

MINUTES
ST. CHARLES CITY COUNCIL MEETING
LORA A. VITEK, MAYOR
MONDAY, NOVEMBER 15, 2021 – 7:00 P.M.
CITY COUNCIL CHAMBERS
2 E. MAIN STREET

1. Call to Order.

The meeting was called to order by Mayor Vitek at 7:01 pm.

2. Roll Call.

Present: Ald. Silkaitis, Ald. Balla, Ald. Payleitner, Ald. Bongard, Ald. Bancroft, Ald. Lencioni, Ald. Pietryla, Ald. Wirball, Ald. Bessner, Ald. Weber

Absent: None

3. Invocation by Ald. Payleitner

4. Pledge of Allegiance.

5. Presentations

6. Motion by Ald. Bancroft, second by Ald. Lencioni to approve the 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.

Roll Call Vote: Ayes: Ald. Silkaitis, Ald. Balla, Ald. Payleitner, Ald. Bongard, Ald. Bancroft, Ald. Lencioni, Ald. Pietryla, Ald. Wirball, Ald. Bessner; Ald. Weber; Nays: None.

Motion Carried

Motion by Ald. Bancroft, second by Ald. Lencioni to reconsider the Omnibus Vote by removing items B1, B2, and B3.

Roll Call Vote: Ayes: Ald. Silkaitis, Ald. Balla, Ald. Payleitner, Ald. Bongard, Ald. Bancroft, Ald. Lencioni, Ald. Pietryla, Ald. Wirball, Ald. Bessner; Ald. Weber; Nays: None.

Motion Carried

Motion by Ald. Bancroft, second by Ald. Weber to approve the Omnibus Vote.

Roll Call Vote: Ayes: Ald. Silkaitis, Ald. Balla, Ald. Payleitner, Ald. Bongard, Ald. Bancroft, Ald. Lencioni, Ald. Pietryla, Ald. Wirball, Ald. Bessner; Ald. Weber; Nays: None.

Motion Carried

***7. Motion by Ald. Bancroft, second by Ald. Weber to approve and place on file minutes of the special City Council meeting held October 31, 2021.**

Roll Call Vote: Ayes: Ald. Silkaitis, Ald. Balla, Ald. Payleitner, Ald. Bongard, Ald. Bancroft, Ald. Lencioni, Ald. Pietryla, Ald. Wirball, Ald. Bessner; Ald. Weber; Nays: None.
Motion Carried

- *8. Motion by Ald. Bancroft, second by Ald. Weber to** approve and place on file minutes of the regular City Council meeting held November 1, 2021.

Roll Call Vote: Ayes: Ald. Silkaitis, Ald. Balla, Ald. Payleitner, Ald. Bongard, Ald. Bancroft, Ald. Lencioni, Ald. Pietryla, Ald. Wirball, Ald. Bessner; Ald. Weber; Nays: None.
Motion Carried

- *9. Motion by Ald. Bancroft, second by Ald. Weber to** approve minutes of the City Council executive session meetings held June 7, 2021 and July 26, 2021.

Roll Call Vote: Ayes: Ald. Silkaitis, Ald. Balla, Ald. Payleitner, Ald. Bongard, Ald. Bancroft, Ald. Lencioni, Ald. Pietryla, Ald. Wirball, Ald. Bessner; Ald. Weber; Nays: None.
Motion Carried

- *10. Motion by Ald. Bancroft, second by Ald. Weber to** approve and authorize issuance of vouchers from the Expenditure Approval List for the period of 10/18/2021 – 10/31/2021 in the amount of \$3,533,258.50.

Roll Call Vote: Ayes: Ald. Silkaitis, Ald. Balla, Ald. Payleitner, Ald. Bongard, Ald. Bancroft, Ald. Lencioni, Ald. Pietryla, Ald. Wirball, Ald. Bessner; Ald. Weber; Nays: None.
Motion Carried

I. New Business

- A.** Motion by Ald. Bancroft, second by Ald. Wirball to approve recommendation to Approve an Application for a Location Change for a Current Massage License for International Massage Association located at 2210 Dean St., St. Charles, IL.

Roll Call Vote: Ayes: Ald. Silkaitis, Ald. Balla, Ald. Payleitner, Ald. Bongard, Ald. Bancroft, Ald. Lencioni, Ald. Pietryla, Ald. Wirball, Ald. Bessner; Ald. Weber; Nays: None.
Motion Carried

Chief Keegan explained the following:

This motion appeared in the liquor commission meeting earlier today. Owner Michael Devo has been in business since 2016. He recently renewed his application in May 2021. This is for existing business with same address but different suite. The lease begins 1 December, 2021. Ald. Payleitner asked what can be done administratively? Chief Keegan responded that this has to go before Council because it is considered a new license.

- B.** Motion by Ald. Lencioni, second by Ald. Bancroft to approve recommendation to approve an **Ordinance 2021-M-47** 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.
Roll Call Vote: Ayes: Ald. Balla, Ald. Bongard, Ald. Bancroft, Ald. Lencioni, Ald. Wirball, Ald. Bessner; Ald. Weber; Nays: Ald. Silkaitis, Ald. Payleitner, Ald. Pietryla
Motion Carried

- C.** Motion by Ald. Bessner, second by Ald. Lencioni to approve recommendation to approve an **Ordinance 2021-M-48** Providing for the Issuance of Not to Exceed \$13,600,000 General Obligation Corporate Purpose Bonds, Series 2021A, for the Purpose of Financing Certain Capital Improvements and Refunding Certain of the City's Outstanding Bonds, Providing for the Levy of Taxes to Pay Said Bonds, and Authorizing the Sale of Said Bonds to the Purchaser Thereof.
Roll Call Vote: Ayes: Ald. Silkaitis, Ald. Balla, Ald. Payleitner, Ald. Bongard, Ald. Bancroft, Ald. Lencioni, Ald. Pietryla, Ald. Wirball, Ald. Bessner; Ald. Weber; Nays: None.
Motion Carried

Ald. Lencioni asked if there were any material changes since the presentation? Coleen Lavery responded that she updated the information with the new numbers on Friday.

- D.** Motion by Ald. Lencioni, second by Ald. Wirball to approve recommendation to approve an **Ordinance 2021-M-49** Providing for the Issuance of Not to Exceed \$25,000,000 General Obligation Corporate Purpose Refunding Bonds, Series 2021B, for the Purpose of Refunding Certain of the City's Outstanding Bonds, Providing for the Levy of Taxes to Pay Said Bonds, and Authorizing the Sale of Said Bonds to the Purchaser Thereof.
Roll Call Vote: Ayes: Ald. Silkaitis, Ald. Balla, Ald. Payleitner, Ald. Bongard, Ald. Bancroft, Ald. Lencioni, Ald. Pietryla, Ald. Wirball, Ald. Bessner; Ald. Weber; Nays: None.
Motion Carried

- E.** **Motion by Ald. Bancroft, second by Ald. Lencioni to deny** recommendation to authorize the City Administrator to execute the Primary Cyber Insurance renewal for the year beginning December 1, 2021 in the amount of \$294,320.
Roll Call Vote: Ayes: Ald. Silkaitis, Ald. Balla, Ald. Payleitner, Ald. Bongard, Ald. Bancroft, Ald. Lencioni, Ald. Pietryla, Ald. Wirball, Ald. Bessner; Ald. Weber; Nays: None.
Motion Carried

Colleen Lavery explained the City has had a cyber insurance policy since December 2014. As a result of the current marketplace, there was a question if the City would be able to secure a cyber insurance policy in spite of our insurance consultants contacting 57 different carriers and requesting a quote on our behalf. The quotes for policies recommended this evening were only received last Thursday. And this is only because Assurance, our consultant, was in constant contact in requesting on our behalf. The only quote for Cyber Insurance was from Westchester. The cost of the policy is \$294,320 for \$2 million in coverage with a deductible of \$500,000. Last year the City paid \$36,609 or \$4 million coverage with a deductible of \$25,000. I asked the

consultants if the City would be better off putting money away in reserve and paying out if something happens. In response, she was reminded that the cyber policy reduces our financial risk and also provides loss mitigation and after incident services, which are necessary to bring the City whole.

Assurance consultants Bob Davidson and Bobby Douglas explained they approached 57 companies and found it is a very tough market. Many organizations are facing this situation. They usually start four months out from effective date. They saw the deterioration of the marketplace a little earlier this year but the acceleration of the deterioration caught the industry off guard. They received one offer last Thursday. We have seen similar renewals as this, with price and deductible increases. This is the state of the marketplace. They expressed that it is great to work with Colleen, Larry, and Steve and they tried to manage expectations during this process.

Ald. Bancroft said he has experience with this insurance. He is skeptical of the infrastructure that the insurance company would provide would be supportive in the case of an incident. In his opinion we would be much better off with a lawyer who understands the liability aspects and 'whoever' knows our infrastructure best on a retainer. If we had these two things we would be in a better situation. He is not in favor.

Ald. Silkaitis agreed with Ald. Bancroft. But I will support because we don't have any plans set up yet. We need to think about self-insuring.

Ald. Wirball asked if there any incidents. Larry Gunderson responded that there have been no incidents.

Ald. Weber asked based on this huge increase have we done any market research or risk analysis of how secure our systems are and how are we trying to limit risk internally. Larry Gunderson said we have an official, formal security program in place for four years which includes industry best practices and controls. Each year we implement more security controls. We have a good understanding of where we are relative to our risk, but it is always evolving and maturing.

Ald. Bancroft asked if we had an incident, who would you call? Larry Gunderson said the Center of Internet Security a consortium funded through the Department of Homeland Security. We are a member. They would be our first source. They provide mitigation resources.

Ald. Bancroft asked if we would be relying on the insurance companies for mitigation efforts? Larry Gunderson said it depends on the type of incident. There is remediation, recovery, etc. The insurance company would provide resources that we would not have readily available. Ald. Bancroft said we are overestimating their availability.

Ald. Bancroft suggested from a response standpoint we should obtain a legal resource who knows how to handle situations if needed. In terms in mitigation, we should have a plan in place for the variety of situations that may occur including the contractors that we would call.

Ald. Bongard asked what are the most common threats? Larry Gunderson said there are several threats but most prevalent is ransomware.

Ald. Silkaitis asked if this insurance covers ransomware? But would come out of the coverage. Bob Davidson said yes.

Ald. Payleitner asked how urgent is this right now, as opposed to doing the long-term plan suggested? Colleen Lavery said that our policy expires December 1.

Ald. Bancroft said we are paying \$700,000 to maybe get a portion of \$1.3 million, in my opinion. This is all about money. We would engage the professionals we already have in place to mitigate the situation. He would not vote to approve ransomware.

Heather McGuire said she appreciates the comments and similar discussions at staff level. The issue is the expiration of this policy on December 1. We would be remiss as a staff if we did not present the options to Council. If the Council decision is to move forward and explore alternative options, we can continue to go back to the market to see if something comes back or put an alternative plan in place understanding that risk that is associated with it.

Mayor Vitek asked, if that is the case, is the motion to postpone or table? Attorney Peppers said tabling this motion will not do anything and we can always put it back on the agenda anytime.

Heather McGuire said we would be coming forward with a different proposal.

Ald. Wirball asked Larry Gunderson what resources he needs to mitigate risks? Heather McGuire said Larry can describe the measures that have already be taken and as part of this process will review the security protocol to make sure we are doing the right actions to protect the City.

Ald. Bancroft said it would be useful to have a discussion regarding what the City has in place and how to handle a cyber attack along with a presentation to Council.

- F. Motion by Ald. Pietryla, second by Ald. Bessner to deny recommendation to authorize the City Administrator to execute the Primary Cyber Insurance renewal for the year beginning December 1, 2021 in the amount of \$294,320.

Roll Call Vote: Ayes: Ald. Silkaitis, Ald. Balla, Ald. Payleitner, Ald. Bongard, Ald. Bancroft, Ald. Lencioni, Ald. Pietryla, Ald. Wirball, Ald. Bessner; Ald. Weber; Nays: None.
Motion Carried

II. Committee Reports

A. Government Operations

- *1. **Motion by Ald. Bancroft, second by Ald. Weber to** approve the purchase of 11 sets of firefighting bunker coats and pants PPE in the amount of \$29,425.00 from Air One Equipment, Inc.
Roll Call Vote: Ayes: Ald. Silkaitis, Ald. Balla, Ald. Payleitner, Ald. Bongard, Ald. Bancroft, Ald. Lencioni, Ald. Pietryla, Ald. Wirball, Ald. Bessner; Ald. Weber; Nays: None.
Motion Carried

- *2. **Motion by Ald. Bancroft, second by Ald. Weber to** approve a Letter of Engagement with Clark Hill to provide representation and legal advice for the City of St. Charles in a police pension application matter.
Roll Call Vote: Ayes: Ald. Silkaitis, Ald. Balla, Ald. Payleitner, Ald. Bongard, Ald. Bancroft, Ald. Lencioni, Ald. Pietryla, Ald. Wirball, Ald. Bessner; Ald. Weber; Nays: None.
Motion Carried

- *3. **Motion by Ald. Bancroft, second by Ald. Weber to** authorize the Assistant Finance Director to execute the risk insurance program renewal for the year beginning December 1, 2021 in the amount of \$845,794.
Roll Call Vote: Ayes: Ald. Silkaitis, Ald. Balla, Ald. Payleitner, Ald. Bongard, Ald. Bancroft, Ald. Lencioni, Ald. Pietryla, Ald. Wirball, Ald. Bessner; Ald. Weber; Nays: None.
Motion Carried

- *4. **Motion by Ald. Bancroft, second by Ald. Weber to** approve the recommended 2021 Property Tax Levy for SSA 1A; SSA 1B; SSA 5; SSA 6; SSA 7; SSA 10; SSA 13; SSA 21; and SSA 57.
Roll Call Vote: Ayes: Ald. Silkaitis, Ald. Balla, Ald. Payleitner, Ald. Bongard, Ald. Bancroft, Ald. Lencioni, Ald. Pietryla, Ald. Wirball, Ald. Bessner; Ald. Weber; Nays: None.
Motion Carried

5. **Motion by Ald. Silkaitis, second by Ald. Bessner to** approve the Preliminary Estimate of 2021 Property Tax Levy in the amount of \$24,576,475.
Roll Call Vote: Ayes: Ald. Balla, Ald. Payleitner, Ald. Bongard, Ald. Bancroft, Ald. Lencioni, Ald. Bessner; Ald. Weber; Nays: Ald. Pietryla, Ald. Wirball, Ald. Silkaitis
Motion Carried
Mayor Vitek said we have put a lot of time an effort with Staff to come to this conclusion. Items to note, the City is increasing its tax levy by 4.9% for 2022. On average residents with a \$300,000 house will contribute an additional \$40 for a total of \$820 annually to help pay for a full year of City services. Due to rising inflation rates the cost of doing business has increased. The City's property tax levy has been flat for seven of the last ten years. Inflation rates have jumped nearly 28% during that time. The City's portion of taxes, as one of ten taxing bodies on the property tax bill, is about 10% of entire tax bill. Ninety percent of that

bill is from other taxing bodies that we have no control over. Today the City has 300 employees and that is down from about 370 in 2008. And there were no property tax increases from 2010 to 2017.

Ald. Wirball mentioned that we are in the process of hiring a new economic development director. He would like to see what new businesses can be brought to our community to bring in additional sales tax. I would like to hold off on raising the property tax levy and will not support an increase.

Ald. Silkaitis commented we are going to get \$4.4 million, and the County is looking to raising property and gas taxes. I understand the need but since we have these one time grants, I would like to see where that money goes. I will be voting no.

- *6. Motion by Ald. Bancroft, second by Ald. Weber to approve an **Ordinance 2021-M-50** Terminating the Designation of the Foundry Business Park Redevelopment Project Area as Created by the City of St. Charles as a Tax Increment Financing Redevelopment Project Area, and Dissolving the Special Tax Increment Allocation Fund for Said Redevelopment Project Area.
Roll Call Vote: Ayes: Ald. Silkaitis, Ald. Balla, Ald. Payleitner, Ald. Bongard, Ald. Bancroft, Ald. Lencioni, Ald. Pietryla, Ald. Wirball, Ald. Bessner; Ald. Weber; Nays: None.
Motion Carried
- *7. Motion by Ald. Bancroft, second by Ald. Weber to approve and place on file minutes of the November 1, 2021 Government Operations Committee meeting.
Roll Call Vote: Ayes: Ald. Silkaitis, Ald. Balla, Ald. Payleitner, Ald. Bongard, Ald. Bancroft, Ald. Lencioni, Ald. Pietryla, Ald. Wirball, Ald. Bessner; Ald. Weber; Nays: None.
Motion Carried
- *8. Motion by Ald. Bancroft, second by Ald. Weber to approve and place on file minutes of the November 8, 2021 Government Operations Committee meeting.
Roll Call Vote: Ayes: Ald. Silkaitis, Ald. Balla, Ald. Payleitner, Ald. Bongard, Ald. Bancroft, Ald. Lencioni, Ald. Pietryla, Ald. Wirball, Ald. Bessner; Ald. Weber; Nays: None.
Motion Carried

B. Government Services

- *1. Recommendation to approve a **Resolution (removed)** to award the Bid for Well #9 Maintenance.
- *2. Recommendation to approve a **Resolution (removed)** to Accept the Plat of Easement for 235 North Randall Road (Audi Dealership).
- *3. Recommendation to approve a **Resolution (removed)** to Authorize the Purchase of One Ford F350 and the Corresponding Sale of Unit #1703.

- *4. Motion by Ald. Bancroft, second by Ald. Weber to approve and place on file minutes of the October 18, 2021 Government Services Committee meeting.
Roll Call Vote: Ayes: Ald. Silkaitis, Ald. Balla, Ald. Payleitner, Ald. Bongard, Ald. Bancroft, Ald. Lencioni, Ald. Pietryla, Ald. Wirball, Ald. Bessner; Ald. Weber; Nays: None.
Motion Carried

C. Planning and Development

- *1. Motion by Ald. Bancroft, second by Ald. Weber to approve an **Ordinance 2021-Z-21** Granting Approval of a Final Plat of Subdivision for KFP Subdivision.
Roll Call Vote: Ayes: Ald. Silkaitis, Ald. Balla, Ald. Payleitner, Ald. Bongard, Ald. Bancroft, Ald. Lencioni, Ald. Pietryla, Ald. Wirball, Ald. Bessner; Ald. Weber; Nays: None.
Motion Carried
- *2. Motion by Ald. Bancroft, second by Ald. Weber to accept and place on file Plan Commission Resolution No. 21-2021 A Resolution Recommending Approval of an Application for Special Use for a Place of Worship for Immanuel Myanmar Church, 1713 Howard St. (William F. Bochte).
Roll Call Vote: Ayes: Ald. Silkaitis, Ald. Balla, Ald. Payleitner, Ald. Bongard, Ald. Bancroft, Ald. Lencioni, Ald. Pietryla, Ald. Wirball, Ald. Bessner; Ald. Weber; Nays: None.
Motion Carried
- *3. Motion by Ald. Bancroft, second by Ald. Weber to approve An **Ordinance 2021-Z-22** Granting Approval of a Special Use for a Place of Worship (1713 Howard St. – Immanuel Myanmar Church).
Roll Call Vote: Ayes: Ald. Silkaitis, Ald. Balla, Ald. Payleitner, Ald. Bongard, Ald. Bancroft, Ald. Lencioni, Ald. Pietryla, Ald. Wirball, Ald. Bessner; Ald. Weber; Nays: None.
Motion Carried
- *4. Motion by Ald. Bancroft, second by Ald. Weber to accept and place on file Plan Commission Resolution No. 20-2021 A Resolution Recommending Approval of a PUD Preliminary Plan for First Street Redevelopment PUD – Sterling Bank, 10 Illinois St. (Sterling Bank).
Roll Call Vote: Ayes: Ald. Silkaitis, Ald. Balla, Ald. Payleitner, Ald. Bongard, Ald. Bancroft, Ald. Lencioni, Ald. Pietryla, Ald. Wirball, Ald. Bessner; Ald. Weber; Nays: None.
Motion Carried
- *5. Motion by Ald. Bancroft, second by Ald. Weber to approval an **Ordinance 2021-Z-23** Granting Approval of a Revised PUD Preliminary Plan for First Street Building #3, 10 Illinois St. (Sterling Bank- First Street Redevelopment PUD)
Roll Call Vote: Ayes: Ald. Silkaitis, Ald. Balla, Ald. Payleitner, Ald. Bongard, Ald. Bancroft, Ald. Lencioni, Ald. Pietryla, Ald. Wirball, Ald. Bessner; Ald. Weber; Nays: None.
Motion Carried

- *6. Motion by Ald. Bancroft, second by Ald. Weber to approve an **Ordinance 2021-Z-24** Granting Approval of a Minor Change to PUD Preliminary Plan for First Street Building #2, 50 S. 1st St. (First Street Redevelopment PUD)
Roll Call Vote: Ayes: Ald. Silkaitis, Ald. Balla, Ald. Payleitner, Ald. Bongard, Ald. Bancroft, Ald. Lencioni, Ald. Pietryla, Ald. Wirball, Ald. Bessner; Ald. Weber; Nays: None.
Motion Carried

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

Mayor Vitek stated that the Veteran's Day Ceremony was great. Mayor Vitek wished all residents Happy Thanksgiving and encouraged all to attend the Holiday Homecoming festivities.

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)

12. Adjournment

Motion by Ald. Weber, second by Ald. Wirball to adjourn the meeting at 7:36 pm.

Roll Call Vote: Ayes: Ald. Silkaitis, Ald. Balla, Ald. Payleitner, Ald. Bongard, Ald. Bancroft, Ald. Lencioni, Ald. Pietryla, Ald. Wirball, Ald. Bessner; Ald. Weber; Nays: None.
Motion Carried

Nancy Garrison, City Clerk

CERTIFIED TO BE A TRUE COPY OF ORIGINAL

Nancy Garrison, City Clerk