

**MINUTES
CITY OF ST. CHARLES, IL
GOVERNMENT SERVICES COMMITTEE MEETING
MONDAY, OCTOBER 24, 2016, 7:00 P.M.**

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

Members Absent: Aldr. Stellato, Aldr. Bancroft

Others Present: 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; John McGuirk, Legal Counsel

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
Krieger: Present
Gaugel: Present
Bessner: Present
Lewis: Present

3.a. Electric Reliability Report – Information only.

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

4.a. Presentation and Discussion of Air Traffic and Airplane Noise over St. Charles.

Peter Suhr presented. This is a continuation of a discussion that we had in July of 2015. At that time, the City was considering to petition the Federal Aviation Administration to restrict air traffic over St. Charles and also to consider joining the O'Hare Noise Compatibility Commission. This particular request was brought forth by a single St. Charles resident, however, we have had several residents with similar complaints about airplane noise over St. Charles.

After the discussion, the Committee unanimously decided not to sign any petition or join the O'Hare Noise Compatibility Commission. However, this Committee asked Staff to stay on top of the situation and report back periodically. I don't have a lot of new information to provide tonight because there isn't any new information out there from what we could find. However, I will provide things we looked at in an attempt to generate discussion.

The O'Hare Noise Compatibility Commission still exists and has an active current website which is www.oharenoise.org. There are 41 communities that are members which is only one more than last year based on my notes. Bartlett remains the closest community to St. Charles on the list. In reviewing the noise contour maps that are posted on the website, they look to be about the same that was posted last year. St. Charles still remains well outside that noise contour map and therefore may not be as impacted as some other communities that are closer to O'Hare.

There have been several Kane County Connects articles over the past few weeks; they have published information about how residents can voice their concern about airplane noise. They suggest Kane County Residents can submit their feedback directly to the O'Hare Noise Compatibility Commission website and even if the City is not a member, anyone can submit their complaints. Batavia and Geneva have recently posted information on their website that give that same advice for their residents. Some St. Charles residents are doing so; the website has a breakdown of complaints by month. For example, nine St. Charles residents complained 571 times in May 2016; West Chicago and Wayne tend to have more complaints than us, which Geneva and Batavia are similar communities to us and have the same type of complaints that we do.

The Public Works Department does occasionally get phone call or email complaints about airplane noise. Since July 2015 we have received a total of seven complaints. Those tend to come during the summer months. Several of those residents are interested in what the City is doing and if they can get involved. They have been invited to the meeting this evening, and I'm not sure if anyone in the audience is here who would like to speak. Aldr. Lemke has been in contact with some airport agencies over the past several months and has some updates. There is no recommendation but to suggest that staff will continue to monitor this and bring it forth perhaps one year from now. We will continue to work with our residents who call and point them in the direction of the Noise Compatibility Commission.

Chairman Turner: Kristi, please let the record show that Aldr. Bessner has joined us.

Aldr. Lemke: This summer I contacted DuPage Airport; they gave me the information for someone at O'Hare. With some delay, that person finally responded by saying there shouldn't be a problem with planes from DuPage colliding with or conflicting with O'Hare traffic because they allow a 1,000 foot separation. I find that curious because there is an application that shows that by and large, the O'Hare parallel flights tend to separate by a mile to sometimes as much as five miles, depending on what runway they are going to. That is most noticeable on the plans from the west landing on runways 10 center, 10 right and 10 north. My particular concern is with 10 right. Quite often those are flights from the east and they tend to circle around the air space around DuPage in counter-clockwise flow. It depends on how the timing and how they fit into the O'Hare pattern, but they tend to come a little farther west before they circle in to get into a landing pattern, or if there is a gap, they come farther east and turn short of the DuPage Airport.

The common theme is, when landing traffic from O'Hare is coming from the west to the east, very often the planes tend to circulate in the clockwise direction. Typically leer jets can climb very rapidly and there is a concern whether they really maintain that 1,000 foot elevation because they are able to accelerate rapidly. They tend to operate in the counter-clockwise direction north of DuPage, so one would say that is the most obvious concern that is more visible during the summer.

Aldr. Payleitner: Aldr. Lemke suggests problems with a traffic issue; what I'm hearing from citizens was the noise. I'm reminded that I grew up near Midway Airport, so it didn't bother me. But for the benefit of the second ward citizens who were concerned about the noise, I went in the backyard. I could hear the plane noise but it was quickly drowned out by the kids behind me on trampolines or by the garbage truck. I was having a hard time grasping the problem; but I have to say that I'm thrilled that the citizens' concerns were heard and where possible, they were addressed. I, like Public Works, also instructed them how to voice their complaints. Judging by the number of complaints in May, I guess they took us up on that, so that is great news. That is all we can do right now; at least they have an opportunity and a voice.

Aldr. Krieger: I've flown in and out of DuPage a number of times, and we have never waved at someone else coming or going. As far as the noise goes, beyond the summer I never noticed it. I do think the guidance from the Public Works Staff is helpful.

Chairman Turner: Since we are not in this alone, Geneva and Batavia are seeing effects of this too; there may be a benefit for the three cities to get together with the group in control of this.

No further discussion.

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

Peter Suhr presented. This is a continuation of the discussion we had last month in regard to Fox Glade Court Walkway. As you will recall, this walkway is located in the Fox Glade Subdivision in Ward 2 and is adjacent to and is on four private properties. These four property owners have contacted the City and are requesting us to consider closing the walkway. Since this topic is still fresh in our minds from just last month, I would like to focus on the new information in your packet.

There were several questions raised and clarifications that the Committee was seeking last month which staff tried to answer as part of your packet as well. First, the Committee was interested in how this walkway compares to others in the Community, and in particular, are there other similar walkways that are on an easement on private property? You'll notice in your packet that staff has provided 24 examples of similar sidewalks. Each has a map that explains where those are specifically located within the City. Each is unique; however, of those 24, there are only 4 walkways that are designated on easements on private property. The most similar being a walkway which extends from Rita Avenue to Cambridge Drive which leads to Cambridge Park. This is very similar in that it is a three foot walkway, combination of asphalt and concrete. It passes over an easement on private property. The residents in that area are fairly close to the walkway itself, so the adjacencies of the homes are very similar. The difference is that walkway leads to a public park where Fox Glade leads to a private subdivision to the east.

The Committee had several questions about adjacencies in the Fox Glade area, so we provided some maps that hopefully clarify where some of the sidewalks in the area are. We tried to identify where sidewalks begin and end. You'll notice that there is a corridor on Ash Street to the east and west side, there is at least a block that does not have public sidewalks in that zone. We have also identified on this map the locations of the school bus stops along Roosevelt; there is one at the corner of Roosevelt and Fox Glade Court and one a few block down to the west.

There were some questions on how the path sits on the property. Fellows Street dead ends about 200 feet east of Ash Street; that is an approved street on public right of way that joins to one, if not two driveways. The path begins at the end of that dead end of Fellows Street. The first portion of the path is an asphalt path in the City right of way. As it heads west and passes over that private property line which is identified in yellow and goes between the residents home, that path is on private property, however, is on the walkway easement in question. As it proceeds east over the private property, that is private a concrete sidewalk that is part of The Oaks Subdivision.

The Committee was interested in the legal process to vacate the walkway, if you chose to do so. The exact process has not yet been determined. John McGuirk would recommend one of the following to be approved at a future meeting. We could simply provide a quit

claim deed to the adjacent homeowners, conveying the City's interest to the sidewalk to the homeowner. We could vacate the walkway easement, recognizing that we would not want to vacate the utility easement as well, or we could possibly eliminate the walkway and restore it to grass, however, do not vacate the easement. Attorney McGuirk anticipates any of these methods to be easy to accomplish. If it is the Committee's interest to vacate the walkway, we will bring forth a recommended solution for your consideration and approval at a follow-up meeting.

Some of you were interested to know who uses the path and how frequently; we didn't have a practical method to determine that in 30 days. You have heard from the neighbors and representatives from The Oaks; they have both provided written testimony at last month's meeting. Several neighbors are here tonight if you have further questions.

The Committee was interested in who maintains the walkway and what does maintenance mean exactly? The best way to answer this question is it is the same as any City sidewalk. The City is responsible for regularly monitoring the conditions of the sidewalk and repairing or replacing when needed to mitigated hazards. The City does not remove snow from City residential sidewalks; therefore we do not move snow from this particular walkway either. It is generally understood and practiced that snow removal is the responsibility of the adjacent homeowner.

The Committee was also interested to know what the City can do to help the situation. After last month's discussion, we contacted the residents to see if they would be interested in meeting with us and representatives of The Oaks to discuss a compromised solution. Quite frankly, while they appreciated the gesture, the neighbors remain firm on their position to vacate the walkway easement on their private property. They didn't feel our concepts like limiting time of use or increasing police patrol would solve the problem.

The estimated costs to remove the walkway range from \$6,500 to \$10,000 to remove the walkway as it currently sits and return it to grass. I have also verified with the Police that there have been violations or police records in this area on file. The only new material in your packet is a letter dated October 17, 2016 that the City received from The Oaks which describes their strong opposition to closing the path. Included in that same letter is the neighbors response to that letter explaining their reasons for wanting the walkway to be vacated.

Aldr. Payleitner: I would like to make a correction; you said the Rita Avenue walkway was also private but different because it went to a public park. Actually, no – back when they were building the second part of Cambridge east, they wanted to connect both neighborhoods, so it was after the fact which is probably why it is on private property. So that connects both parts of Cambridge east, that doesn't go to a park; it goes from Rita to Jeanette.

Aldr. Lewis: I would like to recuse myself from this conversation. I didn't give a reason why last time, but I have a conflict of interest and to me a conflict of interest is a situation

which a person has a duty to more than one person or organization and cannot do justice to the actual or potentially adverse interests of both parties, so I'm going to recuse myself from this.

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

Aldr. Krieger: What is the process for Quit Claim Deeds?

Attorney McGuirk: It's vague about what the City's interest is, but it's clear that we have maintained the easement. So we would have to vacate that by either way of Quit Claim Deed to these homeowners or a Vacation.

Mr. Esposito: Frank Esposito, 64 White Oak Circle; I'm the president of the Homeowners Association. Last month I make a couple statements I would like to clarify. I had indicated that we were doing the snowplowing and I found that we are not. Our contractor is not able to get to the section that is off of our property, which is why they aren't doing it. I also indicated that we were paying liability insurance. Again, it's still not clear with our insurance company if we cover that section that is not part of The Oaks.

I was also not aware that anyone from the City tried to contact The Oaks to try to get a meeting together, but it was indicated that we sent a letter to all of you and we gave copies to the homeowners in question and indicated we would be willing to sit with them any time before this meeting to try to work things out. We were told no, but we are still willing to do that. My major concern is safety. The Oaks is a circle; there is only one way in and one way out. As a board member, I have to be concerned about that for our residents.

Mr. Thornhill: John Thornhill, 44 White Oak Circle. I live not too far from the pathway on The Oaks property. There were questions raised by the homeowners about the appropriateness of the path being installed in the first place. In looking at the City Ordinance at the time, any cul-de-sac over 500 feet long would not be allowed unless it served less than 16 lots. This particular cul-de-sac serves 18 lots and is more than 500 feet long. Putting that walkway easement in there was the appropriate thing to do. This was done in 1969, six years before The Oaks was developed. The implication is that it was put in to provide access to The Oaks.

Chairman Turner: I would like to have a resolution tonight, but we have to decide what kind of resolution we want.

Chairman Turner: I'm looking for an unofficial sense from the Committee if we should go ahead and vacate or keep it in place.

Aldr. Krieger: I say leave it in place.

Aldr. Lemke: I echo that; we should keep it open.

Aldr. Payleitner: I have been in conversations recently with developers and the first thing they ask about is the connectivity. This saddens me that there is a neighborhood who wants to isolate themselves. I think this is an essential part of our City fabric, keeping neighborhoods connected. I would encourage a conversation between The Oaks and Fox Glade to see if there is a resolution.

Aldr. Silkaitis: I have never had anyone say anything about these paths, so I would be inclined to say that we keep it open.

Aldr. Gaugel: No doubt this is a tough one. I think Aldr. Bancroft said it well at the previous meeting that this is just poor planning. I understand the connectivity issue, but I don't see that this path being closed is a problem. This one is definitely unique; the proximity to the houses causes an inconvenience to these homeowners. I don't want to see the walkability taken away, but the trade-off is the inconvenience we provide to the other residents. From what I have gathered, this has become a nuisance to these four homeowners. If you go back to the statement that Aldr. Bancroft made earlier, this is just poor planning but because it's poor planning doesn't mean we have to keep it that way.

Aldr. Bessner: Regarding the homes that are north of the four properties and the ones that are south, did they all have any input in this decision?

Mr. Suhr: We have one representative here from the court.

Aldr. Bessner: If we were to consider vacating this, I would like to see all the homes on the cul-de-sac in favor of it.

Mr. Suhr: The only representatives we have heard from are from The Oaks so far. But that's not to say that we can't send out a flyer or something if that's what you would like.

Chairman Turner: Peter, I think you should contact the people that Aldr. Bessner is talking about to ask that question.

Mr. Suhr: Just the residents on Fox Glade Court?

Aldr. Bessner: I would think anywhere from where the street ends all the way up through the cul-de-sac if that's all part of the same subdivision.

Aldr. Payleitner: Before action is taken by us, I would like a conversation to take place between the two parties.

Mr. VanAcker: Phil VanAcker, 1227 Fox Glade Court. My house encroaches the easement 3.75 feet, so my house is actually within the walkway easement. My house is 6.25 feet from the center of the walkway easement. I have to have plastic diffusers on the outside of my windows to prevent people from throwing snow when they shovel and

breaking my windows, and my blinds have to be closed all the time. We have been talking to The Oaks a little bit, and one of the suggestions was that they want to put higher wall barrier fences up. I don't think you could put a fence between the walkway and my house. There is no way I can be protected from this easement.

When Peter was looking for similar easements, I started looking too and it didn't take me long to find that in Surrey Hill there is a 10 foot utility easement and walkway on both sides of the road and it's closed. It's similar to ours, it's not dedicated to the City and it's closed. I talked to the resident who lives next to that path and he told me in 1990 he contacted the City and asked them to close it and they did.

Before you vote on this, I would appreciate it if Aldr. Stellato and Aldr. Bancroft were both here. Thank you.

Ms. Patterson: Carol Patterson, 58 White Oak Circle. I'm vice president of the board of the association at The Oaks. I do sympathize with the people along this path; however, this is the first complaint we have ever heard. When we were undergoing our construction, we made a point to notify our neighbors of what was going on. We tried to be good neighbors and we still want to be good neighbors. We are more than willing to sit down and try to work out a solution. It is a safety concern because we are surround on three sides by a fence and the fourth side is a gully.

Chairman Turner: We are going to wrap this up. I can't speak for Aldr. Bancroft and Aldr. Stellato, and at this point I'm undecided. I would suggest if possible, let's make a decision in November so these residents have closure. Please give us a resolution to vacate and a resolution to keep it open and let the Committee decide in November.

Aldr. Krieger: Try to have a meeting will all parties involved. If people don't want to attend the meetings, I would assume they are content with the action of keeping it open.

Aldr. Lemke: I wouldn't rule out some ways to mitigate the problems. I understand the list was rejected by the adjacent homeowners, but I think that if the City does not vacate the easement, the City should mitigate some of the concerns.

No further discussion.

4.c. Recommendation to award the Bid for Snow and Ice Control Services for the 2016/2017 Winter Season.

AJ Reineking presented. For large snow events, we utilize contractual services to plow up to ten routes. These services are generally utilized when we experience snow fall in excess of two inches. In preparing the bid for this year's program, we have two notable changes; the first is the Illinois Department of Labor issued a ruling stating that snow removal is not applicable under the Illinois Prevailing Wage Act. They have always been ambiguous for these services and we have always erred on the side of caution and been conservative in our approach. The second change is that we requested bid pricing for

plowing the commercial manufacturing district on the southeast side of the City. This zone is always the first to suffer if we have an equipment malfunction on a main route or a driver calls in sick.

On October 4, we opened bids for snow removal services and received six qualified bids. Bidders were asked to provide an hourly rate for their equipment and to indicate their ability to cover each route type that we are seeking to fill. The range of bids was as expected which is \$85-\$110 per hour.

Our recommendation for Downtown sidewalks is Schollmeyer Landscaping; for parking lots, Clean Sweep Environmental; three cul-de-sac routes will be assigned to Skyline Tree Service and three cul-de-sac routes will be assigned to Cornerstone Partners; two cul-de-sac routes will be assigned to Countywide Landscaping and the manufacturing zone to Tovar Snow Professionals.

It is our recommendation to award the bid in part to all six bidders in an amount not to exceed the budgeted \$154,000.

Aldr. Gaugel: Are any of these incumbents from last year?

Mr. Reineking: The majority are; Tovar is different and we did lose some bidders from last year so we are assigning additional routes to those who indicated they can handle it.

Aldr. Gaugel: I'm specifically concerned about the sidewalks in the downtown as well as the cul-de-sacs. Are those the incumbents from last year?

Mr. Reineking: Yes.

Aldr. Silkaitis: What was the budgeted amount last year and did we exceed that budget?

Mr. Reineking: As you may recall, last year was a light winter. This is a largely condition based contract and hourly rate so last year we were in the \$75,000 range for the total amount spent and our budget was the same, about \$150,000.

Aldr. Silkaitis: So we are assuming we are going to have an average winter. If we do have a rough winter, then our budget will increase; is that correct?

Mr. Reineking: If we have several very large storms, yes.

No further discussion.

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

Motion carried

4.d. Recommendation to approve and accept Easement at 1200 Rukel Way (AJR Filtration).

Tom Bruhl presented. As part of the AJR Filtration building, the electric system was looped and we created a connection between AJR and the Park District to the south. As part of that, they granted us an easement to get from AJR to the Park District.

No further discussion.

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

Motion carried

4.e. Recommendation to award the Bid and approve Purchase Order for Ohio Avenue Water Treatment Facility VFD Replacement.

Tim Wilson presented. The Water Division has four motor control panels called Variable Frequency Drives (VFD's) at the Ohio Avenue Water Treatment Plant and the pump station (aka Well 8). VFD's control the speed of the motor and the pumping capacity at those facilities and they control the water pressure and distribution on the west side of town. This equipment dates back to the 1980's and needs to be replaced.

On August 3, the City advertised for bid to replace the three VFD's at the station. A pre-bid meeting was held on August 22. Four firms were present and expressed interest in the project. At the bid opening on September 12, the City only received one bid from Newcastle in the amount of \$150,000 which over the budget amount of \$100,000. Public Works staff followed up with the other three firms that were at the pre-bid meeting. Two of the firms had taken large jobs and one firm didn't bid because of time constraints on their end.

By reconfiguring some of the larger components, doing some value engineering of the project and negotiating with Newcastle Electric, we were able to secure a base bid of \$79,500. The largest savings was from the value engineering, and the contractor wants to expand his business to the Fox Valley area and he would really like to work for the City of St. Charles. We also downsized the control cabinets removing some individual electrical service feeds. The contractor also negotiated costs with the VFD manufacturer with an estimated savings of \$20,000.

Staff recommends awarding the bid to Newcastle Electric for the Ohio Avenue Water Treatment Facility for VFD replacement in the negotiated bid base amount of \$79,500.

Aldr. Silkaitis: Are we confident with this? It seems we are doing something different than what we wanted. Do we trust that they can do this for the amount they say? I don't want to see this come back with problems they didn't anticipate.

Mr. Wilson: Any contractor can come back with changes. But we did go through this with him in detail to make sure he wasn't lowballing us because he is hungry. Everything is adding up, and everything he is proposing meets code and is what we ultimately need at the end of the day.

Aldr. Silkaitis: The proposal date is September 14, 2016 and is good for 30 days. Is he still going to honor it?

Mr. Wilson: He is aware of the timing of our meetings and yes, he will honor those prices.

Aldr. Gaugel: Trotter has an extensive letter in here about this particular bid. Just to clarify; this contract is going to be with the City of St. Charles and Newcastle, correct?

Mr. Wilson: Correct.

Aldr. Gaugel: So it won't be subbed through Trotter. Can you explain Trotter's role in this and why they wrote that letter?

Mr. Wilson: They are the design engineer for the electrical components.

Aldr. Gaugel: So the ultimate decision is yours, not Trotters?

Mr. Wilson: Yes.

Chairman Turner: I have a question for Tom; single feed vs. individual feeds. What do you think?

Mr. Bruhl: If the sizing is accurate, it doesn't matter whether it's three parallels or one line.

No further discussion.

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

4.f. Recommendation to approve Letter of Understanding with IDOT for ADA Improvements on IL Routes 31 and 64.

Karen Young presented. You may recall we were here earlier this year; IDOT has various projects that they have been completing over the last couple years to get their locations up to ADA standards. They are proposing a project for this coming year to be completed in summer 2017. This agreement is for the City to maintain the sidewalks after they are completed as we currently do.

I would like to make a recommendation to approve the Letter of Understanding with the Illinois Department of Transportation for ADA sidewalk improvements on IL Rt. 31 and IL Rt. 64.

Aldr. Lewis: The state spends money to do these curbs, but come the winter time, this sidewalk will never be shoveled; no one can ever walk on those sidewalks. To me, there is a disconnect here to spend all this money and approve to maintain them and then all winter long we never do anything to remove the snow. I would like to correct that.

No further discussion.

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

5. Executive Session.

None.

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

Aldr. Lewis: I have a question about the leaves because they are supposed to be picked up starting this week. Are there enough leaves? We have nothing to rake yet so I'm concerned.

Mr. Reineking: Kramer is busy; there are plenty through the City.

7. Adjournment from Government Services Committee Meeting.

Motion by Aldr. Gaugel, seconded by Aldr. Bessner. No additional discussion. Approved unanimously by voice vote. **Motion carried.**