

Minutes - April 18, 2005

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 APRIL 18, 2005 AGENDA WITH THE CITY COUNCIL. THE SESSION ADJOURNED AT 7:30 P.M.

Minutes of the Regular Meeting

of the City Council of the

CITY OF DARIEN

APRIL 18, 2005

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 Judith N. Kolman, City Attorney Bryon D. Vana, City Administrator Robert Pavelchik, Chief of Police Robert Mengarelli, Asst. Director of Public Works Robert Rodgers, Asst. Director of Public Works Michael Griffith, Sr. Planner

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

5. APPROVAL OF MINUTES — April 4, 2005

It was moved by Alderman Tikalsky and seconded by Alderman Poteraske to approve the Minutes of the Regular Meeting of April 4, 2005, as presented.

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

Nays: None

Abstain: Hagen

Absent: None

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

6. RECEIVING OF COMMUNICATIONS

Alderman Biehl received: * email from Jim Janek, who supported Amnesty Day; he also complimented the person responsible for the Darien web site and information contained on cable television, Channel 6; * letters of support for the proposed project known as "The Reserve" from: * Joseph Perrino, President of Home Run Inn; * Steven Hynek, Darien Chamber of Commerce; and * Jerry Lombardi, 406 69th Street.

Alderman Biehl spoke about the 67th Street & Bentley project; he indicated that the project was moving forward, the developer indicated that the development would consist of eight homes, and that the City and contractor would work on the drainage issue. He said that a meeting would be scheduled with Westmont, Willowbrook, DuPage County, and Darien to resolve problems; he inquired about the status of said meeting. Administrator Vana responded that County Representative Tom Bennington was the coordinator; Administrator Vana hoped to have additional information for Council prior to the next Council meeting or sooner.

Alderman Weaver noted that all Council members received email from Sasan Bakhtiari of 2016 Harper Road and Ken Lechner of 7532 Wilton in regard to their concerns about the proposed Steak 'n Shake. She indicated that a meeting was planned for Thursday, April 21st, at 6:00 P.M. in the Council Chambers.

Mayor Soldato noted that numerous residents, businesses, and the Chamber had contacted City officials; they supported the proposed condominium development known as 'The Reserve'. He indicated that Council was in agreement and that the project could be good for the City. He indicated that the issue was density and that Council would make a decision regarding the project in May.

Mayor Soldato spoke about 'Coffee with the Mayor', which was held on Saturday, April 16th; he said that Alderman Tikalsky attended and there was discussion about redevelopment. He commented that the Shell station property at 75th Street & Cass Avenue had been targeted for land acquisition and that the property was not presentable. He asked if Council would agree to have Administrator Vana contact the owner in order to purchase the property. He suggested compiling a small budget for sprucing up the area, which would be proposed by Administrator Vana for Council discussion/consideration.

7. MAYOR'S REPORT

A. MAYORAL PROCLAMATION "NATIONAL DAY OF PRAYER" (May 5, 2005)

Mayor Soldato read the Proclamation and invited all residents to observe May 5th as "A DAY OF PRAYER" in ways appropriate to its importance and significance.

8. CITY CLERK'S REPORT

Clerk Coleman...

... reminded everyone that Statement of Economic Interest forms needed to be filed with the DuPage County Clerk on or before May 1; also, City Ethics Statement forms needed to be filed with the Darien City Clerk's office on or before May 1.

... noted that the Abstract of Votes had been received from the DuPage County Election Commission. She summarized the results. Clerk Coleman announced that swearing in would take place at the May 2nd City Council meeting and that there would be a cake/coffee reception after the meeting.

... stated that the local Canvassing Board would meet on Wednesday, April 20th, at 5:30 P.M. in the Council Chambers to review the Abstract of Votes from the April 5, 2005 Consolidated Election.

9. CITY ADMINISTRATOR'S REPORT – No Report

10. DEPARTMENT HEAD REPORT

Police Department Chief Robert Pavelchik...

... spoke about miscellaneous revenue from online auction of seized vehicles. He indicated that three vehicles were recently sold online for approximately \$3,000 and due to out-of-pocket expenses netted \$2,300.

... indicated that patrol officers utilized 'spike strips' to terminate pursuit of a vehicle on 75th Street. The person was apprehended and no one was injured.

... stated that he had been at the NA (National Academy), which took place at the FBI Academy in Virginia and was known for its academics. The training included 250 officers, who learned advanced management investigative fitness training. He thanked the Mayor, Council, Administrator, and staff for the opportunity to participate in the academy.

... commented on statistical information required by the Illinois Department of Transportation, which was to record the race of all traffic violators stopped within the State. He said that the Department provided IDOT with the information and that IDOT was required to publish a report in July. He indicated what the data would show for Darien: 2/3 of the violators would be white and 1/3 of the violators would be minority, which according to Statute included African American, Hispanic, Native American, Alaskan Native, Asian, or Pacific Islanders. He indicated that it was unknown how the general public would interpret the report. He said that no one on the Darien Police Department condones racial profiling; he emphasized that they were trained on cultural diversity, that there were policies/procedures in place for proper conduct, and that they were trained on how to handle complaints from citizens.

Mayor Soldato congratulated the Chief on his graduation from the Academy. The Mayor spoke about the State requirement, which would be a comparison of violators to the ethnic makeup of the City taken from the Census. He used Oak Brook as an example because they have a small population that grows enormously during the day due to its large commercial use. He indicated that the responsibility of any police department was to protect its community.

11. TREASURER'S REPORT

A. WARRANT NUMBER 04-05-23

It was moved by Alderman Tikalsky and seconded by Alderman Cotten to approve payment of Warrant Number 04-05-23 in the amount of \$120,219.87 from the General Fund; \$102,998.48 from the Water Fund; \$14,768.25 from the Motor Fuel Tax Fund; \$8,088.00 from the Impact Fee Agency Fund; \$1,545.10 from the Darien Area Dispatch Fund; \$101,451.48 from the General Fund Payroll for the period ending 03/31/05; \$19,348.78 from the Water Fund Payroll for the period ending 03/31/05; \$21,115.97 from the D.A.D.C. Fund Payroll for the period ending 03/31/05; \$137,421.64 from the General Fund Payroll for the period ending 04/14/05; \$23,239.49 from the Water Fund Payroll for the period ending 04/14/05; \$30,676.78 from the D.A.D.C. Fund Payroll for the period ending 04/14/05; for a total to be approved of \$580,873.84.

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 – MARCH 2005

City Treasurer Monaghan reviewed all sources of revenue and expenditures for the month of March 2005 with the following year-to-date fund balances: General Fund \$2,739,148; Water Fund \$185,450; Motor Fuel Tax Fund \$473,641 and Darien Towne Centre Sales Tax Fund \$175,712.

12. STANDING COMMITTEE REPORTS

Administrative/Finance Committee — No report.

Planning/Development Committee — Chairman Hagen announced that the Committee would meet on Monday, April 25th, at 6:30 P.M.

Public Works Water/Streets Committee — Chairman Biehl submitted, for the record, Minutes from the April 4, 2005 Rescheduled Meeting. He indicated that the next scheduled meeting would be on May 25th.

13. QUESTIONS AND COMMENTS — AGENDA RELATED

There were no Questions and 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 Cotten and seconded by Alderman Tikalsky to approve by Omnibus Vote the following items on the Consent Agenda:

A. RESOLUTION NO. R-18-05 A RESOLUTION FOR MAINTENANCE OF STREETS AND HIGHWAYS BY MUNICIPALITY UNDER THE ILLINOIS HIGHWAY CODE (ROAD MAINTENANCE AND STREET LIGHTS)

B. RESOLUTION NO. R-19-05 A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE AN AMENDMENT TO THE LEASE AGREEMENT BETWEEN NATIONAL SEMI-TRAILER CORP. AND THE CITY OF DARIEN (AN EXTENSION FROM 5/01/05 UNTIL 4/30/06)

C. RESOLUTION NO. R-20-05 A RESOLUTION AUTHORIZING THE EXECUTION OF A CERTAIN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF DARIEN AND THE CHILDREN'S CENTER OF DUPAGE COUNTY

D. CONSIDERATION OF A MOTION TO APPROVE AN UPDATED VIDEO SYSTEM PROPOSAL FOR THE POLICE DEPARTMENT

E. RESOLUTION NO. R-21-05 A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE VILLAGE OF WILLOWBROOK AND THE CITY OF DARIEN FOR THE EXPANSION OF DICARLO'S ARMANETTI'S LIQUOR STORE (LOCATED AT 6920 S. KINGERY HIGHWAY (ROUTE 83) IN WILLOWBROOK, IL)

F. ORDINANCE NO. O-07-05 AN ORDINANCE AMENDING ORDINANCE NO. O-15-77, AN ORDINANCE GRANTING A VARIATION ALLOWING NON-RESIDENTIAL OFF-STREET PARKING IN A RESIDENTIAL DISTRICT (WILLOWBROOK LIQUORS), IN ITS ENTIRETY BY GRANTING A VARIATION TO EXPAND THE OFF-STREET PARKING AND ALLOWING A PORTION OF A COMMERCIALY USED BUILDING WITHIN THE R-2 SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT (PZC 2005-01: 6920 S. KINGERY HIGHWAY (ROUTE 83), WILLOWBROOK, DICARLO'S ARMANETTI'S)

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 RECOMMENDATION TO CHANGE ORDER #1 WITH MAXCOR INCORPORATION FOR ADDITIONAL WORK TO THE WATER TOWER AT PLANT 5 IN THE AMOUNT OF \$11,500.00 FROM ACCOUNT 50-4231

It was moved by Alderman Biehl and seconded by Alderman Hagen to approve Recommendation to Change Order #1 with Maxcor Incorporation for Additional Work to the Water Tower at Plant 5 in the Amount of \$11,500.00 from Account 50-4231, as presented.

Alderman Cotten inquired why the items were not included in the original specifications and why the insulation was not included by the engineer. Asst. Director Rodgers indicated that the actual interior condition was unknown until the tank was drained and there was accessibility to its inside.

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. CONSIDERATION OF A MOTION TO APPROVE A RESOLUTION REALLOCATING \$1,828,800.00 OF THE CITY OF DARIEN PRIVATE ACTIVITY BOND ALLOCATION TO THE VILLAGE OF WOODRIDGE

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

RESOLUTION NO. R-22-05 A RESOLUTION REALLOCATING \$1,828,800.00 OF THE CITY OF DARIEN PRIVATE ACTIVITY BOND ALLOCATION TO THE VILLAGE OF WOODRIDGE as presented.

Alderman Weaver said the item was discussed and approved by the Administrative/Finance Committee subject to the terms of the Agreement. She indicated that the dollar amount was \$1.5 Million; Administrator Vana responded that the dollar amount was based on population and reflected the maximum allotment.

Alderman Poteraske said that the population was based on the Census for 2004; he inquired what dollar amount was utilized. Administrator Vana said the resolution and amount were reviewed by Bond Council.

Steve Larek, CFO for Home Run Inn, said Attorney Murphey and Home Run Inn Bond Council Snyder agreed on the amount. Mayor Soldato explained that the City could not reallocate more than what it had the authority to allocate. He indicated that the resolution allowed the City to take part of its bond allocation that was not being used for private activity and reallocate it to the Village of Woodridge so they could work with Home Run Inn at their plant in International Center to facilitate their business. He noted the reallocation was not a financial obligation; the City was not borrowing, spending, or lending money.

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 Weaver felt that residents deserved an explanation as to why she did not respond to the Suburban Life Newspaper candidate questionnaire about local issues; she said it was due to family issues, particularly the illness and death of her father.

Phyllis Zimmer, 6446 Tennessee Avenue in Willowbrook, spoke in regard to the proposed development at 67th Street & Bentley. She indicated that Mayor Soldato met with local residents regarding the project; she said the project had been tabled for three years and asked what the plan was for stormwater run off that would not affect private property or use private property. Mayor Soldato responded that the project was not 'tabled', that there had been multiple proposals for the property over three years all of which had been rejected by staff or Council. He gave a brief history of the property in question; he said that the City worked, met, and communicated with the area residents.

Ms. Zimmer said they met with Alderman Biehl regarding the issues of infrastructure and density; she indicated that they were not pleased with the reduction in the number of homes from nine to eight as Alderman Biehl had indicated. She spoke about a 1997 lawsuit where Christopher Burke testified regarding stormwater. Alderman Biehl responded to comments made by Ms. Zimmer; he spoke about meetings that were held with area residents in order to listen to concerns and solve issues.

Mayor Soldato spoke about the City's legal obligation, which was to approve plans within the City's jurisdiction that would not cause flooding due to stormwater flow from the project. He indicated that the City was going above and beyond what was required by law and was committed to meet with other communities.

Administrator Vana noted that the project was between Willowbrook and Darien, that there was a drainage divide which would drain to the south and the remainder to the north as nature currently drained. He said that Willowbrook and Darien had requirements for building detention ponds; stormwater that drained from the property would be held in detention ponds on the property, which would be released at a slower rate. He explained that the northeast part of Darien had an infrastructure in place, which was a ditch drainage system. Ms. Zimmer stated they wanted storm sewers instead of the ditch drainage system currently in place.

Grace Oleck, 6440 Tennessee Avenue in Willowbrook, spoke in support of comments made by her neighbor and daughter, Phyllis Zimmer.

18. ADJOURNMENT

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

VIA VOICE VOTE – MOTION DULY CARRIED

The City Council meeting adjourned at 8:45 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 04-18-05. Minutes of 04-18-05 CCM