

Proceedings of the Ogle County Board Meeting
July 16, 2013

State of Illinois)
County of Ogle) ss

Call to Order

Chairman Gouker calls the Ogle County Board Meeting to order at 5:30 p.m.

Roll Call

The roll call shows Colson (5:32), Hopkins (5:34) and Simms (5:37) are absent. The Pledge of Allegiance is followed by the Invocation given by Heuer.

Approval of Minutes

Chairman Gouker asks for a motion to approve the June 18, 2013 Ogle County Board Meeting minutes. Brooks moves to approve, McKinney seconds and the motion carries on a voice vote.

Approval of Reports

Chairman Gouker asks for a motion to accept the monthly report of the Ogle County Clerk & Recorder, Treasurer, and Circuit Clerk. Petrizzo moves to accept the reports as filed, Bowers seconds and the motion carries on a voice vote.(Placed on file)

Presentation – H.O.P.E. of Ogle County – Executive Director Ruth Carter

Chairman Gouker introduces H.O.P.E. Executive Director Ruth Carter to the board members. Ms. Carter gives a brief overview of services provided by H.O.P.E. of Ogle County. Carter says she appreciates the support of funding provided by the County Board and Mental Health “708” Board.

Meyers asks Carter what can we do as a County Board to help this agency. Carter states donations of many kinds, lists some items and donations to the HOPE Chest Thrift Store in downtown Rochelle.

Resignation – Dixon Rural Fire Protection District – Rodney Fetterolf – R-2013-0702

Chairman Gouker announces the resignation of Rodney Fetterolf of the Dixon Rural Fire Protection District effective July 9, 2013. Oltmanns moves to approve R-2013-0702, Janes seconds and the motion carries on a voice vote.(Placed on file)

Vacancies –

- Byron Museum District – 1 unexpired term ends 06/30/2014
- Dixon Rural Fire Protection District – 1 unexpired term ends 04/30/2016
- Franklin Grove Fire Protection District – 1 vacancy
- Ogle County Civic Center Authority – 5 vacancies

Application and Resumé deadline – Friday, August 2, 2013 at 4:30 p.m.
in the County Clerk’s Office located at 105 S. 5th St – Suite 104, Oregon, IL

Zoning – #5-13 AMENDMENT - Philip & Jennifer Newendyke - O-2013-0701

Welty presents the petition of Philip & Jennifer Newendyke, 603 Jackson St., Oregon, IL for an Amendment to the Zoning District to rezone from R-2 Single-Family Residential District to IA Intermediate Agricultural on property described as follows and owned by the petitioners: The S1/2 of the SW1/4 of the SE1/4 and part of the E1/2 of the SE1/4 of the SW1/4 of Section 31 Rockvale Township 24N, R10E of the 4th P.M., Ogle County, IL, 20.56 acres, more or less. P.I.N.: 09-31-400-002 & part of 09-31-300-001 - Common Location: 1200 Block of N. Rock Rd.. Welty moves to approve O-2013-0701, Meyers seconds and the motion carries on a voice vote.(Placed on file)

Zoning – Variance – Gene & Carol Borreson – O-2013-0702

Welty presents the petition of Petition for a Variance to the *Flood Damage Prevention Ordinance* of Gene & Carol Borreson, 7252 E. Oak Dr., Stillman Valley, IL for the following: Along the bank (of Stillman Creek), conducting peak stone toe protection. At sites where there has been loss of land, restoring the original elevation which is approximately 14-15 feet, with a steep gradation to the east adjacent property. Most of the work is of rip-rap design to stabilize the edge of the 15 foot high bank. Any fill would be along the steep gradation between his parcel and the parcel to the east to block further erosion of the draw between these two parcels. The length of the bank for the proposed work does not exceed 500 feet. P.I.N.: 10-02-177-001 and 10-02-177-002 - Legal Location: Lots 28 and 29 Vista Villa #2 Subdivision, a Subdivision in part of Section 2, Township 24 North, Range 11 East of

the Fourth Principal Meridian, Ogle County, Illinois - Common Location: 7252 E. Oak Dr. Welty moves to deny O-2013-0702 and Simms seconds. Welty explains the reason for the denial of the petition for the petition of Gene & Carol Borreson. Planning and Zoning Administrator Mike Reibel made a site inspection and made the recommendation of denial. Reibel provided information to the Illinois Department of Natural Resources, Office of Water Resources regarding this site. This division responded back to Reibel that this in violation of the Illinois Ordinance on Flood Plains and advised the matter needs to be corrected. Welty reads a portion of communication received from Office of Water Resources, Mark L. McCauley, Senior Permit Engineer: "I stress this is a very significant floodway fill violation and that this fill cannot be authorized by an Illinois Department of Natural Resources, Office of Water Resources permit." Welty states the committee agrees with the recommendation.

Saunders asks what happens after IDNR visits the site and it does conform to the State policy? Welty states right now the recommendation from the committee is to not approve the variation application and put the land owner on notice to clean the site up. If the State comes in and does the inspection and makes a definitive statement that the land owner is not in violation; I think the County Board would readdress the request, says Welty.

Welty states Mr. Borrenson has filed a Code Hearing Request for this topic matter through the county's Code Hearing Officer. This is in process as we speak.

Meyers states he doesn't think Mr. Borrenson did anything intentional and would like to suggest to the State to be lenient in regards to any fines. Welty agrees and there were no comments made at the committee meeting or from the Planning and Zoning Department.

The motion carries on a voice vote.(Placed on file)

Public Comment –

- Deborah S. Maas, Attorney for the Borrensons - comments on the jurisdiction IDNR has in regards to the variance petition for Gene & Carol Borrenson.
- County Engineer Curtis D. Cook reads prepared information which was distributed to the board members regarding Highway History.
- County Board Fair Representative Lyle Hopkins distributes information regarding the upcoming Ogle County Fair. Hopkins also informs the board and any department heads that they may volunteer their time at the Fair.

Road & Bridge – none

Ogle County Claims – Clerk reads the claims:

- Department Claims – June 2013 - \$78,675.78
- County Board Payments - July 16, 2013 - \$81,993.14
- County Highway Fund – \$46,994.58

Griffin moves to approve the claims as read, McKinney seconds and the motion carries on a voice vote.

COMMITTEE REPORTS

The following committee minutes have been placed on exhibit: County Infrastructure, County Security, Executive Committee, Finance & Insurance and Personnel, HEW & Solid Waste and Veterans, Judiciary and Circuit Clerk, Liquor Commission, Long Range and Strategic Planning, Planning Commission, Road & Bridge and Mapping (GIS), State's Attorney and Juvenile & Probation and Supervisor of Assessments and Planning & Zoning and Tri-County Opportunities.

The following committees had no minutes to file: 911 ETS Board, Blackhawk Hills RC&D, Board of Health, G.I.S. Partnership, L.O.T.S., Mental Health '708 Board, Safety Committee and UCCI/ICRMT.

Executive Committee:

- Regional Office of Education Vacancy – Chairman Gouker announces Superintendent of Schools Amy Jo Clemens has resigned from her position and has accepted a position with the Illinois State Board of Education. Chairman Gouker states he and Lee County Board Chairman Rick Ketchum will be appointing the person to complete her term.

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Long Range and Strategic Planning Committee:

- LRP Bills – R-2013-0703 – Griffin presents and moves to approve R-2013-0703 as follows:

SUPPLIER NAME	DESCRIPTION	AMOUNT
Northern Illinois Technology Triangle (NITT)	Annual Dues	\$2,000.00
Saavedra Gehlhausen Architects	Professional Svcs – June 2013	\$10,100.00
	TOTAL:	\$12,100.00

Oltmanns seconds and the motion carries on a voice vote.(Placed on file)

State’s Attorney and Juvenile & Probation Committee:

Department of Juvenile Justice Contract – R-2013-0704 – Finfrock moves to approve R-2013-0704 contingent upon the State’s Attorney Office approving the most recent contract language and Nordman seconds. Kirkolis will be abstaining from the vote as she is employed by ~~Focus House~~ Rochelle Township High School District 212 at Focus House. The motion carries on a voice vote.(Placed on file)

AMENDED at the August 20, 2013 Ogle County Board Meeting.

- Video Gaming Ordinance – O-2013-0801 – presentation only
- Amendment to Liquor Ordinance to allow Video Gaming – O-2013-0802 – presentation only

Heuer comments as to the verbiage changes to the Liquor Ordinance. Assistant State’s Attorney Aaron Wiles states the old verbiage in the Liquor Ordinance does not allow for gambling on the premise of an establishment that has an Ogle County Liquor License. Wiles states if the Video Gaming Ordinance is passed; the Liquor Ordinance will need to be amended.

Chairman Comments:

- Chairman Gouker informs the board the Sheriff and the US Marshall Contract agreement has been approved and the county will be receiving a higher per diem.

Vice-Chairman Comments: none

Unfinished Business –

New Business –

Communications –

- Sales Tax for April 2012 was \$18,463.15 and \$62,033.61
- Sales Tax for April 2013 was \$29,337.54 and \$66,900.84

Closed Session

At 6:10 p.m., Chairman Gouker states he would like a motion to go into Closed Session per 5 ILCS 120/2(C)(11) to discuss probable or imminent litigation. Finfrock moves to go into Closed Session, Griffin seconds and a roll call vote is taken:

YES: Welty, Bowers, Brooks, Colbert, Colson, Finfrock, Griffin, Gronewold, Heuer, Hopkins, Janes, Kenney, Kirkolis, McKinney, Meyers, Nordman, O’Brien, Oltmanns, Petrizzo, Saunders, Simms, Sparrow, Typer and Gouker

NO: None

ABSENT: None

Open Session

At 6:22 p.m., the board returns to Open Session.

Reviewing of Closed Committee and County Board Minutes

McKinney states according to the Open Meetings Act minutes are not minutes until the board that went into Executive Session approves the minutes. McKinney states we have been in Executive Session at least 4 times and he has not seen any minutes from these meetings to approve; when will these minutes be approved. Chairman Gouker states he does not think that practice has been done; but the

State's Attorney Committee should review the minutes every 6 months. McKinney states this is the only time you can vote during Executive Session is when approving or disapproving minutes of an Executive Session.

Adjourn Meeting

At 6:25 p.m., Bowers moves to adjourn the Ogle County Board Meeting until Tuesday, August 20, 2013 at 5:30 p.m. at the Ogle County Courthouse in Oregon. Oltmanns seconds and the motion carries on a voice vote.

Chairman Kim P. Gouker
Ogle County Board

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