

**MINUTES
CITY OF ST. CHARLES, IL
GOVERNMENT SERVICES COMMITTEE MEETING
MONDAY, JUNE 22, 2015, 7:00 P.M.**

Members Present: Chairman Turner, Aldr. Silkaitis, Aldr. Payleitner, Aldr. Lemke, Aldr. Krieger, Aldr. Gaugel, Aldr. Bessner, Aldr. Lewis

Members Absent: Aldr. Stellato, Aldr. Bancroft

Others Present: Raymond Rogina, Mayor; Mark Koenen, City Administrator; Peter Suhr, Director of Public Works; Chris Adesso, Asst. Director of Public Works - Operations; Karen Young, Asst. Director of Public Works -Engineering; John Lamb, Environmental Services Manager; A.J. Reineking, Public Works Manager; Tom Bruhl, Electric Services Manager; Jim Keegan, Police Chief; Joe Schelstreet, Fire Chief

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

2. Roll Call

K. Dobbs:

Stellato: Absent

Silkaitis: Present

Payleitner: Present

Lemke: Present

Turner: Present

Bancroft: Absent

Krieger: Present

Gaugel: Present

Bessner: Present

Lewis: Present

3.a. Electric Reliability Report – Information only.

4.a. Update on Police Facility Study – Information only.

Peter Suhr presented. This is an information only presentation. As you know, the Police Department and the Public Works Department have a joint project going right now with the architectural group FGM to study the Police facility, and we are at the 50% mark.

I would like to introduce the group from FGM Architects, led by John Dzarnowski, who is here this evening. Ray Lee is going to take the lead, followed by Reagan Porter.

Mr. Lee: Ray Lee, FGM Architects, 1211 West 22nd Street, Oakbrook, IL.

Power Point Presentation by Ray Lee of FGM Architects.

Ms. Porter: Reagan Porter, FGM Architects, 1211 West 22nd Street, Oakbrook, IL.

Power Point Presentation by Reagan Porter of FGM Architects.

Mr. Dzarnowski: John Dzarnowski, FGM Architects, 1211 West 22nd Street, Oakbrook, IL.

Power Point Presentation by John Dzarnowski of FGM Architects.

Chairman Turner: Peter, when would you like comments from Council?

Mr. Suhr: We don't have a specific date in mind, but since we are trying to wrap this up for the fall presentation, initial comments would be nice to get in a couple weeks, but that doesn't mean the door is shut at that point in time. There will be more discussion, so right up to the last day of the report being written, we will be glad to take comments from you.

Aldr. Krieger: Can we have a copy of the presentation so we can refer to it?

Mr. Suhr: Yes, we will get it posted to iNet.

Aldr. Lemke: How far back from the river are we required to have pedestrian access?

Mr. Lee: It is not dictated for pedestrian access. That was just a comment from the Historical Commission asking if you were to move the building, could it be moved further back from the river.

Aldr. Gaugel: Chief Keegan, do you have any concerns you would like to address at this time?

Chief Keegan: Thank you for asking; on behalf of the Police Department, we appreciate the opportunity. We have a great relationship with FGM; they are collaborative with staff which is especially helpful. They have come in multiple times to do interviews and surveys. The next step is feedback from Council for goals for the project so we have a good product to present at the fall retreat.

Chairman Turner: It sounds like there are a lot of underground utilities there. Whether we rebuild or move, are moving the utilities part of the budget?

Mr. Suhr: That is certainly the next part of this process.

Aldr. Bessner: I understand you are asking our opinion, but is there a way that you will determine if starting over would be better?

Mr. Lee: That comes from looking at some of the goals. Would the Committee like to keep this as a municipal campus? If so, we have to realize there is an asset in the existing Police Department. Those are all things we have to study.

If keeping the area as a municipal campus is not the goal and you decide to free up the area, then that would mean moving the building. Are we going to retrofit an existing building or tear down and start over again?

When it comes down to it, it's what the City would like and what would benefit the City. There are a lot of pros and cons either way. People know where the building is at, it's convenient during festivals; those are pros. A con would be that we are landlocked on parking; a lot of times for a Police Facility you want multi-point access.

If we were to put a Police Station in an area of town that needs some help; what would it do? Would it help bring an area up, would it help reduce crime, would it help response time? These are big picture issues, but this is the time to dream a bit and determine what is best for your City.

Aldr. Silkaitis: There is a well there, too; how does that affect this?

Mr. Suhr: We put together a solid plan for doing this study, and we are going to get the answers through studying those plans and options. The fact that we have a well that sits in the center of the building is certainly going to be a consideration.

No further discussion.

4.b. Recommendation to maintain the current condition of the storm sewer manhole located in the front yard Public Utility Easement at 1102 King Edward Ave.

Chris Adesso presented. This is an item we talked about at the May 2015 Government Services Committee Meeting, having to do with the storm sewer located at 1102 King Edward Avenue. I'll take just a moment to give you a brief history; on April 10, 2015, staff from the Public Works Department made an adjustment to a storm sewer manhole located in the Public Utility Easement of the front yard at 1102 King Edward Avenue. The purpose of this adjustment was to bring access to the lid to an accessible level from being buried approximately 14 inches below the ground. The work was performed quickly, effectively and in a clean manner and the area was restored the same day with top soil, seed and erosion control blanket. Mr. Joe McGraw is here this evening; he is the property owner at 1102 King Edward Avenue and he addressed the Committee last month.

The Public Works Department maintains the recommendation to keep the current condition of the storm sewer manhole located in front of 1102 King Edward Avenue and if the Committee has any questions, I would be happy to answer them.

Chairman Turner: If no one has any questions, Mr. McGraw, would you like to have a word?

Mr. McGraw: Thank you for the opportunity to address the Committee again. I'm Joe McGraw, homeowner of 1102 King Edward Avenue. I don't want to be adversarial or contentious; I just have a simple, obvious interest here. To recap the chronology; the house I own was built in 1998. The access to this sewer in question was below grade. When I purchased the house in 2002, that access remained below grade. There was access above grade at three other points.

This sewer access was inches below grade for very good reasons; it's a few steps from the front door. Obviously it changes rather dramatically the curb appeal of the home. There was no notice to me whatsoever that this work was being done and there was no recommendation by the City Council at all. I have email correspondence that indicates there was no meeting in which this project was talked about, so therefore there were no minutes so I don't know where the checks and balances area. I didn't have a chance to provide a check and balance to that, the City Council didn't; it is an expenditure of resources of the City, but it went unchecked.

What is interesting is it was a preemptive move to do it without any notification at all. Now it totally reverses the ownness. I thought it was very interesting that their request is "Recommendation to Maintain the Current Condition of the Storm Sewer Manhole located in the front yard Public Utility Easement at 1102 King Edward Avenue". My request is the same as the City's, but I would add "as it existed prior to April 10, 2015 and had existed for 17 years".

The ownness would be if you were going to change it, you would have to establish why. Why would you incur the cost, why would you increase the liability of the homeowner? Why would we adversely affect the fair market value of the home? There could be reasons, but they were never established.

The only reason that I know of, is because they could; there is an easement, so they could. I don't know if that justifies it, and if we had this conversation on April 9 where you would have to demonstrate a reason for that expenditure, I doubt very frankly that there was a cause that warranted that expense. We established it created a homeowner liability to me. I did not receive a copy of it before tonight, but I understand you have in your packets a letter from the City attorney, and I will state the obvious, he is a City attorney, he is not representing my homeowner interest. It seems to me he speaks to the fact that they can, with no justification why. In terms of liability, I noticed they did not provide me any indication that I would have legal protection against liability.

My next door neighbor has a sewer manhole that is recessed. Mine was raised on April 10 and as of today, his has not been; he is at 1004 King Edward.

Something else I learned as I looked at this agenda for tonight, there are recommendations and requests to have the City Council approve expenditures to replace bolts. That makes sense, but there was never a request, representation or discussion about raising access, creating a liability and devaluing a homeowner's property.

Aldr. Silkaitis: He referenced a neighbor whose manhole has not been raised yet; is that planned to be raised?

Mr. Adesso: Yes, the neighbor's property did not appear on our backlog of buried manholes. We did contact that resident and investigated that structure. The structure is located approximately two inches below the grass and the reason it wasn't on our list is because it was originally inspected when we formulated the list, so at some point since 2002 it was covered by the grass. We wanted to wait until after tonight's meeting, but we have reached out to that homeowner and will be raising access to it.

Aldr. Silkaitis: So you will be raising his too, to match all the other ones?

Mr. Adesso: Yes.

Aldr. Payleitner: I drove by and saw that there are a lot of neighbors who have them on the house side of the sidewalk.

Mr. Adesso: There are. The entire neighborhood has a front yard easement in it and almost all the storm sewer is located in the front yard easement of all the lots in Kingswood Subdivision.

Aldr. Payleitner: I noticed the house on the other side has it right in the middle of the driveway.

Mr. Adesso: Correct.

Aldr. Payleitner: That could also be considered an eye sore.

Mr. McGraw: They could all have one in front; it does not negate the increased liability of it. What is interesting to me is that one could have a very cynical take on why they were raised. It doesn't take an imagination to figure out that was a "make work" project. If you are looking to do "make work" projects, why don't you just lower them? I noticed in the subdivision next to us that was built by Keim how many manhole covers are above grade on the home side of the sidewalk. Would you hazard a guess?

Mr. Adesso: I couldn't hazard a guess to whether or not that subdivision has front yard easements without being afforded the opportunity to look at that. What I can tell you is there are more than 10,000 storm sewer manholes throughout the City and that excludes any sanitary or water, so there are plenty of examples throughout the City where folks have these located in both their front yards and parkway.

Chairman Turner: The issue here is *this* address; it's not about Joe Keim, it's not about my neighborhood where I have one in my front yard....

Mr. McGraw: It was an attempt to justify it; others have it, so you say I should be content.

Chairman Turner: The Committee will need make a decision if we should support the City's position or not.

Aldr. Silkaitis: I find it interesting that you are accusing our department of making up work.

Mr. McGraw: Do you find that difficult to believe?

Aldr. Silkaitis: Yes, I do and in fact, I take it as an insult that you would accuse our department, who was following the laws about where the manholes are supposed to be, of making up work to keep busy! That's ridiculous!

Mr. McGraw: Really? Do you read the Chicago Sun Times or Chicago Tribune?

Aldr. Silkaitis: Why would I read them, this is St. Charles, not Chicago.

Mr. McGraw: One of my learning experiences is that the power is right here (points to Public Works Staff).

Aldr. Silkaitis: The power is in the Ordinances we have in place and WE grant them that power to enforce to the Ordinances that we have, so to say they are doing stuff to stay busy is ridiculous.

Mr. McGraw: That's what everybody thinks.

Aldr. Payleitner: Mr. McGraw, did you ever think to take up this problem with the builder? It seems that is who this issue is with.

Mr. McGraw: Ok, so now it's not the City.

Aldr. Payleitner: They are the one who placed your home in proximity to the sewer.

Mr. McGraw: Is it public record of where all the sewer systems in St. Charles are?

Mr. Adesso: If someone were to ask for a copy of our utility atlases prior to purchasing a home, it is common practice to provide it to them.

Mr. McGraw: For 17 years, why wasn't it raised?

Mr. Adesso: I can't speak to the last 17 years, but I can speak to why it was raised now; it was raised because it was identified that it provided a greater good to that area. The storm sewer at that location changes size, it also changes position, and your neighbor's house and your house are both tied to that, so in order for us to provide service to that location for you if you were to ever have a back-up, or for the City to have a back-up in the main line which could cause a back-up on the private service, we would need access to that manhole.

Mr. McGraw: Has it ever been accessed in the previous 17 years?

Mr. Adesso: Not that I'm aware of.

Chairman Turner: That is not the point, Mr. McGraw.

Aldr. Bessner: I would like to make a recommendation to maintain the current condition of the storm sewer manhole located in the front yard public utility easement at 1102 King Edward Avenue.

Aldr. Lewis: Second.

Chairman Turner: Kristi, please call a roll.

K. Dobbs:

Payleitner: Yes

Lemke: Yes

Krieger: Yes

Gaugel: Yes

Bessner: Yes

Lewis: Yes

Silkaitis: Yes

No further discussion.

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

4.c. Recommendation to approve Surveying Services Agreement with H.R. Green for the 7th Avenue Creek Project.

Karen Young presented. This is in regard to the 7th Avenue Creek Project. Before we get into the recommendation for that specific project, I wanted to give you an update on where we are with the concurrent FEMA and City process. We received an update from FEMA regarding the mapping process. There had been some delays with FEMA; we were just notified that the City should be receiving the draft maps for our and the Community members' review at the end of August or beginning of September. With that submittal to the City, it will kick off the process with FEMA where they will start to send out notification to residents regarding FEMA's public process. As you are aware, the City has a concurrent process and we will be having a separate meeting for that, but this is specifically with FEMA and the mapping process.

In terms of the City's process, we are moving forward with our design and alternate analysis on what projects we can come up with to help mitigate some of the flooding in this area. We anticipate having a presentation on that project this fall for Council review and also for public review. As part of our analysis, we have had discussions with our consultant, FEMA and the Illinois Department of Natural Resources on different options that we think would help our process as well.

That is what is before you tonight for the Elevation Certificates for 109 properties along the 7th Avenue Creek Project. Elevation Certificates will give us the elevations of the outside of the home, the adjacent grades, the first floor elevation and also the lowest flood elevation on each of the homes. This will help us establish and better represent what is truly going on with these individual properties within the project and help us design our projects moving forward to try to mitigate the flooding as best as possible through that area. Current FEMA standards base their mapping on two foot contours; this would be giving us elevations within a 10th or a 100th of a foot through these properties.

This will help us optimize our improvements by being able to design the appropriate size structures, openings and other various things that we have in consideration for the project. It will also assist us in preparing strong grant applications because we will have better information as we move forward and will also be the next step in our design process, so that will help us supplement our future design work as well. This is a budgeted item; we have money in this current fiscal year budgeted for design and a process moving forward, so this would be the next step in our process as well.

In terms of project notification; we have not notified any of the residents that we are considering doing this at this point. We want to make sure we have buy in from Council to do this, but in terms of notifications to the residents should we move forward, there will be intense notifications to the 109 properties that we will be dealing with. We will be sending out notifications and having individual conversations with each of them to get approval to gain access to their property and coordinate with them as well.

If there are no questions, Staff recommends approval of surveying services with HR Green for the 7th Avenue Creek Project in the amount of \$70,400.

Aldr. Silkaitis: What if a homeowner doesn't give permission? How then do you determine if they are, or are not in the floodplain?

Mrs. Young: If they don't give us permission, then we will use FEMA's determination. Our goal is to convince everyone this is a benefit to them, but they have the option to decline. We will need to have a letter that would allow us to be on their property. The benefit it will provide in terms of the FEMA mapping process is it will allow us to coordinate with the elevation along those properties within the proposed floodplain and we will be able to submit what is called a LOMA, which is basically a map revision. So the maps will be made and then modified for specific properties. This will fine tune FEMA's decision and it will also help with insurance ratings; there is a whole litany of things it will help. This will help with the FEMA process and it's also going to help with the City's design process. This will be a very big PR process and we will have people dedicated to not only sending out letters, but meeting with individual property owners. It will be a lengthy process, but in the end it will be well worth it.

Aldr. Lemke: It may be good to send an initial notice ahead of time letting people know what is going on. Correct me if I'm wrong, but you could probably almost determine everything by siting in the street or in the area?

Mrs. Young: No, for these Elevation Certificates we have to be on their physical property; we are required to shoot the lowest adjacent grade through the foundation. We can certainly visualize things, but for these certificates to be valid, it does have to be on their property. There will be multiple notifications, and we are also going to have a cutoff date, so if we can't get an agreement by a certain date, whoever we have is who will be moving forward.

Aldr. Lemke: Is there a reason to believe that people will not be able to stay in their home if they are below elevation?

Mrs. Young: Anyone can stay in their home that's in a floodplain, it's just a matter of whether you have to pay flood insurance or not. Certainly people all over the world are living in floodplains; it's just a matter of impact. In terms of the FEMA mapping process, our goal is to get people out if they are not truly in the floodplain. In terms of the City's process, we want to optimize and design so we can mitigate flooding. Our goal is to not have any of those properties flood, but it's a process we have to go through to ensure that we can make that happen.

Aldr. Krieger: I just want to say the FEMA mapping and all that information is used in insurance and the more complete it is will help the homeowner because in some cases it can decrease their flood insurance.

Mrs. Young: It certainly can help, and we are going to provide the Certificate to the homeowner so it is something they can provide to their insurance company as they go through the process as well.

No further discussion.

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

4.d. Recommendation to approve Construction Engineering Services Agreement with Trotter and Associates, Inc. for the North Tyler Road Resurfacing Project.

Karen Young presented. This is for the Tyler Road Watermain Project. As you may recall, we were here last month for approval of the construction contract with Martam Construction. This is the next step in the process of having our consulting engineer out there during the construction of that watermain work. We have selected Trotter & Associates, who is also the engineer for the North 5th Avenue Watermain project that is currently taking place with Martam Construction as well, so they have a relationship working in the field and we also have a comfort level with them as well.

Staff recommends approval of a Construction Engineering Services Agreement in the amount of \$53,296 with Trotter & Associates for the North Tyler Road Watermain Project.

No further discussion.

Motioned to table by Aldr. Silkaitis, seconded by Aldr. Bessner. Approved by voice vote. **Motion carried**

4.e. Recommendation to approve Intergovernmental Agreement for Route Maintenance of State Routes with the Illinois Department of Transportation from July 1, 2015 to June 30, 2025.

Karen Young presented. This is an Intergovernmental Agreement for routine maintenance on State Routes with the IL Department of Transportation. Currently we have a master agreement; it's a 10 year agreement in place with IDOT that is set to expire on June 30 of this year. We recently received the updated Master Agreement for a period of ten years through June 30, 2025. This is a reimbursement program where the City of St. Charles takes responsibility of certain maintenance for surface and pothole repairs, patching, crack sealing, cleaning, snow plowing, etc. We felt some of the numbers in the original agreement were off so I just received a revised agreement from IDOT that we will review. It appears that the amount we receive as reimbursement will be increasing to just over \$63,000. The amount we receive goes up by a cost index annually that is set by the Engineering News Record, so it will increase appropriately annually as well.

Aldr. Lemke: Is IDOT prompt about reimbursing these Intergovernmental Agreements?

Mrs. Young: Yes.

No further discussion.

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

4.f. Update on Solar Project – Information only.

Tom Bruhl presented. With the Council's blessing, I proposed to host IMEA's first solar demonstration project and we were successful in winning. They went out for bid and the bids were opened on June 11. There were 11 vendors who proposed to build the solar plant. I believe we are down to the top 3, which IMEA is going through right now. In the near future we will be down to one and starting to negotiate for a single solar provider to actually build on the site. They are still planning on starting construction in 2015. My next update will be next month wherein I anticipate having a name of the vendor and we will be moving towards some type of agreement to let them use the land.

Aldr. Lemke: Is this costing us anything?

Mr. Bruhl: Nothing, except my time.

Aldr. Gaugel: You said construction is anticipated in 2015. Is there a timeframe that construction can't go past because of the weather?

Mr. Bruhl: Construction can continue through most of the weather; however, there is a 30% federal tax credit that at some point will sunset and they are racing to take advantage of that.

No further discussion.

4.g. Recommendation to approve changes to the scope of the Mowing Maintenance Contract with Cornerstone Horticultural Services Company.

A.J. Reineking presented. Last year the Council awarded a four year lawn mowing contract to Cornerstone Horticultural Services; we are currently in year two. The original RFP included 150 parcels, approximately 170 acres that were divided into three different mowing categories. A “Fine” mowing category is to mowed every week, a “Rough” category would be mowed nine times per year or approximately every three weeks and the “Very Rough” categories were to be mowed six times per year, or approximately one per month. After receiving feedback from residents, the contractor and Council, the frequency for mowing for the Rough and Very Rough parcels was increased to every other week this year. In addition, throughout the first year of the contract, ten properties were added to the weekly maintenance program based on the provided hourly rate that Cornerstone provided in their RFP. Further, this year, the Park District notified the City that they no longer wish to maintain Riverside or Moody Parks, properties that the City owns and the Park District has historically mowed and back charged the City at the end of the season for, so we are going to add those parcels as well, based on the provided hourly rate contract.

These changes were all considered during the budget process and have been budgeted accordingly. If there are no questions, Staff recommends approval of the changes in the scope for the mowing maintenance contract with Cornerstone Horticultural Services Company, resulting in a net increase of approximately \$24,010 annually.

Aldr. Gaugel: In regard to Moody and Riverside Parks; do we know the rate that the Park District was charging compared to what we are going to be charged?

Mr. Adesso: I don't know the exact rate, but I do know that we paid the Park District \$6,400 per season to mow those two parks.

No further discussion.

Motioned by Aldr. Bessner, seconded by Aldr. Silkaitis. Approved unanimously by roll call vote. **Motion carried.**

4.h. Recommendation to Waive the Formal Bid Procedure and approve a Contract for Pavement Striping with Preform Traffic Control Systems, Ltd.

A.J. Reineking presented. This is the City's pavement striping program. Preform Traffic Control Systems was awarded the Kane County Division of Transportation's pavement striping contract based on the bid that was opened this spring. As in past years, Preform Traffic Control has offered Kane County Municipalities the County's unit price rate for these services. The City has been able to take advantage of these prices in the past, which has offered us a larger economy of scale because the county usually stripes roadways, whereas we stripe crosswalks and stop bars, so their program is much larger than ours.

This year we are looking to again continue our program, we will focus around school zones as we have in the past and touch up areas that need it. In addition, you will find in your packet a list of IDOT properties that they have requested we touch up as part of the maintenance agreement along Routes 31, 25 and 64. We will look to the southwest quadrant in the areas of 14th and 16th Street, the northeast quadrant in the areas of Fox Chase Blvd., as well as Downtown for on-street parking stalls as well as crosswalks and stop bars on the hills of the east side of the river, Cedar Avenue and State Street.

If there are no questions, Staff recommends approval to Waive the Formal Bid Procedure and approve an agreement with Preform Traffic Control Systems for pavement striping services in an amount not to exceed \$50,000 based on the unit prices provided.

No further discussion.

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

4.i. Recommendation to Issue Purchase Order to P&M Sewer & Water for Annual Bolt Replacement Program for Fiscal Year 2015/2016.

John Lamb presented. Last year the Committee and Council approved a multi-year contract awarded to P&M Sewer & Water. This is the second year of that contract, so we are requesting approval to issue a Purchase Order in the amount of \$62,000 for the second year of the program and approval of upcoming years, pending approval of those Fiscal Year Budgets.

Aldr. Lewis: Do you have boxes of bolts that you replace, or does this company replace them?

Mr. Lamb: No, this company replaces the bolts on watermains, vaults and fixtures throughout the system. The pricing includes both the service and the bolts.

Aldr. Lewis: And they do what they can for this amount of money, so there might be some that don't get replaced?

Mr. Lamb: That's correct; it is an amount not to exceed \$62,000 so we work with that dollar amount and prioritize where bolts need to be replaced throughout the system.

Aldr. Lemke: Is there any digging involved?

Mr. Lamb: Yes.

Aldr. Lemke: Do they restore the area?

Mr. Lamb: Yes, that is all part of the program.

No further discussion.

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

5. Additional Business.

Aldr. Lewis: By the time we have this meeting next month, the America in Bloom judging will be over, and I want to personally thank our Public Works Department for all the help they have been giving the America in Bloom Committee. Without you and the GIS Department, I don't know where we would be.

Mayor Rogina: I want to second that. My wife is on the Committee and has nothing but praise for Public Works.

6. Executive Session.

None.

7. Adjournment from Government Services Committee Meeting.

Motion by Aldr. Krieger, seconded by Aldr. Gaugel. No additional discussion. Approved unanimously by voice vote. **Motion carried.**