

Minutes

A WORK SESSION WAS CALLED TO ORDER AT 7:00 P.M. BY MAYOR WEAVER FOR THE PURPOSE OF REVIEWING ITEMS ON THE SEPTEMBER 4, 2007 AGENDA WITH THE CITY COUNCIL. THE WORK SESSION ADJOURNED AT 7:20 P.M.

EXECUTIVE SESSION WAS CALLED TO ORDER FOR THE PURPOSE OF DISCUSSION OF PERSONNEL SECTION 2(C)(1) OF PUBLIC ACT 88-621 & PURCHASE OR LEASE OR REAL ESTATE SECTION 2(C)(5) OF PUBLIC ACT 88-621 AT 7:23 P.M. EXECUTIVE SESSION ADJOURNED AT 7:30 P.M.

Minutes of the Regular Meeting

of the City Council of the

CITY OF DARIEN

SEPTEMBER 4, 2007

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 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: Halil Avci Joseph A. Marchese John Galan Sylvia Mclvor Carolyn A. Gattuso John F. Poteraske, Jr.

Absent: William R. Durkin

Also in Attendance: Kathleen Moesle Weaver, Mayor Joanne F. Coleman, City Clerk Michael J. Coren, 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 Scott Coren, Assistant to City Administrator 4. DECLARATION OF A QUORUM — There being six Aldermen present, Mayor Weaver declared a quorum.

5. APPROVAL OF MINUTES – August 20, 2007

It was moved by Alderman Gattuso and seconded by Alderman Avci to approve the minutes of the August 20, 2007 meeting with the scrivener error noted during the Work Session.

Roll Call: Ayes: Avci, Galan, Gattuso, Marchese

Abstain: Mclvor, Poteraske

Nays: None

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

6. RECEIVING OF COMMUNICATIONS

Mayor Weaver...

...received an e-mail from resident Don Damon sharing ideas for the Council's goal setting session. Once the minutes of the goal setting session are available, Mayor Weaver will share them with Mr. Damon. Mayor Weaver offered gratitude to Mr. Damon for his suggestions and will share his e-mail with the Council Members.

7. MAYOR'S REPORT

Katie Maier, External Affairs Manager for ComEd, was in attendance to provide a reliability update on the outages Darien has experienced from January, 2006 through June, 2007. Of the twenty-four circuits in Darien, the focus was placed on the seven circuits which experienced three or more failures during the one a half year time period, due to equipment and/or materials. The circuits reviewed were W3607, W386, W3613, W804, W808, W8002, and W8014. Ms. Maier reviewed each individual circuit and described the work performed to address the problems. As part of ComEd's cable replacement program, over 5,300 feet of cable was replaced in 2007 on circuits W802, W805, and W807. ComEd will continue to monitor all outages for related causes and initiate the appropriate corrective action to mitigate customer interruptions.

Alderman Mclvor expressed concern with the ongoing issues regarding underground infrastructure failures and the need to replace old equipment and materials.

Ms. Maier stated that ComEd will not replace equipment for one failure. Replacement occurs after three or four failures on one section.

In response to Alderman Mclvor, Scott Coren advised that reoccurring outages did not occur following replacement of equipment and/or materials. Outages did occur following repair work.

Alderman Avci requested that ComEd determine the major cause of outages and address those issues.

Mayor Weaver advised that this is information the Council Members have been seeking all along and have not received.

Alderman Poteraske expressed displeasure with ComEd's tree trimming practices. There is a need to trim branches above the electric lines as well as those on the same level. Alderman also pointed out that there were 39 outages in 2006 and 48 in 2007. Alderman Poteraske requested a copy of ComEd's July and August reports.

Ms. Maier advised that the July report will be given to Scott Coren by the end of this week.

Administrator Vana commented on the need for ComEd to provide the city with a written proactive plan. The city needs to know that ComEd's plan is being followed.

In response to Dan Gombac, Ms. Maier advised that sidewalk and asphalt repair work which follows ComEd repair is generally performed within two weeks after the completion of the electric work.

Mayor Weaver advised that this information needs to be provided by ComEd in writing.

Dan Gombac added that ComEd needs to place barricades and other safety devices around open areas.

Alderman McIvor requested that when possible, ComEd perform repair work during the day. Residents in Ward 6 have complained about noise caused by ComEd workers at night and on weekends.

Ms. Maier responded that night and evening work is performed in emergency situations and that regular maintenance is performed during the day.

Direction was given that written information regarding ComEd's time frames for completing repair of damaged sidewalk and asphalt be submitted to Scott Coren.

Mayor Weaver...

...recognized Mr. and Mrs. Philip LaScola who celebrated their 73rd wedding anniversary on September 2, 2007.

8. CITY CLERK'S REPORT

City Clerk Coleman...

...invited all to attend Coffee with Mayor Weaver on Saturday, September 15, 2007 from 9:00 a.m. until 10:00 a.m. at Carmelite Carefree Village, 8419 Bailey Road.

...announced that the regularly scheduled meeting of the Fire and Police Commission of September 4 has been rescheduled to Tuesday, September 11, 2007.

...the regularly scheduled meeting of the Planning and Zoning Commission of September 5, 2007 has been cancelled due to lack of agenda items.

...invited all to attend Darien Fest which is being held at Darien Community Park from September 7 through September 9, 2007.

9. CITY ADMINISTRATOR'S REPORT

Administrator Vana...

...reminded everyone that Amnesty Day is September 17 through 21, 2007.

10. DEPARTMENT HEAD REPORT

Community Development/Public Works Director Daniel Gombac updated the Council on various programs...

... the interior priming of the inside of the water tower tank has been completed. The inside coatings will consist of a primer and paint specially formulated for potable water applications. Painting of the exterior has begun with a white primer. Crews have been working on Saturdays and Sundays to make up for the lost time due to the heavy rains. Completion is tentatively scheduled for September 30.

...residents were reminded that the city's 50/50 parkway tree program is currently out for competitive quotes. Residents interested in participating in the program are encouraged to call Ashley Preuter at 353-8105 no later than Tuesday, September 11. The species of tree available for this program were provided.

The pricing schedule for the trees has been estimated at \$310 per tree. The cost to the resident would be approximately \$155 that includes planting, mulching, and a one-year guarantee.

...the city is extending the program to residents and businesses for trees to be supplied and planted on private property at an estimated cost of \$325 which is to be reimbursed 100% by the property owner to the vendor. As with the 50/50 program, the cost includes planting, mulching, and a one-year guarantee. The tree species available were provided.

...a report on the Public Works activities following the recent storms, especially the one which occurred on August 24, was provided.

...gratitude was offered to the City Council for approving an expenditure earlier this year that allowed for the removal of approximately 65 trees that were identified during the tree trimming program as diseased and/or perished. This preventive maintenance proved beneficial during the storms by eliminating potential property damage, the need to hire a tree removal vendor, and saving hours of staff time.

...staff received numerous calls regarding buried sump pump and gutter discharges at the property line. Discharges should be terminated at least five-feet from your neighbors' property line. DuPage County Storm Water Ordinance prohibits directing water onto an adjacent property. Residents were requested to make sure that they do not violate this ordinance.

...a few calls were received regarding street flooding. Dan Gombac provided an historical review of the city's general drainage.

...defined the terminology of two-year, five-year, ten-year, and one hundred-year rain events.

...staff is continually striving to identify solutions to storm water conveyance issues.

... reminded residents that Clarendon Hills Road will be closed beginning Thursday, September 6th at 67th Street to Plainfield Road for Darien Fest. The road will be re-opened on Monday afternoon.

Alderman Poteraske inquired if the city is replacing trees that are not on the recommended list with trees that are on the recommended list. Specific inquiry was made as to trees which roots damage sidewalks, etc.

Dan Gombac advised that staff is currently researching an experimental process where roots are chopped away. Too much root cannot be removed or it will kill the tree.

Mayor Weaver inquired if violations of the DuPage County Stormwater Ordinance are enforced by the county.

Dan Gombac responded that violations of the DuPage County Stormwater Ordinance are enforced by the city.

Administrator Vana advised that the city currently does not have a program which replaces live, healthy trees.

Dan Gombac noted an inventory of the number of trees which roots are causing property damage is being compiled.

Director Gombac submitted, for the record, a petition, with 254 signatures, in opposition to the Special Use request for the property at 7800 Cass Avenue.

11. TREASURER'S REPORT

A. WARRANT NUMBER 07-08-08

It was moved by Alderman Gattuso and seconded by Alderman Poteraske to approve payment of Warrant Number 07-08-08 in the amount of \$84,132.96 from the General Fund; \$3,777.62 from the Water Fund; \$1,126.32 from the Motor Fuel Tax Fund; \$118,785.75 from the Water Depreciation Fund; \$741.13 from the Darien Area Dispatch Center; \$317,966.19 from the Capital Improvement Fund; \$112,934.21 from the General Fund Payroll for the period ending 08/16/07; \$24,826.44 from the Water Fund Payroll for the period ending 08/16/07; \$24,332.86 from the D.A.D.C. Fund Payroll for the period ending 08/16/07; for a total to be approved of \$688,623.48.

Roll Call: Ayes: Avci, Galan, Gattuso, Marchese, McIvor, Poteraske

Nays: None

Absent: Durkin

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

12. STANDING COMMITTEE REPORTS

Administrative/Finance Committee — Alderman Poteraske presented the Minutes of the Administrative/Finance Committee of August 13, 2007. The next meeting is scheduled to take place on Monday, September 10, 2007 at 6:30 p.m. in the upstairs conference room.

13. QUESTIONS AND COMMENTS — AGENDA RELATED

There were no agenda related questions or comments.

14. OLD BUSINESS

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

15. CONSENT AGENDA

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

A. ORDINANCE NO. O-33-07 CONSIDERATION OF A MOTION TO APPROVE AN ORDINANCE AMENDING SECTION 9-2-8 ((NO LEFT TURN SIGNS) OF CHAPTER 2 (TRAFFIC SIGNS AND SIGNAL LOCATIONS) TITLE 9 (TRAFFIC REGULATIONS), OF THE DARIEN CITY CODE.

B. ORDINANCE NO. O-34-07 CONSIDERATION OF A MOTION TO APPROVE AN ORDINANCE APPROVING A VARIATION TO THE DARIEN SIGN CODE (PZC 2007-12: 8301 CASS AVENUE, CITIZENS FINANCIAL BANK).

C. RESOLUTION NO. R-59-07 CONSIDERATION OF A MOTION TO APPROVE A RESOLUTION DECLARING A DEFAULT AND DEMANDING PAYMENT UNDER A CERTAIN LETTER OF CREDIT (FAIRFAX DARIEN, LLC/BANK OF AMERICA).

Roll Call: Ayes: Avci, Galan, Gattuso, Marchese, McIvor, Poteraske

Nays: None

Absent: Durkin

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

16. NEW BUSINESS

It was moved by Alderman Poteraske and seconded by Alderman Galan to approve the following:

A. CONSIDERATION OF A MOTION TO DIRECT THE CITY ATTORNEY TO PREPARE AN ORDINANCE AMENDING ORDINANCE NO. 0-28-92, SCHEDULE OF FEES, RELATING TO APPEALS OF ADMINISTRATIVE DECISIONS.

It was moved by Alderman Poteraske and seconded by Alderman Galan to approve the motion as presented.

Mayor Weaver provided an explanation as to why this matter was brought forth for discussion and possible amendment of Ordinance No. 0-28-92. Per Mayor Weaver's request, this matter was discussed at the last Planning/Development Committee where recommendation was made that the fees remain as written. This item was also discussed during this evening's work session.

Mayor Weaver clarified that to vote no is to deny the motion and leave the fees as written.

Roll Call: Ayes: None

Nays: Avci, Galan, Gattuso, Marchese, McIvor, Poteraske

Absent: Durkin

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

17. QUESTIONS, COMMENTS AND ANNOUNCEMENTS — GENERAL

Alderman Marchese offered gratitude on behalf of his sisters and himself to the City Council, staff, and residents for the expressions of condolence for the loss of his mother.

Alderman Galan complimented and extended gratitude to Scott Coren on his fine efforts in enforcement of property maintenance issues.

Darien resident, Elaine Kindt of 1325 Chapman addressed the City Council regarding the no vote this evening to the waiver of the \$250 Zoning Board of Appeals appeal fees.

Mayor Weaver explained that a court reporter must be present for the hearing and that this fee pays that cost.

In response to Ms. Kindt's request, Attorney Murphey explained the appeal process and the importance of having a court reporter record the proceedings.

18. ADJOURNMENT

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

VIA VOICE VOTE – MOTION DULY CARRIED

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

Mayor _____ City Clerk Id All supporting documentation and report originals of these minutes are on file in the Office of the City Clerk under File Number 09-04-07.