

**KENDALL COUNTY BOARD  
ADJOURNED SEPTEMBER MEETING  
February 17, 2015**

STATE OF ILLINOIS     )  
  ) SS  
COUNTY OF KENDALL    )

The Kendall County Board Meeting was held at the Kendall County Office Building, Room 209, in the City of Yorkville on Tuesday, February 17, 2014 at 9:26 a.m. The Clerk called the roll. Members present: Chairman John Shaw, Lynn Cullick, Bob Davidson, Elizabeth Flowers, Judy Gilmour, Scott Gryder, Dan Koukol, Matthew Prochaska, John Purcell and Jeff Wehrli.

The Clerk reported to the Chairman that a quorum was present to conduct business.

**THE MINUTES**

Member Gilmour moved to approve the submitted minutes from the Adjourned County Board Meeting of 1/20/15. Member Flowers seconded the motion. Chairman Shaw asked for a voice vote on the motion. All members present voting aye. Motion carried.

**THE AGENDA**

Chairman Shaw stated that he would like to move Executive Session to the end of the meeting.

Member Purcell moved to approve the amended agenda. Member Cullick seconded the motion. Chairman Shaw asked for a voice vote on the motion. All members present voting aye. Motion carried.

**CITIZENS TO BE HEARD**

Chairman Shaw stated that since most citizens present will want to speak regarding item 3 under Planning, Building, and Zoning; he will allow them to speak when that item is up for discussion.

**ELECTED OFFICIALS REPORT AND OTHER DEPARTMENT REPORTS**

**Sheriff**

Under Sheriff Martin stated that the members should have the report in front of them and was available for questions.

**County Clerk**

**Revenue Report**

**1/1/15-1/31/15**

Line Item	Fund	Revenue
	County Clerk Fees	\$ 703.50
	County Clerk Fees - Marriage License	\$ 450.00
	County Clerk Fees - Civil Union	\$ -
	County Clerk Fees - Misc	\$ 1,251.00
	County Clerk Fees - Recording	\$ 24,387.00
01010061205	Total County Clerk Fees	\$ 26,791.50
01010001185	County Revenue	\$ 28,184.25
38010001320	Doc Storage	\$ 14,927.50
51010001320	GIS Mapping	\$ 25,250.00
37010001320	GIS Recording	\$ 3,156.00
01010001135	Interest	\$ 39.01
01010061210	Recorder's Misc	\$ 3,442.00
81010001320	RHSP/Housing Surcharge	\$ 12,663.00

CK # 17723

To KC Treasurer

\$

114,453.26

Death Certificate Surcharge sent from Clerk's office \$496.00 ck # 17719

Dom Viol Fund sent from Clerk's office \$170.00 ck 17720

**Treasurer**

Office of Jill Ferko  
 Kendall County Treasurer & Collector  
 111 W. Fox Street Yorkville, IL 60560

**Kendall County General Fund**  
 QUICK ANALYSIS OF MAJOR REVENUES AND TOTAL EXPENDITURES  
 FOR ONE MONTH ENDED 12/31/2014

<u>REVENUES*</u>	Annual <u>Budget</u>	2015 YTD <u>Actual</u>	2015 YTD <u>%</u>	2014 YTD <u>Actual</u>	2014 YTD <u>%</u>
Personal Property Repl. Tax	\$370,000	\$16,958	4.58%	\$19,255	5.28%
State Income Tax	\$2,390,000	\$237,825	9.95%	\$235,432	9.77%
Local Use Tax	\$450,000	\$47,550	10.57%	\$35,529	8.99%
State Sales Tax	\$825,000	\$0	0.00%	\$73,362	8.15%
County Clerk Fees	\$358,000	\$24,608	6.87%	\$28,920	6.40%
Circuit Clerk Fees	\$950,000	\$65,837	6.93%	\$72,781	6.62%
Fines & Foreits/St Atty.	\$500,000	\$39,605	7.92%	\$32,279	6.21%
Building and Zoning	\$55,000	\$4,011	7.29%	\$5,797	14.49%
Interest Income	\$30,000	\$410	1.37%	\$391	1.12%
Health Insurance - Empl. Ded.	\$1,114,336	\$85,847	7.70%	\$87,662	7.88%
1/4 Cent Sales Tax	\$2,575,000	\$0	0.00%	\$206,713	8.40%
County Real Estate Transf Tax	\$250,000	\$38,508	15.40%	\$18,917	5.73%
Correction Dept. Board & Care	\$900,000	\$97,800	10.87%	\$104,840	12.33%
Sheriff Fees	\$575,000	\$28,461	4.95%	\$31,002	4.77%
<b>TOTALS</b>	<b>\$11,342,336</b>	<b>\$687,420</b>	<b>6.06%</b>	<b>\$952,881</b>	<b>8.20%</b>
<b>Public Safety Sales Tax</b>	<b>\$4,300,000</b>	<b>\$0</b>	<b>0.00%</b>	<b>\$361,614</b>	<b>8.41%</b>
<b>Transportation Sales Tax</b>	<b>\$4,300,000</b>	<b>\$0</b>	<b>0.00%</b>	<b>\$361,614</b>	<b>8.41%</b>

\*Includes major revenue line items excluding real estate taxes which are to be collected later. To be on Budget after 1 month the revenue and expense should at 8.33%

**EXPENDITURES**

All General Fund Offices/Categories

<b>\$26,978,402</b>	<b>\$1,878,125</b>	<b>6.96%</b>	<b>\$2,698,306</b>	<b>10.87%</b>
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Jill Ferko, County Treasurer stated that revenues seem to be on track as far as the budget goes.

**State’s Attorney**

State’s Attorney, Eric Weis presented the annual report.

**STATE’S ATTORNEY 2014 REPORT**

The Kendall County State’s Attorney’s Office issued its 2014 year-end report, which reports case statistics, revenue and budget details, as well as comparisons to previous years. The majority of the resources from the State’s Attorney’s Office are dedicated to the prosecution of criminal cases. Eight assistant state’s attorneys and the State’s Attorney handled nearly 12,300 new criminal/traffic files last year. A break down of the cases filed and the dispositions of those cases are detailed below:

Case type	2014	2013	2012
Felony *	424	408	414
Misdemeanor (Excluding DUI)	1114	1059	1231
DUI	245	236	287
Traffic	10,219	11,590	12,190
Juv. Delinquency **	241	256	263
Juv. Abuse & Neglect	36	18	16
Juv. Truancy	10	7	1
Total cases filed ***	12,289	13,599	14,402

\* Multiple counts are usually filed as one case number. \*\* Only includes cases referred to the State’s Attorney’s Office from Court Services. \*\*\* Does not include civil cases, child support enforcement cases, ordinance violations, and post-sentence cases (Probations, Supervision, Conditional Discharge, Post-IDOC restitution, Post Conviction Petitions).

\*\* Of cases disposed of, convictions resulted in 94% of the cases in 2013 and 98% of the cases in 2014 as of January 16, 2015.

State’s Attorney, Eric Weis informed the board that criminal cases maintained steady numbers as far as felony, misdemeanor and DUI cases, traffic offenses have continued to go down, and juvenile abuse and neglect cases were up. They prosecuted 21 jury trials and the Grand Jury returned 560 bills of indictment. State’s Attorney Weis discussed the partnerships they have with the Child Advocacy Center and the Health Department; with these partnerships they have done over 600 interviews with alleged victims. They have estimated a savings of about \$700,000 since 2012 dealing with the collective bargaining matters and employment issues. Members discussed the increase in the crimes against children. State’s Attorney Weis thanked everyone for their donation to the Food Pantry.

**Coroner**

**Statistics:**

<b>2015 Statistics</b>	<b>Stats for Same Period in 2014</b>	<b>Difference</b>
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2015 Total Deaths.....	40	Total Deaths.....	46	-13%
Autopsies to Date.....	2	Autopsies....	2	0%
Toxicology Samples.	2	Toxicology Samples..	4	-50%
Cremation Permits....	24	Cremation Permits...	23	4%

**Health Department**

Dr. Tokars stated that on behalf of the Health Department they are honored to be doing meaningful work and the State’s Attorney’s Office in working on the cases through the Child Advocacy Center is preventing further violence in the community. Dr. Tokars announced that they are working on the 5 year community health assessment. The purpose of the health assessment is to examine and prepare for us a look at some of the public health matters that are priority for community members.

**Supervisor of Assessments**

Andy Nicoletti, Supervisor of Assessments reported that the final factor from the Department of Revenue is 1.0 so assessments will not be increased because of that; the actual level of assessment is 33.35. The senior exemption renewals forms will be going out soon. They are working on making sure that all the exemptions are on before rolling to the DOR level.

**STANDING COMMITTEE REPORTS**

**Planning, Building & Zoning**

**City of Yorkville Building Inspection Agreement**

Member Gryder made a motion to approve the first amendment to the City of Yorkville Building Inspection Agreement. Member Shaw seconded the motion. Chairman Shaw asked for a roll call vote on the motion. All members present voting aye. Motion carried.

A complete copy of IGAM 15-03 is available in the Office of the County Clerk.

**Special Use for River’s Edge Fellowship**

Member Gryder made a motion to approve Petition 14-39: Approval of a special use for the tenants, River’s Edge Fellowship, at 71 Boulder Hill Pass to operate a place of worship including community outreach events. Member Gilmour seconded the motion. Chairman Shaw asked for a roll call vote on the motion. All members present voting aye. Motion carried.

State of Illinois  
County of Kendall

Zoning Petition  
#14-39

**ORDINANCE NUMBER 15-02**  
GRANTING SPECIAL USE FOR THE TENANTS AT  
**71 BOULDER HILL PASS**  
**RIVER’S EDGE FELLOWSHIP**

WHEREAS, River’s Edge Fellowship has filed a petition for a Special Use within the B-3 Highway Business Zoning District for a 4,800 square foot tenant space on an overall 7.82 acre property located in the Boulder Hill Marketplace on the east side of Boulder Hill Pass, approximately 0.15 miles north of Route 25 (PIN# 03-05-401-003), in Oswego Township; and

WHEREAS, said petition is to allow the operation of a place of worship including community outreach events; and

WHEREAS, said property is currently zoned B-3 Highway Business District; and

WHEREAS, said property is legally described as:

THAT PART OF THE EAST HALF OF SECTION 5, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THRID PRINCIPLE MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF ILLINOIS ROUTE 25 AND THE EAST RIGHT OF WAY LINE OF THE C.B.& Q. RAILROAD, THENCE SOUTH ALONG SAID EAST RIGHT OF WAY LINE OF THE C.B. & Q. RAILROAD FOR A DISTANCE OF 2000 FEET; THENCE EAST ON A LINE SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 5 TO A POINT WHERE THE SAID LINE INTERSECTS THE WEST RIGHT OF WAY LINE OF BOULDER HILL PASS (AS SHOWN ON THE SUBDIVISION PLAT OF BOUDLER HILL UNIT #1) EXTENDED IN SAME ARC AS SHOWN; THENCE NORTHWESTERLY ALON GTHE WEST RIGHT OF WAY LINE OF SAID

BOULDER HILL PASS EXTENDED, TO A POINT WHERE THE SAID LINE INTERSECTS THE EAST RIGHT OF WAY LINE OF ILLINOIS ROUTE 25; THENCE SOUTHWESTERLY ALONG THE SAID RIGHT OF WAY LINE TO THE POINT OF BEGINNING

WHEREAS, all procedures required by the Kendall County Zoning Ordinance were followed including notice for public hearing, preparation of the findings of fact in accordance with Section 13.08.J of the Zoning Ordinance, and recommendation for approval by the Special Use Hearing Officer on February 2, 2015; and

WHEREAS, the findings of fact were approved as follows:

*That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. **We believe the presence of River's Edge Fellowship would help improve the public health, safety, comfort and general welfare of the Boulder Hill area.***

*That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. **Our desire, by being present in the Boulder Hill market, would be to not hinder or disrupt any business, office or residence but to be a benefit to all. We feel that fuller occupancy of the center would increase the traffic flow for existing businesses as well as increase the property value as a whole.***

*That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. **This is an existing shopping/professional center therefore all these considerations are already in place.***

*That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Hearing Officer. **We wholeheartedly agree to adhere to and respect all applicable regulations.***

*That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. **This special use permit will be consistent with the uses in the strip center.***

WHEREAS, the Kendall County Board has considered the findings and recommendation of the Special Use Hearing Officer & Zoning Board of Appeals and finds that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance; and

WHEREAS, this special use shall be run with the tenant, River's Edge Fellowship at 71 Boulder Hill Pass; and

WHEREAS, if the River's Edge Fellowship was to move out of the building the special use would dissolve at that time; and

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants approval of a special use zoning permit operate a place of worship including community outreach events in the 4,800 square feet of building space located at 71 Boulder Hill Pass.

Failure to comply with the terms of this ordinance may be cited as a basis for amending or revoking this special use permit.

IN WITNESS OF, this Ordinance has been enacted by the Kendall County Board this 17<sup>th</sup> day of February, 2015.

Attest:  
Debbie Gillette  
Kendall County Clerk

John Shaw  
Kendall County Board Chairman

### **Special Use for Andrew Sybert**

Member Gryder made a motion to approve Petition 14-42; Approval of a special use for Andrew Sybert at 655 Woolley Road to operate a landscape business with outdoor storage. Member Prochaska seconded the motion.

Angela Zubko, Planning and Zoning Manager explained that they are looking for an A1 special use for landscape business. They have placed 5 conditions on the approving ordinance. Ms. Zubko stated that the ZPAC committee recommended approval, the Plan Commission was a 2 to 3 vote for denial and the Hearing Officer made an unfavorable recommendation. The petitioner did change the site plan to address some of the issues.

Citizens to be heard:

William Richards stated that this is a quiet residential and horse area and a business area. Mr. Richards said that the property values will be hurt with the business in the neighborhood; it is too dense for the property. Mr. Richards stated the zoning rules of 1959, updated 4/8/1969 and amended on 12/6/2003 all state 3 acre lots minimum 200' wide at front building setback. The property is 153' wide. Mr. Richards cited the Ag Zoning rules which state that all materials be stored entirely within an enclosed structure and conditional uses may only be permitted if specifically authorized by the zoning administrator.

Tom Rohrbacher stated that 15 employees would be too intense for the area.

Janet Porter informed the board that she lives directly north of the proposed landscape business and her house is 100' from the North side of the property line. She stated that this is the area that they use to play with their kids and dogs and have family functions in. They have concerns about what the business will bring into their water system. Ms. Porter stated that if they are composting land waste it is subject to Illinois EPA laws.

Carey Porter commented that the approval of the petition would set a bad precedent; there are several other homes in the area that are up for sale. If a business of 15-20 employees is allowed, then it would make sense to allow others thus making it a business community and not a residential community.

Patti Kraus stated that she is concerned about where they propose to put the bulk storage; she would like it to be moved closer to their residence. Ms. Kraus stated that it was discovered that there are a couple of businesses associated with Sybert; will they be able to operate on the property as well.

Penny Richards stated that she opposes the proposed action for the following reasons. One semi load of waste lawn materials will be stored onsite, when the material heats up it may become combustible and have an obnoxious aroma which could cause breathing problems. It could be a harbor for rodents, vermin and mosquitoes. It would impose a health risk, impair property values, be a heavy burden on the access roads; additional traffic would constitute a potential safety hazard and would diminish the residents' enjoyment of their properties.

Ron Bochenek stated that the operation doesn't fit in the neighborhood.

David Dickinson stated that this is a residential neighborhood, the few businesses that are there you don't notice. Mr. Dickinson expressed concerns regarding noise, increased pollution, lot is too small to support activity discussed, increased fire risk, rodent problems, potential for ground water pollution, and potential EPA problems. Mr. Dickinson said that the business would be out of character for the area.

Andrew Sybert discussed the pictures he took of other businesses that have bulk storage tanks in the area.

There was discussion with Mr. Sybert about where the mulch and bulk storage will be on the located on the property and the number of employees he has, and the amount of mulch that will be stored on the property.

Ms. Zubko stated the reasons the Planning Commission had a denial, the major ones were drainage issues, noise, dust, pollution, smells, rodents and intensity of use. Ms. Zubko said that the petitioner wanted to change condition number 2 for the no loading or unloading of landscape waste equipment between 9pm and 6am to 7pm to 6am.

Member Wehrli made an amendment to the original motion to approve Petition 14-42; as presented with the following exceptions - #2 loading or unloading of landscape equipment between the hours of 7pm to 6am, landscape waste that can be put on the ground be put upfront bins closest to petitioner's house, fence be installed before outside storage is permitted, and the cap of employees be 12. Member Prochaska seconded the motion.

Member Flowers was excused from the meeting at 10:45am.

**BREAK**

**RECONVENE**

## **Public Safety**

### **Resolution Setting Number of Auxiliary Deputies**

Member Prochaska made a motion to approve the resolution setting the number of Auxiliary Deputies for the Kendall County Sheriff's Office and the amount of compensation for such services. Member Shaw seconded the motion.

Member Prochaska stated that all auxiliary deputies shall be unpaid volunteer positions but they shall be reimbursed for actual expenses incurred while in the service of the Kendall County Sheriff's Office. Under Sheriff Martin explained that they currently have less than 15 deputies now, they set the number at 30 to avoid going through this process again if they want to add more. Member Prochaska stated that they cannot go back and change the number unless every single position is filled.

Chairman Shaw asked for a roll call vote on the motion. All members present voting aye. **Motion carried.**

**COUNTY OF KENDALL, ILLINOIS  
RESOLUTION 15-07**

**RESOLUTION SETTING THE NUMBER OF AUXILIARY DEPUTIES FOR THE KENDALL COUNTY SHERIFF'S OFFICE  
AND AMOUNT OF COMPENSATION FOR SUCH SERVICES**

WHEREAS, 55 ILCS 5/3-6012 and 55 ILCS 5/3-6103 provides the Kendall County Sheriff with the authority to appoint auxiliary deputies to perform the following duties: to aid or direct traffic within Kendall County; to aid in control of natural or human made disasters; to aid in case of civil disorder as assigned and directed by the Kendall County Sheriff; and to perform the regular and normal duties of regular duties but only if an emergency exists such that it is impractical for regular deputies to perform their assigned and normal duties;

WHEREAS, pursuant to 55 ILCS 5/3-6013, such auxiliary deputies shall, at all times during the performance of their duties, be subject to the direction and control of the Kendall County Sheriff and shall not carry firearms, except with the permission of the Kendall County Sheriff, and only while in uniform and in the performance of their assigned duties;

WHEREAS, pursuant to 55 ILCS 5/3-6012, the number of auxiliary deputies to be appointed to perform these duties must be set by a majority vote of the Kendall County Board;

WHEREAS, pursuant to 55 ILCS 5/3-6013, the amount of compensation to be paid to these auxiliary deputies must also be set by a majority vote of the Kendall County Board;

WHEREAS, there is no past resolution found, which sets the number of auxiliary deputies and/or the amount of compensation to be paid to each auxiliary deputy who performs services on behalf of the Kendall County Sheriff's Office and Kendall County residents;

NOW, THEREFORE, BE IT RESOLVED that, effective immediately, the Kendall County Sheriff may appoint up to a maximum of thirty (30) unpaid auxiliary deputies to perform auxiliary deputy duties as set forth in 55 ILCS 5/3-6012 and 55 ILCS 5/3-6013; and

BE IT FURTHER RESOLVED that, effective immediately, the auxiliary deputies appointed by the Kendall County Sheriff pursuant to this resolution shall be unpaid, volunteer positions but they may be reimbursed for actual expenses incurred in performing their assigned duties, provided such expenses are approved by the Kendall County Sheriff.

Approved and adopted by the County Board of Kendall County, Illinois, this 17 day of February, 2015.

Board Chairman Signature:  
John A. Shaw, Chairman  
County Board

Attest:  
Debbie Gillette  
County Clerk

**Planning, Building & Zoning**

**Special Use for Andrew Sybert**

Member Wehrli made an amendment to the amendment to the original motion to approve Petition 14-42; conditions as follows – 1- no landscape waste generated off the property can be burned on site, 2- no loading or unloading of landscape equipment between the hours of 7pm to 6am, 3- no retail sales/business allowed on site, 4- restrict the amount of landscape waste that can be stored on site at any one time on the ground, stored in the bins upfront closest to house to 15 yards of landscape waste including what is in the bed of the trucks, the 15 yards must be removed within 1 week, 5 – solid fence must be installed within 6 months of the approval date of the special use, before any outside storage is permitted, the fence must be erected, and 6 –maximum of 9 employees. Member Prochaska seconded the motion.

Members discussed that the ordinance states that the special use will run with the owner's Andrew and Audra Sybert, if they were to move out of the home the special use would dissolve at the time. It was stated that the Sybert's do not own the property yet and this is common to present a special use at this time, it should not create a problem.

Member Prochaska made a motion to suspend the rules and take every action that is taken place on for the approval of petition 14-42: approval of the special use for Andrew Sybert at 655 Woolley Road to operate a landscape business with outdoor storage and start over. **Motion dies for lack of second.**

Chairman Shaw asked for a roll call vote on the amendment to the amended motion (2<sup>nd</sup> amendment). Members voting aye include Cullick, Davidson, Gryder, Prochaska, Purcell, and Wehrli. Members voting nay include Gilmour, Koukol, and Shaw. **Motion carried 6-3.**

Member Wehrli asked that his original amendment be withdrawn. Member Prochaska withdrew the second.

Chairman Shaw asked for a roll call vote on the original ordinance with the amendment that has the conditions read into by Member Wehrli. Members voting aye include Cullick, Davidson, Gryder, Prochaska, Purcell, and Wehrli. Members voting nay include Gilmour, Koukol, and Shaw. **Motion carried 6-3.**

State of Illinois  
County of Kendall

Zoning Petition  
#14-42

**ORDINANCE NUMBER 15-03**

GRANTING SPECIAL USE FOR THE OWNERS AT  
**655 WOOLLEY ROAD, OSWEGO 60543**  
**SYBERT LANDSCAPING**

WHEREAS, Andrew & Audra Sybert have filed a petition for a Special Use within the A-1 Agricultural Zoning District for a 3.14 acre property located on the north side of Woolley Road, 0.15 miles west of Stewart Road, commonly known as 655 Woolley Road, Oswego, (PIN# 03-24-100-019), in Oswego Township; and

WHEREAS, said property is currently zoned A-1 Agricultural; and

WHEREAS, said petition is to obtain an A-1 Special Use Permit to operate a landscape business with outdoor storage of vehicles, equipment and bulk materials associated with a landscape business; and

WHEREAS, said property is legally described as:

THAT PART OF THE EAST ½ OF THE NORTHWEST ¼ OF SECTION 24, TOWNSHIP 37 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE EAST ½ OF SAID NORTHWEST ¼; THENCE NORTH 89 DEGREES 39 MINUTES 30 SECONDS WEST ALONG THE SOUTH LINE OF SAID NORTHWEST ¼, 726 FEET FOR THE POINT OF BEGINNING; THENCE NORTH PARALLEL WITH THE EAST LINE OF SAID NORTHWEST ¼, 895.00 FEET; THENCE NORTH 89 DEGREES 39 MINUTES 30 SECONDS WEST PARALLEL WITH THE SOUTH LINE OF SAID NORTHWEST ¼, 152.80 FEET; THENCE SOUTH 0 DEGREES 02 MINUTES 00 SECONDS WEST 895.00 FEET TO THE SOUTH LINE OF SAID NORTHWEST ¼; THENCE SOUTH 89 DEGREES 39 MINUTES 30 SECONDS EAST ALONG SAID SOUTH LINE, 153.32 FEET TO THE POINT OF BEGINNING; IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.

WHEREAS, all procedures required by the Kendall County Zoning Ordinance were followed including notice for public hearing, preparation of the findings of fact in accordance with Section 13.08.J of the Zoning Ordinance, and recommendation for approval by the Special Use Hearing Officer on February 2, 2015; and

WHEREAS, the findings of fact were approved as follows:

*That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. **The current uses of the subject property include a residence; an amusement rides business and outdoor storage. The special use permit will allow for a landscaping business to operate on the subject property. Considering the existing uses, the special use will be detrimental to and endanger the public health, safety, morals, comfort or general welfare. This is a 3 acre property and in an area that is quasi-residential use and this use will right next to a residential area. The current property does not comply with not being detrimental.***

*That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. **The subject property is surrounded by farmland and property used both as a residence and as a commercial business. The petitioners will be using the property as a residence and as a landscaping business which is compatible with agricultural farming. The zoning classification with the general area is still agricultural.***

*That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. **All the utilities, access roads and drainage already exist for this site.***

*That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Hearing Officer. **The buildings already exist and the petitioner is not requesting any variances.***



That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. **This special use permit will not be consistent with the County's LRMP in that the subject property will be used in a more intense nature with the surrounding properties.**

WHEREAS, the Kendall County Board has considered the findings and recommendation of the Special Use Hearing Officer and finds that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance; and

WHEREAS, this special use shall be run with the owners, Andrew & Audra Sybert at 655 Woolley Road, Oswego; and

WHEREAS, if Andrew & Audra Sybert were to move out of the home the special use would dissolve at that time; and

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants approval of a special use zoning permit to operate a landscape business with outdoor storage of vehicles, equipment and bulk materials associated with a landscape business in accordance to the submitted Site Plan included as "Exhibit A" attached hereto and incorporated herein subject to the following conditions:

1. No landscape waste generated off the property can be burned on this site.
2. No loading or unloading of landscape equipment between the hours of 7pm and 6am.
3. No retail sales/business allowed on site.
4. Restrict the amount of landscape waste that could be stored on site at any one time on the ground (stored in the bins upfront closest to the house) to 15 yards of landscape waste including what is in the bed of the trucks. The 15 yards must be removed within 1 week.
5. The solid fence must be installed within 6 months of the approval date of the special use. Before any outside storage is permitted, the fence also must be erected.
6. A maximum of 9 of employees.

Failure to comply with the terms of this ordinance may be cited as a basis for amending or revoking this special use permit.

IN WITNESS OF, this Ordinance has been enacted by the Kendall County Board this 17<sup>th</sup> day of February, 2015.

Attest:

Debbie Gillette  
Kendall County Clerk

John Shaw  
Kendall County Board Chairman

#### **Administration/Human Resources**

Member Cullick made a motion to approve the Administration Human Resource Committee to meet on the first Thursday of the month at 9:00am, and a second meeting on the fourth Tuesday of the month at 5:30pm. Member Purcell seconded the motion. Chairman Shaw asked for a roll call vote on the motion. All members present voting aye. **Motion carried.**

#### **Highway**

##### **Jurisdictional Transfer .50 mile of Old Ridge Road**

Member Koukol made a motion to approve the Local Agency Agreement for Jurisdictional Transfer of 0.50 mile of Old Ridge Road from Kendall County to Na-Au-Say Road District. Member Davidson seconded the motion. Chairman Shaw asked for a roll call vote on the motion. All members present voting aye. **Motion carried.**

##### **Jurisdictional Transfer .303 mile of Old Ridge Road**

Member Koukol made a motion to approve the Local Agency Agreement for Jurisdictional Transfer of 0.303 mile of Old Ridge Road from Kendall County to Village of Plainfield. Member Davidson seconded the motion. Chairman Shaw asked for a roll call vote on the motion. All members present voting aye. **Motion carried.**

##### **Resolution Deleting .50 mile of Old Ridge Road**

Member Koukol made a motion to approve the resolution deleting 0.50 mile of Old Ridge Road from the County Highway System. Member Purcell seconded the motion. Chairman Shaw asked for a roll call vote on the motion. All members present voting aye. **Motion carried.**

#### **KENDALL COUNTY Resolution No. 15-08**

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#### **Providing for the Deletion of a Portion of Old Ridge Road from the Kendall County Road System**

**WHEREAS**, the County of Kendall, Illinois, hereinafter called the COUNTY, and Na-Au-Say Road District, hereinafter called the TOWNSHIP, did enter into an agreement for the jurisdictional transfer of a portion of Old Ridge Road (County Highway

11), beginning at the south edge of pavement of Illinois Route 126 and extending southerly 2,640 feet to the northern municipal limit of the Village of Plainfield, in its entirety, as identified on the attached location map; and

**WHEREAS**, in accordance with the provisions of the applicable Local Agency Agreement for Jurisdictional Transfer, the TOWNSHIP is to assume jurisdiction of the identified portion of Old Ridge Road upon execution of said Agreement by all parties.

**THEREFORE, BE IT RESOLVED**, by the County Board of Kendall County that the COUNTY agrees to delete the identified portion of Old Ridge Road from the County Road System, upon approval by the Illinois Department of Transportation.

STATE OF ILLINOIS        )  
  )SS  
COUNTY OF KENDALL    )

I, Debbie Gillette, County Clerk in and for said County, in the State aforesaid, and keeper of the records and files thereof, as provided by statute, do hereby certify the foregoing to be a true, perfect and complete copy of a resolution adopted by the Kendall County Board, at its regularly scheduled meeting in Yorkville, Illinois on the 17 day of February, A.D. 2015.

Debbie Gillette-County Clerk

**Resolution Deleting .303 mile of Old Ridge Road**

Member Koukol made a motion to approve the resolution deleting 0.303 mile of Old Ridge Road from the County Highway System. Member Purcell seconded the motion. Chairman Shaw asked for a roll call vote on the motion. All members present voting aye. Motion carried.

**KENDALL COUNTY  
Resolution No. 15-09**

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**Providing for the Deletion of a Portion of Old Ridge Road from the Kendall County Road System**

**WHEREAS**, the County of Kendall, Illinois, hereinafter called the COUNTY, and Village of Plainfield, Illinois, hereinafter called the VILLAGE, did enter into an agreement for the jurisdictional transfer of a portion of Old Ridge Road (County Highway 11), beginning at the northerly corporate limits of the VILLAGE, a point ½ mile south of Illinois Route 126, and extending southerly 1,600 feet to the end of pavement, in its entirety, as identified on the attached location map; and

**WHEREAS**, in accordance with the provisions of the applicable Local Agency Agreement for Jurisdictional Transfer, the VILLAGE is to assume jurisdiction of the identified portion of Old Ridge Road upon execution of said Agreement by all parties.

**THEREFORE, BE IT RESOLVED**, by the County Board of Kendall County that the COUNTY agrees to delete the identified portion of Old Ridge Road from the County Road System, upon approval by the Illinois Department of Transportation.

STATE OF ILLINOIS        )  
  )SS  
COUNTY OF KENDALL    )

I, Debbie Gillette, County Clerk in and for said County, in the State aforesaid, and keeper of the records and files thereof, as provided by statute, do hereby certify the foregoing to be a true, perfect and complete copy of a resolution adopted by the Kendall County Board, at its regularly scheduled meeting in Yorkville, Illinois on the 17 day of February, A.D. 2015.

Debbie Gillette-County Clerk

**Intergovernmental Agreement with Na-Au-Say Road District – Old Ridge Road**

Member Koukol made a motion to approve the Intergovernmental Agreement between Kendall County and Na-Au-Say Road District pertaining to the transfer of a part of Old Ridge Road. Member Purcell seconded the motion. Chairman Shaw asked for a roll call vote on the motion. All members present voting aye. Motion carried.

A complete copy of IGAM 15-04 is available in the Office of the County Clerk.

**Engineering Agreement with Crawford, Murphy & Tilly**

Member Koukol made a motion to approve an Engineering Agreement between Kendall County and Crawford, Murphy & Tilly, Inc for Preliminary Engineering Services for the Galena Road / Little Rock Road intersection project in the amount of \$239,998.55. Member Gilmour seconded the motion.

County Engineer, Fran Klaas explained that the purpose of the engineering study is to determine what type of improvement would be best for the intersection.

Chairman Shaw asked for a roll call vote on the motion. All members present voting aye. **Motion carried.**

A complete copy of IGAM 15-05 is available in the Office of the County Clerk.

#### **Facilities**

Member Koukol reviewed the minutes in the packet from the February 2, 2015 meeting.

#### **Economic Development**

#### **Revolving Fund Loan**

Member Koukol made a motion to approve a revolving fund loan to The Law Offices Corporation in the amount \$120,000. Member Cullick seconded the motion.

State's Attorney Weis stated that they have not received a signed copy back.

Member Davidson moved to table until a signed copy is received back. **Motion dies for lack of a second.**

Chairman Shaw asked for a roll call vote on the motion. Members voting aye include Cullick, Gilmour, Gryder, Koukol, Prochaska, Shaw and Wehrli. Member Davidson voting nay. Member Purcell voting present. **Motion carried 7-1-1.**

### **KENDALL COUNTY BOARD RESOLUTION Resolution No. 15-10**

**WHEREAS**, the County of Kendall, Illinois is a duly organized unit of local government existing within the State of Illinois;

**WHEREAS**, The Kendall County Board, being duly advised and after due consideration, and upon the advice and recommendation of counsel and its insurer hereby resolve as follows:

1. The County of Kendall hereby approves loaning the sum of \$120,000.00 to The Law Office Corporation; Boyd Ingemunson, individually; Dallas C. Ingemunson, individually and Dolores Ann Ingemunson, individually regarding a business that shall be operated at 226 S. Bridge Street, Kendall County Illinois.
2. A note evidencing said loan shall be executed jointly and severally by the above named parties. The loan shall be payable over twenty (20) years at an interest rate of 1.5%.
3. The purpose of the loan is for The Law Office Corporation to occupy and use the property as its business establishment at all times during the term of this loan. Said business shall include a music venue and the service of alcoholic beverages.
4. A mortgage evidencing the loan shall be executed by the parties and recorded against the property commonly known as 226 S. Bridge Street, Yorkville, Kendall County, Illinois. At all times during the term of this loan, The Law Office Corporation shall operate the above referenced business at said location.
5. A copy of the signed Note and Mortgage are hereby attached and incorporated by reference.

IT IS HEREBY RESOLVED that is approved.

PASSED by the Kendall County Board this 17 day of February 2015.

John Shaw, Kendall County Board Chairman

ATTEST: Debbie Gillette, County Clerk

#### **Finance**

#### **CLAIMS**

Member Purcell moved to approve the claims submitted in the amount of \$403,682.57. Member Prochaska seconded the motion.

**COMBINED CLAIMS:** FCLT MGMT \$41,529.09, B&Z \$1,881.08, CO CLK & RCDR \$1,597.68, ELECTION \$7,239.52, ED SRV REG \$5,826.42, SHRFF \$21,931.71, CRRCTNS \$8,323.60, EMA \$1,248.41, CRCT CT CLK \$90.34, JURY COMM \$4,430.05, CRCT CT JDG \$8,820.02, CRNR \$2,544.20, CMB CRT SRV \$3,347.39, PUB DFNDR \$129.00, ST ATTY \$3,620.31, TRSR \$369.51, EMPLY HLTH INS \$17,729.60, AUD & ACCT \$42,000.00, OFF OF ADMIN SRV \$190.37, CO BRD \$1,587.57, TECH SRV \$6,826.30, SOIL & WTR \$32,000.00, PRPRTY TX SRV \$13,860.00, ECON DEV \$3,000.00, CO HWY \$29,070.39, CO BRDG \$65,501.91, TRANSPRT SALES TX \$24,817.37, HLTH & HMN SRV \$11,964.28, FRST PRSRV

\$17,021.01, ANML CNTRL EXPNS \$41.33,RCRDR DOC STRG \$5,500.00, HIDTA \$4,360.88, CO CMSRY FND \$583.34, CRT SEC FND \$288.87, LAW LBRY FND \$734.00, CRCT CT DOC STRG \$2,685.00, PRBTN SRV \$3,788.73, ST ATTY DRG ENFRC EXP FND \$70.36, GIS \$54.78, KAT \$2,998.00, SHRFF FTA FND \$2,364.74, VAC \$1,715.41

Chairman Shaw asked for a roll call vote on the motion. All members present voting aye. **Motion carried.**

#### **Labor and Grievance**

No report.

#### **Committee of the Whole**

Chairman Shaw reviewed the minutes in the packet from the February 12, 2015 meeting.

### **STANDING COMMITTEE MINUTES APPROVAL**

Member Gryder moved to approve all of the Standing Committee Minutes and Reports. Member Prochaska seconded the motion. Chairman Shaw asked for a voice vote on the motion. All members present voting aye. **Motion carried.**

### **SPECIAL COMMITTEE REPORTS**

#### **Public Building Commission**

Member Wehrli stated that they did not have a meeting last month.

#### **VAC**

Member Wehrli stated that they did not have a meeting.

#### **Historic Preservation**

Member Wehrli stated that they will meet on February 18, 2015 and will discuss a landmark application. They are trying to get grant money for windows at the Historic Courthouse.

#### **Board of Health**

Member Wehrli stated that they will meet on February 17, 2015. Dr Tokars said that measles was declared no longer a disease that we should be afraid of in the year 2000 because there were virtually no cases moving about the United States. There have been some outbreaks, vaccination is very important.

#### **Juvenile Justice**

Member Gilmour reported that the Fundraising Committee met on January 9, 2015. They will have fundraiser called SKY Supporting Kendall Youth. It will be a 5K run/walk on April 18, 2015 at Hoover. People can register online at getmeregistered.com.

#### **Regional Office of Education**

Chris Mehochko, Regional Superintendent of Schools – Grundy and Kendall Counties presented the annual report. The number of offices is being reduced from 44 to 35 that does not affect us. There has been an increase in the amount of revenue generated at the center. The truancy law has changed which has brought the case load up. Mr. Mehochko reviewed the testing information, there has been a decreased in the number of GEDs and an increase in the other types of tests offered.

### **CHAIRMAN'S REPORT**

Chairman Shaw removed Bob Hyde from the appointments since he is an alderman with the City of Plano, this may create a conflict of interest.

#### **Appointments**

Judy Gilmour – Stormwater Management Planning Committee – Expires November 30, 2016  
Lynn Cullick – Stormwater Management Planning Committee, Alternate – Expires November 30, 2016  
Matthew Prochaska – Stormwater Management Planning Committee, Alternate – Expires November 30, 2016  
Roger Bledsoe – Regional Planning Commission – 3 year term – Expires January 2018  
Larry Nelson – Regional Planning Commission – 3 year term – Expires January 2018  
Vern Poppen – Regional Planning Commission – 3 year term – Expires January 2018

Jack Westphall – Merit Commission – Replacement for Keith Barnhart - Expires March 8, 2017

~~Bob Hyde – Rob Roy Drainage District – 3 year term – Expires February 2018~~

Member Koukol moved to approve the appointments except Bob Hyde. Member Gryder seconded the motion. Chairman Shaw asked for a roll call vote on the motion. All members present voting aye. **Motion carried.**

#### **Announcements**

Jim Lee – Morgan Creek Drainage District – 3 year term – Expires February 2018

Dale Konicek – Rob Roy Drainage District – 3 year term – Expires February 2018

Richard “Shorty” Dickson – Raymond Drainage District – 3 year term – Expires February 2018

Robert K. Stewart – Morgan Creek Drainage District – 3 year term – Expires February 2018

Brad Mathre – Ethics Commission – 2 year term – Expires February 2017

Kristine Heiman – Ethics Commission – 2 year term – Expires February 2017

Amy Cesich – Ethics Commission – 2 year term – Expires February 2017

Judith Burks – Ethics Commission – 2 year term – Expires February 2017

Carl Gutierrez – Ethics Commission – 2 year term – Expires February 2017

Chairman Shaw reported that Judge McCann expressed interest in combining the Judicial/Legislative and Public Safety meetings into one monthly meeting. Chairman Shaw stated that the Circuit Court bargaining agreement has been approved.

Member Gryder was excused from the meeting at 12:27pm.

#### **EXECUTIVE SESSION**

Member Koukol made a motion to go into Executive Session 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, Member Purcell seconded the motion. Chairman Shaw asked for a roll call vote on the motion. All members present voting aye. **Motion carried.**

#### **RECONVENE**

#### **ADJOURNMENT**

Member Davidson moved to adjourn the County Board Meeting until the next scheduled meeting. Member Prochaska seconded the motion. Chairman Shaw asked for a voice vote on the motion. All members present voting aye. **Motion carried.**

Approved and submitted this 27th day of February, 2015.

Respectfully submitted by,  
Debbie Gillette,  
Kendall County Clerk