

**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, AUGUST 27, 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	Present	
Ward III	Funkhouser	Present	
	Frieders	Present	
Ward IV	Tarulis	Present	
	Peterson	Present	(arrived 7:01 p.m.)

Staff present: City Administrator Olson, City Clerk Pickering, Chief of Police Jensen, Public Works Director Dhuse, Community Development Director Barksdale-Noble, Finance Director Fredrickson, Assistant City Administrator Willrett, Building Code Official Ratos, Facilities Manager Raasch, Attorney Orr, and EEI Engineer Sanderson.

QUORUM

A quorum was established.

AMENDMENTS TO THE AGENDA

Mayor Purcell entertained a motion to move agenda item – City Council Report #1 – Ordinance Approving a Redevelopment Agreement for the Old Jail to immediately following Citizen Comments on Agenda Items. So moved by Alderman Koch; seconded by Alderman Milschewski.

Motion unanimously approved by a viva voce vote.

PRESENTATIONS

None.

PUBLIC HEARINGS

None.

CITIZEN COMMENTS ON AGENDA ITEMS

Lisa Wolancevich, Yorkville Historic Preservation Society, invited everyone to partake in refreshments after the vote on the Redevelopment Agreement for the Old Jail.

CITY COUNCIL REPORT

Ordinance 2019-42

**Approving a Redevelopment Agreement for the Old Jail
(111 W. Madison Street)
(ADM 2018-88 and EDC 2019-69)**

Mayor Purcell entertained a motion to approve an Ordinance Approving a Redevelopment Agreement for the Old Jail. So moved by Alderman Frieders; seconded by Alderman Funkhouser.

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

Mayor Purcell stated that the City Council would recess for ten minutes to partake in the refreshments provided by the Yorkville Historic Preservation Society.

CONSENT AGENDA

None.

MINUTES FOR APPROVAL

None.

BILLS FOR PAYMENT

Mayor Purcell entertained a motion to approve the bill list in the amount of \$1,039,141.40 (vendors); \$286,206.21 (payroll period ending 8/9/2019); for a total of \$1,325,347.61. So moved by Alderman Peterson; 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

REPORTS

MAYOR'S REPORT

Raintree Subdivision

Mayor Purcell mentioned that he was contacted by Lennar, the developer for Raintree II. He said that Lennar will be closing on the property tomorrow.

Hometown Days

Mayor Purcell asked Alderman Frieders if he could give a report on the upcoming Hometown Days festival. Alderman Frieders reported that Hometown Days would be held from August 29 – September 1 at Beecher Park at 908 Game Farm Road. He said the festival will be packed with events and activities for the entire family.

Run the Whispers Charity 5k

Mayor Purcell asked Alderman Frieders to give an update on the Run the Whispers 5k event that had been held on August 24th in the Whispering Meadows subdivision. Alderman Frieders reported that the second annual event had gone very well. He thanked Chief Jensen for sending Sergeant Carlyle and a couple of other officers to the event. He said over 120 runners participated in the event and that the event raised over \$5,000.00 for charity.

**Appointments to Boards and Commissions
(CC 2019-50)**

Mayor Purcell entertained a motion to approve the appointments of Victor Perez to the Park Board to a partial term ending April 30, 2021 and Greg Millen to the Planning and Zoning Commission to a partial term ending April 30, 2020. So moved by Alderman Frieders; seconded by Alderman Peterson.

Motion unanimously approved by a viva voce vote.

**Adult-Use Cannabis
(CC 2019-51)**

Mayor Purcell stated that contrary to federal law, as of January 1, 2020, the state of Illinois has changed state law to allow cannabis to be legally used by anyone 21 years of age or older. The City Council will need to make a decision as to whether they would like to allow sales of cannabis within city limits. Other issues that will need to be discussed include public safety issues as well as changes to the city's employee manual.

City Administrator Olson mentioned that a lot of the discussion around public safety, policing, local ordinance violations, and employee manual changes are less discretionary than the decision as to whether the city would like to allow the sale of cannabis. There are changes that need to be enacted in order to address the use of cannabis by those 21 and older. Those changes will be discussed throughout the next month or two in committee meetings. The biggest question is whether the city would like to allow cannabis sales within the municipal limits. If the answer is yes, there are zoning regulations and taxation discussions that need to happen.

One item that was mentioned regarding the legalization of cannabis is that the state will be able to have more control over the quality of the products being sold. The state is focusing on microbiological content as well as requiring the products to pass a pesticide test. It was mentioned that Illinois is the leader in making sure that the products that manufacturers are putting a label on are exactly what manufacturers say the product is and that these products do not contain anything that could negatively impact anyone outside of the effects of the drug itself. It is important to note that the state is setting a high standard that will make it difficult for someone to quickly jump into cannabis sales.

When it comes to the taxes that will be generated from the sale of cannabis, City Attorney Orr explained that taxation occurs at different levels. All of the tax collected by the state of Illinois is put into one pot with a percentage that goes to the state off the top as well as approximately 8% that goes into the local government distributive fund (LGDF) after a portion is taken out for the attorney general, the states' attorney for expungement of records, and one other organization dealing with some aspect of cannabis. It was mentioned that the more lucrative form of tax revenues comes if the decision is made to impose a

local sales tax on the sale of cannabis. City Attorney Orr said that the tax rate that the city is permitted to impose on local sales is 3% plus the local sales tax which would result in the ability to tax at a rate of 5%.

It was mentioned that the state will have control over the license process for those businesses that would like to distribute and sell cannabis. Administrator Olson stated that while the city would not have any authority over licensing, it would have control over zoning regulations. City Attorney Orr said that the city can limit numbers as well as limit the location between dispensaries. The city also would have control over the time and manner that sales can take place. The state currently allows 55 licensed medical cannabis facilities. As of January 1st, the state will release an additional 75 licenses and within a year, another 110 licenses. Attorney Orr mentioned that if the city wishes to permit sales within city limits, then it is suggested to first approve sales within the city and then proceed to enact the zoning regulations, employee manual changes and the enforcement of the restrictions. She explained that these first groups of applicants once they are approved by the state, have a limited time to choose a location for their business. Those municipalities that want these businesses should make the decision to allow sales sooner, rather than later so that they have the opportunity to decide the location, time and manner of the operation of these businesses.

There was consensus for this item to return to an upcoming City Council meeting for further discussion.

PUBLIC WORKS COMMITTEE REPORT

**East Alley Parking Lot – Grant of Easement
(PW 2018-102)**

Mayor Purcell entertained a motion to table this item to the September 10th City Council meeting. So moved by Alderman Koch; seconded by Alderman Milschewski.

Motion unanimously approved by a viva voce vote.

**Mill Road Resurfacing – Consent to Bid Award
(PW 2019-53)**

Mayor Purcell entertained a motion to consent to Kendall County awarding the bid for the Mill Road Resurfacing project to Geneva Construction in an amount not to exceed \$140,797.50; So moved by Alderman Peterson; 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

**Grande Reserve Unit 2 – Bond Release
(PW 2019-54)**

Mayor Purcell entertained a motion to authorize the release of the maintenance bond for Grande Reserve Unit 2. So moved by Alderman Transier; seconded by Alderman Milschewski.

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

**Grande Reserve Unit 5 – Bond Release
(PW 2019-55)**

Mayor Purcell entertained a motion to authorize the release of the maintenance bond for Grande Reserve Unit 5. So moved by Alderman Transier; 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

**Casey's – Letter of Credit Release
(PW 2019-56)**

Mayor Purcell entertained a motion to authorize the release of the subdivision bond for Casey's with Merchants Bonding Company. So moved by Alderman Milschewski; seconded by Alderman Tarulis.

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

**Well #4 Autotransformer Purchase
(PW 2019-57)**

Mayor Purcell entertained a motion to approve a sole-source purchase of a solid-state autotransformer with Eaton Corporation, Glendale Heights, IL, in the amount not to exceed \$48,750.00. So moved by Alderman Tarulis; 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

**Materials Storage Shed
(PW 2019-59)**

Resolution 2019-23

**Authorizing the Execution of a Contract with Lite Construction,
Montgomery, IL, for the Construction of the
Public Works Materials Storage Shed
in the amount not to exceed \$249,700**

Ordinance 2019-43

**Authorizing the Fourth Amendment to the Annual Budget
for the Fiscal Year Commencing on May 1, 2019
and Ending on April 30, 2020**

Mayor Purcell entertained a motion to approve a Resolution Authorizing the Execution of a Contract with Lite Construction, Montgomery, IL, for the Construction of the Public Works Materials Storage Shed in an amount not to exceed \$249,700.00 and to approve an Ordinance Authorizing the Fourth Amendment to the Annual Budget for the Fiscal Year Commencing on May 1, 2019 and Ending on April 30, 2020 and authorize the Mayor and City Clerk to execute. So moved by Alderman Peterson; seconded by Alderman Koch.

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

**Mill Road Land Acquisition – Plats of Dedication
(PW 2019-60)**

Mayor Purcell entertained a motion to accept the Plats of Dedication upon receipt of the final executed documents and authorize the Mayor and City Clerk to execute. So moved by Alderman Plocher; seconded by Alderman Milschewski.

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

ECONOMIC DEVELOPMENT COMMITTEE REPORT

No report.

PUBLIC SAFETY COMMITTEE REPORT

No report.

ADMINISTRATION COMMITTEE REPORT

**Ordinance 2019-44 Amending the Regulations for Solicitors, Hawkers, and Itinerant Merchants
(ADM 2019-34)**

Mayor Purcell entertained a motion to approve an Ordinance Amending the Regulations for Solicitors, Hawkers, and Itinerant Merchants and authorize the Mayor and City Clerk to execute and to approve the redesigned ID badge template labeled Option 3b in the packet. 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

**Monthly Treasurer's Report for June and July 2019
(ADM 2019-37)**

Mayor Purcell entertained a motion to approve the Monthly Treasurer's Reports for June and July 2019. So moved by Alderman Milschewski; seconded by Alderman Koch.

Motion unanimously approved by a viva voce vote.

Ordinance 2019-45

**Authorizing the Thirteenth Amendment to the Annual Budget
for the Fiscal Year Commencing on May 1, 2018 and
Ending on April 30, 2019 (Fox Hill SSA)
(ADM 2019-42)**

Mayor Purcell entertained a motion to approve an Ordinance Authorizing the Thirteenth Amendment to the Annual Budget for the Fiscal Year Commencing on May 1, 2018 and Ending on April 30, 2019 (Fox Hill SSA) and authorize the Mayor and City Clerk to execute. So moved by Alderman Funkhouser; seconded by Alderman Milschewski.

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

Resolution 2019-24

**Approving the Declaration of Trust of the Illinois Trust
(Formerly Known as the Illinois Institutional Investors
Trust) and Authorizing the Execution Thereof, and
Authorizing Certain Officials to Act on Behalf
of the United City of Yorkville
(ADM 2019-43)**

Mayor Purcell entertained a motion to approve a Resolution Approving the Declaration of Trust of the Illinois Trust (Formerly Known as the Illinois Institutional Investors Trust) and Authorizing the Execution Thereof, and Authorizing Certain Officials to Act on Behalf of the United City of Yorkville. So moved by Alderman Milschewski; seconded by Alderman Tarulis.

Motion unanimously approved by a viva voce vote.

Resolution 2019-25

**Approving Investment Services with Illinois Public
Reserves Investment Management Trust
(ADM 2019-44)**

Mayor Purcell entertained a motion to approve a Resolution Approving Investment Services with Illinois Public Reserves Investment Management Trust. So moved by Alderman Transier; seconded by Alderman Frieders.

Motion unanimously approved by a viva voce vote.

**2019 City Survey
(ADM 2019-46)**

Mayor Purcell entertained a motion to approve the 2019 City Survey. So moved by Alderman Funkhouser; seconded by Alderman Plocher.

Motion unanimously approved by a viva voce vote.

Ordinance 2019-46

**Amending the Salaries for Appointed Municipal Officers
(ADM 2019-48)**

Mayor Purcell entertained a motion to approve an Ordinance Amending the Salaries of Appointed Municipal Officers. So moved by Alderman Funkhouser; seconded by Alderman Frieders.

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

PARK BOARD

No report.

PLANNING AND ZONING COMMISSION

No report.

CITY COUNCIL REPORT

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

Alderman Frieders reported that the National Suicide Prevention and Action Month Proclamation project currently has 71 communities, 5 counties, and 21 states that have agreed to issue proclamations. He also mentioned that he would be speaking with Jonny Boucher from Hope for the Day at an event that will be held on Thursday, September 5th from 5:30 p.m. – 8:30 p.m. at the Kayhan Haworth showroom located in the Merchandise Mart in Chicago. On Saturday, September 7th, the Conversations Summit 2019 will be

held at the UIC Forum in Chicago from 9:00 a.m. to 3:00 p.m. This event is free to attend and will include panelists from all over the country discussing issues centered around mental health. Alderman Frieders also mentioned that last week he was appointed Public Policy Director for Hope for the Day.

CITY CLERK'S REPORT

No report.

COMMUNITY & LIAISON REPORT

No report.

STAFF REPORT

No report.

ADDITIONAL BUSINESS

Brush Pickup

Alderman Milschewski asked if brush pickup was complete or if it was still in progress. Public Works Director Dhuse responded that brush pickup was still in progress.

CITIZEN COMMENTS

None.

EXECUTIVE SESSION

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

Motion approved by a roll call vote. Ayes-6 Nays-2
Koch-aye, Milschewski-aye, Funkhouser-aye, Tarulis-aye,
Transier-aye, Plocher-nay, Frieders-nay, Peterson-aye

The City Council entered executive session at 8:23 p.m.

The City Council returned to regular session at 8:45 p.m.

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 8:46 p.m.

Minutes submitted by:

Lisa Pickering

Lisa Pickering,
City Clerk, City of Yorkville, Illinois

