

**MINUTES FOR THE MEETING OF THE ST. CHARLES CITY COUNCIL
TUESDAY MARCH 19, 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** by Mayor Rogina at 7pm
2. **Roll Call**
Present – Stellato, Silkaitis, Payleitner, Lemke, Turner, Bancroft, Gaugel, Vitek, Bessner, Lewis
Absent - None
3. **Invocation** by Ald. Payleitner
4. **Pledge of Allegiance** by Ald. Lemke
5. **Presentations**
 - Proclamation to Recognize the 75th Anniversary of Reber and Foley Service Center.
 - Swearing in of Officers Nicole Diehl, Joseph Gaske and Richard Jackson to the City of St. Charles Police Department.
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 regular City Council meetings held March 5, 2018.

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner, Bancroft,
Gaugel, Vitek, Bessner, Lewis
NAY: 0 ABSENT: 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 2/12/2018 – 2/25/2018 the amount of \$5,205,264.18.

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

I. New Business

- A. Recommendation by Ald. Turner and seconded by Ald. Bancroft to approve **Resolution 2018-18** Authorizing the Execution of an Agreement between the City of St. Charles and the Metropolitan Alliance of Police St. Charles Chapter 27 (Police Officers).

Director McMahon: For your consideration tonight is the resolution to execute a collective bargaining agreement between the city and the police officers. This is a three-year agreement that includes wage increases of 2.5% for each year. That first year would be retroactive to May 1, 2017. We also changed some languages that benefit both parties. I'm happy to answer any questions.

Ald. Payleitner: There's a lot of muck muck, as far as I'm concerned with the contract talks. So, I'll trust you on all that. There are just a couple of things that I'm worried that we are setting a precedent on, and I want you to lighten my fears on this. On listed holidays, in section 8-1, do these apply to all city employees?

Director McMahon: The holidays would be exclusive to this group, depending on what groups you are talking about, what contract you are talking about, they may be different, and these have all been negotiated.

Ald. Payleitner: Ok, and are we worried that everyone else is going to what to have paid veteran's holidays?

Director McMahon: Well, you don't ever know what comes up at the bargaining table but that has been in place for a while so I'm not super worried about it.

Ald. Payleitner: Ok, and the second thing, of course, I just want to be on the record and address my concerns about us going above the 75th percentile. How close are we to that, can you remind me?

Director McMahon: .15% for the first two years.

Ald. Payleitner: For the first two years? The ink is hardly dry on the policy document that we just worked really hard on and we are already tossing it aside, that's my concerns.

Ald. Turner: I'd like to congratulate Director McMahon and her team and also the police officers for getting us a very reasonable contract for the next 3 years.

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

NAY: 0

ABSENT: None MOTION CARRIED

- B.** Motion by Ald. Stellato and seconded by Ald. Silkaitis to approve **Resolution** 2018-19 Authorizing Publication and Sale of the 2018 City of St. Charles Official Zoning Map.

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

II. Committee Reports

A. Government Operations

- *1. Motion by Ald. Stellato and seconded by Ald. Silkaitis to approve **Ordinance** 2018-M-7 Amending Title 5, Entitled “Business Licenses and Regulations” Chapter 5.08, “Alcoholic Beverages”, 5.08.090, “License - Classifications”, Section 5.08.100, “License Fees; Late Night Permit Fees; Fees Established, and Section 5.08.130 “License-Hours of Sale” of the St. Charles Municipal Code (New Class D-9 Liquor License).

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

- *2. Motion by Ald. Stellato and seconded by Ald. Silkaitis to approve a Proposal for a New Class D-9 Liquor License for 210 Cedar, LLC, to be located at 210 Cedar Avenue, St. Charles, Illinois 60174.

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

3. Motion by Ald. Bancroft and seconded by Ald. Turner to approve **Ordinance** 2018-M-8 amending Ordinance 2015-M-47 of the St. Charles Municipal Code (Video Gaming).

Ald. Payleitner: Before a final vote, I'd like to make three requests of my council colleagues. As Ald. Gaugel alluded to in our previous discussion, once this door is open, it is really difficult to close. The best we will be able to do is to keep it a diligent eye out. Promise me that we will stay alert and not succumb to the slippery slope that many neighboring communities have encountered and as a result, are now looking to limit their video gaming, after the fact. First, I'd like to ask my colleagues on council, who claim that we can shut it down 'any time', what will be that indicator making it necessary? What is your line in the sand? Really, I'd like to know. Is it money? Last time we voted there was talk about how much we should make in order for it to be worthwhile. How much is enough? We're bringing in 1.7% of the stated expectations when this first passed. Is the state share? What happens if that changes? Two, is it crime? What crimes are you looking for? I touched on that in committee. I don't see, I'm not expecting business to self-report any crime, it's not going to happen. No one is risking this gravy

train. Three, is it social costs? I know of at least one family that was ruined at that wasn't enough, we heard that the St. Charles Gamblers Anonyms meeting has had its attendance quadruple since we introduced video gambling, and that isn't enough. I want to know what your line in the sand is for social cost. At the very least, I'd like to see a sunset clause back in place so we can have an opportunity for a forced review to check on the mentioned indicators-Money, Crime, and Social Costs. Second, I'd like to see clear protection that if St. Charles is to have video gambling as a favor to certain businesses, that we will allow it only to complement existing businesses, not to create businesses. I'd like assurances in the ordinance that will not allow video gambling parlors or cafes. Thirdly, as we look to added cost for policing licenses, as in the new contract just voted on, we need to likewise increase our licensing fees. I'm sure the businesses will balk at our desire to cover those additional expenses. Thank you, your Honor.

Mayor Rogina: If I may, of course you actually addressed the questions to the council. I feel I am a colleague on the council so, I'd like to start the ball rolling. With respect to the ordinance on creating parlors or gaming cafes, correct me if I'm wrong Attorney McGuirk, I believe the ordinance covers that topic.

City Attorney McGuirk: The ordinance requires the establishment to be in business for a year.

Mayor Rogina: With respect to the idea of, using South Elgin as an example because they have one, a Stella's or Dottie's, simply a gaming parlor, they have food and so on. I believe our ordinance prohibits that, am I correct?

City Attorney McGuirk: I think what we've found, Mr. Mayor, is that making it mandatory that they are in business a year, that kind of establishment is not going to make that investment. That was our expectation and that is what's happened to date.

Mayor Rogina: Because we have it saying, a year of business, their only business is gaming, they are not going to come in to open a small parlor that is void of gaming. I stand corrected, but thank you for clarifying for me. It doesn't address your concerns. We don't have an ordinance that flat prohibits it, but in a quasi-manner I believe that we have seen evidence of that. That is always something that can be proposed.

Ald. Payleitner: Can I ask a follow up then? Mr. McGuirk, if a business comes in and changes their plan, like they came in as a restaurant and then changed to all gaming and load up on machines and have it not be a bar or restaurant after all. They would have already have had the license for a year.

City Attorney McGuirk: They have to have been opened for a year.

Ald. Payleitner: Yes, and they would have the license for a year. Any of our business that have had their license for a year can just change their business plan, is what I'm saying.

City Attorney McGuirk: I'm not sure they can load up on video gaming; you can only a limited amount.

Ald. Payleitner: Yes, 5 machines. That would be the other protection I suppose.

Mayor Rogina: In your idea that a business comes into town for a year, run a bar/restaurant and then after a year, close that all down and put in 5 machines and only have 5 machines? That doesn't sound practical.

Ald. Payleitner: You're right, that's not practical or likely. If council thinks we're covered with that, we're good.

Mayor Rogina: I think, with respect the other topic, licensing fees, the council is always in the position to increase the fees any time they want. We know that. Any other council comments?

Ald. Lewis: If it would be the council's pleasure, I would be in favor of reinstating a two-year sunset clause.

Mayor Rogina: You would have to, ok Robert's Rule would require the following-We have the ordinance on the table, if you want to add an amendment to the ordinance, we would move the amendment first, you would make a motion to amend the main motion, already on the table now, to amend to have the two-year sunset clause then you would need a second on that, then we would vote on the amendment first. To up or down that motion. If yes, it would be added to the main motion. That is the procedure. So, is that your motion?

Ald. Lewis: Yes, it is my motion to add a two-year sunset clause.

Mayor Rogina: So we are clear, the motion by Ald. Lewis to amend the main motion to add a two-year sunset clause to the ordinance.

Ald. Lewis: To the end of April 30th.

Mayor Rogina: Is there a second?

Ald. Payleitner: I'll second.

Mayor Rogina: Ok, moved and seconded. Are we clear that the motion is to amend the main motion by adding a two-year sunset clause and that yes vote on the amendment would add the clause and a no does not support that amendment. Are we clear? Any questions? I don't want a procedural error to take place here. We're voting on the amendment first, Chuck call the role.

ROLL CALL VOTE: AYE: Silkaitis, Payleitner, Lewis, Gaugel
 NAY: Stellato, Lemke, Turner, Bancroft, Gaugel, Vitek,
 Bessner
 ABSENT: None MOTION FAILS 4-6

Mayor Rogina: The motion to amend fails 6-4. We're back to the main motion, anything further on the main motion?

Ald. Payleitner: Your Honor, may I just ask again, what is the line in the sand we are looking for?

Mayor Rogina: You asked the question and if any council member wants to talk about that they are free to do so.

Ald. Gaugel: Your Honor? A couple of things, so on this motion, I saw no problem with it. It was in our last committee when we debated this; we have the opportunity to end this at any time. By putting a sunset clause in, it is almost too redundant to what we could do next month, if we wanted to. So I didn't see any harm in amending to it. IN terms of my line in the sand, my contention from the get go and my initial vote was placed as a no when we initially debated this was because of how the state was going to run this program. There are billions of dollars that are gambled on an annual basis; I firmly believe that this number is too big for Springfield to ignore. At some point, they are going to take a bigger chunk from municipalities, a bigger chunk from the gaming terminal operator as well as the establishments that host them. When that happens and there is little to no revenue coming into those establishments, as well as our city, we need to seriously consider what the benefit is because there is clearly an additional cost for administering such a program. I don't have a hard number, but the minute the state does something to change those rules, is the minute I think we need to look hard at reevaluating our position on gambling in St. Charles.

Mayor Rogina: Just as a footnote to your comments, Ald. Gaugel, I think that Staff has done a great job, on a monthly basis at committee, to provide you with hard numbers and I have the upmost faith that if something, we are in contact with our legislators all the time-if there was to be anything on the horizon, we would hear about it. And we will not hide it; I can assure you of that. I'll go so far as to say that, as long as we're on the subject and we might as well put it on the table to think about, I read the papers already, maybe you have too, the state of Illinois is seriously going to consider two items that this council may or may not be faced with but down the line will. That is A) recreational marijuana B) back to gaming-not gaming, but gambling-sports betting. We're in the middle of the NCAA Tournament and billions of dollars are being bet illegally. That's a hard question to be thinking about even down the line. This doesn't mention the little gaming situation we have here. Just something to think about. In fairness to the audience, on a controversial subject, before we have the yes and no votes, during committee we offered public comment and I have no problem with that I just don't want to see redundancies. This council over the past few years has heard everything and anything and

has vetted this pretty well. If any citizen would like to address the council on the subject, please feel free. We want to be transparent and open as much as possible.

Ald. Payleitner: Thank you Ald. Gaugel, for expressing his line in the sand. It makes me sad that no one else has one. We're just kind of tossing it out there...cancel at any time, but we won't because we have no reasons to do it, except for Ald. Gaugel.

Mayor Rogina: I really do think you have more faith in your colleagues than maybe you're portraying.

Ald. Payleitner: I guess, I just really want to know. What crime are we looking for, what social cost are we looking for? I want to know what we're looking for. That's all; I just want to know so that we can all be on the same page.

Mayor Rogina: I think you'll get the answers to your questions throughout the course of time through dialog. I think you will.

Ald. Payleitner: It's been 2-years and I haven't yet.

Mayor Rogina: Maybe posing the questions one-on-one, let's sit and talk about this and let me find out where you are at. I want to say one more things before we vote. I'll go to Ald. Lewis on this point, I really appreciated her comments a couple weeks ago in committee, when she said no matter what the vote is here, she appreciated and I agree and appreciate the civility of the conversation. Much better than a few years ago. Chuck call the role.

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

4. Motion Ald. Bancroft and seconded by Ald. Gaugel to Approve **Resolution** 2018-20 Authorizing Application to Kane County Riverboat Grant Program (7th Avenue Creek).

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

- *5. Motion by Ald. Stellato and seconded by Ald. Silkaitis to Approve a One Year Proposal with Sikich, LLP to Perform the City's Financial Statement Audit for the Fiscal Year End April 30, 2018.

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

- *6. Motion by Ald. Stellato and seconded by Ald. Silkaitis to approve an **Ordinance** 2018-M-9 providing for the issue of not to exceed \$22,900,000 General Obligation Corporate Purpose Bonds, Series 2018A for capital project purposes and not to exceed \$4,800,000 Taxable General Obligation Corporate Purpose Refunding Bonds, Series 2018B for refunding purposes, authorizing the execution of a bond order and escrow agreement, providing for the levy of taxes to pay said bonds, and authorizing the sale of each series of bonds to the purchaser thereof.

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

B. Government Services

- *1. Motion by Ald. Stellato and seconded by Ald. Silkaitis by Ald. Stellato and seconded by Ald. Silkaitis to accept and place on file the Minutes of the January 29, 2018 Government Services Committee Meeting.

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

C. Planning and Development

- *1. Motion by Ald. Stellato and seconded by Ald. Silkaitis to accept and place on file Plan Commission Resolution No. 2-2018 A Resolution Recommending Removal of a Special Use for PUD and approval Preliminary Plat of Subdivision for Cityview Subdivision (John Henry Builder Developer Inc.).

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

- *2. Motion by Ald. Stellato and seconded by Ald. Silkaitis to approve **Ordinance** 2018-Z-4 Removing a Special Use for Planned Unit Development and Granting Approval of a Preliminary Plat of Subdivision for Cityview Subdivision – 895 Geneva Road

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

- *3. Motion by Ald. Stellato and seconded by Ald. Silkaitis to accept and place on file Plan Commission Resolution No. 4-2018 A Resolution Recommending Approval for Final Plat of Subdivision for Building #2 for First Street Redevelopment PUD (City of St. Charles).

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

- *4. Motion by Ald. Stellato and seconded by Ald. Silkaitis to approve **Ordinance** 2018-Z-5 Granting Approval of a Plat of Vacation and Final Plat of Subdivision for Lot 2 of First Street Phase III.

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

- *5. Motion by Ald. Stellato and seconded by Ald. Silkaitis to approve **Resolution** 2018-21 Establishing the 2018 Inclusionary Housing Fee In-lieu Amount.

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

- *6. Motion by Ald. Stellato and seconded by Ald. Silkaitis to accept and place on file minutes of the March 12, 2018 Joint City Council and Housing Commission meeting.

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

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

Ms. Cynthia Wade, Geneva, IL Addressed the council regarding an update DoOverMe and its progress.

- 11. Adjournment** motion by Ald. Bessner and seconded by Ald. Lemke at 7:38 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).