KENDALL COUNTY BOARD AGENDA
REGULAR SEPTEMBER MEETING
Kendall County Office Building, Rooms 209 & 210
Tuesday, October 16, 2012 at 9:00 a.m.

1. Call to Order
2. Roll Call
3. Determination of a Quorum
4. Approval of Previous Month’s Minutes
5. Approval of Agenda
6. Special Recognition
   A. Kendall County “StormReady” designation – presented by Jim Allsopp from the National Weather Service
   B. Recognize the Triad Courthouse Volunteers
7. Correspondence and Communications – County Clerk
8. Citizens to Be Heard
   A. Progressive Energy
9. Old Business
   A. Electric Aggregation
10. Business
11. Executive Session – Land Acquisition
12. New Business
   A. Authorize Sheriff to sign HIDTA Furniture Agreement
   B. 2013 Holiday Schedule
   C. Senior Services Day Proclamation – Friday, October 19, 2012
   D. Kencom Intergovernmental Agreement for Administrative and Treasury Services
   E. Village of Lisbon Funding Request
13. Elected Officials Report and Other Department Reports
   A. Sheriff
   B. County Clerk
   C. Treasurer
   D. Clerk of the Court
   E. State’s Attorney
   F. Coroner
   G. Health Department
   H. Supervisor of Assessments
14. Standing Committee Reports
   A. Planning, Building & Zoning
      1. Petition 12-29 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.
      2. Petition 12-32 Granting a special use for 1996 Cannonball trail Semper Fi Yard Services Inc.
      3. Petition 12-33 Amendment to the Zoning Ordinance to place of worship as a special use in all districts
      4. Petition 12-35 Granting a special use for 2127 Route 47 Yorkville Performing Arts Center
      5. Petition 12-36 Amendment to Zoning Ordinance to allow Performing Arts Centers
   B. Administration, HR, Revenue
      2. Authorize purchase order for transportation vehicles
   C. Highway
      1. NICOR Agreement for Relocation of Gas Mains
      2. Jim George & Sons Contracts
         A. Default of Contracts
         B. Disposition of Proposal Guarantee Checks
   D. Facilities Management
E. Finance Committee
   1. Approve Claims
   2. File tentative Fiscal Year 2013 budget with County Clerk
   3. Authorize county technology expenditure from contingency
F. Animal Control
G. Health and Environment
H. Committee of the Whole
I. Standing Committee Minutes Approval

15. Special Committee Reports
   A. Public Building Commission
   B. VAC
   C. Historic Preservation
   D. UCCI
   E. Board of Health
   F. Community 708 Mental Health Board
   G. KenCom Executive Board
   H. Housing Authority

16. Other Business
17. Chairman’s Report

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

ANNOUNCEMENTS

18. Citizens to be Heard
19. Questions from the Press
20. Adjournment
KENDALL COUNTY BOARD  
REGULAR SEPTEMBER MEETING  
September 18, 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, September 18, 2012 at 9:00 a.m. Roll was called. Members present: Chairman John Purcell, Bob Davidson, Elizabeth Flowers, Jessie Hafenrichter, Dan Koukol, Nancy Martin, Suzanne Petrella and Jeff Wehrli.

A quorum was present to conduct business.

THE MINUTES

Member Koukol moved to approve the submitted minutes from the Adjourned County Board Meetings of 8/21/12. Member Flowers seconded the motion. Chairman Purcell asked for a voice vote on the motion. All members present voting aye. Motion carried.

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.

SPECIAL RECOGNITION

Chairman Purcell recognized State Representative Kay Hatcher for her understanding of the importance of planning for local governments. Thanks to State Representative Hatcher’s help the county was able to get a $100,000 grant to acquire property to expand the County Office Building campus.

CITIZENS TO BE HEARD

Executive Director of CASA, Brian Grometer introduced himself to the Board. Mr. Grometer thanked the Board and Sheriff Randall for the funding to help the agency. They are on pace this year to have more children that they serve than they did last year.

Corey Johnson, 1152 Grace in Yorkville, spoke about a prevailing wage complaint he filed with the Department of Labor and the Orchard Road project. Mr. Johnson talked about the process of bidding and the procedure of approving the contracts through the board meetings.

Jan Alexander from Oswego talked about the compensation of Board Members in the way of health care coverage. Ms. Alexander stated that she felt that this is a duplication of effort to have the taxpayers pay for this benefit. With the economy being the way it is that the money could be spent wiser. Ms. Alexander was wondering if there was any discussion on this. Chairman Purcell stated that this was discussed at board meeting and the vote was to allow board members to choose if they wanted to accept health care of not.

Sherry Schmidt, Grove and Sherrill Roads stated that she had recently gotten a proposal to widen Sherrill Road 12” on each side and they want to purchase 20’ of property on each side. Ms. Schmidt feels that they have no say in this and does not want to give up their ground for money. Ms. Schmidt was invited to attend the Highway Committee meeting on 10/9/12.

OLD BUSINESS

Intergovernmental Agreement between County and Village of Oswego for Transportation Services

Hold until next meeting, waiting for Village of Oswego to decide.

2nd Agreement to Modify Contract between the County and the Voluntary Action Center

Hold until next meeting, waiting for Village of Oswego to decide.
Ethics Ordinance

Chairman Purcell stated that the biggest changes were the increase in committee members from 3 to 5 and increased the time to act from 7 to 21 business days.

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

A complete copy of Ordinance 12-18 is on file in the Office of the County Clerk.

NEW BUSINESS

Constitution Week Resolution

Member Martin moved to approve the Resolution declaring the week of September 17th through the 23rd Constitution Week. Member Koukol seconded the motion. Chairman Purcell asked for a voice vote on the motion. All members present voting aye. Motion carried.

KENDALL COUNTY
Resolution No. 12-39

A Resolution declaring the Week of September 17th through the 23rd Constitution Week

WHEREAS: The Constitution of the United States of America, the guardian of our liberties, embodies the principles of limited government in a Republic dedicated to rule by law; and

WHEREAS: September 17, 2012, marks the two hundred twentieth anniversary of the framing of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS: It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate it; and

NOW, THEREFORE, BE IT RESOLVED, that the Kendall County Board declares and proclaims the week of September 17 through 23, 2012 as CONSTITUTION WEEK and ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties.

This resolution approved by the County Board of Kendall County, State of Illinois.

John Purcell –Kendall County Board Chairman

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 Kendall County Board, at its regularly scheduled meeting in Yorkville, Illinois, on the 18th day of September, A.D. 2012

Debbie Gillette-County Clerk

ELECTED OFFICIALS REPORT AND OTHER DEPARTMENT REPORTS

Sheriff

Sheriff Randall reported that they received first place for the Traffic Safety Challenge the will receive equipment. There have been a significant number of fatal accidents. The PADS service for the homeless will begin on 10/14/12 and continue to April 2013.

County Clerk

Kendall County Clerk
Revenue Report 8/1/12-8/31/12

<table>
<thead>
<tr>
<th>Line Item</th>
<th>Fund</th>
<th>Revenue</th>
</tr>
</thead>
<tbody>
<tr>
<td>County Clerk Fees</td>
<td>$</td>
<td>1,208.50</td>
</tr>
<tr>
<td>County Clerk Fees - Marriage License</td>
<td>$</td>
<td>1,590.00</td>
</tr>
<tr>
<td>County Clerk Fees - Civil Union</td>
<td>$</td>
<td>-</td>
</tr>
</tbody>
</table>

Co Board 9/18/12
### Kendall County General Fund

**Quick Analysis of Major Revenues and Total Expenditures for Nine Months Ended 08/31/2012**

<table>
<thead>
<tr>
<th>REVENUES*</th>
<th>Annual Budget</th>
<th>2012 YTD Actual</th>
<th>2012 YTD %</th>
<th>2011 YTD Actual</th>
<th>2011 YTD %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Property Repl. Tax</td>
<td>$315,000</td>
<td>$280,277</td>
<td>88.98%</td>
<td>$315,888</td>
<td>103.91%</td>
</tr>
<tr>
<td>State Income Tax</td>
<td>$1,800,000</td>
<td>$1,781,060</td>
<td>98.95%</td>
<td>$1,427,394</td>
<td>101.96%</td>
</tr>
<tr>
<td>Local Use Tax</td>
<td>$340,000</td>
<td>$278,196</td>
<td>81.82%</td>
<td>$250,765</td>
<td>132.17%</td>
</tr>
<tr>
<td>State Sales Tax</td>
<td>$970,000</td>
<td>$706,980</td>
<td>72.88%</td>
<td>$730,158</td>
<td>104.31%</td>
</tr>
<tr>
<td>County Clerk Fees</td>
<td>$380,000</td>
<td>$313,522</td>
<td>82.51%</td>
<td>$292,902</td>
<td>77.08%</td>
</tr>
<tr>
<td>Circuit Clerk Fees</td>
<td>$1,300,000</td>
<td>$971,339</td>
<td>74.72%</td>
<td>$994,566</td>
<td>71.04%</td>
</tr>
<tr>
<td>Fines &amp; Forfeits/St Atty.</td>
<td>$560,000</td>
<td>$396,742</td>
<td>70.85%</td>
<td>$430,720</td>
<td>76.91%</td>
</tr>
<tr>
<td>Building and Zoning</td>
<td>$35,000</td>
<td>$34,209</td>
<td>97.74%</td>
<td>$36,710</td>
<td>122.37%</td>
</tr>
<tr>
<td>Interest Income</td>
<td>$50,000</td>
<td>$22,332</td>
<td>44.66%</td>
<td>$43,919</td>
<td>54.90%</td>
</tr>
<tr>
<td>Health Insurance - Empl. Ded.</td>
<td>$981,698</td>
<td>$831,349</td>
<td>84.68%</td>
<td>$692,352</td>
<td>81.10%</td>
</tr>
<tr>
<td>1/4 Cent Sales Tax</td>
<td>$2,400,000</td>
<td>$1,817,949</td>
<td>75.75%</td>
<td>$1,771,146</td>
<td>79.46%</td>
</tr>
<tr>
<td>County Real Estate Transf Tax</td>
<td>$170,000</td>
<td>$168,655</td>
<td>99.21%</td>
<td>$153,857</td>
<td>88.42%</td>
</tr>
<tr>
<td>Correction Dept. Board &amp; Care</td>
<td>$750,000</td>
<td>$631,983</td>
<td>84.26%</td>
<td>$633,420</td>
<td>64.27%</td>
</tr>
</tbody>
</table>

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

Co Board 9/18/12
Sheriff Fees

<table>
<thead>
<tr>
<th></th>
<th>$450,000</th>
<th>$583,120</th>
<th>129.58%</th>
<th>$247,547</th>
<th>38.08%</th>
</tr>
</thead>
<tbody>
<tr>
<td>TOTALS</td>
<td>$10,501,698</td>
<td>$8,817,712</td>
<td>83.96%</td>
<td>$8,061,364</td>
<td>80.89%</td>
</tr>
<tr>
<td>Public Safety Sales Tax</td>
<td>$4,000,000</td>
<td>$3,228,860</td>
<td>80.72%</td>
<td>$3,186,484</td>
<td>79.66%</td>
</tr>
<tr>
<td>Transportation Sales Tax</td>
<td>$4,000,000</td>
<td>$3,228,860</td>
<td>80.72%</td>
<td>$3,186,484</td>
<td>79.66%</td>
</tr>
</tbody>
</table>

*Includes major revenue line items excluding real estate taxes which are to be collected later.

County Treasurer, Jill Ferko reported that revenues are on track to make budget, second installment has been processed and the 5th distribution will be within the next week.

**Clerk of the Circuit Clerk**

Circuit Clerk, Becky Morganegg stated that this week is jury trial week and 7 trials have been scheduled to proceed. They are looking at different uses of technology in the next couple of months.

**State’s Attorney**

Assistant State’s Attorney, Leslie Johnson stated that State’s Attorney, Eric Weis is on trial this week.

**Coroner**

Statistics:

<table>
<thead>
<tr>
<th>2012 Statistics</th>
<th>Stats for Same Period in 2011</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012 Total Deaths.....</td>
<td>204</td>
<td>Total Deaths......</td>
</tr>
<tr>
<td>Autopsies to Date.............</td>
<td>15</td>
<td>Autopsies....</td>
</tr>
<tr>
<td>Toxicology Samples.</td>
<td>18</td>
<td>Toxicology Samples..</td>
</tr>
<tr>
<td>Cremation Permits....</td>
<td>93</td>
<td>Cremation Permits...</td>
</tr>
</tbody>
</table>

**Autopsies**

There were two (2) autopsies performed during the month of August.

**Inquests**

There were four (4) Coroner’s Inquests held at the Kendall County Courthouse in August.

**Health Department**

No report.

**Supervisor of Assessments**

Supervisor of Assessments, Andy Nicoletti reported that 8 township have been turned in with only 1 left. New construction is anticipated to be $20 million and the average assessment is down 8 ½%.

**STANDING COMMITTEE REPORTS**

**Planning, Building & Zoning**

Member Martin reviewed the 9/10/12 minutes in the packet.

**Petition 12-24 Development Fee Ordinance**

Member Martin made a motion to approve Petition 12-24 Granting approval of an amendment to the Development Fee Ordinance. Member Wehrli seconded the motion. Chairman Purcell asked for a voice vote on the motion. All members present voting aye. Motion carried.
ORDINANCE # 2012-19
DEVELOPMENT FEE ORDINANCE

WHEREAS, the County of Kendall on September 21, 1999 by Ordinance 99-30 adopted ordinances, regulations, and maps which regulate the development and use of land and structures; and

WHEREAS, the County adopted amendments to the Development Fee Ordinance by Ordinance 00-51 passed on December 19, 2000, amended by Ordinance 04-17 on May 18, 2004 and further amended by Ordinance 2010-08 passed on April 20, 2010; and

WHEREAS, from time to time property owners or agents representing landowners request changes in the ordinances as they affect their property and approval of various development proposals; and

WHEREAS, it is the policy of Kendall County to have those persons requesting changes in the ordinances, regulations, and maps and the approval of development requests pay for the costs associated with their requests; and

WHEREAS, from time to time the County of Kendall revises the development fees as costs change and desire to change the Development Fee Ordinance as it relates to Map Amendments, Planned Unit Developments, Special Uses, Major and Minor Amendments to Special Uses, Variances, Administrative Variances, Plats, Appeals, Text Amendments, Site Plan Reviews and Agricultural Conditional Uses.

NOW THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF THE COUNTY OF KENDALL THAT:

SECTION 1: THE FEE SCHEDULE REGARDING ZONING FEES INVOLVING MAP AMENDMENTS, PLANNED UNIT DEVELOPMENTS, SPECIAL USES, MAJOR AND MINOR AMENDMENTS TO SPECIAL USES, VARIANCES, ADMINISTRATIVE VARIANCES, PLATS, APPEALS, TEXT AMENDMENTS, SITE PLAN REVIEWS AND AGRICULTURAL CONDITIONAL USES IS HEREBY AMENDMENT TO INCLUDE THE FOLLOWING:

MAP AMENDMENTS
Any amount of acreage $500.00

SPECIAL USE PERMITS, PLANNED UNIT DEVELOPMENTS/ RESIDENTIAL PLANNED DEVELOPMENTS AND MAJOR AMENDMENTS TO SPECIAL USES

The following fees include a processing fee, a fee for recording the special use in the recorder's office for 10 pages and a cost for a Hearing Officer at a rate of $350.00 for the first hour and $100.00 for each additional hour shall be imposed on ALL Special Uses

All acreage zoned as A-1 $1,155
All Other Zoning Districts
0.0-5.00 acres $1,155
5.01-10.00 acres $1,905
10.01-50.00 acres $2,255 + $50/acre or part thereof over 10 acres
50.01-100.00 acres $4,755 + $35/acre or part thereof over 50 acres
100.01-500.00 acres $6,505 + $20/acre or part thereof over 100 acres
500.01+ $14,505 + $15/acre or part thereof over 500 acres

MINOR AMENDMENT TO SPECIAL USE $150.00

VARIANCE
As part of Special Use $100
Not part of Special Use $425 for first Variance Request of petition and $50 for each additional request to be included in the same petition

ADMINISTRATIVE VARIANCE $150.00

PRELIMINARY PLAT
Residential $1,000.00 + $50.00/acre or part of an acre
Co Board 9/18/12
Other Plat Actions

FINAL PLAT
All Final Plats
$50.00/acre or part of an acre
($500.00 minimum)

OTHER PLAT (Vacation, Dedication, etc.)
All Other Plat Actions
$50.00/acre or part of an acre
($500.00 minimum)

ADMINISTRATIVE APPEAL
$1,000.00

TEXT AMENDMENT
$500.00

SITE PLAN REVIEW
$375.00

A-1 CONDITIONAL USE
$100.00

SECTION 2: WAIVERS AND REFUNDS

No waiver and no refund shall be made for any fee paid pursuant to this Ordinance without the approval of the Planning Building and Zoning Committee of the County Board, EXCEPT all fees for actions or activities by Kendall County or the Kendall County Forest Preserve District are hereby waived and all fees for non-profit organizations shall be charged half of the normal fees for zoning petitions; provided they show proof of non-profit status and that the permit be used only by the organizations itself.

SECTION 3: EFFECTIVE DATE

This Ordinance shall be effective immediately upon approval.

APPROVED THIS 18TH DAY OF September, 2012

Attest:
Kendall County Clerk        Kendall County Board Chairman
Debbie Gillette              John Purcell

Petition 12-25 Garage/Yard/Barn Sales

Member Martin made a motion to approve Petition 12-25 Granting approval of an amendment to the Kendall County Zoning Ordinance to allow garage/yard/barn sales as a permitted use. Member Wehrli seconded the motion.

Members discussed taking this back to committee to review the guidelines for the number of days sales can be held.

Member Koukol made a motion to take Petition 12-25 Granting approval of an amendment to the Kendall County Zoning Ordinance to allow garage/yard/barn sales as a permitted use back to committee. Member Petrella seconded the motion. Chairman Purcell asked for a voice vote on the motion. All members present voting aye. Motion carried.

Petition 12-28 Findings of Fact

Member Martin made a motion to take Petition 12-28 Granting approval of an amendment to the Kendall County Zoning Ordinance to the Findings of Fact. Member Wehrli seconded the motion. Chairman Purcell asked for a voice vote on the motion. All members present voting aye. Motion carried.

State of Illinois
County of Kendall

ORDINANCE # 12-20
AMENDMENT TO THE KENDALL COUNTY ZONING ORDINANCE
TO THE FINDINGS OF FACT

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

Co Board 9/18/12
WHEREAS, all administrative procedures for amendments have been followed including a Public Hearing held before the Kendall County Zoning Board of Appeals on August 27, 2012.

NOW, THEREFORE, BE IT ORDAINED, the Kendall County Board hereby amends Section 13.04.A.3- "Administration- Variations", Section 13.07.F "Administration- Amendments- Findings of Fact and recommendation of the Zoning Board of Appeals" & Section 13.08.J "Administration- Special Uses and Planned Developments-Standards" of the Kendall County Zoning Ordinance as provided:

Section 13.04.A.3
In making its determination as to whether there is a particular hardship or practical difficulty, the Zoning Board of Appeals shall take into consideration the extent to which the following conditions have been established by the evidence.

a. That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out.
b. That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification.
c. That the alleged difficulty or hardship has not been created by any person presently having an interest in the property.
d. That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located.
e. That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood.

Section 13.07.F
FINDING OF FACT AND RECOMMENDATION OF THE ZONING BOARD OF APPEALS. Within a reasonable time after the close of the hearing on a proposed amendment, the Zoning Board of Appeals shall make written findings of fact and shall submit same together with its recommendation to the County Board of Kendall County. Where the purpose and effect of the proposed amendment is to change the Zoning classification of particular property, the Zoning Board of Appeals shall make findings based upon evidence presented to it in each specific case with respect to the following matters:

1. Existing uses of property within the general area of the property in question.
2. The Zoning classification of property within the general area of the property in question.
3. The suitability of the property in question for the uses permitted under the existing zoning classification.
4. The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the day the property in question was in its present zoning classification. The Zoning Board of Appeals shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and is not solely for the interest of the applicant. The Zoning Board of Appeals may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this paragraph the R-1 District shall be considered the highest classification and the M-2 District shall be considered the lowest classification.
5. Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County plans and policies.

Section 13.08.J
STANDARDS. No special use shall be recommended by the Hearing Officer unless said Hearing Officer shall make a written finding. The Hearing Officer shall consider the following in rendering a decision, but is not required to make an affirmative finding on all items:

1. 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.
2. 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.
3. That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided.
4. 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.

5. 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.

IN WITNESS OF, this Ordinance has been enacted by the Kendall County Board this 18th day of September, 2012.

Attest:
Kendall County Clerk
Debbie Gillette
Kendall County Board Chairman
John Purcell

Petition 12-30 A-1 Agricultural Accessory Structure Setback

Member Martin made a motion to take Petition 12-30 Granting approval of an amendment to the Kendall County Zoning Ordinance to the A-1 Agricultural Accessory Structure Setbacks. Member Wehrli seconded the motion. Chairman Purcell asked for a voice vote on the motion. All members present voting aye. Motion carried.

State of Illinois
County of Kendall

ORDINANCE # 12-21
AMENDMENT TO THE KENDALL COUNTY ZONING ORDINANCE
TO THE A-1 AGRICULTURAL ACCESSORY STRUCTURE SETBACKS

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 August 27, 2012.

NOW, THEREFORE, BE IT ORDAINED, the Kendall County Board hereby amends Section 4.05- “Accessory buildings, structures and uses” & Section 7.01.H.2 “A-1 Agricultural- Site and Structure requirements” of the Kendall County Zoning Ordinance as provided:

Section 4.05
B. PERMITTED OBSTRUCTIONS IN REQUIRED YARDS. The following table identifies accessory buildings, structures and uses that are permitted as obstructions in required yards (setbacks) subject to the following restrictions.

1. No structure shall be placed within a recorded easement.
2. No other obstruction shall occur within a recorded easement unless the sole purpose of the easement is for service to only the subject property.
3. No obstruction shall adversely impact drainage.
4. Unless otherwise indicated in the table listed below, no obstruction shall be closer than five feet from a property line.
5. No obstruction shall encroach onto a private septic system or private water wells.

C. LOCATION. Except as otherwise provided for under Section 4.05 no part of any accessory building shall be located closer than five (5) feet from any side or rear property line, nor closer than ten (10) feet to any main buildings, unless attached and made a part of such main building. In the A-1 Agricultural District accessory structures must be ten (10) feet from all property lines dividing lots held in separate ownership. If an accessory structure is the first building on a A-1 Agricultural lot it must meet principle building setbacks as set forth in section 7.01.H.2.a of the Zoning Ordinance.

Section 7.01.H.2
Setbacks
a. Principal buildings - One hundred (100) feet from a dedicated road right-of-way or one hundred and fifty (150) feet from the center line of all adjacent roads, whichever is greater. Also, fifty (50) feet from all property lines dividing lots held in separate ownership.

b. Accessory structures - One hundred (100) feet from a dedicated road right-of-way or one hundred and fifty (150) feet from the center line of all adjacent roads, whichever is greater and ten (10) feet from all property lines dividing lots held in separate ownership.

IN WITNESS OF, this Ordinance has been enacted by the Kendall County Board this 18th day of September, 2012.
Member Hafenrichter reviewed the September 6, 2012 minutes in the packet.

**Flu & Wellness Screening**

Member Hafenrichter made a motion to authorize flu shot and wellness screening benefit. Member Wehrli seconded the motion. Chairman Purcell asked for a roll call vote on the motion. Members voting aye include Davidson, Flowers, Hafenrichter, Koukol, Purcell and Wehrli. Members voting nay include Martin and Petrella. **Motion carried 6-2.**

**Health, Dental and Life Insurance Benefit and Providers**

County Administrator, Jeff Wilkins explained that Blue Cross/ Blue Shield was the health insurance provider no plan design changes the rate is 6.5%. Dental no plan design change, provider is Lincoln Financial the rate is 9% which includes the basic life. Life basic $10,000 Lincoln will take on being that provider.

Member Hafenrichter made a motion to approve the Health, Dental and Life Insurance Benefit and Providers. Member Martin seconded the motion. Chairman Purcell asked for a voice vote on the motion. All members present voting aye. **Motion carried.**

**Highway**

**5-Year Surface Transportation Program**

Member Martin made a motion to approve the 5-Year Surface Transportation Program. Member Wehrli seconded the motion. Chairman Purcell asked for a voice vote on the motion. All members present voting aye. **Motion carried.**

**Resolution appropriating funds for County's share of IL Rte 71 Improvements**

Member Davidson made a motion to approve the Resolution appropriating funds for County's share of IL Rte 71 improvements in the amount of $36,000 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.**

**Pavement Marking**

Member Davidson made a motion to approve the pavement marking quote from Maintenance Coatings for Caton Farm Road in the amount of $29,700 from the Transportation Sales Tax Fund. Member Martin seconded the motion. Chairman Purcell asked for a roll call vote on the motion. All members present voting aye. **Motion carried.**

**Land Acquisition on Sherrill Road**

Motion made by Davidson and seconded by Martin then motion withdrawn.

Member Davidson reviewed the 9/11/12 minutes in the packet.

**BREAK**

**RECONVENE**

**Administration, HR, Revenue**

**Section 5311 Resolution**

Member Hafenrichter made a motion to approve the Resolution authorizing application for Public Transportation Financial Assistance under Section 5311 of the Federal transit Act of 1991, as amended (49 U.S.C. 5311). Member Martin seconded the motion. Chairman Purcell asked for a voice vote. All members present voting aye. **Motion carried.**

**Special Warranty, Section 5311**
Member Hafenrichter made a motion to approve the acceptance of the Special Warranty, Section 5311 of the Federal Transit Act of 1964. Member Martin seconded the motion. Chairman Purcell asked for a voice vote. All members present voting aye. **Motion carried.**

**Facilities Management**

Member Davidson reviewed the September 4, 2012 minutes in the packet.

**Electric Contract**

Member Davidson made a motion to approve the Electric Contract for 2013-2016. Member Martin seconded the motion. Chairman Purcell asked for a roll call vote. All members present voting aye. **Motion carried.**

**Natural Gas Contract**

Member Davidson made a motion to approve the Natural Gas Contract for 2013-2016. Member Martin seconded the motion. Chairman Purcell asked for a roll call vote. All members present voting aye. **Motion carried.**

**Administration, HR, Revenue**

Member Hafenrichter reviewed the minutes in the packet from the September 11, 2012 meeting.

**Finance**

Member Hafenrichter reviewed the minutes in the packet from the September 7, 2012 and September 13, 2012 meetings.

**CLAIMS**

Member Hafenrichter moved to approve the claims submitted in the amount of $1,373,710.73. Member Martin seconded the motion.

**COMBINED CLAIMS:** FCLT MGMT $93,972.47, B&Z $3,249.56, CO CLK & REC $1,470.24, ELECTION $141.74, SHRRF $9,651.00, CRRCN S $15,004.75, EMA $733.82, CRCT CT CLK $456.86, JURY COMM $11.03, CRCT CT JDG $4,638.83, CRN $441.93, CMB CRT SRV $1,441.09, PUB DFNDR $2,529.50, ST ATTY $3,311.16, SPRV OF ASSMNT $15,006.55, TRSR $250.56, EMPLY HLTH INS $11,843.20, PPPOSTO $20,000.00, OFF OF ADM SRV $307.82, CO BRD $160.44, TECH SRV $2,531.14, ECON DEV $142.77, TB EXPND FND $190.00, CO HWY $33,008.34, CO BRDG $1,419.27, TRNSPRRT SALES TX $177,228.87, HLTH & HMN SRV $29,549.34, EXP $1,953.81, FRST PRRSRV $11,585.11, KEN COM $1,052.41, ANML CNTRL EXP $119.59, CO RCDR DOC STRG $6,006.84, SHRRF PREV $3,000.80, HIDTA $3,781.27, COMM FND $479.54, CRT SEC FND $377.17, PRBTN SRV $7,681.00, AREA TRANS FND $153,869.84, ENG/CON $1,767.00, SHRRF FTA $1,160.41, VAC $4,965.65, SHRRF VEH FND $480.00, FP BND SERV 2007 $746,003.01, CRTHSE DEBT $515.00

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

**Expenditure for Circuit Clerk monitors**

Member Hafenrichter made a motion to authorize the expenditure for Circuit Clerk Monitors from the Courthouse Expansion Fund not to exceed $2,500.00. Member Wehrli seconded the motion. Chairman Purcell asked for a roll call vote. All members present voting aye. **Motion carried.**

**Animal Control**

Member Martin reviewed the minutes in the packet from the August 22, 2012 meeting.

**Registration Fee for Intact Animals**

Member Martin made a motion to approve the registration fees for intact animals. Member Wehrli seconded the motion. Members discussed the reasons for the increase and the fact that the State imposed that there should be a difference in fees.

Chairman Purcell asked for a roll call vote. Members voting aye include Flowers, Hafenrichter, Martin, Petrella, Purcell and Wehrli. Members voting nay include Davidson and Koukol. **Motion carried 6-2.**
Animal Return Policy

Member Martin stated that dogs are taken as is and problems cannot always be seen. Anna Payton explained that if there happens to be a problem within the first 72 hours, they would like to be able to offer a certificate of adoption for the adoption of another animal within a 3 month period.

Member Martin made a motion to approve the Animal Return Policy. Member Wehrli seconded the motion. Chairman Purcell asked for a voice vote. All members present voting aye. Motion carried.

Health & Environment

Member Petrella stated that the meeting was cancelled for September. There will not be a meeting in October.

Committee of the Whole

Minutes are in the packet from the September 13, 2012 meeting. Correction to the minutes to add Elizabeth Flowers as being present.

STANDING COMMITTEE MINUTES APPROVAL

Member Flowers moved to approve all of the Standing Committee Minutes and Reports as submitted and amended. Member Hafenrichter 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 did not meet.

VAC

Member Martin reported that they have a new President, Jeff Cox. They will be doing nominations for the new board and they talked about bonding their Treasurer and President.

Historic Preservation

Member Wehrli reviewed the minutes in the packet from the August 15, 2012 meeting.

UCCI

Member Petrella reported that the next meeting is September 24, 2012 in Springfield.

Board of Health

Member Wehrli reported that the meeting is September 18, 2012.

708 Mental Health

Member Hafenrichter had nothing to report.

Kencom Executive Board

Member Martin reported that the next meeting is on 9/27/12.

Housing Authority

Member Hafenrichter stated director has been let go and she is trying to make contact with the new director.

CHAIRMAN’S REPORT

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

APPOINTMENTS

Mike Schoppe – Workforce Investment Board – 2 yr term – expires September 2014

Suzanne Petrella – Workforce Investment Board – 2 yr term – expires September 2014

Co Board 9/18/12
EXECUTIVE SESSION

Member Petrella 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, and 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 Davidson seconded the motion. Chairman Purcell asked for a roll call vote on the motion. All members present voting aye. Motion carried.

RECONVENE

Chairman Purcell reconvened the meeting at 12:39pm.

Highway

Land Acquisition on Sherrill Road

Member Davidson moved to appropriate $515,570.00 for land acquisition on Sherrill Road from the Transportation Sales Tax Fund. Member Martin seconded the motion. Chairman Purcell asked for a roll call vote on the motion. All members present voting aye. Motion carried.

ADJOURNMENT

Member Davidson 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 2nd day of October, 2012.
Respectfully submitted by,
Debbie Gillette,
Kendall County Clerk
SPECIAL RECOGNITION
TRIAD COURTHOUSE VOLUNTEERS
County Board Meeting
Tuesday, October 16, 2012
9:00 a.m.
County Office Building, Board Room 209

Harley Anderson
Plano, IL
11 years of service (2001)

Felix Gamarra
Plano, IL
2 years of service (2011)

Linda DuBrock
Yorkville, IL
4 years of service (2008)

Beverly Carlson
Plano, IL
2 years of service (2011)

Edward Tomse
Yorkville, IL
4 years of service (2008)

Patricia Race
Oswego, IL
Began in 2012

David Striker
Yorkville, IL
3 years of service (2009)

Shirley Mina
Yorkville, IL
Began in 2012

Evelyn Sikorski
Yorkville, IL
2 years of service (2011)
# Kendall County 2013 Holiday Schedule

<table>
<thead>
<tr>
<th>Holiday</th>
<th>Observed On</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Year's Day</td>
<td>Tuesday, January 1, 2013</td>
</tr>
<tr>
<td>Martin Luther King, Jr. Day</td>
<td>Monday, January 21, 2013</td>
</tr>
<tr>
<td>Lincoln's Birthday</td>
<td>Tuesday, February 12, 2013</td>
</tr>
<tr>
<td>Washington's Birthday</td>
<td>Monday, February 18, 2013</td>
</tr>
<tr>
<td>Spring Holiday</td>
<td>Friday, March 29, 2013</td>
</tr>
<tr>
<td>Memorial Day</td>
<td>Monday, May 27, 2013</td>
</tr>
<tr>
<td>Independence Day</td>
<td>Thursday, July 4, 2013</td>
</tr>
<tr>
<td>Labor Day</td>
<td>Monday, September 2, 2013</td>
</tr>
<tr>
<td>Columbus Day</td>
<td>Monday, October 14, 2013</td>
</tr>
<tr>
<td>Veteran's Day</td>
<td>Monday, November 11, 2013</td>
</tr>
<tr>
<td>Thanksgiving Day</td>
<td>Thursday, November 28, 2013</td>
</tr>
<tr>
<td>Day Following Thanksgiving</td>
<td>Friday, November 29, 2013</td>
</tr>
<tr>
<td>Christmas Day</td>
<td>Wednesday, December 25, 2013</td>
</tr>
</tbody>
</table>
WHEREAS, on August 31, 1973, Senior Services Associates, Inc. was established with a mission to is 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.

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;

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;

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 19th, 2012 as Senior Services Associates, Inc. Day

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

____________________
John Purcell
Kendall County Board Chair
WHEREAS, on August 31, 1973, Senior Services Associates, Inc. was established with a mission to is 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

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IN WITNESS WHEREOF, I have hereunto set my hand this

________ Day of October, 2012

John Purcell
Kendall County Board Chair
General Fund Special Reserve Fund

Description
This fund was established to set aside dollars in the event the County has to pay pending property tax appeals. Annually, the Board reviews status of pending tax appeals to determine adequate reserve balance.

<table>
<thead>
<tr>
<th>Account No.</th>
<th>Description</th>
<th>ACTUAL 2010</th>
<th>ACTUAL 2011</th>
<th>BUDGET 2012</th>
<th>BUDGET 2013</th>
<th>% Change In Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Beginning Balance</td>
<td>1,450,000</td>
<td>1,500,000</td>
<td>1,550,000</td>
<td>1,440,000</td>
<td>-7.1%</td>
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<tr>
<td>OTHER</td>
<td>Expenditures</td>
<td></td>
<td>121,734</td>
<td></td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>7602-000-6650</td>
<td>Total Other</td>
<td>0</td>
<td>121,734</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Total Expenditure</td>
<td>0</td>
<td>121,734</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Revenue over/(under) Expenditure</td>
<td>0</td>
<td>(121,734)</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>TRANSFERS IN</td>
<td>General Fund Transfer</td>
<td>50,000</td>
<td>50,000</td>
<td>50,000</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>7601-000-1300</td>
<td>Total Transfers In</td>
<td>50,000</td>
<td>50,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>TRANSFERS OUT</td>
<td>General Fund Transfer</td>
<td>110,000</td>
<td>0</td>
<td>0</td>
<td>110,000</td>
<td>0</td>
</tr>
<tr>
<td>7602-000-1300</td>
<td>Total Transfers Out</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>110,000</td>
<td>0</td>
</tr>
<tr>
<td>Ending Balance</td>
<td>1,500,000</td>
<td>1,428,266</td>
<td>1,440,000</td>
<td>1,440,000</td>
<td>0.0%</td>
<td></td>
</tr>
</tbody>
</table>

Kendall County, FY13 Budget Page 139
SECOND INTERGOVERNMENTAL AGREEMENT FOR THE REPLACEMENT OF
THE RIVER ROAD BRIDGE OVER BLACKBERRY CREEK, YORKVILLE, ILLINOIS

THIS SECOND INTERGOVERNMENTAL AGREEMENT ("the Agreement") by
and between the County of Kendall, a unit of local government of the State of Illinois ("Kendall County") and the United City of Yorkville, Kendall County, Illinois (the "City") a municipal corporation of the State of Illinois.

WITNESSETH:

WHEREAS, the Constitution of the State of Illinois of 1970, Article VII, Section 10, provides that units of local government may contract or otherwise associate among themselves to obtain or share services and to exercise, combine, or transfer any power or function in any manner not prohibited by law or by ordinance and may use their credit, revenues, and other resources to pay costs related to intergovernmental activities; and

WHEREAS, the City and Kendall County are units of local government within the meaning of Article VII, Section 1 of the Illinois Constitution of 1970 who are authorized to enter into intergovernmental agreements pursuant to the Intergovernmental Cooperation Act, 5 ILCS 220/1 et seq.; and

WHEREAS, the Intergovernmental Cooperation Act, 5 ILCS 220/1 et seq., provides that any county may participate in an intergovernmental agreement under this Act notwithstanding the absence of specific authority under the State law to perform the service involved, provided that the unit of local government contracting with Kendall County has authority to perform the service; and

WHEREAS, on or about January 18, 2011, Kendall County and the City (the "Parties") entered into an Intergovernmental Agreement for the Replacement of the River Road Bride Over
Blackberry Creek (the "First Agreement"). In the First Agreement, the Parties agreed to combine funds received by the City from the Illinois Department of Transportation's Major Bridge Program with funds received by Kendall County from the Federal Highway Bridge Program and other funds in order to undertake the replacement of the River Road Bridge over Blackberry Creek (the "Project") pursuant to the terms and conditions stated therein; and,

WHEREAS, pursuant to Section 3 of the First Agreement, Kendall County agreed to fund eighty percent (80%) of the total cost of Preliminary Engineering and Design Engineering for the Project. Kendall County further agreed to advance one hundred percent (100%) of the total cost for the Preliminary Engineering and Design Engineering, and the City agreed to reimburse Kendall County in an amount equal to twenty percent (20%) of the total cost for the preliminary engineering and design engineering on or before April 30, 2012; and,

WHEREAS, since the execution of the First Agreement, the Parties desire to enter into this Agreement as a supplement to the First Agreement and for the purpose of completing all remaining tasks and financing of the Project, which the Parties agree are reasonably necessary to complete the Project and to provide a safe and efficient roadway network for the benefit of the residents of the City and Kendall County.

NOW, THEREFORE, in consideration of the premises and the mutual covenants hereafter set forth, the parties agree as follows:

Section 1. The foregoing preambles are hereby incorporated into this Agreement as if fully restated in this Section 1.

Section 2. In addition to the City's obligations as set forth in the First Agreement, the City agrees to perform all of the following additional obligations pursuant to the terms of this Agreement:
A. The City shall construct and complete the Project in accordance with the final engineering plans and all other approvals as may be required by the Illinois Department of Transportation ("IDOT"), the Federal Highway Bridge Program and all other applicable local ordinances, state and federal laws. The Parties agree that construction of the Project is scheduled to proceed upon execution of the Agreement, and the Parties anticipate final completion of the Project by January 1, 2013.

B. The City shall comply with all competitive bidding and selection requirements necessary for construction and completion of the Project pursuant to applicable state and federal laws;

C. The City shall select and contract with all contractors and subcontractors necessary to complete the construction of the Project;

D. The City shall be solely responsible for supervising the construction and completion of the Project and of all contractors and subcontractors retained by the City to assist in the construction and completion of the Project.

E. The City shall be responsible for reimbursing Kendall County for the costs and attorneys' fees expended by Kendall County for land acquisition as set forth in Section 3A below.

F. The City acknowledges that the work to be performed by the City and the City's contractors and subcontractors are subject to the Illinois Prevailing Wage Act, 820 ILCS 130/1 et seq. ("Prevailing Wage Act"). The City agrees to fully comply with all applicable requirements of the Prevailing Wage Act, and the City agrees to notify all contractors and subcontractors that the work performed pursuant to this Agreement shall be subject to the Prevailing Wage Act. In the event that the City fails to comply with the notice requirements set forth in this Paragraph,
the City shall be solely responsible for any and all penalties, fines and liabilities incurred for contractors' and/or subcontractors' violations of the Prevailing Wage Act.

G. The City shall ensure that each contractor and/or subcontractor performing work on the Project shall obtain and continue in force during the term of the Project, all insurance necessary and appropriate and that each contractor and/or subcontractor contracted with shall name Kendall County as an Additional Insured on a Primary and Non-Contributory basis with respect to the general liability, business auto liability and excess liability insurance, as well as a waiver of subrogation with respect to the general liability and workers' compensation in favor of Kendall County.

Section 3. In addition to all of Kendall County's obligations under the First Agreement, Kendall County agrees to perform all of the following additional obligations pursuant to the terms of this Agreement:

A. Kendall County shall undertake the acquisition of such interests in real estate, including temporary or permanent easements or fee ownership, which Kendall County deems necessary for the City to construct the replacement of the River Road Bridge over Blackberry Creek. Kendall County shall pay all costs and attorneys' fees expended in connection with such land acquisition, and the City shall reimburse Kendall County for all costs and attorneys' fees expended by Kendall County for land acquisition pursuant to the payment schedule set forth in Section 6 below.

B. Kendall County shall lend to the City an amount not to exceed five hundred thousand dollars and zero cents ($500,000.00) with no interest for the costs necessary to complete all aspects of the Project including, but not limited to, the costs incurred for the design engineering, land acquisition, construction engineering, and construction of the Project. The
parties understand and agree that this $500,000.00 loan amount includes all monies expended by Kendall County pursuant to the terms of the First Agreement and this Second Agreement. Any fees and costs incurred for the Project that exceed the $500,000.00 loan amount shall be the sole responsibility of the City and shall be paid by the City.

Section 4. As of the date of execution of this Agreement, the City anticipates the Illinois Department of Transportation (IDOT) shall advance all funds necessary for the City to construct and complete the Project, and the City shall reimburse IDOT in an amount equal to twenty percent (20%) of the total amount advanced by IDOT for completion of the Project. Upon the City’s receipt of an invoice from IDOT requesting reimbursement, the City shall provide a copy of the IDOT invoice to Kendall County within five (5) calendar days of receipt thereof. Upon receipt of the IDOT invoice, Kendall County agrees to disburse all, or a portion of the $500,000.00 loan, in an amount equal to the requested IDOT reimbursement amount (hereinafter referred to as “the Loan Proceeds”). Kendall County shall disburse the Loan Proceeds to the City within ten (10) business days after receipt of the invoice from the City. In the event that IDOT’s requested reimbursement amount exceeds the remaining balance of the $500,000.00 loan, the City understands and agrees that it shall be solely responsible for reimbursing IDOT for any remaining balance not covered under the $500,000.00 loan.

Section 5. If IDOT fails to advance funds due on the Project, the City understands and agrees that it is still obligated to honor its obligations under this Agreement and the City remains responsible for repayment of any funds due to Kendall County.

Section 6. In consideration of the mutual promises and the terms and conditions set forth herein, Kendall County agrees to loan the amounts stated herein in exchange for the City’s obligation to repay those amounts in accordance with the following payment schedule: On or
before September 1, 2013, Kendall County shall provide the City with an invoice for the total amount of money loaned by Kendall County to the City pursuant to the terms of this Agreement (hereinafter referred to as "the Loan Balance"). Upon receipt of the invoice, the City shall make payments to Kendall County for the Loan Balance in six (6) equal annual installments with the first payment commencing on October 31, 2013, and continuing each year thereafter until the Loan Balance has been repaid to Kendall County in full. Therefore, the payment schedule shall be paid as follows:

1) October 31, 2013 – First payment of 1/6th of Loan Proceeds
2) October 31, 2014 – Second payment of 1/6th of Loan Proceeds
3) October 31, 2015 – Third payment of 1/6th of Loan Proceeds
4) October 31, 2016 – Fourth payment of 1/6th of Loan Proceeds
5) October 31, 2017 – Fifth payment of 1/6th of Loan Proceeds
6) October 31, 2018 – Sixth and final payment of 1/6th of Loan Proceeds

The parties understand and agree that Kendall County shall not be obligated to disburse any additional funds after issuance of the Loan Balance invoice without the prior written consent of all parties.

Section 7. The failure of the City to perform, keep or observe any of the covenants, conditions, promises, agreements or obligations with respect to this Agreement, shall constitute a Default by the City hereunder. Further, in the event the City shall fail to timely make a scheduled payment, which the City is required to perform under this Agreement, Kendall County shall notify the City in writing and allow the City thirty (30) days from the date of receipt of the notice to cure the default. If the default is not cured within 30 days of receipt of such notice, Kendall County will consider the City to be in Default under this Agreement. Upon the occurrence of a
Default, Kendall County may by any action or proceeding at law or in equity, pursue and secure any available remedy, including but not limited to the specific performance of the agreement contained herein. The City further agrees to reimburse Kendall County for all attorneys’ fees and costs incurred by Kendall County related to Kendall County’s enforcement of this Agreement.

**Section 8.** This Agreement and the rights of the parties hereunder may not be assigned (except by operation of law), and the terms and conditions of this Agreement shall inure to the benefit of and be binding upon the respective successors and assigns of the parties hereto. Nothing in this Agreement, express or implied, is intended to confer upon any party, other than the parties and their respective successors and assigns, any rights, remedies, obligations or liabilities under or by reason of such agreements.

**Section 9.** All notices required or permitted hereunder shall be in writing and may be given by either (a) depositing the same in the United States mail, addressed to the party to be notified, postage prepaid and certified with the return receipt requested, (b) delivering the same in person, or (c) telecopying the same with electronic confirmation of receipt.

*If to the County:*  
County Administrator  
County of Kendall  
111 West Fox Street  
Yorkville, Illinois 60560

*If to the Village:*  
City Administrator  
United City of Yorkville  
800 Game Farm Road  
Yorkville, Illinois 60560

Or such address or counsel as any party hereto shall specify in writing pursuant to this Section from time to time.
Section 10. This Agreement shall be interpreted and enforced under the laws of the State of Illinois. Any legal proceeding related to enforcement of this Agreement shall be brought in the Circuit Court of Kendall County, Illinois. In case any provision of this Agreement shall be declared and/or found invalid, illegal or unenforceable by a court of competent jurisdiction, such provision shall, to the extent possible, be modified by the court in such manner as to be valid, legal and enforceable so as to most nearly retain the intent of the parties, and, if such modification is not possible, such provision shall be severed from this Agreement, and in either case the validity, legality, and enforceability of the remaining provisions of this Agreement shall not in any way be affected or impaired thereby.

Section 11. The City and Kendall County agree that the waiver of, or failure to enforce, any breach of this Agreement by the remaining party shall not be construed, or otherwise operate, as a waiver of any future breach of this Agreement. Further, the failure to enforce any particular breach shall not bar or prevent the remaining party from enforcing this Agreement with respect to a different breach. No endorsement or statement on any check or correspondence accompanying a check for payment of an installment shall be deemed as an accord and satisfaction and Kendall County may accept such payment without prejudice to its rights to recover the balance of Loan Proceeds still owed.

Section 12. This Agreement may be executed in counterparts (including facsimile signatures), each of which shall be deemed to be an original and both of which shall constitute one and the same Agreement.

Section 13. This Agreement represents the entire agreement between the parties and there are no other promises or conditions in any other agreement whether oral or written except for the terms and conditions set forth in the First Agreement. The parties acknowledge and agree
that the First Agreement remains valid and binding, with the exception of Section 4 of the First Agreement, which is hereby modified and replaced with Section 3(A) of this Agreement. Except as stated herein, this agreement supersedes any other prior written or oral agreements between the parties and may not be further modified except in writing acknowledged by both parties.

Section 14. Nothing contained in this Agreement, nor any act of Kendall County or the City pursuant to this Agreement, shall be deemed or construed by any of the parties hereto or by third persons, to create any relationship of third party beneficiary, principal, agent, limited or general partnership, joint venture, or any association or relationship involving the County and the City.

Section 15. The City shall defend, with counsel of Kendall County’s own choosing, indemnify and hold harmless the County, including the County’s past, present and future board members, elected officials, insurers, employees, and agents from and against any and all claims, liabilities, obligations, losses, penalties, fines, damages, and expenses and costs relating thereto, including but not limited to attorneys’ fees and other legal expenses, which the County, its past, present and future board members, elected officials, insurers, employees, and/or agents may hereafter sustain, incur or be required to pay relating to or arising in any manner out of the work to be performed by the City, the City’s employees and agents, the City’s contractors, and the City’s sub-contractors retained to perform work on the Project, or arising in any manner out of the City’s performance or alleged failure to perform its obligations pursuant to this Agreement.

Section 16. Either party may terminate this Agreement by providing sixty (60) calendar days’ advance written notice to the other party. Upon notice of termination of the Agreement, Kendall County shall provide the City with an invoice for the total Loan Balance.
Within sixty (60) calendar days after receipt of the invoice, the City shall pay the total Loan Balance to Kendall County.

Section 17. Kendall County and the City each hereby warrant and represent that their respective signatures set forth below have been, and are on the date of this Agreement, duly authorized by all necessary and appropriate corporate and/or governmental action to execute this Agreement.

Section 18. The Term of the Agreement shall commence as of the Agreement Date and shall expire upon final repayment of the Loan Proceeds except as otherwise specified herein.

IN WITNESS WHEREOF, the parties hereto have caused this Second Intergovernmental Agreement to be executed by their duly authorized officers on the above date at Yorkville, Illinois.

County of Kendall, a unit of local government of the State of Illinois  
United City of Yorkville, Kendall County, Illinois a municipal corporation

By:  
Chair, Kendall County Board  
Mayor

Dated: 5/14/12

Attest:  
County Clerk  
City Clerk
<table>
<thead>
<tr>
<th>Line Item</th>
<th>Fund</th>
<th>Revenue</th>
</tr>
</thead>
<tbody>
<tr>
<td>County Clerk Fees</td>
<td>$</td>
<td>942.50</td>
</tr>
<tr>
<td>County Clerk Fees - Marriage License</td>
<td>$</td>
<td>1,350.00</td>
</tr>
<tr>
<td>County Clerk Fees - Civil Union</td>
<td>$</td>
<td>30.00</td>
</tr>
<tr>
<td>County Clerk Fees - Misc</td>
<td>$</td>
<td>1,482.50</td>
</tr>
<tr>
<td>County Clerk Fees - Recording</td>
<td>$</td>
<td>31,197.00</td>
</tr>
<tr>
<td>Total County Clerk Fees</td>
<td>$</td>
<td>35,002.00</td>
</tr>
<tr>
<td>County Revenue</td>
<td>$</td>
<td>20,064.75</td>
</tr>
<tr>
<td>Doc Storage</td>
<td>$</td>
<td>18,892.50</td>
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<tr>
<td>GIS Mapping</td>
<td>$</td>
<td>31,875.00</td>
</tr>
<tr>
<td>GIS Recording</td>
<td>$</td>
<td>3,983.00</td>
</tr>
<tr>
<td>Interest</td>
<td>$</td>
<td>37.03</td>
</tr>
<tr>
<td>Recorder's Misc</td>
<td>$</td>
<td>6,161.75</td>
</tr>
<tr>
<td>RHSP/Housing Surcharge</td>
<td>$</td>
<td>16,965.00</td>
</tr>
<tr>
<td>CK # 17175</td>
<td>To KC Treasurer</td>
<td>$</td>
</tr>
</tbody>
</table>

Death Certificate Surcharge sent from Clerk's office $620.00 ck # 17174
Dom Viol Fund sent from Clerk's office $230.00 ck 17173
## Kendall County General Fund

### QUICK ANALYSIS OF MAJOR REVENUES AND TOTAL EXPENDITURES

#### FOR TEN MONTHS ENDED 09/30/2012

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

| Public Safety Sales Tax | $4,000,000 | $3,617,637 | 90.44% | **$3,581,777** | **89.54%** |
| Transportation Sales Tax | $4,000,000 | $3,617,637 | 90.44% | **$3,581,777** | **89.54%** |

---

*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%

## EXPENDITURES

All General Fund Offices/Categories

| | $25,591,012 | $19,940,325 | 77.92% | **$19,033,375** | **79.55%** |
KENDALL COUNTY CORONER
September FY 2012 Monthly Report

<table>
<thead>
<tr>
<th>CASE</th>
<th>DATE</th>
<th>NUMBER</th>
<th>TIME</th>
<th>NATURE</th>
<th>POST</th>
<th>TOX</th>
<th>LOCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Saturday, September 01, 2012</td>
<td>1209205</td>
<td>9:46 PM</td>
<td>Natural</td>
<td>N</td>
<td>N</td>
<td>Nurs. Home</td>
</tr>
<tr>
<td></td>
<td>Tuesday, September 04, 2012</td>
<td>1209206</td>
<td>2:25 AM</td>
<td>Natural</td>
<td>N</td>
<td>N</td>
<td>Residence</td>
</tr>
<tr>
<td></td>
<td>Tuesday, September 04, 2012</td>
<td>1209207</td>
<td>4:30 PM</td>
<td>Natural</td>
<td>N</td>
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<td>Residence</td>
</tr>
<tr>
<td></td>
<td>Wednesday, September 05, 2012</td>
<td>1209208</td>
<td>4:00 AM</td>
<td>Natural</td>
<td>N</td>
<td>N</td>
<td>Residence</td>
</tr>
<tr>
<td></td>
<td>Saturday, September 01, 2012</td>
<td>1209209</td>
<td>10:40 AM</td>
<td>Natural</td>
<td>N</td>
<td>N</td>
<td>Residence</td>
</tr>
<tr>
<td></td>
<td>Wednesday, September 05, 2012</td>
<td>1209210</td>
<td>2:35 PM</td>
<td>Natural</td>
<td>N</td>
<td>N</td>
<td>Residence</td>
</tr>
<tr>
<td></td>
<td>Tuesday, September 11, 2012</td>
<td>1209211</td>
<td>11:05 AM</td>
<td>Natural</td>
<td>N</td>
<td>N</td>
<td>Residence</td>
</tr>
<tr>
<td></td>
<td>Friday, September 14, 2012</td>
<td>1209212</td>
<td>2:42 AM</td>
<td>Accident</td>
<td>Y</td>
<td></td>
<td>Roadway</td>
</tr>
<tr>
<td></td>
<td>Friday, September 14, 2012</td>
<td>1209213</td>
<td>12:50 PM</td>
<td>Natural</td>
<td>N</td>
<td>N</td>
<td>Residence</td>
</tr>
<tr>
<td></td>
<td>Monday, September 17, 2012</td>
<td>1209214</td>
<td>2:12 PM</td>
<td>Natural</td>
<td>N</td>
<td>N</td>
<td>Residence</td>
</tr>
<tr>
<td></td>
<td>Tuesday, September 18, 2012</td>
<td>1209215</td>
<td>12:45 PM</td>
<td>Natural</td>
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<td>Y</td>
<td>Residence</td>
</tr>
<tr>
<td></td>
<td>Thursday, September 20, 2012</td>
<td>1209216</td>
<td>5:55 AM</td>
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<td>N</td>
<td>Residence</td>
</tr>
<tr>
<td></td>
<td>Thursday, September 20, 2012</td>
<td>1209217</td>
<td>2:07 PM</td>
<td>Natural</td>
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<td>N</td>
<td>Residence</td>
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<td>Saturday, September 22, 2012</td>
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<td>7:45 PM</td>
<td>Natural</td>
<td>N</td>
<td>N</td>
<td>Residence</td>
</tr>
<tr>
<td></td>
<td>Friday, September 21, 2012</td>
<td>1209219</td>
<td>10:11 PM</td>
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<td>N</td>
<td>Residence</td>
</tr>
<tr>
<td></td>
<td>Wednesday, September 26, 2012</td>
<td>1209220</td>
<td>11:26 PM</td>
<td>Natural</td>
<td>N</td>
<td>N</td>
<td>Nurs. Home</td>
</tr>
<tr>
<td></td>
<td>Sunday, September 30, 2012</td>
<td>1209221</td>
<td>12:50 PM</td>
<td>Natural</td>
<td>N</td>
<td>N</td>
<td>Residence</td>
</tr>
</tbody>
</table>

* Denotes death which occurred outside normal business hours.

Percentage of calls which occurred outside of normal business hours 64% 11:17

**Autopsies**
There were no autopsies performed during the month of September.

**Inquests**
There were no Coroner's Inquests held at the Kendall County Courthouse in September.

**Statistics:**

<table>
<thead>
<tr>
<th>2012 Statistics</th>
<th>Stats for Same Period in 2011</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012 Total Deaths.....</td>
<td>221</td>
<td>205</td>
</tr>
<tr>
<td>Autopsies to Date................</td>
<td>15</td>
<td>21</td>
</tr>
<tr>
<td>Toxicology Samples.</td>
<td>19</td>
<td>23</td>
</tr>
<tr>
<td>Cremation Permits........</td>
<td>99</td>
<td>90</td>
</tr>
</tbody>
</table>

**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.
KENDALL COUNTY
PLANNING, BUILDING & ZONING COMMITTEE
Kendall County Office Building
Rooms 209 & 210
111 W. Fox Street, Yorkville, Illinois
6:30 p.m.
Meeting Minutes of October 9, 2012

CALL TO ORDER
The meeting was called to order by Chairman Nancy Martin at 6:30 p.m.

ROLL CALL
Present: Chairman Nancy Martin, John Shaw, Jeff Wehrli and Anne Vickery
Absent: Elizabeth Flowers
Also present: Senior Planner Angela Zubko and Assistant State’s Attorney David Berault
Members in the Audience: Robert Velazquez (Semper Fi) and Amelia & Brian Weber (Yorkville Performing Arts)

APPROVAL OF AGENDA
Anne Vickery made a motion to approve the agenda as written. John Shaw seconded the motion. All agreed and the motion was approved.

APPROVAL OF MINUTES
Anne Vickery made a motion to approve the minutes from September 10, 2012. Jeff Wehrli seconded the motion. All agreed and the minutes were approved.

EXPENDITURE REPORT
Anne Vickery made a motion to approve the bills. John Shaw seconded the motion. All agreed and the bills were forwarded to the Budget and Finance Committee.

CITIZENS TO BE HEARD
There were no citizens to be heard at this time

PETITIONS

#12-36 Performing Arts Center – Text Amendment
Planner Zubko went over a proposed zoning text amendment to provide a category for a Performing Arts Center as a special use in the A-1 and B-3 district and as a permitted use in the B-4 district. This type of use would also be permitted as a special use in the M-1 and M-2 districts as anything listed as a special use in the B-3 district is also a special use in the M-1 and M-2 districts. The PBZ staff has proposed a definition for a Performing Arts Center as ‘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”. A performing arts center would be subject to the following conditions proposed by the PBZ staff:
- 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;
- The site shall be shown as a commercial area on the County’s Land Resource Management Plan
• All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance (Sign Regulations);
• The amount of students and type of events are listed in the approving ordinance;
• Shall satisfy all requirements of the Kendall County Health Department and Building Department prior to the issuance of occupancy permits;
• Must meet applicable Fire Protection District codes

Ms. Zubko explained that the reason for this text amendment was to address a Special Use petition for a performing arts center located in the A-1 and M-1 zoning District. There was one addition to the conditions during the Plan Commission meeting last week and that was that the site shall be shown as commercial on the LRMP and the Plan Commission also wanted to allow it as a permitted use in the B-4 District and staff has updated that in their text as well. ZBA changed the wording for adult and regulated uses to instead reference section 4.16 of the Zoning Ordinance. The wording made it sound like adult performing arts was not permitted.

Ms. Vickery asked Mr. Shaw if the Health Department is in charge of helping to stop the spread of diseases and the example was for fitness training. Mr. Shaw stated yes you have to wipe down mats for cleanliness. Amelia Weber stated she has a cleaning crew that makes sure it stays clean. Mr. Wehrli asked the petitioners if they would feel comfortable going in a manufacturing district due to heavy traffic and parking. Brian Weber stated parking came up in another meeting. Planner Zubko stated since it’s a special use we would have more control and make sure they’re aware what other industries are out there (at that particular site).

With no further suggestions or changes Anne Vickery made a motion, seconded by Jeff Wehrli to forward the petition onto the next Committee of the Whole meeting. All were in favor.

#12-35 – Yorkville Performing Arts Center (YPAC) – Amelia & Brian Weber

Planner Zubko gave a brief synopsis of the A-1 & M-1 Special Use request for the Yorkville Performing Arts Center to operate a performing arts studio at 2127 Route 47 in Bristol Township. The property is contiguous on two sides by the United City of Yorkville. The focus of the performing arts center would be on dance, music and fitness training with a vision to later include theatre arts, technical arts, online lessons as well as a performing arts preschool. It is anticipated by the petitioner that between 75-150 students will attend the school during the year with approximately 2-10 students each lesson. The petitioner stated that the hours of operation will be from 9:00am until 9:00pm in the evening. The Performing Arts Center plans to host several events throughout the year and the large events will be held at a local school auditorium as they understand they could not house such large events. The Petitioners propose to build out the two existing commercial buildings with dance studios and music rooms. The petitioners would like to build a lobby or breezeway area to join the two buildings together and provide additional space. They would also like to widen the existing driveway to allow two cars to pass each other safely at the same time. For possible future additions to accommodate growth they would like to build an additional building approximately 2300-2500 square feet and expand the parking lot with an approximate 66’x 48’ addition. Staff is comfortable with this special use and asked that three conditions be placed on the approving Ordinance which is that no events may be hosted at this site that would require more parking than provided, no other manufacturing use can be performed when this special use is in existence and allow a lighted sign.

Bill Ford made a favorable recommendation and to forward the petition onto the PBZ Committee with one additional condition that the petitioners provide 30 parking stalls including 2 handicapped stalls. Planner Zubko has since talked to the petitioners and we have decided to add 3 more conditions:
1. The parking ratio needs to be 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 6 employees so 28 parking stalls will be needed before they open.

2. The events to be held on the property will be community relationship events

3. Allow a gravel parking lot for 2 years. 2 years from the date of the approving ordinance the gravel parking lot must be asphalted.

Ms. Vickery agreed with allowing a gravel drive for two year.

With no further suggestions or changes Anne Vickery made a motion, seconded by John Shaw to forward the petition onto the next County Board meeting. All were in favor.

#12-32 – Semper Fi Landscape Inc.

Planner Zubko gave a brief synopsis of the A-1 Special Use request for Semper Fi Landscape, Inc. to operate a landscaping business on a 5.2 acre property located 1996 Cannonball Trail in Bristol Township. The owner of the landscape business will live on site in the existing house and have 5-7 employees. The only modifications to the site to be made are to add landscape bins, provide a trash enclosure and adding a gravel storage area behind the current garage. The storage area proposed on the site plan will be fenced in. Planner Zubko handed out the future site plan. The current house and barn are about 90’ from the centerline of Cannonball Trail and encroaches into the required 150’ front yard. The house and barn are considered non-conforming buildings with respect to the front yard and would not require a variance unless the structure is altered or expanded which would increase the degree of non-conformity. The structures meet all other required setbacks except the front yard setback. The detached garage was built in 2003 and does meet all setback requirements. The County’s LRMP calls for a multi-use trail that runs along the east side of Cannonball Trail. Staff would like a trail easement granted.

The PBZ staff has recommended the following conditions be placed on the controlling special use ordinance:

- All equipment must be stored inside buildings at night;
- Dedication of a 15’ wide trail easement within sixty (60) days of the approval of the special use);
- 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.
- 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.
- The current sign that is in existence on Route 71 will be moved to this site and allow it to be lit.

All Committee made a favorable recommendation. Ms. Martin asked if Mr. Velazquez was fine with the trail and roadway dedication, Mr. Velazquez stated he did not have a problem. Ms. Vickery asked if he lived in the house and the petitioner states yes. She asked if any of his employees live there or will live in there in the future and Mr. Velazquez stated no.

With no further suggestions or changes John Shaw made a motion, seconded by Anne Vickery to forward the petition onto the next County Board meeting. All were in favor.
#12-33 - Place of Worship - Text Amendment

Planner Zubko went over a proposed zoning text amendment that would permit a place of worship as a special use in every business and manufacturing district. The conditions attached to places of worship in the A-1 and R-1 districts would also apply to places of worship in the business and manufacturing districts. The reason for the text amendment was because the YARN Foundation was interested in the possibility of allowing a place of worship use their facilities on Sundays. Also it is probably a good idea to allow churches as a special use in any district.

Mr. Wehrli stated he would want to make sure if a church went into the manufacturing parking and other industrial uses should be taken into consideration.

With no further suggestions or changes Anne Vickery made a motion, seconded by John Shaw to forward the petition onto the next County Board meeting. All were in favor.

#12-25 Garage Sales

Planner Zubko stated this petition was sent back to the PBZ committee. Planner Zubko has since then deleted the amount of garage sales permitted in a year since it would be too difficult to regulate, deleted anything with regards to food and also deleted the condition about fees.

The PBZ Committee decided to kill this petition here. Jeff Wehrli made a motion, seconded by Anne Vickery to stop/withdraw the petition. All were in favor.

OLD BUSINESS

609 Wheeler Road- Planner Zubko stated she has met with the petitioners and they plan on submitted an application for a special use by the end of next week.

1790 Creek Road- Chairman Martin stated she is waiting on a call back from Senior Services with regards to this hoarding house. We will take this off the agenda until further notice.

17676 Frazier Road- Planner Zubko stated Mr. Berault confirmed nothing new has transpired yet with regards to this permit. We will take this off the agenda until further notice.

Old Barn Museum- Ms. Zubko stated she sent a letter to Ms. Christianson asking if she wanted to revoke her special use and gave her until October 9th to send the letter back to the PBZ Department. The PBZ Department has not received anything to date so Planner Zubko would like to take this to COW or County Board for a consensus if the County Board wants to proceed in revoking her special use with regards to violation of her special use. Mr. Wehrli asked if the museum is open during the winter, Ms. Martin stated it is not typically open. Mr. Wehrli suggested waiting till the Spring, Ms. Martin thinks it should be brought up at COW to decide.

Land Cash Update- Planner Zubko handed out the proposed revisions and went over them with the group. Anne Vickery suggested forwarding this to the Ad-hoc Committee, Jeff Wehrli seconded the motion. This will be forward onto Ad-hoc

Success in the Suburbs- Ms. Zubko stated since the petitioner has been to the PBZ Committee the bank that owns a majority of the lots has gotten a hold of Planner Zubko and is not in favor of the zoning petition and
also the residents are not in favor. Planner Zubko stated the residents, the bank and the petitioner will all be at COW to discuss this petition.

**NEW BUSINESS:** None

**CITIZENS TO BE HEARD**

None

**PROJECT STATUS REPORT** — Reviewed  
**PERMIT REPORT** - Reviewed  
**REVENUE REPORT** - Reviewed  
**CORRESPONDENCE** – None 
**PUBLIC COMMENTS** – None  
**EXECUTIVE SESSION** - None

**ADJOURNMENT**- Next meeting will be on November 13, 2012 (TUESDAY) Planner Zubko will be absent

Anne Vickery made a motion to adjourn the meeting. Jeff Wehrli seconded the motion. All agreed. Chairman Martin adjourned the meeting at 7:15 p.m.

Respectfully Submitted,  
Angela L. Zubko  
Senior Planner
ORDINANCE # 2012 - ______

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 18th day of September, 2012.

Attest:

Kendall County Clerk
Debbie Gillette

Kendall County Board Chairman
John Purcell
ORDINANCE NUMBER 2012 - ___

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 NORTHELY 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 EASTERLY ALONG SAID NORTHERLY LINE, WHICH FORMS AN ANGEL OF 160°49' 30" WITH THE LAST DESCRIBED COURSE, MEASURED CLOCKWISE THEREFROM, 296.83 FT; 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 13.07.1 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.
State of Illinois  
County of Kendall  

Zoning Petition  
#12-32  

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
ORDINANCE # 2012-________

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:


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 16th day of October, 2012.

Attest:

Kendall County Clerk
Debbie Gillette

Kendall County Board Chairman
John Purcell
ORDINANCE NUMBER 2012 - _____

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-I 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, 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 HEREAFTER 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 PARALLE LINE, 341.63 FEET TO A LINE DRAWN PARALLEL WITH AND 241.6 FEET, AS MEASURED ALONG SAID NORTH LINE, WEST OF SAID EAST LINE; THENCE NORTHERLY ALONG SAID PARALLE LINE, 404.76 FEET TO A LINE DRAWN EASTERLY, PARALLEL WITH SAID SOUTH LINE, FROM THE POINT OF BEGINNING; THENCE WESTERLY ALONG SAID PARALLE 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;
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 13.07.1 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
State of Illinois
County of Kendall

ORDINANCE # 2012-_____

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
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 16th day of October, 2012.

Attest:

________________________________________  ______________________________________
Kendall County Clerk                                        Kendall County Board Chairman
Debbie Gillette                                             John Purcell
I. CALL TO ORDER
The meeting was called to order by Jessie Hafenrichter, at 4:00 p.m. in County Board Room 209.

II. ROLL CALL
Committee Members Present: Jessie Hafenrichter, Nancy Martin, and Anne Vickery
Also present were: Jim Pajauskas, Rich Ryan, Paul Lalonde, Glenn Campos, and Jeff Wilkins

III. PUBLIC COMMENT- None

IV. CBIZ Benefits Update
Jim Pajauskas reiterated that the life insurance plan will move to Lincoln Financial and that the appropriate paperwork has been completed for this change. Mr. Pajauskas commented that the Benefits Fair will take place towards the end of October and will consist of two days rather than only one day. Mr. Pajauskas stated that the rate changes for the insurance plans will occur December 1, 2012. Any plan changes made by an employee during open enrollment will not take effect until January 1, 2013. The Benefits Fair will provide an opportunity for employees to learn more about the plans available to them.

V. Property Liability Workers Compensation Policy Renewal 2012-13
Rich Ryan gave a summary of Premiums effective December 1, 2012 to December 1, 2013 detailing the total coverage for 2012-2013. Mr. Ryan described the ICRMT Worker’s Compensation Proposal including the Gross Annual Premium, the Increased Limit Multiplier, and the Experienced Modifier. Mr. Ryan also went over the Property and Liability Limits and noted that one deductible is applied per occurrence, even with multiple injuries. Mr. Ryan also stated that the types of coverage are not sharing limits but are separate from one another.

Ms. Martin moved to place the Property Liability Workers Compensation Policy Renewal on the next County Board agenda for action by the County Board. The motion was seconded by Ms. Vickery. With a voice vote of all ayes, the motion carried. The item will be placed on the next County Board agenda for action by the County Board.

VI. OTHER BUSINESS
Mr. Wilkins gave an update to the request for bids for pre-owned or new transit buses. The ad for the request for bids was placed in the Beacon News, the Breeze-Courier, as well as through the Onvia Bid Service. The bids are expected to be in by October 12th to present to the Board on October 16th. The Board will need to execute a purchase order to show that the County has committed to the vehicle at a certain price.

Mr. Lalonde gave a reminder to the KAT fundraiser in two weeks in Oswego.
VII.  MONTHLY REPORT – County Administrator  
Mr. Wilkins gave an update to the monthly medical insurance report as well as the HR Summary Report. Mr. Wilkins went over the worker’s comp and property claims for the month.

VIII.  MONTHLY REPORT – HR Coordinator  
Ms. Hafenrichter introduced Mr. Campos as the new HR Coordinator. Mr. Wilkins stated that Mr. Campos will be working towards making improvements to the Gradience Software system. Mr. Campos stated that three new claims have been submitted during the week.

IX.  PUBLIC COMMENT – None

X.  ACTION ITEMS FOR COUNTY BOARD MEETING  
Property Liability Workers Compensation Policy Renewal 2012-2013

XI.  EXECUTIVE SESSION – None

XII.  ADJOURNMENT  
Nancy Martin moved to adjourn the meeting at 4:51 P.M. Anne Vickery seconded the motion. The motion was unanimously approved by a voice vote. The next regularly scheduled meeting is on November 1, 2012 at 4:00 p.m.

Respectfully Submitted,  
John H. Sterrett
Meeting was called to order at 9:00AM. by chair, Jessie Hafenrichter

Committee Members Present: Jessie Hafenrichter, Dan Koukol, Nancy Martin, Anne Vickery

Others Present: Don Clayton, Debbie Gillette, Jill Ferko, Stan Laken, Andy Nicoletti, John Shaw

**Treasurer’s Office:** Jill Ferko reported that revenues continue coming in and that they are on target with last year. Ferko said that delinquent notices were mailed on Friday, October 5, 2012, and that the tax sale would be automated this year and held on November 13, 2012. She stated the $4000 was budgeted into the FY12 budget.

**Clerk’s Office:** Debbie Gillette said her offices are busy preparing for the upcoming election, and that Voter Registration received 287 new voter requests on Saturday last week. Gillette said that Early Voting is being conducted from October 22 through November 3, 2012.

Gillette stated that she expects revenues to be over the projected amount for the year.

**Assessor’s Office:** Andy Nicoletti reported that notices were sent out last week, and that the publication date was October 4, 2012. Nicoletti reported November 5, 2012 as the final filing date.

Nicoletti previewed the new Board of Review website that was developed by Don Clayton in GIS. Nicoletti said the new system allows the Board of Review better access to technology needed for Review Hearings. Hafenrichter thanked all that had a part in the installation, programming and technology of the two new 55 inch monitors. Clayton said they hope to be able to link the new system using the document number with the County Clerk’s office to be able to the document information directly. Clayton said they plan to also have this information available to the public via the County website next year.

**Technology:** Stan Laken reported the Courthouse will be installing 14 new monitors outside of the Circuit Clerk’s office, the project should be completed this week.

Technology provided a test computer for the Public Safety to use in one of the squad cars before purchase of a large number of computers in the future.

Technology is researching how to support IPAD’s for use in various County offices. Laken will keep the committee updated on the progress of this type of support.
Laken said work continues on the website to bring the County into compliance with the transparency policies.

GIS: Don Clayton reported the Assessment/Board of Review website is now complete. Clayton is currently completing work on the PBZ website that will enable access to ordinances by a simple click on a parcel site. This website and other links will be posted and accessible to the public in the near future.

Clayton said they will complete the NPDES by the end of the month. He will work with PBZ on the next phase.

He said that Drainage District maps are complete and have been sent to each district.

New KenCom project going well, they are working toward the role of maintenance only and hope to be available as an on need basis after 18 months of training.

Clayton reported they have had 659 Sheriff/Judicial sales, 388 documents read, 74 splits, 19 combinations, 2 condos, 8 subdivision, 117 Right Of Way requests, 444 additions, 261 parcels deleted as of October 3, 2012.

Martin moved to adjourn, second by Koukol. With all committee members in agreement, the meeting adjourned at 9:40 A.M.

The next meeting is scheduled in the Board of Review room on November 13, 2012 at 9:00 a.m.

Valarie McClain
Recording Secretary
COUNTY OF KENDALL

Premium Summary Exhibit

Effective: December 1, 2012 to December 1, 2013
ICRMT / Illinois Counties Risk Management Trust
October 9, 2012

<table>
<thead>
<tr>
<th>Coverage</th>
<th>2011 - 2012 Annual Premium</th>
<th>2012 - 2013 Renewal Budget Estimate &quot;As Is&quot;</th>
<th>2012 - 2013 Renewal Final Deductibles &quot;As Is&quot;</th>
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<tbody>
<tr>
<td>Property</td>
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<td>Included</td>
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<tr>
<td>General Liability and Law</td>
<td>$367,651</td>
<td>$442,963</td>
<td>$423,663</td>
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<td>Auto</td>
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<td>Public Officials Liability</td>
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<td>Included</td>
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<tr>
<td>Crime</td>
<td>Included</td>
<td>Included</td>
<td>Included</td>
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<tr>
<td>Boiler &amp; Machinery</td>
<td>Included</td>
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<tr>
<td>Excess Liability</td>
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<tr>
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<td>TOTAL</td>
<td>$702,599</td>
<td>$814,272</td>
<td>$789,211</td>
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</table>

-Workers Compensation $100,000 Self Insured Retention/ SIR

(1) Kendall County Workers Compensation premium based on manual rates/ develops a manual premium at $752,131 as compared to Final Premium of $272,515
### Technology FY13 Requests

#### 1. Budget Recommendations

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<thead>
<tr>
<th>Item</th>
<th>Qty</th>
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<tr>
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<td>$10,000</td>
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<td><strong>Total</strong></td>
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#### 2. Additional Recommendations

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<td><strong>Total</strong></td>
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<td></td>
<td><strong>$101,600</strong></td>
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#### 3. Requests by Office

**Animal Control**
- toughbook                          | 1   | $4,000    | $4,000 |
- Animal Control software            | 1   | $3,000    | $3,000 |

**Judiciary**
- laptops (tablet)                   | 2   | $2,000    | $4,000 |

**Circuit Clerk**
- workstation                        | 1   | $1,000    | $1,000 |

**Total**                             |     |           | **$12,000**|

#### 4. Special Projects

**Separate County Servers/data from GIS**
- Dell equal logic 9tb SANS            | 1   | $40,000   | $40,000|
- Vmware host license and supp.       | 1   | $2,700    | $2,700 |

**Total**                             |     |           | **$42,700**|

**Total**                             |     |           | **$15,400** | **$140,900** | **$58,100**
HIGHWAY COMMITTEE MINUTES

DATE: October 9, 2012
LOCATION: Kendall County Highway Department
MEMBERS PRESENT: Bob Davidson, John Shaw, Suzanne Petrella & Jeff Wehrli
STAFF PRESENT: Fran Klaas, Andy Myers & Ginger Gates
ALSO PRESENT: John Purcell, Dan Koukol, Nancy Martin, Matt Prochaska, Judy Gilmour, Kelly Farley of Crawford Murphy & Tilly, Inc., Mike Sullivan of KKCOM, Wes George of Jim George & Sons, Inc., Ron & Sherry Schmidt, and Noelle Lindemann

The committee meeting convened at 4:00 P.M. with introduction of guests. The agenda was approved by unanimous vote.

Chairman Davidson invited the Schmidt’s and Noelle Lindemann to express their concerns about the Sherrill Road project. Sherry Schmidt didn’t think that the County needs so much right-of-way along Sherrill Road for a rural, 2-lane road, when the pavement would only be 12” wider than it is now. Davidson asked the County Engineer to explain the footprint of the project. Klaas explained that the new roadway would have to follow IDOT guidelines for new roadways, which would likely include 12’-wide lanes, 8’ shoulders, 4:1 foreslopes, and 3:1 backslopes. If the ditch is 3’ deep, the improvement would be about 45’ wide from the centerline of the road.

Sherry stated that there were 22 homes along this portion of Sherrill Road, but only 4 of these homes are in Kendall County. The others are all in Grundy County. She invited committee members to come out and view the roadway and try to understand the impact that this land acquisition would have. She wasn’t opposed to improving the road, but just felt that it was too much impact for the 18 homes in Grundy County. She also felt that Kendall County was inviting more truck traffic on their road. Davidson indicated that Kendall County was being compelled to improve Sherrill Road because of the Brisbin Road interchange in I-80. Ms. Lindemann was concerned about the removal or destruction of trees and fencing along the front of the lots, as well as the reduction in size of her horse pasture.

The County Engineer also talked about the reasons for having the new roadway located in the same place as the old roadway. The County has already invested $100,000 in engineering and is spending $150,000 for negotiating services. All of this effort has assumed that the roadway will be centered on the existing centerline. It would also be cheaper and more efficient to keep the centerlines in the same place so that the new improvement can incorporate parts of the old roadway. Moving the roadway north would require significantly more earthwork because the new roadway would be built over the top of the existing ditch. Klaas also believed that there would not be a dramatic increase in traffic when the Brisbin Road interchange was opened; rather, a gradual increase of traffic on Sherrill Road over time. The new improvement is not expected to go to construction until 2016 or 2017.
Wehrli asked about the proposed funding for this project. It is currently shown in the 5-year plan as being funded with Transportation Sales Tax. Klaas indicated that regardless of the funding, the County would want to follow IDOT standards for the roadway; otherwise there could be liability issues.

The Committee discussed the alignment of Minooka Road and the proposal for replacement of the Minooka Road Bridge over I-80. That project should not have any impact on the proposed Sherrill Road improvements.

Davidson indicated to the Sherrill Road residents that the County is willing to continue looking at the need for this project. Wehrli discussed the fact that this project is still quite a ways off for construction activities and will be evaluated further as time moves forward.

The Committee discussed the status of the material proposals for 4 road districts in Kendall County. Jim George & Sons did not complete any of the seal coating work for these townships and so has defaulted on the contracts. Wes George, the owner’s son, indicated that they have had an extremely difficult year in 2012. He expressed his apologies to the Committee and to Kendall County. They are a small, family-owned business. Carol George, Jim George’s wife, has been recently diagnosed with breast cancer, which has had a profound impact on the company, and has left them with significant medical bills. They have also had equipment vandalized, which they believe was done by the Teamsters, even though they are a union contractor. This also caused significant economic loss to them. The Committee discussed loss of engineering income fees for this fiscal year; but increased fees for next year. The County has the option to keep or return the proposal guarantees, amounting to $12,000, because the County is the awarding authority. Andy Myers identified the roadway projects that did not get completed in 2012. He indicated that the Highway Commissioners were disappointed that no work got done this year, because they are up for election next spring. Chairman Davidson asked for input from other County Board members and prospective board members. Purcell thought that it would be appropriate to return the proposal guarantees, considering the unusual nature of this default, the fact that no direct monies were spent by the County, small businesses have a very tough road, and the County could have some sympathy for them. Petrella thought that maybe the County should keep some of the money as a penalty, but also as a compromise. She moved to keep $2,000 of the $12,000 in proposal guarantees. Motion died for lack of a second. Motion Wehrli; second Shaw, to return all of the $12,000 to Jim George & Sons. Motion carried unanimously.

The County Engineer discussed the proposed Agreement with Nicor to relocate gas mains along Grove Road north of Illinois Route 126, at a cost of $120,000. This Agreement will provide for the retirement of some gas mains that are currently located in County rights-of-way that are to be vacated, and also provides for installation of new gas mains in the newly-realigned Grove Road right-of-way. The Agreement has been reviewed and approved by the States Attorney’s Office. Motion Shaw; second Wehrli, to recommend approval of the Agreement to the County Board. Motion carried unanimously.

Chairman Davidson indicated that he and the Highway Department are having a discussion with the States Attorney’s Office in regard to spending limits and approvals for procuring contracts and materials. The States Attorney is researching the subject and expects to have some
recommendations back to the Committee in the near future. Davidson asked the Committee to think seriously about this topic. In response to Petrella’s question, Werhli discussed some of the efforts that the Kendall County Forest Preserve has undertaken in regard to purchasing things.

A presentation will be made to the Committee-of-the-Whole this Thursday in regard to the proposed Orchard/Minkler/Collins/Grove Road Corridor in Oswego.

Klaas gave a brief update on the 2012 road improvement program. Essentially all of the proposed work for 2012 has been completed, with the exception of the Grove Road / Route 126 improvement. That project has been moving along very quickly, and might even have some asphalt placed in a couple weeks. Davidson complimented D Construction on the smooth ride of Walker Road. The Committee talked briefly about the status of the River Road Bridge and the continuing lack of work. Klaas reported that there was a tentative agreement w/ Don Hamman for acquisition of his right-of-way parcels along Eldamain Road north of Menards. He also reported that intergovernmental with Plano regarding Ben needs to be reviewed by the States Attorney. The Committee also discussed the clean up of the old Anderson parcel in the southeast corner of that parcel.

Petrella asked the County Engineer about pavement markings she saw in Kentucky and Virginia. There were some roads that had a type of continuous rumble strip along the centerline of roadways. With texting and other distractions, Suzanne thought that might be something Kendall would want to consider, and wondered what the cost might be.

Motion Petrella; second Wehrli, to forward payroll and bills for the month of October to the Finance Committee for approval. Motion carried unanimously

The next meeting is scheduled for Tuesday, November 13, 2012 at 4:00 P.M.

Meeting adjourned at 5:17 P.M.

Respectfully submitted,

Francis C. Klaas, P.E.
Kendall County Engineer

**ACTION ITEMS**

1. Jim George & Sons Contracts  
   a. Default of Contracts  
   b. Disposition of Proposal Guarantee Checks

2. Nicor Agreement for Relocation of Gas Mains
RELOCATION AGREEMENT

This Agreement is made this 8 day of October, 2012 between COUNTY OF KENDALL, a body politic and corporate, with offices at 6780 Route 47, Yorkville, Illinois (the "COUNTY") and NORTHERN ILLINOIS GAS COMPANY D/B/A NICOR GAS COMPANY, licensed to do business in the State of Illinois, with offices at 1844 Ferry Road, Naperville, Illinois (the "COMPANY")

WITNESSETH:

WHEREAS, the COUNTY desires to construct certain road improvements to II Route 126 between Stations 117+00 and 118+50 and Grove Road between Stations 323+00 and 339+50 (hereinafter referred to as the "PROJECT") under County Section 09-00107-00-FP;

WHEREAS, in order to allow for the PROJECT, the COUNTY desires COMPANY to relocate and protect certain of COMPANY'S facilities, all in accordance with COMPANY Work Order plans 135050 / 335050 / 434050 (hereinafter referred to as "WORK") attached in summary format hereto;

WHEREAS, the COMPANY has preliminarily estimated the cost of the WORK to be $120,000.00

WHEREAS, the WORK is eligible for reimbursement to COMPANY, with the COUNTY responsible for 100% of the actual cost of the WORK;

WHEREAS, COMPANY is willing to perform the WORK provided that the COUNTY shall reimburse the COMPANY for 100% of the actual cost of the WORK and future costs COMPANY may incur if the COUNTY hereafter requests or requires COMPANY to make any future relocation or adjustment to the relocated facilities; and

WHEREAS, the COUNTY agrees to reimburse COMPANY on such terms.

NOW, THEREFORE, for and in consideration of the promises and of the mutual covenants and agreements as hereinafter contained, the parties hereto agree as follows:

INCORPORATION

All recitals set forth above are incorporated herein and made part hereof, the same constituting the factual basis for this Agreement.

SCOPE OF WORK

Prior to commencing the WORK, COMPANY shall provide the COUNTY with detailed drawings for the WORK (including surveys and other engineering services), and any required specifications for the relocation and protection of its facilities. COMPANY then shall protect and or relocate its facilities in substantial accordance with the drawings and specifications.
COMPENSATION

The total preliminary estimated cost of the WORK is $120,000.00 with the COUNTY responsible for 100% of the actual cost as follows:

<table>
<thead>
<tr>
<th>Location</th>
<th>Estimate</th>
<th>Work Order</th>
</tr>
</thead>
<tbody>
<tr>
<td>IL Route 126 and</td>
<td>$120,000.00</td>
<td>135050 / 335050 / 435050</td>
</tr>
<tr>
<td>Grove Road</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

COMPANY, upon completion of the WORK, shall promptly render to the COUNTY a detailed statement of the actual costs, including overhead costs. The COUNTY shall reimburse the COMPANY for 100% of the amount billed, even if the billed amount exceeds the preliminary estimate set forth above. Payment shall be made in full by the COUNTY within 60 days of receipt of statement. Should COMPANY determine that it is unable to perform the WORK for an amount at or less than the preliminary estimate set forth herein, it shall provide advance written notice to the COUNTY and provide it with an updated cost estimate. Any increase to the cost estimate requires approval by a majority vote of the County Board. WORK may be suspended if such County Board approval is withheld or unduly delayed.

MODIFICATION OR AMENDMENT

The parties may modify or amend terms of this Agreement only by a written document duly executed by both parties.

ENTIRE AGREEMENT

This Agreement, including matters incorporated herein, contains the entire agreement between the parties.

There are no other covenants, warranties, representations, promises, conditions or understandings; either oral or written, other than those contained herein.

This Agreement may be executed in one or more counterparts, each of which for all purposes shall be deemed to be an original and all of which shall constitute the same instrument.

In event of any conflict between the terms or conditions of this Agreement and terms or conditions found in any attachment hereto, the terms and conditions of this Agreement shall prevail.

This Agreement may not be assigned by either party without the prior written consent of the other party, which consent shall not be unreasonably withheld.

The Agreement shall be binding upon the parties hereto, their successors and assigns.

SEVERABILITY

In the event, any provision of this Agreement is held to be unenforceable or invalid for any reason, the enforceability thereof shall not affect the remainder of the Agreement. The remainder of this Agreement shall be construed as if not containing the particular provision and shall continue in full force, effect, and enforceability, in accordance with its terms.
GOVERNING LAW

This Agreement shall be governed by the laws of the State of Illinois as to both interpretation and performance. The parties further agree that this agreement is executed in Kendall County, Illinois, and that venue shall be proper in Kendall County, Illinois, should any portion of this agreement have to be legally enforced.

NOTICES

Any required notice shall be sent to the following addresses and parties:

Nicor Gas Company
1844 Ferry Road
Naperville, Illinois 60563-9600
ATTN: Hans Bell, Managing Director - Engineering

Kendall County Highway Department
6780 Route 47
Yorkville, Illinois 60560
ATTN: Francis Klaas, Kendall County Engineer

Kendall County State's Attorney
807 John Street
Yorkville, Illinois, 60560
Fax (630) 553-4204.

All notices required to be given under terms of this Agreement shall be in writing and either (a) served personally during regular business hours; (b) served by facsimile transmission during regular business hours; or (c) served by certified mail, return receipt requested, properly addressed with postage prepaid. Notices served personally or by facsimile transmission shall be effective upon receipt and notices served by mail shall be effective upon receipt as verified by the United Postal Service. Each party may designate a new location for service of notification by serving notice thereof in accordance with the requirements of this Paragraph, and without compliance to the amendment procedures set forth herein.

INDEMNIFICATION

The COMPANY shall indemnify, hold harmless and defend the COUNTY, its officials, officers, employees, including their past, present, and future board members, elected officials and agents from and against all liability, claims, suits, demands, proceedings and actions, including costs, reasonable fees and expense of defense, arising from, to, any loss, damage, injury, death, or loss or damage to property (collectively, the “Claims”), to the extent such Claims result from the COMPANY’S negligent or willful acts, errors or omissions in its performance under this Agreement.
Nothing contained herein shall be construed as prohibiting the COUNTY, its officials, directors, officers, agents and employees, from defending through the selection and use of their own agents, attorneys and experts, any claims, suits, demands, proceedings and actions brought against them. Pursuant to Illinois law, 55 ILCS 5/3-9005, any attorney representing the COUNTY, under this paragraph, is to be appointed a Special Assistant State's Attorney, as provided in 55 ILCS 5/3-9005. The COUNTY'S participation in its defense shall not remove COMPANY'S duty to indemnify, defend, and hold the COUNTY harmless, as set forth above.

COMPANY'S indemnification of COUNTY shall survive the termination, or expiration, of this Agreement.

The COUNTY agrees to assume all risk or liability for damage to any property or facilities of the COMPANY resulting from the COUNTY's activities upon COMPANY's right-of-way. The COUNTY further agrees to indemnify, defend and hold harmless the COMPANY to the extent allowable by law for any and all liability, claims, suits, actions and proceedings, including costs, reasonable fees and expense of defense arising from damages to property or injury to or death of any person resulting from the COUNTY's activities upon the COMPANY's right-of-way or in any way arising from COUNTY's acts or omissions unless such damage, injury or death results from the COMPANY's negligence.

COMPANY has a self-insured retention of in the amount of $2,000,000 and COMPANY's responsibility for any claims shall be covered by COMPANY in lieu of insurance.

COMPANY agrees to comply with all applicable federal, state and local laws and regulatory requirements and to secure such licenses as may be required for its employees and to conduct business in the state, municipality, county and location. Such obligation includes, but is not limited to, environmental laws, civil rights laws, prevailing wage and labor laws.

COMPANY, its officers, employees, and agents agree not to commit unlawful discrimination and agree to comply with all applicable provisions of the Illinois Human Rights Act, Title VII of the Civil Rights Act of 1964, as amended, the Americans with Disabilities Act, the Age Discrimination in Employment Act, Section 504 of the Federal Rehabilitation Act, and all applicable rules and regulations.

COMPANY certifies that COMPANY, its parent companies, subsidiaries, and affiliates are not barred from entering into this Agreement as a result of a violation of either 720 ILCS 5/33E-3 or 5/33E-4 (bid rigging or bid rotating) or as a result of a violation of 820 ILCS 130/1 et seq. (the Illinois Prevailing Wage Act).

COMPANY and its consultants, employees, contractors, subcontractors, and agents agree to comply with all provisions of the U.S. Department of Transportation ("DOT") rules governing control and the use of drugs and alcohol in the Natural Gas and Hazardous Liquid Pipeline Industry, including Parts 199 and 40 of the DOT Regulations.
IN WITNESS WHEREOF, the parties have caused this Agreement to be executed in duplicate counterparts, each of which shall be considered as an original by their duly authorized officers as of the dates below indicated.

EXECUTED by COMPANY, this 6th day of October, 2012.

NORTHERN ILLINOIS GAS COMPANY
D/B/A NICOR GAS COMPANY

By: 

ADOPTED by the KENDALL COUNTY BOARD, this 12.

Vote: Yes____ No____ Pass_____ (SEAL)

Kendall County Clerk

APPROVED this____ day of _____________, 2012

KENDALL COUNTY EXECUTIVE

By: ______________________________
NICOR GAS COMPANY ESTIMATE FOR COST
INCURRED DUE TO REVISION OF EXISTING FACILITIES
IN CONNECTION WITH PUBLIC IMPROVEMENTS

LOCATION: Il Route 126 and Grove Road

DESCRIPTION OF WORK: Relocation of 135ft of 6in STL and 1,500ft of 6in PE gas main

AGENCY: Yorkville, IL
Kendall County Section #: 09-00107-00-FP

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<th>135050/335050/435050</th>
<th>Permanent Facilities</th>
<th>Retirement Facilities</th>
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<td>1. Contractor Charges (Contractor Costs + Additions to Contract)</td>
<td>$61,218.61</td>
<td>$5,272.50</td>
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<td>2. Utility labor</td>
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<td>4. Service Transfer (0@$408.50)</td>
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<td>5. SUB TOTAL</td>
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<td>6. Engineering</td>
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<td>13. TOTAL REIMBURSEMENT</td>
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**Work Order 435050**  
**IL Route 126 and Grove Road**

**TOTAL JOB QUANTITIES**  
Investment Work Order Charges - 135050

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<td>Work Item 6 in STL</td>
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<td>Work Item 5 Man Crew</td>
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<td>Work Item 53111 high pressure test of mains over 100 psi</td>
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<tr>
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<th>Total Job</th>
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<td><strong>Unit</strong></td>
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<td>Work Item Backfill</td>
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<td>Work Item Environmental investigation</td>
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<td>Work Item Nitrogen for test</td>
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<td>Work Item Shores Boxes</td>
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<tr>
<td>Work Item Temp seeding &amp; Erosion control</td>
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<td>Work Item Work Area Protection</td>
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<td>210.38</td>
<td>TAP INTO PIPE, PRESSURE CONTROL FITTING</td>
</tr>
<tr>
<td>213.02</td>
<td>ANODE INSTN ON NEW PIPE, NO TEST CONN.</td>
</tr>
<tr>
<td>213.04</td>
<td>ANODE INSTN ON EXISTING, NO TEST CONN.</td>
</tr>
<tr>
<td>214.90</td>
<td>ELECTRICAL TEST STATION, SELF-SUPPORTED</td>
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<tr>
<td>349.40</td>
<td>PIPELINE MARKER INSTALLATION</td>
</tr>
<tr>
<td>366014.N</td>
<td>WIRE STEEL #12 GA COPPER CLAD HMWPEHD 2500FTSPOOLS (#1410)</td>
</tr>
<tr>
<td>380021.N</td>
<td>TAPE CORROSION PREVENTIVE 4IN X 75FT ROLL HOT APPLIED</td>
</tr>
<tr>
<td>380030.N</td>
<td>TAPE TRENTON UNDERGROUND WAX #1 BROWN 4IN x 9FTROLL</td>
</tr>
<tr>
<td>380031.N</td>
<td>TAPE TRENTON UNDERGROUND WAX ROCKSHIELD GUARD WRAP</td>
</tr>
<tr>
<td>551150.N</td>
<td>PIPE 8IN STEEL 6.625IN X 0.168IN WT API5L GR X42 ERW SC</td>
</tr>
<tr>
<td>558182.N</td>
<td>ELBOW PIPE 8IN WELD 90 DEG 0.219IN WT GR B PER GMS 330</td>
</tr>
<tr>
<td>582240.N</td>
<td>PIPE PE 6IN IPS 40FTLENGTHS SDR 13.5 PE 2408 YELLOW</td>
</tr>
<tr>
<td>708037.N</td>
<td>PRIMER HOT AND COLD UNIVERSAL TYPE #281-3 INOMINPRIME.IN</td>
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<tr>
<td>708172.N</td>
<td>PRIMER TRENTON UNDERGROUND WAX THEM-COAT 1 GL CONTAINER</td>
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| Total Investment Work Order | Total | $75,275.44 |
Work Order 435050
IL Route 126 and Grove Road

TOTAL JOB QUANTITIES

Retirement Work Order Charges - 335050

<table>
<thead>
<tr>
<th>Company Labor</th>
<th>Total Job Quantity</th>
<th>Unit</th>
<th>Unit Cost</th>
<th>Extension</th>
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<tbody>
<tr>
<td>Pressure - Mech.</td>
<td>10</td>
<td>Hour</td>
<td>$29.56</td>
<td>$295.60</td>
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<tr>
<td>Pressure - Tech.</td>
<td>10</td>
<td>Hour</td>
<td>$29.56</td>
<td>$295.60</td>
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<tr>
<td>Utility Inspector</td>
<td>10</td>
<td>Hour</td>
<td>$31.34</td>
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Subtotal                |                     |      |           | $904.60   |

Additions to Contract

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<tr>
<th>Work Item</th>
<th>Total Job Quantity</th>
<th>Unit</th>
<th>Unit Cost</th>
<th>Extension</th>
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<tr>
<td>5 Person crew with equipment</td>
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<td>$4,572.50</td>
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<td>Work Area Protection</td>
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<td>Day</td>
<td>$350.00</td>
<td>$700.00</td>
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Subtotal                |                     |      |           | $5,272.50 |

P.O.

| PCB lab fee             | 4                  | Each  | $50.00    | $200.00   |

Subtotal                |                     |      |           | $200.00   |

Material

| 558024.N CAP PIPE 6IN BUTT-WELD STEEL 0.219IN WT GR B PE | 2      | Each   | $56.10    | $112.20   |
| 855050.N PCB WIPE SAMPLE KIT                            | 4      | Each   | $6.00     | $24.00    |
| Retirement Foam                                         | 1      | Lump Sum | $75.00    | $75.00    |

Subtotal                |                     |      |           | $211.20   |

Total Retirement Work Order

| Total | $6,568.30 |

Facilities Committee Minutes  
October 1, 2012

CALL TO ORDER

Chairman Shaw called the Facilities Management Committee meeting; located in the County Office Building at 111 W. Fox Street, Room 209 to order at 3:31 p.m.

1) Roll Call - Chairman Shaw asked for a roll call attendance. Present were Chairman Shaw, Members Hafenrichter and Vice-Chair Davidson. Member Wehrli arrived at 4:00 p.m. Member Koukol was absent. Enough members were present to form a quorum of the committee. County Board Member Martin and Facilities Management Director Smiley were also present.

2) Approval of the September meeting minutes - Chairman Shaw asked for a motion to approve the September committee minutes. Member Koukol motioned to approve the minutes. Member Wehrli 2nd the motion. All members voted aye via voice vote. Motion approved.

3) Public Comment - No members of the public were present at the meeting.

NEW BUSINESS/PROJECTS

1) Utility Track Software
- This is software that is supposed to help track utility costs and be useful for budgeting. KCFM has provided copies of our Electric and Natural gas bills to key in for the initial startup of the software. Utility Track said they should be ready to train us on the use of the new software in the next few weeks.

Report from meeting
Vice-Chair Davidson (VCD) asked who this software is from. Jim said he heard about it from the NACO County Association. VCD said he did not think we should add software unless we knew of a benefit to it. Jim said there were no startup costs and other counties have used it, so he thought we could go ahead and try it. Jim said there is only a cost if we decide to keep using the software past the first year. All committee members seemed to be okay with trying the software for free.

2) Public Safety Center Fire Damper Installation
- The dampers were installed the week of September 17, 2012. The room was sealed and tested to verify it would meet system requirements now. The room passed the test with the dampers closed, as verified by the BKFD. The gas system was connected and turned on. KCFM staff, D.C. Gillespie and KenCom staff were trained in how the system operates and what to do when performing maintenance on the HVAC system for the computer room.
- Project complete.

Report from meeting
Member Wehrli asked how often building fire inspections were done by the fire department. Jim said they did not do annual inspections when he first started at the county. Jim got them to inspect the facilities two to three years ago, but none had been done since then other than insurance inspections in some facilities. Member Wehrli said that his local fire department checks his facilities annually. Jim said that is what he was used to in the private sector and that he has developed a relationship with the Fire Marshall. Jim will call him to talk about doing annual inspections.

3) Courthouse New Chiller Water Pump Motor Replacement and Drive Repair
- Alarms went off on the new chiller water pump #1. KCFM staff diagnosed the issue to be with the electric motor. A replacement motor was purchased and installed by KCFM staff. Jim also called out Novatronics to check out the motor drive as it kept kicking off after the new motor was installed. Novatronics found a bad terminal on the contactor which had fried and probably caused a single phase condition to the motor, thus burning up the old motor. A new contactor was installed by Novatronics. Issues resolved and the new motor is running properly now. Jim plans to have the old motor rewound to serve as a spare for the future. Project complete.
NEW BUSINESS/PROJECTS CONTINUED

4) FGM Meeting on County Office Building Projects
   - Jim met with FGM and Amsco Engineers to go over the roof replacement, generator and HVAC unit replacements on September 25, 2012.
   - FGM hopes to have a quote back to Jim before the next FM Committee meeting in November.
   - This quote will outline the Architectural and Engineering costs as well as a realistic ball park price for all three projects.
   - Rough timeline for the projects is as follows:
     a) FGM quote by November FM Committee meeting.
     b) FM Committee approval and possible advancement to County Board for approval to move forward in November.
     c) Develop specifications and drawings by mid-December to year end.
     d) Bidding late December early January 2013.
     e) Award bids by February.
     f) Start roof and HVAC work by March.
     g) Complete roof and HVAC work by late April.
     h) Complete generator project by late April early May.

5) Courthouse Fire Alarm
   - We experienced a fire alarm at the Courthouse on September 20, 2012 at 11:50 a.m. The alarm was found to be with one of the original elevator pit smoke sensors. The sensor was replaced and the system was put back into a normal state of operation. It was also determined that the alarm was not transmitted to the new alarm monitoring company. The vendor found that one of the wires for the new wireless alarm monitoring equipment was hooked up to a blank terminal that had nothing connected onto it from the system. The wire was moved and the system was put into alarm to test transmission of the alarm. The monitoring company verified receiving the alarm and restore. Jim also added Courthouse Security personnel and Judge McCann to the MessageNet system which sends emails on a fire alarm at the Courthouse and also provides audio evacuation fire alarms to the Courtrooms per BKFD requirement. Jim also setup annual testing of the entire system for October 4, 2012.
   - Project complete.

6) Board of Review Monitor Installation
   - Technology Services told Jim they were planning to purchase two (2) 55” monitors in the 3rd floor BOR room. They asked Jim if KCFM staff could mount them at the end of the table where the BOR reviews properties. Jim looked at Uni-Strut metal poles and Joe Gillespie suggested that Fran at the Highway department might have sign post material we could use. Jim contacted Fran and he provided two posts that Ed Coates fabricated, painted and installed for the monitor brackets to mount onto. The monitors were mounted last week and setup by Technology Services.
   - Project complete.

7) Courthouse Elevator Pressure Test Inspections
   - Jim setup the State mandated annual pressure tests for the new elevators at the Courthouse last Friday. All five (5) elevators passed the test. Project complete.

8) Janitorial Contract Extension
   - Cleaner Living Services has offered to forgo their contracted cost increase again for 2013.
   - For offering to do forgo the increase Cleaner Living Services have asked for consideration in extending their contract again, as we have done the past two (2) years.

Report from meeting
Vice-Chair Davidson asked if they would be willing to extend the contract for two (2) years at the same cost. Jim said he thought they would, considering the economy and being able to keep the work. Committee members directed Jim to approach the vendor with this question and to bring their answer back to the next FM Committee meeting in November.

OLD BUSINESS/PROJECTS

1) Gas Contract Extension & Electric Contract
   - The contracts were signed by John Purcell after board approval at the September 18, 2012 County Board Meeting.
   - Copies were given to Debbie Gillette to Record.
   - Project complete.
OLD BUSINESS/PROJECTS CONTINUED

2) Courthouse Wind Damage Repair
   • Repairs were completed on September 5, 2012.
   • Project complete.

3) 2013 Budget
   • At the September 25, 2012 Finance Committee budget meeting Jim was asked if it was possible to reduce the Contractual Services line item could be reduced by $10,000.00 for 2013.
   • Jim said that it was possible but some painting or extra cleaning projects might not be able to be done.
   • Item complete.

Report from meeting
Member Hafenrichter said she would like to keep the budget as presented. Chairman Shaw echoed Jessie’s comment. Jim said that he had added money to the budget to reflect actual costs incurred this year, plus some additional funds for “special” projects. So, that is why he thought this was a reasonable request of the Finance Committee. Vice Chair Davidson made a motion to leave the budget as is. Member Hafenrichter 2nd the motion. All members voted aye. Motion approved. Board Member Martin asked to comment after the vote. Chairman Shaw approved her to comment. Nancy said that many of the projects that KCFM staff does gets paid for by the departments asking for the projects to be done, so the KCFM budget is not always affected by other departments requests for projects to be done. Jim agreed that since budgets have been asked to be kept as low as possible that he has not been able to go ahead and do “reasonable” project requests without departments paying for them. Jim asked if he was supposed to notify the Finance Committee that the FM Committee voted to keep the budget as presented. Members Martin and Hafenrichter said they are both also part of the Finance Committee and would let the committee know at their next meeting.

4) TCPN Purchasing
   • Jim has not had time to check into this further. He hopes to have more information for the next Facilities Committee meeting in November.

5) Video Bond Call Move Request
   • Jim presented two (2) prices he received to move the existing system and one (1) price for a new system to be installed to the Judicial Legislative meeting on September 26, 2012.
   • The Judicial Legislative Committee approved using Sound Incorporated to do this job. They forwarded their approved motion to the next County Board meeting to be approved by the full board.

6) Video Court Call Board Installation Request
   • The County Board approved spending up to $2,500.00 in remaining Courthouse Expansion funds for this project.
   • Facilities technicians started installing the data wiring, installing the monitor brackets, power wiring and painting the week of September 17, 2012.
   • Becky plans to hold a press conference this week to promote the new way to display court case information.

7) Courthouse Stairs Replacement Construction
   • The new stairs were pored and the old aggregate style strips were added and completed on September 25, 2012.
   • An inspection of the latest installation was held on September 26, 2012.
   • The handrails were installed on Thursday, September 27, 2012.

8) State’s Attorney’s Office Odor from Construction is Back Again
   • The new ductwork was installed late into the week of September 17, 2012.
   • Jim has monitored the smell since the ductwork was installed and it seems to be much better.
   • Jim asked Eric what he thought and he said that he wants to let it go for a couple of weeks before he makes a final determination of whether the problem is resolved.

9) KenCom Construction Update
   • The ground was leveled and new sod was installed the week of September 17, 2012. Lite has been watering the sod as needed. Item complete.
   a) A cover for the lightning protection system was broken during construction and Lite or their contractors trying to get by with taping the cover up.
      • Jim reiterated that Lite should just replace the underground box also and put a cover that is available for that box instead.
      • Lite said they will review this option with their sub-contractor.
OLD BUSINESS/PROJECTS CONTINUED

- We experienced water coming into the basement through conduits leading to the Tower building.
  - R&R came out and sprayed great stuff into the conduit. **Item complete?**
- Trench asphalt has not been redone. Was originally installed as cold patch and compressed by driving a truck back & forth on top of it.

Report from meeting
Vice Chair Davidson said that they should take out the asphalt and install concrete since the trench is not that wide and machines are not small enough to compact the material. Member Wehrli said that his company has small trenches done with vibrating equipment all of the time. Jeff also said that as long as the trench is deep enough to put in material in several layers and compact them in between refilling the trench. Jim was directed to tell Lite to finish the job properly and let them decide how they want to accomplish this redo of the original work.

EXECUTIVE SESSION
Not Needed.

ADJOURNMENT
Chairman Shaw closed the meeting at 4:19 p.m.

Submitted by,
Jim Smiley
Facilities Management Director
Kendall County, IL
Budget and Finance Committee
Meeting Minutes
Thursday, October 11, 2012

Call to Order
The Budget and Finance meeting was called to order at 2:14p.m. by Chair Vickery.

Committee members present: Mr. Davidson, Ms. Hafenrichter, Ms. Martin, Ms. Vickery and Ms. Petrella (2:23pm)

Kendall County employees present: Jill Ferko, Debbie Gillette, Janet Kaiser, Chief Deputy Scott Koster, Renetta Mickelson, Andy Nicoletti, Jim Smiley

Claims Review and Approval
A motion was made by Ms. Martin to forward the bills in the amount of $2,245,663.26 to the County Board for approval. Ms. Hafenrichter made a second to the motion. With all members in agreement, the motion carried.

Department Head and Elected Official Comments

Jill Ferko, County Treasurer – none

Debbie Gillette, County Clerk and Recorder – none

Scott Koster, Sheriff’s Office – Koster reported that an estimate for their KenCom Intergovernmental agreement fee is $25,000 and that he was requesting the addition of a separate line item to ensure better tracking of that particular budget line. Ferko said that a line item has already been established as KenCom Intergovernmental Agreement line item in the general fund. After discussion, it was decided that Ferko would restructure that item to be included in the Sheriff’s budget instead.

Koster stated that the price of $85,000 quoted for the squad mobile data computers is only applicable until November 2012. Koster asked if FY12 funds could be used to purchase the equipment now to secure the pricing. Wilkins said that it would be possible to use funds the General Fund Contingency this year to purchase the new mobile data computers. Martin made a motion to take $265,000 from FY12 contingency now to purchase the mobile data computers, second by Petrella. Motion passed with a 3-2 vote.

Stan Laken, Technology – Laken reviewed the Technology summary sheet that resulted from previous finance and budget hearing discussions. Laken was instructed to purchase a lower cost laptop computer for Animal Control instead of the ToughBook laptop proposed.
Andy Nicoletti, County Assessor – none

Jim Smiley, Facilities – none

Citizens to be Heard – none

Items from Other Committees - none

Budget Discussions – Anne Vickery distributed a proposed tier system for distribution of non-union pay raises for FY13. Vickery proposed an increase of 4% to any employee paid $30,000 or less; a 3% increase for any employee in the salary range of $30,480 - $39,166; a 2% increase to any employee in the salary range of $41,288 to $59,638; and employees in the salary range of $61,161 to $110,519 would receive a 1% raise.

Discussion on reducing the State’s Attorney’s Trials/Hearings budget line item by $15,000. Hafenrichter made a motion to approve the reduction, second by Petrella. With all members voting aye, the motion carried.

Actions Items for County Board
- Claims for the County Board in the amount of $2,245,663.26

Executive Session – None

Adjournment – Davidson made a motion to adjourn, second by Petrella. All members voted aye. Meeting adjourned at 3:16p.m.

The next Budget and Finance Committee meeting is scheduled for Thursday, October 25, 2012 at 9:30a.m.

Valarie McClain
Recording Secretary
The meeting was called to order at 9:00 am.

Committee members present: Jessie Hafenrichter, Nancy Martin, John Purcell, Suzanne Petrella
Others present: Jeff Wilkins, Anna Payton, Laura Pawson, Dr. Gary Schlapp
Absent: Anne Vickery

Committee approved the agenda for the meeting.

Anna presented the census log to the committee for August and thus far for September. Animal Control had an intake of 30 dogs in August with a current count of 13. Animal Control had an intake of 12 cats in August with a current count of 38 cats which includes 2 nursing moms and 8 nursing kittens, 4 kittens in foster homes, and 1 cat at Go Dog Go.

Laura presented the County bite report to the committee for August. There were a total of 10 bites reported with 8 dog bites and 2 cat bites. Two of the ten bites was a case where the owner or family member was bitten. Laura, Anna, and Dr. Schlapp discussed a vicious dog investigation they had launched on a dog due to the circumstances and severity of the bites by the dog. After much discussion and counseling with Laura, Anna, and Dr. Schlapp, the owner decided to have the dog euthanized. There were 3 animals at Kendall County Animal Control euthanized in the month of August due to behavior, 1 cat and 2 dogs.

Anna presented the operations report to the committee starting with the proposed logo. Everyone liked the design and approved to bring it before the board at the October Board meeting for final approval. John asked to have quotes for the cost of getting a new sign for the building and detailing the van if possible before the October Board meeting.

Anna and Laura talked about what they learned at the National Animal Control Association (NACA) Disaster Training conference they had recently attended. Anna discussed training she would like to obtain for her staff such as fire extinguisher, first aid, and CPR certification. She said she has already talked to the Fire Marshall and Sheriff Department to receive training. Everyone felt that the conference was beneficial.

Anna then reported on investigations and said that Animal Control had an ongoing investigation for animals at a local farm. They are working with Sheriff on a cat abandonment case as well. She also said they assisted Plano Police Department in removing cats from a deceased citizen’s residence.
Anna gave an update on the Pictures in the Park, a fundraising event for Animal Control put on by volunteer, Dana Butikofer, stating the event is completely booked. She also said that she got shirts for staff to wear at events or while working at the shelter.

Laura stated that Animal Control had 131 visitors in August. That is an average of 6 people a day. These statistics are only for the number of people over the age 18 coming to view the adoptable animals.

Anna was sad to report that Forrest gave his 2 week notice on Friday, September 14. Forrest said it was a difficult decision as he loved his job, but he could no longer afford to work there. Laura and Anna both emphasized that it was shame to be losing such a high quality employee due to low pay. Anna stated that the job opening was already posted on the Kendall County website as well as some animal welfare websites.

Anna then discussed having a garage sale at Animal Control in the month of October as way to sell off some the excess donated items, raise a little money for the Animal Control Fund, and draw people to the shelter. She provided the committee with an inventory of items to be sold. Jessie made a motion to present first meeting of October. Suzanne seconded the motion. All were favor and motion carried.

Jeff presented the accounting report. He stated that although the numbers for August were down, Animal Control continues to have a solid financial picture. John said one factor was most likely that there were 3 paychecks issued in that month. The committee approved the report and the payment of the bills. John asked if Animal Control pays for its utilities. Nancy said they do not. John said that if we are going to claim that Animal Control is self-sufficient, then paying the utilities out of the Animal Control fund should be looked at. Nancy, Jessie, and Suzanne said that there is no other department in the county that pays their own utilities and they thought it was an unfair request at this time.

The meeting adjourned at 9:53 am.

Respectfully submitted by Anna Payton
To: Kendall County Board  
From: Kendall County Office of Solid Waste Management  
Subject: September 2012 Solid Waste Program Activity Report

The following unexhausted list of Solid Waste Program activities were performed during the month of August 2012.

- Marlin Hartman (Solid Waste Program Coordinator) attended the ILCSWMA Educational Conference in Champaign on October 4th and 5th, 2012. Marlin also presented at this conference on the safety aspects of the solid waste industry. Conference highlights are included with this report.

- Marlin continues to work with Fox Township and ERC to set-up an electronics recycling site on the west side of Kendall County.

- A Yorkville electronics recycler was recently cited by the U.S. Department of Labor’s Occupational Safety and Health Administration (OSHA). COM2 Computers and Technologies LLC in Carol Stream, IL was cited for exposing workers to airborne lead among other violations. Lead. The U.S. Department of Labor’s OSHA has cited COM2 for 11 alleged serious safety and health violations, including the finding of airborne lead. This March 30, 2012 inspection was prompted by a lodged complaint. Proposed fines total $67,320.

- Marlin Hartman toured Vintage Tech Recycling (a computer recycling company) with Eric Campbell (Health Inspector), to better educate Eric for implementation of the Solid Waste Management Grant received from the Department of Agriculture.

- Eric Campbell and Aaron Rybski (Director of Environmental Health) have begun work to create an electronic waste disposal brochure as part of this Solid Waste Management Grant. A draft has been created with hopes that a final copy will be ready in the coming weeks.

Respectfully submitted,

Marlin Hartman, Solid Waste Coordinator  
Aaron Rybski, Environmental Health Director

cc: Amaal Tokars, Executive Director/Public Health Administrator  
    Board of Health
2012 ILCSWMA Conference Highlights

The ILCSWMA (Illinois Counties Solid Waste Management Association) annual educational conference was held in Champaign, IL on October 4-5, 2012. The conference had 18 educational/training sessions in 3 categories, Technical/Sustainability, Enforcement and Education. The keynote speaker was Susan Mooney, U.S. EPA Chief for the Municipal and Industrial Materials Section.

Following are summaries of the presentations attended:

“Reliability of Landfill Liner Systems” by Dr. Stark of the University of Illinois

This presentation dealt with the potentially early failure of contemporary landfill liners due to excessive temperatures that occur in landfills. Landfill liners are designed to last approximately 500 years with landfill internal temperatures reaching around 130°F. Recent studies have shown landfill temperatures can be in excess of 180°F with some peaking at 250°F. This study predicts landfill liners to fail much earlier than expected. Dr. Stark’s presentation in pdf form is available on the ILCSWMA.org/conference site.

“Remote Sensing Method for Post Closure Monitoring of Landfill Covers” by Dr. Stohr of the Illinois State Geological Survey

This presentation explained how closed landfills can be monitored for failure of landfill covers due to waste settling or erosion by using “Aerial Thermal Imaging” and “LIDAR”. LIDAR is similar to SONAR as it is able to map the topography for any deformations in the landfill cover.

“Changes to Section 31 (IEPA Act) and the Violation Notice Process” by Paul Purseglove of the IEPA

This presentation reviewed the changes in the IEPA Act regarding violation timeframes and requirements.

“Foodwaste Composting in Illinois” by David Smith of DCEO and Derek Rompot of IEPA

This presentation addressed how foodwaste composting in Illinois is progressing. Green Organics performs foodwaste composting (<10% by volume) in Bristol Township.

“Alternative Daily Cover; Its Use and Abuse” by Don Seitz of Waste Management and Tom Hubbard IEPA

Discussed were techniques used to cover the waste at the end of each day. If soil is used, it must be at least 6 inches deep and cover all waste to prevent potential vector breeding or interference. This is costly to landfill operators and uses up valuable airspace. Tarps are sometimes used, but a material called Auto-fluff is now the most popular. Auto-fluff is the material left after a car is crushed, being plentiful, cheap and delivered to the landfill for free. Compost is used at some landfills for cover as well.

There’s been discussion of possibly using crushed glass as an alternative daily cover as well. While not yet fully approved, glass would be inexpensive and could also be delivered to the site for free. Glass is becoming popular since all the TVs and electronics being recycled create it and currently have no market for the glass. Additionally, beverage glass markets are many times unfavorable, meaning that there is more cost to process this glass into new glass products than to get rid of it.
Kendall County
Committee of the Whole

Thursday, October 11, 2012
4:00 p.m.
County Office Building
Board Room 209-210
Meeting Minutes

Call to Order
The Committee of the Whole met at 4:00pm and was called to order by Chairman John Purcell.

Roll Call
Members Present: John Purcell, Bob Davidson, Dan Koukol, John Shaw, Anne Vickery, Jessie Hafenrichter, Nancy Martin, Suzanne Petrella, Elizabeth Flowers, Jeff Wehrli


Progressive Energy
Arnie Schramel of Progressive Energy Group gave an update to the electric aggregation program. A question will be on the ballot in the November election of whether or not to enroll in the electrical aggregation program for unincorporated areas of the County. Two separate aggregation groups would be formed if it is passed and approved – one in the Ameren territory and one in the ComEd territory. The aggregation program is not open to residents within Corn Belt Energy’s service area. The County Board has not approved nor taken an official position on this issue.

Two public hearings will occur on this issue – November 7, 2012 and November 20, 2012. Progressive Energy will be responsible for publishing notice for this hearing. Progressive Energy will appear at the next County Board meeting on October 16th under “Citizens to be Heard”.

Funding Request – Village of Lisbon
Iona Whitney, Treasurer of the Village of Lisbon, and Jay Benckendorf, Mayor of the Village of Lisbon, gave background to project that the Village is proposing to do involving improving the wastewater system within the Village. The Village is requesting a loan from the County to complete Phase I to complete a sanitary sewer plant. Ms. Whitney went over the Village’s assets including 21.25 acres of land, the Village Park and Village Hall, as well as the income the Village is receiving which includes $108,059 per year for 14 years left on the Vulcan host fee as well as $60,000 per year for 2 years of the LaFarge host fee then $100,000 for 18 years following the 2 years. Ms. Whitney indicated that the Village has no outstanding loans.

The Village is requesting $420,000 to be paid back over 5 years. The money would be lent out of the General Fund if approved by the County Board. The topic will be discussed further at the Finance Committee and is anticipated to be reviewed by the full Board in November.

Orchard/Minkler/Collins/Grove Alignment Scenarios
PJ Fitzpatrick and Kevin Anderson of Wills Burke Kelsey presented information on the alignment scenarios for Orchard Road/Minkler Road/Collins Road/Grove Road. Mr. Fitzpatrick went through the background to the project of how data was gathered, traffic counts, and study objectives. Stakeholder
outreach was part of the planning process with the Village of Oswego, IDOT, and natural resource agencies. These stakeholder meetings looked at how the project would accommodate traffic, the geometric design, efficient land use, consistency with Oswego Transportation Plan, and the impact on natural environment. Mr. Fitzpatrick provided analysis of the various scenarios for extending Collins Road to Minkler Road and the impact that each would have. It was determined that “Alignment B” would be the most practical. The next steps include identify the critical locations, set the proposed alignment, secure the necessary ROW, and preserve the corridor.

Overview of FEMA Updates to Flood Insurance Rate Maps (Blackberry Creek & the Aux Sable Creek Watersheds) – Greg Chismark
Greg Chismark of WBK presented information on the revised Floodplain Maps that have been provided by FEMA. A CCO meeting will take place in the Historic Courthouse on November 15, 2012 by FEMA for further information. A 30 day non-technical review period will follow this meeting with a 90 day technical appeal period. The revisions to the map include areas along the Blackberry Creek, the Aux Sable Creek, and the Morgan Creek. A total of 10 map panels were affected by these changes. In some areas, the floodplain has expanded and in some areas the floodplain has been reduced. Mr. Chismark stated that the Aux Sable Creek has some of the most changes. Mr. Chismark provided a memo on the specific revisions to each of the 10 map panels to the Committee for their information.

Mr. Chismark stated that no formal action is needed by the County Board other than to be aware of these changes.

PBZ Petitions
12-29 Success in the Suburbs, Inc. – Major Amendment to a Special Use
Wade Joyner, attorney for Success in the Suburbs, Inc., went over the proposed Success in the Suburbs project located in the Equestrian Estates subdivision and that the petitioner, Success, is interested in purchasing the horse stable. Currently, only residents in the subdivision can board horses in the horse stable within the subdivision. The requested change includes allowing the public to board horses on the property to be more economically viable. The petitioner is proposing to improve the property to help improve property values. The existing residents who live in the subdivision are in favor of the project. The petitioners plan to help the homeowners pay for the maintenance of aspects of the subdivision. Denise Burks commented that the current CC&R’s of the subdivision requires the homeowners to maintain 100% of the barn facility. Ms. Burks stated that the boarding fees would increase and that one employee would be used to take care of the stable and horses. Dan Huddleson, one of the homeowners of the subdivision, commented on how the open spaces within the subdivision are currently maintained.

Chris Fowler, representing Capstone, ResDev, LLC, who has acquired the foreclosed lots of 1,5,6,7,8,9,10,11,12,13,16, and 18 within the subdivision. Mr. Fowler acknowledged that Capstone did receive notification of the proposed petition from the petitioner when the notifications were originally sent out and that Capstone is objecting to the petition. Mr. Fowler stated that selling the vacant lots would be impacted by the proposed petition. Mr. Fowler raised concerns over the availability of horse stable space for prospective purchases of the vacant lots.

The County Board will take action on this item at the October 16th County Board meeting.

12-33 Places of Worship as a Special Use in All Districts
Ms. Zubko went over a proposed zoning text amendment that would permit a place of worship as a special use in every business and manufacturing district. The conditions attached to places of worship in
the A-1 and R-1 districts would also apply to places of worship in the business and manufacturing districts.

The County Board will take action on this item at the October 16th County Board meeting.

12-36 Performing Arts Center
Ms. Zubko went over a proposed zoning text amendment to provide a category for a Performing Arts Center as a Special Use in the A-1 and B-3 districts and as a permitted use in the B-4 District. This type of use would also be permitted in as a special use in the M-1 and M-2 Districts.

The County Board will take action on this item at the October 16th County Board meeting.

12-25 Garage Sales
Ms. Zubko stated that the Garage Sale Text Amendment was withdrawn by the PBZ Committee.

12-38 Old Barn Museum Revocation
Ms. Zubko was seeking consensus from the Committee on whether or not to initiate the revocation of the Special Use for the Old Barn Museum. Ms. Zubko had sent a letter to TOBM requesting clarity from TOBM as to whether or not they want their special use revoked. There has been no response to date.

The neighbors of the museum stated that the TOBM has become a nuisance to them and the surrounding areas. There was no consensus to initiate the revocation.

FY2013 Budget
Ms. Vickery reviewed the proposed salaries for FY13 of non-union employees. The salaries were discussed by the Finance Committee.

Other Items of Business
Leslie Johnson stated that she received notice from the Illinois Labor Relations Board informing the County that that the County of Kendall’s petition to amend certification was granted and that the County of Kendall is now officially no longer a joint employer for the KenCom bargaining unit based on notification she received from the Illinois Labor Relations Board.

Public Comment
None

Review Board Action Items
The Committee reviewed the action items on the County Board agenda

Executive Session
John Shaw made a motion to enter into Executive Session for the purpose of 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 and for the purpose of the appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body or legal counsel for the public body, including hearing testimony on a complaint lodged against an employee of the public body or against legal counsel for the public body to determine its validity. The motion was seconded by Jeff Wehrli.

Mr. Purcell performed a roll call vote.
Kendall County
Committee of the Whole

Mr. Davidson-aye; Mr. Koukol – aye; Ms. Petrella – aye; Mr. Wehrli – aye; Mr. Purcell – Aye; Ms. Hafenrichter – aye; Mr. Shaw – aye; Ms. Vickery – aye; Ms. Martin – aye.

With a roll call vote of a 9-0, the Committee entered into Executive Session at 6:43pm.

The Committee came out of Executive Session at 7:10pm

Adjournment
Nancy Martin moved to adjourn. The motion was seconded by John Shaw. There being no objection, the Committee of the Whole, at 7:10pm. adjourned.

The next Committee of the Whole meeting is scheduled for Thursday, November 15, 2012 at 4:00 p.m. in the County Board room.