

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

1. **Call to Order** 7pm by Mayor Rogina
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. Pietryla
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. Silkaitis and seconded by Ald. Payleitner to accept and place on file minutes of the regular City Council meeting held October 19, 2020.

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

- *8. Motion by Ald. Silkaitis and seconded by Ald. Payleitner to approve and authorize issuance of vouchers from the Expenditure Approval List for the period of 10/5/2020 – 10/18/2020 in the amount of \$5,692,699.96.

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

- *9. Motion by Ald. Silkaitis and seconded by Ald. Payleitner to accept and place on file the Treasurer’s Report for periods ending July 31, 2020, August 31, 2020, and September 30, 2020.

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. Payleitner to approve an **Ordinance 2020-M-49** 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 16, 2020).

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

Finance Director Chris Minnick presented the preliminary tax levy information to the council and said that it is planned for a Public Hearing on December 7, 2020 prior to the regularly scheduled City Council Meeting. Director Minnick presented the preliminary estimate for calendar year 2021, total \$23,905,487, this is roughly \$1,050,000 increase over 2019, about 4.6%. He spoke that this number doesn't fully represent the real amount because the city never actually levy \$23,900,000 in property tax. There are two components for the tax levy, operating levy of \$13,069,216 and the debt service levy of \$10,836,000. The Debt Service levy is principle and interest payments made towards the city's bond issues that are currently outstanding. The long practice of St. Charles is to abate, remove, the debt service levy from the property tax bills. In January, staff will come forward with an ordinance to abate that \$10,836,000 from the property tax levy and never be extended. We will propose that only the operating portion of the levy will remain in effect, \$13,069,216. This is about \$293,000 of an increase from 2019, this is about 2.3% increase and this is actually what will be extended and collected for the 2020 levy. This increase is also the amount of the allowable increase in the tax cap legislation; it is the amount of the CPI, and what the max of the tax cap legislation allows. St. Charles is a home rule community is not subject to that legislation, however at this time we have chosen to comply, voluntarily, with the tax cap legislation. If the numbers are correct, we see an increase in property tax rate from around \$.8279 cents per \$100 of EAV, up to about \$.8283 cents per \$100. The impact would be about \$19 annually for the owner of a \$300,000 property. Staff recommends approval and will take questions you may have.

Payleitner – What are the reasons for this increase?

Minnick – Typically we pay pension expenses out of the tax levy, along with other personnel costs, we are going to see a significant increase, as we talked about from the audit process a few weeks back, in pension liability. This is where that increase will go.

- B. Motion by Ald. Bessner and seconded by Ald. Vitek to Approve the Preliminary Estimate of 2020 Property Tax Levy in the amount of \$23,905,487.

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

Opposed – None

Abstain – None

Absent –None

Finance Director Chris Minnick presented new risk insurance program information for the city of St. Charles and the reasons for the increase based on natural disasters and social unrest and disorder for some of the reasons for higher insurance. There were more payouts therefore premiums increase. Insurance has tightened over the past 18-24 months. Staff solicits new quotes on a regular basis and this year staff went out to bid through Assurance Insurance of Schaumburg, the city's consultant on risk insurance matters since 2014, and they are in year 3 of 5 of their contract. We present their recommendations for the most advantageous lines of coverage and this cost is \$761,554 in premium, about 13.5% of an increase over the expiring premiums and this is attributed to the reasons above. There are no reductions in coverage, no increases in the deductibles for any of the policies, this is a positive, and we keep the same coverage and deductibles. We did request one enhancement to the cyber liability policy, increasing the limit by a million dollars at a premium cost of about \$4,000 annually. Staff is pleased with the companies and are recommending continuing with these carriers-Liability is Travelers – Property and Casualty by Chubb – Workers Compensation by The Illinois Public Risk Fund – Cyber Liability by Hudson Corp. Staff recommends approval.

- C. Motion by Ald. Lemke and seconded by Ald. Payleitner to authorize the Finance Director to execute the risk insurance program renewal for the year beginning December 1, 2020 in the amount of \$761,554.

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

Opposed – None

Abstain – None

Absent –None

Economic and Community Director Rita Tungare and Fire Chief Scott Swanson presenting in regards spark free patio heaters. The outdoor dining and heaters on public property conversations has been initiated and there have been a few businesses that have asked for use of fire features including wood burning, electric, or gas burning. There has been a request to the city for a wood-burning pit to be allowed on public property and this started the conversation regarding what should be allowed. Another location had a similar request and has since pulled their request. Staff has presented a few options of what we recommend to allow on the public grounds, we consulted with other local communities and no others are allowing wood burning and we agree to also not allow wood fueled fires but are in favor of gas or electric fire.

Lemke – Looking at the different styles, does the mushroom style have an enclosed flame?

Tungare – Yes, this is an enclosed and that is the picture that's included on that page of your packet.

Lewis – Are these gas units, are they allowed inside tents? Or just outside?

Tungare – Just outside, no fire will be allowed within an enclosure.

- D. Motion by Ald. Payleitner and seconded by Ald. Bancroft to Authorize Placement of Spark-free Patio heaters on public property, subject to administrative staff review and compliance with applicable codes.

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. Silkaitis and seconded by Ald. Payleitner to approve a Proposal for a D10 Liquor License Application for Urban Air, Located at 2732 E. Main St., St. Charles.

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

Opposed – None

Abstain – None

Absent –None

2. Motion by Ald. Bancroft and seconded by Ald. Vitek to approve a Proposal for an A1 Liquor License Application for MP's Liquor, Wine & Beer, Located at 201 W. Main St., St. Charles.

Payleitner – Ald. Silkaitis asked me to ask a question of the Chief (Ald. Silkaitis is remote and wanted to make sure his questions was able to be asked). When there was a request for proposal and the application came in and it wasn't complete, or wasn't correct, the application was voided. Do we not have that with liquor licenses because Ald. Silkaitis looked over and saw that there was no new application submitted and there was some mistakes in the original.

Chief Keegan – To understand this correctly, there was a mistake on the application and we reject it and don't bring it forward?

Payleitner – I'm wondering of that applies here.

Keegan – Typically if we see a mistake or an error, we try to work with the applicant to make it right and to make a complete and presentable packet so a decision can be made. That doesn't automatically disqualify the applicant, we will work with that.

Payleitner – Are the corrections made on the application?

Keegan – We do the best we can, we have other duties besides liquor licensing.

Rogina – We have a complete packet now, albeit the issues discussed at the last committee meeting. We have a complete packet here.

Keegan – Regarding the outstanding issues, yes they were submitted to Tracey.

Payleitner – Yes, that’s what I’m asking because I don’t think we received that update. My questions are about the ownership the applicant has in the Batavia and North Aurora stores, that wasn’t listed in the application.

Keegan – I believe he explained that.

Payleitner – I understand that, I just wanted to know if the application was updated.

Keegan – I don’t know, I think that was a verbal correction.

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

Opposed – Silkaitis, Payleitner, Pietryla, Lewis

Abstain – None

Absent –None

- *3. Motion by Ald. Silkaitis and seconded by Ald. Payleitner to approve and place on file the minutes of the October 19, 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. Silkaitis and seconded by Ald. Payleitner to approve and place on file the minutes of the October 26, 2020 Government Services Committee meeting.

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

Opposed – None

Abstain – None

Absent –None

- *2. Motion by Ald. Silkaitis and seconded by Ald. Payleitner to approve and place on file the minutes of the October 26, 2020 Public Hearing meeting.

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

Opposed – None

Abstain – None

Absent –None

- *3. Motion by Ald. Silkaitis and seconded by Ald. Payleitner to approve a **Resolution 2020-102** authorizing the Mayor and City Clerk of the City of St. Charles to approve an Illinois Department of Transportation Resolution Regarding Non-Routine Maintenance Work Within the State Right-of-Way for 2021 and 2022.

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

- *4. Motion by Ald. Silkaitis and seconded by Ald. Payleitner to approve a **Resolution 2020-103** authorizing the Mayor and City Clerk of the City of St. Charles to approve a Real Estate Agreement for 108 S. 8th Avenue with Anthony C. Abate and Kelly A. Abate, with the Public Works Director authorized to execute all appropriate documents.

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

- *5. Motion by Ald. Silkaitis and seconded by Ald. Payleitner to approve a **Resolution 2020-104** Authorizing the Mayor and City Clerk of the City of St. Charles to authorize Notice of Intent to H. Linden & Sons for the Country Club Lift Station Construction Project.

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

- *6. Motion by Ald. Silkaitis and seconded by Ald. Payleitner to approve a **Resolution 2020-105** Approving the Purchase of Untreated Rock Salt from Compass Minerals through the State of Illinois Joint Purchasing Program in the amount of \$81.25 per ton.

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

C. Planning and Development

- *1. Motion t by Ald. Silkaitis and seconded by Ald. Payleitner o accept and place on file the minutes of the October 12, 2020 Planning & Development Committee meeting

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

Eric Schelkopf – Kane County Chronicle – I understand that there are a few establishments that are not abiding by the current ban on indoor dining and bar service, and I was wondering, as far as enforcement actions, what actions are the city taking against these businesses?

Mayor Rogina – I have the police chief here and I have legal council here so if I stray they will give out the correct information. To you point, are there restaurants and bars that are open, despite the governor's executive order? I will talk about this more in a few minutes but, the answer to you is, yes and we all know that. What the city does is, if we receive a complaint from a resident or anyone for that matter, the police will go to the site and find out if they are in violation. If they has been a violation, the police will, in a professional and dignified manner, will discuss the violation with the merchant. If the process continues, there will be a notice of compliance issued to the merchant and a copy sent to the Kane County Health Department. The fact is, the City of St. Charles, as been interpreted by other mayors in and around the suburbs, have no local authority, within city ordinances, to enforce the governor's orders. That is a short answer to the questions, and if I may, given your question, I would like to add on with my closing comments tonight that I was planning to give but you beat me to the stage for that. We enter the month of November with significant health and economic challenges. The COVID 19 positivity rate in our county and region, has increased to a point where the governor has issued an executive order and this outlines certain mitigations. In turn, and Eric, you not that in your question, some businesses notably bars and restaurants, have expressed concerns about the ability to viably operate. Meanwhile, health officials raise alarms about managing this pandemic specifically the reduced capacity now in hospitals and in ICU beds. City Administrator Mark Koenen and I entered a dialog with fellow mayors and managers as late as last Thursday evening and a number were on the call, at least 50, maybe more. They suggested a strong desire to engage the governor directly to find a balance between keeping the pandemic at bay while finding a path for reasonable within the marketplace, and clarity in the matrix used in decision-making. There is also, among mayors and managers, a clear belief that the state legislature, the House of Representatives and the Senate, who have been silent since March, need to work with the governor to create a policy that is void of disenchantment and litigation, I would point to litigation by saying we have two cases, one in Kane and one in McHenry County and in Kane the judge ruled in favor of the merchant and in the other, ruled in favor of the governor. This is the problem. I do think I speak for this city council, I don't like to say this ahead of talking to them, I know this group pretty well, we look forward to fruitful conversation with the governor and legislators. I'm not necessarily going to be part of that conversations but there will be engaging conversations and my final point will be, meanwhile it is incumbent all of our residents and citizens, all of the Fox Valley to respect each other by wearing masks, social distancing, and practicing good hygiene. Eric, did that answer things for you?

Schelkopf – I wanted to get some clarification as far as the current restrictions, do you think they are not fair?

Rogina – If anyone on the council wants to speak on that issue, they can but I am not going comment on that, I'm not a health expert. I think the appropriate people need to engage in this, we

obviously have a lot of disagreement, we have both a pandemic and an economic crisis on our hands and seems to be that obligatory on the part of the governor and the executive branch, and the legislator and the legislative branch to provide some guidance for municipalities. I think that is the cry of both mayors and managers and city councils up and down the valley and in the north, south, and eastern suburbs.

A. Executive Session

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

10. Adjournment motion by Ald. Lemke and seconded by Ald. Bessner at 7:48pm.

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

Opposed – None

Abstain – None

Absent – None

Charles Amenta, City Clerk

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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. 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).