



**CITY COUNCIL MEETING OF JANUARY 20, 2009
UNOFFICIAL PRIOR TO CITY COUNCIL APPROVAL
APPROVED BY THE CITY COUNCIL ON
February 3, 2009 AS WRITTEN.**

CALL TO ORDER

6 00 P M

A Mayor A George Pradel
Councilman James Boyajian
Councilman Joe Dunn
Councilman Robert Fieseler
Councilman Richard R Furstenau
Councilman Douglas Krause
Councilman Kenn Miller
Councilman John Rosanova – Arrived at 6 09 p m
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
Acting Finance Director, Chris Smith
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

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**FINAL AGENDA
CITY COUNCIL MEETING
JANUARY 20, 2009
PAGE 2**

B. CLOSED SESSION – 6:00 p.m.

Furstenau moved to recess to Closed Session to discuss approval of minutes, purchase of securities, investments or investment contract, threatened litigation, collective bargaining, pending litigation, and acquisition of property pursuant to 5 ILCS 120/2(c) 21,7,11,2, and 5 Second, Krause

ROLL CALL:

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

Nays: None

Absent: Rosanova

Motion declared carried

THE MEETING RECESSED TO CLOSED SESSION AT 6: 08 P.M.

CLOSED SESSION ENDED AT 7:19 P.M.

OPEN SESSION

Mayor Pradel called the meeting back to order at 7 22 p m

ROLL CALL to determine Quorum:

Present: Pradel, Boyajian, Dunn, Fieseler, Furstenau, Krause, Miller, Rosanova, Wehrli

Absent: None

C. PLEDGE TO THE FLAG:

D AWARDS AND RECOGNITIONS:

D1 Naperville Patriots Pee Wee 2008 American Youth Football National Champions

Mayor Pradel introduced the team and announced a repeat championship with a 32-0 record over 2007 and 2008

E PUBLIC FORUM:

E1 Garden Plots/Athletic Fields

Warren Gill, 844 Mobile Court, stated that the city should be reimbursed for time spent on Park District projects and that issues of flooding and traffic safety studies were not addressed by the Park District

E2 City Staff

H R Hoffman, 1210 Lawn Meadow Lane, stated that city staff has not delivered contrary views to the City Council and requested that thoughtful consideration be given to the opinion of the speakers on item M1

F HOLDOVER ITEMS:

G PETITIONS AND COMMUNICATIONS TO THE COUNCIL:

FINAL AGENDA
CITY COUNCIL MEETING
JANUARY 20, 2009
PAGE 3

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

Miller moved to create an Omnibus Ordinance 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 I12 and I13 Second, Krause

ROLL CALL:

Ayes: Pradel, Boyajian, Dunn, Fieseler, Furstenu, Krause,
 Miller, Rosanova, Wehrli

Nays: None
 Motion declared carried

- | | | |
|-----------|--|---|
| I1 | <u>Cash Disbursements for December 22, 2008 in the amount of \$16,414,911 39</u>

Council moved to approve the cash disbursements for December 22, 2008 in the amount of \$16,414,911 39 | CASH DISBURSEMENTS –
12/22/08 |
| I2 | <u>Special City Council Meeting Minutes of November 14, 2008</u>

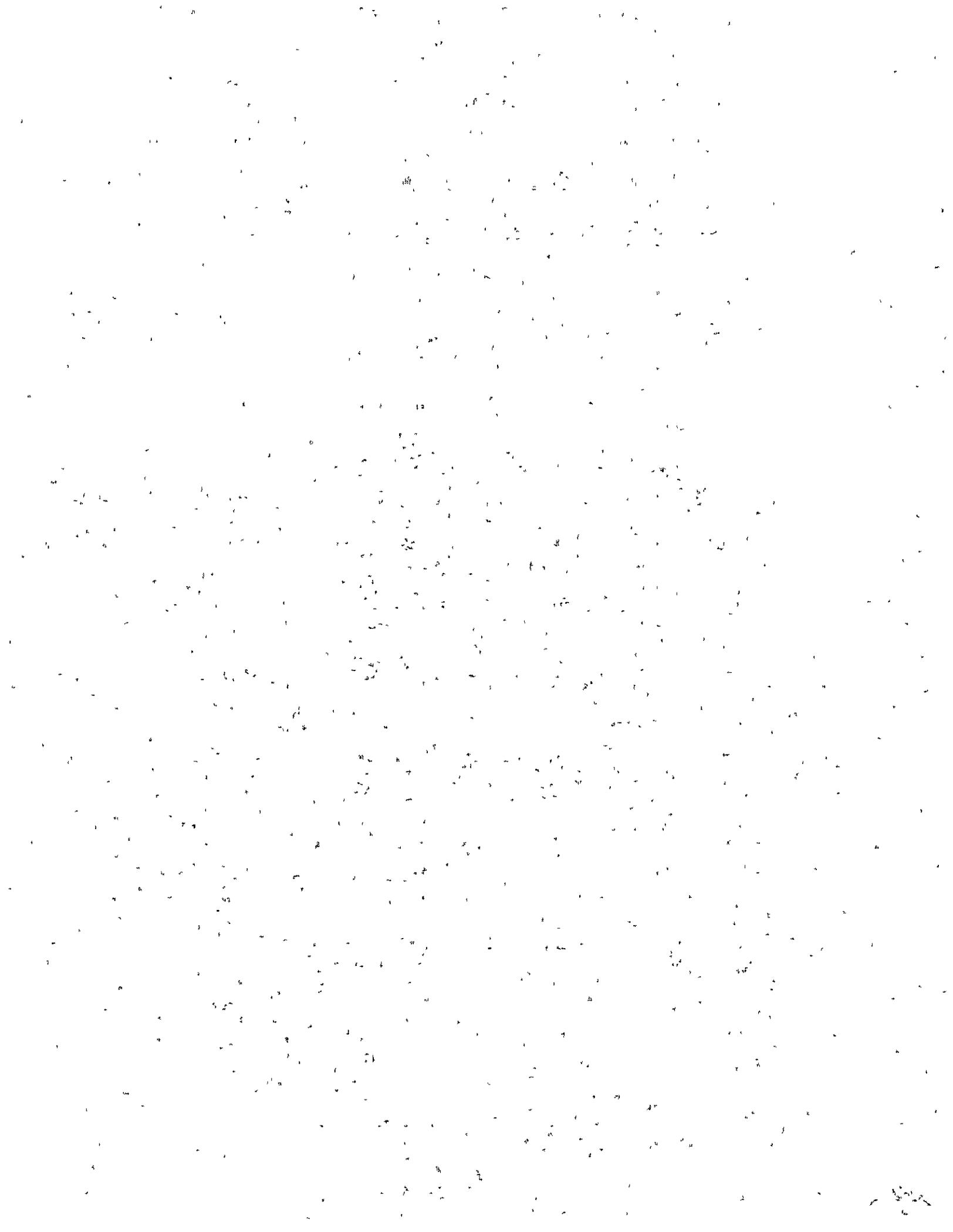
Council moved to approve the Special City Council Meeting Minutes of November 14, 2008 | SPECIAL CITY COUNCIL
MEETING MINUTES –
11/14/08 |
| I3 | <u>Regular City Council Meeting Minutes of January 6, 2009</u>

Council moved to approve the Regular City Council Meeting Minutes of January 6, 2009 | REGULAR CITY COUNCIL
MEETING MINUTES –
1/6/09 |
| I4 | <u>Procurement 09-130, Substation Automation System to Siemens Energy, Inc , for an amount of \$130,048</u>

Council moved to approve the award of Procurement 09-130, Substation Automation System to Siemens Energy, Inc , for an amount of \$130,048 | PROCUREMENT 09-130,
SUBSTATION
AUTOMATION SYSTEM |
| I5 | <u>RFP 09-088, 111th Street Improvements EJ&E Railroad to Route 59, CIP SC001, to Christopher B Burke Engineering, Ltd , for an amount not to exceed \$109,904 73</u>

Council moved to approve the award of RFP 09-088, 111 th Street Improvements EJ&E Railroad to Route 59, CIP SC001, to Christopher B Burke Engineering, Ltd , for an amount not to exceed \$109,904 73 | RFP 09-088, 111 TH STREET
IMPROVEMENTS EJ&E
RAILROAD TO ROUTE 59,
CIP SC001 |
| I6 | <u>Accept the public improvements for Monarch Landing and Carillon Club Phase II and authorize the City Clerk to reduce corresponding letters of credit</u>

Council moved to accept the public improvements for Monarch Landing and Carillon Club Phase II and authorize the City Clerk to reduce the corresponding letters of credit | PUBLIC IMPROVEMENTS
FOR MONARCH
LANDING AND
CARILLON CLUB PHASE
II |



**FINAL AGENDA
CITY COUNCIL MEETING
JANUARY 20, 2009
PAGE 4**

- I7** Approve the 2009 Special Events Calendar
Council moved to approve the 2009 Special Events Calendar
2009 SPECIAL EVENTS
CALENDAR
- I8** Ordinance No 09-006, granting a variance to Section 6-6A-7 (R1a, yard requirements) of the Naperville Municipal Code allowing a 15'10" encroachment for the existing single-family
Council moved to pass Ordinance No 09-006, granting a variance to Section 6-6A-7 (R1a, yard requirements) of the Naperville Municipal Code allowing a 15'10" encroachment for the existing single-family residence and an additional 1' encroachment for an addition into the required corner side-yard setback at 34 Elmwood Drive, ZBA #1176
ORDINANCE NO 09-006,
34 ELMWOOD DR , ZBA
#1176
- I9** Ordinance No 09-007, granting a variance to Section 6-2-10 (accessory buildings, structures and uses of land) of the Naperville Municipal code allowing a 4' reduction in the 5' required rear yard setback for a detached accessory structure at 1005 Hemlock Lane, ZBA 1178
Council moved to pass Ordinance No 09-007, granting a variance to Section 6-2-10 (accessory buildings, structures and uses of land) of the Naperville Municipal Code allowing a 4' reduction in the 5' required rear yard setback for a detached accessory structure at 1005 Hemlock Lane, ZBA #1178
ORDINANCE NO 09-007,
1005 HEMLOCK LN , ZBA
1178
- I10** Resolution No 09-003, approving an Intergovernmental Agreement with the Wheatland Township Road District regarding the establishment of a Railroad Quiet Zone along the EJ&E Railroad at Wolf's Crossing
Council moved to adopt Resolution No 09-003, approving an intergovernmental agreement with the Wheatland Township Road District regarding the establishment of a Railroad Quiet Zone along the EJ&E Railroad at Wolf's Crossing
RESOLUTION NO 09-003,
INTERGOVERNMENTAL
AGREEMENT –
RAILROAD QUIET ZONE
ALONG EJ&E RAILROAD
AT WOLF'S CROSSING
- I11** Ordinance No 09-008, approving the Owner's Acknowledgement and Acceptance Letter for the Naperville Riverfront Plaza Design Services for the Riverwalk Improvements
Council moved to pass Ordinance No 09-008, approving and authorizing the execution of the Owner's Acknowledgement and Acceptance Letter for the Naperville Riverfront Plaza Design Services for the Riverwalk Improvements
ORDINANCE NO 09-008,
OWNER'S
ACKNOWLEDGEMENT –
NAPERVILLE
RIVERFRONT PLAZA

**FINAL AGENDA
CITY COUNCIL MEETING
JANUARY 20, 2009
PAGE 5**

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- I12** Ordinance No 09-009 to establish no parking, Sundays, 7 a m – 12 p m on the west side of Cherry Blossom Lane from Robin Hill Drive to Elmwood Drive ORDINANCE NO 09-009,
NO PARKING – CHERRY
BLOSSOM LANE
- Boyajian moved to pass Ordinance No 09-009, to establish No Parking, Sunday, 7 a m to 12 p m on the west side of Cherry Blossom Lane from Robin Hill Drive to Elmwood Drive Second, Furstenau
- ROLL CALL:**
Ayes: Boyajian, Dunn, Fieseler, Furstenau, Krause, Miller, Rosanova, Wehrli, Pradel
Nays: None
 Motion declared carried
- I13** Resolution No 09-004 authorizing the execution of the collective bargaining agreement between the City of Naperville and MAP Chapter 363 Naperville Police Sergeants RESOLUTION NO 09-004,
COLLECTIVE
BARGAINING
AGREEMENT – MAP
POLICE SERGEANTS
- Boyajian moved to adopt Resolution No 09-004, authorizing the execution of the collective bargaining agreement between the City of Naperville and MAP Chapter 363 Naperville Police Sergeants Second, Miller
- ROLL CALL:**
Ayes: Dunn, Fieseler, Krause, Miller, Rosanova, Pradel, Boyajian
Nays: Furstenau, Wehrli.
 Motion declared carried
-
- J** **OLD BUSINESS:**
- K** **AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE**
- K1** Authorize the City Manager to execute the agreement to lock fuel prices at a level consistent with front month RBOB NYMEX market pricing at less than \$1 00 per gallon LOCK FUEL PRICES
CONSISTENT WITH
FRONT MONTH MARKET
PRICING
- Boyajian moved to authorize the city manager to execute the agreement to lock fuel prices at a level consistent with front month RBOB NYMEX market pricing at less than \$1 00 per gallon Second, Furstenau
- Krieger explained that if gas prices fall below \$1 00, staff will poll Council as to their availability and schedule a meeting separate from a regular Council meeting with a 48-hour notification

**FINAL AGENDA
CITY COUNCIL MEETING
JANUARY 20, 2009
PAGE 6**

- K1** Authorize the City Manager to execute the agreement to lock fuel prices at a level consistent with front month RBOB NYMEX market pricing at less than \$1.00 per gallon **Continued.**

LOCK FUEL PRICES
CONSISTENT WITH
FRONT MONTH MARKET
PRICING

Council discussed not setting a long-term policy but rather speculating on gas prices, spending money for a one-year lock, having this as a tool for Council which could result in a savings of \$750,000, that a similar process was used for the electric purchase, and differences in purchasing strategies for the private and public sectors

ROLL CALL:

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

Nays: Fieseler, Rosanova, Dunn

Motion declared carried

L **REPORTS AND RECOMMENDATIONS:**

- L1** Approve the City Council Meeting Schedule for January, February and March 2009

CITY COUNCIL MEETING
SCHEDULE

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

VOICE VOTE: Motion declared carried

- L2** Deny the request to allocate \$7,500 to join TRAC in appealing the STB's decision to approve Canadian National's acquisition of the EJ&E Railway, and direct that the City of Naperville's name is removed from the appeal

TRAC APPEAL –
ACQUISITION OF EJ&E

Jim Healy, DuPage County Board, stated that \$7,500 would be the price to participate in the litigation and appeal, explained the discussions would include mitigation efforts, funding over 10-12 years, having CN and federal government pay more, have the STB review the entire effect of the environmental impact study because the recommendation is not sufficient to address all needs of this area

Council discussed insuring environmental mitigation would take place and would be properly funded and that there is an interlocking set of interests with surrounding communities

Furstenau moved to allocate \$7,500 to join TRAC in appealing the STB's decision to approve Canadian National's acquisition of the EJ&E Railway Second, Krause

ROLL CALL:

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

Nays: None

Motion declared carried

FINAL AGENDA
CITY COUNCIL MEETING
JANUARY 20, 2009
PAGE 7

M PUBLIC HEARINGS:

M1 The Woods along Old Plank Road, PC 1740

THE WOODS ALONG OLD
PLANK RD PC 1740

M1a Conduct the public hearing

The public hearing opened at 8 01 p m

Rosanova moved to close the public hearing at 9 13 p m Second,
Krause

VOICE VOTE: Motion declared carried

Russ Whittaker, attorney for the petitioner, gave a presentation of the
development

Bryan Barger, 680 Milton Drive, Bob Swininoga, 1241 Marls Court,
KC Swininoga, 1241 Marls Court, Paul Styka, 1000 Springhill
Drive, Pete Adamovich, 1021 N Charles St , Janet Tannenbaum,
1149 Brighton Rd , Tom Broz, 1020 N Charles St , Sue Hartmann,
1025 Buckingham, Chris Aquino, 553 Plank Road, Jane Pickens, 832
Biltmore Ct , John Pinner, 677 Milton Dr , Bruce Dixon, 1237 Marls
Ct , Lee Ann Jones, 1113 Needham Rd , Bruce Anderson, 1107
Plank Road, Georgia Peceniak, 1121 Needham Rd , David Ritchie,
523 Springhill Circle, and Maria Polski, 24W640 Partridge
Court spoke against the development because Plan Commission
opposed it, the proposed density, it does not fit with the existing area,
there are better design opportunities, the plan is too big for the
property, a tree preservation plan has not been thoughtfully
considered, existing land owners are burdened with easements, the
uncertainty of the underground detention system, the number of
variances requested, and the lack of outdoor space for children

Clerk's Note: The 30-minute time limit for public speakers was
extended at 8 45 p m

M1b Option 1 Concur with the Plan Commission and deny the petition
for The Woods Along Old Plank Road, PC 1740

THE WOODS ALONG OLD
PLANK RD PC 1740

Option 2. Concur with staff and direct staff to prepare ordinances
for The Woods along Old Plank Road, including an enhanced tree
preservation plan

Council discussed having the petitioner come back to Council after
having addressed the road placement and potential road redesign,
solutions to mitigate the number of variances requested, the concern
about flooding and include a staff report, provide a detailed
description of the landscape/tree plan including a discussion of how
the plan would change as the development is altered

Council asked about the proposed easements, how the underground
vaults will distribute water, and the potential to change the location
of the road intersection

**FINAL AGENDA
CITY COUNCIL MEETING
JANUARY 20, 2009
PAGE 8**

M1b **Option 1** Concur with the Plan Commission and deny the petition for The Woods Along Old Plank Road, PC 1740

THE WOODS ALONG OLD
PLANK RD PC 1740

Option 2. Concur with staff and direct staff to prepare ordinances for The Woods along Old Plank Road, including an enhanced tree preservation plan **Continued.**

Novack stated that the petitioner is proposing a gap in the right-of-way, that no easement is proposed and that this has been done with other developments, there will be no redirection of the water, it will go under Plank Road through the culvert to the Plank Road detention basin, it is possible to change the road intersection but it would result in the loss of housing units

Council stated that engaging the neighbors is critical and that the developer needs to come back with neighbor buy-in

Boyajian moved to table this item to the first meeting in March
Second, Miller

Furstenau made a motion of substitution to deny the petition for The Woods Along Old Plank Road, PC 1740 Second, Krause

ROLL CALL on Motion of Substitution:

Ayes: Rosanova, Wehrli, Fieseler, Furstenau, Krause

Nays: Pradel, Boyajian, Dunn, Miller

Motion declared carried

N ORDINANCES AND RESOLUTIONS:

N1 Ordinance No 09-010, approving a moratorium of the road impact fee through December 31, 2009 and direct staff and the Naperville Development Partnership to work together to identify sustainable funding sources for roadway projects

ORDINANCE NO 09-010,
MORATORIUM OF ROAD
IMPACT FEE

Kevin Gallaher, 1111 S Washington, spoke on behalf of Toyota of Naperville and would like Council to design an equitable impact fee program, requests two weeks to discuss a plan with staff

Council discussed the importance of moving forward with the moratorium on new construction

Boyajian moved to pass Ordinance No 09-010, approving a moratorium of the road impact fee through December 31, 2009 and direct staff and the Naperville Development Partnership to work together to identify sustainable funding sources for roadway projects and directed staff to develop a plan for existing vacant spaces in any building where a lease or sales agreement has not been signed, and to conduct a full review of all development fees including those of surrounding areas during the moratorium year Second, Miller

ROLL CALL:

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

Nays: None

Motion declared carried

**FINAL AGENDA
CITY COUNCIL MEETING
JANUARY 20, 2009
PAGE 9**

O NEW BUSINESS:

O1 Maplebrook Sound Walls

Council thanked staff for their comprehensive work

O2 Washington Woods

Council discussed the e-mails received from residents and requested that one consolidated staff review of the issue be done

Krieger stated there would be a staff review, that a site visit was conducted by the city manager's office and the inspection team, no code violations were found, and that staff will seek specific clarification of allegations from the homeowners

Schatz added that staff is confident that health, safety, and welfare requirements are being met

Council requested a description of the scope of the problem, a city-wide audit of properties in foreclosure, and for staff to research how other communities address this issue

P CLOSED SESSION:

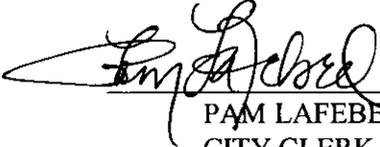
Q ADJOURNMENT:

Rosanova moved to adjourn the Regular City Council meeting of January 20, 2009 at 10 04 p m Second, Furstenau

ADJOURNMENT –
10 04 P M

VOICE VOTE: Motion declared carried

The Regular City Council Meeting of January 20, 2009 officially adjourned at 10 04 p m


PAM LAFERBER
CITY CLERK

PL/bk

