water rates.

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

Nays: None

Absent: None

Results: Ayes 7, Nays 0, Absent 0 MOTION DULY CARRIED

17. QUESTIONS, COMMENTS AND ANNOUNCEMENTS — GENERAL

Alderman Mclvor stated that Attorney Murphey had been recognized as one of the best attorneys.

18. ADJOURNMENT

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

VIA VOICE VOTE – MOTION DULY CARRIED

The City Council meeting adjourned at 8:45 P.M.

Mayor \_\_\_\_\_ City Clerk jr All supporting documentation and report originals of these minutes are on file in the Office of the City Clerk under File Number 04-02-07.