

August 5, 2009

SHELBY COUNTY BOARD MEETING AGENDA

August 12, 2009 – 9:00 A. M. in Courtroom B

1. Call to Order - Pledge of Allegiance
2. Roll Call
3. Approval of Minutes
4. States Attorney Allan Lolie – Agreement Addressing Emergency Housing for Court Offices
5. Mike Cavanaugh – West Central Development Council, Inc. Update
6. Chairman Brooks – Amend FY 2008-2009 Capital Improvement Fund
7. Chairman Brooks – FY 2009 – 2010 Proposed Budget
8. County Highway Engineer Alan Spesard – Highway Engineer's Report
9. Zoning Administrator Dennis Harris – Zoning Report
10. Liquor Commissioner Brooks – FY 2009-2010 Liquor Licenses Issued
11. Committee Reports
12. Chairman Brooks Updates
13. Chairman Brooks Appointments
14. Correspondence
15. Public Body Comment
16. Adjournment

COFFEE: Jury Room B - 8:30 A. M.

REMINDERS: **Please silence cell phones during the Board meeting.**

SHELBY COUNTY BOARD MEETING

August 12, 2009 – 9:00 A.M.

The Shelby County Board met on Wednesday, August 12, 2009, at 9:00 A.M. at the Courthouse in Shelbyville, Illinois.

Chairman Brooks called the meeting to order and all present recited the Pledge of Allegiance.

The Clerk called the roll. George Frazier, Larry Lenz, Richard Reynolds and Joe Sims were absent. Ken Barr was tardy.

Minutes for the July 8, 2009 Board were presented for approval.

MOTION: Norma Stewart made motion to approve the minutes of the July 8, 2009 Board meeting as presented. Dale Wetherell seconded the motion.

VOTE: All voted aye by voice and the motion carried.

States Attorney Allan Lolie presented the Memorandum of Agreement for Emergency Housing of the Shelby County Circuit Court System, Officials and Offices between the Shelby County Board and the Shelby County Community Services (SCCS). The SCCS Day Service and Early Intervention Center will be provided for the temporary emergency housing location. SCCS will be compensated by the County's casualty insurance for expenses associated with the use of the center.

MOTION: Fred Doerner made motion to approve the Memorandum of Agreement between the Shelby County Board and SCCS for Emergency Housing of the Shelby County Circuit Court System, Officials and Offices as presented by Mr. Lolie. Glenn R. "Dick" Clark seconded the motion.

VOTE: All voted aye by voice and the motion carried.

Mike Cavanaugh, Deputy Director of the West Central Development Council, Inc. addressed the Board to request that membership dues be paid by the County. Mr. Cavanaugh stated that the agency may forgive unpaid past dues owed by the County. Discussion followed and Mr. Cavanaugh noted that Christian County does not pay dues.

Chairman Brooks stated that the Capital Improvement Fund fiscal year (FY) 2008-2009 budgets needed to be amended. Expenditures from this fund exceeded approved budgeted amounts. The fund was amended to add an additional \$235,994.00.

MOTION: Robert Amling made motion to approve amending the Capital Improvement Fund by \$235,994.00 as presented. Robin Robertson seconded the motion.

VOTE: All voted aye by voice and the motion carried.

The FY 2009-2010 proposed budget totaling \$9,962,526.00 was presented by Chairman Brooks. The proposed General Fund budget is \$3,953,793.00 with a deficit of \$111,493.00. The proposed Special Fund budget is \$6,008,733.00 with a deficit of \$14,713.00. The budget contains \$160,000.00 for health insurance deductibles paid by the County for employees. Discussion was held.

MOTION: Robert Amling made motion to approve the proposed FY 2008 – 2009 Budget in the amount of \$9,962,526.00 as presented.

Jim Warren seconded the motion.

VOTE: Roll Call Vote:

Aye: Amling, Barr, Bennett, Cannon, Clark, Durbin, Hayden, Robertson, Roessler, Stewart, Warren, Wetherell

Nay: Behl, Doerner, Jordan, Pauley, Strohl

Absent: Frazier, Lenz, Reynolds, Sims

Not Voting: Brooks

Motion Carried.

Chairman Brooks requested that Fees and Salaries Committee meet to discuss raises and step raises.

Alan Spesard, County Highway Engineer, addressed the Board to give the highway report. Mr. Spesard requested approval for a 50/50 Petition to replace Bridge #087-3353 over Drake Creek where the same is crossed by the highway TR 223 at a point near the NE ¼, NE ¼, Section 34, T11N, R6E in Ash Grove Township. Estimated cost to replace is \$17,000.00. Cost share is to be shared equally between the County and Township.

MOTION: Robert Behl made motion to approve the 50/50 Petition to replace a box culvert in Ash Grove Township at an estimated cost of \$17,000.00 as presented. Robin Robertson seconded the motion.

VOTE: All voted aye by voice and the motion carried.

Mr. Spesard requested approval for a 50/50 Petition to replace two culverts over the unnamed tributary where the same is crossed by the highway TR 393 at a point near the NE ¼, NE ¼, Section 5, T10N, R2E on the Cold Spring/Herrick Township line. Estimated cost to repair is \$1,500.00. Cost share is to be shared equally between the County (50%) and Cold Spring/Herrick Townships (sharing the other 50% equally).

Shelby County Board Meeting
August 12, 2009

MOTION: Rob Amling made motion to approve the 50/50 Petition to replace two culverts on the Cold Spring/Herrick Township line at an estimated cost of \$1,500.00 as presented. John "Jack" Roessler seconded the motion.

VOTE: All voted aye by voice and the motion carried.

The next 50/50 Petition Mr. Spesard requested approval for was to repair Bridge #087-3257 over the tributary to Brush Creek where the same is crossed by the highway TR 423A at a point near the NE ¼, NW ¼, Section 11, T11N, R4E in Holland Township. Estimated cost to repair is \$19,000.00. Cost share is to be shared equally between the County and Township.

MOTION: Dale Wetherell made motion to approve the 50/50 Petition to repair Bridge #087-3257 in Holland Township at an estimated cost of \$19,000.00 as presented. Jim Warren seconded the motion.

VOTE: All voted aye by voice and the motion carried.

Mr. Spesard requested approval for a 50/50 Petition to replace a culvert over the unnamed tributary where the same is crossed by the highway TR 54 at a point near the NE ¼, NE ¼, Section 28, T10N, R2E in Cold Spring Township. Estimated cost to replace is \$1,800.00. Cost share is to be shared equally between the County and Township.

MOTION: Robert Amling made motion to approve the 50/50 Petition to replace a culvert in Cold Spring Township at an estimated cost of \$1,800.00 as presented. Dale Wetherell seconded the motion.

VOTE: All voted aye by voice and the motion carried.

Mr. Spesard presented a Resolution to award Clark County Supply the contract for various sizes of pipes based on their low bid of \$32,325.92 divided as indicated: Group 1 - \$8,110.08; Group 2 - \$4,609.92; Group 3 - \$1,389.92; Group 4 - \$10,454.40; and Group 5 - \$7,761.60.

MOTION: Glenn R. "Dick" Clark made motion to approve the pipe contract to low bidder Clark County Supply in the amount of \$32,325.92 as presented. John "Jack" Roessler seconded the motion.

VOTE: All voted aye by voice and the motion carried.

Ending his report, Mr. Spesard gave the Board some highlights and updates on the work in the County Highway Department. Mr. Spesard stated that the Governor has signed the State Capital Bill. He is expecting good news from his grant applications to the Jobs Now Program – State Capital Bill and the Emergency Road Repair Program -mini capital bill.

Zoning Administrator Dennis Harris updated the Board on the activities of the Zoning office and highlighted the Zoning monthly report. Mr. Harris informed the board of the consensus of his inquiries to other counties for information on how their county zoning permits water treatment plants and horse tack stores. Discussion was held regarding the Delbert Mundt Water Treatment Plant construction and Coyote Creek Tack and Stables tack/western wear store and lodging facilities. Mr. Harris will contact Bill Teichmiller, of E J Water Coop, regarding building permits. Mr. Lolie will request an Illinois Attorney General's opinion on the need for zoning permits for tack/western wear stores. Mr. Lolie noted that the lodging facility should be rezoned to accommodate a business.

Liquor Commissioner Brooks reported that the following liquor licenses effective September 1, 2009 through August 31, 2010 have been renewed for the following businesses:

ANGUS LINKS, LLC. – Ash Grove Township (Class "Six" Golf Course)
ANGLER BAIT SHOP, INC. – Okaw Township (Class "One" Beer)
OAK TERRACE – Oconee Township (Class "Three" Resort)
LEPRECHAUN LANDING – Windsor Township (Class "One" Beer)
VAHLING VINEYARDS – Prairie Township (Class "One" Beer and Class "Four" Winemakers)

Chairman Brooks called for Committee Reports.

Mr. Hayden, ESDA Committee Chairman, informed the Board that the committee interviewed several applicants for the ESDA Coordinator position and are recommending the appointment of Cristy Pullen as Coordinator.

MOTION: Richard Hayden made motion to approve the recommendation of the ESDA Committee and appoint Cristy Pullen as ESDA Coordinator. Robert Behl seconded the motion.

Discussion was held. Chairman Brooks stated the position would be under the direction of the County Board.

VOTE: Roll Call Vote:
Aye: Amling, Barr, Behl, Cannon, Clark, Doerner, Durbin,
Hayden, Robertson, Roessler, Stewart, Strohl, Warren, Wetherell
Nay: Bennett, Jordan, Pauley
Absent: Frazier, Lenz, Reynolds, Sims
Not Voting: Brooks
Motion Carried.

At this time, Chairman Brooks referenced a letter from Mr. Lolie to Dale Conaway, Illinois Department of Labor (IDOL). The letter was in response to Mr. Conaway's letter inquiring how bids were obtained for the installation of new light fixtures in the Courthouse. The letter stated bids were requested but not formally and no contract was signed. Mr. Lolie noted in the letter that he advised Sheriff Miller and the County Board to begin the bid process over and publish for bids. Sheriff Miller stated that bids should be turned into the County Clerk's Office no later than September 4th at 9:00 A.M. The bids will then be opened by the Public Buildings Committee at that time.

Chairman Brooks requested the following appointments.

Bobby Swiney re-appointed Shelby County Public Defender

Robin Yockey, MYB&K re-appointed Shelby County Auditor

Windsor Fire Protection District re-appoints Tim Bennett, Trustee

MOTION: Glenn R. "Dick" Clark made motion to approve the
Chairman's appointments as presented.
Jesse Durbin seconded the motion.

VOTE: All voted aye by voice and the motion carried.

Chairmen Brooks thanked County Engineer Alan Spesard, Marvin Hapner, Shane Kircher and John Lira for the disposal of two pick up loads of materials approved for destruction by the Illinois Local Archives Commission. Their willingness to always help the County out with this project is greatly appreciated.

Under correspondence, Chairman Brooks noted that a request for payment of the County's \$15,000.00 commitment to the Shelby County Economic Development Group has been received. It was noted that amount was budgeted for economic development.

MOTION: Robert Amling made motion to approve payment of \$15,000.00
to the Shelby County Economic Development Group.
Jim Warren seconded the motion.

VOTE: All voted aye by voice and the motion carried.

Mr. Warren that this group will be at the State Fair on Shelby County Day and to drop by and see them if anyone is there that day.

Farm Committee Chairman Robert Jordan informed the Board that farm tenant, Jim Hampton, would like to sign up the county farm for the new four-year farm program which will pay an extra price for grain. Mr. Jordan stated that the program stays with the farm and the board could rent to someone else if they sign.

MOTION: Jim Warren made motion to approve signing the county
farm on the new four-year program as presented.
Robert Amling seconded the motion.


VOTE: All voted aye by voice and the motion carried.

Chairman Brooks called for Public Body Comment. There was none.

There was no further business to come before the Shelby County Board.

MOTION: Glenn R. "Dick" Clark made motion to assess mileage and per
diem for the August meetings, to pay the bills and payroll
as approved by the Committees and adjourn until the next
regular meeting to be held on September 9, 2009.
Fred Doerner seconded the motion.

VOTE: All voted aye by voice, motion carried and the meeting was
adjourned at 10:25 A.M.


Kathy A. Lantz
Shelby County Clerk and Recorder

STATE OF ILLINOIS

ROLL CALL VOTES IN COUNTY BOARD

SHELBY COUNTY

August 12, 2009 SESSION

		ROLL CALL			QUESTIONS									
			8/12/2009	8/12/2009	ON MOTIONS TO <i>Approve the proposed 2009-2010 budget</i>		ON MOTIONS TO <i>appoint Christy Pullin as ESDA coordinator</i>		ON MOTIONS TO		ON MOTIONS TO		ON MOTIONS TO	
COUNTY BOARD MEMBERS		MILEAGE	A.M.	P.M.	AYE	NAY	AYE	NAY	AYE	NAY	AYE	NAY	AYE	NAY
217	AMLING, ROBERT	35	✓		✓		✓							
110	BARR, KENNETH	50	✓		✓		✓							
116	BEHL, ROBERT H.	42	✓			✓	✓							
117	BENNETT, BARBARA	40	✓		✓			✓						
29	BROOKS, PAUL		✓											
45	CANNON, BRUCE	26	✓		✓		✓							
133	CLARK, GLENN "DICK"	12	✓		✓		✓							
25	DOERNER, FRED		✓			✓	✓							
214	DURBIN, JESSE	12	✓		✓		✓							
490	FRAZIER, GEORGE		A		A	A	A	A						
177	HAYDEN, RICHARD	44	✓		✓		✓							
193	JORDAN, ROBERT N.	31	✓			✓		✓						
206	LENZ, LARRY	26	A											
457	PAULEY, ROGER	18	✓			✓		✓						
458	REYNOLDS, RICHARD JR.	32	A		A	A	A	A						
181	ROBERTSON, ROBIN		✓		✓		✓							
148	ROESSLER, JOHN JACK	12	✓		✓		✓							
221	SIMS, TERRY JOE	24	A		A	A	A	A						
137	STEWART, NORMA J.	52	✓		✓		✓							
46	STROHL, DON	45	✓		✓	✓	✓							
329	WARREN, JAMES	28	✓		✓		✓							
44	WETHERELL, DALE	46	✓		✓		✓							

12 ayes 14 ayes
 5 nays 3 nays
 motion carried
 motion carried

WEST CENTRAL DEVELOPMENT COUNCIL, INC.

116 South Plum Street

PO Box 260

Carlinville, IL 62626-0260

Phone: 217/854-9644

FAX: 217/854-4765

Michael Sherer
Executive Director

WCDC
Policy Board

Andrew Manar
Chairman

WCDC
Board of Directors

Darrell Bellm
Chairman

The West Central Development Council (WCDC), located in Carlinville submits, these five (5) different kinds of grant applications on an annual basis. Please be advised that it normally takes a minimum of **three (3) months** to put one of these grants together from start to finish. The grant applicant must allow time for preliminary engineering, income surveys, health and safety documentation, public hearings etc. The cooperation of the community and the project engineer are of critical importance.

1. Public Facilities Construction - Acquisition construction, reconstruction, rehabilitation or installation of public facilities and improvements are eligible activities. Project areas must be primarily residential in character. (This does not include buildings used predominantly for the general conduct of government). Funds may also be used to finance costs associated with the connection of residential structures to public facility improvements.

The funding priority for this component is for water and sanitary and storm sewer projects.

Application deadline is February 2010. Application funding level is \$10,245,558.00, Grant ceiling is \$350,000.00.

2. Design Engineering - Eligible design engineering activities are final design engineering of large-scale projects for new or expanding water or sewer systems.

Application deadline is May 2010. Application funding level is \$1,500,000.00 and the Grant ceiling is \$100,000.00.

3. Emergency Public Facilities - Eligible activities are identical to those in Competitive Public Facilities component but which are of an urgent nature and have occurred outside the normal funding cycle.

Applications submitted at any time – The Funding Level is \$750,000.00, the Grant Ceiling is \$100,000.00.

4. Economic Development – CDAP funds may be used to assist private for-profit and not-for-profit businesses to carry out economic development projects. Generally, CDAP funds will be loaned by the locality to the borrower (business or not-for-profit organization) at agreed upon terms. The borrower may use the funds for land acquisition, construction, reconstruction, installation or rehabilitation of commercial or industrial buildings, structures and other real property equipment and improvements; and working capital, expenses and advertising/marketing expenses. Grant funds for low-interest loans, CDAP funds may be used to finance (public facilities and improvements in support of economic development (e.r., water system upgrading to serve an expanding business).

Applications submitted at any time – The Funding Level is \$750,000.00, the Grant Ceiling is \$100,000.00

5. Housing Rehabilitation – CDAP funds may be used to finance the rehabilitation of residential buildings, including improvements to increase the energy efficiency of the structures. In conjunction with rehabilitation activities, CDAP funds may be used to finance acquisition, disposition, clearance and relocation to arrest the decline of an area. Also, CDAP funds may be used for public facilities improvements and/or residential connection costs which will support a housing rehabilitation project. Funds may also be used to make structural improvements to remove physical barriers that restrict mobility and accessibility of elderly and disabled persons.

Application deadline is November 2009. The Application Funding Level is \$4,350,000.00 and the Grant Ceiling is \$350,000.00.

On average the Illinois Department of Commerce and Economic Opportunity receives over 200 grant applications each year requesting in excess of \$60 million, but unfortunately there is only \$20 million available for disbursement. The program is available is so competitive the State can only fund 85-90 projects. The West Central Development Council appreciates the continued support of the local health

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departments. If you know of any community, township, or water or sewer district that can use services please let them know that because their county pays yearly dues to the WCDC that our services are free of charge.

Please feel free to me at any time at (217)854-9642. I will be glad to explain the different grant components if required.

Respectfully,



Michael Cavanaugh
Deputy Director

MC/mm

Run date: 06/30/2009 @ 08:46
 Bus date: 06/30/2009

Shelby County
 R/E Act vs Bud PTD & YTD by Office

Select...: SXXX-XXXX.XX-043
 GLREOFF.L01 Page 1

Fiscal year thru period ending 06/30/2009

043 CAPITAL IMPROVEMENT

Description	-----Period to date-----			-----Year to date-----		
	Actual	Budget	Variance	Actual	Budget	Variance
054-7430.12-043 Maintenance & Materials	21,386.00	.00	(21,386.00)	267,420.53	84,000.00	(183,420.53)
Total Expenditure	21,386.00	.00	(21,386.00)	267,420.53	84,000.00	(183,420.53)

267 420
 130

 137 420 ?
 7 000

 130,000

Claim - Schmoldt + Daniels Masonry + 35,572.66
 Claims - per Sheriff Office + 17,000 -
 amend for \$ 235,994. + 235,993.19

**FISCAL YEAR 2009 - 2010 PROPOSED BUDGET
COUNTY BOARD MEETING - AUGUST 12, 2009
RECOMMENDED BY THE BUDGET COMMITTEE**

	Dept. & # Empl/Insured	General Funds	Special Funds	Totals
002	County Clerk 4	\$372,866.00		
003	Circuit Clerk 4	\$243,555.00		
004	Treasurer 4	\$215,913.00		
005	Coroner	\$65,590.00		
006	Supt. of Schools	\$42,973.00		
007	States Attorney 3	\$285,087.00		
008	County Highway 12		\$1,652,165.00	
009	Supv of Assessments 4	\$260,475.00		
010	Farmland Assessments	\$150.00		
011	Probation 3	\$164,952.00		
012	Animal Control 1	\$61,478.00		
013	ESDA 1	\$45,783.00		
014	County Farm	\$5,500.00		
015	Circuit Judge	\$19,000.00		
016	Sheriffs Dep. Merit Com	\$11,625.00		
017	Board of Review	\$34,750.00		
018	County Planning	\$2,775.00		
019	Zoning BOA	\$3,425.00		
020	Zoning Administrator	\$22,900.00		
022	Cooperative Extension		\$73,333.00	
023	Airport		\$72,900.00	
024	County Health 15		\$793,970.00	
025	Community Services		\$498,870.00	
026	Public Defender 2	\$134,398.00		
028	County Board	\$61,975.00		
029	Exp Not Sep Budget 2	\$235,566.00		
030	Probation Fee Fund		\$86,490.00	
031	Court Security 1		\$68,309.00	
032	Sheriff 24	\$1,564,057.00		
033	Rescue Squad	\$14,000.00		
034	CEFS		\$839,955.00	
035	Law Library		\$12,000.00	
036	DUI Equipment		\$4,000.00	
037	9-1-1 ER Telephone	\$40,000.00		
038	GIS		\$40,000.00	
039	Probation Drug Testing		\$3,000.00	
040	Victim Impact		\$800.00	
041	Document Storage		\$26,000.00	
042	Recording		\$20,000.00	
043	Capital Improvement		\$157,135.00	
044	Animal Control Fee Fund		\$10,000.00	
045	Assist Court Fund		\$50,000.00	
046	Automation		\$25,000.00	
047	Drug Traffic Prevention		\$12,000.00	
048	Rescue Sq - Dive Team		\$10,000.00	
049	States Attorney Forfeited		\$1,000.00	
050	Comm & Economic Dev	\$15,000.00		
051	Courthouse Security	\$30,000.00		
	Budget - G/F	\$3,953,793.00	Budget - S/F	\$6,008,733.00 Total \$ 9,962,526.00
	Revenues - G/F	\$3,842,300.00	Revenues - S/F	\$5,994,020.00 Total 9,836,320.00
	General Fund difference	-\$111,493.00	plus special fund diff	-\$14,713.00 Deficit -\$126,206.00

Health ins premium \$484/employee x 11 months = \$5,324.00 x # of employees covered/office included.
 Life insurance premium \$78/year x # of employees/office included.
 G/F health insurance deductible is approximately \$104,000.00 - 52 employees covered x \$2,000.00/year
 S/F health insurance deductible is approximately \$56,000.00 - 28 employees covered x \$2,000.00/year
 Revenue and expense figures include State of Illinois budget reimbursements to County.

Ashbro Bridge
replac w/ Pipe
087-3353

TO: THE SHELBY COUNTY BOARD

WE, THE MEMBERS OF THE ROAD AND BRIDGE COMMITTEE,
HAVING EXAMINED THE ATTACHED

RESOLUTION _____
PETITION X _____
AGREEMENT _____

DO HEREBY RECOMMEND APPROVAL OF SAME BY THE COUNTY BOARD.

RESPECTFULLY SUBMITTED,
ROAD & BRIDGE COMMITTEE

STATE OF ILLINOIS, }
County of Shelby } ss.
Road District of Ash Grove }

To the County Board of Shelby County, Illinois:

The undersigned, Highway Commissioner of the Road District of Ash Grove in said County, would respectfully represent that Bridge 087-3353 needs to be replaced over the Drake Creek where the same is crossed by the highway TR 223 at a point near NE 1/4, NE 1/4, Section 34; R6E; T11N; 3rd PM

in said Road District, for which said work the Road District of Ash Grove is responsible; and the cost of which work will be seventeen thousand Dollars, which sum will be more than .02 per cent of the full, fair cash value of all the taxable property in said Road District, as equalized or assessed by the Department of Revenue, and the tax rate for road purposes in said Road District was in each year for the 2 years last past not less than the maximum allowable rate provided for in Section 6-501 of the Illinois Highway Code.

Wherefore, the said Highway Commissioner hereby petitions you for aid, and for an appropriation from the "County Bridge Fund" in the County Treasury of a sum sufficient to meet one half the expenses of said bridge or other work, said Road District being prepared to furnish the other half of the amount required.

Dated at Shelbyville, this 8th day of July 2009



Highway Commissioner.

STATE OF ILLINOIS, }
County of Shelby } ss.
Road District of Ash Grove }

I, the undersigned Highway Commissioner of the Road District of Ash Grove County aforesaid, hereby state that I have made a careful estimate of the probable cost of the

(Here state the description of the work asked for.)

(2) Pipe -	13,000
Labor, Equip., Mat'l -	4,000
TOTAL -	\$17,000

and I do estimate that the probable cost of the same will be seventeen thousand Dollars.

Witness my hand, this 8th day of July 2009



Highway Commissioner.

**PETITION FOR COUNTY AID TO BUILD
OR REPAIR BRIDGE, CULVERT OR
DRAINAGE STRUCTURE**

ROAD DISTRICT OF

Ash Grove

Shelby

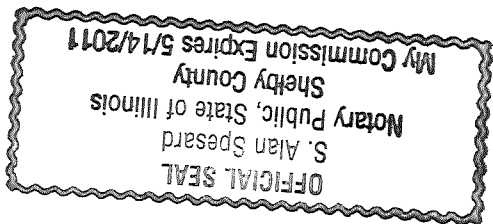
COUNTY, ILLINOIS

FILED
AUG 12 2009

Kathy A. Leuty
SHELBY COUNTY CLERK

Filed this _____ day of _____

County Clerk.



Subscribed and sworn to before me, this 8th day of July 2009

Highway Commissioner.

Dollars mentioned in the estimate to which this affidavit is attached is necessary, and that the same will not be more expensive than is needed for the purpose required.

seventeen thousand

Ash Grove being duly sworn, on oath says that

Highway Commissioner of said Road District of

Brian Anderson

Road District of Ash Grove

County of Shelby

ss.

STATE OF ILLINOIS,

50/50 Col & Spring
Herrock

TO: THE SHELBY COUNTY BOARD

WE, THE MEMBERS OF THE ROAD AND BRIDGE COMMITTEE,
HAVING EXAMINED THE ATTACHED

RESOLUTION _____
PETITION X _____
AGREEMENT _____

DO HEREBY RECOMMEND APPROVAL OF SAME BY THE COUNTY BOARD.

RESPECTFULLY SUBMITTED,
ROAD & BRIDGE COMMITTEE

STATE OF ILLINOIS,

County of Shelby } ss.

Road District of Cold Spring/Herrick

To the County Board of Shelby County, Illinois:

The undersigned, Highway Commissioner of the Road District of Cold Spring/Herrick in said County, would respectfully represent that 2 culverts needs to be replaced over the unnamed tributary where the same is crossed by the highway TR 393 at a point near NE 1/4 NE 1/4 Section 5; R2E; T10N; 3rd PM

in said Road District, for which said work the Road District of Cold Spring/Herrick is responsible; and the cost of which work will be fifteen hundred Dollars, which sum will be more than .02 per cent of the full, fair cash value of all the taxable property in said Road District, as equalized or assessed by the Department of Revenue, and the tax rate for road purposes in said Road District was in each year for the 2 years last past not less than the maximum allowable rate provided for in Section 6-501 of the Illinois Highway Code.

Wherefore, the said Highway Commissioner hereby petitions you for aid, and for an appropriation from the "County Bridge Fund" in the County Treasury of a sum sufficient to meet one half the expenses of said bridge or other work, said Road District being prepared to furnish the other half of the amount required.

Dated at Shelbyville, this 9th day of July 2009

[Redacted Signature] Highway Commissioner - Cold Spring
[Redacted Signature] Herrick - Highway Commissioner.

STATE OF ILLINOIS,

County of Shelby } ss.

Road District of Cold Spring/Herrick

I, the undersigned Highway Commissioner of the Road District of Cold Spring/Herrick County aforesaid, hereby state that I have made a careful estimate of the probable cost of the

(Here state the description of the work asked for.)

(2) 24" x 30' Pipe - 800.00

Labor, Equip., Mat'l. - 700.00

TOTAL - \$1500.00

and I do estimate that the probable cost of the same will be fifteen hundred Dollars.

Witness my hand, this 9th day of July 2009

[Redacted Signature] Highway Commissioner - Cold Spring
[Redacted Signature] Herrick - Highway Commissioner.

PETITION FOR COUNTY AID TO BUILD
OR REPAIR BRIDGE, CULVERT OR
DRAINAGE STRUCTURE

ROAD DISTRICT OF

Cold Spring/Herrick

Shelby

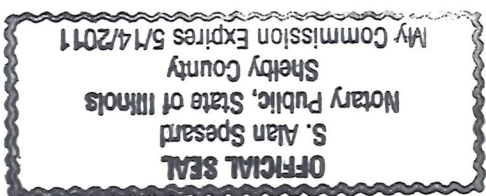
COUNTY, ILLINOIS

F I L E D
AUG 12 2009

Kathy A. Lentz
SHELBY COUNTY CLERK

Filed this _____ day of _____

County Clerk.



STATE OF ILLINOIS,
County of Shelby } ss.
Road District of Cold Spring/Herrick
Donald Simpson/Ralph Boehm
Highway Commissioner of said Road District of
Cold Spring/Herrick
being duly sworn, on oath says that
fifteen hundred
Dollars mentioned in the estimate to which this
affidavit is attached is necessary, and that the same will not be more expensive than is needed for the purpose
required.

Herrick-Highway Commissioner.
Subscribed and sworn to before me, this 9th day of July 2009

Holland ~~road~~ ^{over} Bridge

087-3257


TO: THE SHELBY COUNTY BOARD

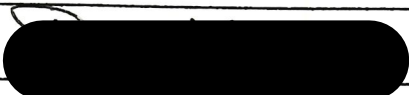
WE, THE MEMBERS OF THE ROAD AND BRIDGE COMMITTEE,
HAVING EXAMINED THE ATTACHED

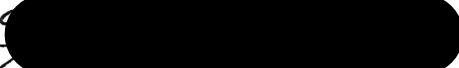
RESOLUTION _____
PETITION x _____
AGREEMENT _____

DO HEREBY RECOMMEND APPROVAL OF SAME BY THE COUNTY BOARD.

RESPECTFULLY SUBMITTED,
ROAD & BRIDGE COMMITTEE







STATE OF ILLINOIS, }
County of Shelby } ss.
Road District of Holland }


To the County Board of Shelby County, Illinois:

The undersigned, Highway Commissioner of the Road District of Holland in said County, would respectfully represent that Bridge 087-3257 needs to be repaired over the tributary to Brush Creek where the same is crossed by the highway TR 423A at a point near NE 1/4 NW 1/4 Section 11; R4E; T11N; 3rd PM

in said Road District, for which said work the Road District of Holland is responsible; and the cost of which work will be nineteen thousand Dollars, which sum will be more than .02 per cent of the full, fair cash value of all the taxable property in said Road District, as equalized or assessed by the Department of Revenue, and the tax rate for road purposes in said Road District was in each year for the 2 years last past not less than the maximum allowable rate provided for in Section 6-501 of the Illinois Highway Code.

Wherefore, the said Highway Commissioner hereby petitions you for aid, and for an appropriation from the "County Bridge Fund" in the County Treasury of a sum sufficient to meet one half the expenses of said bridge or other work, said Road District being prepared to furnish the other half of the amount required.

Dated at Shelbyville, this 9th day of July 2009


Highway Commissioner.

STATE OF ILLINOIS, }
County of Shelby } ss.
Road District of Holland }

I, the undersigned Highway Commissioner of the Road District of Holland County aforesaid, hereby state that I have made a careful estimate of the probable cost of the

(Here state the description of the work asked for.)

Labor, Matl (contract):	15,000
Labor, Equip., Matl (day labor):	4,000
TOTAL -	\$19,000.00

and I do estimate that the probable cost of the same will be nineteen thousand Dollars.

Witness my hand, this 9th day of July 2009


Highway Commissioner.

**PETITION FOR COUNTY AID TO BUILD
OR REPAIR BRIDGE, CULVERT OR
DRAINAGE STRUCTURE**

ROAD DISTRICT OF

Holland

Shelby

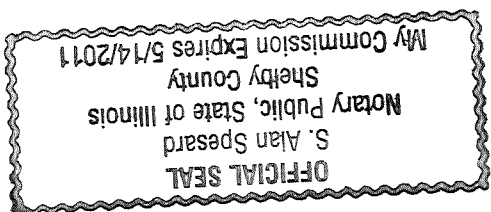
COUNTY, ILLINOIS

FILED
AUG 12 2009

Kathy A. Dent
SHELBY COUNTY CLERK

Filed this _____ day of _____

County Clerk.



Subscribed and sworn to before me, this _____ 9th day of July, 2009

Highway Commissioner.

nineteen thousand _____ Dollars mentioned in the estimate to which this affidavit is attached is necessary, and that the same will not be more expensive than is needed for the purpose required.

_____ being duly sworn, on oath says that
_____ Highway Commissioner of said Road District of

Larry Syfert

Holland

Road District of Holland

County of Shelby

ss.

STATE OF ILLINOIS,

50/50

Old Spring

TO: THE SHELBY COUNTY BOARD

WE, THE MEMBERS OF THE ROAD AND BRIDGE COMMITTEE,
HAVING EXAMINED THE ATTACHED

RESOLUTION _____
PETITION X _____
AGREEMENT _____

DO HEREBY RECOMMEND APPROVAL OF SAME BY THE COUNTY BOARD.

RESPECTFULLY SUBMITTED,
ROAD & BRIDGE COMMITTEE

STATE OF ILLINOIS, }
County of Shelby } ss.
Road District of Cold Spring }

To the County Board of Shelby County, Illinois:

The undersigned, Highway Commissioner of the Road District of Cold Spring in said County, would respectfully represent that a culvert needs to be replaced over the unnamed tributary where the same is crossed by the highway TR 54 at a point near NE 1/4, NE 1/4, Section 28; R2E; T10N; 3rd PM

in said Road District, for which said work the Road District of Cold Spring is responsible; and the cost of which work will be eighteen hundred Dollars, which sum will be more than .02 per cent of the full, fair cash value of all the taxable property in said Road District, as equalized or assessed by the Department of Revenue, and the tax rate for road purposes in said Road District was in each year for the 2 years last past not less than the maximum allowable rate provided for in Section 6-501 of the Illinois Highway Code.

Wherefore, the said Highway Commissioner hereby petitions you for aid, and for an appropriation from the "County Bridge Fund" in the County Treasury of a sum sufficient to meet one half the expenses of said bridge or other work, said Road District being prepared to furnish the other half of the amount required.

Dated at Shelbyville, this 10th day of July 2009



Highway Commissioner.

STATE OF ILLINOIS, }
County of Shelby } ss.
Road District of Cold Spring }

I, the undersigned Highway Commissioner of the Road District of Cold Spring, County aforesaid, hereby state that I have made a careful estimate of the probable cost of the

(Here state the description of the work asked for.)

Pipe Culvert: (35" x 24" x 38 feet) -	1000
Labor, Equip., Mat'l. -	800
TOTAL -	\$1800.00

and I do estimate that the probable cost of the same will be eighteen hundred Dollars.

Witness my hand, this 10th day of July 2009



Highway Commissioner.

PETITION FOR COUNTY AID TO BUILD
OR REPAIR BRIDGE, CULVERT OR
DRAINAGE STRUCTURE

ROAD DISTRICT OF

Cold Spring

Shelby

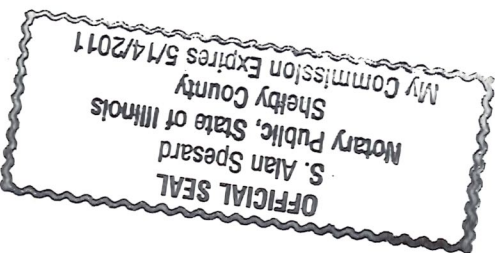
COUNTY, ILLINOIS

FILED
AUG 12 2009

Kathy A. Lantz
SHELBY COUNTY CLERK

Filed this _____ day of _____

County Clerk.



Subscribed and sworn to before me, this 10th day of July 2009

Highway Commissioner.

Dollars mentioned in the estimate to which this affidavit is attached is necessary, and that the same will not be more expensive than is needed for the purpose

being duly sworn, on oath says that

Highway Commissioner of said Road District of

Donald Simpson

Road District of Cold Spring

County of Shelby

STATE OF ILLINOIS,

Resolution
Culverts

TO: THE SHELBY COUNTY BOARD

WE, THE MEMBERS OF THE ROAD AND BRIDGE COMMITTEE,
HAVING EXAMINED THE ATTACHED

RESOLUTION X
PETITION
AGREEMENT

DO HEREBY RECOMMEND APPROVAL OF SAME BY THE COUNTY BOARD.

FILED
AUG 12 2009

Kathy A. Lantz
SHELBY COUNTY CLERK

RESPECTFULLY SUBMITTED,
ROAD & BRIDGE COMMITTEE







2009-27
RESOLUTION

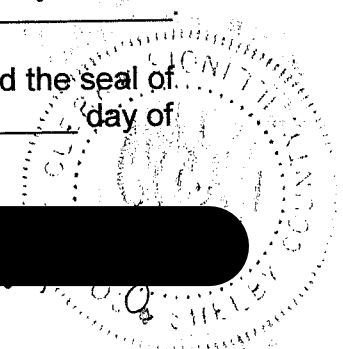
BE IT RESOLVED, by the County Board of Shelby County, State of Illinois, that Shelby County concurs in the awarding of a contract for various sizes of pipes to CLARK COUNTY SUPPLY based on their low bid submitted at a letting held August 7, 2009, of \$ 8,110.08 for Group 1, \$ 4,609.92 for Group 2, \$ 1,389.92 for Group 3, \$ 10,454.40 for Group 4, and \$ 7,761.60 for Group 5.

STATE OF ILLINOIS)
) SS
COUNTY OF SHELBY)

I, Kathy A. Lantz 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 Shelby County at its regular meeting held in Shelbyville, Illinois on August 12, 2009.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said County at my office in Shelbyville in said County this 12th day of August 2009 A.D.


County Clerk





Tabulation of Bids

County		SHELBY		Date		8/7/2009		
Municipality or Road District				Time		9:00 A.M.		
Section				Appropriation \$				
Estimate \$				Attended By				
Proposal Guarantee								
Terms								
Item No. or Group	Items	Delivery	Unit	Quantity	Unit Price	Total	Unit Price	Total
1	95" x 67" ARCH (ALUMINIZED)	400N/3450E	LIN. FT.	48				
	95" x 67" ARCH (ALUMINIZED)	400N/3450E	LIN. FT.	48	84.48	4055.04	95.95	4605.60
					84.48	4055.04		
						810.08		921.20
2	96" (GALVANIZED)	700N/2550E	LIN. FT.	56	82.32	4609.92	91.75	5138
3	64" x 43" ARCH (GALVANIZED)	1870N/1525E	LIN. FT.	34	40.88	1389.92	45.80	1557.20
4	117" x 79" ARCH (ALUMINIZED)	1000N/3350E	LIN. FT.	40	130.68	5227.20	144.90	7796
	117" x 79" ARCH (ALUMINIZED)	1000N/3350E	LIN. FT.	40		10,454.40		15,542
5	96" (ALUMINIZED)	1100N/1200E	LIN. FT.	40	97.02	3880.80	103.80	4152
	96" (ALUMINIZED)	1100N/1200E	LIN. FT.	40		7761.60		8304
				Total				
				As Read				
				As Corrected				
						32,325.92		

Clark County Supply

Metal Culverts

\$1000

\$1000

July, 2009 Zoning Administration report to
The Shelby County Board for their consideration

(16) Building permits were issued for the month of July.

- (5) New residence permits
- (4) Residence additions
- (4) Accessory buildings
- (3) Grain bins

There were no requests made for rezoning, variance's, or special exceptions.

Denny Harris
Zoning Administrator

**Zoning Administration
Monthly Report
2009**

	January	February	March	April	May	June	July	August	September	October	November	Year Total
Building Permits												
Residence (Mobile, Modular, and Co Additions to Residence	3	3	3	4	6	6	5					
Accessory Buildings	1	1	4	6	4	8	4					
Grain Bins		1	3	2	4	0	3					
Commercial/Additions	1		0	0	0	0	0					
Billboard/Sign			0	0	0	0	0					
Zoning Applications												
Rezoning	0	0	0	0	0	0	0					
Special Exceptions	0	0	0	0	0	0	0					
Variances	0	0	0	0	0	0	0					
Sub Divisions	0	0	0	0	0	0	0					
Preliminary Plat	0	0	0	0	0	0	0					
Final Plat	0	0	0	0	0	0	0					
Fees Received	\$1,025.00	\$525.00	\$900.00	\$1,025.00	\$4,050.00	\$2,025.00	\$1,625.00					

COYOTE CREEK TACK & STABLES



Best Selection of Saddles, Tack &

Horse Boarding

Riding Lessons & Trail Rides

Fun Horse Shows

Monthly Sales & Newsletter

Classifieds & Web Links

Horse Events & Sorting Show Bill

Horse Trails & April's Herd

Compare Prices & Best Selling Items

Inventory

Best Selection of Saddles, Tack & Western Wear In Central Illinois

Outfitting You & Your Horse for 13 Years

2nd Largest Indoor Arena in 50 Miles

Store Hours, Directions & Policies

[Click Here](#)

I joined my daughters Girls Scout Troop today at Coyote Creek. I just wanted to say THANK YOU for a great time. I couldn't of asked for a better experience there or a more beautiful place. Thanks so much for everything! You really made it a special event. Sandy Gregory , June 08

"April, we can't begin to thank you for all you've done for us! My horses have never received better care anywhere!" M.P. 2007

"THIS IS HEAVEN!" Comment from a new customer

Coyote Creek Tack is a complete horse tack & western wear store. Established in 1995, the tack store has undergone many changes over the years. In 2002 a new larger store was built to accommodate growth and expansion into many new areas. With 120 new & used saddles in stock, Coyote Creek Tack & Western Wear has the best selection of saddles & western tack in Central Illinois. The western clothing selection includes: Wrangler, 20 X & Cruel Girl Jeans, Cowboy Hardware, Cowboy Up, & Roper Apparel. Justin, Ariat, Double H, Dan Post, American West, Roper, Laredo & Smoky Mountain are in stock cowboy boots & work boots. Cowboy hats, belts, caps, wallets, Montana & Justin jewelry, and western home decorations, gifts & toys round out your shopping experience.

Westlaw

394 N.E.2d 896
76 Ill.App.3d 128, 394 N.E.2d 896, 31 Ill.Dec. 694
(Cite as: 76 Ill.App.3d 128, 394 N.E.2d 896, 31 Ill.Dec. 694)

Tuftee v. Kane County
Ill.App. 2 Dist., 1979

Appellate Court of Illinois, Second District.
Betty TUFTEE, Plaintiff-Appellee,

v.

The COUNTY OF KANE, State of Illinois, a/k/a
Kane County, Illinois, a Municipal Corporation,
Defendant-Appellant.

No. 78-457.

Sept. 10, 1979.

Landowner brought action for declarative and injunctive relief to enjoin county from interfering with her operation of public stable for care and training of 19 show horses. The Circuit Court, Kane County, John S. Page, J., found for landowner on grounds of equitable estoppel and granted injunctive relief, and county appealed. The Appellate Court, Lindberg, J., held that: (1) enabling statute withholding from county authority to regulate use of property dedicated to agricultural purposes, which did not distinguish rearing of animals for consumption from rearing of animals for show, did not authorize creation of such distinction by governmental entities, and (2) purpose for which landowner's property was to be used was agricultural, and thus county had no authority to establish acreage minimums to which it would grant agricultural exemption from zoning regulation and had no zoning authority to require landowner to obtain building and special use permit or to restrain her agricultural use of the property.

Affirmed.

West Headnotes

[1] Municipal Corporations 268 ↪57

268 Municipal Corporations

268II Governmental Powers and Functions in General

268k57 k. Powers and Functions of Local Government in General. Most Cited Cases

Zoning and Planning 414 ↪5.1

414 Zoning and Planning

414I In General

414k5 Source and Scope of Power

414k5.1 k. In General. Most Cited Cases

(Formerly 414k5)

A municipal government may exercise only those powers conferred upon it by the state, and its right to restrain use of private property is limited to properly promulgated enactments. S.H.A. ch. 34, § 3151.

[2] Zoning and Planning 414 ↪5.1

414 Zoning and Planning

414I In General

414k5 Source and Scope of Power

414k5.1 k. In General. Most Cited Cases

(Formerly 414k5)

No right exists and no powers are conferred with respect to zoning except by statute. S.H.A. ch. 34, § 3151.

[3] Statutes 361 ↪188

361 Statutes

361VI Construction and Operation

361VI(A) General Rules of Construction

361k187 Meaning of Language

361k188 k. In General. Most Cited

Cases

In absence of contrary definition, word used in statute is to be given its popularly understood meaning or commonly accepted dictionary definition.

[4] Zoning and Planning 414 ↪76

414 Zoning and Planning

414II Validity of Zoning Regulations

414II(B) Regulations as to Particular Matters

414k76 k. Particular Uses. Most Cited

Cases

In enabling statute which withheld from county authority to regulate use of property dedicated to agricultural purposes, legislative silence in failing to distinguish rearing of animals for consumption from rearing of animals for show did not authorize creation

of such distinction by governmental entities. S.H.A. ch. 34, § 3151.

[5] Zoning and Planning 414 ↪278.1

414 Zoning and Planning
 414V Construction, Operation and Effect
 414V(C) Uses and Use Districts
 414V(C)1 In General
 414k278 Particular Terms and Uses
 414k278.1 k. In General. Most Cited

Cases
(Formerly 414k278)

Zoning and Planning 414 ↪384.1

414 Zoning and Planning
 414VIII Permits, Certificates and Approvals
 414VIII(A) In General
 414k384 Nature of Particular Structures or Uses
 414k384.1 k. In General. Most Cited

Cases
(Formerly 414k384)

Use of landowner's seven acres to board and train 19 show horses was agricultural, and thus county had no authority to establish acreage minimums to which it would grant statutory right of agricultural exemption from zoning regulation, and county had no zoning authority to require landowner to obtain building and special use permits or to restrain her agricultural use of the property other than as to statutorily permitted building or setback lines. S.H.A. ch. 34, § 3151.

[6] Appeal and Error 30 ↪878(4)

30 Appeal and Error
 30XVI Review
 30XVI(C) Parties Entitled to Allege Error
 30k878 Appellee, Respondent, or Defendant in Error
 30k878(4) k. To Sustain Judgment Appealed From. Most Cited Cases

No distinction exists as between plaintiff or defendant appellees for application of general rule permitting an appellee to defend a judgment on review by raising an issue not previously ruled upon by trial court if necessary factual basis for determination of such point was contained in the record.

[7] Zoning and Planning 414 ↪572

414 Zoning and Planning
 414X Judicial Review or Relief
 414X(A) In General
 414k572 k. Preservation Before Board or Officer of Grounds of Review. Most Cited Cases
Landowner, who obtained court order enjoining county from interfering with operation of public stable for care and training of 19 show horses, could raise for first time on appeal argument regarding invalidity of county's ordinance denying agricultural exemptions to properties with acreage of less than 15 acres even though such argument was not contained in landowner's complaint nor argued in trial court. S.H.A. ch. 34, § 3151.

128**897695** Gene Armentrout, State's Atty., G. William Richards, Asst. State's Atty., Geneva, for defendant-appellant.
Puckett, Barnett, Larson, Mickey, Wilson & Ochsenchlager, Joseph H. Barnett, Bernard K. Weiler, Aurora, for plaintiff-appellee.
***129** LINDBERG, Justice.
Defendant, County of Kane, appeals from an order of the Circuit Court of Kane County enjoining it from interfering with the operation of a public stable by the plaintiff, Betty Tuftee, for the care and training of 19 show horses. We affirm.

On January 15, 1976 the plaintiff entered into a contract for the sale of all but seven acres of her 76 acre tract. The plaintiff also entered into a contract with a construction company for the erection of the shell of a training barn on the seven acres calling for an expenditure of \$48,000.00. On or about April 23, 1976 plaintiff became aware that a building permit might be necessary for the erection of the barn. On that date her son-in-law, Thomas Hoish, who was to operate the stable, called upon the county's zoning office and talked with Stanley Henderson, the director. The testimony of Hoish was that Hoish advised Henderson of the characteristics of the barn and that the purpose of the barn was for the care and training for show of 19 horses.

Henderson advised Hoish that based upon the zoning maps and his knowledge of the 76 acres that no building permit was required and that upon the filing of an affidavit the plaintiff would be granted an

agricultural exemption. The record further shows that the matter of the sale of all but seven acres was probably not discussed in detail if at all on April 23, 1976, nor was such a revelation required in the affidavit form provided by the zoning office nor was it disclosed by the plaintiff in the affidavit. Further, the record fails to disclose that the plaintiff knew that such information was relevant or that the information was purposely withheld.

On May 5, 1976 the plaintiff received from the zoning office a letter granting her an agricultural exemption for the construction of her horse barn. She then began construction of the shell of the barn pursuant to her earlier contract. By June 7, 1976 the construction of the shell of the barn was virtually completed obligating the plaintiff to an expenditure of approximately \$48,000.00 of the anticipated total cost of \$100,000.00.

On June 7, 1976 the plaintiff received another letter from the zoning office that she would have to stop construction until she secured a building permit. The property was "red tagged" by a zoning official the same day. It appears that the zoning office learned of the contract for the sale of 69 of the original 76 acres and the plan to have the 69 acres annexed to North Aurora. The county zoning ordinance provides that agricultural exemptions are given only for property of not less than 15 acres in size.

The plaintiff stopped construction and was granted a building permit on August 25, 1976 at which time she concluded the remaining construction, principally of the interior of the barn. However, the permit only authorized private use of the facility or, for commercial use, limited the *130 number of horses to ten. The plaintiff then applied for a special use permit of the building to accommodate 19 horses. The hearing for the permit was held April 11, 1977. An adverse recommendation was rendered on June 7, and on June 14 the county board denied her application for a special use. Plaintiff thereafter filed a two-count complaint for declarative and injunctive relief. Count I alleged the relevant provisions of the zoning ordinance as applied to her property were unconstitutional. Count II sought injunctive relief on the basis of equitable estoppel. At the conclusion of the bench trial the trial court found for the **898***696 plaintiff on grounds of equitable estoppel and granted the injunctive relief sought by

the plaintiff. The trial court made no findings as to Count I regarding the constitutional issue.

Defendant alleges that both the May 5, 1976 agricultural exemption and the August 25, 1976 building permit were invalidly issued by its zoning officer. This is because the zoning ordinance does not permit agricultural exemption of properties of less than 15 acres and, because building permits must be secured before and not after, construction has commenced and the special use procedure must be favorably concluded before a building permit can issue.

Defendant's theory on appeal is that ordinarily a governmental entity is not bound by the unauthorized conduct of its officials in issuing invalid building permits. Defendant maintains that since its ordinance denies agricultural exemptions to property of less than 15 acres, the seven acres that will eventually be retained by the plaintiff do not qualify for the exemption. Further, defendant argues that the use of the barn for the care and training of horses for show is not an agricultural purpose. Defendant acknowledges that under special circumstances equitable estoppel can be invoked to prevent the government entity from denying the validity of its acts. However since we affirm on other grounds we need not discuss the issue of equitable estoppel relied upon by the trial court.

Plaintiff maintains that the care and training of horses for show is an agricultural purpose and she argues and, we believe convincingly, that a county has no authority to impose a 15-acre limitation as to property which is entitled to the statutory agricultural exemption.

[1][2] A municipal government may exercise only those powers conferred upon it by the state, and its right to restrain the use of private property is limited to properly promulgated enactments. (City of Chicago v. Rumpff (1867), 45 Ill. 90, Village of LaGrange v. Leitch (1941), 377 Ill. 99, 35 N.E.2d 346.) No rights exist and no powers are conferred with respect to zoning except by statute. (People v. Ferris (1958), 18 Ill.App.2d 346, 152 N.E.2d 183.) The only limitations which may be placed upon the use of plaintiff's property, therefore, are those which have been enacted within *131 the authority granted by the General Assembly and circumscribed

by statute.

Therefore the central issue in this case is whether defendant County may properly restrain the plaintiff from using her seven acres to board and train 19 show horses. Defendant contends that it may do so by virtue of its ordinance. The power of the county to regulate the plaintiff's property rights, however, is expressly limited by the terms of the enabling acts under which its ordinances are authorized. This limitation as found in the Illinois Revised Statutes (1975), chapter 34, paragraph 3151 is as follows:

"The powers by this Act given shall not be exercised so as to deprive the owner of any existing property of its use or maintenance for the purpose to which it is then lawfully devoted; nor shall they be exercised so as to impose regulations or require permits with respect to land used or to be used for agricultural purposes, or with respect to the erection, maintenance, repair, alteration, remodeling or extension of buildings or structures used or to be used for agricultural purposes upon such land except that such buildings or structures for agricultural purposes may be required to conform to building or setback lines; * * *"

If, therefore, the erection and use of a barn for the boarding and training of fine harness horses is an agricultural purpose, the defendant has no authority to interfere with this endeavor through zoning regulations and the relief which it seeks must be denied.

The horses which plaintiff proposes to board and train are American Saddle breeds which are bred and trained to pull fine harness buggies as well as for show purposes. The process includes breaking a colt, training it, monitoring its development, and placing it in appropriate categories to maximize its development, and value. In addition**899***697 to training, the plaintiff intends to feed, bed, clean, and otherwise care for the horses. Two of the 19 stalls in the barn are occupied by horses owned by the plaintiff. The remaining 17 stalls are to be occupied by horses owned by third parties.

[3] The parties are in agreement that in the absence of a contrary definition, a word used in a statute is to be given its popularly understood meaning or commonly accepted dictionary definition. (Bowman v. Armour

& Co. (1959), 17 Ill.2d 43, 160 N.E.2d 753; Beck v. Board of Education of Harlem Consolidated School District (1975), 27 Ill.App.3d 4, 325 N.E.2d 640, Aff. (1976), 63 Ill.2d 10, 344 N.E.2d 440.) The parties also agree that in applying this principle the Supreme Court in The People ex rel. Pletcher v. City of Joliet (1926), 321 Ill. 385, 152 N.E. 159, defined the term "agricultural purpose" as it was used in a portion of the annexation statute of June 20, 1921 (Smith's Stats.1925, p. 377) and that such definition should *132 be considered by this court in construing section 3151 of the county zoning statute. (County of Lake v. Cushman (1976), 40 Ill.App.3d 1045, 353 N.E.2d 399.) This definition which is based on Webster's definition of the word agriculture, is set out and discussed in City of Joliet, 321 Ill. at page 388, 152 N.E. 159. In that opinion the court said:

" 'Agriculture' is defined as the 'art or science of cultivating the ground, including harvesting of crops and rearing and management of livestock; tillage; husbandry; farming; in a broader sense, the science and art of the production of plants and animals useful to man, including to a variable extent the preparation of these products for man's use. In this broad use it includes farming, horticulture and forestry, together with such subjects as butter and cheese making, sugar making, etc.'" (321 Ill. 388-89, 152 N.E. 160),

and,

"Unless restricted by the context, the words 'agricultural purposes' have generally been given this comprehensive meaning * * *." (321 Ill. 389, 152 N.E. 160.)

"Livestock" is defined by Webster's New World Dictionary of the American Language, Second Edition 1973 as "domestic animals kept for use on a farm or raised for sale or profit." "Horse" is defined as a "domestic animal." "Rear" is defined "to grow or breed (animals or plants), to bring to maturity by educating, nourishing, etc." We agree with plaintiff that to exclude the feeding, training, and boarding of horses for show from the meaning of the phrase "rearing and management of livestock" strains the popular conception of that phrase.

Defendant argues that the courts of this state have interpreted "agricultural purpose" in such a way as to emphasize the aspect of "production or preparation of

products for man's use." In deciding whether a specific use constitutes an agricultural purpose, the courts have related the nature of the immediate activity to the definition of agriculture. Generally, if the use bears some relation to the "cultivation of ground" or the "rearing or management of livestock" or the "production of plants and animals useful to man" it has been found to fall within the meaning of "agricultural purpose." The courts have not relied on an analysis of the ultimate business objectives of the property owner. For example, in County of Grundy v. Soil Enrichment Materials Corp. (1973), 9 Ill.App.3d 746, 292 N.E.2d 755, the county sought to enjoin the soil company from spreading raw sludge on farm land in violation of its zoning ordinances. The county argued that the soil company's principal business was the disposal of sludge pursuant to a contract with a local waste treatment plant, and as such was not engaged in agriculture. In rejecting this argument the court said:

"The fact that an organization may have many major objectives *133 which have no agriculture connection would not operate to characterize the sale or gift of a fertilizer if, in fact, the fertilizer as applied has an agricultural purpose. The issue is not what appellant's main business interest is but solely whether or not **900***698 the application and use of digested sludge on farm lands is serving an agricultural purpose." (9 Ill.App.3d 753, 292 N.E.2d 759-760.)

In a companion case, Soil Enrichment Materials Corp. v. Zoning Board of Appeals of Grundy County (1973), 15 Ill.App.3d 432, 304 N.E.2d 521, the court held that the construction of a four million gallon holding pit for the purpose of storing digested sludge was an agricultural purpose. The court held that its storage and subsequent application to farm soil were agricultural purposes without making a distinction between the two. The rationale for the court's holding in the Soil Enrichment case is simply that sooner or later the sludge became fertilizer and fertilizer is clearly an element of agriculture. Its nature in that regard is unaffected by the objectives of those who deal with it.

[4] Likewise the rearing of livestock is an agricultural purpose. Horses are livestock. The purpose for which they are raised should have no bearing on a determination of whether the activities of raising

them fall within the scope of the definition of "the rearing and management of livestock." The legislature elected to use the phrase "agricultural purpose" without expressly limiting the varied activities contemplated by its commonly accepted definition. In withholding from the county the authority to regulate the use of property dedicated to agricultural purposes, the legislature did not distinguish the rearing of animals for consumption from the rearing of animals for show. The legislative silence in this regard does not authorize the creation of such distinction by governmental entities. County of Lake v. Cushman (1976), 40 Ill.App.3d 1045, 353 N.E.2d 399.

[5] We conclude that the purpose for which the plaintiff's property was to be used is agricultural. It follows, under our holding in Cushman, that the county has no authority to establish acreage minimums to which it will grant the statutory right of exemption from zoning regulations. Further the county has no zoning authority to require the plaintiff to obtain building and special use permits or to restrain her agricultural use of the property other than as to statutorily permitted building or set-back lines.

[6] The defendant maintains that plaintiff's argument regarding the invalidity of the county's ordinance denying agricultural exemptions to properties with acreage of less than 15 acres was not contained in her complaint nor argued in the trial court. The defendant draws our attention to the language of Kravis v. Smith Marine, Inc. (1975), 60 Ill.2d 141, 147, 324 N.E.2d 417, 420 wherein the Supreme Court said:

"It has frequently been held that the theory upon which a case is *134 tried in the lower court cannot be changed on review, and that an issue not presented to or considered by the trial court cannot be raised for the first time on review. (Citations.) A corollary to this rule permits an appellee to defend a judgment on review by raising an issue not previously ruled upon by the trial court if the necessary factual basis for the determination of such point was contained in the record."

However, defendant attempts to qualify this rule by suggesting that the corollary rule of Kravis is available only to appellees who were Defendants in the trial court. While defendant cites no authority for this restriction on the rule referred to in Kravis we note an earlier Supreme Court case wherein,

394 N.E.2d 896
 76 Ill.App.3d 128, 394 N.E.2d 896, 31 Ill.Dec. 694
 (Cite as: 76 Ill.App.3d 128, 394 N.E.2d 896, 31 Ill.Dec. 694)

affirming judgment for the appellee who was the Plaintiff in the trial court, the court held “ * * * where a litigant obtains the relief he has sought, he may rely upon any ground appearing in the record to support his judgment (Citations.)” (LaSalle National Bank v. The Village of Grayslake (1963), 29 Ill.2d 489, 194 N.E.2d 250.) Similarly, and after Kravis, the appellate court in Harris Trust and Savings Bank v. Joanna-Western Mills (1977), 53 Ill.App.3d 542, 11 Ill.Dec. 78, 368 N.E.2d 629, held that the Plaintiff-appellee could urge any point on appeal in support of its judgment though not raised in the trial court but where the facts to support the point were before the trial court. (53 Ill.App.3d 554, 11 Ill.Dec. 87, 368 N.E.2d 638.)**901***699 We find no distinction exists as between Plaintiff or Defendant appellees for the application of the general rule.

[7] In sum, the plaintiff-appellee may raise for the first time on appeal any legal issue to defend her judgment for which there was a factual basis in the trial court. The defendant's zoning ordinance denying plaintiff the statutorily authorized agricultural exemption from zoning because the property would eventually consist of less than 15 acres is invalid as are the requirements that she qualify for building or special use permits. The care and training of horses for show is an agricultural purpose within the contemplation of Illinois Revised Statutes 1975, chapter 34, paragraph 3151.

For these reasons we affirm the judgment of the Circuit Court of Kane County.

AFFIRMED.

GUILD, P. J., and RECHENMACHER, J., concur.
 Ill.App. 2 Dist., 1979
 Tuftee v. Kane County
 76 Ill.App.3d 128, 394 N.E.2d 896, 31 Ill.Dec. 694

END OF DOCUMENT

DEBORAH MCLOCHLIN RILEY
ASSISTANT STATE'S ATTORNEY



301 East Main St.
Shelbyville, Illinois 62565
Phone: 217-774-5511
Fax: 217-774-4999
e-mail: scsa01@consolidated.net

ALLAN LOLIE
SHELBY COUNTY STATE'S ATTORNEY

July 30, 2009

Mr. Dale Conaway
1 West Old State Capitol Plaza, Room 300
Springfield, IL 62701

RE: Figgins Electric
Project: Install New Light Fixtures at Shelby
County Court House - Shelbyville, IL 62565

IDOL Case No.: 2010-PW-DC07-0047

Dear Mr. Conaway:


As we discussed on the telephone, the Shelby County Board Chairman has forwarded me your July 27, 2009 letter to him for my reply. I will respond in the order of your inquiry. Enclosed please find Shelby County's prevailing wage resolution.

I have determined that although bids were sought and received for this project, there was no formal call for bids. The project specifications consisted of a materials list which I have also enclosed. Although the Shelby County Board voted to award the project to the low bidder, no contract has yet been signed. Because no contract has been signed, there are no contractor/subcontractor bonds or certified payrolls. I am advised by the Shelby County Sheriff that the project will be funded by private funds.

Having been made aware of the apparent deficiencies in this process, I will advise the Shelby County Sheriff and Shelby County Board to begin to call for bids anew. I hope you find this letter responsive to your inquiry.

Please feel free to contact me with any questions or suggestions. Thank you.

Sincerely,



Allan Lolie
Shelby County State's Attorney

AL/ck

encl.

2009-28
RESOLUTION APPROVING THE RE-APPOINTMENT OF TRUSTEE
FOR THE WINDSOR FIRE PROTECTION DISTRICT

WHEREAS, the WINDSOR FIRE PROTECTION DISTRICT is a duly organized and operating fire protection district located within the Counties of Shelby and Moultrie, State of Illinois, each with a population of less than three million and

WHEREAS, 70 ILCS 705/4 (4)(B), provides that the trustees for a fire protection district so situated shall be appointed by the presiding officer of the County Board with the advice and consent of the County Board, and


WHEREAS, there have been trustees appointed for the said fire protection district and the present term of TIM BENNETT will expire on the first Monday in May, 2009, and it is necessary to appoint a successor, and

WHEREAS, the said trustee has consented to serve another term as trustee, and

WHEREAS, the Chairman of the County Board has appointed TIM BENNETT to serve a full three year term as trustee commencing the first Monday in May, 2009, and directed that, prior to that time, he file with the Shelby County Circuit Clerk his bond in the amount of Five Hundred Dollars (\$500.00) with two individual sureties,

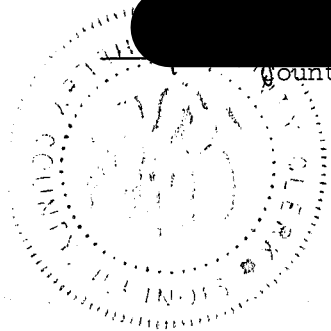
NOW, THEREFORE, be it resolved by the County Board of Shelby County, Illinois, that the Chairman's appointment of TIM BENNETT to serve as Trustee for the WINDSOR Fire Protection District is hereby approved, and the Chairman is authorized to approve his Trustee's Bond in the amount of Five Hundred Dollars (\$500.00) with two individual sureties.

PASSED AND APPROVED this 12th day of August, 2009.


Chairman, Shelby County Board

ATTEST:


County Clerk



IN THE CIRCUIT COURT OF THE FOURTH JUDICIAL CIRCUIT
SHELBY COUNTY, ILLINOIS

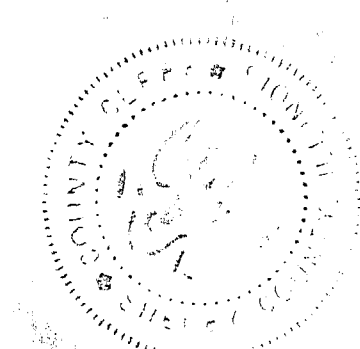
IN THE MATTER OF)
THE WINDSOR FIRE PROTECTION DIST) NO. 65-15

CERTIFICATE OF APPOINTMENT

I, the undersigned, County Clerk of Shelby County, Illinois, do hereby certify that TIM BENNETT was appointed by the Chairman of the County Board of Shelby County, Illinois, to a full three year term as trustee of THE WINDSOR FIRE PROTECTION DISTRICT beginning on the first Monday in May, 2009, and that said appointment was approved by the County Board of Shelby County on the 12th day of August, 2009.

IN WITNESS WHEREOF, I have hereunto affixed my official signature and seal of office on the 12th day of August, 2009.

 (Seal)
County Clerk 0



APPOINTMENT OF TRUSTEE FOR
THE WINDSOR FIRE PROTECTION DISTRICT

PURSUANT TO authority granted in 70 ILCS 705/4 (4)(B), I, the undersigned, being the presiding officer of the County Board of Shelby County, Illinois, hereby appoint TIM BENNETT as Trustee for the **WINDSOR FIRE PROTECTION DISTRICT**, with the advice and consent of the County Board, to serve a full three year term commencing on the first Monday in May, 2009, and direct that, prior to that date, he present to me for approval his bond in the amount of Five Hundred Dollars (\$500.00) with two individuals as sureties thereon and that, upon approval thereof, he file such bond in the office of the Shelby County Circuit Clerk.

Dated this 12th Day of August 2009


Chairman, Shelby County Board

IN THE CIRCUIT COURT FOR THE FOURTH JUDICIAL CIRCUIT
SHELBY COUNTY, ILLINOIS


IN THE MATTER OF)
WINDSOR FIRE PROTECTION) No. 65-15
DISTRICT)


TRUSTEE'S BOND


KNOW ALL MEN BY THESE PRESENTS, that we, TIM BENNETT
as Principal, and James B. Hooten and Kenneth E. Drollinger
as sureties, of the County of Shelby and State of Illinois, are bound to the
People of the State of Illinois in the penal sum of Five Hundred Dollars
(\$500.00).

THE CONDITION OF THIS OBLIGATION IS SUCH that, if the said principal,
who has been appointed a member of the Board of Trustees of WINDSOR FIRE
PROTECTION DISTRICT, faithfully discharges the duties of his office according
to law and does all acts which at any time may be required of him by law, then
this obligation is void; otherwise it remains in full force and effect.

WITNESS our hands and seals this 13th day of July, 2009.



Principal



Surety


Surety

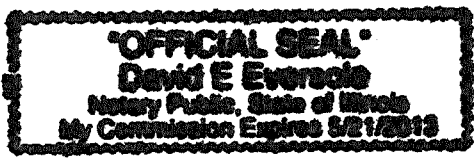
STATE OF ILLINOIS)
COUNTY OF SHELBY) ss.

I, the undersigned, a Notary Public in and for said County, in the State
aforesaid, do hereby certify that TIM BENNETT and
James B. Hooten and KENNETH E. DROLLINGER
, personally known to me to be the same persons whose names are subscribed to
the foregoing instrument, appeared before me this day in person and
acknowledged that they signed, sealed and delivered the said instrument as
their free and voluntary act, for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this 13th day of
July, 2009.



Notary Public



OATH OF OFFICE

I, TIM BENNETT, do solemnly swear that I will faithfully perform the duties of a Trustee of the WINDSOR Fire Protection District, and that I will do and perform all acts required of me by law to the best of my ability.

DATED this 13 day of July, 2009

[Redacted Signature]

SUBSCRIBED AND SWORN TO before me this 13 day of July, 2009.

[Redacted Signature]

Notary Public



BOND APPROVED:

[Redacted Signature]
Chairman, Shelby County Board



Shelby County Treasurer
 Monthly Report of Investments
 1-Aug-09
 Bank Balance: \$22,728,157.52

Passbooks, Money Markets,
 & Certificates of Deposits

Checking & Cash

\$	627,562.73	MMD		
\$	1,558,086.95	MMD	General Fund	\$ 2,000.00
\$	-			
\$	-		County Payroll Clearing	\$ 61,614.54
\$	-			
\$	-		Section 105 Claims	\$ 2,698.77
\$	-			
\$	173,920.59	PB	County Health Fund	\$ -
\$	121,776.34	CD		
\$	14,679.57	MMD	County Health-TB	\$ -
\$	-			
\$	36,956.31	MMD	Animal Control Fund	\$ 41,356.11
\$	23,005.78	MMD		
\$	77,647.24	PB	Ambulance Fund	\$ -
\$	149,537.50	MMD		
\$	692,575.95	MMD	Mental Health Fund	\$ -
\$	-			
\$	530,386.69	PB	IMRF Fund	\$ -
\$	-			
\$	115,923.27	PB	Social Security Fund	\$ -
\$	54,421.61	CD & MMD		
\$	24,901.60	PB	Indemnity Fund	\$ -
\$	-			
\$	867.81	PB	Court Security Fund	\$ -
\$	-			
\$	199,328.27	MMD	County Bridge Fund	\$ -
\$	-			
\$	103,852.15	PB	County Highway Fund	\$ -
\$	-			
\$	168,657.18	MMD	FASM Fund	\$ -
\$	-			
\$	507,274.08	MMD	County Motor Fuel Tax Fund	\$ -
\$	-			
\$	8,313.43	PB	Tourism Fund	\$ -
\$	95,503.89	CD & MMD		
\$	134,830.11	PB	Probation Fund	\$ -
\$	55,219.44	CD & MMD		
\$	90,289.98	PB	Assist Court Fund	\$ -
\$	-			
\$	5,539.19	PB	Law Library Fund	\$ -
\$	-			
\$	89,926.49	PB	Automation Fund	\$ -
\$	-			
\$	76,226.15	PB	Recording Fund	\$ -
\$	-			
\$	15,935.91	PB	Drug Traffic Fund	\$ -
\$	60,000.00	CD		
\$	28,754.59	MMD	Airport Fund	\$ 35.50
\$	240,028.89	CD & MMD		
\$	447,435.82	MMD	Home Nursing Fund	\$ -
\$	-			
\$	-		W.I.C. Fund	\$ 15,659.35
\$	-			
\$	206,423.10	MMD	Local Bridge Fund	\$ -
\$	-			
\$	-		Township Bridge Fund	\$ 34,330.37
\$	-			
\$	-		Township Construction Fund	\$ 714.03

\$ 287,572.23	MMD		
\$ 1,137,122.02	MMD	Township Motor Fuel Tax	\$ -
\$ -			
\$ 1,129.43	PB	Estate Tax Fund	\$ -
\$ -			
\$ 88,125.12	PB	Minor Unknown Heirs Fund	\$ -
\$ -			
\$ 9,172.10	PB	Probation Drug Testing	\$ -
\$ -			
\$ 178.82	MMD	Carriage Park Fund	\$ -
\$ 42,037.78	MMD		
\$ 201,262.45	PB	Drainage Fund	\$ 2,340.66
\$ -			
\$ 50,239.08	PB	Document Storage Fund	\$ -
\$ 80,520.21	MMD		
\$ 128,399.06	PB	Misc County Health Fund	\$ -
\$ 26,946.92	MMD		
\$ 44,182.78	PB	Litigation Fund	\$ -
\$ 207,057.01	CD		
\$ 145,871.08	PB	Revolving Loan Fund	\$ -
\$ -			
\$ 12,400.19	PB	Victim Impact Panel Fund	\$ -
\$ -			
\$ 42.56	PB	States Attorney Forf Fund	\$ -
\$ -			
\$ 619.50	MMD	Findlay Road Project Fund	\$ -
\$ -			
\$ 1,821.83	PB	Rescue Squad Fund	\$ -
\$ -			
\$ 860.81	MMD	Garden Acres Road Fund	\$ -
\$ -			
\$ 9,631.92	PB	DUI Equipment Fund	\$ -
\$ -			
\$ 36,694.85	PB	GIS Fund	\$ -
\$ 1,114,342.09	CD		
\$ 158,919.73	PB	Capital Improvement Fund	\$ 540,424.79
\$ -			
\$ -		County Health Petty Cash	\$ 135.64
\$ -			
\$ -		Probation Petty Cash	\$ 50.00
\$ -			
\$ -		County Treasurer Cash	\$ 5,000.00
\$ -			
			\$ 11,227,297.94

County Collector Accounts

Shelby County State Bank-Checking	\$ 62,045.60
Busey Bank-Checking	\$ 204.00
National Bank at Pana	\$ 22,035.88
First National Bank of Assumption	\$ 82,400.31
Community Banks of Shelby County-Cowden	\$ 499,147.83
Shelby County State Bank-Strasburg	\$ 328,933.24
First Federal Savings & Loan-Shelbyville	\$ 223,194.54
Busey Bank-Real Estate Tax Trust Account	\$ 3,411.87
Shelby County State Bank-Shelbyville-Money Market	\$ 3,178,554.31
Busey Bank-Money Market	\$ 4,280,854.82
Ayars State Bank-Moweaqua	\$ 473,745.65
Shelby County State Bank-Findlay	\$ 315,528.04
First National Bank of Pana	\$ 251,658.86
Peoples Bank of Pana	\$ 315,605.07
Prairie National	\$ 388,320.55
Shelby County State Bank-Windsor Branch	\$ 456,262.62
Dewitt Federal Savings & Loan-Moweaqua	\$ 299,892.00
Sigel Community Bank	\$ 247,979.67
Shelby County State Bank-Moweaqua	\$ 71,084.72
	\$ 11,500,859.58

CERTIFICATE OF DEPOSITS
August 1, 2009

General Fund(001) Community Banks of Shelby County-MMD# 390	
1.51% Interest	\$ <u>627,562.73</u>
Animal Control Fund(003) Community Banks of Shelby County-MMD# 390	
1.51% Interest	\$ <u>36,956.31</u>
Ambulance Fund(004) Community Banks of Shelby County-MMD# 390	
1.51% Interest	\$ <u>23,005.78</u>
Mental Health Fund(005) Community Banks of Shelby County-MMD# 390	
1.51% Interest	\$ <u>149,537.50</u>
Indemnity Fund(008) Community Banks of Shelby County-MMD# 390	
1.51% Interest	\$ <u>9,421.61</u>
Probation Fund(016) Community Banks of Shelby County-MMD# 390	
1.51% Interest	\$ <u>95,503.89</u>
Assist Court(017) Community Banks of Shelby County-MMD# 390	
1.51% Interest	\$ <u>219.44</u>
Home Nursing Fund(024) Community Banks of Shelby County-MMD# 390	
1.51% Interest	\$ <u>115,028.89</u>
Township Motor Fuel Tax Fund(029) Community Banks of Shelby County-MMD# 390	
1.51% Interest	\$ <u>287,572.23</u>
Miscellaneous County Health Fund(043) Community Banks of Shelby County-MMD# 390	
1.51% Interest	\$ <u>80,520.21</u>
County Health Fund-TB(002) Ayars State Bank-CD# 3162 Matures 01/31/2010	
1.9% Interest	\$ <u>121,776.34</u>

CERTIFICATE OF DEPOSITS
August 1, 2009

Indemnity Fund(008) Shelby County State Bank-CD# 14065 Matures 08/14/2009 1.84% Interest	\$ <u>45,000.00</u>
Assist Court Fund(017) Shelby County State Bank-CD# 14794 Matures 10/20/2009 1.25% Interest	\$ <u>55,000.00</u>
Home Nursing Fund(024) Prairie National Bank-CD# 14288 Matures 08/20/2009 2.00% Interest	\$ <u>125,000.00</u>
Revolving Loan Fund(045) Community Banks of Shelby County-MMD# 720151 .85% Interest	\$ <u>207,057.01</u>
Capital Improvement(054) First Federal Savings & Loan-CD# 20555 Matures 10/16/2009 3.75% Interest	\$ <u>1,114,342.09</u>
Airport(022)	\$ <u>60,000.00</u>
 TOTAL	 \$ <u>3,153,504.03</u>