



**CITY COUNCIL MEETING OF APRIL 17, 2012  
UNOFFICIAL PRIOR TO CITY COUNCIL APPROVAL  
APPROVED BY THE CITY COUNCIL ON  
May 15, 2012 AS WRITTEN.**

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**CALL TO ORDER:**

6:00 P.M.

- A** Mayor A. George Pradel  
Councilwoman Judy Brodhead  
Councilman Steve Chirico  
Councilman Robert Fieseler  
Councilman Paul Hinterlong  
Councilman Douglas Krause  
Councilman Joe McElroy  
Councilman Kenn Miller  
Councilman Grant Wehrli

Absent

None

Also Present

City Manager, Doug Krieger  
Assistant City Manager, Robert Marshall  
City Clerk, Pam LaFeber  
City Attorney, Margo Ely  
Senior Assistant City Attorney, Pat Lord  
Fire Chief, Mark Puknaitis  
Deputy Chief, Vince Gortner  
Finance Director, Karen DeAngelis  
T.E.D. Operations Manager, Allison Laff  
T.E.D. Operations Manager, John Rutkowski  
T.E.D. Team Leader, Karyn Robles  
T.E.D. Development Manager, Anastasia Urban  
Community Planner, Rory Fancier  
Director of Public Works, Dick Dublinski  
Director of Public Utilities-Electric, Mark Curran  
Director of Public Utilities-Water, Jim Holzapfel

Press

Chicago Sun Times, Daily Herald, Naperville Sun

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**B CLOSED SESSION:**

CLOSED SESSION

Chirico moved to recess to Closed Session to discuss 5ILCS/120(c)(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; (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; (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, Brodhead, Chirico, Fieseler, Hinterlong, Krause, McElroy, Miller, Wehrli

**Nays:** None

Motion declared carried.

**THE MEETING RECESSED TO CLOSED SESSION AT 6:04 P.M.  
CLOSED SESSION ENDED AT 6:55 P.M.**

**OPEN SESSION:**

**Mayor Pradel called the meeting back to order at 7:02 P.M.**

**ROLL CALL to determine Quorum:**

**Present:** Pradel, Brodhead, Chirico, Fieseler, Hinterlong, Krause, McElroy, Miller, Wehrli

**Absent:** None

**C PLEDGE TO THE FLAG:**

PLEDGE GIVEN

**D AWARDS AND RECOGNITIONS:**

**D1 Environment Hall of Fame Award**

Allen Rubin presented the award to Mayor Pradel and the City of Naperville.

ENVIRONMENT HALL OF FAME AWARD

**D2 Naperville Public Library Volunteers Week Proclamation**

Councilman Hinterlong proclaimed April 15 - 21, 2012 as Naperville Public Library Volunteers Week and presented the Proclamation to Pat Larson, Human Resources Assistant and Yan Xu, Adult and Teen Services Supervisor at Naper Blvd. Library.

NAPERVILLE PUBLIC LIBRARY VOLUNTEERS WEEK PROCLAMATION

**D3 NCTV17 – 25<sup>th</sup> Anniversary**

Councilman Hinterlong recognized NCTV17 on their 25<sup>th</sup> Anniversary and presented a Proclamation to Tom Carroll, NCTV17 Board President, and Elizabeth Spencer, NCTV17 Executive Director.

NCTV 17

**D4 Autism Awareness Month Proclamation**

Councilman Hinterlong proclaimed April 2012 as Autism Awareness Month and presented the Proclamation to Kathe Foxen, NapervilleWorks.

AUTISM AWARENESS MONTH

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**SECA LOGO DESIGN  
CONTEST**

**D5**     SECA Logo Design Contest

Mayor A. George Pradel announced the winning artist of SECA Logo Design Contest and unveiled the new logo design.

**E**       **PUBLIC FORUM:**

**E1**     Smart Meters

Catherine Caracciolo, 1965 Navarone Drive, spoke against the smart meter installation.

**E2**     Smart Meters

Glenn Mendoza, 2734 Seiler Drive, spoke against the smart meter installation.

**E3**     Five Minds & 5<sup>th</sup> Avenue Station

Anthony Olivieri, 15423 N. Ridge Road, Minooka, discussed developing a wine/coffee bar in 5<sup>th</sup> Avenue Station and asked Council to either raise the cap on existing licenses or find an appropriate license classification.

**E4**     Five Minds & 5<sup>th</sup> Avenue Station

Jen Coffel, 27063 W. Hemlock, Channahon, discussed Handing Hope and the resources that will be provided at the wine/coffee bar.

Olivieri explained he has used liquor license for special events in Arizona locations.

Council requested that Liquor Commission review the request and submit an agenda item with their recommendation.

**E5**     Move to Amend Resolution

Keith Klingeman, 2420 Putnam, asked Council join the movement to overturn the 2010 Supreme Court ruling in the Citizen's United case.

**E6**     Move to Amend Resolution

Steve Macek, 1201 Greensfield, asked Council join the movement to overturn the 2010 Supreme Court ruling in the Citizen's United case.

**E7**     Move to Amend Resolution

Kathy Frank, 3S571 West, Warrenville, asked Council join the movement to overturn the 2010 Supreme Court ruling in the Citizen's United case.

**E8**     Move to Amend Resolution

Virginia Wisdom, 1517 Marquette, asked Council join the movement to overturn the 2010 Supreme Court ruling in the Citizen's United case.

**E9**     Move to Amend Resolution

Madeline Sullivan, 863 Balton Court, asked Council join the movement to overturn the 2010 Supreme Court ruling in the Citizen's United case.

**E10**    Move to Amend Resolution

Evelyn Thompson, 3524 Rosecroft Lane, asked Council join the movement to overturn the 2010 Supreme Court ruling in the Citizen's United case.

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**E11**    Move to Amend Resolution

Steve Alesch, 27W554 Warrenville Rd., Warrenville, asked Council join the movement to overturn the 2010 Supreme Court ruling in the Citizen's United case.

**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, Wehrli.

**VOICE VOTE:**            Motion declared carried.

**I**        **CONSENT AGENDA:**

Miller moved to approve the Consent Agenda with the exception of items 111, 117, and 118. Second, Wehrli.

**ROLL CALL:**

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

**Nays:**    None  
                 Motion declared carried.

**I1**        Cash Disbursements – 3/28/12

Council moved to approve the 3/28/12 cash disbursements in the amount of \$7,707,901.17.

CASH DISBURSEMENTS  
3/28/12

**I2**        Regular City Council Meeting Minutes of April 3, 2012

Council moved to approve the Regular City Council Meeting Minutes of April 3, 2012.

REGULAR CITY  
COUNCIL MEETING  
MINUTES – 4/3/12

**I3**        Bid 12-150, Street Light Controller Maintenance

Council moved to approve the award of Bid 12-150, street light controller maintenance to Meade Electric for an amount not to exceed \$189,305.40.

BID 12-150, STREET  
LIGHT CONTROLLER  
MAINTENANCE

**I4**        Bid 12-162, Storm Sewer Rehab, CIPP

Council moved to approve the award of Bid 12-162, storm sewer rehab, CIPP, to Michels Corporation for an amount not to exceed \$666,841.00 plus a 3% contingency.

BID 12-162, STORM  
SEWER REHAB, CIPP

**I5**        Contract NPW-013-FY12A - Gun Range Ventilation Upgrade

Council moved to approve the award of Job Order Contract NPW-013-FY12A, CIP MB169, gun range ventilation upgrade to F. H. Paschen, LLC for an amount not to exceed \$177,525.35.

CONTRACT NPW-013-  
FY12A FOR GUN RANGE  
VENTILATION UPGRADE

**I6**        Bid 12-163, Tree Removal and Stump Grinding

BID 12-163, TREE  
REMOVAL AND STUMP  
GRINDING





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**I17     Ordinance No. 12-038, Mill Street Parking Restriction Continued**

Miller moved to pass Ordinance No. 12-038, to amend parking restrictions on Mill Street from Spring Avenue to Ogden Avenue. Second, Hinterlong.

**ORDINANCE NO. 12-038,  
MILL STREET PARKING  
RESTRICTION**

**ROLL CALL:**

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

**Nays:**     None  
                 Motion declared carried.

**I18     34<sup>th</sup> Annual Bike and Sport Sale**

Miller moved to approve the recommendation to allow Hobson Cooperative Nursery School to place temporary special-event signage at designated locations in Naperville to promote its 34th Annual Bike and Sport Sale fundraiser. Second, Chirico.

**ANNUAL BIKE & SPORT  
SALE**

**ROLL CALL:**

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

**Nays:**     None  
                 Motion declared carried.

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**BREAK:        8:55 p.m.**  
**Mayor Pradel called the meeting back to order at 9:03 p.m.**

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**J        OLD BUSINESS:**

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**Clerk's Note:** Chirico recused himself to avoid the appearance of impropriety and left the dais at 9:03 p.m.

**J1       Ordinance No. 12-039, 903 Stanton Drive, PCZ 11-1-159**

Laff explained why the Hobson Road Study does not apply to this property and clarified that the fence requirement is from the Zoning Code, not the study. She also stated that the City is making restitution to the homeowner for work that had been completed on the initial fencing.

**ORDINANCE NO. 12-039,  
903 STANTON DRIVE,  
PCZ 11-1-159**

Miller moved to pass Ordinance No. 12-039, approving a variance to Section 6-2-12:1.7 (Hobson Road Fences) of the Naperville Municipal Code to allow a 6' open fence along the rear property line of 903 Stanton Drive, excluding chain link. Second, Hinterlong.

**ROLL CALL:**

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

**Nays:**     None  
**Absent:**   McElroy

**Recuse:**   Chirico  
                 Motion declared carried.

**Clerk's Note:** Chirico returned to the dais at 9:06 p.m.  
                 McElroy returned to the dais at 9:06 p.m.

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

**K1      Bid 12-166, Insulated Conductors**

**BID 12-166, INSULATED  
CONDUCTORS**

Miller moved to approve the award of utility funded Bid 12-166, insulated conductors to Okonite Company for an amount not to exceed \$2,274,475.00. Second, Hinterlong.

**ROLL CALL:**

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

**Nays:**      None  
                  Motion declared carried.

**K2      RFP 12-155, Riverwalk Consultant**

**RFP 12-155, RIVERWALK  
CONSULTANT**

Novack stated that the Riverwalk Commission continuously searches for ways to reduce outside costs. He explained the proposals, bid award, engineering qualifications, low flow walkways, and the Asset Management Plan.

Wehrli moved to approve the award of RFP 12-155, Riverwalk Consultant, to Engineering Resource Associates, Inc., for a total amount not to exceed \$289,000.00 (\$35,000/year-base + CIP projects) for a three-year contract period. Second, Hinterlong.

**ROLL CALL:**

**Ayes:**      McElroy, Miller, Wehrli, Pradel, Brodhead, Fieseler,  
                  Hinterlong, Krause

**Nays:**      Chirico  
                  Motion declared carried.

**L      **REPORTS AND RECOMMENDATIONS:****

**L1      City Council Meeting Schedule**

**CITY COUNCIL MEETING  
SCHEDULE**

Miller moved to approve the amended City Council Meeting Schedule for May, June and July 2012 with the cancellation of the July 3 meeting and rescheduling the August 7 meeting to August 6. Second, Wehrli.

**VOICE VOTE:**      Motion declared carried.

**L2      Naperville Metra Station Bus Depot and Commuter Access Feasibility Study**

**NAPERVILLE METRA  
STATION BUS DEPOT  
AND COMMUTER  
ACCESS FEASIBILITY  
STUDY**

Fancler gave a brief presentation of the project and explained that as a part of the *5<sup>th</sup> Avenue Study*, the City identified improvements near the Naperville Metra Station to enhance vehicle, pedestrian and bicycle visibility and accessibility, and improve the interconnectivity of the various travel modes. Based on an evaluation of current and future uses, a bus depot was identified as an opportunity to enhance commuter access.

Wayne Moran, 687 Honeysuckle, discussed concerns about the bus depot.

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**L2 Naperville Metra Station Bus Depot and Commuter Access Feasibility Study Continued**

**NAPERVILLE METRA  
STATION BUS DEPOT  
AND COMMUTER  
ACCESS FEASIBILITY  
STUDY**

Michelle Egizio, 35 Winrock, Montgomery, stated that the north side of the tracks is more appropriate for the depot.

John McCarthy, 321/325 Center Street, discussed concerns about the bus depot.

Fancler explained additional recommendations from the 5<sup>th</sup> Avenue Study and stated that the Parkview Lot is more appropriate for the depot because the majority of commuters come from the south side of Naperville. She said the intent is to scale back the number of parking permits issued based on quarterly data.

Robles explained accessible parking regulations and the location of the bus depot.

Council discussed the traffic pattern on Center Street, depot impact on residents, locating the depot on the north side of the station, the number of parking spaces that will be reduced by the proposed plan, and the need to highlight accessible parking.

Robles stated that Council's direction to staff was to consider City-owned property only in this study and not consider the possibility of acquiring property.

Miller moved to accept the *Naperville Metra Station Bus Depot and Commuter Access Feasibility Study Technical Memorandum*, excluding the location of a bus depot on the Parkview Lot, and direct staff to incorporate the following improvements into the FY14-18 Capital Improvement Program (CIP): a) modifications to the Eastern Burlington Lot; b) modifications to the south side of the train tracks; c) conversion of North Avenue (currently one-way westbound only) to two-way traffic between Washington Street and Ellsworth Street. Second, Hinterlong.

**ROLL CALL:**

**Ayes:** Miller, Brodhead, Chirico, Fieseler, Hinterlong, Krause, McElroy

**Nays:** Wehrli, Pradel  
Motion declared carried.

Miller moved to identify the Parkview Lot as a potential location for bus depot in the future for approval before any construction may begin. Second, Brodhead.

**ROLL CALL:**

**Ayes:** Brodhead, Fieseler, Hinterlong, McElroy, Miller

**Nays:** Wehrli, Pradel, Chirico, Krause  
Motion declared carried.

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**M PUBLIC HEARINGS:**

**M1** Kittilsen Estates , PC 12-1-004

KITTILSEN ESTATES , PC  
12-1-004

**M1a** Public Hearing

Pradel opened the public hearing at 10:04 p.m.

Patti Bernhard, Petitioner's Attorney, 123 Water Street, discussed the project.

Dan Kittilsen, 2707 San Lois Ct., discussed the project.

Laff explained that the location of the driveway is permitted, there is no landscaping required for the driveway but the petitioners must comply with a tree preservation program. She also said that the property must comply with all animal ordinances and that the facility will be inspected on a complaint basis.

Council discussed screening the proposed property, notification to the neighbors, solar panels, and water/storm water and electric service 200' from any occupied structure. Currently the barn is slightly under the 200' requirement.

Krause moved to close the public hearing at 10:37 p.m. Second, Wehrli

**VOICE VOTE:** Motion declared carried.

Miller moved to create an Omnibus Ordinance to approve items M1b - M1g. Second, Wehrli.

**VOICE VOTE:** Motion declared carried.

Miller moved to approve items M1b – M1g. Second, Wehrli.

**ROLL CALL:**

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

**Nays:** None  
Motion declared carried.

**M1b** Ordinance No 12-040, Annexation Agreement

Council moved to pass Ordinance No. 12-040, authorizing the execution of the annexation agreement for Kittilsen Estates.

ORDINANCE NO 12-040,  
ANNEXATION  
AGREEMENT

**M1c** Ordinance No. 12-041, Annexing

Council moved to waive first reading and pass Ordinance No. 12-041, annexing Kittilsen Estates.

ORDINANCE NO. 12-041,  
ANNEXING

**M1d** Ordinance No. 12-042, Zoning

Council moved to pass Ordinance No. 12-042, to zone Kittilsen Estates to R1a (low density single-family residence district) upon annexation.

ORDINANCE NO. 12-042,  
ZONING

**M1e** Ordinance No. 12-043, Preliminary/Final Plat of Subdivision

Council moved to pass Ordinance No. 12-043, approving a preliminary/final plat of subdivision for Kittilsen Estates.

ORDINANCE NO. 12-043,  
PRELIMINARY/FINAL  
PLAT OF SUBDIVISION



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**Option A** Concur with staff and adopt Resolution No. 12-014, approving the Lacrosse Lane and Illinois Route 59 Traffic Signal Improvement Agreement, incorporating legal costs not to exceed \$35,000.00, and pass Ordinance No. 12-047 calling for the establishment of a Special Service Area and providing for a public hearing on its Establishment **Continued**

Lord explained the public hearing process and said there was no requirement for a performance bond for this development.

McElroy invoked Council Rules.

Novack explained how a two week delay will impact the process.

Wehrli objected.

**Roll Call on Motion to Overrule the Invocation of Council Rules:**

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

**Nays:** McElroy, Wehrli

Motion declared carried. Discussion continues.

Chirico moved to concur with staff and adopt Resolution No. 12-014, approving the Lacrosse Lane and Illinois Route 59 Traffic Signal Improvement Agreement, incorporating legal costs not to exceed \$35,000.00, and pass Ordinance No. 12-047, calling for the establishment of a Special Service Area and providing for a public hearing on its Establishment. Second, Brodhead.

**ROLL CALL:**

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

**Nays:** None

Motion declared carried.

**Option B** Concur with the petitioner and adopt the Resolution approving the Lacrosse Lane and Illinois Route 59 Traffic Signal Improvement Agreement, incorporating legal costs not to exceed \$80,000.00, and Pass the Ordinance Calling for the Establishment of a Special Service Area and Providing for a Public Hearing on its Establishment.

**O NEW BUSINESS**

**O1** Noise from Car Dealerships

Krause asked about regulating noise at dealerships when key fobs are used to locate vehicles.

Laff explained that consistent noise is regulated if heard beyond the property line, that intermittent noise is not covered, and that staff will discuss the complaint with the business manager.

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**P**      **CLOSED SESSION:**

CLOSED SESSION

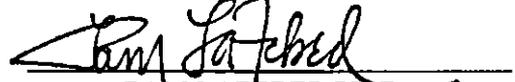
**Q**      **ADJOURNMENT:**

ADJOURNMENT – 11:01  
P.M.

Wehrli moved to adjourn the Regular City Council meeting of April 17,  
2012 at 11:01 p.m. Second, Miller.

**VOICE VOTE:**      Motion declared carried.

The Regular City Council Meeting of April 17, 2012 officially adjourned at 11:01 p.m.

  
\_\_\_\_\_  
PAM LAFERBER PH.D.  
CITY CLERK

PL: BK