

**KENDALL COUNTY BOARD AGENDA
ADJOURNED SEPTEMBER MEETING**

Kendall County Historic Courthouse, 109 W Ridge St, Yorkville IL 60560

Tuesday, December 15, 2020 at 9:00 a.m.

1. Call to Order
2. Roll Call
3. Determination of a Quorum
4. Approval of Agenda
5. Special Recognition
 - A. Amy Cesich UCCI Leadership Academy Graduation
 - B. Robyn Vickers UCCI Leadership Academy Graduation
6. Public Comment
7. Consent Agenda
 - A. Approval of County Board Minutes from November 4, 2020 and November 17, 2020
 - B. Standing Committee Minutes Approval
 - C. Approval of Claims in an amount not to exceed \$901,850.97
 - D. Approve Resolution for Maintenance Under the Illinois Highway Code appropriating \$150,000 of MFT Funds for the purchase of road salt
 - E. Approval of the State's Attorneys Appellate Prosecutor Resolution for Fiscal Year 2021 (December 1, 2020 to November 30, 2021) and authorization of payment for services in the amount not to exceed \$37,000.00
 - F. Approve Chicago HIDTA Executive Director Service contract amendment with Kendall County as the Fiduciary Agent effective December 1, 2020 through November 30, 2023, in the amount of \$207,203.10
 - G. Approve Chicago HIDTA Strategic Product Coordinator Service contract with Kendall County as the Fiduciary Agent effective January 4, 2021 through January 3, 2022 in the amount of \$121,411.00
 - H. Approve Chicago HIDTA Deputy Director Service contract with Kendall County as the Fiduciary Agent effective January 6, 2021 through January 7, 2024 in the amount of \$165,787.70
 - I. Approval of the 2021 County Board Meeting Schedule
 - J. Approval of the 2021 County Board Committee Assignments
 - K. Approval of the Updated County Administrative Services Organization Chart
 - L. Approval of 2020 Transit Connect Cargo Van purchase from Gjovik Ford in the amount of \$27,000.00
 - M. Approval of a Contract with WBK Engineering, LLC for Services Related to the Preparation of Notice of Intent to Renew the General Permit for Discharges from Small Municipal Storm Sewer Systems (MS4's) and Annual NPDES Report at a Cost Not to Exceed \$5,000; Related Invoice(s) to be Paid from the Planning, Building and Zoning Department's Consultants Line Item (11001902-63630)
8. Old Business
9. New Business
 - A. Approval of an Engagement Letter from Mack and Associates for a Transitional Audit of the Circuit Clerk's Office in an Amount not to Exceed \$7,500
10. Elected Official Reports & Other Department Reports
 - A. Sheriff
 - B. County Clerk and Recorder
 - C. Treasurer
 - D. Clerk of the Court
 - E. State's Attorney
 - F. Coroner
 - G. Health Department
 - H. Supervisor of Assessments
11. Standing Committee Reports
 - A. Facilities
 1. Approval contract with Advanced Elevator Company in the amount of \$34,530.00 to repair the Public Elevator at the Public Safety Center
 2. Approve up to \$20,000.00 in contingency funds for additional Public Elevator repairs at the Public Safety Center
 - B. Planning, Building & Zoning
 1. Approval of Petition 20-24 Request from Grainco FS, Inc. for an Amendment to the Future Land Use Map in the Kendall County Land Resource Management Plan Changing the Classification of 17854 N Wabena Ave (PIN 09-36-400-002) in Seward Township from Agricultural to Mixed Use Business

2. Approval of Petition 20-25 Request from Grainco FS, Inc. for a Map Amendment Rezoning 17854 N Wabena Ave (PIN 09-36-400-002) in Seward Township from A-1 Agricultural with a Special Use Permit to M-1 Limited Manufacturing District
3. Approval of Petition 20-28 request from the Kendall County Historic Preservation Commission for Amendments to the Kendall County Historic Preservation Ordinance Pertaining to the Number of Meetings of the Preservation Commission and Application Fee
4. Approval of Petition 20-29 request from the Kendall County Historic Preservation Commission for Approval to Authorize the Kendall County Board Chairman to Sign and Submit an Application for Certified Local Government Status to the Illinois State Historic Preservation Officer with the Amendments to the Kendall County Historic Preservation Ordinance Outlined in Petition 20-28

12. Special Committee Reports

13. Other Business

14. Chairman's Report

Appointments

Scott Gryder – CMAP MPO Policy CMT – 2 year term – expires November 30, 2022

Matt Kellogg – CMAP MPO Policy CMT – 2 year term – expires November 30, 2022

Scott Koeppel – CMAP MPO Policy CMT – 2 year term – expires November 30, 2022

Scott Gryder – CMAP Transportation CMT – 2 year term – expires November 30, 2022

Fran Klaas – CMAP Transportation CMT – 2 year term – expires November 30, 2022

Scott Gengler – County Chaplain – 2 year term – expires November 30, 2022

Elizabeth Flowers – Historic Preservation CMS – Liaison – expires November 30, 2022

Scott Gryder – ICRMT Board Trustee – 2 year term – expires November 30, 2022

Judy Gilmour – Juvenile Justice Council – Liaison – expires November 30, 2022

Matt Kellogg – Soil & Water District – 2 year term – expires November 30, 2022

Scott Gryder – Soil & Water District – 2 year term – expires November 30, 2022

Judy Gilmour – U of I Extension Board – 2 year term – expires November 30, 2022

Scott Gryder – U of I Extension Board – 2 year term – expires November 30, 2022

Robyn Vickers – U of I Extension Board – 2 year term – expires November 30, 2022

Scott Koeppel – Upper River Valley Dev Authority – 2 year term – expires November 30, 2022

Scott Gryder (alt) – Veterans Assistance CMS – 2 year term – expires November 30, 2022

Matt Kellogg – Veterans Assistance CMS – 2 year term – expires November 30, 2022

Amy Cesich – Workforce Development Board – 2 year term – expires November 30, 2022

Robyn Vickers – Kendall County Board of Health – Liaison – expires November 30, 2022

Robyn Vickers – 708 Mental Health Board – 2 year term – expires November 30, 2022

Judy Gilmour – 708 Mental Health Board – Alternate - 2 year term – expires November 30, 2022

Scott Gryder –Northwest Water Planning Area Alliance Executive Board - 2 year term – expires November 30, 2022

Scott Koeppel –Northwest Water Planning Area Alliance Executive Board - Alternate - 2 year term – expires November 30, 2022

Scott Gryder –UCCI - 2 year term – expires November 30, 2022

Amy Cesich –UCCI - 2 year term – expires November 30, 2022

Matt Kellogg –UCCI - 2 year term – expires November 30, 2022

Scott Gryder –Mayors and Managers - 2 year term – expires November 30, 2022

Matt Kellogg –Mayors and Managers - 2 year term – expires November 30, 2022

Brian DeBolt –KenCom Representative - 2 year term – expires November 30, 2022

Judy Gilmour –KenCom Representative- Alternate - 2 year term – expires November 30, 2022

15. Public Comment

16. Questions from the Press

17. Executive Session

18. Adjournment

If special accommodations or arrangements are needed to attend this County meeting,
please contact the Administration Office at 630-553-4171, a minimum 24-hours prior to the meeting time.

**KENDALL COUNTY BOARD
ADJOURNED SEPTEMBER MEETING
November 4, 2020**

STATE OF ILLINOIS)
) SS
COUNTY OF KENDALL)

The Kendall County Board Meeting was held at the Kendall County Office Building, Room 209, in the City of Yorkville on Wednesday November 4, 2020 at 6:35 p.m. The Clerk called the roll. Members present: Chairman Scott Gryder, Amy Cesich, Elizabeth Flowers, Scott Gengler, Tony Giles, Judy Gilmour, Audra Hendrix, Matt Kellogg, Matt Prochaska and Robyn Vickers.

The Clerk reported to the Chairman that a quorum was present to conduct business.

THE AGENDA

Member Prochaska moved to approve the agenda. Member Flowers seconded the motion. Chairman Gryder asked for a voice vote on the motion. All members present voting aye. **Motion carried.**

SPECIAL RECOGNITION

Chairman Gryder recognized the County Clerk's office for all of their hard work over the last few weeks on the Election. Chairman Gryder also recognized the candidates who were on the ballot.

Member Vickers reported that 99.9% of the households were enumerated in the census. Kendall County self reporting rate was 82.3%.

Chairman Gryder stated that Veteran's Day is Wednesday. Please remember the vets. National Veterans Small business week is also going on.

Chairman Gryder remembered Bud Thanepohn, former Mayor of Yorkville who passed.

PUBLIC COMMENT

Anthony Magliari stated what an honor it has been to be at the board meeting, he is impressed with the way the meetings are run. He learned a lot about civic engagement.

CONSENT AGENDA

Member Gilmour moved to approve the consent agenda of **A)** county board minutes from October 6, 2020; **B)** standing committee minutes; **C)** claims in an amount not to exceed \$1,510,983.35. Member Flowers seconded the motion. Chairman Gryder asked for a roll vote on the motion. All members present voting aye. **Motion carried.**

C) COMBINED CLAIMS: ADMIN \$186.42; ANML CNTRL WRDN \$448.00; ASSMNTS \$746.08; BEHAV HLTH \$10,760.68; CAP EXT \$117.32; CIR CT CLK \$53,655.47; CIR CRT JDG \$3,935.75; COMB CRT SVS \$9,050.32; COMM ACTN SVS \$100,369.08; COMM HLTH SVS \$3,372.21; CORONER \$1,509.48; CORR \$18,675.21; CNTY ADMIN \$101.58; CNTY BRD \$241,751.78; CNTY CLK \$30,877.90; HIGHWAY \$187,682.89; TRSR \$3,480.20; ELECTION \$ 4,086.14; EMA \$15,540.92; EMPL BNFTS \$319,696.87; ENVIRO HLTH \$580.92; FCLT MGMT \$35,020.59; GIS \$42.38; JURY \$564.90; PBZ SNR PLAN \$113.02; PBZ \$3,047.22; PROB SVS \$10,754.14, PRGM SUPP \$2,226.74; PUB DEF \$147.50; ROE \$7,960.30; SHRF \$18,312.13; ST ATTY \$1,586.24; TECH \$9,087.76; UTIL \$68,120.73; VET \$1,502.00; FP \$46,554.51; PETIT \$1,483.95; SHF \$19,772.46; SHF \$93,150.56; CIVIL \$184,911.00

NEW BUSINESS

Collective Bargaining Agreement

Member Gilmour moved to approve the ratification and approval of Collective Bargaining Agreement between Kendall County, Illinois, the Kendall County Sheriff and the Illinois Fraternal Order of Police Labor Council (Corrections Deputies Bargaining Unit) effective December 1, 2019 through November 30, 2024. Member Prochaska seconded the motion. Chairman Gryder asked for a voice vote on the motion. All members present voting aye. **Motion carried.**

County Seal

Member Kellogg moved to approve an ordinance adopting a county seal. Member Flowers seconded the motion. Chairman Gryder asked for a roll call vote on the motion. Members voting aye include Cesich, Flowers, Gengler, Giles, Gilmour, Gryder, Kellogg, Prochaska and Vickers. Members voting nay include Hendrix. **Motion carried 9-1.**

A complete copy of Ordinance 20-21 is available in the Office of the County Clerk.

COVID-19 Testing

Member Hendrix moved to approve a resolution approving IDPH COVID-19 testing. Member Flowers seconded the motion. Chairman Gryder asked for a roll call vote on the motion. All members present voting aye. **Motion carried.**

A complete copy of Resolution 20-55 is available in the Office of the County Clerk.

Health Department Director RaeAnn VanGundy reported that the testing held on November 2, 2020 had 197 come through and on November 3, 2020 302 were tested.

STANDING COMMITTEE REPORTS

Finance

Fiscal Year 2020-2021 Budget

Member Kellogg moved to approve an ordinance approving the Kendall County Fiscal Year 2020-21 Budget and Appropriations. Member Prochaska seconded the motion. Chairman Gryder asked for a roll call vote on the motion. All members present voting aye. **Motion carried.**

A complete copy of Ordinance 20-22 is available in the Office of the County Clerk.

Fiscal Year 2019-2020 Budget Amendment

Member Kellogg moved to approve an ordinance approving a budget amendment for the Kendall County Fiscal Year 2019-20 Annual Budget. Member Hendrix seconded the motion. Chairman Gryder asked for a roll call vote on the motion. All members present voting aye. **Motion carried.**

A complete copy of Ordinance 20-23 is available in the Office of the County Clerk.

Administration HR

Insurance Renewal

Member Hendrix moved to approve the worker compensation, liability, property, and cyber security insurance renewal in an amount of \$642,184. Member Giles seconded the motion. Chairman Gryder asked for a roll call vote on the motion. All members present voting aye. **Motion carried.**

SPECIAL COMMITTEE REPORTS

County Organizations

Member Prochaska stated they are having virtual meetings.

Chairman's Report

Member Gilmour moved to approve the appointment. Member Prochaska seconded the motion. Chairman Gryder asked for a voice vote on the motion. All members present voting aye. **Motion carried.**

Appointment(s)

Nancy Patush –708 Mental Health Board – 3 year term – expires November 2023

QUESTIONS FROM THE PRESS

Jim Wyman from WSPY asked if there was a county seal before.

EXECUTIVE SESSION

Member Cesich made a motion to go into Executive Session for (2) collective negotiating matters between the public body and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees. Member Prochaska seconded the motion. Chairman Gryder asked for a roll call vote on the motion. All members present voting aye. **Motion carried.**

ADJOURNMENT

Member Prochaska moved to adjourn the County Board Meeting until the next scheduled meeting. Member Hendrix seconded the motion. Chairman Gryder asked for a roll call vote on the motion. All members present voting aye. **Motion carried.**

Approved and submitted this 7th day of November, 2020.

Respectfully submitted by,
Debbie Gillette
Kendall County Clerk

**KENDALL COUNTY BOARD
ADJOURNED SEPTEMBER MEETING
November 17, 2020**

STATE OF ILLINOIS)
) SS
COUNTY OF KENDALL)

The Kendall County Board Meeting was held at the Kendall County Historic Courthouse, 109 W Ridge St, in the City of Yorkville on Tuesday, November 17, 2020 at 9:00 a.m. The Clerk called the roll. Members present: Chairman Scott Gryder, Amy Cesich, Elizabeth Flowers, Scott Gengler, Judy Gilmour, Audra Hendrix, Matt Kellogg, Matt Prochaska and Robyn Vickers. Members absent: Tony Giles.

The Clerk reported to the Chairman that a quorum was present to conduct business.

THE AGENDA

Member Gryder moved to approve the agenda. Member Flowers seconded the motion. Vice Chairman Cesich asked for a roll call vote on the motion. All members present voting. **Motion carried.**

CONSENT AGENDA

Member Kellogg moved to approve the consent agenda of **A)** county board minutes from October 20, 2020; **B)** standing committee minutes; **C)** claims in an amount not to exceed \$3,149,215.46; **D)** 2020 Noxious Weed Annual Report; **E)** Low bid from Arneson Oil Company to provide 20,000 gallons of diesel fuel at unit price of \$1.864 and 15,000 gallons of unleaded gasoline at unit price of \$1.689 for Fiscal Year 2021; **F)** Approve County Health Fund Levy 2020 payable 2021 in an amount not to exceed \$1,454,000; **G)** Approve Veteran's Assistance Commission Fund Levy 2020 payable 2021 in an amount not to exceed \$350,961; **H)** Approve Tuberculosis Fund Levy 2020 payable 2021 in an amount not to exceed \$15,000; **I)** Approve Liability Insurance Fund Levy 2020 payable 2021 in an amount not to exceed \$1,305,197; **J)** Approve Social Security Fund Levy 2020 payable 2021 in an amount not to exceed \$1,425,000; **K)** Approve Illinois Municipal Retirement Fund Levy 2020 payable 2021 in an amount not to exceed \$2,600,000; **L)** Approve County Bridge Fund Levy 2020 payable 2021 in an amount not to exceed \$500,000; **M)** Approve County Highway Fund Levy 2020 payable 2021 in an amount not to exceed \$1,500,000; **N)** Approve Extension Education Fund Levy 2020 payable 2021 in an amount not to exceed \$187,476; **O)** Approve Senior Citizen Social Services Fund Levy 2020 payable 2021 in an amount not to exceed \$400,000; **P)** Approve 708 Mental Health Fund Levy 2020 payable 2021 in an amount not to exceed \$947,000; **Q)** Approve General Fund Levy 2020 payable 2021 in an amount not to exceed \$11,656,958. Member Hendrix seconded the motion. Vice Chairman Cesich asked for a roll vote on the motion. All members present voting aye. **Motion carried.**

C) COMBINED CLAIMS: ADMIN \$337.98; ANML CNTRL WRDN \$1,616.94; ASSMNTS \$10.38; BEHAV HLTH \$5,579.35; CIR CLK \$77,899.38; CIR CRT JDG \$16,402.07; COMB CRT SVS \$825.05; COMM ACTN SVS \$155,268.21; COMM HLTH \$1,054.35; CORONER \$998.81; CORR \$39,163.80; CNTY ADMIN \$12,641.00; CNTY BRD \$76,927.34; CNTY CLK \$24,731.79; HIGHWAY \$804,682.79; TREASR \$1,420,580.00; ELCTN \$26,827.31; EMA \$201.19; EMPL BFITS \$3,350.00; ENVIRO HLTH; \$1,623.26; FCLT MGMT \$ 61,888.38; GIS \$2,965.17; JURY COMM \$307.60; MERIT \$283.00; PBZ \$1,913.42; PRSDG JDGE \$3,573.54; PROB SVS \$13,018.29; PRGM SUPP \$1,208.96; PUB DEF \$1,711.00; SHF \$58,658.84; STATES ATTY \$5,712.89; TECH \$13,684.51; TRSR \$1,964.60; UTIL \$13,382.02; VET \$1,089.56; FP \$18,234.08.; SHF \$45,027.66; SHF \$114,401.21; HLTH DEPT \$17,879.78; EV JUDGE \$24,729.00, ELECT JUDGE \$76,860.95

ELECTED OFFICIALS REPORT AND OTHER DEPARTMENT REPORTS

Sheriff

Sheriff Baird thanked State's Attorney Weis and his office for their prompt responses on legal opinions. Members discussed gang activity and related shooting.

County Clerk

Revenue Report		10/1/20-10/31/20	10/1/19-10/31/19	10/1/18-10/31/18
Line Item	Fund	Revenue	Revenue	Revenue
CLKFEE	County Clerk Fees	\$1,358.50	\$984.00	\$739.00
MARFEE	County Clerk Fees - Marriage License	\$2,160.00	\$1,560.00	\$1,560.00
CIVFEE	County Clerk Fees - Civil Union	\$0.00	\$0.00	\$0.00

ASSUME	County Clerk Fees - Assumed Name	\$70.00		
CRTCOP	County Clerk Fees - Certified Copy	\$2,060.00		
NOTARY	County Clerk Fees - Notary	\$440.00		
MISINC	County Clerk Fees - Misc	\$3,384.20	\$3,075.00	\$2,580.50
	County Clerk Fees - Misc Total	\$9,472.70	\$5,619.00	\$4,879.50
RECFEE	County Clerk Fees - Recording	\$45,861.00	\$33,694.00	\$25,060.00
	Total County Clerk Fees	\$55,333.70	\$39,313.00	\$29,939.50
CTYREV	County Revenue	\$50,535.75	\$33,311.50	\$55,299.25
DCSTOR	Doc Storage	\$26,882.50	\$19,596.00	\$14,740.00
GISMAP	GIS Mapping	\$85,080.00	\$33,085.00	\$24,890.00
GISRCD	GIS Recording	\$5,672.00	\$4,139.00	\$3,400.00
INTRST	Interest	\$31.60	\$21.12	\$21.15
RECMIS	Recorder's Misc	\$587.00	\$3,742.25	\$2,596.00
RHSP	RHSP/Housing Surcharge	\$24,453.00	\$17,712.00	\$13,302.00
TAXCRT	Tax Certificate Fee	\$720.00	\$1,000.00	\$920.00
TAXFEE	Tax Sale Fees	\$45.00	\$15.00	\$100.00
PSTFEE	Postage Fees		\$0.00	
CK #				
19042	To KC Treasurer	\$249,340.55	\$151,934.87	\$145,207.90

County Clerk Debbie Gillette stated that final tabulation will be run on November 17, 2020 after the waiting period for vote by mail returns.

Treasurer

Office of Jill Ferko
Kendall County Treasurer & Collector
111 W. Fox Street Yorkville, IL 60560

Kendall County General Fund

QUICK ANALYSIS OF MAJOR REVENUES AND TOTAL EXPENDITURES
FOR TEN MONTHS ENDED 09/30/2020

<u>REVENUES*</u>	Annual <u>Budget</u>	2020 YTD <u>Actual</u>	2020 YTD <u>%</u>	2019 YTD <u>Actual</u>	2019 YTD <u>%</u>
Personal Property Repl. Tax	\$390,000	\$336,587	86.30%	\$324,701	87.76%
State Income Tax	\$2,300,000	\$2,254,912	98.04%	\$2,207,814	99.38%
Local Use Tax	\$700,000	\$817,987	116.86%	\$676,433	98.75%
State Sales Tax	\$550,000	\$441,382	80.25%	\$440,442	80.08%
County Clerk Fees	\$325,000	\$371,759	114.39%	\$281,010	86.46%
Circuit Clerk Fees	\$1,350,000	\$877,957	65.03%	\$668,553	83.57%

Fines & Foreits/St Atty.	\$300,000	\$223,532	74.51%	\$197,219	60.68%
Building and Zoning	\$68,000	\$94,215	138.55%	\$73,535	108.14%
Interest Income	\$200,000	\$139,196	69.60%	\$279,191	186.13%
Health Insurance - Empl. Ded.	\$1,266,656	\$1,008,640	79.63%	\$998,335	97.73%
1/4 Cent Sales Tax	\$3,105,000	\$2,554,548	82.27%	\$2,577,428	83.01%
County Real Estate Transf Tax	\$425,000	\$411,783	96.89%	\$359,128	84.50%
Federal Inmate Revenue	\$2,044,000	\$1,878,240	91.89%	\$1,945,575	120.19%
Sheriff Fees	\$170,000	\$70,073	41.22%	\$136,351	76.89%
TOTALS	\$13,193,656	\$11,480,810	87.02%	\$11,165,715	92.38%
Public Safety Sales Tax	\$5,324,000	\$4,398,307	82.61%	\$4,480,988	85.84%
Transportation Sales Tax	\$6,000,000	\$4,398,307	73.31%	\$4,480,988	89.62%

*Includes major revenue line items excluding real estate taxes which are to be collected later.

To be on Budget after 10 months the revenue and expense should at 83.33%

Coroner

Description	**	October 2020	Fiscal Year-to-Date	October 2019
Total Deaths		25	353	31/281
Natural Deaths		23	324	27/257
Accidental Deaths	*	1	16	1/9
Pending		0	0	0/0
Suicidal Deaths	*	1	12	2/13
Homicidal Deaths		0	1	1/2
Undetermined		0	0	0/1
Toxicology		2	35	2/26
Autopsies		2	23	2/20
Cremation Authorizations		15	222	12/169

Scenes Responded to:	Transported by Coroner's Office:	External Examinations:
6/51	3/41	4/28

**

(A):

1. 10/13/2020 – Montgomery – 35yo, Male, Combined Drug Toxicity

(S):

1. 10/28/2020 – Montgomery – 48yo, Male, Gunshot Wound to the Head

PERSONNEL/OFFICE ACTIVITY:

- 1. A total of 13.5 community service hours were served in September.

Health Department

Executive Director RaeAnn VanGundy stated that there are 4, 540 COVID cases in Kendall County. Ms. VanGundy stressed the importance of leaving home for essential activities only.

Supervisor of Assessments

Supervisor of Assessments Andy Nicoletti said that there are 270 Board of Review filings; 145 have chosen not to appear in person and 125 wish to appear in person.

EMA

EMA Director Roger Bonuchi stated that the second wave of PPE is being sent out and he is ordering more PPE to distribute.

STANDING COMMITTEE REPORTS

Administration

Project Manager Job Description

Member Flowers moved to approve the Assistant Director of Facilities Management – Project Manager Job Description. Member Gryder seconded the motion. Vice Chairman Cesich asked for a roll call vote on the motion. All members present voting. **Motion carried.**

Highway

Renaming parts of W Highpoint Road and Fox Road

Member Hendrix moved to approve the resolution renaming parts of W Highpoint Road and Fox Road to Eldamain Road. Member Prochaska seconded the motion. Vice Chairman Cesich asked for a roll call vote on the motion. All members present voting aye. **Motion carried.**

A complete copy of Resolution 20-56 is available in the Office of the County Clerk.

Local Agency Agreement

Member Kellogg moved to approve the Local Public Agency Agreement for Federal Participation between the State of Illinois, Department of Transportation and Kendall County for Eldamain Road – Contract B Construction. Member Prochaska seconded the motion. Vice Chairman Cesich asked for a roll call vote on the motion. All members present voting aye. **Motion carried.**

Resolution Appropriating Funds – Eldamain Roads

Member Cesich moved to approve the resolution appropriating funds for the improvement of Eldamain Road – Contract B. Member Prochaska seconded the motion. Vice Chairman Cesich asked for a roll call vote on the motion. All members present voting aye. **Motion carried.**

A complete copy of Resolution 20-57 is available in the Office of the County Clerk.

2020-2040 Long Range Plan

Member Prochaska moved to approve the 2020-2040 Long Range Transportation Plan. Member Kellogg seconded the motion. Vice Chairman Cesich asked for a roll call vote on the motion. All members present voting aye. **Motion carried.**

Facilities

Metronet

Member Kellogg moved to approve a five year advanced services agreement with Metronet for IP telephone services in an amount not to exceed \$7,000.00 per month. Member Prochaska seconded the motion. Vice Chairman Cesich asked for a roll call vote on the motion. All members present voting aye. **Motion carried.**

Planning, Building & Zoning

Petition 20-21

Member Prochaska moved to approve amended Petition 20-21 request from the Kendall County Planning, Building and Zoning Committee to repeal and replace the Kendall County's Recreational Vehicle Park and Campground Zoning Regulations and repealing the 1983 Recreational Vehicle Park and Campground Regulations. Member Kellogg seconded the motion. Vice Chairman Cesich asked for a roll call vote on the motion. All members present voting aye. **Motion carried.**

A complete copy of Ordinance 20-24 is available in the Office of the County Clerk.

SPECIAL COMMITTEE REPORTS

County Organizations

Member Prochaska stated that UCCI will have a Zoom meeting.

County Administrator Scott Koepfel will be representing the County on Regional Economic Recovery Task Force.

QUESTIONS FROM THE PRESS

Jim Wyman from WPSY asked if Mr. Gryder is ill and has tested positive for COVID.

ADJOURNMENT

Member Kellogg moved to adjourn the County Board Meeting until the next scheduled meeting. Member Prochaska seconded the motion. Vice Chairman Cesich asked for a roll call vote on the motion. All members present voting aye. **Motion carried.**

Approved and submitted this 9th day of December, 2020.

Respectfully submitted by,
Debbie Gillette
Kendall County Clerk

**COUNTY OF KENDALL, ILLINOIS
ANIMAL CONTROL COMMITTEE
MEETING MINUTES
Monday, November 23, 2020**

Call to Order – The meeting was called to order by Committee Chair Amy Cesich at 8:34a.m.

Roll Call

Attendee	Status	Arrived	Left Meeting
Amy Cesich	Present		
Elizabeth Flowers	Present		9:48a.m.
Scott Gengler	Here		
Matthew Prochaska	Here		
Robyn Vickers	Present		10:23a.m.

With five members present, a quorum was established to conduct committee business.

Others present: Scott Koepfel, Laura Pawson, Dr. Gary Schlapp

Approval of Agenda – Motion made by Member Prochaska, second by Member Flowers to approve the agenda.

Attendee	Vote
Amy Cesich	Yes
Elizabeth Flowers	Aye
Scott Gengler	Yes
Matthew Prochaska	Yes
Robyn Vickers	Yes

With five members voting aye, the motion carried by a vote of 5-0.

Approval of Minutes – Motion made by Member Vickers to approve the minutes from September 23, 2020 second by Member Gengler.

Attendee	Vote
Robyn Vickers	Aye
Elizabeth Flowers	Aye
Scott Gengler	Yes
Matthew Prochaska	Yes
Amy Cesich	Yes

With five committee members in agreement, the minutes were approved by a 5-0 vote.

Monthly Reports

- **Census Log** – Laura Pawson reviewed the census log with the committee.

Shelter Count as of October 2020

Dogs Adopted: 5
Dog Intakes: 8
Cats Adopted: 8
Cat Intakes: 9

Shelter Count as of November 2020

Dogs Adopted: 1
Dog Intakes: 10
Cats Adopted: 2
Cat Intakes: 7

Upcoming Events

- Volunteer Orientation at KCAC on Saturday, December 5, 2020 at 2:30p.m.
- **Bite Report** – Ms. Pawson reviewed the Bite Report, and said there were 9 dog bites and 1 cat bite for the month of October. Written report provided.

Ms. Pawson reviewed the Bite Report, and said there were 12 dog bites and 1 cat bite for the month of September. There was missing information in the packet, and Mr. Koepfel asked Ms. Pawson to send the correct Bite Reports for August, September and October to the committee for review.

- **Operations Report** – Ms. Pawson thanked the Animal control staff for their collaboration and diligence in maintaining the office and facility in her absence. Ms. Pawson reported they are currently seeking a Kennel Technician to complete the staffing needs.

Newspaper Pet of the Week: Gemini, 7 month old kitten

- **Accounting Report** – Mr. Koepfel stated that the revenues are lower due to Covid-19 and the reduction of veterinarian offices being opened. Mr. Koepfel said that we will have to use some of the reserve funding due to the overage on the facility renovations. Written report provided.

Old Business – None

New Business

- *Discussion of Cat and Dog Rabies Tags* – Ms. Pawson supplied the amounts of one and three year Dog and Cat rabies tag sales year-to-date sold to Veterinarian Offices and Residents, and actual issued tag sales amounts to the committee.

Mr. Koepfel stated that work continues on obtaining more detailed reports through the Chameleon software program, but Ms. Pawson has yet to produce any reports available through the Chameleon software program.

There was discussion on increasing the fees, and the feasibility and timing of increasing tag fees during the pandemic. **No action to be taken at this time.**

Executive Session – Member Gengler made a motion to enter into Executive Session for the purpose of the appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body or legal counsel for the public body (5ILCS 120/2 (c) 1), second by Member Vickers.

Attendee	Vote
Elizabeth Flowers	Aye
Scott Gengler	Yes
Matthew Prochaska	Yes
Amy Cesich	Yes
Robyn Vickers	Yes

With five members present voting aye, the committee entered into Executive Session at 9:15a.m.

The Committee reconvened in Open Session at 10:21a.m.

Action Items for the County Board – None

Action Items for the Committee of the Whole – None

Questions from the Media – None

Public Comment – None

Adjournment – Member made a motion to adjourn the meeting, second by Member .
With five members present in agreement, the meeting was adjourned at 9: a.m.

Respectfully Submitted,

Valarie McClain
Administrative Assistant & Recording Clerk

**COUNTY OF KENDALL, ILLINOIS
ANIMAL CONTROL COMMITTEE
SPECIAL MEETING MINUTES
Monday, November 30, 2020**

Call to Order – The meeting was called to order by Committee Chair Amy Cesich at 5:00p.m.

Roll Call

Attendee	Status	Arrived	Left Meeting
Amy Cesich	Present		
Elizabeth Flowers		5:27p.m.	
Scott Gengler	Here		
Matthew Prochaska	Here		
Robyn Vickers	Present		

With four members present, a quorum was established to conduct committee business.

Others present: Scott Koeppel, Laura Pawson (arrived at 5:29p.m.)

Approval of Agenda – Motion made by Member Prochaska, second by Member Vickers to approve the agenda.

Attendee	Vote
Amy Cesich	Yes
Scott Gengler	Yes
Matthew Prochaska	Yes
Robyn Vickers	Yes

With four members voting aye, the motion carried by a vote of 4-0.

Executive Session – Member Prochaska made a motion to enter into Executive Session for the purpose of the appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body or legal counsel for the public body (5ILCS 120/2 (c) 1), second by Member Vickers.

Attendee	Vote
Scott Gengler	Yes
Matthew Prochaska	Yes
Amy Cesich	Yes
Robyn Vickers	Yes

With four members present voting aye, the committee entered into Executive Session at 5:03 p.m.

The Committee reconvened in Open Session at 5:14p.m.

Ms. Pawson entered the meeting and stated that she wasn't aware of the meeting taking place today. Mr. Koeppel stated that he emailed and texted her this afternoon with the meeting information.

Mr. Koeppel stated that he was wrong about the reason for his not giving a Performance Review to Ms. Pawson in 2019, that she was not absent or on leave, and that he would correct her Performance Evaluation to reflect this change.

Member Cesich asked if Ms. Pawson had any additional comments, and if she would like to make those comments in Open Session or in Executive Session. Ms. Pawson stated that she would prefer to make her comments in closed Executive Session.

Executive Session – Member Prochaska made a motion to re-enter into Executive Session for the purpose of the appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body or legal counsel for the public body (5ILCS 120/2 (c) 1), second by Member Gengler.

Attendee	Vote
Elizabeth Flowers	Aye
Scott Gengler	Yes
Matthew Prochaska	Yes
Amy Cesich	Yes
Robyn Vickers	Yes

With five members present voting aye, the committee entered into Executive Session at 5:28 p.m.

The Committee reconvened in Open Session at 5:54p.m.

New Business

- *Issue Decision Regarding L. Pawson's Appeal of Her Performance Evaluation* – Member Cesich made a motion to deny in its entirety, Laura Pawson's appeal of her performance evaluation given by County Administrator Scott Koeppel, second by Member Prochaska.

Attendee	Vote
Robyn Vickers	Yes
Scott Gengler	Yes
Matthew Prochaska	Yes
Amy Cesich	Yes
Elizabeth Flowers	Aye

With five members in agreement, the motion passed by a vote of 5-0.

Action Items for the County Board – None

Public Comment – Jim Wyman, WSPY asked for a copy of the Performance Review for Laura Pawson.

Mr. Koepfel informed Mr. Wyman that he should submit a FOIA request to the Administrative Services Department and Administrative Services would answer it appropriately in the allotted time.

Ms. Pawson stated that she thought performance reviews were private. Member Cesich stated that performance reviews were confidential, but once Ms. Pawson brought her appeal to the Committee, Ms. Cesich thought the Appeal would be public. She assured Ms. Pawson that the Committee would take every measure allowed to protect the privacy of Ms. Pawson’s review, and would consult with the State’s Attorney’s Office on the proper protocol in responding to any Freedom of Information Act (FOIA) requests that might be received on this issue.

Adjournment – Member Prochaska made a motion to adjourn the meeting, second by Member Gengler.

Attendee	Vote
Amy Cesich	Yes
Scott Gengler	Yes
Matthew Prochaska	Yes
Robyn Vickers	Yes
Elizabeth Flowers	Aye

With five members present voting aye, the meeting was adjourned at 5:58p.m.

Respectfully Submitted,

Valarie McClain
Administrative Assistant & Recording Clerk

COUNTY OF KENDALL, ILLINOIS
ADMIN HR MEETING MINUTES
Wednesday, November 18, 2020

CALL TO ORDER – Chair Elizabeth Flowers called the meeting to order at 5:30pm.

ROLL CALL

Attendee	Status	Arrived	Left Meeting
Elizabeth Flowers	Present		
Scott Gengler	Here		
Judy Gilmour	Here		
Matthew Prochaska	Here		
Robyn Vickers	Here		

Employees in Attendance: Meagan Briganti, Matt Kinsey, Scott Koeppel, Tracy Page

APPROVAL OF AGENDA – Motion made by Member Prochaska, second by Member Gilmour to approve the agenda.

Attendee	Vote
Scott Gengler	Yes
Judy Gilmour	Yes
Matthew Prochaska	Yes
Robyn Vickers	Yes
Elizabeth Flowers	Aye

With all members voting aye the motion passed by a 5-0 vote.

APPROVAL OF MINUTES – Motion made by Member Gilmour, second by Member Prochaska to approve the October 21, 2020 minutes.

Attendee	Vote
Judy Gilmour	Yes
Matthew Prochaska	Yes
Robyn Vickers	Yes
Elizabeth Flowers	Aye
Scott Gengler	Yes

With five members present voting aye the motion passed 5-0

DEPARTMENT HEAD AND ELECTED OFFICIAL REPORTS – Mr. Koeppel updated the committee on the search and interviewing for the Risk and Compliance Coordinator position. Mr. Koeppel said they were not attracting the most qualified candidates in the recent interviews, and that he would like to reclassify the position to an HR Analyst or HR Specialist position with the committee’s approval. **There was consensus by the committee that Mr. Koeppel would**

update the current job description and revise the organization chart, and have both available for the November 30, 2020 County Board meeting for approval.

PUBLIC COMMENT - None

COMMITTEE BUSINESS

- *Discussion and Approval of Open Data License Update* – GID Coordinator Meagan Briganti provided details of the Open Data License update request, and stated that having data available through a public domain would make it easier for citizens to understand what GIS data is and isn't. Briganti stated that it is an international standard and that most Counties have the Open Data commons Tag. Briganti said there would be no changes to the Assessor or County Clerk data or availability.

Koeppel said he encouraged GIS staff to make GIS data available, transparent, free and accessible to the community.

- *Request for Legal Review of Open Data License Update* - **There was consensus by the committee that GIS would send the document to the State's Attorney's Office for legal review and then bring the item back to a future Admin HR Committee meeting for discussion.**
- *Discussion of County Board Rules of Order Updates to Meeting Procedures* – Member Prochaska shared his thoughts on items that he felt should be included in the County Board Rules of Order, and why.

Mr. Koeppel suggested that the committee leave the item on the agenda for the next meeting to continue the discussion.

Member Prochaska made a motion to add the item to the next meeting agenda for continued discussion, second by Member Gilmour.

Attendee	Vote
Robyn Vickers	Yes
Elizabeth Flowers	Aye
Scott Gengler	Yes
Judy Gilmour	Yes
Matthew Prochaska	Yes

With five members in agreement, the motion carried.

EXECUTIVE SESSION – None

ITEMS FOR COMMITTEE OF THE WHOLE – None

ACTION ITEMS FOR COUNTY BOARD - None

ADJOURNMENT – Member Prochaska made a motion to adjourn the meeting, second by Member Gengler. **With five members present voting yes the meeting adjourned at 6:21p.m.**

Respectfully Submitted,

Valarie McClain
Administrative Assistant and Recording Secretary

RESOLUTION

WHEREAS, the Office of the State's Attorneys Appellate Prosecutor was created to provide services to State's Attorneys in Counties containing less than 3,000,000 inhabitants; and

WHEREAS, the powers and duties of the Office of the State's Attorneys Appellate Prosecutor are defined and enumerated in the "State's Attorneys Appellate Prosecutor's Act", 725 ILCS 210/1 et seq., as amended; and

WHEREAS, the Illinois General Assembly appropriates monies for the ordinary and contingent expenses of the Office of the State's Attorneys Appellate Prosecutor, one-third from the State's Attorneys Appellate Prosecutor's County Fund and two-thirds from the General Revenue Fund, provided that such funding receives approval and support from the respective Counties eligible to apply; and

WHEREAS, the Office of the State's Attorneys Appellate Prosecutor shall administer the operation of the appellate offices so as to insure that all participating State's Attorneys continue to have final authority in preparation, filing, and arguing of all appellate briefs and any trial assistance; and

NOW, THEREFORE, BE IT RESOLVED that the Kendall County Board, in regular session, this _____ day of _____, 20____ does hereby support the continued operation of the Office of the State's Attorneys Appellate Prosecutor, and designates the Office of the State's Attorneys Appellate Prosecutor as its Agent to administer the operation of the appellate offices and process said appellate court cases for this County.

BE IT FURTHER RESOLVED that the attorneys employed by the Office of the State's Attorneys Appellate Prosecutor are hereby authorized to act as Assistant State's Attorneys on behalf of the State's Attorney of this County in the appeal of all cases when requested to do so by the State's Attorney, and with the advice and consent of the State's Attorney, prepare, file, and argue appellate briefs for those cases; and also, as may be requested by the State's Attorney, to assist in the prosecution of cases under the Illinois Controlled Substances Act, the Cannabis Control Act, the Drug Asset Forfeiture Procedure Act, and the Narcotics Profit Forfeiture Act. Such attorneys are further authorized to assist the State's Attorney in the trial and appeal of tax objections.

BE IT FURTHER RESOLVED that the Office of the State's Attorneys Appellate Prosecutor will offer Continuing Legal Education training programs to the State's Attorneys and Assistant State's Attorneys.

BE IT FURTHER RESOLVED that the attorneys employed by the Office of the State's Attorneys Appellate Prosecutor may also assist the State's Attorney of this County in the discharge of the State's Attorney's duties in the prosecution and trial of other cases, and may act as Special Prosecutor if duly appointed to do so by a court having jurisdiction.

BE IT FURTHER RESOLVED that if the Office of the State's Attorneys Appellate Prosecutor is duly appointed to act as a Special Prosecutor in this County by a court having jurisdiction, this County will provide reasonable and necessary clerical and administrative support and victim-witness coordination on an as-needed basis and will also cover all reasonable and necessary case expenses such as expert witness fees, transcripts, evidence presentation, documents, lodgings, and all other expenses directly related to the prosecution of the case.

BE IT FURTHER RESOLVED that the Kendall County Board hereby agrees to participate in the service program of the Office of the State's Attorneys Appellate Prosecutor, commencing December 1, 2020 and ending November 30, 2021, by hereby appropriating the sum of \$37,000.00 as consideration for the express purpose of providing a portion of the funds required for financing the operation of the Office of the State's Attorneys Appellate Prosecutor, and agrees to deliver the same to the Office of the State's Attorneys Appellate Prosecutor on request during the stated twelve month period.

Passed and adopted by the County Board of Kendall County, Illinois, this _____ day of _____ 20_____.

Chairman _____

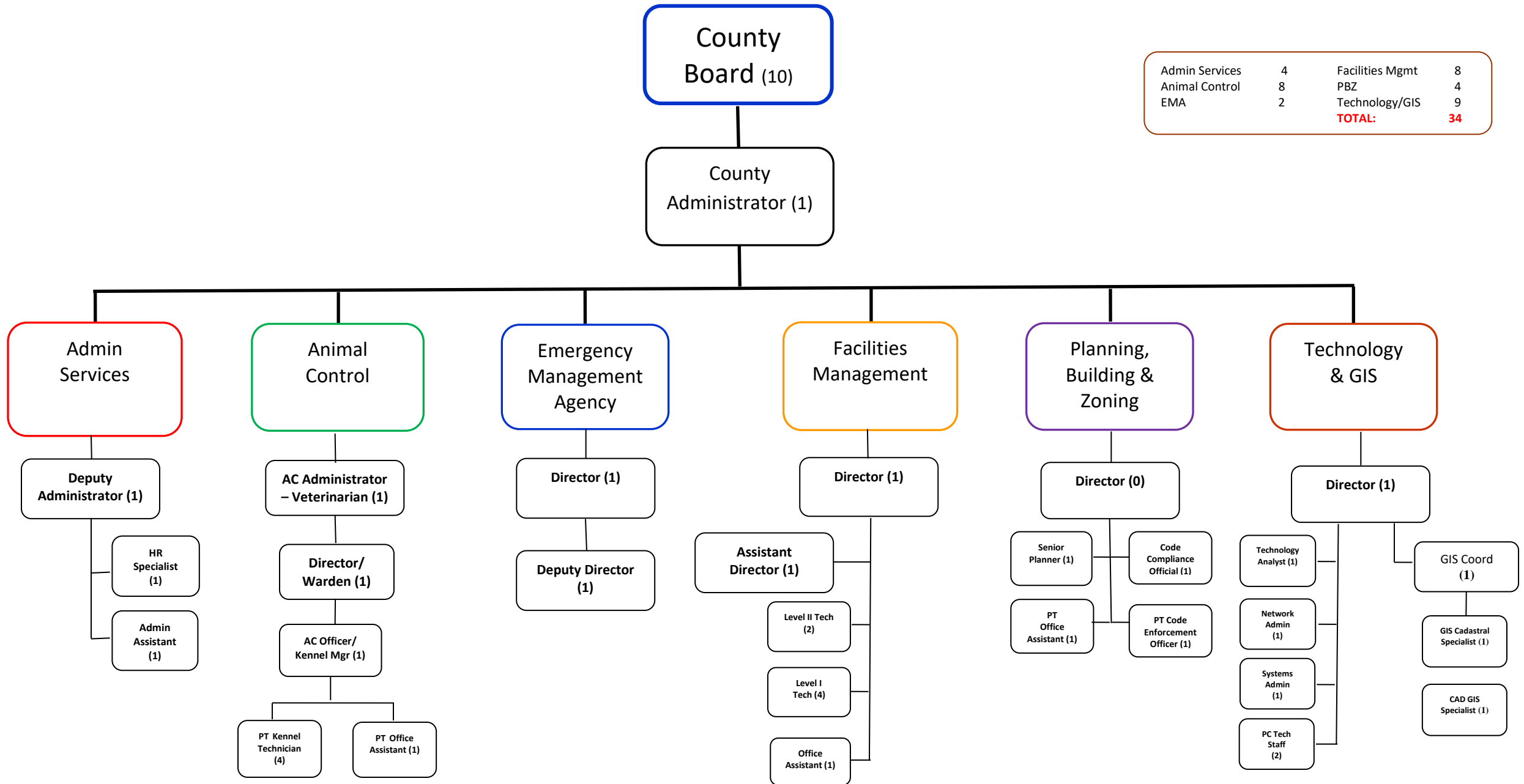
ATTEST: _____
County Clerk

KENDALL COUNTY, ILLINOIS MEETING SCHEDULE 2021

**County Board Committee Meetings are in County Board Room 210, County Office Building,
111 W. Fox Street, Yorkville, unless otherwise noted below**

MONDAY		
Facilities Management	1 st Monday of the month	4:00pm
Administration HR	1 st Monday of the month	5:30pm
Zoning Board of Appeals	1 st Monday following Plan Commission Meeting	7:00pm
Health & Environment	2 nd Monday of the month	3:00pm
Law, Justice & Legislation	3 rd Monday of the month	3:15pm
Historic Preservation	3 rd Monday of the month	6:30pm
Planning, Building & Zoning	Monday of the week before 2 nd Board Meeting	6:30pm
TUESDAY		
County Board (1 st Mtg)	1 st Tuesday of the month	6:00pm
ZPAC	1 st Tuesday of the month	9:00am
Highway Department <i>Meets @ HWY Dept, 6780 Route 47</i>	2 nd Tuesday of the month	3:30pm
County Board (2 nd Mtg)	3 rd Tuesday of the month	9:00am
Tax Board of Review <i>Meets @ 111 W. Fox Street; Rm 303A</i>	Scheduled as needed	1:00pm
WEDNESDAY		
Administration HR	3 rd Wednesday of the month	5:30pm
Animal Control	4 th Wednesday of the month	8:30am
Comprehensive Land Plan & Ordinance	4 th Wednesday of the month	5:00pm
Regional Planning Commission	4 th Wednesday of the month	7:00pm
THURSDAY		
Committee of the Whole	Thursday of the week before the 2 nd County Board Mtg	4:00pm
Finance (1 st Mtg)	Thursday of the week before the 2 nd County Board Mtg	5:00pm
Finance (2 nd Mtg)	Thursday of the week after the 2 nd County Board Mtg	5:00pm
Labor & Grievance (As needed)	Thursday of the week of the 2 nd County Board Mtg	5:30pm
FRIDAY		
Economic Development	Last Friday of the month	8:00am

KENDALL COUNTY, ILLINOIS ADMINISTRATIVE SERVICES DEPARTMENT ORGANIZATION CHART





Kendall County Agenda Briefing

Committee: Planning, Building and Zoning Committee

Meeting Date:

Amount: \$3,000 for NOI and \$2,000 for Annual NPDES Report

Budget: Yes - Planning, Building and Zoning Department Consultant's Line Item (11001902-63630)

Issue: Preparation of Notice of Intent to Renew the General Permit for Discharges from Small Municipal Storm Sewer Systems (MS4's) and Annual NPDES Report

Background and Discussion:

Kendall County's MS4 Permit expires in February 2021. WBK prepared a scope of work for the notice of intent to renew the permit at a cost of \$3,000. This permit is valid for five years.

Kendall County is also required to submit certain documents annually as required by its NPDES Permit. The scope of work and fee for this project is \$2,000, an increase of \$200 from the cost to prepare the 2020 report.

Attached please find the proposal from WBK for both of these projects.

Committee Action:

Staff Recommendation:

Approval

Prepared by: Matthew H. Asselmeier, AICP, CFM

Department: Planning, Building and Zoning Department

Date: November 30, 2020

Proposal for NPDES MS4 Annual Report & NOI

Kendall County | Yorkville, Illinois

November 24, 2020

Mr. Matthew Asselmeier, AICP
Senior Planner
Kendall County Planning, Building and Zoning
111 W. Fox Street
Yorkville, Illinois 60560

Dear Mr. Asselmeier:

WBK Engineering, LLC (WBK) is pleased to provide this proposal to Kendall County for professional services related to submittal of the Notice of Intent for Renewal of the General Permit for Discharges from Municipal Separate Storm Sewer Systems (MS4's) and 2021 Annual Facility Inspection Report to the IEPA in conformance with NPDES – MS4 requirements under ILR40. WBK looks forward to the opportunity to assist Kendall County on the preparations of the NOI and Annual Report. Included below is our understanding of the assignment, scope of services, project assumptions, and estimate of fee.

Understanding of the Assignment

It is our understanding that Kendall County has a Notice of Intent (NOI) for the MS4 ILR 40 that will expire on February 28, 2021 with the IEPA. We further understand that the County is seeking assistance with preparation of the Notice of Intent (NOI) renewal for compliance with NPDES requirements. The NOI will be prepared utilizing the most current IEPA forms and submitted in accordance with IEPA requirements.

We understand the County needs to file an Annual Report with the IEPA for the 2020-2021 permitting year for the renewal of the MS4 ILR40 permit and is seeking assistance with preparation of the report. The annual report will be prepared utilizing the most current IEPA forms and submitted in accordance with IEPA requirements.

Scope of Services

Task 1 | Preparation of Notice of Intent (NOI)

WBK will prepare the renewal of the MS4 Notice of Intent (NOI) in accordance with IEPA requirements and utilizing IEPA format for NPDES – MS4. We will review the six minimum control measures with Kendall County staff and document goals and objectives towards compliance. A complete submittal will be prepared and submitted to the IEPA on behalf of Kendall County with all supporting documentation.

Task 2 | Preparation of 2021 MS4 Annual Report

WBK will prepare the MS4 Annual Report in accordance with IEPA requirements and utilizing IEPA format for NPDES – MS4. We will review the six minimum control measures with the County and document goals and objectives towards compliance. We expect to interview the Senior Planner and to inventory existing activities that demonstrate compliance with NPDES MS4 requirements. We will identify activities performed by County departments and report the same. A complete submittal will be prepared and submitted to the IEPA on behalf of the County with all supporting documentation.



Estimate of Fees

Due to the nature of the tasks listed in the above Scope of Services, we have provided time and material budgets. The actual amount invoiced will be based on the level of effort required to accomplish the task, but we will not exceed the budget without your prior approval. Our estimated fees are based on the entire Scope of Services being awarded to us. In general, individual tasks cannot be broken out and awarded separately.

Task #	Task Name	Fee
Task 1	Preparation of Notice of Intent (NOI)	\$3,000
Task 2	Preparation of 2021 MS-4 Annual Report	\$2,000
	TOTAL	\$5,000

Please note that preparing this proposal requires the exercise of professional knowledge and judgment, and as such, this proposal remains the proprietary instrument of service of the firm WBK Engineering, LLC. No portion of this proposal may be shared with another firm providing similar services without our permission.

We propose to bill you monthly based on the attached Schedule of Charges. We establish our contract in accordance with the attached General Terms and Conditions. These General Terms and Conditions are expressly incorporated into and are made an integral part of this contract for professional services. We reserve the right to increase our fees by five percent (5%) on December 31st of each calendar year.

If this proposal is acceptable, please return one (1) signed copy to us for our files to serve as a notice to proceed. Thank you for the opportunity to provide service to Kendall County. If you have any questions, please do not hesitate to call.

Sincerely,



Natalie Paver, PWS
Senior Environmental Scientist



Vince Di Prima, PE, CPESC
Municipal Practice Manager

Encl: 2020 Schedule of Charges
General Terms and Conditions – Kendall County (April 4, 2016)

THIS PROPOSAL, SCHEDULE OF CHARGES, AND GENERAL TERMS & CONDITIONS ACCEPTED FOR KENDALL COUNTY:

BY: _____

TITLE: _____

DATE: _____

WBK ENGINEERING, LLC
2020 Standard Charges for Professional Services

<u>Classification</u>	<u>Hourly Rate</u>
Principal	\$ 215
Engineer VI	\$ 194
Engineer V	\$ 172
Engineer IV	\$ 145
Engineer III	\$ 119
Engineer II	\$ 105
Engineer I	\$ 88
Urban Planner VI	\$ 200
Urban Planner V	\$ 161
Urban Planner IV	\$ 140
Urban Planner III	\$ 106
Urban Planner II	\$ 86
Environmental Resource Specialist V	\$ 152
Environmental Resource Specialist IV	\$ 124
Environmental Resource Specialist III	\$ 105
Environmental Resource Specialist II	\$ 88
Technician IV	\$ 140
Technician III	\$ 117
Technician II	\$ 93
Technician I	\$ 78
Intern	\$ 49
Administrative	\$ 64
Direct Costs: Copies & Prints, Messenger & Delivery Services, Mileage, etc.	Cost +10%

Charges include overhead and profit.

WBK Engineering, LLC reserves the right to increase these rates by 5% annually.

WBK ENGINEERING, LLC
GENERAL TERMS AND CONDITIONS WITH KENDALL COUNTY, ILLINOIS

1. Relationship Between Engineer and Client: WBK ENGINEERING, LLC (Engineer) shall serve as Client's professional engineer consultant in those phases of the Project to which this Agreement applies. This relationship is that of a buyer and seller of professional services and as such the Engineer is an independent contractor in the performance of this Agreement and it is understood that the parties have not entered into any joint venture or partnership with the other. The Engineer shall not be considered to be the agent of the Client. Nothing contained in this Agreement shall create a contractual relationship with a cause of action in favor of a third party against either the Client or Engineer.

Furthermore, causes of action between the parties to this Agreement pertaining to acts or failures to act shall be deemed to have accrued and the applicable statute of limitations shall commence to run not later than the date of substantial completion.

2. Responsibility of the Engineer: Engineer will strive to perform services under this Agreement in accordance with generally accepted and currently recognized engineering practices and principles, and in a manner consistent with that level of care and skill ordinarily exercised by members of the profession currently practicing in the same locality under similar conditions. No other representation, express or implied, and no warranty or guarantee is included or intended in this Agreement, or in any report, opinion, document, or otherwise.

Notwithstanding anything to the contrary which may be contained in this Agreement or any other material incorporated herein by reference, or in any Agreement between the Client and any other party concerning the Project, the Engineer shall not have control or be in charge of and shall not be responsible for the means, methods, techniques, sequences or procedures of construction, or the safety, safety precautions or programs of the Client, the construction contractor, other contractors or subcontractors performing any of the work or providing any of the services on the Project. Nor shall the Engineer be responsible for the acts or omissions of the Client, or for the failure of the Client, any architect, engineer, consultant, contractor or subcontractor to carry out their respective responsibilities in accordance with the Project documents, this Agreement or any other agreement concerning the Project. Any provision which purports to amend this provision shall be without effect unless it contains a reference that the content of this condition is expressly amended for the purposes described in such amendment and is signed by the Engineer.

3. Changes: Client reserves the right by written change order or amendment to make changes in requirements, amount of work, or engineering time schedule adjustments, and Engineer and Client shall negotiate appropriate adjustments acceptable to both parties to accommodate any changes, if commercially possible. It is understood by Engineer that this agreement is with a government entity. As such, any further price adjustments must be provided to the County in advance for approval and voted upon by the County Board prior to acceptance and expenditure. Client understands that the project schedule will be adjusted to accommodate the formal County procedure. The Engineer is not obligated to begin any additional work until County Board approval.
4. Suspension of Services: Client may, at any time, by written order to Engineer (Suspension of Services Order) require Engineer to stop all, or any part, of the services required by this Agreement. Upon receipt of such an order, Engineer shall immediately comply with its terms

and take all reasonable steps to minimize the costs associated with the services affected by such order. Client, however, shall pay all costs incurred by the suspension, including all costs necessary to maintain continuity and for the resumption of the services upon expiration of the Suspension of Services Order. Any costs greater than the “not to exceed” fee referenced herein and by attachments must be provided to the County in advance for approval and voted upon by the County Board prior to acceptance and expenditure. Engineer will not be obligated to provide the same personnel employed prior to suspension, when the services are resumed, in the event that the period of suspension is greater than thirty (30) days.

5. Termination: This Agreement may be terminated by either party upon thirty (30) days written notice in the event of substantial failure by the other party to perform in accordance with the terms hereof through no fault of the terminating party. This Agreement may be terminated by Client, under the same terms, whenever Client shall determine that termination is in its best interests. Cost of termination, including salaries, overhead and fees, incurred by Engineer and directly resulting from the project at issue, before the termination date shall be reimbursed by Client. Upon receipt of a termination notice, Engineer shall immediately comply with its terms and take all reasonable steps to minimize the costs associated with termination of services. Client shall not be liable for those costs and expenses resulting from Engineer's failure to mitigate such losses. Further, Client shall not be responsible for salaries, overhead and fees accrued after Agreement's termination.
6. Documents Delivered to Client: Drawings, specifications, reports, and any other Project Documents prepared by Engineer in connection with any or all of the services furnished hereunder shall be delivered to the Client for the use of the Client. Engineer shall have the right to retain originals of all Project Documents and drawings for its files. Furthermore, it is understood and agreed that the Project Documents such as, but not limited to reports, calculations, drawings, and specifications prepared for the Project, whether in hard copy or machine readable form, are instruments of professional service intended for one-time use in the construction of this Project. These Project Documents are and shall remain the property of the Engineer. The Client may retain copies, including copies stored on magnetic tape or disk, for information and reference in connection with the occupancy and use of the Project.

When and if record drawings are to be provided by the Engineer, Client understands that information used in the preparation of record drawings is provided by others and Engineer is not responsible for accuracy, completeness, nor sufficiency of such information. Client also understands that the level of detail illustrated by record drawings will generally be the same as the level of detail illustrated by the design drawing used for project construction. If additional detail is requested by the Client to be included on the record drawings, then the Client understands and agrees that the Engineer will be due additional compensation for additional services.

It is also understood and agreed that because of the possibility that information and data delivered in machine readable form may be altered, whether inadvertently or otherwise, the Engineer reserves the right to retain the original tapes/disks and to remove from copies

provided to the Client all identification reflecting the involvement of the Engineer in their preparation. The Engineer also reserves the right to retain hard copy originals of all Project Documentation delivered to the Client in machine readable form, which originals shall be referred to and shall govern in the event of any inconsistency between the two.

The Client understands that the automated conversion of information and data from the system and format used by the Engineer to an alternate system or format cannot be accomplished without the introduction of inexactitudes, anomalies, and errors. In the event Project Documentation provided to the Client in machine readable form is so converted, the Client agrees to assume all risks associated therewith.

The Client recognizes that changes or modifications to the Engineer's instruments of professional service introduced by anyone other than the Engineer may result in adverse consequences which the Engineer can neither predict nor control.

7. Reuse of Documents: All Project Documents including but not limited to reports, opinions of probable costs, drawings and specifications furnished by Engineer pursuant to this Agreement are intended for use on the Project only. They cannot be used by Client or others on extensions of the Project or any other project. Any reuse, without specific written verification or adaptation by Engineer, shall be at Client's sole risk.
8. The Engineer shall have the right to include representations of the design of the Project, including photographs of the exterior and interior, among the Engineer's promotional and professional materials. The Engineer's materials shall not include the Client's confidential and proprietary information if the Client has previously advised the Engineer in writing of the specific information considered by the Client to be confidential and proprietary.
9. Standard of Practice: The Engineer will strive to conduct services under this agreement in a manner consistent with that level of care and skill ordinarily exercised by members of the profession currently practicing in the same locality under similar conditions as of the date of this Agreement.
10. Compliance with Laws: The Engineer will strive to exercise usual and customary professional care in his/her efforts to comply with those laws, codes, ordinance and regulations which are in effect as of the date of this Agreement. With specific respect to prescribed requirements of the Americans with Disabilities Act of 1990 or certified state or local accessibility regulations (ADA), Client understands ADA is a civil rights legislation and that interpretation of ADA is a legal issue and not a design issue and, accordingly, retention of legal counsel (by Client) for purposes of interpretation is advisable.

Further to the law and code compliance, the Client understands that the Engineer will strive to provide designs in accordance with the prevailing Standards of Practice as previously set forth, but that the Engineer does not warrant that any reviewing agency having jurisdiction will not for its own purposes comment, request changes and/or additions to such designs. In the event such design requests are made by a reviewing agency, but which do not exist in the form of a written regulation, ordinance or other similar document as published by the

reviewing agency, then such design changes (at substantial variance from the intended design developed by the Engineer), if effected and incorporated into the project documents by the Engineer, shall be considered as Supplementary Task(s) to the Engineer's Scope of Service and compensated for accordingly. However, Engineer acknowledges that any such compensation will be contingent upon prior submittal of costs to the County for review and approval by the Kendall County Board.

11. Affirmative Action: The Engineer is committed to the principles of equal employment opportunity. Moreover, as a government contractor bound by Executive Order 11246, Engineer takes its affirmative action obligations very seriously. Engineer states as its Policy of Affirmative Action the following:

It will be the policy of the Engineer to recruit, hire, train and promote persons in all job titles without regard to race, color, religion, sex, age, disability, veteran status, national origin, or any other characteristic protected by applicable law.

All employment decisions shall be consistent with the principle of equal employment opportunity, and only job-related qualifications will be required.

All personnel actions, such as compensation, benefits, transfers, tuition assistance, social and recreational programs, etc. will be administered without regard to race, color, religion, sex, age, disability, veteran status, national origin, or any other characteristic protected by applicable law.

12. Indemnification: Engineer shall indemnify, hold harmless and defend with counsel of Kendall County's own choosing, Client Kendall County, its officials, officers, employees, including their past, present, and future board members, elected officials and agents from and against all liability, claims, suits, demands, proceedings and actions, including costs, reasonable fees and expense of defense, arising from, to, any loss, damage, injury, death, or loss or damage to property (collectively, the "Claims"), to the extent such Claims result from the Engineer's negligent or willful acts, errors or omissions in its performance under this Agreement. Nothing contained herein shall be construed as prohibiting Kendall County, its officials, directors, officers, agents and employees, from defending through the selection and use of their own agents, attorneys and experts, any claims, suits, demands, proceedings and actions brought against them. Pursuant to Illinois law, 55 ILCS 5/3- 9005, any attorney representing the County, under this paragraph, shall be approved by the Kendall County State's Attorney and shall be appointed a Special Assistant State's Attorney, as provided in 55 ILCS 5/3-9005. Kendall County's participation in its defense shall not remove Engineer's duty to indemnify and hold the County harmless, as set forth above.

In the event of joint or concurrent negligence of Engineer and Client, each shall bear that portion of the loss or expense that its share of the joint or concurrent negligence bears to the total negligence (including that of third parties), which caused the personal injury or property damage.

Engineer shall not be liable for special, incidental or consequential damages, including, but not limited to loss of profits, revenue, use of capital, claims of customers, cost of purchased or replacement power, whether based on contract, tort, negligence, strict liability or otherwise, by reasons of the services rendered under this Agreement.

13. Opinions of Probable Cost: Since Engineer has no control over the cost of labor, materials or equipment, or over the Contractor(s) method of determining process, or over competitive bidding or market conditions, his/her opinions of probable Project Construction Cost provided for herein are to be made on the basis of his/her experience and qualifications and represent his/her judgement as a design professional familiar with the construction industry, but Engineer cannot and does not guarantee that proposal, bids or the Construction Cost will not vary from opinions of probable construction cost prepared by him/her. If prior to the Bidding or Negotiating Phase, Client wishes greater accuracy as to the Construction Cost, the Client shall employ an independent cost estimator Consultant for the purpose of obtaining a second construction cost opinion independent from Engineer.
14. Governing Law & Dispute Resolutions: This Agreement shall be governed by and construed in accordance with Articles previously set forth by (Item 9 of) this Agreement, together with the laws of the **State of Illinois**.

Any claim, dispute or other matter in question arising out of or related to this Agreement, which cannot be mutually resolved by the parties of this Agreement, shall be subject to mediation as a condition precedent to the institution of legal or equitable proceedings by either party. If such matter relates to or is the subject of a lien arising out of the Engineer's services, the Engineer may proceed in accordance with applicable law to comply with the lien notice or filing deadlines prior to resolution of the matter by mediation or by arbitration.

The Client and Engineer shall endeavor to resolve claims, disputes and other matters in question between them by mediation which, unless the parties mutually agree otherwise, shall be in accordance with the Construction Industry Mediation Rules of the American Arbitration Association currently in effect. Requests for mediation shall be filed in writing with the other party to this Agreement and with the American Arbitration Association. Mediation shall proceed in advance of legal or equitable proceedings, which shall be stayed pending mediation for a period of 60 days from the date of filing, unless stayed for a longer period by agreement of the parties or court order.

The parties shall share the mediator's fee equally. The mediation shall be held in the county where the Project is located, unless another location is mutually agreed upon. Agreements reached in mediation shall be enforceable as settlement agreements in any court having jurisdiction thereof.

15. Successors and Assigns: The terms of this Agreement shall be binding upon and inure to the benefit of the parties and their respective successors and assigns: provided, however, that neither party shall assign this Agreement in whole or in part without the prior written approval of the other.

16. Waiver of Contract Breach: The waiver of one party of any breach of this Agreement or the failure of one party to enforce at any time, or for any period of time, any of the provisions hereof, shall be limited to the particular instance, shall not operate or be deemed to waive any future breaches of this Agreement and shall not be construed to be a waiver of any provision, except for the particular instance.
17. Entire Understanding of Agreement: This Agreement represents and incorporates the entire understanding of the parties hereto, and each party acknowledges that there are no warranties, representations, covenants or understandings of any kind, matter or description whatsoever, made by either party to the other except as expressly set forth herein or within the Proposal for Engineering Services and the Schedule of Charges, which are herein incorporated by reference. Client and the Engineer hereby agree that any purchase orders, invoices, confirmations, acknowledgments or other similar documents executed or delivered with respect to the subject matter hereof that conflict with the terms of the Agreement, Proposal for Engineering Services and the Schedule of Charges shall be null, void and without effect to the extent they conflict with the terms of this Agreement.
18. Amendment: This Agreement shall not be subject to amendment unless another instrument is duly executed by duly authorized representatives of each of the parties and entitled "Amendment of Agreement".
19. Severability of Invalid Provisions: If any provision of the Agreement shall be held to contravene or to be invalid under the laws of any particular state, county or jurisdiction where used, such contravention shall not invalidate the entire Agreement, but it shall be construed as if not containing the particular provisions held to be invalid in the particular state, country or jurisdiction and the rights or obligations of the parties hereto shall be construed and enforced accordingly.
20. Force Majeure: Neither Client nor Engineer shall be liable for any fault or delay caused by any contingency beyond their control including but not limited to acts of God, wars, fires, natural calamities.
21. Subcontracts: Engineer may subcontract portions of the work, but each subcontractor must be approved by Client in writing. Engineer hereby waives any claim of lien against subject premises on behalf of Engineer, its officers, insurers, employees, agents, suppliers and/or sub-contractors employed by this Agreement. Upon completion of the project and as a condition prior to payment in full, Engineer shall tender to Client a final waiver of lien for all subcontractors and/or suppliers.
22. Access and Permits: Client shall arrange for Engineer to enter upon public and private property and obtain all necessary approvals and permits required from all governmental authorities having jurisdiction over the Project. Client shall pay costs (including Engineer's employee salaries, overhead and fee) incident to any effort by Engineer toward assisting Client in such access, permits or approvals, if Engineer performs such services. Should such services be necessary, Engineer shall provide a written quote to Client in advance for approval.

23. Designation of Authorized Representative: Each party (to this Agreement) shall designate one or more persons to act with authority in its behalf in respect to appropriate aspects of the Project. The persons designated shall review and respond promptly to all communications received from the other party.
24. Notices: Any notice or designation required to be given to either party hereto shall be in writing, and unless receipt of such notice is expressly required by the terms hereof shall be deemed to be effectively served when deposited in the mail with sufficient first class postage affixed, and addressed to the party to whom such notice is directed at such party's place of business or such other address as either party shall hereafter furnish to the other party by written notice as herein provided.

In the case of notice to Kendall County, County Administrator, County of Kendall, 111 West Fox Street, Room 316, Yorkville, IL 60560, Fax (630) 553-4214 with copy sent to: Kendall County State's Attorney, 807 John Street, Yorkville, Illinois 60560, fax (630) 553-4204. And, in the case of Engineer, to: Greg Chismark, WBK Engineering, LLC, 116 W. Main Street, Suite 201, St. Charles, IL 60174

25. Limit of Liability: The Client and the Engineer have discussed the risks, rewards, and benefits of the project and the Engineer's total fee for services. In recognition of the relative risks and benefits of the Project to both the Client and the Engineer, the risks have been allocated such that the Client agrees that to the fullest extent permitted by law, the Engineer's total aggregate liability to the Client for any and all injuries, claims, costs, losses, expenses, damages of any nature whatsoever or claim expenses arising out of this Agreement from any cause or causes, including attorney's fees and costs, and expert witness fees and costs, shall not exceed those amounts that are equal to what Engineer has retained insurance coverage for at the time of contracting. Said insurance limits at the time of contracting include: Professional Liability of \$2,000,000.00 each occurrence and \$4,000,000.00 general aggregate; General Liability of \$1,000,000.00 per occurrence and \$2,000,000.00 aggregate; Automobile Liability of \$1,000,000.00; and an Excess/Umbrella of \$10,000,000.00 per occurrence. Engineer understands that said limits on liability are based upon the coverage amounts that may be paid by his insurer and such liability limits are set irrespective of whether the insurer(s) actually pay such limits on Engineer's behalf. Engineer further understands that should insurance not provide the coverage amounts above, Engineer shall still be responsible for its liability up to the amounts listed. Such causes included but are not limited to the Engineer's negligence, errors, omissions, strict liability or breach of contract. It is intended that this limitation apply to any and all liability or cause of action however alleged or arising, unless otherwise prohibited by law.
26. Client's Responsibilities: The Client agrees to provide full information regarding requirements for and about the Project, including a program which shall set forth the Client's objectives, schedule, constraints, criteria, special equipment, systems and site requirements.

The Client agrees to furnish and pay for all legal, accounting and insurance counseling services as may be necessary at any time for the Project, including auditing services which

the Client may require to verify the Contractor's Application for Payment or to ascertain how or for what purpose the Contractor has used the money paid by or on behalf of the Client.

The Client agrees to require the Contractor, to the fullest extent permitted by law, to indemnify, hold harmless, and defend the Engineer, its consultants, and the employees and agents of any of them from and against any and all claims, suits, demands, liabilities, losses, damages, and costs ("Losses"), including but not limited to costs of defense, arising in whole or in part out of the negligence of the Contractor, its subcontractors, the officers, employees, agents, and subcontractors of any of them, or anyone for whose acts any of them may be liable, regardless of whether or not such Losses are caused in part by a party indemnified hereunder. Specifically excluded from the foregoing are Losses arising out of the preparation or approval of maps, drawings, opinions, reports, surveys, change orders, designs, or specifications, and the giving of or failure to give directions by the Engineer, its consultants, and the agents and employees of any of them, provided such giving or failure to give is the primary cause of Loss. The Client also agrees to require the Contractor to provide to the Engineer the required certificate of insurance.

The Client further agrees to require the Contractor to name the Engineer, its agents and consultants as additional insureds on the Contractor's policy or policies of comprehensive or commercial general liability insurance. Such insurance shall include products and completed operations and contractual liability coverages, shall be primary and noncontributing with any insurance maintained by the Engineer or its agents and consultants, and shall provide that the Engineer be given thirty days, unqualified written notice prior to any cancellation thereof.

When Contract Documents prepared under the Scope of Services of this contract require insurance(s) to be provided, obtained and/or otherwise maintained by the Contractor, the Client agrees to be wholly responsible for setting forth any and all such insurance requirements. Furthermore, any document provided for Client review by the Engineer under this Contract related to such insurance(s) shall be considered as sample insurance requirements and not the recommendation of the Engineer. Client agrees to have their own risk management department review any and all insurance requirements for adequacy and to determine specific types of insurance(s) required for the project. Client further agrees that decisions concerning types and amounts of insurance are specific to the project and shall be the product of the Client. As such, any and all insurance requirements made part of Contract Documents prepared by the Engineer are not to be considered the Engineer's recommendation, and the Client shall make the final decision regarding insurance requirements.

27. Information Provided by Others: The Engineer shall indicate to the Client the information needed for rendering of the services of this Agreement. The Client shall provide to the Engineer such information as is available to the Client and the Client's consultants and contractors, and the Engineer shall be entitled to rely upon the accuracy and completeness thereof. The Client recognizes that it is impossible for the Engineer to assure the accuracy, completeness and sufficiency of such information, either because it is impossible to verify,

or because of errors or omissions which may have occurred in assembling the information the Client is providing.

28. Payment: Client shall be invoiced once each month for work performed during the preceding period. Payment shall be made in accordance with the Illinois Local Government Prompt Payment Act, as amended (50 ILCS 505/1 et seq.)
29. When construction observation tasks are part of the service to be performed by the Engineer under this Agreement, the Client will include the following clause in the construction contract documents and Client agrees not to modify or delete it:

Kotecki Waiver: Contractor (and any subcontractor into whose subcontract this clause is incorporated) agrees to assume the entire liability for all personal injury claims suffered by its own employees, including without limitation claims under the **Illinois** Structural Work Act, asserted by persons allegedly injured on the Project; waives any limitation of liability defense based upon the Worker's Compensation Act, court interpretations of said Act or otherwise; and to the fullest extent permitted by law, agrees to indemnify and hold harmless and defend Owner and Engineer and their agents, employees and consultants (the "Indemnitees") from and against all such loss, expense, damage or injury, including reasonable attorneys' fees, that the Indemnitees may sustain as a result of such claims, except to the extent that **Illinois** law prohibits indemnity for the Indemnitees' own negligence. The Owner and Engineer are designated and recognized as explicit third-party beneficiaries of the Kotecki Waiver within the general contract and all subcontracts entered into in furtherance of the general contract.

30. Job Site Safety/Supervision & Construction Observation: The Engineer shall neither have control over or charge of, nor be responsible for, the construction means, methods, techniques, sequences of procedures, or for safety precautions and programs in connection with the Work since they are solely the Contractor's rights and responsibilities. The Client agrees that the Engineer has no responsibility to supervise and direct the work; and that the Contractor shall be solely responsible for the means, methods, techniques, sequences and procedures of construction and safety at the job site. The Client agrees that this intent shall be carried out in the Client's contract with the Contractor. The Client further agrees that the Contractor shall be contracted with to be responsible for initiating, maintaining and supervising all safety precautions and programs in connection with the work; and that the Contractor shall be required to take all necessary precautions for the safety of, and shall provide the necessary protection to prevent damage, injury or loss to all employees on the subject site and all other persons who may be affected thereby. The Engineer shall have no authority to stop the work of the Contractor or the work of any subcontractor on the project. Nothing within this paragraph shall be construed to constitute a warranty or guarantee as to the safety of the services the Contractor shall perform or to intimate the existence of a duty for providing indemnification or shared liability on behalf of the County for any actions, inactions or failures of contractors to provide proper safety precautions in the performance of their work.

When construction observation services are included in the Scope of Services, the Engineer shall visit the site at intervals appropriate to the stage of the Contractor's operation, or as otherwise agreed to by the Client and the Engineer to: 1) become generally familiar with and to keep the Client informed about the progress and quality of the Work; 2) to strive to bring to the Client's attention defects and deficiencies in the Work and; 3) to determine in general if the Work is being performed in a manner indicating that the Work, when fully completed, will be in accordance with the Contract Documents. However, the Engineer shall not be required to make exhaustive or continuous on-site inspections to check the quality or quantity of the Work. If the Client desires more extensive project observation, the Client shall request that such services be provided by the Engineer as Additional and Supplemental Construction Observation Services in accordance with the terms of this Agreement.

The Engineer, and the Client, shall not be responsible for any acts or omissions of the Contractor, subcontractor, any entity performing any portions of the Work, or any agents or employees of any of them. The Engineer and the Client do not guarantee the performance of the Contractor and shall not be responsible for the Contractor's failure to perform its Work in accordance with the Contract Documents or any applicable laws, codes, rules or regulations.

When municipal review services are included in the Scope of Services, the Engineer (acting on behalf of the municipality), when acting in good faith in the discharge of its duties, shall not thereby render itself liable personally and is, to the maximum extent permitted by law, relieved from all liability for any damage that may accrue to persons or property by reason of any act or omission in the discharge of its duties. The Engineer shall be entitled to all defenses and municipal immunities that are, or would be, available to the Client.

31. Insurance and Indemnification: The Engineer and the Client understand and agree that the Client will contractually require the Contractor to defend and indemnify the Engineer and/or any subconsultants from any claims arising from the Work. The Engineer and the Client further understand and agree that the Client will contractually require the Contractor to procure commercial general liability insurance naming the Engineer as an additional named insured with respect to the work. The Contractor shall be required to provide to the Client certificates of insurance evidencing that the contractually required insurance coverage has been procured. However, the Contractor's failure to provide the Client with the requisite certificates of insurance shall not constitute a waiver of this provision by the Engineer.

32. Hazardous Materials/Pollutants: Unless otherwise provided by this Agreement, the Engineer and Engineer's consultants shall have no responsibility for the discovery, presence, handling, removal or disposal of or exposure of persons to hazardous materials/pollutants in any form at the Project site, including but not limited to mold/mildew, asbestos, asbestos products, polychlorinated biphenyl (PCB) or other toxic/hazardous/pollutant type substances.

Furthermore, Client understands that the presence of mold/mildew and the like are results of prolonged or repeated exposure to moisture and the lack of corrective action. Client also understands that corrective action is an operation, maintenance and repair activity for which the Engineer is not responsible.

33. Non-Discrimination: Engineer, its officers, employees, and agents agree not to commit unlawful discrimination and agree to comply with all applicable provisions of the Illinois Human Rights Act, Title VII of the Civil Rights Act of 1964, as amended, the Americans with Disabilities Act, the Age Discrimination in Employment Act, Section 504 of the Federal Rehabilitation Act, and all applicable rules and regulations.
34. Compliance With State and Federal Laws: Engineer agrees to comply with all applicable federal, state and local laws and regulatory requirements and to secure such licenses as may be required for its employees and to conduct business in the state, municipality, county and location. Such obligation includes, but is not limited to, environmental laws, civil rights laws, prevailing wage and labor laws.
35. Authority To Execute Agreement: The County of Kendall and Engineer each hereby warrant and represent that their respective signatures set forth in the attached Proposal for Engineering Services have been and are on the date of this Agreement duly authorized by all necessary and appropriate corporate and/or governmental action to execute this Agreement.
36. Venue: The parties agree that the venue for any legal proceedings between them shall be the Circuit Court of Kendall County, Illinois, Twenty-Third Judicial Circuit, State of Illinois.
37. Non-Appropriation: In the event Kendall County is in default under the Agreement because funds are not appropriated for a fiscal period subsequent to the one in which the Agreement was entered into which are sufficient to satisfy all or part of the County's obligations under this Agreement during said fiscal period, the County agrees to provide prompt written notice of said occurrence to Engineer. In the event of a default due to nonappropriation of funds,

both parties have the right to terminate the Agreement upon providing thirty (30) days written notice to the other party. No additional payments, penalties and/or early termination charges shall be required upon termination of the Agreement.

38. Insurance. Engineer will obtain and continue in force, during the term of this Agreement, all insurance as set forth below. Each insurance policy shall not be cancelled or changed without thirty (30) days prior written notice, given by the insurance carrier to Kendall County at the address set forth herein. Before starting work hereunder, Engineer shall deposit with Subscriber certificates evidencing the insurance it is to provide hereunder: (a) Worker's Compensation and Occupational Disease Disability insurance, in compliance with the laws of the jurisdiction where the work is being performed, (b) Employer's comprehensive general liability insurance for both personal injury and property damage

in the minimum amount of \$1,000,000 per occurrence, and \$2,000,000 per aggregate per project, (c) Comprehensive business automobile liability insurance in the minimum amount of \$1,000,000 combined single limit, (d) Minimum umbrella occurrence insurance of \$5,000,000 per occurrence and \$5,000,000 aggregate, (e) Professional liability insurance in the minimum amount of \$1,000,000 combined single limit. Kendall County shall be named as Additional Insureds on a Primary and Non-Contributory basis with respect to the general liability, business auto liability and excess liability insurance, as well as a waiver of subrogation with respect to the general liability and workers' compensation in favor of Kendall County. Also, Kendall County and shall be designated as the certificate holders.

39. Certification: Engineer certifies that Engineer, its parent companies, subsidiaries, and affiliates are not barred from entering into this Agreement as a result of a violation of either 720 ILCS 5/33E-3 or 5/33E-4 (bid rigging or bid rotating) or as a result of a violation of 820 ILCS 130/1 et seq. (the Illinois Prevailing Wage Act).
40. Drug Free Workplace: Engineer and its consultants, employees, contractors, subcontractors, and agents agree to comply with all provisions of the Substance Abuse Prevention on Public Works Act, 820 ILCS 265/1 et seq. and the Illinois Drug Free Workplace Act, 30 ILCS 580/1 et seq.
41. Prevailing Wage: To the extent that this Agreement calls for the construction, demolition, maintenance and/or repair of a "public work" as defined by the Illinois Prevailing Wage Act, 820 ILCS 130/.01 et seq. ("the Act"), such work shall be covered under the Act. The Act requires contractors and subcontractors to pay laborers, workers and mechanics performing covered work on public works projects no less than the "prevailing rate of wages" (hourly cash wages plus fringe benefits) in the county where the work is performed. For information regarding current prevailing wage rates, please refer to the Illinois Department of Labor's website at: <http://www.state.il.us/agency/idol/rates/rates.html>. All contractors and subcontractors rendering services under this Agreement must comply with all requirements of the Act, including, but not limited to, all wage, notice and record-keeping duties.
42. Both parties affirm no Kendall County officer or elected official has a direct or indirect pecuniary interest in WBK or this Agreement, or, if any Kendall County officer or elected official does have a direct or indirect pecuniary interest in WBK or this Agreement, that interest, and the procedure followed to effectuate this Agreement has and will comply with 50 ILCS 105/3.

43. Employment of Illinois Workers on Public Works Act. If at the time the Contract Documents are executed, or if during the term of the Contract Documents, there is a period of excessive unemployment in Illinois as defined in the Employment of Illinois Workers on Public Works Act, 30 ILCS 570/0.01 et seq., (hereinafter referred to as “the Act”), Engineer, its consultants, contractors, subcontractors and agents agree to employ Illinois laborers on this Project in accordance with the Act. Engineer understands that the Act defines (a) “period of excessive unemployment” as “as any month following two consecutive calendar months during which the level of unemployment in the State of Illinois has exceeded 5%, as measured by the United States Bureau of Labor Statistics in its monthly publication of employment and unemployment figures”, and (b) “Illinois laborer” as “any person who has resided in Illinois for at least thirty (30) days and intends to become or remain an Illinois resident.” See 30 ILCS 570/1. Engineer understands and agrees that its failure to comply with this provision of the Contract Documents may result in immediate termination of the Contract Documents.
44. Engineer agrees to comply with The Davis Bacon Act – 40 U.S. C. 3141 et seq. as may be necessary. The Davis-Bacon and Related Acts, apply to contractors and subcontractors performing on federally funded or assisted contracts in excess of \$2,000 for the construction, alteration, or repair (including painting and decorating) of public buildings or public works. Davis-Bacon Act and Related Act contractors and subcontractors must pay their laborers and mechanics employed under the contract no less than the locally prevailing wages and fringe benefits for corresponding work on similar projects in the area. The Davis-Bacon Act directs the Department of Labor to determine such locally prevailing wage rates. The DavisBacon Act prevailing wage provisions apply to the “Related Acts,” under which federal agencies assist construction project through grants, loans, loan guarantees, and insurance. Examples of the related Acts are the American Recovery and Reinvestment Act of 2009, the Federal-Aid Highway Acts, the Housing and Community Development Act of 1974, and the Federal Water Pollution Control Act.



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CERTIFIED PUBLIC ACCOUNTANTS

November 11, 2020

Kendall County
Yorkville, IL

We have been engaged to perform a Transitional Audit of the Circuit Clerk's Office of Kendall County's adherence to regulatory guidelines as listed below. A Transitional Audit is allowed under statute 55 ILCS 5/6-31013.

Sec. 6-31013. Transitional audits.

(a) No later than 10 days after certification of the election results, the county board chairperson, county board president, or county executive shall notify newly elected countywide officials of the option for an auditor to conduct a transitional audit at the county's expense. An elected county auditor shall conduct the audit upon a request of the newly elected countywide official. In a county that does not have an elected county auditor, the newly elected countywide official may hire a qualified auditing firm. The county board shall pay all costs associated with an audit. The transitional audit shall examine funds expended by the official for whom the newly elected official is taking over and report if the expended funds were consistent with the county board's financial allocations to that official.

(b) A county board shall give the option for a transitional financial audit to all county officials elected in or after November 2016.

(c) A home rule county shall not regulate transitional audits in a manner inconsistent with this Section. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

This agreed-upon procedure engagement will be performed in accordance with standards established by the American Institute of Certified Public Accountants. The sufficiency of these procedures is solely the responsibility of the Kendall County. Consequently, we will make no representation regarding the sufficiency of the procedures described below, either for the purpose for which these services have been requested or for any other purpose. We will be reviewing:

1. Appropriate fees were charged based on allowable charges per State Statutes.
2. Fees received were appropriately paid over County funds.
3. Expenditures were allowable to in accordance with State Statutes and County Budgets.

Our fee for these services will be at our \$150 standard hourly rate plus out-of-pocket costs (such as report production, word processing, postage, travel, copies, telephone, etc.), with an estimate of 50 hours, fee not to exceed \$7,500. Our invoices for these fees are payable on presentation. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs.

We appreciate the opportunity to be of service to Kendall County and believe this letter accurately summarizes the significant terms of our engagement. The engagement is at will and can be terminated at any time by either party. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy, and return it to us.

Sincerely,

Mack & Associates, P. C.

Mack & Associates, P. C.

RESPONSE:

This letter correctly sets forth the understanding to Kendall County.

Signature: _____

Date: _____

Kendall County Clerk				
Revenue Report		11/1/20-11/30/20	11/1/19-11/30/19	11/1/18-11/30/18
Line Item	Fund	Revenue	Revenue	Revenue
CLKFEE	County Clerk Fees	\$1,120.00	\$ 822.50	\$ 634.00
MARFEE	County Clerk Fees - Marriage License	\$1,170.00	\$ 600.00	\$ 810.00
CIVFEE	County Clerk Fees - Civil Union	\$30.00	\$ -	\$ 30.00
ASSUME	County Clerk Fees - Assumed Name	\$40.00		
CRTCOP	County Clerk Fees - Certified Copy	\$1,844.00		
NOTARY	County Clerk Fees - Notary	\$220.00		
MISINC	County Clerk Fees - Misc	\$65.00	\$ 2,093.00	\$ 1,727.00
	County Clerk Fees - Misc Total	\$4,489.00	\$3,515.50	\$3,201.00
RECREE	County Clerk Fees - Recording	\$37,983.00	\$ 28,635.00	\$ 21,284.00
	Total County Clerk Fees	\$42,472.00	\$32,150.50	\$24,485.00
CTYREV	County Revenue	\$24,962.00	\$ 69,532.50	\$ 29,438.00
DCSTOR	Doc Storage	\$22,256.00	\$ 16,647.50	\$ 12,649.00
GISMAP	GIS Mapping	\$70,442.00	\$ 28,133.00	\$ 21,359.00
GISRCD	GIS Recording	\$4,696.00	\$ 3,517.00	\$ 2,671.00
INTRST	Interest	\$31.48	\$ 21.11	\$ 30.70
RECMIS	Recorder's Misc	\$6,972.25	\$ 4,723.00	\$ 638.00
RHSP	RHSP/Housing Surcharge	\$20,160.00	\$ 14,805.00	\$ 11,412.00
TAXCRT	Tax Certificate Fee	\$1,440.00	\$ 2,720.00	\$ 4,880.00
TAXFEE	Tax Sale Fees	\$2,434.00	\$ 1,456.50	\$ 1,772.00
PSTFEE	Postage Fees			
CK # 19069	To KC Treasurer	\$195,865.73	\$173,706.11	\$109,334.70
Death Certificate Surcharge sent from Clerk's office \$1348.00 ck # 19067				
Dom Viol Fund sent from Clerk's office \$200.00 ck 19068				

**Kendall County
Clerk of the Circuit Court
2020 Judicial Statistics**

		JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	YTD
AD	Adoption	2	2	1	0	1	2	2	1	2	3	0	0	16
CC	Contempt of Court	2	0	0	0	0	0	1	3	4	1	4	0	15
CF	Criminal Felony	37	36	24	23	21	26	29	35	32	41	35	0	339
CH	Chancery	34	34	17	3	3	6	1	3	7	8	4	0	120
CL	Civil Law Violation	1	3	3	0	0	2	1	0	0	0	3	0	13
CM	Criminal Misdemeanor	50	43	50	37	42	36	50	50	42	46	42	0	488
CV	conservation violation	3	0	0	0	0	1	1	0	8	0	2	0	15
D	Divorce	35	34	22	27	27	34	49	38	34	33	34	0	367
DT	DUI	21	20	18	10	10	17	13	12	11	24	14	0	170
ED	Eminent Domain	0	0	0	0	0	0	0	0	1	0	0	0	1
F	Family	18	5	7	1	1	5	4	4	8	14	18	0	85
J	Juvenile	3	3	0	0	0	0	0	0	0	0	0	0	6
JA	Juvenile Abuse/Neglect	1	6	4	3	6	5	3	6	13	9	0	0	56
JD	Juvenile Delinquency	10	31	9	14	24	13	8	6	6	5	4	0	130
L	Law	10	9	8	13	5	10	8	11	18	13	5	0	110
LM	Law Magistrate	61	59	34	19	12	16	20	19	17	7	26	0	290
MH	Mental Health	0	0	2	2	0	0	0	2	0	0	0	0	6
MR	Misc. Remedy	69	26	15	3	8	12	24	24	16	30	5	0	232
OP	Order of Protection	33	35	31	25	28	34	34	30	32	32	36	0	350
OV	Ordinance Violation	0	4	0	2	6	5	1	4	1	4	0	0	27
P	Probate	28	14	12	4	6	15	17	11	19	17	7	0	150
SC	Small Claims	136	135	57	15	34	110	138	107	116	225	141	0	1214
TR	Traffic	446	493	377	139	192	262	378	529	468	401	373	0	4058
TX	Tax	1	0	0	0	0	0	0	0	0	0	0	0	1
WI	Wills	21	22	14	9	16	28	15	22	16	12	16	0	191
X1	Misc.	3	0	0	0	0	3	4	2	1	0	0	0	13
Totals for 2020		1025	1014	705	349	442	642	801	919	872	925	769	0	8463
Totals for 2019		755	770	1094	955	981	951	1257	1075	957	1083	839	958	11675
Difference													-3212	



Kendall County Agenda Briefing

Committee: Planning, Building and Zoning

Meeting Date: November 9, 2020

Amount: N/A

Budget: N/A

Issue: Petition 20-24 -Request from Grainco FS, Inc. for an Amendment to the Future Land Use Map in the Kendall County Land Resource Management Plan Changing the Classification of 17854 N. Wabena Avenue (PIN: 09-36-400-002) in Seward Township from Agricultural to Mixed Use Business

Background and Discussion:

The Petitioner wants to rezone the property to M-1 Limited Manufacturing District in order to lease the property to a company that performs construction and maintenance work for gas utilities. The change to the Future Land Use Map would make the rezoning request consistent with the County's Land Resource Management Plan.

Record for Petition - <https://www.co.kendall.il.us/home/showdocument?id=18165>

Draft resolution is attached.

Committee Action:

ZPAC-Approval (7-0-3); KCRPC-Approval (5-0-4); ZBA-Approval (5-0-2); Seward Township-No Comments; Village of Minooka-No Comments; Minooka Fire Protection District-No Comments; PBZ Committee-Approval (4-0-1)

Staff Recommendation:

Approval

Prepared by: Matthew H. Asselmeier, AICP, CFM

Department: Planning, Building and Zoning Department

Date: November 10, 2020

RESOLUTION NUMBER 2020-_____

A RESOLUTION ADOPTING AN AMENDMENT TO THE KENDALL COUNTY LAND RESOURCE MANAGEMENT PLAN TO UPDATE THE FUTURE LAND USE PLAN BY RECLASSIFYING 17854 N. WABENA AVENUE (PIN: 09-36-400-002) IN SEWARD TOWNSHIP FROM AGRICULTURAL TO MIXED USE BUSINESS

WHEREAS, 50 ILCS 805 allows Counties to create and adopt Land Resource Management Plans; and

WHEREAS, 55 ILCS 5/5-14001 through 5-14008 specifies how a County may adopt and amend Official Plans; and

WHEREAS, Kendall County adopted a Land Resource Management Plan in March 1994; and

WHEREAS, the Kendall County Board has amended the Land Resource Management Plan on several occasions since its adoption in March 1994; and

WHEREAS, the Kendall County Land Resource Management Plan has adopted official Future Land Use Maps for each township and for the County as a whole; and

WHEREAS, the property which is the subject of this Resolution has been, at all relevant times, and remains currently classified as Agricultural on the Future Land Use Map and consists of approximately 3.2 acres located at 17854 N. Wabena Avenue (PIN: 09-36-400-002) in Seward Township. The legal description for the subject property is set forth in Exhibit A attached hereto and incorporated by reference, and this property shall hereinafter be referred to as “the subject property.”; and

WHEREAS, the subject property is currently owned by Grainco FS, Inc. and shall hereinafter be referred to as “Petitioner”; and

WHEREAS, on or about September 17, 2020, Petitioner’s representative filed a petition to reclassify the subject property from Agricultural to Mixed Use Business in order to rezone the property from A-1 Agricultural District to M-1 Limited Manufacturing District; and

WHEREAS, following due and proper notice by publication in the Kendall County Record on October 8, 2020, the Kendall County Regional Planning Commission conducted a public hearing on October 28, 2020, at 7:00 p.m., in the Kendall County Historic Courthouse at 109 W. Ridge Street in Yorkville, at which the Petitioner’s representative presented evidence, testimony, and exhibits in support of the requested amendment and zero members of the public testified in favor of the request and zero members of the public testified in opposition to the request; and

WHEREAS, based on the evidence, testimony, and exhibits, the Kendall County Regional Planning Commission has recommended approval of the proposed amendment; and

WHEREAS, the Kendall County Zoning Board of Appeals met on November 2, 2020, at 7:00 p.m., in the Kendall County Historic Courthouse at 109 W. Ridge Street in Yorkville, at which the Petitioner’s representative presented evidence, testimony, and exhibits in support of the amendment and zero members of the public expressed support and zero members of the public expressed opposition to the request; and

WHEREAS, based on the evidence, testimony, and exhibits, the Kendall County Zoning Board of Appeals has

recommended approval of the proposed amendment; and

WHEREAS, the Kendall County Planning, Building and Zoning Committee of the Kendall County Board has reviewed the testimony presented at the aforementioned public hearing and meetings, and has forwarded to the Kendall County Board a recommendation of approval of the proposed amendment; and

WHEREAS, the Kendall County Board has considered the recommendation of the Planning, Building and Zoning Committee, the recommendation of the Kendall County Zoning Board of Appeals, the record of the public hearing conducted by the Kendall County Regional Planning Commission, the recommendation of the Kendall County Regional Planning Commission, and has determined that said proposed amendment to the Kendall County Land Resource Management Plan is necessary and in the best interests of Kendall County; and

NOW, THEREFORE, BE IT RESOLVED, BY THE COUNTY BOARD OF KENDALL COUNTY, ILLINOIS, as follows:

1. The Recommendations of the Kendall County Regional Planning Commission and Kendall County Zoning Board of Appeals attached hereto as Exhibits B and C respectively are hereby accepted.
2. The Kendall County Board hereby grants approval of Petitioner's petition for an amendment to the Future Land Use Plan contained in the Kendall County Land Resource Management Plan by reclassifying the subject property as Mixed Use Business.
3. Any text or maps contained in the Kendall County Land Resource Management Plan in conflict with this resolution are hereby amended to match the reclassification of the subject property approved by this resolution.

IN WITNESS OF, this resolution has been enacted by a majority vote of the Kendall County Board and is effective this 15th day of December, 2020.

Attest:

Kendall County Clerk
Debbie Gillette

Kendall County Board Chairman
Scott R. Gryder

Legal Description - Grainco FS, Inc.

That part of the Southeast Quarter of Section 36, Township 35 North, Range 8 East of the Third Principal Meridian, described as follows: Beginning at the intersection of the Southeasterly right-of-way line of the Elgin, Joliet, and Eastern Railroad, and the East right-of-way line of a township road, said point being 705 feet North of the transit line at Station 1736+09, and said point being the POINT OF BEGINNING; thence Southeasterly along the said East right-of-way line for a distance of 91.19 feet; thence East for a distance of 20.00 feet; thence Southeasterly along a line which is parallel to the said East right-of-way line for a distance of 81.00 feet; thence East for a distance of 289.14 feet; thence North for a distance of 703.48 feet to a point which falls on the said Southeasterly right-of-way line of the Elgin, Joliet, and Eastern Railroad; thence Southwesterly along the said Southeasterly right-of-way line for a distance of 622.64 feet to the Point of Beginning, in the Township of Seward, Kendall County, Illinois.

And being the same property conveyed to Grainco FS, Inc. successor by virtue of merger with Kendall-Grundy FS, Inc., an Illinois corporation, successor by virtue of name change from Kendall Farmers Oil Company who acquired the title from FS Services, Inc. by Warranty Deed dated November 09, 1970 and recorded November 10, 1970 in Instrument No. 70-3205.

Tax Parcel No. 09-36-400-006

Exhibit B

The Kendall County Regional Planning Commission held a public hearing on the Petition on October 28, 2020. Zero (0) members of the public testified in favor or in opposition to the request. On the same date, the Commission issued the following recommendation by a vote of five (5) in favor and zero (0) in opposition. Commissioners Casey, Hamman, Nelson, and Stewart were absent.

RECOMMENDATION

Approval

Exhibit C

The Kendall County Zoning Board of Appeals held a public meeting on the Petition 20-24 on November 2, 2020. Zero members of the public spoke in favor or in opposition to the request. On the same date, the Board issued the following recommendation by a vote of five (5) in favor and zero (0) in opposition. Members Clementi and LeCuyer were absent.

RECOMMENDATION

Approval



Kendall County Agenda Briefing

Committee: Planning, Building and Zoning

Meeting Date: November 9, 2020

Amount: N/A

Budget: N/A

Issue: Petition 20-25 - Request from Grainco FS, Inc. for a Map Amendment Rezoning 17854 N. Wabena Avenue (PIN: 09-36-400-002) in Seward Township from A-1 Agricultural with a Special Use Permit to M-1 Limited Manufacturing District

Background and Discussion:

The Petitioner wants to rezone the property to M-1 Limited Manufacturing District in order to lease the property to a company that performs construction and maintenance work for gas utilities.

Record for Petition - <https://www.co.kendall.il.us/home/showdocument?id=18167>

Draft ordinance is attached.

Committee Action:

ZPAC-Approval (7-0-3); KCRPC-Approval (5-0-4); ZBA-Approval (5-0-2); Seward Township-No Comments; Village of Minooka-No Comments; Minooka Fire Protection District-No Comments; PBZ Committee-Approval (4-0-1)

Staff Recommendation:

Approval

Prepared by: Matthew H. Asselmeier, AICP, CFM

Department: Planning, Building and Zoning Department

Date: November 10, 2020

ORDINANCE NUMBER 2020-_____

MAP AMENDMENT FOR 17854 N. WABENA AVENUE (PIN: 09-36-400-002) IN

SEWARD TOWNSHIP

Rezone from A-1 with a Special Use Permit to M-1

WHEREAS, Section 13:07 of the Kendall County Zoning Ordinance permits the Kendall County Board to approve map amendments and provides the procedure through which map amendments are granted; and

WHEREAS, the property which is the subject of this Ordinance has been, at all relevant times, and remains currently located within the A-1 Agricultural Zoning District and consists of approximately 3.2 acres located at 17854 N. Wabena Avenue (PIN: 09-36-400-002), in Seward Township. The legal description for the subject property is set forth in Exhibit A attached hereto and incorporated by reference, and this property shall hereinafter be referred to as “the subject property.”; and

WHEREAS, in 1966, the Kendall County Board granted a special use permit for the mixing, blending, manufacture of fertilizer at the subject property; and

WHEREAS, the subject property is currently owned by Grainco FS, Inc. hereinafter shall be referred to as “Petitioner”; and

WHEREAS, on or about September 17, 2020, Petitioner’s representative filed a petition for a Map Amendment rezoning the subject property from A-1 Agricultural to M-1 Limited Manufacturing District in order to lease the subject property to a company that performs construction and maintenance work for gas utilities; and

WHEREAS, following due and proper notice by publication in the Kendall County Record on October 8, 2020, the Kendall County Zoning Board of Appeals conducted a public hearing on November 2, 2020, at 7:00 p.m., in the Kendall County Historic Courthouse at 109 W. Ridge Street in Yorkville, at which the Petitioner’s representative presented evidence, testimony, and exhibits in support of the requested Map Amendment and zero members of the public asked questions or testified in favor or testified in opposition to the request; and

WHEREAS, based on the evidence, testimony, and exhibits, the Kendall County Zoning Board of Appeals has made their Findings of Fact and recommended approval of the Map Amendment as set forth in the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, dated November 2, 2020, a true and correct copy of which is attached hereto as Exhibit B; and

WHEREAS, the Kendall County Planning, Building and Zoning Committee of the Kendall County Board has reviewed the testimony presented at the aforementioned public hearing and has considered the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, and has forwarded to the Kendall County Board a recommendation of approval of the requested Map Amendment; and

WHEREAS, the Kendall County Board has considered the recommendation of the Planning, Building and Zoning Committee and the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, and has determined that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance; and

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

1. The Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals attached hereto as Exhibit B is hereby accepted and the Findings of Fact set forth therein are hereby adopted as the Findings of Fact and Conclusions of this Kendall County Board.
2. The Kendall County Board hereby grants approval of Petitioner's petition for a Map Amendment rezoning the subject property from A-1 Agricultural District with a Special Use Permit to M-1 Limited Manufacturing District.
3. All ordinances and variances that are in conflict with this ordinance are hereby repealed.
4. The Zoning Administrator and other appropriate County Officials are hereby authorized and directed to amend the Official Zoning Map of Kendall County to reflect this Map Amendment.

IN WITNESS OF, this ordinance has been enacted by a majority vote of the Kendall County Board and is effective this 15th day of December, 2020.

Attest:

Kendall County Clerk
Debbie Gillette

Kendall County Board Chairman
Scott R. Gryder

Legal Description - Grainco FS, Inc.

That part of the Southeast Quarter of Section 36, Township 35 North, Range 8 East of the Third Principal Meridian, described as follows: Beginning at the intersection of the Southeasterly right-of-way line of the Elgin, Joliet, and Eastern Railroad, and the East right-of-way line of a township road, said point being 705 feet North of the transit line at Station 1736+09, and said point being the POINT OF BEGINNING; thence Southeasterly along the said East right-of-way line for a distance of 91.19 feet; thence East for a distance of 20.00 feet; thence Southeasterly along a line which is parallel to the said East right-of-way line for a distance of 81.00 feet; thence East for a distance of 289.14 feet; thence North for a distance of 703.48 feet to a point which falls on the said Southeasterly right-of-way line of the Elgin, Joliet, and Eastern Railroad; thence Southwesterly along the said Southeasterly right-of-way line for a distance of 622.64 feet to the Point of Beginning, in the Township of Seward, Kendall County, Illinois.

And being the same property conveyed to Grainco FS, Inc. successor by virtue of merger with Kendall-Grundy FS, Inc., an Illinois corporation, successor by virtue of name change from Kendall Farmers Oil Company who acquired the title from FS Services, Inc. by Warranty Deed dated November 09, 1970 and recorded November 10, 1970 in Instrument No. 70-3205.

Tax Parcel No. 09-36-400-006

Exhibit B

The Kendall County Zoning Board of Appeals approved the following Findings of Fact and Recommendation at their meeting on November 2, 2020, by a vote of five (5) in favor and zero (0) in opposition. Members Clementi and LeCuyer were absent.

FINDINGS OF FACT

§ 13:07.F of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to recommend in favor of the applicant on map amendment applications.

*Existing uses of property within the general area of the property in question. **The surrounding properties are used agricultural for agricultural purposes. Some of the adjacent properties already possess manufacturing zoning and almost all of the adjoining properties are planned to have manufacturing uses in applicable Future Land Use Maps.***

*The Zoning classification of property within the general area of the property in question. **The surrounding properties in the unincorporated area are zoned A-1. The surrounding properties inside the Village of Minooka are M-1.***

*The suitability of the property in question for the uses permitted under the existing zoning classification. **The property is presently zoned A-1 with a special use permit for fertilizer related operations. Fertilizer related operations are special uses in the M-1 Limited Manufacturing District. The existing use as a company performing construction and maintenance for gas utilities is a permitted use in the M-1 Limited Manufacturing District.***

*The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the day the property in question was in its present zoning classification. **The Zoning Board of Appeals shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and is not solely for the interest of the applicant. The Zoning Board of Appeals may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this paragraph the R-1 District shall be considered the highest classification and the M-2 District shall be considered the lowest classification. Per the existing Future Land Use Maps of Kendall County and the Village of Minooka, the trend of development in the area is manufacturing and light industrial uses.***

*Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. **If the Petitioner's request for a reclassification of their property from Agricultural to Mixed Use Business is approved, the requested map amendment would be consistent with the purposes and objectives of the Land Resource Management Plan.***

RECOMMENDATION

Approval



Kendall County Agenda Briefing

Committee: Committee of the Whole

Meeting Date: December 10, 2020

Amount: N/A

Budget: N/A

Issue: Petition 20-28-Request from the Kendall County Historic Preservation Commission for Amendments to the Kendall County Historic Preservation Ordinance Pertaining to the Number of Meetings of the Preservation Commission and Application Fee

Background and Discussion:

In September 2020, Kendall County submitted an application to the Illinois Historic Preservation Agency for Certified Local Government Status. The State reviewed the County's application and requested two (2) changes to the Kendall County Historic Preservation Ordinance:

1. Article II.1.F should be amended to require the Commission to meet at least four (4) times per year.
2. Article III.18 should be amended to set a flat fee and not create a situation where property owners are charged a different fee than non-property owners.

The draft ordinance is attached.

Committee Action:

Historic Preservation Commission-Approval (4-0)
Committee of the Whole-Approval (8-0-1)

Staff Recommendation:

Approval

Prepared by: Matthew H. Asselmeier, AICP, CFM

Department: Planning, Building and Zoning Department

Date: December 10, 2020

ORDINANCE # 2020-_____

**AMENDMENTS TO THE KENDALL COUNTY HISTORIC PRESERVATION
ORDINANCE PERTAINING TO PRESERVATION COMMISSION'S MEETING
SCHEDULE AND APPLICATION FEES**

WHEREAS, 55 ILCS 5/Div. 5-30 allows counties to establish Historic Preservation Ordinances; and

WHEREAS, the Kendall County Board established the Kendall County Historic Preservation Ordinance through Ordinance 2006-67; and

WHEREAS, Article II, Section 2, of the Kendall County Historic Preservation Ordinance grants the Kendall County Historic Preservation Commission the authority to recommend changes to the Kendall County Historic Preservation Ordinance; and

WHEREAS, in September 2020, Kendall County submitted an application for Certified Local Government Status to the Illinois Historic Preservation Agency; and

WHEREAS, the Illinois Historic Preservation Agency requested that the Preservation Commission meet at least four time per year and that the application fee be set at a fixed amount for property owner and non-property owner applicants; and

WHEREAS, on November 16, 2020, the Kendall County Historic Preservation Commission reviewed the requested amendments from the Illinois Historic Preservation Agency recommended amendments to the Kendall County Historic Preservation as requested by the Illinois Historic Preservation Agency to the Kendall County Board; and

WHEREAS, the Kendall County Committee of the Whole of the Kendall County Board has reviewed the amendments proposed to the Kendall County Historic Preservation Ordinance by the Kendall County Historic Preservation Commission at its meeting on December 10, 2020, and recommended approval of these proposed amendments; and

WHEREAS, the Kendall County Board has considered the recommendations of the Committee of Whole and the Kendall County Historic Preservation Commission and has determined that said petition is in conformance with the provisions and intent of the Kendall County Historic Preservation Ordinance; and

NOW, THEREFORE, BE IT ORDAINED, BY THE COUNTY BOARD OF KENDALL COUNTY, ILLINOIS, that the Kendall County Historic Preservation Ordinance be amended as follows:

- I. Recitals: The recitals set forth above are incorporated as if fully set forth herein.

II. Amended Text: Article II.1.f is amended by deleting the present text and replacing it with the follow:

“F) *Meetings*. Meetings of the Preservation Commission shall be held no less than monthly, except in those months when no business is pending, and shall be held at such times and places within the County as the Commission shall decide. The Preservation Commission shall meet no less than four (4) times per year. Special meetings may be called by the Chair or by the consent of two (2) members. All meetings of the Commission shall be open to the public, shall follow all provisions of the Open Meetings Act and shall adhere to Robert’s Rules of Order. The Commission shall keep minutes of its proceedings, showing a vote of each member upon every question, or if absent or failing to vote, and shall also keep records of its official actions. Such minutes and records shall be open to the public for inspection at offices of the Kendall County Planning, Building & Zoning Department.”

III. Amended Text: Article III.18 is amended by deleting the present text and replacing it with the following:

“18. APPLICATION FEE

All applicants for landmark or historic district designation shall pay a fee of Five Hundred Dollars (\$500) at the time of application submittal.”

IN WITNESS OF, this ordinance has been enacted by a majority vote of the Kendall County Board and is effective this 15th day of December, 2020.

Attest:

Debbie Gillette
Kendall County Clerk

Scott R. Gryder
Kendall County Board Chairman



Kendall County Agenda Briefing

Committee: Committee of the Whole

Meeting Date: December 10, 2020

Amount: N/A

Budget: N/A

Issue: Petition 20-29-Request from the Kendall County Historic Preservation Commission for Approval to Authorize the Kendall County Board Chairman to Sign and Submit an Application for Certified Local Government Status to the Illinois State Historic Preservation Officer with the Amendments to the Kendall County Historic Preservation Ordinance Outlined in Petition 20-28

Background and Discussion:

In September 2020, Kendall County submitted an application to the Illinois Historic Preservation Agency for Certified Local Government Status. The State reviewed the County's application and requested two (2) changes to the Kendall County Historic Preservation Ordinance:

1. Article II.1.F should be amended to require the Commission to meet at least four (4) times per year.
2. Article III.18 should be amended to set a flat fee and not create a situation where property owners are charged a different fee than non-property owners.

The State requested that, if the changes to the Historic Preservation Ordinance are made, the entire application be re-submitted.

The application with the unsigned ordinance amending the Historic Preservation Ordinance is attached.

Committee Action:

Historic Preservation Commission-Approval (4-0)
Committee of the Whole-Approval (8-0-1)

Staff Recommendation:

Approval

Prepared by: Matthew H. Asselmeier, AICP, CFM

Department: Planning, Building and Zoning Department

Date: December 10, 2020



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

December 15, 2020

Jon L. Pressley, MA
Certified Local Governments Program Coordinator
State Historic Preservation Office, IDNR
1 Old State Capitol Plaza
Springfield, Illinois 62701

Dear Jon L. Pressley, MA:

On behalf of Kendall County, Illinois, I would like to request Certified Local Government status for Kendall County from the Illinois State Historic Preservation Officer. If granted Certified Local Government status, Kendall County pledges to undertake the following:

1. Enforcement of appropriate state and local legislation for the designation and protection of historic properties through the enforcement of the Kendall County Historic Preservation Ordinance.
2. Maintenance of an adequate and qualified historic preservation review commission, officially known as the Kendall County Historic Preservation Commission, which was established by local ordinance.
3. Maintenance of a system for the survey and inventory of historic properties.
4. Maintenance of a system to provide adequate public participation in the local historic preservation program, including the process of nominating properties to the National Register of Historic Places, and the following of the Illinois Open Meetings Act.
5. Performance of the responsibilities listed in Numbers 1-4 above and those responsibilities specifically designated to Kendall County by the State Historic Preservation Officer.

Enclosed please find a copy of the Kendall County Historic Preservation Ordinance including the amendments previously requested to number of times the Commission shall meet in a year and the application fee, the Ordinance designating 1542 Plainfield Road as a local landmark, resumes of the members of the Kendall County Historic Preservation

Commission, and a statement describing the local preservation program. Please note, there is presently one (1) vacancy on the Kendall County Historic Preservation Commission and the Kendall County Senior Planner has been assigned as staff to the Kendall County Historic Preservation Commission.

If you have any questions regarding this request, please contact Matthew Asselmeier, Kendall County Senior Planner, at masselmeier@co.kendall.il.us or 630-553-4139.

Sincerely,

Scott R. Gryder, Chairman
Kendall County Board

Encs.: Kendall County Historic Preservation Ordinance
Ordinance Designating 1542 Plainfield as Local Landmark
Kendall County Historic Preservation Commissioners' Resumes
Statement Describing Local Preservation Program

ARTICLE I

PURPOSES, DEFINITIONS AND GENERAL PROVISIONS

1. PURPOSES & INTENT

The purposes and intent of this Ordinance are as follows:

- A) To identify, designate, protect, preserve, and encourage the restoration, rehabilitation, and adaptation for continued use of those properties and structures which represent or reflect the historic, cultural, artistic, social, economic, ethnic or political heritage of the United States of America, State of Illinois, or Kendall County or which may be representative of an architectural or engineering type inherently valuable for the study of style, period, craftsmanship, method of construction or use of indigenous materials;
- B) To safeguard the County's historic, aesthetic and cultural heritage as embodied and reflected in such structures and landscape features;
- C) To stabilize and improve the economic vitality and value of designated landmarks and historic districts in particular and of the County in general;
- D) To foster civic pride in the beauty and noble accomplishments of the past in order that both the pride and the accomplishments themselves may be passed on to future generations;
- E) To protect and enhance the County's attractions for tourists and visitors as well as to support and provide stimulus to business and industry;
- F) To strengthen the economy of the County;
- G) To promote the use of historic districts and landmarks for the education, pleasure, and welfare of the citizens of Kendall County and;
- H) To educate the general public, government officials and real estate interests about the value of historic preservation to the economy, and long-term quality of life for those who live and work in the County.

2. DEFINITIONS

For the purposes of this Ordinance, certain words, phrases, and terms shall have the following meanings:

- A) *Alteration*: Any act or process that changes one or more historic, architectural, or physical features of an area, site, landscape, place, and/or structure, including, but not limited to, the erection, construction, reconstruction, or removal of any structure; the expansion or significant modification of agricultural activities;

surface mining; and clearing, grading or other modification of an area, site or landscape that changes its current or natural condition.

B) *Architectural Significance*: Embodying the distinctive characteristics of a type, period, style or method of construction or use of indigenous materials, or representing the work of an important builder, designer, architect, engineer, or craftsman who has contributed to the development of the community, County, State or Nation.

C) *Archaeological Significance*: Importance as an area, site, place or landscape that has yielded or is likely to yield information concerning past patterns of human settlement, or artifacts or information concerning previous cultures in Illinois or previous periods of the present culture. Areas, sites or landscapes of archaeological significance may include, but are not limited to, aboriginal mounds, forts, earthworks, burial grounds, historic or prehistoric ruins, locations of villages, mine excavations or tailing.

D) *Building*: Any structure designed or constructed for residential, commercial, industrial, agricultural or other use.

E) *Certificate of Appropriateness*: A certificate issued by a Preservation Commission indicating its approval of plans for alteration, construction, demolition, or removal affecting a nominated or designated landmark or property within a nominated or designated historic district.

F) *Certificate of Economic Hardship*: A certificate issued by the Preservation Commission authorizing an alteration, construction, removal or demolition even though a Certificate of Appropriateness has previously been denied or may be denied.

G) *Commissioners*: Members of the Preservation Commission.

H) *Conservation Right*: A term that includes easements, covenants, deed restrictions or any other type of less than full fee simple interest as that term is defined in Illinois Revised Statutes, Section 1 of "An Act relating to conservation rights in real property," approved September 12, 1977, as amended.

I) *Construction*: The act of adding an addition to a structure or the erection of a new principal or accessory structure on a lot or property.

J) *Demolition*: Any act or process which destroys in part or in whole a landmark or a building or structure within a historic district.

K) *Demolition by Neglect*: Neglect in the maintenance of any landmark and/or building or structure within a preservation district resulting in the deterioration of that building to the extent that it creates a hazardous or unsafe condition as determined by the Kendall County Building and Zoning Department or the

Kendall County Department of Health.

L) *Design Criteria*: Standards of appropriate activity that will preserve the historic, architectural, scenic or aesthetic character of a landmark or historic district.

M) *Development Rights*: The development rights of a landmark or of a property within a historic district as defined in Section 11-48.2-1A of the Illinois Municipal Code.

N) *Development Rights Bank*: A reserve for the deposit of development rights as defined in Section 11-48.2-1A of the Illinois Municipal Code.

O) *Exterior Architectural Appearance*: The architectural character and general composition of the exterior of a building or structure, including but not limited to the kind, color and texture of the building material and the type, design and character of all windows, doors, light fixtures, signs and appurtenant elements.

P) *Historic Significance*: Character, interest or value as part of the development, heritage, or culture of the community, County, State or Nation; or as the location of an important local, County, State or national event; or through identification with a person or persons who made important contributions to the development of the community, County, State or Nation.

Q) *Landmark*: A property or structure designated as a "Landmark" by ordinance of the County Board, pursuant to procedures prescribed herein, which is worthy of rehabilitation, restoration, or preservation because of its historic, scenic, or architectural significance.

R) *Landscape*: A natural feature or group of natural features such as, but not limited to: valleys, rivers, lakes, marshes, swamps, forests, woods, or hills; or a combination of natural features and buildings, structures, objects, cultivated, fields, or orchards in a predominantly rural setting.

S) *Object*: Any tangible items, including any items of personal property, including, but not limited to: wagons, boats, and farm machinery that may be easily moved or removed from real estate property.

T) *Owner*: The person or corporation or other legal entity in whose name or names the property appears on the records of the County Recorder of Deeds.

U) *Historic district*: An area designated as a "historic district" by ordinance of the County Board and which may contain within definable geographic boundaries one or more landmarks and which may have within its boundaries other properties, areas, sites, landscapes or structures, while not of such historic, architectural or scenic significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics of the district. For the purposes of this definition,

“historic district” shall be the same as “preservation district” as defined by State law (Amended 6.16.20).

V) *Removal*: Any relocation of a structure, object or artifact on its site or to another site.

W) *Repair*: Any change that is not construction, alteration, demolition, or removal and is necessary or useful for continuing normal maintenance.

X) *Scenic Significance*: Importance as a result of appearance or character that remains relatively unchanged from and embodies the essential appearance related to a culture from an earlier historic or prehistoric period; or as a result of a unique location, appearance, or physical character that creates an established or familiar vista or visual feature; or as a geologic or natural feature associated with the development, heritage, or culture of the community, County, State, or Nation.

Y) *Site*: The traditional, documented or legendary location of an event, occurrence, action, or structure significant in the life or lives of a person, persons, group, or tribe, including but not limited to cemeteries, burial grounds, campsites, battlefields, settlements, estates, gardens, groves, river crossings, routes, trails, caves, quarries, mines, or significant trees or other plant life.

Z) *Structure*: Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground including (but without limiting the generality of the foregoing) barns, smokehouses, advertising signs, billboards, backstops for tennis courts, bridges, fences, pergolas, gazebos, radio and television antennae, solar collectors, microwave antennae including supporting towers, roads, ruins or remnants (including foundations), swimming pools or walkways.

AA) *Super Majority Vote*: At least three-fourths approval of the vote of the entire Kendall County Board (Amended 6.16.20).

BB) *Survey*: The systematic gathering of information on the architectural, historic, scenic, and archaeological significance of buildings, sites, structures, areas, or landscapes through visual assessment in the field and historical research, for the purpose of identifying landmarks or districts worthy of preservation.

3. GENERAL PROVISIONS

The following are general provisions propounded to make more clear matters relative to scope and jurisdiction of this Ordinance.

A) No provision herein shall supersede the powers of other local legislative or regulatory bodies or relieve any property owner from complying with the requirements of any other state statute or code or ordinance of Kendall County or individual municipal ordinances or regulations, and any permit or license required

there under shall be required in addition to any Certificate of Appropriateness or Economic Hardship which may be required hereunder; provided, however, that where a Certificate of Appropriateness or Economic Hardship is required, no such other permit or license shall be issued by any other agency under the jurisdiction of the Kendall County Board before a certificate has been issued by the Commission as herein provided.

B) The use of property and improvements which have been designated under this Ordinance shall be governed by the Kendall County Zoning Ordinance, as amended.

C) If any particular section of this Ordinance is declared to be unconstitutional or void, only the particular section is affected, and all other sections of this Ordinance shall remain in full force and effect.

D) For purposes of remedying emergency conditions determined to be dangerous to life, health or property, the Commission may waive the procedures set forth herein and grant immediate approval for a Certificate of Appropriateness. The Commission shall state its reasons in writing for such approval.

E) No member of the Preservation Commission shall vote on any matter that may materially or apparently affect the property, income, or business interest of that member.

ARTICLE II

THE HISTORIC PRESERVATION COMMISSION

1. ORGANIZATION

A) *Appointment.* The Kendall County Board shall by ordinance appoint members to the Kendall County Preservation Commission from names submitted by the County Board Chair.

B) *Composition.* The Preservation Commission shall consist of five (5) members. All members shall be residents of Kendall County. The County Board Chair shall make a reasonable effort to nominate to the Preservation Commission at least one (1) attorney, one (1) historian or architectural historian, one (1) architect/engineer, and one (1) real estate professional knowledgeable in historic preservation; the other members shall be persons with a demonstrated interest in pre-history, history, or architecture. Commission vacancies shall be posted in a newspaper of general circulation within the county and on the county internet website. Included in the five (5) voting members, the County Board may appoint one of their members or staff to serve as a voting member of the Commission and liaison to the County Board (Amended 2.21.17).

C) *Terms.* Terms of the initial members shall be staggered so that at least five serve respectively for the following terms: one for one year; one for two years; one for three years; one for four years; and one for five years. Any additional initial members shall also serve terms staggered in the same sequence. Successors to initial members so appointed shall serve for five year terms. All ex officio members shall serve the term of their elected or appointed office. All members shall serve until their successors are appointed. Vacancies shall be filled by the Kendall County Board from names submitted by the County Board Chair. Any preservation commission member may be removed by the County Board for cause, after public hearing (Amended 6.16.20).

D) *Officers.* Officers shall consist of a Chair, Vice-Chair and a Secretary. The Chair shall preside over meetings. In the absence of the Chair, the Vice Chair shall perform the duties of the Chair. If both the Chair and the Vice-Chair are absent, a temporary Chair shall be elected by those present. One (1) of the members so appointed by the County Board shall be named as chairman at the time of appointment and other officers may be elected by the Preservation Commission. The Vice-Chair and Secretary shall serve a term of one (1) year and shall be eligible for re-election. No member shall serve as a Vice-Chair or Secretary in the same capacity for more than three (3) consecutive years. Once the member has served in the same capacity for three (3) years, a one (1) year hiatus from that office must be followed. The Chair shall ensure that the following duties are performed (Amended 6.16.20):

- i) That minutes are taken of each Preservation Commission meeting;
- ii) That copies of the minutes, reports, and decisions of the Preservation Commission be published and distributed to the members of the Preservation Commission.
- iii) The Kendall County Board Chair is advised of vacancies on the Preservation Commission and expiring terms of members; and
- iv) That there be prepared and submitted to the Kendall County Board a complete record of the proceedings before the Preservation Commission on any matters requiring County Board consideration. The Kendall County Planning, Building & Zoning Department shall be the official keeper of the records.

E) *Rules and Procedures.* The Historic Preservation Commission shall have the authority to develop and adopt rules and procedures necessary to carry out its functions under the provisions of this Ordinance.

F) *Meetings.* Meetings of the Preservation Commission shall be held no less than monthly, except in those months when no business is pending, and shall be held at such times and places within the County as the Commission shall decide. The

Preservation Commission shall meet no less than four (4) times per year. Special meetings may be called by the Chair or by the consent of two (2) members. All meetings of the Commission shall be open to the public, shall follow all provisions of the Open Meetings Act and shall adhere to Robert's Rules of Order. The Commission shall keep minutes of its proceedings, showing a vote of each member upon every question, or if absent or failing to vote, and shall also keep records of its official actions. Such minutes and records shall be open to the public for inspection at offices of the Kendall County Planning, Building & Zoning Department (Amended 12.15.20).

G) *Quorum*. A quorum shall consist of three (3) members. The transaction of business shall be made by a majority vote of those members in attendance while a quorum is present, except that the adoption, modification or rescission of any rule or part thereof shall require the affirmative vote of four (4) members (Amended 2.21.17).

H) *Compensation*. The members shall serve without compensation, but they shall be reimbursed for their expenses necessarily incurred in the performance of their duties as such and approved by the Director of the Planning, Building & Zoning Department, and if funds are available in the Historic Preservation Commission's reserves.

I) *Annual Report*. The Commission shall submit an annual report of its activities to the Kendall County Board.

2. POWERS & AUTHORITIES

The Preservation Commission shall have the following powers and authority.

A) To conduct an ongoing survey of the County to identify buildings, structures, areas, sites and landscapes that are of historic, archaeological, architectural, or scenic significance, and, therefore, potential landmarks or historic districts;

B) To hold public hearings and recommend to the County Board the designation of landmarks or historic districts;

C) To compile information concerning and prepare descriptions of the landmarks and historic districts identified and recommended for designation and the characteristics that meet the standards for designation;

D) To prepare, keep current, and publish a map or maps showing the locations and exact boundaries of proposed and designated landmarks and historic districts and, if the Commission so chooses, the locations and boundaries of designated state or federal landmarks or districts;

E) To keep a register of all designated landmarks and historic districts;

- F) To establish an appropriate system of markers or plaques for all designated landmarks, historic districts, and for streets, roads, trails, and highways leading from one landmark or historic district to another and to confer recognition upon the owners of landmarks or property within historic districts by means of certificates, plaques, or markers;
- G) To nominate, landmarks and historic districts to any state or federal registers of historic places;
- H) To advise and assist owners of landmarks and property within historic districts on physical and financial aspects of preservation, renovation, rehabilitation, and reuse, and on procedures for inclusion on any state or federal register of historic places;
- I) To inform and educate the citizens of the County concerning the historic, archaeological, architectural, or scenic heritage of the County by publishing appropriate maps, newsletters, brochures, and pamphlets, and by holding programs and seminars;
- J) To hold public hearings and to review applications for construction, alteration, removal, or demolition affecting landmarks or property within historic districts and issue or deny Certificates of Appropriateness for such actions;
- K) To consider applications for Certificates of Economic Hardship that would allow the performance of work for which a Certificate of Appropriateness has previously been denied;
- L) To develop specific criteria and guidelines for the proper alteration, construction, demolition, or removal of landmarks, or of property within historic districts;
- M) To review proposed amendments to zoning regulations and map amendments, applications for special uses or applications for zoning variations that affect any and all landmarks or historic districts. Proposed zoning amendments, applications for special use, or zoning variations that affect any landmark or historic district as defined in this ordinance shall be reviewed by support staff and forwarded to the Preservation Commission for review within seven (7) working days (Amended 6.16.20);
- N) To administer on behalf of the County Board any County owned property, or full or partial interest in real property, including a conservation right, by approval of the County Board (Amended 6.16.20);
- O) To accept and administer on behalf of the County Board gifts, grants, money or other personal property as may be appropriate for the purpose of this Ordinance. Such money may be expended for publishing maps and brochures, for

hiring staff or consultants or performing otherwise appropriate functions for the purpose of carrying out the duties and powers of the Preservation Commission and the purposes of this Ordinance.

P) To administer any system established by the County Board for the transfer of development rights;

Q) To call upon available County agencies and staff as well as other experts for technical advice; costs to be determined prior to activities and paid by petitioner except where included in the existing approved budget;

R) To retain specialists or consultants, or to appoint citizen, neighborhood or area advisory committees, as may be required, costs to be determined prior to activities and paid by petitioner except where included in the existing approved budget;

S) To testify before all boards, commissions, committees and municipalities on any matter affecting potential or designated landmarks or historic districts;

T) To periodically review any County Land resource management plan and to develop a preservation component in any comprehensive plan of the County and to recommend it to the Regional Plan Commission, the Planning, Building & Zoning Committee and the County Board;

U) To periodically consult the County zoning administrator, review any County zoning ordinance and building code, and to recommend to the County Board any amendments appropriate for the protection and continued use of landmarks or property within historic districts;

V) To undertake any other action or activity necessary or appropriate to the implementation of its powers and duties or the implementation of the purposes of this Ordinance.

W) To recommend to the County Board the adoption of intergovernmental agreements between the County Board and Kendall County municipalities that allow for the nomination and designation by the County Board of individual landmarks and historic districts within incorporated areas and that afford the protection of landmarks and historic districts through the provisions of this Article, and

X) To periodically monitor designated landmarks and preservation districts for demolition by neglect and to refer negligent cases to the appropriate county agency for enforcement.

ARTICLE III

DESIGNATION OF LANDMARKS AND HISTORIC DISTRICTS

1. INVESTIGATION & RESEARCH

The Preservation Commission shall undertake an ongoing investigation and research effort in the County to identify areas, sites, structures, and objects that have historic, cultural, community, architectural or aesthetic importance, interest, or value. As part of the investigation, the Commission shall review and evaluate any prior surveys and studies by any unit of government, private organization or individual and compile appropriate descriptions, facts, and photographs.

The Commission shall make an effort to systematically identify potential landmarks and districts and adopt procedures to nominate them individually or in groups based upon the following criteria:

- a) The potential landmarks or districts in one township or distinct geographical area of the County;
- b) The potential landmarks associated with a particular person, event, or historical period;
- c) The potential landmarks of a particular architectural style or school, or of a particular architect, engineer, builder, designer, or craftsman; or of a particular building material.
- d) Such other criteria as may be adopted by the Preservation Commission to assure systematic survey and nomination of all potential landmarks within the County;

2. PRESERVATION PLAN

A) The Historic Preservation Commission shall, through the aforesaid surveys and research, so as to become thoroughly familiarized with buildings, structures, objects, sites, districts, areas and lands within the County which may be eligible for designation as historic landmarks or districts, prepare a "Historic Landmark and District Preservation Plan."

B) The Preservation Plan shall be presented to the Kendall County Planning, Building & Zoning Department for consideration and recommendation to the County Board for possible inclusion in the Kendall County Land Resource Management Plan as amended. From time to time, the Commission shall review the Plan and insert in the Historic Preservation Commission minutes a report of such review and take appropriate action on any amendments to the Plan deemed necessary.

3. NOMINATION OF LANDMARKS AND HISTORIC DISTRICTS

A.) Landmarks

The Preservation Commission or any person may propose landmarks for designation by the County Board by filing a nomination for any property or properties and structures located in an unincorporated area or in an incorporated area by intergovernmental agreement with the appropriate municipality within the geographical boundaries of Kendall County. Nomination forms shall be filed with the Kendall County Planning, Building & Zoning Department.

Such forms shall be provided by the Commission. Nomination forms submitted for landmarks or historic districts shall include or be accompanied by the following information:

- a) The name and address of the applicant and owner of record.
- b) The legal description and Common Street address of the property.
- c) A written statement describing the structure, building, or site and setting forth reasons in support of the proposed designation, including a list of significant exterior architectural features that should be protected.
- d) If the applicant is not the current owner of record, written documentation and evidence establishing that the applicant notified the current owner of record of the nominated property and whether the owner of record consents or objects to the proposed landmark designation. Such documentation or evidence of record ownership shall include a recent title policy in the name of the applicant or other evidence of record ownership acceptable to the Historic Preservation Commission (Amended 6.16.20).
- e) An overall site plan and photographs of the landmark. The plan shall also include a front, side, and rear elevation drawing.
- f) Such other relevant information as requested by the Historic Preservation Commission.
- g) The County Board reserves the right to set appropriate fees for administering this ordinance.

B.) Historic Districts

The Preservation Commission or any person may propose historic districts for designation by the County Board by filing a nomination for any property or properties and structures located in an unincorporated area or in an incorporated

area by intergovernmental agreement with the appropriate municipality within the geographical boundaries of Kendall County. Nomination forms shall be filed with the Kendall County Planning, Building & Zoning Department.

Such forms shall be provided by the Commission. Nomination forms submitted for historic districts shall include or be accompanied by the following information:

- a) The names and addresses of applicants.
- b) The names and addresses of all of the owners of record of buildings, structures, or sites in the area nominated for designation.
- c) A vicinity map delineating the boundaries of the area nominated for designation.
- d) A written statement describing the area and structures, buildings, or sites located in the area nominated for designation as an historic district and setting forth the reasons in support of the proposed designation, including a list and photographs of significant exterior architectural features of all structures, buildings, or sites in the district that should be protected.
- e) If the applicant is not the current owner of record, written documentation and evidence establishing that applicants notified the current owners of record of property in the area nominated for designation and that such owner comprise the owners of record of at least fifty-one percent (51%) of all sites contained in the nominated area. Such documentation or evidence of record ownership shall include recent title policies in the names of the applicants or other evidence of record ownership acceptable to the Historic Preservation Commission (Amended 6.16.20).
- f) The name, address, and telephone number of one of the applicants who shall be the designated contact person and liaison for the purposes of the application. The name, address, and telephone number of an additional applicant to serve as an alternative contact person shall also be provided.
- g) Such other relevant information as requested by the Historic Preservation Commission.
- h) The County Board reserves the right to set appropriate fees for administering this ordinance.

4. CRITERIA FOR DESIGNATION

A.) Landmarks

The Commission may recommend to the County Board the designation of landmarks when a thorough investigation results in a determination that the property, structure, improvement or area so recommended meets one (1) or more of the following criteria:

- A) It has character, interest, or value which is part of the development, heritage, or cultural characteristics of a local community, the County, the State of Illinois or the Nation;
- B) Its location is a site of a significant local, County, State, or National event;
- C) It is identified with a person or persons who significantly contributed to the development of the local community, the County, the State of Illinois, or the Nation;
- D) It embodies distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction, or use of indigenous materials;
- E) It is identified with the work of a master builder, designer, architect, engineer, or landscape architect whose individual work has influenced the development of the local area, Kendall County, the State of Illinois, or the Nation;
- F) It embodies elements of design, detailing, materials, or craftsmanship that render it architecturally significant;
- G) It embodies design elements that make it structurally or architecturally innovative;
- H) It has a unique location or singular physical characteristics that make it an established or familiar visual feature;
- I) It is a particularly fine or unique example of a utilitarian structure with a high level of integrity or architectural significance;
- J) It is suitable for preservation or restoration;
- K) It is included in the National Register of Historic Places and/or the Illinois Register of Historic Places.
- L) It has yielded, or may be likely to yield, information important to pre-history, history or other areas of archaeological significance.
- M) It is an exceptional example of an historic or vernacular style or type or one of

few remaining in the County.

B.) Historic Districts

The Commission may recommend to the County Board the designation of Historic Districts. Historic Districts shall only be recommended for designation when a thorough investigation results in a determination that the properties, structure, improvement or area so recommended meets one (1) or more of the following criteria:

- A) It has character, interest, or value which is part of the development, heritage, or cultural characteristics of a local community, the County, the State of Illinois or the Nation;
- B) Its location is a site of a significant local, County, State, or National event;
- C) It is identified with a person or persons who significantly contributed to the development of the local community, the County, the State of Illinois, or the Nation;
- D) It embodies distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction, or use of indigenous materials;
- E) It is identified with the work of a master builder, designer, architect, engineer, or landscape architect whose individual work has influenced the development of the local area, Kendall County, the State of Illinois, or the Nation;
- F) It embodies elements of design, detailing, materials, or craftsmanship that render it architecturally significant;
- G) It embodies design elements that make it structurally or architecturally innovative;
- H) It has a unique location or singular physical characteristics that make it an established or familiar visual feature;
- I) It is a particularly fine or unique example of a utilitarian structure with a high level of integrity or architectural significance;
- J) It is suitable for preservation or restoration;
- K) It is included in the National Register of Historic Places and/or the Illinois Register of Historic Places.
- L) It has yielded, or may be likely to yield, information important to pre-history, history or other areas of archaeological significance.

M) It is an exceptional example of an historic or vernacular style or type or one of few remaining in the County.

5. INITIAL REPORT & RECOMMENDATION OF PRESERVATION COMMISSION

The Preservation Commission shall, within thirty (30) calendar days from receipt of a completed application for designation, cause to be written an initial recommendation and report stating whether the nominated landmark or historic district does or does not meet the criteria for designation as provided for in Article III, Section 4 herein. The report shall contain the following information (Amended 6.16.20):

- A) An explanation of the significance or lack of significance of the nominated landmark or historic district as it relates to the criteria for designation;
- B) A description of the integrity or lack of integrity of the nominated landmark or historic district;
- C) A map showing the location of the nominated landmark or the boundaries of the nominated historic district.

In addition, in the case of a nominated landmark found to meet the criteria for designation, the report shall include:

- A) A description of the significant exterior architectural features of the nominated landmark that should be protected;

In the case of a nominated historic district found to meet the criteria for designation the report shall include:

- A) A list of addresses and Permanent Index Numbers showing which properties are contributing and which are non-contributing;
- B) A description of the types of significant exterior architectural features of the structures within the nominated district that should be protected;

In the case of a nominated landmark or historic district the recommendation and report shall be available to the public in the office of the County Planning, Building & Zoning Department.

6. NOTIFICATION OF NOMINATION

The Preservation Commission shall, within thirty (30) days from completion of the initial report and recommendation as described above in Article III, Section 5, cause to be scheduled a public hearing on the nomination. Notice of the date, time, place and purpose of the public hearing shall be sent by certified mail to the owner(s) of record and to the nominators at least fifteen (15) days prior to the date of the hearing. Such notice shall also be published in a newspaper having general circulation in the area surrounding the

nominated property or district at least fifteen (15) days prior to the date of the hearing. All notices shall state the street, address and Permanent Index Number or legal description of a nominated landmark or the boundaries of a nominated historic district.

7. HEARING

A public hearing shall be scheduled, and notification made thereof, pursuant to Article III, Section 6, above. Oral or written testimony shall be taken at the public hearing concerning the nomination. The Preservation Commission may solicit expert testimony or present its own evidence regarding the historic, archaeological, or scenic significance of a proposed landmark or of any property within a proposed historic district relative to compliance with criteria for consideration set forth above in Section 4 of this Article. The hearing shall be closed upon completion of testimony.

8. RECOMMENDATION OF PRESERVATION COMMISSION

Within thirty (30) days following the close of the public hearing, the Commission shall make its determination upon the evidence whether the proposed landmark or historic district does or does not meet the criteria for designation. A recommendation to the County Board regarding the proposed landmark or historic district shall be passed by resolution of the Preservation Commission. This recommendation shall be accompanied by a report stating the findings of the Preservation Commission concerning the historic, archaeological, architectural or scenic significance of the proposed landmark or historic district and also include if the property owner(s) objects to the designation. The Preservation Commission shall forward copies of the resolution and report to the applicant and the owner of the subject property or representative for petitioners of the subject area.

In the case of the property owner's (owners') objection to a landmark designation or historic district, the nomination would require the affirmative vote of a super majority of the full County Board.

9. DESIGNATION

The County Board, upon a recommendation from the Preservation Commission that the proposed landmark or historic district should be designated, shall review the report and recommendations of the Preservation Commission.

For individual landmarks or historic district applications, the County Board, after reviewing the report and recommendation, shall, within sixty (60) days from receipt of the recommendation of the Preservation Commission, take one of the following steps:

- A) Designate the landmark or historic district by ordinance; or
(In the case of the property owner(s) objection to a landmark designation or historic district, the nomination would require the affirmative vote of a super majority of the full County Board.)
- B) Refer the report and recommendation back to the Preservation Commission with suggestions for revisions, stating its reason for such action.

C) Reject the nomination application.

Upon return of the report and recommendation to the Commission, the Commission shall review and prepare new findings within forty-five (45) days of the County Board's original decision. The County Board shall designate or not designate the landmark at the next regularly scheduled County Board meeting.

10. RESUBMISSION OF APPLICATION

Resubmission of any application for landmark or historic district designation may be made no sooner than ninety (90) days after County Board action on the nomination. Not more than one re-submission may be made within a twelve (12) month period.

11. NOTICE OF DESIGNATION

Notice of the action of the County Board, including a copy of the ordinance designating the landmark, historic district shall be sent by regular mail to all owners of record, including but not limited to each owner of record of a landmark or property within a historic district. Further, as soon as is reasonably possible, the County Board Chair shall cause to be notified the Kendall County Planning, Building & Zoning Department, the Recorder of Deeds, the County Clerk, and the Kendall County Collector by forwarding to each a copy of the designation ordinance. The Recorder of Deeds shall ensure that the designation be recorded on all directly affected parcels.

12. PUBLICATION OF MAP

A map showing the location of all designated landmarks and historic districts shall be published and amended upon each designation. Copies of the map shall be available to the public at the Kendall County Planning, Building & Zoning office, the Kendall County website, and the same location and in the same manner as any County zoning map (Amended 6.16.20).

13. APPEALS

Adoption of an ordinance designating a landmark or historic district by the Kendall County Board shall be a final action reviewable under Section 3-101 of the Illinois Administrative Review Law.

14. INTERIM CODE

No building, zoning, site development, access, utility or other permit shall be issued by the Planning, Building & Zoning Department, the Highway Department or other County department without a Certificate of Appropriateness being issued in accordance with Article IV Section 2 for alteration, construction, demolition, or removal of a nominated landmark or the alteration of any physical feature of a property or structure within a nominated historic district from the date the nomination form is received by the County office until the final disposition of the nomination by the County Board unless such alteration, removal, or demolition is necessary for public health, welfare, or safety.

15. MARKING BY ATTACHMENT OF A PLAQUE

Each designated landmark or historic district may be marked by an appropriate plaque carrying a brief description and account of the historic significance of the property. The plaque shall be provided by the County at the expense of the property owner.

16. AMENDMENT & RESCISSION OF DESIGNATION

The County Board, upon recommendation of the Preservation Commission, may amend or rescind designation by the same procedure and according to the same standards and considerations set forth for designation. No amendment or rescission shall be made to a designation of a landmark or historic district based solely on a change in owner's consent.

17. TRANSFER OF JURISDICTIONAL CONTROL

Should a designated landmark or historic district be incorporated into a municipality with a preservation ordinance, that municipality's preservation ordinance shall govern. If a municipality annexes a designated landmark or historic district and does not have a preservation ordinance, the County's preservation ordinance will continue to govern.

18. APPLICATION FEE

All applicants for landmark or historic district designation shall pay a fee of Five Hundred Dollars (\$500) at the time of application submittal (Amended 12.15.20).

ARTICLE IV

ALTERATION, CONSTRUCTION, DEMOLITION, AND MAINTENANCE

1. SCOPE

Work on property and improvements so designated pursuant to this ordinance shall be regulated as follows:

- A) *Landmarks*: No significant alterations, exterior construction or exterior demolition or interior alteration which may affect the exterior appearance may be performed on property and structures which have been designated under this ordinance as landmarks, except as shall be approved by a Certificate of Appropriateness.
- B) *Historic districts*: No significant alterations, exterior construction or exterior demolition or interior alteration which may affect the exterior appearance may be performed on property and structures located within an area which is designated under this ordinance as a historic district, except as shall be approved by a Certificate of Appropriateness.

2. CERTIFICATE OF APPROPRIATENESS

- A) A Certificate of Appropriateness from the Preservation Commission established pursuant to this Ordinance shall be required before any significant

alteration, construction, demolition or removal that affects pending or designated landmarks or historic districts is undertaken. Such a certificate is required for all such actions from the date a nomination form is submitted to the Preservation Commission.

B) Applications for Certificates of Appropriateness.

i) Every application submitted to the Kendall County Planning, Building & Zoning Department for a permit wherein the applicant represents and/or delineates plans to commence any action as immediately described above in subsection (A) affecting any such property, improvements or areas therein described, shall be forwarded by the Director of Planning, Building and Zoning to a representative or representatives of the Preservation Commission, within five (5) business days following the receipt of said application by the Planning, Building & Zoning Department.

The Planning, Building & Zoning Department shall not issue the building or demolition permit until a Certificate of Appropriateness has been issued by the Preservation Commission. Any applicant may request a meeting with the Preservation Commission before the application is sent by the Director of Planning, Building and Zoning to the Preservation Commission or during the review of the application.

ii) Application for review of construction, alteration, demolition, or removal not requiring a building permit for which a Certificate of Appropriateness is required shall be made on a form prepared by the Preservation Commission and available at the office of Kendall County Planning, Building & Zoning Department. The Preservation Commission may schedule, provide notice and conduct a public hearing concerning the application in the manner previously described in Article III, Section 6 and 7.

iii) If a public hearing is not scheduled, the Commission may consider the completed application at its next regular meeting and may grant a Certificate of Appropriateness at that time. The Commission may further designate support staff to be responsible for reviewing routine applications for Certificates of Appropriateness when the proposed work is clearly appropriate and in accordance with the criteria set forth in Article IV, Sections 2(c) and (d) below, and the purposes of this Ordinance.

iv) The Commission may seek technical advice from outside its members on any application for a Certificate of Appropriateness. The applicant and each commissioner shall receive a copy of the consultant's written opinion at least seven (7) days before a determination is to be made on the application. The costs for this technical advice will be paid by petitioner unless included as part of the annual approved budget for the Commission.

v) The Commission shall act promptly and in a reasonable manner in its judgment of plans for new construction or for alteration, removal, or demolition of structures in historic districts that have little historic value, except where such construction, alteration, removal, or demolition would seriously impair the historic or architectural value of surrounding structures or the surrounding area.

C) Design Guidelines. The Commission shall consider the following factors in reviewing applications for Certificates of Appropriateness:

i) *Height*: The height of any proposed alteration or construction should be compatible with the style and character of the landmark and with surrounding structures in a historic district.

ii) *Proportions of Windows and Doors*: The proportions and relationships between doors and windows should be compatible with the architectural style and character of the landmark and with surrounding structures within a historic district.

iii) *Relationship of Building Masses and Spaces*: The relationship of a structure within a historic district to open space between it and adjoining structures should be compatible or similar to relationships commonly found between similar structures in the district.

iv) *Roof Shape*: The design of the roof should be compatible with the architectural style and character of the landmark and surrounding structures which are similar in design in a historic district.

v) *Landscaping*: Landscaping should be compatible with the architectural character and appearance of the landmark and of surrounding structures and landscapes in historic districts.

vi) *Scale*: The scale of the structure after alteration, construction, or partial demolition should be compatible with its architectural style and character and with surrounding structures in a historic district.

vii) *Directional Expression*: Facades in historic districts should blend with other structures with regard to directional expression. Structures in a historic district should be compatible with the dominant horizontal or vertical expression of surrounding structures or of its stylistic design. The directional expression of a landmark after any alteration, construction, or partial demolition should be compatible with its original architectural style and character.

viii) *Architectural Details*: Architectural details, including materials and

textures, should be treated so as to make a landmark compatible with its original architectural style or character.

D) Standards for Review. The Commission, in considering the appropriateness of any alteration, demolition, new construction, or removal to any property or structures designated or pending designation as a landmark, or any area designated or pending designation as a historic district, shall be guided by the following general standards and any design guidelines in the ordinance designating the landmark or historic district as well as conformance to applicable zoning classification, height, and area limitation:

- i) Every reasonable effort shall be made to provide a compatible use for a property that requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.
- ii) The distinguishing original qualities or character of a building, structure, site, and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural feature should be avoided whenever possible.
- iii) All buildings, structures, and sites shall be recognized as products of their time. Alterations that have no historical basis or that seek to create an earlier/later appearance shall be discouraged.
- iv) Changes that may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- v) Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure, or site shall be treated with sensitivity.
- vi) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplication of features substantiated by historic, physical, or pictorial evidence, rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- vii) The surface cleaning of structures shall be undertaken with the utmost care and consideration. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.

viii) Every reasonable effort shall be made to protect and preserve archaeological resources affected by or adjacent to any project.

ix) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.

x) Wherever possible, new additions or alterations to structures should be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would not be impaired.

E) Determination by Preservation Commission. Within fifteen (15) business days after support staff review, or from the date of the regular meeting, or from the close of a public hearing concerning an application for a Certificate of Appropriateness, or within such further time as the applicant for said certificate (and/or permit) approves in writing, the Commission shall determine whether:

i) The proposed construction, alteration, demolition, removal or other modification will be appropriate to the preservation of the particular landmark or historic district and a Certificate of Appropriateness may be issued; or

ii) Such proposed modification is inappropriate to the preservation of the particular landmark or historic district and a Certificate of Appropriateness may be denied.

Written notice of the approval or denial of the application for a Certificate of Appropriateness shall be provided the applicant, sent by certified mail with return receipt requested, and to the Kendall County Planning, Building & Zoning Department within seven (7) days (Saturdays, Sundays, and legal holidays excluded) following the determination and shall be accompanied by a Certificate of Appropriateness in the case of an approval.

F) Denial of Certificate of Appropriateness. A denial of a Certificate of Appropriateness shall be accompanied by a statement of the reasons for the denial. The Preservation Commission shall make recommendations to the applicant concerning changes, if any, in the proposed action that would cause the Preservation Commission to reconsider its denial and shall confer with the applicant and attempt to resolve as quickly as possible the difference(s) between the applicant and the Commission. The applicant may resubmit an amended application or reapply for a building or demolition permit that takes into consideration the recommendations of the Preservation Commission.

G) Decision Binding on Planning, Building & Zoning Department. The Director of the Kendall County Planning, Building & Zoning Department shall be bound by the determination of the Commission and approve, if in conformance with other provisions of the Building Code, or disapprove any application for the proposed construction, alteration, removal of an exterior architectural feature, or demolition of any building or structure in a historic district or any landmark in accordance with said determination.

H) Failure of Commission to Review Application in a Timely Manner. Failure of the Commission to act upon an application for Certificate of Appropriateness within ninety (90) days shall constitute approval and no other evidence shall be needed. This time limit may be waived only by mutual consent of the applicant and the Commission.

I) Demolitions. Pursuant to Article IV, Sections 2(c) and (d) above, the Preservation Commission may deny any application for a Certificate of Appropriateness where demolition is proposed upon a finding that such proposed action will adversely affect the historic, archeological, architectural, or scenic significance of a landmark or historic district. Upon receipt of an application for a Certificate of Appropriateness for demolition, the Preservation Commission shall as soon as possible make a determination, supported by written findings, whether one or more of the following criteria are met:

- i) The structure or visual resource is of such interest or quality that it would reasonably meet national, state or local criteria for designation as an historic or architectural landmark.
- ii) The structure or visual resource is of such unusual or uncommon design, texture or materials that it could not be reproduced, or could be reproduced only with great difficulty and expense.
- iii) Retention of the structure or visual resource would aid substantially in preserving and protecting another structure or visual resource which meets criteria (i) or (ii) hereinabove.

Where the Preservation Commission determines that one or more of these criteria are met, no Certificate of Appropriateness shall be issued and the application shall be denied.

In cases of historic districts or if structures remain a landmark, if a demolition permit is issued, the Preservation Commission shall require the applicant to submit for review and consideration post-demolition plans which shall include drawings and sketches with sufficient detail to show, as far as they relate to exterior appearance, the architectural design of any and all improvements incorporated in such plans (Amended 6.16.20).

J) Compliance with Certificate. A Certificate of Appropriateness will become void if:

- i) If there is any change in the scope of work pursuant to the approved application subsequent to the issuance of the Certificate; or
- ii) If twelve (12) months have elapsed after issuance of the Certificate and no building permit has been issued.

K) Appeals. A denial of a Certificate of Appropriateness is an administrative decision as defined in Section 3-101 of the Illinois Administrative Review Law, and it shall be subject to judicial review pursuant to provisions of said Administrative Review Law and all amendments and modifications thereof, and the rules adopted thereto.

3. ECONOMIC HARDSHIP

A) The Preservation Commission may issue a Certificate of Economic Hardship upon determination that the failure to issue a Certificate of Appropriateness has denied, or will deny the owner of a landmark or of a property within a historic district all reasonable use of, or return on, the property. Application for a Certificate of Economic Hardship shall be made on a form and in the manner as prescribed by the Preservation Commission. The Preservation Commission may schedule a public hearing concerning the application and provide notice in the same manner as prescribed in Article III, Section 6, of this Ordinance and conduct the hearing in the same manner as prescribed in Article III, Section 7, of this Ordinance.

B) The Preservation Commission may solicit expert testimony (Amended 6.16.20).

C) The applicant for a Certificate of Economic Hardship shall submit the following information if requested by the Planning, Building and Zoning Department or the Preservation Commission in order to assist the Preservation Commission in its determination on the application:

- i) An estimate of the cost of the proposed construction, alteration, demolition, or removal, and an estimate of any additional cost that would be incurred to comply with the recommendations of the Preservation Commission for changes necessary for the issuance of a Certificate of Appropriateness;
- ii) A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation;

iii) Estimated market value of the property in its current condition; after completion of the proposed construction, alteration, demolition, or removal; after any changes recommended by the Preservation Commission; and, in the case of a proposed demolition, after renovation of the existing property for continued use;

iv) In the case of a proposed demolition, an estimate from a person or entity experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property;

v) Amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, of any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer;

vi) If the property is income-producing, the annual gross income from the property for the previous two (2) years; itemized operating and maintenance expenses for the previous two (2) years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period;

vii) Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two (2) years;

viii) Any listing of the property for sale or rent, price asked and offers received, if any, within the previous two (2) years;

ix) Assessed value of the property according to the two (2) most recent assessments;

x) Real estate taxes for the previous two (2) years;

xi) Form of ownership or operation of the property, whether sole proprietorship, for profit or not-for-profit corporation, limited partnership, joint venture, or other.

xii) Any other information, including the income tax bracket of the owner, applicant, or principal investors in the property considered necessary by the Preservation Commission to make a determination as to whether the property does yield or may yield a reasonable return to the owners (Amended 6.16.20)

D) Determination of Economic Hardship. Within sixty (60) days from receiving a request for a Certificate of Economic Hardship, the Commission, upon a determination that the denial of a Certificate of Appropriateness has denied, or

will deny the owner of a landmark or of a property within a historic district all reasonable use of or return on the property, may undertake one of the following actions:

- i) Offer the owner of the property reasonable financing, tax or other incentives sufficient to allow a reasonable use of, or return on, the property; or
- ii) Issue a Certificate of Appropriateness for the proposed construction, alteration, demolition or removal.

Written notice of the determination shall be provided in the same manner as required by Article IV, Section 2(e) of this Ordinance. This time limit may be waived only by mutual consent of the applicant and the Commission (Amended 6.16.20).

E) Appeals. A denial of a Certificate of Economic Hardship is an administrative decision as defined in Section 3-101 of the Illinois Administrative Review Law, and it shall be subject to judicial review pursuant to provisions of said law and all amendments and modifications thereof, and the rules adopted thereto (Amended 6.16.20).

4. MAINTENANCE OF HISTORIC PROPERTIES

Nothing in this Article shall be construed to prevent the ordinary maintenance of any exterior elements of a property or structures designated or nominated as a landmark or located within a designated or nominated historic district.

5. PUBLIC SAFETY EXCLUSION

None of the provisions of this ordinance shall be construed to prevent any measures of construction, alteration, or demolition necessary to correct or abate the unsafe or dangerous condition of any structure, other feature or part thereof, where such condition has been declared unsafe or dangerous by the Director, Kendall County Planning, Building & Zoning Department, the Kendall County Health Department or any Fire Protection District and where the proposed measures have been declared necessary, by such department or departments to correct the said condition; provided, however, that only such work as is reasonably necessary to correct the unsafe or dangerous condition may be performed pursuant to this Section.

In the event any structure or other feature shall be damaged by fire or other calamity, or by Act of Nature or by the public enemy, to such an extent that, in the opinion of the aforesaid department or departments, it cannot reasonably be repaired and restored, it may be removed in conformity with normal permit procedures and applicable laws.

6. DEMOLITION BY NEGLIGENCE

It is the intent of this section to preserve from deliberate or inadvertent neglect the features of landmarks and contributing buildings and structures within designated historic

districts.

Periodically, the Commission shall, in conjunction with its ongoing survey operations, survey the exterior of each designated landmark and each property within a historic district to ensure that the property is not suffering from demolition by neglect, as defined in the ordinance. The Commission's Secretary shall document the performance of each annual neglect survey.

Any owner who fails to maintain their building or structure in compliance with this section shall be subject to remedial procedures. Upon a finding by the Commission that a historic landmark or a contributing building or structure within a historic district is threatened by demolition by neglect, the Commission shall:

- (a) Notify the County Board so that they or the appropriate county agency will require the owner to repair all conditions contributing to demolition by neglect.
- (b) If the owner does not make repairs within a reasonable period of time the County Board or their agents may make such repairs as are necessary to prevent demolition by neglect. The costs of such work shall be charged to the owner, and may be levied as a special assessment or lien against the property.

ARTICLE V

ENFORCEMENT, PENALTIES AND EQUITABLE RELIEF

1. ENFORCEMENT

The Kendall County Planning, Building & Zoning Department shall give written notification, sent by certified mail, return receipt, postage prepaid requested, of any violation of this Ordinance to the owner of record, lessor, the trustee, or other legally responsible party for such property, stating in such notification that they have inspected the property and have found it in violation of this Ordinance. They shall state in the notification, in clear precise terms, a description or explanation of the violation. The property owner of record, trustee, lessor, or legally responsible party shall have thirty (30) days from the date he receives the notice in which to correct such violation or to give satisfactory evidence that he has taken steps that will lead to correcting such violation within a stated period of time, which time must be agreeable to the Planning, Building & Zoning Department as being fair and reasonable.

Upon petition of the Preservation Commission, the Circuit Court for Kendall County may restrain and/or enjoin any construction, removal, alteration, or demolition in violation of this Act and may order the removal in whole or part of any exterior architectural feature existing in violation of this Ordinance and may further order such reconstruction as may be necessary or desirable to redress any alteration or demolition in said violation.

2. PENALTIES

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or who resists enforcement of any provisions of this Ordinance, shall be subject to a fine of not less than twenty-five dollars (\$25.00) nor more than five hundred

dollars (\$500.00) for each offense. Each day a violation is permitted to exist after notification thereof shall constitute a separate offense.

In addition to the fine listed in the previous paragraph, a court of competent jurisdiction or a hearing officer in cases of administrative adjudication may direct the Kendall County Planning, Building and Zoning Department to withhold the issuance of a building property for period not to exceed five (5) years after the date of demolition in cases of unauthorized demolition of a landmark or any property within a designated preservation district at the property where the unauthorized demolition occurred (Amended 6.16.20).

The owner or tenant of any building, structure, or land, and any architect, planner, surveyor, engineer, realtor, attorney, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may be found guilty of a separate offense and suffer the penalties herein provided.

Nothing herein contained shall prevent the County from taking such other lawful action as is necessary to prevent or remedy any violation.

3. EQUITABLE RELIEF

In addition to other remedies provided by law, Kendall County may institute any appropriate action or proceeding to prevent, restrain, abate or correct a violation of this Ordinance, including, but not limited to, requiring the restoration of property and improvements to its appearance prior to the violation.

ORDINANCE # 2020-_____

**AMENDMENTS TO THE KENDALL COUNTY HISTORIC PRESERVATION
ORDINANCE PERTAINING TO PRESERVATION COMMISSION'S MEETING
SCHEDULE AND APPLICATION FEES**

WHEREAS, 55 ILCS 5/Div. 5-30 allows counties to establish Historic Preservation Ordinances; and

WHEREAS, the Kendall County Board established the Kendall County Historic Preservation Ordinance through Ordinance 2006-67; and

WHEREAS, Article II, Section 2, of the Kendall County Historic Preservation Ordinance grants the Kendall County Historic Preservation Commission the authority to recommend changes to the Kendall County Historic Preservation Ordinance; and

WHEREAS, in September 2020, Kendall County submitted an application for Certified Local Government Status to the Illinois Historic Preservation Agency; and

WHEREAS, the Illinois Historic Preservation Agency requested that the Preservation Commission meet at least four time per year and that the application fee be set at a fixed amount for property owner and non-property owner applicants; and

WHEREAS, on November 16, 2020, the Kendall County Historic Preservation Commission reviewed the requested amendments from the Illinois Historic Preservation Agency recommended amendments to the Kendall County Historic Preservation as requested by the Illinois Historic Preservation Agency to the Kendall County Board; and

WHEREAS, the Kendall County Committee of the Whole of the Kendall County Board has reviewed the amendments proposed to the Kendall County Historic Preservation Ordinance by the Kendall County Historic Preservation Commission at its meeting on December 10, 2020, and recommended approval of these proposed amendments; and

WHEREAS, the Kendall County Board has considered the recommendations of the Committee of Whole and the Kendall County Historic Preservation Commission and has determined that said petition is in conformance with the provisions and intent of the Kendall County Historic Preservation Ordinance; and

NOW, THEREFORE, BE IT ORDAINED, BY THE COUNTY BOARD OF KENDALL COUNTY, ILLINOIS, that the Kendall County Historic Preservation Ordinance be amended as follows:

- I. Recitals: The recitals set forth above are incorporated as if fully set forth herein.

II. Amended Text: Article II.1.f is amended by deleting the present text and replacing it with the follow:

“F) *Meetings*. Meetings of the Preservation Commission shall be held no less than monthly, except in those months when no business is pending, and shall be held at such times and places within the County as the Commission shall decide. The Preservation Commission shall meet no less than four (4) times per year. Special meetings may be called by the Chair or by the consent of two (2) members. All meetings of the Commission shall be open to the public, shall follow all provisions of the Open Meetings Act and shall adhere to Robert’s Rules of Order. The Commission shall keep minutes of its proceedings, showing a vote of each member upon every question, or if absent or failing to vote, and shall also keep records of its official actions. Such minutes and records shall be open to the public for inspection at offices of the Kendall County Planning, Building & Zoning Department.”

III. Amended Text: Article III.18 is amended by deleting the present text and replacing it with the following:

“18. APPLICATION FEE

All applicants for landmark or historic district designation shall pay a fee of Five Hundred Dollars (\$500) at the time of application submittal.”

IN WITNESS OF, this ordinance has been enacted by a majority vote of the Kendall County Board and is effective this 15th day of December, 2020.

Attest:

Debbie Gillette
Kendall County Clerk

Scott R. Gryder
Kendall County Board Chairman

ORDINANCE # 2020- 11

**AMENDMENTS TO THE KENDALL COUNTY HISTORIC PRESERVATION
ORDINANCE PERTAINING TO DEFINITIONS, HISTORIC PRESERVATION
COMMISSION POWERS AND AUTHORITIES, NOMINATION PROCEDURES OF
LANDMARKS AND HISTORIC DISTRICTS, ALTERATION, CONSTRUCTION,
DEMOLITION AND MAINTENANCE PROVISIONS, AND PENALTIES**

WHEREAS, 55 ILCS 5/Div. 5-30 allows counties to establish Historic Preservation Ordinances; and

WHEREAS, the Kendall County Board established the Kendall County Historic Preservation Ordinance through Ordinance 2006-67; and

WHEREAS, Article II, Section 2, of the Kendall County Historic Preservation Ordinance grants the Kendall County Historic Preservation Commission the authority to recommend changes to the Kendall County Historic Preservation Ordinance; and

WHEREAS, the Kendall County Historic Preservation Commission reviewed the provisions of the Kendall County Historic Preservation Ordinance at several of its meetings during 2019; and

WHEREAS, on January 21, 2020, the Kendall County Historic Preservation Commission recommended several amendments to the Kendall County Historic Preservation Ordinance to the Kendall County Board; and

WHEREAS, the Kendall County Planning, Building and Zoning Committee of the Kendall County Board has reviewed the amendments proposed to the Kendall County Historic Preservation Ordinance by the Kendall County Historic Preservation Commission at its meeting on February 10, 2020, and recommended approval with of these proposed amendments with the addition of a fee amendment; and

WHEREAS, the Kendall County Board has considered the recommendations of the Planning, Building and Zoning Committee and the Kendall County Historic Preservation Commission and has determined that said petition is in conformance with the provisions and intent of the Kendall County Historic Preservation Ordinance; and

NOW, THEREFORE, BE IT ORDAINED, BY THE COUNTY BOARD OF KENDALL COUNTY, ILLINOIS, that the Kendall County Historic Preservation Ordinance be amended as follows:

- I. Recitals: The recitals set forth above are incorporated as if fully set forth herein.
- II. Amended Text: Article I.2.U is amended by adding the following sentence to the end of the definition of *Historic District*:

“For the purposes of this definition, “historic district” shall be the same as “preservation district” as defined by State law.”

III. Amended Text: Article I.2 is amended by adding the following definition in the appropriate place alphabetically in the list of definitions:

“BB) *Super Majority Vote*: At least three-fourths approval of the vote of the entire Kendall County Board.”

IV. Amended Text: Article II.1.C is amended by deleting the present text and replacing it with the following:

“C) *Terms*. Terms of the initial members shall be staggered so that at least five serve respectively for the following terms: one for one year; one for two years; one for three years; one for four years; and one for five years. Any additional initial members shall also serve terms staggered in the same sequence. Successors to initial members so appointed shall serve for five year terms. All ex officio members shall serve the term of their elected or appointed office. All members shall serve until their successors are appointed. Vacancies shall be filled by the Kendall County Board from names submitted by the County Board Chair. Any preservation commission member may be removed by the County Board for cause, after public hearing.”

V. Amended Text: Article II.1.D is amended by deleting the present text of the first paragraph and replacing it with the following:

“D) *Officers*. Officers shall consist of a Chair, Vice-Chair and a Secretary. The Chair shall preside over meetings. In the absence of the Chair, the Vice Chair shall perform the duties of the Chair. If both the Chair and the Vice-Chair are absent, a temporary Chair shall be elected by those present. One (1) of the members so appointed by the County Board shall be named as chairman at the time of appointment and other officers may be elected by the Preservation Commission. The Vice-Chair and Secretary shall serve a term of one (1) year and shall be eligible for re-election. No member shall serve as a Vice-Chair or Secretary in the same capacity for more than three (3) consecutive years. Once the member has served in the same capacity for three (3) years, a one (1) year hiatus from that office must be followed. The Chair shall ensure that the following duties are performed:”

VI. Amended Text: Article II.2.M is amended by deleting the present text and replacing it with the following:

“M) To review proposed amendments to zoning regulations and map amendments, applications for special uses or applications for zoning variations that affect any and all landmarks or historic districts. Proposed zoning amendments, applications for special use, or zoning variations that affect any landmark or historic district as defined in this ordinance shall be reviewed by support staff and forwarded to the Preservation Commission for review within seven (7) working days.”

VII. Amended Text: Article II.2.N is amended by deleting the present text and replacing it with the following:

“N) To administer on behalf of the County Board any County owned property, or full or partial interest in real property, including a conservation right, by approval of the County Board.”

VIII. Amended Text: Article III.3.A.d is amended by deleting the present text and replacing it with the following:

“d) If the applicant is not the current owner of record, written documentation and evidence establishing that the applicant notified the current owner of record of the nominated property and whether the owner of record consents or objects to the proposed landmark designation. Such documentation or evidence of record ownership shall include a recent title policy in the name of the applicant or other evidence of record ownership acceptable to the Historic Preservation Commission.”

VII. Amended Text: Article III.3.B.e is amended by deleting the present text and replacing it with the following:

“e) If the applicant is not the current owner of record, written documentation and evidence establishing that applicants notified the current owners of record of property in the area nominated for designation and that such owner comprise the owners of record of at least fifty-one percent (51%) of all sites contained in the nominated area. Such documentation or evidence of record ownership shall include recent title policies in the names of the applicants or other evidence of record ownership acceptable to the Historic Preservation Commission.”

VIII. Amended Text: Article III.5 is amended by deleting the present text of the first paragraph and replacing it with the following:

“The Preservation Commission shall, within thirty (30) calendar days from receipt of a completed application for designation, cause to be written an initial recommendation and report stating whether the nominated landmark or historic district does or does not meet the criteria for designation as provided for in Article III, Section 4 herein. The report shall contain the following information:”

IX. Amended Text: Article III.12 is amended by deleting the present text and replacing it with the following:

“12. PUBLICATION OF MAP

A map showing the location of all designated landmarks and historic districts shall be published and amended upon each designation. Copies of the map shall be available to the public at the Kendall County Planning, Building & Zoning office, the Kendall County website, and the same location and in the same manner as any County zoning map.”

X. Amended Text: Article III.18 is amended by adding the following:

“18. APPLICATION FEE

All applicants for landmark or historic district designation shall pay a fee of Five Hundred Dollars (\$500) at the time of application submittal. Said fee shall be waived upon approval by a majority vote of the Kendall County Historic Preservation Commission, if requested by the property owner or property owners.”

XI. Amended Text: Article IV.2.I is amended by deleting the present text in the final paragraph and replacing it with the following:

“In cases of historic districts or if structures remain a landmark, if a demolition permit is issued, the Preservation Commission shall require the applicant to submit for review and consideration post-demolition plans which shall include drawings and sketches with sufficient detail to show, as far as they relate to exterior appearance, the architectural design of any and all improvements incorporated in such plans.”

XII. Amended Text: Article IV.3.B is amended by deleting the present text and replacing it with the following:

“B) The Preservation Commission may solicit expert testimony.”

XIII. Amended Text: Article IV.3.C is amended by deleting the present text and replacing it with the following:

“C) The applicant for a Certificate of Economic Hardship shall submit the following information if requested by the Planning, Building and Zoning Department or the Preservation Commission in order to assist the Preservation Commission in its determination on the application:

i) An estimate of the cost of the proposed construction, alteration, demolition, or removal, and an estimate of any additional cost that would be incurred to comply with the recommendations of the Preservation Commission for changes necessary for the issuance of a Certificate of Appropriateness;

ii) A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation;

iii) Estimated market value of the property in its current condition; after completion of the proposed construction, alteration, demolition, or removal; after any changes recommended by the Preservation Commission; and, in the case of a proposed demolition, after renovation of the existing property for continued use;

iv) In the case of a proposed demolition, an estimate from a person or entity experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property;

- v) Amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, of any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer;
- vi) If the property is income-producing, the annual gross income from the property for the previous two (2) years; itemized operating and maintenance expenses for the previous two (2) years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period;
- vii) Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two (2) years;
- viii) Any listing of the property for sale or rent, price asked and offers received, if any, within the previous two (2) years;
- ix) Assessed value of the property according to the two (2) most recent assessments;
- x) Real estate taxes for the previous two (2) years;
- xi) Form of ownership or operation of the property, whether sole proprietorship, for profit or not-for-profit corporation, limited partnership, joint venture, or other.
- xii) Any other information, including the income tax bracket of the owner, applicant, or principal investors in the property considered necessary by the Preservation Commission to make a determination as to whether the property does yield or may yield a reasonable return to the owners.”

XIV. Amended Text: Article IV.3.D is amended by deleting the present text and replacing it with the following:

“D) Determination of Economic Hardship. Within sixty (60) days from receiving a request for a Certificate of Economic Hardship, the Commission, upon a determination that the denial of a Certificate of Appropriateness has denied, or will deny the owner of a landmark or of a property within a historic district all reasonable use of or return on the property, may undertake one of the following actions:

- i) Offer the owner of the property reasonable financing, tax or other incentives sufficient to allow a reasonable use of, or return on, the property; or
- ii) Issue a Certificate of Appropriateness for the proposed construction, alteration, demolition or removal.

Written notice of the determination shall be provided in the same manner as required by Article IV, Section 2(e) of this Ordinance. This time limit may be waived only by mutual consent of the applicant and the Commission.”

XV. Amended Text: Article IV.3.E is amended by adding the following:


“E) Appeals. A denial of a Certificate of Economic Hardship is an administrative decision as defined in Section 3-101 of the Illinois Administrative Review Law, and it shall be subject to judicial review pursuant to provisions of said law and all amendments and modifications thereof, and the rules adopted thereto.”

XVI. Amended Text: Article V.2 is amended by deleting the second paragraph and replacing it with the following:

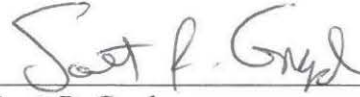
“In addition to the fine listed in the previous paragraph, a court of competent jurisdiction or a hearing officer in cases of administrative adjudication may direct the Kendall County Planning, Building and Zoning Department to withhold the issuance of a building property for period not to exceed five (5) years after the date of demolition in cases of unauthorized demolition of a landmark or any property within a designated preservation district at the property where the unauthorized demolition occurred.”

IN WITNESS OF, this ordinance has been enacted by a majority vote of the Kendall County Board and is effective this 16th day of June, 2020.

Attest:



Debbie Gillette
Kendall County Clerk



Scott R. Gryder
Kendall County Board Chairman



ORDINANCE # 2017- 04

**AMENDMENT TO THE KENDALL COUNTY HISTORIC PRESERVATION
ORDINANCE: ARTICLE II "Organization"**

WHEREAS, the Kendall County Board established the Kendall County Historic Preservation Ordinance through Ordinance 2006-67; and

WHEREAS, the Kendall County Historic Preservation Commission, an agency of the Kendall County Board is invested with certain powers and duties pursuant to the Ordinance; and

WHEREAS, the Kendall County Historic Preservation Ordinance may propose landmarks & historic districts for designation by the County Board; and

WHEREAS, the Kendall County Board amends this Ordinances from time to time in the public interest.

NOW, THEREFORE, BE IT ORDAINED, the Kendall County Board hereby amends ARTICLE II. "Organization" of the Kendall County Historic Preservation Ordinance as presented in Exhibit "A", attached hereto and made a part hereof.

NOW, THEREFORE, BE IT FURTHER ORDAINED, this Amendment to the Kendall County Historic Preservation Ordinance shall be effective upon approval by the Kendall County Board.

IN WITNESS OF, this Amendment to the Kendall County Historic Preservation Ordinance was approved by the Kendall County Board on February 21, 2017.

Attest:



Debbie Gillette
Kendall County Clerk



Scott Gryder
Kendall County Board Chairman

Exhibit A

ARTICLE II

THE HISTORIC PRESERVATION COMMISSION

1. ORGANIZATION

A) *Appointment.* The Kendall County Board shall by ordinance appoint members to the Kendall County Preservation Commission from names submitted by the County Board Chair.

B) *Composition.* The Preservation Commission shall consist of five (5) members. All members shall be residents of Kendall County. The County Board Chair shall make a reasonable effort to nominate to the Preservation Commission at least one (1) attorney, one (1) historian or architectural historian, one (1) architect/engineer, and one (1) real estate professional knowledgeable in historic preservation; the other members shall be persons with a demonstrated interest in pre-history, history, or architecture. Commission vacancies shall be posted in a newspaper of general circulation within the county and on the county internet website. Included in the five (5) voting members, the County Board may appoint one of their members or staff to serve as a voting member of the Commission and liaison to the County Board.

C) *Terms.* Members shall serve for three year terms. All ex officio members shall serve the term of their elected or appointed office. All members shall serve until their successors are appointed. Vacancies shall be filled by the Kendall County Board from names submitted by the County Board Chair.

D) *Officers.* Officers shall consist of a Chair, Vice-Chair and a Secretary elected by the Preservation Commission. The Chair shall preside over meetings. In the absence of the Chair, the Vice Chair shall perform the duties of the Chair. If both the Chair and the Vice-Chair are absent, a temporary Chair shall be elected by those present. The Chair, Vice-Chair and secretary shall serve a term of one (1) year and shall be eligible for re-election. No member shall serve as an officer in the same capacity for more than three (3) consecutive years. Once the member has served in the same capacity for three (3) years a one (1) year hiatus from that office must be followed. The Chair shall ensure that the following duties are performed:

- i) That minutes are taken of each Preservation Commission meeting;
- ii) That copies of the minutes, reports, and decisions of the Preservation Commission be published and distributed to the members of the Preservation Commission.
- iii) The Kendall County Board Chair is advised of vacancies on the Preservation Commission and expiring terms of members; and

iv) That there be prepared and submitted to the Kendall County Board a complete record of the proceedings before the Preservation Commission on any matters requiring County Board consideration. The Kendall County Planning, Building & Zoning Department shall be the official keeper of the records.

E) *Rules and Procedures.* The Historic Preservation Commission shall have the authority to develop and adopt rules and procedures necessary to carry out its functions under the provisions of this Ordinance.

F) *Meetings.* Meetings of the Preservation Commission shall be held no less than monthly, except in those months when no business is pending, and shall be held at such times and places within the County as the Commission shall decide. Special meetings may be called by the Chair or by the consent of two (2) members. All meetings of the Commission shall be open to the public, shall follow all provisions of the Open Meetings Act and shall adhere to Robert's Rules of Order. The Commission shall keep minutes of its proceedings, showing a vote of each member upon every question, or if absent or failing to vote, and shall also keep records of its official actions. Such minutes and records shall be open to the public for inspection at offices of the Kendall County Planning, Building & Zoning Department.

G) *Quorum.* A quorum shall consist of three (3) members. The transaction of business shall be made by a majority vote of those members in attendance while a quorum is present, except that the adoption, modification or rescission of any rule or part thereof shall require the affirmative vote of four (4) members.

H) *Compensation.* The members shall serve without compensation, but they shall be reimbursed for their expenses necessarily incurred in the performance of their duties as such and approved by the Director of the Planning, Building & Zoning Department, and if funds are available in the Historic Preservation Commission's reserves.

I) *Annual Report.* The Commission shall submit an annual report of its activities to the Kendall County Board.

KENDALL COUNTY)
)
STATE OF ILLINOIS)

ORDINANCE NO. 2006-67

KENDALL COUNTY HISTORIC PRESERVATION ORDINANCE

WHEREAS, the County of Kendall is empowered pursuant to Illinois Compiled Statutes Chapter 55, Division 5-30, to establish and appoint a preservation study committee to evaluate resources and recommend courses of action to protect them, and said committee was duly appointed by the Kendall County Board on September 20, 2005; and

WHEREAS, the Kendall County Historic Preservation Study Committee has reviewed and evaluated existing State, county or local surveys of incorporated and unincorporated portions of Kendall County and determined that a number of buildings, structures, areas, sites and landscapes identified in said surveys which were of historic, architectural, cultural, archaeological, educational and/or scenic significance, have since been destroyed; and

WHEREAS, movement and shifts of population and changes in residential, commercial, agricultural and industrial use and customs can and will adversely affect and threaten the survival of potential landmarks and historic districts without a coordinated effort and exercise of police power; and

WHEREAS, the Kendall County Study Committee has determined the need to conduct an ongoing survey of the county to identify buildings, structures, areas, sites and landscapes that are of historic, archaeological, architectural, or scenic significance, and therefore potential landmarks or preservation districts and to recommend a preservation plan to the Board; and

WHEREAS, the preservation and continued utilization of potential landmarks and historic districts is necessary and desirable for the enjoyment and beauty of the County of Kendall and for the health, safety, prosperity and general welfare of the citizens of the County; and

WHEREAS, the Kendall County Land Resources Management Plan states, "The County will establish and maintain an historic preservation program, working with state and municipal agencies to identify, protect and enhance historic buildings and sites within incorporated and unincorporated sections of the County"; and

WHEREAS, the Kendall County Historic Preservation Study Committee has conducted the required public hearings, presented its final report to the Kendall County Board and submitted a Kendall County Historic Preservation Ordinance, hereto attached, to the County Board for their consideration; and

WHEREAS, the Kendall County Historic Preservation Ordinance provides for the creation of the Kendall County Preservation Commission, an agency of the Kendall County Board invested with certain powers and duties pursuant to this Ordinance; and

WHEREAS, the Kendall County Historic Preservation Ordinance hereto attached includes all revisions requested by members of the Kendall County Board;

WHEREAS, the Kendall County Board recommended adoption of the Ordinance on August 15, 2006 as ordinance 06-67;

WHEREAS, a search of the Clerk's file revealed the necessary ordinance cover sheet was not included;

NOW, THEREFORE, BE IT ORDAINED by the Kendall County Board that the Kendall County Historic Preservation Ad Hoc Study Committee was terminated.

NOW, THEREFORE, BE IT FURTHER ORDAINED by the Kendall County Board that the Kendall County Historic Preservation Ordinance, which is attached hereto, is hereby adopted;

EFFECTIVE DATE:

This ordinance shall be in full force and effect from and after its passage and approval and publication, as required by law.

ADOPTED BY THE COUNTY BOARD THIS 15th DAY OF August, 2006.



John Church
Kendall County Board Chairman



Paul Anderson
Kendall County Clerk

06-67

ARTICLE I

PURPOSES, DEFINITIONS AND GENERAL PROVISIONS

1. PURPOSES & INTENT

The purposes and intent of this Ordinance are as follows:

- A) To identify, designate, protect, preserve, and encourage the restoration, rehabilitation, and adaptation for continued use of those properties and structures which represent or reflect the historic, cultural, artistic, social, economic, ethnic or political heritage of the United States of America, State of Illinois, or Kendall County or which may be representative of an architectural or engineering type inherently valuable for the study of style, period, craftsmanship, method of construction or use of indigenous materials;
- B) To safeguard the County's historic, aesthetic and cultural heritage as embodied and reflected in such structures and landscape features;
- C) To stabilize and improve the economic vitality and value of designated landmarks and historic districts in particular and of the County in general;
- D) To foster civic pride in the beauty and noble accomplishments of the past in order that both the pride and the accomplishments themselves may be passed on to future generations;
- E) To protect and enhance the County's attractions for tourists and visitors as well as to support and provide stimulus to business and industry;
- F) To strengthen the economy of the County;
- G) To promote the use of historic districts and landmarks for the education, pleasure, and welfare of the citizens of Kendall County and;
- H) To educate the general public, government officials and real estate interests about the value of historic preservation to the economy, and long-term quality of life for those who live and work in the County.

2. DEFINITIONS

For the purposes of this Ordinance, certain words, phrases, and terms shall have the following meanings:

- A) *Alteration*: Any act or process that changes one or more historic, architectural, or physical features of an area, site, landscape, place, and/or structure, including, but not limited to, the erection, construction, reconstruction, or removal of any structure; the expansion or significant modification of agricultural activities;

Kendall County Department of Health.

L) *Design Criteria*: Standards of appropriate activity that will preserve the historic, architectural, scenic or aesthetic character of a landmark or historic district.

M) *Development Rights*: The development rights of a landmark or of a property within a historic district as defined in Section 11-48.2-1A of the Illinois Municipal Code.

N) *Development Rights Bank*: A reserve for the deposit of development rights as defined in Section 11-48.2-1A of the Illinois Municipal Code.

O) *Exterior Architectural Appearance*: The architectural character and general composition of the exterior of a building or structure, including but not limited to the kind, color and texture of the building material and the type, design and character of all windows, doors, light fixtures, signs and appurtenant elements.

P) *Historic Significance*: Character, interest or value as part of the development, heritage, or culture of the community, County, State or Nation; or as the location of an important local, County, State or national event; or through identification with a person or persons who made important contributions to the development of the community, County, State or Nation.

Q) *Landmark*: A property or structure designated as a "Landmark" by ordinance of the County Board, pursuant to procedures prescribed herein, which is worthy of rehabilitation, restoration, or preservation because of its historic, scenic, or architectural significance.

R) *Landscape*: A natural feature or group of natural features such as, but not limited to: valleys, rivers, lakes, marshes, swamps, forests, woods, or hills; or a combination of natural features and buildings, structures, objects, cultivated fields, or orchards in a predominantly rural setting.

S) *Object*: Any tangible items, including any items of personal property, including, but not limited to: wagons, boats, and farm machinery that may be easily moved or removed from real estate property.

T) *Owner*: The person or corporation or other legal entity in whose name or names the property appears on the records of the County Recorder of Deeds.

U) *Historic district*: An area designated as a "historic district" by ordinance of the County Board and which may contain within definable geographic boundaries one or more landmarks and which may have within its boundaries other properties, areas, sites, landscapes or structures, while not of such historic, architectural or scenic significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics of the district.

Commission as herein provided.

B) The use of property and improvements which have been designated under this Ordinance shall be governed by the Kendall County Zoning Ordinance, as amended.

G) If any particular section of this Ordinance is declared to be unconstitutional or void, only the particular section is affected, and all other sections of this Ordinance shall remain in full force and effect.

H) For purposes of remedying emergency conditions determined to be dangerous to life, health or property, the Commission may waive the procedures set forth herein and grant immediate approval for a Certificate of Appropriateness. The Commission shall state its reasons in writing for such approval.

I) No member of the Preservation Commission shall vote on any matter that may materially or apparently affect the property, income, or business interest of that member.

ARTICLE II

THE HISTORIC PRESERVATION COMMISSION

1. ORGANIZATION

A) *Appointment.* The Kendall County Board shall by ordinance appoint members to the Kendall County Preservation Commission from names submitted by the County Board Chair.

B) *Composition.* The Preservation Commission shall consist of nine (9) members. All members shall be residents of Kendall County. The County Board Chair shall nominate to the Preservation Commission at least one (1) attorney, one (1) historian or architectural historian, one (1) architect/engineer, and one (1) real estate professional knowledgeable in historic preservation; the other members shall be persons with a demonstrated interest in archaeology, Kendall County history, architecture, engineering, preservation and/or the preservation of community character. Commission vacancies shall be posted in a newspaper of general circulation within the county and on the county internet website. No more than three (3) members shall be from the same township. In addition to the nine (9) voting members, the County Board may appoint one of their members or staff to serve as an ex-officio, non-voting member of the Commission and liaison to the County Board.

C) *Terms.* Terms of the initial members shall be staggered so that three serve for one year; three for two years; and three for three years. Successors to initial members shall serve for three year terms. All ex officio members shall serve the

H) *Compensation.* The members shall serve without compensation, but they shall be reimbursed for their expenses necessarily incurred in the performance of their duties as such and approved by the Director of the Planning, Building & Zoning Department, and if funds are available in the Historic Preservation Commission's reserves.

I) *Annual Report.* The Commission shall submit an annual report of its activities to the Kendall County Board.

2. POWERS & AUTHORITIES

The Preservation Commission shall have the following powers and authority.

A) To conduct an ongoing survey of the County to identify buildings, structures, areas, sites and landscapes that are of historic, archaeological, architectural, or scenic significance, and, therefore, potential landmarks or historic districts;

B) To hold public hearings and recommend to the County Board the designation of landmarks or historic districts;

C) To compile information concerning and prepare descriptions of the landmarks and historic districts identified and recommended for designation and the characteristics that meet the standards for designation;

D) To prepare, keep current, and publish a map or maps showing the locations and exact boundaries of proposed and designated landmarks and historic districts and, if the Commission so chooses, the locations and boundaries of designated state or federal landmarks or districts;

E) To keep a register of all designated landmarks and historic districts;

F) To establish an appropriate system of markers or plaques for all designated landmarks, historic districts, and for streets, roads, trails, and highways leading from one landmark or historic district to another and to confer recognition upon the owners of landmarks or property within historic districts by means of certificates, plaques, or markers;

G) To nominate, with owners' consent, landmarks and historic districts to any state or federal registers of historic places;

H) To advise and assist owners of landmarks and property within historic districts on physical and financial aspects of preservation, renovation, rehabilitation, and reuse, and on procedures for inclusion on any state or federal register of historic places;

I) To inform and educate the citizens of the County concerning the historic, archaeological, architectural, or scenic heritage of the County by publishing

any matter affecting potential or designated landmarks or historic districts;

T) To periodically review any County Land resource management plan and to develop a preservation component in any comprehensive plan of the County and to recommend it to the Regional Plan Commission, the Planning, Building & Zoning Committee and the County Board;

U) To periodically consult the County zoning administrator, review any County zoning ordinance and building code, and to recommend to the County Board any amendments appropriate for the protection and continued use of landmarks or property within historic districts;

V) To undertake any other action or activity necessary or appropriate to the implementation of its powers and duties or the implementation of the purposes of this Ordinance.

W) To recommend to the County Board the adoption of intergovernmental agreements between the County Board and Kendall County municipalities that allow for the nomination and designation by the County Board of individual landmarks and historic districts within incorporated areas and that afford the protection of landmarks and historic districts through the provisions of this Article, and

X) To periodically monitor designated landmarks and preservation districts for demolition by neglect and to refer negligent cases to the appropriate county agency for enforcement.

ARTICLE III

DESIGNATION OF LANDMARKS AND HISTORIC DISTRICTS

1. INVESTIGATION & RESEARCH

The Preservation Commission shall undertake an ongoing investigation and research effort in the County to identify areas, sites, structures, and objects that have historic, cultural, community, architectural or aesthetic importance, interest, or value. As part of the investigation, the Commission shall review and evaluate any prior surveys and studies by any unit of government, private organization or individual and compile appropriate descriptions, facts, and photographs.

The Commission shall make an effort to systematically identify potential landmarks and districts and adopt procedures to nominate them individually or in groups based upon the following criteria:

- a) The potential landmarks or districts in one township or distinct geographical area of the County;

street address of the property proposed for designation.

c) A map delineating the boundaries and location of the property proposed for designation.

d) A written statement describing the property and setting forth reasons in support of the proposed designation.

e) If nominating an area for designation as a historic district, a list enumerating all properties and improvements previously designated, or currently pending designation, as a landmark by this Commission or listed on any state or federal registers of historic places.

f) The County Board reserves the right to set appropriate fees for administering this ordinance.

B.) Historic Districts

The Preservation Commission or any person may propose historic districts for designation by the County Board by filing a nomination including written proof of owners' consent, for any property or properties and structures located in an unincorporated area or in an incorporated area by intergovernmental agreement with the appropriate municipality within the geographical boundaries of Kendall County. Nomination forms shall be filed with the Kendall County Planning, Building & Zoning Department.

Such forms shall be provided by the Commission. Nomination forms submitted for historic districts shall include or be accompanied by the following information:

a) The names and addresses, as shown on the tax assessor's rolls, of the owner of record of the property proposed for designation and a notarized signed statement of consent of 100% of the owners

b) The Permanent Index Numbers (PIN), legal descriptions, and common street addresses of the properties proposed for designation.

c) A map delineating the boundaries and location of the properties proposed for designation.

d) A written statement describing the properties and setting forth reasons in support of the proposed designation.

e) If nominating an area for designation as a historic district, a list enumerating all properties and improvements previously designated, or currently pending designation, as a landmark by this Commission or listed on any state or federal registers of historic places.

Register of Historic Places.

L) It has yielded, or may be likely to yield, information important to pre-history, history or other areas of archaeological significance.

M) It is an exceptional example of an historic or vernacular style or type or one of few remaining in the County.

B.) Historic Districts

The Commission may recommend to the County Board the designation of Historic Districts upon written proof of 100% of property owners' consent whose property is located within the boundaries of the proposed district. In addition to owners' consent, Historic Districts shall only be recommended for designation when a thorough investigation results in a determination that the properties, structure, improvement or area so recommended meets one (1) or more of the following criteria:

A) It has character, interest, or value which is part of the development, heritage, or cultural characteristics of a local community, the County, the State of Illinois or the Nation;

B) Its location is a site of a significant local, County, State, or National event;

C) It is identified with a person or persons who significantly contributed to the development of the local community, the County, the State of Illinois, or the Nation;

D) It embodies distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction, or use of indigenous materials;

E) It is identified with the work of a master builder, designer, architect, engineer, or landscape architect whose individual work has influenced the development of the local area, Kendall County, the State of Illinois, or the Nation;

F) It embodies elements of design, detailing, materials, or craftsmanship that render it architecturally significant;

G) It embodies design elements that make it structurally or architecturally innovative;

H) It has a unique location or singular physical characteristics that make it an established or familiar visual feature;

I) It is a particularly fine or unique example of a utilitarian structure with a high level of integrity or architectural significance;

6. NOTIFICATION OF NOMINATION

The Preservation Commission shall, within thirty (30) days from completion of the initial report and recommendation as described above in Article III, Section 5, cause to be scheduled a public hearing on the nomination. Notice of the date, time, place and purpose of the public hearing shall be sent by certified mail to the owner(s) of record and to the nominators at least fifteen (15) days prior to the date of the hearing. Such notice shall also be published in a newspaper having general circulation in the area surrounding the nominated property or district at least fifteen (15) days prior to the date of the hearing. All notices shall state the street, address and Permanent Index Number or legal description of a nominated landmark or the boundaries of a nominated historic district.

7. HEARING

A public hearing shall be scheduled, and notification made thereof, pursuant to Article III, Section 6, above. Oral or written testimony shall be taken at the public hearing concerning the nomination. The Preservation Commission may solicit expert testimony or present its own evidence regarding the historic, archaeological, or scenic significance of a proposed landmark or of any property within a proposed historic district relative to compliance with criteria for consideration set forth above in Section 4 of this Article. The hearing shall be closed upon completion of testimony.

8. RECOMMENDATION OF PRESERVATION COMMISSION

Within thirty (30) days following the close of the public hearing, the Commission shall make its determination upon the evidence whether the proposed landmark or historic district does or does not meet the criteria for designation. A recommendation to the County Board regarding the proposed landmark or historic district shall be passed by resolution of the Preservation Commission. This recommendation shall be accompanied by a report stating the findings of the Preservation Commission concerning the historic, archaeological, architectural or scenic significance of the proposed landmark or historic district. The Preservation Commission shall forward copies of the resolution and report to the applicant and the owner of the subject property or representative for petitioners of the subject area.

9. DESIGNATION

The County Board, upon a recommendation from the Preservation Commission that the proposed landmark or historic district should be designated, shall review the report and recommendations of the Preservation Commission.

For individual landmarks applications, the County Board, after reviewing the report and recommendation, shall, within sixty (60) days from receipt of the recommendation of the Preservation Commission, take one of the following steps:

A) Designate the landmark by ordinance; or

B) Refer the report and recommendation back to the Preservation Commission with suggestions for revisions, stating its reason for such action.

carrying a brief description and account of the historic significance of the property. The plaque shall be provided by the County at the expense of the property owner.

16. AMENDMENT & RESCISSION OF DESIGNATION

The County Board, upon recommendation of the Preservation Commission, may amend or rescind designation by the same procedure and according to the same standards and considerations set forth for designation. No amendment or rescission shall be made to a designation of a landmark or historic district based solely on a change in owner's consent.

17. TRANSFER OF JURISDICTIONAL CONTROL

Should a designated landmark or historic district be incorporated into a municipality with a preservation ordinance, that municipality's preservation ordinance shall govern. If a municipality annexes a designated landmark or historic district and does not have a preservation ordinance, the County's preservation ordinance will continue to govern.

ARTICLE IV

ALTERATION, CONSTRUCTION, DEMOLITION, AND MAINTENANCE

1. SCOPE

Work on property and improvements so designated pursuant to this ordinance shall be regulated as follows:

A) Landmarks: No significant alterations, exterior construction or exterior demolition or interior alteration which may affect the exterior appearance may be performed on property and structures which have been designated under this ordinance as landmarks, except as shall be approved by a Certificate of Appropriateness.

B) Historic districts: No significant alterations, exterior construction or exterior demolition or interior alteration which may affect the exterior appearance may be performed on property and structures located within an area which is designated under this ordinance as a historic district, except as shall be approved by a Certificate of Appropriateness.

2. CERTIFICATE OF APPROPRIATENESS

A) A Certificate of Appropriateness from the Preservation Commission established pursuant to this Ordinance shall be required before any significant alteration, construction, demolition or removal that affects pending or designated landmarks or historic districts is undertaken. Such a certificate is required for all such actions from the date a nomination form is submitted to the Preservation Commission.

seriously impair the historic or architectural value of surrounding structures or the surrounding area.

C) Design Guidelines. The Commission shall consider the following factors in reviewing applications for Certificates of Appropriateness:

i) *Height*: The height of any proposed alteration or construction should be compatible with the style and character of the landmark and with surrounding structures in a historic district.

ii) *Proportions of Windows and Doors*: The proportions and relationships between doors and windows should be compatible with the architectural style and character of the landmark and with surrounding structures within a historic district.

iii) *Relationship of Building Masses and Spaces*: The relationship of a structure within a historic district to open space between it and adjoining structures should be compatible or similar to relationships commonly found between similar structures in the district.

iv) *Roof Shape*: The design of the roof should be compatible with the architectural style and character of the landmark and surrounding structures which are similar in design in a historic district.

v) *Landscaping*: Landscaping should be compatible with the architectural character and appearance of the landmark and of surrounding structures and landscapes in historic districts.

vi) *Scale*: The scale of the structure after alteration, construction, or partial demolition should be compatible with its architectural style and character and with surrounding structures in a historic district.

vii) *Directional Expression*: Facades in historic districts should blend with other structures with regard to directional expression. Structures in a historic district should be compatible with the dominant horizontal or vertical expression of surrounding structures or of its stylistic design. The directional expression of a landmark after any alteration, construction, or partial demolition should be compatible with its original architectural style and character.

viii) *Architectural Details*: Architectural details, including materials and textures, should be treated so as to make a landmark compatible with its original architectural style or character.

D) Standards for Review. The Commission, in considering the appropriateness of any alteration, demolition, new construction, or removal to any property or

not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.

x) Wherever possible, new additions or alterations to structures should be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would not be impaired.

E) **Determination by Preservation Commission.** Within fifteen (15) business days after support staff review, or from the date of the regular meeting, or from the close of a public hearing concerning an application for a Certificate of Appropriateness, or within such further time as the applicant for said certificate (and/or permit) approves in writing, the Commission shall determine whether:

i) The proposed construction, alteration, demolition, removal or other modification will be appropriate to the preservation of the particular landmark or historic district and a Certificate of Appropriateness may be issued; or

ii) Such proposed modification is inappropriate to the preservation of the particular landmark or historic district and a Certificate of Appropriateness may be denied.

Written notice of the approval or denial of the application for a Certificate of Appropriateness shall be provided the applicant, sent by certified mail with return receipt requested, and to the Kendall County Planning, Building & Zoning Department within seven (7) days (Saturdays, Sundays, and legal holidays excluded) following the determination and shall be accompanied by a Certificate of Appropriateness in the case of an approval.

F) **Denial of Certificate of Appropriateness.** A denial of a Certificate of Appropriateness shall be accompanied by a statement of the reasons for the denial. The Preservation Commission shall make recommendations to the applicant concerning changes, if any, in the proposed action that would cause the Preservation Commission to reconsider its denial and shall confer with the applicant and attempt to resolve as quickly as possible the difference(s) between the applicant and the Commission. The applicant may resubmit an amended application or reapply for a building or demolition permit that takes into consideration the recommendations of the Preservation Commission.

G) **Decision Binding on Planning, Building & Zoning Department.** The Director of the Kendall County Planning, Building & Zoning Department shall be bound by the determination of the Commission and approve, if in conformance with other provisions of the Building Code, or disapprove any application for the proposed construction, alteration, removal of an exterior architectural feature, or

ii) If twelve (12) months have elapsed after issuance of the Certificate and no building permit has been issued.

K) Appeals. A denial of a Certificate of Appropriateness is an administrative decision as defined in Section 3-101 of the Illinois Administrative Review Law, and it shall be subject to judicial review pursuant to provisions of said Administrative Review Law and all amendments and modifications thereof, and the rules adopted thereto.

3. ECONOMIC HARDSHIP

A) The Preservation Commission may issue a Certificate of Economic Hardship upon determination that the failure to issue a Certificate of Appropriateness has denied, or will deny the owner of a landmark or of a property within a historic district all reasonable use of, or return on, the property. Application for a Certificate of Economic Hardship shall be made on a form and in the manner as prescribed by the Preservation Commission. The Preservation Commission may schedule a public hearing concerning the application and provide notice in the same manner as prescribed in Article III, Section 6, of this Ordinance and conduct the hearing in the same manner as prescribed in Article III, Section 7, of this Ordinance.

B) The Preservation Commission may solicit expert testimony and the applicant for a Certificate of Economic Hardship shall submit all of the following information in order to assist the Preservation Commission in its determination on the application:

- i) An estimate of the cost of the proposed construction, alteration, demolition, or removal, and an estimate of any additional cost that would be incurred to comply with the recommendations of the Preservation Commission for changes necessary for the issuance of a Certificate of Appropriateness;
- ii) A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation;
- iii) Estimated market value of the property in its current condition; after completion of the proposed construction, alteration, demolition, or removal; after any changes recommended by the Preservation Commission; and, in the case of a proposed demolition, after renovation of the existing property for continued use;
- iv) In the case of a proposed demolition, an estimate from a person or entity experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property;

iii) Issue a Certificate of Appropriateness for the proposed construction, alteration, demolition or removal.

Written notice of the determination shall be provided in the same manner as required by Article IV, Section 2(e) of this Ordinance. This time limit may be waived only by mutual consent of the applicant and the Commission.

D) Appeals. A denial of a Certificate of Economic Hardship is an administrative decision as defined in Section 3-101 of the Illinois Administrative Review Law, and it shall be subject to judicial review pursuant to provisions of said law and all amendments and modifications thereof, and the rules adopted thereto.

4. MAINTENANCE OF HISTORIC PROPERTIES

Nothing in this Article shall be construed to prevent the ordinary maintenance of any exterior elements of a property or structures designated or nominated as a landmark or located within a designated or nominated historic district.

5. PUBLIC SAFETY EXCLUSION

None of the provisions of this ordinance shall be construed to prevent any measures of construction, alteration, or demolition necessary to correct or abate the unsafe or dangerous condition of any structure, other feature or part thereof, where such condition has been declared unsafe or dangerous by the Director, Kendall County Planning, Building & Zoning Department, the Kendall County Health Department or any Fire Protection District and where the proposed measures have been declared necessary, by such department or departments to correct the said condition; provided, however, that only such work as is reasonably necessary to correct the unsafe or dangerous condition may be performed pursuant to this Section.

In the event any structure or other feature shall be damaged by fire or other calamity, or by Act of Nature or by the public enemy, to such an extent that, in the opinion of the aforesaid department or departments, it cannot reasonably be repaired and restored, it may be removed in conformity with normal permit procedures and applicable laws.

6. DEMOLITION BY NEGLECT

It is the intent of this section to preserve from deliberate or inadvertent neglect the features of landmarks and contributing buildings and structures within designated historic districts.

Periodically, the Commission shall, in conjunction with its ongoing survey operations, survey the exterior of each designated landmark and each property within a historic district to ensure that the property is not suffering from demolition by neglect, as defined in the ordinance. The Commission's Secretary shall document the performance of each annual neglect survey.

Any owner who fails to maintain their building or structure in compliance with this section shall be subject to remedial procedures. Upon a finding by the Commission that a

surveyor, engineer, realtor, attorney, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may be found guilty of a separate offense and suffer the penalties herein provided.

Nothing herein contained shall prevent the County from taking such other lawful action as is necessary to prevent or remedy any violation.

3. EQUITABLE RELIEF

In addition to other remedies provided by law, Kendall County may institute any appropriate action or proceeding to prevent, restrain, abate or correct a violation of this Ordinance, including, but not limited to, requiring the restoration of property and improvements to its appearance prior to the violation.

ORDINANCE NUMBER 2015 - 07

**DESIGNATING A HISTORIC LANDMARK TO
1542 PLAINFIELD ROAD, OSWEGO**

WHEREAS, the people of the County of Kendall take great pride in the historic buildings, structures, sites, and landscapes of the County that exemplify the heritage or culture of the County of Kendall, State of Illinois; and

WHEREAS, the County of Kendall is empowered pursuant to 55 ILCS 5/5 - 30001 (1992), to establish and appoint by ordinance a preservation commission and to designate by ordinance landmarks and preservation districts upon the recommendation of the preservation commission; and

WHEREAS, the Kendall County Board adopted the Kendall County Historic Preservation Ordinance establishing said Commission on August 15, 2006 as Ordinance 06-67; and

WHEREAS, Candice Hadley has filed a petition to landmark her home for property located on the south side of Plainfield Road about 1.1 miles west of Ridge Road, commonly known as 1542 Plainfield Road, (PIN # 03-35-377-003), in Oswego Township; and

WHEREAS, said petition is to obtain a Kendall County Historic Landmark Designation; and

WHEREAS, said property is legally described as:

LOT 107 OF THE COUNTY CLERK'S SUBDIVISION OF A PART OF THE NORTH HALF OF SECTION 2 AND PART OF THE NORTHWEST QUARTER OF SECTION 1 IN TOWNSHIP 36 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND A PART OF THE SOUTH HALF OF SECTION 35, IN TOWNSHIP 37 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 9, 1971, IN BOOK 13 OF PLATS, PAGE 59, AS DOCUMENT 71-2373; IN THE TOWNSHIPS OF OSWEGO AND NA-AU-SAY, KENDALL COUNTY, ILLINOIS

WHEREAS, all procedures required by the Kendall County Historic Preservation Ordinance were followed including notice for public hearing, preparation of the initial recommendation and report in accordance with Article III, Section 4 of the Historic Preservation Ordinance, and recommendation for approval by the Historic Preservation Commission on March 6, 2015; and

WHEREAS, the report contained the following information:

An explanation of the significance or lack of significance of the nominated landmark or historic district as it relates to the criteria for designation;

- ✓ It has character, interest, or value which is part of the development, heritage, or cultural characteristics of a local community, the County, the State of Illinois or the Nation;
- ✓ It embodies distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction, or use of indigenous materials;
- ✓ It embodies elements of design, detailing, materials, or craftsmanship that render it architecturally significant;
- ✓ It has a unique location or singular physical characteristics that make it an established or familiar visual feature;
- ✓ It is a particularly fine or unique example of a utilitarian structure with a high level of integrity or architectural significance;
- ✓ It is suitable for preservation or restoration;
- ✓ It is an exceptional example of an historic or vernacular style or type or one of few remaining in the County.

A description of the integrity or lack of integrity of the nominated landmark or historic district:

The home was built in 1865. The original main floor has four rooms: formal front parlor, family room (converted in early 1970's from two smaller rooms), dining room and kitchen. The original pine plank flooring is still intact in all rooms except the kitchen; as is all original woodwork and some doors.

- There is a staircase with the original curved banister inside the double doors (with a curved wall underneath). Another curved wall in the hallway is hidden behind a door that decades ago was installed for access to a half bath.
- The formal front parlor, currently a wheelchair accessible bedroom, has original crown molding.
- The dining room features a stone mantle fireplace recently installed to replace a circa 1970's inappropriate brick "Colonial" fireplace. A door leading to a "silverware closet" under the stairs has been walled over (decades ago a large radiator was installed in that space to heat the main hallway).
- The narrow staircase leading to the basement is still intact under the floor of the pantry.

The second floor of the original structure originally included five rooms, three bedrooms, a billiard room and probably a maid's room. Currently there are four bedrooms, one bathroom (top of main stairs) and the maid's room is now a master bath. There also is a rear staircase from the dining room (next to the fireplace) leading up to a small hallway to the master bath, bedroom and attic stairway.

The basement level originally included four rooms with access via the narrow kitchens staircase and an exterior cellar entrance.

The north-facing stately brick home resides on 5.27 acres in a rural setting, four miles southeast of Oswego. A 100+ year old barn, corn crib, hog house, machine shed and chicken coop remain on the property, in addition to a front yard with large maples along the curved brick drive, a field, two fenced horse pastures, gardens and an orchard.

A map showing the location of the nominated landmark or the boundaries of the nominated historic district.



In the case of a nominated landmark found to meet the criteria for designation, the report shall include a description of the significant exterior architectural features of the nominated landmark that should be protected.

The Italianate Gaylord two-story brick residence is a gabled ell sitting on a cut limestone, raised foundation. Tall, arched windows are delineated with cut stone sills and corbelled lintels; broad eaves are supported with massive, incised brackets. There are two front entrances; one with double doors. Ornate porches adorn the front and rear facades.

WHEREAS, the Kendall County Board has considered the initial recommendation and report of the Historic Preservation Commission and finds that said petition is in conformance with the provisions and intent of the Kendall County Historic Preservation Ordinance; and

WHEREAS, the owner, Candace Hadley as signed the owner affidavit stated that "We give our full consent to the Kendall County Board to designate said property as a Kendall County Landmark. We further attest that there are no other owners. We will perform no alterations, exterior construction, exterior demolition or interior alteration which may affect the exterior appearance of this property except as shall be approved by a Certificate of appropriateness unless the Kendall County Board shall deny the nomination for Landmark designation;" and

WHEREAS, this landmark shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns of the property owner; and

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants approval of a Kendall County Historic Landmark, placed on the Kendall County Register of Historic Places and afforded the protection of a historic landmark as provided through provisions in the Kendall County Historic Preservation Ordinance.

Failure to comply with the terms of this ordinance may be cited as a basis for amending or revoking

the Landmark Designation.

IN WITNESS OF, this ordinance has been enacted on April 21, 2015.

Attest:

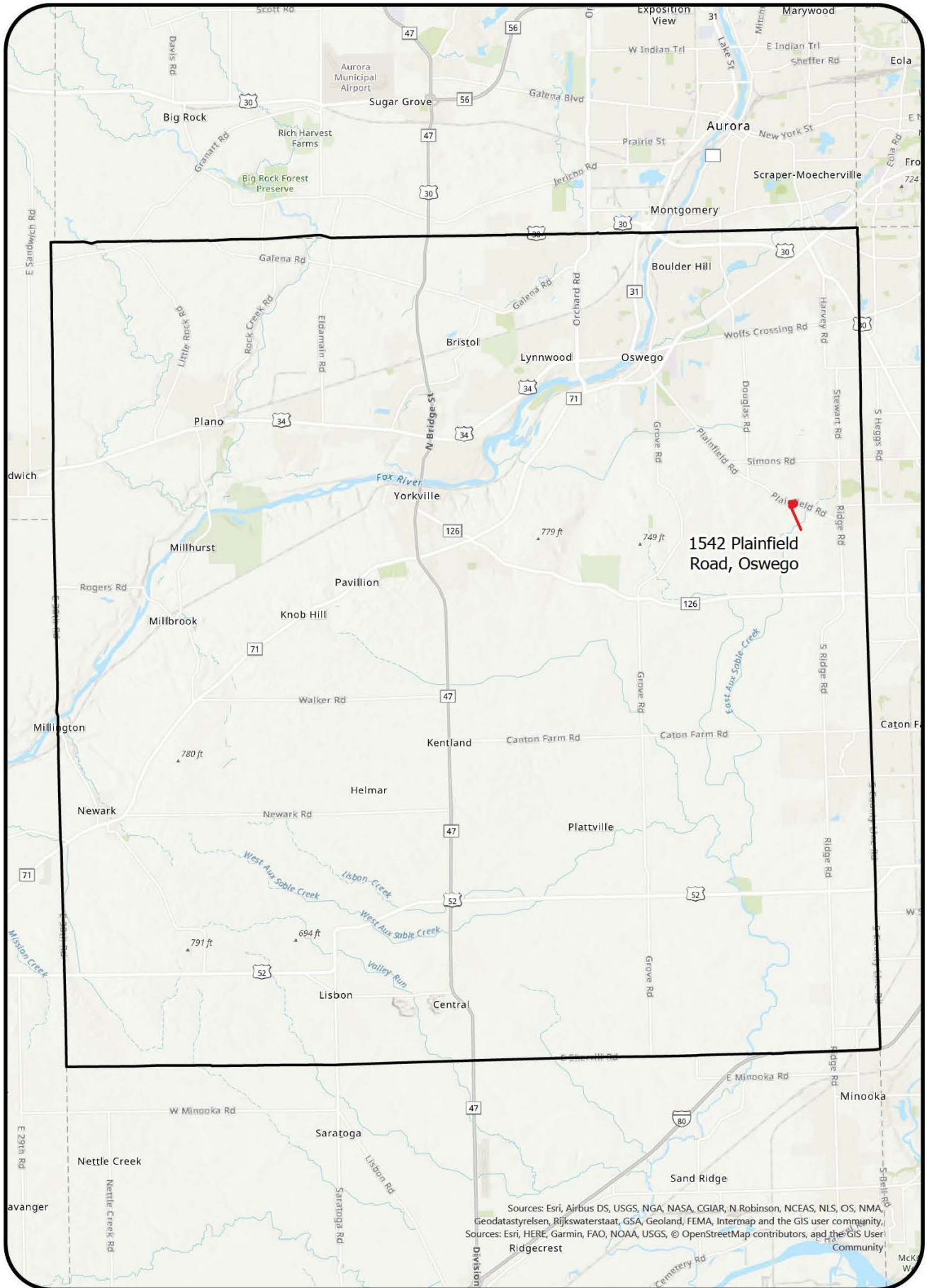


Debbie Gillette
Kendall County Clerk



John Shaw
Kendall County Board Chairman

1542 Plainfield Road, Oswego



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodastystyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community



Kendall County GIS
111 West Fox Street - Room 308
Yorkville, Illinois 60560
630.553.4212
Created: 8/12/2020

**HISTORIC PRESERVATION COMMISSION MEMBERS
RESUME**

Name of Local Government: Kendall County

Commissioner Name: Eric Bernacki

Mailing Address: [REDACTED]

Home Address: [REDACTED]

Telephone: *Home:* [REDACTED]

Term of Membership: Four Years

Date Term Expires: July 2024

Occupation: Pricing Analyst at Waste Management

Does your occupation satisfy a Membership Requirement? Yes

Education: B.S in Finance from Illinois State University

Please specify your knowledge, expertise and/or **demonstrated** interest in historic preservation (e.g. member of a preservation organization, hands-on experience, training, etc.):

I have an interest in historic preservation in our county and I am excited to explore all of our options available to us with future CLG status. I do have a background with construction that can aid in preservation guidelines.

If above information is not provided, the SHPO cannot process the application

**HISTORIC PRESERVATION COMMISSION MEMBERS
RESUME FORMAT**

Name of Local Government: Kendall County

Commissioner Name: Kristine Heiman

Mailing Address: [REDACTED]

Home Address: [REDACTED]

Telephone: *Business* 630-503-6555 ext 101 *Home* [REDACTED]

Term of Membership: 2020

Date Term Expires: 2022

Occupation:
REALTOR®

Does your occupation satisfy a Membership Requirement? Y X N

Education (Please include degree and major): REALTOR® Licensed 1981
Managing Broker license 2012

Please specify your knowledge, expertise and/or **demonstrated** interest in historic preservation (e.g. member of a preservation organization, hands-on experience, training, etc.):

Kendall County Historic Preservation Committee

If above information is not provided, the SHPO cannot process the application

**HISTORIC PRESERVATION COMMISSION MEMBERS
RESUME FORMAT**

Name of Local Government: Kendall County

Commissioner Name: Elizabeth Flowers

Mailing Address: [REDACTED]

Home Address: [REDACTED]

Telephone: *Business* _____ *Home* [REDACTED]

Term of Membership: 2 years

Date Term Expires:
2022

Occupation: Kendall County Board, Insurance Sales

Does your occupation satisfy a Membership Requirement? Y N

Education (Please include degree and major): BA History

Please specify your knowledge, expertise and/or **demonstrated** interest in historic preservation (e.g. member of a preservation organization, hands-on experience, training, etc.):

As a history major, I have always been interested in preserving our historic structures. As a Kendall County Board member I have been able to be appointed to this historic preservation committee to pursue those goals.

If above information is not provided, the SHPO cannot process the application

**HISTORIC PRESERVATION COMMISSION MEMBERS
RESUME FORMAT**

Name of Local Government: Kendall County

Commissioner Name: JEFF WEHRLI

Mailing Address: [REDACTED]

Home Address: SAME

Telephone: *Business* 630-851-8882 *Home* —

Term of Membership: 3 YRS

Date Term Expires: JULY 2023

Occupation: OWNER: JEFF WEHRLI EXCAVATING, INC.

Does your occupation satisfy a Membership Requirement? Y N

Education (Please include degree and major):
HIGH SCHOOL GRADUATE

Please specify your knowledge, expertise and/or **demonstrated** interest in historic preservation (e.g. member of a preservation organization, hands-on experience, training, etc.):

MEMBER OF THE HPC FOR ABOUT 15 YEARS, MY ORIGINAL INTEREST CAME FROM MY FAMILY'S PRESENCE IN NAPERVILLE SINCE THE 1930'S. WAS INVOLVED IN THE DUPLICATION OF THE PRE-EMPTION HOUSE, WHERE MY FATHER WAS RAISED.

If above information is not provided, the SHPO cannot process the application

**HISTORIC PRESERVATION COMMISSION MEMBERS
RESUME FORMAT**

Name of Local Government: Kendall County

Commissioner Name: Matt Asselmeier

Mailing Address: 111 W. Fox Street, Room 203, Yorkville, IL 60560

Home Address: [REDACTED]

Telephone: *Business* 630-553-4139 *Home* [REDACTED]

Term of Membership: Not a Member-Serve as Staff for the Commission

Date Term Expires: N/A

Occupation: Senior Planner

Does your occupation satisfy a Membership Requirement? Y N N/A

Education (Please include degree and major): Bachelor's of Science in Historical Studies with a Minor in Political Science; Master's Degree in Public Administration; both degrees are from Southern Illinois University at Edwardsville

Please specify your knowledge, expertise and/or **demonstrated** interest in historic preservation (e.g. member of a preservation organization, hands-on experience, training, etc.):

I possess a college degree in history. I have completed two municipal comprehensive plans (Waterloo, IL in 2006 and Godfrey, IL in 2008) and both of these plans had historical components. I am a member of the American Institute of Certified Planners since 2009. In 2012, I coordinated events surrounding Alton, Illinois' 175 anniversary celebration. I served on the Historic Preservation Commission in Alton from September 2014 until December 2016. I worked with the EPA and City of Alton to coordinate a program for property owners seeking to balance energy efficiency and historic preservation. In 2019 and 2020, I assisted with revising the Kendall County Historic Preservation Ordinance to make the Ordinance compatible with Certified Local Government standards. In 2018, 2019, and 2020, I organized meetings between the Kendall County Historic Preservation Commission and other groups interested in Historic Preservation in Kendall County.

If above information is not provided, the SHPO cannot process the application

The Kendall County Historic Preservation Commission works with property owners, County departments, other historic preservation groups, allied organizations, and the general public to promote the preservation of Kendall County's historic resources. The Commission reviews applications for landmark designations and provides recommendations of the same to the County Board. The Commission reviews permit applications for work on proposed and designated landmarks. The Commission maintains surveys of historic landmarks and districts and promotes the preservation of historic structures through incentive research assistance, preservation planning, public outreach, and technical assistance.