

**MINUTES FROM THE MEETING OF THE ST. CHARLES CITY COUNCIL
HELD ON MONDAY, MARCH 2, 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, Martin, Krieger, Bessner, Lewis

Absent: None

3. Invocation – Alderman Rita Payleitner

4. Pledge of Allegiance.

5. Presentations:

- Proclamation declaring April 12 – 18 as the Week of the Young Child™.
- Presentation by Mr. Michael Worthington from the Center for Public Safety Excellence, designating Fire Chief Joe Schelstreet a Chief Fire Officer (CFO).

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

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

NAY: 0 ABSENT: 0

MOTION CARRIED

***7. Motion by Martin, seconded by Krieger to accept and place on file minutes of the regular City Council meeting held on February 17, 2015.**

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

NAY: 0 ABSENT: 0

MOTION CARRIED (Omnibus Vote)

***8. Motion by Martin, seconded by Krieger to approve and authorize issuance of vouchers from the Expenditure Approval List for the periods of 2/2/2015 – 2/15/2015 in the amount of \$1,605,588.15.**

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 Silkaitis, seconded by Bancroft to approve a recommendation by Mayor Rogina to appoint Mr. John E. Glenn to the St. Charles Housing Commission.

VOICE VOTE

UNANIMOUS

MOTION CARRIED

- B. Motion by Turner, seconded by Bancroft to approve an **Ordinance 2015-M-13** Authorizing the Disposal of Computers and other Electronic Equipment for the Calendar Year 2015.

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

NAY: 0 ABSENT: 0

MOTION CARRIED

- **Peggy Forster, Director of Information Systems**

I am here to ask for approval to dispose of excess computer equipment. Equipment that is appropriate for secondary use will be donated to organizations that would refurbish and redistribute to under privileged. The equipment that is non functional will be recycled through the electronics recycling program done in conjunction with Kane County.

II. Committee Reports

A. **Government Operations**

None

B. **Government Services**

- *1. Motion by Martin, seconded by Krieger to accept and place on file the Minutes of the January 26, 2015, Government Services Committee Meeting.

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 a **Resolution 2015-17** Authorizing the Mayor and City Clerk of the City of St. Charles to Approve a Request for Funding for the 2015 Annual St. Charles Riverwalk: Fox Tales & Trails.

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 Martin, seconded by Krieger to approve a **Resolution 2015-18** Authorizing the Mayor and City Clerk of the City of St. Charles to Approve a Contract with Raise-Rite for Sidewalk Maintenance.

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

NAY: 0 ABSENT: 0

MOTION CARRIED (Omnibus Vote)

- *4. Motion by Martin, seconded by Krieger to approve a **Resolution 2015-19** Authorizing the Mayor and City Clerk of the City of St. Charles to Approve a Contract with Safe Step for Sidewalk Maintenance.

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 a **Resolution 2015-20** Authorizing the Mayor and City Clerk of the City of St. Charles to Approve a Contract with Clarke Mosquito for the 2015 Mosquito Abatement Program.
ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner,
Bancroft, Martin, Krieger, Bessner, Lewis
NAY: 0 ABSENT: 0
MOTION CARRIED (Omnibus Vote)
- *6. Motion by Martin, seconded by Krieger to approve a **Resolution 2015-21** Authorizing the Mayor and City Clerk of the City of St. Charles to Approve a Contract with DuKane Services for Janitorial Services.
ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner,
Bancroft, Martin, Krieger, Bessner, Lewis
NAY: 0 ABSENT: 0
MOTION CARRIED (Omnibus Vote)
- *7. Motion by Martin, seconded by Krieger to approve the City of St. Charles Bridge Closure Policy.
ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner,
Bancroft, Martin, Krieger, Bessner, Lewis
NAY: 0 ABSENT: 0
MOTION CARRIED (Omnibus Vote)
- *8. Motion by Martin, seconded by Krieger to approve a **Resolution 2015-22** Authorizing the Mayor and City Clerk of the City of St. Charles to Approve a Local Agency Agreement for Federal Participation with IDOT for the Peck Road Resurfacing Project.
ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner,
Bancroft, Martin, Krieger, Bessner, Lewis
NAY: 0 ABSENT: 0
MOTION CARRIED (Omnibus Vote)
- *9. Motion by Martin, seconded by Krieger to approve a **Resolution 2015-23** Authorizing the Mayor and City Clerk of the City of St. Charles to Approve a Construction Services Agreement with Wills Burke Kelsey Associates for the Peck Road Resurfacing Project.
ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner,
Bancroft, Martin, Krieger, Bessner, Lewis
NAY: 0 ABSENT: 0
MOTION CARRIED (Omnibus Vote)
- *10. Motion by Martin, seconded by Krieger to approve a **Resolution 2015-24** Authorizing the Mayor and City Clerk of the City of St. Charles to Approve a Construction Service Agreement with Wills Burke Kelsey Associates for River Wall Replacement Concepts.
ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner,
Bancroft, Martin, Krieger, Bessner, Lewis
NAY: 0 ABSENT: 0
MOTION CARRIED (Omnibus Vote)
- *11. Motion by Martin, seconded by Krieger to approve a **Resolution 2015-25** Authorizing the Mayor and City Clerk of the City of St. Charles to Approve a Purchase Order to Marc Kresmery Construction, LLC for the Installation of an Oil Containment System at the Peck Road Substation.
ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner,
Bancroft, Martin, Krieger, Bessner, Lewis
NAY: 0 ABSENT: 0

MOTION CARRIED (Omnibus Vote)

- *12. Motion by Martin, seconded by Krieger to approve a **Resolution 2015-26** Authorizing the Mayor and City Clerk of the City of St. Charles to Issue a Purchase Order to SPX Transformer Solutions for Substation Transformer Load Tap Changer Maintenance.

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

Bancroft, Martin, Krieger, Bessner, Lewis

NAY: 0 ABSENT: 0

MOTION CARRIED (Omnibus Vote)

- *13. Motion by Martin, seconded by Krieger to approve a **Resolution 2015-27** Authorizing the Mayor and City Clerk of the City of St. Charles to Approve the Purchase of Personal Protective Equipment from Air One Equipment Incorporated.

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

Bancroft, Martin, Krieger, Bessner, Lewis

NAY: 0 ABSENT: 0

MOTION CARRIED (Omnibus Vote)

14. Motion by Payleitner, seconded by Silkaitis to approve an **Ordinance 2015-M-14** Amending Title 5, Entitled " Business Licenses and Regulations" Chapter 5.08 "Alcoholic Beverages" of the St. Charles Municipal Code.

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

Bancroft, Martin, Krieger, Bessner, Lewis

NAY: 0 ABSENT: 0

MOTION CARRIED

- Police Chief Keegan
This was heard in advanced at both the liquor commission and government services meetings. There was a discussion with some members of Council regarding interpretation of code, that has been answered. I would be happy to answer any questions.
- Alder. Martin
It disturbed me a little bit that we are adding more licenses to liquor code. But this is a unique situation. If we don't pass the ordinance, the establishments can allow bring your own booze anyway. So with that I will vote yes on this one.
- Alder. Lewis
I did raise questions and the have been answered. I am happy to go forward.

15. Motion by Martin, seconded by Krieger to approve an **Ordinance 2015-M-15** Amending Title 9 Entitled "Public Peace, Morals and Welfare", Chapter 9.09 "Fighting" of the St. Charles Municipal Code.

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

Bancroft, Martin, Krieger, Bessner, Lewis

NAY: 0 ABSENT: 0

MOTION CARRIED

16. Motion by Martin, seconded by Krieger to approve an **Ordinance 2015-M-16** Amending Title 9 Entitled "Public Peace, Morals and Welfare", Chapter 9.16 "Profanity – Indecent Conduct" of the St. Charles Municipal Code.

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

Bancroft, Martin, Krieger, Bessner, Lewis

NAY: 0 ABSENT: 0

MOTION CARRIED

17. Motion by Martin, seconded by Krieger to approve an **Ordinance 2015-M-17** Amending Title 9, Entitled "Public Peace Morals and Welfare", Chapter 9.20 "Disorderly Conduct" of the St. Charles Municipal Code.

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

NAY: 0 ABSENT: 0

MOTION CARRIED

18. Motion by Martin, seconded by Krieger to approve an **Ordinance 2015-M-18** Amending Title 9, Entitled "Public Peace, Morals and Welfare", Chapter 9.65 "Administrative Adjudication" of the St. Charles Municipal Code.

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

NAY: 0 ABSENT: 0

MOTION CARRIED

C. **Planning and Development**

- *1. Motion by Martin, seconded by Krieger to accept and place on file Plan Commission Resolution 18-2014 A Resolution Recommending Approval of a PUD Preliminary Plan for First Street Redevelopment PUD-Phase 3 (First Street Development II, LLC).

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 2015-Z-5** Granting Approval of a PUD Preliminary Plan for a portion of Phase 3 of the First Street Redevelopment PUD (Buildings 1, 2, 3 and Parking Deck).

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 Silkaitis to approve an **Ordinance 2015-M-19** to approve a Mutual Release, Waiver and Termination Agreement by and Between the City of St. Charles and First Street Development, LLC.

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

NAY: 0 ABSENT: 0

MOTION CARRIED

• **Rita Tungare**

In April 2013, the City took action to find the First Street LLC in default of the original 2006 redevelopment agreement (RDA). The ordinance that is before you tonight is a mutual termination and release of the initial redevelopment agreement between the City and First Street LLC. This step is required prior to the partners entering into a new RDA. The new RDA is the next item on the agenda this evening. Any questions?

4. Motion by Stellato, seconded by Silkaitis to approve an **Ordinance 2015-M-20** Approving and Authorizing the Execution of the Redevelopment Agreement by and

between First Street Development II, LLC and the City of St. Charles, Kane and DuPage Counties, Illinois.

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

NAY: 0 ABSENT: 0

MOTION CARRIED

- **Rita Tungare**

On February 17, the committee unanimously recommended approval of the Redevelopment Agreement (RDA) for the phase 3 property of the First Street redevelopment project. The business aspects of that agreement have not changed. And the agreement is in your Council packet tonight. Pursuant to statutory requirements of the TIF Act, the City is required to publish for alternate proposals prior to any ownership of public property. We published proposals requests in February and responses were due February 27th. The City has not received any alternative proposals. The City Council, at your discretion can now approve the new RDA with First Street II, LLC. This will help facilitate the development of phase 3 of the property.

- *5. Motion by Martin, seconded by Krieger to accept and place on file minutes of the February 17, 2015 Special Planning & Development Committee.

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

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

- **Dawn Humor, 12890 Wild Creek Circle, Huntley Illinois**

I own Dawn's Beach Hut in St. Charles. Dawn's Beach Hut is very small has about 26 feet and is about 500 square feet. I am very proud that in the last 6.5 years we have been in business, I have not had a single police call or liquor license violation. I stood before you a year ago because of the extreme hardship that was put upon me by the new liquor license fee structure. I stand before you today for the same reason. As I said last year, I need to retain my 2:00 am license to survive. Last year when you changed the fee structure, the 2:00 am license for a large establishment with entertainment and outside patios, went from \$2600-\$3500 which is a 35% increase. However my 2:00 am license went from \$1600-\$3500 which is a 120% increase. I am now paying the same amount as the largest establishments in town. I don't have an outdoor beer garden or entertainment. This is devastating to my small business. I am not asking you to make an exception for me I am asking you to make a logical liquor license fee structure. The fee structure passed last year has a 2:00 am license for a 400 seat establishment with outdoor seating and entertainment the exact same cost as 26 seat establishment with no outdoor seating or entertainment. This is not logical. Last year, I was told that you were committed to trying this new fee structure for the coming year and would revisit next year. Next year is here. This is the board's opportunity to show existing and new businesses St. Charles is small business friendly. Since the fee structure was implemented to curb late night problems not revenue purposes, why not base fee structure based on merit. Return the fee structure to

previous rates that took into account seating capacity. Issue late night permits on a merit basis. I am looking for a logical fee structure that would not discourage small business from staying or from future establishments coming here. Please adopt a fee structure that encourages small business to remain and moves other businesses to open here in St. Charles.

- **Mayor Rogina**

Thank you Dawn, I appreciate your comments. We can't get into debate here tonight. The purpose is your comments and to get them on the table and into the record. And to have the Council listen to you. I know that offline there has been a lot of reaching out to a lot different licensees, including you on a regular basis. The City has not stood silent on the matter of small businesses that do not have a 2:00 license. It may not meet your expectations, but I know that there is at least one change last year and a small change this year with respect to those who do not have a 2:00 am license. At least 4 high end evenings with a lot of business. As the year progresses, you are always in a position to dialog with any of these Council members. And that's how legislation works. At this point in time we are going to move ahead with the same structure as last year.

- **Dawn Huber**

So it's my understanding that all members of this board agree that my business should pay the same amount as a huge business.

- **Mayor Rogina**

That was voted on last year and it is not changing this year. We are not going to debate this tonight.

- **Dawn Huber**

When do we debate?

- **Mayor Rogina**

You can have a conversation with any alderman at any time.

- **Alder. Lewis**

I enjoyed restaurant week last week.

- **Mayor Rogina**

It is a nice event we have every year.

I was thinking about First Street and all the parties involved Mayors, Staff, Council. We have come along way. I am hoping for the best from First Street II! We are on the right track. Wanted to recognize all the individuals involved!

Last Friday night attended the Preservation Partners banquet. The City of St. Charles received a Star Award for efforts of moving the Jones Law Library to its current site in Langum Park. I felt proud that the City was recognized for their efforts. Each Council member deserves recognition for being part of that effort. There is one Council member that has always stood for preservation. I want to give this award to Joe Krieger.

F. Adjournment

Motion By Turner, seconded by Bancroft, to adjourn meeting

VOICE VOTE

UNANIMOUS

MOTION CARRIED

Meeting adjourned at 7:42 P.M.

March 2, 2015
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Nancy Garrison, City Clerk

CERTIFIED TO BE A TRUE COPY OF ORIGINAL

Nancy Garrison, City Clerk