

# VILLAGE OF NORTH UTICA

248 W. Canal St.

North Utica, IL 61373

Meeting of the Board of Trustees

September 8, 2022

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## AGENDA

- I. **7:00 p.m.** - Call to Order
- II. Pledge of Allegiance
- III. Roll Call
- IV. Village Attorney:
  - 1) Illinois Transportation Enhancement (ITEP) Grant Program –
    - a) Summary of Public Hearing for the Illinois Transportation Enhancement Grant Program
    - b) Consideration and Possible Action to Authorize the Village President to work with North Central Illinois Council of Government (NCICG) to submit an application for the Illinois Transportation Enhancement (ITEP) Grant
    - c) Consideration and Possible Action on a Resolution for the Commitment of Funds from General, TIF and Water / Sewer Funds for the Illinois Transportation Enhancement (ITEP) Grant
  - 2) Rebuild Illinois Downtowns and Main Streets (RBI) Grant Program –
    - a) Consideration and Possible Action on an Ordinance Authorizing the Village President to enter into an Agreement between (NCICG) North Central Illinois Council of Governments and the Village of North Utica to provide the Village with Administrative Services for the Rebuild Illinois Downtowns and Main Streets (RBI) Grant in the amount of \$35,100.
  - 3) Consideration and Possible Action on an Ordinance granting a Special Use under the Village of North Utica Zoning Ordinance Section 10-8A-3 et.seq. for the operation of a convenience store, including the sale of packaged liquor and limited grocery and convenience items on property located at 130 Mill St., Utica, IL 61373. The property is Zoned C-1.
  - 4) Summary regarding the Petition of Dan Stash as Petitioner and proposed Tenant, at a building owned by ROC Developers, Inc. The Petitioner is seeking a Special Use under the Village of North Utica Zoning Ordinance, Section 10-8A-3, for the operation of a Nano-Brewery and Taproom in a rear ground-floor unit of the Bickerman Building. The property is generally located at 166 Mill St., Utica, IL 61373; Property is Zoned C-1
  - 5) Consideration and Possible Action on an Amendment to the Village of North Utica Zoning Ordinance, Section 10-8A-3, to add “Taproom Brewery” as an allowable Special Use in the C-1 Zoning District.
  - 6) Consideration and Possible Action regarding Amendments to the Village of North Utica Alcoholic Beverage Ordinance to create a “Taproom Brewery” License Classification
  - 7) Consideration and Possible Action on an Ordinance granting a Special Use under the Village of North Utica Zoning Ordinance, Section 10-8A-3, for the operation of a Taproom Brewery in a rear ground-floor unit (garage) on the premises of the Bickerman Building located at 166 Mill St., Utica, IL 61373; Property is Zoned C-1

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- 8) Consideration and Possible Action on an Ordinance amending the Video Gaming Ordinance regarding the number of Video Gaming Terminals allowed and the number of Video Gaming Licenses issued annually in the Village of North Utica.
  - 9) Consideration of Ord. amending the Business and License Regulation to create a new section governing Raffles within the Village.
  - 10) Consideration and Possible Action on an Ordinance extending a Moratorium on the Issuance of Licenses for Hotels, Motels, Bed & Breakfast Establishments, and Vacation Rentals
- V. Consent Agenda: Consideration and Possible Action for the Approval of a Consent Agenda including the following items:
- 1) Minutes: 08-11-2022; 08-25-2022
  - 2) August 2022 Financial Stmt's / Summary / Revenue Reports
  - 3) August 2022 Prepaids
  - 4) August 2022 A/P Bills
  - 5) Purchase of a Server from Connecting Point Computer Center for the Village Administrative Building and the Utica Police Department in the amount of \$17,565
- VI. Village Clerk:
- 1) Consideration and Possible Action to cancel and / or reschedule the September 28, 2022, Committee Meeting.
  - 2) Consideration and Possible Action regarding setting the 2022 Trick or Treating hours in the Village of North Utica
- VII. Director of Village Affairs
- 1) Update on Utica Business Association
  - 2) Update on upcoming Village Events
- VIII. Village Treasurer: Consideration and Possible Action to Approve the Annual Treasurer's Report for Fiscal Year ending 3-31-2022
- IX. Police Department – Chief Damron
- X. Building / Zoning Enforcement Officer
- XI. Maintenance Department: Update – Upcoming / Ongoing Projects in the Village
- 1) Update – Status of the 2022 Project List
- XII. Village Engineer:
- 1) Update – Upcoming / Ongoing Projects in the Village
  - 2) Update – IDOT Rt. 178 & Rt. 6 Roundabout Project
    - a) Consideration and Possible Action on an Engineer's Pay Estimate to D Construction for the Utility Relocation Project in the amount of \$30,755.07
  - 3) Update – Burgess Park Basketball Court
    - a) Consideration and Possible Action to Approve the Purchase of an additional Basketball Pole for the Court at Burgess Park

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Village Engineer continued:

- 4) Update – 2022 MFT Road Project
- 5) Update – Village Administrative Building Parking
- 6) Update – Drainage Projects:
  - a) Johnson St. Drainage Project

## XIII. Village President

## XIV. Committee / Trustee Reports:

- 1) Trustee Reports
- 2) 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

## XV. Executive Session

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

## XVI. 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

## XVII. Public Comment

## XVIII. Adjournment

**POSTED: 09-06-2022**

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## MINUTES

At 7:07 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 Board Trustees Debbie Krizel, Mary Pawlak, Jim Schrader, John Schweickert, Nate Holland and Kylie Mattioda. Also present were Village Attorney Herb Klein, Village Engineer Kevin Heitz, Director of Village Affairs Jamie Turczyn, Public Works Director / Zoning Enforcement Officer Curt Spayer and Village Treasurer Jill Margis. Police Chief Rodney Damron was absent from the meeting.

Village Attorney: ITEP Grant - Attorney Klein provided a brief summary of the Public Hearing that was held earlier in the evening regarding the Village of North Utica Illinois Transportation Enhancement Grant Program (ITEP) Grant Application. The Village is working with North Central Illinois Council of Governments (NCICG) to submit

a competitive Grant Application to secure funding for a Capital Project. If awarded, the ITEP Grant would help the Village facilitate the construction of a new sidewalk path to be located along the west side of IL Rt. 178, extending from Johnson St. to the North Utica Police Department. The project will include the installation of a sidewalk, crosswalks across IL Rt. 178, and new street lighting, that will largely benefit the residential and business communities located south of the I & M Canal. This project offers an opportunity to establish an adjacent walking path that will connect the downtown business district to the established business district located south of the I & M Canal. The construction of a new sidewalk path on the west side of IL Rt. 178 will offer residents and visitors an opportunity to enjoy outdoor recreation, by providing a safe path for walking and biking from the I & M Canal to Starved Rock State Park. The project will support our local businesses by increasing accessibility to their establishments, providing them with an opportunity for increased revenue, and an increase in sales tax revenue for the Village. Mr. Kevin Lindeman, North Central Illinois Council of Government (NCICG), discussed the ITEP Grant program and that \$125 million is available this year. Grants are due the end of September and will be awarded in the spring. Mr. Lindeman also briefly discussed the project. The Capital Project was identified in the Village of North Utica Comprehensive Plan in 2016. Most of the items would be funded at 80% with the remaining 20% being the Villages' Share however, street lighting is funded at 50% and the additional 50% of the street lighting would be the Villages' Share.

Engineer Heitz, discussed the proposed project in detail and said it will consist of approximately .4 miles of pedestrian path on the west side of IL Rt. 178 from the I & M Canal to the North Utica Police Department. There would be approximately 63 street lights installed on both sides of the road to match previously completed projects on the north end of the Village. The current street lights located along the east side of the road are old and need replacing, and currently there are no street lights located along the west side of the road. The pedestrian path will meet current ADA guidelines and the entrances to the existing driveways will be replaced to meet current entrance guidelines. There will be a pedestrian bridge on the east side that will mimic the one on the west side and there will be four crosswalks installed across IL Rt. 178, for the safety of both pedestrians and drivers. The east and west roads will have crosswalks that are better identified for safety. The proposed Capital Project is estimated to cost at least \$1.5 million. Ms. Christy Donahue, owner of The Rock & Soul and representing the Utica Business Association, commented that it is awesome the Village is seeking Grant Funds to be able to complete the project. She agreed that the sidewalk is much needed for the safety of those visiting Utica and the businesses located along both sides of IL Rt. 178. The Public Hearing was closed at 6:53 pm.

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## MINUTES

The Village Board all agreed that the construction of a sidewalk on the east side of IL Rt. 178 would be a great project for the community. There has been a substantial increase in in the number of visitors traveling through the Village to the State Parks. As a result, there have also been increases in the number of people walking directly on the road which then forces traffic to move into the east lane of IL Rt. 178 to safely travel around them. The construction of a new lighted sidewalk path would ensure the safety of pedestrians, while allowing traffic to continue to travel through the community.

It was motioned by Trustee Holland, seconded by Trustee Pawlak to authorize the Village President to work with NCICG to submit an application for the Illinois Transportation Enhancement (ITEP) Grant.

6 Yes

Motion Carried

It was then motioned by Trustee Holland, seconded by Trustee Krizel to approve a Resolution for the Commitment of Funds for General, TIF and Water / Sewer Funds, for the Illinois Transportation Enhancement (ITEP) Grant.

R2022-05

6 Yes

Motion Carried

Rebuild Downtowns & Main Street Grant – Mayor Stewart announced that the Village of North Utica had been awarded the Rebuild Downtowns & Main Street Grant in the amount of \$1,249,969.24 for the Mini Mill St. Shops Capital Project that will be developed on vacant property located along Church St. and Mill St. North Central Illinois Council of Government (NCICG) will administer the Grant for the Village at a cost not to exceed \$35,100. Mayor Stewart stated that this is an exciting project for the Village; to be able to provide an opportunity to small business owners and artisans to grown their business, and for the opportunity for the Village to build the area out of the floodplain and to develop what has been a vacant property located in our downtown district for 18 years. The Board agreed that this will be a great addition to the Village.

It was motioned by Trustee Schweickert, seconded by Trustee Krizel to approve an Ordinance authorizing the Village President to enter into an Agreement between (NCICG) North Central Illinois Council of Governments and the Village of North Utica to provide the Village with Administrative Services for the Rebuild Illinois Downtowns and Main Streets (RBI) Grant in the amount of \$35,100. ORD 2022-28

6 Yes

Motion Carried

Petition of Ms. Karen Starks, Western Cattle Company / Factory Outlet, 130 Mill St., Utica, IL – Attorney Klein provided a brief summary on the Petition of Karen Starks, owner of Western Cattle Company / Factory Outlet, seeking a Special Use under the Village of North Utica Zoning Ordinance Section 10-8A-3 et.seq. for the operation of a convenience store, including the sale of packaged liquor and limited grocery and convenience items on property located at 130 Mill St., Utica, IL 61373. The property is Zoned C-1.

The Public Hearing was held on July 28, 2022; the Planning Commission recommended the Special Use however, on August 11, 2022 the matter was Tabled by the Village Board pending further review. At the Board Meeting, the Petitioner and her son, Mr. Martens, had stated that there would be dogs located in the store during business hours, as they regularly breed dogs and then bring the litter(s) of puppies to work to be socialized with the public. LaSalle County Health Department regulates whether animals can reside on the premises of a business where food items are being sold therefore, the Village Board requested that the Petitioner speak to the Health Department and provide their response at the next Board Meeting.

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## MINUTES

Since that meeting, the Petitioner contacted the Village via email and stated that they no longer intend to sell food items but they are still interested in seeking a Special Use to obtain a packaged liquor license from the Village. Attorney Klein asked Ms. Starks if this was still their decision and Ms. Starks answered, “yes”. She stated that after speaking with the Health Department, she and Mr. Martens had discussed the matter and decided that they would not be selling any food items in the store but they would still like to sell packaged liquor, which is allowed by the LaSalle County Health Department. She also stated that they would not be serving any liquor or doing any tastings on liquor.

Trustee Schrader stated that the matter should be sent back to the Planning Commission because the Petition that was filed stated that they were seeking approval to sell food and convenience items, along with packaged liquor, and this is the information that was provided to the Planning Commission and what they based their decision on. Trustee Pawlak agreed and stated that the Planning Commission made their decision based on the store selling food items.

It was motioned by Trustee Schrader, seconded by Trustee Pawlak to Table the item regarding the Petition of Karen Starks, owner of Western Cattle Company / Factory Outlet, seeking a Special Use under the Village of North Utica Zoning Ordinance Section 10-8A-3 et.seq. for the operation of a convenience store, including the sale of packaged liquor and limited grocery and convenience items on property located at 130 Mill St., Utica, IL 61373.

6 Yes

Motion Carried

It was then motioned by Trustee Schrader, seconded by Trustee Schweickert to refer the matter back to the Planning Commission for further consideration of the Petition of Ms. Karen Starks, owner of Western Cattle Company / Factory Outlet, seeking a Special Use for only packaged liquor on property located at 130 Mill St., Utica, IL. The Planning Commission will review and further discuss the amended Petition at their next meeting being held on Thursday, October 6, 2022 at 5:30 pm; Legal Notice of the Hearing will be published prior to the meeting.

6 Yes

Motion Carried

Petition of Mr. Dan Stash, 166 Mill St., Utica, IL - Attorney Klein provided a brief summary of the Petition of Dan Stash as Petitioner and proposed Tenant, at a building owned by ROC Developers, Inc. The Petitioner is seeking a Special Use under the Village of North Utica Zoning Ordinance, Section 10-8A-3, for the operation of a Nano-Brewery and Taproom in a rear ground-floor unit of the Bickerman Building. The property is generally located at 166 Mill St., Utica, IL 61373; Property is Zoned C-1. The Public Hearing was held on August 25, 2022. The Planning Commission recommended that a Special Use be Granted subject to there being a separate address established for the business which would be located in the rear garage area of the Bickerman Building. Mr. Stash is seeking approval of a Special Use for the operation of a small Taproom and Nano-Brewery. The brewery would produce one barrel of artisan craft beer at a time and would have limited seating inside. He will not be serving food on the premises and the unit is separate from Bruce & Ollie’s located in the front of the building. The rear garage door would open to an outside patio with seating and family friendly lawn and table games for kids. Mr. Stash stated that he would like to encourage people to bring their carry-out food orders from other local businesses and they could sit and relax with a craft beer while their children play.

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## MINUTES

Attorney Klein also noted that there were people present at the Public Hearing that spoke in opposition of the Petition. Trustee Debbie Krizel read a letter from local resident and Utica Garden Club President, Joellen Fiorentini, as well as a letter that she had written herself. Trustee Krizel stated that she believes that the Village should review the number of liquor licenses that have been issued and consider more of a balance with other unique businesses. She also stated that the Village should be trying to attract more retail businesses. Former Mayor and resident Gloria Alvarado also spoke in opposition of the Petition, stating that she is concerned that the number of businesses offering liquor and gaming in the Village has increased. Mrs. Jen Cetwinski, owner of the Bickerman Building and Bruce & Ollies, spoke in favor of the Petition, stating that she believes the Nano-brewery and Taproom would be a great addition to the community. She added that the outdoor patio space has been created to offer families a place to sit and enjoy food and drinks while they are spending time together. Mrs. Cetwinski also stated that they would assign a separate address to the Taproom.

Planning Commission Members Gift and Zens stated that they believe the business would be a benefit to the Village. Chairman Tom Guttilla stated that he was surprised that there wasn't already a small Nano-brewery in town because they are very popular. Member Skoog stated that there have been some businesses that have closed and Mr. Stash is seeking an opportunity to invest in our community.

Following Attorney Klein's summary, Trustee Schrader stated that the Taproom and Nano-brewery is small and a good fit for the small space in the building.

Trustee Krizel stated that she is concerned that the Village would be issuing another liquor license to occupy a space that could be available to a small retail business.

Trustee Schrader stated that a Nano-brewery is a small unique business that would fit well in the space.

Trustee Krizel reminded the Board that the upcoming development of the Mini Mill St. Shops will offer an opportunity for artisans and small business owners to grow their business, but when they are ready to grow, the Village may not have space available for them to grow into. Trustee Krizel also stated that the Villages' Comprehensive Plan outlines a plan for diversity among our businesses and things to do to be able to attract more tourism.

It was then motioned by Trustee Schweickert, seconded by Trustee Schrader to approve an Ordinance amending the Village of North Utica Zoning Ordinance, Section 10-8A-3, to add "Taproom Brewery" as an allowable Special Use in the C-1 Zoning District. ORD 2022-29

5 Yes

1 No (Krizel)

Motion Carried

It was then motioned by Trustee Schrader, seconded by Trustee Holland to approve an Ordinance amending the Village of North Utica Liquor Ordinance to create a new "Taproom Brewery" License Classification; Class K, fee \$600 annually. ORD 2022-30

5 Yes

1 No (Krizel)

Motion Carried

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## MINUTES

It was then motioned by Trustee Schrader, seconded by Trustee Schweickert to approve an Ordinance Granting a Special Use under the Village of North Utica Zoning Ordinance, Section 10-8A-3, for the operation of a Taproom Brewery in a rear ground-floor unit (garage) on the premises of the Bickerman Building located at 166 Mill St., Utica, IL 61373; Property is Zoned C-1; The Special Use is subject to a separate address being established for the business. ORD 2022-31

5 Yes

1 No (Krizel)

Motion Carried

Video Gaming Ordinance – Attorney Klein explained that the current Village Ordinance allows for up to 10 Video Gaming Licenses to be issued and for up to 52 Video Gaming Terminals to be allowed in the Village. The number of gaming terminals allowed by the State Gaming Board for each business establishment is up to 6 terminals, with the exception of truck stops which are allowed up to 10 gaming terminals. It was motioned by Trustee Schweickert, seconded by Trustee Schrader to amend the Video Gaming Ordinance regarding the number of Video Gaming Terminals allowed and the number of Video Gaming Licenses issued annually in the Village of North Utica to the following: Video Gaming Terminals allowed in the Village is up to 70 and the number of Gaming Licenses allowed in the Village remains 10. ORD 2022-32

6 Yes

Motion Carried

Queen of Hearts Raffle License – The Utica Business Association has requested to hold a Queen of Hearts Raffle in the Village. At the August 25, 2022 Committee Meeting, Ms. Amanda Carter, President of the Utica Business Association, provided information to the Board regarding the Raffle; proceeds would be donated to non-profit organizations. It was motioned by Trustee Schrader, seconded by Trustee Mattioda to approve an Ordinance establishing a Raffle License in the Village of North Utica. ORD 2022-33

5 Yes

1 No (Krizel)

Motion Carried

Licenses for Hotels, Motels, Bed & Breakfast Establishments, and Vacation Rentals – The Village Board and Planning Commission will be reviewing the Ordinances regulating Licenses for Lodging in the Village. Mayor Stewart then stated that the Village is still working on completing an extensive review of the Village Sign Ordinance so he is recommending that the Village Board extend the moratorium on issuing Licenses for Lodging for six months. It was motioned by Trustee Schrader, seconded by Trustee Holland to approve an Ordinance extending a Moratorium on the Issuance of Licenses for Hotels, Motels, Bed & Breakfast Establishments, and Vacation Rentals until March 9, 2023. ORD 2022-34

6 Yes

Motion Carried



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## MINUTES

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

- 1) Minutes: 08-11-2022; 08-25-2022
- 2) August 2022 Financial Stmtns / Summary / Revenue Reports
- 3) August 2022 Prepaids
- 4) August 2022 A/P Bills
- 5) Purchase of a Server from Connecting Point Computer Center for the Village Administrative Building and the Utica Police Department in the amount of \$17,565

6 Yes

Motion Carried

Village Clerk: It was motioned by Trustee Schrader, seconded by Trustee Schweickert to cancel the meetings that were previously scheduled for September 28, 2022. There will be a Planning Commission Meeting held on Thursday, October 6, 2022 at 5:30 pm, and a Special Board Meeting will be held that evening at 7 pm.

6 Yes

Motion Carried

Trick or Treat Hours - It was motioned by Trustee Pawlak, seconded by Trustee Schrader to approve Trick or Treat hours in the Village as October 31, 2022 from 5:30 pm – 7:30 pm.

6 Yes

Motion Carried

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

Vintage Illinois Wine Festival will be held on September 17<sup>th</sup> & 18<sup>th</sup>, 2022

The Utica Fire Dept. Car Show and Burgoo Festival will be held on the weekend of October 8<sup>th</sup> & 9<sup>th</sup>, 2022.

There is a Fall Festival being organized to be held on October 22<sup>nd</sup>; Volunteers are needed for the event.

Village Treasurer: Treasurer Margis presented the Annual Treasurer's Report for Fiscal Year ending 3-31-22. The Report outlines revenue and expenses for the fiscal year. It was motioned by Trustee Schrader, seconded by Trustee Krizel to approve the Village of North Utica Annual Treasurer's Report for Fiscal Year ending 3-31-2022.

6 Yes

Motion Carried

Police Department: Lt. Jay Quinn stated that the Utica Police Department had been busy getting ready for the upcoming events being held in the Village.

Building / Zoning Enforcement Officer: NONE

Maintenance Department: Public Works Director Spayer provided a brief update on the ongoing projects in the Village.

The Maintenance Department has been working on the 2022 Project List as well as getting ready for the upcoming events being held in the Village.

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## MINUTES

Mayor Stewart then stated that the Village is considering doing a Church St. watermain project in-house next year. The Village has been unsuccessful with being awarded a Grant to replace the watermain on Church St. and it is the oldest watermain in the Village. The Maintenance Department is working on a plan to replace a section of the watermain next spring.

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

IL Rt. 178 Road Patch – There was a watermain break in August that resulted in a small section of Rt. 178 being cut out. The Village needs to have the area repaired and we are working to obtain the permit from IDOT to do the project in the next couple of weeks.

IL Rt. 178 7 Rt. 6 Roundabout Project – The project is moving forward and concrete is being poured so that they can move traffic around as they are moving through the construction. It was motioned by Trustee Holland, seconded by Trustee Schweickert to approve an Engineer's Pay Estimate to D Construction for the Utility Relocation Project in the amount of \$30,755.07. Engineer Heitz stated that he will also be submitting for final reimbursement to the Village.

6 Yes

Motion Carried

Burgess Park Basketball Court – It was motioned by Trustee Schrader, seconded by Trustee Krizel to approve the purchase of an additional Basketball Pole for the Court at Burgess Park in an amount not to exceed \$ 2,300.

6 Yes

Motion Carried

Neighbor's Park Field – R & R Landscaping will be trying to knock all of the weeds down on the field and get it fertilized at no additional cost to the Village.

Engineer Heitz stated that he will get back to the final paperwork on the MFT Road Project after he finishes with the ITEP Grant Application as there is a deadline to file the application by the end of September. It is a strong project and would be a great addition to the Village and to the south business district.

Public Comment: NONE

Executive Session: NONE

With no additional business, the meeting was adjourned at 8:09 pm; Motioned by Trustee Schrader, seconded by Trustee Schweickert.

All in Favor

Motion Carried

Respectfully submitted,

Laurie A. Gbur  
Village Clerk