

**MINUTES FROM THE MEETING OF THE ST. CHARLES CITY COUNCIL
HELD ON MONDAY, AUGUST 3, 2015 – 7:00 P.M.
CITY COUNCIL CHAMBERS, IN THE CITY COUNCIL CHAMBERS
2 E. MAIN STREET ST. CHARLES, IL 60174
NEW BUSINESS**

1. Call To Order By Mayor Raymond Rogina at 7:01 P.M.

2. Roll Call.

Present: Stellato, Silkaitis, Payleitner, Lemke, Turner,
Bancroft, Krieger, Gaugel, Bessner, Lewis

Absent: None

3. Invocation -- Alderman Rita Payleitner

4. Pledge of Allegiance.

5. Presentations:

- Proclamation honoring Kyle Frederick Werner on his achievement of attaining Eagle Scout (Troop 1).
- Proclamation honoring Adam Dietrick Norris on his achievement of attaining Eagle Scout (Troop 1).
- Proclamation declaring Sunday, August 16 as the dedication date for the sculpture *Reflections* and for the Volunteer Plaza.

6. Motion by Krieger, seconded by Lemke to approve the Omnibus Vote.

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

NAY: 0 ABSENT: 0

MOTION CARRIED

***7. Motion by Krieger, seconded by Lemke to accept and place on file minutes of the regular City Council meeting held on July 20, 2015.**

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

NAY: 0 ABSENT: 0

MOTION CARRIED (Omnibus Vote)

***8. Motion by Krieger, seconded by Lemke to approve and authorize issuance of vouchers from the Expenditure Approval List for the period 07/06/2015 – 07/19/2015 of in the amount of \$6,661,644.86.**

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

NAY: 0 ABSENT: 0

MOTION CARRIED (Omnibus Vote)

I. New Business

II. Committee Reports

A. Government Operations

- *1. Motion by Krieger, seconded by Lemke to accept and place on file minutes of the Government Operations Committee meeting held on July 20, 2015.
ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner,
Bancroft, Krieger, Gaugel, Bessner, Lewis
NAY: 0 ABSENT: 0
MOTION CARRIED (Omnibus Vote)
- *2. Motion by Krieger, seconded by Lemke to approve funding allocation requests for the St. Charles 708 Mental Health Board for FY2015/16.
ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner,
Bancroft, Krieger, Gaugel, Bessner, Lewis
NAY: 0 ABSENT: 0
MOTION CARRIED (Omnibus Vote)
- *3. Motion by Krieger, seconded by Lemke to approve funding allocation schedule of the Visitors Cultural Commission for FY2015/16 and the related funding agreements.
ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner,
Bancroft, Krieger, Gaugel, Bessner, Lewis
NAY: 0 ABSENT: 0
MOTION CARRIED (Omnibus Vote)
4. Motion by Stellato, seconded by Silkaitis to approve an **Ordinance 2015-M-38** Amending Title 5 “Business Licenses and Regulations”, Chapter 5.08 “Alcoholic Beverages,” Section 5.08.250 “Regulations Applicable Generally, Item Q. Licenses – Curb/Drive-Through Service” of the St. Charles Municipal Code.
ROLL CALL VOTE: AYE: Stellato, Silkaitis, Lemke, Turner,
Bancroft, Gaugel, Bessner,
NAY: Payleitner, Krieger, Lewis ABSENT: 0
MOTION CARRIED

Alder. Lewis

For clarification, the way this is written, for approving this, just, without any of the amendment items that were discussed in the minutes, about no speaker boxes, height of windows, there is none of that in this ordinance.

Mayor Rogina

Correct. The reason for that is, you are right, at the committee meeting those were discussed. Alderman Gaugel made a motion, it was seconded, and as I recall there was no discussion and the motion passed. You are certainly in a position tonight to amend the main motion, you can do so.

Alder. Lewis

I was wondering if we could send it back to committee, instead of amending the motion, to put some of those items we discussed into the motion.

Mayor Rogina

We could do that, I suppose at the will of the Council, I would suggest, if there is anything specific that you would like in this ordinance specifically, we can make that amendment. And, even though we vote on it conceptually, we would come back in two weeks to vote on the wording again. But you still have the amendment.

Alder. Lewis

I think after reading the minutes, there was talk about limiting the amount of licenses.

Mayor Rogina

There was.

Alder. Lewis

And that it would be better to do this not through special use. I think there was a question, could it be limited through special use, but it was decided that it would be better to actually have a limit in there.

Mayor Rogina

I am not going to speak on special use, Director Tungare can speak to that. But if this passes, there is a whole special use process that they have to go through with respect to this site. This particular ordinance is not site specific.

Alder. Lewis

I understand that. The business owner who is requesting this may be denied, but another business could come forward who had the proper stacking.

Mayor Rogina

They would have to meet any and all zoning regulations or anything that is required in our ordinances.

Alder. Lewis

There are probably are locations like that. I am just kind of confused as to why we wouldn't have it so that it could be for this site. Why we wouldn't make it the way we want it to be for all sites, the restrictions, that limit number of how many we could have, the cameras that are suppose to be in place that are not in here.

Mayor Rogina

You are speaking in the hypothetical. That was discussed and I believe the applicant, or licensee, responded to all of them. The committee brought this to the table as is. You as a council member are in a position to amend as is, or not. As chair I am in no position to direct the council to do anything they want or do not want to do. The motion was made and was seconded; I asked for discussion.

Alder. Lewis

Thank you.

Alder. Payleitner

I don't think anyone would argue that this ordinance lacks teeth; it's two lines long.

Mayor Rogina

The ordinance as is passed 6-2 in committee.

Alder. Payleitner

Right. As is, we could potentially have 21 licensees applying for a drive through liquor store.

Mayor Rogina

You have the authority to grant the license or not.

Alder. Payleitner

There is no license, am I correct? The license is done; this is attached to A1 license.

Mayor Rogina

I will refer to staff on this. Anyone would have to meet all the obligations of stacking and a variety of other things. There's a process.

Alder. Payleitner

That's right.

Mayor Rogina

There's a process like anything else. I would refer to staff on that.

Director Tungare

That is correct.

Alder. Payleitner

In theory then, if this passes, 21 A license holders can request a drive through, but it won't come before us. There is no license to approve. They already have their license. This would be added on to their A1 license.

Mayor Rogina

They still have to go through.

Alder. Payleitner

Planning and development. Plan commission, etc. Like a drive through cleaners.

Mayor Rogina

That is correct.

Alder. Payleitner

But there are no other hoops to go through as far as a liquor license.

Mayor Rogina

If that is your fear, I don't want to steer you here. You can walk softly or make an amendment.

Alder. Payleitner

Or could I table it?

Mayor Rogina

You can table it if you want. When you move to table, there is no conversation.

Payleitner moved to table the motion, seconded by Lewis.

Mayor Rogina

No conversation or discussion on the matter. An affirmative vote would be for the table. When do you want that to be discussed again?

Alder. Payleitner

Next Government Operations meeting. If you recall, I for one, had down Internet and website, I was not prepared at all. I didn't even know that it was on the agenda last week. I would like to have that conversation and be prepared for it.

Mayor Rogina

An affirmative vote would suggest you want it tabled. A vote of no would suggest you do not want it tabled.

Motion by Payleitner, seconded by Lewis to table the above motion.

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

Main Motion Approved

Mayor Rogina

There has been a lot of scuttlebutt about the liquor commission looking at this issue. I remember distinctly a remark that was made in 2013 when this came before the

liquor commission and it stuck with me. I do believe, as the Mayor speaking, ordinances like this to sell legal products do provide accommodations to protect the classes such as, the elderly and disabled. That's been something important to bring out.

Brian Volp, 1219 Dean Street

I grew up with drive through liquor stores. They are the easiest ones to buy underage. Now when you go to Meijer, they check everyone in your party to ensure legal age. How do you check everyone's ID in a car? Next, when you did the whole licenses thing, you said it was a privilege to stay open later at night. I think this is a special privilege and they should have to pay 3-5 times more. This is going to affect my neighborhood. And don't want cars driving through that way. From my neighborhood we are not happy about it.

Mayor Rogina

I appreciate that. Two weeks ago, I was very impressed with the Lundeen's presentation. Because I believe that there are more safeguards built into the drive through then walking into the store. At the end of the day, it is up to the City to ensure we enforce our ordinances. If we are not, you will come back.

Alder. Payleitner

A clarification. The concept of drive through liquor stores came through the liquor commission. This ordinance did not. Want to make that clear.

Mayor Rogina

I say that because the liquor commission is an advisory commission.

B. Government Services

- *1. Motion by Krieger, seconded by Lemke to accept and place on file the Minutes of the June 22, 2015, Government Services Committee Meeting.

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

NAY: 0 ABSENT: 0

MOTION CARRIED (Omnibus Vote)

- *2. Motion by Krieger, seconded by Lemke to accept and place on file the Minutes of the July 27, 2015 Government Services Committee Meeting.

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

NAY: 0 ABSENT: 0

MOTION CARRIED (Omnibus Vote)

- *3. Motion to Motion by Krieger, seconded by Lemke to approve a **Resolution 2015-83** Authorizing the Mayor and City Clerk of the City of St. Charles to execute a Non-Exclusive License Agreement with the Camp Kane Heritage Foundation for the Maintenance, Promotion and Operation of the Jones Law Office.

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

NAY: 0 ABSENT: 0

MOTION CARRIED (Omnibus Vote)

- *4. Motion by Krieger, seconded by Lemke to approve a **Resolution 2015-84** Authorizing the Mayor and City Clerk of the City of St. Charles to award the Bid for the Purchase of a Spray Injection Road Repair Machine to Hampton Equipment, Inc.

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

- *5. Motion by Krieger, seconded by Lemke to approve a **Resolution 2015-85** Authorizing the Mayor and City Clerk of the City of St. Charles to award the Bid for Storm Sewer Point Repair Services to J&S Construction Sewer & Water.

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

- *6. Motion by Krieger, seconded by Lemke to approve a **Resolution 2015-86** Authorizing the Mayor and City Clerk of the City of St. Charles to approve a Purchase Order with CG Power Systems for Prairie Street Substation Transformer.

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

- *7. Motion by Krieger, seconded by Lemke to approve a **Resolution 2015-87** Authorizing the Mayor and City Clerk of the City of St. Charles to approve a Real Estate Purchase Agreement for 811 Illinois Avenue.

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

- *8. Motion by Krieger, seconded by Lemke to approve A **Resolution 2015-88** Requesting the Closure of Routes 64 and 31 for the St. Charles East and North High School Homecoming Parades.

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

- *9. Motion by Krieger, seconded by Lemke to approve Amplification (North High School only), and Closure of Parking Lot "B" for St. Charles East and North High School Homecoming Parades.

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

- *10. Motion by Krieger, seconded by Lemke to approve Street and Parking Lot Closures and Amplification for the 2015 Scarecrow Festival.

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

- *11. Motion by Krieger, seconded by Lemke to approve an **Ordinance 2015-M-39** Amending Title 10 "Vehicles and Traffic", Section 10.11.2100 "Intersections Where Stop or Yield Required" of the St. Charles Municipal Code.

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

- *12. Motion by Krieger, seconded by Lemke to approve an **Ordinance 2015-M-40** Amending Title 10 "Vehicles and Traffic", Section 10.40.044 "Residential Parking Only on School Days" of the St. Charles Municipal Code.

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

C. Planning and Development

- *1. Motion by Krieger, seconded by Lemke to accept and place on file minutes of the July 13, 2015 Planning & Development Committee.

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

D. No Executive Session

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

1. Motion by Stellato, seconded by Bessner to approve the release of minutes of executive sessions for the following dates:

City Council: October 3, 2011 (partial release – Section 2), October 1, 2012 (partial release, pages 1-7), August 5, 2013 (partial release – Section 2), January 21, 2014, February 18, 2014, June 16, 2014 (partial release – Issue 1)

Government Operations Committee: October 7, 2013

Government Services Committee: January 24, 2011 (partial release – pages 6-7), March 28, 2011, October 24, 2011, April 23, 2012, July 22, 2013, September 23, 2013 (partial release – Section 2, pages 1-4), October 7, 2013, June 23, 2014 (partial release – Section 2), September 22, 2014

Planning and Development Committee: September 9, 2013

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

F. Adjournment

Motion By Turner, seconded by Lemke, to adjourn meeting

VOICE VOTE UNANIMOUS MOTION CARRIED

Meeting adjourned at 7:32 P.M.

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Nancy Garrison, City Clerk

CERTIFIED TO BE A TRUE COPY OF ORIGINAL

Nancy Garrison, City Clerk