



**CITY COUNCIL MEETING OF DECEMBER 6, 2011
UNOFFICIAL PRIOR TO CITY COUNCIL APPROVAL
APPROVED BY THE CITY COUNCIL ON
December 19, 2011 AS WRITTEN.**

CALL TO ORDER:

5:36 P.M.

- A** Mayor A. George Pradel - Arrived at 5:40 p.m.
Councilman Judy Brodhead –attended by teleconference
Councilman Steve Chirico
Mayor Pro Tem Robert Fieseler
Councilman Paul Hinterlong
Councilman Douglas Krause
Councilman Joe McElroy – Arrived at 5:37 p.m.
Councilman Kenn Miller
Councilman Grant Wehrli

Absent

None

Hinterlong moved to allow Brodhead to participate via teleconference. Second Krause.

VOICE VOTE: Motion declared carried.

Also Present

City Manager, Doug Krieger
Assistant City Manager, Robert Marshall
City Clerk, Pam LaFeber
City Attorney, Margo Ely
Fire Chief, Mark Puknaitis
Police Chief, David E. Dial
Finance Director, Karen DeAngelis
T.E.D. Business Group Director, Marcie Schatz
T.E.D. Operations Manager, Allison Laff
Director of Public Works, Dick Dublinski
Director of Public Utilities-Electric, Mark Curran
Director of Public Utilities-Water, Jim Holzapfel
Human Resources Manager, Victoria Perrault

Press

Chicago Sun Times, Daily Herald, Naperville Sun

**FINAL AGENDA
CITY COUNCIL MEETING
DECEMBER 6, 2011
PAGE 3**

- D2** Fire Chief's Citizen Awards FIRE CHIEF'S CITIZEN AWARDS
Chief Puknaitis presented Fire Chief's Citizen Awards to Karen Oswald, Jenny Dawley, James Crandall.
- E** **PUBLIC FORUM:**
- E1** Changeable Message Board
Mike Strick, 3827 Lookingpost Court, stated that the current 10 second time frame is too long and asked that it be reduced.
Rutkowski stated that citations are complaint based, that a complaint was received that Mr. Strick's message interval was less than the 10-second code requirement, and that upon inspection it was found that the message changed in six second intervals.
Council discussed changing the timing interval of changeable message signs, how the business owner was contacted regarding the citation, and other signs whose text also changes in less than 10 second intervals.
- E2** Smart Meters
Mark Phillips, 1213 Basswood Drive, spoke against the Smart meter initiative.
- E3** Smart Grid
Kevin McGuillan, 916 Spindletree, spoke in favor of the Smart meter initiative.
- E4** Smart Meter
George Isaac, 1136 Dickens, spoke against the Smart meter initiative
- E5** Smart Meter
John Glass, 651 Edward, discussed the Department of Energy "escape clause" and stated that it should apply to the City's implementation of Smart meters.
Bevis explained that he was present during the contract negotiations and that the "escape clause" does not apply to a municipal utility.
Council requested a legal opinion on the applicability of the clause to the City and its meter deployment.
- E6** Excessive BN Freight Train Noise in Vicinity of Plank & Columbia
Wes Sokocowski, 831 Bellingrath, stated that he has received the appropriate number of signatures to request noise abatement measures from the City such as a sound wall or trees.
Robles explained Burlington Northern will not install sound walls unless they are in conjunction with a larger development. She also said that the City planted trees to create a buffer but that is not considered a sound mitigation.
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FINAL AGENDA
CITY COUNCIL MEETING
DECEMBER 6, 2011
PAGE 4

E7 Smart Meter
Amber Schoedel, 1219 Windemere, spoke against the Smart meter initiative.

Krieger explained parallel reads will be done for three months and billing issues will be heard by the Public Utility Advisory Board.

E8 Fiscal Irresponsibility
Jo Malik, 843 Santa Maria, spoke against the Smart meter initiative.

E9 Ashbury Water Lines
Nick Stanitz, 7S531 Donwood, discussed the new water line regulations and how they are affecting the properties he is developing.

Holzapfel explained that the City has been strictly enforcing the Illinois Plumbing Code since 2007 and the changes are due to that health hazards have been found with previous line dimensions.

By consensus, Council directed the City Manager to grandfather the development of the current lot but have the Building Review Board rule on the regulation for the second property.

E10 Naperville, et al.
Scott Huber, Burlington and Ogden, discussed the ruling of his lawsuit.

E11 Smart Meters
Glenn Mendoza, 2734 Seiler, spoke against the Smart meter initiative.

E12 Smart Grid
John Krummen, 2649 Haddassah, spoke in favor of the Smart meter initiative.

F **HOLDOVER ITEMS:**

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

BREAK: 8:37 P.M.
Mayor Pradel called the meeting back to order at 8:47 p.m.

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.



**FINAL AGENDA
CITY COUNCIL MEETING
DECEMBER 6, 2011
PAGE 5**

I CONSENT AGENDA:

Miller moved to approve the Consent Agenda with the exception of items I9, I10, I11, I13, and I19. Second, Krause.

ROLL CALL:

Ayes: Pradel, Brodhead, Chirico, Fieseler, Hinterlong, Krause, McElroy, Miller, Wehrli.

Nays: None

Motion declared carried.

I1 Cash Disbursements – 11/09/11

Council moved to approve the 11/09/11 cash disbursements in the amount of \$8,489,260.42.

CASH DISBURSEMENTS –
11/09/11

I2 Cash Disbursements – 11/22/11

Council moved to approve the 11/22/11 cash disbursements in the amount of \$15,227,105.19.

CASH DISBURSEMENTS –
11/22/11

I3 Regular City Council Meeting Minutes of November 15, 2011

Council moved to approve the Regular City Council Meeting Minutes of November 15, 2011.

REGULAR CITY COUNCIL
MEETING MINUTES – 11-15-
11

I4 Contract 12-026, Raymond Drive Interceptor Sewer Lining, Phase I

Council moved to approve the award of Change Order #1 to Contract 12-026, Raymond Drive Interceptor Sewer Lining, Phase I, to Insitutform Technologies USA, extending the contract an additional period of 181 days, which brings the final completion date to May 31, 2012.

CONTRACT 12-026,
RAYMOND DRIVE
INTERCEPTOR SEWER
LINING

I5 Public Improvements and Public Improvement Sureties

Council moved to accept the public underground improvements in the East Naperville Commons Subdivision and Springbrook Prairie Pavilion – Phase 2 and authorize the City Clerk to reduce the corresponding public improvement sureties.

PUBLIC IMPROVEMENTS

I6 Resolution No. 11-055, Millennium Carillon Agreement

Council moved to adopt Resolution No. 11-055, authorizing the renewal of an agreement among the City of Naperville, the Millennium Carillon Foundation, and the Naperville Park District related to the Millennium Carillon, Moser Tower and Visitors Center.

RESOLUTION NO. 11-055,
MILLENNIUM CARILLON
AGREEMENT

I7 Ordinance No. 11-164, Islamic Center of Naperville, PST 11-1-150

Council moved to pass Ordinance No. 11-164, approving a minor change to the conditional use for the Islamic Center of Naperville to accommodate changes to the gymnasium elevations.

ORDINANCE NO. 11-164,
ISLAMIC CENTER OF
NAPERVILLE, PST 11-1-150

FINAL AGENDA
CITY COUNCIL MEETING
DECEMBER 6, 2011
PAGE 6

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| I18 | <u>Ordinance No. 11-165, Old Kent Plaza First Resubdivision, PST 11-1-145</u>

Council moved to pass Ordinance No. 11-165, approving the preliminary/final plat of subdivision for Old Kent Plaza First Resubdivision, PST #11-1-145. | ORDINANCE NO. 11-165,
OLD KENT PLAZA FIRST
RESUBDIVISION, PST 11-1-
145 |
| I12 | <u>Resolution No. 11-056, Illinois Spinal and Sports Rehabilitation, PCS #11-1-140</u>

Council moved to adopt Resolution No. 11-056, granting a variance from Section 5-4-5:3.2 (Commercial Signs, Awnings and Canopy Signs, Awning and Canopy Sign Area) of the Naperville Municipal Code to increase the allowed signage on an awning from 12 square feet to 22 square feet on the east elevation of the building for the property located at 4015 Plainfield-Naperville Road, Unit #105. | RESOLUTION NO. 11-056,
ILLINOIS SPINAL AND
SPORTS REHABILITATION,
PCS #11-1-140 |
| I14 | <u>Ordinance No. 11-166, 2011 Tax Levy Ordinance</u>

Council moved to pass Ordinance No. 11-166, Tax Levy adopting a total tax levy of \$55,462,880.76. | ORDINANCE NO. 11-166,
2011 TAX LEVY
ORDINANCE |
| I15 | <u>Ordinance No. 11-167, 2011 Tax Levy Abatement</u>

Council moved to pass Ordinance No. 11-167, authorizing an abatement of \$7,652,844.76 from the total tax levy of \$55,462.880.76 for a net total 2011 tax levy of \$47,810,036.00. | ORDINANCE NO. 11-167,
2011 TAX LEVY
ABATEMENT |
| I16 | <u>Ordinance No. 11-168, Special Service Area #21 (New Parking Garage)</u>

Council moved to pass Ordinance No. 11-168, adopting a tax levy of \$150,000.00 for Special Service Are #21 (New Parking Garage). | ORDINANCE NO. 11-168,
SSA #21 (NEW PARKING
GARAGE) |
| I17 | <u>Ordinance No. 11-169, Special Service Area #23 (Naper Main)</u>

Council moved to pass Ordinance No. 11-169, adopting a total tax levy of \$214,667.00 for Special Service Area #23 (Naper Main). | ORDINANCE NO. 11-169,
SPECIAL SERVICE AREA
#23 (NAPER MAIN) |
| I18 | <u>Ordinance No. 11-170, Special Service Area #24 (Downtown Maintenance and Marketing Cost)</u>

Council moved to pass Ordinance No. 11-170, adopting a tax levy of \$783,001.00 for Special Service Area #24 (Downtown Maintenance and Marketing Cost).

Clerk's Note: To avoid the appearance of impropriety because she is employed by North Central College, Brodhead recused herself. | ORDINANCE NO. 11-170,
SPECIAL SERVICE AREA
#24 (DOWNTOWN
MAINTENANCE AND
MARKETING COST) |
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| I19 | <u>Riverwalk Improvements adjacent to North Central College</u> | RIVERWALK
IMPROVEMENTS –
ADJACENT TO NORTH |



FINAL AGENDA
CITY COUNCIL MEETING
DECEMBER 6, 2011
PAGE 7

CENTRAL COLLEGE

I9a Access improvement to North Central College's Southwest
Campus Gateway

I9b Resolution No. 11-057, Riverwalk Improvements near
Fredenhagen Park

Miller moved to approve the access improvement to North Central College's Southwest Campus Gateway as an addition to the Riverwalk and adopt Resolution No. 11-057, authorizing the execution of the agreement between the City of Naperville and North Central College for the design, construction, and maintenance of Riverwalk improvements near Fredenhagen Park and North Central College. Second, Wehrli.

RESOLUTION NO. 11-057,
RIVERWALK
IMPROVEMENTS –
FREDENHAGEN PARK

ROLL CALL:

Ayes: Chirico, Fieseler, Hinterlong, Krause, McElroy,
 Miller, Wehrli, Pradel

Nays: None

Abstain: Brodhead

Motion declared carried.

I10 Ordinance No. 11-171, 2012 Water and Wastewater Utility Rates

Council discussed delaying the date of the increase, asked why the changes were not brought before the Public Utility Advisory Board, and inquired as to how other municipalities are responding to the increase.

Holzappel stated that the DuPage Mayors and Managers is formulating a response, that the utility does not have the financial wherewithal to withstand a delay in implementation, and that a delay will only increase the City deficit.

Dick Furstenu, 709 Zaininger Ave., stated that the DuPage Water Commission will not challenge the rate increase.

Miller moved to pass Ordinance No. 11-171, amending Sections 8-2C-3, 8-2C-4 and 8-2C-5 of the Municipal Code Water and Sewer Connection Permits, Water User Charges effective January 1, 2012. Second, Wehrli.

ORDINANCE NO. 11-171,
2012 WATER AND
WASTEWATER UTILITY
RATES

ROLL CALL:

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

Nays: McElroy

Motion declared carried.

I11 Harvest Bible Chapel –Variance Extension

Council discussed how many temporary variances have been issued and asked that staff continue to monitor the number of such variances.

HARVEST BIBLE CHAPEL

FINAL AGENDA
CITY COUNCIL MEETING
DECEMBER 6, 2011
PAGE 8

- I11** Harvest Bible Chapel –Variance Extension Continued HARVEST BIBLE CHAPEL
- Wehrli moved to adopt the Resolution granting a one-time, ten-month extension for a variance to continue to display a 204-square-foot banner on the east elevation of the building and exceed the maximum square footage of wall signage allowed on the elevation with the condition that the petitioner will not erect or install any permitted signage on the property until the banner is removed, for the property located at 1805 High Point Drive. Second, Krause.
- ROLL CALL:**
- Ayes:** Fieseler, Krause, Wehrli, Pradel
- Nays:** Hinterlong, McElroy, Miller, Brodhead, Chirico
- Motion declared **not** carried.
- I13** Resolution No. 11-058, Lover’s Lane, PCS 11-1-141 RESOLUTION NO. 11-058,
 Wehrli moved to adopt Resolution No. 11-058, granting a variance to Section 5-4-5:1.2 (Commercial Signs; Wall Signs; Wall Sign Area) of the Naperville Municipal Code to allow a 79-square foot wall sign on the south elevation of the building and exceed the maximum square footage of wall signage allowed on the elevation for the property located at 1001 W. Ogden Avenue. Second, Chirico. LOVER’S LANE, PCS 11-1-141
- ROLL CALL:**
- Ayes:** Hinterlong, Krause, McElroy, Miller, Wehrli, Pradel, Brodhead, Chirico, Fieseler
- Nays:** None
- Motion declared carried.
- I19** Ordinance No. 11-172, Administrative Fee – Arrestees ORDINANCE NO. 11-172,
 Wehrli moved to waive first reading and pass Ordinance No. 11-172, repealing and replacing Section 10-8-1 of Chapter 8 (Administrative Fees) Title 10 (Police Regulations) and Section 10 (Administrative Hearings) of the Naperville Municipal Code. Second, Miller. ADMINISTRATIVE FEE - ARRESTEES
- ROLL CALL:**
- Ayes:** Krause, McElroy, Miller, Wehrli, Pradel, Brodhead, Chirico, Hinterlong
- Nays:** Fieseler
- Motion declared carried.
- J** **OLD BUSINESS:**
- J1** Map of Districts for City of Naperville MAP OF DISTRICTS
- Krieger explained the process going forward and how the public can comment on the maps, the frequency with which Council will receive consolidated comment reports, and the number of open houses to be held. He said that map approval in July 2013 is



FINAL AGENDA
CITY COUNCIL MEETING
DECEMBER 6, 2011
PAGE 9

desired.

J1 Map of Districts for City of Naperville Continued

MAP OF DISTRICTS

Jane Barnes, 1520 Aberdeen, spoke on behalf of the League of Women Voters and asked that public meetings be held in each of the proposed districts.

Council questioned the appropriateness of their attendance at the meetings and suggested sending information out with the utility bills.

Dick Furstenau, 709 Zaininger, has concerns that the downtown is in the same district and stated that it should be split into 2-3 districts.

Michael Costello, 24 S. Huffman Street, concerned that downtown is in the same district.

Council congratulated staff on drafting the map, directed that meetings in each of the proposed districts should be scheduled, and that incumbent representation in the proposed districts should not be considered or discussed.

Miller moved to have one overall City Kick-off meeting plus one public meeting in each of the 5 districts. Second, Krause.

VOICE VOTE: Motion declared carried.

J2 95th Street Bridge

95TH STREET BRIDGE

Jim Lawlor, 2652 Haddassah, spoke in favor of the bridge project.

Joseph Hudetz, 4137 Royal Mews Circle, spoke against the bridge project.

Debra Holscher, 2708 Modaff, urged Council to table the item to do a cost analysis of the project.

Geno Valente, 3443 Keller Lane, spoke against of the bridge project and explained how the bridge could potentially be built.

Council discussed the portion of land that belongs to each of the three government bodies, how Naperville could prohibit them from developing their property, and stated that Bolingbrook and Will County are relying on the money the City has obligated to the project.

Katherine Havel, 2616 Springdale Circle, spoke against of the bridge project.

Council discussed creating a cross walk at Knoch Knolls, performing due diligence before moving forward, the cost to break the agreement, the safety elements raised by the residents, and the rumored renegotiation with Will County.

Schatz stated that staff disagrees with assuming maintenance of the land and would urge Council to reject that option.

**FINAL AGENDA
CITY COUNCIL MEETING
DECEMBER 6, 2011
PAGE 10**

J2 95th Street Bridge Continued

95TH STREET BRIDGE

Ely explained that three Councilmen can ask staff to bring back an agenda item to stop the bridge project, that the agreement is enforceable agreement and ramifications of terminating the agreement would depend on what the remaining two parties charge.

Miller moved to receive the 95th Street Bridge report. Second, Krause.

VOICE VOTE: Motion declared carried.

J3 Liquor Subcommittee Recommendation

LIQUOR SUBCOMMITTEE
RECOMMENDATION

Schatz explained the six recommendations made by Liquor Subcommittee.

Patrick Skarr, Naperville Chamber and 55 S. Main Street #351, spoke against the cap recommendation.

Council discussed late night cap as one more public viewing of what that establishment will be.

Scott Wehrli, 60 S. Parkway and member of the Liquor Subcommittee, spoke in favor of caps and stated that they are similar to conditional uses in that one additional review of the proposals will be necessary.

Dick Furstenuau, 709 Zaininger, spoke against the recommendations.

Clerk's Note: At 10:52 p.m. Krause moved to extend the meeting to 11:30 p.m. Second, Chirico.

VOICE VOTE: Motion declared carried.

Council discussed the appropriateness of the additional fee, the amount of work that will result from the Late Night permit, that there needs to be greater adherence to and enforcement of the City's liquor regulations, the pros and cons of requiring caps, and that the top priority is public safety.

FINAL AGENDA
CITY COUNCIL MEETING
DECEMBER 6, 2011
PAGE 11

J3 Liquor Subcommittee Recommendation Continued

LIQUOR SUBCOMMITTEE
RECOMMENDATION

Wehrli moved to approve recommendation #1 (Establish a new Late Night Permit with the caveat that it is a revenue neutral permit), #2 (Modify kitchen hours to 9:00 p.m. Sunday-Thursday and 10:00 p.m. on Friday and Saturday; Eliminate reduced menu requirement), #3 (Establish a Citywide Cap on Late Night Permits), #4 (Establish a Downtown Cap for Late Night Permits) and #6 (Direct the discussion on retail mix in the Downtown to a subcommittee of NDP, DAC and DNA) and require six positive votes for recommendation #5 (issuing additional Class C licenses).
Second, Chirico.

ROLL CALL:

Ayes: McElroy, Miller, Wehrli, Pradel, Brodhead,
 Chirico, Fieseler, Hinterlong
Nays: Krause
 Motion declared carried.

Clerk's Note: At 11:23 p.m. Krause moved to extend the meeting to 12:00 a.m. Second, Chirico

ROLL CALL:

Ayes: Miller, Pradel, Brodhead, Chirico, Fieseler,
 Hinterlong, Krause
Nays: Wehrli, McElroy
 Motion declared carried.

J4 Ordinance No. 11-173, Increase in Parking Fines

ORDINANCE NO. 11-173,
INCREASE IN PARKING
FINES

Wehrli moved to pass Ordinance No. 11-173, amending Title 11 (Motor Vehicles and Traffic), Chapter 2 (Parking), Article B (Municipal Parking Lots and Parking Regulations), Section 11 (Penalty; Compromise Payment) of the Naperville Municipal Code to increase the parking fines from a minimum of \$30.00 to \$50.00 and an increase in the compromise payment from \$15.00 to \$25.00 and fire lane fines from a minimum fine of \$100.00 and a compromise payment of \$60.00. Second, Hinterlong.

ROLL CALL:

Ayes: Wehrli, Pradel, Brodhead, Hinterlong, Miller
Nays: Chirico, Fieseler, Krause, McElroy
 Motion declared carried.

K **AWARD OF BIDS AND OTHER ITEMS OF
EXPENDITURE:**

L **REPORTS AND RECOMMENDATIONS:**

**FINAL AGENDA
CITY COUNCIL MEETING
DECEMBER 6, 2011
PAGE 12**

L1 City Council Meeting Schedule

CITY COUNCIL MEETING
SCHEDULE

Wehrli moved to approve the City Council Meeting Schedule for December 2011 and January and February 2012 with no January 3 meeting. Second, Chirico.

VOICE VOTE: Motion declared carried.

L2 Customer Service Assistant – TED

CUSTOMER SERVICE
ASSISTANCE - TED

Chirico moved to grant approval to fill the vacancy for a full-time Customer Service Assistant in TED. Second, Miller.

ROLL CALL:

Ayes: Pradel, Brodhead, Chirico, Fieseler, Hinterlong,
 McElroy, Miller, Wehrli

Nays: Krause
 Motion declared carried.

L3 Legislative Affairs Coordinator

LEGISLATIVE AFFAIRS
COORDINATOR

Council discussed the need for the position, the possibility of hiring a part-time employee, and the appropriateness of the proposed salary.

Krieger explained the new responsibilities of and the need for the position.

Chirico moved to grant the City Manager approval to recruit externally and fill the vacancy for a Legislative Affairs Coordinator. Second, Wehrli.

Miller made a Motion in Substitution to table to December 19, 2011 in order to review the new job description. Second, Hinterlong.

VOICE VOTE: Motion declared carried.

M **PUBLIC HEARINGS:**

N **ORDINANCES AND RESOLUTIONS:**

N1 Resolution No. 11-059, Millennium Carillon Line of Credit

RESOLUTION NO. 11-059,
MILLENNIUM CARILLON
LINE OF CREDIT

Chirico moved to adopt Resolution No. 11-059, authorizing the execution of the fourth amendment to the agreement between the City of Naperville and the Millennium Carillon Foundation to provide \$1,500,000 line of credit. Second, Miller.

ROLL CALL:

Ayes: Brodhead, Chirico, Fieseler, Hinterlong, McElroy,
 Miller, Wehrli, Pradel

Nays: Krause



FINAL AGENDA
CITY COUNCIL MEETING
DECEMBER 6, 2011
PAGE 13

Motion declared carried.

- N2** B4 and B5 Zoning District Text Amendments (PC #11-1-123) B4 AND B5 ZONING
No discussion. DISTRICT TEXT
First reading held. AMENDMENTS (PC #11-1-
123)
- N3** Resolution No. 11-060, IAFF Local #4302 Collective Bargaining RESOLUTION NO. 11-060,
Agreement IAFF LOCAL #4302
Miller moved to adopt Resolution No. 11-060, authorizing the COLLECTIVE BARGAINING
execution of a collective bargaining agreement between the City of AGREEMENT
Naperville and IAFF Local #4302. Second, Brodhead.
- ROLL CALL:**
Ayes: Chirico, Fieseler, Hinterlong, Miller, Pradel,
Brodhead
Nays: Krause, McElroy, Wehrli
Motion declared carried.

O **NEW BUSINESS**

P **CLOSED SESSION:**

CLOSED SESSION

Q **ADJOURNMENT:**

ADJOURNMENT -11:47 P.M.

Wehrli moved to adjourn the Regular City Council meeting of
December 6, 2011 at 11:47 p.m. Second, Miller.

VOICE VOTE: Motion declared carried.

The Regular City Council Meeting of December 6, 2011 officially adjourned at 11:47 p.m.


PAM LAFERBER PH.D.
CITY CLERK

PL: BK

