

VILLAGE OF NORTH UTICA
801 S. Clark St., North Utica, IL 61373
Rescheduled -Regular Meeting of the Board of Trustees
November 10, 2021
www.utica-il.gov

AGENDA

- I. **7:00** p.m. - Call to Order Rescheduled Regular Board Meeting
- II. Pledge of Allegiance
- III. Roll Call
- IV. Consideration and Possible Action for the Approval of a Consent Agenda including the following items
 - 1.) Minutes: 09-09-2021; 09-30-2021; 10-28-2021
 - 2.) October 2021 Financial Stmts / Summary / Revenue Reports
 - 3.) October 2021 Prepays
 - 4.) October 2021 A/P Bills
 - a) Including Invoices from Wozniak Concrete Finishing in the amount of \$48,117 for various concrete work performed in the Village of North Utica
- V. Village Clerk:
 - 1.) Consideration and Possible Action to Cancel the Board of Trustees Meeting previously scheduled to be held on Thursday, 11-11-2021
- VI. Director of Village Affairs:
 - 1.) Update on Utica Business Association
 - 2.) Update on Upcoming Events in the Village
- VII. Village Treasurer:
 - 1.) Discussion regarding the Village of North Utica 2021 Tax Levy
 - a) Consideration and Possible Action on an Ordinance re: the Village of North Utica 2021 Tax Levy
- VIII. Police Department – Chief Damron
- IX. Building / Zoning Enforcement Officer
- X. Maintenance Department / Public Works Director
 - 1.) Update – Upcoming / Ongoing projects in the Village
 - 2.) Update – regarding the Florence Dr. Project
 - 3.) Update – 2021 Project List
 - 4.) Demolition of a building currently located near the Wastewater Treatment Plant –
 - a) Consideration and Possible Action on an estimate from Alpha Construction for the demolition and removal of debris of a 20’ X 20’ brick building located near the Wastewater Treatment Plant in an amount not to exceed \$6,500
- XI. Village Engineer
 - 1.) Update – Upcoming / Ongoing projects in the Village
 - 2.) Update – regarding the 2021 Non-MFT Road Project
 - 3.) Update – IDOT Rt. 6 & Rt. 178 Intersection project regarding Utility Relocation
 - 4.) Update --New Village Hall Administrative Building
 - 5.) Rebuild Downtown & Main Street Grant Program –
 - a) Consideration and Possible Action to Authorize the Village President to enter into an Agreement between the Village of North Utica and North Central Illinois Council of Government (NCICG) to submit an application for the Rebuild Downtown & Main Street Grant Program.
 - b) Consideration and Possible Action on a Resolution for the Commitment of Funds for the Rebuild Downtown & Main Street Grant Program

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XII. Village Attorney:

- 1.) Summary of the Planning Commission Meeting held on 9-30-2021 regarding proposed amendments to the Village of North Utica Zoning Ordinance as related to Cannabis Growth, Sale, Manufacturing and / or products containing Cannabidiol (“CBD”) and / or Tetrahydrocannabinol (“THC”)
 - a) Consideration and Possible Action on an Ordinance regarding potential amendments to the Village of North Utica Zoning Ordinance (Title 10 et. al.) including but not limited to, provisions within the Definitions Section (Section 10-2-1 et. al.) and in regard to consideration of whether, in what circumstances, and / or in which Zoning Districts, Cannabis Dispensary Business Establishments, Cannabis Growth and / or Manufacturing Businesses, and Cannabis Social Areas may be allowed, including but not being limited to, consideration of allowances as defined within provisions of the recently enacted State of Illinois Cannabis Regulation and Tax Act, and any and all other matters related in any matter to the growth, manufacturing, sale and / or use of Cannabis within the Corporate Limits of the Village of North Utica and matters related thereto;

XIII. Village President:

- 1.) Consideration and Possible Action to appoint an additional Member to the Village of North Utica Planning Commission
 - a) Oath of Office

XIV. Committee / Trustee Reports:

- 1.) Updates from Committees:
 - a) Village of North Utica Governmental Affairs Committee
 - b) Village of North Utica Fire & School Liaison Committee
 - c) Village of North Utica Zoning Ordinance Review Committee
- 2.) Trustee Reports

XV. Public Comment

XVI. Executive Session

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

XVII. Possible Action regarding Executive Session items

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

XVIII. Adjournment

Posted 11-08-2021

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MINUTES

At 7:04 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 at the meeting were Trustees John Schweickert, Nate Holland, Mary Pawlak, Debbie Krizel and Jim Schrader. Also present were Village Attorney Herb Klein, Village Engineer Kevin Heitz, Director of Village Affairs Jamie Turczyn, Village Treasurer Jill Margis and Police Chief Rodney Damron. Public Works Director / Zoning Enforcement Officer Curt Spayer was absent from the meeting.

Mayor Stewart asked for a Moment of Silence for former Police Officer Jerry Nanouski who had recently passed away. Officer Nanouski worked for the Village of North Utica for approx. 32 years. During his time with the Utica Police Department, Jerry helped to implement and operate the K-9 program which was beneficial to the Utica community and to the surrounding area.

Mayor Stewart then asked for a Moment of Silence for Msgr. James Swaner who had recently passed away. Father Swaner presided over St. Mary's Church in Utica from 2003 – 2017 and he was very involved in helping the community after the 2004 Tornado.

It was motioned by Trustee Schrader, seconded by Trustee Schweickert to move Agenda Item XIII, Village President.

All in Favor
Motion Carried

Village President: It was motioned by Trustee M. Pawlak, seconded by Trustee Schrader to appoint Utica resident Andy Skoog to the Village of North Utica Planning Commission.

5 Yes
Motion Carried

Village Clerk Laurie Gbur administered the Oath of Office to Mr. Skoog.

Village Clerk: It was motioned by Trustee M. Pawlak, seconded by Trustee Schrader to approve the cancellation of the Board Meeting previously scheduled to be held on 11-11-2021.

All in Favor
Motion Carried

It was then motioned by Trustee M. Pawlak, seconded by Trustee Krizel to cancel the Committee Meeting previously scheduled to be held on 11-18-2021 and, to schedule a Special Board Meeting to be held on Monday, 11-29-2021.

5 Yes
Motion Carried

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

- 1.) Minutes: 09-09-2021; 09-30-2021; 10-28-2021
- 2.) October 2021 Financial Stmt's / Summary / Revenue Reports
- 3.) October 2021 Prepaids
- 4.) October 2021 A/P Bills
 - a) Including Invoices from Wozniak Concrete Finishing in the amount of \$48,117 for various concrete work performed in the Village of North Utica

5 Yes

Motion Carried

Director of Village Affairs: Director Turczyn provided a brief update on Village Affairs and upcoming events being held in the Village of North Utica.

The Veteran's Parade went really well and there were a lot of people that attended the event.

Christmas in the Village will be held on Saturday, November 27th and Sunday, November 28th. There will be kids' activities, horse and carriage rides, the annual tree lighting and the LaSalle County Historical Museum will be having their Christmas on the Canal Market.

Village Treasurer: A draft of the 2021 Tax Levy was provided to the Board for review and discussion. There was a reduction in the EAV due to the closure of Covia, formerly Unimin. The Village could maintain the same Levy amount of \$78,762, or maintain the same tax rate of 0.17280%, or increase of up to 5% which is the maximum that is allowed by law unless the Village holds a Public Hearing.

It was motioned by Trustee Schrader, seconded by Trustee M. Pawlak to approve the 2021 Tax Levy as follows:

\$78,762 Tax Levy Amount

0.17358% Tax Rate

Ordinance 2021-35

5 Yes

Motion Carried

Police Department: Chief Damron stated that the Veteran's Parade Event went well.

Building/Zoning Enforcement Officer: Absent

Maintenance Department: Absent

Mayor Stewart provided a brief update on the Maintenance Department.

Florence Drive Project – The Maintenance Department is continuing to work on the project. They have had some delays with weather and to get things set up for events and hanging Christmas Season Decorations. They also had some delays due to watermain breaks.

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Mayor Stewart then stated that the old brick wastewater building needs to be demolished and removed from the property. The estimate for such is \$6,500 from Alpha Construction. It was motioned by Trustee Schrader, seconded by Trustee Krizel to approve the demolition and removal of the wastewater building by Alpha Construction in an amount not to exceed \$6,500.

5 Yes

Motion Carried

Village Engineer: Engineer Heitz provided an update on the ongoing projects in the Village.

Non-MFT Road Project – Advanced Asphalt was awarded the contract.

They have completed most of the road project but they have a few things to finish up. There is a chance that they may go slightly over the contract amount, however they were the only bid that the Village received and they were lower than the original estimate for the project in an amount of \$199,285.25. The original Engineer's Estimate for the project was \$210,424.00.

New Village Hall Administrative Building – The renovations to the building really look great and it's really coming together. This will be a great fit for the Village and for the community. Director Jamie Turczyn has done a great job with working with the contractors!

Rt. 6 & Rt. 178 Intersection Roundabout Project – The gas company is installing the new gas line and removing the old line. There will be some work for the Village to do once the gas company is finished with their portion of the utility relocation.

Rebuild Downtown & Main Street Grant Program – DCEO is offering Federal and State Funding for business and community business development revitalization projects following the pandemic. The Village would like to extend the streetscape north on Mill St. as well as to bring the Village owned property out of the floodplain. There is no required matching local share however, the Village would be looking at 20% - 25% share which helps when the application is being considered. There will also be a time and material cost for engineering fees for the application and project. We are working with NCICG on the application and will be requesting letters of support from local residents, businesses and other agencies and organizations. There is no charge for the Grant application. The application is due in January however, NCICG would like everything sooner.

We will have an update at the next meeting on November 29th.

Mayor Stewart then stated that the Village is still looking at a MFT Road Project although that will now go out to bid in the Spring of 2022. A street assessment will be compiled and the project will be discussed further after the first of the year. There will also be further discussion regarding drainage in some areas and some of this may be incorporated into the project so it is completed at the same time.

Mayor Stewart also stated that the road (Hill) to access the two cemeteries (St. Mary's Cemetery and Oak Hill Cemetery) is being repaved. The two cemetery Boards are sharing in the cost to have the work done.

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Village Attorney: Attorney Klein provided a brief summary of the previous discussions and Hearing(s) regarding Cannabis. The discussion began in December 2019 however, due to Covid, the discussions were continued. The Planning Commission made their recommendation at a Public Hearing held on 9-30-2021. The Board then Tabled the item pending further research and review. Mayor Stewart had asked the Board to research the information and speak to local residents to obtain their comments and thoughts. Mayor Stewart spoke to several residents and he did not receive any negative comments regarding the Village allowing cannabis businesses within certain Zoning Districts. The Village can consider prohibiting Cannabis businesses, allowing cannabis businesses or allowing them only in specific Zoning Districts.

Mayor Stewart also stated that he had received an email regarding the topic from Bill Zens, Planning Commission Member and IVAC Executive Director. He provided that email to the Board members for their reference as well.

Trustee Holland stated that if the Village Board allows cannabis businesses, he would prefer that they be allowed only in certain Zoning Districts. Trustee Pawlak agreed.

Chief Damron stated that he had reached out to Ottawa Police Department to inquire about any issues that they may have had resulting from having a licensed Cannabis businesses in their community. They stated that while they have not had many issues at the facility, they have noticed an increase of cannabis related arrests in town.

Trustee Holland stated that he would prefer that the Board regulate cannabis businesses by allowing them only in the C-3 District and only if they obtain a special use. They would need to apply for a special use and that provides the Village with the ability to find out more about the business before it comes into the community.

Trustee Schweickert and Trustee Krizel agreed.

Trustee Holland asked about the location of the C-3 Zoning District. The C-3 Zoning District is located north of the strip mall along Rt. 178 and north to Loves Travel Stop.

Trustee Krizel asked if that will be far enough away from Waltham School. Attorney Klein stated that a cannabis business can not be located within 1,500 feet of a school so a special use could not be granted by the Board if a business wants to be closer than that.

Trustee Krizel stated that she had done a lot of research regarding other states that have licensed cannabis businesses in their communities. She would like to see the Village maintain control of where a cannabis business would be allowed in our community.

Attorney Klein then clarified the location of a cannabis business in relation to a school: State law provides that no cannabis cultivation business can be located within 2,500 feet of a school or daycare and that no cannabis dispensary can be located within 1,000 feet of a school or daycare.

The Village Board could regulate that any cannabis business will only be allowed in the C-3 Zoning District north of Rt. 6 and if wanted, only with a special use.

Trustee Holland motioned to approve Legal Cannabis Facilities to be allowed in the C-3 Zoning District, north of Rt. 6, with a special use. Trustee Schweickert seconded the motion. ORD 2021-36

5 Yes

Motion Carried

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Committee / Trustee Reports:

Trustee Schweickert thanked everyone for their efforts with the annual Veterans Parade Event. He received a lot of compliments on the parade. "It is really a wonderful parade to have in our community to Honor our Military and Veterans". Everyone agreed.

Public Comment: NONE

Executive Session: At 7:48 pm, it was motioned by Trustee Schweickert, seconded by Trustee Pawlak to enter into Executive Session for the purpose of:

- 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

Reconvene Meeting: At 8:25 pm, it was motioned by Trustee Schrader, seconded by Trustee Schweickert to reconvene the meeting.

All in Favor
Motion Carried

Adjournment: With no additional business, the meeting was adjourned at 8:25 pm. Motioned by Trustee Schrader, seconded by Trustee Pawlak.

All in Favor
Motion Carried

Respectfully submitted,

Laurie A. Gbur
Village Clerk