

**VILLAGE OF MACHESNEY PARK**  
*Journal of Proceedings ~ Regular Meeting, July 20, 2020*

The meeting was called to order at 6:00 p.m. by Mayor Steve Johnson. *He indicated that Village Hall will be closed to the public during Committee and Board Meetings to prevent unnecessary contact and possible exposure to COVID-19.*

*He also reported that all Village Committee and Board meetings will be broadcast live on the Village of Machesney Park YouTube channel for citizens to watch at the scheduled meeting times. Please visit <https://machesneypark.org/meetings> for additional information on how to access the meetings or to fill out a request form to make a Public Comment. Submissions received by 4:00pm on the day of the meeting will be read during the Public Comment portion of the meeting. You may also listen to the recorded meetings at a later time by visiting the above webpage. Questions regarding this process may be emailed to [clerk@machesneypark.org](mailto:clerk@machesneypark.org). Trustee James Kidd gave the Invocation, which was followed by the Pledge of Allegiance led by Trustee Terri Bailey.*

Present: Mayor Steve Johnson, Trustees Joe Seipts, Jake Schmidt, James Kidd, Aaron Wilson, Terri Bailey, and Erick Beck

Present: Village Clerk Lori Mitchell  
Village Treasurer Deborah Alms  
Village Attorney Tom Green  
Acting Village Administrator/Comm. Dev. Dir. James Richter II  
Finance and Human Resources Manager Michelle Johannsen  
Village Engineer Chris Dopkins  
Public Works Superintendent Chad Hunter  
Public Safety Supervisor, Lt. Tammie Stanley

The Journal of Proceedings for the Regular Board Meeting from July 6, 2020 were approved per typewritten copy submitted by the Clerk on a motion by Trustee Schmidt and seconded by Trustee Seipts. Motion approved. On roll call: 6 ayes (Trustees Seipts, Schmidt, Kidd, Wilson, Bailey and Beck), 0 nays, 0 absent

Village Treasurer Deborah Alms presented the Treasurer's Report as of July 13, 2020, which reflected a total of all funds to be \$14,715,182.81. A motion was made by Trustee Wilson and seconded by Trustee Schmidt to accept the Treasurer's Report. Motion approved. On roll call: 6 ayes (Trustees Seipts, Schmidt, Kidd, Wilson, Bailey and Beck), 0 nays, 0 absent

Clerk Mitchell announced the winners of the July Yards of Distinction Awards. They are as follows:

- District #1 - The Schlacks Residence, 7814 Hawks View Drive
- District #2 - The Nordstrom Residence, 10062 Gentian Drive
- District #3 - The Buss Residence, 4510 Pine Al Drive
- District #4 - The Murray Residence, 118 Old Harlem Road
- District #5 - The Jackson Residence, 122 E Greenview Avenue
- District #6 - The Elliott Residence, 201 Shoreland Road
- Business - U S Army Reserve Center, 4055 Steele Drive

The Clerk Mitchell also indicated that there were no public comments submitted prior to the Board Meeting that relate to Agenda Items and there was no one in the waiting room.

Trustee Wilson presented the warrant in the amount of \$242,674.99 and moved for its passage; seconded by Trustee Seipts. Motion approved. On roll call: 6 ayes (Trustees Seipts, Schmidt, Kidd, Wilson, Bailey and Beck), 0 nays, 0 absent

**ADMINISTRATIVE REPORTS**

*Mayor Steve Johnson provided an update on the Phase 4 of the Governor's Restore Illinois Program. Phase 4 is the revitalization phase. Following are some of the changes that have been occurring:*

- *Gatherings of 50 or fewer are allowed;*
- *All School and Children Care Facilities can reopen under Illinois Department of Public Health approved guidelines (this includes colleges, preschools through grades 12 and summer programs;*
- *All employees can return to work with IDPH approved safety guidance, but employers are encouraged to provide accommodation for the COVID-19 vulnerable employees;*

1. Minutes Approved

2. Treasurer's Report

3. Communications

Yards of Distinction

4. Warrant/Approved

5. Administrative Reports

6. Mayor's Report

- All manufacturing businesses can open and retail businesses will be opened with capacity limits in place;
- Cinema and theaters can reopen with capacity limits in place;
- All outdoor recreations are allowed and all health care providers can open

While more business are open in Phase 4, wearing masks will continue to be required and overall the practice of social distancing will continue. Expanding to eleven regions allows for a more gradual approach in this Phase 4 response to COVID-19. He summarized the locations of the new regions.

The Village continues to monitor the daily reports from the Winnebago County Health Department which is showing a downward percentage for Winnebago County.

Further, he reminded everyone about the Groundbreaking for the Strong Neighborhood House on July 23<sup>rd</sup> at 2:00 p.m. at 825 Marie Avenue.

**Attorney Tom Green** had no report this evening.

**Finance and HR Manager Michelle Johannsen** had no report this evening.

**Acting Village Administrator/Community Development Director James Richter II** had no report this evening.

**Public Works Superintendent Chad Hunter** reported about the request for speed bumps for Scott Lane that came in to the PISC Committee. He indicated speed bumps do slow traffic, but historically, the Village has not put in speed bumps due to the many other issues that arise from putting them in. He said he did get a chance to talk to the homeowner that put in the request for the speed bumps last week. He talked to her about those issues and gave her some options that the Village will try out in her neighborhood. He said we will try some signage, the speed trailer, and increased police presence and ticketing of speeders. He is hoping this will help deter the speeders in that area.

**Village Engineer Chris Dopkins** gave a summary of road projects in the Village as follows:

- 1) Mitchell Road Improvements – This was under a pause as there was a conflict with ComEd that has been resolved and paving is tentatively scheduled for later this week. This project should be wrapped up in early August.
- 2) Stonehedge Project – The contractor is completing punch list items out there on this project. This should be wrapped up within the next week or so.
- 3) Public Works Building – He reported that the steel for the entry feature for the building will be arriving this week and he is hoping the contractor will get the entry completed so the landscaping can also be completed.
- 4) A project that we have not talked about much recently is that IDOT has been busy in our area resurfacing Rt 251. They have finished in the Village and have expanded their construction farther north along 251. They have also been resurfacing Rt 173 out by Rock Cut. That has been wrapped up.
- 5) Puri-173 Project activity has resumed out there. They did get the curb in and all the gaps are poured now. They have been out there shaping both behind the curb and the stone, getting ready for pavement. If all goes well, we will see pavement go down toward the end of this week.

**Public Safety Supervisor, Lt. Tammie Stanley** had no report this evening.

#### COMMITTEE AND TRUSTEE REPORTS

**District #1 Trustee Seipts, Public Improvements and Safety Chair** reported the PISC Committee met this evening and reviewed Resolution 41-R-20 which will be on the Consent Agenda tonight with a positive recommendation. Further, he thanked Lt. Stanley and her staff for assisting with some issues in his District recently.

7. Attorney's Report
8. Finance/HR Manager
9. Acting Village Adm.
10. Public Works Supt.
11. Village Engineer
12. Pub Safety Supervisor
13. Committee Reports
14. District #1 Report

*District #2 Trustee Schmidt, Administration and Finance Vice-Chair had no report this evening.*

16. District #2 Report

*District #3 Trustee Kidd, Public Improvements and Safety Vice-Chair thanked Lt. Stanley for her assistance during the last few months. She is always prompt and on time.*

17. District #3 Report

*Secondly, he indicated that he appreciates James Richter filling two roles in the Village. Further, he thinks that the Village should be moving forward in discussions regarding these positions and the appointments to fill them.*

*District #4 Trustee Wilson, Administration and Finance Chair, had no report this evening.*

18. District #4 Report

*District #5 Trustee Bailey, Planning and Economic Development Chair, had no report this evening.*

19. District #5 Report

*District #6 Trustee Beck, Planning and Economic Development Vice-Chair, had no report this evening.*

20. District #6 Report

CONSENT AGENDA - Mayor Johnson noted that the next item is the Consent Agenda. He asked Staff to introduce all items to be considered under the Consent Agenda.

21. Consent Agenda

Acting Village Administrator James Richter II, presented the items under Item X. Consent Agenda as follows:

- A. Ordinance 23-20, Extending a Special Use Permit for a Public Utility in the CG District, for a community solar project that will have solar rays not to exceed eight feet in height at 7740 Perryville Road, First Reading
- B. Ordinance 24-20, Granting a Variance from Length of Time Until Lapse of SUP, allowing the applicant two years (rather than one year) to construct the community solar project at 7740 Perryville Road, First Reading
- C. Ordinance 25-20, Granting a Zoning Variance to Allow an Above Ground Pool in the Front Yard Abutting Street Side Setback at 203 Osprey Ridge, First Reading
- D. Ordinance 26-20, Granting a Variance from Floodway Conservation Overlay Regulations, to allow the Replacement of an Existing Carport at 7840 Shore Drive, First Reading
- E. Ordinance 27-20, Granting a Zoning Variance to Allow a Replacement Carport that is to be Constructed as a Permanent Accessory Structure Without First Having a Principal Structure on Site at 7840 Shore Drive, First Reading
- F. Ordinance 28-20, Amending the Trash Enclosure Design Requirements of the Industrial Design Standards Within the Zoning Ordinance, First Reading
- G. Ordinance 29-20, Approving a Text Amendment to the Home Occupation Permit Requirements, enacting an Annual Review of all new Home Occupations, Going Forward, First Reading
- H. Ordinance 31-20, Approving a Text Amendment to Zoning Code creating standards for Temporary Uses and Structures, First Reading
- I. Resolution 39-R-20, Authorizing a one-year Joint Funding Agreement with the City of Loves Park and Winnebago County for the Latham Park River Gauge
- J. Resolution 40-R-20, Approving a four-year Police Services Agreement with Winnebago County Sheriff's Department
- K. Resolution 41-R-20, Authorizing the Village to Bid the 2020 Pavement Maintenance Program

Ord 23-20/1<sup>st</sup>/Pass  
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Ord 27-20/1<sup>st</sup>/Pass  
Ord 28-20/1<sup>st</sup>/Pass  
Ord 29-20/1<sup>st</sup>/Pass  
Res 39-R-20/Pass  
Res 40-R-20/Pass  
Res 41-R-20/Pass

Mayor Johnson asked if there were any items to be removed from the Consent Agenda to be considered separately. Trustee Kidd requested Item H. Ordinance 31-20, Text Amendment to Zoning Code for Temporary Uses and Structures, First Reading, be removed and considered separately. Mayor Johnson indicated this item will be considered under Unfinished Business. There were no other items removed from the Consent Agenda. The Consent Agenda was accepted as amended.

Mayor Johnson called for a motion to approve all remaining items under the Consent Agenda. The motion was made by Trustee Wilson and seconded by Trustee Beck. The motion was approved by roll call vote: 7 ayes (Trustees Seipts, Schmidt, Kidd, Wilson, Bailey, Beck and Mayor Johnson), 0 nays, 0 absent

UNFINISHED BUSINESS: Mayor Johnson called for a motion to approve Ordinance 31-20, Text Amendment to Zoning Code for Temporary Uses and Structures, First Reading. The motion was made by Trustee Schmidt and seconded by Trustee Kidd. Staff Report: Acting Village Administrator/Community Development Director James Richter II reported that Ordinance 31-20 is in regards to a proposed text amendment for regulating temporary uses and structures. Currently, the Village has no way to oversee or regulate temporary events like fairs, festivals, races or any other temporary events. In the cases of these temporary events occurring, if there is a perceived violation, by the time a notice of violation can be written, the event is usually over. The Village idea is to require a Temporary Use Permit on the front end that would allow staff to review a site plan, proposed details for the event and then if there are tents or anything that might have anything structural that would need to be reviewed, it would allow us to have an inspection prior to the event actually occurring. This would ensure that whatever is happening on site is safe. Also, ensures us to confirm with the owner of the property that appropriate insurance is in place, protecting anyone who attends any of these events. He further indicated this is not intended to be a moneymaker. The fee is \$20 and would be approved administratively. If there is alcohol associated, someone would have to go through the liquor license process. Staff feels it would be an added benefit to take a look at those events to make sure they are done safely. We propose the Temporary Use administrative process be approved.

Discussion: Trustee Kidd indicated that he understands this is for events, but recently he became aware of a temporary structure at the residence of Mr. Watson. He uses this temporary structure to put his lawn furniture in during the winter. He described the structure. Tr. Kidd said that Mr. Watson stores his plow and lawn equipment in this structure during the summer. Tr. Kidd asked if there is a way that the Village can allow a homeowner (who might not be able to afford a \$3,000 shed) to have a temporary structure of this nature in which to maintain his seasonal items. Trustee Kidd made a motion to table Ordinance 31-20 to August 3, to give the Trustees and Staff to review adding language to this ordinance to permit this type of structure whereby it can renewed and reviewed each year to make sure it is being maintained in good condition. Trustee Kidd withdrew his motion.

Further Discussion: Trustee Schmidt reviewed his understanding of the motion as though deemed temporary in nature, it is located on the property permanently. He asked AVA Richter if this would not be governed by the regulations in the Building Code. AVA Richter indicated it is a combination of the Building Code and the Zoning Code. It is deemed a temporary structure because it is not constructed as a permanent structure thereby there is no foundation, there are no piers, and the structure itself does not meet adequate wind loads. If someone wants to put one of those up to have a party... it has a vinyl tarp over the top in a sort of peaked roof, and it is a great structure to have a party under to protect attendees from the rain. As far as being something permanent, it does not meet the Building Code. That is why it has been deemed as a temporary structure. It is only allowed for thirty days. Mr. Watson would like to keep that structure there year around to store items in. Staff has concerns about this and have consistently enforced throughout the Village that residents cannot have those carportish, vinyl, plastic covered temporary structures because they tend to take off with the wind and damage other people's properties or they have a tendency to get beat up over time and look dilapidated. Further AVA Richter said it is somewhat related to this, but it is more of a Building Code issue. Tr. Schmidt said that is why he brought it up because of his concern if it should be looked at here or should it be considered from a Zoning Code perspective. Tr. Kidd reemphasized that because it is a temporary structure, it is in a gray area. What is unique about his temporary structure is that it has been up for over a year and has been maintained properly even during the harsh winter. That is why he is addressing this as a temporary structure because it has been maintained properly and he wants to have nice things. Tr. Kidd said he feels that as an elected official, it is his job to advocate for residents to the best of his ability. He feels this should be tabled to allow more discussion. If it doesn't succeed, it will not be because of a lack of effort on the Trustee's part. AVA Richter indicated the Staff would be

22. Unfinished Business

Ord 31-20 Tabled to  
August 3, 2020

happy to do some research on this and bring it forward and perhaps more adequately separate the two items as necessary. He said there is no rush on this and the Staff would be happy to bring it back in the future if it is Trustees' desire.

Trustee Seipts asked for a definition of temporary. He indicated that he doesn't feel this should be considered a temporary structure as it has been there for over a year. Trustee Beck indicated that the Building Code defines temporary structures. Perhaps we should look at that and tweak the temporary structure qualification to help some of these residents.

Trustee Kidd made a motion to table Ordinance 31-20 to August 3, 2020 to have better discussion with the citizen and staff; seconded by Trustee Seipts. Motion approved. On roll call: 6 ayes (Trustees Seipts, Schmidt, Kidd, Wilson, Bailey and Beck), 0 nays, 0 absent

Ordinance 31-20 is tabled to August 3, 2020.

NEW BUSINESS: None

PUBLIC COMMENT: Clerk Mitchell indicated that even though Supt. Hunter has already addressed the issue with a resident, she is obliged to read the Public Comment email she had received and read previously during Public Improvement and Safety Committee. The email from Tiffney Hammond who lives on Scott Lane indicated she wished it read at the Board Meeting as well. She wrote the following: "I am requesting that speed bumps be added to Scott Lane south of Harlem Road in Machesney Park. There are many children in our neighborhood and I fear for their safety including the safety of my own children. People constantly speed down our street specifically because it is the first street that goes all the way straight through to Maple from Harlem Road. I have seen cars going over 50 MPH! I do not want to see anybody hurt or killed, so I plan to keep pushing this issue until it is resolved."

There were no call-ins for public comment.

CLOSED SESSION: None

Trustee Kidd moved to adjourn; seconded by Trustee Beck. Motion approved by voice vote. Meeting adjourned at 6:29 p.m.

APPROVED:

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Lori J. Mitchell, MMC  
Village Clerk

BOARD MEETING – FIRST AND THIRD MONDAY AT 6:00 PM EXCEPT WHEN A HOLIDAY FALLS ON A BOARD MEETING MONDAY, THE MEETING IS RESCHEDULED FOR THE TUESDAY AFTER THAT HOLIDAY.

Administration and Finance Committee – First and Third Monday @ 5:45 PM prior to a regularly scheduled Board Meeting.

Planning and Economic Development Comm.- First Monday of each month at 5:30 PM

Public Improvements and Safety Comm. - Third Monday of each month at 5:30 PM

Planning and Zoning Commission – Fourth Monday of each month at 6:00 PM

These minutes are not official unless signed and sealed by the Village Clerk.

23. New Business: None

24. Public Comment

25. Closed Session

26. Adjourn