

**BEFORE THE  
ILLINOIS POLLUTION CONTROL BOARD**

FOX MORaine, LLC	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 07- 146
	)	(Pollution Control Facility Siting
UNITED CITY OF YORKVILLE,	)	Appeal)
CITY COUNCIL	)	
	)	
Respondent.	)	

**NOTICE OF FILING**

To: See Attached Service List

PLEASE TAKE NOTICE that on this 27<sup>th</sup> day of November, 2007, George Mueller, one of the attorneys for Petitioner, Fox Moraine, LLC, filed via electronic filing of the attached **Response to Motion to Compel Return of Document** with the Clerk of the Illinois Pollution Control Board, a copy of which is herewith served upon you.

Respectfully submitted,

FOX MORaine, LLC

By: /s/ George Mueller  
One of its Attorneys

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*Fox Moraine, LLC v. United City of Yorkville*  
*PCB No. 2007-146*

SERVICE LIST

PCB 2007-146  
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**CERTIFICATE OF SERVICE**

I, Sharon Twardowski, a non-attorney, certify that I served a copy of the foregoing **Notice of Filing** and **Fox Moraine, LLC's Response to Motion to Compel Return of Document** to the Hearing Officer and all Counsel of Record listed on the attached Service list, by sending it via Electronic Mail on November 27, 2007, before 5:00 p.m.

/s/ Sharon Twardowski\_\_\_\_\_

- [x] Under penalties as provided by law pursuant to ILL. REV. STAT. CHAP. 110-SEC 1-109, I certify that the statements set forth herein are true and correct

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Petitioner,	)	
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v.	)	PCB 07- 146
	)	(Pollution Control Facility Siting
UNITED CITY OF YORKVILLE,	)	Appeal)
CITY COUNCIL	)	
	)	
Respondent.	)	

**RESPONSE TO MOTION TO COMPEL RETURN OF DOCUMENT**

NOW COMES Fox Moraine, LLC (“Fox Moraine”) by its attorneys, George Mueller and Charles F. Helsten and for its Response to the United City of Yorkville’s Motion to Compel Return of a Document states and alleges as follows:

1. The motion of the United City of Yorkville (the “City”) seeks return and/or destruction of a certain invoice for legal services rendered by the law firm of Wildman, Harrold, Allen and Dixon, said services allegedly rendered during the period of April 27, 2007 through May 29, 2007 and said services being in the amount of \$96,119.73. This invoice was sent by an authorized representative of the City of Yorkville, Assistant City Administrator, Bart Olson, to Donald Hamman of Fox Moraine on August 15, 2007, with the intent that Fox Moraine reimburse the City of Yorkville for the amount of the invoice. Leo Dombrowski, one of the attorneys whose efforts are partly reflected on the subject invoice sought return

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of the same by letter dated September 28, 2007, approximately six weeks after this request for payment had been sent to Fox Moraine.

2. The Pollution Control Board lacks authority to order the return or destruction of the subject invoice. At most, the Board has authority to consider whether or not the contents of the invoice are protected from inclusion in the record, based upon the existence of some privilege. This is much narrower than the return or destruction requested by the City of Yorkville. The authority for the Board's jurisdiction over this issue, cited in the City's motion is Saline County Landfill, Inc. v. Illinois EPA, PCB 04-117, in which the Environmental Protection Agency did not ask for return of documents, but merely asked for a protective order to prevent certain documents from being included in the record and considered in the arguments of the parties. Interestingly, the entire Board found that the Hearing Officer committed error in ruling that the subject documents in Saline County were protected from consideration by some privilege.

3. The City, in its argument, claims that the subject invoice was inadvertently disclosed, but provides no authority or explanation for this argument. The City's motion cites to its pollution control facility siting ordinance, which provides for reimbursement for certain costs and expenses including attorney fees related to the pollution control facility application review, hearing and siting process. Section 13(a) of the City's ordinance limits reimbursements to those legal and consultant costs and other expenses "incurred by the City in conducting the review of the request for siting approval, the subsequent public hearing and

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the siting approval decision.” Since reimbursement is limited to these specifically enumerated items in the City’s siting ordinance and since, as a matter of law, the amounts of expenses for which reimbursement is sought must be reasonable, it is axiomatic that Fox Moraine would be entitled to review invoices prior to payment of the same. The subject invoice, unlike the inadvertent disclosures cited in the City’s authorities, was not accidentally or negligently sent to Fox Moraine. Instead, it was knowingly and intentionally sent by an authorized agent of the City for the express purpose of inducing Fox Moraine to reimburse the City for the amount of the same. In Saline County Landfill Inc., v. Illinois EPA, the disclosure was truly inadvertent in that the subject documents were included in the administrative record filed with the Board prior to completion of the standard screening process used by the Environmental Protection Agency to determine whether documents were exempt from disclosure.

4. The disclosure of the document in this case was neither inadvertent nor negligent. It was intentional. What the City is really arguing is that because the Assistant City Administrator may not have fully comprehended or even thought about the legal consequences of the disclosure, the same was therefore inadvertent. The City provides no authority for this proposition. The law is well settled that persons, governmental units and corporate entities are fully responsible for the consequences of their voluntary and intentional acts regardless of whether they consider those consequences at the time they commit the acts. The affidavit of Assistant City Administrator Olson is instructive in this

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regard in that he acknowledges that on a previous occasion he sent bills for costs and expenses to Fox Moraine, and further acknowledges that he was not aware of the significance of sending the subject invoice. In other words, sending invoices, bills and requests for reimbursement to Fox Moraine was apparently part of Mr. Olson's regular duties as Assistant Administrator and in this case he preformed that duty without thinking about the consequences.

5. The City asserts that inadvertent disclosures do not waive a privilege and cites several cases, which are so fact specific in their application that they have no relevance here. In People v. Murry, 305 Ill. App. 3<sup>rd</sup> 311 (2<sup>nd</sup> Dist. 1999), the Court held that a co-defendant testifying under oath in a criminal case in response to a question about a conversation she allegedly had with her attorney, did not waive the attorney client privilege by answering the question. In Dalen v. Ozite Corp., 203 Ill. App. 3<sup>rd</sup> 18 (2<sup>nd</sup> Dist. 1992), the Court held that the defendant did not waive it's work product privilege by allowing plaintiff's attorney to review its original files during discovery in civil litigation. Again, a defendant not knowing that potentially privileged materials may be inadvertently included in files made available to opposing party during discovery is significantly different than one party knowingly and intentionally sending an allegedly privileged document to another with the express purpose of securing a benefit, in this case payment of a rather large sum of money.

6. Because a claim of privilege effectively withholds information from a fact finder, it should be applied only when necessary to achieve its purpose.

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Monfardini v. Quinlan, 2004 U.S. Dist. Lexis 10852, citing Fisher v. United States, 425 US 391 (1976). Assertions of privilege, whether attorney client or work product, are to be narrowly construed, and the party asserting privilege against disclosure has the burden of proving it. Monier v. Chamberlain, 35 Ill. 2<sup>nd</sup> 351 (1966). Illinois adheres to a strong policy of encouraging disclosure. Waste Management v. International Surplus Lines, 144 Ill. 2<sup>nd</sup> 178 (1991). These principles are particularly relevant in ruling on this motion, because the City of Yorkville asserts and assumes as a given that its invoice is privileged. The City offers no example of how the invoice is subject to the attorney client privilege, points to no portion of the invoice that reveals the client's (City's) privileged thoughts or communications, or provides any other explanation of why or how the subject invoice constitutes a document subject to the attorney client privilege. Instead the City asserts that invoices for legal services are subject to the attorney client privilege, but the authorities cited by the City are equivocal at best on the issue. People ex re/ Ulrich v. Stukel, 294 Ill. App. 3<sup>rd</sup> 193 (1<sup>st</sup> Dist. 1997), states in dicta that certain types of billing records may in certain cases contain information which may be protected by the attorney-client privilege. However, this specific question was not even decided in the Stukel case. In Matter of Witness Before the Special March 1980 Grand Jury, 729 F 2<sup>nd</sup> 489 (7<sup>th</sup> Circ. 1984), the Court likewise did not rule that a bill for legal services was subject to an attorney client privilege, but again equivocally stated that in certain cases it might be subject to such a privilege. Therefore the City is required, to support

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the claim in its motion, to make a specific, affirmative showing as to how, where and why any portion of the subject invoice is subject to the attorney client privilege.

7. The City alternately alleges that the invoice, if not subject to the attorney client privilege, is subject to the work product privilege. This privilege claim is dependent upon the material being prepared in anticipation of litigation. However, to the extent that the City relies on its pollution control facility siting ordinance for its claim that Fox Moraine is responsible to reimburse the City for the amount of the subject invoice, litigation preparation is not a subject area for which reimbursement is allowed by the ordinance. Moreover, all the services itemized in the subject invoice were rendered prior to an appeal being taken and the vast majority of them were rendered prior to a final decision of the city council. This lends further support to the fact that the subject invoice cannot contain references to litigation preparation. If in fact, there is litigation preparation reflected in the subject invoice, this would be evidence of prejudgment by the City. Such prejudgment would render the proceedings fundamentally unfair. In that case the opinions of counsel are part of the basis for Fox Moraine's allegations of fundamental unfairness and then subject to an "at issue" exception to privilege, and must be disclosed. Waste Management v. International Surplus Lines, 144 Ill. 2<sup>nd</sup> 178 (1991).

8. In order for there to be a claim of privilege a formal and legal relationship must exist between the attorney and the client. In this case, no such

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relationship existed. A review of the minutes of the Yorkville City Council meetings reveals that no formal action was taken prior to or during the time the subject services were rendered to appoint the firm of Wildman, Harrold, Allen and Dixon to provide the services which are the subject of the invoice. The closest reference that Fox Moraine can find in the minutes of City Council meetings during the time period in question is a motion approving an appointment of "Mike Roth from Wildman, Harrold, Allen and Dixon" to be the interim city attorney for a fixed number of hours, being fifty hours per month, for a fixed fee at the meeting of May 8, 2007. This is approximately ten days after services itemized in the subject invoice were started, and the subject invoice reveals that the services rendered by Mike Roth are only a fraction of the total and that the total far exceeds the fifty hour scope of the original approval. A copy of the relevant City Council minutes are attached hereto as Exhibit A. If, as Fox Moraine believes, Valerie Burd, the Mayor elect, before the end of the public hearing on the Siting Application, before taking office and without approval by the City Council, engaged the firm of Wildman, Harrold, Allen and Dixon to provide far ranging legal services connected to her desire to have the Siting Application denied, when another law firm was already appointed by the City to review the Application and provide objective advice thereon, and was performing those services, careful scrutiny of the subject invoice is required to see if the same contains evidence of prejudgment, bias and other fundamentally unfair conduct by members of the City Council and the Mayor elect. It should be noted that

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Valerie Burd was a City Council member prior to her being sworn in as Mayor, and that Fox Moraine believes that Ms. Burd campaigned for the office of Mayor on an anti landfill platform.

Based upon the foregoing, Fox Moraine prays that the motion to compel return of a document filed by the City of Yorkville be denied.

Respectfully submitted,

FOX MORaine, LLC

By:     /s/ George Mueller      
One of its attorneys

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APPROVED BY  
CITY COUNCIL  
ON 6/12/07

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, MAY 8, 2007.

Mayor Prochaska called the meeting to order at 7:00 P.M and led the Council in the Pledge of Allegiance

ROLL CALL

Clerk Milschewski called the roll.

Ward I	James	Absent
	Leslie	Present
Ward II	Burd	Present
	Golinski	Present
Ward III	Bock	Present
	Munns	Present
Ward IV	Besco	Present
	Spears	Present

Also present: City Clerk Milschewski, City Treasurer Powell, City Attorney Wyeth, Interim City Attorney Roth, Interim City Administrator Crois, Assistant City Administrator Olson, Finance Director Mika, Director of Public Works Dhuse, Police Chief Martin, Director of Park & Recreation Mogle, Community Development Director Miller, City Engineer Wywrot and Public Relations Officer Spies.

QUORUM

A quorum was established.

SWEARING-IN:

Mayor Prochaska stated that it has been an honor and privilege to serve the people of the United City of Yorkville. He noted that there are exciting times ahead for the community as well as challenges. He stated that while things may at times seem arduous there will be many opportunities ahead. He expressed his wish that the new Council would be able to recognize the best of the opportunities and have the strength to act upon them in the best interest of the United City of Yorkville. He then vacated his seat.

Mayor-elect Burd introduced Judge McCann who proceeded to swear in City Treasurer William Powell, City Clerk Jacquelyn Milschewski, Ward 1 Alderman Walter Werderich, Ward 2 Alderman Arden Joseph Plocher, Ward 3 Alderman Robyn Sutcliff, Ward 4 Alderman Rose Ann Spears and Mayor Valerie Burd.

INTRODUCTION OF GUESTS

Mayor Burd asked the staff and guests to introduce themselves. She welcomed the guests and asked them to enter their names on the attendance sheet provided

AMENDMENTS TO THE AGENDA

Mayor Burd requested that an emergency executive session be added to the end of the meeting before the Additional Business section of the agenda. She stated that there will be action taken afterward. A motion was made by Alderman Werderich; seconded by Alderman Spears.

Motion approved by a roll call vote. Ayes-8 Nays-0  
Besco-aye, Leslie-aye, Golinski-aye, Werderich-aye,  
Munns-aye, Plocher-aye, Spears-aye, Sutcliff-aye

COMMITTEE MEETING DATES

Public Works Committee	Committee of the Whole 7:00 P.M., Tuesday, May 15, 2007 City of Yorkville Conference Room
Economic Development Committee	Committee of the Whole 7:00 P.M., Tuesday, May 15, 2007 City of Yorkville Conference Room
Administration Committee	Committee of the Whole 7:00 P.M., Tuesday, June 5, 2007 City of Yorkville Conference Room

The Minutes of the Regular Meeting of the City Council – May 8, 2007 – page 2

Public Safety Committee

Committee of the Whole  
7:00 P M , Tuesday, June 5, 2007  
City of Yorkville Conference Room

PRESENTATIONS

None.

PUBLIC HEARINGS

None

CITIZEN COMMENTS

Darrel Brown, 8262 Highpoint Road, congratulated the newly elected officials. He also expressed his concern with the composting facility owned by Don Hammon. He noted that the odor from it is adversely affecting his way of life and is the worst it has been in the last seven years. He stated that it smells so bad that his children have to stay indoors. He speculated that the odor is related to the proposed landfill. He stated that he left Building Inspector Bill Dettmer several messages reporting the issue and finally spoke directly to him earlier in the day. He requested the City Council hold Mr. Hammon accountable for his operation and possibly raise the standards for it. City Administrator Crois reported that Mr. Dettmer was out on the site today and will be preparing a report for the City Council. He also recommended that those making complaints leave their name and telephone number when they call so that Mr. Dettmer can respond to them.

Brian LeClercq, Village President of Oswego, thanked Mayor Burd for inviting him to the meeting. He congratulated everyone and commented that there will be a lot of work ahead with many things happening. He invited the City Council to meet with Oswego's Board of Trustees so that the two communities can work together.

Joanne Gilbert, 8730 E Highpoint, commented that she was told by a lawyer that complaints against Mr. Hammon's operation need to be filed with the Illinois Environmental Protection Agency however she has a court order dated April 12, 1995 from the Kendall County court which states that complaints can be made to the Kendall County Health Department in lieu of the IEPA. She asked if this process transfers to the City now that the property has been annexed. City Attorney Wyeth stated that he had not seen the court order but the City could be the enforcer if applicable.

Marilyn Michelini, Village President of Montgomery congratulated the newly elected officials and stated that she looked forward to working together with them.

Tom Gilmore, county resident, wished the newly elected members of the City Council the best of luck. He stated that there was a bright future for Yorkville and he wished the new members the very best.

CONSENT AGENDA

1. Monthly Treasurer's Report for March 2007 (ADM 2007-37)
2. Resolution 2007-29 - Approving Petty Cash Policy - *authorize the Mayor and City Clerk to execute* (ADM 2007-38)
3. Ordinance 2007-39 - Amending Ordinance 1994-91 – Providing for the Imposition of a Garbage and Refuse Pick-Up Surcharge – Change to Surcharge Amount - *authorize the Mayor and City Clerk to execute* (ADM 2007-40)
4. Sponsorship Request for the Optimist Club – *authorize waiving park rental fee and provide in-kind hours from Park and Recreation Department* (CC 2007-05)
5. Approval of Historical Street Name (CC 2007-06)
  - a. Barbara Joan Groesch
  - b. Ralph and Arlene Blake
6. Approval of Honorary Street Names – Nomination of Founding Fathers by HRC: Delbert Trummel, Wayne Larson, Russ Hughes, Bill Randals and Richard Mitchell (CC 2007-07)

Mayor Burd entertained a motion to approve the Consent Agenda as presented. So moved by Alderman Golinski; seconded by Alderman Spears.

Motion approved by a roll call vote. Ayes-8 Nays-0  
Leslie-aye, Munns-aye, Plocher-aye, Spears-aye,  
Sutcliff-aye, Werderich-aye, Besco-aye, Golinski-aye

PLANNING COMMISSION/ZONING BOARD OF APPEAL

No report

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MINUTES FOR APPROVAL

A motion was made by Alderman Spears to approve the minutes of the City Council meetings of March 13, 2007 and March 27, 2007; seconded by Alderman Besco.

Motion approved by a viva voce vote.

A motion was made by Alderman Spears to approve the minutes of the Committee of the Whole meetings of March 20, 2007 and April 3, 2007; seconded by Alderman Besco.

Alderman Golinski noted a typographical error on page 6 of the April 3, 2007 minutes; "Alderman" Crois should be corrected to "Administrator" Crois.

Motion approved by a viva voce vote

BILLS FOR APPROVAL

A motion was made by Alderman Spears to approve the paying of the bills listed on the Detailed Board Report dated April 25, 2007 totaling the following amounts: checks in the amount of \$790,326.13 (vendors – revised 5/2/07 – see summary); \$223,420.54 (payroll period ending 4/14/07); for a total of \$1,013,746.67 (total); seconded by Alderman Besco.

Motion approved by a roll call vote   Ayes-8   Nays-0  
Munns-aye, Plocher-aye, Spears-aye, Sutcliff-aye,  
Werderich-aye, Besco-aye, Golinski-aye, Leslie-aye

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**REPORTS**

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MAYOR'S REPORT

Mayor Pro Tem for FY 07/08

Mayor Burd reported that in the past the mayor pro tem has been selected by seniority and Alderman Munns would be the next candidate.

A motion was made by Alderman Besco for Alderman Munns to be mayor pro tem; seconded by Alderman Spears.

Motion approved by a roll call vote   Ayes-8   Nays-0  
Besco-aye, Leslie-aye, Golinski-aye, Werderich-aye,  
Munns-aye, Plocher-aye, Spears-aye, Sutcliff-aye

**Appointment of City Attorney**

Mayor Burd reported that she would like to appoint Mike Roth from Wildman, Harrold, Allen and Dixon to be the interim city attorney. She entertained a motion to accept this firm. She indicated that the City Council had information before them and this will be for the short-term. She explained that she had interviewed several firms and felt this one would best suit Yorkville's short-term needs. She noted that Attorney Roth was the former city attorney for the City of Naperville and she asked for the City Council's vote of confidence. So moved by Alderman Munns; seconded by Alderman Plocher.

Alderman Munns questioned if Attorney Roth's fees would be comparable to those paid the previous city attorney. Attorney Roth explained that the proposal is for a fixed number of hours, starting at 50 hours per month, for a fixed fee.

Alderman Besco questioned if the budget needed to be adjusted to accommodate Attorney Roth's fees. Finance Director Mika stated that potentially it may need to be adjusted. Administrator Crois indicated that adjustments can be made at the six month review of the budget.

Mayor Burd indicated that this is not for the long-term and she envisioned that a committee of four aldermen would be established to interview firms after it has been determined if a full or part-time attorney is needed.

Alderman Leslie asked what the time frame was for the appointment. Mayor Burd indicated that it was open-ended and could be ended at any time.

Both Aldermen Leslie and Spears felt the firm was a good choice.

Motion approved by a roll call vote   Ayes-8   Nays-0  
Leslie-aye, Golinski-aye, Werderich-aye, Munns-aye,  
Plocher-aye, Spears-aye, Sutcliff-aye, Besco-aye

The Minutes of the Regular Meeting of the City Council – May 8, 2007 – page 4

**Kendall Marketplace Payment and Priority Agreement  
(CC 2007-08)**

Mayor Burd asked if anyone wanted to make a motion to approve the Kendall Marketplace Payment and Priority Agreement.

A motion was made by Alderman Besco to approve the form of agreement for Kendall Marketplace "Payment and Priority Agreement" between the Developer (Cannonball, LLC) Kohl's, Target, Home Depot, the Lender and the City, as presented, subject to staff and legal review and to authorize the Mayor to execute the final form of the Agreement; seconded by Alderman Leslie

Motion approved by a roll call vote. Ayes-8 Nays-0  
Golinski-aye, Werderich-aye, Munns-aye, Plocher-aye,  
Spears-aye, Sutcliff-aye, Besco-aye, Leslie-aye

**City Administrator Salary Range  
(CC 2007-09)**

Mayor Burd asked for a motion to approve the City Administrator recruitment posting salary range to be increased to \$130,000.00/year based on review of the position. She reported that the review indicated that high-end city administrators get up to this amount and the City wants to attract the brightest and best.

A motion was made by Alderman Leslie to approve City Attorney Recruitment Posting Salary Range to \$130,000.00; seconded by Alderman Werderich.

Alderman Besco asked if the budget would have to be adjusted to accomplish this. Finance Director Mika stated that it may potentially have to be adjusted however some vacancies may affect this.

Alderman Munns asked what the low end of the range was. Assistant City Administrator Olson explained that there is no low range and that the posting will state a salary of \$130,000.00, plus or minus.

Alderman Spears asked if the educational degree of the city administrators in other communities were investigated. Mr. Olson stated that his investigation revealed that a bachelor's degree was the minimum requirement with a master's degree preferred but not required. Alderman Spears felt that for \$130,000.00/year she would be more comfortable with a city administrator who had a master's degree. Mayor Burd stated that the intention is that in order for the candidate to get the high end of the salary, they would have to have top qualifications. Alderman Spears stated that she would like to see the job posting changed to indicate that the master's degree is required.

Alderman Golinski asked if the increase was recommended by the hiring consultant and Mr Olson stated that he did discuss the increase with them and they agreed with it.

There was some discussion on how the posting should read and the increase of the range.

Motion approved by a roll call vote. Ayes-5 Nays-2 Present-1  
Werderich-aye, Munns-aye, Plocher-aye, Spears-nay,  
Sutcliff-aye, Besco-present, Leslie-aye, Golinski-nay

**Committee/Commission Appointment**

Mayor Burd indicated that the chairmanship of the committee's would be established by seniority. The senior aldermen picked chairmanships and the outcome was:

- o Alderman Spears - Public Safety Committee
- o Alderman Munns - Administration Committee
- o Alderman Besco - Public Works Committee
- o Alderman Leslie - Economic Development Committee

The remaining aldermen picked vice-chairmanships based on seniority:

- o Alderman Golinski - Economic Development Committee
- o Alderman Werderich - Public Safety Committee
- o Alderman Plocher - Administration Committee
- o Alderman Sutcliff - Public Works Committee

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After some discussion the following seats on committees were determined to be:

- o Administration Committee – Aldermen Spears and Werderich
- o Economic Development Committee – Aldermen Munns and Besco
- o Public Safety Committee - Aldermen Golinski and Alderman Sutcliff
- o Public Works Committee – Aldermen Leslie and Plocher

**Poppy Awareness Days**

Mayor Burd read a proclamation for Poppy Awareness Days, May 17, 18 and 19, 2007 (see attached). She asked for a vote of ratification of the proclamation and it was approved by viva voce vote

CITY COUNCIL REPORT

No report.

ATTORNEY'S REPORT

No report

CITY CLERK'S REPORT

**Appointment of Deputy Clerk**

Clerk Milschewski requested a motion to approve Office Assistant Lisa Pickering as Deputy Clerk for the next fiscal year. So moved by Alderman Spears; seconded by Alderman Golinski.

Motion approved by a roll call vote. Ayes-8 Nays-0  
Plocher-aye, Spears-aye, Sutcliff-aye, Besco-aye,  
Leslie-aye, Golinski-aye, Worderich-aye, Munns-aye

CITY TREASURER'S REPORT

Treasurer Powell reported that bank signature cards will be available to be signed after the new aldermen receive their signature stamps. He indicated that until this is done, none of the newly elected aldermen can sign checks.

CITY ADMINISTRATOR'S REPORT

No report.

FINANCE DIRECTOR'S REPORT

Director Milka reported that she distributed new budget packets to the City Council.

DIRECTOR OF PUBLIC WORKS REPORT

No report

CHIEF OF POLICE'S REPORT

Chief Martin reported that a new police officer will be hired by June 5, 2007 and sworn in the following Tuesday.

DIRECTOR OF PARKS & RECREATION'S REPORT

No report.

COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

No report.

COMMUNITY RELATIONS MANAGER'S REPORT

No report.

COMMUNITY & LIAISON REPORT

No report.

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**COMMITTEE REPORTS**

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PUBLIC WORKS COMMITTEE REPORT

No report.

ECONOMIC DEVELOPMENT COMMITTEE REPORT

Ordinance 2007- 40

Approving a Redevelopment Agreement for the  
Downtown Redevelopment Project Area  
(EDC 2007-17)



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A motion was made by Alderman Leslie to approve an ordinance approving a Redevelopment Agreement for the Downtown Redevelopment Project; seconded by Alderman Munns

Motion approved by a roll call vote. Ayes-8 Nays-0  
Spears-aye, Sutcliff-aye, Besco-aye, Leslie-aye,  
Golinski-aye, Werderich-aye, Munns-aye, Plocher-aye

PUBLIC SAFETY COMMITTEE REPORT

No report.

ADMINISTRATION COMMITTEE REPORT

No report.

EXECUTIVE SESSION

Mayor Burd entertained a motion to Executive Session to discuss matters of pending litigation. She asked that the City Attorney and Attorney Kramer be included. So moved by Alderman Werderich; seconded by Alderman Munns

Motion approved by a roll call vote. Ayes-8 Nays-0  
Spears-aye, Sutcliff-aye, Werderich-aye, Besco-aye,  
Golinski-aye, Leslie-aye, Munns-aye, Plocher-aye

The City Council entered in to Executive Session at 8:10 p.m.

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

ADJOURNMENT

Mayor Burd entertained a motion to adjourn. So moved by Alderman Munns; seconded by Alderman Besco.

Motion approved by a viva voce vote.

Meeting adjourned at 8:45 P.M.

Minutes submitted by:

Jacquelyn Milschewski,  
City Clerk City of Yorkville, Illinois

\*\*\*Tape malfunctioned – barely audible