

MINUTES
ST. CHARLES CITY COUNCIL MEETING
LORA A. VITEK, MAYOR
MONDAY, MAY 16, 2022 – 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. Payleitner, Ald. Bongard,
Ald. Lencioni, Ald. Pietryla, Ald. Wirball, Ald. Bessner, Ald. Weber

Absent: Ald. Bancroft

3. Invocation by Ald. Payleitner

4. Pledge of Allegiance.

5. Presentations

- Proclamation recognizing LGBTQ+ Pride Month in the City of St. Charles.

6. Motion by Ald. Silkaitis, second by Ald. Payleitner 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. Payleitner, Ald. Bongard, Ald. Lencioni, Ald. Pietryla, Ald. Wirball, Ald. Bessner, Ald. Weber; Nays: None.

Motion Carried

***7. Motion by Ald. Silkaitis, second by Ald. Payleitner to accept and place on file minutes of the regular City Council meeting held May 16, 2022.**

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

Motion Carried

***8. Motion by Ald. Silkaitis, second by Ald. Payleitner to approve and authorize issuance of vouchers from the Expenditure Approval List for the period of 5/2/2022 – 5/15/2022 in the amount of \$2,757,524.40.**

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

Motion Carried

***9. Motion by Ald. Silkaitis, second by Ald. Payleitner to approve and authorize issuance of**

vouchers from the Expenditure Approval List for the period of 5/16/2022 – 5/29/2022 in the amount of \$4,568,639.90.

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

Motion Carried

I. Old Business

- A. None

II. New Business

- A. Motion by Ald. Lencioni, second by Ald. Bongard to approve recommendation to approve a **Resolution 2022-56** approving a License Agreement with Mad Bomber Fireworks Productions and the Temporary Use of 211 N. Riverside Avenue for a Special Fireworks Display for a Private Wedding Event at Hotel Baker.

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

Motion Carried

Chief Swanson received a request for fireworks display related to a wedding on Saturday at Hotel Baker. All paperwork is in order and legal has produced the appropriate legal document. The fireworks would last five to ten minutes and would be smaller than the fourth of July. It involves City property north of the freedom shrine.

Ald. Payleitner asked if neighbors would be notified. Chief responded yes.

Ald. Lencioni asked if Chief has been notified of any concerns. Chief responded no.

Ald. Payleitner asked for future events they know it's 60 days. Chief responded yes.

- B. Motion by Ald. Lencioni, second by Ald. Weber to approve recommendation to approve a **Resolution 2022-57** to Authorize the Purchase of Materials for the Pheasant Run Industrial Park Development.

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

Motion Carried

City Administrator McGuire discussed this motion and the next motion. The first is the purchase of materials and the second is the associated agreement. We have a pending feasibility TIF analysis on the east side at Pheasant Run. The issues, as we started working through the process, with the developer Greco/DeRosa, is a delay in the supply chain. They may experience a delay of 6 to 50 weeks in electrical materials. The agreement before you is for the developer to pay for the entirety of the cost for these materials. And then we would order them through our channels. This is still subject to a reviewed and discussed redevelopment agreement with City Council. In the event, that they don't reach an agreement with City Council all of the liability for the purchase of those items would remain with the developer and they do understand that portion. This is over \$6.6 million in materials and would only be ordered on a

deposit of 110% of the cost of the items with the City. No materials will be ordered until we actually receive the check. This cost is completely on the developer until the redevelopment agreement is established and negotiated before City Council. We are trying to work with them to get this project off the ground because of the significant delay in the supply chain.

Ald. Silkaitis clarified that we do all this and we get the check for 110%, and we don't approve the TIF, they will be responsible?

Ms. McGuire responded correct. Upon deposit of the check, we will order all the supplies listed in exhibit C. And in the event that agreement is not approved, they would be able to continue that development on and installing the electrical components. And they would pay for the materials since they have been ordered at this point.

Ald. Wirball asked about the difference in amounts from the two motions.

Ms. McGuire also said that there is interest that would be reimbursed to developer if the agreement is approved.

Ald. Wirball asked about language to address if the developer changes. Attorney Peppers said the first developer would pay for everything up front. The goal of this agreement is that the City would not be fronting any money up front.

Ms. McGuire responded to a question about the process and stated this is a typical practice where the City purchases materials.

- C. Motion by Ald. Wirball, second by Ald. Bessner to approve recommendation approve a **Resolution 2022-58** for an Electric Utility Improvement Cost Agreement with Greco/DeRosa for the Development of the Pheasant Run Industrial Park.

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

Motion Carried

III. Committee Reports

A. Government Operations

- *1. Motion by Ald. Silkaitis, second by Ald. Payleitner to authorize staff to award Harris Computer Systems the annual contract for CityView software support and maintenance for \$32,186.

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

Motion Carried

2. Motion by Ald. Silkaitis, second by Ald. Pietryla to approve of an agreement with Harris Computer Systems for NorthStar Customer Information Systems and Billing software, implementation services, and cloud hosting for a not-to-exceed cost of \$887,010.

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

Motion Carried

- *3. Motion by Ald. Silkaitis, second by Ald. Payleitner to approve a **Resolution 2022-59** approving a Contract with BerryDunn for Strategic Plan Services.
Roll Call Vote: Ayes: Ald. Silkaitis, Ald. Payleitner, Ald. Bongard, Ald. Lencioni, Ald. Pietryla, Ald. Wirball, Ald. Bessner, Ald. Weber; Nays: None.
Motion Carried
- *4. Motion by Ald. Silkaitis, second by Ald. Payleitner to accept and place on file minutes of the May 16, 2022 Government Operations Committee meeting.
Roll Call Vote: Ayes: Ald. Silkaitis, Ald. Payleitner, Ald. Bongard, Ald. Lencioni, Ald. Pietryla, Ald. Wirball, Ald. Bessner, Ald. Weber; Nays: None.
Motion Carried

B. Government Services

- *1. Motion by Ald. Silkaitis, second by Ald. Payleitner to approve a **Resolution 2022-60** to approve Consultant Contract for Bike and Pedestrian Plan Update.
Roll Call Vote: Ayes: Ald. Silkaitis, Ald. Payleitner, Ald. Bongard, Ald. Lencioni, Ald. Pietryla, Ald. Wirball, Ald. Bessner, Ald. Weber; Nays: None.
Motion Carried
- *2. Motion by Ald. Silkaitis, second by Ald. Payleitner to approve a **Resolution 2022-61** to approve the Sale of Items of Personal Property Owned by the City of St. Charles via an online auction to the Highest Bidder.
Roll Call Vote: Ayes: Ald. Silkaitis, Ald. Payleitner, Ald. Bongard, Ald. Lencioni, Ald. Pietryla, Ald. Wirball, Ald. Bessner, Ald. Weber; Nays: None.
Motion Carried
- *3. Motion by Ald. Silkaitis, second by Ald. Payleitner to approve a **Resolution 2022-62** to award the Bid for Repainting and Repairs to Well 8 Reservoirs.
Roll Call Vote: Ayes: Ald. Silkaitis, Ald. Payleitner, Ald. Bongard, Ald. Lencioni, Ald. Pietryla, Ald. Wirball, Ald. Bessner, Ald. Weber; Nays: None.
Motion Carried
- *4. Motion by Ald. Silkaitis, second by Ald. Payleitner to approve a **Resolution 2022-63** to award the Bid for the Stirrup Cup Court Watermain Improvements Project.
Roll Call Vote: Ayes: Ald. Silkaitis, Ald. Payleitner, Ald. Bongard, Ald. Lencioni, Ald. Pietryla, Ald. Wirball, Ald. Bessner, Ald. Weber; Nays: None.
Motion Carried
- *5. Motion by Ald. Silkaitis, second by Ald. Payleitner to approve a **Resolution 2022-64** to approve Consultant Contract for Stormwater Design Engineering.
Roll Call Vote: Ayes: Ald. Silkaitis, Ald. Payleitner, Ald. Bongard, Ald. Lencioni, Ald. Pietryla, Ald. Wirball, Ald. Bessner, Ald. Weber; Nays: None.
Motion Carried

- *6. Motion by Ald. Silkaitis, second by Ald. Payleitner to approve a **Resolution 2022-65** to approve Construction Contract for Traffic Signal Replacement at Peck and Campton Hills Roads.
Roll Call Vote: Ayes: Ald. Silkaitis, Ald. Payleitner, Ald. Bongard, Ald. Lencioni, Ald. Pietryla, Ald. Wirball, Ald. Bessner, Ald. Weber; Nays: None.
Motion Carried
- *7. Motion by Ald. Silkaitis, second by Ald. Payleitner to approve Street Parking Closures for the 2022 St. Charles Arts Council Street Painting Event.
Roll Call Vote: Ayes: Ald. Silkaitis, Ald. Payleitner, Ald. Bongard, Ald. Lencioni, Ald. Pietryla, Ald. Wirball, Ald. Bessner, Ald. Weber; Nays: None.
Motion Carried

C. Planning and Development

1. Motion by Ald. Weber, second by Ald. Lencioni to approve an **Ordinance 2022-M-36** Annexing Certain Unincorporated Territory to the City of St. Charles, Illinois (Springs at St. Charles).
Roll Call Vote: Ayes: Ald. Bongard, Ald. Lencioni, Ald. Bessner, Ald. Weber, Mayor Vitek; Nays: Ald. Pietryla, Ald. Wirball, Ald. Silkaitis, Ald. Payleitner
Motion Carried
Ald. Payleitner asked if the annexation is attached to the PUD, correct? Mr. Colby responded yes. Mr. Colby explained that this is an ordinance annexing the property followed by an ordinance approving the development.
- *2. **Motion by Ald. Silkaitis, second by Ald. Payleitner** to accept and place on file Plan Commission Resolution No. 8-2022 A Resolution Recommending Approval of a Map Amendment, Special Use for Planned Unit Development and PUD Preliminary Plan for Springs at St. Charles (Continental 629 Fund LLC).
Roll Call Vote: Ayes: Ald. Silkaitis, Ald. Payleitner, Ald. Bongard, Ald. Lencioni, Ald. Pietryla, Ald. Wirball, Ald. Bessner, Ald. Weber; Nays: None.
Motion Carried
3. Motion by Ald. Weber, second by Ald. Lencioni to approve an **Ordinance 2022-Z-11** Granting Approval of a Map Amendment, Special Use for Planned Unit Development and PUD Preliminary Plan for Springs at St. Charles.
Roll Call Vote: Ayes: Ald. Bongard, Ald. Lencioni, Ald. Bessner, Ald. Weber, Mayor Vitek; Nays: Ald. Pietryla, Ald. Wirball, Ald. Silkaitis, Ald. Payleitner
Motion Carried

A resident asked if the Council would take public comments. Mayor Vitek said yes. Ron and Linda Jaeger, 4016 Pheasant Court, St Charles. Mr. Jager sent a letter to Council and read his letter:

May 23, 2022

St Charles City Council and it's Community and Economic Development Commission
Re: Springs at Smith Road Project, withdrawal on support

Dear City Council and Community and Economic Development Commission:

Since your Community and Economic Development Commission public hearing on this project, I have come to learn that while the developer, Continental Properties, included in their application information that this was a private equity funded project. I have since learned that while Continental may fund construction and early operational funding using private equity, they apply for and refinance their projects through HUD. As you are probably aware, HUD financing requires some level of subsidized housing units and provides for subsidized, income based, housing, referred to as Section 8 housing. While I could not find any specific information on their participation in Section 42 TIF financing, I'd not be surprised if this also gets mixed into their financing plan.

Because of this misrepresentation by the developer and my experience with Section 8 and Section 42 TIF housing in Peoria, we withdraw all support of this project and additionally, vehemently OPPOSE this development plan. Let me share our Peoria experience. We resided for 24 years on the west side of Peoria in a single family area. In the late 90's-early 2000's two 600 plus apartment developments received PUD approval and were developed; Lexington Hills and Aspen Bluffs apartments and town-homes. Both were approved as market rated developments with the understanding that Section 8 and 42 would be their fallback business plan. Once operational, both projects quickly converted and their operational and social problems escalated. There was a decline in the parental involvement in the primary grade school, Pleasant Valley. Concurrently, the surrounding residential communities became unofficially designated as a high crime rate area by the Peoria Police department. We only learned of this dark history when we, in 2006, put our home on the market. We had an exceedingly difficult time attracting showings and only after we pressed our realtor, did we learn of the impact of these two apartment developments on our home's value.

It took us 24 months to sell our home. In order to accomplish this, we lost approximately half of the market value because of this undesirable area that developed from these apartment developments. We DON'T want to see this repeated here!

Out of curiosity, I researched the current situation of these developments. What I found was shocking. On April 10th, Lexington Hills management offices were burned out. Yes, BURNED OUT! They have severe drug problems and are hauling vehicles, without permits, from the property. There is a new prohibition list of rules from management to residents for 'causes for eviction'. I did not research the Peoria Police activities but can only imagine what this would disclose.

Ownership is the only Gold Standard to ensure that those who reside in a development will care enough about their home and neighborhood, the schools and all the other aspects of ensuring a quality experience. From my brief background check into Continental's history and means to finance projects, not to mention their lack of transparency and forthrightness. WE OPPOSE this project and ask the St Charles City Council to do the same.

Eric Hahn, Continental Properties, W134N8675 Executive Parkway, Menomonee Falls, WI 53051, responded to Mr. Jager comments regarding the loan in South Elgin. We have a testimonial letter from Steve Golden in South Elgin. We have a great relationship with the Village. The HUD loan is a common 30-year HUD loan, it is a conventional loan, FHA insured, HUD insured. It is all market rate. Continental has its own capital in that project. Our owners have 25% of capital in the project. There isn't any other private equity source. We are not collecting any section 8 vouchers for leases at that location. Today's in place rents average \$1860/month, ranging from \$1510 - \$2250. He described the renter profiles, currently at South Elgin 87% of residents earn over \$60,000. Which will be like St. Charles demographic. Also Mr. Hahn mentioned the will be paying into inclusionary housing fund. Finally, he mentioned that section 8 housing vouchers are becoming a protected class of income at the beginning of next year. Mr. Hahn introduced his attorney Kate McCracken who explained a HB2775 which will mandate any operator/landlord to accept vouchers as a form of income. This is coming to the entire state of Illinois in the new year. The law states that you cannot discriminate against people's income. Please keep this mind.

Arthur Lemke, 3214 Blackhawk Trail, St. Charles,
Mr. Lemke asked with an annexation on the table how many votes are required? Attorney Peppers responded for a straight annexation it is simply a majority vote that's required. For an annexation agreement it requires two thirds vote. This is not an annexation agreement, so simple majority vote is required.

Nicholas Dzierzanowski, 2456 Lehman Drive, West Chicago
I live in the Cornerstone Lakes neighborhood. I live in West Chicago, but I live in the community and spend lots of tax dollars in St. Charles. This is a great looking development, but this is not the place for it. This piece of property should be single family homes or town houses, not high-density apartment building. Mr. Dzierzanowski asked that the Council look at this and think of the whole community, not just your wards. And he hopes this does not impact the Charlestowne mall development.

Ald. Silkaitis said, at committee I voted to approve this. I think before we annex any more property in St. Charles, we need to develop what we have already. Which is why I voted no for the annexation agreement. And the mall is important to us. I cannot support it anymore.

Ald. Lencioni said he will be voting for this. I understand the financing intentions. These are high quality units. I don't think there is anything wrong with this high quality housing.

- *4. Motion by Ald. Silkaitis, second by Ald. Payleitner to Approve an **Ordinance 2022-M-37** Vacating a portion of N. 8th Ave. (north of Cedar Ave. and south of State Ave.), vacating a portion of Cedar Avenue (east of N. 9th Ave.), and reserving and granting a Public

Utility Easement over the vacated portion of Cedar Ave. (800 Cedar Avenue- Michael E. Mustard)

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

Motion Carried

- *5. Motion by Ald. Silkaitis, second by Ald. Payleitner to accept and place on file Plan Commission Resolution No. 7-2022 A Resolution Recommending Approval of a Map Amendment, Special Use for Planned Unit Development and PUD Preliminary Plan for Charlestowne Lakes (D.R. Horton, Inc.).

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

Motion Carried

- *6. Motion by Ald. Silkaitis, second by Ald. Payleitner to approve an **Ordinance 2022-Z-12** Granting Approval of a Map Amendment, Special Use for Planned Unit Development and PUD Preliminary Plan for Charlestowne Lakes.

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

Motion Carried

- *7. Motion by Ald. Silkaitis, second by Ald. Payleitner to accept and place on file minutes of the May 9, 2022 Planning & Development Committee meeting.

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

Motion Carried

9. No Public Comment

10. Additional Items from Mayor, Council or Staff

- Mayor Vitek stated that we have encountered a lot of somber moments recently. First the Memorial Day parade and presentation which was very well done. Also want to recognize and remember all the veterans that have served on the 75th anniversary of D Day. There was also the death of Justin Hardy, from St. Charles East, who recently died. I would like to honor him and his family. He was great example to all students, and the entire City, that you can persevere through suffering.
- Mayor Vitek wished Ald. Bancroft a happy birthday.

11. No 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. Pietryla to adjourn the meeting at 7:38 pm.

Roll Call Vote: Ayes: Ald. Silkaitis, Ald. Payleitner, Ald. Bongard, 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

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).