

**MINUTES
CITY OF ST. CHARLES, IL
GOVERNMENT SERVICES COMMITTEE MEETING
MONDAY, SEPTEMBER 26, 2016, 7:00 P.M.**

Members Present: Chairman Turner, Aldr. Stellato, Aldr. Silkaitis, Aldr. Payleitner, Aldr. Lemke, Aldr. Bancroft, Aldr. Krieger, Aldr. Gaugel, Aldr. Lewis

Members Absent: Aldr. Bessner

Others Present: Ray Rogina, Mayor; Mark Koenen, City Administrator; Peter Suhr, Director of Public Works; Chris Adesso, Asst. Director of Public Works - Operations; Karen Young, Asst. Director of Public Works – Engineering; AJ Reineking, Public Works Manager; Tom Bruhl, Electric Services Manager; Tim Wilson, Environmental Services Manager; James Keegan, Police Chief; Joseph Schelstreet, Fire Chief

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

2. Roll Call

K. Dobbs:

Stellato: Present
Silkaitis: Present
Payleitner: Present
Lemke: Present
Turner: Present
Bancroft: Present
Krieger: Present
Gaugel: Present
Bessner: Absent
Lewis: Present

3.a. Electric Reliability Report – Information only.

3.b. Active River Project Update – Information only.

4.a. Presentation to Consider Closing Walkway Path through Lots 5, 6, 13 and 14 of the Fox Glade Subdivision.

Peter Suhr presented. This item is to discuss a public walkway that is on private property; more specifically, this particular walkway is located in the Fox Glen Subdivision in Ward 5 and is on four private properties. These four property owners have contacted the City and are requesting us to consider closing the walkway for various reasons that we will review in a minute.

This discussion is quite complex; I will provide the best information to you so that you can make an informed decision regarding the homeowners request to vacate this particular property. To do so, we will be reviewing the area maps, a plat of subdivision and photographs so that you have an understanding of the context in relationship to this particular walkway and the surrounding areas. In addition, we will dive into the specific requests from the four homeowners and explain their reasoning for the request to close the walkway.

You may recall that this particular subject was also discussed in 2013 so we will provide you with that historical data and the action taken in 2013 by the City. Attorney McGuirk is in attendance tonight, if you have any legal questions. Once we have had a chance to review the data, there are several audience members related to this particular situation, so if it's the Committee's will at that time to allow them to speak and tell their story, perhaps we can do that. We will finish with open discussion and Q&A.

Aldr. Lewis: Mr. Chairman, I would like the record to show that I wish to recuse myself from this discussion.

Chairman Turner: Let the record show that Aldr. Lewis has recused herself from this discussion.

Mr. Suhr: The four properties are located off of Fox Glade Court which is in the City's southwest quadrant in the fifth ward. This area is bound by McKinley Street, Roosevelt Street, Rt. 31 and Ash Street. The area identified as The Oaks is directly west of the subject properties and also the dead end to Fellows Street is directly west of the subject properties. The walking path generally follows the dead end off Fellows Street and goes through the four properties across Fox Glade Court to the east, into The Oaks property.

There is drawing titled Fox Glade PUD Subdivision Unit No. 1, which was certified on September 18, 1969. The plat shows a 10 foot wide easement which simply is noted as a walkway easement. The walkway easement is located between lots 5, 6, 13 and 14. The easement provisions note that this particular easement or the easements for this entire plat are reserved and granted to the City of St. Charles and other utilities such as Illinois Bell and Northern Illinois Gas Co. The easement provisions also note that it is for the installation, maintenance, relocation, renewal and removal of various identified utilities such as sanitary, stormwater and electric. The easement provisions, however, do not

specifically mention or define what walkway easement means. However, there is probably an implied meaning. There is also another walkway easement on this particular PUD that extends between two homes to the north from The Oaks north to McKinley Street.

The City received a letter on September 9, 2016, which was titled “Application to City of St. Charles for Homeowners Requesting to Vacate Walkway Easement on Private Property”. The applicants were identified by name in this particular letter along with address and lot number; you all have that in your packet this evening. In general, the applicants provided a reason for the request to close this particular walk, and they state safety, security, privacy, nuisance, disturbance of the peace, devalue of property and legal concerns. The homeowners provided some specific examples of each, which I will not review in detail. However, you have those in your packet and as the homeowners come up to talk tonight, they will go into detail about these particular reasons.

In January 2013, the Council unanimously approved Fox Glade Court Indemnification letters which are also included in your packet. At that time, these same four homeowners had a similar request to close the sidewalk and for very similar reasons that we are discussing tonight. However, in 2013, their main concern was that of liability and responsibility for maintenance. Therefore, the City Council agreed to provide each of the homeowners an indemnification letter which was signed by both parties; it was approved by City Council and recorded with the County. Specific details of the Indemnification letters include that the walkway was constructed by the City – an acknowledgement that the City did construct that walkway, pursuant to the language in the PUD which was called out as a walkway easement. The City shall maintain the walkway to keep it in good condition, which I believe we have. The City shall, to the extent permitted by law, indemnify, defend and hold harmless the owner of the premises and also if the City ever removes the sidewalk, it will grade and seed the affected areas. If that were ever to happen, then the indemnification letters would be assumed void.

There is certainly a legal interpretation here. The homeowners have asked us to vacate this easement and we might have to describe and talk about what vacation really means. We do have utilities in this area; there is electric and water. If we vacate the easement, we certainly would want to protect the utility portion of that easement. If we were to vacate the easement of the walking path, what does that specifically mean? It appears that the PUD is specific that the easement belongs to the City of St. Charles, but there may be an argument that suggests that even if the City vacated the walkway easement, is there is a larger interpretation that the community still has right to that easement?

Attorney McGuirk: You have laid that out very well. The problem with the plat back then is it didn't say this was a dedicated right of way, it said it was a walkway easement. The question raised is who is it in favor of? I think the City is taking the position by improving it and maintaining it, that it is in favor of the general public and the City has that right. We could certainly give up any rights we have, but Peter is correct; if there are any utilities in there, those would remain because those are covered specifically on the plat.

Mr. Suhr: Some other considerations are adjacent neighbors. We have heard from the four homeowners. We have also heard from The Oaks and their representation that they oppose the closing of this particular walkway. They specifically utilize this as a direct means to get to the dead end of Fellows and a way to get to the west side property such as Davis School and the other middle schools as well. We have to consider the community at large as well; we haven't heard from the other neighbors in this area, whether they would like this walkway closed or to remain open. We don't have a survey of who utilizes this particular path. Another thing to consider is that the City of St. Charles Comprehensive Plan, which was revised in September 2013, has specific language to the promotion and support of bike and walkway systems throughout the community.

Unless there any specific questions, perhaps this is an appropriate time to have the audience participate?

Chairman Turner: If anyone would like to address the Committee, please approach the podium and give us your name and address and state your concerns.

Ms. Fox: I'm Chris Fox; I live at 1310 Fox Glade Court. Originally when we moved into this house about 27 years ago, there was hardly any traffic going through there at all. I would say within the past 10 years, more and more people have found out about it. The amount of traffic that is going through has grown. We have had chicken bones thrown over the fence, which I've had to take my dog to the vet for; people throw garbage over the fence. Three of us have dogs, and people walk through antagonizing the dogs to get them barking. We have a tri-level so we have windows at the bottom floor. We have to keep our drapes closed at all times; we can't keep them open because we have no privacy anymore.

Originally when it started there were just a few people that lived in The Oaks that would come through, but times have changed, neighborhoods have changed; the traffic is constant until 10:00-11:00 p.m.

Mr. Van Acker: I'm Phil Van Acker; I live at 1227 Fox Glade Court. Thank you for including us into your meeting. As far as The Oaks is concerned, their subdivision is private. They have a sign when you go into The Oaks stating it's private, so I'm not sure they welcome people coming through. Some of The Oaks residents who cut through are great people and once you make them aware that it isn't City property, it's our own property, they change their tune. Can you think of a reason why someone other than the four of us homeowners would want to close it? No one wants a privilege taken away from them.

The path is so close to my house I could shake hands with people when they are on the path. People come through at 2:00 or 3:00 a.m., we get weird people cutting through; it's changed from what it used to be. There is a sidewalk that goes around The Oaks and right now I don't see any kids using that path to get to school. I have a neighbor kid who goes to Davis, Richmond and Thompson; they all use buses at the end of the street.

Mr. Esposito: I'm Frank Esposito; I live at 64 White Oak Circle, which is in The Oaks of St. Charles. I'm the President of the Homeowners Association. I heard this discussion was going to be held tonight, so I decided to come to the meeting. I've lived in The Oaks about 8 or 9 years; I don't know exactly how this was all developed, but I can only tell you what I had been told which is when the PUD was developed, because it is a circle, there needed to be other ways to exit the property so there were two easements established. The one we are talking about now, and the one that goes to McKinley. That one, to the best of my knowledge, has never been developed. I had been told the primary reason for putting the one in question in was about kids going to school. Over the years, families have been coming in with children. How many children use that pathway, I'm not certain, but I'm told that there are some. If necessary, we can poll the owners who have children to find out how many are using the path.

My wife and I use the path to walk our dog. It's very convenient because we can go out of The Oaks, along Roosevelt Street and come back into The Oaks through the walkway. I'll be honest with you; if I lived there, I would feel exactly the same way as these homeowners do. But at the same token, not knowing the legal aspects of it, I would think that issue would have to be addressed. If there is a legal requirement to have exists over and above our entrance, then I don't know what you would do about that. I do know that The Oaks carries liability insurance on that pathway; it's in our documents that we will always provide insurance and we have our snow removal company remove the snow from that path, we have been doing that for years. We would like to save the expense of the insurance and snow removal, but at the same token, I think the primary thing is that if there are children using it, then to close the path is going to require them to go around in order to get to Davis School.

Our position is that we would like to see it remain open; but again, I can empathize, especially with Phil because his windows are right on the path on that side of the street. That is really bad and why it was ever developed that way is beyond me and it should never have been done that way. The area closest to The Oaks where there is a fence does provide some privacy. The fact that things are thrown over the fence, I can honestly say we have never thrown anything over the fence, but I can't speak for everyone that goes through there. In one respect, The Oaks might want it closed because we get a lot of people who walk their dogs through The Oaks and then don't pick up after them. We have leverage with the homeowners, but we don't have leverage with people walking through.

Officially I can tell you that The Oaks of St. Charles would like to have the pathway remain open.

Chairman Turner: Peter, are there any more of these in St. Charles?

Mr. Suhr: We believe there are, the notes from 2013 suggested there are about 17, but you would have to dig in to understand the nuances of each one.

Chairman Turner: I think what we are going to try to figure out tonight is if we vacate this, what is the process? If we don't vacate, what are the reasons why? Attorney McGuirk, is it just that simple?

Attorney McGuirk: You can make a decision as to the public interest. We can vacate or quit claim the City's interest – we can work through the mechanics of that.

Chairman Turner: What are the costs on this? I assume if we do this, we have to take out the pathway and reseed it?

Aldr. Stellato: Does Fellows dead end at Ash or does it continue through?

Mr. Suhr: Fellows dead ends in the middle of that block.

Aldr. Stellato: But the lot that is left, is that an easement as well?

Mr. Suhr: That is an easement as well.

Aldr. Stellato: So the intent was to get The Oaks through to Fellows?

Mr. Suhr: Yes, but it is part of a different PUD or plat.

Aldr. Stellato: Did the planners intend on linking the two together by doing that?

Mr. Suhr: That is a good assumption, yes.

Aldr. Stellato: On that strip of Fellows that goes to the east of Ash, is that roadway improved, is there sidewalks? What is on the other side of the path?

Mr. Suhr: There are no sidewalks immediately, but I think when you get past Ash there are sidewalks.

Aldr. Stellato: I'm just trying to understand the thinking; the connection to McKinley which would be on the north side of this development; is that where it was originally intended? Do you have any documentation that shows that?

Mr. Suhr: It's the same PUD document that simply states walkway easement but it is not developed, and it doesn't say why.

Aldr. Gaugel: Safety seems to be the biggest concern. In the letter they indicated of an individual who was passed out on the sidewalk; can you give us any insight? Is this a problem area? Do you get called here all the time, and have there been issues that require Police attention?

Chief Keegan: Not to my knowledge.

Aldr. Gaugel: Is this an area that you normally patrol?

Chief Keegan: It would be tough to get a vehicle to patrol an easement.

Aldr. Silkaitis: This is for Attorney McGuirk; what if we do vacate the property and seed it? Just because there is no path there, if you leave the fences there, people are still going to walk through there out of force of habit. Can we gate the two ends since it is still a utility easement?

Mr. Suhr: It is still a blanket utility easement through there, yes.

Aldr. Silkaitis: This is an easement, so the property lines are actually in the middle of the path, correct?

Attorney McGuirk: When we vacate it, half goes to one side and half goes to the other side.

Aldr. Silkaitis: But then we could take down the fences and have one fence for both sides, correct?

Attorney McGuirk: That would be between the homeowners.

Aldr. Silkaitis: But is something they could do to prevent people from cutting through?

Attorney McGuirk: Sure.

Aldr. Payleitner: I would like to know how many kids use that path. It would be good information to have. I drove by there today and there is a sidewalk; Fellows ends and then there is a sidewalk that goes to this walkway. Who maintains that?

Mr. Suhr: That is City right of way.

Aldr. Payleitner: Peter, you took bits and pieces from the Comprehensive Plan; I would feel like would be going against the Comp Plan by taking this walkway out. I think we have a strong message of connectivity and walkability. If this is a policing or good neighbor issue, that is another conversation for another day. Any idea what's changed in ten years? Have you noticed a change in The Oaks in ten years? It's been there since 1969, so just in the last ten years there has been issues?

Mr. Esposito: Nothing has changed that I'm aware of.

Aldr. Bancroft: I want to understand; what does “maintenance” mean? What exactly does the City do, what exactly does The Oaks do, what exactly do the homeowners do?

Mr. Fox: My name is Jeff Fox, 1310 Fox Glade Court. When we first purchased the house, it was a gravel walkway. I was the one who convinced the City to make it a concrete sidewalk. We didn’t have a problem with it then. Since then, we do have a problem with it, and it’s probably due to the fact that people found out about it. As far as maintenance goes, The Oaks does not snow plow or maintain it; Phil and I do that. Never once has The Oaks or the City maintained that walkway.

Mr. Esposito: I’m glad you said something; I will talk to our contractor.

Mr. Fox: They do it from The Oaks until the end of my property; they stop at my fence. It’s just become such a nuisance. Three out of the four of us have pets and the amount of people, traffic, motorcycles, and kids makes it very difficult. We have people in The Oaks that come in late at night, because they don’t have ample parking in The Oaks, they’ll park on our street and walk back and forth at 2:00 a.m., talking as if no one else is around and it wakes us up and our dogs start barking. We have put it up with it for a lot of years and if anyone would like to come spend the weekend at my house to see what we actually go through, I would be glad to put you up.

Aldr. Krieger: If you have motorcycles on the walk, I bet the Police would respond quickly if you called them.

Mr. Fox: You can’t call fast enough before they are gone.

Aldr. Krieger: I would still give it a try. How many homes are in The Oaks vs. the four that want this closed? I would say majority rules.

Mr. Esposito: There are about 70 units.

Mr. Suhr: In regard to maintenance, the City’s responsibility to that would be overall maintenance of the actual concrete or asphalt surface, so if there was a trip hazard, we would grind it down. But again, it’s a sidewalk that is in good shape, so it’s not like we are out there every week doing maintenance.

Aldr. Bancroft: But you wouldn’t anticipate the City going out to remove that sidewalk?

Mr. Suhr: The document that was signed in 2013 suggests that the City will remove it if the decision were made to do so and then the City would return it to sod.

Aldr. Bancroft: I meant snow removal.

Mr. Suhr: No, we wouldn’t do snow removal.

Aldr. Payleitner: They don't remove snow on my sidewalk, so why would they on this?

Aldr. Bancroft: This is different.

Aldr. Payleitner: How? We have a secret sidewalk in my neighborhood too and the neighbors maintain it. I don't think there has been a criminal element or I would have heard about it, but I know it's well traveled. It's a delight to connect neighborhoods. I feel bad that these neighbors want to isolate themselves and not have that connectivity right in the middle of town.

Aldr. Lemke: I would expect that there are several of these sidewalks in the City and we may get a lot of people who want their sidewalks closed after they hear about this.

Chairman Turner: That would be contrary to the Comprehensive Plan. We can take that into consideration or we can take the neighbors into consideration at this point.

Mr. Van Acker: I would like to address Aldr. Lemke's concern; as far as a lot of people coming forth to say they want their sidewalk closed; I would like to say that I think this is the only easement in use in the City on private property, correct?

Mr. Suhr: I don't know that for sure; we haven't gone into that.

Mr. Van Acker: I think it's the only one in St. Charles on private property. There is one off of McKinley that is not in use; it's closed.

Aldr. Payleitner: McKinley – is it closed or just not paved?

Mr. Suhr: There is no path; because of the grading, it would be difficult to get a path in there.

Aldr. Stellato: That is an interesting point about private property vs. public. I would want to know if this is the only easement on private property, does that affect our decision according to Attorney McGuirk:

Attorney McGuirk: I think it's a lot clearer and I've seen some other areas in the City where it's a dedicated right of way; it's actually noted on the plat that way. This is a little unusual I think in light of the fact that it's walkway easement without any other language telling us what that means. The City has maintained it and improved it and acknowledged some control over it over the years. I don't know the answer to what the others look like, I haven't been asked to look into it, but I certainly can.

Aldr. Stellato: We need to know that answer moving forward because it would weigh heavily on my decision if it was the only one on private property.

Chairman Turner: I would like to ask the Committee to tell Peter and John what questions they want answered and we will continue this to next month.

Aldr. Bancroft: Here is what bothers me about this discussion. I appreciate the fact regarding what is said in the Comprehensive Plan and what is expressed by the Committee is the walkability and connectivity of neighborhoods. This is really a bad plan. We wouldn't approve this if it were submitted to us tomorrow and that desire of connecting neighborhoods doesn't mean that we have to accept every bad way that's in place right now. I throw that whole thing out. I think we can look at this fresh and not think that we are going against our plan by going outside the box.

The other thing is that I have heard nothing about what we can do to help – we have heard about bikes, motorcycles, scooters, all those things going through there. What other things can we do to this to make sure that doesn't happen? How do you then say the neighborhoods need to be connected but not take any steps in the direction of the homeowners for talking about legitimate concerns? This is a bad plan, I understand that it may be different, there may be more use right now compared to what it was 15 years ago, I accept them for their word, but at the end of the day, why don't we come up with some things to help them? Can we put hours on it, can we put speed bumps, can we put gates like that are on the bike path that go across Crane Road along Randall where they are staged so people can't drive through? There are a million things we can do here and I haven't heard a suggestion to that. I would like to see at least five things we can do to help the situation.

Mr. Suhr: I appreciate that; we didn't do that yet, but we certainly can.

Aldr. Payleitner: That was the best practice in 1969; we could throw away a lot of stuff in our town because it's not by today's standards.

Aldr. Bancroft: This is the only one before us, right now, tonight.

Aldr. Payleitner: But I don't know that we want to set that precedence necessarily.

Aldr. Lemke: I think we can give direction to Staff what we would like to look into. The problem I'm having is the overnight use and particularly the motor vehicle use.

Mr. Esposito: When you go through the fenced in area, and you come on to The Oaks, there is a sidewalk that is flush against the side of Unit 42, I have never heard anything from that resident that there are any motor vehicles disturbing her at night. One would think that if they are going through that path, they are going to go right by her windows. I'm going to talk to her specifically about that and I'll give the information to whomever if she is having a problem. But I have not heard anything about that at this point.

Mr. Van Acker: Fox Glade Court was developed in 1969; The Oaks was developed in 1975. If you look at The Oaks' plat that is recorded, there is no easement on the plat. For legal purposes, yes, they did put a sidewalk in, but there is no easement on The Oaks plat that connects to ours.

Chairman Turner: Peter, do you have enough direction on what the City is concerned about and what the neighbors are concerned about?

Mr. Suhr: Yes; we will do our homework and bring this back in 30 days to present the information we find.

Aldr. Lemke: Please look into what we are seeing is lot lines, and the fact that there is no easement in The Oaks. If one looks at the property lines, it looks like a common area. It would help to have insight on that for the Committee.

Chairman Turner: Thank you everyone for coming and sharing your comments.

No further discussion.

4.b. Recommendation to approve Subsidy to the Homeowners Sewer Assistance Policy for the Homeowners at 1231 South 10th Street.

Chris Adesso presented. You may recall that Tom and Marne Muckian were here in July and addressed the Committee about sewer back-ups that they had been experiencing at their home. At that Committee Meeting, the Committee supported a motion to subsidize the Homeowners Sewer Assistance Program to help out two homeowners; one on South 10th Street and one on South 11th Street who have been experiencing repeated sewer back-ups.

Since that meeting, Public Works has been working with Tom and Marne Muckian to get an understanding of the costs associated with the installation of overhead sewer that we discussed at the July Committee Meeting. Since then, they have updated their Sewer Assistance Policy Application with three current, valid quotes from certified plumbing contractors. The lowest contractor submitted a price of \$5,987 to do the work. The table in your packet represents the subsidy amount that we are requesting tonight in the amount of \$2,487.

The total project cost for the overhead sewer project at the Muckian's home is \$5,987 of which \$3,500 is going to be paid from the Homeowner Sewer Assistance Policy, and the additional subsidy is for \$2,487. At this time, if there are no questions, I would like to make a recommendation to approve the subsidy to the Homeowners Sewer Assistance Policy for the homeowners located at 1231 South 10th Street.

Mr. Muckian: Tom Muckian, 1231 South 10th Street. I just wanted to express our heartfelt thank you for hearing us and giving us this. A lot of peace of mind will come for us; we are very appreciative.

No further discussion.

Motioned by Aldr. Krieger, seconded by Aldr. Lemke. Approved by voice vote. **Motion carried**

4.c. Recommendation to approve an Intergovernmental Agreement with the Park District and River Corridor Foundation for the River Park Concept Study.

Chris Adesso presented. Committee members may recall that in July we discussed an agreement with WBK, LLC for Professional Engineering and Surveying services associated with the River Park Concept Feasibility study. At that meeting, a motion was made to approve an agreement pending approval of an Intergovernmental Agreement, cementing the three interested party's commitments to the study.

The fiscal year related items are outlined in the chart in your packet, but to summarize; of the \$113,000 study, the City's cost share for the study will be \$73,000. The Park District has committed to contribute \$35,000 and the River Corridor Foundation will contribute \$5,000. Both of the other organizations have approved and signed the IGA associated with this agreement. Tonight, we are asking for this Committee to approve that agreement as well.

Aldr. Lewis: I'm comfortable with paying the amount that we have agreed to pay, but I'm struggling with Section 3 "Future Agreements" and exactly what that means? I'm uncomfortable with what the intent of it is, what the language is and agreeing to future agreements.

Mr. Adesso: Attorney McGuirk had the opportunity to review this, so I don't want to speak out of turn, but I think the first sentence of the second paragraph speaks to the intent of what the language is for Section 3 which states that essentially all parties agree to work cooperatively on issues in the future, so they are identifying that if future agreements are needed, we will work cooperatively towards that end; not necessarily that we will have another agreement or that we will agree to engage in another project or another study, but simply that we will work cooperatively together.

Attorney McGuirk: I agree completely; we are not committing to anything, we are just saying that we will continue to cooperate in the future.

Aldr. Lewis: So we are not saying that we WILL agree to future agreements.

Attorney McGuirk: No, and that's not what is intended.

Mr. Adesso: The intent is just to agree that cooperatively we will agree to work together in the future.

Aldr. Lemke: I certainly wouldn't agree to anything going forward until we know what the feasibility is.

Chairman Turner: Kristi, please call a roll.

K. Dobbs:

Gaugel: Yes

Bessner: Absent

Lewis: Yes

Stellato: Yes

Silkaitis: Yes

Payleitner: Yes

Lemke: Yes

Bancroft: Yes

Krieger: Yes

No further discussion.

Motioned by Aldr. Stellato, seconded by Aldr. Payleitner. Approved by voice vote.

Motion carried

4.d. Recommendation to award Contract for Fiber Modeling Software to Schneider Electric.

Tom Bruhl presented. This is a communications related item. The City started installing fiber in 1999. Over time, we have grown to use fiber for a number of purposes including the School District as well as the County. We have advanced from running 12 fiber counts to 144 fiber counts, which becomes quite involved.

We went to RFP with the GIS Department to find a solution that would integrate the ability to trace our fiber circuits through splices and patch panels within our GIS environment. We received seven responses and narrowed that down based on the capabilities provided and we ended up doing four live demos. From there, we selected Schneider who was the top performer. Because that solution was over our budget by a great amount, GIS worked with that vendor to thin the different module and software costs. Even with that, we ended up about \$4,000 over budget, but there was a project that was in the budget that we didn't have to do, so that would make up the cost difference.

Staff recommends approval of a contract with Schneider Electric for Modeling Software and implementation services for a not to exceed price of \$84,865.

Aldr. Gaugel: On the second page you show scoring, performance and prices. As I look at the three that were not selected for a demo, I understand the one that says underlying technology is not compatible; but between the other two, going with the higher of the two vendors, the top one you have "removed implementation service to

meet budget”. What is the difference between those two and why are we going with the higher option? Is it strictly that they performed the best?

Mr. Bruhl: Correct. We went through all the items of the RFP and we ranked each vendor on that item of the RFP including the functionality - specifically the functionality of being able to use it on a light machine in the field. The column that says “Strength of Solution” is the summary of not only how well the vendor did, but how important that element is; it’s like a weighted average for all of the RFP’s. We went through about 60 different elements.

Aldr. Gaugel: Is it fair to say if we went with the second vendor (Enghouse) that they would perform well, but in your opinion not as well as Schneider?

Mr. Bruhl: Schneider would be a more desirable solution in our environment.

Aldr. Lemke: How many people were on the evaluation team?

Mr. Bruhl: There were three from Public Works and two from Information Services.

No further discussion.

Motioned by Aldr. Silkaitis, seconded by Aldr. Krieger. Approved by voice vote.

Motion carried

4.e. Recommendation to award Agreement for Engineering Services for Sub-basin SC02 Flow Monitoring Study to Engineering Enterprises, Inc.

Tim Wilson presented. This item is regarding the CMOM Phase 1. As you may recall at the July Government Services Committee meeting, Jeff Freeman from EEI gave a presentation on the St. Charles CMOM program. The sewer program is a long term effort to decrease the amount of sewer system overall and addressing some of the aging infrastructure issues that we have. The entire sewer system is divided into 12 sub-basins; each sub-basin was assigned a three year program to help with workflow and future budgeting. The first sub-basin we will be concentrating on is called SC02; this sub-basin was selected as a starting point due to the problematic history in the area including the 10th Street sewer system issues.

Sub-basin SC02 is generally located between Prairie Street to the north, the Fox River to the east, Gray Street, (which is the St. Charles/Geneva border) to the south and Randall Road to the west. The flow monitoring program will include eight flow monitors that will be in place for eight weeks total. At the same time, we will have local weather recorders including rain gauges in place also. After Phase 1 Flow Monitoring is completed, a recommendation will be made by EEI for Phase II, which is the sewer system evaluation. This is a long term plan that the City is putting in place to address resident concerns and determine how we can improve our aging infrastructure.

Staff recommends awarding an agreement for Engineering Services for Sub-basin SC02 Flow Monitoring Study to Engineering Enterprises Inc., in a fixed fee amount of \$60,594.

No further discussion.

Motioned by Aldr. Stellato, seconded by Aldr. Silkaitis. Approved by voice vote.

Motion carried

4.f. Recommendation to waive the Formal Bid Procedure and approve a Purchase Order to Xylem Water Solutions USA, Inc. for a Return Activated Sludge Pump.

Tim Wilson presented. This is a pump replacement at the Main Wastewater Treatment Facility. The Wastewater Division has budgeted \$40,000 to replace one of three activated sludge pumps this year. The City utilizes one manufacturer of pumps, which is Flygt Pumps. This gives the Division the flexibility to place the pump in service at several critical locations within the treatment plant. The same pump is also used at the Riverside Lift Station so it can be placed in service there in case of emergency. Because these pumps are critical for plant operations, the Division prefers to have at least one back up pump on site and ready to be installed.

Flygt pumps are sold exclusively by one vendor, Xylem Water Solutions. Staff is recommending waiving the formal bid procedure since the pump is a sole source purchase, and approving a Purchase Order to Xylem Water Solutions, Inc. for a return activated sludge pump in the amount of \$32,750.

Aldr. Silkaitis: Do we install the standby pump ourselves?

Mr. Wilson: Yes; we pull and install the pumps in-house.

No further discussion.

Motioned by Aldr. Silkaitis, seconded by Aldr. Stellato. Approved by voice vote.

Motion carried

4.g. Recommendation to approve Concept Engineering with WBK Engineering for the North 2nd Avenue and Delnor Avenue Improvement Project.

Karen Young presented. This has been a project in concept for several years with a long term plan to upgrade the roadway and associated utilities within the Second and Delnor area, which is a neighborhood on the east side of town. The existing roadway width and geometry in this area are substandard and has developed over time as the homes have developed. As part of that, the trees in that area have been preserved and the character of the neighborhood is unique. In looking forward to a potential project in this location and the unique challenges that this location poses, we have decided to move ahead with the concept stage of this project in order to evaluate all the conditions out there.

The concept study we are proposing would include a field survey which would identify all existing utilities, trees within the right of way over three inches, as well as existing grading and ditches. We would do a full utility evaluation of the existing conditions which includes soil borings, concept level design, cost estimates and construction staging opportunities. The most important part of the concept study is the public outreach phase. We feel that in a situation like this, it's very unique that we should not move into the design phase; we need to have heavy engagement with the property owners to understand the existing conditions and some of the things they face in this area, which will help us determine the concept moving forward. As part of that, we will also be having meetings with stakeholders; we have potential interaction with the Park District and Forest Preserve District in this area.

Staff requested qualifications and proposals from three firms with submittals by HR Green and WBK Engineering. After reviewing the qualifications and proposals, WBK was selected to complete the concept engineering phase due to their unique level of experience with the St. Charles Park District and the City; the City has been pleased with the work performed by WBK and professional interactions with our residents. Staff negotiated a fee for this work in the amount of \$49,492 for a not to exceed contract. Staff recommends approval of a contract for concept engineering with WBK Engineering for the North Second and Delnor Improvement Project in an amount not to exceed \$49,492.

Aldr. Krieger: I would like to ask that the City please notify the residents that you are not coming in and striping everything; explain to them exactly what you are doing. Communication in this area is going to be crucial. With that, I would move to approve the contract.

Aldr. Payleitner: With this big of an improvement, will there be some sort of an SSA for the neighbors to pitch in on this?

Mrs. Young: That is not something that has been discussed as this is all City owned infrastructure that currently exists; we are not installing something that isn't already out in that area, there is water main, sanitary and storm sewer.

Aldr. Payleitner: I'm talking about the streets and curbs that would be going in.

Mrs. Young: That is only part of the concept study; we are not making assumptions as to what needs to be done. Just because a roadway is a rural roadway doesn't mean there aren't applications that are a best fit for the type of situation. We have other locations where we have rural roads as well. Part of this concept study is to listen to what the public has to say, get feedback and provide different options so we can incorporate that into our design since it is such a unique area.

Aldr. Gaugel: Can you talk about the HR Green proposal? Were they deficient in any way?

Mrs. Young: They were not deficient; we felt that WBK's public process was more elaborate and fit the needs better for this particular project than HR Green's.

Aldr. Gaugel: We only solicited three vendors for this? Is there a reason why we only went after three and not more?

Mrs. Young: Not necessarily. The reason we didn't get a response from the third company is that they were already booked through the first of the year.

Aldr. Gaugel: I have no question with WBK's qualifications, but I question our process that we go through to select vendors. I worry about the long term ramifications down the road. If I were another vendor potentially bidding on this and see that it gets awarded to the highest bidder, albeit not by much, it would send a message to me that this is the vendor you wanted from the beginning. My concern long term would be that we are going to restrict the vendor base that is going to bid on our proposals down the road, which then, of course, affects the price.

WBK knows that they stand a very good chance to get everything down the road, and I'm sure they're not too worried about the pricing. I'm concerned about the process, not so much that we are picking a quality vendor who is going to do an excellent job, but that the process is fair and all the vendors have an opportunity to legitimately earn this business. It seems to me there was already a distinct advantage to WBK on this.

Aldr. Bancroft: What would HR Green need to have done to get this business?

Mrs. Young: As I stated, when looking at construction, it's a line item price. When looking at the consulting process, it's the scope of work. We lay out the scope and the intent; some firms go above and beyond to provide a better scope. Consultant "A" may say they are just going to mail a questionnaire to residents, where Consultant "B" may say they are going to do a questionnaire, public meetings and actually describe how the public meetings are going to be laid out. They are all provided the same opportunity to provide that information and every consultant makes a choice as far as what they present.

Aldr. Gaugel: In the past, you have had instances where you have gone back to a vendor and asked them to modify their scope of work. Did we do that with HR Green in this case? Did we tell them where they were deficient and ask them to change?

Mrs. Young: We did not, in particular because they had a lot of other things that we felt were higher with more hours and if we started adding on, it would have been significantly higher than the other vendor.

Aldr. Bancroft: That doesn't ring true in the Executive Summary; it says a "unique level of experience and positive working relationship". It doesn't say that we are getting so much more scope, so much more input, so much more effort. I didn't read that.

Mrs. Young: I can certainly expand on that in the future if that's your desire.

Aldr. Krieger: To Aldr. Payleitner's comment; I don't think these people want curb and gutters. They like it as it is.

Aldr. Lewis: How far is the right of way on either side of the street?

Mrs. Young: I don't recall exactly what it is; I think about 15 feet, but I would have to check to be sure. We definitely own into the wooded area, if that's what you are asking.

Aldr. Lewis: Yes, thank you.

Aldr. Gaugel: Another thing that bothers me when we don't issue it to the lowest responsive bidder is the fact that we are spending more for something we haven't quite quantified yet. I understand you feel they are the best vendor and I completely trust your judgment. I would very much like to see WBK not be the highest price vendor that would make this a slam dunk. With that said, I would make a motion to approve this under this condition that WBK accepts to do the work at a price of \$48,775.

Aldr. Bancroft: Second.

Aldr. Lemke: I understand what we are talking about is a professional services contract, but what I sometimes come to find out is that part of the work gets subcontracted. I am comfortable approving this if I know that WBK is doing the whole thing and not subbing it out.

Mrs. Young: The only thing that is being subbed out is soil borings because that is specialty work that a consultant doesn't do.

Aldr. Lemke: Good, I'm ok with it.

Chairman Turner: There is a motion on the floor to award the contract to WBK at the price of \$48,775.

Chairman Turner: Kristi, please call a roll.

K. Dobbs:

Gaugel: Yes

Bessner: Absent

Lewis: Yes

Stellato: Yes

Silkaitis: Yes

Payleitner: Yes

Lemke: Yes

Bancroft: Yes

Krieger: Yes

No further discussion.

Motioned by Aldr. Gaugel, seconded by Aldr. Bancroft. Approved by voice vote.
Motion carried

4.h. Recommendation to Abandon Existing Utility Easement and approve Permanent Utility Easement Agreement for 811 State Street with Susan M. and Kaile E. Judge.

Karen Young presented. The City was contacted by the realtor and attorney regarding the location of the existing utility easement in relation to the existing building on that property. Upon review of the existing easement and the associated utilities, it was determined that the easement could be modified to eliminate the encroachment through the existing building structures. The City worked with a surveyor to get a revised easement recorded. As part of this, we would like to make a recommendation to abandon the existing utility easement and approve a permanent utility easement at 811 State Street with Susan M. and Kaile E. Judge.

No further discussion.

Motioned by Aldr. Stellato, seconded by Aldr. Silkaitis. Approved by voice vote.
Motion carried

5.a. Recommendation to approve an Ordinance Amending Title 10, “Vehicles and Traffic”, Section 10.40.010 “Parking Time Limits” of the City of St. Charles Municipal Code.

Police Chief James Keegan presented. This is a housekeeping matter. We allow overnight parking in the City for passenger vehicles. The modified Ordinance specifies that pursuant to existing protocol, we will continue to ban commercial vehicles. A commercial vehicle is defined as weighing 8,000 lbs. or more, which is anything outside a passenger plate or a B truck plate; anything with a D plate or higher is banned from parking on City roadways overnight. Vehicles that are B plated with snow plows are also prohibited from parking overnight.

There are some exemptions we use for motor homes; we do allow for permits to be issued by the Police Department. I would like to mention that we are considering increasing our signage. We do from time to time get complaints that vehicles are parked in violation of our Ordinance, and I’ve noticed that in some instances, I don’t think we have enough signage. I have asked the Police Department to conduct a sign survey and I will be coming back to Committee at a future date to get additional signage approved in our operating budget. I’m considering all the entrances to subdivisions that are off major thoroughfares like Rt. 25, Rt. 31, etc. would have signage that would be viewable from the thoroughfare so there would be no confusion as to what our Ordinances are.

Aldr. Silkaitis: This is a good idea, but I would ask that we give warnings the first time rather than a ticket.

Chief Keegan: That is typically the way we do business.

Aldr. Payleitner: What if you have a B truck with a trailer attached? Is that part of our prohibition?

Chief Keegan: Technically, by the letter of the law, a trailer would be in violation.

Aldr. Krieger: In the older neighborhoods, we don't have entrances to subdivisions. If we could add signs to the snow route sign posts that are already there, perhaps that would help.

Chief Keegan: Good suggestion, thank you.

Aldr. Lewis: I'm pleased to see this; does it include flatbed tow trucks?

Chief Keegan: Yes. It is my understanding that most, if not all tow trucks are plated for at least 8,000 or more pounds, so it's very rare that you see a tow truck with a B passenger plate because they winch and tow vehicles.

In addition to Lisa Garhan doing PR on social media, we have put together a brochure with Building and Code Enforcement that explains this Ordinance. Many times contractors who are doing work in our City have vehicles that need to be parked overnight because of construction needs, so we have developed a brochure that is going to be available in Building and Code Enforcement and also on our website. In addition, if a vehicle or truck is in violation, the officer who issues the warning will also give them a brochure.

No further discussion.

Motioned by Aldr. Krieger, seconded by Aldr. Lewis. Approved by voice vote. **Motion carried**

6.a. Recommendation to approve the Adoption of the Updated Kane County Natural Hazards Mitigation Plan.

Fire Chief Joseph Schelstreet presented. We are asking for approval to adopt the 2015 version of the Kane County Natural Hazards Mitigation Plan. The Federal Emergency Management Agency requires communities to adopt a Natural Hazards Mitigation Plan in order to be eligible to receive State and Federal Mitigation funding; this is important to us in particular for the 7th Avenue Creek Project in the event we were interested in applying for funding to mitigate that flooding issue.

In 2011 we did adopt that Natural Hazards Mitigation Plan pursuant to Resolution 2011-30. The next update will be done in 2020. Understanding the plan is 331 pages long, if the Committee has any questions, Emily Kies, our Emergency Management Coordinator is here to answer any questions the Committee may have.

Aldr. Payleitner: So our neighboring cities will be abiding by this as well?

Chief Schelstreet: They certainly have the choice. It is important to us to do this so we are eligible for funding. Each community within the county would put in what they are doing for mitigation efforts. For example, in 2009 when the new fire house opened, part of the mitigation effort that we took is was to put in an Emergency Operations Center and upgraded Emily's area with Emergency Management.

No further discussion.

Motioned by Aldr. Stellato, seconded by Aldr. Krieger. Approved by voice vote.

Motion carried

7. Executive Session.

Move to go in to Executive Session regarding Property Acquisition.

Chairman Turner: Kristi, please call a roll.

K. Dobbs:

Gaugel: Yes

Bessner: Absent

Lewis: Yes

Stellato: Yes

Silkaitis: Yes

Payleitner: Yes

Lemke: Yes

Bancroft: Yes

Krieger: Yes

Motioned by Aldr. Stellato, seconded by Aldr. Bancroft. Approved by voice vote.

Motion carried

8. Adjournment from Executive Session.

Motion by Aldr. Stellato, seconded by Aldr. Silkaitis. No additional discussion. Approved unanimously by voice vote. **Motion carried.**

9. Additional items from Mayor, Council, Staff or Citizens.

None.

10. Adjournment from Government Services Committee Meeting.

Motion by Aldr. Krieger, seconded by Aldr. Lewis. No additional discussion. Approved unanimously by voice vote. **Motion carried.**