



**CITY COUNCIL MEETING OF JUNE 19, 2012
UNOFFICIAL PRIOR TO CITY COUNCIL APPROVAL
APPROVED BY THE CITY COUNCIL ON
July 17, 2012 AS WRITTEN.**

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

Also Present

City Manager, Doug Krieger
City Clerk, Pam LaFeber
City Attorney, Margo Ely
Fire Chief, Mark Puknaitis
Police Chief, Robert Marshall
Finance Director, Karen DeAngelis
T.E.D. Director, Marcie Schatz
T.E.D. Operations Manager, Allison Laff
T.E.D. Engineering Services Team Leader, Bill Novack
T.E.D. Team Leader, Karyn Robles
Public Works Director, Dick Dublinski
Electrical Engineering Manager, Olga Geynisman
Director of Public Utilities-Water, Jim Holzapfel

Press

Chicago Sun Times, Daily Herald, Naperville Sun

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**FINAL AGENDA
CITY COUNCIL MEETING
JUNE 19, 2012
PAGE 2**

B CLOSED SESSION:

CLOSED SESSION

Krause moved to recess to Closed Session to discuss 5ILCS/120(c) (21) Discussion of minutes of meetings lawfully closed under this Act, whether for the purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06; (1) The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body; (6) Setting of a price for sale or lease of property owned by the public body; (11) Litigation, when action against, affecting or on behalf of the particular public body has been filed. Second, Wehrli.

ROLL CALL:

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

Nays: None

Motion declared carried.

**THE MEETING RECESSED TO CLOSED SESSION AT 6:05 P.M.
CLOSED SESSION ENDED AT 6:58 P.M.**

OPEN SESSION:

Mayor Pradel called the meeting back to order at 7:05 P.M.

ROLL CALL to determine Quorum:

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

C PLEDGE TO THE FLAG:

PLEDGE GIVEN

D AWARDS AND RECOGNITIONS:

D1 DuPage Children's Museum – Celebrating 25 Years

Krause recognized the DuPage Children's Museum's 25th anniversary of serving children and families and presented the proclamation to Sue Broad, Museum Executive Director.

DUPAGE CHILDREN'S
MUSEUM –
CELEBRATING 25 YEARS

D2 Ribfest

Krause proclaimed June 29 to July 3, 2012 to be Ribfest Days in honor of holding Ribfest for 25 years and presented the proclamation to Walter Johnson, President of the Exchange Club of Naperville, and Exchange Club members.

RIBFEST

D3 Jack Ryan Day

Krause proclaimed June 28, 2012 as Jack Ryan Day and presented the proclamation to Jack Ryan.

JACK RYAN DAY

E PUBLIC FORUM:

F HOLDOVER ITEMS:

G PETITIONS AND COMMUNICATIONS TO THE COUNCIL:

**FINAL AGENDA
CITY COUNCIL MEETING
JUNE 19, 2012
PAGE 3**

**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 110, 114, 115. Second, Wehrli.

ROLL CALL:

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

Nays: None
 Motion declared carried.

- | | |
|---|--|
| <p>I1 <u>Cash Disbursements – 6/6/12</u>
Council moved to approve the 6/6/12 cash disbursements in the amount of \$12,246,587.71.</p> | <p>CASH DISBURSEMENTS
6/6/12</p> |
| <p>I2 <u>Bid 13-008, Columbia Street Bridge Rehabilitation</u>
Council moved to approve the award of Bid 13-008, CIP BR028, Columbia Street bridge rehabilitation, to Copenhaver Construction for the amount of \$154,966.00 plus a 5% contingency.</p> | <p>BID 13-008, COLUMBIA
STREET BRIDGE
REHABILITATION</p> |
| <p>I3 <u>Bid 13-004, Webster/Hillside Water Main Improvements</u>
Council moved to approve the award of utility funded Bid 13-004, CIP WU04B, Webster/Hillside water main improvements, to Construction by Camco for a total bid price of \$304,380.00, plus a 5% contingency.</p> | <p>BID 13-004,
WEBSTER/HILLSIDE
WATER MAIN
IMPROVEMENTS</p> |
| <p>I4 <u>Bid 12-161, Household Hazardous Waste Storage Building Replacement</u>
Council moved to approve the award of Bid 12-161, household hazardous waste storage building replacement, to MCC Developments for the base bid and Option #2: complete installation of new buildings for an amount not to exceed \$198,112.00.</p> | <p>BID 12-161, HOUSEHOLD
HAZARDOUS WASTE
STORAGE BUILDING
REPLACEMENT</p> |
| <p>I5 <u>Bid 12-181, Property/Boiler & Machinery Insurance Coverage</u>
Council moved to approve the award of Bid 12-181, insurance broker services and property/boiler & machinery insurance coverage, to Alliant Insurance Services Inc. for an amount not to exceed \$61,900.00 per year for a three-year contract, and \$189,445.00 for the city's property and boiler and machinery insurance coverage beginning July 1, 2012 to July 1, 2013.</p> | <p>BID 12-181,
PROPERTY/BOILER &
MACHINERY
INSURANCE COVERAGE</p> |
| <p>I6 <u>Financial Advisory Board</u>
Council moved to approve the Mayoral appointments of Charles Millington and Jeffrey Egan to the Financial Advisory Board.</p> | <p>FINANCIAL ADVISORY
BOARD</p> |



FINAL AGENDA
CITY COUNCIL MEETING
JUNE 19, 2012
PAGE 4

- I7 Ordinance No. 12-067, High Grove Lane Parking Restrictions ORDINANCE NO. 12-067,
Council moved to pass Ordinance No. 12-067, to approve the HIGH GROVE LANE
recommendation to establish No Parking on High Grove Lane as outlined PARKING RESTRICTIONS
in the ordinance.
- I8 Ribfest Fireworks RIBFEST FIREWORKS
Council moved to approve the Exchange Club of Naperville's permit
request to hold a fireworks display on July 3, 2012.
- I9 Ordinance No. 12-068, 2275 W. Diehl Road, PZC 12-1-068 ORDINANCE NO. 12-068,
Council moved to pass Ordinance No. 12-068, to grant a variance from 2275 W. DIEHL ROAD,
Section 6-9-3:2 (schedule of off-street parking requirements) of the PZC 12-1-068
Municipal Code to reduce the number of required off-street parking
spaces from 454 to 330 spaces for the property located at 2275 W. Diehl
Road and amending the Statement of Intent and Agreement for Diehl
Road – 41-acre site to remove provisions S8.0 (occupancy restrictions for
Lot 2 construction).
- I11 Ordinance No. 12-069, 719 Prairie Avenue – PCZ 12-1-043 ORDINANCE NO. 12-069,
Council moved to pass Ordinance No. 12-069, granting a variance from 719 PRAIRIE AVENUE –
Section 6-6B-7:1 (R1b low density single-family residence district: yard PCZ 12-1-043
requirements) of the Naperville Municipal Code in order to construct a
covered front porch at a distance of 26' from the front lot line and 9.83'
from the corner side yard lot line for the property located at 719 Prairie
Avenue, PCZ 12-1-043.
- I12 Ordinance No. 12-070, 340 Shuman Boulevard, PZC 12-1-056 ORDINANCE NO. 12-070,
Council moved to pass Ordinance No. 12-070, granting a variance to 340 SHUMAN BLVD., PZC
Section 6-9-3 (schedule of off-street parking requirements) of the 12-1-056
Naperville Municipal Code to reduce the number of required parking
spaces for a manufacturing/laboratory facility to be located at 340
Shuman Boulevard, PZC 12-1-056.
- I13 Ordinance No. 12-071, Ascertaining Prevailing Wages ORDINANCE NO. 12-071,
Council moved to pass Ordinance No. 12-071, ascertainig prevailing ASCERTAINING
wages in the City of Naperville. PREVAILING WAGES
- I16 Jurisdictional Transfers with DuPage County
- I16a Ordinance No 12-072, Roadway Jurisdiction of Naper Boulevard ORDINANCE NO. 12-072,
Council moved to pass Ordinance No. 12-072, rescinding Ordinance 12- ROADWAY
008, and approving an agreement between the City of Naperville and JURISDICTION OF NAPER
DuPage County, Illinois for the transfer of roadway jurisdiction of Naper BLVD.
Boulevard from Ridgeland Avenue to Ogden Avenue.



FINAL AGENDA
CITY COUNCIL MEETING
JUNE 19, 2012
PAGE 5

- I16b** Ordinance No. 12-073, Roadway Jurisdiction of Naperville-Wheaton Road
Council moved to pass Ordinance No. 12-073, rescinding Ordinance 12-009, and approving an agreement between the City of Naperville and DuPage County, Illinois for the transfer of roadway jurisdiction of Naperville-Wheaton Road from Ridgeland Avenue to Ogden Avenue.
- I16c** Ordinance No. 12-074, Roadway Jurisdiction of West Street
Council moved to pass Ordinance No. 12-074, rescinding Ordinance 12-010, and approving an agreement between the City of Naperville and DuPage County, Illinois for the transfer of roadway jurisdiction of West Street from Bauer Road to Mill Street.
- I16d** Ordinance No. 12-075, Roadway Jurisdiction of Bauer Road
Council moved to pass Ordinance No. 12-075 rescinding Ordinance No.12-011, and approving an agreement between the City of Naperville and DuPage County, Illinois for the transfer of roadway jurisdiction of Bauer Road from Washington Street to West Street.
-
- I10** Ordinance No. 12-076, Nascar Car Wash, PZC 12-1-037
Kathy West, 123 Water Street and attorney for the petitioner, explained that when Council approved the PUD no specific use was identified, and as such, each lot that comes in to be developed must be approved by Council.

Chirico moved to pass Ordinance No. 12-076, granting a conditional use for an automobile service station and car wash in B2 (community shopping center district), a major change to the Cantore Place planned unit development (PUD), and a final PUD plat to allow the development of a car wash and lube facility, known as a Nascar Car Wash, on Lot 5 in Cantore Place. Second, Hinterlong.

ROLL CALL:
Ayes: Brodhead, Chirico, Fieseler, Hinterlong, Krause, McElroy, Wehrli, Pradel
Nays: Miller
Motion declared carried.
- I14** Ordinance No. 12-077, Increasing Late Night Permit Limit
Ely reviewed the recent Late Night Permit process.

Council discussed a new establishment receiving a Late Night Permit without a probationary period and stated that downtown bar owners have voiced a concern.

FINAL AGENDA
CITY COUNCIL MEETING
JUNE 19, 2012
PAGE 7

115 Ordinance No 12-078, Electric Vehicle Charging Station Continued

ORDINANCE NO 12-078,
ELECTRIC VEHICLE
CHARGING STATION

Miller made a Motion in Substitution to waive the first reading and pass the ordinance and approve to amend Section 11-2A to include language concerning electric vehicle charging stations on public property and 11-2B-2 to include an electric vehicle charging station in the Van Buren 1 Lot. Second, Brodhead

ROLL CALL:

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

Nays: Krause

Motion declared carried.

J **OLD BUSINESS:**

J1 McDonald's, PZC 12-1-018

MCDONALD'S, PZC 12-1-
018

Henry Stillwell, 300 W. Roosevelt Road and petitioner's attorney, discussed the proposed property layout regarding access, parking, size of the building, and easements in the floodplain.

Council stated that it is only reviewing the development because of the requested variances. Council also discussed pedestrian connectivity from the Riverwalk, and the 24-hour drive-through.

William Grieve, 850 Forest Edge Drive and petitioner's traffic engineer, explained that traffic counts were done in September 2011, discussed the direct access to other McDonald's facilities and anticipated traffic patterns on Washington Street.

John Buchanan, 606 Melody Lane, spoke against the proposed development because of the sound, light and 24-hour service.

Wendy Serafin, 651 S. Loomis, spoke against the proposed development.

Dick Furstenau, 709 Zaininger, spoke against the proposed development.

Council discussed traffic congestion at the signalized intersection, the number of variances, and that it is the job of Council to reduce the impact of traffic on City streets.

Chirico moved to pass the Ordinance, granting approval of a preliminary/final plat of subdivision and related variances as reflected in the ordinance to allow the development of a McDonald's restaurant at 702 S. Washington Street, PZC 12-1-018. Second, Miller.

ROLL CALL:

Ayes: None

Nays: Hinterlong, Krause, McElroy, Miller, Wehrli, Pradel,
 Brodhead, Chirico, Fieseler

Motion declared not carried.

FINAL AGENDA
CITY COUNCIL MEETING
JUNE 19, 2012
PAGE 8

J2 Aquatic Visions – PZC #12-1-047

AQUATIC VISIONS – PZC
#12-1-047

Option A Deny requested variance for a window sign – 2695 Forgue Dr., Suite #109

Option B Approve variance for window signage – 2695 Forgue Dr., Suite #109

Michael Elmore, 2695 Forgue Drive, Suite 109, compared the current signage to permitted black coverings and stated that sunlight is detrimental to his business.

Laff explained that the code allows for only 50% coverage.

Council asked for a report from code regarding other windows that are covered.

Wehrli moved to concur with the petitioner and direct staff to prepare resolution paperwork to approve a variance for a window sign on the west elevation of the building that will cover 100% of the window-surface area for the property located at 2695 Forgue Drive, Suite #109, PZC 12-1-047 for as long as Aquatic Visions is the tenant. Second, Krause.

ROLL CALL:

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

Nays: McElroy, Miller, Chirico

Motion declared carried.

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

L **REPORTS AND RECOMMENDATIONS:**

L1 City Council Meeting Schedule

Miller moved to approve the City Council Meeting Schedule for July, August and September 2012. Second, Chirico.

VOICE VOTE: Motion declared carried.

CITY COUNCIL MEETING
SCHEDULE

L2 Regular City Council Meeting Minutes – June 5, 2012

Chirico moved to approve the Regular City Council Meeting Minutes of June 5, 2012. Second, Miller.

VOICE VOTE: Motion declared carried.

Abstain: Krause, Miller, Wehrli

REGULAR CITY
COUNCIL MEETING
MINUTES – 6/5/12

L3 Vacant Police Officer position

Chirico moved to authorize the City Manager to fill one vacant Police Officer position in the Police Department. Second, Miller.

VACANT POLICE
OFFICER POSITION

ROLL CALL:

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

Nays: None

Motion declared carried.



**FINAL AGENDA
CITY COUNCIL MEETING
JUNE 19, 2012
PAGE 10**

M2 The Oaks at Naperville Crossings, PZC 12-1-016 **Continued.**
Dick Furstenau, 709 Zaininger, spoke against the proposed development.
Council discussed the school boundaries and generation tables, that apartments will improve retail shopping at Naperville Crossings, other area senior developments, housing sales and how they affect any movement into senior communities.
Novack explained the retaining wall and pond proposals meet design standards.
Chirico moved to use the Omnibus method to approve items M2a and M2c. Second, Wehrli.

THE OAKS AT
NAPERVILLE
CROSSINGS, PZC 12-1-016

VOICE VOTE: Motion declared carried.

Chirico moved to approve items M2a and M2c and pass Ordinance No. 12-083 and 12-084. Second, Wehrli

ROLL CALL:

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

Nays: None
 Motion declared carried.

M2a Ordinance No. 12-083, preliminary plat of subdivision and rezoning
Council moved to pass Ordinance No. 12-083, approving a preliminary plat of subdivision, a rezoning from B2 (community shopping center district) to R3 (medium density multi-family district) a preliminary planned unit development (PUD) plat, a deviation to waive the loading requirements and a stormwater variance to allow for the development of 298 multi-family dwelling units on Lots 14 and 15 in Naperville Crossings.

ORDINANCE NO. 12-083,
PRELIMINARY PLAT OF
SUBDIVISION AND
REZONING

M2b Public Hearing – Fourth Amendment to Annexation Agreement
Pradel opened the public hearing at 10:14 p.m.
Miller moved to close the public hearing at 10:14 p.m. Second, Chirico.
VOICE VOTE: Motion declared carried.

M2c Ordinance No. 12-084, Amendment to Annexation Agreement
Council moved to pass Ordinance No. 12-084, authorizing execution of the fourth amendment to the Naperville Crossings annexation agreement.

ORDINANCE NO. 12-084,
AMENDMENT TO
ANNEXATION
AGREEMENT

N **ORDINANCES AND RESOLUTIONS:**

O **NEW BUSINESS**

O1 Retail Window Coverings

Miller requested a report from Code Enforcement regarding window coverings at businesses and asked if a code amendment would be appropriate which allows certain retail to block more than 50% of their windows because of the nature of the business.



**FINAL AGENDA
CITY COUNCIL MEETING
JUNE 19, 2012
PAGE 11**

O2 Planning and Zoning Commission and Council Workshop

Fieseler suggested having a workshop with the Planning and Zoning Commission to address why recommendations are not approved upon Council review. He cited McDonald's and Aquatic Visions as recent examples.

Schatz said she would pull data to compare recommendations and outcomes.

O3 Construction Waste

Wehrli discussed developers and contractors dumping construction waste in streets and ask that these violations be enforced.

P **CLOSED SESSION:**

CLOSED SESSION

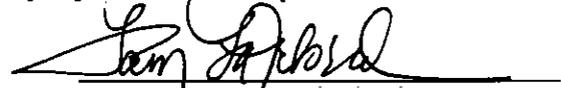
Q **ADJOURNMENT:**

ADJOURNMENT – 10:35 P.M.

Wehrli moved to adjourn the Regular City Council meeting of June 19, 2012 at 10:35 p.m. Second, Krause.

VOICE VOTE: Motion declared carried.

The Regular City Council Meeting of June 19, 2012 officially adjourned at 10:35 p.m.



PAM LAFEBER PH.D.
CITY CLERK

PL: BK

