



COUNTY OF KENDALL, ILLINOIS
COMMITTEE OF THE WHOLE
COUNTY OFFICE BUILDING
County Board Room 210
Thursday, March 14, 2019 at 4:00 PM
AGENDA

- 1. Call to Order and Pledge of Allegiance**
- 2. Roll Call:** Matt Kellogg, Audra Hendrix, Matthew Prochaska, John Purcell, Robyn Vickers, Elizabeth Flowers, Tony Giles, Scott Gryder, Amy Cesich, Judy Gilmour
- 3. Approval of Agenda**
- 4. Old Business**
 - *Discussion regarding forwarding to the State's Attorney's Office for enforcement a Violation of Section 10.01.A.2. of the Kendall County Zoning Ordinance (Required Fencing in the M Zoning Districts) at 790 Eldamain Road*
 - *Discussion of Lakewood Springs Development and SSA*
- 5. New Business**
- 6. Public Comment**
- 7. Questions from the Media**
- 8. Chairman's Report**
- 9. Review Board Action Items**
- 10. Executive Session**
- 11. Adjournment**

If special accommodations or arrangements are needed to attend this County meeting, please contact the Administration Office at 630- 553-4171, a minimum of 24-hours prior to the meeting time

COUNTY OF KENDALL, ILLINOIS
COMMITTEE OF THE WHOLE
Thursday, February 14, 2019

CALL TO ORDER AND PLEDGE OF ALLEGIANCE - The meeting was called to order at 4:00p.m. by County Board Chair Scott R. Gryder, who led the Pledge of Allegiance to the American Flag.

ROLL CALL

Attendee	Status	Arrived	Left Meeting
Scott Gryder	Present		
Amy Cesich	Present		
Elizabeth Flowers	ABSENT		
Tony Giles	Here		
Judy Gilmour	Here		6:00p.m.
Audra Hendrix		4:10p.m.	4:45p.m.
Matt Kellogg	Yes		
Matthew Prochaska	Here		
John Purcell	Yes		
Robyn Vickers	Yes		

Others present: Matt Asselmeier, Meagan Briganti, Jill Ferko, ASA Leslie Johnson, Matt Kinsey, Scott Koeppel, and Dr. Amaal Tokars

APPROVAL OF AGENDA – Motion made by Member Vickers to approve the agenda, second by Member Gilmour. With eight member’s present voting aye, the motion to approve the agenda carried by a vote of 8-0.

OLD BUSINESS - None

NEW BUSINESS

- *Illinois State Association of Counties (ISACo) Presentation* – Joe McCoy, Executive Director, explained the organizations creation in spring 2018, purpose of the group, their Board of Directors, what makes ISACo different from United County Council of Illinois and Illinois Municipal League, resources available on the ISACo website, and the current members including Cass, Cook, DuPage, Kane, Kendall, Lake, McHenry, Tazewell, Will, Washington and Winnebago Counties. Discussion on the benefits to the County for participating in ISACo, and how ISACo can lobby for Kendall County as well as larger Counties throughout the state.
- *Discussion of Raintree 2 Development, SSA Fees, and Property Taxes* – Dave Silverman, of Mahoney, Silverman and Cross Law Office, introduced members of the Lennar group present, and provided their reason for approaching the County, and the plan proposed between Lennar, the Bond holders, the Builder, and the City of Yorkville to get the subdivision back on track.

Scott Guerard, Land Acquisition Vice President for Lennar Homes, briefed the committee on the history of Lennar Homes, some of their projects in Illinois, and the 20-year old Raintree subdivision.

Mr. Guerard reviewed the Raintree Village site map and the remaining 366 vacant developed lots. Types of homes that would be available in the project, and everything included in the base price of each type of home, and potential revenue for the taxing districts including Kendall County, Bristol-Kendall Fire District, the Forest Preserve District of Kendall County, School District 115, Kendall Road District, the Yorkville Library, Kendall Township, and the City of Yorkville.

Mr. Guerard explained what was needed to complete the project, including meetings with municipal and county officials, as well as the Raintree Homeowners Association, reducing the outstanding penalties and interest associated with the Raintree SSA bonds in Kendall County, and securing an agreement to purchase SSA bonds from Bond holders to be paid by future home owners.

Mr. Guerard stated they were meeting with the County to come to an agreement as it related to penalties and interest associated with the SSA bonds. Mr. Guerard stated that currently the outstanding penalties and interest are estimated at \$2.2 million, and they are proposing to pay the County \$550,000 as a settlement toward those penalties and interest paid within 30-days of the signed agreement with all parties.

The committee asked Scott Koeppel to contact the School District about their capacity to handle additional students in the district possible with the proposed project and report at the County Board meeting.

From Planning, Building and Zoning Committee:

- *Discussion regarding forwarding to the State's Attorney's Office for enforcement a Violation of Section 10.01.A.2. of the Kendall County Zoning Ordinance (Required Fencing in the M Zoning Districts) at 790 Eldamain Road – Member Prochaska briefed the committee on the issue. Attorney Dan Kramer, on behalf of the petitioner, reported that the petitioner (his client) has completed installation of the slats in the fencing, has installed a gate on the west side facing Eldamain Road, and will install a double gate on the northwest corner when the ground has thawed and they can get the posts in the ground. **Mr. Kramer stated that within 30-days, they will then be totally in compliance.***

From Admin HR Committee:

- *Discussion of the Purchase of Tyler Munis ERP Solution using Sourcewell (NPJA) Contract – Treasurer Jill Ferko updated the committee on the status of her current software and ongoing issues they are experiencing, which includes the inability to upgrade to Windows 10. Ms. Ferko stated she has had to manually enter and re-enter there was an urgency to purchase the Tyler software to proceed as quickly as possible. **There was consensus by the committee for the State's Attorney's Office***

to proceed with the review of the contract prior to final approval by the County Board.

- ***Discussion of Thomas Cullen Contract*** – Scott Koeppel reported the contract was already reviewed by the State’s Attorney’s Office, and has been accepted by Mr. Cullen. Mr. Koeppel stated that Mr. Cullen originally requested one primary contact person within the County, but has agreed to both Mr. Koeppel and Mr. Gryder as primary contacts. Mr. Cullen has also complied with the request for additional insurance as requested by the County Board. **There was consensus to forward the item to the County Board for final approval.**

From Finance Committee:

- ***Discussion of the Kendall County Health Department Analysis*** – Member Purcell reviewed the Finance Committee’s cost analysis and recommendations for 2019. Discussion on the history of the Health Department employee benefit costs, benefit reimbursements by the Health Department for the past three years, the three-year average deficit, the Health Department Senior Levy, the proposed new levy, the FY19 Benefits cost, the proposed Health Department Levy, and the net to the Health Department after the benefit reimbursement to the County.

PUBLIC COMMENT – None

QUESTIONS FROM THE MEDIA – None

REVIEW BOARD ACTION ITEMS – Chair Gryder asked the committee to review the draft County Board agenda for February 19, 2019.

ITEMS FOR THE March 14, 2019 COMMITTEE OF THE WHOLE MEETING - None

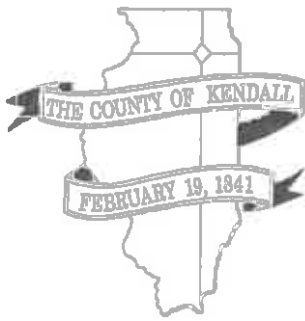
CHAIRMANS REPORT – No report

EXECUTIVE SESSION – Not needed

ADJOURNMENT – Member Cesich made a motion to adjourn the meeting, second by Member Prochaska. **With seven members voting aye, the meeting was adjourned at 7:40p.m.**

Respectfully Submitted,

Valarie McClain
Administrative Assistant and Recording Secretary



DEPARTMENT OF PLANNING, BUILDING & ZONING

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MEMORANDUM

To: Kendall County Committee of the Whole
From: Matthew H. Asselmeyer, AICP, Senior Planner
Date: March 12, 2019
Re: Zoning Violation at 790 Eldamain Road

Section 10.01.A.2 of the Kendall County Zoning Ordinance requires that properties zoned Manufacturing must comply with the following: "All business, production, servicing and processing shall take place within completely enclosed buildings, unless otherwise specified. Within one hundred and fifty feet of a Residential District, all storage shall be in completely enclosed buildings or structures; and storage located elsewhere in this district may be open to the sky but shall be enclosed by solid walls or fences (including solid doors or gates thereto) at least eight feet high, but in no case lower in height than the enclosed storage; and suitably landscaped."

As of March 11, 2019, the owners completed the installation of slats inside the fence and installed two (2) of three (3) gates. There remains one (1) uninstalled gated area, see attached picture.

At their meeting on March 11, 2019, the Planning, Building and Zoning Committee seemed favorable to granting a thirty (30) day extension for installation of the gate.

If you have any questions regarding this memo, please let me know.

MHA

Enc.



Total Payment for Lakewood **\$193,540.58**

Applied to:

Taxes	-\$82,210.92
Penalty	-\$39,816.20
Cost	<u>-\$10,802.00</u>

Balance paid toward Forfeiture Interest **\$60,711.46**

If you take \$60,711.46 divide by 40 parcels that would equal \$1,517.78 per parcel.

LAW OFFICES
OF

Daniel J. Kramer

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DANIEL J. KRAMER

KELLY A. HELLAND
D.J. KRAMER

March 13, 2019

Scott Koeppel
Kendall County Administrator

VIA E-Mail: skoeppe@co.kendall.il.us

Re: Lakewood Springs Club Real Estate Tax settlement negotiations

Dear Mr. Koeppel:

In anticipation of the Committee of the Whole meeting on March 14, 2019 I did want to let you know that I did follow up on a question John Purcell as Chairman of the Finance Committee asked at the previous negotiation session.

I have made contact with the Plano School District and made them aware of what we are planning on both settlement and the likelihood that they will start seeing some building in the summer of 2019 by the ultimate Builder/Purchaser of lots within Lakewood Springs Club.

The Superintendent being relatively new had a lot of questions about the past agreements on the overall Lakewood Subdivisions of which I was able to apprise him a lot of information having been involved in the original zoning of the parcels.

They understand the transaction and have no objection to it and of course the school capacity was covered by Lakewood funding an entire new school which included this subdivision.

Very truly yours,


Daniel J. Kramer
Attorney at Law

DJK/lgc

Cc John Purcell
Cc Jill Ferko

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OF

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DANIEL J. KRAMER

KELLY A. HELLAND
D.J. KRAMER

February 25, 2019

Jill Ferko, Kendall County Treasurer
John Purcell, Chairman of Kendall County Board Finance Committee
Scott Koeppel, Kendall County Administrator
Leslie Johnson, Kendall County Assistant State's Attorney

Re: Lakewood Springs Club

To All Concerned:

I did receive an oral inquiry from the Kendall County Treasurer after I met with the Kendall County Finance Committee on February 14, 2019 asking whether the proposed settlement proposal I made on behalf of my clients to come to a settlement on penalty and interest on SSA and real estate taxes was a one-time payment to the County of Kendall, or whether it would continue in the same fashion on subsequent lot sales in Lakewood Springs Club beyond the first 40 lots.

The happy news I was able to give the Kendall County Treasurer the next morning upon that inquiry was that my client intends to honor the per lot payment arrangement offered on the sale of the next 160 lots that comprise the 200 lots in Lakewood Springs Club to which they have title.

As I stressed at that Kendall County Finance Committee, my client has no back-up plans to collect on the delinquent SSA Bonds from future homeowners who will buy homes constructed by a third-party Builder on those lots in Lakewood Springs Club. In other words, my client has purchased the Bonds, owns title to the real estate, and is attempting to arrive at a fair settlement with the County and Homeowners' Association.

My client will have no other source of revenue for the payment of the sums that have already been expended to pay the Bonds and will be expended in a settlement with you at the County now and with the Homeowners' Association other than the hope that the sale prices on the remaining lots will increase.

They seriously considered offering more money to the County to settlement the matter but find themselves severely under water on the first 40 lot closing and unless there is a huge up-tick in the residential lot sale economy will struggle to make any kind of return on the balance of the lots. They are hoping to avoid any further loss and clean up the mess.

Jill Ferko, Kendall County Treasurer
John Purcell, Chairman of Kendall County Board Finance Committee
Scott Koeppel, Kendall County Administrator
Leslie Johnson, Kendall County Assistant State's Attorney
February 25, 2019
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Therefore, we would ask the County of Kendall to accept the settlement offer that we have made at the last meeting which is a lump sum payment of \$193,540.00 upon the sale of the first 40 lots which we anticipate to be within the next 30-45 days. At any future takedown we would allocate the same per lot settlement cost for future takedowns as lots are sold in groups to the prospective Builder.

Obviously from our end speed is the key in that if we lost the Builder my client would simply walk away from the project. Please let us know as soon as possible whether we can settle the matter at the above suggested number, and we can conclude the arrangement quickly.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Daniel J. Kramer', with a long, sweeping flourish extending to the right.

Daniel J. Kramer
Attorney at Law

DJK/lgc