

**AGENDA**  
**ST. CHARLES CITY COUNCIL MEETING**  
**RAYMOND P. ROGINA, MAYOR**

**MONDAY, JUNE 17, 2013 – 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 of a recommendation from Mayor Rogina to nominate Todd A. Bancroft as Ward 3 Alderman to fill in the term of the vacant seat left by Mayor Rogina.
6. Presentation by Mayor Rogina of swearing in Todd A. Bancroft as 3<sup>rd</sup> Ward Alderman.
7. Presentation of a recommendation from Mayor Rogina to appoint Joseph Schelstreet as Fire Chief of the St. Charles Fire Department.
8. Presentation by Mayor Rogina of swearing in Joseph Schelstreet as Fire Chief of the St. Charles Fire Department.
- 9. 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.**
- \*10. Motion to accept and place on file minutes of the regular City Council meeting held on June 3, 2013.

**I. New Business**

- A. Presentation of a recommendation from Mayor Rogina to appoint Department Directors as recommended by City Administrator Brian Townsend for fiscal year 2013/14.
- B. Presentation of an appointment of Mayor Raymond P. Rogina as City Liaison on the TriCity Ambulance Board.

- C. Motion to waive the bid procedure and approve a **Resolution** Authorizing the Execution of a Unit Price Proposal with Absolute Construction and Roofing for Completion of the roofing System at the address of 605 Prairie Street.

## II. Committee Reports

### A. Government Operations

- \*1. Motion to accept and place on file minutes of the Government Operations Committee meeting held on June 3, 2013.
- \*2. Motion to approve **Funds Transfer Resolution** transferring \$5,390.00 from Foreign Fire Fund 340 to General Fund 100 for FY12/13 as budgeted.
- \*3. Motion to approve **Funds Transfer Resolution** transferring \$238,522.50 from the General Fund to the 2008C G.O. Debt Service Fund 720 (Fire Station, Ladder Truck and Riverwall Projects) for FY12/13 as budgeted.
- \*4. Motion to approve **Funds Transfer Resolution** transferring \$24,971.43 from Corporate Fund 100 to Fund 200 (Christmas Lights) for FY12/13 as budgeted.
- \*5. Motion to approve **Funds Transfer Resolution** transferring \$215,079.93 from Corporate Fund 100 to Fund 200 (Street Light Maintenance for FY12/13 as budgeted.
- \*6. Motion to approve **Funds Transfer Resolution** transferring \$60,000.00 from Corporate Fund 100 to Fund 230 (Refuse) for FY12/13 as budgeted.
- \*7. Motion to approve **Funds Transfer Resolution** transferring \$26,069.25 from Corporate Fund 100 to Motor Fuel Tax Fund 350 (reimbursement of non-mft expenses) for FY12/13 as budgeted.
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- \*12. Motion to approve an **Ordinance** Ascertaining Prevailing Wages in the City of St. Charles for Kane and DuPage Counties.
- \*13. Motion to approve the Downtown St. Charles Partnership funding request and authorize the City Administrator to execute an Agreement for FY 13/14.
- \*14. Motion to approve the St. Charles Convention and Visitor's Bureau funding request for FY13/14.

### B. Government Services

- \*1. Motion to accept and place on file the Minutes of the April 22, 2013, Government Services Committee Meeting.

**C. Planning and Development**

- \*1. Motion to approve a **Resolution** Authorizing the Mayor and City Clerk of the City of St. Charles to Execute a Certain Agreement – Windy City Triumph, LLC.
- \*2. Motion to accept and place on file Plan Commission Resolution No. 11-2013 A Resolution Recommending Approval of Special Uses (Planned Unit Development and Drive-Through Facility) and PUD Preliminary Plan (McDonald's - 3900 E. Main Street).
- \*3. Motion to approve an **Ordinance** Granting Approval of Special Uses (Planned Unit Development and Drive-Through Facility) and PUD Preliminary Plan (McDonald's - 3900 E. Main Street).
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- \*5. Motion to approve an **Ordinance** Amending Title 12 of the St. Charles Municipal Code entitled "Streets, Sidewalks, Public Places, and Special Events" Chapter 12.40 "Corridor Improvement Program".
- \*6. Motion to accept and place on file minutes of the June 10, 2013 Planning & Development Committee meeting.

**D. Executive Session**

- Personnel
- Pending Litigation
- Probable or Imminent Litigation
- Property Acquisition
- Collective Bargaining
- Review of Minutes of Executive Sessions

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

**F. Adjournment**

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

**F. Adjournment**

**MINUTES FROM THE MEETING OF THE ST. CHARLES CITY COUNCIL  
HELD ON MONDAY, JUNE 3, 2013 – 7:00 P.M.  
CITY COUNCIL CHAMBERS, IN THE CITY COUNCIL CHAMBERS  
2 E. MAIN STREET ST. CHARLES, IL 60174**

**1. Call To Order At 7:01 P.M.**

**2. Roll Call.**

**Present:** Stellato, Silkaitis, Payleitner, Lemke, Turner  
Martin, Krieger, Bessner, Lewis  
**Absent:** None

**3. Invocation – Alderman Rita Payleitner**

**4. Pledge of Allegiance – Presentation of the Colors – St. Patrick’s School Boy Scout Troop 10.**

**5. Presentations:**

- Recognize achievements of Eagle Scout Kevin Patrick Tierney and Eagle Scout Eric James Vonderhaar – Boy Scout Troop 10.
- Ms. Dorene Tieche and Munhall Elementary School 3<sup>rd</sup> Graders – Thank You notes to the Mayor and City Council for allowing their voices to be heard and their opinions being valued.

*The purpose of these students coming to the meeting is to culminate their learning in class. In Social Studies they have learned about famous individuals who made a difference for many people by standing up and taking action. They have also learned how our community grew and is ever changing and evolving to meet the needs and wants of the people living here. In addition, the writing curriculum for this quarter is opinion writing. These core standards are weaved together in the letters the students have written and submitted to the Mayor. It has been emphasized to the kids that together we can find the best solutions for issues. They want to be part of that process for their city!*

- Recognize David Eilken, St. Charles North High School student, for being awarded the Illinois Municipal Utilities Association (IMUA) scholarship – presented by Ed Cobau, IMUA Director, State Association Services & Communications.

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

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner  
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 May 20, 2013.**

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner  
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 5/6/13 – 5/17/13 in the amount of \$4,655,056.03.**

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner  
Martin, Krieger, Bessner, Lewis  
NAY: 0 ABSENT: 0  
MOTION CARRIED (Omnibus Vote)

## I. New Business

- A. Motion by Martin, seconded by Turner to approve a **Resolution 2013-60** Authorizing the Execution of an Agreement Between the City of St. Charles and Metropolitan Alliance of Police St. Charles Chapter 27.

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner  
Martin, Krieger, Bessner, Lewis  
NAY: 0 ABSENT: 0  
MOTION CARRIED

- B. Motion by Turner, seconded by Bessner to approve an **Ordinance 2013-M-35** amending Special Service Area 1A in the City of St. Charles, Kane and DuPage Counties, Illinois (304 Cedar Avenue – Dunham-Hunt House).

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner  
Martin, Krieger, Bessner, Lewis  
NAY: 0 ABSENT: 0  
MOTION CARRIED

- C. Motion by Stellato, seconded by Silkaitis to approve an **Ordinance 2013-M-36** amending Special Service Area 1B in the City of St. Charles, Kane and DuPage Counties, Illinois (304 Cedar Avenue – Dunham-Hunt House).

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner  
Martin, Krieger, Bessner, Lewis  
NAY: 0 ABSENT: 0  
MOTION CARRIED

- D. Motion by Turner, seconded by Martin to approve recommendation from Mayor Raymond P. Rogina to approve a **Resolution 2013-61** Authorizing and Directing the Mayor and

City Clerk to Execute a Certain Extension to the Employment Agreement with Mr. Brian Townsend.

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner  
Martin, Krieger, Bessner, Lewis

NAY: 0 ABSENT: 0

MOTION CARRIED

## II. Committee Reports

### A. Government Operations

- \*1. Motion by Martin, seconded by Krieger to accept and place on file minutes of the Government Operations Committee meeting held on May 20, 2013.

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner  
Martin, Krieger, Bessner, Lewis

NAY: 0 ABSENT: 0

MOTION CARRIED (Omnibus Vote)

2. Motion by Turner, seconded by Stellato to approve a Class E1 liquor license for Sculpture in the Park.

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner  
Bessner, Lewis

NAY: Martin, Krieger, ABSENT: 0

MOTION CARRIED

- \*3. Motion by Martin, seconded by Krieger to approve Terms of Business Agreement from Moran Consulting Inc.

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner  
Martin, Krieger, Bessner, Lewis

NAY: 0 ABSENT: 0

MOTION CARRIED (Omnibus Vote)

- \*4. Motion by Martin, seconded by Krieger to approve a **Resolution 2013-62** Authorizing the Director of Human Resources to Execute a Letter of Agreement between the City of St. Charles and Laurus Strategies.

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner  
Martin, Krieger, Bessner, Lewis

NAY: 0 ABSENT: 0

MOTION CARRIED (Omnibus Vote)

- \*5. Motion by Martin, seconded by Krieger to approve a proposal from CCMSI in the amount of \$19,615 for third party administration services for workers' compensation services for fiscal year 2013/2014.

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner  
Martin, Krieger, Bessner, Lewis

NAY: 0 ABSENT: 0

MOTION CARRIED (Omnibus Vote)

- \*6. Motion by Martin, seconded by Krieger to award 2013/14 Hauling/Excavation bid to S. Schroeder Trucking, Inc., Villa Park, at unit costs provided on the Bid Results.

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner  
Martin, Krieger, Bessner, Lewis

NAY: 0 ABSENT: 0

MOTION CARRIED (Omnibus Vote)

- \*7. Motion by Martin, seconded by Krieger to award the bid for 2013/14 Spoils Dumping (Tipping Fees) to C H Hager Excavating, Inc. (West Chicago).

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner  
Martin, Krieger, Bessner, Lewis

NAY: 0 ABSENT: 0

MOTION CARRIED (Omnibus Vote)

- \*8. Motion by Martin, seconded by Krieger to waive the bid process and accept the quotations for office supplies to Staples Advantage and US Communities (on-line) for routine office supplies, and Illinois Paper & Copier Company (Bolingbrook) for multiuse paper.

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner  
Martin, Krieger, Bessner, Lewis

NAY: 0 ABSENT: 0

MOTION CARRIED (Omnibus Vote)

- \*9. Motion by Martin, seconded by Krieger to award 2013/14 low bid to S. Schroeder Trucking, Inc. (six [6] pits), for six (6) types of stone and gravel, and Koz Trucking, Inc. for four (4) types of stone and gravel and hauling.

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner  
Martin, Krieger, Bessner, Lewis

NAY: 0 ABSENT: 0

MOTION CARRIED (Omnibus Vote)

10. Motion by Turner, seconded by Stellato to approve an **Ordinance 2013-M-37** Authorizing the Sale of Items of Personal Property Owned by the City of St. Charles to two licensed firearms dealers (Streicher's \$2,675 and Alpha Armament Co. \$3,200), and approve destroying an Intra-Tec 9 and an UZI pistol.

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner  
Martin

NAY: Krieger, Bessner, Lewis ABSENT: 0

MOTION CARRIED

• Alder. Lewis

- Two weeks ago I voted yes to the sale of no longer needed and obsolete firearms. I assumed all the weapons for sales were police owned and were being sold to a broker who would sell them to other police departments. In my opinion it was much like the sale of no longer needed and obsolete fire equipment. I have no problem with this type of sale and will continue to authorize that particular kind of sale. Police to Police.

I have now learned that some of the firearms we have been asked to authorize the sale of are ones that were given to the police dept by the courts or acquired from other sources. Some of these firearms are decades old and have very little value if any. It's much like things in your garage or basement that you keep for whatever reason, but one day you say to yourself "we need to just get rid of this" "should we

throw it away or sell” “we could probably get a little money for it if we sold it.” I believe this was the intention of the police department. That they had only good intentions and I am very supportive of our Police Department.

We usually talk of crime in our conversations about firearms, but here is another point of view: I am aware of circumstances where a family, who’s loved one, was a victim of a tragic accident, a suicide or attempted suicide, may not want these weapons in the hands of others. They would prefer them to be destroyed. They hand the firearm over to the police department to “just get rid of it” and in their grief forget to ask for the firearm to be destroyed. These particular firearms were not purchased by the taxpayers of St. Charles. I do not condone the selling of firearms that were court case or acquired from other sources to be sold to brokers who will then sell them to the general public. I believe these particular firearms should be destroyed and am asking the Council to consider this alternative.

- Alder Krieger

I am changing my mind on this vote, because I didn’t fully understand that the guns would be resold on the open market. The information I received says these items, these firearms were for disposal. My bigger concern is how many items have come before us where we have been painted a broad brush picture with a minimum amount of information. It is my feeling that all information should be available and that is the responsibility of our department heads and City administrator. I think we were kind of led astray but when it says firearms disposal, it never says that they would be resold.

- Alder. Payleitner

To alderman Lewis’s point, is it possible to discern which weapons were used, to make that division?

- Alder. Lewis

I believe that there is, they know which weapons came from the courts. Versus dropped off which the police department purchased. I think that they can make that distinction.

- Chief Lamkin

To help you understand this, when a weapon is dropped off to us, and the family asks for it to be destroyed. It is destroyed, we don’t keep it. If a weapon is dropped off and placed into evidence, or it is turned into evidence at some point for us to dispose or destroy it, that is what we do. If a weapon comes to us as a piece of evidence for a case that is pending in court, it goes into evidence. And at the time that we are ordered to dispose of that,

I think part of it is the dispose and destruct, we look at it as disposing it from our evidence room standpoint. When the clerk tells us that the gun can be turned over to the police, it goes into the armory. Once it goes into the armory, there is no case number that is assigned to that. So, I don’t have a means of going back on every one of these guns because there is no longer evidence. Therefore there is no police case report number that is assigned to it any longer. Some of these guns have been there for 20 years. I can tell you when I have done weapons inspections in our

armory, I have had guns in there that I have raised the question a number of times as to why they have been kept in there because we have no use for them. So we made a decision earlier this year that we would go through those guns we have obtained over time, that we have no use for them. The Police related guns came from when we downsized our SWAT team a couple of years ago, those are very specific to Strikers. Then there is the other ones, we have asked to do something else with, so we went around and got competitive quotes so we can dispose of them from our armory. As opposed to destruct them. When we say destruct them we take out parts and anything that has a frame number is destroyed.

- Alder. Bessner  
Is there a cost to for destruction?
- Chief Lamkin  
Some of the cheaper made guns you can take a sledgehammer, some departments may do that. Maybe we will find a foundry to throw them into an oven and turn to metal. Some may take a blow torch and cut them up. They dispose of them in such a way that there is no longer any ability to be used as a firearm.
- Alder. Bessner  
I am on the fence with this, on one hand; I see the angst and perception that can be thrown out there as to what we are trying to do. On the other hand, we have a sustainability initiative where we have trimmed so much “baggage” that this seems like a place where we can either can increase a little revenue or trim back. So I am not sure. I see both ways, \$6000 is the number roughly.
- Chief Lamkin  
Six thousand dollars is the number is roughly and you mentioned the sustainability initiative. I can tell you as we work through that, \$6,000 was repeatedly reminded to us that a substantial amount of money. We looked at this and how we can use these funds for other things.
- Alder. Bessner  
Sounds like there are neighboring cities that are not doing this?
- Chief Lamkin  
If we went farther down in the state of Illinois, we would probably a lot different reaction than that. It is a community decision.
- Alder. Lewis  
Would it be fair to say that you can make somewhat of a distinction that these were not weapons that were purchased with taxpayer dollars?
- Chief Lamkin  
I am comfortable saying that, I think the one on the Alpha list I don’t think were taxpayer dollars, to my knowledge.
- Alder. Bessner  
Regarding the dealerships, are they pretty reputable?
- Chief Lamkin  
Strikers we deal with pretty regularly. Alpha Armament, I don’t have the same level of experience. I did speak with the owner myself about this and he, in my

opinion in discussing this with him, he comes across as a reputable dealer. He understands the gravity of this.

- Mayor Rogina  
Whatever decision is made, someone will have a concern, I understand that. I have faith and trust in the St. Charles Police Department to make the right decision in this matter.
- Alder. Lewis  
I am looking at this from a different angle, these firearms that have been used in other circumstances and I think to give these families peace of mind. They would want these weapons destroyed and not resold.

**B. Government Services**

- \*1. Motion by Martin, seconded by Krieger to approve a **Resolution 2013-63** Authorizing the Mayor and City Clerk of the City of St. Charles to Award Contractual Services to Fox Valley Lawn Care for Mowing Maintenance.  
ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner  
Martin, Krieger, Bessner, Lewis  
NAY: 0 ABSENT: 0  
MOTION CARRIED (Omnibus Vote)
- \*2. Motion by Martin, seconded by Krieger to approve a **Resolution 2013-64** Authorizing the Mayor and City Clerk of the City of St. Charles to Award Contractual Services to Raise Rite for Sidewalk Maintenance.  
ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner  
Martin, Krieger, Bessner, Lewis  
NAY: 0 ABSENT: 0  
MOTION CARRIED (Omnibus Vote)
- \*3. Motion by Martin, seconded by Krieger to approve a **Resolution 2013-65** Authorizing the Mayor and City Clerk of the City of St. Charles to Award Contractual Services to Safe Step for Sidewalk Maintenance.  
ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner  
Martin, Krieger, Bessner, Lewis  
NAY: 0 ABSENT: 0  
MOTION CARRIED (Omnibus Vote)
- \*4. Motion by Martin, seconded by Krieger to approve a **Resolution 2013-66** Authorizing the Mayor and City Clerk of the City of St. Charles to Award Contractual Services to Engineering Enterprises Inc. (EEI) for Design and Construction Engineering Services for Red Gate Water Tower.  
ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner  
Martin, Krieger, Bessner, Lewis  
NAY: 0 ABSENT: 0  
MOTION CARRIED (Omnibus Vote)
- \*5. Motion by Martin, seconded by Krieger to waive the bid procedure and approve a **Resolution 2013-67** Authorizing the Mayor and City Clerk of the City of St. Charles to Approve Proposal from Hawkins Water Treatment Group for Water Treatment Chemicals.



ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner  
Martin, Krieger, Bessner, Lewis

NAY: 0 ABSENT: 0

MOTION CARRIED (Omnibus Vote)

6. Motion by Payleitner, seconded by Stellato to approve use of amplification equipment and a Class E-1 Temporary Liquor License for the Firin' Up the Fox BBQ Contest.

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner,  
Lewis

NAY: Martin, Krieger ABSENT: 0

ABSTAIN: Bessner

MOTION CARRIED

7. Motion by Payleitner, seconded by Turner approve a Class E-2 Liquor License and use of amplification equipment on August 17-18, 2013 for The Festival of the Horse and Drum at the Kane County Fairgrounds.

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner,  
Bessner, Lewis

NAY: Martin, Krieger ABSENT: 0

MOTION CARRIED

- \*8. Motion by Martin, seconded by Krieger to approve parking lot, street closure and use of amplification equipment for St. Charles Cruise Nights.

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner  
Martin, Krieger, Bessner, Lewis

NAY: 0 ABSENT: 0

MOTION CARRIED (Omnibus Vote)

### **C. Planning and Development**

None.

### **D. Additional Items from Mayor, Council, Staff, or Citizens**

- Mayor Rogina discussed the following:
  - There are three more candidates to interview for the 3<sup>rd</sup> Ward open alderman seat. The plan is to narrow the number down and then interview the final group in executive session. Hope to swear new person in on June 17, 2013.
  - Please shop at the East side businesses especially those affected by Route 64 construction.
  - The ribbon cutting ceremony for the Redgate Pedestrian Bridge is on June 15, 2013.
  - Alder. Turner saved a life in Wisconsin.
- Julie Ferris, 716 S.
  - Ms. Ferris thanked the City of St. Charles on behalf of the Pride of the Fox Riverfest Committee. Ms. Ferris explained many of the events and attractions that will be part of Riverfest.

### **F. Adjournment**

Motion By Bessner, seconded by Turner, to adjourn meeting

VOICE VOTE

UNANIMOUS

MOTION CARRIED

Meeting adjourned at 7:45 P.M.

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Nancy Garrison, City Clerk

CERTIFIED TO BE A TRUE COPY OF ORIGINAL

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Nancy Garrison, City Clerk



ST. CHARLES  
SINCE 1834

## AGENDA ITEM EXECUTIVE SUMMARY

Title:	Presentation of a Recommendation from Mayor Rogina to Appoint Department Directors as recommended by City Administrator Brian Townsend for Fiscal Year 2013/14
Presenter:	Mayor Rogina

*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 (6/17/13)

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

**Executive Summary:**

Annual appointments for Department Directors for Fiscal Year 2013/14:

Christopher Aiston – Economic Development,  
 Margaret (Peggy) Forster – Information Systems,  
 Mark Koenen – Public Works,  
 James Lamkin – Police Chief,  
 Kathy Livernois – Human Resources,  
 Chris Minick – Finance,  
 Joeseeph Schelstreet – Fire Chief, and  
 Rita Tungare – Community Development

**Attachments:** *(please list)*

Appointment recommendation

**Recommendation / Suggested Action** *(briefly explain):*

Presentation of a recommendation from Mayor Rogina to appoint Department Directors as recommended by City Administrator Brian Townsend for fiscal year 2013/14.

*For office use only*

*Agenda Item Number:* IA

## CITY ADMINISTRATOR'S OFFICE



# Memo

Date: 6/12/2013  
To: Mayor Rogina  
From: Brian Townsend  
Re: Reappointments

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In accordance with Section 2.10.080 of the City of St. Charles Code of Ordinances, I hereby submit my recommendations for appointment of staff officers for the period beginning May 1, 2013.

These recommendations are as follows:

Christopher Aiston, Director of Economic Development  
Margaret (Peggy) Forster, Director of Information Systems  
Mark Koenen, Director of Public Works  
James Lamkin, Police Chief  
Kathy Livernois, Director of Human Resources  
Christopher Minick, Director of Finance  
Rita Tungare, Director of Community Development

Additionally, Joe Schelstreet has been serving as Acting Fire Chief since November of 2012. After careful consideration, it is my recommendation that Mr. Schelstreet be appointed to the permanent position of Fire Chief. This decision was made after careful consideration of many factors, including the qualifications and responsibilities of the position and his performance as Acting Chief for the past 6 months. Assistant Chief Schelstreet meets the qualifications, has provided exemplary service to the department and the community for many years, and has the skills and abilities to lead the department into the future.

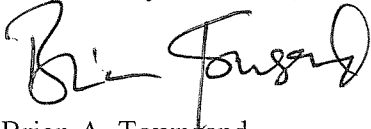
I have met with Assistant Chief Schelstreet to discuss the state of the department and the City's expectations. Assistant Chief Schelstreet welcomes the opportunity to serve the City in this capacity.

In conclusion, I want you to know how very proud I am of the leadership team at the City of St. Charles and all that they have done to enhance service to the community. I also enjoy working with this dedicated group of individuals that oversee and manage our City's programs and services. There is no doubt in my mind that they play a crucial role in making St. Charles the wonderful community that it is. We are fortunate to have individuals of this caliber working in our organization and for our City.

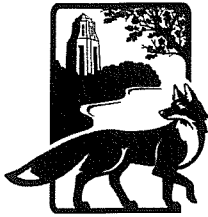
I welcome the opportunity to discuss these recommendations at your convenience.

Subject to your approval, these appointments can be placed on the June 17, 2013 agenda of the City Council.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Brian Townsend". The signature is written in a cursive style with a large initial "B".

Brian A. Townsend  
City Administrator



ST. CHARLES  
SINCE 1834

### AGENDA ITEM EXECUTIVE SUMMARY

Title: Presentation of an Appointment of Mayor Raymond P. Rogina as City Liaison on the TriCity Ambulance Board

Presenter: Mayor Roginia

*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 (6/17/13)

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

**Executive Summary:**

By virtue of the memorandum I request favorable consideration to appoint Mayor Raymond P. Rogina, 1003 Crestwood Circle, St. Charles as City Liaison to the TriCom Ambulance Board.

**Attachments:** *(please list)*

Appointment letter

**Recommendation / Suggested Action** *(briefly explain):*

Presentation of an appointment of Mayor Raymond P. Rogina as City Liaison on the TriCity Ambulance Board.

*For office use only*

*Agenda Item Number:* IB



**ST. CHARLES**  
SINCE 1834

## AGENDA ITEM EXECUTIVE SUMMARY

Title:	Motion to waive the bid procedure and approve a Resolution Authorizing the Execution of a Unit Price Proposal with Absolute Construction and Roofing for Completion of the Roofing System at the Address of 605 Prairie Street.
Presenter:	Bob Vann, Building & Code Enforcement Division Manager

*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 (06/17/13)
<input type="checkbox"/> Public Hearing	

Estimated Cost:	\$27,300.00	Budgeted:	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> X
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If NO, please explain how item will be funded:

**Executive Summary:**

Last month the Kane County Circuit Court found the residence located at 605 Prairie Street in violation of St. Charles City Code. The Court has directed the City to complete specific construction items to bring the dwelling into compliance and complete the project. City staff has received three (3) proposals to perform the necessary work to install an asphalt shingle roof. Weather permitting, the work will take approximately one (1) week to complete.

Absolute Construction and Roofing had the lowest proposal in the amount of \$27,300.00

**Attachments:** *(please list)*

- Resolution authorizing Absolute Construction and Roofing to install asphalt roof system.
- Bid Waiver
- Price Proposal Summary
- Proposal from Absolute Construction and Roofing

**Recommendation / Suggested Action** *(briefly explain):*

Motion to waive the bid procedure and approve a Resolution Authorizing the Execution of a Unit Price Proposal with Absolute Construction and Roofing for Completion of the Roofing System at the Address of 605 Prairie Street.

*For office use only:*

*Agenda Item Number:*

**City of St Charles**  
**Resolution No. \_\_\_\_\_**

**A Resolution Authorizing the Execution of a Unit Price Proposal with  
Absolute Construction and Roofing for Completion of the Roofing System at  
the Address of 605 Prairie Street**

**Presented & Passed by the  
City Council on \_\_\_\_\_**

BE IT RESOLVED by the Mayor and City Council of the City of St. Charles, Kane and DuPage Counties, Illinois, that the Mayor and City Clerk be and the same are hereby authorized to execute a unit price proposal with Absolute Construction and Roofing for the installation of asphalt roofing system in an amount of \$27,300.00.

PRESENTED to the City Council of the City of St. Charles, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

PASSED to the City Council of the City of St. Charles, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

APPROVED to the City Council of the City of St. Charles, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Raymond P. Rogina, Mayor

Attest:

\_\_\_\_\_  
City Clerk

COUNCIL VOTE:

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

Abstain: \_\_\_\_\_



**Unit Price Proposal Summary for Completion of Asphalt Roofing System at 605 Prairie Street**

<b>Contractor</b>	<b>Unit Price Proposal</b>
Ace Ropofing Services Inc.	\$38,000.00
Affordable Roofing	\$28,311.00
Absolute Construction & Roofing	\$27,300.00

# ABSOLUTE CONSTRUCTION AND ROOFING

1700 Walnut Street

STATE LICENSED

St. Charles, Illinois 60174

630 270 5551

CITY OF ST. CHARLES

6/8/13

605 PRAIRIE

FOR NECESSARY ROOF WORK ON PRAIRIE  
INSTALLATION OF ARCHITECTURAL ASPHALT SHINGLES  
25 YEAR MANUFACTURER WARRANTY  
TEAR-OFF (RIBER GLASS) & PREP FOR SHINGLES  
FOAM AREA

UPON ACCEPTANCE \$ 15,700.00

UPON COMPLETION \$ 11,600.00

ALL MATERIAL IS GUARANTEED TO BE AS SPECIFIED, AND THE ABOVE WORK TO BE PERFORMED IN ACCORDANCE WITH THE SPECIFICATIONS SUBMITTED FOR ABOVE WORK, AND COMPLETED IN A SUBSTANTIAL WORKMANLIKE MANNER FOR THE SUM OF

TOTAL ESTIMATE \$27,300

*Wyman Clark*  
Respectfully submitted Wyman Clark.

Any alteration or deviation ... above specifications involving extra costs will be executed only upon written order and will become an extra charge over and above the estimate all agreements contingent upon delays beyond our control.

## ACCEPTANCE OF PROPOSAL

THE ABOVE PRICES, SPECIFICATIONS AND CONDITIONS ARE SATISFACTORY AND ARE HEREBY ACCEPTED. YOU ARE AUTHORIZED TO DO THE WORK AS SPECIFIED. PAYMENTS WILL BE AS OUTLINED ABOVE.

DATE \_\_\_\_\_

SIGNATURE \_\_\_\_\_

SIGNATURE \_\_\_\_\_

**REQUEST FOR WAIVING BID PROCEDURE**

We request the City Council to waive the bid procedure and accept the quotation (requiring two-thirds City Council vote) submitted by:

Absolute Construction and Roofing, for the installation of an asphalt shingled roof for compliance with the Court Order Decision at the residence of 605 Prairie Street in the City of St. Charles.

For the purchase of: Material and Labor

At a cost not to exceed: \$27,300.00

Reason for the request to waive the bid procedure:

The Kane County Circuit Court found the dwelling in a dangerous and unsafe condition. Completion of the roofing system will secure any further damage to the structure of the residence. Progress has been put into place to recover this cost, should the property owner not provide reimbursement.

Other Quotations Received:

Affordable Roofing - \$28,311.00

Ace Roofing Services, Inc. \$38,000.00

Date: June 17, 2013

Requested by: Bob Vann

Department Director: Rita Tungare

Purchasing Manager: \_\_\_\_\_

**THIS REQUEST FORM MUST BE SIGNED BY ALL PARTIES PRIOR TO REQUESTING COMMITTEE APPROVAL FOR WAIVING OF THE BID PROCEDURE. REQUESTS FORWARDED DIRECTLY TO THE CITY COUNCIL (AND BYPASSING COMMITTEE) MUST BE SIGNED BY ALL PARTIES PRIOR TO REQUESTING CITY COUNCIL APPROVAL. SUCH REQUESTS ARE TO BE OF AN EMERGENCY NATURE WHERE TIME IS OF THE ESSENCE.**

**MINUTES  
CITY OF ST. CHARLES, IL  
GOVERNMENT OPERATIONS COMMITTEE  
MONDAY, JUNE 3, 2013**

**1. Opening of Meeting**

The meeting was convened by Chair. Turner at 8:00 p.m.

**2. Roll Call**

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

**3. Omnibus Vote**

Recommendation to approve Funds Transfer Resolutions authorizing budgeted transfers for debt service payments and miscellaneous transfers.

Motion by Ald. Stellato, second by Silkaitis to recommend approval of Funds Transfer Resolutions authorizing budgeted transfers for debt service payments and miscellaneous transfers.

**Voice Vote:** Unanimous; Nays: None; Chrnm. Turner did not vote as Chairman. **Motion Carried.**

**4. Police Department**

- a. **Recommendation to approve a Resolution Authorizing the Mayor and City Clerk to Execute an Intergovernmental Agreement with the County of Kane for Animal Control Services.**

**Chief Lamkin:** For several months now Metro West Council has had an Animal Control Task Force that has been working with the County to come up with a new agreement. The existing extension we had with the last agreement expired the end of April. The County agreed to extend this. Most notably there was a decision made at the County level to reduce the fees. In part that was driven to encourage more participation for the local municipalities to use these services more; so there is a significant reduction with this agreement. It's good for a year and has some one-year extensions built into it. In FY12/13 the City spent \$2,600.00. This contract has been working okay for the City.

**Ald. Krieger:** If I have a raccoon or something of that nature in my yard, do I call the City or County?

**Chief Lamkin:** If it's in your yard and appears to be sick, rabid, we have put the animal down ourselves because there is nothing that can be done for it. If it's just a raccoon in your yard, the County does not address wild animals. That would have to be refer to some private contractor.

**Ald. Krieger:** What about a cat or dog?

**Chief Lamkin:** If it's a dog that is a stray, that can be picked up. If it's a feral cat there is not a lot of assistance with feral cats. If it's a cat that appears that it has a home, the County is willing to accept it within some boundaries of the contract.

**Ald. Krieger:** Would I be charged?

**Chief Lamkin:** If you call Animal Control, before they will come out they will call the Police Department to see if we're in agreement to accepting the charge; then if we authorize the charge we are billed for it; however in the event that the owner should come to the County and claim their animal, then they are billed for it. Depends on how it ends up.

Motion by Ald. Stellato, second by Silkaitis to recommend approval of a Resolution Authorizing the Mayor and City Clerk to Execute an Intergovernmental Agreement with the County of Kane for Animal Control Services.

**Voice Vote:** Unanimous; Nays: None; Chrmn. Turner did not vote as Chairman. **Motion Carried.**

**5. Public Works Department**

**a. Recommendation to amend the Intergovernmental Agreement with School District 303 regarding a Red Gate Road/St. Charles North High School intersection improvements.**

**Mark Koenen:** We discussed the intersection of Red Gate Road and St. Charles North High School at a number of meetings over the last year. Most recently I was here adding a traffic signal at that location. We have a contract that has been awarded and that construction is being pursued as we speak. We also entered into an agreement with D303 to share in the construction cost, and at that time, the D303 contribution was \$250K. Through more detail conversation over the last 30 days there have been concerns about that value and terms of contribution towards it. Mr. Townsend and representatives of the school district most recently met and that matter has been resolved and has been considered by a committee of the school district and that value has been shifted where the school district will participate only in the right-turn lane (eastbound) and would pay for engineering as well construction. The value of that is \$125K. The City of St. Charles will pay the balance. I recommend that we approve the updated agreement and direct staff to prepare that document for your consideration at the next Council meeting.

**Ald. Payleitner:** Previously the warrants for installing the traffic signal did not exist. Is that still the case?

**Mark:** Correct.

**Ald. Stellato:** We've been down this road before. We went first and said we would pay for something, we took the school district at their word, and found out through the newspaper that

didn't happen. What's to stop this from happening again if we agree to some lower number and they do not approve this at their Board level?

**Mark:** My understanding is was approved by Committee of the Whole and it was advanced with recommendation for approval. I expect them to operate like our body does and that recommendation would be accepted by the same body of individuals.

**Ald. Krieger:** I'm glad to know that the school district only values life at \$125K. Having said that I would move for approval but in any further agreements we should have the money in hand before we sign the papers. I don't trust them.

**Ald. Stellato:** I'll second that for purpose of discussion.

**Ald. Silkaitis:** I am disappointed that they didn't pay half of it since the school is generating most of the traffic. But in consideration of that \$125K for the safety of the children it is paramount and I'll vote yes on this.

**Ald. Payleitner:** Please correct me. The reason the school district wants us to pay for this light is because they feel it's a result of the bridge? They feel it should have been tied in with the expense of the bridge because it is a bridge issue.

**Mark:** That's what I understand.

**Ald. Payleitner:** That is not the case, correct? That's my way to work and there may be eight of us crossing the bridge, five turn right (north) on Rt. 31 and the rest go straight through on Red Gate. None of them turning left into the high school. Traffic for the high school comes from those coming northbound, turning right onto Red Gate and backed up to Lutheran Church coming from the west. Nowhere do I see that an issue coming from the bridge. Now if they want to put in the turn lane, I think that will solve their issue; it's their property, their turn lane. With that in mind I disagree we should be paying for a signal at this point. It isn't warranted by our standards.

**Ald. Lewis:** It seems that the school traffic is controlled by the 4-way stop. The people there know about it and use it on their honor system for years. I was originally not in favor of moving forward on this but have changed my mind because I believe the issue is going to come at times when there isn't school in session. I travel out that way often. Coming from west to east it's very difficult to see that stop sign when you're on Red Gate. You're not expecting it. I know it's there so I am expecting it and I have a hard time finding it. I see the issue coming when school is out of session and two people are coming out of River's Edge and someone is coming down Red Gate not expecting a 4-way stop, but these people are and are taking their turn. I see that as more of the issue than I do during school hours.

**Ald. Payleitner:** Is the stop sign warranted at that intersection?

**Chief Lamkin:** Because we had made the decision that we were going to be putting the stop light in, there is an exception in the warrant that allows to put the stop sign in advance of that. So for the present time since we determined we were going to put a stop light in there, it is warranted under those conditions.

**Ald. Payleitner:** Right, but not by means of traffic?

**Chief Lamkin:** No.

**Brian Townsend:** I have been the primary point of contact with the school district on this issue and I can speak for Dr. Schlomann when I say there has been some disappointment in the amount of time it has taken in the process that we've gone to get to this point. It's important to recognize that the traffic projections that we have for the future do indicate that a traffic signal would be warranted at this intersection at some point. We don't know exactly when that would occur but it's not a question of "if" it's a question of "when". The purpose of moving forward now is twofold. One was the intergovernmental cooperation that we would partake in by jointly funding the signal, the engineering, and the construction. Secondly was to address a perceived safety issue that exists there and Chief Lamkin would also state that there is an issue in the traffic that is going to North High School. They treat this intersection as a 4-way stop when they're entering at the beginning of the day and leaving at the end of the day. He has put officers out there for a period of weeks after the bridge had opened in an attempt to try and break that pattern and it was unsuccessful. I believe at this point it is prudent for us to move forward. If we elect not to proceed with the traffic signal at this point in time and wait for the warrants to be met then the entire expenditure will be put on the City at that point and I can assure you that the project will be much more costly than it is today. We have the resources to move forward and do this. We have some assurance from the school district that they are willing to participate at the \$125K level, and I believe that we should move forward with the project for the benefit of not just the City, not just the school district, but for the community as a whole. I think it's important for you to consider these comments in your deliberations before you take the vote this evening.

**Ald. Lemke:** Was there a 2-way stop sign that was being ignored or were people expecting it to be a 4-way although it was two? I missed that part of it.

**Mark:** The traffic along Red Gate Road in the past did not have a stop sign for east/west movement. There were stops on both the north and south approach exiting from the high school and the subdivision. What was happening at the beginning of the school day people were doing a courtesy stop because traffic was coming from all four approaches. The habit was not able to be broken. A police officer was manually directing traffic at the intersection but when the officer went away it went directly back to this courtesy stop which is inconsistent which one would normally find at an intersection. That implies the need for the 4-way traffic signal.

**Ald. Lemke:** So at least people recognize this is a 4-way stop and at different times of the day some don't expect what others are doing because it is not signed as such.

**Ald. Lewis:** That was my point that other hours of the day I see it to be more of an issue.

**Ald. Payleitner:** So by other hours of the day we are saying this 4-way stop sign is needed for 150 days of the year for 20 minutes at the beginning of the day and 20 minutes at the end of the day?

**Brian:** That's a factual statement today. We are not sure about the future.

**Chrmn. Turner:** This also came up a couple of years ago with the bridge discussion with the neighborhood and from a warrant standpoint we knew it was not feasible, but I thought the safety of students was really paramount at this point because there had been some incidences. Obviously it was driver's error, but whatever we can do to make people more aware of the traffic rules.

**Ald. Payleitner:** Let me be clear that my argument is in that I don't feel we are \$250K responsible for it. I think the school district is halfway responsible. I'm not saying it doesn't need to be there. I think it is warranted during school days during school hours; therefore it has nothing to do with the bridge right now. At this point the school district is at least halfway responsible for it.

**Chrmn. Turner:** I can agree with you but as Brian said at some point down the road we are going to have to put this light in and we're going to have to pay for it all on our own.

**Ald. Lemke:** When we talked about an estimate of \$170K, we would put this estimate out to bid with the engineer's estimate in mind?

**Mark:** Correct, we have done that. We've already awarded a contract and the award was based on having the signal in place before the start of the school year this coming fall. So that work is being pursued as we speak.

**Ald. Stellato:** That last comment Mark was my concern. We had an agreement in place, I understand it was a handshake, but where I come from that means a lot. I'm disappointed in the fact that somebody didn't hold up their end of the bargain. I'll support the light and vote yes, but I'm disappointed.

**Ald. Bessner:** I agree with that. I think it would be prudent to put a light in at some particular point, but it concerns me how we deal with them in the future.

**Ald. Lewis:** I think we are all on that same page.

**Ald. Lemke:** Is it fair to ask whether the project was bid near, above or below the estimated cost in the memo?

**Mark:** When the bids came in they were higher than that and we have worked with that contractor to shave the construction down so it would be within construction cost dollars. That's how we got to that number.



**Chrmn. Turner:** This has been moved and seconded.

**Roll Call:** Ayes: Stellato, Silkaitis, Lemke, Martin, Krieger, Bessner, Lewis; Nays: Payleitner. Chrmn. Turner did not vote as Chairman. **Motion carried.**

**6. Finance Department**

**a. Recommendation to approve an Ordinance Ascertainning Prevailing Wages in the City of St. Charles for Kane and DuPage Counties.**

**Chris Minick:** Each year we have a requirement to determine the prevailing wage rate for various labors, mechanics, and others that are employed by contractors in the business of completing public works contracts on behalf of the City of St. Charles. The City utilizes the amounts for these prevailing wages as determined by the Illinois Department of Labor and the City monitors compliance by requiring each of our contractors to submit a copy of their certified payroll records attesting to the fact that they then subscribe to these individual prevailing wage rates. Staff recommends approval of this ordinance. This is a matter that we handle each and every year.

**Chrmn. Turner:** Is this a state requirement?

**Chris:** It is a state mandate and we utilize the Department of Labor amounts because they are the ones charged with enforcing this.

Motion by Ald. Stellato, second by Krieger recommending approval of an Ordinance Ascertainning Prevailing Wages in the City of St. Charles for Kane and DuPage Counties.

**Voice Vote:** Unanimous; Nays: None; Chrmn. Turner did not vote as Chairman. **Motion Carried.**

**b. Recommendation to approve funding for the Downtown St. Charles Partnership (DSCP) for FY13/14.**

**Chris Minick:** Back on April 15 Lynne Schwartz, Executive Director of the Downtown St. Charles Partnership (DSCP) made the annual presentation requesting funding for the DSCP for FY13/14. At the direction of the Committee at that particular time, they were asked to continue the matter until the new City Council and Committee members were seated; so we are coming back before you tonight to present the item again for some further discussion. The DSCP has requested funding in the amount of \$263,500. This is a slight reduction in the amount of funding that was granted 2012/13. The current allocation of \$263,500 is budgeted.

**Lynne Schwartz, Executive Director, Downtown St. Charles Partnership:** I will give you a brief recap of the presentation back in April. Since July 2012 our organization has undergone a number of changes including an reorganization, office relocation, and change in our fiscal year.

During these past 11 months our main focus has been in connecting and engaging our business owners to create a cohesive and strong downtown business community. Every downtown business owner has received regular communications from us regarding resources, invitations for support; including a newly created bi-weekly business newsletter, retail minded magazine and business skills that are delivered monthly, invitations to our four business exchanges, opportunities to participate in our small group training on Facebook for businesses, business surveys to help us determine how to best actively reach their target market through the use of our marketing dollars, and cooperative advertising opportunities. We have made many visits to both new and existing businesses and will continue this practice. We focus our public relation efforts on delivering positive consistent messaging about downtown amenities including shopping, dining, entertainment, and recreation. This has been carried out through holiday advertising campaigns and a collaborative effort with our organization and City of St. Charles' Economic Development Department. We also implemented a shop local campaign aimed at our local visitors and partnered with the City, CVB, and Chamber of Commerce. We produced a downtown video highlighting Downtown St. Charles and have submitted regular press releases communicating positive news related to downtown St. Charles. We also made positive contributions to improve the aesthetics of downtown with our vacant storefront panels, our awning grant program, the installation of the first historic marker with two more being installed in the near future, and we continue our walkabouts in conjunction with the City.

We've had successful events that have all had mutual or positive revenue streams. In addition to the Fine Arts Show and the Holiday Homecoming, we've added two new events: Jazz Weekend and the St. Patrick's Day Parade. We are also working with other event organizers that are interested in planning events downtown.

As we move ahead this fiscal year, we plan to continue the programs and services that are currently in place. We also have some initiatives planned. We'll be developing a branding campaign for Downtown St. Charles which will become the basis of all of our messaging about our downtown district. This will build on our existing vision for downtown by helping us define our current culture and will involve all of our stakeholder groups. The end result of this will be a cohesive and consistent message about downtown St. Charles and will allow us to differentiate ourselves from our competitors and put us in the best position for success for our downtown.

We'll also be implementing STC Live which is a series of micro events that pairs free live entertainment with our local businesses. This will take place on Wednesday and Friday evenings starting next week and will create an opportunity for people to come downtown and give them a reason to stay downtown if they are here for other reasons. We'll also be implementing a mystery shopper program – businesses will be able to self-select for this program and we have teamed up with a nationally known expert who will shop businesses and then provide an assessment.

We are fortunate to have a dedicated volunteer base of business owners, property owners, and residents; approximately 200 people strong who all share their talent and expertise for the good of downtown. We look forward on building on to the momentum we have created this past year.

**Chrmn. Turner:** We've talked about your actual participation of businesses is 36%. On the surface that doesn't look like a high number but you have told us about participation of businesses that are not part of that 36% - would you elaborate on that?

**Lynne:** This last year we did not focus on getting people as members, we're not a membership organization per se. Our mission is to support all of our downtown community and property owners. Our focus is not to get these people to be members or investors but rather to engage the business community and get them up to speed with all the new changes to our programs. Some do not have money to invest into our organization at this time but they actively participate in our organization, programs, and committees.

**Chrmn. Turner:** I would like to see the amount of businesses from the different types of businesses that have participated and how many times they have participated in your events – member or not. It looks on the surface that 2/3 of the people aren't involve but that's not the case. I would like something to document that because this is a good chunk of tax money and I don't want people looking strictly at this 36%; so going forward next year I would like to see a different set of figures of how many people actually participate (members on not) in your downtown community.

**Ald. Lewis:** Do you see the membership being phased out?

**Lynne:** No, it's not being phased out, it's additional or a choice; we are different from the Chamber of Commerce that is membership driven. We are here to support our downtown businesses and property owners through this tax. The money we receive through our investors/members continue to come in on a regular basis.

**Ald. Krieger:** I would suspect that the economy has something to do with this. It might be more reasonable for someone to go out and volunteer for an organization rather than pay for a membership.

Motion by Ald. Stellato, second by Krieger to recommend approval of funding for the Downtown St. Charles Partnership (DSCP) for FY13/14.

**Roll Call:** Ayes: Stellato, Silkkaitis, Payleitner, Lemke, Martin, Krieger, Bessner, Lewis; Nays: None. Chrmn. Turner did not vote as Chairman. **Motion carried.**

- c. **Recommendation to approve funding for the Convention and Visitor's Bureau and approve a Resolution Authorizing the Mayor to Execute the Agreement for FY13/14.**

**Ald. Stellato:** I am now the liaison for CVB for the Council. I have a procedural question. Am I allowed to vote on this or do I abstain from this?

**Atty. McGuirk:** I don't see this as a conflict, you can vote on this.

**Chris Minick:** Each year we allocate a portion of the hotel revenue to the Convention & Visitor's Bureau. Representatives from the CVB will make a presentation to update the committee on their activities and how the money is spent for FY12/13 and also to request an allocation for the next fiscal year. For FY13/14 the allocation requested is \$526,500. This amount has been held consistent since 2009/2010 when all external funded agencies saw their funding reduced by 10% in response to the economic downturn that was going on in at the point in time. The amount of \$526,500 is budgeted.

**Amy Egolf, Executive Director, Convention & Visitors, Bureau, 311 N 2<sup>nd</sup> Street:** For the past 30 years the City has produced funding for our bureau as an investment in the economic health of St. Charles. Amy introduced the Board of Directors.

Every time a visitor spends a night in our hotel, 11% of the guest room's rate is added to their bill. 5% of that comes back to the City of St. Charles, 6% goes to the State of Illinois. Through our partnership with the Illinois Office of Tourism our bureau receives a portion of state hotel taxes as well. Because of that our fiscal year mirrors the State of Illinois and begins on July 1 and concludes on June 30. We are currently in the midst of our fourth quarter of fiscal year 2013.

In fiscal year 2012 our bureau activities resulted in return of investment of \$16.66 for each of the \$730,121.00 we received from both local and state hotel tax dollars. YTD 2013 we have a return of investment of \$11.60 for each one of our dollars with fourth quarter results still to come.

The direct spending of return of investment figures that we provided tonight are based on three based bureau touch stones. Estimated spending of Scarecrow Fest attendees outside of Fox Valley area, estimated spending from individuals who contact us for information and convert into actual visits, estimated revenue from lead business to our hotels that we have sent to them.

Our rollover investments don't include any rollover of those direct spending dollars. Industry professionals estimate that each dollar of direct spending actually rolls over four times in a community and they rollover when a tourism entity purchases services from local suppliers and when tourism employees spend their wages on their own households throughout the community. We don't include one dime of the estimated spending by Fox Valley attendees at Scarecrow Fest. We don't include spending of the 32,000 attendees from 195 groups that our bureau touched in the past 2 years with our services. We don't include any conversion of the 653,505 unique visitors to our websites. We don't calculate dollars spent by visitors who are lured to shop, dine or enjoy our attractions or with a group of attendees who were enticed to stay an extra day or come back for a leisure getaway because of our marketing materials. We aren't able to track businesses and planners who learn about St. Charles from our sales team and who chose to contact one of our hotels or meeting venues directly. Finally, as of now, we haven't tracked any of the promotional value from the significant media exposure the bureau generates, including the precedent coverage Scarecrow Fest received last September on NBC's Today Show.

Between July 1, 2011 and March 31, 2013 our bureau has distributed 114 leads reflecting more than 31,000 potential room nights to our hotels. We've mailed more than 54,000 packets of

information. We launched our new “Faces and Places” on visitstcharles.com website plus other sites as well.

Highlights for our next year’s programs of work include installation of jackrabbit reservation system which will enable visitors who come to our website to find the best rates available and to book real time reservations at our hotels directly from our website. This will help to keep them from going to those discount sites. We are going to do some more social media and digital advertising initiatives. We’re holding monthly management seminars sponsored by our Hospitality and Marketing Association so that both our staff and hotels can stay abreast of the rapidly changing hospitality trends. We are going to be working with our partners in Chicagoland Fox Valley marketing cooperative initiative and those partners are St. Charles, Geneva Chamber of Commerce, Aurora and Elgin area CVBs with the four of us coming together with a new look, still maintaining our individual identities, as well as to leverage our dollars for more exposure for our better buck.

Scarecrow 2013 – we’ve hired a new event company this year and we’re bringing our scarecrows back to the west side. We are going to have three additional entertainment zones throughout the footprint to encourage that foot traffic to be more even. Ravenswood has introduced to us the concept of a marketplace to the City’s east side. This marketplace will be filled with vendors offering merchandise such as jewelry, clothing, and books; and provide our own stores to be able to cross promote and let people know who come to the marketplace that their retail stores have similar merchandise. Our bureau follows the model of all bureaus all over the world. We use visitor hotel tax to lure new visitors to our destination so that they will generate more hotel tax. We recognize that each of you is faced with making certain that every hotel tax dollar is used wisely to the enhancement of the City of St. Charles.

**Ald. Bessner:** Could tell us about Ravenswood Events?

**Amy:** They are a Chicagoland event company and specialize in more unique festivals and we felt once we interviewed with them that they understood the uniqueness of Scarecrow and that’s why we chose them.

**Chrmn. Turner:** Where is this vintage market going east?

**Amy:** It will be behind the Municipal Center. We are not going to have a music venue there this year. We feel this is a good way to direct people up to Century Corners and down to Main Street.

Motion by Ald. Martin, second by Krieger to recommend approval of funding for the Convention and Visitor’s Bureau and approve a Resolution Authorizing the Mayor to Execute the Agreement for FY13/14.

**Roll Call:** Ayes: Stellato, Silkkaitis, Payleitner, Lemke, Martin, Krieger, Bessner, Lewis; Nays: None. Chrmn. Turner did not vote as Chairman. **Motion carried.**

**7. Executive Session**

- Personnel
- Pending Litigation
- Probable or Imminent Litigation
- Property Acquisition
- Collective Bargaining
- Review of Minutes of Executive Sessions

Motion by Ald. Stellato, second by Silkaitis to enter into Executive Session to discuss Personnel at 8:31 p.m.

**Roll Call:** Ayes: Stellato, Silkaitis, Payleitner, Lemke, Martin, Krieger, Bessner, Lewis; Nays: None. Chrmn. Turner did not vote as Chairman. **Motion carried.**

Motion by Ald. Stellato, second by Silkaitis to return from Executive Session at 9:05 p.m.

**Roll Call:** Ayes: Stellato, Silkaitis, Payleitner, Lemke, Martin, Krieger, Bessner, Lewis; Nays: None. Chrmn. Turner did not vote as Chairman. **Motion carried.**

**8. Additional Items**

None.

**9. Adjournment**

Motion by Ald. Krieger, second by Silkaitis to adjourn meeting at 9:07 p.m.

**Voice Vote:** Unanimous; Nays: None. Chrmn. Turner did not vote as Chairman. **Motion Carried.**

**City of St. Charles, Illinois  
Resolution No. \_\_\_\_\_**

**A Resolution Authorizing the Mayor and City Clerk of the City of St. Charles to Execute an Intergovernmental Agreement between the City of St. Charles and St. Charles School District 303 for Traffic Signal Installation**

**Presented & Passed by the  
City Council on \_\_\_\_\_, 2013**

BE IT RESOLVED by the Mayor and City Council of the City of St. Charles, Kane and DuPage Counties, Illinois, that the Mayor and City Clerk be and the same are hereby authorized to execute an Intergovernmental Agreement between the City of St. Charles and St. Charles School District 303 for Traffic Signal Installation in the amount of \$125,000.00.

PRESENTED to the City Council of the City of St. Charles, Illinois, this \_\_\_th day of June, 2013

PASSED by the City Council of the City of St. Charles, Illinois, this \_\_\_th day of June, 2013

APPROVED by the Mayor of the City of St. Charles, Illinois, this \_\_\_th day of June, 2013

\_\_\_\_\_  
Raymond P. Rogina, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

COUNCIL VOTE:

Ayes:

Nays:

Absent:

Abstain:

**INTERGOVERNMENTAL AGREEMENT**

THIS AGREEMENT (the "Agreement"), made and entered into this 11<sup>th</sup> day of JUNE, 2013, by and between the CITY OF ST. CHARLES, Kane and DuPage Counties, Illinois (the "City") and the ST. CHARLES COMMUNITY UNIT SCHOOL DISTRICT 303, Kane and DuPage Counties, Illinois (the "District"), the City and the District singularly being referred to as a "Party" and collectively as the "Parties".

**WITNESSETH**

WHEREAS, units of local government and school districts, including the Parties to this Agreement, are authorized to contract with each other in any manner not prohibited by law or ordinance, to exercise, combine or transfer any power or function in any manner not prohibited by law, and to use their credit, revenues and other resources to pay costs and to service debt related to intergovernmental activities, pursuant to Article VII, Section 10 of the Constitution of the State of Illinois; and

WHEREAS, the Parties are "public agencies" as defined within the Intergovernmental Cooperation Act, (5 ILCS 220/1, *et seq.*) and, by that Act, are authorized to jointly exercise any power, privilege or authority which they might individually exercise and enter into contracts for the performance of governmental services, activities and undertakings; and

WHEREAS, the Parties have determined that it is in the mutual best interest of each Party that a stoplight be installed at the north entrance of St. Charles North High School at Red Gate Road (the "Project").

NOW, THEREFORE, in consideration of the foregoing recitals, the mutual covenants and agreements hereinafter set forth, and other good and valuable consideration, the receipt and sufficiency of which each Party hereto hereby acknowledges, the Parties do hereby agree as



follows:

**Section 1. Incorporation of Recitals.** The preambles set forth above are hereby incorporated herein as substantive provisions of this Agreement as if fully set out in this Section 1.

**Section 2. Installation of Project.** The City shall be responsible for the design, construction and installation of the Project. All costs associated with the design, construction and installation of the Project, including, but not limited to, costs for labor, materials and equipment shall be paid by the City when due, subject to reimbursement from the District as hereinafter provided.

**Section 3. Reimbursement of Project Costs.** The District agrees to reimburse the City for the costs of the east bound right turn lane serving St. Charles North High School, including construction and engineering. In no event shall the District's reimbursement exceed \$125,000. The District agrees to pay and reimburse the City for such costs within thirty (30) days of receipt of an invoice containing an itemization from the City, along with such additional documentation as the District may reasonably request to verify the City's payment of such costs.

**Section 4. Mutual Cooperation.** The Parties shall do all things necessary or appropriate to carry out the terms and provisions of this Agreement and to aid and assist each other in furthering the objectives of this Agreement and the intent of the Parties as reflected by the terms of this Agreement, including, without limitation, the enactment by the Parties of such resolutions and ordinances, the execution of such permits, applications and agreements and the taking of such other actions as may be necessary to enable the Parties' compliance with the terms and provisions of this Agreement, and as may be necessary to give effect to the objectives of this Agreement and the intentions of the Parties as reflected by the terms of this Agreement.

**Section 5. Notices.** All notices hereunder shall be in writing and must be served either

personally or by registered or certified mail to:

A. The City at:  
City of St. Charles  
2 East Main Street  
St. Charles, IL 60174  
Attention: City Administrator

B. The District at:  
201 South 7<sup>th</sup> Street  
St. Charles, IL 60174  
Attention: Superintendent of Schools

C. To such other person or place which either Party hereto, by its prior written notice, shall designate for notice to it from the other Party hereto.

**Section 6. No Third Party Rights.** Nothing in this Agreement, whether express or implied, is intended to confer any rights or remedies under or by reason of this Agreement on any person other than the Parties hereto and their respective permitted successors and assigns, nor is anything in this Agreement intended to incur or discharge the obligation or liability of any third person to any Party, nor shall any provision give any third person any right of subrogation or action over or against any Party to this Agreement.

**Section 7. Integration.** This Agreement represents the entire understanding between the Parties and may be modified only by a written document signed by both Parties.

**Section 8. Assignment.** Neither of the Parties may assign its rights and privileges or its duties and obligations under this Agreement without the written consent of the other Party. This Agreement shall inure to the benefit of each Party and their respective successors and assigns.

**Section 9. Governing Law.** This Agreement and the application of the terms contained herein shall be governed by the laws of the State of Illinois.

**Section 10. Non-Waiver.** Any failure or delay by any Party in instituting or prosecuting any actions or proceedings or in otherwise exercising its rights hereunder shall not operate as a

waiver of any such rights or to deprive it of or limit such rights in any way. No waiver in fact made by a Party with respect to any specific default by the other Party shall be considered or treated as a waiver of the rights of the waiving Party with respect to any other defaults by the defaulting Party or with respect to the particular default except to the extent specifically waived in writing.

**Section 11. Headings.** The headings contained in this Agreement are for convenience of reference only and shall not limit or otherwise affect in any way the meaning or interpretation of this Agreement.

**Section 12. Invalidity.** Whenever possible, each provision of this Agreement shall be interpreted in such manner as to be valid under applicable law, but if any provision of this Agreement shall be held to be invalid or prohibited hereunder, such provision shall be ineffective to the extent of the prohibition or invalidation, but shall not invalidate the remainder of such provision or the remaining provisions of this Agreement.

**Section 13. Counterparts.** This Agreement may be executed in multiple, identical counterparts and all said counterparts shall, taken together, constitute this integrated agreement.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the Parties hereto have set their hands and seals the day and year first above written.

CITY Of ST. CHARLES

By: \_\_\_\_\_  
Mayor

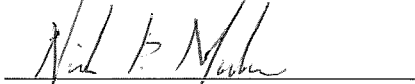
ATTEST:

\_\_\_\_\_  
City Clerk

ST. CHARLES COMMUNITY UNIT SCHOOL  
DISTRICT 303

By:   
President

ATTEST:

  
Secretary

STATE OF ILLINOIS        )  
  ) SS.  
COUNTY OF KANE         )

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that STEVE SPURLING, President of St. Charles Community Unit School District 303 and NICK MANHEIM, Secretary of the St. Charles Community Unit School District 303, personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such President and Secretary, respectively appeared before me this date in person and acknowledged that they signed and delivered the said instrument as their free and voluntary act and as the free and voluntary act of said corporation, for the uses and purposes therein set forth; and the said Secretary then and there acknowledged that he, as custodian of the corporate seal of said corporation, did affix the corporate seal of said corporation to said instrument, as his own free and voluntary act and as the free and voluntary act of said corporation, for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this 11th day of JUNE, 2013.

Christine Rachford  
Notary Public



STATE OF ILLINOIS            )  
  ) SS.  
COUNTY OF KANE            )

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Raymond P. Rogina., Mayor of the City of St. Charles, and Nancy Garrison, City Clerk of said City, personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such Mayor and City Clerk, respectively appeared before me this date in person and acknowledged that they signed and delivered the said instrument as their free and voluntary act and as the free and voluntary act of said City, for the uses and purposes therein set forth; and the said City Clerk then and there acknowledged that she, as custodian of the corporate seal of said City, did affix the corporate seal of said City to said instrument, as her own free and voluntary act and as the free and voluntary act of said City, for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Notary Public



ST. CHARLES  
SINCE 1834

**AGENDA ITEM EXECUTIVE SUMMARY**

Title: Recommendation to approve funding for the Downtown St. Charles Partnership for FY13/4

Presenter: Chris Minick, Finance Director

*Please check appropriate box:*

XX	Government Operations (06/03/13)	Government Services
	Planning & Development	City Council
	Public Hearing	

Estimated Cost:	\$263,500	Budgeted:	YES	X	NO
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If NO, please explain how item will be funded:

**Executive Summary:**

Each year the City allocates funding from Special Service Area 1B to support the activities of the Downtown St. Charles Partnership (DSCP). Representatives of the DSCP will make a brief presentation on their activities, financial status, and the progress on goals outlined for 2012-2013.

Special Service Area 1B was initiated to provide funding for downtown revitalization initiatives, projects, and programs. The activities of the DSCP are consistent with the activities outlined in the ordinance establishing SSA 1B.

The level of funding requested is budgeted and represents a decrease from the current level of funding (\$275,000) and represents all of the proceeds from SSA 1B for the 2012 tax levy to be collected in 2013.

**UPDATE:**

**This item is continued from the April 15, 2013 Government Operations Committee Meeting. At that meeting, direction was given that the discussion be continued after the seating of the new City Council.**

**Attachments:** *(please list)*

- Funding request packet
- Unaudited 2012 financial statements
- 2013 Year to date financial statements (unaudited)

**Recommendation / Suggested Action** *(briefly explain):*

Recommendation to approve funding for the Downtown St. Charles Partnership for FY13/4.

*For office use only:*

*Agenda Item Number: 5b*

## **AGREEMENT**

**THIS AGREEMENT**, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2013, by and between the City of St. Charles, Kane and DuPage Counties, Illinois, an Illinois municipal corporation (the “City”), and The Downtown St. Charles Partnership, Inc., an Illinois not-for-profit corporation (the "Partnership"; the City and the Partnership each known individually as a “Party” and collectively as the “Parties”);

### **WITNESSETH**

**WHEREAS**, the City is desirous of preserving and revitalizing its central business district through planning, development and redevelopment activities; and,

**WHEREAS**, pursuant to Ordinance No. 1993-M-63 (the “SSA Ordinance”), the City established Special Service Area No. 1B (Downtown Revitalization) (“SSA1B”) to fund certain services specified therein, relating to economic development and promotional activities in the downtown area; and

**WHEREAS**, a map showing the current boundaries of SSA1B is attached hereto and incorporated herein as Exhibit “A”; and

**WHEREAS**, the SSA Ordinance provides for a maximum tax of 0.9% (\$0.90 per \$100) of the equalized assessed value of taxable property within the boundaries of SSA1B; and

**WHEREAS**, the City is a home rule unit as provided in the 1970 Illinois Constitution (Article VII, Section 6), and this Agreement is an exercise of its powers and performance of its functions pertaining to its government and affairs; and

**WHEREAS**, pursuant to the intergovernmental cooperation provisions of the Constitution of the State of Illinois (Article VII, Section 10), the City is authorized to contract or otherwise associate with individuals in any manner not prohibited by law or by ordinance; and



**WHEREAS**, the Partnership is interested in fostering the advancement of civic pride in the history and benefits of downtown St. Charles and is willing and able to provide the services authorized by the SSA Ordinance and desired by the City, pursuant to the terms and conditions of this Agreement.

**NOW, THEREFORE**, in consideration of the foregoing recitals and the covenants and conditions hereinafter set forth, and for other good and valuable consideration, the adequacy and sufficiency of which the Parties hereby stipulate, the Parties hereby agree as follows:

**Section 1. Services.** The Partnership shall provide the services described in Exhibit “B” attached hereto and incorporated herein, and such other services as are requested by the City and authorized by the SSA Ordinance. Such services shall be provided within the boundaries of SSA1B, as such boundaries may be modified from time to time.

**Section 2. SSA Tax.** In consideration of the foregoing services provided by the Partnership, the City agrees to pay to the Partnership 100% of the SSA1B property tax receipts, excluding Tax Increment Financing property tax proceeds, or \$263,500, whichever is less, received by the City during the term of this Agreement. Payment shall be made on a monthly basis starting July 1, 2013.

**Section 3. Indemnification.** To the fullest extent permitted by law, the Partnership hereby agrees to defend, indemnify and hold harmless the City against all loss, damages, claims, suits, liabilities, judgments, costs and expenses which may in anyway accrue against the City, its officials, agents and employees, arising in whole or in part or in consequence of the performance of this Agreement by the Partnership, its officials, agents and employees, except that arising out of the sole legal cause of the City, its officials, agents or employees, and the Partnership shall, at its own expense, appear, defend and pay all charges of attorneys and all costs and other expenses

arising therefor or incurred in connection therewith, and, if any judgment shall be rendered against the City, its official, agents and employees, in any such action, the Partnership shall, at its own expense, satisfy and discharge the same.

**Section 4. Mutual Cooperation.** The Parties shall utilize their best efforts to share and communicate relevant information in a timely and effective/efficient manner, and work together to accomplish their common and mutual goals. The Parties shall do all things necessary or appropriate to carry out the terms and provisions of this Agreement and to aid and assist each other in furthering the objectives of this Agreement.

**Section 5. Performance Measures.** In furtherance of the common goals and mission of the City and the Partnership, the performance measures attached hereto and incorporated herein as Exhibit "C" shall be utilized by the Partnership in conjunction with the services previously outlined in Exhibit "B" and by the City in assessing the quality of the Partnership's performance under this Agreement. The Partnership shall report on the status of each of the measures in a presentation to the corporate authorities of the City on April 14, 2014.

**Section 6. Recordkeeping.** The Partnership shall maintain records of all of its activities performed under this Agreement for a period of at least seven years, which records shall upon request be subject to inspection and copying by the City or its designated agent at the City's sole expense at any reasonable time or times during the operation of this Agreement and for a period of six years thereafter. This Section shall survive termination of this Agreement.

**Section 7. Monthly Financial Report.** The Partnership shall provide City with a monthly financial report including a profit and loss statement, along with an annual balance sheet. The current profit and loss statement, along with a summary of activities undertaken

regarding the Partnership's services hereunder, shall be provided to the City within thirty (30) days after the end of the month for which the statement is prepared.

**Section 8. Compliance with City's Policy.** In addition to the requirements set forth in this Agreement, the Partnership shall comply with the provisions of the City's Policy Regarding Funding for External Agencies, as such policy is in effect from time to time.

**Section 9. Return of Unused Funds.** Upon termination of this Agreement, any funds paid to the Partnership hereunder and not used or otherwise subject to pending contract requirements of the Partnership shall be returned to the City.

**Section 10. Relationship of the Parties.** Nothing contained in this Agreement nor any act of the City or the Partnership shall be deemed or construed by any of the Parties, to create any relationship of principal or agent, or of limited or general partnership, or of joint venture, or of any association or relationship involving the City or the Partnership. The Partnership shall not enter into any relationship, contractual or otherwise, which will subject the City to any liability and shall have no authority to bind the City in any matter.

**Section 11. No Third Party Rights.** Nothing in this Agreement, whether express or implied, is intended to confer any rights or remedies under or by reason of this Agreement on any person other than the Parties hereto and their respective permitted successors and assigns, nor is anything in this Agreement intended to incur or discharge the obligation or liability of any third person to any Party, nor shall any provision give any third person any right of subrogation or action over or against any Party to this Agreement.

**Section 12. Amendment.** This Agreement may be amended by mutual consent. Any such amendment shall be effective only if evidenced by a written instrument executed by the Parties.

**Section 13. Notices.** All notices hereunder shall be in writing and must be served either personally or by registered or certified mail to:

A. The City at:

City of St. Charles  
2 East Main Street  
St. Charles, IL 60174  
Attention: City Administrator

B. The Partnership at:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

C. To such other person or place which either Party hereto, by its prior written notice, shall designate for notice to it from the other Party hereto.

**Section 14. Integration.** This Agreement together with all Exhibits and attachments thereto, constitute the entire understanding and agreement of the Parties. This Agreement integrates all of the terms and conditions mentioned herein or incidental hereto, and supersedes all negotiations or previous agreements between the Parties with respect to all or any part of the subject matter hereof.

**Section 15. Assignment.** Neither of the Parties may assign its rights and privileges or its duties and obligations under this Agreement without the written consent of the other Party. This Agreement shall inure to the benefit of each Party and their respective successors and assigns.

**Section 16. Governing Law.** This Agreement and the application of the terms contained herein shall be governed by the laws of the State of Illinois.

**Section 17. Remedies for Default.** In addition to all other remedies that may be available under law, in the event of a default by either Party under this Agreement, the other

Party may elect to terminate the Agreement by serving ten-day written notice upon the other Party.

**Section 18. Non-Waiver.** Any failure or delay by any Party in instituting or prosecuting any actions or proceedings or in otherwise exercising its rights hereunder shall not operate as a waiver of any such rights or to deprive it of or limit such rights in any way. No waiver in fact made by a Party with respect to any specific default by the other Party shall be considered or treated as a waiver of the rights of the waiving Party with respect to any other defaults by the defaulting Party or with respect to the particular default except to the extent specifically waived in writing.

**Section 19. Headings.** The headings contained in this Agreement are for convenience of reference only and shall not limit or otherwise affect in any way the meaning or interpretation of this Agreement.

**Section 20. Invalidity.** Whenever possible, each provision of this Agreement shall be interpreted in such manner as to be valid under applicable law, but if any provision of this Agreement shall be held to be invalid or prohibited hereunder, such provision shall be ineffective to the extent of the prohibition or invalidation, but shall not invalidate the remainder of such provision or the remaining provisions of this Agreement.

**Section 21. Term of Agreement.** Unless sooner terminated by agreement of the Parties or otherwise pursuant to the provisions of this Agreement, this Agreement shall be effective upon the execution by both Parties thereto and shall continue in effect through April 30, 2014.

**Section 22. Counterparts.** This Agreement may be executed in multiple, identical counterparts and all said counterparts shall, taken together, constitute this integrated Agreement.

**IN WITNESS WHEREOF**, the undersigned have hereto set their hands and seals this  
\_\_ day of \_\_\_\_\_, 2013.

CITY OF ST. CHARLES

By: \_\_\_\_\_  
City Administrator

ATTEST:

\_\_\_\_\_  
City Clerk

THE DOWNTOWN ST. CHARLES  
PARTNERSHIP, INC.

By: \_\_\_\_\_  
\_\_\_\_\_

ATTEST:

\_\_\_\_\_  
\_\_\_\_\_



**EXHIBIT "B"**

**PROGRAMS AND ACTIVITIES TO BE PROVIDED**

**Downtown St. Charles Partnership  
Fiscal Year 2013-2014  
Program of Work**

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***Marketing & Promotions***

- Begin developing a branding strategy to position downtown St. Charles, aligning core messaging for each of our stakeholder groups.
  - Build on our collaboration and partnership with the city's Economic Development Department in order to maximize resources and programming for the benefit of downtown.
  - Drive traffic into downtown businesses through downtown promotions.
  - Support the marketing efforts of our downtown businesses through our communications channels, marketing and promotions.
  - Improve the image of downtown St. Charles through regular, positive communications about business openings, milestones, improvements; downtown promotions and activities; and other positive, newsworthy information.
- 

***Business Development & Education***

- Have regular communication with DSCP constituents about the DSCP program of work, educational and marketing opportunities, and business and property owner needs.
  - Provide educational opportunities for our downtown business owners as a way to support retention efforts downtown.
  - Support the city and property owners' efforts to attract new businesses downtown.
-



## *Events*

- Strengthen the events review process for downtown events.
- Produce events that have a positive impact on the economics and/or image of downtown St. Charles.

## EXHIBIT "C"

### PERFORMANCE MEASUREMENTS

## **Fiscal Year 2013-2014 Performance Measurements**

The Downtown St. Charles Partnership has built a program of work focused on enhancing the economic viability of the business and property within the downtown business district, and will continue to build on our recent successes. We will continue to support and complement the efforts of the City of St. Charles, providing additional resources for the downtown district, centered on the following areas: Marketing and Promotions, Business Development and Education, and Downtown Events.

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### ***Marketing & Promotions***

- Drive branding initiative, working in partnership with the City of St. Charles, and involving our stakeholders and other vested community organizations.
- Through an RFP process, assess and recommend a third-party partner for brand research and development
- Partner with ED to develop an advertising campaign aimed at shopping, dining, entertainment and recreation in downtown St. Charles.
- Continue to promote a Shop Local message, and support the city's Shop Local Challenge through our communication vehicles.
- Communicate with ED regularly in the interest of information sharing and collaboration, where appropriate.
- Organize the second annual Jazz Weekend in September.
- Implement STC Live! This pairs up downtown businesses and local talent in order to create vibrancy and a family-friendly atmosphere downtown.
- Organize Art Around the Corner, starting the weekend of the Fine Art Show.
- Update the following materials in order to provide more up-to-date information about downtown amenities:
  - Downtown Business Directory, both in print and online
  - Bike Maps
  - Parking Kiosks
- Regularly update our website and ensure it is mobile-friendly for ease of use by consumers.

- Grow our e-newsletter and Facebook audiences, with a continued emphasis on shopping, dining, entertainment and recreational opportunities downtown.
- Distribute regular press releases to local media about local business achievements.
- Provide press releases and story ideas which highlight shopping, dining, and entertainment amenities and options downtown.
- Deliver regular press releases regarding downtown events and promotions.

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### ***Business Development & Education***

- The staff will continue conducting regular business retention visits as a touch point for connecting with our constituents, taking the pulse of the business community, and addressing questions or concerns of business owners.
- Meet with new downtown business owners as soon as possible to get them engaged in the downtown business community, provide information on opportunities, and begin marketing support.
- Distribute our Business Newsletter every other week, providing information on advertising and marketing opportunities, links to educational information and Talking Points for front line staff about downtown.
- Conduct surveys with downtown businesses to assess their education and marketing needs, which will drive future DSCP programming.
- Organize five Business Exchanges during the course of the year, with content being driven by the outcome of our business survey.
- Continue our *Retail Minded* Partner Program, delivering four electronic magazines and eight business tools throughout the year.
- Provide small group training, with topics selection based on business survey data.
- Implement a Mystery Shopper program in order to provide feedback to owners on their individual businesses' strengths, weaknesses and opportunities for improvement.
- Implement a mentor program, which can be used by any business in need of specific and individual coaching.

- Provide window panels for vacant storefronts, promoting shopping, dining, entertainment and recreation downtown.
  - Meet with prospective business owners, when appropriate, to share information on support services available through the Downtown St. Charles Partnership.
  - Ensure that property owners are receiving regular communications.
- 

### *Events*

- Tweak the process during the first year of evaluations to ensure a positive experience for event organizers
  - Provide prospective event organizers feedback on how to most effectively work with downtown businesses to ensure a mutually beneficial experience.
  - Organize the Fine Art Show, Holiday Homecoming, and St. Patrick's Parade with funding from sponsorships and other related event fees.
  - Provide business owners with ideas on how to best capitalize on foot traffic created by the events.
  - Facilitate partnerships between sponsors and businesses, where appropriate.
-

**MINUTES  
CITY OF ST. CHARLES, IL  
GOVERNMENT SERVICES COMMITTEE MEETING  
MONDAY, APRIL 22, 2013, 7:00 P.M.**

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

**Members Absent:** 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: Present  
Carrignan: Present  
Payleitner: Present  
Turner: Present  
Rogina: Present  
Martin: Present  
Krieger: Present  
Bessner: Absent  
Lewis: Present

3.a. **Electric Reliability Report.**

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

**3.b. EAB Control Efforts.**

**Aldr. Stellato:** We have two citizens who would like to speak about EAB. Please approach and state your name and address.

**Kathy McGinley, 1901 Jeanette Avenue.  
Kelly Collins, 1419 Walnut Hill Avenue.**

**Aldr. Stellato:** I understand you wanted to talk about the Tree Commission minutes?

**Ms. Collins:** Not too long ago, the City took out virtually every tree on Walnut Hill Avenue. Having lived there since 2002, many of these trees were not dead and I was horrified. I was wondering why they were removed since my son and daughter-in-law had an ash in their backyard that looked like it was going to die and it came back the following year. It seems the City didn't give the trees a chance at all. It looks like I live in a cornfield and it's horrible.

**Mr. Suhr:** I would like to provide you with a brief update on the EAB, and we will be talking about this as another item on the agenda as well. We started with 5,400 ash trees that the City maintained in public right-of-way, of which we have been analyzing since 2008 when the Emerald Ash Borer was first discovered in St. Charles. Approximately a year and a half ago, this Committee and the City Council approved a bonded project to remove and replace 3,000 of those trees. At that time, we presented the facts that suggested Emerald Ash Borer is here and growing.

City Council approved the project to remove and replace 3,000 trees. Since that time, we have removed 2,000 of the 3,000 trees to date and we are seeking approval for the last 1,000 tonight as part of another agenda item. The focus of that program was always to remove the worst condition trees and only to remove trees that were dead according to our standards and our professional arborists' opinion.

I'm surprised to hear this tonight. We can certainly look into the details of Walnut Hill specifically, but our policy has always been to remove a tree only if it's gotten to the point where salvage is no longer a consideration.

**Aldr. Stellato:** If a resident wanted to keep a tree in their parkway, they do have the right to treat it and try to save it....

**Ms. Collins:** We never received anything like that in the mail.

**Aldr. Stellato:** Please let me finish – but the arborist that we hired would make a determination about whether or not that was even possible. There are trees that can survive, but believe me, I have the same amount of trees coming down in my neighborhood as well and they all have pink or purple dots on them which means they are dying or already dead.

According to the arborist, some of those trees cannot be saved. Even though you might be able to save one here or there, there are some that have already been determined to be dead. The good news is we were able to find a funding source to be able to replace the trees quickly; before we found the funding source, we were looking at five to ten years to be able to replace the trees. But now, because of the money left from the Red Gate Bridge Project, we are able to do all the trees and will be done by 2014.

**Aldr. Lewis:** Where is Walnut Hill?

**Ms. Collins:** One block from Division and 7<sup>th</sup>.

**Ms. McGinley:** I just wanted to say that it's very concerning. The house across the street from me at 1814 Jeanette had two Ash trees. We closed on our house on August 24, 2011 and I noticed the purple dots that same day. I was very, very upset because one of the reasons we bought in St. Charles was because of these tree lined streets. 1814 Jeanette had two Ash trees; one looked really bad and one looked just fine. Both chopped down. I called and talked to someone at the City and they tried to explain it to me and I didn't understand. There is another one up the street from me with a pink dot and it looks like it's budding just fine. I'm also concerned about trees that haven't been replaced. Some addresses such as 1803 Jeannette and 1911 Jeanette had trees cut down a couple years ago and some were replanted, but a couple in their yard weren't replanted. I know the residents have the option of saying they want a tree – which I think is totally insane. It is detrimental to our property values. If the city is going to cut down a tree, the City should replant.

**Aldr. Stellato:** I didn't know they had an option in the parkway, because that is City property.

**Mr. Suhr:** There is no option for that. We have had very few requests to not replant and usually we will meet with the homeowner and convince them otherwise. I'm not saying we haven't done that in the past, but that is certainly something we do not suggest doing.

On the administrative side of this, when we have been informed the tree has been infected with EAB, we send a letter to the resident adjacent to the property. So the letter goes out and a purple dot is placed on the tree. Once the tree is scheduled for removal, the purple dot is changed to a pink dot and a second letter is send to the resident as well. There is usually two forms of communication directly with that homeowner, so again, I'm a little surprised that some of these people aren't getting that notice and I will certainly look into that on these specific addresses.

**Ms. McGinley:** 1803 and 1911 Jeanette did not replace their trees and I know other neighbors are upset about it too.

**Aldr. Stellato:** They may be on the schedule to be replaced. You and Peter can talk off line.

**3.c. Tree Commission Minutes – Information only.**

**3.d. Presentation to provide update on the April 18, 2013 rain event – Information only.**

**Aldr. Stellato:** I wanted to tell staff what a great job they did during the rain event; you all did a tremendous job. You went over and above. Mark, you said you had some photographs and I would like you to share those with us, because the photos will show that one of the hardest hit areas was the 7<sup>th</sup> Avenue Creek area.

**Mr. Koenen:** Thank you very much. Staff and I put together some photos from the event last Thursday, as well as some statistical information.

Power Point presentation by Mark Koenen.

**Aldr. Rogina:** Thursday morning, I stopped by the State Street Creek. I thought it would be overflowing, but the opposite was turning. It was churning like mad, but was within its banks because Public Works had done some maintenance. The residents were ecstatic about that.

With regard to Dean Street; I received an e-mail from a resident complaining of grey water backing up in his basement. What would cause that? I know the State Street Creek takes all the water from the west side, just about. What is happening there?

**Mr. Koenen:** I know John Lamb of Environmental Services had a conversation with that gentleman earlier today and they are going to meet in the field to do some diagnostic work to understand what that means. Grey water generally tells me someone believes their sanitary sewer was backing up. When you get a big rain event, there are situations where rain water gets into the sanitary sewer system and causes that back up. We have people who sometimes have foundation drains or sump pumps tied to it. But we need to do some diagnostic work to see what can or cannot be done on that.

John Lamb also hosts a program that deals with sanitary sewer back up where we offer financial assistance to help the homeowner solve that problem so it does not back up in their basement. That is a way we are part of the solution to try and assist them on a one on one basis.

**Aldr. Lewis:** Can you give me a really brief explanation of 100 year flood? I think there is a misconception that it's only going to flood every 100 years and here we are five years later in a 100 year floodplain.

**Mr. Koenen:** I have to acknowledge that I don't particularly care for the connotation of a 100 year event. In the engineering world, a 100 year event means there is a 1% chance of that storm occurring any given year. It's not that it's only going to happen every 100 years; it means there is a 1% chance that it can happen every year.



**Aldr. Payleitner:** We talked briefly about a garbage pick up for flood victims. Have we made any progress?

**Mr. Koenen:** John Lamb of Environmental Services has been having a conversation that started Friday afternoon with Advanced Disposal, our refuse and recycling carrier, to coordinate when we can host a Flood Debris Collection Program. As people are inquiring about it, we are taking their information so we can call them once we have a designated date. We will also do Public Relations on it, but we will reach back out to the folks who have called us.

**Aldr. Payleitner:** Is that what you are advising us to do if residents come to us? Tell them to contact Public Works?

**Mr. Koenen:** Yes. You can also recommend they watch the website. We will be posting information once the specifics have been determined. But it will be for flood debris material only.

**Aldr. Turner:** You said all the property along 7<sup>th</sup> Avenue Creek is private. Has anyone approached you about buying property?

**Mr. Koenen:** We met with those residents about a year ago, and at that time we had a casual conversation about interest to have the City acquire lands. But it was just an exchange of the concept; nothing has developed above and beyond that. Jim Bernahl has also received inquiries from realtors about flood issues in that neighborhood and he has spoken openly about what we have seen out there and where we think the floodplain may move, but no one has come to us asking to make a deal happen.

**Aldr. Turner:** In the past, people from The Timbers have complained about sewer back up and we helped them out with the 50/50 program. Did we get any complaints from The Timbers this time?

**Mr. Koenen:** No, we didn't. That was the program I talked about relative to the Dean Street situation.

**Aldr. Rogina:** I was in the area of 8<sup>th</sup> and Illinois and met with a number of neighbors who said to me that if we would pay their mortgage off they want to leave. I was taken aback, but I guess that goes to the point if the City is interested in acquiring property, there is probably some conversation to be had.

**Chairman Stellato:** When do you think we will hear from FEMA?

**Mr. Koenen:** We had thought there would be a public information meeting last year, but with Hurricane Sandy and its effects, our project is not a priority at this point. I would like to think it will happen in 2013. Jim reached out again to FEMA today and they are aware of what happened in the Chicago area. We will keep you up to speed, but we are pushing as much as we can.

**4.a Recommendation to approve a Construction Service Agreement and Resolution for the 2013 Street Rehabilitation Project.**

**James Bernahl presented.** This is a recommendation to approve a Construction Service Agreement and Resolution for the 2013 Annual Street Rehabilitation Program. The City prepared contracts with IDOT, and we previously presented street locations to you. On Thursday, April 18, staff opened five bids received for this project. The Engineers Estimate for this project was \$1,525,000. The low bidder for the project was Plote Construction with a low bid of \$1,352,713.88.

Staff has reviewed references and makes the recommendation to award the contract to Plote Construction in an amount not to exceed \$1,352,713.88.

Staff also recommends approval of the standard IDOT Resolution that allows the City to utilize Motor Fuel Tax Dollars that we collect.

No further discussion.

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

**4.b. Presentation to provide Update on IL Route 64 Projects – Information only.**

**James Bernahl presented:** I wish I had better news to report, but progress has been slowed the last two weeks due to excessive rain. The contractor is eager to get started on installing new roadways at the intersection of Kautz and Smith. Half of the road should have been done, but the delay has been unavoidable.

The weather looks good over the coming weeks, so you should see paving activities taking place. They have worked near the intersection of Dunham and Il Rt. 64 paving the west side and they will be switching to the east side. They continue removing from 7<sup>th</sup> Avenue heading east, crushing roadway and doing storm sewer work.

No further discussion.

**4.c. Recommendation to approve a Resolution Authorizing the Execution of a Parking Easement Agreement with BMO Harris Bank, N.A.**

**Mark Koenen presented.** This is an agreement for the parking lot which is along Illinois between Riverside and Second Avenue behind River Rock House. For your information, we have come to terms on a ten year agreement with BMO Harris Bank to extend that lease.

The last time I was in front of you we talked about rights of first refusal to purchase and rights to make first offers. That has all been dropped from the language at this time and we have both agreed that we are committed to having parking at that location for at least ten years. I also want to point out there is some conversation in the agreement about whether the City of St. Charles should chose to provide payment for parking at that location. Quite frankly, I think we are dealing with people who park in downtown Chicago, so they were concerned about that. There is language in the document that if the City ever chooses to require payment for parking, we would talk to the bank about how that plays out for their tenants. We will have that conversation when the need arises.

Staff recommends approval of the document as drafted.

No further discussion.

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

**4.d. Recommendation to approve Fiscal Commitment to the Ride in Kane Program for Fiscal Year 2013-2014.**

**Mark Koenen presented.** This is an annual item where we talk about commitments for funding the Ride in Kane Program. The information is in your packet regarding the budget sum to assist seniors as well as special needs people.

Staff recommends approval of the fiscal commitment for the Ride in Kane Program.

No further discussion.

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

**4.e. Recommendation to award contract for Cable Injection Services to Novinium.**

**Tom Bruhl presented.** This is for a cable injection services contract with Novinium. In 2011 we went to the two vendors who provide this service. Novinium was the low bidder and they offered us a three year deal where each year the price decreased if we continued using them. Due to the reduced costs and our efficiencies in production, we have reduced our cost per foot from \$7.59 in our first year to \$4.44 in the current year.

Novinium has been a great vendor to work with and they are performing just as expected. Cable injection is about half the cost of replacing cable with directional boring and it causes far less landscape damage which is very important to residents.

The attachment shows the list of subdivisions and as you can see we are working through the highest priority. The targeted areas for this fiscal year are found on the third page which would be Royal Fox, Kehoe's Heath Park and the Wildwood Estates.

Staff recommends approval to award contract to Novinium for Cable Injection Services.

No further discussion.

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

**4.f. Recommendation to waive the formal bid process and award contract to Archon Construction for Directional Boring Services.**

**Tom Bruhl presented.** At the places where we cannot inject cable because there are too many splices or the cable is not the right type, we have to actually push a pipe underground and replace cable.

Archon offered us an extension from their previous bid. I ran the numbers through the proposed quantities and even with their 3% increase they are still lower than the next lowest bidder from 2011.

Staff recommends waiving the bid process and award contract to Archon for Directional Boring Services in an amount not to exceed \$320,000.

No further discussion.

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

**4.g. Recommendation to award contract for Overhead Reconstruction Projects to PieperLine Line Construction.**

**Tom Bruhl presented.** We went out for bid last year; we had four bidders submit pricing. The lowest hourly rate was submitted by PieperLine Line Construction. They have successfully completed the project on IL Rt. 25 to the Red Gate Bridge and subsequent project on the southeast side. We are very happy with their performance. Rebuilding overhead is a component to improving reliability and storm hardening. They have offered to extend their price with a very small increase; the increase is \$6 per crew hour - \$388.98 to \$395.99 per hour to go with the IBEW rate increase that became effective in March.

Staff recommends approval to award a contract to PieperLine Line Construction for overhead reconstruction projects in an amount not to exceed \$126,717.

**Aldr. Turner:** What area do you plan on working in this year?

**Mr. Bruhl:** Fifth Place off 7<sup>th</sup> Avenue. We believe a large part of that area is 40-50 years old and has never been touched.

No further discussion.

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

**4.h. Recommendation to approve replacement of the retaining walls along IL Rt. 64 between 7<sup>th</sup> Street and 10<sup>th</sup> Street.**

**Peter Suhr presented.** The concrete retaining walls that are adjacent to IL Rt. 64 between Third Street and 14<sup>th</sup> Street were installed over a decade ago. Over the years, snow and salt from plowing Main Street has caused the area to deteriorate large sections of the retaining wall to the point of failure.

Last year we replaced the worst sections between 11<sup>th</sup> and 14<sup>th</sup> Street. This year we are proposing to continue the project and replace three sections of the wall between 7<sup>th</sup> and 10<sup>th</sup> Street. Staff has budgeted and is recommending complete removal and replacement of the walls to match the same design that was installed last year.

We received three proposals and are proposing to continue services with the same contractor that did the initial work on the project. Staff recommends approval of the proposal from Pedersen in an amount of \$45,180.

**Aldr. Payleitner:** I drove by there today; this is all school property, right?

**Mr. Suhr:** It is adjacent to the school, yes. That is the largest section and then there is a section just east of that and also near the ice cream shop across the street as well.

No further discussion.

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

**4.i. Recommendation to approve contractual services for Ash Tree Removal Services to Skyline Tree Service.**

**Peter Suhr presented.** This item is seeking continuation of our Emerald Ash Borer removal program. We anticipate that by the end of May, we will have removed the first 2,000 of 3,000 Ash trees recommended for removal and replacement as part of the \$2.5 million bond issued last year.

In 2008, the City had over 5,400 Ash trees. By the end of April, we will have removed a total of 3,600 City wide, which represents 2/3 of the Ash tree population.

All of them except for a small amount in the CMD have been replaced and we are currently planting over 700 trees as part of the spring planting program this year. Similar

to the first and second 1,000 trees removed, this third phase is to remove the final 1,000 Ash trees starting in May. All of the trees recommended for removal are in poor condition and ready to come down.

As part of a competitive bid process, Skyline Tree Services has prepared a lump sum fee of \$500,000 to remove the next 1,000 trees. Skyline has met the expectations set forth in their contract and has agreed to hold their pricing for this third phase. Considering Skyline's proposal is within the approved budgeted amount for Ash removals, City Staff recommends approval of award of contract to Skyline Tree Services.

No further discussion.

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

**4.j. Recommendation to waive the bid proposal and award Contractual Services for Tree Trimming and Stump Removal Services to Skyline Tree Service.**

**Peter Suhr presented.** Last year, City Staff solicited vendors to assist with tree trimming, stump removal and tree removal services. A request for proposal for these services was issued to six separate contractors. Proposers will be compensated on an hourly basis.

To clarify, these services will help supplement our in-house Forest Program, mainly for trimming and stump grinding. It is not related to the EAB issue we just talked about.

Of the six responses, our current vendor, Skyline Tree Services provided the most cost effective proposal and was the most qualified vendor based on the requirements of the RFP. The results of the RFP are in your packet. Staff recommends approval of the contract to Skyline Services for tree trimming and stump grinding services.

**Aldr. Lewis:** Didn't we just buy a stump grinder a couple of weeks ago?

**Mr. Suhr:** Yes, we did. City staff does a lot of stump grinding in-house as well. We utilize this service as a supplement to that program.

**Aldr. Lewis:** So we have one stump grinder?

**Mr. Suhr:** We have one and we will be replacing it this year.

**Aldr. Lewis:** So this is in addition to what we do because we can't do it all?

**Mr. Suhr:** That is correct, especially when we are dealing with 700 trees in a particular season; it gets taxing on our staff. I would say we do the majority of them, we do over 80% of the stump grinding services in-house.

No further discussion.

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

**4.k. Recommendation to approve Municipal Building Exterior Improvements Project.**

**Chairman Stellato:** I need to recuse myself from this item because the architect that has worked for our firm just joined this particular firm about a month ago, so because of that, I'm going to turn this over to Vice-Chairman Bill Turner.

**Peter Suhr presented.** As part of an ongoing commitment to maintain City owned facilities, last year Public Services concluded an existing condition analysis of the Municipal Building. The analysis was performed by the local Architectural and Construction Management firm of the Prairie Forge Group. The analysis was a study of the building's exterior shell and resulted in identifying significant deficiencies requiring repairs to keep the structure weather tight.

The primary goal of the project moving forward was to provide solutions and to keep this building weather tight for years to come. With recommendation from Staff, City Council approved Prairie Forge Group in August 2012 to move forward with the design, specification letting, construction letting and also construction administration of the project to provide solutions to the deficiencies identified in that analysis. The project has been designed; bids were opened and we are prepared for construction.

Tonight, Staff recommends approval to move forward with this project. Before doing so, we would like to take this opportunity to review the project scope and schedule with you, in addition a brief review of what can be expected during construction, the favorable review from the Historic Commission and final review of the budget and bid results found in your packet as well.

Anticipating favorable approval from City Council, the construction project is scheduled to start the week of May 6 and will be complete in approximately six months. The project will include complete removal and replacement of several roofing systems. The brick facades on the east side of the building, including the elevations nearest Riverside Drive will be repaired as needed; we are talking the red brick on the old City Hall Building that was constructed in 1892 and also the elevation next to that which is the south annex which was built in the 1920's. Repairs will also be made to the blond brick wall constructed in 1940 which is just outside the windows adjacent to the checkerboard parking lot. I will have renderings to show you in a minute.

We are also proposing window replacement at the old City Hall and Annex Buildings and various door replacements around the building. The canopy over the Plaza along the river will be repaired and painted. There are several painting and caulking projects in the

scope of the project in various locations around the building and also minimal stone and marble repairs. The cupola on top of the old City Hall building will be replaced in kind and we are also proposing lighting enhancements around the building and on the tower as well.

Besides aesthetic enhancements that you will soon see on the east elevation, the general look and shape of the building will not change. This is truly a large scale maintenance project, not a redesign of the building. We try to maintain the exterior façade as best we can. We will do our best to replace materials in kind to what currently exists on the building.

Presentation by Peter Suhr.

As expected with any construction project, especially one of this scope with masonry and roofing projects in particular, it will be loud and dusty at times and inconveniences will certainly be realized. The southeast parking lot, also known as the Checkerboard Lot will be closed for the duration of the project. That includes the entrance into the main lobby area. A construction fence will be placed around the perimeter of the area and will be used as staging for the contractors to set up cranes and store materials. All other entrances to the building will remain open. The north entrance from the main parking lot will be considered the primary entrance to the facility. We will include short term parking that will be very close to that entrance for visitors.

At various times during construction there will be partial closures of the sidewalk and the concrete plaza by the river. Scaffolding will need to be installed for some of the brick work; therefore, some of the sidewalks will be closed. Even though there will be some inconveniences, the building will be open as usual for normal business and normal working hours. Staff will continue to work within the building; meetings will not be disrupted and visitors will have access as usual. Our goal is to provide the least amount of disruption possible.

Staff will be sending various types of notification throughout the project and will keep an updated project report on the City website. Last, but certainly not least, safety is our top priority. It is our goal to keep the building safe, and the occupants of this building and visitors as safe as possible.

As I mentioned earlier, we have met with the Historic Commission on several occasions and have ultimately received their Certificate of Appropriateness and full support of the project. However, we felt it necessary to inform you of one condition that the Historic Commission suggests, despite our recommendation. That condition relates to the blonde brick wall. Our submittal to them included a complete removal of the brick façade with a weather tight fluid membrane applied to the subsurface once that brick was removed, and then a complete reconstruction of the brick wall with like material. We anticipate about 40% of the brick in that wall to be failing and needing to be removed and replaced. The Historic Commission would prefer, instead of a complete removal (and I've noted their condition here) that the east brick of the Municipal Center be repaired only. No full



demo. Replace, repair with salvage brick and like, in kind materials. So it's really a question of total replacement or a restoration project for that particular wall. At the end of the day, both solutions get us to a weather tight resolution which is consistent with the goals of the project and therefore something that City staff can support. A benefit to the Historic Commission's recommendation to the repair in lieu of replace is a savings of about \$20,000, but perhaps a negative to some is that the wall will look like a repair once complete. You will certainly have new bricks next to old bricks in certain areas and we will match the tone of the bricks as best we can, but there will absolutely be a tone difference there.

The project budget and anticipated costs approximately a year ago was \$1.5 million, which was included in the Fiscal Year 13/14 budget. The bidding environment for this type of project is still very strong and favorable for us; there were four bid packages released, each of which received multiple bids, and were competitive as well. This resulted in a total project cost of \$1,354,897.00; nearly \$150,000 below anticipated costs. I realize that number is not reflected in your packet, but we just received these numbers and confirmed bids.

For all the reasons we just discussed, staff recommends continued approval of the Municipal Building Exterior Improvements Project, based on the project budget summary and the total project cost of \$1,354,897.

**Aldr. Lewis:** This is a big price tag, and I understand these repairs need to be done. How long before we would be faced with having to do repairs again?

**Mr. Suhr:** That would be difficult to determine, but this is a 15 to 25 year solution.

**Aldr. Lewis:** Will there be things put in place so we can save for this as we go along, or is the next Council in 20 years going to be faced with an even bigger price tag?

**Mr. Koenen:** Yes, there will. Brian Townsend, Chris Minick and I are having that same conversation the first week of May. We will be addressing a long term maintenance plan for our Municipal facilities and we are going to have a plan that begins to lay them out over 10 years. We are going to anticipate the expense and plan accordingly.

**Aldr. Krieger:** It seems to me like every time we turn around we are repairing the Municipal Center. While I agree it probably needs to be done, it just seems like its one project after another. Having said that, does this project cost include replacing the entire wall out here?

**Mr. Suhr:** The cost identified on this side does include the \$20,000 for replacement of the wall.

**Aldr. Krieger:** I would prefer to see the entire wall replaced. If you get different color bricks it's going to look like an afterthought.

**Aldr. Martin:** How is this going to affect River Fest and Scarecrow Fest?

**Mr. Suhr:** It certainly will, to some extent. I know activities that take place in the Checkerboard lot have been relocated. There will be some inconveniences, but we have been working diligently with the team members for all of the special events that occur around this building and have certainly identified that to them as they have come through for their approval process for the past year.

**Aldr. Rogina:** I agree with Aldr. Krieger about the brick in front. Secondly, the numbers we see in our packet; is that the contractor's fee?

**Mr. Suhr:** There are general conditions in there, that's the general contractor fee. There is also a contingency; on a project like this we do hold a contingency. Once we tear off the roof, we know there are going to be some issues to deal with. All of that is built into the project. At the end of the day, we are hoping to give some more money back after this project is complete. But we do anticipate unforeseen conditions.

**Aldr. Carrigan:** I agree with Aldr. Krieger with regard to the new wall. It's worth the investment to replace it and make sure it matches.

**Aldr. Lewis:** Did they give a reason as to why they wanted it patched rather than the whole wall repaired?

**Mr. Suhr:** I think they would prefer restoration rather than a rebuild on a historic building like this. I think that is their biggest reason. The 40% mark of brick that we anticipate removed is certainly a best guess at this point. We have had several professional teams come out and analyses done on the brick and that is what we are anticipating. But if only 20% of the brick needs to be replaced once we get out there on scaffolding and test each one of the brick, then only 20% of the façade would be replaced. I think in all fairness they struggled with that percentage to some degree.

**Mayor DeWitte:** I heard some comments about replacing the entire wall with blonde brick; I couldn't agree more. I think matching 75 year old brick will be virtually impossible. The Historic Preservation Commission is a recommending body only, so if there is a consensus on the Council to do the complete wall replacement, I would suggest it is appropriate that you make the motion to override the Historic Preservation Commission regarding repairing instead of replacing and approve the motion that way.

**Aldr. Rogina:** That was not a unanimous vote by the Historic Commission, was it?

**Mr. Suhr:** It wasn't an official vote. I was present at that meeting and they took a vote to see where the group was and it was a three to three tie vote and the chairman decided not to vote at that time.

**Aldr. Turner:** I agree with Aldr. Krieger; I think matching the brick is not going to look good, but I also don't think it would be as structurally sound as it would be if we replaced

the entire wall itself. We are dealing with tax payer money here and we are looking for a long term solution instead of something that may fail prematurely because we are matching new with the old. I would prefer to have all new brick on the façade.

**Aldr. Carrigan:** I will make a motion for approval with the condition that the wall be a new wall and not a refurbished wall.

**Aldr. Monken:** Second.

**Aldr. Rogina:** The motion that is on the table is the \$1,354,897.

**Mr. Suhr:** That is correct; that reflects those dollars.

**Aldr. Rogina:** And we have the note in the motion that we should override Historic Commission?

**Aldr. Turner:** Tina, please call a roll.

**Tina Nilles:**

Monken: Yes

Carrigan: Yes

Payleitner: Yes

Stellato: Recused

Turner: Chairman

Rogina: Yes

Martin: Yes

Krieger: Yes

Lewis: Yes

No further discussion.

**Aldr. Turner:** At this point, Chairman Stellato is rejoining the Committee.

Motioned by Aldr. Carrigan, seconded by Aldr. Monken. Approved by roll call vote.

**Motion carried.**

**4.1. Recommendation to waive bid procedure and award HVAC Preventative Maintenance Inspection Contract with Service Mechanical.**

**Peter Suhr presented.** Over the last ten years, Service Mechanical has provided heating, venting and cooling services for our City facilities. In Fiscal Year 08/09 Council

awarded Service Mechanical an agreement to maintain our mechanical systems. Building on the success of that program, Staff recommends continuing with Service Mechanical for another fiscal year. Service Mechanical has agreed to hold their pricing for a fourth consecutive year.

Staff recommends approval of a contract with Service Mechanical in an amount not to exceed \$72,564.

No further discussion.

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

**4.m. Recommendation to award contracts to DeMar Tree Service for an amount not to exceed \$86,500 and Skyline Tree Service for an amount not to exceed \$86,500 for Electric Line Tree Trimming Services.**

**Tom Bruhl presented.** Another part of our overhead reliability project is to continue tree trimming, mostly in backyards, but some in parkways. We went out to bid and received two acceptable bids. The City has used both vendors; Skyline and Demar with positive results in the past. Bid prices were extremely close and it just depended on what equipment they might have to field to figure out which one would have a less expensive hourly rate.

With that, Staff is proposing to split the work between the two vendors. We would use the one that has a better price for the equipment that is needed and we also would have the flexibility if one was busy we could use the other.

Staff recommends awarding contracts to Demar Tree Service for an amount not to exceed \$86,500 and Skyline Tree Service for an amount not to exceed \$86,500 for electric line tree trimming services.

**Aldr. Lewis:** Is it going to be hard to keep track of two different companies?

**Mr. Bruhl:** It is done with an Excel spreadsheet and as the invoices come in we just keep deducting how much we have used from each service.

**Aldr. Lewis:** And you expect to use the total amount from each service?

**Mr. Bruhl:** Yes.

**Aldr. Lewis:** Is this something the City does at all?

**Mr. Bruhl:** Typically not. Our crew rate is much more expensive than the contractors; so we are not efficient in that manner. In an emergency situation, we will since we are

onsite already and we need to clear the tree to get service back up, but generally the tree trimmers are more cost effective than our line crew.

No further discussion.

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

**5.a. Recommendation to approve street closures for St. Charles Knights of Columbus Fall Classic 5K Run.**

**Chief Lamkin presented.** This is the second year for this event. The Knights of Columbus have asked to use a similar route to what they used last year, which we were able to accommodate without a lot of consequence. I have Jim Webb here to talk about the event.

**Jim Webb**, 32 Horne Street, St. Charles, IL. We are doing exactly the same as we did last year. Last year it was great and went off without a problem. It was approximately 45 minutes maximum that we were on the streets.

**Chief Lamkin:** As a Not for Profit, they have also asked under the Special Events Policy that the City share in the costs at 50% participation, which is primarily for Public Works.

Staff recommends approval.

**Aldr. Lewis:** Are there any other street closures that weekend?

**Chief Lamkin:** No, I don't believe so. Scarecrow is the next weekend.

No further discussion.

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

**5.b. Recommendation to approve street closure, Class E2 Liquor License and use of amplification equipment for the Heritage Center Pig Roast.**

**Aldr. Payleitner:** Mr. Chairman, due to my position on the Heritage Center Executive Board, I will have to recuse myself from discussion of this item.

**Chief Lamkin presented.** This is our third annual event, although this year the event is expanded. With that expansion, there became a use of additional space. There is also a Class E Liquor License to have The Office be able to serve beer and wine. They are also

planning on having slightly amplified music during the event. Natalie is here to talk to you about the event.

**Natalie Gasek**, 328 Chalmer Street, Genenva, IL 60134. I believe most of you are familiar with the Heritage Center. This is the third annual St. Charles Heritage Celebration. Our previous two events were held first at Hotel Baker and second at Royal Fox Country Club. The ticket price for those events was \$125 per person. We saw significant decrease in people attending the event so we were looking to do something at a less expensive ticket price and at the museum so folks coming to the event could see exactly what they are supporting and the museum itself.

Because of this, we are looking to do a pig roast on the museum site.

**Aldr. Martin:** I would request the motion be divided into two; one for approval of the event and the second for the liquor license.

**Aldr. Lewis:** Are there any other events going on that weekend?

**Chief Lamkin:** I do not believe that we have anything else that weekend. The other things is that since they are a Not for Profit, they were asking for a 50% cost share. Most of the costs are related to Public Works.

**Chairman Stellato:** We need a motion to approve the event without liquor.

**Aldr. Carrignan:** Second.

**Chairman Stellato:** Please call a roll to approve the event, street closures and amplification only.

**T. Nilles:**

Monken: Yes

Carrignan: Yes

Payleitner: Recused

Turner: Yes

Rogina: Yes

Martin: Yes

Krieger: Yes

Lewis: Yes

**Chairman Stellato:** Now we need a motion to approve liquor at this event.

Motioned by Aldr. Rogina, seconded by Aldr. Turner.

Chairman Stellato: Please call a roll.

**T. Nilles:**

Monken: Yes  
Carrigan: Yes  
Payleitner: Recused  
Turner: Yes  
Rogina: Yes  
Martin: No  
Krieger: Yes  
Lewis: Yes

No further discussion.

Motioned by Aldr. Rogina, seconded by Aldr. Turner. Approved by roll call vote.  
**Motion carried.**

**5.c. Recommendation to approve street closures for Annual Farmers Market June through October.**

**Chairman Stellato:** Please let the record reflect Aldr. Payleitner has returned to the meeting.

**Chief Lamkin presented.** This request is similar to the request we have had for the past several years. This request is for the use of North 4<sup>th</sup> Avenue between Main and Cedar on Fridays. This has never posed any issues for us.

Staff recommends approval of street closures.

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

No further discussion.

**5.d. Discussion of Liquor License questions from March Government Services Committee and recommendation to provide direction to the City Administrator, Chief of Police and City Attorney.**

**Chief Lamkin presented.** At the March Government Services Committee we had a discussion regarding activities related to Downtown bars. As a takeaway, we had several questions to review further. Mayor DeWitte, Brian Townsend, Attorney Tom Goode and myself had discussions to provide answers to those questions.

After I go over this documentation, we were hoping for discussion and direction to proceed.

The first question was to establish a greater distinction between the restaurant and tavern licenses. We have provided information in your packet so you can see that distinction. There are possible ways of doing that; one way is to have periodic or annual review of receipts and the percentages of food receipts vs. alcohol receipts. There is also the possibility of restricting bar seating vs. having more seats available for restaurants.

We did have a discussion last year about having the kitchen stay open longer to have more food available. We decided after 11:00 pm those who serve food should still have a limited menu, but we did not require that the full kitchen had to stay open the entire period.

The next question that was raised was the possibility of having a three to seven member liquor commission as opposed to a Liquor Commissioner as we have it now. That liquor commission does exist in other communities. The simple answer is yes, it is possible. It would have to be determined by Council what that would look like.

The next question related to having an overall earlier close time with those who wish to stay open later be allowed to apply for a late service permit. Specific parameters can certainly be put on that in terms of doing business while operating. Similar to what we have today, even with a late night permit process, it goes through the same due process. You still have to have some level of progressive discipline. On the surface it is possible to change the code, but to remove the ability to do that – it's not that simple. There has to be cause and a certain level of process to follow.

The next question was since we normally do our license renewals as of May 1, whether or not we would be able to grant a short term extension. The Council could certainly do that if the desire was to do revisions to existing code and have those revisions passed and put into place going into the 13/14 year. There would be administrative tasks necessary to put that into place, but it is possible.

The next question related to whether or not there could be more stringent education requirements for managers. I have done research on that; in talking to bar operators, there is a core part of personnel that is fairly consistent from year to year on renewals. But there is also a good deal of turnover. We could require Bassett Training every year. There is another similar type of program called TIPS. If we require annual training, one year we could do Bassett Training and the next year we do TIPS Training. Both programs are taught a little differently; they both have a common purpose, but with different curriculum. In either case it would require the training to be annual.

The final question was regarding our nuisance ordinances for fighting, public intoxication and public urination to address the problems in the bars and whether or not we can elevate the fines higher than they are. For example, the fighting ordinance is set at \$500. That ordinance could max out at \$750. I went back to the beginning of 2012 and ran a



list of all the violators for those three categories. What I can tell you is with those three categories, the fines we have in place are apparently enough that we don't have repeat offenders. Only a few names came up more than once; what I draw from that is the people who received citations get the message because they don't do it again. I'm reasonably comfortable with the fines we have in place, because they are very effective. If it became such that we had repeat offenders, we could make a change if necessary.

At this time I would like to open it up for discussion and direction going forward.

**Aldr. Carrigan:** The interest in separate between taverns and restaurants; because of wine and the balance of the check, it would skew almost every restaurant into a bar category. If there is a way to differentiate bottles of wine from other alcohol, I think there is merit to that process. But it would predicated on how to differentiate bottles of wine, food and other liquor?

Secondly, in reference to the liquor commission, I would defer to the new Council.

I think a late night service permit is a privilege; it's not a given. Having two of them adds value to that license and I would definitely look at having no more than two and everyone else has to close at 1:00 a.m. Interest in short term licenses, I don't think we need that right now. Interest in training, I like having two different training; it gives different perspective. I think you answered our questions on the fines, from your perspective it seems like they are doing a good job and I will defer to that.

**Aldr. Turner:** I like the idea of a late service permit. I don't think I would want to assign a cost to that, I would just offer it on good behavior to the owner of the establishment. I think we should have a liquor commission, I'm leery of having citizens on it, but I have to think about the makeup of the commission.

**Aldr. Rogina:** I want to commend the Chief and Brian and whoever else was involved in putting the packet together because it was thorough. From my perspective I wouldn't want to overhaul a lot of the work that has been done in respect to classifications and things of that nature.

What is the end result here? Changing the picture of our bars. Our licensees are fine; they are all good people. I don't want them to think we don't like them, I just don't like the activity. It seems to me we can categorize a bar from a restaurant simply by the following definition: if you apply for a midnight license, you are in one category. If you apply for a 2:00 a.m. license, you are in the other category. The 2:00 category is the one we want to pay special attention to. I think a 2:00 license is a bar, and a midnight license is a restaurant. I'm not interested in a middle ground; it's either midnight or 2:00 a.m.

I support the liquor commission, I think we should get citizens involved; I'm convinced we will get good people. I would like to have an alderman on that committee and I would like to sit on that committee as Mayor. Having said that, I'm not too worried about three good citizens being part of it. The question comes up on the liquor

commission. Are they just trying the cases or are they reviewing at the end or do we want City Council to review at the end of a given year? We talked about that review – we talked about the 2:00 a.m. late night license. Who is going to review on an annual basis? Should that be Council, or should it be the liquor commission? I believe it should be the Council. I'm not opposed to kicking the punishment up to \$750.

Trying to change the face of Downtown, this will get people thinking about the effort to do just that. If we can work between us and the licensees, it will happen.

**Aldr. Martin:** I agree in essence with Ray. I think that we should step back for a month, let Ray take leadership and see what our new aldermen have to say about the petition. My position has not changed one bit.

**Aldr. Krieger:** I think the late night license should have an additional fee; I think they should be treated as a separate issue. I'm in favor of the liquor commission. I think the more training the bartenders have, the better they will be able to adjust to whatever is going on. I'm not clear on the bar/restaurant issue so I will look into that some more. My last question would be do we have more in town or out of town offenders?

**Chief Lamkin:** Based on my review and what I see on reports, it is more out of town people.

**Aldr. Krieger:** That just supports our reputation. People come here to have a good time.

**Chief Lamkin:** People come here to have a good time, but I think also after they recognize after they have had too good a time and have a citation in their pocket, they won't have quite as good a time next time.

**Aldr. Lewis:** I'm sorry I missed the discussion last month, but I think what you presented today filled me in very well. To your first question, establishing greater distinction between the two; I really like the idea to limit bar type seating to a smaller percentage. I also like the idea of stronger Bassett Training. I'm not quite sure if someone comes to the establishment and they are already Bassett trained, do they have to be trained by St. Charles or is wherever they got the training is fine? I went online today and for \$14.95, I can become Bassett trained. I can take the course online and print my certificate as soon as I'm done. If I did this would I be able to come work in a bar? Does this qualify?

**Chief Lamkin:** The Bassett program is not unique to any city, so anyone can have certification that is valid. I'm aware they have an online course, whether or not we wanted to take the avenue that we weren't going to take online courses and they had to sit in a classroom, but depending on your view of that, there is probably some value to a classroom vs. online. We can say whether we want them to be more current as a new employee.

**Aldr. Lewis:** If we think is going to solve the problem of over serving, then hiring trained, qualified servers and door men will help solve that problem. I'm concerned if you can just sign up for a class and then go get a job that maybe the training isn't as extensive as it should be.

**Chief Lamkin:** There is always going to be a certain amount of subjectivity with any of the server positions. I think that regardless of how much training we do, there is still going to be subjectivity on the part of the person doing the serving.

**Aldr. Lewis:** Does every server and bartender have to be Bassett trained?

**Chief Lamkin:** If that's what we chose to do. If we are going to put different provisions in place and we believe that is important, that is probably the best way we should go.

**Aldr. Lewis:** We don't have that now?

**Chief Lamkin:** It is written in our code that way now.

**Aldr. Lewis:** There is no way we check that?

**Chief Lamkin:** We have not randomly gone out there and done compliance checks because in part they are required to have it. One of the things we looked at in code was that we needed to that they not only need to have the Bassett Certificate, but it needs to be on the premises when the person is working. If we walked in and did an inspection, approached a server and asked them to show us their Bassett Certificate, that would help. We went through the code and it is not that way at the moment.

**Aldr. Lewis:** I like that. As for the liquor commission, I do have concerns. Part of my concern is that it is two elected officials and three appointed. Its adjudication. When citizens start handing out punishment to businesses, I think that is going in the wrong direction.

**Chairman Stellato:** We have not established the size of the commission; you are stating that's what you think it might be?

**Aldr. Lewis:** If it's two elected and three appointed.

**Aldr. Martin:** It would be my understanding the commission would not have authority, that the authority rests in the liquor commissioner.

**Aldr. Lewis:** So it would be advisory, they couldn't vote.

**Chairman Stellato:** We haven't decided that yet.

**Mr. Townsend:** It will be up to you whether you chose to make them a recommending body like all of our other advisory commissions or whether you give them the ability to

hand out punishments and issue licenses, it can be done. That's up to Council to decide. I believe we said in the materials that is one of the key issues that needs to be decided; how much authority are they going to have?

**Aldr. Lewis:** And how will this help solve the problem in cleaning up the bars?

**Chairman Stellato:** One thing is clear tonight; we are not going to make any decisions, we are just doing research and having discussions. Thank you for the research we have gotten so far.

**Aldr. Rogina:** What percentage of licensees that have been cited have 2:00 a.m. licenses?

**Chief Lamkin:** Everyone now has 2:00 a.m. licenses. We changed that so they all have that today. Package stores would be earlier.

**David Amundson,** 500 Cedar Street. I think it is absolutely critical to get a good definition between a bar and a restaurant. I think you could quickly determine for yourselves; I've tried to FOIA the tax receipts and they will only release them aggregated, which is fair, but I think you all have the ability to check the records yourself and you could look at them to decide. Currently we have four C Class Licenses in our Downtown area, but if you talk to the 20 somethings on the street we have a whole lot more bars than that, so we clearly have a disconnect between what we say is a B Class License and what is a C Class License and how they actually function. Perception is reality.

We don't have a problem with bars, as much as we have a problem with too many bars in our Downtown specifically. I haven't heard anything here tonight to address that problem. At the end of the day we are saying that we don't have a problem with having too many bars in our Downtown and that is a problem of our own creation if I understand history correctly. I strongly advocate for establishing a Downtown District, then limit the number of bars in the District to fewer than we already have. Let market forces even it out. It would be a long road, but that's my opinion.

**Aldr. Rogina:** I agree with a lot of what you said, but if the key is establishing an inventory of bars and restaurants, then we say it's either 12:00 a.m. or 2:00 a.m. As Aldr. Krieger suggested, maybe we charge for the 2:00 a.m. license.

**Mr. Amundson:** In rebuttal, I would say what would prevent the groups from leaving the 12:00 a.m. establishments and migrating to the 2:00 a.m. establishments? We are still encouraging them to come Downtown. We haven't changed the atmosphere or the dynamic of the Downtown.

**Chairman Stellato:** Chief, thank you for the research, good job. Anything else for us?

**Chief Lamkin:** Going forward, do you want this to come back in 60-90 days?

**Aldr. Rogina:** Let's bring it back for discussion in 30 days. In the interim we will work with staff.

No further discussion.

**6.a. Recommendation to approve an Ordinance Authorizing Power Cost Adjustment as part of the electric rate structure.**

**Tom Bruhl presented.** This item is to talk about a Power Cost Adjustment addition to the Ordinance for electric rates. I'm going to define what the Power Cost Adjustment is, and going forward it will be referred to as the PCA. I will explain the purpose for the PCA, explain the goals and provide a proposed structure for implementing a PCA.

Power Point Presentation by Tom Bruhl.

Staff recommends to implement PCA to electric rates using the proposed methodology that is in the Ordinance and do it on a quarterly basis to smooth out the bumps.

**Aldr. Krieger:** How does this differ from the smart meters we have been hearing about in other suburbs?

**Mr. Bruhl:** Smart meters are a component by which the utilities are hoping to do real time pricing, whereby you will pay the price at the time that you use the power. If you decide to turn your power on at 4:00 p.m. on 100 degree day, power costs may be \$.05 per kilowatt hour and you are going to pay that. That is the ultimate in risk avoidance. Smart meters are a method where utilities are absolving themselves of all risk and just passing on the real time costs.

Unfortunately for us we are always a month behind, so we charge our customers on fixed rates on an annual basis and then if monthly power costs go up or down, we don't adjust our rates on a monthly basis. The PCA is a mechanism to either credit or collect whatever we may be short or long in terms of power cost.

**Aldr. Krieger:** So the risk to the consumer is higher with the smart meter as opposed to the PCA.

**Mr. Bruhl:** Absolutely. You are paying for the power at the time you are using it. Some people are market savvy and watch the prices per hour and use that to determine whether to limit consumption. In the real world we haven't seen that penetrate the market very deeply because most people don't want to manage whether they are turning on lights or not depending on the cost of power.

No further discussion.

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

**6.b. Recommendation to approve Ordinances authorizing changes in rates for the Electric, Water and Wastewater Utilities for the City of St. Charles.**

**Chris Minick presented.** Enclosed in your packet tonight are Ordinances to establish rate changes and rate structure changes for the three major utilities of the City. The Electric Utility, the Water Utility and the Wastewater Utility. The Ordinances and the projections that are presented tonight are consistent with the budget document and the amounts in the presentation that took place at last week's City Council meeting and the budget document that was ultimately approved during that particular meeting last week.

Tonight I would like to go through discussion of past utility trends and what we have experienced and talk over some of the Rate Study recommendations and findings that aren't related to the Power Cost Adjustment; we will discuss some current trends that we see developing in the utility funds, the recommended rate structure for the three utilities this evening and we will briefly talk over the conclusions and then I will be happy to receive any comments or questions that the Committee may have.

Power Point presentation by Chris Minick.

**Aldr. Lewis:** In the Ordinance when you talk about the surcharge, it says "unless the customer has an electric service agreement with the City that was in existence prior to May 6 that provides for a different additional charge". I don't understand that.

**Mr. Minick:** If there are existing agreements and I don't know that there are any related to electric service, but I'm familiar with some with Wastewater. If we already have an agreement with an individual for a location outside of the City, we cannot supersede that agreement by imposing the charge via an ordinance. We would need to honor that agreement.

**Aldr. Lewis:** I'm still confused. What kind of agreement would be put in place? I don't understand why there would be a special agreement.

**Mr. Koenen:** Most recently we entered into an agreement with the River Grange Subdivision. They have agreed to pay us an additional 30% of whatever the rates are that the citizens of the City of St. Charles pays. River Grange Subdivision is outside the City north of Red Gate.

**Mr. Minick:** So we do have that one particular agreement where that would apply.

**Chairman Stellato:** They are grandfather in?

**Mr. Minick:** Yes.

**Aldr. Carrignan:** A year ago we decided this was the path we wanted to take to make sure we had a sustainable utility fund and we are taking the right steps. The PCA makes a great deal of sense. We now start taking that risk and putting on all of us rather than the City gambling and absorbing risk. It makes a great deal of sense to me and we are on the right path. With that, I make a motion for approval.

**Chairman Stellato:** Tina, please call a roll.

**T. Nilles:**

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

No further discussion.

Motioned by Aldr. Carrignan, seconded by Aldr. Turner. Approved by roll call vote.  
**Motion carried.**

**7. Additional business**

**Aldr. Carrignan:** The odds are that this is my last night at Government Services and I wanted to say that our City is in our great hands. I am very proud to have served with all of you and your staffs. Great job!

**Aldr. Monken:** I couldn't say it any better than Alderman Carrignan just did, but I would like to say that it has been an honor and privilege to work with all of you and as I've said I know why we are number one in the nation to raise a family and it's because of the quality of public services for families to grow up in.

**8. Adjournment**

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

**MINUTES  
CITY OF ST. CHARLES, IL  
PLANNING AND DEVELOPMENT COMMITTEE  
MONDAY, JUNE 10, 2013 7:00 P.M.**

**Members Present:** Silkaitis, Payleitner, Lemke, Turner, Stellato, Martin, Krieger, Bessner, Lewis

**Members Absent:** None

**Others Present:** Mayor Raymond Rogina; Brian Townsend, City Administrator; Rita Tungare, Director of Community Development; Russell Colby, Planning Division Manager; Matthew O'Rourke, Planner; Chris Tiedt, Development Engineering Division Manager; Bob Vann, Building & Code Enforcement Manager; Joe Schelstreet, Acting Fire Chief; Chris Aiston, Director of Economic Development; Comprehensive Plan Task Force Chairman Mark Armstrong

**1. CALL TO ORDER**

The meeting was convened by Chairman Stellato at 7:04 P.M.

**2. ROLL CALLED**

Roll was called:

Present: Silkaitis, Payleitner, Lemke, Turner, Stellato, Martin, Krieger, Bessner, Lewis

Absent: None

Chairman Stellato stated that he would be recusing himself from the Comprehensive Plan discussion, and at that time Vice Chair Bessner would be taking over the meeting.

**3. ECONOMIC DEVELOPMENT**

- a. Recommendation to approve an Economic Development Incentive Agreement between the City of St. Charles and Lone Star-Cardinal Motorcycle Ventures III, LLC dba Windy City Triumph (131 S. Randall Rd.).

Mr. Aiston said back in May staff presented proposed economic development agreement terms, specifically a sales tax reimbursement agreement to incentivize Windy City Triumph to rent approximately 5,000 sq. ft. of the southerly portion of the Fox Valley Harley Davidson at 131 S. Randall Rd. He said a formal agreement has been put together by the City Attorney and the agreement provides up to essentially \$70,000 in municipal sales tax reimbursement, which is a 50% on municipal tax only or a period reaching 5-years. He said the obligations on the part of Windy City Triumph is not only to lease the 5,000 sq. ft. but to also remain in place for 10-years, along with improvements of \$25,000 for furniture and fixtures, \$24,000 in signage, \$15,000 in lighting improvements, and to hire and train new employee up to the value of \$5,000.



**Aldr. Turner made a motion to approve an Economic Development Incentive Agreement between the City of St. Charles and Lone Star-Cardinal Motorcycle Ventures III, LLC dba Windy City Triumph (131 S. Randall Rd.). Aldr. Martin seconded the motion. No additional discussion. Approved unanimously by voice vote. Motion carried.**

#### **4. COMMUNITY DEVELOPMENT**

- a. Recommendation to approve amendments to Special Uses (Planned Unit Development and Drive-Through Facility) and PUD Preliminary Plan at 3900 E. Main Street (McDonald's).

Mr. O'Rourke said a petition has been submitted for a PUD amendment and also to amend their existing PUD Preliminary Plan. He said McDonald's would like to add a dual order station/drive-through to the east side of the property and also make some cosmetic changes to the architecture. He said the drive-through would extend toward the east, which would remove 8 off-street parking spaces. He said staff has reviewed the changes in regard to parking and façade changes and both will meet ordinance as well as the provisions of the PUD plan from the mid-1990s. He noted that this is part of the PUD called "Dunham Club and Rt. 64" which incorporated a much larger group of properties, which over the years have been taken out of the PUD, so as part of the amendment, staff will propose that a new amendment be made just for this PUD/site to get rid of some of the existing restrictions that do not align with current standards. He said a public hearing was held and staff along with Plan Commission recommends approval.

**Aldr. Martin made a motion to approve amendments to Special Uses (Planned Unit Development and Drive-Through Facility) and PUD Preliminary Plan at 3900 E. Main Street (McDonald's). Aldr. Turner seconded the motion. No additional discussion. Approved unanimously by voice vote. Motion carried.**

- b. Recommendation to approve amendments to Chapter 12.40 of the City Code (Corridor Improvement Program).

Mr. O'Rourke said staff and the Corridor Commission have been working together to propose some amendments to the current program because there are some opportunities where the program can be enhanced to make it more viable for certain property owners. He said some of the details being proposed include adding properties along Rt. 38 and allowing improvements in the right-of-way along the eligible properties, which are mostly in downtown. He said they have included non-profit organizations as eligible to receive grants and that would be defined in the ordinance as a group with a 501-3C designation, and that anything that gets approved for a non-profit would have to go through City Council and that for volunteer groups, such as the Boy Scouts, there would be no need to matching funds, just a grant for some materials. He said the current ordinance reads that there has to be something done above and beyond what the Zoning Ordinance requires to receive a grant and staff is proposing that instead the grant help pay for certain ordinance required landscaping only if they go above and beyond that minimum requirement. He said the Corridor Commission along with staff recommends approval.

Aldr. Payleitner asked what changed to add Lincoln Highway and where would that corridor be. Mr. O'Rourke said any property within the City that's adjoining Rt. 38 that has frontage would qualify, as well as Randall, Kirk and Main St., and he is not sure why Rt. 38 was not originally

included because it is a major commercial corridor which meets the program goals. He said the entire downtown area is eligible for the grant and in looking at Rt. 25 and Rt. 31, within the downtown are the areas that would need a grant, and then everything else along those routes outside of downtown is pretty much residential.

**Aldr. Bessner made a motion to approve amendments to Chapter 12.40 of the City Code (Corridor Improvement Program). Aldr. Turner seconded the motion. No additional discussion. Approved unanimously by voice vote. Motion carried.**

- c. Recommendation to direct staff to proceed with a general amendment pertaining to extension for amortization of non-conforming signs to October 16, 2014.

Mr. Vann said back in 2006, there was a revision to the Zoning Ordinance where a provision was put in place for amortization of non-conforming signs. In 2006/2007 staff went out and surveyed approximately 225 signs and found a little over 60 non-conforming signs. He said since the code update, there have been 2-extensions granted, in 2009 due to economic conditions, and the other extension was due to IDOT rebuilding Rt. 64. He said staff has been sending businesses and property owners notices of non-conforming signs, as well having meetings with potential business owners and property owners to identify those signs and that they will have to come down by October of 2013. He said at the direction of Mayor Rogina, staff is requesting an extension for another year due to the Rt. 64 construction.

**Aldr. Krieger made a motion to direct staff to proceed with a general amendment pertaining to extension for amortization of non-conforming signs to October 16, 2014. Aldr. Turner seconded the motion. No additional discussion. Approved unanimously by voice vote. Motion carried.**

Chairman Stellato recused himself at 7:15pm and turned the meeting over to Vice Chair Bessner.

- d. Recommendation to approve the 2013 Comprehensive Plan.

Mr. Colby said back in May there was a presentation of the plan document by Devin Lavigne and John Houseal, of Houseal Lavigne and Assoc. which are the planning consultants that are assisting the city to draft the Comprehensive Plan. He noted that Mr. Lavigne was present along with Mark Armstrong-Chairman of the Comprehensive Task Force.

Mr. Colby then followed up on a brief issue/concern from the last meeting regarding the Downtown Subarea, Catalyst Site Q and the concern with emergency vehicles needing to use a portion of Riverside Ave. He said subsequent to the meeting, Staff had reviewed the proposal and is recommending that the concept of closing that road be removed from the plan. He noted that Committee members were distributed copies that evening of correspondence that Staff received. He said if the Committee is prepared to make a recommendation, staff would then revise the plan document to incorporate the Committee and Plan Commission comments. There would then be a Public Hearing based on the final draft produced following the Committee recommendation, and then there would then be a formal vote at City Council which would happen after the Public Hearing.

Vice Chair Bessner asked for comments/questions from Committee.

Aldr. Krieger stated that at the last meeting it was mentioned, on page 22, that the extension of the Prairie St. bridge would be unacceptable and she sees no mention of that, and since the no road closure was brought up for Riverside Ave., she wondered why the bridge was not, because it's a sensitive issue. Mr. Colby said if Committee would like to incorporate that in the recommendation, the change will be made in the document. Aldr. Martin said he wants that removed, page 22, item 3-Prairie St. to Adams Ave.

Aldr. Lewis thanked everyone for all their efforts and time put into the document. She would like to see a more positive picture for the West Gateway (p. 71), she feels it's a positive document and the picture is not a true representation of the west side. She then asked how it was determined that Randall Rd. is the West Gateway, because she feels it could be determined as the South Gateway. Mr. Armstrong said the Task Force's thought was, in identifying the area, in looking at the western part of the city, unlike the eastern part where most people come in on one route, people enter the town on multiple routes. He said if it were limited to just Rt. 64, the Rt. 64 corridor plan would have addressed that, but if the Council thinks a better name and/or picture would be a better representative, the Task Force would not have a problem with that. Aldr. Lewis said there are many other entrances into town and she thinks there could be a more appropriate picture. Mr. Armstrong said the caption states that the site is looked at as the largest opportunity site in the West Gateway.

Aldr. Lewis said she is thinking the goals in the document are due to existing comments and dialogue of the Task Force, and she asked for clarification of how the objectives were put into the document. Mr. Armstrong said the objectives came to the Task Force through a variety of sources, largely from focus groups that Houseal Lavigne brought in. Mr. Lavigne said everything in the document is a product of input received from the community, although at workshops, people were not articulating specific objectives, but are articulating what they would like to see. He said in thinking of goals, objectives and policies, the goals are lofty statements that may or may not ever be achieved, the objectives are more strategic. As the goals are established, all the input is looked at, and the strategic objectives are identified that need to be undertaken to work toward the goals. He said his firm took a shot, along with 2 other firms, at goals and objectives which were then brought to the Committee.

Aldr. Lewis asked if there were ever any conversation regarding annexing the Judicial Center or the Jail. Mr. Lavigne said it did come up but was decided to not target them for annexation. Mr. Colby stated that the city does have a boundary line agreement with Geneva and that property is on the Geneva side, and when the document was developed an effort was made to respect those boundary lines identified through the agreements.

Aldr. Lewis said she has received emails and has also spoken to many people from the west side regarding development of the old St. Charles Mall property and there are many different opinions, but there seems to be a bottom line that even if people are in favor of mixed-use or residential, it is still not apartments. She asked if there is any way that can be put into the document, or if it could be explained to her how the document will prohibit what the Committee thinks of as apartments. Mr. Colby said an issue came up in terms of reflecting some of the community's comments with regard to apartments. He said through zoning, the city does not regulate ownership structure of property; therefore there is no distinguishing between condominiums versus an apartment building. He said there was an interest on the part of the

Task Force to incorporate some language that spoke to the types of development that would be constructed, to frame it in such a way to say that the city encourages types of development that are typically owner occupied. He mentioned an example under the mixed-use section where it states that residential development in the mixed-use category on the mall site cannot be a stand-alone building; it needs to be above another type of use. He said there is also a section that speaks to the amenities to be provided with the development and those are the types that are typically found with an owner occupied development, such as covered parking, so there was an effort to incorporate that sort of additional direction that discusses mixed-use at that site. Mr. Armstrong said the Local Town Center concept shown is the only plan that calls for anything that is actually called out as multi-family/single-family attached and that is actually put down on Bircher Rd. where there is existing multi-family/single-family attached, and that was suggested at one of the Task Force meetings and it was very well received. He said in looking at the option of the Mixed-Use Town Center, it calls for local retail on the bottom and residential on top, not a straight apartment complex. He said that from year to year it's very important to recognize that there will be very different economic circumstances and the concern of the Task Force was developing a plan that was so specific that it would prevent anyone from bringing development to the city.

Aldr. Lewis said in the future that property could be sold to another company, and if someone came with a plan that had multiple apartment units in it, is the plan strong enough that we could say no. Mr. Colby said there are a lot of factors that can be considered in whether or not it's a desirable project, but what these redevelopment alternatives do is highlight specific elements that the city is trying to encourage at this site, but it is certainly something that is within the Council's discretion. He said the site will remain zoned for commercial use as it is today, and if anyone proposes anything different, there would need to be a review process. Aldr. Lewis asked if density or height had been addressed anywhere. Mr. Lavigne said no, but in reading Site J on page 75, which speaks specifically to the site, it states: "*The 30 acre site may represent the most significant redevelopment opportunity within the Randall Rd. corridor. Despite great potential, the opposition voiced by some members of the community to the Town Center proposal highlights the complexity and sensitivity to the site's future development. Throughout the outreach process, residents voiced different ideas for the site, underscoring the fact that the community remains split on the best use of the site.*" He said following that, the 3 different alternatives are shown, and it states that it is important to note that the final development option should be market viable due to the significance and complexity to the site, and any proposal should be subject to the PUD approval process.

Aldr. Martin said he has very serious concerns with the site and the addition of apartments and he feels it should remain a 100% commercial piece and it's the city's opportunity to gain some ground in the commercial competition. Vice Chair Bessner said it was asked earlier if the document is binding in any way if there is a residential component and he asked if that could work the other way as well. Mr. Lavigne said the document is not set in stone, and it is just a policy guide that is not regulatory, the Zoning Ordinance is regulatory. Aldr. Krieger said she agrees with Aldr. Lewis and Martin, no more apartments there, but maybe some senior housing, but her dream is an Apple Store or Grahams Chocolate. Aldr. Martin said in regard to Vice Chair Bessner's comment about the plan being binding, that he has been on the Council long enough and once it's in the plan, it's very difficult to change it because everyone refers to what the plan says and that why he wants to put a stop to it before it gets out of hand. Aldr. Turner

said his fear in putting something in stone, it doesn't give an option going forward, and he thinks people will use that as a crutch to disapprove proposals without giving it thought. He said the wider it is, the better, and there is always the PUD process that has to be gone through. Aldr. Lewis said she has heard from many residents in Ward 5 that they are not opposed to some sort of residential component, but what was heard across the board is no apartments, and she wants to know how that can be factored into the plan. Mr. Lavigne said that is consistent with what they heard also, but that you cannot regulate ownership, and in regard to senior housing, that is a form of residential land-use, and by going all commercial, you are shutting the door on that. He said if the city cannot decide on this property, 112 pages will be garbage because the city is hung up on this piece. He said by providing multiple alternatives and referring it to a PUD process, the current owner/future owner knows the site will be challenging and whatever approach taken will need to be well vetted through the process.

Aldr. Lewis asked why there had to be 3 options, couldn't there be just 2. Mr. Lavigne said they could have, but the 2<sup>nd</sup> option is somewhere between 1 and 3, allowing the Tri-City Center, the existing commercial on the south side of Rt. 38, and the Jewel, to all stay intact. Mr. Armstrong said one thing to remember that Sites H, I and J are not under unified ownership or control and it's unlikely to come to Council as a giant unified proposal. He said one experience looked at was the Miller-West Gateway annexation agreement, where there was a very specific plan and it was the same situation with multiple parcels and multiple owners with very specific land-uses, and eventually nearly all of them were changed individually. He said the same thing was done for the Charlestowne Mall, but that for the West Gateway site, they felt it very critical to not box ourselves in, and rather than provide a plan that would leave us with a plan of 30 years of asphalt, the 3-options were come up with, but as always it's the Committee's decision.

Aldr. Lemke said he was advised last time that Randall Rd. developed as a result of having housing over retail and that he certainly does not see any examples of that and he is concerned in suggesting housing over retail without having some places where that has worked in the city. He said he thinks it looks a lot like the plan rejected by the Council before he joined. Aldr. Silkaitis said he does not want apartments, there are too many already in town, and he feels the site should be commercial, and if the tone is not set now as to what is wanted, he sees no point in even doing this.

Aldr. Martin said he objects to any development being called "Town Center" and he doesn't want to see it listed anywhere in the plan. Aldr. Lemke and Aldr. Krieger agreed.

Aldr. Silkaitis said page 22 on bridges, #5, another bridge between Geneva and St. Charles is never going to happen, unless Geneva wants to do it, and he wants it removed from the plan.

Aldr Payleitner asked for clarification on page 68, the Downtown Subarea for Site G-lost parking capacity being mitigated and Site I-displaced parking accommodated elsewhere, and she sees a lot of parking being taken out, but none going in. Mr. Lavigne said on Site Q, a parking structure is identified; Site P is also identified as a potential parking structure; Site J a parking garage was part of a development proposal; and Site E. Aldr. Payleitner said the east side looks covered, but where is the parking for west side of the river. Mr. Lavigne said Site D, behind the commercial, could be explored for parking, but he doesn't think any site is specifically a catalyst for a parking garage, but certainly parking would need to be accommodated for any redevelopment. Aldr. Payleitner said she wonders if there is a balance rather than saying here's a

bunch of parking where buildings would be better. Mr. Armstrong said on page 67, there is a notice on parking for the Downtown Improvement Plan, and on page 68 there are catalyst sites for redevelopment, and page 67 talks about the general tone of downtown and that's where the parking had been implied. Mr. Lavigne said the recommendation is that the city should continue to provide parking strategically in all areas of downtown and carefully monitor demand to ensure both current and future needs are met. Aldr. Payleitner said she thinks the document takes out a lot of parking but doesn't add it. Mr. Lavigne said the plan is being sensitive to ownership, recognizing where there are no buildings are your easiest opportunity sites, as opposed to buying out. He said before anything were approved, parking would have to be incorporated.

Aldr. Lemke said he would not suggest disposing of 2-years' worth of work, but he thinks maybe seeing a resubmittal for the plans for Rt. 38 and Rt. 64 out by Kirk Rd. He said on the surface, it's a two-dimensional plan with a number of roads through the building and the problem Charlestowne Mall has with that and with a two-level mall creates a problem, and three-dimensionally that is not apparent, on a two-dimensional plan. He said it was never designed to be Geneva Commons and he would like to see a revised and resubmitted Charlestowne Mall plan because he doesn't know who would pay for all the construction, reconstruction and disconnect, and to saw through the mall does not make sense. He said there is a commercial plan that has been developed for leasing and there's a chance for leasing going forward and it's marketed as an enclosed mall. Mr. Lavigne said page 83 does show the mall fully intact with development opportunities around the mall. Aldr. Lemke he is not aware of any plan to put in residential and if the plan is to keep the same lower area ratio, he doesn't know where residential would come out and how the soils would be accommodated that would exist under the detention areas. He doesn't understand how it would happen without very expensive plans to relocate detention areas, its unsuitable soils, and he wants to see a revise and resubmit for the Charlestowne Mall to exclude residential.

Aldr. Payleitner asked how to go about getting these changes made. Ms. Tungare said a recommendation could be made tonight on the revisions and then the revised document can move forward to public hearing.

Aldr. Lemke made a motion to remove residential from both the mall site and Charlestowne Mall. Aldr. Martin seconded the motion.

Roll Call Vote:

Ayes: Silkaitis, Payleitner, Lemke, Martin, Krieger

Nays:

Abstain: Lewis, Turner

Motion Carried.

Aldr. Lewis asked if there would be some sort of index or table of contents. Mr. Lavigne said that could be done along with some sort of key word index and he would look into it.

Mr. Armstrong questioned the motion just made and voted on and asked for clarification as to the direction being provided to produce a document to comply with it. He asked if no residential means no dwelling units of any type on either site. Aldr. Martin said when the Comprehensive Plan comes out, the Committee wants those two areas shown as primarily commercial and no residential on either parcel, and on page 112, it states to adopt and use the plan, the plan should

become the city's official policy guide and used on a regular day to day basis, and he is afraid that if alternatives are allowed in the plan the city will not get what we want. Mr. Armstrong said so for clarification there will be no senior or adaptable housing on either site. Mr. Lavigne said it was not his idea to add residential to the areas, it was the community, and to take it out may trump citizen input. Mr. Lavigne said there is a realigned Foxfield Dr. that would come through there that would separate the residential and the commercial of the mall, but a portion of the parcel is already subject to the court decision, the land use is already dictated, but there is only a piece added as residential. Aldr. Lemke said it would fill in two detention areas and if Charlestowne Mall has already spoken with the city about the ability to use and drive-through, and that would mean some discussion that he does not think has happened, but that they do not mind people driving through there now. Mr. Lavigne said the plan was to better insulate the neighborhood, not to formalize the more convenient cut through. Mr. Armstrong asked if the Court decision says residential and the city agrees, is it the will of the Council to disregard the Court agreement and remove the residential, and again he is just looking for clarification. Aldr. Lemke said he understands that there is a court decree that provides some residential but it is not what is described in the plan and he thinks it should be consistent with the court decree and not try to paint the rest of the neighborhood.

Mr. Townsend clarified that the consent decree being referenced includes a long list of uses and not all are commercial in nature, and in using the term "commercial" be cautious about that because the consent decree does include a specified list of what's allowed on the property, but he agrees to the extent of consistency that commercial is not the appropriate use. Aldr. Lemke said he would defer to that agreement and the folks in the neighborhood recognize that it's in place. Mr. Armstrong clarified that the Committee wants to make it consistent with the decree and those areas not covered by the decree should not have any residential nor dwelling units whatsoever. Committee agreed. Mr. Lavigne said that's an easy change.

Vice Chairman Bessner asked about pocket parks not being in the plan, and asked if they would create the issue of who pays for them because they are small enough that the Park District would not want to deal with them, which means the city would have to. Mr. Lavigne said it is listed in the plan for the city to work with the Park District to reevaluate their 5 acre minimum in recognition that there are few developments that are going to generate that type of park dedication, and that if they will continue to get land through the city's land cash dedication ordinance, they will have to reevaluate their position. Vice Chairman Bessner asked if because there is that disconnect and thinking 10-15 years out, should they give up on it. Aldr. Krieger said she would not give up, she would require any development of any size require a dedicated park area with an association to cover the costs, and green space is very important. Vice Chairman Bessner asked if that could be adjusted in the plan, and asked if it's expected that in the next 15-20 years that there will be the gap of who worries about a park. Mr. Lavigne said he doesn't think there is anything in the plan that obligates the city to start owning and maintaining park sites, but to first work with the Park District.

Vice Chairman Bessner asked about page 64-Subarea Goals and using full utilization of the Fox River as a recreational environmental asset, and what does that mean. Mr. Lavigne said it's a lofty goal that is easily defined and hard to ever achieve, but clarified it doesn't directly mean activities on the river.

Vice Chairman Bessner said in regard to residential and the state of the unknown economy that he does not want to see the city handcuffed in a situation with the option of any kind of residential or grand development that might come along and fit in either of those mall properties, but he thinks the component needs to be left open. Aldr. Martin said future Council can change the plan anytime they want to if there is enough votes to do it. Vice Chairman Bessner said he understands that but it was said earlier that it's hard to do. Aldr. Martin said it is a hurdle but if it happens it will be appropriate for what the community and Council wants.

Aldr. Martin made a motion to remove from the plan any reference to item 3 and 5 on page 22.

Mr. Armstrong asked for clarification on the motion and asked if the intent is to remove Woodward extending to Randall Rd. or it is just to remove Prairie to Adams. Aldr. Martin said the 2 can be separated but right now they are listed together so as of right now both are included in his motion. Mr. Armstrong said the motion is to not complete logical gaps in the existing roadway network; the two roads cited were simply examples of what the Task Force felt were logical gaps. Aldr. Turner said Woodward should be connected to Randall Rd.

Aldr. Martin amended his motion to only remove Prairie to Adams as an example. Aldr. Krieger seconded the motion.

Roll Call Vote:

Ayes: Silkaitis, Payleitner, Lemke, Turner, Martin, Krieger, Lewis

Nays:

Absent:

Motion Carried.

Vice Chairman Bessner asked for public comment.

Kim Malay-526 S. 16<sup>th</sup> St.-said the Comprehensive Plan is supposed to be the City's vision and what is being aimed toward but as Aldr. Martin noted, the document can be amended, therefore if the mall areas are put in the plan as commercial only, and say a senior housing proposal comes along, the plan can be amended. She said if it's not stipulated what is being looked for first then the city will never really get what is wanted and what in the best interest for the community. She noted that she attended many focus meetings and there was a resounding amount of residents wanting no residential and she hopes the Committee is really listening to what the residents have said.

Vanessa Bell-Lasota-1610 Howard St.-referenced the Plan Commission notes, item #46 discusses Chapter 9 on the Residential Areas Framework Plan on page 34, Site F, which is listed as a potential development site and along that road there are two completely land marked properties protected by the County covenants, Red Gate Farm and Seven Oaks Farm. She said initially it was discussed to put them on the key and it has devolved to a statement that text would be added under Historic Preservation noting the landmarked farmsteads. She agrees with an index and a cross referencing index because the protection is being buried because it is not available for development. She said she strongly recommends it be indicated on the key and in the framework plan. Mr. Armstrong said his plan says that Site F could be serviced by city water and waste water and consequentially could develop a single-family residential, however it recognizes the landmarked farms and states that development of the site should strive to preserve



its historic assets. Ms. Bell-Losata said that by using the term “sensitivity should be given” is not clear wording and is very vague and is still referring to development of those parcels. Mr. Lavigne said a small part of 2 separate parcels are historically designated and what the text states is that development that could surround them.

Brian Lavolpe-1219 Dean St.-said that by creating the road through the back of Charlestowne Mall it would stifle the future expansion of the mall along with taking away parking and possible out lot development. He said as far as apartments and not wanting them on those two sites, what’s the difference between condos, row homes, and townhomes being developed there, because he doesn’t think residents want any of that because St. Charles is a single-family home community and that’s why it’s the #1 place for families. He said he is not in favor of mixed use, and in looking downtown, there is the mixed use with all empty units above, and empty store fronts below, but people still living above it looks trashy and like a non-appealing place to live. He said there needs to be more futuristic thinking and not what the current trend is, St. Charles should be leaders not followers. He said the city could benefit by getting more out of the Fairgrounds and maybe take the road by the post office to connect to Rt. 38 would be a good idea to stop cut through traffic in the neighborhoods. Aldr. Turner said a lot of those roads were proposed to get more cross access. Mr. Lavolpe said he also did not see anything in the plan about creating a roadway north out of the Lexington development and that would be nice to create an extra outlet out to the north, not only for traffic purposes, but also if there were a major gas leak during construction of the sidewalk the residents would be land locked in.

Resident asked if there had been any changes to the Corporate Reserve site in the plan. Mr. Colby said it is shown in the residential frame work plan as a potential location for single-family attached development, recognizing that as it exists today it is entitled to be developed for office commercial type use, but the Task Force felt that some attached dwellings, townhomes, could be appropriate for the site if they were comparable to the density of the development that surrounds it. Aldr. Bessner said density levels that were buffering were discussed.

Aldr. Payleitner asked if the CMAP Housing Study that will be embarked on this summer could be implemented in the plan, because we may think we are a single-family residence community, but maybe not, and maybe the future will hold that multi-family and attached housing are trend for the future and we do not want to be on the back end of that. Ms. Tungare said the study could be a stand-alone policy document or it could be incorporated in the plan.

Vice Chairman Bessner asked if the comments taken that evening along with comments and suggestions from the Committee and residents for last changes will move forward tonight. Ms. Tungare said correct, and the Committee could make a recommendation tonight based on the conditions outlined and the consultant and staff could move forward to make those revisions to the plan. Aldr. Turner confirmed that it will then go to a public hearing; the comments from the public hearing will then be used to revise the plan again if Council chooses, and it will then go to Council for final approval. Ms. Tungare said she envisioned a recommendation with some revisions tonight, however the document would remain as is for the public hearing, collect additional comments at that time, and then the document would be modified just once, but if Committee wishes the plan could be modified twice. Mr. Lavigne said based on comments tonight, he suggest revising the figure on page 83-Charlestowne Mall to cut the illustration to

remove the residential and drop in the existing detention and leave the area under court decree gray.

Aldr. Martin said he would like to see the changes made before going to public hearing. Aldr. Krieger said to revise the entire plan will be difficult and she requests a summary of the changes so everyone is on the same page.

Aldr. Krieger recommended approval of the plan upon receiving a list of the changes made this evening. Aldr. Martin seconded the motion.

Roll Call Vote:

Ayes: Silkaitis, Payleitner, Lemke, Turner, Martin, Krieger, Lewis

Nays:

Absent:

Motion Carried.

Ms. Tungare asked for some clear direction on the three options for the old mall site. Mr. Armstrong said it seems to him that based on Committee's discussion that the first option is the only viable one. Ms. Tungare asked if the Committee is comfortable leaving an alternate option in the plan with some additional guidance, considerations and verbiage added to tighten it up to give some flexibility and not box ourselves in. Aldr. Bessner asked how specific it can be. Mr. Lavigne said this was gone through with the Task Force and presented as no residential on any of the uses, and when it was presented to the Task Force, they thought it had gone a little too far, so it ended up with the three options. He said the impact of stripping out the other two options would really solidify the city into the Regional Repositioning option and also scaring away someone with a creative approach to the site who may perceive amending the recently adopted Comprehensive Plan as a tremendous hurdle. He said developers in this economy are not looking to have a fight at City Hall, they are looking for a community that is welcoming and receptive to their ideas, and he thinks the best approach would be to pull together a memo that would document why there are three alternatives, what would be a worst case scenario, and the course of a development process, how it would get through and the likelihood of apartments, but shutting the door on all residential would be a limited approach to such a big piece of property. Mr. Armstrong it's important to mention that in one of the plans there's an area with mixed use, and in the third plan, it's majority mixed use, which is defined as residential uses over commercial uses, and the Task Force never stripped out all dwelling units, but if the Committee would like all dwelling units of any kind stripped out, that's fine, but they will be responsible in the long run for the plan. He said he appreciates the idea of multiple ideas, but he is not sure they are all needed if all dwelling units of any kind are being taken out. Mr. Lavigne said another alternative would be removing page 76 & 77 all together, and the site would then be guided by the language for Site J as well as the land-use plan, which highlights the site as Regional Commercial, but he does not recommend that approach. He said it would be governed by the land-use plan which highlights the site as potential for mixed-use, so it would then be corridor commercial, regional commercial on the west side and neighborhood commercial on the east, but a caveat of potential mixed use and the text where it talks about mixed-use outside of downtown.

Aldr. Martin said he is willing to live with no dwelling units on the site because that is the way it's been and no one has come forward with a project that is suitable and acceptable for that site. Aldr. Lemke said it the largest and most successful area of Randall Rd. and is the city's window to Randall Rd. and until we try that out, he's willing to stand with no residential.

Ms. Tungare said from comments made earlier on the procedural standpoint and modifying and amending the plan in the future for a proposal that warrants consideration, it cuts both ways, and her experience tells her that if that if the city were in that position in the future and the city decided to amend the plan, the city would be criticized for doing it backwards by entertaining a proposal and then modifying the plan in a reactive mode in response to a proposal. She said doing it the way that it's been presented is in line with planning principles and practice where a vision is established and to have some flexibility rather than a position to be in a reactive mode.

Mr. Lavigne said maybe the solution is to strengthen the preference for commercial, then the city could be receptive to creative approaches, because what was heard consistently through outreach was no apartments, not no residential, so he suggested strengthening the position of the preferred approaches as a commercial corridor, but to make that viable for a developer, it may need a residential component. He said it's a big property and it can't all front Randall Rd., that is why it's failing now, and the area behind Jewel fronts Lincoln Hgwy., therefore it does not have the traffic count and cannot compete with the sites along Randall Rd. Aldr. Martin said he disagrees as far as the viability of the commercial on the property and under the current ownership nothing is going to happen to it, but under different ownership there may be a different opinion on that. Aldr. Lewis said she supports, as stated in the past, medical and educational business on the property and she asked which scenario would include those. Mr. Lavigne said either the second or third mixed-use, not the first one because it's only regional outlots and big box parcels. Aldr. Lewis said she is always for creating good jobs in St. Charles. Mr. Lavigne said medical offices are only allowed in the red areas but the language could be amended to include education, but it would not be what he would call commercial, he thinks of it as more office/service but the quotes could be changed for any one of the two to accommodate that.

Aldr. Lewis asked what the process is to amend the plan and if it's expensive and time consuming. Mr. Lavigne said it depends on the extent of the update, but the process would be to amend the plan with a public hearing and adopt the amended plan, it would not be the 18 month process that is happening now.

Ms. Bell-LaSota asked what weight will resident comments made in the minutes have in the plan and if there is one particular area that only one resident comments on, will it be considered, is there assurance it will be considered, and when will she know it's being considered, and what is that process. Vice Chairman Bessner said it's his understanding that when the public hearing is held there will be revisions along with a summary and then there will be an open house where there will be more resident input. Ms. Bell-LaSota asked if the current comments would be at the open house. Ms. Tungare said there will not be any additional open houses, only a public hearing where the Mayor and City Council will preside and all documents will be made available on the website. Mr. Lavigne said every meeting is available on the website. Ms. Bell-LaSota said her concern is some very important points may be lost because they are in documents that may never gravitate over so she suggests along the way some sort of assurance that it will evolve with everything said here tonight. Aldr. Payleitner said that assurance should lie with the hard

working Task Force and trust that it's taken into consideration and there's no need to rehash that, they have done their job and we do not need to re-do what they have done. Vice Chairman Bessner said he agrees, he was part of the Task Force and all information on all parcels was funneled to come up with a very broad plan of what to go towards in the next 15-20 years, but as a Committee tonight, it's been decided to put together a list of changes and request a summary.

Ms. Malay said she understands Ms. Tungare's thought about scaring developers away and lately we have had the appearance of being hard to deal with. She said developers are being led on through the long process all because of what our Comprehensive Plan says, and she feels we are better off taking things out and narrowing it down and having developers come ask, and if it's viable then it could be brought forward. She said in regard to land and education, medical and having major regional commercial, let it be uses besides residential to be open to other things. She feels that it having to be on Randall Rd. to be successful is wrong because St. Charles Mall was very successful where it was and now there is the Commons which we did not have once that property became vacant. She said she feels the old mall site along with the old Dominick's site is critical to success of the redevelopment of Randall Rd.

Vice Chairman Bessner asked Committee for any last changes. None.

**5. ADDITIONAL BUSINESS-None.**

**6. ADJOURNMENT**

Aldr. Martin made a motion to adjourn. Seconded by Aldr. Turner at 9:00pm.