

MINUTES FOR THE ST. CHARLES CITY COUNCIL MEETING
RAYMOND P. ROGINA, MAYOR
MONDAY, MARCH 1, 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.**
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 February 16, 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 2/8/2021 - 2/21/2021 in the amount of \$5,738,648.46.

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

I. New Business

Rogina – I'd entertain a motion for New Business Item I-A.

Payleitner – I'd like to ask why this is still necessary, Your Honor.

Rogina – Ald. Payleitner, that is a great question, the response on that would be that the Governor of Illinois has not taken the state to Phase 5. I would suppose, at the end of the day, I would defer to legal counsel but, to make a comment to simply say, I think we are staying in line with the State of Illinois and at such time we get the all clear from the state, that would be great and we wouldn't have to do this. Otherwise, something could happen that might necessitate this, the declaration of executive order for some reason. I think we have been judicious in this, yeah we have done it many times, and having said that, I think that we have really gotten into the weeds on this but just a few times.

Koenen – If I might add a couple of thoughts, number 1, we continue to extend the emergency ordinance in the past because we were always anticipating, we didn't want this to be an obstacle to receive Kane County Cares money. We do not understand what the money requirements will be from the federal government that was passed in the House last Friday. I would suggest that maybe that is reason enough to hold in place, the second reason is that if we serious about evaluating if we want to continue this order, it might be good for staff to take a couple of weeks to see how that might impact our operations to date. We did and have relaxed some of our ordinances as a result of this and some executive orders at the Mayor's issuance, and I would hate to, on the fly, make a decision tonight and then understand that we have things to iron out first. Maybe we could evaluate that first, if you would like to have us do that.

Payleitner – Okay

Rogina – Would we like Administrator Koenen to come back at the March 15th meeting and say, prior to having another vote on this issue, to have him perhaps with council from legal to get perhaps a more drawn out answer to this questions.

Payleitner – I personally don't know if we have a need anymore, but I just want to ask.

Rogina – Can I inquire as to why you don't see a need?

Payleitner – I think we have been holding our breath for a vaccination, every hurdle we have been asked to hold up to and we have done it and we are there. We can have 50 people here, we have people on Zoom and that is dictated by the Governor anyway, correct? So, I just feel it's a sense of optimism for our community, that's all.

Rogina – I'll be honest with you, I agree with you on the standpoint of optimism. I am optimistic that we are going to see real light at the end of the tunnel between now and say, June or July in terms of our ability to return to a degree of normalcy. I caution by saying that, I have read many good articles by a lot of learned authors recently that says, I am not sure what the new normal will be. We as a group of elected officials should be cognoscente of the fact that the new normal is something different that we were experiencing last March 1 at this time.

Payleitner - Even the meeting formats on Zoom, I was talking before the meeting, in theory, we allow Zoom because there is fear of the pandemic. I am guessing that of the number of people on here (Zoom), maybe 2 really fear the pandemic. I think that we are getting complacent, that is my concern.

Rogina – First of all, with respect to that comment, I would only respond to that by saying that we have a whole slew of people, come up here, that are below 65 years of age and have not had the 2 vaccines yet.

Payleitner – I am in that group.

Rogina - I have to be honest with you, it still scares me, this virus scares the living daylights out of me.

Payleitner – And I am saying, that is fine. I am under 65 as well, just for the record, I am saying that I am seeing complacency and if there is legit fear, then God bless you, do what you need to do.

Rogina – Who’s complacent though? That’s my question.

Payleitner – Do you think that everyone who is not here in the room is because they are fearful of the virus?

Rogina – Are you talking about our own council?

Payleitner – I am talking about anyone who isn’t here. Why would we have to justify a Zoom meeting?

Rogina – I think that the Governor...

Payleitner – He says it’s okay, right.

Rogina – He still have these types of calls in place. And they are allowed and we will allow them to happen.

Payleitner – Right, right, it’s allowed. There is no doubt about that, and it’s 100% legal and allowed.

Lemke – Other than Zoom meetings, for example, could we report back at the next council meeting of any issues that might be required, executive action in our absence or maybe any that are anticipated could always happen.

Rogina – I look over at my partner over here and say I don’t anticipate any executive orders, to be honest, on the horizon. But we never know what could happen.

Koenen – There are none being contemplated at this moment.

Lewis – I went back, and I do like your idea of looking into it and coming back in two weeks, but I also looked back to see if there was anything that really surfaced to the top that had to have a need for an executive decision made by you, and I didn’t see any really and maybe there were some that we don’t know about but I didn’t see any.

Rogina – God, no! You know that if any executive decision I have made, you know about it. There have been none under the table.

Lewis – We just have not seen any so, I was thinking what is the need to keep having the executive order in place if there are not any out there? We can meet regularly and we can call a meeting pretty quickly by Zoom, if it is needed.

Rogina – To the city administrator’s point, before I go to Ald. Vitek, the point he made earlier about the Cares Package and potentially other on the horizon, if we are not in a state of emergency, a pandemic state, why should we take any government money? I ask the philosophical question, why should we take any government money at all? Give it back to them! I don’t see a real reason if that is the case, and I think Ald. Bessner asked the question at the retreat on Saturday about the anticipated amount we might receive coming forward. I think Administrator Koenen made a good comment when he said, you don’t know what the regulation are going to suggest if we say that there is no threat here whatsoever, therefore there is no need to extend the pandemic. Ald. Payleitner is right, this council can do what it wishes.

Vitek – Okay, so there is still is a pandemic, we are amongst everyone! I do not want to be associated with saying people on our council or in the public are being complacent at all. Because people have families members that have had it or still may get it, I trust the judgment of the staff, you, our attorney and I think personally my office is not back at work and I can tell you that there are several residents and businesses that are not operating 100% in capacity and I just think that to go against that, I completely disagree with that.

Payleitner – I don't think we are going against anything, to be clear and for the record. We have our safety measures in place, we have our Plexiglas, still required to wear masks.

Vitek – Go against the executive order, I'm sorry, go against the executive order, thank you.

Bessner – Mark, you stated, and I would think that is part of the reason that we would continue this, so we could be considered for funding? Do we know for sure that we wouldn't receive additional funding? Not just the Cares Act, but the federal funding that we talked about at the retreat.

Koenen – In regards to federal money, there is an update that came in earlier today and St. Charles has been named for just over \$4 million dollars. Having said that, we don't know what the criteria or threshold might be for what we could use that money for, the criteria to actually accept the money, we have no details other than a dollar amount and it's underscored with "this is an estimate".

Bessner – That is good to hear, and if we are going to look at it in two weeks, I don't know if you'll know more information about that, it would be helpful.

Koenen – We sure could.

Bessner – I can do some homework myself, I didn't know we were going to have this discussion tonight in detail, what other communities are still doing this around us? Outside of Geneva and Batavia that is?

Koenen – Most communities are doing Zoom meetings or hybrids like we are, in fact, our municipal center, unlike many neighbors, is open. Most are still closed.

Bessner – did they all declare emergency?

Koenen – Yes, everyone is still doing it, we are in line step with everyone else.

Rogina – I knew the answer to that question but was going to ask for the sake of understanding what is happening up and down the valley. I think legal council Peppers is aware, thought his office, of numerous other municipalities that are still in this state.

Peppers – Thank you Mayor, our office has 13 municipal clients for general council and 12 still have emergency declarations, the one that does not let it lapse 6-7 months ago for many different reasons. We have none contemplating letting it lapse at this time, haven't had the conversation. I think to underscore the comment I made to Administrator Koenen before he went up was, there are still a lot of unknowns about the funding we are all wrestling with and I fear that if we don't have something in pace, maybe it negates our ability to receive funds, that would be a problem. The other part is the flexibility of what we don't know, the unknown, on how to respond to something you just don't know about yet. It is a good question thought, to examine what we have already passed to date, what would happen if that lapses or would those go away or not. I don't know the answer to that and I will have to look into that.

Bessner – The one community that did lapse months ago, do you know if they received funding or any issues receiving funding?

Peppers – They received Cook County funding.

Lewis – Regardless, I think this is healthy conversation. For many months, we have never asked the question, never really had the conversation. We just, for a year, have said yes each time so I think this was a very good thing, to have a healthy conversation on this topic so it doesn't just seem like a rubber stamp, I think we absolutely owe that to the public. Looking into it a little bit more and coming back will help us understand even more. Just because you question something, doesn't mean that you're not going to support it and frankly I'm glad we had this conversation tonight.

Lemke – Pending further discussion, I move to approve item I-A.

Vitek - Second

- A.** Motion by Ald. Lemke and seconded by Ald. Vitek to approve an **Ordinance 2021-M-10** 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.

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

Opposed – None

Abstain – None

Absent –None

Payleitner – Now that we are done voting on it, Mark my understanding of any of this future money that we might be getting is that it is not for what is happening now, but for repair and restore. Is that correct?

Koenen – I don't think we know the answer to that question. I have heard what you said, and the answer is yes to that but don't know about now.

Payleitner – Okay, thank you.

II. Committee Reports

A. Government Operations

- *1. Motion by Ald. Stellato and seconded by Ald. Silkaitis to accept and place on file minutes of the Government Operations Committee meeting held February 16, 2021.

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 Proposal for a B-1 Liquor License Application for Dough Pros LLC, DBA Billy Bricks Pizza located at 11 N Third Street, St. Charles.

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 a Proposal for a B3 Liquor License Application for Bella Bistro, Located at 3843 E. Main St., St. Charles.

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 2021-M-11** Amending Title 5 “Business Licenses and Regulations”, Chapter 5.08 “Alcoholic Beverages”, Section 5.08.090 “License Classifications”, of the St. Charles Municipal Code. (Amendment to D-8 liquor license allowing pre-packaged alcoholic liquors in addition to beer and wine)

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 Approve a request from Kathryn Hill, Director of the St. Charles Arts Council, for the Amount of \$2,500 to Support a Community Art Project.

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 a City Parking Lot Closure for the 3rd Street Dance & Theatre Academy Performance.

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 **Resolution 2021-16** authorizing the Mayor and City Clerk of the City of St. Charles to approve Professional Services Agreement with Serena Sturm for the Design Development Phase of the First Street Plaza.

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 a **Resolution 2021-17** authorizing the Mayor and City Clerk of the City of St. Charles to approve Intergovernmental Agreement Relating to the O’Hare Noise Compatibility Commission.

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 a **Resolution 2021-18** authorizing the Mayor and City Clerk of the City of St. Charles to award the bid for Substation #3 Concrete Pier Work to IHC Construction Companies LLC.

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 approve a **Resolution 2021-19** authorizing the Mayor and City Clerk of the City of St. Charles to award bid to Martam Construction for the IL Rt. 31 and Roosevelt Sewer Main Construction contingent on Funding Approval in the FY 21/22 Budget.

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 2021-20** authorizing the Mayor and City Clerk of the City of St. Charles to approve a Professional Services Agreement for the IL Rt. 31 and Roosevelt Sewer Main Design to Engineering Enterprises, Inc. contingent on Funding Approval in the FY 21/22 Budget.

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 2021-21** authorizing the Mayor and City Clerk of the City of St. Charles to award the bid to Pirtano Construction for the South Tyler Road and Production Drive Water Main Replacement Project contingent on Funding Approval in the FY 21/22 Budget.

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 2021-22** authorizing the Mayor and City Clerk of the City of St. Charles to award the bid to Duke’s Root Control for 2021 Manhole Rehabilitation.

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 a **Resolution 2021-23** authorizing the Mayor and City Clerk of the City of St. Charles to Authorize Application to Kane County Riverboat Grant and that the City Administrator be authorized to execute all necessary documents for construction of storm sewer improvements related to the State Street Creek Master Plan.

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

- *10. Motion by Ald. Stellato and seconded by Ald. Silkaitis to Waive the Formal Bid Procedure and approve a **Resolution 2021-24** authorizing the Mayor and City Clerk of the City of St. Charles to authorize a purchase order to Bluff City Materials for Clean Construction Debris Disposal.

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 minutes of the February 8, 2021 Planning & Development Committee meeting.

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

Payleitner – Thank you, Your Honor, there is something that happened today that triggered my comment and I have always bragged on the cohesiveness of our council. Even though there is disagreement, Heaven knows, there has always been respect. The recent public actions by the mayor and select councilmen have chosen divisiveness over cohesion. They brought discourse to the dais this election season and it certainly doesn't speak well of our city or how it's leadership functions. It truly breaks my heart and just have to say, shame on you all.

Rogina – Thank you, I have an item myself. Regarding Government Services item B-II, you as a committee unanimously passed last week and ratified tonight. I bring this to your attention, in a complimentary manner, because the next day Tuesday, we had pretty decent press about this. As a member of the initiative committee, I received 4 calls from 4 individuals, not businesses all wanting to donate, we are not talking about \$50 dollars either, these are four figures, and two of the four cases would be in memory of a loved one and I am saying, you ladies and gentlemen opened the door last Monday by approving the design phase of the project to now take the interest to the community in a higher level, for that I am most appreciative.

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. Payleitner and seconded by Ald. Silkaitis at 7:19pm

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

Opposed – None

Abstain – None

Absent –None

Charles Amenta, City Clerk

CERTIFIED TO BE A TRUE COPY OF ORIGINAL

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).