

Proceedings of the Ogle County Board Meeting  
April 18, 2007

State of Illinois )  
County of Ogle ) ss  
City of Oregon )

**Call to Order**

Chairman Rice calls the meeting to order at 5:33 p.m.

**Roll Call**

The roll call shows Bauer absent. The invocation is given by Colbert and this is followed with the Pledge of Allegiance to the Flag.

**Approval of Minutes**

Chairman Rice asks for a motion to approve the March 20, 2007, Ogle County Board meeting minutes. Nye moves to approve the March 20, 2007, Ogle County Board Meeting minutes. Horner seconds and the motion carries on a voice vote.

**Approval of Reports**

White moves to accept and place on file the reports of the Treasurer, County Clerk/Recorder and Circuit Clerk. Swanson seconds and the motion carries on a voice vote.(Placed on file)

**Presentation – John Thompson – President/CEO/Zone Administrator – Lee County**

Chairman Rice says Mr. Thompson is not available at this time. We will hold this discussion later in the meeting after Mr. Thompson arrives.

**Ordinance – Lee County – Enterprise Zone – Amending Ordinance and the Amendment #12 to the Intergovernmental Agreement**

This will be discussed later when Mr. Thompson arrives.

**Ordinance – Obstruction of Railroad Crossings #07-0418A**

State's Attorney Roe briefly explains the need and enforcement procedures regarding this Ordinance. This Ordinance will be in effect as soon as it is passed by the Ogle County Board. There was discussion regarding the procedure and enforcement issues of this Ordinance. Scholl moves to approve the Obstruction of Railroad Crossing Ordinance #07-0418A as presented and Nye seconds. A roll call vote is called:

**YES:** Colson, Diehl, Gouker, Gronewold, Heuer, Hopkins Horner, Huntley, Kenney, Kilker, Messer, Nye, Scholl, Stahl, Swanson, White, Williams, Barnes, Boes, Bowers, Brooks, Colbert and Rice

**NO:** None

**ABSENT:** Bauer

The motion carries on a roll call vote.(Placed on file)

**Vacancies -**

Chairman Rice announces the following vacancy:

- Byron Museum District

Application deadline for these vacancies will be Friday, June 1, 2007, at 4:30 p.m. in the County Clerk's Office

## **Appointments -**

### Sheriff's Merit Commission

Chairman Rice states Andy Colbert has been recommended to fill the vacancy on the Sheriff's Merit Commission for an unexpired term which ends July 31, 2007. Kilker moves to approve the appointment of Andy Colbert to the Sheriff's Merit Commission. Barnes seconds and the motion carries on a voice vote.(Placed on file)

### Ogle County Housing Authority

Chairman Rice states Janet E. Stahlheber has been recommended to fill the vacancy on the Ogle County Housing Authority for an unexpired term which ends October 31, 2008. Horner moves to approve the appointment, Colbert seconds and the motion carries on a voice vote.(Placed on file)

### Dixon Fire Protection District and Resolution

Chairman Rice states Rodney J. Fetterolf has been recommended for appointment to the Dixon Fire Protection District for a term which ends April 30, 2010 and Resolution for the appointment. Kenney moves to approve the appointment and resolution, Messer seconds and the motion carries on a voice vote.(Placed on file)

### Forreston Fire Protection District

Chairman Rice states Ralph M. Derby has been recommended for appointment to the Forreston Fire Protection District for a term which ends April 30, 2010. Hopkins moves to approve the appointment, Messer seconds and the motion carries on a voice vote.(Placed on file)

### Franklin Grove Fire Protection District

Chairman Rice states Steven J. Meiners has been recommended for appointment to the Franklin Grove Fire Protection District for a term which ends April 30, 2010. Kilker moves to approve the appointment, Nye seconds and the motion carries on a voice vote.(Placed on file)

### Leaf River Fire Protection District

Chairman Rice states Michael R. Flick has been recommended for appointment to the Leaf River Fire Protection District for a term which ends April 30, 2010. Gronewold moves to approve the appointment, Nye seconds and the motion carries on a voice vote.(Placed on file)

### Lynn-Scott-Rock Fire Protection District

Chairman Rice states Curtis W. Fruit has been recommended for appointment to the Lynn-Scott-Rock Fire Protection District for a term which ends April 30, 2010. Messer moves to approve the appointment, Scholl seconds and the motion carries on a voice vote.(Placed on file)

### Oregon Fire Protection District

Chairman Rice states James M. Egyed has been recommended for appointment to the Oregon Fire Protection District for a term which ends April 30, 2010. Brooks moves to approve the appointment, Barnes seconds and the motion carries on a voice vote.(Placed on file)

### Ogle County Planning Commission

Hopkins states the Planning and Zoning Committee has recommended Paul White to the Ogle County Planning Commission for a term which ends April 30, 2010. Diehl moves to approve the appointment, Boes seconds and the motion carries on a voice vote.(Placed on file)

### Ogle County Planning Commission

Hopkins states the Planning and Zoning Committee has recommended Keith A. Johnson to the Ogle County Planning Commission for a term which ends April 30, 2010. Boes moves to approve the appointment, Messer seconds and the motion carries on a voice vote.(Placed on file)

### Zoning Board of Appeals

Hopkins states the committee has recommended Curtis Freeberg to serve as an Alternate member of the Zoning Board of Appeals for a term which ends April 30, 2012. Williams moves to approve the appointment, Diehl seconds and the motion carries on a voice vote.(Placed on file)

### Zoning Board of Appeals

Hopkins states the committee has recommended Bruce McKinney to serve as a regular member of the Zoning Board of Appeals for a term which ends April 30, 2012. White moves to approve the appointment, Horner seconds and the motion carries on a voice vote.(Placed on file)

#### **Resolution – Closed Meeting Minutes**

Chairman Rice has State's Attorney Ben Roe explain the Closed Meeting Minutes Resolution to the members of the Board. Roe states Closed Minutes are to be reviewed every six months and with the help of the Executive Committee and the County Administrator it was determined what minutes to Open and what minutes are to remain Closed. Nye moves to approve the resolution as presented, Kenney seconds and the motion carries on a voice vote.(Placed on file)

#### **Resolutions for Tax Abatement**

Chairman Rice states the County has received a request from the Greater Rochelle Economic Development Corporation (GREDCO) for approval of four real estate Tax Abatements. Three of the Abatements – Projects Andrea, Dean and Sebastien are for businesses considering expanding and/or building in the Rochelle area. He noted that GREDCO is keeping the names of the three companies confidential at this time. The fourth Abatement is for a business that has completed its building project.

##### Project Andrea

Chairman Rice states the Real Estate Tax Abatement for Project Andrea is as follows: 90% for the first year – 75% for the second year – 60% for the third year – 45% for the fourth year and 30% for the fifth year. Nye makes the motion to approve the resolution as presented and Kenney seconds. Barnes asks how many jobs will this project bring to the area? Chairman Rice states the estimated number of jobs to be 10 – 15 white collar jobs. Williams asks if there is any guarantee as to how long the company will stay within the county? Chairman Rice states he cannot answer that question, however, the City of Rochelle can offer the company a break on Sales Tax and utilities and sewer rates because they run those departments. Kilker asks if there is anything in the information from GREDCO regarding if the company leaves the county after two years, is there a payback? Chairman Rice could not answer the question. Gouker states he would like to receive this information in advance. The motion carries on a voice vote.(Placed on file)

##### Project Dean

Chairman Rice states the Real Estate Tax Abatement for Project Dean is as follows: 90% for the first year and 75% for the second year. Horner moves to approve the resolution as presented, Nye seconds. Barnes asks how many jobs will this project bring to the area? Chairman Rice states the estimated number of jobs is 10 – 15. The motion carries on a voice vote.(Placed on file)

##### Project Sebastien

Chairman Rice states the Real Estate Tax Abatement for Project Sebastien is as follows: 90% for the first year – 75% for the second year and 60% for the third year. Horner moves to approve the resolution as presented, Huntley seconds and the motion carries on a voice vote.(Placed on file)

##### DP Industrial, LLC

Chairman Rice states they built a 500,000 square foot warehouse about three years ago. Chairman Rice says the building is fully occupied by Clark Steel which created about 50 jobs and Del Monte. Kilker moves to approve the resolution as presented, Horner seconds and the motion carries on a voice vote.(Placed on file)

#### **Zoning - #1-07 AMENDMENT - Duane Snodgrass and Valdene Snodgrass**

Chairman Rice and County Clerk Huntley present the petition of Duane Snodgrass and Valdene Snodgrass Trustee, 7412 IL Rte. 2 N., Byron, IL for an Amendment to the Zoning District to rezone from AG-1 Agricultural District to R-1 Rural Residence District on property described as follows and owned by the petitioners:

Part of the NE 1/4 Section 36 Byron Township 25N, R10E of the 4th P.M., Ogle County, IL, 5.01 acres, more or less  
Property Identification Number: Part of 04-36-300-010  
Common Location: 7560 N. IL Rte. 2

Hopkins moves to concur with the Zoning Board of Appeals and approve #1-07 Amendment for Duane and Valdene Snodgrass. Swanson seconds. Barnes asks if this zoning request is for the children to build a home or is this being sold to build a house? Hopkins states this is being sold. A roll call vote is called:

**YES:** Diehl, Gouker, Heuer, Hopkins, Horner, Kenney, Kilker, Messer, Scholl, Stahl, Swanson, Williams, Boes, Bowers, Colson and Rice

**NO:** Gronewold, Huntley, Nye, White, Barnes, Brooks and Colbert

**ABSENT:** Bauer

The motion carries on a roll call vote.(Placed on file)

**Zoning - #2-07 AMENDMENT - Jack Pease and Tom Spadaro**

Chairman Rice asks Zoning Administrator Mike Reibel to explain this amendment and the voting procedure. Reibel states there has been a protest filed in an attempt to force a  $\frac{3}{4}$  vote on this issue. Originally the protest seemed to be properly filed to force the  $\frac{3}{4}$  vote on this amendment. However, after further research it has been discovered that service has not been made on the petitioner as required by the State Statute and Zoning Ordinance which will result in a simple majority vote. Reibel and Roe have discussed this and agree this is the way the vote will be taken. Chairman Rice and County Clerk Huntley present the petition of Jack Pease and Tom Spadaro, 5435 Bull Valley Rd., Ste.330, McHenry, IL for an Amendment to the Zoning District to rezone from AG-1 Agricultural District to R-1 Rural Residence District on property described as follows and owned by the petitioners:

Part of the NW 1/4 NW 1/4 Section 27 and part of NE 1/4 NE 1/4 Section 28  
Marion Township 25N, R11E of the 4th P.M., 47.673 acres, more or less  
Property Identification Number: 05-27-100-023 and 05-28-200-002  
Common Location: 5800 Block of E. Skinner Rd.

Hopkins moves to approve #2-07 Amendment for Jack Pease and Tom Spadaro, Swanson seconds. Boes comments the county has received letters from 4 mayors in Ogle County who have recommended contiguous growth from the city limits in order to provide services like sewer and water. He states the Ogle County Comprehensive Plan and the Land Use AdHoc Committee all recommend contiguous growth from city limits. Huntley agrees with Boes on the same and states this is spot zoning. Horner says he will be voting No and will follow the recommendation of the Zoning Board of Appeals. Colbert states she will also be voting No on this issue. Colbert comments this will put a strain on the Ogle County Sheriff's Department. Barnes states this is taking farmland out of production and will also be voting No on this issue. Scholl asks Hopkins to read how the other boards voted on this issue. Hopkins states the following:

Township Planning Commission voted Yes  
Township Board voted No  
Ogle County Planning Commission voted Yes  
Zoning Board of Appeals voted No  
Planning and Zoning Committee voted Yes

Hopkins states the proposed subdivision will be on 5 to 6 acre lots which is similar to what the places across the road are at this time. Hopkins states the Comprehensive Plan is to be used as a guideline. Boes states the properties on the South side of Skinner Road were zoned prior to the County having a Comprehensive Plan. Barnes also states most of the homes on the South side of Skinner Road are not on tillable land and are on a hillside. Chairman Rice says the board appoints these Committees and Planning Commissions to make a recommendation to the board. Since the Committees and Planning Commissions have not agreed on this issue, now the decision falls on the County Board. Horner refers to the plat book and states looking at this property and the location, this will only open Pandora's Box and will keep growing out. Gouker agrees with the proposed 5 acre lot subdivision. Gouker states he believes once this zoning to an R-1 Rural Residential District – if it is sold – they could build on as little as 3 acres. Reibel confirms this statement and states it is a “by right” regulation of the Ordinance. Gouker would like to have put a limit by the approval and state they have to build on 5 acre lots, but he doesn't think we can. Reibel states that is right – minimum regulations are “by right” regulations. A roll call vote is called:

**YES:** Heuer, Hopkins, Kenney, Kilker, Scholl, Stahl, Swanson, White, Williams, Colson, Diehl and Rice

**NO:** Gouker, Gronewold, Horner, Huntley, Messer, Nye, Barnes, Boes, Bowers, Brooks and Colbert

**ABSENT:** Bauer

The motion carries on a roll call vote.(Placed on file)

**Zoning - #3-07 AMENDMENT - Adrian G. & Tari L. Book**

Chairman Rice and County Clerk Huntley present the petition of Adrian G. & Tari L. Book, 8294 N. Leaf River Rd., Leaf River, IL for an Amendment to the Zoning District to rezone from AG-1 Agricultural District to R-1 Rural Residence District on property described as follows and owned by the petitioners:

Part of NW 1/4 SE 1/4 Section 24, Leaf River Township 25N, R9E of the 4th P.M., Ogle County, IL, 10.0 acres, more or less  
Property Identification Number: 03-24-400-030  
Common Location: 9400 Block of N. Leaf River Rd.

Hopkins moves to concur with the Zoning Board of Appeals and approve #3-07 Amendment for Adrian & Tari Book, Swanson seconds. A roll call vote is called:

**YES:** Heuer, Hopkins, Kenney, Kilker, Scholl, Stahl, Swanson, White, Williams, Bowers, Colbert, Colson, Diehl and Rice

**NO:** Gronewold, Horner, Huntley, Messer, Nye, Barnes, Boes, Brooks and Gouker

**ABSENT:** Bauer

The motion carries on a roll call vote.(Placed on file)

**Road & Bridge – Resolution for County Road Construction – County Sealcoat**

Huntley moves to approve the Resolution for County Road Construction – County Sealcoat – 07-00000-02-GM – Resolution appropriating \$57,000 from the Federal Aid Matching Fund for the County portion of said project. Colson seconds and the motion carries on a voice vote.(Placed on file)

**Road & Bridge – Intergovernmental Agreement with Winnebago County – Edson Rd**

Huntley moves to approve the Intergovernmental Agreement with Winnebago County for preliminary engineering of a bridge deck replacement of a bridge on Edson Road. Winnebago 73%, Ogle County 27% - Total Preliminary Engineering cost not to exceed \$14,100. Messer seconds and the motion carries on a voice vote.(Placed on file)

**Claims**

The clerk reads the claims for the General Fund - \$81,596.12 and the County Highway Fund - \$67,992.40 and March 2007 Payments in Vacation - \$105,165.82. Messer moves to approve the claims as read, Bowers seconds and the motion carries on a voice vote.(Placed on file)

**COMMITTEE REPORTS**

The following committees had no additional report other than the minutes that are placed on an exhibit: *Executive/State’s Attorney & Legislative, Finance & Insurance, G.I.S. Committee, H.E.W. & Solid Waste, Judiciary & Circuit Clerk/Juvenile & Probation, Juvenile Justice Council, Personnel & Salary/County Clerk, Planning Commission, Planning & Zoning/Supervisor of Assessments, Road & Bridge, Safety Committee and Tri-County Opportunities.* The following had no minutes to file: *9-1-1 ETS Board, Blackhawk Hills RCD, Board of Health, Byron Dragway, Ill Assoc of Co Bd Members, Liquor Commission, Mental Health Board and UCCI/ICRMT.*

**Land Use Task Force** Minutes placed on exhibit

Update Hopkins states the next meeting will be held on Monday, May 7<sup>th</sup> at 11:00 a.m. in the Ogle County Board Room.

Comments Rice says he would like to have the AdHoc Committee look at streamlining the process for zoning issues. Hopkins states the process allows for the public to state their opinions at the Zoning Board of Appeals. There was

discussion regarding the governing bodies involved and their interpretation on zoning issues. Gouker would also like to see some streamlining in the process as well, but does not want to put everything in the hands of one Hearing Officer.

**Long Range Planning –  
Courthouse Renovation**

Minutes placed on exhibit

Update

Stahl thanks Jim McBride and Kim Gouker for the tour of the courthouse at the March 28th meeting. The Committee approved a motion to interview architects Potter Lawson and Holobird & Root. Stahl says Williams provided a tentative timeline for the project to be used as a guideline. The next meeting date will be April 25, 2007 at 9:00 a.m. at the old Courthouse.

**Sheriff & Coroner /  
Buildings & Grounds /  
IT Committee**

Minutes placed on exhibit

April 2007 bills

Scholl presents the April 2007 Long Range Planning Capital Improvement Fund bills for payment in the amount of \$1,150.26. Scholl makes the motion to approve the April 2007 bills, Messer seconds and the motion carries on a voice vote.(Placed on file)

Morgue ventilation

Scholl moves to approve a \$5,000 contract to KJWW Engineering Consultants for an air study regarding the ventilation at the morgue. Horner seconds. Chairman Rice asks Mielke to explain – Mielke states what we are trying to accomplish with the contract is to come up with specifications for the ventilation system at the morgue. Once the specifications are known we can then bid out the project. Scholl comments the committee is not sure if \$5,000 will cover the cost to obtain the specifications. Mielke states this may turn into a two phase project, but this contract is for \$5,000. The motion carries on a voice vote.

**Chairman's Comments**

Chairman Rice reminds the public and press, we are accepting Applications for the Board of Review until April 27, 2007.

Chairman Rice reminds the board members of a tour of Flagg Township which will be held on Tuesday, May 15, 2007. The board members need to RSVP to Flagg Township Supervisor Susan Plumley.

Chairman Rice states on April 24<sup>th</sup> he has invited the Board Chairmen from Stephenson, JoDavies, Carroll, Whiteside and Lee Counties for a tour of the Judicial Center at 1:00 p.m..

Chairman Rice states on May 14<sup>th</sup> he will be traveling to Mt Prospect with Jim Mielke and the Executive Director of GREDCO Jason Anderson to tape a segment on the I-39 Corridor Fiber Optic Line.

Chairman Rice said he, Sheriff Beitel, ESMA Coordinator Ron McDermott and Mielke were invited to take a tour of the shutdown at the Byron Exelon Plant.

Chairman Rice has met with the Transportation Committee of Senior Groups, Kreider of Dixon and Village of Progress. These groups are looking into providing more transportation for Lee and Ogle Counties.

Chairman Rice met at Rockford College on March 30<sup>th</sup> where the Amtrak extension from Downtown Chicago to Galena was announced.

**Administrator Comments**

Mielke informs the board the Blackhawk Hills RC&D will meet in the old County Board Room tomorrow April 19<sup>th</sup> at 7:00 p.m. regarding the Comprehensive Development document.

Mielke says representatives from the county's audit firm will be available at the May County Board meeting and documentation will be provided at the meeting.

Mielke has distributed information to the board members summarizing the developments regarding NITT (Northern Illinois Technology Triangle).

**Communications**

- Sales Tax for January 2006 was \$30,487.68 and \$65,788.46
- Sales Tax for January 2007 was \$31,126.16 and \$58,533.28

**Unfinished Business –**

**New Business –**

Horner asks if the information presented for the Lee County Enterprise Zone should be held over until next month. Horner makes the motion to lay over the Amending Ordinance and Amendment #12 to the Intergovernmental Agreement until next month and Stahl seconds.

County Clerk Huntley thanks all of the Election Judges in Ogle County for the long day they put in yesterday working the Consolidated Election. Huntley also thanks staff in her office for all their hard work they do to make sure the election runs smoothly. Huntley also thanks Joe Peters and Peters GMC for the use of a van to return the Flagg, Lynnville and Dement Township election equipment on Election Night.

Chairman Rice states the deadline for Liquor License Renewals is Friday, April 20, 2007 and the Liquor Commission will be meeting to approve and distribute the licenses to the establishments.

**Public Comment –**

Shirley R. Johnson speaks to the board regarding the problem experienced with serving documents protesting a zoning issue. They followed the law by sending the proper documentation to the developer who has refused to pick-up the certified letter. The citizens assumed this issue was going to take a ¾ vote and since the information was not accepted this forced the issue to a simple majority vote. Chairman Rice states the board followed the recommendation regarding the vote from the Zoning Administrator and the State’s Attorney. Ms. Johnson also talks about the response time it takes for various county services to respond to this area of development.

**Motion to Adjourn**

At, 6:56 p.m., Nye makes the motion to adjourn the April Ogle County Board meeting until Tuesday, May 15, 2007 at 5:30 p.m. at the Focus House in Rochelle. Horner seconds and the motion carries on a voice vote.

W. Ed Rice  
Chairman Ogle County Board

Attest: Rebecca Huntley, Ogle County Clerk &  
Ex-officio Clerk of the Ogle County Board