

**MINUTES FOR THE  
ST. CHARLES CITY COUNCIL MEETING  
RAYMOND P. ROGINA, MAYOR  
MONDAY, MARCH 15, 2021 – 7:00 P.M.  
CITY COUNCIL CHAMBERS  
2 E. MAIN STREET**

1. **Call to Order** at 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** – Ald. Bancroft

5. **Presentations**

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 regular City Council meeting held March 1, 2021.

**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 and authorize issuance of vouchers from the Expenditure Approval List for the period of 2/22/2021 – 3/7/2021 in the amount of \$1,588,434.52.

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

**Opposed** – None

**Abstain** – None

**Absent** –None

**I. New Business**

A. Discussion about State of Emergency within the City of St. Charles Due to the COVID-19 Pandemic.

Rogina – I'm going to ask City Administrator Koenen to come to the podium for discussion of this next item. We will discuss this item before we move to approve or not approve item I-B on the agenda. Before we start, I'd like to make a statement. Two weeks ago, there were questions raised about the need for such a declaration of an ongoing pandemic in St. Charles. That need, the need to give the mayor executive order power moving forward. One question or comment that was made was an inference that maybe there may have been executive orders that council was not aware of. As you will see in the presentation, nine executive orders were issued, all discussed or made aware of by this council, some enacted into ordinances. There were no executive orders issued secretly. Two, there was concern about the need for discussion from the pandemic order or orders and extending the mayor's executive order power and whether the appearance of the rubber stamp was created. My response to that is, there is always discussion that is in order and welcome and the fact is, council meetings as necessary were held over the course of this pandemic, and now still exist twice a month. Staff meticulously working with legal council presents the request for the extension while carefully reviewing current rules by the governor. The council then considers these executive orders. Twice a month, this council for whatever reason, and after discussion and without a rubber stamp, and by a majority vote could decide to withdraw the executive power of the mayor. That is a great system, and in my opinion, of checks and balances. I guess what I did not understand was what was so special about two Mondays ago as opposed to three months ago, or six months ago or nine months ago. Some other cities have merely given the executive authority to the mayor until the pandemic, the current pandemic is officially over, and that seems to be, all I can see is a move to phase 5 by the governor. You will see some detail tonight from city administrator Mark Koenen and myself and elaboration of what was asked and what we said two weeks ago. I would like to say one more thing, when we started this process a year ago, one council member asked me the question as to whether I would keep the council apprised of any executive orders issued. Despite that concern two weeks ago, we will show that promise has been kept. Staff and I will take you through the nine executive decisions with additional analysis as I suggested we do two weeks ago. With that, Mark if you would perhaps take us through the nine executive orders that were issued by myself and in many cases ratified by the council through ordinances or whatever, and in some cases just simply administrative decisions to be made because of an act by congress or whatever.

Koenen – We sound like we are in transition again. What I will go through are the nine orders and talk about when the council would have considered them. Talk a little about them each as have a perspective as to when they were considered by this body and we will go through them and talk about where we are today when them because some of them have been superseded by city council ordinance actions, particularly outdoor dining and secondly, I have some information about impact about if the disaster declaration issue were to be cancelled because of an action by council or if the governor goes into phase 5, his state declaration would end, causing our order to also end as it is tied to the council choosing to end it or the governor ends the state declaration. There is an impact that we want to make sure, maybe a gap or bridge that we want to bridge there. Also, I'm pleased to say that Chief Swanson has provided information from I-EMA and because St. Charles is certified under the Illinois Emergency Management Association charter, we received guidance from them about the declaration also. Beginning to end, we'll do this and soon be finished.

#1-council acted on 3/30/2020-Family First Corona Response Act – Jennifer McMahon spoke on this were it pulled emergency workers such as police and fire and public works from the 12 weeks of leave for childcare because of COVID

#2 – 4/27/2020 – Face Coverings – Brought as a health measure recognizing that this was helpful to limit the spread of COVID, in a few minutes we'll talk about how that was overridden by another executive order

#3, #4, #5 – All Outdoor Dining 5/28/2020 #3, that was the night we had the conversation about having outdoor dining, we had limited hours of service, maybe 11pm closure Sunday through Wednesday and maybe 10 on the weeknights, the exact times I don't remember at this point. There was no music permitted. This will come back shortly.

#4 – 6/15/2020 this was permitting music associated with outdoor dining

#5 – 7/20/2020 we changed the outdoor service hours to match the liquor license, hours were previously shortened and this matched the hours of license service.

#6 – 8/17/2020 – Face coverings that we overrode from an earlier executive order, for health reasons we wanted face coverings and this included a fine structure in case the police were in a position to have to enforce and take action.

#7 – 9/8/2020 – Temporary suspension of the late night liquor licensing, 1am or 2am licenses. About 2 weeks or 30 days later, we reversed that action, there was a council check and override in there.

#8 – Re-closing of 1<sup>st</sup> Street to the direction of the city administrator on or before maybe 5/30/2021, I'd have to look again but we are targeting earlier.

#9 – 2/1/2021 this was temporary code modifications that liquor license fees and late night permits fees were eliminated or reduced.

Rogina – I added this to my part of the discussion from an observation of 60 Minutes last night, we can always debate and discuss the issue of if there is a true pandemic, if we should say to the citizens of St. Charles, there is a state of emergency, if you approve item B, declaring and confirming a state of emergency in the city of St. Charles due to the COVID-19 pandemic. I've had my two shots now, I'm feeling pretty good about that now, I watched 60 minutes last night and there was a discussion about these various strains that are beginning to appear in the US and elsewhere, I said to my wife, I'm waiting for the magic punch line here, the line I want to hear is that if you've been vaccinated, you're okay. The scientists discussing this weren't really that clear on that point. I walked away from that saying, hmm where are we at with this? I'm optimistic and we are moving forward and getting many vaccinations left and right, conversations about all of our people being vaccinated or opportunity to be vaccinated by May 1 is positive and then I hear this and I lead you to the next point of the analysis and that being, what do we as a community, what does the staff suggest to the council that we should do, based on some digging that has been done on this point and we go from there.

Koenen – I left a hint of my interest in what this has to do with the issuance of liquor license fee reductions and modifications for the coming fiscal year. Tracey Conti and Sharon Bringelson and the associated offices have been busy processing liquor license applications because they all have to be approved, and are on the government operations committee agenda here tonight, and to that effect we would like to get an official approval in the first meeting in April. I don't think that it is very reasonable or practical and no one wants to go back and tell people they need to pay fees, if we don't have a declaration in place, I think we should pass an ordinance that would allow for this one year pause in the fee structure, that would be the staff recommendation. The other piece of analyses that I want to share about the disaster declaration, in some of our police and fire contracts, there is language in there that gives the ability to suspend specific elements of the contracts, except the pay compensation elements of course. Things like vacation and other types of time off, we would always be able to have the necessary

staffing to deal with whatever might be ahead of us, pandemic or natural disaster for example. That is the other side, if the governor is going to lift this, we will automatically have to be dealing with the contracts so that would go out the window. I would like to take a moment to talk about what Chief Swanson learned from I-EMA and I will read the information that the chief sent to me. This is paraphrased; at this point of the pandemic, a declaration is not required. A continual declaration is, however, highly recommended especially if the jurisdiction is claiming and requesting disbursement funds. Final reimbursement funds for pandemic activity could be in jeopardy if the declaration sunsets. This would include any future PPE needs and supplies, could include personal costs included in the requests, could also include St. Charles EMA personal who are actively assisting in staffing of COVID vaccinations in field. Our local representatives have been active in this. They are pay rolled and from EMA perspective, is 100% reimbursable. It was suggested that if the council or city at large, were to revise or alter the mayor's powers for the disaster declaration, that we would move forward with those powers altered but the resolution would remain in place. I thought that was good council from our state officials. At the end of the day, the governor's recent announcement this afternoon might put a lot of this to bed. It might be over, but having said that, between now and then, if the action of this council is to eliminate the disaster declaration, I would really think we would need to take steps to build a bridge and that would be guidance I would be looking for from you all tonight and we would bring that back at the next council meeting as a new business item.

Rogina – I'll add a point for all of you to be aware of this, I know Chris Minick sits here and looks at the 2021-2022 budget and hopes that what we've heard from the President that is true with respect with aid to St. Charles. The number would be significant and a lot of communities have addressed that in many different ways and Mark and I had this conversation in our Monday meeting, we are looking at what the requirements are and what the guidance is for something like this and go from there. I guess at the end of the day, I think we have made a case here for your questions the other day about this, I don't think that ever do I take anything lightly with respect to receiving a power to issue executive orders, I always felt that there is an emergency involved and if something like late night permits were involved, we had conversation at length about it and in one case you said 10-0, hey we don't like that, let's go back to 2am. That's fine, that's how it works. With that, questions?

Lewis- Mark, thank you, this is exactly what I was looking and Mayor Rogina, I'm sorry that you felt that it was directed at you, my question was more about a year after the fact, let's review what we did, why we did it, and why we would want to continue going forward with it. That is all, I thought the public would want to know, because I have been getting questions and in no way was it an offense that you were hiding something and I'm sorry you felt that way, my concern was, let's talk about what we did, and why we need to do it. So thank you and I really, we all, I think, appreciate that.

Payleitner – Your honor, I'd like to make the motion on Item I-B

- B. Motion by Ald. Payleitner and seconded by Ald. Gruber to approve an **Ordinance 2021-M-12** 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, April 5, 2021.

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

- C. Motion by Ald. Bancroft and seconded by Ald. Lemke to approve a **Resolution 2021-25** Authorizing Publication and Sale of the 2021 City of St. Charles Official Zoning Map

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

## II. Committee Reports

**A. Government Operations**

None

**B. Government Services**

None

**C. Planning and Development**

1. Motion by Ald. Payleitner and seconded by Ald. Lemke to approve An **Ordinance 2021-Z-4** Granting Approval of a Final Plat of Subdivision for Munhall Glen Subdivision.

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

- \*2. Motion by Ald. Stellato and seconded by Ald. Silkaitis to accept and place on file Plan Commission Resolution No. 03-2021 A Resolution Recommending Approval of an Application for Special Use for a Recreational Cannabis Dispensing Organization at 3691 E Main Street (Zen Leaf).

**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 approve An **Ordinance 2021-Z-5** Granting Approval of a Special Use for a Recreational Cannabis Dispensing Organization (3691 E Main Street – Zen Leaf St. Charles).

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

**Opposed** – None

**Abstain** – None

**Absent** –None

**9. 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)

**10. Adjournment** motion by Ald. Silkaitis and seconded by Ald. Payleitner at 7:25

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

**Opposed** – None

**Abstain** – None

**Absent** –None

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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).