

## **Minutes - October 1, 2001**

### **Darien City Council Meeting Minutes: 10.09.01**

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 OCTOBER 1, 2001 AGENDA WITH THE CITY COUNCIL. THE WORKSHOP SESSION ADJOURNED AT 7:19 P.M.

Minutes of the Regular Meeting

of the City Council of the

CITY OF DARIEN

OCTOBER 1, 2001

#### **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 Deputy Clerk Ragona was as follows:**

Present: Richard Biehl, David Hagen, Morgan Cotten, Joseph Marchese, Sean P. Durkin, James Tikalsky, Kathleen Moesle-Weaver

Also in Attendance:

JoAnne E. Ragona, Deputy Clerk  
Arthur P. Donner, Treasurer  
Judith N. Kolman, City Attorney  
Rick O. Curneal, City Administrator  
Edward Musial, Chief of Police  
JoEllen Charlton, Director Community Development  
Barbara Richards, Director of Finance & Administration  
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 - September 17, 2001**

It was moved by Alderman Tikalsky and seconded by Alderman Hagen to approve the Minutes of the Regular Meeting of September 17, 2001 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 Hagen said he was contacted by Doris Lafrance, 7729 Brookhaven Avenue, who said that she and her neighbors supported the proposed Dominick's project.

Alderman Marchese said that he and Alderman Cotten met with Mr. Pierce and Mr. Wiltjer, who were concerned with the water flow at Bailey Road and Willowcreek Lane. The residents would like School District 63 to redirect the stormwater flow. Director Charlton stated that there was a meeting on September 26th with school officials and that the District and City engineers would meet to discuss alternatives for diverting the flow of stormwater. Mayor Soldato stated that stormwater was an issue when the Hemlock berm was constructed. Administrator Curneal stated that with the construction of the berm, the stormwater continued to flow in the direction it had been flowing. He said that after the City engineer reviewed the District's proposed construction plans, the engineer would make recommendations in regard to the stormwater flow.

Alderman Durkin communicated with Frank Urso, 7210 Emerson Drive, in regard to Birchwood Park. Alderman Durkin asked Administrator Curneal if there was an agreement between the Darien Park District and City for the pond; Administrator Curneal said he would research the records.

Alderman Durkin stated that he received a 'thank you' letter from School District 61 for attending the School Board meeting.

Alderman Marchese read portions of a letter received from Nick Monaghan, a Darien student. Nick was concerned with the recent tragedy; he expressed his ideas about safety and war. Nick was in the audience; Council recognized him and applauded his efforts.

## 7. MAYOR'S REPORT

### A. MAYORAL PROCLAMATION "RESPECT LIFE WEEK" (October 7-14, 2001)

Mayor Soldato read the Proclamation and declared the week of October 7 through October 14, 2001 as "Respect Life Week". He urged citizens to take cognizance of the special events arranged for this time. Jane Adducci and Betty Girdwain accepted the Proclamation.

Mayor Soldato advised the Council that there was a negative result with the Woodridge project proposed for 87th Street and Woodward Avenue. He said that the Woodridge Village Board voted on September 27th to permit a zoning change, which would allow high-rise condominiums and a large commercial development adjacent to Darien single-family residences.

Mayor Soldato noted that Item A under New Business was to reappoint Fire and Police Commissioner Louis Scaglione, he asked for Council support.

## 8. CITY CLERK'S REPORT

Deputy Clerk Ragona...

... noted that the Plan Commission meeting scheduled for Wednesday, October 3rd, was cancelled due to lack of agenda items.

... stated that the Goal Setting Session was scheduled for Tuesday, October 9th, at 6:00 P.M. in the Police Training Room located at 1710 Plainfield Road.

## A. VEHICLE STICKER LOTTERY - 2002

Deputy Clerk Ragona gave a brief overview of the program and stated that five local non-profit organizations responded that they would take part in the lottery. The organizations included Darien Historical Society, Darien Lions Club, Darien Rotary Club, Darien Woman's Club and Safety Village of Darien. She asked Attorney Kolman to pull the winning organization. The 2002 Vehicle Sticker Lottery winner was "DARIEN ROTARY CLUB".

## 9. CITY ADMINISTRATOR'S REPORT

Administrator Curneal stated that on Wednesday, October 10th at 7:00 P.M. in the Darien City Hall Council Chambers, the City of Darien would be hosting a community meeting with the Village of Burr Ridge, Village of Willowbrook and Village of Clarendon Hills as part of the DuPage Area Transit Plan program. He noted that the program was led by the DuPage Mayors and Managers Conference and that information compiled from the meeting would be forwarded to the consultant hired by the Conference to develop a long-range transportation plan for DuPage County. He urged all residents, employers and employees to take an active role in shaping the future of the transit system.

Alderman Weaver said that she recently read that the DuPage Mayors and Managers Conference received bad news about their remodeling because the bids received exceeded their budget. Administrator Curneal responded that a Board Meeting was scheduled for Thursday, October 4th, and that their Budget/Operations Committee would recommend that the Board award the bid to the lowest bidder and look for additional financing through grants. The project was anticipated to be approximately \$700,000 and the low bid was \$1.1 million. Alderman Weaver asked about the City's contribution; he responded that the dollar amount per year, which was approximately \$4,000 for debt service plus annual dues, would remain the same but the time period would be extended.

Alderman Biehl inquired about the bond issue for the Marion Hills project since it was approved by the County Board. Administrator Curneal responded that it was in the thirty day waiting period, which should be completed in mid-October and that the contract would be awarded in either late October or early November. Alderman Biehl asked if there was a possibility that construction could begin this year; Administrator Curneal said that it could.

## 10. DEPARTMENT HEAD REPORT

Asst. Director Public Works Robert Rogers ...

... noted that Well #4 was in the process of being capped.

... stated that delivery of water meters had begun and that replacement was under way. He said that four 3" meters were replaced in apartment complexes, the meters were inspected and found to have polyphosphate, which slowed the meters.

... commented that the hydrant painter left the City and would not be returning. He said that there were approximately 200 unpainted hydrants and 200 more that had been primed and needed paint.

... announced that the blacktop and driveways were completed at Woodmere; that dirt and seed needed to be placed near the curbs.

... said that they would try to schedule the tub grinder for the end of the month to regrind the wood chips.

... reminded everyone that FREE leaf pickup would begin the week of October 8th.

Council inquired about the hydrant painting contract. Asst. Director Rodgers said that the contract specifically stated that work was to be completed within 90 days and that the agreement was signed by the contractor in May 2000. Administrator Curneal said that the work was expected to be complete last

summer but the City tried to accommodate the painter so he could finish the work this year. He said that Public Works was looking into other alternatives or possibly doing the work in-house; that the City was withholding funds until the issue was resolved with the hydrant painter; and that Attorney Murphey was involved with the process. He said that the document submitted was not a formal contract, but a proposal. Alderman Durkin asked what the total budgeted amount was for painting the hydrants; Administrator Curneal responded that it was \$36,000 and that payment was only made for work completed except for the most recent invoice. Mayor Soldato asked that the Council be kept apprised of the situation. Alderman Weaver commented that the City had many "Request for Proposal" without a formal contract; it was suggested that RFPs become actual agreements.

## 11. TREASURER'S REPORT

### A. WARRANT NUMBER 01-02-11

It was moved by Alderman Tikalsky and seconded by Alderman Cotten to approve payment of Warrant Number 01-02-11 in the amount of \$66,438.84 from the General Fund; \$4,551.52 from the Darien Area Dispatch Fund; \$116,150.63 Darien Towne Centre Sales Tax Fund; \$1,138.07 from Hotel/Motel Tax Fund; \$300.00 from Joint Use Facility Fund; \$1,485.98 from the Motor Fuel Tax Fund; \$11,279.76 from the Water Operations Fund; \$158,340.99 from General Fund Payroll for the period ending 09/20/01; \$13,017.26 from the Water Fund Payroll for the period ending 09/20/01; \$23,461.13 from the D.A.D.C. Fund Payroll for the period ending 09/20/01; for a total to be approved of \$396,164.18.

Alderman Durkin inquired if the use of Hotel/Motel Tax Funds for DarienFest would be a topic for the Goal Setting Session; Mayor Soldato affirmed. Alderman Durkin stated that he was opposed to the City incurring expenses for DarienFest.

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

Nays: None

Absent: None

Results: Ayes 7, Nays 0, Absent 0

MOTION DULY CARRIED

## 12. STANDING COMMITTEE REPORTS

Administrative/Finance Committee - No Report.

Planning/Development Committee - No Report.

Public Works Water/Streets Committee - No Report.

## 13. QUESTIONS AND COMMENTS - AGENDA RELATED

Tom Iwema, 1622 Coachmans Road, stated that Council would consider a variance for a breakaway wing-wall in the front yard, right-of-way. He said that the wall in comparison to a brick mailbox was only twenty-four inches tall and was more than 6' from the curb, that it was less obtrusive and less dangerous.

## 14. OLD BUSINESS

There was no Old Business to come before the City Council

## 15. CONSENT AGENDA

There were no Consent Agenda items to come before the City Council.

## 16. NEW BUSINESS

### A. CONSIDERATION OF A MOTION TO APPROVE REAPPOINTMENT TO FIRE AND POLICE COMMISSION - LOUIS SCAGLIONE

It was moved by Alderman Tikalsky and seconded by Alderman Hagen to approve the reappointment of Louis Scaglione to the Fire and Police Commission 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

Attorney Kolman administered the Oath of Office to Chairman Louis Scaglione and he received a round of applause.

### B. CONSIDERATION OF A MOTION TO APPROVE A RESOLUTION AUTHORIZING ADDITIONAL 401 MONEY PURCHASE PLAN ACCOUNT NUMBER 10-7940

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

RESOLUTION NO. R-27-01 A RESOLUTION AUTHORIZING ADDITIONAL 401 MONEY PURCHASE PLAN ACCOUNT NUMBER 10-7940 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

### C. CONSIDERATION OF A MOTION TO APPROVE AN AMENDMENT TO REVISE ORDINANCE NO. O-36-01 TO ALLOW A FENCE TO REMAIN IN THE RIGHT-OF-WAY (1622 Coachmans Road)

It was moved by Alderman Biehl and seconded by Alderman Cotten to approve an amendment to revise Ordinance No. O-36-01 to allow a fence to remain in the right-of-way (1622 Coachmans Road) as presented.

Mayor Soldato stated that Council had discussed encroachments into rights-of-way and liability. He asked that Council set reasonable standards.

Alderman Hagen said that the Planning/Development Committee discussed the wall. He stated that the wall was an enhancement to the area and stated that if the wall were allowed to remain, it could set a precedent. Administrator Curneal suggested that if the wall was allowed that Council should consider setting guidelines for Staff in order to respond to resident inquiries on these types of issues; he suggested that the topic be discussed at the upcoming Goal Setting Session.

Alderman Biehl commented that he drove by the residence to see the wall. He said it looked very nice and that he would support leaving it up.

Alderman Durkin said that residents too often make improvements without inquiring about regulations or

obtaining a permit. He said that quality work does not make the wrong correct. He suggested that Council send a message that before work was done that residents needed to contact staff.

Alderman Cotten noted that the issue contained a long-term concern, which was responsibility for restoration due to repair work in the right-of-way. He noted that these types of obstacles could create a waste of both time and money; that no matter how the wall looked, it was improperly installed and it was constructed without a permit.

Alderman Durkin asked who would be responsible for restoration of obstacles in the right-of-way. Mayor Soldato responded that even if the City allowed something to exist in the right-of-way, the City would not have an obligation to maintain it. Attorney Kolman said that an agreement could be entered into. Alderman Weaver stated that the City must be consistent. There was discussion about other residents who had to remove or relocate structures because they changed the make-up of the land or they caused water flow problems. Mayor Soldato commented that he would like the City to be unique, to find ways to reconcile issues like these. Alderman Cotten said that the wall was built in error because it would not have been allowed in the right-of-way. He said that the wall should be kept out of the right-of-way and he suggested a compromise, which was to remove the wall from the right-of-way but allow it on personal property. Mayor Soldato said that City Code, in regard to front yard fences, was unclear.

Mr. Iwema addressed Council and stated that he never thought a permit was necessary because he considered the wall to be a 'landscape feature' not a fence/wall.

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

Nays: Cotten, Weaver

Absent: None

Results: Ayes 5, Nays 2, Absent 0

MOTION DULY CARRIED

## 17. QUESTIONS, COMMENTS AND ANNOUNCEMENTS - GENERAL

Alderman Marchese stated that the Darien Lions Club was sponsoring 'Candy Days' on October 12 and 13 within the City of Darien. He said that money collected would go to the hearing impaired and to those who suffered from diabetes and related illnesses. He noted that \$40,000 was collected last year; \$21,000 went to the State of Illinois and \$19,000 stayed within Darien.

Alderman Biehl expressed concern about the disrepair of the 12" apron along the north side of 71st Street between Bentley Avenue and Clarendon Hills Road. Asst. Director Mengarelli stated that concrete work would be done when 71st Street was repaired in that area.

Alderman Biehl asked about the status of the house on Cherokee. Director Charlton responded that investigative reports needed completion for the validity of the structure and that the lawsuit was progressing.

Ms. Sylvia McIvor, a Farmingdale Village resident, addressed Council and read a prepared statement regarding the Woodridge proposed development at the northeast corner of 87th Street and Woodward Avenue. She said that the Village Board voted against their Plan Commissioners recommendation, expert testimony, their Comprehensive Plan, and turned deaf ears to approximately 700 residents, homeowners, taxpayers and voters. She said that there were four meetings and that no one spoke favorably of the proposed development. She said she was proud to be a Darien resident because officials cared and listened to the concerns of its residents and that Woodridge only cared about the bottom line, big dollar signs. On behalf of the 700 residents, she extended sincere thanks to City officials, staff and experts for their support and professionalism throughout the long process.

Lieutenant Nagesh Chelluri of the 416th Engineering Command of the Army Reserve Unit near Argonne

Laboratories, thanked the City and Police Department for support efforts due to the recent disaster. He said that the Unit established a program for community outreach and would like to become a more visible part of the community. He noted that Brigadier General Robert Williamson was planning to attend a Council meeting in November to discuss their roll and mission for involvement with the community. Mayor Soldato asked the Army Reserve Unit for support with the reconstruction of the State owned Frontage Road in order to benefit the Unit and Darien residents.

#### 18. ADJOURNMENT

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

VIA VOICE VOTE - MOTION DULY CARRIED

The City Council meeting adjourned at 9:00 P.M.

Mayor

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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 10-01-01.

Minutes of 10-01-01 CCM

October 1, 2001