

**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, JUNE 11, 2019**

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

ROLL CALL

City Clerk Pickering called the roll.

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

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

QUORUM

A quorum was established.

AMENDMENTS TO THE AGENDA

None.

PRESENTATIONS

Larry Nelson, Treasurer of the Fox Valley YMCA, spoke to the City Council regarding on-going litigation that has been taking place since 2016 between the YMCA and the City. Mr. Nelson discussed that after the Great Recession the YMCA wanted to expand their facilities east into the Yorkville area. He said the YMCA pieced land together by buying properties and foreclosures and ended up with twenty-seven acres. The property the YMCA purchased is adjacent to other property located in unincorporated Kendall County. The YMCA approached the City and asked to be de-annexed. Mr. Nelson said the former Mayor told the YMCA that the City did not want the land to be de-annexed. After being told that the City would not allow the property to be de-annexed, the YMCA filed a lawsuit to de-annex.

The YMCA board would like to build a facility on this parcel of land that it plans to eventually develop into a facility that is larger than the YMCA located at the corner of Route 34 and Eldamain Road in Plano. According to Mr. Nelson, the Fox Valley YMCA currently serves 7,000 members and is the largest non-profit organization in Kendall County. Mr. Nelson said that while at a court hearing two months ago, Board Chairman Becky Morphey and Director Stephanie Wayne had an opportunity to speak with City Administrator Olson. Mr. Nelson said that after this conversation, the YMCA prepared a settlement agreement that they thought the City would be willing to consider. They sent this settlement agreement to the City two weeks ago for consideration and they heard back from the City's attorney that the City had changes to the proposed agreement. Mr. Nelson said he was present to ask the City to approve the settlement agreement and allow the property that the YMCA had purchased to be de-annexed.

Attorney Orr informed the City Council that an update on the lawsuit would be given that evening in executive session.

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 May 28, 2019 as presented. So moved by Alderman Peterson; seconded by Alderman Koch.

Motion unanimously approved by a viva voce vote.

BILLS FOR PAYMENT

Mayor Purcell entertained a motion to approve the paying of the bills listed on the Bill List Summary dated June 11, 2019, totaling the following amounts: checks in the amount of \$137,865.92 (vendors – FY 19); \$163,442.02 (vendors – FY 20); \$192,151.25 (wire payments); \$291,234.88 (payroll period ending 5/31/19); for a total of \$784,694.07. So moved by Alderman Milschewski; seconded by Alderman Funkhouser.

Motion approved by a roll call vote. Ayes-7 Nays-0
Funkhouser-aye, Tarulis-aye, Transier-aye, Frieders-aye,
Peterson-aye, Koch-aye, Milschewski-aye

REPORTS

MAYOR'S REPORT

**Unified Development Ordinance (UDO) Advisory Committee Appointment
(CC 2019-36)**

Mayor Purcell entertained a motion to approve Alderman Dan Transier to the Unified Development Ordinance Advisory Committee. So moved by Alderman Koch; seconded by Alderman Funkhouser.

Motion unanimously approved by a viva voce vote.

**Appointment of Planning and Zoning Commission Chairman
(CC 2019-37)**

Mayor Purcell entertained a motion to approve Jeff Olson as the Chairman of the Planning and Zoning Commission. So moved by Alderman Frieders; seconded by Alderman Milschewski.

Motion unanimously approved by a viva voce vote.

**Use Agreements with the Oswego Police Department
(CC 2019-38)**

- a. **Firing Range Use Agreement**
- b. **Assumption of Risk, Covenant not to sue, and Release Agreement for Use of Defensive Tactics Room**

Mayor Purcell entertained a motion to approve a Firing Range Use Agreement with the Oswego Police Department. So moved by Alderman Tarulis; seconded by Alderman Peterson.

Motion approved by a roll call vote. Ayes-7 Nays-0
Frieders-aye, Peterson-aye, Koch-aye, Milschewski-aye,
Funkhouser-aye, Tarulis-aye, Transier-aye

Mayor Purcell entertained a motion to approve an Assumption of Risk, Covenant not to sue, and Release Agreement for Use of Defensive Tactics Room with the Oswego Police Department. So moved by Alderman Frieders; seconded by Alderman Koch.

Motion approved by a roll call vote. Ayes-7 Nays-0
Milschewski-aye, Funkhouser-aye, Tarulis-aye, Transier-aye,
Frieders-aye, Peterson-aye, Koch-aye

**Ordinance 2019-33 Increasing the Age for the Sale and Possession of Tobacco Products,
Electronic Cigarettes and Alternative Nicotine Products
(CC 2019-39)**

Mayor Purcell entertained a motion to approve an Ordinance Increasing the Age for the Sale and Possession of Tobacco Products, Electronic Cigarettes and Alternative Nicotine Products. So moved by Alderman Milschewski; seconded by Alderman Tarulis.

Alderman Funkhouser stated that the proposed Ordinance under 3-8-3: Regulations, paragraph K., starts by stating "Sale near church or school". He said that within the paragraph the reference to "church" is not included.

Alderman Funkhouser made a motion to amend the proposed ordinance to add the word church to paragraph K, so that it is unlawful for tobacco sales to be conducted within 100 feet of any church as well as any schools; seconded by Alderman Frieders.

Amendment unanimously approved by a viva voce vote.

Original Motion approved by a roll call vote. Ayes-7 Nays-0
Frieders-aye, Peterson-aye, Koch-aye, Milschewski-aye,
Funkhouser-aye, Tarulis-aye, Transier-aye

Comments from Mayor Purcell

Mill Road

Mayor Purcell mentioned that the city and Kendall County are looking at the possibility of an Intergovernmental Agreement between the city and the county for Mill Road Improvements. He mentioned that the county is already looking at improvements that could be done at the Galena Road and Kennedy Road intersection.

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

Summer Solstice Festival

Alderman Frieders reported on the upcoming schedule of events for the Summer Solstice Festival. He said the event starts on Friday, June 21st with the gates opening at 5:00 p.m. and music starting at 5:45 p.m. Friday night features Scott Tipping, Noah Gabriel, Babe Club, High Divers, and The Artisanals. The Summer Solstice Four Mile Race and Two Mile Walk starts at 7:00 p.m. on Friday evening. The festival after hours event starts Friday night at 10:00 p.m. at the Law Office with Scott Tipping and Feed the Dog. On Saturday, the festival starts at 1:30 p.m. and includes music performed by Tim Gleason, Aaron Kelly, Frederick the Younger, Invisible Cartoons, South City Revival, and Cory Chisel. The festival after hours event on Saturday night starts at 10:00 p.m. at the Law Office with South City Revival, The Second Winds, and Frederick the Younger.

PLANNING AND ZONING COMMISSION

No report.

CITY COUNCIL REPORT

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

Alderman Frieders reported that he met with Hope for the Day and Nature's Grace, which is the only family owned medicinal marijuana grow operation in Illinois. They are starting the process to try to link medicinal marijuana with more mental health resources. Alderman Frieders feels it is important to try to find new ways to link PTSD, chronic pain and veterans. In case anyone is not aware, Alderman Frieders said that on average, there are twenty-two veterans who commit suicide every day. Additionally, he mentioned that Oak Park, Illinois and Jackson, Michigan are two more communities that have issued proclamations for the National Suicide Prevention and Action Month Proclamation project.

CITY CLERK'S REPORT

No report.

COMMUNITY & LIAISON REPORT

No report.

STAFF REPORT

Building Code Update

Administrator Olson reported that a building code open house would be held on Thursday, June 13th from 3:30 p.m. – 5:30 p.m. in the council chambers to reveal the proposed updates to the city's building codes.

Unified Development Ordinance (UDO) Advisory Committee

Administrator Olson reported that the first UDO advisory committee meeting would be held on Thursday, June 13th starting at 5:30 p.m. in the council chambers.

ADDITIONAL BUSINESS

None.

CITIZEN COMMENTS

None.

EXECUTIVE SESSION

Mayor Purcell entertained a motion to go into executive session for pending litigation and closed session minutes. So moved by Alderman Frieders; seconded by Alderman Peterson.

Motion approved by a roll call vote. Ayes-7 Nays-0
Koch-aye, Milschewski-aye, Funkhouser-aye, Tarulis-aye,
Transier-aye, Frieders-aye, Peterson-aye

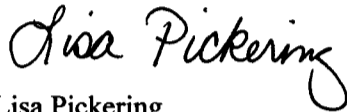
The City Council entered executive session at 7:42 p.m.

The City Council returned to regular session at 9:03 p.m.

ADJOURNMENT

Mayor Purcell adjourned the meeting at 9:04 p.m.

Minutes submitted by:



Lisa Pickering,
City Clerk, City of Yorkville, Illinois

