

**MINUTES  
CITY OF ST. CHARLES, IL  
GOVERNMENT SERVICES COMMITTEE MEETING  
MONDAY, NOVEMBER 28, 2011, 7:00 P.M.**

**Members Present:** Chairman Stellato, Aldr. Monken, Aldr. Carrignan, Aldr. Payleitner, Aldr. Turner, Aldr. Rogina, Aldr. Martin, Aldr. Krieger, Aldr. Bessner, Aldr. Lewis, Mayor DeWitte, B. Townsend

**Members Absent:** None

**Also Present:** M. Koenen, J. Bernahl, R. Gallas, J. Lamb, P. Suhr, G. Amburgey, Chief Mullen

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

**2.a. Electric Reliability Report, August and September 2011**

Information only.

**2.b. Tree Commission Minutes**

Information only.

**3.a. Recommend approval of Change Order Nos. 3, 4, 5, 6 and 7 for Red Gate Bridge Advanced Work Contract**

**James Bernahl presented.** I have a brief presentation regarding the status of the project, and then I will go through the change orders. To bring us up to speed with the current contract, at this point we are substantially complete as of November 23, 2011. The site is cleaned up and we are ready to move forward with the next phase. The final pay request is currently being developed and we are currently working with Alfred Benesch and Herlihy Mid-Continent to get the final quantities in order. In talking with our consultant, it appears we will be under budget for the original contract amount. The next stage, Stage 2, is for the plans and specifications, which are currently with IDOT. They have been reviewed and sent to Springfield, we are waiting for them to be finalized. The agreement between IDOT and the City is currently being finalized as well. We still have the target bid opening date of January 20, 2012; there has been no word from IDOT saying that is going to change. The overall project schedule is on track.

Change Order No. 3 is for the additional piles and splicing for the Fox River Trail Bridge. This is the first bridge on the far east side. Soil samples were taken of the location during the initial design. Once we started driving the piles down, some of the field conditions were modified from what was anticipated so we had to extend those piles to ensure we

met the proper bearing, which is the resistance that has to be met as we drive the piles. As we extended the pile lengths we needed to splice them together so the cost of \$55,496.88 is for the cost for piles on both the west side and east side of the bike path with splicing.

**Chairman Stellato:** Any questions on the first change order? No? Please continue, Jim.

**Mr. Bernahl:** Change Order No. 4 is for the removal of spoil materials on the IL Rt. 25 side of the project. Before we got started, there were trees there just to the north of the Little Woods School area. Once those trees were cleared and the soil removed, it was discovered there was a lot of construction debris – “Fly dumping” that had taken place there. We had to remove the debris in order to properly build the base for the roadway, so the additional cost of \$4,834.27 is for the removal of the material.

**Aldr. Lewis:** What do you mean by “Fly Dumping”?

**Mr. Bernahl:** As an example, say someone has construction debris, and instead of paying to dispose of it properly they just dump it on the side of the road.

**Chairman Stellato:** Basically illegal dumping?

**Mr. Bernahl:** Yes, that is correct.

**Mr. Bernahl:** Change Order No. 5 is for the under drain installation. The contractor was allowed, as an option, to use granular material to build the eastern embankment. As part of that, the embankment would require an under drain system. There was a cost savings that was offered to the City of St. Charles for the use of this material and the embankment can be built at a faster pace utilizing this material. In this specific case, because of that, we wanted to ensure that any ground water, as it ran from east to west towards the Fox River didn't get trapped under the embankment area, so we installed an under drain system which will allow relief points for the water to percolate out. The additional cost of \$13,769.62 is for the installation of the under drain material.

**Chairman Stellato:** Any questions on the under drain system? No? Please continue.

**Mr. Bernahl:** Similar to the east side, Change Order No. 6 is for the removal of construction debris along the bluff area west of the Fox River. Once we started clearing the trees, it was determined there was an old silo that was broken down and buried, but until we started excavating, we didn't know how much debris was there. We excavated the debris which is considered hazardous material and we had to have it removed at a cost of \$7,797.37.

These change orders are relevant to the Advanced Work Contract that we have at this time.

**Chairman Stellato:** Any questions on Change Order Nos. 3 thru 6? No? Please continue.

**Mr. Bernahl:** Change Order No. 7 is for additional work to the Advanced Work Contract. As an example, I have a photo here of the same work that was done for the Stearns Road Bridge. We are talking about creating an aggregate-type peninsula to go out into the Fox River in order to build the eastern-most pier that is in the water.

Reasons to do this work now instead of waiting are:

This work was always anticipated. It was just a question of when to do it. The temporary causeways and haul road were always planned - there are no modifications to the plans; just to be clear that we are not adding anything new.

Due to the favorable Stage 1 bids, this allows us to do the additional work with monies that we have available now. The Engineers estimate was slightly over \$3 million and the bid came in at around \$1.7 million, so there is definitely additional funding to allow us to do this work now. Herlihy Mid-Continent was the contractor for the Advanced Work Contract and they did excellent work for us, we are very pleased with them and we feel they are the right contractor to do this work for us, so we asked them to give us a price.

There are restrictions regarding construction activities in the Fox River during what is classified as the Environmental Quiet Period, which runs from March 1 thru June 15. Building the causeway now would allow us to work on the eastern-most in-water pier now instead of having to wait through the Environmental Quiet Period. It meets the Army Corps regulations and is a fairly standard practice.

This provides a cost savings by ensuring construction of the bridge and roadway within one construction season. If we decide not to do the causeway at this time, it would mean that the pier cannot be constructed on the eastern side which would delay us until after the Environmental Quiet Period, which would delay us and not allow us to have the roadway open by the anticipated date of Thanksgiving, 2012. Delaying the causeway would force us to have to pay additional fees for the contractor to remobilize, and for our consultants to return. Doing this now provides us a significant cost savings as we move forward.

Please remember our goal is to have the bridge open to the general public by Thanksgiving 2012. Doing this now makes sense and we've got the funds to do it.

**Chairman Stellato:** Under the breakdown of the \$205,000, there is tree removal. That's no different than trees that we were going to remove anyway, correct?

**Mr. Bernahl:** That is correct. Again, this is all work that was anticipated, it's simply a matter of timing.

**Aldr. Carrignan:** When you say work on the pier now, you are just talking about the peninsula; you won't start working on the pier until after Phase 2 is approved?

**Mr. Bernahl:** Correct.

**Aldr. Carrignan:** Again, this is not work on the pier, just building the peninsula.

**Mr. Bernahl:** Correct. It is an in-water peninsula that is made of granular material and the haul road to install it. Again, this was always part of the original plans.

**Aldr. Turner:** Would it help construction if we built one on the west side of the river or don't we have the funds for that at this time? The picture from the Stearns Road Bridge that said they were doing both sides at once.

**Mr. Bernahl:** The critical one for us right now is the east side pier. For us, this is an easier approach. On the west side, we have a higher bluff area that we have to contend with which would require additional grading to get down to that area, so this is the less expensive and quicker of the two which would allow us to meet our deadline.

**Chairman Stellato:** Any further questions or comments? No? Please continue.

**Mr. Bernahl:** Staff recommends approval of Change Order Nos. 3, 4, 5, 6 & 7 for a total amount not to exceed \$286,898.14.

Motioned by Aldr. Carrignan, seconded by Aldr. Turner. Approved unanimously by voice vote. **Motion carried.**

**Chairman Stellato:** The motion has been made and seconded. Any further discussion, questions or comments?

**Ms. Bell-LaSoto:** Vanessa Bell La-Soto, 1610 Howard Street, St. Charles. On the phase 1 costs, it was originally \$1.6 million, so this brings it to \$1.978 million according to the Form 318. That's about 10% above the original estimate. Using this example, do you anticipate any other cost over runs in Phases 2 & 3?

**Mr. Bernahl:** At this specific time, we do not.

**Ms. Bell-LaSoto:** Why are we considering now to by-pass IDOT supervision of this particular aspect in the No. 7 Change Order? I understand about the Quiet Period, but did you not have that in the plan? Since IDOT has administrative control over the let of execution of any contract, how do you bypass IDOT's role? Is that common place?

**Mr. Bernahl:** We are not bypassing IDOT's role. IDOT has jurisdiction on IL Rt. 25 and IL Rt. 31. The land in between is local; so it will be a local bridge and local road. The work we are doing is with our permit through Illinois Department of Natural Resources which allows us to do this work, similar to the Advanced Work Contract.

**Ms. Bell-LaSoto:** I noticed Herlihy said this doesn't cover the cost of permits. What will the permits cost for this?

**Mr. Bernahl:** It's all under the initial permits that are being applied for at this time. Staff anticipates the IDNR permit, which is the one we need to do this work, to be received by early to mid-December.

**Chairman Stellato:** So it doesn't change the overall total amount?

**Mr. Bernahl:** No.

**Ms. Bell-LaSoto:** Herlihy also mentions their cost doesn't include any repair costs, weather events, maintenance or erosion control once their part is over. What would that cost typically be? Do you have a rough idea in case of any kind of Act of God?

**Mr. Bernahl:** No. We cannot anticipate whether we are going to get a 100 year storm in February. If it would happen, the way it is designed, it would be for the re-establishment of the granular material. Because all that material is on-site it would simply be labor to put it back in place.

**Ms. Bell-LaSoto:** Is there more than a 10% Engineering Plan from Benesch for the bridge? In talking to Magellan Pipeline this month, they still only have a 10% Engineering Plan for the entire project and they said more commonly it's 30-50% by now.

**Mr. Bernahl:** The plans are almost finalized. There is documentation showing the City's consultant, Alfred Benesch & Company has sent the plans to them. Magellan is well aware of the work that is taking place, the final plans and where they are at. We have correspondence from Magellan acknowledging their receipt of the documents.

**Ms. Bell-LaSoto:** I FOIA'd all that correspondence and they don't have anything new, so I guess that would require another FOIA. Was there something sent in November? I'm asking because I FOIA'd all the documents up to November.

**Mr. Bernahl:** If it's FOIA material we can work with our consultant to get the correspondence, but on the previous FOIA request sent to you there was documentation that went into October that showed them having correspondence and plans were initiated. We sent them information in April; in July, Magellan received updated plans and then again in September, which was up to the pre-final plans. Benesch has been working directly with Magellan staff and there are no concerns as far as where the crossing is taking place.

**Ms. Bell-LaSoto:** That was what they identified to me as they still didn't know the angle of the Rt. 31 crossing. So that is incorrect?

**Mr. Bernahl:** I don't know who you are speaking with at Magellan.

**Ms. Bell-LaSoto:** Tim Casen.

**Chairman Stellato:** We can deal with the FOIA request later. There is no need to discuss this now.

**Ms. Bell-LaSoto:** I will FOIA the information. Thank you very much.

**Chairman Stellato:** If there are no other questions or comments, I believe a motion is on the floor for approval and it has been seconded. All in favor:

**Committee as a whole:** Aye.

**Chairman Stellato:** Motion carries.

No further discussion.

**3.b. Recommend approval of a Resolution Authorizing the Mayor and City Clerk to Execute a Grease Separator License Agreement for 117 W. Main Street**

**Richard Gallas presented.** City staff is working with the property owner at 117 W. Main Street, formerly the Schezwan Restaurant Building. Within the Schezwan parking lot, as I'll refer to it, there is a parcel of the lot where they would like to put in a grease separator. We have an agreement attached that defines the overall details of that arrangement. A few highlights are that we are assessing a one-time fee of \$1,500 to prepare this license which includes staff time and attorney time. Certainly we are protecting the City's interest with installation requirements, removal and all the other things that go along with a license agreement. One key element here is that it won't change any parking for that lot. No one will even know the separator is there.

Staff recommends approving a Resolution to proceed with this agreement.

**Chairman Stellato:** Standard practice is that grease separators are not allowed inside a building, they always have to be outside, correct?

**Mr. Gallas:** Correct.

No further discussion.

Motioned by Aldr. Carrigan, seconded by Aldr. Monken. Approved unanimously by voice vote. **Motion carried.**

**3.c. EAB Control Efforts – Information only**

**Peter Suhr presented.** This will be our last report for a few months. 49 Ash Trees were confirmed with EAB this past month. We are proposing to remove 122 Ash Trees throughout the winter months, in addition to the 163 that were approved from October, all of which we plan on replanting in the spring.

The heaviest hit areas this month were 37 in the southeast, the Cambridge East area, which we anticipate to be a big area for us next year, so we are trying to get a jump start on that. We also had 37 trees in the northeast as well. We anticipate confirming additional trees over the next few months, but the numbers should be substantially lower. Last year we suspended EAB reports until February and would suggest the same unless there is an objection.

**Aldr. Rogina:** The constituents I've dealt with regarding the removal of trees and your department reacting has been superb, and I just want to publicly say that.

**Aldr. Lewis:** Do you see any end to this? It saddens me to see all these trees come down.

**Mr. Suhr:** I don't have exact numbers, but we have 5,000 public ash trees, and I think we just finished planting 424 new trees this fall. Those numbers bring us past the 2,000 mark, so that gives you some reference. We've been dealing with this for three years, so if we continue this path, we are probably dealing with the next two to three years as being pretty substantial and then we should see a taper off.

No further discussion.

**3.d. Recommend approval of a Resolution Authorizing the Mayor and City Clerk to Execute a Highway Authority Agreement with Oie Properties**

**John Lamb presented.** This item is in regard to Oie Properties, also known as Fox Valley Cleaners which was located on South First Street. Some of you may remember in 2007 there was ground water contamination discovered on their site and it was also going out into the right-of-way. The City entered into an agreement with Oie properties back in 2007. The owners have paid for the remediation on the site and right-of-way. This Highway Authority Agreement limits access and activities within that right-of-way for any future activity for the reasons I mentioned here such as human health, environment, workers safety, etc. The agreement has been submitted to EPA for review and they will issue a "No Further Remediation" letter.

Staff recommends approval of a Resolution authorizing the Highway Authority Agreement.

No further discussion.

Motioned by Aldr. Carrignan, seconded by Aldr. Monken. Approved unanimously by voice vote. **Motion carried.**

**3.e. Recommend approval of a Resolution Authorizing the Mayor and City Clerk to Execute an Agreement for IEPA Low Interest Loan Process for Biosolids/Operations Building**

**John Lamb presented.** This item is for an IEPA Low Interest Loan Process and the Committee has seen these before as we have had two other loans through this State Program. This document is authorizing staff to proceed with filing the loan application with the IEPA which gives the Mayor authority to sign any future documents for the loan as they come up so they don't have to come to Committee each time.

It is important to note this does not obligate the City to the loan. The Resolution also covers a National Flood Insurance Act even though the property is not near a flood zone.

No further discussion.

Motioned by Aldr. Carrignan, seconded by Aldr. Rogina. Approved unanimously by voice vote. **Motion carried.**

**3.f. Recommend approval of Change Order No. 3 for Main Treatment Plant Headworks Project for project construction costs and a Resolution authorizing the Mayor and City Clerk to execute same**

**John Lamb presented.** Staff requests approval of Change Order No. 3 for the Main Treatment Plant Headworks Project in the amount of \$8,970.00. There was a bearing assembly that was not functioning which could not be determined until the clarifier was drained and the assembly uncovered; this is also for replacement of conduit that had deteriorated and was not reusable.

Staff recommends approval of Change Order No. 3 in the amount of \$8,970.59.

No further discussion.

Motioned by Aldr. Carrignan, seconded by Aldr. Monken. Approved unanimously by voice vote. **Motion carried.**

**3.g. Recommend approval to waive the Bid and Award Well #4 Emergency Repairs to Layne Western**

**John Lamb presented.** This is a recommendation to waive the bid and award repairs to Layne Western for Well #4. In April we had some scheduled, preventative maintenance



performed on Well #4. We encountered some complications at that time and we thought everything had been corrected. In September, when the well was being run and we were

Preparing to feed the new radium facility, we had a pump seize and stop running. Staff tried to repair it in-house but we had to call in Layne Western again. They had to pull the pump and pipe again from a depth of 800 feet, which is why these repairs are \$57,000.00.

Staff is requesting to waive the bidding process and award the contract to Layne Western in the amount of \$57,364.60.

**Chairman Stellato:** This was budgeted?

**Mr. Lamb:** Since it's an emergency repair, technically we can't say it was budgeted, but yes, we do have funds available for the repair.

**Aldr. Turner:** When is the Radium Removal Plant scheduled to be in full operation?

**Mr. Lamb:** It's operating now. The plant has been operating for several weeks. We are tweaking some pump measurements and electrical work that still has to still be done, but it actually is functioning and feeding the system now.

No further discussion.

Motioned by Aldr. Carrignan, seconded by Aldr. Monken. Approved unanimously by voice vote. **Motion carried.**

#### **4. Additional Business**

**Aldr. Carrignan:** A quick note regarding the parade; Sunday morning about 6:15 a.m. I had the good fortune to be on Main Street, and my compliments to Public Works; it was spotless. You could not tell that anything happened the night before. You guys did a great job!

#### **5. Adjournment**

**Meeting adjourned at 7:25 p.m.**

Motion by Aldr. Carrignan, seconded by Aldr. Monken. No additional discussion. Approved unanimously by voice vote. **Motion carried.**