



**CITY COUNCIL MEETING OF OCTOBER 19, 2010
UNOFFICIAL PRIOR TO CITY COUNCIL APPROVAL
APPROVED BY THE CITY COUNCIL ON
November 3, 2010 AS WRITTEN.**

CALL TO ORDER:

5:30 P.M.

A Mayor A. George Pradel
Councilman James Boyajian
Councilman Judy Brodhead
Councilman Robert Fieseler – Arrived at 5:46 p.m.
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
City Attorney, Margo Ely
Fire Chief, Mark Puknaitis
Police Chief, David Dial
Director of Finance, Karen DeAngelis
City Prosecutor, Jill Pelka-Wilger
Director of Public Works, David Van Vooren
T.E.D. Operations Manager, Allison Laff
T.E.D. Development Team Leader, Dick Dublinski
T.E.D. Engineering Team Leader, Bill Novack
Director of Public Utilities-Electric, Mark Curran
Director of Public Utilities-Water, Jim Holzapfel

Press

Chicago Sun Times, Daily Herald, Naperville Sun

FINAL AGENDA
CITY COUNCIL MEETING
OCTOBER 19, 2010
PAGE 2

B. CLOSED SESSION

Furstenau to recess to Closed Session to discuss 5 ILCS 120/2(c)(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; (6) Setting of a price for sale or lease of property owned by the public body. Second, Krause.

ROLL CALL:

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

Nays: None

Absent: Fieseler

Motion declared carried.

THE MEETING RECESSED TO CLOSED SESSION AT 5: 34 P.M.

CLOSED SESSION ENDED AT 7:06 P.M.

OPEN SESSION

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

ROLL CALL to determine Quorum:

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

Absent: None

C. PLEDGE TO THE FLAG:

PLEDGE GIVEN

D AWARDS AND RECOGNITIONS:

D1 October - National Disability Awareness Month

Councilman Krause proclaimed October as National Disability Awareness Month and presented the proclamation to Peter Berg, Chairman, and other members of the Advisory Commission on Disabilities and Marita Manning, Accessibility Coordinator.

NATIONAL DISABILITY
AWARENESS MONTH

D2 October 29, 2010 – Mary Lou Cowlshaw, Mother of the Homeless Children’s Education Act Day

Councilman Krause proclaimed October 29, 2010 as Mary Lou Cowlshaw, Mother of the Homeless Children’s Education Act Day and presented the proclamation to Wayne Cowlshaw.

OCTOBER 29, 2010 – MARY
LOU COWLISHAW,
MOTHER OF THE
HOMELESS CHILDREN’S
EDUCATION ACT DAY

E PUBLIC FORUM:

E1 College of DuPage Referendum

Kris Fay, 1184 Book Road, spoke about the improvements that will be made if the referendum is passed.

FINAL AGENDA
CITY COUNCIL MEETING
OCTOBER 19, 2010
PAGE 3

E2 Title 3: Section 3:3:15 (Entertainment Ordinance)

Autumn Pippenburg, 1048 Heritage Hill Drive and Brittany Nielsen, 763 Double Jack Street, Bourbonnais, informed Council that the Liquor Concept Committee denied their proposal to host Zumba classes at a liquor establishment. They stated that classes are taught in other liquor establishments.

Council supported the denial and stated that the Committee believes the proposed classes are more fitness than dance and that they are inappropriate in a liquor establishment.

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 item. Second, Krause.

ROLL CALL:

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

Nays: None
 Motion declared carried.

I1 Cash Disbursements – 9/29/10

Council moved to approve the cash disbursements of 9/29/10 in the amount of \$8,475,168.19.

**CASH DISBURSEMENTS –
9/29/10**

I2 Regular City Council Meeting Minutes of October 5, 2010

Council moved to approve the Regular City Council Meeting Minutes of October 5, 2010 with corrections.

**REGULAR CITY COUNCIL
MEETING MINUTES –
10/5/10**

I3 Appointments of Student Representatives to Boards and Commissions

Council moved to approve the appointments of Student Representatives to Boards and Commissions.

**STUDENT
REPRESENTATIVES –
BOARDS & COMMISSIONS**

I4 Public Watermain Improvements – Loaves and Fishes Community Pantry (1871 High Grove Lane)

Council moved to accept the public watermain improvements in Loaves and Fishes Community Pantry (1871 High Grove Lane), and authorize the City Clerk to reduce the corresponding public improvement surety.

PUBLIC IMPROVEMENTS

FINAL AGENDA
CITY COUNCIL MEETING
OCTOBER 19, 2010
PAGE 4

I5 Route 59 Expansion and Existing Ground Signs

ROUTE 59 EXPANSION

Council urged staff to work with the businesses that will be affected by the IDOT project.

Council moved to suspend enforcement of Section 5-4-13:3 (Nonconforming Signs, Relocation of Signs) of the Naperville Municipal Code for property/business owners who are required to relocate existing ground signs due to IDOT's Route 59 expansion project.

J **OLD BUSINESS:**

J1 Ordinance No. 10-, Jackson Avenue and Chicago Avenue Parking Revisions

JACKSON & CHICAGO
AVENUE PARKING
REVISIONS

Council said that there is a need for accessible parking in the downtown, that the proposal relocates parking from outside of a business to a parking lot across the street and that this is contrary to the Americans with Disabilities Act.

Council stated that the proposal does not violate the Americans with Disabilities Act, that the 52 accessible parking spaces in the downtown do not have to comply with the Act, that the chairman of the Mayor's Commission on Disabilities supports the proposal, and that there may be 100' difference between the current and proposed locations.

Miller moved to pass the ordinance to amend and establish parking restrictions in support of the revised Jackson Avenue parking design and relocate two accessible parking spaces to the Riverwalk Parking Lot. Second, Boyajian.

Council discussed moving the Sullivan's valet stand across the street to Rosebud location and designate the valet space as accessible parking.

Schatz said staff would examine the suggestion and bring back a recommendation.

Boyajian made a Motion in Substitution to table to the November 3, 2010 Council meeting. Second, Furstenau.

VOICE VOTE: Motion declared carried.

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

K1 RFP 11-072, Old Plank Park Phase III Consultant Engineering Services

RFP 11-072, OLD PLANK
PARK PHASE III
CONSULTANT
ENGINEERING SERVICES

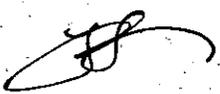
Boyajian moved to approve the award of RFP 11-072, Old Plank Park Phase III Consultant Engineering Services, to URS Corporation for an amount not to exceed \$217,132.86, plus a 5% contingency. Second, Furstenau.

ROLL CALL:

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

Nays: None

Motion declared carried.



FINAL AGENDA
CITY COUNCIL MEETING
OCTOBER 19, 2010
PAGE 5

K2 Bid 11-051, Old Plank Park Drainage Improvements

BID 11-051, OLD PLANK
PARK DRAINAGE
IMPRVEMENTS

Furstenau moved to approve the award of Bid 11-051, Old Plank Park Drainage Improvements, to Herlihy Mid-Continent Company, for an amount not to exceed \$3,705,169.25, plus a 3% contingency. Second, Boyajian.

ROLL CALL:

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

Nays: None

Motion declared carried.

K3 Aon Consulting Inc. – Medical Insurance

PROCUREMENT 11-088,
MEDICAL INSURANCE

Council discussed the cost of claims expenditures and federal health care reform, that even with the increased employee contributions the city will still be short, the premium cost for family coverage, and that certain bargaining units are on a different plan design.

Council stated that the bidding and selection process was handled very well.

Furstenau moved to approve the award of Procurement 11-088, medical insurance contract to Blue Cross Blue Shield of Illinois for one-year for an amount not to exceed \$16,145,669, authorize the City Manager to execute necessary documents to effectuate plan design changes for 2011, and authorize the City Manager to amend the Section 125 plan to effectuate changes including pretax treatment of dependent adult children and increase the allowable maximum to \$5,000 for flexible spending accounts. Second, Krause.

ROLL CALL:

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

Nays: None

Motion declared carried.

K3a Recommendation by Aon Consulting, Inc., to renew medical insurance (Procurement 11-088) with Blue Cross Blue Shield of Illinois

K3b Plan Design Changes

K3c Amend Section 125 Plan

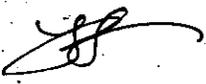
L **REPORTS AND RECOMMENDATIONS:**

L1 City Council Meeting Schedule

CITY COUNCIL MEETING
SCHEDULE

Miller moved to approve the City Council meeting schedule for October, November and December 2010. Second, Krause.

VOICE VOTE: Motion declared carried.



**FINAL AGENDA
CITY COUNCIL MEETING
OCTOBER 19, 2010
PAGE 6**

L2 External Hire – Safety Coordinator and Customer Service Assistant

**AUTHORIZATION FOR
EXTERNAL HIRE**

Council stated that no hiring will be done until after January which will save the city money because the new employees will be on the new healthcare plan, and that a city this size needs to have a Safety Coordinator.

Miller moved to authorize the City Manager to hire one Safety Coordinator and one Customer Service Assistant, and eliminate the City Safety Manager and Administrative Assistant position resulting in \$204,000.00 in annual savings. Second, Wehrli.

ROLL CALL:

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

Nays: None

Motion declared carried.

BREAK: 8:27 P.M.

Mayor Pradel called the meeting back to order at 8:39 p.m.

M PUBLIC HEARING:

M1 Park's Edge Subdivision, PC 09-1-191

**PARK'S EDGE
SUBDIVISION, PC 09-1-191**

M1a Public hearing to consider annexation agreement

Mayor Pradel opened the public hearing at 8:40 p.m.

Russ Whitaker, petitioner's attorney, 23 W Jefferson Ste 200, gave a presentation and explained that EPEIUS, Inc., requests approval of annexation and rezoning to R2 (Single-Family and Low Density Multiple-Family Residence District) in order to construct five two-family structures (total of ten residential dwelling units). In conjunction with the request, the petitioner is seeking a conditional use for a planned unit development; approval of a preliminary PUD plat and a preliminary subdivision plat.

Bruce Anderson, 1107 Plank Road, stated that his property is adjacent is to development and that he is concerned with increased traffic that will come once the cul-de-sac is formed and roads surround his house. He is also concerned with the lights that will come into the back yard. He does not understand how five duplexes can fit into this space and seeks clarification for the density calculations.

Tom Broz, 1020 N. Charles Street, urged the city to utilize the plethora of architecture software that is available in order to get a 3-D view of what the development will look like and urged Council to not annex until the development can be shown in this manner.

**FINAL AGENDA
CITY COUNCIL MEETING
OCTOBER 19, 2010
PAGE 7**

M1a Park's Edge Subdivision, PC 09-1-191 Continued

**PARK'S EDGE
SUBDIVISION, PC 09-1-191**

Pete Adamovich, 1023 N. Charles Street, stated that he is concerned with density and that that issue has been discussed by all parties involved. He said the developer has moved buildings and roadway insignificantly but has not considered moving the buildings to the other side of the park and that the Council is on the verge of passing a development that has been tweaked just enough to make it just good enough to squeak by.

Doug Huston, 1108 E. Brighton Road, stated that he is concerned that developers will begin chasing LEED points as a workaround for zoning density without regard for whether any actual environmental benefits are obtained.

Bryan Barger, 680 Milton Drive, said that Council should consider the impact to the immediate neighbors and the fact that no residents have spoken in favor of the development.

John Pinner, 677, Milton Road, urged Council to deny the annexation and stated that if annexation is denied the message will be sent to developers that they should plan within city guidelines. If the annexation is approved the first development will disregard the Plank Road Study.

Holly Parkes, 1016 Buckingham Drive, stated that the landscaping plan on paper creates the illusion of a buffer but in reality there is little room along the edge of the park.

Brian Bagan, 900 Honest Pleasure Drive, said that he is speaking on behalf of the empty nesters who desire this type of property and that in the past they have been left to live next to commercial development. These types of properties will continue to put money back in the community.

Eddie Postiglione, 833 Biltmore Court, showed photos that were altered to demonstrate the view from the path of the park once the development is built.

Joe Lambke, 345 E. Ohio, Chicago, stated that he grew up in Naperville, believes that duplex homes reduce impact, require minimal maintenance, increase property values, and will benefit the citizens of Naperville.

Whittaker's rebuttal discussed the success of the Le Provence development, that duplex units do not result in the same density as single family housing, and that there is no benefit to reduce density on this project because any reduction would make the project unbuildable. He highlighted the benefits of annexation such as curb and gutter and having dedicated access to the park. He stated that the property owner to the west of the development will dedicate a portion of his property. He summarized by saying that the petitioner is requesting a six-tenths of an increase over the recommendation in the comprehensive plan and that the plan does call out duplexes as appropriate housing on the property.

FINAL AGENDA
CITY COUNCIL MEETING
OCTOBER 19, 2010
PAGE 8

M1a Park's Edge Subdivision, PC 09-1-191 Continued

PARK'S EDGE
SUBDIVISION, PC 09-1-191

Councilman Krause moved to close public hearing at 9:36 p.m.
Second, Furstenau.

VOICE VOTE: Motion declared carried.

M1b Ordinance No. 10-128, execution of annexation agreement

ORDINANCE NO. 10-128,
ANNEXATION
AGREEMENT

Council discussed including mechanical septic systems as an alternative, that property values have been going down and seniors have to sell their houses to move into this area, that they are looking for houses on one level so this is not a development for seniors, and that this proposal is not fitting with the Plank Road Study.

Council discussed what would happen if this property was not annexed and highlighted some negatives to building in unincorporated Naperville such no LEED certification, that Naperville would not be in control of what is being built, and property taxes would not be collected. Council said that some trees may be destroyed due to the septic field, but the main concern is storm water because it is not required by county. Council asked if the petitioner would consider delaying development until Spring Hill conveyance repair improvements are made.

Whittaker stated that delaying development is acceptable to the petitioner.

Council also discussed that the petitioner can build four homes by right on this property and that there would be four entrances on Plank Road versus one.

Council stated that the evidence comes down on the side of approving the development, that it won't have the terrible effect residents are expecting, and that the message Council is sending is that Naperville supports a diversity of housing stock.

Council discussed that approval of this development will have a ripple effect and that Naperville will be left with odd shaped parcels, that Council can give input on development within one mile of Naperville, and that this area should remain park land.

Laff explained that a PUD of this type requires 30% open space and that this development is proposing 45% open space. She stated that any decrease would require a change to the PUD and Council approval.

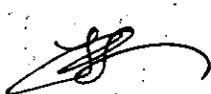
Miller moved to pass Ordinance No. 10-128, authorizing the execution of the annexation agreement for Park's Edge Subdivision, PC 09-1-181. Second, Boyajian.

ROLL CALL:

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

Nays: Krause, Wehrli, Furstenau

Motion declared carried.



**FINAL AGENDA
CITY COUNCIL MEETING
OCTOBER 19, 2010
PAGE 9**

M1c Ordinance No. 10-129, annexing Park's Edge Subdivision

**ORDINANCE NO. 10-129,
ANNEXING**

Miller moved to pass Ordinance No. 10-129, annexing Park's Edge Subdivision. Second, Boyajian.

ROLL CALL:

Ayes: Miller, Pradel, Boyajian, Brodhead, Fieseler

Nays: Krause, Wehrli, Furstenuau

Motion declared carried.

M1d Ordinance No. 10-130, rezone Park's Edge Subdivision

**ORDINANCE NO. 10-130,
REZONING**

Miller moved to pass Ordinance No. 10-130, to zone Park's Edge Subdivision to R2 (single-family and low density multiple-family residence district) upon annexation and Ordinance No. 10-131, approving a conditional use for a planned unit development, preliminary plat of subdivision and associated variances for Park's Edge Subdivision, subject to conditions, including developer's commitment to delay development until conveyance repairs in Spring Hill are completed. Second, Boyajian.

ROLL CALL:

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

Nays: Wehrli, Furstenuau, Krause

Motion declared carried.

M1e Ordinance No. 10-131, conditional use for a planned unit development

**ORDINANCE NO. 10-131,
CONDITIONAL USE**

N **ORDINANCES AND RESOLUTIONS:**

O **NEW BUSINESS:**

O1 North Central College Dormitory

Councilman Boyajian explained that North Central College is interested in purchasing the downtown building that has been used as a dormitory. However, he reminded Council that their position has been that the building should remain on the tax rolls and pay into the SSA and urged Council to reaffirm this to the city manager.

Clerk's Note: Brodhead recused herself and left the dais at 10:27 p.m.

Councilman Fieseler suggested funding the improvement of the streetscape of the building.

Clerk's Note: Brodhead returned to the dais at 10:29 p.m.

O2 Washington and 75th Street Intersection

Councilman Boyajian asked about the final steps to complete the Washington and 75th Street intersection, turn lanes, and what will be finished by winter.

FINAL AGENDA
CITY COUNCIL MEETING
OCTOBER 19, 2010
PAGE 10

O3 Riverwalk Improvements

Councilman Wehrli stated that the brick used for the improvement did not match and the contractor changed the brick at his own cost so there is now continuity in the design.

O4 Weekend Overnight Parking in the Downtown

Councilman Krause moved to reconsider and be put on the November 4, 2010 agenda. Second, Councilman Furstenau.

Ely advised that per Robert's Rules, only the prevailing side may move to reconsider an item prior to the 62 day time frame.

O5 Income Tax Allocation from the State of Illinois

Councilman Furstenau asked for a status update on what the city is owed by the state.

DeAngelis explained that the state is two months behind and owes the city \$2.5M in income tax. She said the state will not make any commitment as to when it will be received.

P **CLOSED SESSION:**

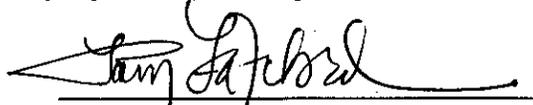
Q **ADJOURNMENT:**

Wehrli moved to adjourn the Regular City Council meeting of October 19, 2010 at 10:36 p.m. Second, Furstenau.

ADJOURNMENT – 10:36
P.M.

VOICE VOTE: Motion declared carried.

The Regular City Council Meeting of October 19, 2010 officially adjourned at 10:36 p.m.



PAM LAFEVER Ph.D.
CITY CLERK

PL:BK

