



# City of Naperville

400 S. Eagle Street  
Naperville, IL 60540

## Meeting Minutes

### City Council

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Tuesday, December 5, 2017

7:00 PM

Council Chambers

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#### A. CALL TO ORDER:

Chirico called the meeting to order at 5:30 p.m.

#### B. ROLL CALL:

**Present:** 9 - Mayor Steve Chirico  
Councilwoman Becky Anderson  
Councilwoman Judy Brodhead  
Councilman Kevin Coyne  
Councilwoman Patty Gustin  
Councilman Paul Hinterlong  
Councilman John Kruppen  
Councilwoman Rebecca Obarski  
Councilman Benjamin White

#### C. CLOSED SESSION - 5:30 p.m.

**A motion was made by Councilwoman Obarski, seconded by Councilwoman Gustin, to recess to Closed Session to discuss 120/2(c)(6) Sale of Property and 120/2(c)(21) Approval of Minutes. The motion carried by the following vote:**

**Aye:** 9 - Chirico, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Kruppen, Obarski, and White

OPEN SESSION - 7:00 p.m.

Chirico called the meeting to order at 7:07 p.m.

#### D. ROLL CALL:

**Present:** 9 - Mayor Steve Chirico  
Councilwoman Becky Anderson  
Councilwoman Judy Brodhead  
Councilman Kevin Coyne  
Councilwoman Patty Gustin  
Councilman Paul Hinterlong  
Councilman John Kruppen  
Councilwoman Rebecca Obarski  
Councilman Benjamin White

Also Present

City Manager, Doug Krieger; Deputy City Manager, Marcie Schatz; Deputy City

Attorney, Mike DiSanto; City Clerk, Pam Gallahue; Fire Chief, Mark Puknaitis; Police Chief, Robert Marshall; Finance Support Services Supervisor, Erik Hallgren; Director of Human Resources, James Sheehan; Director of IT, Jeff Anderson; Director of TED, Bill Novack; Deputy Director of TED, Jennifer Loudon; Deputy Director of TED, Allison Laff; Director of Public Utilities - Electric, Mark Curran; Director of Public Utilities - Water, Jim Holzapfel; Director of Public Works, Dick Dublinski; Senior Assistant City Attorney, Kristen Foley

Naperville Sun, NCTV-17

## **E. PLEDGE TO THE FLAG:**

Pledge given.

## **F. AWARDS AND RECOGNITIONS:**

## **G. PUBLIC FORUM:**

95th St. Project

Doreen Swindall discussed funding that was allocated for a sound wall and the noise resulting from the construction.

95th St. Project

Diane O'Connor discussed her home's proximity to 95th Street, truck traffic, and sound walls in area subdivisions.

Novack explained that a sound wall was not recommend west of Naperville/Plainfield Road, that a guardrail has been approved to be lengthened as part of the construction project. He also discussed truck traffic, designated truck routes, and traffic mitigation efforts in other areas of the city.

## **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, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Krummen, Obarski, 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. The motion carried by the following vote:**

**Aye:** 9 - Chirico, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White

1. Approve the Regular City Council Meeting Minutes of November 21, 2017.  
**Council approved.**
2. Approve the CY18 SECA Grant Fund Workshop Minutes of November 21, 2017.  
**Council approved.**
3. Approve the Award of Change Order #1 to Contract 16-118, Tree Trimming, Tree Removal and Disposal of Debris, to Asplundh Tree Experts Company in an amount not to exceed \$50,000 and a total award of \$621,000 and for an additional 90 days.  
**Council approved.**
4. Approve the Award of Bid 17-148, 2017 Sanitary Sewer Manhole Upper Structure Rehabilitation, to Performance Pipelining, Inc. for an amount not to exceed \$354,500, plus a 5% contingency.  
**Council approved.**
5. Approve the Award of Bid 17-191, Southeast Water Works Booster Pump Upgrades, to Brieser Construction for an amount not to exceed \$313,700, plus a 5% contingency.  
**Council approved.**
6. Approve the Award of Job Order Contracts for Security Camera Network Wiring to F. H. Paschen for the amount not to exceed \$185,767.27.  
**Council approved.**
7. Accept the Public Storm Sewer Improvements at Charleston Reserve and authorize the City Clerk to reduce the corresponding public improvement surety.  
**Council approved.**
8. Approve the City Council meeting schedule for December 2017, January, February & March 2018.  
**Council approved.**
9. Receive the staff report for Metro West (PZC 17-1-092) located at 1911 Continental Avenue (Item 1 of 3).  
**Council passed.**
10. Pass the Ordinance approving a major change to the Railway Plaza Commercial PUD for the Final PUD for Railway Plaza Commercial Resubdivision of Lot 1, and a deviation to the minimum lot area for Metro West (PZC 17-1-092) located at 1911 Continental Avenue (Item 2 of 3).

Enactment No: ORD 17-163

**Council passed.**

11. Pass the Ordinance approving the Preliminary/Final Plat of Subdivision and deviations to Municipal Code Section 7-3-5 for Railway Plaza Commercial Resubdivision of Lot 1 located at 1911 Continental Avenue, PZC 17-1-092 (Item 3 of 3).

Enactment No: ORD 17-164

**Council passed.**

12. Waive the First Reading and Pass the Ordinance Amending Chapter 11 (Sister Cities Commission) of Title 2 (Boards and Commissions) of the Naperville Municipal Code (6 positive votes required)

Enactment No: ORD 17-165

**Council passed.**

## **J. PUBLIC HEARINGS:**

1. Conduct the Public Hearing for the Calendar Year 2018 Annual Operating Budget (Item 1 of 2)

Chirico opened the Public Hearing at 7:28 p.m.

**A motion was made by Councilman Hinterlong, seconded by Councilwoman Obarski, to close the Public Hearing at 7:28 p.m. The motion carried by the following vote:**

**Aye:** 9 - Chirico, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White

2. Pass the ordinance adopting the Calendar Year 2018 Annual Budget in the amount of \$443,643,800 (Item 2 of 2)

Council discussed possibly tabling the vote and taking more time to find additional efficiencies.

Krieger explained that after the budget is passed the Council will have four months to research efficiencies and implement a final tax levy in March.

Council discussed revenue from the HRST, garbage tax, and ambulance fee in addition to the utility increase and the delay of capital projects.

Hallgren explained that the budget must be approved prior to the tax levy, that the levy is due to the county the last week of December, and that approval of the budget and passage of the levy cannot be done on the same night but a special meeting can be scheduled.

Krieger explained the budget challenges, that the budget is scrutinized year-round, and that there was a conscience decision to increase funding for services based on the most recent citizen survey.

Council discussed meeting logistics, financial principles, that the budget has not been structurally balanced for years, pension cost increases, debt service increase, the city's performance on the citizen survey, and that if services are cut the residents may feel the city is not delivering the level of service they expect.

Council also discussed the need to find opportunities to raise revenue, that property taxes have decreased over the years, that staff should do true strategic reviews of the budget, prioritize services and reductions, and look for efficiencies.

Enactment No: ORD 17-166

**A motion was made by Councilwoman Brodhead, seconded by Councilman White, that this agenda item be passed as amended to include direction to staff to continue the project of looking for efficiencies and leaner government and to report back to Council at the January 16, 2018 meeting. The motion carried by the following vote:**

**Aye:** 5 - Chirico, Anderson, Brodhead, Obarski, and White

**Nay:** 4 - Coyne, Gustin, Hinterlong, and Krummen

## **K. OLD BUSINESS:**

## **L. ORDINANCES AND RESOLUTIONS:**

1. Select either Option A or Option B and Pass the corresponding Ordinance Amending Chapter 4 (Animal Control) of Title 10 (Police Regulations) of the Naperville Municipal Code

Obarski recused herself due to a conflict of interest and left the dais from 7:51 p.m. - 10:42 p.m.

**A motion was made by Councilman Krummen, seconded by Councilwoman Gustin, to extend the public forum portion of the agenda item to 90 minutes. The motion carried by the following vote:**

**Aye:** 8 - Chirico, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Krummen, and White

**Recused:** 1 - Obarski

Nicki Anderson, Naperville Area Chamber of Commerce, spoke in favor of the proposed ordinance.

Jackie Freeman, spoke in favor of Option B.

Madison Smith, Naperville, spoke in favor of the proposed ordinance.

Jeremy Buishas, urged Council to visit breeders.

Greg Gordon, spoke in favor of the proposed ordinance.

Mary Kaye Kendrick, discussed K-9 science and cognition.

Peggy Grandahl, Joliet, spoke in favor of Option B.

Marc Ayers, Humane Society of the U.S., spoke in favor of Option B.

Morgan Drdak, end the support of puppy mills and the pet stores.

Laura Vechiola, spoke in favor of Option B.

Isannah Czernek, spoke in favor of Option B.

Richard Leviton, Naperville, spoke in favor of Option B.

Mary Scheffke, spoke in favor of Option B.

Denise Sandoval, spoke in favor of Option B.

Suzanne Derrick, Plainfield, spoke in favor of Option B.

Gail Diedrichsen and Sharon Murphy, spoke in favor of Option B.

Lorianne Kloss, Naperville, spoke in favor of Option B.

Jeanine Miller, Lisle, spoke in favor of Option B.

Crystal Semmerling, Naperville, spoke in favor of Option B.

Ashley Nelson, spoke in favor of Option B.

Curt Fiedler, discussed IL law prohibiting puppy mill puppies from being sold in pet stores, shut down puppy mills and eliminate access.

Jennifer Cavka, spoke in favor of Option B.

Maya Domiano, spoke in favor of Option B.

Cari Meyers, spoke in favor of Option B.

Mary Hamer, spoke in favor of Option B.

Anna Payton and Chris Stern, spoke in favor of Option B and giving the pet stores two years to comply.

Jonathon Berning, Happiness is Pets - Naperville, stated the store would close if forced to a rescue-only model.

Sherri Oslick, discussed other provisions in the ordinance.

Nissa Burch, Petland, spoke in favor of the proposed ordinance.

Ryan Marks, Petland, discussed licensed breeders and kennel conditions.

Shanda Terry, Petland, spoke in favor of Option B.

Carl Swanson, Petland Naperville, discussed business impact of potential mandate to visit breeders and provide an Affidavit.

Keyonce Barrett, discussed her pet store purchase experience.

Ryan Hamel, spoke in favor or the proposed ordinance.

Nancy Laures, spoke in favor of Option B.

Brian Krajewski, spoke in favor of Option B.

Jessica DiNella, spoke in favor of Option B.

Suzanne Hart, spoke in favor of Option B.

The meeting recessed from 9:36 p.m. - 9:45 p.m.

Council discussed using the facts to make decisions, the appropriateness of Option B, that the police department has not responded to complaints that pet stores are selling unhealthy dogs, that puppy mills will not go out of business if enforcement of pet stores is increased, internet sales from puppy mills may increase, there is no mechanism to regulate out-of-state puppy mills, the City can lobby to change state law, and that changes should be directed toward mills not the pet stores.

**A motion was made by Councilman Coyne, seconded by Councilwoman Brodhead, to pass an amended version of Option A to include the following provisions: 1. Microchip. All pet stores that sell dogs and cats shall not merely microchip the dogs and cats prior to sale, the registration of the microchip to include all owner contact information shall be completed prior to the release of the dog or cat to the consumer. 2. Support of Local Animal Shelters. All Naperville pet stores that sell**

commercially bred puppies may elect to promote adoption alternatives from their location and shall provide in-kind and/or financial assistance to Naperville animal shelters. The steps taken by the applicable Naperville pet stores under this section shall be placed on file with the Naperville legal department (the "Annual NAPA Report"). 3. Spay and Neuter. All dogs and cats sold by a Naperville pet stores that sell commercially bred dogs or cats shall promote the spay or neuter of dogs and cats sold from their stores by providing educational information that detail the benefits to the customer of spaying or neutering their dog or cat. Applicable pet stores shall also take steps to incentivize customers to choose to spay or neuter their purchased dogs or cats. The steps taken by Naperville pet stores under this section shall be included in the store's Annual NAPA Report. 4. USDA and Breeder Records. All USDA records called for by Illinois state law 225 ILCS 605/3.08 and codified by this section shall be obtained by all Naperville pet stores irrespective of the availability of said documents on the USDA website and shall be made available to any consumer and/or City of Naperville code personnel upon request.

Council discussed that USDA regulations cannot be enforced at the local level, the need to ensure that those wanting puppies are getting them from reputable breeders, that DuPage and Will counties support Option B, and that Naperville should be a leader in this area and not wait for state legislation.

Council discussed the USDA inspection report, defining the humane treatment of animals, records showing previous owners, the success of marketing pets, a partnership with Will and DuPage counties, appropriateness of relying on pet store owners to visit the birth sites and submitting an Affidavit, and developing a breeder list/vendor list.

Hart discussed the timeline for spring session legislation.

Council discussed doing more research, the need to read the information that was distributed at the meeting, getting data from the state, special interest influence, and creating a City task force.

**The motion was made by Councilman Coyne, seconded by Councilwoman Brodhead, was withdrawn.**

Council discussed the timeline in Springfield, tabling would not put protections in place, and that the City cannot have an Ordinance that is less restrictive than the state.

**A motion was made by Councilman Krummen, seconded by Councilwoman Gustin, that this agenda item be tabled for 60 days and directed staff to work with county representatives concerning the proposed legislation, and report back to Council as to the progress made in Springfield. The motion carried by the following vote:**



**Aye:** 8 - Chirico, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Krummen, and White

**Recused:** 1 - Obarski

2. Waive the first reading and pass the Ordinance amending Title 8, Chapter 2, Article C, Section 3, and Section 5 of the Municipal Code - Water User Charges, Wastewater Service User Charges and Wastewater Quality Surcharges. (Requires six positive votes)

Holzapfel explained that in April of 2017, City Council approved a new five-year utility rate schedule. The new rates went into effect on May 1, 2017, with annual increases on January 1 of each year from 2018 to 2021. After further review, staff found three significant errors in the water and sewer rate model. Due to the errors, the rates approved in April 2017 underfund the utility operations by \$3 million annually and are insufficient to maintain current operations. Staff requests City Council waive the first reading of the Ordinance and approve the proposed rates effective January 1, 2018.

Council discussed appropriateness of waiving the first reading and sufficient public notification.

Krieger explained administrative duties that must be performed, the need for a test period to ensure rates are being charged appropriately, and time to implement the communication plan.

LaCloche explained the communication methods that will be used to inform residents.

Holzapfel stated the water rates have been discussed since October.

Enactment No: ORD 17-167

**A motion was made by Councilman Krummen, seconded by Councilwoman Brodhead, to waive the first reading and pass this agenda item. The motion carried by the following vote:**

**Aye:** 8 - Chirico, Anderson, Brodhead, Coyne, Gustin, Krummen, Obarski, and White

**Nay:** 1 - Hinterlong

3. Adopt the Resolution Urging the Governor to Veto Senate Bill 1451 (Small Cell Wireless Bill)

Enactment No: RES 17-45

**A motion was made by Councilwoman Obarski, seconded by Councilman Krummen, that this agenda item be adopted. The motion carried by the following vote:**

**Aye:** 9 - Chirico, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White

**At 10:56 p.m. a motion was made by Councilman Hinterlong, seconded by Councilman Krummen, to extend the meeting to 11:15 p.m. The motion carried by the following vote:**

**Aye:** 9 - Chirico, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White

**M. AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:**

1. Approve the Award of RFP 17-056, Cityworks Upgrade and Enhancement Project, to Power Engineers, Inc. for an amount not to exceed \$1,295,106.66.

**A motion was made by Councilwoman Brodhead, seconded by Councilman Hinterlong, that this agenda item be approved. The motion carried by the following vote:**

**Aye:** 9 - Chirico, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White

**N. PETITIONS AND COMMUNICATIONS:**

**O. REPORTS AND RECOMMENDATIONS:**

**P. NEW BUSINESS:**

**Q. ADJOURNMENT:**

**A motion was made by Councilwoman Anderson, seconded by Councilman Hinterlong, to adjourn the Regular City Council meeting of December 5, 2017 at 10:59 p.m. The motion carried by the following vote:**

**Aye:** 9 - Chirico, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White

/S/ Pam Gallahue  
Pam Gallahue, PhD  
City Clerk