

**DEKALB COUNTY GOVERNMENT
COUNTY BOARD MEETING**

February 17, 2016

7:30 p.m.

AGENDA

1. Roll Call
2. Pledge to the Flag
3. Approval of Minutes
4. Approval of Agenda
5. Communications and Referrals
 - a. Declaration of County Board Vacancy
 - b. Employee Service Awards
6. Persons to be Heard from the Floor – *On topics that were not subject to a Public Hearing*
7. Proclamations – None
8. Appointments for this Month:
 - a. **Community Mental Health Board:** Sue Plote appointed immediately to fill the unexpired term of Dr. Thomas Kirts until December 31, 2017.
9. Reports from Standing Committees & Ad Hoc Committees

PLANNING & ZONING COMMITTEE

- a. **Ordinance O2016-01:** Denial of a Special Use Permit. *The DeKalb County Board hereby denies a Special Use Permit to allow firearms training classes on two acres of a 45-acre property located on the west side of Anderland Road, south of Keslinger Road, in Milan Township. Committee Action: Mr. Faivre made a motion to deny the Special Use application as proposed, seconded by Ms. Turner. The motion to recommend denial of the application was approved with five Members in favor, and Mr. Bunge in opposition*

COUNTY HIGHWAY COMMITTEE

- a. **Resolution R2016-06:** Glidden Road Resurface Project. *The DeKalb County Board does hereby authorize the appropriation of \$305,000.00 from the Motor Fuel Tax allotment for the maintenance and resurfacing of 2.4 miles of Glidden Road during the 2016 construction season. Committee Action: Mr. Frieders moved and Mr. Metzger seconded the motion to forward the resolution to the full County Board recommending approval. Motion passed unanimously.*
- b. **Resolution R2016-07:** County Seal Coat Project. *The DeKalb County board does hereby authorize the appropriation of \$118,002.50 from the Motor Fuel Tax allotment to be utilized toward the County's 2016 Seal Coat Project. Committee Action: Mr. Pietrowski moved and Mr. Luebke seconded the motion to forward the resolution to the full County Board recommending approval. Motion passed unanimously.*
- c. **Resolution R2016-08:** Stone Quarry Road Resurface Project. *The DeKalb County Board does hereby authorize the appropriation of \$51,000.00 from the Motor Fuel Tax allotment to be utilized towards the resurfacing of .4 miles of Stone Quarry Road. Committee Action: Mr. Bunge moved and Mr. Luebke seconded the motion to forward the resolution to the full County Board recommending approval. Motion passed unanimously.*

- d. **Resolution R2016-09:** One 2016 Utility Tractor. *The DeKalb County Board hereby approves an award to the lowest bid meeting specifications to Johnson Tractor, Inc. from Rochelle, Illinois for the provision of a new 2016 Utility Tractor for a total net cost of \$35,600.00 after trade-in allowance. Committee Action: Mr. Pietrowski moved and Mr. Frieders seconded the motion to forward the resolution to the full County Board recommending approval. Motion passed unanimously.*
- e. **Resolution R2016-10:** 2016 General County Letting. *The DeKalb County Board does award the 2016 General Letting for aggregate, patching material, hot-mix, and liquid calcium chloride to the following companies who submitted the lowest bids: Curran Contracting, Peter Baker, Macklin Inc. of Rochelle, Illinois, Vulcan Materials of Sycamore/DeKalb, Illinois, Wagner Aggregate, Inc. of DeKalb, Illinois, and Sicalco, LTD of Hinsdale, Illinois. Committee Action: Mr. Bunge moved and Mr. Frieders seconded the motion to forward the resolution to the full County Board recommending approval. Motion passed unanimously.*
- f. **Resolution R2016-11:** 2016 Road District Aggregate Projects. *The DeKalb County Board hereby awards the following lowest bids meeting specifications to Macklin, Inc. from Rochelle, Illinois for 5,000 tons of aggregate surface course spread on road (SOR) to be placed in Afton Road District in the amount of \$48,950.00, for 3,000 tons of aggregate surface course SOR to be placed in Paw Paw Road District in the amount of \$33,120.00, for 3,500 tons of aggregate surface course SOR to be placed in Squaw Grove Road District in the amount of \$43,155.00, and to Wagner Aggregate, Inc. from DeKalb, Illinois for 7,100 tons of aggregate surface course SOR to be placed in South Grove Road District in the amount of \$58,859.00. Committee Action: Mr. Pietrowski moved and Mr. Metzger seconded the motion to forward the resolution to the full County Board recommending approval. Motion passed unanimously.*
- g. **Resolution R2016-12:** 2016 Drainage Pipes. *The DeKalb County Board hereby approves an award to the lowest bid meeting specifications to Contech Engineering Solutions, LLC of Metamora, Illinois for the delivery of drainage pipe culverts and bands as specified to various locations within DeKalb County in the total amount of \$17,472.00. Committee Action: Mr. Pietrowski moved and Mr. Luebke seconded the motion to forward the resolution to the full County Board recommending approval. Motion passed unanimously.*

ECONOMIC DEVELOPMENT COMMITTEE

No Actionable Items

HEALTH & HUMAN SERVICES COMMITTEE

- a. **Resolution R2016-13:** Approving the Addition of a Juvenile Justice Coordinator to the Community Action Department. *The DeKalb County Board does hereby approve, retroactive to February 1, 2016, the addition of the DeKalb County Juvenile Justice Council Coordinator position to the DeKalb County Community Action Department for a total of 40 hours per week, with an hourly wage range of \$17.07 - \$26.64, with full benefits, and said position be entirely grant funded with no monies from the County General Fund. Committee Action: Motion made by Ms. Askins, seconded by Mr. Whelan and approved unanimously.*

- b. **Resolution R2016-14:** Approving a Classification & Hour Change for the Family Support Specialists in the Community Action Department. *The DeKalb County Board does hereby approve an upgrade in the job classification for the two Family Support Specialists positions in the Community Action Department from a CT8 to a CT7A level and an increase in the authorized work week hours from 37.5 hours to 40 hours, with said changes being effective February 22, 2016, but implementation is contingent on the award of Federal Funding and no County General Fund dollars are to be utilized for these changes.* **Committee Action: Motion made by Ms. Askins, seconded by Mr. Reid and approved unanimously.**

LAW & JUSTICE COMMITTEE

- a. **Resolution R2016-15:** Expansion and Formalization of the Allocation Method for Communication Center Costs. *The DeKalb County Board hereby approves that the rural portion of the costs for the Sheriff's Dispatch Center should be allocated proportionately to both rural Fire and Police Departments based on total rural CAD Events, beginning with the July 1, 2016 contract year, and that the County Administrator, working in conjunction with the County Sheriff, should work with each impacted entity, via a general meeting that includes Fire District Trustees, Fire Chiefs, and Police Chiefs to formulate a contract that stipulates financial and operational considerations and that said contracts should be brought back to the Law & Justice Committee for review before being forwarded to the County Board for action.* **Committee Action: Moved by Ms. Askins, seconded by Mr. Cribben and the motion carried with one opposition from Mr. Stoddard. Ms. Leifheit was absent.**

FINANCE COMMITTEE

- a. **Resolution R2016-16:** Abating a Portion of the Property Tax Levy for the 2015 Tax Year for the 2005 Health Facility Re-Financing Bond Issue. *The DeKalb County Board hereby approves that a portion of the \$969,656 property tax levy for the 2015 Tax Year (payable in 2016), which was levied for the lease agreement for the retirement of the debt on the 2005 Health Facility Re-Financing Bond Issue, is hereby abated in the amount of \$319,656, and that a certified copy of this resolution should be filed with the DeKalb County Clerk within fifteen days.* **Committee Action: Moved by Mr. Luebke, seconded by Mr. Cribben and approved unanimously.**
- b. **Resolution R2016-17:** Abating the Entire Property Tax Levy for the 2015 Tax Year for the 2010 Courthouse Expansion and Jail Expansion Bond Issue. *The DeKalb County Board hereby approves that the \$1,209,265 property tax levy for the 2015 Tax Year (payable in 2016), which was levied for the retirement of the debt of (a) \$899,157 for the Build America Bond Issue and (b) \$310,108 for the Recovery Zone Bond Issue, is hereby abated in its entirety in the amount of \$1,209,265, and that a certified copy of this resolution should be filed with the DeKalb County Clerk within fifteen days.* **Committee Action: Moved by Mr. Luebke, seconded by Mr. Cribben and approved unanimously.**

- c. **Resolution R2016-18:** Amendments to the Fixed Assets Capitalization Policy. *The DeKalb County Board hereby adopts the Capital Asset Policy and replaces the existing Fixed Assets Capitalization Policy in its entirety, and that all financial statements, beginning with those issued for the Fiscal Year Ended December 31, 2015, should be prepared in accordance with the provisions of the Capital Asset Policy.* **Committee Action: Moved by Mrs. Tobias, seconded by Mr. Reid and approved unanimously.**

- d. **Claims to be Paid in February 2016:** Move to approve the payment of claims for this month, and the off cycle claims paid during the previous month, in the amount of \$5,462,640.01.

- b. **Reports of County Officials:** Move to accept and place on file the following Reports of County Officials:
 - 1. Cash & Investments in County Banks – January 2016
 - 2. Public Defender’s Report – January 2016
 - 3. Adult & Juvenile Monthly Reports – January 2016
 - 4. Pretrial Report – January 2016
 - 5. Sheriff’s Jail Report – January 2016
 - 6. Planning & Zoning Building Permits & Construction Reports - January 2016

EXECUTIVE COMMITTEE

No Actionable Items

- 10. Old Business
- 11. New Business
- 12. Adjournment

EMPLOYEE SERVICE AWARDS

February

2016

SUN

MON

TUE

WED

THU

FRI

SAT

Maureen A. Josh

35 YEARS OF SERVICE

02/23/1981

Circuit Clerk's Office

30 YEARS OF SERVICE

None

25 YEARS OF SERVICE

None

20 YEARS OF SERVICE

None

15 YEARS OF SERVICE

John "Rick" Wild

02/01/2001

Information Management

10 YEARS OF SERVICE

Crystal S. Harrolle
Annette D. Brooks
Min Zhang
David A. Aranda

02/06/2006
02/14/2006
02/14/2006
02/21/2006

Public Defender's Office
Rehab & Nursing
Rehab & Nursing
Sheriff's Department

5 YEARS OF SERVICE

Debra A. Phillips

12/21/2011

Rehab & Nursing

For questions or corrections, please contact Lisa in the Administration Office at 815-895-1639

STATE OF ILLINOIS)
)SS
COUNTY OF DEKALB)

ORDINANCE 2016-01

**AN ORDINANCE DENYING A SPECIAL USE PERMIT
TO ALLOW FIREARMS TRAINING
ON PROPERTY LOCATED ON THE WEST SIDE OF ANDERLAND ROAD
IN MILAN TOWNSHIP**

WHEREAS, Douglas Massier, representing the Marilyn Kirkus Trust, the property owner, has filed an application for a Special Use Permit, in accordance with the requirements of Section 9.02.B.3 of the DeKalb County Zoning Ordinance, to allow firearms training classes on two acres of a 45-acre property located on the west side of Anderland Road, south of Keslinger Road, in Milan Township, said property being zoned A-1, Agricultural District and legally described as shown in Exhibit "A" attached hereto; and

WHEREAS, following due and proper notice by publication in the Daily Chronicle not less than fifteen (15) nor more than thirty (30) days prior thereto, and by mailing notice to all owners of property abutting the subject property at least ten (10) days prior thereto, the DeKalb County Hearing Officer conducted a public hearing on September 24, 2015, said hearing being re-opened and concluded on December 3, 2015, at which the petitioners presented evidence, testimony, and exhibits in support of the requested Special Use Permit, and members of the public testified both in favor and in opposition to the proposal; and

WHEREAS, the Hearing Officer, having considered the evidence, testimony and exhibits presented has made his report and findings of fact, and recommended that the requested Special Use Permit be approved, subject to conditions, as set forth in the Reports of the DeKalb County Hearing Officer, dated September 24, 2015 and December 3, 2015, copies of which are appended hereto as Exhibits "B" and "C"; and

WHEREAS, the Planning and Zoning Committee of the DeKalb County Board has reviewed the testimony and exhibits presented at the aforesated public hearing and has considered the findings of fact and recommendations of the Hearing Officer, and has forwarded a recommendation to the DeKalb County Board that the Special Use Permit be denied, based on the following findings:

1. The firearms training classes are unreasonably detrimental to the value of other property in the neighborhood because the routine firing of weapons on the subject property create a noise nuisance and safety concern that may discourage sales and development of surrounding properties;
2. The nature and intensity of the firearms training classes are such that the special use will dominate the immediate area so as to prevent use of neighboring property in accordance with the applicable A-1, Agricultural District regulations;

3. The firearms training classes cannot be operated in a manner that is not detrimental to the permitted uses in the district because the associated noise nuisance and safety concerns will deprive nearby residents of the peaceful use of their properties;
4. The firearms training classes are not essential or desirable to preserve and promote the public health, safety and general welfare of DeKalb County; and
5. The firearms training classes and shooting range and proposed berms are not desirable given: the proximity to and potential for negative impacts to the North Branch of the South Branch of the Kishwaukee River; the relatively flat terrain which may allow bullets to travel farther down range; the presence of a house only 1/4 of a mile away; and the opposition to the use from many surrounding and neighborhood property owners; and

WHEREAS, the DeKalb County Board, having considered the report and findings of fact and recommendation of the Hearing Officer and the recommendation of the Planning and Zoning Committee, and has determined that granting the Special Use Permit to allow firearms training classes on the subject property would be inconsistent with the requirements established by Section 9.02.B.3. of the DeKalb County Zoning Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF DEKALB COUNTY, ILLINOIS, as follows:

SECTION ONE: The Reports of the DeKalb County Hearing Officer, Exhibits "B" and "C", are hereby accepted, and the findings of fact set forth above are hereby adopted as the findings of fact and conclusions of the DeKalb County Board.

SECTION TWO: Based on the findings of fact set forth above and the recommendation of the Planning and Zoning Committee, the request of Douglas Massier for a Special Use Permit for firearms training classes on property located on the west side of Anderland Road in Milan Township, legally described in Exhibit "A" attached hereto, is hereby denied.

SECTION THREE: This Ordinance shall be in full force and effect upon its adoption by the County Board of DeKalb County, Illinois.

PASSED BY THE COUNTY BOARD THIS 17TH DAY OF FEBRUARY, 2016, A.D.


 Chairman, DeKalb County Board

ATTEST:


 County Clerk



Exhibit "A"

The Southeast Quarter and the Southeast Quarter of the Northeast Quarter and the East half of the Northeast Quarter of the Northeast Quarter of Section 12, Township 39 North, Range 3, East of the Third Principal Meridian, situated in DeKalb County and State of Illinois;

The Easterly 125 feet of the West half of the Northeast Quarter of the Northeast Quarter of Section 12, Township 39, North, Range 3, East of the Third Principal Meridian, situated in DeKalb County and State of Illinois;

The Southeast Quarter of the Northeast Quarter; the East Half of the Northeast Quarter of the Northeast Quarter; and, the North Half of the Southeast Quarter, all in Section 12, Township 39 North, Range 3, East of the Third Principal Meridian, situated in DeKalb County and State of Illinois;

EXCEPTING THEREFROM that portion of the West Half of the Southeast Quarter of the Northeast Quarter lying Northerly and Westerly of the North Branch of the Kishwaukee River, excepting therefrom the Easterly 125 feet thereof, as measured along the Northerly line of said West Half of the Southeast Quarter of the Northeast Quarter, all in Section 12, Township 39 North, Range 3, East of the Third Principal Meridian, being in the Township of Milan, County of DeKalb and State of Illinois.

P.I.N.: 10-12-200-005

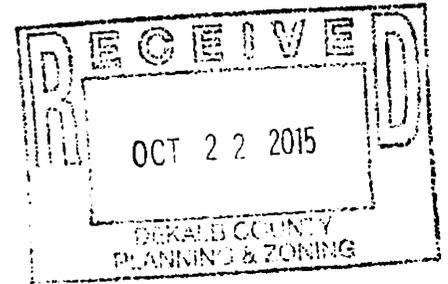
EXHIBIT "B"

DeKalb Special Use Hearing -- Massier Petition (MI-15-9)

Date of Public Hearing: 9/24/15

Location: DeKalb County Planning/Zoning/Building Dept.
110 E. Sycamore Street
Sycamore, IL

Time: 1:00 p.m.



Petitioner:

Douglas Massier, as representative of Marilyn J. Kirkus Trust
Counsel for Petitioner: Attorney Scott Larson
Petition: MI-15-9
Property P.I.N. – 10-12-200-005

Present for County:

Paul Miller, Director, DeKalb County Planning, Zoning and Building Department
Rebecca Von Drasek, Assistant Director, DeKalb County Planning, Zoning and Building Dept.

Nature of Petition: Mr. Massier, as representative of the Marilyn J. Kirkus Trust, has filed an application for a Special Use Permit for a gun club to accommodate firearms classes on the subject property, on approximately two (2) acres of a forty-five (45) acre parcel on the west side of Anderland Road, south of Keslinger road, in Milan Township.

Submissions received and incorporated into the record herein:

- A. Massier Application Index containing the following:
 - 1. Application
 - 2. Special Use Responses
 - 3. Narrative Statement
 - 4. Legal Descriptions
 - 5. Site Plan from 2003
 - 6. Plat Book Page, Aerial Photo, Drawing of Area
 - 7. Photos
 - 8. Engineer's Report
 - 9. Certifications of Doug Massier as a certified Conceal Carry Firearms Instructor, Certified NRA Firearms Instructor, Certified NRA Range Safety Officer, Certified Emergency Medical Responder, et. Al.
 - 10. Findings of Fact from prior application in 2003 for "gun club"
 - 11. Supplementary Findings of Facts from 2003

12. Endangered Species Report
13. Natural Resources Inventory Report from 2003
14. Parking Drawing / Photos
15. Site Development Application Waiver Request
16. Supplemental Certification received 10/12 via e-mail containing the NRA pistol/rifle/shotgun instructor certification of Dan Halverson
17. Supplemental Certification of Dan Halverson as a Certified NRA Range Safety Officer
18. Dan Halverson's approval as a Certified Concealed Carry Firearms Instructor, issued by the Illinois State Police
19. Additional photo of the premises to rebut the statement at hearing by a person in opposition that there were "31 cars" at one time on the premises

B. Staff Report prepared by Paul Miller, Director, DeKalb County Planning, Zoning and Building Department. Also present on behalf of County at the hearing, Rebecca Von Drasek. Staff Report contained a summary of the request, applicable building and zoning regulation references, and Staff concerns to be addressed by Petitioner at hearing, or upon recommendation and approval of Petitioner's application for a Special Use Permit.

C. Individuals, in addition to County Staff, Petitioner, and Petitioner's Counsel, who had questions/concerns for the Petitioner:

1. Bob Diedrich, Keslinger Road, DeKalb – had a question re: the Kishwaukee College class times for the firearms courses to be taught.
2. Dennis Leifheit, Sycamore – addressed the Kishwaukee Class issue.
3. Joanie Culley, University Road – questioned the safety inspections presently occurring and going forward if the petition is granted. She wanted the safety issues to be addressed. She had concerns about the lack of dirt berms, and inquired if there were any caliber restrictions to be placed at the site.
4. Roger Craigmile, Keslinger Road, DeKalb – questioned the number of people per class, and the number of rounds to be fired in the required training by each person. He was concerned about the noise level. He stated that in 2003 the County Sheriff recommended berms, but that has not been done. He was concerned about lead run-off into the adjacent ditch that flows into the Kishwaukee river.
5. Bob Diedrich, Keslinger Road, DeKalb – inquired as to the assignability of the Special Use Permit to a future owner of the property. Mr. Miller, for County, stated that the permit would run with the land, but the future owners would still be subject to any conditions attached to the permit.
6. Dan Halvorsen, DeKalb – helped Mr. Massier build the range and operate it since 1993. Stated that Mr. Massier has been a good neighbor for over 20 years, all the

while the range has been used and operated privately for recreational shooting. Stated that at the range the primary concern is always safety.

7. Andy Van Atta, Dekalb – obtaining an instructor permit for conceal-carry classes is very expensive, and no one would want to lose that license over a safety issue. Safety is always the most important issue and concern.

D. Individuals who spoke in favor of the petition, at the hearing:

1. Russ Josh, Sycamore – stated the need for a qualified place to have the opportunity to practice firearm safety and training for concealed carry. Stated that in his opinion Mr. Massier has done everything required, to the letter, and that no more could reasonably be asked of him.
2. Craig Donnelly, Elva Road – stated that he was familiar with the property since he was very young. He stated that the recreational shooting stops around 9:00 p.m. – 10:00 p.m. and that it is always conducted in a very safe manner. He stated there is very little noise and that a safe place is needed for firearms instruction and Mr. Massier will do great.
3. Adam Massier, DeKalb – stated that he is a farmer in DeKalb, and that for all of the reasons given, he was in favor of granting the petition for Special Use Permit.

E. Individuals who spoke in opposition to the petition, at the hearing:

1. Joanie Culley, University Road – stated she was opposed due to safety concerns, and the lack of safety measures that were recommended but not implemented since 2003.
2. Mark Diedrich, Keslinger Road – stated that over the last 12 years there were things that Petitioner could have been doing, safety-wise, since his last application that he has not done. Stated that the site is an accident waiting to happen, by opening it up to amateurs, whereas before the recreational shooters were highly competent. He stated that it was important to do the right things first and be proactive. Also expressed need for set shooting hours, and an alcohol prohibition.
3. Theo Seilheimer, Anderson Road – expressed concern about the safety, and the lack of berms. He was concerned about ricochets. He stated he doesn't want anything coming near his house.
4. Roger Craigmille, Miller Township – had concerns about liability insurance, inspections, and implementation of the prior recommendations.
5. Bob Diedrich, Milan Township – expressed concern about possible ricochets, and the level of cars present for shooting purposes on the site.

6. Kay Diedrich, Keslinger Road – stated her opposition to the petition for the reasons stated by others.
7. Darlene Seilheimer (daughter of Theo Seilheimer) – supported the comments by Mark Deidrich.
8. Carole Beemis, Anderland Road – expressed safety concerns and traffic level by people she doesn't know coming into the area.
9. Eleanor Hegland, Anderland Road – expressed safety concerns.
10. Shirley Lutz, Elva Road – stated she was a co-owner of property directly across from the subject property. She stated she was very concerned about noise, but stated that the noise has been reduced a lot in recent years. She stated she was concerned about the impact on adjacent land values.

F. Petitioner's Rebuttal, by Petitioner and/or Attorney Larson:

1. Counsel for Petitioner stated that Martin-Goodrich did an evaluation in 2003, and determined there would be no impact on land values.
2. With respect to alcohol, Counsel stated that if required as part of a condition for approval, no alcohol would be served during any stated shooting hours.
3. With respect to insurance, Counsel stated that Petitioner already has a liability policy in the amount of \$1,000,000.00.
4. Counsel reminded those present that the Petitioner's 2003 petition was recommended for approval, but withdrawn prior to consideration by the full County Board, and that the 2003 application was for a true "gun club", and not for the purposes of holding conceal-carry classes.
5. Counsel reminded those present that, absent approval of Petitioner's application for conceal-carry classes to be taught on the premises, recreational shooting can and will continue and is not subject to any of the concerns of those present, and is perfectly permitted under the County Code.
6. Counsel stated that if specific hours, such as terminating shooting times at 9:00 p.m., were required, Mr. Massier would certainly comply. Petitioner stated that he anticipated all shooting being concluded no later than 9:00 – 10:00 p.m. at the latest on weeknights or weekends.

G. County Staff stated that if a hard-surface parking area were completed, at least one handicap space would be required. County Staff further stated that the building itself was not inspected as part of Staff's report.

H. Written submissions received by the Hearing Officer as part of the public hearing, attached and incorporated without recitation in this recommendation as though fully set forth herein:

OPPOSED:

1. Joni Culley (9/21 and 9/28)
2. Dr. Carolyn Faivre (9/24)
3. David Heglund (9/28)
4. Shirley Lutz (9/29)
5. Kenneth Diedrich (9/28)
6. Roger Craigmile (9/30)
7. Kevin Hickey (10/1)
8. Mark/Tonya/Bob/Kay Diedrich (9/30)
9. Eleanor Heglund (9/23)
10. Rick and Debbie Boesche (9/22)
11. Patricia Fagan (9/22)
12. Mark/Tonya/Bob/Kay Diedrich (9/22)
13. James and Carol Boesche 9/23)
14. Patricia Fagan (9/23)
15. Anita Zurberg (9/23)

IN FAVOR:

1. Darla Massier (9/28)
2. Andy Vanatta (9/28)
3. Sarah Lief (9/28)
4. Robert Hursh (9/29)
5. Kendra Lindbeck (9/28)
6. Steve Guadagnoli (9/29)
7. Javarus Jacobs (9/29)
8. Ata Shakir 9/30)
9. Dr. Todd Anderson (9/30)
10. Mark Mckulski (9/30)
11. Rolf Anderson (10/1)

12. Sarah Newby (10/1)
13. Chad Gregory (10/1)
14. Jeff Smith (10/1)

Analysis and Recommendation:

I. Preliminary Matters

Petitioner seeks a special use permit in order to conduct conceal-carry classes in a structured environment on the subject property. The subject property is presently zoned A-1, and a “gun club”, the closest defined special use in the County zoning ordinance, is a permitted use for the property, provided that the application meets all relevant requirements and criteria and is approved by the County Board. Such approval is not mandated by the County zoning ordinance, and each application may be granted or denied on its own merits. The criteria for Special Uses is set forth in Article 9 of the Zoning Ordinance, and additional criteria for properties zoned A-1 are set forth in paragraph 2 of the Staff Evaluation of the Staff Report prepared by Paul Miller, Director, DeKalb County Planning / Zoning / Building Department. The Staff Report contains additional concerns that should be addressed by the Petitioner should the County Board approve the petition.

For background purposes, it should be noted that at hearing it was adduced that recreational shooting has been occurring on the subject property since on or about 1991, apparently without incident. Recreational shooting on the subject property is not prohibited, nor subject to Petitioner’s current petition, and will likely continue unabated irrespective of the outcome of the petition in this case. The only question raised by the petition is whether the Petitioner has met the criteria to obtain a special use permit, to allow the Petitioner to utilize approximately 2 acres of the 45 acre parcel to conduct state-regulated conceal-carry firearm instruction based on the aforementioned criteria. For the reasons that follow, I find that it does and recommend approval of the petition by the County Board, subject to the valid concerns raised by County Staff in its summary evaluation concerning the site plan, and club operation hours of use / classes.

II. Analysis and Recommendation

The subject parcel is approximately two acres, more or less, and exists as part of a total parcel of approximately forty-five acres in size. The parcel is located on the west side of Anderland Road, and is zoned A-1, Agricultural District. The Special Use request is to allow the Petitioner, who already conducts supervised recreational firearm shooting at the site, to be

additionally permitted to conduct conceal-carry permit classes at the site. The Petitioner, and Mr. Halverson, his associate, have the required safety and instructional certifications required by the Illinois State Police, and the NRA, to conduct the proposed classes if the Special Use is granted. Additionally, the Petitioner possesses an emergency response certification as an additional safety precaution.

There were concerns expressed during the public hearing concerning rifle-calibers to be prohibited, should the Special Use be granted. However, I find this concern is not relevant to the pending application. The Special Use seeks permission to conduct *conceal-carry* classes, involving concealable firearms, i.e. handguns and thus handgun calibers. Further, as part of the exhibits, which included photographs of the bullet traps, the lay-out of the proposed pistol range for training purposes, and additional data on the trajectory ranges of pistol calibers, I find that the range is appropriate for the types of handgun classes to be conducted, upon approval of the Special Use. I further find that the purported increase in noise, expressed by some in opposition to the Special Use application, will not be significant. Again, recreational shooting can and does occur on the site on a regular basis at present, and will continue irrespective of whether the Special Use is granted. The incremental addition of the firing of handguns as part of controlled class instruction is not a significant factor, in my opinion. Petitioner testified that the firing portion of the conceal-carry curriculum consists of about an hour of range time for training and qualification purposes, and the majority of the remaining curriculum is class time involving firearm operation and safety, applicable statutory compliance training, and statutory compliance training in the appropriate use of firearms. Firearms classes are anticipated to be of a class size of approximately 15-18 students at any one time.

In accordance with the above and foregoing, I find that Petitioner has properly and appropriately addressed the statutory criteria contained in Section 9.01.B.3 in his application and exhibits, and in his further testimony at hearing. I find that Petitioner properly addressed the valid concerns expressed at the public hearing. Petitioner's Exhibit 2 contains Petitioner's response to the ordinance criteria.

I recommend approval of Petitioner's Special Use application, as Petitioner has met the criteria established under Section 9.01B.3, in this officer's opinion. However, my recommendation is conditioned upon the Petitioner performing the following additional recommendations:

1. Class sizes should be limited to the number stated in Petitioner's application, i.e. no more than 18 students at any one time.
2. The shooting portion of the conceal-carry classes should be conducted at a consistent daily time, so that the neighbors and others can expect and be prepared for the noise level and be confident of the cessation of that noise at the conclusion of that set time.

3. The permit should be conditioned on the Petitioner complying with set hours of operation for the conceal-carry classes, and I suggest that they commence no earlier than 9:00 a.m. and conclude no later than 9:00 p.m.
4. During the conceal-carry class instruction dates and times, no other recreational shooting should occur at the site.
5. That a large dirt berm be constructed behind the existing bullet trap, as recommended by the County Sheriff following the conclusion of its 2003 inspection. The construction of this berm would serve to provide an additional level of safety, and would allay many of the valid concerns of the neighbors of the subject property expressed at hearing.
6. Classes occur only at the two-acre portion of the subject property identified in the application.
7. The Petitioner is to be required to confer with County and address Section 4, "Site Plan", as contained in County Staff's report.

As with Petitioner's 2003 application for a more traditional "gun club", there were many voices of concern expressed at the hearing in this cause. I would be remiss if I did not indicate that the concerns expressed appeared to be as voluminous as they were sincere. The issue of safety and firearms is of grave concern as the consequences of a mistake are also grave. The Petitioner's neighbors and others present at the hearing properly and appropriately expressed their concern. I would also be remiss if I did not mention the articulate and equally voluminous indications of support for Petitioner's application for Special Use, many by individuals who have in fact been to the site as a recreational shooter, and described Petitioner's recreational shooting at the property as very safety conscious and appropriate. Concealed-Carry has only recently become the law in Illinois, and there is a need for quality, safety-trained and certified instructors. I am of the opinion that the Petitioner's application meets those concerns, with the implementation of the recommendations above, and that Petitioner's application meets the ordinance criteria of Section 9.03.B and should be approved by the Board.

Respectfully submitted,



Dale J. Clark
Hearing Officer

DeKalb Special Use Supplemental Hearing -- Massier Petition (MI-15-9)

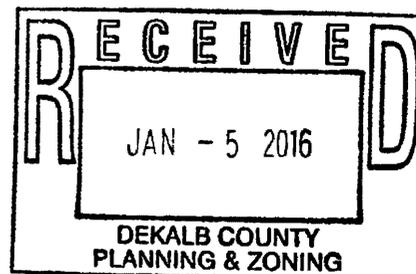
Date of Supplemental Public Hearing: December 3, 2015

Location: DeKalb County Planning/Zoning/Building Dept.
"Gathertorium" Large-capacity Hearing Room
200 North Main Street
Sycamore, IL

Time: 7:00 p.m. – 10:00 p.m.

Petitioner:

Douglas Massier, as representative of Marilyn J. Kirkus Trust
Dan Halvorsen, Certified Conceal Carry Instructor
Counsel for Petitioner: Attorney Scott Larson
Petition: MI-15-9
Property P.I.N. – 10-12-200-005



Present for County:

Paul Miller, Director, DeKalb County Planning, Zoning and Building Department
Rebecca Von Drasek, Assistant Director, DeKalb County Planning, Zoning and Building Dept.

Nature of Petition: Mr. Massier, as representative of the Marilyn J. Kirkus Trust, filed an application for a Special Use Permit for a "gun club" to accommodate firearms classes on the subject property, on approximately two (2) acres of a forty-five (45) acre parcel on the west side of Anderland Road, south of Keslinger road, in Milan Township. The application is not for a true "gun club", but per Director Miller, that definition is the closest applicable use defined in the County Code. Mr. Massier seeks to instruct individuals in firearms training, who wish to obtain their conceal-carry firearms licenses, in accordance with Illinois statutes. A recreational gun range has existed on the property since on or about 1991, with various improvements constructed over time.

A previous public hearing was held on September 24, 2015, and additional comments/concerns were received from interested individuals thereafter. A prior report and recommendation was submitted on October 16, 2015. The prior report and recommendation, and materials submitted by County Staff, the Petitioner, and all interested persons, attached thereto, are fully incorporated herein as though fully set forth. This supplemental hearing was provided to the public, upon proper notice, to provide for additional comments and questions on the Petitioner's original application and supplemental information provided by the Petitioner, as contained in County Staff's updated report.

Additional submissions received at the supplemental hearing, and fully incorporated into this supplemental report and recommendation:

1. Supplemental County Staff Report, Dated November 19, 2015, with exhibits, as follows:
 - a. Three aerial site plans, identified as Petitioner's Exhibits 5A-1, 5A-2, and 5A-3;
 - b. Illinois Concealed Carry Firearms Instructor certification for Daniel W. Halvorsen;
 - c. DeKalb County Sheriff's Incident Investigation Report, dated October 24, 2015, by Officer J.W. Burgh, and a "follow-up" report dated October 27, 2015;
 - d. A Sheriff's Department "Case Supplemental Report", dated November 11, 2015, by Sheriff Roger Scott.
2. Additional e-mail and written correspondence submitted by members of the public and tendered to County, by the following individuals:
 - a. Shirley Lutz
 - b. Darlene Seilheimer
 - c. Ronald Hafeman
 - d. Mark and Tanya Deidrich (Mr. Diedrich also submitted statistical information at hearing)
 - e. Bob and Kay Deidrich
 - f. John Boesche
 - g. Connie Pinckney
 - h. Eleanor Heglund
 - i. Patricia Fagan
 - j. Charles Lutz
 - k. Debbie Boesche (who also submitted a color-coded land map and public petition objecting to the application)
 - l. Carolyn Faivre
 - m. Sarah Faivre Davis
 - n. Carl and Bev Buehrer
 - o. Joanie Culley
 - p. Charles Cronaur, Esq., on behalf of interested persons, contributed a packet containing documents identified as Exhibits 1-9.

NOTE: [if I have missed any written contributions, I apologize. Every effort was made to make reference to all submissions received.]

I. Prefatory Remarks and Comments

Director Miller provided a brief synopsis of the prior proceedings held in this matter, and the nature of the application. Director Miller reminded persons present that a prior hearing was held, and that all comments and information received in that prior hearing remained part of the permanent record regarding the Petitioner's application.

Attorney Scott Larson, for the Petitioner, provided a synopsis as well of the history of the proceedings. Attorney Larson reminded persons present that the application was not for a true "gun club", but rather for the limited purpose of providing conceal-carry training on an already existing and permitted gun range at the site. He stated that no gun sales would occur at the site.

Attorney Larson, referring to aerial photographs submitted as part of the application, noted the site of the proposed dirt berms, as previously recommended to address safety concerns expressed by members of the public and the Sheriff's office in its 2003 report. Attorney Larson also indicated that there would only be six shooters on the range at any one time, all using only handgun calibers (excluding .44 caliber and .50 caliber), and that actual firearms discharge is but one small part of the required conceal-carry training. Attorney Larson inquired of County of the status of the Petitioner's parking waiver request, but stated that a full site-plan would be submitted if required.

Attorney Larson provided range safety information, including the use of range officers during the range shooting portions of the class to manually correct any improper form of participants. A trained range officer would remain within arms-length of each shooter at all times during range instruction. Attorney Larson also indicated that "spotters" would be utilized to determine if field work in adjacent properties was occurring, and that range operations would cease during such times.

Attorney Larson also indicated that an overhead steel capture ricochet plate would be utilized, if required, based on the recommendations of the NRA literature. He further stated that classes would cease, if required, by 4:30 p.m.

II. Questions from Persons Present

1. Rick Boesche (DeKalb) – had questions regarding the use of a spotter and if a spotter is used during the current recreational shooting activities at the site. Dan Halvorsen, a representative of the Petitioner, indicated a spotter is always present, and has been present, at least since 2003 or so when the additional building was constructed.
2. Debbie Boesche (DeKalb) – also had questions regarding the spotter, and stated that she has heard shooting when she was out combining her fields.

3. Deb Garbiel (Sycamore) – Mrs. Garbel asked about a liability policy on the premises and also asked if a certificate of insurance has been provided to County. Petitioner indicated there was insurance for the premises for the shooting activities, and that if County requested, a certificate of insurance would be provided. She also stated that during a recent class at the site (October 11, 2015), Dan Halvorson was up in the spotter location.
4. Mark Diedrich (Keslinger Road / DeKalb) – Mr. Diedrich questioned why classes were being conducted on October 11, 2015. Attorney Larson stated that there was an agreement with County Staff to allow classes to be conducted during the pendency of the application process. Mr. Diedrich questioned whether Petitioner would comply “unless his feet were put to the fire”. He questioned if a soil sample had been conducted, and the response was that it had not, as it has not been required. He questioned the Petitioner’s septic/building permits from 2003; He questioned if Petitioner was aware of other conceal-carry facilities and instructors; and he questioned the size of the proposed berms.
5. Roger Craigmiller (Milan Township) – Mr. Craigmiller questioned the thickness of the backstop, and the Petitioner responded “1/4 inch steel, and no visible deterioration of the back stop”; he questioned if .44 magnum caliber handguns would be turned away from the site, and Petitioner responded “yes”; he questioned what is currently used to collect the lead deposits from spent bullets, and Petitioner indicated sand that is filtered and strained every four years, and that the lead is recycled; he questioned the presence of lead near the river bank, and Petitioner responded that due to the angle of deflection, the bullets drop into the sand catchers; he questioned how many conceal-carry applicants have to shoot more than the minimum 30 – rounds to obtain a qualifying score and Petitioner stated that so far 100% of applicants have qualified with the 30-round state-requirement.
6. John Boesche (Afton Township) – Mr. Boesche questioned the support apparatus for the back stops, as the front is weight-bearing and Petitioner stated that the berms support the back stop and direct all ricochets into the backstop.
7. Randy Smith (DeKalb) – Mr. Smith questioned the Petitioner as to any accidents to students or any instructors during any of the many classes that have already been conducted, and Petitioner stated there had been zero accidents of any kind. Mr. Smith then inquired as to any accidents during the many years of recreational shooting, and the Petitioner responded that there had been zero accidents during the years of recreational shooting at the site.

8. Charles Cronauer (Attorney, individually and on behalf of other concerned persons) – Mr. Cronauer noted the travel distance of .22 caliber and .357 magnum caliber bullets can exceed one mile; questioned the decision-date to provide safety berms; asked Petitioner if he would consider excluding holidays or certain days such as weekends from range activity; asked if range activity would be ordered to cease if harvesting were occurring. Petitioner responded that adjacent land owners can and should text or contact him if they need to harvest, and he will adjust range activity accordingly. He stated he made the decision to install the safety berms in response to the feedback received from the public as part of his application process, and also agreed to look at reasonable day/time restrictions so as to lessen the impact of range activity on his neighbors.
9. Dave Bemis (Anderlin Road) – Mr. Bemis asked Petitioner if the level of opposition from his neighbors concerned him at all; Mr. Bemis asked if alcohol consumption would be occurring during classes; Petitioner responded that no alcohol is consumed when shooting is occurring and that practice and policy would continue.
10. Joanie Culley (University Road) – Mrs. Culley wanted to make sure that the hearing officer and County received her correspondence; she asked about any lead that may accumulate in the safety berms. Petitioner responded that no lead, foreseeably, will accumulate in the berms due to the backstop and sand catchers.
11. Rick Boesche (DeKalb) – Mr. Boesche again approached the microphone to ask if he could give the Petitioner a call when he (Mr. Boesche) was working in the fields and Petitioner responded in the affirmative.
12. Ron Hafeman (University Road) – Mr. Haseman asked if the berms would be constructed before the issuance of the special use permit; Petitioner responded that the berms would only be constructed if required as a condition of the special use permit.
13. Connie Pinckney (DeKalb) – Mrs. Pinckney asked why the Petitioner needed a permit if he is already able to teach classes. Attorney Larson again stated that the permit process began after a single complaint was made to the County that a permit may be required. At the time of the complaint, classes had been going on for a year and a half without incident or complaint. The County then approached the Petitioner, according to Attorney Larson, about the permit process. Director Miller also responded that the County's function is to regulate land use, and that when a land use extends beyond casual or intermittent use and becomes a regular use of that property with dedicated facilities, that regular use is then subject to County regulation.

14. Roger Diedrich (DeKalb) – Mr. Diedrich questioned the Petitioner as to the number of people per week, or per month, that would be taking the classes. Petitioner responded that his most recent class consisted of four (4) persons, and that the largest class was sixteen (16) to eighteen (18) persons, but that was at the time of the passage of Illinois’ conceal-carry statute and there was an initial “big push” of persons seeking to take the class. He generally holds one class per month, according to Petitioner. Mr. Diedrich asked Petitioner if he planned to adjust or increase if he received a permit; Petitioner responded “yes”, but further stated he never thought about it before.
15. Chris Porterfield (DeKalb) – Mr. Porterfield questioned the number of spotters and range officers, since six (6) shooters would be at the range at any one time, during the classes. On behalf of Petitioner, Dan Halvorsen described the extensive in-class instruction that occurs prior to range activity, and that a spotter/range officer is positioned directly behind the middle of three shooters, within arms-length, to take immediate corrective action if needed. Mr. Halvorsen described the class instruction involving muzzle control, misfire instruction, etc., and that the safety officers are trained to physically remove the firearm if necessary. Mr. Porterfield inquired if the 1 to 3 ratio was acceptable to Police / NRA instruction. Attorney Larson noted that in the Marine Corp, the ratio was 1 to 10.
16. Rick Boesche (DeKalb) – Mr. Boesche again approached the microphone and asked if the Petitioner were granted the special use permit could he then decide to expand to skeet shooting, rifle shooting, etc. On behalf of County, Director Miller stated the “short answer is “no” unless Petitioner came back to the Board to amend the special use permit.” Director Miller stated that if that were to occur, a new round of public hearings would of course be required to again obtain public input on the proposed amendment.
17. Dennis Liefheit (Sycamore) – Mr. Liefheit asked the Petitioner if he was using “my curriculum”. Petitioner answered that Dan Halvorsen, who is state-certified, has been using his own curriculum.
18. Mark Diedrich (Keslinger Road / DeKalb) – Mr. Diedrich again approached the microphone and asked County Staff about changes to the buildings and other requirements. Director Miller responded that Staff has already performed inspections and made a report about recommendations and changes that are required and will continue to monitor.

III. Persons in Favor

Persons who identified themselves and spoke in favor of the proposed special use permit were as follows:

1. Dan Gallagher (DeKalb) – stated that he had been at Petitioner’s location, individually and as part of the American Legion; stated that the Legion uses Petitioner’s location to train for Legion funerals, and that Petitioner has safely trained over 400 individuals at the site.
2. Rob Halvax (Shabbona) – objected to the continued use by some persons of the use of the term “gun club”, as that was not at all what was being sought in the application. Mr. Halvax stated he is a member of the Aurora Sportsmen’s Club. He stated the proposed site is not a gun club, and is not being marketed as such. He stated the Petitioner generally trains only people he knows, and that the site is a well-organized and appropriate site.
3. Jim Furry (Sycamore) – stated that he has been to Petitioner’s proposed site, and that Petitioner is very safety conscious. He stated that the Petitioner is very safe, and the area needs good instructors.
4. Rob McCann (DeKalb) – stated that he is the chaplain of the American Legion and is a conceal-carry permit holder. He stated he supported the Petitioner’s application “100%” and agrees with Mr. Furry’s statements.
5. Randy Smith (DeKalb) – stated that he is a U.S. Army veteran and a member of the DeKalb Honor Guard, and has trained in military rifle and pistol shooting. He stated that Petitioner’s site is extremely safe and that “we need this service in DeKalb County.”
6. Cliff Seldal (DeKalb) – stated he is a Korean War veteran, and that he “highly approves” this application.
7. Randy Bourdages (DeKalb) – stated he has known the Petitioner for a very long time, and that he (Mr. Bourdages) is not a gun owner but believes people should be properly trained and is glad that the Petitioner is doing it.
8. Craig Donnelly (Afton Township) – stated he is in favor of the application and hopes the permit is granted. He also stated that the berms are a good idea, even for the recreational shooting at the site.

9. Jory Trott – stated he was a 32-year veteran in the Army and also in the Illinois State Police. He stated that the Petitioner’s safety procedures are better than he received in the military. He stated that when he attended, all persons were watched closely and it was a very safe environment.
10. Adam Massier (DeKalb) – stated he is the son of the Petitioner, and that he has been shooting at the range since he was a small child, and that safety is always the top priority. He is proud of his father for going through this difficult process, and that the Petitioner has addressed the complaints raised by persons opposed, and that the permit should be granted.
11. Mike Hernandez (Kirkland) – stated he took the conceal-carry class through the Petitioner, and safety was the top priority. He stated he was very appreciative of the Petitioner’s instruction.
12. Steve Elsik (Sycamore) – stated he has been to the Petitioner’s site and that it is very safe. He stated he felt very comfortable with the people he met there, and was not afraid to be around them because of the Petitioner’s insistence of proper safety.
13. Ken Smith (DeKalb) – stated he was a member of the American Legion, and has been to Petitioner’s site, and viewed the structure. He stated he was very impressed with its cleanliness and the range construction. He described in detail the back-stops and their safety.

IV. Persons Opposed

Persons who identified themselves and spoke in opposition to the proposed special use permit were as follows:

1. Rick Boesche (DeKalb) – described a scenario in which he remembered being in the fields (couldn’t remember the date/time) and took his tractor directly to the back stop and that shooting didn’t cease. He stated he still believes there is a risk of accidental discharge and that he should not have to put up with the noise.
2. Debbie Boesche (DeKalb) – stated that the application was a land use issue, and not a safety issue. She presented a petition signed (by her account) by 150 persons of whom 90 (by her account) live within 3 miles of the shooting facility.

She presented a color-coded map to illustrate her position. She took issue with my prior report and recommendation, stating that pursuant to County Code Section 9.02.B3 the special use should not be inappropriate for A-1 Agricultural, and that shooting was clearly not an agricultural use. She stated that she believes farmers will be “forced to choose between farming with risk, or shut down farming”.

3. Brian Bemis (DeKalb) -- expressed his thanks to all of the veterans present. He stated that he was not opposed to conceal-carry, but that the Petitioner “wants to turn it into a commercial operation”. He stated he believes that alcohol is served during recreational shooting times. He stated that the location is in the middle of a cornfield, and “not the place for it.”
4. Ron Hafeman (University Road) – stated he was very pro-Second Amendment and pro conceal-carry. However, the land is zoned A-1 and the land should remain agricultural. He stated there were plenty of other places to obtain conceal-carry instruction.
5. Mark Diedrich (Keslinger Road) – addressed a number of concerns, including the following:
 - a. House values and his discussions with realtors who sell property near the Sycamore Sportsmen Club;
 - b. NRA and that organization’s range safety recommendations regarding appropriate berms;
 - c. Lead contamination in the nearby creek over time;
 - d. Noise issues.

Mr. Diedrich presented two documents purporting to show property value estimates at various distances from shooting ranges, and estimated days before a property sells based on its location in proximity to a shooting range.

6. Roger Craigmiller (Milan Township) – stated his opposition to the permit for several reasons. He was concerned about his property values, and also stated that he is not aware of anyone in his township who supports the Petitioner’s application.
7. Theo Seilheimer (Anderlan Road) (DeKalb) – he stated that he was opposed for all of the reasons voiced at the hearing, and in addition, he opposed the permit as he believes that it will increase vehicular traffic.

8. Charles Cronauer (Pierce Township) – stated he was an Army veteran, and conceal-carry holder. Mr. Cronauer described in detail the documents contained in his Exhibits 1-9. He described that the original property valuation by Martin Goodrich referred to the building value, but not the land value; pointed to a Texas report of decreased property values near a gun range; referenced the DeKalb County nuisance ordinance; referenced the Sheriff's report of 10/24/15; referenced his concern that, pursuant to County Code, a proposed land use must not impede or hinder farm operations; and that based on the above and foregoing the permit should be denied.

Mr. Cronauer then referenced the NRA Range recommendations for side berms and backstops, and asked that the Petitioner should be forced to comply, should the permit application be granted.

9. Darlene Seilheimer (Polo) – stated that she agreed with the points made in opposition by the neighbors of the Petitioner; stated that she is not opposed to firearms, conceal-carry, or shooting, but that this is not the place for it.

V. County Staff Comments based on questions / concerns

At the conclusion of the comment period, Director Miller, on behalf of County Staff, addressed some of the land use concerns regarding the structural requirements of the on-site building. He further commented on the County's ordinances with respect to some of the other issues raised, including land issues, lead deposits, and the proposed berms; all of which will remain under County supervision as part of its obligations concerning appropriate land use operations.

VI. Petitioner's Rebuttal

On behalf of the Petitioner, Attorney Larson presented a response to the questions/concerns raised by persons at the supplemental hearing. In summary, he stated the following:

1. The requested application was not truly a "gun club", but that term is used only because under present County Code it is the closed definitional term.
2. The site has a recreational shooting range, and has had that recreational range since prior to January, 1994. As a result, according to Mr. Larson, the range is already exempt from liability for noise, or public or private nuisance, so that argument is not relevant to the application.

3. He disputed the purported decrease in home values near the Sycamore Sportsmen Club because that club's existence pre-dates the structures being sold, according to Mr. Larson.
4. Attorney Larson stated that the increase in the volume of shooting at the site, should the permit be granted, is minimal, again as recreational shooting can and will continue at the site irrespective of the granting or denial of Petitioner's permit.
5. He stated that if the permit is granted, it will actually result in the shooting at the site being conducted in a more controlled environment than presently exists.
6. Petitioner, individually, addressed Mr. Boesche and stated he recalled no such incident as described by Mr. Boesche.
7. Mr. Larson stated that the Petitioner is willing to engage an NRA certified range inspector, if necessary, as a condition of the granting of the permit.
8. Mr. Larson again stated that no prior safety issues have occurred at the site.
9. Mr. Larson again reminded those present that shooting at the site is going on legally already, and that it will continue, and that the only question is whether it will be occurring in the context of classes or remain a recreational pursuit at the site.
10. Mr. Larson stated that the land value / home value issues raised were non-issues, since recreational shooting has been occurring at the site for a number of years, and is permitted not just by the Petitioner but by surrounding land owners as well, for recreational purposes. Mr. Larson stated there is no qualitative difference between shooting sound for recreational shooting or if that shooting is being conducted in a class instruction setting.
11. Mr. Larson referenced the October 24, 2015 Sheriff's report by Deputy Burgh – who summarized that the back stop at the site was “more than sufficient for the training that he is doing out there.”
12. Mr. Larson stated that it was his belief that some of the signers of the petition proffered by Mrs. Boesche may have been under the impression that a true “gun club” was being sought by the Petitioner, when they signed the petition. Mrs. Boesche, who remained present, and stated she was the author of the petition, denied that was the case.
13. Mr. Larson concluded by stating that his client has taken all necessary steps, and complied with obtaining all necessary certifications, and that the special use permit application should be granted.

ANALYSIS AND RECOMMENDATION:

As this matter was a supplemental proceeding, all prior comments, questions, documents, and exhibits, remain part of the record. As with the prior initial hearing, there were many members of the public present who voiced their questions, comments, and concerns. Many of the concerns expressed at the supplemental hearing were similar in nature to those expressed at the prior hearing, and those comments expressed in support of the special use permit application were also similar to those expressed in the prior hearing.

With respect to the particular issues raised by the special use permit application, I find that the Petitioner, via his supplemental information, has continued to meet the criteria established pursuant to Section 9.02.B.3. As in my prior report, Petitioner's Exhibit 2 properly addresses the statutory criteria; indeed, Petitioner's supplemental information, particularly the proposed added berms and steel down-plate, to be installed should the permit be granted, will greatly enhance the already safe shooting environment at the site. I find that the incremental increase in shooting, if any, by permitting class instructional shooting will not significantly increase noise to surrounding properties, and will not be unreasonably detrimental to the value of the other property; further, if granted, the special use will comply with all applicable provisions of the applicable district regulations. Again, recreational shooting already occurs on the site, and indeed on surrounding agricultural lands, and the incremental increase proposed by Petitioner will not significantly impact those properties, in my opinion.

With respect to the remaining criteria, the special use permit application does not call for or request any significant change to the current site lay-out, or the building already located on the site. The parking area, should the permit be granted, will remain subject to County regulation and the standards set forth in County regulations, absent a waiver. There remains the same adequate utility, drainage, and other necessary facilities as are presently on the site. The site, should the permit be granted and conceal-carry classes be permitted, will remain substantially in its present form and thus the criteria of Section 9.02 B.3 will remain intact and unaltered.

At the prior hearing, and somewhat in this supplemental hearing, much was made of the 2003 recommendations of the Sheriff's office with respect to the site. In 2003, the Sheriff's recommendations were made in the context of the Petitioner seeking to establish a true gun club, a very different application than at present. The Petitioner's proposed responses to those recommendations as part of the present proceedings are instructive. The Petitioner has agreed to construct berms, as requested in the 2003 summary. The Petitioner has agreed to install a large bullet-trap over the present back-stop, to prevent downrange issues, as requested in the 2003 summary, if required as a condition of granting his special use permit application. The 2003 summary requested that handgun calibers (excluding .44 magnum and .50 caliber) be the only calibers permitted, and the Petitioner has acquiesced to that request. Indeed, the nature of conceal-carry by design involves handgun calibers only. Similarly, the 2003 summary requested that center-file rifle calibers be prohibited; again, conceal-carry training does not involve center-

file rifle calibers. Lastly, the 2003 summary requested that existing rail ties need to be replaced and maintained. In the prior hearing, the Petitioner indicated that may have already been completed, and no information has been submitted to the contrary.

As the Petitioner has met the statutory criteria, and has properly addressed the safety and operational concerns raised at hearing, it is my recommendation to the County Board that the special use permit be approved, subject to the conditions contained in my initial report and recommendations. In addition, based on the supplemental hearing and information received, I recommend the following, additional conditions:

1. The Petitioner construct the steel overhead bullet retention discussed at the supplemental hearing;
2. The Petitioner construct the side berms in the manner and location described at the supplemental hearing;
3. As indicated in the supplemental hearing, the Petitioner consult an NRA certified range operator to review the site, and notify County of any suggested additional improvements, and comply with any County requests in accordance with those suggested improvements, if any;
4. The Petitioner have present on the site at all times when shooting is occurring, a spotter to observe activity in adjacent properties, with the authority to authorize a cessation of shooting activities should safety require such action.

Respectfully submitted,



Dale J. Clark

DeKalb County Hearing Officer



DeKalb County
Planning/Zoning/Building Department
110 East Sycamore Street
Sycamore, IL 60178
(815) 895-7188
Fax: (815) 895-1669

STAFF REPORT

TO: Planning and Zoning Committee

FROM: Paul R. Miller, AICP ^{PRM}
Planning Director

DATE: January 13, 2016

SUBJECT: Massier Special Use Permit
Petition MI-15-09

Douglas Massier, representing the property owner, the Marilyn J. Kirkus Trust, has filed an application for a Special Use Permit for a gun club to accommodate firearms classes. The request has been filed in accordance with the requirements of Section 9.01.B.2 of the DeKalb County Zoning Ordinance to allow the establishment and operation of a gun club on approximately two acres of a 45-acre parcel located on the west side of Anderland Road, south of Keslinger Road, in Milan Township. The property is zoned A-1, Agricultural District.

The required public hearing was held on September 24, 2015 by DeKalb County Hearing Officer Dale Clark. A number of persons spoke in favor of and in opposition the request, and many letters for and against the proposal were accepted as part of the record. The Hearing Officer submitted his findings and recommended approval of the Special Use Permit with conditions. The Planning and Zoning Committee reviewed the application at its meeting of October 10, 2015 and directed that the matter be returned to the Hearing Officer for further testimony. The public hearing was re-opened on December 3, 2015. The petitioner provided additional testimony and exhibits, including proposals to improve safety by the construction of earthen berms. Numerous members of the public spoke in favor of and in opposition to the application (see attached Supplemental Findings of Fact).

The Hearing Officer has reiterated the recommendation of approval with conditions. The list of recommended conditions includes:

1. Class sizes shall be limited to the number stated in Petitioner's application, i.e. no more than 18 students at any one time;
2. The shooting portion of the conceal-carry classes shall be conducted at a consistent daily time, so that the neighbors and others can expect and be prepared for the noise level and be confident of the cessation of that noise at the conclusion of that set time;

3. The Petitioner shall comply with set hours of operation for the conceal-carry classes, commencing no earlier than 9:00 a.m. and conclude no later than 9:00 p.m.;
4. During the conceal-carry class instruction dates and times, no other recreational shooting shall occur at the site;
5. A large dirt berm shall be constructed behind the existing bullet trap, as recommended by the County Sheriff following the conclusion of its 2003 inspection;
6. Classes shall occur only at the two-acre portion of the subject property identified in the application;
7. The Petitioner shall confer with County and address Section 4, "Site Plan", as contained in County Staff's report;
8. The Petitioner shall construct the steel overhead bullet retention discussed at the supplemental hearing;
9. The Petitioner shall construct side berms in the manner and locations described at the supplemental hearing;
10. The Petitioner shall consult with an NRA-certified range operator to review the site, and notify the County of any suggested improvements, and comply with any County requests in accordance with those suggested improvements, if any;
11. The Petitioner shall have present on the site at all times when shooting is occurring, a spotter to observe activities on adjacent properties, with the authority to authorize a cessation of shooting activities should safety require such action.

The Planning & Zoning Committee is requested to review the entire record of the Special Use Permit request, and forward a recommendation to the full County Board on the requested Special Use in the form of an ordinance. The Committee may recommend approval, approval with conditions, or denial of the request.

cc: Scott Larson, attorney for petitioner

PRM:prm

P:\Zoning\Special Uses\P&Z\Memos\2015\Massier2.MI-15-09.wpd



Resolution #R2016-06
16-00000-02-GM
County Maintenance Resolution

RESOLVED, by the County board of DeKalb County, that \$305,000.00 is appropriated from the Motor Fuel Tax allotment for the maintenance on county or State highways and meeting the requirements of the Illinois Highway Code, and be it further

RESOLVED, that maintenance sections or patrols be maintained under the provision of said Illinois Highway Code beginning January 1, 2016 and ending December 31, 2016, and be it further

RESOLVED, that the County Engineer/County Superintendent of Highways shall, as soon as practicable after the close of the period as given above, submit to the Department of Transportation, on forms furnished by said Department, a certified statement showing expenditures from and balances remaining in funds authorized for expenditure by said Department under this appropriation, and be it further

RESOLVED, that the County Clerk is hereby directed to transmit two certified copies of this resolution to the district office of the Department of Transportation.

STATE OF ILLINOIS

DeKalb County, } ss.

I, Douglas J. Johnson County Clerk, in and for said County, in the State aforesaid, and keeper of the records and files thereof, as provided by statute, do hereby certify the foregoing to be a true, perfect and complete copy of a resolution adopted by the County Board of

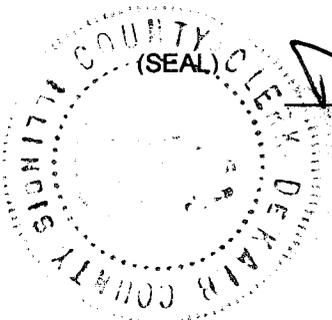
DeKalb County, at its Regular

meeting held at Sycamore, Illinois

on February 17, 2016
Date

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said County at my office in Sycamore, Illinois

in said County, this 17th day of February A.D. 2016



County Clerk

Approved
_____ Regional Engineer Department of Transportation
_____ Date



**Illinois Department
of Transportation**

**Resolution #R2016-07
16-00000-03-GM
County Maintenance Resolution**

RESOLVED, by the County board of DeKalb County, that \$118,002.50 is appropriated from the Motor Fuel Tax allotment for the maintenance on county or State highways and meeting the requirements of the Illinois Highway Code, and be it further

RESOLVED, that maintenance sections or patrols be maintained under the provision of said Illinois Highway Code beginning January 1, 2016 and ending December 31, 2016, and be it further

RESOLVED, that the County Engineer/County Superintendent of Highways shall, as soon as practicable after the close of the period as given above, submit to the Department of Transportation, on forms furnished by said Department, a certified statement showing expenditures from and balances remaining in funds authorized for expenditure by said Department under this appropriation, and be it further

RESOLVED, that the County Clerk is hereby directed to transmit two certified copies of this resolution to the district office of the Department of Transportation.

STATE OF ILLINOIS

DeKalb County, } ss.

I, Douglas J. Johnson County Clerk, in and for said County, in the State aforesaid, and keeper of the records and files thereof, as provided by statute, do hereby certify the foregoing to be a true, perfect and complete copy of a resolution adopted by the County Board of

DeKalb County, at its Regular

meeting held at Sycamore, Illinois

on February 17, 2016
Date

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said County at my office in Sycamore, Illinois in said County, this 17th day of February A.D. 2016



[Signature]
County Clerk

Approved

Regional Engineer
Department of Transportation

Date



**Illinois Department
of Transportation**

**Resolution #R2016-08
16-00000-05-GM
County Maintenance Resolution**

RESOLVED, by the County board of DeKalb County, that \$51,000.00 is appropriated from the Motor Fuel Tax allotment for the maintenance on county or State highways and meeting the requirements of the Illinois Highway Code, and be it further

RESOLVED, that maintenance sections or patrols be maintained under the provision of said Illinois Highway Code beginning January 1, 2016 and ending December 31, 2016, and be it further

RESOLVED, that the County Engineer/County Superintendent of Highways shall, as soon as practicable after the close of the period as given above, submit to the Department of Transportation, on forms furnished by said Department, a certified statement showing expenditures from and balances remaining in funds authorized for expenditure by said Department under this appropriation, and be it further

RESOLVED, that the County Clerk is hereby directed to transmit two certified copies of this resolution to the district office of the Department of Transportation.

STATE OF ILLINOIS

DeKalb County, } ss.

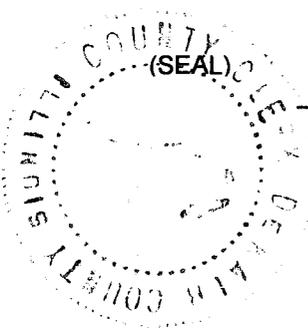
I, Douglas J. Johnson County Clerk, in and for said County, in the State aforesaid, and keeper of the records and files thereof, as provided by statute, do hereby certify the foregoing to be a true, perfect and complete copy of a resolution adopted by the County Board of

DeKalb County, at its Regular

meeting held at Sycamore, Illinois

on February 17, 2016
Date

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said County at my office in Sycamore, Illinois in said County, this 17th day of February A.D. 2016



[Handwritten Signature]

County Clerk

Approved

Regional Engineer
Department of Transportation

Date

RESOLUTION
#R2016-09

WHEREAS, bids have been invited by the County of DeKalb for provision of one new utility tractor as specified, and

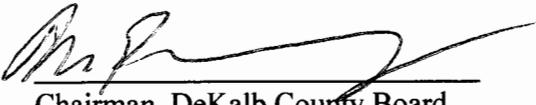
WHEREAS, Johnson Tractor, Inc. of Rochelle, Illinois has submitted the low bid meeting specifications, for the provision of said item;

NOW, THEREFORE, BE IT RESOLVED, by the DeKalb County Board that it does approve the award as set forth below:

JOHNSON TRACTOR, INC.

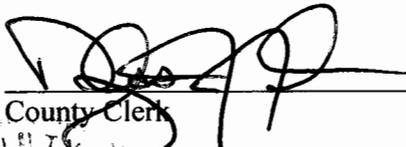
- (a) Provision of a new utility tractor as specified in the amount of Forty-Five Thousand Three Hundred Dollars and Zero cents (\$45,300.00).
- (b) Trade Allowance for one 1996 John Deere 5500 in the amount of Nine Thousand Seven Hundred Dollars and Zero Cents (\$9,700.00)
- (c) Approved for a net Cost of Thirty-Five Thousand Six Hundred Dollars and Zero Cents (\$35,600.00)

PASSED AT SYCAMORE, ILLINOIS THIS 17TH DAY OF FEBRUARY, 2016 A.D.

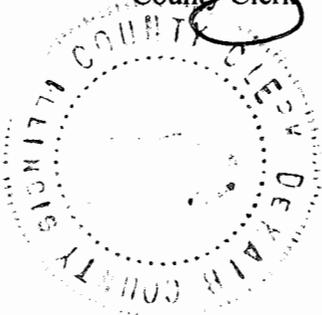


Chairman, DeKalb County Board

ATTEST:



County Clerk



RESOLUTION #R2016-10

WHEREAS, quotes have been invited for the County of DeKalb for the provision of certain, specified materials during 2016, and

WHEREAS, the following vendors have submitted bids meeting specifications:

Curran Contracting

Bituminous Patching Mixture	\$138.00/ton
Hot-Mix Asphalt Surface Course "C" N50	\$ 53.00/ton

Peter Baker

Bituminous Patching Mixture	\$150.00/ton
Hot-Mix Asphalt Surface Course "C" N50	\$ 50.00/ton

Macklin Inc. of Rochelle, Illinois:

Aggregate Surface Course, Type B CA-6	\$ 5.30/ton
Seal Coat Aggregate CA-16	\$ 7.20/ton
AgLime/Screenings	\$ 3.60/ton

Vulcan Materials of Sycamore/DeKalb, Illinois:

Aggregate Surface Course, Type B CA-6	\$ 6.60/ton
Seal Coat Aggregate CA-16	\$ 15.40/ton
AgLime/Screenings	\$ 6.05/ton

Wagner Aggregate, Inc of DeKalb, Illinois:

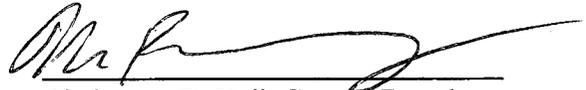
Aggregate Surface Course, Type B CA-6	\$ 4.95/ton
Seal Coat Aggregate CA-16	\$ 6.25/ton
AgLime/Screenings	\$ 3.50/ton

Resolution #2016-10
Page 2 of 2
2016 General County Letting

WHEREAS, Sicalco, LTD of Hinsdale, Illinois has submitted the low bid meeting specifications, for liquid calcium chloride in the amount of \$1.04 per gallon.

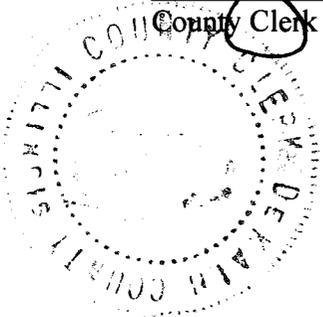
NOW, THEREFORE, BE IT RESOLVED, by the DeKalb County Board that it does approve awards to the companies named herein above for the provision of certain, specified maintenance materials to the County of DeKalb and its nineteen Road Districts.

PASSED AT SYCAMORE, ILLINOIS THIS 17th DAY OF FEBRUARY 2016 A.D.


Chairman, DeKalb County Board

ATTEST:


County Clerk



RESOLUTION #R2016-11

WHEREAS, bids have been invited for improvements on various roads in DeKalb County,
and

WHEREAS, Macklin, Inc. from Rochelle, Illinois and Wagner Aggregate, Inc. from DeKalb,
Illinois has submitted the low bids meeting specifications.

NOW, THEREFORE, BE IT RESOLVED, by the DeKalb County Board that it does
approve the award as set forth herein below:

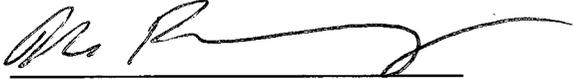
MACKLIN, INC:

- (a) In the amount of Forty-Eight Thousand Nine Hundred Fifty Dollars and
Zero Cents (\$48,950.00) for 5,000 tons of aggregate surface course SOR, to be
placed in Afton Road District under Section 16-01000-00-GM; and
- (b) In the amount of Thirty-Three Thousand One Hundred Twenty Dollars and
Zero Cents (\$33,120.00) for 3,000 tons of aggregate surface course SOR, to be
placed in Paw Paw Road District under Section 16-11000-00-GM; and
- (c) In the amount of Forty-Three Thousand One Hundred Fifty-Five Dollars and
Zero Cents (\$43,155.00) for 3,500 tons of aggregate surface course SOR, to be
placed in Squaw Grove Road District under Section 16-17000-00-GM.

WAGNER AGGREGATE, INC:

- (a) In the amount of Fifty-Eight Thousand Eight Hundred Fifty-Nine Dollars and
Zero Cents (\$58,859.00) for 7,100 tons of aggregate surface course SOR, to
be placed in South Grove Road District under Section 16-16000-00-GM.

PASSED AT SYCAMORE, ILLINOIS THIS 17th DAY OF FEBRUARY, 2016 A.D.


Chairman, DeKalb County Board

ATTEST:


County Clerk



RESOLUTION #R2016-12

WHEREAS, bids have been invited for delivery of certain materials to be used for improvements on various roads in DeKalb County; and

WHEREAS, Contech Engineering Solutions, LLC of Metamora, Illinois has submitted the low bid meeting specifications.

NOW, THEREFORE, BE IT RESOLVED, by the DeKalb County Board that it does approve the award as set forth herein below:

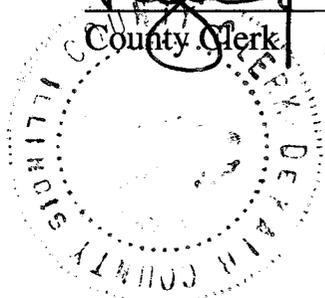
CONTECH ENGINEERING SOLUTIONS, LLC:

- (a) In the amount of Seventeen Thousand Four Hundred Seventy-Two Dollars and Zero Cents (\$17,472.00) for the delivery of drainage pipe culverts and bands as specified to various locations within DeKalb County, identified as section number 2016 Drainage Pipe Project.

PASSED AT SYCAMORE, ILLINOIS THIS 17th DAY OF FEBRUARY, 2016 A.D.


Chairman, DeKalb County Board

ATTEST:


County Clerk


BOARD INFORMATION FROM FEBRUARY 4TH BID LETTING:

New Utility Tractor

Buck Brothers	\$ 57,000.00
With trade value of	\$ (12,010.00)
Total	<u>\$ 44,990.00</u>

DeKalb Implament Company	\$ 55,000.00
With trade value of	\$ (12,210.00)
Total	<u>\$ 42,790.00</u>

DeKane Equipment Corp.	\$ 46,500.00
With trade value of	\$ (8,000.00)
Total	<u>\$ 38,500.00</u>

Johnson Tractor	\$ 45,300.00
With trade value of	\$ (9,700.00)
	<u>\$ 35,600.00</u>

Metz Equipment	No Bid
Purchase of Trade in	\$ 4,257.00

R-Equipment	\$ 47,800.00
With trade value of	\$ (6,000.00)
	<u>\$ 41,800.00</u>

ROAD DISTRICT AGGREGATE PROJECTS

Afton Road District

Macklin	\$ 48,950.00
Vulcan	\$ 62,300.00
Wagner	\$ 53,700.00

Paw Paw Road District

Macklin	\$ 33,120.00
Vulcan	\$ 47,340.00
Wagner	\$ 38,850.00

South Grove Road District

Macklin	\$ 67,095.00
Vulcan	No Bid
Wagner	\$ 58,859.00

Squaw Grove Road District

Macklin	\$	43,155.00
Vulcan	\$	48,335.00
Wagner	\$	43,575.00

2016 Drainage Pipes

Contech Engineering Solutions, Inc.	\$	17,472.00
Metal Culverts, Inc.	\$	17,528.30

**RESOLUTION
R2016-13**

**A RESOLUTION APPROVING THE ADDITION OF A JUVENILE JUSTICE
COORDINATOR TO THE
COMMUNITY ACTION DEPARTMENT**

WHEREAS, State Law (705 ILCS 405/6-12) provides that each county may establish a juvenile justice council to provide a forum for the development of a community-based interagency assessment of the local juvenile justice system, to develop a juvenile justice plan for the prevention of juvenile delinquency, and to make recommendations for more effectively utilizing existing community resources in dealing with juveniles who are found to be involved in crime or who are truant or have been suspended or expelled from school, and

WHEREAS, DeKalb County Juvenile Justice Council, which consists of representatives from the Judiciary, the State's Attorney, the Public Defender, Court Services, County-wide Law Enforcement, the Regional Office of Education, and private and public human service organizations reconvened on March 20, 2013, and

WHEREAS, the DeKalb County Juvenile Justice Council seeks to address local crime prevention and public safety plans, school improvement and school safety plans, and the plans or initiatives of other public and private entities within the county that are concerned with dropout prevention, school safety, prevention of juvenile crime and criminal activity by youth gangs, and

WHEREAS, the DeKalb County Juvenile Justice Council voted to employ a full time coordinator to plan and implement the endeavors of the Council on July 21, 2015, and

WHEREAS, the Juvenile Justice Coordinator will be entirely funded by grants through the State of Illinois and other funding through foundations and other local sources and is not dependent in any way on County General Fund revenues, and

WHEREAS, DeKalb County Community Action Department maintains a mission and the capacity to support the supervision of a Juvenile Justice Coordinator position, and

WHEREAS, the Health and Human Services Committee has reviewed the request for the addition of the Juvenile Justice Council Coordinator position to the DeKalb County Community Action Department and has determined that the position is necessary for the operation and growth of the DeKalb County Juvenile Justice Council;

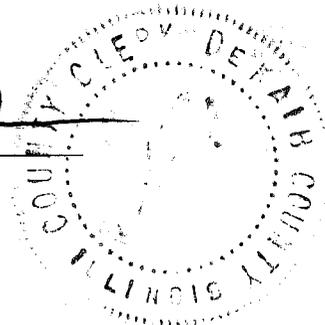
NOW, THEREFORE, BE IT RESOLVED that the DeKalb County Board does hereby approve, retroactive to February 1, 2016, the addition of the DeKalb County Juvenile Justice Council Coordinator position to the DeKalb County Community Action Department for a total of 40 hours per week, with an hourly wage range of \$17.07 - \$26.64, with full benefits, and said position be entirely grant funded with no monies from the County General Fund.

PASSED THIS 17TH DAY OF FEBRUARY 2016, A.D. IN SYCAMORE, ILLINOIS

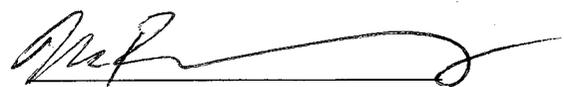
ATTEST:



Douglas J. Johnson
DeKalb County Clerk



SIGNED:



Mark Pietrowski, Jr.
DeKalb County Board Chairman

**RESOLUTION
R2016-14**

**A RESOLUTION APPROVING A CLASSIFICATION & HOUR CHANGE
FOR THE FAMILY SUPPORT SPECIALISTS IN THE
COMMUNITY ACTION DEPARTMENT**

WHEREAS, the DeKalb County Community Action Department (DCCAD) has been DeKalb County's official anti-poverty agency since 1984, and

WHEREAS, the mission of DCCAD is to help low-income families achieve and maintain their highest level of self-sufficiency by providing a variety of programs, and

WHEREAS, Community Action Agencies are created by their local governments as public or private entities, and their two primary purposes are to provide essential anti-poverty programs and to advocate for the needs of the poor in their communities, and

WHEREAS, DCCAD is the Community Action Agency designated to serve DeKalb County's low-income families, and

WHEREAS, DCCAD has evolved services to meet the true mission of Community Action to provide comprehensive support services to help households to move toward greater stability and self-sufficiency and out of poverty in DeKalb County and that these changes in staff duties and responsibilities are evident in the Job Description for the Family Support Specialist position in comparison to the former Case Manager positions in this Department, and

WHEREAS, DCCAD is entirely funded by the Community Services Block Grant, as well as other miscellaneous local, state, and federal funding sources and related income, and is not dependent in any way on General Fund revenues, and

WHEREAS, DCCSD has experienced an increase in both a demand for services due to an increase in the number of DeKalb County residents living in poverty relative to the number of Illinois resident living in poverty as well as an increase in Federal CSBG funding, and

WHEREAS, the Health and Human Services Committee has reviewed the request for a classification change that is reflective of the wider responsibilities of the Family Support Specialists and has also determined that the additional hours per week are necessary to best meet the needs of citizens served by this Department;

NOW, THEREFORE, BE IT RESOLVED that the DeKalb County Board does hereby approve an upgrade in the job classification for the two Family Support Specialists positions in the Community Action Department from a CT8 to a CT7A level and an increase in the authorized work week hours from 37.5 hours to 40 hours, with said changes being effective February 22, 2016, but implementation is contingent on the award of Federal Funding and no County General Fund dollars are to be utilized for these changes.

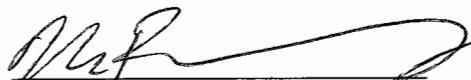
PASSED THIS 17TH DAY OF FEBRUARY 2016, A.D. IN SYCAMORE, ILLINOIS.

ATTEST:


Douglas J. Johnson
DeKalb County Clerk



SIGNED:


Mark Pietrowski, Jr.
DeKalb County Board Chairman

**RESOLUTION
R2016-15**

WHEREAS, the Sheriff's Dispatching Center dispatches emergency calls for many entities other than for the County Sheriff and County Departments, and

WHEREAS, the cost of that Dispatching Center has been shared by multiple entities over the last many years through various models of cost allocation, and

WHEREAS, in response to concerns by rural Police Departments in 2013 and 2014, the County Board's Law & Justice Committee did appoint a special task force on February 23, 2015 to look at allocation methods for the more rural entities utilizing the services of the Dispatch Center, and

WHEREAS, that Task Force, did return to the Law & Justice Committee on September 28, 2015 and did recommend that the costs of the Dispatch Center should be allocated to rural Fire Departments, in addition to the allocation to rural Police Departments, and that the allocation should be based on proportional shares of dispatching activity (CAD Events), and

WHEREAS, the Law & Justice Committee did concur with the recommendation of the Task Force to allocate costs to both rural Fire and Police Departments based on CAD Event activity, and

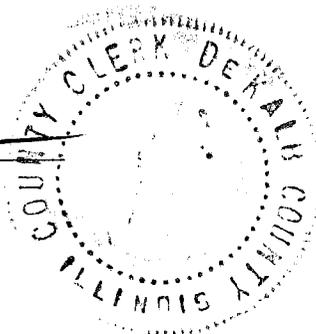
WHEREAS, the Law & Justice Committee did also receive a number of concerns at their meeting on January 25, 2016 from Fire District Trustees about the process and the need for a written contract where both parties agree to matters concerning finances and services and the Committee concurred that a written agreement would be appropriate;

NOW, THEREFORE, BE IT RESOLVED by the DeKalb County Board that the rural portion of the costs for the Sheriff's Dispatch Center should be allocated proportionately to both rural Fire and Police Departments based on total rural CAD Events, beginning with the July 1, 2016 contract year, and that the County Administrator, working in conjunction with the County Sheriff, should work with each impacted entity, via a general meeting that includes Fire District Trustees, Fire Chiefs, and Police Chiefs to formulate a contract that stipulates financial and operational considerations and that said contracts should be brought back to the Law & Justice Committee for review before being forwarded to the County Board for action.

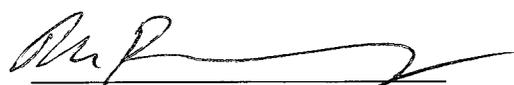
PASSED THIS 17TH DAY OF FEBRUARY 2016, A.D. IN SYCAMORE, ILLINOIS

ATTEST:


Douglas J. Johnson
DeKalb County Clerk



SIGNED:


Mark Pietrowski, Jr.
DeKalb County Board Chairman

RESOLUTION R2016-16

A RESOLUTION ABATING A PORTION OF THE PROPERTY TAX LEVY FOR THE 2015 TAX YEAR FOR THE 2005 HEALTH FACILITY RE-FINANCING BOND ISSUE

WHEREAS, DeKalb County Government did enter into a lease agreement with the DeKalb County Public Building Commission to cover the cost of repayment (principal, interest, and administrative costs) of the December 1, 1997, \$11,800,000 Health Facility Bond Issue; and

WHEREAS, the 1997 Health Facility Bond Issue was refinanced in 2005 and the bonds associated with the original 1997 issue have been retired, but the bonds issued in the 2005 Re-Financing are still outstanding and owing; and

WHEREAS, it was anticipated that these bonds would be retired by revenues generated by the operation of the DeKalb County Rehab and Nursing Center and a property tax levy by the County with a subsequent rental payment to the Public Building Commission; and

WHEREAS, it is mandated that in the event that non-property tax revenues are not sufficient to retire the debt, property taxes would be used to pay same; and

WHEREAS, the DeKalb County Clerk has been directed to automatically levy a property tax for the 2005 Re-Financing in each of the Tax Years 2007 through 2015 (payable 2008 through 2016) to fund this debt retirement; and

WHEREAS, DeKalb County Government may abate this property tax levy each year if sufficient monies are available in designated funds prior to the time the County Clerk extends taxes for the ensuing year; and

WHEREAS, the Finance Committee of the County Board has determined that as of January 1, 2016 the County Treasurer does have on deposit sufficient monies to make the required lease rental payments which come due from November 1, 2016 through October 31, 2017, inclusive; and

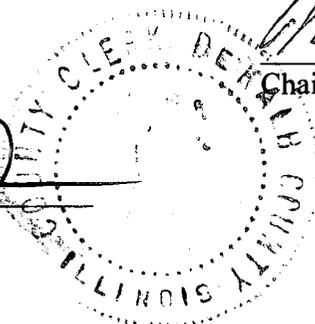
WHEREAS, the County Board does desire to abate a portion of the property tax levy for the 2015 Tax Year (payable in 2016) that would be required to be levied for the Nursing Home's share of the lease payment for the twelve month period ending October 31, 2017;

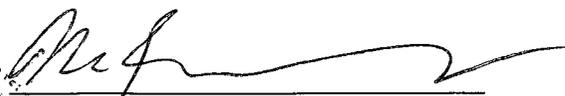
NOW, THEREFORE, BE IT RESOLVED, by the DeKalb County Board that a portion of the \$969,656 property tax levy for the 2015 Tax Year (payable in 2016), which was levied for the lease agreement for the retirement of the debt on the 2005 Health Facility Re-Financing Bond Issue, is hereby abated in the amount of \$319,656, and that a certified copy of this resolution should be filed with the DeKalb County Clerk within fifteen days.

PASSED AT SYCAMORE, ILLINOIS, THIS 17TH DAY OF FEBRUARY, 2016, A.D.

ATTEST:


County Clerk




Chairman, DeKalb County Board

RESOLUTION R2016-17

A RESOLUTION ABATING THE ENTIRE PROPERTY TAX LEVY FOR THE 2015 TAX YEAR FOR THE 2010 COURTHOUSE EXPANSION AND JAIL EXPANSION BOND ISSUE

WHEREAS, DeKalb County Government did sell \$16,000,000 in bonds on October 14, 2010 for the expansion of the Courthouse and for the study of the expansion of the Jail; and

WHEREAS, it was anticipated that these bonds would be retired mainly by sales tax revenues generated from sales at stores on the site of the former County Farm which is the southeast corner of Sycamore Road and Barber Greene Road in DeKalb; and

WHEREAS, it is mandated that in the event that non-property tax revenues are not sufficient to retire the debt, property taxes would be used to pay same; and

WHEREAS, the DeKalb County Clerk has been directed to automatically levy a property tax for the 2010 Bond Issue in each of the Tax Years 2010 through 2028 (payable 2011 through 2029) to fund this debt retirement; and

WHEREAS, DeKalb County Government may abate this property tax levy each year if sufficient monies are available in designated funds prior to the time the County Clerk extends taxes for the ensuing year; and

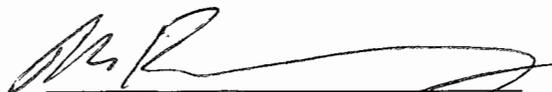
WHEREAS, the Finance Committee of the County Board has determined that as of January 1, 2016 the County Treasurer does have on deposit sufficient monies to make the required debt service payments which come due from January 1, 2016 through December 31, 2016, inclusive; and

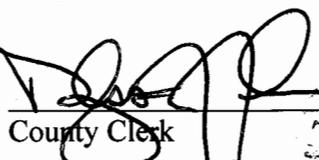
WHEREAS, the County Board does desire to abate the property tax levy for the 2015 Tax Year (payable in 2016) that would be required to be levied for the principal and interest payments for the twelve month period ending December 31, 2016;

NOW, THEREFORE, BE IT RESOLVED, by the DeKalb County Board that the \$1,209,265 property tax levy for the 2015 Tax Year (payable in 2016), which was levied for the retirement of the debt of (a) \$899,157 for the Build America Bond Issue and (b) \$310,108 for the Recovery Zone Bond Issue, is hereby abated in its entirety in the amount of \$1,209,265, and that a certified copy of this resolution should be filed with the DeKalb County Clerk within fifteen days.

PASSED AT SYCAMORE, ILLINOIS, THIS 17TH DAY OF FEBRUARY, 2016, A.D.

ATTEST:


Chairman, DeKalb County Board


County Clerk



**RESOLUTION
R2016-18**

**A RESOLUTION AMENDING THE DEKALB COUNTY
FIXED ASSETS CAPITALIZATION POLICY**

WHEREAS, the DeKalb County Board adopted a Fixed Assets Capitalization Policy on June 16, 2004; and

WHEREAS, in accordance with current governmental accounting terminology, the term "Capital Asset" replaces the term "Fixed Asset"; and

WHEREAS, the current policy does not address intangible assets, and the County's auditing firm recommends that the policy be updated to include guidance on how to record intangible assets and how to assign useful lives to intangible assets; and

WHEREAS, the inventory threshold of \$500 has been in place since the adoption of the current policy in 2004 and \$1,000 has been determined as a more useful threshold for inventory purposes; and

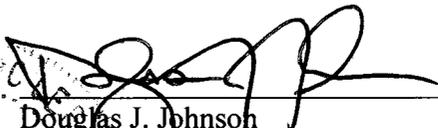
WHEREAS, the DeKalb County Finance Committee has reviewed proposed amendments to the Fixed Assets Capitalization Policy and now recommends that the County Board adopt said amendments;

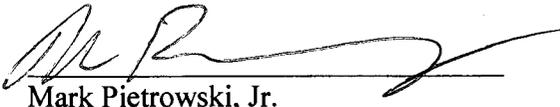
NOW, THEREFORE, BE IT RESOLVED, by the County Board of DeKalb County, Illinois, that the attached Capital Asset Policy is hereby adopted and replaces the existing Fixed Assets Capitalization Policy in its entirety, and that all financial statements, beginning with those issued for the Fiscal Year Ended December 31, 2015, should be prepared in accordance with the provisions of the Capital Asset Policy.

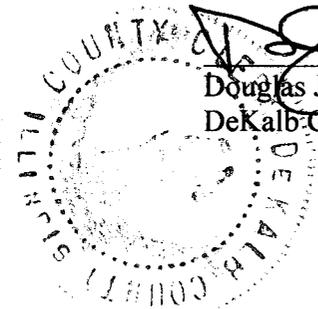
PASSED THIS 17TH DAY OF FEBRUARY, 2016 AT SYCAMORE, ILLINOIS

ATTEST:

SIGNED:


Douglas J. Johnson
DeKalb County Clerk


Mark Pietrowski, Jr.
County Board Chairman



DEKALB COUNTY GOVERNMENT

CAPITAL ASSET POLICY

February 17, 2016

1. The primary purpose of this Capital Asset Policy is to (a) provide direction to staff for handling discretionary areas within generally accepted accounting principles for governmental entities as applied to capital assets, and (b) to inform the public and readers of the County's financial statements of decisions made and implemented where such discretion is allowed within the accounting standards.
2. The intent of capitalizing assets owned by the County is to spread the cost of an asset over the useful life of the asset rather than show the entire acquisition cost as an expense in the year it was acquired.
3. The capitalization of an asset is accomplished by (a) recording the full value (cost) on the statement of net position, (b) showing each year, as an expense (depreciation), that part of the asset which is used (consumed) during a particular twelve month period, and (c) tracking on the statement of net position the sum of the annual expenses (accumulated depreciation) charged since the asset was first acquired and placed into service.
4. Capital assets with a value at or over \$1,000 and an anticipated useful life in excess of one year will be tracked on the County's computerized inventory system and an inventory tag will be applied, where practical, to those items.
5. Capital assets will be capitalized if the expected useful life exceeds one year and the value is at least \$10,000, except where the value must be at least (a) \$30,000 for computers and related equipment, or (b) \$30,000 for software, or (c) \$50,000 for traffic control signals per pole, or (d) \$50,000 for land improvements. Intangible assets exceeding these capitalization thresholds will be capitalized on a prospective basis from the effective date of this policy.
6. Capital assets exceeding the capitalization parameter will be reported on the County's Fiscal Year-End Financial Statements by increasing the value of total assets based on the historical cost in the year acquired. If an item is donated, it will be recorded at its estimated fair value at the time of the donation.
7. The cost of normal maintenance and repairs that do not add to the value of the asset or materially extend its useful life will not be added to the value of the asset.
8. Capital assets with a value under the applicable capitalization parameters will be expensed in the year purchased and recorded as such on the financial statements.

9. Capital assets that are capitalized on the Financial Statements will be depreciated starting with the fiscal year following acquisition with the exception of land and easements which will not be depreciated.
10. The straight-line method of depreciation will be used.
11. The projected useful life of the asset is set forth in Attachment A. Said attachment may be amended from time to time by the Finance Office.
12. For purposes of depreciating assets, no salvage value will be anticipated.
13. Definitions and Assumptions are set forth on Attachment B.
14. The DeKalb County Rehab & Nursing Center is exempt from this Capital Asset Policy to allow passage of their own policy which better conforms to their specific industry standards.

DEKALB COUNTY GOVERNMENT
Useful Life of Capital Assets for Depreciation
(Utilize Straight-Line Method)

Assets	Years of Useful Life
Air Handler	5
Audio Visual Sound System	5
Backhoe	20
Bobcat	10
Bridge	50
Building	40
Building Improvement	10
Car/SUV/Minivan	7
Chipper	7
Computer	3
Copy Machine	5
Crack Sealer	20
Easements	N/A
Excavator	20
Fiber Optic Cable	20
Fiber Optic Duct	7
File, Rotary	10
Flagpole	5
Furniture	10
Fuel Dispenser	10
Generator	10
GIS Equipment	5
Grader, Motor	20
Gross Station	7
Intangibles, Other	3
Land	N/A
Land Improvement	20
Lift	20
Micro-Camera	5
Micro-Reader/Printer	5
Micro-Scanner/Computer	3
Mower	10
Panic Alarm	5
Parking Lot - Hard Surface	20
Parking Lot - Resurface	10
Plotter	5
Plow	10
Postage Machine	10
Printer, Offset	10
Printer/Copier	5
Radio/Sound System	5
Road	20
Roller	15
Roof	20

DEKALB COUNTY GOVERNMENT
Useful Life of Capital Assets for Depreciation
(Utilize Straight-Line Method)

Assets	Years of Useful Life
Scanner	3
Server, Computer	3
Shelving Unit	25
Sidewalk	20
Signs	8
Skid Steer Loader	10
Snow Plow/Wing	10
Snow Blower	20
Software	3
Sound System	5
Storm Sewer	50
Street Light	15
Tailgate Spreader	10
Tar Machine	20
Telephone System	5
Tractor, Mowing	10
Traffic Signal	20
Trailer	20
Truck Conveyor	10
Truck Crane	20
Truck, Dump	10
Truck, Pick-Up	7
Wacker Roller	10
Walk/Bike Path	10
Wheel Loader	20
X-Ray Unit	5

Note: Items with an historical cost over \$10,000 will be depreciated, except for computers and related equipment and software where the threshold will be \$30,000, and land improvements and traffic signals where the threshold will be \$50,000.

**DEKALB COUNTY GOVERNMENT
CAPITAL ASSET POLICY**

DEFINITIONS AND ASSUMPTIONS

1. A bridge is defined as a structure over a waterway where the length is 20 feet or more and is capitalized separately from roads.
2. A culvert is defined as a structure where the length is less than 20 feet and the cost is capitalized as part of the cost of the road.
3. Driveways along a road are included as part of the cost of the road.
4. Curbs are included as part of the cost of the road.
5. The amount of land carried on the statement of net assets for roadways may appear low for the number of miles of roads maintained. However, the land for most roads and road right-of-ways is used by the County under easement agreements and the land itself is owned by adjoining land owners.
6. Interior roads and parking lots are treated as Land Improvements and depreciated as such.
7. An intangible asset can only be recognized as an asset if it is identifiable, meaning it can be sold, transferred, licensed, rented, exchanged, or it arises from contractual or other legal rights, and must have the following three characteristics to be categorized as such: a) it does not have a physical (tangible) substance, b) it is non-financial in nature, and c) it has an initial useful life that is greater than one year (for example, software or easements). Intangible assets are amortized rather than depreciated, however, the term depreciation is used throughout this policy for both tangible and intangible assets for simplicity.

**DEKALB COUNTY
FOREST PRESERVE DISTRICT
February 17, 2016**

AGENDA

1. Roll Call
2. Approval of Minutes
3. Approval of Agenda
4. Persons to be Heard from the Floor
5. Standing Committee Reports:
 - a. **Claims to be Paid in February 2016:** Move to approve the payment of claims for this month, and the off cycle claims paid during the previous month, in the amount of \$112,778.11.
6. Old Business
7. New Business
8. Adjournment