

**MINUTES FOR THE MEETING OF THE ST. CHARLES CITY
COUNCIL MONDAY FEBRUARY 5, 2018 – 7:00 P.M.
CITY COUNCIL CHAMBER, CITY OF ST. CHARLES
2 E. MAIN STREET, ST. CHARLES, IL 60174
CITY COUNCIL CHAMBERS**

1. Call to Order - Mayor Rogina at 7:00 pm

Mayor Rogina: Before we do the roll call, I'd like to ask the council if there is any objection to having Ald. Lewis participate via telephone due to illness. Any objections?

Council Present: No objections were stated.

Mayor Rogina: City Clerk Amenta, please call the roll

2. Roll Call

Present – Stellato, Silkaitis, Payleitner, Lemke, Turner, Bancroft, Gaugel, Vitek Bessner, Lewis (via telephone)

Absent - None

3. Invocation by Ald. Payleitner

4. Pledge of Allegiance by Ald. Stellato

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 Fall Retreat meeting held September 16, 2017.

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner, Bancroft, Gaugel, Vitek, Bessner, Lewis (via telephone)

NAY: 0

ABSENT: None

MOTION CARRIED

***8.** Motion by Ald. Stellato and seconded by Ald. Silkaitis to accept and place on file minutes of the Special City Council Workshop held January 16, 2018.

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner, Bancroft, Gaugel, Vitek, Bessner, Lewis (via telephone)

NAY: 0

ABSENT: None

MOTION CARRIED

- *9. Motion by Ald. Stellato and seconded by Ald. Silkaitis to accept and place on file minutes of the regular City Council meeting held January 22, 2018.

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner, Bancroft, Gaugel, Vitek,
Bessner, Lewis (via telephone)
NAY: 0 ABSENT: None MOTION CARRIED

- *10. 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 1/1/2018 – 1/14/2018 the amount of \$1,588,382.09.

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner, Bancroft, Gaugel, Vitek,
Bessner, Lewis (via telephone)
NAY: 0 ABSENT: None MOTION CARRIED

I. New Business

- A. Recommendation by Mayor Rogina to appoint Louis Dries to the Housing Commission with a term expiration of April 30, 2019. Motion to approve by Ald. Payleitner and seconded by Ald. Gaugel.

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner, Bancroft, Gaugel, Vitek,
Bessner, Lewis (via telephone)
NAY: 0 ABSENT: None MOTION CARRIED

- B. Motion by Ald. Lemke and seconded by Ald. Bessner to approve a **Resolution** 2018-5 Abating a portion of the 2017 property tax heretofore levied for the City of St. Charles.

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner, Bancroft, Gaugel, Vitek,
Bessner, Lewis (via telephone)
NAY: 0 ABSENT: None MOTION CARRIED

II. Committee Reports

A. Government Operations

1. Motion by Ald. Bancroft and seconded by Ald. Turner to Approve a Proposal for a New Class E-1 Temporary Liquor License for a “Special Event” – “Hops for Hope 5K” to be held at Mt. Saint Mary Park – May 19, 2018.

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner, Bancroft, Gaugel, Vitek,
Bessner,
NAY: Lewis (via telephone) ABSENT: None MOTION CARRIED

- *2. Motion by Ald. Stellato and seconded by Ald. Silkaitis to Approve a Proposal for a Class E1 Liquor License for St. Charles Breakfast Rotary Club to be held at Lincoln Park, St. Charles on June 9, 2018 from 12:00 pm to 5:00 pm.

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner, Bancroft, Gaugel, Vitek,
Bessner, Lewis (via telephone)
NAY: 0 ABSENT: None MOTION CARRIED

- *3. Motion by Ald. Stellato and seconded by Ald. Silkaitis to Approve a Proposal for a New Class E-2 Temporary Liquor License for a Special Event, “McNally’s St. Patrick’s Day Party” to be held on March 17, 2018 at 1st Street Plaza.

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner, Bancroft, Gaugel, Vitek,
Bessner, Lewis (via telephone)
NAY: 0 ABSENT: None MOTION CARRIED

- *4. Motion by Ald. Stellato and seconded by Ald. Silkaitis to accept and place on file minutes of the Government Operations Committee meeting held on January 8, 2018

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner, Bancroft, Gaugel, Vitek,
Bessner, Lewis (via telephone)
NAY: 0 ABSENT: None MOTION CARRIED

- *5. Motion by Ald. Stellato and seconded by Ald. Silkaitis to accept and place on file minutes of the Government Operations Committee meeting held on January 22, 2018.

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner, Bancroft, Gaugel, Vitek,
Bessner, Lewis (via telephone)
NAY: 0 ABSENT: None MOTION CARRIED

B. Government Services

- *1. Motion by Ald. Stellato and seconded by Ald. Silkaitis to approve Parking Lot, Street Closure and Use of Amplification Equipment for St. Charles Cruise Nights.

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner, Bancroft, Gaugel, Vitek,
Bessner, Lewis (via telephone)
NAY: 0 ABSENT: None MOTION CARRIED

- *2. Motion by Ald. Stellato and seconded by Ald. Silkaitis to approve Street and Parking Lot Closures for the 2018 Sly Fox Half Marathon.

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner, Bancroft, Gaugel, Vitek,
Bessner, Lewis (via telephone)
NAY: 0 ABSENT: None MOTION CARRIED

- *3. Motion by Ald. Stellato and seconded by Ald. Silkaitis to approve a **Resolution** 2018-6 awarding a Purchase Order to Archon Construction for Legacy Substation Concrete Footer Work.

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner, Bancroft, Gaugel, Vitek,
Bessner, Lewis (via telephone)
NAY: 0 ABSENT: None MOTION CARRIED

- *4. Motion by Ald. Stellato and seconded by Ald. Silkaitis to approve a **Resolution** 2018-7 approving a Change Order with Hooper Corporation for Overhead Contractor Services.

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner, Bancroft, Gaugel, Vitek,
Bessner, Lewis (via telephone)
NAY: 0 ABSENT: None MOTION CARRIED

C. Planning and Development

1. Motion by Ald. Bessner and seconded by Ald. Turner to approve an **Ordinance** Amending Title 16, "Subdivisions and Land Improvement", Chapter 16.02 "General Provisions" and Chapter 16.10 "Dedications" of the St. Charles Municipal Code (School and Park Dedications).

Mayor Rogina: Moved and seconded, any questions?

Ald. Stellato: If my colleagues will indulge me for a moment, I would like to bring everyone up to speed on a few things that have happened over the past few weeks in regards to this issue. If you recall about three weeks ago, we approved this unanimously at committee level because the school land, park donation is pretty standard. We had an appraisal done to determine value of the property and we moved forward from there. Two days after that meeting, if you recall or read the papers, the school district came along and said they were closing one of the elementary schools in the district. I attended the School Board meeting in regards to the closing and the justification for closing schools was the lack of elementary school enrollment. Sounds practical enough. In doing so, it is almost a "Catch 22" and this land cash in regards to the school district, I have a concern with. My recommendation tonight, I'm going to go into the reasons in a second, is that we should split this motion into two separate ordinances. In reality, both taxing bodies calculate, and we have a developer in the crowd tonight that can attest to this, they calculate the land cash in lieu differently. The formulas are, we build on a piece of property based on the net acreage, you donate X amount of that land to the park district. Pretty straightforward, okay. The school district however goes based on the number of children that are generated from that development. So if it is industrial or commercial it doesn't really matter, only residential. Because both of them calculate differently from each other, I feel that they should be separated and not under the same ordinance. In this case, I would agree tonight, without hesitation to approve the park district portion because I think that is very clear. There are no issues with the parks, land appraisal or how they calculate things, I'm fine with that. However, I have a concern based on the discussions I have heard from the school board at the meetings that have happened in the past couple of weeks in regards to how this is all calculated. A couple of examples I'd like to present. If you read thought the land cash ordinance, the value of a piece of property to a residential developer to build a single family home in our community, within the corporate limits of the City of St. Charles, the land is calculated at \$240,000. If you go outside the district, meaning outside of the City but still in the school boundaries yet within our planning district, it drops to \$175,000. If you go to West Chicago and you develop in West Chicago, but still in the St. Charles School District I think it drops to \$150,000. It is not really balanced. I think we need to

have a discussion, I'd like to open up discussions with the School Board and staff about how this is calculated because I think what we are doing and what I have heard over the past couple of weeks from the school board is that we are generating a lot more multi-family units within our community because there is an incentive to build multi-family units. The units that do drive new children into the schools are single-family houses. Right now, our ordinance is setup that if you build in town, you should build multi-family because you're going to generate less children, therefore pay less money or you're going to develop single-family and build outside the corporate limits of the City of St. Charles, preferably west because that is where most of the vacant land is. This has tipped the scales of in the school district. It is over crowded on the west side and under crowded the east side, hence the discussion about closing schools. With that, I think we need to look at how that is all calculated, if that is what we want. Those who were at the Charlemagne Dinner, I mentioned it when I was up there, we have 2,000 units planned for the City of St. Charles either under construction, on the books, or in the future-part of it we are talking about tonight (at Government Operations Committee Meeting) most of those are multi-family. We have to look at what we are doing, is that what we want? I'm not saying that there is a problem with multi-family, but all of a sudden we are over crowding our schools and under fulfilling our schools and therefore we are closing schools causing a lot of distain in the community. I guess my motion, I would like to amend the motion to say I'd like to separate these two issues, into two separate ordinances; one for the Park District and part of my amended motion I would say approve it right now and the second part is to a separate ordinance for the School District, and I'd like to continue until further discussions with the St. Charles District School Board.

Mayor Rogina: I think that the idea of separating the ordinance is out of order. We can handle what you'd like to accomplish if the council would like to do that. We can handle it in a different manner, but the question of splitting the ordinance is out of order because on the table here is "an ordinance." So we cannot split this ordinance in half. On the other hand, procedurally, if we have a majority up here that want to do what you're suggesting, the best approach here is simply to postpone Agenda Item C-1 and instruct staff to either come back with two separate ordinances or instruct staff to come back with what you suggested to be your preferred park district ordinance and they can create that ordinance and discuss with the School District (Board) a new ordinance that you would like to see.

Ald. Stellato: I don't disagree with your approach, but there might be another approach. We deny the motion; make a new motion asking for it to be separated. What I'd like to say is, I'd like to make a motion to separate it into two ordinances and automatically approve the park district side because I have no concern on that.

Mayor Rogina: I would like to ask legal council (Attorney McGuirk) if that could be done or not. Whether or not you can separate the two and actually hear and in effect create a Park District ordinance. I understand what he's asking, I'm not sure if we can do it.

Attorney McGuirk: I really haven't studied to see if you can amend it in that matter or how...

Mayor Rogina: I would rather err on the side of caution on that myself, as opposed to passing some ordinance here tonight that is not really on the table, do you all see what I'm saying? That's all I'm suggesting here.

Ald. Turner: I would move to postpone because I've been looking at these numbers too and maybe this is thirty years too late, but if you look at what we are charging and what, I think that the Park District is way to high myself. We have a goal here on the Housing Commission to have a mixed of housing in this city. Anybody that things that they are going to come to St. Charles and buy a new starter home, you're out of luck. It's not only the price of the land, you put in the price of the fees, both those districts (school and park), I mean you're not going to find your starter home. You're not going to find a mid-level rental apartment in St. Charles anymore. There is just much, it's too expensive for somebody to build that. I think that we should postpone this, I'm pretty sure the park fees are going to go through, but lets take a look at the schools. It's out of balance when we're \$240,000 and West Chicago is \$175,000, if you're looking for a starter home in St. Charles or in this area, you're going to end up in West Chicago or someplace else. You're not going to find one in this city. I think we aught to do what Dan says and postpone this and take a look at the school land cash and put it more in balance with what's around us.

Mayor Rogina: Further Comments?

Ald. Vitek: To Ald. Stellato's point, I think it is important that we don't lose the conversation we are having about having a discussion with the school board, I think we need to keep that going. I would agree on postponing, but I think the important piece is having that discussion with the school board.

Ald. Stellato: I agree 100%

Mayor Rogina: Alright, but as far as the unfinished business in all of this, you've implied in your conversation that you would like to have staff move forward ASAP with a park district ordinance. That should be included as part of the motion to postpone. To me, the motion should be to postpone, I'm not going to put words in your mouth here, but you're the maker here and I'll let you say it. It should include postponement, the creation of a park district ordinance, and the discussion with the school board relative to the school board ordinance.

Ald. Stellato: So moved!

Ald. Payleitner: Seconded

Mayor Rogina: How about staff, are we clear on the intent of Ald. Stellato's motion here? Would you want some interpretation?

City Administrator Koenen: Good evening, I think we understand the intention here. What I want to point out is that we had an appraisal done to identify the cost for the land for a purpose. The purpose was for either for parkland or school parcels. The value of land I think we are pretty comfortable with. I think what we're talking about changing is the criteria of how much land a school needs based on the number of children. So we are talking about that criteria, not the value of the land per acre. It is the calculation at least for the number of acres that come out of a new development. That is what I think we're exploring. I would also suggest that until we make a final decision, we leave the ordinance in place that we have today. Otherwise we have nothing in place.

Mayor Rogina: So the easy way to do this is move to postpone C-1 and direct staff to engage the school board and the park district in further conversation.

City Administrator Koenen: That's right.

Ald. Stellato: There is one other part of the formula that I want to focus in on and when you look at the breakdown of children generated per bedroom, this is really what the school district breaks their formula down, it's a complex formula, but they take the cost of the land, the number of homes generated from that and they figure out how many children are generated from that subdivision. You look at what a two bedroom generates, if it's multi-family and what a two bedroom generates if it's single-family. From my generation, it might have been more children coming out of single-families but with the millennial generation today, they are renting more. The rental units are becoming larger and this means they have children coming out of those units. I would like to know how current is that information? Does that need to be updated as well? Another element of that formula as we explore into this, I'd like to find out what numbers they are using and if it is even proper. Rita (Payleitner) brought up a point, is this what we want? Do we want more multi-family, do we want more single-family? If we are seeing this shrinking of our school population, well do we want to regulate that?

Mayor Rogina: Can we clarify, you attended the meetings-several of you have attended the (school board) meetings, can we clarify approximately what the excess capacity is right now? Am I correct in saying 1,500?

Ald. Stellato: I will refute that number because the basic size of a classroom is what's at issue here. It is like anything else, we talk about density. When you look at a dense development, I can take you to two developments and can say it is so many dwelling units per acre and the next one; so many dwellings per acre and they both look different. The same thing with school, how many children do you want per classroom? What are you comfortable with? Some people say 27, some people say maybe that number should be lower. Maybe 24 or 22, we don't know. That is up to the school district to understand. I get that, but if you're looking at what the capacity is based on what we are talking about today, I think that number is to high. I think capacity should be lower, I don't think we are that far off and that is where this discussion about really getting down to the metrics of this is and we need to be part of because I will tell you as of two days after we approved this in committee, we all-the east side got dragged into this so, it is here and now. If boundaries are changed then those on the west side will be facing this next.

Mayor Rogina: Can we have a friendly withdrawal of the "so moved" motion that you made and to come back to the suggestion that City Administrator Koenen made, just move to postpone and direct staff to further engage the park district and the school district on this matter.

Ald. Stellato: I'd like for us to be involved.

Mayor Rogina: You would like representation from the city council?

Ald. Stellato: I think we need to have a joint meeting if we are going to do this.

Mayor Rogina: A joint meeting of the school board and the city council?

Ald. Stellato: Absolutely.

Mayor Rogina: That's part of the motion.

City Administrator Koenen: I can help facilitate that.

Ald. Turner: Ald. Stellato brought up a good point, how much does it really cost to educate a child? What do you really need in money from that particular plot or acre of land? I don't know if you can say, its \$240,000 or whatever it is because you don't know if it is going to cost \$240,000 to educate those children, it might only produce 2 or 3 kids, you don't know. I mean this whole thing based on the value of the land, I think that-to me-like I said, this conversation is 30 years to late because we don't have much more land to develop here anymore. I think in a way that is causing a lot of our adjustment to the high-end when it comes to rent and new home prices.

Mayor Rogina: It seems to me Mark (Koenen) that the motion, still yet to be made, Ald. Payleitner is ready to do it, but you agree to withdraw the other motion. When you said, 'so moved' that's withdrawn, right?

Ald. Stellato: Yes, withdrawn

Ald. Payleitner: I won't dare to make the motion; I'll leave that to you guys. You've done a fine job! I just would like to ask Mark (Koenen), when we as a council set a limit for affordable housing, we reached that limit, we put that ordinance on hold, do you remember that?

City Administrator Koenen: Yes, we met the criteria.

Ald. Payleitner: Correct, we met the criteria at the time and said we don't need anymore affordable housing so we will turn it off until we get to that level again. Can we do the same thing here? Clearly they don't need schools because they want to close schools and they are going to have schools that are on ice, if you will. So I wonder if there is any why we can have a switch, if you will. Maybe that is something else to investigate or add to our conversation.

City Administrator Koenen: In the conversation we had with the school and park, the thought about the number of and how we enlarge or manage the student population was never part of the equation but that was a piece that was never there.

Mayor Rogina: Take a shot at the motion here.

Ald. Stellato: Sure, I'd like to make a motion to postpone this motion and instruct staff to setup a joint meeting between the city council and the school board and continue this to the next available meeting.

Ald. Silkaitis: I second that motion.

Mayor Rogina: Alright, the motion is seconded by Ald. Silkaitis, first of all-procedure. Now, Ald. Lemke.

Ald. Lemke: How about the park district portion of that? Does that cover what staff was suggesting? Do we have a way to move that forward, maybe at a separate timeframe?

City Administrator Koenen: I would suggest that we maybe take these one at a time and deal with D303 and then let the park district fall out of that conversation but for the time being since we seem to be comfortable with that, maybe leave well enough alone.

Mayor Rogina: Once the meeting with the school board is over with and we seem to get the light at the end of the tunnel, the park district will fall into place. So the motion is on the table and it's been seconded. I think it is clear. Does anyone need any interpretation, I'm happy to do so. Otherwise, I'll call the question. Anything further? Chuck, the roll.

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner, Bancroft, Gaugel, Vitek,
Bessner, Lewis (via telephone)
NAY: 0 ABSENT: None MOTION CARRIED

Mayor Rogina: That passes unanimously and Item C-1 is off the table. Anything further Ald. Bessner?

Ald. Bessner: Nothing further Your Honor, thank you.

- *2. Motion by Ald. Stellato and seconded by Ald. Silkaitis to approve and execute an Acceptance Resolution for Public Utilities for Anthem Heights.

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner, Bancroft, Gaugel, Vitek,
Bessner, Lewis (via telephone)
NAY: 0 ABSENT: None MOTION CARRIED

- *3. Motion by Ald. Stellato and seconded by Ald. Silkaitis to accept and place on file minutes of the January 16, 2018 Planning & Development Committee meeting.

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner, Bancroft, Gaugel, Vitek,
Bessner, Lewis (via telephone)
NAY: 0 ABSENT: None MOTION CARRIED

D. 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)

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

- 12. Adjournment** Motion by Ald. Bessner and seconded by Ald. Turner at 7:25 pm
VOICE VOTE: AYE - UNANIMOUS ABSENT: None MOTION CARRIED

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).