

**MINUTES  
CITY OF ST. CHARLES, IL  
PLANNING AND DEVELOPMENT COMMITTEE  
MONDAY, NOVEMBER 10, 2014 7:00 P.M.**

**Members Present:** Silkaitis, Payleitner, Turner, Stellato, Bancroft, Martin, Krieger, Bessner, Lewis, Lemke (7:35PM)

**Members Absent:** None

**Others Present:** Mayor Raymond Rogina; Mark Koenen, City Administrator; Rita Tungare, Director of Community & Economic Development; Russell Colby, Planning Division Manager; Chris Tiedt, Development Engineering Division Manager; Bob Vann, Building & Code Enforcement Division Manager; Matthew O'Rourke, Economic Development Division Manager; Ellen Johnson, Planner; Fire Chief Schelstreet; Cmdr. Mahan, Police Dept.

**1. CALL TO ORDER**

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

**2. ROLL CALLED**

Roll was called:

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

Absent: Lemke (Arrived 7:35PM)

**3. COMMUNITY & ECONOMIC DEVELOPMENT**

Chairman Stellato recused himself for the first item on the agenda, Vice Chair Bessner took over.

- a. Recommendation to approve the First Amendment to an Intergovernmental Agreement for Road Construction by and between the City of St. Charles and the City of Geneva (Bricher Road).

Mr. Tiedt said the City of St. Charles and the City of Geneva have both been party to an Intergovernmental Agreement that identifies obligations, required improvements and allowable access points along Bricher Rd, which is a common border between the two cities. Several months ago, Staff was approach by Geneva about amending the IGA to change the access location for the Fisher Farms Commercial area B, which is now known as Lincoln Square (parcel behind Geneva Commons to the west). He said there are 2 major proposed amendments: Lincoln Square access is amended to 1-location that's generally located in the center of the parcel, previously it was two locations; and Bricher Commons (directly west of Meijer and Lowes) access is being amended for two full access locations into Bricher Commons, but the access cannot be within 270 ft. east of the center line of Fisher Dr. He noted that the previous IGA that is being amended only allowed 1-access into Bricher Commons located a little under 2,000 ft. west of Randall Rd. He said Geneva was also considering the amendment that same evening and that staff recommends approval.

Aldr. Lewis asked if the new curb cuts would be staggered so there would be a lot of different possibilities for stoplights and stop signs. Mr. Tiedt said correct, but not knowing exactly what will transpire on the Bricher Commons parcel, when a development comes in, the plans would be

reviewed and looked at as far as access locations to the south, site distances as well as performing a traffic study, which would help identify any deficiencies. He said all the amendment states is that somewhere between right behind Lowes and 270 ft. east of Fisher Farm Dr., two access points would be allowed. Aldr. Lewis asked if any language could be added to the agreement because she feels it would be better to have two curb cuts line up and then another one; to have an intersection versus a bunch of curb cuts. Mr. Tiedt said it could be evaluated, but with any development good traffic planning would be promoted. He noted that the amendment allows for two access points but does not mean that both would have to be used. Ms. Tungare said it would be premature to start defining where those access points should go and once there is a traffic impact study that would give the city some flexibility to make good choices. Aldr. Lewis said she understands, but she thinks it's in the best interest to move forward with thinking there would not be bunch of curb cuts all over the place and if there is a way to put some input into that is all she is looking for. Mr. Tiedt said it could certainly be looked into but the amendment does state that a traffic study must be done and Geneva and St. Charles have to agree on the study, which ultimately means the access point locations would also have to be agreed upon. He said the language is in the agreement already but maybe not as direct as Aldr. Lewis is thinking.

Aldr. Turner asked if an intersection were wanted in the future, could the city ask Geneva to amend the IGA. Mr. Tiedt said certainly, but by allowing the two access locations, that would probably not be needed; but yes the city could go back to Geneva if something needs to be changed. Aldr. Turner said he is fine with the way it is but because of not knowing what will be there in the future, he just wanted to be sure the possibility for change is there.

**Aldr. Krieger made a motion to approve the First Amendment to an Intergovernmental Agreement for Road Construction by and between the City of St. Charles and the City of Geneva (Bricher Road). Seconded by Aldr. Silkaitis. No additional discussion. Approved unanimously by voice vote. Motion carried. 8-0**

Chairman Stellato rejoined the Committee at 7:05PM.

- b. "Homes for a Changing Region Study for Batavia, Geneva, North Aurora, and St. Charles" Report.

Ms. Tungare said in 2012 the City partnered with Batavia, Geneva and North Aurora on a multijurisdictional housing initiative which was funded by CMAP through the Technical Assistance Program at no cost to any of the municipalities. She said the Housing Study was designed to provide the city with direction for future housing needs. The study was completed and presented to the Committee in September 2014, where it was determined that the Committee needed more time review and the report is now being brought back before Committee tonight to take action if they desire. She said at this point Committee has a couple of choices: If they would like to adopt the Housing Policy as an official policy they may do so, and if they wish to not take any action at all, that is fine too. She said if a formal action is made it gives the document teeth in terms of being able to apply the policies to any future development projects as they come forward.

Aldr. Turner said he knows this is a policy document, but it states it is a guide and he therefore asked that if the city wanted to deviate from it they could. Ms. Tungare said absolutely.

**Aldr. Turner made a motion to adopt the Homes for a Changing Region Study as a policy document. Seconded by Aldr. Bessner. No additional discussion. Approved unanimously by voice vote. Motion carried. 8-0**

- c. Recommendation to approve proposed Intergovernmental Agreements with the City of West Chicago regarding Jurisdictional Boundary Lines and Jurisdiction of Kautz Road, and to approve an Easement from the DuPage Airport Authority for Kautz Road.

Mr. Colby said in 2013 Committee reviewed and recommended approval of an amended boundary line agreement and Kautz Rd. maintenance agreement with West Chicago, and Council action on the agreement was delayed pending the resolution of an easement issue with the DuPage airport authority regarding Kautz Rd. He said the easement issue has recently been resolved; therefore staff is bringing forth those same agreements as well as the Kautz Rd. easement for recommendation. He said staff has provided the required public notice for the boundary agreement to be considered by the City Council on November 17, 2014.

**Aldr. Bessner made a motion to approve proposed Intergovernmental Agreements with the City of West Chicago regarding Jurisdictional Boundary Lines and Jurisdiction of Kautz Road, and to approve an Easement from the DuPage Airport Authority for Kautz Road. Seconded by Aldr Silkaitis. No additional discussion. Approved unanimously by voice vote. Motion carried. 8-0**

- d. Recommendation to approve a Historic Sign designation for Kevin's Auto Service, 201 S. 2<sup>nd</sup> St.

Mr. Colby said the Historic Preservation Commission reviewed the application against the criteria in the Ordinance for historic sign designation and has recommended approval. Aldr. Krieger commented that she sees they have been working on the building and it looks very nice.

**Aldr. Krieger made a motion to approve a Historic Sign designation for Kevin's Auto Service, 201 S. 2<sup>nd</sup> St. Seconded by Aldr. Martin. No additional discussion. Approved unanimously by voice vote. Motion carried. 8-0**

- e. Recommendation to approve a Historic Sign designation for 221 S. 2<sup>nd</sup> St., Old Style Sign for Second Street Tavern.

Mr. Colby said the Historic Preservation Commission reviewed the application against the criteria in the Ordinance for historic sign designation and has recommended approval.

Aldr. Lewis said she has safety concerns for the sign due to it being supported by a cable that runs to the building. She said she saw the sign on a windy day and the sign was swinging. Mr. Vann said the cable is an electric line that serves the sign, and the sign has been straightened out, but the problem with the sign is it's close to parking, so there may be some bumping of cars, which the property owner and the business owner are aware of, and they should be taking some kind of precaution for that. He said if the sign were ever knocked down or removed, the Historic aspect just goes away; but as far as the swinging of the sign, those are designed for that. Aldr. Lewis said the report was fun to read but she wonders if it's a bit of a stretch having an Old Style sign designated as Historic and she wondered if it was always just a beer sign.

Craig Bobowiec-508 Cedar St.-said he has owned the property since 1985 and it's been an Old Style sign as long as he has known, and in talking to Joan Arteberry who is the last surviving member of the family, she thinks that's the only sign that was ever there, and that by law, when it is a beer sign, it is against the law to have any name tied to it. He said the cable is the electric line that feeds the electricity overhead; there used to be an underground cable that ran under the parking lot, and in looking at the base of the pole there is an old conduit line that was cut so that is actually not holding the pipe up, but just feeding the electricity. Aldr. Lewis said she doesn't doubt there has always been a sign there, but she is struggling with this one. Mr. Bobowiec said it's the height of the sign that is in question and he can leave the post or lower the sign; but the sign panel itself isn't going to get changed regardless of the site.

Mark Hoffman-221S. 2<sup>nd</sup> St.-said when he bought the bar he considered taking the sign down and putting up a "Mark's 2<sup>nd</sup> Street Tavern" on it, but as he did research he found that it is a historical sign, not just in St. Charles but throughout the Midwest. He said they stopped producing them years ago so there are very few left and to the person who sees this sign, it is literally a welcome sign letting people know this is a neighbourhood type tavern/bar. He said he has so many people that come up and down Route 31 that stop because of that sign, so there is a historical significance not just about the beer. He said there is more behind this sign than any other beer sign because there is something about Old Style and the Midwest that is warm and he kept that sign due to the significance it has for those who like his kind of bar.

Aldr. Martin said beer signs don't drink and drive so he will not object to this even though it does go a bit against his grain.

**Aldr. Turner made a motion to approve a Historic Sign designation for Second Street Tavern, 221 S. 2<sup>nd</sup> St. Seconded by Aldr. Bancroft.**

Roll Call:

Ayes: Krieger, Bessner, Lewis, Silkaitis, Payleitner, Turner, Bancroft, Martin

Nays:

Absent: Lemke

Abstain:

Motion Carried. 8-0.

- f. Recommendation to approve a Facade Improvement Grant Agreement for 111-113 W. Main St. (Ferraro).

Mr. Colby said this grant will assist with repairs to the rear building façade staircase and upper deck that provides access to the Steel Beam Theatre. The Historic Commission recommended approval with the condition that the upper level decking and railings be excluded from the grant because the area could be enclosed at some point in the future, in which case those materials would need to be removed. He said those repairs have been removed from the grant funding request and the grant amount is \$10,500.

**Aldr. Bessner made a motion to approve a Facade Improvement Grant Agreement for 111-113 W. Main St. (Ferraro). Seconded by Aldr. Krieger. No additional discussion. Approved unanimously by voice vote. Motion carried. 8-0**

- g. Recommendation to approve a Special Use for a Drive-Through Facility and Minor Change to PUD for 600-660 S. Randall Rd. – Randall Shoppes PUD.

Mr. Colby said this past summer the city granted PUD approval to renovate the building and reconstruct the parking lot and construction is underway at the site. The proposal is requesting to add a drive-through north of the building for a Starbucks store. He said Plan Commission held a public hearing and reviewed the request and their recommendation was for approval in a 5-2 vote with stipulations: the Drive Through Facility could only be used by businesses meeting the definition of a Coffee or Tea Room as it is defined in the Zoning Ordinance and also that 8-stacking drive-through spaces must be provided.

Aldr. Krieger said she has a concern with the traffic back up west bound on Prairie St. to turn left onto Randall Rd. and she wonders where those cars will be and how much that will contribute to the traffic. She also said she is concerned with the 8-stacking places because this morning she counted at 2-different Starbucks and one had 14 and the other had 17 cars and she wants to know how that would be handled.

Marvin Keys-6801 Spring Creek Rd.-Rockford-on behalf of the petitioner. Mr. Keys said there was a traffic study done and the traffic does not degrade the intersection's performance. He said Starbucks busy time does not have the same level of negative performance as exists at the peak period for the intersection, which is in the evening at the left turn lane onto Randall off Prairie; the worst period is on a Saturday afternoon and in the evenings. He said the development and the uses on this site do not degrade that intersection beyond what its current performance is. He said the traffic study shows that even using a conservative analysis and determining what cars and what trips are generated from this use, even if it was not built versus it being fully built and occupied, the intersection performs the same. He said the issue with the intersection is not the use or the traffic coming out of that area; it's with traffic generated at Randall Rd. and the time period timed on the traffic lights. He said there was significant conversation regarding this with the Plan Commission and they were comfortable with the findings of the traffic study and also the stacking; for the study they went to 3 other Starbucks in the community that have similar traffic counts along Randall Rd. and calculated at the peak periods for the average as well as the peak traffic stacking in the drive-through. He said the average between the three at the peak period was 6-cars and the highest was 8-cars, which occurred at different times, but at no point in the study did they exceed the 8-car stacking, which is why 8-car stacking is what's being proposed.

Aldr. Turner asked if this would be a right in/right out. Mr. Keys said no, it would remain the same as it is currently. Aldr. Turner said if he had his way that entrance would be shut down and he would have the exit/entrance through the Jewel parking lot because he does not think this should be a right in/right out. Mr. Keys said they do not have cross access into that parking lot; they attempted to get a cross access easement to go through the bank parking lot to the south and enter then into the Jewel lot, but the bank was not interested in pursuing that cross access across the property at all. Aldr. Turner thinks it will be a real problem and he is not in favor.

Aldr. Lewis said there would be lost parking spaces in the stacking and she asked if there would be enough parking for all the employees and tenants, and would they have any ability to park in the Jewel parking lot. Mr. Keys said they do not have any cross parking easements; however the parking for the shopping center is in compliance with the Ordinance and the uses; there is more than enough parking for customers and employees for this use as well as retail uses within the shopping center.

Kim Malay-526 S. 16<sup>th</sup> St.-thanked the applicant for all the work done on the building and said she is glad to have Starbucks in the neighbourhood, but she drives that intersection every morning and night and if something could be done to make the turn signal longer to get the traffic through, that would definitely help because as of now it only allows for 3-4 cars length. She said the big issue will be those coming off of Randall Rd. heading north to turn right onto Prairie because it is such a short stop to the next turn and when it's icy it gets very dangerous. She asked that those things be taken into consideration and see if there is a way to correct some of that.

**Aldr. Bessner made a motion approve a Special Use for a Drive-Through Facility and Minor Change to PUD for 600-660 S. Randall Rd. – Randall Shoppes PUD. Seconded by Aldr. Silkaitis.**

Roll Call:

Ayes: Bessner, Lewis, Silkaitis, Payleitner, Bancroft, Martin

Nays: Krieger, Turner

Absent: Lemke

Abstain:

Motion Carried. 6-2.

- h. Recommendation to approve an Acceptance Resolution for Public Watermain and Appurtenances installed as part of the McDonald's Reconstruction project located at 1915 W. Main Street.

Mr. Tiedt said when the west side McDonalds was reconstructed this year a public watermain that was had to be relocated to the west side and as part of that City Council has to accept that public improvement.

**Aldr. Silkaitis made a motion to approve an Acceptance Resolution for Public Watermain and Appurtenances installed as part of the McDonald's Reconstruction project located at 1915 W. Main Street. ). Seconded by Aldr. Turner. No additional discussion. Approved unanimously by voice vote. Motion carried. 8-0**

- i. Recommendation to approve the Final Plat of Subdivision for The Quad St. Charles – Unit 2 (Charlestowne Mall PUD).

Mr. Colby said this is the final plat to create lots for the freestanding outlot buildings that are planned between the mall ring road and Main St. He said there are not any proposed developments for the lots at this time and plans would be presented for approval as each lot is proposed for development. He said staff has reviewed the final plat for conformance with the approved PUD preliminary site plan and recommends approval subject to resolution of staff comments prior to City Council action.

**Aldr. Bessner made a motion to approve the Final Plat of Subdivision for The Quad St. Charles – Unit 2 (Charlestowne Mall PUD). Seconded by Aldr. Turner No additional discussion. Approved unanimously by voice vote. Motion carried. 9-0**

- j. Recommendation to approve a Corridor Improvement Grant for 1317 E. Main Street (Fydoland).

Mr. O'Rourke said the owner-Robin Massey has applied for the grant to install new landscaping features along the front of building and also around the new sign. He said the Corridor Improvement Commission reviewed the design at both their October and November meetings due to having some questions with the plant species being proposed; but at the November meeting those issues were worked out and they recommend approval of the grant having a maximum award of \$1,650. Mr. O'Rourke noted that the ribbon cutting would be that Friday, November 14, 2014.

**Aldr. Bancroft made a motion to approve a Corridor Improvement Grant for 1317 E. Main Street (Fydoland). Seconded by Aldr. Turner No additional discussion. Approved unanimously by voice vote. Motion carried. 9-0**

- k. Recommendation to direct staff to file a Landmark Nomination for Camp Kane and the Jones Law Office.

Mr. Colby said the Historic Preservation Commission recommended the nomination of the Camp Kane site including the relocated Jones Law Office building as a Historic landmark site. He said since the property is city owned staff is seeking Committee's recommendation prior to filing an official landmark nomination form and initiating the review process and that there were Historic Commission member present for any questions.

Aldr. Turner said at one point during the stainability initiative the park was for sale and wondered if that is still true. Mr. Koenen said that was 3 or 4 years and it is no longer for sale.

Aldr. Payleitner asked for a summary as to what the advantages would be for the city as the owners to have this designation for the entire property. Mr. Colby explained that when a property is designated as a landmark any changes to the site requiring a building permit (anything constructed above ground; buildings, lighting, permanent signs) would require a review by the Historic Preservation Commission for them to then issue a Certificate of Appropriateness. He said it adds an additional layer of protection and review as to what happens at the property and it also enable the site to qualify for certain grant funding through the state of Illinois Historic Preservation Agency which provides money to certified local governments for Historic Preservation. He noted that he is not aware of the details, but it could also potentially help with other private grants.

Aldr. Payleitner said the Public Works plant property abuts up to this property and asked what would happen if some of the property were needed to expand the plant. Aldr. Krieger commented that the 4<sup>th</sup> ward would protest. Mr. Colby said the city could request to have a portion of the addition to that facility constructed within the landmark area, which the Historic Commission would need to review that; or there could be a petition to have a portion of the landmarked area removed, so the designation would be smaller. He said those are the options available to the City as the property owners, and those changes could be made after the fact, but designating this now based on the boundaries communicates the intent that the city is intending to preserve it.

Aldr. Silkaitis said he thinks it a good idea to save what we can before we keep losing parts of St. Charles slowly but surely. He said he doesn't think there will be a need to expand Public Works and he has no problem with the designation.

Aldr. Turner asked what makes this historic, it's a city park. Ms. Malay said Camp Kane has a very significant history because of the fact it was a Civil War training camp between 1861-1864 and served as the training camp for the 8<sup>th</sup> and 17<sup>th</sup> Illinois Calvary, which were part of the major battles, including firing the first shot at Gettysburg and the Honor Guards for Lincoln's funeral train. She said there is a lot of significance; the whole 8<sup>th</sup> Illinois Calvary was founded on the basis of fighting slavery; formed by General John Farnsworth, and helps tell the story of our Underground Railroad heritage. Aldr. Turner said he was just wondering what the basis for the designation was and he thinks everyone has a different opinion of what should be Historic; and maybe putting up a plaque would be just as good because it is city property and it would not be changed without a major decision made by the Council. He thinks a plaque is just as good as a designation.

Aldr. Lewis said it's her understanding that the Jones Law Office was moved to that location because other relocation attempts were unsuccessful; and since Council decided they wanted to save it, it was put in Langum Park, and she wonders why it's so quickly needing to be designated as historic landmark. She would be willing to put the landmark on the Law Office but not on the property. She said she feels the money was spent to move the Law Office and that was her focus; she did not realize at the time that it would encompass all of Langum Park to turn it into something different. She asked if there was a way to just landmark the building without the property; or if it would have to go back to staff. Mr. Colby said the Historic Preservation Ordinance can only designate property, so there would need to be a legal description identifying the location so they could identify the location that the Law Office building is sitting at and only include that. He said or they include that site and a larger area around it, that maybe it isn't as large as what is shown, but that the vicinity of the site including the sidewalks and things around it would be preferred to doing just the building pad. Aldr. Lewis suggested taking the monument that was put in several years ago, maybe the sidewalks and the location where it's at. Mr. Colby said that if that is the Committee's direction' staff could certainly draw a boundary around those areas and present that for consideration. Aldr. Lewis said those boundaries could always be extended and she just feels things are moving more quickly than she is comfortable with and her preference is to just designate the Law Office.

Aldr. Lemke joined the Committee at 7:35PM.

Aldr. Bessner asked Ms. Malay, based on her historical background with the Commission, what she envisions as to how land would be needed in the long term beyond the Jones Law office. Ms. Malay said as they all know from conversations with her, they do propose to build the museum as well which would be in the center of the tree lined area and far away from the sled hill. She also noted that the 8<sup>th</sup> Illinois Calvary also uses the site for encampments. Aldr. Bessner asked if the whole site would need to be designated as it shows in the outline. Ms. Malay said she thinks with the full use it will eventually come to that with the campus which will tell the story of Camp Kane; but she said they could lose some of the forest area if that's where the concern is; but she feels if they are going to do it right to really help create heritage tourism for St. Charles, it will be a big draw to use the portions of those boundaries.

Aldr. Bessner asked if there were any discussion of future expansion for the Public Works facility in the future. Mr. Colby said it was not discussed but he does not believe that staff has significant concern with the area that has been identified.

Aldr. Lewis said she thinks it would be beneficial to wait and see what the concepts plans are because there are a lot of Committees in processes that have to be done before this becomes a reality. She thinks once there is something concrete would be a better time to discuss making this a historical landmark.

Aldr. Turner said he agrees with granting historical status to the area around the Jones Law Office and he also feels this is moving way too fast because we do not know what will go there and this is still a city property under the city's control. He said as things develop over time the historical boundaries can be extended and he would like to see the motion amended just for the Jones Law Office site.

Aldr. Payleitner asked how big Camp Kane was. Ms. Malay said it went quite far past 7<sup>th</sup> and all the way down to the river; so the proposal is a very minute part of what Camp Kane originally was. Aldr. Payleitner said the purpose is not to keep it open. Ms. Malay said with the exception of the museum eventually, but that's a proposal on the books since 2000. She said the idea is to create an area for our significant piece of history and the Historic Commission feels that this is a protection and even if the mansion never goes in it should be protected and well known as a significant historic site, just as the Gettysburg battleground is.

Chairman Stellato asked if the grant funding for Jones Law office would be separate from Camp Kane. Ms. Malay said they both could qualify for different aspects; there are battle ground grants and they are researching that right now; but the Jones Law office does have grants that can help with the structure itself. She feels that they can build more of a case with having the boundary that is being shown; showing that it's a true historic site as well as building will help to make the case even more so.

Aldr. Payleitner said she is confused; this is going to be a battle ground, but we are going to put a museum on it. Ms. Malay said it will not be considered as a battle ground, but may qualify under something along those lines. She said they are also looking to do monuments out there as well as an outdoor education center and it's all to call the history, which could qualify for educational grants and the landmark status helps all the more for that.

Aldr. Lemke asked if the designation would prevent building anything. Ms. Malay said it would not, the approvals would go through the Historic Commission; they would review it to be sure it's appropriate not only from a use perspective but architectural design as well.

Aldr. Bessner said he is in favor of it as long as the city is not worried about future expansion.

Ms. Malay added that the city would be kept in the loop and that her and Mark Koenen are currently working on an agreement for the site and it will be presented to Committee in the future.

**Aldr. Krieger made a motion to direct staff to file a Landmark Nomination for Camp Kane and the Jones Law Office. Seconded by Aldr. Martin. No additional discussion.**

Roll Call:

Ayes: Martin, Krieger, Bessner, Silkaitis, Payleitner, Lemke, Bancroft

Nays: Turner, Lewis

Absent:

Abstain:

Motion Carried. 7-2.

Aldr. Payleitner clarified that this done not mean anything is set in stone, it's just an opportunity for grants. Chairman Stellato said correct, and this still has to go in front of Council. Mr. Colby clarified that this is just a motion to direct staff to file the application to start the process of nominating the site. Aldr. Bancroft suggest getting the legal description for the Jones Law office prepared, just because if that's a go at another point in time it would be good to have in hand.

- l. Recommendation to approve a Professional Engineering Services Agreement by and between the City of St. Charles and Huff and Huff, Inc. for the First Street Redevelopment Project.

Mr. Tiedt said since the time the original environmental work was completed on the First St. project the Illinois Pollution Control Board has adopted additional clean-up objectives as it relates to vapor intrusion into the buildings. He said to address these new objectives and proposed changes to the site plan, additional environmental work is needed on the site to receive a no further remediation (NFR) letter. He said given Huff & Huff's knowledge and past performance on the environmental work on First St. redevelopment project, staff obtained a proposal from Huff & Huff to perform the necessary environmental work and services required to obtain the NFR. He noted that the proposal does not include any costs associated with excavation, transportation of those materials or back filling of contaminated soils; and staff is recommending approval of a professional services agreement by and between the city of St. Charles and Huff & Huff.

Aldr. Turner said to his understanding, there are presently monitoring wells out there. Mr. Tiedt said there are some monitoring wells that were out there at the time the proposal was obtained from Huff & Huff; they did a quick pre-cursory scan to try to find those wells, so they may have been damaged or destroyed. He said at this point they are not able to find them and they were going to do a little more to try to locate those and if they are not able to locate those, they would have to put 4-more wells in which is an included cost in the proposal, which is the worst case scenario.

Aldr. Silkaitis asked which building used to be there. Mr. Tiedt said the former Blue Goose and Harris Bank property and he believes at one time near Harris Bank there was an underground storage tank and there is some contamination in the ground from them; and also from some of the cleaners that were further south, there is some contamination as a result of environmental clean-up that was had on those sites that kind of traversed its way through the bedrock onto this property.

**Aldr. Turner made a motion to approve a Professional Engineering Services Agreement by and between the City of St. Charles and Huff and Huff, Inc. for the First Street Redevelopment Project. Seconded by Aldr. Silkaitis. No additional discussion. Approved unanimously by voice vote. Motion carried. 9-0**

- m. Recommendation to approve a proposed Boundary Agreement with the City of Geneva.

Mr. Colby said the city's boundary agreement with Geneva is set to expire in July 2015 and staff from both cities met recently to discuss if there was interest in extending the agreement. He said the proposal is to approve a new boundary agreement based on the same terms as the existing agreement and the boundary line would not change. He said the item is also being presented to

Geneva's City Council this evening as well and with a positive recommendation staff will prepare the required public notice for the Council to take action on this item, which will need to be at least 30-days out, with the earliest date being December 15, 2014.

Aldr. Lewis said in the 5<sup>th</sup> ward, the line does not follow township lines anymore and it goes up and over and then down. She asked for an explanation as to what the reasoning was for doing that and she is not sure who signed the original agreement because she did not get a copy of it. Mr. Colby said the agreement included in the packet is the same as the 1995 agreement with the exception of date changes; but it's the same terms of the agreement. He said he did research the 1995 agreement in terms of how the line was decided to be placed around the judicial center and there was a legal opinion provided at that time that states that the courthouse could not be annexed into another municipality that was not the county seat; and therefore St. Charles would be unable to annex the court house property; so the decision was made to draw the line around the property. He said during the term of the agreement Geneva has not annexed that property and it remains unincorporated. Aldr. Lewis said she understands that there is a state law that there has to be a courthouse in every county seat, but there is the 3<sup>rd</sup> Street courthouse; so as long as that courthouse is still standing there, it's her understanding that it would qualify as the legal courthouse in the county seat. She doesn't think there are any plans to remove that courthouse and she is just not comfortable moving forward with this without a little more research and she asked to table this to next month's meeting to get some questions answered.

Mr. Koenen said he was here in 1995, but not directly involved with the discussion, but he does remember that the city of St. Charles could not annex in the courthouse because certain judicial proceedings could only take place in the county seat or adjacent in an unincorporated area. Aldr. Lewis said the courthouse, the Sheriff's dept. and the States Attorney's office all have a St. Charles address. Mr. Koenen said he thinks that has to do with the efficiency of the official building being able to carry on all the judicial processes that could not be conducted if it were in the City of St. Charles. Aldr. Lewis noted that across the street on Rt. 38 there's a plan to have a record storage and fleet maintenance, and she questioned if that were alright to be in another municipality if St. Charles were to annex that in. Mr. Koenen said he understands that to not have anything to do with the judicial process; so he is guessing that is acceptable just as the former Wards building is a Kane County structure in the City of St. Charles. He also noted that the activity mentioned for Rt. 38 by Aldr. Lewis had not been discussed. Aldr. Lewis said she has some current information and that she would share that information with Mr. Koenen.

Aldr. Turner asked if the land north of the Rt. 38 is in the township or the city. Chairman Stellato said it does not appear to be annexed; so it's in the township.

**Aldr. Krieger made a motion to approve a proposed Boundary Agreement with the City of Geneva. Seconded by Aldr. Silkaitis No additional discussion. Approved unanimously by voice vote. Motion carried. 8-1**

4. **ADDITIONAL BUSINESS-None.**

5. **ADJOURNMENT - Aldr. Turner made a motion to adjourn at 7:54PM. Motion was seconded by Aldr. Krieger. No additional discussion. Approved unanimously by voice vote. Motion carried.**