AGENDA

1. Call to Order
2. Roll Call
3. Approval of Minutes from August 18, 2014
4. Status Reports
   - Health Department
   - Farmland Protection
   - Soil & Water
   - Solid Waste Plan Committee
   - Water Related Groups
   - Other Reports
5. Old Business
6. New Business
7. Public Comment
8. Questions from the Media
9. Action Items
10. Executive Session
11. Adjournment
KENDALL COUNTY ILLINOIS
Health & Environment Committee
County Office Building, County Board Room 209-210
111 W. Fox Street, Yorkville

Monday, August 18, 2014
Meeting Minutes

CALL TO ORDER
The meeting was called to order by Chair Judy Gilmour at 10:00 a.m.

ROLL CALL
Committee Members Present: Lynn Cullick - here, Judy Gilmour - here, Dan Koukol - present, Matthew Prochaska – here
Committee Members Absent: John Purcell

Others Present: Steve Curatti, Program Administrator, Kendall County Health Department, Aaron Rybski, Kendall County Health Department, Dr. Amaal Tokars, Executive Director, Kendall County Health Department, Megan Andrews, KC Soil & Water, and Angela Zubko, Planning, Building and Zoning

APPROVAL OF JUNE 16, 2014 MEETING MINUTES - Matthew Prochaska made a motion to approve the June 16, 2014 meeting minutes, second by Dan Koukol. With all in agreement, the motion carried.

Overview of 2015 Solid Waste Plan – Judy Gilmour briefed the committee on the members of the Solid Waste Plan Committee, and provided background information on the plan and the work that was done. Aaron Rybski, Environmental Health Director, Kendall County Health Department, praised the diversity of the committee, and the conversations that resulted because of that group. Mr. Rybski stated that the focus was to update the plan every five years, and that it was interesting to see the evolution of the plan, the committee’s goals and how they worked toward the various objectives, which included:

Administration: Integrate solid waste legislation monitoring into the KC Health Department Legislative/Policy Agenda

Recycling and Source Reduction: Offer to educate and promote recycling and source reduction efforts within Kendall County, interact with schools, clubs, senior groups and community groups on ways to promote recycling and source reduction, using
social/mainstream media including “green pages” to incorporate information on source reduction, recycling and other actions to aid proper waste management, identify and communicate methods of residential disposal of household hazardous wastes, communicate with waste haulers to address recycling concerns and possible waste hauler actions, recognize businesses within KC who practice innovative waste reduction and/or recycling, interact with municipalities and villages within KC on financial and benefits and best practices in managing municipal solid waste

*Compost Recommendations:* Offer to educate community, strive to be informed and knowledgeable on the latest composting processes and practices, foster cooperative relationships with commercial composting operations and support legislation to improve compost and yardwaste land application regulations

*Waste-to-Energy and Alternative Technologies Recommendations:* Identify state and federal regulations relating Waste-to-Energy and Alternative Technologies, identify status of USEPA clean air attainment and non-attainment designation for townships relating to waste to energy siting, continue to identify and explore Alternative Technologies and offer to educate the public and KC leaders regarding these technologies, no new waste-to-energy or alternate technology facilities, considered a pollution control facility, for handling municipal solid waste in Kendall County

*Transfer Station Recommendations:* Development of private sector Municipal Solid Waste transfer Facilities are allowable within Kendall County, and Transfer Station Host Community Benefit Agreement

*Landfill Recommendations:* No new or expanded landfills in Kendall County

Mr. Rybski reviewed the various objective goals and explained the plans to educate the citizens, businesses, and municipalities.

**OLD BUSINESS** – None

**NEW BUSINESS** – Angela Zubko reported that the Drainage District Hearings have been continued until November 7, 2014 at 1:00p.m. in the Kendall County Courthouse.

**PUBLIC COMMENT** – None
**ACTION ITEMS** – None

**EXECUTIVE SESSION** – None Needed

**ADJOURNMENT**- Member Prochaska made a motion to adjourn the meeting, Member Cullick seconded the motion. With all in agreement, the meeting was adjourned at 10:42a.m.

Respectfully Submitted,

Valarie McClain
Administrative Assistant/Recording Secretary
DRAINAGE DISTRICTS 101

Drainage History

In the 1800s, farmers dug man-made ditches for the sole purpose of turning unproductive swampland into lush, fertile farm ground. The same valuable farmland generations of agriculture producers have farmed to earn a living and feed the world.

These man-made ditches today serve the same purpose of draining storm runoff as they have for centuries. The only difference is some ditches drain acres of farmland and others drain miles of concrete.

Our ancestors understood that drainage is an essential utility. In 1879, two laws were passed to give landowners a means of securing proper drainage. These laws established drainage districts based on a system of assessments that permitted the districts to include only lands benefited. This principle remained untouched in 1956 when the Illinois Drainage Code was passed by legislatures. The Illinois Drainage Code still informs and governs the drainage districts today.

Approximately, 1,700 Drainage Districts have been organized in Illinois.

Drainage Districts Facts

Drainage Districts are small units of local government created by petition or referendum and court approval. They have the power to construct and maintain drainage improvements and to pay for the improvements with assessments on the land within the district boundaries.

Three Commissioners who serve staggering 3-year terms govern Drainage Districts. Commissioners must be landowners who own property within the district's boundaries.

Commissioner are either elected or appointed. The procedure for commissioner selection was established when the district was formed.

Elected Commissioners are chosen by a special election in September held within the boundaries of the drainage district. Only landowners within the district's boundaries may vote in the drainage election.

Appointed Commissioners may be approved by the County Board or Circuit Judge.

Commissioners have the authority to:

- Do all necessary work for construction, altering, enlarging, protecting, repairing, and maintaining any drainage, levee, or other work of the district.

- Go upon land within or without the district for examining the work of the district.

- Keep the system in repair and to handle minor improvements.

With Court approval, Commissioners may:

- Construct additional drains, levees, or other work necessary for protection of the lands of the district.

- Alter, enlarge, extend, improve, deepen, widen, or straighten any drain, levee or other works of the district.

- Change the method of construction, route, size of capacity, termini or plans of any proposed drain.

- Purchase necessary equipment.

- Construct roads, right-of-way, level spoil, construct structures, and abandon any drain or levee.

- Acquire land through eminent domain.

- Levy Assessments only against benefited land.
Benefits of Good Drainage

- Absorbs Stormwater Runoff
- Reduces the chance of Waterborne diseases
- Inhibits water damage to public roads
- Good Drainage allows plant roots to receive enough oxygen to mature properly.
- Allows the soil to absorb and store more rainfall, which reduces runoff from the soil surface that causes soil erosion.
- Good Drainage increases the number of days available for planting & harvesting crops.
- Drainage can increase soil surface temperatures that help seeds germinate.
- Drainage helps plants grow their roots deeper into the soil so they can absorb more nutrients and water from the soil.
DRAINAGE RIGHTS

Drainage History

In the 1800s, farmers dug man-made ditches for the sole purpose of turning unproductive swampland into lush, fertile farm ground. The same valuable farmland generations of agriculture producers have farmed to earn a living and feed the world.

These man-made ditches today serve the same purpose of draining storm runoff as they have for centuries. The only difference is some ditches drain acres of farmland and others drain miles of concrete.

Our ancestors understood that drainage is an essential utility. To cover the inadequacies of the natural drainage rules and to give landowners a means of securing proper drainage, the Illinois Drainage laws were established.

Law of Natural Drainage

The most important principle of Illinois drainage law is the owner of lower ground must receive surface water that naturally flows from higher ground.

Landowners have the right to improve drainage on his or her property.

Landowners Can:

- Widen, deeper, and clean natural waterway that carry their surface water
- Straighten out channels on their own property
- Accelerate the movement of surface water as long as they do not change the natural point of entry on the lower land
- Drain ponds or standing water in the directions of their runoff. Caution: You cannot drain designated isolated wetlands.
- Fill up ponds or low places where water may stand, and force water out into natural drainage channels.
- Construct grass waterways, check dams, terraces, or soil-conservation structures.
- Tile their property to expedite the flow of water. So Long as they do not:
  - Unreasonably increase flow
  - Change the point of entry on lower land
  - Bring in water from another watershed
  - Connect their tile to tile of another landowner or drainage district without consent:
  - To legally form a drainage district

Landowners Cannot:

- Dam or obstruct a natural channel so that the flow of surface water from higher land is impeded or blocked
- Divert water to lands that do not naturally receive this drainage
- Change the point of entry on lower land
- Bring water from another watershed that would not naturally flow across the lower land
- Pollute any waters that pass from their land through property of others
- Connect their own tile with another landowner's or a drainage district's without consent
- Dam up or impound large bodies of water that escapes and cause serious damage to the lower land
- Accelerate the flow of water unreasonably, or malice intent to damage the lower land

Information was collected from the Illinois Drainage Law Circular 1305, University of Illinois Cooperative Extension Services
Benefits of Good Drainage

- Absorbs Stormwater Runoff
- Reduces the chance of Water-Borne diseases
- Inhibit water damage to public roads
- Good Drainage allows plant roots to receive enough oxygen to mature properly.
- Allows the soil to absorb and store more rainfall, which reduces runoff from the soil surface that causes soil erosion.
- Good Drainage increases the number of days available for planting & harvesting crops.
- Drainage can increase soil surface temperatures that help seeds germinate.
- Drainage helps plants grow their roots deeper into the soil so they can absorb more nutrients and water from the soil.
References:

- Illinois Association of Drainage Districts: http://iadd.info/

Resource Information: History & Background

A drainage district is a small unit of local government formed by landowners. It is considered a special district by the Illinois Drainage Code. The district may be formed to engage in drainage or levee work for agricultural, sanitary, or mining purposes. Districts are created by petition or referendum and are court approved. Districts are governed by three drainage district commissioners. Anyone owning land within the district boundaries may serve as commissioner. The specific procedure for this process is determined at the time the district is established. Districts are funded by assessments; each benefited landowner is assessed a fee for the maintenance and upkeep of the district. According to the Illinois Association of Drainage Districts, the assessment role of the drainage district is approved by the courts. Additional information is available at the county level. Specific information regarding the commissioners is available either at the County Clerk’s Office or the Circuit Clerk’s Office (depending upon how the commissioners are selected; appointed or elected). Boundaries of the district may be multi-county, depending upon the watershed.

According to the Illinois Secretary of State’s website, the Illinois Constitution of 1870 allowed the General Assembly to pass laws that provides landowners with drainage rights. Subsequently, in 1871, a comprehensive drainage law was passed. After this law was found to be unconstitutional, the Illinois Constitution was amended to provide for drainage related matters including giving drainage districts the authority to levy property taxes and allowing drainage commissioners as the corporate head of the districts. In 1879, two Illinois Drainage Laws were passed. The “Levee Law,” which repeated the procedures of the 1871 law along with new procedures. Additionally, the “Drainage District Law” provided additional procedures regarding commissioners. Illinois drainage law was recodified in 1955 but the roles of districts and the commissioners remain mostly unchanged. One item to note is that commissioners of active districts are required to file annual financial reports with the county or circuit courts.

In summary, the State of Illinois has provided legislation to organize drainage districts which are authorized to levy an assessment on landowners within the district to cover costs that include the initial cost of constructing a drainage system, annual maintenance costs; or additional drainage improvement projects. Issues the drainage district address include primarily channel maintenance challenges that range from covered drainage outlet pipes, tile outlets below the water line, and woody debris blockages.