

**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, SEPTEMBER 24, 2019**

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 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

Staff present: City Administrator Olson, City Clerk Pickering, Chief of Police Jensen, 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, Attorney Orr, and EEI Engineer Sanderson.

**QUORUM**

A quorum was established.

**AMENDMENTS TO THE AGENDA**

None.

**PRESENTATIONS**

None.

**PUBLIC HEARINGS**

None.

**CITIZEN COMMENTS ON AGENDA ITEMS**

Fire Chief Bateman spoke in support of the ordinance updating the city's building codes and in particular, the update to the fire code. He also commented that he would like to have a member of the Fire Department hold a seat on the city's Planning and Zoning Commission if there is a vacancy in the future.

**CONSENT AGENDA**

None.

**MINUTES FOR APPROVAL**

Mayor Purcell entertained a motion to approve the minutes of the regular City Council meeting of September 10, 2019 as presented. So moved by Alderman Frieders; seconded by Alderman Koch.

Motion unanimously approved by a viva voce vote.

**ANNOUNCEMENT**

Mayor Purcell asked Alderman Frieders if he would like to give an update on the upcoming Yorktoberfest. Alderman Frieders announced that the second annual Yorktoberfest would be held on Saturday, October 5<sup>th</sup> from noon until 9:00 p.m. at Riverfront Park. There will be musical entertainment, hayrides, pumpkin decorating, a haystack hunt, and the Pumpkin Pull.

**BILLS FOR PAYMENT**

Mayor Purcell entertained a motion to approve the bill list in the amount of \$712,021.43 (vendors); \$282,414.57 (payroll period ending 9/6/19); for a total of \$994,436.00. So moved by Alderman Koch; seconded by Alderman Peterson.

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

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**REPORTS**

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**MAYOR'S REPORT**

**Old Jail (111 W. Madison Street)**

Mayor Purcell mentioned that the Old Jail closing took place on September 23<sup>rd</sup> so the city no longer owns that piece of property. He thanked Attorney Orr and City Administrator Olson for the time and effort they put in to get the sale of the Old Jail completed.

**Mill Road Paving**

Mayor Purcell stated that Mill Road has been repaved.

**Police Department**

Mayor Purcell reported that Police Officer Ketchmark was able to save the life of a person who overdosed over the weekend.

**Resolution 2019-29**

**Approving Old Jail License Agreement for  
Maintenance Access to City Parking Lot  
(CC 2019-57)**

Mayor Purcell entertained a motion to approve a Resolution Approving Old Jail License Agreement for Maintenance Access to City Parking Lot. So moved by Alderman Milschewski; seconded by Alderman Peterson.

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

**Road to Better Roads Program (FY 2021) –  
Approval of Streets  
(CC 2019-58)**

Mayor Purcell entertained a motion to approve the Road to Better Roads Program (FY 2021) – Approval of Streets. So moved by Alderman Transier; seconded by Alderman Frieders.

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

**City Administrator Employment Agreement  
(CC 2019-59)**

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

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

**MFT Compliance Review No. 66 for  
January 1, 2018 – April 30, 2019  
(CC 2019-60)**

Mayor Purcell asked Administrator Olson to update the council on this item. Administrator Olson said the state requires the city to present this document showing a reconciliation of MFT funds to council.

**Ordinance 2019-51**

**Amending Title 3, Chapter 2 of the Code of Ordinances Imposing  
Municipal Cannabis Retailers' Occupation Tax  
(CC 2019-61)**

Mayor Purcell entertained a motion to approve an Ordinance Amending Title 3, Chapter 2 of the Code of Ordinances Imposing Municipal Cannabis Retailers' Occupation Tax. So moved by Alderman Koch; seconded by Alderman Funkhouser.

Mayor Purcell stated that approval of this ordinance is necessary if the city would like to tax cannabis sales within the city limits.

Motion approved by a roll call vote. Ayes-7 Nays-1  
Milschewski-aye, Funkhouser-aye, Tarulis-nay, Transier-aye,  
Plocher-aye, Frieders-aye, Peterson-aye, Koch-aye

**PUBLIC WORKS COMMITTEE REPORT**

No report.

**ECONOMIC DEVELOPMENT COMMITTEE REPORT**

No report.

**PUBLIC SAFETY COMMITTEE REPORT**

**Resolution 2019-30**

**Authorizing the Sale and Transfer of Personal  
Property Owned by the City (Squad Cars)  
(PS 2019-29)**

Mayor Purcell entertained a motion to approve a Resolution Authorizing the Sale and Transfer of Personal Property Owned by the City (Squad Cars). So moved by Alderman Milschewski; seconded by Alderman Frieders.

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

**Resolution 2019-31**

**Authorizing the Sale and Transfer of Personal Property  
Owned by the City (Police Department Equipment)  
(PS 2019-30)**

Mayor Purcell entertained a motion to approve a Resolution Authorizing the Sale and Transfer of Personal Property Owned by the City (Police Department Equipment). So moved by Alderman Milschewski; 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

**Ordinance 2019-52**

**Amending Title 3, Chapter 3 of the Code of Ordinances  
Creating a New Liquor License Class and Fee  
(Bring Your Own)  
(PS 2019-32)**

Mayor Purcell entertained a motion to approve an Ordinance Amending Title 3, Chapter 3 of the Code of Ordinances Creating a New Liquor License Class and Fee (Bring Your Own). So moved by Alderman Funkhouser; seconded by Alderman Frieders.

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

**ADMINISTRATION COMMITTEE REPORT**

**Resolution 2019-32**

**Approving an Amendment to the United City of  
Yorkville Employee Manual (Nepotism Policy)  
(ADM 2019-32)**

Alderman Funkhouser made a motion to approve a Resolution Approving an Amendment to the United City of Yorkville Employee Manual (Nepotism Policy) and authorize the Mayor and City Clerk to execute; seconded by Alderman Frieders.

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 August 2019  
(ADM 2019-50)**

Alderman Funkhouser made a motion to approve the monthly Treasurer's Report for August 2019; seconded by Alderman Milschewski.

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

**PARK BOARD**

No report.

**PLANNING AND ZONING COMMISSION**

**Ordinance 2019-53**

**Adopting by Reference Certain Building, Mechanical, Plumbing, Energy Conservation, Fire, Fuel Gas, Property Maintenance, Residential, Existing Building, Swimming Pool and Accessibility Codes Regulating and Governing the Construction, Conditions and Maintenance of All Property, Buildings and Structures in the City**  
(PZC 2019-16 and EDC 2019-38)

Mayor Purcell entertained a motion to approve an Ordinance Adopting by Reference Certain Building, Mechanical, Plumbing, Energy Conservation, Fire, Fuel Gas, Property Maintenance, Residential, Existing Building, Swimming Pool and Accessibility Codes Regulating and Governing the Construction, Conditions and Maintenance of All Property, Buildings and Structures in the City and authorize the Mayor and City Clerk to execute. So moved by Alderman Milschewski seconded by Alderman Plocher.

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

**Downtown Form-Based Code and Streetscape Master Plan**  
(PZC 2019-09 and EDC 2019-23)

**Ordinance Amending the Yorkville Zoning Ordinance  
by Adding a Downtown Overlay District**

**Ordinance Approving a Streetscape Master Plan  
for the Downtown Overlay District**

Mayor Purcell stated this item was on the agenda for discussion only and would not be voted on at this meeting. He asked Administrator Olson to provide an update to the council. Administrator Olson said the Downtown Overlay District had been discussed in various committees within the past year and a half. The intent is to create a design guideline manual to help developers to know what the city would like to see in the downtown area.

Administrator Olson said that feedback had been received from a residential property owner after the last Economic Development Committee meeting regarding the potential density in a one block area located on the west of side of S. Main Street between Van Emmon and Hydraulic. The property owner felt that the designation of that one block as a “B Street” would allow residential development to be too intense in that area. There is a proposal to change this block from “B Street” to “B Street Residential”. Community Development Director Barksdale-Noble explained that currently, this area is considered “B Street”, which has commercial components. The proposal would change it to B-Street Residential, which has only two land uses (civic building and single-family detached residential homes).

It was mentioned that the old post office building (201 W. Hydraulic Avenue) and the old bank building (102 E. Van Emmon Street) are not color coded to indicate these as city property in the Streetscape Master Plan. Mayor Purcell said that staff will have that changed.

Mayor Purcell asked if this plan dictates setbacks for properties. Director Barksdale-Noble responded that unlike traditional zoning which dictates a setback from the property line, this encourages a build to line. The intent is for the buildings to be close to the property line in order to create a sense of place and not have parking in front of a commercial building. Mayor Purcell brought up the old bank building (102 E. Van Emmon Street) that the city now owns. With the widening of Route 47, visibility at this intersection was reduced. He said that eventually this building might be torn down, and if so, a new building should be set back further before being rebuilt to allow better visibility on this corner. Mayor Purcell requested that if the existing building at 102 E. Van Emmon is ever torn down, that a new building would be set back further to provide better visibility.

Another item that was brought up is regarding the maximum building height of eighty feet, regardless of the number of stories contained within a building. An example that was discussed is a building with three stories and a maximum building height of eighty feet. Director Barksdale-Noble mentioned that there is a floor maximum especially for commercial buildings. It was discussed that the maximum building height and maximum building stories should correspond to each other.

It was questioned if the council is giving up oversight and control of new buildings being constructed if this is approved. Director Barksdale-Noble said that the council is not giving up their oversight. These plans allow the council to give direction to staff and developers as to what the council would like to see brought forward. Director Barksdale-Noble mentioned that the current zoning ordinance already allows buildings to be as tall as eighty feet in some locations within the city. Additionally, zoning ordinances do not address the aesthetics of a community. She explained that zoning addresses bulk items such as building height and building setbacks. A form-based code takes elements from the zoning code and

makes them applicable so that you can almost see what the fabric of a neighborhood will look like. By approving a form-based code, the council is refining the contextual look of the downtown area and neighborhood. It allows the council to set the tone and to create a visual of what they are looking for in the downtown area which will help to give direction to developers prior to them bringing new development plans to the city. Administrator Olson also mentioned that while the TIF is in place, it encourages developers to come to the city and have a conversation with staff before applying for building permits.

This item will return with revisions to the next City Council meeting.

**Ordinance 2019-54**

**Granting a Front Yard Setback Variance for the Property  
Located at 208 E. Main Street (Front Porch)  
(PZC 2019-20 and EDC 2019-64)**

Mayor Purcell entertained a motion to approve an Ordinance Granting a Front Yard Setback Variance for the Property Located at 208 E. Main Street (Front Porch). So moved by Alderman Milschewski; seconded by Alderman Funkhouser.

Mayor Purcell asked Director Barksdale-Noble to give an update on the purpose of this variance. Director Noble explained that the current property owners decided they would like to reconstruct a covered porch on their house, as was previously part of the original house. The applicants are requesting a reduction to the front yard setback to allow reconstruction of the porch. Alderman Funkhouser commented that he had served on the Zoning Board of Appeals prior to his tenure on City council and he feels this petition is a great example of how a variance should work.

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

**CITY COUNCIL REPORT**

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

Alderman Frieders reported that the National Suicide Prevention and Action Month Proclamation project currently has eighty-four communities and six counties in twenty-one states that have agreed to issue proclamations and to talk suicide and pro-active mental health from an official capacity. He said that tomorrow he, along with Jonny Boucher from Hope for the Day, would be meeting with Waubensee Community College to talk about programming opportunities.

**CITY CLERK'S REPORT**

No report.

**COMMUNITY & LIAISON REPORT**

No report.

**STAFF REPORT**

No report.

**ADDITIONAL BUSINESS**

**Autumn Creek Subdivision Crosswalk**

Alderman Peterson thanked Chief Jensen and Director Dhuse for helping to change the crosswalk location near the Autumn Creek Elementary School. He said he has heard many positive comments about the crosswalk from the area residents.

**CITIZEN COMMENTS**

Mike Hamm said that he had a couple of questions about the sale of cannabis in Yorkville. He asked how he could find a record of the council's discussion regarding the sale of cannabis. Mayor Purcell replied that audio files of the City Council meetings are available on the city's website. Mr. Hamm also asked how the City Council came to the conclusion that the general population of the city wanted to allow cannabis sales within city limits. Mayor Purcell said that he would be happy to stay after the meeting to discuss this with Mr. Hamm.

**EXECUTIVE SESSION**

None.

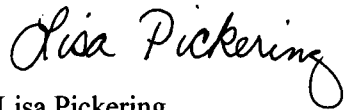
ADJOURNMENT

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

Motion unanimously approved by a viva voce vote.

Meeting adjourned at 7:59 p.m.

Minutes submitted by:



Lisa Pickering,  
City Clerk, City of Yorkville, Illinois



