

**ST. CHARLES CITY COUNCIL SPECIAL MEETING  
RAYMOND P. ROGINA, MAYOR**

**MONDAY, APRIL 27, 2020 – 7:00 P.M.  
CITY COUNCIL CHAMBERS  
2 E. MAIN STREET**

1. **Call to Order** 7pm by Mayor Rogina
2. **Roll Call**  
Council Chambers – Silkaitis, Payleitner, Turner, Pietryla, Vitek, Bessner  
Via Teleconference – Stellato, Lemke, Bancroft, Lewis  
Absent - None
3. **Invocation** by Ald. Payleitner
4. **Pledge of Allegiance**
5. **Administrative**
  - a. Video Gaming Statistics – Information Only
  - b. Fuel Tax Receipts February 2020 – Information Only
  - c. Electric Reliability Report – Information Only
6. **Presentations**
  - Presentation of a Proclamation Declaring May 1, 2020 through May 9, 2020 as Public Service Recognition Week in the City of St. Charles.
  - Presentation of a Proclamation Declaring May 10, 2020 through May 16, 2020 as Police Week in the City of St. Charles.
7. **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.
- \*8. Motion by Ald. Stellato and seconded by Ald. Silkaitis to accept and place on file minutes of the regular City Council meeting held April 6, 2020.

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 approve and authorize issuance of vouchers from the Expenditure Approval List for the period of 3/23/2020-4/5/2020 in the amount of \$789,059.89, and the Expenditure Approval List for the period of 4/06/2020-04/19/2020 in the amount of \$4,981,312.03.

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**

- \*A.** Motion by Ald. Stellato and seconded by Ald. Silkaitis to approve a **Resolution 2020-17**  
Awarding the Bid for Asphalt Materials to Plote Construction.

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

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

MOTION CARRIED

- \*B.** Motion by Ald. Stellato and seconded by Ald. Silkaitis to approve a **Resolution 2020-18**  
Awarding the Bid for Concrete Materials to Prairie Material.

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

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

MOTION CARRIED

- \*C.** Motion by Ald. Stellato and seconded by Ald. Silkaitis to approve a **Resolution 2020-19**  
Awarding the Bid for Hauling Services to E.D. Shands, LLC.

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

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

MOTION CARRIED

- \*D.** Motion by Ald. Stellato and seconded by Ald. Silkaitis to approve a **Resolution 2020-20**  
Awarding the Bid for Stone and Gravel Material to Viking Brothers, Inc.

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. Stellato and seconded by Ald. Silkaitis to approve a **Resolution 2020-21** Authorizing the Mayor and City Clerk of the City of St. Charles to execute a Five-Year **Contract** Extension for Mosquito Abatement Services to Clarke Environmental Mosquito Management, Inc.

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

MOTION CARRIED

- \*F.** Motion by Ald. Stellato and seconded by Ald. Silkaitis to approve a **Resolution 2020-22** to Authorize a Five-Year **Contract** for Landscape Maintenance Services to Cornerstone Partners Horticultural Services Co. in the amount of \$31,249.68 per year.

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

MOTION CARRIED

- \*G.** Motion by Ald. Stellato and seconded by Ald. Silkaitis to approve a **Resolution 2020-23** Authorizing the Mayor and City Clerk of the City of St. Charles to execute a One-Year Contract Extension for Street Sweeping Services to Lakeshore Recycling Systems.

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

MOTION CARRIED

- \*H.** Motion by Ald. Stellato and seconded by Ald. Silkaitis to approve a **Resolution 2020-24** Authorizing the Mayor and the City Clerk of the City of St. Charles to Waive the Bid Procedure for 2020/2021 ordering gasoline & diesel Fuel (bio-diesel) per order on an as needed basis, to Al Warren Oil Co, Bell Fuel, Buchanan Energy, Feece Oil, Gas Depot Oil Co, & Parent Petroleum.

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

MOTION CARRIED

- \*I.** Motion by Ald. Stellato and seconded by Ald. Silkaitis to approve a **Resolution 2020-25** Authorizing the Mayor and the City Clerk of the City of St. Charles to Waive the Bid Procedure & allow “Spot Buying” of Cable & Transformers on as as-needed basis 2020/2021, to Anixter, EESCO, Universal Utility Supply, & RESCO, respectively.

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

MOTION CARRIED

- \*J.** Motion by Ald. Stellato and seconded by Ald. Silkaitis to approve a **Resolution 2020-26** Authorizing the Mayor and the City Clerk of the City of St. Charles to Waive the Bid Procedure and Accept the Blanket Switchgear Quote from Federal Pacific for Stock Switchgear for Fiscal Year 2020/21.

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

MOTION CARRIED

- \*K.** Motion by Ald. Stellato and seconded by Ald. Silkaitis to approve a **Resolution 2020-27** Authorizing the Mayor and the City Clerk of the City of St. Charles to Waive the Bid Procedure and Accept the Blanket Cable Quote from Anixter, Inc., for Okonite Cable for Fiscal Year 2020/21.

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

MOTION CARRIED

- \*L.** Motion by Ald. Stellato and seconded by Ald. Silkaitis to approve a **Resolution 2020-28** to approve Construction Engineering Agreement for the South 7th Avenue Resurfacing Project with Hampton, Lenzini and Renwick, Inc. in an amount not to exceed \$95,820.

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

MOTION CARRIED

- \*M.** Motion by Ald. Stellato and seconded by Ald. Silkaitis to approve a **Resolution 2020-29** Authorizing the Mayor and City Clerk of the City of St. Charles to approve a Contract for Traffic Signal Maintenance with Meade, Inc.

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

MOTION CARRIED

- \*N.** Motion by Ald. Stellato and seconded by Ald. Silkaitis to approve a **Resolution 2020-30** to Award the Bid for Well # 9 Electrical Improvements and Generator Replacement to Newcastle Electric, Inc. in the amount of \$177,250.

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

MOTION CARRIED

- \*O.** Motion by Ald. Stellato and seconded by Ald. Silkaitis to approve a **Resolution 2020-31** to Approve Professional Service Agreement for Well #7 and #13 Interconnection Project to Trotter and Associates, Inc. in the amount of \$867,000.

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

MOTION CARRIED

- \*P.** Motion by Ald. Stellato and seconded by Ald. Silkaitis to approve a **Resolution 2020-32** Approve Contract Extension for Water, Sanitary Sewer and Storm Sewer Underground Point Repairs to Mid-American Underground in the amount of \$650,000.

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

MOTION CARRIED

- \*Q.** Motion by Ald. Stellato and seconded by Ald. Silkaitis to approve a **Resolution 2020-33** to approve Engineering Services Agreement for Basin SCO5 Phase 1 Flow Monitoring with Engineering Enterprises, Inc. in an amount not to exceed \$87,533.

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

MOTION CARRIED

- \*R.** Motion by Ald. Stellato and seconded by Ald. Silkaitis to approve a **Resolution 2020-34** Approving an Electric Easement at 2445 Dean Street Entrance.

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

MOTION CARRIED

- \*S.** Motion by Ald. Stellato and seconded by Ald. Silkaitis to approve a **Resolution 2020-35** Awarding the bid for Directional Boring Services and Landscape Restoration Services to Archon Construction Company in the amount of \$250,000.

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

MOTION CARRIED

- \*T.** Motion by Ald. Stellato and seconded by Ald. Silkaitis to Approve a **Resolution 2020-36** Authorizing the Mayor and the City Clerk of the City of St. Charles to Approve the Award of One (1) 2020 Altec Model DB37 Hydraulic Derrick "Backyard" Machine and Sell the replaced Altec Model DB30 unit number 2184 and its trailer unit number 2183.

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

MOTION CARRIED

Koenen – This is an extension to the executive powers that have been granted before and this order would pick up May 4<sup>th</sup>, and would then end when the governor's orders have lifted. Executive order number 2 talks about masks and an if needed, enforcement of those that do not comply with face covering. The courts have upheld a ruling of a downstate lawsuit that could have ramifications to the stay home order and we are watching this as it will play through the courts and how it is ruled will have bearing on our orders also. Nick Peppers can also answer questions as needed.

Rogina – I'd like to make clear, any executive powers granted to the mayor's office, I would bring these issues to the council to ratify and leave the decision to you, in regards to things like the mask issue. IN regards to the ruling in Clay County, as someone who's studied law in my teaching career, I understand the issue here, it's the governor's powers verses the argument that there needs to be legislative backing, I get that and it is a dialog for the courts.

Payleitner – In the COVID IML update, it says that this ruling only applies to the one rep, he is the only one that doesn't have to abide the rules.

Rogina – If a judge rules in his favor, it has impact in Clay County, not in St. Charles, am I correct Mr. Peppers?

Peppers – That is correct, that order was for specific for that gentleman and opens the door for other suits to be filed and until it ends up in the Illinois Supreme Court, it only impacts the one person.

Payleitner – Listening to the governor, and I don't want to speak for Rep. Bailey, but this is more a call for the governor to allow the reps back in Springfield and allow them to do the work of the people, they need to be helping with the decisions. I think this is what is prompting this, the message is clear to the governor and all forms of government need to be doing their work, ourselves included, school boards are, local governments are but Springfield isn't. It is a push to get back to work. Also, to be clear, this extension would say that as long as Illinois has a state of emergency, St. Charles will also, correct?

Rogina – I agree, well said on your points and to the last point, yes and Nick, can you speak more on that?

Peppers – This body has the authority to extend that state of emergency, should you choose not to extend it, it would end on May 4<sup>th</sup>. The ordinance is setup that if the emergency is rescinded or expires, then it would hold true to that.

Payleitner – That's part of my concern is that, we may not see an end to this for six months, maybe a year and a half. To link this to just the pandemic, may not be the smartest thing.

Rogina – That's why we've done this in chunks. As Nick says, if you choose to shoot this down, the effect is that there are no super powers and everything comes before you guys, I'm not saying that you will, I'm just giving you the options. The governors order on masks are still in play but if someone were to not use one in a store, the police don't have much authority to do anything about it, this gives them that option. This is not setup because we want to penalize people, each person has their own ideas of all of this.

Turner – Attorney Peppers, if this is still in the courts on May 1, are the governor's authority gone?

Peppers – No, that ruling only applies to that one person, its not set for status until next week and the governor is trying to get a stay of that order in the next few days and it will continue to work through and until there is a general ruling saying it is unconstitutional, the order stays in effect.

Turner – If someone files a class action, this whole thing could be up in the air, yes?

Peppers – It would depend on the class action and whom the order is presented against.

Lemke – I encourage businesses to encourage customers to wear mask and the stores have ability to refuse service to those who don't comply, is that correct?

Koenen – That is correct, they can refuse service and ask customer to return and get a mask and that is being done already in the Tri-Cities currently.

- U. Motion by Ald. Bessner and seconded by Ald. Pietryla to approve an **Ordinance 2020-M-15** 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, Bancroft, Vitek, Pietryla, Bessner,  
Lewis  
NAY: Turner  
ABSENT: NONE  
ABSTAIN: NONE

MOTION CARRIED

- V. Motion by Ald. Silkaitis and seconded by Ald. Payleitner to approve an **Ordinance 2020-M-16** Amending Title 13, "Public Utilities, Chapter 13.12 "Sewers" of the St. Charles Municipal Code to Allow for Changes in the Rate Structure for the Sewer Utility.

VOICE VOTE: AYE – UNANIMOUS NAY-NONE ABSENT: NONE MOTION CARRIED

- W. Motion by Ald. Bessner and seconded by Ald. Turner to approve an **Ordinance 2020-M-17** Amending Title 13, "Public Utilities, Chapter 13.16 "Water" of the St. Charles Municipal Code to Allow for Changes in the Rate Structure for the Water Utility.

VOICE VOTE: AYE – UNANIMOUS NAY-NONE ABSENT: NONE MOTION CARRIED

- X. Motion by Ald. Pietryla and seconded by Ald. Payleitner to approve the Service Agreement with the History Museum for FY 2020-2021 in the amount of \$46,000.

Payleitner – I made this comment when these groups came before us to ask for these funds, they have their own budgets and adjustments to be made in this current time, we all have, I'm okay to approve the funding for this year but, post-COVID, I want to be on the record and issue a warning that this money may not be here next year.

Rogina – If I may comment, to echo you, Mr. Koenen and I met with the Business Alliance and looking ahead for the year, we spoke almost those same words, I wanted to point that out.



VOICE VOTE: AYE – UNANIMOUS NAY-NONE ABSENT: NONE MOTION CARRIED

Silkaitis – Since some of this funding is through the Hotel/Motel tax, could that be decreased because of the pandemic? Or is this based on last year's numbers?

Minick – The service agreement locks us into that funding level for 2020/2021. Once this is approved, it is set for the year. The tax structure of the hotel/motel tax ordinance states that the residual amounts, after outside organizations are funded, the balance goes into the city's general fund. If this is approved for the proposed amount, and there was a reduction in the hotel/motel tax, that balance would come from the general fund. We could seek agreement from the Business Alignment and see if they would agree to a voluntary reduction if that becomes the case.

Silkaitis – That is what I'd like to see happen because we will be on the hook and we don't know that that amount will be this year.

Rogina – You have one of two choices, you can take from the general fund or reduce the amount as he indicated.

Silkaitis – I would rather not borrow from the general fund because that may be taking a hit this year already. I'd like to see the tax monies to be split up among these organizations and not to come from the general fund.

Rogina – You're on the record saying that.

Koenen – In terms of the general fund, it is one bucket and in that bucket the revenues come from the hotel/motel tax, video gaming, liquor tax, property tax, sales taxes, and other resources feed into it. In that effect, how we've handled hotel/motel, we have used that to fund the museum, visitor's culture commission, alliance, Pride of the Fox and in the case of the alliance, they requested the funding that was discussed in committee and that comes from the hotel/motel tax, for almost \$700,000, the hotel/motel tax is \$2 million and that balance would be then into the city general fund. If, for example, the tax goes to \$50,000, the alliance would still receive their \$600,000 plus funding and the general fund, however would receive less money, it would not necessary mean we are spending general fund money, it is just receiving less revenue.

Silkaitis – That is how I read it and that is a problem for me.

Rogina – I think maybe it was Ald. Lemke who said in a prior meeting, as we move forward through COVID, you've directed staff to preset priorities on where we may cut if needed. That will be presented at some point. Staff is handling this now, and we don't really have a grip yet on what revenue losses may be. As the days move along, we will understand what that really looks like and right now might be too early.

Silkaitis – Mr. Peppers has told me that we are obligated to give them money, they are not obligated to give money back, is that correct?

Rogina – You just passed the History Museum, you're obligated to give them \$46,000. Same thing here, larger number but the same principle, vote it up or down, up to you.

Silkaitis – Can we cut, or can we ask them to take less?

Peppers – Regardless of the tax revenue, you're still obligated to pay the agreed amount and it would be made up through the general fund, should it be short. If your tax goes below, you're still obligated to the \$698,000. You would have to get an agreement from the organization to adjust and agree.

Silkaitis – After the fact, they would have to agree to it.

Lemke – Could that be done by renegotiation?

Rogina – Everything can be negotiated.

Lewis – When you spoke to them last week, did you bring up a renegotiation of this years contract?

Rogina – No, there was no discussion of that, I made the point and echoed what was talked about a few weeks about the future being murky and maybe discussing budget cuts, but nothing specific.

Lewis – It was not for this year's budget, you were speaking about next year's budget but I think Ron is talking about this year's budget.

Rogina – 2020/2021 is what he is talking about, there is no motion on the floor at this point to approve this service agreement.

Vitek – We've discussed this many times and we depend on them for marketing and not everyone agrees on that but we just approved the history museum and there is always a what if, we are all planning for what if and until we know more, I think we do need to move forward to these groups that we have already discussed and approve them. There might be more discussion but I'm happy to make the motion.

**Y.** Motion by Ald. Vitek and seconded by Ald. Lemke to approve a Service Agreement with the St Charles Business Alliance in the Amount of \$698,600 for Fiscal Year 2020-2021.

Payleitner – I wanted to comment before the motion but that's okay. We had to take reserve funds to balance this years budget, I talked to Mr. Minick and he explained it all to me but remind me, did we take Pheasant Run into account when this years budget was proposed?

Minick – Yes we did.

Payleitner – I think that was a big hit for us, I wonder in that regards, perhaps we need to alert for next year that there will be an additional hit.

Rogina – I think the council has already sent out that alert, not only to next years budget, but to this year's budget also. There may be tough choices to be made. The work of this group, the chamber and all these others that are in the weeds since the COVID started, they are effective with helping the businesses. From my seat, we don't know what the next few months will bring but for the moment, this is a good expenditure.

Payleitner – I think the point Ald. Vitek was making, these groups have already put their budgets forward and made their plans for the coming year and it would be unkind to pull the run out for this year, but moving forward we need to pay as promised and with the large unknown ahead, heads up.

Rogina – You and Ald. Silkaitis are already on the record saying that and there is nothing wrong with that at all.

Payleitner – If anything, we will need a big marking push once this all lifts.

Rogina – Trust me when I say that their business footprint has changed since their budgets were presented.

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

MOTION CARRIED

- Z.** Motion by Ald. Payleitner and seconded by Ald. Pietryla to Approve a **Resolution 2020-37** for the One-Year Contract and Lease Agreement with A.I.D. (Association for Individual Development).

VOICE VOTE: AYE – UNANIMOUS NAY-NONE ABSENT: NONE MOTION CARRIED

- AA.** Motion by Ald. Silkaitis and seconded by Ald. Payleitner to Approve a **Resolution 2020-38** for the School Resource Officer Agreement for School Years 2020-2023.

VOICE VOTE: AYE – UNANIMOUS NAY-NONE ABSENT: NONE MOTION CARRIED

Rogina – This is all the same just the date changes, this has been part of the community for several years now, it's a great organization.

Payleitner – A question, as it applies to language, for this and the others coming along also, it is recommended for approval contingent upon any governmental sanctions regarding public gatherings, on the outside chance the governor says okay, I'm done and puts it on the municipalities, we too can make the call that no, we are not allowing large groups. Is that correct? I'm guessing that is the case, we are any governmental body.

Keegan – That would be an obvious question for Attorney Peppers, but I think what we just enacted earlier this evening gives the mayor that authority and could bring it back to city council as he sees needed.

Peppers – Only to the extent that this council continues to extend the declaration of emergency into September or October and going into the next item, yes any governmental action would be the mayor or this council might do.

Rogina – Something of that nature, I would bring to you for your approval or rejection, you have that power.

Payleitner – Right, provided that the emergency is in place. Right, thank you.

Lewis – To comment, I'd like to commend them for stepping up and seeing that this is something that would be difficult to do and talking into their own hands to secure another date and location and coming back to us. I'm happy that they've done that.

- BB.** Motion by Ald. Bessner and seconded by Ald. Pietryla to Approve a Proposal for a New Class E-1 Temporary Liquor License for the "Hops for Hope 5K" to be held at Mount Saint Mary Park Rescheduled for October 3, 2020.

VOICE VOTE: AYE – UNANIMOUS NAY-NONE ABSENT: NONE MOTION CARRIED

- CC.** Motion by Ald. Pietryla and seconded by Ald. Payleitner for Approval of 1<sup>st</sup> Street Plaza, Street, and Parking Lot Closures and Amplification License for the Fine Art Show Rescheduled for September 10-13, 2020, and now known as the St. Charles Fine Art & Jazz Weekend.

Rogina – You see that the same caveat applies here as in the last one.

VOICE VOTE: AYE – UNANIMOUS NAY-NONE ABSENT: NONE MOTION CARRIED

- DD.** Motion by Ald. Bessner and seconded by Ald. Pietryla to approve a **Resolution 2020-39** Authorizing and Directing the Mayor to Execute and the City Clerk to attest to the Execution of a Certain Extension of the Employment Agreement with Mark W. Koenen, City Administrator.

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

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

MOTION CARRIED

- EE.** Motion by Ald. Payleitner and seconded by Ald. Silkaitis for Mayor Rogina to Approve the Appointments of New Members to City Boards and Commissions for Fiscal Year 2020/2021.

VOICE VOTE: AYE – UNANIMOUS NAY-NONE ABSENT: NONE MOTION CARRIED

- FF.** Motion by Ald. Silkaitis and seconded by Ald. Payleitner for Mayor Rogina to Approve the Reappointments of Members to City Boards and Commissions for Fiscal Year 2020/2021.

VOICE VOTE: AYE – UNANIMOUS NAY-NONE ABSENT: NONE MOTION CARRIED

- GG.** Motion by Ald. Bessner and seconded by Ald. Pietryla for Mayor Rogina to Approve the Reappointment of City Administrator for Fiscal Year 2020/2021.

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

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

MOTION CARRIED

- HH.** Motion by Ald. Pietryla and seconded by Ald. Bessner for Mayor Rogina to appoint Scott Swanson as the Chief of Fire for the City of St. Charles.

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

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

MOTION CARRIED

- II.** Motion by Ald. Bessner and seconded by Ald. Pietryla for Mayor Rogina to appoint Department Directors as recommended by City Administrator Mark Koenen for Fiscal Year 2020/2021.

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

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

MOTION CARRIED

- JJ.** Motion by Ald. Silkaitis and seconded by Ald Payleitner for Mayor Rogina to Approve the Reappointment of Tracey Conti as Deputy City Clerk for Fiscal Year 2020/2020.

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

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

MOTION CARRIED

- KK.** Motion by Ald. Bessner and seconded by Ald. Pietryla for Mayor Rogina to Approve the Reappointment of City Attorney Nicholas S. Peppers of the Law Firm Storino, Ramello & Durkin for Fiscal year 2020/2021.

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

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

MOTION CARRIED

- LL.** Motion by Ald. Bessner and seconded by Ald. Turner for Mayor Rogina to Approve the Reappointment of Prosecuting Attorney Timothy O'Neil for Fiscal Year 2020/2021.

VOICE VOTE: AYE – UNANIMOUS NAY-NONE ABSENT: NONE MOTION CARRIED

- MM.** Motion by Ald. Silkaitis and seconded by Ald. Payleitner for Mayor Rogina to Approve the Appointment of Patrick Crimmins as the Prosecuting Attorney for the City of St. Charles Liquor Control Commission for Fiscal Year 2020/2021.

VOICE VOTE: AYE – UNANIMOUS NAY-NONE ABSENT: NONE MOTION CARRIED

- NN.** Motion by Ald. Turner and seconded by Ald. Payleitner to approve an **Ordinance 2020-M-18** Amending Title 9 “Public Peace, Morals and Welfare”, Chapter 9.64 “Penalties”, Section 9.64.010 “Penalties” of the City of St. Charles Municipal Code

VOICE VOTE: AYE – UNANIMOUS NAY-NONE ABSENT: NONE MOTION CARRIED

## **II. Committee Reports**

### **A. Government Operations**

1. Motion by Ald. Lewis and seconded by Ald. Bancroft to approve a Proposal for an E4 Liquor License Application for Pollyanna Brewing Company's Summer Soiree Event taking place on July 18, 2020 at 106 S Riverside Avenue, St. Charles. *Contingent upon any governmental sanctions regarding public gatherings, social distancing, etc., pertaining to COVID-19.*

Payleitner – I pulled this from Omnibus, although it was already touched in in the recommendation from Attorney Peppers about the language about any governmental sanctions. I wanted that clear that for some reason down the road, even though this is into the summer, there is a good chance that large group activities will still be on hold, that the parties understand that maybe this will not be allowed. Please note the caveat.

Rogina – This is a good point, let me ask a question. There have been a few other mayors in the area that have brought that up relative to events like this, procedurally my questions is this, the governor says that groups can gather, he says that, if this council takes exception to that, explain to me procedurally how you think that should go.

Payleitner – My understanding, from when I asked the question of Mr. Peppers was that it falls under you, but if you are saying there is no longer an emergency?

Rogina – exactly right, no emergency power, in fact there is a soft re-opening in the economy and included in that is this expansion of group gathering to some number, let's say 150 for fun, and members of this council, maybe not the whole council, but members take exception to that, how do we proceed?

Turner – I think we'd have a vote on that.

Payleitner – I think that's the point.

Rogina – So you are saying that someone would ask for a special meeting for that purpose?

Silkaitis – To discuss whatever we'd need to discuss.

Rogina – Would you agree ahead of time, that you'd allow staff or me, to go to them to avoid that meeting and say we think there is a little angst among the council on this one, would you like to withdraw this one before we have a formal vote? If so, how long before that event?

Payleitner – Things change every other week.

Silkaitis – Someone could call a special meeting, I think we need to vote on it either way.

Rogina – I don't disagree with you, we should vote on it.

Payleitner – What I wanted to do is get clarity, contingent upon any governmental sanctions. I wanted it clear.

Rogina – That it leaves the door open, I see what you're saying.

Pietryla – According to the April 6<sup>th</sup> minutes for committee, I was the one that did the motion on that item because I was on liquor commission, that provision is in every motion, that it is contingent upon any governmental sanctions.

Rogina – She wanted clarification on that, meaning this body here, as opposed to the governor.

Payleitner – That is the clarity I wanted on the record.

Rogina – Ald. Lewis, you're the maker of this motion, is that alright with you? Is there anything you'd like to add?

Lewis – I do want to add something because it pertains to all three that we are going to be talking about, that it is not to deny the events, per say, it is how do we go about approving them and then not having them, or the discussion we want to have. I had a nice discussion with Chief Keegan this afternoon, it is important to realize that these are festivals, not opening businesses back up, these are festivals that we are approving on public property. That is the issue we need to look at as a governing body, how many people will we allow? How much is it going to tax our already taxed first responders to then have to go in and try to monitor, if we have to still wear masks, if we still have to be limited in gathering sizes, what kind of burden are we going to be putting on police and fire to have to monitor the events. Most festivals have been cancelled already, Geneva has cancelled Swedish Days, Chicago has cancelled many things, all festivals. These are fundraisers that are happening on public property. In fairness to them, Chief pointed this out to me, we also have to give them time to cancel their event. We can't go in a week before and say this will be cancelled. I think the conversation is more, how do we approve with a date like Hops of Hope, to be determined? Is that how we approve this? I don't know how we can approve the next one, it's supposed to happen May 30<sup>th</sup>. We are still under shelter at that point. Those were the things that were confusing to me that I wanted to have the discussion and input on.

Rogina – The city of Chicago has looked ahead to a number of events and have cancelled many. This body here can do what they please on that particular issues because you put that caveat in and your best judgment should determine what you can do there. I do agree with Ald. Lewis that you have to give people a heads up, when we get to the next one, May 30<sup>th</sup>, we can talk about that in a minute but, are you suggesting Ald. Lewis, that we look ahead and scratch some of these period?

Vitek – It is tricky because May is different than July, and July isn't all that different than September and we will have nervousness from residents and participants, Ald. Lewis brings up a good point about masks, I guess my questions is, if Ryan Wagner is on the phone call, I wouldn't want to make a decision for a business or what their lead time would be for what they need to make a decision. I'm comfortable with approving this, but what do they need for a lead-time? Chief Keegan, from your conversations, do you have a sense?

Keegan – Thank you, I have had this conversation with Ald. Lewis today and some of the comments are accurate, we need to be fair and just to the applicants because they have many things to plan and need lead time to prepare and plan. How much time is fluid depending on the event, but the more time is better for both sides. The ones around the corner we will talk about coming up in May, that is a different discussion. As we get closer and get a good feel for the state of affairs, we will be able to make a more informed decision. Being at the end of April, we have a couple of months before the event takes place but I would ask for a contingent approval as we have talked about and then monitor the situation as we approach. At minimum I think 30 days notice is fair to cancel, if anyone wants to comment on that, 30 days might be a good basis to follow.

Rogina – To Ald. Silkaitis' point earlier, if we take suggestion from staff, they are in the position to do that leg work and run interference so we don't have to have a special meeting by staff going to that group and saying that we are going to recommend that we will pull the plug. If you don't voluntarily go along with it, we will then have to have a special meeting to do such. As Chief Keegan just outlined very well, staff is in position to outline each of these and indicated what he thinks about the next one coming up. I think it is a safe play.

Payleitner – Trusting staff, as Chief does, since the petitioner isn't at the meeting, there will be a follow up and say this is what council decided and highlight that please note the caveat and this will be revisited.

Rogina – Through communications with Mr. Koenen, he's way ahead of the game, the Chief is in the position to evaluate the safety of the situation regarding to the pandemic, ahead of time and from there Mark can communicate can tell you what he's going to recommend and see what we can do and if not we'll have to have that special meeting. We're trying to avoid that but if we have to do it, we will.

Lewis – For Chief Keegan, are you aware of other events that might be coming before us that people are looking for approval on for this summer? Are we still receiving applications?

Keegan – It has slowed down but tonight we are going to talk about STC Live, the first date coming up at the end of May, Unwind Wednesday is the same things, runs Memorial Day to Labor Day so there is an event there we need to talk about, and of course the craft beer festival that is the end of May so three are going to be talked about that were removed from Omnibus, as far as upcoming? The



marathon in September, street closures, that is coming, Pollyanna in July, others people have talked about things they would like but they have been tabled for now because of COVID. It's slowed but there are three events that we are likely going to have to take action on tonight.

Lewis – That I understand I guess you answered the question, there are not any more applications at this point that are pending.

Rogina – We are allowing the Park District decide on the 4<sup>th</sup> of July and fireworks, that's the park district call but we help them with finances but it's on them.

Koenen – They have not made a decision yet.

Rogina – To you point, we have nothing on the 4<sup>th</sup> yet. The motion on the floor is an approval, subject to the caveat we talked about.

Payleitner – Adding to that, the risk is on the applicant, not us. If they make an investment on tables and tests prior to that 30-day window, they do that knowing there is a chance it can be pulled.

Rogina – I agree with you on that, I'm confident that the staff will take care and give signals prior to that time.

VOICE VOTE: AYE – UNANIMOUS NAY-NONE ABSENT: NONE MOTION CARRIED

2a – Motion by Ald. Lewis and seconded by Ald. Bancroft to direct staff to discuss a future date with D & G Brewing for a future date for the St. Charles Craft Beer Festival.

VOICE VOTE: AYE – UNANIMOUS NAY-NONE ABSENT: NONE MOTION CARRIED

2b. Motion by Ald. Lewis to approve a Proposal for a New E1 Liquor License for D & G Brewing for the St. Charles Craft Beer Festival taking place on May 30, 2020 in Lincoln Park. *Contingent upon any governmental sanctions regarding public gatherings, social distancing, etc., pertaining to COVID-19.*

Motion fails to receive a second, therefore the motion dies.

3. Motion by Ald. Lewis and seconded by Ald. Turner to approve a Proposal for a New Class E-4 Temporary Liquor License and a Loudspeaker Application for a Special Event, Unwind Wednesdays, to be held on the First Street Plaza. *Contingent upon any governmental sanctions regarding public gatherings, social distancing, etc., pertaining to COVID-19.*

Lewis – I am concerned that it might be too soon to open the plaza to festivals and crowds in the beginning of June, My recommendation would be to take it in steps at a time, a later date in the summer when we can start these kids of activities. I'm not going to be able to go to my grandson's high school graduation in the beginning of June, I'm not sure why we would be having large gatherings of people on the public plaza at that date in time. First date is June 3<sup>rd</sup>.

Keegan – There are 14 events planned, starting Wednesday June 3<sup>rd</sup> through Wednesday September 2<sup>nd</sup>, total of 14 Wednesday evenings.

Turner – I suggest these business owners aren't stupid, if they think they aren't going to get a crowd, they won't put the event on. I say go ahead and approve them because as its happening right now, we have places open that are supposedly can be open but the owners know they are not going to get people there. I would give this off to the people and let them make the decision on this.

Lewis – This is an outside event. The business can be open if the okay is there for them to be open. This is public plaza and my guess is there may be some restrictions as to how many people can gather at that point in time, in one place. I think this is different from businesses opening their doors to festivals on public property, trying to send a message to people to still have good hygiene and good personal practices, I'm not sure that we should as a community be promoting events like this.

Rogina – If I may add here, I think the staff and the staff at the business alliance work well, Ald. Turner's point, I don't think anyone is going to place anyone in jeopardy here on these dates. The dates are fluid obviously and the Chief has indicated that there are 14 of them, seems to be that in a case by case basis, pending what the state decides to do and pending good judgment, we can more this along pretty well. The motion is 14 dates, Wind Down Wednesday, do what you want with the motion.

Vitek – We do need to approve things, I don't want us to step outside what the governor is saying and start making our own order, right now we know what the order is and its until May 30. We have the list of events and I think the community will use it's best judgment and we can provide that input still and Chief will also provide that judgment as directed, I would like positivity around things opening up in a public space. People are allowed to gather, as long as that is the rule and the order is lifted, people will be welcomed to gather there and I think there will be judgment on how many people can gather. We will follow those guidelines. I think to send the message that we are not approving that are currently outside the order, I would not like to see us do that.

Lewis – For Chief, if these were to open, and a limited amount of people are allowed to gather, how do you enforce that? Who would you tell that they had to go home, or keep out? How would that be enforced, a limited amount of people on the plaza?

Keegan – We would work with their security plan, we have many tools that they can use to keep counts, and to keep people from entering in. We work with them to keep it safe. I'm confident that we can do that. I think the mayor used the example of June 1, 150 people-I know that we can work with all the parties involved. If people want to come and that is the start of the summer season, and people's attitudes are lifted based on the restrictions being lifted, I am confident we can pull that off and we would do that with everyone's cooperation.

Turner – Through this discussion, I hope it doesn't go further but I think we are treating our residents like babies, like they don't know what they are doing. This is a free country and if they want to go to that, they can if there are no restrictions, they can go to it. It is up to them to maintain their own health and safety, if they want to and if someone doesn't want to be near someone, they can go away.

Rogina – Can I clarify that statement to say that the governor’s order is lifted and there are guidelines on gatherings and all?

Turner – Yes

Payleitner – I trust the chief and staff to over see this, I don’t trust the businesses and I don’t trust the residents, I’m sorry I don’t. Look what happened St. Patrick’s Day. There were recommendations made and still every bar was jammed on March 12th. There was, at that time, a recommendation in place.

Rogina – Wait a second, that was before the shut down.

Turner – So what, there was a recommendation?

Payleitner – That’s right and look what they did.

Rogina – March 17<sup>th</sup>, they were supposed to have an event on the plaza and they pulled that voluntarily.

Payleitner – I agree, that’s what I’m saying is that the bars were still jammed. All that to say, I trust what the chief’s recommendation, that he will work with the groups and enforce and work with them to maintain order. Even if there is not an edict from the governor, I think it will be on the chief to work with the applicants to work it out or bring it back to council.

Rogina – That’s the key point, it’s the option to bring it back, vote on it and should there be any problem and the intent is to trust the chief and work it out with the promoter.

Turner – I am going to trust the public too on this, this is getting a little absurd telling people where they can and cannot go on a supposition that is over a month or two away where we don’t know what’s going to happen. Let’s let people make their own decisions.

Silkaitis – For Mr. Peppers, since it’s a public plaza, lets just say someone gets the virus, do they have any recourse to the city because we allowed it on public property?

Peppers – Are you assuming there is a governmental order in place not to be there? If all the governmental restrictions are removed and not in place and someone gets the flu, or gets any other disease, I’m assuming they have insurance and indemnification as part of using our public plaza, we still have tort immunity, I’m not concerned about that, no.

Silkaitis – Thank you

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

NAY: Lewis

ABSENT: NONE

ABSTAIN: NONE

MOTION CARRIED

- \*4. Motion by Ald. Stellato and seconded by Ald. Silkaitis to approve Late Night Permits for Class B, C and G licenses of the City of St. Charles for FY 2020/2021, effective June 1, 2020.

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

MOTION CARRIED

5. Motion by Ald. Lewis and seconded by Ald. Bancroft for Approval of the use of West First Street Plaza and Amplification License for the STC Live. *Contingent upon any governmental sanctions regarding public gatherings, social distancing, etc., pertaining to COVID-19.*

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

MOTION CARRIED

6. Motion by Ald. Lewis and seconded by Ald. Payleitner to Approve Street and Parking Lot Closures and Use of Amplification Equipment for the 2020 Fox Valley Marathon. *Contingent upon any governmental sanctions regarding public gatherings, social distancing, etc., pertaining to COVID-19.*

VOICE VOTE: AYE – UNANIMOUS NAY-NONE ABSENT: NONE MOTION CARRIED

- \*7. Motion by Ald. Stellato and seconded by Ald. Silkaitis to Approve Proposed Revisions to the Rules and Regulations of the Board of Fire and Police Commissioners.

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-M-19** Reserving and Authorizing the Transfer of Volume Cap in Connection with Private Activity Bond Issues and Related Matters.

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 approve an agreement with IT Solutions Group, Inc. for professional services, software, and hardware for a not-to-exceed cost of \$51,101.

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 a **Resolution 2020-40** Authorizing the Execution of an Agreement between the City of St. Charles and the Metropolitan Alliance of Police St. Charles Chapter 27 (Police Officers).

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 from the April 6, 2020 Government Operations Committee meeting.

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

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

MOTION CARRIED

**B. Government Services**  
None

**C. Planning and Development**  
None

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

**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)

Motion to enter Executive session by Ald. Lemke and seconded by Ald. Turner or Collective Bargaining at 8:43pm

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

NAY: NONE

ABSENT: NONE

ABSTAIN: NONE

MOTION CARRIED

Motion to exit Executive Session by Ald. Turner and seconded by Ald. Payleitner at 9:03pm

VOICE VOTE: AYE – UNANIMOUS NAY-NONE ABSENT: NONE MOTION CARRIED

**11. Adjournment** motion by Ald. Turner and seconded by Ald. Pietryla at 9:05pm

VOICE VOTE: AYE – UNANIMOUS NAY-NONE ABSENT: NONE MOTION CARRIED

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Charles Amenta, City Clerk

CERTIFIED TO BE A TRUE COPY OF ORIGINAL

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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](mailto: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).

