

Minutes - May 15, 2006

EXECUTIVE SESSION

It was moved by Alderman Biehl and seconded by Alderman Gattuso at 7:00 P.M. to move into Executive Session for the purpose of discussing Litigation as prescribed by Section 2(c)11 of Public Act 88-261.

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

Nays: None

Absent: None

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

It was moved by Alderman Gattuso and seconded by Alderman Biehl at 7:40 P.M. to move into Open Session.

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

Nays: None

Absent: None

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

Minutes of the Regular Meeting

of the City Council of the

CITY OF DARIEN

MAY 15, 2006

1. CALL TO ORDER

The regular meeting of the City Council of the City of Darien was called to order at 7:40 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 John B. Murphey, City Attorney Gina Madden, City Attorney Bryon D. Vana, City Administrator Daniel Gombac, Director of Community Development/Public Works

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

5. APPROVAL OF MINUTES – April 17, 2006

It was moved by Alderman Marchese and seconded by Alderman Poteraske to approve the Minutes of the Regular Meeting of April 17, 2006, as presented.

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

Nays: None

Absent: None

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

6. RECEIVING OF COMMUNICATIONS

Alderman Biehl conversed with Elm Street resident Gary Roth who was pleased with the reflectors on STOP sign posts and requested that reflectors be placed on all of the posts within the City. Director Gombac stated that reflectors were placed on STOP signs with square posts; he indicated that additional square posts had been ordered and would be replaced in the fall or sooner.

Mayor Weaver received a thank you letter from JoAnn DiNello regarding the \$1,000 donation to 'WE CARE'. She received communication from Jamie Bukovic, Director of the Indian Prairie Library, that Rosemarie Courtney donated another book in honor of the Citizen of the Year Committee.

7. MAYOR'S REPORT

Mayor Weaver thanked all involved with the May 6th Open House: staff for volunteering their time and efforts, the Chamber of Commerce for providing trolley service, and businesses for food donations. She indicated that it was a huge success and that everyone enjoyed themselves.

A. CONSIDERATION OF A MOTION TO APPROVE A RESOLUTION COMMENDING JESSICA FABISZAK FOR HER ACHIEVEMENT OF THE GIRL SCOUT GOLD AWARD IN THE CITY OF DARIEN, DUPAGE COUNTY, ILLINOIS

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

RESOLUTION NO. R-26-06 A RESOLUTION COMMENDING JESSICA FABISZAK FOR HER ACHIEVEMENT OF THE GIRL SCOUT GOLD AWARD IN THE CITY OF DARIEN, DUPAGE COUNTY, ILLINOIS as presented.

Mayor Weaver read into the record a Resolution that recognized Jessica Fabiszak as an exemplary model for the Girl Scouts of America and commended Jessica for her achievement of the Girl Scout Gold Award.

Roll Call: Ayes: Biehl, Durkin, Gattuso, Marchese, McIvor, Poteraske, Weaver, Coleman, Monaghan, Murphey, Vana

Nays: None

Absent: None

Results: Ayes 11, Nays 0, Absent 0 MOTION DULY CARRIED

B. CONSIDERATION OF A MOTION TO APPROVE REAPPOINTMENT OF DEPARTMENT HEADS: BRYON VANA, CITY ADMINISTRATOR; ROBERT PAVELCHIK, POLICE CHIEF; AND DANIEL GOMBAC, DIRECTOR OF COMMUNITY DEVELOPMENT/PUBLIC WORKS

It was moved by Alderman Gattuso and seconded by Alderman McIvor to approve reappointment of Department Heads: Bryon Vana, City Administrator; Robert Pavelchik, Police Chief; and Daniel Gombac, Director of Community Development/Public Works, as presented.

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

Nays: None

Absent: None

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

C. CONSIDERATION OF A MOTION TO APPROVE REAPPOINTMENT OF MEMBERS TO CABLE COMMUNICATIONS COMMISSION: BERNARD DURKIN, HAMILTON GIBBONS, DONALD JISKRA, STEVE KOWYNIA, JOHN LARATTA, RONALD SNYDER AND MICHAEL VONDER HEIDE

Mayor Weaver addressed Council in regard to a name change for the commission and the addition of another member. She indicated that two new duties would be added: improvement of the web site and the City's overall communication with residents. She noted that the item was on the Consent Agenda for approval.

It was moved by Alderman Biehl and seconded by Alderman Poteraske to approve reappointment of members to Cable Communications Commission: Bernard Durkin, Hamilton Gibbons, Donald Jiskra, Steve Kowynia, John Laratta, Ronald Snyder and Michael Vonder Heide, as presented.

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

Nays: None

Absent: None

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

D. CONSIDERATION OF A MOTION TO APPROVE APPOINTMENT OF MEMBERS TO CABLE COMMUNICATIONS COMMISSION: LEONARD SCHMITZ AND TONY BILYJ

It was moved by Alderman McIvor and seconded by Alderman Gattuso to approve appointment of members to Cable Communications Commission: Leonard Schmitz and Tony Bilyj, as presented.

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

Nays: None

Absent: None

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

Clerk Coleman administered the "Oath of Office" to Commission members: Donald Jiskra, Steve Kowynia, John Laratta, Ronald Snyder, Michael Vonder Heide, Leonard Schmitz and Tony Bilyj.

Clerk Coleman administered the "Oath of Office" individually to Administrator Vana and Director Gombac.

E. COMED UPDATE

Ken Seaton of The Seaton Group, Inc. provided a Power Point presentation in regard to Commonwealth Edison and reviewed the documentation with Council, a copy of which is attached hereto. Mr. Seaton, during the presentation, provided details of proposed ComEd work with recommendations for repair/replacement for increased electrical service.

Alderman McIvor inquired if ComEd had a written documented plan to monitor their enhancements. Mr. Seaton responded that they test the ALR (automatic load relief) system on a regular basis. Alderman Poteraske stated that the City requested ComEd to annually report/confirm that the reliability level remained the same.

Cornell Barnett, ComEd representative, indicated that ComEd was currently working on the report/spreadsheets. Alderman Poteraske asked if the Annual Report would be completed within the next month; Art Barsema, ComEd Director of External Affairs, indicated that he would contact Scott Coren with the status of the Annual Report within two weeks. There was discussion about the number of outages required prior to ComEd reviewing the situation. Administrator Vana informed the public that Ken Seaton was the consultant hired by the City to review the ComEd plan. Alderman Poteraske asked Mr. Seaton if the City should pursue 'express feeders' for the City to heighten reliability since the City was dependent on substations for power; Mr. Seaton responded that from a Darien standpoint it would be good but not from a practicality standpoint.

Alderman Poteraske stated that there was one open claim from the power outage because it was filed last week. He indicated that if residents had claims, they should contact the City. Mayor Weaver commented that there were over 1300 claims filed.

8. CITY CLERK'S REPORT

Clerk Coleman...

... noted that the 2006-2007 Budget had been filed with the DuPage County Clerk on April 21, 2006.

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

... indicated that the Fire and Police Commission meeting scheduled for June 6th had a time change; the meeting would begin at 7:30 P.M.

... reminded everyone that the Darien Chamber of Commerce was sponsoring the Darien Dash, a 5K run and 1 mile run/walk, on Sunday, May 21st, at Darien Community Park. She said registration was at 7:00 A.M.; the race would begin at 8:30 A.M. Treasurer Monaghan indicated that it would end at the Darien Swim & Racquet Club with free breakfast.

9. CITY ADMINISTRATOR'S REPORT

Administrator Vana asked Attorney Murphey to address Council in regard to 'Project Light Speed'. Attorney Murphey indicated that AT&T would like to access rights-of-way; he said that a municipality should not deny them access but should require them to permit subject to conditions, i.e., future franchising. He said that AT&T was entering into the cable business, which would create competition.

10. DEPARTMENT HEAD REPORT

Community Development/Public Works Director Daniel Gombac...

... thanked Mayor and Council for reappointment as Community Development/Public Works Director.

... noted that the Sidewalk Removal/Replacement Program was underway; staff was in the process of marking concrete for replacement. Residents would be able to replace their driveways, deficient aprons, and depress the curb & gutter in front of these aprons for the same cost as the City's contract. If residents would like to participate, they were instructed to contact City Hall at 630) 852-5000 extension 223.

... stated that the Bike Path between Kearney Road and Woodward Avenue was recently constructed along with the 'missing link' along 75th Street west of Farmingdale Drive. A portion of the Bike Path in front of the Myers Senior Development on 83rd Street has been slated for completion by the developer within the next two months. Landscape restoration adjacent to the Bike Path should be completed within the next month.

... informed everyone that Steak 'N Shake was open.

... thanked all who attended the City's Open House festivities on May 6th. He thanked the food vendors, staff and various organizations for their donations.

Administrator Vana inquired about the State's fencing along Frontage Road because resident Jeff Mueller provided pictures and a list of numerous accidents in a short timeframe. Director Gombac contacted Mr. White with the Illinois Department of Transportation regarding the needed fencing. Director Gombac encouraged residents to contact IDOT. Mayor Weaver indicated that IDOT's response was unacceptable due to the grade difference and severity of the problem. Administrator Vana stated that a letter was received from IDOT in regard to a safety barrier separate from the sound wall. Mayor Weaver commented that various representatives have been kept apprised of the situation; they have responded that they were unable to assist with funding the project but would be co-grantees with the City to seek funds.

Alderman Mclvor noted that there was a section of sidewalk missing near Boughton Road & Woodward Avenue. Director Gombac stated that the County was contacted; they intend to replace the sidewalk in August.

11. TREASURER'S REPORT

A. WARRANT NUMBER 05-06-23, 05-06-24, 06-07-01, and 06-07-02

It was moved by Alderman Gattuso and seconded by Alderman Poteraske to approve payment of Warrant Number 05-06-23 for a total of \$369,891.79; and to approve payment of Warrant Number 05-06-24 for a total of \$240,012.16; and to approve payment of Warrant Number 06-07-01 for a total of \$8,985.48; and to approve payment of Warrant Number 06-07-02 for a total of \$208,535.33.

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

Nays: None

Absent: None

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

B. TREASURER'S MONTHLY REPORT – APRIL 2006

City Treasurer Monaghan reviewed all sources of revenue and expenditures for the month of April 2006 with the following year-to-date fund balances: General Fund \$4,346,601; Water Fund \$422,720; and Motor Fuel Tax Fund \$158,999.

12. STANDING COMMITTEE REPORTS

Administrative/Finance Committee — Chairman Weaver submitted, for the record, Minutes from the Special Meeting held on April 3, 2006. She indicated that the Committee would have a Special Meeting on May 22, 2006 at 5:30 P.M.

Planning/Development Committee — Chairman Poteraske announced that the Committee would meet on Monday, May 22nd, at 6:30 P.M.

Public Works Water/Streets Committee — Chairman Biehl submitted, for the record, Minutes for the Rescheduled Meeting held on April 17, 2006.

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

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

A. ORDINANCE NO. O-17-06 AN ORDINANCE APPROVING A SPECIAL USE FOR A DRINKING ESTABLISHMENT (PZC 2006-05: 2445 75th STREET, UNIT C, MARKETPLACE AT DARIEN)

B. ORDINANCE NO. O-18-06 AN ORDINANCE AMENDING TITLE 3, CHAPTER 3, SECTION 3-3-7-12: CLASS L LIQUOR LICENSE, OF THE DARIEN CITY CODE

C. ORDINANCE NO. O-19-06 AN ORDINANCE GRANTING FINAL PUD AND FINAL PLAT OF SUBDIVISION APPROVAL (8220 CASS AVENUE/"DARIEN PATH TOWN-HOMES") (PZC 2006-04: 8220 CASS AVENUE, DARIEN PATH TOWNHOMES)

D. RESOLUTION NO. R-27-06 A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A LEASE WITH NATIONAL SEMI-TRAILER CORPORATION AND ZYGMUNT & ZYGMUNT REAL ESTATE TO LEASE PROPERTY ADJACENT TO PUBLIC WORKS

E. ORDINANCE NO. O-20-06 AN ORDINANCE AUTHORIZING THE SALE OF PERSONAL PROPERTY OWNED BY THE CITY OF DARIEN

F. CONSIDERATION OF A MOTION TO APPROVE THE REPLACEMENT PURCHASE OF A KIP 1900, SINGLE ROLL, PLAIN PAPER ENGINEERING COPIER WITH STAND, TO BE AWARDED TO CLIFFORD WALD, IN AN AMOUNT NOT TO EXCEED \$7,654.00

G. CONSIDERATION OF A MOTION TO APPROVE THE REPLACEMENT PURCHASE OF A VERMEER BC 1800XL BRUSH CHIPPER, TO BE AWARDED TO VERMEER MIDWEST, IN AN AMOUNT NOT TO EXCEED \$38,500.00 H. CONSIDERATION OF A MOTION TO APPROVE THE PURCHASE OF FIFTEEN POLICE VEHICLES FROM LANDMARK FORD, SPRINGFIELD, ILLINOIS

I. CONSIDERATION OF A MOTION TO APPROVE THE PURCHASE OF TWO CANINE KENNELS FOR THE NEW CHEVY TAHOE PPVS THAT THE CITY PURCHASED

J. CONSIDERATION OF A MOTION TO APPROVE THE EXPENDITURE OF BUDGETED FUNDS FOR THE FOLLOWING POLICE VEHICLE EQUIPMENT FROM "TRUCK VAULT"

K. CONSIDERATION OF A MOTION TO APPROVE THE EXPENDITURE OF BUDGETED FUNDS FOR TWENTY (EVP) EMERGENCY VEHICLE PREEMPTION EMITTERS FOR THE POLICE DEPARTMENT

L. CONSIDERATION OF A MOTION TO APPROVE THE PURCHASE OF TWO POLICE VEHICLES FROM MILES CHEVROLET, DECATUR, ILLINOIS

M. CONSIDERATION OF A MOTION TO APPROVE THE EXPENDITURE OF BUDGETED FUNDS FOR NEW AND REPLACEMENT EQUIPMENT FOR THE POLICE FLEET

N. CONSIDERATION OF A MOTION TO APPROVE THE EXPENDITURE OF BUDGETED FUNDS IN THE AMOUNT OF \$30,450.00 FOR THE INSTALLATION OF EQUIPMENT INTO THE POLICE FLEET

O. ORDINANCE NO. O-21-06 AN ORDINANCE ESTABLISHING A COMMUNICATIONS COMMISSION

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 RECOMMENDATION OF WAIVING THE DRIVEWAY AND APRON PERMIT FEE IN CONJUNCTION WITH THE CITY'S SIDEWALK REPLACEMENT PROGRAM It was moved by Alderman Gattuso and seconded by Alderman Biehl to approve recommendation of waiving the driveway and apron permit fee in conjunction with the City's Sidewalk Replacement Program, as presented.

Administrator Vana said that residents were being offered the benefit of a 'good' bid price for replacement of driveways / aprons through the City's program. Replacement requires a permit and the permit fee is \$75.00; he indicated that waiving the fee would be incentive to residents.

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

Nays: None

Absent: None

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

B. CONSIDERATION OF A MOTION TO RECONSIDER ORDINANCE NO. O-18-06 "AN ORDINANCE AMENDING TITLE 3, CHAPTER 3, SECTION 3-3-7-12: CLASS L LIQUOR LICENSE, OF THE DARIEN CITY CODE"

It was moved by Alderman Biehl and seconded by Alderman Poteraske to reconsider Ordinance No. O-18-06 "AN ORDINANCE AMENDING TITLE 3, CHAPTER 3, SECTION 3-3-7-12: CLASS L LIQUOR LICENSE, OF THE DARIEN CITY CODE".

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

Nays: None

Absent: None

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

C. CONSIDERATION OF A MOTION TO AMEND ORDINANCE NO. O-18-06: SECTION 1: TITLE 3, CHAPTER 3, SECTION 3-3-7-12

It was moved by Alderman Marchese and seconded by Alderman Biehl to amend Ordinance No. O-18-06: Section 1: Title 3, Chapter 3, Section 3-3-7-12 as follows: (A) First sentence, OMIT the word "only" after the word "sherry" and before the word "in"; insert the words "or for consumption on the premises" after the word "package". Delete the third sentence in its entirety.

Clerk's Note: (A) will now read: "A Class L license shall authorize sale at retail of wine, port and sherry in the original package or for consumption on the premises."

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

Nays: None

Absent: None

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

17. QUESTIONS, COMMENTS AND ANNOUNCEMENTS — GENERAL

Treasurer Monaghan: * commented that he saw two huge buses being escorted by the Darien Police; the buses were transporting the Eisenhower Junior High School Band. He said the Band took first place while competing in Tennessee. * asked that the Administrative/Finance Committee revisit the Accounts Receivable listing; there was discussion about the listing.

Alderman Biehl commented that he did not receive the email about the ribbon cutting ceremony at Steak 'N Shake; he asked that all elected officials be included.

Alderman McIvor thanked everyone who participated in the City's blood drive.

Joan Wayman, 8822 Carlisle Court, stated that she was disappointed that the notification for the Special Administrative/Finance Committee meeting with DuPage County was provided to her two days prior to the meeting; she was on vacation the entire week and was unable to participate. She indicated that the sound wall project lost its clarity; she indicated that \$1.4 million was in a holding account with IDOT from the Federal Government for the City of Darien. She said that the City needed to have 5% of the total in order to utilize the money within the City. She asked Council to reevaluate the scope of the project and not complicate the process.

Tim Reeb, WineStyles at 2445 75th Street, was concerned with verbiage contained in the Ordinance for Consent Agenda Item B. He asked for clarification of the Ordinance; he was concerned that if someone was drinking wine in the back room they could not carry their wine glass to or purchase wine from the front of the store. He wanted to verify that he could sell to customers in a glass or bottle in both areas. There was discussion about the license language and store. Attorney Murphey recommended revision(s) to the Ordinance; Council agreed to amend – SEE NEW BUSINESS ITEMS B AND C.

Gloria Jiskra, member of Board of Directors for Woodlands of Darien, stated that Kathy Minardi, an Environmental Committee member, contacted the directors in order to plant a tree in the Woodlands in memory of Douglas & Margaret Long. She thanked the Mayor, Council, Kathy Minardi & the Environmental Committee members, Fr. Gavin of Our Lady of Mount Carmel, 4th graders & teachers from Fairview School, Darien employees, and Quinn Landscapers. Mayor Weaver indicated that four (4) trees had been planted in observance of Arbor Day; Administrative Assistant Coren said that three other trees were planted in memory of: Aisha Umer within Darien Community Park; Carl Vuillaume within Darien Community Park; and Bob Reschke near the Darien Swim & Racquet Club.

Ann Stafford, 8830 Carlisle Court, asked Council to reconsider the money issue for the sound wall. She articulated ten unsafe situations regarding I-55 and the danger posed to residents who live within close proximity to I-55.

Mark Stipeck, 8620 Thistlewood Court, indicated that free money should never be turned down; the money should be spent within the City of Darien to increase the quality of life and improve safety issues.

Administrator Vana noted that the sound wall spanned over various areas along I-55. He indicated that each neighborhood wanted part of the money and the sound wall project exceeded the allotted money. Alderman Durkin inquired what the next step would be. Administrator Vana responded that a Special Service Area was considered and a survey was distributed to the affected residents; the results indicated insufficient interest to create a Special Service Area in order to fund the sound wall. He said that a rough estimate for the sound wall was \$1 million per mile.

Janice Majich, 2000 North Frontage Road, requested that a study be completed in order to obtain information about the actual cost and the options for a safety / sound wall.

Alderman Marchese noted that the issue was not only about the \$1.4 million; he said that it was an on-going issue and that the City cared about resident safety. Alderman Biehl recommended spending \$35,000 for the engineering study in order to put the issue to rest. He also indicated that the \$1.4 million could only be used for the sound wall not for safety/guardrail.

Jeff Mueller, 8837 Glen Eagle, indicated that there were two separate issues, sound and safety. Mayor Weaver suggested that they survey the residents within their affected area; she asked Council to provide Administrator Vana with their thoughts/concerns regarding the issue.

18. ADJOURNMENT

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

VIA VOICE VOTE – MOTION DULY CARRIED

The City Council meeting adjourned at 10:30 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 05-15-06.