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## **KANE COUNTY BOARD MEETING - February 13, 2001**

The Adjourned Meeting of the Kane County Board was held at the Kane County Government Center, Geneva, IL at 10:32 a.m. on Tuesday, February 13, 2001, Michael W. McCoy, Chairman; Bernadine C. Murphy, Clerk.

Roll call as follows: PRESENT: Ardelean, Barrett, Cameron, Carlson, Cook, Greviskes, Hoscheit, Hurlbut, Jones, Mitchell, Morse, Neuberger, Rage, Sanchez, Steve-McConnaughay Tredup, VanOvermeiren, Walter, Weigand, Wojnicki, Wolfe, & Wyatt. ABSENT: DeStefano, Kosinski, McConnaughay, & Richards.

### **APPROVAL OF MINUTES**

Moved by Ardelean; seconded by VanOvermeiren, that the minutes of the January 9, 2001 meeting be approved. Carried unanimously by voice vote.

### **RESOLUTION #01-11**

Moved by Cameron; seconded by Carlson, that #01-11 be adopted.

### **APPOINTMENT OF A KANE COUNTY CLERK**

WHEREAS, Lorraine Sava has resigned as Kane County Clerk effective as of the close of business February 1, 2001; and

WHEREAS, the Kane County Board hereby declares that a vacancy in the office of County Clerk has existed as of the close of business on February 1, 2001, and finds that the County Central Committee has been given proper notice of the vacancy of office pursuant to 10 ILCS 5/25-11; and

WHEREAS, it is the duty of the Chairman of the Kane County Board to fill the vacancy in the office of the County Clerk with the advice and consent of the County Board.

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that Bernadine C. Murphy is hereby appointed to the office of Clerk of the County of Kane.

###

Carried unanimously by voice vote. Chairman McCoy administered the oath of office to Bernadine C. Murphy. Murphy thanked McCoy for the appointment, the Board for its vote, and family, friends and co-workers for their support.

### **PRESENTATIONS**

State's Attorney Gorecki introduced the Civil Division assistant state's attorneys.

### **ZONING PETITION #3782**

(Dundee Township--Jan Bryant)

Moved by Morse; seconded by Rage, that #3782 be granted.

### **ORDINANCE AMENDING THE ZONING ORDINANCE OF KANE COUNTY, ILLINOIS**

BE IT ORDAINED by the County Board of Kane County, Illinois, as follows:

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(1) That the following described property is hereby rezoned and reclassified from F District-Farming to E-2A District-Estate Residential:

Parcel 1: That part of the Northwest Quarter of Section 9, Township 42 North, Range 8 East of the third Principal Meridian described as follows: Commencing at the center of Section 9 aforesaid; thence Westerly along the South line of said Quarter Section, a distance of 1355.60 feet to the West line of the East half of the Northwest Quarter of said Section 9; thence Northerly along said West line of the East half of the Northwest Quarter, a distance of 2042.44 feet; thence Easterly along a line that forms an angle of 91 degrees 42 minutes to the right with the prolongation of the last described course, a distance of 299.84 feet for the place of beginning; thence continuing Easterly along a continuance of the last described course, a distance of 329.86 feet to an existing iron pipe; thence Southerly along a line that forms a recorded angle of 89 degrees 27 minutes 05 Seconds and a measured angle of 89 degrees 22 minutes 50 Seconds to the right with the prolongation of the last described course, a distance of 155.55 feet; thence Westerly along a line that forms an angle of 90 degrees 00 minutes 00 Seconds to the right with the prolongation of the last described course, a distance of 75.00 feet; thence Southwesterly along a line that forms an angle of 65 degrees 09 minutes 44 Seconds to the left with the prolongation of the last described course, a distance of 140.00 feet; thence Southwesterly along a line that forms an angle of 44 degrees 08 minutes 58 Seconds to the right with the prolongation of the last described course, a distance of 210.00 feet; thence Northerly along a line that forms an angle of 111 degrees 00 minutes 46 Seconds to the right with the prolongation of the last described course, a distance of 361.06 feet to the place of beginning, being situated in Dundee Township, Kane County, Illinois.

(2) That the following described property is hereby rezoned and reclassified from F District-Farming to E-3 District-Estate Residential:

Parcel 2: That part of the Northwest Quarter of Section 9, Township 42 North, Range 8 East of the third Principal Meridian described as follows: Commencing at the center of Section 9 aforesaid; thence Westerly along the South line of said Quarter Section, a distance of 1355.60 feet to the West line of the East half of the Northwest Quarter of said Section 9; thence Northerly along said West line of the East half of the Northwest Quarter, a distance of 2042.44 feet; thence Easterly along a line that forms an angle of 91 degrees 42 minutes to the right with the prolongation of the last described course, a distance of 629.70 feet to an existing iron pipe, thence Southerly along a line that forms a recorded angle of 89 degrees 27 minutes 05 Seconds and a measured angle of 89 degrees 22 minutes 50 Seconds to the right with the prolongation of the last described course, a distance of 155.55 feet for the place of beginning; thence continuing Southerly along a continuance of the last described course, a distance of 350.00 feet; thence Westerly along a Line that forms a recorded angle of 82 degrees 41 minutes and a measured angle of 82 degrees 41 minutes 29 Seconds to the right with the prolongation of the last described course, a recorded distance of 332.55 feet and a measured distance of 332.70 feet to an existing iron pipe; thence Northerly along a line that forms a recorded angle of 97 degrees 19 minutes and a measured angle of 97 degrees 19 minutes 05 Seconds for a distance of 190.00 feet; thence Northeasterly along a line that forms an angle of 68 degrees 59 minutes 14 Seconds to the Right with the prolongation of the last described course, a distance of 210.00 feet;

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thence Northeasterly along a line that forms an angle of 44 degrees 08 minutes 58 Seconds to the left with the prolongation of the last described course, a distance of 140.00 feet; thence Easterly along a line that forms an angle of 65 degrees 09 minutes 44 Seconds to the Right with the prolongation of the last described course, a distance of 75.00 feet to the place of beginning, being situated in Dundee Township, Kane County, Illinois.

(3) That the rezoning be granted subject to the following stipulation:

1. Right-of-way dedication for 33 feet from the existing centerline along West Hill Road. Such right-of-way shall be conveyed at no cost to the Dundee Township Highway Department.
2. An easement must be recorded over the septic area that crosses the new proposed property line.
3. At such time as the septic system of the existing home should fail, the replacement septic system must be located entirely on the lot of the existing home.
4. When a new septic system is installed at the existing home, the easement for the septic system shall be vacated.

(4) That the zoning maps of Kane County, Illinois, be amended accordingly.

(5) This ordinance shall be in full force and effect from and after its passage and approval as provided by Law.

###

No speakers were present. No questions or discussion. Carried unanimously by voice vote. **ZONING PETITION #3782 GRANTED.**

**ZONING PETITION #3783**

(Burlington Township--Roy W. Johnson Trust, et al)

Moved by Morse; seconded by Carlson, that #3783 be granted.

**ORDINANCE AMENDING THE  
ZONING ORDINANCE OF KANE COUNTY, ILLINOIS**

BE IT ORDAINED by the County Board of Kane County, Illinois, as follows:

(1) That the following described property is hereby rezoned and reclassified from F District-Farming to E-1 District-Estate Residential:

Parcel 1: That part of the South half of the Northeast Quarter of Section 35 and that part of the Northwest Quarter of the Southwest Quarter of Northwest Quarter of Section 36, Township 41 North, Range 6 East of the third Principal Meridian, described as follows: Beginning at the Southeast corner of said Northwest Quarter of the Southwest Quarter of the Northwest Quarter; thence East, along the South line of said Northwest Quarter of the Southwest Quarter, 664.58 feet to the East line of said Northwest Quarter of the Southwest Quarter; thence Northerly, at an angle of 90 degrees 03 minutes 03 seconds, measured clockwise from said South line, along said East line, 415.00 feet; thence Northwesterly, at

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an angle of 108 degrees 16 minutes 16 seconds, as measured clockwise from said East line, 550.00 feet; thence Westerly, at an angle of 161 degrees 42 minutes 37 seconds, measured clockwise from the last described course, 142.50 feet to the West line of said Northwest Quarter of Section 36; thence Southerly, at a Right angle from the last described course, along said West line, 256.93 feet to the South line of the North 330.0 feet of said South half; thence Westerly, along said South line, 41.0 feet to the centerline of Thomas Road; thence Southerly, along said centerline, 331.1 feet to the South line of said North half; thence Easterly, along said South line, 37.0 feet to the Place of beginning, containing 8.23 acres, all in Burlington Township, Kane County, Illinois.

Parcel 2: That part of the East half of The Southwest Quarter of the Northwest Quarter of Section 36, Township 41 North, Range 6 East of the third Principal Meridian, described as follows: Beginning at the Southwest corner of said East half; thence Northerly, along the West line of said East half, 1077.93 feet; thence Northeasterly, at an angle of 92 degrees 33 minutes 28 seconds, measured counterclockwise from said West line, 263.26 feet, thence Southerly, at an angle of 87 degrees 26 minutes 32 seconds measured counterclockwise from the last described course, 10901.19 feet to the South line of said Northwest Quarter; thence Westerly at an angle of 89 degrees 53 minutes 19 seconds, measured counterclockwise from the last described course, along said South line, 263.00 feet to the place of beginning, containing 6.54 acres, all in Burlington Township, Kane County, Illinois.

(2) That the rezoning be granted subject to the following stipulation:

1. Right-of-way dedication for 33 feet from the existing centerline along McDonald Road. (Such right-of-way shall be conveyed at no cost to Burlington Township.)
2. Right-of-way dedication for 33 feet from the existing centerline along Thomas Road. (Such right-of-way shall be conveyed at no cost to Burlington Township.)
3. Any changes to access drive or proposed construction within the right-of-way will require a permit from the Burlington Township Highway Commissioner.

(3) That the zoning maps of Kane County, Illinois, be amended accordingly.

(4) This ordinance shall be in full force and effect from and after its passage and approval as provided by Law.

###

No speakers were present. No questions or discussion. Carried unanimously by voice vote. **ZONING PETITION #3783 GRANTED.**

### **ZONING PETITION #3784**

(Plato Township--Ralph Miller, et ux)

Moved by Morse; seconded by Carlson, that #3784 be granted.

**KANE COUNTY BOARD MEETING - February 13, 2001**

**ORDINANCE AMENDING THE  
ZONING ORDINANCE OF KANE COUNTY, ILLINOIS**

BE IT ORDAINED by the County Board of Kane County, Illinois, as follows:

(1) That the following described property is hereby rezoned and reclassified from F District-Farming to E-2 District-Estate Residential and E-3 District-Estate Residential:

That part of the Northeast Quarter of Section 32, Township 41 North, Range 7 East of the third Principal Meridian, described as follows: Commencing at the center of said Section 32; thence North 89 degrees 07 minutes 38 seconds East along the South line of said Northeast Quarter, 42.50 feet for the place of beginning; thence continuing North 89 degrees 07 minutes 39 seconds East along said South line, 306.53 feet to the West line of resubdivision of Wood Bridge Subdivision, being a Subdivision of said Northeast Quarter; thence North 0 degrees 00 minutes 00 seconds East along said West line, 659.84 feet to a jog in said Subdivision; thence South 89 degrees 07 minutes 28 seconds West along the South line of Lot 9 in said Subdivision and said South line extended Westerly, 344.72 feet to the West line of said Northeast Quarter; thence South 0 degrees 22 minutes 25 seconds West along said West line, 22.55 feet to the Easterly right-of-way line of State Route 47; thence Southwesterly along said right-of-way line, being on a curve to the right having a radius of 2470.56 feet and an arc distance of 80.52 feet (chord of the last described curve bearing South 14 degrees 03 minutes 25 seconds West, a distance of 80.52 feet); thence North 89 degrees 11 minutes 15 seconds East, 61.55 feet to a line that is 42.50 feet East of and parallel to the West line of said Northeast Quarter; thence South 0 degrees 22 minutes 25 seconds West along said parallel line, 559.47 feet to the place of beginning, containing 4.7246 acres, in Plato Township, Kane County, Illinois.

(2) That the rezoning be granted subject to the following stipulation:

1. Right-of-way dedication for 33 feet from the existing centerline along McDonald Road. (Such right-of-way shall be conveyed at no cost to Plato Township).
2. Right-of-way dedication for 60 feet from the existing centerline along Illinois Route 47. (Such right-of-way shall be conveyed at no cost to the State of Illinois.)
3. Any changes to access drives or proposed construction within the right-of-way will require a permit from the Plato Township Highway Commissioner.
4. There will be no access for Lot two to Illinois Route 47.

(3) That the zoning maps of Kane County, Illinois, be amended accordingly.

(4) This ordinance shall be in full force and effect from and after its passage and approval as provided by Law.

###

No speakers were present. No questions or discussion. Carried unanimously by voice vote. **ZONING PETITION #3784 GRANTED.**

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**CONSENT AGENDA**

Weigand requested that #01-27 be considered separately. Jones requested that #01- 17 & #01-36 be considered separately. Barrett requested that #01-52 be considered separately. McCoy requested that #01-20 be considered separately. Moved by Carlson; seconded by Hoscheit, that the Consent Agenda (#01-12, #01-13, #01-14, #01-15, #01-16, #01-18, #01-19, #01-21, #01-22, #01-23, #01-24, #01-25, #01-26, #01-28, #01-29, #01-30, #01-31, #01-32, #01-33, #01-34, #01-35, #01-37, #01-38, #01-39, #01-40, #01-41, #01-42, #01-43, #01-44, #01-45, #01-46, #01-47, #01-48, #01-49, #01-50, & #01-51) be adopted.

**RESOLUTION #01-12**

**REPLACEMENT TRUCK FOR ANIMAL CONTROL**

WHEREAS, the existing truck needs to be replaced; and

WHEREAS, the Illinois Department of Central Management Services has awarded the low bidder of the State Contract for a 4x2 truck with extended cab to Worden Martin, Champaign, IL for a 2001 GMC Sonoma Club at a cost of \$15,487.80 with the vehicle to be replaced to be auctioned.

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that the low bid of Worden Martin, Champaign, IL in the amount of fifteen thousand four hundred eighty-seven dollars and eighty cents (\$15,487.80) as per bid be hereby approved and accepted and charged to the Animal Control Fund 051, Department 7510, Line Item 715.

###

**RESOLUTION #01-13**

**HVAC REPLACEMENT - GOVERNMENT CENTER  
BUILDING A, SECOND FLOOR**

WHEREAS, the HVAC system on the Second Floor of Building 'A' of the Kane County Government Center is in need of replacement; and

WHEREAS, Team Mechanical, IL was the lowest responsible bidder at a cost of fourteen thousand three hundred five dollars (\$14,305).

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that Team Mechanical, Wheeling, IL be awarded the contract for the replacement of the HVAC system on the Second Floor of Building 'A' of the Kane County Government Center as per specifications at the cost of fourteen thousand three hundred five dollars (\$14,305), plus a 10% Kane County Contingency of \$1,430 for a total not to exceed fifteen thousand seven hundred thirty-five dollars (\$15,735) and charged to 001-3520-414.70-18.

###

**RESOLUTION #01-14**

**APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH  
THE VILLAGE OF VIRGIL AND THE COUNTY OF KANE  
FOR THE FUNDING AND CONSTRUCTION OF THE  
VIRGIL VIEW SUBDIVISION DRAINAGE IMPROVEMENT PROJECT**

WHEREAS, the Illinois Constitution of 1970, Article VII, Section 10 and the Intergovernmental Cooperation Act (5 ILCS 220/1 et seq.) authorizes the County and the Village to cooperate in the performance of their respective duties and responsibilities by contracts and other agreements; and

WHEREAS, the Village wishes to work in conjunction with the Kane County Water Resources Department under the County's Cost-Share Drainage Improvement Program to design and construct surface and subsurface drainage improvements to alleviate flooding problems experienced by the residents of the Virgil View Subdivision within the corporate limits of the Village of Virgil; and

WHEREAS, the County wishes to assist the Village by providing funding and technical assistance under the Cost-Share Drainage Improvement Program.

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that the Chairman thereof is authorized to execute a certain Intergovernmental Agreement with the Village of Virgil (a copy of which shall be filed with the Kane County Clerk) relating to the funding and construction of the Virgil View Subdivision Drainage Improvement Project.

###

**RESOLUTION #01-15**

**APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH  
THE VILLAGE OF GILBERTS AND THE COUNTY OF KANE  
FOR THE FUNDING AND CONSTRUCTION OF  
THE WINDMILL MEADOWS DRAINAGE DITCH MAINTENANCE PROJECT**

WHEREAS, the Illinois Constitution of 1970, Article VII, Section 10 and the Intergovernmental Cooperation Act (5 ILCS 220/1 et seq.) authorizes the County and the Village to cooperate in the performance of their respective duties and responsibilities by contracts and other agreements; and

WHEREAS, the Village wishes to work in conjunction with the Kane County Water Resources Department under the County's Cost-Share Drainage Improvement Program to reestablish the drainage in a ditch within the unincorporated area of Kane County and within the corporate limits of the Village of Gilberts that serves lands within unincorporated Kane County and within the corporate limits of the Village of Gilberts; and

WHEREAS, the County wishes to assist the Village by providing funding and technical assistance under the Cost-Share Drainage Improvement Program.

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that the Chairman thereof is authorized to execute a certain Intergovernmental Agreement with the Village of Gilberts (a copy of which shall be filed with the Kane County Clerk) relating to the funding and construction of the Windmill Meadows Drainage Ditch Maintenance Project.

###

**KANE COUNTY BOARD MEETING - February 13, 2001**

**RESOLUTION #01-16**

**LANDSCAPE MAINTENANCE FOR THE  
MILL CREEK SPECIAL SERVICE AREA**

WHEREAS, bids have been solicited and received for maintenance of selected areas of the Mill Creek Subdivision for the Mill Creek Special Service Area District; and

WHEREAS, Proficiency Landscaping, Hampshire, IL was the lowest responsible bidder for providing maintenance a cost of \$ 22,560.00.

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that the Chairman thereof is authorized to enter into a contract with Proficiency Landscaping, Hampshire, IL for the landscape maintenance for selected areas of the Mill Creek Subdivision for the Mill Creek Special Service Area District at a cost of twenty-two thousand five hundred sixty dollars and no cents (\$22,560.00). Funding shall be paid from the Special Service Area Fund 040-4050-416.60-47.

###

**RESOLUTION #01-18**

**RIVERBOAT GRANT TO THE CITY OF GENEVA  
(THIRD STREET LANDSCAPE AND STREETScape ENHANCEMENT PROGRAM)**

WHEREAS, the agreement between Kane County and the Grand Victoria Casino provides for the use of Riverboat Funds to assist in economic development; and

WHEREAS, the City of Geneva has recently completed a 2.6 million dollar roadway reconstruction project involving the historic Third Street shopping district; and

WHEREAS, the City of Geneva has received ITEP funding for portions of the planned landscape and streetscape enhancement for the Third Street area to improve traffic circulation and access to regional commuter and bus transportation.

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that the Chairman thereof is hereby authorized to enter into an agreement with the City of Geneva for the provision of two hundred fifty thousand dollars (\$250,000) in Riverboat Funds to be used for the Third Street landscape and streetscape enhancements.

###

**RESOLUTION #01-19**

**COMPLETION OF PHASE I  
(192 Bed Jail Expansion)**

WHEREAS, the Kane County Board desires to proceed to completion of Phase I of the 192 bed jail expansion at the Kane County Correction Facility; and

WHEREAS, Cordogan Clark & Associates, Inc., have submitted a proposal which includes schematic design, design development, and preparation of construction documents; and

WHEREAS, the Kane County Board desires to bring Phase I to a completion in order to be prepared with construction documents that are ready for bidding.

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that the Chairman thereof is authorized to enter into an agreement with Cordogan Clark for completion of Phase I of the design and construction document preparation phase of the 192 bed jail expansion.

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BE IT FURTHER RESOLVED that the contract with Cordogan Clark shall provide that at the end of Phase I all documents necessary to proceed with the bidding process shall be prepared before final payment shall be made.

BE IT FURTHER RESOLVED that the total amount for the completion of Phase I (schematic design, design development and preparation of all construction documents) shall not exceed five hundred thirty-five thousand and eighty dollars and NO/100 (\$535,080.00).

###

**RESOLUTION #01-21**

**RIVERBOAT GRANT FOR THE JOSEPH CORPORATION  
(NEW START NEIGHBORHOOD REVITALIZATION PROGRAM)**

WHEREAS, the agreement between the County of Kane and the Grand Victoria Casino provides for the use of Riverboat Funds to assist in economic development; and

WHEREAS, the Kane County Board has adopted strategic objectives which include promoting Kane County's economic development; and

WHEREAS, the Joseph Corporation is Aurora's leading neighborhood revitalization non-profit organization which makes physical investments in older neighborhoods and helps families take life - changing steps in its home-ownership counseling program; and

WHEREAS, the purpose of the New Start Collaboration is to purchase substandard, empty houses and change them into homes of which the community can be proud.

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that the Chairman thereof is authorized to enter into an agreement with the Joseph Corporation for the provision of three hundred thousand dollars (\$300,000) from Riverboat Funds for the Joseph Corporation to capitalize a property acquisition pool with the funds to be used for the purchase of homes which are rehabilitated in Aurora.

BE IT FURTHER RESOLVED that the Joseph Corporation shall report in writing to the County Board Chairman regarding the status and use of the funding provided from the Riverboat Fund.

###

**RESOLUTION #01-22**

**RIVERBOAT GRANT FOR THE GRAND BOULEVARD YOUTH CENTER**

WHEREAS, the agreement between the County of Kane and the Grand Victoria Casino provides for the use of Riverboat Funds to assist in the financing of educational endeavors; and

WHEREAS, the YWCA of Aurora opened the Grand Boulevard Youth Center in 1986 in order to provide educational services to neighborhood youth as well as community support; and

WHEREAS, the Aurora YWCA Grand Boulevard Youth Center is in need of additional funds for capital expenditures to enhance its ability to provide education to the youth of the community and to provide support for the community.

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that the Chairman thereof is authorized to enter into an agreement with the YWCA of Aurora for the provision of seventy-two thousand seven hundred fifty-nine dollars (\$72,759) in Riverboat Funds to be used for capital expenditures in order to enhance the ability of the YWCA to provide educational and

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support systems at the Grand Boulevard Youth Center.

BE IT FURTHER RESOLVED that the Riverboat Funds provided by Kane County shall not be used for insurance or the payment of staff salaries.

###

**RESOLUTION #01-23**

**RIVERBOAT GRANT FOR THE FOX VALLEY LAND FOUNDATION  
(STUDENT STEWARDSHIP PROGRAM)**

WHEREAS, the agreement between the County of Kane and the Grand Victoria Casino provides for the use of Riverboat Funds to assist in educational endeavors; and

WHEREAS, the Kane County Board has approved strategic objectives which include maintaining and preserving the natural beauty of Kane County; and

WHEREAS, the Fox Valley Land Foundation has proposed the establishment of a Student Stewardship Program which will educate 6th Grade students regarding the environment and regarding stewardship of the land; and

WHEREAS, the student participants will gain a greater understanding of the active role that individuals play in the improvement of biodiversity on a regional basis.

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that the Chairman thereof is authorized to enter into an agreement with the Fox Valley Land Foundation for the provision of twenty thousand two hundred ninety dollars (\$20,290) payable from Riverboat Funds to be used for a student stewardship program.

###

**RESOLUTION #01-24**

**RIVERBOAT GRANT FOR THE CONSERVATION FOUNDATION  
(Sustainability Presentations Series)**

WHEREAS, the agreement between the County of Kane and the Grand Victoria Casino provides for the use of Riverboat Funds to assist in educational and environmental endeavors; and

WHEREAS, the Conservation Foundation has proposed a series of presentations dealing with issues of land use and development in the context of compatibility and harmony with nature and the ecosystem.

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that the Chairman thereof is authorized to enter into an agreement with the Conservation Foundation for the payment of five thousand dollars and NO/dollars (\$5,000.00) from Riverboat funds in order to assist in the funding of the Sustainability Presentations Series.

###

## KANE COUNTY BOARD MEETING - February 13, 2001

### ORDINANCE #01-25

#### AMENDING SECTION 11 OF THE KANE COUNTY EMERGENCY TELEPHONE FUND ORDINANCE

WHEREAS, Kane County established the Emergency Telephone System on July 11, 1989, by passing Ordinance number 89-137; and

WHEREAS, the state statute which authorizes expenditures which may be made from the 911 Emergency Telephone Fund has been amended to allow for expenditures which are currently not contained in section 11 of the Emergency Telephone Fund Ordinance; and

WHEREAS, it is the desire of the Kane County Board to allow the 911 Emergency Fund to be used for purposes as allowed by state statute in order to enhance the performance of the 911 system thereby increasing the efficiency of the 911 system for the benefit of the citizens of Kane County.

NOW, THEREFORE, BE IT ORDAINED by the Kane County Board that section 11 of Ordinance 89-137 be amended to read as follows:

#### Section Eleven: Emergency Telephone Fund

All monies received pursuant to the surcharge imposed under section Two shall be deposited into an Emergency Telephone System Fund. The County Treasurer shall be custodian of the Fund. All interest accruing on the Fund shall remain in the Fund. No expenditures may be made from such Fund except upon the direction of the Emergency Telephone System Board or by resolution passed by a majority of all members of the Emergency Telephone System Board. Expenditures may be made only to pay for the costs associated with the following:

- a. The design of the Emergency Telephone System.
- b. The coding of an initial Master Street Address Guide data base, and update and maintenance thereof.
- c. The repayment of any monies advanced for the implementation of the system.
- d. The charges for Automatic Number Identification and Automatic Location Identification Equipment, a computer aided dispatch system that records, maintains, and integrates information, mobile data transmitters equipped with automatic vehicle locators and maintenance, replacement and update thereof to increase operational efficiency and improve the provision of emergency services.
- e. The non-recurring charges related to installation of the Emergency Telephone system and the ongoing network charges.
- f. Other products and services necessary for the implementation, upgrade and maintenance of the system and any other purpose related to the operation of the system, including costs attributable directly to the construction, leasing, or maintenance of any buildings or facilities or costs of personnel attributable directly to the operation of the system. Costs attributable directly to the operation of an emergency telephone system do not include the costs of public safety agency personnel who are and equipment that is dispatched in response to an emergency call. However, such costs shall not include personnel or facilities, nor shall such costs include equipment which is not directly associated with the 9-1-1 Emergency Telephone System.
- g. The acquisition and installation, or the reimbursement of costs therefor to other

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governmental bodies that have incurred those costs, of road or street signs that are essential to the implementation of the emergency telephone system and that are not duplicative of signs that are the responsibility of the jurisdiction charged with maintaining road and street signs.

###

**RESOLUTION #01-26**

**AERIAL PHOTOGRAPHY AND PLANIMETRIC DATA PROFESSIONAL SERVICES**

WHEREAS, the County of Kane intends to continue efforts to develop accurate, reliable, and up-to-date geographical data to effectively coordinate and catalog all engineering and construction activity throughout the County; and

WHEREAS, the geographical data will serve as an updated framework for the County's Geographic Information System and support the decision making process for many important issues currently facing Kane County, including real estate development and land use, transportation infrastructure, stormwater and watershed management and analysis; and

WHEREAS, in order to develop said Aerial Photography and Planimetric Data, it is necessary that the County retain the professional services of The Sidwell Company, St. Charles, IL and other consultants to provide Aerial Photography and Planimetric Data Services; and

WHEREAS, the cost for said professional services shall not exceed \$1,415,386.00 for the period ending November 30, 2003; and

WHEREAS, funds shall be appropriated in FY 2001, FY 2002 and FY 2003 to fund said professional services.

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that the Chairman thereof is hereby authorized to execute an agreement (a copy of which is on file with the Kane County Clerk) with The Sidwell Company, St. Charles, IL and other consultants for Aerial Photography and Planimetric Data Services through November 30, 2003, not to exceed one million four hundred fifteen thousand three hundred eighty-six dollars and NO/100 (\$1,415,386.00).

BE IT FURTHER RESOLVED that the Kane County Board appropriate the sum of three hundred ninety thousand dollars and NO/100 (\$390,000.00) to pay for said Aerial Photography and Planimetric Data Services for FY 2001 and that said funds be paid from the Riverboat Fund 031, Line Item 50-14.

###

**ORDINANCE #01-28**

**AMENDING THE FISCAL YEAR 2001 BUDGET  
(State's Attorney's Office Internet Child Exploitation Grant)**

WHEREAS, the Kane County State's Attorney's Office has applied for and received the Internet Child Exploitation Grant; and

WHEREAS, a budget for this grant was not included in the FY2001 during the budget process; and

WHEREAS, a special fund, Fund 074, has been established for this grant.

NOW, THEREFORE, BE IT ORDAINED BY THE Kane County Board that the following budget adjustments be made to the FY2001 budget for the Internet Child Exploitation Grant:

|                     |                              |         |
|---------------------|------------------------------|---------|
| 074-0000-371. 22-13 | Internet Child Exploitation  | 549,625 |
| 074-6565.615. 65-80 | Income to be carried to FY02 | 133,115 |
| 074-6565.615. 40-01 | Full-Time Salaries           | 195,000 |

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|                     |                                 |        |
|---------------------|---------------------------------|--------|
| 074-6565.615. 40-90 | IMRF                            | 15,406 |
| 074-6565.615. 40-92 | FICA                            | 14,918 |
| 074-6565.615. 40-94 | Health Insurance                | 15,861 |
| 074-6565.615. 40-95 | Dental Insurance                | 1,323  |
| 074-6565.615. 50-07 | Insurance Liability             | 2,964  |
| 074-6565.615. 50-08 | Worker's Comp                   | 1,326  |
| 074-6565.615. 50-09 | Unemployment                    | 332    |
| 074-6565.615. 50-14 | Contracts & Consulting          | 1,200  |
| 074-6565.615. 50-33 | Trials & Cost of Hearing        | 3,500  |
| 074-6565.615. 50-88 | Maint. - Copiers                | 820    |
| 074-6565.615. 50-89 | Maint. - Comm Equipment         | 200    |
| 074-6565.615. 50-90 | Conferences & Meetings          | 7,900  |
| 074-6565.615. 50-91 | Employee Training               | 12,000 |
| 074-6565.615. 50-92 | Mileage                         | 4,000  |
| 074-6565.615. 50-93 | Association Dues                | 100    |
| 074-6565.615. 60-05 | Telephone                       | 5,000  |
| 074-6565.615. 60-10 | Postage                         | 250    |
| 074-6565.615. 60-11 | Office Supplies                 | 7,500  |
| 074-6565.615. 60-13 | Books & Subscriptions           | 1,000  |
| 074-6565.615. 60-14 | Computer Software - Non Capital | 11,600 |
| 074-6565.615. 60-15 | Computer Hardware - Non Capital | 4,650  |
| 074-6565.615. 60-20 | Operating Supplies              | 1,350  |
| 074-6565.615. 60-43 | Photography                     | 1,000  |
| 074-6565.615. 60-46 | Maint. - Vehicles               | 150    |
| 074-6565.615. 70-06 | Computers/Printers/Copiers      | 64,000 |
| 074-6565.615. 70-07 | Computer Software               | 6,500  |
| 074-6565.615. 70-09 | Office Furniture & Equipment    | 7,360  |
| 074-6565.615. 70-16 | Automotive Equipment            | 29,300 |

###

**ORDINANCE #01-29**

**AMENDING THE FISCAL YEAR 2001 BUDGET  
(Sheriff's Office, Illinois First Grant for a Jail Management System)**

WHEREAS, the Sheriff's Office applied for and received the Illinois First Grant for a jail management system; and

WHEREAS, this money was received after the FY2001 Budget was created.

NOW, THEREFORE, BE IT ORDAINED BY THE Kane County Board that the following budget adjustments be made to the FY2001 Budget:

|                     |                            |         |
|---------------------|----------------------------|---------|
| 001-0000-311. 22-06 | Miscellaneous Grants       | 100,000 |
| 001-1090-411. 70-06 | Computers/Printers/Copiers | 48,772  |
| 001-1090-411. 70-11 | Communications Equipment   | 51,228  |

###

**ORDINANCE #01-30**

**AMENDING THE FISCAL YEAR 2001 BUDGET  
(Health Department Kid Care Program)**

WHEREAS, the Health Department received Riverboat funding in FY2000 for the Kid Care

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Program; and

WHEREAS, this money was not expended in the FY2000 budget and needs to be carried over to FY2001.

NOW, THEREFORE, BE IT ORDAINED BY THE Kane County Board that the following budget adjustments be made to the FY2001 Budget:

|                     |                           |          |
|---------------------|---------------------------|----------|
| 041-0000-391. 30-01 | Transfer From Other Funds | 64,000   |
| 041-7812-715. 50-14 | Contracts & Consulting    | 52,498   |
| 041-7812-715. 50-92 | Mileage                   | 1,696    |
| 041-7812-715. 60-10 | Postage                   | 692      |
| 041-7812-715. 60-20 | Operating Supplies        | 9,114    |
| 085-2085-412. 65-01 | Miscellaneous             | (64,000) |
| 085-2085-412. 65-04 | Transfer To Other Funds   | 64,000   |

###

**ORDINANCE #01-31**

**AMENDING THE FISCAL YEAR 2001 BUDGET  
(Health Department Tobacco Settlement Programs)**

WHEREAS, the Health Department received a tobacco settlement in FY2000 for smoking related programs; and

WHEREAS, \$54,760 of this money was not expended in the FY2000 Budget and needs to be carried over to FY2001.

NOW, THEREFORE, BE IT ORDAINED BY THE Kane County Board that the following budget adjustments be made to the FY2001 Budget:

|                     |                            |        |
|---------------------|----------------------------|--------|
| 041-0000-399. 39-99 | Cash on Hand               | 54,760 |
| 041-7825-715, 50-44 | Public Health Services     | 11,743 |
| 041-7825-715, 50-92 | Mileage                    | 5,528  |
| 041-7825-715. 60-11 | Office Supplies            | 3,250  |
| 041-7825-715. 60-20 | Operating Supplies         | 26,405 |
| 041-7825-715. 60-45 | Fuel                       | 820    |
| 041-7825-715, 70-06 | Computers/Printers/Copiers | 7,014  |

###

**ORDINANCE #01-32**

**AMENDING THE FISCAL YEAR 2001 BUDGET  
(Supervisor of Assessments Office)**

WHEREAS, reclassification of certain staff in the Supervisor of Assessments Office is necessary in order to control head count while dealing with the rapid growth of Kane County; and

WHEREAS, staff members have had to expand their knowledge of assessment law because of the complexity of new and revised statutes and it has been necessary for staff to perform new functions and assume diverse job responsibilities; and

WHEREAS, the staff members find it necessary to collect, compile, analyze, audit and develop statistical documentation to meet mandated requirements for legal, uniform, correct and timely preparation of the assessment roll; and

WHEREAS, an adjustment of \$40,300 is required to reclassify certain staff members.

NOW, THEREFORE, BE IT ORDAINED by the Kane County Board that the following budget adjustments be made to the FY2001 budget to reflect the abovementioned

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reclassifications:

|              |                          |          |
|--------------|--------------------------|----------|
| 001-2030-412 | 65-30 Contingency        | (40,300) |
| 001-5210-511 | 40-01 Full-Time Salaries | 40,300   |

###

**ORDINANCE #01-33**

**AMENDING THE FISCAL YEAR 2001 BUDGET  
(Supervisor of Assessments Office and GIS Technologies)**

WHEREAS, mandated statutes of the tax cycle in the Supervisor of Assessments Office have created delay in the creation of permanent index numbers; and

WHEREAS, during the functionality review of the new permitting system, it was found to be more efficient to transfer the Map team of the Supervisor of Assessments Office to GIS Technologies as the CAD team. This team will in turn assign and distribute permanent index numbers to all County Departments including the Supervisor of Assessments.

NOW, THEREFORE, BE IT ORDAINED BY THE Kane County Board that the following budget adjustments be made to FY2001 budget to reflect the transfer of personnel to the GIS Technologies Department:

|                           |                           |          |
|---------------------------|---------------------------|----------|
| Supervisor of Assessments |                           |          |
| 001-5210-511.             | 40-01 Full- Time Salaries | (96,432) |
| 001-5210-511.             | 40-60 Overtime Salaries   | (2,000)  |
| 001-5210-511.             | 40-94 Health Insurance    | (5,780)  |
| 001-5210-511.             | 40-95 Dental Insurance    | (330)    |
| GIS Technologies          |                           |          |
| 001-5230-511              | 40-01 Full- Time Salaries | 96,432   |
| 001-5230-511.             | 40-60 Overtime Salaries   | 2,000    |
| 001-5230-511.             | 40-94 Health Insurance    | 5,780    |
| 001-5230-511.             | 40-95 Dental Insurance    | 330      |

###

**ORDINANCE #01-34**

**AMENDMENTS TO THE FISCAL YEAR 2000 BUDGET  
(Adjustments for Budget Overages)**

WHEREAS, certain Departments and Offices experienced budget overages for Fiscal Year 2000 and adjustments are required to reflect said overages.

NOW, THEREFORE, BE IT ORDAINED by the Kane County Board that the Fiscal Year 2000 budget be amended as follows:

**General Fund:**

|                    |                                     |
|--------------------|-------------------------------------|
| 001-5430           | Operating - Aurora Election Expense |
| 001-6030           | Operating - Juvenile Custody        |
| 001-6220           | Operating - Judiciary               |
| 001-6230           | Capital - Public Defender           |
| 001-7010           | Operating - Sheriff                 |
| 001-7020           | Operating - Adult Corrections       |
| 001-2030-412.65-30 | Contingency                         |
| 001-0000-399.39-99 | Cash on Hand                        |

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11,215  
 286,201  
 67,058  
 2,313  
 13,099  
 1,934,365  
 (609,309)  
 1,704,942

**Special Revenue Funds:**

|                    |  |           |         |
|--------------------|--|-----------|---------|
| 026-2060           | Operating -Insurance Liability           | 128,616   |         |
| 026-0000-399.39-99 | Cash on Hand                             | 128,616   |         |
| 037-8370           | Operating - MFT Bond Construction        | 1,026,515 |         |
| 037-0000-399.39-99 | Cash on Hand                             | 1,026,515 |         |
| 039-2066           | Operating - JJC Revenue Bond             | 5,300     |         |
| 039-0000-399.39-99 | Cash on Hand                             | 5,300     |         |
| 047-2070           | Operating - Public Building Commission   | 2,788     |         |
| 047-0000-399.39-99 | Cash on Hand                             | 2,788     |         |
| 061-6240           | Operating - Law Library                  | 6,056     |         |
| 061-6240           | Capital - Law Library                    | 5,733     |         |
| 061-0000-399.39-99 | Cash on Hand                             | 11,789    |         |
| 073-6555           | Operating - Victim Coordinator Services  | 3,726     |         |
| 073-0000-399.39-99 | Cash on Hand                             | 3,726     |         |
| 081-8510           | Capital - Enterprise Surcharge (Deprec.) | 6,159     |         |
| 081-0000-399.39-99 | Cash on Hand                             | 6,159     |         |
| 085-2085           | Operating - Riverboat                    | 219,688   |         |
| 085-0000-399.39-99 | Cash on Hand                             | 219,688   |         |
| 087-4020           |  |           | 196,809 |
| 087-0000-399.39-99 |  |           | 196,809 |

###

**RESOLUTION #01-35**

**CONTRACT WITH ATTORNEYS FOR TRIAL CASES**

WHEREAS, it is required by law that when the court determines the Public Defender would have a conflict of interest, when representing certain indigent defendants, private counsel may be appointed to represent the defendants; and

WHEREAS, it is determined to be economically advantageous to enter into a contract at a fixed sum for legal assistance in defending such cases.

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that the Chief Judge of the Sixteenth Judicial Circuit is hereby authorized to contract with and appoint not more than four (4) attorneys who are licensed to practice law in the State of Illinois to conduct trial work in felony, misdemeanor and juvenile indigent cases.

BE IT FURTHER RESOLVED by the Kane County Board that the compensation of each attorney be based upon their experience as prior trial counsel. Monthly salaries for the attorneys for calendar year 2001 are as follows: two at \$2,440.00, one at \$2,305.00 and one at \$2,235.00.

BE IT FURTHER RESOLVED that there shall be an additional amount of two thousand two

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hundred thirty-five dollars (\$2,235.00) available for trial expenses to be paid each attorney during the contract period, subject to approval of the Chief Judge.

BE IT ALSO FURTHER RESOLVED by the Kane County Board that the total of said contracts shall be paid from the General Fund 001, Department 6220, Line Item 50-27 (Court Appointed Counsel Fees).

###

**RESOLUTION #01-37**

**REPLACEMENT VEHICLE FOR  
OFFICE OF EMERGENCY MANAGEMENT**

WHEREAS, it is necessary to replace the 1989 GMC utility truck as it was destroyed by fire on November 8, 2000; and

WHEREAS, Avenue Motor Sales, Inc., Batavia, IL has met the sealed bid specifications for a 2001 Chevrolet Express commercial vehicle with an enclosed Supreme Corporation utility body while providing the shortest delivery date.

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that the purchase of one 2001 Chevrolet Express commercial vehicle with an enclosed Supreme Corporation utility body is hereby approved in an amount not to exceed twenty-five thousand four hundred and eighty-five dollars (\$25,485) with the funds to be transferred from the 082 Enterprise Fund in accordance with the following budget adjustments:

|  |            |
|--|------------|
| 082-8520-851.65-04 (Transfer to other funds)   | + \$25,485 |
| 082-0000-399.39-99 (Cash on hand)              | + \$25,485 |
| 001-7410-711.70-15 (Auto equipment)            | + \$25,485 |
| 011-0000-391.30-01 (Transfer from other funds) | + \$25,485 |

###

**RESOLUTION #01-38**

**ACCEPTING A BID FOR COLLECTION OF KANE COUNTY PROPERTY TAXES**

WHEREAS, it is the responsibility of the County Collector to ensure that property tax collections are conducted in a secure and efficient manner; and

WHEREAS, American National Bank can provide collection services at no cost to the county through the use of compensating bank balances (an approximate value to American National Bank of \$35,049); and

WHEREAS, use of a bank lock box system will generate an additional \$400,000 worth of potential interest income for the taxing bodies of Kane County. The lock box will also significantly reduce the costs associated with processing payments in the collector's office.

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that the County Collector is hereby authorized to contract with American National Bank to provide the Kane County Collector with lock box services.

###

**RESOLUTION #01-39**

**PURCHASE OF TRAFFIC SIGN MATERIALS FOR  
KANE COUNTY DIVISION OF TRANSPORTATION  
(MAINTENANCE DEPARTMENT)**

WHEREAS, bids have been solicited and received for furnishing complete Traffic Signs

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and Sign Materials (Sign Blanks and Roll Goods) for the Kane County Division of Transportation.

WHEREAS, U. S. Standard Sign was the lowest responsible bidder for Sign Blanks and Rocal, Inc., was the lowest responsible bidder for complete Traffic Signs and 3M was the lowest responsible bidder for Sign Materials (Roll Goods).

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that the low bid of U. S. Standard Sign of Franklin Park, IL for Sign Blanks be accepted in the amount of Four Thousand Seven Hundred Fifty Three and 90/100 Dollars (\$4,753.90), the low bid of Rocal, Inc. of Frankfort, Ohio for complete Traffic Signs be accepted in the amount of Thirty Thousand Six Hundred Eighty and 65/100 Dollars (\$30,680.65) and the low bid of 3M of St. Paul, Minnesota for Sign Materials be accepted in the amount of Forty Three Thousand Two Hundred Eighty and 08/100 Dollars (\$43,280.08) and be paid from Local Option Tax Fund No. 035, Line Item #60-55 and the Chairman be and hereby is authorized to enter into agreements for the provision of traffic sign materials at the above stated prices.

###

**RESOLUTION #01-40**

**APPROVING AN INTERGOVERNMENTAL AGREEMENT  
WITH ILLINOIS DEPARTMENT OF TRANSPORTATION  
BIG TIMBER ROAD BRIDGE OVER TYLER CREEK  
SEC. 98-00226-00-BR**

WHEREAS, the Illinois Constitution of 1970, Article VII, Section 10 and 5 *ILCS 220/1, et seq.* authorizes the County and the State to cooperate in the performance of their respective duties and responsibilities by contract and other agreements; and

WHEREAS, the County and the State desire to undertake a project to replace the Big Timber Road Bridge over Tyler Creek; and

WHEREAS, the County and the State desire to improve the said section of roadway by making the following improvements:

**Bridge Replacement**

WHEREAS, the County and the State desire to cooperate among themselves to accomplish the design engineering of the improvement; and

WHEREAS, the improvement is deemed by the County and the State to be of immediate benefit to the residents of the County of Kane in that it shall facilitate the safe and efficient movement of traffic and shall provide for the safety of the motoring public; and

WHEREAS, the County and the State have determined a mutually satisfactory allocation of responsibilities and all costs for said improvement as set forth in the attached agreement with the State being responsible for eighty percent (80%) of the costs for Phase II Engineering (plans and specifications).

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that the Chairman thereof is hereby authorized to execute an intergovernmental agreement with Illinois Department of Transportation for said Phase II Engineering (a copy of which is on file with the County Clerk's Office).

###

**RESOLUTION #01-41**

**APPROVING AN AGREEMENT WITH HAMPTON, LENZINI AND RENWICK  
FOR ENGINEERING SERVICES FOR  
BIG TIMBER ROAD OVER TYLER CREEK  
SEC. 98-00226-00-BR**

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WHEREAS, it is deemed to be in the best interest of the County of Kane and the motoring public to undertake a project to replace the Big Timber Road Bridge over Tyler Creek; and

WHEREAS, in order to effectuate said improvement it is necessary that the County retain the services of a professional engineering firm, namely the firm of Hampton, Lenzini and Renwick, 380 Shepard Drive, Elgin, Illinois, 60123, hereinafter referred to as "Consultant"; and

WHEREAS, Phase II engineering services are needed to prepare final plans, specifications, and contract documents; and

WHEREAS, the cost for said engineering services will be Sixty Five Thousand Ninety Five and 89/100 Dollars (\$65,095.89); and

WHEREAS, the County will be reimbursed 80 percent (80%) of the cost of said services from State Highway Bridge Rehabilitation and Replacement Program Funds, resulting in a net cost to the County of Thirteen Thousand Nineteen and 18/100 Dollars (\$13,019.18).

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that the Chairman thereof is hereby authorized to execute an agreement with the Consultant for said engineering services (a copy of which is on file with the County Clerk's Office).

BE IT FURTHER RESOLVED, subject to reimbursement by the State for eighty percent (80%) of said costs, that the Kane County Board appropriate the not to exceed sum of Sixty Five Thousand Ninety Five and 89/100 Dollars (\$65,095.89) to pay for said engineering services and that said funds be paid from County Bridge Fund #032, Line Item #50-13.

###

**RESOLUTION #01-42**

**CONSTRUCTION MANAGEMENT SERVICES  
(ROBERT H. ANDERSON & ASSOCIATES)**

WHEREAS, the County of Kane (hereinafter "COUNTY") is awarding construction contracts for the improvement of Orchard Road under the Burlington Northern Railroad starting during the 2001 construction season and continuing thru 2003 (hereinafter "PROJECT"); and

WHEREAS, it is deemed to be in the best interest of the COUNTY and the motoring public to improve and maintain the various highways throughout the County; and

WHEREAS, in order to accomplish said improvements it is necessary to retain the services of a professional engineering firm to perform construction management; and

WHEREAS, Robert H. Anderson and Associates (hereinafter "CONSULTANT") has experience and professional expertise in this area and is willing to perform the required services for the PROJECT for an amount not to exceed Five Hundred Thousand Dollars (\$500,000.00); and

WHEREAS, the COUNTY has determined that it is in the COUNTY's best interest to grant the CONSULTANT an agreement.

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that the Chairman thereof is hereby authorized to execute an agreement (a copy of which is on file with the County Clerk's Office) with Robert H. Anderson & Associates of St. Charles, Illinois, for Construction Management Services.

BE IT FURTHER RESOLVED that the Kane County Board appropriate the sum of Five Hundred Thousand Dollars (\$500,000.00) to pay for said services and that said funds be paid from Local Option Tax Fund No. 035, Line Item #50-13.

###

**RESOLUTION #01-43**

**SECOND AMENDMENT WITH TENG & ASSOCIATES  
PECK AND KESLINGER GRADE SEPARATION PROJECT**

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**(SECTION NO. 98-00228-00-BR)**

WHEREAS, the County of Kane and Teng and Associates entered into an Agreement for the purpose of preparing plans and specifications for the realignment of the intersection of Peck and Keslinger Roads over the Union and Pacific Railroad tracks, designated as Section No. 98-00228-00-BR, (hereinafter referred to as the "PROJECT"), under original Resolution No. 98-225 (hereinafter referred to as the "Agreement"); and

WHEREAS, the original contract resolution was approved for an amount not to exceed Four Hundred Thirty Thousand Dollars (\$430,000.00) and a First Amendment was approved for Forty Thousand Nine Hundred Sixty Dollars (\$40,960.00) for a total contract cost of Four Hundred Seventy Thousand Nine Hundred Sixty Dollars (\$470,960.00); and

WHEREAS, additional design services not anticipated in the original scope and First Amendment of work were needed to complete the PROJECT at a cost of Twenty Six Thousand Fifty Two Dollars (\$26,052.00); and

WHEREAS, it is in the County's best interest to extend the upper limit of the Agreement and First Amendment an additional Twenty Six Thousand Fifty Two Dollars (\$26,052.00) from \$470,960.00 to \$497,012.00.

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that the Chairman thereof is hereby authorized to execute a Second Amendment (copy of which is on file with the County Clerk's Office) between the County of Kane and Teng and Associates of Chicago, IL.

BE IT FURTHER RESOLVED that the Kane County Board appropriate the sum of Twenty Six Thousand Fifty Two Dollars (\$26,052.00) to pay for said additional services and that said funds be paid from Local Option Tax Fund No. 035, Line Item #50-13.

###

**RESOLUTION #01-44**

**LANDSCAPE AND ARCHITECTURAL SERVICES**

WHEREAS, the County of Kane, (hereinafter "COUNTY"), Division of Transportation Administration Building was constructed in 1965 and the Maintenance Facility was constructed in 1948; and

WHEREAS, it is deemed to be in the best interest of the COUNTY to enhance, modify and improve the landscaping services at the Kane County Division of Transportation facilities; and

WHEREAS, in order to accomplish said improvements it is necessary to retain the services of a professional architectural firm to perform the required services; and

WHEREAS, Burnidge Cassell Associates, of Elgin, IL (hereinafter "CONSULTANT") has experience and professional expertise in this area and is willing to perform the required services for the project for an amount not to exceed Twenty Three Thousand Two Hundred Dollars (\$23,200.00); and

WHEREAS, the COUNTY has determined that it is in the COUNTY's best interest to grant the CONSULTANT an agreement.

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that the Chairman thereof is hereby authorized to execute an agreement (a copy of which is on file with the County Clerk's Office) with Burnidge Cassell Associates, Elgin, Illinois for Landscape and Architectural Services.

BE IT FURTHER RESOLVED that the Kane County Board appropriate the sum of Twenty Three Thousand Two Hundred Dollars (\$23,200.00) to pay for said services and that said funds be paid from County Highway Fund No. 031, Line Item #50-14.

###

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**RESOLUTION #01-45**

**LEGAL SERVICES FOR THE DIVISION OF TRANSPORTATION**

WHEREAS, the County of Kane in the normal course of the business of the Kane County Division of Transportation intends to permit, realign, improve and construct various county highway improvements throughout its system; and

WHEREAS, it is deemed to be in the best interest of the County of Kane and of the motoring public to complete the contemplated improvements in an expeditious and timely manner; and

WHEREAS, in order to effectuate said improvements it is necessary for the County to retain professional legal services to provide special legal services as assigned by the County Engineer, the State's Attorney, Kane County Board Transportation Committee, and Kane County Board; and

WHEREAS, the State's Attorney has the duties as set forth in the Constitution and Laws of the State of Illinois and the Rules of the Illinois Supreme Court; and

WHEREAS, the State's Attorney may appoint Assistants and Special Assistants to assist in carrying out those responsibilities; and

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that the Chairman of the Kane County Board be and is hereby authorized to execute an agreement with William C. Chesbrough of West Dundee, Illinois to provide legal services for the Kane County Division of Transportation.

BE IT FURTHER RESOLVED that the Kane County Board authorize the Chairman of the County Board to appropriate funds to pay for said services from the Kane County Division of Transportation County Board approved budget, County Highway Fund 031, Line Item 50-15.

###

**RESOLUTION #01-46**

**LAND ACQUISITION SERVICES**

WHEREAS, the County of Kane in the normal course of the business of the Kane County Division of Transportation intends to realign, improve and construct various county highways throughout its system; and

WHEREAS, it is deemed to be in the best interest of the County of Kane and of the motoring public to complete the contemplated improvements in an expeditious and timely manner; and

WHEREAS, in order to effectuate said improvements it is necessary for the County to retain professional land acquisition management and negotiation services to provide right-of-way associated services for the contemplated improvements; and

WHEREAS, the State's Attorney has the duties as set forth in the Constitution and Laws of the State of Illinois and the Rules of the Illinois Supreme Court; and

WHEREAS, the State's Attorney may appoint Assistants and Special Assistants to assist in carrying out those responsibilities; and

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that the Chairman of the Kane County Board be and is hereby authorized to execute an agreement with J. Patrick Jaeger of Geneva, Illinois, for land acquisition and legal services for the Kane County Division of Transportation.

BE IT FURTHER RESOLVED that the Kane County Board authorize the Chairman of the County Board to appropriate funds to pay for said services from the Kane County Division of Transportation County Board approved budget, County highway Fund 031, Line Item 50-15.

###

**RESOLUTION #01-47**

**KANE COUNTY BOARD MEETING - February 13, 2001**

**APPROVING AN AGREEMENT WITH EDWARDS AND KELCEY  
FOR PLANNING AND ENGINEERING SERVICES FOR  
THE KANE COUNTY BICYCLE AND PEDESTRIAN PLAN**

WHEREAS, it is deemed to be in the best interest of the County of Kane and the public to undertake a project to develop a Bicycle / Pedestrian Plan and a Bicycle Map for Kane County and those communities belonging to the Kane County Council of Mayors; and

WHEREAS, in order to effectuate said Bicycle / Pedestrian Plan and Bicycle Map, it is necessary that the County retain the services of a professional planning and engineering firm, namely the firm of Edwards and Kelcey Design Services, Inc., One North Franklin, Suite 1800, Chicago, Illinois, 60606, hereinafter referred to as "Consultant"; and

WHEREAS, planning and engineering services are needed to prepare a Bicycle / Pedestrian Plan and Bicycle Map for Kane County and those communities belonging to the Kane County Council of Mayors; and

WHEREAS, the cost for said planning and engineering services will be Sixty Thousand Dollars (\$60,000.00); and

WHEREAS, the County will be reimbursed two-thirds (2/3) of the cost of said services from the State of Illinois Metropolitan Planning (PL) Funds and the Kane County Forest Preserve District, resulting in a net cost to the County of Twenty Thousand Dollars (\$20,000.00).

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that the Chairman thereof is hereby authorized to execute an agreement with the Consultant for said planning and engineering services (a copy of which is on file with the County Clerk's Office).

BE IT FURTHER RESOLVED, that the Kane County Board appropriate the not to exceed sum of Sixty Thousand Dollars (\$60,000.00) to pay for said planning and engineering services and that said funds be paid from County Highway Fund #031, Line Item #50-14.

###

**RESOLUTION #01-48**

**APPROVING AN AGREEMENT BETWEEN  
THE COUNTY OF KANE AND SHODEEN INC.  
FOR ROADWAY IMPROVEMENTS AT THE INTERSECTION  
OF MAIN STREET AND MILL CREEK DRIVE SOUTH**

WHEREAS, the County of Kane, in order to facilitate and assure the proper flow of traffic and to ensure safety to the motoring public on Main Street, at present and in the future, wishes to relocate an existing access that is immediately west of the planned Mill Creek Drive South and to install electronic traffic signals, intersection lighting and additional turn lanes at Mill Creek Drive South at the intersection of Main Street; and,

WHEREAS, it will be necessary to enter into a joint agreement embodying such provisions between the County of Kane and Shodeen, Inc., an Illinois Corporation with offices at 17 North First Street, Geneva, Illinois, 60134; and,

WHEREAS, the County and Shodeen, Inc. are desirous of making said improvements in that the same will be of immediate benefit to the public and permanent in nature.

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that the Chairman thereof is hereby authorized to execute an agreement (a copy of which is on file with the County Clerk's Office) with Shodeen, Inc. to designate the roadway improvements at the intersection of Main Street and Mill Creek Drive South.

###

**RESOLUTION #01-49**

**MFT ADMINISTRATION DELEGATION AGREEMENT**

**KANE COUNTY BOARD MEETING - February 13, 2001**

WHEREAS, Illinois Compiled Statutes provides that the Illinois Department of Transportation (hereinafter referred as "DEPARTMENT") may grant permission to a county to construct or maintain highways with funds received from the State without approval and supervision upon satisfying itself that the County Engineer's Office is adequately organized, staffed, equipped, and financed to satisfactorily discharge the duties and requirements of the law and rules and regulations deemed necessary by the DEPARTMENT; and

WHEREAS, the COUNTY constructs and maintains highways with funds received from the State and the Illinois Department of Transportation is satisfied that the County Engineer's Office" of Kane County is now adequately organized, staffed, equipped and financed to discharge satisfactorily the duties and requirements of the law and the rules and regulations as deemed necessary by the Illinois Department of Transportation; and

WHEREAS, permission to construct or maintain highways with funds received from the State without approval from the DEPARTMENT will enable the COUNTY to more effectively and efficiently accomplish said construction and maintenance on COUNTY and Township highways.

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that the Chairman thereof is hereby authorized to execute an intergovernmental agreement with Illinois Department of Transportation authorizing the County Engineer to be responsible for maintenance, financed by funds covered by this Agreement, of road district highways in the County without approval and supervision of the Illinois Department of Transportation.

###

**ORDINANCE #01-50  
APPROVING ALTERATION OF STATUTORY SPEED LIMITS  
(Kane County)**

WHEREAS, the Transportation committee has caused an engineering and traffic investigation to be made on the below-named streets or highways not under the jurisdiction of the Illinois Department of Transportation; and

WHEREAS, the Committee has reviewed the results of said investigation and has recommended the alteration of maximum speed limits as set out in the Illinois Vehicle Code, 625ILCS 5/11-604, so as to be both reasonable, safe and proper.

NOW, THEREFORE, BE IT ORDAINED by the Kane County Board, that pursuant to Illinois Vehicle Code, 625ILCS 5/11-604, the maximum speed limits on the section of the below named streets or highways shall be as indicated in the following schedule.

BE IT FURTHER ORDAINED, that this ordinance shall be effective upon the approval of the Kane County Board as provided by Statute and the posting of signs giving notice of the altered maximum speed limits.

**Kane County**  
Exact Limits of Zone

| <u>Street</u>  | <u>From</u>                      | <u>To</u>                     | <u>MPH</u> |
|----------------|----------------------------------|-------------------------------|------------|
| Keslinger Road | 1500 ft. west of Peck Road       | 1056' west of Randall Road    | 45         |
| Peck Road      | 1450 ft. south of Keslinger Road | 1350' north of Keslinger Road | 45         |
| Peck Road      | 1350 ft. north of Keslinger      | IL 38                         | 50         |

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###

**RESOLUTION #01-51**

**ENDORING THE COMPLETION OF WIDENING ILLINOIS ROUTE 72  
TO A FOUR (4) LANE HIGHWAY FACILITY FROM  
ILLINOIS ROUTE 25 TO RANDALL ROAD IN DUNDEE TOWNSHIP**

WHEREAS, it is deemed to be in the best interest of the County of Kane and the motoring public to complete the widening of Illinois Route 72 to a four (4) lane highway facility from Illinois Route 25 to Randall Road in Dundee Township; and

WHEREAS, Illinois Route 72 is an arterial roadway that has been designated as a Strategic Regional Arterial east of Illinois Route 25 and is part of the National Highway System east of Illinois Route 25; and

WHEREAS, Illinois Route 72 is primarily a two-lane highway facility with a four-lane section from approximately a half-mile west of Illinois Route 31 to Illinois Route 68; and

WHEREAS, the County of Kane supports and recognizes that the Illinois Department of Transportation (IDOT) is expediting the widening of Illinois Route 72 from Illinois Route 68 to Illinois Route 25 with said widening programmed in IDOT's Proposed Highway Improvement Program for FY2003; and

WHEREAS, current average daily traffic volumes of over 21,000 vehicles and 2020 projections of over 42,000 vehicles just east of Randall Road warrant the four-laning of Illinois Route 72 from Randall Road to Illinois Route 31 (said projections include other proposed regional highway improvements); and

NOW, THEREFORE, BE IT RESOLVED that the Kane County Board requests the Illinois Department of Transportation to complete the widening of Illinois Route 72 to a four (4) lane highway facility from Illinois Route 25 to Randall Road in a timely and expeditious manner.

BE IT FURTHER RESOLVED, that Phase I engineering services should be expedited on that segment of Illinois Route 72 between Illinois Route 31 to Randall Road in order to determine project geometry, environmental impacts, and right-of-way needs.

###

No questions or discussion. Roll call on Consent Agenda (#01-12, #01-13, #01-14, #01-15, #01-16, #01-18, #01-19, #01-21, #01-22, #01-23, #01-24, #01-25, #01-26, #01-28, #01-29, #01-30, #01-31, #01-32, #01-33, #01-34, #01-35, #01-37, #01-38, #01-39, #01-40, #01-41, #01-42, #01-43, #01-44, #01-45, #01-46, #01-47, #01-48, #01-49, #01-50, & #01-51) as follows: AYES: Ardelean, Barrett, Cameron, Carlson, Cook, Greviskes, Hoscheit, Hurlbut, Jones, Mitchell, Morse, Neuberger, Rage, Sanchez, Tredup, VanOvermeiren, Walter, Weigand, Wojnicki, Wolfe, & Wyatt. NAYS: None. **CONSENT AGENDA ADOPTED.**

**RESOLUTION #01-17**

Moved by Jones; seconded by Greviskes, that #01-17 be adopted.

**RECOGNITION OF FEBRUARY AS BLACK HISTORY MONTH**

WHEREAS, February is designated nationally as Black History Month; and

WHEREAS, it is desirable and appropriate that we reflect upon the contribution of African-Americans to this country in the areas of Arts, Sciences, Politics, Education, Culture and Law; and

WHEREAS, African-Americans such as Frederick Douglass, Marian Wright Edelman, Sojourner Truth, Dr. Daniel Hale Williams, Hiram Revels, Astronauts Ronald McNair and Mae C. Jemison, Thurgood Marshall, Booker T. Washington, Alice Walker, Bessie Smith and "Eubie" Blake, W.C. Handy, Langston Hughes and Maya Angelou, Gen. Colin Powell, Adam

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Clayton Powell, Martin Luther King, Jr., Walter and Connie Payton, Carter G. Woodson, the Tuskegee Airmen and a host of other Black men and women were significant contributors to the fabric of American culture.

NOW, THEREFORE, BE IT RESOLVED that the Kane County Board wishes to recognize Black History Month and the contributions that African-Americans have made to American society.

###

Jones read the resolution aloud. Carried unanimously by voice vote. **RESOLUTION #01-17 ADOPTED.**

**RESOLUTION #01-20 (RIVERBOAT GRANT FOR SUICIDE PREVENTION SERVICES)**

McCoy indicated that there was no appraisal and this resolution should be brought to the floor next month.

**RESOLUTION #01-27**

Moved by Weigand; seconded by Wyatt that Resolution #01-27 be adopted.

**AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT  
WITH MCHENRY COUNTY  
(Bed-Space Guarantees)**

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 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 the county has authority to perform the service; and

WHEREAS, the McHenry County Sheriff's Office will guarantee 75 adult jail beds for Kane County inmates for a two (2) year term with a per diem charge of \$50 per day, per bed, subject to a yearly review, with the Kane County Sheriff's Office to provide transportation of inmates to and from the McHenry County Jail; and

WHEREAS, the County of Kane will guarantee McHenry County 10 juvenile detention beds for a two (2) year term with a per diem charge of \$90.00 per day, per juvenile resident, for the first 10 beds. The additional bed space to be made available to McHenry County at \$100.00 per day, per resident and the per diem cost subject to yearly review by both parties.

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that the Chairman thereof is authorized to enter into an agreement with McHenry County which will guarantee that McHenry County shall have 10 juvenile detention beds for a two (2) year period with a per diem charge of \$90.00 per bed, per resident juvenile, and any number of beds in excess of the aforesaid 10 beds to be made available at a per diem cost of \$100.00 per day, per resident with the per diem cost to be reviewed on a yearly basis by both parties and with McHenry County providing transportation of juveniles to and from the Kane County Juvenile Justice Center.

###

Moved by Weigand; seconded by VanOvermeiren, that #01-27 be amended, replacing it with the buff-colored page. Weigand explained the amendment. Discussion followed on lack

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of a dollar amount. Carried unanimously by voice vote. Weigand's motion to amend passed. Roll call on #01-27 (as amended ) as follows: AYES: Ardelean, Barrett, Cameron, Carlson, Cook, Greviskes, Hoscheit, Hurlbut, Jones, Mitchell, Morse, Neuberger, Rage, Sanchez, Tredup, VanOvermeiren, Walter, Weigand, Wojnicki, Wolfe, & Wyatt. NAYS: None.  
**RESOLUTION #01-27 ADOPTED.**

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**RESOLUTION #01-36**

**AUTHORIZATION TO APPLY FOR GRANTS AND  
ENTER INTO GRANT AGREEMENTS**

WHEREAS, the Illinois Department of Public Health and other entities have made grants available to the Kane County Health Department to establish and maintain various public health programs; and

WHEREAS, many of the grants provide ongoing funding from year to year to support County programs; and

WHEREAS, the County of Kane, through its Health Department, wishes to apply for and accept the maximum available grants awarded by the Illinois Department of Public Health and other entities; and

WHEREAS, grant applications will be made when compatible with the overall goals of the Health Department. Applications will include by not be exclusive for grants in the following categories:

- Access to Care
- Adolescent Health
- Alcohol and Substance Abuse
- AIDS/HIV Prevention Education and CTRPN
- Cardiovascular Services
- Communicable Disease Prevention and Treatment
- Depression Prevention Initiatives
- Direct Community Health Services
- Directly Observed Therapy-Tuberculosis
- Family Case Management
- Genetics
- Health Promotion
- Healthy Child
- Indirect Community Health Services
- IPLAN
- KidCare
- Lead Poisoning Prevention
- Local health Protection
- March of Dimes
- Mental Health
- Non-Community Wells
- Nutrition
- Public Health Information Network
- Radon
- Suicide Prevention Initiatives
- Summer Food Program
- Tanning Facilities Inspection
- Tobacco Initiatives
- Vision and Hearing
- Women Health

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that the Chairman be, and hereby is, authorized to enter into contracts for the grants, for the acceptance of revenues for the provision of services only, with copies of said contracts to be on file in the County Auditor's Office with the revenue credited to Fund 041-0000-311-22-01 (State Grants).

###

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Moved by Jones; seconded by Wyatt, that #01-36 be sent back to committee for additions. Carried unanimously by voice vote. **RESOLUTION #01-36 SENT BACK TO COMMITTEE.**

**RESOLUTION #01-52**

Moved by Steve-McConnaughay; seconded by Jones, that #01-52 be adopted.

**ACQUISITION OF HIGHWAY RIGHT OF WAY  
BOLZ ROAD CORRIDOR**

WHEREAS, the County of Kane is authorized by law, pursuant to Illinois Compiled Statutes, 605 ILCS 5/5-801 (1998) to acquire by negotiated purchase or eminent domain proceedings, real property for highway purposes; and

WHEREAS, the County of Kane has developed right of way plans for the extension of Bolz Road and Longmeadow Parkway in Algonquin, Illinois (hereinafter Bolz Road Corridor); and

WHEREAS, the Forest Preserve District of Kane County has resolved to acquire certain parcels of property that are within the Bolz Road Corridor and which are parcels required by the County for right of way purposes for the Bolz Road Corridor; and

WHEREAS, Carl and Beverly Seubert, the property owners of the real property that is described herein as Exhibit "A" (a copy of which is on file in the office of the Kane County Clerk) have offered to sell said property to the County of Kane for the sum of one hundred thousand dollars (\$100,000.00).

NOW THEREFORE BE IT RESOLVED, by the County Board of Kane County that the County of Kane accept the Seubert's offer to sell said property to the County of Kane for the total sum of one hundred thousand dollars (\$100,000.00) to be paid from the County Bridge Fund 032, Line Item 70-30 and, if necessary, the Chairman of the Kane County Board is hereby authorized and directed to execute a sales contract therefor.

###

A member expressed concern over degrading the quality of life if this resolution were to pass. Roll call on #01-52 as follows: AYES: Ardelean, Cameron, Carlson, Cook, Greviskes, Hoscheit, Hurlbut, Jones, Mitchell, Morse, Neuberger, Rage, Sanchez, Steve-McConnaughay, Tredup, VanOvermeiren, Walter, Weigand, Wojnicki, Wolfe, & Wyatt. NAYS: Barrett. **RESOLUTION #01- 52 ADOPTED.**

**RESOLUTION #01-53**

Moved by Neuberger; seconded by Wojnicki, that #01-53 be adopted.

**AMENDMENT TO THE KANE COUNTY CODE  
REPEALING AND REPLACING SECTIONS  
11.5-61 & 11.5-62 OF THE KANE COUNTY CODE  
(OPEN BURNING OF LANDSCAPE WASTE)**

WHEREAS, the Kane County Board finds and determines that the unregulated open burning of landscape and/or other materials is a public nuisance because it is harmful to the physical condition of people with certain respiratory conditions and ailments and is injurious to the health, safety and welfare of the people of Kane County; and

WHEREAS, the Kane County Board finds and determines that in certain areas of Kane County there are urban cities and villages having significant population densities which have already prohibited the open burning of landscape waste; and

WHEREAS, the Kane County Board finds and determines that the regulation of open

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burning of landscape waste is necessary to abate the public nuisance created by the open burning of landscape waste and/or other materials; and

WHEREAS, in the year 1995, pursuant to the Federal Code of Regulations, the State of Illinois determined that the need for air quality improvement in Kane County (as a part of the Chicago metropolitan region) was sufficiently important that a vehicle emission inspection program was established in certain affected areas designated by the Zip Code; and, the County Board finds that the areas designated by the Illinois Pollution Control Board for vehicle emission testing are synonymous with the urban portions of the County now being considered for the regulation of the open burning of yard and other waste; and

WHEREAS, the Kane County Board and the County's Environmental Management Department stand committed, through education, to encourage home owners to utilize alternative means of disposal of yard waste within a period of two years, and they are further committed to provide alternative means of disposal of yard waste in support of said programs; and

WHEREAS, in the unincorporated areas of the County, Township Government is the government closest to the people and makes significant contributions to the success of these programs and the Kane County Board commits itself to work with and support townships willing to provide homeowners at a local level with alternative yard waste disposal programs.

NOW, THEREFORE, BE IT ORDAINED by the Kane County Board that Sections 11.5-61 & 11.5-62 are hereby repealed and replaced with the following:

### **Section 11.5-61 Definitions**

"Agricultural purposes" means the growing, developing, processing, conditioning, or selling of farm crops and farm seeds, truck garden crops, animal and poultry husbandry, apiculture, aquiculture, dairying, floriculture, horticulture, nurseries, tree farms, sod farms, pasturage, viticulture, and wholesale greenhouses when such agricultural purposes constitute the principal activity on the land.

"Brush" means tree trunks, limbs, branches, and twigs.

"Landscape waste" means all accumulations of grass or shrubbery cuttings, leaves, flowers, and weeds.

"Recreational fire" means an outdoor fire for warmth, cooking for human consumption or temporary non-ceremonial purposes where the fire is not larger than 3 feet by 3 feet by 3 feet and excludes leaves, grass or shrubbery clippings or cuttings.

"Ceremonial fire" means a outdoor fire larger than 3 feet by 3 feet by 3 feet which is used for entertainment purposes as part of a specifically scheduled public or private event and excludes leaves, grass or shrubbery clippings or cuttings.

### **Section 11.5-62 Exemptions**

1. The terms and provisions of this Ordinance shall not apply to property zoned or used for any agricultural purpose.
2. The terms and provisions of this Ordinance shall not apply to residential property within any of the following Zip Code areas, as established by the U.S. Postal Service on the effective date of this ordinance: 60109, 60119, 60140, 60142, 60144, 60147, 60151, 60178, 60182, 60511, and 60554. If the State of Illinois expands its vehicle emission testing program to include any or all of the Zip Codes set forth in this exemption any such Zip Code or Zip Codes shall no longer be exempt from the provisions of this Ordinance.

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3. The terms and provisions of this Ordinance shall not apply to any burning of landscape waste for purposes of habitat reclamation or firefighter training.
4. The terms and provisions of this Ordinance shall not apply to the burning of brush for purposes of domestic fire places, cooking or external fireplaces, or to self-contained outdoor wood burning devices or fireplaces.
5. The open burning of brush is allowed for purposes of recreational fires.
6. The open burning of brush is allowed for purposes of ceremonial fires provided that notice of any ceremonial fire has been given to the fire protection district or fire department serving the area where the fire is to take place and a permit has been obtained from the Kane County Health Department. Failure to obtain a permit from the Kane County Health Department prior to conducting a ceremonial fire utilizing brush shall be deemed a violation of this Ordinance. Failure to notify the applicable fire protection district or fire department and obtain permission prior to conducting a ceremonial fire utilizing brush shall be deemed a violation of this Ordinance.

### **Section 11.5-63     Restrictions**

Effective on the date of passage of this ordinance, the open burning of leaves and other landscape waste shall be permitted only from April 1st to May 1st and from October 15th to December 15th in the unincorporated areas of the County. Any and all burning in the unincorporated areas of the County shall be in accordance with the restrictions enumerated below.

1. The open burning of landscape waste shall only occur on the property upon which the landscape waste was generated. The burning of any materials other than landscape waste is prohibited.
2. The following restrictions upon the open burning of landscape waste on the property upon which it was generated shall prevail:
  - a. Burning is permitted only on sunny days between ten o'clock (10:00) A.M. and three o'clock (3:00) P.M.
  - b. Burning is not permitted when the wind is in excess of ten (10) miles per hour.
  - c. Burning is not permitted within twenty feet (20') of any building, structure or property line.
  - d. Burning is not permitted when it is determined and announced by Kane County Health Department that inversion conditions or an ozone alert exist.
  - e. Burning is not permitted of any material other than dry landscape waste or brush.
  - f. Burning is not permitted on public or private roads, alleys, sidewalks or easements.
  - g. All open burning must be supervised until the fire is extinguished.
  - h. A fire extinguisher or garden hose or water source shall be available at the burning site.
  - i. It is the responsibility of the individual conducting the burning and the owner of the property to satisfactorily determine that all conditions upon burning as noted above are complied with during any burning.
  - j. It shall be unlawful for any person to cause or allow any open or uncontrolled burning of landscape wastes and/or other materials in violation of the above regulations and restrictions.

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### Section 11.5-64 Prohibition

Effective January 1, 2003, the open burning of landscape waste and/or other materials, with the exception of brush, is prohibited in the unincorporated areas of Kane County with the exception of those exemptions enumerated in Section 11.5-62.

### Section 11.5-65 Enforcement, Violations & Penalties

1. Any enforcement officer of the Kane County Health Department and any Peace Officer is hereby authorized to enforce the provisions of this Ordinance.
2. Any person who violates any provision of this Ordinance shall be punished by a fine not to exceed \$100 dollars for a first offense and a fine of \$500 dollars for offenses subsequent to the first offense. The burning of any toxic material and any prior convictions under this Ordinance shall be considered factors in aggravation for purposes of the assessment of any fines.

### Section 11.5-66 Alternative Disposal Methods, Educational Programs and Program Oversight

Within two years from the date of passage of this Ordinance the Kane County Environmental Management Department shall develop and implement programs to assist property owners in, but not limited to, the following categories:

1. Education Programs.
2. Coordination of programs with Township government.
3. Coordination of programs with the private sector.
4. Testing of a pilot bag distribution program.
5. Developing programs to assist senior citizens.

The Solid Waste Committee of the Kane County Board shall have oversight responsibility for, and will review quarterly, the development and implementation of all programs in all categories set forth herein and which may be recommended in the future.

###

Discussion followed on the time to develop and implement programs. Moved by Mitchell; seconded by Wolfe, that #01-53 be amended changing in Section 11.5-66 three years to two years. Roll call on Mitchell's motion as follows: AYES: Ardelean, Cameron, Carlson, Cook, Greviskes, Jones, Mitchell, Neuberger, Sanchez, Weigand, Wolfe, & Wyatt. NAYS: Barrett, Hoscheit, Hurlbut, Morse, Rage, Steve-McConnaughay, Tredup, VanOvermeiren, Walter, & Wojnicki. AYES: 12. NAYS: 10. Mitchell's motion to amend passed. Discussion continued on the programs and the effective date. Moved by Rage; seconded by Barrett, that #01-53 be amended changing the effective date to 2005. Roll call on Rage's motion as follows: AYES: Ardelean, Barrett, Hoscheit, Rage, Steve-McConnaughay, Tredup, VanOvermeiren, & Walter. NAYS: Cameron, Carlson, Cook, Greviskes, Hurlbut, Jones, Mitchell, Morse, Neuberger, Sanchez, Weigand, Wojnicki, Wolfe, & Wyatt. AYES: 8. NAYS: 14. Rage's motion to amend failed. Discussion continued. Those speaking for the burn ban expressed concern over clean air, the health of the citizens and not waiting to enact. Those speaking against cited the difficulty for unincorporated areas and fear people might remove trees as a means of addressing the leaf problem. Moved by Weigand; seconded by Wojnicki, to amend striking under Section 11.5-62 Exemption #2 and in Section 11.5-64 "the unincorporated areas." Roll call on Weigand's motion as follows: AYES: Barrett, Greviskes, Hoscheit, Jones, Neuberger, Sanchez, VanOvermeiren, Walter, Weigand, Wojnicki, & Wyatt.

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NAYS: Ardelean, Cameron, Carlson, Cook, Hurlbut, Mitchell, Morse, Rage, Steve-McConnaughay, Tredup, & Wolfe. AYES: 11. NAYS: 11. Breaking the tie, McCoy voted NAY. Weigand's motion to amend failed. Roll call on #01-53 (as amended) as follows: AYES: Ardelean, Cameron, Carlson, Cook, Greviskes, Hurlbut, Jones, Mitchell, Neuberger, Sanchez, Weigand, Wojnicki, Wolfe, & Wyatt. NAYS: Barrett, Hoscheit, Morse, Rage, Steve-McConnaughay, Tredup, VanOvermeiren, & Walter. AYES: 14. NAYS: 8. **RESOLUTION #01-53 ADOPTED.**

### APPOINTMENTS

Chairman McCoy appointed the following:

#### **BOARD OF HEALTH ADVISORY COMMITTEE** (Term expires February, 2004)

Dorothy Poulos, M.D. (Reappointment)  
Rosemary Kamm Gerrans (Reappointment)  
Dr. James L. Willey (Reappointment)  
Dr. George Powell (Reappointment)

#### **HISTORIC PRESERVATION COMMISSION** (Term expires August, 2005)

Larry Becker (Reappointment)  
James Cooke (Reappointment)

#### **DRINKING AND DRIVING TASK FORCE** (Term expires February, 2002)

Donald Bryant - Kane County OEM  
Charles H. Budde - KCFP Chief of Police  
Ofc. John Cotter - Maple Park Police  
Shirley Dalton - Kane County Medical Society  
Mike Fick - Attitude Behavior Modification Systems  
Jim Flynn - CSTO Counseling Service  
Ofc. Jim Genz, Jr. - Elgin Police Department  
Meg Gorecki - Kane County State's Attorney  
Judge James Hallock - Chief Judge's Office  
Sgt. Michael Hewitt - Huntley Police Department  
Sgt. Randy Johnson - No. Aurora Police Department-\*Ofc. Daniel Cyko  
David Kintz-St Charles Police Department  
Sgt. James Kruger, Jr. - Carpentersville Police  
Mike McCoy - Kane County Board Chairman  
Clem Mejia - Educational Service Region - \*Sandy Kakeck  
Robbi Migacz - MADD  
Det. Sgt. Amy Moore-South Elgin Police Department  
Doug Mullins - Illinois Licensed Beverage Association  
Sheriff Ken Ramsey - Kane County Sheriff -\*Sgt. Don Kramer  
Jerry Reidy - Secretary of State/Elgin Facility  
G. Wm. Richards - Attorney

#### **KANE COUNTY TASK FORCE ON DRINKING AND DRIVING** (continued)

Scott Rocush-Care Clinics, Inc.  
Brad Sauer - Sugar Grove Deputy Chief of Police  
Sgt. David Sawyer - West Dundee Police  
Gerry Schlachta - AAIM

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Ofc. Rich Schulte - East Dundee Police  
Thomas Scott - Adult Court Services  
Laura Steging - KC Circuit Clerks Office  
Chuck West - Kane County Coroner  
Norm Widerstrom - St. Charles High School

\* indicates representative for DUI Member

### **STORMWATER MANAGEMENT PLANNING COMMITTEE**

Rudy Neuberger - District I (Reappointment, term expires January, 2003)  
William Wyatt - District II (Reappointment, term expires January, 2005)  
Caryl VanOvermeiren - District III (Reapp., term expires January, 2003)  
Dennis Kosinski - District IV (Reappointment, term expires January, 2005)  
Don Rage - District V (Reappointment, term expires January, 2003)  
William Morse - District VI (Reappointment, term expires January, 2005)

### **SPEAKERS**

Chris Kemp, Ellen Nottke and Kay Catlin were present on the open burning ban. Nottke said that it was an unfunded mandate on every citizen and Catlin thanked the Board for passing it.

### **EXECUTIVE SESSION**

Moved by Greviskes; seconded by Ardelean, that the Board enter Executive Session for the purpose of discussing pending litigation. Carried unanimously by voice vote. Chairman McCoy closed the meeting to the public at 11:37 a.m. The Board resumed regular session at 11:43 a.m.

There being no further business, moved by Carlson; seconded by Sanchez, that the meeting stand adjourned until the next regularly scheduled meeting. Carried unanimously by voice vote. Chairman McCoy adjourned the meeting at 11:44 a.m.