

**CITY OF WARRENVILLE
PUBLIC WORKS AND INFRASTRUCTURE
COMMITTEE OF THE WHOLE
REGULAR MEETING
Monday, October 11, 2021, at 7:00 p.m. at City Hall
28W701 Stafford Place**

In accordance with Governor Pritzker’s Disaster Proclamation, Section 7(e) of the Illinois Open Meetings Act, 5 ILCS 120/7(e), and a determination by Chairman Clare Barry, this meeting was held virtually.

MINUTES

A. CALL TO ORDER

Chairman Barry called to meeting to order at 7:00 p.m., explaining the virtual meeting protocol according to the Open Meetings Act, 5 ILCS 120/7(e), the Governor’s Disaster Proclamation, and a determination by Chairman Barry.

B. ROLL CALL

Physically Present: Chairman Clare Barry

Virtually Present: Mayor David Brummel, and Aldermen: Jay Anderson, Stu Aschauer, Kathryn Davolos (joined at 7:04 p.m.), Leah Goodman, Jeff Krischel, Bill Weidner, and Robert Wilson

Absent: None

Also Physically Present: City Administrator John Coakley, Public Works Director Phil Kuchler, Community and Economic Development Director Ron Mentzer, Administrative Services Coordinator Alma Morgan, and Public Works Management Analyst Kristin Youngmeyer

Virtually Present: Executive Assistant and Deputy City Clerk Dawn Grivetti

Also Absent: Assistant City Administrator Cristina White, City Clerk Julie Clark, and City Treasurer Ann Behrens

C. PLEDGE OF ALLEGIANCE

Chairman Barry led the Pledge of Allegiance.

D. CITIZENS COMMENTS

There were no comments from the public.

E. OFFICIALS AND STAFF COMMENTS

Chairman Barry stated the Warrenville Historical Society Cemetery Walk will take place Sunday, October 17, at 6:00 p.m.

Ald. Goodman reminded the Committee about the Old Town Redevelopment Site #2 virtual public information and input meeting to be held Tuesday, October 19, at 6:30 p.m.

Ald. Weidner stated today is recognized as Indigenous Peoples Day. He added, this area was once home to numerous Native American communities, and we continue to seek to build beneficial relationships with Native American communities, leaders, and knowledge holders. Through these relationships we recognize indigenous rights and fostering cultural equity.

F. BUSINESS OF MEETING

1. Consideration of a Resolution Approving a Long-Term Facility Use Agreement with Tunes of Glory Pipe & Drums, Inc.

Executive Assistant and Deputy Clerk (EA/DC) Grivetti stated that in 1993, the City and Tunes of Glory Pipe and Drum band entered into an annual agreement for the use of certain areas of City Hall for band rehearsals in exchange for free performances in the Independence Day parade and two additional performances at times and places mutually agreed upon each year. She added, annual extensions and renewals of the agreement continued through 2000. Since then, and prior to COVID-19, Tunes of Glory had regularly rehearsed at City Hall on Wednesdays without an agreement.

EA/DC Grivetti stated, at this time, Tunes of Glory wishes to enter into an extended agreement for the use of City Hall in exchange for two annual performances, the Independence Day parade and Holly Days, at no additional cost, through the year 2025.

Ald. Goodman requested the restrooms be added to the agreement as a permitted location of use. City Administrator Coakley replied that the areas listed in the agreement are areas at City Hall in which the band can rehearse, and it would not be appropriate for band members to rehearse in the public restrooms. He added, the restrooms are always made available to any organization using the public space at City Hall.

Ald. Weidner asked if insurance coverage and hold harmless agreements were required. EA/DC Grivetti replied that these items are required through the facility use agreement, and have been submitted for the current usage.

ALDERMAN DAVOLOS MADE A MOTION, seconded by Ald. Aschauer, to recommend the City Council pass a resolution approving a facility use agreement with Tunes of Glory Pipe and Drums, Inc. for use of certain areas of City Hall for rehearsals through 2025.

ROLL CALL VOTE:

Aye: Alds.: Goodman, Anderson, Weidner, Wilson, Krischel, Barry, Aschauer, and Davolos

Nay: None

MOTION CARRIES

2. Consideration of Personal Protective Equipment (PPE) Safety Policy

Administrative Services Coordinator (ASC) Morgan stated, the City's Safety Committee has continued its review and revision of policies available through the City's workers' compensation carrier, Illinois Public Risk Fund (IPRF), and has prepared the *Personal Protective Equipment (PPE) Policy* for Committee review.

Ald. Goodman suggested the word "biological" should be added to the list of basic hazard categories in item 2. under Hazard Assessment.

ALDERMAN DAVOLOS MADE A MOTION, seconded by Ald. Anderson, to recommend the City Council adoption of the Safety Committee Personal Protective Equipment (PPE) policy, effective immediately.

ROLL CALL VOTE:

Aye: Alds.: Wilson, Davolos, Barry, Krischel, Goodman, Anderson, Weidner, and Aschauer

Nay: None

MOTION CARRIES

3. Consideration of Developer Request to Modify the Sequestria Subdivision Agreement

Community and Economic Development Director (CEDD) Mentzer stated, in 2008, the City approved preliminary planned unit development (PUD) plans for a proposed 12-lot, single-family subdivision to include 10 new homes on 13 acres of vacant property located along the west side of Landon Avenue, north of Point Oak Drive, known as the Sequestria Property. He added that due to the housing market crash, the development never occurred, and the approvals for the development are now no longer valid.

CEDD Mentzer stated that in 2009, the City and developer entered into a subdivision agreement under which the City vacated a portion of Aurora Way right-of-way in exchange for the developer's commitment to dedicate important public utility easements on the property, and construct specific public improvements in conjunction with the subdivision and development of the property,. He noted, one of the public improvements required under the agreement is the construction of a new permeable pavement public street along the south edge of the property.

CEDD Mentzer stated the property owner is no longer interested in developing the property, and wishes to sell the property to a new buyer who wants to construct one single-family home and a horse barn serviced by a private drive on the property. He added, the development agreement from 2009 is still in effect, and prevents the property from being approved for a single-family home served by a private drive.

CEDD Mentzer stated the property owner has submitted a request for amendments to the 2009 subdivision agreement, including a request for an alternate development plan allowing the property to be used for one single family home, horse barn, and private drive; and to eliminate the requirement for the public cul-de-sac if the property is improved with only one single-family home.

CEDD Mentzer indicated that it would be in the City's best interest to approve an amended agreement that incorporates the property owner's proposed amendments, under the condition that the property owner assume all costs in developing the revised agreement.

CEDD Mentzer noted the amended agreement will still allow the owner of the property to pursue the original preliminary PUD plan as an option for development, but will also allow the option for one single-family residence with a horse barn.

Ald. Aschauer asked if the vacated right-of-way along the western side of the property should be placed back under City control. CEDD Mentzer replied that the property owner did provide the City access through the property, and dedicated utility easements across the property, which allowed the City to install sanitary sewer and water mains that provide service to all of the new developments west of the subject property. He confirmed that the vacated right-of-way has already been conveyed to the property owner, and to reverse that conveyance, specific language would have to be incorporated into to the amended agreement.

There was further discussion of the City's interest and timing to install sewer and water main infrastructure improvements through the property to service areas west of the property, and the fact that any future development that would require the subdivision of the property would require a new Plan Commission and City Council review and approval process.

Ald. Weidner asked if, in the future, the City would be able to change the size of the lots shown in the preliminary PUD. CEDD Mentzer replied, the subdivision agreement would likely have to be amended to accommodate whatever development scenario is being proposed. However, he added, it would be in the City's best interest to keep the development agreement in effect, as it gives the City more control over the development of the property than just the standard zoning and subdivision process that normally applies to similar properties.

Ald. Weidner asked about the possibility of any potential commercial use of the barn or horse stable. CEDD Mentzer replied the Zoning Ordinance currently prohibits commercial stables and would require special zoning approvals for such a use.

Mayor Brummel stated he feels it is important to keep the existing agreement in place, with the change suggested by Ald. Aschauer, as it protects the City in future developments of the property.

Attorney Guerard, representing the property owner, stated, because the original approvals of the subdivision have expired, the property owner is requesting the development agreement be amended to specifically clarify that the preliminary and final PUD plan for any new multi-lot subdivision of the property will need additional City review and approval. He suggested this type of provision would provide the City

reasonable protections against the potential for the property to be subdivided and developed in an undesirable manner at some point in the future..

Additionally, Attorney Guerard noted, the vacated right-of-way along the west side of the property was conveyed to the owners, and was part of a trade for easements that have already been utilized by the City. He added, any other protections for the City can be built into the amendment to the development agreement.

Property owner Fred Conforti Sr. agreed with Attorney Guerard's comments.

Mayor Brummel stated he would support Attorney Guerard's suggestions and support the agreement as presented by staff.

ALDERMAN DAVOLOS MADE A MOTION, seconded by Ald. Weidner, to recommend the City Council direct staff and the City Attorney draft a revised Sequestria Subdivision Agreement that incorporates the amendments requested by the property owner and subject to the property owner paying all City legal costs associated with preparing the revised agreement.

ROLL CALL VOTE:

Aye: Alds.: Anderson, Krischel, Davolos, Weidner, Aschauer, Wilson, Barry, and Goodman

Nay: None

MOTION CARRIES

4. Consideration of Differential Tap-On-Fee Surcharges for Utility Extensions Through Sequestria Property

Public Works Director (PWD) Kuchler stated that the City extended sanitary sewer and water mains through the Sequestria Subdivision property in 2018, and 2019, to support new development in along Route 59 in the City's Southwest District. He noted, since these utilities would normally have been installed in conjunction with the development of the Sequestria Property and at the developer's expense, staff has worked with the City Attorney to develop a differential tap-on fee surcharge ordinance that documents the special tap on fees that will apply to any future private connections made to the public sewer and water mains that now exist on the Sequestria Property.

PWD Kuchler noted the two categories of proposed differential tap-on fees listed in the ordinance as those for parcels within the Sequestria Property, and those for properties not associated with the Sequestria Property, and how each fee was calculated. PWD Kuchler stated the tap-on fees for parcels developed with the Sequestria Property would be calculated at one tenth to total cost per lot according to the preliminary PUD plans.

Ald. Aschauer asked for a clarification of the recommendations for his property listed in the ordinance.

Ald. Goodman stated, while it is disappointing that the City will not recoup the full cost of the utility extensions, it is understandable, because the City needed these extensions installed for other developments as well.

ALDERMAN DAVOLOS MADE A MOTION, seconded by Ald. Weidner, to recommend the City Council pass an ordinance approving differential tap-on fee surcharges for the 2018 Sanitary Sewer Extension and 2019 Water Extension projects through the Sequestria Subdivision property.

ROLL CALL VOTE:

Aye: Alds.: Weidner, Anderson, Barry, Davolos, Krischel, Goodman, and Wilson

Abstain: Ald. Aschauer (the item is adjacent to property he owns)

Nay: None

MOTION CARRIES

5. Consideration of a Contract to Line a Section of Water Main Under Route 59

PWD Kuchler stated staff recently discovered a leak in a water main that crosses under Illinois Route 59, near the Winchester Subdivision. He noted, staff was able to isolate the leak and shut down the connection with no impact to residential service.

To repair the leak, staff sought quotes for two alternative trenchless methods for repairing or replacing the water main, either by directional drilling a new main in a casing pipe, or by lining the existing water main. PWD Kuchler stated the two quotes staff received for directional drilling a new main were \$70,000 to \$90,000, and \$116,000 and the four quotes received for lining the existing water main ranged from \$41,760 to \$100,000. He noted, the lowest price was \$23,240, lower than the second lowest.

PWD Kuchler stated, staff is recommending waiving competitive bidding and entering into a contract with the company providing the lowest price, FER-PAL Construction, for the lining of the existing water main. He added, FER-PAL specializes in water main rehabilitation and has performed several larger projects to line water main in other communities. He also noted that Public Works staff will be working with FER-PAL to excavate both sides of the roadway to expose the water main, reconnect the system, and perform landscape restoration following construction.

There was discussion regarding the effectiveness of each process considered, whether staff time was included in consideration of the quotes, and the length of time it will take to secure an IDOT permit and to complete the project as well. PWD Kuchler replied, it will take several weeks to secure the permit, but he expects to have the project done before the end of the year.

ALDERMAN DAVOLOS MADE A MOTION, seconded by Ald. Weidner, to recommend the City Council pass a resolution waiving competitive bidding, and approving a contract with FER-PAL Construction USA for \$41,760, water main pipe lining.

ROLL CALL VOTE:

Aye: Alds.: Krischel, Goodman, Wilson, Anderson, Weidner, Aschauer, Davolos, and Barry

Nay: None

MOTION CARRIES

6. Consideration of Contract for Country Ridge Drive Water Tower Inspection and Maintenance

PWD Kuchler stated the City is in the second year of a twelve year contract with Maguire Iron for the painting, inspections, and cleaning of its one million gallon water tower on West Street. Since Maguire has performed well on that water tower, PWD Kuchler stated, staff only requested a proposal from Maguire for painting of the interior and exterior of the City's 500,000 gallon water tower on Country Ridge Drive, for a ten-year contract that will end at the same time as the existing contract. If all goes well following the end of the existing contracts, he added, staff will anticipate a single, long-term maintenance agreement for all of the City's water towers, allowing the City the flexibility to spread out the maintenance costs over several years.

PWD Kuchler added, the contract is a hybrid of professional services and construction-type services, and qualifies for the exemption from bidding related to professional services in the City Code. However, the City Attorney is recommending the City waive competitive bidding.

Ald. Goodman stated structuring the cost to extend over several years is helpful. There was further discussion regarding waiving competitive bidding. PWD Kuchler stated staff secured three quotes for the inspection and maintenance of the City's one million gallon water tower that were similarly priced, and interviewed all candidates for the project. Staff felt most comfortable with Maguire Iron. He added, bidding this project would most likely require bid preparation assistance from an engineering firm, thus driving the cost up.

ALDERMAN DAVOLOS MADE A MOTION, seconded by Ald. Goodman, to recommend the City Council pass a resolution waiving competitive bidding, and approving a contract with Maguire Iron, Inc. for \$718,975, for West Water Tower Painting and Inspection.

ROLL CALL VOTE:

Aye: Alds.: Davolos, Barry, Goodman, Aschauer, Anderson, Weidner, Wilson, and Krischel

Nay: None

MOTION CARRIES

7. Consideration of Staff Recommendation to Create and Fill Two New Crew Leader Positions in Public Works

PWD Kuchler stated that in December 2020, the City Council approved the Public Works Reorganization Plan, which included the 2021 promotions of the Public Works Director, the Capital Maintenance Superintendent, and the Utility Maintenance Superintendent. He added, the next step in the plan is to create and fill two Crew Leader

positions in the Street and Utility divisions during FY 2022. He noted, the intention is to fill these two positions with internal promotions by the end of the calendar year.

There was discussion regarding the City's ability to fund the positions in FY 2022 and 2023, and whether the positions would be classified as union positions. PWD Kuchler replied, since the positions are performing supervisory rolls, and would be evaluating subordinates, they would be non-union, and would be assigned on-call duty.

ALDERMAN DAVOLOS MADE A MOTION, seconded by Ald. Weiner, to recommend the City Council pass an ordinance amending the Authorized Strength Ordinance to add two crew leader positions.

ROLL CALL VOTE:

Aye: Alds.: Goodman, Anderson, Weidner, Wilson, Krischel, Barry, Aschauer, and Davolos

Nay: None

MOTION CARRIES

8. Consideration of License Agreement with Everstream

PWD Kuchler stated Everstream is a company that installs fiber optic cable to support small wireless facilities, and has two right-of-way permit applications submitted for staff review. He stated staff and the City Attorney utilized an existing license agreement between the City of Elmhurst and Everstream to draft the proposed agreement, which includes an annual fee of \$0.50 per foot of fiber optic cable installed in City right-of-way, and will be used to document the various locations where Everstream installs fiber optic cable.

Ald. Aschauer voiced his concern for the City's obligation if a cable is damaged during City construction work. PWD Kuchler replied that the City is required to call JULIE for the location of any underground utilities, and use caution when working around fiber optic cables, and does not believe the City would be responsible for repairs of cables that are not properly located if damaged. Ald. Aschauer stated his preference to have additional mitigations implemented to protect the City from liability.

There was discussion regarding where the fiber optic cable will be located. PWD Kuchler stated the location of cable will depend on where the small wireless facility installations that the fiber optic cables support will be located throughout the City. More detailed information can be provided at the next City Council meeting. Ald. Goodman expressed her concern for the open-ended authorization to install the cable in the City rights-of-way, and requested more protective measures for the City's existing infrastructure.

Ald. Aschauer asked if the agreement could include provisions that prevent open cuts on the roadway, require all installations be bored, and require installation of cable at a particular depth, plus or minus 10%. PWD Kuchler replied, staff will consult with the City Attorney to see if similar specifications are already included or required in the permitting process.

ALDERMAN DAVOLOS MADE A MOTION, seconded by Ald. Goodman, to recommend the City Council pass a resolution approving a license agreement with Everstream for installation of fiber optic cable in City public right-of-way.

ROLL CALL VOTE:

Aye: Alds.: Wilson, Davolos, Barry, Krischel, Goodman, Anderson, Weidner, and Aschauer

Nay: None

MOTION CARRIES

9. Consideration of Design Engineering Contract for Batavia Road Resurfacing

PWD Kuchler stated the City has \$265,000, of Surface Transportation Program (STP) funding to pay for 70% of the construction costs for the resurfacing of Batavia Road between Illinois Route 59 and Fermilab in FY 2023. Staff was informed that there is a requirement to start the design engineering and have a kickoff meeting with IDOT before next spring, or the City will risk losing its funding for the project.

PWD Kuchler stated no money has been budgeted for this expense in FY 2022, however, the net savings on other CMRP projects this fiscal year should be sufficient enough to cover the portion of design engineering for this project to be completed in FY 2022.

PWD Kuchler stated staff received and reviewed two proposals and is recommending a contract with Engineering Resource Associates because of their significant past experience with the City and their experience with IDOT on this specific type of STP funded project.

There was discussion regarding the funding requirements. PWD Kuchler stated the process for STP funding has changed in recent years, and staff overlooked when the process was scheduled to begin in order to participate in the latest round of funding.

Ald. Weidner asked if the width of the roadway would be wide enough to support a bike lane. PWD Kuchler replied it is not.

Mayor Brummel thanked PWD Kuchler for protecting the City's outside source of funds.

ALDERMAN DOVOALOS MADE A MOTION, seconded by Ald. Anderson, to recommend the City Council pass a resolution approving a professional services agreement with Engineering Resource Associates for design engineering services relating to the Batavia Road Resurfacing Project in the amount of \$26,788.65, plus reimbursable expenses.

ROLL CALL VOTE:

Aye: Alds.: Anderson, Krischel, Davolos, Weidner, Aschauer, Wilson, Barry, and Goodman

Nay: None

MOTION CARRIES

10. Consideration of Design Engineering Contract for Square Courts Resurfacing (PK)

PWD Kuchler stated the City has \$220,000, of Community Development Block Grant (CDBG) funding to partially pay for the resurfacing and curb replacement on the streets known as the “square courts” in Summerlakes, generally located west of Shaw Drive, between Continental Drive and Batavia Road. He added, the construction could occur in either FY 2022 or 2023, depending on when the funds are released. PWD Kuchler stated this project is included in the FY 2022 Budget, staff received and reviewed two proposals, and is recommending a contract with Thomas Engineering Group because of their past experience with the City and their significant experience on similar CDBG projects in the City of West Chicago and their design of the Warrenville Road reconstruction.

There was further discussion regarding what constitutes a “square court.”

ALDERMAN DAVOLOS MADE A MOTION, seconded by Ald. Aschauer, to recommend the City Council pass a resolution approving a professional services agreement with Thomas Engineering Group for design engineering services relating to the Square Courts Resurfacing Project in the amount of \$38,000, plus reimbursable expenses.

ROLL CALL VOTE:

Aye: Alds.: Weidner, Aschauer, Anderson, Barry, Davolos, Krischel, Goodman, and Wilson

Nay: None

MOTION CARRIES

11. Review and File Public Works Department FY 2022 Work Program and Decision Package Status Report (FYI)

The report was presented for Committee review.

A question was raised regarding the Railroad Quiet Zone Update project that is expected to be completed in October 2021, but the status indicates it has not yet started. PWD Kuchler replied that Management Analyst Youngmeyer has been working on the project throughout the year, and the “not yet started” status was listed in error.

Members of the Committee thanked PWD Kuchler and CEDD Mentzer for their work in preparing and presenting the many projects presented at tonight’s meeting.

NO COMMITTEE ACTION WAS TAKEN NOR REQUESTED

G. MISCELLANEOUS

H. ADJOURN

ALD. GOODMAN MADE A MOTION, seconded by Ald. Krischel to adjourn.

MOTION ADOPTED VIA UNANIMOUS ROLL CALL VOTE.

The meeting adjourned at 8:34 p.m.

Approved: October 18, 2021



Dawn R. Grivetti, Executive Assistant/Deputy Clerk