

**MINUTES FOR THE
ST. CHARLES CITY COUNCIL MEETING
RAYMOND P. ROGINA, MAYOR
MONDAY, OCTOBER 19, 2020 – 7:00 P.M.
CITY COUNCIL CHAMBERS
2 E. MAIN STREET**

1. **Call to Order** by Mayor Rogina at 7:00 pm
2. **Roll Call**
Present – Stellato, Silkaitis, Payleitner, Lemke, Bancroft, Gruber, Vitek, Pietryla, Bessner, Lewis
Absent – None
3. **Invocation** by Ald. Payleitner
4. **Pledge of Allegiance** by Ald. Bessner
5. **Presentations**
 - None
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 Retreat held on September 26, 2020.

In Favor – Stellato, Silkaitis, Payleitner, Lemke, Bancroft, Gruber, Vitek, Pietryla, Bessner, Lewis
Opposed – None
Abstain – None
Absent –None
- *8. Motion by Ald. Stellato and seconded by Ald. Silkaitis to accept and place on file of the regular City Council meeting held October 5, 2020.

In Favor – Stellato, Silkaitis, Payleitner, Lemke, Bancroft, Gruber, Vitek, Pietryla, Bessner, Lewis
Opposed – None
Abstain – None
Absent –None
- *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 9/21/2020-10/4/2020 in the amount of \$2,315,014.09.

In Favor – Stellato, Silkaitis, Payleitner, Lemke, Bancroft, Gruber, Vitek, Pietryla, Bessner, Lewis
Opposed – None
Abstain – None
Absent –None

I. New Business

- A. Motion by Ald. Bancroft and seconded by Ald. Stellato to approve an **Ordinance 2020-M-46** Confirming and Extending a Declared State of Emergency within the City of St. Charles Due to the COVID-19 Pandemic until the next regularly scheduled City Council Meeting (November 2, 2020).

In Favor – Stellato, Silkaitis, Payleitner, Lemke, Bancroft, Gruber, Vitek, Pietryla, Bessner, Lewis
Opposed – None
Abstain – None
Absent –None

- B. COVID-19 Update
Earlier today, Administrative Intern, Benjamin Nielsen, joined Mayor Rogina and City Administrator Koenen in a Zoom conference call with the Kane County Health Department, including Executive Director Barb Jeffers and other Fox Valley Mayors. Benjamin now informs the Council on the current status of COVID-19 to facilitate decisions on local policy. The statistics show incremental increases in the positivity rate last week, and massive spikes over the weekend throughout the entire state. Kane County's rolling 7-day positivity rate is now at 10.7% (3-day lag period in reporting). The Region 8 (DuPage and Kane Counties) hit the 8% level. If this level continues for 2+ days, the region will be subject to enhanced mitigations imposed by the State of Illinois. These mitigations have included closing indoor dining and bar service for other Regions. Benjamin shared examples of Regions having Tier 1 and Tier 2 level mitigations imposed. Hospital available capacity has decreased, and is now at 30% for surgical and medical bed availability, which is above the 20% threshold for increased mitigations. St. Charles and Tri-City positivity rates have remained relatively stable, and are at 4.7% for area code 60174 and 4.3% for 60175, which is a decrease since Labor Day at 6%. The Kane County Health Dept shared that residential concerns/complaints have focused on large weddings and youth sporting events. Residents ages 20-50 constitute the majority of positive cases. There has been an increase for ages 10-19, which is likely due to sporting events. Barb Jeffers is very concerned for the County and Region moving forward and she predicts that enhanced mitigations will be imposed if the numbers continue their current trend.

The Region will get mitigations as a group, regardless of individual City numbers. The uptick is coming mainly from Aurora and also Elgin. Sources indicate that indoor activities for long periods of time are contributing to the increase in positive cases. Benjamin shared that southern U.S. states experienced similar increases during the heat of the summer when people were driven indoors to air conditioning. Being indoors also makes social distancing more difficult. We are expecting the cooler weather will result in the same effect here.

St. Charles has the third highest number of positive cases within Kane County. Our numbers, as a percentage of all tests, are similar to Geneva and Batavia.

Tier 1 mitigations include reduced indoor dining and suspended indoor bar service. Tier 2 suspends indoor dining and bar service. Tier 3 suspends all on-site service and allows take-out only. The state will choose the tier they believe will curtail the positive test result trend. It is expected that the State could announce the mitigations as soon as tomorrow (October 20.) The duration of mitigation usually lasts several weeks.

- C. Mayor Rogina reviewed the provisions of the proposed Ordinance. The Council was reminded that the City has little ability to enforce the new Late Night Permit rules, and it will largely be on the honor system. Ald. Payleitner sees people more concerned with rights than obligations, who are not being good citizens. Adding more rules may not accomplish the desired effect. An example was given that people have been observed consuming alcohol on the Plaza, against the rule. Maybe people will decide whether they feel safe and that will determine whether the bars have a market for later hours. Others commented as well. What is the point of adding the Ordinance if we can't enforce it? Suggest to let the bars be open normally, adding rules and wristbands is too much government. Police will patrol the area, as they always have, and if they see a rule being broken, the business will be cited. They cannot cover every situation and the Ordinance allows the City to spot check adherence. The Council had hoped that surrounding communities would follow St Charles lead by closing down late night bar hours. Since they did not do that, our local businesses are at a competitive disadvantage. The decision to stop the late night permits is the only example where St Charles has made a decision more strict than the State, and some see no reason to continue that. If people do not gather at bars, are they going elsewhere and not social distancing and wearing masks? Late night hours were originally thought to be a source of positive cases, but new data does not show a definitive correlation. Suggest to allow the bars to revert back to the original practice for late night permits and remove the additional rules from the Ordinance.

Motion by Ald. Pietryla and seconded by Ald. Bessner to approve an Ordinance Title 5 "COVID-19 Late-Night Liquor Permits". This motion was subsequently withdrawn by Ald. Pietryla.

Motion by Ald. Stellato and seconded by Ald. Pietryla to approve an **Ordinance 2020-M-47** Title 5 "COVID-19 Late-Night Liquor Permits", as amended. Reinstate the late night permits for all permit holders as of August 2020, for 1am and 2am licenses, at a prorated amount, from October 24, 2020 to April 30, 2021.

A tremendous amount of trust would be placed back on the bar owners, and they were asked to follow through on following the proper protocols. Businesses were asked to remit payment as soon as possible to facilitate the permit issuance by October 23. It was noted that State imposed mitigations may supersede the ability for the bars to remain open.

In Favor – Stellato, Silkaitis, Payleitner, Lemke, Bancroft, Gruber, Vitek, Pietryla, Bessner, Lewis
Opposed – None
Abstain – None

Absent –None

Mayor Rogina is concerned about positive cases and possible mitigation, which the City will enforce. The Governor's orders, or the Illinois Supreme Court directive, will be followed. All of the elected officials have taken an oath to abide by the laws of the State of Illinois.

- D. Colleen Lavery reviewed the Coronavirus Aid and Relief Economic Security Act approved funding to local government for response and mitigation for COVID-19. Kane County received \$92.9 million, of which it was determined some of that would go to smaller units of local government. The City of St. Charles is eligible to receive \$1,901,171. The application and support have been submitted, and preliminarily approved for the maximum amount. An intergovernmental agreement is needed to formalize the terms of the reimbursement. Colleen reviewed some of the terms and conditions of the agreement. The documentation will be audited by the City, as is always the case for grants of more than \$750,000.

Motion by Ald. Lemke and seconded by Ald. Payleitner to approve a **Resolution 2020-96** Authorizing the Mayor to Execute an Intergovernmental Agreement Authorizing Participation in Kane County Coronavirus Relief Fund (CRF) Reimbursement Program

Mayor Rogina thanks his fellow Mayors in the Fox Valley who fought hard to seek a fair share. He also thanks Kane County Board members, including John Hoscheit, for diligence in moving this forward, as well as others who advocated for the distribution. Colleen shared some examples of expenses that may be reimbursed, i.e. Fire and Police sworn officer salary and personal protection equipment.

In Favor – Stellato, Silkaitis, Payleitner, Lemke, Bancroft, Gruber, Vitek, Pietryla, Bessner, Lewis
Opposed – None
Abstain – None
Absent –None

- E. Rita Tungare explained that the involved public property includes sidewalks, public right of way, and parking lots. The outdoor dining guidelines have been amended going into the winter, and there remains no charge for the permits. It was observed last weekend that one of the restaurants had an open fire pit, and there is concern about that on public property and fire safety issues. Rita has already spoken with Chief Swanson about the fire pits, his team investigated over the weekend. Any fire should be commercial grade and positioned at least 15-feet away from any building. Businesses are required to have insurance but the current policy does not contemplate fire pits. These can be permitted on a specific basis. Insurance requirements need to be determined for these. Alter Brewing is asking for individual igloos to be placed on the Plaza property. There is concern about tents causing damage to public property, and businesses must return the property to the original state. It was requested to add signing about alcohol consumption not allowed on public property. Snow shoveling on the Plaza should be the responsibility of the business who erected a tent, instead of the City, as usual.

Motion by Ald. Vitek and seconded by Ald. Bessner to approve an **Ordinance 2020-M-48** As Amended, Amending the Temporary Outdoor Dining Permit Program for Public Property through Phase 4, as amended.

In Favor – Stellato, Silkaitis, Payleitner, Lemke, Bancroft, Gruber, Vitek, Pietryla, Bessner, Lewis
Opposed – None
Abstain – None
Absent –None

- F. Discussion and feedback regarding the continued use of the First Street Plaza for Outdoor Dining in winter 2020. Rita Tungare reviewed the First Street Plaza map which indicates the area for tents and ADA accessible public walkways. Three tents are specifically designated for Gia Mia and McNally's.
- G. Rita Tungare recommends that First Street remain closed through November 30, 2020. Mayor Rogina reminds the Council that there is a proposal to permanently close First Street for a Plaza extension. This Resolution is to allow the street to open during the winter. He read into the record a letter submitted by Dino Sisto at Za Za's regarding the closure of First Street, which includes reasons to close as well as to open the street.

Motion by Ald. Stellato and seconded by Ald. Payleitner to approve a **Resolution 2020-97** Extending the Closure of First Street through November 30, 2020.

In Favor – Stellato, Silkaitis, Payleitner, Lemke, Bancroft, Gruber, Vitek, Pietryla, Bessner, Lewis
Opposed – None
Abstain – None
Absent –None

- H. Motion by Ald. Lemke and seconded by Ald. Bancroft to approve a **Resolution 2020-98** Extending the Closure of Walnut Avenue Through Phase 4.

In Favor – Stellato, Silkaitis, Payleitner, Lemke, Bancroft, Gruber, Vitek, Pietryla, Bessner, Lewis
Opposed – None
Abstain – None
Absent –None

II. Committee Reports

A. Government Operations

- *1. Motion by Ald. Stellato and seconded by Ald. Silkaitis to approve an agreement with Advomatic for Website Support Services.

In Favor – Stellato, Silkaitis, Payleitner, Lemke, Bancroft, Gruber, Vitek, Pietryla, Bessner, Lewis
Opposed – None
Abstain – None

Absent –None

- *2. Motion by Ald. Stellato and seconded by Ald. Silkaitis to approve a Real Estate Purchase Agreement for 805 Walnut Avenue.

In Favor – Stellato, Silkaitis, Payleitner, Lemke, Bancroft, Gruber, Vitek, Pietryla, Bessner, Lewis

Opposed – None

Abstain – None

Absent –None

- *3. Motion by Ald. Stellato and seconded by Ald. Silkaitis to accept the auditors reports for the fiscal year ending April 30, 2020, including the Comprehensive Annual Financial Report, Independent Auditor’s Report Pursuant to Uniform Guidance, Management Letter, Pension Fund Reports, TIF Compliance Reports, and Sales Tax Revenue Bond Compliance Report.

In Favor – Stellato, Silkaitis, Payleitner, Lemke, Bancroft, Gruber, Vitek, Pietryla, Bessner, Lewis

Opposed – None

Abstain – None

Absent –None

- *4. Motion by Ald. Stellato and seconded by Ald. Silkaitis to approve and place on file the minutes of the October 5, 2020 Government Operations Committee meeting.

In Favor – Stellato, Silkaitis, Payleitner, Lemke, Bancroft, Gruber, Vitek, Pietryla, Bessner, Lewis

Opposed – None

Abstain – None

Absent –None

B. Government Services

- *1. Motion by Ald. Stellato and seconded by Ald. Silkaitis to approve and place on file the minutes of the September 28, 2020 Government Services Committee meeting.

In Favor – Stellato, Silkaitis, Payleitner, Lemke, Bancroft, Gruber, Vitek, Pietryla, Bessner, Lewis

Opposed – None

Abstain – None

Absent –None

C. Planning and Development

- *1. Motion by Ald. Stellato and seconded by Ald. Silkaitis to accept and place on file Historic Preservation Commission Resolution No. 9-2020 A Resolution Recommending Approval for Landmark Designation (210 Cedar Ave. – Walker-Morse).

In Favor – Stellato, Silkaitis, Payleitner, Lemke, Bancroft, Gruber, Vitek, Pietryla, Bessner, Lewis

Opposed – None

Abstain – None

Absent –None

- *2. Motion by Ald. Stellato and seconded by Ald. Silkaitis to approve An **Ordinance-Z-26** Designating Certain Property as a Historic Landmark (210 Cedar Ave.- Walker-Morse).

In Favor – Stellato, Silkaitis, Payleitner, Lemke, Bancroft, Gruber, Vitek, Pietryla, Bessner, Lewis
Opposed – None
Abstain – None
Absent –None

- *3. Motion by Ald. Stellato and seconded by Ald. Silkaitis to accept and place on file Historic Preservation Commission Resolution No. 7-2020 A Resolution Recommending Approval for Landmark Designation (316 Cedar St. – O’Connor House).

In Favor – Stellato, Silkaitis, Payleitner, Lemke, Bancroft, Gruber, Vitek, Pietryla, Bessner, Lewis
Opposed – None
Abstain – None
Absent –None

- *4. Motion by Ald. Stellato and seconded by Ald. Silkaitis to approve An **Ordinance 2020-Z-27** Designating Certain Property as a Historic Landmark (316 Cedar St. – O’Connor House).

In Favor – Stellato, Silkaitis, Payleitner, Lemke, Bancroft, Gruber, Vitek, Pietryla, Bessner, Lewis
Opposed – None
Abstain – None
Absent –None

- *5. Motion by Ald. Stellato and seconded by Ald. Silkaitis to accept and place on file Historic Commission Resolution No. 8-2020 A Resolution Recommending approval of a Façade Improvement Grant Application (13 S. 2nd St.)

In Favor – Stellato, Silkaitis, Payleitner, Lemke, Bancroft, Gruber, Vitek, Pietryla, Bessner, Lewis
Opposed – None
Abstain – None
Absent –None

- *6. Motion by Ald. Stellato and seconded by Ald. Silkaitis to approve a **Resolution 2020-99** Authorizing the Mayor and City Council to Execute a Façade Improvement Agreement between the City of St. Charles and Cynthia Hahn/HM Hairbar (13 S. 2nd St.)

In Favor – Stellato, Silkaitis, Payleitner, Lemke, Bancroft, Gruber, Vitek, Pietryla, Bessner, Lewis
Opposed – None
Abstain – None
Absent –None

- *7. Motion by Ald. Stellato and seconded by Ald. Silkaitis to approve a **Resolution 2020-100** Authorizing the Mayor and City Council to Execute the St. Charles Initiative Concept Design and Schematic Design Project Phase Agreement with Serena Sturm in the amount of \$166,729.

In Favor – Stellato, Silkaitis, Payleitner, Lemke, Bancroft, Gruber, Vitek, Pietryla, Bessner, Lewis
Opposed – None
Abstain – None
Absent –None

- *8. Motion by Ald. Stellato and seconded by Ald. Silkaitis to Approve A **Resolution 2020-101** Establishing the 2021 Inclusionary Housing Fee In-lieu Amount

In Favor – Stellato, Silkaitis, Payleitner, Lemke, Bancroft, Gruber, Vitek, Pietryla, Bessner, Lewis
Opposed – None
Abstain – None
Absent –None

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

- 11. Adjournment** motion by Ald. Stellato and seconded by Ald. Pietryla at 8:19pm
In Favor – Stellato, Silkaitis, Payleitner, Lemke, Bancroft, Gruber, Vitek, Pietryla, Bessner, Lewis
Opposed – None
Abstain – None
Absent –None

Tracey Conti, Deputy Clerk

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Tracey Conti, Deputy Clerk