

**MINUTES FROM THE MEETING OF THE ST. CHARLES CITY COUNCIL  
HELD ON MONDAY, JULY 16, 2012 – 7:00 P.M.  
CITY COUNCIL CHAMBERS, IN THE CITY COUNCIL CHAMBERS  
2 E. MAIN STREET ST. CHARLES, IL 60174**

- 1. Call To Order By Mayor Donald DeWitte At 7:01 P.M.**
- 2. Roll Call.**  
**Present:** Monken, Carrignan, Payleitner, Turner  
Rogina, Martin, Krieger, Bessner  
**Absent:** Stellato, Lewis
- 3. Invocation Alder. Payleitner.**
- 4. Pledge of Allegiance.**
- 5. Motion by Martin, seconded by Krieger to approve the Omnibus Vote as presented.**  
ROLL CALL VOTE: AYE: Monken, Carrignan, Payleitner, Turner  
Rogina, Martin, Krieger, Bessner  
NAY: 0 ABSENT: Stellato, Lewis  
MOTION CARRIED
- \*6. Motion by Martin, seconded by Krieger to accept and place on file minutes of the regular City Council meeting held on July 2, 2012.**  
ROLL CALL VOTE: AYE: Monken, Carrignan, Payleitner, Turner  
Rogina, Martin, Krieger, Bessner  
NAY: 0 ABSENT: Stellato, Lewis  
MOTION CARRIED (Omnibus Vote)
- \*7. Motion by Martin, seconded by Krieger to approve and authorize issuance of vouchers from the Expenditure Approval Lists for the period of 6/18/12 – 6/29/12 in the amount of \$2,278,685.58.**  
ROLL CALL VOTE: AYE: Monken, Carrignan, Payleitner, Turner  
Rogina, Martin, Krieger, Bessner  
NAY: 0 ABSENT: Stellato, Lewis  
MOTION CARRIED (Omnibus Vote)

**I. New Business**

- A. Motion by Martin, seconded by Carrignan to approve a proclamation declaring July 16 – 21, 2012 as Pontiac Enthusiasts Week in the City of St. Charles.**  
VOICE VOTE UNANIMOUS MOTION CARRIED

- B. Motion by Carrignan, seconded by Monken to approve an **Ordinance 2012-M-38** Approving and Authorizing the Execution of an Eighth Amendment to Purchase Agreement By and Between the City of St. Charles and SMN Development L.L.C.  
ROLL CALL VOTE: AYE: Monken, Carrignan, Payleitner, Turner  
Rogina, Martin, Krieger, Bessner  
NAY: 0 ABSENT: Stellato, Lewis  
MOTION CARRIED
- C. Motion by Carrignan, seconded by Monken to approve a **Resolution 2012-89** Granting a Sixth Extension to Begin Construction Following Recording of the PUD Final Plat for the First Street Redevelopment PUD Phase III.  
ROLL CALL VOTE: AYE: Monken, Carrignan, Payleitner, Turner  
Rogina, Martin, Krieger, Bessner  
NAY: 0 ABSENT: Stellato, Lewis  
MOTION CARRIED

## II. Committee Reports

### A. Government Operations

None.

### B. Government Services

None.

### C. Planning and Development

- \*1. Motion by Martin, seconded by Krieger to approve a **Resolution 2012-90** Authorizing the Purchase of Certain Property for Corporate Purposes by the City of St. Charles and Related Matters – Approximately 1.19 Acres Located Along Tyler Road and South of Production Drive.  
ROLL CALL VOTE: AYE: Monken, Carrignan, Payleitner, Turner  
Rogina, Martin, Krieger, Bessner  
NAY: 0 ABSENT: Stellato, Lewis  
MOTION CARRIED (Omnibus Vote)
- Gene Kalley, 510 Longmeadow Circle, St. Charles, IL  
I would like to discuss buying the 1.19 acres of land from Tyler Production. The City is proposing to buy land that is in a flood plane and the price that is proposed is \$130,000. The City's position statement dated June 11, 2012, clearly shows that a purchase price of \$130,000 is significantly above the appraised value. Why would the City buy land that is above the appraised value price? Then I read the minutes of May 14, 2012 Planning and Development committee where the economic development director, Mr. Aiston commented on why the City had to pay above appraised value. He stated that the property had a significant mortgage and in order to clear it, there has to be a certain amount of money that goes to Tyler Productions. My question, why should City's tax payers bail out Tyler Productions LLC from their big mortgage.

- Mayor DeWitte asked Chris Aiston to respond.
- Chris Aiston  
Read the position statement regarding the rationale as to why we are buying the property. The property is appraised in its entirety at \$3/sqf. It is about 6 acre property for about \$800,000. We are buying the southernly one acre site. That southernly one acre appraisal that indicated the value at \$1-\$2/sqf. So they question is, as stated in my position statement, why would the City pay \$3/sqf when the property in question, a subtract, can be appraised at \$1-\$2/sqf. The reason is three fold. First, that is what the property owner wishes to sell it at. We are not wishing to condemn it, it is a volunteer acquisition. It is for a public purpose. The City is unique in that we need to show public purpose when we purchase land. As been stated, the property is in a flood plane so therefore it has very little value to private development interest. There really is not a fair market value per se because there is no competing interest in purchasing the land. Only the City or some other public entity that is looking for open space for purpose for providing regional storm water management would be interested in this property. Therefore to compare what we would pay versus what the general public would pay is a moot point. The general public is not in position to provide public benefit to multiple property owners. I can't think of anyone else, except maybe the park district or forest preserve, that might be interested. That was number two. The third one is, we have an existing flooding problem in the Seventh Avenue creek watershed. It is prone to flooding and floods every time there is a 10-year event or worse. And we need to take action to help mitigate that problem for that area. This is a unique piece of property in that it is located in the regulatory flood way. Therefore the easiest way to address the flood problem is to purchase this property and clear open a drainage ditch that we are planning to construct. Thereby alleviating the back up. That is the rationale as to why we are buying it. It is a unique opportunity it happens to be for sale. This is the sale price.
- Mayor DeWitte asked if the City wanted to take a position to condemn this property, is it safe to assume that we would have been paying at least as much as the appraisal if not more with the associated litigation costs.
- Mr. Aiston said that would be the case. We would be adding legal fees. Right now it is a voluntary transaction there is nothing more than closing costs associated with the purchase.
- Mayor DeWitte asked if buying it directly from the property owner was to the tax payers advantage by a direct transaction as opposed to condemning the property and buying through eminent domain.
- Mr. Aiston said yes that is what I would say. It is more quick in terms of the purchase. It could take 12 months and there could be flooding events during that time.
- Mayor DeWitte said, and the issue regarding the regional storm water improvements that are a part of this acquisition, that has been discussed.

#### **D. Executive Session**

Motion by Carrignan, seconded by Bessner, to enter into Executive Session to discuss pending, probably or imminent litigation at 7:15.

ROLL CALL VOTE: AYE: Monken, Carrignan, Payleitner, Turner  
Rogina, Martin, Krieger, Bessner  
NAY: 0 ABSENT: Stellato, Lewis  
MOTION CARRIED

Motion by Krieger, seconded by Monken to return from Executive Session at 7:35.

ROLL CALL VOTE: AYE: Monken, Carrignan, Payleitner, Turner  
Rogina, Martin, Krieger, Bessner  
NAY: 0 ABSENT: Stellato, Lewis  
MOTION CARRIED

**E. No Additional Items from Mayor, Council, Staff, or Citizens**

**F. Adjournment**

Motion By Carrignan, Seconded By Monken, To Adjourn Meeting

VOICE VOTE UNANIMOUS MOTION CARRIED

Meeting adjourned at 7:35 P.M.

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Nancy Garrison, City Clerk

CERTIFIED TO BE A TRUE COPY OF ORIGINAL

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Nancy Garrison, City Clerk