Referred for 7-15-2019

# MINUTES
# CITY OF ST. CHARLES, IL
# GOVERNMENT SERVICES COMMITTEE MEETING
# MONDAY, JUNE 24, 2019, 7:00 P.M.

| | |
|---|---|
| **Members Present:** | **Chairman Silkaitis, Aldr. Payleitner, Aldr. Lemke, Aldr. Turner, Aldr. Pietryla, Aldr. Vitek, Aldr. Bessner** |
| **Members Absent:** | **Aldr. Stellato, Aldr. Bancroft, Aldr. Lewis** |
| **Others Present:** | **Mayor Raymond Rogina, Mark Koenen, City Administrator; Peter Suhr, Director of Public Works; Chris Adesso, Asst. Director of Public Works, Tom Bruhl, Electric Services Manager; AJ Reineking, Public Services Manager; Ken Jay, Public Works Manager - Engineering; Jim Keegan, Police Chief; Joe Schelstreet, Fire Chief** |

1. **Meeting called to order at 7:00 p.m.**

2. **Roll Call**

   **K. Dobbs:**

   **Stellato**: Absent
   **Silkaitis**: Present
   **Payleitner**: Present
   **Lemke**: Present
   **Turner**: Present
   **Bancroft**: Absent
   **Pietryla**: Present
   **Vitek**: Present
   **Bessner**: Present
   **Lewis**: Absent

**3.a.** **Electric Reliability Report – Information only.**

**3.b.** **Natural Resources Commission Minutes – Information only.**

**4.** **OMNIBUS VOTE – Items with an asterisk (*)** are considered to be routine matters and will be enacted by one motion.

**Items *5.b, *5.c, *5.e, *6.a**

Motion by Aldr. Lemke, seconded by Aldr. Pietryla. No additional discussion. Approved unanimously by voice vote. **Motion carried.**

**5.a. Consideration of Request by Property Owner of 710 Fox Glen Drive to Fund a Wall Surrounding a Portion of Property Due to Adverse Effects of the Red Gate Bridge.**

**Peter Suhr presented.** The owner of 710 Fox Glen Drive is in attendance tonight; he would like to ask the Committee to consider funding a fence on his private property due to the adverse effects of the Red Gate Bridge. Considering this request is coming directly from Mr. Jones, I will keep my comments brief and will invite him to the podium to explain what he is requesting. That being said, I will give you some background. The property in question is adjacent to Rt. 25 and the intersection of the Red Gate Bridge, across from the water tower.

In 2013, based on a similar request from Mr. Jones' neighbors who also reside along Rt. 25 south of his property, the City Council approved reimbursement to the Woods of Fox Glen HOA in the amount of $76,000 for 950 linear feet of fencing that was installed in the backyards as part of the construction of Red Gate Road. That fence is currently installed today on private property and is maintained by the property owners; the City has no interest in it.

Also in 2013, the City reimbursed Mr. Jones $12,700 for the installation of 16 White Spruce Trees in lieu of the fence as the others owners have seen in their backyard. Mr. Jones is here tonight, seeking approval to extend the original fence along the back of his property and up the side of his property which is an additional approximately 228 linear feet. We just received an estimate from the installer who put the original fence in and he quoted us approximately $28,000.

Unless there are any general background questions for me, I would like to invite Mr. Jones up to provide more detail.

**Aldr. Bessner**: You stated landscaping was put there in lieu of the fence, but the rest of the property owners received the fence, but no landscaping?

**Mr. Suhr**: Correct.

**Aldr. Payleitner**: The proposed fence line on the north side of the property; were we doing that originally?

**Mr. Suhr**: I don't think that was even part of the discussion.

**Aldr. Turner**: I do remember the discussion, and I think at that time, there was money in the Red Gate fund, so that's where the money came from for the original fence. We could have extended it at that time, but we didn't because the owner didn't want it.

**Mr. Jones**: Marty Jones, 710 Fox Glen Drive, St. Charles.

I know you are asking why we waited so long to make this request. After the bridge was built, we decided to take a wait and see approach. Only when we decided to sell our home, we became fully aware of the adverse impact. This is based on the unanimous feedback from several prospective buyers. Overall, we think the City was fair with the homeowners regarding the bridge. If we have any qualms, it's not with the City, but with the HOA board who made the additional request. In retrospect, we don't think it was equitable based on the fact that our home was directly impacted for the following reasons:

- The purpose of the wall was to create a barrier from Rt. 25 and screen the westerly sightline, but if you look at the map, only two of the three homes are lower – the other four homes are at a much higher elevation.
- Since our home is higher, we can still see the traffic, we can see the red lights; we can see and hear everything.

You may also be asking why we didn't ask for the change in location of the fence at the time; the answer is that we weren't aware of the request until it was approved. Bob Masulis first made the request in July 2012. Around October, a neighbor called us and told us the request had been approved. Soon thereafter, we called Jim Bernahl and informed him that the fence wouldn't meet our needs and made the request to have the trees planted. We didn't know what the full impact of the bridge would be, but we signed the Landscape Contract Agreement anyway. Since then, we realized the road noise and safety issues were not resolved by the trees. We have already spent about $8,000 for trees in our backyard in addition to the 16 trees from the City. Plus we need to plant $6,000 in trees to block out more noise in addition to the fence. We are requesting the City to help with the fence to make the backyard safe and it will also help our next door neighbor; if we do this, it will benefit him too.

**Aldr. Vitek**: You mentioned this would impact your neighbor positively. What potentially other homes along this area could then have some issue or need for some wall protection that's not already there? Is there a likelihood of other homes needing or wanting something?

**Mr. Jones**: All the homes next to me already have the wall and don't have any problems.

**Mr. Suhr**: I tend to agree. Anything south of the property is in St. Charles and they already have a wall from 2013. Anything north, we could get a complaint, but it's outside of St. Charles. The property owner adjacent to this is in Wayne.

**Aldr. Turner**: When this bridge was opened, we knew within six months that it was carrying more traffic than we ever thought it would. I do support your request because

this multiplied much quicker than anyone thought it would. I could understand why you didn't think you needed it at the time.

**Aldr. Lemke**: There shouldn't be a lot of truck traffic but I'm sure there is a lot of acceleration and deceleration which is more noisy. What would be the best sound absorbing fence?

**Mr. Jones**: Bob Masulis looked at the options and he recommended the wall that is there now; we want that for consistency and cosmetic purposes.

**Aldr. Payleitner**: Thank you for your thorough presentation. I was there for that conversation; maybe I was more optimistic than Aldr. Turner; I thought the bridge was going to solve a lot of our traffic problems and so I anticipated it being as busy as it is. My concern is setting a precedent for us being responsible for the view or noise of a highway. I read the minutes provided in our packet and noise wasn't the reason for the fence; it was for safety.

**Mr. Jones**: Yes, at the time it was for safety, but I'm requesting it for safety and also for noise.

**Aldr. Payleitner**: I don't remember noise being an issue, which brings me to the north fence that you are requesting. That wasn't part of our plan before, and I don't know if I see a need for that on our dime. I drove that today, and I couldn't see your house from Rt. 25; you are pretty close to that neighbor who is outside St. Charles.

**Mr. Jones**: You're right, at this time of year, the trees are filled in, so visibility now is ok, but still, there is significant noise.

**Aldr. Payleitner**: And that's why I worry that they are going to start thinking it's our responsibility to prevent noise. Being on Rt. 25 is an issue, bridge or no bridge. Again, I'm not sure I see the purpose of the north side of the fence and other big worry is that we are going to have to start shielding neighbors from water towers and traffic lights and I don't want to set that precedent.

**Mr. Jones**: The way my lot runs, my house is actually higher.

**Aldr. Payleitner**: With or without the bridge, that still would have been the case.

**Aldr. Bessner**: My same concern goes to what Aldr. Vitek was saying and what Aldr. Payleitner said in regards to a precedent. I'm also concerned that we should be communicating better with the HOA, but that can be put aside for now. What really takes me back is the fact that we spent $12,700 on trees and we are going to revisit this with a fence that is just going to pile on top of it; that's a concern for me.

**Mr. Jones**: The issues really weren't addressed by the trees like we thought they would be, and I realize it was a lot of money.

**Aldr. Pietryla**: Have you engaged with the HOA in terms of a cost sharing option at all?

**Mr. Jones**: No; as stated previously, the way the wall is, each homeowner is responsible for maintaining the wall, so that's up to each individual.

**Aldr. Turner**: Mark, going back to the original discussion; if this property was to be included back then, would you have approved the extension of the wall to the north and to the east at that time?

**Mr. Koenen**: The wall was to begin at Fox Glen Drive and proceed north across all properties which fronted Rt. 25. There was never a discussion to turn 90 degrees to the east and proceed east. That conversation was never had. His introduction is a new topic.

**Aldr. Turner**: But if the HOA would have requested the wall be extended to the north, we would have done it?

**Mr. Koenen**: We would have clearly built it across the Rt. 25 piece of his property. Frankly, when Mr. Masulis reported that not all property owners were interested in the wall, we were somewhat amazed.

I will add there was a Release for the trees that is included in your packet this evening, so quite frankly, we aren't obligated to do anything. Mr. Jones and I have had that conversation, but he has come forward to say that things have changed. And you, as decision makers need to decide what you would like to engage in and if your answer is yes, and you want to talk about funding a piece or all of it, maybe that's where we should focus our energy as opposed to finding ourselves doubling back on a Release that we've already granted. Mr. Jones and I have already had that conversation, so it's no surprise to him, but I wanted you to have the full background.

**Aldr. Turner**: As a compromise, I would do the wall along Rt. 25 and half the wall down the north end. I don't think he needs the wall entirely across his property.

**Aldr. Lemke**: I agree; I don't see the benefit of the extra footage. Perhaps the homeowner would agree to the extra portion himself.

**Mr. Jones**: The reason is there is a wooden wall to that point, so for safety concern, we would connect the wooden wall to the other wall so it would be completely enclosed.

**Aldr. Turner**: Who owns the wall that is already there?

**Mr. Jones**: It is mine.

**Aldr. Bessner**: I want to reiterate in a more concise manner that I would be interested in looking at this if the proposed cost is $18,000-$25,000…

**Mr. Koenen**: Peter has an updated price, its $28,000.

**Aldr. Bessner**: Then I would suggest we take out the $12,700 for the trees.

**Chairman Silkaitis**: Are you saying to agree to do the part on Rt. 25 completely?

**Aldr. Turner**: I think what Peter is saying is we do everything that is requested and minus out the cost we put in for his pine trees.

**Chairman Silkaitis**: So the whole request minus $12,700.

**Aldr. Payleitner**: I'm not comfortable with us providing the whole north end of the fence because it wasn't original and I'm still leery of setting a precedent.

**Aldr. Turner**: But we aren't giving him the north wall because we aren't giving him enough money to finish the entire north wall.

**Aldr. Payleitner**: No, but that's what the request is. As presented, I'm not comfortable with it.

**Aldr. Lemke**: We would be willing to support the length along Rt. 25; the original less $12,700.

**Mr. Suhr**: The original cost in 2013 was actually reimbursed back to the HOA, so the HOA received the bids and had the fence installed and then we simply reimbursed the HOA; the City was not involved in the project at all. In this instance, Mr. Jones could have the fence installed exactly the way he would like to, according to the Building Code, of course; so maybe this isn't a decision about what we are going to fund in regards to where the fence is going to stop and start – Mr. Jones has that choice. Its how comfortable are you with the reimbursement. We are not going to be able to dictate where he stops that fence on the side.

**Aldr. Turner**: I make a motion to reimburse in the amount of $15,300 for the construction of the wall. I think the part we should pay for is primarily along Rt. 25, if there is money left over, it goes to the north, but that's all the linear feet we can afford.

**Aldr. Lemke**: I second.

**Aldr. Pietryla**: So we are just talking about the money and not the length.

**Chairman Silkaitis**: Right; it will be a reimbursement.

**Mr. Suhr**: Since it will be public dollars, we are asking for three quotes and he will have to go with the best price.

**Aldr. Payleitner**: Mark, is this legally okay since we've already signed the Release, or does this make the original Release null and void?

**Mr. Koenen**: I've talked with Attorney McGuirk about this; while it is not common, as policymakers, you can choose to change your mind.

**Aldr. Payleitner**: I'm still not supporting this, but how are we able to get that $15,300 number if we don't have three estimates?

**Chairman Silkaitis**: This is going to have to come back for a formal presentation to us to see what the numbers are if the HOA approves it.

**Mr. Suhr**: There is not an agreement in place for the existing fence; it was simply a reimbursement. If we are staying consistent with what we did with those properties and you are giving us direction to spend up to $15,300 on basically the cost of the fence that would basically cover the Rt. 25 portion of the property, I can put together an agreement if you are more comfortable with that. It is also under $25,000 so we can take your concept and work with the homeowners to achieve that up to a maximum of $15,300.

**Aldr. Payleitner**: As we hear from the homeowner, the original material isn't sufficient for the noise or the view.

**Mr. Jones**: I don't know if it is or not, because I don't have it.

**Aldr. Payleitner**: I'm sure the neighbors could say if it helps or not. Now, are we going to have to be planting trees for all those neighbors because they are going to know that there is noise?

**Aldr. Turner**: I realize this is under $25,000, but I think it would be best if you would come back to us before you cut a check.

**Chairman Silkaitis**: Even though it's under $25,000 I would like it on the agenda because I want the rest of the members to be here for this.

Will you have something for us in two weeks?

**Mr. Suhr**: Most likely, yes.

**Chairman Silkaitis**: Kristi, please call a roll.

**K. Dobbs**:

**Bancroft**: Absent
**Pietryla**: Yes
**Vitek**: Yes
**Bessner**: Yes
**Lewis**: Absent
**Stellato**: Absent
**Payleitner**: No
**Lemke**: Yes
**Turner**: Yes

No further discussion.

Motion by Aldr. Turner, seconded by Aldr. Lemke. No additional discussion. Approved 5 to 1 by roll call vote. **Motion carried.**

***5.b. Recommendation to approve Intergovernmental Agreement with St. Charles Library for Placing Drop Box at New Police Station.**

Approved by Omnibus vote.

***5.c. Recommendation to award the Bid for Concrete Construction Services Contract.**

Approved by Omnibus vote.

**5.d. Recommendation to award the Bid for Parking Deck Maintenance and Repair Services.**

**AJ Reineking presented**. The 5-story parking deck at the northwest corner of 1st and Illinois Streets is in need of routine maintenance and repairs. The work will consist of re-calking the concrete joints, replacing expansion joints, sealing concrete surfaces on the roof of the deck, tuck pointing the parapet wall, and covering expansion joints that are prone to vandalism with hard covers. Due to the designed movement of the deck, and the exposure to the seasonal freeze/thaw cycles, this work is recommended to be completed every 5–10 years.

We received five bids to complete this work with J. Gill & Company of Tinley Park being the lowest responsive, responsible bidder. J. Gill is a reputable parking deck contractor that actually performed the work on this deck during the last maintenance cycle. They bid our project very aggressively, coming in approximately $64,000 under budget.

Staff makes a recommendation to award the bid for Parking Deck Maintenance and Repair Services to J. Gill & Company in the amount of $150,938.

Kristi, please call a roll.

**K. Dobbs**:

**Bancroft**: Absent
**Pietryla**: Yes
**Vitek**: Yes
**Bessner**: Yes
**Lewis**: Absent
**Stellato**: Absent
**Payleitner**: Yes
**Lemke**: Yes
**Turner**: Yes

Motion by Aldr. Payleitner, seconded by Aldr. Bessner. No additional discussion. Approved 6-0 by roll call vote. **Motion carried.**

***5.e. Recommendation to approve Budget Addition to Use Funds Received from an Energy Efficiency Grant in FY 18/19 to Increase the FY 19/20 Street Retrofit Program.**

Approved by Omnibus vote.

***6.a. Dash in the Dark 5K – Information only.**

Approved by Omnibus vote.

**7. Executive Session**

None.

**8. Additional items from Mayor, Council, Staff or Citizens.**

City Council and Government Operations meeting is cancelled for July 1, 2019.

**9. Move to Adjourn Government Services Committee Meeting at 7:51 p.m.**

Motion by Aldr. Pietryla, seconded by Aldr. Lemke. No additional discussion. Approved unanimously by voice vote. **Motion carried.**