MINUTES OF A REGULAR MEETING OSWEGO VILLAGE PRESIDENT AND BOARD OF TRUSTEES OSWEGO VILLAGE HALL 100 PARKERS MILL, OSWEGO, ILLINOIS August 4, 2020

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

President Troy Parlier called the meeting to order at 7:02 p.m. and led the Pledge of Allegiance to the Flag of the United States of America.

ROLL CALL

Board Members Physically Present: President Troy Parlier and Trustees James Marter II, Terry Olson, Pam Parr, Judy Sollinger and Brian Thomas.

Board Members Absent: Trustee Luis Perez.

Staff Physically Present: Dan Di Santo, Village Administrator; Christina Burns, Asst. Village Administrator/HR Director; Tina Touchette, Village Clerk; Jeff Burgner, Police Chief; Jenette Sturges, Community Engagement Coordinator, Marketing; Joe Renzetti, IT/GIS Director; Mark Horton, Finance Director; and Rod Zenner, Community Development Director; Jennifer Hughes, Public Works Director; Carri Parker, Purchasing Manager; Susan Quasney, Project Engineer; Tim Zasada, Asst. Public Works Director Utilities; Zach Jardine, Facilities Operations Supervisor; Allison Gerber, Public Works Intern; Ryan Morton, Village Attorney; and Karl Ottosen, Village Attorney.

RECOGNITIONS/APPOINTMENTS

E.1 Employee Service Awards

a. Brad Delphey- 25 Years of Service (Police Department)

Chief Burgner briefly spoke about his history and accomplishments with the Police Department. President Parlier thanked him for his service and presented him with an award certificate and gift.

PUBLIC FORUM

Public Forum was opened at 7:06 p.m. There was no one who requested to speak; the Public Forum was closed at 7:06 p.m.

STAFF REPORTS

Asst. Administrator Burns- complete the census; 82.4% of Oswego residents have responded; deadline is September 30, 2020; census workers are currently going door to door for to those who have not completed the census; social distancing guidelines will be in place; residents can also complete the it at census.gov; currently, the Village receives \$6 million annually. President Parlier noted that it is easy to see how important it is to complete the census.

CONSENT AGENDA

- H.1 July 14, 2020 Committee of the Whole Minutes
- H.2 July 14, 2020 Regular Village Board Minutes
- H.3 Ordinance Amending Title 3 Chapter 7; Decrease Class "O" Liquor License for Goodrich Quality Theaters, Inc. (commonly known as Kendall 11) Located at 95 Fifth Street. Ord. No. 20-36

- H.4 Resolution Authorizing Reserve at Hudson Crossing, L.L.C. to Execute Change Order #7 to the Construction Contract with H. Linden & Sons in the Amount of \$7,361.00 for the Construction of the Reserve at Hudson Crossing Public Improvements. Res. No. 20-R-70
- H.5 Resolution Authorizing the Execution of a Professional Engineering Services Contract with
 HR Green in an Amount of \$41,875 for Construction Oversight of the 2020 Pavement
 Resurfacing Program and Alley Reconstruction Projects. Res. No. 20-R-71
- H.6 Ordinance Amending Title 3 Chapter 7; Increase Class "B-1" Liquor License for 7-Eleven,Inc. Located at 244 E. Washington Street. Ord. No. 20-37
- H.7 Resolution Authorizing the Execution of a Contract with HR Green, Inc. in the Amount of \$199,775.05 for Preliminary Engineering of the Minkler Bridge Replacement Project. Res. No. 20-R-72
- H.8 Resolution Authorizing the Execution of a Professional Services Agreement with M.E. Simpson Company, Griffith, Indiana, for the Water Assessment Program in the Amount of \$84,568.00. **Res. No. 20-R-73**
- H.9 Resolution Authorizing the Execution of a Three-Year Contract with Charles Equipment Energy Systems, LLC of Des Plaines, Illinois for Generator Maintenance Services in the Amount of \$55,556.10. **Res. No. 20-R-74**
- H.10 Ordinance Amending Village Code Title 1 Chapter 19: Procurement. Ord. No. 20-38

A motion was made by Trustee Thomas and seconded by Trustee Olson to approve the Consent Agenda; Approving the July 14, 2020 Committee of the Whole Minutes; Approving the July 14, 2020 Regular Village Board Minutes; and approving the following ordinances and resolutions:

Ordinance No. 20-36; Ordinance Amending Title 3 Chapter 7; Decrease Class "O" Liquor License for Goodrich Quality Theaters, Inc. (commonly known as Kendall 11) Located at 95 Fifth Street. Ordinance No. 20-37; Ordinance Amending Title 3 Chapter 7; Increase Class "B-1" Liquor License for 7-Eleven, Inc. Located at 244 E. Washington Street.

Ordinance No. 20-38; Ordinance Amending Village Code Title 1 Chapter 19: Procurement. Resolution No. 20-R-70; Resolution Authorizing Reserve at Hudson Crossing, L.L.C. to Execute Change Order #7 to the Construction Contract with H. Linden & Sons in the Amount of \$7,361.00 for the Construction of the Reserve at Hudson Crossing Public Improvements.

Resolution No. 20-R-71; Resolution Authorizing the Execution of a Professional Engineering Services Contract with HR Green in an Amount of \$41,875 for Construction Oversight of the 2020 Pavement Resurfacing Program and Alley Reconstruction Projects.

Resolution No. 20-R-72; Resolution Authorizing the Execution of a Contract with HR Green, Inc. in the Amount of \$199,775.05 for Preliminary Engineering of the Minkler Bridge Replacement Project. **Resolution No. 20-R-73**; Resolution Authorizing the Execution of a Professional Services Agreement with M.E. Simpson Company, Griffith, Indiana, for the Water Assessment Program in the Amount of \$84,568.00.

Resolution No. 20-R-74; Resolution Authorizing the Execution of a Three-Year Contract with Charles Equipment Energy Systems, LLC of Des Plaines, Illinois for Generator Maintenance Services in the Amount of \$55,556.10.

Aye: James Marter II Terry Olson Pam Parr Judy Sollinger

Brian Thomas

Nay: None

Absent: Luis Perez

The motion was declared carried by an omnibus roll call vote with five (5) aye votes and zero (0) nay votes.

PUBLIC FORUM

The Public Forum was re-opened at 7:12 p.m.

Jim Pakowski addressed the Board regarding the proposed Tuscany Station and future parking lot; why is the Village using it for the railroad; will there be any traffic control; Tuscany park has no water or restrooms; why does he pay a tax on the park. Administrator Di Santo noted that information regarding the Tuscany Station concept would be discussed under New Business tonight.

There was no one else who requested to speak; the Public Forum was closed at 7:13 p.m.

BILL LIST

I.1 Approve Bill List Dated August 4, 2020 in the Amount of \$1,178,055.66.

A motion was made by Trustee Parr and seconded by Trustee Olson to approve the Bill List Dated August 4, 2020 in the Amount of \$1,178,055.66.

Aye: James Marter II Terry Olson
Pam Parr Judy Sollinger

Brian Thomas

Nay: None Absent: Luis Perez

The motion was declared carried by a roll call vote with five (5) aye votes and zero (0) nay votes.

OLD BUSINESS

J.1 Resolution Ratifying the Village President's Executive Orders and Extending Declaration of Local Emergency and Disaster. Res. No. 20-R-75

A motion was made by Trustee Marter II and seconded by Trustee Olson to approve the Resolution Ratifying the Village President's Executive Orders and Extending Declaration of Local Emergency and Disaster.

Board and staff discussion focused on which executive order this is for; executive order #10 is the latest; returns things to normal; outdoor dining remains.

Aye: James Marter II Terry Olson
Pam Parr Judy Sollinger

Brian Thomas

Nay: None Absent: Luis Perez

The motion was declared carried by a roll call vote with five (5) age votes and zero (0) nay votes.

NEW BUSINESS

K.1 Motion to Approve a Concept Plan for the Northwest Corner of Orchard Road and the Burlington Northern Railroad; Tuscany Station.

A motion was made by Trustee Thomas and seconded by Trustee Sollinger to approve a Motion to Approve a Concept Plan for the Northwest Corner of Orchard Road and the Burlington Northern Railroad; Tuscany Station.

The subject property is an approximately 100-acre L-shaped parcel located at the southwest corner of Tuscany Trail and Orchard Road. The site abuts the BNSF rail line and is a potential future location for a Metra Commuter Rail Station. The site is currently zoned M-1 Limited Manufacturing and R-1

Single-Family residence. In 2014, a Concept Plan for Tuscany Station was approved by Ordinance No. 14-54. A Planned Unit Development Agreement between the Village of Oswego and Melrose Holdings 7, LLC for Tuscany Station was approved on March 15, 2015 by Ordinance No. 15-08. The petitioner is requesting approval of a Concept Plan which includes a multi-use development including single-family residential, multi-family residential, commercial, mixed-use, and commuter parking for a future Metra station. The intent of the concept plan is to provide the petitioner with a plan that they could use to market the site to the development community. More specifically, the plan calls for 2.47 acres of wetlands; 2 acres of park space; 20 acres of multi-family with approx. 320 units; 4.3 acres of commercial; 12.4 acres of mixed-use including 124-248 units and 10,000-20,000 sq. ft. of commercial space; 22 acres of single family with approx. 76 lots; and a 18.78 acre commuter parking lot that would accommodate 1,769 parking spaces. The proposed METRA parking site is larger than the 15 acres originally acquired by the Village for the Metra site, but the parking lot layout is consistent with the recommended parking lot layout in the current Metra study.

If granted approval of a concept plan, the petitioner will have to process a Major Change to the approved PUD Agreement and Preliminary/Final PUD and subdivision plats including a public hearing before the Planning and Zoning Commission. As part of the Preliminary PUD staff would review more specific details such as lot sizes, setbacks, landscaping, building elevations, engineering and other documents as required through the PUD process. Staff believes a traffic study would be warranted for this project. A Rezoning will also likely be required. The petitioner is moving forward with a concept plan review to gain initial feedback prior to developing the technical engineering drawings for a Preliminary/Final PUD review process. Based on the adjacent residential uses, the potential for the Metra Station, the adjacency to Orchard Road, and previously approved concept plan designs for this area, staff feels the mix of higher density residential uses mixed with Commercial/Retail is generally appropriate and would fit the character of the site and serve the community's future needs. The proposed mixed use, transit-oriented development reflects the future need for the anticipated train station adjacent to the property and appears to be a positive addition to our housing stock and commercial options along Orchard Road.

Board, staff, and petitioner discussion focused on dual purpose would also serve for amphitheater; traffic control would be part of the project; only a concept plan to find future developers; Metra study is still on-going; whether there is a back-up concept if Metra is tabled; concept is constantly evolving; setting parameters; mainly providing a plan for marketing; starting with multi-family. There was no further discussion.

Aye: James Marter II Pam Parr Judy Sollinger Brian Thomas

Nay: None

Present: Terry Olson Absent: Luis Perez

The motion was declared carried by a roll call vote with four (4) aye votes, one (1) present vote and

zero (0) nay votes.

K.2 Ordinance Granting a Variance to Section 8.30 of the Subdivision and Development Regulations to Eliminate the Requirement of a Sanitary Sewer Extension for the Property Located at 459 Main Street. Ord. No. 20-39

A motion was made by Trustee Sollinger and seconded by Trustee Parr to approve an Ordinance Granting a Variance to Section 8.30 of the Subdivision and Development Regulations to Eliminate the Requirement of a Sanitary Sewer Extension for the Property Located at 459 Main Street.

There was no discussion.

Aye: James Marter II Terry Olson
Pam Parr Judy Sollinger

Brian Thomas

Nay: None Absent: Luis Perez

The motion was declared carried by a roll call vote with five (5) aye votes and zero (0) nay votes.

K.3 Ordinance Granting a Special Use Permit to Allow for the Operation of a Dog Grooming Business in the M-1 Limited Manufacturing District at 27 Stonehill Road, Unit F. Ord. No. 20-40

A motion was made by Trustee Sollinger and seconded by Trustee Olson to approve an Ordinance Granting a Special Use Permit to Allow for the Operation of a Dog Grooming Business in the M-1 Limited Manufacturing District at 27 Stonehill Road, Unit F.

There was no discussion.

Aye: James Marter II Terry Olson
Pam Parr Judy Sollinger

Brian Thomas

Nay: None Absent: Luis Perez

The motion was declared carried by a roll call vote with five (5) aye votes and zero (0) nay votes.

K.4 Ordinance Approving an Economic Incentive Agreement and a Loan Agreement with Tap House Grill Oswego, LLC Concerning 123 W. Washington Street. Ord. No. 20-41

A motion was made by Trustee Thomas and seconded by Trustee Sollinger to approve an Ordinance Approving an Economic Incentive Agreement and a Loan Agreement with Tap House Grill Oswego, LLC Concerning 123 W. Washington Street.

Mr. Scott Ward and Mr. Mark Zych are the owners of the Tap House Grill chain of restaurants, which includes the location at 123 W. Washington St. in Oswego. In March of this year, they approached the Village with a request for financial assistance to undertake a renovation of their Oswego location. The renovation includes replacement of the flooring, outdoor awnings, exterior revolving door, and the bar. Tap House has also purchased new furniture, fixtures, and equipment including lighting fixtures, tables and chairs, and AV equipment. Tap House has completed their renovation over the last few months, utilizing the closures necessitated by the COVID-19 crisis to perform work that would otherwise be disruptive to customers.

Tap House Grill's request is comprised of \$20,000 in an Economic Incentive Award and an \$80,000 loan from the Village's Revolving Loan Fund. The Village budgets \$40,000 annually for its Economic Incentive Award program, which functions as a grant to spur small business investment in the Village's TIF district. The Village's Revolving Loan Fund is designed as a much broader-purpose economic development tool for businesses located anywhere within the Village. The Revolving Loan Fund has a balance of \$326,757. Tap House Grill has been essential to the economic health of the downtown for many years.

\$20,000 Award Terms:

• Tap House Grill underwent a due diligence review conducted by Finance Director, Mark Horton, and former Economic Development Director, Corinna Cole

- The principals of the Tap House Grill have provided both personal guarantees and a UCC filing on funded equipment as security against default
- Tap House Grill demonstrated that its project meets all applicable zoning and use restrictions
- Tap House Grill has committed to a graduated claw back provision of the Economic Incentive Award should it close or relocate within three years of receipt of the Award
- The Award has mutual cross-default provisions with the Revolving Loan Fund

\$80,000 Loan Terms:

- The loan term is five years
- Interest rate of 3%
- The loan is secured by personal guarantees from both Mr. Zych and Mr. Ward and a UCC-1 filing on the furniture, fixtures and equipment purchased as part of the remodel

Board, staff and applicant discussion focused on meeting rooms; renovating the larger space downstairs for parties, events and possibly bringing back the comedy thing; video gaming space would be to the right of the bar area; two tables were removed to accommodate the video gaming. There was no further discussion.

Aye: James Marter II Terry Olson
Pam Parr Judy Sollinger

Brian Thomas

Nay: None Absent: Luis Perez

The motion was declared carried by a roll call vote with five (5) aye votes and zero (0) nay votes.

K.5 Ordinance Amending Title 3 Chapter 31; Increase Class "C" Video Gaming License for Tap House Grill Oswego, LLC d/b/a Tap House Grill Located at 123 W. Washington Street. Ord. No. 20-42

A motion was made by Trustee Sollinger and seconded by Trustee Thomas to approve an Ordinance Amending Title 3 Chapter 31; Increase Class "C" Video Gaming License for Tap House Grill Oswego, LLC d/b/a Tap House Grill Located at 123 W. Washington Street.

There was no discussion.

Aye: James Marter II Terry Olson Pam Parr Judy Sollinger

Brian Thomas

Nay: None Absent: Luis Perez

The motion was declared carried by a roll call vote with five (5) aye votes and zero (0) nay votes.

K.6 Ordinance Amending Title 3 Chapter 7; Increase Class "O" Liquor License for Tivoli Enterprises, Inc. d/b/a Kendall 11 Located at 95 Fifth Street. **Ord. No. 20-43**

A motion was made by Trustee Sollinger and seconded by Trustee Parr to approve an Ordinance Amending Title 3 Chapter 7; Increase Class "O" Liquor License for Tivoli Enterprises, Inc. d/b/a Kendall 11 Located at 95 Fifth Street.

Board, staff, and applicant discussion focused on they were previously in Naperville; have fifteen theaters; excited to be part of the community; thankful they stepped in; most theaters have recliners; will eventually retrofit others; guest friendly policy; \$5 Tuesdays; Downers Grove was their first theater; President Parlier likes the combination of caramel corn and white cheddar popcorn. There was no further discussion.

Aye: James Marter II Terry Olson
Pam Parr Judy Sollinger

Brian Thomas

Nay: None

Absent: Luis Perez

The motion was declared carried by a roll call vote with five (5) aye votes and zero (0) nay votes.

K.7 Ordinance Amending Title 3 Chapter 7; Amend Class "O" Liquor Classification. Ord. No. 20-44

A motion was made by Trustee Sollinger and seconded by Trustee Marter II to approve an Ordinance Amending Title 3 Chapter 7; Amend Class "O" Liquor Classification.

There was no discussion.

Aye: James Marter II Terry Olson
Pam Parr Judy Sollinger

Brian Thomas

Nay: None

Absent: Luis Perez

The motion was declared carried by a roll call vote with five (5) aye votes and zero (0) nay votes.

K.8 Ordinance Amending the Annual Budget of the Village of Oswego for the Fiscal Year Commencing May 1, 2019 Adopted by Ordinance No. 19-26. **Ord. No. 20-45**

A motion was made by Trustee Sollinger and seconded by Trustee Thomas to approve an Ordinance Amending the Annual Budget of the Village of Oswego for the Fiscal Year Commencing May 1, 2019 Adopted by Ordinance No. 19-26.

Director Horton provided the Board a copy of the budget amendment as follows:

Revised August 4, 2020

Fiscal Year 2020 Budget Amendment

Reason	Fund	Account #	Account Title	Original Budget	Increase/ (decrease)	Final budget
Increase in project costs and 2020 calendar year program engineering paid		2006030-	Public			
out in Fiscal Year 2020	MFT	572010	Improvements	\$800,000	\$101,000	\$901,000
Establish budget for		2503500-	Engineering			_
Engineering Service	TIF	533005	Service	\$0	\$68,500	\$68,500

Increase budget for legal		2503500-	Legal			
fees incurred		533010	Services	\$50,000	\$20,000	\$70,000
			Misc.			
Increase budget for		2503500-	Professional	#15 000	#2 < 000	Φ .7.1 .000
engineering costs		533030	Servs	\$15,000	\$36,000	\$51,000
Establish budget for 2019		2503500-	Paying Agent			
Bond issuance costs		533140	Fees	\$0	\$219,000	\$219,000
Establish budget for		2503500-				
downtown projects		572000	Infrastructure	\$0	\$3,237,000	\$3,237,000
Increase budget for						
projects-public		2503500-	Public			
improvements		572010	Improvements	\$5,112,00	\$3,100,000	\$8,212,000
Establish budget for						
transfer of bond issuance			Transfer to			
capitalized interest		2503500-	Debt Service			
proceeds		591400	Fund	\$0	\$1,366,337	\$1,366,337
				\$5,177,000	\$8,046,837	\$13,223,837
Increase budget for debt	Debt	4004000-	Paying Agent			
trust fee payments	Service	533140	Fees	\$1,207	\$730	\$1,937
Establish budget for	Water &	5006070-				
account	Sewer	579000	Depreciation	\$0	\$1,637,376	\$1,637,376
Increase budget for	Garbage	5606010-	Disposal			
garbage collection costs	Collection	533110	Expense	\$2,520,885	\$51,000	\$2,571,885

Board and staff discussion focused on 160% increase; where is the balance of \$8 million coming from; FY20 budget was originally being prepared in winter 2019; staff didn't know if the project would be moving forward; \$5.1 million budgeted; \$14.8 million issued at end of 2019; adjusted for bond issuance; annual formality; all funds have funds in reserves or had funds coming in; legal services are not budgeted; staff is conservative; keep at zero and adjust for actual expenditures; whether the legal fees are normal; if no more projects in the downtown, then the expenses will dwindle down; most costs are upfront; bulk of legal fees is the parking deck and Tap House agreement; amount from TIF increment was \$60,000 last year; will be around \$150,000 this fiscal year; public improvements include the H. Linden contract, Block 11, parking deck, and retaining wall; improvements paid from the Capital Fund; 2020 is the first year of full assessment for increment; SSA would fill the gap so it fully covers the debt service; would start in 2023; SSA is only for the Shodeen development; when will the bonds be fully paid; last three years of the TIF would have a surplus; will be able to pay the Village back for public improvements in year 20, 21 or 22. There was no further discussion.

Aye: James Marter II Terry Olson
Pam Parr Judy Sollinger

Brian Thomas

Nay: None Absent: Luis Perez

The motion was declared carried by a roll call vote with five (5) are votes and zero (0) nay votes.

PRESIDENT'S REPORT

Final drive-in movie is this Thursday, August 6th at the Park & Ride; partnership with Classic Cinemas; The Lion King is being played. Community yard sale is on 8/7/20-8/8/20; 8am-4pm; 50 residents are participating. Summer at-home festival continues with "Wild Daisy"; live streamed @GoOswego Facebook page on 8/15/20 from 5pm-6pm at Village Hall.

TRUSTEE REPORTS

Trustee Parr- couple people have asked about the Open Meetings Act; we are still in a pandemic; people can only comment if they are physically here; Oswego is the only municipality doing this; would we consider phone calls; whether there is a way to make comments without having to come in; thinking about transparency. President Parlier noted that we are taking additional steps to get back to normalcy; continue to step forward. Trustee Marter noted he attended a school Board meeting; when things are important, they will attend. Jim Pakowski, who spoke earlier during Public Comment, noted that he and his wife have not left the house since the pandemic started, but they wanted to attend this meeting due to their concerns with the Tuscany Station concept plan; people will attend if it is an important item to them. Staff to bring this up as a discussion item at the next Committee of the Whole meeting.

President Parlier- on behalf of Trustee Perez, Director Hughes umpired a game he played on Saturday and she called him out on strikes; he thought the pitch was inside; she still called him out. Director Hughes noted she made the correct call. This was all in fun.

CLOSED SESSION

There was no Closed Session held.

ADJOURNMENT

A motion was made by Trustee Sollinger and seconded by Trustee Olson to adjourn the meeting.

Aye: James Marter II Terry Olson
Pam Parr Judy Sollinger

Brian Thomas

Nay: None Absent: Luis Perez

The motion was declared carried by a roll call vote with five (5) aye votes and zero (0) nay votes.

The meeting was adjourned at 7:59 p.m.

Tina Touchette Village Clerk