



**CITY COUNCIL MEETING OF SEPTEMBER 1, 2015
UNOFFICIAL PRIOR TO CITY COUNCIL APPROVAL
APPROVED BY THE CITY COUNCIL ON
September 15, 2015 AS WRITTEN.**

CALL TO ORDER:

6:00 P.M.

- A** Mayor Steve Chirico
Councilwoman Becky Anderson
Councilwoman Judy Brodhead
Councilman Kevin M. Coyne
Councilman Kevin Gallaher
Councilwoman Patricia A. Gustin
Councilman Paul Hinterlong
Councilman John J. Krummen
Councilwoman Rebecca Boyd-Obarski

Absent

Also Present

City Manager, Doug Krieger
Asst. City Manager, Marcie Schatz
Legal Director, Jill Pelka-Wilger
Asst. to City Manager, Amy Emery-Graunke
City Clerk, Pam LaFeber
Communications Manager, Linda LaCloche
Police Chief, Robert Marshall
Deputy Fire Chief, Richard Sander
Fire Chief, Mark Puknaitis
Director of Human Resources, James Sheehan
Director of Finance, Rachel Mayer
Director of Transportation and Engineering, Bill Novack
Transportation Team Leader, Jennifer Loudon
Planning Services Team Leader, Allison Laff
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

A handwritten signature or set of initials, possibly 'BJ', located at the bottom left of the page.

**FINAL AGENDA
CITY COUNCIL MEETING
SEPTEMBER 1, 2015
PAGE 2**

B

CLOSED SESSION:

Obarski moved to recess to Closed Session to discuss **5 ILCS 120/2(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. Second, Gustin.

ROLL CALL:

Ayes: Chirico, Anderson, Brodhead, Coyne, Gallaher, Gustin, Hinterlong, Krummen, Obarski

Nays: None
Motion declared carried.

**THE MEETING RECESSED TO CLOSED SESSION AT 6:03 P.M.
CLOSED SESSION ADJOURNED AT 6:46 P.M.**

OPEN SESSION:

Mayor Chirico called the meeting back to order at 7:00 p.m.

ROLL CALL to determine Quorum:

Present: Chirico, Anderson, Brodhead, Coyne, Gallaher, Gustin, Hinterlong, Krummen, Obarski

Absent: None

C

PLEDGE TO THE FLAG:

PLEDGE GIVEN

Clerk's Note: Mayor Chirico asked for a moment of silence for Pat Pradel.

D

AWARDS AND RECOGNITIONS:

D1

National Hunger Action Month

**NATIONAL HUNGER
ACTION MONTH**

Councilwoman Obarski proclaimed September 2015 as National Hunger Action Month and presented the proclamation to Brandon Pettigrew, Northern Illinois Food Bank, Miranda Barfuss, Loaves & Fishes and Erin Kasch, Launch Digital Marketing.

D2

Honoring Fran Barenbrugge

**HONORING FRAN
BARENBRUGGE**

Mayor Chirico presented a Proclamation honoring Fran Barenbrugge.

E

PUBLIC FORUM:

E1

Financial Reserves & Water Street & Last Fling

Jim Haselhorst (Naperville) discussed the use of City reserves, the expected revenue from the Water Street development and reminded people to attend the 50th annual Last Fling event.

Mayer explained the purpose of holding reserves.

F

HOLDOVER ITEMS:

G

PETITIONS AND COMMUNICATIONS TO THE COUNCIL:

**FINAL AGENDA
CITY COUNCIL MEETING
SEPTEMBER 1, 2015
PAGE 3**

**H CONSIDERATION OF MOTION TO USE OMNIBUS METHOD FOR
REMAINING ITEMS:**

Brodhead moved to use the Omnibus method to approve the Consent Agenda. Second, Gallaher.

VOICE VOTE: Motion declared carried.

I CONSENT AGENDA:

Brodhead moved to approve the Consent Agenda with the exception of item 17. Second, Hinterlong.

ROLL CALL:

Ayes: Anderson, Brodhead, Coyne, Gallaher, Gustin, Hinterlong,
 Krummen, Obarski, Chirico

Nays: None
 Motion declared carried.

I1 Special City Council Minutes

Council moved to approve the Special City Council Meeting Minutes of August 11, 2015.

**SPECIAL CITY COUNCIL
MINUTES**

I2 Regular City Council Minutes

Council moved to approve the Regular City Council Meeting Minutes of August 18, 2015.

**REGULAR CITY COUNCIL
MINUTES**

I3 Bid 16-010, Franklin Avenue Sanitary Sewer Replacement

Council moved to approve the award of utility funded Bid 16-010, Franklin Avenue sanitary sewer replacement, to H. Linden & Sons Sewer and Water for an amount not to exceed \$224,676.00 plus a 5% contingency.

**BID 16-010, FRANKLIN
AVENUE SANITARY
SEWER REPLACEMENT**

I4 Ordinance No. 15-141, 2015 Riverwalk Fine Art Fair

Council moved to pass Ordinance No. 15-141, establishing temporary traffic controls and issue a special event permit for the 2015 Riverwalk Fine Art Fair scheduled for September 19-20, 2015.

**ORDINANCE NO. 15-141,
2015 RIVERWALK FINE
ART FAIR**

I5 Ordinance No. 15-142, 2015 Downtown Naperville Trick-or-Treat Event

Council moved to pass Ordinance No. 15-142, to establish temporary traffic controls and issue a Special Event permit for the 2015 Downtown Naperville Trick-or-Treat event on October 25, 2015.

**ORDINANCE NO. 15-142,
2015 DOWNTOWN
NAPERVILLE TRICK-OR-
TREAT EVENT**

I6 Ordinance No. 15-143, text amendment, (Peddlers and Solicitors)

Council moved to waive first reading and pass Ordinance No. 15-143, amending Chapter 7 (peddlers and solicitors) of Title 3 of the Naperville Municipal Code.

**ORDINANCE NO. 15-143,
PEDDLERS & SOLICITORS**

I8 Ordinance No. 15-144, 324 S. Julian Street, PZC 15-1-040

Council moved to pass Ordinance No. 15-144, approving the petitioner's request for a variance from Section 6-9-2:12.2 (residential driveway design) to permit parking within the required front yard at the subject property located at 324 S. Julian Street.

**ORDINANCE NO. 15-144,
324 S. JULIAN STREET,
PZC 15-1-040**

**FINAL AGENDA
CITY COUNCIL MEETING
SEPTEMBER 1, 2015
PAGE 4**

Clerk's Note: Obarski recused herself due to a conflict of interest and left the dais at 7:14 p.m.

I7	<u>Iron Gate Phase 2a, PZC 14-1-063</u>	IRON GATE PHASE 2A, PZC 14-1-063
I7a	<u>Ordinance No. 15-145, major change to PUD and preliminary/final PUD plat</u>	ORDINANCE NO. 15-145, MAJOR CHANGE TO PUD AND PRELIMINARY/FINAL PUD PLAT
I7b	<u>Ordinance No; 15-146, Conditional Use in I (Industrial) District</u>	ORDINANCE NO; 15-146, CONDITIONAL USE IN I (INDUSTRIAL) DISTRICT
I7c	<u>Ordinance No. 15-147, Variance</u>	ORDINANCE NO. 15-147, VARIANCE

Tom Burgess, Petitioner, stated the request for a conditional use for the motor vehicle sales building and explained that the proposed Phase 2A of the Planned Unit Development (PUD) would include a motor vehicle sales building on the northern boundary of the subject property along Ferry Road, and an inline commercial building on the southern portion of Phase 2A, which includes a car wash, an automobile service and repair station, and other automobile oriented uses.

Brodhead moved to pass Ordinance No. 15-145, approving a major change to the Iron Gate Motor Condos planned unit development and a preliminary/final PUD plat in order to establish controlling site development plans and building elevations for Phase 2a; passed Ordinance No. 15-146, granting a conditional use in the I (Industrial) District for motor vehicle sales in conjunction with a planned unit development; and passed Ordinance No. 15-147, granting variances from Section 6-9-3 (schedule of off-street parking requirements) to reduce the required off-street parking and required vehicle stacking for a car wash facility on the subject property located at 2212 Ferry Road, PZC 14-1-063. Second, Hinterlong.

ROLL CALL:

Ayes: Brodhead, Coyne, Gallaher, Gustin, Hinterlong, Krummen,
Chirico, Anderson

Nays: None

Recused: Obarski
Motion declared carried.

Clerk's Note: Obarski returned to the dais at 7:20 p.m.

J OLD BUSINESS:

K AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:

FINAL AGENDA
CITY COUNCIL MEETING
SEPTEMBER 1, 2015
PAGE 5

L REPORTS AND RECOMMENDATIONS:

L1 City Council Meeting Schedule

CITY COUNCIL MEETING
SCHEDULE

Hinterlong moved to approve the City Council Meeting Schedule for September, October, and November 2015. Second, Anderson.

VOICE VOTE: Motion declared carried.

Clerk's Note: Brodhead recused herself due to a conflict of interest and left the dais at 7:22 p.m.

L2 2015 Renewable Energy Grant Program (Year 3)

L2a Award to Naperville Park District for a roof-mounted photovoltaic solar array

L2b Award to North Central College for a roof-mounted 30-panet solar thermal system

Council suggested that criteria be broadened to allow for more eligible applicants.

Hinterlong moved to receive and approve the 2015 Renewable Energy Grant Program awards to the Naperville Park District and North Central College. Second, Gallaher.

ROLL CALL:

Ayes: Coyne, Gallaher, Gustin, Hinterlong, Krummen, Obarski, Chirico, Anderson

Nays: None

Recused: Brodhead

 Motion declared carried.

Clerk's Note: Brodhead returned to the dais at 7:24 p.m.

M PUBLIC HEARINGS:

N ORDINANCES AND RESOLUTION:

N1 Ordinance No. 15-148, Council Rules

ORDINANCE NO. 15-148,
COUNCIL RULES

Council discussed limiting the number of times Council members can speak during debate, votes on certain motions, and how items can be placed on the agenda.

Wilger explained that speaking limits eliminate the opportunity to filibuster and that several changes are clarifying existing procedures.

FINAL AGENDA
CITY COUNCIL MEETING
SEPTEMBER 1, 2015
PAGE 6

N1 Ordinance No. 15-148, Council Rules Continued

ORDINANCE NO. 15-148,
COUNCIL RULES

Gallaher moved to pass Ordinance No. 15-148, amending Title 1, Chapter 5, Section 4 and repealing and replacing Title 1, Chapter 5, Section 6 of the Naperville Municipal Code concerning Council Rules with the revision of Section 3.9.1 to read "Prior to a City Council meeting: the Mayor or any three (3) Council members may direct the City Manager to place an item on the City Council agenda for consideration if the request is timely made." Second, Hinterlong.

ROLL CALL:

Ayes: Gallaher, Gustin, Hinterlong, Krümmen, Obarski, Chirico,
Anderson, Brodhead, Coyne
Nays: None
Motion declared carried.

N2 Regarding Fiscal Year

REGARDING FISCAL
YEAR

Council discussed ramifications of not changing to a calendar year budget in 2016 and what happens between January-April of 2016.

Mayer explained the filing requirements, the property tax levy, and that this is unrelated to the proposed home rule sales tax. She stated that the municipalities that have changed to a calendar year will typically pass an 18-month budget, however an extended budget in Naperville would have been 20 months due to the election.

Krieger explained that the Council would levy high and then abate, however because of improved financial management in recent years abatement has not been necessary. He said that moving to a calendar year would result in better estimates, and that a calendar year is not related to home rule sales tax.

Mayer explained that Council will review the budget amendment at the September 15 meeting.

Council discussed the EAV, implementing an 18-month budget, and that a calendar year budget would be less confusing for residents.

Krieger explained that passing an extended budget is difficult to accurately predict expenses more than a year in advance.

First reading held.

N3 Refuse Fee

REFUSE FEE

Option 1 (Utility Bill)

Option 2 (Property Tax Bill)

Jim Haselhorst (Naperville), spoke against placing refuse fee on property tax bill.



FINAL AGENDA
CITY COUNCIL MEETING
SEPTEMBER 1, 2015
PAGE 7

N3

Refuse Fee Continued

REFUSE FEE

Council discussed equitable distribution, infrastructure expenses such as the school district portion of the property tax bill, that condominium associations pass expenses onto residents through association dues, that the refuse fee is not legally deductible, that Council has greater control over the service on the property tax bill, that it is more transparent on the utility, and appropriateness of helping those with financial hardships.

Robert Fischer (Naperville), spoke against charging the fee to homeowners.

Council discussed the three-pronged approach to solve the budget problem and that the largest share falls to the business community.

First reading held.

N4

Home Rule Sales Tax

HOME RULE SALES TAX

Sean Sebold (Naperville) spoke against implementing a home rule sales tax.

Krieger said the ratings agencies do not set specific percentage standards for reserves, that their responsibility is to protect the bond holders, that Naperville has historically had reserve levels comparable to other AAA rated communities but currently Naperville's reserves are leaner than other AAA communities.

Jim Haselhorst (Naperville) spoke against implementing a home rule sales tax.

Bob Schroeder (Naperville) spoke in favor of implementing a 1% home rule sales tax.

Council discussed removing "Financial Principles" from the Whereas Clause, reducing the proposed increase from .5 to .25, not implementing the sales tax until July 2016, and establishing a sunset of December 31, 2020.

BREAK: 9:00 P.M.

Mayor Chirico called the meeting back to order at 9:07 p.m.

Council stated that a .25 sales tax would present a more unified Council and discussed an Internet sales tax, the current debt level, revisiting the tax in two years, postponing the decision to address debt is not advisable, that the sales tax does not affect car sales, groceries or medical supplies, and that waiting to implement the tax in July will increase the debt by \$2M.

Council explained that some communities have seen no difference in sales when a home rule sales tax was implemented, that the impact of the tax should be reviewed annually, and that without addressing the debt the City's bond rating is jeopardized. Council also discussed that staff should continue to stress the system and that some savings may be found in department budgets however, nothing that will sustain the City for a long time. Council discussed the number of employees before and after the reductions in force, the uncertainty of the State of Illinois, and restricting the use of proposed revenue.



FINAL AGENDA
CITY COUNCIL MEETING
SEPTEMBER 1, 2015
PAGE 8

N4 Home Rule Sales Tax Continued

HOME RULE SALES TAX

Chirico discussed raising electric rates, that residents and businesses have been informed of the proposed tax, a .25 tax may bridge the gap on Council but is not a solution to debt or building the reserves back. He said that Council can choose to defer maintenance but that will result in more debt because it will cost more to be done later as is being seen in Information Technology and Public Buildings, and that a four-year sunset with an evaluation from staff is appropriate.

First reading held.

O NEW BUSINESS

O1 Sirens on August 18, 2015

Brodhead asked about why sirens were not heard in south/southwest Naperville during the storm on August 18.

Puknaitis responded that the alerts will sound if the severe weather is within five miles of the City and winds are 85 mph or higher.

O2 Naper Notify for weather events

Hinterlong discussed a recent accident on Ogden Avenue asked about the appropriate use of Naper Notify.

Puknaitis said staff will evaluate the appropriate level of use.

O3 Bee Hive Regulations

Anderson asked about bee hive regulation.

Novack responded that staff will research and provide information in the Manager's Memorandum.

P CLOSED SESSION:

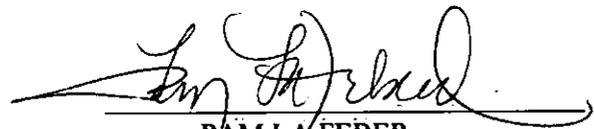
Q ADJOURNMENT:

ADJOURNMENT

Chirico moved to adjourn the Regular City Council meeting of September 1, 2015 at 10:04 p.m. Second, Krummen.

VOICE VOTE: Motion declared carried.

The Regular City Council Meeting of September 1, 2015 officially adjourned at 10:04 p.m.


PAM LA FEBER
CITY CLERK

PL: bk

