

**MINUTES
CITY OF ST. CHARLES
GOVERNMENT OPERATIONS COMMITTEE
MONDAY, DECEMBER 18, 2017**

1. Opening of Meeting

The meeting was convened by Chairman Bancroft at 7:30 pm.

2. Roll Call

Members Present: Chairman Bancroft, Ald. Vitek, Bessner, Lewis, Stellato, Silkaitis, Payleitner, Lemke, Turner, Gaugel

Absent: None

3. Omnibus Vote

- a. Budget Revisions – November, 2017
- b. Recommendation to approve Funds Transfer Resolutions authorizing budgeted transfers in the aggregate amount of \$5,642,687.79 for debt service payments and miscellaneous transfers.

Motion by Ald. Turner, second by Stellato to approve the omnibus items as presented.

Voice Vote: Ayes: Unanimous; Nays: None. Chrmn. Bancroft did not vote as Chair.

Motion Carried.

4. Police Department

- a. Recommendation to approve a proposal for a new Class A6 Liquor License for Anandappa Enterprises, Inc., dba St. Charles BP, LLC located at 1745 W. Main Street, St. Charles.

Chief Keegan: Item 4a is a recommendation to approve a proposal for a new Class A6 liquor license for Anandappa Enterprises, Inc., dba St. Charles BP, LLC located at 1745 W. Main Street, St. Charles. This advanced earlier this evening with a 3 to 1 favorable vote from the Liquor Commission.

This is a new A6 license that was approved several months ago. It's a package license from 7:00 am – 10:00 pm, 7 days a week. The floor space is no more than 10% of the overall gross floor space as far as alcohol sales.

In the background materials you will see noted that there was an arrest of one of the managers about 6 years ago that was completely unrelated to alcohol sales. The police department is recommending favorably that this establishment be licensed.

Ald. Payleitner: You're still waiting on a fingerprinting?

Chief Keegan: We have both back. Other than the one arrest noted there are no other issues.

Ald. Payleitner: It's not 10% of product, but 10% of floor space to be dedicated. I understand that the felony conviction of the manager doesn't apply to liquor; why is it on our application?

Chief Keegan: He's not on the license, but he is a manager of record. We fingerprint and run background on anyone with management authority within the business. Although it's not attached to the LLC or the Dram Shop insurance, he is an agent with the business.

Ald. Payleitner: It says if any of those people have a felony conviction; if it doesn't matter I'm wondering why it's on the application. The other question, are there any gambling convictions, maybe we should say any felony convictions associated with liquor. It looks like we're just dismissing it.

Chief Keegan: I wanted to be honest and bring it forward. This is just one manager that is employed, the conviction was over 6 years ago, and it's completely unrelated to alcohol sales. I've read the report and I don't see a problem with the gentleman's background.

Ald. Payleitner: I agree. I was questioning the process.

Motion by Ald. Stellato, second by Turner to recommend approval of a proposal for a new Class A6 Liquor License for Anandappa Enterprises, Inc., dba St. Charles BP, LLC located at 1745 W. Main Street, St. Charles.

Roll Call Vote: Ayes: Vitek, Bessner, Stellato, Lemke, Turner, Gaugel; Nays: Lewis, Silkaitis, Payleitner. Chrmn. Bancroft did not vote as Chairman. **Motion Carried.**

- b. Recommendation to approve an Ordinance Amending Title 5 Entitled, "Business Licenses and Regulations", Chapter 5.20, "Massage Establishments", Section 5.20.110, "Conditions and Restrictions of Licenses" of the St. Charles Municipal Code.

Chief Keegan: Item 4b is a recommendation to approve an Ordinance Amending Title 5 Entitled, "Business Licenses and Regulations", Chapter 5.20, "Massage Establishments", Section 5.20.110, "Conditions and Restrictions of Licenses" of the St. Charles Municipal Code.

This was advanced from the Liquor Control Commission earlier this afternoon with a 4 to 0 favorable recommendation. I think you all have seen or read some of the Massage Envy information that has been going on in the media. There might have been some conduct over the last several years that was observed and reported, but fell on deaf ears. A lot of us in public service are what's called mandated reporters. Anytime we see or hear neglect or abuse we are mandated to notify the authorities. We would be putting the same onus on the folks that run or manage a massage facility. If they see it, hear it, they have to notify the St. Charles Police Department. I did some research, vetted it through Atty. McGuirk. We are trailblazers in this regard. We're happy to set the trend. You know what we've done with massage and our ordinance to try to legitimize that type of service within our jurisdiction. With that I'd ask for a favorable recommendation to advance this.

Ald. Lewis: I'd like to thank you for looking into this. I'm pleased to see this and according to the news report I saw; this is part of the problem as to why there were these issues. I'm glad we're a trailblazer here. Thank you.

Motion by Ald. Lewis, Second by Payleitner to recommend to approval of an Ordinance Amending Title 5 Entitled, "Business Licenses and Regulations", Chapter 5.20, "Massage Establishments", Section 5.20.110, "Conditions and Restrictions of Licenses" of the St. Charles Municipal Code.

Voice Vote: Ayes: Unanimous; Nays: None. Chrmn. Bancroft did not vote as Chair.

Motion Carried.

5. Human Resources

- a. Recommendation to approve an Ordinance Adopting a Policy Prohibiting Sexual Harassment for the City of St. Charles.

Jennifer McMahon: I'm sure you're all familiar with the passage of Public Act 554 this act amends the state officials and employees Ethics Act prohibiting sexual harassment and asking that municipalities among other things adopt an ordinance that prohibit sexual harassment. Policy requirements are prohibiting sexual harassment, articulating how an individual can report sexual harassment or an allegation of sexual harassment, prohibiting retaliation against a person for reporting sexual harassment, and articulating the consequences for violating this policy as well as the consequences for knowingly filing a false report of sexual harassment.

The City has had a sexual harassment policy in place for decades, it's broader than just sexual harassment, it covers harassment related to discrimination or harassment related to protected classes. Our policy was reviewed by our labor attorney and was amended to per some of the requirements of this act. That policy has been included in your agenda materials for your review as well as the ordinance that would adopt this policy.

Motion by Ald. Turner, second by Gaugel to recommend approval of an Ordinance Adopting a Policy Prohibiting Sexual Harassment for the City of St. Charles.

Voice Vote: Ayes: Unanimous; Nays: None. Chrmn. Bancroft did not vote as Chair.

Motion Carried.

6. Inventory Control Division

- a. Recommendation to Approve a Resolution Authorizing the Mayor and the City Clerk of the City of St. Charles to Approve the Award of a Mongoose 184 Trailer Sewer Cleaner to Sewer Equipment of Illinois and to Sell the Replaced Sewer Cleaner #1726.

Mike Shortall: I'm seeking approval to purchase a new Mongoose trailer and equipment from the awarded national joint powers alliance contract holder Sewer Equipment of Illinois. This

preferred piece of equipment has been approved through the Public Works Vehicle Committee and has been approved through budget. Additionally, I'm seeking approval to sell its replacement 1726 a 1998 Sewer Sniper. Said equipment will be sold via an online auction.

Motion by Ald. Stellato, second by Silkaitis to recommend approval of a Resolution Authorizing the Mayor and the City Clerk of the City of St. Charles to Approve the Award of a Mongoose 184 Trailer Sewer Cleaner to Sewer Equipment of Illinois and to sell the Replaced Sewer Cleaner #1726.

Voice Vote: Ayes: Unanimous; Nays: None. Chrmn. Bancroft did not vote as Chair.

Motion Carried.

7. 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)

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

9. Adjournment

Motion by Lemke, second by Turner to adjourn the meeting at 7:41 pm.

Voice Vote: Ayes: Unanimous; Nays: None. Chrmn. Bancroft did not vote as Chair.

Motion Carried.

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