

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL
OF THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS,
HELD IN THE CITY COUNCIL CHAMBERS,
651 PRAIRIE POINTE DRIVE ON
TUESDAY, JULY 9, 2024

Mayor Purcell called the meeting to order at 7:01 p.m. and led the Council in the Pledge of Allegiance.

ROLL CALL

City Clerk Behland called the roll.

Ward I	Koch	Present
	Transier	Present
Ward II	Plocher	Present
	Soling	Present
Ward III	Funkhouser	Present
	Marek	Present
Ward IV	Tarulis	Absent
	Corneils	Present

Staff in attendance at City Hall: City Administrator Olson, City Clerk Behland, Deputy Chief of Police Mikolasek, Attorney Orr, 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.

Members of the public were able to attend this meeting in person 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/82115574650?pwd=le6pzAghYaS2bLhVvcAB8ZTDiobQUP.1>.

The Zoom meeting ID was 821 1557 4650.

QUORUM

A quorum was established.

AMENDMENTS TO THE AGENDA

None.

PRESENTATIONS

None.

PUBLIC HEARINGS

None.

CITIZEN COMMENTS ON AGENDA ITEMS

Robyn Sutcliff, a 31-year resident of Yorkville and the owner of Foxy’s Ice Cream, shared that the downtown planning project will bring the small town feel back to the growing community. She believes that the project is an excellent addition to downtown and Yorkville as a whole.

Jason Pesola, a resident of Yorkville since 2005, shared that he is speaking on behalf of some of his colleagues in the downtown area. He stated that the downtown redevelopment project is the proper direction and is something every town needs. Mr. Pesola stated that he commends the City personally, on behalf of himself and all of his downtown colleagues.

CONSENT AGENDA

- 1. Minutes of the Regular City Council – June 11, 2024
- 2. Minutes of the Regular City Council – June 25, 2024
- 3. Bill Payments for Approval
 - \$ 974,009.77 (vendors – FY 24)
 - \$ 1,175,795.37 (vendors – FY 25)
 - \$ 497,258.24 (wire payments)
 - \$ 471,886.68 (payroll period ending 06/21/24)
 - \$ 3,118,950.06 (total)

Mayor Purcell entertained a motion to approve the consent agenda. So moved by Alderman Koch; seconded by Alderman Soling.

Motion approved by a roll call vote. Ayes-7 Nays-0
Koch-aye, Plocher-aye, Funkhouser-aye, Transier-aye,
Soling-aye, Marek-aye, Corneils-aye

REPORTS

MAYOR’S REPORT

Independence Day Celebration

Mayor Purcell shared that he feels it was a fantastic 4th of July and parade and that he has heard from people that the fireworks show is the best they have ever seen. Parks and Recreation Director Evans stated it was the most crowded he had ever seen.

**Downtown Grant Plans (FS Property)
(CC 2024-47)**

Mayor Purcell entertained a motion to approve the proposed site plan, by The Lakota Group, for the design concept of the property located at 121 East Van Emmon with amendments made by the Council and to authorize staff to apply for the Rebuild Illinois Downtowns and Main Streets Capital program grant. So moved by Alderman Marek; seconded by Alderman Plocher.

City Administrator Olson shared the current downtown concept plan from The Lakota Group. He also mentioned the grant deadline is July 22, 2024. Council members have confirmed that this area holds about 100 – 130 parked cars on a regular weekend. The presented site plan would have 92 parking spaces. He shared that the stage faces north towards the river due to sound travel. A sound engineer will review the plans later. There will be future concept discussions on the outdoor patios of East Alley Business. Some options include sharing one large deck with all businesses and possibly making the deck two stories. The green space on the plan is artificial turf. There is also a communal trash space to be split between the businesses to reduce trash enclosures. Near the stage, one of the businesses is interested in putting a viewing deck behind the building. That business also proposed possibly allowing the bottom of the building to be open for bathroom utilization.

Alderman Koch asked why Dakota’s was blocked off with landscaping instead of keeping it open. City Administrator Olson reported they have not talked to them personally and believes The Lakota Group had done this as it’s a private business. Alderman Koch also asked why the outdoor patio areas for the East Alley Businesses were shortened. Mr. Olson reported that the staff wanted to ensure parking spaces were near for weekday use. He also mentioned we could remove some of those parking spaces to give a larger patio area. Alderman Koch also said he would like some time to hear from some business owners. Alderman Transier asked if lot G, the loading dock area, could also be used as parking spaces.

Alderman Funkhouser reported that his initial thought while reviewing the plan was that the parking on the west side was 1/3 of what it currently has. He did say it was nice to see 92 structured parking spots. He believes the plan does not check all the boxes for downtown functionally. He felt the festival street should be pushed north next to the tracks and out of the park's center. He also believes Dakota’s does not blend in. Alderman Koch shared he also likes the idea of parking spots next to the tracks to the north. Alderman Funkhouser shared the City’s Downtown Master Plan has some ideas on how that could look.

City Administrator Olson reported the overall cost estimate of this project is 5.4 million dollars, which includes a contingency of unknowns. This cost includes \$350,000 for the brownfield remediation, a grab number. The water main relocation is included at \$750,000, which is currently budgeted. This estimate does not include the business façade grant program; this will need to be reviewed in more detail later. The grant application requires the City to commit to the cost by showing we have the funds to cover the project. Staff is looking for direction if we want to move forward with the project or if changes are wanted.

Alderman Plocher asked how much the grant was for, and the City Administrator said the maximum was 2 million dollars. Alderman Transier asked if we were awarded the grant and if we were forced to move forward with the project. Assistant City Administrator Willrett said there are no penalties if we do not want to proceed after being awarded. Alderman Funkhouser asked about the design and whether it could be changed after submission. City Administrator Olson said they have not had an in-depth conversation with the grant committee, but if we do not keep the significant components, there could be a chance they could pull the grant. City Administrator Olson explained the phases: 1st Commit to doing the project and your budget for the project 2nd Grant award, which includes grant agreement negotiations, which at this time could be an opportunity to make amendments to the plan.

Alderman Koch asked if staff has contacted the group wanting to build a bandshell. City Administrator Olson said their project budget was \$250,000, and our current estimate is \$350,000. He said we have not asked them but intend to do so. City Administrator Olson said he has no signed commitment letters but believes some businesses will step up. Alderman Funkhouser asked if we received any feedback from the businesses after they received the plans. City Administrator Olson stated we have not received any feedback yet. Alderman Koch said he supported the grant but wanted to talk to some businesses. Mayor Purcell noted that for us to get the grant, we would need all changes by next Tuesday.

Mr. Pesola said he was speaking on behalf of most of the downtown business owners and operators that they are all on board with the plan. He shared that they were not expecting the artificial turf, which they believe is beautiful. They like the location of the bandshell and shooting the noise to the north and agree to open up Dakota's parking lot. The beautification of downtown is something all of the businesses are behind. They would love to see additional parking. Alderman Funkhouser asked about the patios that are currently there and if it's an issue that this would reduce the size. Mr. Pesola said they wouldn't have a problem if they could do two tiers on the patio decks. City Administrator Olson said any plans on permanent patio decks would have to occur after the water main replacement project. Kevin Clark, The Lakota Group, shared he loved the feedback from everyone. This is a game changer for downtown. They are trying to balance all aspects while staying pedestrian-friendly.

Alderman Marek suggested removing the concrete spaces within the oval and connecting the turf. Alderman Koch stated they could move that parking/street to the north near the tracks, as Alderman Funkhouser suggested. Parks and Recreation Evans shared that the distance requirement is 15' off the tracks. Mayor Purcell asked if anyone objected to changing the plans by moving the festival street to the north, condensing the turf oval, and opening Dakota's parking area, no objections were heard. Alderman Transier shared he likes the idea of the buffer behind the patios being the open water run. Public Works Director Dhuse shared that the water run would always be flowing unless there is a significant drought. He said getting the water to flow correctly may not be easy due to the elevation, but we need engineering help.

City Administrator Olson reiterated the changes to the current plan are to move the festival street north near the tracks, open Dakota's parking lot, and reduce parking spots near the businesses to allow more prominent outdoor patios for the businesses. Alderman Plocher said they need to stay at 90 spaces or more. City Administrator Olson asked if the Council was ok with the current budget for the project, and the Council agreed with the budget.

- Mike Feda, owner of the building on Hydraulic, shared his biggest complaint is parking. He stated that the city could not give them 90 parking spots back when they currently have 130.
- Nicole, Yorkville Flower Shop, wanted to reiterate the parking issue. She also mentioned that the Masons meet frequently and need handicapped parking spots. She also mentioned why we have the green area that can only be used a few times a year vs. having parking in that location. She also asked about the possibility of a permanent parking space and the communal garbage. City Administrator Olson shared that businesses are not allowed permanent parking spaces. Regarding the trash, this will need to be negotiated later.
- Bryan Holdaman, Director of the Masonic Building, meets twice a month, and their main concern is accessible parking spots nearby. They have multiple members in wheelchairs. They are all for the plan and want to see downtown development.
- Ann, the owner of 202 S. Bridge Street, is concerned about the green space blocking off the private parking spots at their location. This is the only thing she disagrees with.
- Dan Nicolson, owner of Nicholson Logging & Lumber, shared the idea of shifting the main parking to the west side and shifting the band shell to the east to keep parking near the businesses.

City Administrator Olson asked the Council if they are ok with moving forward with the changes given tonight. The Council agreed they would not hold a special meeting and move forward with the current plans and suggested changes.

Motion approved by a roll call vote. Ayes-7 Nays-0
Plocher-aye, Funkhouser-aye, Transier-aye, Soling-aye
Marek-aye, Corneils-aye, Koch-aye

**TRG Venture Two, LLC – Whispering Meadows Bond
Call Release and Settlement Agreement
(CC 2024-54)**

Mayor Purcell entertained a motion to approve a release and settlement agreement by and between the United City of Yorkville and TRG Venture Two, LLC and authorize the Mayor and City Clerk to execute. So moved by Alderman Soling; seconded by Alderman Corneils.

Attorney Lagrotta shared with the Council that the settlement agreement is for \$760,000, which is due 30 days after the execution of the agreement. This agreement is contingent on TRG and Fidelity agreeing.

Motion approved by a roll call vote. Ayes-7 Nays-0
Funkhouser-aye, Transier-aye, Soling-aye, Marek-aye,
Corneils-aye, Koch-aye, Plocher-aye

Ordinance 2024-31

**Approving Certain Agreements with
C1 Yorkville, LLC (Cyrus One)
(CC 2024-55)**

Mayor Purcell entertained a motion to approve an Ordinance Approving Certain Agreements with C1 Yorkville, LLC, subject to staff and legal review, and authorize the Mayor and City Clerk to execute. So moved by Alderman Plocher; seconded by Alderman Funkhouser.

City Administrator Olson reported to the Council that this ordinance approves three agreements and two recapture agreements. The first agreement is an MOU for easement acquisitions. This MOU will require Cyrus One to reimburse the City as we incur costs in acquiring easements. The second agreement is regarding the design engineering agreement the City has with EEI to design the water and sewer infrastructure for the site at a future date. The City will do this design work and incur the costs, and Cyrus One will make monthly installment payments to reimburse the City. The third agreement is a utility infrastructure agreement where the City will construct the water and sewer extension out to the property, and they will front fund the costs of this over time in exchange for the City to rebate to them the utility taxes generated on the property. This rebate will cap out after their total investment without interest. The last two agreements are recapture agreements with the surrounding properties. City Administrator Olson reported to the Council that both Cyrus One ordinances give the authority to Attorney Orr and City Administrator Olson to change the terms of the documents after the City Council's approval. These changes would be limited to typos and clarifications that may be needed. Alderman Funkhouser scrivener errors are a normal process. City Administrator Olson said that all changes are usually brought back to the City Council. Alderman Funkhouser asked why they can't come back to the Council for any changes, which City Administrator Olson said this is a risk of holding up Cyrus One's timeline. Their closing should take place soon. Alderman Transier asked for clarification on whether there were any changes both parties would have to agree on, which Attorney Orr said was correct. Alderman Corneils asked staff to please notify the Council of any changes made to the agreements.

Alderman Marek made a motion to amend the time limit for the City Administrator and City Attorney to make changes to the document without City Council approval, which is to be limited to one year; seconded by Alderman Plocher.

Motion to amend approved by a roll call vote. Ayes-7 Nays-0
Soling-aye, Marek-aye, Corneils-aye, Koch-aye,
Plocher-aye, Funkhouser-aye, Transier-aye

Main motion with amendment approved by a roll call vote. Ayes-7 Nays-0
Transier-aye, Soling-aye, Marek-aye, Corneils-aye,
Koch-aye, Plocher-aye, Funkhouser-aye

PUBLIC WORKS COMMITTEE REPORT

No report.

ECONOMIC DEVELOPMENT COMMITTEE REPORT

Ordinance 2024-32

**Approving an Intergovernmental Cooperative Agreement Between
the United City of Yorkville and Kendall County, Illinois for
Geographic Information Systems Services
(EDC 2024-48)**

Alderman Plocher made a motion to approve an Ordinance Approving an Intergovernmental Cooperative Agreement Between the United City of Yorkville and Kendall County, Illinois for Geographic Information Systems Services and authorize the Mayor and City Clerk to execute; seconded by Alderman Marek.

Motion approved by a roll call vote. Ayes-7 Nays-0
Marek-aye, Corneils-aye, Koch-aye, Plocher-aye,
Funkhouser-aye, Transier-aye, Soling-aye

PUBLIC SAFETY COMMITTEE REPORT

No report.

ADMINISTRATION COMMITTEE REPORT

No report.

PARK BOARD

Independence Day Celebration

Parks and Recreation Director Evans thanked everyone for attending the Independence Day Celebration and those who assisted with the celebration. He also thanked the police and fire departments, school district, New Life Church, and Junior Women's. Director Evans stated that some of the original Girl Scouts who started this celebration 55 to 60 years ago still participate and assist today.

Yorkville River Fest

Parks and Recreation Director Evans reported that River Fest will be held on Saturday, July 20, 2024, at Riverfront Park from 11:00 a.m. to 10:00 p.m. There will be family activities, bands, and festivities. There will be a car show on the other side of Route 47 as it is the first anniversary of Fox Republic Brewing Co. On Saturday, there will also be live music and many activities. All details can be found on the City's website at: <https://www.yorkville.il.us/579/Yorkville-River-Fest>.

PLANNING AND ZONING COMMISSION

Ordinance 2024-33

**Approving a Planned Unit Development
Agreement with C1 Yorkville, LLC
(Cyrus One)
(PZC 2024-15 & EDC 2024-41)**

Mayor Purcell entertained a motion to approve an Ordinance Approving a Planned Unit Development Agreement with C1 Yorkville, LLC and authorize the Mayor and City Clerk to execute. So moved by Alderman Soling; seconded by Alderman Funkhouser.

Community Development Director Barksdale-Noble reported to the Council that this is a development agreement and a preliminary plan approval. Cyrus One has proposed to develop a 230-acre site with nine stand-alone buildings for the data center and some onsite stormwater basins over 20 years. The Planning and Zoning Commission approved this unanimously, recommending a denser landscaping buffer. The City and the developer are currently at an impasse on the roadway reconstruction on the cost responsibility of relocating utility poles and right-of-way acquisitions if needed. The developers typically bear the cost per city ordinances. Currently, staff does not know if it will be required; therefore, they do not have an estimate of the cost. Staff is looking for the Council's input on the matter.

Cyrus One's attorney, Russ Whitaker, shared that this extensive project uses high energy. This comes with a massive tax bill and considerable benefits to the municipalities in which they are located. They represent some of the largest companies in the world. Cyrus One will spend \$10 million upfront on infrastructure to unlock development in this area. This property was annexed 20 years ago, and no development has happened. They have committed to improving the roadway for Faxon and Beecher. Attorney Whitaker stated Cyrus One would have no control over the design of Faxon and Beecher being reconstructed, which could involve moving utility poles and right-of-acquisitions. He noted the City is technically asking for a blank check while Cyrus One has no control over the plans. They are uncomfortable with the unknown costs. He stated that this is an extraordinary opportunity that will generate, in full development, between 9 and 10 million dollars per year in new property tax revenues for Yorkville.

Alderman Funkhouser asked Engineer Sanderson if they had any idea of the cost that this could entail. A rough estimate would be 500K to 1 million. City Administrator Olson said that those costs are not even guaranteed. Attorney Whitaker is asking the City to stay within the current rights-of-way. Alderman Plocher said he understands their concerns, and they agreed to reconstruct the roads; therefore, he is willing to waive the requirement and have the City pay for the cost. Alderman Funkhouser asked about the first phase's construction timeline, utilities, and roads. Attorney Whitaker stated 4th Qtr. 2026 1st building opening. Construction will take place in 2024 and 2025. Alderman Funkhouser said he was ok with waiving the requirement. Mayor Purcell was baffled that we would treat them differently than any other business. After further discussion, Alderman Soling asked if Cyrus One would be willing to split the cost of right-of-way acquisition and utility pole relocation by 50/50. Attorney Whitaker agreed.

Alderman Soling made a motion to amend the agreement by stating Cyrus One and the City will split the costs of right-of-way acquisitions and private utility relocations necessary for roadway improvements; seconded by Alderman Plocher.

Motion to amend approved by a roll call vote. Ayes-7 Nays-0
Corneils-aye, Koch-aye, Plocher-aye, Funkhouser-aye,
Transier-aye, Soling-aye, Marek-aye

Motion approved with amendment by a roll call vote. Ayes-7 Nays-0
Koch-aye, Plocher-aye, Funkhouser-aye, Transier-aye,
Soling-aye, Marek-aye, Corneils-aye

CITY COUNCIL REPORT

No report.

CITY CLERK’S REPORT

No report.

COMMUNITY & LIAISON REPORT

No report.

STAFF REPORT

No report.

MAYOR’S REPORT (cont’d)

City Buildings Updates
(CC 2021-04)

No report.

Water Study Update
(CC 2021-38)

No report.

ADDITIONAL BUSINESS

None.

CITIZEN COMMENTS

None.

EXECUTIVE SESSION

None.


ADJOURNMENT

Mayor Purcell entertained a motion to adjourn the City Council meeting.

Motion unanimously approved by a viva voce vote.

Meeting adjourned at 9:33 p.m.

Minutes submitted by:


Jori Behland,
City Clerk, City of Yorkville, Illinois