

**KENDALL COUNTY BOARD
ADJOURNED SEPTEMBER MEETING
October 7, 2014**

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, October 7, 2014 at 6:00 p.m. The Clerk called the roll. Members present: Chairman John Shaw, Amy Cesich, Lynn Cullick, 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 Cullick moved to approve the submitted minutes from the Adjourned County Board Meeting of 9/2/14. Member Flowers seconded the motion. Chairman Shaw asked for a voice vote on the motion. All members present voting aye. **Motion carried.**

THE AGENDA

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

CITIZENS TO BE HEARD

Todd Milliron, Yorkville spoke regarding a Forest Preserve matter involving a vote taken on the electrical bill. Mr. Milliron suggested that the job description for the Forest Preserve Director include the salary and wanted to know if other departments had limits on the credit cards. Mr. Milliron made comments regarding the Per Diem Ad Hoc Committee meeting.

OLD BUSINESS

Letter to USEPA & Army Corps

County Engineer, Fran Klaas explained that the EPA and the Army Corp is trying to change the definition of "Waters of the United States" and take over jurisdiction and possibly road side ditches; wherein the county highway may not be able to maintain them. Mr. Klaas read from the briefing regarding the proposed rule.

Member Purcell moved to approve the letter to USEPA & Army Corps relating to the proposed definition of "Waters of the United States" under the Clean Water Act with the addition of both US Senators. Member Cullick 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 14-41 is available in the Office of the County Clerk.

STANDING COMMITTEE REPORTS

Planning, Building and Zoning

Petition 14-23 – Special Use for 3485 Route 126

Member Gryder moved to approve Petition 14-23: Approval of an A-1 special use for a clean-up restoration service/business to be located at 3485 Route 136. Member Cesich seconded the motion. Chairman Shaw asked for a roll call vote on the motion. All members present voting aye except Koukol who abstained. **Motion carried.**

ORDINANCE NUMBER 2014 - 29

GRANTING A SPECIAL USE FOR
3485 ROUTE 126
FOR A CLEAN-UP RESTORATION SERVICE/ BUSINESS

WHEREAS, DTG Investments LLC, has filed a petition for a Special Use within the A-1 Agricultural Zoning District for a 5.93 acre property located on the north side of Route 126, 0.45 miles west of Schlapp Road, commonly known as 3485 Route 126 (PIN#06-09-400-005), in NaAuSay Township, and;

WHEREAS, said petition is to allow the operation of a clean-up restoration service/business; and

WHEREAS, petition #14-22 was approved on September 16, 2014 as Ordinance 2014-27 as the text amendment to allow such a use as a special use in the A-1 Agricultural district; and

WHEREAS, said property is currently zoned A-1 Agricultural with an existing Special Use for the operation of a landscape business; and

WHEREAS, the County Board of Kendall County, Illinois did grant the petitioner said request as Ordinance 2007-10 on March 20, 2007; and

WHEREAS, said property is legally described as:

THAT PART OF THE WEST ½ OF THE SOUTHEAST ¼ OF SECTION 9 AND PART OF THE WEST ½ OF THE NORTHEAST ¼ OF SECTION 16 ALL IN TOWNSHIP 36N, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING NORTHERLY OF THE CENTERLINE OF ILLINOIS ROUTE NO. 126 DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID SOUTHEAST ¼ OF SECTION 9; THENCE NORTH 01 DEGREES, 36 MINUTES, 40 SECONDS WEST ALONG THE WEST LINE OF SAID SOUTHEAST ¼, 260 FEET; THENCE NORTH 88 DEGREES, 44 MINUTES, 53 SECONDS EAST, 335 FEET; THENCE SOUTH 01 DEGREES, 39 MINUTES, 11 SECONDS EAST, 677.39 FEET TO THE CENTERLINE OF SAID ROAD; THENCE SOUTH 80 DEGREES, 28 MINUTES, 31 SECONDS, WEST ALONG SAID CENTERLINE, 338.17 FEET TO THE WEST LINE OF SAID NORTHEAST ¼; THENCE NORTH 01 DEGREES, 40 MINUTES, 39 SECONDS WEST ALONG SAID WEST LINE, 466.05 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF NAAUSAY, 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 September 3, 2014 & on September 29, 2014; and

WHEREAS, the findings of fact were approved as follows (on both dates):

*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 property was previously used for a landscaping business and this new use will be less noticeable as everything takes place inside the buildings including storage of the vehicles.***

*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 site will not be modified in any way and is surrounded by farmland and a special use for ag implement sales next door to the east.***

*That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. **Nothing is being modified on this site and access already exists.***

*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. **Assuming the text amendment passes to allow this type of use in the A-1 district it will conform to 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. **The special use is consistent with the LRMP.***

WHEREAS, the Kendall County Board has considered the findings and recommendation of the 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 treated as a covenant running with the land and is binding on the successors, heirs, and assigns as to the same special use conducted on the property; and

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants approval of a special use zoning permit to operate a clean-up restoration service/business in accordance to the submitted Site Plan included as "Exhibit A" attached hereto and incorporated herein subject to the following conditions:

1. Must meet all the conditions of the text amendment:
 - a. If zoned A-1 Agricultural the facility shall have direct access to a road designated as a major collector (or higher) on the County Land Resource Management Plan.
 - b. All commercial vehicles are to be stored inside an accessory structure when not in use unless outdoor storage is screened from adjacent and surrounding properties and screening and storage is shown on the approving site plan.
 - c. All operations are to take place inside an enclosed structure.
 - d. A waste management plan must be submitted and an exhibit to the approving ordinance. (Exhibit B)
 - e. A material management plan must be submitted including where items will be stored on site including but not limited to chemicals and belongings. (Exhibit C)
 - f. No materials that are brought in can be burned on this site.
 - g. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance (Sign Regulations).
 - h. Shall satisfy all requirements of the Kendall County Health Department and Building Department prior to the issuance of occupancy permits.
2. No outdoor storage except employee's cars.
3. No activity including parking or storage is permitted in the floodplain.
4. If any future expansion is proposed a major amendment to the special use will need to be filed.

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 7th day of October, 2014.

Attest:

Debbie Gillette
Kendall County Clerk

John Shaw
Kendall County Board Chairman

Administration/HR

2015 Property, Liability & Workers Compensation

Member Gilmour moved to approve the 2015 Property, Liability & Workers Compensation Program Option A Recommendation. Member Cesich seconded the motion. Chairman Shaw asked for a roll call vote on the motion. All members present voting aye. **Motion carried.**

Economic Development

Resolution in Opposition to the Continuation of the State Income Tax Increase

Member Koukol moved to approve the Resolution in opposition to the continuation of the State Income Tax increase. Member Prochaska seconded the motion. Chairman Shaw asked for a roll call vote on the motion. All members present voting aye. Motion carried.

COUNTY OF KENDALL
RESOLUTION 2014-29

**RESOLUTION IN OPPOSITION TO THE CONTINUATION OF
THE STATE INCOME TAX INCREASE**

WHEREAS, in January of 2011, the State of Illinois passed a personal income tax increase from 3% to 5% (a 66% increase) and a corporate income tax increase from 4.8% to 7%; and

WHEREAS, revenue projections would put increasing total state revenue at \$7 billion per year projecting total revenue at \$25 billion at the end of this past fiscal year (July 1, 2014); and

WHEREAS, Kendall County's median household income is \$83,835, according to the U.S. Census Bureau, and the tax increase cost the average Kendall County household \$1,676.70 per year or \$5,030.10 since the inception of the income tax increase; and

WHEREAS, written into the tax increase bill was a sunset on January 1, 2015; and

WHEREAS, it is the opinion of the Kendall County Board that the legislative intent of this tax increase was to be temporary to deal with the financial crisis of 2008; and

WHEREAS, since the tax increase, Illinois has lagged behind the nation's recovery from economic recession. Illinois' current unemployment rate is at 6.8% and an underemployment rate of 14.8%, while the national average is at 6.1% and 12.9% respectively.

NOW, THEREFORE BE IT RESOLVED BY THE COUNTY BOARD OF KENDALL COUNTY, AS FOLLOWS:

- 1) It is the opinion of the Kendall County Board that the tax increase has hindered the economic recovery of Illinois and Kendall County; and
- 2) It is the opinion of the Kendall County Board that state legislators should adhere with the original intention of allowing the 2011 tax increase to expire in order to bring Illinois on track with the rest of the nation through economic recovery; and
- 3) The County Board directs the Office of Administrative Services to submit this resolution to the State Senators representing Kendall County, Senator Jim Oberweis, Senator Linda Holmes, Senator Jennifer Bertino-Tarrant, and Senator Sue Rezin, and the State Representatives of Kendall County, Representative John Anthony, Representative Kay Hatcher, Representative Tom Cross, and Representative Stephanie Kifowit, and the Speaker of the Illinois House, the Illinois House Republican Leader, the Illinois Senate President, the Illinois Senate Republican Leader, and the Governor of the State of Illinois.

Approved and adopted by the County Board of Kendall County, Illinois, this 7th day of October, 2014.

John A. Shaw, Chairman
Kendall County Board

ATTEST:
Debbie Gillette, County Clerk

Finance

CLAIMS

Member Purcell moved to approve the claims submitted in the amount of \$621,222.00. Member Cesich seconded the motion.

COMBINED CLAIMS: FCLT MGMT \$25,288.40, B&Z \$3,924.61, CO CLK & RCDR \$136.45, ELECTION \$2,110.00, ED SRV REG \$739.12, SHRFF \$14,710.94, CRRCTNS \$935.64, EMA \$884.38, CRCT CT CLK \$496.71, JURY COMM \$1,695.85, CRCT CT JDG \$2,716.77, CRNR \$1,087.47, CMB CRT SRV \$6,441.66, PUB DFNDR \$709.76, ST ATTY \$1,812.57, EPLY HLTH INS \$354,307.86, PPPOST \$1,208.59, OFF OF ADM SRV \$1,208.47, CAP EXPEND \$273.73, ECON DEV EXPEND \$43.88, CO HWY \$7,058.51, TRNSPRT SALES TX \$10,563.00, HLTH & HMN SRV \$79,300.32, FRST PRSRV \$8,980.52, ANML MED CR FND \$242.00, ANML CNTRL EXPNS \$1,617.13, CO RCDR DOC STRG \$472.07, SHRF PRV ALC CRM \$74.00, HIDTA \$32,425.36, CO CMSRY FND \$13,810.37, Co Board 10/7/14

CRT SEC FND \$24.10, LAW LBRY \$4,077.65, CRT AUTOMA \$1,737.62, PRBTN SRV EXP FND \$10,572.75, KAT \$42.82, ENG/CNSLTNG ESCROW \$1,428.48, PUB SFTY \$1,106.25, FLDS OF FRM CLNY \$144.10, ANML POP CNTRL \$535.00, VAC \$7,520.81, HAVA GRNT EXP \$5,847.92, TECH SRV \$9,670.67, GIS \$60.60

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

Release of Executive Session Minutes

Member Purcell moved to approve the Release of the Finance Executive Session Meeting minutes for September 25, 2012, March 14, 2013, April 25, 2013, November 25, 2013 and March 13, 2014. Member Flowers seconded the motion. Chairman Shaw asked for a roll call vote on the motion. All members present voting aye. **Motion carried.**

Member Purcell stated that they are continuing to work on the budget and they are working towards a balanced budget.

Judicial Legislative

Member Cullick stated that there was not a meeting.

Animal Control

Meeting time change

Member Cesich moved to approve the permanent meeting time change to 4:00pm on the Wednesday after the second County Board meeting. Member Cullick seconded the motion. Chairman Shaw asked for a roll call vote on the motion. All members present voting aye. **Motion carried.**

Adoption promotion and donation allocation

Member Cesich moved to authorize adoption promotion and donation allocation: Donor will provide the Kendall County Animal Control donations in the amount of \$50 per dog or cat adopted for a 30 day period. Authorization is to utilize \$25 of each donation to reduce the cost of each adoption and deposit \$25 of each donation into the Animal Medical Care Fund. Staff may implement similar adoption promotions in accordance with donor instructions for allocations of donor funds. Member Flowers seconded the motion. Chairman Shaw asked for a roll call vote on the motion. All members present voting aye. **Motion carried.**

Credit Card Limit

Member Cesich moved to authorize credit card limit of \$1,500 for Animal Control Director. Member Flowers seconded the motion. Chairman Shaw asked for a roll call vote on the motion. All members present voting aye. **Motion carried.**

Release of Executive Session Minutes

Member Cesich moved to approve the Release of the Animal Control Executive Session Meeting minutes for April 17, 2013, March 20, 2014 and July 9, 2014. Member Flowers seconded the motion. Chairman Shaw asked for a voice vote on the motion. All members present voting aye. **Motion carried.**

Health & Environment

Member Gilmour reviewed the minutes in the packet from the September 15, 2014 meeting.

STANDING COMMITTEE MINUTES APPROVAL

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

SPECIAL COMMITTEE REPORTS

Kencom Executive Board

Member Gilmour stated the Executive Board's met on September 25, they will be meeting monthly while they are working on the budget. They approved appointments of Gene Leopold from Sandwich Fire District as the primary and Mike Pruski from Sandwich Fire District as alternative member on the Operations Board. They are beginning work on the phase three radio expansion project.

Housing Authority

Member Prochaska stated that the next meeting is on October 17, 2014, they will be approving next year's payment which the amount of money given per housing voucher per month. The Director, Deb Darzinskis has retired.

Per Diem Ad Hoc

Member Cesich stated the options that the committee could take regarding the per diems that came out of the last meeting.

CHAIRMAN'S REPORT

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

Appointment

Roger Bledsoe – Regional Planning Commission – Na Au Say Representative – expires 2015

EXECUTIVE SESSION

Member Purcell 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, or when the public body finds that an action is probable or imminent, in which case the basis for the finding shall be recorded and entered into the minutes of the closed meeting. Member Gryder seconded the motion. Chairman Shaw asked for a roll call vote on the motion. All members present voting aye. **Motion carried.**

RECONVENE

ADJOURNMENT

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

Approved and submitted this 14th day of October, 2014.

Respectfully submitted by,
Debbie Gillette
Kendall County Clerk