

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL  
OF THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS,  
HELD IN THE CITY COUNCIL CHAMBERS,  
800 GAME FARM ROAD ON  
TUESDAY, APRIL 12, 2016**

Mayor Golinski called the meeting to order at 7:00 p.m. and led the Council in the Pledge of Allegiance.

City Clerk Warren called the roll.

Ward I	Koch	Present
	Colosimo	Present
Ward II	Milschewski	Present
	Kot	Present
Ward III	Frieders	Present
	Funkhouser	Present
Ward IV	Tarulis	Present
	Teeling	Present

Also present: City Clerk Warren, Attorney Gardiner, City Administrator Olson, Police Chief Hart, Deputy Chief of Police Hilt, Public Works Director Dhuse, Finance Director Fredrickson, EEI Engineer Sanderson, Community Development Director Barksdale-Noble, Director of Parks and Recreation Evans, Administrative Intern Kathman

**QUORUM**

A quorum was established.

**AMENDMENTS TO THE AGENDA**

None.

**PRESENTATIONS**

**Swearing-in of Patrol Officer – Dennis Meyer**

Mayor Golinski swore in Patrol Officer Dennis Meyer.

**Presentation to the Yorkville Middle School 8<sup>th</sup> Grade Boys Basketball Team**

Mayor Golinski brought the Yorkville Middle School 8th grade boys state champion basketball team up to the front. He stated it is an honor to address the boys. The coach of the team spoke. Mayor Golinski presented the Yorkville Middle School 8<sup>th</sup> Grade Boys Basketball Team with a certificate. Mayor Golinski also thanked Police Chief Hart for having the roads shut down. The coach thanked the parents of the team members.

**PUBLIC HEARINGS**

1. Caledonia Subdivision – Proposed Special Service Area 2016-1  
Please, see attached report of proceedings by the Court Reporter for the public hearing.
2. Autumn Creek Subdivision – Second amendment to that certain Annexation Agreement (Autumn Creek Subdivision) dated April 12, 2005, as amended July 13, 2010, by and among Pulte Home Corporation (*Owner/Developer*), a Michigan Corporation, and the United City of Yorkville, Kendall County, Illinois, for the purpose of amending the Autumn Creek fee schedule to revert back to the fees in effect as of the date of the Original Agreement with no increases, other than those incurred by the City for water meters, and extending the ordinance/code locks on the development for a period of five (5) years.

Please, see attached report of proceedings by the Court Reporter for the public hearing.

**CITIZEN COMMENTS ON AGENDA ITEMS**

None.

**CONSENT AGENDA**

None.

**MINUTES FOR APPROVAL**

1. Minutes of the Regular City Council – March 8, 2016  
Mayor Golinski entertained a motion to approve the minutes of the regular City Council meeting of March 8, 2016 as presented. So moved by Alderman Colosimo; seconded by Alderman Teeling.

Minutes approved unanimously by a viva voce vote.

**BILLS FOR PAYMENT**

Mayor Golinski stated that the bills were \$877,260.15.

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**REPORTS**

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**MAYOR'S REPORT**

**Proclamation for Motorcycle Awareness Month**  
(CC 2016-20)

Mayor Golinski stated he had a proclamation for Motorcycle Awareness Month. He said the proclamation is in the packet. The month of May as Motorcycle awareness month.

**City's Insurance Program**  
(CC 2016-21)

a. Reconsideration of City's Insurance Program

Mayor Golinski entertained a motion to reconsider the motion to approve a contract with Lincoln Financial for life insurance, to approve a contract with Guardian Dental for dental insurance, to approve Blue Cross Blue Shield HMO Plan: BA HMO MHH106 and to approve Blue Cross Blue Shield PPO Plan: BE HAS PPO MPSE3X05 with the HRA card amounts as described in the memo included with this packet item from City Administrator Olson, dated March 17, 2016 and to authorize the same contribution percentages as last year's health insurance plan for non-union employees and with employee contribution rates in the amounts as authorized by the Police Department unions and Public Works union contracts. Alderman Colosimo made a motion to reconsider; seconded by Alderman Funkhouser.

Motion approved by a roll call vote. Ayes-8 Nays-0  
Tarulis-aye, Colosimo-aye, Funkhouser-aye, Milschewski-aye,  
Teeling-aye, Koch-aye, Kot-aye, Frieders-aye

b. Approval of City's Insurance Program

Mayor Golinski entertained a motion to approve a contract with Dearborn National for life insurance, to approve a contract with Guardian Dental for dental insurance, to approve Blue Cross Blue Shield HMO Plan: BA HMO MHH106 and to approve Blue Cross Blue Shield PPO Plan: BE HAS PPO MPSE3X05 with the HRA card amounts as described in the memo included in the March 22, 2016 City Council packet from City Administrator Olson, dated March 17, 2016 and to authorize the same contribution percentages as last year's health insurance plan for non-union employees and with employee contribution rates in the amounts as authorized by the Police Department unions and Public Works union contracts. So moved by Alderman Kot; seconded by Alderman Tarulis.

Motion approved by a roll call vote. Ayes-8 Nays-0  
Funkhouser-aye, Milschewski-aye, Teeling-aye, Koch-aye,  
Kot-aye, Frieders-aye, Tarulis-aye, Colosimo-aye

**Ordinance for the Sale of Public Property**  
(CC 2016-22)

Mayor Golinski stated there is no motion requested for this ordinance. He stated the Council would be discussing this ordinance. He asked for questions or concerns. There were none.

**PUBLIC WORKS COMMITTEE REPORT**

No report.

**ECONOMIC DEVELOPMENT COMMITTEE REPORT**

No report.

**PUBLIC SAFETY COMMITTEE REPORT**

No report.

**ADMINISTRATION COMMITTEE REPORT**

**Water, Sewer and Road Infrastructure Fee Renewals**  
(ADM 2016-21 )

a. **Ordinance 2016-28** Amending the Infrastructure Maintenance Fee for Water and Sanitary Sewer Service

b. **Ordinance 2016-29** Amending the Termination Date of the Motor Vehicle Tax

Alderman Milschewski made a motion to approve an ordinance amending the infrastructure maintenance fee for Water and Sanitary Sewer Service and an ordinance amending the termination date of the Motor Vehicle Tax and authorize the Mayor and City Clerk to execute; seconded by Alderman Frieders.

Motion approved by a roll call vote. Ayes-8 Nays-0  
Teeling-aye, Koch-aye, Kot-aye, Frieders-aye,  
Tarulis-aye, Colosimo-aye, Funkhouser-aye, Milschewski-aye

**PARK BOARD**

No report.

**PLAN COMMISSION**

No report.

**ZONING BOARD OF APPEALS**

No report.

**CITY COUNCIL REPORT**

No report.

**CITY CLERK'S REPORT**

No report.

**COMMUNITY & LIAISON REPORT**

**Daddy Daughter Dance**

Alderman Frieders reported on the daddy daughter dance that was held at the Yorkville High School on Saturday April 9, 2016. He stated that it was a fantastic party. He thought the High School and it's new addition is impressive.

**Mayor's Day Of Service**

Mayor Golinski stated that he had the honor of working at the Kendall Country Food Pantry for the national mayor's day of service. He encouraged people who have never been there to go in and see the facility. The amount of people that the Kendall Country Food pantry helps is astonishing.

**STAFF REPORT**

No report.

**MAYOR'S REPORT (cont'd):**

**Ordinance 2016-30**

**Approving the 2016-2017 Fiscal Budget**

(CC 2016-13)

Mayor Golinski entertained a motion to approve an ordinance approving the 2016-2017 fiscal budget incorporation budget adjustments # 1 through # 8 and authorize the Mayor and City Clerk to execute. So moved by Alderman Tarulis; seconded by Alderman Milschewski.

Alderman Kot believes the economic development portion of the budget should be closely monitored. Alderman Colosimo is very confident in Lynn Dubajic. The residents should know that the work she does has potential for great dividends. He will support the budget as is. Mayor Golinski is also confident in Lynn Dubajic's ability. Her track record of bringing much wanted businesses to Yorkville proves it. Alderman Koch said the Council approved the cost structure for the economic development line item sometime ago. He feels the City should continue to support this line item. Alderman Funkhouser stated Lynn Dubajic does a good job. He pointed out that Oswego tried hiring its own economic development staff. That position is now vacant. Mayor Golinski was not aware that Oswego lost the person in charge of its internal Economic Development. Alderman Funkhouser would like the Council to try to expedite the addition of new police vehicles.

Motion approved by a roll call vote. Ayes-8 Nays-0  
Frieders-aye Tarulis-aye, Colosimo-aye, Funkhouser-aye,  
Milschewski-aye, Teeling-aye, Koch-aye, Kot-aye

**ADDITIONAL BUSINESS**

None.

**EXECUTIVE SESSION**

1. For the discussion of minutes lawfully closed under the Open Meetings Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes.
2. For litigation.

The City Council entered Executive Session at 8:33 p.m.

The City Council returned to regular session at 9:58 p.m.

**CITIZEN COMMENTS**

None.

**ADJOURNMENT**

Mayor Golinski stated meeting adjourned.

Meeting adjourned at 9:59 p.m.

Minutes submitted by:

*Beth Warren*

Beth Warren,  
City Clerk, City of Yorkville, Illinois

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6 UNITED CITY OF YORKVILLE  
7 KENDALL COUNTY, ILLINOIS  
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9 CITY COUNCIL MEETING  
10 PUBLIC HEARING  
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12  
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14 800 Game Farm Road  
15 Yorkville, Illinois  
16  
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18 Tuesday, April 12, 2016

19 7:00 p.m.  
20  
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23  
24

1           PRESENT:

2           Mr. Gary Golinski, Mayor;

3           Mr. Carlo Colosimo, Alderman;

4           Mr. Ken Koch, Alderman;

5           Ms. Jackie Milschewski, Alderman;

6           Mr. Larry Kot, Alderman;

7           Mr. Chris Funkhouser, Alderman;

8           Mr. Joel Frieders, Alderman;

9           Ms. Diane Teeling, Alderman;

10          Mr. Seaver Tarulis, Alderman.

11         ALSO PRESENT:

12          Mr. Bart Olson, City Administrator,

13          Ms. Beth Warren, City Clerk,

14          Mr. Tom Gardiner, City Attorney.

15                     - - - - -

1 (WHEREUPON, the following  
2 proceedings were had in  
3 public hearing:)

4 MAYOR GOLINSKI: Public hearing for  
5 Caledonia subdivision, Special Service Area  
6 2016-1. And, Bart, we're doing a presentation  
7 for the public hearing?

8 MR. OLSON: During the public hearing.

9 MAYOR GOLINSKI: We are in public  
10 hearing, so present away.

11 MR. OLSON: Nicole, can you hit the  
12 lights, please? Okay.

13 So the purpose of this presentation  
14 is I think informative for the residents. We  
15 have taken more than a few calls in the past few  
16 weeks, and this is something that, you know, we  
17 don't do very often as far as enacting an SSA  
18 midstream, so I think the hope was for the City  
19 Council for me was, you know, to talk about some  
20 of the parameters, both in the ordinance and then  
21 actually, you know, the scenarios that an SSA  
22 would be in place, and then actually take some  
23 questions from the public afterwards.

24 So starting from the top: What is a

1 special service area? So in general it's a  
2 mechanism by which residents of a limited area  
3 pay for services that only benefit that limited  
4 area.

5 So there are two types of SSAs, and  
6 people, including me, get them confused, you  
7 know, when you've got several dozen of them  
8 throughout the city.

9 There is an active SSA, which you'll  
10 see in a couple subdivisions throughout town.  
11 That is not what we are proposing here. An  
12 active SSA is basically you pay for the roads and  
13 streetlights and the detention basins and the  
14 actual creation of the infrastructure at the time  
15 the subdivision is built, and then the residents  
16 pay for that over time rather than that being  
17 wrapped into the price of their home.

18 We have not enacted an active SSA on  
19 any residential subdivision since the Recession.  
20 It's something that the City Council in the past  
21 has said they don't want to do, and so that's not  
22 what we are proposing.

23 So this is a dormant SSA, so in  
24 general it just exists on paper, basically sits



1 dormant until either the common areas in the  
2 subdivision aren't maintained or the homeowner's  
3 association decides to try to turn those common  
4 areas over to the City, which has happened, and  
5 I'll get into that here in a second. Really it's  
6 for the protection of residents city-wide.

7 So we have a few dozen subdivisions  
8 in Yorkville, most of them have this dormant SSA  
9 in some form or another, either on title or an  
10 annexation agreement, and it's to make sure that  
11 if another subdivision fails that the residents  
12 that have been here for 60 years or two years or  
13 just in another part of the city aren't paying to  
14 maintain something that gives a limited benefit  
15 to the subdivision residents.

16 So it is part of modern subdivision  
17 management, so all new subdivisions that we have  
18 approved in the past few years have this  
19 component in it.

20 Usually we do enact it sooner, prior  
21 to residents having moved in, but we have done  
22 some midway through the actual development  
23 process, so Prairie Meadows, which is out behind  
24 Menards, River's Edge, which is an older

1 subdivision off of Fox Road, Fox Highlands, which  
2 is south of town, and Heartland Meadows are all  
3 subdivisions throughout town that have these  
4 actually in place in the same scenario that we're  
5 talking about, and it is important to realize  
6 that this was contemplated in the original  
7 agreement in 2003 and then in the actual CCRs,  
8 which is a private agreement between landowners  
9 and the subdivision and your developer in 2006,  
10 so it's been contemplated in two different  
11 documents already.

12 So this is not ever in the legal  
13 sense of the term, but we wanted to make sure  
14 that -- you know, in the past when the City  
15 Council discussed this with Sunflower Estates and  
16 in Fox Hill, the City does not want to maintain  
17 the Caledonia subdivision infrastructure ever, so  
18 it would -- something -- It is something that we  
19 would prefer the residents or the developer to do  
20 in perpetuity, and so this is a backup in the  
21 case that doesn't occur.

22 So we also don't want to levy the  
23 tax ever. The City Council has been talking  
24 about, you know, taxes and fees over the last few

1 years, and then specifically as it relates to  
2 subdivision HOAs in Fox Hill and in Sunflower,  
3 you know, we've labored hours in public hearings  
4 and behind the scenes debating over how you  
5 finance, you know, detention basin dredging or  
6 trail replacement and all these other things that  
7 are of benefit to the residents in the  
8 subdivision.

9 So this actual SSA, again it's a  
10 dormant or a backup SSA, to maintain the common  
11 areas, so trees, raking, mowing the grass, if  
12 there are entrance monuments or trails that are  
13 eventually put in by the subdivision, those are  
14 all things that would be covered.

15 So here is a map of the  
16 subdivision -- and not all of these lots are  
17 filled obviously -- but we've got the blue areas  
18 here that are the common areas that are currently  
19 owned by the homeowner's association, so you've  
20 got the detention basin on the north end here of  
21 the subdivision, you've got a small strip of  
22 ownership here, you've got another small strip of  
23 ownership here buffering the industrial area, and  
24 then you've actually got -- it's a city park

1 technically. We have been maintaining it, it's  
2 been in title of the developer and the  
3 homeowner's association and we are in the process  
4 of turning that over, so that is not necessarily  
5 reflected in our estimates in the subsequent  
6 slides or any of the maintenance estimates that  
7 the developer may put forward because it's  
8 something that the City would cover because  
9 hopefully someday we'll be able to afford to put  
10 a park in that area.

11 So the current HOA, okay -- so it is  
12 in place and it's in the process of being fully  
13 formed, is funded at time of closing with a \$200  
14 reserve per lot.

15 Again, I'm explaining this, the City  
16 does not have anything necessarily to do with the  
17 formation of the HOA, the management of it or the  
18 contract between individual lot owners, so the  
19 developer has told us that he's planning to begin  
20 assessments through the HOA in the next, you  
21 know, several months here, and so his current  
22 estimated landscaping maintenance costs for all  
23 of these lots that are listed on this -- except  
24 for the park, again -- is \$3500.

1                   He's got a quote to do that. He has  
2 disclosed it to us. He didn't have to, but in  
3 the, you know, fairness of full disclosure here,  
4 that's what he's thinking, so, you know, if  
5 that's the only thing that the HOA board decides  
6 on to do next year, you know, divide that by 145  
7 lots, if that's how your CCRs are structured,  
8 it's about \$24 annually per lot.

9                   So that quote did include mowing,  
10 tree trimming, weeding, fall clean-up and  
11 mulching, so nothing to do with the detention  
12 basin, which I'll actually get into here in a  
13 second.

14                  So there are two other subdivisions,  
15 like I've mentioned, in the entire city where the  
16 HOA has actually went defunct and the subdivision  
17 improvements have been turned over to the city.

18                  The first one was Fox Hill. There  
19 are some entrance monuments and trails that are  
20 actually privately owned by the HOA there; we  
21 have taken those over. We levy \$32 annually  
22 right now. We actually had to increase that. I  
23 think we were charging \$12 or some low amount per  
24 year per lot, went through and figured out that

1 the trails needed to be resealed and so we got  
2 some quotes on that, did that, and the City  
3 actually put the money up to do that and then the  
4 residents are paying it off over a ten-year  
5 amortization period I believe.

6 In Sunflower we had a similar  
7 situation. Fox Hill was a little bit cleaner  
8 because we had the dormant SSA in place, and when  
9 the developers and the residents stopped  
10 maintaining it, the City stepped in, got the  
11 quotes for the work, levied the tax, and went  
12 through the take-over process.

13 Sunflower was partially formed. The  
14 HOA was only in place on I believe a third of the  
15 lots in this 200-home subdivision. The  
16 homeowner's association hadn't existed in the  
17 legal form for a number of years, the developer  
18 had walked away, and so they were really in a  
19 tight space, so those 200 homes actually all got  
20 together and said, This is absurd, we're not  
21 going to try to spend legal money ourselves in  
22 figuring out how to do this, and to manage it  
23 they came to the City and said, Please, you know,  
24 take this over, and initially City Council's

1 reaction in 2006 was no, thanks, we don't want do  
2 this, this is something that the residents of the  
3 subdivision are supposed to do, but eventually  
4 the City Council decided that that's a good idea,  
5 and so we went through the process like we're  
6 doing right now to actually form the SSA,  
7 transfer all the lots over to City ownership and  
8 then place that into record.

9 So the homeowner's association levy  
10 through that SSA after the City took it over was  
11 relatively low. It was in the 40-to-50 dollar  
12 amount annually per lot for the first few years,  
13 and then they actually have three detention  
14 basins within their subdivision that needed to be  
15 dredged or naturalized, so the City went through  
16 the process a couple years ago to just educate  
17 the homeowners, to say hey, your homeowner's  
18 association dues essentially are going to be  
19 going up from 40 or \$50 to about 150 or \$200  
20 annually, and this is why. We need to naturalize  
21 the basins or we need to dredge them, and it's  
22 our City Council decision because you turned it  
23 over to us, but we want your opinion at the time,  
24 so -- but it was a fair amount of effort both at

1 the City Council level and at the resident level  
2 to get to that point.

3 But long story short, they came  
4 to -- \$174 annually is what they're currently  
5 paying, and, again, in that case the City did  
6 actually front fund the cost of the  
7 naturalization of the ponds and then the  
8 residents are paying that over a ten-year period.

9 So here is our SSA cost estimate.  
10 So this would be if all 145 lots were built out  
11 in the subdivision and you came to us and said in  
12 2016 we need you to take over the mowing and  
13 maintenance of the common areas and actually the  
14 detention basin maintenance, so we through a  
15 \$2,000 annual detention basin maintenance cost  
16 estimate on top of the \$3500 quote from the  
17 landscaper, and then divided that by the 145  
18 lots, so we would estimate that to be about \$38  
19 annually per lot. That's if you had negotiated  
20 that with us.

21 So there would be a time in the  
22 future, probably, you know, 10, 15 years from  
23 now, depending on the quality of your detention  
24 basin, that we would actually have to go through



1 and either have the same conversation about  
2 dredging or naturalizing it in the future, so  
3 that is something that -- you know, when that  
4 needs to be done, you have to collect revenue in  
5 order to do that, so it could be significantly  
6 higher, so our normal statutory maximum within  
7 our SSAs that are dormant is \$1.10 maximum per  
8 \$100 EAV.

9                   So if you take, you know, the  
10 general average price of a home out there, so  
11 that's fair market value, divide that by three,  
12 so that's how the tax assessor does it, gets to  
13 about \$67,000 in EAV, and then do the math here  
14 on the \$1.10 per \$100 EAV, in current dollars  
15 you're looking about \$750 maximum, so obviously  
16 that will grow over time as the maximum allowed  
17 with construction costs and all the other things  
18 that need to be done, and that's really in  
19 perpetuity, so as long as that subdivision exists  
20 and if you were to turn it over to the City and  
21 we would do it, we would have the ability to go  
22 up to there.

23                   So we don't have a scenario  
24 currently with the current infrastructure that's

1 in place in the subdivision that would hit that  
2 maximum, but if you put in trails or entrance  
3 monuments or you did something else in your  
4 common area that the City wouldn't have any  
5 necessarily review or approval of, we could see  
6 that being \$745. And, again, that's the maximum  
7 that we have in every other subdivision in town.

8 So again, so what happens if your  
9 HOA fails, after, you know, you've staffed it,  
10 it's been turned over from the developer to the  
11 residents.

12 The likely scenario is that the City  
13 would look at you and say okay, we're going to  
14 send property maintenance violations because you  
15 haven't cut the grass or you haven't picked up  
16 brush or there is some other deficiency related  
17 to stormwater or some other issue. So that would  
18 be our current approach now.

19 I can't speak for future city  
20 councils when either I am or am not employed, and  
21 then future city council board members, too.  
22 They can make their own decision at the time.

23 But currently, you know, if no  
24 action would be taken, we would go out then and

1 we would be able to bid out the work that needs  
2 to be done, and then actually file a levy  
3 ordinance at the end of the calendar year and  
4 then collect that money at the -- in the summer  
5 of the following year on your tax bill.

6 So if either there is an objection  
7 petition filed and it's overruled or the City  
8 Council just says no, thanks, we're not going to  
9 do this at the time, if the HOA fails to maintain  
10 it at that time, we would have to go through this  
11 process then, except there is 145 homeowners  
12 rather than 40 -- 40 or 50.

13 So next step. So this is a public  
14 hearing. Assuming it's closed this evening,  
15 there is a 60-day objection process. We have to  
16 let that actually expire before the City Council  
17 can take action after that, so the first possible  
18 City Council meeting for an actual vote on the  
19 SSA is the June 14th City Council meeting, and,  
20 again, I know a couple of the residents have  
21 already reached out to me and asked questions.

22 To the extent that you've already  
23 had contact with me, you know, I would hope that  
24 in a couple of months from now if anything

1 changes we would proactively, you know, let you  
2 know, but if not, it's all, you know, public  
3 forums, it's all City Council meetings. It would  
4 have to be on the agenda 48 hours in advance, and  
5 then the City Council members are usually pretty  
6 good about, you know, sending out updates to  
7 people that have contacted them, too, so, you  
8 know, hopefully if anything changes with that  
9 you'd be aware.

10 And, again, here is my contact  
11 information. That's my direct line here at City  
12 Hall, here is my email. This is public comment  
13 section, so anybody can come up and make  
14 statements or ask questions. To the extent that  
15 I can answer them today, I think the Mayor would  
16 allow me to answer them. So that's the process  
17 going forward.

18 Thank you.

19 MAYOR GOLINSKI: Do we have anyone from  
20 the public who would like to comment?

21 Please step up, sign in, please, and  
22 state your name for the record.

23 MS. ZLDER: All right. Can you hear me?

24 MAYOR GOLINSKI: We can hear you fine.

1 You can bend the mic down a little bit.

2 MS. ZLDER: All right. My name is Kate  
3 Zlder. I know Bart, I've spoken with you, and  
4 I've spoken with Joel, a few of you, and I know  
5 some of my neighbors have some stuff to say as  
6 well, but I'll just kind of throw a few things  
7 that personally are frustrating to me and my  
8 family.

9 When we -- We sought out this  
10 neighborhood because it didn't have an SSA. I  
11 previously owned a condo in the famous Bristol  
12 Bay subdivision, and I understand there is a  
13 maximum on what SSA can come out, and I know that  
14 may have been a different type of SSA, but I will  
15 tell you that between my regular homeowner taxes  
16 and the SSA, in an 800-square foot condo, I paid  
17 a \$5,500 tax bill annually. Pretty significant  
18 when you factor in what was -- you know, that's  
19 about similar to what I pay now in a 2200 square  
20 foot home, so the SSA tax really jacked up that  
21 tax bill quite a bit, so I'm a little leery of  
22 that \$745 estimated figure as the cap.

23 I'm also leery of it because it  
24 states that it's based -- that cost estimate is

1 based on 145 lots. We have currently have 49  
2 occupied homes. So what happens to the  
3 difference between -- you know, what about those  
4 extra hundred lots?

5 Do the developers pick up the SSA on  
6 those lots or does that get redistributed  
7 throughout the 49 homeowners? Does that seem --

8 MR. OLSON: Yeah. That would all be  
9 covered in your CCRs in the subdivision, so  
10 that's your bylaws for the homeowner's  
11 association. In some subdivisions, the developer  
12 funds the gap; other subdivisions, the developer  
13 doesn't fund anything. So it would really be,  
14 you know, in the private contract between the  
15 homeowners and the developer.

16 MS. ZLDER: So at this point we don't  
17 know if that cost estimate is truly accurate  
18 because it could actually be that amount spread  
19 over 49 homes depending how the CCRs are written?

20 MR. OLSON: Yes, and then the  
21 developer's representative is here who might be  
22 able to answer that, too.

23 MR. GIRARD: I know the answer, I can  
24 answer. Just quickly, I am Rich Girard and I'm

1 with Wyndham Deerpoint, and I was the original  
2 developer and still involved in the process and  
3 the project, so I'm very familiar. I drafted the  
4 document.

5 So the way we've set it up is the  
6 owners of all the lots are paying, so the people  
7 that own the vacant lots are paying the same  
8 share as the people with improved houses.

9 MS. ZLDER: Okay.

10 MR. GIRARD: So it's going to be 145.  
11 Actually from now -- from beginning of the day  
12 until now, the developer has paid a hundred  
13 percent of everything, so we've never charged  
14 anyone, and as Bart has said, we have a bid for  
15 next year of \$3,500. If you divide it by a  
16 hundred -- which we're going to do, by 142, it  
17 would be \$25 per house, and we are going to turn  
18 it over to professional management and there will  
19 be some administrative fees, but just to maybe  
20 calm everyone's fears, I think in the last two  
21 years I've been involved with subdivisions, not  
22 that I personally own, but I am also an attorney  
23 that does this type of work, with 20 different  
24 municipalities, all of them have a backup SSA,

1 that's the current standards of subdivisions now  
2 in development, and they're not active, and in  
3 none of those subdivisions has there ever been a  
4 tax issue, it's only if somebody was to fail, and  
5 here -- that most commonly happens when you have,  
6 you know, a small -- very small subdivision.

7 Here we already have 140 some and there is  
8 another phase to join, so it's highly unlikely.

9           On top of that, you don't have the  
10 big infrastructure that you do in a lot of these  
11 other subdivisions; there is not trail systems,  
12 there is not big detention areas. There is one  
13 small detention area which is already  
14 naturalized, planted, and is very low  
15 maintenance, and there's already a reserve fund  
16 set up that you've all -- everybody has funded as  
17 they have closed the houses. There is already  
18 9,000 something in that reserve fund and there's  
19 never been any money spent from it, so that  
20 reserve fund would go over to the association to  
21 start the funding in case, you know, as he  
22 pointed out, maybe ten years down the road there  
23 may have to be something, some kind of  
24 replanting, a berm, but the reserve will have



1       been built up.

2                       So personally I don't perceive --  
3       you don't have any other common areas. The park  
4       is a public park and has been maintained for  
5       years by the Park District and will continue do  
6       that.

7                       So the likelihood of any substantial  
8       is very small. It's not like the infrastructure  
9       SSA that you got embroiled with last time. There  
10      really is almost no possibility that this could  
11      raise to any significant thing, and then on top  
12      of it, eventually the homeowners are going to run  
13      it and they'll decide what their budgets are and  
14      how much they're going to spend and not spend as  
15      long as they maintain them.

16                      MS. ZLDER: Right.

17                      MR. GIRARD: SO you don't have trees,  
18      you don't have any forested areas, you don't have  
19      trails. The sewer, water, streets, all that's  
20      public. All that's maintained by the village.

21                      MS. ZLDER: Right.

22                      MR. GIRARD: So I probably talked too  
23      long. It's too late to give you a short answer,  
24      but I just want to give you some comfort that

1 this isn't that kind of situation where you're  
2 looking at a big -- this is really...

3           Actually this is to the benefit of  
4 the people in the subdivision so that you have  
5 some guarantee that if for some reason the board  
6 didn't follow through and the things weren't  
7 maintained that your subdivision isn't going to  
8 depreciate, it's not going to go -- it's going to  
9 be maintained and taken care of, and the  
10 mechanism is there to do it if that happens, so  
11 really this is a good thing as far as the  
12 homeowners.

13           I can understand everybody gets  
14 scared, it has the same name, SSA, you know,  
15 special service area, it's the same one as the  
16 one that's had a lot of issues, but this isn't  
17 that kind, so sorry there. I'd be happy to  
18 answer in any questions if I can.

19           MS. ZLDER: Well, one question that I  
20 had that kind of relates back, as you mentioned,  
21 you know, a couple things I have noted here was  
22 that we just the small detention basin, we don't  
23 have the structures, the monuments, the trail  
24 systems, we don't have any of that, and I know,

1 Bart, I asked this of you the other day: Is the  
2 City or whomever drafts these contracts or  
3 agreements open to adjusting the percentage? I  
4 don't remember what the actual --

5 UNIDENTIFIED AUDIENCE MEMBER: Cap.

6 MS. ZLDER: -- phrasing was. What was  
7 it?

8 MR. GIRARD: The cap.

9 UNIDENTIFIED AUDIENCE MEMBER: Cap.

10 MR. GIRARD: That would be up to the  
11 City.

12 MS. ZLDER: Right. The percentage of  
13 the -- yeah, the \$1.10, whatever that is.

14 I understand that a hundred -- that  
15 a dollar and ten cents is the maximum tax levy  
16 that could be taken.

17 Do we need to take the maximum? We  
18 have a small detention basin and this is just  
19 dormant, this is a just-in-case what happens  
20 30 years down the line.

21 Do we need to go ahead and put  
22 something in place to take every last penny that  
23 we have now or do we put something with a little  
24 bit more reasonable and appropriate given the

1 scale of the work that needs to be done, we  
2 already have \$9,000 in the bank, do we need to go  
3 ahead and pay the maximum amount allowed or can  
4 we scale that down a little bit to make it a  
5 little bit more appropriate for the situation at  
6 hand?

7 Then should we cross that bridge  
8 30 years from now, we maybe decided to build a  
9 structure, we build a monument, the HOA fails,  
10 now maybe we revisit this and take a little bit  
11 more if we do need more.

12 I just -- I understand when a  
13 governing agency is telling you a tax isn't a  
14 great -- isn't a bad thing and it's really  
15 actually a good thing and it's in my best  
16 interest, I'm a little leery, no offense, but do  
17 we need -- do we need to go ahead and take every  
18 last penny we can now, even though we're not  
19 taking anything yet, right?

20 It's just dormant, it's a  
21 just-in-case, it's an insurance policy for the  
22 city. I get that. Do we need to take the full  
23 amount?

24 Do we need to have it listed that

1 it's going to cover all of these items that don't  
2 exist?

3 So let's see if I had anything else  
4 here. I think that about covers my questions, so  
5 thanks.

6 MS. CARLSON: Hi, I'm Susan Carlson. I  
7 kind of understand the difference between the SSA  
8 and the SSA that you're trying to determine here;  
9 however, once an SSA is active, it is active and  
10 just like the others, correct?

11 MR. OLSON: Yeah, active would refer to  
12 whether there is a levy being placed on the  
13 residents. Dormant and -- dormant and primary is  
14 probably the better differentiator between --  
15 when you fund infrastructure, it's a primary SSA,  
16 and then the dormant SSA, or the backup SSA, is b  
17 basically for common area maintenance for the  
18 homeowner's association.

19 MS. CARLSON: And that's defined where?  
20 Because it's not on your web site. On your web  
21 site it defines an SSA as infrastructure.

22 MR. OLSON: Sure. Sure. I can get you  
23 a couple different documents that talk about the  
24 differences between the two, and it is, you know,

1 more common terminology rather than, you know,  
2 something you would find in like a state statute.

3 MS. CARLSON: Okay. In 2013 I believe  
4 the mayor had said he could not see approving any  
5 future SSA's in Yorkville as long as he is mayor.

6 MAYOR GOLINSKI: Yes.

7 MS. CARLSON: That's something to think  
8 about.

9 MAYOR GOLINSKI: And I stand by that.  
10 But, see, that's the thing, you've got to look at  
11 the difference.

12 An SSA, you know, I mean, you're  
13 talking about an infrastructure SSA, where a  
14 developer comes in, they want to put in roads,  
15 sewer, whatever -- whatever they need for a  
16 subdivision, and they sell a bond and then all  
17 the residents who buy houses there theoretically  
18 are buying a house with a lower price and paying  
19 back the infrastructure costs over a 30-year  
20 period.

21 This is only in case your HOA fails,  
22 then the city can come in and do the maintenance  
23 and charge just the residents of that subdivision  
24 for that maintenance.

1 I think we have two subdivisions  
2 where we have dormant SSAs that were active,  
3 Sunflower and Fox Hill.

4 In the case of Sunflower, their HOA,  
5 they came to the City Council and kind of begged  
6 us to take it over, and what we do, I mean, we  
7 figure out their maintenance costs -- and maybe  
8 Eric, you can maybe explain this a little bit  
9 better --

10 MR. DHUSE: Sure.

11 MAYOR GOLINSKI: -- we figure out what  
12 it costs to maintain that subdivision, you know,  
13 entryways, all the common areas, and then we  
14 figure that cost out and that's what the  
15 residents pay.

16 I think -- Do you know off the top  
17 of your head Fox Hill or Sunflower is?

18 MR. DHUSE: We actually take bids, and  
19 we have competitive bidding every April -- or  
20 February, March, so we do start it equal, and  
21 then we pay for it up front, then it gets levied  
22 in December I believe for the following year's  
23 taxes, and we only levy what has been charged by  
24 our contractor.

1           MAYOR GOLINSKI: Contractors. And then  
2 do you know off the top of your head how much Fox  
3 Hill.

4           ALDERMAN COLOSIMO: Yeah, it's 32 for  
5 Fox Hill and 74 for Sunflower.

6           MR. DHUSE: Yeah. And those are higher  
7 than they have been because we did the large  
8 maintenance projects last year.

9           MS. CARLSON: Is that monthly or --

10          MR. DHUSE: No, that's a year.

11          MR. COLOSIMO: Year.

12          MR. DHUSE: And that's what yours will  
13 be, years, a yearly fee.

14          MS. CARLSON: And what does concern me  
15 was the max, again going back to that, because we  
16 don't plan on -- We all bought here because there  
17 is no SSA, there is no massive common areas to  
18 maintain, so the maxes bother me a little bit  
19 especially since someone else said -- I think  
20 Mr. Colosimo, said something about a \$25  
21 sandwich, we're only going to charge you \$20 this  
22 year, but, you know, you could be charged 25  
23 because that's what the sandwich would cost this  
24 year.



1                   So even you're saying you could go  
2 up to the max because it's in the paperwork. I  
3 just think that max is way out of line for this  
4 subdivision for a little bit of mowing.

5                   MR. COLOSIMO: Just for clarification,  
6 though, the max is the same formula for every  
7 subdivision in the city, so it's based off that  
8 formula.

9                   MS. CARLSON: Well, it shouldn't be  
10 because our subdivision doesn't have very many  
11 common areas. It's got one little strip.

12                  MR. COLOSIMO: So there is no way we  
13 could ever assess the max because where we would  
14 use the money? That's the point.

15                  So if we don't -- Since your HOA is  
16 free to do what it wants in the future, you can  
17 add trails, you can do -- you can do whatever you  
18 want through your HOA in the future and we as a  
19 city have no control over it.

20                  It's a private entity that you guys  
21 elect your officials and you can do anything you  
22 want in your subdivision. You can build a  
23 clubhouse, you could put in a swimming pool, you  
24 could put in trails, it's completely up to you,

1 but in the future, if we have to step in, if we  
2 have to maintain a clubhouse, a swimming pool and  
3 trails, we have to have some sort of assurance  
4 that we can cover those costs, so how much we  
5 assess in the future if you fail is completely up  
6 to your association that we do not control as to  
7 what you add.

8 If all we have to do is mow a lawn  
9 and that's it, you guys haven't added anything,  
10 there's -- there would be no legal justification  
11 for us to ever assess anything above three, four,  
12 \$5,000 to mow, but if you add a swimming pool and  
13 a clubhouse and your association fails, we are  
14 now responsible for that -- for that clubhouse  
15 and that swimming pool, so we as a city have to  
16 have some sort of assurance, but that ties back  
17 to the original statement we made that we have no  
18 interest in taking over your association  
19 whatsoever. We don't want it, but it's our  
20 insurance policy in case we are forced to do it.

21 MS. CARLSON: Once the SSA becomes  
22 active, is there a possibility that delinquent  
23 taxes could be added into that SSA like happened  
24 at Raintree and a couple other places?

1 MR. OLSON: That's a good question. So  
2 in the case of Raintree and the ...

3 MS. CARLSON: Capitol.

4 MR. OLSON: Those were primary SSAs, so,  
5 you know, they were dealing with a much larger  
6 pot of money.

7 With the back up SSAs, I suppose it  
8 could theoretically, you know, we have Fox Hill,  
9 I forget how many hundreds of homes we had out  
10 there exactly that are in that HOA, \$32.

11 I mean, if somebody doesn't pay  
12 their property taxes and no one picks it up at  
13 the time of the tax sale at the county level, we  
14 would be short \$32, you know, on our annual levy.

15 MS. CARLSON: So you could put that into  
16 our SSA?

17 MR. OLSON: You know, to the extent that  
18 there was a massive shortfall, you might be able  
19 to, you know, levy it in future years, but I  
20 don't see it being a factor.

21 MR. DHUSE: In the real world, in our  
22 subdivision, my own, and when that did happen to  
23 certain houses, they actually -- the homeowner's  
24 association only levies for the dues, only what

1 they're owed, only what they can prove they're  
2 owed. They don't levy back taxes, property  
3 taxes, it's just the dues, so it was \$35.

4 MS. CARLSON: Is that what happened in  
5 Raintree? Or were the taxes spread out?

6 MR. DHUSE: No, Raintree was a primary  
7 SSA, different than a backup SSA.

8 MS. CARLSON: I guess that's what needs  
9 to be clarified. I would like to see -- you said  
10 you would.

11 MR. OLSON: Yes.

12 MS. CARLSON: -- forward me a primary  
13 SSA.

14 So if this -- Last question. If in  
15 Article -- I forget what it is -- Article 4,  
16 Section 9 of our homeowner's association CCR, if  
17 it already states that the city of Elgin will  
18 come in and establish an SSA, why do we need  
19 this?

20 MR. OLSON: I did see that. That's a  
21 scrivener's error. It says City of South  
22 Elgin --

23 MS. CARLSON: Yes, it does.

24 MR. OLSON: -- it is City of Yorkville,

1 so that should say City of Yorkville.

2 ALDERMAN FUNKHOUSER: I think to answer  
3 that question on that one, the intent was that  
4 this SSA was to be established as a backup. It  
5 never was done.

6 It's obviously in the agreement  
7 between the developer and the homeowners that  
8 this was to be established, and that's what we're  
9 doing, is we're following through on this. As  
10 this development is restarting, the developer has  
11 come through, made some approvals for them.

12 The backup dormant SSA was to be put  
13 in place. It wasn't. And that's what we're  
14 doing now as a protection for the city and for  
15 the development, for the residents.

16 It was pre -- already contemplated.  
17 We're just following through on that at this  
18 point.

19 MAYOR GOLINSKI: And believe me, I share  
20 your concerns because when I first moved to  
21 Yorkville, I came from Bolingbrook, every  
22 subdivision had an SSA. I would not buy in a  
23 subdivision with an SSA, but if they had a backup  
24 SSA -- I moved to River's Edge.

1 I think, Rich, you may have drawn up  
2 the CCRs at River's Edge. Were you involved in  
3 River's Edge?

4 MR. GIRARD: Yes, I did.

5 MAYOR GOLINSKI: So I am probably  
6 familiar with your CCRs, too, but the best thing  
7 to do is get involved in your HOA, have a strong  
8 HOA, control your own destiny.

9 MS. CARLSON: It's not with us. It's  
10 with the developer.

11 MR. GIRARD: It will be.

12 MAYOR GOLINSKI: It will be.

13 MR. GIRARD: Yeah. We are going to be  
14 turning it over, we are going to be getting a  
15 board and do that, but right now there's nothing  
16 to do.

17 As you point out, there's one small  
18 detention area and we've paid for it for ten  
19 years, to maintain it, and continue to do that,  
20 just as part of our responsibilities in handling  
21 it.

22 A couple just quick things about  
23 concern with the tax, you know, I'm the one that  
24 put Elgin in there instead of South Elgin because

1 I was doing two projects in Elgin at the same  
2 time and they both have the SSA.

3 I can't think of a project in the  
4 last five years that a backup SSA wasn't put in  
5 place; that's just part of the process now, and  
6 almost all ordinances require it now.

7 But a couple quick things. You are  
8 worried about the taxes; this isn't one where  
9 people could roll in taxes. The taxes on the  
10 common areas are a dollar a year, so you're not  
11 going to have that kind of -- this doesn't have  
12 bonds and a tax structure that's built up by  
13 paying for all the infrastructure that then was  
14 a lien on all of the property.

15 In this case all the infrastructure  
16 is paid for. It's all in, it's all paid for and  
17 it's all done, and so it isn't just the same  
18 animal, but it is very confusing because it uses  
19 the same language and the same, you know, kind of  
20 things.

21 But like I said, the taxes are a  
22 dollar per year per lot.

23 MS. CARLSON: Okay. I think that's all  
24 my questions at this point. Oh, one

1 clarification on 51 percent, sorry, for  
2 opposition of this.

3 Is that per lot?

4 MR. GIRARD: Yes. There aren't enough  
5 votes to stop it --

6 MS. CARLSON: Gotcha.

7 MR. GIRARD: -- to be honest with you.  
8 I'm not trying to be, you know, cute about it, I  
9 just don't want to surprise anybody either.

10 Every lot has a vote and there's  
11 140-some lots, so... but it was always intended  
12 to be there. That's why it's in all the  
13 documents.

14 MAYOR GOLINSKI: Anyone else?

15 MS. CARLSON: I have another question.  
16 Sorry. You had mentioned, Mr. Olson, that  
17 hopefully the city will be able to afford to put  
18 in a park.

19 MR. OLSON: Yes.

20 MS. CARLSON: So is the city going to  
21 pay for the park? This has been a question I  
22 have asked from the beginning, on who is going to  
23 pay for the park.

24 I called Wyndham, they said the city



1 is. I called the city and the city said Wyndham  
2 is.

3 What is the correct answer?

4 MR. OLSON: So the original agreement,  
5 there was a disagreement between us and the  
6 developer as to how the park would be funded.

7 The city's interpretation of the  
8 annexation agreement is that the developer would  
9 front fund the land cash fees that would afford  
10 the park. Okay.

11 The developer's interpretation was  
12 that it should have been on a per-housing basis  
13 at the time of building permit, and so those fees  
14 were collected over a number of years, and this  
15 is 2006, 2007.

16 The permits were issued, and because  
17 of the disagreement, none of the revenues were  
18 collected, so that's where the disagreement the  
19 last time you had asked -- the last time you had  
20 asked about.

21 The most recent annexation agreement  
22 that we just approved a couple meetings ago with  
23 the developer actually clarifies that.

24 We got a little bit of fees from the

1 developer, and also they are put on a per-permit  
2 basis now, so as homes get built in the  
3 subdivision we will collect a couple hundred  
4 dollars, and at that point it's the City Council  
5 and the Park Board's decision whether they can  
6 take that money over the next five or ten years,  
7 depending on how the subdivision gets built out,  
8 and build it -- 70 percent is usually the metric  
9 in the park's master plan, or whether they want  
10 to build it sooner and just figure out a way to  
11 pay for that and then get reimbursed for the fees  
12 at a later date, so it is the city's -- the city  
13 is the entity that goes there and builds it, but  
14 because we didn't have a revenue stream  
15 previously, they had chosen not to move forward  
16 with it.

17 MS. CARLSON: Okay.

18 MS. LOEFFLER: Are there plans to  
19 continue building in our neighborhood or  
20 something?

21 MAYOR GOLINSKI: Ma'am, if you would  
22 like -- Anyone who would like to speak, stand up,  
23 state your name and -- for the record, just so we  
24 have everything in the record.

1 MS. LOEFFLER: My name is Katie  
2 Loeffler. I guess I'm just a little upset  
3 because back when we moved in, having small kids,  
4 we were promised the park and a nice new  
5 neighborhood and, you know, I can't even take a  
6 walk with my family without having to walk in the  
7 road because there is no sidewalks.

8 Now you're telling me I'm going to  
9 have to pay even more money?

10 And we've had enough of it, you  
11 know. And the value of our house has continually  
12 gone down because people are leaving,  
13 foreclosing, and now it's going to be even harder  
14 to sell, and, you know, the whole homeowner's 's  
15 association, I don't know what's going on with  
16 that.

17 We've lost trees, we can't get ahold  
18 of anybody. Same thing where you call the  
19 neighborhood -- or the city, they tell us to call  
20 the owners, and it's just been a roundabout  
21 ordeal and I just -- you know, are there plans to  
22 develop I guess?

23 I mean, are we going to build up and  
24 become something or are we just going to get

1       taxed for having nothing?

2               MR. OLSON: Yes, each lot, each vacant  
3       lot owner has the ability to sell to whoever the  
4       city has stopped a work order on permits or work,  
5       so to the extent that the landowners can find a  
6       willing builder and buyer, then they're free to  
7       build out there.

8               MS. LOEFFLER: Are you the developer? I  
9       mean, are we starting to develop or -- I guess I  
10      am confused on what's happening in our  
11      neighborhood.

12              MR. GIRARD: Well, I guess it's two  
13      questions. As far as the development, you know,  
14      we didn't go anywhere. We finished it, we built  
15      everything out, we've been there for ten years.

16              Now, the next question is what about  
17      the houses, and that's the market. I mean,  
18      they're available for sale, we are looking for  
19      builders, actively looking for builders, but we  
20      don't have a builder in place yet, and, you know,  
21      having -- we've had discussions with the city and  
22      staff and decided to all move forward and  
23      complete all the infrastructure and have  
24      everything, you know, done, which is not what's

1       happened, but we're still --

2               MS. LOEFFLER: Well, what's being done,  
3       I guess, what infrastructures are we talking  
4       about?

5               MR. GIRARD: Sewer, water, streets. You  
6       know, the park is done, been done for years, the  
7       streetlights. That's the infrastructure, that's  
8       what I'm talking about.

9               MS. LOEFFLER: We don't have a park.  
10       We've got nothing over there. We don't even have  
11       sidewalks.

12              UNIDENTIFIED MAN: We have open land --

13              MS. LOEFFLER: Yes.

14              UNIDENTIFIED MAN: -- (inaudible).

15              MR. GIRARD: Well, that's true, it's  
16       vacant --

17              UNIDENTIFIED MAN: (Inaudible).

18              MS. LOEFFLER: We get to look at  
19       beautiful weeds outside of our windows.

20              MR. GIRARD: That's true. But it is --

21              MAYOR GOLINSKI: Guys, guys, one at a  
22       time. Not back and forth with each other.

23              MR. GIRARD: I'm sorry. I didn't mean  
24       to debate, I'll just be quiet.

1 MS. LOEFFLER: So we're just stuck now  
2 with an SSA on top of a bunch of stuff that we  
3 thought we were all getting when we moved in, you  
4 know.

5 I guess that's where we're all --  
6 what are we paying, you know, the basin or  
7 whatever? You're going to tax us for that now?

8 I mean, you know, we're all watching  
9 our homes lose value because there's nothing out  
10 there, nobody is trying to actively develop in  
11 there, you know. I mean, at least if we're  
12 getting taxed, build me a nice park first for my  
13 kids who are now too old. You know, it's kind of  
14 ridiculous, and it's awfully unfair that we're  
15 all stuck there and we don't even have a voice  
16 because we're less than 51 percent. It's kind of  
17 rotten I guess.

18 (Applause.)

19 ALDERMAN FRIEDERS: Just so you guys  
20 know, you have two things going for you that I  
21 don't just south of the tracks. I am in  
22 Whispering Meadows.

23 We have 71 lots that are not built.  
24 That developer is not legally a developer. You

1 have a developer sitting right there who covers  
2 your shortfall. He does not cover mine. He  
3 finished your roads. I don't have them.

4 So while I understand the  
5 frustration and thinking okay, in the future if  
6 all this crap falls down, I'm going to be charged  
7 a maximum \$745 a year.

8 I would pay 250 a month to drive on  
9 a road that didn't fall apart every winter. Now,  
10 I'm not comparing my apples to your oranges, but  
11 I'm telling you where you're sitting is a  
12 beautifully, almost complete, small little  
13 enclave of houses.

14 What we have in Whispering Meadows  
15 is no roads whatsoever, and I encourage you to  
16 drive from anywhere at 35 miles an hour and then  
17 go back to yours and go hell, yes, I can pull in  
18 my driveway without a bump, and your developer is  
19 sitting right there, and I would invite you to  
20 come to my neighborhood because I have 71 lots  
21 that I would love to put on you because you show  
22 up at meetings.

23 Now, I've been living there since  
24 2006, September 26th will be ten years, with no

1       fricking roads.

2                       Now, the other day when we approved  
3       you guys getting roads, I was all for it because  
4       there is one thing that sucks is when you can't  
5       pull into your driveway without doing this  
6       (indicating). It's unbelievably frustrating.

7                       I can't sell my home. There are  
8       four houses on my block for sale who are just as  
9       pissed off as I am. Excuse me, Mr. Mayor.

10                      MAYOR GOLINSKI: You are under oath.

11                      ALDERMAN FRIEDERS: And one of the  
12       things that I came to this seat for was to get  
13       what you got, and I don't have any of that.

14                      But, seriously, thank you for  
15       sitting there like a developer should and answer  
16       questions because I don't have one.

17                      The fact that you guys have roads  
18       and complete infrastructure and, seriously, you  
19       have such a small amount of common areas, I  
20       understand there -- it's a lot of tiny words and  
21       it's a letter says, Do you want to come to the  
22       hearing, you get freaked out. I get it.

23                      The good thing is you have a very  
24       honest City Council who is aware of all of the



1       crap going on in every other HOA, every other  
2       neighborhood in the city.

3               There are houses that aren't being  
4       built because nobody is building houses. There  
5       are some areas where they are because of  
6       incentive programs. They are doing everything  
7       they can here; I'm doing everything not to lose  
8       the hair I already don't have.

9               I am dead serious. Your road is a  
10      cherry on top of a neighborhood that yes, it's  
11      not complete, but you have a semblance of a  
12      neighborhood.

13              Where I live right now is a quarter  
14      of that. It's 171 lots with 70 -- or excuse me.  
15      221 houses with 71 empty lots.

16              Those 71 empty lots aren't funding  
17      the road that I drive on because they don't  
18      exist. So yes, it sucks, that maybe in 20 years  
19      you might at most, if you build a palatial pool  
20      like my subdivision decided to do, and I pay \$90  
21      every other month for a pool that I won't use, I  
22      don't have roads.

23              You have a small little pocket of  
24      homes that are still -- still there. They're not

1 falling down, they're not blowing away, and you  
2 have a developer that is still active.

3 That is a godsend compared to what I  
4 am dealing with personally -- and I'm not  
5 whining -- I'm whining, but seriously, the way  
6 that this reads is do what we should have done  
7 when the -- basically the neighborhood was  
8 formed, and it's a good idea. It should have  
9 been a long time ago and I blame you, but I'm  
10 still thankful that you're sitting there.  
11 Seriously, you're adorable.

12 So moving forward, I understand that  
13 it's frustrating to think that you might have to  
14 pay more money at a future date, it's for the  
15 protection of anyone who buys their home after  
16 you leave.

17 And, believe me, your home has value  
18 because your streets are impeccable, and that's  
19 something that not a lot of neighborhoods have.  
20 I know it's frustrating to think of the future,  
21 yes, more money might come out of my taxes, but  
22 let me tell you, you're already paying for  
23 everybody else's, you have them. I'm paying for  
24 everyone else's roads and I don't, and I'm not

1 getting anywhere, so while yes, I can't move to  
2 Caledonia because no one will buy my house  
3 because I don't have any fricking roads, I would  
4 love to live in your neighborhood.

5 The proximity to Corneils is  
6 awesome. Eldamain is blowing up. You guys could  
7 get -- If there is a zombie attack, you can bail  
8 faster than anybody.

9 So count your blessings because it's  
10 not as bad as it might seem, and I understand  
11 that it's frustrating, but Caledonia is a castle  
12 right now compared to my little bump in the road,  
13 and I'm not trying to deviate, but it's just  
14 frustrating when you have something that should  
15 have been done a long time ago just kind of get  
16 caught up and finished, and now we're freaking  
17 people out. We don't want to freak you out.

18 This is for your protection as well  
19 as ours and everyone else that lives here.  
20 17,000 people live here. Your little pocket  
21 shouldn't be on everyone else's back, everyone's  
22 else's back shouldn't be on yours, but then  
23 again, you have roads. That's all. I love  
24 Caledonia. Go, Caledonia.

1 But I understand the frustration,  
2 but please, count your blessings, because it's a  
3 lot more awesome up there than it is a little bit  
4 south. Sorry for rant ing.

5 MAYOR GOLINSKI: No, no. Well said  
6 actually. Okay. Can anyone top that?

7 MS. ZLDER: First question. That was  
8 pretty awesome. Okay. But just one quick  
9 question: Is there any circumstance when the  
10 backup SSA that only functions to support the  
11 basins and the -- you know, those type of things,  
12 is there any way that could ever change to the  
13 type of SSA you have like in Bristol Bay? Once  
14 it is what it is, can it ever change?

15 MR. OLSON: No. You would have to form  
16 a new SSA. It would be the same process you're  
17 going through now except with a lot more money  
18 and a lot bigger sketch.

19 MS. ZLDER: Okay. Thank you.

20 MS. CARLSON: One quick question. I  
21 have more concerns about selling my house and  
22 having to disclose the fact that there is a  
23 backup SSA and so I have a question, on the  
24 Wyndham Deerpoint sign, it says Caledonia and it

1 says, no SSA in the corner.

2 Does that stay or does it go with  
3 this?

4 MR. GIRARD: Actually we'll take the  
5 full sign down so it won't be an issue.

6 MS. CARLSON: Why would you take the  
7 whole sign down?

8 MR. GIRARD: Well, we don't -- I mean,  
9 we don't need it right now, it's not doing any  
10 function. I mean, the -- See, I'm not -- I think  
11 you're trying to say well, is there an SSA now,  
12 so we're going to misrepresent and --

13 MS. CARLSON: No, I'm not saying that.  
14 When I go to sell my house, do I have to disclose  
15 there is an SSA?

16 MR. GIRARD: The SSA is actually a  
17 recorded document.

18 MS. CARLSON: So yes.

19 MR. GIRARD: Yes, and, in fact,  
20 whoever -- when you bought your house and whoever  
21 buys from you, the declarations are a recorded  
22 document. You know, when you read the  
23 declarations, it says in it that there's going to  
24 be an SSA, there is that clause.

1                   It says it's going to be in Elgin,  
2                   but it does say there is going to be an SSA. I  
3                   mean, so my point is, it is disclosed. Most  
4                   people don't pay any attention and don't even  
5                   think about it. I mean, it's not something your  
6                   lender raises or anybody else raises because they  
7                   expect it on a title.

8                   MS. CARLSON: I suppose, but, you know,  
9                   when I came out here looking for a house, if I  
10                  saw SSA anywhere, I didn't even bother looking  
11                  any further.

12                 MR. GIRARD: I see what you mean, yeah,  
13                  and I think it's just a matter of explaining --  
14                  Like I said, I think in the last five years  
15                  almost every single subdivision, I mean, I'm  
16                  talking about the whole region of Chicago uses  
17                  SSAs.

18                 This isn't a Yorkville thing, it's  
19                  every subdivision and every town now does that.  
20                  I know in Kane County it's part of their  
21                  ordinance, they require it. You can't get an  
22                  approved subdivision without an SSA, so my point  
23                  is it's an accepted thing now.

24                 I understand there is a lot of fear

1 here and that's what generated I think a lot of  
2 the interest, to say SSA in Yorkville, Yorkville  
3 has had some issues, as have some other  
4 municipalities, but I mean -- so everybody is  
5 hypersensitive to the word SSA, but --

6 MS. CARLSON: Well, sure. Rightfully  
7 so.

8 MR. GIRARD: Yeah, but people are now  
9 beginning to understand the difference, you know,  
10 what --

11 MS. CARLSON: Are you backing out? Are  
12 you taking the sign down because you're backing  
13 out, or what?

14 MR. GIRARD: No, no. I mean, whatever  
15 you pay, multiply that times 68 times and that's  
16 what we pay because we have 68 lots, so, you  
17 know, we're not -- believe me, we're not trying  
18 to harm anything, you know. Whatever -- We're  
19 paying our share of the SSA per -- and we didn't  
20 have to.

21 We could design it to say only the  
22 existing homeowners pay for that, but we didn't  
23 do that. We said no, we're going to split it  
24 along all of the lots, so it's -- we're not going

1 anywhere. We do plan to market or to build it  
2 out, and -- but it's all market driven. As  
3 someone has said, we're not -- we're getting  
4 closer, the market has been improving little by  
5 little each year and it's getting there, but it  
6 hasn't been there yet.

7 MS. CARLSON: And you'll be turning the  
8 HOA over sooner than 75 percent built? Is that  
9 what I'm understanding tonight?

10 MR. GIRARD: Well, I don't think we've  
11 made the final decision yet, and it's because it  
12 hasn't been a driving feature or matter. You  
13 know, we haven't -- we're willing to turn it  
14 over.

15 We'd have to find the people that  
16 are interested and we'd have to go through that  
17 process and we've been dealing with other issues  
18 and it hasn't -- you know, and since we've been  
19 funding everything anyway, we haven't spent any  
20 of the reserves, there wasn't any big urgency  
21 because it's largely one contract for somebody in  
22 maintenance to go out, so there isn't a specific  
23 deadline, but we would personally like to  
24 accomplish it this year if we can.



1 MS. CARLSON: Okay. Thank you.

2 MS. KING: Hi. My name is Marva King,  
3 and like the others, I have -- I'm also a little  
4 disappointed, living here eight years. We were  
5 promised a lot and a lot of things haven't  
6 happened, and I understand that, you know, things  
7 have happened.

8 I guess I'm curious, has -- is there  
9 any way to encourage builders to come and build?  
10 Has this happened to another subdivision before?  
11 What did they do to bring builders?

12 Are there any committees? Are there  
13 any teams that can come forward and make this  
14 community like we were promised?

15 MR. GIRARD: You know, the City of  
16 Yorkville has -- they've been pretty aggressive  
17 and active in that for many different ways.

18 They've had the Economic Development  
19 Committees that actually work on that type of  
20 thing.

21 The city itself has supported a  
22 program to encourage builders to allow incentive  
23 and matching funds, and they've just recently  
24 extended that program again, and that is

1 incentive. It is getting people interested.

2 We -- I'm involved in the industry,  
3 I'm on the board of a couple homeowner's  
4 associations and I regularly talk to the  
5 builders, so one of my jobs is to find a builder  
6 to build it out.

7 MS. KING: Yeah, I mean, like why isn't  
8 that happening with us? I mean, I'm sure there  
9 is other towns, there is other communities, there  
10 is -- that have gone through this same thing.

11 I mean, is there someone that we can  
12 consult with to get ideas to -- I mean, my kids  
13 are grown now. I -- I had a dream for them, this  
14 was our dream house, and nothing has happened,  
15 and I know a lot of things -- you know, it's not  
16 in a lot of people's control, but, you know, is  
17 it possible?

18 MR. GIRARD: Really, we're working on  
19 it. Believe me, nobody wants to build it out  
20 more than we do, or the developer.

21 MS. KING: All right.

22 MR. GIRARD: So we are -- It would be  
23 astounding to you probably the amount of money  
24 we've spent in the last few years building it,

1 maintaining it and cleaning it, and -- rather  
2 walking from it, and we -- no one wants it done  
3 more than us, so we are aggressively working on  
4 it.

5 As I said, the city has been  
6 helpful, you know. They've worked together with  
7 us to complete this infrastructure and get it --  
8 which is the next thing.

9 We go to a builder now and say, This  
10 is 100 percent done, you know, the letters of  
11 credit are dealt with, it's built, and you can  
12 look at it. It looks very nice. I mean, it's --  
13 at least when I drove -- I drove through it again  
14 tonight, I think it looks nice.

15 It's a matter of marketing, and we,  
16 frankly, have to be a little careful of what goes  
17 there, too.

18 You don't want us just having  
19 anybody who will build it at the lowest number  
20 and the fastest to get it built, you know. We  
21 have a reputation and we are responsible, so we  
22 are -- we take some care with who will build it  
23 out, too, so -- and that takes a little more  
24 patience. You know, if you want a little higher

1       quality and a little more there, we have to be a  
2       little more patient with the market.

3               MS. KING:   Okay.   Do you have any  
4       estimated time frame that that might happen or  
5       are you getting any positives from --

6               MR. GIRARD:   Probably as soon as  
7       possible is not what you're looking for, you want  
8       something more specific than that?   And, no,  
9       we've had a lot of interest, that's all I can  
10      really tell you, because anything else would be  
11      just a false expectation, you know.

12              There -- three years ago or four  
13      years ago there wasn't any interest.   There is  
14      now.   The market is changing.

15              It is in a great location personally  
16      to sell it.   In case anybody is looking to build,  
17      as was pointed out by the alderman here, is that  
18      you are on the far north side of Yorkville, you  
19      don't have to go all the way through Yorkville to  
20      get to the Tollway.

21              MS. KING:   Yeah, I mean, that's one of  
22      the reasons why we moved here, it was -- we are  
23      right by the water park.   There is a lot of  
24      positives, but...

1 MR. GIRARD: And, you know, there really  
2 aren't any negatives in the area, the school  
3 system is great. I mean, all -- it's got pluses  
4 everywhere, we just have to convince the home  
5 building business out there that this is the  
6 place to be and the place to go, and we're  
7 working on it.

8 MS. KING: Okay. Wish you the best with  
9 that.

10 MR. GIRARD: Thank you.

11 MR. COLOSIMO: Miss King, to answer your  
12 question --

13 MS. KING: Yes.

14 MR. COLOSIMO: -- whether this has  
15 happened before, obviously every subdivision came  
16 to a grinding halt when the bubble burst, as you  
17 know, and in the last few years, yes, developers  
18 have been looking at Yorkville, when that bridge  
19 came back online and Autumn Creek came back  
20 online, Grande Reserve came back online, and  
21 those are all now subdivisions that are actively  
22 building and have active developers, and they  
23 were in the exact same shoes you were, so there's  
24 hope, there's light on the horizon, and as a

1 Council, I swear to you we're doing everything we  
2 can to incentivize, you know, people to come  
3 here, but some of these -- some of these  
4 subdivisions are now coming back online.

5 I have a problem now that when I  
6 drive to my house I have to drive around all the  
7 construction trucks because there is so many  
8 houses going up, and I'm not the complaining, and  
9 I'm the furthest south subdivision in the city of  
10 Yorkville while you are the furthest north  
11 subdivision in the city of Yorkville, but they  
12 are coming, they are looking at Yorkville, and  
13 when you look at the number of building permits  
14 issued every year, we are on a sharp incline, so  
15 it's just a matter of time.

16 MS. KING: Well, thank you very much.  
17 Thank you.

18 MS. CARLSON: Just for the record, I  
19 just wanted to submit these 12 objection  
20 petitions that I have collected.

21 MAYOR GOLINSKI: Okay. Anyone else?  
22 Any other comments, questions? Yes.

23 ALDERMAN TEELING: I was just going to  
24 encourage the residents to look at the Fox Hill

1 and the Sunflower budgets. Those are the SSA's  
2 that we handled because the homeowner's  
3 associations went defunct, and you can see, you  
4 know, what has actually happened there.

5 We're only paying for the things  
6 that are actually being done, so it's not as if  
7 we're -- you know, I mean -- and that may not  
8 ever even come to that, you know, this is just a  
9 backup just in case the mechanism is there for us  
10 to start doing it and getting bids. That's  
11 really all this is for.

12 So I would encourage you just to  
13 look through those budgets for the last several  
14 years just to see where those were at. We didn't  
15 use the maximum, we never charged the maximum.  
16 We only charged what we were paying for  
17 essentially. So I would encourage you to look  
18 through those budgets, Sunflower and Fox Hill,  
19 right?

20 MR. COLOSIMO: Yes.

21 ALDERMAN TEELING: Yes, Sunflower and  
22 Fox Hill, and juts see where we were.

23 They did increased this year, or  
24 last year, just because the detention basin

1 needed to be improved and the trails in the other  
2 subdivision, but I think if you look at those  
3 budgets, you'll what is actually -- what we're  
4 proposing, what we need to do, this is it.

5 And we would never even have  
6 activated those SSAs except for in one case the  
7 residents came to us and said, Please, do this,  
8 please do this, because the homeowner's  
9 association was defunct, they couldn't get it  
10 together, they had no money, so we stepped in for  
11 them and did it, and the same thing in Fox Hill,  
12 so just look at those budgets and you'll see what  
13 this is actually all about.

14 This isn't an additional tax; this  
15 is something that you're going to pay for when  
16 you have a homeowner's association and you're --  
17 when your subdivision is completely built out,  
18 these are the things that you're going to be  
19 responsible for, and so currently your developer  
20 is paying for a majority of that and I don't --

21 Are you paying the whole thing right  
22 now?

23 MR. GIRARD: Yes.

24 ALDERMAN TEELING: Yes. So the whole



1     thing is being paid for right now, and it looks  
2     like, you know, you might be having some  
3     homeowner's association fees assess assessed  
4     soon?

5             MR. GIRARD:   That's the plan.

6             ALDERMAN TEELING:   Yeah, but only your  
7     portion of it, and so that's what's going to  
8     happen in the future anyway once the subdivision  
9     is built out, you're going to have a homeowner's  
10    association that you're going to have to pay dues  
11    to and fees to take care of these common areas,  
12    and that's exactly what we would do if in the  
13    event the homeowner's association went kaput.  
14    These all this is.

15            So just look at those two budgets  
16    that are in the -- in our budget.   You can look  
17    it up online actually because there is a budget  
18    online.

19            City attorney:   Mr. Mayor, I would like  
20    to make a comment here.

21            MAYOR GOLINSKI:   Go ahead.

22            MR. GARDINER:   As to the petitions you  
23    presented, technically you need to present those  
24    petitions at the close of this public hearing so

1 the record shows that you dropped them off, but I  
2 would take them back --

3 MS. CARLSON: Okay.

4 MR. GARDINER: -- wait until we close  
5 this hearing and then they can be properly  
6 considered, which may be five minutes difference,  
7 but that's what you need to do.

8 MS. CARLSON: Okay.

9 MAYOR GOLINSKI: Any other public  
10 comment or questions?

11 (No response.)

12 MAYOR GOLINSKI: If not, we will close  
13 the public hearing. And now you can submit the  
14 objections.

15 I need just a minute with the clerk  
16 here. Did you want to submit those objections  
17 now?

18 MS. CARLSON: Pardon?

19 MAYOR GOLINSKI: Did you want to submit  
20 those objections now?

21 MS. CARLSON: Sure.

22 MAYOR GOLINSKI: Yeah, you can just give  
23 them to the clerk here. Or they can submit them  
24 any time in the next 60 days, right?

1 MR. GARDINER: Yes.

2 MAYOR GOLINSKI: Yeah, it can be now or  
3 anytime with the next 60 days you can submit it.

4 MS. CARLSON: Who do I give them to?

5 MAYOR GOLINSKI: Right here, City Clerk.

6 Okay. Again, if you have any  
7 questions, please feel free to reach out to Bart  
8 and talk to your elected officials, any questions  
9 at all. We thank you all.

10 Okay. Next we will go into public  
11 hearing for Autumn Creek subdivision, Second  
12 Amendment to that certain Annexation Agreement,  
13 Autumn Creek subdivision, dated April 12, 2005,  
14 as amended July 13, 2010, by and among Pulte Home  
15 Corporation, owner/developer, a Michigan  
16 corporation, and the United City of Yorkville,  
17 Kendall County, Illinois, for the purpose of  
18 amending the Autumn Creek fee schedule to revert  
19 back to the fees in effect as of the date of the  
20 original agreement with no increases other than  
21 those incurred by the City for water meters, and  
22 extending the ordinance/code locks on the  
23 development for a period of five years.

24 So do we have any comment about the

1 Autumn Creek subdivision amendment to the  
2 annexation agreement?

3 (No response.)

4 MAYOR GOLINSKI: Do we have any City  
5 Council comments or questions on this amendment?

6 (No response.)

7 MAYOR GOLINSKI: Hearing none, we will  
8 close the public hearing for Autumn Creek  
9 subdivision second amendment to the annexation  
10 agreement.

11 Thank you.

12 (Which were all the  
13 proceedings had in the  
14 public hearing portion  
15 of the meeting.)

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1 STATE OF ILLINOIS )  
2 ) SS.  
3 COUNTY OF LASALLE )

4 I, Christine M. Vitosh, a Certified Shorthand  
5 Reporter, do hereby certify that I transcribed  
6 the proceedings had at the public hearing and that  
7 the foregoing, Pages 1 through 65, inclusive, is  
8 a true, correct and complete computer-generated  
9 transcript of the proceedings had at the time and  
10 place aforesaid.

11 I further certify that my certificate annexed  
12 hereto applies to the original transcript and  
13 copies thereof, signed and certified under my  
14 hand only. I assume no responsibility for the  
15 accuracy of any reproduced copies not made under  
16 my control or direction.

17 As certification thereof, I have hereunto set  
18 my hand this 3rd day of May, A.D., 2016.

19 \_\_\_\_\_  
20 Christine M. Vitosh, CSR  
21 Illinois CSR No. 084-002883  
22  
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24

<p><b>\$</b></p> <p><b>\$1.10</b> [3] - 13:7, 13:14, 23:13  <b>\$100</b> [2] - 13:8, 13:14  <b>\$12</b> [1] - 9:23  <b>\$174</b> [1] - 12:4  <b>\$2,000</b> [1] - 12:15  <b>\$20</b> [1] - 28:21  <b>\$200</b> [2] - 8:13, 11:19  <b>\$24</b> [1] - 9:8  <b>\$25</b> [2] - 19:17, 28:20  <b>\$3,500</b> [1] - 19:15  <b>\$32</b> [3] - 9:21, 31:10, 31:14  <b>\$35</b> [1] - 32:3  <b>\$3500</b> [2] - 8:24, 12:16  <b>\$38</b> [1] - 12:18  <b>\$5,000</b> [1] - 30:12  <b>\$5,500</b> [1] - 17:17  <b>\$50</b> [1] - 11:19  <b>\$67,000</b> [1] - 13:13  <b>\$745</b> [3] - 14:6, 17:22, 43:7  <b>\$750</b> [1] - 13:15  <b>\$9,000</b> [1] - 24:2  <b>\$90</b> [1] - 45:20</p>	<p><b>2003</b> [1] - 6:7  <b>2005</b> [1] - 63:13  <b>2006</b> [4] - 6:9, 11:1, 37:15, 43:24  <b>2007</b> [1] - 37:15  <b>2010</b> [1] - 63:14  <b>2013</b> [1] - 26:3  <b>2016</b> [3] - 1:18, 12:12, 65:17  <b>2016-1</b> [1] - 3:6  <b>2200</b> [1] - 17:19  <b>221</b> [1] - 45:15  <b>25</b> [1] - 28:22  <b>250</b> [1] - 43:8  <b>26th</b> [1] - 43:24</p>	<p><b>8</b></p> <p><b>800</b> [1] - 1:14  <b>800-square</b> [1] - 17:16</p> <p><b>9</b></p> <p><b>9</b> [1] - 32:16  <b>9,000</b> [1] - 20:18</p> <p><b>A</b></p> <p><b>A.D</b> [1] - 65:17  <b>ability</b> [2] - 13:21, 40:3  <b>able</b> [5] - 8:9, 15:1, 18:22, 31:18, 36:17  <b>absurd</b> [1] - 10:20  <b>accepted</b> [1] - 50:23  <b>accomplish</b> [1] - 52:24  <b>accuracy</b> [1] - 65:14  <b>accurate</b> [1] - 18:17  <b>action</b> [2] - 14:24, 15:17  <b>activated</b> [1] - 60:6  <b>active</b> [12] - 4:9, 4:12, 4:18, 20:2, 25:9, 25:11, 27:2, 30:22, 46:2, 53:17, 57:22  <b>actively</b> [3] - 40:19, 42:10, 57:21  <b>actual</b> [6] - 4:14, 5:22, 6:7, 7:9, 15:18, 23:4  <b>add</b> [3] - 29:17, 30:7, 30:12  <b>added</b> [2] - 30:9, 30:23  <b>additional</b> [1] - 60:14  <b>adjusting</b> [1] - 23:3  <b>administrative</b> [1] - 19:19  <b>Administrator</b> [1] - 2:12  <b>adorable</b> [1] - 46:11  <b>advance</b> [1] - 16:4  <b>afford</b> [3] - 8:9, 36:17, 37:9  <b>aforesaid</b> [1] - 65:9  <b>afterwards</b> [1] - 3:23  <b>agency</b> [1] - 24:13  <b>agenda</b> [1] - 16:4  <b>aggressive</b> [1] - 53:16  <b>aggressively</b> [1] - 55:3  <b>ago</b> [6] - 11:16, 37:22, 46:9, 47:15, 56:12, 56:13</p>	<p><b>Agreement</b> [1] - 63:12  <b>agreement</b> [10] - 5:10, 6:7, 6:8, 33:6, 37:4, 37:8, 37:21, 63:20, 64:2, 64:10  <b>agreements</b> [1] - 23:3  <b>ahead</b> [4] - 23:21, 24:3, 24:17, 61:21  <b>ahold</b> [1] - 39:17  <b>alderman</b> [1] - 56:17  <b>Alderman</b> [8] - 2:3, 2:4, 2:5, 2:6, 2:7, 2:8, 2:9, 2:10  <b>ALDERMAN</b> [8] - 28:4, 33:2, 42:19, 44:11, 58:23, 59:21, 60:24, 61:6  <b>allow</b> [2] - 16:16, 53:22  <b>allowed</b> [2] - 13:16, 24:3  <b>almost</b> [4] - 21:10, 35:6, 43:12, 50:15  <b>ALSO</b> [1] - 2:11  <b>amended</b> [1] - 63:14  <b>amending</b> [1] - 63:18  <b>amendment</b> [3] - 64:1, 64:5, 64:9  <b>Amendment</b> [1] - 63:12  <b>amortization</b> [1] - 10:5  <b>amount</b> [8] - 9:23, 11:12, 11:24, 18:18, 24:3, 24:23, 44:19, 54:23  <b>animal</b> [1] - 35:18  <b>annexation</b> [6] - 5:10, 37:8, 37:21, 64:2, 64:9  <b>Annexation</b> [1] - 63:12  <b>annexed</b> [1] - 65:10  <b>annual</b> [2] - 12:15, 31:14  <b>annually</b> [7] - 9:8, 9:21, 11:12, 11:20, 12:4, 12:19, 17:17  <b>answer</b> [11] - 16:15, 16:16, 18:22, 18:23, 18:24, 21:23, 22:18, 33:2, 37:3, 44:15, 57:11  <b>anytime</b> [1] - 63:3  <b>anyway</b> [2] - 52:19, 61:8  <b>apart</b> [1] - 43:9  <b>Applause</b> [1] - 42:18  <b>apples</b> [1] - 43:10  <b>applies</b> [1] - 65:11  <b>approach</b> [1] - 14:18  <b>appropriate</b> [2] -</p>	<p>23:24, 24:5  <b>approval</b> [1] - 14:5  <b>approvals</b> [1] - 33:11  <b>approved</b> [4] - 5:18, 37:22, 44:2, 50:22  <b>approving</b> [1] - 26:4  <b>April</b> [3] - 1:18, 27:19, 63:13  <b>Area</b> [1] - 3:5  <b>area</b> [11] - 4:1, 4:2, 4:4, 7:23, 8:10, 14:4, 20:13, 22:15, 25:17, 34:18, 57:2  <b>areas</b> [16] - 5:1, 5:4, 7:11, 7:17, 7:18, 12:13, 20:12, 21:3, 21:18, 27:13, 28:17, 29:11, 35:10, 44:19, 45:5, 61:11  <b>Article</b> [2] - 32:15  <b>assess</b> [4] - 29:13, 30:5, 30:18, 61:3  <b>assessed</b> [1] - 61:3  <b>assessments</b> [1] - 8:20  <b>assessor</b> [1] - 13:12  <b>association</b> [20] - 5:3, 7:19, 8:3, 10:16, 11:9, 11:18, 18:11, 20:20, 25:18, 30:6, 30:13, 30:18, 31:24, 32:16, 39:15, 60:9, 60:16, 61:3, 61:10, 61:13  <b>associations</b> [2] - 54:4, 59:3  <b>assume</b> [1] - 65:13  <b>assuming</b> [1] - 15:14  <b>assurance</b> [2] - 30:3, 30:16  <b>astounding</b> [1] - 54:23  <b>attack</b> [1] - 47:7  <b>attention</b> [1] - 50:4  <b>Attorney</b> [1] - 2:14  <b>attorney</b> [2] - 19:22, 61:19  <b>AUDIENCE</b> [2] - 23:5, 23:9  <b>Autumn</b> [6] - 57:19, 63:11, 63:13, 63:18, 64:1, 64:8  <b>available</b> [1] - 40:18  <b>average</b> [1] - 13:10  <b>aware</b> [2] - 16:9, 44:24  <b>awesome</b> [3] - 47:6, 48:3, 48:8  <b>awfully</b> [1] - 42:14</p>
<p><b>0</b></p> <p><b>084-002883</b> [1] - 65:20</p> <p><b>1</b></p> <p><b>1</b> [1] - 65:6  <b>10</b> [1] - 12:22  <b>100</b> [1] - 55:10  <b>12</b> [3] - 1:18, 58:19, 63:13  <b>13</b> [1] - 63:14  <b>140</b> [1] - 20:7  <b>140-some</b> [1] - 36:11  <b>142</b> [1] - 19:16  <b>145</b> [6] - 9:6, 12:10, 12:17, 15:11, 18:1, 19:10  <b>14th</b> [1] - 15:19  <b>15</b> [1] - 12:22  <b>150</b> [1] - 11:19  <b>17,000</b> [1] - 47:20  <b>171</b> [1] - 45:14</p>	<p><b>3</b></p> <p><b>30</b> [2] - 23:20, 24:8  <b>30-year</b> [1] - 26:19  <b>32</b> [1] - 28:4  <b>35</b> [1] - 43:16  <b>3rd</b> [1] - 65:17</p> <p><b>4</b></p> <p><b>4</b> [1] - 32:15  <b>40</b> [3] - 11:19, 15:12  <b>40-to-50</b> [1] - 11:11  <b>48</b> [1] - 16:4  <b>49</b> [3] - 18:1, 18:7, 18:19</p> <p><b>5</b></p> <p><b>50</b> [1] - 15:12  <b>51</b> [2] - 36:1, 42:16</p> <p><b>6</b></p> <p><b>60</b> [3] - 5:12, 62:24, 63:3  <b>60-day</b> [1] - 15:15  <b>65</b> [1] - 65:6  <b>68</b> [2] - 51:15, 51:16</p>	<p><b>7</b></p> <p><b>70</b> [2] - 38:8, 45:14  <b>71</b> [4] - 42:23, 43:20, 45:15, 45:16  <b>74</b> [1] - 28:5  <b>75</b> [1] - 52:8  <b>7:00</b> [1] - 1:19</p>	<p><b>2</b></p> <p><b>20</b> [2] - 19:23, 45:18  <b>200</b> [1] - 10:19  <b>200-home</b> [1] - 10:15</p>	

<p><b>B</b></p> <p><b>backing</b> [2] - 51:11, 51:12</p> <p><b>backup</b> [12] - 6:20, 7:10, 19:24, 25:16, 32:7, 33:4, 33:12, 33:23, 35:4, 48:10, 48:23, 59:9</p> <p><b>bad</b> [2] - 24:14, 47:10</p> <p><b>bail</b> [1] - 47:7</p> <p><b>bank</b> [1] - 24:2</p> <p><b>Bart</b> [6] - 2:12, 3:6, 17:3, 19:14, 23:1, 63:7</p> <p><b>based</b> [3] - 17:24, 18:1, 29:7</p> <p><b>basin</b> [10] - 7:5, 7:20, 9:12, 12:14, 12:15, 12:24, 22:22, 23:18, 42:6, 59:24</p> <p><b>basins</b> [4] - 4:13, 11:14, 11:21, 48:11</p> <p><b>basis</b> [2] - 37:12, 38:2</p> <p><b>Bay</b> [2] - 17:12, 48:13</p> <p><b>beautiful</b> [1] - 41:19</p> <p><b>beautifully</b> [1] - 43:12</p> <p><b>become</b> [1] - 39:24</p> <p><b>becomes</b> [1] - 30:21</p> <p><b>begged</b> [1] - 27:5</p> <p><b>begin</b> [1] - 8:19</p> <p><b>beginning</b> [3] - 19:11, 36:22, 51:9</p> <p><b>behind</b> [2] - 5:23, 7:4</p> <p><b>bend</b> [1] - 17:1</p> <p><b>benefit</b> [4] - 4:3, 5:14, 7:7, 22:3</p> <p><b>berm</b> [1] - 20:24</p> <p><b>best</b> [3] - 24:15, 34:6, 57:8</p> <p><b>Beth</b> [1] - 2:13</p> <p><b>better</b> [2] - 25:14, 27:9</p> <p><b>between</b> [10] - 6:8, 8:18, 17:15, 18:3, 18:14, 25:7, 25:14, 25:24, 33:7, 37:5</p> <p><b>bid</b> [2] - 15:1, 19:14</p> <p><b>bidding</b> [1] - 27:19</p> <p><b>bids</b> [2] - 27:18, 59:10</p> <p><b>big</b> [4] - 20:10, 20:12, 22:2, 52:20</p> <p><b>bigger</b> [1] - 48:18</p> <p><b>bill</b> [3] - 15:5, 17:17, 17:21</p> <p><b>bit</b> [12] - 10:7, 17:1, 17:21, 23:24, 24:4, 24:5, 24:10, 27:8, 28:18, 29:4, 37:24, 48:3</p>	<p><b>blame</b> [1] - 46:9</p> <p><b>blessings</b> [2] - 47:9, 48:2</p> <p><b>block</b> [1] - 44:8</p> <p><b>blowing</b> [2] - 46:1, 47:6</p> <p><b>blue</b> [1] - 7:17</p> <p><b>board</b> [5] - 9:5, 14:21, 22:5, 34:15, 54:3</p> <p><b>Board's</b> [1] - 38:5</p> <p><b>Bolingbrook</b> [1] - 33:21</p> <p><b>bond</b> [1] - 26:16</p> <p><b>bonds</b> [1] - 35:12</p> <p><b>bother</b> [2] - 28:18, 50:10</p> <p><b>bought</b> [2] - 28:16, 49:20</p> <p><b>bridge</b> [2] - 24:7, 57:18</p> <p><b>bring</b> [1] - 53:11</p> <p><b>Bristol</b> [2] - 17:11, 48:13</p> <p><b>brush</b> [1] - 14:16</p> <p><b>bubble</b> [1] - 57:16</p> <p><b>budget</b> [2] - 61:16, 61:17</p> <p><b>budgets</b> [7] - 21:13, 59:1, 59:13, 59:18, 60:3, 60:12, 61:15</p> <p><b>buffering</b> [1] - 7:23</p> <p><b>build</b> [16] - 24:8, 24:9, 29:22, 38:8, 38:10, 39:23, 40:7, 42:12, 45:19, 52:1, 53:9, 54:6, 54:19, 55:19, 55:22, 56:16</p> <p><b>builder</b> [4] - 40:6, 40:20, 54:5, 55:9</p> <p><b>builders</b> [6] - 40:19, 53:9, 53:11, 53:22, 54:5</p> <p><b>building</b> [7] - 37:13, 38:19, 45:4, 54:24, 57:5, 57:22, 58:13</p> <p><b>builds</b> [1] - 38:13</p> <p><b>built</b> [14] - 4:15, 12:10, 21:1, 35:12, 38:2, 38:7, 40:14, 42:23, 45:4, 52:8, 55:11, 55:20, 60:17, 61:9</p> <p><b>bump</b> [2] - 43:18, 47:12</p> <p><b>bunch</b> [1] - 42:2</p> <p><b>burst</b> [1] - 57:16</p> <p><b>business</b> [1] - 57:5</p> <p><b>but..</b> [1] - 56:24</p> <p><b>buy</b> [3] - 26:17, 33:22, 47:2</p> <p><b>buyer</b> [1] - 40:6</p>	<p><b>buying</b> [1] - 26:18</p> <p><b>buys</b> [2] - 46:15, 49:21</p> <p><b>bylaws</b> [1] - 18:10</p> <p><b>C</b></p> <p><b>Caledonia</b> [7] - 3:5, 6:17, 47:2, 47:11, 47:24, 48:24</p> <p><b>calendar</b> [1] - 15:3</p> <p><b>calm</b> [1] - 19:20</p> <p><b>cap</b> [2] - 17:22, 23:8</p> <p><b>Cap</b> [2] - 23:5, 23:9</p> <p><b>Capitol</b> [1] - 31:3</p> <p><b>care</b> [3] - 22:9, 55:22, 61:11</p> <p><b>careful</b> [1] - 55:16</p> <p><b>Carlo</b> [1] - 2:3</p> <p><b>CARLSON</b> [35] - 25:6, 25:19, 26:3, 26:7, 28:9, 28:14, 29:9, 30:21, 31:3, 31:15, 32:4, 32:8, 32:12, 32:23, 34:9, 35:23, 36:6, 36:15, 36:20, 38:17, 48:20, 49:6, 49:13, 49:18, 50:8, 51:6, 51:11, 52:7, 53:1, 58:18, 62:3, 62:8, 62:18, 62:21, 63:4</p> <p><b>Carlson</b> [1] - 25:6</p> <p><b>case</b> [13] - 6:21, 12:5, 20:21, 23:19, 24:21, 26:21, 27:4, 30:20, 31:2, 35:15, 56:16, 59:9, 60:6</p> <p><b>cash</b> [1] - 37:9</p> <p><b>castle</b> [1] - 47:11</p> <p><b>caught</b> [1] - 47:16</p> <p><b>CCR</b> [1] - 32:16</p> <p><b>CCRs</b> [6] - 6:7, 9:7, 18:9, 18:19, 34:2, 34:6</p> <p><b>cents</b> [1] - 23:15</p> <p><b>certain</b> [2] - 31:23, 63:12</p> <p><b>certificate</b> [1] - 65:10</p> <p><b>certification</b> [1] - 65:16</p> <p><b>Certified</b> [1] - 65:3</p> <p><b>certified</b> [1] - 65:12</p> <p><b>certify</b> [2] - 65:4, 65:10</p> <p><b>change</b> [2] - 48:12, 48:14</p> <p><b>changes</b> [2] - 16:1, 16:8</p> <p><b>changing</b> [1] - 56:14</p>	<p><b>charge</b> [2] - 26:23, 28:21</p> <p><b>charged</b> [6] - 19:13, 27:23, 28:22, 43:6, 59:15, 59:16</p> <p><b>charging</b> [1] - 9:23</p> <p><b>cherry</b> [1] - 45:10</p> <p><b>Chicago</b> [1] - 50:16</p> <p><b>chosen</b> [1] - 38:15</p> <p><b>Chris</b> [1] - 2:7</p> <p><b>Christine</b> [2] - 65:3, 65:20</p> <p><b>circumstance</b> [1] - 48:9</p> <p><b>city</b> [29] - 4:8, 5:6, 5:13, 7:24, 9:15, 9:17, 14:19, 14:21, 24:22, 26:22, 29:7, 29:19, 30:15, 32:17, 33:14, 36:17, 36:20, 36:24, 37:1, 38:12, 39:19, 40:4, 40:21, 45:2, 53:21, 55:5, 58:9, 58:11</p> <p><b>CITY</b> [2] - 1:6, 1:9</p> <p><b>City</b> [46] - 2:12, 2:13, 2:14, 3:18, 4:20, 5:4, 6:14, 6:16, 6:23, 8:8, 8:15, 10:2, 10:10, 10:23, 10:24, 11:4, 11:7, 11:10, 11:15, 11:22, 12:1, 12:5, 13:20, 14:4, 14:12, 15:7, 15:16, 15:18, 15:19, 16:3, 16:5, 16:11, 23:2, 23:11, 27:5, 32:21, 32:24, 33:1, 38:4, 44:24, 53:15, 61:19, 63:5, 63:16, 63:21, 64:4</p> <p><b>city's</b> [2] - 37:7, 38:12</p> <p><b>city-wide</b> [1] - 5:6</p> <p><b>clarification</b> [2] - 29:5, 36:1</p> <p><b>clarified</b> [1] - 32:9</p> <p><b>clarifies</b> [1] - 37:23</p> <p><b>clause</b> [1] - 49:24</p> <p><b>clean</b> [1] - 9:10</p> <p><b>clean-up</b> [1] - 9:10</p> <p><b>cleaner</b> [1] - 10:7</p> <p><b>cleaning</b> [1] - 55:1</p> <p><b>Clerk</b> [2] - 2:13, 63:5</p> <p><b>clerk</b> [2] - 62:15, 62:23</p> <p><b>close</b> [4] - 61:24, 62:4, 62:12, 64:8</p> <p><b>closed</b> [2] - 15:14, 20:17</p> <p><b>closer</b> [1] - 52:4</p> <p><b>closing</b> [1] - 8:13</p> <p><b>clubhouse</b> [4] - 29:23,</p>	<p>30:2, 30:13, 30:14</p> <p><b>collect</b> [3] - 13:4, 15:4, 38:3</p> <p><b>collected</b> [3] - 37:14, 37:18, 58:20</p> <p><b>COLOSIMO</b> [7] - 28:4, 28:11, 29:5, 29:12, 57:11, 57:14, 59:20</p> <p><b>Colosimo</b> [2] - 2:3, 28:20</p> <p><b>comfort</b> [1] - 21:24</p> <p><b>coming</b> [2] - 58:4, 58:12</p> <p><b>comment</b> [5] - 16:12, 16:20, 61:20, 62:10, 63:24</p> <p><b>comments</b> [2] - 58:22, 64:5</p> <p><b>committees</b> [1] - 53:12</p> <p><b>Committees</b> [1] - 53:19</p> <p><b>common</b> [15] - 5:1, 5:3, 7:10, 7:18, 12:13, 14:4, 21:3, 25:17, 26:1, 27:13, 28:17, 29:11, 35:10, 44:19, 61:11</p> <p><b>commonly</b> [1] - 20:5</p> <p><b>communities</b> [1] - 54:9</p> <p><b>community</b> [1] - 53:14</p> <p><b>compared</b> [2] - 46:3, 47:12</p> <p><b>comparing</b> [1] - 43:10</p> <p><b>competitive</b> [1] - 27:19</p> <p><b>complaining</b> [1] - 58:8</p> <p><b>complete</b> [6] - 40:23, 43:12, 44:18, 45:11, 55:7, 65:7</p> <p><b>completely</b> [3] - 29:24, 30:5, 60:17</p> <p><b>component</b> [1] - 5:19</p> <p><b>computer</b> [1] - 65:7</p> <p><b>computer-generated</b> [1] - 65:7</p> <p><b>concern</b> [2] - 28:14, 34:23</p> <p><b>concerns</b> [2] - 33:20, 48:21</p> <p><b>condo</b> [2] - 17:11, 17:16</p> <p><b>confused</b> [2] - 4:6, 40:10</p> <p><b>confusing</b> [1] - 35:18</p> <p><b>considered</b> [1] - 62:6</p> <p><b>construction</b> [2] - 13:17, 58:7</p> <p><b>consult</b> [1] - 54:12</p>
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16:14, 31:17, 40:5 extra [1] - 18:4	50:14, 62:6, 63:23 follow [1] - 22:6 following [5] - 3:1, 15:5, 27:22, 33:9, 33:17 foot [2] - 17:16, 17:20 forced [1] - 30:20 foreclosing [1] - 39:13 foregoing [1] - 65:6 forested [1] - 21:18 forget [2] - 31:9, 32:15 form [4] - 5:9, 10:17, 11:6, 48:15 formation [1] - 8:17 formed [3] - 8:13, 10:13, 46:8 formula [2] - 29:6, 29:8 forth [1] - 41:22 forums [1] - 16:3 forward [7] - 8:7, 16:17, 32:12, 38:15, 40:22, 46:12, 53:13 four [3] - 30:11, 44:8, 56:12 Fox [15] - 6:1, 6:16, 7:2, 9:18, 10:7, 27:3, 27:17, 28:2, 28:5, 31:8, 58:24, 59:18, 59:22, 60:11 frame [1] - 56:4 frankly [1] - 55:16 freak [1] - 47:17 freaked [1] - 44:22 freaking [1] - 47:16 free [3] - 29:16, 40:6, 63:7 fricking [2] - 44:1, 47:3 Frieders [1] - 2:8 FRIEDERS [2] - 42:19, 44:11 front [3] - 12:6, 27:21, 37:9 frustrating [6] - 17:7, 44:6, 46:13, 46:20, 47:11, 47:14 frustration [2] - 43:5, 48:1 full [3] - 9:3, 24:22, 49:5 fully [1] - 8:12 function [1] - 49:10 functions [1] - 48:10 fund [7] - 12:6, 18:13, 20:15, 20:18, 20:20, 25:15, 37:9 funded [3] - 8:13, 20:16, 37:6 funding [3] - 20:21,	45:16, 52:19 funds [2] - 18:12, 53:23 FUNKHOUSER [1] - 33:2 Funkhouser [1] - 2:7 furthest [2] - 58:9, 58:10 future [14] - 12:22, 13:2, 14:19, 14:21, 26:5, 29:16, 29:18, 30:1, 30:5, 31:19, 43:5, 46:14, 46:20, 61:8	grinding [1] - 57:16 grow [1] - 13:16 grown [1] - 54:13 guarantee [1] - 22:5 guess [9] - 32:8, 39:2, 39:22, 40:9, 40:12, 41:3, 42:5, 42:17, 53:8 Guys [1] - 41:21 guys [7] - 29:20, 30:9, 41:21, 42:19, 44:3, 44:17, 47:6	Home [1] - 63:14 home [7] - 4:17, 13:10, 17:20, 44:7, 46:15, 46:17, 57:4 homeowner [1] - 17:15 homeowner's [18] - 5:2, 7:19, 8:3, 10:16, 11:9, 11:17, 18:10, 25:18, 31:23, 32:16, 39:14, 54:3, 59:2, 60:8, 60:16, 61:3, 61:9, 61:13 homeowners [8] - 11:17, 15:11, 18:7, 18:15, 21:12, 22:12, 33:7, 51:22 homes [7] - 10:19, 18:2, 18:19, 31:9, 38:2, 42:9, 45:24 honest [2] - 36:7, 44:24 hope [3] - 3:18, 15:23, 57:24 hopefully [3] - 8:9, 16:8, 36:17 horizon [1] - 57:24 hour [1] - 43:16 hours [2] - 7:3, 16:4 house [10] - 19:17, 26:18, 39:11, 47:2, 48:21, 49:14, 49:20, 50:9, 54:14, 58:6 houses [11] - 19:8, 20:17, 26:17, 31:23, 40:17, 43:13, 44:8, 45:3, 45:4, 45:15, 58:8 housing [1] - 37:12 hundred [5] - 18:4, 19:12, 19:16, 23:14, 38:3 hundreds [1] - 31:9 hypersensitive [1] - 51:5
F	G	H	I	
f9or [1] - 35:13 fact [3] - 44:17, 48:22, 49:19 factor [2] - 17:18, 31:20 fall [2] - 20:4, 30:5 falls [6] - 5:11, 14:9, 15:9, 24:9, 26:21, 30:13 fair [2] - 11:24, 13:11 fairness [1] - 9:3 fall [2] - 9:10, 43:9 falling [1] - 46:1 falls [1] - 43:6 false [1] - 56:11 familiar [2] - 19:3, 34:6 family [2] - 17:8, 39:6 famous [1] - 17:11 far [4] - 3:17, 22:11, 40:13, 56:18 Farm [1] - 1:14 faster [1] - 47:8 fastest [1] - 55:20 fear [1] - 50:24 fears [1] - 19:20 feature [1] - 52:12 February [1] - 27:20 fee [2] - 28:13, 63:18 fees [9] - 6:24, 19:19, 37:9, 37:13, 37:24, 38:11, 61:3, 61:11, 63:19 few [10] - 3:15, 5:7, 5:18, 6:24, 11:12, 17:4, 17:6, 54:24, 57:17 figure [5] - 17:22, 27:7, 27:11, 27:14, 38:10 figured [1] - 9:24 figuring [1] - 10:22 file [1] - 15:2 filed [1] - 15:7 filled [1] - 7:17 final [1] - 52:11 finance [1] - 7:5 fine [1] - 16:24 finished [3] - 40:14, 43:3, 47:16 first [6] - 9:18, 11:12, 15:17, 33:20, 42:12, 48:7 five [5] - 35:4, 38:6,	Game [1] - 1:14 gap [1] - 18:12 Gardiner [1] - 2:14 GARDINER [3] - 61:22, 62:4, 63:1 Gary [1] - 2:2 general [3] - 4:1, 4:24, 13:10 generated [2] - 51:1, 65:7 GIRARD [32] - 18:23, 19:10, 21:17, 21:22, 23:8, 23:10, 34:4, 34:11, 34:13, 36:4, 36:7, 40:12, 41:5, 41:15, 41:20, 41:23, 49:4, 49:8, 49:16, 49:19, 50:12, 51:8, 51:14, 52:10, 53:15, 54:18, 54:22, 56:6, 57:1, 57:10, 60:23, 61:5 Girard [1] - 18:24 given [1] - 23:24 godsend [1] - 46:3 Golinski [1] - 2:2 GOLINSKI [26] - 3:4, 3:9, 16:19, 16:24, 26:6, 26:9, 27:11, 28:1, 33:19, 34:5, 34:12, 36:14, 38:21, 41:21, 44:10, 48:5, 58:21, 61:21, 62:9, 62:12, 62:19, 62:22, 63:2, 63:5, 64:4, 64:7 gotcha [1] - 36:6 governing [1] - 24:13 Grande [1] - 57:20 grass [2] - 7:11, 14:15 great [3] - 24:14, 56:15, 57:3	hair [1] - 45:8 Hall [1] - 16:12 halt [1] - 57:16 hand [3] - 24:6, 65:13, 65:17 handled [1] - 59:2 handling [1] - 34:20 happy [1] - 22:17 harder [1] - 39:13 harm [1] - 51:18 head [2] - 27:17, 28:2 hear [2] - 16:23, 16:24 HEARING [1] - 1:10 hearing [15] - 3:3, 3:4, 3:7, 3:8, 3:10, 15:14, 44:22, 61:24, 62:5, 62:13, 63:11, 64:7, 64:8, 64:14, 65:5 hearings [1] - 7:3 Heartland [1] - 6:2 hell [1] - 43:17 helpful [1] - 55:6 hereby [1] - 65:4 hereto [1] - 65:11 hereunto [1] - 65:16 hi [2] - 25:6, 53:2 higher [3] - 13:6, 28:6, 55:24 Highlands [1] - 6:1 highly [1] - 20:8 Hill [13] - 6:16, 7:2, 9:18, 10:7, 27:3, 27:17, 28:3, 28:5, 31:8, 58:24, 59:18, 59:22, 60:11 hit [2] - 3:11, 14:1 HOA [19] - 8:11, 8:17, 8:20, 9:5, 9:16, 9:20, 10:14, 14:9, 15:9, 24:9, 26:21, 27:4, 29:15, 29:18, 31:10, 34:7, 34:8, 45:1, 52:8 HOAs [1] - 7:2	idea [2] - 11:4, 46:8 ideas [1] - 54:12 ILLINOIS [2] - 1:7, 65:1 Illinois [3] - 1:15, 63:17, 65:20 Impeccable [1] - 46:18 Important [1] - 6:5 improved [2] - 19:8, 60:1	

<b>improvements</b> [1] - 9:17 <b>improving</b> [1] - 52:4 <b>inaudible</b> [2] - 41:14, 41:17 <b>incentive</b> [3] - 45:6, 53:22, 54:1 <b>incentivize</b> [1] - 58:2 <b>incline</b> [1] - 58:14 <b>include</b> [1] - 9:9 <b>including</b> [1] - 4:6 <b>inclusive</b> [1] - 65:6 <b>increase</b> [1] - 9:22 <b>increased</b> [1] - 59:23 <b>increases</b> [1] - 63:20 <b>incurred</b> [1] - 63:21 <b>indicating</b> [1] - 44:6 <b>individual</b> [1] - 8:18 <b>industrial</b> [1] - 7:23 <b>industry</b> [1] - 54:2 <b>information</b> [1] - 16:11 <b>informative</b> [1] - 3:14 <b>infrastructure</b> [15] - 4:14, 6:17, 13:24, 20:10, 21:8, 25:15, 25:21, 26:13, 26:19, 35:13, 35:15, 40:23, 41:7, 44:18, 55:7 <b>infrastructures</b> [1] - 41:3 <b>ing</b> [1] - 48:4 <b>instead</b> [1] - 34:24 <b>insurance</b> [2] - 24:21, 30:20 <b>intended</b> [1] - 36:11 <b>intent</b> [1] - 33:3 <b>interest</b> [5] - 24:16, 30:18, 51:2, 56:9, 56:13 <b>interested</b> [2] - 52:16, 54:1 <b>interpretation</b> [2] - 37:7, 37:11 <b>invite</b> [1] - 43:19 <b>involved</b> [5] - 19:2, 19:21, 34:2, 34:7, 54:2 <b>issue</b> [3] - 14:17, 20:4, 49:5 <b>issued</b> [2] - 37:16, 58:14 <b>issues</b> [3] - 22:16, 51:3, 52:17 <b>items</b> [1] - 25:1 <b>itself</b> [1] - 53:21	<p style="text-align: center;"><b>J</b></p> <b>jack</b> [1] - 17:20 <b>Jackie</b> [1] - 2:5 <b>jobs</b> [1] - 54:5 <b>Joel</b> [2] - 2:8, 17:4 <b>join</b> [1] - 20:8 <b>July</b> [1] - 63:14 <b>June</b> [1] - 15:19 <b>just-in-case</b> [2] - 23:19, 24:21 <b>justification</b> [1] - 30:10 <b>juts</b> [1] - 59:22	<b>Last</b> [1] - 32:14 <b>late</b> [1] - 21:23 <b>lawn</b> [1] - 30:8 <b>least</b> [2] - 42:11, 55:13 <b>leave</b> [1] - 46:16 <b>leaving</b> [1] - 39:12 <b>leery</b> [3] - 17:21, 17:23, 24:16 <b>legal</b> [4] - 6:12, 10:17, 10:21, 30:10 <b>legally</b> [1] - 42:24 <b>lender</b> [1] - 50:6 <b>less</b> [1] - 42:16 <b>letter</b> [1] - 44:21 <b>letters</b> [1] - 55:10 <b>level</b> [3] - 12:1, 31:13 <b>levied</b> [2] - 10:11, 27:21 <b>levies</b> [1] - 31:24 <b>levy</b> [10] - 6:22, 9:21, 11:9, 15:2, 23:15, 25:12, 27:23, 31:14, 31:19, 32:2 <b>lien</b> [1] - 35:14 <b>light</b> [1] - 57:24 <b>lights</b> [1] - 3:12 <b>likelihood</b> [1] - 21:7 <b>likely</b> [1] - 14:12 <b>limited</b> [3] - 4:2, 4:3, 5:14 <b>line</b> [3] - 16:11, 23:20, 29:3 <b>listed</b> [2] - 8:23, 24:24 <b>live</b> [3] - 45:13, 47:4, 47:20 <b>lives</b> [1] - 47:19 <b>living</b> [2] - 43:23, 53:4 <b>location</b> [1] - 56:15 <b>locks</b> [1] - 63:22 <b>LOEFFLER</b> [8] - 38:18, 39:1, 40:8, 41:2, 41:9, 41:13, 41:18, 42:1 <b>Loeffler</b> [1] - 39:2 <b>look</b> [12] - 14:13, 26:10, 41:18, 55:12, 58:13, 58:24, 59:13, 59:17, 60:2, 60:12, 61:15, 61:16 <b>looking</b> [10] - 13:15, 22:2, 40:18, 40:19, 50:9, 50:10, 56:7, 56:16, 57:18, 58:12 <b>looks</b> [3] - 55:12, 55:14, 61:1 <b>lose</b> [2] - 42:9, 45:7 <b>lost</b> [1] - 39:17 <b>love</b> [3] - 43:21, 47:4, 47:23 <b>low</b> [3] - 9:23, 11:11,	<p style="text-align: center;"><b>M</b></p> <b>ma'am</b> [1] - 38:21 <b>maintain</b> [9] - 5:14, 6:16, 7:10, 15:9, 21:15, 27:12, 28:18, 30:2, 34:19 <b>maintained</b> [5] - 5:2, 21:4, 21:20, 22:7, 22:9 <b>maintaining</b> [3] - 8:1, 10:10, 55:1 <b>maintenance</b> [13] - 8:6, 8:22, 12:13, 12:14, 12:15, 14:14, 20:15, 25:17, 26:22, 26:24, 27:7, 28:8, 52:22 <b>majority</b> [1] - 60:20 <b>MAN</b> [3] - 41:12, 41:14, 41:17 <b>manage</b> [1] - 10:22 <b>management</b> [3] - 5:17, 8:17, 19:18 <b>map</b> [1] - 7:15 <b>March</b> [1] - 27:20 <b>market</b> [7] - 13:11, 40:17, 52:1, 52:2, 52:4, 56:2, 56:14 <b>marketing</b> [1] - 55:15 <b>Marva</b> [1] - 53:2 <b>massive</b> [2] - 28:17, 31:18 <b>master</b> [1] - 38:9 <b>matching</b> [1] - 53:23 <b>math</b> [1] - 13:13 <b>matter</b> [4] - 50:13, 52:12, 55:15, 58:15 <b>max</b> [5] - 28:15, 29:2, 29:3, 29:6, 29:13 <b>maxes</b> [1] - 28:18 <b>maximum</b> [13] - 13:6, 13:7, 13:15, 13:16, 14:2, 14:6, 17:13, 23:15, 23:17, 24:3, 43:7, 59:15 <b>mayor</b> [2] - 26:4, 26:5 <b>Mayor</b> [4] - 2:2, 16:15, 44:9, 61:19 <b>MAYOR</b> [26] - 3:4, 3:9, 16:19, 16:24, 26:6, 26:9, 27:11, 28:1, 33:19, 34:5, 34:12, 36:14, 38:21, 41:21, 44:10, 48:5, 58:21,	61:21, 62:9, 62:12, 62:19, 62:22, 63:2, 63:5, 64:4, 64:7 <b>Meadows</b> [4] - 5:23, 6:2, 42:22, 43:14 <b>mean</b> [25] - 26:12, 27:6, 31:11, 39:23, 40:9, 40:17, 41:23, 42:8, 42:11, 49:8, 49:10, 50:3, 50:5, 50:12, 50:15, 51:4, 51:14, 54:7, 54:8, 54:11, 54:12, 55:12, 56:21, 57:3, 59:7 <b>mechanism</b> [3] - 4:2, 22:10, 59:9 <b>meeting</b> [3] - 15:18, 15:19, 64:15 <b>MEETING</b> [1] - 1:9 <b>meetings</b> [3] - 16:3, 37:22, 43:22 <b>MEMBER</b> [2] - 23:5, 23:9 <b>members</b> [2] - 14:21, 16:5 <b>Menards</b> [1] - 5:24 <b>mentioned</b> [3] - 9:15, 22:20, 36:16 <b>meters</b> [1] - 63:21 <b>metric</b> [1] - 38:8 <b>mic</b> [1] - 17:1 <b>Michigan</b> [1] - 63:15 <b>midstream</b> [1] - 3:18 <b>midway</b> [1] - 5:22 <b>might</b> [8] - 18:21, 31:18, 45:19, 46:13, 46:21, 47:10, 56:4, 61:2 <b>miles</b> [1] - 43:16 <b>Milschewski</b> [1] - 2:5 <b>mine</b> [1] - 43:2 <b>minute</b> [1] - 62:15 <b>minutes</b> [1] - 62:6 <b>misrepresent</b> [1] - 49:12 <b>miss</b> [1] - 57:11 <b>modern</b> [1] - 5:16 <b>money</b> [13] - 10:3, 10:21, 15:4, 20:19, 29:14, 31:6, 38:6, 39:9, 46:14, 46:21, 48:17, 54:23, 60:10 <b>month</b> [2] - 43:8, 45:21 <b>monthly</b> [1] - 28:9 <b>months</b> [2] - 8:21, 15:24 <b>monument</b> [1] - 24:9 <b>monuments</b> [4] - 7:12, 9:19, 14:3, 22:23

<b>most</b> [4] - 5:8, 20:5, 37:21, 45:19 <b>Most</b> [1] - 50:3 <b>move</b> [3] - 38:15, 40:22, 47:1 <b>moved</b> [6] - 5:21, 33:20, 33:24, 39:3, 42:3, 56:22 <b>moving</b> [1] - 46:12 <b>mow</b> [2] - 30:8, 30:12 <b>mowing</b> [4] - 7:11, 9:9, 12:12, 29:4 <b>MR</b> [64] - 3:8, 3:11, 18:8, 18:20, 18:23, 19:10, 21:17, 21:22, 23:8, 23:10, 25:11, 25:22, 27:10, 27:18, 28:6, 28:10, 28:11, 28:12, 29:5, 29:12, 31:1, 31:4, 31:17, 31:21, 32:6, 32:11, 32:20, 32:24, 34:4, 34:11, 34:13, 36:4, 36:7, 36:19, 37:4, 40:2, 40:12, 41:5, 41:15, 41:20, 41:23, 48:15, 49:4, 49:8, 49:16, 49:19, 50:12, 51:8, 51:14, 52:10, 53:15, 54:18, 54:22, 56:6, 57:1, 57:10, 57:11, 57:14, 59:20, 60:23, 61:5, 61:22, 62:4, 63:1 <b>MS</b> [61] - 16:23, 18:16, 19:9, 21:16, 21:21, 22:19, 23:6, 23:12, 25:6, 25:19, 26:3, 26:7, 28:9, 28:14, 29:9, 30:21, 31:3, 31:15, 32:4, 32:8, 32:12, 32:23, 34:9, 35:23, 36:6, 36:15, 36:20, 38:17, 38:18, 39:1, 40:8, 41:2, 41:9, 41:13, 41:18, 42:1, 48:7, 48:19, 48:20, 49:6, 49:13, 49:18, 50:8, 51:6, 51:11, 52:7, 53:1, 53:2, 54:7, 54:21, 56:3, 56:21, 57:8, 57:13, 58:16, 58:18, 62:3, 62:8, 62:18, 62:21, 63:4 <b>mulching</b> [1] - 9:11 <b>multiply</b> [1] - 51:15 <b>municipalities</b> [2] - 19:24, 51:4	<b>N</b>  <b>name</b> [6] - 16:22, 17:2, 22:14, 38:23, 39:1, 53:2 <b>naturalization</b> [1] - 12:7 <b>naturalize</b> [1] - 11:20 <b>naturalized</b> [2] - 11:15, 20:14 <b>naturalizing</b> [1] - 13:2 <b>necessarily</b> [3] - 8:4, 8:16, 14:5 <b>need</b> [19] - 11:20, 11:21, 12:12, 13:18, 23:17, 23:21, 24:2, 24:11, 24:17, 24:22, 24:24, 26:15, 32:18, 49:9, 60:4, 61:23, 62:7, 62:15 <b>needed</b> [3] - 10:1, 11:14, 60:1 <b>needs</b> [4] - 13:4, 15:1, 24:1, 32:8 <b>negatives</b> [1] - 57:2 <b>negotiated</b> [1] - 12:19 <b>neighborhood</b> [11] - 17:10, 38:19, 39:5, 39:19, 40:11, 43:20, 45:2, 45:10, 45:12, 46:7, 47:4 <b>neighborhoods</b> [1] - 46:19 <b>neighbors</b> [1] - 17:5 <b>never</b> [5] - 19:13, 20:19, 33:5, 59:15, 60:5 <b>new</b> [3] - 5:17, 39:4, 48:16 <b>next</b> [10] - 8:20, 9:6, 15:13, 19:15, 38:6, 40:16, 55:8, 62:24, 63:3, 63:10 <b>nice</b> [4] - 39:4, 42:12, 55:12, 55:14 <b>Nicole</b> [1] - 3:11 <b>nobody</b> [3] - 42:10, 45:4, 54:19 <b>none</b> [3] - 20:3, 37:17, 64:7 <b>normal</b> [1] - 13:6 <b>north</b> [3] - 7:20, 56:18, 58:10 <b>noted</b> [1] - 22:21 <b>nothing</b> [6] - 9:11, 34:15, 40:1, 41:10, 42:9, 54:14 <b>number</b> [4] - 10:17, 37:14, 55:19, 58:13	<b>O</b>  <b>oath</b> [1] - 44:10 <b>objection</b> [3] - 15:6, 15:15, 58:19 <b>objections</b> [3] - 62:14, 62:16, 62:20 <b>obviously</b> [4] - 7:17, 13:15, 33:6, 57:15 <b>occupied</b> [1] - 18:2 <b>occur</b> [1] - 6:21 <b>OF</b> [3] - 1:6, 65:1, 65:2 <b>offense</b> [1] - 24:16 <b>officials</b> [2] - 29:21, 63:8 <b>often</b> [1] - 3:17 <b>old</b> [1] - 42:13 <b>older</b> [1] - 5:24 <b>Olson</b> [2] - 2:12, 36:16 <b>OLSON</b> [16] - 3:8, 3:11, 18:8, 18:20, 25:11, 25:22, 31:1, 31:4, 31:17, 32:11, 32:20, 32:24, 36:19, 37:4, 40:2, 48:15 <b>once</b> [4] - 25:9, 30:21, 48:13, 61:8 <b>one</b> [24] - 9:18, 20:12, 22:15, 22:16, 22:19, 29:11, 31:12, 33:3, 34:17, 34:23, 35:8, 35:24, 41:21, 44:4, 44:11, 44:16, 47:2, 48:8, 48:20, 52:21, 54:5, 55:2, 56:21, 60:6 <b>online</b> [6] - 57:19, 57:20, 58:4, 61:17, 61:18 <b>open</b> [2] - 23:3, 41:12 <b>opinion</b> [1] - 11:23 <b>opposition</b> [1] - 36:2 <b>oranges</b> [1] - 43:10 <b>ordeal</b> [1] - 39:21 <b>order</b> [2] - 13:5, 40:4 <b>ordinance</b> [3] - 3:20, 15:3, 50:21 <b>ordinance/code</b> [1] - 63:22 <b>ordinances</b> [1] - 35:6 <b>original</b> [6] - 6:6, 19:1, 30:17, 37:4, 63:20, 65:11 <b>ourselves</b> [1] - 10:21 <b>outside</b> [1] - 41:19 <b>overruled</b> [1] - 15:7 <b>owed</b> [2] - 32:1, 32:2 <b>own</b> [5] - 14:22, 19:7, 19:22, 31:22, 34:8	<b>owned</b> [3] - 7:19, 9:20, 17:11 <b>owner</b> [1] - 40:3 <b>owner/developer</b> [1] - 63:15 <b>owners</b> [3] - 8:18, 19:6, 39:20 <b>ownership</b> [3] - 7:22, 7:23, 11:7	<b>P</b>  <b>p.m</b> [1] - 1:19 <b>Pages</b> [1] - 65:6 <b>paid</b> [6] - 17:16, 19:12, 34:18, 35:16, 61:1 <b>palatial</b> [1] - 45:19 <b>paper</b> [1] - 4:24 <b>paperwork</b> [1] - 29:2 <b>parameters</b> [1] - 3:20 <b>pardon</b> [1] - 62:18 <b>Park</b> [2] - 21:5, 38:5 <b>park</b> [15] - 7:24, 8:10, 8:24, 21:3, 21:4, 36:18, 36:21, 36:23, 37:6, 37:10, 39:4, 41:6, 41:9, 42:12, 56:23 <b>park's</b> [1] - 38:9 <b>part</b> [5] - 5:13, 5:16, 34:20, 35:5, 50:20 <b>partially</b> [1] - 10:13 <b>past</b> [4] - 3:15, 4:20, 5:18, 6:14 <b>patience</b> [1] - 55:24 <b>patient</b> [1] - 56:2 <b>pay</b> [21] - 4:3, 4:12, 4:16, 17:19, 24:3, 27:15, 27:21, 31:11, 36:21, 36:23, 38:11, 39:9, 43:8, 45:20, 46:14, 50:4, 51:15, 51:16, 51:22, 60:15, 61:10 <b>paying</b> [16] - 5:13, 10:4, 12:5, 12:8, 19:6, 19:7, 26:18, 35:13, 42:6, 46:22, 46:23, 51:19, 59:5, 59:16, 60:20, 60:21 <b>penny</b> [2] - 23:22, 24:18 <b>people</b> [14] - 4:6, 16:7, 19:6, 19:8, 22:4, 35:9, 39:12, 47:17, 47:20, 50:4, 51:8, 52:15, 54:1, 58:2 <b>people's</b> [1] - 54:16 <b>per</b> [15] - 8:14, 9:8,	9:23, 9:24, 11:12, 12:19, 13:7, 13:14, 19:17, 35:22, 36:3, 37:12, 38:1, 51:19 <b>per-housing</b> [1] - 37:12 <b>per-permit</b> [1] - 38:1 <b>perceive</b> [1] - 21:2 <b>percent</b> [6] - 19:13, 36:1, 38:8, 42:16, 52:8, 55:10 <b>percentage</b> [2] - 23:3, 23:12 <b>period</b> [4] - 10:5, 12:8, 26:20, 63:23 <b>permit</b> [2] - 37:13, 38:1 <b>permits</b> [3] - 37:16, 40:4, 58:13 <b>perpetuity</b> [2] - 6:20, 13:19 <b>personally</b> [6] - 17:7, 19:22, 21:2, 46:4, 52:23, 56:15 <b>petition</b> [1] - 15:7 <b>petitions</b> [3] - 58:20, 61:22, 61:24 <b>phase</b> [1] - 20:8 <b>phrasing</b> [1] - 23:6 <b>pick</b> [1] - 18:5 <b>picked</b> [1] - 14:15 <b>picks</b> [1] - 31:12 <b>pissed</b> [1] - 44:9 <b>place</b> [14] - 3:22, 6:4, 8:12, 10:8, 10:14, 11:8, 14:1, 23:22, 33:13, 35:5, 40:20, 57:6, 65:9 <b>placed</b> [1] - 25:12 <b>places</b> [1] - 30:24 <b>plan</b> [4] - 28:16, 38:9, 52:1, 61:5 <b>planning</b> [1] - 8:19 <b>plans</b> [2] - 38:18, 39:21 <b>planted</b> [1] - 20:14 <b>pluses</b> [1] - 57:3 <b>pocket</b> [2] - 45:23, 47:20 <b>point</b> [9] - 12:2, 18:16, 29:14, 33:18, 34:17, 35:24, 38:4, 50:3, 50:22 <b>pointed</b> [2] - 20:22, 56:17 <b>policy</b> [2] - 24:21, 30:20 <b>ponds</b> [1] - 12:7 <b>pool</b> [6] - 29:23, 30:2, 30:12, 30:15, 45:19,
---	---	--	---	---	---

<p>45:21  <b>portion</b> [2] - 61:7, 64:14  <b>positives</b> [2] - 56:5, 56:24  <b>possibility</b> [2] - 21:10, 30:22  <b>possible</b> [3] - 15:17, 54:17, 56:7  <b>pot</b> [1] - 31:6  <b>Prairie</b> [1] - 5:23  <b>pre</b> [1] - 33:16  <b>prefer</b> [1] - 6:19  <b>present</b> [2] - 3:10, 61:23  <b>PRESENT</b> [2] - 2:1, 2:11  <b>presentation</b> [2] - 3:6, 3:13  <b>presented</b> [1] - 61:23  <b>pretty</b> [4] - 16:5, 17:17, 48:8, 53:16  <b>previously</b> [2] - 17:11, 38:15  <b>price</b> [3] - 4:17, 13:10, 26:18  <b>primary</b> [5] - 25:13, 25:15, 31:4, 32:6, 32:12  <b>private</b> [3] - 6:8, 18:14, 29:20  <b>privately</b> [1] - 9:20  <b>proactively</b> [1] - 16:1  <b>problem</b> [1] - 58:5  <b>proceedings</b> [4] - 3:2, 64:13, 65:5, 65:8  <b>process</b> [13] - 5:23, 8:3, 8:12, 10:12, 11:5, 11:16, 15:11, 15:15, 16:16, 19:2, 35:5, 48:16, 52:17  <b>professional</b> [1] - 19:18  <b>program</b> [2] - 53:22, 53:24  <b>programs</b> [1] - 45:6  <b>project</b> [2] - 19:3, 35:3  <b>projects</b> [2] - 28:8, 35:1  <b>promised</b> [3] - 39:4, 53:5, 53:14  <b>properly</b> [1] - 62:5  <b>property</b> [4] - 14:14, 31:12, 32:2, 35:14  <b>proposing</b> [3] - 4:11, 4:22, 60:4  <b>protection</b> [4] - 5:6, 33:14, 46:15, 47:18  <b>prove</b> [1] - 32:1  <b>proximity</b> [1] - 47:5</p>	<p><b>public</b> [1] - 65:5  <b>PUBLIC</b> [1] - 1:10  <b>public</b> [19] - 3:3, 3:4, 3:7, 3:8, 3:9, 3:23, 7:3, 15:13, 16:2, 16:12, 16:20, 21:4, 21:20, 61:24, 62:9, 62:13, 63:10, 64:8, 64:14  <b>pull</b> [2] - 43:17, 44:5  <b>Pulte</b> [1] - 63:14  <b>purpose</b> [2] - 3:13, 63:17  <b>put</b> [17] - 7:13, 8:7, 8:9, 10:3, 14:2, 23:21, 23:23, 26:14, 29:23, 29:24, 31:15, 33:12, 34:24, 35:4, 36:17, 38:1, 43:21</p> <p style="text-align: center;"><b>Q</b></p> <p><b>quality</b> [2] - 12:23, 56:1  <b>quarter</b> [1] - 45:13  <b>questions</b> [13] - 3:23, 15:21, 16:14, 22:18, 25:4, 35:24, 40:13, 44:16, 58:22, 62:10, 63:7, 63:8, 64:5  <b>quick</b> [4] - 34:22, 35:7, 48:8, 48:20  <b>quickly</b> [1] - 18:24  <b>quiet</b> [1] - 41:24  <b>quite</b> [1] - 17:21  <b>quote</b> [3] - 9:1, 9:9, 12:16  <b>quotes</b> [2] - 10:2, 10:11</p> <p style="text-align: center;"><b>R</b></p> <p><b>Raintree</b> [4] - 30:24, 31:2, 32:5, 32:6  <b>raise</b> [1] - 21:11  <b>raises</b> [2] - 50:6  <b>raking</b> [1] - 7:11  <b>rant</b> [1] - 48:4  <b>rather</b> [4] - 4:16, 15:12, 26:1, 55:1  <b>reach</b> [1] - 63:7  <b>reached</b> [1] - 15:21  <b>reaction</b> [1] - 11:1  <b>read</b> [1] - 49:22  <b>reads</b> [1] - 46:6  <b>real</b> [1] - 31:21  <b>realize</b> [1] - 6:5  <b>really</b> [12] - 5:5, 10:18,</p>	<p>13:18, 17:20, 18:13, 21:10, 22:11, 24:14, 54:18, 56:10, 57:1, 59:11  <b>really..</b> [1] - 22:2  <b>reason</b> [1] - 22:5  <b>reasonable</b> [1] - 23:24  <b>reasons</b> [1] - 56:22  <b>recent</b> [1] - 37:21  <b>recently</b> [1] - 53:23  <b>Recession</b> [1] - 4:19  <b>record</b> [6] - 11:8, 16:22, 38:23, 38:24, 58:18, 62:1  <b>recorded</b> [2] - 49:17, 49:21  <b>redistributed</b> [1] - 18:6  <b>refer</b> [1] - 25:11  <b>reflected</b> [1] - 8:5  <b>region</b> [1] - 50:16  <b>regular</b> [1] - 17:15  <b>regularly</b> [1] - 54:4  <b>reimbursed</b> [1] - 38:11  <b>related</b> [1] - 14:16  <b>relates</b> [2] - 7:1, 22:20  <b>relatively</b> [1] - 11:11  <b>remember</b> [1] - 23:4  <b>replacement</b> [1] - 7:6  <b>replanting</b> [1] - 20:24  <b>Reporter</b> [1] - 65:4  <b>representative</b> [1] - 18:21  <b>reproduced</b> [1] - 65:14  <b>reputation</b> [1] - 55:21  <b>require</b> [2] - 35:6, 50:21  <b>resealed</b> [1] - 10:1  <b>Reserve</b> [1] - 57:20  <b>reserve</b> [5] - 8:14, 20:15, 20:18, 20:20, 20:24  <b>reserves</b> [1] - 52:20  <b>resident</b> [1] - 12:1  <b>residential</b> [1] - 4:19  <b>residents</b> [22] - 3:14, 4:2, 4:15, 5:6, 5:11, 5:15, 5:21, 6:19, 7:7, 10:4, 10:9, 11:2, 12:8, 14:11, 15:20, 25:13, 26:17, 26:23, 27:15, 33:15, 58:24, 60:7  <b>response</b> [3] - 62:11, 64:3, 64:6  <b>responsibilities</b> [1] - 34:20  <b>responsibility</b> [1] - 65:13</p>	<p><b>responsible</b> [3] - 30:14, 55:21, 60:19  <b>restarting</b> [1] - 33:10  <b>revenue</b> [2] - 13:4, 38:14  <b>revenues</b> [1] - 37:17  <b>revert</b> [1] - 63:18  <b>review</b> [1] - 14:5  <b>revisit</b> [1] - 24:10  <b>Rich</b> [2] - 18:24, 34:1  <b>ridiculous</b> [1] - 42:14  <b>rightfully</b> [1] - 51:6  <b>River's</b> [4] - 5:24, 33:24, 34:2, 34:3  <b>Road</b> [2] - 1:14, 6:1  <b>road</b> [6] - 20:22, 39:7, 43:9, 45:9, 45:17, 47:12  <b>roads</b> [11] - 4:12, 26:14, 43:3, 43:15, 44:1, 44:3, 44:17, 45:22, 46:24, 47:3, 47:23  <b>roll</b> [1] - 35:9  <b>rotten</b> [1] - 42:17  <b>roundabout</b> [1] - 39:20  <b>run</b> [1] - 21:12</p> <p style="text-align: center;"><b>S</b></p> <p><b>sale</b> [3] - 31:13, 40:18, 44:8  <b>sandwich</b> [2] - 28:21, 28:23  <b>saw</b> [1] - 50:10  <b>scale</b> [2] - 24:1, 24:4  <b>scared</b> [1] - 22:14  <b>scenario</b> [3] - 6:4, 13:23, 14:12  <b>scenarios</b> [1] - 3:21  <b>scenes</b> [1] - 7:4  <b>schedule</b> [1] - 63:18  <b>school</b> [1] - 57:2  <b>scrivener's</b> [1] - 32:21  <b>seat</b> [1] - 44:12  <b>Seaver</b> [1] - 2:10  <b>second</b> [3] - 5:5, 9:13, 64:9  <b>Second</b> [1] - 63:11  <b>section</b> [1] - 16:13  <b>Section</b> [1] - 32:16  <b>see</b> [13] - 4:10, 14:5, 25:3, 26:4, 26:10, 31:20, 32:9, 32:20, 50:12, 59:3, 59:14, 59:22, 60:12  <b>See</b> [1] - 49:10  <b>seem</b> [2] - 18:7, 47:10</p>	<p><b>sell</b> [6] - 26:16, 39:14, 40:3, 44:7, 49:14, 56:16  <b>selling</b> [1] - 48:21  <b>semblance</b> [1] - 45:11  <b>send</b> [1] - 14:14  <b>sending</b> [1] - 16:6  <b>sense</b> [1] - 6:13  <b>September</b> [1] - 43:24  <b>serious</b> [1] - 45:9  <b>seriously</b> [4] - 44:14, 44:18, 46:5, 46:11  <b>Service</b> [1] - 3:5  <b>service</b> [2] - 4:1, 22:15  <b>services</b> [1] - 4:3  <b>set</b> [3] - 19:5, 20:16, 65:16  <b>several</b> [3] - 4:7, 8:21, 59:13  <b>sewer</b> [3] - 21:19, 26:15, 41:5  <b>share</b> [3] - 19:8, 33:19, 51:19  <b>sharp</b> [1] - 58:14  <b>shoes</b> [1] - 57:23  <b>short</b> [3] - 12:3, 21:23, 31:14  <b>shortfall</b> [2] - 31:18, 43:2  <b>Shorthand</b> [1] - 65:3  <b>show</b> [1] - 43:21  <b>shows</b> [1] - 62:1  <b>side</b> [1] - 56:18  <b>sidewalks</b> [2] - 39:7, 41:11  <b>sign</b> [5] - 16:21, 48:24, 49:5, 49:7, 51:12  <b>signed</b> [1] - 65:12  <b>significant</b> [2] - 17:17, 21:11  <b>significantly</b> [1] - 13:5  <b>similar</b> [2] - 10:6, 17:19  <b>single</b> [1] - 50:15  <b>site</b> [2] - 25:20, 25:21  <b>sits</b> [1] - 4:24  <b>sitting</b> [5] - 43:1, 43:11, 43:19, 44:15, 46:10  <b>situation</b> [3] - 10:7, 22:1, 24:5  <b>sketch</b> [1] - 48:18  <b>slides</b> [1] - 8:6  <b>small</b> [13] - 7:21, 7:22, 20:6, 20:13, 21:8, 22:22, 23:18, 34:17, 39:3, 43:12, 44:19, 45:23  <b>SO</b> [1] - 21:17  <b>so..</b> [1] - 36:11</p>
---	---	---	---	--

<p><b>someday</b> [1] - 8:9  <b>someone</b> [3] - 28:19, 52:3, 54:11  <b>soon</b> [2] - 56:6, 61:4  <b>sooner</b> [3] - 5:20, 38:10, 52:8  <b>sorry</b> [5] - 22:17, 36:1, 36:16, 41:23, 48:4  <b>sort</b> [2] - 30:3, 30:16  <b>sought</b> [1] - 17:9  <b>south</b> [4] - 6:2, 42:21, 48:4, 58:9  <b>South</b> [2] - 32:21, 34:24  <b>space</b> [1] - 10:19  <b>Special</b> [1] - 3:5  <b>special</b> [2] - 4:1, 22:15  <b>specific</b> [2] - 52:22, 56:8  <b>specifically</b> [1] - 7:1  <b>spend</b> [3] - 10:21, 21:14  <b>spent</b> [3] - 20:19, 52:19, 54:24  <b>split</b> [1] - 51:23  <b>spoken</b> [2] - 17:3, 17:4  <b>spread</b> [2] - 18:18, 32:5  <b>square</b> [1] - 17:19  <b>SS</b> [1] - 65:1  <b>SSA</b> [63] - 3:17, 3:21, 4:9, 4:12, 4:18, 4:23, 5:8, 7:9, 7:10, 10:8, 11:6, 11:10, 12:9, 15:19, 17:10, 17:13, 17:14, 17:16, 17:20, 18:5, 19:24, 21:9, 22:14, 25:7, 25:8, 25:9, 25:15, 25:16, 25:21, 26:12, 26:13, 28:17, 30:21, 30:23, 31:16, 32:7, 32:13, 32:18, 33:4, 33:12, 33:22, 33:23, 33:24, 35:2, 35:4, 42:2, 48:10, 48:13, 48:16, 48:23, 49:1, 49:11, 49:15, 49:16, 49:24, 50:2, 50:10, 50:22, 51:2, 51:5, 51:19  <b>SSA's</b> [2] - 26:5, 59:1  <b>SSAs</b> [7] - 4:5, 13:7, 27:2, 31:4, 31:7, 50:17, 60:6  <b>staff</b> [1] - 40:22  <b>staffed</b> [1] - 14:9  <b>stand</b> [2] - 26:9, 38:22  <b>standards</b> [1] - 20:1  <b>start</b> [3] - 20:21,</p>	<p>27:20, 59:10  <b>starting</b> [2] - 3:24, 40:9  <b>state</b> [4] - 16:22, 26:2, 38:23, 65:1  <b>statement</b> [1] - 30:17  <b>statements</b> [1] - 16:14  <b>states</b> [2] - 17:24, 32:17  <b>statute</b> [1] - 26:2  <b>statutory</b> [1] - 13:6  <b>stay</b> [1] - 49:2  <b>step</b> [3] - 15:13, 16:21, 30:1  <b>stepped</b> [2] - 10:10, 60:10  <b>still</b> [6] - 19:2, 41:1, 45:24, 46:2, 46:10  <b>stop</b> [1] - 36:5  <b>stopped</b> [2] - 10:9, 40:4  <b>stormwater</b> [1] - 14:17  <b>story</b> [1] - 12:3  <b>stream</b> [1] - 38:14  <b>streetlights</b> [2] - 4:13, 41:7  <b>streets</b> [3] - 21:19, 41:5, 46:18  <b>strip</b> [3] - 7:21, 7:22, 29:11  <b>strong</b> [1] - 34:7  <b>structure</b> [2] - 24:9, 35:12  <b>structured</b> [1] - 9:7  <b>structures</b> [1] - 22:23  <b>stuck</b> [2] - 42:1, 42:15  <b>stuff</b> [2] - 17:5, 42:2  <b>subdivision</b> [55] - 3:5, 4:15, 4:19, 5:2, 5:11, 5:15, 5:16, 6:1, 6:9, 6:17, 7:2, 7:8, 7:13, 7:16, 7:21, 9:16, 10:15, 11:3, 11:14, 12:11, 13:19, 14:1, 14:7, 17:12, 18:9, 20:6, 22:4, 22:7, 26:16, 26:23, 27:12, 29:4, 29:7, 29:10, 29:22, 31:22, 33:22, 33:23, 38:3, 38:7, 45:20, 50:15, 50:19, 50:22, 53:10, 57:15, 58:9, 58:11, 60:2, 60:17, 61:8, 63:11, 63:13, 64:1, 64:9  <b>subdivisions</b> [14] - 4:10, 5:7, 5:17, 6:3, 9:14, 18:11, 18:12, 19:21, 20:1, 20:3, 20:11, 27:1, 57:21,</p>	<p>58:4  <b>submit</b> [6] - 58:19, 62:13, 62:16, 62:19, 62:23, 63:3  <b>subsequent</b> [1] - 8:5  <b>substantial</b> [1] - 21:7  <b>sucks</b> [2] - 44:4, 45:18  <b>summer</b> [1] - 15:4  <b>Sunflower</b> [11] - 6:15, 7:2, 10:6, 10:13, 27:3, 27:4, 27:17, 28:5, 59:1, 59:18, 59:21  <b>support</b> [1] - 48:10  <b>supported</b> [1] - 53:21  <b>suppose</b> [2] - 31:7, 50:8  <b>supposed</b> [1] - 11:3  <b>surprise</b> [1] - 36:9  <b>Susan</b> [1] - 25:6  <b>swear</b> [1] - 58:1  <b>swimming</b> [4] - 29:23, 30:2, 30:12, 30:15  <b>system</b> [1] - 57:3  <b>systems</b> [2] - 20:11, 22:24</p>	<p><b>thereof</b> [2] - 65:12, 65:16  <b>they've</b> [3] - 53:16, 53:23, 55:6  <b>They've</b> [1] - 53:18  <b>thinking</b> [2] - 9:4, 43:5  <b>third</b> [1] - 10:14  <b>three</b> [4] - 11:13, 13:11, 30:11, 56:12  <b>throughout</b> [4] - 4:8, 4:10, 6:3, 18:7  <b>throw</b> [1] - 17:6  <b>ties</b> [1] - 30:16  <b>tight</b> [1] - 10:19  <b>tiny</b> [1] - 44:20  <b>title</b> [3] - 5:9, 8:2, 50:7  <b>today</b> [1] - 16:15  <b>together</b> [3] - 10:20, 55:6, 60:10  <b>Tollway</b> [1] - 56:20  <b>Tom</b> [1] - 2:14  <b>tonight</b> [2] - 52:9, 55:14  <b>took</b> [1] - 11:10  <b>top</b> [9] - 3:24, 12:16, 20:9, 21:11, 27:16, 28:2, 42:2, 45:10, 48:6  <b>town</b> [5] - 4:10, 6:2, 6:3, 14:7, 50:19  <b>towns</b> [1] - 54:9  <b>tracks</b> [1] - 42:21  <b>trail</b> [3] - 7:6, 20:11, 22:23  <b>trails</b> [9] - 7:12, 9:19, 10:1, 14:2, 21:19, 29:17, 29:24, 30:3, 60:1  <b>transcribed</b> [1] - 65:4  <b>transcript</b> [2] - 65:8, 65:11  <b>transfer</b> [1] - 11:7  <b>tree</b> [1] - 9:10  <b>trees</b> [3] - 7:11, 21:17, 39:17  <b>trimming</b> [1] - 9:10  <b>trucks</b> [1] - 58:7  <b>true</b> [3] - 41:15, 41:20, 65:7  <b>truly</b> [1] - 18:17  <b>try</b> [2] - 5:3, 10:21  <b>trying</b> [6] - 25:8, 36:8, 42:10, 47:13, 49:11, 51:17  <b>Tuesday</b> [1] - 1:18  <b>turn</b> [4] - 5:3, 13:20, 19:17, 52:13  <b>turned</b> [3] - 9:17, 11:22, 14:10  <b>turning</b> [3] - 8:4,</p>	<p>34:14, 52:7  <b>two</b> [11] - 4:5, 5:12, 6:10, 9:14, 19:20, 25:24, 27:1, 35:1, 40:12, 42:20, 61:15  <b>type</b> [5] - 17:14, 19:23, 48:11, 48:13, 53:19  <b>types</b> [1] - 4:5</p>
<b>U</b>				
<p><b>unbelievably</b> [1] - 44:6  <b>under</b> [3] - 44:10, 65:12, 65:14  <b>unfair</b> [1] - 42:14  <b>UNIDENTIFIED</b> [5] - 23:5, 23:9, 41:12, 41:14, 41:17  <b>UNITED</b> [1] - 1:6  <b>United</b> [1] - 63:16  <b>unlikely</b> [1] - 20:8  <b>up</b> [29] - 9:10, 10:3, 11:19, 13:22, 14:15, 16:13, 16:21, 17:20, 18:5, 19:5, 20:16, 21:1, 23:10, 27:21, 29:2, 29:24, 30:5, 31:7, 31:12, 34:1, 35:12, 38:22, 39:23, 43:22, 47:6, 47:16, 48:3, 58:8, 61:17  <b>updates</b> [1] - 16:6  <b>upset</b> [1] - 39:2  <b>urgency</b> [1] - 52:20  <b>uses</b> [2] - 35:18, 50:16</p>				
<b>T</b>				
<p><b>take-over</b> [1] - 10:12  <b>Tarulls</b> [1] - 2:10  <b>tax</b> [15] - 6:23, 10:11, 13:12, 15:5, 17:17, 17:20, 17:21, 20:4, 23:15, 24:13, 31:13, 34:23, 35:12, 42:7, 60:14  <b>taxed</b> [2] - 40:1, 42:12  <b>taxes</b> [13] - 6:24, 17:15, 27:23, 30:23, 31:12, 32:2, 32:3, 32:5, 35:8, 35:9, 35:21, 46:21  <b>teams</b> [1] - 53:13  <b>technically</b> [2] - 8:1, 61:23  <b>TEELING</b> [4] - 58:23, 59:21, 60:24, 61:6  <b>Teeling</b> [1] - 2:9  <b>ten</b> [8] - 10:4, 12:8, 20:22, 23:15, 34:18, 38:6, 40:15, 43:24  <b>ten-year</b> [2] - 10:4, 12:8  <b>term</b> [1] - 6:13  <b>terminology</b> [1] - 26:1  <b>thankful</b> [1] - 46:10  <b>theoretically</b> [2] - 26:17, 31:8</p>				
<b>V</b>				
<p><b>vacant</b> [3] - 19:7, 40:2, 41:16  <b>value</b> [4] - 13:11, 39:11, 42:9, 46:17  <b>village</b> [1] - 21:20  <b>violations</b> [1] - 14:14  <b>Vitosh</b> [2] - 65:3, 65:20  <b>voice</b> [1] - 42:15  <b>vote</b> [2] - 15:18, 36:10  <b>votes</b> [1] - 36:5</p>				
<b>W</b>				
<p><b>wait</b> [1] - 62:4  <b>walk</b> [2] - 39:6  <b>walked</b> [1] - 10:18  <b>walking</b> [1] - 55:2  <b>wants</b> [3] - 29:16,</p>				

54:19, 55:2 <b>Warren</b> <sup>[1]</sup> - 2:13 <b>watching</b> <sup>[1]</sup> - 42:8 <b>water</b> <sup>[4]</sup> - 21:19, 41:5, 56:23, 63:21 <b>ways</b> <sup>[1]</sup> - 53:17 <b>web</b> <sup>[2]</sup> - 25:20 <b>weeding</b> <sup>[1]</sup> - 9:10 <b>weeds</b> <sup>[1]</sup> - 41:19 <b>weeks</b> <sup>[1]</sup> - 3:16 <b>whatsoever</b> <sup>[2]</sup> - 30:19, 43:15 <b>WHEREUPON</b> <sup>[1]</sup> - 3:1 <b>whining</b> <sup>[2]</sup> - 46:5 <b>Whispering</b> <sup>[2]</sup> - 42:22, 43:14 <b>whole</b> <sup>[5]</sup> - 39:14, 49:7, 50:16, 60:21, 60:24 <b>wide</b> <sup>[1]</sup> - 5:6 <b>willing</b> <sup>[2]</sup> - 40:6, 52:13 <b>windows</b> <sup>[1]</sup> - 41:19 <b>winter</b> <sup>[1]</sup> - 43:9 <b>wish</b> <sup>[1]</sup> - 57:8 <b>word</b> <sup>[1]</sup> - 51:5 <b>words</b> <sup>[1]</sup> - 44:20 <b>world</b> <sup>[1]</sup> - 31:21 <b>worried</b> <sup>[1]</sup> - 35:8 <b>wrapped</b> <sup>[1]</sup> - 4:17 <b>written</b> <sup>[1]</sup> - 18:19 <b>Wyndham</b> <sup>[4]</sup> - 19:1, 36:24, 37:1, 48:24	5:8, 26:5, 32:24, 33:1, 33:21, 50:18, 51:2, 53:16, 56:18, 56:19, 57:18, 58:10, 58:11, 58:12, 63:16
<b>Z</b>	
	<b>ZLDER</b> <sup>[11]</sup> - 16:23, 17:2, 18:16, 19:9, 21:16, 21:21, 22:19, 23:6, 23:12, 48:7, 48:19 <b>Zlder</b> <sup>[1]</sup> - 17:3 <b>zombie</b> <sup>[1]</sup> - 47:7
<b>Y</b>	
<b>year</b> <sup>[20]</sup> - 9:6, 9:24, 10:4, 12:8, 15:3, 15:5, 19:15, 28:8, 28:10, 28:11, 28:22, 28:24, 35:10, 35:22, 43:7, 52:5, 52:24, 58:14, 59:23, 59:24 <b>year's</b> <sup>[1]</sup> - 27:22 <b>yearly</b> <sup>[1]</sup> - 28:13 <b>years</b> <sup>[31]</sup> - 5:12, 5:18, 7:1, 10:17, 11:12, 11:16, 12:22, 19:21, 20:22, 21:5, 23:20, 24:8, 28:13, 31:19, 34:19, 35:4, 37:14, 38:6, 40:15, 41:6, 43:24, 45:18, 50:14, 53:4, 54:24, 56:12, 56:13, 57:17, 59:14, 63:23 <b>YORKVILLE</b> <sup>[1]</sup> - 1:6 <b>Yorkville</b> <sup>[17]</sup> - 1:15,	

## UNITED CITY OF YORKVILLE

### *Motorcycle Awareness Month Proclamation*

**WHEREAS**, safety is the highest priority for the highways and streets of our City and State; and

**WHEREAS**, the great State of Illinois is proud to be a national leader in motorcycle safety, education and awareness; and

**WHEREAS**, motorcycles are a common and economical means of transportation that reduces fuel consumption and road wear, and contributes in a significant way to the relief of traffic and parking congestion; and

**WHEREAS**, it is especially meaningful that the citizens of our City and State be aware of motorcycles on the roadways and recognize the importance of motorcycle safety; and

**WHEREAS**, the members of A.B.A.T.E. of Illinois, Inc. (A Brotherhood Aimed Toward Education), continually promote motorcycle safety, education and awareness in high school drivers' education programs and to the general public in our City and State, presenting motorcycle awareness programs to over 100,000 participants in Illinois over the past six years; and

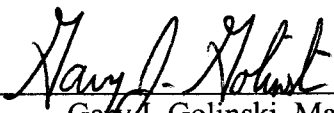
**WHEREAS**, all motorcyclists should join with A.B.A.T.E. of Illinois, Inc. in actively promoting the safe operation of motorcycles as well as promoting motorcycle safety, education, awareness and respect of the citizens of our City and State; and

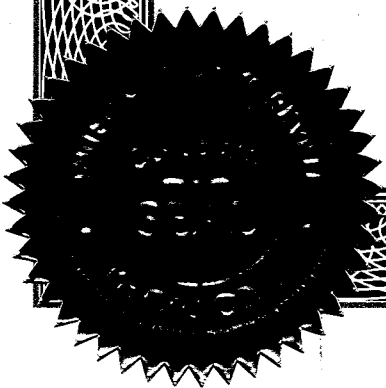
**WHEREAS**, the motorcyclists of Illinois have contributed extensive volunteerism and money to national and community charitable organizations; and

**WHEREAS**, during the month of May, all roadway users should unite in the safe sharing of the roadways within the United City of Yorkville and throughout the State of Illinois.

**NOW, THEREFORE**, I, Gary J. Golinski, Mayor of the United City of Yorkville, in the great State of Illinois, in recognition of 30 years of A.B.A.T.E. of Illinois, Inc., and over 650,000 registered motorcyclists statewide, and in recognition of the continued role Illinois serves as a leader in motorcycle safety, education and awareness, do hereby proclaim the Month of May 2016 as Motorcycle Awareness Month in the United City of Yorkville, and urge all motorists to join in an effort to improve safety and awareness on our roadways.

Dated this 12<sup>th</sup> day of April, 2016, A.D.

  
\_\_\_\_\_  
Gary J. Golinski, Mayor



REGULAR CITY COUNCIL MEETING

April 12, 2016

PLEASE PRINT

NAME:

SUBDIVISION OR BUSINESS:

Ami + Chris Caldwell

YMS Basketball

Joan A. Marcantelli

Retired

Erica Thomas

YMS Basketball

Scott + Lisa Clements

YMS Basketball

Diane Jaskowski

YMS Basketball

Toran & Darcel Harris

YMS Basketball

Julie + Marty Laurice

YMS Basketball

Lynne Bivens

YMS Basketball

Kevin Cain

YMS Basketball

Brian Long

YMS Basketball

Paul Kietfer

YMS Basketball

DAN Polowt

YMS BB

Brad/Jeni Beetham

YMS BB

Andy DiVerde

YMS BB

Sue Golinski

YMS BB

SIGNIN



Name

Subdivision / Business

DENNIS MEYER & FAMILY

JOE PEREZ

Susan Carlson

CALADONIA SSA

"

"

**REGULAR CITY COUNCIL MEETING**

**Public Comment**

April 12, 2016

**PLEASE PRINT**

**NAME:**

Kate Eider

Susan Carlson

Katie Loeffler

Marva King

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**SUBDIVISION OR BUSINESS:**

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**SIGNIN**