

VILLAGE OF NORTH UTICA
801 S. Clark St.
North Utica, IL 61373
Meeting of the Board of Trustees
April 8, 2021
www.utica-il.gov

AGENDA

- I. **7:00 p.m.** - Call to Order Village Board Meeting
- II. Pledge of Allegiance
- III. Roll Call
- IV. Appearance Request: A.B.A.T.E - Proclamation: May 2021, Motorcycle Awareness Month in the Village of North Utica
- V. Village Attorney:
 - 1.) Consideration and Possible Action amending the Outdoor Dining Ordinance regarding outdoor Liquor (Bar) Service in the Village of North Utica
 - 2.) Summary of the Petition of Lucas Goucher and Railside Real Estate LLC, as a Contract Purchaser and Petitioner, seeking a Special Use under Village of North Utica Zoning Ordinance Section 10-8A-3. The Petitioners are seeking a Special Use to operate an outdoor seasonal bar on property generally located at the for the southwest corner of Canal St. and Mill St. in the Village of North Utica, IL. The tract of land affected is currently vacant and used for parking purposes.
 - a) Consideration and Possible Action re: An Ordinance Granting a Special Use to operate a seasonal outdoor bar on the premises. The property is zoned C-1 (Central Business District).
- VI. Consent Agenda: Consideration and Possible Action for the Approval of a Consent Agenda including the following items:
 - 1.) Minutes: 03-11-2021; 03-25-2021; 03-30-2021
 - 2.) March 2021 Financial Stmtns. / Summary / Revenue Reports
 - 3.) March 2021 Prepaids
 - 4.) March 2021 A/P Bills
 - 5.) Annual Dues to North Central Illinois Economic Development Group (NCIEDG) \$ 1,270
 - 6.) Shearer Tree Service – Tree Removal from Clark Run Creek \$ 3,780
 - 7.) Proclamation for Junior Achievement Day in the Village of North Utica
 - 8.) Proclamation for Fair Housing in the Village of North Utica
- VII. Village Clerk:
 - 1.) Consideration and Possible Action regarding the annual renewal of the Villages' computer system Back-up and Server Warranty with Connecting Point at a cost not to exceed \$ 4,191.88
 - 2.) Consideration and Possible Action to appoint Hopkins & Associates to perform the Annual Fiscal Year Audit for the period ending 3-31-2021
 - 3.) Consideration and Possible Action re: Kentucky Derby Days – Mill St. Road Closure - May 1, 2021
- VIII. Director of Village Affairs
- IX. Village Treasurer

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- X. Finance Liaison
- XI. Donation & Advertising Requests:
 - 1.) Illinois Valley Building & Trades Charitable Trust Inc. Golf Outing – June 11, 2021
 - 2.) LP End Zone Club Golf Outing – June 19, 2021
- XII. Police Department Liaison
- XIII. Water / Sewer Liaison
- XIV. Governmental Affairs Liaison:
 - 1.) General updates on Utica Business Association
- XV. Park & Recreation Liaison
- XVI. Streets, Lights & Alleys Liaison
- XVII. Building / Zoning Enforcement
- XVIII. Maintenance Department
 - 1.) Updates on any ongoing / upcoming projects in the Village
- XIX. Village Engineer:
 - 1.) Updates on any ongoing / upcoming projects in the Village
- XX. Village President:
 - 1.) Update – regarding the Florence Dr. Project
 - 2.) Update – regarding possible sewer extension on E. 765th Rd in Senica Manor Subdivision
 - 3.) Update – regarding Storm Water Drainage along E. 752nd Rd in Senica Manor Subdivision
- XXI. Committees / Trustees
 - 1.) Trustee Reports
- XXII. Public Comment
- XXIII. Executive Session
 - 1.) The appointment, employment, compensation, discipline, performance or dismissal for specific employees
 - 2.) Pending Litigation
 - 3.) Purchase/Sale/Lease of Real Property
- XXIV. Possible Action regarding Executive Session items
 - 1.) The appointment, employment, compensation, discipline, performance or dismissal for specific employees
 - a) Consideration and Possible Action regarding the 2021 Payroll Schedule
 - 2.) Pending Litigation
 - 3.) Purchase/Sale/Lease of Real Property
- XXV. Adjournment

REVISED: 04-06-2021

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MINUTES

At 7:00 pm the meeting was called to Order by Village President David Stewart who then led the Pledge of Allegiance.

Village Clerk Laurie Gbur recorded the Meeting attendance. Present for the meeting were Trustees John Schweickert, Nate Holland, Ron Pawlak, Debbie Krizel, Mary Pawlak and Jim Schrader. Also present were Village Treasurer Jill Margis, Public Works Director Curt Spayer, Police Chief Rodney Damron, and Village Attorney Herb Klein. Director of Village Affairs Jamie Turczyn and Village Engineer Kevin Heitz were absent from the meeting.

Appearance Request: On behalf of A.B.A.T.E., Chief Rodney Damron spoke about Motorcycle Awareness Month. It was motioned by Trustee Schweickert, seconded by Trustee R. Pawlak to approve a Proclamation for May 2021 as Motorcycle Awareness Month in the Village of North Utica.

6 Yes

Motion Carried

Village Attorney: Attorney Klein provided a brief summary about an Ordinance for consideration regarding outdoor bar sales on Mill St. during seasonal outdoor dining. Mayor Stewart stated that some businesses on Mill St. have requested permission to have outdoor bars. The bars would not be allowed to have seating and they would not be allowed on the sidewalk due to ADA compliance. Each business would be permitted to have a small bar within their own outdoor space and it must be attended by an employee at all times. The Fire Lane must be kept open at all times and the design for each of the spaces must be reviewed and approved by the Zoning Enforcement Officer and the Director of Village Affairs.

Trustee Krizel asked about the possibility of congestion due to the number of tables along with an outdoor bar. Trustee Schweickert stated that the businesses may have to sacrifice a table in order to accommodate the space for an outdoor bar. He also stated that having an outdoor bar will open up some options for the businesses as well this season.

Trustee Schrader suggested that the businesses contact their neighbors to request additional outdoor space if it's needed.

Trustee Holland asked if the bars will be permanent or mobile. Mayor Stewart answered, " will be mobile, and all alcohol must be brought inside at the end of the night." Mayor Stewart also noted that no electric cords will be allowed on or across the sidewalk.

Mr. Dave Carey, Joy & Ed's, stated that he intends to use the outdoor bar for service only; there will be no seats. He also stated that there are portable bars available so cords would not be necessary.

Ms. Kelly Waters, Skoog's Pub & Grill, stated that she would like to have a few high-top tables.

Mayor Stewart then reminded everyone that having an outdoor bar would be an option for the businesses, however it is not going to be required. If the business doesn't want to sacrifice a table in their space, they don't need to have an outdoor bar service.

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It was motioned by Trustee Schweickert, seconded by Trustee M. Pawlak to approve an Ordinance to allow outdoor bars on Mill St. during the outdoor dining season. ORD 2021-12

5 Yes

1 No (Krizel)

Motion Carried

Attorney Klein then provided a brief summary of the Petition of Lucas Goucher and Railside Real Estate LLC, as a Contract Purchaser and Petitioner, seeking a Special Use under Village of North Utica Zoning Ordinance Section 10-8A-3. The Petitioners are seeking a Special Use to operate an outdoor seasonal bar on property generally located at the southwest corner of Canal St. and Mill St. in the Village of North Utica, IL. The tract of land affected is currently vacant and used for parking purposes.

The Planning Commission reviewed the proposed project.

Member Munson asked if a seasonal beer garden fits within the look and feel of the downtown historic district. Member Brown cited possible traffic issues, however Chief Damron stated that he doesn't anticipate that being a problem in the proposed location.

Member Zens stated that he believes this is a good use for the property. It is a natural fit for a property that has only been used for a parking lot for so many years.

Member Gift stated that the Village would see an increase in tax by the property being improved.

Member Hamilton asked that the beer garden be fully fenced and enclosed when not in use.

Trustee M. Pawlak stated that she had received some calls from people that were concerned about having a beer garden in the community near Mill St. She reminded everyone that approving this could set a precedence and the Village could receive additional requests to bring in shipping containers for their proposed businesses.

Ms. Kelly Waters stated that there are concerns with having a beer garden and asked if this would block the view of Mill St.; Mr. Goucher stated that the design will not block the view or create issues with traffic.

Member Munson asked about music and loud music which could impact residents living near the downtown area. Mayor Stewart reminding everyone that a sound amplification permit is needed and guidelines would need to be followed and enforced.

Members Munson and Brown made a Motion to Deny the Petition; the Motion failed.

Members Gift and Chapman then made a Motion to Approve the Petition subject to the beer garden being enclosed when not in operation, and subject to a design and elevation review and approval by the Village Engineer and Zoning Enforcement Officer.

Mr. Luke Goucher provided the Board with copies of the design plans for the project. The area will be a seasonal beer garden and will provide a place for people to gather while visiting the area. They will be able to purchase mead, and local beer and wine. The construction of the beer garden should take approx. 6 to 8 weeks and the final elevations will be reviewed by Village Engineer Kevin Heitz.

The seasonal beer garden will consist of retrofit shipping containers displaying an art mural, an open silo, a 'living plant' roof with corrugated plastic material, fencing, decking with tables and chairs and the hill will be landscaped with prairie grass. There will be restrooms but there will not be kitchen facility.

There is an area for a food truck to park as well.

Attorney Klein asked if the Mural will be done by someone local. Mr. Goucher answered, "yes". It was noted that the Mural would require approval by the Zoning Enforcement Officer.

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Trustee R. Pawlak asked if a seasonal beer garden is a good fit for the downtown.

Trustee R. Pawlak then asked if the State owns any of the property where the proposed project would be constructed or if there is any issue with access to the I & M Canal or with the electrical control box located on the property. Mayor Stewart answered, “no”.

Trustee Schweickert stated that he didn’t believe food trucks should be allowed near the downtown. He also stated that the beer garden should follow the same guidelines as other businesses participating in outdoor dining.

Attorney Klein reminded the Board that the current Outdoor Dining Ordinance is for three years. He also stated that although this is being called a beer garden, it is attached to a facility, therefore it is not a beer garden.

Trustee R. Pawlak asked if the beer garden will need to provide parking.

Trustee Schrader reminded the Board that none of the bars and restaurants located on Mill St. has individual parking.

Attorney Klein stated that although the property has been used for parking for many years, the property is private and that could change in the future. Mayor Stewart stated that parking is on the radar for future discussions, however there are many local communities don’t have a lot of vacant property in their downtown districts that can be used for business parking.

Trustee Holland asked if the property is being purchased. Attorney Klein stated that subject to approval of the project, the property will be purchased within 90 days.

Trustee Krizel stated that she spoke with former Mayor, Gloria Alvarado, and she doesn’t believe that a seasonal beer garden is a good fit for the downtown. The property could possibly be used for something more family friendly such as a farmers’ market. Trustee Krizel stated that she is concerned about the type of business and would like to see someone develop the property with something that goes along with the historic feel of the downtown.

Trustee Holland reminded the group that the property, a vacant gravel lot, has been used solely for parking for the past 40 years and now there is an opportunity for the property to be developed which helps the Village.

Trustee M. Pawlak stated that she is concerned that if the seasonal beer garden is approved, the Village will start receiving requests from a lot of people that want to do the same thing. She also stated that there are several liquor licenses that have been issued recently.

Trustee Schrader stated that the seasonal beer garden will draw people downtown. The back alley behind the Mill St. businesses doesn’t look great and the property being discussed has been a gravel parking lot for years. Trustee Holland agreed and stated that this could help the downtown businesses. It will provide people with a place to gather while waiting for a table at the local restaurants.

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Trustee Krizel stated that with the Museum Campus and the Blacksmith Shop, this property could be used for something a bit more creative and family friendly. She also stated that there aren't many businesses that don't have a liquor license and it would be nice to have development of businesses that are more diverse.

Mayor Stewart reminded the Board that LaSalle County Historical Society did consider buying the property in the past but an agreement couldn't be reached with the property owner

Trustee Schrader stated that this is another investment into the community and the property owner is finally ready to sell the property.

Trustee R. Pawlak stated that he believes approving the beer garden will also create a precedent for people requesting businesses constructed of shipping containers.

Trustee Schweickert stated that the proposed design is aesthetically pleasing and will draw people to come in to the downtown to shop and eat.

Trustee Holland agreed and stated that the containers and the silo will tie into the grain bins already located in the community.

Attorney Klein stated that a liquor license would also have to be created. It could be a Class A because they want the ability to sell their own packaged goods as well as having on premises consumption, but the Board could also create a seasonal license specifically for this.

Trustee Holland asked if Lodi is developing the property. Mr. Goucher stated that it is a separate company.

Trustee Schrader asked if they will sell packaged beer. Mr. Goucher stated that they would sell their own product only; Obscurity packaged goods.

It was then motioned by Trustee Schrader, seconded by Trustee Holland to approve the Special Use for property generally located at the for the southwest corner of Canal St. and Mill St., Utica, for the operation of a seasonal beer garden during the outdoor dining season subject to the following conditions: A special class of a seasonal liquor license, Non-transferrable, and legal ownership of the property within 60 days; completion of the construction within 6 months, no amplified sound, and no food trucks allowed. ORD 2021-13

3 Yes (Schweickert, Holland, Schrader)

3 No (R. Pawlak, Krizel, M. Pawlak)

1 Yes (Mayor Stewart)

Motion Carried

Consent Agenda: It was motioned by Trustee Schrader, seconded by Trustee Schweickert to approve the Consent Agenda as follows:

1.) Minutes: 03-11-2021; 03-25-2021; 03-30-2021

2.) March 2021 Financial Stmts. / Summary / Revenue Reports

3.) March 2021 Prepaids

4.) March 2021 A/P Bills

5.) Annual Dues to North Central Illinois Economic Development Group (NCIEDG) \$ 1,270

6.) Shearer Tree Service – Tree Removal from Clark Run Creek \$ 3,780

7.) Proclamation for Junior Achievement Day in the Village of North Utica

8.) Proclamation for Fair Housing in the Village of North Utica

6 Yes

Motion Carried

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Village Clerk: It was motioned by Trustee Schrader, seconded by Trustee Holland to approve the annual renewal of the Village computer system Back-up and Server Warranty with Connecting Point at a cost not to exceed \$ 4,191.88.

6 Yes

Motion Carried

It was then motioned by Trustee Krizel, seconded by Trustee R. Pawlak to appoint Hopkins & Associates to perform the annual Fiscal Year Audit for the period ending 3-31-2021.

6 Yes

Motion Carried

It was then motioned by Trustee Schweickert, seconded by Trustee Krizel to approve the road closure of Mill St. for Kentucky Derby Days being held on May 1, 2021.

6 Yes

Motion Carried

Director of Village Affairs: NONE

Village Treasurer: NONE

Finance Liaison: NONE

Donations & Advertising Requests: It was motioned by Trustee Schweickert, seconded by Trustee Schrader to approve a donation in the amount of \$125 to Illinois Valley Building & Trades Charitable Trust Inc. to sponsor their Golf Outing being held on June 11, 2021.

6 Yes

Motion Carried

It was motioned by Trustee Schweickert, seconded by Trustee Schrader to approve a donation in the amount of \$50 to the LP End Zone Club to sponsor their Golf Outing being held on June 19, 2021.

6 Yes

Motion Carried

Police Department Liaison: Chief Damron informed the Board that Officer Credi responded to an accident on Rt. 71, just east of Rt. 178, and with his extensive resources he went above and beyond to aid the individual and to help emergency personnel.

Water / Sewer Liaison: NONE

Governmental Affairs Liaison: Trustee Krizel reminded the Board that the Sweet Stroll would be held in the Village on April 24, 2021 and other upcoming events will include an Antique Show and Kentucky Derby Days and Wild Bill Days.

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Park & Recreation Liaison: NONE

Streets, Lights & Alleys Liaison: NONE

Building / Zoning Enforcement: NONE

Maintenance Department: NONE

Village Engineer: NONE

Village President: Mayor Stewart provided an update to the Board on various projects.

Mayor Stewart stated that the fencing is coming down at the new building and will be utilized at the sewer plant. Florence Drive Project – Engineer Heitz and Public Works Director Spayer will meet to assess the project and to determine the remaining drainage issues and the paving that will need to be done to complete the project.

Johnson St. Drainage Project – There are serious drainage issues at the end of Johnson St. that will need to be resolved. Engineer Heitz and Public Works Director Spayer will meet to assess the project and to determine how the drainage issue will need to be addressed.

Village Road Project – A road assessment will need to be completed so the Village can go out to be to do a MFT Road Project this year.

Sewer Extension E. 765th Rd in Senica Manor – This will be reviewed in the future to determine the cost to the Village and to the residents in that area if they are still interested in connecting to the Village sewer system.

Storm Drainage along E. 752nd Rd. in Senica Manor – This will be reviewed to determine the drainage issues along the road in this area. Some of the ditches have been filled in causing the drainage to change its' path. Village Engineer Heitz will be assessing the area and providing an update at a future meeting.

Mayor Stewart also congratulated the Board Trustees that have been re-elected for another 4-year term.

Committee / Trustee Reports: Trustee R. Pawlak stated that there are a few cracks in the road on Mill St. and asked about sealing the road. Public Works Director Spayer will look at the road to determine what is needed; the sidewalks will be resealed prior to the beginning of the outdoor dining season.

Public Comment: NONE

Executive Session: At 8:12 pm it was motioned by Trustee Schrader, seconded by Trustee Schweickert to enter into Executive Session for:

- 1.) The appointment, employment, compensation, discipline, performance or dismissal for specific employees
- 2.) Pending Litigation
- 3.) Purchase/Sale/Lease of Real Property

All in Favor

Motion Carried

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At 8:32 pm the meeting was reconvened; Motioned by Trustee Schrader, seconded by Trustee Schweickert.
All in Favor
Motion Carried

It was then motioned by Trustee Schrader, seconded by Trustee Schweickert to approve the 2021 Payroll Schedule.
6 Yes
Motion Carried

Adjournment: At 8:35 pm it was motioned by Trustee Schrader, seconded by Trustee M. Pawlak to adjourn the meeting.
All in Favor
Motion Carried

Respectfully submitted,

Laurie A. Gbur
Village Clerk