

**MINUTES  
CITY OF ST. CHARLES, IL  
GOVERNMENT SERVICES COMMITTEE MEETING  
MONDAY, FEBRUARY 23, 2015, 7:00 P.M.**

**Members Present:** Chairman Martin, Aldr. Silkaitis, Aldr. Payleitner, Aldr. Lemke, Aldr. Turner, Aldr. Bancroft, Aldr. Krieger, Aldr. Bessner, Aldr. Lewis

**Members Absent:** Aldr. Stellato

**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; Tom Bruhl, Electric Services Manager; James Keegan, Police Chief; Joe Schelstreet, Fire Chief

**1. Meeting called to order at 7:01 p.m.**

**2. Roll Call**

**K. Dobbs:**

**Stellato:** Absent

**Silkaitis:** Present

**Payleitner:** Present

**Lemke:** Present

**Turner:** Present

**Bancroft:** Present

**Martin:** Present

**Krieger:** Present

**Bessner:** Present

**Lewis:** Present

**3.a. Electric Reliability Report – Information only.**

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

**4.a. Recommendation to approve a Request of Funding from Pride of the Fox Riverfest Committee for the City to be presenting (Title) Sponsor.**

**Mark Koenen presented.** With the Committee's approval, I would like to talk about items 4.a and 4.b together as they are related requests, just from different parties.

**Aldr. Bessner:** Let the record reflect I'm going to recuse myself.

**Mr. Koenen:** The first item is dealing with the Pride of the Fox Riverfest Committee and an annual request to support them as a sponsor. Historically our contribution has been \$30,000 and the request is the same this year. Julie Farris, the Director of that organization is present tonight and has provided us with information regarding the Riverfest activity, so please let her know if you have any questions.

The second item deals with the 2015 Annual St. Charles Riverwalk: Fox Tales & Trails program. In the past, this was known as the Bob Leonard Riverwalk. They are changing their focus this year; I met with Julie Hartwig of that group, and they are changing their focus from a run and walk to a walk with a theme that will focus on historic St. Charles along the Fox River. They are also going to incorporate a children's portion to make this a family activity. For the Fox River historic walk, they are asking for \$1,250, and again, that is the same value that the City participated with for the past two years, and this is a shared sponsorship with the St. Charles Park District.

These are both projects that are contemplated in the proposed FY 15/16 budget. I'm bringing this to you tonight because our budget does not get approved until late April and both of these organizations would like to have some understanding of where they are heading financially as they approach the planning for their activity. Staff is recommending approval for both of these applications.

One thing I would be remiss not to mention is that last week during the Governor's budget message, he did talk about a sharing of sales tax dollars, which is something that we have received 100% in the past from State Government. That sharing is something that we have not contemplated at this point in time as we have gone through our budget process. I would suggest that this is something we do need to watch carefully and consider as we look ahead down the road, but for right now, I think we have to go with what the facts are and what we know reality to be today and we would move ahead with these two projects accordingly.

**Aldr. Lewis:** Is there going to be a presentation on Riverfest or are we going to a vote right now?

**Mr. Koenen:** I was not contemplating a presentation, but if you would like one, I'm sure Julie Farris would be glad to.

**Aldr. Lewis:** I do have some comments. I'm completely in support of approving the money and going forward. But after reading the Sponsorship Benefits package, I have some concerns with the issue under hospitality and the 50 Weekend and Day passes and our ethics laws that we are bounded to by City Officials and employees. It works out to about \$87/day in value, and we are limited by \$75/day under the Ethics Ordinance. I would say we eliminate the hospitality portion of it. I'm just not comfortable; I have done it in the past, I have gone and had a wonderful time, I think it's very generous of what they want to do, but legally, under the Ethics Ordinance, I'm not sure we can do it and I would like to have that figured out before we approve it finally.

**Mr. Koenen:** I'm assuming the Sponsor Package is broader than perhaps just the City of St. Charles.

**Aldr. Lewis:** It just says that for our \$30,000, the total value of the hospitality is \$17,500. In fact, our whole title package is worth \$212,000 and we are only paying \$30,000 for it. I'm just wondering if there isn't some other way to give this \$30,000. I'm not opposed to the \$30,000 – I want to do that.

**Mr. Koenen:** So your proposal is that we would strike this piece from the proposal for tonight?

**Aldr. Lewis:** I'm curious as to how they make up the balance? If the whole package is worth \$212,000 and we only pay \$30,000, how do they make up that financial difference?

**Julie Farris,** Executive Director of Pride of the Fox, 103 North 11<sup>th</sup> Avenue, Suite 110. The value is placed based on having exclusive seating, the free food and the free drinks. We looked at the cost of the tent and then we did an approximate estimation on that. The other value in your package is made up through media coverage, advertising and publicity, which is the bulk of your package. You also have on-site marketing, which includes your tent, your public announcements, your photo booth, etc. It's not based on the actual dollars we spend to get the advertising; it's based on the marketing value that we receive for the dollars we spend.

**Aldr. Payleitner:** Are we the only title sponsor?

**Ms. Farris:** You are the only title sponsor. Every sponsor packet has hospitality passes built into it.

**Aldr. Lewis:** But they probably are not elected officials that are receiving those hospitality passes.

**Ms. Farris:** At this point, you are the only elected officials.

**Aldr. Lewis:** We just have our ethics here that places a value of \$75/day.

**Ms. Farris:** I was unaware of that. This is historically what we have provided for the City. This year, we just broke the package down into a different format and that's why you are seeing the value as opposed to before. We can adjust the passes, I have the "red pen" with my organization and you have the "red pen" with your organization. We can adjust those passes so the City would receive a lesser amount of passes....

**Aldr. Lewis:** We would have to receive more passes, I would think.

**Ms. Farris:** I could do Friday Day Passes, which are valued at \$50. We can adjust the passes, so we can do day passes instead of weekend passes which will drive the value down and give you more passes.

**Aldr. Turner:** If it's worth \$75/day per elected official...

**Aldr. Lewis:** And City employees, too.

**Aldr. Turner:** Why don't we just multiply that by 3 and that's what we would deduct. Is that what you are getting at so we can stay within the ethics that we have sworn to uphold?

**Aldr. Lewis:** I think we need to stay within the ethics, but I think we need to be ethical about doing it, too.

**Aldr. Payleitner:** Julie, is this actual cost?

**Ms. Farris:** No, this is not actual cost. We looked at the value of what we spend on that zone, and then we had to put an approximate cost on it. It changes year to year, because we don't know how many people go through that tent. We may give out 5,000 passes and we may only have 2,000 people go through that tent this year, and last year it was 3,000; it is only an estimate.

**Aldr. Turner:** I have no problems giving the \$30,000, so then we just don't get passes to stay within the ethics.

**Aldr. Lewis:** That's your discussion.

**Aldr. Lemke:** I would like to table this until I understand. I didn't know this was going to come up and it's not clear to me why a trip into the tent would be \$75. There is something I'm missing here and perhaps this can be tabled or extended to a future discussion.

**Aldr. Krieger:** Can we reduce the amount of drinks or food that a person could consume? One drink and one sandwich wouldn't equal more than \$75.

**Ms. Farris:** The pricing is valued with your meals, your drinks and exclusive seating for the concerts and that's how we came up with the pricing structure.

**Aldr. Krieger:** I would think if you limit the amount of drinks and food per person, that would bring the value down and yet the people who would use the passes would still have them available.

**Ms. Farris:** That is an option. We already have signed Sponsorship packages at lower prices, so that would require us going back to a sponsor telling them that we are going to change the package after they have agreed to it. We would have to look at it for 2016, putting in a ticket system for beers in the hospitality tent. It's been done before, we actually did it two years ago, so I could get a price costing method on the tent, because up to that point we weren't sure how much was being consumed in that tent. So it can be done, but it would be difficult this year.

**Aldr. Krieger:** What about for City employees? Maureen's concern is for the Elected Officials.

**Ms. Farris:** We are willing to work with you; again, historically these are the numbers we inherited when we took over for the previous group. Up until this evening, I was not aware of the \$75 limit being met. We are willing to work with you on this. Again, we can do day passes which were valued a little less and give more so we can stay with the ethics. We can do less passes, even if we strip all the passes out, the value of your hospitality marketing value is still going to be over \$190,000.

**Mayor Rogina:** I admire Aldr. Lewis bringing the \$75 limit to the table. However, I agree with Aldr. Lemke's point; I think it would be good to move on the \$30,000 allotment AND make sure that you table this issue to have Ms. Farris work with staff to figure this all out and bring that portion back to this meeting.

**Ms. Farris:** Before we ask you to vote, I would like to let you know that I met with Mark Koenen and reviewed the 2014 benefits that we promised you, and I showed him how we delivered and overachieved. In addition, I want to let you know that if you join us as sponsor, you will be joining BMO Harris Bank as our Main Stage Sponsor this year. With them being the Main Stage Sponsor, the Main Stage will be moved back to Riverside Avenue. We do have the permission of BMO Harris to use their property, so the stage set up will go back to where it has been historically known as for 31 out of the 33 years of Riverfest.

**Aldr. Lemke:** I would like to make a motion that we approve the funding for \$30,000 for this year's Pride of the Fox Riverfest with the provision that we work out details about the hospitality tent at a later time.

**Aldr. Silkaitis:** Second.

**Chairman Martin:** Kristi, please call a roll.

**K. Dobbs:**

**Bessner:** Abstain

**Lewis:** Yes

**Silkaitis:** Yes

**Payleitner:** Yes

**Lemke:** Yes

**Turner:** Yes

**Bancroft:** Yes

**Krieger:** Yes

No further discussion.

Motioned by Aldr. Lemke, seconded by Aldr. Silkaitis. Approved by voice vote.

**Motion carried**

**4.b. Recommendation to approve a Request for Funding – 2015 Annual St. Charles Riverwalk: Fox Tales & Trails.**

**Mark Koenen presented.** This item deals with the 2015 Fox Tales & Trails; we need a similar motion to approve the \$1,250 as well.

No further discussion.

Motioned by Aldr. Silkaitis, seconded by Aldr. Bancroft. Approved by voice vote.

**Motion carried**

**5.a Presentation of Active River Project Update.**

**Chairman Martin:** Please let the record show that Aldr. Bessner has returned to his seat.

**Chris Adesso presented.** This is a presentation from Mr. John Rabchuk as a representative of the Active River Task Force. As you may recall, at the February 24, 2014 Government Services Committee Meeting, Mr. Rabchuk gave a presentation to the Committee and asked for a motion of support for the Active River Project.

This evening, Mr. Rabchuk will be giving the Committee an update on the status of the project and answer any questions.

**John Rabchuk,** 914 Ash Street, St. Charles. A year ago we came to you with an idea of utilizing and leveraging our river while helping to improve our local economy as well as create recreational opportunities and also to create a new quality of life in downtown St.

Charles. At that point, we promised you we would raise money and with your contribution and support we did that; we achieved our goal and raised \$106,000. We told you by December we would solicit from the best design teams in the country for guidance on how to make this happen. We were successful in attracting firms that have been involved in projects such as the Chicago Botanical Garden, etc. We had a superior group of design teams to select from. After extensive interviews we selected Hitchcock Design Group who had done the original River Corridor Master Plan in 2002.

We are at final stages of contract negotiations with them. We are within budget and public hearings will start sometime near the end of April. We are inviting 50 groups that are involved with the river, everyone from the Audubon Society to canoe clubs to Trout Unlimited, as well as key people within the City. This is a very exciting project, and I think as we get further into it, we will find that it's not just a recreational project; it has the potential of changing and making a new lifestyle in downtown St. Charles.

**Aldr. Payleitner:** Going to those presentations is an environmental bonus, as well.

**Mr. Rabchuk:** We discovered that there are ways we can quickly make differences in the quality of the water in the river in addition to the recreational aspect. There are a host of opportunities for us and it will be exciting to go through and see which ones are feasible, which ones the community wants to adopt and what the impact is.

No further discussion.

**5.b. Recommendation to Waive the Formal Bid Procedure and approve a Contract with Raise Rite.**

**Chris Adesso presented.** This is to recommend and waive the formal bid procedure and approve a sidewalk maintenance contract with Raise Rite. Raise Rite is a specialized sidewalk maintenance contractor that performs mud jacking services for the City. They have been working for the City for approximately ten years and we have been able to utilize them in a manner that effectively provides maintenance services for all our sidewalks. This is a typical maintenance activity that we do every year, along with the next agenda item which is for Safe Step, which is the grinding process. Sometimes there is confusion between mud jacking and grinding, but the first item is for mud jacking and we are asking for a \$35,000 contract with Raise Rite.

I would like to remind you that this is for next fiscal year. Also, we are running concurrently with the proposed budget for fiscal year 15/16, and that is the case for item 5.c as well.

**Aldr. Lemke:** Did I hear \$34,000 for this element?

**Mr. Adesso:** There is a typographical error in the body of the Executive Summary. The estimated cost is correct at \$35,000. It was \$34,000 last year, and we increased it this year.

**Aldr. Lemke:** Is this a good price?

**Mr. Adesso:** I think so. I think that Raise Rite has been very competitive and they have agreed to hold their prices, and Safe Step provides municipal pricing to everyone in the entire state, based on your contract amount.

No further discussion.

Motioned by Aldr. Silkaitis, seconded by Aldr. Lemke. Approved by voice vote.

**Motion carried**

**5.c. Recommendation to Waive the Formal Bid Procedure and approve a Contract with Safe Step.**

**Chris Adesso presented.** This is the same type of request for a maintenance contract with Safe Step.

Staff is requesting to waive the formal procedure and approve a sidewalk maintenance contract with Safe Step in the amount of \$25.75 per inch/foot.

**Aldr. Lewis:** I think this is a wonderful program. Having safe sidewalks in the City of St. Charles is something that is important to me and doing this to maintain our sidewalks, I appreciate it.

No further discussion.

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

**5.d. Recommendation to approve 2015 Mosquito Abatement Program.**

**A.J. Reineking presented.** Clarke Environmental has been the City's mosquito abatement contractor for the last 28 years. Their program focuses on eliminating the mosquitos before they become a nuisance. They treat over 3,800 catch basins throughout the City, and they inspect and treat 180 larval development sites throughout the City. In conjunction, they monitor the adult mosquito populations through four traps, as well as testing for West Nile Virus.

The City's mosquito abatement program has three community-wide sprayings as well as six special event sprayings. Clarke maintains a detailed database of all mosquito activity, all the new catch basin requests they receive through the mosquito hotline, as well as the personal attributes so the resident calling can receive a follow-up from Clarke; if a resident wants to be notified of a spraying so they can close their windows, Clarke will do that. Clark is the mosquito abatement contractor for our neighbors, West Chicago,



Geneva, South Elgin, so our sprayings are further reinforced by their duplicate efforts as well as their trap counts.

As a side note, Clarke has recently relocated their corporate headquarters to St. Charles at the Intersection of Tyler Road and Wallace Avenue.

**Aldr. Lewis:** Is this contract the same as last year's contract?

**Mr. Reineking:** Yes.

**Aldr. Lewis:** It includes the same amount of sprayings?

**Mr. Reineking:** Yes.

**Aldr. Lewis:** Is this just a one year contract?

**Mr. Reineking:** Correct.

**Aldr. Lewis:** Is it more expensive than last year?

**Mr. Reineking:** It is. They used the consumer price index; it went up by 1.62%.

**Aldr. Lewis:** Okay, so it did go up but we are not eliminating a spraying in between?

**Mr. Reineking:** Correct; we are not eliminating a spraying.

No further discussion.

**Chairman Martin:** Kristi, please call a roll.

**K. Dobbs:**

**Bessner:** Yes

**Lewis:** Yes

**Silkaitis:** Yes

**Payleitner:** Yes

**Lemke:** Yes

**Turner:** Yes

**Bancroft:** Yes

**Krieger:** Yes

Motioned by Aldr. Turner, seconded by Aldr. Bancroft. Approved by voice vote.

**Motion carried**

**5.e. Recommendation to Waive the Formal Bid Procedure and approve a Contract with DuKane Services for Janitorial Services.**

**A.J. Reineking presented.** This is a recommendation to waive the formal bid procedure and approve a contract with DuKane Service for Janitorial Services. DuKane has been the City's janitorial service provider for over 20 years. They currently maintain over 132,000 square feet within City Hall, Police Station, Century Station and the Public Works Campus. DuKane maintains a consistent core staff that has become familiar with the City's facilities and they meet all the City's background check requirements for working in sensitive areas such as the Police Department.

Their management staff has been accessible and responsive to the City's needs. In 2012, DuKane was awarded a three year contract. Following a formal RFP process, we are seeking a one year extensive to that contract at the same rate as the current fiscal year.

No further discussion.

**Chairman Martin:** Kristi, please call a roll.

**K. Dobbs:**

**Bessner:** Yes

**Lewis:** Yes

**Silkaitis:** Yes

**Payleitner:** Yes

**Lemke:** Yes

**Turner:** Yes

**Bancroft:** Yes

**Krieger:** Yes

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

**5.f. Recommendation to approve Bridge Closure Policy.**

**Karen Young presented.** This is a recommendation for approval of a Bridge Closure Policy. As part of the heavy rainfalls we receive, Staff felt it necessary to create a consistent policy to evaluate the flood levels and potential for bridge closures within our community. Staff worked with WBK on various aspects; some of the things that we looked for are the elevations of the river, visual impacts – if we see any deterioration, settling, cracking or debris; also rising and falling of river levels and proposed precipitation in the coming 24-48 hours and the impacts on emergency services.

We created a manual that will be effective for Staff to reference because it is a consistent policy for each flood event. There is a flow chart and we have documentation that we provided for each of the stages during the flooding events.

Staff recommends approval of the Bridge Closure Policy.

**Aldr. Bancroft:** Whose call is it to close a bridge?

**Mrs. Young:** Staff makes the recommendation, but the Director of Public Works makes the final recommendation.

No further discussion.

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

**5.g. Recommendation to approve Local Agency Agreement for Federal Participation with IDOT for the Peck Road Resurfacing Project.**

**Karen Young presented.** This is in regard to the Peck Road Resurfacing Project. The City received \$500,000 in Local Agency Functional Overlay (LAFO) funding from the Kane County Council of Mayors for the Peck Road Resurfacing from IL Rt. 38 to just south of Dean Street. This project is proposed to be constructed in fiscal year 15/16. As part of the project, we have to get a Local Agency Agreement for Federal Approved Participation approved with IDOT to basically ensure IDOT that the City has the funds to pay for our portion of the project since \$500,000 doesn't cover the entire cost of the project.

Total project costs are \$758,430 with \$500,000 funded with federal funding and the remaining funded by City funds in the amount of \$258,430. This project is currently on the April 2015 IDOT letting with construction anticipated to start in July and be completed around September.

**Aldr. Krieger:** Will the stop lights remain at Peck and Campton Hills?

**Mrs. Young:** Yes, they will all remain the way they are right now on temporary poles.

**Aldr. Bessner:** There was some discussion with the Police Department regarding traffic calming measures, meaning solar signs. Is that going to have to be a separate request? It was talked about possibly doing it during this time.

**Mrs. Young:** We had proposed a Public Works project to install solar push button pedestrian crossing signs across from the soccer field. That is part of a project that is proposed in conjunction with this during the same construction season.

**Chairman Martin:** Kristi, please call a roll.

**K. Dobbs:**

**Bessner:** Yes

**Lewis:** Yes

**Silkaitis:** Yes

**Payleitner:** Yes

**Lemke:** Yes

**Turner:** Yes

**Bancroft:** Yes

**Krieger:** Yes

No further discussion.

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

**5.h. Recommendation to approve Construction Engineering Services Agreement with Wills Burke Kelsey Associates for the Peck Road Resurfacing Project.**

**Karen Young presented.** This is a continuation of the Peck Road Project. As part of this project, Staff felt it appropriate to hire a consultant for the Construction Engineering and Inspection services. We have negotiated a fee with WBK who we have done a lot of work on the Tyler Road project and other projects within our community. They would be out there full time during the construction, making sure everything stays on task and also doing all the required IDOT documentation for the Federal Projects.

We have negotiated a contract in the amount of \$76,929.96; of that, \$25,000 will be funded with the same grant we previously talked about. Since this is a Federal project, we do have to send it through IDOT for their Construction Engineering Services Agreement for approval for the project. Again, this will be for the fiscal year 15/16 budget.

No further discussion.

Motioned by Aldr. Silkaitis, seconded by Aldr. Bancroft. Approved unanimously by voice vote. **Motion carried.**

**5.i. Recommendation to approve Consulting Services for Wills Burke Kelsey Associates for River Wall Replacement Concepts.**

**Karen Young presented.** This is for the river wall on the east side of the river from the dam north to Pottawatomie Park. As part of the Municipal Center Parking Lot project, we had to do some excavation behind that wall for utility work and noticed some deterioration in that area. We had WBK as a construction engineer for that project and

they worked with staff to analyze what we could see at that time when that wall was open, and it was determined that we might want to pursue looking at an analysis for concepts for that wall in the future because of the severe deterioration that is taking place on the wall and the walk behind it. That wall was constructed in several different phases over time and some of the deficiencies we have seen so far are deterioration on the wall and sidewalk behind and some backfill issues.

In an effort to prepare for future repairs and also cost estimates to get a true understanding of what the issues are before we proceed, we felt a concept study would be the most appropriate and cost effective method to figure out what those issues are. The work will include the evaluation of the existing wall and available data that we have, development of three alternates with cost estimates, coordinating with the permitting agencies to see what they would actually allow us to do in that area and presentations to staff in those agencies as well.

Staff recommends approval of a Consulting Services Agreement with Wills Burke Kelsey Associates in the amount of \$40,800 for river wall replacement concepts.

**Aldr. Turner:** This money is coming from a leftover project?

**Mrs. Young:** We have additional funds remaining in fiscal year 14/15 for a project that is being pushed out to a future year, so yes, we have available funding in this current fiscal year.

**Aldr. Lewis:** I have some concerns with all that is going on with the river right now regarding how this ties in with the Police Department, the River Corridor and their plans; now we are going to replace a wall? How does that all tie in together?

**Mrs. Young:** That's a great question, and it does all tie together. There is the concept study of what we want to do aesthetically and impacts with the river corridor and the police department, but we also have some serious maintenance issues that we need to look at. Our goal is to identify what those issues are, so as these plans are developed and concepts come together, we can identify what we need to do in conjunction with all the projects. They do all tie together as one large concept; all the different groups have to work together.

**Mrs. Young:** Do you think you will find that you have to repair this immediately?

**Mrs. Young:** At this point, we don't know that for sure. That's part of what this analysis will let us know.

No further discussion.

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

**5.j. Recommendation to award Purchase Order for Installation of Oil Containment System at the Peck Road Substation to Marc Kresmery Construction LLC.**

**Tom Bruhl presented.** This is a recommendation to award a purchase order for oil spill containment at the Peck Road Substation. A number of our substations contain mineral oil; should they spill, that would be a Hazmat situation. In 2012, we brought Huff & Huff to do a complete containment analysis of our substations and they identified a number of compliance issues which were all completed last year. However, the one area at Peck Road was kept out of that bid because we didn't know how much space we needed in the northern part of the yard where we store the units that are awaiting salvage.

We figured out the area we needed, and redeveloped a bid for just that portion to finish off the Peck Road substation. We went out for bids and received two bids. Marc Kresmery Construction was the successful bidder and they were the ones who completed it last year and their quality of work was good.

Staff recommends approving a purchase order for the installation of an oil containment system at Peck Road to Marc Kresmery Construction in the amount of \$26,195.

No further discussion.

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

**5.k. Recommendation to award Purchase Order for Substation Transformer Load Tap Changer Maintenance to SPX Transformer Solutions.**

**Tom Bruhl presented.** This is a recommendation to award a purchase order to SPX Transformer Solutions for maintenance of what are called "load tap changers". Our substation transformers have a device that monitors voltage and even though ComEd's voltage may rise or fall, our transformers will adjust the voltage to keep things on our system at the proper level. Load tap changers have moving parts and contacts; as such, they require maintenance on a regular basis. We use a multi-faceted analysis of how old the unit is, how many times the tap changer has moved and critical is that device to us with respect to if it went down. As part of that analysis, there were four units that came up that would be appropriate to spend time taking the devices apart, fix anything that is not working properly and then putting them back together. That work is outside of our normal scope of work for our crews.

Purchasing did go out for bids, we got five quality proposals; SPX Transformer Solutions was the low bidder. They are well qualified to perform this work and they can complete the work within our schedule. This is a planned substation maintenance expense for this year.

Staff recommends awarding a purchase order for substation transformer load tap changer maintenance to SPX Transformer Solutions in the amount of \$78,340.

**Chairman Martin:** Kristi, please call a roll.

**K. Dobbs:**

**Bessner:** Yes

**Lewis:** Yes

**Silkaitis:** Yes

**Payleitner:** Yes

**Lemke:** Yes

**Turner:** Yes

**Bancroft:** Yes

**Krieger:** Yes

No further discussion.

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

**6.a. Recommendation to approve Purchase of Personal Protective Equipment from Air One Equipment Incorporated.**

**Tom Bruhl presented.** This item is for the purchase of the Personal Protective Equipment that the firefighters wear, both the protective coat and the bunker pants. For 2014, we did issue an RFP process. We sent out four packages, we had three returned to us. The first one was significantly higher than the other two and the other two were only \$.40 apart on a \$2,000 set of gear. Staff recommends that we save the \$.40 and go with Air One.

**Aldr. Turner:** Have we used this supplier before?

**Chief Schelstreet:** We have; we have a very good relationship with this supplier.

**Aldr. Bessner:** Is there any reason not to use both suppliers?

**Chief Schelstreet:** There are two different ensembles that are not interchangeable.

No further discussion.

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

**7.a. Recommendation to approve Proposed Code Revisions for Title 5 “Business Licenses and Regulations,” Chapter 5.08 “Alcoholic Beverages” and Title 9 “Public Peace, Morals and Welfare,” Chapters 9.09, 9.16, 9.20 and 9.65 of the Municipal City Code.**

**Chief Keegan presented.** Before you this evening is a recommendation to approve code revisions to Chapter 5.08, Alcoholic Beverages and Title 9, Public Peace, Morals and Welfare. After several months and a lot of consternation, we have done a lot of outreach to not only the business community but also our legal team and event sponsors. This is a collaborative effort that took place with the Liquor Commission over several meetings. We tried to develop solutions that were both beneficial to the City, our business community and our residents at large.

It is through collaboration and cooperation that we provide a safe and inviting social experience to those who patronize St. Charles and its establishments. Our primary goal is to make our community a destination point for residents, visitors and business owners alike. The revision recommendations tonight and the code and ordinances you will see and read reflect each of these efforts. We want to be firm in our resolve and fair in not only codifying our Ordinances, but also enforcing them. We hope to accomplish the following goals:

- Clean up inconsistent Ordinance language
- Provide clear direction and definitions of outdated language and practices
- Follow industry standards and best practices in regards to our rules and regulations pertaining to the issuance of licenses, the enforcement of code regulations and our stance as a City and Police Department of zero tolerance to certain violations of our liquor code.

Specifically, you will see fine increases and recommendations for fighting in public, public urination and intoxication. There are also fine increases on under age consumption, possession, and delivery of alcohol. I would like to go through some of the highlights. This is an extensive code revision; I would like to keep questions to the end and then we can go back and answer any questions as they pertain to the code.

Let’s get started with Dram Shop Insurance. You will see that we require it at renewal and upon inspection. There is also going to be a fine and fee associated with those establishments that fail to provide proof of Dram Shop Insurance upon request. Our application process – existing fines, fees and outstanding debt to the City must be satisfied prior to the issuance or renewal of a license. You will a new code specified as 5-08-085. This is the issuance of licenses and regulations, which states that all licenses must come before the Liquor Commission and City Council can impose other sanctions as necessary prior to approval. This section used to be coveted and codified under our E Licenses, which were Special Event Licenses; we have moved this to the front of the licensure to tell all licensee applicants that the City Council and Liquor Commission will have a vetting process.



You will see updates to letters B, C and D under the Liquor Code. Some of these highlights include Section B licenses; there is a codified section that talks about carry out bags. If you purchase a bottle of wine at an establishment and you want to leave with the bottle of wine, there are certain practices that must be followed in regards to a transparent, clear bag that must be sealable.

We did outreach with our golf courses in the community and recodified some of our language to coincide with golf carts and outside consumption and delivery on the course itself. We have talked to non for profit groups and codified some ordinances that allow for dispensation in regards the fee and fine structure of our ordinances and our liquor code. We spent a lot of time talking to the Harley Davidson dealership and our some of our special event licenses under our E Section. Some highlights there include saving measures if someone doesn't want to purchase a late night permit, there are some practices in place where they can get a license issued to them on a specific date, so long as there is 45 days notice to the City.

Additional licensure that you will see in the update is a sanction and provision under BYOB or "Bring Your Own Beverage" which is codified under Sections F1 and F2. Currently there are no structures in place and we do not codify and sanction BYOB. It's allowed in the community because we are silent on it. What the provisions speak to this evening is that we are going to have two classifications, both for dine in or food service establishment and one that allows for social interaction. Both of those specify that the business owners must be Bassett trained. They must purchase Dram Shop Insurance and must follow the proper vetting process for allowing alcohol to leave their establishment. Finally, because we have sat silent on it, if there are infractions or violations of law and ordinance, we weren't in a position where we can act on that. Obviously a law violation, we could, but we couldn't have sanctions and provisions on an Ordinance that we didn't codify.

We added language for late night permits. I mentioned earlier that we did some outreach, and we listened to the business owners and non for profit groups. Some of the folks we saw at renewal time this year did not want to go through and ask for a late night permit. So because of some of the high foot traffic nights, whether it be St. Patrick's Day, the day before Thanksgiving, New Year's Eve, we have allowed for dispensation for some of the licenses to stay open just as though they would have a late night permit. There are cost saving measures to the business owner and by allowing more establishments to stay open, it helps with crowd control.

You will see some changes with our Bassett provisions. Currently if you sell, give, allow, oversee, deliver, pour, etc., you will be responsible for going through Bassett training, and that is a change from the past. We have also looked at updating the age of which you are allowed to deliver alcohol. Our previous code had 21 years of age required to pour and sell and 16 to deliver; we updated that to age 18 to deliver alcohol.

In my opening remarks I talked about how we want to be firm and fair in our resolve to how we police and govern our entertainment district. I think our Police Department does a wonderful job, but we want to send that strong, firm message to those that violate our Ordinances and laws. The recommendation is to not only increase fines in some areas, but also minimum fine standards and subsequent violations. A quick overview; possession, delivery and consumption of alcohol will be \$250 for a first time offender, and then no more than a \$750 fine for a subsequent offense. The same holds true for fighting; we are not going to tolerate fighting and disorderly conduct in our bars and restaurants. The fine is \$500 on your first offense, and any subsequent violation has a maximum fine of \$750.

**Public Urination and Public Intoxication.** There are Supreme Court decisions that have been outlined for municipalities and how they can govern and sanction public intoxication. If you are intoxicated and disorderly, it is a violation of our ordinance and we can site and act appropriately. If it's strictly a medical condition or someone who might be intoxicated but not acting in a disorderly fashion, there are provisions in place that we can't site them; emergency medical attention must take precedence.

This has all been codified and summarized in the code before you; the last piece we had a modification to our Administrative Adjudication Ordinance which pretty much narrowly defines violations; it keeps our Ordinance violations adjudicated in-house. We want to take some of our violators here and sanction their behavior.

**Aldr. Bessner:** In regards to the BYOB policy, is it upon the restaurant owners to be cognizant of what is brought in?

**Chief Keegan:** In each subsection, F1 and F2, we spelled out what is allowed to be brought in. Bassett training obviously rises awareness of the proprietor to make sure that folks aren't coming in intoxicated, they are of age, they aren't bringing in more than what is allowed by Ordinance. There is some liability when a business owner allows alcohol consumption on their premises.

**Aldr. Bessner:** Regarding Potawatomie Golf Course, how will this affect how they currently operate? Currently I believe you are allowed two beverages in the club house. Will this automatically change the fact that they can serve on the course with a beverage cart?

**Chief Keegan:** For all four of our courses, we have codified for cart service.

**Aldr. Payleitner:** I just want to reiterate what Chief Keegan said in his introduction. There were major changes in this and Chief Keegan and Deputy Chief Huffman did more than their due diligence in contacting the current licensees. When this is set in stone, there will be no excuses. The licensee's shouldn't feel that this "happened" to them; they had a chance to be part of the process. I thank you and applaud you for that.

**Aldr. Silkaitis:** Have there been a lot of applications for BYOB? There are currently three establishments that we know of. We just started our licensure applications for the FY15/16 budget year. I have spoken to all three proprietors and they do want to continue this practice.

**Aldr. Silkaitis:** Do you see any problem with enforcement of this?

**Chief Keegan:** I think it's going to enhance our capabilities to do that. Once again, Bassett Training, Dram Shop Insurance, it's all going to provide us a greater level of involvement that we don't currently have because we are silent on the matter.

**Aldr. Silkaitis:** You can take the half bottle of wine out of the liquor store, but if you put it in your car and drive, how does that work? You can't have open liquor in the car.

**Chief Keegan:** Any bottle or can where the seal is broken is not allowed to be transported in the State of Illinois in the passenger compartment, so under this provision, if you do leave either one of these establishments, as far as a packaged liquor store, it's not allowed. You can't buy it from a packaged liquor store and take it in the car and consume it. If you buy a bottle of wine at one of our establishments, you can put it in a transparent bag with a tamper proof, one time seal.

**Aldr. Payleitner:** And you need a receipt, too, right?

**Chief Keegan:** Yes.

**Mayor Rogina:** We were silent before, because of that, we had no control. This codifies in our Ordinance several things that we require. This is a step forward in the process that we can continue to improve.

**Aldr. Turner:** Can an establishment have both a BYOB and a regular liquor license?

**Chief Keegan:** No, that is actually a violation of the State Liquor Code. If you have a traditional liquor license, you have to buy your alcohol from a distributor and you cannot marry those two together.

**Aldr. Bessner:** Usually there is a corkage fee. Is that not part of this?

**Chief Keegan:** The local proprietor can charge a corkage fee to open what was brought in, but the question was could they have two licenses and a traditional state license, and the answer is no, you cannot.

**Aldr. Lewis:** I would like to provide a couple comments. In the Executive Summary, I wanted it stated that I was not in favor of voting for the F2 License and I wanted to clarify that by saying that I didn't think we should have spirits included with beer and wine; I was not supportive of having hard liquor. The whole time I sat on this Council, we have been very adamant that food must be served if you are going to have a license

and we have put everything in place to have food, and now all of a sudden we come down to this last license of an F3 and you don't have to have food, and you can have beer, wine and hard spirits. To me, it wasn't fair that we require in an F1 who has to be serving food in order to get that license.

I'm completely in favor of everything that the Chief and Deputy Huffman have done. It's been a long process and they have done an excellent job. I cannot support the F2 License. I understand we have one business in town that is currently operating and wants to conform to the way we want to do things and it would be my preference that we somehow grandfather this one business, or limit this license to only one F2 License. We don't have any legal counsel here tonight, but as we move forward, before we go to Council, I would like to see if that could be possible before we take our final Council vote.

**Mayor Rogina:** Yes, it's true that we do have one F2 License. The Liquor Commission, the Committee and City Council would have the right to affect any future license under F2. You can redact and have legal counsel present to talk about that topic at a future date. I would not be in favoring of grandfathering.

**Chairman Martin:** How many establishments would fall under the BYOB?

**Chief Keegan:** Two under the F1, and one under F2.

**Chairman Martin:** What is the potential for future applicants as you see it?

**Chief Keegan:** I've had some offline conversations with the Mayor and the Liquor Commission. BYOB is for the small business owner who lacks the overhead to purchase the product, so quite frankly it's for a small niche of businesses. I don't see a great demand, so I wouldn't think it's going to fluctuate more than where we are at right now.

**Chairman Martin:** Maureen, you have the option of removing that if you want to amend the Ordinance. You can remove F2 if you wish and take it to vote.

**Aldr. Lewis:** Yes; how do I do that?

**Aldr. Silkaitis:** There is already a motion on the table.

**Chairman Martin:** But she has the opportunity to amend that motion if she wishes.

**Aldr. Lewis:** I would like to amend the motion to remove F2 in the BYOB.

**Aldr. Turner:** Second.

**Aldr. Turner:** So the only difference between and F1 and an F2 is this one proprietorship?

**Chief Keegan:** Yes, the structure of the Ordinance is similar. The element that is different is that the F2 is not a restaurant. The F2 has the availability for lockers; it's a social club and there are locker rentals that most, if not all of the proprietors utilize not only for alcohol consumption but fine cigars. The major difference is that it's not a major restaurant and there is locker storage capacity that the other restaurants don't have.

**Aldr. Lewis:** And hard liquor.

**Chief Keegan:** Yes, and spirits.

**Mayor Rogina:** Did I hear Aldr. Lewis say the motion is to eliminate the F2 License?

**Chairman Martin:** No, it was to remove it and separate it from the original motion, is that correct?

**Mayor Rogina:** That's what I want to clarify.

**Chairman Martin:** So that gives you the opportunity to vote yes for the F1 if you wish, and no on the F2. Is that the jist of your motion? Please clarify.

**Aldr. Lewis:** I don't know how to make this motion. I would not like to see any more F2 establishments open up in St. Charles. So if my motion needs to be that limit it to one license and we have that license now? I don't know the right way to do it.

**Chairman Martin:** You are asking to eliminate the F2 License and limit it to F1 only?

**Aldr. Lewis:** I'm fine with the F1 License. The F2 License, I would like to limit it to one license and that's the current one that's here, so that we aren't being anti-business, we aren't taking business away. ...

**Chairman Martin:** So you are changing your motion to authorize the grandfathering of the F2 license at one establishment, is that correct?

**Aldr. Lewis:** Yes, let's do it that way.

**Aldr. Turner:** I second that.

**Chairman Martin:** Does everyone else understand that?

**Aldr. Payleitner:** We currently have an F2 License.

**Chairman Martin:** The motion is to establish the BYOB with an F1 and F2. Aldr. Lewis wishes to eliminate the F2 all together, that's her amendment. That's the motion we are going to vote on first. Does everybody understand?

**Aldr. Bancroft:** That is not what I heard. Let's go back. If the F2 License was to be eliminated and someone wanted to bring liquor into an establishment and drink there, do you have the ability that conduct right now?

**Chief Keegan:** No.

**Aldr. Bancroft:** So if you eliminate the F2 provision in this statute, you've NOT said that you want to limit it to one, you have just said that anybody can do it; I want to be clear. If you want to be more restrictive, you do not want to remove F2. So let's start there.

**Aldr. Lewis:** That makes sense.

**Aldr. Bancroft:** To me, and I don't know that I agree with this, but if I understood what you were saying, Maureen, is the F2 License is fine, but you want to add something that is almost a prohibition or conduct or something that limits this to one, which is not anything that we have on the table that we are prepared to vote for right now. In other words, you only want there to be one F2 license, right?

**Aldr. Lewis:** Yes.

**Aldr. Bancroft:** That would be acceptable to you?

**Aldr. Lewis:** Yes, that would be acceptable.

**Aldr. Bancroft:** If we said we are only going to grant one F2 License, we have the same problem. You can say we only have one F2 License and the proprietor goes out and gets an F2 License, do that prohibit everyone else who would be in a similar circumstance from putting themselves in a position where they are letting people come into their establishment and drink? I don't know that it does. I don't know that we can do that here.

**Aldr. Lewis:** I don't know if you can just prohibit and say F2 Licenses will not be allowed? Can you state it that way? To say that you will not allow this in your community?

**Aldr. Bancroft:** This would be my suggestion; we approve the language as drafted, and between now and Council, if the question is what would be the mechanism to limit the number of F2 Licenses issued and therefore still put the Chief in a position that if he is policing the conduct and someone is bringing alcohol in to someone who doesn't have an F2 License, it's illegal to do? I would ask that question and say between now and Council we want to understand what that means.

**Aldr. Lewis:** I think that is how I started out with it.

**Aldr. Bancroft:** That's what it sounded like you were saying.

**Aldr. Lewis:** But my concern is when other businesses come and we don't want to appear anti-business, how do we turn them down?

**Chairman Martin:** The Council has that authority, along with the Liquor Commission and the Mayor himself.

**Aldr. Bancroft:** Right, the Council has the authority on a case by case basis.

**Chief Keegan:** If I may, I talked about 5.08.085; when we codify this as presented, you are going to have an application process, a background process from the Police Department with a recommendation, it's going to go in front of the Liquor Commission Committee and then Council. If we remain silent on the matter, there isn't any of that. So moving forward, every liquor license that gets approved has to go through the vetting process. There is always that option to hear their business plan.

**Chairman Martin:** Do you wish to withdraw your amendment?

**Aldr. Lewis:** I will withdraw the amendment with the clarification that we get F2 clarified.

**Aldr. Bancroft:** So I think we have to approve the Ordinance as drafted, and if there is a follow-up item that we want information from and questions answered before the next Council meeting, we ask there. And the question really is, how do you restrict the number of F2 Licenses that are issued; is that the question?

**Chairman Martin:** So we are back to the original motion. Please call a roll on the original motion.

**K. Dobbs:**

**Bessner:** Yes

**Lewis:** It has this restriction in it to clarify before Council, correct? The Clarification?

**Chairman Martin:** That is your request.

**Lewis:** Yes

**Silkaitis:** Yes

**Payleitner:** Yes

**Lemke:** Yes

**Turner:** Yes

**Bancroft:** Yes

**Krieger:** Yes

**Chairman Martin:** Motion carries. Do you understand Aldr. Lewis' request, Chief?

**Chief Keegan:** Yes, sir. I will follow-up with Council.

**Chairman Martin:** Thank you; and you will have that decision or comments for us before the Council approves it?

**Chief Keegan:** Yes, sir.

No further discussion.

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

**8. Additional Business.**

**9. Executive Session**

None.

**10. Adjournment from Government Services Committee Meeting.**

Motion by Aldr. Lemke, seconded by Aldr. Bessner. No additional discussion. Approved unanimously by voice vote. **Motion carried.**