

SYCAMORE CITY COUNCIL

AGENDA

February 18, 2019

CITY COUNCIL COMMITTEE MEETINGS

No meetings are scheduled.

REGULAR CITY COUNCIL MEETING

7:00 P.M.

- 1. CALL TO ORDER**
- 2. INVOCATION**
- 3. PLEDGE OF ALLEGIANCE**
- 4. APPROVAL OF AGENDA**
- 5. AUDIENCE TO VISITORS**
- 6. CONSENT AGENDA**
 - A. Approval of the Minutes for the Regular City Council Meeting of February 4, 2019.
 - B. Payment of the Bills for February 18, 2019.
- 7. PRESENTATION OF PETITIONS, COMMUNICATIONS, AND BILLS**
 - A. A Proclamation Recognizing the Sycamore Moose Club for 95 Years of Service in the City of Sycamore, Illinois.
 - B. A Presentation by the Citizen Advocates for a Sustainable Environment.
- 8. REPORTS OF OFFICERS**
- 9. REPORTS OF STANDING COMMITTEES**
- 10. PUBLIC HEARINGS—None**

11. ORDINANCES—None

12. RESOLUTIONS—None

13. CONSIDERATIONS

A. Consideration of a Preliminary Three-Year Capital Improvement Program for the City of Sycamore, Illinois.

The proposed three-year capital improvement program is appended for the Council’s review.

In FY20, the capital improvement program identifies funded items totaling \$18,918,945. Approximately 95% of the funded items are infrastructure improvements related to Phase III of the treatment plant expansion, the City’s street maintenance program, sidewalks, and water system improvements. These expenditures have dedicated sources of revenue and do not involve any tax increases. The highlights of the infrastructure improvements include:

- The City’s annual street maintenance program: \$1,502,000 (Street Maintenance Fund, Motor Fuel Tax Fund).
- Sidewalk removal and replacement in conjunction with Street Maintenance Program: \$148,000 (Capital Assistance Fund).
- Phase III improvement to the Treatment Plant expansion project: \$16,000,000 (Sewer Connection Fee Fund).
- Priority Improvements for Fire Station #1: \$100,000 (Public Buildings Fund).
- Collection System Improvements: \$131,000 (Sewer Fund).
- Well #7 Improvements Planning/Engineering: \$121,000 (Water Fund).
- TIF Projects including removal of elevated platform: \$225,000 (TIF Fund).

In the upcoming year, \$361,445 in departmental capital expenditures are planned from the Capital Assistance Fund (06) and the Sales Tax Distributive Fund (22). The majority of these capital improvements are recurring vehicle and machinery replacements necessary for departmental operations.

The City Manager is requesting Council direction regarding the Capital Improvement Program.

B. Consideration of a Changes to Title 3, “Business and License Regulations”, Chapter 2, “Liquor Control”.

During the past year, the Liquor Commissioner has worked with the City Attorney and staff to review Title 3, “Business and License Regulations”, Chapter 2, “Liquor Control”. Several sections of the Liquor Control Chapter have been modified on a case-by-case basis in recent years, however a comprehensive review and fee adjustment has not taken place since 2003. The following list identifies the sections of the chapter where new language or modifications are being proposed.

3-2-1: DEFINITIONS – Add New Language:

BAR: Any public place where alcoholic liquors are sold and the primary purpose of the establishment is for the consumption of such alcoholic beverages on the premises, and food service may or may not be included.

3-2-2: LOCAL LIQUOR CONTROL COMMISSIONER: Add New Language:

B. Powers and Duties;

To notify the Secretary of State of Illinois where a club incorporated under the General Not-for-Profit Corporation Act of 1986 (805 ILCS 105/101.01 et seq. as amended) or a foreign corporation functioning as a club in this State under a certificate of authority issued under that act has violated this Chapter by selling or offering for sale at retail alcoholic liquors without a local liquor license pursuant to this Chapter.

3-2-3: LICENSE AND COMPLIANCE REQUIRED: Add New Language:

Each local liquor license issued under this Chapter shall terminate on April 30 following the date of issuance.

3-2-5: RESTRICTIONS ON ISSUANCE OF LICENSE: Add New Language:

A person who has been convicted of a violation of any Federal or State law concerning the manufacture, possession, or sale of alcoholic liquor, or who shall have forfeited his bond to appear in court to answer charges for any such violation;

Any applicant who fails to obtain a state liquor license;

A person who has been convicted of a gambling offense as proscribed by any of the subsections (a)(3) through (a)(11) of Section 28-1 of, or as proscribed by Section 28-1.1 or 28-3 of the Criminal Code of 1961, or as proscribed by a statute replacing any of the aforesaid statutory provisions;

A person or entity to whom a federal wagering stamp has been issued by the federal government, unless the person or entity is eligible to be issued a license under the Illinois Raffles Act or the Illinois Pull Tabs and Jar Games Act;

A person who intends to sell alcoholic liquors for use or consumption on his or her licensed retail premises who does not have liquor liability insurance coverage for the premises in an amount that is at least equal to the maximum liability amounts set out in the Liquor Control Act;

A criminal conviction of a corporation is not grounds for the denial, suspension, or revocation of a license applied for or held by the corporation if the criminal conviction was not the result of a violation of any Federal or State law concerning the manufacture, possession, or sale of alcoholic

liquor, the offense that led to the conviction did not result in any financial gain to the corporation and the corporation has terminated its relationship with each director, officer, employee, or controlling shareholder whose actions directly contributed to the conviction of the corporation. The Local Liquor Control Commissioner shall determine if all provisions of this subsection have been met before any action on the corporation's license is initiated;

In addition to other grounds specified in this chapter, the Local Liquor Commissioner shall determine if issuance or renewal of a local liquor license, or suspend or revoke such license, for any of the following violations of any Tax Act administered by the Illinois Department of Revenue:

- 1. Failure to make a tax return;*
- 2. The filing of a fraudulent return;*
- 3. Failure to pay all or any part of any tax or penalty finally determined to be due;*
- 4. Failure to keep books and records;*
- 5. Failure to secure and display a certificate or sub-certificate of registration, if required;*
- 6. Willful violation of any rule or regulation of the Department relating to the administration and enforcement of tax liability.*

3-2-6-A: CLASSIFICATIONS AND FEES: Modification

1. Initial License Fee: Standardize the initial license fee to two thousand five hundred dollars for all applicants. Currently, the fee is either two thousand five hundred dollars or five thousand dollars; depending on size of the establishment.
2. Class A: Restaurants: Increase the annual fee from \$1,500 to \$1,750.
3. Class B: Bar: Increase annual fee from \$1,500 to \$2,000 to differentiate the fee between restaurant and bar licenses.
4. Class C: Club: Increase the annual fee from \$1,500 to \$1,750.
5. Class D: Package Goods: Increase the annual fee from \$1,500 to \$1,750.
6. Class E: Recreation: Increase the annual fee from \$1,500 to \$1,750 for the Golf Course and increase the annual fee from \$1,000 to \$1,250 for the Theater.
7. Class F: Beer and Wine Sales off the Premises: No change in the annual fee of \$1,500.
8. Class G: One Day Licenses: Reduce fee to \$50 from \$55.
9. Class H: Beer or Wine Brewed on Premises: Increase the annual fee from \$500 to \$750.

10. Class I: BYOB: Increase the annual fee from \$50 to \$250.
11. Class J: Sports Complex: Reduce initial application fee to \$2,500 from \$5,000 to align with proposed Section 3-2-6-A.1.
12. *Class K; Special Event: Class K licenses authorize the service of alcoholic liquors for consumption on the premises of an establishment that obtains a special event permit per section "E", below. Establishments that have a City of Sycamore liquor license or are participating in a special event sponsored by the Sycamore Chamber of Commerce do not need to obtain a Class K license to provide service for such events. The application fee for Class K licenses is \$250 and the annual fee shall be five hundred dollars (\$500.00).*
13. Class VG: Video Gaming Café: Increase the annual fee from \$1,500 to \$2,000.

3-2-6-D: HOLIDAYS: Add New Language:

Holidays: Any class licensee under this chapter may serve or sell liquor as defined in their license the Wednesday before Thanksgiving from six o'clock (6:00) A.M. until one o'clock (1:00) A.M. on Thanksgiving Day. Any class licensee under this chapter operating during the change in time under Daylight Savings must adhere to the time to which the time changes.

3-2-6-E: SPECIAL EVENTS: Merge the Outdoor and Catered Special Events:

1. Outdoor Special Event Defined: An "outdoor special event" is an outdoor public or private event sponsored by any licensed liquor establishment upon any owned or leased premises, other than for the purpose for which said premises are intended, arranged, designed or approved. The term "outdoor special event" shall include any event(s) where the sale, distribution and/or consumption of alcoholic beverages will occur outdoors within or upon any private street, sidewalk, park, or property.

2. Special Event Defined: A "special event" is a public or private event sponsored by any licensed liquor establishment upon any owned or leased premises, other than for the purpose for which said premises are intended, arranged, designed, or approved.

3. Length of Term: A special event shall not exceed twenty-four (24) hours in duration unless otherwise approved by the Liquor Commissioner. A special event permit shall not be issued more than three (3) times within any one-year period to any individual parcel and/or address. It is further established that not more than one outdoor special event permit shall be issued at any time in the Downtown Business District. Multiple special events may be approved at the discretion of the City Manager and Liquor Commissioner.

4. Notification of Property Use: To provide for the general health, welfare, safety and comfort of the general public, any licensed liquor establishment planning to use, or allowing to be used, any properties owned or leased by private or public individuals, firms or corporations for purposes of

conducting a special event shall notify the City Clerk a minimum of thirty (30) days in advance of such event.

5. Pumpkin Festival Weekend; Permits Prohibited: No special event permit shall be issued for or utilized during Pumpkin Festival weekend, which for purposes of this chapter shall begin on the Wednesday before the last full weekend of October and end at the completion of the last full weekend of October.

6. Permit Application:

a. Application for a special event shall be made to the City Clerk on forms provided by the City Clerk. Said application shall be in writing, signed by the applicant, if an individual, or duly authorized agent thereof if a member of a club, partnership or corporation and verified by oath or affidavit. The permit application shall be in accordance with the provisions as established in this section.

b. The City Clerk shall forward the application to the City Manager or his designee, who shall obtain comments from the various departments of the City and other applicable regulatory agencies as deemed appropriate, and forward any required revisions, considerations, conditions or comments to the applicant. It shall be the applicant's responsibility to amend, delete, add or alter any conditions as prescribed by the City which are deemed necessary to comply with the ordinances set forth in this Code. It is further the responsibility of the applicant to resubmit a revised plan to the City Manager or his designee for final consideration.

c. Upon receipt of an application, the review period for approval or denial shall not exceed ten (10) working days unless otherwise agreed to in writing by the applicant. A recommendation from appropriate City staff will be forwarded to the Liquor Commissioner, to grant, condition or deny the application. In the event an application is denied, it shall be the responsibility of the Liquor Commissioner to provide documentation to the applicant outlining the reason(s) for denial as well as any condition or conditions which can be amended by the applicant to facilitate issuance of an outdoor special event permit.

d. Accompanying each application shall be:

(1) A plot plan showing the lot or tract of land where the event will be held, including any existing or proposed structure (including accessory structures) thereon, location of existing or proposed easements, fire lanes, parking arrangements and vehicle access points, electrical supply sources, location of portable fire extinguishers, location of refuse and portable restroom facilities, any existing as well as proposed screening or barricading, and a detailed description of available means of egress or temporary alteration thereof.

(2) Name, address and phone number of all responsible parties conducting, supervising and/or sponsoring a special event.

(3) Proof of insurance (dram shop, liability, etc.) as may be required.

(4) Letters of permission by any property owner affected that may necessitate the acquisition of temporary easements, use of leased land or as otherwise required.

(5) Building permit applications shall be submitted and signed by licensed and bonded contractors (where required) in accordance with Code provisions. Provide a detail of any temporary or permanent changes, additions and/or deletions to any structural, electrical, mechanical or plumbing systems necessary to conduct an outdoor special event.

(6) Hours of operation of the outdoor special event.

(7) A detailed description of the hours of operation of any proposed live entertainment activities.

7. Permit Required: It shall be unlawful for any licensed liquor establishment to conduct an outdoor special event within the corporate boundaries of the city without having first secured a permit as prescribed in this section for such activity. Said permittee shall be responsible for compliance with this code and all other applicable county, state and federal regulations.

8. Permit Fee: The permit fee for a special event shall be a cashier's check, cash or money order in the amount of twenty-five dollars (\$25.00) per permit application. In addition, a deposit of two hundred dollars (\$200.00) will be required for signage, fencing, barricades, cleanup, or any additional city services required.

9. Issuance of Permit: Upon approval by the liquor commissioner, said permit shall be issued by the city clerk. Said permit shall be valid for thirty (30) days or as otherwise approved by the liquor commissioner.

10. Permit Denial or Revocation: A special event permit application may be denied or be revoked if:

a. The validity of the information provided by the applicant is incomplete or fraudulent;

b. The outdoor special event is found to be not in compliance with the ordinances of the city, county, state and/or federal laws;

c. The management, owner or duly authorized agent (permittee) conducts, maintains or allows to exist conditions or violations prohibited by any/all locally adopted building codes or this code; or, allows activities upon the permitted premises which are unlawful or which constitute or may constitute a public nuisance, a breach of the peace, or which are a menace to the health, safety or general welfare of the public;

d. The applicant, owner or permittee is a defaulter of the city;

e. Any lien of the city (i.e., garbage or rubbish removal, weed abatement, etc.) exists upon the property where the outdoor special event is to occur.

11. Penalty: Any person, firm or corporation violating any provision of this section shall be fined not less than two hundred fifty dollars (\$250.00) nor more than one thousand dollars (\$1,000.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

3-2-12: CONDITIONS OF LICENSE: Add New Language/Modification:

C. Change in Personnel:

- a. Any changes in partnerships, officers, directors, persons holding directly or beneficially more than five percent (5%) of the stock or ownership interest, or managers of establishments licensed under this chapter, shall be reported in writing to the Local Liquor Control Commissioner within ten (10) days of the change. All new personnel shall meet the standards of this chapter and must otherwise qualify to hold a local liquor license. All such changes in personnel shall be subject to review by the Local Liquor Control Commissioner within thirty (30) days of the change.*
- b. When a license has been issued to a partnership and a change of ownership occurs resulting in a partnership interest by one who is not eligible to hold a liquor license, said license shall terminate.*
- c. When a license has been issued to a corporation and a change takes place in officers, directors, managers, or shareholders of more than five percent (5%) of the stock, resulting in the holding of office or such shares of stock by one who is not eligible for a license, said license shall terminate.*
- d. When a license has been issued to an individual who is no longer eligible for a license, said license shall terminate.*
- e. All owners and managers in charge of a local liquor licensed establishment shall at all times be declared with such person(s) or entity names being on record with the Local Liquor Control Commissioner and the Chief of Police. At the discretion of the Local Liquor Control Commissioner, the new owner or manager may also be subject to a background and fingerprint check.*

3-2-14: MINORS: Add New Language:

A. Warning To Minors: Every licensee shall display at all times a printed card in a prominent place which shall be supplied by the City Clerk and which shall read substantially as follows:

Warning to Minors - You are subject to a fine up to \$500.00 under the ordinances of the City of Sycamore if you purchase alcoholic liquor, or misrepresent your age for the purpose of purchasing or obtaining alcoholic liquor.

3-2-15: SUSPENSION OR REVOCATION OF LICENSE: Add New Language:

A. The Mayor may, in accordance with the law and the provisions of the Liquor Control Act of 1934 (235 ILCS 5/1-1 et seq.), as amended, revoke or suspend any liquor dealer's license for any violation of any provision of this chapter or for any violation of any State law or regulation pertaining to the sale of alcoholic liquor. In addition to or in lieu of a suspension, the Local Liquor Control Commissioner may levy a fine on the licensee for such violations. The fine imposed shall not exceed one thousand dollars (\$1,000.00) for the first violation within a twelve (12) month period; one thousand five hundred dollars (\$1,500.00) for the second violation within a twelve (12) month period; and two thousand five hundred dollars (\$2,500.00) for a subsequent violation within a twelve (12) month period. Each day on which a violation continues shall constitute a separate violation.

Not more than fifteen thousand dollars (\$15,000.00) in fines under this section may be imposed against any licensee during the period of his license. Proceeds from fines shall be paid into the general corporate fund of the City Treasury. However, no such license shall be so revoked or suspended and no license shall be fined except after a public hearing before the Local Liquor Control Commissioner, with a three-day written notice to the licensee, affording the licensee an opportunity to appear and defend. Further, in the event that the Local Liquor Control Commissioner shall find a licensee guilty of violating any provision of this chapter, he/she may order the licensee to pay to the city reasonable attorney fees incurred by the city, the Chief of Police, and the Local Liquor Control Commissioner and other reasonable costs, including but not limited to the costs of court reporter fees and witness fees incurred by reason of the hearing.

B. If the Local Liquor Control Commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the community, he/she may, upon issuance of a written order stating the reason for such conclusions, and without notice of hearing, order the licensed premises closed for not more than seven (7) days, giving the licensee an opportunity to be heard during that period. If the licensee is also engaged in another business on the licensed premises, such order shall not be applicable to such other business.

C. The Local Liquor Control Commissioner shall within five (5) days after such hearing, if he/she determines after such hearing that the license should be revoked or suspended, or that the licensee should be fined, state the reason for such determination in a written order of revocation or suspension and serve a copy of such order within the five (5) days upon the licensee.

D. When any license shall have been revoked for any cause, no local liquor license shall be granted to any person for the period of one (1) year thereafter for the conduct of the business of selling alcoholic liquor in the premises described in the revoked license unless the revocation order has been vacated or was entered as to the licensee only and the new licensee is not in any way related to the revoked license.

E. Review of the decisions of the Local Liquor Control Commissioner shall be as provided for in Section 7-9 of the Illinois Liquor Control Act (235 ILCS 5/7-9).

3-2-16: DRAM SHOP INSURANCE: Add New Language:

Applicant shall provide evidence of proper dram shop insurance issued by a company with a B+ rating or better, in a class of 7 or better. Said insurance policy shall be nonassessable and include the following minimum limits of coverage: bodily injury per person, one hundred thousand dollars (\$100,000.00); bodily injury per occurrence, three hundred thousand dollars (\$300,000.00); injury to means of support, one hundred thousand dollars (\$100,000.00) and, property damage, one hundred thousand dollars (\$100,000.00).

3-2-17: BASSET TRAINING: Add New Language:

It shall be the duty of every licensee to require their officers, associates, members, representatives, agents, or any employee who sells, gives, oversees, or delivers alcoholic liquor or beverages to be trained and certified by the Beverage Alcohol Sellers and Servers Education and Training program (BASSET), licensed and administered by the State of Illinois Liquor Control Commission. Further, BASSET training and certification shall be a prerequisite to the issuance of local liquor licenses. It shall be the duty of the Local Liquor Commissioner to notify all licensed holders and persons making application for a license of this requirement. BASSET verification must be made available upon request and files indicating BASSET training shall be maintained on-site of every licensee.

The proposed modifications to the Liquor Control chapter of the Municipal Code are presented for review and discussion. Based on City Council direction, staff will prepare an ordinance for action at the first meeting in March. Any changes would not be effective until May 1, 2019.

City Council direction is requested.

C. Consideration of a Recommendation by the Building and Engineering and Public Works Departments to Award a Contract for the Abandonment of Well #5 to Great Lakes Water Resource Group of Joliet, Illinois in the Amount of \$66,743.50 Plus Contingency for Supplemental Work.

Well #5 is located at the intersection of Park Avenue and Becker Place and was originally drilled in 1962 to a depth of 1268 feet. While it produced quality water, the well has experienced issues with fine sand which entered the distribution system. In 2006, the City worked with local experts and completed rehabilitation of the well including the installation of a sand separator and flow sleeve. Despite these efforts, the issues with sand persisted and the well was taken out of service. The well has remained out of service since 2009.

At the direction of the Illinois Environmental Protection Agency, the City will abandon the well in accordance with the Illinois Department of Public Health standards. The well bore hole must be sealed with layers of pea gravel and sealant layers consisting of either bentonite chips or concrete slurry and capped with concrete. This work must be completed by a licensed well driller.

The project was advertised in the local newspaper and specifications were distributed in hard copy and electronic formats. Bids were received at the City Clerk’s office until 2:00 PM on February 12, 2019. A total of four bids were received from six potential bidders as follows:

1	Great Lakes Water Resource Group Joliet, IL	\$66,743.50
2	Water Well Solutions Elburn, IL	\$67,723.70
3	The Cahoy Group Sumner, IA	\$78,519.20
4	Municipal Well and Pump Sandwich, IL	\$125,628.00

Staff recommends award of the project to Great Lakes Water Resource Group of Joliet, IL in the amount of \$66,743.50. Staff also recommends that the contract value be increased by \$9,820 to a total of \$76,563.50 to include supplemental work be required to address sand related issues. The supplemental work would be completed per the agreed upon unit prices included with the bid and at the direction of the City Engineer.

City Council approval is recommended.

D. Consideration of an Administration Request for a Closed Session to Discuss the Setting of a Price for Sale or Lease of Property Owned by the Public Body.

- 14. OTHER NEW BUSINESS
- 15. APPOINTMENTS
- 16. ADJOURNMENT