

**COAL CITY
VILLAGE BOARD MEETING
WEDNESDAY
JANUARY 24, 2024
7:00 P.M.**

AGENDA

1. Call meeting to order
2. Pledge of Allegiance
3. Approval of Minutes January 10, 2024
4. Approval of Warrant List
5. Public Comment
6. Appointment of Laura Jones – Park Board
7. Presentation of Grundy Economic Development Council (GEDC) for being initial and longtime members
8. Ordinance 24-02 Variance Request Concerning the Development of a 3-unit at 833 E. First Street

9. Resolution 24-01 Authorize Village Administrator to sign onto NIMEC
Electricity Supply Bids
10. Authorize Purchase of Box Truck
11. Report of Mayor
12. Report of Trustees B. Mincey
 S. Beach
 T. Bradley
 P. Noffsinger
 D. Greggain
 D. Togliatti
13. Report of Village Clerk
14. Report of Village Attorney
15. Report of Village Engineer
16. Report of Village Chief of Police
17. Report of Village Administrator
18. Executive Session to Approve Executive Session Minutes per ILCS 5 120/2(c)(21)
06/14/23, 07/11/23, 8/9/23, 8/22/23, 12/13/23
19. Adjourn

MEMO

TO: Mayor Spesia and the Board of Trustees

FROM: Matthew T. Fritz
Village Administrator

MEETING

DATE: January 24, 2024

**RE: CONSIDERATION OF VARIANCES FOR THE CONSTRUCTION OF A
3-UNIT MULTI-FAMILY DWELLING AT 833 E. FIRST STREET**

Craig Van Duyne, is attempting to acquire a portion of commercial property that was formerly a portion of the land consolidated to accommodate the O'Reilly's retail location by 6S Development. Previous to the retail development that occurred with O'Reilly's, Van Duyne owned an odd triangle portion of a former railroad spur at the west end of E. First Street. The accumulated property for O'Reilly's included a portion of land located southerly adjacent of Van Duyne's portion of land and north of an existing east/west easement that exists behind the O'Reilly's building. Van Duyne negotiated the sale of this portion of land in hopes of assembling the new portion along with his existing portion to develop a multi-family residential unit facing the existing 3-unit residential unit across the right of way from this new consolidation of property.

The O'Reilly's survey, acquisition and redevelopment agreement terms with the village had previously established a 20' easement on the west side of the existing right of way between the two multi-family buildings (one existing and the other proposed) and a 16.5' utility easement along the south end of the newly acquired property under which the water main exists as well.

Since the presentation of this concept at the meeting in December, the petitioner lessened the total density by reducing the request to a 3-unit to include a 1-car garage for each of the units. As far as the front yard, the petitioner has submitted a design to utilize upgraded materials for the driveway, which would remain permeable, assisting with overall lot coverage, and install sidewalks along the west side of the First Street extension. During both portions of the public hearing regarding this request, the Board received an updated 3-unit land use plan. One adjacent property owner appeared and requested some more time to review the documentation regarding the land use and variances; this request caused the public hearing of January 2nd to be extended until January 15, 2024.

This type of development is dense when considered within the village's residential development standards, but is complementary to the existing development of this neighborhood. The Zoning Board of Appeals asked many questions of the petitioner, but due to an omission on his behalf, Mr. VanDuyne did not appear at the conclusion of the public hearing last week.

Due to the complexity of the zoning amendment paired with many variances to allow the construction of the 3-unit multifamily unit, the motions for consideration were split into 3

different motions. This evening, an ordinance has been prepared regarding one of those motions. Mr. VanDuyne will need a zoning amendment along with land use variances in order to construct. The third motion was a condition to be placed upon the ordinance should the petition be granted. However, the ZBA did not recommend approval of the variances necessary to construct the requested multi-family dwelling unit.

Therefore, an ordinance has been prepared regarding this item of consideration. Since the necessary ordinances were not recommended, the ordinance is written in the affirmative with the Findings of Fact of the ZBA attached as Attachment A. Voting against the prepared ordinance is a vote against the petitioner's request, which would side with the recommendation of the ZBA. After their consideration of the many variances contained within this ordinance, the approval of the request was rejected by a 3-4 vote of the ZBA members. They suggested during their consideration of the request that the total amount of required variances were proof that the 3-unit design was just too much density for the 13,400 square foot consolidated property.

As stated above, there were others at the public hearings besides the petitioner himself. The others were neighbors who wanted to see what would occur during the petition's consideration and another neighbor who resides within a non-conforming utilization of a commercial property who requested a fence be installed between the uses should the Board approve the development.

Recommendation:

Consider Ordinance No. ____: Granting Necessary Variances for the Construction of a 3-unit Multifamily Dwelling Unit at 833 E. First Street.

THE VILLAGE OF COAL CITY
GRUNDY & WILL COUNTIES, ILLINOIS

ORDINANCE
NUMBER _____

**AN ORDINANCE GRANTING VARIANCES TO THE ZONING CODE FOR THE
REQUIRED SETBACKS, LOT COVERAGE REQUIREMENTS, AND ADHERENCE
TO CERTAIN RESIDENTIAL DESIGN GUIDELINES AND NEWLY ESTABLISHED
SUBDIVISION REQUIREMENTS OF THE ZONING CODE AT 833 E. FIRST STREET
IN THE VILLAGE OF COAL CITY**

DAVID SPESIA, President
ALEXIS STONE, Village Clerk

SARAH BEACH
TIM BRADLEY
DAN GREGGAIN
BILL MINCEY
PAMELA NOFFSINGER
DAVID TOGLIATTI
Village Trustees

ORDINANCE NO. _____

**AN ORDINANCE GRANTING VARIANCES TO THE ZONING CODE FOR THE
REQUIRED SETBACKS, LOT COVERAGE REQUIREMENTS, AND ADHERENCE
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SUBDIVISION REQUIREMENTS OF THE ZONING CODE AT 833 E. FIRST STREET
IN THE VILLAGE OF COAL CITY**

WHEREAS, an application for variances for portions of the code including 156.77, Chapter 155 as well as the Residential Design Guidelines of the Village of Coal City Zoning Code ("Zoning Code") was filed by Craig VanDuyne ("applicant") on November 28, 2023 to consolidate multiple parcels to enable the development of a 3-unit multifamily dwelling unit; and

WHEREAS, the standards provided within Table 4 regarding setbacks include minimum front yard, rear yard, and corner side yard setbacks of 25' each, which would not be provided within the proposed land use development plan; and

WHEREAS, the standards within Table 4 possess a minimum square footage per dwelling unit standard of 10,080 square feet and maintains a total lot coverage allowance that shall not exceed 35% of the total area both of which standards would not be met under the proposed land use plan; and

WHEREAS, the village adopted the Residential Design Guidelines setting forth minimum standards for all residential dwelling units providing a minimum dwelling unit of 1,250 square feet and exterior façade requirements on corner units to include stone or brick on their exterior; and

WHEREAS, a public hearing was noticed and duly held on June 5, 2023; and

WHEREAS, the Village of Coal City Planning and Zoning Board met on January 2, 2024 at which time consideration was extended until January 15, 2024, and considered passage of the variance request to the Board of Trustees; and

WHEREAS, the Village of Coal City Planning and Zoning Board met on January 15, 2024 to consider passage of the variances but did not favorably recommend granting the relief from the code requested within the variance petition due to a 4-3 rejection of the petitioner's request; and

WHEREAS, the failure of the petitioner to adequately prove the hardship necessary to provide a positive recommendation are recited within Exhibit A; and

WHEREAS, Section 156.250 permits the Village Board to approve variations from the Zoning Code; and

WHEREAS, the Village Board of Trustees and the President of the Village of Coal City believe it is in the best interests of the Village to grant the requested variances.

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Coal City, Grundy and Will Counties, Illinois, as follows:

Section 1. Recitals. The foregoing recitals shall be and are hereby incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.

Section 2. Findings of Fact. Findings of Fact. The Board of Trustees find as follows concerning the Variance for 833 E. First Street:

- A. **Special Circumstances Not Found Elsewhere.** Special and unique circumstances exist that are peculiar to this property including the physical character of the subject property's dimensions; the petitioner is consolidating two adjacent parcels of available land that remain from former more intense land uses that had been approved upon the property in the past.
- B. **Unnecessary Hardship.** This variance will overcome the inherent difficulty that exists due to the property's dimensions to allow the utilization of the property in the same manner as adjacent existing owners on the east side of E. First Street.
- C. **Consistent with the Rights Conferred by the District.** This variance is necessary for the applicant to preserve and enjoy a substantial property right possessed by other properties within the same zoning district.
- D. **Necessary for Use of the Property.** The variances to be provided shall ensure the property owner is not deprived of the use of the property in a manner equivalent to the use permitted by other owners in the immediate area.
- E. **Minimum Variance Recommended.** The petitioner had curtailed the total number of variances regarding square footage minimum requirements and lot coverage as well as variance from the residential design guidelines by reducing the total number of dwelling units and including garages within the design.

Section 3. Description of the Property. The property under consideration is identified with a 4,850 sq. ft. parcel zoned RM-1 bearing parcel identification number (PIN#) 06-35-461-016 along with an immediately adjoining 8,700 sq. ft. portion of PIN# 06-35-483-002 lying west of the existing right of way which is the southerly portion of E. First Street behind the existing O'Reilly Auto Parts Building currently zone C3.

Section 4. Public Hearing. A public hearing was advertised on December 13, 2023 in the Coal City Courant and held by the Planning and Zoning Board on January 2, 2024, continued until January 15, 2024 at which time a majority of the Planning and Zoning Board members denied the petitioner's Variance(s) Request.

Section 5. Variances. The variances requested in the November 28, 2023 Variance Application to the Zoning Code are granted to allow the construction of a 3-unit multifamily dwelling as follows:

- A. Setback variances shall include a 5' variance from the 25' front yard setback providing a front yard setback of 20' and a 14' variance from the 25' rear yard setback shall provide a minimum rear yard setback of 11' as well as a 20' variance from the 25' corner sideyard setback shall provide a setback of 5' at the building's northwest corner; and
- B. A 56% reduction in total square footage per RM-1 required lot area per dwelling unit. The final consolidated lot shall provide 13,400 square feet, which fall short of the 30,240 square feet required within the village code.
- C. A variance from the total lot coverage requirement of 3% to allow 38% lot coverage (as measured by total permeable space remaining) instead of meeting the code requirement of 35%;
- D. Adherence to the residential design guideline requirements – this development shall:
 - a. Possess dwelling units with 1,227 square feet, which is less than the 1,250 minimum square footage requirement;
 - b. Utilize exterior on the northerly unit that does not utilize brick or stone when such unit is considered a corner lot
- E. Adherence to public improvement submission and construction requirements for newly established subdivisions.

Section 6. Conditions. The variance is granted herein contingent and subject to the following conditions:

- A. A 6' privacy fence shall be constructed along the westerly boundary of the property from that point, which is north of the recorded easement on the south side of the newly constructed residential units until that point the boundary intersects with south boundary of the property currently described as PIN# 06-35-461-016; and
- B. A contribution shall be made to the cost of village staff assisting with the drainage at the north end of the property to enable positive drainage of the land west of the current terminus of E. First Street along the north side of the property; and
- C. The development of the multifamily dwelling shall be consistent with the land use plan submitted to include permeable driveway improvement and sidewalks.

Section 7. Severability. In the event a court of competent jurisdiction finds this ordinance or any provision hereof to be invalid or unenforceable as applied, such finding shall not affect the validity of the remaining provisions of this ordinance and the application thereof to the greatest extent permitted by law.

Section 8. Repeal and Savings Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions, or causes of action which shall have accrued to the Village of Coal City prior to the effective date of this ordinance.

Section 9. Effectiveness. This ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form as provided by law.

SO ORDAINED this _____ day of _____, 2024, at Coal City, Grundy & Will Counties, Illinois.

AYES:

NAYS:

ABSENT:

ABSTAIN:

VILLAGE OF COAL CITY

David A. Spesia, President

Attest:

Alexis Stone, Clerk

EXHIBIT A

Findings of Fact. The Zoning Board of Appeals determined the following concerning the Variances for 833 E. First Street:

1. **Special Circumstances Not Found Elsewhere.** Special and unique circumstances exist that are peculiar to this property including the physical character of the subject property's dimensions; the petitioner is consolidating two adjacent parcels of available land that remain from former more intense land uses that had been approved upon the property in the past.
2. **Unnecessary Hardship.** This variance will overcome the inherent difficulty that exists due to the property's dimensions to allow the utilization of the property in the same manner as adjacent existing owners on the east side of E. First Street.
3. **Consistent with the Rights Conferred by the District.** This variance is necessary for the applicant to preserve and enjoy a substantial property right possessed by other properties within the same zoning district.
4. **Necessary for Use of the Property.** Alternative construction plans that more closely meet setback requirements and total lot coverage requirements provide a preferred utilization of the property.
5. **Minimum Variance Recommended.** The property land owner can develop different multi-family land usage designs that differ from what had been submitted that would result in less overall coverage variance requirements and result in additional dwelling unit square footage provision.

A majority of the criteria were not met resulting in a majority of the board members rejecting the petitioner's variance request.

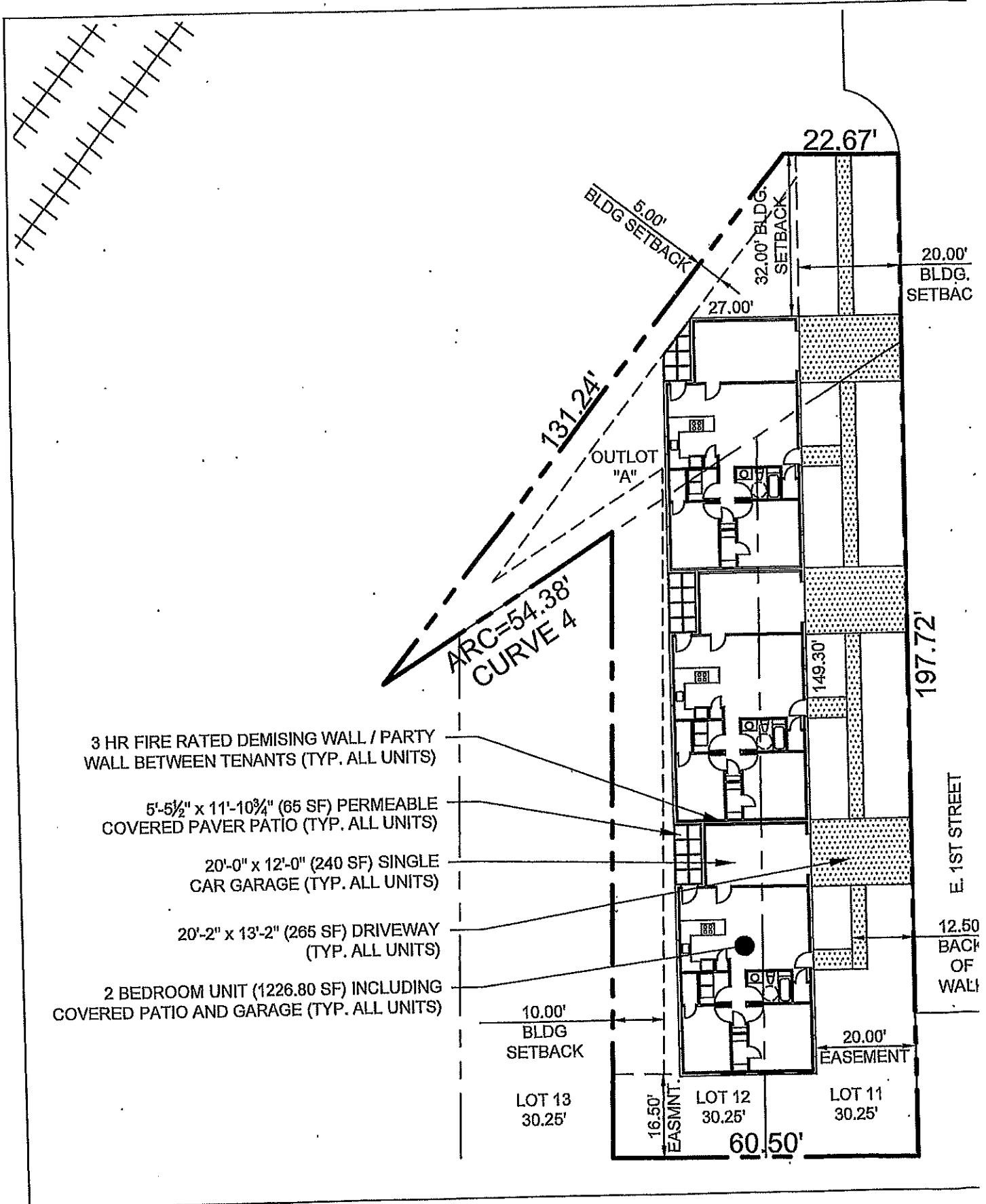
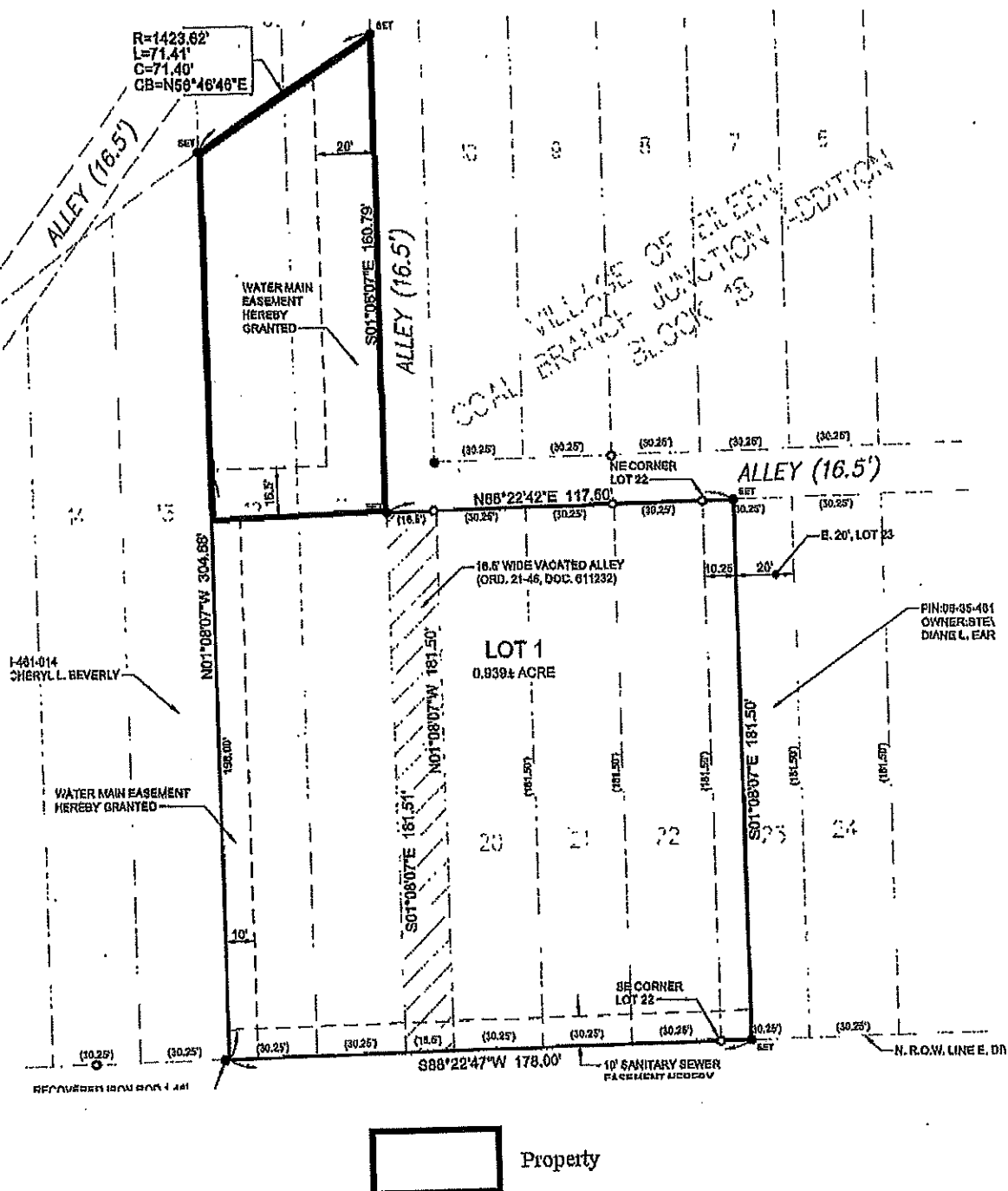


EXHIBIT A LEGAL DESCRIPTION



To be made final by survey and re-plat.

COAL CITY ZONING APPLICATION

Owners name or beneficiary of land trust: Craig Van Dwyne

Address: 955 S. SANDSTONE DIAMOND Phone number: 630-542 8864

Owner represented by: Self ☒ Attorney ☐

Contract purchaser ☐ Other agent ☐

Agents name ☐ Phone number: ☐

Address: ☐

Existing zoning: RM-1 & C3 Use of surrounding properties: North RM-1 South C3

East RS2 West C3

What zoning change or variance: (specify) Portion of lot acquired from
65 only to change from C3 to RM-1 w/ variances regarding
rear yard setback, lot coverage, & minimum square footage
per residential dwelling unit

To allow what use Multi-family dwellings, 4-unit

Tax number of subject property: 4601 0160
06-35-483-002, portion of 06-35-483-002

Common address of property: 833/835/837/839 E. First Str.

Parcel dimensions: Irregular Lot area (sq. ft.) 13,290 sq. ft

Street frontage 160'

Legal description PIN# 06-35-483-002 4601 0160 below, # 06-35-483-002 attached

Coal Branch Corner Sub, Outlot A, Section 35-33-8

In addition, the applicant must comply with the ZONING ORDINANCE OF THE VILLAGE OF COAL CITY; adopted June 1, 1989, Chapter II, sections A through F available for review at the Village Clerk's office. Also attached to the application are tables 1, 2 and 3 for the applicant's reference.

I, (we) certify that all of the above statements and the statements contained in any papers or plans submitted herewith are true to the best of my (our) knowledge and belief.

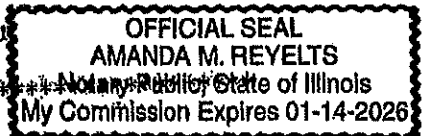
Craig Van Dyne, being first duly sworn, on oath deposes and says,
Applicant's Name

that all of the above statements and the statements contained in the documents submitted herewith are true.

Subscribed and sworn before me on this 19th day of August, 2023.
Amanda M. Reyelts

Notary Public (Seal)

Signature of Owner



You may attach additional pages, if needed, to support the documentation of application.

Please note the number of pages attached. 2

FOR OFFICE USE ONLY

Case number

2A-376

Filing date

11-28-23

Hearing date

1-2-24

Filing fee

\$ 200

Hearing time

7pm

Location of hearing

Village Hall

515 South Broadway

Coal City, Illinois

MEMO

TO: Mayor Halliday and the Board of Trustees

FROM: Matthew T. Fritz,
Village Administrator

MEETING

DATE: January 24, 2024

RE: NIMEC PARTICIPATION FOR ELECTRICAL BID

Since 2007, the purchase of electricity has been de-regulated allowing utility users to purchase the supply of electricity competitively. Since Coal City has accounts that utilize large amounts of energy, it has been able to aggregate its accounts with others in order to achieve a lower commodity price for the purchase of energy supply. To receive the lowest unit price, Coal City has added its accounts to many other participating municipalities within the Northern Illinois Municipal Cooperative (NIMEC).

In 2011, the Village conducted its due diligence checking the commodity price provided by NIMEC. Going to the market on its own, the NIMEC bid beat the competitive bids received by Coal City. In the years following, the Village entered into a bid which locked down the rate for a 3-year time period in 2012. When that rate expired and the consortium was provided a 2-year rate. The upcoming bid shall allow Coal City to select its term for the next purchase, either 1, 2, or 3-year pricing. NIMEC anticipates receiving bids from Constellation, Dynegy, and MC Squared.

Member	Account #	Description
Village of Coal City	0129 [REDACTED]	Sewer Treatment Plant
	0906 [REDACTED]	Well #4
	2208 [REDACTED]	Well #6
	3027 [REDACTED]	Chestnut Lift Station
	3090 [REDACTED]	1 st Avenue Lift Station
	3783 [REDACTED]	Well #5
	5022 [REDACTED]	Well #3
	0444 [REDACTED]	Pr Oaks Lift Station
	0369 [REDACTED]	Pr. Oaks Well

The expiring rate is \$0.04675/kW hr supplied by AEP Energy. The new rate is expected to rise slightly. Currently, the FY24 Budget includes \$165,000 for utilizing electricity. To date, \$119,344 of the budgeted amount has been expended. The accounts to be aggregated with the consortium's bids are provided. Multiple rates were provided during the 2021 renewal, and a three-year rate was selected. The object of the Resolution is to provide the Village Administrator with the authority to authorize NIMEC to enter into contract with the best supplier in order to get the lowest cost of electrical energy supply.

Recommendation:

Adopt Resolution No. ____: Allowing the Village Administrator to enter into contract with NIMEC's competitive bid winner for up to 3 years of electrical supply.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE PARTICIPATION IN THE NORTHERN ILLINOIS MUNICIPAL ELECTRIC COLLABORATIVE (NIMEC) AND AUTHORIZING THE VILLAGE ADMINISTRATOR TO APPROVE A CONTRACT WITH THE LOWEST COST ELECTRICITY PROVIDER FOR A PERIOD UP TO 36 MONTHS.

WHEREAS, the Village of Coal City ("The Village") is a municipality in accordance with the Constitution of the State of Illinois of 1970; and,

WHEREAS, on January 2, 2007, the State of Illinois implemented a plan to deregulate Commonwealth Edison; and,

WHEREAS, as a result of this deregulation, electricity may be purchased based on market price and Commonwealth Edison will no longer be the sole supplier of electricity in northern Illinois, resulting in new electricity suppliers being able to compete against Commonwealth Edison, and competitive market forces dictating the price of electricity; and,

WHEREAS, the Village of Coal City has selected the Northern Illinois Municipal Electric Collaborative (NIMEC) to serve as the Village's broker relative to the acquisition of electrical energy for Village facilities, due to NIMEC's municipal experience and the fact that NIMEC is the largest municipal Collaborative in northern Illinois which will be aggregating the energy needs of 125 government members of the Collaborative in order to secure more competitive pricing based in higher volumes than can be provided individually to a single municipality; and,

WHEREAS, the amount of compensation that NIMEC receives, if the Village chooses the NIMEC electricity supplier, is included in the electricity prices supplied by NIMEC, so there will be no direct payment made to NIMEC by the Village; and,

WHEREAS the Village has been working with NIMEC since 2008, and the Village has enjoyed a good working relationship with NIMEC.

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES FOR THE VILLAGE OF COAL CITY, GRUNDY & WILL COUNTIES, ILLINOIS, AS FOLLOWS:

Section 1. That the Northern Illinois Municipal Electric Collaborative (NIMEC) has been appointed the Village's broker for purposes of obtaining an electricity supply for the Village's municipal needs.

Section 2. That the Village Administrator is authorized to negotiate energy rates directly with suppliers in an effort to secure lower energy costs.

Section 3. That in light of the time constraints and procedures required, applicable to the acceptance of a competitive bid for a supply of electricity, once the bids are received by NIMEC, the Village Administrator is hereby authorized to sign the contract with the most optimal bidder, with the Mayor being hereby directed to place said contract on the first available Village Board regular meeting following the execution thereof by the Mayor, for ratification by the Village Board.

Section 4. That the Village Administrator may name a designee in matters concerning the bid if it should become necessary.

Section 5: The Resolution shall be in full force and effect from and after its passage, approval, and publication in pamphlet form, as provided by law.

ADOPTED this ____ day of _____ 2024, pursuant to a roll call vote as follows:

AYES:

NAYS:

ABSENT:

ABSTENTION:

APPROVED by me this ____th day of _____ 2024.

VILLAGE OF COAL CITY

David A. Spesia, Mayor

ATTESTED and filed in my office,
this ____th day of _____ 2024.

Alexis Stone, Clerk

MEMO

TO: Mayor Spesia and the Board of Trustees

FROM: Matthew T. Fritz
Village Administrator

MEETING

DATE: January 24, 2024

RE: APPROVAL FOR THE PURCHASE OF THE PW BOX TRUCK


Included within the approved FY24 budget was the purchase of a new Public Works box truck to replace the 2006 response vehicle that is a mainstay for water main break responses. This vehicle carries all of the necessary parts and tools to respond to dig sites often associated with water main breaks, but is also utilized for storm and sanitary sewer responses as well.

Morrow Brothers Ford gained the state bid for this type of vehicle at the guaranteed price of \$65,977. Locally, Darrell Olson, the Public Works Director, was able to negotiate a price from D'Orazio Ford to acquire the same vehicle – a 2024 Ford E-350 Cutaway Box Truck at slightly less for the base price of \$62,095. Due to the registration, paperwork and shelving to be added within the unit to provide necessary storage for all of the equipment, the total cost shall be \$69,615.26. This cost is slightly less than the allotted amount within the 5-Year Capital Replacement Plan and shall be purchased from operational funds within this year's current budget.

The used unit that will no longer be necessary will likely be the subject of a surplus resolution at which point the 2006 unit will be sold via a surplus website.

Recommendation:

Approve the Purchase of a Ford Box Truck used for Emergency Water Main Repair from D'Orazio Ford totaling \$69,615.26.

Deal #	Customer #	Christian Smith	
56219	3214	Contact Sales: (815) 476 - 5205	CS
		adorazio@dorazioford.com	

Prepared for:

City of Morris Illinois

Prepared by: Richie Wellenkamp

12/27/2023

Morrow Brothers Ford, Inc. | 1242 Main Street Greenfield Illinois | 62044



2024 E-350 Cutaway Chassis 158" WB DRW with 15' Rockport Van Body

Pricing Summary - Single Vehicle

Vehicle Pricing

Total Delivered Illinois Government Price Includes All Items Listed In This Document \$65,977.00

This vehicle presently has an ETA of 2-29-24

Customer Signature

Acceptance Date

Please submit this signed page along with your purchase order and a copy of your Illinois Tax Exempt Letter.