AGENDA

1. Call to Order and Pledge of Allegiance

2. Roll Call

3. Items of Business
   - Merging of County Committees
   - Review Approved 23rd Circuit Probation Officer Bargaining Unit Agreement - Chief Judge Tim McCann
   - Petition 14-42: Special Use for 655 Woolley Road for Sybert Landscaping to operate a landscape business with outdoor storage

4. Review Board Action Items

5. Executive Session

6. Public Comment

7. Questions from the Media

8. Adjournment
Call to Order
The Committee of the Whole was called to order by Chair John Shaw at 4:00 p.m., who led the group in the Pledge of Allegiance.

Roll Call

Board Members Present: Bob Davidson - yes, Judy Gilmour - here, Dan Koukol - present, John Purcell (arrived at 4:05 p.m.), Scott Gryder - here, Matthew Prochaska - here, Lynn Cullick - here, Jeff Wehrli - here, John Shaw - aye

Board Members Absent: Elizabeth Flowers

Others Present: Dwight Baird, Debbie Gillette, Leslie Johnson, Undersheriff Harold Martin, Eric Weis, Jeff Wilkins

New Business

➤ Village of Oswego – State's Attorney Eric Weis updated the committee on the recent litigation filed by the Village of Oswego against County Clerk/Recorder Debbie Gillette, and the Village of Oswego Clerk. Mr. Weis stated that there are five separate groups involved in this lawsuit.

Mr. Weis said that the County Clerk will ask the court to determine if the Village of Oswego election would be a partisan or non-partisan election, and if it is determined to be non-partisan, if there is need to hold a primary election. Originally the Village of Oswego authorized the lawsuit against the County Clerk and Village of Oswego Clerk. Attorneys representing both will appear before the judge at 9:30 a.m. on Friday, January 16, 2015. Mr. Weis stated that if the court orders a primary election, all costs will be covered by the County, and we can never seek reimbursement. Mr. Weis will update the Board as necessary.

➤ Wolf's Crossing – Member Cullick provided a summary of the status of this project, and stated that the Village of Oswego is working with IDOT on the necessary requirements to have a traffic study conducted, and the various districts to ensure that everyone is in agreement on the scope of the work, the timeframe, and the cost. The next step is an inter-governmental agreement between IDOT and the Village of Oswego before the study can be conducted. The study is needed to apply for the grant that will fund the project at eighty percent from IDOT. This step is delayed since there isn’t a current IDOT Director of Operations, and the recent installation of Governor Rauner. Ms. Cullick provided background information on the initial meetings, the need
for the expansion of Wolf’s Crossing Road due to the increased traffic caused by the two high schools, the middle school, several grade schools and the increased subdivision construction in that area.

➢ Board Rules – Chair Shaw said he asked for this item to be included on the agenda in anticipation of future discussion of the Board Rules of Order and any necessary changes that will be discussed by the Admin HR Committee.

Old Business - None

Review Draft Board Agenda – Mr. Shaw asked the committee to review the draft agenda and make any changes or additions. Chair Shaw would like to add “Kendall County Drainage Districts” to the agenda.

Board members asked that any committee that did not meet prior to the January 15, 2015 be removed from the Board agenda report section.

Public Comment - None

Questions from the Media – None

Executive Session – Member Koukol made a motion to go into Executive Session for the purpose of 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, second by Member Prochaska.

ROLL CALL: Chairman Shaw – aye, Member Davidson – yes, Member Gilmour – yes, Member Koukol – yes, Member Purcell – aye, Member Gryder – aye, Member Prochaska – aye, Member Cullick – yes, Member Wehrli – yes. With all in agreement, the committee entered into Executive Session at 4:35p.m.

Member Cullick made a motion to reconvene in Open Session, second by Member Prochaska. With all in agreement, the committee reconvened in Open Session at 4:59p.m.

Adjournment – Member Prochaska moved to adjourn the Committee of the Whole meeting and the motion was seconded by Member Cullick. There being no objection, the Committee of the Whole was adjourned at 5:02p.m.

Respectfully submitted,

Valarie A. McClain
Administrative Assistant/Recording Secretary
ORDINANCE NUMBER 2015 - 

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

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

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

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

WHEREAS, said property is legally described as:

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

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

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

WHEREAS, the findings of fact were approved as follows:

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. The current uses of the subject

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

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

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

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

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

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

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

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

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

1. No landscape waste generated off the property can be burned on this site.
2. No loading or unloading of landscape equipment between the hours of 9pm and 6am.
3. No retail sales/business allowed on site.
4. Restrict the amount of landscape waste that could be stored on site at any one time on the ground to 1 semi load. That 1 semi load must be removed within 1 week. Landscape waste can be contained in the bed of a truck but also must be removed within 1 week.
5. The fence must be installed within 6 months of the approval date of the special 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 17th day of February, 2015.

Attest:

Debbie Gillette
Kendall County Clerk

John Purcell
Kendall County Board Chairman
10th February 2015.

To: Kendall County Board

From: David G Dickinson
551 Rance Road,
Oswego, IL 60543
630 554 5346.

Subject: Petition 14-42, Sybert Landscaping.

I am a resident who lives on Rance Road, and I object to Mr. Sybert establishing a landscaping business at 6556 Woolley Road. I have attended the various planning and zoning meetings held recently, and most of my objections are noted in these meetings. However since I am unable to attend the next board meeting where this application will be reviewed, I wish to bring the following items to your attention:

1. There is an associated fire risk with this type of operation due to the nature of the equipment being used, and the materials being stored on site. This is an unacceptable risk to this neighborhood, especially as there are no fire hydrants in the street.

2. It appears that the applicant has access to and the use of much more equipment that that listed in the application. Recently while attending the zoning meetings in Yorkville I observed the applicant on one occasion in a large pickup truck equipped for snow ploughing, and on another occasion in a truck with a 700 to 800 gallon chemical poly tank in the back. Although the applicant has provided assurances that such equipment will be stored elsewhere, it is unreasonable to expect that these items will never be brought onto this site.

3. Equipment and vehicles will leak oil, fuel and chemicals. Since it is proposed that this equipment be stored on a gravel surface, any leakage will seep into the ground and could result in groundwater contamination. All properties in this area have well and septic systems, and rely on clean groundwater for their water supply.

4. Also as stated in previous testimony, just to the northwest of the storage area is a femoral pond which fills after a rainstorm, then slowly dries up. This pond will now also collect and concentrate any chemical and oil spills or leaks etc. which could then result in an environmental hazard.

5. The applicant intends to stockpile sand, gravel and mulch on the site. Handling of these materials will require a front end loader. This item was not listed in the equipment list included in the application.

I trust that this application will not be accepted. This type of activity is too intensive for this size of lot, especially since the applicant has stated that the landscaping activities will be restricted to the northern one third of the property. The existing neighborhood is basically residential, with several horse properties, and this type of activity will be detrimental to the neighborhood.

Sincerely

[Signature]

David G Dickinson.
William Richards
Janet Porter
Casey Porter
Tom Rohrbacher
Ron Bochenek
Bob Monroe