

**MINUTES FOR THE MEETING OF THE ST. CHARLES CITY COUNCIL
MONDAY, APRIL 6, 2020 – 7:00 P.M.**

**CITY COUNCIL CHAMBER, CITY OF ST. CHARLES
2 E. MAIN STREET, ST. CHARLES, IL 60174**

1. **Call to Order** at 7:05pm by Mayor Rogina
2. **Roll Call**
Present –Silkaitis, Stellato, Payleitner, Lemke, Turner, Bancroft, Vitek, Pietryla, Bessner, Lewis
Absent – NONE
3. **Invocation** by Ald. Payleitner
4. **Pledge of Allegiance** by All
5. **Presentations**
6. **Omnibus Vote. Items with an asterisk (*)** are considered to be routine matters and will be enacted by one motion. There will be no separate discussion on these items unless a council member/citizen so requests, in which event the item will be removed from the consent agenda and considered in normal sequence on the agenda.
- *7. Motion by Ald. Stellato and seconded by Ald. Silkaitis to accept and place on file minutes of the City Council Special Meeting held March 30, 2020.

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner, Bancroft, Vitek, Pietryla,
Bessner, Lewis
NAY: NONE
ABSENT: NONE
ABSTAIN: NONE

MOTION CARRIED

- *8. Motion by Ald. Stellato and seconded by Ald. Silkaitis to approve and authorize issuance of vouchers from the Expenditure Approval List for the period of 3/9/2020 – 3/22/2020 in the amount of \$5,172,685.69.

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner, Bancroft, Vitek, Pietryla,
Bessner, Lewis
NAY: NONE
ABSENT: NONE
ABSTAIN: NONE

MOTION CARRIED

I. New Business

Koenen – This is an extension of the action taken at the emergency council meeting last month, this would extend that order until the first meeting in May, or until the order is rescinded by the governor.

- A. Motion by Ald. Bessner and seconded by Ald. Vitek to approve an **Ordinance 2020-M-12** Confirming and Extending a Declared State of Emergency Within the City of St. Charles Due to the COVID-19 Pandemic

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner, Bancroft, Vitek, Pietryla, Bessner, Lewis
NAY: NONE
ABSENT: NONE
ABSTAIN: NONE

MOTION CARRIED

McMahon – Last Monday, this council approved a resolution to exclude our sworn fire and police officers from the Expanded Medical Leave Act, under the Families First Corona Virus Response Act, the next day, the Dept. of Labor issues a definition of emergency responders and this included emergency management personal, public works personal, and persons with skills or training needed to provide aid in a declared emergency. In light of this new information, the Mayor issued an executive order expanding the exclusion from the FMLA expansion to include public works, emergency management, as well as other positions within Community and Economical Development. This was born out of discussions with Public Works Director, as well as Community and Economic Development Director. This resolution tonight ratifies that executive order and we recommend approval.

- B. Motion by Ald. Turner and seconded by Ald. Payleitner to approve a **Resolution 2020-15** Ratifying Executive Order 2020-1 and Approving the Exclusion of Emergency Responders of the City of St. Charles from the Emergency Family and Medical Leave Expansion Act.

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner, Bancroft, Vitek, Pietryla, Bessner, Lewis
NAY: NONE
ABSENT: NONE
ABSTAIN: NONE

MOTION CARRIED

- C. Public Hearing – Annual Budget for Fiscal Year 2020/2021.

At 7:13, Mayor Rogina moved the meeting into a Public Hearing.

ROLL CALL –Present - Stellato, Silkaitis, Payleitner, Lemke, Turner, Bancroft, Vitek, Pietryla, Bessner, Lewis
Absent – NONE

Finance director Chris Minick presented the 2020-2021 budget.

Rogina – I'd like to make one comment before any questions, simply this is a fluid document and Chris said, very well and very carefully, we face an unknown as we move forward and my guess is that, along with staff providing information, you will be keenly advised about status as we move through this budget year, if you need to face any adjustments to this budget moving forward.

Bessner – Is there an estimation on the amount of revenues lost already, in the last three to four weeks, based on the twelve month cycle?

Minick – We have not estimated a number yet, but we know that there will be impact, primarily to the alcohol and hotel/motel tax, sales tax, video gaming tax, local fuel tax will also likely be lower as people aren't driving as much right now. The good news is that I don't think any of those sectors went to zero, with the exception of video gaming, bars and restaurants are closed but are open for pickup and delivery. Packaged liquor sales are continuing and might even have seen a slight increase of the stories I hear are true, even if anecdotal. There are still people staying in the hotels and motels, believe it or not. I would anticipate some revenues from that also.

Payleitner – Are you, and Mr. Mayor you can comment here also, are you looking at doing this adjustments, if needed, collectively? For example, when the dust settles, are we pulling the budget out again and reviewing? Or as a step by step as expenses are presented?

Minick – I think that it might need to be done in phases, assuming you mean adjustments and evaluations because of COVID, it might have to be in phases and maybe a few things that we do in the short term quickly, and things to look at longer term. This would be projects that are in place and activities that are planned. Depending on the length of the shelter order, we may need to review things again. It will likely be a phase in and react as we go. There will be things to look at longer term, I'm guessing, because when this is over, it won't be a switch that is flipped and things are back to 100% again right away.

Rogina – As a positive point to that, Chris was here in the 2008/2009 budget year, he knows about managing a budget under tough circumstances.

Payleitner – On Friday, Mark Koenen said that staff understands the situation and that the budget is reflective of pre-COVID situations and economic conditions. I trust that communications have been made to the other entities that receive funds that maybe there could be funds cut or not available at all, again this is all a big unknown but I hope that the city has communicated this.

Minick – Based on the direction we have received at the retreat, we have not had that conversation at this point. There was support, at that time, to continue with the levels of funding that were shown in the presentation earlier. If this is something that the council as a whole directs, or as a policy decision the council makes, that would be something that we could pass along.

Payleitner – I suppose more as a courtesy, or a notice, whatever was communicated to staff as well. Everyone knows what's going on, more of a courtesy from our end. If now is not the time to bring this up, Chris but I wonder if we will follow the example of other utilities and municipalities, what kind of a hit would it take if we were to offer a small amount, or a gesture to a relief to our utility customers? Maybe, if only in the area of charging a late fee, for example and maybe a deferment of this bills so they can catch up. I'm only saying for a certain amount of time.

Minick – We are not charging late fees right now, we made that decision at the staff level, we are also not performing service terminations at this point either.

Pietryla – That was a very comprehensive presentation, thank you for your efforts. Does this budget become public at some point?

Minick – Yes, we will typically post the day or maybe even a week after I present, sometime this week it will be up and posted.

Lemke – I would like to suggest the idea of having and identifying some issues that we might consider as budget reductions, if that is needed. I'm not sure we want that tonight, but it will be for a future week or month to consider.

Rogina – Noted and staff is making that notation.

No questions or comments by the public.

Motion to close the Public Hearing by Ald. Bessner and seconded by Ald. Lemke at 7:45 pm

- D.** Motion by Ald. Silkaitis and seconded by Ald. Payleitner to approve an **Ordinance 2020-M-13** Adopting the Budget for the City of St Charles for the Fiscal Year Beginning May 1, 2020.

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

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

MOTION CARRIED

- E.** Motion by Ald. Turner and seconded by Ald. Payleitner to approve a **Resolution 2020-16** Authorizing Publication and Sale of the 2020 City of St. Charles Official Zoning Map.

VOICE VOTE: AYE – Unanimous, NAY – None, Absent – None, Abstain – None

MOTION CARRIES

- F.** Presentation by Director Tungare of Alternate Proposals for Redevelopment Property known as First Street Redevelopment Lot 7 (Building 7B) – No Action Required

- G.** Motion by Ald. Pietryla and seconded by Ald. Bessner to Award the Bid for City Hall Façade Improvements to Berglund Construction Company.

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

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

MOTION CARRIED

II. Committee Reports

- A. Government Operations**

None

- B. Government Services**

- *1. Motion by Ald. Stellato and seconded by Ald. Silkaitis to approve and place on file the minutes of the February 24, 2020 Government Services Committee meeting.

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

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

MOTION CARRIED

C. Planning and Development

1. Motion by Ald. Payleitner and seconded by Ald. Silkaitis to grant a 90-day extension for final City Council action on the General Amendment and Special Use applications filed by Healthway Services of West Illinois, LLC (Zen Leaf).

Rogina – I'd like to make some comments on this, anyone else is welcomed to do so after. In your packet, you have a letter from Shane Banks and more specifically Tyler Manic, presenting Healthway Services of West Illinois, Zen Leaf, and in this letter the request comes to extend 90 days. This is not unlike the conversations that took place at P&D at the prior P&D meeting. In this letter, there is the request to grant the extension, and if that is granted, a second motion to go back to committee and try to iron out some of the issues that seem to not be ironed out. I believe strongly, that this recommendation has merit and this motion has been made and seconded. I'd be happy, and staff also, Rita Tungare is here to answer questions.

Vitek – To clarify, if we vote on the extension, then we are not voting on item 3, correct?

Rogina – Item 3 and 5, per staff advice, if you vote on 1 and it is granted, then you would send 3 and 5 back to P&D committee in May. May 11th specifically. At that time, this body with staff input and anyone who wishes from either side, to converse. I think it would be an open conversations.

Vitek – It would go to P&D on the 11th, that means not back to city council until June because of Memorial Day? Or am I missing a week?

Rogina – Depends on the next city council meeting scheduled. I am hoping that we have two council meetings in May, it would be a week a later I assume. If there is an action taken in committee, that is.

Lewis – I do have a question, I understand the May 11th date, if we still have to meet like this, in different rooms and on the phone, I would like to see it moved out, within the 90 days, to meet when we can all be in the same room.

Rogina – I'm going to let the chairwoman of the committee dictate that, as we get close to that date, weather or not we are together or we are together and provide input with staff and the mayor, as to if we should deal with it on the 11th. You can take any action you want, first of all-what is in play right now is simply C-1. Your question would be more relevant should this pass. Chairwoman Payleitner is going to make that motion, if this passes. If it doesn't pass, then we have an issue and deal accordingly. I'll come back to you on that Ald. Lewis, if this passes. If there are no more questions, Clerk Amenta please call roll.

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

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

MOTION CARRIED

Payleitner – With that, your Honor, I'd like to make a motion to refer item 2 back to the Planning and Development Committee for review on May 11, events considering.

Silkaitis – Second

Rogina – Now, if anyone else wants to address anything here, I think Chairwoman Payleitner laid it out pretty well for us all, if anyone else wants to support that point about going further out than May 11th.

Lewis – I think we have time within the 90 day window, we've given ourselves 90 days to come to a final decision, is that correct?

Rogina – It is correct, I'll ask legal council, unless I'm misinterpreting that, I think Nick Peppers can opine on that 90-day period to make that decision.

Peppers - It does not have to be May 11, it can be within the 90 days to give yourself the ability to make final action.

Rogina – would it be correct that on May 11th, there does not have to be a decision?

Peppers – No, there does not.

Rogina – Thank you.

Payleitner – Do we need to take action then? If we have a motion on the floor for May 11th, do we have to take action on May 11th?

Peppers – No you do not.

Rogina – So then the motion on the floor, it is one motion, to refer the general amendment and the special use application to May 11th.

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

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

MOTION CARRIED

Turner – What about item 2?

Rogina – That is nothing more than placing on file, the plan commission report and that has all been weaved, items 2 and 4, have been weaved into that motion, it's just sitting there and at some point, you will accept that, that is all that is. You can accept it any time you want, just sitting there and no action required at the moment, it is just sitting there.

Peppers – Correct Mr. Mayor. In that executive summery, there was a notation that if accepted or approved the motion C1 and C2, that decussated no action....

Payleitner – Items 2, 3, 4, and 5.

Peppers – Thank you, that's correct.

Rogina – Bill, it is there, the results of the Plan Commission, at some point we would accept that at some point down the line.

Turner – Why can't we do that now? It's just a file.

Peppers – I think the thought process on that is, once it comes back to the city council for a final action, you would then be accepting the plan commission recommendation and how that might impact or not impact your decision on the final ordinance.

Turner – Okay, I think it is a separate issue.

Payleitner – As I reviewed the letter from Zen Leaf's attorney, it was their recommendation for the May 11, it didn't necessarily come from staff, it was their recommendation, that is where that date came from. We are extending them the courtesy of the extension at their request.

Rogina – They will begin the conversation on that date.

2. Motion to accept and place on file Plan Commission Resolution No. **25-2019** A Resolution Recommending Approval of a General Amendment to Ch. 17.16 “Office/Research, Manufacturing and Public Land Districts” to add Recreational Cannabis Dispensing Organization as a Special Use in the M-2 District.
3. Motion to approve An **Ordinance** Denying an Amendment to Title 17 of the St. Charles Municipal Code Entitled “Zoning”, Ch. 17.16 “Office/Research, Manufacturing and Public Lands Districts”, Table 17.16-1 “Permitted and Special Uses” to add Recreational Cannabis Dispensing Organization as a Special Use in the M-2 Limited Manufacturing District.
4. Motion to accept and place on file Plan Commission Resolution No. **26-2019** A Resolution Recommending Approval of an Application for Special Use for Recreational Cannabis Dispensing Organization for Zen Leaf St. Charles, 3714 Illinois Ave. (Healthway Services of West Illinois, LLC).
5. Motion to approve An **Ordinance** Denying a Special Use for a Recreational Cannabis Dispensing Organization in the M-2 Limited Manufacturing District (3714 Illinois Ave. – Zen Leaf St. Charles).
- *6. Motion by Ald. Stellato and seconded by Ald. Silkaitis to Approve an **Ordinance 2020-Z-5** Granting Approval of a Minor Change to PUD Preliminary Plan for Meijer Outlot PUD (Wahlburger’s Signs).

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner, Bancroft, Vitek, Pietryla,
Bessner, Lewis
NAY: NONE
ABSENT: NONE
ABSTAIN: NONE

MOTION CARRIED

- *7. Motion by Ald. Stellato and seconded by Ald. Silkaitis to Approve an **Ordinance 2020-M-14** Vacating Portions of Walnut Avenue and South 6th Avenue Rights-of-Way Directly Adjacent to the St. Charles Public Library and St. Mark’s Lutheran Church.

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner, Bancroft, Vitek, Pietryla,
Bessner, Lewis
NAY: NONE
ABSENT: NONE
ABSTAIN: NONE

MOTION CARRIED

- *8. Motion by Ald. Stellato and seconded by Ald. Silkaitis to Approve an **Ordinance 2020-Z-6** Granting Approval of a Final Plat of Subdivision for St. Charles Library District.

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

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

MOTION CARRIED

- *9. Motion by Ald. Stellato and seconded by Ald. Silkaitis to accept and place on file Plan Commission Resolution No. **6-2020** A Resolution Recommending Approval of a PUD Preliminary Plan for Advanced Care Medical, Pine Ridge Park PUD (Barge Design Solutions).

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

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

MOTION CARRIED

- *10. Motion by Ald. Stellato and seconded by Ald. Silkaitis to Approve an **Ordinance 2020-Z-7** Granting Approval of a PUD Preliminary Plan for Advanced Care Medical, Pine Ridge Park PUD (Lot 2 of the Resubdivision of Lots 8 & 9).

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

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

MOTION CARRIED

- *11. Motion by Ald. Stellato and seconded by Ald. Silkaitis to accept and place on file minutes of the March 9, 2020 City Council Workshop.

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

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

MOTION CARRIED

- *12. Motion by Ald. Stellato and seconded by Ald. Silkaitis to accept and place on file minutes of the March 9, 2020 Planning & Development Committee meeting.

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

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

MOTION CARRIED

9. Additional Items from Mayor, Council, Staff, or Citizens

Aamir Bandukda – Non-Resident calling about the item that was postponed to May 11. I'm the contract buyer for unit 3712, the adjoining unit to Zen Leaf, we put the contract on hold temporary. I personally don't know what 90 days would do because the other owners in the building, myself not an owner now but intending to be, we don't want to see this in that building for all the reasons that you have talked about over the past 6 months or so. I was hoping that this would just be put to rest tonight and continuing it for another 90 days means that we now have to wait and see how that goes. If it does eventually pass, the planning committee once again deliberates it and passes it and the use is allowed for that location, I'm not speaking on behalf of the association to clarify that, but the association would eventually would have to see if this would hamper the operations of the building, the insurance policy, or creates other issues, the association would have to stop the use. We'll have the problem, nonetheless. Rogina – Let me respond by saying the following, the reason I didn't take any comment is, I knew there would be plenty of time at that meeting for anyone from either side to further convers about this subject. I have to tell you, you can't knock St. Charles for not thoroughly vetting an issue, so all I am saying is, on May 11th you and anyone else in that condo association, or anyone else in this town, can have free access to all the comments you want to give before this body, whether they dispose of this issue, or not, on May 11th. It is up top them, all I can say is, yes you are correct that the issue has not been disposed of yet, it has not. As mayor, I'll be honest with you, I won't complain about this, or any issue, being thoroughly vetted. Sometimes in public service and government, people accuse government of not vetting things well enough, you can't say that about this council and I will stand by that and suggest that we see you on May 11th.

Bandukda – Thank you

Lemke – Although 90 days have been requested, the contract purchaser would not likely have to wait 90 days, we are only talking about a month delay at this point. Just wanted to make that point clear.

Rogina – We passed a budget tonight and I don't think that we will be seeing each other again until May 4th, as staff has mentioned, the committee meetings have been scratched this month and I don't think there is a necessity for a city council meeting on the 3rd Monday. I'll say also, stay safe. If you will allow me 30 seconds, I'd like to share a couple of quotes that were forwarded to me from staff members – “We are all soldiers and now, we need to march. When you go to war, you are always armed and you know your enemy, you also know where they are shooting from, but this virus is like going to war in the dark and not knowing where the shots are coming from. The eleven of us, plus the staff as public servants need to fight the fight and I'm convinced we will do that.” The second is from Einstein, and is shorter “genius comes from chaos”, in the months ahead, lets find some genius among all this chaos.

A. Executive Session

- Personnel – 5 ILCS 120/2(c)(1)
- Pending Litigation – 5 ILCS 120/2(c)(11)
- Probable or Imminent Litigation – 5 ILCS 120/2(c)(11)
- Property Acquisition – 5 ILCS 120/2(c)(5)
- Collective Bargaining – 5 ILCS 120/2(c)(2)
- Review of Executive Session Minutes – 5 ILCS 120/2(c)(21)

- 10. Adjournment** motion by Ald. Bessner and seconded by Ald. Turner at 8:10pm
VOICE VOTE: AYE – Unanimous, NAY – None, Absent – None, Abstain – None
MOTION CARRIES

Charles Amenta, City Clerk

CERTIFIED TO BE A TRUE COPY OF ORIGINAL

Charles Amenta, City Clerk

ADA Compliance

Any individual with a disability requesting a reasonable accommodation in order to participate in a public meeting should contact the ADA Coordinator, Jennifer McMahon, at least 48 hours in advance of the scheduled meeting. The ADA Coordinator can be reached in person at 2 East Main Street, St. Charles, IL, via telephone at (630) 377 4446 or 800 526 0844 (TDD), or via e-mail at jmcmahon@stcharlesil.gov. Every effort will be made to allow for meeting participation. Notices of this meeting were posted consistent with the requirements of 5 ILCS 120/1 et seq. (Open Meetings Act).