

**KENDALL COUNTY BOARD AGENDA
ADJOURNED SEPTEMBER MEETING**

Kendall County Office Building, Rooms 209 & 210

Tuesday, June 4, 2019 at 6:00 p.m.

1. Call to Order
2. Roll Call
3. Determination of a Quorum
4. Approval of County Board Minutes from May 7, 2019
5. Approval of Agenda
6. Special Recognition
7. Public Comment
 - A. Mr. Phil Haake
8. Executive Session
9. Old Business
10. New Business
 - A. Mental Health Awareness 2019
 - B. Approval of Amendment to the Intergovernmental Housing Agreement between Kane County and Kendall County for the Housing of Detainees
11. Standing Committee Reports
 - A. Planning, Building & Zoning
 1. Approval of Petition 19-08-Request from Daniel, Bruce, and Norma VanDeventer and Deborah Hull on Behalf of the Wilbur C. VanDeventer Trust (Current Owner) and Diane and Craig Zimmerman (Prospective Buyer) for a Map Amendment Rezoning Property at the Northeast Side of the T-Intersection Created by Galena and Kennedy Roads (PIN: 02-11-300-007) from A-1 to R-1 in Bristol Township
 - B. Law, Justice & Legislation
 1. Approval of Inter-Governmental Agreement between the State of Illinois, Illinois Criminal Justice Information Authority and the County of Kendall, Illinois
 - C. Finance Committee
 1. Approve claims in an amount not to exceed \$ 1,865,471.40
 - D. Standing Committee Minutes Approval
12. Special Committee Reports
 - A. Kencom Executive Board
 - B. UCCI, Other State Associations and Organizations
 - C. Housing Authority
 - D. Board of Health
13. Chairman's Report
14. Other Business
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
May 7, 2019**

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 Tuesday, May 7, 2019 at 6:18 p.m. The Clerk called the roll. Members present: Chairman Scott Gryder, Amy Cesich, Judy Gilmour, Audra Hendrix, Matt Kellogg, Matt Prochaska, John Purcell and Robyn Vickers. Members absent: Elizabeth Flowers and Tony Giles

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

THE MINUTES

Member Hendrix moved to approve the submitted minutes from the Adjourned County Board Meeting of 4/3/19. Member Cesich seconded the motion. Chairman Gryder asked for a voice vote on the motion. All members present voting aye. **Motion carried.**

THE AGENDA

Member Prochaska asked that Item 11 A 1 be moved so the first item under Special Recognition.

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

SPECIAL RECOGNITION

Historic Preservation Month

Member Hendrix moved to approve the proclamation declaring May Historic Preservation Month in Kendall County. Member Cesich seconded the motion. Chairman Gryder asked for a voice vote on the motion. All members present voting aye. **Motion carried.**

A complete copy of IGAM 19-17 is available in the Office of the County Clerk.

2019 National Police Week Proclamation

Member Cesich moved to approve the 2019 National Police Week Proclamation. Member Hendrix seconded the motion. Chairman Gryder asked for a voice vote on the motion. All members present voting aye. **Motion carried.**

A complete copy of IGAM 19-16 is available in the Office of the County Clerk.

John Purcell Day

Member Purcell moved to approve the John Purcell Day Proclamation. Member Kellogg seconded the motion.

Board Members and members of the public reminisced about Mr. Purcell. Mr. Purcell commented on working with the Board Members and Elected Officials.

Chairman Gryder asked for a voice vote on the motion. All members present voting aye except Purcell who voted present. **Motion carried.**

A complete copy of IGAM 19-15 is available in the Office of the County Clerk.

PUBIC COMMENT

Todd Milliron spoke about petition 17-28 regarding gun ranges. Mr. Milliron stated he advocates for mapping of existing gun ranges.

David Schneider, Capitan of District 5 Illinois State Police, stated that the coverage of District 5 serves Will, Grundy and Kendall Counties. Their outdoor gun range is located at Route 53 and Division St. The range has no availability and are not able to take on additional agencies.

Jeremy Porter stated that he lives across the river from the Sheriff's shooting range. Mr. Porter said that he has lived there for 12 years and over that time has heard automatic gun fire, high caliber weapons and explosive discharges. He passed out handouts to the Board Members regarding the surface danger range. Mr. Porter told the board that on May 5 he listened to automatic gun fire and explosions for several hours. He said it should be a safe place.

Chris Paluch spoke about Petition 17-28 and things that he believes should be amended before the vote. Mr. Paluch stated that berming should not replace fencing. In paragraph V existing commercial ranges should be exempt, he thinks it needs to be written that only legally established according to law existing gun ranges that are legally permitted are exempt or grandfathered in. In paragraph F thinks that distance should be changed to 1,500 feet and the hours of shooting changed to 10am-7pm April 1 to Sept 30 and 10am-5pm Oct 1 to March 30.

Clayton Chilvers spoke in regards to the shooting range; his club has been there for 60 years and there has been no incidents. There has not been any teenage parties. They are a safe club and have berming and trees. He feels that the noise from motorcycles and trucks on the road are more offensive than the pop of gun fire.

Priscilla Gruber spoke about Petition 17-28 and she hopes that the board is able to finish the job. Ms. Gruber suggested some amendments before the vote; reasonable hours for discharge of weapons, fencing all around, 1,500 feet as the buffer zone, and exempt ranges in existence with permits.

Zach Barnwell spoke on Petition 17-28, stated that the thought of including all of the gun ranges in the GIS maps are a waste of county resources, time and effort; other businesses are not on the maps. Not grandfathering the current clubs would shut down their shooting sports. Explosive targets have been banned at Barber Greene.

BREAK

OLD BUSINESS

Delinquent Taxes Yorkville SSA 2004-17

Member Cesich moved to approve the resolution requesting the Kendall County State's Attorney enter into a settlement agreement for the payment of interest attributable to delinquent taxes in Yorkville SSA 2004-17. Member Hendrix seconded the motion.

Members discussed with the State's Attorney and representatives from Lennar Group the agreement with respect to the amount of the payment, impact on the schools, getting the subdivision finished, and the work load for the Treasurer's Office.

Chairman Gryder asked for a roll call vote on the motion. All members present voting aye except Gilmour who voted nay. Motion carried 7-1.

A complete copy of Resolution 19-17 is available in the Office of the County Clerk.

Millington Bridge

County Engineer Fran Klaas gave the board an update on the Millington Road Bridge; water is high and they have not been able to work on it yet. They are looking for ways to work on it.

NEW BUSINESS

HIDTA Grant

Member Gilmour moved to approve the HIDTA Grant G19CH0002A releasing funds in the amount of \$1,135,663.00. Member Prochaska seconded the motion. Chairman Gryder asked for a roll call vote on the motion. All members present voting aye. Motion carried.

STANDING COMMITTEE REPORTS

Planning, Building & Zoning

Petition 17-28

Member Prochaska moved to approve the amended Petition 17-28-request from the Kendall County Planning, Building and Zoning Committee for Text Amendments to Sections 7.01.D.32 (Specials Uses in A-1 Agricultural District), 7.01.D.33 (Special Uses in A-1 Agricultural District) and 10.03.B.4 (Special Uses in M-3 Aggregate Materials Extraction, Processing and Site Reclamation District) of the Kendall County Zoning Ordinance pertaining to Regulations of Outdoor Target Practice or Shooting Ranges (Not Including Private Shooting in Your Own Yard). Member Gilmour seconded the motion.

Member Purcell moved to amend the motion to approve the amended Petition 17-28-request from the Kendall County Planning, Building and Zoning Committee for Text Amendments to Sections 7.01.D.32 (Specials Uses in A-1 Agricultural District), 7.01.D.33 (Special Uses in A-1 Agricultural District) and 10.03.B.4 (Special Uses in M-3 Aggregate Materials Extraction, Processing and Site Reclamation District) of the Kendall County Zoning Ordinance pertaining to Regulations of Outdoor Target Practice or Shooting Ranges (Not Including Private Shooting in Your Own Yard). Amending Article 3 Section 7.01.D.3.M and Article 4 Section 10.03.B.4M by deleting the existing language in the proposal and replacing it with the following: hours and days shall be specified in the special use permit and determined by the County Board, however between October 1st and March 31st no firing shall take place prior to 10am and after 5pm and between April 1st and September 30th no firing shall take place prior to 10am or after 8:30pm, however notwithstanding the afore mentioned hours of operation 12 night shoots per year will be allowed ending no later than 10pm. Member Gilmour seconded the motion. Chairman Gryder asked for a roll call vote on the motion. All members present voting aye. **Motion carried.**

Chairman Gryder asked for a roll call vote on the motion as amended. All members present voting aye. **Motion carried.**

A complete copy of Ordinance 19-09 is available in the Office of the County Clerk.

Petition 19-01

Member Prochaska moved to approve Petition 19-01-request from the Kendall County Planning, Building and Zoning Committee for the Revocation of a Special Use Permit for a Day Nursery School Granted by Ordinance 1972-15 at 43 West Street (PINs: 02-16-228-012, 02-16-276-020, and 02-16-276-022) in Bristol Township; Properties are Zoned R-3. Member Gilmour seconded the motion. Chairman Gryder asked for a roll call vote on the motion. All members present voting aye except Hendrix and Purcell. **Motion carried 6-2.**

A complete copy of Ordinance 19-10 is available in the Office of the County Clerk.

Petition 19-03

Member Prochaska moved to approve Approval of Petition 19-03-Request from the Kendall County Planning, Building and Zoning Committee for the Revocation of a Special Use Permit for a Truck Driver Training School Granted by Ordinance 1996-15 and Amended by Ordinance 1999-35 at 14525 Route 71 (PIN: 04-22-300-006) in Fox Township; Property is Zoned A-1. Member Kellogg seconded the motion. Chairman Gryder asked for a roll call vote on the motion. All members present voting aye except Hendrix and Purcell. **Motion carried 6-2.**

A complete copy of Ordinance 19-11 is available in the Office of the County Clerk.

Release of Executive Session Minutes

Member Prochaska moved to approve the release of Planning, Building and Zoning Committee Executive Session minutes of April 30, 2019. Member Purcell seconded the motion. Chairman Gryder asked for a voice vote on the motion. All members present voting aye. **Motion carried.**

Facilities

Window Replacement

Member Kellogg moved to approve the window replacement contract for the Historic Courthouse with Patrick McCann Inc. in the amount of \$75,700.00. Member Purcell seconded the motion. Chairman Gryder asked for a voice vote on the motion. All members present voting aye. **Motion carried.**

A complete copy of IGAM 19-18 is available in the Office of the County Clerk.

Animal Control Facility Upgrade

Item on hold until the next meeting.

Member Hendrix was excused from the meeting at 8:41pm.

Finance

CLAIMS

Member Kellogg moved to approve claims submitted in the amount not to exceed \$1,162,233.08. Member Purcell seconded the motion.

COMBINED CLAIMS: FCLT MGMT \$31,114.71, B&Z \$1,913.39, CO CLK & RCDR \$130.30, ELECTION \$5,777.73, ED SRV REG \$671.12, SHRFF \$13,572.41, CRRCTNS \$17,102.43, MERIT \$846.00, EMA \$282.57, CRCT CT CLK \$496.25, JURY COMM \$276.97, CRCT CT JDG \$5,915.30, CRNR \$735.00, CMB CRT SRV \$13,214.24, PUB DFNDR \$46.53, ST ATTY \$2,853.75, SPRV OF ASSMNT \$232.36, CO TRSR \$17,675.87, EMPLY HLTH INS \$386,985.70, OFF OF ADM SRV \$2,375.67, INS & BNDG \$162.00, CO BRD \$214.12, TECH SRV \$46,013.48, FAC MGT UTLTS \$60,025.16, ECON DEV \$1,000.00, CAP IMPRV \$124,616.55, LIABIL INS \$5,418.51, CO HWY \$4,173.87, TRNSPRT SALES TX \$116,930.80, HLTH & HMN SRV \$91,662.83, FRST PRSRV \$403.00, ELLIS HS \$234.53, ELLIS BRN \$165.00, ELLIS GRNDS \$47.25, ELLIS BDAY PRTIES \$100.00, HOOVER \$3,697.95, ENV ED NTRL BGNNGS \$12.00, GRNDS & NTRL RSCS \$2,505.69, ENV ED NTRL RSCS \$2,505.69, ANML MED CR FND \$188.00, ANML CNTRL EXPS \$1,024.71, CO RCDR DO STRG \$6,850.23, HIDTA \$43,301.87, LAW LBRY FND \$328.00, CRNR \$56.99, CRNR \$47.87, PRBTN SRV \$14,843.48, KC DRG CT FND \$3,914.97, ST ATTY DRG ENFRC EXP \$550.52, GIS \$30,803.25, ENG/CNSLTG ESCRW \$407.48, EMPLY BNFT PRGM EXP \$2,076.45, PUB SFTY \$94,169.71, VAC \$3,046.51, FP BND PRCD \$1,022.00

Chairman Gryder asked for a roll call vote on the motion. All members present voting aye. **Motion carried.**

Coroner Claims

Chairman Gryder recused member Purcell from the vote.

Member Kellogg moved to approve the coroner claims in the amount not to exceed \$839.86. Member Cesich seconded the motion. Chairman Gryder asked for a roll call vote on the motion. All members present voting aye. **Motion carried.**

Health Department Employee Benefits

Member Purcell moved to approve the resolution determining the budgeting and funding source for the Kendall County Health Department employee benefits. Member Kellogg seconded the motion.

Member Purcell explained that the resolution gives the Health Department additional funding and they will pay all of their benefits.

Chairman Gryder asked for a roll call vote on the motion. All members present voting aye. **Motion carried.**

A complete copy of Resolution 19-18 is available in the Office of the County Clerk.

Administration/HR

Section 5310 Grant

Member Gilmour moved to approve the resolution authorizing application for financial assistance from the Regional Transportation Authority under Section 5310 of the Federal Transit Act. 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 Resolution 19-19 is available in the Office of the County Clerk.

Census 2020

Member Gilmour moved to approve a resolution creating a Census 2020 Complete County Commission to plan and conduct local educational initiatives, publicity and promotional activities to increase community awareness and participation in the 2020 Census. 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 Resolution 19-20 is available in the Office of the County Clerk.

Animal Control

Release of Executive Session Minutes

Member Cesich moved to approve the release of Animal Control Executive Session minutes from July 29, 2016, August 13, 2015 and April 24, 2019. Member Purcell seconded the motion. Chairman Gryder asked for a voice vote on the motion. All members present voting aye. **Motion carried.**

STANDING COMMITTEE MINUTES APPROVAL

Member Purcell moved to approve all of the Standing Committee Minutes and Reports. Member Gilmour seconded the motion. Chairman Gryder asked for a voice vote on the motion. All members present voting aye. **Motion carried.**

SPECIAL COMMITTEE REPORTS

KenCom

Member Prochaska stated that they approved the nonunion pay increase and are working a system with Grundy County so that they can fully serve as a backup center.

UCCI

Member Prochaska stated that the next meeting is May 20 and the summer conference is July 21-23. ISACo will meet on May 10, 2019.

Chairman's Report

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

Appointments

Richard Kuhn – Oswego Fire Protection District – 3 year term – Expires April 2022
Don Brummel – Little Rock-Fox Fire Protection District – 3 year term – Expires 2022
Scott Wade – Little Rock-Fox Fire Protection District – 3 year term – Expires 2022
Scott Gryder – ISACo Large Counties Caucus – 2 year term – Expires April 2021

OTHER BUSINESS

Member Cesich asked Sheriff Baird if there have been any incidents reported at the gun range – Sheriff responded none. Ms. Cesich if there has been any contact from Mr. Porter in the last 12 years – Sheriff responded not to the recollection of the Sheriff's Office. The berm is inspected by the Illinois Law Enforcement Training & Standards Board. Sheriff Baird explained the berm height.

PUBLIC COMMENT

Chris Paluch spoke about the no shooting time available at the State Police for 2019 and the need to contact them earlier for time. Mr. Paluch informed the board of the results he received from a FOIA request regarding inspections of the back berm height.

Jeremy Porter responded to the question, he has never called the Sheriff and that the berm is not suited for all the rounds fired there.

Todd Milliron shared more on the FOIA request Mr. Paluch spoke about regarding berm height and the use of it by the Naperville Police.

ADJOURNMENT

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

Approved and submitted this 14th day of May, 2019.

Respectfully submitted by,
Debbie Gillette
Kendall County Clerk

COUNTY OF KENDALL, ILLINOIS

PROCLAMATION 19 - _____

WHEREAS, Mental illness is one of the leading causes of disabilities in the United States, affecting one out of every four families and victimizing both the person with the illness and those persons who care for and love the person afflicted; and

WHEREAS, Serious mental illness costs Americans approximately \$193.2 billion in lost earnings per year; and

WHEREAS, The National Institute of Mental Health has reported that many people suffer from more than one mental disorder at a given time and that 45 percent of those with a mental disorder meet criteria for two or more disorders, including diabetes, cardiovascular disease, HIV/AIDS, and cancer, and the severity of the mental disorder strongly relates to comorbidity; and

WHEREAS, Fifty-seven million Americans have a mental disorder in any given year, but fewer than 40 percent of adults living with a mental illness, and slightly more than one-half of youth 8 to 15 years of age, inclusive, with a mental illness, received mental health services in the last year; and

WHEREAS, Although mental illness impacts all people, many of those in lower income communities receive less care and poorer quality of care, and often lack access to culturally competent care, thereby resulting in mental health disparities; and

WHEREAS, Some see negative perceptions about mental health care as a significant factor contributing to limited or nonexistent access to care, and some common concerns are stigma, culture, masculinity, exposure to violence, and lack of information and awareness, among many others; and

WHEREAS, Being misdiagnosed and given severe mental health diagnoses can be stigmatizing and can affect the person's self-esteem, which, in turn, can discourage the person from seeking help; and

WHEREAS, Nearly two-thirds of all people with a diagnosable mental illness do not receive mental health treatment due to stigma, lack of community-based resources, inadequate diagnosis, or no diagnosis; and

WHEREAS, Across the United States, 16.5 percent of school age children have at least one mental health disorder, and

WHEREAS, Suicide is now the second-leading cause of death for youth and the highest rate of completed suicides are white males over 80 years old; and

WHEREAS, There is a need to improve public awareness of mental illness and to strengthen local and national awareness of brain diseases, so that all those with mental illness may receive adequate and appropriate treatment that will result in their becoming fully functioning members of society; and

NOW THEREFOR BE IT RESOLVED by the County of Kendall, that 25 June 2019 as Community Mental Health Day and encourage all citizens of Kendall County to learn about mental illness.

Approved:

Attest:

Scott R. Gryder
County Board Chairman

Debbie Gillette
County Clerk and Recorder

**EXTENSION OF AND FIRST AMENDMENT TO THE 2016
INTERGOVERNMENTAL AGREEMENT BETWEEN KENDALL
COUNTY, ILLINOIS AND KANE COUNTY, ILLINOIS FOR THE
HOUSING OF DETAINEES**

This Extension and First Amendment ("Extension & Amendment") modifies the Intergovernmental Agreement effective June 24, 2016 (the "Agreement" or "IGA"), attached hereto as Exhibit "A," by and between the County of Kane, on behalf of the Sheriff of Kane County (collectively referred to as "Kane County") and the County of Kendall, on behalf of the Sheriff of Kendall County (collectively referred to as "Kendall County"), (collectively, the "Parties"). This Extension & Amendment shall be effective June 25, 2019.

WHEREAS, the Parties desire to exercise the One-Year Extension Option set forth under Section 13 of the IGA; and

WHEREAS, the Parties desire to modify Section 7 of the IGA for purposes of more adequately reflecting the current cost of housing inmates; and

WHEREAS, the Parties desire to modify Section 14 of the IGA to remove an inconsistency between Section 13 and Section 14 regarding the proper procedure for extending or renewing the IGA.

NOW, THEREFORE, for good and valuable consideration, the receipt and adequacy of which are conclusively acknowledged, the Parties mutually agree to the following:

I. EXTENSION. The Parties agree to exercise the right to extend this agreement in accordance with Section 13 of the IGA. The IGA is therefore extended for one additional year. The term of the extension will be from June 25, 2019 to June 25, 2020 ("Extended Term").

II. AMENDMENTS. The Parties agree to the below amendments:

- a.** The following paragraph shall be added to the bottom of Section 7: "For the duration of the one-year extension term, set forth in paragraph 13, the compensation to KENDALL COUNTY shall be increased from Sixty (\$60.00) dollars to Seventy (\$70.00) dollars per day, per prisoner. Payments shall in all other ways comply with this Section."
- b.** Section 14 shall be modified as follows: "This Agreement shall become effective upon the date of acceptance by all parties hereto. This Agreement may be amended with written consent of all parties hereto ~~and, provided a need continue to exist, may be renewed thirty (30) days prior to the expiration date for a period not to exceed one year for each renewal.~~

Except as set forth in this Extension & Amendment, the IGA is unaffected and shall continue in full force and effect in accordance with its terms. If there is conflict between this Extension & Amendment and the Agreement or any earlier amendment, the terms of this Extension & Amendment will prevail.

IN WITNESS WHEREOF, the undersigned duly authorized officers have subscribed their names on behalf of the Parties and have caused this Extension & Amendment to be executed.

County of Kane

County of Kendall

Christopher J. Lauzen, Chairman

Scott Gryder, Board Chairman

Acknowledged:

Acknowledged:

Ron Hain
Kane County Sheriff

Dwight A. Baird
Kendall County Sheriff

EXHIBIT A

16AM16-27

**INTERGOVERNMENTAL HOUSING AGREEMENT
BETWEEN KANE COUNTY AND KENDALL COUNTY
FOR THE HOUSING OF PRISONERS**

This Agreement is made and entered into this _____ day of _____, 2016, by and between the COUNTY OF KENDALL, a body politic and corporate, hereinafter referred to as "KENDALL COUNTY" and the Sheriff of Kendall County, and the COUNTY OF KANE, a body politic and corporate, hereinafter referred to as KANE COUNTY, and the Sheriff of Kane County, pursuant to authority granted by the Illinois Constitution (1970), Article VII, Section 10; 5 ILCS 220/1 et seq. (Intergovernmental Cooperation Act), and the provision of 730 ILCS 125/9 (County Jail Act).

WHEREAS, when space at the Kane County Adult Justice Center is insufficient and KANE COUNTY has a need for additional housing for prisoners committed to the care and custody of the Sheriff of Kane County; or

WHEREAS, Kane County finds the necessity to house prisoners outside the confines of the Kane County Adult Justice Center; and

WHEREAS, when KENDALL COUNTY has available space for housing those prisoners committed to the care and custody of the Sheriff of Kane County; and

WHEREAS, KANE COUNTY, is desirous of utilizing the available housing which KENDALL COUNTY can provide; and

WHEREAS, KANE COUNTY and KENDALL COUNTY agree that it is in their best interest to enter into a contract to obtain and provide the available housing,

NOW THEREFORE, in consideration of the foregoing and the covenants contained herein, the parties do hereby agree and covenant as follows:

1. The foregoing recitals are incorporated herein as provision hereof.

2. HOUSING

The Sheriff of Kendall County agrees to provide housing for KANE COUNTY prisoners as hereinafter provided. It is expressly agreed by and between the parties hereto that KANE COUNTY shall send and the Sheriff of Kendall County shall accept, subject to space availability, prisoners to be housed in the Kendall County Jail. It is further agreed by and between the parties hereto that the Sheriff of Kendall County shall make available to KANE COUNTY as many available cells as can be conveniently provided, subject to the needs of Kendall County and the Kendall County Sheriff.

3. CLASSIFICATION OF INMATES

KANE COUNTY agrees that the prisoners to be housed by the Sheriff of Kendall County will be limited to the following classified offenders:

- a) Prisoners currently serving sentences imposed for commission of a misdemeanor who are within one year of release.
- b) Prisoners currently serving sentences imposed for commission of felony offenses who, as a condition of probation, are required to be incarcerated for a period of six months or less.
- c) Prisoners who are of pre-trial and pre-sentence classification as chosen by KANE COUNTY staff.

The Sheriff of Kendall County agrees to accept and securely keep all such prisoners delivered to him under the terms of this Agreement.

It is further expressly agreed by and between the parties hereto that the Sheriff of Kendall shall not be obligated to accept KANE COUNTY prisoners who exhibit or have exhibited any manifest physical or mental health problems or incorrigible behavior. The Sheriff of Kendall County may contact the Sheriff of Kane County or his designee to return forthwith to the KANE COUNTY Adult Justice Center any previously accepted prisoner who consistently violated the rules and regulations of Kendall County Correctional Facility or who constitutes a continuing disciplinary problem and interrupts the orderly administration of the KENDALL COUNTY facility.

4. LOCATION OF HOUSING

KENDALL COUNTY and KANE COUNTY further agree that all housing to be made available by KENDALL COUNTY will be at the facility located at 1102 Cornell Lane, Yorkville, Illinois, County of Kendall, and no other KENDALL COUNTY facility will be utilized pursuant to this Agreement.

5. POLICY AND SCOPE OF SERVICES

The Sheriff of Kendall County agrees to comply with the requirements of the Unified Code of Corrections, the County Jail Act, and all other applicable laws regarding adequate care, food, bedding, clothing, inspection, supervision, mail privileges, personal hygiene and facilities, haircuts, recreation, commissary, laundry, religious ministrations, and access to a television or a radio system.

KANE COUNTY and KENDALL COUNTY further agree as follows:

- a) Commissary: The Sheriff of Kendall County shall maintain a Commissary account for each KANE COUNTY prisoner with the purpose of permitting purchases as permitted by the rules and regulations of Kendall County Sheriff's Department.
- b) Clothing: KENDALL COUNTY shall provide appropriate jail uniforms for each KANE COUNTY prisoner accepted under this Agreement by the Sheriff of Kendall County.
- c) Inmate Funds: The Sheriff of Kendall County agrees to hold private monies of KANE COUNTY prisoners while they are in the KENDALL COUNTY jail. If a prisoner is released, a check may be issued for any remaining commissary funds and given to the Kane County Transport Deputy to be returned back to Kane County or, Kane County may request by email any remaining commissary funds to be mailed to Kane County. If a prisoner is transferred to another detention or correctional facility, he or she may request in writing that the funds be sent to the new facility; the prisoner must supply the name and address of the facility and a proper inmate identification number.
- d) Non Discrimination: The Sheriff of Kendall County agrees that no KANE COUNTY prisoner confined in KENDALL COUNTY facility under the terms of this contract shall on the grounds of age, gender, race, color, religion or national origin be subjected to discrimination in any manner relating to their confinement.

6. TRANSPORTATION AND REMOVAL OF PRISONERS

KANE COUNTY, at its expense, shall deliver any and all prisoners to the KENDALL COUNTY institution, together with a duly authenticated copy of commitment, mittimus, and any other papers or documents authorizing detention.

KANE COUNTY will provide a summary of the personal history, behavior and health records of each prisoner to the Sheriff of Kendall County for each prisoner to be incarcerated in the Kendall County jail, which shall precede or accompany each prisoner and shall be returned to the Sheriff of Kane County upon the release of said prisoner. However, copies of all such records will be made and will remain the property of the Sheriff of Kendall County.

It is further expressly agreed by and between the parties hereto that KANE COUNTY prisoners held in KENDALL COUNTY pursuant to this Agreement may not be removed by any person or persons without an order or writ from a court or competent jurisdiction or permission from the Sheriff of Kane County, or his designee, except for emergency medical treatment.

It is further expressly agreed by and between the parties hereto that any KANE COUNTY prisoner in the Kendall County jail who is subject to discharge by due course of law shall be returned to the custody of the Sheriff of Kane County on

the day prior, or as soon as possible, to that date set for discharge and the transportation of said prisoner shall be the sole responsibility of KANE COUNTY.

The Sheriff of Kendall County shall, at no additional expense to Kane County, comply with all writs and other valid process, including the transportation of inmates within Kendall County. Provided, however, that if a writ is issued for appearance in a Kane County Court, or any jurisdiction outside of Kendall County, the Kane County Sheriff shall provide all transport therefore.

7. PAYMENT

As consideration for the foregoing KANE COUNTY agrees to provide compensation to KENDALL COUNTY in the amount of Sixty (\$60.00) dollars per day, per prisoner, and payment of each such sum in total shall be made monthly by KANE COUNTY as hereinafter specified, and failure of KANE COUNTY to so remit payment within a reasonable time as set forth below shall constitute breach of this Agreement and will constitute cause for termination. The Sixty (\$60.00) dollars per day fee shall be paid by KANE COUNTY even if an inmate is in the KENDALL COUNTY facility for only a portion of a day. As such, for the purpose of this agreement, an inmate held by KENDALL COUNTY at its facility shall be considered held for a whole day if the inmate is held for less than twelve (12) hours.

All billing records, evidence of services performed as may be required by KANE COUNTY shall be supplied by KENDALL COUNTY. The Sheriff of Kendall County shall submit monthly invoices to KANE COUNTY citing the number of utilized beds at sixty (\$60.00) dollars per day. Invoices if sent by mail will be sent to the Kane County Sheriff's Office, 37W755 IL Route 38, Suite A, St. Charles, IL 60175. Otherwise, such invoices may be sent via email to the Kane County Sheriff or his designee. Invoices are to be paid to the Sheriff of Kendall County within a reasonable time after their receipt, but in no case shall the time exceed 60 days from the date the invoice is dated and sent.

8. MEDICAL CARE

KENDALL COUNTY shall provide all reasonable and necessary medical, dental and psychological care to KANE COUNTY prisoners confined in the KENDALL COUNTY jail under this agreement while such prisoners are residents of the KENDALL COUNTY facility. Reasonable and necessary care is that which is required by applicable law. In any event, KENDALL COUNTY shall provide such in-house medical, optical, dental, medical prescription care and psychological services provided to other inmates confined in the KENDALL COUNTY jail. It is expressly agreed by and between the parties hereto that hospitalization, non-routine medical and dental care, including prescriptions, or any such KANE COUNTY prisoner care, where such hospitalization, non-

routine medical and dental care, including prescriptions, is authorized and mandated by any physician in the employ of, or under contract to the COUNTY OF KENDALL will be the financial responsibility of KANE COUNTY, for said prisoner or prisoners. In consideration therefore, KANE COUNTY shall pay to KENDALL COUNTY the costs of medical care and attention for said prisoners, if such medical care is not billed directly by the medical provider to KANE COUNTY. At the time of admission or as soon thereafter as possible, the Kendall County Sheriff shall notify Kane County Sheriff, of the fact and the name of such hospitalization. If a KANE COUNTY prisoner is admitted for in-patient services, the Kane County Sheriff will provide the guards during the time of such in-patient care.

9. MERITORIOUS GOOD TIME

It is expressly agreed by and between the parties hereto, that all good time to be awarded to any prisoner of KANE COUNTY housed in the KENDALL COUNTY facility will be awarded by the original incarcerating authority, pursuant to the County Jail Good Behavior Allowance Act, 730 ILCS 130/1 et seq., and all sentence computations for KANE COUNTY prisoners serving sentences and confined in the KENDALL COUNTY jail will be prepared by the Sheriff of Kane County.

10. DOCUMENTATION AND ESCAPE OF PRISONER

The Sheriff of Kendall County agrees to document fully and to prepare an incident report on KENDALL COUNTY's customary forms regarding unusual or notable occurrences involving KANE COUNTY prisoners including but not limited to: the use of force by an employee of Kendall County upon a Kane County prisoner, loss of property, fire, prisoner misconduct, escape or attempted escape, criminal activity, death or suicide attempt. These reports will be forwarded immediately to the Sheriff of KANE COUNTY or his designee. KANE COUNTY acknowledges and understands that they will only receive reports regarding KANE COUNTY prisoners that would be prepared in the normal course of business.

In the case of the escape or attempted escape of a KANE COUNTY prisoner confined in the KENDALL COUNTY facility, the Sheriff of Kendall County shall notify the Sheriff of Kane County promptly and use all reasonable means to recapture the prisoner. The escape of a KANE COUNTY prisoner must be reported immediately by telephone to the Sheriff of Kane County. The date of such escape and the return to custody must be reported in writing to the Sheriff of Kane County within forty-eight (48) hours.

11. RULES AND REGULATIONS

It is agreed by and between the parties hereto that KANE COUNTY prisoners transferred under this Agreement are subject to the rules and regulations of the KENDALL COUNTY jail and the privileges or restrictions attaching thereto, and

are subject to no other rules and regulations or the granting of any privileges attaching to the KANE COUNTY Jail.

12. INDEMNIFICATION

KENDALL COUNTY shall indemnify, defend, and hold harmless KANE COUNTY and its agents, officers, and employees against any and all liabilities, claims, demands or suits in regard to claims of any intentional tort or for any claim that is based upon willful or wanton conduct only, which arises out of practice, policy, rule, regulation, act or omission of KENDALL COUNTY, or the Kendall County Sheriff, or any officers, agents, employees, or servants or either, relating to the custody, care, supervision, transport of any KANE COUNTY prisoner in the custody of the KENDALL COUNTY Sheriff or relating to the maintenance of their property or premises.

KANE COUNTY shall be responsible for and shall indemnify, defend and hold harmless KENDALL COUNTY, the Sheriff of Kendall County, and their agents, officers and employees from any and all liabilities, claims, demands, or suits brought by any prisoner of KANE COUNTY housed pursuant to this Agreement arising out of any act or omission of KANE COUNTY, the Sheriff of Kane County, or any agents, employees, or servants thereof relating to their care, custody, supervision, or transport of any KANE COUNTY prisoner while in the custody of the KANE COUNTY Sheriff.

It is further agreed that all employee benefits, wage and disability payments, pension and worker's compensation claims, damage to or destruction of equipment, facilities, clothing and related medical expenses of the Sheriff of Kendall County or his agents or employees which may result from the presence of KANE COUNTY prisoners during contractual incarceration shall be the responsibility of KENDALL COUNTY.

KENDALL COUNTY agrees that it shall maintain liability insurance of one (1) million dollars per occurrence and three (3) million dollars in aggregate with an excess umbrella of nine (9) million dollars. Certificates of such insurance detailing the coverage therein shall be available to the County of Kane upon execution of this Agreement.

Alternatively, a self-insurance reserve of \$2 million with excess coverage of \$30 million is acceptable if KENDALL COUNTY self-insures.

Neither party waives its immunities or defenses, whether statutory or common law by reason of these indemnification and insurance provisions.

13. TERM

The initial terms of this Agreement shall be for a period of Thirty-six (36) months and may be extended for an additional One (1) year term, if mutually agreed to in writing and signed by both parties.

14. AMENDMENT, MODIFICATION AND RENEWAL

This Agreement shall become effective upon the date of acceptance by all parties hereto. This Agreement may be amended with written consent of all parties hereto and, provided a need continue to exist, may be renewed thirty (30) days prior to the expiration date for a period not to exceed one year for each renewal.

15. APPLICABLE LAW

This Agreement shall be interpreted and enforced under the laws of the State of Illinois, and the parties agree that the venue for any legal proceedings between them shall be Kane County, Sixteenth Judicial Circuit, State of Illinois.

16. FINAL AGREEMENT OF PARTIES

This writing constitutes the final expression of the Agreement of the parties. It is intended as a complete and exclusive statement of the terms of this Agreement, and it supersedes all prior and concurrent promises, representation, negotiations, discussions and Agreements that may have been made in connection with the subject matter hereof. No modification or termination of this Agreement shall be binding upon the parties hereto unless the same be in writing and appropriately executed with thirty (30) days written notice of termination.

17. NOTICES

All Notices given or sent hereunder shall be sent by United States Mail, postage prepaid, addressed to respective party at the address set forth on the signature page hereof or to such other address as the parties may designate in writing from time to time. And in the case of notice to Kendall County, with copy sent to: Kendall County State's Attorney, 807 John Street, Yorkville, Illinois, 60560, and Attention: Eric Weis

18. AUTHORIZATION

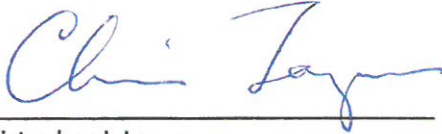
KANE COUNTY and KENDALL COUNTY represent that all necessary acts have been taken to authorize and approve this argument in accordance with applicable law and this Agreement, when executed by the parties hereto, shall constitute a binding obligation of KANE COUNTY and KENDALL COUNTY, legally and enforceable at law and equity against both.

19. SEVERABILITY CLAUSE

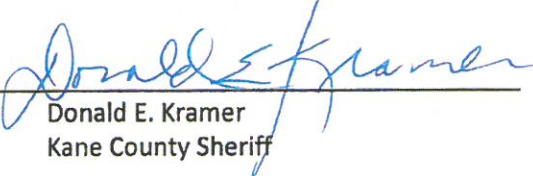
If any provision of this Agreement is held to be invalid, that provision shall be stricken from this Agreement and the remaining provisions shall continue in full force and effect to the fullest extent possible.

IN WITNESS WHEREOF, the undersigned duly authorized officers have subscribed their names on behalf of the COUNTY OF KANE and the COUNTY OF KENDALL.

COUNTY OF KANE

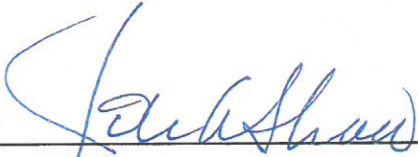
By 
Christopher J. Lauzen
Kane County Board Chairman

Date 25-18-16

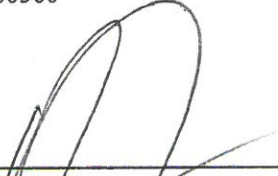
By 
Donald E. Kramer
Kane County Sheriff

Date 04/18/2016

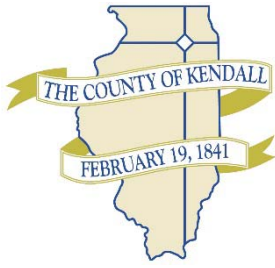
COUNTY OF KENDALL

By 
John Shaw
Kendall County Board Chairman
111 West Fox Street Yorkville,
Illinois 60560

Date 6/21/16

By 
Dwight A. Baird
Kendall County Sheriff
Kendall County Sheriffs Office 1102 Cornell Lane
Yorkville, Illinois 60560

Date 6/24/16



Kendall County Agenda Briefing

Committee: Planning, Building and Zoning

Meeting Date: May 13, 2019

Amount: N/A

Budget: N/A

Issue: Petition 19-08-Request from Daniel, Bruce, and Norma VanDeventer and Deborah Hull on Behalf of the Wilbur C. VanDeventer Trust (Current Owner) and Diane and Craig Zimmerman (Prospective Buyer) for a Map Amendment Rezoning Property at the Northeast Side of the T-Intersection Created by Galena and Kennedy Roads (PIN: 02-11-300-007) from A-1 to R-1 in Bristol Township

Background and Discussion:

See Attached Memo

Record for Petition - <https://www.co.kendall.il.us/wp-content/uploads/Petition-19-08.pdf>

The property owner's attorney requested that the proposal be amended by adding #4 to the "Now, Therefore, Be It Ordained" Section pertaining to when the ordinance becomes effective. A copy of the letter is attached and amended ordinance is attached.

Committee Action:

ZPAC-Approval (3/5/19); KCRPC-Approval (3/27/19); ZBA-Approval (4/1/19); Montgomery-No Objections (3/8/19); Yorkville-No Objections (4/24/19); Bristol Township-No Comments; PBZ Committee-Approval (5/13/19)

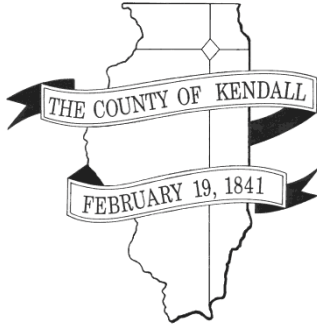
Staff Recommendation:

Approval

Prepared by: Matthew H. Asselmeier, AICP

Department: Planning, Building and Zoning Department

Date: May 28, 2019



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

Petition 19-08

**Daniel, Bruce, and Norma VanDeventer and Deborah Hull on
Behalf of the Wilbur C. VanDeventer Trust (Current Owner) and
Diane and Craig Zimmerman (Prospective Buyer)
Map Amendment Rezoning Property from A-1 to R-1**

INTRODUCTION

Diane and Craig Zimmerman would like to purchase the subject property and construct a single-family home on the property and operate a home-based business as allowed by the Kendall County Zoning Ordinance. The property lacks a housing allocation. Therefore, a map amendment is required.

ACTION SUMMARY

BRISTOL TOWNSHIP

Petition information was sent to Bristol Township on February 25, 2019. No comments were received.

VILLAGE OF MONTGOMERY

Petition information was sent to the Village of Montgomery on February 25, 2019. A letter of no objection was received.

UNITED CITY OF YORKVILLE

Petition information was sent to the United City of Yorkville at the end of February. The subject property is across the street from Yorkville, but is in Montgomery's planning jurisdiction. Yorkville reviewed this proposal during April 2019 and expressed no objection to the proposal.

BRISTOL-KENDALL FIRE PROTECTION DISTRICT

Petition information was sent to the Bristol-Kendall Fire Protection District on February 25, 2019. No comments were received.

ZPAC

ZPAC reviewed this petition at their meeting on March 5, 2019. The Kendall County Highway Department requested a site plan showing the location of the proposed driveway for the house. It was noted that a variance would be required to the Kendall County Highway Regulations, if the Petitioner desired more than a right-in, right-out point of ingress/egress.

KCRPC

The Kendall County Regional Planning Commission reviewed this petition at their meeting on March 27, 2019. A neighbor questioned why the property needed to be rezoned. Mr. Asselmeier explained Kendall County's forty (40) acre rule and housing allocation rules in agricultural areas. The address of the property required clarification. The Kendall County Regional Planning unanimously recommended approval of the request.

ZBA

The Kendall County Zoning Board of Appeals held a public hearing on this petition on April 1, 2019. Other than the Petitioner's Attorney, no other members of the public testified in favor or in opposition to the proposal. The Kendall County Zoning Board of Appeals unanimously recommended approval of the request.

PBZ COMMITTEE

The PBZ Committee reviewed this proposal at their meeting on May 13, 2019 and unanimously

recommended approval of the request.

RECOMMENDATION

Staff recommends approval of the proposed map amendment.

PHYSICAL DATA

ENDANGERED SPECIES REPORT

EcoCAT Report submitted and consultation was terminated.

NATURAL RESOURCES INVENTORY

The application for NRI was submitted on February 19, 2019. The LESA Score was 129 indicating a low level of protection.

SITE INFORMATION

PETITIONERS: Daniel, Bruce, and Norma VanDeventer and Deborah Hull on Behalf of the Wilbur C. VanDeventer Trust (Current Owner) and Diane and Craig Zimmerman (Prospective Buyer)

ADDRESS: Between 7977 and 7823 Galena Road

LOCATION: Northeast Side of the T-Intersection Created by Galena Road and Kennedy Road



TOWNSHIP: Bristol

PARCEL #: 02-11-300-007

LOT SIZE: 15.62 +/- Acres

EXISTING LAND USE: Agricultural

ZONING: A-1 Agricultural District

| | | |
|-------|-----------------|---|
| LRMP: | Future Land Use | Rural Residential (Max 0.65 DU/Acre) and Suburban Residential (Max 1.0 DU/Acre) |
|-------|-----------------|---|

| | |
|-------------------------|--|
| Roads | Galena Road is a County Maintained Major Collector Road. |
| Trails | Yorkville has a trail planned along Galena Road and Montgomery has a trail planned along Blackberry Creek. |
| Floodplain/ Wetlands | Blackberry Creek runs through the property and development can occur only the south portion of the property is outside the floodplain. There is a freshwater emergent wetland on the northwest side of the property. |

REQUESTED ACTION: Map Amendment Rezoning Property from A-1 to R-1

APPLICABLE REGULATIONS: Section 13.07 – Map Amendment Procedures

SURROUNDING LAND USE

| Location | Adjacent Land Use | Adjacent Zoning | Land Resource Management Plan | Zoning within ½ Mile |
|----------|---|---------------------------------|---------------------------------------|--|
| North | Forest Preserve | A-1 | Forest Preserve and Rural Residential | R-3 (County) R-2, R-3, and R-5B (Montgomery) |
| South | Agricultural and Single-Family Residential | R-1 (County) B-3 (Yorkville) | Urban Area | A-1, R-1, and R-3 (County) R-2, B-3, and OS-2 (Yorkville) |
| East | Single-Family Residential | A-1 and R-3 | Suburban Residential | A-1 and R-3 (County) R-2 and M-2 (Yorkville) |
| West | Forest Preserve and Single-Family Residential | A-1 and R-1 | Rural Residential | A-1 and R-1 (County) R-3 and R-5B (Montgomery) |

GENERAL INFORMATION

The Petitioner desires the map amendment in order to construct one (1) single-family home on the property.

If approved, the Zimmermans would like to run a carpentry business out of the property in accordance with Kendall County’s home occupation regulations.

BUILDING CODES

Any new homes or accessory structures would be required to meet applicable building codes.

ACCESS

The property fronts Galena Road. Staff has no concerns regarding the ability of Galena Road to support the proposed map amendment. A variance to the Kendall County Highway Access Regulation Ordinance will be required, if the Petitioner desired more than a right-in, right-out point of ingress/egress. At their meeting on

March 19, 2019, the County Board approved an ordinance granting access onto Galena Road at the subject property.

ODORS

No new odors are foreseen.

LIGHTING

Any new lighting would be for residential use only and must be in compliance with the regulations related to home occupations contained in the Zoning Ordinance.

SCREENING

No fencing or buffer is presently planned for the property.

STORMWATER

Any new homes constructed in the floodplain would have to secure a stormwater permit.

UTILITIES

Electricity is nearby. New well and septic information would have to be evaluated as part of the building permit process.

FINDINGS OF FACT

*Existing uses of property within the general area of the property in question. **The surrounding properties are a mix of agricultural, single-family residential, and forest preserve uses.***

*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, R-1, and R-3. Both the Village of Montgomery and the United City of Yorkville have residentially zoned properties within one half (1/2) mile of the subject property.***

*The suitability of the property in question for the uses permitted under the existing zoning classification. **The property is presently zoned A-1 and can be used for farming. A single-family home cannot be constructed on the property because a residential housing allocation does not exist and because the property is less than forty (40) acres in size.***

*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. The trend of development in the area supports residential growth. A residential subdivision inside the Village of Montgomery is located within one half (1/2) mile of the subject property. No uses that would negatively impact residential development are located near the subject property.***

*Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. **The proposed amendment is consistent with the Future Land Use Map contained in the Land Resource Management Plan which calls for the subject property to be Rural Residential and Suburban Residential. Per the definition of Rural Residential, uses permitted within the R-1 Zoning District are types of Rural Residential uses.***

Law Office of Lisa A. Coffey, P.C.

Via email only

May 28, 2019

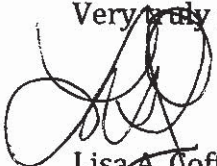
Matt Asselmeier
Senior Planner
Kendall County Planning, Building and Zoning
111 West Fox Street
Yorkville, IL 60560

**RE: Owner: Wilbur C. VanDeventer Declaration of Trust dated September 15,
1997-Property Address: 8225 Galena Road, Bristol, IL 60512- Zoning
Petition #19-08**

Dear Mr. Asselmeier:

As you are aware, I represent the owner of the above captioned property. Please place this on the County Board Agenda for June 4, 2019. I specifically requested the language set forth in paragraph 4 of the agenda. Please let me know if you need anything further. Thank you.

Very truly yours,



Lisa A. Coffey

CC: Boyd Ingemunson
client

ORDINANCE NUMBER 2019-_____

**MAP AMENDMENT FOR 15.62 ACRE +/- PARCELS LOCATED ON THE NORTHEAST SIDE
OF THE T-INTERSECTION CREATED BY GALENA AND KENNEDY ROADS AND
IDENTIFIED BY PARCEL IDENTIFICATION NUMBER 02-11-300-007 IN
BRISTOL TOWNSHIP
Rezone from A-1 to R-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 15.62 acres located on the northeast side of the T-Intersection created by Galena and Kennedy Roads (PIN: 02-11-300-007), in Bristol 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 the Wilbur C. VanDeventer Trust and is represented by Daniel, Bruce, and Norma VanDeventer and Deborah Hull; and

WHEREAS, Diane and Craig Zimmerman have a contract to purchase the subject property from the Wilbur C. VanDeventer Trust; and

WHEREAS, the Wilbur C. VanDeventer Trust and Diane and Craig Zimmerman shall hereinafter be referred to as “Petitioner”; and

WHEREAS, on or about February 18, 2019, Petitioner filed a petition for a Map Amendment rezoning the subject property from A-1 Agricultural to R-1 One Family Residential District in order to have the zoning in place to construct one (1) single-family home on the subject property; and

WHEREAS, following due and proper notice by publication in the Kendall County Record not less than fifteen days prior thereto, the Kendall County Zoning Board of Appeals conducted a public hearing on April 1, 2019, at 7:00 p.m., in the County Office Building at 111 W. Fox 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 April 1, 2019, 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 to R-1 One-Family Residential District as depicted on the drawing attached as Exhibit C hereto and incorporated herein.
3. 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.
4. This ordinance shall become effective upon the closing of the sale of the subject property between Wilbur C. VanDeventer Trust and Diane and Craig Zimmerman and, if the closing does not occur, this ordinance shall not become effective. A representative from the Wilbur C. VanDeventer Trust shall be responsible for providing the Zoning Administrator proof of sale of the subject property for this ordinance to become effective.

IN WITNESS OF, this ordinance has been enacted by a majority vote of the Kendall County Board this 4th day of June, 2019.

Attest:

Kendall County Clerk
Debbie Gillette

Kendall County Board Chairman
Scott R. Gryder

Exhibit A

OF

THAT PART OF THE EAST 1/2 OF SECTION 10 AND PART OF THE WEST 1/2 OF SECTION 11, TOWNSHIP 37 NORTH, RANGE 7, EAST OF THE THIRD PRINCIPAL MERIDIAN, COMMENCING AT THE NORTH EAST CORNER OF THE SOUTH EAST 1/4 OF SAID SECTION 10; THENCE SOUTH 0 DEGREES, 52 MINUTES, 00 SECONDS WEST ALONG THE EAST LINE OF THE ORIGINAL CENTER LINE OF GALENA ROAD (FORMERLY CALLED CANNONBALL TRAIL); THENCE SOUTH 66 DEGREES, 44 MINUTES, 0 SECONDS WEST ALONG SAID ORIGINAL CENTER LINE PARALLEL WITH AND 66.00 FEET, NORMALLY DISTANT, WESTERLY OF SAID EAST LINE FOR A POINT OF BEGINNING; THENCE SOUTH 66 DEGREES 44 MINUTES, 0 SECONDS WEST 1041.00 FEET; THENCE NORTH 0 DEGREES, 52 MINUTES, 0 SECONDS EAST, PARALLEL WITH SAID EAST LINE, 1041.00 FEET; THENCE NORTH 89 DEGREES, 56 MINUTES, 0 SECONDS EAST ALONG SAID EAST LINE, 305.30 FEET; THENCE NORTH 89 DEGREES, 40 MINUTES, 0 SECONDS EAST ALONG SAID EAST LINE, 511.59 FEET TO THE SOUTH WEST CORNER OF PURCELL'S FIRST SUBDIVISION OF PART OF NORTH WEST QUARTER OF SECTION 10, TOWNSHIP 37 NORTH, RANGE 7, EAST OF THE THIRD PRINCIPAL MERIDIAN; THENCE NORTH 89 DEGREES, 47 MINUTES, 31 SECONDS EAST ALONG THE SOUTH LINE OF SAID SUBDIVISION, 417.24 FEET TO SAID CORNER; THENCE SOUTH 82 DEGREES, 27 MINUTES, 37 SECONDS WEST ALONG SAID ORIGINAL CENTER LINE, 863.07 FEET TO AN ANGLE POINT THEREIN; THENCE SOUTH 82 DEGREES, 27 MINUTES, 37 SECONDS WEST 69.19 FEET TO THE EAST LINE OF A TRACT DESCRIBED IN A TRUSTEE'S DEED RECORDED FEBRUARY 13, 1981 AS DOCUMENT 81-457 EXTENDED SOUTHERLY; THENCE NORTH 0 DEGREES, 00 MINUTES, 00 SECONDS WEST ALONG SAID EXTENDED EAST LINE AND SAID EAST LINE, 294.44 FEET TO THE NORTH EAST CORNER OF SAID TRACT; THENCE NORTH 89 DEGREES, 08 MINUTES, 0 SECONDS WEST 439.0 FEET TO THE NORTH WEST CORNER THEREOF; THENCE SOUTH 0 DEGREES, 52 MINUTES, 0 SECONDS WEST ALONG THE WEST LINE OF SAID TRACT, 370.13 FEET TO SAID CORNER; THENCE SOUTH 66 DEGREES, 44 MINUTES, 0 SECONDS WEST ALONG SAID ORIGINAL CENTER LINE, 32.87 FEET TO THE POINT OF BEGINNING, IN BRISTOL TOWNSHIP, KENDALL COUNTY, ILLINOIS. BEING A PART OF SAID SECTION 10 AND SECTION 11, TOWNSHIP 37 NORTH RANGE 7, EAST OF THE THIRD PRINCIPAL MERIDIAN, KENDALL COUNTY, SITUATED IN THE COUNTY OF KENDALL AND STATE OF ILLINOIS.

Exhibit B

FINDINGS OF FACT

Existing uses of property within the general area of the property in question. The surrounding properties are a mix of agricultural, single-family residential, and forest preserve uses.

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, R-1, and R-3. Both the Village of Montgomery and the United City of Yorkville have residentially zoned properties within one half (1/2) mile of the subject property.

The suitability of the property in question for the uses permitted under the existing zoning classification. The property is presently zoned A-1 and can be used for farming. A single-family home cannot be constructed on the property because a residential housing allocation does not exist and because the property is less than forty (40) acres in size.

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. The trend of development in the area supports residential growth. A residential subdivision inside the Village of Montgomery is located within one half (1/2) mile of the subject property. No uses that would negatively impact residential development are located near the subject property.

Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The proposed amendment is consistent with the Future Land Use Map contained in the Land Resource Management Plan which calls for the subject property to be Rural Residential and Suburban Residential. Per the definition of Rural Residential, uses permitted within the R-1 Zoning District are types of Rural Residential uses.

Recommendation

The Kendall County Zoning Board of Appeals recommends approval of the requested map amendment by a vote of six (6) in favor, zero (0) opposed, and one (1) absent.

PLAT OF SURVEY



THAT PART OF THE EAST 1/2 OF SECTION 10 AND PART OF THE WEST 1/2 OF SECTION 11, TOWNSHIP 37 NORTH, RANGE 7, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:
 COMMENCING AT THE NORTH EAST CORNER OF THE SOUTH EAST 1/4 OF SAID SECTION 10; THENCE SOUTH 0 DEGREES, 52 MINUTES, 00 SECONDS WEST ALONG THE EAST LINE OF SAID SOUTH EAST 1/4, 868.52 FEET TO THE ORIGINAL CENTER LINE OF CALHAN ROAD (FORMERLY CALLED CARROLLS), THENCE SOUTH 89 DEGREES, 48 MINUTES, 00 SECONDS WEST ALONG SAID ORIGINAL CENTER LINE, 72.38 FEET TO A LINE DRIVING PARALLEL WITH AND 80.00 FEET, NORMALLY DEPART, WESTERLY OF SAID EAST LINE FOR A POINT OF BEGINNING; THENCE SOUTH 89 DEGREES, 44 MINUTES, 00 SECONDS WEST ALONG SAID ORIGINAL CENTER LINE, 303.80 FEET; THENCE NORTH 0 DEGREES, 00 MINUTES, 00 SECONDS EAST, PARALLEL WITH SAID EAST LINE, 104.00 FEET; THENCE NORTH 89 DEGREES, 50 MINUTES, 00 SECONDS EAST, 384.78 FEET TO THE WEST LINE OF THE NORTH WEST 1/4 OF SAID SECTION 11; THENCE NORTH 0 DEGREES, 33 MINUTES, 11 SECONDS EAST ALONG SAID WEST LINE, 305.80 FEET; THENCE NORTH 89 DEGREES, 40 MINUTES, 00 SECONDS EAST, 654.80 FEET; THENCE SOUTH 0 DEGREES, 20 MINUTES, 48 SECONDS WEST, 814.89 FEET TO THE SOUTH WEST CORNER OF PARCELL'S FIRST SUBDIVISION OF PART OF NORTH WEST QUARTER OF SECTION 11, TOWNSHIP 37 NORTH, RANGE 7, EAST OF THE THIRD PRINCIPAL MERIDIAN; THENCE NORTH 89 DEGREES, 47 MINUTES, 31 SECONDS EAST ALONG THE SOUTH LINE OF SAID SUBDIVISION, 472.28 FEET TO SAID ORIGINAL CENTER LINE; THENCE SOUTH 45 DEGREES, 25 MINUTES, 04 SECONDS WEST ALONG SAID ORIGINAL CENTER LINE, 846.07 FEET TO AN ANGLE POINT THEREON; THENCE SOUTH 89 DEGREES, 27 MINUTES, 37 SECONDS WEST ALONG SAID ORIGINAL CENTER LINE, 28.18 FEET TO THE EAST LINE OF A TRACT DESCRIBED IN A TRUSTEE'S DEED RECORDED FEBRUARY 13, 1981 AS DOCUMENT # 81-437 EXTENDED SOUTHWEST; THENCE NORTH 0 DEGREES, 50 MINUTES, 00 SECONDS EAST ALONG SAID EXTENDED EAST LINE AND SAID EAST LINE, 294.44 FEET TO THE NORTH EAST CORNER OF SAID TRACT; THENCE NORTH 89 DEGREES, 08 MINUTES, 00 SECONDS WEST ALONG THE NORTH LINE OF SAID TRACT, 438.0 FEET TO THE NORTH WEST CORNER THEREOF; THENCE SOUTH 0 DEGREES, 52 MINUTES, 00 SECONDS WEST ALONG THE WEST LINE OF SAID TRACT, 370.13 FEET TO SAID ORIGINAL CENTER LINE; THENCE SOUTH 89 DEGREES, 44 MINUTES, 00 SECONDS WEST ALONG SAID ORIGINAL CENTER LINE, 25.87 FEET TO THE POINT OF BEGINNING, IN BRISTOL TOWNSHIP, KENDALL COUNTY, ILLINOIS, EXCEPT THAT PART LYING IN SECTION 10, TOWNSHIP 37 NORTH, RANGE 7, EAST OF THE THIRD PRINCIPAL MERIDIAN, KENDALL COUNTY, ILLINOIS, SITUATED IN THE COUNTY OF KENDALL AND STATE OF ILLINOIS.

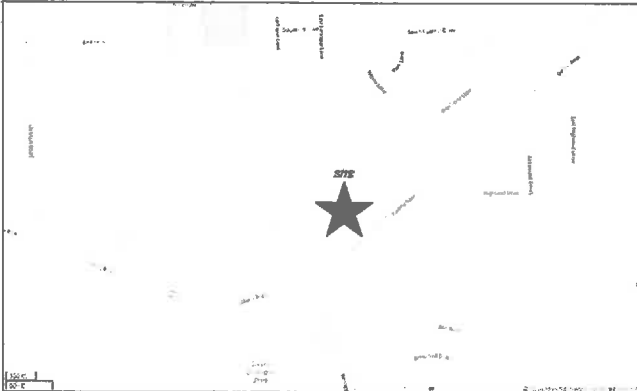
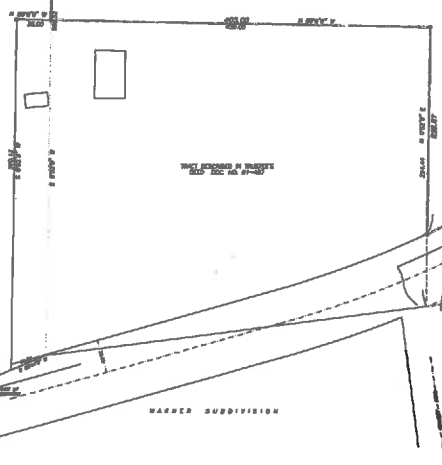
KENDALL COUNTY FOREST PRESERVE

BLACKBERRY CREEK

NET AREA = 99814.8507 ACRES

NET AREA = 68.1888 ACRES

EXCEPTION
 PARCELS PART SUBDIVISION



ORDERED BY: LEO A. DOTY, CITY CLERK OF KENDALL COUNTY, ILLINOIS



ORDER NO. 22.8.26
 FILE NO. 2006

ALL ACRES SHOWN BEARING
 FIELD WORK COMPLETED, BOUNDARIES AND OTHER
 IMPROVEMENTS LOCATED AS SHOWN ON THE MAP
 OF KENDALL COUNTY, ILLINOIS, 2006

WILLIAM M. WINGSTEDT
 ILLINOIS PROFESSIONAL LAND SURVEYOR
 329 WHITE PINES CT., OSWEGO, ILLINOIS 60543
 PHONE: (630) 554-9209 FAX: (630) 551-1207

COUNTY OF KENDALL, ILLINOIS
ADMIN HR MEETING
County Office Building
111 W. Fox Street, Room 210; Yorkville
Wednesday, May 15, 2019

CALL TO ORDER - Committee Chair Elizabeth Flowers called the meeting to order at 5:34p.m.

ROLL CALL

| Attendee | Status | Arrived | Left Meeting |
|-------------------|---------------|----------------|---------------------|
| Elizabeth Flowers | Present | | |
| Judy Gilmour | Absent | | |
| Scott Gryder | Here | | |
| Matthew Prochaska | Here | | |
| Robyn Vickers | Here | | |

Others in Attendance: Meagan Briganti, Bob Jones

APPROVAL OF AGENDA – Motion made by Member Vickers second by Member Prochaska to approve the agenda. **With four members voting aye, the agenda was approved by a 4 -0 vote.**

APPROVAL OF MINUTES – Motion made by Member Prochaska, second by Member Vickers to approve the May 6, 2019 minutes. **With four members voting aye, the minutes were approved by a 4-0 vote.**

DEPARTMENT HEAD AND ELECTED OFFICIAL REPORTS

- *Treasurer’s Office* – Bob Jones explained the written report is in the packet and he would be happy to answer any questions.
- *Administration Department* – Ms. Johnson explained Mr. Koeppel asked her to convey several updates. Both updated Kencom Agreements have been sent to Kencom for review. Once they are returned they will be sent to the Board for approval. Wellness Program language has been received from Horton and will be used when negotiating the 7 union contracts that are up this year. Finally, Sterling is working on a quote for Codification. Some clarification is needed as to if the County wants to have Sterling organize all the resolutions and ordinances. This may increase the cost significantly. **There was consensus to get a quote from Sterling for the cost to organize and review the ordinances and resolutions and to post both ordinances and resolutions on the website.**

PUBLIC COMMENT - None

COMMITTEE BUSINESS

- *Discussion of Insurance Renewal Timeline* – Ms. Johnson explained that health insurance renewal numbers will be available late September a month later than expected. The reason for the delay is this is the County’s first year returning to Blue Cross Blue Shield and they need time to gather aggregate user data in order to provide accurate pricing. The memo will also be shared with the Finance Committee as budget preparations may be affected.
- *Discussion of Board Rules of Order (Consent Agenda and Electronic Attendance)* – Member Prochaska explained that about 3 years ago the Illinois General Assembly gave counties the ability to do consent agendas. He also explained that there are some items of business and bills that are routine business that can go on a consent agenda and Municipalities and School Districts have used it for years. There needs to be a roll call and any board member can pull any item off the agenda. The approval of the consent agenda needs to be unanimous. Member Prochaska further explained that electronic attendance is another item that has been popular, a member can attend a meeting remotely for reasons like personal illness, county business or if they are on active military duty. Member Prochaska also stated that remote attendance would not count toward a quorum. Member Gryder expressed concern, especially with the attendance issues the County currently has. Member Vickers asked about the per diem and if electronic attendance would qualify. Member Vickers also expressed concern about the current AV System. **There was consensus from the Committee to bring language back to the Committee regarding a Consent Agenda, but to defer Electronic Attendance to a later date.**
- *Discussion of GIS Cloud Readiness Contract* – Ms. Briganti distributed a draft Cloud Assessment Contract. Ms. Briganti explained that the current system needs to be upgraded and that a cloud will provide greater security and the flexibility to grow. This assessment would be the first step in that process. The assessment is estimated to take 10-15 hours which when looking at the contract should cost between \$2500-\$3000. Member Gryder asked if this was budgeted, Ms. Briganti explained that \$8000 is budgeted. Motion made by Member Gryder second by Member Vickers to forward to the County Board in an amount not to exceed \$5000. **With four members voting aye, the agreement was approved to be forwarded by a 4-0 vote.**
- *Discussion of Pitney Bowes Send Pro P1500 Mailing System Contract* – Ms. Johnson explained that the mail system contract expired in January. The proposed contract is for 5 years as the previous one with a cost of \$497.66 per month. This amount is less than our current contract. The new machine will be able to do FedEx and UPS packages in addition to USPS. Ms. Johnson explained that a 2-year contract cost was requested as this time frame the State’s Attorney recommends, however the cost will likely be higher. Member Prochaska asked if a 2-year contract with extensions was possible. Member Gryder asked that the contract be sent for legal review, however he would be comfortable with a 5-year contract. Member Prochaska agreed that the 2 years was only a recommendation and if having a 5-year contract allowed the Board to be save money and be good stewards of tax payer dollars that route would be favored. **There was consensus**

by the Committee to send the contract for legal review to the State's Attorney Office.

EXECUTIVE SESSION - None

ITEMS FOR COMMITTEE OF THE WHOLE -

ACTION ITEMS FOR COUNTY BOARD

- *Approval of GIS Cloud Readiness Assessment Contract in an Amount not to Exceed \$5000*

ADJOURNMENT – Member Gryder made a motion to adjourn the meeting, second by Member Prochaska. **With four members voting aye, the meeting was adjourned at 6:09p.m.**

Respectfully Submitted,

Mera Johnson
HR Risk Management & Compliance Coordinator



KENDALL COUNTY
ANIMAL CONTROL

MEETING MINUTES FOR WEDNESDAY, MAY 22, 2019

Call to Order – The meeting was called to order by Committee Chair Amy Cesich at 8:30a.m.

Roll Call

| Attendee | Status | Arrived | Left Meeting |
|-------------------|---------------|----------------|---------------------|
| Amy Cesich | Present | | |
| Elizabeth Flowers | | 8:34a.m. | |
| Matthew Prochaska | Here | | |
| Robyn Vickers | Here | | |

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

Others present: Scott Koepfel, Laura Pawson, Commander Bobby Richardson

Approval of Agenda – Motion made by Member Prochaska, second by Member Vickers to approve the agenda. **With three members in agreement, the motion carried by a vote of 3-0.**

Approval of Minutes – Motion made by Member Prochaska to approve the minutes from April 24, 2019, second by Member Vickers. **With three members in agreement, the minutes were approved by a 3-0 vote.**

Monthly Reports

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

Dogs Available for Adoption: 3

Cats Available for Adoption: 1

- **Bite Report** – Laura Pawson reviewed the Bite Report with the committee, stating there were 16 dog bites for the month of April. Written report provided.
- **Operations Report** – Laura Pawson reported on how rabies tags are sold, entered into the system, and manually accounted.

June 15 Prairie Paws Event

June 22 Pet Supplies Plus Adoption Event

- **Accounting Report** – Director Pawson reviewed the accounting report with the committee. Written report provided.

Old Business

- *Update on Hiring Process and new Employees* - Ms. Pawson reported that they have hired four kennel technicians now employed. Ms. Pawson expressed her concerns about the low salary offered for the Kennel Manager/Assistant Warden position, and the difficulties in hiring and retaining someone in this position. Mr. Koepfel stated that there won't be an issue in this year's budget, but the budget will have to be adjusted for next year's budget. **There was consensus by the committee to increase the salary to \$17 or more, depending on qualifications.**
- *Plans for Facility Clean-up by Inmates* – Commander Richardson reported that he and Deputy Commander Russo will be coordinating the project with Director Pawson that will include a part-time deputy and three inmates that will work in the Animal Control Facility on Wednesday mornings to do a thorough cleaning and small projects in the facility. Inmates that qualify for the work program will be able to use this work as time toward their court-ordered community service hours. Commander Richardson stated that inmates have done painting in the County previously and would be able to assist with the painting and other projects in the Animal Control facility as needed. The plan is to have inmates begin on June 5, 2019.
- *Update on Healy Bender Contract* – Member Cesich reported that the plan design contract was approved by the County Board on May 21, 2019. Healy Bender will now create the plans that will allow the County to go out for RFP on the construction projects.
- *Update on Software Training* – Ms. Pawson reported that she and current Animal Control staff will begin Chameleon training on June 17, 2019. There is also annual training available through Chameleon. Mr. Koepfel stated that Latreese Caldwell will be involved in the financial portion of the

New Business

- *Approval of Ordinance Setting Animal Control Fees* – Member Flowers made a motion to forward the ordinance to the Committee of the Whole for further discussion, second by Member Vickers.

Mr. Koepfel reported that he updated the ordinance from 2014, and reviewed the proposed changes with the committee. Discussion on the proposed fee increase, the capital fund and the improvements to the facility, and potential revenue possible through an increase. Member Prochaska asked that the Adoption Fee Schedule be included into the ordinance prior to discussion at the Committee of the Whole meeting. Member Cesich asked that the fee comparison with surrounding counties be included in the Committee of the Whole meeting packet.

With four members voting aye, the motion carried.

- *Discussion of Rabies Tags Non-Compliance Procedures* – Director Pawson reviewed the Animal Control non-compliance procedures with the committee. Ms. Pawson reported that the procedure for filing non-compliance violations with the State's

Attorney's Office has had some changes, and the office now requires additional identifying information. **Mr. Koepfel stated that he and Director Pawson will meet with the State's Attorney's Office to identify a more efficient procedure for collecting data and court filing process.**

- *Discussion of Rabies Tag Revenue and Budget Discrepancy* – Ms. Pawson reported on how rabies tags are pre-sold to veterinary clinics or offices, and the credits that are given early in each new year.

Executive Session – Not needed

Action Items for the County Board – None

Action Items for the Committee of the Whole – Discussion of the Approval of Ordinance Setting Animal Control Fees

Questions from the Media – None

Public Comment – None

Adjournment – Member Vickers made a motion to adjourn the meeting, second by Member Prochaska. **With four members present in agreement, the meeting was adjourned at 9:30 a.m.**

Respectfully Submitted,

Valarie McClain, Administrative Assistant & Recording Clerk