

KENDALL COUNTY PLANNING, BUILDING & ZONING COMMITTEE
Kendall County Office Building
Rooms 209 & 210
111 W. Fox Street, Yorkville, Illinois
6:30 p.m.
Meeting Minutes of July 13, 2020

CALL TO ORDER

The meeting was called to order by Chairman Prochaska at 6:30 p.m.

ROLL CALL

Committee Members Present: Scott Gengler, Judy Gilmour, Matt Kellogg (Vice-Chairman), and Matthew Prochaska (Chairman)

Committee Members Absent: Elizabeth Flowers

Also Present: Matt Asselmeier (Senior Planner), Valarie Epperson, Raymond Epperson, and Greg Chrisse

APPROVAL OF AGENDA

Member Gilmour made a motion, seconded by Member Gengler, to approve the agenda as amended by moving the items regarding Fox River Gardens and 56 Riverside Drive to after Petitions. With a voice vote of four (4) ayes, the motion carried.

APPROVAL OF MINUTES

Member Gilmour made a motion, seconded by Member Gengler, to approve the minutes of the June 8, 2020, meeting and June 29, 2020, special meeting. With a voice vote of four (4) ayes, the motion carried.

PUBLIC COMMENT

Greg Chrisse stated that the property owner at 56 Riverside Drive continues to dump on the property. He emphasized the lack of an elevation baseline; obtaining elevations at this time will not address the fill that has already been placed on the property. Mr. Chrisse requested that the Stormwater Management Ordinance be rewritten or revoked; the Ordinance does not work for older subdivisions. He requested a baseline of the older subdivision in Kendall County.

EXPENDITURE REPORT

The Committee reviewed the expenditure report.

PETITIONS

None

OLD BUSINESS

Request for Guidance Regarding Potential Violations at a Private Park Located in the Fox River Gardens Subdivision (PIN: 02-27-327-010) in Bristol Township

Mr. Asselmeier distributed the State's Attorney's opinion to Committee Members.

Member Kellogg asked if taxes had been paid. Mr. Asselmeier responded that taxes have not been paid and the owners have not been located. The Committee requested that Assessor Nicoletti be asked how much research occurred regarding finding the owners and how the value

of the property was determined.

Valarie Epperson said that Mr. Tuma passed away several decades ago.

The Committee requested that Mr. Asselmeier contact the Circuit Clerk's Office to see if Frank or Anna Tuma's wills were recorded in their office.

Member Gilmour asked what the residents wanted to do with the property. Ms. Epperson wanted to prevent the property from being altered by having trees and vegetation removed. She would like to save the property for wildlife. Ray Epperson expressed concerns more changes could occur in the future and could permanently damage the property.

Request for Guidance Regarding an Alleged Violation to the Stormwater Management Ordinance at 56 Riverside Drive (PIN: 02-27-328-007) in Bristol Township

Mr. Asselmeier presented the report from WBK. Because WBK could not determine when the dumping occurred in relation to the adoption of the Kendall County Stormwater Management Ordinance in 2011, WBK recommended not pursuing legal action against the owner of 56 Riverside Drive for violations to the Kendall County Stormwater Management Ordinance.

Chairman Prochaska asked about historic topographic information and LiDAR data.

Member Gilmour asked about the Illinois Drainage Law. Mr. Asselmeier said that enforcement of the Illinois Drainage Law is a civil matter.

The dumping of materials would be regulated by the Health Department unless junk and debris was dumped or if they continually piled materials in excess of three feet (3') in height.

The Health Department is looking into the dumping of yard waste.

The Committee requested that Mr. Asselmeier ask WBK if they examined historic LiDAR or topographic maps.

NEW BUSINESS

Discussion of Scheduling a Special Planning, Building and Zoning Committee Meeting in Boulder Hill; Committee Could Select a Date, Time, Location, and Agenda Items for the Special Meeting

Chairman Prochaska explained the purpose of having a meeting in Boulder Hill.

The suggestion was made to have Brian Holdiman, Larry Simmons, and representatives of Oswego Township in attendance at the meeting.

Discussion occurred about having the meeting at the same time and same location as the Boulder Hill Neighborhood Watch in September contingent on staying at least at Stage 4 in the COVID response.

Potential agenda topics include protocols and processes, violation and non-violation reports, permit reports, presentation by Brian Holdiman regarding enforcement, overview of zoning and noise ordinances, and the location of ordinances. If Committee members have additional topics, please send those topics to Mr. Asselmeier.

Approval of Proclamation Declaring August Historic Preservation Month in Kendall County

Member Gilmour made a motion, seconded by Member Kellogg, to recommend approval of the Proclamation. With a voice vote of four (4) ayes, the motion carried.

The proclamation will go to the County Board on August 4, 2020.

OLD BUSINESS

Discussion of Kendall County Stormwater Management Ordinance Enforcement

Mr. Asselmeier distributed the State's Attorney's opinion to Committee Members.

Approval to Forward the Draft Citation to the State's Attorney's Office

Member Gengler made a motion, seconded by Member Gilmour, to forward the draft to the State's Attorney's Office. With a voice vote of four (4) ayes, the motion carried.

Approval of a Resolution Designating the Administrator of the Kendall County Stormwater Management Ordinance

Member Kellogg made a motion, seconded by Member Gengler, to recommend approval of the resolution designating the Zoning Administrator as the Administrator of the Kendall County Stormwater Management Ordinance. With a voice vote of four (4) ayes, the motion carried.

The proposal will go to the County Board on July 21, 2020.

Approval of Establishing a Policy Setting a Maximum Dollar Amount by Which the Planning, Building and Zoning Department May Investigate Violations to the Kendall County Stormwater Management Ordinance Without Prior Planning, Building and Zoning Committee Approval

Member Kellogg made a motion, seconded by Member Gengler, to approve the policy setting the dollar amount at One Thousand Five Hundred Dollars (\$1,500) provided that the fee does not create a cost overrun within the Department's budget. With a voice vote of four (4) ayes, the motion carried.

REVIEW VIOLATION REPORT

The Committee reviewed the violation report. The new reports will be pre-violation and violations actually cited.

REVIEW NON-VIOLATION REPORT

The Committee reviewed the non-violation report.

UPDATE FOR HISTORIC PRESERVATION COMMISSION

Mr. Asselmeier stated that the Historic Preservation Commission will be meeting July 20, 2020, to discuss the Historic Preservation Award. A request has been sent to the Illinois Historic Preservation Agency for the Certified Local Government application.

REVIEW PERMIT REPORT

The Committee reviewed the permit report.

REVIEW REVENUE REPORT

The Committee reviewed the revenue report. Mr. Asselmeier noted that the total monthly dollar figure was the highest monthly total for at least ten (10) years.

CORRESPONDENCE

None

COMMENTS FROM THE PRESS

None

EXECUTIVE SESSION

Member Gengler made a motion, seconded by Member Gilmour, to enter into executive session for the purpose of reviewing minutes of meetings lawfully closed under the Illinois Open Meetings Act (5 ILCS 120/2(c)(21)).

The votes were as follows:

Yeas (4): Gengler, Gilmour, Kellogg, and Prochaska
Nays (0): None
Abstain (0): None
Absent (1): Flowers

The motion carried. The Committee recessed at 7:26 p.m.

Chairman Prochaska reconvened the Planning, Building and Zoning Committee at 7:28 p.m.

ROLL CALL

Committee Members Present: Scott Gengler, Judy Gilmour, Matt Kellogg (Vice-Chairman), and Matthew Prochaska (Chairman)

Committee Members Absent: Elizabeth Flowers

Also Present: Matt Asselmeier (Senior Planner)

NEW BUSINESS

Approval to Release the Executive Session Minutes of July 13, 2020

Member Gilmour made a motion, seconded by Member Kellogg, to release the Executive Session Minutes of July 13, 2020. With a voice vote of four (4) ayes, the motion carried.

ADJOURNMENT

Member Gilmour made a motion, seconded by Member Kellogg, to adjourn. With a voice vote of four (4) ayes, the motion carried. Chairman Prochaska adjourned the meeting at 7:54 p.m.

Minutes prepared by Matthew H. Asselmeier, AICP, CFM Senior Planner

Enc.

**KENDALL COUNTY
PLANNING, BUILDING, & ZONING COMMITTEE
JULY 13, 2020**

IF YOU WOULD LIKE TO BE CONTACTED ON FUTURE MEETINGS REGARDING THIS TOPIC, PLEASE PROVIDE YOUR ADDRESS OR EMAIL ADDRESS

NAME	ADDRESS (OPTIONAL)	EMAIL ADDRESS (OPTIONAL)
<i>GREG CHRISSE</i>		