

**MINUTES
CITY OF ST. CHARLES, IL
GOVERNMENT SERVICES COMMITTEE MEETING
MONDAY, JUNE 25 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, 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; James Lamkin, Police Chief; Dave Kintz, Deputy Police Chief; Rich Clark, Traffic Police Officer; Patrick Mullen, Fire Chief; Joe Schelstreet, Asst. Fire Chief

1. Meeting called to order at 7:00 p.m.
2. Roll Call

K. Dobbs:

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

3.a. Electric Reliability Report, May 2012

Information only.

Chairman Stellato: Can you please give us an update on the outage last night?

Mr. Bruhl: Last night ComEd had a pole failure within their yard at the substation in West Chicago that impacted approximately 2,750 customers in the City of St. Charles. Those customers were in all four quadrants of the city. The pole is being replaced today, so we hope to be back to normal tomorrow.

The method of restoration is that we reserve capacity on the other lines that come in from ComEd. We called ComEd immediately and they gave us authorization to move our entire customer load onto a backup line. That was facilitated and we put everyone back on power by 10:15 pm, which was a 40-45 minute outage for those customers.

This was their first sustained outage of the year.

No further discussion.

3.b. EAB Control Efforts

Information only.

4.a Recommendation to deny the request for a four-way stop at the intersection of 7th Street and State Street.

Chief Lamkin presented. This was a request to review 7th Street and State Street to make it a four way stop intersection. I'm going to ask Officer Rich Clark to talk about the crash that occurred at 6th and State Street.

Officer Clark: On the Friday of RiverFest there was a crash at 6th and State Street. There was a female driver going westbound on State Street approaching the stop sign at 6th Street. There was a Napa Auto truck heading southbound on 6th Street, approaching the intersection, and he had no stop sign. She ended up pulling out and t-boning him in the intersection and pinned him up against the side of the pole. No one was injured in the crash, although his vehicle was flipped on its side. She was cited at that time for failure to yield at an intersection. In my conversation with her, she stated that while she lives in California now, she was from St. Charles, so she was familiar with the area. She said she came up to the intersection and looked both ways, normally she looks twice but in this case she didn't think she did, and she just flat out didn't see him and pulled out and struck him.

Chief Lamkin: I'm going to ask Deputy Chief Dave Kintz to come up now and talk about the warrant study and give you an overview on what the intent of the warrant studies are.

Deputy Chief Kintz: As you are aware, the Illinois Vehicle Code adopts the Manual of Uniform Traffic Control Devices in saying that all the standards for speed limits, stop signs, etc., have to be followed throughout the nation so that no matter where you drive, you should expect everything to be similar. When we look at an area where we have a stop sign, we follow the guidelines that are in the Manual of Uniform Traffic Control Devices and something we would do is a warrant study.

The three main areas we would look at for a stop sign to see if they would be appropriate at an intersection would be for a four way stop. Right now, at 7th and State, we do have a two way stop there. If traffic signals are going up at that intersection, then you can automatically put a four way stop in until the installation of the traffic signals is complete. Obviously traffic signals are not going to be installed at this intersection.

The second thing we would look at is a crash problem. You are looking at five or more crashes in a 12 month period that would be correctable by a stop sign, i.e. turning problems, site line problems. In the last three years we have not had any crashes in that intersection, so obviously the two way stop from our standpoint is functioning properly.

The third general area we would look at would be minimum volumes and that's where we look at the number of cars going through there. Right now, the average we have on State Street is about 1,600-1,700 cars per day. I think it's worth noting that when we look historically at that area on State Street, we were about 3,100 cars per day when St. Pat's was operating as a school, so that has significantly dropped. On 7th Street, there are only about 550 cars per day for both approaches there. We don't have a high volume there which is not going to create a lot of delays, so if someone has to sit there and wait for a long time for a break in traffic, then those are the things we would take into consideration with the volumes there.

In summary, those are the three things we look at and with no crashes and fairly low volume, the two way stop there seems to be working properly.

Chief Lamkin: Because the placement of stop signs is required to have an engineering study that supports that, from our perspective, in the absence of that, it makes enforcement difficult. If we did site someone for disobeying a stop sign and they challenge that, we would not have an engineering study that would support placing it there.

Aldr. Carrigan: When did you do your traffic count?

Officer Clark: We used the metal counters that measure the cars as they drive over, so we can put them down for anywhere from a 24 hour period to longer and get an

average over several days. We are looking at non-holidays, normal traffic during the week, with no rain or snow.

Aldr. Carrignan: This was done in the last six months?

Officer Clark: Yes. I did them both within the last month.

Aldr. Carrignan: School was in session?

Officer Clark: For State Street yes, but not for 7th Street.

Mr. Petinka: My name is James Petinka, I live at 808 State Street and I did request a study done for a four way stop sign placed at the intersection of 7th and State. I understand there are warrants that weren't met for this intersection. However, it is a unique intersection. State Street is a residential street with no sidewalks. Pedestrians are walking in the street. 7th Street is at the crest of the hill and you don't have a good field of vision as you travel down State Street. One of the houses has large bushes, so you can't necessarily see around the corner. Cars are parked all along State Street and it does limit your visibility.

My main concern is the fact that recently, after they removed the crossing guard on Rt. 64, the bus stop for the elementary school is at the intersection of 7th and State. My daughter had to cross the street there to catch her bus. Even though St. Pat's is now just a preschool, there is a significant amount of traffic on our street in the morning. The bus depot is down at the end of Dean Street, and it's a dangerous situation for children to be crossing the street in the morning. There are at least three grade school children who live on my street who use that intersection to catch the bus every morning.

I do have photographs of the intersection, and I can e-mail to anyone who wants them.

Aldr. Rogina: Jim, you said there are at least three children who are crossing State Street to get the bus.

Mr. Petinka: There are three elementary age students; it's also the bus stop for the high school.

Aldr. Rogina: To your knowledge, do Illinois Central buses still come down State Street?

Mr. Petinka: I'm not sure what buses they are.

Aldr. Rogina: You referred to the bus barn, and I guess my only point would be that I'm not sure they are allowed to be down State Street, but D303 buses are certainly allowed to go in there.

Mr. Petinka: I'm normally at work so I don't typically see what they are.

Chairman Stellato: Starting at Rt. 31 going west on State Street, can anyone tell me where the stop signs are on each intersecting road? There's one at 6th, obviously, is there anything else along that way?

Mr. Petinka: That's the only stop sign until you get to 9th Street where that turns into Dean.

Chairman Stellato: What about going north/south across State?

Aldr. Rogina: 5th, 4th and 3rd all have stop signs going north/south. Are the warrants at some point met for the stop sign at 6th and State going east/west? What is the rationale for stop signs there as opposed to 7th?

Deputy Chief Kintz: I can only speak anecdotally as to why that might be there because that stop sign predates my employment with the city. If you recall, with the industrial park up north, 6th Street would have been a major truck traffic route to get up that way. 6th and State is a two way stop, just like 7th and State, so neither intersection has an all way stop, so it's just a matter of which direction is being stopped at this point.

Aldr. Rogina: I know Mr. Petinka is asking for a four way stop there, but let's go back to the warrant situation; is it irrational to have a stop sign at 7th and State going east/west and remove the stop sign at 6th and State? You still have one stop sign if the intent is to slow the flow of traffic and still address his concern.

Deputy Chief Kintz: That is something we would have to take a look at to determine what the speeds are along State, find out if there are any other bus stops along there. We would be more than happy to do a site visit when school opens to take a look at the problem, if it's a speeding problem or a stop arm violation problem which the school district reports to us. None of which would be corrected by putting a stop sign in there, but we could obviously take a look at the all-encompassing problem, as opposed to putting one in there. Now, in terms of switching those, that would take another study on Officer Clark's part to take a look and then we would have to look at the unintended consequences there. If we take it out, are we going to have the same complaint a block down? We have to look at the ripple effect.

Aldr. Rogina: Mr. Petinka referred to this, and I've referred to it numerous times publically as well. Was there any conversation while looking at the warrant about the

uniqueness of that stretch of road? There is no sidewalk there. I've seen people walk in the street with baby strollers. I can only imagine during festivals when there are cars all over. You referred to the fact that there have been no accidents over there, and that's good. I was interested because there was reference made earlier to possible liability by the city should we put a stop sign in there and then I read the legal response and it was the tort immunity protects us, but my concern is future liability if someone does get hurt.

Another question – have we ever put stop signs anywhere in this city without warrants?

Deputy Chief Kintz: Yes, and it sets up a problem. It's not only just a tort liability there in terms of what the city's responsibility is, but it also speaks to the enforcement problem and what our options are then and what the officers can do and then what the State's Attorney and/or city can do with those tickets. If we can't issue a ticket, or if we do issue one, the court has an obligation to dismiss it and we aren't going to issue any written citations for that.

Aldr. Rogina: You really did a nice job on this point. I'm not looking to make a motion tonight to put a stop sign there. If any other committee member wants to do that, it's their business. I'd like staff to work with this resident and anyone else in that area to see if we can come up with a reasonable solution to the problem, given their concerns. Officer Clark did make a key point in his memo when he said "none of the warrants for an all way stop are met, it should be noted a new study would be required if the proposed development of Lexington Club gets built". My suspicion is that many of the residents know that may be coming, and if it is, the additional traffic will come from that.

I would like the committee to think about this whether Lexington goes in or not. My issue is a sidewalk there between 7th and 9th. Absent any major protest by the neighborhood, that is almost essential at this point. As the third ward alderman, I'd like to see staff work with Mr. Petinka and others to at least take a look as the school year starts what the issues might be there.

Chief Lamkin: When we were asked to do this, we did it based on the known facts at the time the request came. If the concern has more to do with the school bus situation, we can talk to the school district about that. If it doesn't meet warrant for stop signs, there may be a better place to pick up the children. I don't know that at this point, but that is something we have done in the past, and that is certainly something we can investigate.

Aldr. Rogina: If he has some assurance of that, I think we've met our obligation as a committee and as a city council.

Deputy Chief Kintz: We obviously have the same concern when it comes to traffic. We don't want to wait for someone to get hit. But as I mentioned before, we also have to look at the unintended consequences. If we put up a stop sign where it doesn't meet warrants and it's not expected by a driver, that's where you are going to have more running and gunning from that area, you are going to have more of a propensity to violate that stop sign and when the child goes to that bus and sees the red octagon and is expecting a car to stop, I'm almost setting that child up for something else because he expects the car to stop, but the car is not expecting that stop sign and doesn't stop. That's why we want to make sure we are absolutely clear when we put these things up.

Aldr. Rogina: I absolutely agree with everything you said, and I also think the Chief is to be commended. I thought he gave a reasonable response to Mr. Petinka the first time around. I'm just familiar with the uniqueness of that two block area that needs to some special treatment. When I say special treatment, I don't necessarily mean a stop sign. I don't know what it is, I'm not the expert, but I tend to side with the constituent just to the extent that I think we need to help them out and take a look at. You are the professionals, so you are in the position to work with them. That was my whole point.

Aldr. Krieger: The trucks that used to come and go from Holly's use 7th and 9th. As an office worker, we were very unhappy with the stop sign on 6th, so I don't think the truck traffic had anything to do with that.

Chairman Stellato: You said there were a lot of bushes on the corner?

Mr. Petinka: Yes, on the northeast corner, they have a row of bushes that are six feet tall. Especially if there are cars parked along the 600 block of State Street, you can't see to your left when you approach the stop sign heading south on 7th. I know the studies stated the cars were travelling approximately 31 mph through that the intersection. If you don't see a car nosing out and you are travelling at 31 mph, it's dangerous.

Chairman Stellato: It sounds like we need to take a look at that. I don't know what our jurisdiction is on someone's private property like that, but maybe we have site lines we can respect. We need to see how the sidewalk would impact things and it sounds like when school starts we need to look at this again? Is that what you are alluding to, Ray?

Aldr. Rogina: Yes, I'd like to make sure that when school begins, staff is involved with the neighborhood to take a look at what can be done there to make them feel safe. That's a very generic statement, but I'm not here to be the authority on this.

Mr. Petinka: I also circulated a petition and I went in one block of each direction of that intersection. Everyone that I spoke with signed the petition. There were seven residences that weren't home, and two of those were vacant.

Chairman Stellato: Perhaps you can forward those to us, and the photographs as well. I'm assuming tonight we're not going to make a decision, so maybe it's in order to table this issue to our next meeting? Perhaps you can spend some time, look at the bushes, see how the sidewalk would impact things and reopen this discussion next month?

Aldr. Rogina: Mr. Petinka knows he and I can talk any time.

Mr. Petinka: I also wanted to mention that if you go further west down Dean Street, there is a 20 mph school zone speed limit when children are present and there are actually lines painted in the street. Something like that would help, also, but I was thinking a stop sign would be an easy solution.

Deputy Chief Kintz: We'll take an all-encompassing look at the neighborhood and then we'll talk to the school district as well to see if there is something that can be done there.

Chairman Stellato: If there are no other questions or comments, a motion to table is in order.

No further discussion.

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

4.b. Recommendation to approve street and parking lot closures for the Fox Valley Marathon.

Chief Lamkin presented. This is the third annual Fox Valley Marathon, which is similar to previous years. In my memo, I outlined a couple things that are different, but the closures are the same. I have Dave Chablis here tonight, and I'd like to allow him to address the Council.

Mr. Chablis: Dave Chablis, 513 Steeple Chase Road, St. Charles, and I'm representing the Fox Valley Marathon.

Aldr. Krieger: I'm questioning the amplified sound at 6:15 a.m. on a Sunday morning.

Mr. Chablis: We've had that previously; we aren't changing anything from the last two years. It is necessary for the safety and organization of the runners. Aldr. Rogina, you were there last year; how was it for you?

Aldr. Rogina: I ran it last year and I thought you did a wonderful job, but I think my colleague is anticipating the complaint calls she will receive. As far as the overall event, I'm a big fan.

Mr. Chablis: It certainly is not intended to be a nuisance, and the noise is largely at the beginning of the race. These runners all take off at 7:00 am and then they come back over a four to five hour period of time, so after that the noise does go down considerably. It's not just to be noisy, there is a reason for it.

Chairman Stellato: You've agreed to pay the city costs?

Mr. Chablis: Absolutely, as we have every year. I want to mention that we are selling out again this year. We have runners coming from four continents, 37 states. It is a top 30 Boston qualifier. 25% of our runners are first time runners. This is a big national event and getting bigger for the right reasons.

No further discussion.

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

4.c. Recommendation to approve the use of the 1st Street Plaza for a Green Eggs & Ham public fundraising breakfast for Steele Beam Theatre.

Chief Lamkin presented. This is a fundraiser breakfast for the Steele Beam Theater. I'm bringing this to you this evening because of the use of the Plaza public space for this event. There is no alcohol involved, and the hours are specified for you in your packet. They will be responsible for set up, clean up and putting things back the way it should be each day. They have folks to come in and cook the food on site.

No further discussion.

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

5.a. Recommendation to approve "Honorary" Street designation for Oak Street annex west of Randall Road in honor of Kane County Flea Market 45th Anniversary.

Richard Gallas presented. The Kane County Flea Market is celebrating its 45th Anniversary in its St. Charles location. As part of this anniversary, they have requested an honorary proclamation for the Oak Street annex road from Randall Road west towards the entrance to the market. Specifically, they are requesting an honorary street sign stating "Flea Market Way". For simplicity, city staff would install the sign in the city

right-of-way and it is included as one of your attachments this evening. This honorary proclamation will in no way impact the legal name of the street and no address changes will be required.

USA Today published an article this past week proclaiming the Kane County Flea Market as one of the top ten best places in our nation to seek out antiques.

Staff recommends approving the proclamation for this purpose.

Aldr. Rogina: I think we should do it in more places in our town. I like it.

Mr. Robinson: My name is Ken Robinson. It's been 45 years since my Grandmother started in Wasco with 10 to 15 dealers and we are over 1,000 dealers now. I just want to say on behalf of the family, this is truly an honor; I appreciate it. Thank you!

Aldr. Turner: So this will not change the name of the street permanently?

Mr. Gallas: No, absolutely not. We'll put it in the city's right of way to avoid any confusion.

Aldr. Turner: I truly disagree with you, Ray. I really don't want to see those things all over the place.

No further discussion.

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

5.b. Recommendation to direct staff to prepare a policy on Driveway Restoration (private property side) adjacent to sidewalks.

Mark Koenen presented. The purpose for this conversation tonight is a carry-over from last month. We had a presentation regarding a driveway repair that the Public Works Office had done in a residential neighborhood, where we had to replace the sidewalk which caused us to take out a section of the private side of the driveway. Committee asked Staff to do some research, which we have done. Staff including Richard Gallas, Peter Suhr and Jim Bernahl has put together some information that we will go through for your consideration.

Power Point presentation by Mark Koenen

One of the items you asked specifically for is the cost. Last month I shared with you that our street program has been reduced during the past couple years with respect to

balancing the budget. In 2011, as part of our annual street maintenance program, the patch in driveways of the right-of-way only (in locations where sidewalk repairs were required) was about \$1,671 to build those strips where we had to do the sidewalk repairs adjacent to private driveways. If we were to go back to those same locations a year ago and do the entire driveways from the sidewalk back to the garage, it translates to approximately \$52,000 on the project.

For the 2012 program, the same patch at the various locations totals to about \$5,000 and if you extend it to do the whole driveways it's about \$89,000, so there is an increase to our program in the amount of \$84,000.

We had a conversation with some of our peer communities in the Fox Valley area to find out what their practices are to make sure what we do here in St. Charles is consistent with our peer municipal counterparts. The City of Geneva generally replaces driveways if they have to, and they would only go a foot or less beyond the sidewalk; they make every effort to minimize impacts to private driveways. Repairs are only made to the impacted area, which means they may not repair the total length across the driveway (if by chance they only had to replace a slab or two of sidewalk).

The City of Aurora always sends advance notice to the property and only does repairs in the impacted area. They will not necessarily go all the way across your driveway.

The City of Elgin has a similar practice where they only do the impacted area and they replace it with like material.

Our practice appears to be consistent with what the industry is doing.

The recommendation that staff would like to offer you to consider is to direct us to create a policy to document the practice that Public Works has been doing for years; and then we would also suggest that we continue the practice as we are doing it right now. If we cut a driveway on the private side, we would repair the driveway corresponding to the sidewalk to repair.

Additionally, a pro-active step is promotion to suggest to property owners if they are going to redo their driveway they contact us. The city then could inspect the sidewalk to see if it needs to be repaired or rebuilt.

Chairman Stellato: The last point you made hits home to me. I believe that when we look at a concrete square and there is a variance, we have to attack that to protect liability. If it's in front of someone's driveway I think we have to treat it completely different than we do anywhere else, just because of what we discovered going through this process.

Your point about being proactive and inviting the homeowner to participate is one part. The second part is, whoever goes out and inspects all these sidewalks needs to be very cognizant of the fact and make it a special case. The driveway we are talking about today is asphalt, and I believe whatever we do going forward from the sidewalk to the house is going to pale in comparison when we run across a concrete drive or a brick paver or stamped concrete. We are entering into an arena where people are going to be upset about it if we don't replace it with like materials. So besides being proactive in addressing the customers, we also need to talk to the contractors. Only in a dire case should we replace that square in front of someone's driveway.

We need to see if a repair can be made, and then we need to let the homeowner know we are going to do it. You can almost treat it as a special case, if it came in front of the Council each time and you said "here's five of them, what do you want to do". I think we need to be the conduit between the resident and the Public Works Department because we cannot just randomly do this. It's been shown now that it's going to cause hard feelings no matter what by the time we are done.

Aldr. Krieger: Years ago when they replaced some sidewalk in front of my house, the outside contractor took up the old section and put in what was like a piece of metal that had stakes on it. We only had two holes for repair as far as the lawn was concerned. Is there any way to do it that way?

Mr. Suhr: I do recall that we have used that form before. The one thing I might offer is that anytime we can get into a situation like that and not disturb the driveway, we try to do so. I think that was the case in your neighborhood. We are successful a lot of times in that case, but it depends on the edge condition of the existing drive. With asphalt driveways it's a much more difficult process to keep that edge solid. We have used that technique in the past, but it really is a case by case situation. I don't think it's something we can use for every single case.

Aldr. Lewis: Mark, you raised a point that I'm not clear about. If there were a stamped driveway, would you replace it with a stamped asphalt driveway?

Mr. Koenen: We haven't had that happen. But I do know we had an entrance walk that was like that and we tried to do it, the coloring didn't match and the homeowner was very disappointed with what we did.

Aldr. Lewis: So we have been putting something in place to repair it with like material, but it's not going to match up.

Mr. Koenen: What I've heard tonight was Aldr. Krieger's comment about this metal form. This driveway here looks like it's in really good condition and maybe this metal form would have worked.

Aldr. Krieger: It would lessen the impact.

Mr. Koenen: Yes, it would. But it might still need to be filled with tar.

Mr. Bernahl: Aldr. Lewis, to answer your question, the city's policy now is no, we would not. That would be considered a specialty item, similar to stamped concrete, brick pavers or exposed aggregate. In most cases, when you install those types of specialty items, you need to obtain a permit. You may recall that as part of the permit, there would be a Hold Harmless Agreement signed, similar to if you put a sprinkler system or any other specialty item in the parkway; it holds the homeowner responsible to repair the specialty item should we have to come in and do work. We'll take as much precaution as we can to preserve what's there, but should it get damaged, it would be up to the homeowners to replace it at their own cost.

Aldr. Bessner: Mark, is there any chance it could be blended any further when this is done in the future so it's more smooth, and at the same time, would resealing the entire driveway be an answer after that?

Mr. Koenen: I think all those things are possible. I think the standard we've worked with historically comes from Building and Code Enforcement who deal with private property issues. The code obligates us to provide a driveway that is functional that serves the purpose for which it exists; there is no comment about aesthetics. In looking at this picture, I would argue that we met that test under our code for a private driveway approach, but it doesn't deal with the appearance. If you sealed this, it would blend in better because it would be a uniform top coat.

Aldr. Carrigan: My question is to you, Chairman Stellato. But first I want to say that reaching out and letting residents know this is going to happen is crucial. As a policy, I would expect that from us. But my question is – I thought you said you want anything from the sidewalk up to the house. Then I look at some of the driveways that Mark showed us earlier and I can't see putting the city in that position. The city has our obligations, and it's not to replace their driveway; it's to fix the problem at hand.

Chairman Stellato: The driveways that were shown do not have a sidewalk running through it so there would be no reason to replace the sidewalk.

Mr. Koenen: We replace driveway approaches (due to curb replacement), so where does the approach end? We probably would go to the right-of-way line because there would be a cut-off point.

Chairman Stellato: All I'm saying is the pro-active approach is a) let the homeowner know if they are going to replace their driveway, they should have the city look at the

sidewalk and b) if we are going to replace the sidewalk, someone needs to let the homeowner know that might be happening and to try to do everything to avoid the situation.

Aldr. Carrignan: How many times in a year are we going to go across that line and onto private property? Is that an expectation or an exception to the rule?

Mr. Bernahl: It can vary depending on the age of the neighborhood that we're in. If we are in a newer subdivision, chances are the sidewalks themselves are in pretty good shape and maybe we are just doing repairs to some curb; we replace the aprons, for which we already have our policy in place as directed by Council. One year we may only hit four locations, but if we have a bad street where the sidewalk needs a lot of repair and we are doing that as part of our street rehab, it could be 15-20 locations on one block.

Aldr. Carrignan: What I don't want is 20, 25, 30 showing up here for that exception. I think there should be a policy that states...

Chairman Stellato: I understand where you're going.

Mr. Koenen: I think what we've learned by talking to our municipal neighbors is people treat these very carefully, and only in the worst of conditions do they take out the sidewalks across driveways because of the situation we are discussing here tonight.

Aldr. Carrignan: I think if you compare us to our peers, we do a reasonable job and are in our peer group, with the exception of advance notification. I think advance notification takes a lot of the sting out of the repair that is going to take place. I say let's work that as a policy for a while and see where we end up.

Chairman Stellato: I don't disagree with you there. I think the only issue we still have is when we get down to these specialty driveways, the Hold Harmless is great and sounds wonderful when you sign it because everything is brand new. When the problem happens and you are going to get the same calls I get where someone is going to want it replaced with like kind. So the thought is, let's not put ourselves in that situation. Let's try to avoid doing that by being pro-active. Today we have the particular location at 1561 Banbury we have three issues. We have a turf issue that wasn't replaced properly and we've had discussions about that. I hope that's been taken care of. We have a gutter/curb issue that apparently has not been taken care of. They tried to grind it down, but I got an e-mail back that it wasn't fixed properly so I'd like somebody to follow up on that. If worst case is, it's a contracted job anyway, have them replace it. They have to fix it to our liking, I'm assuming. The third thing is going forward from the sidewalk to the driveway, the question of the day is, what do we do? Do we seal it, do

we replace the whole thing? What is the situation on this particular driveway? That's the question I'm putting out there for Council.

Aldr. Lewis: This looks like it's more than a foot.

Chairman Stellato: It's 27 inches at one part and 24 feet at the other.

Mr. Bernahl: We met the firm that grinds our sidewalks at the site. My understanding was that the homeowner was satisfied with the curb and gutter repair and the repair was completed.

Chairman Stellato: I got an e-mail to the contrary.

Mr. Bushong: My name is Glen Bushong, I live at 1561 Banbury. I was in favor of the grinding of the curb. I would rather see the curb ground down than replaced. I think it looks better ground and I was concerned about the cost.

Mr. Bernahl: All that work has been completed; the curb was ground down already.

Mr. Bushong: Yes, it is ground down and they put a trench from the center of the driveway down. It's not a straight trench, it zig zags.

Chairman Stellato: The turf has been taken care of?

Mr. Bushong: No, the turf has not been taken care of.

Mr. Bernahl: That is due to the weather conditions, but it's under warranty so it will be taken care of.

Mr. Bushong: To get back to the history of this thing. My wife and I knew that you were coming out last fall. We asked them about the two new pieces of sidewalk on the corner. We asked if they really needed to be replaced; it didn't look like it needed to be replaced. The only piece that really looked like it needed to be replaced is the center sidewalk with big hole in the side of it. The contractors who were out there said that no, that two pieces needed to be replaced and the one that has the hole is fine. They came back and this is the end result; 24 inches on one end, 27 inches on the other. I even asked one of the guys to come out and look at that hole and see if it now needs to be replaced; people do stumble across it. They don't trip and fall but they stumble on it. At what point is this going to end? It's been going on for many months. I've got neighbors across the street who have their apron replaced, their sidewalks across their driveway replaced with no cut on the homeowners side. What I wonder is what kind of job did they do when they made their cut? A lot of variables; the age of the driveway, the age of the cement, the age of the subdivision....but how much care actually was

taken? Falling back on rules and regulations doesn't mean accountable. Is it a perfect driveway? No. Is it a new driveway, no? It's 6 to 8 year old driveway. That's not the point. It's the workmanship, it's the pride of what the city does when they go in and do something. The pride isn't there. The workmanship isn't there. That's was really concerns me.

Aldr. Carrignan: Who determines what sidewalks need replacing? The contractor, or us?

Mr. Koenen: The city does.

Aldr. Lewis: Who does the work? Public Works, or do you outsource it?

Mr. Koenen: It could be either or. In this particular case, it was the contractor.

Chairman Stellato: We are starting to come back to that discussion we had about the contractor's liability on this. Was he overzealous on this driveway and should they be the person replacing that driveway? It sounds like you have more research to do and you have to come back with some type of policy that we need to look at, but just think about that as well.

Aldr. Carrignan: If you go back to the whole policy question; we have to address the notification. The policy itself, being equal to our peers with what our standards are, I think we are supplying the right guidelines. I think management of the subcontractor might be the issue that seems to be in play here. Do we have the right subcontractor doing this work? Maybe that's more the question than the policy we have in place.

Mr. Koenen: I would offer the following. The saw cut line not being parallel to the sidewalk is a problem. If we made that cut perfectly parallel, would that change this conversation? I'm guessing not. The question is, was this just the wrong technique? Maybe there should have been this metal form that Aldr. Krieger refers to that would have minimized this problem all together. What I think we have in front of us here is an aesthetics issue. I'm going to ask the question; is the City of St. Charles going to be concerned about aesthetics issues when we are dealing with functional matters like this? I understand the sensitivity of it, but it does work and it does satisfy under our code.

Aldr. Bessner: My concern over time is that we'll be in the situation of a hodge podge design that is going to fall into place all over the city. That's my concern over the long run. If we keep this up, it's going to be out of whack.

Chairman Stellato: I think that came up when we had this discussion a few years ago. It's purely aesthetic. It functioned, but people were upset about them. So yes, I believe aesthetics are very important to me.

Aldr. Lewis: To me, too. If that were my driveway, I'd be very unhappy.

Aldr. Carrigan: My question is, where does the money come from? How do we pay for the aesthetics?

Aldr. Lewis: I agree with what he is saying. I don't believe the work was done properly and it might be a case of a different contractor who does better work, and that isn't necessarily more expensive.

Aldr. Carrigan: I agree with you. I don't think this is an aesthetic issue, Mark, my perception is that it's a contractor issue. If we look at the current policy we have, the policy for functionality has worked a majority of the time. Where it hasn't worked, what has been the difference? Maybe aesthetics is another word for the quality of the workmanship by the contractor. I think that's the road we want to drive down to make sure they understand the quality that's expected.

Mr. Koenen: It requires us to have a different spec, then. If the goal we are achieving is no line on the property side, that means we need to spec how we want them to do that. We haven't done that historically. We didn't tell the contractor how to build it, we told them what the goal was. I can appreciate that.

Aldr. Rogina: We should expect quality workmanship. Aesthetics is important and I agree with Aldr. Carrigan that we are not a bottomless pit of money, but I think we can demand good workmanship.

Aldr. Bessner: I think stamped concrete is the toughest one. Pavers you can pull out and put back in. Smooth concrete you can sand down to eliminate any lines.

Chairman Stellato: Sounds like we have more work to do. You are going to take a look at the curb and the turf issue will take care of itself. You want to come back with some type of pro-active policy for us and then we need to talk next time again about the aesthetics and what we want to do on this particular driveway. Do you want to bring the contractor here?

Mr. Koenen: Let us have a conversation with our contractor. He has been somewhat disengaged at this point in time, but we'll bring him back in to see what he's willing to do and then we'll report back.

Mr. Bushong: If the city thinks the curb is fine, I'm good with it. If I can save the city some money; aesthetics, yes, now there is going to be a patch from the front of the driveway. When they take the curb out and replace it, that's going to be expensive. If we can eliminate it, I'm good with that.

No further discussion.

5.c. Recommendation to approve contract for water service to resident at 36W171 Indian Mound Road.

John Lamb presented. As you may know, the Wildrose Subdivision is outside the city limits, but is serviced by city water and sanitary. There are a number of homes there that are serviced by both, or only one of the utilities, and some that don't have either. As a provision of the Four Companies Agreement that dates back to 1964, the homeowners in that area can request both or one or the other services, and that's what the homeowner at this lot on Indian Mound Road is doing.

Staff recommends approval of the attached contract for water service.

No further discussion.

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

5.d. Presentation to provide update on IL Route 64 Projects – Information only

James Bernahl presented. Please notice that I gave each of you a copy of the IL Rt. 64 project update. I post this update weekly and it contains information regarding the current status of the projects, what occurred previously, what is coming up this week. Would the Alderman prefer that I add them to the weekly mailing list that I use for this and not do this presentation?

Chairman Stellato: Yes, that's perfect. That would save us a lot of time. Very good.

James Bernahl: If that works better for you, then you'll all get a copy of this in your e-mail weekly and we'll go from there?

Chairman Stellato: Yes, great.

James Bernahl: Shall I continue with the update this time?

Aldr. Carrignan: No, we'll read the update.

Mr. Bernahl: Just one note, we had a preconstruction meeting with IDOT for the IL Rt. 64 (7th Street to 7th Avenue) traffic signal improvement. Right now, it looks like they are going to be starting in September. It's a 45 day schedule, so that work will be completed in November.

Aldr. Krieger: I'd like to make the recommendation that everyone check out the Red Gate Bridge website. It's updated on a weekly basis, and there is a webcam to watch the activity taking place.

No further discussion.

5.e. Recommendation to approve Change Orders for IL Rt. 64 Sanitary Sewer and Water Main Installation Contract.

James Bernahl presented. This is a follow-up to an item last month; Council approved the recommendation to remove the remaining sanitary work from the contract that we currently have with Glenbrook Excavating, Inc. and award it to Martam. We've gone done that, so this is a follow-up. That project is coming to a close so these are the clean-up change orders.

Change Order No. 4 is for field modifications. These were obstacles that were encountered during the course of construction and therefore we had to have additional time and material to deal with that. That change order is in the amount of \$16,619.74.

Change Order No. 5 is for the removal of the work from Glenbrook Excavating and given to Martam. The value is \$354,832.50.

Change Order No. 6 is the finalization of the pay quantities that we had. In some cases, there were pluses and minuses. There was a total of \$74,767.30.

Combined, these change orders have a reduction of that contract with Glenbrook for a total of \$263,445.46.

Staff recommends approving Change Order Nos. 4, 5 and 6.

No further discussion.

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

5.f. Recommendation to approve IDOT Agreement for Proposed Traffic Signal Improvements at IL Rt. 64 and Peck Road.

James Bernahl presented. This agreement with IDOT is for a program they are planning on doing at the intersection of IL Rt. 64 and Peck. They are currently in the process of finalizing Phase I. I'd like to clarify, this project is not funded to date; it would be an agreement that would obligate the city in the event funds become available that we would want to participate in the installation of the permanent traffic signals /sidewalk and an eastbound right turn lane.

No further discussion.

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

5.g. Recommendation to approve budget addition for St. Charles Park District East Side Sports Complex New Service to Northern Fields.

Tom Bruhl presented. In December 2011, we did not know if this project for the St. Charles Park District which is an expansion on the northern end, along with new service was going to occur, so we did not include it in the budget. The job has proceeded and gone through building permit.

Staff recommends approving a budget addition to procure the contract labor and material. All costs will be offset by revenue from the Park District.

No further discussion.

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

5.h. Recommendation to approve easement at 410 S. Kirk Road.

Tom Bruhl presented. Last year we provided new equipment at Armour Eckrich on the corners of Kirk and Ohio. As part of the work, Armour Eckrich gave us an easement for the facilities so we can place them outside of the road right of way.

Staff recommends approval for the Mayor and City Clerk to execute the easements.

No further discussion.

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

5.i. Recommendation to approve Parking Lot Sweeping Maintenance Contract with Alliance Sweeping.

Peter Suhr presented. Since 2008, the City has been utilizing Alliance Sweeping to help maintain our city parking lots and parking decks, starting in the spring and continuing to the first snow fall, Alliance sweeps our parking lots once a week. This year we have budgeted just over \$30,000 for these services. Alliance Sweeping has held their price for the past two consecutive years and in addition we receive quotes from four other vendors and Alliance continues to be the most cost effective.

Staff recommends approval of the proposal from Alliance Sweeping in the amount of \$31,471.

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

5.j. Recommendation to approve the issuance of an open purchase order with Zimmerman Ford for non-stocked automotive parts.

Peter Suhr presented. Staff is asking for approval to open a blanket purchase order with Zimmerman Ford, for automotive parts. They are our largest vendor for that type of work. We have purchased these parts from Zimmerman for many years on separate purchase orders. The open purchase order provides a more efficient way to process those orders for our Fleet Staff, and also for our Finance Department.

We are estimating the overall cost for these parts to be about \$40,000.

Staff recommends approval to issue the open purchase order with Zimmerman Ford in an amount not to exceed \$40,000.

No further discussion.

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

5.k. Recommendation to award Engineering Services Proposal to Trotter & Associates for Royal Fox II Lift Station.

John Lamb presented. This is a recommendation to award engineering services for Royal Fox II Lift Station, which is located on Dunham Road and has been in service for 25 years. This project is budgeted in the current budget year and prior to proceeding with construction and design engineering, staff went out for an RFP for a conditions assessment to help us get some costs for the budget process. We received three proposals that were all under \$20,000, and we chose Trotter and Associates for the conditions assessment.

Staff recommends approval of a contract with Trotter and Associates for the design and construction engineering project in the amount of \$59,637.

No further discussion.

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

6.a. Recommendation to approve an Ordinance Authorizing the Disposal of Surplus Fire Department Equipment

Joe Schelstreet presented. The Fire Department has a number of meters that we utilize to search for natural gas leaks and carbon monoxide. All of these meters are beyond their service life and are no longer supported by maintenance availability.

Staff is asking for approval of the Ordinance declaring them surplus and we can recycle them according to County Ordinance.

No further discussion.

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

7. Additional Business

Aldr. Martin: On May 25, I received an e-mail from a resident on Moore Avenue complaining about the presence of a smoky substance in the air caused by fire pits. I responded and at the same time forwarded the complaint to Brian Townsend and Chief Mullen. Chief Mullen responded immediately that we have an ordinance regarding fire pits and if the ordinance is being followed, there is no action to be taken. However, if it is being violated, then the appropriate steps must be taken. He also advised this resident that if there is a situation where she suspects there are illegal burns occurring she should contact 911 and have the fire department respond.

Since that time, I believe she has called the fire department perhaps as many as three times to complain about the fire pits creating a nuisance. Today, I had a call from the resident who owns the fire pit at 508 Moore Avenue, and I invited them to come before this Committee and state their case.

Mrs. Lundeen: My name is Megan Lundeen; I live at 508 Moore Avenue. For three years we've lived here and on numerous occasions my spouse lights a fire and he and my children sit outside and really enjoy it. We've never had any problems until May 25. I came home and apparently one of our neighbors came down, spoke to my spouse and said that we had to be 25 feet from a structure. My spouse asked what she was talking about and she said she was telling him what the ordinance is and trying to save us some money, and then she left. The next evening, he built a fire and between the fire department and the police department we had about six officers at our home, and all said that we weren't doing anything wrong. We had the lid on it, we had the hose next to it. It's clean wood, it's not like we're burning brush. Since then, six times we've had the fire department to our home. Last Thursday, Friday and Sunday they were there and we had a fire Thursday, Friday, Saturday and Sunday. On Saturday, I believe the only reason we didn't get a call was because it was later in the evening. Each time they tell us we are legal, it's not a roaring fire, the lid is on, the hose is there. These are our children so we are very cautious.

I know one of her concerns was alcohol being involved. It's my property; it's my business what happens there. It's not my intention to fight with anyone, but I'm not the only homeowner on that block who has a fire pit. There are at least five of us in her vicinity, and I know Thursday evening she called on someone else, and last evening it was the same thing. So it's not just us, it's a lot of us. We're not trying to be a nuisance, however, our frustration is that it's just now considered an issue for her when we've been doing it for three years.

According to what we are being told by some of the fire department and some of the police department is that it's the way the ordinance is written that we are within our rights, but she is within her rights as well. So what do we do?

Assistant Fire Chief Joe Schelstreet: We do work under the 2009 edition of the International Fire Code. The Fire Department is not in the business of permitting open burning, however, we do recognize and the code contemplates the use of fire pits. The code, under specific weather conditions and meeting specific distances from structures, i.e., fences, decks, homes, you are allowed to use a fire pit. However, the code is very specific in stating that any open burning that is offensive or objectionable because of smoke emissions or the weather conditions, those fires are to be extinguished. This is the situation that we are encountering right now. The fire department has responded five times since May 26, four of which we encountered the fire pits. One was actually a cooking fire, and a cooking fire is under a whole different set of rules.

The main issue is the two terms “offensive” and “objectionable”. Typically what we run into is someone who has themselves or a family member who has asthma or some other medical condition that irritates the medical condition and then we are, by the code, empowered to require the fire is put out. I would like to say that every time we have been up there, everyone has been very agreeable and has voluntarily extinguished the fires and that is all reflected in the reports. City wide from May 1 of last year to May 1 of this year, we had 22 calls, one was a repeat. We do our best to educate, and that’s what I would suggest would be appropriate in this situation where perhaps we can meet with the homeowners and go through the code and the different requirements and see if we can get a little more understanding on how this can be done properly.

Aldr. Rogina: Do the fire trucks and everything go out every time you get these calls?

Asst. Fire Chief Schelstreet: When we receive a 911 call, we respond non-emergency. We dispatch an engine company or a ladder company; it depends on who is available. Reading through the reports, it’s been a variety of different crews that have responded. In all cases as reflected in the reports, I have not been out there personally, but it’s my understanding that everyone has voluntarily extinguished the fire.

Aldr. Rogina: Three out of four nights in a row the trucks have been out there. Leads me to wonder what’s going on here?

Asst. Fire Chief Schelstreet: One of the reports is specific to where we have requested three people extinguish their fires. We don’t get into anything beyond what the code says. Our guys are all trained and if there’s an objection, they are all instructed to request to put the fires out and if there is any dispute we do have the authority by ordinance to require that the fire gets put out.

Aldr. Rogina: In your experience is this the first time this has happened in St. Charles where you have had this many in one situation in one neighborhood?

Asst. Fire Chief Schelstreet: No. I wouldn’t call this typical, but it’s not A Typical. The one comment I would make is the number of calls in such a rapid succession. We only started with this May 26 and it’s June 25, we aren’t even at 30 days yet. As I mentioned previously, I would like the opportunity to do an educational session and discuss the different regulations.

Aldr. Martin: I reviewed the code also and it says that the fire will be extinguished if the smoke exceeds a certain point on the scale. Have these fires been smoky?

Asst. Fire Chief Schelstreet: Having not been there, but under the professional judgment of the officer of the company, they determined that it was appropriate to request the extinguishment of the fire.

Aldr. Martin: Based on the neighbor saying it's objectionable; is it possible in some events the neighbor is being overly reactive?

Asst. Fire Chief Schelstreet: That is something that we do not empower our folks to get into. All we can tell our officers is what the code says and what we have to do. If there is an alternative way to resolve that, then we are all about it. But all I can do is instruct the officer on the apparatus is if somebody objects, by interpretation of code, we have to request the fire goes out.

Aldr. Martin: If I don't like fire pits and my neighbor had a fire pit, if I objected every time they lit a match to it, that creates an issue.

Aldr. Carrignan: The issue is the code. The code has this subjectivity in it.

Mrs. Lundeen: There is another line in that code that says if it constitutes a health hazard. I went down and spoke to the mother, tried to be polite and respectful, but it didn't end that way, so I regret going down there. However, they did say that the mother has asthma and the smoke bothers her. I apologized and told her I understand because I too, have asthma, and I don't usually sit out there. I stay in my house with the windows open, and I can't smell the smoke inside my house when it's in my own yard. I don't know how she can smell it several houses away. She stated that it was offensive a couple times and then the other couple times it was that it was causing her a health issue. I can tell you, we are both very careful with what we are doing with these fires. They are never very smoky because I don't want to offend anyone and quite frankly, when I put water on it, there is more smoke than when the fire is going.

Aldr. Martin: I e-mailed the resident and invited her to attend tonight's meeting and I had no response as of this afternoon.

Chairman Stellato: Joe, the direction will be that you are going to educate the neighbors; do we need to look at the code?

Asst. Fire Chief Schelstreet: We routinely examine our codes and we are more than willing to do that.

Aldr. Payleitner: How old is the code?

Asst. Fire Chief Schelstreet: This is the 2009 edition.

Aldr. Rogina: There have been three different circumstances here tonight involving citizenry and every time we've had a conversation about the city working with the citizens, sometimes just reasonableness gets us through situations that seemingly on the surface are complex, but may not be.

Chairman Stellato: That completes this discussion. Are there any other additional business items?

8. 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.**