



City of Naperville

400 S. Eagle Street
Naperville, IL 60540

Meeting Minutes

City Council

Tuesday, June 5, 2018

7:00 PM

Council Chambers

A. CALL TO ORDER:

Chirico called the meeting to order at 6:30 p.m.

B. ROLL CALL:

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

C. CLOSED SESSION - 6:30 p.m.

A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong, to recess to Closed Session to discuss 120/2(c)(11) Pending Litigation 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 7:00 p.m.

D. ROLL CALL:

Present: 9 - Mayor Steve Chirico
Councilwoman Becky Anderson
Councilwoman Judith 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; Deputy Fire Chief, Andy Dina; Police Chief, Robert Marshall; Director of Finance, Rachel Mayer; Director of IT, Jeff Anderson; Deputy Director of TED, Jennifer Louden; 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

Daily Herald, Naperville Sun, NCTV-17

E. PLEDGE TO THE FLAG:

Pledge given.

F. AWARDS AND RECOGNITIONS:

G. PUBLIC FORUM:

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:

A motion was made by Councilwoman Brodhead, seconded by Councilman Hinterlong, to approve the Consent Agenda with the exception of item I12. 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 May 15, 2018

Council approved.

2. Approve the Minutes from the May 15, 2018 City Council 5th Avenue Workshop.

Council approved.

3. Approve the award of Bid 18-103, Municipal Center Front Plaza and Parking Deck Restoration, to Mertes Contracting Corporation for an amount not to exceed \$293,758, plus a 5% contingency

Council approved.

4. Approve the award of the Two-Year Extension to Contract 15-187, Cross-Connection Control Testing Records Administrator, to Backflow Solutions Inc.

Council approved.

5. Approve the award of Bid 18-052, Cast Iron Manhole Covers and Grates, to EJ USA, Inc. for an amount not to exceed \$118,257

Council approved.

6. Approve the award of Cooperative Procurement 18-136, Four 2018 Ford F-150 XL Pickup Trucks, to Roesch Ford for an amount not to exceed \$118,092

Council approved.

7. Approve the Calendar Year 2019 (CY19) allocations for the City Obligations category of the SECA Grant Fund Program in the amount of \$1,002,388

Council approved.

8. Approve the award of Change Order #1 to Contract 17-129, South Central Interceptor Sewer Hardening and Protection Engineering Design-Phase II, to Strand Associates for an amount not to exceed \$42,904 and a total award of \$276,224

Council approved.

9. Approve the City Council meeting schedule for June, July and August 2018

Council approved.

10. Conduct the first reading of an ordinance amending Title 1, Chapter 6, Article A of the Naperville Municipal Code and adding Chapter 14 to Title 1 to the Naperville Municipal Code to establish an administrative procedure for assessing and determining claims made under the Public Safety Employee Benefits Act.

First reading held.

11. Pass the ordinance approving a variance to permit a 6' tall solid fence in the required corner side yard at the subject property located at 2609 Springdale Circle, Naperville - PZC 18-1-034

Council passed.

Enactment No.: ORD-18-052

12. Pass the ordinance approving a preliminary/final plat of subdivision and owner's acknowledgement & acceptance (OAA) for Center Place Subdivision located at 815 Center Street and 35 E. 8th Avenue, Naperville PZC 18-1-014

Jayme Koller spoke against the proposed ordinance.

Laff clarified that the entire project is by right and no variances are being requested. She said that the neighborhood could petition to change zoning however 100% of the neighbors would need to consent to the change.

13. Adopt the resolution approving an amendment and execution of a temporary lease agreement with Partners in Performance
Council adopted.
Enactment No.: RES 18-08
14. Pass the ordinance establishing temporary traffic controls and issue a Special Event Permit and Amplifier Permit for Ribfest 2018
Council passed.
Enactment No.: ORD 18-053
15. Approve the firework display application and issue a permit for the July 4th, 2018 display at Knoch Park for The Exchange Club of Naperville
Council approved.
16. Approve the firework display application and issue a permit for the June 30, 2018 display at White Eagle Golf Club
Council approved.

J. PUBLIC HEARINGS:

1. Receive the staff report for Enclave on Book located at east of Book Road and north of Hassert Boulevard, PZC 18-1-001 (Item 1 of 7)
Report received.
2. Conduct the public hearing for Enclave on Book located at 11007 S. Book Road - PZC 18-1-001 (Item 2 of 7)
Chirico opened the Public Hearing at 7:11 p.m.

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to close the Public Hearing at 7:11 p.m. The motion carried by the following vote:
Aye: 9 - Chirico, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Kruppen, Obarski, and White
3. Pass the ordinance authorizing the execution of an annexation agreement for the property located at 11007 S. Book Road - PZC 18-1-001 (Item 3 of 7)
Council passed.
Enactment No.: ORD 18-055
4. Pass the ordinance annexing certain property located at 11007 S. Book Road - PZC

18-1-001 (Item 4 of 7)

Council passed.

Enactment No.: ORD 18-056

5. Pass the ordinance rezoning the property located at 11007 S. Book Road to R1 (Low Density Single Family Residence District) - PZC 18-1-001 (Item 5 of 7)

Council passed.

Enactment No.: ORD 18-057

6. Pass the ordinance approving the preliminary/final plat of subdivision for Enclave on Book - PZC 18-1-001 (Item 6 of 7)

Council passed.

Enactment No.: ORD 18-058

7. Pass the ordinance approving a variance to Section 6-6L-7 of the Naperville Municipal Code for the property located at 11007 S. Book Road - PZC 18-1-001 (Item 7 of 7)

Council passed.

Enactment No.: ORD 18-059

K. OLD BUSINESS:

L. ORDINANCES AND RESOLUTIONS:

1. Conduct the first reading of the 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 7:16 p.m. - 8:59 p.m.

Maya Domiano, Lombard, presented statistics related to puppy mill sales.

Richard Leviton, Naperville, questioned several provisions in the proposed ordinance.

Gail Diederichsen, Naperville, discussed the value of public opinion on this issue.

Peggy Grandahl, Joliet, spoke against the proposed ordinance.

Misty McCarty, Naperville, discussed health issues of the dog she purchased from a pet store.

Colin Dalough, Naperville Area Chamber of Commerce, spoke in support of the proposed ordinance.

Candy Knippenberg, Naperville, spoke against the proposed ordinance.

Amy Wolf, ADOPT of Naperville, spoke against the proposed ordinance.

David Wentz, Naperville, spoke against the proposed ordinance.

John Bernins, Naperville - Happiness is Pets, spoke in favor of the proposed ordinance.

Claude Maurice Bond, Jr., Petland, read a statement from Ed Sayres discussing adoption statistics and bans on commercial breeder sales.

Carl Swanson, Petland, spoke in favor of the proposed ordinance.

Joe McElroy, Naperville, spoke against the proposed ordinance.

Patricia Wegner, Naperville, spoke against the proposed ordinance.

Foley stated the ordinance focuses on the protection of companion animals and detailed substantive changes in the current version such as time periods animals can make noise outside, animals cannot be subjected to extreme temperature conditions, and microchipping regulations. She said fines are doubled, a warranty provision has been included for pet store sales, and education regarding spay and neutering has been added. She also explained how adopting the state law benefits the City.

Council discussed having the store named as the secondary on the microchip registration, the proposed four-year warranty, adopting a humane ordinance, and implementing a grace period for pet stores to comply.

Foley explained while the the ordinance requires that a warranty be provided the City will not enforce the warranty provision.

Council questioned the number of nuisance complaints, the possibility of reducing the proposed time to ten minutes, state regulations, the workload and schedule of the state inspectors, and having businesses pay all medical expenses after purchase. Council also discussed that pet sales are a consumer-driven market, that the City is not being inundated with complaints regarding Naperville stores and it is unnecessary to materially alter their conduct.

Foley explained the USDA inspects once per year or once every 18 months depending on violations. She stated that the goal is compliance and the overwhelming majority of facilities are substantially compliant with USDA rules.

Council discussed the conference call between staff and representatives of the USDA and unintended consequences of the Chicago ordinance.

A motion was made by Councilman Coyne, seconded by Councilman Krummen, to direct staff to revise the ordinance amending Chapter 4 (Animal Control) of Title 10 (Police Regulations) of the Naperville Municipal Code to reduce the day-time time limit for barking dogs from from 20 minutes to ten minutes, require that pet stores must list themselves as a secondary contact on animal microchips, clarify that the four-year warranty period is from the birth of the animal, make the ordinance effective 30 after passage, clarify the section regarding USDA reports to require inspection records to be kept for the period prior to store's possession of any animal, revise the warranty section to make pet stores responsible to refund up to the purchase of the animal, and direct staff to revisit the appropriate temperature related to animals left in vehicles. The motion carried by the following vote:

Aye: 7 - Chirico, Brodhead, Coyne, Gustin, Hinterlong, Krummen, and White

Nay: 1 - Anderson

Recused: 1 - Obarski

A motion in substitution was made by Councilwoman Gustin to direct staff to further clarify the warranty section by providing an Option A to refund at the purchase price and an Option B to refund medical expenses after purchase. The motion failed for lack of a second.

2. Receive the staff report for the Naperville IPT Subdivision (IPT Industrial Building) - PZC 18-1-025 (Item 1 of 4)
Report received.
3. Pass the ordinance approving the preliminary/final plat of subdivision for the Naperville IPT Subdivision (IPT Industrial Building) - PZC 18-1-025 (Item 2 of 4)
Council passed.
Enactment No.: ORD 18-060
4. Adopt the resolution approving an easement agreement with IPT - PZC 18-1-025 (Item 3 of 4)
Council adopted.
Enactment No.: RES 18-09
5. Adopt the resolution approving a purchase and sale agreement with IPT - PZC 18-1-025 (Item 4 of 4)
Council adopted.
Enactment No.: RES 18-10

M. AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:

1. Approve the award of Change Order #1 to fund years two and three of Contract 17-119, Spot Purchases of Single Phase and Three-Phase Transformers, to CG Power Systems USA, Inc., Graybar Electric Company, Power Line Supply, RESCO, Universal Utility Supply Co, and WESCO for an amount not to exceed \$1,520,000 and a total award of \$2,215,993

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to approve the award. 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:

1. Approve the 2018 City goals

Krieger explained that the goals will remain in place until Council directs otherwise and that the goals will be made public and regularly reviewed. He also stated that the goals can be modified or deleted and, at this time, the Council has given no authorization outside of the annual budget process to expend funds to accomplish the goals.

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to approve the 2018 City goals and revising the two Financial Stability goals by replacing "in the next eight years" with "2023." The motion carried by the following vote:

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

Absent: 1 - Brodhead

P. NEW BUSINESS:

Rezoning

Gustin asked about how the process is initiated.

Laff explained that rezoning is most often related to a comprehensive plan update or as a result of an immediate threat to a designation, however Council can initiate a rezoning effort. She said that rezoning is a significant expenditure and involves notices, legal descriptions, public hearing, and text amendments.

Q. ADJOURNMENT:

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to adjourn the Regular City Council Meeting of June 5, 2018 at 9:07 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