

**MINUTES FROM THE MEETING OF THE ST. CHARLES CITY COUNCIL
HELD ON MONDAY, OCTOBER 19, 2015 – 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 Raymond Rogina at 7:01 P.M.**
2. **Roll Call.**
Present: Stellato, Silkaitis, Payleitner, Lemke, Turner,
Bancroft, Krieger, Gaugel, Bessner, Lewis
Absent:
3. **Invocation -- Alderman Rita Payleitner**
4. **Pledge of Allegiance.**
Presentation of the Colors by Troop 13.
5. **Presentations:**
 - Presentation of promotion and swearing in of Officer Eric Majewski to Sergeant of the St. Charles Police Department.
 - Presentation of recognition of achievement of Eagle Scout Zachary Lee Kampen, Troop 13.
 - Presentation of recognition of achievement of Eagle Scout Kenneth J. Wahab of Troop 13.
6. Motion by Krieger, seconded by Gaugel 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 Gaugel to accept and place on file minutes of the regular City Council meeting held on October 5, 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 Gaugel to approve and authorize issuance of vouchers from the Expenditure Approval List for the period 09/08/2015 – 10/11/2015 of in the amount of \$1,337,152.63.
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 Gaugel to accept and place on file Treasurer's Report for period ending May 31, 2015, period ending June 30, 2015 and period ending July 31, 2015.
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

- A. Motion by Lemke, seconded by Krieger to approve a **Resolution 2015-111** Accepting a Gift of Miscellaneous Office Contents from the Wayne Historical Preservation Society.
ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner,
Bancroft, Krieger, Gaugel, Bessner, Lewis
NAY: 0 ABSENT: 0
MOTION CARRIED
- Mark Koenen
This is a gift from the Wayne Historical Preservation Society. And this is related to the dedication on September 2014 for the Jones Law Office in Langum Park. These are items they thought it be from the same time period. I would recommend that we would accept and care for them with respect.
- B. Motion by Krieger, seconded by Turner to approve a **Resolution 2015-112** Authorizing the Mayor and City Clerk of the City of St. Charles to Approve Award of 2015/2016 Treated Road Salt Bid to Compass Minerals.
ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner,
Bancroft, Krieger, Gaugel, Bessner, Lewis
NAY: 0 ABSENT: 0
MOTION CARRIED
- Mike Shortall
On behalf of public service department, I am seeking approval to accept the state bid on road salt for \$81.89/ton to Compass Minerals. This product is designed to work in 5 degrees. It has less wind born loss for finer salt. This will save on operation costs with fewer trips on the road. Helps keep down corrosion on vehicles. It's environmentally friendly. The City has reacquisition our standard amount 5000 tons. We can go up to a 1000 more tons if we care to purchase more. The total budget for this winter's season is \$556,400. By buying this product, we will be under budget by \$146,950. So that give us \$409,450. So we recommend accepting this bid.
 - Alder. Lemke
What was the per ton for last year?
 - Mike Shortall
Last year we used a total of 7,020 ton for a total of 658,000 at \$93.74/ton.
 - Alder. Gaugel
If we go over 120 percent, what is the price, is it go to open market pricing?
 - Mike Shortall
Price stays the same through the state bid. If we choose to we can buy 4000-6000 ton.
 - Alder. Gaugel
As long as it's available the price wouldn't change for over 120%?
 - Mike Shortall
We are guaranteed in that range.
- C. Motion by Lemke, seconded by Bessner to approve a **Resolution 2015-113** for River Closure on October 24, 2015 for the Second Annual ROWAMERICA Regatta.

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

- **Chief Keegan**
This is a resolution to approve the river closure on the Fox River on October 24, 2015 for second annual regatta. The launch will take place from Ferson Creek the race will initiate at the Red Gate Bridge, southbound, and finish up at Pottawatomie Park. That's where the spectators will congregate. This resolution is required by the Illinois Department of Natural Resources and specifies the river closure from the Union Pacific Railroad trestle to Red Gate Bridge. It will be a no wake zone. We are not anticipating a large amount of spectators, 100 or so. There will be no drain on City resources. Any questions?
- **Alder. Payleitner**
I volunteered last year. It was very cold but spectacular.

II. Committee Reports

A. Government Operations

1. Motion by Stellato, seconded by Turner to approve an **Ordinance 2015-M-47** Permitting Video Gaming Within the Corporate Limits of the City of St. Charles as amended.

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

- **Alder. Stellato**
This is an amendment in light of information that we received today. It was in the Daily Herald today. The article talks about the State owing suburbs millions of dollars in gambling dollars. The impetus for this discussion is about us collecting revenue from this source. I have a suggestion for an amendment that would tie this to something with the state. I will ask Alder. Bancroft for his help on how to phrase this so we are not caught in a situation where we do not receive any money for video gaming.
- **Alder. Bancroft**
Motion by Bancroft, seconded by Stellato to amend the motion to provide that the proposed ordinance would not be effective until the state budget, which contemplates municipalities receiving their 1/6th share of revenue attributable to video gaming, for the current fiscal year is approved by the state.
- **Mayor Rogina**
Let's get the amendment clear first of all. You are amending the main motion to suggest that ordinance cannot go into place until such time that the State of Illinois passes a budget in this fiscal year. And that this municipality will receive its 1/6th share that all our projections, and the conversations over few months, have been based upon.
- **Alder. Stellato**
This protects us if they decide not to fund this or pass the budget, we are protected. And if they cut the amount that we would get, the share, if it is less than that, the ordinance would go back to committee or it's dissolved.
- **Mayor Rogina**
Any questions on the amendment.
- **Alder. Gaugel**
Can you reread the amendment?

- **Alder. Bancroft**

I want to amend the motion to provide that the proposed ordinance would not be effective until the state budget, which contemplates municipalities receiving their 1/6th share of revenue attributable to video gaming, for the current fiscal year is approved by the state.

- **Mayor Rogina**

We are voting on the amendment to be added to the main motion.

Motion by Bancroft, seconded by Stellato to amend the motion to provide that the proposed ordinance would not be effective until the state budget, which contemplates municipalities receiving their 1/6th share of revenue attributable to video gaming, for the current fiscal year is approved by the state.

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

- **Mayor Rogina**

Anything further on the main motion with the amendment added to it?

*2. Motion by Krieger, seconded by Gaugel to accept and place on file the minutes of the October 5, 2015 Government Operations Committee meeting.

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

B. Government Services
None.

C. Planning and Development

1. Motion by Bancroft, seconded by Turner to approve an **Ordinance 2015-M-48** Amending Title 5 "Business Licenses and Regulations", Section 5.08.250 "Regulations Applicable Generally" 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

2. Motion by Bancroft, seconded by Turner to approve a Class B2 Liquor License for Issaco's Kitchen to be Located at 131 S 1st Street, St. Charles.

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

*3. Motion by Krieger, seconded by Gaugel to approve an **Ordinance 2015-M-49** Amending Title 2 "Administration and Personnel", Section 2.32.020 "Appointments, Promotion, and Vacancy Filling" 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)

- *4. Motion by Krieger, seconded by Gaugel to accept and place on file Plan Commission Resolution No. 15-2015 A Resolution Recommending Approval of an Application for an Amendment to Special Use for PUD Ordinance 2001-Z-38 to allow an illuminated monument sign at 975 N. 5th Avenue, Delnor PUD (Accurate Repro, 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 Gaugel to approve An **Ordinance 2015-Z-26** Amending Ordinance No. 2001-Z-38 “An Ordinance Amending Special Use Ordinance No. 1997-M-116 and Granting a Special Use as a Planned Unit Development (Delnor PUD)” to permit one internally illuminated monument sign at 975 N. 5th Avenue.
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 Gaugel to accept and place on file Plan Commission Resolution No. 17-2015 A Resolution Recommending Approval of a General Amendment to Chapter 17.08 “Nonconformities”, Section 17.08.050 “Nonconforming Lots of Record” and Ch. 17.14 “Business and Mixed Use Districts”, Table 17.14-2 “Bulk Regulations” (RT-4 and CBD-2 nonconforming lots and CBD-2 lot area and lot width requirements).
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 Gaugel to approve An **Ordinance 2015-Z-27** Amending Title 17 of the St. Charles Municipal Code Entitled “Zoning”, Chapter 17.08 “Nonconformities”, Section 17.08.050 “Nonconforming Lots of Record” and Ch. 17.14 “Business and Mixed Use Districts”, Section 17.14.030 “Bulk Regulations” (Nonconforming two-family dwellings in the RT-4 district and nonconforming single- and two-family dwellings in the CBD-2 district and lot area and lot width requirements in the CBD-2 district).
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

Brian Volp, 1219 Dean Street, St. Charles

Since you have decided to pass this ordinance, I think you have been bamboozled by numbers. Looking at the numbers for the past year for gambling, over \$11 billion dollars have been spent on gambling across the state. \$45 million has been paid to the city that has it. That is less than ½ percent. That is a lot of money going to gambling, going to other places, when we promote shop local, be local, buy local, etc. This money isn't going to be ours. How are you going to prevent the internet cafes from popping up all over the place?

Mayor Rogina

If you have read the ordinance you have to be in good standing for one year with a liquor license before that occurs.

Mr. Volp

And according to the state, any one can get a license if they sell liquor. It could be a flower shop, gas stations, 7-11s, etc. In Kane County, it's 75% saturated. Why do we need to be like that? The cities that we try to have look up to us, they don't have it. Naperville and Geneva have looked to us for leadership, they don't have gambling, because they know better. Business say that they have to have gambling, screamed and cried wolf when they said that you couldn't smoke inside. They survived. The same thing could happen now. But I guess it doesn't matter. No one came to talk to us. On to some other new business, can we get some speed humps on Dean Street? Saturday, I was almost run over. I called 911 and no one ever came. Asking for a way to slow cars down. Ask the City to look into that.

Mayor Rogina

Chief Keegan is listening and you can engage him.

Robert Brown, One Southgate Course, St. Charles

We are proud of the community, or we were up until this decision on video gambling. We believe video gambling sends a bad message. It doesn't reflect what you and I like to represent as St. Charles. I went to my neighbors, and fellow citizens, and people who are with me in charitable organizations and asked them if they thought video gambling was good for St. Charles. If they didn't, to put their name down on a registration so you would know what the citizens thought. Ninety-nine point nine percent of your voters are against this. So are the business, not the bars and restaurants, except a few of them. At the Ops meeting we heard from Chris and Tom from Colonial said no way. When we had dinner at the Finery, the owner David said no. I sent out to all of you that Australian TV is doing a documentary on electronic gambling. Video gambling is a part of that. They talk about the huge addiction the electronic gambling has on the population. We all have the same weaknesses. Some of manage weaknesses others have a hard time. I don't want to give anyone an easy way to exercise a weakness. The video is called Ka-Ching. I sent you 43 more names. Other people presented names as well. They are really angry because they didn't know about this motion/proposal that you just approved. Fifteen years ago I got involved in giving back to this great community. I love it. I am against video gambling. I believe everyone in this community is against video gambling. Without trying to threaten anyone, at the same time telling you what the reality is, we will work very hard to be certain that we have a new mayor in two years, and a new alderman, and new alderman in districts if you voted for this. I appreciate your time and the hard work that you do. On this issue, you are blinded. We want to be pride of the fox. We don't want to be video gamblers.

Kathy Gilroy, 230 West Division, Villa Park

I am stunned that there was no public comment prior to vote on this issue.

Mayor Rogina

Stunned? You have had public comment for at least two other meetings.

Kathy Gilroy

But this is an open meeting.

Mayor Rogina

Yes.

Kathy Gilroy

There are several parts of your ordinance on video gambling that will not hold up in practice. You are able to write into your ordinance that an applicant cannot apply for a video gambling license until they have had a liquor license for one year. However, the Illinois video gaming board has given a video gambling license to someone who's town didn't even allow video gambling at all. It does not care about 'good standing' which was

mentioned in committee. They give a video gambling license to a felon. Do you think they will honor the year wait in your ordinance? You are able to write into your ordinance that a video gambling license will be suspended if liquor license is suspended. However there have been several cases in Huntley, Effingham County where businesses liquor licenses were expired and the video gambling continued unchallenged. How do you intend to shut off the slot machines? You are able to write into your ordinance to sunset in 2018, but how do you intend to shut of the slot machines. The license from the Illinois gambling will still be valid. The reports that you have heard about no crime from video gambling are immaterial. Crime from video gambling does not necessarily occur on the premise of video gambling. It happens in the home in the form of spouse abuse, child abuse, excessive drinking, divorce, etc. It happens in the workplace in the from of late starts, embezzlement, in attention to the job, etc. It happens in the public in the form of theft, robbery, etc. According to the recent edition of Wagering in Illinos, St. Charles is the 23 largest communities in Illinois that did not allow video gambling. The gambling pushers' arguments that gambling is going out of town is bogus. By continuing to ban gambling St. Charles would have continued to receive money from the Capital Projects Fund. This is funded by gambling losses of gamblers. By continuing to ban gambling, St. Charles residents were not contributing to the capital projects fund. Yet, St. Charles residents were benefitting from the capital projects fund, which received \$201 million in fiscal year 2015. This represents 25% of Illinois' gamblers losses. St. Charles was the 23rd largest non-contributing beneficiary of the capital projects fund. Since the vote was tied, the judicial thing for the mayor to do was to vote against video gambling. The overturn would not have ended the issue forever.

Jack Lens 1509 Shoreline Drive

I just have some questions. Why not wait until our next general election and put it on the ballot and give everyone the opportunity to vote for or against it.

Mayor Rogina

I think the individuals that supported this see a pending need for revenue based upon a very serious need at the state level.

Jack Lens

If we were to incur \$100,000 income by going into this venture, that would probably buy a cup of Starbucks coffee for the citizens. It doesn't amount to much. Will St. Charles experience any personnel or any other expenses to implement or support the gambling program on an ongoing basis? What expenses will come out of St. Charles budget?

Mayor Rogina

Expenses for what? It won't be any different than applying for a liquor license.

Mr. Lens

Who is going to oversee the State to make sure these is followed?

Mayor Rogina

This is a state statue.

Jack Lens

So we are completely out of it?

Mayor Rogina

No, our licensees here in the City have the opportunity to apply for that state license and then do business here in our community.

Jack Lens

So there is no additional cost to the community?

Mayor Rogina

No other than the overseeing of the license.

Jack Lens

How much would that amount to? Why don't you look into that in order to justify the \$100,000.

Mayor Rogina

For the last two months the City's finance director and the staff has presented diligently a process explaining the potential revenue would come to the City. The net revenue to the City.

Jack Lens

What is the net revenue to the City?

Mayor Rogina

It could be anywhere between \$100,000 and \$600,000. It might be less.

Jack Lens

There is a current article stated that from every \$100,000 of gambling proceeds, approximately \$200,000 is lost in sales tax revenue. Since municipalities are trying to rid themselves of the gambling machines, why are some of the members voting in favor of installing these gambling machines?

Mayor Rogina

This has been documented and discussed for the last two months. It's a source of revenue.

Jack Lens

And you can guarantee that this source will be between \$100,000 and \$600,000?

Mayor Rogina

I can't guarantee anything, maybe no one will play the games?

Jack Lens

When, in three years? It is not clear in the documentation that I have read. That you can remove this in three years. There are other communities that have been trying to get rid of this and they can't. Are you sure we can get rid of this in three years?

Attorney McGuirk

The ordinance says it sunsets in 2018. It terminates, unless it's extended by the City Council. It will sunset, terminate, it will end in three years. The date is April 20, 2018.

Jack Lens

I think it is an embarrassment for the citizens of the City of St. Charles for its citizens to have something like this pushed through. And I wish you could put it in the general election so that everybody could hear it.

Mayor Rogina

You elect City Council members to represent you. This is representative government. And for the City Council to go to the people for every issue, I think you will find, talking about spending money, that would start to accumulate as well. Every time there is something controversial for us to go ask for a vote.

Jack Lens

I agree with that approach of government. But don't you think when you see so many people against this programming that you should rely on a general election rather than have people get voted out of office. I still don't know why you wouldn't put it to a general election. Something so abusive to most of the people. Most of us have a good idea of St. Charles and we are proud of it. I think this is going to deteriorate from our reputation. Thank you.

Alder. Payleitner

As stated, a real travesty has happened here tonight. Despite the information shared on the detrimental effects of video gambling, despite the unreliability of the State of Illinois, despite the voices of hundreds of residents who have voiced their extreme opposition, despite the mounting risk of pending litigation, video gambling is about to become a

reality here in St. Charles. Talking to my colleagues here, I have been on the losing side of some vote, I honestly don't remember them. Because once those votes were final, I owned them. I owned them as a member of a unified Council moving forward. Gentleman, tonight the vote is yours, I will not ever own this one.

Mayor Rogina

I have had a conversation with numerous people who have been opposed to video gaming. Those conversations have been very informative. I have also had conversations with those that support video gaming and those conversations have been informative. I have talked to my fellow mayors who have video gaming and their conversations have been informative. And I have dialoged with those who have voted yes and no on the City Council. And those conversations have been very informative. I have diligently described as much as I can to the press the future perils associated with revenue particularity as it relates to state funding. We are talking about serious dollar shortfalls and limited options to keep the budget in balance. Short of tax increases or service cuts, yes we seek additional commercial, industrial, residential and recreational revenue. There is a time lag if we are to be successful to attracting new people the day after tomorrow. I have also talked about the big-ticket issue we will face soon; such as, a police station, and 7th Avenue creek. And some of the big-ticket items are discretionary in nature; such as Georges as a compliment to the Arcada and the active river project. I am made a reasoned decision that I can defend and I have communicated that decision tonight. As the assumption that is made by the impact of this decision on the town's image. And I respect that feel that the town's image perhaps is at stake. I have been blunt in my response saying this town's image cannot be tarnished. And my reasoning spans over 40 years in this community as a resident and an educator. I have explained that while some worry about this being a bar town, and we are now adding video gaming, we on the other hand brag, rightfully so, that we been designated a great city for families. I keep on making acquaintances all the time with former students who have returned and parents who have stayed here. I am fully aware of the great schools, the great parks, the great open space, the wonderful library, the preservation of history, the low crime rate, the fiscal responsibility shown by government, the abundance of volunteerism, and the majesty of the Fox River. Make no mistake we have our flaws, but we have always worked to improve. Most importantly, evidence supports our town's ability to react positively to adverse subjects. I ask myself whether our image was tarnished years ago when a contentious debate ensued whether we should place a homeless shelter in our downtown that since then as become a role model of how we treat the less fortunate. Has our image been tarnished when, during my time here, I have watched differences of opinion left and right over passing of school referendum, numerous rejection of referendum, and the debate of the combining of schools and closing of schools. Residents do react. They are passionate rightfully so. The community still stands tall. Was our image tarnished when our Council unanimously approved a bridge north of the City that met with considerable resistance? A bridge has become a major asset and embraced by the community. Was our image tarnished when we rejected a housing development on the west side, the old St. Charles mall? And now are paid close to \$1 million for a TIF on fallow property. We have kept that dialog alive and I have stated a major goal of mine is to achieve a development agreement in 2016. Was our image tarnished when the City Council split on a vote to develop on the old applied composite site? Yours truly opined that his would be a stain on our community. Well, since then the developer has redrawn his proposal and residents for the most part have reacted positively and we wait for a new beginning. Was our town tarnished when the east side of First Street sat fallow for years after an economic downturn? This Council was patient and the project has started which will develop the funds to pay \$34 million in TIF bonds. In my

