



City of Naperville

400 S. Eagle Street
Naperville, IL 60540

Meeting Minutes

City Council

Tuesday, November 19, 2019

7:00 PM

Council Chambers

A. CALL TO ORDER:

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

B. ROLL CALL:

C. CLOSED SESSION - Canceled

OPEN SESSION - 7:00 p.m.

D. ROLL CALL:

Present: 9 - Mayor Steve Chirico
Councilwoman Judith Brodhead
Councilman Kevin Coyne
Councilwoman Patty Gustin
Councilman Paul Hinterlong
Councilman Patrick Kelly
Councilman John Krummen
Councilwoman Theresa Sullivan
Councilman Benjamin White

Also Present

City Manager, Doug Krieger; Deputy City Manager, Marcie Schatz; City Attorney, Mike DiSanto; City Clerk, Pam Gallahue; Fire Chief, Mark Puknaitis; Police Chief, Robert Marshall; Director of Finance, Rachel Mayer; Director of Human Resources, James Sheehan; Director of IT, Jacqueline Nguyen; Director of TED, Bill Novack; Deputy Director of TED, Jennifer Loudon; Deputy Director of TED, Allison Laff; Director of Public Utilities - Electric, Lucy Podlesny; Director of Public Utilities - Water, Darrell Blenniss, Jr.; Director of Public Works, Dick Dublinski; Pat Lord, Senior Assistant City Attorney

Daily Herald, Naperville Sun, NCTV-17

E. PLEDGE TO THE FLAG:

The pledge was given.

F. AWARDS AND RECOGNITIONS:

Chirico recognized Councilman Hinterlong and wished him a Happy Birthday.

G. PUBLIC FORUM:

Government Interference in Private Development

Kaylin Risvold, President and CEO Naperville Chamber of Commerce, urged Council to continue to be cognizant of the importance of economic development when making decisions.

Teen Suicide and Firearms

Dr. Dana Bussing requested Council pass an ordinance regarding unsupervised access to firearms.

By consensus Council directed staff to research the request and bring back recommendations.

Teen Suicide and Firearms

Laura Kelly, Naperville, spoke in favor of safe gun storage.

Historic District

Tim Messer discussed potential funding mechanisms that could be used to preserve the Historic District.

5th Avenue Commuter Parking

Thom Higgins requested Council relax the regulations of the Open Meetings Act (OMA) in order for the Steering Committee to meet.

DiSanto said the Steering Committee has not been disbanded, cannot act in violation of OMA, and the City does not have authority to change OMA regulations. He offered suggestions of how limited group membership can legally meet outside of OMA.

Council discussed the possibility of forming a task force from a subset of Steering Committee members that could meet on a specific topic and stated additional conversations regarding logistics are necessary.

Parkway Trees

Gail Diedrichsen discussed protecting trees during construction and requiring builders to replace parkway trees after the construction has concluded.

Novack explained the teardown process, fines, that tree removal must be approved by the City, and that the City Forester will evaluate the subject tree and speak with the builder.

Naperville IMEA

Greg Hubert, Naperville, discussed coal plants and Naperville's IMEA contract.

Naperville IMEA

Bill Dawe, Naperville, requested that IMEA contract extension efforts be publicly reviewed.

Podlesny explained that the City is under contract with IMEA until 2035, IMEA is subject to OMA regulations, that how the City operates beyond 2035 will require involvement with community, City Council, PUAB, and all deliberations will be very transparent.

Council discussed having the IMEA contract on a future public agenda.

H. CONSIDERATION OF MOTION TO USE OMNIBUS METHOD FOR THE CONSENT AGENDA:

A motion was made by Councilwoman Brodhead, seconded by Councilman Hinterlong, to use the Omnibus method to approve the Consent Agenda. The motion carried by the following vote:

Aye: 9 - Chirico, Brodhead, Coyne, Gustin, Hinterlong, Kelly, Krummen, Sullivan, and White

I. CONSENT AGENDA:

Approval of the Consent Agenda

A motion was made by Councilwoman Brodhead, seconded by Councilman Hinterlong, to approve the Consent Agenda with the exception of items I16, I7, I13, and I18. The motion carried by the following vote:

Aye: 9 - Chirico, Brodhead, Coyne, Gustin, Hinterlong, Kelly, Krummen, Sullivan, and White

1. Approve the 10/01/2019 through 10/31/2019 cash disbursements for a total of \$29,450,057.51.
Council approved.
2. Approve the minutes from the October 28, 2019 Budget Workshop
Council approved.
3. Approve the regular City Council meeting minutes of November 5, 2019
Council approved.
4. Approve the City Council meeting schedule for December 2019 and January & February 2020
Council approved.
5. Approve the award of Bid 19-297, Bulk Magnesium Hydroxide, to Clear2O Inc, for an amount not to exceed \$149,836.40 and for a two-year term
Council approved.
6. Approve the award of Option Year One to Contract 16-347, Water Meter Testing and Repair, to HBK Water Meter Service, Inc. for an amount not to exceed \$118,151.79

Blenniss explained the 2% increase is a reasonable estimate and that HBK's performance has been satisfactory.

A motion was made by Councilwoman Brodhead, seconded by Councilman Krummen, to approve the award of Option Year One to Contract 16-347, Water Meter Testing and Repair, to HBK Water Meter Service, Inc. for an amount not to exceed \$118,151.79. The motion carried by the following vote:

Aye: 9 - Chirico, Brodhead, Coyne, Gustin, Hinterlong, Kelly, Krummen, Sullivan, and White

7. Approve the award of Option Year Two to Contract 18-126, Sanitary Manhole Replacement, to Sheridan Plumbing & Sewer, Inc. for an amount not to exceed \$131,420, plus a 5% contingency

A motion was made by Councilwoman Brodhead, seconded by Councilman Hinterlong, to table the award of Option Year Two to Contract 18-126, Sanitary Manhole Replacement, to Sheridan Plumbing & Sewer, Inc. for an amount not to exceed \$131,420, plus a 5% contingency to the meeting of December 3, 2019. The motion carried by the following vote:

Aye: 9 - Chirico, Brodhead, Coyne, Gustin, Hinterlong, Kelly, Krummen, Sullivan, and White

8. Approve the award of RFP 19-208, Water Utilities Asset Evaluation and Capital Program Development, to Baxter & Woodman, Inc. for an amount not to exceed \$128,700

Council approved.

9. Approve the award of Bid 19-275, Naper Boulevard Retaining Wall Renovations, to Lorig Construction Company for an amount not to exceed \$627,800, plus a 3% contingency

Council approved.

10. Approve the award of Change Order #1 to Cooperative Procurement 19-308, Command Center High Definition Video Wall System, to CDW Government, LLC. For an amount not to exceed \$43,355 and a total award of \$164,187.71

Council approved.

11. Conduct the first reading of an ordinance amending Sections 3-3-3 and 3-3-11 of the Naperville Municipal Code regarding the Class R - Legitimate Theater House liquor license

First reading held.

12. Waive the first reading and pass the ordinance modifying Section 10-2-3 of the Naperville Municipal Code to change local cannabis possession offenses to comply with the Cannabis Regulation and Tax Act (requires 6 positive votes)

Enactment No.: ORD 19-148

Council passed.

13. Waive the first reading and pass the ordinance amending fees for work completed without a permit (requires six positive votes)

Council discussed staff's recommendation, the appropriateness of revising the fine down to \$1,000, repeat offenders, and including fines to the builder.

DiSanto explained staff did consider fining the builder and ultimately decided against but will research other avenues.

A motion was made by Councilman Coyne, seconded by Councilman Hinterlong, to table the approval of the ordinance amending fees for work completed without a permit for 90 days. The motion carried by the following vote:

Aye: 9 - Chirico, Brodhead, Coyne, Gustin, Hinterlong, Kelly, Krummen, Sullivan, and White

14. Receive the staff report for the property located at 204 Route 59 (Westridge Court Shopping Center) - PZC 19-1-078 (Item 1 of 3)

The report was received.
15. Pass the ordinance approving the preliminary/final plat of subdivision for Glacier Park Resubdivision No. 10 (Westridge Court Shopping Center) - PZC 19-1-078 (Item 2 of 3)

Enactment No.: ORD 19-149

Council passed.
16. Pass the ordinance approving variances to: increase the maximum FAR for Lots 3 and 4; reduce the required number of loading berths for Lots 3 and 4; permit parking for Lots 1-3 and Lots 4-6 to be considered collectively; and, reduce the required parking for Lots 1-3 and 4-6 for the Westridge Court Shopping Center - PZC 19-1-078 (Item 3 of 3)

Enactment No.: ORD 19-150

Council passed.
17. Pass the ordinance approving variances from Section 6-2-12:1.1 and Section 6-2-12:1.2 in order to permit a 4' 6" tall steel open fence with 5' 6" tall brick piers within the required front yard setback at the subject property located at 1219 Olesen Drive, Naperville - PZC 19-1-107

Enactment No.: ORD 19-151

Council passed.
18. Pass the ordinance proposing the establishment of and setting a public hearing for Special Service Area No. 32 for the Wagner Farms shared-use paths

Council discussed the appropriateness of the City maintaining common areas in subdivisions.

Novack explained the ordinance must be passed as a condition of the annexation agreement and if the developer does not provide maintenance services the City will be reimbursed through the SSA for all expenses to hire an outside party.

Enactment No.: ORD 19-152

A motion was made by Councilwoman Brodhead, seconded by Councilman Hinterlong, to pass the ordinance proposing the establishment of and setting a public hearing for Special Service Area No. 32 for the Wagner Farms shared-use paths. The motion carried by the following vote:

Aye: 9 - Chirico, Brodhead, Coyne, Gustin, Hinterlong, Kelly, Krummen, Sullivan, and White

- 19.** Adopt a resolution approving the third amendment to the intergovernmental agreement between the City of Naperville and the Naperville Township Road District for the construction engineering services and construction of North Aurora Road between Frontenac Road and Fairway Drive (CIP Project #SC033)

Enactment No.: RES 19-42

Council adopted.

- 20.** Adopt a resolution approving the local-public agency agreement with the Illinois Department of Transportation for the construction engineering services and construction of North Aurora Road between Frontenac Road and Fairway Drive (CIP Project #SC033) (Item 1 of 2)

Enactment No.: RES 19-43

Council adopted.

- 21.** Adopt a resolution approving an appropriation of funds in the sum of \$5,200,000 for construction services for improvements to North Aurora Road between Frontenac Road and Fairway Drive (CIP Project #SC033) (Item 2 of 2)

Enactment No.: RES 19-44

Council adopted.

- 22.** Approve the firework display application and issue a permit for the December 31, 2019 display at Top Golf Naperville

Council approved.

J. PUBLIC HEARINGS:

K. OLD BUSINESS:

L. ORDINANCES AND RESOLUTIONS:

- 1.** Adopt the resolution supporting City funding of Naper Settlement's Innovation Gateway and Agricultural Center capital improvements

Marilyn Schweitzer, Naperville, spoke against funding the proposed projects.

Council discussed fundraising efforts, the City's responsibility to pay only after the Heritage Society raises funds, and opportunities for public input.

Enactment No.: RES 19-45

A motion was made by Councilman Coyne, seconded by Councilwoman Gustin, to adopt the resolution supporting City funding of Naper Settlement's Innovation Gateway and Agricultural Center capital improvements. The motion carried by the following vote:

Aye: 9 - Chirico, Brodhead, Coyne, Gustin, Hinterlong, Kelly, Krummen, Sullivan, and White

M. AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:

N. PETITIONS AND COMMUNICATIONS:

O. REPORTS AND RECOMMENDATIONS:

1. **Option A:** Concur with the HPC and uphold its ruling on COA #19-2840 that denied demolition of the Kroehler Mansion located at 126 N. Wright Street, Naperville

Option B: Concur with the Petitioner and approve COA #19-2840 to allow demolition of the Kroehler Mansion located at 126 N. Wright Street, Naperville

Krummen recused himself due to a conflict of interest and left the dais from 8:05 p.m. - 10:41 p.m.

Scott Day, Attorney for Petitioner, explained the reasons for the appeal of the Historic Preservation Commission (HPC) decision, the cost of an occupancy permit and historical/architectural significance standards, and that Peter Kroehler lived in the mansion for 18 months. He discussed economic reasonableness of the COA denial, that Little Friends will lose \$1M- \$1.5M to preserve the mansion, the amount of repairs necessary to stay in the mansion, the mansion is not designed for education purposes, that it has not served as a home since 1945, no amount of renovation will accommodate the future space needs of Little Friends, that the HPC report stated renovations are irrelevant and that an occupancy permit can be obtained without the repairs.

Brand Bobosky, Naperville, spoke in favor of Option B.

Mary Esser, great great niece of Peter Kroehler, Naperville, spoke in favor of Option B.

Leanne Meyer-Smith, Darien, spoke in favor of Option B.

Matt Ishikawa, Oak Brook, spoke in favor of Option B.

Patti Boheme, Naperville, spoke in favor of Option B.

Nancy Knott, Naperville, spoke in favor of Option B.

Grant Wehrli, Naperville, spoke in favor of Option B.

Tom Connors, Naperville, spoke in favor of Option B.

Ray Kinney, Naperville, spoke in favor of Option B.

Mike Briggs, Naperville, spoke in favor of Option B.

Jim Wills, Naperville, spoke in favor of upholding the Historic Preservation Commission ruling.

Lyndsey Kokoris, spoke in favor of Option B.

Tim Messer, Naperville, spoke in favor of upholding the Historic Preservation Commission ruling.

Thom Higgins, spoke in favor of upholding the Historic Preservation Commission ruling.

Mark Urda, Naperville, spoke in favor of upholding the Historic Preservation Commission ruling.

George Howard, Naperville, spoke in favor of upholding the Historic Preservation Commission ruling.

The meeting recessed from 9:06 p.m. - 9:12 p.m.

Julie Garrison, Naperville, spoke in favor of upholding the Historic Preservation Commission ruling.

Becky Simon, Naperville, spoke in favor of upholding the Historic Preservation Commission ruling.

Tom Ryan, Naperville, spoke in favor of upholding the Historic Preservation Commission ruling.

Marilyn Schweitzer, Naperville, spoke in favor of upholding the Historic Preservation Commission ruling.

Doris Wood, spoke in favor of Option B.

Dominic Nugent, spoke in favor of upholding the Historic Preservation Commission ruling.

Tom Coyne, Naperville, spoke in favor of upholding the Historic Preservation Commission ruling.

Scott Day rebutted speakers and discussed economic reasonableness and cost of occupancy permit, maintaining a blighted-looking structure in the Historic District, that demolishing the mansion would be an improvement, and the amount of money Little Friends would lose by staying at the Kroehler location.

Ishikawa stated he is confident that the property has been marketed to the fullest extent.

Council discussed equity to owners in Historic District and when Little Friends took ownership.

Lord explained the timeline of the Historic District development and stated that Little Friends acquired the property in 1989.

Council discussed treating this property owner differently than other residential property owners, possible development opportunities if the mansion is demolished, and relocating the mansion.

Laff explained that standards and processes are the same regardless of residential or commercial ownership. She said all parties are able to apply and appeal a COA, that any future development will need to be reviewed by HPC, be appropriate for the District, and adhere to Historic District design guidelines.

Ishikawa stated single family homes would be the highest and best use and that developers have been educated on requirements of future development in the Historic District.

Day explained that relocating the mansion would reduce renovation to \$4M and renovation costs would be \$5M if it remained in its current location.

Ishikawa stated that marketability is not impacted regardless of mansion location and it is still an economic liability.

Council discussed the mansion and the property owner, historical significance, the economic hardship to maintain, and the service provided by Little Friends.

Council discussed the appropriateness of being involved in Little Friends economic situation, the potential to build something different on the property, the impact to property values, anything new would be built within the constraints of HPC each new property would need to receive a COA.

Laff explained COA submittal process.

Council discussed the Historic District, difficult to deny exploring the highest and best use, the financial burden on Little Friends, and the City should not keep Little Friends waiting while fund raising solutions are being considered. Further discussed was why the building should be saved, the appropriateness of using public money to save a private residence, the difference between the mansion and Nichols Library, that no taxpayer money was used to save the library, whether or not the SECA Grant fund would be appropriate, and that grants are available if it is redeveloped into a duplex.

A motion was made by Councilwoman Sullivan, seconded by Councilman Coyne, to concur with the Petitioner and approve COA #19-2840 to allow demolition of the Kroehler Mansion located at 126 N. Wright Street, Naperville (Option B). The motion carried by the following vote:

Aye: 6 - Chirico, Brodhead, Coyne, Gustin, Sullivan, and White

Nay: 2 - Hinterlong, and Kelly

Recused: 1 - Krummen

P. NEW BUSINESS:

Kroehler mansion funding

Coyne asked for, and received, Council consensus to staff to continue dialogue with Little Friends and all interested developers to discuss possible incentive options and/or SECA Grant fund involvement which could lead to the preservation and/or rehabilitation of the Kroehler mansion.

Chirico proposed considering the model used to fund the Naperville Settlement buildings.

Kelly requested staff continue to discuss Little Friends' financial situation while funding models are being considered.

Diversity Task Force

Gustin requested that the City form a diversity task force.

White suggested there may be overlap with the existing Naperville Neighbors United group and further discussions will be needed to determine missions and whether there are any duplicative efforts before forming another group.

Naperville Fire Department

Krummen stated he, the mayor, and Councilman Kelly participated in Firefighters 101 and thanked the department for what they do.

Q. ADJOURNMENT:

A motion was made by Councilman Krummen, seconded by Councilwoman Sullivan, to adjourn the Regular City Council Meeting of November 19, 2019 at 10:50 p.m. The motion carried by the following vote:

Aye: 9 - Chirico, Brodhead, Coyne, Gustin, Hinterlong, Kelly, Krummen, Sullivan, and White