

**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, MAY 14, 2019**

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

**ROLL CALL**

City Clerk Warren called the roll.

Ward I	Colosimo	Absent
	Koch	Present
Ward II	Milschewski	Present
	Plocher	Present
Ward III	Funkhouser	Present
	Frieders	Present
Ward IV	Tarulis	Present
	Peterson	Present

Also present: City Clerk Warren, Attorney Orr, City Administrator Olson, Chief of Police Hart, Deputy Chief of Police Mikolasek, Deputy Chief of Police Pfizenmaier, Public Works Director Dhuse, Community Development Director Barksdale-Noble, Finance Director Fredrickson, Parks and Recreation Director Evans, Assistant City Administrator Willrett, Building Code Official Ratos, Facilities Manager Raasch, Purchasing Manager Parker, EEI Engineer Sanderson, and Deputy Clerk Pickering.

**QUORUM**

A quorum was established.

**COMMENTS BY MAYOR OR ALDERMEN**

Mayor Pro Tem Koch presented City Clerk Warren with a certificate of appreciation for her many hours of service she provided to the residents of the city during her eight years as City Clerk. City Clerk Warren thanked everyone and said it has been a pleasure serving and it was a great honor.

**ADJORNMENT OF SINE DIE (SESSION)**

Mayor Pro Tem Koch adjourned the session of the City Council at 7:03 p.m.

**SWEARING-IN**

John Purcell was sworn in as Mayor by his children, Benedict, Molly, and Josephine Purcell for a four-year term of office. Judge Wegner then proceeded to swear-in Daniel Transier as Ward I Alderman, Jacquelyn Milschewski as Ward II Alderman, and Chris Funkhouser as Ward III Alderman; all to four-year terms. Seaver Tarulis was sworn in as Ward IV Alderman by his daughter, Dorothy Barmann for a two-year unexpired term and Jason Peterson was sworn in as Ward IV Alderman by his children Maksim, Ella and Hannah Peterson for a four-year term.

**CALL TO ORDER**

Mayor Purcell called the meeting to order at 7:15 p.m.

**ROLL CALL**

Deputy City Clerk Pickering called the roll.

Ward I	Koch	Present
	Transier	Present
Ward II	Milschewski	Present
	Plocher	Present
Ward III	Funkhouser	Present
	Frieders	Present
Ward IV	Tarulis	Present
	Peterson	Present

**QUORUM**

A quorum was established.

**AMENDMENTS TO THE AGENDA**

Mayor Purcell asked if there were any amendments to the agenda. Alderman Funkhouser made a motion to move the executive session prior to the Mayor's Report; seconded by Alderman Frieders.

Motion unanimously approved by a viva voce vote.

**RECESS**

Mayor Purcell stated that a brief recess would take place for refreshments and cake.

**PRESENTATIONS**

Mayor Purcell called Raelin Mamaril up for her presentation regarding the effects of construction on the Fox River. Raelin Mamaril stated she is a student at Waubensee Community College and was doing this presentation for her honors project.

**CITIZEN COMMENTS ON AGENDA ITEMS**

None.

**CONSENT AGENDA**

None.

**MINUTES FOR APPROVAL**

Mayor Purcell entertained a motion to approve the minutes of the regular City Council meeting of April 23, 2019 as presented. 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

**BILLS FOR PAYMENT**

Mayor Purcell entertained a motion to approve the paying of the bills listed on the Bill List Summary dated May 14, 2019, totaling the following amounts: checks in the amount of \$305,917.20 (vendors – FY 19); \$252,567.77 (vendors – FY 20); \$286,057.87 (payroll period ending 5/3/19); for a total of \$844,542.84. So moved by Alderman Milschewski; seconded by Alderman Plocher.

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

**EXECUTIVE SESSION**

Mayor Purcell entertained a motion to go into executive session for pending litigation and personnel matters. So moved by Alderman Transier; seconded by Alderman Funkhouser.

Motion 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

The City Council entered executive session at 7:40 p.m.

The City Council returned to regular session at 8:10 p.m.

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**REPORTS**

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**MAYOR'S REPORT**

**Appointments to Boards and Commissions  
(CC 2019-23)**

Mayor Purcell entertained a motion to approve the Mayor's appointments of Russell Walter and Ryan Forristall to the Library Board to terms ending May 2022. So moved by Alderman Tarulis; seconded by Alderman Frieders.

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

Mayor Purcell mentioned that there will be more appointments to Boards and Commissions on the next City Council agenda.

**Unified Development Ordinance (UDO) Advisory Committee Appointments**  
(CC 2019-24)

Mayor Purcell entertained a motion to approve the Mayor's appointments of the following individuals to the Unified Development Ordinance (UDO) Advisory Committee: Alderman Chris Funkhouser, Debra Horaz, Jeff Olson, David Schultz, Greg Marker, Billy McCue, Matt Hively, and Mike Torrence. So moved by Alderman Frieders; seconded by Alderman Koch.

Motion 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

**Selection of Mayor Pro Tem for Fiscal Year 2020**  
(CC 2019-25)

Mayor Purcell requested nominations for Mayor Pro Tem for Fiscal Year 2020. Alderman Frieders nominated Alderman Milschewski. Mayor Purcell entertained a motion to appoint Alderman Milschewski as Mayor Pro Tem for Fiscal Year 2020. So moved by Alderman Frieders; seconded by Alderman Funkhouser.

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

**Appointments to City Council Committees – Administration, Economic Development,  
Public Safety and Public Works**  
(CC 2019-26)

Mayor Purcell said that the list of appointments to City Council committees was included in the supplemental packet. He mentioned that he appreciated talking to everyone and having his questions answered.

**Appointment of Department Heads**  
(CC 2019-27)

Mayor Purcell entertained a motion to approve the Mayor's appointments of department heads as follows: City Administrator and Budget Officer – Bart Olson, term of 6 months through 11/29/19, per contract; City Clerk – Lisa Pickering, term of 1 year through 05/15/20; City Treasurer and Director of Finance – Rob Fredrickson, term of 1 year through 05/15/20; Director of Public Works – Eric Dhuse, term of 1 year through 05/15/20; Director of Parks and Recreation – Tim Evans, term of 1 year through 05/15/20; Building Inspector/Zoning Officer – Pete Ratos, term of 1 year through 05/15/20; City Engineer – Engineering Enterprises, Inc., term of 1 year through 05/15/20; City Attorney – Kathleen Field Orr, term of 1 year through 05/15/20. So moved by Alderman Koch; seconded by Alderman Milschewski.

Motion unanimously approved by a viva voce vote.

**Oath of Office for Department Heads**  
(CC 2019-28)

All appointed department heads stood and took an oath of office for their appointed position.

**City Administrator Employment Agreement**  
(CC 2019-29)

Mayor Purcell entertained a motion to approve an employment agreement between the United City of Yorkville and Bart Olson. So moved by Alderman Koch; seconded by Alderman Frieders.

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

**Proclamation for Law Enforcement Appreciation Week**  
(CC 2019-30)

Mayor Purcell proclaimed May 12-18, 2019 as Law Enforcement Appreciation Week in the United City of Yorkville (*see attached*).

**Resolution 2019-15**

**Approving a Railway-Highway Grade Crossing  
Improvement Agreement for Hoover Drive  
(CC 2019-31)**

Mayor Purcell entertained a motion to approve a Resolution Approving a Railway-Highway Grade Crossing Improvement Agreement for Hoover Drive. So moved by Alderman Transier; seconded by Alderman Milschewski.

Mayor Purcell asked City Attorney Orr to explain the agreement. City Attorney Orr said that the forest preserve is owned by Kendall County. The City entered into an Intergovernmental Agreement where the City agreed to dedicate Hoover Drive as a public road to be eligible for an IDOT grant. The City gives license with the new agreement to the Illinois Railway to construct a crossing gate, safety gates and re-do the crossing over the railroad. City Attorney Orr said the City will have no liability and Kendall County has no cost.

Motion 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

**Comments from Mayor Purcell**

Mayor Purcell said that he had a few items that he wanted to mention. The first is that while he is Mayor he wants staff to know that he expects them to be responsive to citizen concerns. He also mentioned that there will more financial accountability and oversight of city finances as well as no forced annexations while he is Mayor.

**PUBLIC WORKS COMMITTEE REPORT**

No report.

**ECONOMIC DEVELOPMENT COMMITTEE REPORT**

No report.

**PUBLIC SAFETY COMMITTEE REPORT**

No report.

**ADMINISTRATION COMMITTEE REPORT**

No report.

**PARK BOARD**

No report.

**PLANNING AND ZONING COMMISSION**

**Ordinance 2019-28                      Authorizing the Third Amendment to the Planned Unit Development  
Plan for the Heartland Subdivision (Lot 187)  
(PZC 2018-18 and EDC 2018-77)**

Mayor Purcell entertained a motion to approve an Ordinance Authorizing the Third Amendment to the Planned Unit Development Plan for the Heartland Subdivision (Lot 187). So moved by Alderman Milschewski; seconded by Alderman Plocher.

Community Development Director Barksdale-Noble explained that the petitioner is Marker, Inc., who is the original developer of the Heartland Subdivision. This is their third PUD amendment request and they are looking to construct a two-story office building at the southwest corner of Route 34 and McHugh. The petitioner is requesting to decrease the interior side-yard setback from twenty feet to ten feet. The petitioner was also originally requesting to increase the height in the fence. This item was at the January Planning and Zoning Commission meeting and the recommendation from the Planning and Zoning Commission was for approval to reduce the side-yard setback from twenty feet to ten feet and to restrict further construction not to exceed two stories in height and a fence not to exceed six feet in height. There were concerns with this project regarding ingress and egress off McHugh. There will only be one entrance into this site and there will not be an entrance off Route 34. There was a request to seek a joint access point with Casey's. The developer and staff reached out to Casey's to see if they would be amenable, but they received no response over a two to three-month period.

Council and staff discussion focused on the access into this parcel due to the tight configuration of the intersection which will only allow right-in and right-out access due to the median on McHugh as well as concern that the two-story office building being proposed does not fit in with the character of the neighborhood.

Petitioner's Attorney Dan Kramer pointed out that the lot was not created by the Markers but was instead created when the city realigned McHugh Road. Attorney Kramer mentioned that the Markers tried contacting Casey's local managers and corporate over twenty times with no response. Mayor Purcell

brought up the size of the lot and the concern of staging the construction equipment on the property. Attorney Kramer said that there are three vacant lots near the day care center they can use to stage. Community Development Director Barksdale-Noble noted that this request is not consistent with the city's Comprehensive Plan. The Comprehensive Plan designates this area along Route 34 for commercial retail uses and not for office uses. If this item is approved staff would then have to amend the comprehensive plan. It was clarified that the office use would result in a less intensive traffic use as compared to the traffic that would be generated by a commercial retail use.

Motion approved by a roll call vote. Ayes-5 Nays-3  
Transier-aye, Plocher-aye, Frieders-aye, Peterson-aye,  
Koch-nay, Milschewski-aye, Funkhouser-nay, Tarulis-nay

**Ordinance 2019-29**

**Amending the Yorkville Zoning Ordinances by Allowing  
Short-Term Rentals in Residential Zoning Districts  
(PZC 2019-05 and EDC 2019-26)**

Mayor Purcell entertained a motion to approve an Ordinance Amending the Yorkville Zoning Ordinances by Allowing Short-Term Rentals in Residential Zoning Districts. So moved by Alderman Milschewski; seconded by Alderman Frieders.

Community Development Director Barksdale-Noble said staff was tasked with looking at advancing a zoning ordinance to address new types of land uses, one of which is short-term rentals. A couple of examples of short-term rentals are Airbnb and VRBO. Staff created some language to regulate these land uses. At the March meeting, the Economic Development Committee recommended that short-term rentals be a permitted use in all residential districts. After a public hearing at the April meeting, the Planning and Zoning Commission recommended allowing short-term rentals to be a permitted use in all residential land uses.

Council and staff discussion focused on the fact that this ordinance amendment does not require short-term rentals to go through a licensing process. If issues arise in the future with short-term rentals, Attorney Orr confirmed that the Council could proceed with enacting licensing regulations in the future.

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

**Downtown Form-Based Code and Streetscape Master Plan – First Reading  
Ordinance Amending the Yorkville Zoning Ordinance by Adding a Downtown Overlay District  
Ordinance Approving a Streetscape Master Plan for the Downtown Overlay District  
(PZC 2019-09 and EDC 2019-23)**

Consultant Doug Farr with Farr Associates gave a presentation to the council on the Form-Based Code and Streetscape Master Plan. The Streetscape Master Plan identifies the street type and classification for the four major roadways in the downtown area. Mr. Farr commented that the Downtown Streetscape Master Plan is a vision for the streets. The purpose of the Master Plan is to guide decisions made by the City Council and the city regarding improvements of the streets. Streets need public investment as the private sector responds to the public standards. The Form-Based Code is intended to establish development standards for the downtown and neighboring redevelopment areas.

Council and staff discussion focused on some information that needed to be updated within the plan, such as the city ownership of the Van Emmon Activity Center; as well as the 'B' Street recommendations of roadside swale improvements and gravel transition areas found on curbless streets. Rather than go through the plans page-by-page, Mayor Purcell asked if the Council members could email Administrator Olson with their questions, so that staff can consolidate the questions and responses for all the Council to review. Mayor Purcell suggested that this item return to the Economic Development Committee for further discussion once the staff has provided responses to the questions that the Council is asking. So moved by Alderman Koch; seconded by Alderman Frieders for this item to return to the Economic Development Committee.

Motion unanimously approved by a viva voce vote.

**CITY COUNCIL REPORT**

**Sale of 111 W. Madison Street (Old Jail)  
(ADM 2018-88)**

City Administrator Olson said that both proposers are still working on their due diligence and they are conducting additional walkthroughs of the building. City Administrator Olson is not sure that this will be ready for a detailed discussion at the next city council meeting.

**CITY CLERK'S REPORT**

No report.

**COMMUNITY & LIAISON REPORT**

**National Suicide Prevention and Action Month  
Proclamation Project**

Alderman Frieders reported that the National Suicide Prevention and Action Month Proclamation project currently has sixty-four communities, five counties, and twenty states that have agreed to issue proclamations. He mentioned that there had been a couple of local suicides recently and that the conversation does not get any easier. Alderman Frieders said that he is doing his best to keep talking about it and he has also been working with Hope for the Day which is based in Chicago. Last month he helped to brew a beer with Old Irving Brewing called Hops for Hope, which will be available on Thursday. The purpose of the Hops for Hope brew is to support suicide prevention and mental health education via resource information printed directly on the can.

**STAFF REPORT**

City Administrator Olson announced that the Parks and Recreation Department is celebrating National Take Your Parents to the Playground Day on Sunday, May 19<sup>th</sup>.

Parks and Recreation Director Evans reported that the annual Yorkville American Legion Memorial Day Service will be held on Monday, May 27<sup>th</sup> at 11:30 a.m. in Town Square Park.

**ADDITIONAL BUSINESS**

None.

**CITIZEN COMMENTS**

None.

**ADJOURNMENT**

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

Motion unanimously approved by a viva voce vote.

Meeting adjourned at 9:15 p.m.

Minutes submitted by:



Lisa Pickering,  
City Clerk, City of Yorkville, Illinois

# UNITED CITY OF YORKVILLE

## *Law Enforcement Appreciation Week Proclamation*

To recognize National Police Week 2019 and to honor the service and sacrifice of those local, state, and federal law enforcement officers who have died, or have been disabled, in the line of duty.

WHEREAS, there are approximately 900,000 law enforcement officers serving in communities across the United States, including dedicated members of the Yorkville Police Department; and

WHEREAS, nearly 60,000 assaults against law enforcement officers are reported each year, resulting in approximately 16,000 injuries; and

WHEREAS, since the first recorded death in 1791, over 23,000 law enforcement officers in the United States have made the ultimate sacrifice and been killed in the line of duty; and

WHEREAS, the names of these dedicated public servants are engraved on the walls of the Law Enforcement Officers Memorial in Washington, D.C.; and

WHEREAS, at least 144 federal, state, and local names of fallen law enforcement heroes are being added to the National Law Enforcement Officers Memorial this spring, sadly reminding us that public safety comes at a very steep price; and

WHEREAS, each year, May 15<sup>th</sup> is designated as Police Officers Memorial Day, in honor of all fallen officers and their families, and U.S. flags should be flown at half-staff; and,

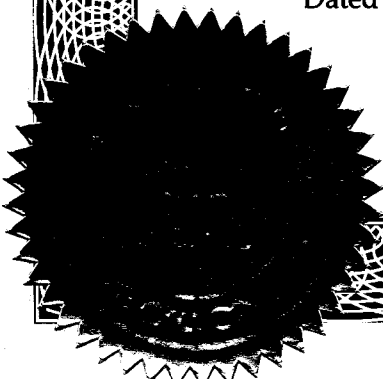
WHEREAS, the United City of Yorkville is grateful for the service and dedication of all of the law enforcement employees who serve and protect our citizens, and for the sacrifices made by their families.

NOW, THEREFORE, I, John Purcell, Mayor of the United City of Yorkville, do hereby proclaim May 12-18, 2019 as Law Enforcement Appreciation Week in the United City of Yorkville, and I salute the service of law enforcement in our city, our county, and in communities across the nation.

Dated this 14<sup>th</sup> day of May, 2019, A.D.



John Purcell, Mayor



REGULAR CITY COUNCIL MEETING

May 14, 2019

PLEASE PRINT

NAME:

SUBDIVISION OR BUSINESS:

Jim Bateman

CountrySide

John & Bonnie Olsen

U.C.O.V.

JIM JENSEN

Blackberry Creek

Baelin Mamaril

Thomas Akilowski

Any Brothers