

**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 25, 2020**

Mayor Purcell called the meeting to order at 7:02 p.m. and led the Council in the Pledge of Allegiance.

Mayor Purcell stated that he has determined that under the Governor's orders the meeting can be held with electronic attendance for the safety of the council members and the public and to help prevent the spread of the coronavirus.

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 (electronic attendance)
	Peterson	Present

Staff in attendance at city hall: City Administrator Olson, City Clerk Pickering, Chief of Police Jensen, Deputy Chief of Police Mikolasek, Deputy Chief of Police Pfizenmaier, and Attorney Orr.

Staff in attendance electronically: 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.

Clerk's Note: Due to COVID-19, in accordance with Public Act 101-0640 and Gubernatorial Disaster Proclamation issued by Governor Pritzker pursuant to the powers vested in the Governor under the Illinois Emergency Management Act, the United City of Yorkville encouraged social distancing by allowing remote attendance to the City Council meeting.

Members of the public were able to attend this meeting in person while practicing social distancing 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/87486402564?pwd=WDk4WDZmQnFXOGdPZkIjU2RPaUhqdz09>. The Zoom meeting ID was 874 8640 2564.

QUORUM

A quorum was established.

AMENDMENTS TO THE AGENDA

None.

PRESENTATIONS

Certificate of Recognition – Yorkville Foxes Softball Team

Mayor Purcell presented a Certificate of Recognition to the Yorkville Foxes Girls Softball Team for placing second in the national tournament that took place in July in Nashville, Tennessee.

**Recognition of Detective Matt Nelson,
Officer Jeff Johnson, and Officer Ryan Goldsmith**

Chief Jensen stated that at the annual Kendall County Respect for Law banquet, the police department had several officers who were nominated for awards. He recognized Officer Ryan Goldsmith, who serves as the school resource officer at Yorkville High School, for his nomination for Officer of the Year. Chief Jensen said that Officer Goldsmith has done an excellent job in building relationships with the students and staff at the high school.

Deputy Chief Mikolasek recognized Officer Jeff Johnson who received a Life Saving Award for his actions in 2019 in helping a suicidal person. When dispatched, Officer Johnson did not have an exact

location; however, he was able to find the individual who had a significant wound to his neck and a knife nearby. Officer Johnson was able to remove the knife from the area and assist the person with first aid to save his life while waiting for emergency personnel to arrive.

Deputy Chief Pfizenmaier recognized Detective Matt Nelson who received the Investigator of the Year award. In December of 2019, Detective Nelson was assigned five criminal sexual abuse cases that contained different juvenile victims that had been abused by the same relative between the years of 2005 and 2018, but it was not reported to the police department until December of 2019. Detective Nelson was able to obtain a confession from the suspect and he was able to get a 35-count indictment against the suspect for felony charges including Predatory Criminal Sexual Abuse. Earlier in 2019, Detective Nelson worked on an internet-based child pornography investigation and he was able to obtain a confession from the suspect resulting in 21 felony charges for Possession of Child Pornography and Dissemination of Child Pornography. In 2019, he also investigated a residential burglary case in which \$30,000 cash and a pistol were stolen. During the course of Detective Nelson's investigation, the suspect was arrested by the Colorado State Police and was found to be in possession of \$18,000 cash and the firearm. Charges were then approved against the subject for Residential Burglary, Possession of a Firearm by a Felon and Possession of a Stolen Firearm.

PUBLIC HEARINGS

None.

CITIZEN COMMENTS ON AGENDA ITEMS

Todd Milliron, Kendall County resident, commented on the proposed changes to the Ordinance Regarding City Council Procedures. He stated that he hoped the procedures would be changed to allow comments at the beginning of the meeting on any topic so that people would not have to wait until the end of the meeting to comment on items that were not on the agenda. He also commented on the proposed settlement agreement with Green Organics. He stated that part of the land is located in the city and part is located in Kendall County. He wondered if there was any effort between the city and the county to coordinate the decommissioning of this site.

CONSENT AGENDA

1. Minutes of the Regular City Council – August 11, 2020
2. Bill Payments for Approval
 - \$ 851,021.87 (vendors)
 - \$ 293,194.65 (payroll period ending 8/7/20)
 - \$ 1,144,216.52 (total)

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

REPORTS

MAYOR'S REPORT

**Proclamation for National Overdose Awareness Day
(CC 2020-60)**

Mayor Purcell proclaimed August 31, 2020 as Overdose Awareness Day in the United City of Yorkville (*see attached*).

**Appointments to Boards and Commissions
(CC 2020-61)**

Mayor Purcell entertained a motion to approve the Mayor's appointments of Gene Wilberg to the Park board to a term ending May 2025 and Joseph Gillespie to the Police Pension Fund Board to a term ending May 2022. So moved by Alderman Transier; seconded by Alderman Peterson.

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

Ordinance 2020-40

**Extending Ordinance No. 2020-30 Approving Outdoor
Restaurant Sales and Liquor Service During the Pandemic
(CC 2020-62)**

Mayor Purcell entertained a motion to approve an Ordinance Extending Ordinance 2020-30 Approving Outdoor Restaurant Sales and Liquor Service During the Pandemic. 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

**Microsoft Licensing
(CC 2020-63)**

Mayor Purcell entertained a motion to approve the Microsoft Enterprise Agreement for a 3-year term (\$19,852 annually) for a total of \$59,556.96. 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

PUBLIC WORKS COMMITTEE REPORT

**Fox Hill SSA – Tree Trimming/Removal
(CC 2020-64)**

Alderman Plocher made a motion to approve a tree trimming/tree removal quote from Cox Landscaping in an amount not to exceed \$14,325 for tree trimming and tree removal in the Fox Hill subdivision SSA area; 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 Regarding City Council Procedures - Discussion
(ADM 2020-39)**

Alderman Funkhouser said that this has been an ongoing discussion and that he and Attorney Orr would be working to refine the proposed changes based on some of the discussion that has already occurred.

Items brought up for discussion at this meeting included the following:

- Procedures already dictated by state law
- Comments being allowed at the beginning of meeting on any topic
- Time limit on length of comments
- Final documents in packet and options in the case of scrivener's errors
- Procedures on how items are added to agendas
- Committee rosters

It was further questioned as to the reason why the current second section of comments is listed on the agenda after executive session. Attorney Orr responded that in the past the council had experienced individuals who would speak for twenty minutes on topics not related to city business. By putting the comments on items not on the agenda at the end of the meeting, it allowed the council to take care of actionable items first.

Ordinance 2020-41

**Authorizing the Ninth Amendment to the Annual Budget for
the Fiscal Year Commencing on May 1, 2019 and Ending
April 30, 2020 (Downtown TIF II)
(ADM 2020-50)**

Alderman Funkhouser made a motion to approve an Ordinance Authorizing the Ninth Amendment to the Annual Budget for the Fiscal Year Commencing on May 1, 2019 and Ending April 30, 2020 (Downtown TIF II) and authorize the Mayor and City Clerk to execute; seconded by Alderman Milschewski.

Director Fredrickson explained that this budget amendment is needed to reflect the incentive payouts made to KCJ Restoration for work done on the Old Jail building. It was asked if the roof remediation was finished and Administrator Olson confirmed that yes, the roof remediation has been completed.

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

PARK BOARD

Director Evans reported that the Caledonia Park installation has been completed and the park is now open.

PLANNING AND ZONING COMMISSION

No report.

CITY COUNCIL REPORT

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

Alderman Frieders reported that the following communities have all recently adopted the proclamation: Village of Westmont, City of Schaumburg, Village of Roscoe, Town of Cicero, Village of Deer Park, Village of LaGrange Park, as well as Huntington, New York and Henderson, Nevada.

CITY CLERK'S REPORT

No report.

COMMUNITY & LIAISON REPORT

No report.

STAFF REPORT

No report.

MAYOR'S REPORT (cont'd)

Ordinance 2020-42

**Approving a Settlement Agreement by and among the United City
of Yorkville, Illinois, Green Organics, Inc., Bristol Ventures, LLC
and Midwest Materials Management, LLC
(CC 2020-65)**

Mayor Purcell entertained a motion to approve an Ordinance Approving a Settlement Agreement by and among the United City of Yorkville, Illinois, Green Organics, Inc., Bristol Ventures, LLC and Midwest Materials Management, LLC. So moved by Alderman Frieders; seconded by Alderman Milschewski.

Administrator Olson explained that county and the city portions of the Green Organics operation are almost the same size with the county portion being a little larger than the city portion. He said that the state is the government entity that regulates this type of land application. The local approvals by both the city and the county only have to do with land use. The city granted the property owner a land use to be able to conduct this type of operation. The city's land use is mutually exclusive from what the county approves as a land use for the county portion of the property. The litigation and the land use decisions the city has made are completely separate from any actions that the county may take regarding the county portion of land.

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

**FY 21 Budget Update
(CC 2020-66)**

Mayor Purcell asked Director Fredrickson to give an update on the budget. Director Fredrickson reported that August income taxes were more than double in comparison to last year; however, much of this increase is attributed to the extension of the State's tax filing extension. This \$130,000 increase will help to offset the \$190,000 decrease in income taxes experienced in May. Based on current IML estimates, the city is projecting that FY 21 income taxes will be approximately \$50,000 lower than the budgeted amount. Local use taxes increased 43 percent over last August. MFT proceeds decreased 25 percent in comparison to last August.

ADDITIONAL BUSINESS

Alderman Milschewski asked if the city is responsible for the trees on E. Main Street that came down in the storm. Director Dhuse confirmed that yes, it is the city's responsibility and the city is currently waiting on ComEd to shut the power off to the power lines in order that the trees can be taken down safely. He said there are three trees near the power lines that need to be taken down.

CITIZEN COMMENTS

Todd Milliron, Kendall County resident, encouraged the council to drive by the Old Jail to see the progress that is being made on the outside of the building. He said that the building is starting to look like a renovated historical building.

EXECUTIVE SESSION

Mayor Purcell entertained a motion to go into executive session for the following:

- For the discussion of minutes of meetings lawfully closed under the Open Meetings Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes.
- For litigation, when an action against, affecting, or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that an action is probable or imminent.
- For the purchase or lease of real property for the use of the public body.
- For collective negotiating matters between the public body and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees.

So moved by Alderman Plocher; seconded by Alderman Peterson.

Motion approved by a roll call vote. Ayes-7 Nays-0 Present-1
Koch-aye, Milschewski-present, Funkhouser-aye, Tarulis-aye,
Transier-aye, Plocher-aye, Frieders-aye, Peterson-aye

Administrator Olson stated that he would be closing the Zoom meeting due to the council entering executive session and no action would be taken after executive session.

The City Council entered executive session at 8:05 p.m.

The City Council returned to regular session at 9:10 p.m.

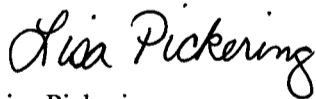
ADJOURNMENT

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 9:11 p.m.

Minutes submitted by:



Lisa Pickering,
City Clerk, City of Yorkville, Illinois

UNITED CITY OF YORKVILLE

National Overdose Awareness Day

Proclamation

WHEREAS, the United City of Yorkville does affirm and acknowledge the harm and hardship caused by drug overdose; and

WHEREAS, we recognize the purpose of International Overdose Awareness Day as remembering loved ones lost to overdose and ending the stigma of drug-related deaths; and

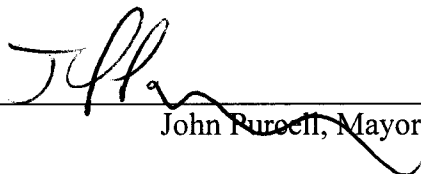
WHEREAS, we resolve to play our part in reducing the toll of overdose in our community, which claimed the lives of more than 2,722 Illinois residents in 2018 together with countless more affected forever; and

WHEREAS, we affirm that the people affected by overdose are our sons and daughters, our mothers and fathers, our brothers and sisters, and deserving of our love, compassion and support;

THEREFORE, I, John Purcell, Mayor, do hereby proclaim August 31st, 2020 as Overdose Awareness Day in the United City of Yorkville.

Dated this 25th day of August 2020, A.D.




John Purcell, Mayor