

## **Minutes - November 21, 2005**

### EXECUTIVE SESSION

It was moved by Alderman Gattuso and seconded by Alderman Poteraske at 7:00 P.M. to move into Executive Session for the purpose of discussing Litigation (ComEd) as prescribed by Section 2(c)(11) and Collective Bargaining as prescribed by Section 2(c)(2) of Public Act 88-261.

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

Nays: None

Absent: Mclvor

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

It was moved by Alderman Marchese and seconded by Alderman Biehl at 7:35 P.M. to move into Open Session.

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

Nays: None

Absent: Mclvor

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

### Minutes of the Regular Meeting

of the City Council of the

CITY OF DARIEN

NOVEMBER 21, 2005

#### 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 Weaver.

#### 2. PLEDGE OF ALLEGIANCE

Mayor Weaver led the Council and audience in the Pledge of Allegiance.

#### 3. ROLL CALL — The Roll Call of Aldermen by Clerk Coleman was as follows:

Present: Richard A. Biehl Joseph A. Marchese William R. Durkin John F. Poteraske, Jr. Carolyn A. Gattuso Kathleen Moesle Weaver

Absent: Sylvia Mclvor

Also in Attendance: Kathleen Moesle Weaver, Mayor Joanne F. Coleman, City Clerk Kevin P. Monaghan, City Treasurer John B. Murphey, City Attorney 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 Weaver declared a quorum.

5. APPROVAL OF MINUTES – November 7, 2005

It was moved by Alderman Gattuso and seconded by Alderman Marchese to approve the Minutes of the Regular Meeting of November 7, 2005, as presented.

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

Nays: None

Absent: McIvor

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

6. RECEIVING OF COMMUNICATIONS

There were no Communications to come before the City Council

7. MAYOR'S REPORT

A. MAYORAL PROCLAMATION "DARIEN WOMAN'S CLUB WEEK" (December 4-10, 2005)

Mayor Weaver read the Proclamation and encouraged continued financial support of the Darien Woman's Club fund-raising endeavors; she declared the week of December 4 through 10 as "Darien Woman's Club Week". Dorothy Danielle, President of the Club, accepted the Proclamation. Ms. Danielle thanked the City for its recognition.

Mayor Weaver announced...

... that the Holiday Home Decorating Contest winners would be recognized at the December 19th City Council meeting.

... that the Trolley would view the Holiday Homes decorated for the Season on December 27, 28 and 29; she indicated that residents needed to make reservations by calling City Hall.

... that the City would honor Paul Kelly, a social studies teacher at Hinsdale South High School, at the December 5th City Council meeting; he was awarded the Milken Award.

... that the Liquor Commission held a hearing regarding Carriage Greens on November 21st; the hearing was continued until November 28th at 5:00 P.M. due to a request by Carriage Greens.

... that there were containers accepting 'TOYS FOR TOTS' in the lobbies at City Hall and Police Department.

B. COM ED UPDATE

Cornell Barnett addressed Council and referred to the "Darien Reliability Action Plan" dated November 21, 2005, a copy of which is attached; he reviewed the 'OPEN ITEMS'. Mayor Weaver inquired if the completion date was December 15, 2005 or the First Quarter of 2006; Mr. Barnett responded that it was December 15, 2005. He indicated that cable replacement was based on performance of the system; there were many elements that contributed to cable performance.

Mayor Weaver said that after the November 3rd meeting, she was under the impression that ComEd was going to explain the claim process; she noted that some residents did not file claims because they did not have the appropriate receipts. Mr. George Lofton, Vice President External Affairs & Claims for ComEd, responded; in order to avoid further inconvenience, ComEd agreed to review and process claims they received. He said that all claims received would be completed within the next thirty (30) days. Mr. Lofton commented that everyone who received ComEd's letter was instructed to contact ComEd at 1-800-Edison1; he said that if people had not called that they should in order to receive a claim form. Alderman Poteraske commented that some residents were informed that they needed receipts; Mr. Lofton stated that residents should call. Administrator Vana noted that claim forms were available on the internet and at City Hall.

Alderman Poteraske verified that there was no plan to replace sections of cable based on age; it would depend on ComEd's review. Mr. Barnett stated that if a cable failed, it could have happened due to various reasons and that replacement was based on performance of the cable not age. Alderman Poteraske indicated that there were numerous people/trucks working at the substation; he asked if ComEd was done or still working on the repairs. Mr. Barnett responded that work would be completed by the first of the year but the majority of the work had already been completed. Alderman Poteraske inquired about the flickering problem; Mr. Barnett said that ComEd went over each and every house that reported the problem and that there was no fluctuation in the voltage.

Mayor Weaver asked that ComEd provide a notice with resident bills regarding the claims process. Mr. Lofton indicated that the January mailing/billing would contain a general statement to ALL ComEd customers. She asked that the information be given to the City so it could be posted on the City's web site.

Alderman Biehl asked that the initial letter be resent to the affected residents; Mr. Lofton indicated that the letter informed residents that if they had a loss due to the substation fire to call 1-800-Edison1. It was stated that receipts were preferred but were not necessary to file a claim. Administrator Vana commented that recently there was a 'rebate' on ComEd bills, which was not related to the outage but may have caused confusion.

## 8. CITY CLERK'S REPORT

Clerk Coleman...

... noted that Consent Agenda Item D had been moved to New Business as Item D.

... reminded everyone that City offices would be closed on Thursday and Friday, November 24 and 25, for the Thanksgiving holiday.

## 9. CITY ADMINISTRATOR'S REPORT

Administrator Vana...

... spoke about a proposed revision to the ARC Disposal contract for recycling. ARC wanted to pickup recycling twice a month instead of every week and provide residents with larger totes/bins for recycling; the totes/bins would be loaned to residents. He indicated that the proposal had been reviewed by the

Administrative/Finance Committee, Environmental Committee and Council at the Goal Setting Session. ARC recently sent a letter to the City that withdrew their proposal. There was discussion about recycling containers.

... discussed the Sound Wall project and the establishment of a Special Service Area (SSA). Mayor Weaver stated that she met with residents regarding the proposed Sound Wall. Attorney Murphey provided an overview of the SSA process or 'special improvement area', which he said was unique because of the balance created between the City and the residents. General improvements are made throughout the City that residents utilize and pay for through taxes; the exception would be special services or special improvements to a specific taxing district. Attorney Murphey noted that the residents would need to initiate the process by a petition. The special tax would be imposed by Council for a particular geographic area to pay for improvements that the group would determine as special to that area. He indicated that any property owner within the specific area could petition for the improvement. Staff would define the geographical area, make determination of cost and devise responsibility by lot. He said that the project could be financed through bonds for the SSA, which would be secured through property taxes of the SSA. Residents within the SSA would have veto power if a petition was signed by 51% of the electors and owners within the SSA. There was discussion about boundaries of the benefited area, utilization of consultants, the Sound Wall study, and Intergovernmental Agreement with DuPage County for unincorporated properties.

## 10. DEPARTMENT HEAD REPORT

Police Chief Pavelchik...

... congratulated Mayor Weaver; expressed condolences to the Soldato and Topel families.

... noted that the Police Department was recruiting Auxiliary Police, who volunteer their time for the betterment of the City. He said that the volunteers train with officers, ride in marked patrol cars, and help out with various activities. He indicated that if anyone wanted to volunteer, they should contact Sergeant Jim Borsilli.

... inquired if Council heard questions like the following from residents: 'I never see a police car come down my street.' or 'I see the officers sitting in the parking lot of a shopping plaza but why aren't they driving down our street?' He commented that these perceptions were unfounded; he said that police patrol time was often based on calls for service. He said that the police patrolled all the neighborhoods and subdivisions 24-hours per day sometimes in unmarked vehicles.

... questioned Council: What do you do when driving on a 4-lane highway, 2-lanes of traffic in each direction, and you approach a stopped school bus in the opposite direction? The answer was that if you were traveling in the opposite direction, the driver should continue driving as long as the roadway was clear.

Mayor Weaver inquired about two uprooted trees in the median on 75th Street west of Fairview Avenue where the curb cut was being made for the Steak 'n Shake; Director Gombac responded that the developer would submit a check for planting of six (6) new trees.

## 11. TREASURER'S REPORT

### A. WARRANT NUMBER 05-06-09

It was moved by Alderman Gattuso and seconded by Alderman Poteraske to approve payment of Warrant Number 05-06-13 in the amount of \$117,443.33 from the General Fund; \$136,374.08 from the Water Fund; \$45,109.37 from the Motor Fuel Tax Fund; \$1,622.64 from the Darien Area Dispatch Fund;

\$202,615.17 from the General Fund Payroll for the period ending 11/10/05; \$24,695.98 from the Water Fund Payroll for the period ending 11/10/05; \$28,629.24 from the D.A.D.C. Fund Payroll for the period ending 11/10/05; for a total to be approved of \$556,489.81.

Mayor Weaver inquired if the Christopher B. Burke Engineering Ltd. invoice was for the Farmingdale creek; Director Gombac affirmed and that it was for a preliminary study.

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

Nays: None

Absent: Mclvor

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

#### B. TREASURER'S MONTHLY REPORT – OCTOBER 2005

City Treasurer Monaghan reviewed all sources of revenue and expenditures for the month of October 2005 with the following year-to-date fund balances: General Fund \$4,843,305; Water Fund \$399,589; and Motor Fuel Tax Fund \$100,597.

#### 12. STANDING COMMITTEE REPORTS

Administrative/Finance Committee — No report.

Planning/Development Committee — No report.

Public Works Water/Streets Committee — No report.

#### 13. QUESTIONS AND COMMENTS — AGENDA RELATED

Mayor Weaver indicated that New Business Item B contained incorrect verbiage and should read "CONSIDERATION OF A MOTION TO APPROVE PURCHASE ORDER NO. 2638 ON BEHALF OF R.G. SMITH EQUIPMENT CO. IN THE AMOUNT OF \$10,522.00 FOR A FLINK MODEL LMC5H10S4 SALT SPREADER". She also reiterated that Consent Agenda Item D had been moved to New Business as Item D.

#### 14. OLD BUSINESS

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

#### 15. CONSENT AGENDA

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

A. ORDINANCE NO. O-35-05 AN ORDINANCE AMENDING SECTION 1 (CREATION; APPOINTMENTS; TERM; QUALIFICATIONS), OF CHAPTER 2 (AUXILIARY POLICE), TITLE 8 (POLICE DEPARTMENT), OF THE DARIEN CITY CODE

B. ORDINANCE NO. O-36-05 AN ORDINANCE AUTHORIZING THE SALE OF PERSONAL PROPERTY OWNED BY THE CITY OF DARIEN (1994 PLYMOUTH VOYAGER VAN)

C. RESOLUTION NO. R-31-05 A RESOLUTION ACCEPTING PUBLIC IMPROVEMENTS SUBJECT TO MAINTENANCE (MARKETPLACE AT DARIEN)

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

Nays: None

Absent: Mclvor

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

16. NEW BUSINESS

A. CONSIDERATION OF A MOTION TO APPROVE AN ORDINANCE AUTHORIZING THE DONATION OF PERSONAL PROPERTY OWNED BY THE CITY OF DARIEN (IBM 300 GL COMPUTER)

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

ORDINANCE NO. O-37-05 AN ORDINANCE AUTHORIZING THE DONATION OF PERSONAL PROPERTY OWNED BY THE CITY OF DARIEN (IBM 300 GL COMPUTER) as presented.

Administrator Vana indicated that the computer would be donated to the Darien Historical Society.

Roll Call: Ayes: Biehl, Durkin, Gattuso, Marchese, Weaver

Nays: None

Abstain: Poteraske

Absent: Mclvor

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

B. CONSIDERATION OF A MOTION TO APPROVE PURCHASE ORDER NO. 2638 ON BEHALF OF R.G. SMITH EQUIPMENT CO. IN THE AMOUNT OF \$10,522.00 FOR A FLINK MODEL LMC5H10S4 SALT SPREADER

It was moved by Alderman Biehl and seconded by Alderman Poteraske to approve Purchase Order No. 2638 on Behalf of R.G. Smith Equipment Co. in the Amount of \$10,522.00 for a Flink Model LMC5H10S4 Salt Spreader, as presented.

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

Nays: None

Absent: Mclvor

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

C. CONSIDERATION OF A MOTION TO APPROVE PURCHASE ORDER NO. 2636 ON BEHALF OF R.G SMITH EQUIPMENT CO. IN THE AMOUNT OF \$5,965.00 FOR THE PURCHASE OF A FLINK MODEL FSP12PA38 SNOW PLOW

It was moved by Alderman Biehl and seconded by Alderman Gattuso to approve Purchase Order No. 2636 on Behalf of R.G. Smith Equipment Co. in the Amount of \$5,965.00 for a Flink Model FSP12PA38 Snow Plow, as presented.

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

Nays: None

Absent: Mclvor

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

D. CONSIDERATION OF A MOTION TO GRANT A WAIVER OF THE RAFFLE LICENSE BOND REQUIREMENT FOR DARIEN HISTORICAL SOCIETY

It was moved by Alderman Biehl and seconded by Alderman Gattuso to Grant a Waiver of the Raffle License Bond Requirement for Darien Historical Society, as presented.

Roll Call: Ayes: Biehl, Durkin, Gattuso, Marchese, Weaver

Nays: None

Abstain: Poteraske

Absent: Mclvor

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

17. QUESTIONS, COMMENTS AND ANNOUNCEMENTS — GENERAL

Joan Wayman, 8822 Carlisle Court, thanked Mayor Weaver, Administrator Vana, Alderman Marchese and Attorney Murphey for their assistance with the sound wall. She indicated that there was a large increase in vehicles landing on Frontage Road in the past few years; she attributed the increase to construction on I-55 at Route 53. She felt that the sound wall was in the best interest of all Darien residents and that the project should not be jeopardized especially since the Illinois Department of Transportation had money earmarked for the project. Ms. Wayman noted that if the Special Service Area was too large and complex that the value of the project could be lessened. She commented that there was only a general idea as to the project cost; the next process was to embark on the \$35,000 engineering study with Christopher B. Burke Engineering Ltd. She suggested construction of a reduced wall and not a full scope wall in order to salvage some of the safety issues. Ms. Wayman said it was important to determine the cost per parcel.

Mayor Weaver inquired if Ms. Wayman identified parcels missing from the listing; Ms. Wayman affirmed that she had a 'spot' list based on people she knew. Mayor Weaver asked her to provide that list to the City so it could be forwarded to the consultant.

Alderman Durkin had questions related to safety and sound and if it was the same wall; Ms. Wayman said 'yes'. Administrator Vana disagreed; he said that there were areas that had guardrails as part of a safety

wall but were not part of a sound wall; he did not know if a sound wall would have the same integrity as a safety barricade. Director Gombac stated that they were two separate issues.

Alderman Biehl verified that the guardrail would be to the highway side rather than to the residential side and that the sound wall would be to the outside; Director Gombac said that the guardrail could be on both sides if warranted. Alderman Biehl noted that the guardrail was a separate issue from the sound wall; Director Gombac said that the guardrail could be part of the construction of the actual wall, if warranted. Mayor Weaver indicated that the City could petition I.D.O.T. to place guardrails along I-55. Alderman Marchese noted that there was a difference in the elevation between I-55, which was higher, than Frontage Road.

Ms. Wayman asked what was necessary to proceed with the engineering to figure the cost. Mayor Weaver asked Council for their input since it was a chicken / egg situation; she asked if the City should move forward simultaneously on the engineering study to define the cost and parameters of the sound wall. Alderman Biehl said to move ahead with the Burke engineering study. Alderman Poteraske asked if the safety issues were buried within the recommended Sound Wall study; Alderman Marchese responded that safety was discussed but the focus was sound.

Alderman Durkin asked if I.D.O.T. had a responsibility for the safety of those along Frontage Road. The response was that all the responsibility was I.D.O.T.'s. Alderman Biehl commented that the safety issue and sound wall were two separate items and that the money was strictly for the sound wall.

Mayor Weaver indicated that the residents who would be impacted by the sound wall would be polled. There was discussion about the poll, petitions, estimated cost of project, public hearing, grant money, and special service areas.

James Tikalsky spoke from the audience in regard to the study done for the Sound Wall. He indicated that the City did the study, as a burden of proof, to show I.D.O.T. that it was a 'red zone'; if expansion/improvement was proposed, a sound wall needed to be installed. He said that safety issues were the responsibility of I.D.O.T.; he noted that the sound wall was a State issue. Mayor Weaver agreed that the City needed to apply pressure.

Administrator Vana asked Council if they wanted him to release the engineering to Christopher B. Burke Engineering, Ltd.; Council suggested waiting until the December 5th Council Meeting. The approximate amount for the Sound Wall was \$1 Million/Mile; dollar amounts need to be established for the other two (2) areas; identify the benefited properties in each area; calculate the assessments; and establish criteria.

James Tikalsky congratulated Mayor Weaver. On behalf of the Darien Historical Society, he thanked Council for the donation of the computer and for waiver of the Raffle License bond requirement. He invited everyone to the 32nd Annual City Tree Lighting at the Darien Historical Society Old Lace School on December 4th at 4:00 P.M.

Alderman Biehl wished everyone a great 'Happy Thanksgiving'.

Alderman Marchese indicated that Council should have received an invitation to attend a banquet on January 8th honoring Dr. Mehta, International President of Lionism.

Mayor Weaver attended an event at the Indian Prairie Library, a celebration of freedom; she thanked them for the invitation and an enlightening experience.

18. ADJOURNMENT

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

VIA VOICE VOTE – MOTION DULY CARRIED

The City Council meeting adjourned at 9:50 P.M.

Mayor \_\_\_\_\_ City Clerk jr All supporting documentation and report originals of these minutes are on file in the Office of the City Clerk under File Number 11-21-05.