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 THESDAY, HINE 0, 2020

TUESDAY, JUNE 9, 2020

Mayor Purcell called the meeting to order at 7:04 p.m. and led the Council in the Pledge of Allegiance.

ROLL CALL

City Clerk Pickering called the roll.

Ward I	Koch	Present (electronic attendance)
	Transier	Present (electronic attendance)
Ward II	Milschewski	Present (electronic attendance)
	Plocher	Present (electronic attendance – arrived at 7:12 p.m.)
Ward III	Funkhouser	Present (electronic attendance)
	Frieders	Present (electronic attendance)
Ward IV	Tarulis	Present (electronic attendance)
	Peterson	Present (electronic attendance)

Staff in attendance at city hall: City Administrator Olson, Chief of Police Jensen, and Attorney Orr.

Staff in attendance electronically: City Clerk Pickering, Public Works Director Dhuse, Community Development Director Barksdale-Noble, Finance Director Fredrickson, Parks and Recreation Director Evans, Assistant City Administrator Willrett, and EEI Engineer Sanderson.

Clerk's Note: Due to COVID-19, requirements of the Open Meetings Act have been temporarily suspended by Governor Pritzker via Executive Order 2020-07 (which was extended by Executive Orders 2020-33 and 2020-39), which suspends the provisions of the Open Meetings Act, 5 ILCS 120, "Specifically, (1) the requirement in 5 ILCS 120/2.01 that "members of a public body must be physically present" is suspended; and (2) the condition in 5 ILCS 120/7 limiting when remote participation is permitted are suspended".

Members of the public were able to attend this meeting in person while practicing social distancing as well as being able to access the meeting remotely via Zoom which allowed for video, audio and telephonic participation.

A meeting notice was posted on the city's website on the agenda, minutes and packets webpage with instructions regarding remote meeting access and a link was included for the public to participate in the meeting remotely: https://us02web.zoom.us/j/82862161653?pwd=azRUcDRZL1NpQTFwS0oyN0ViMWRzdz09. The Zoom meeting ID was 828 6216 1653.

QUORUM

A quorum was established.

AMENDMENTS TO THE AGENDA

None.

PRESENTATIONS

None.

PUBLIC HEARINGS

Public Hearing for Proposed Downstate Small Business Stabilization Applications Funded by Community Development Block Grant (CDBG) Funds, the total amount of CDBG funds to be requested is \$50,000 and will address the urgent needs of the business due to the COVID-19 emergency on the following applications:

The IdeaPros Inc. D/B/A Logo Factory and Treasure Breads, Inc.

Please see attached public hearing transcript from the court reporter regarding the public hearing portion of the meeting.

CITIZEN COMMENTS ON AGENDA ITEMS

None.

CONSENT AGENDA

None.

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MINUTES FOR APPROVAL

Mayor Purcell entertained a motion to approve the minutes of the regular City Council meeting of May 26, 2020 as presented. So moved by Alderman Peterson; seconded by Alderman Milschewski.

Motion unanimously approved by a viva voce vote.

BILLS FOR PAYMENT

Mayor Purcell entertained a motion to approve the bill list in the amount of \$87,420.63 (vendors – FY 20); \$147,745.37 (vendors – FY 21); \$293,829.72 (payroll period ending 5/29/20); for a total of \$528,995.72. So moved by Alderman Frieders; seconded by Alderman Milschewski.

Motion approved by a roll call vote. Ayes-8 Nays-0 Koch-aye, Milschewski-aye, Funkhouser-aye, Tarulis-aye, Transier-aye, Plocher-aye, Frieders-aye, Peterson-aye

REPORTS

MAYOR'S REPORT

Alderman Frieders - Black Lives Matter

Mayor Purcell said that Alderman Frieders had requested to read a statement under the Mayor's Report.

Alderman Frieders read the following statement:

"As a human, I am disgusted and devastated by the murder of George Floyd, an unarmed black man, by police in Minneapolis, Minnesota on May 25th, 2020.

The entire planet watched while one officer killed Mr. Floyd over 8 minutes and 46 seconds, as three other officers stood by and did nothing to intervene.

Our country has again been violently reminded that black lives cannot and will not matter in the shadow of systemic racism.

I am obligated as an elected official, but more importantly a human, to seriously look at how our words, our policies, and our actions contribute to the systemic racism that has been allowed to perpetuate every facet of life.

It is time to demand and facilitate change, immediately; inside our homes, our workplaces, our governing bodies, our justice system, our economy, and our police departments.

All lives do not matter until Black Lives Matter."

Downstate Small Business Stabilization Program Grant (CC 2020-48)

Resolution 2020-52 of Support for a Community Development Block Grant Program Grant (IdeaPros Inc D/B/A Logo Factory, 910 N. Bridge Street, Yorkville, IL)

Resolution 2020-53 of Support for a Community Development Block Grant Program Grant (Treasure Breads, Inc., 305 W. Main Street, Yorkville, IL)

Mayor Purcell entertained a motion pursuant to Ordinance 2013-31, to waive the procedural rule not to vote on items at the same meeting at which the public hearing on the matter has taken place. So moved by Alderman Funkhouser; seconded by Alderman Milschewski.

Motion approved by a roll call vote. Ayes-8 Nays-0 Milschewski-aye, Funkhouser-aye, Tarulis-aye, Transier-aye, Plocher-aye, Frieders-aye, Peterson-aye, Koch-aye

Mayor Purcell entertained a motion to approve Resolutions of Support for Community Development Block Grant Program Grants for the following: Resolution 2020-52 for IdeaPros Inc D/B/A Logo Factory for \$25,000; Resolution 2020-53 for Treasure Breads, Inc. for \$25,000. So moved by Alderman Frieders; seconded by Alderman Koch.

Motion approved by a roll call vote. Ayes-8 Nays-0 Funkhouser-aye, Tarulis-aye, Transier-aye, Plocher-aye, Frieders-aye, Peterson-aye, Koch-aye, Milschewski-aye

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Ordinance Amending Title 4 of the Yorkville City Code Adding Chapter 5: Civil Emergencies

(CC 2020-49)

Mayor Purcell entertained a motion to approve an Ordinance Approving Amending Title 4 of the Yorkville City Code Adding Chapter 5: Civil Emergencies. So moved by Alderman Milschewski; seconded by Alderman Plocher.

Attorney Orr gave an overview of the proposed ordinance. She stated there are two ways the city has emergency powers vested in the Mayor. One method is through the Illinois Emergency Management Act. Under the Act, municipalities have an emergency plan which allows the Mayor the right to act for no more than 7 days. The emergency plan is focused on bringing various groups within the city together to discuss what needs to be done. The second method is through the Illinois Municipal Code, section 11-1-6, which requires an ordinance by the City Council giving the Mayor the authority to enact emergency powers. She said that many municipalities have codified the emergency powers directly into their code book. One of the benefits of codifying this ordinance on civil emergencies, is that in case of an emergency, the Mayor can take immediate action on items such as enacting a curfew, closing streets, and closing businesses instead of having to wait to take action until a special City Council meeting can be called. She said that if the ordinance was approved, the city would be better prepared if it was necessary for the Mayor to act at a moment's notice. Whatever actions taken would only be good until the next city council meeting. A special city council meeting could always be called by three aldermen if they felt that the emergency powers were not properly being used. It was questioned if the Mayor could rescind the declaration of emergency prior to the next council meeting if it the emergency declaration was not needed. Attorney Orr confirmed that the Mayor could rescind at any time.

Mayor Purcell asked the council if they wanted to vote on this ordinance. Alderman Frieders made a motion to table this item until the next pandemic. The motion failed due to lack of a second.

Alderman Funkhouser made a motion to table this item to the June 23, 2020 City Council meeting; seconded by Alderman Transier.

Motion to table approved by a roll call vote. Ayes-8 Nays-0 Tarulis-aye, Transier-aye, Plocher-aye, Frieders-aye, Peterson-aye, Koch-aye, Milschewski-aye, Funkhouser-aye

Ordinance Authorizing the Mayor to Enter into Agreements to Regulate Pedestrian and Vehicular Traffic on Commercial Properties

(CC 2020-50)

Mayor Purcell entertained a motion to approve an Ordinance Authorizing the Mayor to Enter into Agreements to Regulate Pedestrian and Vehicular Traffic on Commercial Properties. So moved by Alderman Tarulis; seconded by Alderman Peterson.

Attorney Orr explained that by Illinois Municipal Code, municipalities are allowed to enter into agreements with private property owners in order to be able to enforce parking regulations. She said there is a change that needs to be made to the ordinance and agreement that was included in the packet. She asked that the phrase "speed limits" be removed from Section 5-7-1 of the ordinance as well as being removed from Page 1, Item #2 of the agreement. Alderman Tarulis and Alderman Peterson agreed to amend their motion to approve to include the deletion of the phrase "speed limits" as proposed by Attorney Orr.

Chief Jensen said that if the city enters into an agreement with a commercial property owner, the police department is allowed to enforce stopping, standing and parking on private property. An example would be if a customer parks in a fire lane, the police department could then write a ticket for that violation if there is an agreement in place with the commercial property owner. He said when it comes to the towing of vehicles, the business would need to have an agreement with a towing company and have signs posted on their property that unauthorized vehicles would be towed. Chief Jensen said that the police department would not be involved with the towing of vehicles as that would be a decision made by the property owner if they were going to call a tow company and have an unauthorized vehicle towed.

Discussion took place as to whether it was the job of the police department to patrol the parking lots of private businesses. It was also discussed that there were some concerns about liability to the city if the police department gets involved with the towing of vehicles.

Mayor Purcell asked if the aldermen would like to table this ordinance. Alderman Frieders made a motion to table this item to the July 2, 2020 Public Safety Committee meeting for further discussion; seconded by Alderman Koch.

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Motion to table approved by a roll call vote. Ayes-8 Nays-0 Transier-aye, Plocher-aye, Frieders-aye, Peterson-aye, Koch-aye, Milschewski-aye, Funkhouser-aye, Tarulis-aye

PUBLIC WORKS COMMITTEE REPORT

Rebuild Illinois Grants Program Potential Applications

(PW 2020-34)

Administrator Olson gave an overview of the staff analysis for the proposed projects that could be considered for submittal to the Rebuild Illinois Grants Program. Through a review of grant materials and in conversations with DCEO employees, staff feels that projects need to score at least 80 out of 100 to be awarded a grant; however, if there are categories that receive less applications, a slightly lower scoring project might still be awarded. Staff is estimating that the Eldamain Road corridor infrastructure extension and the East Alley water main and environmental remediation projects might score in the mid to high 50's on the state's scoring system. Staff estimated that the water tower painting and the Elizabeth Street water main projects would only score in the mid 40's. If the council would like staff to submit grant applications, the cost would be \$5,000 - \$10,000 per application for engineering staff time.

Alderman Frieders made a motion to submit grant applications for the Eldamain Road and East Alley projects; seconded by Alderman Funkhouser.

Motion approved by a roll call vote. Ayes-8 Nays-0 Frieders-aye, Peterson-aye, Koch-aye, Milschewski-aye, Funkhouser-aye, Tarulis-aye, Transier-aye, Plocher-aye

ECONOMIC DEVELOPMENT COMMITTEE REPORT

No report.

PUBLIC SAFETY COMMITTEE REPORT

No report.

ADMINISTRATION COMMITTEE REPORT

No report.

PARK BOARD

Drive-in Moves

Director Evans reported that the first drive-in move of the year will be held at the NCG Yorkville theatre on Friday, June 12th. The next drive-in move is scheduled for Thursday, June 25th and will be held at Raging Waves waterpark. Advance registration for the drive-in movies is required.

Youth Sports Programs

Director Evans also reported that baseball, softball, and soccer youth sports programs would be starting to hold practices next week.

PLANNING AND ZONING COMMISSION

No report.

CITY COUNCIL REPORT

Hope for the Day

Alderman Frieders reported that he is continuing his work with Hope for the Day. On July 17th from 7:00 p.m. until 7:45 p.m., in conjunction with the Westmont Public Library, they will hold a virtual discussion on mental health and pro-active suicide prevention.

Library Grant

Alderman Transier reported that the Yorkville Public Library was awarded a \$21,000 grant from the State of Illinois.

CITY CLERK'S REPORT

No report.

COMMUNITY & LIAISON REPORT

No report.

STAFF REPORT

No report.

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MAYORS REPORT (cont'd)

Outdoor Eating Areas

Mayor Purcell thanked all the city staff who worked to help the restaurants and bars expand their outdoor eating areas. He said that he had received many compliments from local businesses on the assistance they received from the city.

Fourth of July

Mayor Purcell said that the city would still be doing fireworks on Fourth of July this year, unless it is not allowed by the Governor. As far as the parade goes, a few different ideas are being considered but a final decision has not been made yet.

FY 20 Budget Update

Mayor Purcell said that staff is estimating that the city will have a \$500,000 general fund surplus for the FY 20 budget which ended on April 30, 2020.

FY 21 Budget Update

(CC 2020-51)

Administrator Olson gave a brief update on the FY 21 budget. After the packet was distributed, the city received sales, income, and use tax figures for March 2020. The March consumer sales and use taxes were flat while income taxes are down from the year prior. Administrator Olson did remark that these figures are generally above the city's estimated worst-case scenario figures.

Kendall Marketplace Residential Update

Mayor Purcell said that construction is almost ready to start on the townhome portion of the Kendall Marketplace development.

ADDITIONAL BUSINESS

None.

CITIZEN COMMENTS

None.

EXECUTIVE SESSION

Mayor Purcell said that an executive session would not be held this evening.

ADJOURNMENT

Mayor Purcell entertained a motion to adjourn the City Council meeting. So moved by Alderman Frieders; seconded by Alderman Funkhouser.

Motion unanimously approved by a viva voce vote.

Meeting adjourned at 8:37 p.m.

Minutes submitted by:

Lisa Pickering,

City Clerk, City of Yorkville, Illinois

UNITED CITY OF YORKVILLE KENDALL COUNTY, ILLINOIS

CITY COUNCIL MEETING PUBLIC HEARING

800 Game Farm Road Yorkville, Illinois

Tuesday, June 9, 2020 7:00 p.m.

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1 PRESENT:
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- 2 Mr. John Purcell, Mayor;
- 3 Mr. Ken Koch, Alderman;
- 4 Mr. Dan Transier, Alderman;
- 5 Ms. Jackie Milschewski, Alderman;
- 6 Mr. Arden Joe Plocher, Alderman;
- 7 Mr. Chris Funkhouser, Alderman;
- 8 Mr. Joel Frieders, Alderman;
- 9 Mr. Seaver Tarulis, Alderman;
- 10 Mr. Jason Peterson, Alderman.
- 11 ALSO PRESENT:
- 12 Mr. Bart Olson, City Administrator,
- 13 Mr. James Jensen, Chief of Police,
- Ms. Lisa Pickering, City Clerk,
- Mr. Eric Dhuse, Public Works Director,
- 16 Ms. Krysti Barksdale-Noble, Community
- 17 Development Director,
- Mr. Rob Fredrickson, Finance Director,
- 19 Ms. Erin Willrett, Assistant City
- 20 Administrator,
- 21 Ms. Kathleen Field-Orr, City Attorney,
- 22 Mr. Brad Sanderson, City Engineer,
- 23 Ms. Lynn Dubajic, City Economic
- 24 Development Consultant.

Page 4 1 (WHEREUPON, the following 2 proceedings were had in 3 public hearing:) 4 MAYOR PURCELL: I am opening the public hearing for the proposed Downstate Small Business 5 6 Stabilization Applications funded by Community 7 Development Block Grant, CDBG funds. The total 8 amount of CDBG funds to be requested is \$50,000 9 and will address the urgent needs of the business 10 due to the COVID-19 emergency on the following 11 The IdeaPros, Inc., d/b/a Logo applications: 12 Factory, and Treasure Breads, Inc. 13 The public hearing is now open. Ι 14 will ask if there is any members of the public 15 who would like to speak here in the chambers. 16 (No response.) 17 MAYOR PURCELL: Okay. And then I will 18 ask, before I get to Mr. Olson, are there any 19 members of the public out in Zoomland who would 20 like to speak? 21 (No response.) 22 MAYOR PURCELL: Hearing none, I will 23 turn it over to Bart. Bart has a short little 24 discussion maybe, is that the best way to put it?

- 1 MS. ORR: Presentation.
- 2 MAYOR PURCELL: I don't know if it's a
- 3 presentation or a discussion.
- 4 MR. OLSON: I've got a brief PowerPoint
- 5 here.
- 6 MAYOR PURCELL: Oh, you do.
- 7 MR. OLSON: I am going to share my
- 8 screen here with everybody.
- 9 MAYOR PURCELL: Okay, thank you. Get it
- 10 out of the way.
- 11 MR. OLSON: No script, and there is only
- 12 two businesses, so it shouldn't take very long at
- all. 13
- 14 Okay. And everybody can see the
- 15 PowerPoint presentation on the screen? Okay.
- 16 Great. Okay.
- 17 So this is our third batch of
- 18 Downstate Small Business Stabilization Program
- 19 grants. Again, it is an excellent program, it is
- 20 funds being made available from the state to the
- 21 cities that we then give to businesses that are
- 22 impacted by the COVID-19 virus and the grant is
- 23 for a maximum of \$25,000 and 60 days of variable
- 24 raw capital.

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1 In order to be eligible for this
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- 2 grant you have to have been open since 2017,
- 3 can't be a franchise business, you have to have
- 4 at least one other employee, you have to have
- 5 less than 50 employees, and the ownership can't
- 6 have changed since 2017.
- 7 The only requirements under this
- 8 grant program if you receive a grant is that you
- 9 have to remain open for a minimum of 60 days
- 10 after funding is awarded, and you have to use the
- 11 funds for payroll expenses and working capital,
- 12 and the actual amount of the grant is actually
- 13 based on your actual business expenses.
- So we have two applications, both
- for \$25,000. One is the IdeaPros, Incorporated,
- doing business as Logo Factory, and Treasure
- 17 Breads.
- 18 So, again, the total amount for this
- 19 third round of grants is \$50,000. So why is the
- 20 program needed? Our business and community and
- 21 the employment numbers in the area have been
- 22 impacted by the pandemic and our City's
- 23 Comprehensive Plan talks widely about the
- 24 importance of a healthy business community in

- 1 order to improve our residents' quality of life
- 2 and that in general we are supposed to attract a
- 3 whole bunch of houses in town in order to attract
- 4 new retail development and so any shortfall in
- 5 businesses or in houses is going to impact
- 6 quality of life.
- 7 So first off is the IdeaPros doing
- 8 business as the Logo Factory. They are
- 9 requesting \$25,000 in working capital. They've
- 10 been in business in Yorkville since 2001 and
- 11 they've seen about a 63 percent drop in sales due
- 12 to the pandemic. So they have a whole bunch of
- 13 events that have been cancelled or delayed as a
- 14 result of the pandemic, and so that's impacted
- 15 revenues, so they are asking for funds to cover
- 16 the costs of goods, technology enhancements for
- online business, advertisement, payroll, rent and
- 18 utilities.
- 19 Treasure Breads, Incorporated, is
- 20 also requesting \$25,000. They are a company that
- 21 makes gourmet sweet breads out of Yorkville, and
- 22 that company was started in 2007, so the funds,
- 23 if received, will be used for payroll and
- 24 operating expenses, and their channels of revenue

- 1 since the pandemic have been completely closed,
- 2 including farmer's markets, youth groups, lobby
- 3 sales, retail coffee chains, so if they receive
- 4 the grant, the funds will be used to cover three
- 5 employees and allow the company to maintain
- 6 inventory as well as general overhead costs,
- 7 including rent, marketing and accounting fees.
- 8 So that's it for the public hearing
- 9 presentation. There was a public hearing notice
- 10 published in the Beacon newspaper in -- or on
- 11 June 2nd of 2020.
- 12 All of the project information,
- including all the state-mandated application
- 14 materials, have been available on the City's
- 15 website since June 2nd, and so our next steps are
- 16 passage of a City Council resolution in support
- during this meeting, and then after that there
- 18 will be a participation agreement signed by the
- 19 City and the applicant prior to actually
- 20 submitting the grant.
- 21 With that, I will turn it back over
- 22 to the mayor.
- 23 MAYOR PURCELL: That's pretty slick how
- 24 quickly you did that. Thank you. Okay.

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Page 9
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                    Are there any comments from the City
 2
     Council on the public hearing?
 3
                              (No response.)
 4
               MAYOR PURCELL: Hearing none, I will
 5
     close the public hearing.
 6
                               (Which were all the
 7
                               proceedings had in the
 8
                               public hearing portion
 9
                               of the meeting.)
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1
     STATE OF ILLINOIS )
                        ) SS.
 2
     COUNTY OF LASALLE )
 3
        I, Christine M. Vitosh, a Certified Shorthand
 4
     Reporter, do hereby certify that I transcribed
 5
     the proceedings had at the pubic hearing and that
 6
     the foregoing, Pages 1 through 10, inclusive, is
 7
     a true, correct and complete computer-generated
     transcript of the proceedings had at the time and
 8
 9
     place aforesaid.
10
        I further certify that my certificate annexed
11
     hereto applies to the original transcript and
12
     copies thereof, signed and certified under my
13
     hand only. I assume no responsibility for the
14
     accuracy of any reproduced copies not made under
15
     my control or direction.
16
        As certification thereof, I have hereunto set
17
     my hand this 16th day of June, A.D., 2020.
18
19
20
                       Christine M. Vitosh, CSR
                       Illinois CSR No. 084-002883
21
22
23
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