



CITY COUNCIL MEETING OF DECEMBER 1, 2009
UNOFFICIAL PRIOR TO CITY COUNCIL APPROVAL
APPROVED BY THE CITY COUNCIL ON
December 15, 2009 AS WRITTEN.

CALL TO ORDER

7 01 P M

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

Absent

Also Present

City Manager, Doug Krieger
Assistant City Manager, Robert Marshall
Records Management Team Leader, Pam LaFeber
Senior Assistant City Attorney, Pat Lord
Fire Chief, Mark Puknaitis
Police Chief, David Dial
Director of Public Utilities, Allan Poole
Director of Public Works, David Van Vooren
Director Mgmt Svcs Business Group, Don Carlsen
Director of T E D Business Group, Marcie Schatz
T E D Operations Manager, Allison Laff
T E D Engineering Team Leader, Bill Novack
T E D Transportation Team Leader, Karyn Robles
T E D Development Team Leader, Dick Dublinski
T E D Community Planner, Rory Fancier

Press

Chicago Sun Times, Daily Herald, Naperville Sun

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B. CLOSED SESSION

OPEN SESSION

C. PLEDGE TO THE FLAG:

PLEDGE GIVEN

D AWARDS AND RECOGNITIONS:

Krieger acknowledged the departures of NCTV 17 employees Lindsey Theis and Elitsa Bezios and thanked them for their service to NCTV and the City of Naperville

D1 December Employee of the Month

DECEMBER EMPLOYEE
OF THE MONTH

Councilman Miller recognized Jill Pelka-Wilger as December's Employee of the Month

D2 Conservation Foundation award for environmental efforts

CONSERVATION
FOUNDATION AWARD

The Conservation Foundation President/CEO, Brook McDonald, presented the environmental award to Dave Van Vooren for the Public Works Service Center

D3 National Drunk and Drugged Driving Prevention Month

NATIONAL DRUNK &
DRUGGED DRIVING
PREVENTION MONTH

Councilman Fieseler proclaimed the month of December 2009 as National Drunk and Drugged Driving Prevention Month in the City of Naperville and presented the proclamation to Chief Dial

E PUBLIC FORUM:

E1 Indian Prairie School District 204

Renata Sliva, 3608 Mistflower Lane, informed Council that her two daughters must attend different high schools because of the redistricting, that she has not received an exemption from District 204, that this reflects poorly on Naperville's efforts to be environmentally friendly and that the school district should adopt Naperville's environmental goals

E2 Von Oven

Doug Dallmer, 619 Fredricksburg Court, stated that the reservation was a gift to scout organizations and they have maintained it appropriately with little to no cost to, and little oversight by, the City of Naperville, and urged Council to keep the proposed agreement between the city and Von Oven Organization simple He stated that by allowing other groups to use the property the city risks losing volunteer support

E3 Von Oven

H Thomas O'Hale, 620 W Gartner, stated that he is a guardian of tradition and does not want to jeopardize any open space He urged Council to not replace volunteerism with bureaucracy and asked the city to look into agreements with entities such as Naper Settlement

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E4 Von Oven

Denise O'Hale, 620 W Gartner, said that Von Oven retains its character because of the people that maintain the land

Lord explained that the city has tendered a preliminary agreement to the legal counsel for Von Oven, comments have been received and a final agreement should be before Council in January 2010.

Wehrli stressed that Von Oven is city property and that the scouts will still be the primary users

E5 Sleeping & Camping Ordinance #09-121

Tod Cage, 1208 Whispering Hills Court, stated he is speaking in the spirit of help, and presented a petition signed by 26 individuals who are concerned with the treatment of protestors

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 I5, I6d, I8, I9, I12, I14, I15 Second, Furstenau

ROLL CALL:

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

Nays: None
 Motion declared carried

I1 Cash Disbursements 11/12/2009

Council moved to approve the cash disbursements of November 12, 2009 in the amount of \$6,784,385 23

CASH DISBURSEMENTS –
11/12/09

I2 Regular City Council Meeting Minutes of November 17, 2009

Council questioned the naming of Hassert Boulevard/111th Street
Schatz explained that Hassert Boulevard is the street formerly known as 111th Street east of IL 59 and that this section of roadway is under the jurisdiction of Will County She said that several years ago Will County formally renamed the street to Hassert Boulevard from IL 59 east to Bolingbrook, that the city has jurisdiction of 111th Street from IL 59 west to the city limits, and that the city maintains 111th Street as the official street name but does has commemorative white and blue "Hassert Boulevard" signing

REGULAR CITY COUNCIL
MEETING MINUTES –
11/17/09

Council moved to approve the Regular City Council Meeting Minutes of November 17, 2009

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- I3** Special City Council Meeting Minutes of October 20, 2009 discussing the Legislative Priorities
Council moved to approve the Special City Council Meeting Minutes of October 20, 2009 discussing the Legislative Priorities
SPECIAL CITY COUNCIL MEETING MINUTES – 10/20/09
- I4** Appointment to Building Review Board
Council moved to approve the Mayoral appointment of William Habel to the Building Review Board
APPOINTMENT TO BUILDING REVIEW BOARD
- I6** Charity Clothing Pick-Up Services – Request for Approval of Temporary Clothing Drop Boxes
CHARITY CLOTHING PICK-UP SERVICES
- I6a** Ordinance No 09-132, granting a temporary use at Modaff Plaza, 501 -504 West 87th Street
Council moved to pass Ordinance No 09-132, granting a temporary use for clothing drop box at 504 West 87th Street
ORDINANCE NO 09-132, 501 W 87TH ST
- I6b** Ordinance No 09-133, granting a temporary use at 409 East Ogden Avenue
Council moved to pass Ordinance No 09-133, granting a temporary use for clothing drop box at 409 East Ogden Avenue
ORDINANCE NO 09-133, 409 EAST OGDEN AVE
- I6c** Ordinance No 09-134, granting a temporary use at 1280 West Ogden Avenue
Council moved to pass Ordinance No 09-134, granting a temporary use for clothing drop box at 1280 West Ogden Avenue
ORDINANCE NO 09-134, 1280 W OGDEN AVE
- I7** Ordinance No 09-135, approving an extension to the conditional use for St Raphael Church, PST 769
Council moved to pass Ordinance No 09-135, approving a two-year extension to the conditional use to allow the petitioner until August 21, 2010 to construct a 1,440 square foot addition to the existing structure, PST 769
ORDINANCE NO 09-135, ST RAPHAEL CHURCH, PST 769
- I10** Public Improvements at Naperville Ogden Plaza, the Church of Christ, and Freedom Commons Subdivision
Council moved to accept the public underground improvements at Naperville Ogden Plaza (720 E Ogden Avenue), the Church of Christ (2035 E 75th Street), and Freedom Commons Subdivision and authorize the City Clerk to reduce the corresponding public improvement sureties
PUBLIC IMPROVEMENTS
- I11** Ordinance No 09-136, Tax Levy for Special Service Area #21(New Parking Garage)
Council moved to pass Ordinance No 09-136, approving a tax levy of \$266,827 00 for Special Service Area #21 (New Parking Garage)
ORDINANCE NO 09-136, TAX LEVY, SSA #21
- I13** Ordinance No 09-137, Tax Levy Ordinance for Special Service Area #23 (Naper Main)
Council moved to pass Ordinance No 09-137, approving a tax levy of \$213,892 00 for Special Service Area #23 (Naper Main)
ORDINANCE NO 09-137, TAX LEVY, SSA #23

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Clerk's Note: Brodhead left the dais at 7:39 p m

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- I5** Ordinance No. 09-150, North Central College Fine Arts Center Roadway Impact Fee ORDINANCE NO 09-150, NORTH CENTRAL COLLEGE FINE ARTS CENTER ROADWAY IMPACT FEE
- Council questioned the amount of staff resources from the City of Naperville and North Central College that was necessary to determine the impact fee
- Furstenau moved to pass Ordinance No 09-150, to approve the proposed formula for assessing North Central College's Fine Arts Center roadway impact fees Second, Krause
- ROLL CALL:**
- Ayes:** Boyajian, Fieseler, Furstenau, Hinterlong, Krause, Miller, Wehrli, Pradel
- Nays:** None
- Absent:** Brodhead
- Motion declared carried
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Clerk's Note: Brodhead returned to the dais at 7 42 p m

- I6d** Ordinance No 09-138, granting a temporary use at 1001 East Ogden Avenue ORDINANCE NO 09-138, 1001 E OGDEN AVE
- Council questioned the reason the vendor selected the recommended location, stated that the drop box is better suited for its current location, stressed the importance of assisting people in need, and that the drop boxes are well maintained
- Furstenau moved to pass Ordinance No 09-138, granting a temporary use for clothing drop box at 1001 East Ogden Avenue with the condition that the drop box remains in its current location Second, Boyajian
- VOICE VOTE:** Motion declared carried
- Nay:** Pradel

- I8** Resolution No 09-052, execution of agreement among the City of Naperville, the Millennium Carillon Foundation and the Naperville Park District related to the Millennium Carillon, Moser Tower and the Visitors Center RESOLUTION NO 09-052, MILLENNIUM CARILLON AGREEMENT
- Council discussed the 1999 loan in the amount of \$1 5 million (\$1 7 million with interest) to the Carillon Foundation and requested an action plan from the Foundation regarding loan repayment
- Wehrli moved to adopt Resolution No 09-052, approving the Intergovernmental Agreement among the City of Naperville, Millennium Carillon Foundation and Naperville Park District related to the Millennium Carillon, Moser Tower and the Visitors Center Second, Boyajian
- ROLL CALL:**
- Ayes:** Brodhead, Fieseler, Furstenau, Hinterlong, Krause, Miller, Wehrli, Pradel, Boyajian
- Nays:** None
- Motion declared carried
- 

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I9 Resolution No 09-053, approving the variances for two monument signs for Iroquois Center, ZBA 09-1-41

RESOLUTION NO 09-053,
IROQUOIS CENTER, ZBA
09-1-41

Miller moved to adopt Resolution No 09-053, approving variances for two monument signs for Iroquois Center at 1163 E Ogden Avenue, ZBA 09-1-41 Second, Furstenuau

ROLL CALL:

Ayes: Fieseler, Furstenuau, Hinterlong, Krause, Wehrli, Pradel, Boyajian, Brodhead

Nays: Miller
Motion declared carried

I12 Ordinance No 09-139, Tax Levy for Special Service Are #22 (Downtown Maintenance)

ORDINANCE NO 09-139,
TAX LEVY, SSA #22

Boyajian moved to pass Ordinance No 09-139, approving a tax levy of \$922,583 85 for Special Service Area #22 (Downtown Maintenance) Second, Miller

ROLL CALL:

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

Nays: Furstenuau
Motion declared carried

I14 Ordinance No 09-140, 2009 Tax Levy

ORDINANCE NO 09-140,
2009 TAX LEVY

Krieger discussed scrivener's errors (pages 214 and 220) in the ordinance and explained that the corrections do not change the dollar amount

Council stated that taxes will increase after abatement

Council explained that state law requires municipalities to set a tax rate, that it must set the rate prior to a budget and EAV being established, that historically the city has abated, and that direction has been given to maintain or decrease the tax rate

Miller moved to pass Ordinance No 09-140, approving a total tax levy of \$56,329,028 26 Second, Boyajian

ROLL CALL:

Ayes: Krause, Miller, Pradel, Boyajian, Brodhead

Nays: Hinterlong, Wehrli, Fieseler, Furstenuau
Motion declared carried

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I15 Ordinance No 09-141, 2009 Tax Levy Abatement

ORDINANCE NO 09-141,
2009 TAX LEVY
ABATEMENT

Krieger explained that the abatement process prevents the city from double collecting taxes

Boyajian moved to pass Ordinance No 09-141, authorizing an abatement of \$4,285,938 26 from the total tax levy of \$56,329,028 26 for a net total 2009 tax levy of \$52,043,090 Second, Krause

ROLL CALL:

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

Nays: Wehrli
Motion declared carried

J **OLD BUSINESS:**

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

K1 Award of Extension of Contract 00-029, Recycling Services and Bulk Leaf Disposal

CONTRACT 00-029,
RECYCLING SERVICES
AND BULK LEAF
DISPOSAL

Furstenu moved to approve the extension to Contract 00-029, recycling services and bulk leaf disposal to Resource Management for \$1,296,155 00 for the first year based on current collection estimates (The term for the Recycling Services and bulk leaf disposal contract extension is for five years, beginning May 1, 2011 through April 30, 2016) The total amount of the contract will be adjusted to reflect the actual number of households served Second, Miller

ROLL CALL:

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

Nays: None
Motion declared carried

Bid 10-109, Electric Department Tree Trimming

BID 10-109, ELECTRIC
DEPT TREE TRIMMING

Council questioned discontinuing the service for one year, trimming on a complaint or as-needed basis, and other alternate cost-savings options

Curran explained that the award is less because the city will remain on the three-year cycle He stated that when the city was on a five-year schedule outages increased, however due to financial concerns the city is recommending a 3 5 to four-year cycle at the conclusion of the first year He explained that a planned schedule is important in order to avoid outages and injuries

Curran stated that during the first year staff will be able to evaluate number of outages, trapped fuses, and problems resulting from weather against the proposed new timeline



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K2 Bid 10-109, Electric Department Tree Trimming Continued

BID 10-109, ELECTRIC
DEPT TREE TRIMMING

Council stated that this is a specialty service and that is the reason for the limited number of vendors that can do this and requested the number of outages caused by trees in the last 12 months and the associated costs

Curran recommended reviewing the outages from when the city was on the five-year cycle in order to evaluate whether an extended schedule should be considered He will provide outage reports from both five and three-year cycles

Van Vooren discussed the program which monitors ash trees and the treatment pilot program He directed residents to visit the city website to learn how to be proactive and avoid borer problems Council suggested city employees monitor trimming operations in order to reduce lawn damage from parked service vehicles

Miller moved to approve the award of Bid 10-109, electric department tree trimming, to Asplundh Tree Expert Co , for an amount not to exceed \$2,449,000 for a three-year contract period Second, Krause

ROLL CALL:

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

Nays: None
Motion declared carried

K3 Parking Guidance Systems for Parking Decks

PARKING GUIDANCE
SYSTEMS FOR PARKING
DECKS

Furstenau moved to use the Omnibus method and approve items K3a, K3b, K3c, K3d Second, Miller

ROLL CALL:

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

Nays: None
Motion declared carried

K3a RFQ 09-122, parking guidance systems for parking decks

Council moved to approve the award of RFQ 09-122, parking guidance systems for parking decks for an amount not to exceed \$298,947 00, plus a 5% contingency

K3b Re-appropriate \$80,000 in funds from CIP#MB102 from FY08-09 to FY09-10

Council moved to re-appropriate \$80,000 in funds from CIP#MB102 from FY08-09 to FY09-10

K3c Re-appropriate \$100,000 in funds from CIP #MB139 from FY 08-09 to FY 09-10

Council moved to re-appropriate \$100,000 in funds from CIP #MB139 from FY 08-09 to FY 09-10

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K3d Authorize the use of \$150,000 in funds from the U S Department of Energy-Energy Efficiency and Conservation Block Grant

Council moved to authorize the use of \$150,000 in funds from the U S Department of Energy-Energy Efficiency and Conservation Block Grant

L **REPORTS AND RECOMMENDATIONS:**

L1 City Council Meeting Schedule

CITY COUNCIL MEETING
SCHEDULE

Miller moved to approve the City Council Meeting Schedule for December 2009, and January and February 2010 with the addition of a Special Closed Session on December 7 at 5 00 p m and changing the workshop start time to 7 00 p m Second, Krause

VOICE VOTE: Motion declared carried

BREAK: 8 28 P M

Mayor Pradel called the meeting back to order at 8 37 p m

L2 Van Buren Parking Lot Shared Refuse Area

VAN BUREN PARKING
LOT SHARED REFUSE
AREA

L2a Select a location for the Van Buren parking lot consolidated refuse compactors

L2b Establish a consolidated refuse area in the Van Buren parking lot

Krieger explained new staff recommendation, Option 5, which locates both compactors at the north end and eliminates contamination concerns He recommended the use of fund balance from SSA 22 to purchase the compactors and the reimbursement of SSA 22 through user agreements

William Pfaff, 1407 Conan Doyle Road, supports Option 5

Paul Junkroski of 180 W Benton and Chairman of the Downtown Naperville Alliance, supports refuse consolidation

Patrick Skarr, 55 S Main Street and Naperville Chamber, spoke against a downtown commercial refuse franchise agreement and urged Council to permanently discontinue exploring this option He spoke in favor of garbage consolidation in the downtown area

Council questioned the proposed payment structure, impact on parking spaces, how the side work will be paid for

Krieger stated that the cost of the compactor is listed as \$50,000 which includes the side work, electrical, concrete pad, and walls He explained that the repayment of SSA 22 would be based on compactor use and the SSA 22 fund would be fully reimbursed in five years

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L2b Select a location for the Van Buren parking lot consolidated refuse compactors **Continued**

VAN BUREN PARKING
LOT SHARED REFUSE
AREA

Van Vooren stated that there will be 95 available parking spaces in the Van Buren parking lot with Option 5. He explained that the compactor will have no cost to the city, it is driven by user fee that each license will be for a period of time, and the hauler will front all costs for purchase and placement. The businesses that do not participate will have to move dumpsters to their property.

Boyajian, moved to agree with Option 5 and bring back a detailed proposal including a cost analysis, screening options, access control, and parking impacts for a vote at the December 15 Council meeting. Second, Miller.

ROLL CALL:

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

Nays: None

Motion declared carried

L3 Hire personnel to fill three vacant positions

PERSONNEL -VACANT
POSITIONS

Boyajian moved to table to the December 15 Council meeting. Second, Furstenau.

VOICE VOTE: Motion declared carried

L4 Option Pricing for Residential Refuse Contract

OPTION PRICING -
RESIDENTIAL REFUSE
CONTRACT

Krieger explained that the city is delaying the award of the refuse collection contract in order for the vendors to provide option pricing which would eliminate the current "take all" arrangement and implement a program with a one cart limit, a sticker program and an amnesty day(s). He stated that the more carts allowed at a residence without stickers the less savings would be realized by the city.

Bevis stated that haulers do not have a size preference but the number of carts allowed will affect pricing and that the sticker program allows for residents to dispose of waste that does not fit into a container. Not having a sticker program will force residents to hire independent haulers.

Council requested a cafeteria plan which demonstrates the cost for collection options and the anticipated cost to the resident for stickers. Council also discussed enforcement measures, procedures for hauling bulky items, investigating the need for four or more carts by customers, and giving residents latitude with the size of carts.

Council suggested that limiting the number of carts will encourage recycling and that residents need to be educated on alternate options for the disposal of items such as renting dumpsters.

Van Vooren said that the haulers have stated that allowing amnesty days in a city the size of Naperville would require significant effort over a period of time which may result in some unsightly streets. He stated that the cost of Naperville's take-all full service program is the lowest in the Chicagoland area.

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ORDINANCE NO 09-143,
5TH AVENUE STUDY, PC
1711

N1 Ordinance No 09-143, 5th Avenue Study, PC 1711

Bev Frier, 24W035 Donwood Drive, spoke on behalf of the Omnia group and urged Council to develop the property as a whole. She stated that the city needs more density, additional performance locations, increased parking and transportation options, more revenue generators, and that the needs of persons with disabilities and senior citizens should be considered.

David Wilson, 152 N Ellsworth, reiterated the importance of a bus depot at this location.

Thom Higgins, 725 N Ellsworth, complimented staff on the 5th Avenue Study, reminded Council that all properties discussed in the study about single family residences and urged Council to consider this when development begins, and asked for more parking options.

Craig Kiefer, 224 E 4th Avenue, stated that Ellsworth properties have uniqueness and urged Council to consider this when developing the area.

Jane Brueggemann, 630 N Sleight Street, asked Council to be vigilant regarding height recommendations and traffic decisions, and stated that the residents want to maintain the family-friendly atmosphere of the area.

Jeffrey Havel, 725 N Center Street, stated that balance of the area needs to be reinforced when considering future developments.

Jane Pickens, 832 Biltmore Court, explained her concerns with the proposal which included the height recommendations along Washington Street, the RFP process, and that resident input appears to be considered less than it once was.

Schatz stated that there is no timeline associated with the RFP process and that now is not the time to issue an RFP but when it is appropriate the city will maintain the maximum amount of flexibility and consider proposals for one or both parcels.

Robles stated the bus depot feasibility study would consider operation on both north and south sides of the train station and would be cognizant of Council's desire to keep the buses from stacking in the neighborhood.

Council discussed the mixed use definition, the appropriateness of evaluating proposals prior to designating a property as mixed use, stressed developing the area as a transportation hub, and asked if bus approaches can be changed prior to the feasibility study.

Fancler stated that the maximum height in an area zoned R2 is 40 feet.

Robles said queuing issues with the buses have been addressed however train station access is more difficult and cannot be addressed in the short-term prior to a feasibility study.

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N1 Ordinance No 09-143, 5th Avenue Study, PC 1711 **Continued**

ORDINANCE NO 09-143,
5TH AVENUE STUDY, PC
1711

Council explained that mixed use is the land use plan not the development plan, that it allows full flexibility to evaluate proposals, and that individual property development will be vetted through the Plan Commission process and Council will have final approval Council also opined that a massive parking option is not good land planning, people should be encouraged to park remotely and take a bus and that creative parking options should be explored at the Burlington and Kroehler lots

Boyajian moved to pass Ordinance No 09-, amending Section 1-11-1 (Comprehensive Plan) of the Municipal Code to adopt the 5th Avenue Study, PC 1711 Second, Miller

ROLL CALL:

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

Nays: Furstenau
Motion declared carried

O **NEW BUSINESS:**

P **CLOSED SESSION:**

Q **ADJOURNMENT:**

ADJOURNMENT – 10 03
P M

Wehrli moved to adjourn the Regular City Council meeting of December 1, 2009 at 10 03 p m Second, Krause

VOICE VOTE: Motion declared carried

The Regular City Council Meeting of December 1, 2009 officially adjourned at 10 03 p m


PAM LAFEBER, Ph D
CITY CLERK

PL BK

