

AGENDA
ST. CHARLES CITY COUNCIL MEETING
DONALD P. DEWITTE, MAYOR

TUESDAY, SEPTEMBER 4, 2012 – 7:00 P.M.
CITY COUNCIL CHAMBERS
2 E. MAIN STREET

1. Call to Order.

2. Roll Call.

3. Invocation.

4. Pledge of Allegiance.

5. Presentation:

Update on the Arcada – Ron Onesti, Onesti Entertainment.

6. Omnibus Vote. Items with an asterisk (*) are considered to be routine matters and will be enacted by one motion. There will be no separate discussion on these items unless a council member/citizen so requests, in which event the item will be removed from the consent agenda and considered in normal sequence on the agenda.

*7. Motion to accept and place on file minutes of the regular City Council meeting held on August 20, 2012.

I. New Business

- A. Presentation of a recommendation to appoint Mr. Scott Buening, 402 Timbers Place, St. Charles to the Zoning Board of Appeals.
- B. Presentation of a recommendation to appoint Mr. Jim Diorio, 1501 Keim Court, St. Charles to the St. Charles Youth Commission.
- C. Motion to approve a proclamation declaring September 10 – 14, 2012 as Chamber of Commerce Week in the City of St. Charles.

II. Committee Reports

A. Government Operations

- *1. Motion to accept and place on file minutes of the August 20, 2012 Government Operations Committee meeting.

- *2. Motion to approve awarding the bid for the purchase of two 2012 Ford Escapes to Zimmerman Ford.
- *3. Motion to approve an **Ordinance** Providing for the Issuance of One Series of General Obligation Corporate Purpose Bonds and One or More Series of General Obligation Refunding Bonds of the City of St. Charles, Kane and DuPage Counties, Illinois, Authorizing the Execution of One or More Orders and One or More Escrow Agreements in Connection Therewith, and Providing for the Levy and Collection of a Direct Annual Tax for the Payment of the Principal of and Interest on Said Bonds (Series 2012).
- 4. Motion to approve an **Ordinance** Amending Title 5, "Business Licenses and Regulations," Chapter 5.08 "Alcoholic Beverages," Section 5.08.130C "License-Hours of Sales" of the St. Charles Municipal Code.
- 5. Motion to approve the request from Mr. Rich Simpson to amend closing hours for Alibi Bar and Grill Restaurant located at 12 N. 3rd Street.

B. Government Services

- *1. Motion to approve a **Resolution** Authorizing the Execution of a Notice of Intent to Award for Construction of the Biosolids Handling Building and Equipment Project.
- *2. Motion to approve a **Resolution** Authorizing the Execution of Change Order No. 6 for Wells 3 and 4 Radium Removal Construction Project.
- *3. Motion to approve a **Resolution** Authorizing a Contract with A Lamp Concrete Contractors for Parking Lot Construction.
- *4. Motion to approve an **Ordinance** Amending Title 10 "Vehicles and Traffic", Section 10.11 "Rules of the Road" of the St. Charles Municipal Code.
- 5. Motion to approve a Class E Liquor License, Amplification License, and use of City Lot "B" for the River Rock House Fest, September 28, 29, and 30, 2012.

C. Planning and Development

- *1. Motion to accept and place on files minutes of August 13, 2012 Planning & Development Committee meeting.

D. Executive Session

- Personnel
- Pending Litigation
- Probable or Imminent Litigation
- Property Acquisition
- Collective Bargaining

E. Additional Items from Mayor, Council, Staff, or Citizens

- 1. Motion to approve a **Resolution** authorizing the Execution of a Change Order No. 7 for the Radium Removal Project.

F. Adjournment

**MINUTES FROM THE MEETING OF THE ST. CHARLES CITY COUNCIL
HELD ON MONDAY, AUGUST 20, 2012 – 7:00 P.M.
CITY COUNCIL CHAMBERS, IN THE CITY COUNCIL CHAMBERS
2 E. MAIN STREET ST. CHARLES, IL 60174**

1. Call To Order By Mayor Donald DeWitte At 7:00 P.M.

2. Roll Call.

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

Absent: None

3. Invocation Alder. Payleitner.

4. Pledge of Allegiance.

5. Presentations:

Swearing in of Battalion Chief Marty Friel and Lieutenant Jeremy Mauthe of the St. Charles Fire Department.

Presentation of First Place Award to City Council for St. Charles Drag'n Anchors who participated in the Dragon Boat Races during Riverfest 2012.

6. Motion by Martin, seconded by Krieger to approve the Omnibus Vote as presented.

ROLL CALL VOTE: AYE: Stellato, Monken, Carrignan, Payleitner, Turner
Rogina, Martin, Krieger, Bessner, Lewis

NAY: 0 ABSENT: 0

MOTION CARRIED

***7. Motion by Martin, seconded by Krieger to accept and place on file minutes of the regular City Council meeting held on August 20, 2012.**

ROLL CALL VOTE: AYE: Stellato, Monken, Carrignan, Payleitner, Turner
Rogina, Martin, Krieger, Bessner, Lewis

NAY: 0 ABSENT: 0

MOTION CARRIED (Omnibus Vote)

***8. Motion by Martin, seconded by Krieger to approve and authorize issuance of vouchers from the Expenditure Approval List for the period of 7/30/2012 – 8/10/2012 in the amount of \$1,912,912.30.**

ROLL CALL VOTE: AYE: Stellato, Monken, Carrignan, Payleitner, Turner
Rogina, Martin, Krieger, Bessner, Lewis

NAY: 0 ABSENT: 0

MOTION CARRIED (Omnibus Vote)

I. New Business

None.

II. Committee Reports

A. Government Operations

None.

B. Government Services

None.

C. Planning and Development

- *1. Motion to approve a **Resolution 2012-104** Declaring Default and Authorizing the Mayor to Demand Payment Under a Letter of Credit-Artesian Springs Subdivision.

ROLL CALL VOTE: AYE: Stellato, Monken, Carrignan, Payleitner, Turner
Rogina, Martin, Krieger, Bessner, Lewis

NAY: 0 ABSENT: 0

MOTION CARRIED (Omnibus Vote)

- *2. Motion to approve a Temporary Parking Lot on the Phase III Site of the First Street Redevelopment Project and an asphalt carriage walk along the east side of First Street.

ROLL CALL VOTE: AYE: Stellato, Monken, Carrignan, Payleitner, Turner
Rogina, Martin, Krieger, Bessner, Lewis

NAY: 0 ABSENT: 0

MOTION CARRIED (Omnibus Vote)

- *3. Motion to approve a **Resolution 2012-105** Authorizing the Mayor and City Clerk of the City of St. Charles to Execute a Certain Agreement – St. Charles Chrysler Dodge Jeep, Inc. (1611 East Main Street).

ROLL CALL VOTE: AYE: Stellato, Monken, Carrignan, Payleitner, Turner
Rogina, Martin, Krieger, Bessner, Lewis

NAY: 0 ABSENT: 0

MOTION CARRIED (Omnibus Vote)

D. Executive Session

- Personnel
- Pending Litigation
- Probable or Imminent Litigation
- Property Acquisition
- Collective Bargaining

Motion by Ald. Monken, seconded by Carrignan to enter into Executive Session to discuss pending, probable or imminent litigation at 7:12.

ROLL CALL VOTE: AYE: Monken, Carrignan, Payleitner, Turner
Rogina, Martin, Krieger, Bessner
NAY: 0 ABSENT: Stellato, Lewis
MOTION CARRIED

Motion by Ald. Carrigan, seconded by Turner to return from Executive Session at 7:41.
ROLL CALL VOTE: AYE: Monken, Carrignan, Payleitner, Turner
Rogina, Martin, Krieger, Bessner
NAY: 0 ABSENT: Stellato, Lewis
MOTION CARRIED

E. Additional Items from Mayor, Council, Staff, or Citizens

F. Adjournment

Motion By Carrignan, Seconded By Monken, To Adjourn Meeting
VOICE VOTE UNANIMOUS MOTION CARRIED

Meeting adjourned at 7:41 P.M.

Nancy Garrison, City Clerk

CERTIFIED TO BE A TRUE COPY OF ORIGINAL

Nancy Garrison, City Clerk



ST. CHARLES
SINCE 1834

AGENDA ITEM EXECUTIVE SUMMARY

Title: Appointments of Mr. Scott Buening and Mr. Jim Diorio to City Commissions and Boards

Presenter: Mayor DeWitte

Please check appropriate box:

Government Operations

Government Services

Planning & Development

X

City Council (9/4/12)

Estimated Cost:

N/A

Budgeted:

YES

NO

If NO, please explain how item will be funded:

Executive Summary:

By virtue of this memorandum I request your favorable consideration to appoint the following people to City of St. Charles Commissions and Boards:

Mr. Scott Buening, 402 Timbers Place, St. Charles, IL 60174 to Zoning Board of Appeals with a term expiration of 4/30/16. Mr. Buening will fill the vacant position on this Board.

Mr. Jim Diorio, 1501 Keim Court, St. Charles, IL 60174 to the St. Charles Youth Commission with a term expiration of 4/30/14. Mr. Diorio will fill one of the vacant position on this Commission.

Attachments: *(please list)*

Submitted request of Messrs. Buening and Diorio.

Recommendation / Suggested Action *(briefly explain):*

Recommend approval of these appointments as presented.

For office use only:

Agenda Item Number: IA & IB



Fwd: Zoning Board of Appeals Vacancy

ScottBuening

to:

tnilles

08/22/2012 09:43 PM

Hide Details

From: <ScottBuening@aol.com>

To: <tnilles@stcharlesil.gov>

Ms. Nilles-

Here is what I sent Mayor DeWitte. I used a different email address from the one I sent my interest in originally. Thank you.

Scott Buening

From: ScottBuening@aol.com
To: ddewitte@stcharlesil.gov
Sent: 8/15/2012 11:49:52 P.M. Central Daylight Time
Subj: Zoning Board of Appeals Vacancy

Good Evening Mayor DeWitte-

I am writing to express my interest in the vacant position on the Zoning Board of Appeals. I noted this vacancy from the City's website, and feel that this appointment would fit in well with my personal and professional expertise. As a City resident for over 7 years, I have become familiar with the City issues and feel that I would be able to provide a valuable contribution by being appointed to this Board. If you find my qualifications fit this position, I would be honored to serve the City in this capacity. If you should have any questions, please feel free to contact me at this email address or by phone at 331-222-6542. Thank you for your consideration.

Scott Buening
402 Timbers Place
Saint Charles, IL 60174

1 Attachment



RESUME2012-05.docx

SCOTT BUENING, AICP
402 Timbers Place, St. Charles, IL 60174
(331) 222-6542

**RELATED
EXPERIENCE**

Village of North Aurora, North Aurora, Illinois
Community Development Director, February 2008-Present

In charge of newly formed Community Development Department. Duties include planning, development, building, zoning, code enforcement and economic development functions of the Village. Supervise two full time and two part time employees. Administer outside consultants for planning, engineering, and building/plumbing inspection services. Coordinate and/or write staff reports to Plan Commission and Village Board. Through a separate consultant, am completing full zoning ordinance rewrite with an appointed steering committee. Amended an existing Tax Increment Financing District (TIF) to take advantage of TIF funding and grant opportunities, and created a new stand alone TIF District. Beginning a major TIF project to acquire and rebuild a deteriorating access roadway. Completed several development projects that have been struggling under the current fiscal crisis.

Village of Sugar Grove, Sugar Grove, Illinois
Community Development Director, December 2001-February 2008

Department head level position in charge of the Community Development Department. Responsible for and supervised all planning, zoning, building inspection, code enforcement and economic development activities of the Village. Supervised five full time and two part time employees in entire department as well as several outside consultants. Received, processed and completed analysis of land use petitions. Wrote staff reports for land use petitions and other items for Plan Commission/Zoning Board of Appeals and Village Board. Acted as staff liaison to Economic Development Corporation, Plan Commission/Zoning Board of Appeals and Village Board. Completed a new Comprehensive Plan for the Village in 2004. Developed amendments and clarification of text in Zoning Ordinance and Subdivision Ordinance. Implemented recommendations of an economic development study to create a separate Economic Development Corporation for the Village. Wrote and was awarded several grants for various projects with Kane County and the State of Illinois.

Kendall County, Yorkville, Illinois
Director of Planning, Building and Zoning, December 1999-November 2001

Headed Planning, Building and Zoning Department. Responsible for and supervised all planning, zoning, building code inspection and code enforcement activities of the County. Supervised five employees in both building and planning divisions of Department. Assisted in processing and analysis of land use petitions. Helped develop new zoning regulations to incorporate conservation design principles in residential developments. Developed amendments to Land Resources Management Plan to refine permitted land uses and densities within the unincorporated areas of the County. Updated various sections of the zoning ordinance to improve and update the land use regulations.

Village of Lemont, Lemont, Illinois
Community Development Director, November 1996-December 1999

As department head, oversaw Planning and Economic Development divisions of Community Development Department. Supervised four to five employees throughout department. Formerly managed the four person Building Division before a separate Building Department was created. Ensured timely processing of land use petitions, zoning complaints as well as internal and external grant applications. Directed day-to-day operations of the departmental staff. Involved in negotiations with property owners and developers for annexation agreements and financial incentives. Initiated annexation studies and long-range planning projects as needed. Instrumental in completing a new zoning ordinance, replacing an out-of-date 1980 document. Began a comprehensive plan update in

conjunction with an outside planning consultant.

Village of Lemont, Lemont, Illinois
Village Planner, October 1995-November 1996

In charge of planning, development, and annexation activities in the Village. Processed zoning and development petitions. Supervised a staff of two persons as well as outside engineering consultants. Prepared staff reports for the Planning and Zoning Commission and the Village Board. When necessary, updated and corrected Village Zoning and Subdivision Ordinances and the official zoning map. Executed comprehensive plan recommendations and suggested amendments to plan.

Village of Palatine, Palatine, Illinois
Planning and Zoning Administrator, May 1992-October 1995

Administered all planning and zoning activities in the Village while supervising a staff of four to five persons. Prepared staff reports for the Zoning Board of Appeals, Plan Commission and the Village Board. Conducted zoning code enforcement procedures based on resident complaints. Updated and corrected Village Zoning and Subdivision Ordinances and the official zoning map. Implemented comprehensive plan recommendations and suggested changes for plan updates.

EDUCATION

Master of Urban Planning, May 1992, University of Illinois, Urbana, Illinois
 Concentration: Transportation and Land Use

Bachelor of Science, May 1990, Northern Illinois University, DeKalb, Illinois
 Major: Geography, Urban/Economic Concentration

INTERNSHIPS

University of Illinois, Urbana, Illinois, Department of Urban and Regional Planning
Graduate Teaching Assistant, August 1991-January 1992, Graduate Assistant,
January 1991-May 1991

Village of Palatine, Palatine, Illinois
Planning Intern, June 1991-August 1991, December 1991-January 1992

Campbell Design Group, St. Louis, Missouri
Land Use Technician, March 1989-June 1990

City of DeKalb, DeKalb, Illinois
Planning Intern, August 1989-December 1989

AWARDS

Planning Advisory Committee Chairman's Achievement Award, May 1991
 Louis B. Wetmore Fellowship Nominee, May 1991

ACTIVITIES

President, Tomahawk Lodge Condominium Association, October 2011-Present
 Member, Village of Sugar Grove Police Pension Board, April 2004-February 2008
 Secretary, Village of Carol Stream Fire and Police Commission, April 2003-November 2004
 Aux Sable Watershed Planning Committee, December 1999-December 2001
 President, One Renaissance Place Homeowners Association, February 1995-February 1997
 Treasurer, Student Planning Organization, University of Illinois, Department of Urban and Regional Planning, March 1991-January 1992
 Member, Mass Transit Board, Northern Illinois University, Student Association, February 1990-May 1990

PROFESSIONAL AFFILIATIONS

American Institute of Certified Planners Member, July 1996- Present
 American Planning Association Member, March 1989-Present
 Urban Land Institute Member, November 1996-December 2001, June 2008-Present

REFERENCES

Available Upon Request



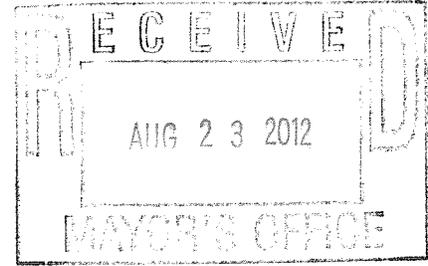
August 22, 2012

Mayor Donald DeWitte

City of St. Charles

2 East Main Street

St. Charles, Illinois 60174



Dear Mayor DeWitte,

My name is Jim Diorio and I am honored to be asked to serve on the St. Charles Youth Commission. I received my bachelor's degree from Western Illinois University and from Cincinnati College of Mortuary Science. Since 1994, I have worked at Yurs Funeral Home in St. Charles and Geneva and for the past ten years I have been the owner and president. My wife, Joanne and I, have been married for over 20 years. She was raised in St. Charles attending Davis Elementary School, Haines Middle School and graduated from the St. Charles High School. She received her bachelor's degree from Western Illinois University. We have three boys, Adam (15), Alex (12) and Andrew (10) all attending St. Charles Schools. All three boys are active in the youth ministry groups at our church. Through this involvement not only do I feel the boys gain from these activities but so does the community- a win-win. I look forward for the opportunity to be part of the St. Charles Youth Commission.

Thank you for your time.

Sincerely,

Jim Diorio

Please reply to:

YURS FUNERAL HOME
405 E. Main St. • St. Charles, IL 60174
(630) 584-0060 • Fax (630) 584-6571

YURS-WITTENBERG FUNERAL HOME
1771 W. State St. • Geneva, IL 60134
(630) 232-7337 • Fax (630) 232-2524



City of St. Charles
I L L I N O I S

Proclamation

CHAMBER OF COMMERCE WEEK 2012

- WHEREAS,** the **ST. CHARLES CHAMBER OF COMMERCE** works with the businesses, merchants, and industry to advance the civic, economic, industrial, professional, and cultural life of the City of St. Charles; and
- WHEREAS,** **CHAMBERS OF COMMERCE** have contributed to the civic and economic life of Illinois for 174 years since the founding of the Galena Chamber of Commerce in 1838; and
- WHEREAS,** this year marks the 93rd anniversary of the founding of the Illinois Chamber of Commerce, the state's leading broad-based business organization; and
- WHEREAS,** the **CHAMBER OF COMMERCE** and its members provide citizens with a strong business environment that increases employment, the retail trade and commerce, and industrial growth in order to make the City of St. Charles a better place to live; and
- WHEREAS,** the **CHAMBER OF COMMERCE** encourages the growth of existing industries, services, and commercial firms and encourages new firms and individuals to locate in the City of St. Charles; and
- WHEREAS,** the State of Illinois is the home to International Chambers of Commerce, the Great Lakes Region Office of the U.S. Chamber of Commerce, the Illinois Chamber of Commerce, and more than 456 local Chambers of Commerce.

THEREFORE, I, Donald P. DeWitte, Mayor of the City of St. Charles, so proclaim **September 10 through September 14, 2012, as CHAMBER OF COMMERCE WEEK** in St. Charles and call its significance to the citizens of the City of St. Charles.




Donald P. DeWitte, Mayor

**MINUTES
CITY OF ST. CHARLES, IL
GOVERNMENT OPERATIONS COMMITTEE
MONDAY, AUGUST 20, 2012**

1. Opening of Meeting

The meeting was convened by Chair. Martin at 7:42 p.m.

2. Roll Call

Members Present: Chair. Martin, Ald. Stellato, Monken, Carrignan, Payleitner, Turner, Rogina, Krieger, Bessner, and Lewis

Members Absent:

Others Present: Brian Townsend, Chris Aiston, Mark Koenen, Chris Minick, Chief Mullen, Peggy Forster, Kathy Livernois, and Chief Lamkin

3. Omnibus Vote

Budget Revisions – July 2012

Motion by Ald. Krieger, second by Rogina to approve the omnibus vote as presented.

Voice vote: unanimous; Nays: None, Chair. Martin did not vote as Chair. **Motion carried.**

4. Fire Department

- a. Recommendation to award the bid for the purchase of two 2012 Ford Escapes to Zimmerman Ford in the amount of \$47,134.**

Chief Mullen: The item before you has to do with replacement of some Fire Department staff vehicles. We're replacing three that are very long in the tooth and replacing them with two. The models we are doing, we tacked on the same specifications as the Police Department had used. Zimmerman Ford came in with the low bid for two Ford Escape vehicles.

Motion by Ald. Carrignan, second by Stellato to approve a recommendation to award the bid for the purchase of two 2012 Ford Escapes to Zimmerman Ford in the amount of \$47,134.

Roll Call: Ayes: Stellato, Monken, Carrignan, Payleitner, Turner, Rogina, Krieger, Bessner, and Lewis; Nays: None; Chair. Martin did not vote as Chair. **Motion carried.**

5. Police Department

a. Recommendation to approve a Class E Liquor License for Charlie's Center for the Arts Event in Charlestowne Mall.

Chief Lamkin: We originally brought this item forward because there was going to be a request for a Class E liquor license, but because they have not been able to get a partner B or C license in the City, they've elected to withdraw their request, so there is no need for any action tonight. Sue McDowell is here if you want to ask her anything about the event that is still going to be scheduled, but there won't be a liquor part of it.

Chrmn. Martin: Sue, do you have any comments?

Sue McDowell, 3N231 E Mary Lane, St. Charles: Comments are that this is part of an event that will run for 5 weeks that we thought would add to the music at the Jazz Café to have beer and wine, but as a whole volunteer organization, we knew that it was too much for us to do, so we talked to several local establishments to partner with us, but it just wasn't a good match. They couldn't staff it. It's a lot of work to have a temporary location out there. But we are very excited about the event which is September 22 through October 27. We have a lot of different arts going on at the Charlestowne Mall.

Chrmn. Martin: Request has been withdrawn.

6. Finance Department

a. Recommendation to approve an Ordinance Authorizing the Issue of General Obligation Corporate Purpose Bonds and General Obligation Refunding Bonds of the City of St. Charles, Series 2012.

Chris Minick: In your packet tonight is the ordinance that will authorize the general obligation bond, series 2012. This particular bond issue will be split into three series. The 2012A Bonds will provide funding and financing for the Red Gate Road Bridge project and the Emerald Ash Borer Mitigation project. Series 2012B and 2012C series bonds will provide savings on interest costs in the amount of approximately \$1.2M on two of the City's current outstanding bond series. The savings will be achieved by lowering the interest rate and the borrowing cost on this particular bond.

Series 2012A bonds in the amount of approximately \$6.6M will be issued for completion of the Red Gate Road Bridge project. These bonds will have a 20-year period to be paid back from three main revenue sources. The existing 5 cent per \$100 EAV tax levy that is currently on the tax bills, the Electric fund will provide a portion of the debt service payments, and the Water fund will provide also a small portion of the principle and interest payments.

If you will recall the reason that the Electric and Water funds are also contributing to the principle and interest payments, there are improvements to the electric and water utilities that are occurring as part of the construction of the bridge. And as is required from good

business practices and general accounting principles, as well, the City's policies will make those principle and interest payments from the utility revenue stream with benefits from the improvements. So that's why electric and water are contributing. We do estimate that the interest rate on this portion of the bond issue will aggregate to approximately a 2.9% based on today's municipal market and that 2.9% will be the blended rate over the 20 year immunization period.

Additionally the Series 2012A bonds authorize \$2.7M for the mitigation of the Emerald Ash Borer project, the removal and replacement of trees that have been infested by the EAB. This was discussed with the City Council in late spring/early summer this year and the decision was made to issue bonds so that we could get that project in and completed as quickly as possible. This portion of the bond issue will be paid back over a 10-year time frame from the General Fund budget and the debt service payments are approximately \$330K annually based on current municipal market conditions here in Illinois. We do estimate that interest rate will be approximately 2% over that 10-year period.

As is our standard and practice whenever we go out to the market to look for funding for projects, we look and see if there are any refunding or refinancing candidates out of our existing bond issues so that we can lower our borrowing costs on anything we already have outstanding. In fact including the anticipated savings from the 2012 General Obligation Bond Series, we estimate that we will have a grand total of savings in excess of \$2.5M through 2025 out of the refinancing activities that we've undertaken since 2009. Again the savings are provided by lowering the interest rate on the outstanding bonds.

The 2012 bond series is no exception. We do have a couple of very attractive refinancing candidates. The B Series will refund our 2004/2005A tax exempt bonds. These bonds were utilized to require the Century Station facility, renovate the Police Department building, and also to construct the Public Works facility. These cash flow savings are estimated to be in excess of \$1.5M based on today's municipal debt market and this savings will run from now through 2025. These bonds are paid from the general revenue stream of the City, so any savings that we do accumulate would be available immediately for general corporate purposes of the City. We do anticipate that this rate will be about 2.5% through 2025.

We also have the Series 2012C bonds and these were refund bonds that were issued in 2005. This is a taxable bond issue (2005B bonds were taxable) so it needs to be separate for our accounting purposes. We anticipate savings of approximately \$40K through 2016. These bonds are almost retired so there is not a great amount of savings but as long as we are doing it anyways, we might as well pick up the \$40K. We do anticipate this rate will be approximately 1.5% for the 4-year period.

If we do adopt the ordinance on September 4, 2012 we will price and lock in the terms of the bond issues in mid to late September and then close sometime thereafter, most likely

early October. The ordinance was prepared by Chapman & Cutler, the City's bond counsels. This is a standard bond issue ordinance. There are no significantly different terms than any of the other borrowings we have taken. The ordinance also gives the Mayor, City Treasurer, and city staff the authority to sign the documents and move ahead with the bond issue and do everything we need to do to complete that bond issue. Staff does recommend approval of the ordinance and just to summarize again we will be providing funding for the Red Gate Bridge, the Emerald Ash Borer Mitigation projects and we will allow for some significant budget savings by refinancing the prior bond issues. Including the savings that we anticipated on the 2012 General Obligation Bonds series, our accumulative interest costs savings through refinancing activities since 2009 would be in excess of \$2.5M through 2025.

Ald. Carrignan: The 2012B bonds are tax exempt and 2012C are taxable?

Chris: Yes.

Ald. Rogina: This refinancing at lower rates is a function of the good credit of the City, pure and simple.

Chris: That is a significant factor. Also playing a part is the general economic conditions and lower interest rates in the municipal market; however, that said, if the City was a poor credit risk our rate would be much higher and we would not be able to achieve certainly the types of savings we've seen.

Motion by Ald. Carrignan, second by Rogina to approve an Ordinance Authorizing the Issue of General Obligation Corporate Purpose Bonds and General Obligation Refunding Bonds of the City of St. Charles, Series 2012.

Roll Call: Ayes: Stellato, Monken, Carrignan, Payleitner, Turner, Rogina, Krieger, Bessner, and Lewis; Nays: None; Chair. Martin did not vote as Chair. **Motion carried.**

7. **Mayor's Office**

a. **Discussion regarding current liquor license hours of operation.**

Mayor DeWitte: There are a couple of items on the agenda this evening. The first is an issue I asked to be considered by this committee. I'll start off by suggesting there were a number of incidents that occurred the weekend of August 3 that grab my attention off of the weekly police reports I receive. On that particular weekend between Friday and Saturday night there were separate reports written for fights in progress that the Police Department had to respond to and our officers actually got involved in separating. In addition there were five service calls for liked incidences that no reports were written because by the time our officers showed up things had settled down and there was no one left to face the music. What caught my attention in reading through all these police reports, that all you got copies as well, that in the responding officers' opinions virtually all of these participants appears to be intoxicated which immediately brings up the point

of over serving. This apparently continues to be happening in some of our downtown establishments. I say some because I do know there are some establishments that do a great job of monitoring the service of alcohol in their establishments. But like many things a few bad apples spoil the whole bushel. Back in May I had a meeting in this room with all of our B&C liquor license holders in the City of St. Charles. Aldermen Lewis and Payleitner participated in this discussion and I think they will concur that one of the key issues that Chief Lamkin and I both stressed in that discussion with those license holders was the issue of over service. Every liquor license establishment has the responsibility to monitor the consumption of alcohol in their establishments; and if they could not do a better job of that, the City would be happy to step in and take care of that issue for them. It could not of been made any clearer on what the City's position was on this issue and given the occurrence of this issue on August 3, again it appears they have not heeded our requests.

I believe the City has a responsibility to everyone who chooses to frequent our entertainment establishments in the downtown business district to maintain a safe and friendly environment so that everyone who decides to enjoy themselves can do that. I believe this environment is threatened if our liquor license establishments continue to be irresponsible and inattentive in the service of alcohol to their consumers and customers. Tonight I am coming to you to request a reduction in operating hours for all B&C liquor license establishments in the City of St. Charles. That it be reduced to 1:00 a.m. closing time from Sunday through Saturday – seven nights a week. If our establishments are unable to monitor alcohol consumption in our business/entertainment district, we will reduce the number of hours they are to serve alcohol and we believe that will be a positive in reducing the practice of over serving their customers. Any questions? Chief Lamkin is here too if anyone has questions for him.

Ald. Krieger: This is a fabulous idea.

Ald. Bessner: Was there any consistency in the calls that have happen – meaning in one establishment vs. just a broad number across the downtown area?

Chief Lamkin: Lots of time what we have happen is these fights happen out on the streets afterwards. Most of the time these establishments start to notice they are not in the best condition and will push them out of the door. By the time we get there we are not necessarily always able to determine where their last stop was. There are probably a couple of bars that are a little less tight on their restrictions then others, but often times its already been pushed out into the streets.

Ald. Lewis: So the hours would be Monday through Sunday 1:00 a.m. and now it's 1:00 a.m. during the week?

Mayor DeWitte: It's currently 2:00 a.m. seven days a week. Previous to the 2:00 a.m. hour being established, it was 1:00 a.m. from Sunday through Thursday and then 2:00

a.m. Friday and Saturday where they were open until 2:00 a.m. I am requesting seven nights a week be limited to 1:00 a.m. as part of this process.

Ald. Rogina: I have a procedural question. If we were to approve this tonight, when would this come before the Council to actually approve it as an ordinance?

Mayor DeWitte: At the next Council meeting.

Atty. Good: I have no reason to believe that it can't be any later than September 4.

Ald. Rogina: I ask that only because given the time period it would give a fair chance to any licensee to come before us to make any rebuttal they may want to make responding the ordinance. Having said that, I join Ald. Krieger, I support this.

Mayor DeWitte: Thank you, as an aside from that same license meeting held in this room back in May, one of the last questions I asked the entire group was how many establishments see a benefit of the 2:00 a.m. closing time. I saw one hand get raised that evening. I know there are a number of establishments who don't even take advantage of the 2:00 a.m. hour. There are establishments that are closed by midnight on some nights of the week. They can close whenever they want, but this particular situation, if you go through the police reports and you see the times of some of these events or incidents occurring, there seems to be a predominance of calls that are later and later into the morning that I opined are contributed to alcohol being consumed later into the evening.

Chrmn. Martin: Direct a motion to entertain staff to draw up an ordinance.

Motion by Ald. Krieger, second by Rogina to draw up the ordinance to change the business hours for Class B and Class C license holders to 1:00 a.m. seven days a week.

Roll Call: Ayes: Stellato, Monken, Carrigan, Payleitner, Turner, Rogina, Krieger, Bessner, and Lewis; Nays: None; Chair. Martin did not vote as Chair. **Motion carried.**

b. Consideration of request from Mr. Rich Simpson to amend closing hours for Alibi Bar and Grill Restaurant located at 12 N 3rd Street.

Mayor DeWitte: This item was continued from the City Council meeting two weeks ago regarding the Alibi Bar & Grill.

Chrmn. Martin: Is this the Alibi Bar & Grill or the Alibi Restaurant? I believe we had an issue of that once before.

Mayor DeWitte: Excuse me I mis-spoke and didn't read it correctly off the agenda. It says Alibi Bar & Grill Restaurant.

Mr. Simpson at the council meeting two weeks ago had requested consideration of this committee to extend his hours of operation. It was continued to this meeting tonight. Mr. Simpson is here this evening and I invite him to come forward and address the Council to refresh your memory of what his issue might be.

Ald. Krieger: One question, his current closing hours are midnight?

Mayor DeWitte: His current closings hours are 11:00 p.m. Sunday through Thursday and midnight Friday and Saturday.

Rich Simpson, 236 E. Gillette, Elmhurst, IL 60126: Two weeks ago I asked to extend my hours. Many of my patrons who come into my place and due to the fact that I closed early; I lose many of my customers. I have constant complaints. I told you that I truly believe that I am changing the dynamics to the downtown area just by bringing an older crowd into the area. My banquets are suffering. I try to book banquets and people are not booking them because I have to close early. The hours are just suffering me. I'm not on an even playing field in the area and I think I need to get there in order to survive.

Ald. Turner: I'm going to vote for approval on this. I think it's really unfair that one person has one set hours and others establishments around him and further out cater to your crowd also have later closing hours. So I will vote for approval of this until 1:00 a.m.

Ald. Payleitner: Previous when Mr. Simpson was before us he did agree to change his name, correct? Secondly, originally your business plan said it was a restaurant not a bar, correct?

Rich Simpson: We agreed not to put the word bar on my awnings and my awning strictly says Alibi. Originally it was to be a restaurant and bar but now it's changed to strictly a restaurant. But due to the fact of all the banquet requests I can't survive.

Ald. Payleitner: And all the restaurants of similar classes have licensing that ends at 1:00 a.m.

Atty. Good: May I just refer the license class he's holding in case there is ever any other changes in the future. I know at present there is the intention to have on the 4th the ordinance to limit all hours to 1:00 a.m., but what class license do you hold?

Rich Simpson: B3

Atty. Good: So possibly you could amend it to that B3 license class?

Ald. Rogina: Given that this a committee recommendation and given the fact that we may change this particular license to 1:00 a.m. on the 4th; at this point Mr. Simpson is still under the old rule until the 4th?

Atty. Good: Yes.

Ald. Bessner: And that won't take effect until it goes through the Council as well for this particular request.

Atty. Good: I believe so and at that point you would just deem the conditions that were placed on the license to be no longer in effect and since that was not done by ordinance, I recall to impose limitation, it was done by the recommendation of the Council by the Liquor Control Commissioner it doesn't require any further ordinance, resolution, or appropriate action to let those condition go by the wayside and permit operation with the 1:00 a.m. license assuming it passes.

Ald. Krieger: If and when the Council passes the general 1:00 a.m., how long before that takes effect.

Atty. Good: Like any other ordinance, 10 days from after it passes approval and publication.

Ald. Carrigan: Because we have an agreement with Mr. Simpson, it was not by force of ordinance? Is it released now or is it released on the 4th?

Atty. Good: That's up to the liquor control Commissioner. It was under his authority with recommendation from the Council.

Mayor DeWitte: It's my intention of releasing him from the guidelines currently attached to his license. They would be removed at the time the B licenses closing time is changed. We can take care of both issues the same night and not until then.

Chrmn. Martin: Is that understood by you Mr. Simpson?

Rich Simpson: Yes.

Motion by Ald. Turner, second by Rogina to adjust the hours of the Class B3 license for Alibi Bar & Grill Restaurant to the standard B licenses.

Roll Call: Ayes: Stellato, Monken, Carrigan, Payleitner, Turner, Rogina, Krieger, Bessner, and Lewis; Nays: None; Chair. Martin did not vote as Chair. **Motion carried.**

8. Additional Items
None.

9. Adjournment

Motion by Carrigan second by Krieger to adjourn meeting at 8:10 p.m.

Government Operations Committee

August 20, 2012

Page 9

Voice vote: unanimous; Nays: None; Chair. Martin did not vote as Chair. **Motion carried.**

:tn



ST. CHARLES
SINCE 1834

AGENDA ITEM EXECUTIVE SUMMARY

Title:	Approval of an Ordinance Amending Title 5 “Business Licenses and Regulations,” Chapter 5.08 “Alcoholic Beverages,” Section 5.08.130C “License Hours of Sales” of the St. Charles Municipal Code
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Presenter:	Mayor DeWitte
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Please check appropriate box:

	Government Operations		Government Services
	Planning & Development	X	City Council (9/4/12)
	Public Hearing		

Estimated Cost:		Budgeted:	YES	X	NO	
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If NO, please explain how item will be funded:

Executive Summary:

At the August 20, 2012 Government Operations Committee meeting there was discussion regarding current liquor license hours of operation. Based on the discussion, the Committee recommended an ordinance to amend the City Code to change the closing business hours for Class B and Class C license holders to 1:00 a.m. seven days a week.

Attachments: *(please list)*

Ordinance

Recommendation / Suggested Action *(briefly explain):*

Recommend the City Council to approve an Ordinance Amending Title 5 “Business Licenses and Regulations,” Chapter 5.08 “Alcoholic Beverages,” Section 5.08.130C “License Hours of Sales” of the St. Charles Municipal Code.

For office use only:

Agenda Item Number: IIA4

**City of St. Charles, Illinois
Ordinance No. 2012-M-__**

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

*BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES, KANE
AND DUPAGE COUNTIES, ILLINOIS AS FOLLOWS:*

Section 1. That Title 5, “Business Licenses and Regulations”, Chapter 5.08
“Alcoholic Beverages” of the St. Charles Municipal Code be and is hereby amended by
deleting Section 5.08.130C in its entirety, and in lieu of everything thereof the following
language shall be substituted:

“ C. It shall be unlawful for any person holding a Class B-2, B-3, B-6, C-1, C-2,
C-3 or C-4 license issued pursuant to this chapter to sell, offer for sale or to give
away, in or upon any licensed premises, any alcoholic liquor between the hours
of 1:00 a.m. and 7:00 a.m. on Monday, Tuesday, Wednesday, Thursday, Friday
and Saturday; and between the hours of 1:00 a.m. and 10:00 a.m. on Sunday.”

*Section 2. That all ordinances and resolutions, or parts thereof, in conflict with
the provisions of this Ordinance are, to the extent of such conflict, expressly repealed.*

*Section 3. That this Ordinance shall be in full force and effect ten (10) days from
and after its passage, approval and publication as provided by law.* ~~Section 2. That all
ordinances and resolutions, or parts thereof, in conflict with the provisions of this
Ordinance are, to the extent of such conflict, expressly repealed.~~

~~Section 3. That this Ordinance shall be in full force and effect ten (10) days from
and after its passage, approval and publication as provided by law.~~

PRESENTED to the City Council of the City of St. Charles, Illinois this _____
day of _____, 2012.

PASSED by the City Council of the City of St. Charles, Illinois the _____ day of
_____, 2012.

APPROVED by the Mayor of the City of St. Charles, Illinois this _____ day of _____, 2012.

Mayor Donald P. DeWitte

ATTEST:

City Clerk

COUNCIL VOTE:

Ayes:

Nays:

Abstain:

Absent:

APPROVED AS TO FORM:

City Attorney

DATE: _____

City of St. Charles, Illinois
Ordinance No. 2012-M-__

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

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES,
KANE AND DUPAGE COUNTIES, ILLINOIS AS FOLLOWS:

Section 1. That Title 5, “Business Licenses and Regulations”, Chapter 5.08 “Alcoholic Beverages” of the St. Charles Municipal Code be and is hereby amended by deleting Section 5.08.130C in its entirety, and in lieu thereof the following language shall be substituted:

“ C. It shall be unlawful for any person holding a Class B-2, B-3, B-6, C-1, C-2, C-3 or C-4 license issued pursuant to this chapter to sell, offer for sale or to give away, in or upon any licensed premises, any alcoholic liquor between the hours of 1:00 a.m. and 7:00 a.m. on Monday, Tuesday, Wednesday, Thursday, Friday and Saturday; and between the hours of 1:00 a.m. and 10:00 a.m. on Sunday.”

Section 2. That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, expressly repealed.

Section 3. That this Ordinance shall be in full force and effect ten (10) days from and after its passage, approval and publication as provided by law.

PRESENTED to the City Council of the City of St. Charles, Illinois this _____ day of _____, 2012.

PASSED by the City Council of the City of St. Charles, Illinois the _____ day of _____, 2012.

APPROVED by the Mayor of the City of St. Charles, Illinois this _____ day of _____, 2012.

Mayor Donald P. DeWitte

Ordinance No. 2012-M-_____
Page 2

ATTEST:

City Clerk

COUNCIL VOTE:

Ayes:

Nays:

Abstain:

Absent:

APPROVED AS TO FORM:

City Attorney

DATE:_____



ST. CHARLES
SINCE 1834

AGENDA ITEM EXECUTIVE SUMMARY

Title: Recommendation for Approval of a Class E Liquor License, Amplification License, and use of City Lot "B" for the River Rock House Fest

Presenter: Chief Lamkin
September 2012

Please check appropriate box:

<input type="checkbox"/>	Government Operations	<input type="checkbox"/>	Government Services
<input type="checkbox"/>	Planning & Development	<input checked="" type="checkbox"/>	City Council (9.4.12)
<input type="checkbox"/>	Public Hearing	<input type="checkbox"/>	

Estimated Cost: **PD only \$5,057.76** Budgeted: YES NO X

If NO, please explain how item will be funded: sponsor requests consideration by City Council of reduced costs by not-for-profit sponsored event. Approval was granted at the August 27, 2012 Government Services meeting to cover 50% of the event funding since it is a not-for-profit event.

Executive Summary:

This event is being held, weather permitting, outside at the River Rock House Fest (formerly Chord on Blues) to promote awareness of TACA (Talk About Curing Autism) and raise funds to support the non-profit group. Organizers of the event request to close off the parking lot behind the establishment in order for this fest to take place. A \$5 donation is being requested of each attendee upon entry to this event.

The dates for the fest include Friday, September 28 – Sunday, September 30, 2012. Multiple local bands will be playing throughout the three-day event. **The following times were approved by the Government Services Committee on August 27th for this event: Friday: 5 – 10 p.m.; Saturday: 12 – 10 p.m.; Sunday: 12 – 8 p.m.** Booths of local vendors, including several food vendors, will be placed throughout the parking lot. In addition, River Rock House will have a grill and offer several food items for purchase in the lot.

Temporary fencing will be installed around the perimeter of the parking lot with required emergency, entrance and exit gates. ID's will be checked upon entry and wrist bands will be distributed for those 21 and over. While alcohol is served, the event organizers will have security on hand, in addition to the required Police staff hired specifically for the event.

Note: event organizers have agreed to continue to allow the St. Charles East Homecoming parade finishing point at this location as the event on Friday will not begin until 5:30 p.m. The event organizers have permission to begin setting up before 5:30 p.m. as long as the high school festivities have cleared the area.

Attachments: (please list)

Diagram of event layout; copy of Liquor License Application

Recommendation/Suggested Action (briefly explain):

The Police Department recommends approval subject to the conditions agreed upon by the Government Services Committee on August 27, 2012, as outlined above.

For office use only: Agenda Item Number: IIB5

**MINUTES
CITY OF ST. CHARLES, IL
PLANNING AND DEVELOPMENT COMMITTEE
MONDAY, AUGUST 13, 2012 7:00 P.M.**

Members Present: Chairman Carrignan, Ald. Stellato, Monken, Payleitner, Turner, Rogina, Martin, Krieger, Bessner, Lewis

Members Absent: None

Others Present: Mayor Donald P. DeWitte; Rita Tungare, Director of Community Development; Matthew O'Rourke, Planner; Russell Colby, Planning Division Manager; Chris Tiedt, Development Engineering Manager; Bob Vann, Building & Code Enforcement Manager

1. CALL TO ORDER

The meeting was convened by Chairman Carrignan at 7:00 P.M.

2. ROLL CALLED

Roll was called:

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

Absent: None

3. COMMUNITY DEVELOPMENT

- a. Recommend approval of a Resolution declaring default and authorizing the Mayor to demand payment under a Letter of Credit-Artesian Springs Subdivision.

Mr. Tiedt said that over the past 3 years Staff has expended a significant amount of time and effort to work cooperatively with Mr. Brummel to complete the remaining improvements within the Artesian Springs Subdivision, and at this time Staff is not confident that the improvements will be completed in a timely manner. He said it is Staff's desire to secure the funding and have the City complete the public streets, storm sewer punchlists and installation of sidewalks on vacant lots, and other remaining improvement's would be completed at a later date when homes are constructed on the vacant lots. He said the currently held letter of credit is in the amount of \$80,000 issued by the State Bank of Geneva, and the estimated cost of the public improvements is approximately \$95,400. At this time Staff is seeking Council's authorization to secure the necessary funding by the resolution declaring default and demanding payment on the letter of credit to complete the work. He said Mr. Brummel had been made aware of this.

Chairman Carrignan asked if anyone was there to represent Mr. Brummel and if so would they like to say anything. There was no response.

Aldr. Stellato made a motion to recommend approval of a Resolution declaring default and authorizing the Mayor to demand payment under a Letter of Credit-Artesian Springs Subdivision. Motion was seconded by Aldr. Monken.

Roll Call Vote:

Ayes: Stellato, Monken, Payleitner, Turner, Rogina, Bessner, Martin, Krieger, Lewis

Nays:

Absent:

Motion Carried.

- b. Recommend approval of a Temporary Parking Lot on the Phase III Site of the First Street Redevelopment Project and an asphalt carriage walk along the east side of First Street.

Mr. Tiedt said Staff was directed to explore options to construct a temporary parking lot on the Phase 3 site of the First Street Redevelopment Project. One of the cost effective options is to install a 50-space parking lot in the area by placing compacted processed asphalt grindings, with a top seal coat. The sand seal tar emulsion that would go over the top would provide a better surface to stripe the area and keep dust down. He said additional maintenance activity such as resealing, restriping and regrading may be necessary if the parking lot remains in place for more than a year. He said in addition there would be a 5ft. asphalt carriage walk placed on the east side of First St. from Route 64 to allow pedestrian access down to the temporary parking lot. He said that Staff does not have a lot of experience with constructing a temporary parking lot in this manner but that Staff believes the temporary parking will be very cost effective.

Aldr. Bessner asked if there is a demand for this parking outside of regular events. Mr. Tiedt said he is not sure of the demand and that Staff was just asked to look at what type of parking could be placed on that site. Ms. Tungare said there is ample parking in the parking deck, but there is a demand for more convenient parking.

Aldr. Bessner asked about seeding and blanketing and if it would just be literally around the perimeter of the parking lot. Mr. Tiedt said correct it would be just the disturbed area.

Aldr. Rogina asked if the asphalt carriage walk could become permanent. Mr. Tiedt said no, it would probably only remain in place until the 1 W. Main St. property is redeveloped.

Aldr. Stellato made a motion to Recommend approval of a Temporary Parking Lot on the Phase III Site of the First Street Redevelopment Project and an asphalt carriage walk along the east side of First Street. Motion was seconded by Aldr. Turner.

- c. Recommend approval of a Map Amendment, Amendment to a Special Use for a Planned Unit Development, and a PUD Preliminary Plan (Corporate Reserve Multi-Family Residential Development).

Mr. O'Rourke reviewed the Staff Report dated August 1, 2012. He said the applicant modified the proposal as follows: reduction from 331 multi-family units to 317 units, 2 building along the western property line have been reduced from 3 stories to 2 stories, and an increase in the contribution to the Housing Trust Fund from \$50,000 to \$1,300,000.

Paul Robertson-JCF Real Estate-1930 N. Thoreau Dr.-Schaumburg- said 3 significant changes have been made, the 2 buildings, 6 and 8, were previously 3-story buildings with 21 units each and were 44ft. 6in. tall. The buildings have been reduced by 1 floor each to be 2 stories, with a reduction of 7 units per building, reducing units from 331 to 317. He said the revised building height for the two buildings is 33ft. 8in., which is 10ft. 10 in. shorter than they were previously. He said this was done to address two concerns: the density, and to provide less visual impact on the west side and to the neighbors at Remington Glen. He said the increase in the contribution to the Housing Trust Fund was a result of the investors coming out of pocket with another \$1.3 million that essentially gets no return, and he added that more progress has been made with their financing.

Aldr. Stellato said in regard to Zoning Ordinance Section 17.18.050 Fee-in-Lieu, there is a second caveat stating “with the construction of 24 on site units” and he asked what the variance is. Mr. O’Rourke said the Ordinance requires that a fee-in-lieu cannot be paid for more than 50% of the required units for a development of this size. He said it would basically be a full waiver of the requirement to build any onsite units and then on top of that a reduction in what would be the other 50% of the fee-in-lieu to that amount. Aldr. Stellato asked if it had been quantified at all dollar-wise with the fee-in-lieu for the elimination of the affordable units. Mr. O’Rourke said essentially it would be double the amount stated in the staff report if it were a whole fee-in-lieu, which is \$4.8 million. Aldr. Stellato clarified that the number should be \$4.8 million and that the offer is for \$1.3 million. Mr. O’Rourke said that’s correct.

Aldr. Bessner asked if there had been any discussion with the Housing Commission yet regarding the suggested fee amount. Ms. Tungare said that as part of the process they are not required to go before the Housing Commission and that staff is looking for direction from Committee as to whether they would like a courtesy review from the Housing Commission, but that in the past several months they have indicated that they are not interested in engaging in negotiations with the developer on a case by case basis. She said the next item on the agenda is proposing a revised process and an establishing criteria so the Housing Commission will not have to engage in negotiations with developers on a case by case basis, but that if Committee feels that they would like it directed back to the Housing Commission, that staff would be happy to take it through that process. Aldr. Bessner said he doesn’t want to see any precedence set legally or morally in the future.

Aldr. Krieger said she is concerned about the economic viability of the project seeing as though a letter of credit was just pulled for some construction in that area and that there are also other housing problems for the area. She asked how the financing was going and if it would be going better if the property taxes, that were due in June, were paid. Mr. Robertson said the Tracey Cross report is now public record and it does show that rent is \$1.55 a sq. ft. and absorption of 14 units a month projected for the 331 unit project, so that rent level supports financing and capitalization of the project. He said they are close to signing terms sheets with a bank that would do all on their own balance sheet and also mezzanine investors to come in with additional money. He said all capital would be provided and committed for the entire project up front.

Aldr. Rogina asked about the future competition intensifying over the next few years with other apartment complexes. Mr. Robertson said there is a strong trend right now away from owner-occupied to rent and the report clearly indicates the strength of the performance for the AMLI

project. He said he thinks this product with all its amenities will reset the bar for anyone that will come behind it. He said he is aware of the Shodeen project that's trying to get re-entitled in Mill Creek and the work being done on First St. that could be rezoned from for-sale to for-rent, and he sees those as complimentary uses and that giving renters a choice is a good thing.

Aldr. Rogina asked if the future is really all that negative in respect to offices. Mr. Robertson said there is 30,000 sq. ft. of office right now that is 100% occupied and it took 4 years to get there and at that rate there is plenty of room to get the 587,000 sq. ft. leased. He said in the proposed area of the site there is 45,000 sq. ft. that can be put up in a 3-story building and that the concept of single story has been presented also. He said on the parcel that fronts Main St. there is the ability to fit at least a 45,000 sq. ft. building there and given current demand dynamics it would be another 5-year's worth of inventory.

Aldr. Turner asked about the comparable price ranges, mainly to AMLI or Mill Creek, and if the vacancies are really at zero or 1-2%. Mr. Robertson said that is correct. Aldr. Turner said he is not worried about it being absorbed over 3-years but as far as rezoning the land and losing office space, especially west of Randall Rd., that there is an alternative on Route 38 behind Meijer's and Lowes. He said he doesn't have much of a problem with the project even after listening to the residents, and that a year ago it was proposed 244 units and it wasn't wanted then either. He said he feels the issue is not density or traffic, but do the residents really want apartments and that is something the committee will need to decide. He said he is not a big fan of the Comprehensive Plan because it depends on all the stars aligning; good microeconomics, macroeconomic, a willing developer and a willing market and that doesn't really happen and there will always be changes happening to the Comprehensive Plan. Because there is land on Rt. 38 that is comparable for office research he is willing to change on this.

Aldr. Lewis asked in regard to the traffic study and extending Woodward Dr. with a traffic signal and if any conversations with the state or the county have happened yet for that to happen. Mr. O'Rourke said the signal at Woodward and Randall is something that has been contemplated and is being looked at in a more global sense and essentially the traffic study is looking at more "if" that happens. Ms. Tungare said if that would be considered as part of the development, direction would be taken from Committee at this time.

Aldr. Rogina commented on the traffic study saying that there are issues all over the area and there are also positive things to be said about the traffic depending upon the context.

Aldr. Lewis asked if there are any other trends comparable to the RM-3 Zoning. Mr. O'Rourke said there are some RM-3 zoned properties to the south that are undeveloped on the Kane County Fairgrounds property but there has been no movement on that, but that the general trend is north of Randall is more residential and south is commercial. He said RM-3 would allow 19.8 units per acre but the developer is not proposing a development that dense and in order to change anything they would have to come back and go through the whole public hearing process again.

Aldr. Stellato said in regard to Pine Ridge Park/Regency Estates that was approved back in 2006, he asked what the zoning was on that. Mr. O'Rourke said RM-1, even with the conversion to single family. Aldr. Stellato said back in 2008 the original plan for a business park was very well received and he feels there needs to be a compelling reason as to why we would change the Comprehensive Plan and he doesn't have that reason yet. Mr. O'Rourke said Regency Estates

was zoned in the Comprehensive Plan as “Business Enterprise” so there was a decision to change the density to RM-1.

Chairman Carrignan said after city ordinances and our Strategic Plan, he feels the Comprehensive Plan is one of the most important documents within the City and it lays a foundation to look forward and a vision to shoot at, but that any good plan should allow changes.

Aldr. Rogina asked what the members of the 2008 Council that voted on this as a corporate park as part of the Comprehensive Plan think of this proposal. Chairman Carrignan said when Corporate Reserve came forward it fit the Comprehensive Plan very well and it meshed together. He said he knows the economy had changed but from a Comprehensive Plan standpoint, which is 10-20 years out, he feels that the Comprehensive Plan was right for the West Gateway to be OR and office. He said he feels it’s an issue as to whether we have the need or the want for more apartments and that he also has an issue with the inclusionary housing differential being offered which is \$4.8 million, from where it started with the developer offering \$1.3 and there still being a \$2.7 gap. He said he also has an issue with changing the Comprehensive Plan to compete with First Street, which is in the Comprehensive Plan, and he is not positive right now on the change in zoning on the Corporate Reserves.

Aldr. Payleitner said she sits on the Housing Commission and that she felt the last offer of \$50,000 was an insult and that the Inclusionary Housing Ordinance is not a recommendation for a donation, it’s an ordinance. She said she hasn’t seen any justification for the variance request. Chairman Carrignan said he doesn’t feel the city has the right to take an ordinance and selectively enforce it. He said Lexington did come forward and do something similar but that they first met with the Housing Commission and were proactive in finding another solution, but that if Lexington came in front of Committee again he would vote no because its cutting the ordinance from the way it’s supposed to be set up.

Aldr. Turner said it should all depend on the direction of the Housing Commission. Chairman Carrignan said that is not the Housing Commission’s job but it is the Council’s job.

Henry Stillwell-Attorney for the applicant-300 E. Roosevelt Rd.-Wheaton, IL-said in regard to the Inclusionary Housing Ordinance that the application was filed well in advance of the ongoing effort to review the ordinance to determine what is appropriate. He said he has not seen any draft amendments but he understands there is something on the agenda tonight. He said to look at substance relative to economic viability that at one time seemed realistic and in today’s market is nothing more than a deal killer. He encourages, in respect to the program to seriously look at that and in conjunction with working with JCF Real Estate, he has spoken with other developers who have encountered similar situations elsewhere in the Chicago Metropolitan market place where communities require 15% for affordable housing with no relief and that has simply killed the deals. He said when dealing with a rental project there is a multiplier effect because when money is taken out of the project and you reduce the rents, you determine evaluation through capitalization, it reduces the value of the project. He said there is a very big fundamental issue relative to the viability of the Ordinance currently in place. He said he hopes the Committee would recognize the duration of effort placed by the applicant as well as the Plan Commission that there could be a way to craft an ordinance addressing that issue under the PUD process because staff has made it clear to the Committee. He said guidance is needed which will then trigger a formal hearing processes that will extend over the 7 month period before Council makes

a final decision. He said he hopes they can overcome some of the other hurdles raised tonight and identify a project that will be embraced by the community and also address the affordable housing issue. He said the fundamental issue voiced this evening about the appropriateness of rezoning from office to multi-family, he would like more direction because the application was done in good faith with every expectation of achieving success, but guidance is needed. He said they have identified in the Plan Commission hearing process that there is no economic viability with respect to the extensive amount of office that has been developed for the site and it needs to be determined where the viability comes into play against long term planning for the Comprehensive Plan. He understands that, but the line is not clear and at some point they want to come back with the kind of information that is being looked for and he feels they have not given enough substance to demonstrate that departing from the Comprehensive Plan is not appropriate in this particular instance. Chairman Carrigan said we are in the middle of completely redoing the Comprehensive Plan and expect to be finished in early 2013, if this were 8-10 years ago office was the right thing to put there and fit in the Comprehensive Plan. He said he still feels office is the right thing to have there and he is very interested to understand what the new Comprehensive Plan will say about the property. He said he understands the non-viability of office and there are places in town where it was viable 20 years ago and that's why there is a Comprehensive Plan in place, to tell us what to expect and look forward to, with the ability to change it. He said since we are on the cusp of a new Comprehensive Plan he would defer to that timeline and then come back and revisit this. Mr. Stillwell mentioned that he represented the Gottlieb interest on the Remington project to the west, and his recollection was at that time was non-residential and when the project came through there was a recognition through the discussion and the presentation materials that it was appropriate to convert that area to residential. He said he doesn't think they are setting a precedent but he does understand the issues that have been raised but that it is incumbent upon the applicant to present affective testimony and evidence to support their case, it is also incumbent upon the community to give sufficient guidance and guidelines to the applicant and that is what he is looking for right now.

Aldr. Stellato said Remington Glen is owner occupied as well Regency Estates, and he gets there is no market for that right now, but it has to be answered with those different degrees. He said to make change in the Comprehensive Plan to go directly from office to high density rental, he feels that's a stretch, but maybe there is a compromise with an owner-occupied type of multifamily housing, perhaps single-family if it's possible, and that to him that makes more sense than going right to the high density rental residential. He said there really is not a market for anything right now, but the Comprehensive Plan is looking years out and to make a compromise tonight and give direction, it would need to be measured in more degrees to see if residential is ok in some form on the site. He would need to see some sort of Comprehensive Plan that laid out the entire development and maybe protected the neighbors to the west giving them a buffer. He also said back in 2008 there was 3-story parking deck proposed with a 5-story office building and those neighbors bought there knowing that was a possibility, but because it was office they were ok because there would not be traffic on the weekends. He said he is not comfortable at this point changing the Comprehensive Plan based on the information he sees today.

Mr. Stillwell said they felt this was a reasonable request because they view this as a counter to what is adjacent residentially in all directions, internally as to what it is currently zoned, and what the intensity of land use that it is already approved for and how the intensity of the use proposed relates to that. He said they are down zoning and actually reducing the intensity and the reality is the market does not support the office use and if it did the applicant would jump on

that. He said how do we find the mix that creates the diversity of the housing types that every Comprehensive Plan seeks to achieve. He said there are attached townhomes to the west and also single family residential and what is missing from the residential component in this area is the multifamily rental product. He said this rental product should not have a stigma attached to it because this is a fine quality product that has been proposed with a nice amenity package and it has been clearly identified this is the type of development which will be beneficial to the community. He said they are a little confused because they have come forward with a strong reduction in the intensity of the use that is more compatible with the current market place that provides for economic vitality, financeability and something that could be in the 20 year plan. He said they are really disappointed and they do not want to quit tonight, they want to address this effectively. Chairman Carrigan said he has no issue with the quality of the product, it's the land use and the way the inclusionary housing is structured.

Aldr. Rogina said he sees the frustration, but that this is the Committee's only opportunity to banter things around and open a forum and that is what we are doing right now. He said the citizens have already come forward and given their input which is important but not the final word. He said there have been inconsistencies said here and he thinks there needs to be a happy balance, but a good point was made in regard to competition with First Street and there is also an interest we have as a city with respect to a TIF. He said with respect to this proposal, it is now their chance to put all the pieces together, but there is an Ordinance in place and the inclusionary housing needs to be dealt with before anything.

Chairman Carrigan asked if there were a negative vote tonight, if the process would completely start over. Ms. Tungare said yes, the Council would need to ratify at City Council, and then the applicant has the choice to start the process all over again but they would have to wait 1 year. A continuance would not need to be date certain, but the public would prefer a date certain. She said the Comprehensive Plan document will be complete and in front of Council by the first quarter of 2013, and as it stands this specific property was not being looked at as part of the Comprehensive Plan because there was a development application in process. She said if the direction from the Committee is to specifically look at this property, it would be included in the Comprehensive Plan process and it would not necessarily hold up the process.

Aldr. Stellato asked if there would be some type of scheduled workshop for the community's input on this site. Ms. Tungare said there are a couple more workshops scheduled but as long as there are not several steps taken back to re-host a West Gateway workshop, which was two weeks ago. She said she believes it could be spliced into the process and keep moving forward, and there will be opportunities for public input on the property as long as there is not a long drawn hearing process on any specific property.

Aldr. Lewis asked if the property is addressed and the public input is not even for business office, will it be rezoned. Chairman Carrigan said it would remain zoned as is, the Comprehensive Plan is a guideline and a vision of where the city thinks the property should be in 5, 10 and 20 years, it's not to change anything.

Mr. Stillwell asked for a consideration from the Committee since there has been many efforts put forth by the applicant to rather than continue this to date far in the future, he would like to talk to his clients and be able to determine where they are going with this before pushing this off 8-9 months into the future, and appear before the Committee again within the next couple months.

Chairman Carrigan clarified he just did not want to have a negative vote that evening and the applicant would have to start all over again. Mr. Stillwell said he appreciates that and Sept. 10 would be preferred. Aldr. Stellato clarified the Sept. 10 date for an open process for the neighbors of the property.

Aldr. Turner made a motion to continue the discussion to September 10. Aldr. Stellato seconded the motion.

- d. Discussion regarding Inclusionary Housing Ordinance Amendments (Chapter 17.18 of the Zoning Ordinance).

Mr. O'Rourke reviewed the staff report dated August 1, 2012. He then showed a PowerPoint presentation explaining the background of the Housing Commission and the Inclusionary Housing Ordinance. He then explained the proposed amendments and showed the affordability snapshot and the fee-in-lieu calculation.

Ms. Tungare said in regard to the snapshot which was also presented in June, it shows the city has 18.1% affordable housing, the state mandate is 10% and 2-3 years ago we were at about 16.4%. She said the 18.1% is misleading because Cumberland Green has been included which was not included in the previous analysis but that in spite of that there has been an increasing trend in our stock of affordable housing. She asked if the Committee would be interested in considering any other amendments to the requirements for the Inclusionary Housing Ordinance, or if they would rather consider some other options, because developers are asking for waivers for deviations from the Ordinance at this time and that staff is looking for direction from Committee.

Aldr. Stellato asked about the process and if there could be some type of open forum joint meeting with the Housing Commission and the Committee, because it's not just an issue of dropping the percentage but what do we want to do with that money.

Aldr. Rogina asked how much money is in the trust at this time. Mr. O'Rourke said around \$530,000. Aldr. Rogina suggested using some of that money to improve infrastructure where the value of the land is equal to the affordable housing, or curbs and sidewalks. Mr. O'Rourke said he would need to confirm with legal counsel but he believes the Ordinance has specific eligibility requirements that the money has to be spent on, and that is state law, not just our local ordinance.

Aldr. Payleitner said the 10% is the state mandate, but there are other state expectations, and we were on a watch list because we were under 20%. Mr. O'Rourke said there is another category of below 10% but that he doesn't know if there are any implications to be on that list.

Chairman Carrigan said the issue becomes that the box is pretty hard and fast relative to the money the developer has to put in, which is 25%, so if 10% is the minimum we have and 25% puts a sunset on the Inclusionary Housing Ordinance, that it's pretty much a flat line all the way across relative to what they would pay and the cash-in lieu changes every year relative to the market. He said he thought it might be interesting to look at having a sliding scale and if 10% is the minimum make 12% the trigger point, but that as our affordable housing stock increases we

are up to 18% now and it goes out to 22%, the number of units required shrinks down on a sliding scale to 0 at 25%, and cash-in-lieu at a much higher scale and not as steep of a slope. He said we want units, not the cash and the closer we get to the goal of 25% the less units we need, the less we should be requiring, and if we start sliding back the other way we just slide back up to the 12%, not 10% to give us a little cushion.

Aldr. Payleitner said she would like to discuss boundaries, and say if Corporate Reserves passed tonight that all of the sudden our percentages would have gone from 29% to 27% and our affordable housing drops 2 percent, so she feels going to 12% doesn't seem to be enough of a cushion. Chairman Carrignan said yes but that's a pretty big development, and he doesn't see a lot space that could bring in 500 units to bring it down 3-5%. Aldr. Payleitner said right now we are high on our single-family rentals and if the market changes that will also drop so there are other factors that could drop our percentages. Mr. O'Rourke said there is no way of knowing which of the single family rentals are affordable and are all counted as market rate right now but there could be some that are affordable.

Aldr. Turner asked if it is up to the Council to decide the percentage or number of units wanted and if that is because we wrote the ordinance versus the state law. Mr. O'Rourke said that is correct, we have our own ordinance and the Council and this Committee could make the decision or refer to the Housing Commission. Aldr. Turner said he agrees with having a solid scale and get rid of all the fudge factors and that he feels we have created our own problem here because it is so nebulous to say is 1.3 good enough versus say 2.4, in the example of Corporate Reserves. Chairman Carrignan said it's the opposite because it's such a hard flat line, because it's still the same exact requirements even if we had no housing stock. Mr. O'Rourke said this is eligible to be varied through the PUD and if that doesn't exist, whether there is a sliding scale or not, you cannot ask for this kind of fudge factor because it's eliminated.

Aldr. Rogina asked if the state statute prohibits the use of funds. Mr. O'Rourke said yes if the funds are received as part of a fee-in-lieu for affordable housing and then go into a housing trust fund they have to be used for affordable housing activities, and they are very clear about that. Aldr. Rogina asked if there had been any interpretation that affordable activities might include infrastructure. Mr. O'Rourke said the state statute is pretty specific, buying land to build affordable housing on, donations to nonprofits etc.

Chairman Carrignan asked staff to coordinate a meeting for the Committee and Housing Commission to discuss the sliding scale in maybe October or November. Ms. Tungare said another option would be to invite members of the Housing Commission to the next Planning & Development meeting. Chairman Carrignan suggested putting some specific proposals on the table to discuss.

Chairman Carrignan said because of the PUD we have an escape clause, and to take that away he worries about losing that escape clause. He asked what happens if the PUD exception is taken away. Mr. O'Rourke said there was an alternative presented tonight that has a little more criteria that is based on not being able to provide affordable housing.

Chairman Carrignan asked how we ensure compliance relative to the various grants they can apply for. Mr. O'Rourke said the Housing Commission had a very lengthy conversation

regarding that as well. Chairman Carrigan said with the compliance issue on something that slides over to the voluntary side, he gets nervous about with Lexington Club.

4. ECONOMIC DEVELOPMENT

- a. Recommend approval of an economic development incentive Agreement between City of St. Charles and St. Charles Chrysler Dodge Jeep, Inc. (1611 East Main Street).

Mr. Aiston said nothing had changed since the terms were presented back in May but that the purpose of the incentive program is to make for a long term commitment on the part of the Chrysler dealership to utilize property in the city that is currently vacant or underutilized as a location to run fleet dealership/sales. He said it's a good opportunity to bring money from outside of the market into the city and a good opportunity for the Al Piemonte group to enhance their existing dealership by adding around \$300,000 in improvements and purchasing two parcels of land for development purposes across the street and also the Redi-Mix parcel. He said the city will be retaining a half cent until the time it is paid back and then forever thereafter as long as the dealership is in place, the city will be keeping 100% of the sales taxes.

Aldr. Krieger said she is concerned about Tyler Rd. and Production that south of there is a driveway that was part of the old cement plant, and people are using that as a cut through to come out on Production Drive and she would like to see it either blocked or some sort of regulation set there. Mr. Aiston said according to the plan there is only one way in and out and the site will be separated into 2 different parcels, and the plan right now shows the only access would be directly off of Tyler.

Aldr. Stellato made a motion to approve the economic development incentive Agreement between City of St. Charles and St. Charles Chrysler Dodge Jeep, Inc. (1611 East Main Street). Motion was seconded by Aldr. Monken.

Roll Call Vote:

Ayes: Stellato, Monken, Payleitner, Turner, Rogina, Bessner, Martin, Krieger, Lewis

Nays:

Absent:

Motion Carried.

5. ADDITIONAL BUSINESS

- a. Update on the Comprehensive Plan Project-Information only.

Mr. Colby gave a brief update on the Comprehensive Plan Project.

6. ADJOURNMENT-8:35 P.M.



ST. CHARLES
SINCE 1834

AGENDA ITEM EXECUTIVE SUMMARY

Title: Recommendation to Approve Wells 3 & 4 Radium Removal Construction Project Change Order #7

Presenter: John Lamb

Please check appropriate box:

<input type="checkbox"/>	Government Operations	<input type="checkbox"/>	Government Services
<input type="checkbox"/>	Planning & Development	<input checked="" type="checkbox"/>	City Council 09.4.12
<input type="checkbox"/>	Public Hearing	<input type="checkbox"/>	

Estimated Cost:	NA	Budgeted:	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
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If NO, please explain how item will be funded:

Executive Summary:

Staff is requesting approval of Radium Removal Project Change Order #7 for the following item:

Deduction of \$112,860.00 for liquidated damages assessed to EVS Construction Inc. This amount is based on the project being delayed for sixty-six (66) days at a penalty of \$1,710.00 per day.

This amount will be deducted from the retainage amount for the project.

Attachments: *(please list)*

EI Change Order and Recommendation
Change Order #7 Form

Recommendation / Suggested Action *(briefly explain):*

Staff recommends approval of Radium Removal Project Change Order #7 in the amount of \$112,860.00 and a Resolution authorizing the Mayor and Clerk to execute on behalf of the City of St. Charles.

For office use only:

Agenda Item Number: E1

CHANGE ORDER

Order No. 7

Date: August 29, 2012

Agreement Date: June 16, 2010

NAME OF PROJECT: Wells No. 3 and 4 Radium Removal Project and associated appurtenances.

OWNER: City of St. Charles

CONTRACTOR: EVS Construction Company

The following changes are hereby made to the CONTRACT DOCUMENTS:

Assessment of Liquidated Damages

Justification:

The Contractor failed to complete the work for the contract until October 12, 2011, which is 66 calendar days after the required contract completion date of August 6, 2011. Per the Contract Documents, a fee of \$1,710 per consecutive calendar day is to be assessed to the Contractor as liquidated damages for failure to complete the work by the contract completion date (Deduct: \$112,860.00). Said liquidated damages are being taken out of the retainage being held by the City of St. Charles.

Change of CONTRACT PRICE:

Original CONTRACT PRICE: \$ 5,646,000.00

Current CONTRACT PRICE adjusted by previous CHANGE ORDER(S) \$ 5,704,295.51

The CONTRACT PRICE due to this CHANGE ORDER will be ~~(increased)~~ (decreased)

by: \$ 112,860.00

The new CONTRACT PRICE including this CHANGE ORDER will be \$ 5,591,435.51

(continued)

CO-01

CHANGE ORDER NO. C-7

Page 2

Change to CONTRACT TIME:

The CONTRACT TIME will be ~~(increased)~~ ~~(decreased)~~ by 0 calendar days.

The date for completion of all work will be August 6, 2011 (Date.)

Approvals Required:

To be effective this Change Order must be approved by the Illinois Environmental Protection Agency if it changes the scope or objective of the PROJECT, or as may otherwise be required by the SUPPLEMENTAL GENERAL CONDITIONS. Until said approval is granted, the Change Order is not effective.

Requested by:  EVS Construction Company

Recommended by: _____ Engineering Enterprises, Inc.

Accepted by: _____ The City of St. Charles

Approved by: _____ Illinois Environmental Protection Agency