

THE 2012-2013 BUDGET PUBLIC HEARING WAS CALLED TO ORDER AT 7:04 P.M. BY MAYOR WEAVER. THE PUBLIC HEARING ADJOURNED AT 7:05 P.M.

THE PUBLIC HEARING REGARDING THE CONSIDERATION OF A PLAN OF OPERATION FOR AN ELECTRICITY AGGREGATION PROGRAM FOR THE CITY OF DARIEN WAS CALLED TO ORDER AT 7:05 P.M. BY MAYOR WEAVER. THE PUBLIC HEARING ADJOURNED AT 7:14 P.M.

A WORK SESSION WAS CALLED TO ORDER AT 7:14 P.M. BY MAYOR WEAVER FOR THE PURPOSE OF REVIEWING ITEMS ON THE APRIL 2, 2012 AGENDA WITH THE CITY COUNCIL. THE WORK SESSION ADJOURNED AT 7:30 P.M.

Minutes of the Regular Meeting

of the City Council of the

CITY OF DARIEN

APRIL 2, 2012

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 Ragona was as follows:

Present:	Halil Avci	John F. Poteraske
	Tina M. Beilke	Ted V. Schauer
	Joseph A. Marchese	Joerg Seifert
	Sylvia McIvor	

Absent: None

Also in Attendance: Kathleen Moesle Weaver, Mayor
JoAnne E. Ragona, City Clerk
Michael J. Coren, City Treasurer
John B. Murphey, City Attorney
Bryon D. Vana, City Administrator
Scott Coren, Assistant City Administrator
Daniel Gombac, Director of Municipal Services
Ernest Brown, Police Chief

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

5. **APPROVAL OF MINUTES** – March 19, 2012

It was moved by Alderman Schauer and seconded by Alderman Beilke to approve the minutes of the City Council Meeting of March 19, 2012, as presented.

Roll Call: Ayes: Avci, Beilke, Marchese, McIvor, Poteraske, Schauer, Seifert

 Nays: None

 Absent: None

Results: Ayes 7, Nays 0, Absent 0

MOTION DULY CARRIED

6. **RECEIVING OF COMMUNICATIONS**

Alderman Marchese received an e-mail from John and Colleen Hauppa regarding potholes at Waterfall Glen Condominiums, and a second e-mail thanking City staff for the fine service in addressing the issue.

Alderman McIvor has received several communications regarding the upcoming Planning and Zoning Commission Meeting regarding the 200 foot cell phone tower. She advised that residents are welcome to attend the April 4, 2012 meeting which will be held in the City Council Chambers at 7:00 p.m.

7. **MAYOR’S REPORT**

Mayor Weaver reported that the agreement with Walmart and Inland, which is on the agenda, will insure that the store would remain in Darien and expand to a Super Walmart. She spoke of the challenges of renegotiating store leases to free up space for the expansion. The economic incentives will be in the form of sales tax revenues in excess of \$900,000. The agreement, if approved, will assure the economic strength of the center.

8. **CITY CLERK’S REPORT**

Clerk Ragona...

...announced that City offices will be closed on Friday, April 6, 2012 in observance of the Good Friday Holiday.

...advised she attended the Municipal Clerks of Illinois meeting on March 30, 2012 where Tom Jones, a Darien resident and 911 south tower survivor gave a very enlightening talk of his experience.

9. **CITY ADMINISTRATOR'S REPORT**

There was no report.

10. **DEPARTMENT HEAD INFORMATION/QUESTIONS**

Director Gombac advised that there will be a meeting of the Brookhaven merchants and DuPage County on April 12, 2012 at 6 p.m. to review the alternative plans for the median on Cass. The location of the meeting has yet to be determined.

Chief Brown presented the report for March 1, 2012 through March 28, 2012:

Event Overview

There were 2,720 total events created for the month of March

- 2,220 were handled by patrol personnel
- 500 were handled by civilian or DuComm representatives
- 526 were 911 calls
- 1,694 were self-initiated by officers

Breakdown by Watch

- 1st Watch – 717 (75 result of 911 call)
- 2nd Watch – 876 (218 result of 911 call)
- 3rd Watch – 627 (233 result of 911 call)

Event Summary

506 traffic enforcement events
24 domestic related events
393 business checks
41 alarm responses

Citations Issued

385 citations issue (60 were non-traffic; 325 were traffic related)

Case Reports Written

198 case reports written

March Arrests

90 arrests

Chief Brown cautioned residents not to allow strangers into their homes, and to call 911 with any suspicions or concerns.

In response to Alderman Marchese, Clerk Ragona advised that upon police approval, solicitors are issued a permit; not for profit organizations also receive permission from the City for solicitation at intersections. Alderman Avci added “No Solicitor” decals are available at City Hall.

Administrator Vana advised that weekly Police reports are posted on the City’s website.

11. **TREASURER'S REPORT**

A. WARRANT NUMBER 11-12-21

It was moved by Alderman Seifert and seconded by Alderman Poteraske to approve payment of Warrant Number 11-12-21 in the amount of \$28,713.92 from the General Fund; \$6,256.69 from the Water Fund; \$9,330.54 from the Capital Improvement Fund; \$199,931.38 from the General Fund Payroll for the period ending 03/22/12; \$18,644.53 from the Water Fund Payroll for the period ending 03/22/12; for a total to be approved of \$262,877.06.

Mayor Weaver inquired if the payment to Rags Electric for cut cable on Page 5 is reimbursable. Director Gombac explained the cause and responded this was not a reimbursable expense.

Roll Call: Ayes: Avci, Beilke, Marchese, McIvor, Poteraske, Schauer, Seifert

Nays: None

Absent: None

Results: Ayes 7, Nays 0, Absent 0

MOTION DULY CARRIED

12. **STANDING COMMITTEE REPORTS**

Municipal Services Committee — Chairman Marchese submitted the minutes of the Municipal Services Committee of February 27, 2012. He advised the next meeting is scheduled for April 23, 2012 at 6:30 p.m. in the Council Chambers.

Administrative/Finance Committee — Chairman Poteraske submitted the minutes of the Administrative/Finance Committee Meetings of January 9 and February 13, 2012. He advised the next meeting is scheduled for April 9, 2012 at 6:30 p.m.

Police Committee — Chairman McIvor submitted the minutes of the Police Committee Meeting of March 1, 2012. She advised the next meeting is scheduled for May 3, 2012 at 6:00 p.m. in the Council Chambers.

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

In regards to New Business Item L, Alderman Marchese advised that sales tax revenue sharing is not a new concept, and that the City entered into a similar agreement when town center was first built. Alderman Seifert noted that it is not uncommon for municipalities to provide sales tax incentives, and reviewed those given to Walmart from various communities ranging from \$1.5 to \$12.25 million. Attorney Murphey noted that Walmart owns the property and if they relocated, it is likely the property would remain vacant indefinitely.

14. **OLD BUSINESS**

There was no old business.

15. **CONSENT AGENDA**

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

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

- A. **A MOTION GRANTING A WAIVER OF THE RAFFLE LICENSE BOND REQUIREMENT FOR JAMES BORSILLI CHILDREN’S TRUST**

- B. **ORDINANCE NO. O-13-12** **AN ORDINANCE OF THE CITY OF DARIEN, DUPAGE COUNTY, ILLINOIS, ASCERTAINING THE PREVAILING RATE OF WAGES FOR LABORERS, WORKMEN, AND MECHANICS EMPLOYED ON PUBLIC WORKS OF SAID CITY**

- C. **ORDINANCE NO. O-14-12** **AN ORDINANCE APPROVING A VARIATION TO THE DARIEN ZONING ORDINANCE (PZC 2011-15: 7942 GLEN LANE)**

Roll Call: Ayes: Avci, Beilke, Marchese, McIvor, Poteraske, Schauer
Nays: None
Abstain: Seifert
Absent: None

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

16. **NEW BUSINESS**

A. CONSIDERATION OF A MOTION TO APPROVE AN ORDINANCE APPROVING THE 2012-2013 BUDGET

It was moved by Alderman Marchese and seconded by Alderman Beilke to approve:

Alderman Avci expressed concern with the budget gap between revenues and expenditures and recommended a solution be found before the next budget cycle.

ORDINANCE NO. O-15-12 AN ORDINANCE APPROVING THE 2012-2013 BUDGET

Roll Call: Ayes: Beilke, Marchese, Poteraske, Schauer
Nays: Avci, McIvor, Seifert
Absent: None

Results: Ayes 4, Nays 3, Absent 0
MOTION DULY CARRIED

B. CONSIDERATION OF A MOTION TO APPROVE A RESOLUTION APPROVING A CONTRACT FOR THE 2012 CONCRETE SIDEWALK, APRON, CURB AND GUTTER REMOVAL AND REPLACEMENT PROGRAM AND WAIVING THE \$75.00 PERMIT FEE APPLICATION TO PARTICIPATING RESIDENTS.

It was moved by Alderman Marchese and seconded by Alderman Schauer to approve:

RESOLUTION NO. R-25-12 A RESOLUTION APPROVING A CONTRACT FOR THE 2012

**CONCRETE SIDEWALK, APRON,
CURB AND GUTTER REMOVAL AND
REPLACEMENT PROGRAM AND
WAIVING THE \$75.00 PERMIT FEE
APPLICATION TO PARTICIPATING
RESIDENTS**

Roll Call: Ayes: Avci, Beilke, Marchese, Poteraske, Schauer, Seifert
 Nays: McIvor
 Absent: None

Results: Ayes 6, Nays 1, Absent 0

MOTION DULY CARRIED

- C. CONSIDERATION OF A MOTION TO APPROVE A RESOLUTION TO ADD QUANTITIES TO THE CURRENT CONTRACT FROM SUBURBAN CONCRETE INC. FOR APRON RESTORATIONS FOR THE 2012 DITCH MAINTENANCE IMPROVEMENT PROJECT IN AN AMOUNT NOT TO EXCEED \$55,000.00**

It was moved by Alderman Schauer and seconded by Alderman Marchese to approve:

RESOLUTION NO. R-26-12

**A RESOLUTION TO ADD
QUANTITIES TO THE CURRENT
CONTRACT FROM SUBURBAN
CONCRETE INC. FOR APRON
RESTORATIONS FOR THE 2012
DITCH MAINTENANCE
IMPROVEMENT PROJECT IN AN
AMOUNT NOT TO EXCEED \$55,000.00**

Roll Call: Ayes: Avci, Beilke, Marchese, Poteraske, Schauer, Seifert
 Nays: McIvor
 Absent: None

Results: Ayes 6, Nays 1, Absent 0

MOTION DULY CARRIED

- D. CONSIDERATION OF A MOTION TO APPROVE A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT EXTENSION**

FOR LANDSCAPE FERTILIZATION SERVICES BETWEEN THE CITY OF DARIEN AND TRU GREEN

It was moved by Alderman Beilke and seconded by Alderman Marchese to approve:

RESOLUTION NO. R-27-12 A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT EXTENSION FOR LANDSCAPE FERTILIZATION SERVICES BETWEEN THE CITY OF DARIEN AND TRU GREEN

Roll Call: Ayes: Avci, Beilke, Marchese, McIvor, Poteraske, Schauer, Seifert

 Nays: None

 Absent: None

Results: Ayes 7, Nays 0, Absent 0

MOTION DULY CARRIED

E. CONSIDERATION OF A MOTION TO AUTHORIZE CITY STAFF TO PROCEED WITH THE FOLLOWING NEIGHBORHOOD DRAINAGE PROJECTS IN AN AMOUNT NOT TO EXCEED \$758,800.00.

It was moved by Alderman Schauer and seconded by Alderman Beilke to approve:

Alderman Avci advised there is a need to create a revenue stream to support the ditch projects. He would like a permanent, fair and equitable solution be found; he suggested the possibility of a Special Assessment. Alderman Poteraske felt too much is being spent on ditch drainage projects. Alderman Marchese noted that it is important to maintain the City’s infrastructure in order to maintain the integrity of property values. Treasurer Coren had no objection to the ditch projects but agreed a long term plan to generate revenue to fund the projects needs to be established. Alderman McIvor did not object to the ditch projects but felt the total Capital Projects budget is too high. Alderman Seifert agreed that a different approach to fund the ditch projects must be found. Administrator Vana noted that if the ditch projects are not approved, the quantities and unit pricing of the road program will be affected.

A MOTION TO AUTHORIZE CITY STAFF TO PROCEED WITH THE FOLLOWING NEIGHBORHOOD DRAINAGE PROJECTS IN AN AMOUNT NOT TO EXCEED \$758,800.00

ROGER ROAD-CLARENDON HILLS RD TO PLAINFIELD RD	\$182,500.00
ELEANOR PLACE-69TH STREET TO HOLLY AVENUE	\$170,000.00
BROOKBANK ROAD-69TH STREET TO HOLLY AVENUE	\$186,000.00
POPLAR LANE – JANET AVENUE TO ELM STREET	\$146,500.00
BENTLEY AVENUE – 71ST STREET TO 72ND STREET	\$ 73,800.00

Roll Call: Ayes: Beilke, Marchese, Schauer

 Nays: Avci, McIvor, Poteraske, Seifert

 Absent: None

Results: Ayes 3, Nays 4, Absent 0
MOTION FAILED

F. CONSIDERATION OF A MOTION TO APPROVE A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A CONTRACT FOR THE 2012 DITCH MAINTENANCE PROJECT BETWEEN THE CITY OF DARIEN AND SCORPIO CONSTRUCTION IN AN AMOUNT NOT TO EXCEED \$209,620.00

This item was removed from the agenda

G. CONSIDERATION OF A MOTION TO AUTHORIZE STAFF TO PROCEED WITH IN-HOUSE DRAINAGE PROJECTS IN AN AMOUNT NOT TO EXCEED \$125,653.00:

It was moved by Alderman Marchese and seconded by Alderman Beilke to approve:

A MOTION TO AUTHORIZE STAFF TO PROCEED WITH IN-HOUSE DRAINAGE PROJECTS IN AN AMOUNT NOT TO EXCEED \$125,653.00

6701 WESTERN AVENUE	\$ 15,000.00
CREEKSIDE LANE SOUTH OF KEARNEY ROAD	\$ 28,453.00
8400 BLOCK OF GLENEYRE	\$ 10,300.00
1616 CLARE COURT	\$ 15,300.00
ROYAL SWAN LANE & LAKE RIDGE DRIVE	\$ 29,000.00
8000 BLOCK SAWYER ROAD	\$ 27,600.00

Roll Call: Ayes: Avci, Beilke, Marchese, Poteraske, Schauer
 Nays: McIvor, Seifert
 Absent: None

Results: Ayes 5, Nays 2, Absent 0

MOTION DULY CARRIED

- H. CONSIDERATION OF A MOTION TO APPROVE A RESOLUTION TO ENTER INTO A CONTRACT AGREEMENT FOR THE 2012 STREET MAINTENANCE PROGRAM BETWEEN THE CITY OF DARIEN AND JAMES D. FIALA PAVING COMPANY INC. IN AN AMOUNT NOT TO EXCEED \$1,655,368.39**

This item was removed from the agenda

- I. CONSIDERATION OF A MOTION TO APPROVE A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF DARIEN AND DARIEN PUBLIC SCHOOL DISTRICT #61 FOR ASPHALT PAVING WORK AT MARK DELAY SCHOOL**

This item was removed from the agenda

- J. CONSIDERATION OF A MOTION TO APPROVE A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF DARIEN AND THE VILLAGE OF DOWNERS GROVE FOR STREET AND WATER MAIN IMPROVEMENTS IN THE KNOTTINGHAM SUBDIVISION**

It was moved by Alderman Avci and seconded by Alderman Beilke to approve:

Director Gombac explained that Darien has approximately ten residences located within the Downers Grove Knottingham Subdivision reconstruction project area. Since this is an unbudgeted item for Darien, Downers Grove has agreed to defer payment for the current project until 2013.

RESOLUTION NO. R-28-12

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY

**OF DARIEN AND THE VILLAGE OF
DOWNERS GROVE FOR STREET
AND WATER MAIN IMPROVEMENTS
IN THE KNOTTINGHAM
SUBDIVISION**

Roll Call: Ayes: Avci, Beilke, Marchese, McIvor, Poteraske,
Schauer, Seifert

Nays: None

Absent: None

Results: Ayes 7, Nays 0, Absent 0

MOTION DULY CARRIED

**K. CONSIDERATION OF A MOTION TO APPROVE AN ORDINANCE
AUTHORIZING AGGREGATION OF ELECTRICAL LOAD AND
ADOPTING AN ELECTRIC AGGREGATION PLAN OF OPERATION
GOVERNANCE**

It was moved by Alderman Seifert and seconded by Alderman Schauer to approve:

ORDINANCE NO. O-16-12

**AN ORDINANCE AUTHORIZING
AGGREGATION OF ELECTRICAL
LOAD AND ADOPTING AN
ELECTRIC AGGREGATION PLAN OF
OPERATION GOVERNANCE**

Roll Call: Ayes: Avci, Beilke, Marchese, McIvor, Poteraske,
Schauer, Seifert

Nays: None

Absent: None

Results: Ayes 7, Nays 0, Absent 0

MOTION DULY CARRIED

**L. CONSIDERATION OF A MOTION TO APPROVE A RESOLUTION
AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH
INLAND SOUTHEAST DARIEN LLC AND WAL-MART STORES, INC. TO
PROVIDE AN ECONOMIC DEVELOPMENT INCENTIVE TO EXPAND
THE EXISTING WAL-MART STORE IN THE DARIEN TOWNE CENTER**

Alderman Beilke left the meeting at 8:45 p.m.

It was moved by Alderman Marchese and seconded by Alderman Schauer to approve:

RESOLUTION NO. R-29-12

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH INLAND SOUTHEAST DARIEN LLC AND WAL-MART STORES, INC. TO PROVIDE AN ECONOMIC DEVELOPMENT INCENTIVE TO EXPAND THE EXISTING WAL-MART STORE IN THE DARIEN TOWNE CENTER

Roll Call:	Ayes:	Avci, Marchese, McIvor, Poteraske, Schauer, Seifert
	Nays:	None
	Absent:	Beilke

Results: Ayes 6, Nays 0, Absent 1

MOTION DULY CARRIED

Alderman Beilke returned to the meeting at 8:46 p.m.

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

Assistant Administrator Coren reviewed the next steps which will be followed now that the Electric Aggregation Ordinance has been adopted.

Alderman Seifert announced that tickets were available for the Borsilli fundraiser.

Alderman Avci announced that the Darien Committee for Intergovernmental Coordination will be meeting on April 3rd at 7 p.m. in the Council Chambers.

Jim Tikalsky of 8301 Woodland Drive expressed disappointment with the failure of New Business Item E, and requested a solution be found.

18. **ADJOURNMENT**

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

VIA VOICE VOTE – MOTION DULY CARRIED

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

Mayor

City Clerk

JER/ld

All supporting documentation and report originals of these minutes are on file in the Office of the City Clerk under File Number 04-02-12.
Minutes of 04-02-12 CCM1