

**MINUTES FROM THE MEETING OF THE ST. CHARLES CITY COUNCIL
HELD ON MONDAY, AUGUST 19, 2013 – 7:00 P.M.
CITY COUNCIL CHAMBERS, IN THE CITY COUNCIL CHAMBERS
2 E. MAIN STREET ST. CHARLES, IL 60174**

1. Call To Order At 7:01 P.M.

2. Roll Call.

Present: Stellato, Silkaitis, Payleitner, Lemke, Turner
Bancroft, Martin, Krieger, Bessner, Lewis
Absent: None

3. Invocation – Alderman Rita Payleitner

4. Pledge of Allegiance

5. Motion by Martin, seconded by Krieger to approve the Omnibus Vote as amended.

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner
Bancroft, Martin, Krieger, Bessner, Lewis
NAY: 0 ABSENT: 0
MOTION CARRIED

***6. Presentations:**

- a. Citizen Award to acknowledge citizens Anne Romano and Cathy Deutscendorf for life-saving actions they took at an ambulance call on June 2, 2013 – presented by Chief Schelstreet.
- b. Presentation regarding St. Charles Fire Department Accreditation – presented by Chief Schelstreet.
- c. Recognition of Eagle Scout Mitchell Joseph Scollon – Boy Scout Troop 56.

7. Motion by Martin, seconded by Krieger to accept and place on file minutes of the Public Hearing Comprehensive Plan meeting held on August 5, 2013 and minutes of the regular City Council meeting held on August 5, 2013.

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner
Bancroft, Martin, Krieger, Bessner, Lewis
NAY: 0 ABSENT: 0
MOTION CARRIED

- o Vanessa Bella-Sota, 1610 Howard
 - Wanted to make corrections to my comments to the minutes of the public hearing.
 - Line 5, the comment is “They’ll never catch up,” should be “the school district will never catch up.”

- Line 21, the comment is “There is starting to be a traffic study,” should be “There is a City traffic study.”

Motion by Martin, seconded by Lemke to incorporate Venessa Bell-Lasoto’s comments into the record for the Public Hearing Comprehensive Plan meeting minutes as presented.

ROLL CALL VOTE: AYE: Silkaitis, Payleitner, Lemke, Turner
Bancroft, Martin, Krieger, Bessner, Lewis
NAY: 0 ABSENT: 0
ABSTAIN: Stellato
MOTION CARRIED

- *8. Motion by Martin, seconded by Krieger to approve and authorize issuance of vouchers from the Expenditure Approval List for the period of 7/22/13 – 8/4/13 in the amount of \$3,613,896.91.**

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner
Bancroft, Martin, Krieger, Bessner, Lewis
NAY: 0 ABSENT: 0
MOTION CARRIED (Omnibus Vote)

I. New Business

- A. Motion by Krieger, seconded by Stellato to approve the recommendation from Mayor Raymond P. Rogina to approve the appointment of Mark Koenen as the City Administrator of the City of St. Charles effective August 31, 2013.

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner
Bancroft, Martin, Krieger, Bessner, Lewis
NAY: 0 ABSENT: 0
MOTION CARRIED

- Mark Koenen expressed his appreciation and say thank you for this opportunity. Mr. Koenen stated that the City of St. Charles is a city of opportunity. He sees a tremendous opportunity in the City. He sees great success in our future because people really care. Thank you!

- B. Motion by Stellato, seconded by Krieger to approve a **Resolution 2013-93** Authorizing and Directing the Mayor to Execute and the City Clerk to Attest to the Execution of a Certain Employment Agreement with Mark W. Koenen as City Administrator.

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner
Bancroft, Martin, Krieger, Bessner, Lewis
NAY: 0 ABSENT: 0
MOTION CARRIED

- C. Motion by Stellato, seconded by Turner to approve a proclamation declaring the 100th anniversary of St. Charles Moose Lodge 1368 on July 13, 2013.

VOICE VOTE UNANIMOUS MOTION CARRIED

- D. Motion by Martin, seconded by Turner to approve a **Resolution 2013-94** Authorizing the Execution of An Agreement Between the City of St. Charles and the St. Charles Professional Firefighters Association, I.A.F.F. Local 3322.

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner
Bancroft, Martin, Krieger, Bessner, Lewis

NAY: 0 ABSENT: 0

MOTION CARRIED

- Kathy Livernois thanked the Fire Fighter Union and the team for the City, including the Chief, for working together to come to an agreement. A mutually acceptable agreement that will benefit the City.
- Mayor Rogina thanked Ms. Livernois and the Fire Fighters Union, on behalf of the City Council, for professional negotiation, one handled very well. It ran smoothly throughout the process. We thank you!

- E. Motion by Silkaitis, seconded by Stellato to approve the closure of parking spaces on the west side of the 100 block of S. 1st Street.

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner
Bancroft, Martin, Krieger, Bessner, Lewis

NAY: 0 ABSENT: 0

MOTION CARRIED

- Chief Lamkin explained the request by Jeans and a Cute Top Shop to sponsor an event on Thursday August 29. A mobile spa will come in. We are sensitive to business community down there. They indicated they have checked with the neighbors and they are ok. It is a one-day event during the day where they would use the spaces to park the trailer. Based on those representations, we recommend approval to allowing this.
- Alder. Lewis asked if it was the whole street. Chief Lamkin responded it was in the general area of 161.

- F. Motion by Stellato, seconded by Turner, to approve a **Resolution 2013-95** Granting an Eighth Extension to Begin Construction Following Recording of the PUD Final Plat for the First Street Redevelopment PUD Phase III.

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner
Bancroft, Martin, Krieger, Bessner, Lewis

NAY: 0 ABSENT: 0

MOTION CARRIED

- Gene Kalley, 510 Longmeadow Circle
If the City Council votes no on the construction extension, does that void the First Street Redevelopment agreement with the developer?
- Attorney McGuirk
If the Council votes no, there is a process beyond that where the developer would have to be advised of their right to cure the default. The answer is, it doesn't void the agreement at this point.
- Mr. Kalley
But can it lead to voiding of the agreement? What would it take to void the

agreement? That was part of the original agreement, right, that construction would begin as of certain date.

- Attorney McGuirk

If it didn't happen within a certain date and the developer is in default, there is a process providing notice to the developer and giving them opportunity to cure. So eventually what you are saying would probably occur.

- Mr. Kalley

Thank you. If the City Council approves this construction extension, and there is not any construction in the next 90 days, can the City then terminate the First Street Redevelopment agreement even if First Street LLC comes in with a new plan?

- Attorney McGuirk

Again, the answer would be the same. If they didn't comply with the terms of the agreement there would be a default process.

- Mr. Kalley

But hasn't the City shown interest in a new plan and could that be part of this.

- Attorney McGuirk

I don't think we are here to have a discussion about all the if's and what have you's in the agreement. I think we have answered your question. I think this part of the meeting is for comments. Obviously there will come an end to this agreement if construction does not happen.

- Mr. Kalley

So if he comes in with a new plan does it not impact the situation in the next 90 days, whether he is still in default?

- Attorney McGuirk

If he comes in with a plan in the next 90 days, then the City is inclined to entertain that plan. I think there will be further modifications and extensions to the agreement.

- Mr. Kalley

Because of the past phases of the First Street Project, the City taxpayers are still on the hook for \$45 million in bond payments. In addition to this, I believe, that phase three of the agreement calls for the City to give land free to the developer and to pay approximately \$7 million for a parking garage and other items. Am I correct in this?

- Attorney McGuirk

I don't know the financial details.

- Brian Townsend

Mr. Kalley, I think you are well aware of the redevelopment agreement that outlines the obligation of both parties. And there is consideration on both parties and both parties are making contributions towards this project. You have been given those documents before. I think you are capable of reading them and you can make your own interpretations. I think the assertions you are making tonight are incorrect.

- Mr. Kalley

Is the City not going to give free land to the developer?

- Brian Townsend
As I just said to you, there are contributions on the parts of both parties in this agreement. There are obligations and requirements of First Street LLC and requirements of the City.
- Mr. Kalley
Is part of those agreements giving land free to the developer, do you know?
- Brian Townsend
No, that is not correct. As I said twice already, there are certain contributions and requirements by the developer and certain obligations of the City. Nothing is being given for free. To answer your question directly, there is not land being given to the developer for free.
- Mr. Kalley
Was there land given in phase one and two?
- Brian Townsend
Your question has been answered.
- Mr. Kalley
How about the parking garage. Is the City going to provide for the parking garage?
- Attorney McGuirk
Mr. Kalley, again, this is the comment portion on this issue. I don't think we are here to answer questions and interpret agreements. I think you have an opportunity to present your comments to the Council. If you have specific questions about the agreement I am sure the Staff will sit down with you. We are not going to make a determination tonight on what is going to happen in the future given future events.
- Mr. Kalley
What I am hearing, if the Council votes no on the extension that can lead to voiding the agreement. And that the agreement is calling for the City to provide more money into the project. I think it is a consideration that should be taken into account on this vote.
- Mayor Rogina
Mr. Kalley, you made a key statement, you said, what I have been hearing, and that is hearsay. You can hear all kinds of things all over town. There is number stories or scenarios that are being made relative to this. I know this vote here provides for the extension for First Street LLC for the 90 days in question which was discussed in committee. And that's what is on the table here now. This Council, like all past Councils will be transparent and make sure you any set of facts you want to argue on a given point. I don't think we have ever held back on that point.
- Mr. Kalley
Real estate development is a gamble. It can go bust and I am afraid there has been significant pressure placed on the developer to come up with a new plan. Does the City have any independent and documented feasibility information showing that the type of plans under consideration will have a good probability of success?

- Mayor Rogina

I don't think you can be sure about anything. With respect to this project or any project and with respect to the developer, I don't think anything is certain. As Mayor, and my colleagues can speak for themselves, they hear from constituents all the time. I ran for Mayor three months ago and during that time of running for Mayor I can assure you that many times two things came out. One, First Street. Secondly, Charlestown Mall. And saying that the vast majority of citizens in this community want that done. Want that done correctly, fiscally responsibly and there is no mistake. You will have a chance to as we move along with this process on First Street and if in fact the Charlestown mall comes before us, you will have your chance to share your opinion. I think the motion on the floor is cut and dry.

- Mr. Kalley

I would suggest the Council vote no on the extension in order to get away from the agreement to reduce our financial obligations and free us up to do a good feasibility study before we go forward. Thank you.

- G. Motion by Bessner, seconded by Krieger to approve an **Ordinance 2013-M-43** Authorizing the Execution of a Tenth Amendment to a Purchase Agreement By and Between the City of St. Charles and SMN Development, L.L.C.

ROLL CALL VOTE: AYE: Silkaitis, Payleitner, Lemke, Turner

Bancroft, Martin, Krieger, Bessner, Lewis

NAY: 0 ABSENT: 0

ABSTAIN: Stellato

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 accept and place on file Plan Commission Resolution 14-2013 A Resolution Recommending Approval of an Amendment to Special Use for a Planned Unit Development at 401-409 S. First Street (First Street Redevelopment – Building 7A).

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner

Bancroft, Martin, Krieger, Bessner, Lewis

NAY: 0 ABSENT: 0

MOTION CARRIED (Omnibus Vote)

- *2. Motion by Martin, seconded by Krieger to approve an **Ordinance 2013-Z-17** Amending Ordinance 2006-Z-29 (First Street Redevelopment PUD) to Permit Office, Business or

Professional, and Medical/Dental Clinic on the First Floor of Building 7A (401-409 S. First Street).

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner
Bancroft, Martin, Krieger, Bessner, Lewis

NAY: 0 ABSENT: 0

MOTION CARRIED (Omnibus Vote)

3. Motion by Stellato, seconded by Turner to approve an **Ordinance 2013-M-44** Approving and Authorizing the Execution of the Fourth Amendment to the City of St. Charles Tax Increment Financial Redevelopment Agreement (First Street Project) By and Between the City of St. Charles and First Street Development, LLC (Building 7A- Permitted Uses).

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner
Bancroft, Martin, Krieger, Bessner, Lewis

NAY: 0 ABSENT: 0

MOTION CARRIED

- *4. Motion by Martin, seconded by Krieger to accept and place on file Plan Commission Resolution 15-2013 A Resolution Recommending Approval of a General Amendment to Chapter 17.22 “General Provisions”, Section 17.22.020 “Accessory Buildings and Structures” regarding requirements for fences and walls.

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner
Bancroft, Martin, Krieger, Bessner, Lewis

NAY: 0 ABSENT: 0

MOTION CARRIED (Omnibus Vote)

- *5. Motion by Martin, seconded by Krieger to approve an **Ordinance 2013-Z-18** Amending Title 17 of the St. Charles Municipal Code Entitled “Zoning”, Chapter 17.22 “General Provisions”, Section 17.22.020 “Accessory Buildings and Structures” regarding requirements for fences and walls.

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner
Bancroft, Martin, Krieger, Bessner, Lewis

NAY: 0 ABSENT: 0

MOTION CARRIED (Omnibus Vote)

D. No Executive Session

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

- Mayor Rogina encourages everyone to shop local. Also as we move toward the end of construction on the east side, help our friends on the east side, as we move toward the end of a two-year project.
- Mayor Rogina asked Brian Townsend to join him at the podium. Mayor Rogina stated the following:
 - I recognize that this is your last City Council meeting in St. Charles. I think it is very important for the Mayor and City Council to say good-bye and wish you godspeed. I know a little about you. You are an Urbana Tiger, a NIU Husky, and spent close to 8 years in Schaumburg as an assistant to the Village Manager and Don DeWitte hired you in 2005. You became City Administrator and accomplished many things, we can have that laundry list here. I am not going to

take all that time. I will talk about one that is important to me as a citizen, now as mayor and important as an alderman. It is sustainability of the City during the downturn in the economy. I ran for Mayor here and there were those that would say that the City is crumbling and the City is financially in trouble. I say hogwash. You and your staff put together a sound financial structure here in the City. I am proud as Mayor to look at this on a regular basis and see the good shape we are in. And you, like me and numerous elected officials and staffers are adopted sons and daughters of St. Charles. We are not natives. But we want the best for St. Charles. Somewhere, Colonel Baker, Delora Norris, Max Hunt and Doc Langum as well as our current residents simply say thank you son. Great job, well done.

- **Brian Townsend**

- I have received a number of emails and phone calls and facebook messages over the last few weeks congratulating me on my new position with Schaumburg. I have shared with all that I have enjoyed my time here in St. Charles. When I came here 2005, there were several folks who thought that this would be quick stop for me. That was not intention. Hopefully my time and my service have demonstrated that I do have a very fond place in my heart for St. Charles. It is the place I have lived longer in my adult life than anywhere else. It is a fantastic community. It is characterized by committed elected officials, dedicated members of the public, and very hard working staff. It is a place that I will miss. However, at this point it is time for me to move on for a professional opportunity. I intend to live here for a little while longer. My wife and children love St. Charles and living here. And quite frankly the biggest factor in making the decision to move was whether they would move. They have supported me, as they have throughout their lives, and I really appreciate that. I want to thank everyone for all their support and all their hard work. Obviously, I have learned from all of you, hopefully you have learned from me. I would like to thank all the department heads for all of their support. Mayor, you mentioned the sustainability initiative that we had to go through. While I can take some credit for leading the effort, it was certainly a team approach that got us through it. It would not have been possible without the dedication of people sitting at that table over there. With that, I say thank you for everything. Wish you all the best.

F. Adjournment

Motion By Turner, seconded by Bancroft, to adjourn meeting

VOICE VOTE

UNANIMOUS

MOTION CARRIED

Meeting adjourned at 7:47 P.M.

Nancy Garrison, City Clerk

CERTIFIED TO BE A TRUE COPY OF ORIGINAL

Nancy Garrison, City Clerk