

VILLAGE OF NORTH UTICA
801 S. Clark St., North Utica, IL 61373
Regular Meeting of the Board of Trustees
December 9, 2015
www.utica-il.gov

AGENDA

- I. 7:00 p.m. - Call to Order Regular Village Board Meeting
- II. Pledge of Allegiance
- III. Roll Call

- IV. Consideration of Approval of Minutes: 11-24-15

- V. Financial Statement
 - 1.) November 2015 Financial Stmts / Summary / Revenue Reports
- VI. Approval of Bills
 - 1.) November 2015 Prepaids
 - 2.) November 2015 A/P Bills

- VII. Appearance Request: Mr. Keith Arwood, Stoneheads re: Comments regarding a Petition to operate a bar and sell liquor on property located generally at 602 Clark St.

- VIII. Village Attorney
 - 1.) Summary of Planning Commission Meeting(s) held on 12-03-15 and 12-09-15
 - 2.) Consideration and Possible Action on an Ordinance Granting a Special Use for the Operation of a Bar and the sale and consumption of Alcohol on property located generally at 602 Clark St., Utica, IL
 - 3.) Consideration and Possible Action on an Ordinance Granting a Special Use for the Operation Bar and the Sale and consumption of Alcohol on property located generally at 142 Mill St., Utica, IL
 - 4.) Consideration and Possible Action on an Ordinance Amending the Liquor License Ordinance to allow additional Class A Retail License(s)
 - 5.) Consideration and Possible Action on an Ordinance Establishing an Enterprise Zone
 - 6.) Consideration and Possible Action re: Amending the Municipal Utility Tax Ordinance
 - 7.) Consideration and Possible Action on an Ordinance approving Transfer of Property for Highway purposes
 - 8.) Consideration and Possible Action on an Ordinance approving Subordination of Surface Rights for Public Road

- IX. Finance Liaison
 - 1.) Consideration and possible action on an Ordinance approving the 2015 Tax Levy

- X. Donations / Advertising Requests

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- XI. Clerk
 - 1.) Consideration and Possible Action re: 2016 Events submitted by Utica Fire Protection District
 - 2.) Consideration and Possible Action re: 2016 Events submitted by Utica Business Association
 - a) Including the 2016 Winter Wine Walk and Temporary Event Liquor Licenses for such

- XII. Park & Recreation Liaison
- XIII. Water / Sewer Liaison
- XIV. Streets, Lights & Alleys Liaison
- XV. Governmental Affairs Liaison
- XVI. Police Department Liaison

- XVII. Building / Zoning Enforcement Officer
- XVIII. Maintenance Department/ Public Works Director
 - 1.) Update of ongoing projects in the Village

- XIX. Village Engineer
 - 1.) Consideration and Possible Action regarding a final payment in an amount not to exceed \$15,761.61 to Universal Asphalt for the Johnson St. Water Main Project
 - 2.) Update - Mill St. Design Project / Estimate and Proposed Schedule for such
 - 3.) Update – Aerial Topography

- XX. Village President
- XXI. Public Comment
- XXII. Committee / Trustee Reports

- XXIII. Executive Session
 - 1.) The appointment, employment, compensation, discipline, performance or dismissal for specific employees
 - 2.) Pending Litigation
 - 3.) Purchase/Sale/Lease of Real Property

- XXIV. Possible Action regarding Executive Session items including employment, compensation, salaries for specific employees; Purchase, Sale or Lease of Property

- XXV. Adjournment

Posted 12-04-15

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MINUTES

At 7:56 pm the meeting of the Village Board of Trustees was called to Order by Village President Matt Jereb who then led the Pledge of Allegiance. Village Clerk Laurie Gbur called the roll. Present at the meeting were Trustees John Schweickert, D. Stewart, Ron Pawlak, Joe Bernardoni, John Pappas and K. Stewart. Also present were Village Attorney Herb Klein and Village Engineer Kevin Heitz.

Approval of Minutes: It was motioned by Trustee D. Stewart, seconded by Trustee Pawlak to approve the Minutes from the 11-24-15 meeting.

6 Yes

Motion Carried

Financial Statement: It was motioned by Trustee Schweickert, seconded by Trustee Pappas to approve the November 2015 Financial Statement.

6 Yes

Motion Carried

Approval of Bills: It was motioned by Trustee D. Stewart, seconded by Trustee Schweickert to approve the November 2015 Prepaid bills.

6 Yes

Motion Carried

It was then motioned by Trustee Schweickert, seconded by Trustee D. Stewart to approve the November 2015 A/P bills.

6 Yes

Motion Carried

Appearance Request: Mr. Keith Arwood, owner of Stonehead's, regarding a Petition to operate a bar and sell liquor on property located at 602 Clark St.

Attorney Klein reminded Mr. Arwood that the Public Hearing for Mr. Mix and Ms. Waters had been closed therefore he can't make statements regarding either Petition. He can only make general statements.

Mr. Arwood then stated that Utica doesn't need any additional liquor licenses. There are currently 21 places to purchase liquor in the Village. We should be looking at more family friendly retail businesses. There are also establishments that allow gaming in the community right now and Utica isn't that large. We need to decide if we want to be known as a family friendly destination or if we want our community to be known only for alcohol.

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Attorney's Report: Attorney Klein then provided a summary of the Petition of Mr. Tracy Mix that was held on 11-11-15 and 12-03-15. Mr. Mix is seeking a Special Use for his property located at 602 Clark St. for the purpose of obtaining a Class A Liquor License to offer alcohol and possible gaming. Testimony was provided by Mr. Mix regarding his retail business known as Mix's Trading Post. He is seeking the ability to participate in wine walk events, possible gaming, although he is undecided whether he will pursue that. Mr. Arwood testified in opposition of the Petition stating that in his opinion the Village doesn't need any additional bars or gaming. The Planning Commission tabled the matter pending further information from Mr. Mix regarding parking, the size of the bar he would be installing. Ms. Linda Moyer-Halm, Utica resident, asked Mr. Mix about his hours of business and how many entrances there would be into the establishment. Ms. Sandy Grubar, owner of Village Greenhouse Liquor Store testified in favor of the Petition stating that there is a need for additional growth in the business community. The Planning Commission recommended granting a Special Use subject to the bar area to not exceed 800 square feet. If a Special Use is granted, Mr. Mix would then apply for a Class A license. He would like to have the ability to consider gaming and a Class A license is required for such. Attorney Klein then stated that the Board could approve or deny the Petition, approve such with conditions, table the matter or refer it back to the Planning Commission. Also, currently the Liquor Ordinance allows for 10 Class A licenses and all of them are issued already so it would have to be amended to consider such.

Trustee Pappas then stated that he would like to see the new building constructed before granting a Special Use or issuing a liquor license.

Trustee Schweickert asked Mr. Mix about his time frame to finish construction of the building.

Mr. Mix stated that he was unsure how long it would take to complete however he would begin construction in the next 4 – 6 weeks.

Attorney Klein also stated that the Board could consider granting the Special Use, with or without any conditions, and then wait to amend the Liquor Ordinance to consider increasing the number of Class A licenses that can be issued annually.

Trustee D. Stewart stated that there are Class D licenses available which allows for the sale of beer and wine only.

Attorney Klein stated that Mr. Mix is seeking a Class A license.

Trustee Schweickert asked if Mr. Mix would consider the sale of liquor on premises only.

Mr. Mix stated that he would like to be able to hold tastings and have the ability to then sell a bottle of wine. He has contacted several wineries that would like him to carry their product and he would like to be able to have package sales as well.

Attorney Klein reminded everyone that the Hearing was closed and could not be reopened.

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Trustee Pawlak asked Mr. Mix if he could construct the building and come back to the Board to request the Special Use and a liquor license once the bar is finished. Trustee Schweickert also agreed. Mr. Mix stated that he would like to move forward with his Petition to seek a Special Use.

It was then motioned by Trustee Schweickert, seconded by Trustee Pappas to approve a Special Use for property located at 602 Clark St. with the condition that the bar area exceed 800 sq. ft. Ord. 2015-31

5 Yes
1 NO (Pawlak)
Motion Carried

Attorney Klein then provided a brief summary of the Petition of Ms. Kelly Waters (Tenant) and Pat Senica (Owner) of property located at 142 Mill St. seeking a Special Use for the operation of a bar.

The Planning Commission heard testimony at a Hearing held on 12-9-15.

Ms. Waters testified that she was moving her gaming business, known as Kelly's Gaming, to a new location at 142 Mill St. Her operating expenses and rent had increase in her current location so when the Bow Wow Boutique closed she approached Pat Senica to lease the space. It would be more convenient being across the street from her other business, Skoog's Pub. A Class A license is required for a gaming business which she currently possesses. Her current license would transfer to the new location upon approval of a Special Use. Parking, alcohol sales and size of the space was discussed.

Ms. Louise Harmon, owner of property on Mill St. as well as the Hickory Hollow Campground, testified in opposition stating that the Village doesn't need any more gaming or liquor establishments in the downtown business district. She also stated that the Village needs to attract more retail.

Members Fry and Cetwinski agreed that no additional gaming or liquor establishments should be located in the downtown district.

Members Hamilton and Chapman stated that this is a good business and would add to the growth of the business community.

The Planning Commission voted 3 – 2 on a Motion made by Member Fry to recommend denial of the Petition. Members Cetwinski and Fry voted yes, to recommend denying the Petition; members Hamilton and Chapman voted No, to deny the motion and Member and acting Chairman Gift voted yes, to recommend denying the Petition. The recommendation of the Planning Commission was to deny recommendation of the Petition seeking a Special Use for property located at 142 Mill. St.

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Attorney Klein then stated that the Board could approve or deny the Petition, approve such with conditions, table the matter or refer it back to the Planning Commission.

Trustee Schweickert asked about the size of the space.

Ms. Waters then answered that the space was approx. 500 sq. ft. The owners use the entire back half of the property for their own personal storage.

Trustee Bernardoni then stated that the building has had many small retail businesses come and go. It's small and would be a shame to let it sit empty.

Trustee Pawlak reminded the Board that the Mill St. design would be completed in spring 2016. He then asked, "Do we want more gambling downtown? We are spending a lot of money down there to attract development."

It was then noted that several businesses had been located in the property including a Dr.'s office several retail establishments and the Village office after the tornado.

Trustee Schweickert asked if the back half of the building could be rented.

Ms. Waters said that the back half of the building was only used for storage by the owners.

Trustee Bernardoni stated that something in the building is better than it being vacant.

Trustee Pawlak disagreed.

Trustee Pappas stated that there were businesses located in the building that closed.

It was then motioned by Trustee Bernardoni. Trustee Stewart then reminded the Board that he has no affiliation with the gaming business. He works for Skoog's Pub. Kelly's Gaming and Skoog's Pub are separate entities. He also stated that the gaming business brought an additional \$6,000 in revenue into the Village. The motion was then seconded by Trustee K. Stewart to approve the Special Use for property located at 142 Mill St.

Trustee D. Stewart asked at what point would there be enough alcohol and gaming establishments.

Trustee Schweickert stated that more tourism related businesses are needed, especially in the downtown.

Trustee Bernardoni stated that this is not a new business. This has been an established business in the Village and it's just a change of location.

Trustee Schweickert asked what type of signage would be installed.

Attorney Klein reminded the Board that signs are regulated by the Village and a permit is required.

Trustee Schweickert then asked Ms. Waters what type of food would be sold in the establishment.

Ms. Waters answered that the location does not have a kitchen so all she would be able to serve is frozen pizza, chips and other concessions.

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After much continued discussion, the Clerk called for the vote.

3 Yes (Schweickert, Bernardoni, K. Stewart)
3 NO (D. Stewart, Pawlak, Pappas)
1 NO (Mayor Jereb)
Motion Denied

After Mayor Jereb voted to break the tie between the six Trustees, he explained that he would have rather wait until the Comprehensive Plan was completed. He also stated that Ms. Waters does a great job and is a valued business owner in the community however he would rather see additional retail businesses fill up the downtown area.

It was then motioned by Trustee Schweickert, seconded by Trustee S. Stewart to table the amendment to the Village Liquor Ordinance.

6 Yes
Motion Carried

It was then motioned by Trustee Schweickert, seconded by Trustee D. Stewart to approve the application to re-approve the Illinois Valley Enterprise Zone in 2016. NCICG is applying to seek approval of re-establishing the same enterprise zone with the same boundaries as existing. Ord. 2015-32

The item regarding the amendment to the Municipal Utility Tax Ordinance was tabled pending further review by Attorney Klein. It will be further discussed at the January Board meeting. It was motioned by Trustee K. Stewart, seconded by Trustee Pawlak to table the item until January.

6 Yes
Motion Carried

It was motioned by Trustee Bernardoni, seconded by Trustee Pappas to approve the sale of property from the Village of North Utica to IDOT for the Illinois River Bridge Project for an amount of \$10,000 which includes reimbursement for a fence.

Ord. 2015-33

6 Yes
Motion Carried

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It was then motioned by Trustee Schweickert, seconded by Trustee D. Stewart to approve the subordination of surface rights for a public road for the Illinois River Bridge Project. IDOT will also reimburse to pay for the relocate of any sewer utilities for such.
Ord. 2015-34

6 Yes

Motion Carried

Finance Liaison: It was motioned by Trustee Schweickert, seconded by Trustee D. Stewart to approve the 2015 Tax Levy in the amount of \$51,880 and a tax rate of .15304
Ord. 2015-35

6 Yes

Motion Carried

Clerk: It was motioned by Trustee D. Stewart, seconded by Trustee Pawlak to approve the Utica Fire Protection District list of 2016 Events and the reimbursement of half of the candy for Easter and the Santa Parade.

6 Yes

Motion Carried

It was then motioned by Trustee Schweickert, seconded by Trustee K. Stewart to approve the Utica Business Association list of 2016 Events and a donation in the amount of \$4,000.

6 Yes

Motion Carried

Park & Recreation Liaison: NONE

Water / Sewer Liaison: NONE

Streets, Lights & Alleys Liaison: NONE

Governmental Affairs Liaison: Trustee Pappas stated that the Utica Business Association joined the Illinois River Road Organization. Engineer Heitz asked when the next Business Association meeting would be held and Trustee Pappas answered January 20, 2016 at 5:30 at the Village Hall. Engineer Heitz will present the Mill St. Design Project to the Utica Business Association at the meeting.

Police Department Liaison: NONE

Building/Zoning Enforcement: NONE

Maintenance Department: NONE

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Engineer's Report: Village Engineer Kevin Heitz provided an update of ongoing projects in the Village.

Comprehensive Plan – Engineer Heitz is going to review the draft of the Comprehensive Plan and provide comments to Teska & Associates.

149 Mill St. – The building weatherproofing and new roof is almost complete.

Johnson St. Water Main Project - It was then motioned by Trustee Schweickert, seconded by Trustee Pappas to approve the release of the final payment in the amount of \$15,761.61 to Universal Asphalt for the completion of the Johnson St. Water Main project.

6 Yes

Motion Carried

Aerial Topography – The data from the company should be available in January.

Mill St. Design – Heitz will present the design and proposed schedule to the Utica Business Association at their meeting on 1/20/16. Then we will go out for bids and subsequently award the project. Heitz hopes to see the project completed by Memorial Day.

Illinois River Bridge Project – Heitz has to get some additional information to IDOT. Then we will begin to seek funding for the Village portion of the project.

President's Report: Mayor Jereb thanked former Mayor Gloria Alvarado for her organization of the Christmas in the Village event. It was an outstanding event and had great success.

Public Comment:

Lisle Elsbury, Duffy's, stated that Flutterby Popcorn is actively looking for a new location in the Village. They would love to come back to Utica.

Kelly Waters, Skoog's Pub & Kelly's Gaming stated that if the Village wants new businesses to come to Utica, they have to be shown respect from other business owners. Also, the other current businesses don't keep regular hours, which also hurts the community.

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Jan, Country Village Studio, asked that the Village purchase a microphone system for meetings so that everyone in the back of the room can hear what is being said. Mayor Jereb said that he will look into a system.

Committee / Trustee Reports: NONE

A motion was then made by Trustee Schweickert, seconded by Trustee Pawlak to cancel the Committee Meeting that was scheduled for 12-22-15 at 7 pm.

All in favor

Motion Carried

Executive Session: It was motioned by Trustee Schweickert, seconded by Trustee D. Stewart to enter into Executive Session at 9:25 pm for the purpose of:

1.) Purchase/Sale/Lease of Real Property

All in favor

Motion Carried

It was then motioned by Trustee Schweickert, seconded by Trustee D. Stewart to reconvene the meeting at 9:34 pm.

All in favor

Motion Carried

With no additional business, it was then motioned by Trustee D. Stewart, seconded by Trustee Schweickert to adjourn the meeting at 9:35 pm.

All in favor

Motion Carried

Respectfully submitted,

Laurie A. Gbur
Village Clerk