



**CITY COUNCIL MEETING OF FEBRUARY 17, 2009
UNOFFICIAL PRIOR TO CITY COUNCIL APPROVAL
APPROVED BY THE CITY COUNCIL ON
March 3, 2009 AS WRITTEN.**

CALL TO ORDER

6 01 P M

A Mayor A George Pradel
Councilman Joe Dunn
Councilman Robert Fieseler
Councilman Richard R Furstenau
Councilman Douglas Krause
Councilman Kenn Miller
Councilman John Rosanova
Councilman Grant Wehrl: - Left at 6 09 p m

Absent

Councilman James Boyajian

Also Present

City Manager, Doug Krieger
Assistant City Manager, Robert Marshall
Records Management Team Leader, Pam LaFeber
City Attorney, Margo Ely
Assistant Fire Chief, Mike Zywanski
Police Chief, David Dial
Director of Public Utilities, Allan Poole
Director of Public Works, David Van Vooren
Director Mgmnt Svcs Business Group, Don Carlsen
Director of T E D Business Group, Marcie Schatz
T E D Operations Manager, Suzanne Thorsen
T E D Engineering Team Leader, Bill Novack
T E D Transportation Team Leader, Karyn Robles
T E D Development Team Leader, Dick Dublinski

Press

Chicago Sun Times, Daily Herald, Naperville Sun

A handwritten signature in black ink, appearing to be 'JP', is located at the bottom left of the page. It is written in a cursive, stylized font.

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B. CLOSED SESSION

Wehrli moved to recess to Closed Session to discuss approval of Closed Session minutes, pending litigation and collective bargaining pursuant to 5 ILCS 120/2(c)(21)(11)(2) Second, Miller

ROLL CALL:

Ayes: Pradel, Dunn, Fieseler, Furstenau, Krause, Miller,
Rosanova, Wehrli

Nays: None

Absent: Boyajian
Motion declared carried

THE MEETING RECESSED TO CLOSED SESSION AT 6:09 P.M.

CLOSED SESSION ENDED AT 7:08 P.M.

OPEN SESSION

Mayor Pradel called the meeting back to order at 7 13 p m

ROLL CALL:

Ayes: Pradel, Dunn, Fieseler, Furstenau, Krause, Miller,
Rosanova

Nays: None

Absent: Boyajian, Wehrli
Motion declared carried

C. PLEDGE TO THE FLAG:

PLEDGE GIVEN

D AWARDS AND RECOGNITIONS:

D1 Recognition of Police and Fire Department participation in the Battle of the Badges blood drive on January 19, 2009 SERVICE RECOGNITION AWARD

Representatives from Heartland Blood centers presented "Battle of the Badges" awards to Chief Dial and Assistant Fire Chief Zywanski

E PUBLIC FORUM:

E1 Suicide Prevention

David Wessel of P O Box 860 spoke about the "50 Men Who Cook" event on March 21, 2009

Clerk's Note: Rosanova advised Council he would be abstaining from the future Garden Plot vote and left the dais at 7 21 p m

E2 Athletic fields & garden plots

Douglas Dallmer of 619 Fredericksburg suggested that the 2009 sports season be used to evaluate the availability of other area field and urged Council to vote no on the proposed change

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E3 Traffic flow from garden plot change

Albert Cain of 692 Chippewa discussed the traffic loading and accidents that may occur if the current proposal is approved

Council requested a copy of the traffic study Krieger stated that TED staff advised one would not be necessary based on the proposed land use change

Schatz stated that staff is not recommending a traffic consultant be commissioned by the petitioner because traffic analysis is currently being performed

Council requested staff submit data to justify not recommending a traffic study

E4 Park District proposal

Elaine Fisher of 993 Sylvan Circle stated that the Park District proposal needs to be reevaluated

E5 Garden plots

Warren Gill of 844 Mobile Court discussed conducting a traffic study to ensure safety of residents in the area

E6 Garden plots

John Polich of 1756 E Bailey Road urged Council to keep the garden plots as they currently exist

E7 Garden plots

Rod Randall of 956 Savannah Circle stated that District 203 wants the garden plot property because of the lack of space during Naperville Central's renovation

Dunn moved to require the petitioner to conduct a traffic study for the garden plot change Second, Furstenau

VOICE VOTE: Motion declared carried

Clerk's Note: Rosanova returned to the dais at 7 47 p m

E8 Healing Fields of Honor

David Wentz of 720 Clovetree Court spoke about the events during the week of Veteran's Day

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



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I CONSENT AGENDA:

VOICE VOTE: Motion declared carried

Miller moved to approve the Consent Agenda with the exception of items I6, I8, I11, I19 and I21 Second, Krause

ROLL CALL:

Ayes: Pradel, Dunn, Fieseler, Furstenau, Krause, Miller, Rosanova

Nays: None

Absent: Boyajian, Wehrl
Motion declared carried

- I1** Cash Disbursements for January 21, 2009 in the amount of \$14,347,262 89 CASH DISBURSEMENTS – 1/21/09
Council moved to approve the January 21, 2009 cash disbursements in the amount of \$14,347,262 89
- I2** Regular City Council Meeting Minutes of February 3, 2009 REGULAR CITY COUNCIL MEETING MINUTES – 2/3/09
Council moved to approve the Regular City Council Meeting Minutes of February 3, 2009
- I3** Fleet Maintenance and Operations Fund Transfer FLEET MAINTENANCE & OPERATIONS FUND TRANSFER
Council moved to approve the transfer of \$130,000 00 from the fleet maintenance and operations fund balance and \$90,000 00 from the School District 203 and 204 revenue account to the FY08-09 operating budget accounts for parts/supplies (\$150,000 00) and fuel and lubricants (\$70,000 00)
- I4** Approve the award of Change Order #1 to Contract 08-146, Fuel Tank Wagon CONTRACT 08-146, FUEL TANK WAGON
Council moved to approve the award of Change Order #1 to Contract 08-146, fuel-tank wagon, to Feece Oil for an amount not to exceed \$60,000 00
- I5** Approve the award of Procurement 09-158, Ambulance Procurement PROCUREMENT 09-158, AMBULANCE PROCUREMENT
Council moved to approve the award of Procurement 09-158, ambulance procurement, to Foster Coach Sales, Inc , through the Northwest Municipal Conference for an amount not to exceed \$184,129 00
- I7** Change Order #1 to Contract 04-042, Design Engineering for the Jefferson Avenue Bridge CONTRACT 04-042, JEFFERSON AVENUE BRIDGE
Council moved to approve Change Order #1 to Contract 04-042, for additional design engineering work needed for the Jefferson Avenue Bridge to Bollinger, Lach & Associates in the amount of \$26,580 18, and approval of the IDOT local agency amendment for federal participation

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| I9 | <u>Appointments to Naper Settlement Museum Board and Sister Cities Commission</u>
Council moved to approve the appointment of Kimberly Brown, Naper Settlement Museum Board, 2/17/09 - 5/30/10 | APPOINTMENTS TO
BOARDS & COMMISSION |
| I10 | <u>Reappointment to Advisory Commission on Disabilities</u>
Council moved to approve the mayoral reappointment of Carrie Lyn Noe to the Advisory Commission on Disabilities, 06/01/08 – 05/30/11 | REAPPOINTMENTS TO
COMMISSION |
| I12 | <u>Resolution No 09-06, Intergovernmental Agreement between the City of Naperville and Will County for the operation of the regional Household Hazardous Waste Facility</u>
Council moved to adopt Resolution No 09-06, authorizing the City Manager to execute the second amendment to the Intergovernmental Agreement between the City of Naperville and Will County for the Household Hazardous Waste Facility | RESOLUTION NO 09-06,
HOUSEHOLD
HAZARDOUS WASTE
FACILITY |
| I13 | <u>Ordinance No 09-015, granting a major change to a conditional use for Good Shepherd Church, PC 1763</u>
Council moved to pass Ordinance No 09-015, granting a major change to a conditional use for a religious institution and a variance to the Naperville Municipal Code for Good Shepherd Church located at 1310 Shepherd Drive, PC 1763 | ORDINANCE NO 09-015,
GOOD SHEPHERD
CHURCH, PC 1763 |
| I14 | <u>Ordinance No 09-016, to grant variances for BP, 2888 Book Road, ZBA 1175</u>
Council moved to pass Ordinance No 09-016, granting variances to reduce the required major arterial setback and to reduce the required rear yard setback for BP, located at 2888 Book Road, ZBA 1175 | ORDINANCE NO 09-016,
BP, ZBA 1175 |
| I15 | <u>Waive first reading and pass Ordinance No 09-017, approving a text amendment for Training Studio, PC 09-1-1</u>
Council moved to waive first reading and pass Ordinance No 09-017, approving a text amendment to Title 6 of the Naperville Municipal Code to allow “training studios” as a conditional use in the “I” (Industrial) zoning district | ORDINANCE NO 09-017,
TRAINING STUDIO PC
09-1-1 |
| I16 | <u>Ordinance No 09-018, granting a conditional use for a training studio in the Industrial District for Bollywood Dance Studio.</u>
Council moved to pass Ordinance No 09-018, granting a conditional use for a training studio in the Industrial district for Bollywood Dance Studio located at 1701 Quincy Avenue, Suite 16, PC 1765 | ORDINANCE NO 09-018,
BOLLYWOOD DANCE
STUDIO, PC 1765 |
| I17 | <u>Resolution No 09-07, Wetland Credit Agreement for DuPage River Trail, Segment 4</u>
Council moved to adopt Resolution No 09-07, approving an agreement to purchase wetland credits for DuPage River Trail Segment 4 and authorizing the City Manager to execute the agreement | RESOLUTION NO 09-07,
DUPAGE RIVER TRAIL
SEGMENT 4 |

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| I18 | <p><u>Ordinance No 09-019, establish temporary traffic controls for the St Patrick's Day Parade</u></p> <p>Council moved to pass Ordinance No 09-019, to establish temporary traffic controls for the St Patrick's Day Parade and approve the issuance of an amplifier permit for the event</p> | <p>ORDINANCE NO 09-019,
ST PATRICK'S DAY
PARADE</p> |
| I20 | <p><u>Purchase of Easement and Sanitary Replacement Service Agreement for DuPage River Trail Segment 4</u></p> | <p>DUPAGE RIVER TRAIL
SEGMENT 4 - SANITARY
REPLACEMENT SERVICE
AGREEMENT</p> |
| I20a | <p><u>Approve the purchase of permanent and temporary easements from the property owner at 2210 S Washington Street for DuPage River Trail Segment 4</u></p> <p>Council moved to approve the purchase of permanent and temporary easements from the property owner at 2210 S Washington Street for DuPage River Trail Segment 4</p> | <p>PERMANENT &
TEMPORARY
EASEMENTS</p> |
| I20b | <p><u>Resolution No 09-08, approving an agreement for payment for a sanitary replacement service for the property owner at 2210 S Washington Street and authorizing the City Manager to execute the agreement</u></p> <p>Council moved to adopt Resolution No 09-08, approving an agreement for payment for a sanitary replacement service for the property owner at 2210 S Washington Street and authorizing the City Manager to execute the agreement</p> | <p>RESOLUTION NO 09-08,
SANITARY SEWER
REPLACEMENT – 2210 S
WASHINGTON ST</p> |
| <hr/> | | |
| I6 | <p><u>Approve the award of Contract 09-169, Vehicle Replacements</u></p> <p>Krieger explained that the local dealers would like an opportunity to match or beat the state bid</p> <p>Krause moved to approve the award of Contract 09-169, vehicle replacements, to Landmark Ford and Bill Jacobs, LLC, through the State of Illinois Joint Purchasing Contract for an amount not to exceed \$175, 802 00 Second, Miller</p> <p>Council discussed the mileage of the Ford Crown Victoria's, the cost effectiveness of the V8 engine, and the potential to change police vehicles</p> <p>VanVooren explained that the Vehicle Replacement Committee recommends replacing vehicles when the mileage reaches 120,000, that the V6 Impala mileage is within one mile of the current V8 Crown Victoria, that because each of the patrol division vehicles have a specially designed plastic back seat, the cost to fit those seats to a new vehicle would be more expensive than the amount saved by changing vehicles</p> | <p>CONTRACT 09-169,
VEHICLE
REPLACEMENTS</p> |

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- I6** Approve the award of Contract 09-169, Vehicle Replacements Continued. CONTRACT 09-169,
VEHICLE
REPLACEMENTS
- Dial explained eventually the cars will be changed when Ford no longer makes a Crown Victoria police package
- ROLL CALL:**
Ayes: Dunn, Fieseler, Furstenuau, Krause, Miller, Rosanova, Pradel
Nays: None
Absent: Wehrli, Boyajian
Motion declared carried
- I8** Award Second Option Year of Contract 05-127, Meter Reading Services CONTRACT 05-127,
METER READING
SERVICES
- Charlie Schneider of 809 Hyde Park Lane questioned the status of automatic meter reading project and if it would impact this contract
- Bevis explained that the contract is based on the number of reads performed, if the number of reads is reduced the price will be reduced
- Furstenuau moved to approve the award of the second option year of Contract 05-127, meter reading services, to Rickman Contract Services, Inc for the period of May 1, 2009 through April 30, 2010, for an amount not to exceed \$575,000 00 Second, Krause
- ROLL CALL:**
Ayes: Fieseler, Furstenuau, Krause, Miller, Rosanova, Pradel, Dunn
Nays: None
Absent: Wehrli, Boyajian
Motion declared carried
- I11** Historic Sites Commission Composition & Mission – PC 1745 HISTORIC SITES
COMMISSION
COMPOSITION &
MISSION
- Fieseler moved to table consideration of the agenda item to the meeting of April 21, 2009 Second, Furstenuau
- VOICE VOTE:** Motion declared carried
- I19** Ordinance No 09-020, authorizing a delegated sale of general obligation bonds for an amount not to exceed \$50 million ORDINANCE NO 09-020,
SALE OF GENERAL
OBLIGATION BONDS
- Fieseler moved to pass Ordinance No 09-020, authorizing a delegated sale of general obligation bonds for an amount not to exceed \$50 million Second, Krause
- ROLL CALL:**
Ayes: Krause, Miller, Rosanova, Pradel, Dunn, Fieseler
Nays: Furstenuau
Absent: Wehrli, Boyajian
Motion declared carried
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I21 Fiscal Year 2009/2010 Strategic Plan

FISCAL YEAR 2009/2010
STRATEGIC PLAN

Miller moved to adopt the FY 2009/2010 Strategic Plan Initiatives and Citywide Strategic Plan amendments with an amendment on Page 405, #20 to read, "Identify and pursue funding options related to mitigating the negative impacts of legal challenges and negotiations for mitigation of noise, safety and intersection mitigation costs increased by freight traffic on the EJ&E railroad " Second, Furstenuau

ROLL CALL:

Ayes: Krause, Miller, Rosanova, Pradel, Dunn, Fieseler, Furstenuau

Nays: None

Absent: Wehrli, Boyajian

Motion declared carried

J **OLD BUSINESS:**

J1 Homeowner Request for Consideration of Wall Design Changes – Maplebrook Sound Wall (MB-103)

MAPLEBROOK SOUND
WALL DESIGN CHANGES

Pamela Bunyea of 25 Bunting Lane discussed the types of sounds that the residents experience at the intersection of Washington and 75th Street and asked Council to approve the elevated sound walls

Tom Anderson of 21 Tupelo thanked city staff for partnering with the Wall Working Group and reaching a resolution

Lyle Hagen of 1520 Swallow Street stated he is pleased with the wall height resolution and thanked city staff for their partnership

Council discussed the reinforcement of the wall foundation and the increasing cost of the sound wall and whether it can be reduced

Novack stated that the true cost of the project will not be known until the RFPs are opened

Krause moved to direct staff to proceed with the bid process to install a 12' high sound wall, except in those locations depicted on Exhibit F, using the performance-based specifications as prepared by the city Second, Fieseler

ROLL CALL:

Ayes: Miller, Rosanova, Pradel, Dunn, Fieseler, Krause

Nays: Furstenuau

Absent: Wehrli, Boyajian

Motion declared carried

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

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L REPORTS AND RECOMMENDATIONS:

L1 City Council Meeting Schedule

CITY COUNCIL MEETING
SCHEDULE

Furstenau moved to approve the City Council Meeting Schedule for February, March and April 2009 Second, Miller

VOICE VOTE: Motion declared carried

L2 Expendable Right-of-Way Report

EXPENDABLE RIGHT-OF-
WAY REPORT

Council received the Report on Expendable Right-of-Way

L3 Staff and NDP recommendation for an impact fee reduction for projects not eligible for the impact fee moratorium

IMPACT FEE REDUCTION

Kevin Gallaher, 1111 S Washington, spoke on behalf of clients Bill Jacobs BMW and Toyota of Naperville and thanked staff for the consideration of reduction of impact fees and requested a reduction beyond what is recommended Gallaher explained that his clients would have downsized their development had they known how the economy would perform or about how these companies have contributed to the community

Council discussed adhering to the 50% reduction recommended by staff and then subtracting what impact fees had already been paid on the original or an additional lot

Ely stated that allowing a dealership to carry a credit from site to site is contrary to the ordinance and legislative intent of the moratorium and such language would be difficult to craft

Council recommended working within the existing ordinance and not changing language; that auto dealerships are the largest piece of the impact fee, and generate the most revenue, and that it is important to keep them viable, an alternative equation was considered by which the staff recommended 50% reduction would be added to a 50% reduction for conducting a traffic study

Council discussed that a monetary shortfall for road maintenance would occur by including an additional reduction to the impact fee and that the cut-off date will exclude many businesses

Miller moved to direct staff to prepare an ordinance allowing any business seeking occupancy of commercial property this calendar year to receive a 50% reduction of their impact fee, for businesses doing a traffic study a 50% credit would be applied for the traffic study then apply the 50% reduction to the post-traffic study amount

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L3 Staff and NDP recommendation for an impact fee reduction for projects not eligible for the impact fee moratorium **Continued.**

IMPACT FEE
REDUCTION

Furstenau moved to table to March 3, 2009 for staff to provide examples of the dollar amounts resulting from the recommended calculations Second, Rosanova

ROLL CALL:

Ayes: Rosanova, Dunn, Fieseler, Furstenau

Nays: Pradel, Krause, Miller

Absent: Wehrli, Boyajian

Motion declared carried

M1 Sanish Subdivision – PC 1759

SANISH SUBDIVISION, PC
1759

M1a Conduct the public hearing to consider the annexation agreement for Sanish Subdivision, 900 Hillside Road

The public hearing opened at 9 22 p m

Miller moved to close the public hearing at 9 23p m Second, Krause

VOICE VOITE: Motion declared carried

M1b Ordinance No 09-021, authorizing execution of the annexation agreement

ORDINANCE NO 09-021,
SANISH SUBDIVISION,
ANNEXATION
AGREEMENT

Miller moved to pass Ordinance No 09-021, authorizing the execution of the annexation agreement for Sanish Subdivision, 900 Hillside Road, PC 1759 Second, Furstenau

ROLL CALL:

Ayes: Pradel, Dunn, Fieseler, Furstenau, Krause, Miller, Rosanova

Nays: None

Absent: Boyajian, Wehrli

Motion declared carried

M1c Waive first reading and pass Ordinance No 09-022, annexing the property at 900 S Hillside Road

ORDINANCE NO 09-022,
ANNEXING SANISH
SUBDIVISION

Miller moved to waive first reading and pass Ordinance No 09-022, annexing the property at 900 S Hillside Road, PC 1759 Second, Krause

ROLL CALL:

Ayes: Dunn, Fieseler, Furstenau, Krause, Miller, Rosanova, Pradel

Nays: None

Absent: Wehrli, Boyajian

Motion declared carried

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M1d Ordinance No 09-023, to rezone the subject property upon annexation to R1a

ORDINANCE NO 09-023,
REZONE SANISH
SUBDIVISION

Miller moved to pass Ordinance No 09-023, to rezone 900 S Hillside Road, PC 1759 Second, Krause

ROLL CALL:

Ayes: Fieseler, Furstenau, Krause, Miller, Rosanova, Pradel, Dunn

Nays: None

Absent: Boyajian, Wehrli
Motion declared carried

M1e Ordinance No 09-024, approving the preliminary/final plat of subdivision for Sanish Subdivision

ORDINANCE NO 09-024,
PRELIMINARY/FINAL
PLAT OF SUBDIVISION,
SANISH SUBDIVISION

Miller moved to pass Ordinance No 09-024, to approve the preliminary final plat of subdivision for Sanish Subdivision, PC 1759 Second, Krause

ROLL CALL:

Ayes: Furstenau, Krause, Miller, Rosanova, Pradel, Dunn, Fieseler

Nays: None

Absent: Wehrli, Boyajian
Motion declared carried

N **ORDINANCES AND RESOLUTIONS:**

O **NEW BUSINESS:**

O1 Replacement of Road Impact Fee Moratorium Costs

Council asked when the Naperville Development Partnership would present its plan on the backfill of moratorium costs and requested a quarterly update

Schatz explained the work plan is included in the FY 2009-10 Strategic Plan

Krieger stated that it will be several months before a plan is presented

Council requested a three-month update on NDP consideration of future of the impact fee and other fees

O2 Video Cameras in the Downtown

Council asked if cameras were being considered for the downtown, specifically the block of Chicago Avenue between Washington and Main Street

Dial stated that the police department would be favorable to camera installation and will discuss costs during the budget workshops

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O3 Update on Nike Park

Council requested an agenda item which discusses the status of the development of Nike Park

Schatz advised the Park District has not submitted a petition for annexation and that staff will provide an update to Council in the Confidential Memorandum

P **CLOSED SESSION:**

Q **ADJOURNMENT:**

Rosanova moved to adjourn the Regular City Council meeting of February 17, 2009 at 9 36 p m Second, Krause

ADJOURNMENT -
9 36 P M

VOICE VOTE: Motion declared carried

The Regular City Council Meeting of February 17, 2009 officially adjourned at 9 36 p m



PAM LAFERBER
CITY CLERK

PL/bk

