The Kendall County Board Meeting was held at the Kendall County Office Building, Room 209, in the City of Yorkville on Thursday, March 7, 2013 at 6:00 p.m. The Clerk called the roll. Members present: Chairman John Shaw, Amy Cesich, Lynn Cullick, Elizabeth Flowers, Judy Gilmour, Scott Gryder, Dan Koukol, Matthew Prochaska, and John Purcell.

The Clerk reported to the Chairman that a quorum was present to conduct business.

THE MINUTES

Member Purcell moved to approve the submitted minutes from the Adjourned County Board Meeting of 2/5/13. Member Flowers seconded the motion. Chairman Shaw asked for a voice vote on the motion. All members present voting aye. Motion carried.

THE AGENDA

Chairman Shaw asked that the agenda be amended to move Executive Session #1, Coroner’s Office new 2013 GMC Yukon, and the Settlement in Thurmond et al v Kendall County and Craig French to after Citizens to be Heard.

Member Purcell moved to approve the amended agenda. Member Cullick seconded the motion. Chairman Shaw asked for a voice vote on the motion. All members present voting aye. Motion carried.

CORRESPONDENCE AND COMMUNICATIONS

County Clerk, Debbie Gillette informed the Board members about the UCCI Leadership Academy.

EXECUTIVE SESSION

Member Purcell made a motion to go into Executive Session 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 Flowers seconded the motion. Chairman Shaw asked for a roll call vote on the motion. All members present voting aye. Motion carried.

RECONVENE

STANDING COMMITTEE REPORTS

Finance

2013 GMC Yukon

Member Purcell moved to remove from the table the item: Coroner’s Office new 2013 GMC Yukon. Member Prochaska seconded the motion. Chairman Shaw asked for voice vote on the motion. All members present voting aye. Motion carried.

State’s Attorney, Eric Weis explained that the RFP went out and was posted; one bid was received from Coffman Truck Sales in the amount of $37,828.00. The vehicle is the same one that was discussed before.

Member Purcell moved to approve the purchase of a new 2013 GMC Yukon in the amount of $37,828.00 to come out of the Capital Budget in the General Fund. Member Prochaska seconded the motion. Chairman Shaw asked for roll call vote on the motion. All members present voting aye except Cesich. Motion carried 8-1.

Members discussed why the vehicle was not put into the budget and ways to plan for costs like this in the future.

NEW BUSINESS
$20,000 Settlement in Thurmond et al v Kendall County and Craig French

Member Purcell moved to approve the $20,000 settlement in the Thurmond et al v Kendall County and Craig French lawsuit. Member Gryder seconded the motion.

State’s Attorney, Eric Weis gave the details of the suit; the incident occurred February 5, 2012, settlement would release any and all claims against the Sheriff’s Office, Deputy French, County of Kendall or any of its employees, attorneys or anyone else. The settlement amount is $20,000 and there will be no admission of liability on any part of any of the defendants, it would effectively conclude the litigation in its initial stages. The counts listed in the complaint that became of particular concern were counts one and two which are filed under Section 1983 of the US Code. These counts from an economic standpoint are the ones to be most concerned about; there would be a cost to the county to defend the suit. The cost of the deductible to tender to insurance company is $25,000. If the plaintiff prevails under Section 1983 at any dollar amount they are entitled to all of their attorney fees. The settlement was negotiated; State’s Attorney Weis believes that this is the best settlement to be reached absent litigation. The settlement has been signed by the Thurmond’s and the Sheriff and Deputy French will support the board’s decision.

Chairman Shaw asked for roll call vote on the motion. All members present voting aye. Motion carried.

Voter Viewer Demonstration

County Clerk, Debbie Gillette presented to the board a new feature available on the county’s website. County Clerk Gillette made a request of Don Clayton in GIS to put together a system that would allow the voters to type in their address to find which polling place the address is associated with. The feature will also show the county board district and legislative districts that are associated with the address. The link is available on both the County Clerk’s election information webpage and the GIS webpage title Voter Precinct Viewer.

Surrender of R&B Food Ventures’ Class “A” Liquor License

Member Gryder moved to approve the Resolution Confirming the Surrender of R&B Food Ventures’ Class A Liquor License. Member Flowers seconded the motion. Chairman Shaw asked for roll call vote on the motion. All members present voting aye. Motion carried.

RESOLUTION 13-03
THE SURRENDER OF R&B FOOD VENTURES’ CLASS A LIQUOR LICENSE

WHEREAS, the Kendall County Board, on October 19, 1999, adopted an Ordinance regulating the retail sale of alcoholic liquors outside the corporate limits of any city, village or incorporated town in Kendall County, Illinois (hereinafter referred to as “the Ordinance”), and said Ordinance has been amended thereafter by the Kendall County Board on several occasions thereafter; and

WHEREAS, Article V, Section 1 of the Ordinance authorized the maximum number of “Class A” liquor licenses to six (6) licenses; and

WHEREAS, the Kendall County Liquor Control Commissioner issued a Class “A” liquor license to R&B Food Ventures d/b/a “Ralph’s Place” (hereinafter referred to as “Ralph’s Place”) on or about April 22, 1993 and said liquor license was renewed by Ralph’s Place on an annual basis each year thereafter; and

WHEREAS, Ralph’s Place closed and ceased all business operations on or about November 30, 2012; and

WHEREAS, as of January 30, 2013, Ralph’s Place did not use the Class A liquor license for a period of sixty (60) consecutive days; and

WHEREAS, Article X, Section 23 of the Ordinance states in relevant part, “Any license which is not used for a period of sixty (60) consecutive days shall be deemed to have lapsed due to such non-use. Any license which has lapsed as defined by this paragraph will be of no further effect unless written waiver of such lapse is granted by the Commissioner”; and

WHEREAS, Article V, Section 1 of the Ordinance provides in relevant part, “In the event any license issued hereunder is surrendered, for any reason whatsoever, the maximum number of licenses authorized in that class is
accordingly reduced by the number of licenses surrendered. No further licenses may be issued until action of the Kendall County Board appropriately increases the maximum number allowed; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY BOARD OF KENDALL COUNTY, ILLINOIS that Ralph’s Place surrendered its Class “A” liquor license effective January 30, 2013 following a period of sixty (60) consecutive days of non-use of the license, and, pursuant to Article V, Section 1 of the Ordinance, the number of Class “A” liquor licenses has hereby been reduced from six (6) to five (5) licenses effective January 30, 2013.

ADOPTED and APPROVED this 7th Day of March, 2013. John Shaw, County Board Chairman

Attest: Debbie Gillette, County Clerk

Amendment to Liquor Control Ordinance

Member Flowers moved to approve the amendment to the Liquor Control Ordinance creating “K” classification for craft brewers and craft distillers and authorizing 6 “A” classification licenses. Member Koukol seconded the motion. Chairman Shaw asked for roll call vote on the motion. All members present voting aye. Motion carried.

A copy of Ordinance 13-06 Ordinance regulating the retail sale of alcoholic liquors outside the corporate limits of any city, village or incorporated town in Kendall County, Illinois is available in the Office of the County Clerk.

OLD BUSINESS

Downstate Public Transportation Operating Assistance Grant

Member Flowers moved to approve the resolution to execute Downstate Public Transportation Operating Assistance Grant Agreement in the maximum amount of $1,427,600.00. Member Purcell seconded the motion. Chairman Shaw asked for roll call vote on the motion. All members present voting aye. Motion carried.

13-04 RESOLUTION AUTHORIZING EXECUTION AND AMENDMENT OF DOWNSTATE OPERATING ASSISTANCE GRANT AGREEMENT

WHEREAS, the provision of public transportation service is essential to the people of Illinois; and

WHEREAS, the Downstate Public Transportation Act authorizes the State of Illinois, acting by and through the Illinois Department of Transportation, to provide grants and make funds available to assist in the development of improved public transportation systems; and

WHEREAS, grants for said funds will impose certain obligations upon the recipient, including provision by it of the local share of funds necessary to cover costs not covered by funds provided under the Downstate Public Transportation Act.

NOW, THEREFORE, BE IT RESOLVED BY THE County Board of the County of Kendall:

Section 1. That the County of Kendall enter into a Downstate Public Transportation Operating Assistance Agreement, Contract No. 4255, Grant No. OP-13-39-IL (“Agreement”) with the State of Illinois and amend such Agreement, if necessary, in order to obtain grant assistance under the provisions of the Downstate Public Transportation Act (30 ILCS 740/1 et seq.).

Section 2. That the Board Chairman of the County of Kendall is hereby authorized and directed to execute the Agreement or its amendment(s) on behalf of the County of Kendall for such assistance.

Section 3. That the County Administrator of the County of Kendall is hereby authorized to provide such information and file such documents as may be required to perform the Agreement or its amendment(s) and to request and receive the grant funding.

ADOPTED this 7th day of March, 2013 by the County Board of the County of Kendall, Illinois.

John Shaw, County Board Chairman
Non-Metro Area Transportation Operating, Capital, Administrative Assistance Grant Agreement

Member Purcell moved to approve the Non-Metro Area Transportation Operating, Capital and Administrative Assistance Grant Agreement (Section 5311) in the maximum amount of $57,245.00. Member Purcell seconded the motion. Chairman Shaw asked for roll call vote on the motion. All members present voting aye. Motion carried.

County Administrator, Jeff Wilkins explained the differences in the two agreements.

STANDING COMMITTEE REPORTS

Planning, Building and Zoning

Resolution for Prairie Parkway Funds

Member Flowers moved to approve the resolution supporting allocation of Prairie Parkway funds. Member Gilmour seconded the motion. Chairman Shaw asked for roll call vote on the motion. All members present voting aye except Koukol and Shaw. Motion carried 7-2.

COUNTY OF KENDALL
RESOLUTION 2013-05
RESOLUTION SUPPORTING ALLOCATION OF PRAIRIE PARKWAY FUNDS

WHEREAS, the Federal Highway Administration rescinded the 2008 Record of Decision for the Prairie Parkway; and

WHEREAS, the Federal Highway Administration has determined to permit Prairie Parkway funds to be utilized on a corridor between Interstate 80 and Interstate 88; and

WHEREAS, the Illinois Department of Transportation expeditiously programmed the former federal earmark for the Prairie Parkway to expand the capacity of Illinois Route 47 from Caton Farm Road in Kendall County to Interstate 80 in Grundy County; and

WHEREAS, the Kendall County Board supports improving corridors connecting Interstate 80 and Interstate 88 through Kendall County; and

WHEREAS, the Kendall County Board strongly believes the Illinois Department of Transportation should utilize former Prairie Parkway funding to expand capacity of Illinois Route 47 in Kendall County between Kennedy Road in Yorkville to the northern county line at Baseline Road/US 30.

NOW, THEREFORE, BE IT RESOLVED that the Kendall County Board respectfully requests Illinois Department of Transportation to utilize former Prairie Parkway funding to expand capacity of Illinois Route 47 in Kendall County between Kennedy Road in Yorkville to the northern county line at Baseline Road/US 30.

Approved and adopted by the County Board of Kendall County, Illinois, this 7th day of March, 2013.

Attest:
John Shaw, Chairman
Debbie Gillette
County Board
County Clerk

Petition 13-05 Angels Share Distilling LLC

Member Flowers moved to approve the ordinance for special use for 10842 Ashley Rd Angels Share Distilling LLC. Member Cesich seconded the motion. Chairman Shaw asked for roll call vote on the motion. All members present voting aye. Motion carried.

State of Illinois
County of Kendall
Zoning Petition

ORDINANCE NUMBER 13 - 07
GRANTING SPECIAL USE FOR
WHEREAS, Boyd Ingemunson & Jason Leslie d/b/a as Three Angels Brewing, LLC & Angels Share Distilling LLC have filed a petition for a major amendment to their Special Use within the A-1 Agricultural Zoning District for a 40 acre property located at the northeast corner of Ashley Road and Caton Farm Road commonly known as 10842 Ashley Road, (PIN# 05-26-300-002), in Kendall Township, owned by Patrick Harbour; and

WHEREAS, said petition is to amend their existing special use permit to operate a micro distillery/ craft distillery, have a tasting room and allow retail sales on site; and

WHEREAS, said property is currently zoned A-1 Agricultural with two existing Special Uses for a living quarters for an on-site agricultural employee granted on September 21, 2004 as Ordinance #2004-25 and for the operation of a nano brewery granted on November 15, 2011 as Ordinance #2011-30; and

WHEREAS, said special uses will continue on the property; and

WHEREAS, said 40 acre property is legally described as:

THE SOUTHWEST ¼ OF THE SOUTHWEST ¼ OF SECTION 26, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KENDALL TOWNSHIP, KENDALL COUNTY, ILLINOIS

WHEREAS, all procedures required by the Kendall County Zoning Ordinance were followed including notice for public hearing, preparation of the findings of fact, and recommendation for approval by the Special Use Hearing Officer on February 21, 2013; and

WHEREAS, the findings of fact were approved as follows:

§ 13.08.J of the Zoning Ordinance outlines findings that the Hearing Officer must make in order to grant a special use. Staff has answered 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 craft distillery will take place in a barn on a large piece of property and limited to the number of hours they can be open. It shall not endanger the public health, safety, morals, comfort or general welfare.

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 entire operation will take place within an existing barn and should not be visible to other properties.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. The special use will not be adding any new utilities, roadways or drainage to the property. They will use the current access point onto Ashley Road which has a mechanical gate which will be closed unless the operation is open. The petitioner has been working with the County Health Department and also working on acquiring a liquor license for the property. All required rules and regulations must be followed.

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. A building permit will be required for improvements and remodeling that occurs within the existing structure. Any configurations to the structure may be subject to required improvements at the discretion of the Bristol-Kendall Fire Protection District. A liquor license will be required for the manufacturing and selling of spirits.

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. The review and action to be taken on the special use petition will coincide with a proposed text amendment (Petition 13-04) that will permit craft/micro distilleries as a special use in the
A-1 District. The special use proposal will comply with all proposed conditions attached to the proposed text amendment.

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 grants approval of a special use zoning permit to operate a micro distillery/ craft distillery, have a tasting room and allow retail sales on site subject to the following conditions:

1. Must meet all the conditions of the text amendment:
   a. If zoned A-1 Agricultural the facility shall have direct access to a road designated as a major collector (or higher) on the County Land Resource Management Plan.
   b. Locally grown inputs shall be used to the greatest extent possible
   c. The number of hours permitted to operate shall be on the approving ordinance.
   d. Parking shall be in accordance with Section 11 of the Zoning Ordinance including lighting.
   e. All applicable Federal (including the Alcohol and Tobacco Tax and Trade Bureau), State (including the Illinois Liquor Control Commission), and County rules and regulations shall apply.
   f. Shall contact & meet all requirements of the Kendall County Health Department.
   g. A waste management plan should be submitted to the Kendall County Health Department

2. Hours for the public must be closed by 9pm.

3. Maximum amount of 50 vehicles to be parked on site at one time.

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 March 7, 2013.

Attest:
Debbie Gillette 
Kendall County Clerk

John Shaw
Kendall County Board Chairman

Highway

Illinois Railways Right-of-Way Agreement

Member Cesich moved to approve the Illinois Railways Right-of-Entry Agreement. Member Flowers seconded the motion. Chairman Shaw asked for a roll call vote on the motion. All members present voting aye except Gilmour and Shaw. Motion carried 7-2.

Economic Development

Chairman Koukol reviewed the minutes in the packet from the February 22, 2013 meeting.

Finance

Member Purcell reviewed the February 28, 2013 minutes in the packet.

CLAIMS

Member Purcell moved to approve the claims submitted in the amount of $618,234.75. Member Flowers seconded the motion.

COMBINED CLAIMS: FCLT MGMT $45,983.34, B&Z $1,756.02, CO CLK & RCDR $128.00, ED SRV REG $360.25, SHRFF $16,937.44, CRRCTNS $1,838.38, EMA $1,930.13, CRCT CT CLK $142.24, JURY COMM $259.45, CRCT CT JDG $5,238.74, CRNR $2,280.00, CMB CRT SRV $12,024.67, ST ATTY $573.07, BRD OF RVW $11.89, SPRV
Chairman Shaw asked for a roll call vote on the motion. All members present voting aye except Gryder and Shaw. Motion carried 7-2.

GIS 2013 Aerial Flight Photography Service Bid Award

Member Purcell moved to approve the bid with Sidwell for the GIS 2013 Aerial Flight in the amount of $49,995.00 from the GIS Fund. Member Flowers seconded the motion. Chairman Shaw asked for a roll call vote on the motion. All members present voting aye. Motion carried.

Judicial / Legislative

Chairman Cullick reviewed the minutes in the packet from the February 27, 2013 meeting.

Health & Environment

Member Gilmour reported that the next meeting is on March 18, 2013.

Labor & Grievance

Member Flowers reviewed the minutes in the packet from the February 25, 2013 meeting.

Change of meeting time

Member Flowers moved to change the Labor & Grievance Committee regular meeting time to 10am on the last Monday of each month. Member Gilmour seconded the motion. Chairman Shaw asked for a roll call vote on the motion. All members present voting aye except Prochaska. Motion carried 8-1.

Committee of the Whole

Member Prochaska stated that a correction to the minutes was necessary to change the meeting time and the meeting was called to order by John Shaw.

STANDING COMMITTEE MINUTES APPROVAL

Member Koukol moved to approve all of the Standing Committee Minutes and Reports. Member Flowers seconded the motion. Chairman Shaw asked for a voice vote on the motion. All members present voting aye. Motion carried.

SPECIAL COMMITTEE REPORTS

Kencom Executive Board

Member Gilmour stated that the board met on February 28, 2013 and mentioned that the emergency notification system was approved. Approval was given to pursue a contract with the Village of Montgomery to provide 911 services.

CHAIRMAN’S REPORT

Member Purcell moved to approve all of the Appointments. Member Flowers seconded the motion. Chairman Shaw asked for a voice vote on the motion. All members present voting aye. Motion carried.

Appointments

Kristine Heiman – Ethics Commission – 2 year term – expires February 2015
Brad Mathre – Ethics Commission – 2 year term – expires February 2015
Carl Guiterrez – Ethics Commission – 2 year term – expires February 2015

OTHER BUSINESS

Chairman Shaw informed the board that the Circuit Court Clerk’s Office has voted to decertify from the Union by a unanimous vote.

Co Board 3/7/13
QUESTIONS FROM THE PRESS

Steve Lord from the Beacon News asked if the committee changes were done yet. Barb Nadeau from WSPY asked about the liquor license for the distilleries and the amount of liquor licenses issued by the county.

EXECUTIVE SESSION

Member Purcell 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. Member Flowers seconded the motion. Chairman Shaw asked for a roll call vote on the motion. All members present voting aye. Motion carried.

RECONVENE

ADJOURNMENT

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

Approved and submitted this 14th day of March, 2013.

Respectfully submitted by,
Debbie Gillette
Kendall County Clerk