

Minutes - May 5, 2003

EXECUTIVE SESSION

It was moved by Alderman Marchese and seconded by Alderman Weaver at 7:00 P.M. to move into Executive Session for the purpose of discussing Litigation as prescribed by Section 2(c)(11) of Public Act 88-621 with no action to be taken.

Roll Call: Ayes: Biehl, Cotten, Hagen, Marchese, Poteraske, Weaver
Nays: None

Absent: Tikalsky (arrived at 7:20 P.M.)
Results: Ayes 6, Nays 0, Absent 1

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
MAY 5, 2003

1. CALL TO ORDER

The regular meeting of the City Council of the City of Darien was called to order at 7:35 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
Gregory Dreyer, Director of Community Development
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 — April 21, 2003

It was moved by Alderman Tikalsky and seconded by Alderman Hagen to approve the Minutes of the Regular Meeting of April 21, 2003, as presented.

Alderman Poteraske noted that Approval of Minutes April 7, 2003 indicated 7 Ayes but Alderman Biehl's name was not listed in the Roll Call.

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 Marchese stated that he conversed with Brian Nigonosian, 8941 Tara Hill Drive, in regard to the roadway entrance of the Tara Hill Subdivision. He noted that Public Works would schedule patching this year and that it would be placed on the street program for next year.

Alderman Poteraske:

* Bob Kuglin, 1500 block of 71st Street, and neighbors submitted a Petition for installation of a streetlight at the intersection of Emerson Drive & 71st Street.

* Mr. Gaspari, 7200 block of Gold Grove Place, reported continual flooding in the rear yard.

* Mr. Prince, 1400 block of 77th Street, inquired about installation of a new fence; Alderman Poteraske provided him with permit information.

7. MAYOR'S REPORT

A. GOVERNMENT FINANCE OFFICERS ASSOCIATION (GFOA) PRESENTATION OF THE 2002 CERTIFICATE OF ACHIEVEMENT

Mayor Soldato introduced Sue Stanish, Village of Willowbrook's Director of Finance and GFOA representative; Ms. Stanish presented the City with the 2002 Certificate of Achievement. She gave a brief overview of the history of the GFOA program and stated that this was the ninth year that the award had been bestowed on the City of Darien.

B. MAYORAL PROCLAMATION - PEACE OFFICERS' MEMORIAL DAY (May 15, 2003) & NATIONAL POLICE WEEK (May 11-17, 2003)

Mayor Soldato read the Proclamation, which designated May 15th as "Peace Officers' Memorial Day" and the week of May 11 through 17 as "National Police Week". He requested citizens to recognize and pay respect to those law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in service to their communities or have become disabled in the performance of duty.

Mayor Soldato

...spoke about the Dale Basin; he said that it was a top priority and that Administrator Vana was

corresponding with the County to have them commit to the completion of the stormwater project.
...noted that DuPage County Chairman Schillerstrom was attempting to take over the DuPage Water Commission. Mayor Soldato stated that the City of Darien and other communities objected to the County Board taking over an efficiently run agency, which provides Lake Michigan water, in order for the County to obtain additional revenue.
...commented that Council would meet as a Committee of the Whole to discuss the redevelopment of the business district at 75th Street and Cass Avenue.

8. CITY CLERK'S REPORT

Clerk Coleman invited everyone for Coffee with Mayor Soldato on Saturday, May 17th, from 9:00 until 10:00 A.M. She stated that the Coffee would be held in conjunction with the Public Works Open House, which was scheduled from 9:00 A.M. until 2:00 P.M. at the facility located at 1041 South Frontage Road.

Clerk Coleman administered the Oath of Office to Community Development Director Dreyer. He received congratulations from the City Council and applause from the audience.

9. CITY ADMINISTRATOR'S REPORT

Administrator Vana

...announced that a meeting had been scheduled for the Committee of the Whole for Tuesday, May 13, 2003 at 5: 30 P.M. in the City Council Chambers.

...reminded Council to respond to Ms. Furman in regard to the 41st DuPage Mayors and Managers Dinner.

...noted that the newspapers had reported take over stories of the DuPage Water Commission. He said that if Council or residents had questions, they should contact Mayor Soldato or Administrator Vana.

Alderman Biehl inquired if Administrator Vana received a response from Board Member Gilgis; Administrator Vana responded that Ms. Gilgis had not contacted him. Mayor Soldato noted that the DuPage Water Commission issue was complex and had no rational basis.

10. DEPARTMENT HEAD REPORT

Police Chief Robert Pavelchik

...invited Council to stop by the Police Department to try the firearm simulation; he noted that it taught officers to utilize judgment within situations to shoot or not to shoot.

...informed Council that the Bike Patrol was in operation for the Summer.

...announced that the Police Pension Board awarded a disability pension to Officer Edward Vaughan.

Mayor Soldato asked Chief Pavelchik to speak about the neighborhood watch program. Chief Pavelchik commented that both Tara Hill and Farmingdale Village initiated a neighborhood watch program in order to keep neighbors involved with happenings within their area. He stated that if there was a problem, residents should dial 911 for immediate police assistance.

Alderman Biehl thanked Chief Pavelchik for resolving the noise issue at Wendy's.

11. TREASURER'S REPORT

A. WARRANT NUMBER 02-03-25

It was moved by Alderman Tikalsky and seconded by Alderman Biehl to approve payment of Warrant Number 02-03-25 in the amount of \$37,585.45 from the General Fund; \$2,533.83 from the Motor Fuel Tax Fund; \$41,706.00 from the Impact Agency Fund; \$14,935.66 from the Water Fund; \$2,203.00 from

the Special Service Area Tax Fund; \$80.00 from the D.A.R.E. Fund; \$546.42 from the Darien Area Dispatch Fund; \$194,216.19 from the General Fund Payroll for the period ending 04/17/03; \$14,059.06 from the Water Fund Payroll for the period ending 04/17/03; \$19,972.35 from the D.A.D.C. Fund Payroll for the period ending 04/17/03; for a total to be approved of \$327,837.96.

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. WARRANT NUMBER 03-04-01

It was moved by Alderman Hagen and seconded by Alderman Poteraske to approve payment of Warrant Number 03-04-01 in the amount of \$3,669.73 from the General Fund; \$109,650.00 from the Water Fund; \$184,275.78 from the General Fund Payroll for the period ending 05/01/03; \$15,574.63 from the Water Fund Payroll for the period ending 05/01/03; \$25,927.53 from the D.A.D.C. Fund Payroll for the period ending 05/01/03; for a total to be approved of \$339,097.67.

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 ó Chairman Weaver noted that the Committee would meet on May 12th at 6:30 P.M.

Planning/Development Committee — No Report.

Public Works Water/Streets Committee — No Report.

13. QUESTIONS AND COMMENTS — AGENDA RELATED

Mary Toniolo, 8492 Sandalwood Court, encouraged Council to approve the Declaration of Default for Crossroads of Darien.

14. OLD BUSINESS

There was no Old Business to come before the City Council.

15. CONSENT AGENDA

Alderman Weaver stated that she had comments about the Wal-Mart addition. Therefore, Mayor Soldato noted that Consent Agenda Items A and B were moved to New Business as Items A and B; New Business Items A and B were changed to Items C and D.

16. NEW BUSINESS

A. CONSIDERATION OF A MOTION TO APPROVE AN ORDINANCE GRANTING A MINOR AMENDMENT TO AN APPROVED PLANNED UNIT DEVELOPMENT (Darien Towne Centre: Wal-Mart, Stockroom Addition)

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

ORDINANCE NO. O-21-03 AN ORDINANCE GRANTING A MINOR AMENDMENT TO AN APPROVED PLANNED UNIT DEVELOPMENT (Darien Towne Centre: Wal-Mart, Stockroom Addition)

as presented.

Alderman Weaver inquired about the decibel readings from the trash compactor. Alderman Cotten responded that Wal-Mart provided a dèbase reading; a reading would be taken after the compactor was moved to check if there was an increase in the noise level; if there was no increase, no action would be necessary.

Alderman Tikalsky stated that it was unknown if the compactor made noise and that Wal-Mart had agreed that they would provide additional screening if noise was an issue.

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 AN ORDINANCE AUTHORIZING A COMMUNICATION FACILITY LEASE WITH VOICESTREAM OPERATING COMPANY, L.L.C.

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

ORDINANCE NO. O-22-03 AN ORDINANCE AUTHORIZING A COMMUNICATION FACILITY LEASE WITH VOICESTREAM OPERATING COMPANY, L.L.C.

as presented.

Alderman Weaver noted that this lease would bring approximately \$19,500 in new revenue to the City.

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 A RESOLUTION DECLARING A DEFAULT AND DEMANDING PAYMENT UNDER A CERTAIN LETTER OF CREDIT (Crossroads of Darien/Builders Bank)

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

RESOLUTION NO. R-16-03 A RESOLUTION DECLARING A DEFAULT AND DEMANDING PAYMENT UNDER A CERTAIN LETTER OF CREDIT (Crossroads of Darien/Builders Bank)

as presented.

Alderman Cotten inquired what the timeframe for improvement would be. Director Dreyer responded that he had spoken with the developer who stated that removal/replacement of landscaping, removal of poles and trailer, and grading/seeding would begin the week of May 5th. There was discussion about utilizing the funds from the letter of credit and the completion of the outstanding work.

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

Nays: None

Absent: None

Results: Ayes 7, Nays 0, Absent 0

MOTION DULY CARRIED

D. CONSIDERATION OF A MOTION TO APPROVE A RESOLUTION FOR MAINTENANCE OF STREETS AND HIGHWAYS BY MUNICIPALITY UNDER THE ILLINOIS HIGHWAY CODE (Municipal Estimate of Maintenance Costs)

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

RESOLUTION NO. R-17-03 A RESOLUTION DECLARING A DEFAULT AND DEMANDING PAYMENT UNDER A CERTAIN LETTER OF CREDIT (Crossroads of Darien/Builders Bank)

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

17. QUESTIONS, COMMENTS AND ANNOUNCEMENTS — GENERAL

Alderman Biehl:

* thanked Accountant Richards, Past-Treasurer Donner and Treasurer Monaghan for the award bestowed on the City.

* asked Public Works to place a temporary barricade where sidewalk was missing on the south side of Maple Lane, east of Richmond, due to County sewer work.

Alderman Tikalsky inquired about the fencing installed in the Darien Centre parking lot by Home Depot; Mayor Soldato responded that it was allowed by Agreement. Alderman Tikalsky noted that Home Depot had placed additional plantings in another area of the parking lot; Mayor Soldato directed Council to advise Staff if they viewed the storage issue as a problem.

Mayor Soldato introduced Mike Stratis from Intrepid Properties the proposed developer of the old Gallagher & Henry Lot 53 site at 75th Street west of Fairview Avenue. Mayor Soldato stated that Mr. Stratis was scheduled to speak prior to the Council Meeting but was unable to do so because of Executive Session. Mr. Stratis spoke about the development site and potential problems; he indicated that there was interest to construct a bank, a restaurant or retail. Mayor Soldato noted that a car wash would not be beneficial to the City due to excessive traffic but the other options were conducive to the City's planning. Alderman Marchese stated that a nice restaurant in that location could be a viable business. Alderman Hagen stated that a bank was acceptable but he would rather see retail on the whole site; he favored the entire site being developed at one time, not in phases. Alderman Cotten noted that residents to the south of the parcel were sensitive due to the impact of commercial developments along 75th Street; he said that he was in favor of a good restaurant and that the area would support one; he felt that access, or lack thereof, was not an issue; he had no problem with one lot being developed at a time but specified that the existing house be demolished and replaced with quick growing grass until the lot was ready for development. Council was polled as to the development of the parcels if done in phases, which would include a bank, a clean lot and a second use that was not burdensome: AYE: Marchese, Cotten, Pateraske, Biehl; NAY: Weaver, Hagen; NO COMMENT: Tikalsky.

Karl Knecht addressed Council and demanded an apology from Mayor Soldato for comments made after Mr. & Mrs. Knecht left the Council meeting on April 7th. Mayor Soldato stated that the Knechts threatened litigation and if Mr. Knecht wanted to speak about facts related to the Tara Hill Wetlands that would be permissible otherwise Council was advised by Legal Counsel not to speak about other issues. Mr. Knecht read a prepared statement in regard to the wetlands.

18. EXECUTIVE SESSION — LITIGATION, SECTION 2(c)(11) OF PUBLIC ACT 88-261

It was moved by Alderman Cotten and seconded by Alderman Tikalsky to reconvene into Executive Session for the purpose of discussing Litigation as prescribed by Section 2(c)(11) of Public Act 88-621 with no action to be taken.

Roll Call: Ayes: Biehl, Cotten, Hagen, Marchese, Pateraske, Tikalsky, Weaver
Nays: None

Absent: None

Results: Ayes 7, Nays 0, Absent 0

MOTION DULY CARRIED

19. ADJOURNMENT

The City Council reconvened into Executive Session at 8:55 P.M. and upon proper reverse roll call, adjourned at 9:30 P.M.

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

VIA VOICE VOTE — MOTION DULY CARRIED

The City Council meeting adjourned at 9:30 P.M.

City Clerk
JFC/jr

Mayor

All supporting documentation and report originals of these minutes are on file in the Office of the City Clerk under File Number 05-05-03.
Minutes of 05-05-03 CCM
May 5, 2003