

**MINUTES OF A REGULAR MEETING  
OSWEGO VILLAGE PRESIDENT AND BOARD OF TRUSTEES  
OSWEGO VILLAGE HALL  
100 PARKERS MILL, OSWEGO, ILLINOIS  
July 16, 2019**

**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**

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

Absent: Trustee Luis Perez.

Staff Present: Dan Di Santo, Village Administrator; Christina Burns, AVA/HR Director; Tina Touchette, Village Clerk; Jeff Burgner, Police Chief; Jennifer Hughes, Public Works Director; Mark Horton, Finance Director; Rod Zenner, Community Development Director; Corinna Cole, Economic Development Director; Jenette Sturges, Community Engagement Coordinator, Marketing; Jay Hoover; B&Z Manager; Carri Parker, Purchasing Manager; Joe Renzetti, IT Manager; Harry Bell, Administrative Intern; Karl Ottosen, Village Attorney; and Ryan Morton, Village Attorney.

**CONSIDERATION OF AND POSSIBLE ACTIONS ON-ANY REQUESTS FOR ELECTRONIC PARTICIPATION IN MEETING**

There was no one who attended electronically.

**RECOGNITIONS/APPOINTMENTS**

**D.1. Police Officer & Outstanding Citizen Recognition**

Good Samaritans, John Farenzena and Richard Cameron; along with Oswego Officers Chad Dickey, Rebecca Hayes, Kenneth Foote and Sergeant William Blessing were recognized for their action to help during a domestic dispute in an Oswego neighborhood. Certificates of Recognition were presented to Mr. Farenzena and Mr. Cameron; a medal of honor was presented to Sgt. Blessing. President Parlier stated it was rare to see acts of selflessness; appreciative of the actions.

**D.2. Employee Service Awards**

a. Joseph McGillis- 5 Years of Service (Public Works Department); was unable to attend. Director Hughes recognized Joe and stated that he was her first hire when she started in Oswego; Joe is the first one to volunteer; he is a Sergeant in the Army Reserves and will be leaving shortly to active duty. President Parlier noted that Joe donated \$25.00 to the food pantry in lieu of a gift for his years of service.

**D.3. Planning & Zoning Commission**

a. Appoint Tom Guist for a Term to Expire October 6, 2021

President Parlier read the appointment and requested a motion to approve.

A motion was made by Trustee Sollinger and seconded by Trustee Thomas to Approve the Appointment of Tom Guist for a Term to Expire October 6, 2021.

Aye: James Marter II  
Pam Parr  
Brian Thomas

Terry Olson  
Judy Sollinger

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.

### **PUBLIC FORUM**

Public Forum was opened at 7:16 p.m.

Ruth Lally addressed the Board concerning her grievances with the police department and her ex-husband. She left documents with staff to be distributed to the Board.

There was no one else who requested to speak; the Public Forum was closed at 7:23 p.m.

### **STAFF REPORTS**

Director Horton- electric aggregation program expires in October 2019; staff went to market; ComEd is the lowest rate; staff to move forward and renew with the current supplier; supplier purchases renewable energy.

Director Horton- provided the Board with a presentation of the new transparency website. Questions regarding the website should be directed to him or Asst. Finance Director, Billie Robinson.

Attorney Ottosen- introduced Ryan Morton; he will be assisting him with Oswego's account; he apologized to Board and staff for not getting things done; they will be adding more attorneys; he will be working with Kathleen Orr's firm to be more productive; will only charge the Village for one attorney when attending Board meetings; will split the time.

Director Cole- Movies in the Park on Thursday; movie will be Mary Poppins Returns; water and ice will be provided; ice cream can be purchased; an announcement will go out regarding the heat. Greatest Showman will be shown at the Park & Ride event on August 8<sup>th</sup> at 8:00 p.m.; it will be a drive-in movie format.

Extreme weather information will be provided via social media, e-blast and GoOswego.

### **CONSENT AGENDA**

- G.1. June 18, 2019 Committee of the Whole Minutes
- G.2. June 18, 2019 Regular Village Board Minutes
- G.3. Resolution Withdrawing the Village of Oswego from the Government IT Consortium and Ending an Intergovernmental Agreement with the United City of Yorkville for Information Technology Services. **Resolution No. 19-R-57**
- G.4. Resolution Authorizing the Execution of a Contract with Dell in the Amount of \$109,828.50 for the Purchase of a Hyper-Converged Server, and the Waiving of the Competitive Public Bidding Requirement. **Resolution No. 19-R-58**
- G.5. Resolution Authorizing the Execution of a Contract with Precision Pavement Markings, Inc., Pingree Grove, IL in the Amount of \$74,496.34 to Furnish and Install Pavement Markings at Various Locations Throughout the Village. **Resolution No. 19-R-59**

A motion was made by Trustee Sollinger and seconded by Trustee Parr to approve the Consent Agenda; Approving the June 18, 2019 Committee of the Whole Minutes; Approving the June 18, 2019 Regular Village Board Minutes and approving the following resolutions:



Cost Breakdown:

- Minimum cost to inspect = \$71,150.00; includes:
  - Mobilization of equipment, pump and motor removal
  - Racking the pipe and transfer to Layne's yard for inspection
  - Televising of the well total depth to see if sand has accumulated and bailing is needed
  - Capacity test on the pump and all demobilization.
- Repairs = \$95,936.00; includes
  - Motor service
  - Inspection and rebuilding of the pump with new impellers
  - Repairs to the column pipe
  - New flat cable to the motor
  - Replacement of the electrical cable
  - Rethread pipework
  - Replacement couplings
  - Additional pipe to lower the pump setting
- Well Rehab = \$70,000.00
  - Method to be determined after televising
- Contingency = \$10,000.00
- Extras not specifically included; could cause an increase above budgeted amount
  - New motor = \$133,160.00
  - New pump = \$70,380.00
  - Sand bailing = \$449.00/hr.

In the event repairs exceed the authorized dollar amount, staff will bring the additional repair items back to the Village Board for approval.

Board and staff discussion focused on the well is currently working; trying to get on a ten year cycle; whether other wells are doing the same thing; work will not be done for a couple months; no water issues when the well goes down; currently have eight wells; system is no longer manufactured; limited on who can work on the wells; whether there are issues with the current equipment; can get by with routine maintenance. There was no further discussion.

A motion was made by Trustee Thomas and seconded by Trustee Olson to approve a Resolution Authorizing the Execution of a Task Order with Layne Christensen Company for Maintenance and Repairs to Well 9 in an Amount Not to Exceed \$247,086.00.

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.

J.2. Ordinance Amending Title 3 Chapter 19 of the Village Code in the Village of Oswego; Tobacco. **Ordinance No. 19-36**

Clerk Touchette addressed the Board regarding an amendment to the tobacco code. Effective July 15, 2019, Public Act 101-0002 was signed into law which raised the legal age to 21 for the purchase or sale of tobacco products, electronic cigarettes and alternative nicotine products. Due to this

amendment, the current Village code needed to be updated to remain consistent with the new law and to incorporate updated definitions and procedures. The new law focuses on the sale or purchase of tobacco or alternative products by individuals under 21, but it does not address the possession of tobacco or alternative products. Oswego's current Village code (3-19-7) does address possession by minors and will remain in Village code. Staff is also looking for Board input on the several policy related items a part of the code amendment:

#### 3-19-5: Sales by Minors

The State law allows 16-year old's to sell tobacco products. Current Village code allows for 18-year old's. Raising the current Village code age of 18 to 21 is not required but can be changed should the Board wish to do so. The Board can also choose to lower the age to 16.

#### 3-19-8 (A)4a: Prohibitions

Staff recommended the addition of the following section in code:

- Sale Near Church or School; It shall be unlawful for any person to sell, offer for sale, give away or deliver tobacco products, alternative tobacco/nicotine products, vapor products, or electronic smoking devices within one hundred feet (100') of any school, childcare facility, or other building used for education or recreational programs for persons under the age of twenty-one (21) years of age.

This is not a State law; the guideline is similar to what Yorkville currently enforces and to what the Village currently has in code regarding liquor licenses. Staff reviewed all current liquor and tobacco license holders that are located near existing schools, daycares and churches. All fall within the guidelines; including those where daycares were built after the businesses were already open and established. Staff also recommended a grandfather clause be added to allow all current tobacco license holders to be exempt from the 100 feet guideline. All new locations/license holders would be subject to the 100 feet guidelines.

#### 3-19-9: Electronic Smoking Devices

Currently, local establishments govern the use of electronic smoking devices. Some allow all, some allow certain types and others ban them completely. Staff is recommended that the governing of these devices remain the responsibility of the establishments.

Board and staff discussion focused on the sales by minors age; responsibility now on a 16 year old; police department conducts 3-4 compliance checks each year; penalties are assessed on the person selling tobacco and the business owner/establishment; verbal warnings; leniency towards employer; staff holds meetings with license holder; whether a code amendment can be made in the future if changing the sale by minors age to 16; 100 foot recommendation; whether permission can be given by a business to allow the sale of tobacco. Staff was directed to change the sale by minors age to 16 (sixteen) and to bring back the 100' recommendation (3-19-8(A)4a to the Board for further discussion. There was no further discussion.

A motion was made by Trustee Olson and seconded by Trustee Parr to approve an Ordinance Amending Title 3 Chapter 19 of the Village Code in the Village of Oswego; Tobacco.

Aye: James Marter II  
Pam Parr  
Brian Thomas

Terry Olson  
Judy Sollinger

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.

**J.3. Ordinance Amending Title 31 Chapter 8 and 10 of Village Code; Video Gaming. Ordinance No. 19-37**

Clerk Touchette addressed the Board regarding an amendment to the video gaming code. On June 28th, a Public Act (101-0031) was signed by the Governor which expanded the Video Gaming Act to allow licensed locations to now operate six (6) video gaming terminals instead of five (5). The bill also added licensed large truck stop establishment to the Video Gaming Act. A licensed large truck stop establishment is allowed to operate up to ten (10) video gaming terminals. Currently, the Village does not have any licensed truck stops or licensed large truck stops. Both these amendments went into effect on July 1, 2019. While staff was reviewing other sections of the video gaming Village code, it was determined that the State requirement regarding the location of establishments with respect to schools and churches was not addressed in Village code. Staff reviewed all current liquor and video gaming license holders and determined that all are within the guidelines. Staff is recommending a grandfather clause be added to allow the current video gaming license holders to be exempt from the 100 feet guideline. All new locations/license holders would be subject to the 100 feet guidelines.

Board and staff discussion focused on how a truck stop is designated; truck stop designations must sell a certain amount of diesel fuel; no places currently an issue with regards to the 100-foot guideline; must have a liquor license to have a video gaming license. There was no further discussion.

A motion was made by Trustee Thomas and seconded by Trustee Olson to approve an Ordinance Amending Title 31 Chapter 8 and 10 of Village Code; Video Gaming

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.

**J.4. Ordinance Granting a Final PUD for 113 Main Street. Ordinance No. 19-38**

Director Zenner addressed the Board regarding a final PUD for 113 Main St. The petitioner, Imperial Investments, is requesting approval of a Final PUD that would allow for the development of an approximately 18,000 square foot mixed-use three-story building. The first floor would contain restaurant use, the second and third floors would contain offices. The building will be built with zero lot lines along the front and sides of the building. The rear of the building will be set back from the rear lot line to allow for the placement of 5 parking spaces. Additional parking will be provided by on-street parking within the downtown and the new parking lot that the Village will be constructing. The proposed development has been incorporated in the overall engineering plans for the block and is subject to final engineering approval and staff approval of the final exterior elevations.

Board and staff discussion focused on zero lot line is on the side by the dentist office; would like to break ground in August; available parking spaces; lot lines; not enough room for seating on the sidewalk. There was no further discussion.

A motion was made by Trustee Marter and seconded by Trustee Thomas to approve an Ordinance Granting a Final PUD for 113 Main Street.

Aye: James Marter II  
Pam Parr  
Brian Thomas

Terry Olson  
Judy Sollinger

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.

### **PRESIDENT'S REPORT**

Thanked Clerk Touchette for stepping through the tobacco code amendment; Shared Services Summit is a huge benefit to the community; thank you to Asst. Administrator Burns; Wolf's Crossing Summit; thank you to the Kendall County Board and Scott Gryder; Coffee and Conversation is scheduled for July 30<sup>th</sup> from 10am-noon; focus is on the senior community; Kendall County Chief County Assessment Official, Andy Nicoletti will be presenting the benefits for seniors and Dr. Tokars will also be present to provide available resources for seniors.

### **TRUSTEE REPORTS**

Trustee Olson- working with the police department on some equipment needs.

Trustee Sollinger- community conversations with the Board and the senior population; Sandy Pastore has resigned; an open house/appreciation event is being held for her on July 18, 2019 from 4pm-6pm.

Trustee Thomas- warm the rest of the week; look out for family, friends and seniors.

### **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; upon a voice vote with all remaining members present voting aye, the meeting was adjourned at 8:38 p.m.

Tina Touchette  
Village Clerk