

A WORK SESSION WAS CALLED TO ORDER AT 7:00 P.M. BY MAYOR WEAVER FOR THE PURPOSE OF REVIEWING ITEMS ON THE JULY 20, 2009 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

JULY 20, 2009

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 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	John F. Poteraske, Jr.
	Carolyn A. Gattuso	Ted V. Schauer

Absent: Sylvia McIvor

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
Daniel Gombac, Director of Community Development/Municipal Services
Robert Pavelchik, Police Chief
Scott Coren, Assistant Administrator

4. **DECLARATION OF A QUORUM** — There being six aldermen present, Mayor Weaver declared a quorum.

5. **APPROVAL OF MINUTES** – June 15, 2009

It was moved by Alderman Gattuso and seconded by Alderman Poteraske to approve the minutes of the June 15, 2009 meeting, as presented.

Roll Call: Ayes: Galan, Gattuso, Marchese, Poteraske, Schauer

 Nays: None

 Abstain: Avcı

 Absent: McIvor

Results: Ayes 6, Nays 0, Absent 1

MOTION DULY CARRIED

6. **RECEIVING OF COMMUNICATIONS**

Alderman Galan had communications with Warren Anderson of 533 Chestnut, Lee Andreas of 702 Maple, J. Nieciak of 710 Maple, and Bob Masek of 529 Chestnut in regards to the 36 hour power outage which occurred in Darien on June 19, 2009, and the dangerous failure of spliced wires on an overhead line which resulted in damage to property and an 8 hour power outage. Alderman Galan provided a detailed report of the events which took place, the damage which resulted, and the lack of attention to matters of repair and maintenance by ComEd. Alderman Galan distributed, for the record, photographs of the damage incurred, the broken cross bar, as well as a piece of the line he pulled out of the ground. With the assistance of the city's consultant, Ken Seaton, the city has put together recommendations for ComEd.

In response to Mayor Weaver, Assistant Administrator Coren advised that confirmation of ComEd's attendance at a Council Meeting has not yet been received. A ComEd work order has been generated for this project.

Alderman Poteraske expressed concern that the same line problems exist in his ward.

Alderman Galan noted that one of the city's residents has filed a complaint with the Illinois Commerce Commission.

Mayor Weaver stated that it is imperative that the city be informed of ComEd's plans prior to performance of the work.

Alderman Gattuso suggested that, in addition to notifying ComEd, residents report damage caused by ComEd to the city.

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Administrator Vana recommended that, given the gravity of the situation, if a response is not received from ComEd within the next two weeks, the City Council meet in Executive Session to discuss litigation.

Alderman Galan...

...received communication from Jerry Gajda of 6722 Leonard expressing satisfaction with the Leonard Ditch Project and restoration work.

...received a telephone call from Mr. Breckenridge of 7217 Capitol Drive with concerns about water flow in front of his house. Director Gombac has added this location to the ditch project list. Mr. Breckenridge is also requesting an eight foot fence since his property backs up to Route 83.

Director Gombac advised that staff has researched Mr. Breckenridge's fence request with the City Attorney. This item will be placed on the next Planning and Development Committee Agenda for review and recommendation.

In response to Mayor Weaver, Director Gombac responded that the fence purchase and installation would be at the resident's expense.

Alderman Galan advised that Mr. Breckenridge also inquired as to the status of the abandoned home at Eleanor and Elm.

Assistant Administrator Coren confirmed that if demolition has not already begun, it will shortly.

Alderman Galan received communication from John Geary of 310 Peony Place inquiring as to the anticipated revenues generated by the Speedway Liquor License. Alderman Galan informed Mr. Geary that until the license is actually issued, revenues could not be projected.

Alderman Avci read into the record an anonymous e-mail received regarding solicitors.

Mayor Weaver advised that religious organizations and newspapers are not bound by the city's solicitation codes. Mayor Weaver added that any violation of the solicitation codes should be reported to the police.

City Clerk Coleman noted that permits are required, and that individuals may not solicit at residences or businesses where "No Solicitors Invited" decals are posted. Residents are urged to call 911 to report violators.

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Alderman Poteraske received communication from Jeff Prince of 1425 77th Street regarding the little girl who got hit Friday on Sequoia. Mr. Prince expressed concern with traffic and speeding on his street. Mr. Prince would like speed control devices installed. Alderman Poteraske advised that following discussions during the Work Session, speed monitors will be placed on Sequoia to confirm the information which was compiled in 2008. The 2008 study showed low traffic volumes.

Chief Pavelchik advised that monitors will be placed at 77th and Sequoia but added that the accident on Friday had nothing to do with speeding. The driver of the vehicle was going ten to fifteen miles per hour when the little girl ran into the street.

7. **MAYOR'S REPORT**

There was no report this evening.

8. **CITY CLERK'S REPORT**

There was no report this evening.

9. **CITY ADMINISTRATOR'S REPORT**

There was no report this evening.

10. **DEPARTMENT HEAD INFORMATION/QUESTIONS**

Mayor Weaver requested Director Gombac apprise the City Council Members and audience of New Business, Item B, the City's Recommendations Dated 7-20-09 for the Proposed 75TH Street Widening Project Between Lyman Avenue and Plainfield Road. Director Gombac displayed DuPage County's drawings, and read into the record the Issues and Recommendations from Darien's City Council, staff, and residents.

Alderman Marchese wanted the residents to understand that, although the city will be submitting their Issues and Recommendations, the county may choose not to follow them.

Director Gombac confirmed that the county may or may not include the city's recommendations in their plan.

Alderman Marchese added that when the county makes their public presentations, he would like them to perform a step by step review of each of the city's Issues and Recommendations, and if not included in the plan, to provide an explanation.

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Administrator Vana encouraged residents, especially those who live along 75th Street, to stop in to view DuPage County's expansion plans and to voice their concerns. The city has requested the public meetings on this project be held prior to any engineering, final design, and project bidding. The city's recommendations will be submitted to the county very shortly.

Mayor Weaver added that, although the city's recommendations will be submitted to the county following this evening's meeting, residents still have time to voice their concerns.

Alderman Poteraske noted that the county's current plans are also available for viewing at School District 61.

Alderman Marchese advised that the county has explained to city staff their reasons for the proposed expansion.

Administrator Vana added that while the county has explained their reasons, it does not mean their proposal is the only remedy. The city's traffic consultant will verify the county's information.

Director Gombac provided a brief review of the proposed expansion.

Mayor Weaver noted that Meyers Senior Housing residents have expressed concern that the adjacent wetlands are overgrown, and not in compliance. Mayor Weaver inquired if Director Gombac has had an opportunity to contact the county on this subject.

Director Gombac responded that he e-mailed Jennifer Boyer, DuPage County's Senior Wetlands Specialist. A response has not been received. Meyers Senior Housing was in violation of the wetlands six months ago. There is a three-year monitoring period, and the city is holding a bond for the wetlands.

Mayor Weaver inquired who maintains the wetlands following the three-year monitoring period.

Director Gombac responded that Meyers Senior Housing is responsible. The county does not get involved unless a violation is reported.

Director Gombac agreed with Alderman Poteraske, that the city has the obligation to contact the county when the wetlands are in violation.

Mayor Weaver urged staff to remain diligent in this project.

Alderman Avci urged residents to contact the county directly with concerns regarding the expansion of 75th Street. Alderman Avci requested the City's Issues and

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Recommendations be posted in a prominent place on the city's website, as well as county contact information for resident comments.

Mayor Weaver feels that all comments should be presented to the city. The city needs to be aware of the concerns of the residents in order to follow-up. Mayor Weaver was in favor of posting the Issues and Recommendations, as well as a comment section, on the city's website.

At the request of Alderman Poteraske, Director Gombac provided an historical review of the Walnut Avenue bridge project. Staff met with Christopher Burke Engineering and reviewed the plans. The bid opening for this project is set for August 12, 2009 at 9 A.M. The award of the project will be forwarded to the Public Works Water/Streets Committee Meeting for review and recommendation on August 17, 2009. The recommendations will then be forwarded to the City Council on that same evening. Pending City Council approval, it is anticipated the project should begin by the end of August or the beginning of September, and completed by the end of September or beginning of October. Once more information is available, flyers will be delivered to adjacent residences, as well as notification provided through Direct Connect and on the City's cable station. Any questions regarding this project should be directed to Director Gombac at 630-353-8106.

Mayor Weaver brought to the attention of the City Council and staff, issues which were discussed at Coffee with the Mayor at Meyers Senior Housing this past weekend as follows:

...Not all residents are receiving the Neighbors of Darien on a regular basis.

...A resident is seeking information on the Life Line line-up.

Assistant Administrator Coren will contact the resident to provide the requested information.

...Residents are interested in finding support groups for issues such as Parkinson's Disease.

Assistant Administrator Coren will obtain the requested information, and provide it to Meyers Senior Housing for their residents.

...The residents feel the PACE route is very important. Mayor Weaver requested a status update on PACE's plan to provide bus service down Plainfield Road to the Promenade in Bolingbrook. Mayor Weaver added that establishing a bus stop at Meyers Senior Housing would be vital.

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Assistant Administrator Coren advised that the proposed route is anticipated to be in place by November, 2009. Assistant Administrator Coren will follow-up with PACE representatives.

11. **TREASURER'S REPORT**

A. WARRANT NUMBER 09-10-05

It was moved by Alderman Gattuso and seconded by Alderman Galan to approve payment of Warrant Number 09-10-05 in the amount of \$184,139.57 from the General Fund; \$182,881.38 from the Water Fund; \$6,896.22 from the Motor Fuel Tax Fund; \$3,503.84 from the Darien Area Dispatch Fund; \$911,845.28 from the Capital Improvement Fund; \$396,263.92 from the Debt Service Fund; \$784,486.26 from the General Fund Payroll for the periods ending 06/18/09, 07/02/09, & 07/16/09; \$75,569.12 from the Water Fund Payroll for the periods ending 06/18/09, 07/02/09, & 07/16/09; \$79,179.48 from the D.A.D.C. Fund Payroll for the periods ending 06/18/09, 07/02/09, & 07/16/09 for a total to be approved of \$2,624,765.07.

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

Nays: None

Absent: McIvor

Results: Ayes 6, Nays 0, Absent 1

MOTION DULY CARRIED

B. TREASURER'S MONTHLY REPORT – JUNE, 2009

Treasurer Coren reviewed all year-to-date sources of revenue and expenditures and fund balances through the month of June, 2009: General Fund Revenue \$2,928,304; General Fund Expenditures \$1,898,137; Current General Fund Balance \$4,021,779; Water Fund Revenue \$490,330 Water Fund Expenditures \$583,972; Current Water Fund Balance \$345,963; Motor Fuel Tax Fund Revenue \$110,744; Motor Fuel Tax Fund Expenditures \$52,451; Current Motor Fuel Tax Fund Balance (\$53,340); Water Depreciation Fund Revenue \$3,938; Water Depreciation Fund Expenditures \$0; Current Water Depreciation Fund Balance \$670,194; Capital Improvement Fund Revenue \$16,251; Capital Improvement Fund Expenditures \$412,501; Current Capital Improvement Fund Balance \$2,285,802; Capital Projects Debt Service Fund Revenue \$2,356; Capital Projects Debt Service Fund Expenditures \$52,000; and a current fund balance of \$388,507.

12. **STANDING COMMITTEE REPORTS**

Public Works Water/Streets Committee — Alderman Marchese submitted the minutes of the Public Works Water/Streets Committee Meeting of June 1, 2009, and advised that the next meeting is scheduled to take place on Monday, August 17, 2009 at 6:30 P.M. in the upstairs conference room.

Administrative/Finance Committee — Alderman Poteraske submitted the minutes of the Administrative/Finance Committee of the Whole Meetings of March 3 and 10, 2009, the Administrative/Finance Committee Meeting of June 8, 2009, and the Special Meeting of the Administrative Finance Committee of June 9, 2009, and announced that the next meeting is scheduled to take place on Monday, August 10, 2009 at 6:30 P.M. in the upstairs conference room.

Planning/Development Committee — Director Gombac advised that the next meeting of the Planning/Development Committee is scheduled to take place on Monday, July 27, 2009 in the Council Chambers at 6:30 P.M.

13. **QUESTIONS AND COMMENTS — AGENDA RELATED**

There were none.

14. **OLD BUSINESS**

There was no old business to come before the City Council.

15. **CONSENT AGENDA**

Mayor Weaver reviewed the items on the Consent Agenda for the benefit of the viewing audience.

It was moved by Alderman Galan and seconded by Alderman Marchese 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 VETERANS OF FOREIGN WARS OF THE U.S., DARIEN MEMORIAL POST 2838**

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- B. ORDINANCE NO. O-19-09** **CONSIDERATION OF A MOTION TO APPROVE AN ORDINANCE AUTHORIZING THE SALE OF PERSONAL PROPERTY (VEHICLES AND EQUIPMENT) OWNED BY THE CITY OF DARIEN**
- C. CONSIDERATION OF A MOTION TO APPROVE THE EXPENDITURE OF BUDGETED FUNDS FOR THE PURCHASE OF AMMUNITION FROM SHORE GALLERIES, INC. (\$6,983.64)**
- D. CONSIDERATION OF A MOTION TO APPROVE THE EXPENDITURE OF BUDGETED FUNDS FOR THE REPAINTING OF THE ROOF ON THE POLICE BUILDING (\$14,933.75)**
- E. RESOLUTION NO. R-57-09** **CONSIDERATION OF A MOTION TO APPROVE A RESOLUTION APPROVING THE PLAT OF DRAINAGE EASEMENT FOR THE INSTALLATION AND MAINTENANCE OF A STORM SEWER AT 606 AND 610 CHIPPEWA LANE**
- F. RESOLUTION NO. R-58-09** **CONSIDERATION OF A MOTION TO APPROVE A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH KENIG, LINDGREN, O'HARA, ABOONA, INC. IN AN AMOUNT NOT TO EXCEED \$3,900.00 FOR TRAFFIC CONSULTING SERVICES FOR THE PURPOSE OF REVIEWING THE EXPANSION OF 75TH STREET BY DUPAGE COUNTY**
- G. CONSIDERATION OF A MOTION TO APPROVE THE RELEASE OF EXECUTIVE SESSION MINUTES THAT NO LONGER REQUIRES CONFIDENTIALITY**

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Roll Call: Ayes: Avci, Galan, Gattuso, Marchese, Poteraske, Schauer
Nays: None
Absent: McIvor

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

16. **NEW BUSINESS**

It was moved by Alderman Gattuso and seconded by Alderman Avci to approve the following motion:

A. RESOLUTION NO. R-59-09 CONSIDERATION OF A MOTION TO APPROVE A RESOLUTION AUTHORIZING PAYMENT TO THE DARIEN HISTORICAL SOCIETY IN AN AMOUNT NOT TO EXCEED \$9,000 FOR THE CITY'S CONTRIBUTION TOWARDS THE BUILDING REPAIR EXPENSES AT OLD LACE SCHOOLHOUSE AND MUSEUM

Roll Call: Ayes: Avci, Galan, Gattuso, Marchese, Poteraske, Schauer
Nays: None
Absent: McIvor

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

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

B. CONSIDERATION OF A MOTION TO APPROVE THE CITY'S RECOMMENDATIONS DATED 7-20-09 FOR THE PROPOSED 75TH STREET WIDENING PROJECT BETWEEN LYMAN AVENUE AND PLAINFIELD ROAD

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Discussion: Alderman Avci requested the recommendations be posted on the city's website, with a link to accept comments from the residents.

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

Nays: None

Absent: McIvor

Results: Ayes 6, Nays 0, Absent 1

MOTION DULY CARRIED

17. **QUESTIONS, COMMENTS AND ANNOUNCEMENTS — GENERAL**

Alderman Galan was pleased that his suggestion to publish the Water Consumer Confidence Report in the Neighbors of Darien magazine was able to save the city \$5,500.

Mayor Weaver...

...thanked Meyers Senior Housing for hosting the Coffee with the Mayor this past Saturday. Mayor Weaver expressed appreciation of all their efforts, and the wonderful turnout.

...thanked the Lions Club for the 4th of July parade which gets better every year.

Alderman Galan thanked the children who packed the candy for the Council Members to distribute during the parade.

City Clerk Coleman thanked Rosanna Furman for organizing the volunteers to pack the candy.

Dean Rodkin, a Board Member of the Darien Historical Society, expressed gratitude to the City Council for the generous support of their project.

Commander Ed Oldis of the Darien VFW Post 2838 thanked Mayor Weaver for her participation, and the Council Members for their attendance, at the Memorial Day event. Commander Oldis also expressed appreciation of the waiver of the raffle license bond. The funds secured through the raffle at DarienFest will be donated to the "We Care, We Share" Program.

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EXECUTIVE SESSION

It was moved by Alderman Gattuso and seconded by Alderman Poteraske to go into Executive Session for the purpose of discussing Litigation, Section 2(C)(11) and the Sale or Lease of Real Estate, Section 2(C)(6) of the Open Meetings Act at 8:50 P.M. No action will be taken as a result of these discussions.

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

Nays: None

Absent: McIvor

Results: Ayes 6, Nays 0, Absent 1

MOTION DULY CARRIED

18. **ADJOURNMENT**

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

VIA VOICE VOTE – MOTION DULY CARRIED

The City Council meeting adjourned at 8:50 P.M.

Mayor

City Clerk

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All supporting documentation and report originals of these minutes are on file in the Office of the City Clerk under File Number 07-20-09.
Minutes of 07-20-09 CCM