

**KENDALL COUNTY BOARD  
ADJOURNED SEPTEMBER MEETING  
October 16, 2012**

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 16, 2012 at 9:20 a.m. Roll was called. Members present: Chairman John Purcell, Bob Davidson, Elizabeth Flowers, Jessie Hafenrichter, Dan Koukol, Nancy Martin, Suzanne Petrella, John Shaw, Anne Vickery (9:40) and Jeff Wehrl.

A quorum was present to conduct business.

**THE AGENDA**

Chairman Purcell stated that there is a need for Executive Session. Member Martin moved to approve the agenda. Member Hafenrichter seconded the motion. Chairman Purcell asked for a voice vote on the motion. All members present voting aye. Motion carried.

**THE MINUTES**

Member Hafenrichter moved to approve the submitted minutes from the Regular County Board Meeting of 9/18/12. Member Davidson seconded the motion. Chairman Purcell asked for a voice vote on the motion. All members present voting aye. Motion carried.

**SPECIAL RECOGNITION**

Jim Allsopp from the National Weather Service presented the county with a letter of recognition and two StormReady road signs. The National Weather Service developed a program working with State and Local Emergency Management Agencies that sets the parameters that need to be achieved to receive the StormReady recognition. Kendall County is the 18<sup>th</sup> county in Illinois to receive the status.

Triad Courthouse Volunteers were recognized and awarded a certificate and gift card. These volunteers provide information to people as they come into the courthouse. The volunteers include: Harley Anderson (11 years of service), Linda DuBrock (4 years of service), Edward Tomse (4 years of service), David Striker (3 years of service), Evelyn Sikorski (2 years of service), Felix Gamarra (2 years of service), Beverly Carlson (2 years of service), Patricia Race and Shirley Ming.

**CITIZENS TO BE HEARD**

Chris Childress from Progressive Energy spoke to alert the public to the electric aggregation referendum that is on the ballot. Mr. Childress stated that this is working and has paid off to the tune of about \$300 per year of savings.

Todd Milliron, 61 Cotswold, Yorkville passed out paperwork regarding state statute 55 ILCS 5/3-3040 that refers to the appointment of deputies and that states the deputy's compensation shall be determined by the county board. Mr. Milliron is questioning the Coroner's office's compensation schedule.

**OLD BUSINESS**

**Electric Aggregation**

A public hearing will be held on November 7, 2012 at 6:00pm and/or November 20, 2012 at 9:00am.

**NEW BUSINESS**

**HIDTA Furniture Agreement**

Member Martin moved to allow the Sheriff to sign the HIDTA Furniture Agreement. Member Hafenrichter seconded the motion. Chairman Purcell asked for a roll call vote on the motion. All members present voting aye. **Motion carried.**

### 2013 Holiday Schedule

Member Hafenrichter moved to approve the 2013 Holiday Schedule. Member Flowers seconded the motion. Chairman Purcell asked for a voice vote on the motion. All members present voting aye except Vickery and Purcell. **Motion carried.**

KENDALL COUNTY  
2013  
HOLIDAY SCHEDULE

<u>HOLIDAY</u>	<u>OBSERVED ON</u>
NEW YEAR'S DAY	TUESDAY, JANUARY 1, 2013
MARTIN LUTHER KING, JR. DAY	MONDAY, JANUARY 21, 2013
LINCOLN'S BIRTHDAY	TUESDAY, FEBRUARY 12, 2013
WASHINGTON'S BIRTHDAY	MONDAY, FEBRUARY 18, 2013
SPRING HOLIDAY	FRIDAY, MARCH 29, 2013
MEMORIAL DAY	MONDAY, MAY 27, 2013
INDEPENDENCE DAY	THURSDAY, JULY 4, 2013
LABOR DAY	MONDAY, SEPTEMBER 2, 2013
COLUMBUS DAY	MONDAY, OCTOBER 14, 2013
VETERAN'S DAY	MONDAY, NOVEMBER 11, 2013
THANKSGIVING DAY	THURSDAY, NOVEMBER 28, 2013
DAY FOLLOWING THANKSGIVING	FRIDAY, NOVEMBER 29, 2013
CHRISTMAS DAY	WEDNESDAY, DECEMBER 25, 2013

### Senior Services Proclamation Day

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

### PROCLAMATION

**WHEREAS**, on August 31, 1973, Senior Services Associates, Inc. was established as a non-profit agency dedicated to sustaining and improving the quality of life for individuals and their caregivers by providing access to the social services they need. They are dedicated to preserving independence, promoting mental and physical well-being and protecting the rights and dignity of the seniors they serve. and

**WHEREAS**, Senior Services Associates, Inc. was designated by the Illinois Department on Aging to be the Care Coordination Unit for Kane, Kendall, and McHenry Counties. There is a total of five offices located in McHenry, Crystal Lake, Elgin, Aurora, and Yorkville serving over 27,000 seniors in 2011; and

**WHEREAS**, Senior Services Associates, Inc. links seniors and their families with the resources they need to help older adults live the highest quality of life possible in their own homes as long as safely manageable; and to assist seniors and their families in making choices and decisions when other options must be considered; and

**WHEREAS**, As Care Coordination Units (CCU's), Senior Services Associates, Inc. is the "one stop shop" for services for adults, 60 years and older. In order to best advocate for seniors in the community, Senior Services Associates, Inc. is a member organization of many organizations and agencies including the Community Care Advisory Committee, Senior Citizen Service committee, American Society on Aging, and a number of county and local organizations.

**NOW, THEREFORE**, I, John Purcell, Board Chair, Kendall County Illinois, do hereby designate Friday, October

19<sup>th</sup>, 2012 as Senior Services Associates, Inc. Day

IN WITNESS WHEREOF, I have hereunto set my hand this  
16th Day of October, 2012

**John Purcell**  
**Kendall County Board Chair**

**Kencom Intergovernmental Agreement**

Board members received a copy of the agreement to review; it must be approved by December 1, 2012.

**Village of Lisbon Funding Request**

County Administrator, Jeff Wilkins stated that the City of Yorkville's agreement was discussed and if the board was to approve financing \$400,000 it would be taken from the General Fund Special Reserve. Board members discussed the fact that there is guaranteed income to pay the county back. They discussed whether or not to charge interest and whether or not the county could take part of the property tax revenue.

Member Martin moved to direct the State's Attorney's Office to draw up an Intergovernmental Agreement with Lisbon that includes no interest and a penalty clause after five years. Member Davidson seconded the motion. Chairman Purcell asked for a roll call vote on the motion. All members present voting aye except Shaw who abstained. **Motion carried.**

**ELECTED OFFICIALS REPORT AND OTHER DEPARTMENT REPORTS**

**Sheriff**

Nothing to report.

**County Clerk**

**Revenue Report**

**9/1/12-9/30/12**

<u>Line Item</u>	<u>Fund</u>		<u>Revenue</u>
	County Clerk Fees	\$	942.50
	County Clerk Fees - Marriage License	\$	1,350.00
	County Clerk Fees - Civil Union	\$	30.00
	County Clerk Fees - Misc	\$	1,482.50
	County Clerk Fees - Recording	\$	31,197.00
01010061205	Total County Clerk Fees	\$	35,002.00
01010001185	County Revenue	\$	20,064.75
38010001320	Doc Storage	\$	18,892.50
51010001320	GIS Mapping	\$	31,875.00
37010001320	GIS Recording	\$	3,983.00
01010001135	Interest	\$	37.03
01010061210	Recorder's Misc	\$	6,161.75
81010001320	RHSP/Housing Surcharge	\$	16,965.00
CK # 17175	To KC Treasurer	\$	132,981.03

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 TEN MONTHS ENDED 09/30/2012

<u>REVENUES*</u>	Annual <u>Budget</u>	2012 YTD <u>Actual</u>	2012 YTD <u>%</u>	2011 YTD <u>Actual</u>	2011 YTD <u>%</u>
Personal Property Repl. Tax	\$315,000	\$280,277	88.98%	\$315,888	103.91%
State Income Tax	\$1,800,000	\$1,946,724	108.15%	\$1,785,491	127.54%
Local Use Tax	\$340,000	\$313,380	92.17%	\$323,345	146.97%
State Sales Tax	\$970,000	\$789,349	81.38%	\$828,484	118.35%
County Clerk Fees	\$380,000	\$357,591	94.10%	\$327,358	86.15%
Circuit Clerk Fees	\$1,300,000	\$1,084,635	83.43%	\$1,104,021	78.86%
Fines & Foreits/St Atty.	\$560,000	\$437,644	78.15%	\$478,830	85.51%
Building and Zoning	\$35,000	\$39,005	111.44%	\$42,538	141.79%
Interest Income	\$50,000	\$24,530	49.06%	\$47,962	59.95%
Health Insurance - Empl. Ded.	\$981,698	\$914,762	93.18%	\$802,602	94.02%
1/4 Cent Sales Tax	\$2,400,000	\$2,036,107	84.84%	\$1,991,281	89.34%
County Real Estate Transf Tax	\$170,000	\$192,783	113.40%	\$189,403	108.85%
Correction Dept. Board & Care	\$750,000	\$687,543	91.67%	\$633,420	64.27%
Sheriff Fees	\$450,000	\$635,952	141.32%	\$282,494	43.46%
<b>TOTALS</b>	<b>\$10,501,698</b>	<b>\$9,740,284</b>	<b>92.75%</b>	<b>\$9,153,117</b>	<b>91.84%</b>
<b>Public Safety Sales Tax</b>	<b>\$4,000,000</b>	<b>\$3,617,637</b>	<b>90.44%</b>	<b>\$3,581,777</b>	<b>89.54%</b>
<b>Transportation Sales Tax</b>	<b>\$4,000,000</b>	<b>\$3,617,637</b>	<b>90.44%</b>	<b>\$3,581,777</b>	<b>89.54%</b>

\*Includes major revenue line items excluding real estate taxes which are to be collected later. To be on Budget after 10 months the revenue and expense should at 83.30%

County Treasurer, Jill Ferko reported that revenues are on track to make budget.

**State’s Attorney**

State’s Attorney, Eric Weis reported that they will be posting a position for a criminal prosecutor and they are in the process of filling a civil position.

Member Martin asked about the progress of the forensic audit, she stated that she was disappointed that it has taken so long to get the information.

**Coroner**

**Statistics:**

2012 Statistics		Stats for Same Period in 2011		Difference
2012 Total Deaths.....	221	Total Deaths.....	205	8%
Autopsies to Date.....	15	Autopsies....	21	-29%
Toxicology Samples..	15	Toxicology Samples..	23	-17%
Cremation Permits....	99	Cremation Permits...	90	10%

**Coroner’s Office Personnel Update**

- Coroner Toftoy attended the Suicide Awareness Walk hosted by Suicide Prevention Services on September 8.
- Coroner Toftoy attended the Village of Plainfield Monthly Meeting on September 17 and presented a letter of recognition for outstanding service by Plainfield Police Officer Tracy Caliendo who assisted the Kendall County Coroner’s Office with the families of the triple fatal crash on Route 126.

**Health Department**

No report.

**Supervisor of Assessments**

Supervisor of Assessments, Andy Nicoletti reported that Lisbon, Na Au Say and Seward have agreed to the multi township assessment district. About 100 assessment notices have been returned for various reasons. The Illinois Department of Revenue’s tentative multiplier is 1.0%. November 5, 2012 is the last day to file with the Board of Review.

Chairman Purcell read a letter from the Fields of Farm Colony Owner’s Association which expressed deep and sincere appreciation to Angela Zubko from Planning, Building and Zoning for outstanding work and skill in resolving their issue.

**STANDING COMMITTEE REPORTS**

**Planning, Building & Zoning**

**Petition 12-29 Success in the Suburbs Inc.**

Member Martin made a motion to approve Petition 12-29 Granting an amendment to rescind Ordinance 2006-29 and amend an existing special use for the operation of a central horse stable and stable manager housing for Success in the Suburbs, Inc. Member Davidson seconded the motion.

Angela Zubko explained that this is a major amendment to the special use for the subdivision to change the private horse facility that allows only boarders that live within the subdivision to a private facility that also allows boarders who do not live in the subdivision.

Wade Joyner who represents the petitioner pointed out that if they do not allow boarders outside of the subdivision then the facility would not be economically viable.

Chairman Purcell asked for a roll call vote on the motion. All members present voting aye except Member Purcell.  
**Motion carried 9-1.**

**ORDINANCE # 2012 - 22**

GRANTING AN AMENDMENT TO RESCIND ORDINANCE 2006-29 & AMEND AN EXISTING SPECIAL USE FOR  
THE  
**OPERATION OF A CENTRAL HORSE STABLE AND STABLE MANAGER HOUSING**  
**FOR SUCCESS IN THE SUBURBS, INC.**

WHEREAS, Success in the Suburbs, Inc. filed a petition for a Special Use within the RPD-1 zoning district for an 8.5 acre property located on, and identified as Lot 17 of the Equestrian Estates at Legacy Farm Subdivision, commonly known as 17J Ashe Road, (PIN's#02-06-102-009 & 01-01-200-020); and

WHEREAS, Ordinance 2006-29 allowed for construction and operation of a central horse stable serving the equine boarding needs of the homeowners and guests of homeowners of the Equestrian Estates at Legacy Farm Subdivision, as well as providing for the housing needs of the managers of the central horse stable; and

WHEREAS, said petition is to amend the existing special use to change the private horse facility from allowing only boarders who live within the Subdivision into a private horse facility that also allows boarder who do not live within the Subdivision; and

WHEREAS, said property is legally described as:

PARCEL 1:

LOT 17, EQUESTRIAN ESTATES OF LEGACY FARMS SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED ON JUNE 9, 2006, AS DOCUMENT NUMBER 200600017122, AND PER CORRECTION INSTRUMENTS RECORDED MARCH 27, 2007 AS DOCUMENT 200700010031 AND AS DOCUMENT 200700010032 IN LITTLE ROCK AND BRISTOL TOWNSHIPS, KENDALL COUNTY, ILLINOIS.

PARCEL 2:

EASEMENT FOR THE BENEFIT OF PARCEL 1 FOR INGRESS AND EGRESS OVER LOT 19 (PRIVATE ROAD) IN EQUESTRIAN ESTATES AT LEGACY FARMS, AFORESAID, AS CREATED BY INSTRUMENT RECORDED JUNE 9, 2006, AS DOCUMENT 200600017122 AND PER CORRECTION INSTRUMENTS RECORDED MARCH 27, 2007 AS DOCUMENT 200700010031 AND AS DOCUMENT 200700010032.

WHEREAS, all procedures required by the Kendall County Zoning Ordinance were followed including notice for public hearing, preparation of the findings of fact, and recommendation for approval by the Special Use Hearing Officer on September 10, 2012; and

WHEREAS, on February 21, 2006 the Kendall County Board approved the necessary ordinance rezoning the property to RPD-1 and granted a Special Use for a stable to house horses and managers quarters to pursuant to the terms and conditions as specified per Ordinance #2006-05; and

WHEREAS, condition number 1 of said ordinance granting the Special Use set a maximum limit of thirty-six (36) horses to be stored in said stable; and

WHEREAS, on April 18, 2006 the Kendall County Board approved an ordinance reducing the maximum number of horses previously approved to be stored in said stable to not more than twenty-four (24) horses;

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 of the property owner as to the same special use conducted on the property; and

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby repeals Kendall County Ordinance #06-29 in its entirety and grants approval of a special use zoning permit to amend their existing special use permit to change the private horse facility from allowing only boarders who live within the Subdivision into a private horse facility that also allows boarder who do not live within the Subdivision subject to the following conditions:

1. A maximum of twenty-four (24) horses are allowed to be housed in the stable.
2. Manure storage and disposal is to be according to a proposed manure storage and disposal plan approved by the Kendall County Department of Environmental Health.
3. The facility shall be exclusively used by the owners, trainers, boarders and their guests. In keeping with the private and quiet nature intended for the residential community, activities at the facility should never be so large or noisy or late that it would be disruptive to residents of the Subdivision. If the facility hosts an outdoor event exceeding fifty (50) guests, the owner, shall provide each of the property owners and Homeowners Association with at least thirty (30) days notice of the event. The Owner shall host no more than two (2) such outdoor events a year. The Owner has no intention of hosting any activity with the general public that would intentionally invite so much traffic that parking would spill off the stable property on to the private residential streets. Events at the stable will be consistent with the image of a small private equestrian club.
4. As a private equestrian facility, no school horses will be available for rent to the general public. Training is available to the owners, trainers, boarders and their guests, only.
5. A maximum of two (2) adults and their immediate family can live in each of the two stable manager housing units inside the stable.
6. Private Road Maintenance: The Owner will solely maintain that portion of the road that is on Lot 17, with that portion being shown on the Final Plat for Equestrian Estates at Legacy Farms Subdivision. The Homeowners Association or property owners will maintain the remaining roads within the Subdivision. The Owner will pay 29% of the cost of maintaining that portion of the roads running from Ashe Road to the turnabout, the turnabout road, and from the turnabout to that portion of the road that intersects with Lot 17. The Owner will notify all boarders that the residential roads are for private use only. With all things being equal with other service providers, including price and quality of service, the Homeowners Association and/or residents agrees to allow the Owner to provide landscaping and road maintenance services.
7. Trails: The Homeowners Association or property owners will be responsible for maintaining any trails in Lot 18. The Owner will be responsible for 29% of the cost to maintain the trails in Lot 18 and the Homeowners Association or property owners will be responsible for 71% of the cost. With all things being equal with other service providers, including price and quality of service, the Homeowners Association or property owners agree to allow the Owner to provide trail improvement and maintenance services.
8. Insurance: The Owner will maintain a comprehensive general liability policy in the minimum amount of \$1,000,000.00. The Homeowners Association and/or property owners will be named as an additional insured.
9. Lighting: The outdoor arena shall not be lighted. The existing lighting on the south side of the stable will only be used before 8pm or in case of emergency.
10. Sale of the Stable: In the event the Owner lists the property for sale, the Owner shall notify the Homeowners Association and property owners of such listing within five (5) business days.
11. Stable Workers: All employees or independent contractors shall be retained by the Owner.
12. There shall be no signage on the property indicating the stable accepts commercial stabling of horses. The Owner may post upon Homeowners Association and/or property owners approval and/or request a small discreet sign on Lot 17, at the entrance to the facility.
13. No signs are permitted on the eastern portion of the outdoor riding arena.
14. Horse trailers: Horse trailers shall be parked west of the outdoor arena.
15. No rodeo, barrel racing or reining shows, but practicing such activities is a permitted use.

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 18<sup>th</sup> day of September, 2012.

Attest:  
Kendall County Clerk  
Debbie Gillette

Kendall County Board Chairman  
John Purcell

## Petition 12-32 Semper Fi Yard Services

Member Martin made a motion to approve Petition 12-32 Granting a special use for 1996 Cannonball trail, Semper Fi Yard Services Inc. Member Wehrlı seconded the motion. Chairman Purcell asked for a roll call vote on the motion. All members present voting aye except Member Koukol who abstained. Motion carried.

### **ORDINANCE NUMBER 2012 - 23 GRANTING A SPECIAL USE FOR 1996 CANNONBALL TRAIL SEMPER FI YARD SERVICES INC.**

WHEREAS, Semper Fi Yard Services Inc. has filed a petition for a Special Use within the A-1 Agricultural Zoning District for a 5.2 acre property located on the east side of Cannonball Trail about 0.5 miles south of Galena Road, commonly known as 1996 Cannonball Trail (PIN# 02-15-101-003), in Bristol Township, and;

WHEREAS, said petition is to allow the operation of a landscape business and live in the house; and

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

WHEREAS, said property is legally described as:

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN AND THAT PART OF THE NORTHWEST QUARTER OF SECTION 15 , TOWNSHIP AND RANGE AFORESAID DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER, THENCE SOUTHEASTERLY ALONG A LINE WHICH IF EXTENDED WOULD INTERSECT THE NORTHLI LINE OF THE FORMER LANDS OF CHARLES HUNT AT A POINT OF SAID NORTHERLY LINE WHICH IS 1551.80 FEET WESTERLY OF THE WEST LINE OF A TRACT OF LAND CONVEYED BY NELSON C. RIDER TO JERRY W. RIDER BY A WARRANTY DEED RECORDED NOVEMBER 29, 1911 IN BOOK 66 DEEDS, PAGE 25 AND DEPICTED IN THE PLAT BOOK 1 AT PAGE 62, A DISTANCE OF 938.61 FEET TO THE CENTER LINE OF CANNONBALL TRAIL, FOR A POINT OF BEGINNING , THENCE SOUTHEASTERLY ALONG THE LAST DESCRIBED COURSE EXTENDED, 447.72 FEET TO SAID NORTHERLY LINE; THENCE ESATERLY ALONG SAID NOTEHRLY LINE, WHICH FORMS AN ANGEL OF 160°49' 30" WITH THE LAST DESCRIBED COURSE, MEASURED CLOCKWISE THEREFROM, 296.83 FET; THENCE NORTHERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, 309.14 FEET; THENCE NORTHWESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 132°19'35" WITH THE LAST DESCRIBED COURSE, MEASURED CLOCKWISE THEREFROM, 386.56 FEET TO THE CENTER LINE OF CANNONBALL TRAIL; THENCE SOUTHWESTERLY ALONG SAID CENTER LINE TO THE POINT OF BEGINNING IN BRISTOL TOWNSHIP KENDALL COUNTY ILLINOIS AND CONTAINING 5.727 ACRES.

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 13.07.J of the Zoning Ordinance, and recommendation for approval by the Special Use Hearing Officer on October 1, 2012; and

WHEREAS, the findings of fact were approved as follows:

*That the establishment, maintenance, and operation of the special use will not be detrimental to, or endanger, the public health, safety, morals, comfort, or general welfare. All equipment will be stored inside the structures and shall not be detrimental or endanger the public health, safety, morals, comfort or general welfare.*

*That the special use will not be injurious to the use and enjoyment of other properties 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. All property surrounding this piece of land is farm land. The petitioners will still be using the property as a landscape business which is compatible with agricultural farming. The zoning classification within the general area is still agricultural.*



*That the establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district. **The special use permit requested is consistent with the existing zoning and uses within the district.***

*That adequate utilities, access roads, 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 adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets. **The site currently has two entrances at the north and south end of the property. The proposed special use will add minimal additional traffic to the site and will not cause congestion on Cannonball Trail.***

*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 building already exists and the petitioner is not requesting any variances.***

*That the special use is consistent with the spirit of the Land Resource Management Plan and other adopted County or municipal plans and policies. **This special use permit will be consistent with the County's LRMP and the City of Yorkville's future plan which calls for the property to be residential. The petitioners will live in the home and a landscape business will have the same equipment and hours of operation as the surrounding farms.***

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 landscape business in accordance to the submitted Site Plan included as "Exhibit A" attached hereto and incorporated herein subject to the following conditions:

1. All equipment must be stored inside buildings at night.
2. Dedication of a 15' trail easement within sixty (60) days of the approval of the special use.
3. Plat of Dedication of 35' of right of way on the northwest side of the property within sixty (60) days of the approval of the special use. Please contact the Highway Department with any questions.
4. The current sign on Route 71 be permitted to be moved to this site and be lit.
5. Any existing or proposed storage of fuel, pesticides or other hazardous materials shall comply with any and all applicable codes and permit requirements including those required by the State Fire Marshall.

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 on October 16, 2012.

Attest:

Debbie Gillette  
Kendall County Clerk

John Purcell  
Kendall County Board Chairman

### **Petition 12-33 Place of Worship**

Member Martin made a motion to take Petition 12-33 amendment to the Zoning Ordinance to places of worship as a special use in all districts. Member Petrella seconded the motion. Chairman Purcell asked for a roll call vote on the motion. All members present voting aye. **Motion carried.**

**ORDINANCE # 2012-24**  
**AMENDMENT TO THE KENDALL COUNTY ZONING ORDINANCE**  
**TO PLACES OF WORSHIP AS A SPECIAL USE IN ALL DISTRICTS**

WHEREAS, Kendall County regulates development under authority of its Zoning Ordinance and related ordinances; and

WHEREAS, the Kendall County Board amends these ordinances from time to time in the public interest; and

WHEREAS, all administrative procedures for amendments have been followed including a Public Hearing held before the Kendall County Zoning Board of Appeals on October 1, 2012;

NOW, THEREFORE, BE IT ORDAINED, the Kendall County Board hereby amends Section 9.02.C- "B-1 Local Shopping District- Special Uses", 9.03.C- "B-2 General Business District- Special Uses", Section 9.04.C "B-3 Highway Business District- Special Uses", Section 9.05.C "B-4 Commercial Recreation- Special Uses", Section 9.07.C "B-6 Office & Research Park District- Special Uses", Section 10.01.C "M-1 Limited Manufacturing District- Special Uses" & Section 10.02.C "M-2 Heavy Industrial District- Special Uses" of the Kendall County Zoning Ordinance as provided:

Sections 9.02.C, 9.03.C, 9.04.C, 9.05.C & 9.07.C

- a) Places of Worship subject to the following conditions:
  - a. The height for the towers and steeples shall not exceed seventy-five (75) feet and not more than forty-five (45) feet for the main structure.
  - b. Other related uses, such as school, child day care services, kindergartens, meeting facilities shall be permitted to the extent that the activity is otherwise permitted, and shall be subject to all applicable regulations, including parking.
  - c. Off-street parking, lighting and loading shall be provided as required or permitted in Section 11.00.

IN WITNESS OF, this Ordinance has been enacted by the Kendall County Board this 16<sup>th</sup> day of October, 2012.

Attest:

Kendall County Clerk  
Debbie Gillette

Kendall County Board Chairman  
John Purcell

#### **Petition 12-36 Allow Performing Arts Centers**

Member Martin made a motion to approve Petition 12-36 amendment to the Zoning Ordinance to allow Performing Arts Centers. Member Wehrli seconded the motion. Chairman Purcell asked for a roll call vote on the motion. All members present voting aye except Member Davidson. Motion carried 9-1.

#### **ORDINANCE # 2012-25** **AMENDMENT TO THE KENDALL COUNTY ZONING ORDINANCE** **TO ALLOW PERFORMING ARTS CENTERS**

WHEREAS, Kendall County regulates development under authority of its Zoning Ordinance and related ordinances; and

WHEREAS, the Kendall County Board amends these ordinances from time to time in the public interest; and

WHEREAS, all administrative procedures for amendments have been followed including a Public Hearing held before the Kendall County Zoning Board of Appeals on October 1, 2012.

NOW, THEREFORE, BE IT ORDAINED, the Kendall County Board hereby amends Section 3.02- "Definitions", Section 7.01.D "A-1 Agricultural- Special Uses", Section 9.04.C "B-3 Business District- Special Uses", Section 9.05.B "B-4 Commercial Recreation- Permitted Uses" & Section 10.01.C & 10.02.C "M-1 Limited Manufacturing District & M-2 Heavy Industrial District- Special Uses- Any use which may be allowed as a special use in the B-3 or B-4 Business Districts..." of the Kendall County Zoning Ordinance as provided:

Section 3.02:

PERFORMING ARTS CENTER. The performing arts are art forms in which artists use their body or voice to convey artistic expression. Examples of performing arts may include: music, dance, fitness training, theatre arts, technical arts, online lessons, a performing arts preschool, etc. Regulated Uses that are specified in Section 4.16 of the Zoning Ordinance are specifically excluded from this category.

Section 7.01.D, 9.04.C & 9.05.B

- b) Performing arts center subject to the following conditions:

- a. The site shall have frontage on and access to a collector or arterial road, provided that the highway authority with jurisdiction over the subject road may approve alternative access.
- b. The site shall be shown as a commercial area on the Land Resource Management Plan.
- c. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance (Sign Regulations)
- d. The amount of students and type of events are listed in the approving ordinance.
- e. Shall satisfy all requirements of the Kendall County Health Department and Building Department prior to the issuance of occupancy permits.
- f. Must meet applicable Fire Protection District codes.

IN WITNESS OF, this Ordinance has been enacted by the Kendall County Board this 16<sup>th</sup> day of October, 2012.

Attest:

Kendall County Clerk  
Debbie Gillette

Kendall County Board Chairman  
John Purcell

**Petition 12-37 Performing Arts Center Special Use**

Member Martin made a motion to approve Petition 12-37 Granting a special use for 2127 Route 47 Yorkville Performing Arts Center. Member Wehrli seconded the motion. Chairman Purcell asked for a roll call vote on the motion. All members present voting aye except Member Davidson. Motion carried 9-1.

**ORDINANCE NUMBER 2012 - 26  
GRANTING A SPECIAL USE FOR  
2127 ROUTE 47  
YORKVILLE PERFORMING ARTS CENTER**

WHEREAS, Yorkville Performing Arts Center (YPAC) has filed a petition for a Special Use within the A-1 Agricultural Zoning District and a Special Use within the M-1 Manufacturing District for a 6.0 acre property located on the west side of Route 47 about 0.2 miles north of Boombah Boulevard, commonly known as 2127 Route 47 (PIN# 02-17-226-006; 02-17-226-011; 02-17-226-012; 02-16-101-007 & 02-16-101-008), in Bristol Township, and;

WHEREAS, said petition is to allow the operation of a performing arts center with an initial focus on dance, music and fitness training with a vision to later include theatre arts, online lessons as well as a performing arts preschool and to live in the house; and

WHEREAS, said property is currently zoned A-1 Agricultural (4.7 Acres) and M-1 (1.3 Acres); and

WHEREAS, said property is legally described as:

**PARCEL ONE:**

THAT PART OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST QUARTER; THENCE WESTERLY ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, 28.74 FEET TO THE WESTERLY RIGHT OF WAY LINE OF ILLINOIS STATE ROUTE NO. 47; THENCE WESTERLY ALONG SAID NORTH LINE, 213.30 FEET; THENCE SOUTHERLY PARALLEL WITH THE EAST LINE OF SAID NORTHEAST QUARTER, 721.70 FEET (THIS POINT HEREINAFTER REFERRED TO AS POINT "A"); THENCE NORTHERLY ALONG THE LAST DESCRIBED COURSE, 182.03 FEET; THENCE WESTERLY PARALLEL WITH SAID NORTH LINE, 347.87 FEET; THENCE SOUTHERLY ALONG A LINE WHICH FORMS AN ANGLE OF 91 DEGREES, 03 MINUTES, 36 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED CLOCKWISE THEREFROM, 181.72 FEET TO A LINE DRAWN WESTERLY, PARALLEL WITH THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID NORTHEAST QUARTER FROM POINT "A" AFORESAID FOR THE POINT OF BEGINNING; THENCE SOUTHERLY ALONG THE LAST DESCRIBED COURSE EXTENDED, 404.65 FEET TO A LINE DRAWN PARALLEL WITH AND 200.0 FEET, AS MEASURED ALONG SAID EAST LINE, NORTH OF SAID SOUTH LINE; THENCE EASTERLY ALONG SAID PARALLEL LINE, 341.63 FEET TO A LNE DRAWN PARALLEL WITH AND 241.6 FEET, AS MEASURED ALONG SAID NORTH LINE, WEST OF SAID EAST LINE; THENCE NORTHERLY ALONG SAID PARALLEL LINE, 404.76 FEET TO A LINE DRAWN EASTERLY, PARALLEL WITH SAID SOUTH LINE, FROM THE POINT OF BEGINNING; THENCE WESTERLY ALONG SAID PARALLEL LINE, 346.23 FEET TO THE POINT OF BEGINNING; IN BRISTOL TOWNSHIP, KENDALL COUNTY, ILLINOIS.

**PARCEL TWO:**

THAT PART OF THE NORTHWEST QUARTER OF SECTION 16 AND THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE WESTERLY ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, 28.74 FEET TO THE FORMER WESTERLY RIGHT OF WAY LINE OF ILLINOIS STATE ROUTE NUMBER 47; THENCE WESTERLY ALONG SAID NORTH LINE, 213.30 FEET; THENCE SOUTHERLY PARALLEL WITH THE EAST LINE OF SAID NORTHEAST QUARTER, 721.70 FEET; THENCE EASTERLY, PARALLEL WITH THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID NORTHEAST QUARTER, 0.43 FEET TO A LINE DRAWN PARALLEL WITH AND 241.60 FEET (AS MEASURED ALONG SAID NORTH LINE) EAST OF SAID EAST LINE FOR A POINT OF BEGINNING; THENCE SOUTHERLY ALONG SAID PARALLEL LINE, 404.76 FEET TO A LINE DRAWN PARALLEL WITH AND 200.0 FEET (AS MEASURED ALONG SAID EAST LINE) NORTH OF SAID SOUTH LINE; THENCE EASTERLY ALONG SAID PARALLEL LINE, 320.29 FEET TO THE PRESENT WESTERLY RIGHT OF WAY LINE OF SAID ROUTE 47, AS DESCRIBED IN A CONVEYANCE RECORDED JANUARY 8, 1991, AS DOCUMENT NUMBER 910137; THENCE NORTHERLY ALONG SAID PRESENT WESTERLY RIGHT OF WAY LINE, 407.64 FEET TO A LINE DRAWN EASTERLY, PARALLEL WITH SAID SOUTH LINE FROM THE POINT OF BEGINNING; THENCE WESTERLY, PARALLEL WITH SAID SOUTH LINE, 259.13 FEET TO THE POINT OF BEGINNING, IN BRISTOL TOWNSHIP, 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 13.07.J of the Zoning Ordinance, and recommendation for approval by the Special Use Hearing Officer on October 1, 2012; and

WHEREAS, the findings of fact were approved as follows:

*That the establishment, maintenance, and operation of the special use will not be detrimental to, or endanger, the public health, safety, morals, comfort, or general welfare. **All classes will be conducted inside the structures and shall not be detrimental or endanger the public health, safety, morals, comfort or general welfare.***

*That the special use will not be injurious to the use and enjoyment of other properties 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. **To the north and south are residential properties, to the east is a commercial barn and to the west is farm land. The petitioners will still be using the property as residential with the business in the existing buildings. The zoning classification within the general area is still agricultural with business' moving in.***

*That the establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district. **The subdivision development included the equestrian facility and special use. Modifying the use to allow for boarding of horses by non-residents has no altered effect on the residential properties.***

*That adequate utilities, access roads, drainage, and/or other necessary facilities have been or are being provided. **The petitioners propose to widen the entrance onto Route 47 and no new access roads are being proposed. The petitioners are working with the Health Department with regard to an adequate septic system and all other utilities and facilities exist.***

*That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets. **The petitioners propose to widen the entrance onto Route 47 and no new access roads are being proposed.***

*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 petitioners conform to all applicable regulations of the district and are not requesting any variances.***

That the special use is consistent with the spirit of the Land Resource Management Plan and other adopted County or municipal plans and policies. **The LRMP and the future land use plan of the City of Yorkville call for this property to be commercial, this use proposed transitions the property from residential to commercial except the petitioners still wish to live in the home.**

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 performing arts center in accordance to the submitted Site Plan included as "Exhibit A" attached hereto and incorporated herein subject to the following conditions:

1. No events may be hosted at this site that would require more parking than provided.
2. No other manufacturing use can be performed on this site when this special use is in existence.
3. Allow a lighted sign on the property.
4. Follow the parking ratio of one (1) parking space shall be provided per each two hundred (200) square feet AND one per employee. The currently building is 4500 square feet and predict 6 employees so 28 parking stalls will be needed before they open including 2 handicapped stalls
5. The events to be held on the property will be community relationship events
6. Allow a gravel parking lot for 2 (two) years. Two years from the date of the approving ordinance the gravel parking lot must be asphalted.

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 on October 16, 2012.

Attest:

Debbie Gillette  
Kendall County Clerk

John Purcell  
Kendall County Board Chairman

Member Vickery recognized Sylvia from Comed who worked to help Grainco FS get its power back up.

**BREAK**

**RECONVENE**

**EXECUTIVE SESSION**

Member Martin made a motion to go into Executive Session for collective negotiating matters between the public body and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees, the purchase or lease of real property for the use of the public body, including meetings held for the purpose of discussing whether a particular parcel should be acquired, 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 and the appointment, employment, compensation, discipline, performance or dismissal of specific employees of the public body or legal counsel for the public body. Member Wehrli seconded the motion. Chairman Purcell asked for a roll call vote on the motion. All members present voting aye. **Motion carried.**

**RECONVENE**

Member Flowers was excused at 11:32am.

**Administration, HR, Revenue**

Member Hafenrichter reviewed the October 9, 2012 minutes in the packet.

**Property, Liability and Workers Compensation Policy Renewal**

Member Hafenrichter made a motion to authorize the property, liability and workers compensation policy renewal for 2012-2013. Member Wehrli seconded the motion. Chairman Purcell asked for a roll call vote on the motion. All members voting aye except Member Purcell who voted present. **Motion carried.**

### **Purchase Order for Transportation Vehicles**

County Administrator, Jeff Wilkins explained the bids received for transit vehicles which turned out to be less than expected.

Member Hafenrichter made a motion to approve the purchase order for transportation vehicles. Member Koukol seconded the motion. Chairman Purcell asked for a roll call vote on the motion. All members present voting aye. **Motion carried.**

### **Highway**

Member Davidson reviewed the minutes in the packet for the October 9, 2012 meeting.

### **NICOR Agreement for Relocation of Gas Main**

Member Davidson made a motion to have the County Chairman sign the NICOR Agreement for the relocation of Gas Mains at 126 and Grove Road in the amount of \$120,000 from the Transportation Sales Tax Fund. Member Wehrli seconded the motion. Chairman Purcell asked for a roll call vote on the motion. All members present voting aye. **Motion carried.**

### **Jim George & Sons Default of Contracts**

Member Davidson made a motion to declare Jim George & Sons default of 4 Township Contracts. Member Martin seconded the motion. Chairman Purcell asked for a roll call vote. All members present voting aye except Member Davidson who voted present. **Motion carried.**

### **Jim George & Sons Disposition of Proposal Guarantee Checks**

Member Davidson made a motion to return the \$12,000 bond fee back to Jim George & Sons. Member Wehrli seconded the motion. Chairman Purcell asked for a roll call vote. All members present voting aye except Members Shaw and Vickery. **Motion carried 7-2.**

### **Facilities Management**

Member Shaw reviewed the October 1, 2012 minutes in the packet. Jim Smiley also reviewed the minutes of the meeting. The minutes reflected that Member Koukol was absent but also that he made a motion – minutes need to be amended.

### **Finance**

#### **CLAIMS**

Member Vickery moved to approve the claims submitted in the amount of \$2,245,663.26. Member Martin seconded the motion.

**COMBINED CLAIMS:** FCLT MGMT \$81,432.01, B&Z \$840.35, CO CLK & REC \$525.73, ELECTION \$2,850.00, ED SRV REG \$5,963.15, SHRFF \$6,017.99, CRRCTNS \$12,740.62, EMA \$420.43, CRCT CT CLK \$938.72, CRCT CT JDG \$6,769.61, CRNR \$1,056.53, CMB CRT SRV \$20,625.22, PUB DFNDR \$2,885.16, ST ATTY \$3,266.01, TRSR \$2,398.43, EMPLY HLTH INS \$31,545.36, PPPOST \$72.99, OFF OF ADM SRV \$4,008.94, GNRL INS & BNDG \$98.00, CO BRD \$127.10, TECH SRV \$2,852.71, ECON DEV \$34.97, CO HWY \$16,316.36, CO BRDG \$22,457.23, TRNSPRT SALES TX \$658,908.39, HLTH & HMN SRV \$82,508.21, FRST PRSRV \$18,878.80, KEN COM \$285.97, ANML CNTRL EXP \$289.26, CO RCDR DOC STRG \$25,500.00, SHRFF PREV \$1,599.50, DRG ABS EXP \$609.60, HIDTA \$389,831.55, COMM FND \$865.18, CRT SEC FND \$1,291.60, LAW LBRY \$747.52, CRT AUTOMA \$20,621.38, PRBTN SRV \$13,732.46, SHRFF FTA \$1,110.63, VAC \$4,351.44, SHRFF VEH FND \$5,834.20, FP BND SERV 2007 \$791,793.76, CRTHSE EXPNSN \$660.19

Chairman Purcell asked for a roll call vote on the motion. All members present voting aye except Purcell who voted present. **Motion carried.**

### **Technology Expenditure from Contingency**

Member Vickery made a motion to authorize the expenditure for Technology purchases from the Contingency Fund in the amount of \$265,000.00. Member Martin seconded the motion. Chairman Purcell asked for a roll call vote. All members present voting aye except Member Davidson who voted nay. **Motion carried 8-1.**

## **Fiscal Year 2013 Budget on file**

Member Vickery made a motion to place the tentative fiscal year 2013 budget on file with the County Clerk. Member Petrella seconded the motion.

Board members discussed 4 employees getting a larger raise than other employees. It was emphasized that the budget was tentative.

Chairman Purcell asked for a roll call vote. Members voting aye include Hafenrichter, Martin, Petrella, Shaw and Vickery. Members voting nay include Davidson, Koukol and Wehrli. Member Purcell voted present. **Motion carried 5-3-1.**

## **Animal Control**

Anna Payton highlighted the minutes from the packet from the September 19, 2012 meeting.

## **Health & Environment**

Member Petrella stated that there will be a meeting on October 26, 2012.

## **Committee of the Whole**

Minutes are in the packet from the October 11, 2012 meeting.

## **STANDING COMMITTEE MINUTES APPROVAL**

Member Martin moved to approve all of the Standing Committee Minutes and Reports as submitted and amended. Member Koukol seconded the motion. Chairman Purcell asked for a voice vote on the motion. All members present voting aye. **Motion carried.**

## **SPECIAL COMMITTEE REPORTS**

### **Public Building Commission**

Member Wehrli reported that they improvements to the Public Safety Center for FY 2013.

### **VAC**

Member Martin reported that there was not a meeting.

### **Historic Preservation**

Member Wehrli reported that they had a joint meeting with all their local groups.

### **UCCI**

Member Petrella reported that the next meeting is October 19, 2012 in the Lincoln Museum in Springfield. The County is paid \$400.00 when Member Petrella attends the meeting.

### **Board of Health**

Member Wehrli reported that the meeting is October 16, 2012.

### **708 Mental Health**

Member Hafenrichter reported that they did not meet.

### **Kencom Executive Board**

Member Martin reported that the next meeting is on October 25, 2012.

### **Housing Authority**

Member Hafenrichter stated that a liaison from the County Board is needed in the future.

## CHAIRMAN'S REPORT

Chairman Purcell reminded the members that the next board meeting is on November 7<sup>th</sup> at 6:00 pm due to the election on November 6<sup>th</sup>.

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

## APPOINTMENTS

\*

Bob Walker – Public Aid Appeals Committee Alternate – 2 yr term – expires September 30, 2014

## CITIZENS TO BE HEARD

Todd Milliron, 61 Cotswold Dr, Yorkville stated that the raises are really not part of the county's growing budget; they need to look at the union contracts to save money. Mr. Milliron suggested sharing in the cost of benefits with the employees.

## ADJOURNMENT

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

Approved and submitted this 31st day of October, 2012.

Respectfully submitted by,  
Debbie Gillette,  
Kendall County Clerk