

## **Minutes - November 17, 2003 - Committee-of-the-Whole**

Minutes of the Committee-of-the-Whole Meeting

of the City Council of the

CITY OF DARIEN

NOVEMBER 17, 2003

### **1. CALL TO ORDER**

The Committee-of-the-Whole Meeting of the City Council of the City of Darien was called to order at 6:00 P.M. by Mayor Carmen D. Soldato. In attendance were Mayor Soldato, Clerk Coleman, Treasurer Monaghan, Attorney Kolman, Aldermen Biehl, Cotten, Hagen, Marchese, Poteraske, Tikalsky, and Weaver, Administrator Vana, Community Development Director Dreyer, and Public Works Asst. Director Mengarelli.

Mayor Soldato explained that the Committee-of-the-Whole was a means for Council to informally discuss important items for future action.

### **2. REVIEW RESIDENTS' REQUEST THAT THE COUNCIL OFFER PARK AND RECREATION SERVICES IF A REFERENDUM TO DISSOLVE THE DARIEN PARK DISTRICT IS APPROVED BY THE VOTERS**

Mayor Soldato gave background information regarding citizen initiative to dissolve the Darien Park District by referendum on the March 2004 ballot. He noted that City Attorney Kolman reviewed legal issues that would be relevant if the City considered assumption of the responsibilities and creation of a department within the City. He verified that consolidation of the Park District was not a City initiative but one that was brought forward by citizens. Mayor Soldato stated this was not a complex issue and that State Law mandated how to dissolve a taxing body. He said that through voting, the will of the people would be expressed, would be followed, and would work with the City of Darien to permit development of a department within the City via an intergovernmental agreement. He commented that it was not draconian; authority to consolidate or dissolve was contained within the State Statutes. He noted that Attorney Kolman responded to Council inquiries about dissolution of the Darien Park District through a memorandum dated November 12, 2003. The Mayor said that this item was placed on the agenda for discussion and that Council would consider the issue at the 7:30 P.M. City Council meeting to authorize the attorney to prepare a resolution of intent to take over the operations as a department of the City if voters dissolved the Darien Park District in March.

Alderman Marchese inquired if part of the intergovernmental agreement would have a provision for the City to hire Park District employees; Mayor Soldato responded that the goal of consolidation of a governmental body should benefit Darien taxpayers, which would include consolidation of employee responsibilities.

Alderman Weaver spoke about the number of voter signatures needed, which was two-thirds (2/3) of those who voted for the highest vote getter in the last election but not less than twenty percent (20%); she inquired what the twenty percent (20%) would be. Attorney Kolman responded that she did not know the figure. Mayor Soldato stated that issue was left to the people who were initiating the dissolution. Alderman Weaver confirmed that the Park District would have to settle their affairs and debts after dissolution, which was affirmed by Attorney Kolman; she further stated that the City would not take over their debt and inquired if they would have to sell their assets. Mayor Soldato responded that the Park District would have to state their intention to dissolve/resolve their affairs.

Alderman Cotten stated that there was an assumption that the Park District was willing to work with the City. He inquired what would happen if the Park District sold or gave their property to the school or library districts after the City had developed a park district department that had no assets; Alderman Cotten stated that everything was predicated on an intergovernmental agreement where the City obtained the assets if the Park District was willing to negotiate. Mayor Soldato stated that the answer was two-fold: the Park District was not responding to people and that it was possible that the Park District could go in a different direction. Alderman Cotten noted that the City had no authority to take over; Mayor Soldato stated that the City was not to speculate about what the Park District would do but that the citizens have said they wanted the Park District dissolved.

Alderman Poteraske stated that he felt that if there was a two-thirds (2/3) vote by the people that the Park District would do what was best for the City, which would be to work with the City and schools, to work out an agreement, and to cooperate.

Alderman Hagen commented that if the Park District were dissolved and there was an overall debt, it could be solved by levying the debt to the residents or to pass it on to whoever took over the responsibility. Attorney Kolman affirmed and stated that it would have to be on existing debt not a newly created debt.

Alderman Biehl questioned if park district programs would continue or cease if there was a two-thirds (2/3) vote to dissolve. Mayor Soldato stated that the Park District would retain the authority to continue and wrap-up its operations. He noted that after entering into an intergovernmental agreement, there would be no change in services provided other than the City's attempt to improve and enhance programs. Alderman Biehl asked if the City had a new division of parks and recreation, where would the City stage the programs, meetings and group activities if the Park District sold all their assets. Administrator Vana said that part of the agreement would include operation of the programs in the same places; he said the property would be conveyed to the City by intergovernmental agreement, not necessarily sold. Alderman Biehl asked Attorney Kolman for clarification about the Park District dissolving their assets to pay their debt; she responded that they could extend taxes every year to pay off existing debt or they could enter into an intergovernmental agreement with another governmental entity to take over the debt and obligation, which could include transferring ownership of buildings.

Alderman Hagen verified if the Park District dissolved, assuming that there were no other intergovernmental agreements, that they could no longer incur debt, which meant that they no longer had employees. Mayor Soldato stated 'no'. He said that Statute contemplates that through initiative, people could dissolve a park; the assumption would be that if all park boundaries were within the City, the City would take over everything and all would flow to the City. He noted that there were areas outside the City limits within the Park District boundaries and that the assumption would be that if the Park District had cash, the cash would go to the school districts.

Attorney Kolman commented that residents of the Brookfield Park District were petitioning to dissolve their park district. She noted that the only difference between Brookfield and Darien was that Brookfield Park District was co-terminus with the Village of Brookfield but would still need to go through referendum. Alderman Biehl inquired why the residents of Brookfield were dissolving the park district; Attorney Kolman responded that no reason would be stated that the question on the ballot would simply state 'do you want to dissolve the Park District'.

Alderman Poteraske asked if a department of recreation/parks was created instead of a Park District, would the City be able to do all the things that a park district does in regard to grants, levies, legislative activities, etc. Mayor Soldato stated that there were municipalities that had a separate taxing body, park district, and the City also ran their own recreational activities; he said there were no limitations or restrictions. Mayor Soldato stated that the dissolution would save the taxpayers money.

Alderman Hagen inquired what would happen to the non-Darien portions of the park district. Mayor Soldato stated that those portions would fall under either DuPage County or Village of Woodridge; he stated that those residents could benefit by entering into an intergovernmental agreement with the City to service them under the department; this would be a policy decision for the Council. Attorney Kolman stated that those residents could also be charged non-resident rates for participation within the programs.

Attorney Kolman commented that after a park district was dissolved, the first thing would be to pay off existing debts and obligations prior to or as of the date of dissolution; any monies left over, after paying off all debt, would go to the school districts. She stated that in reality there probably would be no money left over.

Alderman Cotten stated that there were no time limits or procedures to follow for dissolution; he said that the transition could take six months or a year. Attorney Kolman said that was correct; she noted that they must take care of all their personal and real property, debt and obligations.

Alderman Biehl stated that if the Park District did dissolve, would the Park District employees need to apply for a position with the City in the newly created department, if they would continue with seniority or begin as new employees; Mayor Soldato stated that those would be issues to consider upon consolidation.

### 3. MARION HILLS SIDEWALK

Mayor Soldato stated that some residents have requested that the City consider placement of sidewalks in the Marion Hills area. Mayor Soldato turned the meeting over to Administrator Vana, who had corresponded with Christopher B. Burke Engineering, Ltd. in regard to the proposed project. Administrator Vana stated that in a memorandum dated November 10, 2003 from Paul Bourke of CBBEL the estimated cost for placement of sidewalks in Marion Hills was \$803,079.

Alderman Weaver stated that she was pleased with the estimated cost because she expected a much higher figure. She noted that if the City only did the sidewalk installation that it would be exempt from the DuPage County Stormwater Ordinance. She stated that it would be necessary to survey all Marion Hills residents in regard to the improvement, that there could be a special service assessment and that the City could apply for grant money.

Alderman Marchese was concerned because the area was ripe for redevelopment; he said that when redevelopment would occur, the City would require the developer to place curb & gutter, sidewalks, etc. He felt that if parcels were purchased, existing homes torn down and rebuilt, that the concrete work be a waste. Administrator Vana stated that those improvements were required for new development and if there were existing improvements that were damaged during construction, the developer would be required to replace them.

Alderman Hagen inquired why consideration for sidewalk focused only on Marion Hills instead of Citywide; he felt that the people needed to be surveyed. He said that the City should also consider upgrading the ditches to make them level with the street; Alderman Weaver stated that if the City performed that work it would need to comply with the DuPage County Stormwater Ordinance.

Alderman Biehl agreed that a survey of the Marion Hills residents was necessary. He stated that he received communication from a resident on Eleanor Place; the resident informed him that in the 1970's he was informed by Council that sidewalks were going to be placed within the subdivision, particularly on the east side of Eleanor. The resident indicated that, at that time, the monies collected for vehicle stickers was for safety sidewalks; Alderman Biehl stated that safety sidewalks were now defined specifically as Cass Avenue, Clarendon Hills Road, Plainfield Road, and 75th Street.

Alderman Tikalsky inquired how many homes were in Marion Hills; he was informed that the number would need to be determined. He said that the City should not be responsible for full payment, that there should be a cost per household.

Alderman Poteraske commented that the intent was to survey residents within the Marion Hills area; he noted that there were streets within Ward 3 that did not have sidewalks and he would also like those areas surveyed. Alderman Weaver stated that Marion Hills residents brought forward the sidewalk issue and action needed to be taken; she stated that if other areas would like sidewalks that those residents should make a request.

Alderman Cotten asked if there was going to be a floodway map revision based on improvements; he suggested that the areas within the floodway wait to be done until a Letter of Map Revision (LOMR) was complete.

Mayor Soldato asked Ms. Peterson and Ms. Murford to survey the residents of Marion Hills North to see if there was interest in having the sidewalks and also to include a question to ascertain if they would still be interested in the sidewalks if the City needed to accomplish this via a Special Service Area tax.

Heather Murford felt the lack of sidewalks was a safety issue and inquired if a State grant could be obtained for this purpose; she noted other municipalities that have obtained grants. Mayor Soldato noted the process the City had taken to obtain other State grants but advised that the State of Illinois was in financial difficulty. Monies that were to have already been forwarded to the City were frozen by the Governor, so there would be no guarantee that if a grant was awarded that the money would be forthcoming in the near future. He invited the women to meet with Administrator Vana so they would have a better idea where the sidewalks would be placed on the property and further advised that Administrator Vana would assist the residents with grant preparation if they desired.

#### 4. ADJOURNMENT

There being no further business to come before the Committee-of-the-Whole, the meeting adjourned at 7:05 P.M.

Carmen D. Soldato, Mayor

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Joanne F. Coleman, 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 11-17-03 Committee-of-the-Whole.