

Minutes - October 15, 2001

Darien City Council Meeting Minutes: 10.15.01

A WORK SESSION WAS CALLED TO ORDER AT 7:05 P.M. BY MAYOR CARMEN SOLDATO FOR THE PURPOSE OF REVIEWING ITEMS ON THE OCTOBER 15, 2001 AGENDA WITH THE CITY COUNCIL. THE WORKSHOP SESSION ADJOURNED AT 7:15 P.M.

Minutes of the Regular Meeting of the City Council of the CITY OF DARIEN
OCTOBER 15, 2001

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 Joseph Marchese
Morgan Cotten James Tikalsky
Sean P. Durkin Kathleen Moesle-Weaver

Absent: David Hagen

Also in Attendance: Carmen D. Soldato, Mayor
Joanne F. Coleman, City Clerk
Arthur P. Donner, Treasurer
John B. Murphey, City Attorney
Rick O. Curneal, City Administrator
Edward Musial, Chief of Police
JoEllen Charlton, Director of Community Development
Barbara Richards, Director of Finance & Administration
Robert Mengarelli, Asst. Director of Public Works

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

5. APPROVAL OF MINUTES - October 1, 2001

It was moved by Alderman Tikalsky and seconded by Alderman Marchese to approve the Minutes of the Regular Meeting of October 1, 2001 as presented.

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

Nays: None

Absent: Hagen

Results: Ayes 6, Nays 0, Absent 1

MOTION DULY CARRIED

6. RECEIVING OF COMMUNICATIONS

Alderman Weaver stated that she spoke with Administrator Curneal, who informed her that the co-manager of the Jewel said he submitted a request for replacement of the fence for Jewel's upcoming budget. She noted that another portion of the fence was currently falling into a resident's yard on Timber Lane.

Alderman Weaver said that she received an email from Ms. Deanna Hinkelman, 1105 Tamarack Drive, in regard to severe flooding and sanitary sewer backup, which occurred on October 13 and 14 at the intersection of Tamarack Drive and Seminole Drive. Asst. Director Mengarelli stated that DuPage County visited the site on Saturday. Administrator Curneal said that the City received calls from residents regarding sanitary sewer backups in basements and stormwater flooding of streets. He noted that sanitary sewer backup complaints were more numerous than in the past; he said that he would contact the County regarding the affected areas and inquire if a program was available and make that information available to residents.

Alderman Durkin was contacted by

- * Paul Stonikas, 1809 71st Street, about a neighbor dispute regarding trees on private property;
- * a resident regarding the flooding of Stevens Street; and
- * Dick Parus, 7141 Beechnut Lane, regarding the residence that received approval from Council for a front yard fence.

Alderman Biehl was contacted by

- * Ira Breshof, 406 71st Street, regarding sanitary sewer backup in the basement due to the storm on October 13th. Mr. Breshof informed him that he had contacted DuPage County;
- * Steve Kotwica, 414 71st Street, regarding sanitary sewer backup; and
- * Kris Sant, 560 71st Street, regarding sanitary sewer backup.

Alderman Biehl inquired if the sticker requirement could be waived for sewer backup victims if the Administrator designated the specific areas.

Alderman Biehl spoke with County Board Members Bennington and Brown regarding the sale of bonds. He was informed that the Dale Basin engineering was being worked on and they predicted that portion of the flood relief could be started this Fall with the balance of the other three projects completed next year. Alderman Durkin asked what the City's share of this project would be. Administrator Curneal responded that the total cost was \$5-6 million for the detention facilities and an additional \$1 million for land acquisition; he said the City budgeted \$750,000.

Alderman Tikalsky received a letter from Linda and Tony Zeman, 8125 Portsmouth Drive, which he read aloud. They opposed the display of the "Respect Life" banners.

Alderman Tikalsky noted that he was contacted by Ms. Banas, who expressed support for the proposed Dominick's project instead of a park site.

Treasurer Donner noted that the Department of Insurance was performing the annual audit of the Police Pension Fund.

7. MAYOR'S REPORT

A. MAYORAL PROCLAMATION - "RED RIBBON WEEK" (October 23-31, 2001)

Mayor Soldato read the Proclamation and proclaimed October 23 through 31, 2001 as "Red Ribbon Week". He encouraged citizens to participate in alcohol and other drug education and prevention activities to make a visible statement that Darien citizens are strongly committed to a drug-free community. The Proclamation was presented to Assistant to the Superintendent for Special Programs Michael Gormley. Assistant Gormley invited all to attend Red Ribbon Appreciation Breakfast on October 25th from 8:00-10:00 A.M. at Eisenhower Junior High School to honor firefighters, police officers, and airline employees due to the recent tragedy.

B. MAYORAL PROCLAMATION "BETTY ANDRUS-FISHER"

Mayor Soldato read the Proclamation and designated Betty Andrus-Fisher as "An Honorary Darien Historian". He encouraged citizens of Darien and surrounding communities to tour the Darien Historical Society Museum to become more familiar with the Andrus Family history and the many contributions made by Betty Andrus-Fisher. Darien Historical Society members presented Ms. Andrus-Fisher with a bouquet as she accepted the Proclamation.

8. CITY CLERK'S REPORT

Clerk Coleman...

... announced that the Plan Commission meeting scheduled for Wednesday, October 17th, and the Zoning Board of Appeals meeting scheduled for Tuesday, October 23rd, were cancelled due to lack of agenda items..

... invited everyone to have Coffee with Mayor Soldato on Saturday, October 20th, from 9:00 until 10:00 A.M. in the City Council Chambers.

... thanked everyone for their kind expressions of sympathy on the death of her daughter.

9. CITY ADMINISTRATOR'S REPORT

Administrator Curneal...

... stated that the City's email system was operational. He asked Council members, who had not submitted their passwords, to forward the information to him.

... noted that he distributed handouts to Council, which included:

- * an email in regard to the October 13th flooding from Mike Brown, 7425 Richmond Avenue;
- * a letter from Robert Dal Santo and Dr. Barbara Schoen concerning speed humps on 67th Street; and
- * a letter from Sylvia McIvor, 3265 Ailsworth Court, concerning the proposed Dominick's project.

... said that there was an updated summary, by Ward, in City Hall of phone calls received concerning the Dominick's project.

10. DEPARTMENT HEAD REPORT - No Report.

11. TREASURER'S REPORT

A. WARRANT NUMBER 01-02-12

It was moved by Alderman Biehl and seconded by Alderman Tikalsky to approve payment of Warrant Number 01-02-12 in the amount of \$70,662.95 from the General Fund; \$6,924.28 from the Darien Area Dispatch Fund; \$7,243.43 from the Hotel/Motel Tax Fund; \$5,185.20 from the Motor Fuel Tax Fund; \$129,089.74 from the Water Operations Fund; \$138,914.78 from General Fund Payroll for the period ending 10/04/01; \$14,628.58 from the Water Fund Payroll for the period ending 10/04/01; \$20,488.18 from the D.A.D.C. Fund Payroll for the period ending 10/04/01; for a total to be approved of \$393,137.14.

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

Nays: None

Absent: Hagen

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

12. STANDING COMMITTEE REPORTS

Administrative/Finance Committee - Chairman Weaver submitted, for the record, Minutes from the September 10, 2001 meeting. She announced that the next Committee meeting would be on Monday, November 12th, at 6:30 P.M.

Planning/Development Committee - No Report.

Public Works Water/Streets Committee - Chairman Biehl announced that the October 24th meeting was rescheduled to November 5th at 6:30 P.M. prior to the City Council meeting.

13. QUESTIONS AND COMMENTS - AGENDA RELATED

The following comments were made in regard to the proposed Dominick's at 75th Street and Lyman Avenue:

Jack Mancione, President for Darien-Woodridge Fire District, gave a brief history background about the District's involvement with the sale of the 'old fire station' property on 75th Street. He said the District reviewed problems they encountered with previous closings, thought that a solution was found and sought a perspective buyer. He noted that the ordeal was financially overwhelming and he felt that the proposed Dominick's project was in the best interest of all Darien residents.

Bob Tinucci, Chief Administrator Darien-Woodridge Fire District, spoke on behalf of the District. He said that numerous comments were made about traffic at 75th Street and Lyman Avenue, especially for emergency response; he stated that the District did not have a problem proceeding through the intersection at 75th and Lyman.

Bob Klein, 8515 Carriage Greens Drive, read a prepared statement about increased real estate taxes and Darien's development over the past 29 years. He said that it was Council's responsibility to insure residents that taxes would be kept to a minimum and he asked Council to consider all residents.

Tom Sailer, 7957 Hedgewood, stated that he shopped at Dominick's in Downers Grove because it was the closest store. He felt that the City should attract tax revenue.

Barry Franks, 7955 Hedgewood, was in favor of Dominick's being a part of Darien and would appreciate help with offsetting taxes.

Cheri Dolan, a representative of Dominick's, thanked Council for their consideration and professionalism throughout the process.

John Philipchuck, attorney for Dominick's, thanked Council and said that the proposed plans had been revised, which indicated additional landscaping and addressed the driveway across from Darien Towne Centre. He said that Dominick's was requesting a 90-day extension to allow staff additional time to review and evaluate the revisions. He noted that Dominick's would like to become part of Darien and was willing to make a commitment through an impact fee, which would be included in the annexation agreement. He asked Council to allow them to proceed to work out the terms of the annexation agreement with Attorney Murphey.

Kathleen DiBacco, 7760 Green Valley Court, submitted a petition to Council that contained 420 signatures. She read the Petition, which opposed the construction of Dominick's. She said most were opposed to the development because of traffic. She encouraged Council to vote 'no' to the 90-day extension and annexation agreement.

Eric Gustafson, 7556 Wakefield Drive, stated that many people had spent a vast amount of time and energy on the proposed development that it was a good concept but was the wrong site because the project was too large. He said that consideration needed to be given to traffic, safety, noise, the environment, fire department response time and flooding.

Michael Djuric, 2441 Green Valley Road, said he was concerned about the increased traffic impact on Farmingdale Ridge residents.

Jennifer Aiello, 1600 Lakeview Drive, supported Dominick's because it would bring tax revenue into the City. She said the proposed development was in everyone's interest, financially and for the future of Darien.

Ronald Broida, the attorney for Darien-Woodridge Fire District, a fifteen year resident, and President of Carriage Way West Homeowners Association, encouraged support of the Dominick's proposal for tax revenues and because he would like to shop at Dominick's in Darien.

Mike Bartel, 2206 Hamilton Lane, was concerned with safety issues, particularly: fire truck accessibility, street flooding and crime prevention. He asked why the Fire District did not have a buyer for the 'old' property prior to construction of the new station.

John Kunz, 7764 Lyman Avenue, felt that development of the land at 75th Street and Lyman Avenue was important but the proposed Dominick's was too big a project for the site. He spoke about the traffic signal at the intersection and how traffic backs up awaiting the signal. He was concerned about stormwater and where it would go if Dominick's were built.

Debbie Pasquesi, 2425 Marlborough Lane, said that she represented citizens of Darien who opposed the construction of Dominick's. She requested Alderman Durkin to recuse himself from voting for the Dominick's issue due to conflict of interest, particularly his banking employment and recent involvement

with the re-election campaign of the Fire District. Mayor Soldato responded that conflict of interest was discussed with Attorney Murphey; he asked Alderman Durkin if he had any on-going business relationships that would be a conflict. Alderman Durkin responded negatively. Attorney Murphey said that the conflict of interest rules only apply in the event a Council member would be involved with a business entity that had a contract with the City, itself; therefore, there was no conflict of interest.

Alice Mosebach, 7769 Brompton Drive, resident and President of Elizabeth Ide School P.T.O. questioned future repair of Manning Road due to increased delivery trucks. Mayor Soldato said that additional improvements would be placed on the developer and that the City maintained the roadway. She noted that School District 66 created traffic for pickup and drop-off of students, she was concerned about additional problems that could occur due to school buses and delivery trucks.

Kathleen Donner, 7548 Cambridge Road, commented about increased traffic, congestion and quality of life.

Jeff Huebsch, 2434 Marlborough Lane, said that he counted fifteen lots within the subdivision that would be affected by the development. He encouraged Council to vote "no" to the extension and annexation agreement due to traffic volume, drainage of property and the environment, and to provide a good neighbor policy for noise, deliveries and lighting. Mr. Huebsch asked that provisions be included within the annexation agreement for City and/or private citizen attorney fees for violation of the covenants.

14. OLD BUSINESS

There was no Old Business to come before the City Council

15. CONSENT AGENDA

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

A. ORDINANCE NO. O-40-01 AN ORDINANCE APPROVING A FINAL PLAT OF RESUBDIVISION (8830 Carlisle Court and 2000 North Frontage Road)

B. CONSIDERATION OF A MOTION TO APPROVE PURCHASE ORDER NO. 2574 ON BEHALF OF H.C.I. TRANSPORTATION TECHNOLOGIES INC. IN THE AMOUNT OF \$5,200.00 FOR THE PURCHASE OF A FLO-DYNAMICS PRO-MAX MODEL ATF 2000+A SEMI-AUTOMATIC TRANSMISSION EXCHANGER

C. CONSIDERATION OF A MOTION TO APPROVE PURCHASE ORDER NO. 2575 ON BEHALF OF PATTEN TRACTOR AND EQUIPMENT COMPANY IN THE AMOUNT OF \$73,927.00 FOR THE PURCHASE OF A 2001 IT28G FRONT END LOADER

D. CONSIDERATION OF A MOTION TO APPROVE THE RECOMMENDATION TO PURCHASE ONE WESTERN UNI-MOUNT PRO SNOW PLOW BLADE, PLUS ONE TAILGATE TYPE SALT SPREADER FOR THE ADMINISTRATION DEPARTMENT'S MAINTENANCE TRUCK

E. ORDINANCE NO. O-41-01 AN ORDINANCE APPROVING A VARIATION TO THE DARIEN SIGN ORDINANCE (ZBA 2001-06: 541 Plainfield Road - Culver's Restaurant)

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

Nays: None

Absent: Hagen

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

16. NEW BUSINESS

A. CONSIDERATION OF A MOTION TO APPROVE THE INSTALLATION OF SPEED HUMPS AND AMENDMENT OF BUDGET TO AUTHORIZE FUNDS FOR SUCH INSTALLATION (67th Street)

It was moved by Alderman Biehl and seconded by Alderman Cotten to approve the installation of speed humps and amendment of Budget to authorize funds for such installation (67th Street), as presented.

Alderman Tikalsky expressed concern about installation of speed humps, he said they were an attractive nuisance utilized by skateboarders, bicyclists and young drivers. He stated that traffic surveys indicated a reduction in speed from 34 to 32 M.P.H. and that vehicles still exceeded the speed limit. Instead of installation of speed humps, he suggested more police enforcement of the speed limit. He commented that the speed humps could also interfere with snow plowing. Mayor Soldato agreed with Alderman Tikalsky's comments and said that liability was also an issue. Alderman Weaver said that the Administrative/Finance Committee voted 2-1 and that the descending vote was due to the danger created for emergency vehicles and the warrants established by the Committee, which was a 75% positive response from residents who lived along the roadway. Alderman Durkin stated that, as a Committee member, he supported the speed humps knowing that they could be removed. Alderman Tikalsky inquired about installation of STOP signs; Alderman Weaver responded that the intersections, when surveyed, did not warrant STOP signs.

Roll Call: Ayes: Biehl, Marchese

Nays: Cotten, Durkin, Tikalsky, Weaver

Absent: Hagen

Results: Ayes 2, Nays 4, Absent 1
MOTION FAILED

B. CONSIDERATION OF A MOTION TO ACCEPT A PROPOSAL FROM GREEN VIEW LANDSCAPING TO COMPLETE A MUNICIPAL COMPLEX LANDSCAPING PROJECT

It was moved by Alderman Cotten and seconded by Alderman Weaver to accept a proposal from Green View Landscaping to complete a Municipal Complex Landscaping Project, as presented.

Alderman Marchese commented that the Administrative/Finance Committee reviewed the submittals and the recommended company was the third highest bid for the work. He said the bid was a three-phase proposal; that there was almost a \$20,000 difference between Green View Landscaping and the low bidder and \$8,000 between Green View and the second lowest bidder. He noted that Staff was questioned why they recommended Green View and that their response was reasonable. He commented that the Administrative/Finance Committee recommended Green View with a 2-1 vote, he was the descending vote. He asked Council to consider all the bids when making their final decision.

Roll Call: Ayes: Biehl, Cotten, Durkin, Tikalsky, Weaver

Nays: Marchese

Absent: Hagen

Results: Ayes 5, Nays 1, Absent 1
MOTION DULY CARRIED

MAYOR SOLDATO NOTED THAT NEW BUSINESS ITEMS C AND D, AS LISTED ON THE AGENDA, WOULD BE REVIEWED BY COUNCIL IN REVERSE ORDER.

C. CONSIDERATION OF A MOTION TO APPROVE A RESOLUTION RELEASING A LETTER OF CREDIT FOR CERTAIN IMPROVEMENTS SUBJECT TO MAINTENANCE FOR THE CONDOMINIUMS OF WATERFALL GLEN LLC (Preserves of Waterfall Glen Subdivision)

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

RESOLUTION NO. R-28-01 A RESOLUTION RELEASING A LETTER OF CREDIT FOR CERTAIN IMPROVEMENTS SUBJECT TO MAINTENANCE FOR THE CONDOMINIUMS OF WATERFALL GLEN LLC (Preserves of Waterfall Glen Subdivision) as presented.

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

Nays: None

Absent: Hagen

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

D. CONSIDERATION OF A MOTION TO APPROVE AUTHORIZATION FOR THE CITY ATTORNEY TO DRAFT AN ANNEXATION AGREEMENT FOR THE PROPERTY LOCATED ON THE SOUTHWEST CORNER OF 75TH STREET AND LYMAN AVENUE (DOMINICK'S) AND TO GRANT AN EXTENSION OF 90 DAYS FOR THE PURPOSE OF COMPLETING REVIEW OF THE MOST RECENT SUBMITTAL

It was moved by Alderman Weaver and seconded by Alderman Cotten to approve authorization for the City Attorney to draft an Annexation Agreement for the property located on the southwest corner of 75th Street and Lyman Avenue (Dominick's) and to grant an extension of 90 days for the purpose of completing review of the most recent submittal, as presented.

Mayor Soldato stated that the biggest issue Council faced was maintaining Darien as a solid functioning community without a tax increase. He said that the Darien Comprehensive Plan identified parcels that could be developed. He noted that property ownership was always changing; that determination had to be made if the Dominick's project would be a benefit or a burden; that the Plan Commission recommendation was a procedural matter; and that the developer would like to continue to work with the City on this project. He said that Council needed to consider the overall project.

Mayor Soldato read a letter from Sylvia McIvor, 3265 Ailsworth Court, who was unable to attend the Council meeting. She asked Council and residents to come together to bring Dominick's to Darien. She commented that if Darien did not approve the project, that it would be a loss to its residents.

Treasurer Donner commented that some Darien residents, who opposed the development, were concerned about their tax bills and about traffic. He noted that he did a comparison analysis for revenue for the proposed Dominick's and an office development, he noted that the difference was \$20,000. He stressed that the City would not lose \$250,000 in sales tax revenue if an office complex were built instead of a Dominick's.

Alderman Cotten stated that opposition to the Woodridge project was to minimize the impact to the surrounding residential area. He said that he attended the public meeting that Dominick's conducted at the Fire Station, that neighbors brought forth concerns about the impact of the project, and that the concerns were never addressed. He commented that Dominick's had two years to revise their plans and now Council was asked to consider an extension. Mayor Soldato said that if Council did not approve the extension, the City would not know if Dominick's was serious about working with the City. Alderman Cotten said that the community suffered an emotional toll, which could not be measured, due to the uncertainty of the project.

Mike Bartel, 2206 Hamilton Lane, noted that most tax dollars were for schools, library, park district and fire protection. He said that an office building would better serve those sectors.

Bob Tinucci, Darien-Woodridge Fire District, said that the Fire District works closely with the City. He said that the land at 75th Street and Lyman was deemed very valuable but contains wetlands. He said that the District pays \$9,000 per month in interest, and that the District wants to sell the property.

Tom Sailer, President of the Woodmere Townhome Association, complimented the Mayor and City Council for their restraint due to resident outbursts. He noted that he was in the real estate business and that finding a buyer to develop an office building on the parcel would be difficult.

Debbie Pasquesi, 2475 Marlborough Lane, stated that she saw a lot of controversy over the Dominick's project and she apologized to Alderman Durkin for questioning his interests. She said that Council needed to do what was best for Darien, and that residents were not opposed to development but they were opposed to the Dominick's. Mayor Soldato said that the greatest concern was being fair to all residents.

Alderman Marchese said that Council needed to be considerate of all options. He commented that if the extension was granted, the burden would be placed on Dominick's to convince Council that the project could work. He asked that Council consider granting Dominick's extension request.

Roll Call: Ayes: Durkin, Marchese, Weaver, Soldato

Nays: Biehl, Cotten, Tikalsky

Absent: Hagen

Results: Ayes 4, Nays 3, Absent 1
MOTION DULY CARRIED

17. QUESTIONS, COMMENTS AND ANNOUNCEMENTS - GENERAL

There were no questions, comments or announcements from the Council or audience.

18. ADJOURNMENT

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

VIVA VOCE VOTE - MOTION DULY CARRIED

The City Council meeting adjourned at 10:30 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 10-15-01.

Minutes of 10-15-01 CCM

October 15, 2001