



**CITY COUNCIL MEETING OF JANUARY 18, 2011  
UNOFFICIAL PRIOR TO CITY COUNCIL APPROVAL  
APPROVED BY THE CITY COUNCIL ON  
February 1, 2011 AS WRITTEN.**

---

**CALL TO ORDER:**

**6:03 P.M.**

**A** Mayor A. George Pradel  
Councilman James Boyajian  
Councilman Robert Fieseler  
Councilman Richard R. Furstenau  
Councilman Paul Hinterlong  
Councilman Douglas Krause  
Councilman Kenn Miller  
Councilman Grant Wehrli

Absent

Councilman Judy Brodhead

Also Present

City Manager, Doug Krieger  
Assistant City Manager, Robert Marshall  
City Clerk, Pam LaFeber  
Deputy City Clerk, Nancy A. Bright  
City Attorney, Margo Ely  
Fire Chief, Mark Puknaitis  
Deputy Police Chief, Gary Bolt  
Director of Finance, Karen DeAngelis  
Director of Public Works, David Van Vooren  
Director of T.E.D., Marcie Schatz  
T.E.D. Operations Manager, Allison Laff  
T.E.D. Development Team Leader, Dick Dublinski  
T.E.D. Engineering Team Leader, Bill Novack  
Director of Public Utilities-Electric, Mark Curran  
Director of Public Utilities-Water, Jim Holzapfel

Press

Chicago Sun Times, Daily Herald, Naperville Sun

A handwritten signature or set of initials in black ink, located at the bottom left of the page.

FINAL AGENDA  
CITY COUNCIL MEETING  
JANUARY 18, 2011  
PAGE 2

**B. CLOSED SESSION:**

Wehrli moved to recess to Closed Session to discuss 5ILCS/120/2(c) (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; (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; (1) The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body or legal counsel for the public body. Second, Krause.

**ROLL CALL:**

**Ayes:** Pradel, Boyajian, Fieseler, Furstenu, Hinterlong, Krause, Miller, Wehrli.

**Nays:** None

**Absent:** Brodhead

Motion declared carried.

**THE MEETING RECESSED TO CLOSED SESSION AT 6: 09 P.M.**

**CLOSED SESSION ENDED AT 6:58 P.M.**

**OPEN SESSION**

**MAYOR PRADEL CALLED THE MEETING BACK TO ORDER AT 7:06 P.M.**

**ROLL CALL to determine Quorum:**

**Present:** Pradel, Boyajian, Fieseler, Furstenu, Hinterlong, Krause, Miller, Wehrli

**Absent:** Brodhead

**C. PLEDGE TO THE FLAG:**

PLEDGE GIVEN

**D. AWARDS AND RECOGNITIONS:**

**D1 Winner of Naperville Smart Grid Initiative Logo Design Contest**

Pradel announced Jim Paradowski and Dave Johnson as the winners of the Smart Grid logo contest.

NAPERVILLE SMART  
GRID INITIATIVE LOGO  
DESIGN CONTEST

**E. PUBLIC FORUM:**

**E1 Kids Matter Way Finding System**

Idalynn Wenhold, Executive Director of Kids Matter and 5071 Switchgrass Lane, thanked Council for supporting the Kids Matter Way Finding System.

John Bedell, 65 Starling Lane, and Tim Ethers, 124 Oak Knoll Court, Volo, IL, thanked Council and discussed their positive experiences while working on the project.

**FINAL AGENDA  
CITY COUNCIL MEETING  
JANUARY 18, 2011  
PAGE 3**

**E2      Amendment to Liquor License "S"**

Debra Wierus-O'Neill, 2775 Showplace Drive #121 and owner of Winestyles, requested that craft beer be added to her specialty wine license.

Krieger explained that a text amendment is required to change the ordinance to allow Class S liquor licenses to sell craft beer in addition to specialty wine. He said that such an agenda item would need to be sponsored by three Councilmen.

Council stated that the Liquor Commission supports the change and asked questions regarding market/license trends and container limitations. Council directed staff to bring back a text amendment to the Class S liquor license.

**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 I3, I7, I8, I9. Second, Krause.

**ROLL CALL:**

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

**Nays:**      None

**Absent:**     Brodhead  
                 Motion declared carried.

**I1      Cash Disbursements – 1/5/2010**

Council moved to approve the January 5, 2010 cash disbursements in the amount of \$7,918,117.40.

**CASH DISBURSEMENTS –  
1/5/10**

**I2      Regular City Council Meeting Minutes of January 4, 2011**

Council moved to approve the Regular City Council Meeting Minutes of January 4, 2011.

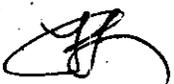
**REGULAR CITY COUNCIL  
MEETING MINUTES OF  
1/4/11**

**I4      Ordinance No. 11-013, Plank Road Study, PC 10-1-021**

Council moved to pass Ordinance No. 11-013, amending Section 1-11-1 (Comprehensive Plan) of the Municipal Code to incorporate recommendations for Sub-Areas 3 and 4 into the Plank Road Study.

**ORDINANCE NO. 11-013,  
PLANK ROAD STUDY, PC  
10-1-021.**

FINAL AGENDA  
CITY COUNCIL MEETING  
JANUARY 18, 2011  
PAGE 4

- I5**      Springbrook Prairie Pavilion Planned Unit Development      SPRINGBROOK PRAIRIE  
PAVILION PLANNED  
UNIT DEVELOPMENT
- I5a**      Ordinance No. 11-014, major change to Springbrook Prairie  
Pavilion PUD and landscape variance for Dick's Sporting Goods      ORDINANCE NO. 11-014,  
DICK'S SPORTING  
GOODS
- Council moved to pass Ordinance No. 11-014, approving a major  
change to the Springbrook Prairie Pavilion PUD, final PUD plat,  
preliminary/final plat of subdivision and a landscape variance to  
construct Dick's Sporting Goods on lots 7, 8, and 9 (proposed lot 1)  
of the Springbrook Prairie Pavilion PUD.
- I5b**      Ordinance No. 11-015, minor change to the Springbrook Prairie  
Pavilion PUD for the schedule of off-street parking requirements      ORDINANCE NO. 11-015,  
MINOR CHANGE TO THE  
PUD -SCHEDULE OF OFF-  
STREET PARKING  
REQUIREMENTS
- Council moved to pass Ordinance No. 11-015, approving a minor  
change to the Springbrook Prairie Pavilion planned unit development  
regarding the schedule for off-street parking requirements.
- I6**      Resolution No. 11-003, Naper Main Foreclosure Settlement  
Agreement      RESOLUTION NO. 11-003,  
NAPER MAIN
- Council moved to adopt Resolution No. 11-003, authorizing the  
execution of a Settlement Agreement and Mutual Release.
- 
- I3**      Contract 10-130, Installation of Underground Electrical Facilities      CONTRACT 10-130,  
INSTALLATION OF  
UNDERGROUND  
ELECTRICAL FACILITIES
- Council discussed vendor labor costs and that staff did not require  
the vendor to re-bid.
- Bevis responded that this award represents the best value to the city  
and all available information indicates that a re-bid would result in  
higher prices.
- Boyajian moved to approve the award of an extension to Contract  
10-130, installation of underground electrical facilities to Meade  
Electric Company, Inc., for an amount not to exceed \$980,000.00  
plus a 3% contingency. Second, Miller.
- ROLL CALL:**
- Ayes:**      Boyajian, Fieseler, Hinterlong, Krause, Miller, Wehrli,  
                         Pradel
- Nays:**      Furstenuau
- Absent:**    Brodhead
- Motion declared carried.
- I7**      Ordinance No. 11-, Amend Municipal Code regarding the Zoning  
Board of Appeals and Plan Commission Duties, Responsibilities and  
Processes, PC 10-1-155      ORDINANCE NO. 11-, ZBA  
& PLAN COMMISSION  
TEXT AMENDMENT
- Council stated that a first reading is necessary because it is a major  
change to the way the city processes matters that come before the  
Zoning Board of Appeals (ZBA) and Plan Commission.
- Fieseler moved to conduct the first reading and table the vote to the  
February 1 Council meeting. Second, Miller.
- 

FINAL AGENDA  
CITY COUNCIL MEETING  
JANUARY 18, 2011  
PAGE 5

I7 Ordinance No. 11-, Amend Municipal Code regarding the Zoning Board of Appeals and Plan Commission Duties, Responsibilities and Processes, PC 10-1-155 Continued

ORDINANCE NO. 11-, ZBA & PLAN COMMISSION TEXT AMENDMENT

Council said that when the city was growing having the two boards was appropriate, now that the city is in maintenance mode this will streamline government and reduce a step in the process.

Wehrli made a Motion in Substitution to waive the first reading and pass the ordinance to amend Titles 2, 5, and 6 of the Naperville Municipal Code to eliminate the Zoning Board of Appeals and modify the powers, duties and processes of the Planning and Zoning Commission. Second, Boyajian.

Council discussed when the ZBA was formed, when it was given final authority on matters and when its authority reverted back to advisory only.

Laff stated both ZBA and Plan Commission notification requirements are the same, that staff believes petitioners will receive a quicker turnaround on applications because the Plan Commission meets twice each month versus only once per month for ZBA. She also clarified that the petitioner will pay the same fees for variance cases after the board consolidation.

Council said that staff will become more efficient and the reduced time attending meetings will result in savings.

**ROLL CALL on motion in substitution:**

**Ayes:** Hinterlong, Krause, Wehrli, Pradel, Boyajian

**Nays:** Fieseler, Furstenau, Miller

**Absent:** Brodhead

Motion declared not carried.

I8 B4 (Downtown Core) District Text Amendment, PC 10-1-150

B4 (DOWNTOWN CORE)  
DISTRICT TEXT  
AMENDMENT, PC 10-1-  
150

Council explained that this text amendment would require banks/financial institutions wishing to locate on the first floor to apply for a conditional use.

Laff said the text amendment does not cap square footage, but Council has a number of factors to evaluate when considering approving a conditional use. She said banks may continue to operate at existing locations without applying for a conditional use. However, if they desire expansion or they close for a period of six months or more, existing first floor bank/financial institutions would be required to apply for a conditional use. She also said that upon vacating the property the owner could apply for a conditional use and upon approval would have two years to move in and out of the parcel.

First reading held.



FINAL AGENDA  
CITY COUNCIL MEETING  
JANUARY 18, 2011  
PAGE 6

- I9**      Electric Utility Service Rules and Policies and inclusion of NSGI Customer Bill of Rights Text Amendment      **ELECTRIC UTILITY SERVICE RULES & POLICIES**
- Council explained the Electric Utility Service Rules and the Bill of Rights and clarified that customers have the right to be informed, right of privacy, right of options, and the right to data security.
- First reading held.
- J**      **OLD BUSINESS:**
- K**      **AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:**
- L**      **REPORTS AND RECOMMENDATIONS:**
- L1**      City Council Meeting Schedule      **CITY COUNCIL MEETING SCHEDULE**
- Boyajian moved to approve the City Council Meeting Schedule for January, February and March and April 2011. Second, Furstenuau.
- VOICE VOTE:**      Motion declared carried.
- L2**      2010 Continuous Improvement Model Report: A Decade of Data      **2010 CONTINUOUS IMPROVEMENT MODEL REPORT: A DECADE OF DATA**
- Council stated that Anastasia Urban has been the steward of this project for 10 years, that she has taken something emotional and difficult and put it into a scientific process and provided clarity on the parking topic. Council said this is excellent instrument for everyone to weigh in on parking.
- Council asked for a record of the number of cars parked in both garages at 2:00 a.m. and 5:00 a.m.
- Schatz stated that the committee referenced in the agenda item memo will be formed in late spring 2011. She said this committee will review data from the Continuous Improvement Model and the parking guidance system and make it available to the downtown tenants.
- Boyajian moved to enforce recommendations from the 2010 continuous improvement model for Downtown parking. Second, Furstenuau.
- ROLL CALL:**
- Ayes:**      Furstenuau, Hinterlong, Krause, Miller, Wehrli, Pradel, Boyajian, Fieseler
- Nays:**      None
- Absent:**      Brodhead
- Motion declared carried.
- 

FINAL AGENDA  
CITY COUNCIL MEETING  
JANUARY 18, 2011  
PAGE 7

**L3**      SPI #17: Downtown Liquor Survey Results

Council asked how this initiative was determined and discussed restructuring the members of the proposed subcommittee.

Schatz answered that the strategic plan initiative was designed to hone in on concerns about liquor from the Downtown Advisory Commission, the Liquor Commission and the City Council.

Boyajian moved to direct staff to direct discussion of potential liquor code amendments to a Downtown Liquor Subcommittee for review and recommendation to the City Council with the specific mix of committee being two members from the Naperville Area Homeowners Confederation, two restaurant operators, two downtown property owners, two Councilmen, two Liquor Commission members, and one member from the Downtown Advisory Commission. Second, Miller.

**ROLL CALL:**

**Ayes:**      Hinterlong, Krause, Miller, Wehri, Pradel, Boyajian,  
                 Fieseler, Furstenau

**Nays:**      None

**Absent:**     Brodhead

                 Motion declared carried.

**SPI #17: DOWNTOWN  
LIQUOR SURVEY  
RESULTS**

**L4**      Recruit and fill vacancy for Equipment Operator

Council discussed the number of current employees that are available to do the work and asked about the impact on the overtime budget.

Van Vooren stated that no employees could be promoted to equipment operator because there are no full-time positions that are below the pay scale of equipment operator outside of a secretary. He explained how this proposal will save the city \$80,000, that the department has lost two equipment operators in two years, and that the current authorized strength of 45 is the appropriate number to deliver public works services.

Van Vooren said the overtime is not a significant amount, however it is a front line position and if there is an event which causes the department to be understaffed, contractors will be brought in and they are more expensive.

Miller moved to table to the February 15 Council meeting. Second, Hinterlong.

**VOICE VOTE:**      Motion declared carried.

**M**      **PUBLIC HEARING:**

**M1**      DuPage Unitarian Universalist Church, PC 10-1-062

**DUPAGE UNITARIAN  
UNIVERSALIST CHURCH,  
PC 10-1-062**

FINAL AGENDA  
CITY COUNCIL MEETING  
JANUARY 18, 2011  
PAGE 8

**M1a** Public Hearing – DuPage Unitarian Universalist Church annexation,  
PC 10-1-062

PUBLIC HEARING –  
ANNEXATION, PC 10-1-  
062

Mayor Pradel opened the public hearing at 8:23 p.m.

Len Monson, 552 S. Washington and petitioner's attorney gave a presentation where he explained that DuPage Unitarian Universalist Church is seeking approval of annexation for the purposes of constructing an addition to an existing religious institution, rezoning of the subject property to R1 (Low Density Single-Family Residence District), approval of a conditional use for a religious institution, and approval of a preliminary/final plat of subdivision of said property. The petitioner also seeks approval of a variance from Section 6-9-3 (Schedule of Off-Street Parking) for the purposes of reducing the required number of off-street parking stalls on-site.

Council discussed making an informed decision about annexing property which does not generate revenue, will cause the city to incur costs, and questioned the need to have more information.

Boyajian moved to table to the February 1 Council meeting. Second, Miller.

Council discussed utilities, road impact fees, sales generation, and services provided by religious institutions.

Monson explained that police and plowing costs would be minimal, the property is currently in the fire protection district, and that it will most likely be ten years before maintenance is needed on the road.

Furstenau moved to close the public hearing at 8:44 p.m. Second, Wehrli.

Furstenau moved in substitution to create an Omnibus Ordinance for items M1b-f. Second, Miller.

**VOICE VOTE:** Motion declared carried.

Furstenau moved in substitution to pass Ordinances 11-016, 11-017, 11-018, 11-019, 11-020, 11-021. Second, Miller.

**ROLL CALL:**

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

**Nays:** Boyajian  
Motion declared carried.

**M1b** Ordinance No. 11-016, annexation agreement – DuPage Unitarian  
Universalist Church, PC 10-1-062

ORDINANCE NO. 11-016,  
ANNEXATION  
AGREEMENT, PC 10-1-062

Council moved to pass Ordinance No. 11-016, authorizing execution of the annexation agreement for DuPage Unitarian Universalist Church, PC 10-1-062.

FINAL AGENDA  
CITY COUNCIL MEETING  
JANUARY 18, 2011  
PAGE 9

- M1c**    Ordinance No. 11-017, annexing DuPage Unitarian Universalist Church, PC 10-1-062  
Council moved to waive first reading and pass Ordinance No. 11-017, annexing DuPage Unitarian Universalist Church, PC 10-1-062.      ORDINANCE NO. 11-017,  
ANNEXING DUPAGE  
UNITERIAN  
UNIVERSALIST CHURCH
- M1d**    Ordinance No. 11-018, zone DuPage Unitarian Universalist Church, PC 10-1-062  
Council moved to pass Ordinance No. 11-018, to zone the property to R1 (low-density single-family residence district) upon annexation.      ORDINANCE NO. 11-018,  
ZONING
- M1e**    Ordinance No. 11-019, preliminary/final plat of subdivision for DuPage Unitarian Universalist Church, PC 10-1-062  
Council moved to pass Ordinance No. 11-019, approving a preliminary/final plat of subdivision.      ORDINANCE NO. 11-019,  
PRELIMINARY/FINAL  
PLAT OF SUBDIVISION
- M1f**    Ordinance No. 11-020, conditional use and parking variance for DuPage Unitarian Universalist Church, PC 10-1-062  
Council moved to pass Ordinance No. 11-020, approving a conditional use for a religious institution and parking variance for DuPage Unitarian Universalist Church, subject to conditions.      ORDINANCE NO. 11-020,  
CONDITIONAL USE AND  
PARKING VARIANCE
- N1**    Ordinance No. 11-021, Lease of Property to DuPage Children's Museum  
Furstenau moved to pass Ordinance No. 11-021, authorizing the execution of a lease agreement between the City of Naperville and the DuPage Children's Museum. Second, Miller.      ORDINANCE NO. 11-021,  
DUPAGE CHILDREN'S  
MUSEUM

**ROLL CALL:**

**Ayes:**     Miller, Pradel, Boyajian, Fieseler, Furstenau, Hinterlong,  
                 Krause  
**Nays:**     Wehrli  
**Absent:**    Brodhead  
                 Motion declared carried.

**O    NEW BUSINESS:**

**O1    Dick's Sporting Goods**

Hinterlong questioned the north facing façade and suggested breaking up that part of the building to make it more attractive.

Laff stated that the third elevation on the agenda item shows that the north facing façade is broken up and that the blank elevation faces Home Depot.

**O2    Plank Road**

Furstenau asked the zoning classification for medium and low density.

Laff explained that medium density can be up to 8 units per acre) and low density is 2.5 units per acre.

FINAL AGENDA  
CITY COUNCIL MEETING  
JANUARY 18, 2011  
PAGE 10

P      **CLOSED SESSION:**

Q      **ADJOURNMENT:**

ADJOURNMENT -8:51  
P.M.

Miller moved to adjourn the Regular City Council meeting of  
January 18, 2011 at 8:51 p.m. Second, Wehrli.

**VOICE VOTE:**      Motion declared carried.

The Regular City Council Meeting of January 18, 2011 officially adjourned at 8:51 p.m.



---

PAM LAFEBER PH.D.  
CITY CLERK

PL:BK

