

**MINUTES OF A REGULAR MEETING OF THE  
OSWEGO VILLAGE PRESIDENT AND BOARD OF TRUSTEES  
OSWEGO VILLAGE HALL  
100 PARKERS MILL, OSWEGO, ILLINOIS  
March 6, 2018**

**CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

President Gail Johnson 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 Gail Johnson and Trustees Ryan Kauffman, Karin McCarthy-Lange, Pam Parr, Luis Perez, Judy Sollinger and Joe West.

Staff Present: Dan Di Santo, Village Administrator; Christina Burns, AVA/HR Director; Tina Touchette, Village Clerk; Jeff Burgner, Police Chief; Mark Horton, Finance Director; Rod Zenner, Community Development Director; Corinna Cole, Economic Development Director; Jenette Sturges, Community Engagement Coordinator-Marketing Julie Hoffman; Community Engagement- Special Events; and David Silverman, Village Attorney.

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

There was no one who requested to attend electronically.

**RECOGNITIONS/APPOINTMENTS**

D.1. Employee Service Award

a. Brandon Dilg- 10 Years of Service (Police Department)- Did not attend  
President Johnson congratulated Brandon Dilg on his years of service.

D.2. Planning & Zoning Commission

a. Appoint Robyn Vickers for a Term to Expire October 6, 2019

A motion was made by Trustee Kauffman and seconded by Trustee McCarthy-Lange to Approve the Planning & Zoning Commission appointment of Robyn Vickers for a Term to Expire October 6, 2019.

Aye:	Ryan Kauffman	Judy Sollinger
	Karin McCarthy-Lange	Pam Parr
	Luis Perez	Joe West

Nay: None

The motion was declared carried by roll call vote with six (6) aye votes and zero (0) nay votes.

**PUBLIC FORUM**

The Public Forum was opened at 7:04 p.m.

Norma Lucaturto addressed the Board regarding Pfund Court. She supports the re-naming of the park to Pfund Park; should remain a park and not a cemetery; property was donated to the Park District and not to become a cemetery.

Mary Carney addressed the Board regarding Pfund Court. She asked the Board to say no to the rezoning; Jack Pfund donated property to the Park District; has notarized letter of his wishes; land should not have been donated; Township needs more burial space; stats relating to burial information provided; needing a safe way to bike and walk; who the cemetery benefits; lack of interest from elected officials to listen to residents; decision affects people's lives; honor the legacy of Jack Pfund.

Frank Carney addressed the Board regarding Pfund Court. Lincoln Memorial has over 100 years of space; willing to donate land behind his property; doing the right thing; insulted by the Township; deny the variance.

Rose Devos addressed the Board regarding Pfund Court. Asked the Board to deny the variance; neighborhood is adversely affected; logical to keep as a park; needing bike paths; creating undue hardship.

Maria Helgeson addressed the Board regarding Pfund Court. Park District cannot find the records on when they received the donation of the park; important paperwork to be missing; Park District mapped the property as a park; would like to keep it a park; people enjoy the park and going to the creek; would like park returned.

Carlos Perez addressed the Board regarding Pfund Court. He remembers it being a park; supports it remaining as a park.

There was no one else who requested to speak; the Public Forum was closed at 7:21p.m.

## **STAFF REPORTS**

### **Administrator Di Santo**

The second Board meeting in March is on Monday, March 19<sup>th</sup>. Please mark your calendars.

### **Director Cole**

Excited to announce that staff has been getting ready for this year's 4<sup>th</sup> of July festivities. Staff is securing a contract with ARC Pyrotecnics, Inc and signing the contract this week. ARC was the vendor the Village used last year. It will be a comparable show to last year for approximately the same price of \$10,000. The fireworks will take place on July 4<sup>th</sup> at PrairePoint Park at dusk.

### **Director Horton**

#### **F.1. Financial Reporting Awards**

The Certificate of Achievement for Excellence in Financial Reporting has been awarded to the Village of Oswego by the GFOA for its comprehensive annual financial report (CAFR). The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting. The Village Audit report (CAFR) for the fiscal year Ended April 30, 2017 is the 15<sup>th</sup> award for the Village in this program. The Award for Outstanding Achievement in Popular Annual Financial Reporting was also received for the Village's Resident's Annual Financial Report for the Fiscal Year Ending April 30, 2017. This is the 2<sup>nd</sup> year in a row the Village has received the award. The awards and reports will be available on the Village's website and will be published.

### **Quarterly Financial Review- Period Ending January 31, 2018**

- Sales Tax
  - Revenue for the month was \$43,000 more than last year
  - FY18 sales tax receipts trending higher then FY17 with year to date receipts \$73,700 greater than last year
- HRST- General Fund
  - May and June receipts were less than the previous two years
  - Increased slightly over the last four months
- HRST- CIP
  - FY18 receipts trending lower than last fiscal year until July
- Income Tax
  - Monthly receipts for FY18 were greater than FY17 until August
  - Last five months have been less than last year
  - Year to date receipts are \$13,350 more than last year
- Permit Fees
  - Building permit related fees are \$113,000 lower than last year

- Building permits are \$8,100 lower than last year
- Contractor registration is greater by \$550 and repair permits are less than last year by \$100,466
- Remodeling and expansion to existing properties much stronger than new property builds last fiscal year and this fiscal year
- General Fund
  - Taxes up \$801,637
    - ✓ Food & beverage and tower rental included
      - Tower rental- cell phone providers
  - Recategorized some of the accounts
  - Expenses flat
  - Police expenditures lower= (\$187,579)
    - ✓ Timing of pension contributions
- Water & Sewer Fund
  - Revenues and expenses both up
  - Miscellaneous up due to bond proceeds
  - Debt service up \$180,000 due to debt issuance in 2017

Board and staff discussion focused on good results for third quarter; good revenue sources coming; good financial year; license, permit and franchise fees; already budgeted down.

### **CONSENT AGENDA**

- G.1. February 20, 2018 Committee of the Whole Meeting
- G.2. February 20, 2018 Regular Village Board Minutes
- G.3. February 20, 2018 Closed Session Minutes (Approve, but Not Release)
- G.4. Resolution approving a PrairieFest Parade and Temporary Closure of U.S. Highway 34 in the Village of Oswego. **Resolution No. 18-R-11**
- G.5. Ordinance Amending Title 3 Chapter 38 Section 6 of the Village Code of Ordinances; Bodywork Establishments. (First Read of Ordinance, Waiver of Second Read) **Ordinance No. 18-10**
- G.6. Resolution Authorizing the Village Administrator to Enter into an Agreement with Tyler Technologies for the EnerGov Change Order, Phase 3 of the ERP in the amount of \$18,375. **Resolution No. 18-R-12;** working hard with training staff; watching the budget; it is a huge project; kudos to Joe Renzetti; using unused hours for future training sessions to reduce costs.

A motion was made by Trustee Sollinger and seconded by Trustee Kauffman to approve the Consent Agenda; Approving the February 20, 2018 Committee of the Whole Meeting Minutes; Approving the February 20, 2018 Regular Village Board Minutes; Approving, but Not Releasing the February 20, 2018 Closed Session Minutes and approving the following ordinance and resolutions:

**Ordinance No. 18-10;** Ordinance Amending Title 3 Chapter 38 Section 6 of the Village Code of Ordinances; Bodywork Establishments.

**Resolution No. 18-R-11;** Resolution approving a PrairieFest Parade and Temporary Closure of U.S. Highway 34 in the Village of Oswego.

**Resolution No. 18-R-12;** Resolution Authorizing the Village Administrator to Enter into an Agreement with Tyler Technologies for the EnerGov Change Order, Phase 3 of the ERP in the amount of \$18,375.

Aye: Ryan Kauffman	Karin McCarthy-Lange
Pam Parr	Luis Perez
Judy Sollinger	Joe West

Nay: None

The motion was declared carried by omnibus roll call vote with six (6) aye votes and zero (0) nay votes.

### **BILL LIST**

- H.1. Approve Bill List Dated March 6, 2018 in the Amount of \$2,257,033.21.



The motion was declared carried by a roll call vote with six (6) aye votes and zero (0) nay votes.

### J.3. Pfund Court

- a) First Read of Ordinance Granting a Special Use Permit to Allow for Cemetery Use for the Property Located at 106 Pfund Court; and
- b) First Read of Ordinance Granting a Variance to Increase the Height of a Fence, in the Front Yard, From 3 Feet to 4 Feet for the Property Located at 106 Pfund Court.

Director Zenner addressed the Board regarding a special use permit and variance at 106 Pfund Court. Oswego Township installed a fence around the property located at 106 Pfund Court. The fence was installed without a building permit. The Township came to the Village and is in the process of correcting the issue by submitting the plans for a building permit. Upon review of the plans and the installed fence, it was determined that a variance would need to be reviewed prior to the issuing of a building permit. The Village Code allows fences in the front yard (facing Pfund Court) if they are limited to 3 feet in height. The fence, as installed, is 4 feet in height and may be up to the property line. The remaining fence installed around the remainder of the property is allowed through the building permit process without a variance. On September 19, 2017, the Village Board denied the variance request. Since that time, the petitioner requested a special use permit to allow for a cemetery for the property located at 106 Pfund Court. The property is currently adjacent to Pearce Cemetery and would serve as an expansion of the existing use. The current cemetery is at capacity and the proposed expansion would serve the growing needs of the community. The petitioner is also proposing two structures to house urns to serve people who have been cremated. The neighboring residents provided testimony during the Planning and Zoning Commission's public hearings indicating their belief that the intent of the original owner was to preserve the property as a park site. The Village reviewed the deed for the property and the will from the original owner, Mr. Pfund. The following are the findings:

- Mr. Pfund left  $\frac{1}{4}$  of his estate to the Park District and the remainder of the estate to an individual and the First United Presbyterian Church.
- Based on the total value of the estate, the Park District's share was \$159,757.52
- An appraisal was done on the subject property which was established at \$100,000
- The Park District decided to take the property and the remaining \$59,757.52 in cash
- The will did not state that Mr. Pfund wanted the Park District to have this specific property, just  $\frac{1}{4}$  of the total estate
- The will did not have a specific bequest stating that the Park District is to have the property
- The deed of sale to the Park District indicates it as a sale of an asset and not a gift from the estate to the District
- There is nothing in the deed that restricts the sale of the property by the Park District, or restricts the use of the property

Staff discussed the intentions of the site with the Park District. The District stated they received the land through Mr. Pfund's will. They cannot find records of when they acquired the park as to their intentions for the site. The District also stated that they do not own the property at this time. If the Township were not able to utilize the site for an expansion of the cemetery, the District would accept the land back. They would not put any improvements into the land and let it remain as is.

At the December Planning and Zoning Commission public hearing, the Commission discussed the pedestrians that were walking through the property between Pfund Court and Sherwood Drive. The pedestrians were trespassing through the property at 6 Sherwood to gain access to the Township property. After some discussion, the case was continued to the February 8<sup>th</sup> meeting to allow time for the Township and the Park District to discuss the possibility of acquiring additional property to provide a path connection to Sherwood Drive to avoid trespassing onto the private residence at 6 Sherwood Drive. The Township and the Park District indicated that they were not in a position to acquire additional property for the path. The Commission discussed the Township's

desire to expand the cemetery. At the meeting, the Township indicated that there are 6 cemeteries and Pearce Cemetery is the only one within the Village limits. There are approximately 100 gravesites remaining in the existing cemetery and the expansion would allow for additional sites. At the February 8<sup>th</sup> meeting, the resident at 6 Sherwood Drive proposed a compromise where they agreed to dedicate land for a path along their property to the creek in exchange for the Township not establishing a cemetery on the property directly behind the residential property. The Township indicated they wished for the cemetery use for the entire property. The Park District emphasized that the path to the creek would require land from the Walgreen's property as they currently own or control the parcel along the creek. After some discussion, a motion was made to accept the findings of fact and to recommend approval of the variance to allow for a 4 foot high fence along the front property line. A motion was made to recommend approval of the Special Use Permit for a cemetery conditioned upon the installation of a path connecting Sherwood Drive and the creek through the proposed dedication of land along 6 Sherwood Drive as suggested by the property owner. (motion died due to lack of a second). A motion was then made to accept the findings of fact and recommend approval of the Special Use Permit for a cemetery (2-2).

Staff is of the opinion that the proposed special use permit is a logical expansion of the existing cemetery. The use and improvements will not create an impact greater than the existing Pearce Cemetery that has been in place prior to the neighboring residential homes. The cemetery use would not prohibit residents from using the property as open space. Staff recommended approval of the request for a special use permit for a cemetery. Staff believes the proposed fencing style and location is in keeping with the existing fence that is installed around the Pearce Cemetery directly to the north. The fence is an open style of fence that does not prohibit the visibility into or out of the property. Staff is of the opinion that the proposed variance will not affect the character of the neighborhood.

Presidnet Johnson stated the Board would not be taking a vote on either item at this meeting.

Bill Thomas, Attorney for the Oswego Township, was present on behalf of the Township. He stated the Township was wrong in installing the fence and at the height it was installed at. The Township is seeking to correct the error; looking into Mr. Pfund's will; no land restrictions on the property; subject parcel no longer needed by the Park District; Township did not receive with use restrictions. Township Trustee Selmer and Township employee Ramie were present.

Board and staff discussion focused on no records of transfer of property to Park District; can't refute or confirm; very disappointed that no one was present from the Park District; Park District declined to be present; information came from the will and deed; minutes have no details; if Township was to give the property back, the Park District would take it back and continue taking care of it; if Mr. Pfund wanted the property to be a cemetery, he would have said that in his will; will states ¼ of the property, but doesn't state what specific property; unsure why the executor of the estate divided up the property; value of the property; did not see restrictions on the property; total value of the estate; agreed value was \$100,000 with \$59,757 paid in cash; the value went to \$1.00 in 15-16 years; Walgreens property; easement of the creek; whether the proposal was discussed at a Township meeting; only discussed at the P&Z meeting; donation of property for a path from a resident living by the property; if cemetery is approved, part of the fence would need to be removed; the Village's part in this matter is small; may be a solution with the Township; appropriate to have discussions at the Township level; new Township members inherited the issue; have six cemeteries and most are full; when the Township took the property, they also took on road maintenance; Township to provide memorial to Pfund family; not wanting to keep people from accessing the property; Township Supervisor told President Johnson he would be happy to have a conversation and meeting with the residents; believe in public trust and listening to the residents; the Village Board is not the Board to approve or deny; point of contact at the Village is Director Zenner; Trustee Selmer apologized that Supervisor LeClerc could not attend tonight's meeting; clarifying at the next meeting. There was no further discussion

There was no vote.

J.4. Resolution Authorizing the Village to Enter into an Agreement with the Voluntary Action Center for the Provision of Demand-Response Transportation Services. **Resolution No. 18-R-13**

Asst. Village Administrator Burns addressed the Board regarding an agreement with Voluntary Action Center (VAC) for the Provision of Demand-Response Transportation Services. Previous to 2015, the Village contracted with Kendall Area Transit to provide park-and-ride and paratransit services for the Village. Due to declining park-and-ride ridership, a new contract was entered into to provide dial-a-ride services from July 1, 2015 through June 30, 2018. KAT has provided a new contract to continue to provide dial-a-ride services for an additional three-year term holding the rate at \$47,000 annually. VAC, which operates Kendall Area Transit, has seen continued ridership growth in Oswego. Total annual ridership was 4,259 in 2013, increasing to 9,928 rides in 2017, or an average of more than 800 rides per month. KAT provides transit to anyone in Kendall County, providing priority to seniors and those with disabilities. KAT offers door-to-door transportation, including assisting those in wheelchairs, to help individuals live more independently.

Mike Neuenkirchen, Associate Director for VAC, presented additional information. VAC provides a crucial service. It is a great program for the Village. Fees: \$3.00 within the County; \$5.00 out of the County; \$1.00 less for seniors.

Board and staff discussion focused on feeling good about the service; services very centralized in DeKalb; services could be anywhere between Mercy, Copley, Sandwich, Plainfield, Oswego, Plano and Naperville; very specific logistical challenges; haven't added more vehicles; per capita fee; still is a grant for the program; work with RTA to bring in federal funds to expand services; VAC is the only public transportation in Kendall County. There was no further discussion

A motion was made by Trustee Kauffman and seconded by Trustee McCarthy-Lange Approving a Resolution Authorizing the Village to Enter into an Agreement with the Voluntary Action Center for the Provision of Demand-Response Transportation Services.

Aye: Ryan Kauffman	Karin McCarthy-Lange
Pam Parr	Luis Perez
Judy Sollinger	Joe West

Nay: None

The motion was declared carried by a roll call vote with six (6) aye votes and zero (0) nay votes.

J.5. Resolution Authorizing the Execution of a Memorandum of Understanding with the Chicago Metropolitan Agency for Planning for Planning Technical Assistance Services for the Study of Shared Water Supply Service Governance Options in the Amount of \$2,000. **Resolution No. 18-R-14**

Administrator Di Santo addressed the Board regarding a study of shared water supply service. The Villages of Oswego and Montgomery along with the United City of Yorkville are considering the construction of a water plant to serve all three communities. There are many forms of governance for the operation of the plant. Under one scenario, one community could own and manage the plant while selling the water wholesale to the other communities. Under another scenario, the communities could create a joint water action agency. There are other governance models as well. The municipalities applied and were awarded a Local Technical Assistance grant from the Chicago Metropolitan Agency for Planning to conduct a study of governance options. CMAP is receiving funding from IEPA to use our group as a case study for other communities who face similar issues. CMAP will subcontract with the Metropolitan Planning Council to conduct the research.

The Scope of Work associated with the Memorandum of Understanding outlines the tasks to be completed:

- Project initiation (February 2018)
- Research shared water supply service governance options (March - April, 2018)
- Draft and finalize shared water supply service governance options (May-June, 2018)

Discussion focused on water supply issue; aquifer is being depleted; next step in ten year process; report of pros and cons from CMAP by end of Summer; not giving up on Lake Michigan as an option; enlisted EECOM with

preliminary study; EECOM to come to a future Board meeting to speak about options; until options are eliminated, staff needs to move forward with study; CMAP is excited about the study. There was no further discussion.

A motion was made by Trustee Sollinger and seconded by Trustee Parr to approve a Resolution Authorizing the Execution of a Memorandum of Understanding with the Chicago Metropolitan Agency for Planning for Planning Technical Assistance Services for the Study of Shared Water Supply Service Governance Options in the Amount of \$2,000.

Aye: Ryan Kauffman	Karin McCarthy-Lange
Pam Parr	Luis Perez
Judy Sollinger	Joe West

Nay: None

The motion was declared carried by a roll call vote with six (6) aye votes and zero (0) nay votes.

### **PRESIDENT'S REPORT**

Next Board meetings are on Monday, March 19<sup>th</sup>.

### **TRUSTEE REPORTS**

Trustee McCarthy-Lange- happy the Village is working on both water supply options; owe it to taxpayers to find the least expensive option.

Trustee West- agrees with Trustee McCarthy-Lange.

The Park District along with the Park District Foundation Board is looking at putting in a Veterans Park on the other side of Waubensee Creek; more information coming soon.

Trustee Kauffman- congrats to Officer Dilg on his years of service. Kudos to the turnout for the Kiwanis pancake breakfast.

### **CLOSED SESSION**

There was no Closed Session held.

### **ADJOURNMENT**

A motion was made by Trustee Kauffman and seconded by Trustee Parr to adjourn the meeting; upon a voice vote with all remaining members present voting aye, the meeting was adjourned at 8:29 p.m.

Tina Touchette  
Village Clerk