

**MINUTES OF A REGULAR MEETING OF THE  
OSWEGO VILLAGE PRESIDENT AND BOARD OF TRUSTEES  
OSWEGO VILLAGE HALL  
100 PARKERS MILL, OSWEGO, ILLINOIS  
May 16, 2017**

**CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

President Gail Johnson called the meeting to order at 7:03 p.m. and led the Pledge of Allegiance to the Flag of the United States of America.

**ROLL CALL**

Physically Present: President Gail Johnson; 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; Jennifer Hughes, Public Works Director; Jeff Burgner, Police Chief; Rod Zenner, Community Development Director; Michele Brown, Community Relations Manager; Mark Horton, Finance Director; Corinna Cole, Economic Development Director; Annie Callahan, Purchasing Manager; Bethany Salmon, Planner; Marji Swanson, 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. Oath of Office

a. Matthew J. Gallup- Patrol Officer

Chief Burgner briefly spoke about Matthew Gallup's background. Tim Murray and Ron Elvin from the Police Commission were present. Tim Murray will be stepping down as the Police Commission Chairperson next month. President Gail Johnson administered the oath of office.

D.2. Historic Preservation Commission – Property of the Season Awards

The program was created to honor properties and the owners that are deemed contributing to the historic and cultural character of the Village. Since the program was initiated in the summer of 2004, forty seven (47) properties have been honored. Kelly Schomer presented the Properties of the Season. President Gail Johnson handed out the awards and posed for a picture with the recipients:

- 453 Douglas Street – Summer 2016; homeowners unable to attend
- 68 Park Street – Fall 2016; Sara Studer was present to accept the award
- 5 W. Washington Street – Winter 2016; Barb Wood and Barb Pearah were present to accept the award
- 59 Main Street – Spring 2017; Art Black was present to accept the award; the property will be included in the Village's summer newsletter.

Properties of the Season are highlighted in the Village newsletter. Archives of past Properties of the Season are available on the Historic Preservation page on the Village's website. A new Property of the Season web based tour has been created and can be accessed through a link on their webpage. A preservation resource guide is being created by the HPC. New brochures were provided to the Village Board and staff.

## **PUBLIC FORUM**

The Public Forum was opened at 7:18 p.m.

Tahany Harb addressed the Board regarding the “Be Strong” program designed to stop bullying. She is a Junior at Oswego High School. She was nominated to represent the high school and was nominated by the State. She asked the Board to recognize people that aren’t being recognized.

Mike Rousonelos addressed the Board regarding residential chickens and histoplasmosis. Histoplasmosis is an infection caused by exposure to bird and bat droppings. He read the symptoms and explained how to prevent the infection. Farmers and landscapers at high exposure to; poultry keepers, construction workers, young children and older adults are most susceptible; raising of pigeons and chickens is not advised; soils stay contaminated forever; sister was diagnosed with the infection; would never buy a house where chickens are raised.

George Stenitzer addressed the Board regarding the chicken ordinance. Histoplasmosis cannot be transmitted from chickens to humans; need to require better ventilation; risk is to the keeper of the chickens; need to be a responsible owner; there are more restrictions on chickens than there are with dogs and cats; raising of chickens should be a hobby that is permitted

There was no one else who requested to speak; the Public Forum was closed at 7:35 p.m.

## **STAFF REPORTS**

F.1. Emergency Proclamation for Responsible Operator In Charge

a. Professional Services Agreement with Baxter & Woodman to Provide a Responsible Operator In Charge in the Amount of \$125.00/Hour at an Estimated Cost of \$30,000.

Director Hughes addressed the Board regarding an agreement to provide a responsible operator in charge (ROINC) of the Village’s water system. The Village does not currently employ someone with a Class B or higher Certification. Staff contacted the firm of Baxter & Woodman to inquire as to whether they had personnel to perform the duties of the ROINC. The Village President declared an emergency under Village Code 1-19-6 and authorized staff to enter into a contract with Baxter & Woodman to serve as the ROINC. Staff worked together with the Village Attorney to draft an acceptable agreement that meets the requirements of the Illinois Environmental Protection Agency. Per the terms of the contract, Mr. Hank Martin will serve as the Village’s ROINC. He possesses a Class A Certification from the State. He will also conduct an audit of the Village’s water and sewer policies and procedures. Baxter & Woodman will be paid at the rate of \$125/hour. The contract goes through the end of August and may be extended at the Village’s discretion. Mr. Martin will serve at the Village a minimum of one day per week. The estimated cost of the contract is \$30,000.

## **CONSENT AGENDA**

- G.1. May 2, 2017 Committee of the Whole Minutes
- G.2. May 2, 2017 Regular Village Board Minutes
- G.3. May 2, 2017 Closed Session Minutes (Approve, but Not Release)
- G.4. Resolution Authorizing the Purchase of a New Ford Taurus from Landmark Ford for an Amount Not to Exceed \$17,796.00. **Resolution No. 17-R-44**

A motion was made by Trustee Kauffman and seconded by Trustee Parr to approve the Consent Agenda; Approving the May 2, 2017 Committee of the Whole Minutes; Approving the May 2, 2017 Regular Village Board Minutes; Approving, but not Releasing the May 2, 2017 Closed Session Minutes; and approving the following resolution:

**Resolution No. 17-R-44;** Resolution Authorizing the Purchase of a New Ford Taurus from Landmark Ford for an Amount Not to Exceed \$17,796.00.

Aye: Ryan Kauffman                      Judy Sollinger  
Karin McCarthy-Lange              Pam Parr  
Luis Perez                                  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 May 16, 2017 in the Amount of \$628,905.14.

A motion was made by Trustee Sollinger and seconded by Trustee Parr to Approve the Bill List Dated May 16, 2017 in the Amount of \$628,905.14.

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

Nay: None

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

### **OLD BUSINESS**

I.1. Milly's Café

- a. Ordinance Amending Title 3 Chapter 7; Increase Class "A" Liquor License for Gold Pot Entertainment, LLC, d.b.a. Milly's Cafe Located at 1561 US Highway 34. (First Read of Ordinance, Waiver of Second Read) **Ordinance No. 17-24**
- b. Ordinance Amending Title 3 Chapter 31; Increase a Class "A" Video Gaming License for Gold Pot Entertainment, LLC, d.b.a. Milly's Cafe Located at 1561 US Highway 34. (First Read of Ordinance, Waiver of Second Read) **Ordinance No. 17-25**

Clerk Touchette addressed the Board regarding the proposed ordinances for a liquor and video gaming license for Milly's Café. At the March 21, 2017 Regular Village Board meeting, the applicant, Mr. Mohammed, presented his business plan and interest in opening a video gaming café. Mr. Mohammed provided a site plan, interior/exterior layouts and a detailed menu of food and beverage items for purchase. As part of the approval process, staff will be requiring all future applicants, including Mr. Mohammed, to provide this information. Additionally, window and neon signage will be prohibited at the 1561 US Highway 34 location. Mr. Mohammed was present to answer additional questions.

Board, staff and applicant discussion focused on whether there would be any problems with the location being next to the digital shooting range; no issues with land use; new sign was added to assist with traffic issues; can put in speed bump if needed; percentage of sales; Class A liquor license; majority of revenue (90%) is from gaming; gaming versus liquor; applicant owns other gaming cafes that range in size from 900 sq. ft. to 1,200 sq. ft.; food can be ordered to go; no one under the age of 21 would be allowed on the premises; 1561 US Highway 34 has been vacant since 2006; applicant may lease more units; beer, wine and spirits will be available; Village is not getting a deli, it will be a gaming establishment; applicant wants to bring a NY City deli to Oswego; demographics; Economic Development Director Cole provided the Board with a report that showed the Village is underserved in the area of gaming.

There was no further discussion.

A motion was made by Trustee Kauffman and seconded by Trustee Parr to Approve an Ordinance Amending Title 3 Chapter 7; Increase Class "A" Liquor License for Gold Pot Entertainment, LLC, d.b.a. Milly's Cafe Located at 1561 US Highway 34. (First Read of Ordinance, Waiver of Second Read)



- No person shall slaughter any chickens in the Village limits, except for humane or religious reasons.
- Hens shall be provided with a covered inside enclosure and an adjacent outside fenced area. The outside area shall be no less than 32 square feet in area.
- Enclosures and fenced areas shall be set back thirty (30) feet from any occupied residential structure, other than that of the owner, but not less than the minimum setback required for accessory structures in the zoning district.
- All structures shall be constructed and maintained in such a manner as to be free of rodent infestation.
- A building permit shall be required for all enclosures.
- Electric service to enclosures shall not be provided by an extension cord.
- Hens shall be kept in the enclosure and fenced area at all times.
- All feed and other items that are associated with the keeping of chickens that likely to attract or become infested with rodents shall be protected in a container with a tightly fitted lid so as to prevent rodents from gaining access to or coming into contact with them.
- All chickens shall be kept in the rear yard.
- All areas where hens are kept shall be maintained in a neat and clean manner, free of undue accumulation of waste such as to cause odors detectable on adjacent properties.
- No person shall allow chickens to produce noise loud enough to disturb the peace of persons of reasonable sensitivity.

The proposed amendment was discussed at the April 24<sup>th</sup> Homeowner's Confederation meeting. There was concern with the proposed regulations to allow chickens within residential areas. Many Homeowner's Associations have rules and regulations that would prohibit chicken coops. There are 69 existing residential subdivisions with active HOA's. Staff will add language to the building permit application that will require approval from the HOA to be submitted to the Village before a permit is released. If the residence does not have an HOA, then the requirement would be waived.

Board and staff discussion focused on the applicant being honest when applying for a permit and whether they are located within an HOA; very rare to not have an HOA without covenants; HOA bylaws can be changed with a majority of the vote; no increase in cases that would be challenged; whether histoplasmosis needed to be discussed further; education is the best mitigation; applicants will be given handouts regarding handling, cooking and proper enclosures; do not anticipate receiving many applications; no restrictions on the number of dogs or cats that are allowed; electrical light bulb needed in the winter to keep the chickens warm; education is needed on proper electrical ; inspections will be required before a permit is issued; setback requirements need to be met; chickens have been talked about for six years; not hearing from HOA's regarding complaints; moving the effective date of the ordinance; no guarantee everyone will know about the allowance of chickens; health concerns; worried about residents not in HOA's; allowing time for HOA's to decide not to allow; sending letter or email to all HOA's regarding the chicken ordinance; raising of chickens has no impact on home values.

There was no further discussion.

A motion was made by Trustee Parr and seconded by Trustee McCarthy-Lange to Approve an Ordinance Amending Section 3-Definitions, Section 7- Residence Districts, and Section 10 Accessory Uses, Temporary Uses, and Home Occupations of the Village of Oswego's Zoning Ordinance to Allow for the Raising of Residential Backyard Chickens. (First Read of Ordinance, Waiver of Second Read)

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

The motion was declared carried by a roll call vote with five (5) aye votes and one (1) nay vote.

J.3. Ordinance Providing for the Issuance of Not to Exceed \$5,600,000 General Obligation Refunding Bonds, Series 2017, of the Village of Oswego, Kendall County, Illinois, for the Purpose of Refunding Certain Outstanding Bonds of Said Village, Providing for the Levy and Collection of a Direct Annual Tax Sufficient to Pay the Principal and Interest on Said Bonds, Authorizing and Directing the Execution of an Escrow Agreement in Connection With the Issuance of Said Bonds, and Authorizing the Sale of Said Bonds to Robert W. Baird & Co. Incorporated. (First Read of Ordinance, Waiver of Second Read)  
**Ordinance No. 17-27**

Director Horton addressed the Board regarding the refunding of bonds. The Village has the opportunity to refund \$5,295,000 par of the 2009 G.O. Bonds maturing in 2018 through 2029. The Refunding Bond issuance will issue approximately \$5,030,000 par to save approximately \$211,487. The actual final amount of savings will not be known until the sale date of the bonds. This will be a negotiated sale which allows the Village to forego issuing the bonds if the actual savings is not greater than the recommended net present value savings percentage of 3%. The bond ordinance approves the issuance of up to \$5,600,000 par in order to accommodate market changes from now until the sale date. The Village will only issue the par amount of bonds to generate the amount of proceeds needed to make the refunding favorable to the Village. This may be the last opportunity to refund these bonds.

There was no discussion.

A motion was made by Trustee Kauffman and seconded by Trustee West to Approve an Ordinance Providing for the Issuance of Not to Exceed \$5,600,000 General Obligation Refunding Bonds, Series 2017, of the Village of Oswego, Kendall County, Illinois, for the Purpose of Refunding Certain Outstanding Bonds of Said Village, Providing for the Levy and Collection of a Direct Annual Tax Sufficient to Pay the Principal and Interest on Said Bonds, Authorizing and Directing the Execution of an Escrow Agreement in Connection With the Issuance of Said Bonds, and Authorizing the Sale of Said Bonds to Robert W. Baird & Co. Incorporated. (First Read of Ordinance, Waiver of Second Read)

Aye:	Ryan Kauffman	Judy Sollinger
	Karin McCarthy-Lange	Pam Parr
	Luis Perez	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.4. Ordinance Approving a Development Agreement for the Estates of Fox Chase. (First Read of Ordinance, Waiver of Second Read) **Ordinance No. 17-28**

Director Zenner addressed the Board regarding a development agreement for the Estates of Fox Chase. In 2001, the Village approved the annexation for the Estates of Fox Chase development. The Final Plat for Unit #2 was approved in 2004 consisting of 113 single family residential lots. Since its approval, 20 residential lots have been developed. The remaining 93 lots have been left undeveloped. The petitioner, K. Hovnanian, has approached the Village with a proposal to develop 68 of the single-family lots that are currently owned by the original developer. The remaining 25 lots are under separate ownership and are not part of the proposed development agreement. Due to the developer not being available to complete the final improvements and responsibilities, the petitioner and the Village are proposing a development agreement to outline the responsibilities of each party to facilitate the development of the residential lots. Highlights of the agreement are:

- As part of the approved annexation agreement, there was a small lot and proposed improvements to be installed as part of a Park District dedication. The Park District decided not to accept the park improvement, so Lot 114 was originally left for an open space lot for a park site to be maintained by the HOA. An HOA was not established for the subdivision. Therefore, it was recommended that the lot be redeveloped with one or two single-family residential lots to assure the parcel is maintained in the future.

- Advertising signage will be allowed along Mill Road and at the intersection of Orchard and Mill Road in the commercial section of the Fox Chase Development.
- In the past year, the Village completed the final improvements to the streets in the unfinished subdivision. The petitioner agrees to pay a fee of \$2,100 per residential lot.
- The petitioner agrees to complete some sidewalk gaps that remain from the original developer.
- The development had an approved landscape plan and berm along Mill Road. Some sections of the landscape have been installed; many areas need repair and installation. The petitioner agrees to complete the work per the approved plan. They are requesting reimbursement of 40% of the cost of the landscape work (\$12,422). The Village can recapture the 40% through future development of the remaining lots.
- The builder agrees to pay the impact fees based upon the exhibit attached to the agreement.
- The development never established an HOA. Based on the partial development of the site, it is unlikely that a HOA could be established. The subdivision has responsibilities for maintaining the detention ponds. Since no HOA was established, the Village will likely activate the existing SSA that was put in place when the development was established.

Board and staff discussion focused on detention pond would come back to the Village; an SSA would be activated for existing homes and future homes to pay for maintenance; levy would be processed in December; SSA would be less than a typical HOA once fully developed; current homeowners will pay more at the beginning; could take away the SSA if an HOA was created; maintenance of pond; \$58 per year for pond maintenance; mitigate cost to existing homes for landscaping maintenance; hoping to only mow twice per year; \$200 per year, possibly down to \$100 per year for homeowners; all SSA's are currently dormant; a letter will be sent to all homeowners that will be affected by the activating of the SSA; giving people opportunity to plan for the increase in costs; each year the Village Board will decide the amount to levy; Oswego is one of very few communities that do not have an active SSA; if there was an HOA, the fees could also increase annually.

There was no further discussion.

A motion was made by Trustee Sollinger and seconded by Trustee West to Approve an Ordinance Approving a Development Agreement for the Estates of Fox Chase. (First Read of Ordinance, Waiver of Second Read)

Aye:	Ryan Kauffman	Judy Sollinger
	Karin McCarthy-Lange	Pam Parr
	Luis Perez	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. Ordinance Granting a Rezoning from R-3 Two Family Dwelling District to B-2 Community Shopping District at 155 S. Madison Street. (First Read of Ordinance, Waiver of Second Read)

**Ordinance No. 17-29**

Director Zenner addressed the Board regarding the rezoning at 155 S. Madison Street from R-3 Two Family Residential District to B-2 Community Shopping District. The .42 acre property, which includes two (2) separate lots, has been vacant since 1994 after a single family house burned down. The property has remained vacant due to a lack of interest from residential buyers. The applicant wishes to rezone the property to a commercial zoning designation to assist in the sale of the property. The property is surrounded by both residential and neighborhood business uses and is also located in the Village's Downtown TIF District and Main Street/Washington Street Redevelopment Plan area. The proposed rezoning to a business zoning district would allow for a variety of office, service and retail uses with future development. The properties surrounding 155 S. Madison Street are also envisioned for more intensive uses under the 2015 Comprehensive Plan. A map was provided to the Board highlighting the location of 155 S. Madison Street in the proposed Downtown Zoning Districts. The property will be subject to the Preliminary and Final PUD process.

Board and staff discussion focused on making sure the property stays within the character of the neighborhood; the block next to the property is already commercial; marketing for redevelopment; secondary core/transition area; clarification on the zoning map and the colors depicted.

There was no further discussion.

A motion was made by Trustee Kauffman and seconded by Trustee Sollinger to Approve an Ordinance Granting a Rezoning from R-3 Two Family Dwelling District to B-2 Community Shopping District at 155 S. Madison Street. (First Read of Ordinance, Waiver of Second Read)

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

K.1. Proclamation- Public Works Week, May 21 - 27, 2017

K.2. Proclamation- Poppy Days, May 26 & 27, 2017

A representative from the American Legion was here earlier today to accept the Proclamation and have their picture taken.

President Johnson read a brief summary of both Proclamations.

The first Beats & Eats is on May 27<sup>th</sup> on Main Street from 5pm-10pm.

### **TRUSTEE REPORTS**

Trustee Sollinger- Wine on the Fox was awesome.

Trustee McCarthy-Lange- we have enough video gaming licenses; Trustee West agreed. It was noted that a discussion on how to proceed with video gaming will be scheduled for a future Committee of the Whole meeting

### **CLOSED SESSION**

A motion was made by Trustee Kauffman and seconded by Trustee Sollinger to enter into Closed Session for the purposes of discussing the following:

- a. Pending and Probable Litigation [5 ILCS 120/2(c)(11)]
- b. Appointment, Employment, Compensation, Discipline, Performance, or Dismissal of Personnel [5 ILCS 120/2(c)(1)]
- c. Collective Bargaining, Collective Negotiating Matters, Deliberations Concerning Salary Schedules [5 ILCS 120/2(c)(2)]
- d. Sale, Lease, and/or Acquisition of Property [5 ILCS 120/2(c)(5) & (6)]

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.

The Board adjourned to Closed Session at 8:41 p.m.

The Board returned to open session at 9:49 p.m.; all remaining members still present.



**ADJOURNMENT**

A motion was made by Trustee Sollinger 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 9:50 p.m.

Tina Touchette  
Village Clerk