

KENDALL COUNTY PLANNING, BUILDING & ZONING COMMITTEE

Kendall County Office

Building Rooms 209 & 210

111 W. Fox Street, Yorkville, Illinois

8:00 a.m.

Meeting Minutes of June 24, 2019

CALL TO ORDER

The meeting was called to order by Chairman Prochaska at 8:00 a.m. Chairman Prochaska led the attendees in the Pledge of Allegiance.

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), Brian Holdiman (Code Compliance Officer), Scott Koeppel (County Administrator), June McCord, and Suzanne Casey

APPROVAL OF AGENDA

Member Gilmour made a motion, seconded by Member Kellogg, to approve the agenda with amendments by moving the Plattville item ahead of New Business and moving the Highgrove stormwater issue to the first item of New Business. With a voice vote of four (4) ayes, the motion carried unanimously.

APPROVAL OF MINUTES

Member Gilmour made a motion, seconded by Member Gengler, to approve the minutes of the June 10 and June 18, 2019, meetings. With a voice vote of four (4) ayes, the motion carried unanimously.

PUBLIC COMMENT:

None

PETITIONS:

None

OLD BUSINESS

Recommendation on Request from the Village of Plattville to Amend Section 2 of the Proposed Intergovernmental Agreement by Deleting the Reference to the Kendall County Comprehensive Plan and Clarification of Costs as Stated in Section 4 of the Proposal

Plattville Village President June McCord requested that the reference that Plattville adopt the County's Comprehensive Plan be removed from Section 2 of the proposed Intergovernmental Agreement. Plattville previously adopted a Comprehensive Plan and is considering amending their Plan. If the amendment to the Intergovernmental Agreement is approved, the Kendall County Regional Planning Commission, Kendall County Zoning Board of Appeals, and Kendall County Planning, Building and Zoning Department would follow the Village of Plattville's Comprehensive Plan when making recommendations regarding land uses inside Plattville. Village President McCord was agreeable to the fee requirement listed in Section 4 of the proposed Intergovernmental Agreement.

Member Gilmour made a motion, seconded by Member Gengler, to recommend approval of an amendment to the Intergovernmental Agreement by removing the requirement that the Village of Plattville adopt Kendall County's Comprehensive Plan.

The votes were as follows:

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

The motion carried. This matter goes to the Kendall County Board on July 2, 2019.

NEW BUSINESS

Request for WBK to Conduct a Stormwater Investigation at Highgrove Subdivision at a Cost Not to Exceed \$1,200

Suzanne Casey provided information and pictures of flooding in the area.

Member Kellogg asked who would be responsible for solving the problem if a violation existed. Mr. Asselmeier responded that the County would pursue legal action against the property owners per the violation process in the Stormwater Management Ordinance.

Mr. Holdiman explained the site plan review process.

Ms. Casey requested information on how to correct the stormwater problem.

Discussion occurred regarding terraces on the property.

The consensus of the Committee was to request that the Kendall County Highway Department shoot the grades of the lots and road. Also, to ask Fran Klaas if the grade of the ditch at the front of the lots are adequate.

Request from Jennifer Wirth for a Refund in the Amount of \$260.48 for an Unused Building Permit at 977 Route 31, Oswego

Mr. Asselmeier summarized the request.

Ms. Wirth is requesting a refund in the amount of Two Hundred Sixty Dollars and Forty-Eight Cents (\$260.48). She wanted to construct a pole building on her property and her supplier cannot fulfill the order.

Member Gilmour made a motion, seconded by Member Gengler, to refund the money as requested.

The votes were as follows:

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

The motion carried. This matter goes to the Kendall County Board on July 2, 2019.

Review of Annual NPDES Survey

Mr. Asselmeier read his memo on the subject.

According to Kendall County's NPDES Permit, the County is supposed to survey townships annually on stormwater related topics.

WBK provided the list of question.

Staff is not proposing any changes to the survey.

Staff was wondering if the Committee had any suggested questions they would like included on the survey.

Surveys will be mailed and emailed to the townships.

The consensus of the Committee was that no changes should be made to the survey.

Recommendation on Junk and Debris Citation Letter

Mr. Koepfel distributed the letter. The letter is basically the same as the letter for violations to the Inoperable Vehicle Ordinance with adjustments made to reflect the requirements of the Junk and Debris Ordinance.

The Committee waived attorney-client privilege on this matter.

Mr. Asselmeier read the definition of junk and debris from the Junk and Debris Ordinance.

Member Gengler made a motion, seconded by Member Gilmour, to forward the letter to the County Board.

The votes were as follows:

Yeas (4): Gengler, Gilmour, Kellogg, and Prochaska

Nays (0): None

Abstain (0): None

Absent (1): Flowers

The motion carried. This matter goes to the Kendall County Board on July 2, 2019.

Discussion of Planning, Building, and Zoning Department Related Ordinance Enforcement

Mr. Asselmeier read his memo on the subject.

In 2018, the Planning, Building and Zoning Committee directed the Department to work with the State's Attorney's Office on updating various Planning, Building and Zoning related ordinances to allow the Department to issue citations instead of having the County Board file civil suit against alleged violators. In 2018 and 2019, the County Board amended the Inoperable Vehicle Ordinance and Junk and Debris Ordinance to allow the Planning, Building and Zoning Department to issue citations without receiving a complaint.

The next ordinance that could be amended to allow issuance of citations is the Zoning Ordinance. The Zoning Ordinance regulates uses on property, heights of structures, the placement of fences, and parking locations, among many other regulations.

As an example of change in process, if the Department had citation authority, the fence at 790 Eldamain Road would have been sent to court in 2018 instead of continual review by various County committees.

In addition, the citation writing procedure within the Department is new and may take time to refine in cases of inoperable vehicles and junk and debris cases. Also, with a limited number of employees, the Department is learning how to appropriately allocate time for employees to handle additional enforcement cases.

Staff is requesting time to gather data on the enforcement of the recently updated Inoperable Vehicle and Junk and Debris Ordinances before moving forward with the zoning ordinance.

Accordingly, Staff requests direction as to how to proceed with ordinance enforcement.

Mr. Koepfel explained the old and new process for handling complaints.

The consensus of the Committee was to take time to see how enforcement of the Junk and Debris and Inoperable Vehicle Ordinance goes. The consensus of the Committee was also to have the Department research the cost for hiring either a part-time or full-time code enforcement officer.

Discussion of Intergovernmental Agreement with Oswego Township for Ordinance Enforcement

Mr. Asselmeier read his memo on the subject.

The majority of Planning, Building and Zoning ordinance violation complaints occur in Oswego Township, the most populous township in Kendall County.

Since 2018, Oswego Township has amended their parking regulations in cases of certain snowfalls and enhanced their tall grass and weed regulations. In order to enforce these regulations, Oswego Townships has hired one (1) part-time inspector.

When Oswego Township's inspector is in the field, he observes violations of various Kendall County Planning, Building and Zoning related ordinances. When Brian Holdiman is in the field in Oswego Township, he observes violations of Oswego Township's regulations.

Staff was wondering if the Department should pursue an intergovernmental agreement with Oswego Township on ordinance enforcement matters. As a starting point, Oswego Township would assist in the enforcement of Kendall County's Junk and Debris Ordinance and Inoperable Vehicle Ordinance and Kendall County would assist Oswego Township with Tall Grass and Weed Violations. At this point, increased citation capabilities are new for both Oswego Township and the Kendall County Planning, Building and Zoning Department. Any intergovernmental agreement would not be executed until 2020 at the earliest.

The preference of the Committee was for the County to hire an additional employee instead of an Intergovernmental Agreement because the County would have greater control over a County employee instead of an employee of another governmental entity. The consensus of the Committee was to hold off of an Intergovernmental Agreement at this time.

OLD BUSINESS

Request from Randy Erickson D.B.A. Erickson Construction that the Insurance Requirements for the Proposed Plumbing Inspection Contract Remain Unchanged

Mr. Asselmeier read his memo on the subject.

Kendall County's contract with Randy Erickson, D.B.A Erickson Construction expires in December 2019.

At the April 30th meeting, the Planning, Building and Zoning Committee approved changing the insurance language at the request of the County's insurance consultant. Mr. Erickson, through his insurance provider, requested that the insurance language remain unchanged. Mr. Erickson informed Brian Holdiman that, if the insurance change is approved, he (Mr. Erickson) would need to change his rate.

The consensus of the Committee was to have the Department ask Mr. Erickson what his fee would be if the new insurance requirements were implemented. The Department will be evaluating all building permit related fees in the summer and fall of 2019.

Review of Mobile Home, RV, and Trailer Parking Regulations

Member Kellogg left at this time (9:02 a.m.).

Mr. Asselmeier read his memo on the subject.

At the May Kendall County Planning, Building and Zoning Committee meeting, the Committee requested Staff to investigate the Village of Montgomery's regulations pertaining to the parking of RVs in residential zoning districts.

For simplicity purposes, Staff prepared a table comparing the regulations of the Village of Montgomery, the Village of Oswego and Kendall County on this topic. For Kendall County's regulations, only the regulations for the R-4, R-5, R-6, and R-7 zoning districts are shown.

These regulations are in the Zoning Ordinance and a citation could not be written for violating this ordinance at this time.

The consensus of the Committee was to review the information provided and to discuss possible amendments to the Zoning Ordinance at a future meeting.

Zoning Ordinance Project Update

Mr. Asselmeier reported that Mr. Hoffman plans to provide the updated Ordinance today (June 24, 2019).

REVIEW OF THE VIOLATION REPORT

Member Kellogg returned at this time (9:10 a.m.).

The Committee reviewed the violation report.

Update on Zoning Violation at 790 Eldmain Road

Mr. Asselmeier reported that this case was closed.

Update on Violation of Stormwater Ordinance at 84 Woodland Drive

Mr. Asselmeier reported that this case was closed.

Approval to Forward to the Kendall County State's Attorney Office a Violation of Section 11.05.A.1.b.ii of the Kendall County Zoning Ordinance (Prohibited Parking of a Trailer in the Front Yard Setback) at 44 Circle Drive West

Mr. Holdiman provided information on the case.

Member Kellogg made a motion, seconded by Member Gilmour, to forward this violation to the Kendall County State's Attorney's Office.

The votes were as follows:

Yeas (4): Gengler, Gilmour, Kellogg, and Prochaska

Nays (0): None

Abstain (0): None

Absent (1): Flowers

The motion carried. This matter will be sent to the Kendall County State's Attorney's Office.

REVIEW NON-VIOLATION COMPLAINT REPORT

The Committee reviewed the non-violation report.

UPDATE FROM HISTORIC PRESERVATION COMMISSION

Mr. Asselmeier reported that the Commission completed their review of the Historic Preservation Ordinance and has sent the proposal to the Illinois Historic Preservation Agency for review with the plan that the Ordinance meet the requirements for Certified Local Government status.

REVIEW PERMIT REPORT

The Committee reviewed the permit report.

REVIEW REVENUE REPORT

The Committee reviewed the revenue report.

CORRESPONDENCE

Mr. Asselmeier read a press release regarding a public input workshop for the Fox River Water Trail at the Hampton Inn in Yorkville on June 24, 2019, at 4:00 p.m.

PUBLIC COMMENT

None

COMMENTS FROM THE PRESS

None

EXECUTIVE SESSION

None

ADJOURNMENT

Member Kellogg made a motion, seconded by Member Gengler, to adjourn. With a voice vote of four (4) ayes, the motion carried unanimously. Chairman Prochaska adjourned the meeting at 9:20 a.m.

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

Encs.

**KENDALL COUNTY
PLANNING, BUILDING, & ZONING COMMITTEE
JUNE 24, 2019**

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

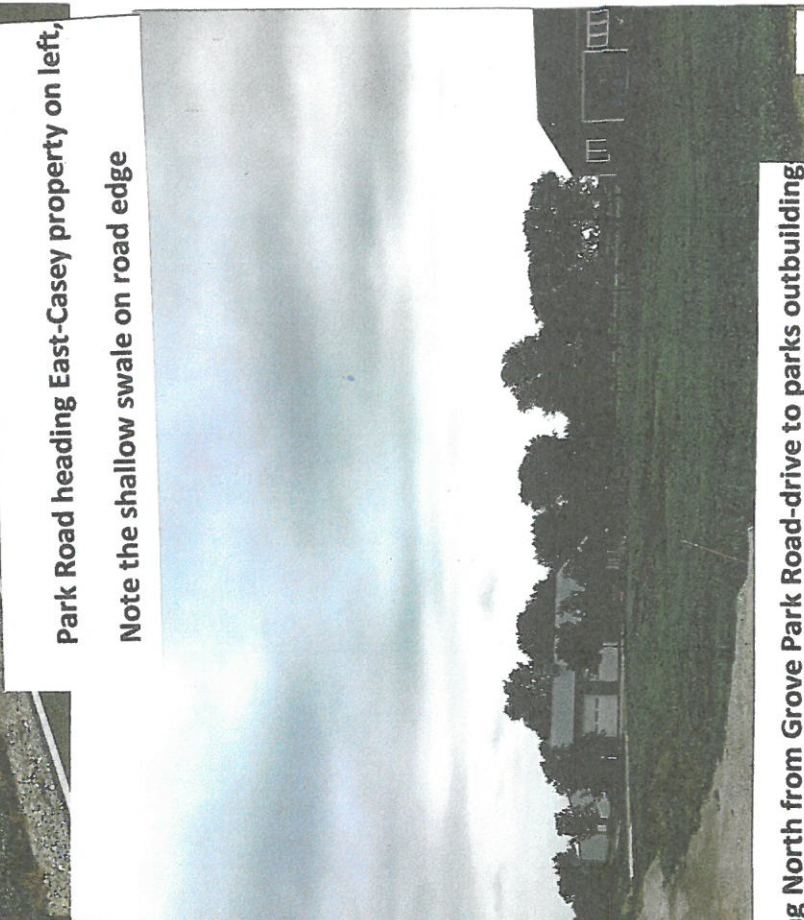
NAME	ADDRESS (OPTIONAL)	EMAIL ADDRESS (OPTIONAL)
Suzanne Casey		



View of the properties from Grove Park looking East-note park lagoon in foreground



Sharkey property in middle, Parks in distance



Park Road heading East-Casey property on left,
Note the shallow swale on road edge



Sharkey Home from the East-ditch between Sharkey/Parks property



Looking North from Grove Park Road-drive to parks outbuilding

-Casey property to North



Parks Property-note gentle swale at road edge-yet yard muddy all the time and water traveling north to the Casey property



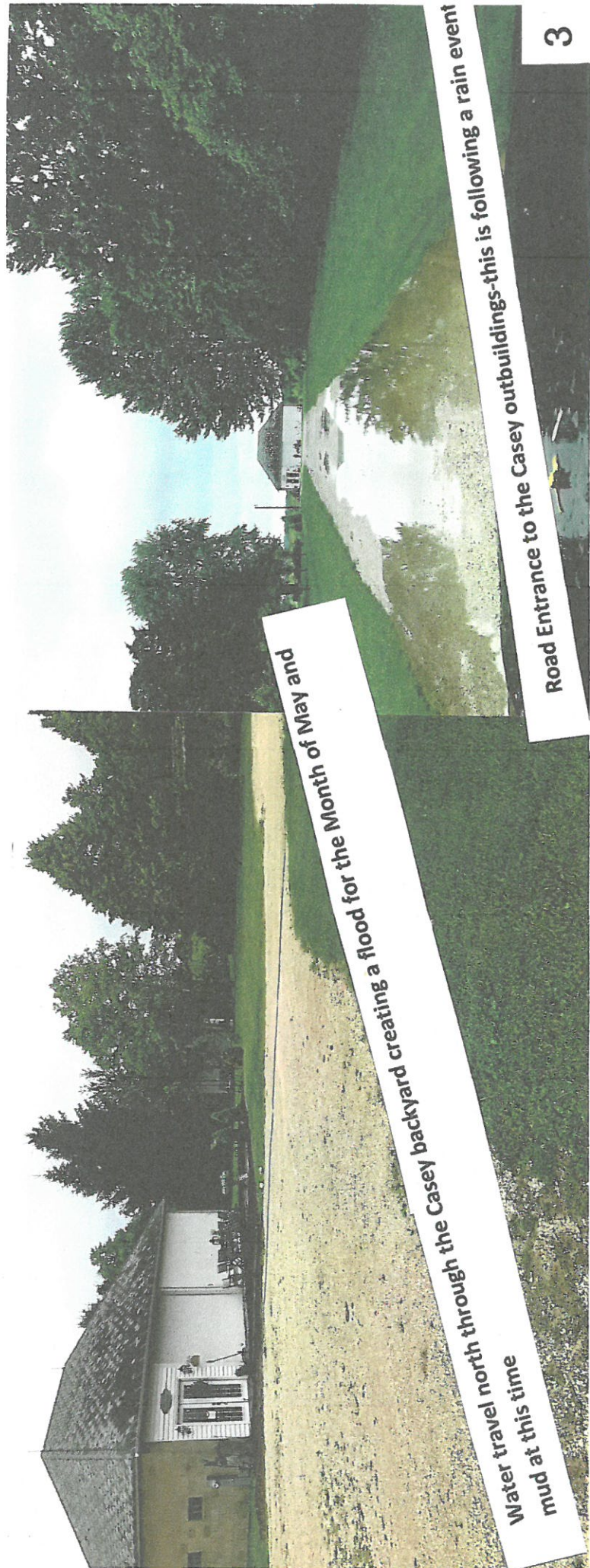
Grove Road main ditch where the Grove Park Road joins it-shallow swale meets ditch





Where water hits the property

Looking South from the Casey property to the Parks property-this is the water flow route in rain event



Water travel north through the Casey backyard creating a flood for the Month of May and mud at this time

Road Entrance to the Casey outbuildings-this is following a rain event



Caseys have just installed a French drain on the block building to curtail flooding in the building



Water standing in Casey backyard after last week's rain-In May this was completely flooded



Water standing in Casey backyard after last week's rain-In May this was completely flooded



Pond at the back of the Casey property at the overflow pipe in May (has not been that high in 20 years)



The land behind the Casey pond(-park district woods and land) behind Casey's pond-has never been like this-flooded(this photo taken in May, 2019)



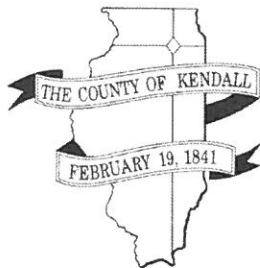


Casey gardens have been flooded all spring-this photo taken last week following the one night rain is the best it has been in 6 weeks or more



This is the land north of the Casey home-AuxSable Creek-and although flooding has occurred here in the past, it is significantly worse due to the water coming from the South





DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

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ORDINANCE VIOLATION CITATION

CASE NO. INSERT CASE NO.

County of Kendall vs. **INSERT OWNER NAME**

INSERT DATE

To: OWNER NAME

OWNER ADDRESS

OWNER C/S/Z

RE: P.I.N. # INSERT PIN

Property Location: **SITE ADDRESS, CITY/STATE/ZIP**

Please be aware that an inspection of the above described property on **INSERT INSPECTION DATE AND TIME** by the Code Enforcement Officer from the Kendall County Planning, Building & Zoning Department ("Department") revealed a violation of Kendall County Ordinance 2019-12, Junk and Debris. Upon inspection, the following described junk and debris were found on the exterior of the subject property, which constitutes a nuisance under Ordinance 2019-12:

INSERT DESCRIPTION OF JUNK AND DEBRIS

Pursuant to Section 5 of Ordinance 2019-12, please take corrective actions to address this violation by removing the junk and debris from the exterior of the subject property in accordance with State and local law. Abatement of this violation shall occur by no later than **INSERT ABATEMENT DATE (10 DAYS AFTER CITATION DATE)**, at which time your property will be re-inspected by the Department for compliance.

You **may avoid a court appearance** if, within ten (10) days of the service of this Citation, you remove the junk and debris from the exterior of the subject property. If said corrective actions **have not** been completed by **INSERT DATE** you will be required to **APPEAR IN COURT** on **INSERT HEARING DATE (MONDAY-THURSDAY)**, at 8:30 a.m. in the Kendall County Courthouse, 807 W. John Street, Yorkville, Illinois 60560. You may demand a jury trial by filing a jury demand and paying a jury demand fee when entering your appearance, plea, answer to the charge, or other responsive pleading. A default judgment in the amount of \$200.00 for each day the violation continues after the abatement date of **INSERT DATE** may be entered in the event you fail to appear in court or answer the charge made on the date set for your court appearance or any date to which the case is continued. Each day the violation continues after the abatement date shall be a separate offense and shall incur a fine of up to \$200.00 per day.

For questions regarding this Citation, please contact Brian Holdiman, Code Enforcement Officer, at 630-553-4141. Your cooperation is greatly appreciated.

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct.

Brian Holdiman
Code Enforcement Officer

I, Brian Holdiman, swear under oath that I served this Citation on **INSERT NAME OF DEFENDANT** as follows:

Personally on **INSERT NAME OF DEFENDANT**
Male/ Female _____ Approx. Age: _____ Hair Color: _____
Height: _____ Weight: _____
On this date: _____ at this time: _____
Address: _____

Signature



Fabulous Fox River Water Trail
Fox River Ecosystem Partnership
c/o Kane-DuPage Soil & Water Conservation District
2315 Dean Street, St. Charles, IL 60174
630.584.7960 x3

June 3, 2019

FOR IMMEDIATE RELEASE

Contact: Karen Miller
630.232.3418
millerkaren@co.kane.il.us

Fox River Water Trail Organizers Seek Public Input

Geneva, Illinois The Core Development Team (CDT) of the Fabulous Fox! River Water Trail will be hosting several workshops in June sharing the results of their efforts with volunteers who have paddled the river collecting data. The CDT will display maps of the trail identifying the access sites and amenities, and information about journeys on segments of the river. The CDT will also be seeking input from paddlers and others familiar with the river to review the information collected and share additional information that would help paddlers enjoy safe and pleasant experiences. The CDT will then do a gap analysis and provide recommendations to public landowners including county and municipal governments.

Three Illinois workshops have been scheduled with plans to hold a fourth one in an additional community along the river. Currently scheduled workshops:

Monday, June 17 – Geneva at Kane County Government Center, 719 S. Batavia Ave.

Monday, June 24 – Yorkville at Hampton Inn, 310 E. Countryside Parkway

Friday, June 28 – McHenry at City of McHenry Rec Center, 333 S. Green St.

The Fabulous Fox! River Water Trail has been in development for several years with organizers from two states working with the National Park Service, SE Wisconsin Regional Planning Commission and the Fox River Ecosystem Partnership

Volunteer paddlers assisted to collect data on access sites, journey segments, hazards, dams and portages, amenities at access sites, and more. The Core Development Team is ready to share the results of those efforts and look for input from stakeholders to share their knowledge of the river to help fill in gaps and other information before applying for inclusion in the National Water Trail System.

Please join us at the workshop closest to you to learn and share.

For more information, visit our developing website at <https://fabulousfoxwatertrail.org/> or Karen Miller at millerkaren@co.kane.il.us (630)232-3418.