

Minutes - August 2, 2004

A WORKSHOP SESSION WAS CALLED TO ORDER AT 7:05 P.M. BY MAYOR CARMEN D. SOLDATO FOR THE PURPOSE OF HEARING A PRESENTATION ON THE POSEJPAL TOWNHOME PROPOSAL. THE SESSION ADJOURNED AT 7:20 P.M.

Minutes of the Regular Meeting
of the City Council of the
CITY OF DARIEN
AUGUST 2, 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 John F. Poteraske, Jr. Morgan Cotten James Tikalsky David Hagen Kathleen Moesle-Weaver Joseph Marchese

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 Robert Pavelchik, 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 - July 19, 2004

It was moved by Alderman Hagen and seconded by Alderman Weaver to approve the Minutes of the Regular Meeting of July 19, 2004 as presented. The Clerk noted Alderwoman Weaver request to correct the spelling of Wight & Co. on the original document.

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

Nays: None

Abstain: Tikalsky

Clerk Coleman advised that silence implies consent and announced the results of the vote. Results: Ayes7, Nays 0, Absent 0 MOTION DULY CARRIED

6. RECEIVING OF COMMUNICATIONS

Alderman Biehl received phone calls from: * Jack Morge who expressed his concern regarding the recent storm. He indicated that there was a large tree which fell into the drainage easement behind Crest Road. The tree was removed from the area. * Tim Waz who had some questions regarding the business district triangle at Cass Avenue and 75th Street, the budget deficit of \$1.3 million, the state sales tax increase, and the City's invitation to the unincorporated areas to annex to the City.

Alderman Tikalsky received an E-mail and a phone call from the Norlocks on Woodland Drive. They were concerned about an ongoing problem with truck parking on Frontage Road and using it as a turn-around.

Alderman Cotten received an E-mail from the Lindberg's at 2952 Harvest. The resident was in attendance in order to speak on this issue. Alderwoman Weaver submitted a copy of the E-mail for the record.

Alderman Marchese received an E-mail message from Colleen Hoppa regarding the condition of the Farmingdale Village water tower.

7. MAYOR'S REPORT

A. CONSIDERATION OF A MOTION TO APPROVE A RECOMMENDATION TO WAIVE DARIEN YOUTH CLUB PERMIT FEES

Mayor Soldato reported that the Darien Youth Club (DYC) lost its sports core building due to fire. The youth club has been trying to rebuild the structure through various donations. Mayor Soldato talked with the Darien Youth Club President who indicated that they have a structure planned and will be petitioning the City for permits. The youth club has asked if the City would waive the building permit fee as its contribution to help rebuild the sports core. In Mayor Soldato's memorandum dated July 27, 2004 to the Council, which accompanied the request from the DYC President, it indicated that the permit would be approximately \$800, however the plans have now been revised and the permit cost would be \$550.

Mayor Soldato asked for a roll call to approve the permit fees be waived for the Darien Youth Club:

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

Nays: None

Absent: None

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

8. CITY CLERK'S REPORT

Clerk Coleman...

... noted that the August 4th Planning and Zoning Commission meeting has been cancelled.

... announced that the August 9th Administrative/Finance Committee meeting has been rescheduled for August 30th.

9. CITY ADMINISTRATOR'S REPORT

Administrator Vana...

... reported on a letter that the City Council had received from Grant Eckhoff, DuPage County Board member, who is heading up an Ad-Hoc committee regarding recent legislation for Senate Bill 2112. This bill would increase residential homestead exemptions for senior citizens and provide a 7% cap on residential property tax assessments for a period of three years. Vana reported that the 7% reassessment cap does not provide a benefit for our residents in general, as it only reallocates money from some to others. He reported that the homestead exemption seems to provide a benefit as it benefits everyone equally. City Administrator Vana indicated that this would be provided in a written response to the County and if additional input was desired, he asked that City Council contact him .

... noted that Mr. Anderson was in the audience and extended his sympathy to his family for the loss they incurred at a recent fire at their home and was thankful that no one was harmed as a result. City Administrator Vana advised that the written reports from the fire's investigation were sent to him. He felt the reports contained some disturbing comments and shared the reports with City Attorney Murphey whom he asked to review and comment upon at this evening's meeting.

Attorney Murphey stated "when allegations of criminal misconduct are leveled against one of our elected officials, the City Council as a whole should be aware of that. When those allegations of criminal misconduct are proven false, the City Council and the public should also be aware of that. As Bryon mentioned, on June 20th of 2004, the property owned by the Anderson's on Chestnut Lane had a fire. It was investigated by our Police Department and by the Fire Department, what they call the Fire Investigation Task Force. During the course of the investigation, in statements made to the.. ah.. our own investigators and to the Fire Investigators, Mrs. Anderson suggested, stated, implied, and alleged that the fire was the product of an arson committed by Mayor Soldato."

" Needless to say, the fire was investigated by our police department and the fire officials and on July 14th, our Police Department closed its case concluding that there was no evidence, absolutely no evidence to suggest that the fire had a suspicious origin, not to mention there was no evidence that there was any arson, nor, of course, was there any indication whatsoever that there was anything at all to suggest that Mayor Soldato had anything to do with starting a fire to somebody's home."

"These, of course, are. eh., I don't know how much more serious charges could get. Politics is politics but when somebody who is an elected official is accused of a criminal act, we all know what happens with the rumor mill, namely, the rumor obtains a life of its own and people start talking about it so I wanted to make it known publicly that these charges are out there, that these charges were investigated by multiple agencies and that the charges have been demonstrated to be without any basis whatsoever. So the Police Department and the Fire Investigation cases or incident reports are closed and that is the end of it. The Mayor is on his own, as far as anything that he wants to do, but the Council should know that this was said. I've reviewed it, looked at the police reports, the matter is closed and that if anybody hears rumors about it, that the matter was fully investigated and the charges and suggestions rejected."

Alderman Biehl indicated that he has heard nothing from Bill Brown regarding the Dale Basin or Crest Road repair. City Administrator Vana reported that he had not received the letter from Bill Brown which was to be sent in order to update the City on the status. City Administrator reported that he would be attending a Stormwater Committee meeting at the County tomorrow. Their agenda includes this issue and is listed as a "contract extension"; Vana will acquire information regarding this matter as well as information regarding any change orders for this project. He will also be attending in order to address new complaints in regards to Tara Hill.

10. DEPARTMENT HEAD REPORT

Police Chief Robert Pavelchik...

...reported that two new Police Officers will be sworn in at the August 16, 2004 City Council meeting.

...noted he received a call from one of the newspapers regarding the release of the crime statistics.

...reminded residents to keep their vehicles locked even when in their driveway. He asked that that residents contact the Police Department if they should hear any strange noises so they can investigate.

...reported that the Bike Patrol is scheduled for day and evening hours almost everyday of the week. Their primary focus is community events and to provide enforcement in the shopping centers and parks.

...reported that on the days that Police Officers are scheduled to attend traffic court, they will be conducting traffic details prior to the scheduled court time which will increase police presence.

11. TREASURER'S REPORT

A. WARRANT NUMBER 04-05-06

It was moved by Alderman Biehl and seconded by Alderman Tikalsky to approve payment of Warrant Number 04-05-06 in the amount of \$49,313.33 from the General Fund; \$44,054.33 from the Water Fund; \$4,552.47 from the Motor Fuel Tax Fund; \$3,028.35 from the Darien Area Dispatch Fund; \$225,661.06 from the General Fund Payroll for the period ending 07/22/04; \$26,463.28 from the Water Fund Payroll for the period ending 07/22/04; \$26,351.04 from the D.A.D.C. Fund Payroll for the period ending 07/22/04; for a total to be approved of \$379,423.86.

Roll Call: Ayes: Biehl, Cotten, Hagen, Marchese, Poteraske, Tikalsky, 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 Special Meeting of June 28, 2004, regular meeting of July 12, 2004, and special meeting of July 19, 2004. She noted that the next scheduled meeting is rescheduled for August 30, 2004.

13. QUESTIONS AND COMMENTS — AGENDA RELATED

Mayor Soldato commented on tonight's agenda item requesting approval of a Special Use for the business, "The Perfect Swing". This is the type of athletic enterprise that, in particular, will benefit the youth of the community.

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

A. CONSIDERATION OF A MOTION TO GRANT A WAIVER OF THE RAFFLE LICENSE BOND REQUIREMENT FOR DENNIS J. MURPHY MEMORIAL FUND

B. CONSIDERATION OF A MOTION TO APPROVE TO ALLOW THE VILLAGE OF DOWNERS GROVE TO REPAVE WILLIAMS STREET AND AUTHORIZING THE CITY OF DARIEN TO REIMBURSE DOWNERS GROVE FOR THE COST OF THE DARIEN PORTION OF THE STREET

C. CONSIDERATION OF A MOTION TO APPROVE AGREEMENT FOR ENGINEERING SERVICES WITH CHRISTOPHER B. BURKE ENGINEERING LTD. (CBBEL), FOR AN AMOUNT NOT TO EXCEED \$7,900.00 THE FIRST PHASE OF THE PROJECT

D. CONSIDERATION OF A MOTION TO APPROVE RECOMMENDATION TO PURCHASE PARKWAY TREES FOR THE CITY 50/50 PARKWAY TREE PROGRAM

E. ORDINANCE NO 0-23-04 CONSIDERATION OF A MOTION TO APPROVE AN ORDINANCE APPROVING A SPECIAL USE TO THE DARIEN ZONING ORDINANCE (PZC 2004-07: THE PERFECT SWING)

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

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

17. QUESTIONS, COMMENTS AND ANNOUNCEMENTS — GENERAL

Alderman Marchese noted that at Oldfield Road stones were recently placed and double-striping still needs to be completed, but the different makes a vast improvement and was accomplished without having to disturb too many people.

Treasurer Monaghan thanked Alderman Poteraske and City Administrator Vana for the upcoming improvements to Williams Road.

Mr. & Mrs. Herbert Lindberg, 2952 Harvest Place, asked City Council to consider increasing the percentage of yard area to be covered in order to accommodate a patio and an in ground pool. Mayor Soldato indicated that this issue has come up before, therefore he asked that staff research how similar situations are handled in other municipalities for consideration at the August 16, 2004 City Council Workshop. It was noted that the height of fence in Darien is only required to be 4 feet vs. a much safer 6 feet fence.

18. ADJOURNMENT

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

VIA VOICE VOTE – MOTION DULY CARRIED

The City Council meeting adjourned at 8:30 P.M.

Mayor _____ City Clerk

JFC/rf All supporting documentation and report originals of these minutes are on file in the Office of the City Clerk under File Number 08-02-04.

Minutes of 08-02-04 CCM