

**MINUTES  
CITY OF ST. CHARLES, IL  
GOVERNMENT SERVICES COMMITTEE MEETING  
TUESDAY, MAY 29, 2012, 7:00 P.M.**

**Members Present:** Chairman Stellato, Vice-Chairman Turner, Aldr. Monken, Aldr. Carrignan, Aldr. Payleitner, Aldr. Rogina, Aldr. Martin, Aldr. Krieger, Aldr. Bessner

**Members Absent:** Aldr. Lewis

**Others Present:** Mayor Donald P. DeWitte, 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

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

**2. Roll Call**

**K. Dobbs:**

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

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

Information only.

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

**3.b. Tree Commission Minutes**

Information only.

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

**3.c. EAB Control Efforts**

Information only.

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

**4.a Downtown Partnership Historic Sign Installation – Information only**

**Richard Gallas presented.** Tonight I am here to present an idea that came from the Downtown Partnership. They came in to discuss installing some historic signs that would mark specific areas around downtown. Tonight's presentation is specific to one that would celebrate our heritage with the Municipal Center.

It should be noted that the Downtown Partnership sought out and received a grant for approximately \$5,000 to put toward these historic signs. In your packet you will find the location on a GIS map that has the proposed location of the historic marker (Municipal Center Checkerboard Parking Lot), which is to go outside in a planter that city staff would install. The sample of what the sign would look like is in your packet this evening.

I'm here to get feedback tonight on the content of that sign; we would be happy to implement any changes that you see fit. I'm also here to give special thanks to Diana Brown, Tom Anderson, John Hughes, Lynne Schwartz and absent this evening is Steve Smunt, but he did an outstanding job on bringing this together as well.

**Chairman Stellato:** I've already spoken to the group. There is just one line in there that begins with "In 1940 the Municipal Building was completed, it's construction funded by"....and instead of "local philanthropic donations", I asked that somehow the Norris Baker Estate be recognized for their work as part of that.

**Mr. Gallas:** We can anticipate this being installed sometime early summer.

No further discussion.

**4.b. Recommendation to approve contractual services for street sweeping services to K. Hoving Company**

**Peter Suhr presented.** As a matter of public policy, the Public Works Department provides street sweeping services to the community which removes grit and contaminants from the roadway. This service prevents that material from entering the watershed and ultimately the river and helps keep our streets safe for vehicular traffic. Currently, street sweeping services are provided by the public works staff and by staff equipment. In an ongoing effort to evaluate the cost effectiveness of services, city staff solicited vendors to assist with our street sweeping program. A Request for Proposal for these services was issued to six separate contractors. The results were favorable enough to consider extending a portion of that program to an outside vendor this year.

Beginning in June, staff is recommending that a vendor street sweep the east side of our city while public works remains sweeping the west side and also the Downtown area. After one year we will evaluate the program and recommend any increase or decrease to that service for the second year.

K. Hoving Companies is the most cost competitive and most qualified contractor according to the RFP. K. Hoving has the proper equipment to fulfill the agreement and meets all the specifications of the RFP. Located in nearby West Chicago, they have provided quality service for many surrounding communities, including Hoffman Estates, Roselle and Glenview.

Staff requests to waive bids and recommends approval of a contract to K. Hoving Companies based on their proposals attached in your packet.

**Aldr. Carrignan:** How are you going to measure their capabilities?

**Mr. Suhr:** We will measure their capabilities based off the east side to west side – we'll look at how the streets are cleaned, how their customer service is. We have the ability to test them on an emergency call out or a special event on a Saturday to see how their services relate to ours.

**Aldr. Carrignan:** As long as we have some criteria so we know what we are measuring, I'm fine with it.

**Aldr. Rogina:** Assuming we are dividing the city in half, is the cost on the east side a reduction from last year when the city did it, in it's entirety?

**Mr. Suhr:** It is a reduction from when the city did it last year. If you are compared apples to apples, it is a reduction in cost.

**Aldr. Krieger:** Could there be assigned street sweeping on Wednesday, Thursday or Friday on the east side, because the garbage pickup is Monday and Tuesday. Traditionally they go through on Monday and the garbage truck comes through on Tuesday, then all the garbage is on the street and it's there for a month.

**Mr. Suhr:** That does make sense and we certainly have the ability to work with the contractor to pick those days. We've already started thinking about that. K. Hoving has a really good relationship with Kramer Tree Services who provides our brush and leaf collection and they've already started to work with that company to actually follow Kramer as they do a brush or leaf pickup, so you are going to get that same result for those two services as well.

No further discussion.

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

**4.c. Recommendation to award sidewalk maintenance contract to Raise Rite**

**Peter Suhr presented.** Over the past ten years, the city has been utilizing a company named Raise Rite to help maintain our city sidewalks. Raise Rite is a specialty contractor who levels the concrete sidewalks by lifting the concrete slab, therefore mitigating any tripping hazards.

This year we estimate the lifting services provided by Raise Rite will be approximately \$35,000 which is a budgeted amount.

Staff recommends approval of the proposal from Raise Rite in an amount of \$2.55 per square foot as per their attached proposal letter.

**Aldr. Rogina:** How does that compare to last year's price?

**Mr. Suhr:** It's a slight increase. It's a 1% increase, but they held their price for 2 or 3 years prior.

No further discussion.

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

**4.d. Recommendation to award sidewalk maintenance contract to Safe Step**

**Peter Suhr presented.** This item is very similar and is another option we use for maintaining our sidewalks by grinding the top of the surface and we utilize a company called Safe Step to do that. They have been working with the city for the past four years. This year we estimate that grinding service provided by Safe Step will be about \$35,000 as well, and that is also a budgeted item.

Staff recommends approval of the proposal from Safe Step in an amount of \$23.00 per inch/foot.

No further discussion.

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

**4.e. Discussion of Ash Trees affected with EAB on private property – Information only**

**Peter Suhr presented.** At the April Government Services Meeting, it was suggested that staff initiate discussion regarding private ash trees affected by the Emerald Ash Borer.

To start the conversation, we thought it would be relevant to explain what the current EAB Policies and practices are as it relates to private ash trees.

The City of St. Charles Public Works Department does not have any inventory of private ash trees and therefore cannot confirm the count, condition or size of the ash population within our community. Currently the city does not own or engage in the maintenance or removal of private ash trees or any other type of tree for that matter. But that does not suggest that we are completely removed from the sometimes challenging private trees. Occasionally staff is asked, usually by the homeowner of the private tree to inspect the tree and provide counsel about its removal or care. We have always welcomed that practice and are glad to assist where we can.

To date, at least in our recent history and as far as our records show, the Public Works Department has not removed any private ash trees and also has not sent out any violation notices to a resident. The city does, however, have some pretty clear language in the City Ordinance pertaining to private ash trees, in particular, Section 12.2.070 in the Chapter "Trees and Shrubs". The definition of a public nuisance is any tree, shrub or plant located on private property which affects or may affect city owned property or right-of-way. It goes on to say "which by reason of location or condition constitutes an imminent danger of the health, safety or welfare of the general public.

Emerald Ash Borer, along with Dutch Elm Disease and Oak Wilt are specifically named in the Ordinance as a public nuisance. So by definition, if an ash tree is confirmed with Emerald Ash Borer, it is considered a public nuisance in our Ordinance. The Ordinance goes on to say that the city has the authority to enter on to private property to confirm a public nuisance if the tree or shrub is reasonably suspected to have a disease. If a private tree is deemed a nuisance, the Public Works Department shall provide written notice to the property owner and the owner, at their cost, shall prune, remove or otherwise treat that tree in whatever fashion is required to cause abatement of the nuisance.

The homeowner has 30 days, or in the case of EAB, until the next flight season which is May 1 to remove that nuisance tree. The Public Works Department is also empowered to cause immediate abatement of a tree if it is an immediate threat to any person or property.

Staff feels the Ordinance is well written and contains the correct language for appropriate private response to private ash trees affected with EAB. Staff recommends continuing to follow the current Ordinance as stated and would certainly entertain any questions or discussion regarding the matter.

**Aldr. Rogina:** Is there any administrative review afforded a homeowner if the city goes in and says the ash tree is a public nuisance. Is there any administrative review in place to get some kind of hearing?

**Mr. Suhr:** We currently do not have that in place, we certainly could react fairly quick; the truth of the matter is we haven't had too many of those calls. If that came in a slow rate, I think we could handle it. If the requests came in quicker, I don't think we've got the administrative time set up to do so right now.

**Aldr. Rogina:** I ask that question because I did get a call from a constituent on an ash tree and it was a dispute between two private property owners and the one said he couldn't afford to have it taken down. So I'm curious as to how that process might play itself out.

**Mr. Suhr:** Again, it's been very few and far between when we get those requests, so we haven't had the chance to experience that volume of calls.

**Mr. Koenen:** The only thing I would offer and it has to do with trees in general. But what I've seen happen is that from time to time when a resident asked for the city arborists determination on a tree, they would go before the Tree Commission which is the public body and get recommendations that would come back to the Government Services Committee if it can't be resolved at that point.

**Aldr. Carrignan:** To Ray's point, some of the ash trees are big and are quite expensive to take down and I think we need to find a way to work with the resident to make sure it's done in a timely manner but doesn't break them.

**Aldr. Payleitner:** Is the nuisance in that it will spread the disease or is the nuisance in that if it falls? I had a neighbor whose tree, if it fell, would hit nobody's house, nobody's yard, nobody's other tree and he said the city still make him take it down.

**Mr. Suhr:** The nuisance was originally written because of the spread. The secondary is certainly the safety aspect.

**Aldr. Monken:** If a tree is on private property, but it's affecting city utility lines, is it the responsibility of the homeowner to take it down?

**Mr. Suhr:** It is generally the responsibility of the homeowner, but we do have a program and cut it down at the property line.

**Aldr. Martin:** I can see some red flags coming up on this because as soon as someone goes on and declares that a nuisance and I'm going to get a call about the cost to take down a private tree. It's going to happen within a few days of the Ordinance passing.

**Mr. Suhr:** This isn't a new Ordinance. This has been in place. I'm just here to explain what the current Ordinance and certainly open it to change if this Committee wishes.

**Chairman Stellato:** One of the next items we are dealing with is Skyline Tree Service for tree removal. Is there a way we can work with that group to say that during the time they are on site doing public trees, if you do your private tree at that time you get some kind of break and bid it out that way so the contractors know about it. Now that's a liability issue, City Legal Counsel has to go through that, but I'm just thinking if there's a way we can offer it to someone and give them a break working on a volume discount.

**Mr. Suhr:** That is something that we did investigate about a year ago. We were trying to get a program in place to get our vendors to establish a cost. Truthfully it was difficult to get our vendors to buy into a program like that, due to the volume. They didn't know what they were bidding it and it was difficult for them to nail down one single price. We certainly can open the conversation up with Skyline because they are our preferred vendor for this year and maybe we can work out some sort of scale.

**Aldr. Carrignan:** I actually tried doing that. They were in my neighborhood, but they are scheduled out for that day. From a scheduling standpoint, it seemed very challenging for them to adapt and I can understand that.

**Mr. Suhr:** It's easier for them to bid a known quantity, especially along the parkway where they have access to the street. Private trees are in backyards; fences, dogs, hills are all things they have to take into consideration one tree at a time.

**Mr. Koenen:** We sometimes get requests from people who want to replace a sidewalk while the city is out there replacing city sidewalk. Our classic response is that they are welcome to talk to our vendor; while he is in the area it may be economical to do it at the same time. This is sort of the same situation. If their schedule isn't tight, they may be willing to help you out.

**Chairman Stellato:** I was trying to find a solution to Aldr. Martin's comment, but that sounds like it might be tough to do.

**Mr. Suhr:** We have a list of six vendors that we solicited bids to. We certainly can offer a list of some sort so they can do their own research and at least provide the data to a customer.

**Aldr. Rogina:** Is a suggestion that if somebody really had a legitimate debate as to whether or not it was a nuisance or not, you are suggesting that any of us up here should say to the constituent that they have the right to take the matter to the tree commission.

**Chairman Stellato:** So this is really more discussion; information only. Unless there are any changes anyone offers?

**Aldr. Carrigan:** I don't see the need for change right now.

No further discussion.

**4.f. Recommendation to award contract for Ash Tree removal services to Skyline Tree Service**

**Peter Suhr presented.** City staff solicited vendors to assist with tree trimming, removal and stump removal services. A Request for Proposal was issued for those services and Skyline Tree Service provided the most cost effective proposal and was the most qualified vendor. In April, this Committee approved Skyline as the city's preferred vendor for Urban Forestry services. After receiving direction from this committee regarding the EAB strategy including the approval of the almost \$2.5 million bond for the EAB removal and replacements, staff has negotiated a lump sum agreement with Skyline for the first phase of this EAB removal project. The lump sum price was negotiated based on the competitive cost provided in the RFP. The first phase of the EAB removal will include 1,000 of the worst confirmed this year. I would like to display the following chart to illustrate the types of trees we will be removing during this first



process. The trees we will be removing are all confirmed with EAB and are in a condition that cannot be saved.

Considering Skylines proposal is within the approved budget, Staff requests waiving the bids and recommend approval of an award of contract to Skyline Tree Services.

No further discussion.

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

**4.g. Presentation to provide update on IL Route 64 Projects – Information only**

**James Bernahl presented.** This is an update for the IL Rt. 64 projects.

In regard to IL Rt. 64 and Oak Street, we have received word the contractor will be starting on May 30. They will start working on storm sewer utilities and roadway widening. There were some slight delays previously with AT&T so our completion date has been pushed back, we are looking at the early part of August instead of July.

One critical note is that we did an in-house redesign and I would like to give recognition to the Electric Division on that. Many people have noted the green switch gear box at the southwest corner of IL Rt. 64 and Oak; we redesigned it so that can be removed, and will not be replaced, so that is a good aesthetic enhancement.

**Aldr. Carrignan:** In regard to IL Rt. 64 and Oak, wasn't there a traffic signal involved at some point? Is that part of this package?

**Mr. Bernahl:** Yes.

In regard to IL Rt. 64 from 7<sup>th</sup> to IL Rt. 59, the contractor is just east of 7<sup>th</sup> Avenue and focusing on the water main installation. There are now three crews working on this site in order to speed this up a bit. Traffic has been pushed to the south side and that will stay in effect for at least a month. Originally, near the intersection of Dunham and IL Rt. 64, there is a new section of city water main. Because there are so many utilities at this corner, they are looking to expedite and move that up on the schedule which is good for us which means our watermain should be completed before the end of the year. As I get more information on the schedule, I will let you know.

There is a detour near Smith Road; to date we have not had any major complaints.

**Aldr. Payleitner:** Except you get right up to it before you realize it's closed.

**Mr. Bernahl:** At Smith Road, or at Powis?

**Aldr. Payleitner:** If you are coming from West Chicago and coming up Powis Road, you are there before you realize the road is closed, so they need to put a sign back where you can still turn around.

**Mr. Bernahl:** That is actually on the sign plan for the detour, but I will talk to IDOT at the weekly meeting.

**Aldr. Payleitner:** There was not, and there was about 20 cars who had to do a U-turn.

**Mr. Bernahl:** You will notice we have moved forward with the recommendations that Council has given to the police in order to eliminate certain turn movements between 7<sup>th</sup> and 13<sup>th</sup> Avenue which seems to be working well, there were no complaints at the weekly meeting. The project is on schedule.

No further discussion.

**4.h. Recommendation to award contract to Martam Construction for Remaining Sanitary Work as Part of Illinois Department of Transportation Contract**

**James Bernahl presented.** As you may recall, I mentioned at the April Government Services Meeting that due to the coordination with the contractor, IDOT's contractor doing the work and the remaining work we have with Glenbrook Excavating who is doing the off-site water main work and the remaining work within the IDOT right-of-way, that we would be looking to transfer some of those remaining items to IDOT's contractor, Martam.

We are crossing each other in contracts right now, so this is unusual. The current contract that we have with Glenbrook is for \$1,345,000. The remaining sanitary work, which Martam would be performing is in the amount of \$358,210.50. We would be entering into a contract with Martam, specific to that work only. Staff will be bringing a final change order in June for the remaining work with Glenbrook. We are in the process of finalizing that now, but because Martam's crews are already onsite working, we would recommend approval of this contract.

In your packet you will see a letter from Glenbrook Excavating that indicates they are okay with the removal of those items. IDOT has also reviewed it and said they are fine with it as well.

Staff recommends approval to Martam Construction for the remaining sanitary work for an amount not to exceed \$358,210.50.

**Chairman Stellato:** Martam is the group that is putting the soil on the Tyler Road property? They are just storing it there until they are done? We've had a lot of calls from the neighbors, so I want to confirm that.

**Mr. Bernahl:** That's correct. I want to point out that staff did not direct them there, by the way. But it is just a temporary use.

No further discussion.

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

**4.i. Recommendation to award contract for construction activities for the Bob Leonard Riverwalk project to Encap, Inc.**

**James Bernahl presented.** This is for the extension of the Bob Leonard Riverwalk, specifically the section between Indiana and Prairie. Bids were opened on May 10. We had three bids; the engineers estimate for this project was \$570,000. The low bidder on this project is Earthwerks. They have a very good reputation, and they came in with a bid price of \$256,109.00. They realized they made a calculation error and requested to withdraw their bid. A copy of that letter is included in your packet. Not wanting to place a hardship on them, we accepted it.

The next apparent low bidder was Encap, Inc. Staff recommends awarding the contract to Encap, Inc. for \$422,437.90.

No further discussion.

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

**4.j. Recommendation to award contract for cable injection services to Novinium**

**Tom Bruhl presented.** This is the second year of a three year deal with Novinium. We did go out to bid in 2011, and at that time they offered us a three year deal, with declining costs per foot over the second and third year. We have had very good results; we have had zero failure on cable they've injected. I've also included our process on the attachment that shows the subdivisions we target for this year and we have a method based on age, previous faults, the customer count and our test results to prioritize the subdivisions we are going to attack in the next year.

**Chairman Stellato:** Very good matrix, Tom.

**Mr. Bruhl:** Thank you. Staff is requesting to waive bids because we are extending, not rebidding and award a contract to Novinium in an amount not to exceed \$350,000.

No further discussion.

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

**4.k. Recommendation to award contract for directional boring services to Archon Construction**

**Tom Bruhl presented.** The second part of cable replacement is when you can't inject it and restore it, you have to install new. So we put pipe in the ground through a process called directional boring. We did go out for bids in 2011, and Archon offered us a deal with minor price increases based on raw materials or labor, which amounted to a 3% increase for this year, so I projected out with their 3% increase and compared if their competitors had held their price and were still better off staying with them with the 3% included, compared to rebidding and starting over.

Staff recommends to waive the bids and award a contract to Archon Construction, not to exceed \$340,000.

No further discussion.

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

**4.l. Recommendation to award contract for landscape restoration services to B&L Landscape Contractors**

**Tom Bruhl presented.** The city has worked with B&L for many years. When we do landscape damage as part of our work, we are obligated to restore to as close to like condition as possible. We have tried other vendors over the years, with less than favorable results; they have not been cheaper and we had many numerous complaints from homeowners as to how their yard had been restored.

B&L has offered to hold their pricing, so we are asking today to waive bids and approve a contract with B&L in the amount of \$75,000.

**Chairman Stellato:** Kristi, please call a roll on this.

**K. Dobbs:**

Monken: Yes

Carrignan: Yes

Payleitner: Yes

Turner: Yes

Rogina: Yes

Martin: Yes

Krieger: Abstain

Bessner: Yes

No further discussion.

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

**4.m. Recommendation to award contract for purchase of a Substation Transformer to ABB c/o T&D Products**

**Tom Bruhl presented.** In 2011, as part of our substation maintenance program, we utilized some test equipment that is called Doble Test Equipment to test our most prized assets, which are our substation transformers.

Two of those transformers failed testing. At that point, we had two engineering firms confirm that our tests were bad. That was completed in 2011. At this time, the Dunham Road unit is more critical due to the loads on the east side of the river, and the replacement of the second unit will be part of a scheduled project at City Hall Sub that is going to come up in 2013 through 2015. We did solicit bids through Purchasing. We received four bids. The ABB unit was the low bid from a first cost and from a lifecycle standpoint.

Staff recommends approving a contract with ABB c/o T&D Products for \$565,700.

**Aldr. Carrignan:** What is the lifecycle of a transformer?

**Mr. Bruhl:** 30-40 years. The one that failed was 36 years old.

No further discussion.

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

**4.n. Recommendation to award contract for the purchase of Pad Mounted Capacitor Banks from Wesco (ABB)**

**Tom Bruhl presented.** Capacitor Banks are a component of an electric system which helps the efficiency of this system. It corrects a thing called Power Factor which is a somewhat complex concept, but it works to stabilize voltage and the quality of power on the line. We went out for four quotations for this specialized equipment and we received four quotes. The ABB unit provided through Wesco was the low bid. It will pay for itself by reducing the losses on the system and we have targeted applications where the units will be in play for the majority of the hours during the year which would result in the shortest return on investment. With that, staff is asking to waive bids and purchase two pad mounted capacitor banks from Wesco at a price not to exceed \$82,672.

No further discussion.

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

**4.o. Recommendation to award contracts for tree trimming services to DeMar Tree Service and Skyline Tree Service**

**Tom Bruhl presented.** For the Electric Utility, tree trimming is a very important component of our reliability project. The city went out for bids, and only two firms were qualified to do trimming around energized electric lines. They were DeMar and Skyline. We have used DeMar exclusively in the past with very good results. Skyline offered a very competitive bid and we have an operational advantage to split the business and have two vendors available to do the work. Their pricing is similar, so there isn't a huge cost delta between the two.

Staff recommends approval of an award to DeMar for \$139,879 and an amount not to exceed \$40,000 for Skyline Tree Service.

No further discussion.

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

**4.p. Recommendation to approve Utility Easement for Culvers Restaurant**

**Tom Bruhl presented.** We placed facilities on the Culvers site to close the loop and create a reliable electric system. As part of that, the McCartle's have issued us an easement for the path that the cable takes.

Staff recommends approval of acceptance of the easement which would result in the Mayor and City Clerk signing it.

**Chairman Stellato:** No cost on this one?

**Mr. Bruhl:** Correct.

No further discussion.

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

**4.q. Recommendation to waive bids and award contract for North Siphon Rehabilitation to Marc Kresmery Construction, LLC.**

**John Lamb presented.** This is a recommendation to waive bids and award the North Siphon Rehabilitation proposal to Marc Kresmery. This is the second phase of a three phase project. Last year the south siphon was rehabilitated. The structure and associated piping has not been cleaned and inspected for 12 years and we need to modify the structures on both sides of the river. Last year, during the first phase, staff, along with Trotter and Associates met with several companies and requested proposals from all these companies and only one responded which was Marc Kresmery Construction. Therefore, staff is recommending Marc Kresmery Construction also do the work for the second phase of the project and award a contract to Marc Kresmery in an amount not to exceed \$125,953 and recommend to waive the bid process.

**Aldr. Turner:** Is this going to help with some of the sanitary complaints in the Timbers?

**Mr. Lamb:** Potentially, yes. With cleaning out the siphons, because there is a bottle neck on the west side of the river, just up stream of the siphon, so hopefully the improvements to this structure should have long range effects for that.

No further discussion.

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

**4.r. Recommendation to approve proposal from Viking Chemical Company for Water Treatment Chemicals**

**John Lamb presented.** This is a recommendation to approve proposals from Viking Chemical and waive the bid process. Staff did request and receive three proposals, but we didn't go through an official bid process. Viking Chemical Company is the lowest proposal at a cost of \$101,910. I would like to point out this is a savings of 15% from chemical costs from last year.

Staff recommends waiving the bid process and approve the proposal from Viking Chemical Company in the amount of \$101,910.

No further discussion.

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

**4.s. Recommendation to approve a Resolution authorizing the Mayor and City Clerk to Execute a Kane County Intergovernmental Agreement for Electronics Recycling Program**

**John Lamb presented.** This is a Resolution authorizing the Mayor and City Clerk to execute an Intergovernmental Agreement with Kane County. Kane County has initiated an Electronics Recycling Program with municipalities in the county. Batavia is currently participating and Geneva is considering participating also.

The county has entered into a contract with a third party electronics recycling firm and that firm has quoted prices that they will pay the county and participating municipalities in a rate per pound of electronics. The program requires that the city have an electronics recycling facility which we would locate at the Public Works Facility and we would have this open during the hours that the Public Works Facility is; Monday thru Friday, 8:00 am to 4:30 pm. The electronics company provides a container at no cost to the city. Normally we would have to pay about \$2,000 for this container. On a quarterly basis, the company tracks the amount of pounds of electronics that they pick up from the city and they pay the county on a quarterly basis and the county receives 10% of the revenue for administering the contract because they are the ones who went out to bid for this and they are helping administer, advertise and generate marketing for all the municipalities in the program.

It is important to reiterate this does not cost the city any money, it will actually generate some revenue, approximately \$5,000 from speaking with the City of Batavia. The advantage are that residents can drop off electronics through the week. There is the



program at the county facility on Randall Road during the weekends, but that facility has long lines, so people won't have to go wait in long lines on Friday or Saturday.

Staff recommends approval of an Intergovernmental Agreement with the County of Kane.

No further discussion.

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

**4.t. Recommendation to approve Change Order No. 5 for Main Treatment Plant Headworks Project Construction Costs**

**John Lamb presented.** This is to approve a change order for our Main Treatment Plant Headworks Project. This is the last change order for this project before we close it out in the amount of \$947.

Staff recommends approval of Change Order No. 5 and a Resolution authorizing the Mayor and City Clerk to execute.

No further discussion.

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

**4.u. Discussion regarding Driveway Repairs – Information only**

**Chairman Stellato:** I requested this be put on the agenda. I have some photos to pass out that will help explain the reason for this discussion.

I have been in contact with a constituent of Aldr. Monken and myself, by the name of Glen Bushong. Glen is here tonight if we have any questions for him. The issue this comes down to, is when we replace a sidewalk section up against someone's driveway; how should that be handled and what should it look like when we are done.

Mr. Bushong sent me these photographs; he has concerns about the look. This is very similar to the discussion we had two years ago about the replacement of a curb or street in front of someone's driveway when we have the issue of repairing the apron. The policy used to be that we would do two feet of the apron and that would leave the demarcation line between the old asphalt and the new asphalt. The City, at that point in time adopted a policy to do less road work, less curb replacement, but make sure we replace the entire apron so you get a uniform look.

What you see in these photographs are the policy that exists today. The question for us is this acceptable? If it's not acceptable, we first need to address Mr. Bushong's request and then also look at going forward, how we handle these type of issues.

I'll make the same statement I made two years ago. This is in our ward today, this could be in your ward, and there are probably other areas in town that have this type of application. You can tell by the photographs, the before pictures that grinding was done to try to accept a particular square of concrete that apparently wasn't enough and it had to be replaced. There is also a picture of a curb that holds some water and some turf that was damaged and I'm not sure if the contractor had to come back to fix that; I'll leave that up to staff to address that issue. I wanted to get these photographs in everyone's hands.

Does staff want to speak to where we would go from here?

**Mr. Koenen:** I would like to complement what Chairman Stellato has offered, recognizing this is a practice the city has been using for a number of years. We have tried to practice this consistently throughout the city. It is somewhat driven by economics. By only going back two feet from the sidewalk back toward the private garage, it does contain the city's expense. We try to use discretion where we are replacing sidewalks through driveways, recognizing it does create this demarcation. Sometimes households will call us and say that they are going to be doing their driveway and the sidewalk isn't in the best condition, would the city be willing to do the sidewalk at the same time. In those cases, we take a look at the situation and coordinate our sidewalk removal with their driveway related work so we don't have the demarcation as an issue. As our practice has been is what is shown in the photograph. I don't have a perspective in terms of how frequently this may happen or does not happen. It would also happen where people have entrance walks that lead between their front door and the public sidewalk. We may create a line there for a demarcation where we have to take out a square of sidewalk to set the forms to pour the new public sidewalk. It's a practical operational issue and it comes down to cost in terms of how we deal with the aesthetics as an after the fact issue.

**Aldr. Rogina:** How many times a year might this occur, and at what cost?

**Mr. Koenen:** Our street program has been somewhat slowed over the last three or four years because of the economy, so what I would suggest if we are serious in pursuing this is that we go back and look at the last two or three years of history to see what it looked like in that context. All I would offer is that because our programs have gotten smaller due to the economy, that may not necessarily be reflective of what it was five or six years ago when we had larger and more aggressive street programs.

**Chairman Stellato:** Once we have that information, we can start to determine some type of policy as to when this does happen.

**Aldr. Rogina:** I'm looking at this picture where the new part of the driveway has been extended upwards two feet and that just doesn't look right. Another question that comes to my mind is what if this was a paver driveway. That's a whole different matter, so that makes the policy tricky.

**Aldr. Carrignan:** I'm curious, is this asphalt? Yes, this is asphalt? So effectively the grain size of the asphalt would be the same as the other part that is sealed.

**Mr. Bernahl:** That's correct. In the photos you see here, one has been sealed, one has not.

**Aldr. Carrignan:** When you seal this, you will obviously get a much better blend.

**Mr. Bernahl:** Correct.

**Aldr. Carrignan:** I would like to see this after it was sealed and see what it looks like at that point.

**Mr. Bernahl:** A typical practice for some other communities as well is to only go to the right-of-way line. That is a legal area that has been set, the city keeps our utilities within that right-of-way. As you recall, in the past we did offer a program where if people wanted to do their driveways all the way back, we had said we would coordinate with them. There wasn't a large response from people. One thing staff does do, is that we post the multi-year programs out in advance so people who are contemplating doing their driveways can go on to the city website and see where their streets falls.

**Chairman Stellato:** In this case, did Mr. Bushong just do his driveway, though? I thought he just recently did his driveway.

**Mr. Bushong:** I had the driveway done about six years ago.

**Chairman Stellato:** The picture with the tape measure laid down; it looks like the seam is about four inches off from one end to the other. I'm assuming we don't do this work? We hire this out?

**Mr. Bernahl:** Correct.

**Chairman Stellato:** There were also pictures of the turf being torn up; is that all done now?

**Mr. Bernahl:** We can check the site to see the existing condition. All this work is still under warranty.

**Chairman Stellato:** If he's got a seam that is four inches wider than the other spot, we should take a look at that and make sure the turf is done. What is the issue with the water on the curb? Was that replaced by us?

**Mr. Bernahl:** Previously existing to that, there was a section that had a couple openings in it, so that section got taken out. Granted, the contractor could have done a better job with the hand placement. Staff took a photo where we looked at it after the rain and it wasn't holding water as much. The homeowner brought it to our attention; this is a street that has pozzolonic material underneath it, so anytime we create an additional seam it causes street deterioration. Based on that, water was contained within the curb line and we didn't see it as a public safety issue. For that reason, the decision was made not to create another joint inside the new pavement.

**Chairman Stellato:** So you are going to talk to the contractor, look at the turf, the curb if needed and the seam. Going forward we are going to need to get some information on how we handle this in the future. We need to decide how we handle not only asphalt, but concrete or paver brick.

**Mr. Bernahl:** Concrete is easier because when you remove the sidewalk and you can match up to it. In a lot of cases we don't cut into concrete unless it's severely deteriorated.

**Aldr. Krieger:** I find the water issue to be very disturbing. I could see someone slipping and falling on the ice in the winter. I think that should be addressed. I don't think it looks good.

**Chairman Stellato:** Okay, so we have two issues. One is Mr. Bushong's issues, immediately with the contractor you are going to look into that and you'll get back to us at our next Government Services Meeting about how many of these other applications we have and how many we've done in the past.

No further discussion.

**4.v. Recommendation to Approve a Contract with Capital Infrastructure Group, LLC.**

**Mark Koenen presented.** This is an extension of a contract that we have with Milt Sees of Capital Infrastructure Group. Mr. Sees has been assisting us with the Rt. 64 coordination and the Red Gate Bridge coordination with both the central offices in

Springfield and the local office in Schaumburg. He has opened some doors for us and made things possible.

Staff recommends extending that contract through the end of the calendar year.

No further discussion.

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

**5.a. Recommendation to approve the purchase of 3 (three ) Ford Escapes for the Police Department from Zimmerman Ford**

**Dave Kintz presented.** This a request for approval for the purchase of three Ford Escapes, to replace vehicles in the Police Department. The three vehicles are used for administrative and investigative purposes right now. I asked for bids from three different Ford dealers and I received responses from two. The low bid came in from Zimmerman Ford at almost \$800 lower per vehicle.

These vehicles do meet the criteria for replacement and have been approved by the Fleet Management committee and this is a budgeted item.

Staff recommends approval of the purchase of three Ford Escapes in the amount of \$69,789.

No further discussion.

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

**6.a. Recommend approval of an Ordinance Amending Title 5 “Business License and Regulations,” Chapter 5.08 “Alcoholic Beverages” of the City of St. Charles Municipal Code – Various Items.**

**Mayor DeWitte presented.** Before you tonight, with regards to some continuing requested changes to the current liquor code. The Executive Summary contained in your packet may be slightly misleading, only from the standpoint that this subject tonight is a continuation of the subject that occurred back in February when this process started. The other point I would make is that I am not necessarily recommending that these revisions be made, only that they have been proposed by Aldr. Martin. With all due respect to his seniority on the Council felt that these items should be heard before the Council. I would add that none of these revisions being proposed take any of the authority of this body away from them with regard to the issuance of licenses. The bulk

of these changes being requested are for E Licenses or temporary licenses. Most of the changes that have been requested have to do with administration. Once those licenses are issued, most of the events are temporary. They are decisions sometimes made on the fly, but the general consensus of the Council is always required before any of these licenses are awarded.

With that, I will refer the issue back to the Council for discussion to see what your preference might be.

**Aldr. Martin:** We added some changes that had been in there previously and had been removed somehow. All I asked was they be placed back in. I respect Mayor DeWitte's position as Local Liquor Commissioner to have control on those issues and the courtesy to extend to us for advice and consent. However, there is a time that perhaps Mayor DeWitte is not going to be the Mayor and the next mayor may have different thoughts on how it should be done and I'm just adding these issues in to preserve the Council's right to approve what kind of liquor is sold and what kind of liquor licenses are to be approved. With that, I have to apologize. In making the changes, my printer did not print page three, so I would ask you go to page three and under item E2, paragraph 3, I would like to change the line item to "The Local Liquor Control Commissioner may, with the advice and consent of the City Council, waive or vary any conditions, etc."

Secondly, go to E5, first line, I would ask that it read "Class E5 licenses shall authorize the Local Liquor Control Commissioner with the advice and consent of the City Council, etc." Those are the only changes that I have, and I intend to vote yes on this issue.

**Aldr. Carrigan:** When do we start moving out of a policy issue, and start going to a management issue where the Liquor Commissioner, as the director of that portion of the city's business. Where is the line where Council becomes part of the managing system, rather than the policy setting system. Where does that change here?

**Aldr. Martin:** When it says the Local Liquor Commissioner has the sole discretion, it takes away the availability of the City Council to approve or disapprove of the issues at hand. It's at his sole discretion. You don't have a say. We are very fortunate that Mayor DeWitte has allowed us the opportunity to voice our advice and consent. But that's not always going to be the case.

**Aldr. Carrigan:** To get any license, it still has to come here.

**Aldr. Martin:** No, that's not true. Not unless you have this in here. It's at the sole discretion of the Local Liquor Commissioner. You don't have any control.

**Aldr. Rogina:** My question to you, Aldr. Martin, is when Mayor DeWitte rules on a liquor violation in conjunction with working the Police Chief – we don't have oversight on that.

**Aldr. Martin:** Correct. That is his discretion. But he's got to follow the rules that were made. We've approved the rules by approving that license.

**Aldr. Rogina:** Doesn't he have to follow the rules here too?

**Aldr. Martin:** He can do it without any consent.

**Aldr. Rogina:** We don't jump in when he makes a decision to suspend a license.

**Aldr. Martin:** This is not new. This was in the liquor ordinance because I wrote the liquor ordinance that we are amending, but somewhere along the line it got removed. From the time this written seven or eight years ago, this was in there and it disappeared through the subsequent re-writing of it.

**Aldr. Rogina:** Temporary licenses like RiverFest. Don't we approve those?

**Aldr. Martin:** We do right now, because the Mayor gives us the opportunity. If it's not in the ordinance, he doesn't have to.

**Aldr. Rogina:** Personally, I'll take my chances and let that practice continue. At such time we get a mayor who doesn't like that, you and I are sitting here, we have the right to change that.

**Aldr. Martin:** Someone changed it back without our consent.

**Aldr. Rogina:** I don't know anything about that.

**Aldr. Martin:** Neither do I, but that's why I'm bringing it up at this time.

**Mayor DeWitte:** A good example might be the most revision that Aldr. Martin has requested on Page 3, Item E5. There is currently one E5 license issued in this community to Fox Valley Harley Davidson on Randall Road. As many of you recall, the owner, Ozzy Giglio made a presentation to this body specifically for how he intended to use that license. He brought forward a list of 20 days of events that were approved by this Council when that license was issued. The language currently contained in the ordinance says the Local Liquor Control Commissioner and the Chief of Police deem licensable per license year at specific premises. In other words, if he wanted to change any of those 20 events that this Council has already approved, he would have to bring that request to the Liquor Commission and the Chief of Police collectively, not

individually. The fact that the Council has already granted this license is totally separate from him requesting a change in the 20 particular events that he's already asked for permission to operate.

**Aldr. Carrignan:** The key point that I want to make sure is that this Council remains still has the ability...we issue the license and that the management of this license, if they want to change those 20 events, that's fine. If someone comes in for a Class E license, this is where it gets approved. But for the management of those 20 days, that's an administrative issue, not a policy issue. But that liquor license needs to be approved here, not at the Liquor Control Commissioner level.

**Mayor DeWitte:** That's how it has been since I've been liquor commissioner.

**Aldr. Carrignan:** But it I don't see that here for a Class E5.

**Aldr. Martin:** That is exactly the point. For the administration of it, I have no problem whatsoever. I feel we should have the say in the issuance of that license. That's all this says.

**Aldr. Rogina:** Just for clarification again, then, to Aldr. Martin and the Commissioner; on an E License, are you saying we don't approve that license, or we've only approved it because the Mayor's discretion vs. it being in the ordinance? That's where I'm confused.

**Aldr. Martin:** Without this language, the Mayor can issue that license without our consent. If we have a mayor who happens to be partial to a certain type of entertainment, he can do that without our say.

**Aldr. Rogina:** To your point, Aldr. Carrignan, you are saying you have no problem with the language of advice and consent as to the granting of the license.

**Aldr. Carrignan:** For the granting of the license. For the administrative side, I defer. For a license grant, I do think that is a City Council responsibility.

**Mayor DeWitte:** While on the subject of E Licenses, I would direct your attention to page 2 at the bottom of the page; Class E Temporary Licenses which is the general classification for this license. Midway through the paragraph, the Local Liquor Control Commissioner may, not will or can, but may, with the advice and consent of the City Council, issue two or more Class E Licenses so as to authorize and delineate two or more licenses premises to operate in conjunction with any such special event or catered function. There are no E Licenses issued without this City Council approving their issuance, regardless of what classification they are signed to, based on their need or purpose.



**Aldr. Martin:** That was the language that was consistent all the way through until somebody changed it along the lines. I don't know how it happened, perhaps in the translation with the lawyers that made the changes, but that's the language that was in every place where it said in it's sole discretion. That's all I asked is to have advice and consent of issuing the license. I have no criticism whatsoever of how the Mayor handles the administration. As a matter of fact, he's probably done a better job than the last three Mayors that I've served under.

**Aldr. Rogina:** Based on what the Mayor just said, Aldr. Martin, it seems to me that the language at the bottom of page 2 trumps everything else. I don't think it's necessary that we have to repeat it. Maybe it was taken out because of it's redundancy. Class E temporary license, we have advice and consent, that covers all the Class E licenses.

**Aldr. Bessner:** This is just to clarify; on page 4 under E5 at the beginning where it says Class E5 licenses shall authorize at the local liquor control commissioner sole discretion. At the bottom of that same paragraph where it says 1, 2, 3 and 4, it does state you need the consent of the Council. So what is the difference? Or is there a difference between that?

**Mayor DeWitte:** I believe the language contained in line item 4 on page 4 was one of the proposed changes that Aldr. Martin has made with regards to the numerous revisions. That is new language being proposed in that particular paragraph.

**Aldr. Bessner:** If another company came for that same license and Harley wasn't using it, can you as Commissioner authorize that?

**Mayor DeWitte:** No. The way the ordinance is written, if Mr. Giglio were to sell that particular dealership, his name is on that liquor license and that license would extinguish and if a new owner would come in and want to hold the same types of events, he would be required to go through the same approval process in front of this body for that same E License. There are no transferrable liquor licenses in the city.

**Aldr. Bessner:** He can use that license every year without our approval, unless he changes something?

**Mayor DeWitte:** Unless he changes his 20 scheduled dates that he identified when he originally applied for his license, as long as he maintains that schedule which the Chief and the Police Department monitor, and pays his annual fee and reapplication, he's entitled to that license year after year, assuming he follows the rules.

**Aldr. Payleitner:** So, page 2...it is not in the document currently, with the advice and consent of the Council. Is that correct Aldr. Martin?

**Mayor DeWitte:** Page 2, paragraph E, I believe that language was already contained within the established ordinance. That was not one of the changes requested by Aldr. Martin. Jim, would you concur with that? Page 2, paragraph E at the bottom? That was language already contained within the ordinance.

**Aldr. Martin:** That is the original language that was already in the ordinance.

**Chairman Stellato:** I'm looking for a motion.

**Aldr. Martin:** I would move that the ordinance be approved with the changes.

**Aldr. Krieger:** Second.

**Aldr. Carrignan:** Just for an understanding of what we are voting on. Basically where it says at the sole discretion, you have inserted the words "with the advice and consent of Council". That's the only change.

**Aldr. Martin:** That's it.

**Aldr. Rogina:** You are doing that for paragraphs E2 and E5.

**Chairman Stellato:** Yes. Just the two changes.

**Aldr. Carrignan:** Are there any changes contained in any of the Ordinance that is different from what is currently on the books now, other than advice and consent?

**Aldr. Martin:** Not to me.

**Mayor DeWitte:** If I recall correctly there were eight revisions, adding Aldr. Martin's requested language, contained predominately in the E License.

**Chairman Stellato:** They have all been entered into the document we are looking at?

**Mayor DeWitte:** Yes.

**Chairman Stellato:** Please call a roll call vote.

**K. Dobbs:**

Monken: Yes

Carrignan: Yes

Payleitner: Yes

Turner: Yes  
Rogina: Yes  
Martin: Yes  
Krieger: Yes  
Bessner: Yes  
Lewis: Absent

No further discussion.

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

**7. Additional Business**

None.

**8. Motion to go into Executive Session**

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

**K. Dobbs:**

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

**9. Adjournment of Executive Session**

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

**10. Adjournment of Government Services Meeting**

**Meeting adjourned at 8:30 p.m.**

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