

Minutes - August 1, 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 AUGUST 1, 2005 AGENDA WITH THE CITY COUNCIL. THE SESSION ADJOURNED AT 7:10 P.M.

Minutes of the Regular Meeting
of the City Council of the
CITY OF DARIEN
AUGUST 1, 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 Supervisor Ragona was as follows:

Present: Richard A. Biehl Sylvia McIvor Carolyn A. Gattuso John F. Poteraske, Jr. Joseph A. Marchese
Kathleen Moesle-Weaver

Absent: William R. Durkin

Also in Attendance: Carmen D. Soldato, Mayor JoAnne E. Ragona, Clerk's Office Supervisor Kevin P. Monaghan, City Treasurer Bryon D. Vana, City Administrator Robert Pavelchik, Chief of Police Daniel Gombac, Director of Community Development/Public Works

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

5. APPROVAL OF MINUTES — July 18, 2005

It was moved by Alderman Biehl and seconded by Alderman Poteraske to approve the Minutes of the Regular Meeting of July 18, 2005, as presented.

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

Nays: None

Absent: Durkin

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

6. RECEIVING OF COMMUNICATIONS

Alderman Marchese received voicemail from Linda Tibensky, 8936 Kilkenny Drive, and conversed with Lisa Hauser, 2221 Dunmore Drive, in regard to cats roaming the Tara Hill neighborhood.

7. MAYOR'S REPORT

Mayor Soldato...

... noted that City Clerk Coleman sent a thank you to everyone for their kind words and support; he indicated that she was convalescing and hoped to be back soon.

... commented that New Business Item B was related to an adjacent parcel of land deeded/owned by the City but maintained by the Darien Park District; the intent was to deed that parcel to the District in order for them to move forward with Holly Park improvements.

... mentioned the 'process' that was discussed at the last Council meeting; he indicated that the item was considered in order to improve the development process. He noted that the Administrative/Finance Committee recommended that certain types of businesses be deemed 'Special Use' in order to be more responsive to residents. He said that Attorney Murphey started preparation of documentation for Committee-of-the-Whole consideration.

A. ARC DISPOSAL – Amnesty Day

Mayor Soldato noted that Arc Disposal was the City's new waste hauler; he indicated that one of the key elements for changing haulers was the availability of an Amnesty Day.

Richard Bulthuis, Arc representative, stated that Amnesty Day would be the third full week of September on the resident's regular pickup day. He indicated that Amnesty Day would not affect recycling or yard waste programs, the latter must be tagged in order to be picked up. He said that Amnesty Day affected refuse pickup and commented that residents could clean up and put out an unlimited amount of refuse, which needed to be properly prepared - in a can, bag or bundle no larger than 32-33 gallons or 50 lbs. in weight. Pickup of materials was unlimited as long as the resident placed stickers on the first two (2) items; residents who rent carts were exempt from the sticker requirement. Creative containerization would be allowed during Amnesty, i.e., materials placed in cardboard boxes, laundry hamper, etc. Items banned due to hazardous or toxic nature were not included, such as acids, oil based, or flammable products.

Alderman Mclvor inquired if there was a size limit, for instance a mattress; Mr. Bulthuis said 'no'. Alderman Poteraske inquired about old tires; Mr. Bulthuis responded that tires were banned from the landfill but Arc was searching for an outlet. He said that 'white goods' (refrigerators, dishwashers, etc.) were not part of Amnesty; in order for them to be picked up, they required five (5) stickers each. Alderman Poteraske inquired about electronics; Mr. Bulthuis responded that household electronics would be picked up. Administrator Vana asked him to elaborate on home remodeling/construction materials. He said that do-it-yourself projects had a caveat because some residents were more skilled than others; he indicated that the limitation was one (1) cubic yard and if a resident had a larger project, they should call Arc to make pickup arrangements for a nominal fee.

Administrator Vana commented that information would be sent to residents via cable, Darien Data, and web site. He asked residents to exchange information with their neighbors or to call City Hall. He noted that the actual dates for Amnesty were September 19 through 23 on the resident's regular garbage pickup day.

Alderman Mclvor inquired about the timeframe for placement of materials at the curbside; Mayor Soldato said that the City would be lenient that week and ease the restrictions.

B. COM ED – Power Outages

Mayor Soldato spoke about routine outages of electricity and provisions under the Franchise Agreement with ComEd. He felt it was necessary to articulate that the City had an agreement with ComEd to provide service to residents; he said that many 'hot spots' have arisen with frequent lengthy outages over the past 12-18 months. He noted that Attorney Murphey had been directed to review the Franchise Agreement in order to determine if there was a breach of contract for failure to deliver electricity. Mayor Soldato commented that ComEd contacted Staff and expressed an understanding of the problem and desire to state their remedy. He turned the meeting over to Administrator Vana, who said that the City was trying to understand what the improvement plan was, what the problem was, what the remedy would be, and what the plan was to implement the improvements. He asked Cornell Barnett to introduce the ComEd representatives, which Mr. Barnett did.

George Lofton, ComEd Vice President of External Affairs & Claims, stated that he represented the President of ComEd. He brought a team with him to speak about the solution to the reliability and performance problems the City had experienced. He introduced Carl Signieri, Vice President of Engineering and System Reliability.

Mr. Signieri indicated that the intention and purpose of ComEd's reliability program was proactive inspection, maintenance, and equipment replacement. He utilized a map that depicted twenty different circuits that fed power to Darien residents. He said that most residents were receiving reliable service but the southwest section of the City experienced poor performance over the past 1-1/2 years that was unacceptable to the City and ComEd. The problems experienced were due to a sub-transmission line that feeds the substation at 87th & Lemont Road; the two circuits in the southwest section, adjacent to Woodridge, had the most significant problems, which included the areas bounded by Spring Green Drive to I-55, Kearney to Murphy, International Parkway to 86th Street, and Cheese Road to Gibraltar. He said that reliability issues were due primarily to the sub-transmission line, which was caused by equipment malfunction and lightening. He indicated that equipment on a pole could be damaged by lightening but not fail until weeks later. He said that capacity was not an issue but equipment needed upgrading. The improvement plan had two phases: 1) identify and replace defective equipment and 2) auto-line the sectionalizing system. If there was a failure, the system would detect it, isolate it, and restore the majority of customers' service. Equipment in the area was not functioning properly and needed to be upgraded and/or changed out; the work should be completed by October 15. Other work to be completed could include broken wire(s) or perhaps a piece of broken wood hanging down, expected completion was the end of September. Improvement work was completed in February for the proposed summer loads. Equipment was recently corrected that had wires that overheated, were hanging or had too much slack; thermal inspections were also performed and resulted in replacement of numerous connections. Mr. Signieri said their intention was to focus on the sub-transmission line that feeds the substation at 87th & Lemont Road, more circuit inspections, patrol lines, complete tree trimming, resolve reliability issues, and check the remaining Darien circuits. They want to identify and correct problems; identification and prioritization should be completed by November 1. They intend to continue communication with the City in order to improve reliability.

Alderman Poterasko spoke about constant outages and intermittent failures that have affected 77th Street, Hawthorne Place, Stevens Street and the surrounding area; he said that part of the cause was do to poorly managed tree trimming. He wanted to know how ComEd would address that particular area because the failures were constant; Mr. Signieri responded that ComEd would hone in on the identified area.

Mayor Soldato inquired if ComEd had identified the hot spots northwest and southeast of Cass Avenue & Plainfield Road. Alderman Weaver reiterated that ComEd would identify all 'hot spots' by November 1; she inquired when the problem areas would be fixed. Mr. Signieri stated that was why ComEd would continue to communicate with the City; they did not know if it was a one month fix, an eight month fix, or more, all depended on the needed work.

A resident who lived on Woodvale Drive since 1977 commented that he and his neighbors experience at least ten outages per year with varying outage times.

Alderman McIvor agreed with the gentleman and said outages were an ongoing problem. She said that the outages were isolated; they have underground service fed through overhead lines. She was concerned because the underground had been placed 25-30 years ago and that over time it deteriorated; she indicated that there was nothing in place to rectify the problem until service had failed three times, then something maybe done, and that was frustrating for residents. She said that customer service was unfriendly and gave numerous excuses for a problem.

Mayor Soldato stated that Cornell Barnett did a great job with listening to City complaints; he said that Mr. Barnett was aware of the problem areas. He indicated that the problem existed 5-7 years ago and was due to a transmission line on Lemont Road, which seemed to be the problem again. He noted that Staff would identify and provide ComEd with areas to incorporate into the same fix that was planned for the southwest corner of the City. He asked ComEd to provide documentation in writing directed to Administrator Vana that would indicate how those areas would be fixed and when; he felt that was a fair request.

Alderman Weaver agreed that the other areas should be fixed within the same timeframe. Alderman Biehl believed that ComEd was trying to do the best they could to provide service; he indicated that there were minimal problems in his Ward but he had spoken with other residents who were without service for more than four hours when temperatures were around 100 degrees, which was unacceptable.

George Lofton indicated that they were aware of some specific areas and that the scheduled work should rectify some of the problems. ComEd would continue to work with the City in regard to the other areas not depicted in the plan. He said that they would like to return to the Council to provide an update on the analysis and on-going work around the end of October or beginning of November. Mayor Soldato said they were always welcome; he verified with Mr. Barnett that he was aware of the problem areas within the City. Mr. Lofton said that others had complained about customer service and that ComEd was working with their representatives to become more high touch instead of high tech.

Administrator Vana noted that the City ran and operated a utility, the water system. He compared a valve that aged and needed to be replaced to outdated equipment that ComEd had; he suggested that due to routine maintenance the equipment should be replaced. Mr. Signieri agreed that some equipment fell into that category; some were not movable parts and age was not an issue. Mayor Soldato said the striking topic of discussion was failure to identify older, aged problems; he stressed that ComEd needed to work with Staff.

Alderman Weaver asked the Customer Service representative to distribute his business cards. Mr. Lofton introduced Mike Krage, Director of Customer Operations. Mr. Krage provided his phone number: 773) 509-3507 and commented that residents could contact him directly.

8. CITY CLERK'S REPORT

Supervisor Ragona stated that the Fire and Police Commission meeting scheduled for August 2nd had been cancelled.

9. CITY ADMINISTRATOR'S REPORT

Administrator Vana spoke about communication with residents in regard to services provided by the City. He indicated that a Citizen Evaluation Card was created for citizens to respond to various City projects.

10. DEPARTMENT HEAD REPORT

Community Development/Public Works Director Daniel Gombac provided an update on the following projects:

* Crest Road Basin Project located at Plainfield Road & High Road. He indicated that work had progressed and the completion date, including landscaping, was targeted for September 1. * Water Tower located near Plainfield Road & Cass Avenue. He displayed a rendering of the proposed 1.5 million gallon tower. The rendering was submitted by Corey Kauzlarich, a talented young artist and Darien resident who attends Hinsdale South High School. The City awaits soil boring reports and estimate of costs. * Roadway Program was completed on August 1st. Maintenance, restoration and landscaping should be completed by Public Works in approximately two weeks. * Sidewalk Inspection throughout the City was physically completed by staff. He said that due to physical inspection, quantities had doubled because of the identified deficiencies. The program afforded residents the opportunity to replace deficient concrete aprons and/or depress curb & gutter fronting the aprons for a cost. In order to reduce some costs, staff was investigating concrete slab raising/mud jacking. He asked residents to report deficient/hazardous sidewalks or if they were interested in removal/replacement of concrete apron or curb & gutter to contact Public Works at 887-0008. * 75th Street/Plainfield Road Bike Path. He had been informed that landscaping along Plainfield Road and 75th Street was started and scheduled for completion on or about September 1st. Sod would be placed on Plainfield Road; seed would be placed on 75th Street. The path east of Cass Avenue had been started and was being placed on the south side of 75th Street; west of Cass Avenue, the placement was on the north side of 75th Street. * Wood Chips were available for pickup from the Public Works facility located on South Frontage Road approximately one-half mile east of Cass Avenue. They were being ground for better consistency by utilizing a tub grinder; he said the chips were not landscape quality. Chips were also available for delivery FREE to Darien residents and businesses, the minimum amount for delivery would be 5 or 10 cubic yards. He requested residents to contact Public Works at 887-0008 and also suggested that residents or businesses inspect the chips prior to delivery. * 67th Street Ditch Project was nearing completion. He displayed pictures of the project and said that it consisted of miscellaneous tree & brush removal, re-profiling approximately 1700 lineal feet of ditch, placement of 140 tons of rip-rap stone, replacement of 2200 square yards of sod, and replacement of 150 feet of culvert pipe. He thanked Dan Salvato for preparation of the display.

Alderman Biehl stated that there was a concrete wall on the east side of Bentley Avenue and that there was a wall on the west side but it deteriorated and was gone; he inquired if something would be done on the west side of Bentley. Director Gombac responded 'yes' that the culvert and head wall would be removed and a new pipe installed, additional rip-rap stone and/or pavement would be put in its place. There was discussion about mowing the area. Alderman Biehl commented that the project enhanced the area.

Alderman McIvor suggested that a sample of the available wood chips be placed at City Hall. She inquired about the sidewalk replacement program, particularly when the corner curbs would be ADA compliant. Mayor Soldato responded that they were made ADA compliant when replacement was necessary.

Administrator Vana commented that the open drainage ditch system was popular in the northeast end of the City. He indicated that during next year's budget, a program would be discussed including estimates for its continuation.

11. TREASURER'S REPORT

A. WARRANT NUMBER 05-06-06

It was moved by Alderman Poterasko and seconded by Alderman Gattuso to approve payment of Warrant Number 05-06-06 in the amount of \$206,871.86 from the General Fund; \$12,650.82 from the Water Fund; \$5,228.42 from Motor Fuel Tax Fund; \$694.62 from the Darien Area Dispatch Center Fund; \$9,411.53 from the Joint Use Facility Fund; \$262,341.19 from the General Fund Payroll for the period

ending 07/14/05; \$27,573.35 from the Water Fund Payroll for the period ending 07/14/05; \$29,060.98 from the D.A.D.C. Fund Payroll for the period ending 07/14/05; for a total to be approved of \$553,832.77.

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

Nays: None

Absent: Durkin

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

12. STANDING COMMITTEE REPORTS

Administrative/Finance Committee — Chairman Weaver said that the Committee met prior to the Council meeting and recommended approval of the two items listed under New Business. She stated that the Committee would meet on Monday, August 8th, 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 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

There were no Consent Agenda items to come before the City Council.

16. NEW BUSINESS

A. CONSIDERATION OF A MOTION TO APPROVE A PROPOSAL FROM KENIG, LINDGREN, O'HARA AND ABONNA, INC. (KLOA, INC.) FOR A TRAFFIC STUDY IN THE CITY. KLOA, INC. HAS COMPLETED PHASE 1 OF THE PROJECT AND HAS PREPARED A COST ESTIMATE TO BEGIN PHASE 2 IN SUB AREA 1

It was moved by Alderman Marchese and seconded by Alderman Weaver to approve a Proposal from Kenig, Lindgren, O'Hara and Abonna, Inc. (KLOA, Inc.) for a Traffic Study in the City. KLOA, Inc. has completed Phase 1 of the Project and has Prepared a Cost Estimate to Begin Phase 2 in Sub Area 1, as presented.

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

Nays: None

Absent: Durkin

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

B. CONSIDERATION OF A MOTION TO APPROVE THE INTENT TO TRANSFER HOLLY PARK PARCEL #09-28-101-010 TO THE DARIEN PARK DISTRICT PENDING THEIR FORMAL REQUEST

It was moved by Alderman Biehl and seconded by Alderman Gattuso to approve the Intent to Transfer Holly Park Parcel #09-28-101-010 to the Darien Park District Pending Their Formal Request, as presented.

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

Nays: None

Absent: Durkin

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

17. QUESTIONS, COMMENTS AND ANNOUNCEMENTS — GENERAL

Alderman Biehl asked Director Gombac if the City was able to utilize MFT funds for the 67th Street ditch work; Administrator Vana responded that money had been budgeted for the project.

Phyllis Zimmer, 6446 Tennessee in Willowbrook, spoke about the proposed development at 67th Street & Bentley Road. She felt that Darien violated the DuPage County Stormwater Ordinance by not requiring developers within the area to construct storm sewers. She indicated that the 70 acre area had no storm sewers and that the storm water drained into her backyard instead of storm sewers. She commented about the Zimmer vs. Willowbrook lawsuit and the 1985 Willowbrook Comprehensive Plan. She indicated that on March 31, 2005, Mayor Soldato met with residents regarding flooding concerns at 67th Street & Bentley Road; he agreed to organize a meeting with Darien, Willowbrook, Westmont and DuPage County to resolve the flooding issues. Ms. Zimmer stated that Mayor Soldato sent a letter to residents dated July 30, 2005 and that no joint meeting took place. She said that neither Mayor Soldato nor Administrator Vana returned her telephone calls; she wrote to Administrator Vana but did not receive a response.

Mayor Soldato responded that Ms. Zimmer stated nothing new and that the City respectfully disagreed with her opinion. He commented that she had specific standards that could be reviewed with the County regarding stormwater regulations. He said that the City hired professional engineers to review the project. He said that he did not return her recent calls because nothing changed and there was nothing to say. He indicated that residents who attended the meeting wanted the density reduced and to find a global solution to the stormwater problem that existed outside Darien. Administrator Vana found that a plan was in place and that was the City's goal, to find a solution. He noted that Darien would not fund a solution to Ms. Zimmer's stormwater problems because she was not part of Darien and that Darien was not causing the problem. He directed Ms. Zimmer to the County Stormwater Committee for funding and resolution. Discussion ensued.

Grace Olech, 6440 Tennessee in Willowbrook, spoke about stormwater runoff that was directed onto the Zimmer and Olech properties. She said that stormwater from the 64th & Bentley area stagnated and bred the West Nile Virus and other deadly diseases on those properties, which was high risk for residents. She indicated that it was criminal to endanger anyone's life. For the record, she stated "I adamantly oppose the directing of stormwater runoff onto my property from the Ebla/Mayada subdivision at 67th & Bentley. An alternative must be found for Ebla so as not to use private property. Thank you."

Mary Sullivan and Pam Henry, representatives of the Darien Historical Society spoke on behalf of "Save the Barn Committee". Ms. Sullivan thanked the community for their support and reminded everyone that

the Society would be fundraising for restoration of the barn. Ms. Henry indicated that the Society had a 'Tag Day' scheduled for August 12 and 13 and that they would be soliciting on the corner of 75th & Cass Avenue and at various Darien stores.

Linda Tibensky, 8936 Kilkenny Drive, requested Council to consider implementation of an ordinance that would hold cat owners accountable for their animal's actions. She provided an explanation of a situation that included medical expenses; she indicated that the owner still allowed the animal to run freely. Mayor Soldato commented that various committees considered regulations for cats similar to those in place for dogs or animals in general; he said that Council chose not to regulate cats. He suggested that an ordinance containing language that any animal causing a nuisance or damage would be the responsibility of the owner. Alderman Weaver inquired if the situation fell under the nuisance ordinance; Chief Pavelchik responded that it would fall under civil litigation or small claims action.

Lisa Hauser, 2221 Dunmore Drive, spoke about the neighborhood cat; she approached the owners and they agreed to keep the cat inside but it only lasted a few weeks. She was concerned about her children's well being due to allergies and the cat utilizing their yard and sand box. Mayor Soldato said that the City Attorney would be asked to investigate if other municipalities implemented similar ordinance language and that the Administrative/ Finance Committee would review the issue at their meeting scheduled for August 8th.

18. ADJOURNMENT

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

VIA VOICE VOTE – MOTION DULY CARRIED

The City Council meeting adjourned at 9:17 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 08-01-05.