

**MINUTES
CITY OF ST. CHARLES, IL
GOVERNMENT SERVICES COMMITTEE MEETING
MONDAY, JANUARY 28, 2013, 7:00 P.M.**

Members Present: Chairman Stellato, Aldr. Carrignan, Aldr. Payleitner, Aldr. Turner, Aldr. Rogina, Aldr. Martin, Aldr. Krieger, Aldr. Lewis

Members Absent: Aldr. Monken, Aldr. Bessner

Others Present: Brian Townsend, City Administrator; Donald DeWitte, Mayor; Mark Koenen, 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; Joseph Schelstreet, Acting Fire Chief

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

2. Roll Call

K. Dobbs:

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

3.a. Electric Reliability Report – Information only.

Information only.

3.b. Tree Commission Minutes - Information only.

Information only.

Aldr. Krieger: In the Tree Commission report, it says you are eliminating maple trees. Is this true?

Mr. Koenen: I don't believe the maple tree is being totally eliminated, but rather we are aiming for a lower percentage of maples planted since they are the most popular and that is not consistent with our diversity policy.

3.c. EAB Control Efforts – Information only.

Information only.

4.a Update Regarding St. Charles Tavern Association and Joint Efforts of City and Association.

Chief Lamkin presented. We are presenting an update on the progress between the City and the Tavern Association. A few things that have been implemented are: a 1:20 a.m. last call; bars are not allowing people to enter after 1:30 a.m.; a hand stamp system so door people know where they have been last. One of the largest things that the Police Dept. has experienced is that while we are still receiving calls, it is by the bars when a patron is giving them a hard time, rather than in the past when we were getting calls once the situation escalated. They have also initiated a ban list to eliminate unwanted patrons coming into the bars.

Steve Baginski, owner of The Beehive: Members of the Tavern Association at this time are: The Beehive, Alley 64, Pub 222, Dawn's Beach Hut, The Alibi, The Filling Station, Second Street Tavern, Thirsty Fox, River Rock House, Rookies and The House Pub. Whenever we have a meeting we have had 100% participation. The last time we talked, Aldr. Turner and Aldr. Carrignan had a concern about public intoxication and over serving. Immediately after the last Committee Meeting, we held a meeting with Chief Lamkin and all staff management to discuss how to address over serving. The result thereafter is a significant decrease in over serving, especially during the holiday weekends.

An overview of the ten by-laws set by the Association are: Last call is at 1:20; after last call the doors are locked so there is no re-entry. Last drink is served at 1:40. Signs are posted regarding fighting – police will be called and they will be fined. There is a guideline for when an over served person is identified, they are cut off and we work to find them transportation home, either within their group or by calling a cab. If the person is still insistent on not leaving, we call the Police. As per City Code, after 11 pm all exits are to be manned by an employee checking an ID and checking to make sure no drinks leave the premises. Most of the taverns start to do that at 9:00 pm, I start it at 8:30 pm.

We also have a banned list that is circulated among the members. If a person is banned from three places or more, they are banned from every place in Downtown St. Charles. We are working on a legal slip that we can give to the person and the Police Dept. That

way, if they show up on the premises we can have them removed for criminal trespass. As for the exterior of the building, the association members agree to maintain the exterior of our own building to make sure downtown looks nice.

We agree that every two years Bassett Training needs to take place. If we see a trend taking place, we will get together and figure out what to do. We are attempting to schedule at least quarterly meetings with the Police to see what trends they see happening to stop it before it gets out of hand. We will work with all the other members to make the downtown a better place.

Aldr. Lewis: When you do last call, how many drinks can they order at that time?

Mr. Baginski: One per person, and to get drink, you have to have an ID for each drink. You can't come up and say you want four drinks because there are four people at your table.

Aldr. Lewis: Can children be in your establishment late at night?

Mr. Baginski: In my establishment, once my kitchen closes, you must be 21. My kitchen closes at 9:00 pm during the week and 10:00 pm during the weekends. If kids are having dinner with their parents and it's 10:00, the bouncer will let you finish dinner and then they have to leave. If you are 20 years old and you are with a group and you are the designated driver, you can't stay.

Aldr. Krieger: I notice we have had a lot of police and fire activity with intoxicated people and I'm not at all happy with how this is going. I think you've had a lot of time and I don't see much of an improvement.

Aldr. Martin: I agree. I don't think the Association has corrected the over serving, unless the young female in the most recent situation had the flu.

Mr. Baginski: Are you referring to the young lady at the Alibi?

Aldr. Martin: I believe it started somewhere at Pub 222 and ended at Dawn's. Can you relate to this Chief? Did you check the reports this weekend?

Chief Lamkin: I'm not familiar with that particular one, but I'm not going to tell you we don't have some over-service once in a while; we do. In situations where we have been able to tie it back to a specific establishment, we have cited people appropriately, and we will continue to do so.

There were a couple things on our incident log from over the weekend, that were listed as disturbances. As I looked at them further, the reality was that it was the door people turning people away who didn't want to take no for an answer. That's just the way the reports get coded into the system, but I do think the door people are making a better effort than they had been.

Aldr. Martin: There is still a great deal of over-serving, and until they get that out of the way, I'm going to be persistent in demanding that we cut back the hours.

Aldr. Rogina: First, I want to start by commending Dr. Baginski and Chief Lamkin for taking the initiative to attempt to control the issue. I agree with my colleagues to the fact there have been some incidents lately and we can do better. Chief has made this clear to me, and I agree with him 100%; in many instances it is difficult to blame one particular licensee because a fight occurs in the street or outside the realm of the licensee's establishment.

Moving forward, all I want to do is continue this conversation, and I would like staff to address two questions; is there a model out there to making a 2:00 a.m. closing a privilege subject to annual review by this Council? We are going to review every licensee and we are in a position to pass judgment moving forward.

I'm going to say my second comment bluntly, I think the Liquor Commissioner has too much latitude and I would like to see an ordinance where there are specific punishments for specific offenses with, at some point, the punishment being revocation of your license, subject of course to due process.

I would also like to take a look at the B&C licenses only because, I'm not so sure that when the kitchen is closed at 9:00 pm, you become purely a bar. If you become a bar, you are not the same as Za Za's or any other establishment that serves liquor.

Aldr. Turner: Have you increased association membership since the last time?

Mr. Baginski: We have made an effort, but we have not received any response from McNally's or The Office, but we have added Rookies since the last time. Isacco's changed their sign to Isacco's Bar & Grill, but I'm not sure what they are doing.

Aldr. Payleitner: Chief, you have a historical perspective I don't have. Do you see an improvement?

Chief Lamkin: The biggest improvement is that we have a central point of contact through the association for the all-encompassing issues. When I look back at the fighting citations for the year, the majority of fighting citations we issued were prior to the end of September. If you recall, the end of September was when we took a renewed interest in trying to do a better job. We had significantly less problems with the violations. We increased the fines on public intoxication and public urination. Looking over the statistics, I don't see the same people we were having problems with, which is a good thing. Overall, there is a lot of improvement, but there is always room for more improvement. Staying the course and keeping the dialogue open is very important to us.

Aldr. Payleitner: I value your opinion on this a lot. I can go through the report, but like you say, there is a lot more to the story sometimes. Just because the number is up, just means the Police are more involved.

Chief Lamkin: That's a good point, when we focus more closely on something, we end up with more charges. It doesn't mean there is a bigger problem, it just means we've given more focus to drive the numbers down. In the instance with the fighting citations, we don't have the fights that we did at one time.

Aldr. Carrigan: One of the things that we have heard is perception. I would be interested in knowing statistics. I want to know numbers. How has it improved? Have we had less fights? Can you document that? At the end of the day, people are going to have different perceptions of what is acceptable and what is not. When you have a documented process, we can see measured improvement. I would be interested in a quarterly "for information only" update.

I also think that Aldr. Rogina has something of merit when he talks about the privilege to have a license that goes until 2:00 a.m.; I think that needs to be investigated.

Aldr. Lewis: Have you noticed any difference in the amount of business you have had since you put these tighter rules and restrictions in? What is the feeling of your customers about what is happening?

Mr. Baginski: The compliments I have received is that it's a nice place to go; it's not a wild place or overly loud and people enjoy that. I've been to some of the other ones and my feeling is that I notice an overall calmness. Even the day before Thanksgiving, it was very busy, but it wasn't a wild night.

Aldr. Lewis: The customers don't notice that you've got rules posted or they don't question getting their hand stamped?

Mr. Baginski: They've asked and we explain it to them. We've always closed at 1:20, so last call isn't a problem for us.

Aldr. Lewis: I'm curious as to why it's so important to stay open between 1:00 and 2:00 a.m. What is so important that you need to be open?

Mr. Baginski: It's a very busy hour and when I talk to a great deal of customers that range in age from 22 to mid-40's, a lot of them don't come out until 10:30 or 11:00 pm. When the younger kids are home from college, they don't go out until 11:30 pm. They have said that if St. Charles is going to close at 1:00 a.m., they would find someplace else to go.

Aldr. Lewis: But I don't know that we need to cater to them because that's what they are used to doing; just because they are home from college we need to accommodate them? I don't agree that's what we need to do.

Mr. Baginski: It's not only about college students; I have a lot of customers who come out that late. I've had certain events at that bar, for example UFC Fights. Some of those don't end until 1:15 a.m. If I were to have those, I couldn't have the main event because I would be closing at 12:30 a.m.

Aldr. Carrignan: We started this process last fall. The recognition of the problem is the first step. Measuring results would be the second step. As we go forward, this summer is going to be a tell-tale sign to measure success. I think you've made good strides. Now, let's see the numbers to show it's being corrected.

Aldr. Rogina: With that, I would like to make a motion that at the next Government Services Meeting, staff presents us with a response to the question "Is there a model for making a 2:00 a.m. closing a privilege"? If not, why not? Also, can you provide us with a model of an ordinance that has specific punishments for specific offenses by licensees, ending in revocation of the license at some point after due process? Then perhaps a discussion as well to revisit the B&C Licenses.

Aldr. Martin: I second the motion.

Aldr. Carrignan: I would like to amend that motion to provide statics from last September, to understand what progress we have made.

Chief Lamkin: Do you want the statistics for the Downtown Bars only?

Aldr. Carrignan: Yes.

Chairman Stellato: Does the originator of the motion agree?

Aldr. Rogina: Yes.

Chairman Stellato: And the second?

Aldr. Martin: Yes. I've done some research on this Jim, and if you check the Naperville Ordinance, you might find something there.

Aldr. Lewis: I would like to see it go farther than Downtown.

Aldr. Rogina: Obviously everyone is innocent until proven guilty, but I did not like the example of a hate crime being alleged on one of our licensee properties.

Aldr. Martin: Let's start with the Downtown.

No further discussion.

Chairman Stellato: Please call a roll.

K. Dobbs:

Carrignan: Yes

Payleitner: Yes

Turner: Yes

Rogina: Yes

Martin: Yes

Krieger: Yes

Lewis: Yes

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

4.b. Recommendation to approve Parking Lot Closure and Amplification Equipment for the 2013 Irish Fest to be held March 15-17, 2013

Chief Lamkin presented: This is an Irish Fest that has been proposed by McNally's through the Special Events process that would be held the weekend of March 15-17. Shay Clark from McNally's is here. They have asked for the music to play until 11:30 pm and alcohol service would end at midnight. The alcohol service would be authorized under a Class E-2 Liquor License. In addition, a parking lot closure is requested for the temporary parking lot on First Street where a tent would be erected and Irish Bands would play.

Shay Clark, I'm the General Manager of McNally's Irish Pub: We intended to have an Irish event to coincide with St. Patrick's Day, to put up a tent and have Irish music, dance and bag pipers. This is an event like we've had before at our other location.

Aldr. Martin: Amplified music until 11:30 pm is not allowed. Typically it's 10:30 pm.

Mr. Clark: What is different about this is that it is traditional Irish music which would not necessitate the kind of amplification as rock music.

Aldr. Martin: It's amplified, and that's the problem. It's got to be cut back. It can't be 11:30 pm.

Mr. Clark: Perhaps we could make sure that the music between 10:30 and Midnight is not amplified.

Aldr. Krieger: No. It has to be 10:30. I also think the alcohol service should be cut back to 10:30 also. I would approve this with music to end at 10:30 pm and alcohol service to also end at 10:30 pm on March 15 and March 16.

Aldr. Martin: Second.

Chairman Stellato: Discussion?

Aldr. Carrignan: There is a significant difference on March 15, 16 and 17 than there is in June for River Fest. Usually people have their windows closed in March.

Aldr. Krieger: With all due respect, when this festival has been held on the parking deck or on Second Avenue, we have had complaints regardless.

Aldr. Carrignan: Sure, but where you look at where it's located this year.

Aldr. Krieger: What about the apartments on Main Street?

Aldr. Carrignan: I can live with 10:30 for the music, and 11:30 for the alcohol, but that's not the motion on the table.

Aldr. Martin: What was it last year, Chief?

Chief Lamkin: This is a new event.

Aldr. Lewis: What was it when it was the old McNallys? I remember it was outside with music.

Mr. Clark: That was before my time. I remember the event, but I wouldn't have an idea as to what time and what kind of music.

Aldr. Krieger: It was 10:30.

Aldr. Lewis: I recall the music not being bag pipes, but it was rock bands.

Aldr. Carrignan: If I recall, it was music until 10:30 pm and alcohol until 11:30 pm.

Mr. Clark: Would unamplified music for the last hour be okay?

Aldr. Krieger: No.

Aldr. Carrignan: What would stop him? If the Ordinance says amplified, they can play unamplified music. What would stop him?

Chairman Stellato: Call the motion.

Aldr. Martin: Music until 10:30 pm and alcohol until 10:30 pm on Friday and Saturday.

K. Dobbs:

Carrignan: No

Payleitner: No

Turner: No
Rogina: No
Martin: Yes
Krieger: Yes
Lewis: Yes

Aldr. Carrignan: I make a motion to allow for the Irish Fest music amplified until 10:30 pm and alcohol until 11:30 pm on Friday, March 15 and Saturday, March 16, with the inclusion of an E-2 Liquor License.

Chairman Stellato: Kristi, please call a roll.

K. Dobbs:

Carrignan: Yes
Payleitner: Yes
Turner: Yes
Rogina: Yes
Martin: No
Krieger: No
Lewis: No

No further discussion.

Motioned by Aldr. Carrignan, seconded by Aldr. Payleitner. **Motion carried.**

4.c. Recommendation to approve a Resolution and amplification equipment for the 2013 St. Patrick's Day Parade.

Chief Lamkin presented. This is a Resolution requesting the closure of Main Street and use of amplification equipment for the St. Patrick's Day Parade to be held Saturday, March 16. The closure would be from approximately 1:30 to 3:30, and it's the normal parade route.

No further discussion.

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

4.d. Recommendation to approve road closures and amplification for the 2nd Annual Prairie State Cycling Series on July 21, 2013.

Chief Lamkin presented. This is the second year for this event, with the same route as last year. They will use First Street, come down around Prairie, come across and back up. The event is July 21, starting around 6:50 am, with a 6:30 am closure. The event runs all day long. We had a complaint last year with regard to closure on the south end,

and we've been able to work with the event sponsor and the affected business to correct the situation this year.

Aldr. Martin: When are they going to start the amplification?

Event Sponsor: 8:50 am, the time of the first race.

Aldr. Krieger: Last year they were sound testing at 6:30 am, which is way too early.

Event sponsor: We can do it later.

Chief Lamkin: We can have Police personnel there also to monitor it and make it doesn't start until a reasonable time of morning.

Aldr. Martin: We had a number of complaints about the bridge closing and we hope that has been worked through.

Aldr. Lewis: I was out of town last year when this event took place. Are both bridges closed to traffic both ways?

Chief Lamkin: Yes.

Aldr. Lewis: So all day long the only bridge open is Main Street? I think this is a wonderful event, but I have a concern with shutting down two of the three bridges for that period of time.

My name is Crane Patten, 1060 N. Second Avenue, St. Charles: That's one reason we picked Sunday because usually that's the lighter traffic day. With the amount of volunteers and the help of the Police Department, we were able to keep traffic flowing, so I don't think it caused a dramatic problem. We have several races for the kids and families, so this is really a wellness event. We are going for the Illinois Criterium this year which is the big race in Illinois. We are one of three sites that have been petitioned to come forward and try to get that race here. If we can get it here, it will bring in a lot of pro racers and will really do a lot for St. Charles.

Aldr. Lewis: What about emergency vehicles? Would they be able to use the bridge if needed?

Mr. Patten: Yes.

Chief Lamkin: The Police Department did not receive any complaints about the bridges being closed.

Aldr. Carrigan: I had the opportunity to meet Sammy and the folks at the bike shop. I went to the race and it's a spectacular day; well worth going down. Sammy's Shop is becoming a hub for cyclists, St. Charles is becoming a destination known for cycling.

With that, I recommend approval of street closures and use of amplification equipment after 7:30 a.m. for the Second Annual Prairie Street Cycling Series.

Aldr. Martin: Back to the closing of the bridge; last year was an experiment and we hope the experience you had will correct it and make it easier.

Aldr. Payleitner: How has the issue with the Brownstone residents been addressed?

Mr. Patten: They are aware of when the races are, and they can get in and out in between the heats.

No further discussion.

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

4.e. Recommendation to approve Fifth Amendment to Intergovernmental Agreement (TriCom Central Dispatch) between the City of St. Charles, City of Geneva and the City of Batavia.

Chief Lamkin presented. The Tri-Com Agencies were founded under an Intergovernmental Agreement in 1976, with the Tri-Cities being considered the legacy agencies. In recent years, with the issues with communications, Tri-Com has been approached to add agencies. A few years ago we added Elburn and we have since been approached by other communities.

This is an amendment to the original agreement while preserving the legacy agencies ability to carry the votes to make sure there is a contribution toward capital reserve and make sure funding is put in place for the agencies who want to operate. This allows us to maintain funding and voting rights and keep capital reserve money in place.

Staff recommends approval of the Fifth Amendment of this Intergovernmental Agreement.

Aldr. Turner: I agree with the Chief. I've been on the Tri-Com Board for eight years and it was a pet peeve of mine as to how we were paying for it. This is a much more fair formula and in the long run, St. Charles is going to save money on this.

No further discussion.

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

4.f. Recommendation to approve certain fees related to towing.

Chief Lamkin presented. We review our towing fees periodically to make sure they are current. There are some areas where we it appropriate to increase in order to be competitive but not excessive.

Staff recommends approve of the revision of particular parts of the Ordinance as outlined in your information.

No further discussion.

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

4.g. Recommendation to approve various Ordinance updates.

Chief Lamkin presented. Two traffic regulations that I have outlined deal with parking lots being restriped and some changes in the configurations; the diagrams are included in your packet.

The other items are related to the Red Gate Bridge. We recognized after we got the bridge open we needed some traffic laws, such as weight restriction, speed and pedestrians being restricted from the highway surface itself.

No further discussion.

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

4.h. Recommendation to approve the Purchase of Truck Scales.

Deputy Chief Kintz presented. The Police Department is requesting the replacement of truck scales that we use for truck enforcement. If you aren't aware, we have a facility on Ohio Avenue at 37th Avenue where we have scales in the ground to weight the trucks. The original scales were installed in 1994 and we've tried repairing them, but it's not working.

As you can imagine, there are very few companies that make this type of in ground scale system. We did have two competing bids, the bid that was nearly \$5,000 less is from Allied Measurement Systems.

Staff recommends approval to waive the formal bid procedure and approve the purchase of the truck scales in an amount not to exceed \$25,518. This is a budgeted item that is \$518 over but that's because of freight. We are going to try to negotiate the shipping, so the intention is we will come in under budget.

No further discussion.

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

4.i. Recommendation to approve Mixed Martial Arts event at the DuPage Expo on March 9, 2013.

Chief Lamkin presented. This is a proposed Mixed Martial Arts event at the DuPage Expo Center on March 9, and is straight forward as in the past. They are requesting the event run from 7:00 pm to 11:00 pm and the doors would open at 5:30. They would like it open to all ages and alcohol would be verified at age 21 wearing a wristband. There is an existing license for alcohol. The Fire Department has reviewed the layout so we have the appropriate exists necessary for the size of the group that might be expected.

Aldr. Rogina: Does this fall in line with the precedent that we've set before with this particular event?

Chief Lamkin: This is identical to what we have done in the past, yes.

Aldr. Payleitner: Is it the same sponsor?

Chief Lamkin: This is a different one than we've had before.

Aldr. Payleitner: The ones before were the same sponsor, right?

Chief Lamkin: We had the same sponsor who had more than one event and prior to that he had a single event at the Fairgrounds with a different sponsor, so this is maybe the third sponsor.

Aldr. Payleitner: I remembered privileges being added incrementally for the previous sponsor after he proved himself.

Chief Lamkin: Initially we had a discussion on the age group. I looked back and the last one that was approved was approved for all ages as long as the wristbands were in place, but we did have an age restriction when they came before Committee.

Aldr. Lewis: I looked back at my notes and found a paper that I read on 1/10/11 and basically my feelings haven't changed much. I know people participate in this sport, they enjoy watching it, and it's not for me to judge. But I do have a problem with all ages. I originally stuck with 21, I was never for it when it became under 21. There is a good argument for having 18 years of age, which I believe this Council voted in favor of. I just can't support this at all ages.

Aldr. Rogina: Didn't we have a lengthy conversation about all ages or limit it to 18?

Chief Lamkin: Actually it was the time before the last time. The last time it was approved at all ages, but prior to that, we had those discussions. A rhetorical question is if parents want to bring their child to this event, who are we to stop them?

Aldr. Lewis: We don't allow them in our bars downtown at 11:00 pm.

Aldr. Rogina: We have had an event where it was 18 and above, correct?

Aldr. Lewis: It was at 21; if they want to change it to 18, I can support that, but not anything under that.

Chairman Stellato: Is the applicant here?

Rich Salda, I live in Sycamore.

Keith Hackney, I live on Brookhaven in St. Charles.

Mr. Hackney: I own a martial arts school in Roselle, also. I know Mixed Martial Arts gets a bad rap, but we have kids, women and families that come in and train. This is a family oriented event and a lot of people are coming to see their family member compete.

Aldr. Lewis: In a cage?

Mr. Hackney: In a cage, yes, but it's a sport. There is a referee who will stop the fight if necessary. There are a lot of safety measures taken. I know it may seem brutal when are you are watching, but a great deal of martial arts training is done in order to compete.

Mr. Salda: It's an Olympic sport, so is boxing.

Aldr. Lewis: It's not for me to judge who watches it and who wants to participate. That's not my job; my job is to set some direction as to what goes on in the City of St. Charles. I cannot support this for young children.

Mr. Hackey: I respect your opinion. This is our twelfth show; we had a show at the Sears Center on September 22, 2012 and it was family oriented. We have never had a problem at any of our shows.

Aldr. Lewis: Would you be agreeable to have the age set at 18?

Mr. Hackey: Yes, we can do that. Just out of curiosity; could we talk about changing the age limit when we do our next one? We would like to do one a year here in St. Charles.

Aldr. Payleitner: Yes. I feel like we made the previous sponsor jump through a bunch of hoops to prove himself and I would feel bad if we didn't require the same of you.

Aldr. Rogina: Is this the first request you've had to change the age to 18 and above?

Mr. Hackey: Yes; I've never had this request before. It's always been family oriented. We have had shows in McCook, Hoffman Estates, DeKalb, Lemont, so we've got a good reputation as a show. We have a \$2 million insurance policy, \$100,000 per athlete, so it's not like we're a run of the mill show where we are going to come in and try to make as much money as we can. We are trying to build something for the long term here.

Mr. Salda: We are also sanctioned by the State of Illinois and they will have a representative in attendance from their professional and financial regulation committee.

Aldr. Lewis: I'd like to make a motion that we approve this with age 18 and older.

K. Dobbs:

Carrigan: Yes

Payleitner: Yes

Turner: Yes

Rogina: Yes

Martin: No

Krieger: No

Lewis: Yes

No further discussion.

Motioned by Aldr. Lewis, seconded by Aldr. Rogina. **Motion carried.**

4.j. Recommendation to approve a Class E2 Temporary Liquor License for an event at the Kane County Fairgrounds on Sunday, February 3, 2013.

Chief Lamkin presented. The Geneva Park District is having a 5k run on Sunday, February 3 and they want to have a pre-Super Bowl party at the Fairgrounds. They have asked Alley 64 to provide the food and beverage. Alley 64 has requested a class E-2 Temporary Liquor License to operate there.

Staff recommends approval of the Class E2 Temporary Liquor License.

K. Dobbs:

Carrigan: Yes

Payleitner: Yes

Turner: Yes

Rogina: Yes

Martin: No

Krieger: No

Lewis: Yes

No further discussion.

Motioned by Aldr. Carrignan, seconded by Aldr. Turner. **Motion carried.**

5.a. Recommendation to approve Fox Glade Court Easement.

Mark Koenen presented. For those of you who are not familiar with this area, Fox Glade Court is on the southwest side of St. Charles; it's a cul-de-sac extending from Roosevelt St. There are four lots where pairs share a common side yard easement and there is a sidewalk that extends along this common side yard. It's part of a plat which was approved in 1969. In that plat, it talks about a pedestrian way to provide residents of The Oaks Condominiums an area to walk through the side yard, continue to Fellows Street, and for school children to proceed west to get to Davis School.

The residents who live in the four homes today are concerned about the liability of having a public walk in the easement on private property. This is a rather unusual situation but isn't necessarily uncommon. In your packet there are documents which include an Indemnification Letter that the property owners have all executed at this point.

Staff recommends approval of the Fox Glade Court Indemnification letters.

Aldr. Lewis: Thank you, Mark. I have worked with this resident since last June. He was very considerate and very easy to work with as were the other three residents. I want to commend and thank the homeowners because they are giving up private property for the good and benefit of the residents of the neighborhood.

No further discussion.

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

5.b. Recommendation to approve Lease Agreement with BMO Harris Bank for Parking Lot B.

Mark Koenen presented. I received notice this morning from BMO Harris Bank's legal counsel that they just received the document and have not had time to review. They asked for an additional 90 days to review. In front of you is the third extension of the lease agreement which extends it to May 7, 2013.

Staff recommends approval of the extension agreement.

No further discussion.

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

5.c. Recommendation to approve Kane County Paratransit Coordinating Council Membership.

Mark Koenen presented. The City of St. Charles has to designate representatives for the Council. With the resignation of Richard Gallas and the retirement of Pat Konishi, we need to fill those two positions. I would like to assign myself, as well as Isabel Soderlind.

Staff recommends approval of the Memorandum of Understanding with the Kane County Paratransit Coordinating Council.

No further discussion.

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

5.d. Recommendation to approve Illinois Department of Transportation Resolution regarding non-routine maintenance work within the State Right of Way.

Mark Koenen presented. This IDOT Resolution allows us to perform maintenance work on the state right of way.

Staff recommends approve of the IDOT Resolution.

No further discussion.

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

5.e. Presentation of Proposed Roadways for the 2013 MFT Street Rehab Program.

James Bernahl presented. You have in your packet this evening a list and map of proposed roadways for the 2013 Street Rehab Program. There are 16 streets we will grind and resurface. This is part of the annual maintenance that includes utilities, curb and gutter, sidewalks. Currently this program is estimated at \$1.5 million.

Staff recommends approval to move forward with the contract for these 16 locations.

No further discussion.

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

5.f. Presentation of a new section (Mailboxes) for the new Parkway Ordinance.

James Bernahl presented. This proposed Ordinance is in addition to the Ordinance that was approved in October. The new section is relative to mailboxes and is a culmination of permit requirements, specialty items, placement standards, distances, etc.

No further discussion.

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

5.g. Recommendation to approve a Resolution for the Kane County River Boat Grant for the Municipal Parking Lot Reconstruction.

James Bernahl presented. This is for the rehabilitation of the Municipal Parking Lot. We have applied for this grant in the past and were successful in receiving the funds. We are requesting \$100,000 and expect to receive notification in June. This is the concept plan that was done for the Municipal Parking Lot, and this funding would coincide with other grants that we have submitted.

Staff recommends approval of the execution of the Resolution and all subsequent documents.

No further discussion.

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

5.h. Recommendation to approve a Resolution for the Kane County CDBG grant for North 15th Street Phase II.

James Bernahl presented. This is for the Community Development Fund Grant. We used this for the first phase of construction on North 15th Street, and this is for Phase II. We are requesting \$100,000.

Staff recommends approval of the execution of the Resolution and all subsequent documents.

No further discussion.

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

5.i. Presentation of ComEd Reliability and Maintenance Issues – Information only.

Tom Bruhl presented. This is a recap of 2012 from a ComEd perspective. ComEd has completed their investigation on all outages from last year, whether they were sustained or momentary and are satisfied with what they have discovered. They had 21 outages,

but there were only three major events that caused sustained outages and those were on June 24 when a pole inside their West Chicago station broke; July 1, which was a historic storm and August 4 which was another significant storm. There have been no ComEd sustained outages since August 5.

ComEd is up to date on their maintenance on all nine lines coming into the City of St. Charles.

Finally, as a follow-up from our Emmitsburg trip with FEMA, we are creating a plan with ComEd in the event that there were to be a tornado or other disaster with regard to how we would coordinate with them getting their lines up so we could restore to our customers.

No further discussion.

5.j. Presentation of 2012 Electric Reliability Wrap up.

Tom Bruhl presented. This is a 30 minute presentation. If you would like to defer to February, there is nothing time sensitive. This is just a recap of 2012.

Chairman Stellato: That's fine; please defer to the February Government Services Agenda.

No further discussion.

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

5.k. Recommendation to approve Change Order No. 1 to Archon for Directional Boring Services.

Tom Bruhl presented. In the beginning of the fiscal year, we took our cable replacement money and allocated it partially to cable injection, which is the cheaper and easier way to rejuvenate our cable. Throughout the year the injection technique enjoyed a reduced expense in the cost per foot, and we exceeded the locations/length for cable injection. However, we had to skip a number of places where there were too many splices to actually push the fluid through.

We are asking to remove \$100,000 off the cable injection purchase order and move it to directional boring so we can clean up all the missed spans. The goal is to get the subdivisions 100% complete whether underground cable needs to be injected or replaced.

This is a budgeted item; we are just requesting to move it from one service to another.

No further discussion.

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

5.l. Recommendation to award purchase of Capacitor Banks to Border States.

Tom Bruhl presented. Power Point presentation.

We went out for bid for the eight capacitor banks. There are two players in the market; one bid, one didn't. The bidder that provided a quote was the same manufacturer that provided our first unit.

Staff recommends approval to award purchase order to Border States for eight Capacitor Banks in the amount of \$86,368.

Aldr. Rogina: Is there going to be two installed in each quadrant?

Mr. Bruhl: I don't recall exactly where they are going. Poor power factor are mostly industrial circuits, so you will see a much heavier concentration in the southeast quadrant.

Aldr. Lewis: I just want to say that I think you do an excellent job of explaining a difficult subject so we can understand it. Thank you!

No further discussion.

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

5.m. Recommendation to Award Contract for Overhead Reconstruction Projects to PieperLine Line Construction.

Tom Bruhl presented. In 2012 we went out for bid for Overhead Contractors. As a result, we received hourly rate costs. Pieperline Line Construction was the low hourly rate vendor. We have some overhead projects in backyards that we are not well suited to perform. At that point, we are going to use the hourly labor rates that we got on the low bid and have the contractor take care of this work.

Staff recommends approval of a contract to the low bidder, Pieperline Line Construction in an amount not to exceed \$65,000.

No further discussion.

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

5.n. Recommendation to approve Annual Doble Engineering Client Agreement.

Tom Bruhl presented. We lease test equipment for predictive failures in equipment and they are a unique product; Doble has named the industry and there are no competitors to them. This is a budgeted item.

Staff recommends waiving the formal bidding process and approval of a Resolution authorizing the Mayor and City Clerk to execute a contract with Doble Engineering Company to perform Doble Testing Services at a cost of \$26,430.

No further discussion.

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

5.o. Recommendation to approve new 35kV station on Red Gate Bridge.

Tom Bruhl presented. As part of the Red Gate Bridge project we will be building a local distribution center which is very similar to what we built at 609 S. Kirk Road. This will provide a tie and some capacity to the people on the north end of town, on both the east and west side of the river.

ComEd will be placing new facilities to allow us to tap the line that runs along the bike path. This is their cost to install the overhead, poles and metering equipment so we can take service at that point.

Staff recommends approval of a Resolution authorizing the Mayor and City Clerk to execute a contract with ComEd in an amount not to exceed \$84,040.72.

Aldr. Turner: Is there any way they can bury that or does it have to be on the poles?

Mr. Bruhl: We are going to tap from a pole, but all of our lines will be underground.

No further discussion.

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

5.p. Recommendation to approve Mosquito Abatement contract.

Peter Suhr presented. Clarke Environmental has provided mosquito abatement services for the past 27 years and has always been reliable and progressive in their approach in dealing with mosquitos. Clarke is considered to be the top expert in our area and services surrounding communities. Services include surveillance, monitoring, larve control and adult control, as detailed in their professional profile in your packets.

In 2011, City Council approved a new three-year agreement with Clarke and this is the third and final year of that contract.

Staff recommends approval of Clarke Environmental for mosquito abatement services in the amount of \$96,162.

No further discussion.

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

5.q. Recommendation to approve an agreement with Kramer Tree Services to provide tree lighting services for holiday decorations.

Peter Suhr presented. Similar to past years, the City of St. Charles once again decorated the downtown area to celebrate this past holiday season. Holiday lights and decorations were placed along Main Street, City Hall, Lincoln Park, First Street and also the Plaza. Once again this year, Kramer Tree Service assisted staff with the installation of decorations based on a three year agreement, and this is the third year of that agreement as well.

Kramer has been a reliable consultant and we have had several compliments on this year's lighting. Normally we would be asking for this approval prior to services being rendered, however, Kramer's final invoice unexpectedly exceeded \$20,000 this year. In years past, their contract was managed and budgeted by both the Public Services Group and the Electric Division. Last year we added to their scope by adding lights on First Street and the Plaza, so the combination of Kramer billing all those services in a single invoice, their slight annual increase and added services from last year, their contract exceeded slightly the \$20,000 and that's why we are here tonight.

Between the Electric and Public Services Divisions, together we have their services completely budgeted for.

Staff recommends approval of Kramer Tree Specialists in the amount of \$21,150.

No further discussion.

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

5.r. Recommendation to award bid for the Royal Fox II Lift Station Rehabilitation Project.

John Lamb presented. This budgeted item is to award the contract for the rehabilitation of the Royal Fox II Lift Station which is located on Dunham Road north of St. Charles East High School. The station is approximately 25 years old; last summer we had a conditions assessment done which identified a number of deficiencies in the structures, hatches and equipment.

Staff went out to bid in January on this project, we received four bids. Staff recommends the low bid be awarded to Genco Industries, including the two alternates in the amount of \$386,439.

No further discussion.

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

5.s. Discussion regarding Madison Avenue traffic.

Chairman Stellato: Aldr. Rogina and I met with Mr. and Mrs. Munz of Madison Avenue. We thought this would be a good time to revisit the Madison Avenue traffic now that the stop sign has been installed for roughly two years to see how well the stop sign is working and what other problems we are having. We have been through one portion of the road construction season and we know it's coming back this spring, so we just want to make sure this stays fresh in our minds. Mr. and Mrs. Munz have expressed that several neighbors on Madison Avenue are still very concerned about the speed of traffic.

If you recall, the street from 7th Avenue as you approach on Madison Avenue going east has a huge grade change, so my thought has always been that if motorists aren't paying attention, they are going 35 or 40 mph by the time they coast down the hill. Mr. and Mrs. Munz brought up the point that there is also increased speed of traffic coming off Tyler Road. I never thought about that, but apparently the mouth of Madison Avenue where it meets Tyler is very wide. One of the points that came out of our discussion was that we might want to look at some type of striping or something to delineate an island down the middle of the road to force people to slow down as they make that turn.

Steve Munz, 1562 Madison Avenue: I have been in front of you several times before. There have been a couple studies done by the Police Department regarding the amount of traffic and speed of traffic coming down the street. In fall 2011, it showed the amount of traffic coming from 7th to Tyler is in excess of 1,800 cars per day and those cars average 32 mph, which is a large percentage over the 25 mph posted speed limit. Being the third house in on Tyler, you would assume cars would start speeding up to get to 25 mph, but by the time they get to my house they are beyond 25 mph. It's nerve wracking to see people who have no regard for their speed as they travel on a residential street. I have brought up this fact to the Committee before construction started on Rt. 64 and I was told by some of the Committee members that they would take a look at what was going on prior to construction. That hasn't been the case and now my street has become even more of a thoroughfare because of the construction on Rt. 64.

This is too much and I'm looking for the Committee to help me with this situation.

Aldr. Rogina: Last time you were here, you suggested there is a sign for a deaf child?

Mr. Munz: There is, between Banbury and Independence. There is a sign that says “Hearing Impaired Child at Play”, which also seems to be ignored by drivers. The stop sign that has been put in at Banbury and Madison does seem to be doing quite a bit of good. I see people making complete stops, but even if they are only slowing down it makes a huge difference.

Aldr. Rogina: Chief Lamkin, you effectively installed a portable sign for two or three weeks on 19th when we had complaints of speeding. Can that same thing be accomplished here?

Chief Lamkin: We periodically place them on different streets, which is more effective because if they stay in one place too long, they tend to blend into the scenery. We have new ones now that have a strobe in them.

Aldr. Rogina: Do the signs have the ability to keep an average of the speeds?

Chief Lamkin: We are working with new ones that we hope will be able to capture the information, but we haven’t used them long enough to know what kind of data they provide.

Chairman Stellato: In light of this new information that the speed is increased coming off Tyler, I would suggest that we put the sign closer to that intersection so as people come off Tyler they are reminded to slow down.

Aldr. Lewis: What if the Police got more aggressive in ticketing violators? If people know there is an officer there at certain times of the day, they may avoid that route completely.

Mr. Munz: As a resident of the street, I would like that. But the Chief has said on numerous occasions that this isn’t necessarily a priority – which I agree with. I would rather see the police doing more important things. But it is nice to see a squad car there once in a while.

Aldr. Krieger: I just want to confirm what you say about the wide turns. I have been sitting on Madison waiting to make a turn and almost been hit a couple times; they do speed on Tyler.

Aldr. Rogina: Chief, is there enough public concern to warrant a second stop sign? How do we measure this?

Chief Lamkin: We can do another warrant study, but I don’t think we are going to have enough to warrant another stop sign. However, that is up to you. At this point we can do some new speed counts using the legs on either end of Madison.

Chairman Stellato: So in the meantime we can put this on the agenda for next month and you'll do some traffic counts and put out the speed boxes?

Chief Lamkin: If we are going to do speed counts, we would want to put them out there before we put the speed boxes out.

Chairman Stellato: Fine. Mark, can you look at some striping? I know we can't put an island there, but is there a stripe to alert someone to aim for a narrowing lane?

Chief, can you please step up enforcement before next month?

No further discussion.

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

6. Additional Business

None.

7. Adjournment

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