

**MINUTES  
CITY OF ST. CHARLES, IL  
GOVERNMENT SERVICES COMMITTEE MEETING  
MONDAY, SEPTEMBER 24, 2012, 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

**Members Absent:** None

**Others Present:** Donald DeWitte, Mayor; Brian Townsend, City Administrator; Mark Koenen, Director of Public Works; Richard Gallas, Asst. Director of Public Works; James Bernahl, Public Works Engineering Manager; John Lamb, Environmental Services Manager; Peter Suhr, Public Services Manager; Tom Bruhl Electric Services Manager; James Lamkin, Police Chief; Patrick Mullen, Fire Chief

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

**2. Roll Call**

**K. Dobbs:**

Stellato: Present  
Monken: Present  
Carrignan: Present  
Payleitner: Present  
Turner: Present  
Rogina: Present  
Martin: Present  
Krieger: Present  
Bessner: Present  
Lewis: Present

**3.a. Electric Reliability Report, August 2012**

Information only.

**3.b. Tree Commission Minutes**

Information only.

**3.c. EAB Control Efforts**

Information only.

**4.a Discussion regarding Ordinance Amending Title 5, “Business Licenses and Regulations,” Chapter 5.08 “Alcoholic Beverages,” Section 5.08.130C “License-Hours of Sales” of the St. Charles Municipal Code.**

**Chief Lamkin presented.** Several weeks ago, staff was directed to work with Attorney Russ Whittaker who is representing several bars to see if we could come up with some solutions that may make the situation better for the city and hopefully become a part of the city operation. Russ is here this evening and we have compiled a list of some items we agree would improve things if we were able to put them in place. Certainly there is a monitoring component that needs to go with this and there is a time period that would need to take place. You’ll note that a lot of this has to do with a tavern association which puts in place guidelines to follow. If you would like me to go through the guidelines individually, I can, or if you’d like me to highlight some of the more important ones, I can do that too.

**Chairman Stellato:** Highlights are good.

**Chief Lamkin:** The association would create a set of guidelines they could all operate from, which would be voluntary on the part of the bars that wish to participate. They would establish annual dues and create their own board of officers that would help oversee the group itself. They have general guidelines in terms of how they would operate. Clearly there would be at least an annual meeting or perhaps quarterly meetings where we would be able to be a part of them where we could discuss police related issues. If we needed to do education in addition to the annual education that was suggested.

Beyond that, they would have a number of policies in place – things like how they serve. They wouldn’t create any incentive situations where they give incentives to waitresses for pushing out a certain amount of shots. A policy in terms of how to deal with someone who enters an establishment who appears to have had enough to drink and to try to get them sobered up before they are sent on their way. They want to keep regular communication with each other and some of that is to help establish a ban list that we would try to facilitate with them so that the problem people could be banned from all the bars.

We will be bringing back an amendment to the fighting ordinance to raise the citable fines, as well as public intoxication and public urination.

We did have significant discussion in terms of last call and when there should be drinks off the table or off the bar. We all agree that last call should be 1:20 a.m. and no one would be allowed entry into one the bars after that time either so that would avoid

someone from getting that last call, downing that drink and moving on to the next bar. Then by 1:40 a.m. all drinks would be off the table and bar. That would allow time between last call and departure.

We have offered to run police records on a local basis. We have also agreed that Bassett Certification would be moved up to every two years instead of four years, so it keeps the training fresh. Again, we would have an annual meeting and the Police Department would be available to meet with employees at any time during the year. Another suggestion that was very well received was a unique hand stamp, depending on which place you are going to. Each establishment would have their own hand stamp so we can clearly know where patrons were at last.

That outlines most of things that we feel will be beneficial to put in place and then a monitoring period.

**Attorney Whittaker:** My name is Russ Whittaker, I'm an attorney at Rosanov and Whittaker, 23 W. Jefferson, Suite 200, Naperville, IL. On behalf of my clients, I would like to thank the Chief, the Mayor, Mr. Townsend and some of the other officers who have been part of this ongoing discussion. We have had a fruitful discussions; both sides have come to the table and produced a number of ideas. The hand stamp, for example, was something that came from the Police Department. No re-entry was something that came from the bar owners and was well received by the city. We have combined and worked through a number of these items and produced what I think is a "living document" at this time. There are items that can be implemented right away; Chief was referencing letter "H" which sets forth last call time and no re-entry time. We envisioned signs at the entry to each establishment and we even talked about metal signs that were done in concert with the city so the rules were clearly spelled out to patrons and the owners alike.

The association is going to be an effective tool for the city and for the owners. Right now there are some sporadic meetings and there was a lack of discourse for a period of time. We are excited about the opportunity to have a point person with direct communication to the Chief so there is a free flow of information between the owners and the city so we can get real time data on what's going on in the city and be able to respond to that information. Some of it you will see implemented quickly, some of it is going to take a little time.

I'm going to have to incorporate an association, draft by-laws, draft rules, so there is a process here, but we do have unanimous agreement amongst the owners that I represent on implementing these rules. We've reached out to a couple establishments that are not part of the group right now and have received positive feedback from them. This is something that is voluntary. However, this can be something that the city, through enforcement of its liquor ordinance and encouragement of the officers can really help reinforce the importance of something like this with those owners who might not find it as important.

Over the next 90 days we hope to refine this and so when we come back before you in, I think we will have more formalized documentation that has established an association with by-laws, rules and regulations.

**Aldr. Payleitner:** I was a big skeptic two weeks ago; I have to say you and your group have certainly earned your time here. This has been very productive and I'm very impressed. You eluded this in your statement, but can you explain further was items "B and O" mean? They both say "shall be encouraged by the city"...

**Attorney Whittaker:** There is certainly nothing we can do to force a new establishment to become part of our association; we can encourage them all we want, but there is nothing that we can do to force them. We wanted to make it clear that we saw this as a cooperative effort between the city and the owners. While the city is not a direct stakeholder in the organization, I think they certainly have a success of the organization and through the liquor code, I think it's possible for the city to encourage a new or existing establishments to become part of the association.

**Aldr. Payleitner:** Are you going to write that into the ordinance?

**Attorney Whittaker:** No. There's an annual renewal of a liquor license and presumably when you are renewing your license, you are going to have to sit down with the liquor commissioner and go through some things and I think it would be good to have encouragement at that point in time.

**Aldr. Carrigan:** I would like to know the process of how you are going to encourage and get acceptance. Item "D" says the members shall elect officers annually; it says the president of the association shall act as primary point of contact between association membership and the city. So you are going to discourage owners from dealing with the liquor commissioner or am I missing something?

**Attorney Whittaker:** No, not at all. As the holder of the liquor license, all of the establishments have an important relationship with the city. There is a lot more discourse that can occur. I think having regular feedback regarding what's happened over a certain period of time is a very good thing. The Chief has a lot to do, and reaching out to 14 bar owners shouldn't be on that list. I look at this as that we have a primary point of contact. The Chief and the elected person are in direct communication and it becomes that person's responsibility to funnel back down through the organization. There are other items where we talk about facilitating additional communication between the members. We've talked about implementing a system where if someone were to be removed from a bar for whatever reason that there would be a central database where you could send an e-mail or text and it would funnel back to everyone else. There are a lot of things that are a work in progress, but that is the point of the central point of contact.

**Aldr. Carrigan:** You talk about annual meetings. I don't think that's often enough. I think quarterly is important, especially before key weekends; Wednesday night before

Thanksgiving, Halloween, St. Patrick's Day....I think forewarned is forearmed. Having meetings at those times is highly suggested. Item "T" – the banned list – I'm curious as to how that would play out. I think that's going to be challenging. I like the hand stamp, it's creative a good idea.

**Aldr. Rogina:** You said at the last meeting that you wanted to work with the city and commend you for that. I get the impression that the creation of a voluntary association is an attempt on your part to avoid the city directing things, but instead, you policing your own. Having said that, I just want to go letter "L" in the by-laws, which talks about the association punishing by way of a fine the members for an offense. Would the city be notified of such an act? At least conceptually, are you thinking the liquor commissioner would be notified there was a fine issued by your members?

**Attorney Whittaker:** To be honest, I hadn't considered it. I think there is some self-policing of it. In the discussion with the police officers, there is certainly a lot of judgment. With the rules and the liquor ordinance there is a lot of gray area. If we have someone who is a repeat offender, if we have someone who we are having problems with, that is where we reach out and get proactive with the city. Starting tonight, we are establishing the tavern association and that has a positive reputation and if off to a good start. If in 90 days that tavern association hasn't been proactive and hasn't helped with the problems you've seen downtown, that association has begun to lose its reputation, so it's going to be incumbent upon that president to maintain the reputation through keeping the members in check and through communicating with the city and making sure that if we do have someone who is not following those rules that the city knows about it and we are doing our job.

**Aldr. Rogina:** You said 14, but I counted 11 members established members of this organization. Are we to assume three have not joined the association yet?

**Attorney Whittaker:** On the list you have right now, I inadvertently left off the Thirsty Fox who is absolutely part of the organization and they have been all along.

I spoke this evening with Rich from the Alibi; while he is not represented by me, he expressed that he is willing to follow the rules established by the association and that would probably become a member of the association – however, to be very clear, I don't speak for him, but those were the representations that we made to me. That leaves The Office and McNally's as the outliers. There have been some discussion, they have not necessarily responded to what's before you, but as we move forward, the goal is to bring them into the fold and make sure they are following this same set of rules.

**Aldr. Rogina:** At the last meeting, you emphatically stated you wanted your clients to be competitive with Geneva and Batavia. Is there some way for us to get statistics per capita on fights and public intoxication citations for the number of bars in Batavia and Geneva? I'm looking for apples to apples on a per capita basis, as opposed to a total number of

fighters or total number of public intoxication. I think that would be particularly helpful to have after this trial period.

Mr. Mayor, you said at the last meeting that you were not interested in an association, but I go to you to ask if this association has your support?

**Mayor DeWitte:** Absolutely. I'll take this opportunity to applaud Russ and members of the organization. They have done a nice job of coming to the table and addressing issues that in my personal opinion I believe will be helpful in controlling some of these issues.

Just some clarification, if I might. In regard to the association, we can't force any of the establishments to join this organization, but we have had open dialog about what we can force them to do. The oneness will be on the organization to implement these guidelines to all the establishments in the Downtown Business District. While we can't force them to join the organization, we can force them to abide by the guidelines that have been put in place. We made it very clear to Mr. Whittaker and his organization and they can agree that if they start having difficulty getting these guidelines through all our Downtown establishments that I will not hesitate to bring those guidelines to the Council and ask those guidelines to be memorialized and be required of a license establishment to abide by those guidelines established.

**Attorney Whittaker:** If I can address the first statement you made with respect to the statistics comparing other locations. We can certainly look at that when we come back in 90 days. We have had this discussion in various meetings, and I want to caution focusing too much on statistics because one of the touch points we had difficulty with up front was when does an establishment call the police for assistance and when do they try to take care of things themselves?

I think we've established a good dialog on reaching out to the police and making sure that when the police are necessary they are brought into the situation and where you are proactively reaching out to solve problems that we are not penalizing establishments. I know the Mayor and the Chief recognize that and have said they will take that into account. This past weekend was a great example; there was someone in the downtown that was violating the liquor code. Two of the establishments are part of the organization found out about it and called the appropriate authorities and they remedied the situation. That is something that registers as a call, but it is a sign of a positive relationship between the downtown owners and the city.

**Aldr. Rogina:** I only bring that to your attention because you raised the example and there could be some statistics that suggests we are competitive at an earlier hour. I commend you for all your work here and I raise these points simply because this is a major issue in town and I for one have said publically that I do support a vibrant downtown entertainment district, however that's defined. I join my fellow Council members saying we do not tolerate some of the incidents we've seen most recently and the citizenry has had it to their limit as well.

**Chief Lamkin:** Regarding the other two towns, we do have a different level response in how we handle things. Many times we will put a couple officers out on foot doing bar checks which has become part of our regular operation and it has been for a couple years. I don't know that are going to get like information from the other two towns because I don't know they operate exactly the way we do.

**Aldr. Martin:** The cooperation we are seeing at this point will not change my view on the alcohol issue. I do want to reiterate what Aldr. Rogina has said in that I commend Aldr. Carrigan and Aldr. Stellato for carrying this forward for further communication. I still think moving closing time to 1:00 a.m. would be a good idea; however, having read the terms here I think we are headed in the right direction. My sole purpose for objecting to alcohol distribution in this city has been to prevent driving under the influence and if this association can monitor the patrons of taverns to the point where we can lower DUI's, then we have accomplished a great mission. I look forward to the 90 day update. I would like to see 100% cooperation from all the establishments on town. My opinion is let's continue moving forward.

**Aldr. Krieger:** I will agree with Jim to the point that I wish all downtown establishments would participate. My only question would be, will the establishments that don't participate be subject to the same fines as an establishment that does participate?

**Chief Lamkin:** Through the association or through the ordinance?

**Aldr. Krieger:** If there is a fight at 222 and they get fined, and there is a fight at The Office, will the fine be the same or will it be lower because they are not a member of the association?

**Chief Lamkin:** Speaking from the Police Department standpoint, we are going to enforce our fighting ordinance and the fine is what it is because it's a city ordinance. Regardless if they are a member of not, the association may impose a sanction against them, but that would be separate. But we are still going to enforce the ordinance regardless of where it's at.

**Aldr. Lewis:** My question is regarding item "I"; we talked last time about the Bassett Training and I remember asking you if the Bassett Training covered over serving and you said it didn't. Will this particular training cover what is considered over serving?

**Chief Lamkin:** We are trying to reinforce beyond what Bassett would have so it would help identify that. When you bring a group of people together who are in a like business, you end up with shared discussion from their experiences and I think that provides a level above Bassett.

**Aldr. Lewis:** So is that what will go on when they have extra training with the Police Department?

**Chief Lamkin:** I don't know that we've worked out all the details, but I would anticipate that would be part of it, yes.

**Aldr. Lewis:** It says here "No new taverns shall open prior to completion of the education requirements". How is that going to happen?

**Chief Lamkin:** Just like we do a background check on any of the new places, if it was brand new establishment as opposed to someone taking over an existing place, odds are there may be some new help there. We would have to have the ability to meet with the staff and go over some things. If they are brand new and they don't have staff in place, we wouldn't have anyone to meet with.

**Aldr. Lewis:** I can see you have done a lot of work, and there are a lot of rules and a lot of managing these rules. I think it's going to take a lot of effort to do all that you say you are going to do here. I also took the time these last two weeks to talk to a lot of the constituents in my ward and I have to tell you; I didn't get one person who wanted the bars to stay open until 2:00 a.m. They all wanted the bars to close at 1:00 a.m. I'm a little torn here on which way to go because I don't think the community at large is in favor of the bars being open until 2:00 a.m. without a lot changing.

**Aldr. Martin:** To respond to Maureen, if the association members adhere to their own rules, they take care of that problem. That's what makes that association an improvement over what we have now it's up to the Police Department to enforce all of these. They are self-governing and we are out of it unless it gets to be a serious problem.

**Aldr. Carrignan:** I wasn't aware that we do foot patrol. I'm glad to hear that and I encourage it. I strongly encourage you to get full participation of all establishments. I would be more than willing to make phone calls and talk to people I know to encourage them to become part of this. I think 100% participation is necessary.

To Aldr. Rogina's comments, statistics are very important, but I think they should be measured in our city, against our numbers because of the consistency. This association has an opportunity to show improvement, which is the most important statistic.

Finally, I have a concern about the 90 days. 90 days is December 24 and there will not be a Government Services Committee meeting and I would like to keep this meeting at the Government Services Committee level.

**Chief Lamkin:** I'm aware we don't meet in December, so I thought it would be appropriate to update you at the January 28, 2013 Government Services Committee meeting because we will have made it through all major Holidays as well.

**Aldr. Carrignan:** I'm very interested about Thanksgiving weekend. I would suggest an update at the November 26 Government Services Committee meeting and we can go for final action on January 28, 2013.

With that, are you looking for a motion or are you looking for a recommendation?

**Chief Lamkin:** We can continue to table the change and let us continue to follow your recommendation.

**Aldr. Carrignan:** I move for continuance until the November 26, 2012 Government Services Committee Meeting regarding the discussion on Business License and Regulation of Alcoholic Beverages, Section 5.08.

**Aldr. Monken:** Second.

No further discussion.

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

**4.b. Update regarding Madison Avenue Traffic.**

**Aldr. Stellato:** I asked for this item to be placed on the agenda. Aldr. Monken, Aldr. Krieger and I have received e-mails from people in our ward regarding the increased traffic due to the Rt. 64 /Main Street construction so we wanted to discuss this area.

**Chief Lamkin presented.** I pulled numbers together and we didn't have time to do our normal count which is over a few days to get an average. We did pull together a count, and we've been checking the volume counts since April. Clearly the volumes are up. We expected that; there have been four crashes, some of them in the stretch between 7<sup>th</sup> Avenue and South Tyler. They all appear to be operator error. We have had directed patrols and routine patrols out there. I did outline that we have cited a number of things from speeding to stop signs. Some of warnings, some are state tickets, depending on the location. The average speeds have remained constant, both east and westbound. Average speeds that we are seeing in the short counts are approximately 31 mph.

Mark Koenen has indicated that the road construction on East Main is expected to open to four lanes in November and we are hoping people will go back to taking East Main to alleviate some of the side street traffic.

**Aldr. Bessner:** Has that stop sign that was installed helped to alleviate the extra traffic?

**Chief Lamkin:** It probably helped slow traffic. We see a fair amount of people who roll through it. We pull them over; there are a number of warning citations that have been issued there, yes.

**Aldr. Carrignan:** I've been using Madison, and the last three times there has been an officer out there. Obviously you've stepped up patrol from what I've seen.

**Chief Lamkin:** After you asked me to do this I did have people from the day shift out there and they monitored the speed. The speed is coming back consistently with what I've told you. There seems to be a comfort level at 5 to 6 mph over the posted limit.

**Chairman Stellato:** We know this is a hot topic. If you can keep enforcement where you are that would help. Mark, you and I talked about the four lanes of traffic opening up before winter time. Is that realistic?

**Mr. Koenen:** This is a State contract. Under the State contract they are obligated to have four lanes of traffic up by mid-November. Four lanes of traffic will be maintained through the winter months and then in spring 2013 we will go back to two lanes to finish the project.

**Chairman Stellato:** The four lanes would be from 7<sup>th</sup> Avenue to Dunham?

**Mr. Koenen:** Yes.

**Chairman Stellato:** In the spring again we will be facing the same issue, so we need to keep this on our radar.

**Mr. Steve Mundt:** My name is Steve Mundt, I live at 1562 Madison. I appreciate the uptick in the police on Madison. I drive it every day and I see the people who are coming through my street. The Chief did say it a day time shift, but I haven't seen anyone who is there during rush hour in the mornings or evenings, which is when the greatest traffic comes through. If we are talking about an average of 31 or 32 mph, you have to figure some are driving the speed limit, but some are driving 38-40 mph.

I live the third house in from Tyler and as soon as people hit the corner, they are accelerating as fast as they can. I have young children and I'm nervous about them playing outside, even with my presence there. On more than one occasion in the last week I have actually stepped into the street to stop a car. I know that's not safe, but I've gotten to the point after 8 years of living there that I am fed up with the amount of traffic and the speed that they are travelling down the street.

Both times when I stopped the cars, they both stopped and apologized for driving as fast as they are. People just don't know they are doing it, but they are going to continue to do it until they are stopped. I'm not sure that having a marked car on the street is a way to have that stopped on a regular basis. I think there needs to be other means of stopping that traffic.

**Aldr. Carrigan:** What solution would you provide?

**Mr. Mundt:** I would love to speed humps, but at the absolute minimum, I would love to see at least two more stop signs out there. One on Independence and one further west down the street, maybe on 9<sup>th</sup> or 10<sup>th</sup>. Somewhere when coming down the hill from 7<sup>th</sup>

before they start hitting that straight away, they have to stop and then they are going to stop somewhere in the middle and they are going to stop at the end.

**Aldr. Carrigan:** People don't stop at stop signs now. I have one by my house and I watch people go through it regularly.

**Mr. Mundt:** I have witnessed people going through the stop sign on Madison, but I've also witnessed 99% of the people at least slow down to where they roll through it. I do see a lot of people stop. The Chief has said it's not a ticketable offense, but if they see the stop sign they are going to stop. Obviously I would like something more permanent, but I'm also aware from prior meetings that's not something Council wants to see.

**Aldr. Lewis:** Have you been issuing speeding tickets?

**Chief Lamkin:** Some. But the stop sign and speeding are mostly warnings because they don't make the threshold where we would normally cite on a state citation but we do pull over a lot of those cars, yes.

**Aldr. Lewis:** Perhaps we need to ticket more. I don't know how you can get the traffic off the street, but what you want to do is slow it down.

**Mr. Mundt:** Absolutely. The 32 mph which is the average and the police will allow 7 mph over the limit and the police won't ticket someone for speeding, it's a huge percentage over the 25 mph. On a residential street, 32 mph is fast.

No further discussion.

**4.c. Recommendation to approve Agreement with School District 303 for School Resource Officer Services for School Year 2012-2013.**

**Chief Lamkin presented.** We bring this item before you annually. We have School Resource Officers in each of the high schools. Essentially the payment structure has been followed through each year; we determine the number of school days and the cost of a full time officer.

Staff is asking for approval of this agreement so we have services established.

No further discussion.

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

**4.d. Update regarding stop sign at 7<sup>th</sup> Street and State Street.**

**Chief Lamkin presented.** Several months ago we were asked to consider a four way stop at 7<sup>th</sup> Street and State Street. We did a warrant study and it didn't meet warrants, but we did take the opportunity to meet with the resident who expressed concerns. Pursuant to those concerns, we've added striped crosswalks over there and we are adding cautionary signage and we've had discussions with the school district. Thus far, it has not represented that we need to change the bus stop for the children, but if we see a need to do that, the school district has agreed to work with us to do that.

There is no action needed; this update is simply to inform you that we contacted the resident to try to improve the situation.

**Aldr. Rogina:** Chief Lamkin, Officer Clark and Officer Mahan did great work on this and I appreciate it. I know the conversations took place and the city showed concern that went a long way. The Police Department did a great job on this.

No further discussion.

**4.e. Recommendation to approve a request from Downtown St. Charles Partnership to close 1<sup>st</sup> Street and host Lighting of Lights in the 1<sup>st</sup> Street Plaza on Friday, November 23, 2012.**

**Chief Lamkin presented.** This is the Lighting of the Lights Ceremony that is scheduled to take place on the Friday after Thanksgiving. Last year this was all on First Street; it's a little different this year. The request is to close First Street, but you'll see also part of the plan would allow for a private vendor to utilize some space between the street and the river to sell trees.

They have provided a diagram in terms of how the setting would look; we know there is access needed to get down to the Riverwalk. There is a fee from Public Works for connection of electricity and the Partnership would be responsible for those charges.

Aldr. Carrigan: I think it's a wonderful idea.

No further discussion.

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

**4.f. Recommendation to approve a Resolution for the Closure of Routes 64 and 31 on November 24, 2012 for the Electric Christmas Parade.**

**Chief Lamkin presented.** This is the Resolution for the Holiday Parade. This is the normal route we have had every year.

No further discussion.

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

**5.a. Recommendation to approve an Ordinance Amending Title 2 “Administration and Personnel” of the St. Charles Municipal Code – Various Revisions.**

**Brian Townsend presented.** This is essentially a housekeeping ordinance. You’ll see the blue line code provided to you in the packet. There are three advisory bodies that are no longer being utilized by the city, so we are recommending those three sections be deleted.

There are sections related to the housing commission, youth commission, plan commission and cultural commission that are being updated to either reflect a change in the number of members or how they conduct business with the city to reflect changes we’ve made in the past few years and how those commissions and committees report to the City Council.

No further discussion.

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

**6.a. Recommendation to approve Mechanical Repairs to Rooftop HVAC Units from Storm Damage at Century Station and the Municipal Center Building.**

**Peter Suhr presented.** On July 1 a major hailstorm traveled through the city and caused significant damage to the condensing coil units, three of which are on top of the Municipal Center Building and two of which are on the Century Station Building. The coils have been damaged beyond repair and will need to be replaced to restore the proper cooling in these buildings. Even though the storm was not a predictable event, staff generally budgets contingent dollars in the facility account to cover unforeseen mechanical failures such as these. City staff has submitted an insurance claim for the damage which totals \$49,797. There is a single deductible of \$25,000 for all damage on both buildings.

Staff recommends approval of a \$25,000 insurance deductible for the repairs of five separate rooftop units and approval of the Service Mechanical Industries proposal to perform the work.

No further discussion.

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

**6.b. Recommendation to approve Mechanical Improvements at Police Building.**

**Peter Suhr presented.** For several years, city staff within the police facility has occasionally endured extreme heat conditions within their work environment during the winter months. The aging mechanical system does not currently provide cooling controls and therefore at times can be uncomfortably hot. Staff has worked diligently with our Mechanical Service vendor to come to an economical solution. We have budgeted for this, and are proposing to add 100% outdoor air economizers to two of the rooftop units which would serve the training rooms, investigation offices and some administration spaces.

Staff recommends approval of mechanical improvements to the police facility by Service Mechanical Industries not to exceed \$37,568.

No further discussion.

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

**6.c. Recommendation to approve Municipal Building Architecture / Construction Management Services.**

**Peter Suhr presented.** Public Services recently concluded an existing exterior conditions analysis of the Municipal Center Building. The analysis was performed by the architectural and construction firm of Williams Design/Build who was awarded the project through a competitive RFP process. They are also local to St. Charles. The analysis was a study of the building's exterior shell and resulted in identifying significant deficiencies requiring repair to keep the structure weather tight. Staff is requesting approval to move forward with the design, specifications and construction letting of the required repairs and modifications.

This process is similar to the architectural and construction management services that were awarded for the Fire Station a few years ago.

If there are no questions, staff recommends approval of architectural construction management services from Williams Design/Build at an estimated fee of \$231,000.

**Aldr. Carrignan:** This is for construction services, not construction?

**Mr. Suhr:** Correct; once the bids are let, we will be bringing the contracts back for approval.

**Aldr. Carrignan:** Are we expecting a lot of work to be done?

**Mr. Suhr:** We are anticipating costs up to approximately \$1.5 million. This is mainly roof and masonry work.

**Chairman Stellato:** And that is all budgeted?

**Mr. Suhr:** Yes.

No further discussion.

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

**6.d. Recommendation to approve a Contract for North 15<sup>th</sup> Street – Phase 1 Reconstruction.**

**James Bernahl presented.** This is a recommendation to approve a contract for North 15<sup>th</sup> Street. This is a continuation of a project that we are doing with Kane County. The city received a \$100,000 for the CDBG Grant for what they classified as lower impact areas in town. Previously we did Walnut Drive with great success.

Staff opened bids on September 6, with the low bidder being Martam Construction. Their bid was \$248,840 and our Engineers Estimate was close to \$340,000.

Assuming approval of this at the October 1 City Council meeting, construction is expected to begin October 5. Staff has been working diligently with homeowners in that area. This will be completed within four weeks. By November 16, final restoration will be complete.

Staff recommends approval to award contract to Martam Construction for North 15<sup>th</sup> Street – Phase 1 Reconstruction in the amount of \$248,840.

**Aldr. Rogina:** The total cost is \$340,000 with \$100,000 grant?

**Mr. Bernahl:** The contract is \$248,840; the city receives a pro-rata share. We were originally awarded \$100,000, but because the price came in lower, the grant dollars will be slightly less.

**Aldr. Carrigan:** My question revolves around the Engineers estimate. They were off by 1/3. Did anyone question that? Are these guys just coming in with low numbers?

**Mr. Bernahl:** We are getting closer to the end of the season. The bidders we had were Martam Construction, A Lamp and Alliance. They do a lot of work in town, and some of them are still doing work in town, so we get the benefit of them bringing materials from a closer site. Martam is a perfect example of that.

When we do our estimates, we never know what the construction season is going to bring, so we have to anticipate a number. As we put this together earlier in the season, we anticipated the numbers to be higher. But since things are so tough, bidders are bringing down their profit. We were ecstatic to get this price.

**Aldr. Carrignan:** Good reason; very valid.

No further discussion.

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

**6.e. Recommendation to approve a Contract for demolition of building at 807 Illinois Avenue.**

**James Bernahl presented.** As you may recall, this is a property that was donated to the city by Wells Fargo and is located at 807 Illinois Avenue, just east of 7<sup>th</sup> Avenue. This falls within the new margins of the floodplain limits. This house has issues and the bank decided it would be easier to donate it to the city.

This property will help us in the future as we prepare for the 7<sup>th</sup> Avenue Creek Rehabilitation. It does fall within the floodplain area so it is useless for any other purpose. The closing of the property took place on August 17, 2012. We went out for bid for demolition of the property, and the low bidder was Alpine Demolition. Alpine worked for us on the demolition of Little Woods School, so we know they do good work. This price includes demolition of the property, restoration with sod and the disconnection of natural gas. City staff has already disconnected the sanitary and water and they will be disconnecting the electric.

Staff feels the price is a favorable bid and with that, we make the recommendation to award the contract to Alpine Demolition.

**Chairman Stellato:** Thank you for doing this, because this will help in the process of the 7<sup>th</sup> Avenue Creek. I appreciate it, and I know the people who live there appreciate it as well.

**Aldr. Lewis:** I drove past the property last week and I noticed there was an air conditioning unit and furnace sitting outside. Does the city take into account the things this company might be able to salvage?

**Mr. Bernahl:** If there is anything salvageable inside, the demo company takes that into account and takes that off and we get a lower bid.

No further discussion.

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

**6.f. Recommendation to award a Contract for Roadway Testing Services to Infrastructure Management Services (IMS).**

**James Bernahl presented.** This is a continuation of the city's relationship with IMS. As you may recall, Infrastructure Management Systems is the firm we used to do the non-destructive testing of roadways. We use this information to determine what roads we are going to rehab and help us prioritize capital projects.

The city performed our first round in 2009 and we obligated ourselves to a four to five year cycle. We are getting a cost benefit by doing it this year. IMS will be coming in late October, early November when the tree canopy is cleared away. We'll do a press release when they come through town. IMS will collect the new data and I will give a presentation as to the status of our roadway system.

Our Information Systems Department will benefit as well. As they drive through, the company takes photography so there is enhanced imagery that will show front, side and rear views that will help investigate existing conditions and after conditions.

Staff recommends approval of this contract in the amount of \$54,417.

**Aldr. Rogina:** The sink hole by Starbucks; how do we predict those kinds of things, or do we?

**Mr. Bernahl:** We cannot predict that. That was a water service break.

No further discussion.

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

**6.g. Update regarding IDOT Project on East Main Street (7<sup>th</sup> Avenue to Dunham Road).**

**James Bernahl presented.** The section I want to focus on this evening is 7<sup>th</sup> Avenue to Dunham Road. As of right now, work is currently on schedule. There were a lot of delays involving private utility companies, i.e., AT&T, Nicor, Comcast. Relocating their equipment has been gruesome to say the least. Martam is moving along with the contract. They are currently working on the south side between 8<sup>th</sup> Avenue and Hunt Club Drive.

The goal is to do the north side the same as the south side before mid-November. That's the goal. A lot of underground utility work on the north side has already been completed, the traffic would be shifted to the south side on the brand new road and they would tear

out the north side and do that as well. This work is being done with concrete so we are okay with the weather. If we feel they cannot meet it by November 15, it will still be open to four lanes and traffic will be closed down until end of March, early April.

**Chairman Stellato:** The concrete was poured, you sent an e-mail saying there is a seven day curing period. The business owners on the south side can't use their entrances? How do they work around that? Are you communicating with them?

**Mr. Bernahl:** Yes, we are. IDOT has gone door to door to talk to the businesses. We are the business liaison, and a lot of the businesses are on our mailing list so they receive my weekly update, and we also post that information on the city's website. Kristi posts the same information on the website, so if they aren't on my mailing, they will get the same information from the website as well.

**Aldr. Lewis:** Is the south side of the road higher than the north?

**Mr. Bernahl:** Yes, it is. That is the new profile that IDOT has come up with. The city was aware there was going to be grade changes.

**Aldr. Lewis:** Will that flow into the yards?

**Mr. Bernahl:** The properties on the sidewalk areas on the south side are going to be lower than they were before. It works with the side street elevations. I know it doesn't look right now, but wait until the curb and sidewalks are in.

**Aldr. Carrigan:** With the weather we had this summer. Why are we on schedule, rather than being ahead of schedule?

**Mr. Bernahl:** All the utility work has been completed; the delay in getting the road started to be built was all based on AT&T, Nicor and Comcast relocating their utilities. We couldn't start to build the road until they got out of the way. That is the biggest delay we had. In IDOT's defense, they were really leaning on these utility companies to get them to go. We were hoping to be farther along, but we are still on schedule.

I also wanted to inform you that IL Rt. 64 and Oak Street is open. The traffic signal is up and was turned on today, September 24. There is some minor landscaping work that we are going to get done, but other than that, the intersection is open.

I would like to ask for your patience while IDOT works on the timing of the signal. They are going to be taking counts and figure out the timing which is going to take place for the next month.

No further discussion.

**6.h. Presentation of Proposed Parkway Planting Ordinance.**

**James Bernahl presented.** Power Point presentation by Jim Bernahl.

The last time we discussed this topic, Council had directed staff to analyze what we have in the parkway and look at areas we could update. Public Works Engineering, Community Development and the city attorney have reviewed what we currently have in place. During the review, we asked what kind of vegetation was appropriate for our parkways; who is responsible for the maintenance, the safety concerns, i.e. site line issues, accessibility. We also discussed the type of enforcement language we currently have.

I have provided you a copy of the draft ordinance; we defined what specialty items are allowed to be placed within the parkway, along with defined design guidelines for specialty items and maintenance and enforcement guidelines.

The ordinance you have in front of you is prepared in such a way that it can grow. The first key consideration we want to address is the plantings. From there we would like to use this as a template to add additional items such as sidewalks, mailboxes, sprinkler systems, lighting, etc.

Staff recommends approval of the Parkway Planting Ordinance. The city attorney has reviewed this document and we feel confident this addresses concerns and sets a clear definition for residents considering plantings, as well as allowing Public Works to have an enforcement tool as we start to meet with homeowners to talk about issues that may exist.

**Chairman Stellato:** I noticed you simplified everything, very good.

**Aldr. Rogina:** Have you had situations where residents have come to you to ask to be able to do certain things in the parkway?

**Mr. Bernahl:** There have been a few people who asked, but most do not; they don't realize they need to. It starts with one perennial and then everything gets out of control.

No further discussion.

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

**6.i. Recommendation to award Contract for the Reconductor of Circuit 314 to PieperLine Construction.**

**Thomas Bruhl presented.** This is part of the Red Gate Bridge Project. We have a section of wire north of Country Club Road, south of Fox Glen that was never intended to feed power across the river, so it is undersized.

Staff went out for bids to upgrade the wire. We received four bids and PieperLine Construction was the low bidder.

No further discussion.

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

**6.j. Recommendation to award Bid for Sanitary and Storm Sewer Lining.**

**John Lamb presented.** Staff received bids for a sanitary and storm sewer lining project. Using the apparent low bidder amount, the sanitary portion of the bid is within our budgeted amount. The storm sewer portion is above, but that amount can be worked out with the contractor; it is not uncommon with this type of bid since it is based on footage and costs, it is difficult to hit it right on the head.

Staff recommends approval to award bid for the sanitary and storm sewer lining project.

No further discussion.

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

**6.k. Recommendation to approve Wholesale Water Supply Agreement Between the City of St. Charles and Illinois American Water Company for River Grange Area.**

**John Lamb presented.** This is an agreement for wholesale water supply between the City of St. Charles and Illinois American Water. Committee may remember in 2011, we were approached by Illinois American Water who has a small water and wastewater utility in the River Grange area.

Staff, upon direction of Committee approval went through a Service Utility Policy which Committee and Council previously approved. The area meets the conditions of this policy and therefore staff recommends approval of the agreement.

No further discussion.

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

**7.a. Consideration of Request to Erect Temporary Art Project on City Property.**

**Brian Townsend presented.** Scott Nowling is a local resident; some of you may recognize his name. He is a local realtor and has also served on the School Board for four years. I know him from a committee that we both serve on at the Chamber of Commerce so he is an active local resident. Scott contacted me approximately two weeks ago and had become aware of this initiative that is world-wide. It is basically an opportunity for members of the local community to speak to each other through this public art project.

The project is essentially like a big chalkboard where people can express themselves in response to this question. You can see the wide variety of responses this generates. Scott is very interested in installing this somewhere in St. Charles. Some communities have put them on abandoned private buildings; in our case, we are considering a location on city property. We are also considering this to be a short term project, 45 or 60 days, just to see what kind of engagement we get from the community on this.

We have reached out to some local organizations, the St. Charles Downtown Partnership, the St. Charles Arts Council. We have also reached out to the Convention and Visitors Bureau, recognizing that Scarecrow Festival is coming up and we want to find a location that doesn't conflict with their activities.

So far the response has been positive. No one has come up with a reason why the city shouldn't consider it. Staff thinks this is something we can manage. Scott has offered to do the installation and the labor; he will address that in a bit. In essence, what we would do is provide a location for him to install it and oversee construction so we make sure it's done in a safe manner.

With that as an introduction, I will ask Scott to come up and talk more about the idea. No further discussion.

**Scott Nowling:** My name is Scott Nowling, I live at a4N008 Long Fellow Place, St. Charles. Brian, thank you very much for the introduction. If you have a moment, I would encourage you to google Candy Chang, who is the artist who originally thought of this concept. The picture you see in front of you is from the house she originally did this on in New Orleans. It's very moving and I think what attracted me to the concept really is that it's an opportunity for us to share publically our aspirations and goals in a way that helps us get to know one another and perhaps inspire each other.

I would imagine you have questions. The proposal I presented to Mr. Townsend was purposely somewhat vague because I really wanted to make sure I accommodated the needs of the city. I do have some examples of both walls and cubes. The intention would be to make it exactly like what you see here. People use chalk and write what they want. The commitment I made to Brian is that on a daily basis as long as this is up, I will come

down and censor it in a way that people don't go crazy. It is chalk, so a sponge and water is effective.

With that, I would be happy to entertain any questions.

**Aldr. Lewis:** With chalk, first thing that comes to mind is rain. What happens on this board when it rains?

**Mr. Nowling:** The intention would be is if it rained, you just wipe it clean and start with a blank slate. One of the other things I wanted to do to memorialize this is to try to capture the sentences in a permanent way, perhaps in a blog or on Twitter. Hopefully it's popular enough that there's no enough space and we have to erase it. You don't get your line permanently.

**Aldr. Lewis:** Where do you keep the chalk and how do you keep the chalk from being written on other buildings and walls?

**Mr. Nowling:** We would use baskets that you affix to the wall and put the chalk pieces in there. I suppose we could affix it to string, but chalk can break.

**Aldr. Lewis:** Do other cities have problems with the chalk being written on other buildings?

**Mr. Nowling:** I can't speak to that. I don't know.

**Aldr. Bessner:** Is 45 days the average lifespan for this project?

**Mr. Nowling:** I think most of them are more permanent. 45 days is pushing the limit that I want to check this on a daily basis.

**Aldr. Bessner:** Have there been other projects that went longer than that?

**Mr. Nowling:** Those that are affixed to a wall are there permanently.

**Aldr. Krieger:** I like the idea of the cube and I like that you will monitor it. Thank you.

**Aldr. Rogina:** In support of this, if you are going to monitor this once a day, what if a graffiti artist gets their hands on it during the course of the day?

**Mr. Nowling:** Is it possible? Absolutely. The commitment is that I would be there daily.

**Aldr. Turner:** Are we going to monitor this for political statements, hate or vulgarity? This looks benign, but that may not be the case.

**Mr. Townsend:** We would exercise caution in being too conservative in respect to statements out there, but if something is clearly offensive, I think the city would keep an eye on things as well. This is something we are proposing as a partnership recognizing there is some public benefit.

**Aldr. Carrigan:** I think this is a creative idea. The fact that we bring public art downtown that is dynamic is great. For you to take the time to do this I would like to see it in front of city hall so as we come in and out, we get to see what's on there and what's important. I think it's an outstanding way for the community to send a message. I appreciate the effort and time and if it is successful for 45 days, I would look to see to have this put up permanently. I also agree with Jo, I like the cube.

**Aldr. Monken:** I agree with Aldr. Carrigan. I like the concept; I also like the cube. I think we all agree that having you monitor it is a great idea. I support this.

**Chairman Stellato:** Brian, you are just looking for our comments, we are not making a motion?

**Mr. Townsend:** Based on the positive feedback, we will move forward and get it put up in the next couple weeks.

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

## **8. Additional Business**

None.

## **9. Adjournment**

Motion by Aldr. Carrigan, seconded by Aldr. Payleitner. No additional discussion. Approved unanimously by voice vote. **Motion carried.**