



**CITY COUNCIL MEETING OF MAY 4, 2010
UNOFFICIAL PRIOR TO CITY COUNCIL APPROVAL
APPROVED BY THE CITY COUNCIL ON
May 18, 2010 AS WRITTEN.**

CALL TO ORDER:

5:02 P.M.

- A** Mayor A. George Pradel
Councilman James Boyajian - via teleconference
Councilman Judy Brodhead - Arrived at 7:07 p.m.
Councilman Robert Fieseler
Councilman Richard R. Furstenuau
Councilman Paul Hinterlong
Councilman Douglas Krause
Councilman Kenn Miller
Councilman Grant Wehrli

Absent

Also Present

Assistant City Manager, Robert Marshall
Records Management Team Leader, Pam LaFeber
City Attorney, Margo Ely
Fire Chief, Mark Puknaitis
Police Chief, David Dial
Director of Public Works, David Van Vooren
Director of T.E.D. Business Group, Marcie Schatz
T.E.D. Operations Manager, Allison Laff
T.E.D. Transportation Team Leader, Karyn Robles
T.E.D. Development Team Leader, Dick Dublinski
T.E.D. Engineering Team Leader, Bill Novack
Asst. Director of Public Utilities- Water, Jim Holzapfel
Asst. Director of Public Utilities-Electric, Mark Curran

Press

Chicago Sun Times, Daily Herald, Naperville Sun

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B. CLOSED SESSION

Furstenau moved to recess to Closed Session to discuss 5 ILCS 120/2(c)(1) The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body or legal counsel for the public body, (2) Collective negotiating matters between the public body and its employees or their representatives, (11) Litigation, when action against, affecting or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that an action is probable or imminent, (21) Discussion of minutes of meetings lawfully closed under this Act, whether for the purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06. Second, Fieseler.

ROLL CALL:

Ayes: Pradel, Brodhead, Fieseler, Furstenau, Hinterlong, Krause, Miller, Wehrli

Nays: None

Absent: Boyajian

Motion declared carried.

Furstenau made a motion to allow Councilman Boyajian to participate via teleconference. Second, Miller.

VOICE VOTE: Motion declared carried.

THE MEETING RECESSED TO CLOSED SESSION AT 5:09 P.M.

CLOSED SESSION ENDED AT 6:57 P.M.

OPEN SESSION

MAYOR PRADEL CALLED THE MEETING BACK TO ORDER AT 7:05 P.M.

ROLL CALL to determine Quorum:

Present: Pradel, Boyajian, Fieseler, Furstenau, Hinterlong, Krause, Miller, Wehrli

Absent: Brodhead

Clerk's Note: Councilman Brodhead arrived at 7:07 p.m.

C. PLEDGE TO THE FLAG:

PLEDGE GIVEN

D. AWARDS AND RECOGNITIONS:

Fire Chief Puknaitis recognized the crew from Truck One at Station Eight for their response to a dog rescue call at the Sunrise Assisted Living Center. Mr. Makris and his dog Ebenezer were also in attendance.

D1 May Employee of the Month

Councilman Miller recognized Gerardo Villalobos as May's Employee of the Month.

MAY EMPLOYEE OF THE MONTH

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PEACE OFFICERS
MEMORIAL DAY
PROCLAMATION

D2 Peace Officers Memorial Day Proclamation

Councilman Hinterlong proclaimed Tuesday, May 11, 2010 as Peace Officers Memorial Day and presented the proclamation to Police Chief David Dial.

E PUBLIC FORUM:

E1 Water Meters

HR Hofmann, 1210 Lawn Meadow Lane, explained that the transponder on his house died and the city replaced it. He stated that he is upset because he was not notified, the employee went on to his property, performed a sloppy job, and left holes in his house. He said no city employee contacted him before or after the installation.

Holzapfel stated that DPU-W became aware of the situation today. He explained that the previous transponder stopped reporting, that the procedure is to not call the resident when an outside repair is to be done, and most residents don't have a problem. He will contact Mr. Hofmann to schedule a time to complete the repairs.

Council stated that calling each resident may be burdensome because more than 3,000 service calls are performed each year, but maybe a door hanger may be appropriate. Council also recommended investigating a better way to finish each repair/replacement.

E2 Improving Central Park

Don Wehrli, 219 S. Ewing, requested that the Central Park Master Plan be placed on a Council agenda so people can voice their concerns on improvements and defend the park that they own because they think the park is being abused.

Krieger explained that three Councilmen would have to agree to put an item on the agenda, but concerned residents can always speak at public forum.

Council stated that the Central Park Improvements have been fully and completely discussed for 12 months, the improvements have been approved, and it is not an appropriate topic to be placed on the agenda.

Schatz said that opening this up would be a reconsideration of the approved master plan, that a large number of groups were involved and public meetings were held prior to the approval of the plan and if it is opened up for this group it should be opened up for all groups.

Krieger stated that this topic will be added to an upcoming agenda if requested by three Councilman.

E3 Replacement of a Fence

Kevin McKay, 1601 Harvard Avenue, said that in March he was made aware of the ordinance requiring 3-4 foot fence but he says it will not work for his property and requested a variance for a 5' fence.

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E3 Replacement of a Fence Continued

Laff explained that staff has given him paperwork to appear before the Zoning Board of Appeals (ZBA), explained the \$405 application fee, and stated that if he built the new fence 30' off the property line it can be any height.

Furstenau made a motion to suspend Council rules, have staff waive the application fee and give him the permit to install the fence he wants. Second, Krause.

ROLL CALL:

Ayes: Furstenau, Krause, Wehrli

Nays: Pradel, Boyajian, Brodhead, Fieseler, Hinterlong, Miller
Motion declared **not** carried.

Council stated that this request has not been vetted through the board and commission process, that the petitioner can still have an attractive fence that provides security by adhering to the process in place, and if the process is circumvented other people will petition Council expecting the same treatment.

F **HOLDOVER ITEMS:**

G **PETITIONS AND COMMUNICATIONS TO THE COUNCIL:**

H **CONSIDERATION OF MOTION TO USE OMNIBUS
METHOD FOR REMAINING ITEMS:**

Miller moved to use the Omnibus method to approve the Consent Agenda. Second, Krause.

VOICE VOTE: Motion declared carried.

I **CONSENT AGENDA:**

Miller moved to approve the Consent Agenda with the exception of items. Second, Wehrli.

ROLL CALL:

Ayes: Boyajian, Brodhead, Fieseler, Furstenau, Hinterlong,
Krause, Miller, Wehrli, Pradel

Nays: None

Absent: Motion declared carried.

I1 Cash Disbursement – 04/14/10

Council moved to approve the April 14, 2010 cash disbursements in the amount of \$13,862,569.12.

CASH DISBURSEMENTS –
04/14/10

I2 Award of Bid 10-160, South Washington Street 16" Water Main
Extension

Council moved to approve the award of Bid 10-160, South Washington Street 16" water main extension to Bolder Construction for an amount not to exceed \$906,825.91 plus a 3% contingency.

BID 10-160, SOUTH
WASHINGTON STREET 16"
WATER MAIN EXTENSION

I3 Award of Bid-188, Biosolids Removal Services

Council moved to approve the award of Bid 10-188, biosolids removal services to Synagro Central, LLC, for an amount not to exceed \$505,500.00 for the contract period 5/1/10 thru 4/30/12.

BID-188, BIOSOLIDS
REMOVAL SERVICES

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- I4** Great American Yard Sale Signs
Council moved to approve the recommendation to allow the Great American Yard Sale to place temporary special-event signage in designated locations in Naperville.
GREAT AMERICAN YARD SALE SIGNS
- I5** Free Ride Programs for Pace Metra Feeder Routes and Pace Park-n-Ride Routes
Council moved to approve the Free Ride Program for Pace Metra Feeder Routes and Pace Park-n-Ride Routes that service Naperville's Metra Stations during June 2010.
FREE RIDE PROGRAMS – PACE METRA FEEDER ROUTES AND PARK-N-RIDE
- I6** FY10 Year End Budget Amendments
Council moved to authorize staff to amend the FY10 Annual Operating Budget.
FY10 YEAR END BUDGET AMENDMENTS
- I7** Resolution No. 10-026, 24254 W. 111th Street – Agreement for Public Sidewalk Easement
Council moved to adopt Resolution No. 10-026, approving the agreement for a public sidewalk easement for the property at 24254 W. 111th Street.
RESOLUTION NO. 10-026, PUBLIC SIDEWALK EASEMENT AGREEMENT
- I8** Public underground improvements in Ashton Estates Subdivision
PUBLIC UNDERGROUND IMPROVEMENTS
- I9** Ordinance No. 10-050, United Martial Arts – major change to existing conditional use, PC 10-1-029
Council moved to pass Ordinance No. 10-050, approving a major change to a conditional use in the B1 District, to expand the existing martial arts studio from 2,080 square feet to 3,585 square feet at 1262 East Chicago Avenue, PC 10-1-029.
ORDINANCE NO. 10-050, UNITED MARTIAL ARTS
- I10** Keystone Parking Deck, 1751 W. and 1777 W. Diehl, PC 10-1-024
KEYSTONE PARKING DECK, PC 10-1-24
- I10a** Ordinance No. 10-051, Keystone Parking Deck, PC 10-1-24
Council moved to pass Ordinance No. 10-051, approving a preliminary/final plat of subdivision for the East West corporate Center and a variance to Section 6-2-14 for the property located at 1751 and 1777 w. Diehl Road to allow the construction of a one-story parking deck.
ORDINANCE NO. 10-051, KEYSTONE PARKING DECK, PC 10-1-24
- I10b** Variance to Section 6-2-14, to allow construction of one-story Keystone Parking Deck
- I11** Ordinance No. 10-052, Knox Presbyterian Church, PC 10-1-066
Council moved to pass Ordinance No. 10-052, approving a planned unit development (PUD) and a major change to the existing conditional use for a religious institution in order to create a church campus, which includes properties located at 1105 Catalpa Lane, 220 W. Gartner Road, and 221 Basswood Drive.
ORDINANCE NO. 10-052, KNOX PRESBYTERIAN CHURCH, PC 10-1-066

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I12 Ordinance No. 10-053, 2010 Soap Box Derby Races

Council moved to pass Ordinance No. 10-053, to establish a temporary street closure for the 2010 Soap Box Derby Races and issue a Special Event Permit and Amplifier Permit for the event.

ORDINANCE NO. 10-053,
2010 SOAP BOX DERBY
RACES

I13 Ordinance No. 10-054, U.S. Women's Triathlon

Council moved to pass Ordinance No. 10-054, establishing the temporary traffic controls and issue an amplifier extension for the U.S. Women's Triathlon.

ORDINANCE NO. 10-054,
U.S. WOMEN'S
TRIATHLON

I14 Von Oven Property

Diane Charles, 1621 Fender Road, explained that there are still two outstanding issues that the Von Oven Organization would like resolved before approval. She said the issues are 1) the definition of "youth-centric," and 2) the insurance requirements. She requested the item to be tabled for two weeks to allow more time for the group to study it.

VON OVEN PROPERTY

Fieseler moved to table to May 18, 2010. Second, Wehrli.

VOICE VOTE: Motion declared carried.

I15 Sidewalk, Vacant Lot, and Unfulfilled Annexation Agreement Obligations

Mark Wido, 2603 Charlestowne Lane, represented the Stillwater subdivision and urged Council to immediately enact the enforcement of grading and establishment of turf on vacant lots. Mr. Wido showed photos of vacant lots in the subdivision and discussed weed height, dry drainage, and drive-by dumping.

SIDEWALK, VACANT LOT,
AND UNFULFILLED
ANNEXATION
AGREEMENT
OBLIGATIONS

Mark Mevol, 2659 Newton Ave., showed pictures of the dirt pile in the Stillwater subdivision and stated that there are dead animals on the hill and in the lot, snowboarders use the hill in the winter, in the spring and summer there is standing water that is attracting mosquitoes, and kids are riding bikes down the hill.

Council said it could be costly to move the hill, but should comply with weed and grading requirements.

Novack said there is financial surety on the property, that there are still lots that in the subdivision that need to be built and they will need the dirt.

Jeff Miller, 2619 Rutland Road, said the property is a safety issue for kids.

Council asked about weed maintenance and how long it would take to clean the lot.

Dublinski stated that eight letters have been sent to owners explaining that that weeds need to be cut.

Novack said if the pile were graded it would be 4-5 feet high and staff can ensure that the solution would accommodate drainage.

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I15 Sidewalk, Vacant Lot, and Unfulfilled Annexation Agreement Obligations Continued

SIDEWALK, VACANT LOT,
AND UNFULFILLED
ANNEXATION
AGREEMENT
OBLIGATIONS

Kathy Benson, 51 Forest, said she finds it interesting that the Council is taking the builder's interest into consideration, she said the homeowner needs to be considered as well. She said that residents in both old and new parts of town need to be considered because the appearance of the lots affect the homeowners' property taxes.

I15a Naperville Municipal Code Section 5-2B-5:4.1 requiring the installation of sidewalk within three (3) years of platting;

I15c The requirement of annexation fees to be paid within one year; for a period of one year.

Miller moved to continue to delay the enforcement action of requiring the installation of sidewalk within three years of platting and the requirement of annexation fees to be paid within one year, for a period of one year.

ROLL CALL:

Ayes: Brodhead, Fieseler, Furstenu, Hinterlong, Krause, Miller, Wehrli, Pradel, Boyajian

Nays: None

Motion declared carried.

I15b Naperville Municipal Code section 5-1H-4:2.1 requiring the grading and establishment of turf on vacant lots;

Furstenu moved to require the builder to spread the Stillwater dirt pile and plant seed. Second, Wehrli.

ROLL CALL:

Ayes: Fieseler, Furstenu, Hinterlong, Krause, Wehrli, Boyajian

Nays: Miller, Pradel, Brodhead

Motion declared carried.

Wehrli moved to require the grading and establishment of turf on vacant lots; and require compliance within 60 days. Second, Krause.

ROLL CALL:

Ayes: Furstenu, Hinterlong, Krause, Wehrli, Boyajian, Brodhead, Fieseler

Nays: Miller, Pradel

Motion declared carried.

BREAK: 8:32 p.m.

Mayor Pradel called the meeting back to order at 8:43 p.m.

Clerk's Note: Councilman Wehrli left the meeting at 8:32 p.m.

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J OLD BUSINESS:

J1 Proposed Locations for 2010 New Sidewalk Program

Kathy Benson, 51 Forest, urged Council to approve the locations and stated that there are more kids in the area and they need sidewalks.

Council said that the program has been cut, that some streets do not warrant new sidewalks streets especially if there are no safety concerns and that the money can be used elsewhere. Council discussed voting on each individual location instead of the program as a whole and suggested placing liens on vacant lots and collecting money from the builder when the property is developed.

Miller moved to approve the 2010 Annual Sidewalk Program Locations. Second, Furstenau.

ROLL CALL:

Ayes: Miller, Pradel, Boyajian, Brodhead, Furstenau

Nays: Hinterlong, Krause, Fieseler

Absent: Wehrli

Motion declared carried.

**PROPOSED LOCATIONS
FOR 2010 NEW SIDEWALK
PROGRAM**

K AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:

L REPORTS AND RECOMMENDATIONS:

L1 Regular City Council Meeting Minutes of April 20, 2010

Furstenau moved to approve the Regular City Council Meeting Minutes of April 20, 2010. Second, Miller.

VOICE VOTE: Motion declared carried.

Abstain: Boyajian

Absent: Wehrli

**REGULAR CITY COUNCIL
MEETING MINUTES OF
APRIL 20, 2010**

L2 City Council Meeting Schedule

Furstenau moved to approve the City Council meeting Schedule for May, June and July 2010. Second, Miller.

VOICE VOTE: Motion declared carried.

Absent: Wehrli

**CITY COUNCIL MEETING
SCHEDULE**

L3 Transit Benchmarking – Performance Measure Recommendation

Furstenau moved to concur with the proposed performance measures and thresholds. Second, Miller

ROLL CALL:

Ayes: Krause, Miller, Pradel, Boyajian, Brodhead, Fieseler, Furstenau, Hinterlong

Nays: None

Absent: Wehrli

Motion declared carried.

**TRANSIT
BENCHMARKING**

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M PUBLIC HEARING:

N ORDINANCES AND RESOLUTIONS:

N1 Ordinance No. 10-055, Retail Water Rate Increases – Revision to Municipal Code

**ORDINANCE NO. 10-055,
RETAIL WATER RATE
INCREASES**

Fieseler moved to waive first reading and pass Ordinance No. 10-055, amending section 8-2C-3, of the Municipal Code Water and Sewer Connection Permits, Water User Charges. Second, Miller.

ROLL CALL:

Ayes: Miller, Pradel, Boyajian,
Brodhead, Fieseler, Furstenau, Hinterlong, Krause
Nays: None
Absent: Wehrli
Motion declared carried.

N2 Ordinance No. 10-056, Jackson Avenue Parking Reconfiguration

**ORDINANCE NO. 10-056,
JACKSON AVENUE
PARKING
RECONFIGURATION**

Miller moved to pass Ordinance No. 10-056, to establish temporary parking restrictions in support of Option 3. Second, Krause.

ROLL CALL:

Ayes: Pradel, Boyajian, Brodhead, Fieseler, Furstenau,
Hinterlong, Krause, Miller
Nays: None
Absent: Wehrli
Motion declared carried.

O NEW BUSINESS:

O1 Compliment Staff

Fieseler complimented Jen Ebel, Karyn Robles, and Marcie Schatz for their efforts at establishing a park-n-ride for the downtown train station, eliminating the wait list at Rt. 59, and the presentation of the transit benchmarks.

P CLOSED SESSION:

Q ADJOURNMENT:

ADJOURNMENT – 9:02 P.M.

Miller moved to adjourn the Regular City Council meeting of May 4, 2010 at 9:02 p.m. Second, Krause.

VOICE VOTE: Motion declared carried.

The Regular City Council Meeting of May 4, 2010 officially adjourned at 9:02 p.m.


PAM LAFEBER, Ph.D.
CITY CLERK

PL:BK

