



City of Naperville

400 S. Eagle Street
Naperville, IL 60540

Meeting Minutes

City Council

Tuesday, October 17, 2023

7:00 PM

Council Chambers

Agenda Introductory Language

TO WATCH OR LISTEN TO THE CITY COUNCIL MEETING LIVE:

- Watch on WCNC GOVERNMENT ACCESS TELEVISION (Ch. 6-Astound, Ch. 10 - Comcast, Ch. 99 – AT&T U-verse)
- Watch online at <https://naperville.legistar.com>

TO SUBMIT PUBLIC COMMENT OR SPEAK LIVE AT THE MEETING: To address the City Council in-person in City Council Chambers, members of the public must register by 4 p.m. on October 17 at: www.naperville.il.us/speakersignup

The public may choose to provide public comment in any of the following ways:

1. Submit a written comment to the City in advance of the City Council meeting by 4 p.m. on October 17. Written comments will be compiled and posted with the electronic meeting agenda on the City's website prior to the start of the meeting. The cumulative number of comments will be announced during the City Council meeting.

2. Submit a one-word statement of "SUPPORT" or "OPPOSITION" regarding a specific agenda item. The names of participants who submitted position statements will be compiled and posted with the electronic meeting agenda on the City's website prior to the start of the meeting. The cumulative number of position statements will be announced during the City Council meeting.

3. Address the City Council live during the City Council meeting in-person in City Council Chambers. Individuals wishing to address the Council during the meeting must sign up to speak by 4 p.m. on October 17.

Online sign-up closes at 4 p.m. on October 17, at which time no other speakers or comments will be accepted. There will be no on-site speaker sign up.

PUBLIC ACCOMMODATION:

- Any individual who may require an accommodation to listen to or participate in the meeting should contact the Community Services Department at (630) 305-5300 by 4 p.m. on October 17.
- Questions regarding online sign-up may be directed to the Community Services Department by calling (630) 305-5300.

PARTICIPATION GUIDELINES:

The citizen participation guidelines are outlined in 1-5-6-6: - CITIZEN PARTICIPATION of the Naperville Municipal Code.

• **ALL VIEWPOINTS AND OPINIONS WELCOME:** All viewpoints are welcome, positive comments and constructive criticism are encouraged. Speakers must refrain from harassing or directing threats or personal attacks at Council members, staff, other speakers or members of the public. Comments made to intentionally disrupt the meeting may be managed as necessary to maintain appropriate decorum and allow for city business to be accomplished.

• **SPEAKER TIME LIMITS:** Speakers must limit their remarks to no more than three minutes. Petitioners may speak on an agenda item first and have up to 10 minutes and are also granted a five-minute rebuttal once all other speakers have commented.

• **IF YOU SIGNED UP TO SPEAK,** staff will call your name at the appropriate time during the City Council meeting. Once your name is called you may identify yourself for the public record and then address remarks to the City Council as a whole. Speak clearly and try to limit remarks directly to the matter under discussion. Speakers are called in the order they sign up.

A. CALL TO ORDER:**B. ROLL CALL:****C. CLOSED SESSION - 6:15 p.m.**

OPEN SESSION - 7:00 p.m.

D. ROLL CALL:

Present: 9 - Mayor Scott Wehrli
Councilwoman Jennifer Bruzan Taylor
Councilman Ian Holzhauer
Councilman Patrick Kelly
Councilman Paul Leong
Councilwoman Allison Longenbaugh
Councilman Josh McBroom
Councilman Benjamin White
Councilman Nathan Wilson

Also Present

City Manager, Doug Krieger; Deputy City Manager, Pam Gallahue; City Attorney, Mike DiSanto; Interim City Clerk, Nancy A. Bright; Assistant to the City Manager, Marcie Schatz; Fire Chief, Mark Puknaitis; Deputy Police Chief, Jason Zbrozek; Director of Finance, Rachel Mayer; Director of IT, Jacqueline Nguyen; Director

of TED, Bill Novack; Director of Public Utilities - Electric, Brian Groth; Director of Public Utilities - Water, Darrell Blenniss, Jr.; Director of Human Resources, Blaine Wing; Director of Public Works, Dick Dublinski, Director of Communications, Linda LaCloche

Daily Herald, Naperville Sun, NCTV-17

E. PLEDGE TO THE FLAG:

The pledge was given.

F. AWARDS AND RECOGNITIONS:

Wehrli called for a moment of silence for six-year-old Wadea Al-Fayoume.

1. [Presentation of the 2023 Naperville Senior of the Year awards](#)

Wehrli presented the Senior of the Year awards.

2. [Proclamation recognizing October 28, 2023 as Immigrants Day in the City of Naperville](#)

Holzhauser presented the Proclamation to community leaders.

G. PUBLIC FORUM:

Immigrants Day Proclamation

Mary Lou Wehrli offered additional "whereas" clauses for the Immigrants Day Proclamation.

Constructive dialogue during Hindu Heritage Month

Nag Jaiswal (Naperville) encouraged positivity and the need to celebrate the contributions of the Hindu population in Naperville.

Coyote population in Country Commons Park

Pamela Biederman (Naperville - Greensboro Court residents of Fontenaix subdivision) discussed overgrown vegetation and asked that the City mow the property to discourage coyote dens.

Novack said the area was converted to native plantings to mitigate flooding but controlled burns can help and staff will research how to control animals.

Dublinski said an agenda item will be before the City Council on November 7 for a contract award regarding native plantings and controlled burns and the subject location is on the list.

Hindu Swayamsevak Sangh (HSS)

Sudheer Holenarasipura (Naperville) discussed the volunteer, non-profit organization and events that have been held.

A motion was made by Councilman Kelly, seconded by Councilman White, to hear from the speaker who missed the sign-up deadline. The motion carried by the following vote:

Aye: 9 - Wehrli, Bruzan Taylor, Holzhauer, Kelly, Leong, Longenbaugh, McBroom, White, and Wilson

Reported Quran burning incident
Qasim Rashid urged the community to embrace a sense of forgiveness and compassion.

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

A motion was made by Councilman White, seconded by Councilman Kelly, to use the Omnibus method to approve the Consent Agenda. The motion carried by a voice vote.

I. CONSENT AGENDA:

Approval of the Consent Agenda

A motion was made by Councilman White, seconded by Councilman Kelly, to approve the Consent Agenda. The motion carried by the following vote:

Aye: 9 - Wehrli, Bruzan Taylor, Holzhauer, Kelly, Leong, Longenbaugh, McBroom, White, and Wilson

1. [Approve the Cash Disbursements for the period of 09/01/2023 through 09/30/2023 for a total of \\$35,589,752.75](#)
Council approved.
2. [Approve the regular City Council meeting minutes of October 3, 2023](#)
Council approved.
3. [Approve City Council meeting schedule for October, November, and December 2023](#)
Council approved.
4. [Approve an appointment to the Special Events Community Arts Commission](#)
Council approved.
5. [Receive the 2023 3rd Quarter Financial Report](#)
Council received.

6. [Approve the Sole Source procurement 23-269, Sensus Licensed RNI Software as a Service \(SaaS\), to Core and Main LP for an amount not to exceed \\$247,990](#)
Council approved.
7. [Approve the award of Change Order #1 to Contract 23-135, Veeam Renewal, to Hewlett Packard Enterprise for an amount not to exceed \\$23,610 and a total award of \\$210,298](#)
Council approved.
8. [Approve the award of Change Order #2 to Contract 22-180, Southwest Wastewater Pump Station Rehabilitation, for an additional 64 days](#)
Council approved.
9. [Approve the award of Change Order #2 to Option Year One of Bid 22-036, Landscape Restoration Services, to Semper Fi Landscaping Inc. and Local Lawn Care and Landscaping for an amount not to exceed \\$125,000 and a total award of \\$975,000](#)
Council approved.
10. [Approve the award of Option Year Four to Contract 20-001, Pipefitting, Plumbing and Mechanical Services, to Dahme Mechanical Industries, Inc. for the amount to not exceed \\$210,560](#)
Council approved.
11. [Pass the ordinance to establish temporary traffic controls and issue Special Event and Amplifier permits for the Turkey Trot 5K Run on Thursday, November 23, 2023](#)
ORD 23-140
Council passed.
12. [Pass the ordinance to establish temporary traffic controls and issue Special Event and Amplifier permits for the Rotary Clubs of Naperville Holiday Parade of Lights on Friday, November 24, 2023](#)
ORD 23-141
Council passed.
13. [Adopt the resolution approving and authorizing the execution of the Sleeve Design Engineering Reimbursement Agreement with Enbridge Energy Limited Partnership](#)
RES 23-27
Council adopted.
14. [Adopt the resolution authorizing a workers' compensation settlement contract between the City of Naperville and Nicholas Fredona](#)

RES 23-28

Council adopted.

J. PUBLIC HEARINGS:

K. OLD BUSINESS:

L. ORDINANCES AND RESOLUTIONS:

1. [Option 1: Pass the ordinance repealing Section 1-13-1:1 of the Naperville Municipal Code striking the regulation requiring public disclosure of certain campaign contributions,](#)
[or](#)

[Option 2: Pass the ordinance amending Section 1-13-1:1 of the Naperville Municipal Code to increase the amount of qualifying campaign contributions and address donations made to a Council member's political action committee](#)

SPEAKERS

Susan Glover Craighead (Naperville - The League of Women Voters of Naperville) spoke against repealing or modifying the ordinance.

Steven Shamrock (Naperville) spoke in favor of tabling the item and developing additional options.

Michael Costello (Naperville) spoke in favor of Option 1.

Marilyn L Schweitzer (Naperville) urged Council to improve governance regardless of the outcome of the agenda item.

Council discussed repealing the ordinance in the absence of constructive options, that the ordinance doesn't address emails, texts, or PAC money, and taking the opportunity to make amendments. Council went on to state that Option 2 solves one rare occurrence, that other municipalities have not enacted similar ordinances, and that a financial contribution is just one of many acts that candidates consider valuable.

Council also discussed results of the recent Community Survey and that 78% of respondents expressed confidence in the government which is well past national benchmarks, that the ordinance is about transparency, and asked what residents would have said if the ordinance was on the survey. Council went on to say that PAC dollars have continued to come into local elections since the ordinance was passed, that current campaign contributions are available on the City's website, that Plano, Texas requires recusal, that politicians take oaths but a process should be in place to keep people honest, and the appropriateness of changing speaker sign-up time if the ordinance is repealed.

ORD 23-142

WRITTEN COMMENT ONLY

Derek Miller (Naperville) - I am writing in support of Option 2 to amend Section 1-13-1:1 regarding campaign contributions. I think the modification is a change in the right direction to keep pushing for better transparency in our local government. Thank you for taking the time to take a look at the ordinance and I hope all members of the council see the value in keeping and modifying the ordinance.

Diane Pedersen (IL) - Striking disclosures of \$\$750+ campaign donations - I OPPOSE striking the disclosures of donations more than \$\$750 & actually think ALL donations should be disclosed. I will not re-elect any Council Member or Mayor who refuses to disclose, as that smacks of back-parlor trading of favor

Dianne McGuire (Naperville) - To the Members of the Naperville City Council I would like to comment regarding the agenda item relating to the modifications, if any, to the city's ethics ordinance as it relates to acknowledging campaign donations in excess of \$\$750 received by City Council members as it relates to that entity's appeal to the Council on a given matter. At a time when way too many citizens question the very veracity of the news we receive through the media and are critical of so many public institutions, why would we ever weaken our ethics ordinance? If anything, we should strengthen it further. When I was on the Board of Trustees for the College of DuPage, we further examined the college's ethics policy, which was modeled on the State Officials and Employees Ethics Act passed by the General Assembly in 2003 for all units of local government and school districts. These units of local government are required to adopt regulations governing political activities and the solicitation and acceptance of gifts of public officers and employees that are no less restrictive than those contained in the Act. In the examination of the policy at the college, I reached out to DuPage County where they have a 26- page Ethics Ordinance adopted in 2012. This is definitely a robust ethics policy. And, when I think of the budgets of both governmental entities, I see that the City's 2023 budget of \$\$603 million is significantly above the \$\$548 million budget of DuPage County in 2023! The City Council, if anything, should be even more transparent, not less! Do I think we should weaken our current ethics ordinance regarding transparency of campaign donations? Absolutely not! It is certainly not a "good look" for the City nor is it wise to do so!

Ellen Lanser May (Naperville) - I am writing to support Naperville's ethics ordinance. At every level, politics and politicians have entered a new age of divisive, narcissistic, and underhanded behavior. As a result, the public's trust in politicians and their motives is withering away. Until the last local election cycle, Naperville's candidates and politicians have mostly stayed above the fray. But if Naperville's City Council eliminates the ethics ordinance, they are telling residents that transparency doesn't matter-and that will certainly raise red flags among our community moving forward. Given today's political milieu, I find it shameful that our wonderful city would even consider minimizing the importance of governmental transparency by repealing the ethics ordinance.

Karen V Peck (Naperville) - Dear Mayor Wehrli and Councilpersons, Retain the Ethics Ordinance and amend it to make ethics achievable on City Council. I am in full support of retaining the Naperville Ethics Ordinance requiring public disclosure by City Council members of campaign contributions of \$\$750.00 or

greater, when relevant agenda items are brought before Council. This Ethics Ordinance should be amended to make it work in practice, to clarify guidelines, and to close loopholes. An amendment that makes ethical behavior achievable is a service your constituents want. Ethical behavior, honesty, and transparency matter to Naperville constituents. An opportunity to make the Ethics Ordinance work in practice. City lawyer Mr. DiSanto outlined multiple hypotheticals. These examples are all opportunities for further discussion as to how to handle individuals vs. PACs, whether or not someone is participating publicly, commenting through email, via a PAC proxy, and so forth. Talking through hypotheticals will help craft an actionable amendment and maintain the Ethics Ordinance. The Ethics Ordinance should not be repealed because in its current form there are gray areas in the guidelines. Retaining the Ethics Ordinance with an amendment is an opportunity to clarify parameters and for honest and transparent communication with constituents. If conflicts of interest exist and no speaker or writer has disclosed a campaign contribution, the Councilperson should say so on the record and recuse themselves from a vote. The onus should not be on constituents to research relationships between resolutions, ordinances, and campaign donors to particular Councilpersons. What proof is there that ethics ordinances have a negative effect on donations? One argument for repealing the Ethics ordinance is that such an ordinance inhibits donations. What is the proof that an ethics ordinance inhibits donations? Why would a donor not want to be associated with the person they supported financially? Without facts, this is a poor excuse to repeal a guideline for ethical behavior. Constituents want transparency, honesty, and information. Conflicts of interest will be impossible to discern without transparency. The Council owes it to constituents to be honest and free from conflicts of interest. I would hope all Councilpersons care about being intentionally ethical. Transparency and honesty are needed for trust. How can we trust that the Council is working in good faith for us if they repeal an ordinance that calls for ethics? Continue to do the work. Amend the Ethics Ordinance so that it is actionable and "works" to serve the purpose of honesty, transparency, and ethical governance.
Sincerely, Karen V. Peck Naperville

POSITION STATEMENTS

SUPPORT

Rebecca Rudolph (Naperville) Support Option 1

OPPOSE

Hillenburg (Naperville)

A motion was made by Councilwoman Bruzan Taylor, seconded by Councilman McBroom, to pass the ordinance repealing Section 1-13-1:1 of the Naperville Municipal Code striking the regulation requiring public disclosure of certain campaign contributions (Option 1). The motion carried by the following vote:

Aye: 5 - Wehrli, Bruzan Taylor, Leong, McBroom, and Wilson

Nay: 4 - Holzhauer, Kelly, Longenbaugh, and White

The meeting recessed from 8:09 p.m. - 8:18 p.m.

2. [Adopt the resolution modifying Century Walk's CY 2023 \\$100,000 Capital Grant to allow up to \\$50,000 to be used by Century Walk for the maintenance of existing Century Walk art pieces](#)

Marilyn L Schweitzer (Naperville) discussed ownership of the Ladder of Light statue, explained reasons to not approve funding for pieces listed in the agenda item, and asked Council to only grant funds for the Ladder of Light if the repair can be done in 2023, and, if not, give the statue high priority for repair in 2024.

RES 23-29

A motion was made by Councilman Kelly, seconded by Councilman White, to adopt the resolution modifying Century Walk's CY 2023 \$50,000 maintenance grant to allow up to an additional \$5,000 to be used by Century Walk for the maintenance of the Ladder of Light art installation. The motion carried by the following vote:

Aye: 9 - Wehrli, Bruzan Taylor, Holzhauser, Kelly, Leong, Longenbaugh, McBroom, White, and Wilson

M. AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:

1. [Approve the Calendar Year 2024 SECA Grant Fund Program City Obligation allocations in the amount of \\$1,198,416](#)

Marilyn L Schweitzer (Naperville) asked that the item be tabled until applications can be provided.

A motion was made by Councilman White, seconded by Councilman Kelly, to approve the Calendar Year 2024 SECA Grant Fund Program City Obligation allocations in the amount of \$1,198,416. The motion carried by the following vote:

Aye: 9 - Wehrli, Bruzan Taylor, Holzhauser, Kelly, Leong, Longenbaugh, McBroom, White, and Wilson

2. [Approve the award of Cooperative Procurement 23-279, Traffic Signal and Street Light Maintenance, to Meade Inc. for an amount not to exceed \\$1,064,435.92 plus a 5% contingency and for a two-year term](#)

A motion was made by Councilman White, seconded by Councilman Kelly, to approve the award of Cooperative Procurement 23-279, Traffic Signal and Street Light Maintenance, to Meade Inc. for an amount not to exceed \$1,064,435.92 plus a 5% contingency and for a two-year term. The motion carried by the following vote:

Aye: 9 - Wehrli, Bruzan Taylor, Holzhauser, Kelly, Leong, Longenbaugh, McBroom, White, and Wilson

3. [Approve the award of Change Order #1 to Option Year Three of Contract 18-258, Electric Utility Distribution, to Meade Inc. for an amount not to exceed \\$1,500,000 and a total award of \\$13,335,000](#)

A motion was made by Councilman White, seconded by Councilman Kelly, to approve the award of Change Order #1 to Option Year Three of Contract 18-258, Electric Utility Distribution, to Meade Inc. for an amount not to exceed \$1,500,000 and a total award of \$13,335,000. The motion carried by the following vote:

Aye: 9 - Wehri, Bruzan Taylor, Holzhauer, Kelly, Leong, Longenbaugh, McBroom, White, and Wilson

N. PETITIONS AND COMMUNICATIONS:

O. REPORTS AND RECOMMENDATIONS:

P. NEW BUSINESS:

Al DeGeeter passing
Wehri remembered Al DeGeeter and offered condolences.

Touch My Heart - Therapy Chickens
Longenbaugh explained that on August 15, 2023 the City Council approved five conditions that Touch My Heart must meet by November 15, 2023 in order to remain open for 12 months. The conditions are: install a fence, reduce the number of chickens, remove structures built after April 2023, remove the porta potty, and to not to add any new structures. She stated that the business cannot remain open for the year if the porta potty is removed and asked for consensus to direct staff to bring back a revised ordinance removing that condition.

By a show of hands (8-1), the Council directed staff to bring back a revised ordinance removing the porta potty condition.

Q. ADJOURNMENT:

A motion was made by Councilman White, seconded by Councilman Kelly, to adjourn the Regular City Council Meeting of October 17, 2023 at 8:29 p.m. The motion carried by a voice vote.

/S/ Nancy A. Bright
Nancy A. Bright
Interim City Clerk