



CITY COUNCIL MEETING OF JUNE 15, 2010
UNOFFICIAL PRIOR TO CITY COUNCIL APPROVAL
APPROVED BY THE CITY COUNCIL ON
July 20, 2010 AS WRITTEN.

CALL TO ORDER:

5:03 P.M.

A Mayor Pro Tem Paul Hinterlong
Councilman James Boyajian
Councilman Judy Brodhead
Councilman Robert Fieseler
Councilman Richard R. Furstenau
Councilman Douglas Krause
Councilman Kenn Miller
Councilman Grant Wehrli

Absent

Mayor A. George Pradel

Also Present

City Manager, Doug Krieger
Assistant City Manager, Bob Marshall
Records Management Team Leader, Pam LaFeber
City Attorney, Margo Ely
Deputy Fire Chief, Mike Zywanski
Deputy Police Chief, Gary Bolt
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
Director of Public Utilities- Water, Jim Holzapfel
Director of Public Utilities-Electric, Mark Curran

Press

Chicago Sun Times, Daily Herald, Naperville Sun

A handwritten signature in black ink, appearing to be the initials 'JP' or similar, located at the bottom left of the page.

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B. CLOSED SESSION

Furstenau moved to recess to Closed Session to discuss **5 ILCS 120/2(c)(2)(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; **(5)** The purchase or lease of real property for the use of the public body; **(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, Wehrli.

ROLL CALL:

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

Nays: None
Motion declared carried.

THE MEETING RECESSED TO CLOSED SESSION AT 5: 08 P.M.

CLOSED SESSION ENDED AT 7:08 P.M.

OPEN SESSION

MAYOR PRO TEM CALLED THE MEETING BACK TO ORDER AT 7:19 P.M.

ROLL CALL to determine Quorum:

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

Absent: Pradel

C. PLEDGE TO THE FLAG:

PLEDGE GIVEN

D AWARDS AND RECOGNITIONS:

D1 NCO Youth and Family Services Day Proclamation

Councilman Boyajian proclaimed July 14, 2010 as NCO Youth and Family Services Day and presented the proclamation to Barb Juckins.

NCO YOUTH AND FAMILY SERVICES DAY PROCLAMATION

D2 The American Solar Challenge Proclamation

Councilman Fieseler proclaimed June 26, 2010 as The American Solar Challenge Day and presented the proclamation to Maggie Hayes.

THE AMERICAN SOLAR CHALLENGE PROCLAMATION

D3 Community Covenant – Supporting Those Who Serve Program

Members of the United States Army gave a brief presentation on the Community Covenant – Supporting Those Who Serve Program and thanked the City of Naperville for its participation. This program was created by the Secretary of the Army and encourages communities to assist soldiers and their families in time of war.

COMMUNITY COVENANT – SUPPORTING THOSE WHO SERVE PROGRAM

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E PUBLIC FORUM:

E1 Water Run-off Effects on 925 E. Prairie

Merna Williams, 925 E. Prairie, showed a video of flooding in her yard on Memorial Day that took place in approximately 20 minutes and reached 8"-9" in height. She stated that this happens each time it rains.

Dublinski explained that a multi-department Stormwater Team has been created to address such issues. He has been at this location and stated that the water is draining, not standing. The Team has evaluated the property and will present solutions to Bill Novack and Dave Van Vooren for input.

F HOLDOVER ITEMS:

G PETITIONS AND COMMUNICATIONS TO THE COUNCIL:

G1. Ballot Proposal – Term Limits

**BALLOT PROPOSAL –
TERM LIMITS**

Krieger explained that a referendum can be placed on a ballot in one of two methods, 1) the residents can petition and obtain the required number of signatures or 2) Council can draft language and pass an ordinance. He said that the critical components are when it goes into effect and the number of terms.

Bill Eagan, 513 Alexandria Drive and Chair of the Naperville Voters Education League, stated the League would like the ballot for November 2010 to include a referendum limiting the number of terms of office of each elected official in the City to no more than three consecutive four year terms effective with the 2013 elections. He also discussed educating the public during town hall meetings.

Ely explained that the proposed language is prospective regardless of the effective date and that it cannot remove someone from office.

Richard Williams, 828 N. Sleight, supports term limits and recommends two term limits so the people can get control of the government.

Roger Sheeman, 1719 Tamahawk Lane, Chairman of the Citizen's Action Alliance, supports term limits on the November ballot. He applauds all those who have served and in the spirit of transparency urged Council to put this on the ballot.

Ed Rivas, 1565 Shenandoah Lane, urged Council to support term limits.

Larry Camis, 995 Quail Drive, supports term limit referendum.

James Derkacy, 921 Bay Hill Avenue, thanked Council for giving residents a voice on term limits, said that this is an ideal question to ask the voters, and urged Council to put term limits on the ballot.

Ashley Penick, 1421 Sequoia Road, urged Council to support term limit referendum and respect the Constitution.

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G1 Ballot Proposal – Term Limits Continued

**BALLOT PROPOSAL –
TERM LIMITS**

Tim Messer, 6 N. Huffman Street, supports term limits on the ballot.

Carol Schmidt, 204 N. Wright Street, President of the East Central Homeowner's Association (ECHO) supports term limits.

Council discussed that the League of Women Voters is not in agreement with the referendum, but it is a growing trend across the country at local and state levels. Council said that the ultimate referendum is at election time, discussed the relativity of institutional knowledge and stated that incumbents have an advantage. They said that the question is not whether Council is in favor of term limits but whether it should be placed on the ballot. The wording should not be ambiguous and it is unclear as proposed. Council was not in favor of the retroactivity of the proposed language and stated that the provision should be applied to the 2013 election so 2025 should be the first year candidates would be ineligible.

Wehrli moved to direct staff to draft an ordinance limiting elected officials to three full consecutive terms commencing with those elected in 2013. Second, Boyajian.

Mr. Eagan stated his group will stop circulating petitions if the Council commits to put this on the ballot.

Council said there is no guarantee that when the ordinance comes back at the July meeting there will be five positive votes.

Council questioned the validity of signatures collected if the wording changes, the constitutionality of imposing term limits under home rule authority, the fulfillment of partial terms, and when a candidate would be eligible to run again.

Council stated the proposed ordinance will be given to Mr. Eagan prior to the July meeting.

ROLL CALL:

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

Nays: Furstenau
Motion declared carried.

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.

Absent: Pradel

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I CONSENT AGENDA:

Miller moved to approve the Consent Agenda with the exception of items I3, I8, I9, I20, and I21. Second, Krause.

ROLL CALL:

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

Nays: None

Absent: Pradel

Motion declared carried.

- | | |
|---|--|
| <p>I1 <u>Cash Disbursements – 5/26/10</u>
Council moved to approve the 5/26/10 cash disbursements in the amount of \$7,858,545.90.</p> | <p>CASH DISBURSEMENTS –
5/26/10</p> |
| <p>I2 <u>Regular City Council Meeting Minutes of June 1, 2010</u>
Council moved to approve the Regular City Council Meeting Minutes of June 1, 2010</p> | <p>REGULAR CITY COUNCIL
MEETING MINTUES –
6/1/10</p> |
| <p>I4 <u>Award of Bid 11-012, Storm Sewer Rehabilitation CIPP</u>
Council moved to approve the award of Bid 11-012, Storm Sewer Rehabilitation CIPP, to American Pipeliners, for an amount not to exceed \$559,332.00 plus a 3% contingency.</p> | <p>BID 11-012, STORM SEWER
REHABILITATION CIPP</p> |
| <p>I5 <u>Ordinance No. 10-066 , Ogden Avenue Corridor Engineering Design and Streetscape Elements Report, PST 10-1-61</u>
Council moved to pass Ordinance No. 10-066, amending Section 1-11-1 (Comprehensive Master Plan) of the Naperville Municipal Code to adopt the Ogden Avenue Corridor Enhancement Initiative Engineering Design and Streetscape Elements as a component of the Naperville Comprehensive Master Plan.</p> | <p>ORDINANCE NO. 10-066,
OGDEN AVENUE
CORRIDOR REPORT, PST
10-1-61</p> |
| <p>I6 <u>Award of Bid 11-007, Ogden Avenue Corridor Enhancements</u>
Council moved to approve the award of Bid 11-007, Ogden Avenue Corridor Enhancements, to H & H Electric Company, for an amount of \$185,476.60 plus a 5% contingency.</p> | <p>BID 11-007, OGDEN
AVENUE CORRIDOR
ENHANCEMENTS</p> |
| <p>I7 <u>Award of Change Order #3 to Contract 08-146, Fuel Tank Wagon</u>
Council moved to approve the award of Change Order #3 to Contract 08-146, Fuel Tank Wagon, for an amount not to exceed \$160,000.00 for a total three year contract award of \$580,000.00.</p> | <p>CONTRACT 08-146, FUEL
TANK WAGON</p> |
| <p>I10 <u>Fireworks Permit Applications</u>
Council moved to approve the fireworks permit applications for Ribfest and White Eagle Homeowners Association.</p> | <p>FIREWORKS PERMIT
APPLICATIONS</p> |
| <p>I11 <u>Public Hearing for Special Service Area No. 24</u>
Council moved to schedule the public hearing for Special Service Area No. 24 (SSA #24) for July 20, 2010.</p> | <p>SPECIAL SERVICE AREA
NO. 24</p> |



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- I12 Ordinance No. 10-067, 327 North Center Street, ZBA 10-1-54
Council moved to pass Ordinance No. 10-067, granting a variance to Section 6-9-3 (schedule of off-street parking requirements) to reduce the number of parking stalls from 28 to 5 for the purposes of operating a restaurant, LeSiam Restaurant at 327 North Center Street, ZBA 10-1-54. ORDINANCE NO. 10-067,
327 NORTH CENTER
STREET, ZBA 10-1-54
- I13 Ordinance No. 10-068, MK Studio, 20 W. Jefferson Avenue, PC #10-1-47
Council moved to pass Ordinance No. 10-068, approving a conditional use for a training studio in the B4 District for the MK Studio property at 20 W. Jefferson Avenue, PC #10-1-47. ORDINANCE NO. 10-068,
MK STUDIO, 20 W.
JEFFERSON AVENUE, PC
#10-1-47
- I14 Seager Park Right-of-Way Dedication, PST 10-1-001
Council moved to approve the plat of dedication for a section of Plank Road right-of-way adjacent to Seager Park, 1163 Plank Road, PST 10-1-001. SEAGER PARK RIGHT-OF-
WAY DEDICATION, PST
10-1-001
- I15 Ordinance No. 10-069, Cavalcade of Brass Drum and Bugle Corps. Competition
Council moved to pass Ordinance No. 10-069, to establish temporary road closures and no parking zones for the Cavalcade of Brass Drum and Bugle Corps. Competition scheduled for July 11, 2010 at North Central College. ORDINANCE NO. 10-069,
CAVALCADE OF BRASS
DRUM AND BUGLE
CORPS. COMPETITION
- I16 Ordinance No. 10-070, Naperville Sprint Triathlon
Council moved to pass Ordinance No. 10-070, establishing the temporary traffic controls and issue an amplifier permit for the Naperville Sprint Triathlon on August 8, 2010. ORDINANCE NO. 10-070,
NAPERVILLE SPRINT
TRIATHLON
- I17 Resolution No. 10-033, agreement for construction and maintenance of a recreational trail from 79th Street to Greene Valley Forest Preserve
Council moved to adopt Resolution No. 10-033, authorizing the execution of an intergovernmental agreement between the Forest Preserve District of DuPage County, the City of Naperville, the Naperville Park District and the Lisle Township Highway Commissioner concerning the construction and maintenance of a recreational trail from 79th Street to the Greene Valley Forest Preserve. RESOLUTION NO. 10-033,
RECREATIONAL TRAIL
FROM 79TH STREET TO
GREENE VALLEY FOREST
PRESERVE
- I18 Ordinance No. 10-071, closure of Lucent Lane for a film production
Council moved to pass Ordinance No. 10-071, authorizing the City Manager to close Lucent Lane for a film production in mid-July, 2010. ORDINANCE NO. 10-071,
CLOSURE OF LUCENT
LANE FOR A FILM
PRODUCTION
- I19 Ordinance No. 10-072, Prevailing Wage Ordinance
Council moved to pass Ordinance No. 10-072, ascertaining Prevailing Wages in the City of Naperville. ORDINANCE NO. 10-072,
PREVAILING WAGE
ORDINANCE

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I3 Award of Procurement 11-013, Westside Substation SAS Equipment

PROCUREMENT 11-013,
WESTSIDE SUBSTATION
SAS EQUIPMENT

Council discussed the award and how this will add necessary redundancy to the system.

Fieseler moved to approve the award of Procurement 11-013, Westside Substation SAS Equipment to Siemens Energy, inc., for an amount not to exceed \$129,811.00. Second, Furstenau.

ROLL CALL:

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

Nays: None

Absent: Pradel

Motion declared carried.

I8 Award of Bid 11-016, Construction of Central Park Seating

BID 11-016,
CONSTRUCTION OF
CENTRAL PARK SEATING

Ronald Keller, 413 E. 11th Avenue, stated that nearly 2,000 people were in the park on June 10 for the first band concert of the season and said that the seating plans will not accommodate the number of people who attend the concerts. He stated that the concrete walls will encourage skateboarding on the property, that there is a much better way to serve the residents, and the people who use the park have a much better idea of what will serve their needs. He suggested buying benches with the \$300,000.

Dr. Richard Pugliese, 1152 Whirlaway Avenue and Special Projects Officer for the Naperville Municipal Band, asked Council to not approve the agenda item. He said amphitheater seating is inadequate for concert goers, that there are no backs and it will not enhance audience enjoyment and may make retirees and senior home residents stop coming. He asked that the designer attend band concerts to develop a plan that would accommodate concert goers.

Schatz clarified the plan is the exact plan that was approved with the Central Park Master Plan. She said that the design has gone through an extensive public process and that seating has been discussed since 2005. She explained that there is a need for a flexible open environment and permanent seating was estimated at over \$1M. She said there is 20' of grass between terrace levels and that staff met with Mr. Keller last fall so was aware of the design. The benches that the band has now will go on the terraces. She said the early capacity estimates were 400 for permanent seating and this design will allow for well in excess of the permanent seating configuration. She verified that the plan is ADA compliant and stated that the Naperville Park District has approved an Intergovernmental Agreement (IGA) which will be before Council in July.

Council stated that the Downtown Advisory Commission (DAC) has reviewed this more than twice and will not spend \$1M for seating. Council also stated its surprise at the timing of the speakers' opposition.

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I8 Award of Bid 11-016, Construction of Central Park Seating
Continued

BID 11-016,
CONSTRUCTION OF
CENTRAL PARK SEATING

Council questioned the location of the bathrooms and where the trolleys and buses will be parked. The 2009 agenda item, Q/A, and minutes were read and Council said that this is the opportunity for review. Council asked if they should proceed with the proposed design knowing it will only accommodate ¼ of those who attend the concert and suggested interlocking seats that have a tiered aspect.

Laff clarified the proposed terraced seating does have ADA areas and the 2009 language providing for Council review was specific to the IGA with the Naperville Park District.

Schatz said the city has already received one extension but will verify if another extension is possible.

Council requested engineers review the property and plan designs and report how many people could be accommodated. Council also suggested using SECA funding and phasing in the seating changes.

Furstenau made a motion to table to the July 20 Council meeting.
Second, Boyajian.

VOICE VOTE: Motion declared carried.

BREAK: 9:30 P.M.

Mayor Pro Tem called the meeting back to order at 9:42 p.m.

I9 Ribfest Carnival Permit

RIBFEST CARNIVAL
PERMIT

Council questioned whether smoking is permitted at Ribfest in open areas and requested staff to ask the Exchange Club to put "No Smoking" signs in front of the tents and banning smoking altogether.

Council discussed the reasonableness of smoking enforcement and asked staff to discuss smoking occurrences and smoke-related complaints with the Exchange Club, develop a post-event report on smoking and address the issue in the planning for 2011 event. Ely stated that smoking conditions can be imposed on the carnival portion of Ribfest only.

Furstenau made a motion to approve carnival permit with the condition that that area become a non-smoking area. Second, Krause.

VOICE VOTE: Motion declared carried.



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I20 Resolution No. 10-034, School District 203 - Crossing Guards

Furstenau moved to adopt Resolution No. 10-034, authorizing the execution of an Intergovernmental Agreement between the City of Naperville and Naperville Community Unit School District 203 for school crossing guards as amended. Second, Boyajian.

ROLL CALL:

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

Nays: None

Absent: Pradel

 Motion declared carried.

RESOLUTION NO. 10-034,
SCHOOL DISTRICT 203 -
CROSSING GUARDS

I21 Ordinance No. 10-073, Medical or Dental Offices/Clinics, PC 09-1-178

Council stated that the text amendment allows medical clinics as permitted uses in areas where they have not been previously allowed and that the text amendment is doing more than cleaning up language. Council questioned how the amendment affects the allowance of substance abuse treatment centers and abortion clinics.

Laff clarified that the city has received a request to open a substance abuse clinic. Per staff, the definition of medical clinic does not allow for this type of use and a review by the Plan Commission has been set to define substance abuse facilities and determine within which zoning districts they should be permitted. She also stated that under the existing code an abortion clinic is a permitted use in an industrial district. She also said that while this has always been the case, and will not be changed with the proposed text amendment, the city has not received a request to open such a facility.

Laff explained that medical and dental offices/clinics are presently allowed in industrial areas and that the agenda item is clarifying the definitions of existing zoning classifications to create one definition. She further explained that wherever one was allowed before, it will be allowed after the text amendment.

Council stated that "use by right" is not addressed in the agenda item and should be a separate discussion. The agenda item is to combine language and it does not give any new rights.

Boyajian moved to pass Ordinance No. 10-073, approving amendments to Title 6 (zoning regulations) of the Municipal Code pertaining to medical or dental offices/clinics and related uses. Second, Miller.

Laff stated that it would be appropriate for Council to approve the text amendment and then direct staff to bring back a list of permitted uses. She said this would need to be scheduled for a public hearing before Plan Commission and would not be before Council for at least 90 days.

ORDINANCE NO. 10-073,
MEDICAL OR DENTAL
OFFICES/CLINICS, PC 09-1-
178

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I21 Ordinance No. 10-073, Medical or Dental Offices/Clinics, PC 09-1-1478

ORDINANCE NO. 10-073,
MEDICAL OR DENTAL
OFFICES/CLINICS, PC 09-1-
178

Schatz said that there is no increase in permitted uses with this text amendment, it is a consolidation of definitions and the final column in Table 2 is the number that is being proposed.

Furstenau made a motion in substitution to pass Ordinance No. 10-073, approving amendments to Title 6 (zoning regulations) of the Municipal Code pertaining to medical or dental offices/clinics and related uses and directed staff to come back in 90 days with additional information on abortion clinics and other permitted uses. Second, Fieseler.

Ely clarified that the ordinance is combining definitions that are currently in the code and doesn't change any permitted uses or land zoning districts.

Furstenau retracted the motion in substitution.

ROLL CALL on main motion:

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

Nays: Fieseler

Absent: Pradel

Motion declared carried.

J **OLD BUSINESS:**

J1 Closing Time of Class A, B, and C liquor licenses

CLOSING TIME OF CLASS
A, B, AND C LIQUOR
LICENSES

Roger McDonald, 1033 Petterson Court, opposes the hour extension.

Kathy Benson, 51 Forest, opposes the hour extension.

Bolt said that officers would not work on overtime if closing time was extended one hour. He said existing staffing would be used and they may be busier than on nights when the bars close at 1:00 a.m.

Wehrli moved to pass Ordinance No. 10-, amending Section 3-3-17:1.1.1 of Chapter 3 (Liquor and Tobacco Control) Title 3 (Business and License Regulations) of the Naperville Municipal Code. Second, Krause.

Council said that this is one of the few nights that college students are able to meet with high school friends, but also stated that this will encourage binge drinking, that the ordinance isn't written as a trial period, and that if closing time is to be extended by one hour it should be extended for the entire year, not just one night. Council said that by making this one night an exception they may open it up for other holidays such as 4th of July.

Wehrli amended the motion to place a one-year sunset provision on the ordinance. Second, Krause.

ROLL CALL:

Ayes: Krause, Miller, Wehrli

Nays: Boyajian, Brodhead, Fieseler, Furstenau, Hinterlong

Absent: Pradel

Motion declared not carried.

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- J2** Resolution No. 10-035, Land Swap with the Naperville Park District **RESOLUTION NO. 10-035,
COUNCIL DISCUSSED THE AMOUNT OF MONEY SPENT ON THE PROJECT.
BOYAJIAN MOVED TO ADOPT RESOLUTION NO. 10-035, APPROVING AN
INTERGOVERNMENTAL AGREEMENT WITH THE NAPERVILLE PARK DISTRICT FOR
AN EXCHANGE OF PROPERTY INVOLVING COUNTRY COMMONS PARK, OLD
PLANK PARK, AND DUPAGE RIVER PARK. SECOND, MILLER.**
**RESOLUTION NO. 10-035,
LAND SWAP WITH THE
NAPERVILLE PARK
DISTRICT**
- ROLL CALL:**
Ayes: Miller, Wehrli, Boyajian, Brodhead, Fieseler,
 Hinterlong, Krause
Nays: Furstenau
 Motion declared carried.
- K** **AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:**
- L** **REPORTS AND RECOMMENDATIONS:**
- L1** Greener Business Matching Grant Program **GREENER BUSINESS
MATCHING GRANT
PROGRAM**
- Wehrli moved to accept the report on the Greener Business Matching Grant Program. Second, Miller.
- Council stated the report was inconsistent and is not what was intended; and requested staff change the report to allow other businesses to participate including apartment buildings that are commercial property.
- Laff responded that by the direction of Council the report was to include commercial buildings; and institution buildings are commercial. Apartments and condominiums are residential by zoning and are considered commercial from the building code standpoint.
- Council stated that non-profit institutions are electrical customers, customers of the City of Naperville, and support other businesses in the city. They are some of the larger consumers of electricity, and there is a need to ensure that they are running energy efficient.
- Council stated that with water retention, apartments are classified as commercial property and not residential, but are not classified as commercial for the purpose of this program.
- Laff responded that there are different codes that classify multi-family residential uses as commercial, such as the building code, and the stormwater code. When looking at what is a commercial business, multi-family does not fall into that category from a generic standpoint.
- Council questioned whether all of the monies were used that are intended for commercial uses and stated that more people are encouraged to take advantage to reduce their carbon footprint.
- Laff responded that there is a time constraint and that all of the work needs to be completed by the end of the year so that reimbursement can be completed within the deadline of March 2011.

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- L1** Greener Business Matching Grant Program Continued
DiSanto added that the Federal government provided this money through the stimulus program and that the city could move forward and request an extension but could potentially lose the money. Council questioned whether all of the residential monies have been used.
Fassler responded that currently there are enough participants for the residential program but will ultimately be determined by how many people participate in the matching fund program. He said an approximate 65% participation may allow for some additional participation.
DiSanto added that there is a revolving loan program for businesses and that the program has not received many applicants. When the deadline approaches, this program could conceivably be brought back to inform Council about monies that have not been spent and for consideration of broader distribution.

GREENER BUSINESS
MATCHING GRANT
PROGRAM

VOICE VOTE: Motion declared carried.

- L2** Consideration of Adding Patzcuaro, Mexico as a Sister City

PATZCUARO, MEXICO AS
A SISTER CITY

- L2a** First reading – ordinance amending Section 2-11-1 (Sister Cities commission to add Patzcuaro, Mexico as Sister City

- L2b** Prepare Letter of Agreement and Cooperative Agreement

Fieseler moved to waive the first reading of the ordinance to add Patzcuaro, Mexico as a Sister City and direct staff to prepare the necessary Letter of Agreement and Cooperative Agreement.
Second, Miller.

Council stated that the Sister Cities Commission had shown how additional funding would not be incurred, be operated by the commission members, be cost-neutral and received \$30,000 in pledges to cover the costs.

Council stated that the Ordinance does not show how this will not increase our cost. The expansion of the scope of this program will generate expenses to the city and is not prudent in this fiscal environment.

Council questioned the benefit of having a Sister City; and stated that it would be supported if there were economic development that resulted.

Krieger responded that if there are any additional costs, each year the City Council approves the Sister Cities budget. With respect to any commercial opportunities that exist, Council has to rely on members of the commission.

ROLL CALL:

Ayes: Boyajian, Brodhead, Fieseler, Furstenuau, Hinterlong, Krause, Miller

Nays: Wehrli

Absent: Pradel

Motion declared carried.

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L3 Authorize the City Manager to Hire Personnel

**AUTHORIZATION TO HIRE
PERSONNEL**

Council asked whether the opening was budgeted, if it could be left vacant or if work could be shifted to an employee from another area of the electric utility. They questioned whether the Smart Grid system would reduce the need for the position or change the controllers' job scope.

Mark Curran stated that DPU-E system controller vacancy is a budgeted position open due to a retirement. If left vacant, the city would pay \$113,000 of overtime to cover the work and this would be more expensive than filling the vacancy.

CLERK'S NOTE: At 10:52 p.m. Krause made a motion to extend the meeting to 11:15 p.m. Second, Furstenau.

VOICE VOTE: Motion declared carried

Curran explained that specialized skills and extensive experience of field operations in a government or private electric utility is required of the controller.

According to union requirements the position must be posted not reassigned. Internal posting must occur before the job is opened to external applicants. He said the Smart Grid would increase the data which the system control position needs to analyze and respond.

Boyajian moved to approve the request to fill one vacant DPU-E System Controller position. Second, Brodhead.

ROLL CALL:

Ayes: Boyajian, Brodhead, Fieseler, Hinterlong, Miller, Wehrli

Nays: Furstenau, Krause

Absent: Pradel

Motion declared carried.

L4 Relocation of United States Postal Service Collection Box

**RELOCATION OF UNITED
STATES POSTAL SERVICE
COLLECTION BOX**

Boyajian moved to approve the relocation of one U.S. Postal Service mail collection box to the upper level of the Municipal Center parking deck and authorize the execution of the Encroachment License Agreement for the locations selected. Second, Brodhead.

Council discussed alternate locations in the city, the aesthetics of placing the mailbox on the deck, the traffic flow of cars leaving the Municipal Center at 5:00 p.m., the potential for accidents, the increased traffic on the deck and what damage may be caused.

Dennis Lyons, 102 Bedford, Geneva, stated that Oswald's is currently the only business in Naperville offering mail service.

Clerk's Note: At 11:09 p.m. Krause made a motion to extend the meeting to 11:30 p.m. Second, Furstenau.

VOICE VOTE: Motion declared carried.

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- L4** Relocation of United States Postal Service Collection Box
Continued
- Furstenau made a motion in substitution relocate one U.S. Postal Service mail collection box to the 4th Avenue Burlington Square location and authorize the execution of the Encroachment License Agreement for the locations selected. Second, Brodhead.
- VOICE VOTE:** Motion declared carried.
- L5** City Council Meeting Schedule
- Furstenau moved to approve the City Council Meeting Schedule for July, August and September 2010 and strike July 12 and August 9 as workshop dates. Second, Boyajian.
- VOICE VOTE:** Motion declared carried.
- M** **PUBLIC HEARING:**
- N** **ORDINANCES AND RESOLUTIONS:**
- N1** Ordinance No. 10-074, 1213 Teakwood Court, ZBA 10-1-51
- Furstenau moved to pass Ordinance No. 10-074, approving a variance from Section 6-6A-7 (R1a, yard requirements) of the Naperville Municipal Code to reduce the interior side yard setback from 8 feet to 5 feet for a garage addition located at 1213 Teakwood Court, ZBA 10-1-51. Second, Miller.
- ROLL CALL:**
- Ayes:** Brodhead, Fieseler, Furstenau, Hinterlong, Krause, Miller, Wehrli, Boyajian
- Nays:** None
- Absent:** Pradel
- Motion declared carried.
- Clerk's Note:** Krause recused himself and left the dais at 11:12 p.m.
- N2** Ordinance No. 10-075, 127 W. Ogden Avenue, PST #10-1-069
- Furstenau moved to pass Ordinance No. 10-075, approving a two-year extension of the effective period for approval of the home-to-office conversion conditional use and associated variances for the property at 127 W. Ogden Avenue to August 4, 2012. Second, Boyajian.
- ROLL CALL:**
- Ayes:** Fieseler, Furstenau, Hinterlong, Miller, Wehrli, Boyajian, Brodhead
- Nays:** None
- Absent:** Krause, Pradel
- Motion declared carried.
- Clerk's Note:** Krause returned to the dais at 11:13 p.m.
- RELOCATION OF UNITED STATES POSTAL SERVICE COLLECTION BOX**
- CITY COUNCIL MEETING SCHEDULE**
- ORDINANCE NO. 10-074, 1213 TEAKWOOD COURT, ZBA 10-1-51**
- ORDINANCE NO. 10-075, 127 W. OGDEN AVENUE, PST #10-1-069**

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N3 Boarding Facilities Text Amendment, PC #10-1-028

BOARDING FACILITIES,
PC 10-1-028

N3a First Reading on ordinance amending Title 6 (Zoning Regulations) pertaining to boarding rooms and boarding houses

N3b Recommendations for improved internal communications, operating procedures, and educational program for residential rental properties

By consensus City Council deferred the staff presentation until July 20 and asked to hear testimony from the public speakers that were present.

Jeff Lindblade, lives at 7 S. 620, Plainfield/Naperville Road, owns 542 Fessler Avenue and asked for City Council to initiate a chronic nuisance activity ordinance to deal with problems created by boarding houses in the neighborhood. He said dangerous activities including public intoxication, violence with and without weapons, fireworks, suspected drug sales and late night noise are occurring. Mr. Lindblade complained about loitering in the street at night, children who were unsupervised for long periods of time, and public profanity addressed to him and others in the neighborhood.

Craig Kiefer, 224 E. 4th Avenue, supports the new ordinance but is concerned about the ability to enforce it. He asked about a property that was remodeled as a single family home but is being marketed as a rooms-for-rent home.

Ely said discussion at the Plan Commission stated that there are no conditional use permits for boarding houses active in the City of Naperville. The property currently has boarding rooms in it. It will be amortized for two years and then required to be owner-occupied to maintain any boarding rooms.

Clerk's Note: At 11:27 Krause made a motion to extend the meeting to 11:45 p.m. Second, Furstenau.

VOICE VOTE: Motion declared carried.

Carol Schmidt, 204 N. Wright Street, stated that the ECHO neighborhood has many boarding houses that have been detrimental to the area. She asked for 6 month review of the ordinance and enforcement.

Council asked how long it would take to close a boarding house that was in violation.

Ely said that occupancy can only be revoked because of a public safety issue. The process requires a court case be filed and the judicial system can take 45 days or longer.

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N3b Boarding Facilities Text Amendment, PC #10-1-028 **Continued**

BOARDING FACILITIES,
PC 10-1-02

Kathy Benson, 51 Forest, asked that Plan Commission minutes be included in agenda packet for the 2nd reading; that non-conforming uses not be amortized; and asked that the property at 516 Springfield be returned to properly zoned use by removing the blacktop from the back yard according to Ordinance section 6-2-15.3. She asked for clarification on whether a tenant can sub-lease rooms in a rental property. Ms. Benson asked for a time frame for educational materials explaining a resident's power to pursue remedies with Code Enforcement. She expressed her support to begin drafting a chronic nuisance ordinance.

Schatz explained that 516 Springfield has protection under the 1989 Vantellegen settlement agreement.

Clerk's Note: At 11:40 Krause made a motion to extend the meeting to midnight. Second, Miller.

ROLL CALL:

Ayes: Furstenaus, Hinterlong, Krause, Miller

Nays: Wehrli, Boyajian, Brodhead

Absent: Pradel

Motion declared carried.

Mark DiMaria, 221 N. Fremont, supports the proposed ordinance and wants progressive fines that double or triple when landlords repeatedly rent to tenants that create nuisances in the neighborhood. He wants to address chronic on-street parking violations, dogs barking, 5-15 adult males living in a boarding house, loud sub-woofers, littering, garbage cans left on the street for weeks, illegally subdivided properties, cars on the street with people living in them, and tall grass. Mr. DiMaria asked that charities that subsidize housing demand to know where money is going by address and be aware of the impact on the neighborhood.

O **NEW BUSINESS:**

O1 One-hour Closing Extension for Liquor Establishments

Councilman Krause asked the Liquor Commission to consider extending hours from 1:00 a.m. to 2:00 a.m. seven days a week.

O2 Liquor Sales on Sunday Mornings

Councilman Hinterlong asked the Liquor Commission to review changing liquor sales hours on Sunday mornings.

O3 Chronic Nuisance Abatement

Councilman Krause asked for an update.

Schatz said the ordinance will be part of the July 20 agenda item.

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O4 Section 8 Housing

Councilman Furstenau asked for the number of people, and their locations, who live in government subsidized housing.

Ely stated that she is unsure if this information is publically available.

O5 Industrial Zoned Permitted Uses

Councilman Furstenau moved to request a text amendment be drafted which addresses permitted uses in industrial zoned areas. Second, Miller.

ROLL CALL:

Ayes: Hinterlong, Miller, Fieseler, Furstenau

Nays: Krause Wehrli, Boyajian, Brodhead

Absent: Pradel

Motion declared not carried.

O6 Local Vendor Preference

Councilman Hinterlong requested staff develop a point system to assist local businesses in obtaining city contracts if they are within a certain percentage of the award amount.

Krieger stated that the Local Vendor Preference memo drafted by the Naperville Development Partnership will be forwarded to Council for review.

P **CLOSED SESSION:**

Q **ADJOURNMENT:**

Furstenau moved to adjourn the Regular City Council meeting of June 15, 2010 at 11:57 p.m. Second, Krause.

ADJOURNMENT – 11:57
P.M.

VOICE VOTE: Motion declared carried.

The Regular City Council Meeting of June 15, 2010 officially adjourned at 11:57 p.m.



PAM LAFEBER, Ph.D.
CITY CLERK

PL:BK

