

VILLAGE OF NORTH UTICA
248 W. Canal St., North Utica, IL 61373
Meeting of the Board of Trustees
March 10, 2022
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. Appearance Request: A.B.A.T.E - Proclamation: May 2022, Motorcycle Awareness Month in the Village of North Utica
- V. Village President:
 - 1.) Consideration and Possible Action Authorizing the Village President to enter into a Letter of Intent and Contract Regarding Granting of Easement Agreements on property located at 600 and 602 Norman St., Utica, IL 61373
 - 2.) Rebuild Illinois Bond –Consideration and Possible Action to Authorize the Village President to enter into an Agreement between the Village of North Utica and North Central Illinois Council of Government (NCICG) for Grant administration at a cost not to exceed \$6,000 for the State of Illinois; DCEO Build Illinois Bond Grant Fund
 - 3.) Consideration and Possible Action to amend the Outdoor Dining Ordinance to approve the dates for the closure of Mill St. from Church St. to Canal St. for the 2022 Outdoor Dining Season in the Village.
- VI. Village Attorney:
 - 1.) Summary regarding the Petition of Paul Gilbertson, proposed Tennant, and Dale Senica, Owner of property located at 142 Mill St., Utica, IL, 61373. The Petitioners are seeking a Special Use and other requests regarding the operation of a Tattoo and Piercing Parlor on the property which is located in the C-1 Zoning District.
 - A. Consideration and Possible Action on an Ordinance amending the Zoning Code of the Village of North Utica, Section 10-8B-3, to create and allow as a Special Use in the C-1 Zoning District, the operation of a Tattoo and Piercing Parlor.
 - B. Consideration and Possible Action on an Ordinance allowing that the Petitioner be granted a Special Use under Section 10-8B-3 of the Village of North Utica Zoning Code to grant the operation of a Tattoo and Piercing Parlor on property located at 142 Mill St., Utica, IL, 61373; Property is zoned C-1.
 - C. Consideration and Possible Action that the signage, as indicated in the Petition, as well as any necessary Variances, be approved.
 - D. Consideration and Possible Action regarding such other relief necessary to allow Petitioner’s intended use of the property.
 - 2.) Summary of the Petition of Hive Holdings, LLC and Bier Garten, LLC as Owner and Petitioner. Such are the successors in interest to Lucas Goucher and Railside Real Estate, LLC. Petitioner is seeking to amend a previously granted Special Use under the Village of North Utica Zoning Ordinance, Section 10-8A-3, regarding the operation of an Outdoor Seasonal Bar and such Signage and Art Display Variances as necessary. The Tract of land affected is at the southwest corner of Canal St. and Mill St., Utica, IL, 61373. The property is zoned C-1.

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- A. Consideration and Possible Action that the Petitioners be granted an amendment to the Special Use approved previously by Village of North Utica Ordinance 2021-13 as follows:
- a) To delete the prohibition on amplified sound as stated in Section d. of the Special Use, subject to Village Regulations of the Sound Amplification Ordinance and;
 - b) To delete the limitation in hours of operation as stated in Section f. of the Special Use and;
 - c) To receive such signage and / or art Variances as necessary and;
 - d) To prohibit enclosure of the outdoor Bier Garten structure and;
 - e) For such other relief, including consent to the new Ownership / Petitioner, as is necessary to allow the Petitioner's intended use of the property.
- B. Consideration and Possible Action to Amend the Village of North Utica Liquor Ordinance to create an annual Brew Pub License.
- C. Consideration and Possible Action to grant an annual Brew Pub Liquor License to Bier Garten, LLC for their outdoor Bier Garten property located at 101 Canal St., Utica, IL, 61373. The property is zoned C-1.

- 3.) Consideration and Possible Action on amending Ordinance 2021-33, imposing a Moratorium on the issuance of licenses for hotels, motels, boarding houses, lodging houses, bed and breakfast establishments, and vacation rental units within the Village of North Utica.

VII. Consent Agenda: Consideration and Possible Action for the Approval of a Consent Agenda including the following items:

- 1.) Minutes: 02-10-2022; 02-28-2022
- 2.) February 2022 Financial Stmts / Summary / Revenue Reports
- 3.) February 2022 Prepaids
- 4.) February 2022 A/P Bills:
 - a) Including a payment to Wozniak Concrete Finishing Co. for services provided for the V-Gutter drainage project completed in Senica Manor Subdivision in the amount of \$20,300

VIII. Village Clerk:

- 1.) Consideration and Possible Action to appoint Hopkins & Associates to perform the Annual Fiscal Year Audit for the period ending 3-31-2022

IX. Director of Village Affairs:

- 1.) Update on Utica Business Association
- 2.) Update on Upcoming Events in the Village
- 3.) Consideration and Possible Action for approval of hanging up to 50 Banners in the Village on a first come, first served basis, for the summer season.

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- 4.) Consideration and Possible Action regarding the purchase of playground equipment at a cost not to exceed \$14,032; Cost of equipment will be donated to the Village in the amount of \$12,492.

- X. Village Treasurer
- XI. Police Department – Chief Damron
- XII. Building / Zoning Enforcement Officer
- XIII. Maintenance Department / Public Works Director
- 1.) Update – Upcoming / Ongoing projects in the Village
 - 2.) Update – 2022 Project List
- XIV. Village Engineer
- 1.) Update – Upcoming / Ongoing projects in the Village
 - 2.) Consideration and Possible Action on Consideration and Possible Action regarding the 2022 MFT Road Project in the Village of North Utica
 - a) Resolution for MFT Funds for the 2022 MFT Road Project
 - b) Approval of an Engineering base fee cost Agreement for the project
- XV. Committee / Trustee Reports:
- 1.) Trustee Reports
 - 2.) Updates from Committees:
 - a) Village of North Utica Governmental Affairs Committee
 - b) Village of North Utica Fire & School Liaison Committee
 - c) Village of North Utica Zoning Ordinance Review Committee
- XVI. Public Comment
- XVII. Executive Session
- 1.) The appointment, employment, compensation, discipline, performance or dismissal for specific employees
 - 2.) Pending Litigation
 - 3.) Purchase/Sale/Lease of Real Property
- XVIII. Possible Action regarding Executive Session items
- 1.) The appointment, employment, compensation, discipline, performance or dismissal for specific employees
 - 2.) Pending Litigation
 - 3.) Purchase/Sale/Lease of Real Property
- XIX. Adjournment

Posted 03-08-2022

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MINUTES

At 7:03 pm the Meeting of the Board of Trustees was called to Order by Village President David Stewart who then led the Pledge of Allegiance. Village Clerk Laurie Gbur recorded the meeting attendance. Present at the meeting were Trustees John Schweickert, Nate Holland, Mary Pawlak, Debbie Krizel, Kylie Mattioda and Jim Schrader. Also present were Village Attorney Herb Klein, Director of Village Affairs Jamie Turczyn, Village Treasurer Jill Margis and Police Chief Rodney Damron. Village Engineer Kevin Heitz and Public Works Director / Zoning Enforcement Officer Curt Spayer were absent from the meeting.

Village President:

600 & 602 Norman St., Utica, IL 61373 - Letter of Intent and Contract Regarding Granting of Easement Agreements on properties located at 600 and 602 Norman St., Utica, IL 61373.

Village Attorney Klein provided a summary regarding consideration of the Village authorizing the Village President to enter into Letter(s) of Intent granting Easement Agreements on the property. There are two Cell Towers currently located on the properties. The Village has been receiving monthly rental income for leases of the properties. The Letters of Intent; Easement Agreement(s) being considered would grant a 99-year site easement on the property. At the previous meeting held on February 28, 2022, discussion was held regarding the properties. The item was Tabled pending further research and review. Attorney Klein stated that a super majority of the Village Board of Trustees is not required because the Village would not be selling the properties; The Village would instead be granting a 99-year site easement on the properties. It was then motioned by Trustee Schweickert, seconded by Trustee Holland to approve an Ordinance authorizing the Village President to enter into Letter(s) of Intent granting a 99-year site easement for properties located and 600 & 602 Norman St., Utica, IL 61373. ORD 2022-06

4 Yes (Schweickert, Pawlak, Holland, Krizel)

2 No (Schrader, Mattioda)

Motion Carried

Build Illinois Bond Grant - Mayor Stewart then discussed the Build Illinois Bond Grant awarded to the Village in the amount of \$150,000. The funds will be allocated toward expenses for improvements being made to the I & M Canal. North Central Illinois Council of Government (NCICG) will administer the Grant for the Village at a cost in the amount of \$6,000. It was motioned by Trustee Pawlak, seconded by Trustee Schrader to approve an Ordinance entering into an agreement between the Village of North Utica and NCICG for the administration of the Build Illinois Bond Grant for improvements being made to the I & M Canal. ORD 2022-07

6 Yes

Motion Carried

2022 Outdoor Dining – The 2022 schedule for Outdoor Dining on Mill St. was discussed. The Village will close the road on April 25th to begin the clean up of the road and to allow businesses to begin setting up for the 2022 Outdoor Dining Season. The businesses can begin serving outside on April 27th and the season will end on October 30th. Mill St. will re-open to traffic on or before November 4, 2022. It was motioned by Trustee Holland, seconded by Trustee Schrader to approve a Resolution setting the schedule for the 2022 Outdoor Dining Season. R2022-01

6 Yes

Motion Carried

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MINUTES

Mayor Stewart then stated that IVAC is organizing their annual State of the Cities luncheon for local Municipal Officials and staff to share updates on their communities. The luncheon is being held on March 31, 2022 at Grand Bear Lodge. Anyone that would like to attend can let Jamie know so that the Village can provide an RSVP for the event.

Appearance Request: Chief Rodney Damron spoke on behalf of A.B.A.T.E. regarding Motorcycle Awareness. It was motioned by Trustee Schweickert, seconded by Trustee Krizel to approve the Proclamation recognizing Motorcycle Awareness month in the Village of North Utica as May 2022.

6 Yes

Motion Carried

Village Attorney: Attorney Klein provided a brief summary of the Petition of Paul Gilbertson, proposed Tenant, and Dale Senica, Owner of property located at 142 Mill St., Utica, IL, 61373. The Petitioners are seeking a Special Use and other requests regarding the operation of a Tattoo and Piercing Parlor on the property which is located in the C-1 Zoning District.

There was no opposition to the Petition and the Planning Commission was unanimous in their recommendation(s) to approve the Petition. Mr. Gilbertson also provided a rendering of the proposed signage for his business which was also recommended to be approved. It was then motioned by Trustee Krizel, seconded by Trustee Schrader to approve an Ordinance amending the Zoning Code Section 10-8B-3 to create and allow as a Special Use, the operation of a Tattoo and Piercing Parlor in the Commercial Zoning Districts; C-1, C-2, and C-3. ORD 2022-08

6 Yes

Motion Carried

It was then motioned by Trustee Schrader, seconded by Trustee Schweickert to approve and Ordinance granting a Special Use for the operation of a Tattoo and Piercing Parlor, subject to outdoor painting and improvements to be approved by the Zoning Enforcement Officer, on property located at 142 Mill St., Utica, IL, 61373; in the C-1 Zoning District. ORD 2022-09

6 Yes

Motion Carried

Attorney Klein then provided a brief summary of the Petition of Hive Holdings, LLC and Bier Garten, LLC as Owner and Petitioner. Such are the successors in interest to Lucas Goucher and Railside Real Estate, LLC. Petitioner is seeking to amend a previously granted Special Use under the Village of North Utica Zoning Ordinance, Section 10-8A-3, regarding the operation of an Outdoor Seasonal Bar and such Signage and Art Display Variances as necessary. The Tract of land affected is at the southwest corner of Canal St. and Mill St., Utica, IL, 61373. The property is zoned C-1. During the Public Hearing, the Petitioners had explained to the Planning Commission that the schedule for construction that they had initially presented in 2021 was met with several delays due to shipping and the limitation of being able to purchase the materials. There were also construction delays due to weather. The original Special Use was granted in 2021 with a prohibition on sound amplification and a limitation of the hours of operation for the Bier Garten. The Petitioners had initially thought that they would like a seasonal business however, they have reconsidered now, stating that they would like to have the ability to participate in other Village events and they would like to be able to be open at their discretion at other times during the year. The Planning Commission made the recommendation to approve the Petition.

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Utica business Owners Jen Cetwinski (Bruce & Ollies) and Kelly Waters (Skoog's Pub & Grill) made no objections to the Petitioners request to be allowed to have outdoor music on their property. The Petitioners stated that they will work with the Mill St. businesses to create an outdoor music schedule that everyone agrees with. Ms. Waters did oppose the Petitioners request to be allowed to operate year-round however, she agreed that they should be able to participate in events. The Petitioners stated that although they are not planning to be open throughout the winter, they would like to take advantage of nice weather and events. They also stated that they are a private business operating on private property therefore they would like to be able to operate year-round, weather permitting. The Planning Commission recommended approval of the Petition, subject to the outdoor structure not being fully-enclosed.

Trustee Krizel stated that she is concerned about people taking their drinks, leaving the area and walking around outside, away from the outdoor establishment. Trustee Pawlak agreed.
Mayor Stewart stated that the Village will continue to patrol the area so that people are not walking throughout the community with open containers of alcohol.

Trustee Schrader agreed with Mayor Stewart and stated that the North Utica Police Department is very visible within the community.

Trustee Krizel shared a concern that people walking out of the Bier Garten area with open containers could become an issue since the Bier Garten is not attached to a building or restaurant and therefore it's not enclosed. She also asked Mr. Goucher if they have a similar outdoor seating area at their facility in Elburn, IL. Mr. Goucher stated that the outdoor seating area (the beer garden) in Elburn is on a separate parcel and that it is policed to be sure that all open containers remain on the property.

Trustee Schweickert shared his concerns about allowing the Bier Garten to have amplified music however, if the businesses will work together to create an agreed upon schedule for the music, he believed that to be a good compromise.

Trustee Schrader asked Mr. Goucher if the art work and additional construction would be completed soon. Mr. Goucher stated that they hope to have the art work completed very soon, weather permitting.

Following the discussion, it was then motioned by Trustee Holland, seconded by Trustee Schrader to approve an Ordinance amending the Special Use to delete the limitation of hours, delete the prohibition of sound amplification and subject to the structure not being fully enclosed. ORD 2022-10

4 Yes (Schrader, Schweickert, Holland, Mattioda)

2 No (Krizel, Pawlak)

Motion Carried

Consideration to Amend the Village of North Utica Liquor Ordinance to create an annual Brew Pub License – No Action was taken on this item. The Village currently has a Class J Craft Distillery Liquor License which already meets the requirements of a Brew Pub Liquor License.

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Consideration on amending Ordinance 2021-33, imposing a Moratorium on the issuance of licenses for hotels, motels, boarding houses, lodging houses, bed and breakfast establishments, and vacation rental units within the Village of North Utica. – The Village previously imposed a Moratorium however because it will take the Village Board additional time to review the separate Ordinances, the Moratorium would be extended until September 9, 2022. It was then motioned by Trustee Krizel, seconded by Trustee Pawlak to approve an Ordinance amending Ordinance 2021-33 imposing a Moratorium on the issuance of licenses for hotels, motels, boarding houses, lodging houses, bed and breakfast establishments, and vacation rental units within the Village of North Utica; The Moratorium will be extended until September 9, 2022. ORD 2022-11

6 Yes

Motion Carried

Consent Agenda: It was motioned by Trustee Schrader, seconded by Trustee Pawlak to approve the Consent Agenda as follows:

- 1.) Minutes: 02-10-2022; 02-28-2022
- 2.) February 2022 Financial Stmtns / Summary / Revenue Reports
- 3.) February 2022 Prepaids
- 4.) February 2022 A/P Bills:
 - a) Including a payment to Wozniak Concrete Finishing Co. for services provided for the V-Gutter drainage project completed in Senica Manor Subdivision in the amount of \$20,300

6 Yes

Motion Carried

Village Clerk: Village Clerk Laurie Gbur spoke about the appointment of the Auditor for the Village of North Utica Audit, Fiscal Year ending 3-31-2022. Hopkins and Associates has performed the Audit annually for the Village for several years, as well as providing assistance throughout the year as needed. The cost for this years Audit will be \$9,300. It was motioned by Trustee Schweickert, seconded by Trustee Krizel to approve the appointment of Hopkins and Associates for the Audit; Fiscal Year ending 3-31-2022.

6 Yes

Motion Carried

Director of Village Affairs: Director Turczyn provided an update on events being held in the Village. St. Pat's Parade – the annual St. Pat's Parade will be held on Saturday, March 12, 2022 at 5 pm. 2022 Banner Program – The Village will re-hang banners that residents have purchased over the past few years, recognizing their loved ones and honoring their service. There are only 50 poles available so this will be on a first come, first serve basis. The banners will be hung from May until after the Veteran's Parade and there will be no charge to the residents. It was motioned by Trustee Pawlak, seconded by Trustee Schweickert to approve the 2022 Banner Program.

6 Yes

Motion Carried

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MINUTES

Playground Equipment – A donation of Playground Equipment is being made to the Village for Magnuson Park. The total cost of the equipment is \$14,032 of which \$12,492 will be donated by a resident. The Village will pay for the shipping cost in the amount of \$1,540. It was motioned by Trustee Schrader, seconded by Trustee Pawlak to approve the purchase of Playground Equipment at a cost not to exceed \$14,032.

6 Yes

Motion Carried

Village Treasurer: NONE

Police Department: Chief Damron stated that the Department has participated in the National Child Safety Program for Drug Education and Awareness. Approx. \$1,100 was raised for the program and donations were received from several Utica businesses.

Chief Damron then provided a brief update on reports during the years 2019, 2020 and 2021. Approx. \$16,482 was collected in fines in 2021.

Building / Zoning Enforcement Officer: Absent

Maintenance Department: Absent (Snow Plowing)

Village Engineer: Village Engineer Heitz was absent from the meeting. Mayor Stewart provided a brief update on the status of the upcoming MFT Road Project. A street Assessment is being completed and the Village project is estimated at approx. \$375,000.

It was motioned by Trustee Schrader, seconded by Trustee Krizel to approve a Resolution for MFT Funds in the amount of \$375,000 for the 2022 MFT Road Project. R2022-02

6 Yes

Motion Carried

It was then motioned by Trustee Pawlak, seconded by Trustee Holland to approve an Engineering base fee cost Agreement for the 2022 MFT Road Project.

6 Yes

Motion Carried

Committee / Trustee Reports:

There had been several calls regarding blasting from LaFarge. The residents could feel their homes shake and some of them stated that things had fallen off of their shelves. The blasts were significant and the residents are concerned about damage to their properties. Mayor Stewart will reach out to LaFarge to request their attendance at the next meeting to respond to questions and provide updates.

Public Comment: NONE

Executive Session: NONE

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With no additional business, the meeting was adjourned at 8 pm. Motion made by Trustee Schrader, seconded by Trustee Krizel.

All in Favor
Motion Carried

Respectfully submitted,

Laurie A. Gbur
Village Clerk