

**Village President**

Jennifer Konen

**Village Administrator**

Scott Koeppel

**Village Clerk**

Tracey R. Conti



**Village Trustees**

Matthew Bonnie

Sean Herron

Heidi Lendi

Sean Michels

Michael Schomas

James F. White

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**MINUTES  
VILLAGE OF SUGAR GROVE  
BOARD MEETING  
APRIL 2, 2024, 6:00 P.M.**

**1. Call to Order**

President Konen called the meeting to order at 6:02 pm.

**2. Pledge of Allegiance**

Trustee Schomas led the Pledge of Allegiance.

**3. Roll Call**

On March 5, 2024, the Village Board meeting was held in person at the Village Board room located at the Police Department.

**Present:** President Jennifer Konen, Trustee Sean Herron, Trustee Matthew Bonnie, Trustee Michael Schomas, Trustee Sean Michels, Trustee James F. White, Trustee Heidi Lendi.

**Absent:** None

**Additional Attendees:** Administrator Koeppel, Attorney Julien, Finance Director Anastasia, Community Development Director Magdziarz, Planning and Zoning Administrator Marion, Public Works Director Merkel, and Economic Development Director Cassa.

**4. Public Hearing**

**a. Fiscal Year 2024-2025 Budget**

President Konen opened the Public Hearing for the 2024 -2025 Fiscal Year Budget.

Director Anastasia stated that this is to approve all funds of the 2024-2025 Fiscal Year Budget. Notification of the public hearing was published in the Kane County Chronicle on March 14, 2024. There were no public comments, and the hearing was closed.

**5. Appointments and Presentations**

**6. Airport Report – None**

**7. Public Comment on Scheduled Action Items**

- Curt Mayberry commented about the potential solar farm at the Aurora Municipal Airport.
- Herb Walton commented about the potential solar farm at the Aurora Municipal Airport.
- Ken Schaubel commented about the potential solar farm at the Aurora Municipal Airport.

- Perry Elliott commented on the 1% increase in the water utility bill.
- Ashley Entile commented on the potential solar farm at the Aurora Municipal Airport.
- Daniel Entile commented on the potential solar farm at the Aurora Municipal Airport.

## 8. Consent Agenda

- Approval:** Minutes of the March 19, 2024, Board Meeting
- Approval:** Vouchers
- Resolution:** Approving the Capital Improvement Program FY 2025-2029
- Resolution:** Amending Certain Rates and Fees (Water and Sewer)
- Resolution:** Amending Certain Rates and Fees (Refuse)
- Resolution:** Amending Certain Rates and Fees (Vehicle Use Fee Infrastructure Maintenance)
- Resolution:** Amending Certain Rates and Fees (New Home Fee)

Trustees Michel and Lendi requested that item h, Resolution: Amending Zoning, Subdivision, and Building Permit Fees and Other Charges, be removed from the Consent Agenda vote.

Motion by Trustee White, seconded by Trustee Herron, to approve Consent Agenda a - g as presented.

**Ayes: White, Herron, Michels, Lendi, Bonnie, Schomas; Nays: None; Abstain: None; Absent: None**

### h. Resolution: Amending Zoning, Subdivision, and Building Permit Fees and Other Charges

Trustee Michels asked about changing the curb profile to a rolled curb. It was noted that this would be addressed under 11b. on the agenda.

Trustee Lendi asked for clarification on penalty 10a. It was explained that either a homeowner or a contractor doing work without a permit would incur a penalty.

Motion by Trustee Herron, seconded by Trustee White, to approve Consent Agenda item h. as previously stated.

**Ayes: Herron, White, Schomas, Michels, Lendi, Bonnie; Nays: None; Abstain: None; Absent: None**

## 9. General Business

### a. Ordinance: Approving a Special Use Permit – Community Solar 1 (Aurora Airport)

At 6:30 pm, Trustee Bonnie recused himself from voting on items 9a and 9b - Community Solar 1 and Community Solar 2 - and left the room.

Director Magdziarz explained that the applicant verified that they would bury the existing utilities and the interconnection between the solar field and the distribution lines. There were no further updates.

Director Magdziarz was asked about the completeness of the application. He confirmed that all the necessary information for the special use permit had been received. He also explained that although there is additional information required by the Ordinance, it is specifically geared towards building permits and is not necessary for the special use permit. However, this additional information is required for the building permit, in addition to any other conditions that may be set by the Village Board for the Special Use Permit. Director Magdziarz clarified that while the Ordinance does require this information, it does not make sense to require it at this stage in the process. When the regulations were adopted, it made sense to request this information upfront until they received an application and realized that some of the requirements were out of order.

Atty. Julien stated that it's up to the village how this should be processed, and it's not unusual to add conditions. If the conditions are met, the special use permit is approved; if not, it's denied.

President Konen asked the Board for their stance regarding the petitioner's special use application.

Director Magdziarz said it's not uncommon for a Village Board to approve a zoning application with conditions. Sometimes, applications are incomplete, and approval is granted with the stipulation that it must be completed later.

Director Magdziarz reviewed the requirements of the special use permit at the request of President Konen and identified missing information in the application.

During the project planning phase, the Village Staff and the applicant held a meeting with the Kane County Stormwater Resources Group to gain a better understanding of the stormwater management expectations for this type of project and how to manage this type of site. The Kane County Staff provided the necessary information for this particular project, which has been shared with the petitioner. We are now waiting for their response. Usually, this information is obtained during the permitting process.

The Board considered the questions and concerns raised during the March 19 meeting and reviewed the responses from the applicant.

President Konen reminded the Board that what is being approved is the zoning for this project.

During the meeting, the time frame for Soil and Water Analysis was discussed. Initially, the Plan Commission requested a 5-year analysis, while the applicant suggested a 10-year analysis. The applicant also clarified that palladium is not water-soluble and the solar panels are designed to withstand hail damage. It was recommended that if the panels do get damaged, a stipulation should be added to conduct a water analysis within a certain number of days.

A straw poll revealed that the Village Board would favor the special use for Community Solar 1.

During the meeting, there was a discussion about whether the application would require resubmission and be sent to the Plan Commission if additional information is requested that could potentially affect the Commission's decision. The Village Board also discussed Community Solar 2 and decided to include it in the same conversation.

During a discussion about a report on solar panels, there were concerns raised about the glare that could affect a nearby resident's home. It was suggested to consider reorienting the panels to mitigate the issue. The applicant acknowledged that it was possible to do so and that a more detailed analysis could be conducted.

A straw poll determined that the Village Board would not support the special use permit for Community Solar 2.

Staff will submit a text amendment to the Plan Commission to update the special use application requirements for Community Solar.

Motion by Trustee White, seconded by Trustee Michels, to postpone agenda item 9a.

**Ordinance:** Approving a Special Use Permit – Community Solar 1 (Aurora Airport) to the next regularly scheduled Village Board Meeting on April 16, 2024.

**Ayes: Herron, White, Schomas, Michels, Lendi, Nays: None; Abstain: None; Recuse: Bonnie; Absent: None**

**b. Ordinance: Approving a Special Use Permit – Community Solar 2 (Aurora Airport)**

At 6:30 pm, Trustee Bonnie recused himself from voting on items 9a and 9b - Community Solar 1 and Community Solar 2 - and left the room.

Motion by Trustee White, seconded by Trustee Michels, to postpone agenda item 9b.

**Ordinance:** Approving a Special Use Permit – Community Solar 2 (Aurora Airport) to the next regularly scheduled Village Board Meeting on April 16, 2024.

**Ayes: Herron, White, Schomas, Michels, Lendi, Nays: None; Abstain: None; Recuse: Bonnie; Absent: None**

*Trustee Bonnie rejoined the meeting at 7:34 pm.*

**c. Resolution: Approving Purchase of Rock Salt Contract 2024**

Director Merkel stated that they annually purchase rock salt in conjunction with the state and that a decision must be made by April 7, 2024.

Motion by Trustee Michels, seconded by Trustee Herron, to approve a Resolution to Approve the Purchase of Rock Salt Contract 2024.

**Ayes: Herron, White, Schomas, Michels, Lendi, Bonnie; Nays: None; Abstain: None; Absent: None**

**d. Ordinance: Adopting the Fiscal Year 2024-2025 Budget**

Director Anastasia stated that there weren't many changes from the last three Budget Workshops. First, is the anticipated removal of the grocery tax, and second is the Tax Extension Reports for the TIFs.

A request was made to remove the rebranding proposal due to the potential for future tax increases resulting from the need to repaint towers and rebrand vehicles.

President Konen explained that the village's rebranding is included in the budget. The repainting and rebranding process will be executed gradually and as needed, following our regular schedule, and will include the addition of our new logo.

Motion by Trustee Michels, second by none, to approve an Ordinance to Adopt the Fiscal Year 2024-2025 Budget, removing the rebranding portion. **Motion Failed**

Motion by Trustee Bonnie, second by Trustee Herron, to approve an Ordinance to Adopt the Fiscal Year 2024-2025 Budget.

**Ayes: Herron, White, Schomas, Lendi, Bonnie; Nays: Michels; Abstain: None; Absent: None**

**e. Resolution: 2024-2025 Setting the Number of Licenses per Liquor Class**

Director Anastasia clarified that this resolution specifies the number of liquor licenses allotted per class. This year, an extra temporary license is included for current liquor license holders, which can be used for special events like the 4th of July, Corn Boil, and more. The cost for this license is \$100. No new liquor licenses are included with this approval.

Motion by Trustee White, second by Trustee Michels, to approve a Resolution 2024-2025 Setting the Number of Liquor Licenses per Liquor Class.

**Ayes: White, Michels, Herron, Schomas, Lendi, Bonnie; Nays: None; Abstain: None; Absent: None**

**f. Approval: 2024-2025 Liquor Licenses**

Motion by Trustee Michels, second by Trustee White, to approve the 2024-2025 Liquor Licenses.

**Ayes: Michels, White, Herron, Schomas, Lendi, Bonnie; Nays: None; Abstain: None; Absent: None**

**g. Approval: 2024-2025 Liquor License Food Waiver**

Motion by Trustee Michels, second by Trustee White, to approve the 2024-2025 Liquor License Food Waivers.

**Ayes: Michels, White, Herron, Schomas, Lendi, Bonnie; Nays: None; Abstain: None; Absent: None**

*Break at 7:44 pm – returned at 7:57 pm.*

**Present:** President Jennifer Konen, Trustee Sean Herron, Trustee Matthew Bonnie, Trustee Michael Schomas, Trustee Sean Michels, Trustee James F. White, Trustee Heidi Lendi.

## **10. Public Comment**

- Jim Moeri commented about the leaf burning ban.
- Mike Rayburn commented about the Zoning Text Amendment: Solar Definitions & Placement.
- Brian Tonner commented about the leaf burning ban.
- Perry Elliott commented about the Crown Project.
- Daniel Entile commented about the Zoning Text Amendment: Solar Definitions & Placement.
- Ashley Entile commented about the Zoning Text Amendment: Solar Definitions & Placement.
- Mike Frost commented about the potential solar farm at the Aurora Municipal Airport.
- Jaden Chada commented about the potential solar farm at the Aurora Municipal Airport.

## **11. Discussion Items**

### **a. Leaf Burning Ban**

Police Chief Rollins gave a brief recap of what was discussed at the Village Board Meeting on March 19, 2024.

- Open burning falls under the Public Health and Safety chapter of the Village Code.
- This discussion does not apply to recreational fires, such as fire pits, rings, etc.
- Code amendments have been made regarding the open burning of leaves, tree debris, and diseased trees.
- Many residents have appeared before the board to discuss the open burning of leaves and their concerns about health conditions such as asthma and COPD.
- On one occasion, smoke from burning leaves entered a home through open windows, causing smoke damage that required professional cleaning.
- Some of the Village Board members may have received emails or communication about leaf burning.
- High-efficiency furnaces have low-level pipes/vents allowing smoke to enter a home.
- Some homeowner associations in the Village do not permit open burning and others do.

In August of 2019 there were some restrictions put in place for burning leaves. The conditions are:

- Burning can only include trees, tree leaves, tree limbs, or diseased trees from the property.
- Burning can only occur on sunny days between 10 am – 3 pm.
- The wind must be less than 10 mph.
- It can't be done on an ozone aversion day.
- An adult must be outside monitoring the fire.
- They must have a charged hose or fire extinguisher available.
- It must be 20 ft from a property line, structure, or right of way.

These things are good tools to have in place. But it's very difficult for the Police and Fire Departments to enforce.

On the other hand, there are some residents in the community who have many trees on their properties. To address this, the Village Staff made sure that leaf bags or garbage containers intended for landscaping are picked up for free as part of the renegotiated refuse contract. In Sugar Grove, residents can put out as many bags as they need without having to purchase stickers for every bag, which is required in some other communities.

President Konen stated that the problem with smoke, even if all guidelines are followed, is it can still spread. Trying not to enforce a ban, many restrictions have been put in place over the years, making it harder to enforce. We understand the concerns of residents living on larger lots, but with all the restrictions, there are still issues. Not everyone is conscientious and abides by the policies.

Last year President Konen received a call from John Shields Elementary because smoke had enveloped the playground and the kids couldn't play outside.

Trustee Michels stated he would not be in favor of a ban.

Trustee Shomas asked about limiting it by neighborhood or lot size.

Trustee Bonnie explained that most residents who have reached out are in favor of the ban, mostly because of health issues aggravated by the smoke. Residents who want to continue to burn say it's about the burden of bagging the leaves. Trustee Bonnie stated that he would be in favor of the ban.

Trustee White stated he would be in favor of the ban.

President Konen asked Chief Rollins to bring the item back under General Business at the Village Board meeting on April 16, 2024.

#### **b. Complete Streets Ordinance & Subdivision Regulations**

Director Merkel talked about the Complete Streets Policy, stating that it had been reviewed in July 2023. Since then, it has been updated to reflect current standards and changes.

Michelle Piotrowski highlighted some of the major changes. Generally, this includes updating the notes, details, and standard specifications to reflect current practices and model numbers of different structures, making things easier.

- A35 and A36 concern islands in cul-de-sacs. Would the Village Board like to continue allowing islands? It was decided to continue allowing the islands but to change the parameters to allow emergency vehicles to navigate.

- Another issue is when to install surface insulation. Do we need to be more proactive? The proposal is a minimum of a year plus 70% of the subdivision build-out. The maximum is 3 years or otherwise approved by the Village Board.

President Konen asked that this item be brought back under General Business at the Village Board meeting on April 16, 2024.

**c. Zoning Text Amendment: Solar Definitions & Placement**

Director Magdziarz explained that the proposed zoning ordinance amendment would eliminate the restriction on the placement of solar panels on roofs. This issue has been brought before the Board periodically over the past decade, with the most recent discussion occurring in December 2020 when a resident raised the request. The applicant, Mr. Rayburn, is the latest resident to request this amendment. Currently, our zoning regulations prohibit the installation of solar collection devices on roofs that face public streets. This rule fails to consider that solar radiation comes from the south, and placing solar devices on a north-facing roof reduces their efficiency. In 2020, the Plan Commission provided a detailed response outlining the basis for maintaining the existing regulations.

The Plan Commission conducted a public hearing on the proposed amendment and heard testimony from the applicant as well as other supporters of this amendment. The Plan Commission acknowledged the need for a change and recommended removing the limitation on rooftop locations.

President Konen asked that this item be brought back to the next Village Board meeting on April 16, 2024.

**d. Agreement between the Village of Sugar Grove and the Corn Boil**

The Village of Sugar Grove has been providing services for the annual Corn Boil event, but there was no official agreement in place for such services. To address this, Village Administrator Scott Koeppel met with staff to discuss the services provided and asked Atty. Julien to draft a formal agreement. Koeppel then met with Corn Boil leadership and reviewed the contract with them at the most recent Corn Boil meeting. This agreement will formalize the support provided by the Village, including public works services, police services and plans, and waste removal services. The agreement is for a period of one year and is being provided at no cost to the Corn Boil.

President Konen stated that the event will be open to the public, which is correct. However, she would like to amend the agreement to state the event is open to the public and free of charge.

President Konen stated that she would like to see the Corn Boil reach a point where it can cover a portion of the services provided by the Village. If we didn't provide services, they would have to pay for them.

It was noted that the money raised from alcohol sales goes to the Fire Protection District Association.

Lakeshore Recycling Services provides services to the event as outlined in the refuse contract with the Village.

President Konen asked that the agreement be brought back to the next Village Board Meeting on April 16, 2024, with the revision to item 4.

**e. Intergovernmental agreement between the Village of Sugar Grove and the Sugar Grove Public Library District for shared space and services.**

Village Administrator Scott Koeppel had a meeting with Genna and leaders of the Sugar Grove Library District. The library is facing budget constraints and needs services like snow removal and landscaping. Meanwhile, the Village requires a space to hold meetings while the Police Department undergoes renovation. Administrator Koeppel requested Atty. Julien to provide an agreement that will be effective until 2028. The library requested an opt-out clause after the first year, but Administrator Koeppel requested the agreement go through January 1, 2026, with a 90-day notice.

It was confirmed that the library will receive snow removal (if needed) and landscaping through July, and the Village will have the meeting space until 2026. The space would be used for Plan Commission, Village Board Meetings, and Police Commission meetings. Any special meetings would go through their normal room reservation process.

**12. Reports**

**a. Staff**

Village Administration

Village Administrator Scott Koeppel mentioned that there was a meeting of the Enhancement Committee earlier in the day. The committee has been collaborating with Director Merkel, Village Administrator Scott Koeppel, President Koenen, and Four Seasons Landscaping. Four Seasons Landscaping has provided a landscape design proposal to update the bed by the main sign in the Village, the sign off of Rt. 56, and the flagpole next to the sign on Rt. 47. This proposal will need to be approved before the end of the fiscal year and brought back for approval at the next meeting. The cost of the project will be under \$10,000.

The Enhancement Committee is contributing to the Arbor Day event and will be contributing to Volunteer Week.

Scott noted that Village Hall will be closed for a while during the lunch break on April 4, 2024, for an employee appreciation lunch at Rich Harvest Farms.

Finance Department

Director Anastasia stated that the legislators are receiving a lot of push back on the grocery tax. We will continue to monitor this.

Administrator Koeppel thanked Director Anastasia for his excellent work on the Budget.

#### Community Development

Director Magdziarz stated that the Starbucks application had been received. It's scheduled to go before the Plan Commission in April and then be brought to a Village Board meeting for approval.

We have begun reviewing a submittal for a subdivision off Bliss Road, but there is no tentative date for Plan Commission yet.

We are in communication with a developer who is interested in the last remaining lot of the Sugar Grove Center. We should receive an application soon.

#### Police Department

Chief Rollins stated that the Sugar Grove Police Department would be participating in Deputy Christina Musil's (DeKalb County Sheriff's Office) funeral services on Thursday, April 4. Deputy Musil was tragically killed in a traffic accident while parked in her squad car. Chief Rollins asked everyone to keep her family in their thoughts and prayers.

#### Public Works

No additional updates.

#### Economic Development

Director Cassa noted that Four Seasons Contracting has completed its improvements for the Commercial Property Enhancement Program grant. A check presentation will be scheduled soon.

GMX Real Estate has submitted plans for the new Starbucks and another commercial building on the site between Graham's Shell and Auto Zone. The proposed project is scheduled to be on the April 17, 2024, Plan Commission agenda.

The ribbon-cutting ceremony for the new Subway restaurant will be held on April 9 at 4:00 p.m. Everyone is welcome.

Director Cassa participated in the Illinois Department of Commerce and Economic Opportunity (DECO) Northeast Region Planning Session that took place on April 2.

#### **b. Trustees**

Trustee Michels informed the group of a blood drive happening at Engineering Enterprises on April 3, 2024, from 10 am – 3 pm.

Trustee White attended the State of the Village, which went very well. Kudos to Michael Casa, he did a great job.

Trustee Bonnie attended the State of the Village. There were many people there who are excited about the direction the Village is heading.

Trustee Schomas said that he was at Burnt Barrel during an extremely busy night and the food and service were top-notch.

**c. President**

President Konen mentioned that the State of the Village event was successful. It was a pleasure to see a lot of staff there to support the event. Michael Cassa did an excellent job. The Board members were shown a video about Sugar Grove that was displayed at the end of the State of the Village presentation.

**13. Executive Session - None**

- Personnel – 5 ILCS 120/2(c)(1)
- Litigation – 5 ILCS 120/2(c)(11)
- Property/Land Acquisition – 5 ILCS 120/2(c)(5)
- Sale of Property – 5 ILCS 120/2(c)(6)
- Review of Executive Session Minutes – 5 ILCS 120/2(c)(21)

**14. Adjournment**

Motion by Trustee White, second by Trustee Schomas to adjourn the meeting at 9:45 pm.

**Ayes: Herron, White, Schomas, Michels, Lendi, Nays: None; Abstain: None; Recuse: Bonnie; Absent: None**

ATTEST:

/s/ Tracey R. Conti  
Tracey R. Conti  
Village Clerk