

**MINUTES  
CITY OF ST. CHARLES, IL  
GOVERNMENT SERVICES COMMITTEE MEETING  
MONDAY, JANUARY 23, 2012, 7:00 P.M.**

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

**Members Absent:** Chairman Stellato

**Also Present:** M. Koenen, R. Gallas, J. Lamb, P. Suhr, G. Amburgey, T. Bruhl, Chief Lamkin, Chief Mullen, Chris Minick, Chris Aiston

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

**Aldr. Turner:** I would like to call to order the Government Services Committee Meeting. Dan Stellato is the Chairman, he is absent this evening. My name is Bill Turner, I'm the Vice-Chairman and I will be running the meeting this evening.

**2. Roll Call**

**K. Dobbs:**

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

**3.a. Electric Reliability Report, November and December 2011**

Information only.

**3.b. Tree Commission Minutes**

Information only.

**4.a. Presentation of 2011 Street Program Recap and Proposed 2012 Street Program – Information only**

**Mark Koenen presented.** Jim Bernahl is out ill; he sends his apologies. In regard to the Street Program, we are going to look back at 2011 and look ahead to 2012, in terms of what staff is suggesting moving forward with.

Power point presentation.

**Vice-Chairman Turner:** Are there any questions or comments? You can move on to item 4.b.

**Mr. Koenen:** Is there a motion to recommend us to take this Council for approval at the first meeting in February?

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

No further discussion.

**4.b. Presentation of Status of IDOT Projects – Information only**

**Mark Koenen presented.** We would like to talk about the IDOT program for the next several years. When IDOT does work in, or adjacent to our community, we always feel the impact, whether directly or indirectly.

In 2012, they are going to be working on the tollway which always means a disruption for our area. More locally, Jim has highlighted the projects in the Kane / Kendall Council of Mayors Program for FY 12 – 17 that are proposed in the IDOT program.

In FY 12/13 there is a traffic signal modernization project in downtown St. Charles that begins at 7<sup>th</sup> Avenue and goes to 7<sup>th</sup> Street. You will hear more about this as we bring forward an Intergovernmental Agreement in the next 30-45 days. The State of IL wants to put in countdown traffic signals for pedestrians at all locations from 7<sup>th</sup> Street to 7<sup>th</sup> Avenue and they would also replace opticom equipment with a cooperative sharing of expense. The Downtown Partnership has been looking for countdown traffic signals in our Downtown area for years to make it more pedestrian friendly.

In FY 12/13 you are familiar with the Rt. 64 project which begins at 7<sup>th</sup> Avenue, proceeds east to Dunham Road and continues to IL Rt. 59 in DuPage County. That is a combination of widening, resurfacing and retaining wall construction. This is a two year construction job that includes the bridge over the railroad tracks at Powis Road. We will feel the effect of that construction here in town and certainly by anyone coming toward St. Charles on North Avenue in DuPage County.

**Aldr. Carrignan:** Do we have any idea of sequencing yet?

**Mr. Koenen:** Yes, we have some sense of sequence. The first phase will be utility construction which will begin at 7<sup>th</sup> Avenue and proceed east to approximately Hunt Club Drive. They will then proceed to build two eastbound lanes in that section which will take us to approximately late fall 2012. The following year they will proceed with the balance in the St. Charles section between 7<sup>th</sup> and Dunham. In approximately 30 days, you will be hearing more about coordination on that project. Public Works and the Police Department are preparing a cooperative effort to anticipate the needs.

**Aldr. Carrignan:** Please make sure we are letting people know. Some sort of countdown communication would be helpful.

**Mr. Koenen:** The next project on our list is a 2012 project; it's the replacement of a bridge along Rt. 31 at Ferson Creek, which is adjacent to Wildrose Springs entrance. There is also a new traffic signal installation at the intersection of Rt. 31 and Silver Glen Road, which is north of St. Charles, but it certainly impacts many of the people who enter St. Charles from the north and anyone who attends St. Charles North High School.

**Aldr. Rogina:** I assume in that particular case, something developed to warrant a light there?

**Mr. Koenen:** Yes, it meets warrant. They have to meet warrant before they even get to this point in the proposal.

Originally we had been advised that Rt. 38 was going to be under construction this coming summer at the UP Railroad Crossing at Kautz Road. We understand this project has been delayed. We don't know exactly when it will resume; I would guess 2013/2014.

In 2017, Rt. 25 is planned for resurfacing between Dunham Road and Laurel Street. In 2016, Rt. 31 is planned for resurfacing from Middle Road in South Elgin to Wildrose Springs Lane. Finally, in 2017 there is resurfacing along Rt. 31 from Elizabeth Place to Main Street in Geneva and Batavia; any major construction work on IL Rt. 31 always impacts traffic in downtown St. Charles.

**Aldr. Rogina:** Is there any rhyme or reason as to when IDOT decides when the temporary traffic signal goes out and the permanent signal goes in? An example is Peck Road and Rt. 64.

**Mr. Koenen:** If I understand the question, it is what is the logic to when temporaries are installed and when they become permanent?

**Aldr. Rogina:** Correct.

**Mr. Koenen:** The Peck Road and Rt. 64 traffic signal was installed initially as a construction technique to better facilitate the county project at the intersection of Randall

and Rt. 64. They were installed as temporary traffic signals and they were left there because it seemed to make sense to have them at the location. In the meantime, they met traffic warrant and now they are planned to go permanent. In fact, that project is in the State of Illinois' budget, but it has not been targeted with a construction year. They are doing Phase I engineering as we speak.

No further discussion.

**4.c. Recommend approval of Change Order Nos. 1, 2 and 3 for IL Rt. 64 Sanitary Sewer and Water Main Installation Contract for project construction costs and a Resolution authorizing the Mayor and City Clerk to execute same.**

**Mark Koenen presented.** This item refers to Change Orders for the utility work which took place on IL Rt. 64 from 7<sup>th</sup> Avenue East, generally to Hunt Club Drive. It included sanitary sewer reconstruction down the center of IL Rt. 64 and some water main work. This is a balancing change order that deals with some deducts, as well as some additions. The net change is \$52,900 as an extra on the contract for complications that we ran into in the field, along with additional work which was completed at the McGrath car dealership to replace an old watermain that was asbestos; this was a healthy improvement to make.

There was also a deduction on the contract for \$92,870; we changed the backfill material which saved us money and helped pay for some of these extras.

No further discussion.

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

**4.d. ComEd Reliability and Maintenance Issues – Information only**

**Glynn Amburgey presented.** This is our quarterly report on the reliability from ComEd's system. Since the last report in October we have only had one momentary interruption from ComEd which took place on December 30. The cause was a loose tap which was repaired the same day it occurred.

**Aldr. Carrignan:** We have come a long way since 2007. Good job.

**Glynn Amburgey:** We have. You'll notice in my memo there are several things ComEd has been working on to continue the good work. They are doing some lightning arrestor upgrades on the line that serves the Peck Road Sub and they are trying some innovation on the line that serves into City Hall Sub. One of the problems that we have had historically on that line is trees through the Forest Preserve area north of the Q Center. They are trying a new configuration of the line that they expect to reduce, if not completely eliminate the tree contact in that area.

No further discussion.

**4.e. Presentation of 2011 Electric Reliability Summary – Information only**

**Glynn Amburgey:** Tom Bruhl has a presentation to provide you with information regarding our performance has been in the past year.

**Tom Bruhl presented:** 2011 was statistically our best electric reliability year in the last 10 years. By IEEE standards we are in the top quartile for performance, and our summer reliability was notable.

**Aldr. Carrignan:** In 2007, 42% of the outages were in the second ward. Hence, the focus on the electric for the second ward over the last number of years. You have come a long way, congratulations to the team. Thank you; this is really nice to see. This sends a good message to our customers that we are on the job.

**Aldr. Rogina:** Is this data available on the website?

**Mr. Bruhl:** No, but I can make it available.

**Aldr. Rogina:** Please. This is very good news, and is very impressive. I think the citizens of St. Charles should know about.

Power point presentation.

No further discussion.

**4.f. Recommend approval of Annual Doble Engineering Company Client Agreement for Doble Testing Services and a Resolution authorizing the Mayor and City Clerk to execute same.**

**Tom Bruhl presented.** Annually, we lease this highly specialized test equipment from a company called Doble Engineering. They are the industry standard. We use the equipment to test our substation equipment; it's a predictive failure test that gives you the anticipated life of the equipment and identifies problems. It's also used if we have a problem with the piece of equipment to make sure it's safe before we put it back into service. The pricing is about the same as it was last year.

Staff recommends waiving the bidding process and approval of a Resolution authorizing the Mayor and City Clerk to execute a contract with Doble Engineering Company in an amount of \$25,540.

No further discussion.

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

**4.g. Recommend approval of Contract with Clarke Environmental for Mosquito Abatement Services and a Resolution authorizing the Mayor and City Clerk to execute same**

**Peter Suhr presented.** The City has provided services related to mosquito abatement for over 26 years. Clarke Environmental has provided that service for our community since the beginning, and as always, been reliable and progressive in their approach to dealing with the mosquitos.

Clarke is considered the top expert in our area and serves many of our surrounding communities. Their services include surveillance and monitoring, larval control and adult control as detailed in your packets. Last year the City Council approved a new three year contract with Clarke. This is the second year of that contract.

Staff recommends waiving the bidding process and approval of a Resolution authorizing the Mayor and City Clerk to execute a contract with Clarke Environmental for mosquito abatement services in the amount of \$93,362.

**Aldr. Rogina:** If this is a three year contract, why do we have approve it?

**Mr. Suhr:** We approve it on an annual basis.

**Vice-Chairman Turner:** There is a price increase this year as well.

No further discussion.

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

**4.h. Presentation of Draft Utility Services Policy for areas outside of City of St. Charles limits – Information only**

**John Lamb presented:** In the past year, staff was approached by American Water, who is a private utility that provides services in the River Grange Subdivision. This prompted staff to take a look at what we had as a process for addressing this type of request. In response, we drafted this Utility Services Policy that would be potentially used in this area, and any other areas outside the City that might come up in the future. The policy has a number of general conditions criteria that I've summarized in the executive summary. We would not accept ownership of the infrastructure; the private utility would maintain it at their own cost, and we would enter into a service agreement with the utility which would consist of residential customers only.

Once an area is considered an entity, the City would enter into a service agreement and we would address any further issues, such as cost at that time. The policy is meant to

define the criteria. As mentioned, this is for information purposes only. We are requesting any feedback from the Committee. As with other policies in the past, we've given the Committee a 30 day period to review and I would come back next month to get from you any revisions you would like to see put in the policy.

**Aldr. Carrignan:** Obviously this has been through the city attorney?

**Mr. Lamb:** Yes.

**Aldr. Carrignan:** It makes sense to me. I would motion to move forward.

**Aldr. Krieger:** Would you require the entire subdivision to become connected to the city?

**Mr. Lamb:** No. Let me clarify; this would not involve annexation. This would simply provide services for water and sanitary sewer for that area, which is why the private utility would maintain the infrastructure. We would bill them for water going in and wastewater coming out of that area.

**Aldr. Krieger:** But would you want the entire subdivision connected to the City?

**Mr. Lamb:** Yes. We would want the entire subdivision.

**Aldr. Carrignan:** Relative to billing; we are billing the contractor, not each individual?

**Mr. Lamb:** Correct.

**Vice-Chairman Turner:** It is my understanding, Jo, that this has to be with a private company. We will not provide services for individual homeowners. One way to put it is we would be taking care of the liquid either going in or going out. The infrastructure is going to be taken care of by the utility that we contract with. They have to take care of the pipes.

**Aldr. Martin:** What are the purchasing arrangements?

**Mr. Lamb:** Those items would be determined in an actual agreement after the policy is adopted, if it is adopted by Council. Anything with pricing and other conditions for the actual agreement would be drawn up with the private utility.

**Vice-Chairman Turner:** At this point, we would like you to go forward with the drafting of the policy for this service.

**Mr. Lamb:** This is listed as information only, but if you approve, I would recommend that it be approved and moved forward to Council.

**Aldr. Carrignan:** It's all done, right? We have no further comments and we agree with it at Staff level, the City attorney has approved it, I see no reason to wait 30 days. With that, I make a motion to approve.

No further discussion.

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

**4.i. Recommend approval of Change Order No. 5 for Wells 3 & 4 Radium Removal Project for project construction costs and a Resolution authorizing the Mayor and City Clerk to execute same**

**John Lamb presented:** This is Change Order No. 5 in the amount of \$32,030.66. This change order will be forwarded to the EPA. As you may remember, we have a low interest loan with the EPA on this project, and this will be included in that low interest loan amount.

With this Change Order, we are only at \$50,000 in Change Orders on this \$5.5 million project, so we are only at 1% and the project is substantially completed.

No further discussion.

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

**4.j. Recommend approval of USEPA WaterSense Partnership Agreement and a Resolution authorizing the Mayor and City Clerk to execute same.**

**John Lamb presented:** This is a program that the USEPA initiated several years ago. They are asking Municipalities, Manufacturers and Retailers to partner with USEPA and promote the conservation of water, whether through water saving devices, i.e., toilets and shower heads. They are asking Municipalities to promote water conservation practices on our website and do educational outreach programs and things of that nature.

Another example is perhaps providing rebates on low flow devices. If a resident bought a Water Sense endorsed product, the City could, as an example, maybe give a \$20 rebate on a flow flush toilet or \$10 on a low water flow shower head. Those are programs they like to see municipalities do. They also have a lot of information they would share with the City that we can use to promote programs.

**Aldr. Carrignan:** Is the EPA going to fund the rebate program?

**Mr. Lamb:** No, generally the Municipalities do that. As an example; Batavia had a low flow toilet program, and they had 40-50 participants their initial year and the City gave those residents a rebate of \$25 each.

**Aldr. Carrignan:** Where are the reserves in the water fund?

**Mr. Lamb:** The reserves would be able to handle \$1,000 of rebates if that were to come up.

**Aldr. Carrignan:** While I'm all for looking at the EPA's Water Sense Program, having some understanding of where we are with our water budget, I would refrain from going forward right now with rebates.

**Mr. Lamb:** You are not required to do a rebate; I just listed that as an example of what some municipalities do.

**Aldr. Carrignan:** If I'm correct, the water budget is tight, isn't it?

**Mr. Lamb:** Yes, it is tight.

**Aldr. Carrignan:** For the various initiatives, it makes sense, but I have issues until I know where the money was coming from and how we were going to fund the rebates relative to the rest of the budget, I would have concerns.

**Aldr. Rogina:** So you are against unfunded recommendations.

**Aldr. Carrignan:** Unfunded mandates, yes.

**Aldr. Rogina:** But you support the initiatives that are on the website and things of that nature.

**Aldr. Carrignan:** Of course. I think they make a great deal of sense.

**Aldr. Rogina:** Can you frame the motion that way then?

**Vice-Chairman Turner:** There is nothing in this motion that says we have to give rebates. We are only making an agreement.

**Mr. Lamb:** Correct. I just listed that as an example.

No further discussion.

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

**4.k. Recommend approval of Change Order No. 4 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 is requesting approval of this Change Order in the amount of \$10,860.12. Detail is listed on the Executive Summary.

I would like to emphasize that this has been a rehabilitation project as opposed to a new project, so unfortunately we have run into some unexpected costs.

No further discussion.

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

**4.l. Recommend approval of Local Agency Agreement for Federal Participation for the Proposed Red Gate Bridge Construction Project and a Resolution authorizing the Mayor and City Clerk to execute same**

**Mark Koenen presented:** Before I talk about the agreement in particular, I would like to share information that relates to the bid opening that took place last Friday at the State of Illinois in Springfield for the Red Gate Bridge Project. This again was for the Main Line Contract Stage 2, which includes construction of the bridge, pedestrian bridge, roadways, intersections, traffic signals, and related activities. The State of Illinois had six bidders. The engineers estimate is in your packet and estimate for construction was \$22 million. The low bid was approximately \$21 million – about \$1 million below the engineers estimate. Of the six bidders who submitted, the spread between the lowest, which was McHugh and the highest, was about \$1.7 million. That is a really tight spread on a construction contract like this. I believe this says that we had a good set of plans and it was a good bidding environment.

I would like to talk about process. We usually are the awarding agency for a contract. In other words, you as the City Council direct our Mayor and City Clerk to sign contracts for certain construction activity to take place. This contract is different; for this particular contract, because there is Federal and State money in this contract, the State of Illinois let the contract and signs the contract. In this particular case, our linkage to this project is through an agreement, which is what is in your packet tonight. That agreement is between the City of St. Charles and the State of Illinois and identifies all the grants that the City of St. Charles has received to date and identifies the value of those grants. In that agreement, it also identifies how that money is distributed. For example; a contractor submits a payout request for month one. The State pays the contractor, the State takes from grant funds a ratio of the payout request total and they bill the City of St. Charles on a ratio. So on a monthly basis, we will write checks to the State of Illinois as that construction contract progresses. In this particular case, the first billing comes in April/May, we write a check to the State of Illinois for our ratio of that total. When the project is substantially complete in late fall / early winter of 2012, we will have generally

paid out most of the money from the grant program and we will have paid out most of our share. There will be some amount of money in the grants and well as our piece of the funding that will be paid in the spring, (there will be restoration and painting and landscaping that will all be finished in the spring of 2013) and then the contract will be closed out and there will be an audit to make sure that everyone paid appropriately.

The reason I went through that is because I think that background gives you perspective in terms of how the Intergovernmental Agreement works. We have done these before in the City of St. Charles for Dean Street, Tyler Road, Riverside Avenue and Prairie Street.

One thing I would like to point out, at the time I prepared the Executive Summary, I've shown the total estimated value of Stage 2 at \$23 million. If you put in the new bid number of \$22 million, you'll see the amount of money that we are going for bonds for is certainly less than what is shown as a "have to have" to make this project work.

The McHugh bid is an apparent low bid. The State of Illinois has a formal process they go through and review the math to make sure there are no errors, make sure the contracts are executed and all the documentation is provided as required. At the end of this process, if they are comfortable with award, we will then get a copy of the information so we can go through it ourselves.

Are there any questions or comments?

**Aldr. Rogina:** The reduction in those three amounts as you present them in the Executive Summary – will that be on a pro-rata basis? In other words, if we do in fact realize the million dollar savings, will it be reduced on a pro-rata basis? The Federal grants, the State of Illinois \$6 million and the City of St. Charles allotment of \$11.255 million.

**Mr. Koenen:** All the grants are constant. They do not get reduced. What gets reduced is our value added contribution to the project.

**Aldr. Rogina:** Then can I say that item 3, City of St. Charles \$11.255 million would be reduced to \$10.255 million.

**Mr. Koenen:** Yes, our contribution would be reduced.

**Vice-Chairman Turner:** I just want to say to the rest of the Committee, when this first started in 2005, we were at first thinking we would have to bond close to \$18 million on this bridge, and Mark, your efforts to secure funds over the last seven years has been absolutely amazing. Going from looking at bonding \$18 million and now we are looking at a bonding of \$4 to 5 million, I feel it shows your professionalism and we all owe you, and the tax payers owe you a debt of gratitude for securing these funds.

**Mr. Koenen:** Thank you. It also shows this is a really good project for our Community.

**Aldr. Rogina:** If I may add on to that, you, on numerous occasions mentioned that the time was right to do this and the fact that we are seeing some recuperation of the economic environment is a reflection that you had the wherewithal to stick to your guns on your recommendation.

**Mr. Townsend:** I want to reinforce one point, and that is in respect to the amount of money we are going to need to borrow for this project. Right now, that number is somewhere between \$4-5 million based on the favorable bid results and all the money we've accumulated over the years to pay for this project, so when you consider how small that amount of money is compared to the total value of the project, it not only shows the commitment that staff has made to seek outside funding, but also the level of support that exists from the Federal and State Government to get this project done. This Local Agency Agreement will make sure that IDOT fulfills its obligation to move forward to award the contract, oversee the construction, make the payments and the City will just need to pay that local share. This is a good project and we are very fortunate to have the results that were presented to you this evening.

**Aldr. Carrignan:** This may be a question for Chris; when we go to the bond market for that \$5 million, our bond rating is such that we will get a good rate on our bonds?

**Mr. Minick:** Our bond rate is good, yes. In fact, we mentioned this project in several conversations with Moody's Investor Services who rates the City's debt and they understand the financing mechanism. Essentially it's a pre-funded project. We've been setting aside the money from the Property Tax Levy in a special account. Once the bonds are issued, we will shift the purpose of that Property Tax Levy to Debt Service rather than accumulating funds. They understand that has been the plan of the program all along and that we are not going to consume additional resources of the City to undertake the debt service payments to achieve construction.

**Vice-Chairman Turner:** I would also like to thank the members who have been elected since 2005 for their continuing support for this project. Kristi, please do a roll call vote.

**K. Dobbs:**

Monken: Yes

Carrignan: Yes

Payleitner: Yes

Rogina: Yes

Martin: Yes

Krieger: Yes

Bessner: Yes

Lewis: Yes

No further discussion.

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

**5.a. Recommend approval of an Ordinance Amending Title 10, “Vehicles and Traffic”, Section 10.40.010 and Section 10.40.040**

**Chief Lamkin presented:** I have included three different items. The first is in Wildwood Cove. The residents there requested we do this to help facilitate parking in the area. We did it as a trial to see if it would help, so this is a housekeeping item, if you approve.

The next one is to help facilitate a company on Commerce who is trying to get their trucks backed in. As you can imagine, when you have a lot of cars parked along certain stretches of roadway, it's hard for trucks to maneuver. For this reason, staff recommends approve of this change.

The last item is the area adjacent to Lincoln School. This came up as a conversation with the School District. As you can imagine, folks test the limits when you post an area as a 15 minute time zone, 15 turns into 20, etc. It became a safety problem to keep the area open for what it was intended. Our recommendation is to turn this area into a drop zone.

Staff recommends approval of all three Ordinances revisions.

No further discussion.

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

**6.a. Recommend reconsideration of application and make a recommendation to City Council regarding a Class B3 Liquor License for Alibi to be located at 12 N. 3<sup>rd</sup> Street, St. Charles**

**Mayor DeWitte presented:** We are back tonight to update you on the application for this establishment. Before I get started, I would slightly amend the recommendation or suggested action in your Executive Summary. Rather than asking for an action on the license itself, I would like to revisit the Council's consideration of one of the conditions that was attached to this applicant's license at a meeting held back on August 15. To quickly refresh your memory, the Alibi Restaurant application was heard by this Committee on August 15, 211 at Government Operations. That evening, there were a number of considerations that the owner of this property was willing to make with regard to concerns expressed by members of the Council. He did agree to remove the reference to tavern or bar in his name, he did agree that the establishment would terminate liquor service earlier than permitted by Ordinance; he agreed to 11:00 pm Sunday thru Thursday and 12:00 am Friday and Saturday. He agreed to limit the maximum occupancy of the establishment to 297 – I'll leave that open until it's corrected or verified, but it came down significantly from the 400 that had originally been proposed on his plan. The last

condition that was established that evening was that arrangements be made for the use of parking spaces for customers or valet service. Since that time, Mr. Simpson has made efforts to accomplish that last condition. On January 9, Mr. Simpson came in and at his request met with myself and Chris Aiston. We discussed in detail the efforts he made in attempting to secure off-site parking to accommodate potential valet service for his establishment and he has not been successful in doing so.

Based on our conversation, as well as conversations that Chris and I have had with people who we know Mr. Simpson has had conversations with about this issue, Chris and I believe at this point that Mr. Simpson has made a best effort attempt at meeting that final condition that was attached to his application back on August 15.

I've spoken with a number of you over the last couple weeks and the one commitment I did make to Mr. Simpson that Monday evening was that I would bring this matter back up before the Council and again, based on his best effort attempt to secure this parking, to ask the Council if they would reconsider this last condition that was attached to his application. I would also point out for the Council's consideration a few other issues that would be worth considering in your reconsideration of this last condition. One is this business owner has made a significant investment in our Downtown Business District. He has purchased this property and has committed in excess of \$500,000 to its remodeling.

I would be interested to know how many of you had an opportunity to visit with Mr. Simpson at his establishment to see the work that was done to verify that what he is attempting to put in our Downtown Business District would be acceptable. Is that a fair question to ask? Ray?

**Aldr. Rogina:** I did.

**Mayor DeWitte:** Brian and I walked through. I guess nobody else made it over....

**Aldr. Payleitner:** Oh, I did. I looked in.

**Aldr. Bessner:** I didn't have a guided tour, but I made it over there.

**Mayor DeWitte:** Happy to hear that. I appreciate that. Along with the investment, there are employment opportunities for between 30 and 50 people, ranging from kitchen staff, bar service, table staff and other employment opportunities for a restaurant establishment of this nature.

Mr. Simpson's commitment to food by limiting alcohol service was one of the priority conditions that this Council had established, to minimize the uncontrollable aspects of a potential BYOB or Bring Your Own Booze establishment. Currently, these restaurant owners, like other restaurant owners in the community, have the opportunity to make that decision on their own. That decision should not come lightly to them and I have shared with Mr. Simpson if he were to choose to pursue that route that there would be significant

requirements he should consider because he would still be liable and responsible for any consumption of alcohol that were to take place in his establishment.

Finally, and most importantly, I would suggest that the owner of this property sits within the current SSA 1A Special Service Area, which requires him to pay an SSA 1A tax into a fund primarily designated to provide parking for our Downtown business owners in the City of St. Charles. He is the only liquor license applicant who this condition has ever been attached to and I believe it would be unfair given the other circumstances related to this applicant to make an example out of him by attaching this condition to his application when no other business owner or liquor license applicant for that matter has had this condition attached to his request.

Chris Aiston is here and Mr. Simpson is here, if anyone has questions or comments or perhaps some other consideration that they may want to request of Mr. Simpson in an attempt to work towards allowing him to open his establishment as a licensed facility in the City of St. Charles.

**Vice-Chairman Turner:** Did you want a motion tonight or is this more for information and give and take?

**Mayor DeWitte:** At this point this evening, if we can have a conversation, I would be interested to know if in fact the Council would consider removing the parking condition that was placed on this application. If the Council would be in the position to remove that condition this evening, then yes, I would hope that at that point, the Council would be willing to consider the issuance of a B3 License for this establishment.

**Vice-Chairman Turner:** I'm going to start this off because I've never agreed with the parking condition. I know I haven't said it because I've got other issues, but like you said, this is SSA 1A; we're responsible for the parking. I'm not at all comfortable with putting this on the applicant. I've got other issues, but I've never had an issue with the parking.

**Aldr. Rogina:** I agree with you with respect to the SSA. My concern, and it's been suggested by citizens that it's not only Alibi – its Alibi plus every other business down there that are spilling into the neighborhood. I recognize they know there are business establishments there, but given the number of liquor establishments we have Downtown and the conversation we had earlier, I see this as the perfect time to at least give some consideration to restricted parking in the neighborhood since we have it in other areas of town. Perhaps just on the weekends, perhaps just from 10:00 or 11:00 pm until 6:00 am, but I do agree with the Chair that the parking will solve itself. The fact that the Mayor has pointed out that there are some new spots available makes me feel more comfortable.

**Aldr. Lewis:** Is that a possibility, to have restrictive parking in some of the neighborhoods?

**Mayor DeWitte:** I would defer to the Chief on that one, since his department would be the ones to enforce it, but I guess I would initially respond to that comment by saying people who chose to live in or near a Downtown environment have to assume a certain level of what comes along with that, i.e., convenience. And sometimes that means business and parking and activity generated by the Downtown may in fact flow into their neighborhoods a little bit. I don't think you can have it both ways. You can't make an argument in one way and in an adjacent situation make an argument in the opposite direction.

**Aldr. Rogina:** I understand that, but my rebuttal to that would be simply that the development was built there, the high school was already in place, and yet signs for restricted parking have been put up in those neighborhoods and I think the City has been very good. When I used to see a kid parking in my neighborhood and I would call 911 and they would ticket and I thought it worked very well. I think a couple signs would be just enough of a deterrent to keep some of the rowdy crowd out of the neighborhood.

**Mayor DeWitte:** How would you determine what streets get restricted parking and which ones don't?

**Aldr. Rogina:** I have no idea; I would defer to staff on that.

**Chief Lamkin:** We can study the parking and see where it's necessary. The one thing that we need to keep in mind is if we are going to restrict the street parking, we can't pick and choose who gets to park there. What I mean by that is that if there is a time restriction from 10:00 pm to 6:00 am that means that even the resident that lives there can't park there either, because we can't differentiate. There have been comments that the police department would be able to determine who lives there and who doesn't in terms of that restriction. I think we can restrict any level of street parking if chose to do that, but we'd have to take a look at it and decide the best way to apply it.

**Aldr. Rogina:** Am I correct though, say on Dunham Place where there is resident only parking signs, can't the residents park in the street? I can't speak to that. Is that a public street where we've done that? We have typically not put those all over the place because it is difficult for us to manage that. I'm not saying it's impossible, but just recognize that sometimes that can be problematic to enforce also.

**Aldr. Martin:** I would concede that SSA 1A was designed to provide parking for the Downtown businesses and every business should be entitled to use that. However, in this particular case, I think that the factor that has had the most impact on it is the massive numbers that are allowed. You said 297 for this one particular establishment. I think that's what has created all the commotion. If they were only to have a fewer number of seating, I doubt there would be any issue at all. 297 or 275, whatever it is, that impacts the area far greater than we are capable of handling.

**Aldr. Carrignan:** I don't disagree about the size of the establishment, but nowhere in SSA 1A does it say that the establishment has to be above or below. I have some significant concerns relative to putting conditions on something that allows...

**Aldr. Martin:** I didn't put a condition out there....

**Aldr. Carrignan:** We did...we already did. We already asked those conditions. Mr. Simpson has complied with everything we asked, and in good faith has tried to get those parking spaces, and while I'm not a lawyer I don't think it he was legally obligated. I would be inclined to vote for Mr. Simpson, even with removing the parking condition. He has made a good faith effort, he's allowed by SSA 1A to be there. I would have a very difficult time voting no right now.

**Mayor DeWitte:** I would like to respond to Mr. Martin's comments. I appreciate your concern about the capacity issues, but I would respond by saying that they are simply capacity issues. That is a maximum number of occupants that is required to be submitted as part of a plan to show how many people can go into the place. I would be willing to bet you would be hard pressed to find any of our entertainment establishments on a Friday or Saturday night filled to what would be considered their full operational capacity. I can recall having this conversation with regard to schools. There is a practical capacity and a maximum capacity and they are two very different numbers. With the restaurant emphasis Mr. Simpson has agreed to put on his establishment, I hope he's full to capacity on Friday and Saturday nights because he's only going to be serving alcohol till Midnight and most people who are out for dinner are long gone by then.

**Aldr. Monken:** I agree with everything Aldr. Carrignan said. I think with the investment that he's made, the quality of the establishment and the type of facility that it is, and he's addressed everything we asked him to do to every degree and I think this is the type of quality development that we are looking for Downtown.

**Aldr. Payleitner:** I do appreciate Mr. Simpson addressing our concerns and I would really like to see Mr. Simpson move forward. I do have a question, though, in regard to the three items that he's abiding by. Do we have a copy of his amended application? The documentation we have still states that it's a restaurant / sports bar and still has a proposed capacity of 295, whereas he is stating that his new plan would be 275.

**Mayor DeWitte:** I'm not sure he has submitted a new plan, but I would suggest that based on these conditions that are being mandated by the Council, these conditions would in fact be attached physically to his license and so anyone walking in to inspect his license could see the conditions on that document and determine whether or not he's in compliance with capacity issues, liquor service issues, etc.

**Aldr. Payleitner:** All three will be addressed, even if it's not on his application right now.

**Mayor DeWitte:** Absolutely, it will be on the license.

**Aldr. Martin:** There were questions that Ray had concerning the site plan with the theater box. We haven't seen the site plan; if this proposal is approved, is it possible we be allowed to discuss the site plan prior to final vote? There were serious concerns about what is that place going to be? The last time we discussed this there were two entrances, one for a box office. Is this going to be a theater or a restaurant?

**Mr. Simpson:** It's going to be a restaurant.

**Aldr. Martin:** No stage?

**Mr. Simpson:** There might be a stage there.

**Mr. Bessner:** My concern went back to age and making everything was controlled in regard to who gets served and who doesn't. This might be a question for Chief Lamkin. Can a group of 18 year olds go to any establishment on that area on any given night and get served food? If they can, is there any restriction, either by our code or the wherewithal of the establishment to remove them at any time?

**Chief Lamkin:** Most of the establishments have taken the position that they put door people on later in the evening. I think there are places Downtown where four 18 year olds would go and eat food, but if any of them tried to order alcohol, they would be carded. I think most of the businesses that are serving food have grown to recognize that people under 21 stand out. Even during our compliance checks, it has become common that door people are checking ID's at the door.

**Aldr. Bessner:** So it's up to them to do that.

**Chief Lamkin:** It is, but foot patrol has become very common for us now. Foot patrol walks through the bars and if the officers see someone who looks young, they card them.

**Aldr. Bessner:** Yes, but for an establishment that's more possibly a restaurant than a bar – will foot patrol go into those places as well.

**Chief Lamkin:** We don't separate. When our officers are Downtown on foot patrol, we don't go to one and skip another one. We just make routine foot patrols through all of them. Obviously some of them may give the appearance they attract a younger crowd than others, but we still try to make a routine of checking them as we go.

**Aldr. Bessner:** My concern goes back to what Aldr. Martin was saying in trying to determine what this is supposed to be, and if it was a bar, I would understand what you are saying. Maybe I'm analyzing this too much, but I'm trying to envision some people getting lost in that gray area of age.

**Chief Lamkin:** In this situation, you are putting a restriction that this establishment would close earlier, and there are people who will still want to be out. That doesn't mean

that the people who are of age aren't going to walk over to another place. But with the restriction that he has to close earlier, he is moving it out of his place. Whether they go somewhere else or they come home, we can't say.

**Aldr. Carrigan:** Is the restriction that he has to close earlier, or does he have to stop serving alcohol earlier?

**Mayor DeWitte:** The agreement that it is place is that he would cease alcohol service. He can serve food all night, as far as I'm concerned, but alcohol service is the issue.

**Aldr. Rogina:** I have a question on BYOB, but before I get to that, I need further clarification on Aldr. Martin's point. In testimony you gave at previous committee meetings regarding the stage, I remember asking the question on the first night – is this a restaurant, a bar, a night club? Then this all evolved and I remember the conversation about having live entertainment and I remember Aldr. Lewis making a comment that it would be nice to have a band in there that would be attractive to middle age people, etc. Aldr. Payleitner make a comment that the last site plan we saw said sports bar on it. So I'm still not in sync with what it's going to look like. I know the outside looks wonderful; you did a great job. I was inside, so I would also throw kudos out for what you've done. But that concerns me from the standpoint that if the live entertainment attracts a younger crowd, then we are back to some of the questions that have been asked by Aldr. Bessner relative to 18 year olds trying to get in there. So that needs to be clarified from my standpoint more than anything else.

Now for the BYOB. If we deny the liquor license, what are the BYOB guidelines. Is he allowed by any kind of City Ordinance to have a BYOB?

**Mayor DeWitte:** No. There is no Ordinance. The only reference to BYOB in the City's current code is that no currently licensed establishment can allow people to bring in their own alcohol; they must purchase the alcohol in that licensed facility. There is no ordinance that restricts an unlicensed facility or unlicensed establishment from making the independent business decision to allow customers to bring their own alcohol in with them.

**Aldr. Rogina:** So someone could bring a keg of beer in.

**Mayor DeWitte:** Yes.

**Aldr. Lewis:** It's not only beer, it would be wine, hard liquor.

**Mayor DeWitte:** It could be anything.

**Aldr. Lewis:** Do you plan on being open for lunch?

**Mr. Simpson:** Yes.

**Aldr. Lewis:** So you would open at 11:00 or something like that?

**Mr. Simpson:** Yes.

**Aldr. Lewis:** On Sundays?

**Mr. Simpson.** Yes. Seven days a week.

**Mayor DeWitte:** Chris Aiston has a couple comments he would like to make from an Economic Development standpoint if the Chairman would consider it?

**Vice-Chairman Turner:** Yes, but I'd like to ask Mr. Simpson one question. When you did lower your capacity for the building, did you lower it by taking out tables, or by taking away bar stools.

**Mr. Simpson:** Neither, specifically. It would just be controlled right now by how many people we let in the door.

**Vice-Chairman Turner:** My concern is whether or not Downtown really needs more bar stools and my answer to myself on that is no. You've got 24 in there at this point. Did you ever think of lowering the number of bar stools?

**Mr. Simpson:** The bar stools are going to be lower anyway, when they are not occupied, my capacity will always be lower.

**Mayor DeWitte:** I understand from Mr. Simpson that the box office is technically being used as a coat room, so your point was well taken. I think between the plans currently on file in Bob Vann's office, request of the Council, if we can come up prior to final license approval we can come up with a site plan that will clarify your questions and perhaps questions that some of you have.

**Mr. Aiston:** I'd like to go back to the conversation about the BYOB. Someone on the committee indicated there are potentially some nuisances with any place that serves alcohol, for that matter – any place that has crowds, and if we were to allow this project to go forward without a license, I'm suspecting strongly that the proprietor would allow BYOB because of the number of people who would maybe not go to eat at all. You might create this potential nuisance, but without any taxes to help pay for the service to mitigate any such nuisance. The alcohol sales tax that the City has generates a significant amount of money and it helps offset some of the costs that may otherwise be necessary if we were to have problems in the Downtown District.

The critical question is whether most of the Committee wants to acknowledge or think of it as a positive or not, St. Charles is a restaurant district. It is known in the area, it is known as an area to come have dinner. When people think of coming to St. Charles, they don't necessarily pick a specific restaurant to go to, but they say let's go to dinner in St. Charles, and while we are out we can listen to live music...they think of it as a place to

go and we encourage that. In fact, we market it. We are having our second annual Restaurant Week and we've already got more than 30 restaurants signed up for it. We have a strong restaurant district. It's marketing 101 essentially; you go with your strength. If we can bring more strong restaurant venues, and Alibi is a particularly unique venue that I think would be a destination point from outside our district. There has been some discussion about the fact that there are so many potential patrons that are going to eat in St. Charles and maybe this is "robbing peter to pay paul" and there will be some crossover of course, but it gives more options for our local residents and also provides more reason for people to come from out of town, bring in out of town money. My thinking is you've got a real gem in the Downtown District, particularly a restaurant and entertainment district and I think bringing another venue of this nature adds value to the district, I think is a good opportunity.

As I previously stated, the additional sales tax revenue, not just from the food but from the alcohol will be significant and will strengthen downtown by virtue of allowing more dollars to be spent on Downtown to make it a better place than it already is.

I would suggest that as long as Mr. Simpson has cleared the requirements to get a license with respect to the background check and he meets the conditions that every other licensee has to meet that you consider authorizing the B3 license as requested.

**Aldr. Carrignan:** In comment to Chris' statements; Geneva has a beautiful downtown, you can go shopping there and there is not anything you can't buy downtown Geneva that you can't buy on the internet. You hit a key word by saying this is a destination restaurant; St. Charles is definitely a destination. The combination of that and Mr. Simpson's efforts to comply with all of our requirements, I'm willing to have this move forward.

**Mr. Aiston:** Thank you bringing that up, Aldr. Carrignan. I do want to say for the record that I personally spoke to four different places in the downtown encouraging them to consider allowing parking for Mr. Simpson. In each case, they indicated they were not willing to do so. I can confirm to the extent that he has made his best efforts, at least with those four venues and I know of several others that he talked to as well. I think he made his best effort to meet that requirement and he wasn't able to. Mr. Simpson can't control anybody else's land that doesn't want to allow him to use it. I think the Council was wise in trying to accomplish that, but I find that it was not possible.

**Aldr. Lewis:** Chris, I'm curious as to why they turned you down.

**Mr. Aiston:** Part of it is that land, and parking, has value in the City. To share it, or otherwise obligate it to another use reduces the value, particularly if you are looking for a longer term lease. I can't explain specifically why particular property owners decided against it. Whatever the revenue or benefit the property owner was to derive in the negotiation didn't offset what they perceive to be their loss in asset or value. That's what I was able to take away from it.

**Vice-Chairman Turner:** Don, I thought when you first came up here you said this was more information but I'm sensing we have options of letting Mr. Simpson take our recommendations of getting us an updated site plan.

**Mayor DeWitte:** If I may make a suggestion, Mr. Chairman; as I stated in my opening comments, I think it might be appropriate to at least establish whether a majority of this committee sitting this evening would consider removing the parking condition from this application. I think any action beyond that would probably be the result of that vote. I would go so far as to suggest that if a motion to remove the parking consideration were to be approved by this Committee, if they were then to take action on the B3 license, I would attach to that motion or make a condition of that final approval of that motion, a revised submitted site plan showing all the revisions that Aldr. Martin and Aldr. Payleitner raised regarding the establishment itself.

**Vice-Chairman Turner:** That would come at the Council meeting.

**Mayor DeWitte:** Yes.

**Vice-Chairman Turner:** Is there a motion to remove the parking restriction on Alibi Bar?

**Aldr. Monken:** So moved. I will move.

**Aldr. Carrignan:** I second.

**Aldr. Rogina:** I'm in favor of removing the parking restriction, but I stick to my guns on wanting to see restricted parking in the neighborhood. But with respect to the parking restriction, I support my colleagues.

**Aldr. Carrignan:** Can we run that parallel? Do a study on the parking restriction and run it parallel? I concur we have it in my neighborhood. It's on Fairfax and wraps around on Dunham.

**Aldr. Rogina:** I have great admiration for the Chief's report and I would never question him publicly on an issue like that, so I'm not going to do that, but I do know that we have restricted parking for residents only in the City, and I feel strongly about that particular issue here.

**Vice-Chairman Turner:** I would agree with you on that, but I think that's a separate issue from this.

**Aldr. Rogina:** That may very well be. But the point I'm concerned about is the license is granted, the business is in place and part of the element here is an additional liquor licensee and all of a sudden we are going to hear more complaints.

**Mayor DeWitte:** Mr. Chairman, could I suggest like most new scenarios that are presented to the Community that eventually come before this Committee, if in fact he is issued his license and if in fact he opens his establishment, could we wait and see what the effect of that it is to find out if there really is a problem generated? People could very well find the top deck of the parking deck on First Street and decide to walk the two blocks to this gentleman's establishment, just like I have had to do in a number of communities in the area here, who deal with the same situation. It's a cliché that people talk about on a regular basis, but having a parking problem in a downtown business district is not a bad problem to have. It means people are coming in and taking part in the local economy and are contributing to the businesses that have established here in St. Charles. Like traffic, parking is like water. It will find its place. If a problem does get created or gets exacerbated out into the neighborhoods, this Council always has the authority to do whatever it wants to do with regard to parking on any of the City streets. My suggestion is to wait and see if a problem really does generate and then we can act upon it whenever we see fit.

**Aldr. Martin:** A motion was made to approve the removal of the parking restriction?

**Vice-Chairman Turner:** Kristi, can we have a roll call vote please?

**K. Dobbs:**

Monken: Yes

Carrignan: Yes

Payleitner: Yes

Rogina: Yes

Martin: Yes

Krieger: Yes

Bessner: Yes

Lewis: Yes

**Vice-Chairman Turner:** Motion passes.

**Mayor DeWitte:** May I suggest we take a run at the B3 License at this point?

**Vice-Chairman Turner:** Kristi, please do a roll call.

**K. Dobbs:**

Monken: Yes

Carrignan: Yes

Payleitner: Yes

Rogina: Yes

Martin: No

Krieger: No

Bessner: Yes

Lewis: No

**Vice-Chairman Turner:** Motion passes. This will be moved to City Council where we will get a revised site plan and it will be finalized there.

No further discussion.

**Motion Carries.**

**7. Additional Business**

I'm Suzanne Positano with MMA Mixed Martial Arts Sports Federation and I am coming before you today regarding our event on March 17. We were wondering if we would be able to have it approved; this is our fourth event that we've had at the DuPage Expo and so far on all three events we have been very successful. Last year we had Team Ireland come in and we were in the parade. We've worked with sponsorships in town; Zimmerman Ford, McNally's, Filling Station, Gabby's, La Fox Martial Arts, Alley 64, and Nuevo Italia.

We were wondering if it's possible to have approval for another event on March 17 at DuPage Expo.

**Vice-Chairman Turner:** This isn't even on the agenda.

**Ms. Positano:** Yes, we are just bringing it up today; I called the Mayor and the Chief to see if we would be able to bring it up. We are going to be filling out the paperwork. The reason we didn't have it on the agenda is we were waiting on the Expo. They had mixed up our date with somebody else, so we just wanted to bring it to your attention, so I talked to the Mayor and he said we would be able to bring it up today.

**Vice-Chairman Turner:** This is only information and it needs to be brought up at the next meeting.

**Ms. Positano:** That's fine. We just wanted to bring it up. Should we just fill out the paperwork again like last time?

**Vice-Chairman Turner:** Yes, you can get it on the next Committee meeting on February 6.

**Ms. Positano:** Would we be able to get on that agenda?

**Aldr. Carrignan:** You have to work with Staff directly.

**Vice-Chairman Turner:** Is there any further business? If not, I would entertain a motion to adjourn.

**8. Adjournment**

**Meeting adjourned at 8:45 p.m.**

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