

## **Minutes - April 7, 2003**

### EXECUTIVE SESSION

It was moved by Alderman Cotten and seconded by Alderman Biehl at 7:05 P.M. to move into Executive Session for the purpose of discussing Personnel as prescribed by Section 2(c)(1) of Public Act 88-621 with no action to be taken.

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

Nays: None

Absent: None

Results: Ayes 7, Nays 0, Absent 0

### MOTION DULY CARRIED

Upon reverse roll call, the City Council adjourned at 7:30 P.M.

## **Minutes of the Regular Meeting**

### **of the City Council of the**

### **CITY OF DARIEN**

**APRIL 7, 2003**

#### 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

Arthur P. Donner, City Treasurer

Bryon D. Vana, City Administrator

Gregory Dreyer, Community Development Director

Robert Mengarelli, Asst. Director of Public Works

Robert Rodgers, Asst. Director of Public Works

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

5. APPROVAL OF MINUTES March 17, 2003

It was moved by Alderman Tikalsky and seconded by Alderman Cotten to approve the Minutes of the Regular Meeting of March 17, 2003, as presented.

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

Nays: None

Absent: None

Results: Ayes 7, Nays 0, Absent 0

MOTION DULY CARRIED

6. RECEIVING OF COMMUNICATIONS

Alderman Poteraske:

\* John Smitkoski, 1700 Clemens Road, was concerned about an uneven sidewalk; Public Works stated that they would schedule an inspection of the sidewalk.

\* Ron Fogarty, 1600 block of Claremont Drive, had sewer lines replaced and was concerned about the location of Buffalo-box. The missing sidewalk was temporarily blacktopped; concrete will be poured during the summer.

\* Ronald Klimek, 1700 block of Holly Avenue, was interested in the plans for burning the wetlands in Darien Club; they had been burned last year.

Alderman Marchese:

\* Received voicemail messages from Caroline Everly, 8615 Thistlewood Court, and from Tom Fisher, 8535 Thistlewood Court, in regard to supporting the dedication of Thistlewood as a public street.

\* Corresponded via email with Robert Bland, 1512 Willowcreek Lane, and Chief Pavelchik in regard to Mr. Bland's son, who was bitten by a neighbor's dog in May 2002.

7. MAYOR'S REPORT

Mayor Soldato

...informed Council that Consent Agenda Item C, a variation request for 201 Janet Lane, had been moved to New Business as Item C

...thanked voters for their affirmation at the polls and volunteers who spent numerous hours campaigning.

...spoke about the proposed Budget for 2003-2004; he indicated that it showed the responsibility the Council exercised and that the budget continued to provide expected services with no tax increase.

## 8. CITY CLERK'S REPORT

Clerk Coleman

...thanked the voters for their display of confidence.

...stated that the Canvassing Board met, reviewed and certified the Abstract of Votes, which indicated the following: Carmen D. Soldato, Mayor; Joanne F. Coleman, City Clerk; Kevin P. Monaghan, City Treasurer; and John Poteraske, Jr., Alderman Ward 3.

...announced that the Planning and Zoning Commission meeting scheduled for Wednesday, April 16th, was cancelled due to lack of agenda items.

...noted that the Cable Commission meeting scheduled for Thursday, April 17th, had been rescheduled to Wednesday, April 23rd at 7:00 P.M.

...commented that the City offices would be closed on Friday, April 18th, due to Good Friday.

...invited everyone to have Coffee with Mayor Soldato on Saturday, April 26th, from 9:00 until 10:00 A.M., in the Council Chambers at City Hall.

...reminded Council and Staff that Ethic Statement forms were due in the City Clerk's office on or before May 1; also, Statement of Economic Interest forms were due in the DuPage County Clerk's office on or before May 1.

...informed everyone that swearing in of officers would take place at the April 21, 2003 City Council Meeting.

## 9. CITY ADMINISTRATOR'S REPORT

Administrator Vana

...stated that the City received the 2002 tentative tax rates and tax extension; there was a slight decrease in the tax rate.

...noted Chief Pavelchik and he met with Brigadier General Robert Williamson and Sergeant Timothy Gates from the 416th Engineer Command in Darien. They discussed what residents could do to support service people overseas; information, when received, would be made available to residents.

## 10. DEPARTMENT HEAD REPORT

Community Development Director Gregory Dreyer

...summarized the issuance of building permits: 515 permits have been issued to-date for fiscal year 2003; 503 in 2002; 444 in 2001; and 457 in 2000.

...attended American Planning Association National Conference in Denver, viewed redevelopment projects, and gained insight for future development.

...noted that Wight & Co. recently had their groundbreaking and that building permits would be issued shortly; Bradford Company was progressing with a preliminary proposal for the development at 75th Street & Lyman Avenue.

...informed Council that the Planning and Zoning Commission would be addressed by Attorney Murphey in regard to their role as a commission on May 7th.

...commented that the Zoning Code would be updated due to changes.

Alderman Marchese inquired as to the status of a potential tenant; Administrator Vana commented that he had spoken with the potential tenant and was awaiting their response.

## 11. TREASURER'S REPORT

### A. WARRANT NUMBER 02-03-23

It was moved by Alderman Biehl and seconded by Alderman Tikalsky to approve payment of Warrant Number 02-03-23 in the amount of \$133,117.99 from the General Fund; \$23,874.41 from the Motor Fuel Tax Fund; \$2,043.29 from the Hotel/Motel Tax Fund; \$300.00 from the Joint Use Facility Fund; \$660.00 from the S.S.A. Area Tax Fund; \$111,592.06 from the Water Fund; \$585.00 from the Water Depreciation Fund; \$8,771.51 from the Darien Area Dispatch Fund; \$197,782.49 from the General Fund Payroll for the period ending 03/20/03; \$14,757.46 from the Water Fund Payroll for the period ending 03/20/03; \$20,096.12 from the D.A.D.C. Fund Payroll for the period ending 03/20/03; for a total to be approved of \$513,580.33.

Alderman Weaver inquired about various items contained within the Warrant.

Alderman Hagen commented about the reimbursement for the Citizen of the Year dinner/dance; he suggested that the City should be billed directly.

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 February 25, March 4, and March 11, 2003 Committee of the Whole Meetings. She also submitted, for the record, Minutes from the Special Administrative/Finance Committee March 13, 2003 Meeting. Chairman Weaver noted that the Committee would meet on April 14th at 6:30 P.M.

Planning/Development Committee — No Report.

Public Works Water/Streets Committee — No Report.

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

Mayor Soldato noted that Consent Agenda Item C in regard to 201 Janet Avenue had been moved to New Business as Item C.

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

**A. RESOLUTION NO. R-09-03 A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR ENGINEERING SERVICES BETWEEN THE CITY OF DARIEN AND CHRISTOPHER B. BURKE ENGINEERING, LTD. (2003 Street Rehabilitation Program)**

**B. CONSIDERATION OF A MOTION TO APPROVE A MINOR PUD AMENDMENT EXTENSION FOR THE BROOKHAVEN SHOPPING CENTER PUD (Renovation)**

**C. ORDINANCE NO. O-18-03 AN ORDINANCE APPROVING A VARIATION TO THE DARIEN ZONING ORDINANCE (PZC 2003-04: 7721 Linden Avenue)**

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 A RESOLUTION AFFIRMING THE PRINCIPLES OF THE WATER COMMISSION ACT OF 1985 AND THE WATER PURCHASE AND SALES CONTRACT OF JUNE 11, 1986**

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

**RESOLUTION NO. R-10-03 A RESOLUTION AFFIRMING THE PRINCIPLES OF THE WATER COMMISSION ACT OF 1985 AND THE WATER PURCHASE AND SALES CONTRACT OF JUNE 11, 1986**

as presented.

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 FISCAL YEAR 2003-2004 ANNUAL BUDGET**

It was moved by Alderman Poteraske and seconded by Alderman Marchese to approve Fiscal Year 2003-2004 Annual Budget as presented.

Mayor Soldato thanked Council and Staff for working together during difficult economic times; he noted that new programs were added and existing services were maintained without a tax increase.

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

Nays: None

Absent: None

Results: Ayes 7, Nays 0, Absent 0

MOTION DULY CARRIED

**C. CONSIDERATION OF A MOTION TO APPROVE AN ORDINANCE APPROVING A VARIATION TO THE DARIEN ZONING ORDINANCE (PZC 2003-03: 201 Janet Avenue)**

It was moved by Alderman Biehl and seconded by Alderman Hagen to approve An Ordinance Approving a Variation to the Darien Zoning Ordinance (PZC 2003-03: 201 Janet Avenue), as presented.

Alderman Weaver expressed concern; she felt that the information provided was inadequate and that she was unable to analyze the proposed project.

It was moved by Alderman Weaver and seconded by Alderman Marchese to Table the Ordinance Approving a Variation to the Darien Zoning Ordinance (PZC 2003-03: 201 Janet Avenue) for further recommendation by the Planning/Development Committee.

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

Nays: Biehl, Hagen, Poteraske

Absent: None

Results: Ayes 4, Nays 3, Absent 0

## MOTION TABLED

Alderman Weaver spoke more specifically about the variation; she noted that the Planning and Zoning Commission had unanswered questions but moved the item onto the Planning/Development Committee.

Alderman Biehl noted that the Planning/Development Committee would not meet for another three weeks and that the item would not be revisited by Council until May.

Clerk Coleman advised that the Committee could schedule a Special Meeting prior to May to consider the item. Alderman Biehl stated he would survey the committee members for availability to see if this could be accomplished and would advise.

## 17. QUESTIONS, COMMENTS AND ANNOUNCEMENTS — GENERAL

Alderman Hagen thanked voters for listening to the issues and casting their votes.

Carol Gill, 201 Janet Avenue, expressed concern that the Aldermen and Staff quickly move forward so that construction of the project could be completed prior to winter.

Larry Voss, 201 Janet Avenue, felt that appropriate steps had been followed and was disappointed that the item had been moved on the Agenda. He also was anxious to have the construction done prior to the winter.

Warren Anderson, 533 Chestnut Lane, commented about what he felt was inappropriate use of City Hall facilities to depict a political banner. Mayor Soldato responded that the banner was outside of his office and that the banner thanked residents for voting.

In response to Mr. Anderson's comments, Mayor Soldato spoke about campaign contributions received and the paperwork he submitted; he said that the reports would be available at Coffee with the Mayor on April 26th.

Paul Jara, 8415 Sandalwood Court, was concerned with Crossroads of Darien due to the developer abandoning property, except for placement of a parked trailer. He noted that the property was not graded or seeded as required; that most of the retail spaces were vacant; two buildings were partially completed but were empty; underground sprinkler system was not installed. Mr. Jara distributed and submitted, for the record, pictures in regard to the development. Director Dreyer responded that the developer was given a date of May 31st for completion and that Staff was trying to contact them. Mayor Soldato stated that the City would aggressively pursue the issues mentioned.

Mary Toniolo, 8492 Sandalwood Court, discussed Crossroads of Darien. She noted that residents had two major concerns with the development: that it was phased in and who was responsible for property maintenance. She commented that there were only three tenants and that the project was incomplete. She asked for a plan of action, in writing, from the City.

Karl Knecht, 2212 Donegal Drive, asked for an explanation in regard to the abatement of taxes for the Tara Hill wetlands in the recently adopted budget. Mayor Soldato noted that Council would listen to Mr. Knecht's comments but was unable to respond due to the fact that the City received a letter from Mr. Knecht's attorney threatening litigation. Mr. Knecht spoke about the maintenance plan, which he submitted for the record, which was proposed by Christopher B. Burke Engineering Ltd. Mayor Soldato responded that the City did everything possible to compromise the issue.

John Gonzi, 2228 Donegal Drive, responded to Mr. Knecht's reference to the wetlands; he stated that it was a manmade excavation and the primary function was water retention/ flood control area. He

referenced a Supreme Court Ruling dated January 9, 2001, which indicated that the Army Corps of Engineers had no jurisdiction over wetland or water retention areas. He noted that a City or County needed to abide by the ruling. Mr. Gonzi referred to Gallagher & Henry maps depicting the area and the installation of underground piping. Mr. Gonzi indicated that the Knechts stood alone and that they never spoke with anyone in the neighborhood regarding their issues.

Maria Knecht, 2212 Donegal Drive, rebutted Mr. Gonzi's statements. She said that these wetlands were not an isolated property and that they were part of the Ward's Creek Watershed. She read a statement from the Conservation Easement.

#### 18. ADJOURNMENT

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

VIA VOICE VOTE — MOTION DULY CARRIED

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

Mayor

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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 04-07-03.

Minutes of 04-07-03 CCM

April 7, 2003