

**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 27, 2022**

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 Behland called the roll.

Ward I	Koch	Present
	Transier	Present
Ward II	Plocher	Present
	Soling	Present
Ward III	Funkhouser	Present
	Marek	Present
Ward IV	Tarulis	Present
	Peterson	Present

Staff in attendance at City Hall: City Clerk Behland, City Administrator Olson, 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, and EEL Engineer Sanderson.

Staff in attendance electronically: Attorney Orr

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/87690912812?pwd=ZzZNdUNBTDhBrcjZicVByVWxmdmJhZDZ09.> The Zoom meeting ID was 876 9091 2812.

QUORUM

A quorum was established.

AMENDMENTS TO THE AGENDA

None.

PRESENTATIONS

None.

PUBLIC HEARINGS

None.

CITIZEN COMMENTS ON AGENDA ITEMS

**Susan Clancy Boles
Candidate for 2nd District Appellate Court**

Susan shared she is running for the 2nd District Appellate Court. She explained that the appellate is the reviewing court for every trial court decision. The appellate court establishes the rule of law that we live under as citizens. Susan shared she is in her sixteenth year on the bench, the only circuit court judge in the race, and she has sat in on every type of court case possible.

Jennifer Rakas – Baseline Road

Jennifer shared she is one of the few people who live on Baseline Road. The road is hazardous due to speeding. She requested that a 45 mph or less sign be placed on Baseline Road and no passing stripes in front of the residential properties. She also asked for more police enforcement in the area.

Elizabeth Fotopoulos – Baseline Road

Elizabeth shared she also lives on Baseline Road and agrees with everything Jennifer had reported. Elizabeth said people use this road as a raceway. She would also like more police presence.

CONSENT AGENDA

1. Minutes of the Regular City Council – September 13, 2022
2. Bill Payments for Approval
 - \$ 2,173,183.74 (vendors)
 - \$ 375,724.56 (payroll period ending 09/16/2022)
 - \$ 2,548,908.30 (total)

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

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

REPORTS

MAYOR'S REPORT

StoryWalk – Heartland Circle

Parks and Recreation Director Evans shared that a StoryWalk is a newer attraction where you place posts throughout a park, and each post is a new page from a book. Every few months, the story will be replaced with a new one. They had a large crowd for the ribbon cutting.

Yorktoberfest

Parks and Recreation Director Evans reported Yorktoberfest is this Friday, September 30th, and Saturday, October 1st, at Riverfront Park's east side. Proceeds from the event will go to the Kiwanis Club of Yorkville Illinois Foundation. The City's Parks and Recreation Department will have family activities such as the scarecrow walk and face painting. The scarecrow walk is open for the entire month of October.

**Single Axle Dump Truck Purchase
(CC 2022-39)**

Mayor Purcell entertained a motion to approve the purchase of a single axle dump truck as quoted from Lindco Equipment Sales of Merrillville, Indiana, for a price not to exceed \$285,970 and to account for this purchase in the FY 24 budget. So moved by Alderman Transier; seconded by Alderman Marek.

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

**Blackberry Woods – Performance Guarantee Call
(CC 2022-40)**

Mayor Purcell entertained a motion to authorize staff to issue a letter of default to the developer for the Blackberry Woods (Phase B) development. 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, Soling-aye,
Marek-aye, Peterson-aye, Koch-aye, Plocher-aye

**Proposed 2023 Road to Better Roads Program
(CC 2022-41)**

Mayor Purcell entertained a motion to approve the 2023 Road to Better Roads Program and to approve the proposed 3-year Road to Better Roads Program. So moved by Alderman Marek; seconded by Alderman Peterson.

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

Resolution 2022-39

**Authorizing Support and Permission for Inclusion of the
Marge Cline Whitewater Course Access Site in the
Fabulous Fox! Water Trail
(CC 2022-42)**

Mayor Purcell entertained a motion to approve a Resolution Authorizing Support and Permission for the Inclusion of the Marge Cline Whitewater Course Access Site in the Fabulous Fox! Water Trail and authorize the Mayor and City Clerk to execute. So moved by Alderman Transier; seconded by Alderman Tarulis.

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

**Treasurer's Report for August 2022
(CC 2022-43)**

Mayor Purcell entertained a motion to approve the Treasurer's Report for August 2022. So moved by Alderman Peterson; seconded by Alderman Marek.

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

**Tax Levy Estimate
(CC 2022-44)**

Mayor Purcell reported that there will be no discussion on the Tax Levy as they are still waiting on figures. This item will be on the next City Council agenda.

Resolution 2022-40

**Approving an Amendment to the United City of Yorkville
Employee Manual (Drug Free Workplace)
(CC 2022-45)**

Mayor Purcell entertained a motion to approve a Resolution Approving an Amendment to the United City of Yorkville Employee Manual (Drug Free Workplace) and authorize the Mayor and City Clerk to execute. So moved by Alderman Transier; seconded by Alderman Peterson.

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

**KEH Development Inducement Resolutions
(CC 2022-46)**

Resolution 2022-41

**to Induce the Redevelopment of Certain Properties within
the Yorkville Downtown Redevelopment Project Area
(KEH Development, LLC & KEH Development Three, LLC)**

Resolution 2022-42

**to Induce the Redevelopment of Certain Property within
the Yorkville Downtown Redevelopment Project Area #2
(KEH Development Two, LLC)**

Mayor Purcell entertained a motion to approve a Resolution to Induce the Redevelopment of Certain Properties within the Yorkville Downtown Redevelopment Project Area (KEH Development, LLC & KEH Development Three, LLC) and authorize the Mayor and City Clerk to Execute and a Resolution to Induce the Redevelopment of a Certain Property within the Yorkville Downtown Redevelopment Project Area #2 (KEH Development Two, LLC) and authorize the Mayor and City Clerk to execute. So moved by Alderman Marek; seconded by Alderman Koch.

City Administrator Olson reported that approving these resolutions does not commit the City to do anything. This will help start the negotiations for the purchase and redevelopment of these properties. City Administrator Olson introduced Boyd Ingemunson and Pat Harbor. Mr. Ingemunson shared he is a lifelong resident of Yorkville, and they want to see the redevelopment happen and remove any eye sores from the downtown area. This is a large opportunity for Yorkville. Mr. Harbor has lived in the area for 30 years and wants to see the downtown redevelopment. They are interested in developing a multi-family town center. They brought kids in for a unique representation of the town and county, where they got the ability to open up and talk about ideas.

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

**Park Board Appointment – Jorge Ayala
(CC 2022-47)**

Mayor Purcell entertained a motion to approve the Mayor’s appointment of Jorge Ayala to the Park Board for a term ending May 2023. So moved by Alderman Soling; seconded by Alderman Tarulis.

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

PUBLIC WORKS COMMITTEE REPORT

No report.

ECONOMIC DEVELOPMENT COMMITTEE REPORT

Ordinance 2022-37

**Allowing Backyard Coops/Enclosures for Domesticated
Hens in Certain Residential Districts as a Permitted
Accessory Structure and Subject to Certain Regulations
(EDC 2022-32)**

Alderman Funkhouser shared this is similar to what Oswego passed, but he would like to recommend removing the requirement for a backyard fence. Alderman Koch said he would like to vote on it the way it is or take it back to the committee for further discussion. Alderman Plocher thinks the fence requirement should be removed. Alderman Peterson shared he believes we should vote as is, and if complaints come up later regarding the fence, staff can relook at removing that requirement.

Alderman Plocher motioned to amend the Ordinance Allowing Backyard Coops/Enclosures for Domesticated Hens in Certain Residential Districts as a Permitted Accessory Structure and Subject to Certain Regulations and remove the requirement to have a fence on the back perimeter of the property; seconded by Alderman Funkhouser.

Motion fails by a roll call vote. Ayes-3 Nays-5
Plocher-aye, Funkhouser-aye, Tarulis-nay, Transier-aye,
Soling-nay, Marek-nay, Peterson-nay, Koch-nay

Alderman Plocher made a motion to approve the Ordinance Allowing Backyard Coops/Enclosures for Domesticated Hens in Certain Residential Districts as a Permitted Accessory Structure and Subject to Certain Regulations and authorize the Mayor and City Clerk to execute; seconded by Alderman Funkhouser.

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

PUBLIC SAFETY COMMITTEE REPORT

No report.

ADMINISTRATION COMMITTEE REPORT

No report.

PARK BOARD

No report.

PLANNING AND ZONING COMMISSION

No report.

CITY COUNCIL REPORT

No report.

CITY CLERK’S REPORT

Election Announcement

City Clerk Behland gave an announcement regarding the spring 2023 elections. Updated information on the City’s website regarding filing dates and signature requirements has been posted on the election page. There will be an open position for the Mayor and one alderperson position in each of the City’s four wards. Interested candidates should also check the Illinois State Board of Elections webpage to review the 2023 Candidates Guide.

COMMUNITY & LIAISON REPORT

No report.

STAFF REPORT

No report.

MAYOR’S REPORT (cont’d)

City Building Updates

Resolution 2022-43

**Approving Change Orders Relating
to 651 Prairie Pointe Drive, Yorkville, Illinois
(Fifth Set of Change Orders)
(CC 2021-04)**

Mayor Purcell entertained a motion to approve a Resolution Approving Change Orders Relating to 651 Prairie Pointe Drive, Yorkville, Illinois (Fifth Set of Change Orders) and authorize the Mayor and City Clerk to execute. So moved by Alderman Marek; seconded by Alderman Funkhouser.

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

Water Study Update

(CC 2021-38)

City Administrator Olson stated there were no updates at this time.

ADDITIONAL BUSINESS

None.

CITIZEN COMMENTS

David Guss shared that they have reached a tipping point regarding the drag shows being allowed at businesses within the City. He believes the Council should consider seeking an alternate council. David also shared seeing the Mayor at the Hometown Days festival and questioned the dispensing of liquor at the event. He would like the Mayor to resign.

See attached for public comment from Molly Krempski

EXECUTIVE SESSION

None.

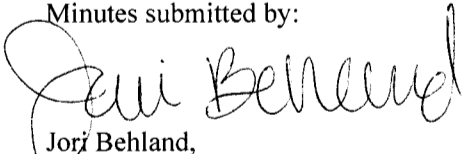
ADJOURNMENT

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

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

Meeting adjourned at 8:03 p.m.

Minutes submitted by:


Jori Behland,
City Clerk, City of Yorkville, Illinois

I wanted to go over something that I found in the Plano statutes with regard to the nudity at the June 2022 Southbank Original Barbecue drag show. It's not the statutes themselves that I'm interested in, but rather the impressive summary of the doctrine of secondary effects and the examples of secondary effects on the community that they have included as an introduction to their statutes. Our ignorance of 46 years of debate, case law, and community study findings with regard to obscene entertainment have led us to arrogantly treat our ordinances as irritants rather than safeguards. Nothing could be further from the truth. Not only are these ordinances protective of the community, they also set up a framework by which community member's rights to obscene sexual expression can be preserved – by creating appropriate areas and specific licenses and regulations for such activities. When ordinances are upheld, we have a safe and peaceful community. When they are not, we see protests and division. When nobody steps up to do the right thing, we see expensive lawsuits or we just become a city under judgement from God. Judgement doesn't always happen right away, but America happens to be coming into a period of judgement right now. God warns and warns, so this may be one of your warnings. We will see judgment fall on church leadership and government officials, among others, in the last quarter of 2022.

The next section (in yellow) represents years of debates, court cases, and community studies that went into forming the adult entertainment statutes in every city's code - that we are now choosing to toss out the window.

A-M outlines the secondary effects on the community that have been proven by community studies. Hopefully you recall that per the Supreme Court, Yorkville need not do its own studies. These effects have already been well established. I'll read a few of them that are pertinent to our situation.

The secondary effects of these obscene shows at Southbank will occur whether or not you admit that they are adult entertainment. That's not my opinion, it legal and scientific fact. Deviants will come from all around the county to go to these shows because they aren't allowed in other cities. I have seen drag shows in Plano, Lake in the Hills, and Geneva. They don't come close to the trash that is being allowed to go on at Southbank. People will come because they will be able to immerse themselves in an adult entertainment environment without the stigma of going to a night club or a gay bar. I know Mayor Purcell is on board with bringing business to Yorkville and allowing anything that people seem to enjoy, but it is the city council's job to balance financial benefit for bars with quality of life for everyone else in the community. It is foolish to sacrifice our city just to pack our bars. We have ordinances in place for this very reason. We put ourselves at risk by ignoring these ordinances and ignoring the knowledge, wisdom, legal precedent, and case studies that laid the foundation for their

formation. In this case, these ordinances about exposure of the buttocks have been put in place for very good reason, and we have 46 years of evidence to prove what I am telling you is true.

I'm hoping to do a little research on the BBQueens that I can share with you guys. I did research this week on a "daddy/daughter" drag team that is trying to schedule a story time in Plainfield. These people are, in the truest sense, sex workers. They spend most of their time entertaining in gay clubs and their social media pages are hard to stomach. We are inviting them, and their fans into downtown Yorkville, with our fingers crossed that they will have the judgement to determine what is and isn't appropriate. Let me assure you that they won't be able to do that. I have videos if you need evidence. We also saw how well that plan worked out back in June. Thank you