

Minutes - November 15, 2004

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 NOVEMBER 15, 2004 AGENDA WITH THE CITY COUNCIL. THE SESSION ADJOURNED AT 7:08 P.M.

Minutes of the Regular Meeting
of the City Council of the
CITY OF DARIEN
NOVEMBER 15, 2004

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 John F. Poteraske, Jr. David Hagen James Tikalsky Kathleen Moesle-Weaver

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 John Cooper, Deputy Chief of Police Gregory Dreyer, Community Development Director Robert Mengarelli, Asst. Director of Public Works

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

5. APPROVAL OF MINUTES — November 1, 2004

It was moved by Alderman Marchese and seconded by Alderman Biehl to approve the Minutes of the Regular Meeting of November 1, 2004, as presented.

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

Nays: None

Abstain: Tikalsky

Absent: None

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

6. RECEIVING OF COMMUNICATIONS

Alderman Weaver received two written communications, which she submitted for the record, from David and Shirley Miller of Timber Lane; they objected to the plans for Darien Crossing and to the proposed townhomes for the property located at 7201 Cass Avenue.

7. MAYOR'S REPORT - No report.

8. CITY CLERK'S REPORT

Clerk Coleman...

... stated that the Environmental Committee meeting scheduled for November 16th and the Cable Commission meeting scheduled for November 18th have been cancelled.

... announced that City offices would be closed on Thursday & Friday, November 25th & 26th, in observance of the Thanksgiving Holiday.

... invited everyone to join Mayor Soldato for coffee on Saturday, November 20th, from 9:00 until 10:00 A.M. at City Hall in the Council Chambers.

9. CITY ADMINISTRATOR'S REPORT

Administrator Vana commented on the refuse surveys returned by residents. He stated that the City would do a 'Request for Proposal' in regard to refuse sticker and leaf pickup programs; the proposal would be for a four-year contract with a two-year option. Alderman Marchese inquired if residents would pay more if the City continued with the sticker program; Administrator Vana replied that it depended on the market and the service providers.

10. DEPARTMENT HEAD REPORT

Asst. Director of Public Works Robert Mengarelli...

... commented that the street program was complete and that final payment was made. The curb & sidewalk program was completed; the joint effort between Darien & Downers Grove for the repair of Williams Street was completed; and the fall leaf sweeping program was also completed.

... introduced the Public Works Department. Employees who were present from the Street Division included Jake Bruzan, Jeff Corneils, Tom Masek, Pete Kilianek, Rich Lepic, John Carr, Dan Salvato, and Mary Roeters. Employees who were present from the Water Division included Clark Beatty, Jeff Carr, Carey Breckinridge, Rich Reid, Andy Ermel, Dennis Cable, and Josh Thomas. He noted that these were the people responsible for snow plowing and watermain breaks.

Mayor Soldato commented that a Public Works employee who had installed a meter went above and beyond his duties; he assisted a resident with a leaking water heater. Administrator Vana elaborated on the situation and he thanked the entire crew for their efforts.

... thanked the Public Works spouses, particularly Mrs. Mengarelli, for their continued support during difficult situations.

... commented that Public Works sponsored an 'Open House' every May; he invited all to attend.

11. TREASURER'S REPORT

A. WARRANT NUMBER 04-05-13

It was moved by Alderman Cotten and seconded by Alderman Poteraske to approve payment of Warrant Number 04-05-13 in the amount of \$22,519.60 from the General Fund; \$6,599.19 from the Water Fund; \$6,026.74 from the Motor Fuel Tax Fund; \$1,142.35 from the Darien Area Dispatch Fund; \$179,833.17 from the General Fund Payroll for the period ending 11/11/04; \$21,590.64 from the Water Fund Payroll for the period ending 11/11/04; \$26,407.33 from the D.A.D.C. Fund Payroll for the period ending 11/11/04; for a total to be approved of \$264,119.02.

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

Nays: None

Absent: None

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

B. TREASURER'S MONTHLY REPORT – OCTOBER 2004

City Treasurer Monaghan reviewed all sources of revenue and expenditures for the month of October 2004 with the following year-to-date fund balances: General Fund \$3,032,407; Water Fund \$624,324; Motor Fuel Tax Fund \$483,862; and Darien Towne Centre Sales Tax Fund \$150,796.

12. STANDING COMMITTEE REPORTS

Administrative/Finance Committee — No report.

Planning/Development Committee — Chairman Hagen announced that the Committee would meet on November 22nd at 6:30 P.M. He noted that the Committee approved two items on the current Agenda.

Public Works Water/Streets Committee — No report.

13. QUESTIONS AND COMMENTS — AGENDA RELATED

Ron Broida, representative of Group Ten LLC, stated that they would complete outstanding items in the Spring or sooner at Crossroads of Darien. He requested that all communications regarding the project be directed to him. Mr. Broida spoke about electric service; burial of utility lines; and proposed resolution to demand a default of the letter of credit. Mayor Soldato noted that the letter of credit was due to expire on December 3rd and that the City had an obligation. Mr. Broida assured Council that the letter of credit would be extended. Administrator Vana commented that many times work was not completed within the one-year time period and were routinely extended; he recommended calling the letter of credit due to numerous incomplete items. Mayor Soldato concurred with calling the letter of credit due to resident concerns/complaints and staff inspections/reports. There was discussion regarding issues about the project. Alderman Poteraske visited the site and said that there were dead evergreen trees and a lack of landscaping maintenance.

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 Tikalsky to approve by Omnibus Vote the following items on the Consent Agenda:

A. RESOLUTION NO. R-27-04 A RESOLUTION ACCEPTING PUBLIC IMPROVEMENTS SUBJECT TO MAINTENANCE (Chapman Court Addition Subdivision – 15 Residential Lots)

B. CONSIDERATION OF A MOTION TO APPROVE THE EXPENDITURE OF UNBUDGETED FUNDS FOR THE REPLACEMENT OF AN OUTDOOR WARNING SIREN AT 87th & LEMONT ROAD

C. CONSIDERATION OF A MOTION TO GRANT A WAIVER OF THE RAFFLE LICENSE BOND REQUIREMENT FOR THE DARIEN LIONS CLUB

Roll Call: Ayes: Biehl, Cotten, Hagen, Marchese, Poteraske, 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 AN ORDINANCE ANNEXING CERTAIN PROPERTY TO THE CITY OF DARIEN (9S451 Wilmette Avenue, 9S501 Wilmette Avenue and 17W610 N. Frontage Road; Commonly Known as "Townhomes of Violet's Farm")

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

ORDINANCE NO. O-45-04 AN ORDINANCE ANNEXING CERTAIN PROPERTY TO THE CITY OF DARIEN (9S451 Wilmette Avenue, 9S501 Wilmette Avenue and 17W610 N. Frontage Road; Commonly Known as "Townhomes of Violet's Farm") as presented.

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

Nays: Cotten

Absent: None

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

B. CONSIDERATION OF A MOTION TO APPROVE AN ORDINANCE APPROVING REZONING OF THE SUBJECT PROPERTY, THE FINAL PUD PLAN, THE FINAL PLAT OF SUBDIVISION AND SETTING FORTH CERTAIN CONDITIONS, RESTRICTIONS AND LIMITATIONS FOR THE TOWNHOMES OF VIOLET'S FARM SUBDIVISION (PZC 2004-10: Townhomes of Violet's Farm)

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

ORDINANCE NO. O-46-04 AN ORDINANCE APPROVING REZONING OF THE SUBJECT PROPERTY, THE FINAL PUD PLAN, THE FINAL PLAT OF SUBDIVISION AND SETTING FORTH CERTAIN CONDITIONS, RESTRICTIONS AND LIMITATIONS FOR THE TOWNHOMES OF VIOLET'S FARM SUBDIVISION (PZC 2004-10: Townhomes of Violet's Farm) as presented.

Roll Call: Ayes: Biehl, Marchese, Poteraske, Tikalsky, Weaver

Nays: Cotten, Hagen,

Absent: None

Results: Ayes 5, Nays 2, Absent 0 MOTION DULY CARRIED

C. CONSIDERATION OF A MOTION TO APPROVE A RESOLUTION DECLARING A DEFAULT AND DEMANDING PAYMENT UNDER A CERTAIN LETTER OF CREDIT (Crossroads of Darien/Standard Bank and Trust Co.)

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

RESOLUTION NO. R-28-04 A RESOLUTION DECLARING A DEFAULT AND DEMANDING PAYMENT UNDER A CERTAIN LETTER OF CREDIT (Crossroads of Darien/Standard Bank and Trust Co.) as presented.

Alderman Cotten reiterated comments previously made; he said that Council needed to defend area residents and have the outstanding work completed.

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

Nays: None

Absent: None

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

D. CONSIDERATION OF A MOTION TO APPROVE A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN CHRISTOPHER B. BURKE ENGINEERING, LTD. AND THE CITY OF DARIEN FOR ENGINEERING SERVICES FOR PREPARING BIDDING DOCUMENTS FOR REPAINTING OF THE 500,000 GALLON SPHEROID HIGH TANK (Referred to as the Farmingdale Village Tank)

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

RESOLUTION NO. R-29-04 A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN CHRISTOPHER B. BURKE ENGINEERING, LTD. AND THE CITY OF DARIEN FOR ENGINEERING SERVICES FOR PREPARING BIDDING DOCUMENTS FOR REPAINTING OF THE 500,000 GALLON SPHEROID HIGH TANK (Referred to as the Farmingdale Village Tank) as presented.

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

Nays: None

Absent: None

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

E. CONSIDERATION OF A MOTION TO APPROVE A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE COUNTY OF DUPAGE AND THE CITY OF DARIEN FOR THE SOUTHERN DUPAGE COUNTY REGIONAL TRAIL GREENE VALLEY SPUR EAST BIKEWAY SECTION 02-00001-05-BT

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

RESOLUTION NO. R-30-04 A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE COUNTY OF DUPAGE AND THE CITY OF DARIEN FOR THE SOUTHERN DUPAGE COUNTY REGIONAL TRAIL GREENE VALLEY SPUR EAST BIKEWAY SECTION 02-00001-05-BT as presented.

Administrator Vana commented that the County contacted the City in regard to an error contained on Exhibit A; he said that the County would revise the Exhibit regarding jurisdiction of Fairview Avenue.

Alderman Cotten thanked County Board Members Bennington and Gilgis for their efforts in furthering the development of the regional trail in Southern DuPage County.

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

Nays: None

Absent: None

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

F. CONSIDERATION OF A MOTION TO APPROVE AN ORDINANCE AUTHORIZING THE SALE OF PERSONAL PROPERTY OWNED BY THE CITY OF DARIEN

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

ORDINANCE NO. O-47-04 AN ORDINANCE AUTHORIZING THE SALE OF PERSONAL PROPERTY OWNED BY THE CITY OF DARIEN as presented.

Alderman Weaver commented, for the record, that the Committee agreed to the sale of items on E-Bay; they did not approve a purchase as stated in the Agenda Memo.

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

Nays: None

Absent: None

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

17. QUESTIONS, COMMENTS AND ANNOUNCEMENTS — GENERAL

Alderman Biehl thanked the VFW for the Memorial Service held at Community Park on November 11th.

Randy Theusch, 7811 Surrey Drive, commented on the Marketplace of Darien. He was concerned about:
* pavement markings, curb cut at the development site, and signage on 75th Street for the Marketplace entrance. He said that the curb cut on 75th Street was needed but that it was dangerous; he noted that

drivers did not realize the lane ended that they believed it continued to Manning Road but, in fact, was only for deceleration. * various traffic issues with Marketplace, Darien Towne Center, and Chestnut Court. He stated that it was difficult to exit from his residential subdivision; he was concerned with traffic crossing Manning Road from Darien Towne Center to Marketplace. Mr. Theusch spoke about STOP signs at Chestnut Center and the differences between the centers.

Mayor Soldato stated that the City regulated signage issues from one center to the other; he indicated that signage on 75th Street would be addressed with the County. Mayor Soldato directed Administrator Vana and staff to review the issues.

Alderman Hagen reminded Council that when Darien Towne Center was approved, the City requested a deceleration lane from DuPage County and they said 'no' at that time because of maintenance issues.

18. ADJOURNMENT

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

VIA VOICE VOTE – MOTION DULY CARRIED

The City Council meeting adjourned at 8:23 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 11-15-04.