

**UNITED CITY OF YORKVILLE
ECONOMIC DEVELOPMENT COMMITTEE
Tuesday, September 5, 2023, 6:00pm
East Conference Room, #337
651 Prairie Pointe Drive., Yorkville, IL**

In Attendance:

Committee Members

Chairman Joe Plocher (left 6:49pm) Alderman Dan Transier
Alderman Seaver Tarulis Alderman Chris Funkhouser

Other City Officials

City Administrator Bart Olson (electronic attendance)
Assistant City Administrator Erin Willrett
Community Development Director Krysti Barksdale-Noble
Code Official Pete Ratos
Alderman Ken Koch (electronic attendance)
City Consultant Lynn Dubajic Kellogg

Other Guests

Mike Krempski Brynn Krempski
Molly Krempski Peri Krempski
David Guss Skylar Evans, QuikTrip
Andrea Houdek Joseph Houdek
Darla (electronic attendance)

The meeting was called to order at 6:00pm by Chairman Joe Plocher. He asked to move the UDO discussion to the end of the agenda.

Citizen Comments

Ms. Molly Krempski spoke about the constitutional basis of removal of proposed language regulating murals and the size of yard signs on private property. She does not see a need to exceed a 32 sq. ft yard sign. She said the size falls outside the authority of this committee and the Council. She said the committee has some authority to regulate public property, but no provisions to regulate private rights or property. Ms. Krempski said the arbitrary use of power is tyranny. Last week the consultant said that murals are art, protected by the constitution and cannot be regulated. Within our constitution, public servants are selected to uphold the constitution. The Aldermen are elected as servants of the people and granted the power to pass only the laws necessary to carry out the limited powers granted to them, while upholding the rights of the people. Article 1, Section 24 says that the people have retained any and all power not specifically granted to government. Article 7, Section 7 grants city government 6 specific things and she said the Alderman must know the documents in order to serve the people. According to Ms. Krempski, Aldermen are not granted the power to regulate peoples' expression on private property by controlling the size of the signs in their yards. Article 1, Section 4 and 6 reserves the peoples' right to speak, write and publish freely and the power to regulate rights is not granted to this Council.

Minutes for Correction/Approval June 6, 2023

The minutes were approved as presented.

New Business

1. EDC 2023-31 Building Permit Reports for May - July 2023

Mr. Ratos said there were 245 permits in May, many of which were in Raintree and Grand Reserve, 353 permits in June--many in Raintree and Grande Reserve and 287 in July.

2. EDC 2023-32 Building Inspection Reports for May - July 2023

In May there were 1,192 inspections, some of which were outsourced, said Mr. Ratos. In June he and his staff did 1,320 inspections, many of which were roofs with hail damage. In July there were 1,125 inspections and also many roofs.

3. EDC 2023-33 Property Maintenance Reports for May – July 2023

Mr. Ratos said there were many cases in May, but only one went to hearing and was found liable. In June, there was a weeds and grass complaint, also found liable. Staff is working with the homeowner and events are being documented. Alderman Tarulis asked if it is possible to work through the HOA for results. Mr. Ratos will re-contact the HOA and if the problem is not rectified, Public Works may do the mowing. In July there was one case and it was for the water conservation ordinance. It was later dismissed when the owner complied. Mr. Ratos and his staff try to educate the public rather than issue tickets.

4. EDC 2023-34 Economic Development Reports for June - August 2023

Ms. Kellogg said Scooters will open on September 7, the Bakehouse will open at the end of October and they are working on a mural on their building. Station 1 will also open at the end of October. She recognized Gerber Collision and Glass who worked with the fire department and SRT to allow the fire personnel to use their building for training. The business owner of Steps for Kids worked with Waubensee College and Fox Valley Entrepreneurship Center and formed a partnership with both, which Ms. Kellogg wanted to recognize.

5. EDC 2023-35 QuikTrip Gas Station – Special Use

Ms. Noble gave a background of this proposed project at the northeast corner of Rt. 71 and 47. They wish to build a gas station and convenience store on this property which is made up of 2 parcels. It is already zoned as B-3 and QuikTrip is only seeking a Special Use. The petitioner wishes to use underground detention which is unique to the property. The convenience store would be built on the larger parcel and they may wish to eventually build a car wash on the smaller parcel. The petitioner has addressed concerns about the locations of entrances. A representative of the company was also present. Alderman Funkhouser asked if semi trucks would be staying overnight since there are 52 parking spaces, however, Mr. Evans said it would only be short-term parking. This is scheduled for a Public Hearing at PZC on October 11.

7. EDC 2023-37 Kendall County Petition 23-28 – 1.5 Mile Review

This is a review of 2 parcels recently consolidated in the Whitetail Ridge Subdivision. There is a 10-foot wide easement in the middle of the two parcels and the petitioner wishes to vacate it to build one structure. The HOA has agreed to the consolidation. The county has recommended approval and this moves to the September 13th PZC with no objection.

8. EDC 2023-38 Ordinance Amending the Yorkville City Code, Title 10, Chapter 19, Section 10-19-9 (Solar Farm Building Permit Fee)

Mr. Olson said that after the last solar farm application, staff reviewed solar farm inspection fees and determined they are inadequate. He said a couple petitioners also confirmed the fees were low. Staff is recommending a fee hike to \$7.00 per solar panel. He referred to a memo in the packet with sample permit fees. He gave examples of fees for current applicants, under the new structure. Staff took into account the costs and range of inspections along with existing

outsourcing costs. Mr. Olson said the inspections are numerous and lengthy. He said he spoke with a current applicant to inform them of the proposed fee increases and after explanation, they were on board with the proposal.

Mr. Ratos explained the technical aspects of the inspection and said the power going through a series of panels could be deadly. He said he had a standing inspection appointment each day when the county array was installed. He said he needs to be present when the stands are set for the panels. Mr. Ratos said the city has been able to maintain the same rate with the outsourced inspectors, while other companies would charge \$80-\$100 per inspection. Alderman Funkhouser asked if the city could charge per inspection? Mr. Ratos said he would be concerned about tracking visits and that the city might not be paid since there are other visits made to the site besides inspections. He said many other communities do not have the in-house expertise for the inspections and must outsource them. Alderman Transier asked if other communities have raised their fees, which they have not. He noted that the solar farm applicants have to pay the outsource fees in other communities and thus are already paying for the higher fees.

6. EDC 2023-36 Unified Development Ordinance – Text Amendment (out of sequence)

Ms. Noble said this was a 4-year project to consolidate city ordinances. The consultant, Houseal Lavigne, assisted in the project which consisted of an Advisory Board that met 15 times. An open house was held last week to gather input from the public. A Power Point summary with changes in each of the nine chapters was provided for this committee. January 1, 2024 was established as the effective date for the changes.

(Chairman Plocher had to depart at this time and Alderman Funkhouser assumed the role of Committee Chair.)

Alderman Funkhouser briefly discussed setbacks in relationship to signs and noted that in the future, utilities will be put in the front yards rather than the back. Alderman Tarulis commented that at HOA meetings, citizens say they don't want signs and he receives calls when a new one is installed. He also said people have approached him about the proposed smaller lot sizes. Alderman Transier noted that signs cannot be outright prohibited. PZC will review this revised ordinance next week.

Old Business: None

Additional Business:

Alderman Funkhouser asked about a topic discussed at a prior meeting, specifically options or updates on the Old Second Bank Building and the 609 N. Bridge St. property. Mr. Olson replied there is some interest and a development offer for the bank building and he will give an update next month. A decision is somewhat dependent on the Public Works facility and Lake Michigan water project costs. There is no decision on the Bridge St. property and Alderman Funkhouser asked for a building status and quality report since the building has been sitting vacant for awhile. Mr. Ratos offered to inspect it with the Public Works Director.

There was no further business and the meeting adjourned at 7:17pm.

Minutes respectfully submitted by Marlys Young, Minute Taker