

**MINUTES OF A REGULAR MEETING
OSWEGO VILLAGE PRESIDENT AND BOARD OF TRUSTEES
OSWEGO VILLAGE HALL
100 PARKERS MILL, OSWEGO, ILLINOIS
April 5, 2022**

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; Trustees Tom Guist, Kit Kuhrt, James Marter II, Terry Olson, and Jennifer Jones Sinnott.

Board Members Absent: Trustee Brian Thomas

Staff Physically Present: Dan Di Santo, Village Administrator; Christina Burns, Deputy Administrator/HR Director; Tina Touchette, Village Clerk; Jeff Burgner, Police Chief; Mark Horton, Finance Director; Jennifer Hughes, Public Works Director; Rod Zenner, Development Services Director; Joe Renzetti, IG/GIS Director; Susan Quasney, Engineer; Bridget Bittman, Community Engagement Coordinator- Marketing; Shanel Gayle, Purchasing Manager; and Karl Ottosen, Village Attorney.

RECOGNITIONS/APPOINTMENTS

E.1 Oath of Office

a. Alec A. Dineff - Patrol Officer

Chief Burgner thanked Ron Elvin and Carrie Niesman, of the Police Commission Board, for working tirelessly to get new officers; he briefly spoke about Alec's history, prior department, and his academics. President Parlier swore him in.

E.2 Special Recognition- Chief Burgner recognized Jennette Welter-Fichtel, a KenCom dispatcher/telecommunicator, for an emergency incident that took place in early February. She assisted with calming the caller and provided instructions on how to perform CPR. Jennette's actions helped to save the caller's fiancé's life. Chief Burgner thanked Jennette for her service.

E.3 Appointments:

Adjudication Officer

a. Re-appoint Carlo Colosimo for a Term to Expire April 30, 2023

b. Re-appoint Linda Salfisberg for a Term to Expire April 30, 2023

Cultural Arts Commission

a. Re-appoint Angie Hibben for a Term to Expire April 30, 2025

Economic Development Commission

a. Re-appoint Donald Howard II for a Term to Expire April 30, 2025

b. Re-appoint Diane Nyhammer for a Term to Expire April 30, 2025

c. Re-appoint Terry Anderson for a Term to Expire April 30, 2025

Police Commission

a. Re-Appoint Ron Elvin for a Term to Expire April 30, 2025

A motion was made by Trustee Jones Sinnott and seconded by Trustee Olson to Re-appoint Carlo Colosimo and Linda Salfisberg ,as Adjudication Officers, for a Term to Expire April 30, 2023; Re-appoint Angie Hibben, to the Cultural Arts Commission, for a Term to Expire April 30, 2025; Re-Appoint Donald Howard II, Diane Nyhammer, and Terry Anderson, to the Economic Development Commission, for a Term to Expire April 30, 2025; and Re-Appoint Ron Elvin, to the Police Commission, for a Term to Expire April 30, 2025.

Aye: Tom Guist
James Marter II
Jennifer Jones Sinnott

Kit Kuhrt
Terry Olson

Nay: None
Absent: Brian Thomas

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

E.4 Proclamation- National Public Safety Telecommunicators Week, April 10-16, 2022
President Parlier read the proclamation.

E.5 Proclamation- Earth Day, April 22, 2022
President Parlier read the proclamation.

E.6 Proclamation- Arbor Day, April 29, 2022
President Parlier read the proclamation.

PUBLIC FORUM

The Public Forum was opened at 7:17 p.m. There was no one who requested to speak. The Public Forum was closed at 7:17 p.m.

STAFF REPORTS

There were no staff reports.

CONSENT AGENDA

- H.1 March 15, 2022 Committee of the Whole Minutes
- H.2 March 15, 2022 Regular Village Board Minutes
- H.3 March 15, 2022 Closed Session Minutes (Approve, but Not Release)
- H.4 March 19, 2022 Special Committee of the Whole Minutes.
- H.5 Resolution Adopting an Amendment to the Personnel Policy for the Village of Oswego (Leave Donation Policy)
- H.6 Ordinance Allocating the 2022 Village of Oswego Volume Cap of \$4,036,560 to Upper Illinois River Valley Development Authority. (UIRVDA)
- H.7 Resolution Approving a PrairieFest Parade and the Temporary Closure of U.S. Highway 34 in the Village of Oswego.
- H.8 Ordinance Amending Title 3 Chapter 31; Decrease Class "G" Video Gaming License for North Island Catering Inc., d.b.a. Pearce's Located at 3516 US Highway 34, Unit B.
- H.9 Resolution Authorizing the Execution of a Professional Engineering Services Contract with HR Green in an Amount of \$58,625 for Preliminary Engineering and 6% of the Final Construction Cost for the 2022 Pavement Resurfacing Program of Various Streets.
- H.10. Resolution Authorizing the Execution of a Contract for Pavement Resurfacing at Venue 1012 with Geneva Construction Company in the Amount of \$114,312.40.
- H.11. Ordinance Approving a Site Plan for 92 Templeton Lot 19 of Stonehill Business Park Unit 1; Installation of a Fence.

- H.12. Ordinance Granting a Minor Amendment to the Avanterra Planned Unit Development; Installation of a Private Fence. **Additional discussion focused on the reason behind the fencing and whether there would be more amendments; don't like the feel of the changes; looking at the housing market; developer requested as a need for small children and dogs; staff compromised with the developer on the amount of fencing.**
- H.13 Ordinance Approving the First Amendment to the Economic Incentive Agreement Between the Village of Oswego and Imperial Investments, LLC.
- H.14 Resolution Authorizing the Purchase of a 3-Ton Falcon Asphalt Recycler & Hot Box Trailer from Midwest Paving Equipment, Inc. in the Amount of \$41,355.00. **Additional discussion focused on having a safety truck follow this vehicle; staff will look into.**

A motion was made by Trustee Marter II and seconded by Trustee Guist to approve the Consent Agenda; Approving the March 15, 2022 Committee of the Whole Minutes; Approving the March 15, 2022 Regular Village Board Minutes; Approving, but not Releasing the March 15, 2022 Closed Session Minutes; Approving the March 19, 2022 Special Committee of the Whole Minutes; and Approving the following ordinances and resolutions:

- Ordinance No. 22-17;** Ordinance Allocating the 2022 Village of Oswego Volume Cap of \$4,036,560 to Upper Illinois River Valley Development Authority. (UIRVDA)
- Ordinance No. 22-18;** Ordinance Amending Title 3 Chapter 31; Decrease Class "G" Video Gaming License for North Island Catering Inc., d.b.a. Pearce's Located at 3516 US Highway 34, Unit B.
- Ordinance No. 22-19;** Ordinance Approving a Site Plan for 92 Templeton Lot 19 of Stonehill Business Park Unit 1; Installation of a Fence.
- Ordinance No. 22-20;** Ordinance Granting a Minor Amendment to the Avanterra Planned Unit Development; Installation of a Private Fence.
- Ordinance No. 22-21;** Ordinance Approving the First Amendment to the Economic Incentive Agreement Between the Village of Oswego and Imperial Investments, LLC.
- Resolution No. 22-R-30;** Resolution Adopting an Amendment to the Personnel Policy for the Village of Oswego (Leave Donation Policy)
- Resolution No. 22-R-31;** Resolution Approving a PrairieFest Parade and the Temporary Closure of U.S. Highway 34 in the Village of Oswego.
- Resolution No. 22-R-32;** Resolution Authorizing the Execution of a Professional Engineering Services Contract with HR Green in an Amount of \$58,625 for Preliminary Engineering and 6% of the Final Construction Cost for the 2022 Pavement Resurfacing Program of Various Streets.
- Resolution No. 22-R-33;** Resolution Authorizing the Execution of a Contract for Pavement Resurfacing at Venue 1012 with Geneva Construction Company in the Amount of \$114,312.40.
- Resolution No. 22-R-34;** Resolution Authorizing the Purchase of a 3-Ton Falcon Asphalt Recycler & Hot Box Trailer from Midwest Paving Equipment, Inc. in the Amount of \$41,355.00.

Aye: Tom Guist	Kit Kuhrt
James Marter II	Terry Olson
Jennifer Jones Sinnott	

Nay: None
Absent: Brian Thomas

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

BILL LIST

I.1 Approve Bill List Dated April 5, 2022 in the Amount of \$1,011,035.05.

A motion was made by Trustee Olson and seconded by Trustee Jones Sinnott to approve the Bill List Dated April 5, 2022 in the Amount of \$1,011,035.05.

Aye: Tom Guist
James Marter II
Jennifer Jones Sinnott

Kit Kuhrt
Terry Olson

Nay: None

Absent: Brian Thomas

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

OLD BUSINESS

There was no old business.

NEW BUSINESS

K.1 Ordinance Amending Title 3 Chapter 7 and Title 3 Chapter 31; Increase Class "C" Liquor and Video Gaming License for Gulley LLC d.b.a. Anchor Bar Located at 2440 U.S. Highway 34. **Ordinance No. 22-22**

The owner, Sam Dimech, noted the business started 58 years ago on the east coast as the original home of buffalo wings; new business is opening in the old Famous Dave's location; they are hoping to open in June; corporate employees for Anchor Bar are here; a Facebook page will be set-up; excited to be in Oswego.

A motion was made by Trustee Jones Sinnott and seconded by Trustee Olson to Approve an Ordinance Amending Title 3 Chapter 7 and Title 3 Chapter 31; Increase Class "C" Liquor and Video Gaming License for Gulley LLC d.b.a. Anchor Bar Located at 2440 U.S. Highway 34.

Aye: Tom Guist
James Marter II
Jennifer Jones Sinnott

Kit Kuhrt
Terry Olson

Nay: None

Absent: Brian Thomas

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

K.2 Resolution Authorizing the Execution of a Second Amendment to an Agreement between the Village of Oswego and Groot Industries Inc. for Solid Waste Hauling Services. **Resolution No. 22-R-35**

A motion was made by Trustee Jones Sinnott and seconded by Trustee Marter II to approve a Resolution Authorizing the Execution of a Second Amendment to an Agreement between the Village of Oswego and Groot Industries Inc. for Solid Waste Hauling Services.

Aye: Tom Guist
James Marter II
Jennifer Jones Sinnott

Kit Kuhrt
Terry Olson

Nay: None

Absent: Brian Thomas

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

K.3 Ordinance Amending Section 8.02 of the Zoning Ordinance to Amend the Permitted Uses in the B-2 Community Shopping District. **Ordinance was not passed.**

Director Zenner addressed the Board regarding rental of equipment in B-2. The Village currently allows for the operation of vehicle and trailer leasing, such as "U-Haul" equipment under B-3 which allows the "Leasing or renting of real estate, household goods or office products, commercial, industrial machinery and equipment" as a permitted use. Leasing of equipment is not a permitted or

special use in the B-2 Community Shopping District. Staff has received a request from a business that wishes to operate the leasing of “U-Haul” type equipment at their location that is currently zoned B-2. Currently, the majority of the B-2 zoned properties are located within the downtown area. There are properties Zoned B-2 and located outside of the downtown that are improved with structures:

- Two shopping centers on either side of Route 71 west of Washington Street
- Advocate medical building at the corner of Plainfield Road and Templeton Drive
- Falcon Landing office complex located at Douglas Road at Farmington Lakes Drive

These B-2 uses have parking lots that are smaller than the developments located in the B-3 District. In many instances, the B-2 uses are located in the downtown areas which do not have individual parking lots for the businesses.

The Village is currently preparing an update of the Zoning Ordinance which will include new zoning districts and permitted and special uses. It is unknown, at this time, if the future Code will have restrictions regarding the leasing of equipment or if there will be a B-2 Community Shopping District. It is anticipated that a draft ordinance will be available for review by the Planning and Zoning Commission in late summer or early fall. The Village Board could hold off on a text amendment and address it in the Village’s Unified Development Ordinance (UDO) in the future. The Village Board postponed action deferring to the UDO process on two previous zoning requests, particularly when considering a development moratorium for manufacturing zoned properties in the downtown area and to allow a doggie day care use in the B3 zoning district. If the Board desires to remain consistent with the previous direction, staff recommends denial of the text amendment to allow the issue to be addressed as part of the UDO project.

The Planning and Zoning Commission held a public hearing on the proposed text amendment on March 10, 2022 and recommended approval of the proposed text amendment (approved 4-0). If the Village Board wishes to move forward with a text amendment, staff would recommend it be allowed as a permitted use subject to the condition that outdoor storage of rental equipment be limited to parking spaces that are in excess of the spaces required for the business. Director Zenner provided two options for the Village Board:

- 1) Approve exterior storage of vehicles or trailers of rental equipment with restrictions to on-site parking spaces that are in excess of the spaces required for the use of the property.

Or

- 2) Deny the proposed text amendment and address it through the UDO process.

Board and staff discussion focused on limit on the number of vehicles; what would preclude every business in B-2 to have; whole center would be limited to three vehicles; a lot of zoning districts would change with the UDO; start having conversations on the UDO in the Fall; previous text amendments were presented and the Board asked for them to be addressed in the UDO; this item could be addressed in the UDO; requestor’s property is on a four lane highway; storage places are down the street in industrial areas; why this property was zoned B-2; property was zoned a long time ago; prefer to wait and address in the UDO. There was no further discussion.

A motion was made by Trustee Kuhrt and seconded by Trustee Jones Sinnott to Approve an Ordinance Amending Section 8.02 of the Zoning Ordinance to Amend the Permitted Uses in the B-2 Community Shopping District.

Aye: Kit Kuhrt

Nay: Tom Guist

James Marter II

Terry Olson
Absent: Brian Thomas

Jennifer Jones Sinnott

The motion failed by a roll call vote with four (4) nay votes and one (1) aye vote.

K.4 Public Hearing on the Fiscal Year 2023 Village Draft Budget

Director Horton provided additional information for the annual budget. The following changes have been made to the budget since the budget workshop:

- Water & Sewer Fund revenues were increased \$200,000 for water usage charges.
- Municipal Parking Fund expenses increased \$55,000 for the purchase of a parking permit/enforcement solution.

The following table displays the revenue and expenditure/expense budgets for each Fund:

Fiscal Year 2023 Draft Budget			
	Revenues	Expenditures	Difference
General Fund	\$22,703,417	\$22,675,503	\$27,914
Motor Fuel Tax	\$2,163,851	\$2,653,078	(\$489,227)
TIF Fund	\$1,941,000	\$1,651,750	\$289,250
Capital Improvement Fund	\$7,999,625	\$8,274,326	(\$274,701)
Debt Service Fund	\$2,722,051	\$3,183,122	(\$461,071)
Water & Sewer Fund	\$8,002,100	\$7,842,751	\$159,349
Water & Sewer Capital Fund	\$3,285,200	\$3,186,500	\$98,700
Garbage Collection Fund	\$2,777,100	\$3,290,000	(\$512,900)
Municipal Fleet Fund	\$1,599,695	\$1,599,195	\$500
Municipal Parking Fund	\$115,100	\$90,490	\$24,610
Police Pension Fund	\$2,670,000	\$1,476,250	\$1,193,750
	<u>\$55,979,139</u>	<u>\$55,922,965</u>	<u>\$56,174</u>

The public hearing was opened at 7:35 p.m.

There was no one who requested to speak. The public hearing was closed at 7:35 p.m.

K.5 Real Estate Transfer Tax

- a) Public Hearing on Resolution to Submit the Question of Imposing a Real Estate Transfer Tax to Referendum

The public hearing was opened at 7:36 p.m.

There was no one who requested to speak. The public hearing was closed at 7:36 p.m.

- b) Resolution of the Board of Trustees of the Village of Oswego, Kendall and Will Counties, Illinois, Providing for and Requiring the Submission of a Public Question to Authorize a Real Estate Transfer Tax to be Submitted to the Voters of the Village at The General Primary Election to be Held on June 28, 2022. Resolution No. 22-R-36

The Village Board discussed the idea of implementing a real estate transfer tax to support the costs

associated with connecting the Village water supply with the DuPage Water Commission on March 1st and 15th at Committee of the Whole meetings. Direction was given to proceed with holding the public hearing on April 5, 2022. Notification of the public hearing was published in the Oswego Ledger on March 24, 2022.

The question is as follows:

Shall the Village of Oswego impose a real estate transfer tax at a rate of \$3.00 per \$1,000.00 of value to be paid by the buyer of the real estate transferred, with the revenue of the proposed transfer tax to be used for construction and maintenance of the Village of Oswego water system, including connection to Lake Michigan water, and lessening the increase of future water rates?

The Resolution is a requirement to get the question on the June 28th Ballot so the voters can decide if the Real Estate Transfer Tax should be implemented. The Ordinance details the implementation of the Real Estate Transfer Tax, the tax rate, processes to follow and types of transactions which may be exempt from the tax. The last exemption listed pertains to current property owners who sell and purchase a new property within the Village.

Board and staff discussion focused on exemptions in the ordinance; effective when the referendum goes through; making the language clearer in the referendum question; question is what is statutorily required; rate and purpose only; can only provide information; cannot spend public funds to promote a yes vote or passage of the referendum; cannot do more than what is statutorily allowed; whether it's too early to decide a plan; staff has a press release and FAQ's; will include on a webpage on the Village's website and in newsletters. There was no further discussion.

A motion was made by Trustee Marter II and seconded by Trustee Jones Sinnott to approve a Resolution of the Board of Trustees of the Village of Oswego, Kendall and Will Counties, Illinois, Providing for and Requiring the Submission of a Public Question to Authorize a Real Estate Transfer Tax to be Submitted to the Voters of the Village at The General Primary Election to be Held on June 28, 2022.

Aye: Tom Guist
James Marter II
Jennifer Jones Sinnott

Kit Kuhrt
Terry Olson

Nay: None

Absent: Brian Thomas

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

c) Ordinance Adopting a Real Estate Transfer Tax at a Rate of \$3.00 Per \$1,000 of Value on All Purchasers of Property Within the Village of Oswego, Kendall and Will Counties, Illinois.
Ordinance No. 22-24

A motion was made by Trustee Marter II and seconded by Trustee Jones Sinnott to approve an Ordinance Adopting a Real Estate Transfer Tax at a Rate of \$3.00 Per \$1,000 of Value on All Purchasers of Property Within the Village of Oswego, Kendall and Will Counties, Illinois.

Aye: Tom Guist
James Marter II
Jennifer Jones Sinnott

Kit Kuhrt
Terry Olson

Nay: None

Absent: Brian Thomas

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

TRUSTEE REPORTS

Trustee Jones Sinnott- acknowledged and thanked everyone who headed to the Springfield Drive Down; it was very successful; met representatives and the Speaker of the House; it was educational and rewarding.

Trustee Kuhrt- ditto to Trustee Jones Sinnott's comments; great opportunity; enjoyed it.

Trustee Olson- no report.

Trustee Thomas- absent; no report.

Trustee Guist- great recognizing Jennette from KenCom; great story; encourage more stories like this. Glad we are getting closer to hiring a new Economic Director; he noted the Village's business webpage needs to be updated with correct information; calendar of events needs to be updated.

Trustee Marter II- uses the Village's MyCivic app; shoutout to Public Works for the quick turnaround for requested repair; encouraged others to download the app; keep up the great work.

PRESIDENT'S REPORT

Great access and opportunity at the Drive Down; Friday is the Senior Center's housewarming event at the old police department; Saturday is the Bunny Hop in the downtown; check out the new places that opened this week.

CLOSED SESSION

There was no closed session held.

ADJOURNMENT

A motion was made by Trustee Olson and seconded by Trustee Marter II to adjourn the meeting; upon a voice vote with all remaining members present voting aye, the meeting was adjourned at 7:48 p.m.

Tina Touchette
Village Clerk