



# City of SANDWICH, ILLINOIS

City Hall Annex · 128 East Railroad Street

## Committee-of-the-Whole Council Meeting

June 19, 2023 immediately following Regular Council Meeting

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## MINUTES

Mayor Latham called the meeting to order at 7:51 pm. Roll call was taken:

**Present:** Mayor Latham, Deputy Clerk/City Administrator Penman, Alderwoman Erickson;  
Aldermen Arnett, Fritsch, Kreinbrink, Littlebrant, Robinson & Whitecotton

**Absent:** Clerk Ii; Alderwoman Johnson

Quorum established

**Also Present:** Attorney Gottschalk, Interim Police Chief Bleichner, & EMA Director Ciciora

### Mayor Latham:

Mayor Latham reminded the Council of upcoming City events.

- Blaze in the City Car Show - July 1 Registration 8am Car show starts at 12pm
- Freedom Day Parade July 1 – 10am – Rain Date is July 2
  - The Park District has requested a Judge for the Parade
- Fireworks are July 1<sup>st</sup> at Dark at the Fairgrounds  
The mayor reminded residents be extra careful with fireworks with the dry weather.
- Mentioned a request from Sidetracks to close a street from 6:00 am – 11:00 pm to hold their annual Ribfest fundraiser on July 15<sup>th</sup>. Proceeds for the event are to help fund the Park District's dog park. The Council did not object to the street closure.

Mayor provided an update on meetings he has attended recently.

- Attended Kendall County Mayors meeting. Senator Sue Rezin was the guest speaker. Spoke with the Senator about Com Ed and Solar Fields.
- Reminded Council of the Planning and Zoning meeting scheduled for June 28 at 6:30p.m. at Dekalb County about the Pratt Road Solar Field.
  - Alderman Robinson stated a concern that he had heard from an individual that read the report from Hearing officer Dale Clark about the Pratt Road Solar Field. That individual mentioned that there was incorrect information in that report and did not accurately reflect the City's concerns.
  - Mayor Latham assured Alderman Robinson that he has pointed out that the report downplayed our position at the last meeting he attended and is continuing to make that point.
- Met with developer and our engineers and attorney to discuss potential development of Deerpath Woods.

- The mayor and staff met with EEI for a preliminary review of the Water System plan they are developing. They still have additional work to complete. We anticipate progress in a few months.

Mayor mentioned that the registration is open for the 110<sup>th</sup> IML Conference September 21 – 23 at the Hilton Chicago if some of the Council would like to attend.

**Foster, Buick, Conklin, Lundgren & Gottschalk Law Group:** Attorney Gottschalk has scheduled sexual harassment training for Council Members and staff on June 5<sup>th</sup> at 5:00 pm in the Council Chambers. As second date is being rescheduled.

**City Clerk li:** No report

**City Treasurer:** The position is vacant after the April 4<sup>th</sup> election. Council will consider eliminating the position altogether, and if so, the question will be posed on a voter ballot at the next election.

**City Administrator Penman:**

Looking to bring updated Ordinance on the International Building Code First Reading July 17<sup>th</sup>  
Commented on the Air Conditioning in the Council Chamber.

Downtown Plantings have been made

Lafayette Street project moving along

Griswold Springs culvert is done. Little Rock Township has completed the paving along Griswold Springs Road.

Work has started on Latham Street to move utility poles.

Penman explained complications Commonwealth Edison is having the moving of 34kv lines (super High Voltage) is dangerous and is limited this time of year due to the management of the grid so only those lines can not be off line for more than a few days at a time.

Mayor Latham reminded everyone that all of this work is taking place within the Utility easement and not on private property. The City has no control over where the poles are placed and that as long as they are in the easement it is not debatable. We have recently had residents upset that poles were being placed in “their yard” when they are being installed within the Utility easement.

Penman also reminded residents that it is illegal to remove JULIE markings from the right of way as this will delay the work even further.

Alderman Robinson inquired about the city doing mowing along Latham Street prior to the Parade on July 1. The mayor has discussed

Alderman Littlebrant inquired about the Main Street Project, and what we can do to avoid the same issues arising with utilities on that project.

Code Enforcement person was mentioned and provided Council with a list of the cases she is working on.

Alderman Littlebrant clarified the Code Enforcement role as to whether she is just following up with current cases or if she is identifying problems.

Penman explained the approach that is being taken to identify and work with residents to improve their properties.

Mayor pointed out a three point plan

1. Police can always identify and site violations
2. Code enforcement is to identify and work with residents.
3. Building official is working on building violations.

Alderman Littlebrant mentioned appreciation to the Interim Chief and his appreciation for the work that is being done on the Code Enforcement front.

Alderman Robinson mentioned some discrepancy in the past with property owners being listed as the violator instead of the renter. Cassandra commented that it is the property owners responsibility to ensure that the renter complies.

### **City Department Reports:**

**EMA Tom Ciciora** - No report

**Police Chief** – Mentioned establishment of Building committee for the new building. Landscaping is underway. Nothing is happening with the detention area.

Public service announcement – Independence Day activities – Reminded everyone that the use of fireworks is discouraged as they can cause difficulty for individuals with health concerns and those that do shift work. Illegal Fireworks are not allowed and that typically this time of year calls about fireworks tend to increase and increase our call volume. Our police will be responding.

Mayor mentioned that the building committee identified some aspects at the building that need to be corrected prior to the warranty expiration. Harbour Construction has been responsive

### **Aldermen Reports:**

Alderman Arnett – Noted an issue that he was made aware of with a driveway on Wolfe Street. He expressed his appreciation to Brian and Nick for their quick response.

Alderwoman Erickson – Noted activities of the Technology Committee – Went over User agreement policy and starting to update inventory.

Alderman Fritsch – No report

Alderman Kreinbrink

- Mentioned appreciation for the Code Enforcement officer report. Encouraged WSPY to promote it.
- Inquired about the upcoming Plan Commission Meeting on July 11<sup>th</sup> and the notification requirements for unincorporated neighbors that fall within 250' of proposed zoning change. Cassandra is to research it and make a recommendation.

Alderman Littlebrant – No report

Alderman Robinson

- Mentioned that we need to determine whether or not to do a referendum to eliminate the Treasurer position at the next election. Clerk sends a notification as to the last date we can add items to the ballot.
- Sought to clarify the purpose of amending the outdoor dining ordinance for use as a Food Truck café.
- Mayor Latham clarified that the proposed revision is intended to allow an established business that does not typically serve food to be able to extend the premises of their establishment outdoors when the Food Truck is being hosted by the establishment with the liquor license. It provides guidelines for how that area is defined. The Food truck can not sell alcohol, only the host would be able to, but only during the hours the food truck is open and for limited time before and after the event.

Alderman Whitecotton – no report

### **New Business:**

#### **Discussion of potential downtown parking locations**

Mayor expressed concerns from the Citizens advisory Committee about the need for additional parking downtown. Specifically, the 302 S. Main? (College Street) location and possibly the Railroad Street area West of the Marcy Block.

Alderman Robinson mentioned there should be a file that has estimated number of parking spots and potential costs.

Mayor discussed that he has heard from local business that our parking lot requirements make it to costly for businesses to make improvements. It was noted that if that is the case it should be looked at.

#### **Discussion of Streetscape Plan for downtown**

Mayor mentioned contacting a firm to possibly present at an upcoming meeting. He anticipates asking them to create a block concept that can be replicated from block to block. Alderman expressed concern that a streetscape could restrict existing parking. Council provided consensus to allow the mayor to proceed.

#### **Discussion of Chapter 86 Utilities. Section 86-5 Service Pipes**

Issue has arisen as to what the City is responsible for Water and Sewer pipes and what Residents are responsible for.

Attorney Gottschalk discussed Chapter 86 as to how the current municipal code reads.

There are three articles in Chapter 86:  
Article 1 - In General (Both water and sewer)  
Article 2 - Water  
Article 3 - is Sewer

Alderman Littlebrant clarified that this discussion is to establish who is responsible for what the City is responsible for.

Alderman Kreinbrink discussed a situation on Lafayette Street where there is an unmarked sanitary line on their property with a clean out in the yard. He stated that the city should be able to help locate that line between the cleanout and the main as it lies within the City's Right of Way. Staff has stated that it is the responsibility of the homeowner.

Alderman Kreinbrink stated that the homeowner should be responsible from the cleanout to the house, as in this case the line that runs from the sewer main to the cleanout is within the city's right of way.

Staff has historically interpreted the ordinance that the City's responsibility is

- From the water main to the shutoff valve (b-box) for water services.
- From the sewer main to the house or structure for sanitary sewer.

Alderman Littlebrant expressed concern as to the cost of trying to locate sewer lines as they are made of plastic and are not locatable with traditional locating equipment.

Mayor Latham suggested that we take a bit of time and look at JULIE requirements to do additional review of the situation and how any changes from our current interpretation would affect City operations and costs.

### **Discussion of Section 70-20 "Driveways" as it relates to current specifications and requirements**

Attorney Gottschalk read section 70-20

#### **Sec. 70-20. Driveways.**

- Permit required.* No person shall construct a driveway for vehicles or animals, which driveway crosses any sidewalk in the city or abuts any street or public way within the city, without first having obtained a permit therefor. Applications for such permits shall be made to the city clerk and shall be accompanied by the fee required. All such permits shall be subject to the approval of the director of public works. The fee for a driveway permit shall be \$100.00.
- Grade surfaces.* No driveway shall be so constructed or graded so as to leave a step, sharp depression or other obstruction on the sidewalk or public way. The grade shall be as nearly as possible the same as that of the adjoining sidewalk or public way. It shall be unlawful for any person to have the surface finish of any driveway where the driveway crosses the sidewalk or abuts the public way constructed in such a manner and of such materials so as to render it slippery or hazardous to pedestrians using the sidewalk or to vehicles using the public way, or to have the grade of such portion vary from the grade of the sidewalk, or be other than level or be a hazard to the public way.
- Specifications.* Driveways across sidewalks or abutting a street or public way within the city shall be paved with only hot mix asphalt or concrete and constructed in compliance with specifications adopted by the mayor and city council. Such driveways shall be fully completed and paved in accordance with the provisions of this section within one calendar year from the date a permit is issued therefor, or within one calendar year of occupancy of a building for which a building permit is issued for the construction of any new building or addition to a building whether commercial, industrial or residential to be served by or benefited by such driveway, whichever date shall occur first. The completion period may be extended by the mayor and city council upon good cause shown. For driveways which are designed to abut to any city street which is not

improved with curb and gutter, such driveways, if paved with concrete, shall terminate at the sidewalk for the concrete portion of the driveway, in circumstances where there is a sidewalk present. Such driveways shall be paved with asphalt from the sidewalk to the city street to eliminate the necessity of concrete cutting when the city street is resurfaced or replaced. In circumstances where there is no sidewalk present, concrete driveways shall terminate five feet from the edge of the city street where no curb and gutter are present. In that circumstance, the remainder of the driveway, from the terminal edge of the concrete, shall be paved with asphalt to the edge of the city street. In circumstances where the city street is improved with a curb and gutter, a concrete driveway may be installed to the edge of the curb, and such concrete driveway must be flush with any sidewalk that may be present, and it must be flush at its edge with the edge of the curb. Any asphalt driveway must be flush at its edge with the edge of the city street, and must be flush at its edges with any sidewalk, when a sidewalk is present; all in compliance with subsection (b) of this section. No driveway shall be constructed without first having obtained a permit therefor. The construction of any driveway shall be subject to the inspection of the city's superintendent of streets.

- (d) *Repairs.* It shall be the duty of the person maintaining the driveway to keep the driveway in good repair where it crosses the sidewalk or abuts a city street or public way and free from obstructions and openings.

(Code 1983, § 14-21; Code 2002, § 66-20; Ord. No. 94-2, § 14-21, 1-24-1994; Ord. No. 97-35, § 1, 11-24-1997; Ord. No. 2003-39, §§ 1, 2, 10-27-2003; Ord. No. 2004-02, §§ 1, 2, 1-26-2004)

Alderman Kreinbrink stated that the current ordinance is very confusing.

- If the driveway is on an improved street (curb and gutter)  
A concrete driveway can extend to the curb and gutter.

If the driveway is on an unimproved street (no curb and gutter), concrete is not allowed to extend to the edge of the street under any circumstances.

The size of the required asphalt apron varies as to whether or not there is a sidewalk.

- If a sidewalk is present the entire apron from the street to the sidewalk is to be asphalt.
- If there is not a sidewalk present the concrete is to terminate no less than five (5') feet from the edge of the street.

Alderman Kreinbrink discussed the situation on Lafayette Street and that the resident there has a concrete driveway that extends to the edge of the Lafayette Street (which is unimproved, but does have a sidewalk). As part of the preparations for the Lafayette Street project the concrete apron that is within the City's right of way needed to be cut to complete the work. The resident is insistent that the City should replace his driveway with concrete. According to our municipal code that driveway would not be permitted to be installed today.

The discuss turned to a number of driveways that appear to have gone in over the past few years that do not meet city code. Questions were raised as to who conducts the inspections and whether driveways permits were being applied for or not. For the past year at least they have been completed by the Superintendent of Streets. It does appear that some driveways have been installed without applying for permits.

Alderman Robinson mentioned that we need to fine those individuals that have installed driveways without permits. The last time the ordinance was changed was 2004 Mayor Latham asked that the Clerk research the verbiage of the old ordinance.

Alderman Arnett mentioned his concern about the property he had involvement with on Wolfe Street. He said that the problem there was exacerbated by a neighboring property that drains stormwater onto that property, and was undermining the driveway base. He said he thought there may be section of the community that would benefit from concrete driveways being installed. Especially in the 2<sup>nd</sup> ward.

Mayor Latham stated that the Council should go back and look at this and try to clean up the ordinance to make it clearer for the community.

Scott Colle, 323 East Center Street expressed his disagreement with the driveway ordinance. His opinion is that there are many instances where there are concrete driveways in the community, and that the city only wants to put concrete back to make it easier. He stated that he has lived there 8 years, and feels that it is only fair to replace the concrete with concrete.

**Adjournment:** There being no further business to come before the Council, **motion made by Alderman Robinson and seconded by Alderman Littlebrant to adjourn the Committee-of-the-Whole council meeting at 9:18 PM. Motion carried unanimously on voice vote.**

/s/ Geoff Penman – Deputy Clerk