

**COUNTY BOARD MINUTES – OCTOBER 12, 2004**

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The Adjourned Meeting of the Kane County Board was held at the Kane County Government Center, Geneva, IL at 9:52 a.m. on Tuesday, October 12, 2004, Chairman, Michael W. McCoy; John A. Cunningham, Clerk.

Roll call as follows: PRESENT: Allan, Cameron, Cook, Greviskes, Griffin, Hoscheit, Hurlbut, Jones, Kudlicki, McConnaughay, R., Mitchell, Neuberger, Noverini, Richards, Sanchez, Scalfaro, McConnaughay, K., Tredup, VanOvermeiren, Walter, Weigand, Wojnicki, Wolfe, Wyatt (late) ABSENT: Barrett, Carlson PRESENT: 24 ABSENT: 2

### APPROVAL OF MINUTES

Moved by Jones; seconded by Wolfe, that the minutes of the September 14, 2004 meeting be approved. No additions or corrections. Carried unanimously by voice vote.

### PRESENTATIONS

Greviskes read and presented a Certificate of Recognition to Doctor Joseph Busch, D.V.M. for his 21 years of service to the citizens of Kane County.

Walters read and presented a Certificate of Recognition to the South Elgin Junior Boys All-Star Baseball Team on District 13's first State title in 10 years.

Pete Mianowski, AFSCME Local 416, presented a plaque to the County Board from the staff, residents and families of the Illinois Youth Center for their successful efforts to keep the center open.

### ZONING PETITIONS

#### ZONING PETITION #4006

(Campton Township, Didier Custom Homes)

Moved by Hurlbut; seconded by Wojnicki that #4006 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 and R-1 Single Family to B-1 District Business:

That part of the Northeast quarter of the Northwest quarter of Section 23, Township 40 North, Range 7 East of the Third Principal Meridian described as follows: Commencing at an iron in the center of the North and South Rd (more particularly described as La Fox Rd.) and the East and West Rd. (more particularly described as IL. St. Rte 64) at Wasco, Kane County IL; thence North along the center of LaFox Rd. 199.15 ft to an iron at the point of beginning; thence North 89°04' West 197.5 ft; thence North 48°44' West 92.5 ft to a gas pipe; thence South 89°04' East 267.2 ft to an iron in the center of La Fox Rd; thence South along the center of the road 60 ft to the point of beginning, in the Township of Campton, Kane County IL.

- 2) That the zoning maps of Kane County, Illinois, be amended accordingly.

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

###

John Thornhill agent for the petitioner was present and available to answer questions. Richards asked what the objections were. Thornhill stated the issue was a change from residential to business use, however, this parcel is surrounded by businesses. There were no further questions or discussion. Carried unanimously by voice vote. **ZONING PETITION #4006 GRANTED.**

### **ZONING PETITION #4012**

(St. Charles Township, LK, LLC)

Moved by Hurlbut; seconded by Hoscheit that #4012 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 properties are hereby rezoned and reclassified from F District-Farming, PUD Planned Unit Development and B-1 District Business to PUD Planned Unit Development.

#### PARCEL 1:

THAT PART OF THE NORTHEAST 1/4 OF SECTION 11, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE WEST LINE OF SAID NORTHEAST 1/4 WITH THE SOUTH LINE OF COURIER AVENUE, AS NOW ESTABLISHED, 66 FEET IN WIDTH; THENCE SOUTH 00 DEGREES, 53 MINUTES, 42 SECONDS EAST ALONG THE WEST LINE OF SAID NORTHEAST 1/4, 140 FEET TO THE SOUTHERLY LINE EXTENDED EASTERLY OF LOT 1613 OF FOX RIVER HEIGHTS, MAP 2; THENCE NORTH 88 DEGREES, 25 MINUTES, 43 SECONDS EAST PARALLEL WITH THE SOUTH LINE OF COURIER AVENUE, 50 FEET; THENCE NORTH 00 DEGREES, 53 MINUTES, 42 SECONDS WEST PARALLEL WITH THE WEST LINE OF SAID NORTHEAST 1/4, 140 FEET TO THE SOUTH LINE OF COURIER AVENUE; THENCE SOUTH 88 DEGREES, 25 MINUTES, 43 SECONDS WEST ALONG SAID SOUTH LINE 50 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF ST. CHARLES, KANE COUNTY, ILLINOIS

#### PARCEL 2:

THAT PART OF THE EAST 1/2 OF SECTION 11, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE WEST LINE OF THE EAST 1/2 OF SAID SECTION 11, SAID POINT BEING 140.0 FEET SOUTH OF THE SOUTH LINE OF COURIER AVENUE, AS NOW ESTABLISHED, 66 FEET IN WIDTH; THENCE NORTH 88 DEGREES, 25 MINUTES, 43 SECONDS EAST PARALLEL WITH THE SOUTH LINE OF COURIER AVENUE 50.0 FEET; THENCE NORTH 0 DEGREES, 53 MINUTES, 42 SECONDS WEST PARALLEL WITH THE WEST LINE OF THE EAST 1/2 OF SAID SECTION 11, 140.0 FEET TO THE SOUTH LINE OF COURIER AVENUE; THENCE NORTH 88 DEGREES, 25 MINUTES, 43 SECONDS EAST ALONG SAID SOUTH LINE 352.73 FEET; THENCE SOUTH 1 DEGREES, 23 MINUTES, 0 SECONDS EAST 603.27 FEET; THENCE SOUTH 87 DEGREES, 02 MINUTES, 42 SECONDS WEST 74.80 FEET TO THE EAST LINE EXTENDED NORTHERLY OF CARL-LEE SUBDIVISION; THENCE SOUTH 0 DEGREES, 40 MINUTES, 42 SECONDS EAST ALONG SAID EXTENSION 306.84 FEET TO A POINT 193.12 FEET NORTHERLY OF THE NORTHEAST CORNER OF LOT 1 IN CARL-LEE SUBDIVISION, AS MEASURED ALONG SAID EXTENSION; THENCE WEST ALONG A LINE WHICH FORMS AN ANGLE OF 89 DEGREES, 47 MINUTES, 02 SECONDS WITH THE LAST DESCRIBED LINE, MEASURED FROM SOUTH TO WEST, A DISTANCE OF 280.65 FEET TO A POINT 52.0 FEET EAST OF THE

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WEST LINE OF THE EAST 1/2 OF SAID SECTION 11; THENCE SOUTH ALONG A LINE PARALLEL WITH SAID WEST LINE, A DISTANCE OF 214.50 FEET OF THE NORTHEAST CORNER OF A TRACT OF LAND DEDICATED TO THE VILLAGE OF VALLEY VIEW BY DOCUMENT 1403510 RECORDED APRIL 28, 1977; THENCE WEST PERPENDICULAR TO THE LAST DESCRIBED LINE A DISTANCE OF 52.0 FEET TO THE WEST LINE OF THE EAST 1/2 OF SAID SECTION 11; THENCE NORTH ALONG SAID WEST LINE TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF ST. CHARLES, KANE COUNTY, ILLINOIS

### PARCEL 6:

THAT PART OF LOT 4 OF CARL-LEE SUBDIVISION, BEING A SUBDIVISION OF PART OF THE EAST 1/2 OF SECTION 11, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE MOST EASTERLY CORNER OF SAID LOT 4; THENCE SOUTHWESTERLY ALONG THE SOUTHEASTERLY LINE OF SAID LOT 4 A DISTANCE OF 52 FEET FOR THE POINT OF BEGINNING; THENCE NORTHWESTERLY ALONG A LINE THAT IS PARALLEL WITH THE SOUTHWESTERLY LINE OF LOT 3 IN SAID CARL-LEE SUBDIVISION TO THE WEST LINE OF SAID LOT 4; THENCE SOUTHERLY ALONG SAID WESTERLY LINE TO THE SOUTHWEST CORNER OF SAID LOT 4; THENCE NORTHEASTERLY ALONG THE SOUTHEASTERLY LINE OF SAID LOT 4 TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF ST. CHARLES, KANE COUNTY, ILLINOIS

### PARCEL 7:

THAT PART OF THE SOUTHWEST 1/4 OF SECTION 11, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SOUTHWEST 1/4; THENCE SOUTHERLY ALONG THE EAST LINE OF SAID QUARTER 297.0 FEET TO THE SOUTHEAST CORNER OF HAWTHORN RIDGE, BEING A SUBDIVISION OF PART OF THE SOUTHWEST 1/4 AND PART OF THE NORTHWEST 1/4 OF SECTION 11, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN FOR A POINT OF BEGINNING; THENCE WESTERLY ALONG THE SOUTHERLY LINE AND SOUTHERLY LINE EXTENDED OF SAID HAWTHORN RIDGE 797.51 FEET TO A POINT THAT IS 263.0 FEET EASTERLY OF THE EASTERLY LINE OF SEMINARY ROAD (MEASURED ALONG SAID SOUTHERLY LINE); THENCE SOUTHERLY PARALLEL WITH SAID EASTERLY LINE 140.0 FEET; THENCE WESTERLY PARALLEL WITH SAID SOUTHERLY LINE 263.0 FEET TO SAID EASTERLY LINE; THENCE SOUTHERLY ALONG SAID EASTERLY LINE 795.99 FEET TO THE NORTHERLY LINE OF ST. CHARLES SQUARE-UNIT 1, ST. CHARLES TOWNSHIP, KANE COUNTY, ILLINOIS; THENCE EASTERLY ALONG THE NORTHERLY LINE OF SAID ST. CHARLES SQUARE 438.37 FEET TO THE NORTHEASTERLY CORNER THEREOF; THENCE NORTHERLY ALONG THE EASTERLY LINE EXTENDED OF SAID ST. CHARLES SQUARE 42.60 FEET TO A POINT THAT IS 319.62 FEET NORTHERLY OF THE SOUTHEAST CORNER OF SAID ST. CHARLES SQUARE; THENCE NORTHEASTERLY ALONG A LINE FORMING AN ANGLE OF 128 DEGREES, 29 MINUTES, 30 SECONDS WITH THE LAST DESCRIBED COURSE (MEASURED COUNTER-CLOCKWISE THEREFROM) 804.49 FEET TO THE EAST LINE OF SAID SOUTHWEST 1/4; THENCE NORTHERLY ALONG SAID EAST LINE 407.06 FEET TO THE POINT OF BEGINNING, IN THE ST. CHARLES TOWNSHIP, KANE COUNTY, ILLINOIS.

### PARCEL 8:

THAT PART OF THE SOUTHWEST 1/4 OF SECTION 11, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SOUTHWEST 1/4; THENCE SOUTHERLY ALONG THE EAST LINE OF SAID QUARTER 297.0 FEET TO THE SOUTHEAST CORNER OF HAWTHORN RIDGE, BEING A SUBDIVISION OF PART OF THE SOUTHWEST 1/4 AND PART OF THE NORTHWEST 1/4 OF SECTION 11, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN; THENCE WESTERLY ALONG THE SOUTHERLY LINE AND SOUTHERLY LINE EXTENDED OF SAID HAWTHORN RIDGE 1060.51 FEET TO THE EASTERLY LINE OF SEMINARY ROAD; THENCE SOUTHERLY ALONG SAID EASTERLY LINE 1221.09 FEET TO THE NORTHERLY LINE OF ROBERT ROAD; THENCE EASTERLY ALONG SAID NORTHERLY LINE 440.70 FEET TO SOUTHEAST CORNER OF ST. CHARLES SQUARE-UNIT 1, ST. CHARLES TOWNSHIP, KANE COUNTY, ILLINOIS FOR A POINT OF BEGINNING; THENCE NORTHERLY ALONG THE EASTERLY LINE AND EASTERLY LINE EXTENDED OF SAID ST. CHARLES SQUARE 319.62 FEET; THENCE NORTHEASTERLY ALONG A LINE FORMING AN ANGLE OF 128 DEGREES, 29 MINUTES, 30 SECONDS WITH THE LAST DESCRIBED COURSE (MEASURED COUNTER-CLOCKWISE THEREFROM) 804.49 FEET TO THE EAST LINE OF SAID SOUTHWEST 1/4; THENCE SOUTHERLY ALONG SAID EAST LINE 382.41 FEET TO THE NORTHWESTERLY RIGHT OF WAY LINE OF ILLINOIS STATE ROUTE NO. 25, BEING A LINE DRAWN CONCENTRIC WITH AND 50.0 FEET NORTHERLY OF THE CENTER LINE OF SAID STATE ROUTE

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(MEASURED RADIALLY THERETO); THENCE SOUTHWESTERLY ALONG SAID NORTHWESTERLY LINE, BEING CONCENTRIC AND PARALLEL WITH SAID CENTER LINE 702.60 FEET TO THE NORTHERLY LINE OF SAID ROBERT ROAD; THENCE WESTERLY ALONG SAID NORTHERLY LINE 79.63 FEET TO THE POINT OF BEGINNING, IN ST. CHARLES TOWNSHIP, KANE COUNTY, ILLINOIS.

### PARCEL 9:

THAT PART OF THE SOUTHEAST 1/4 OF SECTION 11, TOWNSHIP 40 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, AND THAT PART OF LOT 4 IN CARL-LEE SUBDIVISION, ALL DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT 1 IN SAID CARL-LEE SUBDIVISION; THENCE NORTH 00 DEGREES, 40 MINUTES, 42 SECONDS WEST ALONG THE EAST LINE OF SAID LOT 1 EXTENDED NORTH, 193.12 FEET; THENCE WEST ALONG A LINE WHICH FORMS AN ANGLE OF 89 DEGREES, 47 MINUTES, 2 SECONDS WITH THE LAST DESCRIBED COURSE, AS MEASURED FROM SOUTH TO WEST, 280.65 FEET TO A POINT 52.0 FEET EAST OF THE WEST LINE OF THE EAST 1/2 OF SAID SECTION 11; THENCE SOUTH ALONG A LINE PARALLEL WITH SAID WEST LINE, 314.50 FEET; THENCE SOUTHEASTERLY ALONG A CURVED LINE HAVING A RADIUS OF 111.32 FEET, CONVEXED WESTERLY, AN ARC DISTANCE OF 81.28 FEET; THENCE SOUTHEASTERLY ALONG A LINE TANGENT TO THE LAST DESCRIBED CURVED LINE 22.01 FEET TO THE NORTHWESTERLY CORNER OF LOT 3 IN SAID CARL-LEE SUBDIVISION; THENCE NORTHEASTERLY ALONG THE NORTHWESTERLY LINES OF LOTS 3, 2 AND 1 IN SAID CARL-LEE SUBDIVISION TO THE POINT OF BEGINNING; IN KANE COUNTY, ILLINOIS.

### PARCEL 10

CARL-LEE ROAD AS DEDICATED PER DOCUMENT NUMBER 1403510 BEING PART OF THE SOUTHEAST 1/4 OF SECTION 11, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN; IN KANE COUNTY, ILLINOIS.

### PARCEL 3:

THAT PART OF THE EAST 1/2 OF SECTION 11, TOWNSHIP 40 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE CENTER OF SAID SECTION 11; THENCE NORTH 1 DEGREE 23 MINUTES WEST, ALONG THE QUARTER SECTION LINE, 530 FEET; THENCE NORTH 88 DEGREES 51 MINUTES EAST, 409.0 FEET FOR THE POINT OF BEGINNING; THENCE SOUTH 1 DEGREE 23 MINUTES EAST 587.0 FEET; THENCE SOUTH 62 DEGREES 55 MINUTES EAST 406.67 FEET TO THE NORTHWESTERLY LINE OF A 66 FOOT HIGHWAY (ILLINOIS STATE ROUTE NO. 25); THENCE NORTHEASTERLY, ALONG SAID NORTHWESTERLY LINE, ON A CURVE TO THE LEFT HAVING A RADIUS OF 11226.14 FEET, A DISTANCE OF 70.0 FEET TO A LINE DRAWN PARALLEL WITH AND 805.2 FEET NORTH 88 DEGREES 51 MINUTES EAST OF THE NORTH AND SOUTH CENTERLINE OF SAID SECTION 11; THENCE NORTH 1 DEGREE 23 MINUTES WEST, ALONG SAID PARALLEL LINE, 691.1 FEET TO A POINT IN THE SOUTH LINE OF COURIER AVENUE; THENCE NORTH 57 DEGREES 32 MINUTES WEST, 59.6 FEET; THENCE SOUTH 88 DEGREES 51 MINUTES WEST, 346.7 FEET TO THE POINT OF BEGINNING, IN THE ST. CHARLES TOWNSHIP, KANE COUNTY, ILLINOIS. EXCEPTING THEREFROM THAT PART OF THE SOUTHEAST 1/4 OF SECTION 11, TOWNSHIP 40 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE CENTER OF SAID SECTION 11; THENCE NORTHERLY ALONG THE QUARTER SECTION LINE 531.4 FEET TO A LINE 33 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF COURIER AVENUE; THENCE EASTERLY ALONG SAID PARALLEL LINE 409.00 FEET; THENCE SOUTHERLY, PARALLEL WITH THE QUARTER SECTION LINE, 587 FEET; THENCE SOUTH 62 DEGREES 55 MINUTES EAST 406.67 FEET TO THE NORTHWESTERLY RIGHT OF WAY LINE OF STATE ROUTE 25 FOR THE POINT OF BEGINNING; THENCE NORTH 62 DEGREES 55 MINUTES WEST 140.0 FEET; THENCE NORTH 22 DEGREES 05 MINUTES EAST 145.0 FEET; THENCE SOUTH 62 DEGREES 55 MINUTES EAST 140.0 FEET TO THE NORTHWESTERLY RIGHT OF WAY LINE OF STATE ROUTE 25; THENCE SOUTHWESTERLY ALONG SAID RIGHT OF WAY LINE 145.0 FEET TO THE POINT OF BEGINNING, IN ST. CHARLES TOWNSHIP, KANE COUNTY, ILLINOIS. ALSO EXCEPTING THEREFROM THAT PART OF THE SOUTHEAST 1/4 OF SECTION 11, TOWNSHIP 40 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE CENTER OF SAID SECTION; THENCE NORTHERLY ALONG THE QUARTER SECTION LINE 531.4 FEET TO A LINE 33 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF COURIER AVENUE; THENCE EASTERLY ALONG SAID PARALLEL LINE 809 FEET TO THE SOUTHEAST CORNER OF FOX RIVER HEIGHTS, A SUBDIVISION IN PART OF SECTIONS 2 AND 11, TOWNSHIP AND RANGE AFORESAID; THENCE SOUTH 1 DEGREE 01 MINUTE 57 SECONDS EAST ALONG THE EAST LINE OF SAID FOX RIVER HEIGHTS EXTENDED SOUTHERLY, A DISTANCE OF 781.49 FEET TO THE CENTER LINE OF STATE ROUTE 25;

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THENCE NORTH 1 DEGREE 01 MINUTE 57 SECONDS WEST ALONG SAID EAST LINE EXTENDED, 145.47 FEET FOR THE PLACE OF BEGINNING; THENCE NORTH 62 DEGREES 55 MINUTES 00 SECONDS WEST 79.29 FEET; THENCE NORTH 22 DEGREES 05 MINUTES 00 SECONDS EAST 178.12 FEET TO A POINT IN THE EAST LINE OF FOX RIVER HEIGHTS EXTENDED SOUTHERLY; THENCE SOUTH 1 DEGREE 01 MINUTE 57 SECONDS EAST ALONG SAID EAST LINE EXTENDED, 201.19 FEET TO THE PLACE OF BEGINNING, SITUATED IN ST. CHARLES TOWNSHIP, KANE COUNTY, ILLINOIS.

### PARCEL 4:

THAT PART OF THE SOUTHEAST 1/4 OF SECTION 11, TOWNSHIP 40 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE CENTER OF SAID SECTION 11; THENCE NORTHERLY ALONG THE QUARTER SECTION LINE 531.4 FEET TO A LINE 33 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF COURIER AVENUE; THENCE EASTERLY ALONG SAID PARALLEL LINE 409.0 FEET; THENCE SOUTHERLY, PARALLEL WITH THE QUARTER SECTION LINE, 587 FEET; THENCE SOUTH 62 DEGREES 55 MINUTES EAST 406.67 FEET TO THE NORTHWESTERLY RIGHT OF WAY LINE OF STATE ROUTE 25 FOR THE POINT OF BEGINNING; THENCE NORTH 62 DEGREES 55 MINUTES WEST 140.0 FEET; THENCE NORTH 22 DEGREES 05 MINUTES EAST 145.0 FEET; THENCE SOUTH 62 DEGREES 55 MINUTES EAST 140.0 FEET TO THE NORTHWESTERLY RIGHT OF WAY LINE OF STATE ROUTE 25; THENCE SOUTHWESTERLY ALONG SAID RIGHT OF WAY LINE 145.0 FEET TO THE POINT OF BEGINNING, IN ST. CHARLES TOWNSHIP, KANE COUNTY, ILLINOIS.

### PARCEL 5:

THAT PART OF THE SOUTHEAST 1/4 OF SECTION 11, TOWNSHIP 40 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE CENTER OF SAID SECTION 11; THENCE NORTH 1 DEGREE 23 MINUTES WEST ALONG THE QUARTER SECTION LINE 530 FEET; THENCE NORTH 88 DEGREES 51 MINUTES EAST 409 FEET; THENCE SOUTH 1 DEGREE 23 MINUTES EAST 587 FEET FOR THE POINT OF BEGINNING; THENCE SOUTH 1 DEGREE 23 MINUTES EAST 50 FEET; THENCE SOUTH 88 DEGREES 51 MINUTES WEST 75 FEET; THENCE SOUTH 1 DEGREE 23 MINUTES EAST 697.9 FEET TO THE NORTHWESTERLY LINE OF STATE HIGHWAY NO. 25; THENCE NORTHEASTERLY ALONG SAID NORTHWESTERLY LINE 703.33 FEET TO A POINT IN A LINE DRAWN SOUTH 62 DEGREES 55 MINUTES EAST FROM THE POINT OF BEGINNING; THENCE NORTH 62 DEGREES 55 MINUTES WEST 406.67 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF ST. CHARLES, KANE COUNTY, ILLINOIS. EXCEPTING THEREFROM THAT PART OF THE WEST 1/2 OF THE SOUTH EAST 1/4 OF SECTION 11, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF LOT 1 OF CARL-LEE SUBDIVISION, BEING A SUBDIVISION OF PART OF THE EAST 1/2 OF SECTION 11 AFORESAID; THENCE SOUTH ALONG THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID LOT, A DISTANCE OF 23.62 FEET TO A POINT ON THE NORTHWESTERLY RIGHT OF WAY LINE OF STATE ROUTE 25 FOR THE POINT OF BEGINNING; THENCE NORTHERLY ALONG THE EAST LINE OF SAID LOT 1 AND THE SOUTHERLY EXTENSION THEREOF 206.27 FEET TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE EAST AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, 5.40 FEET; THENCE SOUTHERLY 155.01 FEET TO A POINT THAT IS 5.70 FEET EAST OF THE EAST LINE OF SAID LOT 1 (AS MEASURED AT RIGHT ANGLES THERETO); THENCE SOUTHEASTERLY 31.35 FEET TO A POINT ON THE NORTHWESTERLY RIGHT OF WAY LINE OF ROUTE 25 THAT IS 37.91 FEET NORTHEASTERLY OF THE POINT OF BEGINNING (AS MEASURED ALONG SAID RIGHT OF WAY LINE); THENCE SOUTHWESTERLY ALONG SAID RIGHT OF WAY LINE, BEING ON A CURVE TO THE RIGHT HAVING A RADIUS OF 4490.24 FEET, AN ARC DISTANCE OF 37.91 FEET TO THE POINT OF BEGINNING IN THE TOWNSHIP OF ST. CHARLES, KANE COUNTY, ILLINOIS.

## 2) That the Rezoning be granted subject to the following stipulation:

1. An agreement concerning the provisions by FRWRD of potable water and sanitary sewer services to all uses in the development must be approved by the Fox River Water Reclamation District, the County and the developer.
2. The existing well and septic for the industrial building shall be abandoned within 120 days of the Fox River Water Reclamation District's acceptance of the water and sewer system.
3. The water mains and water tower shall be sized and constructed in accordance with the Fox River Water Reclamation District and the Illinois EPA.

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4. The sanitary sewers and sanitary pump station shall be sized and constructed in accordance with the Fox River Water Reclamation District and Illinois EPA requirements.
  5. The water main connection from the existing Skyline Estates Subdivision to the subdivision shall be “looped” with two connections between each system at different locations. This may require construction of additional offsite water mains.
  6. The final design of the offsite storm sewers to the northwest and southwest shall be subject to the acceptance and approval of the St. Charles Township Road District.
  7. A new storm sewer is required to be designed and built through the Skyline Estates subdivision to Norton Creek Tributary on the north side of Il. Rt. 25. This storm sewer shall also connect the sump pump discharges from the homes along Seminary Road.
  8. All remaining comments from the Preliminary Plan review letter of March 23, 2004, from Roake & Associates and the responses in the Manhard Consulting, Ltd. response letter dated April 28, 2004, shall be resolved at the final improvement plan stage including stormwater detention for redevelopment of the industrial parcel into the northerly detention basin.
  9. The developer shall provide through the covenants, conditions and restrictions, and recordation of same, that not more than twenty per cent (20%) of all townhomes to be constructed shall be available for rental.
  10. The developer shall maintain a buffer area between the townhomes and Illinois Route 25 of not less than sixty (60) feet as measured from the westerly right-of-way line of Route 25, with the westerly portion thereof being heavily bermed and landscaped.
  11. Any and all fencing on and along Route 25 shall be of a single type such as split rail fence or wrought iron. Cyclone, chain link, stockyard, or board-on-board shall be specifically prohibited by the recorded covenants and restrictions.
  12. The entrance treatment at Route 25 shall be of the “minimalist” design with NO center landscape median.
  13. The developer shall adhere to the previously submitted conceptual landscape plan (revision date of 02/20/04), conceptual monument plan (revision date of 05/04/04), aesthetic character exhibit (dated 02/20/04), and street profile section for Whitmore Place (dated 02/20/04), all in relation to WHITMORE PLACE and as prepared by Sehler-Peterson and Associates, Ltd. and as submitted to the Village of Wayne Plan Commission on June 5, 2004.
  14. When, and if WHITMORE PLACE becomes sufficiently contiguous to the Village of Wayne in the future, the Developer will agree to cooperate with the Village in (a) the annexation of the property constituting WHITMORE PLACE to the Village of Wayne and (b) will cooperate with the Village in the creation of one or more Special Service Areas in order to fund roadway maintenance and related costs.
- 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.

###

Hurlbut stated she would like to amend number 14 in the Zoning Board recommendations based on a request from the Village of Wayne; seconded by Hoscheit. Peter Lappin and Malcolm Kanute petitioners were present and available to answer questions. Richards asked staff what adjacent property owners were objecting to. The staff answered that the concern was about drainage which has been dealt with. Discussion. Approved by voice vote.

**ZONING PETITION #4012 GRANTED AS AMENDED.**



## COUNTY BOARD MINUTES – OCTOBER 12, 2004

### FISCAL YEAR 2005 BUDGET RESOLUTIONS & ORDINANCES

#### ORDINANCE #04-361

Moved by Weigand; seconded by Wolfe the #04-361 be adopted.

#### ADOPTING THE ANNUAL APPROPRIATIONS

BE IT ORDAINED that the County Board of Kane County, State of Illinois, hereby adopts the attached schedule of appropriations for all corporate purposes for the fiscal period beginning December 1, 2004 and ending November 30, 2005.

BE IT FURTHER ORDAINED that:

1. The schedule of appropriations as attached is intended to cover all expenditures to be made by the County of Kane for the said fiscal year.
2. All expenditures made during said fiscal year are hereby limited to the amounts specified in said schedule of appropriations.
3. All unexpended balances may be expended in making up any deficiency for the same general purpose as was appropriated.
4. The appropriate account number shall be shown on each purchase order and check drawn on the County Treasury.
5. The Finance Director shall keep an accurate account of the financial status of each specific fund.
6. The County Clerk and County Treasurer are authorized and required to sign and countersign all checks drawn on the County Treasury in payment for services and materials purchased, other than those set out in paragraph 7 (a) and (b) herein.
7. The County Clerk and County Treasurer, individually, are authorized to sign checks drawn on the County Treasury which are expenditures for (a) Personal Service appropriations contained within said schedule of appropriations, and (b) all contractual obligations as authorized by the Finance Director.
8. The County Auditor may approve for payment bills for items or services which he/she deems appropriate for payment that (a) the funds have been appropriated herein, (b) the cost for such goods or services does not exceed \$10,000 (ten thousand dollars), and (c) the payment of such bills does not violate any other provision of the law.

Passed at this adjourned session of the October meeting of the County Board of Kane County, held at the Government Center in Geneva, Kane County on October 12, 2004.

###

## COUNTY BOARD MINUTES – OCTOBER 12, 2004

Roll call as follows: AYES: Allan, Cameron, Cook, Greviskes, Griffin, Hoscheit, Hurlbut, Jones, Kudlicki, McConnaughay, R., Mitchell, Neuberger, Noverini, Richards, Sanchez, Scalfaro, McConnaughay, K., Tredup, VanOvermeiren, Walter, Weigand, Wojnicki, Wolfe, Wyatt  
NAYES: None AYES: 24 NAYS: 0 **RESOLUTION #04-361 APPROVED.** Question was raised whether items could be voted on as a whole. Discussion followed. On a motion by Jones; seconded by McConnaughay, K., Fiscal 2005 Budget Resolution & Ordinances would be voted on separately. Approved unanimously by voice vote.

### **RESOLUTION #04-362**

Moved by Weigand; seconded by Wolfe that #04-362 be adopted.

### **ADOPTING A TAX LEVY FOR THE GENERAL FUND**

BE IT RESOLVED by the County Board of the County of Kane, State of Illinois, at this adjourned session of the October meeting of said County Board, held at the Government Center in Geneva, Kane County, Illinois, that there be and there is hereby levied upon all taxable property within the County of Kane, the sum of:

TWENTY MILLION SIX HUNDRED EIGHTY SEVEN THOUSAND DOLLARS  
(\$20,687,000)

Such levy shall be spent for the objects and purposes as set fourth in detail in the GENERAL FUND Budget of the County of Kane, State of Illinois for the fiscal period beginning December 1, 2004, and ending November 30, 2005.

###

Roll call as follows: AYES: Allan, Cameron, Cook, Greviskes, Griffin, Hoscheit, Hurlbut, Jones, Kudlicki, McConnaughay, R., Mitchell, Neuberger, Noverini, Richards, Sanchez, Scalfaro, McConnaughay, K., Tredup, VanOvermeiren, Walter, Weigand, Wojnicki, Wolfe, Wyatt  
NAYES: None AYES: 24 NAYS: 0 **RESOLUTION #04-362 APPROVED.**

### **RESOLUTION #04-363**

Moved by Weigand; seconded by Wojnicki that #04-363 be adopted.

### **ADOPTING A TAX LEVY FOR THE ILLINOIS MUNICIPAL RETIREMENT FUND**

BE IT RESOLVED by the County Board of the County of Kane, State of Illinois, at this adjourned session of the October meeting of said County Board, held at the Government Center in Geneva, Kane County, Illinois, that there be and there is hereby levied upon all taxable property within the County of Kane, the sum of:

FOUR MILLION THREE HUNDRED THOUSAND DOLLARS  
(\$4,300,000)

## COUNTY BOARD MINUTES – OCTOBER 12, 2004

Such levy shall be spent for the objects and purposes as set fourth in detail in the ILLINOIS MUNICIPAL RETIREMENT FUND Budget of the County of Kane, State of Illinois, for the fiscal period beginning December 1, 2004 and ending November 30, 2005.

###

Roll call as follows: AYES: Allan, Cameron, Cook, Greviskes, Griffin, Hoscheit, Hurlbut, Jones, Kudlicki, McConnaughay, R., Mitchell, Neuberger, Noverini, Richards, Sanchez, Scalfaro, McConnaughay, K., Tredup, VanOvermeiren, Walter, Weigand, Wojnicki, Wolfe, Wyatt  
NAYES: None AYES: 24 NAYS: 0 **RESOLUTION #04-363 APPROVED.**

### **RESOLUTION #04-364**

Moved by Weigand; seconded by Wolfe that #04-364 be adopted.

### **ADOPTING A TAX LEVY FOR THE SOCIAL SECURITY FUND**

BE IT RESOLVED by the County Board of the County of Kane, State of Illinois, at this adjourned session of the October meeting of said County Board, held at the Government Center in Geneva, Kane County, Illinois, that there be and there is hereby levied upon all taxable property within the County of Kane, the sum of:

THREE MILLION SEVENTY-FIVE THOUSAND DOLLARS  
(\$3,075,000)

Such levy shall be spent for the objects and purposes as set fourth in detail in the SOCIAL SECURITY FUND Budget of the County of Kane, State of Illinois for the fiscal period beginning December 1, 2004 and ending November 30, 2005.

###

Roll call as follows: AYES: Allan, Cameron, Cook, Greviskes, Griffin, Hoscheit, Hurlbut, Jones, Kudlicki, McConnaughay, R., Mitchell, Neuberger, Noverini, Richards, Sanchez, Scalfaro, McConnaughay, K., Tredup, VanOvermeiren, Walter, Weigand, Wojnicki, Wolfe, Wyatt  
NAYES: None AYES: 24 NAYS: 0 **RESOLUTION #04-364 APPROVED.**

### **RESOLUTION #04-365**

Moved by Weigand; seconded by Griffin that #04-365 be adopted.

### **ADOPTING A TAX LEVY FOR THE INSURANCE LIABILITY FUND**

BE IT RESOLVED by the County Board of the County of Kane, State of Illinois, at this adjourned session of the October meeting of said County Board, held at the Government Center in Geneva, Kane County, Illinois, that there be and there is hereby levied upon all taxable property within the County of Kane, the sum of:

TWO MILLION EIGHT HUNDRED SIXTY SEVEN THOUSAND DOLLARS  
(\$2,867,000)

## COUNTY BOARD MINUTES – OCTOBER 12, 2004

Such levy shall be spent for the objects and purposes as set fourth in detail in the INSURANCE LIABILITY FUND Budget of the County of Kane, State of Illinois for the fiscal period beginning December 1, 2004, and ending November 30, 2005.

###

Roll call as follows: AYES: Allan, Cameron, Cook, Greviskes, Griffin, Hoscheit, Hurlbut, Jones, Kudlicki, McConnaughay, R., Mitchell, Neuberger, Noverini, Richards, Sanchez, Scalfaro, McConnaughay, K., Tredup, VanOvermeiren, Walter, Weigand, Wojnicki, Wolfe, Wyatt  
NAYES: None AYES: 24 NAYS: 0 **RESOLUTION #04-365 APPROVED.**

### **RESOLUTION #04-366**

Moved by Weigand; seconded by Kudlicki that #04-366 be adopted.

### **ADOPTING A TAX LEVY FOR THE COUNTY HIGHWAY FUND**

BE IT RESOLVED by the County Board of the County of Kane, State of Illinois, at this adjourned session of the October meeting of said County Board, held at the Government Center in Geneva, Kane County, Illinois, that there be and there is hereby levied upon all taxable property within the County of Kane, the sum of:

FIVE MILLION THREE HUNDRED FIVE THOUSAND DOLLARS  
(\$5,305,000)

Such levy shall be spent for the objects and purposes as set fourth in detail in the COUNTY HIGHWAY FUND Budget of the County of Kane, State of Illinois for the fiscal period beginning December 1, 2004 and ending November 30, 2005.

###

Roll call as follows: AYES: Allan, Cameron, Cook, Greviskes, Griffin, Hoscheit, Hurlbut, Jones, Kudlicki, McConnaughay, R., Mitchell, Neuberger, Noverini, Richards, Sanchez, Scalfaro, McConnaughay, K., Tredup, VanOvermeiren, Walter, Weigand, Wojnicki, Wolfe, Wyatt  
NAYES: None AYES: 24 NAYS: 0 **RESOLUTION #04-366 APPROVED.**

### **RESOLUTION #04-367**

Moved by Weigand; seconded by Walter that #04-367 be adopted.

### **ADOPTING A TAX LEVY FOR THE COUNTY BRIDGE FUND**

BE IT RESOLVED by the County Board of the County of Kane, State of Illinois, at this adjourned session of the October meeting of said County Board, held at the Government Center in Geneva, Kane County, Illinois, that there be and there is hereby levied upon all taxable property within the County of Kane, the sum of:

TWO HUNDRED SEVENTY SIX THOUSAND DOLLARS  
(\$276,000)

## COUNTY BOARD MINUTES – OCTOBER 12, 2004

Such levy shall be spent for the objects and purposes as set fourth in detail in the COUNTY BRIDGE FUND Budget of the County of Kane, State of Illinois for the fiscal period beginning December 1, 2004 and ending November 30, 2005.

###

Roll call as follows: AYES: Allan, Cameron, Cook, Greviskes, Griffin, Hoscheit, Hurlbut, Jones, Kudlicki, McConnaughay, R., Mitchell, Neuberger, Noverini, Richards, Sanchez, Scalfaro, McConnaughay, K., Tredup, VanOvermeiren, Walter, Weigand, Wojnicki, Wolfe, Wyatt  
NAYES: None AYES: 24 NAYS: 0 **RESOLUTION #04-367 APPROVED.**

### **RESOLUTION #04-368**

Moved by Weigand; seconded by Jones that #04-368 be adopted.

### **ADOPTING A TAX LEVY FOR THE COUNTY HIGHWAY- MATCHING FUND**

BE IT RESOLVED by the County Board of the County of Kane, State of Illinois, at this adjourned session of the October meeting of said County Board, held at the Government Center in Geneva, Kane County, Illinois, that there be and there is hereby levied upon all taxable property within the County of Kane, the sum of:

FIFTY EIGHT THOUSAND DOLLARS  
(\$58,000)

Such levy shall be spent for the objects and purposes as set fourth in detail in the COUNTY HIGHWAY - MATCHING FUND Budget of the County of Kane, State of Illinois for the fiscal period beginning December 1, 2004, and ending November 30, 2005.

###

Roll call as follows: AYES: Allan, Cameron, Cook, Greviskes, Griffin, Hoscheit, Hurlbut, Jones, Kudlicki, McConnaughay, R., Mitchell, Neuberger, Noverini, Richards, Sanchez, Scalfaro, McConnaughay, K., Tredup, VanOvermeiren, Walter, Weigand, Wojnicki, Wolfe, Wyatt  
NAYES: None AYES: 24 NAYS: 0 **RESOLUTION #04-368 APPROVED.**

### **RESOLUTION #04-369**

Moved by Weigand; seconded by Richards that #04-369 be adopted.

### **ADOPTING A TAX LEVY FOR THE KANE COUNTY HEALTH FUND**

BE IT RESOLVED by the County Board of the County of Kane, State of Illinois, at this adjourned session of the October meeting of said County Board, held at the Government Center in Geneva, Kane County, Illinois, that there be and there is hereby levied upon all taxable property within the County of Kane, the sum of:

ONE MILLION SEVEN HUNDRED SEVENTY SIX THOUSAND DOLLARS  
(\$1,776,000)

## COUNTY BOARD MINUTES – OCTOBER 12, 2004

Such levy shall be spent for the objects and purposes as set fourth in detail in the KANE COUNTY HEALTH FUND Budget of the County of Kane, State of Illinois for the fiscal period beginning December 1, 2004 and ending November 30, 2005.

###

Roll call as follows: AYES: Allan, Cameron, Cook, Greviskes, Griffin, Hoscheit, Hurlbut, Jones, Kudlicki, McConnaughay, R., Mitchell, Neuberger, Noverini, Richards, Sanchez, Scalfaro, McConnaughay, K., Tredup, VanOvermeiren, Walter, Weigand, Wojnicki, Wolfe, Wyatt  
NAYES: None AYES: 24 NAYS: 0 **RESOLUTION #04-369 APPROVED.**

### **RESOLUTION #04-370**

Moved by Weigand; seconded by Kudlicki that #04-370 be adopted.

### **ADOPTING A TAX LEVY FOR THE VETERAN'S COMMISSION FUND**

BE IT RESOLVED by the County Board of the County of Kane, State of Illinois, at this adjourned session of the October meeting of said County Board, held at the Government Center in Geneva, Kane County, Illinois, that there be and there is hereby levied upon all taxable property within the County of Kane, the sum of:

TWO HUNDRED NINETY SIX THOUSAND DOLLARS  
(\$296,000)

Such levy shall be spent for the objects and purposes as set fourth in detail in the VETERAN'S COMMISSION FUND Budget of the County of Kane, State of Illinois for the fiscal period beginning December 1, 2004 and ending November 30, 2005.

###

Roll call as follows: AYES: Allan, Cameron, Cook, Greviskes, Griffin, Hoscheit, Hurlbut, Jones, Kudlicki, McConnaughay, R., Mitchell, Neuberger, Noverini, Richards, Sanchez, Scalfaro, McConnaughay, K., Tredup, VanOvermeiren, Walter, Weigand, Wojnicki, Wolfe, Wyatt  
NAYES: None AYES: 24 NAYS: 0 **RESOLUTION #04-370 APPROVED.**

### **CONSENT AGENDA**

Chairman McCoy requested items to be considered separately: #04-375 (Wolfe), #04-378 (McCoy) and #04-393 (Hoscheit). Moved by Walter; seconded by VanOvermeiren that the Consent Agenda (#04-371, #04-372, #04-373, #04-374, #04-376, #04-377, #04-379, #04-380, #04-381, #04-382, #04-383, #04-384, #04-385, #04-386, #04-387, #04-388, #04-389, #04-390, #04-391, #04-392, #04-394, #04-395, #04-396, #04-397, #04-398, #04-399, #04-400, #04-401, #04-402, #04-403, #04-404) be adopted.

### **RESOLUTION #04-371**

### **REFUSE REMOVAL**

WHEREAS, bids were solicited and received for refuse removal services of all county complexes; and

**COUNTY BOARD MINUTES – OCTOBER 12, 2004**

WHEREAS, BFI Waste Service, Aurora, Illinois, was the lowest responsible bidder as per specifications for the following locations:

Government Center, Courthouse, 6 <sup>th</sup> St Center, and Circuit Clerk's Office, Judicial Center, Juvenile Justice Center	\$924.03/month
Adult Corrections Facility	\$436.98/month
Post 8 Sheriff 's Office	\$ 57.32/month
Health Department 1240 Highland	\$ 24.98/month

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that BFI Waste Service, Aurora, Illinois, be approved and accepted for providing refuse removal services commencing December 1, 2004, through November 30, 2006, at the rates stated above. Funds to be paid from the General Fund: 001-3520-414.60-04, 001-3530-414.60-04, 001-3540-414.60-04, 001-3550-414.60-04, 001-3560-414.60-04, and 001-7020-611.60-04.

**###**

**RESOLUTION #04-372**

**PURCHASE OF 2004 FORD F250 SD 4X4 TRUCK  
(Central Services)**

WHEREAS, one of the existing vehicles in Building & Grounds is in need of replacement; and

WHEREAS, a 2004 Ford F250 SD 4x4 truck can be purchased from Fox Valley Ford, North Aurora, IL, under the State of Illinois price at a cost of \$21,000.00; and

WHEREAS, the related snow plow and salt spreader equipment for the vehicle will cost approximately \$14,000.00.

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that the purchase of the 2004 Ford F250 SD 4x4 truck from Fox Valley Ford, North Aurora, IL, under the State of Illinois price at a cost of Twenty-One Thousand Dollars (\$21,000.00), and the related snow plow and salt spreader equipment for approximately Fourteen Thousand Dollars (\$14,000.00), for a total cost not to exceed of Thirty-Five Thousand Dollars (\$35,000.00) be approved and accepted. Funds to be paid from the General Fund – 001-1010-414.70-33.

**###**

**RESOLUTION #04-373**

**CONTRACT ADDENDUM  
HEALTH SERVICES AGREEMENT  
COUNTY OF KANE AND HEALTH PROFESSIONALS, LTD  
(JUVENILE JUSTICE CENTER)**

WHEREAS, Kane County (hereinafter referred to as "the county") and Health Professionals Ltd., a Illinois corporation (hereinafter referred to as "HPL") executed a Health Services Agreement in 2002 (the "Agreement"), for the period commencing December 1, 2001,

**COUNTY BOARD MINUTES – OCTOBER 12, 2004**

and terminating November 30, 2005, by which HPL assumed the responsibilities to provide professional services for provision of reasonable and necessary medical care to individuals under the custody and control of County and Facility and sentenced and incarcerated at the Juvenile Justice Center Facility (hereinafter called ("Facility"), said Agreement having been amended by Contract Addenda; and

WHEREAS, said agreement provides for an increase in the payment based on the Consumer Price Index of Medical Care.

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that the contract with Health Professionals for services at the Juvenile Justice Center shall continue according to its terms at a cost not to exceed One Hundred Thirty-Five Thousand and Sixty Dollars (\$135,060) in line item 001-6034-611.50-14, for the period December 1, 2004, through November 30, 2005.

**###**

**RESOLUTION #04-374**

**AUTHORIZING A CONTRACT FOR THE SNOW AND ICE REMOVAL & SALTING OF SELECT AREAS AT THE MILL CREEK SUBDIVISION FOR THE MILL CREEK SPECIAL SERVICE AREA**

WHEREAS, bids have been solicited and received for the snow and ice removal and salting of selected areas at the Mill Creek Subdivision for the Mill Creek Special Service Area District; and

WHEREAS, Meyer Paving, Inc. of Maple Park, IL was the lowest responsible bidder for providing snow and ice removal and salting of selected areas at the Mill Creek Subdivision for the Mill Creek Special Service Area District; and

WHEREAS, Meyer Paving, Inc. of Maple Park, IL will perform snow and ice removal and salting utilizing the following equipment:

Caterpillar 936E Loader with 5 yard Snow Bucket	\$ 125.00 per hour
John Deere Loader with 5 yard Snow Bucket	\$ 125.00 per hour
Grader 570B 12' Font Mount Snow Plow	\$ 140.00 per hour
Case 580 Front Light Mat 2 yard Bucket	\$ 95.00 per hour
5 yard Snow Hauling Truck, 4 wheel	\$ 65.00 per hour
Snow Plow	\$ 65.00 per hour
10 Yard Truck, 6 wheel	\$ 65.00 per hour
Salt per ton, delivered and spread	\$ 110.00

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that the Chairman thereof is authorized to enter into a contract with Meyer Paving, Inc. of Maple Park, IL for the snow and ice removal and salting of selected areas at the Mill Creek Subdivision for the Mill Creek Special Service Area District. Funding shall be paid from the Special Service Area Fund 040-4050-416.60-55.

**###**



**COUNTY BOARD MINUTES – OCTOBER 12, 2004**

**RESOLUTION #04-376**

**AWARDING ECONOMIC DEVELOPMENT ADVISORY BOARD  
2004 SMALL CITIES GRANTS**

WHEREAS, the Kane County Board established the Kane County Economic Development Advisory Board August 12, 1997, in order to provide a vehicle for the free flow of information between the Kane County Board and the Partnership Planning Areas; and

WHEREAS, the Economic Development Advisory Board has established a Small Cities Grant program to provide financial support for Kane County Cities with a population of 50,000 or less for economic development purposes; and

WHEREAS, the Economic Development Advisory Board has received and reviewed application for said grants on September 29, 2004.

NOW THEREFORE, BE IT RESOLVED by the Kane County Board that the following grants be awarded pursuant to the Kane County Economic Development Small Cities Grant Program: Hampshire, Economic Development Web Site, \$5,000; Huntley, (Award contingent on more specific explanation of project steps) Commercial Development Plan for Route 47 Corridor, \$14,000; Montgomery, Strategic Plan for the Montgomery Economic Development Commission, \$10,000; Sugar Grove, Feasibility Study for Recreation/Entertainment-Related Mixed-Use Development at Routes 47 & 56 at Galena, \$15,000; Virgil, Economic Development Plan, \$8,000.

**###**

**RESOLUTION #04-377**

**AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT  
WITH THE FOREST PRESERVE DISTRICT OF KANE COUNTY**

WHEREAS, the County of Kane and the Forest Preserve District of Kane County, desire to enter into an Intergovernmental Agreement, which Agreement is attached hereto and made a part hereof as Exhibit A; and

WHEREAS, said Intergovernmental Agreement allows the County to participate with the District in the Wetland Restoration on Fitchie Creek Forest Preserve property; and

WHEREAS, Article VII, Section 10, of the 1970 Illinois Constitution authorizes such an Agreement as does ILCS 220/1 et seq.

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that the Intergovernmental Agreement attached hereto be, and is approved, and that the Kane County Board Chairman is hereby authorized to sign said agreement and forward a signed copy to the Forest Preserve District of Kane County.

**###**

**COUNTY BOARD MINUTES – OCTOBER 12, 2004**

**ORDINANCE #04-379**

**AMENDING THE 2004 FISCAL YEAR BUDGET  
(SHERIFF'S OFFICE)**

WHEREAS, the Kane County Sheriff's Office is a participant in the Illinois First grant, funded by the Illinois Department of Commerce and Economic Opportunity; and

WHEREAS, the Illinois First grant provides reimbursement for expenses incurred in the construction and renovation of the Sheriff's Office pole building which will house the Sheriff's bomb truck, trailers and associated equipment; and

WHEREAS, the Sheriff's Office will spend \$20,887.55 from line item 70-21 (Building Improvements) of the Sheriff's FY2004 Budget for the construction and renovation of the Sheriff's Office pole building to house the Sheriff's bomb truck, trailers and associated equipment; and

WHEREAS, the reimbursement has been deposited as revenue in line item 001-0000-381.22-99 of the General Fund in the amount of \$20,887.55.

NOW, THEREFORE, BE IT ORDAINED by the Kane County Board that the following budget adjustments be made in order to accurately reflect the effect on the Sheriff's FY2004 Budget:

001-0000-381.22-99 (Miscellaneous Grants)	+\$20,888
001-7010-711.70-21 (Building Improvements)	+\$20,888
###	

**ORDINANCE #04-380**

**AMENDING THE 2004 FISCAL YEAR BUDGET  
(COUNTY CLERK)**

WHEREAS, the County Clerk's Office has received a grant from the Illinois State Board of Elections in the amount of Twenty Thousand Two Hundred Thirty-Seven Dollars (\$20,237) for the improvement of polling place accessibility; and

WHEREAS, said grant was issued on July 16, 2004; and

WHEREAS, Ordinance No. 04-315, amending the County Clerk's Fiscal Year 2004 Budget and passed by the Kane County Board on August 10, 2004, contained an incorrect line item.

NOW, THEREFORE, BE IT ORDAINED by the Kane County Board that the Kane County Clerk's Fiscal Year 2004 Budget be amended as follows:

001-5410-511.60-51 (Voting Systems and Accessibility)	- \$20,237
001-5420-511.60-51 (Voting Systems and Accessibility)	+\$20,237
###	

**COUNTY BOARD MINUTES – OCTOBER 12, 2004**

**ORDINANCE #04-381**

**AMENDING THE 2004 FISCAL YEAR BUDGET  
(COUNTY CLERK)**

WHEREAS, the County Clerk's Office has received a grant from the Illinois State Board of Elections in the amount of Thirty-Four Thousand Eight Hundred Eighty-Five Dollars (\$34,885) for the improvement of polling place accessibility; and

WHEREAS, payment of said grant was issued on August 9, 2004; and

WHEREAS, receipt of said grant will require an amendment to the County Clerk's Fiscal Year 2004 Budget.

NOW, THEREFORE, BE IT ORDAINED by the Kane County Board that the Kane County Clerk's Fiscal Year 2004 Budget be amended as follows:

001-5420-511.60-51 (Voting Systems and Accessibility)	+\$34,885
001-0000-311.22-06 (Miscellaneous Grants)	+\$34,885
###	

**ORDINANCE #04-382**

**AMENDING FISCAL YEAR 2004 BUDGET  
CHILD ADVOCACY CENTER  
(STATE'S ATTORNEY'S OFFICE)**

WHEREAS, the Child Advocacy Center has received a grant in the amount of Forty-Eight Thousand Eight Hundred and Seventy-Five Dollars (\$48,875) from the Illinois Department of Children and Family Services for the grant period of July 1, 2004, through June 30, 2005; and

WHEREAS, part of this funding will be spent in County Fiscal Year 2004 and part will be spent in County Fiscal Year 2005 for Contractual Services; furthermore, when this funding ends, the Contractual Service line item will return to its original budget amount.

NOW, THEREFORE, BE IT ORDAINED by the Kane County Board that the following adjustment be made to the FY2004 Budget:

001-0000-371.22-44	+\$48,875
001-6520-615.50-14	+\$48,875
###	

**COUNTY BOARD MINUTES – OCTOBER 12, 2004**

**ORDINANCE #04-383**

**AMENDING THE FISCAL YEAR 2004 BUDGET  
(PUBLIC DEFENDER)**

WHEREAS, the Guardianship & Advocacy Commission has declared, pursuant to 405 ILCS 5/1-11, et seq. and 405 ILCS 5/3-805(2), that it is no longer able to provide counsel for recipients at the Elgin Mental Health Center or Mercy Hospital in Aurora; and

WHEREAS, the Kane County Public Defender's Office is now required to provide representation for recipients at the Elgin Mental Health Center and at Mercy Hospital in Aurora; and

WHEREAS, the Kane County Public Defender's Office has not budgeted for an attorney to staff the mental health calls and does not presently have either the financial or staffing resources available to provide an attorney to staff the mental health calls without seriously degrading the level of staffing at the Kane County Judicial Center; and

WHEREAS, the Kane County Public Defender's Office is able to retain one (1) part-time attorney whose sole responsibility will be the representation of recipients at the Elgin Mental Health Center and Mercy Hospital in Aurora; and

WHEREAS, the County of Kane recognizes the need to provide legal representation for indigent persons at the Elgin Mental Health Center and Mercy Hospital in Aurora.

NOW, THEREFORE, BE IT ORDAINED by the Kane County Board that the Kane County Public Defender is hereby authorized to hire one (1) part-time employee, whose sole responsibility will be to represent recipients at the Elgin Mental Health Center and at Mercy Hospital in Aurora, to be paid the sum of Eighteen Thousand Dollars (\$18,000) annually.

BE IT FURTHER ORDAINED that the following adjustments be made to the FY2004 Budget and the sum of \$3,750 be transferred into Fund 001-6230-615.40-42 (Part-Time Salaries) to cover the salary costs incurred from September 15, 2004, through December 1, 2004:

001-2030-412.65-30	Contingency Fund	- \$3,750
001-6230-615.40-42	Part-Time Salaries	+\$3,750
	###	

**ORDINANCE #04-384**

**AMENDING THE FISCAL YEAR 2004 BUDGET  
SCAAP PROGRAM**

WHEREAS, Justice Benefits of Dallas, Texas, was approved to locate new revenue for Kane County by identifying inmates in the Kane County Correctional Facility who are not U.S. citizens for reimbursement from the federal government (State Criminal Alien Assistance Program); and

**COUNTY BOARD MINUTES – OCTOBER 12, 2004**

WHEREAS, Justice Benefits charges a fee for this service and said fee of Thirty-Two Thousand Six Hundred Eighty-Two Dollars (\$32,682) needs to be paid from the revenue already received.

NOW, THEREFORE, BE IT ORDAINED by the Kane County Board that the following FY2004 budget adjustments be made to pay the finders fee submitted by Justice Benefits:

001-0000-381.22-13 (State Criminal Alien Asst.)	+\$32,682
001-2030-412.50-14 (Contracts & Consulting)	+\$32,682
###	

**RESOLUTION #04-385  
HEALTHY COMMUNITY ACCESS PROGRAM GRANT (HCAP)**

WHEREAS, the Kane County Board is authorized to enter contracts for promotion of public health or suppression of disease, 55ILCS5/5-1052 and 55ILCS5/5-1005; and

WHEREAS, integrated and coordinated health care services are needed for medically underserved residents of Kane County and are necessary for promotion of public health; and

WHEREAS, Aunt Martha’s Youth Services, Community Health Partnership, Greater Elgin Family Care Center, the Visiting Nurse Association of Fox Valley, and Health Systems Research, University of Illinois, College of Medicine have collaborated with the Kane County Health Department, the Aurora Primary Care Consortium, and the Elgin 2010 Task Force/Underserved Task Force, to apply to the Health Resources and Services Administration for grant funds to develop KCHAIN, an integrated and coordinated health safety net delivery system for Kane County; and

WHEREAS, the Health Resources and Services Administration has awarded Kane County \$1,171,250 to establish and implement the Kane Community Health Access Integrated Network (KCHAIN) in order to integrate, coordinate, and evaluate the health care safety net system for the medically underserved residents of Kane County; and

WHEREAS, Aunt Martha’s Youth Services, Community Health Partnership, Greater Elgin Family Care Center, the Visiting Nurse Association of Fox Valley, and Health Systems Research, University of Illinois, College of Medicine are qualified to participate in KCHAIN and have become an organizational member and governance council member of KCHAIN; and

WHEREAS, Aunt Martha’s Youth Services, Community Health Partnership, Greater Elgin Family Care Center, the Visiting Nurse Association of Fox Valley, and Health Systems Research, University of Illinois, College of Medicine have agreed to enter into a contract to meet the conditions and carry out the requirements of the KCHAIN grant according to the plan authorized in the grant award from the Health Resources and Services Administration.

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that the Chairman be, and hereby is, authorized to enter into agreements for professional services with Aunt Martha’s Youth Services, Community Health Partnership, Greater Elgin Family Care Center, the Visiting Nurse Association of Fox Valley, and Health Systems Research, University of

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Illinois, College of Medicine in the amount not to exceed \$548,000 for the period between September 1, 2004 and August 31, 2005. A copy of the agreements shall be filed with the County Auditor.

BE IT FURTHER RESOLVED that the total not to exceed amount of Five Hundred Forty-Eight Thousand Dollars (\$ 548,000) shall be paid from Fund 041-7831.

**###**

**RESOLUTION #04-386  
AMENDING HEALTH DEPARTMENT WATER WELL PERMIT FEE SCHEDULE**

WHEREAS, the state of Illinois has not changed their fee structure for construction of and deepening of water wells; and

WHEREAS, the current fee schedule does not have water well permit fees for the years January 1, 2005, 2006, 2007; and

WHEREAS, Kane County Health Department needs to incorporate water well permit fees for the years 2005, 2006, and 2007.

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that health department fee schedule for water well permits be amended according to the schedule listed below.

<b>Water Well Permits</b>	<b>311-18-02</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>
Construct or Deepen		100.00	100.00	100.00	100.00	100.00
Inspection (paid at time of permit fee)		50.00	50.00	55.00	60.00	65.00
Well Sealing		50.00	55.00	60.00	65.00	70.00
Well Variance		25.00	26.00	28.00	30.00	32.00
Well Approval Letter to Municipality		25.00	26.00	28.00	30.00	32.00
Change of Contractor		-	25.00	26.00	27.00	28.00
Non Compliance Testing		50.00	100.00	105.00	110.00	115.00

**###**

**ORDINANCE #04-387  
AMENDING SECTION 11.5 –1, 28  
OF THE KANE COUNTY CODE  
(ENVIRONMENTAL HEALTH DEFINITIONS AND PERMIT FEES)**

WHEREAS, Illinois State Statutes allow for the licensing of food establishments and the collection of fees for the issuance of permit; and

WHEREAS, due to the changes in the operation of food service establishments, it is necessary to periodically review and update food establishment definitions and permit fees.

NOW, THEREFORE, BE IT RESOLVED that sections 11.5 –1, 28 of the Kane County Code be amended as follows:

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### Sec. 11.5-1 Definitions

“Mobile Food Unit” means a vehicle-mounted mobile food service establishment designed and operated as readily moveable i.e. mobile truck moving from location to location continuously. The unit shall return daily to a commissary for supplies, cleaning and for all servicing operations. The unit shall not have permanent potable water, wastewater, or electric connections.

“Non-Mobile Food Unit” means a vehicle-mounted mobile food service establishment designed to be stationary in a fixed location throughout the day i.e. trailer. The unit shall be removed from the fixed location daily to a commissary for supplies, cleaning and for all servicing operations. The unit shall be provided with permanent potable water, wastewater and electric connections at the fixed location to ensure no interruption in operation i.e. potable water tank empty, wastewater tank full, generator malfunction.

“Push cart” means a cart that is limited to pre-cooked hot dogs, unshucked cooked corn, whole fresh fruit, canned beverages, condiments, and prepackaged non-potentially hazardous food. The unit shall return daily to a commissary for supplies, cleaning and for all servicing operations. The unit shall not have permanent potable water, wastewater, or electric connections.

### Sec. 11.5-28 Permits

- (c) Fees:
- (2)

f. Mobile food units, non-mobile food units, and pushcarts within Kane County shall not exceed the appropriate fee for each category in subsection [c](2) c or [c](2) d of this section. Permits expire on December 31<sup>st</sup> of each year unless sooner revoked or suspended.

###

### ORDINANCE #04-388

#### AMENDING SECTION 23-24 OF THE KANE COUNTY CODE (WELLS AND WATER SUPPLY)

WHEREAS, Illinois State Statutes allow for the licensing of non-community wells and the collection of fees for noncompliance; and

WHEREAS, due to the costs incurred in the provision of public health services, it is necessary to periodically review and increase noncompliance fees.

NOW, THEREFORE, BE IT RESOLVED that Sections 23-24 of the Kane County Code be amended as follows:

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Section 23-24. Penalties <sup>2</sup>:

When noncompliance of regulated non-community well testing requires health department staff to collect a water sample, a ~~fifty dollar (\$50.00)~~ fee will be charged to the owner of the non-community well pursuant to the Health Department Water Well Permit Fee Schedule (Ord. 04-199, 5-11-2004).

###

### RESOLUTION #04-389

#### AWARDING OF BID FOR LAW ENFORCEMENT PERSONAL PROTECTIVE EQUIPMENT KITS

WHEREAS, as part of the recent Homeland Security Grant it is desirable to provide each law enforcement officer within Kane County a Personal Protective Equipment Kit for use in hazardous environments; and

WHEREAS, Aramsco of Elgin, Illinois, was the lowest bidder meeting the specifications of sealed bid RFP-OEM3-PERSONAL PROTECTIVE KIT-04.

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that Aramsco of Elgin, Illinois, be awarded the contract for the purchase of 1010 Personal Protective Equipment Kits in the amount of Seventy One Thousand Six Hundred Fifty Nine Dollars and Fifty Cents (\$71,659.50) and that purchases be made from 001-7410-711.70-10.

###

### RESOLUTION #04-390

#### INTERGOVERNMENTAL AGREEMENT BETWEEN THE COUNTY OF KANE AND THE CITY OF AURORA FOR THE BLACKBERRY CREEK MODELING PROJECT

WHEREAS, the County of Kane ("KANE") and the City of Aurora ("AURORA") are public agencies within the meaning of the Illinois "Intergovernmental Cooperation Act", as specified at 5 ILCS 220/1, et seq., and are authorized by Article 7 Section 10 of the Constitution of the State of Illinois to cooperate for public purpose; and

WHEREAS, the purpose of the Intergovernmental Cooperation Act and Article 7 of the Constitution of the State of Illinois includes fostering cooperation among governmental bodies; and

WHEREAS, pursuant to authority granted at 55 ILCS 5/5-1062 and 5/5-15001, et seq., and the Home Rule provisions of the Illinois Constitution, KANE and AURORA are authorized to take action to control flooding and to enter into agreements for the purposes of stormwater management and flood control; and

WHEREAS, on October 13, 1998 KANE passed Ordinance No. 98-251 adopting the KANE COUNTY STORMWATER MANAGEMENT PLAN (the "KANE Plan") pursuant to 55 ILCS 5/5-1062 which established goals to identify, protect, and improve floodplains, waterways, lakes, ponds, wetlands, and groundwater recharge areas, minimize and reduce



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stormwater damages to existing structures and land use in order to maximize the protection of public health, safety, and welfare, and identify and develop revenue sources to complete the goals and objectives; and

WHEREAS, AURORA has adopted the Kane County Stormwater Management Plan and recognizes reliable and accurate floodplain mapping as an integral part of the proper management of storm and flood waters; and

WHEREAS, Blackberry Creek and its watershed are part of the Fox River Watershed, and cover portions of Aurora, North Aurora, Montgomery, Sugar Grove, Elburn, and Unincorporated Kane and Kendall counties; and

WHEREAS, KANE has entered into Phase II of a watershed study for Blackberry Creek (PROJECT) which includes provisions to continue the use of best available technology and updated rainfall data to determine current flood flows and floodplain boundaries for the Blackberry Creek watershed, including additional hydrologic and hydraulic analysis for parts of Aurora, and alternative modeling and cost benefit analyses to develop mitigation strategies for reducing flood inundation levels and damages for significantly impacted areas within the Blackberry Creek watershed; and

WHEREAS, residents of both KANE and AURORA and the general public will benefit from the PROJECT through reduced flooding, improved water quality, and the creation of accurate floodplain maps in the Blackberry Creek watershed; and

WHEREAS, the cost to complete the PROJECT is estimated at \$680,520.00; and

WHEREAS, KANE has requested AURORA'S participation in sharing the PROJECT cost associated with model development, data collection, surveying, meetings, and project management in an amount not to exceed the lesser of \$150,000 or 22% of the Project costs; and

WHEREAS, AURORA, in response to KANE'S request, has expressed interest in sharing the cost of KANE'S efforts to implement the PROJECT; and

WHEREAS, KANE shall provide all funds for the PROJECT and will be reimbursed by Aurora at the conclusion of the project.

NOW THEREFORE, BE IT RESOLVED by the Kane County Board that the attached Agreement between KANE and AURORA is hereby accepted and approved in an amount not to exceed the lesser of \$150,000 or 22% of the Project costs and that the Chairman of the Kane County Board is hereby authorized and directed to execute the Agreement on behalf of the County; and

BE IT FURTHER RESOLVED that the Kane County Clerk be directed to transmit certified copies of this Resolution and the attached Agreement to Kane County Environmental Management Department and the Aurora City Engineer. Said contract shall be on file with the County Auditor.

###

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### **RESOLUTION #04-391**

#### **APPROVING CONTRACT FOR ADDITIONAL PROFESSIONAL COMPUTER MODELING SERVICES, PHASE II, FY05, AND STREAMGAGE COST SHARE PAYMENTS WITH THE UNITED STATES GEOLOGICAL SURVEY**

WHEREAS, on October 13, 1998 the Kane County Board passed Ordinance No. 98-251 adopting the KANE COUNTY STORMWATER MANAGEMENT PLAN (the PLAN) pursuant to 55ILCS 5/5-1062 which established goals to identify, protect, and improve floodplains, waterways, lakes, ponds, wetlands, and groundwater recharge areas, minimize and reduce stormwater damages to existing structures and land use in order to maximize the protection of public health, safety, and welfare, and identify and develop revenue sources to complete the goals and objectives; and

WHEREAS, on May 9, 2000, the Kane County Board passed Resolution No. 00-139 authorizing the chairman to enter into agreements with the United States Geological Survey (USGS) to re-establish floodplain boundaries using professional engineering services including computerized hydrologic and hydraulic modeling techniques; and

WHEREAS, the USGS completed the tasks outlined in Phase I of this project in 2003, the results of which have been shared with county and municipal leaders and indicate the need for future additional flood storage capacity in the Blackberry Creek Watershed; and

WHEREAS, on February 10, 2004, the Kane County Board passed Resolution No. 04-41 authorizing the chairman to enter into an agreement with the United States Geological Survey (USGS) to conduct Phase II, FY 04, additional floodplain mapping and flood storage analysis work for Blackberry Creek in Kane County, building on the work completed in Phase I of this project; and

WHEREAS, the United States Geological Survey (USGS) submitted, on September 2, 2004, a formal proposal to continue the additional floodplain mapping and flood storage analysis work for Blackberry Creek in Kane County, the results of which will be utilized by Kane County and its municipalities to carry out the goals of the Plan; and

WHEREAS, the USGS has agreed to fund \$96,614 of the cost of Phase II of this study because of the federal interest in advancing new technologies to do floodplain mapping; and

WHEREAS, part of the work to be conducted by USGS under said proposal involved corrections to past modeling work due to an error in the Kane County Topographic data produced by Sidwell Company in 2001; and

WHEREAS, Kane County is expected to be reimbursed in full by the Sidwell Company for said work caused by errors in the 2001 topographic data, the value for which is \$113,064; and

WHEREAS, Kane County is entering into an Intergovernmental Agreement with the City of Aurora, whereby Aurora will reimburse the county the sum of \$150,000 for tasks completed

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under this and future contracts with the United States Geological Survey for work which will directly benefit the City of Aurora; and

WHEREAS, under the proposed Intergovernmental Agreement with the City of Aurora and the reimbursement from the Sidwell Company, this resolution shall yield no net cost to Kane County; and

WHEREAS adequate funds to complete Kane County's portion of said study have been budgeted and exist within Fund 086, line item 50-95 for the Kane County commitment of \$232,599.

NOW, THEREFORE BE IT RESOLVED by the Kane County Board that the Chairman is authorized to enter into a cooperative agreement (a copy of which shall be filed with the Kane County Clerk) with the United States Geological Survey, for professional and environmental services for the re-establishment of floodplain boundaries in the Blackberry Creek watershed in the amount not to exceed \$329,213 of which the county will pay \$232,599 but be reimbursed \$113,064 by Sidwell Company and the remainder will be reimbursed under the \$150,000 Intergovernmental Agreement with the City of Aurora. Contract costs shall be paid from Fund 086, line item 50-95. Said contract shall be on file with the County Auditor.

###

### **ORDINANCE #04-392**

#### **AMENDING THE KANE COUNTY STORMWATER ORDINANCE**

WHEREAS, pursuant to 55 ILCS 5/5-1062, the Kane County Board adopted Resolution No. 97-07 establishing the Kane County Stormwater Committee (the "Committee"), for the purpose of preparing a comprehensive countywide stormwater management plan and ordinance; and

WHEREAS, the plan prepared by the Committee and its Technical Advisory Committee was adopted by the County Board as the Kane County Stormwater Management Plan by the passage of Ordinance No. 98-251 on October 13, 1998; and

WHEREAS, the ordinance prepared by the Committee and its Technical Advisory Committee was adopted by the County Board as the Kane County Stormwater Ordinance by the passage of Ordinance No. 00-312 on November 14, 2000; and

WHEREAS, the Committee has recommended to the County Board several amendments to the Stormwater Management Ordinance; and

WHEREAS, copies of the working drafts and final draft of the proposed amendments to the Stormwater Ordinance have continuously been distributed and made available to all of the municipalities within the County, all of the organizations representing the development and agricultural communities within the County, and the general public; and

WHEREAS, the Committee has considered all of the testimony, comments and written material submitted in connection with the proposed amendments to the Stormwater Ordinance and has incorporated them into the ordinance where appropriate.

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NOW, THEREFORE, BE IT ORDAINED BY THE Chairman and the Kane County Board as follows:

- § 1. Section 104(18) is deleted in its entirety.
- § 2. Section 104(32) is amended to read as follows:

(32) **development** means any manmade change to the land and includes—

(A) the construction, reconstruction, ~~repair~~, or replacement of a building or an addition to a building;

(B) the installation of utilities, construction of roads, bridges or similar projects;

(C) drilling and mining;

(D) the construction or erection of levees, walls, fences, dams, or culverts;

(E) channel modifications, filling, dredging, grading, excavating, paving, or other nonagricultural alterations of the ground surface;

(F) the storage of materials and the deposit of solid or liquid waste;

(G) the installation of a manufactured home on a site, the preparation of a site for a manufactured home, or the installation of a recreational vehicle on a site for more than 180 days;

(H) any wetland impact; and

(I) any other activity of man that might change the direction, height, or velocity of flood or surface water, including the extensive removal of vegetation;

development, however, does not include—

(J) maintenance and repair of existing buildings ~~and or~~ ~~facilities such as re-roofing or resurfacing of roads where~~;

(K) repair or replacement of an existing parking lot outside the floodplain provided that no new impervious surfaces are added, there is no increase in peak flows, and there is no change in the location of the stormwater discharge;

(L) resurfacing of streets and highways outside the floodplain;

(M) resurfacing of publicly owned streets and highways within the floodplain provided the difference between the elevation of the road surface after resurfacing and the elevation of the road surface on the effective date is not more than two inches;

- (N) for agricultural uses, maintenance of existing drainage systems for the limited purpose of maintaining cultivated areas and crop production; or
- (O) for agricultural uses, improvements undertaken pursuant to a written NRCS conservation plan;

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§ 3. Section 104(67) is deleted in its entirety.

§ 4. The following is added as Section 104(103):

(103) **redevelopment** means development on a developed site devoted to an existing urban land use the stormwater from which discharges into an existing stormwater facility either owned or maintained by a unit of local government, or discharges directly onto a regulatory floodplain; redevelopment includes the widening of an existing street or highway owned by a unit of local government;

§ 5. The following is added as Section 104(107):

(107) **restrictive bridge or culvert** means a bridge or culvert that crosses a floodplain and cannot convey the base flood without causing increases in the upstream flood profile;

§ 6. The following is added as Section 104(126):

(126) **topsoil** means the uppermost part of the soil, ordinarily moved in tillage, or its equivalent in uncultivated soils;

§ 7. Section 104(134) is amended to read as follows:

(134) **wetland impact** means—

(A) the dredging or filling of any wetland having an FQI greater than 25; or

(B) the dredging or filling of any other wetland if—

(i) the effect would be that cumulatively, since the effective date, 0.10 0.25 acres (4356 40,890 sq. ft.) or more of such wetland the wetlands on the site have been or is to be dredged or filled, taking into account all prior dredging or filling of such wetland; and

(ii) such wetland is not then regulated by COE; or

(iii) such dredging or filling is not an approved impact under a conservation plan administered by any federal agency under the Food Security Act, as amended (16 U.S.C. § 3801, *et seq.*);

§ 8. Subparagraphs 1 through 138 of Section 104 are renumbered to accommodate the amendments to Section 104 made in §§ 1 through 7 of this ordinance.

§ 9. Section 200 is amended to read as follows:

### § 200. General information

(a) All developments shall meet the requirements of § 201, § 202 and Articles 3 and 6.

(b) Developments shall comply with § 203 if—

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(1) two or more one or two family residences are to be constructed on a site three or more acres in size;

(2) a single-family attached dwelling, apartment or condominium, attached townhome or other multifamily residential building comprised of more than two units is to be constructed on a site ~~more than one acre~~ or more in size;

(3) any non-residential land use is to be ~~constructed~~ developed on a site ~~more than one acre in size~~;

~~(4) development~~ or more in size, unless such development consists solely of the installation, repair or replacement of the underground or overhead lines of a public utility within a public right-of-way.

~~(4) redevelopment~~ after the effective date of this ordinance on a site one acre or more in size ~~devoted to an existing multifamily or nonresidential land use~~ exceeds in the aggregate 25,000 square feet; or

(5) road development after the effective date of this ordinance in rights-of-way under the ownership or control of a unit of local government exceeds in the aggregate one acre; or

(6) the repair or replacement of an existing parking lot or privately owned road within the floodplain results in any additional impervious surface, an increase in peak flows, a change in the location of the stormwater discharge, or an increase in the elevation of the parking or driving surface.

(c) The developer of a ~~commercial redevelopment or industrial~~ redevelopment may ask that a fee-in-lieu of site runoff storage be approved under Article 13 and that the requirements of § 203(g) be waived if—

(1) the drainage plan will not increase peak discharges from the site, nor change the existing flood damage conveyance of offsite flow; and

(2) the drainage plan provides a net benefit in water quality compared to the existing development.

(d) The developer of a development consisting only of mass grading may ask that a fee-in-lieu of site runoff storage be approved under Article 13 if—

(1) there is no net increase in impervious surfaces;

(2) no structure is constructed, reconstructed or improved; and

(3) the quality of site runoff is improved.

§ 10. Section 203(g)(1) is amended to read as follows:

(g) (1) The runoff from a 0.75 inch rainfall event over the hydraulically connected impervious area of the new development shall be stored below the elevation of the primary gravity outlet (retention) of the site runoff storage facility. The facility may be designed to allow for

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evapotranspiration or infiltration of this volume into a subsurface drainage system and shall not be conveyed through a direct positive connection to downstream areas. Wherever the retention depth is less than 3 ft. the retention facility shall be constructed by over-excavating the required retention volume by 1 ft. and replacing such volume with 1 ft. of topsoil suitable for growing wetland plants. Topsoil used shall be generally free from non-native and noxious seed bank. Native wetland plantings shall be introduced and shall not be dominated by or contain cumulatively more than 25% cover of the following species: Buckthorn (*Rhamnus cathartica* or *frangula*), Reed Canary Grass (*Phalaris arundinacea*), Purple Loosestrife (*Lythrum salicaria*), or Giant Reed (*Phragmites australis*). Within six months of the completion of the development a qualified wetland review specialist retained by the developer shall verify compliance with this section in a report submitted to the Administrator.

§ 11. The following is added as Section 404(b)(6):

(6) The Administrator may require the use of a floodplain study not yet approved by IDNR-OWR and FEMA if its use would establish a higher BFE than the approved study. This provision may necessitate that different analyses be prepared for other agencies having permitting jurisdiction over the floodplain/floodway.

§ 12. The following is added as Section 405(g):

(g) Fences within the floodplain shall not impede the base flood.

§ 13. Section 413(c) is amended to read as follows:

~~(c) Lost regulatory floodplain storage must be replaced as required in § 410 except that artificially created storage lost due to a reduction in head loss behind an existing~~ A restrictive bridge or culvert crossing shall not be required to be replaced, provided no flood damage will be incurred downstream may be altered to increase the conveyance of the base flood if an impact analysis is completed and approved in writing by the Administrator and the Director and all other required regulatory approvals are obtained.

§ 14. Section 413(e) is amended to read as follows:

(e) For modification or replacement of existing structures in a regulatory floodway, the existing structure must first be evaluated in accordance with IDNR/OWR Rules (17 Ill. Adm. Code Part 3708) to determine if the existing structure is a source of flood damage. If the structure is a source of flood damage, the applicant's engineer shall justify allowing the damage to continue and evaluate the feasibility of relieving the structure's impact. Modifications to or replacement of structures, other than a restrictive bridge or culvert under § 413(c), shall not increase flood stages (0.0 feet) compared to the existing condition for all flood events up to and including the base flood event. The evaluation must be submitted to IDNR/OWR for review and approval before a permit is issued. The Director shall be copied on all related correspondence.

§ 15. Section 414(a) is amended to read as follows:

(a) Before any development in or near Waters of the U.S., or in or near isolated wetlands or farmed wetlands, a written report identifying and evaluating the boundaries,

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location, limits, area and quality of all onsite wetlands shall be submitted. The presence and limits of wetland areas shall be determined by a wetland delineation conducted in accordance with the 1987 Corps of Engineers Wetland Delineation Manual. Wetland delineations under this section shall be valid for three years. The presence of farmed wetlands shall be determined by NRCS.

§ 16. The following is added as Section 414(f):

(f) FQI assessments made before June 1 or after October 15 shall be considered to be preliminary. Buffer requirements based upon such assessments shall not be considered to be final unless maximum buffer widths are assumed.

§ 17. Section 418, Section 418(a)(3)(A)(i), Section 418(a)(3)(A)(iii) and Section 418(a)(3)(B)(i) are amended to read as follows:

**§418. Buffer requirements**

The requirements of this section are not applicable to ~~commercial or industrial~~ redevelopment projects on sites adjacent to the main channel of the Fox River. The requirements of this section are also not applicable to isolated wetlands or Waters of the U.S. that, in either case, are below the threshold size limitations for mitigation requirements under the COE § 404 permit program (currently, less than 0.25 acres).

\* \* \* \* \*

(i) When the lineal Waters of the U.S. have a drainage area greater than 640 acres, measured at the downstream property line, or is designated as ADID because of high habitat biological value or an adjacent wetland has a calculated FQI greater than 16, the buffer shall be 50 feet.

\* \* \* \* \*

(iii) If protective measures are installed along the perimeter of a buffer, the width may be reduced by up to 150% immediately adjacent to the protective measure. The reduction in width that may be applied due to installation of protective measures may not be applied where buffer width averaging has been used and the buffer would be more than 20% less than originally specified. Protective measures may consist of fencing, sediment basins, biological filter strips or other methods approved by the Administrator.

\* \* \* \* \*

(i) If protective measures are installed along the perimeter of a buffer, the width may be reduced by up to 150% immediately adjacent to the protective measure. The reduction in width that may be applied due to installation of protective measures may not be applied where buffer width averaging has been used and the buffer would be more than 20% less than originally specified. Protective measures may consist of fencing, sediment basins, biological filter strips or other methods approved by the Administrator.

§18. Section 500(a)(4) is amended to read as follows:

(a)(4) the development disturbs more than 5,000 square feet of ground or 250 cubic yards of soil, unless the development consists solely of—



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(B) the installation, renovation or replacement of a septic system, potable water service line or other utility serving an existing structure;

~~(B) the excavation or removal of vegetation in rights-of-way or public utility easements for the purpose of installing or maintaining utilities not including storm sewers;~~

(C) the maintenance, repair or at grade replacement of existing lawn areas not otherwise requiring a stormwater permit under this ordinance;

(D) the maintenance of an existing stormwater facility, not requiring other state or federal permits or approvals.

§ 19. Section 502 is amended to read as follows:

**§ 502. Required submittals**

(a) Refer to Table 502 for the submittals required to accompany the permit application based upon the type of development. The Administrator may, in his or her discretion, modify the submittal requirements on a case by case basis considering the size, complexity and likelihood that a development will affect the discharge of stormwater. Such modifications shall be requested and approved in writing. The Administrator’s response shall note the relevant findings and be specific as to what submittal requirements are changed. The Director shall be copied on all related correspondence. The Administrator may not modify submittal requirements for any aspect of the development requiring state or federal permits or approvals, nor for any application in which any variance is requested. The Director shall receive a copy of any wetland submittal under § 507 whether or not the County is the permitting authority.

**Table 502 - Permit submittal requirements**

Type of Development	Required Submittals (refer to sections noted for specific requirements)								
	Section No./Description								
	503 Application & Project Overview	504 Plan Set Submittal	505 Stormwater Submittal	506 Floodplain Submittal	507 Wetland Submittal	508 Performance Security	509 Maintenance Schedule & Funding	510 Record Drawings	Art 15 Wetland Impacts & Mitigation
All requiring a permit	X	X				X	X	X	
All on sites with floodplain	X	X		X		X	X	X	
All on sites with or adjacent to waters of the United States	X	X			X	X	X	X	
All applications for variances	X	X	X	If on site	If on site	X	X	X	
All requiring site runoff storage	X	X	X			X	X	X	
All on sites having a wetland impact					X				X

§ 20. The following is added as Section 503(a)(7) and the remainder of Section 503 is renumbered accordingly:

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(7) A statement of opinion by a Qualified Wetlands Review Specialist as to the presence of wetlands on or near the site. This requirement may be waived if the Qualified Engineer Review Specialist determines in writing that it is obvious from the nature of the development or redevelopment that wetlands cannot be located on or near the site;

§ 21. Section 504(b)(10) is amended to read as follows:

(10) existing Waters of the U.S. including wetlands, a certified wetland determination obtained from NRCS if the development occurs on agricultural land wetlands and aquatic resources identified in ADID, and required buffers;

§ 22. Section 507(a) is amended to read as follows:

(a) The applicant shall obtain a permit for all federally regulated activities involving Waters of the U.S. from the appropriate federal authorities. The applicant shall obtain a permit from the the County (or community certified under this ordinance to administer Article 15), for all developments having a wetland impact. The applicant shall indicate on the plan set the location of any onsite wetland mitigation required by a COE permit and, in narrative form, the location of all onsite ~~offsite~~ mitigation.

§ 23. Section 600 is amended to read as follows:

### **§ 600. Long-term maintenance**

~~Unless maintenance responsibility has been delegated to and accepted by another person under this section, t~~The owner shall maintain that portion of a stormwater drainage system, including any special management areas, located upon his land. With the approval of the Administrator the stormwater drainage system and special management areas, or specified portions thereof, may be—

- (a) dedicated or otherwise transferred to and accepted by the permitting authority or the public entity; or
- (b) conveyed or otherwise transferred to and accepted by a homeowner's association, or similar entity, the members of which are to be the owners of all of the lots or parcels comprising the development; or
- (c) conveyed to one or more persons or in one or more undivided interests to one or more persons.

Except for those portions of the stormwater drainage system and special management areas to be dedicated or otherwise transferred to the permitting authority or other public entity, included in the application for a stormwater permit shall be a plan for the long term management, operation and maintenance of the stormwater drainage system and special management areas and a description of the sources of funding therefor. Amendments to the plan must be approved by the Administrator.

§ 24. Section 602 is amended to read as follows:

### **§ 602. Transfer to homeowner's or similar association**

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If any portion of the stormwater drainage system or special management areas are to be conveyed or otherwise transferred to a homeowner's or similar association under § 600(b) then—

(a) appropriate easements for ingress and egress to and maintenance of such portions shall be reserved for the benefit of such association and the permitting authority on the final plat;

(b) the final plat shall contain a legend imposing the maintenance obligations of this section upon the association and its successors in interest as a covenant running with the land and incorporating by reference the plan of long term maintenance set forth in the application for a stormwater management permit, with approved amendments;

(c) the final plat shall contain a legend reserving the right of the permitting authority to enter upon the land to perform the maintenance required in this section if the association does not do so and to place a lien against the land for the cost thereof;

(d) the association shall be duly incorporated and a copy of the Certificate of Incorporation, duly recorded, and bylaws, and any amendment to either of them, shall be delivered to the Administrator;

(e) the bylaws of the association shall, at a minimum, contain—

(1) a provision acknowledging and accepting the association's obligation to maintain those portions of the stormwater drainage system and special management areas conveyed or otherwise transferred to it under this ordinance;

(2) a mechanism for imposing an assessment upon the owners of all of the lots or parcels comprising the development sufficient, at a minimum, to provide for the maintenance of those portions of the stormwater drainage system and special management areas conveyed or otherwise transferred to it under this ordinance; and the payment of all taxes levied thereon;

(3) a provision adopting the plan of long term maintenance set forth in the application for a stormwater management permit, with approved amendments;

(4) a provision identifying the officer of the association responsible for carrying out the obligations imposed upon the association under this ordinance;

(5) a provision requiring the consent of the permitting authority to any amendment of the bylaws changing any of the provisions of the bylaws required by this ordinance; and

(6) a provision requiring the consent of the permitting authority to the dissolution of the association; and

(f) any conveyance or other instrument of transfer delivered under § 600(b) shall include a covenant affirmatively imposing upon the association the obligations set forth in this section and the association's affirmative acceptance thereof.

§ 25. Section 604 is amended to read as follows:

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### § 604. Incorporation of maintenance obligations in stormwater management permit

The provisions of this Article section shall be incorporated by reference in the stormwater management permit and the applicant's acceptance of the permit shall be deemed to be the applicant's acceptance and assumption of the obligations imposed under this Article section. At the option of the Administrator, the stormwater management permit may be recorded.

§ 26. Section 605 is amended to read as follows:

### § 605. Funding of long-term maintenance of stormwater facilities

Unless (a) a public entity has accepted primary maintenance responsibility for the stormwater drainage system and special management areas to be constructed, installed or preserved under the permit, or (b) a public entity has agreed and so states in the permit, to accept maintenance responsibility in the event the person designated by the applicant as having primary maintenance responsibility fails to adequately carry out its duties, the Administrator will require, as a condition of approving of any application for a stormwater management permit, the establishment of a special service area pursuant to 35 ILCS 200/27-5, et seq, either as the primary means of providing for the long term maintenance of the facilities, or as a backup vehicle in the event the person designated by the applicant as having primary maintenance responsibility fails to adequately carry out its duties. If the establishment of a special service area is required, the Administrator shall make a good faith estimate of the tax rate required to produce a tax to be levied upon all taxable property within the area, sufficient for the long term maintenance of the facilities and submit the same to the permitting authority which shall incorporate such rate into its enactment of the ordinances necessary for the establishment of the area. The ordinances to be enacted by the permitting authority shall be substantially in the form set forth in Appendix D. On or before August 1 of each year thereafter, the Administrator shall submit to the permitting authority a good faith estimate of the amount of tax required to be levied upon all taxable property within the area for the next fiscal year for the continued maintenance of the stormwater drainage system.

§ 27. Section 702(b) is amended to read as follows:

(b) Whenever the Administrator or Director, as the case may be, determines that a permit violation exists, he shall serve notice of the violation in the manner prescribed in § 1006 ~~to~~ on the permittee. Such notice shall state the nature of the violation and fix a date not less than 10 days after the date of the notice ~~when the site will be reinspected~~ by which the violation shall be corrected and the site reinspected, except in the case of a violation of Article 3, in which case the notice may require the correction of the violation and reinspection of the site within as little as two days.

§ 28. Section 703 is amended to read as follows:

### § 703. Offenses - penalties; remedies

(a) A The Administrator or Director may pursue any one or more of the following remedies against any person found by him or her to be guilty of an offense under this ordinance shall pay:

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~~(1) The Administrator or Director may impose a civil fine upon such person in an amount not less than \$25 and not more than \$750. Each calendar day during which such violation continues to exist shall constitute a separate offense.~~

~~(2) In addition to any fine imposed under this section, † The Administrator or the Director may revoke any stormwater management permit issued to such person.~~

~~(3) In addition to any fine imposed or permit revocation undertaken pursuant to this section, † The Administrator or the Director may issue an order requiring the suspension of any further work on the site. Such stop-work order shall be in writing, shall indicate the reason for its issuance, and shall specify the action, if any, required to be taken in order to resume work. One copy of the stop-work order shall be posted on the site in a conspicuous place and one copy shall be served in the manner prescribed in § 1006 upon the permittee, if any, or if none, upon the person in whose name the site was last assessed for taxes as disclosed by the records of the Supervisor of Assessments.~~

~~(4) In addition to any fine imposed under this section, † The Administrator or the Director may require that the area impacted be fully restored to its condition existing prior to such development, disturbance or impact. In the case of a wetland impact the area's pre-existing condition shall be determined by reference to a creditable wetland assessment performed within two years of such impact.~~

~~(5) The Administrator or Director may recover all costs and expenses, including reasonable attorney fees, incurred in the enforcement of this ordinance.~~

~~(c) In the enforcement of this ordinance require the person to apply "after the fact" for the appropriate permit for an unpermitted development, disturbance or impact. In the case of a wetland impact the FQI of the wetland impacted shall be determined by the Director and mitigation shall be provided accordingly.~~

~~(b) In order to enforce any of the remedies set forth in the preceding paragraph, the Administrator or the Director may bring any action, legal or equitable, including an action for injunctive relief, as they deemed necessary. In any such action, in addition to any fine or other relief, the Administrator or the Director may recover all costs and expenses, including reasonable attorney fees, incurred.~~

§ 29. Section 1002(c) is amended to read as follows:

~~(c) use qualified engineer review specialists and qualified wetland review specialists for the review of permit applications and consider their recommendations in granting or denying any permit under this ordinance, unless the review of the developer's qualified wetland review specialist indicates that there are no wetlands on site in which case the Administrator may rely upon that review without having it independently verified;~~

§ 30. Section 1100 is amended to read as follows:

~~(a) The County shall enforce all of the provisions of this ordinance within (1) the unincorporated areas of the County, (2) within the limits of any County highway, County right-of-way or any highway or right-of-way upon which the County is constructing or causing to be constructed a highway improvement or appurtenance, (3) in connection with~~

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the development of any site owned by the County, (4) within any portion of an uncertified community that lies within the County, and (5) , pursuant to intergovernmental agreement, within any portion of an uncertified community that lies outside the County. For the purposes of this section the terms “highway” and “right-of-way” shall have the meanings ascribed to them under the Illinois Highway Code (605 ILCS 5/1-101 et seq.).

(b) Unless such community has been certified under this Article to administer Article 15 before January 1, 2006, the County shall enforce the provisions of Article 15 within that portion of any certified community that lies within the County and, pursuant to intergovernmental agreement, within that portion of any certified community that lies outside the County.

(c) A community certified under this Article shall enforce all of the provisions of this ordinance within the community for which it has received certification.

§ 31. Section 1102(g) is deleted in its entirety.

§ 32. Section 1200(a) is amended to read as follows:

(a) To secure the performance of the developer's obligation to complete the construction of the stormwater facilities required by the stormwater management permit, and to pay all costs, fees and charges due under this ordinance, and to fully and faithfully comply with all of the provisions of this ordinance, the applicant shall, prior to the issuance of a stormwater management permit—

(1) post the security provided in § 1201; and

(2) post the security provided in § 1202 if an erosion and sediment control plan is required under this ordinance.; and

(3) post the security provided in § 1203 if mitigation for a wetland impact is required under this ordinance and the applicant chooses to mitigate within a wetland mitigation facility.

§ 33. Section 1301(c) is amended to read as follows:

(c) Fees paid in lieu of site runoff storage may be expended to plan, design, construct or improve stormwater management systems. A preference will be given to projects within the watershed in which the development for which they were paid was located if such expenditure is consistent with a watershed or interim watershed plan or floodplain study fee was paid.

§ 34. Section 1503(b) is amended to read as follows:

(b) Wetland impacts upon wetlands with an FQI of less than 7 shall be mitigated at a ratio of 1:1. The applicant may request permission to mitigate within the site runoff storage facility area. The applicant may earn wetland credits by enhancing preserved wetlands with an FQI of 5 or less at the ratio of one-quarter wetland credit per one acre of wetland enhanced. If this option is chosen the entire wetland shall be enhanced even if credit in excess of that required for the development is generated. The enhanced wetland shall

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meet the performance standards of § 1506. For purposes of this section, a farmed wetland is assumed to have an FQI less than 7.

§ 35. The following is added as Section 1503(h):

(h) FQI assessments made before June 1 or after October 15 shall be considered to be preliminary. Mitigation requirements based upon such preliminary assessments shall not be considered to be final unless an FQI of 16 is assumed or the Director (or Administrator in a community certified to administer Article 15), accepts such security as he shall deem appropriate to ensure that the required mitigation will be achieved.

§ 36. The following is added as Section 1503(i):

(i) The applicant may propose an alternative mitigation plan combining wetland creation, purchase of credits from a wetland mitigation bank, payment of a fee-in-lieu of wetland mitigation, and/or enhancing existing wetlands either onsite or offsite. The Director (or Administrator in a community certified to administer Article 15), shall determine if a proposed alternative mitigation plan meets the requirements of this section and his or her decision shall be final.

§ 37. Section 1506(d) is amended to read as follows:

d) A wetland mitigation facility shall not be dominated or contain cumulatively more than 25% cover of the following species: Buckthorn (*Rhamnus ~~cathartica~~ cathartica* or *frangula*), Reed-Canary Grass (*Phalaris ~~Phalaris~~ arundinacea*), Purple Loosestrife (*Lythrum salicaria*), or Giant Reed (*Phragmites australis australii*).

###

### RESOLUTION #04-394

#### AGREEMENT WITH PROFESSIONAL SERVICE INDUSTRIES, INC. FOR SOIL SURVEY SERVICES

WHEREAS, consultant services are necessary to perform a soil survey and structural borings on Meredith Road (C.H. 14) in preparation for the 2005 County Resurfacing Program; and

WHEREAS, in order to complete the soil survey it is necessary to retain the services of a professional firm to perform Soil Survey Services; and

WHEREAS, Professional Service Industries, Inc., 665 Tollgate Road, Unit H, Elgin, IL 60123 (hereinafter "Consultant") has experience and professional expertise in this area and is willing to perform the required services for an amount not to exceed Twenty One Thousand Five Hundred Seventy Seven Dollars (\$21,577.00); 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

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County Clerk's Office) with Professional Service Industries, Inc., Elgin, Illinois for Soil Survey Services.

BE IT FURTHER RESOLVED that the Kane County Board appropriate the sum of Twenty One Thousand Five Hundred Seventy Seven Dollars (\$21,577.00) to pay for Soil Survey Services and that said funds be paid from Local Option Tax Fund No. 035, Line Item # 50-64.

**###**

**RESOLUTION #04-395**

**APPROVING REIMBURSEMENT AGREEMENT WITH SBC  
FOR RELOCATION OF UTILITIES  
McLEAN BOULEVARD PROJECT  
KANE COUNTY SEC. NO. 96-00094-01-WR**

WHEREAS, the County of Kane desires to widen and otherwise improve McLean Boulevard (C.H. 18) from Bowes Road to Hopps Road/Spring Street, Kane County Section No. 96-00094-01-WR; and

WHEREAS, in order to accomplish the improvement as contemplated, it is necessary that the telephone lines owned and operated by SBC be relocated in advance of major construction; and

WHEREAS, the telephone line facilities are within a permanent easement owned by SBC and as a result thereof the County is obligated to pay for relocation of said lines where in conflict with the proposed road construction and to provide new easements within the County right-of-way for placement.

NOW, THEREFORE BE IT RESOLVED, by the Kane County Board that the Chairman thereof is hereby authorized to execute a reimbursement agreement (a copy of which is on file with the County Clerk's Office) with SBC for the relocation of telephone lines within new easements designated by the County for said McLean Boulevard project.

BE IT FURTHER RESOLVED that the Kane County Board appropriate the not to exceed sum of Fifty Seven Thousand Eight Hundred Twenty and 91/100 Dollars (\$57,820.91) to pay for said services and that said funds be paid from Local Option Tax Fund No. 035, Line Item #50-60.

**###**

**RESOLUTION #04-396**

**AGREEMENT WITH WESTERN ENGINEERING, P.C.  
FOR PROFESSIONAL LAND SURVEY ASSISTANCE**

WHEREAS, consultant services are necessary to prepare highway plats with accompanied legal descriptions on various County highways; and



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WHEREAS, in order to complete the highway plats with legal descriptions it is necessary to retain the services of a professional land surveying firm to perform Survey Services; and

WHEREAS, Western Engineering, P.C., 1 West Illinois Street, St. Charles, IL 60174 (hereinafter "Consultant") has experience and professional expertise in this area and is willing to perform the required services for an amount not to exceed Thirty Thousand Dollars (\$30,000.00); 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 Western Engineering, P.C. of St. Charles, Illinois for Survey Services.

BE IT FURTHER RESOLVED that the Kane County Board appropriate the not to exceed sum of Thirty Thousand Dollars (\$30,000.00) to pay for Survey Services and that said funds be paid from Local Option Tax Fund No. 035, Line Item # 50-13.

**###**

**RESOLUTION #04-397**

**APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN  
THE COUNTY OF KANE AND THE CITY OF ELGIN  
FOR SHARED USE OF MAINTENANCE STORAGE FACILITY**

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

WHEREAS, the County and the City desire to develop a mutually satisfactory arrangement for the shared use of the City of Elgin's Maintenance Storage Facility located at 1900 Holmes Road; and

WHEREAS, it will be necessary to enter into a joint agreement embodying such provisions between the City of Elgin and the County of Kane; and

WHEREAS, an intergovernmental agreement with the City of Elgin to share use of their Maintenance Storage Facility is deemed by the County and the City 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.

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that the Chairman thereof is hereby authorized to execute an intergovernmental agreement (a copy of which is on file with the County Clerk's Office) with the City of Elgin relating to the shared use of Elgin's Maintenance Storage Facility located at 1900 Holmes Road.

**###**

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**RESOLUTION #04-398**

**ACCEPTING AN ILLINOIS CLEAN ENERGY COMMUNITY FOUNDATION GRANT  
FOR LED TRAFFIC SIGNAL UPGRADES**

WHEREAS, the Division of Transportation has applied for an Illinois Clean Energy Community Foundation grant for the Light Emitting Diode (LED) traffic signal upgrades; and

WHEREAS, the Illinois Clean Energy Community Foundation is prepared to award a grant of \$65,675 to the Kane County Division of Transportation; and

WHEREAS, the LED signal upgrades are proposed at 25 locations along the Randall Road corridor at an estimated total cost of \$143,638; and

WHEREAS, the grant will cover approximately 46% of the total cost to upgrade 25 traffic signal locations along the Randall Road corridor; and

WHEREAS, the Division of Transportation has solicited financial participation and received interest from several communities; and

WHEREAS, LEDs last longer and use less energy than traditional incandescent bulbs, reducing operating and maintenance expenses; and

WHEREAS, LEDs enhance safety through better light quality visibility; and

WHEREAS, LEDs improve reliability, including the ability to run on batteries during utility power outages.

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that the Kane County Division of Transportation is hereby authorized to participate in the Illinois Clean Energy LED Traffic Signal Lighting Upgrade Project and that the Illinois Clean Energy Community Foundation Grant of \$65,675 as presented is hereby accepted.

**###**

**RESOLUTION #04-399**

**APPROVAL OF TEMPORARY ACCESS  
RANDALL ROAD**

WHEREAS, Peter and Margaret Bogle, property owners in the Middlecreek Subdivision, are proposing to build a berm as a sound barrier on their property, which is adjacent to Randall Road; and

WHEREAS, in order to access their property to complete the berm, Peter and Margaret Bogle are requesting a temporary access from Randall Road; and

WHEREAS, the access will be limited to a right-in/right-out only; and

WHEREAS, the access will be needed for a limited time period and the driveway and culvert will be removed upon completion to prevent unwanted access.

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NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that temporary access to Randall Road be approved subject to County policies and permitting by the County Engineer.

**###**

**RESOLUTION #04-400**

**ACQUISITION OF HIGHWAY RIGHT OF WAY  
ORCHARD ROAD PERMANENT DRAINAGE EASEMENT  
KANE COUNTY SECTION NO. 99-00232-00-WR**

WHEREAS, the County of Kane is authorized by law, pursuant to the Illinois Compiled Statutes, 605 ILCS 5/5-801 (2002), to acquire real property for highway purposes by negotiated purchase or eminent domain proceedings; and

WHEREAS, the County of Kane has developed plans for the improvement of Kane County Highway No. 83, also known as Orchard Road, Kane County Section No. 99-00232-00-WR; and

WHEREAS, the Village of Montgomery, the owner of the property which is legally described and incorporated herein in Exhibit "A" (a copy of which is on file in the office of the Kane County Clerk), has offered to grant a permanent drainage easement to the County of Kane over, under, through, across and upon said property. Said easement is to be conveyed and granted to the County of Kane on the terms and conditions as contained the permanent easement agreement as set forth in Exhibit "A".

NOW THEREFORE BE IT RESOLVED, by the Kane County Board that the County of Kane accept the offer of the Village of Montgomery to grant said permanent drainage easement to the County of Kane on the terms and conditions as set forth in Exhibit "A" and that the Chairman of the Kane County Board is hereby authorized and directed to execute said permanent easement agreement.

**###**

**RESOLUTION #04-401**

**ACQUISITION OF HIGHWAY RIGHT OF WAY  
RANDALL ROAD AND FABYAN PARKWAY  
TEMPORARY CONSTRUCTION EASEMENTS**

WHEREAS, the County of Kane is authorized by law, pursuant to the Illinois Compiled Statutes, 605 ILCS 5/5-801 (2002), to acquire real property for highway purposes by negotiated purchase or eminent domain proceedings; and

WHEREAS, the County of Kane has developed plans for the improvement of the intersection of Randall Road (County Highway No. 34) and Fabyan Parkway (County Highway No. 8); and

WHEREAS, KIMCO Geneva 822 Inc., Fabyan Crossing I, LLC and Fabyan Parkway II, LLC, the owners of the property which is legally described and incorporated herein in Exhibit

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“A” (a copy of which is on file in the office of the Kane County Clerk), have offered to grant temporary construction easements to the County of Kane over, under, through, across and upon said property. Said easements shall be conveyed and granted to the County of Kane on the terms and conditions as contained the permanent easement agreement as set forth in Exhibit “A”.

NOW THEREFORE BE IT RESOLVED, by the Kane County Board that the County of Kane accept the offer of KIMCO Geneva 822 Inc., Fabyan Crossing I, LLC and Fabyan Parkway II, LLC to grant said temporary construction easements to the County of Kane on the terms and conditions as set forth in Exhibit “A” and that the Chairman of the Kane County Board is hereby authorized and directed to execute said temporary easement agreement.

**###**

**RESOLUTION #04-402**

**ACQUISITION OF HIGHWAY RIGHT OF WAY  
RANDALL ROAD PARCEL NOS. 1F30032 & 1F30035  
KANE COUNTY SECTION NO. 99-00243-00-PV**

WHEREAS, the County of Kane is authorized by law, pursuant to the Illinois Compiled Statutes, 605 ILCS 5/5-801 (2002), to acquire real property for highway purposes by negotiated purchase or eminent domain proceedings; and

WHEREAS, the County of Kane has developed plans for the improvement of Kane County Highway No. 34 also known as Randall Road, Kane County Section No. 99-00243-00-PV; and

WHEREAS, the City of St. Charles, the property owner of Randall Road Parcel Nos. 1F30032 & 1F30035 which are legally described herein in Exhibit “A” which is attached hereto and incorporate herein (a copy of which is on file in the office of the Kane County Clerk), has offered to convey Parcel No. 1F30032 to the County of Kane for the total sum of One Hundred Twelve Thousand Dollars (\$112,000.00) and Parcel No. 1F30035 to the County of Kane for the total sum of Four Thousand Dollars (\$4,000.00).

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that the County of Kane accept the offer of the City of St. Charles to convey said property to the County of Kane for the total sum of One Hundred Sixteen Thousand Dollars (\$116,000.00) to be paid from the Bond Project Fund No. 030, Line Item No. 70-30 and, that the Chairman of the Kane County Board is hereby authorized and directed to execute an agreement therefore.

**###**

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**RESOLUTION #04-403**

**ACQUISITION OF HIGHWAY RIGHT OF WAY  
STEARNS ROAD BRIDGE CORRIDOR  
PARCEL NO. 1ST 0061  
KANE COUNTY SEC. NO. 98-00214-02-BR**

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

WHEREAS, the County of Kane has developed right of way plans for the Stearns Road Bridge Corridor, Kane County Sec. No. 98-00214-02-BR; and

WHEREAS, Harris Bank St. Charles, as Trustee Under Trust Agreement Dated December 16, 1994 and known as Trust No. 2371 owner of the property legally described in Exhibit "A" which is attached hereto (a copy of which is on file in the office of the Kane County Clerk), has offered to sell said property to the County of Kane for the sum of Eight Million Five Hundred Thousand Dollars (\$8,500,000.00) and upon the terms and conditions as contained in the contract as set forth in Exhibit "A".

WHEREAS, Federal Statute requires the County of Kane to reimburse the owners and/or tenants of the property described herein to be acquired by the County of Kane reasonable moving expenses and related costs based upon a low quote of Three Million Dollars (\$3,000,000.00).

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that the County of Kane accept the offer of Harris Bank St. Charles, as Trustee Under Trust Agreement Dated December 16, 1994 and known as Trust No.2371 to sell said property to the County of Kane for the total sum of Eight Million Five Hundred Thousand Dollars (\$8,500,000.00) to be paid from the Bond Fund No. 030, Line Item No. 70-30 and, the Chairman of the Kane County Board is hereby authorized and directed to execute an agreement therefor.

BE IT FURTHER RESOLVED, that the County of Kane, pay said reimbursement for reasonable moving expenses pursuant to the terms said agreement in a total sum not to exceed Three Million Dollars (\$3,000,000.00) to be paid from Transportation Capital Fund No. 028 Line Item No. 70-30.

**###**

**RESOLUTION #04-404**

**AMENDING RESOLUTIONS FOR APPROPRIATIONS FROM BOND FUND**

WHEREAS, pursuant to Resolution No. 01-250, the County of Kane authorized the issuance of General Obligation Bonds not to exceed \$55,000,000 to construct, maintain and improve certain county highways, roads, bridges, and other structures and property related to transportation in and for the County; and

WHEREAS, in relation to Resolution No. 01-250, the County established Bond Fund No.030; and

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WHEREAS, the County has funded the construction of certain bond eligible projects out of said fund, including the Stearns Road Bridge Corridor project; and

WHEREAS, it is deemed to be in the best interest of the County of Kane and the motoring public to improve said Stearns Road Bridge Corridor; and

WHEREAS, in order to effectuate said improvement it is necessary that the County purchase right-of-way to preserve said corridor; and

WHEREAS, to cover the cost of right-of-way for Stearns Road Bridge Corridor and the remaining Orchard Road (Indian Trail to Prairie) construction costs, the remaining monies in said bond fund will be depleted, requiring the transfer of some other County projects which have been appropriated from the Bond Fund; and

WHEREAS, the Kane County Board is now wanting to amend the following resolutions:

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Res. #	Res. Date	Fund	Account	Project	P.O. #	Remaining Accrual
03-261	08/25/03	030	030-8375-811.50-13	Big Timber Brdge Ovr Tyler & Pingree	40963	\$ 141,467.93
03-207	06/17/03	030	030-8375-811.50-62	BigTimberRdBrOvrTylerCreek	33398	\$ 32,136.35
03-52	02/26/03	030	030-8375-811.50-13	BigTimberRdBrOvrTylerCreek	33370	\$ 156,760.59
01-389	11/13/01	030	030-8375-811.50-13	Bliss/Fabyan/Main	25017	\$ 3,340.89
03-236	07/15/03	030	030-8375-811.50-13	Dauberman/Granart Align.	34495	\$ 70,228.34
02-107	04/09/02	030	030-8375-811.50-13	Fabyan Pkwy Ovr Mill Creek	25020	\$ 23,081.42
02-346	10/08/02	030	030-8375-811.50-13	Fox River Bridges	25758	\$ 50,652.93
02-72	03/12/02	030	030-8375-811.50-13	French/Harmony Alignment	25027	\$ 144,136.97
03-259	08/25/03	030	030-8375-811.50-13	Granart Rd Bridge	38513	\$ 22,347.01
03-47	02/26/03	030	030-8375-811.50-13	Granart Rd Bridge	30002	\$ 151,626.77
03-291	09/11/03	030	030-8375-811.50-13	Huntley Rd - Randall to IL31	35811	\$ 74,604.75
03-49	02/26/03	030	030-8375-811.50-13	Keslinger Over Blackberry Creek	30010	\$ 31,784.51
03-50	02/26/03	030	030-8375-811.50-62	Keslinger Over Blackberry Creek	46705	\$ 83,227.23
03-311	09/11/03	030	030-8375-811.50-13	Keslinger Over Welch Creek	38562	\$ 7,600.26
04-215	05/13/04	030	030-8375-811.50-13	Kirk Rd - Pine St to Rt64	43301	\$ 53,428.05
03-234	07/10/03	030	030-8375-811.50-13	Kirk Rd/IL56	25026	\$ 12,450.08
02-11	01/08/02	030	030-8375-811.50-13	LaFox/Rt38	25035	\$ 2,269.24
04-118	03/09/04	030	030-8375-811.50-60	LaFox/Rt38	41640	\$ 904,971.24
04-119	03/09/04	030	030-8375-811.50-13	LaFox/Rt38	41641	\$ 56,833.67
01-465	12/11/01	030	030-8375-811.50-13	Long Meadow (Bolz Road) Bridge	25037	\$ 245,760.24
04-298	07/15/04	030	030-8375-811.50-13	Long Meadow (Bolz Road) Bridge	25036	\$ 1,513,152.10
01-157	11/13/01	030	030-8375-811.50-60	Orchard Rd Underpass	25096	\$ 92,484.81
01-356	11/13/01	030	030-8375-811.50-60	Orchard Rd Underpass	25097	\$ 414,276.24
02-201	06/11/02	030	030-8375-811.50-13	Orchard Rd-Jericho to Rt30	25100	\$ 51,537.24
02-264	08/14/02	030	030-8375-811.50-13	Orchard Rd-Jericho to Rt30	25101	\$ 81,506.01
04-18	01/20/04	030	030-8375-811.50-60	Orchard/IndianTrail-Praire	41758	\$ 618,628.21
04-18	01/20/04	030	030-8375-811.50-60	Orchard/IndianTrail-Praire	41766	\$ 3,870,075.84
01-402	11/13/01	030	030-8375-811.50-13	Randall Rd & Fabyan	25113	\$ 16,226.15
03-172	05/13/02	030	030-8375-811.50-13	Randall Rd & Fabyan	32512	\$ 160,000.00
01-410	11/03/01	030	030-8375-811.50-13	Randall Rd @ CC&P Railroad	25114	\$ 11,210.17
03-231	07/08/03	030	030-8375-811.70-30	Randall Rd at IL64	IGA	\$ 3,530,000.00
02-109	04/09/02	030	030-8375-811.50-13	Randall Rd- Dean to Bricher	25121	\$ 150,423.62
02-73	03/12/02	030	030-8375-811.50-13	Randall Rd- Dean to Bricher	25122	\$ 8,437.47
01-412	11/13/01	030	030-8375-811.50-13	SouthStTrailRndIIUnderpass	25136	\$ 16,491.82
01-463	12/11/01	030	030-8375-811.50-13	Stearns Road Bridge	25137	\$ 247,029.09
02-226	07/09/02	030	030-8375-811.50-13	Stearns Road Bridge	25139	\$ 509,601.53
04-257	06/14/04	030	030-8375-811.70-30	Stearns Road Bridge	IGA	\$7,226,476.87
04-287	07/15/04	030	030-8375-811.50-13	Stearns Road Bridge	25139	\$ 829,000.00
						<u>\$ 21,615,265.64</u>

NOW, THEREFORE, BE IT RESOLVED that the Kane County Board amends the above-stated resolutions hereby appropriating said funds be paid from the Transportation Capitol Fund No. 028.

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No questions or discussion. Roll call on Consent Agenda (#04-371, #04-372, #04-373, #04-374, #04-376, #04-377, #04-379, #04-380, #04-381, #04-382, #04-383, #04-384, #04-385, #04-386, #04-387, #04-388, #04-389, #04-390, #04-391, #04-392, #04-394, #04-395, #04-396, #04-397, #04-398, #04-399, #04-400, #04-401, #04-402, #04-403, #04-404) as follows: AYES: Allan, Cameron, Cook, Greviskes, Griffin, Hoscheit, Hurlbut, Jones, Kudlicki, McConnaughay, R., Mitchell, Neuberger, Noverini, Richards, Sanchez, Scalfaro, McConnaughay, K., Tredup, VanOvermeiren, Walter, Weigand, Wojnicki, Wolfe, Wyatt NAYS: None AYES: 24 NAYS: 0 **CONSENT AGENDA ADOPTED.**

### **RESOLUTION #04-375**

Moved by Hurlbut; seconded by McConnaughay, K., that #04-375 be adopted.

### **ADOPTING THE KANE COUNTY, ILLINOIS 2030 TRANSPORTATION PLAN AND THE KANE COUNTY, ILLINOIS 2030 LAND RESOURCE MANAGEMENT PLAN**

WHEREAS, 605 ILCS 5/5-301 provides for the development and adoption by counties of a long-range transportation plan; and

WHEREAS, 55 ILCS 5/5-14001 and 50 ILCS 805/1 provide for counties to engage in planning for the coordinated, adjusted and harmonious development of said region and prepare and adopt land resource management plans; and

WHEREAS, the Kane County Board has determined that the development and adoption of a comprehensive long-range transportation plan is necessary in order to facilitate the transportation of people, goods, and services in and through Kane County, to ensure the free flow of traffic and to insure safety to the motoring public, promote the expansion and use of public transportation and alternatives to driving such as walking and bicycling, and to provide for the efficient use of limited transportation resources; and

WHEREAS, the development of the Kane County Year 2030 Transportation Plan has included participation of the Chicago Area Transportation Study, the Northeastern Illinois Planning Commission, the Regional Transportation Authority, METRA, Pace, the Kane County Council of Mayors, Kane County municipalities, departments and agencies of the county and state, and many individual citizens and interest groups; and

WHEREAS, the 2030 Land Resource Management Plan has been prepared by the Regional Planning Commission pursuant to the authority of the Regional Planning Act (55 ILCS 5/5-14001 et seq.), which encourages “counties to protect the land, air, water, natural resources and environment of the State and to encourage the use of such resources in a manner which is socially and economically desirable through the adoption of join or compatible Local Land Resource Management Plans” and furthers “the policy of the State in land resource management”; and

WHEREAS, it is the judgment of the Kane County Board that the 2030 Land Resource Management Plan will, in accordance with the present and future needs of the County and the State, (i) best protect the land, air, water, natural resources and environment of the County and the State and encourage the use of such resources in a manner which is socially and economically desirable and (ii) best promote the health, safety, morals, order, convenience,



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prosperity, efficiency and economy in the process of development and the general welfare of the county; and

WHEREAS, the Kane County 2030 Transportation Plan incorporates comments received in sixteen (16) interactive public meetings and five (5) public Open House meetings around the County and is a collaborative effort of the municipalities, Kane County, Kane County Forest Preserve, the Kane County Council of Mayors, elected officials, townships, park districts, regional transportation and planning agencies, and many individual citizens and interest groups; and

WHEREAS, the development of the 2030 Land Resource Management Plan included participation and review by the Northeastern Illinois Planning Commission, Kane County municipalities, departments and agencies of the county and state, interest groups and individual residents and considered comments received at three public forums held on June 29<sup>th</sup>, July 13<sup>th</sup>, and July 14<sup>th</sup>, 2004, and a public hearing held on August 19, 2004.

NOW, THEREFORE, BE IT ORDAINED by the Kane County Board that the Kane County, Illinois, 2030 Transportation Plan as presented to this meeting be and is hereby adopted as the official transportation plan for Kane County pursuant to the provisions of 605 ILCS 5/5-301, and that the Kane County Illinois 2030 Land Resource Management Plan as presented to this meeting be and is hereby adopted as the official land use and resource management plan for Kane County pursuant to the provisions of 55 ILCS 5/5-14001 et seq. And 50 ILCS 805/1. et seq.

BE IT FURTHER ORDAINED that the Kane County Board directs the Kane County Division of Transportation and the Kane County Development Department respectively to prepare this adopted 2030 Transportation Plan and this adopted 2030 Land Resource Management Plan for publication.

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Motion by Wolfe to postpone for 30 to 60 days to add density figures; seconded by Wyatt. Discussion. Roll call to amend as follows: AYES: Allan, Cameron, Greviskes, Griffin, Hoscheit, Jones, Kudlicki, Neuberger, Richards, McConnaughay, K., Wolfe, Wyatt NAYS: Cook, Hurlbut, McConnaughay, R., Mitchell, Noverini, Sanchez, Scalfaro, Tredup, VanOvermeiren, Walter, Weigand, Wojnicki AYES: 12 NAYS: 12 **CHAIRMAN MCCOY STATES MOTION TO AMEND #04-375 FAILS.** Scalfaro motions to add additional language to the Land Resource Management Plan regarding local bridges; seconded by Allan. Discussion. Roll call to amend as follows: AYES: Allan, Noverini, Scalfaro, Weigand, Wolfe NAYS: Cameron, Cook, Greviskes, Griffin, Hoscheit, Hurlbut, Jones, Kudlicki, McConnaughay, R., Mitchell, Neuberger, Richards, Sanchez, McConnaughay, K., Tredup, VanOvermeiren, Walter, Wojnicki, Wyatt AYES: 5 NAYS: 19 **MOTION TO AMEND #04-375 FAILS.** Discussion. Motion by Richards; seconded by Cameron to return request for amendment back to committee. Discussion. Motion withdrawn by Richards. Discussion. Motion by Hoscheit; seconded by Wolfe to amend #04-375 by adding, "Kane County also encourages the building of local bridges." Roll call to amend as follows: AYES: Allan, Cameron, Hoscheit, Kudlicki, Noverini, Richards, Scalfaro, McConnaughay, K., VanOvermeiren, Walter, Weigand, Wojnicki, Wolfe, Wyatt NAYS: Cook, Greviskes, Griffin, Hurlbut, Jones, McConnaughay, R., Mitchell, Neuberger, Sanchez, Tredup AYES: 14 NAYS: 10 **MOTION TO AMEND #04-375 PASSES.**

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No further questions or discussion. Roll call on #04-375 as amended as follows: AYES: Allan, Cameron, Cook, Greviskes, Griffin, Hoscheit, Hurlbut, Jones, Kudlicki, McConnaughay, R., Mitchell, Neuberger, Noverini, Richards, Sanchez, Scalfaro, McConnaughay, K., Tredup, VanOvermeiren, Walter, Weigand, Wojnicki, Wolfe, Wyatt NAYS: None **RESOLUTION #04-375 ADOPTED AS AMENDED.**

### **ORDINANCE #04-393**

Moved by Wyatt; seconded by Walter that #04-393 be adopted.

#### **AMENDING SECTION 11-100 THROUGH 11-107 OF THE KANE COUNTY CODE (Rules of Procedure for New Regional Pollution Control Facility Site Approval Application in Unincorporated Areas of Kane County)**

WHEREAS, the Kane County Board desires to revise the Rules of Procedure for New Regional Pollution Control Facility Site Approval Applications in Unincorporated Areas of Kane County.

NOW, THEREFORE, BE IT ORDAINED by the Kane County Board that current sections 11-100 through and inclusive of section 11-107 of the Kane County Code are hereby modified and shall read as attached hereto.

###

Motion by Hoscheit to amend #04-393 as recommended by staff and attorneys; seconded by Wolfe. No questions or discussion. Approved unanimously by voice vote. No further questions or discussion. Roll call on #04-393 as follows: AYES: Allan, Cameron, Cook, Greviskes, Griffin, Hoscheit, Hurlbut, Jones, Kudlicki, McConnaughay, R., Mitchell, Neuberger, Noverini, Richards, Sanchez, Scalfaro, McConnaughay, K., Tredup, VanOvermeiren, Walter, Weigand, Wojnicki, Wolfe, Wyatt NAYS: None AYES: 24 NAYS: 0 **ORDINANCE #04-393 ADOPTED AS AMENDED.** Cook leaves.

### **RESOLUTION #04-405**

Moved by Richards; seconded by Wojnicki that #04-405 be adopted.

#### **AMENDING THE KANE COUNTY PERSONNEL POLICY HANDBOOK (Criminal History Checks)**

WHEREAS, the Human Services Committee has recommended that certain changes be made to the Kane County Personnel Policy Handbook by adding a section entitled Criminal History Checks.

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that the Kane County Personnel Policy Handbook be amended in accordance with the following:

#### **Criminal History Checks**

Beginning December 1, 2004, all persons applying for employment with the County of Kane ("Kane County") shall be required to submit to a fingerprint-based criminal history check

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as a condition of employment. In addition, beginning January 1, 2005, current Kane County Health Department employees whose positions require a criminal history check pursuant to applicable law, grant or other contract provision shall also be required to submit to a fingerprint-based criminal history check as a condition of continued employment with Kane County.

If a criminal history check is required, then all applicants or pertinent current employees will be required to complete a criminal history record. Unless required by applicable law, Kane County will not inquire about arrest records.

In addition, the applicant or employee will be required to submit an appropriate fingerprint sample for analysis by law enforcement agencies and will be advised that confirmation of the individual's criminal history will be sought from the appropriate authorities. If any consent form is required by an applicable law or a particular law enforcement agency to release the information, the applicant or employee will be required to provide such a consent form. Kane County will take reasonable steps to obtain accurate information. If the criminal history provided by the applicant or employee does not conform to the information obtained through the criminal history check, the applicant or employee will be given an opportunity to explain any differences. If a satisfactory explanation is not given, the applicant or employee will not be considered further for the position.

If any applicant declines to complete the criminal history record or to provide an appropriate fingerprint sample or a required consent, such action will be treated as if the applicant has withdrawn his or her application for the position. If an affected current employee declines to complete the criminal history record or to provide an appropriate fingerprint sample or a required consent, such action will be treated as if the employee has submitted his or her resignation from the position.

Applicants will not be hired until the criminal history check has been completed and evaluated jointly by the Director of the Kane County Human Resources Department and the relevant director of the department in which the position exists, in consultation with the Kane County State's Attorney's Office, Civil Division, as necessary. However, if operational needs require immediate hiring of personnel for a particular position, other than a position for which criminal background check is required by applicable law or contract, an applicant may be hired as a temporary employee, without benefits, for a period not to exceed eight weeks prior to the completion of a criminal history check. Such hiring shall not constitute an offer for regular, full-time employment, with or without benefits, nor shall it create any right or expectation of continued employment or the offer of a permanent position.

Kane County's equal employment opportunity policy will be followed with respect to any criminal history information. If an individual has a criminal history, the following factors will be considered in determining whether to hire or retain the individual, as applicable, for the position sought:

- The nature of the criminal act
- The frequency of criminal acts
- The time since the last conviction

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- The time between convictions
- The nature of the job
- The qualifications of the individual for the job
- Evidence the individual has successfully rehabilitated himself or herself
- Whether the position entails interaction with minors or others unable to care for themselves

Any employee discovered to have lied or omitted information regarding his or her criminal history is subject to disciplinary action up to and including immediate discharge.

All criminal history record information shall be maintained by the Kane County Human Resources Director, in confidence, in locked files separate from the personnel records.

It shall be within the sole discretion of each elected official or appointed official with internal control to apply any or all provisions of this policy to applicants or employees of his or her office.

###

Much discussion follows on concerns for individual rights. Roll call as follows: AYES: Allan, Cameron, Hoscheit, Kudlicki, Mitchell, Noverini, Richards, Scalfaro, Walter, Weigand, Wojnicki, Wyatt NAYS: Greviskes, Griffin, Hurlbut, Jones, McConnaughay, R., Neuberger, Sanchez, McConnaughay, K., Tredup, VanOvermeiren, Wolfe AYES: 12 NAYS: 11 **RESOLUTION #04-405 ADOPTED.**

### **SPEAKERS**

Dianna Carlson, West Chicago, spoke on her concerns of the use of a private residence to conduct a business. Discussion. Phil Bus, Executive Director, Development, will meet with Ms. Carlson after the meeting to discuss this issue.

Dolores Brazas, Hampshire, returned to the Board regarding abatement on property taxes less than \$150.00. She is requesting the County Clerk provide a letter disclaiming any rights or title to said property by the County.

### **EXECUTIVE SESSION**

Moved by Kudlicki; seconded by Walter 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 11:45 a.m. The Board resumed regular session at 11:52 a.m.

Weigand asked the Board to carefully review inmate capacity numbers for the proposed jail project.

There being no further business, motion to adjourn by Jones; seconded by Kudlicki that the meeting stand adjourned until the next regularly scheduled meeting. Approved unanimously by voice vote. Chairman McCoy adjourned the meeting at 11:58 a.m.